

Birmingham City Council

Planning Committee

13 February 2020

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Approve – Subject to 106 Legal Agreement	9	2019/02929/PA Wylde Green Public House site Birmingham Road Sutton Coldfield Birmingham B72 1DH Demolition of existing Wylde Green Public House and associated facilities and the erection of 57 no. extra-care apartments (Use Class C2) with communal facilities and associated parking provision.

Committee Date:	13/02/2020	Application Number:	2019/02929/PA
Accepted:	05/04/2019	Application Type:	Full Planning
Target Date:	21/02/2020		
Ward:	Sutton Wylde Green		

Wylde Green Public House site, Birmingham Road, Sutton Coldfield, Birmingham, B72 1DH

Demolition of existing Wylde Green Public House and associated facilities and the erection of 57 no. extra-care apartments (Use Class C2) with communal facilities and associated parking provision.

Recommendation

Approve Subject to a Section 106 Legal Agreement

1. Proposal

- 1.1. This planning application seeks consent for the erection of a new building complex to provide 57 no. apartments with care and associated communal facilities (Use Class C2). The proposal also includes car parking, revised vehicular and pedestrian accesses from Birmingham Road, private amenity space and landscaping and associated engineering works within the site.
- 1.2. The complex consists of a variety of communal facilities for resident's use which would comprise of a reception, residents lounge, cinema room, guest suite, bistro/restaurant with kitchen, hair salon/therapy room, meeting rooms, activities suite, internal mobility scooter store and a spa suite with assisted bathing. The scheme would comprise of 20 no. one bed units, 33 no. two bed units and 4 no. 3 bed units. The one bed units would provide between 54.3sq.m and 60sq.m of internal floorspace whilst the two bed units would provide between 75sq.m and 86.5sq.m of internal floorspace.
- 1.3. The site is generally rectangular in nature with the building proposed to be arranged in a 'T' shape format encompassing a large proportion of the site with the proposed private amenity space and car parking space sat either side of the building. The building would be set in from the rear boundary with the building designed with a variety of building scales increasing in height as it moves away from that boundary. The front 'principal' elevation of the building would face onto Birmingham Road and form the main public facing entrance for residents and visitors alike with a further, secondary entrance to the side elevation so that residents/staff/visitors can access the building from the car park.
- 1.4. The site's car park would be accessed from Birmingham Road in a similar location to the existing car park access with associated onsite car parking totalling 37 no. spaces within a surface level arrangement. 5 no. of these would be disabled bays along with a loading/pull in area located near to the building's main and secondary entrances.

- 1.5. In terms of design and architecture, the proposal would consist of 1 no. building encompassing a footprint of approx. 2000sq.m in a 'T' shaped building (approx. maximum width of 70m and depth of 55m) with a maximum of 3 storeys with additional accommodation within the pitched roof space facing towards Birmingham Road (max height of 12.6m) and which would appear as a 4 storey building to the northern and southern elevations stepping down to a 3 storey structure with a flat roof and then two storey with a flat roof design as it advances closer to the rearmost boundary with the site topography sloping downwards towards the rear of Arden Drive and Henley Close dwellings. The external façade of the building would be mixture of brick and render with a pitched, tiled roof to the front elevation along with a variety of balcony types, constructed from a variety of materials including brick, glazing and steel.
- 1.6. All apartments would be served by lift access to each floor. The applicants consider that the activities (i.e. care home and senior living apartments) would fall within the C2 use class with domiciliary care services being provided/available 24 hours a day, 7 days a week to all residents. All residents would have access to services such as personal care (dressing/washing etc.), medical care, and provision of meals, security services, chiropody, hair/beauty, laundry, housekeeping, maintenance services, IT assistance, social activities and concierge. The applicant has indicated that the proposal offers an alternative to 'traditional' residential care for older people by combining high quality, self-contained and secure accommodation (apartments) with the provision of flexible care services on a day to day basis that sits between sheltered housing and a 'traditional' residential care home. The flexibility offered by the care provision allows residents to move in with limited care needs but with the ability to expand their care provision as their needs change without moving from their apartment. The applicant has also indicated that in order for potential residents to qualify to purchase a leasehold apartment, they would need to be aged at least 55 years of age and assessed to be in need of care provision.



Image of proposal from Birmingham Road looking northwest

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

- 2.1. The site currently contains a vacant public house building (the Wylde Green Public House) which was closed in mid-2019. The building occupies a large proportion of the site with the remainder given over to a hard surfaced car park that served the public house along with a bowling green and clubhouse that was in use until September 2019.
- 2.2. The application site is located within the suburb of Wylde Green in northwest Birmingham and measures approx. 0.7ha. The site sits alongside Birmingham Road to its eastern boundary which is a main route between Birmingham City Centre to the south (along with other local centres such as Wylde Green and Erdington) and Sutton Coldfield to the north. The site is bounded to the south by larger detached residential properties and a variety of commercial uses such as a hotel and nurse's (pre-school). The site is also bounded to its northern boundary by residential accommodation in the form of a three storey apartment block and detached residential dwellings known as 'The Gardens'.
- 2.3. Properties to the west of the site are residential in character with their rear gardens backing onto the site's western boundary. These properties are two storey residential dwellings that front onto both Arden Drive and Henley Close. This boundary is made up of wooden fencing and mature hedging (approx. 4m tall in places). It is noted that the site is located on a gradient with the highest portion of the site located on the Birmingham Road frontage and which slopes downwards towards the rear gardens of Arden Drive and Henley Close dwellings with an approx. level change of 1.5m.
- 2.4. [Site Location Plan](#)
3. [Planning History](#)
- 3.1. 2019/02563/PA – Prior Notification of proposed demolition of existing public house – Withdrawn – 13/05/19.
4. [Consultation/PP Responses](#)
- 4.1. Residents, Resident Associations, Councillors, MP consulted. Site notice erected, Press notice posted.
- 4.2. 84 no. letters of objection and a petition of 214 no. signatures objecting to the proposal have been received from local residents on the following points;
- Area is already saturated with similar developments.
 - Overlooking and loss of privacy.
 - Potential for loss of light and shading.
 - Increase in parking and traffic congestion.
 - Out of character to other properties in the area.
 - Front elevation projects beyond existing building line.
 - Scale and height of development is too great for a residential area.
 - This proposal will add to the already overstretched services, water & sewerage, electricity, gas, doctor's surgeries.
 - Increase in noise and disturbance, smells, dust and vibration.
 - Adverse impacts upon property values.
 - Loss of privacy to existing surrounding residents.
 - Loss of a longstanding local amenity in terms of the public house and bowling green.

- The removal of healthy trees and shrubs is a concern.
- 4.3. 2 no. letters of support have been received from local residents on the following points;
- The proposed development and its use is very sensible in principle, but I will leave your Officers to exercise their expertise in addressing the details.
 - It is an appropriate use of the site in a geographical area which includes an ageing population.
 - The use of the public house prior to its closure was not as well used as other residents may state, a view the owners clearly recognised.
- 4.4. Cllr Alex Yip – Following comments received;
- The developers have been very supportive with consultation and I have had productive meetings with them, been kept fully apprised of developments and they have been very supportive of the Wylde Green Bowling Club and their relocation. I appreciate their openness and being frank with their intentions for the site.
 - As the local representative of residents in the Ward I must however lodge my objections to the plans in their current form and ask that the objections by the many residents who have written in to the current scale are taken into consideration. The overwhelming number of comments from residents have been in objection to the plans and I ask that this be given due weight.
 - Scale: The frontage of the forward facing façade is too imposing along the high street and so completely out of keeping with the rest of the road and the area. Most of the houses are single detached set back from the road by long driveways and screened by trees and foliage. Properties are also separated from each other by some distance giving gaps and space. The current plans create one long structure very close to the front of the road completely not in keeping with the rest of the road and the area as a whole. There is no structure anywhere near this scale or domination anywhere in the entire ward.
Height- I appreciate that the height of the building may well be very similar to the neighbouring properties however it is my opinion that the length of the main structure will overly dominate the road because of its proximity to the road.
 - The revised scheme marks a substantial improvement on the original submission so far as residential impact and amenity are concerned. It is also welcome that local residents will have access to certain amenities within the new site. It will be helpful if it can be clarified, or conditions set, as to the nature of this access, times of day, security etc.
 - There will be a significant amount of traffic generated into the site, and also the risk of resident or visitor parking in neighbouring roads. It will be essential for a traffic management and parking scheme to be implemented as part of the development, to mitigate the risk of excessive vehicle movements into and out of the site and parking on the public highway surrounding the site. This needs to ensure that residents, visitors, staff and deliveries use the onsite parking provision and do not adversely impact upon local residents.
- 4.5. Sutton Coldfield Town Council – Object on the following points;
- The proposal is out of character and not in keeping with neighbouring properties and the surrounding area.
 - Plans are out of proportion in the vicinity, creating a dominant skyline.

- The proposed size and siting of the development, the loss of privacy and light to properties on Henley Close and Arden Drive will have a detrimental impact on their quality of life
- Concerns regarding the loss of trees to this site to facilitate the development proposal.
- Concerns regarding the additional cars this development will generate and the highways impact for access routes.
- May set a precedent for future applications.
- Committee note that whilst plans were revised to provide 53 care apartments rather than 58, new plans show that the provision is for 57 care apartments.
- Committee are concerned that the layout and density of the development indicates that the building separation with respect to houses in Henley Close breaches Birmingham City Council's Place for Living 2001 guidelines.

4.6. Wylde Green Neighbourhood Forum – Object on the following points;

- Residents and the Forum feel very strongly and continue to have grave reservations about the size of the proposed building; is too large and will be out of character along the Birmingham Road.
- It will also seriously encroach upon the privacy and outlook to the houses at the back of the development in a totally unacceptable manner.
- Traffic congestion, the proposed development has insufficient parking spaces, to cater for apartment residents, staff and visitors. Many elderly people do continue to drive; many will have visitors who will certainly drive. The residential roads near to the development are already straining under the existing parking pressures.
- We do however recognise that the development is very well situated for public transport. While it is hoped that owners will benefit and make use of the public transport system for local short journeys they will more than likely still have a vehicle to park.
- Much has been said in the application about the use of bus travel for residents to access various points within a certain radius; it therefore needs to be stated that whilst the bus stops are well situated to the proposed site it will be extremely difficult for elderly people to cross the road with fast moving traffic, therefore rendering bus travel high high impossible. The developers should be asked to ensure crossing facilities are installed.

4.7. Sport England – No formal comments to make.

4.8. Transportation Development – If mindful to approve, the following conditions should be imposed.

- Appropriate conditions to restrict the proposed use as C2 accommodation only and for the age restriction for the residents.
- Necessary highway works to be carried out at the applicant's expense to highway authority specification.
- Applicant to fund (£40,000) provision of a pedestrian crossing.
- Applicant to fund (£10,000) to fund the review / implementation of Traffic Regulation Orders (TRO) to regulate/prohibit waiting.
- Financial contribution (£5,000) for a driver feedback sign on Birmingham Road.
- Pedestrian visibility splays.
- Vehicular visibility splays.
- Car park management plan/strategy.
- Construction traffic management plan.

- Secure and covered cycle storage.
 - Travel Plan to be finalised and sign up to 'Stars for'.
 - Mini-bus provision and parking details.
- 4.9. Regulatory Services – No objection subject to conditions;
- Extraction and odour control details,
 - Noise Levels for plant and machinery,
 - Noise insulation scheme,
 - Contamination remediation scheme,
 - Contaminated land verification report,
 - Vehicle charging points.
- 4.10. Severn Trent Water – No objection, subject to condition to secure appropriate foul and surface water drainage details.
- 4.11. Lead Local Flood Authority (LLFA) – No objection, subject to conditions;
- Prior submission of a sustainable drainage scheme for surface water.
 - Prior submission of a sustainable drainage operation and maintenance plan.
- 4.12. West Midlands Police – No objection and outlines the proposals ability to obtain 'Secure By Design Accreditation New Homes'.
- 4.13. Leisure Services – Objects to the development due to the loss of the bowling green. Notwithstanding the objection, should the application be deemed by others to be acceptable approval should not be granted without a compensation sum of £75,000 being made in compensation for the loss of the Bowling Green. The monies would be directed towards the provision of replacement Bowling Green facilities within the vicinity of the development and/or improvements to sport, recreation and community facilities in Sutton Coldfield Constituency including Mere Green and Tudor Road sports grounds and the maintenance thereof.
- 4.14. West Midlands Fire Service – Following comments received.
- Access routes should have a minimum width of 3.7m between kerbs, noting that WMFS appliances require a minimum height clearance of 4.1m and a minimum carrying capacity of 15 tonnes.
 - Turning facilities should be provided in any dead-end access route that is more than 20m long.
 - It is anticipated that fire mains will be provided.
 - Blocks of flats not fitted with fire mains should have vehicle access for a fire appliance not more than 45m from all points within each dwelling, measured on a route suitable for laying hose. The direct distance is reduced to two thirds to allow for internal layout. If this cannot be met a fire main should be provided.
 - Where fire mains are provided in the building there should be access to the riser inlet for a pumping appliance to within 18 metres of each fire main inlet connection point, typically on the face of the building and each inlet should be clearly visible from the appliance.
- 4.15. Environment Agency – No objection.
5. Policy Context

- 5.1. Birmingham Development Plan (2017), Birmingham UDP (saved policies 2005); Car Parking Guidelines (2012) SPD. Mature Suburbs (SPD). Places for Living (SPG). Specific Needs Residential Uses (SPG). 45 Degree Code. Development Involving Public Houses (SPG). National Planning Policy Framework (2019).

6. Planning Considerations

Principle of Development

- 6.1. The NPPF includes three dimensions to sustainable development, being; Economic, Environmental and Social. Recently the NPPF and appeal decisions have established that there must be very good reasons to resist development if it otherwise constitutes sustainable development. There is also a strong emphasis on providing new development, especially at sustainable locations within urban areas. The NPPF seeks to ensure the provision of sustainable development, of good quality, in appropriate locations and sets out principles for developing sustainable communities. The NPPF promotes high quality design and a good standard of amenity for all existing and future occupants of land and buildings. It encourages the effective use of land by utilising previously developed (brown-field) sites and focusing development in locations that are sustainable and can make the fullest use of public transport, walking and cycling.

C2 Use Class

- 6.2. The application is described as a C2 use. It is noted that the scheme seeks to provide 57 no. 'apartments with care' which allow residents to live independently but with the ability to have care provision tailored to their needs within their own home. The applicants have provided evidence within their submission that the offering would fall within the C2 use class. The applicant has identified that the site would be operated by 'Methodist Homes' who are an established provider of care facilities and operate similar sites throughout the UK. They state that care would be available to all occupants of the apartments through a domiciliary care service and that all occupiers would have to meet a 'needs assessment' by the operator to ensure that they meet the qualifying criteria to purchase an apartment. These restrictions would also include a minimum age restriction, for the units to be made available for leasehold purchase only and for the occupants to have a need for care. The applicant has indicated its acceptance for the proposal to be subject to conditions to restrict occupants to 55 years of age and above.
- 6.3. Furthermore, the applicant has indicated that the majority of its occupants of care homes, and senior living apartments are much older than this. The applicant has also offered that the requirement, for occupier's care needs to be assessed on entry, could be secured by condition to ensure they properly qualify for entry. The applicants have stated that the development proposal, as a whole, forms one distinct planning unit and that the apartments offer a choice of care accommodation.
- 6.4. Previous legal advice provided on similar schemes throughout the city along with recent appeal decisions take the view that for similar activities (i.e. apartments with care), the Local Planning Authority should consider the balance between C3 and C2 uses and have identified that for a use to fall within Class C2, Local Planning Authorities (LPA's) generally require developers/care providers to provide a minimum number of hours of personal care per week for occupiers of the apartments with care, often in the region of a minimum of 2 hours per week. It would appear that that where apartments with care where all residents have to be meet minimum age requirements (in this case 55 years old or more) and are required to

pay care charges for services beyond those available to 'traditional' residential dwellings, they can comprise C2 use accommodation. Furthermore, previous legal advice on the matter has concluded that the use of conditions to limit the use is appropriate if officers are satisfied that sufficient care would be offered.

- 6.5. In this case, the applicant has stated that all apartments would be subject to a specific needs care package which would include (but would not be limited to) assistance with feeding, bathing, dressing, non-physical care and emotional and psychological support and any other matters that the residents need assistance with (i.e. the care plan would be personal to the individual). The applicants have also offered for the LPA to include conditions that ensure the units would be made available for leasehold only (avoiding potential open market sale to non C2 use) and that a minimum age limit of 55 years old be applied. I consider that the nature of the care provided, the layout of the site and the facilities offered to all residents (i.e. cinema suite, library, gym, bistro, lounges, etc.) would create a facility that would function in a fully integrated manner as one planning unit. I am satisfied that the use would fall within the C2 use class, subject to the minimum age and care provision conditions. As such I do not consider that affordable housing policy or public open space policy, associated with C3 dwellings, would be necessary in this case.
- 6.6. Saved policy paragraph 8.28-8.30 regarding care homes, of the UDP, provides policy on Residential Homes falling within the C2 Use Class and identifies that proposals should not cause demonstrable harm to residential amenity of nearby occupiers through noise and disturbance. The policy also states that *"proposals should not prejudice the safety and free flow of traffic in the adjoining highway. The provision made for access for service and emergency vehicles and car parking facilities for staff, residents, and visitors will be taken into account, but these factors will be considered in conjunction with issues such as the retention of adequate outdoor amenity space and site features which contribute to the character and appearance of the area."* It also requires care homes to provide a minimum of 16sqm of outdoor amenity space per resident.

Loss of Public House

- 6.7. The development proposal would result in the loss of the Wylde Green Public House. Whilst the public house itself has now closed, in planning terms the authorised use is still that of a public house and is therefore assessed on this basis.
- 6.8. As such, the loss of the public house has been assessed against the policy provision within the 'Planning Guidelines for Development Involving Public Houses SPG'. The policy states that the impact the loss of a public house would have upon the local population should be assessed and that account needs to be taken of the number of and degree of accessibility of alternative premises including not just the distance but also the effect of local topography and any physical barriers such as the need to cross a major road or railway line. Furthermore, Criteria 6 of the SPG specifies that in cases where the local area is adequately served by other public houses, favourable consideration will normally be given to proposals for residential use.
- 6.9. The application submission has been submitted with an assessment, compiled by Pegasus, which suggests that there are 17 no. public houses within a 2km catchment area (the same catchment as used to assess both open space and loss of bowling green assessments) which is considered to be a reasonable walking distance from the application site. It is also noted that the public houses contained within the assessment have a variety of offerings and facilities, (i.e. some that are purely drinking, food offerings, outdoor sports facilities and car parking) which I

believe accurately reflects the offering in the local area and is comparable to what was offered at the Wylde Green PH.

- 6.10. Objections have also been put forward by local residents on the basis that the existing business was allowed to suffer by the previous owner in the run up to its sale to the current owner. This in itself is not a material planning consideration in the determination of the planning application. However, the applicant has sought to address this point by stating that the wider brewery, Greene King, who owned the site, were (and are continuing to) undertaking a reconfiguration of the business, reducing staff numbers and disposing poorly performing sites, of which they identified the Wylde Green site as being one.
- 6.11. Criteria 8 of the SPG also goes on to say that in the case of sites which include outdoor amenity facilities such as bowling greens and children's play areas, which is the case here, the applicant should be encouraged to retain these facilities as part of redevelopment proposals. The loss of the bowling green is discussed in more detail below whilst the applicant has indicated that the retention of the children's indoor soft play area, an ancillary facility to the public house offering which was a pay to access facility, cannot be retained on site due to its incompatibility with the residential with care nature of the proposed scheme which the LPA agrees with.
- 6.12. As such, whilst the loss of the existing public house offering is regrettable, it is considered that the existing facilities located elsewhere in the local area would not deprive local residents of the facilities and local amenity value provided for by the Wylde Green PH and is therefore acceptable in this regard.

Loss of Bowling Green

- 6.13. The NPPF (2019) (paragraph 96) recognises that "access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities". It adds that "planning policies should be based on robust and up-to-date assessments of the needs for open space, sports and recreation facilities and opportunities for new provision. The assessments should identify specific needs and quantitative or qualitative deficits or surpluses of open space, sports and recreational facilities in the local area. Information gained from the assessments should be used to determine what open space, sports and recreational provision is required". Furthermore, the NPPF (paragraph 97) adds that "existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:
- An assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
 - The loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quality and quantity in a suitable location; or
 - The development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss".
- 6.14. Policy TP11 advises that "the provision and availability of facilities for people to take part in formal and informal activity, that contributes to healthier lifestyles and can provide a 'stepping stone' into more formal sport will be supported and promoted". The policy goes on to state that "Sports and physical activity facilities will be protected from development, unless it can be demonstrated that they are surplus to requirements through a robust and up to date assessment of need. Where there is

identified need for particular sports and physical recreation facilities, the loss of existing sports facilities for these sports will not be allowed unless equivalent or better quantity and quality replacement provision is provided”.

- 6.15. The applicant has acknowledged that the proposal will result in the loss of open space and the loss of a bowling green which was, at the time of application submission, being used by the Wylde Green Bowling Club. The applicant has provided a report, compiled by Pegasus Planning, to demonstrate how the loss of these facilities can be addressed and mitigated.
- 6.16. In the first instance the applicant states that there are no set standards for assessing demand for bowling greens and has put forward their own assessment and methodology which the LPA has assessed and raises no objection to the methodology used. The submitted loss of bowling green assessment has looked at the provision of bowling green facilities within a 2km radius of the application site with a differentiation between both Crown Green and Flat Green bowling greens provided. In this case, the application site currently has a Crown Green which is an outdoor pitch that is an uneven surface whilst a flat green is a flat surface which can be played both indoor and outdoor.
- 6.17. The applicant has indicated within their submission that there are 13 no. bowling greens located across 11 no. sites within 2km of the application site with the nearest being 0.76km away and the furthest 1.95km away. It is also noted that 3 no. of those greens are flat greens with the remaining 10 no. being crown greens (i.e. the same as the application site). The applicant goes on to say that all of the Crown Greens within the catchment area are affiliated with specific bowling clubs or sports clubs and are of a high maintained standard and there are further public greens (e.g. Pype Hayes, Tudor Road, etc.) within 2.5km of the site.
- 6.18. The loss of the Wylde Green PH crown bowling green would reduce this to 9 no. crown greens and based upon the participation rates identified within the submitted assessment, to which the LPA raises no objection too, the reduction in greens would result in an average of 73 no. people per bowling green, an increase of 7 no. people per green over existing provision which the LPA considers can be met within the remaining provision with it noted that the Wylde Green Bowls Club has relocated temporarily to a site elsewhere in Sutton Coldfield for which capacity is available. It is noted that the Leisure Services and Parks team have objected to the proposal due to the loss of the bowling green. They have however, stated that should the application be approved that a compensation sum of £75,000 for the loss of the Bowling Green should be sought and directed towards the provision of replacement Bowling Green facilities within the vicinity of the development and/or improvements to sport, recreation and community facilities in Sutton Coldfield Constituency including Mere Green and Tudor Road sports grounds and the maintenance thereof.
- 6.19. Therefore, whilst the LPA agrees that there is sufficient alternative bowling green provision in the local area (i.e. within 2km) the loss of the Bowling Green still needs to be addressed through the provision of either an onsite or offsite replacement or financial contribution for provision elsewhere. In this case, the proposed scheme does not include the provision of a bowling green on site. However, the applicant has agreed to provide a financial contribution of £75,000, to be secured by a S.106 agreement, by way of compensation for the loss of the green in accordance with the comments from the Leisure Services team.

- 6.20. Subject to the securing of financial compensation to the sum of £75,000 for the loss of the Bowling Green, it is considered that the development proposal is acceptable in this regard.

Loss of Open Space

- 6.21. Policy TP9 of the Birmingham Development Plan (2017) advises that “planning permission will not normally be granted for development on open space except where:
- It can be shown by an up to date assessment of need that the open space is surplus taking account of a minimum standard of 2 ha per 1000 population and the accessibility and quality criteria listed below.
 - The lost site will be replaced by a similar piece of open space, at least as accessible and of similar quality and size.
 - Where an area of open space is underused, as it has inherent problems such as poor site surveillance, physical quality or layout, which cannot be realistically dealt with, then in this case proposals that would result in the loss of a smaller part of a larger area of open space will be considered if compensation measures would result in significant improvements to the quality and recreational value of the remaining area.

Playing fields will be protected and will only be considered for development where they are either shown to be surplus for playing field use, taking into account the minimum standard of 1.2 ha per 1,000 population, through a robust and up to date assessment and are not required to meet other open space deficiencies, or alternative provision is provided which is of equivalent quality, accessibility and size”.

- 6.22. The existing bowling green does not fall within the definition of a ‘playing pitch’ as outlined within the Development Management Procedure (England) Order 2015. Furthermore, Sport England is not a statutory consultee when dealing with the loss of bowling greens. However, they have been consulted on the current proposal and have stated that they have no formal comments to make. However, the proposal does require assessment in relation to Policy TP9 of the Birmingham Development Plan on the basis that it relates to the loss of open space provision. The applicant has undertaken an assessment (including playing fields and pitches, larger equipped play areas, publicly accessible parks, allotments, golf courses, bowling greens, cemeteries and woodlands) to demonstrate that the local area, which again uses the same 2km buffer as used within the loss of bowling green assessment, has sufficient open space and that the loss of the bowling green as open space would not reduce this to detrimental levels.
- 6.23. The submitted open space assessment outlines that the catchment area has a surplus of 219.6ha of open space within it (excluding Sutton Park) and that without the open space provision at the Wylde Green PH the minimum standard of 2ha per 1,000 population is exceeded with a figure of 6.15ha per 1,000 population. With regard to the loss of open space, the LPA consider this assessment to be sound and my development planning (policy) colleagues raise no objection in this regard. Therefore, the proposal is considered to be acceptable regarding the loss of open space.
- 6.24. It is considered that the principle of residential accommodation in the form of apartments with care is acceptable given the site’s sustainable location subject to

detailed consideration of design, highway impacts, residential amenity impacts, ecological impacts and securing appropriate compensation regarding the loss of the Bowling Green as discussed above.

Design, Scale and Layout

- 6.25. Policy PG3, of the BDP, seeks to create a positive sense of place with design that responds to site conditions, local context, creates safe environments, provides attractive environments, make sustainable design integral, and supports the creation of sustainable neighbourhoods. Furthermore, saved policy 3.14 of the UDP, identifies that a high standard of design is essential to the continued improvement of Birmingham as a desirable place to live, work and visit. It also requires developers to consider the site in context. Paragraph 124 of the NPPF (2019) states that “The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps to make development acceptable to communities.”
- 6.26. The proposed vehicular and pedestrian accesses along with a significant proportion of apartments and communal facilities would overlook and be taken from Birmingham Road, providing a high level of natural surveillance and creating interest and activity around the frontages. Furthermore, the ground floor apartments would also benefit from their own private ‘front gardens/terraces’ along with balconies at upper floors which further reinforces this aspect and is generally supported. It is noted that concerns have been raised within objections received regarding the usability of terraces and balconies on the Birmingham Road frontage given potential air quality and noise issues. Ultimately the development proposal provides other communal space elsewhere on site for residents to use whilst the option of private space associated with each apartment is welcomed whether residents chose to use it or not.
- 6.27. The building itself consists of a ‘T’ shaped block development which primarily addresses Birmingham Road with the narrowest point of the building addressing the rear elevations of Henley Close and Arden Drive. The height of the building along Birmingham Road has been reduced from predominantly 4 no. storeys to 3 no. storeys, which is considered appropriate in relation to the scale of existing buildings when viewed along Birmingham Road. In addition, the scale and massing of the rear wing of the proposed building has been amended in order to try to address visual and overlooking impacts upon residents of Arden Drive and Henley Close. This has resulted in the height of the rearmost wing being moved further away from the rear boundary to a distance of 11.4m (and 21.8m from the rear elevations of dwellings) and has also been reduced to 2 storeys at its closest point with the roof associated with it amended to a flat rather than pitched design. I am of the view, a view shared by my city design officer that the potential impacts upon existing residents have been significantly reduced and, although the proposed rear building elevation would ideally be a bit further away from the site boundary, this is considered acceptable and would not support a reason for refusal.
- 6.28. During the course of the current application a number of amendments have been made to the appearance of the building, predominantly to the Birmingham Road frontage, which has resulted in positive changes including introducing a more irregular rhythm to the projecting gables and making the balconies more integral to the building design, introducing more glazing to communal areas (e.g. lounge, coffee bar and restaurant), the addition of part dormer windows which I consider adds variety to the roof eaves along with and that the provision of a front door facing the

street within increased prominence with a larger glazed area and projecting canopy which I consider adds to the active frontage of the building into the public realm. Furthermore, variation in the roof scales and heights when combined with the protruding gable detail and variation in building setbacks further breaks up the elongated nature of the buildings Birmingham Road frontage which is supported.

- 6.29. The proposed materials, focussing on brick and render with roof tiles to the pitched roof element would suit the local variety of architectural styles in the local area and help to add interest and variety to the design which is also supported. Overall, myself and my city design officer consider that the proposed building offers a suitable design proposal within the streetscene which adds to the variety of buildings, in terms of scale, massing and architectural design, along Birmingham Road. My city design officer has recommended that a number of planning conditions are imposed should consent be granted to secure appropriate landscaping and boundary details, sample materials to be used on the external façade of the building, finished site levels and architectural details associated with the building detailing (e.g. windows, doors, façade and roof, rainwater goods). I agree with such an approach and consider that securing such details will ensure the building achieves a high design standard that positive impacts upon the public realm.



Streetscene of proposal along Birmingham Road elevation.

Residential Amenity

- 6.30. The scheme would replace the public house building, Bowling Green with club house and car park and garden areas, the highest structure being the main public house which is situated towards the Birmingham Road elevation of the site and is two storey in nature. I also note that the majority of car parking on site would be positioned in a similar location to that of the public house's existing car parking, which would also be a surface level car park, so as to reduce residential amenity impacts in terms of noise and disturbance from relocating such activities. Furthermore, boundary treatments and landscape strips would either be retained or provided further providing a buffer to nearby residential dwellings.
- 6.31. The application has been submitted with a Noise Assessment, and whilst my Regulatory Services Officer is of the view that that the assessment does not fully accord with their approach, the data obtained from it when assessed with existing data held by the council suggests that any noise impacts can be adequately addressed through appropriate mitigation. In this case, maximum noise levels for plant and machinery and to ensure that all windows, any other glazed areas and external doors to habitable rooms provide sufficient sound reduction. However, based upon the authority's noise mapping data my Regulatory Services officer considers the standard of glazing should be much higher than that proposed within the application submission, particularly on the Birmingham Road frontage to achieving a weighted sound reduction of at least 38dB and that any ventilation on this elevation to habitable rooms shall achieve weighted element normalised level

difference (D_{ne,w} + C_{tr}) of at least 44dB. I consider this appropriate and which can be secured by planning condition.

- 6.32. The submission has also been accompanied by a Phase 1 Geo-Environmental Report which has characterised the site as being considered to present a low to moderate contamination risk associated with the current and historic use of the site. It goes on to say that a phase 2 ground investigation should be undertaken to characterise the site, with respect to environmental and geotechnical abnormalities post-planning. My Regulatory Services officer has assessed the document and considers it appropriate to secure a contamination remediation scheme and verification report by planning condition. I agree with such an approach.
- 6.33. In addition, it is noted that the proposed scheme offers a number of communal facilities which contain a number of cooking facilities (e.g. café, restaurant) (not including kitchens within each of the apartments) along with general communal infrastructure, such as air conditioning systems. My Regulatory Services officer has requested the imposition of conditions to ensure that the noise and odour do not adversely impact upon surrounding residential occupiers along with future occupiers of the proposed scheme. The conditions sought relate to securing full extraction and odour control details and specifying maximum noise levels (shall not exceed 5dB below the existing LA90 background levels and 10dB below the existing LAeq at any noise sensitive premises) for plant and machinery. I agree with such an approach.
- 6.34. Furthermore, my Regulatory Services officer has requested that a planning condition securing the provision of vehicle charging points on site (no fewer than 10% of non-dedicated parking spaces) be imposed. I consider such a request appropriate in this case given the communal nature of parking provision on site. Also, such provision would also seek to reduce CO2 emissions and would accord with policy TP43 of the Birmingham Development Plan 2017.
- 6.35. In terms of separation distances, the proposal has been subject to a number of design amendments during the current planning application (which residents have been consulted upon) following concerns raised regarding insufficient separation distances and the potential for overlooking to the rear gardens of properties associated with Arden Drive and Henley Close. A number of residents remain concerned regarding the separation distance and the relationship of the proposed building with the existing residential dwellings to the rearmost site boundary in terms of overlooking/loss of privacy and the overbearing nature of the building itself in this location.
- 6.36. The current submission results in the rearmost portion of the building reduced in height to 2 storeys with no habitable windows to the gable end elevation (facing towards the rear gardens of Arden Drive/Henley Close). In addition, the rear of the building has reduced in depth and now sits a minimum of 11.4m away from the site boundary and at a distance of 21.8m between the rear of dwellings associated with Arden Drive/Henley Close and the rearmost portion of the proposed building. It should be noted that there is a level change difference sloping down towards the rear boundary fence line of approx. 1.5m. I am of the view that the proposal meets the minimum separation distances as specified within Places for Living SPD, taking into account the level change and the fact that no habitable windows are proposed to the rear most flank wall but rather dummy windows and obscure glazed bedroom windows.
- 6.37. In addition, the proposal meets the minimum 12.5m separation distance between windowed elevations and a 2 storey flank wall plus the an addition 2m distance

taking into account the level change. Furthermore, the applicant has indicated on the elevation and cross section drawings submitted, privacy screens to the terrace and balconies associated with apartments to the northern and southern elevations that may have longer distance side views at first and second floor levels into the rear gardens of Arden Drive/Henley Close Dwellings. This is welcomed and the details of the design and positioning can be secured by planning condition. On this basis, I am content that the proposal would not adversely impact upon residential amenity in this regard.



② Section BB - East / West site section
1:200

Cross-section showing proposed ground levels between the proposal and existing housing on Henley Close

- 6.38. The separation distance between building fronts along the Birmingham Road frontage is approx. 44m and is far in excess of the minimum required as specified within Places for Living SPG. Furthermore, I am of the view that the proposal broadly reflects the established building line along Birmingham Road apart from the projecting gable detailing which at points sits slightly forward of the line (2m). However, I am of the view that the main portion of the building is read as sitting within the building line and is supported in this regard.
- 6.39. The proposed refuse store and site substation are shown as being located adjacent to the site's entrance (for ease of access and maintenance) and the boundary of properties associated with 'The Gardens'. Whilst I raise no issues to their location, I do consider it appropriate to secure external finish materials in relation to these pieces of infrastructure given their prominent location adjacent to the site's access point onto Birmingham Road.
- 6.40. In terms of outdoor amenity space I note that the scheme would provide approx. 1900sq.m of communal landscaped gardens for residents to enjoy. Such provision amounts to a total provision of approx. 33sq.m per apartment and exceeds both the required 30sq.m minimum outlined in Places for Living SPG for residential apartments and 16sq.m as outlined in Specific Residential Needs SPD15. In addition, the majority of the apartments would have access to a semi-private patio (at ground floor level) or balconies at the upper floor levels offering further outdoor space for residents to enjoy. I am satisfied that this space is adequate for the needs of the residents as it would be well located in safe, quiet areas of the site and would also offer a variety of garden areas to enjoy, including sitting areas, paths for walking and a 'working garden' area for residents to garden if they wish.
- 6.41. Internally the proposed building would provide 57 no. apartments with a range of 1, 2 and 3 bed units (20 no. one bed units, 33 no. two bed units and 4 no. 3 bed units.) the apartments would range in size from approx. 55.4sq.m to 99sq.m (excluding external space) and would all meet the minimum size thresholds as outlined in the Nationally Described Space Standards document. Also, each of the apartments are

well designed with regular shaped, usable space and with access to either private or communal outdoor space which is supported.

Transportation and Parking

- 6.42. The NPPF states that “when setting parking levels LPA’s should take into account the accessibility of the site, the type, mix and use, access to public transport, local car ownership and the overall need to reduce high emission vehicles”. It is considered that the site is situated in a sustainable location with good access to public transport options, with bus stops directly outside of the application site on Birmingham Road, which provides access to both Sutton Coldfield town centre and Birmingham city centre whilst Wylde Green neighbourhood centre is within a level walking distance of the site (approx. 550m along Birmingham Road to the south).
- 6.43. A number of objections have been made by local residents, many of which raise concerns for the proposed parking provision being insufficient which might result into overspill parking on neighbouring residential roads, construction/demolition traffic/vehicles, lack of formal pedestrian crossing facility in the vicinity of the site, current excessive vehicular speed on Birmingham Road within vicinity of the application site and how future residents would cross this busy road with speeding vehicles.
- 6.44. The applicant has submitted a Transport Statement (TS) including a traffic study and amended parking statement (October 2019) for the proposal. The traffic study includes the survey data of traffic to/from the four similar existing extra care apartments operated by the applicant and the average trip rates have been applied to the proposed 57 no. extra care apartments at the site. As per the submitted TS, the level of traffic generated by the proposed extra care apartments would unlikely to be significant to have severe impact on surrounding highways.
- 6.45. The applicant is proposing a new bell-mouthed vehicular access off Birmingham Road close to the northern end of the site. The applicant has undertaken a speed survey along this part of Birmingham Road, according to which the observed vehicular speed is greater than 30 mph speed limit and the applicant has designed the revised access to provide the required visibility for the recorded speeds which is supported.
- 6.46. However, in light of the observed vehicular speeds along Birmingham Road and the anticipated elderly/infirm/mobility restricted residents residing on site, it is considered appropriate to firstly seek to introduce speed reduction measures in the form of driver feedback signage and to also provide a safe pedestrian crossing point in close proximity to the site so as residents can make use of public transport options on both sides of Birmingham Road. My transportation officer has confirmed that the provision of a ‘zebra’ pedestrian crossing would cost £40,000 and the provision of the driver feedback signage would cost £5,000 and has requested that such measures are secured should planning consent be granted. I agree with this approach in that it would ensure that residents are able to fully access the local community and the facilities it has to offer and consider securing the financial contributions outlined above via a S.106 agreement to be the most appropriate way of securing the works which would then be undertaken by the local highway authority on behalf of the developer. In addition, the existing wide footway crossing/vehicular access would become redundant and will be reinstated with full height kerbs whilst the TS states that the servicing of the site would be carried out from within the site and it includes a tracking analysis demonstrating manoeuvring of a refuse vehicle within the site and to/from the highway which is supported.

- 6.47. The submitted 'parking statement' refers to the proposal as "the development of apartments with care (C2 use)" and that "the proposed retirement apartments with care are only to be occupied by residents over 55 years of age." Birmingham City Council's current parking guidelines specifies parking provision of 1 no. space per two units and 1 no. space per 3 no. of staff for Sheltered Housing whilst Nursing and Specialist Care equates to 1 no. space per 3 no. bed spaces. Therefore, as per the car parking guidelines if the parking standards are applied for Sheltered Housing and Care Home, the specified parking provision for the scheme would be 37 no. spaces and 32 no. spaces respectively.
- 6.48. The applicant is proposing 37 no. spaces including 5 no. disabled parking spaces within the site and the parking study also refers to an 'Adlington Traffic Study', for which surveys were carried out for trip rates and car park occupation levels 24 hours a day over a 7 day period for four completed schemes, similar in nature to that proposed in the areas (nationally) with similar levels of car ownership levels to Sutton Coldfield. All of the similar schemes within the study state a parking provision ratio of 0.41 spaces – 0.56 spaces per apartment which is less than what is proposed for the current proposal which is 0.65 spaces per apartment. The study goes on to demonstrate that maximum car occupancy levels for all of the completed scheme were less than 100% (apart from one (Portishead) scheme where maximum car occupancy level was reached to 104% for a short duration for a period of up to just 15-minutes two days of the survey) which demonstrates that the proposed parking provision for the Wylde Green scheme is sufficient.
- 6.49. However, I note that some local residents are particularly concerned about parking generally, particularly as parking along Birmingham Road, directly outside of the site, is very difficult given the busy and arterial nature of Birmingham Road. As has been outlined above, the concerns that the proposal may result in overspill parking elsewhere it is considered appropriate in this case, given the very limited on-street parking provision immediately adjacent to the site that a financial contribution to the sum of £10,000 is secured through a S.106 agreement, so as to allow the highway authority to undertake a review of, and implement if required, a Traffic Regulation Order (e.g. double yellow lines, no waiting, etc.) on surrounding roads in the vicinity of the application site so as to reduce/remove potential adverse impacts upon the free flow of traffic along Birmingham Road.
- 6.50. It is also noted that the submitted parking statement states that an 8 seater minibus and driver will be made available in a similar way to other completed Adlington sites to transport residents when needed. However, the parking layout does not show parking for a mini-bus therefore the transportation officer has requested further details, i.e. where it would be parked, how it would operate, etc. to be secured by planning condition. I agree with such a viewpoint. My transportation officer has also requested that a number of other planning conditions are imposed in order to make the development acceptable in highway safety terms. These conditions relate to the provision of pedestrian and vehicular visibility, the provision of a car park management plan/strategy to ensure that the use of the car park does not adversely impact upon the free flow of traffic on the surrounding road network, a construction traffic management plan, to provide appropriate secure and covered cycle storage and that a travel plan is undertaken and finalised so as to reduce reliance for both staff and residents upon the private car. I agree with such an approach and recommended that such conditions are imposed.
- 6.51. Regulatory Services have requested that electric vehicle charging points are provided onsite, with no fewer than 10% of non-dedicated parking spaces to be

provided with electric vehicle charging points for electric/low emission vehicles so as to reduce CO2 emissions and in accordance with policies TP5 and TP43 of the BDP 2017. I consider such a request to be appropriate in this case.

Trees & Ecology

- 6.52. Policy TP7, of the BDP, reinforces the importance of the protection of trees and requires new development to allow for new tree planting in public and private domains. Whilst the application site is not the subject of a tree preservation order (TPO), a site directly adjacent to the northern boundary the site (forming part of The Gardens), is the subject of TPO 928. However, the proposed works would not adversely impact on any existing protected trees within this TPO given that the majority of the main building works would take place centrally within the site away from the site's northern boundary.
- 6.53. The Tree Officer has stated that the increased landscaping to the Birmingham Road frontage is welcomed and that those trees internal to the site are not in good condition (majority are category C and U with 1 category B tree) and in many cases having been improperly pruned in such a way as to reduce their normal lifespan. Furthermore, the tree officer has assessed the submitted tree survey and undertaken a site visit and agrees with the general findings of the survey.
- 6.54. Overall, the tree officer has raised no objection to the proposed scheme but has requested that a number of planning conditions are imposed so as to secure no-dig systems around the retained trees on site and adjacent offsite trees, pre-defined tree protection areas and that tree pruning works are carried out in accordance with the relevant British Standard. I agree with such an approach and recommend that such conditions are imposed.
- 6.55. The NPPF, at paragraph 170, requires the planning system to seek to minimise the impact of schemes on Biodiversity and halt the overall decline whilst policy TP8 of the Birmingham Development Plan requires all development, where relevant, to contribute to enhancing Birmingham's natural environment.
- 6.56. It is noted that the site currently comprises of the public house building and a number of existing trees and vegetation. The city ecologist has noted that the submitted bat surveys recorded two different bat species foraging and commuting across the site and that new lighting associated with the development proposal should ensure that it is kept to a minimum and directed away from boundary features to maintain dark areas and corridors. They have requested that such measures should be secured through the imposition of a planning condition to secure a lighting strategy for biodiversity.
- 6.57. In addition, the ecologist has recommended that habitat mitigation and ecological enhancements, in line with the NPPF should be provided so as to enhance the site for bats, such as through the provision of bat boxes on a variety of elevations and the planting of habitats which would be of value to wildlife. With this in mind, my ecologists have raised no objection to the proposal subject to a number of planning conditions to secure such habitat mitigation. I agree with such an approach.

Flooding and Drainage

- 6.58. The application site is located within flood zone 1 (least likely to flood) and is not located within close proximity (in excess of 500m) to local watercourses. The application has been submitted with a Drainage Strategy and Surface Water

Management Pro-forma. The overall scheme has been assessed by the Lead Local Flood Authority (LLFA) who has raised no objection subject to conditions to require a sustainable drainage scheme for foul and surface water and a Sustainable Drainage Operation and Maintenance Plan. I concur with these findings.

Other Matters

- 6.59. I note that the Fire Service has commented that the scheme would require a sprinkler system as there is not access for a pump appliance to within 45m of all points of the building. The specifics of this would be designed and agreed in discussion through a Building Regulation application and therefore beyond the scope of the planning application.
- 6.60. Concerns have been raised by local residents that the area is already saturated with similar developments. However, the proposal is assessed, as are all development proposals, on a site specific basis and how they positively contribute to overall planning policy aims both locally and across the city. Furthermore, comments have been received from local residents who are concerned that the proposal would result in a reduction of property values. This also falls outside the remit of the planning application assessment.
- 6.61. A number of comments have been made regarding restrictions/covenants associated with the land that prohibit it from being used as anything other than a public house. Whilst this is something for the applicant to consider, this does not form a material planning consideration and falls outside the remit of this planning application.
- 6.62. The proposal has been submitted with a sustainable energy statement (contained within the design and access statement) that has looked at a variety of methods to be incorporated within the building design in order to reduce its energy consumption and its carbon footprint both at construction stage and when occupied. The applicant has indicated that in addition to a number of features within the building, including increased insulation, smart meters, timer switches and user guides for residents on achieving low carbon outputs, that the provision of solar photovoltaic panels upon the roof would be the most suitable way of reducing the developments carbon footprint and would allow electricity generated on site to be consumed by the development and its residents which is supported. However, whilst the proposal makes reference to this within the submission along with indicative locations for the placement of panels within the submitted drawings, full details of the solar PV specifications and its potential energy generation have not been submitted for consideration at this stage. As such, it is considered appropriate to secure such details by planning condition.

Community Infrastructure Levy

- 6.63. The Council has adopted CIL charging. However, the proposed apartments with care as a C2 use class would attribute a zero charge in this case.

7. Conclusion

- 7.1. The proposal, for apartments with care, is acceptable. The scheme would provide dedicated housing for residents requiring varying levels of care in a high quality facility providing a range of communal facilities. The site is well located and represents sustainable development in a predominantly residential location well

served by public transport and addresses the public realm with a suitable, contemporary solution.

- 7.2. The loss of the public house and bowling green and open space, whilst regrettable has been satisfactorily addressed and subject to securing financial contribution in regard to the loss of the bowling green and highway safety improvements, consider the overall scheme to be acceptable subject to a number of planning conditions.

8. Recommendation

- 8.1.1 That consideration of planning application 2019/02929/PA be deferred pending the completion of a planning obligation agreement to secure the following;

- a) A financial contribution of £75,000 to compensate for the loss of the Wylde Green Public House Bowling Green to be spent on new and/or improved sports and recreation facilities within Sutton Coldfield constituency.
- b) A financial contribution of £40,000 towards the provision of a pedestrian crossing at Birmingham Road in vicinity of the development site.
- c) A financial contribution of £10,000 to provide a review of and implementation (if required) of a traffic regulation order on surrounding roads within the development site's vicinity.
- d) A financial contribution of £5,000 to provide a driver feedback sign at Birmingham Road in close proximity to the development site.
- e) Payment of a monitoring and administration fee associated with the legal agreement of 3.5% up to a maximum of £10,000.

- 8.2. In the absence of a suitable planning obligation agreement being completed to the satisfaction of the Local Planning Authority on or before 31st March 2020 the planning permission be refused for the following reason:

- a) In the absence of any suitable legal agreement to secure a financial contribution related to the loss of the bowling green and to maintain highway safety the proposal would be contrary to TP9, TP27 and TP39 of the Birmingham Development Plan and NPPF.

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

- 8.4 That in the event of the planning obligation being completed to the satisfaction of the Local Planning Authority on or before 31st March 2020, favourable consideration be given to this application subject to the conditions listed below.

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- | | |
|---|---|
| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Prevents the use from changing within the use class |
| 3 | Sets a minimum age of residents |
| 4 | Apartments to be occupied by approved occupier (occupant in receipt of onsite care provision) |
-

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- 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 scheme - foul and surface water
 - 8 Requires the prior submission of a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan
 - 9 Requires the submission of a scheme for ecological/biodiversity/enhancement measures
 - 10 Requires the prior submission of details of bird/bat boxes
 - 11 Requires tree pruning protection
 - 12 No-Dig Specification required
 - 13 Arboricultural Method Statement - Submission Required
 - 14 Requires the implementation of tree protection
 - 15 Requirements within pre-defined tree protection areas
 - 16 Requires the submission of hard and/or soft landscape details
 - 17 Requires the submission of boundary treatment details
 - 18 Lighting Strategy for Biodiversity
 - 19 Requires the submission of extraction and odour control details
 - 20 Requires the submission of a Noise Insulation Scheme
 - 21 Limits the noise levels for Plant and Machinery
 - 22 Requires the submission of sample materials
 - 23 Provision of Architectural Details Required
 - 24 Requires the submission of a parking management strategy
 - 25 Requires the prior submission of a construction method statement/management plan
 - 26 Requires the parking area to be laid out prior to use
 - 27 Requires the submission of cycle storage details
 - 28 Requires the submission and completion of works for the S278/TRO Agreement
 - 29 Requires the provision of vehicle charging points
-

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- 30 Requires the submission of a residential travel plan
 - 31 Requires pedestrian visibility splays to be provided
 - 32 Requires vehicular visibility splays to be provided
 - 33 Requires the submission of details of refuse storage
 - 34 Requires the submission of details of sub-station
 - 35 Requires provision of privacy screens
 - 36 Requires obscure glazing for specific areas of the approved building
 - 37 Requires the submission of a solar PV panel scheme
 - 38 Implement within 3 years (Full)
-

Case Officer: Christopher Wentworth

Photo(s)



Fig 1. View of front elevation of public house from Birmingham Road.



Fig 2. View of building's side elevation and rear boundary with Arden Drive/Henley Close.



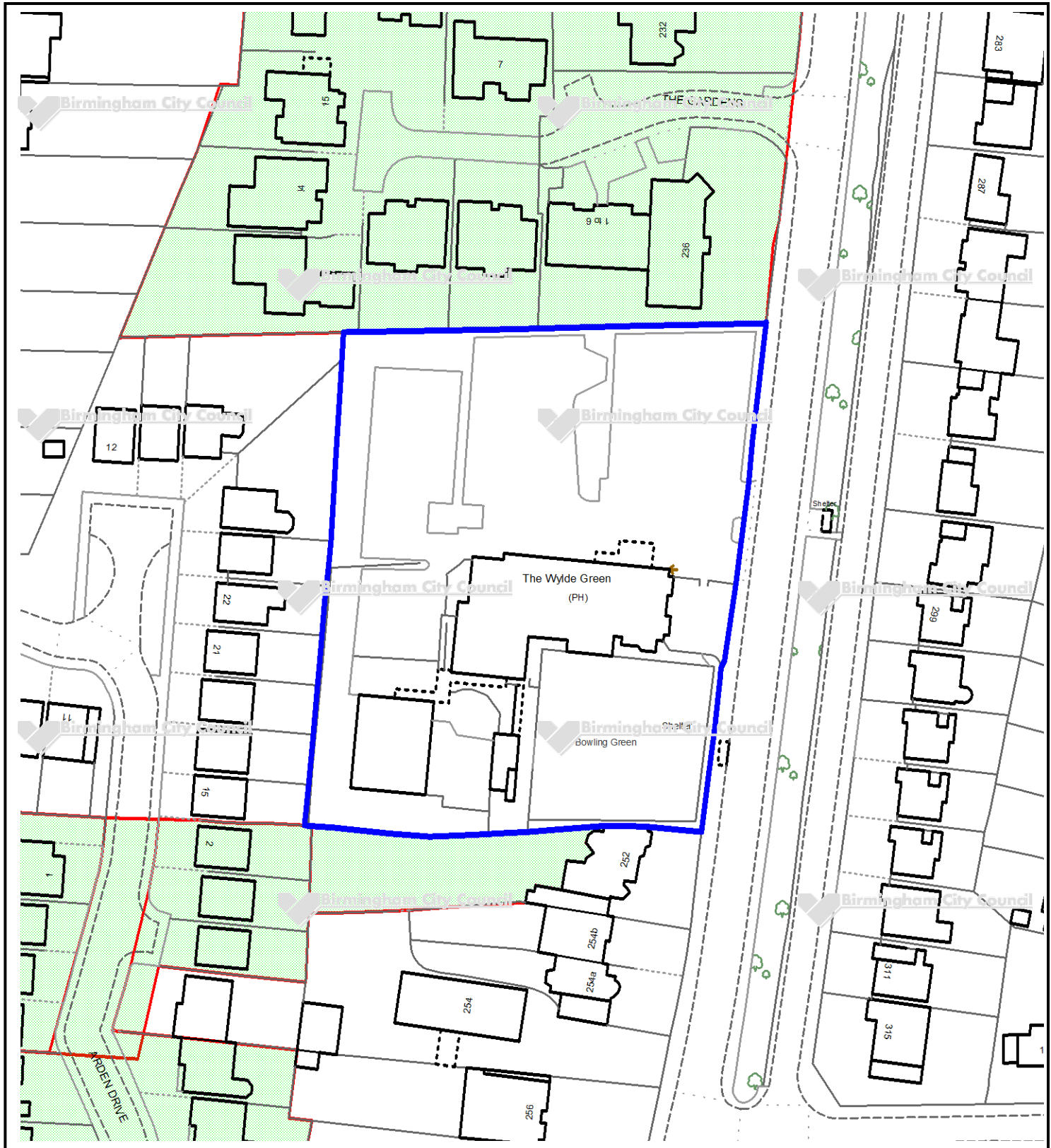
24

Fig 3. View of Bowling Green onsite and adjacent building fronting Birmingham Road.



Fig 4. View of adjacent apartment block (The Gardens) to sites northern boundary.

Location Plan



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Birmingham City Council

Planning Committee

13 February 2020

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>
Refuse	10	2019/09512/PA 112 Billesley Lane Birmingham B13 9RD Retention of railings to side and rear boundary.
Refuse	11	2019/08496/PA Unit 9a Birkdale Avenue Selly Oak Birmingham B29 6UB Proposed Change of Use of two storey office building and extensions to create purpose built student accommodation comprising 100 bedrooms
Approve – Subject to 106 Legal Agreement	12	2018/10368/PA Land at Hunts Road/Ripple Road Stirchley Birmingham B30 Outline planning application for the development of up to 87 residential dwellings with associated parking, drainage, access and engineering works - All matters reserved except access

Approve – Conditions

13

2018/10370/PA

Land at Hazelwell Lane
Stirchley
Birmingham
B30

Outline planning application for the construction of 1 no. retail food store (Use Class A1), a gym (Use Class D2) and other retail unit(s) (Use Class A1) with associated parking, engineering, drainage and infrastructure works and provision of area of public open space - All matters reserved except access

Approve – Conditions

14

2019/10462/PA

1826 Pershore Road
Stirchley
Birmingham
B30 3AU

Change of use of ground floor from retail (Use Class A1) to hot food take-away (Use Class A5), erection of single storey rear extension, installation of extraction flue, security shutters, external staircase and alterations to first floor

Committee Date:	13/02/2020	Application Number:	2019/09512/PA
Accepted:	18/11/2019	Application Type:	Householder
Target Date:	13/01/2020		
Ward:	Moseley		

112 Billesley Lane, Birmingham, B13 9RD

Retention of railings to side and rear boundary.

Recommendation

Refuse

1. Proposal

1.1. Consent is sought for the retention of railings to the side and rear boundary of 112 Billesley Lane, Moseley. The 0.6m high wrought iron security railings are located on the top of an existing 2m high brick wall.

1.2. [Link to Documents](#)

2. Site & Surroundings

2.1. The application site comprises a large semi-detached property with a hipped roof design located within a corner plot to the corner of Billesley Lane and Westlands Road. The property has been previously extended with a two storey side and single storey front, side and rear extensions. The original boundary treatment to the property comprised a 2m high brick wall to the side and rear boundary, which reduced to approximately 0.8m in height to the corner and front boundary of the site. To the side boundary there is an existing vehicular access with 2m high metal gates.

2.2. [Site Location Plan](#)

3. Planning History

3.1. 09/07/2002 - 2001/02313/PA - Two storey side extension – Withdrawn

3.2. 09/05/2002 - 2002/01640/PA - Retention of change of use of part of ground floor from A1 to residential and porch and bay extension – Approved with conditions

3.3. 10/03/2003 - 2003/00274/PA - Erection of two storey side part rear and single storey side extension – Refused

3.4. 04/06/2003 – 2003/0224/PA – Erection of a two storey side extension – Approved with conditions

3.5. 27/10/2003 - 2003/05365/PA – Erection of new boundary wall up to a maximum height of 1.2 metres – Refused

3.6. Enforcement History

- 3.7. 2019/0950/ENF – Unauthorised installation of railings to existing wall increasing the height – under investigation

4. Consultation/PP Responses

- 4.1. Local Ward Members, Residents Associations and neighbours have been consulted for the statutory 21 days. 3 responses have been received in support of the application stating the application should be supported given the recent burglaries at the property.
- 4.2. The Moseley Society have raised objection to the application and state that the proposed addition of the railings to the existing 2m brick wall is excessive, inappropriate and out of character within the area, and would have a visual impact on the surrounding area.
- 4.3. Councillor Kerry Jenkins has requested the application is determined at a Planning Committee meeting to ensure the application is fully discussed.

5. Policy Context

- 5.1. The following local policies are applicable:
- Birmingham Development Plan (2017)
 - Birmingham Unitary Development Plan (UDP) 2005 (Saved Policies)
 - Places for Living (2001)
 - Extending your Home (2007)
- 5.2. The following national policies are applicable:
- NPPF: National Planning Policy Framework (2019)

6. Planning Considerations

- 6.1. This application has been assessed against the objectives of the policies as set out above. The primary material considerations in the assessment of this application are considered to be the visual impact of the proposed railings and entrance gates.
- 6.2. Policy PG3 of the Birmingham Development Plan (BDP) states that new development should “reinforce or create a positive sense of place and local distinctiveness, with design that responds to the site conditions and the local area context, including heritage assets and appropriate use of innovation in design” and “create safe environments that design out crime”.
- 6.3. The proposal introduces 0.6m metal railings to the top of an existing 2m high brick wall, resulting in a 2.6m high boundary treatment into an area where there is no similar boundary treatment and where they would appear out of character. Properties along Billesley Lane and Westland Road predominately exhibit low level walls and hedging/planting at their respective front boundaries. I acknowledge that the application site is a corner property and as such, a 2m high brick wall was originally built to the side and rear boundary to ensure privacy and screening to the rear garden, a feature which is also evident at the adjacent property No. 110

Billesley Lane. However the corner position of the site also results in the site being very prominent and visible within the street scene.

- 6.4. The addition of the railings at the application site would extend along the length of the side boundary and would be at a total height of approximately 2.6 metres (including the existing wall). This height and width would give it prominence in the streetscene. The visual appearance of Westland Road, which the proposal would be viewed against is characterised by its fairly open frontage, low height boundary walls and planting. I consider the additional 0.6m railings above the existing 2m high brick wall would be at odds with the predominately open character of frontages in the surrounding area and out of keeping with the character and appearance of the street scene where railings are not a feature.
- 6.5. The applicant has states within the application submission that the railings are required for security purposes as the property has recently been burgled. I acknowledge that the applicant may consider a reinforced boundary treatment to be a necessity and whilst I have some sympathy with those wanting to protect their home and vehicles, I do not consider the installation of imposing railings, which would have a permanent and harmful effect on the character and appearance of the area, to be the only solution. Other options available for homeowners which would have a lesser impact on the character of the area include the installation of wall-mounted CCTV cameras under permitted development, and the use of defensive planting.
- 6.6. As proposed, I am not able to support the application and would advise the applicant to consider these low impact alternatives instead.

7. Conclusion

- 7.1. The retention of the railings would be at odds and out of keeping with the character and appearance of the surrounding area and street scene, and as such the application is recommended for refusal.

8. Recommendation

- 8.1. Refuse

Reason for Refusal

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|---|--|
| 1 | The cumulative scale and design of the additional railings would form an incongruous feature which would not reflect the existing character of the street scene and would cause harm to the visual amenity of the area. As such would be contrary to Policy PG3 of the Birmingham Development Plan 2017 and saved Paragraphs 3.14C-D of the Birmingham UDP 2005, guidance in Places for All /Places for Living adopted as Supplementary Planning Guidance, and the National Planning Policy Framework. |
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Case Officer: Leah Russell

Photo(s)

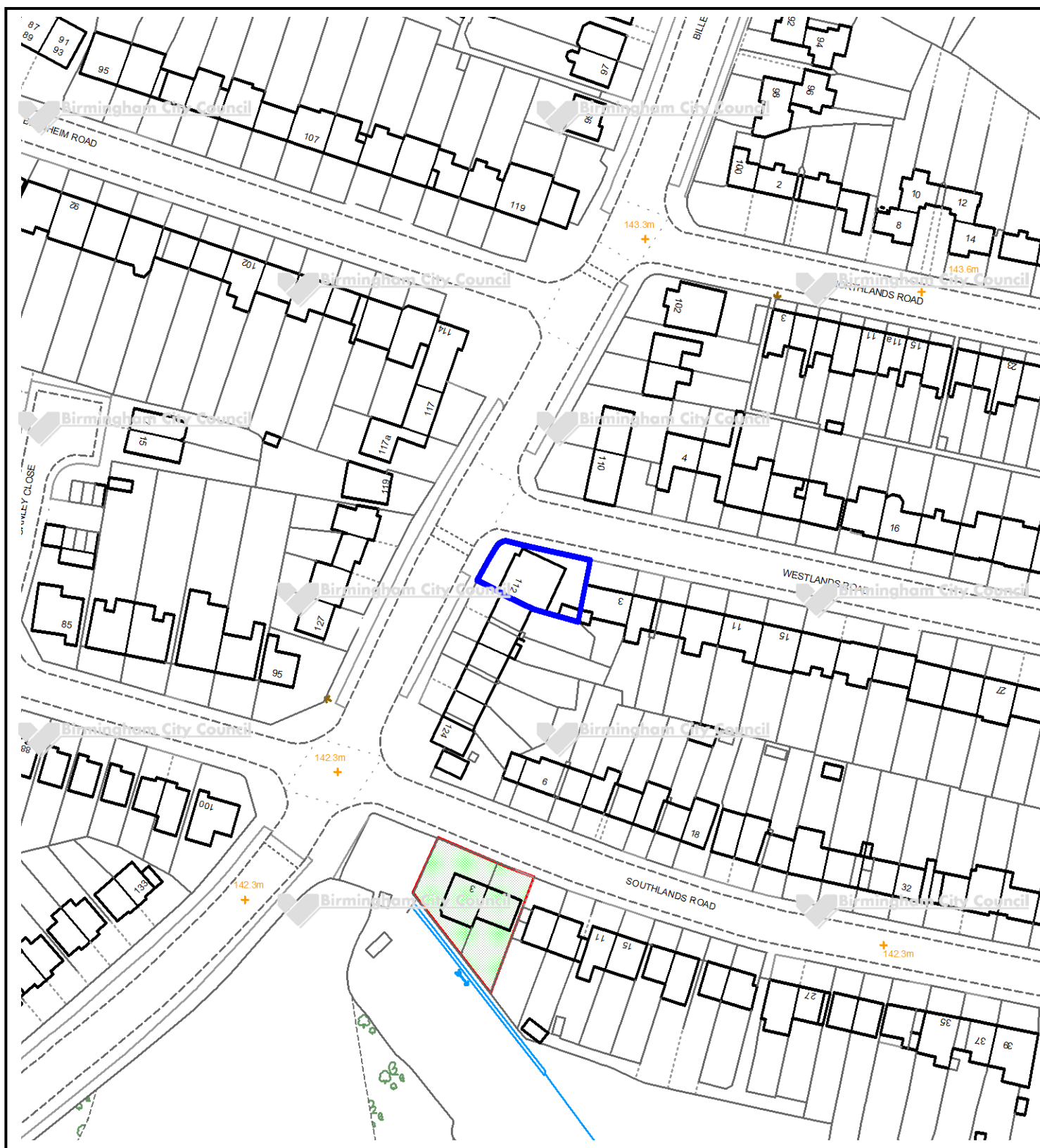


Photograph 1: Side and front boundary



Photograph 2: Side and rear boundary

Location Plan



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Committee Date:	13/02/2020	Application Number:	2019/08496/PA
Accepted:	20/11/2019	Application Type:	Full Planning
Target Date:	19/02/2020		
Ward:	Bournbrook & Selly Park		

Unit 9a Birkdale Avenue, Selly Oak, Birmingham, B29 6UB

Proposed Change of Use of two storey office building and extensions to create purpose built student accommodation comprising 100 bedrooms

Recommendation

Refuse

1. Proposal

- 1.1. This application is for the extension and conversion of an office building into 100 units of student accommodation. The extensions include the addition of a front extension and two additional floors to create a four storey building.
- 1.2. The proposed building would be sited 1m from the highway. It would measure 45.6m in width and has a depth of 28.3m. The proposed four storey building would measure 11.3m in height. The proposed student accommodation building would provide 3038sqm of internal floorspace.
- 1.3. The proposed building would be of a contemporary design, with a flat roof. The building would be constructed of brick with sections of timber cladding and white render.
- 1.4. The scheme provides 100 studios with en-suite shower rooms and a small kitchenette which vary in sizes between 20.5 and 29.5sqm. A communal lounge/common room is provided on the ground floor measuring 75.5sqm. The ground floor also includes a laundry room, reception area, boiler room and disabled toilet.
- 1.5. There is a landscaped communal amenity space for residents' to the front that measures approximately 225sqm. A further outdoor amenity space is provided on the third floor on the proposed second floor flat roof measuring 121sqm.
- 1.6. 10 parking spaces are provided at the front of the site underneath the front extension. 2 bin stores and cycle storage are also provided at the front of the building.
- 1.7. This application is supported by a Planning Statement, Student Needs Assessment, Design and Access Statement, Noise Survey, Site Investigation Report, Travel Plan, Sustainable Drainage Assessment and Arboricultural Report.

1.8. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site relates to 9a Birkdale Avenue, off Heeley Road, Selly Oak. This is a two storey brick built vacant office building, previously occupied by 'Sense' at the western end of Birkdale Avenue. Immediately to the rear (west) of the site is the Worcester to Birmingham Canal and Railway line on a raised embankment. To the front is a car park providing approximate 35 spaces.
- 2.2. Birkdale Avenue maintains a predominantly commercial character forming a small industrial estate. Other commercial uses include a Gym at Unit 9; a car body repairs workshop at Unit 7 and a decorating wholesaler at Unit 8.
- 2.3. To the east of Birkdale Avenue on the opposite side of Heeley Road is a residential area, consisting mainly of rows of traditional Victorian terrace housing occupied predominantly by students. Selly Oak District Centre is located a 7 minute walk to the north.
- 2.4. [Site location Plan](#)
3. [Planning History](#)
- 3.1. 2017/06023/PA – Prior approval for change of use from offices to 24 residential apartments – Prior approval required and approved on 15th September 2017
4. [Consultation/PP Responses](#)
- 4.1 Transportation Development – No objection subject to conditions requiring the submission of a student management plan and travel plan.
- 4.2 Regulatory Services – Object due to levels of noise in vicinity.
- 4.3 West Midlands Police – No objection subject to conditions requiring CCTV and secure access system.
- 4.4 Severn Trent Water – No objection subject to condition requiring drainage details.
- 4.5 Canals & Rivers Trust – No objection subject to conditions requiring the provision of a construction environmental management plan, submission of lighting details, boundary treatments and drainage details.
- 4.6 Network Rail – No objection subject to details of any excavations or levels alterations being submitted for consideration.
- 4.7 Lead Local Flood Authority (LLFA) – Object due to failure to comply with minimum requirements of Policy TP6.
- 4.8 Adjacent occupiers, Councillors, M.P. and residents associations notified and site/press notices posted. 6 letters of objection received raising the following concerns:
- Increased noise and disturbance;
 - Harmful impact on local businesses;
 - Increased pressure on public services;
 - Increased demand for parking spaces;
 - Increased traffic;
 - Prior approval is being wrongly used to justify current application;

- Approval would increase the prospect of the remainder of the industrial estate being replaced by student accommodation;
 - Over concentration of students within Bournbrook area;
 - No need for further student accommodation; and
 - Harm to the character of the area
- 4.9 An objection has been received by Selly Park South Neighbourhood Forum raising the following matters:
- Harmful impact on adjacent businesses;
 - Already over-provision of purpose built student accommodation and HMOs in Bournbrook;
 - Insufficient parking; and
 - Studios are too small and insufficient communal space is provided
- 4.10 An objection has been received by the Community Partnership for Selly Oak (CP4SO). The following concerns have been raised:
- No need for further purpose built student accommodation;
 - Poor location that is too far from University;
 - 2017 Prior approval is being unreasonably utilised to establish principle of further student accommodation;
 - Could lead to the loss of adjacent industrial units;
 - Increased pressure on public services;
 - Harmful impact on character of the area;
 - Poor quality living environment for proposed students;
 - Noise and disturbance; and
 - Increased traffic and greater demand for parking;
- 4.11 An objection has been received by Steve McCabe MP raising the following concerns:
- No need for further purpose built student accommodation;
 - Off-street parking is needed;
 - Disabled parking spaces are required;
 - Development harms the character of the area; and
 - Disruption for local residents

5. Policy Context

- 5.1. The following local policies are applicable:
- Birmingham Development Plan (BDP) 2031
 - Birmingham Unitary Development Plan (UDP) Saved Policies 2005
 - Places for Living SPG
 - Car Parking Guidelines SPD
 - Wider Selly Oak SPD
- 5.2 The following national policies are applicable:
- National Planning Policy Framework (NPPF)

6. Planning Considerations

- 6.1. I consider the key planning issues in the determination of this application are; the principle of student accommodation on this site; impact on employment; the siting, scale and appearance of the proposed building; living conditions for prospective occupiers; impact on parking and highway safety; impact on neighbouring residential amenity; impact on trees and landscape; and drainage.

- 6.2. Principle of Student Accommodation
- 6.3. The National Planning Policy Framework (NPPF) advises that there is a presumption in favour of sustainable development and that for decision making this means approving development proposals that accord with the development plan without delay. Paragraph 117 encourages the use of as much previously developed (brownfield land) as possible.
- 6.4. The Birmingham Development Plan (BDP), at Policy TP33, has a set of criteria for off-campus development which includes; a demonstrated need for development; a good location in relation to the educational establishment, local facilities and public transport; that the development would not have an adverse impact on the local neighbourhood or residential amenity; the scale, massing and architecture of the development is appropriate for the location; and that the design and layout of the accommodation would create a positive living experience.
- 6.5. The application site does not have any land use designation within the Wider Selly Oak SPD, and is located outside of the defined District Centre. The Wider Selly Oak SPD acknowledges the attractiveness of Selly Oak for student accommodation and identifies some (larger) sites for potential purpose-built provision. However, there is no policy preventing purpose built student accommodation being developed on other windfall sites within the Selly Oak Area, subject to compliance with the criteria set out at Policy TP33 of the BDP, as re-iterated in the Wider Selly Oak SPD – in particular for accommodation to be well related to the educational establishment that it serves.
- 6.6. There are high concentrations of students living in Houses in Multiple Occupation (HMOs) in Bournbrook. This puts pressure on this area and both the quality of life for existing residents and the residential environments have been adversely affected as a result. The Wider Selly Oak SPD acknowledges that whilst purpose built accommodation can still bring large numbers of students into an area, it can help minimise adverse impacts on areas that are over-populated with students by freeing up HMOs for potential reversion to family housing, thereby restoring a more balanced community and helping with certain local services such as take up of school places.
- 6.7. The application is supported by a Student Needs Accommodation Survey. The assessment identifies that The University of Birmingham has experienced growing student numbers over recent years. The level of investment by the University of Birmingham in its education and leisure facilities in recent years, together with the investment and growing appeal of the city of Birmingham as a domestic and international destination, is predicted to lead to continued growth in student numbers. The survey highlights that there is a shortfall of 6,527 bed spaces for full time students at the University of Birmingham which equates to 22.6%.
- 6.8. I note local objectors' concerns regarding a purported over-supply of student accommodation (and associated impacts in creating an unbalanced community). However, I am satisfied that, existing and currently consented developments for student accommodation fall short in terms of providing sufficient residential accommodation to meet the identified quantitative need for student accommodation to serve the University of Birmingham. The increasing trend in full-time students at the University, and in particular overseas students, means there is a demonstrated demand for purpose built accommodation. Bournbrook will always likely be a

popular location for students to live in because of its close proximity to the University.

- 6.9. Whilst this site is not immediately adjacent to the University campus, it is an 18 minute walk from the edge of the campus, and also easily accessible by cycling or public transport. In addition, it has a similar relationship (in terms of distance) to other recently approved student schemes, such as the Birmingham Battery site. As such, I consider the application site is an acceptable distance from the campus and wide range of facilities available in Selly Oak District Centre.
- 6.10. However TP33 sets out other considerations in addition to the accessibility of the University and a demonstrated need. TP33 also sets out the need to secure a safe, secure and welcoming residential environment. The site is located within a small industrial estate where a range of commercial units exist. In addition to any noise and disturbance arising this is a poorly lit cul de sac with minimal footpaths due to the wide entrances required by each unit. The wide entrances which facilitate regular vehicle movements during the daytime creates a clear conflict with the substantial increase in pedestrians. This raises significant safety concerns for the proposed occupiers.
- 6.11. In the evenings there will be little to no activity within Birkdale Avenue. This lack of natural surveillance will fail to create a safe and secure environment for students returning to their accommodation. Therefore taking in account the characteristics of Birkdale Avenue this is not considered to be an appropriate location to deliver purpose built student accommodation. The proposal is therefore contrary to Policy TP33 of the Birmingham Development Plan.
- 6.12. The applicant has highlighted that the previous prior approval granted under 2017/06023/PA provides a strong fall-back position. However, that scheme consisted of just 24 modest residential apartments and as a prior approval only a limited range of planning matters could be considered. This proposal is 4 times as intensive and includes a substantial extension which was not the case with the prior approval. It is therefore clear that there are substantial differences between the proposals and therefore it is entirely reasonable for a different outcome to be reached on this application.
- 6.13. Impact on Employment Land
- 6.14. The application site is not designated for any particular use in the BDP and is not within one of the Core Employment Areas identified by the BDP. Policy TP20 'Protection of employment land' is therefore relevant to the site. This policy seeks to protect employment land which is not within a Regional Investment Site or Core Employment Area. However, the policy also acknowledges that there may be occasions where employment land has become obsolete and can no longer make a contribution to the portfolio of employment land. The policy indicates that change of use proposals from employment land to other uses will be permitted where it can be demonstrated that either:
- 6.15. The site is considered a non-conforming use; or
- 6.16. The site is no longer attractive for employment development having been actively marketed, normally for a minimum of two years, at a price which accords with other property of a similar type in the area. Where it is argued that redevelopment for employment purposes would be commercially unviable, a viability assessment may

also be required which should include investigations into the potential for public sector funding to overcome any site constraints.

- 6.17. The Loss of Industrial Land to Alternative Uses SPD provides more detail on the information required with planning applications and highlights the importance of recycling current industrial land for future employment use to help retain a good supply of land. The application site was last utilised as offices. In light of the granting of a prior approval for residential use on the site it is not possible to now resist the loss of the office use. However, it is important to consider the impact of the proposal on the wider commercial estate which includes some industrial uses. The estate appears to be operating effectively currently with no vacant units. The introduction of student accommodation could cause a conflict with these industrial units through complaints arising about these long standing businesses in terms of noise and disturbance. Furthermore there is the risk that the granting of this consent would lead to the incremental loss of the rest of the industrial estate. No evidence has been provided to confirm that the proposal would not harm the vitality and viability of the wider industrial estate.
- 6.18. Siting, Scale and Appearance
- 6.19. Policy PG3 of the BDP explains that “All new development will be expected to demonstrate high design quality, contributing to a strong sense of place.” It goes on to explain that new development should: reinforce or create a positive sense of place and local distinctiveness; create safe environments that design out crime and make provision for people with disabilities; provide attractive environments that encourage people to move around by cycling and walking; ensure that private external spaces, streets and public spaces are attractive, functional, inclusive and able to be managed for the long term; take opportunities to make sustainable design integral to development; and make best use of existing buildings and efficient use of land.
- 6.20. Paragraph 124 of the NPPF states that “The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”. Saved Policies 3.14-3.14D in the Birmingham UDP, Places for Living SPG and Places for All SPG also give significant weight to achieving high quality design which recognises local character and distinctiveness.
- 6.21. The existing office building on the application site is of red/brown brick construction and has a flat roof. This was built as a functional office building in the 1970s and has no particular architectural merit. The substantial alterations and extensions bring the building much closer to the highway and includes 2 additional storeys. Whilst the 4 storey building would be taller than surrounding units it is located at the rear of a cul de sac so would not appear unduly prominent. Furthermore, due to the change in levels it would be a similar height to the nearby properties on Fairway Green.
- 6.22. The scheme intends to use a red/brown brick to match the existing office building whilst providing additional visual interest through the use of timber cladding and white render. This approach is considered to give a more modern appearance to the building. It is noted that the building would be in stark contrast to the surrounding industrial units which are all metal clad structures however it would not be appropriate to mimic these functional buildings that have no architectural merit.

- 6.23. In light of the above, the appearance and scale and of the proposal is acceptable and will retain the character and appearance of the local area.
- 6.24. Living Conditions
- 6.25. The scheme consists entirely of studios. It is acknowledged that they are well proportioned with sizes varying between 20.5sqm and 29.5sq. However, it would be preferable to have a greater mix of accommodation types including cluster flats. They encourage more social interactions and can help reduce the likelihood of students feeling lonely and isolated. It is noted that one internal communal area is provided that measures 75sqm for 100 students. This equates to just 0.75sqm per student and clearly is insufficient if a large proportion of students want to utilise the space at the same time.
- 6.26. Two external areas are provided in the form of a front garden and roof top garden. In combination this provides 346sqm of amenity space. These areas are considered sufficient to provide a suitable setting for the building and opportunities for occupiers to take advantage of the outdoor space.
- 6.27. The first floor layout indicates that 4 first floor studios (units 34, 41, 43 and 45) are provided with a single side facing window that faces directly onto the blank side elevation of unit 8. With a separation distance of just 2.2m between the proposed windows and the side elevation of unit 8 the studios would have a poor outlook and suffer from reduced levels of natural light. This would create an unacceptable living environment for the proposed occupiers of these studios.
- 6.28. As stated previously, the application is located within an industrial estate and adjacent to a railway line. The applicant has undertaken a noise assessment which has been reviewed by Regulatory Services. They have raised concerns over the lack of attended noise monitoring which means that the noise consultant would not have been able to determine which noise sources other than the gym were (or were not) in operation. As a result they will not have been able to determine a worse and/or medium case scenario. In addition the noise assessment indicates rating levels of between 19 to 39 dBA. The only way the applicant could possibly address the problem of intrusive noise would be to arrange for the occupants to keep windows closed whilst noise sources in the area are in operation, which is unacceptable.
- 6.29. The applicant has therefore failed to demonstrate that an acceptable living environment will be created as residents will be unduly impacted upon by levels of noise and disturbance. When also factoring in the lack of cluster provision, the limited amount of internal communal space and poor outlook from some studios the proposal fails to create a positive living environment for future occupiers.
- 6.30. Parking and Highway Safety
- 6.31. Policy TP38 of the BDP states that “The development of a sustainable, high quality, integrated transport system, where the most sustainable mode choices also offer the most convenient means of travel, will be supported.” One of the criteria listed in order to deliver a sustainable transport network is ensuring that that land use planning decisions support and promote sustainable travel. Policy TP44 of BDP is concerned with traffic and congestion management. It seeks to ensure amongst other things that the planning and location of new development supports the delivery of a sustainable transport network and development agenda.

- 6.32. The NPPF highlights that decisions should take account of whether opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure; Safe and suitable access to the site can be achieved for all people; and Improvements can be undertaken within the transport network that cost effectively limits the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- 6.33. The Council's Car Parking Guidelines SPD recommends a maximum of 1 space per 5 beds and a minimum of 1 cycle space per 4 beds for purpose built student accommodation. There is no minimum parking provision requirement. The proposal provides cycle storage and 10 off-street parking spaces.
- 6.34. The site is located within a 7 minute walking distance of Selly Oak District Centre and the local facilities that exist there. There are bus stops located along the Bristol Road which have very frequent services into the City Centre. Selly Oak Rail Station is located approximately 550m distant from the site, and again provides frequent rail links to the City Centre. I am therefore satisfied that the site benefits from good public transport links, and is located within easy walking/cycling distance of the University of Birmingham and local facilities at Selly Oak District Centre.
- 6.35. Transportation Development have raised no objection to the proposal noting that the parking provision is greater than typically provided on most schemes within the area.
- 6.36. A Travel Plan will be required to make residents fully aware of the non-car opportunities of travel, this matter can be addressed via condition. Furthermore, it is understood that the lease agreement would prevent students from parking along local roads and within a certain distance of the site. A Student Management Plan will also be required to set out procedures for drop-off/pick up at the start/end of each term to ensure that this is carried out on a phased basis.
- 6.37. Amenity of Existing Residential Occupiers
- 6.38. The closest residential property is 28 Fairgreen Way which is located to the south east of the application site. A car park is located between the application site and No. 28 which provides a separation distance of 16m. This end terraced property has no windows on the side elevation and no habitable windows are located on the side elevation of the proposed development. Furthermore, whilst the proposal is 2 storeys higher, due to the change in levels the student accommodation is only 1.3m higher.
- 6.39. Due to the industrial location no other residential properties are impacted upon therefore the proposal does not impact on the living environment of nearby occupiers.
- 6.40. Trees and Landscaping
- 6.41. Policy TP7 of the BDP seeks to conserve and enhance Birmingham's woodland resource and states that all new development schemes should allow for new tree planting.
- 6.42. The site is predominantly hard surfaced with the only tree cover along the rear boundary. With the all development being either at the front or above the existing

building there is no impact on the current tree stock. The Council's Tree Officer raises no objection identifying that there is the opportunities for additional tree planting which would lead to an enhancement in tree cover overall.

6.43. Drainage

6.44. Policy TP6 of the BDP requires applicants to submit a Sustainable Drainage Assessment and Operation and Maintenance Plan with all major applications. Proposals must demonstrate that the disposal of surface water does not increase flooding elsewhere. Surface water should also be managed in accordance with the drainage hierarchy set out within TP6.

6.45. The Lead Local Flood Authority have objected to the application on the basis that it doesn't meet the minimum requirements of Policy TP6. Key issues include the rate of surface water discharge, insufficient incorporation of SUDS and a failure to provide detailed calculations to show network performance for all events. Details around the operation and maintenance of the drainage scheme have also not been considered sufficiently.

6.46. In summary insufficient information has been provided to demonstrate that the proposal does not increase the risk of surface water run off contrary to policy TP6 of the BDP.

6.47. Other Issues

6.48. The development would be liable for Community Infrastructure Levy (CIL), which I calculate to be in the region of £174,680.

7. Conclusion

7.1. Due to the industrial nature of the cul de sac the principle of purpose built student accommodation is not acceptable in principle. Furthermore, there is a lack of internal communal space, poor accommodation mix and excessive noise and disturbance creating an unacceptable living environment for the proposed occupiers and potential impact on existing businesses. Insufficient information has also been provided in relation to drainage matters. The proposal is therefore contrary to both the BDP and NPPF and I recommend that planning permission is refused.

8. Recommendation

8.1. The application is recommended for refusal.

Reasons for Refusal

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| 1 | By virtue of its siting within an industrial estate the proposal fails to create a safe, secure and welcoming living environment for the proposed occupiers contrary to Policy TP33 of the BDP and the NPPF. |
| 2 | Due to the lack of sufficient internal communal space, lack of variety of accommodation types and poor outlook from units 34,41, 43 and 47 the proposals would create an unacceptable living environment for the intended occupiers contrary |
-

to Policies PG3 and TP33 of the Birmingham Development Plan 2017, saved paragraph 8.24 of the Birmingham Unitary Development Plan 2005 and the National Planning Policy Framework.

- 3 The proposed development of this site for student accommodation would lead to an unacceptable living environment for future occupiers, by reason of noise and general disturbance from the surrounding commercial units and adjacent railway line. As such the proposal would be contrary to Policies GA1 and PG3 of the Birmingham Development Plan 2017, saved paragraph 3.14D of the Birmingham Unitary Development Plan 2005 and the National Planning Policy Framework.
 - 4 Insufficient information has been provided to demonstrate that the development will not exacerbate surface water flooding locally contrary to Policy TP6 of the BDP and the NPPF.
 - 5 No evidence has been provided to justify that the proposed use would not undermine the vitality and viability of remainder of the industrial estate. As such it would be contrary to Policy TP20 of the Birmingham Development Plan 2017, guidance in the Loss of Industrial land to Alternative Uses SPD and the National Planning Policy Framework.
-

Case Officer: Andrew Fulford

Photo(s)

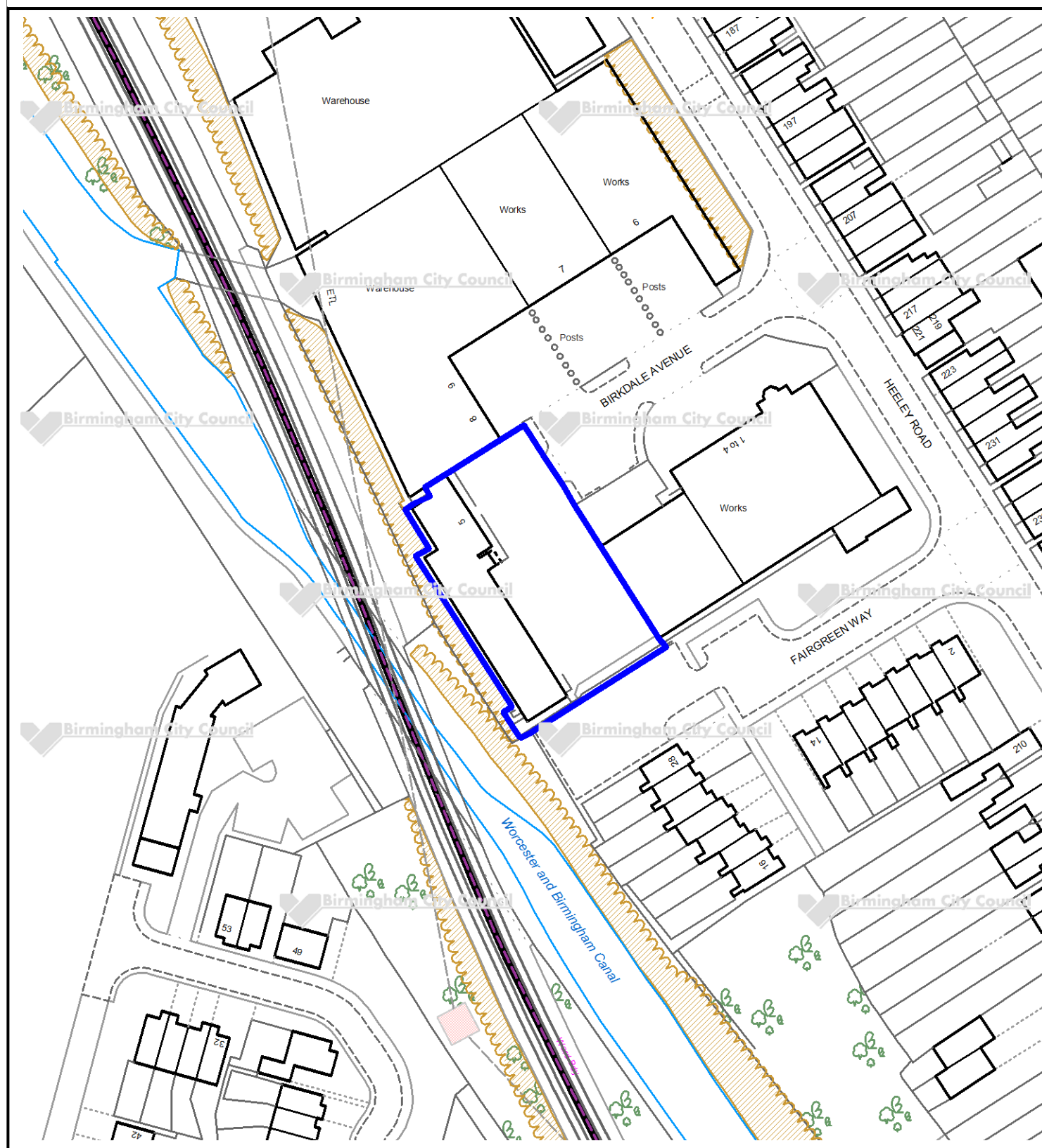


Photo 1: View south west from Birkdale Avenue towards application site



Photo 2: View south from car park of application site towards dwellings on Fairgreen Way

Location Plan



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Committee Date:	13/02/2020	Application Number:	2018/10368/PA
Accepted:	03/04/2019	Application Type:	Outline
Target Date:	14/02/2020		
Ward:	Stirchley		

Land at Hunts Road/Ripple Road, Stirchley, Birmingham, B30

Outline planning application for the development of up to 87 residential dwellings with associated parking, drainage, access and engineering works - All matters reserved except access (amended plans)

Recommendation

Approve Subject to a Section 106 Legal Agreement

1. Proposal

- 1.1. Outline consent is sought for 87 dwellings. All matters are reserved for future consideration except for access. Two accesses are proposed for the development. The main access utilises the existing Hazelwell Lane whilst a secondary access is proposed further south off Hunts Road to 2 dwellings, and parking for 2 other dwellings.
- 1.2. An indicative layout has been provided which indicate a range of detached, semi-detached and terraced properties with the inclusion of some detached garages. The properties which are a maximum of 2 and a half storeys high. The number of bedrooms proposed in each property currently are:
 - 19 x 1 bed;
 - 37 x 2 bed;
 - 22 x 3 bed; and
 - 9 x 4 bed
- 1.3. 11 of the dwellings are proposed to be affordable. The indicative layout shows 98 parking spaces (excluding garages) which equates to 112.6%.
- 1.4. An application (2018/01370/PA) is also under consideration for a retail led development west of the application site. The 2 sites would be connected by a single pedestrian access. There would be no vehicular access connecting the sites.
- 1.5. It is important to note that amended plans were submitted through the lifetime of the application. Initially 82 dwellings were proposed however the adjacent commercial scheme has reduced in size which thereby increased the site area of the residential scheme which provided sufficient land for a further 5 dwellings.
- 1.6. A Design and Access Statement, Heritage Statement, Ecology Survey, Tree Survey, Transport Statement, Planning Statement, Flood Risk Assessment, Viability Appraisal, Noise Assessment, Air Quality Assessment and Drainage Statement have been submitted in support of this application.

- 1.7. Site Area: 2.066ha; Density 42.11dph
- 1.8. [Link to Documents](#)
2. Site & Surroundings
- 2.1. The application site covers approximately 2.06 hectares. The site previously contained a mix of commercial and residential properties but all have been demolished and the site is clear. Currently Hazelwell Lane splits the site into northern and southern parcels. Terraced residential properties are located to the north and south and Hazelwell Park is located to the east. An industrial unit known as Hampton Works is also located to the north. The proposed retail development (2018/10370/PA) is located to the west.
- 2.2. The site falls within the primary shopping area which forms part of Stirchley District Centre, as identified in the City's Shopping and Local Centres Supplementary Planning Document.
- 2.3. [Site Location Plan](#)
3. Planning History
- 3.1. 29 June 2004. Application No. S/01752/02/OUT. Demolition of commercial, leisure, residential and retail premises, construction of Class A1 retail superstore, additional retail units with residential accommodation above, surface level car park, replacement community facilities, replacement social club, alterations to Pershore Road and Hazelwell Street, landscaping and associated works at Hazelwell Lane, Pershore Road, Hunts Road and Hazelwell Street. Outline application submitted on behalf of Tesco - approved.
- 3.2. 12 December 2006. Application no. S/00260/03/OUT. Non-food retail, community and leisure facilities, restaurant, residential development, car parking, servicing and highway works at Hazelwell Lane/Pershore Road, Hunts Road/Hazelwell Street. Outline application with siting and access for consideration submitted by Helical Retail Ltd. - approved.
- 3.3. 29 September 2008. Application no 2007/03727/PA. Renewal of S/01752/02/OUT for; Demolition of commercial, leisure, residential and retail premises, construction of Class A1 retail superstore, additional retail units with residential accommodation above, surface level car park, replacement community facilities, replacement social club, alterations to Pershore Road and Hazelwell Street, landscaping and associated works at Hazelwell Lane, Pershore Road, Hunts Road and Hazelwell Street. Application submitted on behalf of Tesco - approved.
- 3.4. 30 April 2010. Application no 2009/05456/PA. Renewal of S/00260/03/OUT for; Non-food retail, community and leisure facilities, restaurant, residential development, car parking, servicing and highway works at Hazelwell Lane/Pershore Road, Hunts Road/Hazelwell Street. Outline application with siting and access for consideration submitted by Helical Retail Ltd. - approved.
- 3.5. 22 December 2010. Application No. 2010/05404/PA. Application for a new planning permission to replace permission 2007/03727/PA demolition of commercial, leisure, residential and retail premises, construction of Class A1 retail superstore, additional retail units with residential accommodation above, surface level car park,

replacement community facilities, replacement social club, alterations to Pershore Road and Hazelwell Street, landscaping and associated works at Hazelwell Lane, Pershore Road, Hunts Road and Hazewell Street. Application submitted on behalf of Tesco - approved.

- 3.6. 28 November 2013. Application No. 2013/03997/PA. Proposed superstore, offices, shops (Use Class A1), apartments, public spaces, highway alterations - including the stopping up of part of Hazelwell Lane - demolition, and associated works (outline application with consideration of access and siting). Approved.
- 3.7. 26 June 2014. Application No. 2014/02160/PA. Reserved matters application for consideration of appearance, scale and landscaping for Phase 2 of outline approval 2013/03997/PA for construction of a proposed superstore with associated parking & external works and public realm improvements. Approved.
- 3.8. 28 November 2016. Application No. 2016/06335/PA. Minor material amendment to planning application 2013/03997/PA for the erection of a smaller store providing 5697sqm (gross)/4034sqm (net) of floorspace rather than the previously approved 8,359sqm (gross)/4,600sqm (net) floorspace, with associated alterations to layout, including position of access. Approved subject to conditions.
- 3.9. 2 February 2017. Application No. 2016/09029/PA. Reserved Matters application for consideration of appearance, scale and landscaping for Phase 2 of outline approval 2016/06335/PA for construction of proposed superstore with associated parking and external works and public realm improvements - approved

4. Consultation/PP Responses

- 4.1. Severn Trent – No objection subject to a condition regarding the submission of drainage details.
- 4.2. Lead Local Flood Authority – No objection subject to conditions regarding the submission of SUDS and drainage details.
- 4.3. Police – No objection subject to lighting scheme
- 4.4. West Midlands Fire Service – No objection
- 4.5. Regulatory Services – Object on the grounds that noise levels would be excessive for proposed occupiers. Other matters can be dealt with via conditions regarding a contamination remediation scheme, contaminated land verification report and a scheme of lighting.
- 4.6. Transportation – No objection subject to S278 agreement requiring a package of measures including the provision of site access points, reinstatement of redundant footway crossings around the site frontage, provision of cycle connection features to the shared footpath and cycle way through the open space to the east of the site, and any associated highway changes such as lighting, footway improvements and Traffic Regulation Orders.
- 4.7. Local occupiers, Ward Councillors, MP and resident associations were notified. Two site notices and a press notice have been displayed, 11 letters of support have been received raising the following matters:
 - Additional housing is much needed and welcomed;
 - Good mix of house types; and

- Site is currently unattractive and therefore development needs to be completed as quickly as possible
- 4.8. 12 letters of objection have been submitted raising the following matters:
- Sufficient parking is needed;
 - 35% of dwellings should be affordable;
 - Increased traffic is a concern;
 - Increased pollution;
 - Pedestrian route through the site is needed;
 - Strain on existing services e.g. schools and GPs;
 - More tree planting needed;
 - Too many houses squeezed onto the site;
 - Scheme should do more to address climate change;
 - Increased noise;
 - Increased flood risk;
 - Increased soft landscaping provision needed;
 - Garaging and driveways should be removed;
 - Insufficient consultation by applicant; and
 - Possible damage to Hampton Works during construction
- 4.9. The following comments have been received by Councillor Locke:
- Too many houses squeezed onto the site;
 - Local roads are narrow;
 - Historically flooding has occurred in the area;
 - More affordable housing is needed; and
 - The site has been vacant too long
- 4.10. A letter has been received by Steve McCabe MP which makes the following comments:
- The site needs to be redeveloped but this should not be at any cost;
 - Supportive of additional housing;
 - Pedestrian/cycle link through the site is much needed; and
 - Greater proportion of affordable housing is required
5. Policy Context
- 5.1. The following local policies are applicable:
- Birmingham Development Plan (BDP) 2031
 - Birmingham Unitary Development Plan (UDP) Saved Policies 2005
 - Places for Living SPG
 - Stirchley framework SPD
 - Car Parking Guidelines SPD
- 5.2. The following national policies are applicable:
- National Planning Policy Framework (NPPF)
6. Planning Considerations
- 6.1. Principle
- 6.2. The NPPF defines the three dimensions of sustainable development as being economic, environmental and social. The NPPF and appeal decisions have established that there must be very good reasons to resist development if it otherwise constitutes sustainable development. There is also a strong emphasis on

providing new housing, especially at sustainable locations within urban areas. The NPPF seeks to ensure the provision of sustainable development, of good quality, in appropriate locations and sets out principles for developing sustainable communities. The NPPF promotes high quality design and a good standard of amenity for all existing and future occupants of land and buildings. It encourages the effective use of land by utilising brownfield sites and focusing development in locations that are sustainable and can make the fullest use of public transport, walking and cycling. The NPPF seeks to boost housing supply and supports the delivery of a wide choice of high quality homes, with a mix of housing (particularly in terms of type/tenure) to create sustainable, inclusive and mixed communities.

- 6.3. Policy TP28 of the BDP, requires new housing to be; outside flood zones 2 and 3 (unless effective mitigation measures can be demonstrated); served by new or existing infrastructure; accessible to jobs, shops and modes of transport other than the car; capable of remediation; sympathetic to historic, cultural or natural assets; and not in conflict with other specific policies of the plan. In summary this brownfield site is located within flood zone 1, the site is in a good location to deliver sustainable development and substantially boost the supply of housing.
- 6.4. The application site falls within the Primary Shopping Area of Stirchley District Centre as defined within the Shopping and Local Centres SPD. The Hazelwell Lane site is specifically identified within the Stirchley Framework for retail led mixed use development. The local policy framework therefore supports a retail led redevelopment of the site. The extensive planning history highlights that there have been numerous attempts to secure a much larger proportion of the site for retail uses however due to the decline in the retail sector these schemes have not come to fruition. When considered together the 2 applications provide a good mix of residential and retail uses that still deliver a good sized food retail store and the redevelopment of a longstanding brownfield site.
- 6.5. Design
- 6.6. Policy PG3 of the BDP explains that “All new development will be expected to demonstrate high design quality, contributing to a strong sense of place.” It goes on to explain that new development should: reinforce or create a positive sense of place and local distinctiveness; create safe environments that design out crime and make provision for people with disabilities; provide attractive environments that encourage people to move around by cycling and walking; ensure that private external spaces, streets and public spaces are attractive, functional, inclusive and able to be managed for the long term; take opportunities to make sustainable design integral to development; and make best use of existing buildings and efficient use of land.
- 6.7. In addition Policy TP12 is also relevant as it seeks to protect the historic environment. This policy fully accords with the advice in the NPPF. Paragraph 193 of the NPPF indicates that when local planning authorities are considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be.
- 6.8. In this case The Hampton Works (locally listed) is directly adjacent to the site and the British Oak (Grade II listed) is located 75m to the west of the site. It is considered that a residential scheme can be designed that does not harm the setting of these buildings.

- 6.9. Whilst an indicative layout has been provided it is important to remember that the matters of appearance, layout and scale are reserved for future consideration. It is however important to consider whether 87 dwellings can be satisfactorily accommodated on the site whilst respecting the character of the area.
- 6.10. The surrounding residential streets are characterised by traditional terraced properties that generally sit on modest sized plots. Providing 87 dwellings on the site would result in a density of 42 dwellings per hectare. This is broadly similar to that of the surrounding streets. The indicative plan shows that a high proportion of terraced properties are to be located on the Hunts and Ripple Road frontage which is reflective of adjacent properties. The indicative plan presents a layout that reflects the guidance within Places for Living SPG with appropriate garden sizes and sufficient parking.
- 6.11. Subject to an appropriate design, scale and layout it is considered that 87 dwellings could retain the character of the local area.
- 6.12. Residential Amenity
- 6.13. The Places for Living SPG sets out a number of numerical standards which help to ensure that acceptable amenity standards are provided for the occupiers of new dwellings and retained for the occupiers of adjacent properties.
- 6.14. As stated previously, the layout presented is indicative however this does indicate that it should be possible for 87 dwellings to be provided whilst providing appropriate separation distances to both existing adjacent properties and proposed new dwellings. The private gardens shown on the indicative plans meet the minimum standards within Places for Living SPG.
- 6.15. The applicant has undertaken a noise survey that all proposed dwellings will have acceptable internal noise levels in the worst case scenarios if windows are closed. The Noise consultants conclude that additional mitigation can be agreed at reserved matters once a more detailed scheme is finalised. Regulatory Services have objected to the development in relation to the noise impact on the proposed occupiers of the new properties from both existing and proposed noise sources as they consider that occupiers should not have to keep windows closed to achieve acceptable levels of noise and feel that full details of any mitigation should be provided and agreed at outline stage. Regulatory Services have identified the British Oak Public House, Stirchley United Working Men's Club, The Hampton Works and the adjacent proposed retail development as nearby sources of noise. Each noise source has been considered in turn.
- 6.16. The pub garden associated with the British Oak is 46m from the nearest property on the proposed development (plot 44). A number of properties on Hunts Road currently have a much closer relationship with the Public House as they share a boundary with the pub garden. In light of the fact that these terraced properties have co-existed with the pub for many years it is considered that the occupiers of the proposed dwellings would not experience undue noise or disturbance particularly if additional mitigation is provided, including a high level of acoustic glazing.
- 6.17. The Working Men's Club is located on the western boundary of the site and also shares a boundary with a number of properties on Twynning Road. The club has clearly co-existed for a number of years with adjoining residential development. With appropriate mitigation which can be secured by condition it is considered that

an acceptable relationship can be secured for the occupiers of the proposed dwellings closest to the site.

- 6.18. The Hampton Works is a metal works factory that is located on the northern boundary of the application site and is in a residential area. The main factory building is located 5m from the side elevation and private garden of No. 64 Twynning Road. The main building retains a distance of 24m to the shared boundary with the application site. In addition a series of outbuildings are located along the boundary of the metal works site which would help to shield any noise emanating from the main metal works building. In light of the fact that the Hampton Works has co-existed for many years within a residential area it is considered that with appropriate noise mitigation measures an acceptable living environment can be created.
- 6.19. To the west of the application is a vacant site where there are current proposals for a commercial scheme consisting of a food store, gym and 2 further retail units (2018/10370/PA). Importantly the indicative all buildings are located adjacent to the Pershore Road furthest from the proposed residential dwellings. The noisiest element of the scheme is likely to be deliveries to the food store. Importantly the delivery yard is sited 33m from the shared boundary with residential properties. Conditions can also be attached to the retail scheme to limit hours of operation and delivery times. It is therefore considered that an acceptable living environment can be created for the nearest proposed occupiers.
- 6.20. In summary, it is considered that a scheme for 87 dwellings could be accommodated on the site without having an undue amenity impact on the occupiers of adjacent properties and creates an acceptable living environment for the proposed occupiers.
- 6.21. Transportation
- 6.22. Policy TP38 of the BDP requires that development proposals support and promote sustainable travel and TP44 requires new development to support the delivery of a sustainable transport network.
- 6.23. A key consideration here is the accesses proposed to the development via Hunts Road and Hazelwell Lane. The Council's Transportation Officer raises no objection to the location or design of the accesses. Conditions have been recommended to secure improvements to the local highway network through a S278 agreement. These include the provision of site access points, reinstatement of redundant footway crossings around the site frontage, provision of cycle connection features to the shared footpath and cycle way through the open space to the east of the site, and any associated highway changes such as lighting, footway improvements and Traffic Regulation Orders.
- 6.24. Each unit has been provided with a minimum of 1 parking space. Larger properties are shown to have 2 spaces or a garage plus one parking space. In this highly sustainable location with frequent bus services available on the Pershore Road this level of provision is considered to be acceptable.
- 6.25. Concerns have also been raised regarding traffic flow and highway safety within the adjoining local roads of Twynning Road, Ribble Road and Hunts Road. However, taking into account that this is a busy urban environment adjacent to the district centre the additional vehicle movements would not be discernible. In summary there are no reasons to resist the proposal on transportation grounds.
- 6.26. Ecology

- 6.27. The Council has a duty to consider the impact of any proposal on protected species. A Preliminary Ecological Appraisal (PEA) has been submitted in support of the application. The site has been cleared of buildings and provides no suitable habitat for bats, birds or other protected species. The site is in close proximity to the River Rea corridor and adjacent Hazelwell Park which provides habitat for a wide range of species. The Council's Ecologist considers the proposal can have a positive impact on species through conditions requiring ecological enhancements and the provision of bat and bird boxes.
- 6.28. Landscape and Trees
- 6.29. Landscaping will be considered under a future reserved matters application. This vacant derelict site has no landscape features of note. There will be an opportunity to agree appropriate tree, hedge and shrub planting under a future application to hence the site.
- 6.30. Financial Contributions
- 6.31. Due to the size of the scheme contributions towards both affordable housing and public open space are required. Policy TP31 requires 35% of the dwelling should be affordable. A contribution of £282,575 has been requested by Leisure Services to improve and maintain open space facilities at Hazelwell Recreation Ground. A CIL payment charged at £79 per sqm is also required giving a total of £498,442.
- 6.32. A viability appraisal has been submitted with the application. This has indicated that there is no scope for any S106 contributions after the CIL contribution is paid. The appraisal has been reviewed by the Council's Consultants who have concluded that there is scope for 11 affordable units (12.6%) to be provided onsite consisting of a mix of social rented and shared ownership properties. The applicants have agreed to provide this level of affordable housing. It is considered this provision should be a priority over the open space contribution, given the large area of existing open space to the east, known as Hazelwell Park.
- 6.33. Other Considerations
- 6.34. Concerns have been raised over air quality and noise arising from the development. No issues were raised by Regulatory Services in relation to these matters. The site is not located in area where air pollution is identified to be a major concern. Any noise associated with the development would be primarily confined to the construction period which is temporary in nature.

7. Conclusion

- 7.1. The proposed development would be in accordance with, and would meet policy objectives and criteria set out in, the BDP and the NPPF. The access for 87 dwellings is considered to be acceptable and the scheme would contribute towards the city's housing requirements and be a positive addition to the regeneration of Starchley. It is considered that the matters of appearance, landscaping, layout and scale can be satisfactorily addressed at reserved matters stage. Therefore the proposal would constitute sustainable development and it is recommended that outline planning permission is granted.

8. Recommendation

- 8.1. That consideration of planning application 2018/10368/PA be deferred pending the completion of a planning obligation agreement to secure the following:

- a) The on-site provision of 11 affordable houses; and
 - b) Payment of a monitoring and administration fee associated with the legal agreement of £1500.
- 8.2 In the absence of a suitable planning obligation agreement being completed to the satisfaction of the Local Planning Authority on or before 13th March 2020 the planning permission be refused for the following reasons:
- a) In the absence of any suitable legal agreement to secure a financial contribution towards off site affordable housing the proposal would be contrary to TP31 of the Birmingham Development Plan and NPPF.
- 8.3 That the City Solicitor be authorised to prepare, seal and complete the planning obligation.
- 8.4 That in the event of the planning obligation being completed to the satisfaction of the Local Planning Authority on or before 13th March 2020, favourable consideration be given to this application subject to the conditions listed below agreement.

1	Requires the scheme to be in accordance with the listed approved plans
2	Requires the submission of reserved matter details following an outline approval
3	Requires the submission of sample materials in a phased manner
4	Requires the prior submission of contamination remediation scheme on a phased basis
5	Requires the submission of a contaminated land verification report
6	Requires the prior submission of a sustainable drainage scheme
7	Requires the prior submission of a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan
8	Requires the submission of a scheme for ecological/biodiversity/enhancement measures on a phased basis
9	Requires the prior submission of details of bird/bat boxes
10	Requires the prior submission of a construction ecological mitigation plan
11	Requires the submission a Noise Insulation Scheme to establish residential acoustic protection
12	Secures noise and vibration levels for habitable rooms
13	Requires the submission of hard and/or soft landscape details
14	Requires the submission of hard surfacing materials
15	Requires the prior submission of earthworks details in a phased manner

-
- 16 Requires the submission of boundary treatment details in a phased manner
 - 17 Requires the submission of a landscape management plan
 - 18 Requires the submission of a lighting scheme in a phased manner
 - 19 Requires the prior submission of a construction method statement/management plan
 - 20 Requires the prior submission level details on a phased manner
 - 21 Requires the submission and completion of works for the S278/TRO Agreement
 - 22 retention of access for bowling green
 - 23 Submission of low and zero carbon energy generation details
 - 24 Implement within 3 years (outline)
-

Case Officer: Andrew Fulford

Photo(s)

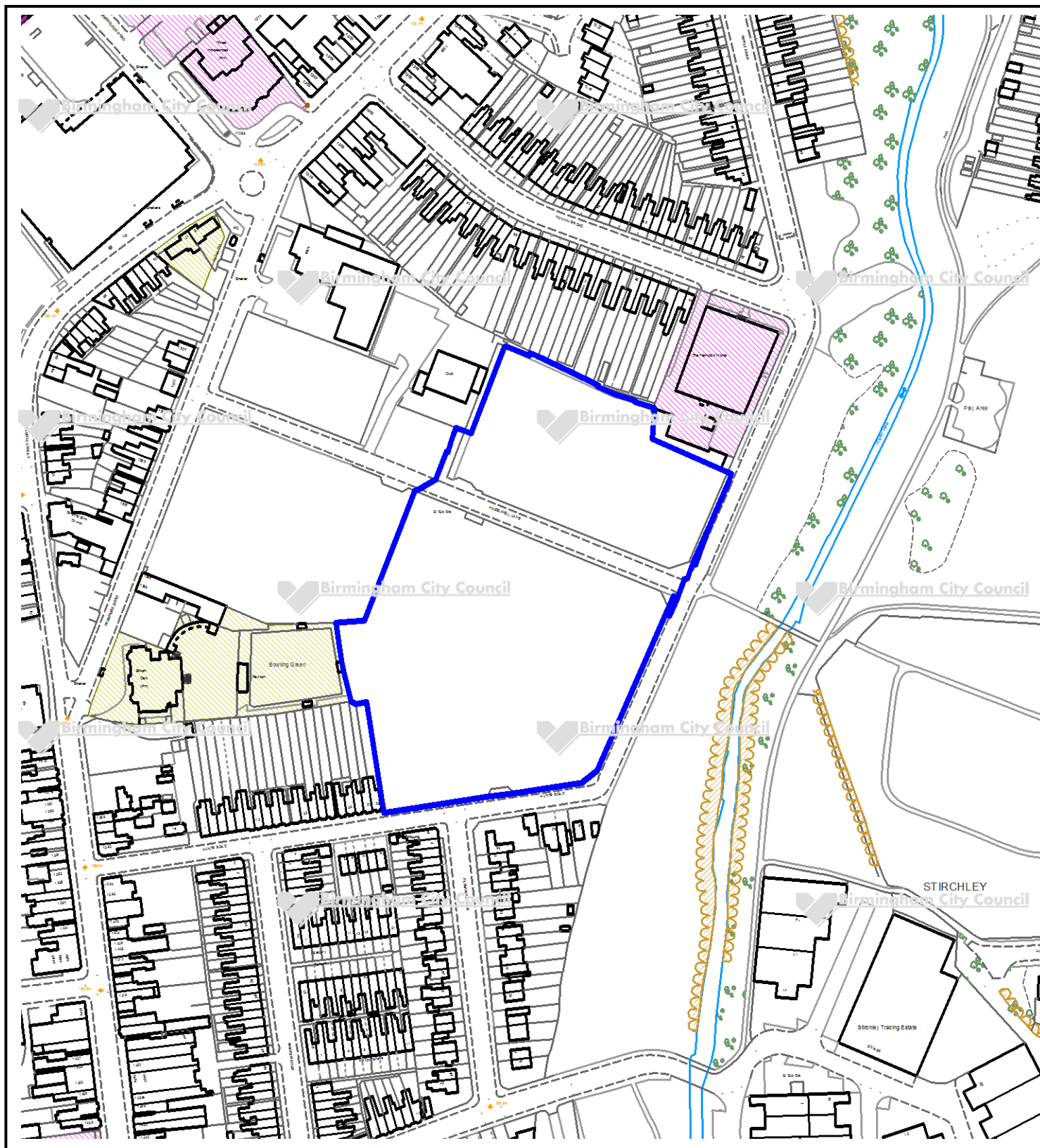


Photo 1: View west across the site from Ripple Road



Photo 2: View north across the site from Hunts Road

Location Plan



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Committee Date:	13/02/2020	Application Number:	2018/10370/PA
Accepted:	01/11/2019	Application Type:	Outline
Target Date:	14/02/2020		
Ward:	Stirchley		

Land at Hazelwell Lane, Stirchley, Birmingham, B30

Outline planning application for the construction of 1 no. retail food store (Use Class A1), a gym (Use Class D2) and other retail unit(s) (Use Class A1) with associated parking, engineering, drainage and infrastructure works and provision of area of public open space - All matters reserved except access

Recommendation

Approve subject to Conditions

1. Proposal

- 1.1. Outline planning consent is sought for a commercial development consisting of a 4 units as follows:
 - Food retail store (Class A1) with a floor area of 1,865sqm;
 - Gymnasium (Class D2) with a floor area of 950sqm; and
 - 2 further retail units (Class A1) each covering 138sqm.
- 1.2. All matters are reserved with the exception of access. A single vehicular access would be provided into the site from the Pershore Road which utilises the route of Hazelwell Lane. This provides a single lane to enter the site and a single lane to exit. A pedestrian route has also been provided through the site. A possible layout of the site has been provided however this is only indicative and is only for the purpose of showing that the uses applied for can be accommodated on the site. A triangular parcel of land located south of Stirchley Community Church has been included within the redline and this will be utilised as public open space.
- 1.3. An application (2018/01368/PA) is also under consideration for a residential development for up to 87 dwellings adjacent to the east of the application site. The sites would be connected by a single pedestrian access. There would be no vehicular access connecting the sites.
- 1.4. It is important to note that amended plans were submitted through the lifetime of the application. The amended plans resulted in the loss of a proposed drive-through restaurant and increase in the size of the adjacent proposed residential development. The red line boundary was also expanded at this stage to incorporate the triangular parcel land at the junction of Hazelwell Street and Pershore Road which is proposed as open space.
- 1.5. A Design and Access Statement, Heritage Statement, Ecology Survey, Noise Survey, Tree Survey, Transport Statement, Planning Statement, Flood Risk Assessment and Drainage Statement have been submitted in support of this application.

1.6. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site covers approximately 1.35 hectares. The site previously contained a mix of commercial and residential properties but these have all been demolished and the site is clear. Currently Hazelwell Lane splits the site into northern and southern parcels. The British Oak PH (Grade II listed) and its associated bowling green are located to the south of the site with a Working Mens Club and funeral directors located to the north. There are a range of commercial premises located on the opposite side of the Pershore Road with the proposed residential development (2018/10368/PA) located to the east.
- 2.2. The site falls within the primary shopping area which forms part of Stirchley District Centre, as identified in the City's Shopping and Local Centres Supplementary Planning Document.
- 2.3. [site location plan](#)

3. Planning History

- 3.1. 29 June 2004. Application No. S/01752/02/OUT. Demolition of commercial, leisure, residential and retail premises, construction of Class A1 retail superstore, additional retail units with residential accommodation above, surface level car park, replacement community facilities, replacement social club, alterations to Pershore Road and Hazelwell Street, landscaping and associated works at Hazelwell Lane, Pershore Road, Hunts Road and Hazelwell Street. Outline application submitted on behalf of Tesco - approved.
- 3.2. 12 December 2006. Application no. S/00260/03/OUT. Non-food retail, community and leisure facilities, restaurant, residential development, car parking, servicing and highway works at Hazelwell Lane/Pershore Road, Hunts Road/Hazelwell Street. Outline application with siting and access for consideration submitted by Helical Retail Ltd. - approved.
- 3.3. 29 September 2008. Application no 2007/03727/PA. Renewal of S/01752/02/OUT for; Demolition of commercial, leisure, residential and retail premises, construction of Class A1 retail superstore, additional retail units with residential accommodation above, surface level car park, replacement community facilities, replacement social club, alterations to Pershore Road and Hazelwell Street, landscaping and associated works at Hazelwell Lane, Pershore Road, Hunts Road and Hazelwell Street. Application submitted on behalf of Tesco - approved.
- 3.4. 30 April 2010. Application no 2009/05456/PA. Renewal of S/00260/03/OUT for; Non-food retail, community and leisure facilities, restaurant, residential development, car parking, servicing and highway works at Hazelwell Lane/Pershore Road, Hunts Road/Hazelwell Street. Outline application with siting and access for consideration submitted by Helical Retail Ltd. - approved.
- 3.5. 22 December 2010. Application No. 2010/05404/PA. Application for a new planning permission to replace permission 2007/03727/PA demolition of commercial, leisure, residential and retail premises, construction of Class A1 retail superstore, additional retail units with residential accommodation above, surface level car park,

replacement community facilities, replacement social club, alterations to Pershore Road and Hazelwell Street, landscaping and associated works at Hazelwell Lane, Pershore Road, Hunts Road and Hazewell Street. Application submitted on behalf of Tesco - approved.

- 3.6. 28 November 2013. Application No. 2013/03997/PA. Proposed superstore, offices, shops (Use Class A1), apartments, public spaces, highway alterations - including the stopping up of part of Hazelwell Lane - demolition, and associated works (outline application with consideration of access and siting). Approved.
- 3.7. 26 June 2014. Application No. 2014/02160/PA. Reserved matters application for consideration of appearance, scale and landscaping for Phase 2 of outline approval 2013/03997/PA for construction of a proposed superstore with associated parking & external works and public realm improvements. Approved.
- 3.8. 28 November 2016. Application No. 2016/06335/PA. Minor material amendment to planning application 2013/03997/PA for the erection of a smaller store providing 5697sqm (gross)/4034sqm (net) of floorspace rather than the previously approved 8,359sqm (gross)/4,600sqm (net) floorspace, with associated alterations to layout, including position of access. Approved subject to conditions.
- 3.9. 2 February 2017. Application No. 2016/09029/PA. Reserved Matters application for consideration of appearance, scale and landscaping for Phase 2 of outline approval 2016/06335/PA for construction of proposed superstore with associated parking and external works and public realm improvements – approved
- 3.10. Application No. 2018/10368/PA. Outline planning application for the development of up to 87 residential dwellings with associated parking, drainage, access and engineering works - All matters reserved except access – Awaiting decision

4. Consultation/PP Responses

- 4.1 Severn Trent – No objection subject to a condition regarding the submission of drainage details.
- 4.2 Lead Local Flood Authority – No objection subject to conditions regarding the submission of surface water drainage scheme and a Sustainable Drainage Operation and Maintenance Plan.
- 4.3 Police – No objection
- 4.4 West Midlands Fire Service – No objection
- 4.5 Regulatory Services – No objection subject to conditions regarding a contamination remediation scheme, contaminated land verification report, noise levels for plant and machinery, noise and vibration assessment, open hours, delivery times and a scheme of lighting.
- 4.6 Transportation – No objection subject to S278 agreement. The package of measures shall include provision of site access, widened footway on the Pershore Road, reinstatement of redundant footway crossings along with off-site improvements including signal controlled pedestrian crossing facilities on Pershore Road and Hazelwell Lane, and associated Traffic Regulation Order amendments.

- 4.7 Local occupiers, Ward Councillors, MP and resident associations were notified. Two site notices and a press notice have been displayed. In total 115 responses have been received provided a range of views on the application. 60 letters of objection received raising the following matters:
- Already too many restaurants in Stirchley;
 - Drive-through will increase traffic and queuing;
 - Increased litter;
 - Increased traffic;
 - Highway safety is already a major concern;
 - Increased air and noise pollution;
 - Fast food outlet will further fuel obesity crisis and damage environment;
 - Provision of fast food restaurant is backwards step for Stirchley bringing 24/7 disruption, anti-social behaviour and pollution;
 - There are already other fast food chain restaurants within a short drive;
 - Harmful impact on the character of the area;
 - Vehicular route through site should be retained;
 - Greater connectivity needed through the site;
 - No need for further food retail;
 - Too close to primary school for fast food restaurant;
 - Negative impact on the independent businesses within Stirchley;
 - Insufficient green space provided;
 - Development could harm the existing supermarket in Stirchley;
 - Negative impact upon local house prices;
 - Damage to the sense of community within Stirchley;
 - Working Mens club will be hidden behind foodstore;
 - Detrimental impact on Working Mens club through loss of trade; and
 - Loss of privacy will occur;
- 4.8 A 40 comments have been received which support the principle of the redevelopment but have raised the following matters:
- Scheme could be more sustainable;
 - A larger food store would have been preferable;
 - Innovate retailers with a zero waste philosophy would be preferred; and
 - Impact on trees;
 - Better connectivity needed;
 - Parking needs to be carefully managed in and around the site
 - More smaller units needed;
 - Housing should have been included;
 - Additional soft landscaping needed;
 - High quality surface materials needed;
 - Site has been vacant too long; and
 - Coffee shop should be included
- 4.9 16 letters of support have been received stating:
- Provision of gym is supported
 - Discount food store is supported;
 - Removal of fast food restaurant is welcomed;
 - Smaller retail units are supported as long as rents are affordable;
 - Redevelopment is much needed;
 - Creation of jobs;
 - Development will impact positively on Stirchley; and
 - Development should be implemented promptly;

- 4.10 An objection has been received from the Sustainable Stirchley Community Group raising the following matters:
- Harmful to the character of the area; and
 - Another supermarket is not needed;
- 4.11 Comments have been received from Stirchley Neighbourhood Forum raising the following matters:
- Insufficient pre-application consultation by applicant;
 - Removal of drive-through restaurant is supported;
 - Pedestrian access through the site is supported;
 - Vehicular access is too wide;
 - Public art should be incorporated into the scheme;
 - The proposal provides a retail park which will damage local independent businesses;
 - Discount supermarket is supported;
 - Gym is supported providing it is affordable;
 - Concerns that gym frontage will not be attractive;
 - Parking provision supported;
 - Easy pedestrian access needed to triangle site;
 - Rents on small retail units need to be affordable
 - The Working Men's Club should be visible from Pershore Road;
 - Safe pedestrian access should be provided through development; and
 - Smaller retail units are supported providing that they don't impact on the British Oak PH
- 4.12 A letter has been received by Steve McCabe MP which makes the following comments:
- The site needs to be redeveloped but this should not be at any cost;
 - A soulless retail park is not required in Stirchley;
 - There is support for discount supermarket that provides greater choice to residents;
 - A new gym is supported as long as it is affordable;
 - 2 smaller retail units are also supported;
 - Strongly object to fast food restaurant due to obesity crisis and proximity of other fast food restaurants;
 - Working Men's Club is hidden behind food store. It should be more prominently located and have a separate access;
 - Parking provision should benefit whole community with 3 hours free parking; and
 - The triangle should be turned into an area of public open space;
- 4.13 The following comments have been received from Councillor Locke:
- The opening up of Hazelwell Road is supported;
 - Supermarket and gym are welcomed;
 - Development has taken too long to come forward; and
 - Lack of public consultation by applicant

5. Policy Context

The following local policies are applicable:

- Birmingham Development Plan (BDP) 2031
- Birmingham Unitary Development Plan (UDP) Saved Policies 2005

- Places for Living SPG
- Places for All SPG
- Shopping and Local Centres SPD
- Stirchley Framework SPD
- Car Parking Guidelines SPD

- 5.2 The following national policies are applicable:
- National Planning Policy Framework (NPPF)

6. Planning Considerations

- 6.1. I consider the key planning issues to be considered are: the principle of the development; the impact on character; the impact on residential amenity; the impacts on traffic and highway safety; the impact on ecology; and the impact on Landscape and Trees.
- 6.2. Principle of Development
- 6.3. There is an extensive planning history to the site which indicates there has been a number of approvals for retail led mixed use developments. Whilst there are no prospect of any these approvals being implemented, it does indicate that such schemes are in principle acceptable on the site.
- 6.4. It is important to note that since the most recent approval in 2016 there have been changes in both national and local policy through the publication of a new version of the NPPF in 2019 and the adoption of the Birmingham Development Plan in 2017. However, the change in policy documents has not resulted in a shift in policy in relation to retail-led developments within District Centres. In this case the level of retail development has reduced from 5697sqm on 2016/06335/PA to 2141sqm on this current application. This is a reduction of 62.4%.
- 6.5. Paragraph 86 of the NPPF emphasises that main town centre uses should be located within defined centres, and if edge of centre or out of centre locations are proposed a sequential test is required.
- 6.6. Paragraph 85 of the NPPF highlights that local planning authorities should identify a hierarchy of centres and identify the extent of such areas including primary shopping areas. The Council has undertaken this task through the publication of the Shopping and Local centres SPG. The site is situated within the Primary Shopping Area (PSA) of Stirchley District Centre. The Hazelwell Lane site is specifically identified within the Stirchley Framework SPG for retail led mixed use development. The local policy framework therefore supports a retail led redevelopment of the site. The extensive planning history highlights that there have been numerous attempts to secure a much larger proportion of the site for retail uses however due to the decline in the retail sector these schemes have not come to fruition. When considered together the 2 applications provide a good mix of residential and retail uses that still deliver a good sized food retail store and the redevelopment of a longstanding brownfield site.
- 6.7. It is noted that the drive through restaurant has been removed from the proposal which is welcomed. This had generated a significant level of objection.
- 6.8. Character Impact

- 6.9. Policy PG3 of the BDP explains that “All new development will be expected to demonstrate high design quality, contributing to a strong sense of place.” It goes on to explain that new development should: reinforce or create a positive sense of place and local distinctiveness; create safe environments that design out crime and make provision for people with disabilities; provide attractive environments that encourage people to move around by cycling and walking; ensure that private external spaces, streets and public spaces are attractive, functional, inclusive and able to be managed for the long term; take opportunities to make sustainable design integral to development; and make best use of existing buildings and efficient use of land.
- 6.10. In addition Policy TP12 is also relevant as it seeks to protect the historic environment. This policy fully accords with the advice in the NPPF. Paragraph 193 of the NPPF indicates that when local planning authorities are considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be.
- 6.11. In this case there are a number of heritage assets which have a level of intervisibility with the application site. These include 4 grade II listed buildings (The British Oak, 15-17 Hazelwell Street, Stirchley Public Baths and Stirchley Library) and 3 locally listed buildings (Hampton Works, The Three Horseshoes and Ten Acre Works). The most greatly affected will be The British Oak PH which is directly adjacent to the site.
- 6.12. As this application merely seeks to secure the access it is not possible to determine whether harm would be caused to the setting of these heritage assets. Consequently the Council’s Conservation Officer does not object to this outline application.
- 6.13. Stirchley has a traditional High Street consisting of Victorian terraced properties although there are examples of larger retail units such as the nearby Co-op food store. An indicative layout has been provided which shows a food retailer, gym and 2 further retail units located at the front of the site which provides a strong visual presence on the Pershore Road. This indicative layout indicates that this array of uses in the sizes proposed can fit comfortably within the site whilst providing sufficient space for car parking, manoeuvring and pedestrian access.
- 6.14. In summary it is possible for a scheme to be designed that does not unduly impact on the setting of the historic assets or detract from the character of the area.
- 6.15. Residential Amenity
- 6.16. The Places for Living SPG sets out a number of numerical standards which help to ensure that acceptable amenity standards are retained for the occupiers of adjacent properties.
- 6.17. The closest existing residential properties are the terraced houses on the opposite side of the Pershore Road. Due to the level of separation there appears to be scope for the commercial development to be accommodated without undue impact in terms of a loss of light or overbearingness.
- 6.18. It is also important to consider the impact on the occupiers of the adjacent proposed residential scheme which is currently under consideration (2018/10368/PA). If approved and constructed there would be dwellings located adjacent to the eastern boundary of the site. Importantly the indicative plans show that all buildings are

located adjacent to the Pershore Road furthest from the proposed residential dwellings. The noisiest element of the scheme is likely to be deliveries to the food store. The delivery yard is sited 33m from the shared boundary with residential properties. It is recommended that conditions are attached to any approval to limit hours of operation and delivery times.

- 6.19. It is acknowledged that a development of this nature will increase activity within the area in both the daytime and evening. However, it must be remembered that in a District Centre with a public house adjacent this is not a quiet location.
- 6.20. In summary it is considered that the proposal will not unduly impact on the amenity levels experienced by the occupiers of nearby properties.
- 6.21. Traffic and Highway Safety
- 6.22. Policy TP38 of the BDP states that “The development of a sustainable, high quality, integrated transport system, where the most sustainable mode choices also offer the most convenient means of travel, will be supported.” One of the criteria listed in order to deliver a sustainable transport network is ensuring that land use planning decisions support and promote sustainable travel. Policy TP44 of BDP is concerned with traffic and congestion management. It seeks to ensure amongst other things that the planning and location of new development supports the delivery of a sustainable transport network and development agenda.
- 6.23. The site is in a sustainable location within Stirchley District Centre and is in close proximity to bus routes that provide direct access to the City Centre. Provision has been made for 223 parking spaces on the indicative site layout. However the number of spaces is not fixed at this stage.
- 6.24. The proposal utilises Hazelwell Lane for pedestrian, cycle and vehicular access. This route connects to the adjacent residential development that is currently under consideration (2018/10368/PA). This enables direct pedestrian/cycle access between the Pershore Road and Hazelwell Park.
- 6.25. Concerns were initially raised over the size and location of the access. Following the submission of amended plans Transportation have raised no objection to the scheme subject to a condition requiring a S278 agreement. The package of measures will include provision of site access, widened footway on the Pershore Road, reinstatement of redundant footway crossings along with off-site improvements including signal controlled pedestrian crossing facilities on Pershore Road and Hazelwell Lane, and associated Traffic Regulation Order amendments. Consequently it is considered that the proposal will not have an adverse impact on the highway network.
- 6.26. Impact on Ecology
- 6.27. The Council has a duty to consider the impact of any proposal on protected species. A Preliminary Ecological Appraisal (PEA) has been submitted in support of the application. The site has been cleared of building and provides no suitable habitat for bats, birds or other protected species. The site is in close proximity to the River Rea corridor and adjacent Hazelwell Park which provides habitat for a wide range of species. The Council's Ecologist considers can have a positive impact on species through conditions requiring ecological enhancements and the provision of bat and bird boxes.

6.28. Landscape and Trees

- 6.29. The vacant derelict site has no landscape features of note. The proposal introduces an area of public open at the junction of Hazelwell Street and Pershore Road. This area has lay derelict of a number of years and is therefore considered to be a substantial benefit of the scheme. To secure its delivery a condition is recommended to ensure its completion prior to the opening of any retail units. Subject to the inclusion of appropriate conditions there are opportunities to deliver enhancements to this site in terms of tree and hedge planting and the provision of grassed areas.

6.30. Sustainability

- 6.31. The Birmingham Development Plan places great emphasis on improving the quality of the City's environment, ensuring sustainable development and tackling climate change. Policy TP3 seeks to secure sustainable construction and in the case of non-residential development aim to meet BREEAM standard excellent. Policy TP4 expects major development to incorporate low and zero carbon energy generation.

- 6.32. A Sustainable Construction Statement and an Energy Statement has been submitted with this application. These indicate that the buildings will be as energy efficient as possible however with the application only being outline and the occupiers not confirmed it is not possible to confirm precisely what BREEAM standard can be met at this stage. It is considered that this matter can be dealt by condition to ensure further details are submitted at reserved matters stage.

6.33. Other Matters

- 6.34. Concerns have been raised over the impact on the Stirchley United Working Men's Club which is located to the north of the site. Importantly a pedestrian and vehicular access is retained to the building and this will be further secured by planning condition. The building did not previously have a presence on Pershore Road thereby limited its prominence. Whilst only indicative, the plans show a substantial gap between units 1 and 2 meaning that the building would be visible from the Pershore Road. It is therefore considered that the proposal is unlikely to have a significant impact on the social club.

7. Conclusion

- 7.1. This is outline application with all matters reserved accept access. The proposed development would be in accordance with, and would meet policy objectives and criteria set out in, the BDP and the NPPF. The principle of retail-led mixed use scheme within a District Centre is supported and would be a positive addition to the regeneration of Stirchley. The scheme is acceptable in highways terms and subject to a suitable design, scale and layout the proposal could be acceptable in terms of design, amenity, landscape and ecology considerations. It would redevelop a long term vacant site and consequently the proposal would constitute sustainable development and it is recommended that planning permission is granted.

8. Recommendation

- 8.1. Approve subject to conditions

-
- 1 Requires the scheme to be in accordance with the listed approved plans
 - 2 Requires the submission of reserved matter details following an outline approval
 - 3 Requires the submission of sample materials in a phased manner
 - 4 Limits the hours of operation for A1 uses between 8am to 10pm Monday to Saturday and 10pm to 4pm on Sundays
 - 5 Limits delivery time of goods to or from the site from 7am to 7pm Monday to Saturday and 9am to 5pm on Sundays
 - 6 Requires the prior submission of a construction ecological mitigation plan on a phased basis
 - 7 Requires the submission of a scheme for ecological/biodiversity/enhancement measures on a phased basis
 - 8 Requires the prior submission of details of bird/bat boxes
 - 9 Limits the noise levels for Plant and Machinery
 - 10 Requires the submission of hard and/or soft landscape details
 - 11 Requires the submission of hard surfacing materials
 - 12 Requires the prior submission of earthworks details in a phased manner
 - 13 Requires the submission of boundary treatment details in a phased manner
 - 14 Requires the submission of a landscape management plan
 - 15 Requires the submission of a lighting scheme
 - 16 Requires the prior submission level details on a phased manner
 - 17 Requires the submission of a CCTV scheme
 - 18 Requires the submission and completion of works for the S278/TRO Agreement
 - 19 Requires the prior submission of a construction method statement/management plan
 - 20 Requires the submission of details of the sound insulation for plant/machinery
 - 21 Requires the submission of extraction and odour control details in a phased manner
 - 22 Noise and Vibration Assessment
 - 23 Limits the hours of operation for the gym (D2 use) to 8am to 10pm Monday to Sunday
 - 24 Completion of triangular parcel of open space prior to operation of A1 and D2 use
 - 25 Requires the prior submission of a sustainable drainage scheme in a phased manner
-

-
- 26 Requires the submission prior to occupation of the properties of a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan
 - 27 retention of access for Stirchley United Working Mens Club
 - 28 Submission of details to secure BREEAM standards
 - 29 Submission of low and zero carbon energy generation details
 - 30 Implement within 3 years (outline)
-

Case Officer: Andrew Fulford

Photo(s)

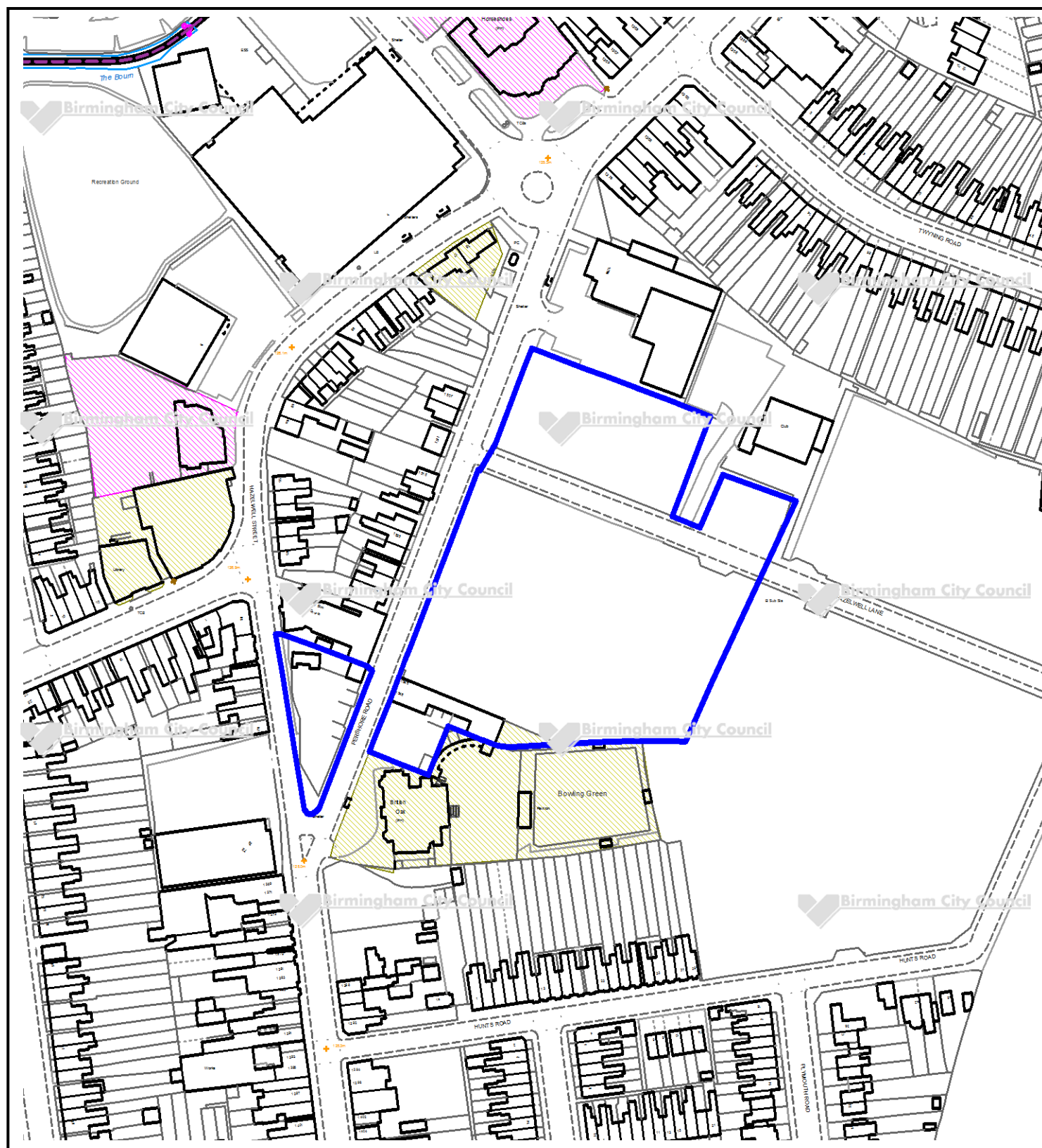


Photo 1: View from Pershore Road looking North East across the site with the British Oak PH in the foreground



Photo 2: View from Hazelwell Lane looking east across the site with Stirchley United Working Men's Club in the background

Location Plan



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Committee Date:	13/02/2020	Application Number:	2019/10462/PA
Accepted:	18/12/2019	Application Type:	Full Planning
Target Date:	12/02/2020		
Ward:	Stirchley		

1826 Pershore Road, Stirchley, Birmingham, B30 3AU

Change of use of ground floor from retail (Use Class A1) to hot food take-away (Use Class A5), erection of single storey rear extension, installation of extraction flue, security shutters, external staircase and alterations to first floor

Recommendation

Approve subject to Conditions

1. Proposal

- 1.1. This application seeks planning consent for a change of use from retail (Use Class A1) to a hot food takeaway (Use Class A5), erection of single storey rear extension, installation of extraction flue, security shutters, external staircase and alterations to first floor at 1826 Pershore Road.
- 1.2. The unit was previously in use as a window frame retailers (Use Class A1) and has been vacant since 2014.
- 1.3. A single storey rear extension would be built to provide additional ground floor space. The ground floor would be altered to provide: a seating area, serving area, preparation area and WC. Two new windows would be inserted into the side elevation on the ground floor.
- 1.4. On the first floor, the existing two bedroom flat would be altered internally with one of the bedrooms converted from a bedroom to a store. Access to the flat would be altered with a new external staircase built at the rear accessed off Holly Road. The flat would be occupied by the manager of the proposed hot food takeaway.
- 1.5. An extraction flue is proposed at the rear of the building extending out of the single storey extension. The extraction flue would measure 5m in height and 0.4m in width.
- 1.6. The proposed opening hours would be 10:00 – 23:00 daily and would employ 4 full-time staff.
- 1.7. No vehicle parking is proposed.
- 1.8. The proposed development does not attract a CIL contribution.
- 1.9. This is a re-submission of a previously refused planning application ref: 2019/07331/PA which was refused due to the positioning of the proposed extraction system and the impact it would have on visual and residential amenity.

1.10. [Link to Documents](#)

2. [Site & Surroundings](#)

2.1. The application relates to the ground floor of a two storey end of terrace property. The ground floor consists of a vacant commercial unit with residential on the upper floor. The property sits within a parade adjoined by five properties consisting of various A1 uses with residential above. To the north of the site, there are residential dwellings.

2.2. The site is within Cotteridge Neighbourhood Centre and outside of the Primary Shopping Area.

2.3. [Site Location Plan](#)

3. [Planning History](#)

3.1. 31/10/2019 – 2019/07331/PA - Change of use from retail (Use Class A1) to hot food take-away (Use Class A5), erection of single storey rear extension, installation of extraction flue, security shutters and external staircase – Refused on the following grounds: The height, siting and appearance of the proposed extraction flue would be detrimental to the visual amenity of the surrounding area and the installation of the extraction flue in its proposed location would have an adverse impact on light and outlook to the first floor flat.

4. [Consultation/PP Responses](#)

4.1. Transportation Development – No objection.

4.2. Regulatory Services – No objection subject to conditions requiring residential occupancy tied to the commercial unit and hours of operation restricted to 10:00 – 23:00 daily.

4.3. West Midlands Police – No objection.

4.4. Neighbouring residents, Ward Councillors and Residents Associations have been consulted and a site notice has been displayed. 7 objections from local residents raising concerns regarding:

- Existing number of takeaways in the area
- Increase in parking
- Increase in litter
- Increase vermin and odours

4.5. One comment of support from a local resident who welcomes the application.

5. [Policy Context](#)

5.1. Relevant Local Planning Policy:

- Birmingham Development Plan (BDP)

- Birmingham Unitary Development Plan (UDP) Saved Policies
- Shopping and Local Centres SPD
- Places for Living SPG

5.2. Relevant National Planning Policy:

- National Planning Policy Framework (NPPF)

6. Planning Considerations

- 6.1. The NPPF confirms there is a presumption in favour of sustainable development. Paragraph 80 of the NPPF states that significant weight should be placed on the need to support economic growth, taking into account both local business needs and wider opportunities for development.
- 6.2. Policy TP23 of the Birmingham Development Plan promotes a diverse range of facilities and uses within centres to meet people's daily needs, which is consistent with the scale and function of the centre. Proposals which will make a positive contribution to the diversity and vitality of these centres will be encouraged, particularly where they can help bring vacant buildings back into positive use.
- 6.3. Saved Policies 8.6 and 8.7 of the Birmingham Unitary Development Plan (UDP) identifies that hot food shops and restaurants should generally be confined to shopping areas or areas of mixed commercial development due to amenity issues such as late night opening, noise, disturbance, smell and litter and their impact on traffic generation.
- 6.4. The main considerations in the determination of this application are the principle of the development, impact of the proposal on residential and visual amenity, the impact on highway safety and parking.

Principle of Use

- 6.5. The application site is located within Cotteridge Neighbourhood Centre. Whilst the proposal would result in the loss of an A1 unit, the application site is outside of the Primary Shopping Area.
- 6.6. Policy 4 of the Shopping and Local Centres SPD states that in order to avoid an over concentration of hot food takeaways in Neighbourhood Centres, no more than 10% of units within the centre shall consist of hot food takeaways. A local centres survey update to Cotteridge Neighbourhood Centre identified that 9.02% of units within the centre were in A5 use. Following the proposal this would increase to 9.76%, which would be below the 10% threshold. I note concerns have been raised about the over-supply of A5 uses locally; as the proposal would not exceed the 10% threshold, the application could not be refused on this basis.
- 6.7. Policy 5 of the Shopping and Local Centres SPD states that applications for new A3, A4 and A5 uses are encouraged within the local centres, subject to over concentration or over clustering. The application property sits within a small commercial parade consisting of various A1 uses, there are no other A3/A4/A5 uses within the frontage as such I consider the proposal would not result in an over-concentration of such uses. On this basis, the application is acceptable in principle and is unlikely to have an adverse impact upon the vitality and viability of the local centre. The proposal would bring a long vacant unit back into use which would

enhance the vitality of the centre and increase the sustainability through the diversity of the area.

Impact on Residential Amenity

- 6.8. The nearest residential accommodation would be located on the first floor of application property. The Agent has confirmed that the flat would be occupied by the manager of the ground floor unit. To mitigate any noise impacts on residential amenity, Regulatory Services have requested a condition requiring the first floor flat to be occupied in conjunction with the use of the premises below. I consider this would not be reasonable or easily enforceable. Regulatory Services have also requested restrictions on the opening hours of the hot food takeaway to 10:00 –23:00 daily; I consider this condition to also be acceptable. Subject to this safeguarding condition, I consider that the proposal would not have a detrimental impact on residential amenity.
- 6.9. The previous application ref: 2019/07331/PA was refused as it was considered that the proposed extraction system would result in loss of light and outlook to the residential occupier of the flat above, as it was positioned directly adjacent to a habitable room window. Under this proposal, the layout of the first floor has been altered so that there is one bedroom which is lit by a new side window. The proposed extraction system would be located in such a position away from any habitable room windows and would therefore not result in loss of light or outlook.
- 6.10. In regards to any potential impact on the existing residential amenity of the first floor adjoining occupiers, as the proposed extraction flue would be set off the site boundary and Regulatory Services have raised no objection, I consider that the proposed extraction system would cause no harm to the existing residential amenity of the adjoining residents.

Impact on Visual Amenity

- 6.11. The proposed extraction flue would terminate below the height of the main roof and would therefore not be visible from the front elevation along Pershore Road. Whilst I acknowledge that the extraction flue would be slightly visible along Holly Road; as it would terminate higher than the two storey rear wing element, I do not consider this to cause a sufficient enough impact on visual amenity to warrant refusal of this application. The two storey rear wing would screen the majority of the extraction flue. Following the previous refusal under planning ref: 2019/07331/PA, the extraction flue has been reduced in height by 0.8m and the design altered to follow a simpler design.
- 6.12. In terms of visual impact of the proposed alterations, the single storey rear extensions would not be visible from the front and as such it would have no impact on the visual amenity of the street scene. Given the commercial context; it is not considered that the proposed staircase would be detrimental to the visual amenity of the area. The alterations to the shop front and installation of the roller shutters would be acceptable and would comply with the Council's Shop Front Design Guide.

Highway Safety and Parking

- 6.13. Transportation Development have raised no objections to the proposed change of use of the building. It is not expected that the proposal would result in any significant increase in traffic and parking demand. It is therefore not considered that the proposal would result in any highways related issue.

Other Matters

- 6.14. Concerns have been raised about the potential for an increase in litter and vermin. There is no evidence to suggest that a well-managed hot food takeaway would give rise to these issues.

7. Conclusion

- 7.1. The previous application ref: 2019/07331/PA was refused as it was considered the proposed location of the flue was visually intrusive and its positioning led to concerns over impact on residential amenity. The proposed extraction flue has been reduced in height and positioned away from any residential windows. I consider the proposal has overcome the previous reasons for refusal and would cause no harm to visual or residential amenity.
- 7.2. The proposed development would not cause harm to the vitality and viability of the local centre, to the amenity of neighbouring occupiers, would not have a detrimental impact on visual amenity, and would not result in detrimental impacts on highway safety or parking demand. The proposal complies with national and local policy and is therefore recommended for approval, subject to relevant conditions as outlined below.

8. Recommendation

- 8.1. Approve subject to conditions:

-
- | | |
|---|--|
| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Requires that the materials used match the main building |
| 3 | Limits the hours of use to 10:00 - 23:00 daily |
| 4 | Implement within 3 years (Full) |
-

Case Officer: Laura Reid

Photo(s)



Photo 1 – Application property (Front Elevation)

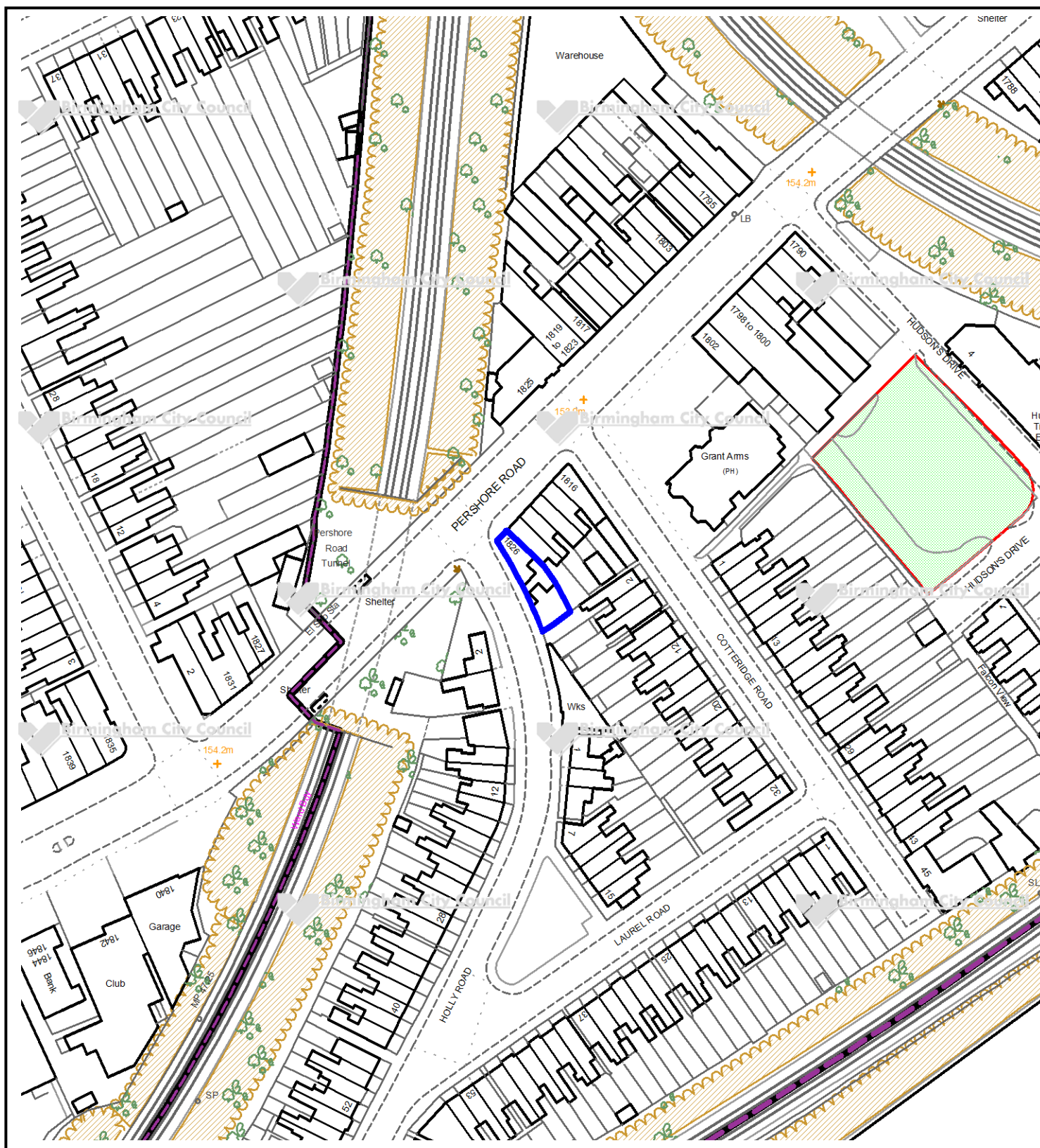


Photo 2 – Side/Rear Elevation



Photo 3 – Street Scene

Location Plan



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Birmingham City Council

Planning Committee

13 February 2020

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	2018/10135/PA 46-58 Barr Street & 27-33 Great Hampton Street Jewellery Quarter Birmingham B18 6AA Partial demolition of existing buildings and erection of new four-five storey buildings to provide 129 apartments and ground floor commercial unit fronting Great Hampton Street for A1-A4, B1(a) or D2 use, external alterations to retained building at 30 -33 Great Hampton Street and associated car parking and landscaping
Approve - Conditions	16	2019/05777/PA 210-211 Broad Street City Centre Birmingham B15 1AY Demolition of existing buildings and construction of a 37 storey tower with 264 serviced apartments (Use Class C1), cafe / restaurant (Use Classes A3) bar (Use Class A4) and gym (Use Class D2)
Determine	17	2018/09467/PA 193 Camp Hill Highgate Birmingham B12 0JJ Redevelopment of the site to provide 480 no. homes, a hotel (Use Class C1) and flexible business/commercial floorspace of 1,480sqm (Use Classes A1, A2, A3, B1, B2, B8 and D1) in 7 new blocks (A to G) ranging from 3 to 26 storeys, together with car parking, landscaping and associated works

Committee Date:	13/02/2020	Application Number:	2018/10135/PA
Accepted:	20/12/2018	Application Type:	Full Planning
Target Date:	29/05/2020		
Ward:	Newtown		

46-58 Barr Street & 27-33 Great Hampton Street, Jewellery Quarter, Birmingham, B18 6AA

Partial demolition of existing buildings and erection of new four-five storey buildings to provide 129 apartments and ground floor commercial unit fronting Great Hampton Street for A1-A4, B1(a) or D2 use, external alterations to retained building at 30 -33 Great Hampton Street and associated car parking and landscaping

Recommendation

Approve Subject to a Section 106 Legal Agreement

1. Proposal

1.1 This application relates to a site of 0.4 ha within the Jewellery Quarter Conservation Area currently occupied by a range of two and three storey commercial buildings fronting Great Hampton Street and Barr Street. The application proposes the regeneration of the site by way of demolition, conversion and new build to provide 129 apartments and 4 ground floor commercial units. The application has been amended since originally submitted to remove a 6th floor of accommodation and revise the building designs which have reduced the number of apartments by 7 units.

1.2 **Demolition**

1.3 The application proposes to demolish all the existing buildings on the site apart from No's 30-33 Great Hampton Street currently occupied by a restaurant with storage space above. The buildings proposed for demolition include a row of 2-3 storey buildings fronting Great Hampton Street, a line of six 2-3 storey buildings on the site frontage to Barr Street and a range of brick workshops and covered yards between the two. On the Great Hampton Street frontage the existing buildings provide ground floor retail units with storage above and on the Barr Street frontage the buildings are either vacant or used as ad hoc storage. In the centre of the site it is proposed to retain a 3 storey skeletal steel frame from one of the buildings to act as the focus for a new courtyard space.

1.4 **Conversion**

1.5 No 30 Great Hampton Street, would be retained and refurbished to accommodate The Blue Nile restaurant at ground floor level which currently operates from the premises. The first and second floor above would be converted to provide 2 x one bed and 2 x two bed apartments. One of the first floor units would be able to use an adjacent flat roofed area as a terrace. The adjoining building at 33 Great Hampton Street would be converted for A1- A4, B1a or D2 uses providing a unit of 355 sq.m on the ground floor and one of 324 sq.m on the first floor. The first floor is set back from the street frontage and has a large flat roofed area which is shown for use as a terrace in connection with the commercial use. Other works proposed to the retained

buildings include the additional of some high level windows to the rear, replacement of the existing windows with timber sashes, repairs to existing roofs and brickwork, rebuilding of original chimney stacks, and replacement of existing modern shop fronts, fascia and roller shutters with new timber shop fronts.

1.6 New Build

- 1.7 The application proposes the erection of five new buildings with heights of 4 and 5 storeys. They would all be designed with an enhanced thermal envelope and airtightness to reduce energy demands. Building A, which would fill the remaining site frontage to Great Hampton Street, comprises of a four and five storey structure with a small single storey wing to the rear. It would provide a ground floor commercial unit of 718 sq.m fronting the street and a new internal courtyard together with a reception area and entrance to apartments above. To the rear of the Great Hampton Street frontage, three buildings B, C and E are proposed, which would all be of 4 storeys and arranged around a central courtyard space part of which would accommodate the retained open steel frame. The final building D would be 5 storey high and front Barr Street and the north west side of the courtyard area. Buildings B-E would all provide apartments and Building D would also be used to accommodate a vehicle access into the site from Barr Street.

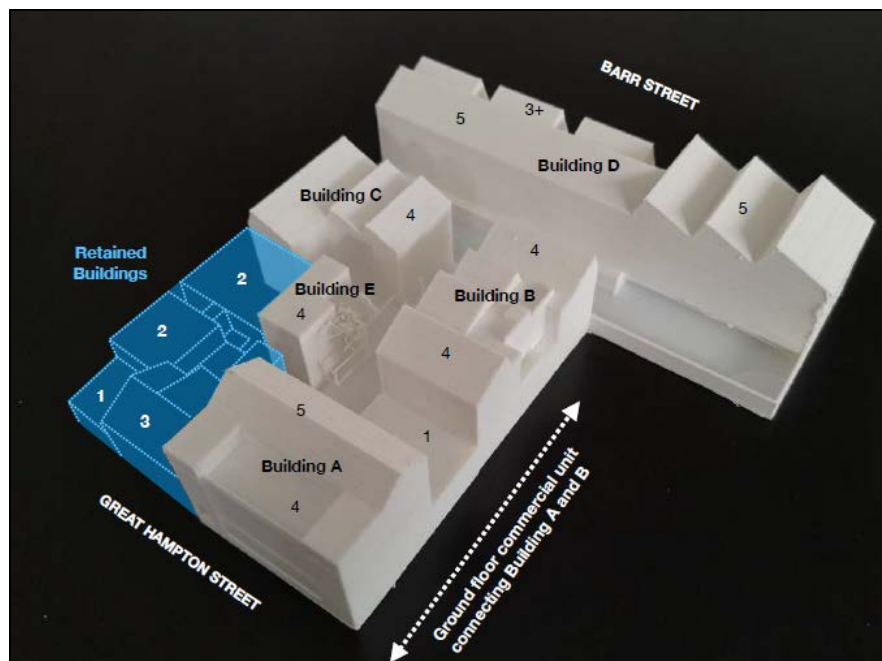


Figure 1: Diagram to illustrate building heights and proposed layout

- 1.8 The building designs would vary across the site. Building A fronting Great Hampton Street is identified as the primary elevation and therefore would have a strong brick design incorporating expressed taller end bays with high parapets and brick arch detailing. There would be a regular pattern of windows with taller openings fronting the street and it is proposed that the same brick would be used to create the detailing including recesses and string courses. The proposed courtyard buildings B, C and E would have industrial 'saw-tooth' style roofs with simple window treatments, and be mainly of brick with different bonds and detailing together with the use of elements of standing seam metal cladding predominantly for roofs.



Figure 2: Proposed elevations to Great Hampton Street



Figure 3: Proposed courtyard elevations

- 1.9 Building D which would front Barr Street has been designed to have the appearance of two buildings to break up the 75 metre long frontage. The northern half would be 5 storeys high but have a steep pitched roof sloping away from the street so the building appears to be 3 storeys but would have 2 floors of accommodation with the roof space lit by large roof lights. The façade would also be broken down into 3 smaller parts, each of which steps down to follow the site topography. 6 duplex units are proposed facing the street each with its own entrance to provide activity to Barr Street. This part of the building would also accommodate a resident's entrance and provide a link through the site, via steps, to the Great Hampton Street frontage.
- 1.10 The southern part of the Barr Street building block would also be broken down into 3 smaller sections each 5 storeys high with a metal saw tooth roof providing asymmetrical gables to the street. It would be of brick with a pattern of projecting headers at the lower levels and brass detailing to reference a Brass Foundry that

previously occupied the site. It would also accommodate the entrance to a small car park. At the rear of the building facing the internal courtyard the building would be the full 5 storeys in height and have simpler brick elevations with a pitched roof.



Figure 4: Proposed elevations to Barr Street

- 1.11 The development would provide a total floor space of 11,852 sq.m of which 1,587 sq.m would be for commercial uses and 10,265 sq.m would be for residential use. The proposed residential accommodation, which would mainly provide apartments for rent, would be in the form of 64 (49.6%) one bed units, 54 (41.9%) two bed units and 11(8.5%) three bed apartments. Using the nationally described space standard the mix would be as follows:-
 - 1 bed x 1 person (41-49 sq.m) - 14 apartments
 - 1 bed x 2 person (50 – 51sq.m) – 40 apartments
 - 1 bed x 2 person (59 – 64 sq.m) – 10 duplex apartments
 - 2 bed x 3 person (63 – 65 sq.m) – 51 apartments
 - 2 bed x 4 person (70 - 73 sq.m) – 3 duplex apartments
 - 3 bed x 6 person (97- 111 sq.m) – 11 apartments
- 1.12 The development would provide a roughly T shaped courtyard area for residents approximately 10 metres wide running through the centre of the site and between the apartment blocks which would also provide a controlled pedestrian route between Great Hampton Street and Barr Street. The courtyard would widen in the centre of the site to about 17 metres to accommodate the skeletal steel frame which is intended to be the focus of the main space together with a retained section of building which would be converted into cycle storage/amenity space at ground floor level. The courtyard area would be largely hard surfaced with blue pavers with a few tree/shrubs in containers. Lighting would be installed to reinterpret the former Lamp Works that occupied the site. A few apartments would also have a terrace overlooking the courtyard.
- 1.13 The proposed vehicle entrance onto Barr Street would accommodate a small car park with 20 spaces a 15% provision. There would also be five secure cycle stores within the site within the individual blocks and courtyard area which provide 132 cycle spaces a 102% provision. The applicant has also offered to make a contribution of £50,000 for public realm improvements in the vicinity of the site
- 1.14 The application has been supported by Design and Access Statement, Noise and Vibration Assessment, Air Quality Assessment, Energy/Sustainability Statement, Structural Condition Report, Heritage Statement, Sustainable Drainage Assessment,

Preliminary Ecological Appraisal, Bat and Bird Assessment, Transport Assessment / Travel Plan and Ground Investigation. The applicants have also provided a Financial Viability Statement which has been assessed by the Council's consultants who have negotiated that 10% (13) of one and two bedroom apartments be provided as low cost units with a 20% discount on market rental values in addition to the contribution of £50,000 for public realm improvements.

1.15 [Link to Documents](#)

2. Site & Surroundings

- 2.1 The application site occupies a roughly L shaped plot of land located between Great Hampton Street and Barr Street. The site is within the Jewellery Quarter Conservation Area with Barr Street forming its north eastern boundary. The site is entirely covered with buildings many associated with the former use of the site as a large furniture works and brass foundry until the early 1970's. There is a difference in levels between the Great Hampton Street and the Barr Street frontages of about 2 metres with a retaining wall running across the site.
- 2.2 The Great Hampton Street frontage has the appearance of six (no's 28-33) individual 2 and 3 storey buildings which were originally one of the first blocks to be developed on the street when it became enclosed in the early C19th in association with the rapid expansion of jewellery and metal trades. Although the buildings have been much altered the fine grain of the frontage plots is still apparent and the original building line on the eastern side of Great Hampton Street can still be seen at first floor level above No 33. The buildings now have a rather run down appearance with the ground floors being used for retail purposes with modern shop fronts, solid security shutters, large facias and advertisements and the upper floors being used for low grade storage.
- 2.3 The Barr Street frontage also has the appearance of 6 individual buildings of different heights, ages and designs. This includes No's 56A and 56B originally built as dwellings in the mid 1850's but significantly altered to accommodate industrial uses. The other buildings largely date from the early to Mid C20th and have an industrial character, as a result of the buildings being gradually amalgamated to form the large furniture works and smaller brass foundry. They now have an unkempt appearance and have large roller shutter doors facing the street, a number of bricked up openings and ad hoc signage. The buildings are currently vacant or used for storage. The buildings between the two site frontages have also been heavily re modelled and the original yards enclosed and covered over.
- 2.4 The surrounding area has a predominantly commercial appearance. Adjacent to the site on the Great Hampton Street frontage the adjoining properties are predominantly two and three storeys in height and provide commercial units on the ground floor with storage or living accommodation above. These include the Lord Clifden Public House which abuts the northern boundary and has a beer garden to the rear. Opposite the site on Great Hampton Street there is a mix of modern and traditional properties of 3 – 6 storeys in height generally providing ground floor commercial uses with residential accommodation on the upper floors.
- 2.5 On the Barr Street frontage the adjacent properties and those opposite the site are predominantly 2 storeys in height and provide a range of industrial and storage floor space. The building immediately adjacent to the southern boundary at 49 Harford Street is 3 storeys high and used by a wholesale cosmetics company and the northern boundary abuts a number of two storey buildings used for storage purposes.

- 2.5 There are a number of locally listed buildings close to and adjacent to the site including the Lord Clifden Public House at 34 Great Hampton Street and No's 41-43 and No's 24-25 Great Hampton Street. Opposite the site on Great Hampton Street No's 113-115 are Grade II listed buildings as are 22A, and 41-45 Great Hampton Street and No's 78-96 Hockley Street.
- 2.6 [Site Location](#)
3. [Planning History](#)
- 3.1 09/12/2010 - 2010/05202/PA – Planning permission granted at 28 Great Hampton Street for change of use of ground-floor from a retail shop (use class A1) to a restaurant (use class A3) and installation of extraction flue to rear.
- 3.2 There have also been a number of applications over the years for signage and new shopfronts.
4. [Consultation/PP Responses](#)
- 4.1 Transportation – No objection subject to conditions to require a Section 278 Agreement, a construction management plan and the provision of the car parking area and cycle spaces prior to occupation.
- 4.2 Regulatory Services – Comment that the revisions made to the application address some of concerns previously raised and the scheme now represents a significant improvement from the original proposals. However there is still concern that even with the additional mitigation proposed and the clarifications made that there will be a noise impact from the Lord Clifden and other industrial/commercial sources on the proposed development. However they are aware that no objection has been made by local businesses and if on planning balance the planning committee is minded to grant permission for this scheme, they suggest a number of planning conditions including maximum noise levels for plant and machinery, details of noise insulation and extraction for any A3, A4 or D2 uses, a noise mitigation scheme for the apartments and restricting the opening hours of the commercial units from 8am - 11pm with deliveries limited to 8am – 8pm.
- 4.3 Local Services - No objection in principle but request an off-site POS contribution of £270,400 in accordance with the BDP policies which would be spent on the provision, improvement and/or biodiversity enhancement of public open space, and the maintenance thereof at St Georges Park, Tower Street Recreation Ground and Newtown POS within Newtown Ward.
- 4.4 Lead Local Flood Authority- No objection to the proposed drainage strategy but wish to see confirmation from Seven Trent Water that they have agreed the surface run-off rate and location. Further information has since been provided and the LLFA has been re-consulted and any further comments will be reported.
- 4.5 Employment Access Team – Request either conditions or a Section 106 obligation to require a construction employment plan for a minimum total of 60 Person Weeks of employment per £1million spend on the construction of the site for New Entrants whose main residence is in the Local Impact Area in accordance with Policy TP26 of the BDP.
- 4.6 West Midlands Police - Have the following comments:-

- The work regarding the dwellings should be undertaken to meet the Secured by Design 'Homes 2016' guide
 - A lighting plan for the site should be produced, for any communal areas and car parking following the guidelines in 'Lighting Against Crime'
 - The retail units should be subject of intruder alarms and CCTV coverage and be designed to the Secured by Design 'Commercial 2015' guide.
 - Requests clarification regarding the management plan for refuse collection and deliveries to ensure access control points are not left insecure.
 - Recommends installation of access controls on all doors into the buildings communal areas, courtyard areas, car park access and pedestrian entrances and installation of double doors to entrances and lobbies.
 - The layout for the courtyards should ensure there is good natural surveillance.
- 4.7 Access Committee – The Design and Access statement does not explain how the development can meet the needs of people with disabilities and includes no category 2 dwellings or disabled parking spaces.
- 4.8 West Midlands Fire Service – Comment that water supplies for firefighting should be in accordance with National Guidance and will need to comply with Part B of the Building Regulations 2010.
- 4.9 Historic England – Whilst not objecting to the application have raised the following concerns on heritage grounds:
- The application proposes the demolition of the majority of the site, including the principal street frontages of Nos. 29, 28B and 27 Great Hampton Street, the demolition of the entirety of Nos. 46-58 Barr Street. The extensive demolition within the conservation area would result in the loss of much of what makes up the Jewellery Quarter's typical historic building stock and development character.
 - Whilst we welcome the reuse of the few buildings to be retained, we do have strong concerns over the impact of the loss of this dense urban character within the plot, its historic frontages, and their replacement with a more sanitised impression of the Jewellery Quarter townscape, lacking the authenticity of its historic fabric and tightly-knit, ad-hoc layout.
 - The replacement development involves the construction of large five storey residential blocks along Barr Street, a series of three, four and five storey residential blocks within the middle of the site, the construction of a new five storey building replacing Nos. 29, 28B and 27 Great Hampton Street. The JQ Design Guide sets out a clear limit of four storeys for the scale of new development within the Quarter to preserve the local character and distinctiveness and requires careful attention to be given to important characteristics such as the scale and grain of the historic townscape. The proposals instead include buildings up to five storeys in height, rising well above the typical building heights between Great Hampton Street and Barr Street.
 - Whilst on the opposite side of Great Hampton Street there are a number of larger industrial factories and later warehouses, this side of the street maintains a more domestic scale of between two and four storeys rooted in its early development.
 - The proposals pay no attention to local building heights, nor historic plot boundaries, resulting in out-of-scale elevations to both Great Hampton Street and Barr Street, with little or no distinction given to individual historic plots or variety in the street scene.
 - Despite the amendments made to the proposals the scheme still results in the loss of historic plot boundaries, development pattern and townscape. The proposed buildings are of a height, scale and design which are uncharacteristic of

this side of Great Hampton Street and Barr Street and the conservation area more widely.

- Have strong concerns at the impact the development would have on the Conservation Area and the resulting harm. This could be
- avoided by an alternative design for a reduced scheme which better responds to the various heritage assets
- Even if a clear and convincing justification can be made to the local authority for the extensive demolition proposed, further considerable amendments are required to avoid and minimise harm through quality, appropriate and contextual design and layout across these multiple historic plots.
- The development as proposed does not meet the requirements of the Jewellery Quarter Design Guide, sections 12 and 16 of the NPPF and section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 regarding the need to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.
- The Local Authority is also reminded for the need to look for opportunities for new development within conservation areas and the setting of heritage assets to enhance or better reveal their significance (NPPF paragraph 200), and for new development to make a positive contribution to local character and distinctiveness.

4.10 The Jewellery Quarter Development Trust - Object to the development on the following grounds:-

- There is a significant amount of demolition and loss of heritage from the site. This is contrary to Section 2.1 of the JQ Management Plan which states demolition of buildings in the CA will not normally be permitted.
- Although the demolition on Great Hampton Street may be justified the wholesale loss of the Barr Street buildings characterised by a wide range of building styles and ages would have a particular harmful effect on the character of the Conservation Area. Currently the buildings read as a history of industry in this part of the JQ and almost all these building frontages are of interest. The total loss of all these buildings is not justified.
- Whilst the design of the proposed replacement building at 52-56 Barr St appear excellent and could contribute positively to the CA we are concerned that it involves the loss heritage including the rare barrel-vaulted buildings and traditional shopping wings.
- We do not feel that the proposal for 46-50 Barr St is as positive to the Conservation Area as the existing buildings.
- The new buildings on Barr Street are contrary to the JQ Design Guide SPD which states that the close urban grain of the Jewellery Quarter is particularly distinctive and should be retained and enhanced by new development. Whilst the new building designs are interesting they eliminate the existing urban grain including the rear shopping wings where they currently survive.
- The development proposed on Barr Street represents a loss of the character and heritage, destroys the grain and plot outlines of the existing buildings and replace them with an arrangement atypical to that in the JQ.
- BDP policies TP3 (Sustainable Construction) and TP 8 (Biodiversity) require new development to be designed and constructed in ways which will maximise energy efficiency, use low carbon energy and corporate measures to enhance biodiversity value. We see no evidence that such measures are proposed.
- Concerned that the affordable housing offer is 7.4% against a target of 20%, notwithstanding the provision £50,000 proposed for s278 works. Allowing this low provision sets a poor precedent, especially when the scheme also proposes to breach local policy in a number of areas without clear justification

- We are disappointed that there was no pre application engagement by the applicants with the JQDT and little engagement with others.
- 4.11 The Jewellery Quarter Development Trust also comment that they:
- Request further amendments are made to Barr Street frontage to retain more of the existing building stock and provide more activity to the street such entrances and additional commercial units.
 - Welcome the significant investment on Great Hampton St and pleased to see a local developer and architects are involved in the proposals. The architecture has potential to complement and add to the JQ's townscape, if the detail is followed through to construction on-site.
 - Support the landscaping design as an excellent interpretation of external space in the Quarter, retaining some historic fabric (the steel skeleton), and local blue brick paviers in a series of courts, with contemporary greenery.
 - Support the new pedestrian route through the site between Great Hampton Street and Barr Street
 - Are comfortable with the combination of demolition, restoration and new-build on Great Hampton St. Whilst there is the loss of some buildings of merit, their replacements are high quality and support the restoration of the retained buildings. Are pleased that chimneys on existing buildings would be reinstated and new shop fronts are proposed.
 - Consider the car parking and cycle provision is fine.
 - Although the new build on Great Hampton St this has the potential to provide an exemplar contemporary interpretation of a Lethaby-style building form that occurs elsewhere on Great Hampton St the detailing could be further improved.
 - Generally support the mix of brick and standing seam cladding proposed but on Block C consider it feels like a compromise and should have its own identity.
 - Note that one of the Barr St buildings is 5 storeys, in exceedance of the 4-storey height limit for the JQ, but provided that the amended design is delivered designed, detailed and executed to the highest quality, are comfortable with this single breach of policy.
 - Feel that there is too much 1-bed accommodation, however we are pleased to see the amount of 2-bed provided.
 - Consider there is further scope to embrace sustainable/biodiversity measures
 - Request that a comprehensive study is made of length of Barr St to avoid piecemeal and incremental changes. Although Barr Street is the limit of the conservation area, consider both sides fall under its protection as a buffer, and the buildings on either side should abide by the same rules.
- 4.12 Conservation and Heritage Panel – Considered the pre application proposals at 10 September 2018 meeting and made the following comments:-
- The Panel requested that a Heritage Impact Statement, structural assessment and contextual analysis be produced in order to identify the value of all existing buildings prior to further design development.
 - The unbroken line of the historic frontage on Great Hampton Street was noted and the Panel considered that any design solution should start from the principle of identifying the value of historic assets on site.
 - The Panel raised concern about the proximity of the site to the beer garden of the Lord Clifden and advised that the development need to mitigate the impacts of noise and activity without affecting this locally popular venue.
 - The proposed route through the site was noted but the Panel agreed that more detail is required to understand how this route will work and that consideration is given to the termination of the vista along this route.

- The Panel was supportive of the concept of retaining the exposed metal structural frame within the centre of the site.
- 4.13 Ward Councillors, MP, residents associations, local residents and businesses notified of the original and amended application proposals, site/press notices displayed. No responses received. The applicants also undertook their own consultation exercise in October/November 2018.
5. Policy Context
- 5.1 Birmingham Development Plan 2017, Birmingham Unitary Development Plan 2005 (saved policies), Places for Living SPG, The Jewellery Quarter Conservation Area Character Appraisal and Management Plan, Jewellery Quarter Conservation Area Design Guide, Conservation Through Regeneration SPD; Car Parking Guidelines SPD; Public Open Space in New Residential Development SPD; Affordable Housing SPG 2001 and National Planning Policy Framework 2019.
6. Planning Considerations
- 6.1 **Land Use Policy**
- 6.2. Local Planning Authorities must determine planning applications in accordance with the Statutory Development Plan, unless material considerations indicate otherwise. The Development Plan comprises Birmingham Development Plan 2031 and the saved policies of the Birmingham Unitary Development Plan 2005. Other adopted supplementary planning policies are also relevant such as the Jewellery Quarter Management Plan and Design Guide as is the National Planning Policy Framework.
- 6.3 Policy PG1 of the Birmingham Development Plan (BDP) states that significant levels of housing, employment, office and retail growth is required to meet the needs of its growing population. The BDP identifies the application site as being within the City Centre Growth Area where the focus will primarily be upon re-using existing urban land through regeneration, renewal and development. Policy GA1.3 relating to the Quarters surrounding the city centre core states that development must support and strengthen the distinctive characteristics, communities and environmental assets of each area. For the Jewellery Quarter it seeks to create an urban village supporting the areas unique heritage with the introduction of an appropriate mix of uses and radically improved connections to the City Centre Core. Policy TP20 of the BDP also seeks to protect employment land.
- 6.4 The NPPF contains a presumption in favour of sustainable development which is about positive growth making economic, environmental and social progress for this and future generations. It affirms the Government's commitment to securing economic growth in order to create jobs and prosperity. Paragraph 11 states that applications should be considered in the context of the presumption in favour of sustainable development. The NPPF seeks to significantly boost the supply of homes and also to create the conditions in which businesses can invest, expand and adapt. Significant weight is to be given to the need to support economic growth and productivity, taking into account, both local business needs and wider opportunities for development. The NPPF also recognises heritage assets as an irreplaceable resource, and should be conserved in a manner appropriate to their significance.
- 6.4 The Jewellery Quarter has a Conservation Area Character Appraisal and Management Plan SPG which divides the conservation area into eight sub areas. The application site is shown as being within the Great Hampton Street locality where

there is no objection in principle to residential development. The JQ Management Plan also identifies Great Hampton Street as an important street where it is vital to encourage regeneration and its use as a local service centre with retail, commercial and workshop uses and new residential accommodation on the upper floors. Although historically the site has been used for employment purposes and Policy TP20 of the BDP seeks to protect employment land, the Loss of Industrial Land to Alternative Uses SPD 2006 recognises that within the City Centre a more flexible approach towards change of use to residential is required to support regeneration initiatives. The application proposals are primarily for residential accommodation however four commercial units are also proposed at ground floor level fronting Great Hampton Street. The principle of allowing a mixed use scheme on the site would therefore be acceptable subject to consideration of other policy requirements.

6.5. Demolition

- 6.6. The redevelopment of the application site would require the demolition of all the existing buildings apart from Nos 30-33 Great Hampton Street. Although unlisted, they are within a conservation area, where there is a statutory requirement to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. Policy TP12 of the BDP states that great weight will be given to the conservation of the City's heritage assets and the Jewellery Quarter Conservation Area Appraisal and Management Plan states in para 1.1 that demolition of buildings will not normally be permitted. The NPPF requires the conservation of heritage assets in a manner appropriate to their significance. In considering the impact of a proposed development on the significance of a designated heritage asset great weight should be given to the asset's conservation.
- 6.7. Historic England and the Jewellery Quarter Development Trust have expressed concern regarding the amount of demolition commenting that it would result in the loss of much of what makes up the Jewellery Quarter's typical historic building stock and development character. Historic England have strong concerns over the impact of the loss of the dense urban character within the plot, its historic frontages, and the replacement with a more sanitised impression of the Jewellery Quarter townscape, lacking the authenticity of its historic fabric and tightly-knit, ad-hoc layout. They feel that even if a clear and convincing justification can be made for the extensive demolition proposed, further considerable amendments are required to avoid and minimise harm. The Jewellery Quarter Development Trust also expresses concerns regarding the loss of heritage from the site contrary to the JQ Management Plan. They feel that although the demolition on Great Hampton Street may be justified the wholesale loss of the Barr Street buildings characterised by a wide range of building styles and ages would have a particular harmful effect on the character of the Conservation Area.
- 6.8. The applicants have submitted a Structural Report and Heritage Appraisal in support of the application. With regard to the proposed demolition works the appraisal concludes that the application buildings only make a slight positive contribution to the character and appearance of the conservation area due to the adaptation and long term use of the buildings for general manufacturing and commercial premises. In particular the central part of the site incorporates four large manufacturing buildings from the furniture works of the early to mid C20th, which were built over the linear yards previously occupied by the jewellery and metal trades.
- 6.9. The heritage appraisal considers that on Great Hampton Street frontage the most significant building form is the set back to the frontage at No.33, as it provides evidence for the original early to mid C19th building line. The adjoining three storey

domestic style buildings at no's 30 -32 and its rear wing are also considered to be of interest as a purpose-built jewellery manufactory. Both these existing buildings would be retained and refurbished together with the rear wing to No 30 and the steel frame to the rear of No 32. The appraisal however justifies the demolition of the 3 other buildings fronting Great Hampton Street on the ground that they have suffered from adaptations to accommodate the current retail and commercial uses and from the evolution of the furniture works which has led to the poor condition and eroded their character.

- 6.10 On the Barr Street frontage the assessment comments that the buildings were largely redeveloped during the early to mid C20th and reflect the style and structure of the time rather than being bespoke to jewellery industry. The most significant buildings are the two and three storey domestic frontages of Nos. 54A and 56A, which illustrate the distinctive pattern of converting residential properties into jewellery manufactories. However, their architectural interest has been eroded, by alterations undertaken and the report considers that there are many far better examples elsewhere in the conservation area.
- 6.11 The City Design Manger comments that the three buildings to be lost on the Great Hampton Street have been the subject of considerable change and have lost significant aspects of their structure, form and architecture. Their loss can be tolerated based on the proposals for the replacement building. With regard to the demolition of the buildings grouped centrally within the site the City Design Manger comments that although these comprise some interesting structures, their loss will have a neutral impact on the Conservation Area. However he considers the demolition of all the existing buildings on the Barr Street frontage would cause harm to significance of the Conservation Area. Although these are largely early 20th Century, apart from the 19th Century buildings at No's 54 and 56, the City Design Manager considers these buildings are still of interest. Their loss therefore needs to be weighed against the new development proposed and the public benefits as set out in paragraph 196 of the NPPF. These matters are considered further below.
- 6.12 **Heights, Design and Layout**
- 6.13 Policy PG3 of the BDP states that all new development will be expected to be designed to the highest possible standards which reinforces or creates a positive sense of place and safe and attractive environments. The NPPF in Para 124 states that good design is a key aspect of sustainable development and creates better places to live and work. The JQ Management Plan requires the design of new development to respect the scale, form and density of the historic pattern and form of the Jewellery Quarter. With regard to building heights it states that the Council will require new buildings to respect the height of traditional buildings within the locality and that this will normally limit new development to a maximum of 4 storeys. The Jewellery Quarter Design Guide outlines principles for good design including guidance on scale, form, grain, hierarchy and materials. New buildings are normally limited to a maximum height of 4 storeys but in some contexts it states three or even two storeys may be more appropriate.
- 6.14 The layout proposed has been designed to reflect the historic layout of the site with a series of individual buildings on the street frontages with further buildings arranged around courtyard areas in the centre of the site. On the Great Hampton Street approximately 50% of the street frontage would comprise of the retained buildings at no's 30-33 which would be refurbished and new tradition shop fronts provided which would significantly improve their appearance and is supported.

- 6.15 The remainder of the Great Hampton Street frontage would be occupied by a new 4/5 storey Building A. It has been designed with a formal architectural language with expressed end bays taking clues from other similar buildings seen along Great Hampton Street. It would be of brickwork with the same brick used throughout to create recesses, string courses and arches. The front section of the building is 4 storeys high with parapet to the roof behind which is a fifth floor and pitched roof.
- 6.16 The design is supported by the City Design Manager who considers it would create an interesting building that responds to the character and personality of the Jewellery Quarter but should be conditioned to ensure high quality detailing is provided. The Jewellery Quarter Development Trust also support the new build on Great Hampton Street and consider the building has the potential to provide an exemplar contemporary interpretation of a Lethaby-style building form that occurs elsewhere on Great Hampton Street provided it is appropriately detailed.
- 6.17 Both the JQ Development Trust and Historic England however express concern about the 4/5 storey height of replacement Building A on the grounds it would rise above the typical building heights on Great Hampton Street. Although they note there are a number of larger industrial factories opposite they consider this part of the street maintains a more domestic scale of between two and four storeys rooted in its early development, that the scheme pays no attention to historic plot boundaries or policies restricting building heights to 4 storeys.
- 6.18 Great Hampton Street is a primary route through the Jewellery Quarter where there is a greater range of building heights up to 6 storeys high. Whilst the existing buildings on this frontage are 2-3 storeys in height, Great Hampton Lofts which lies opposite the site is 5 storeys high and it is considered that the 4/5 storey building proposed on this frontage can be accommodated without appearing out of keeping and would respect building heights in the locality. The JQ Management Plan mentions the character of Great Hampton Street as including late 19th to mid C20th manufactories three to five storeys in height of red brick, slate roofs with stone or terracotta details and metal framed windows and the height, scale and design of Building A would follow this tradition.
- 6.19 It is acknowledged that the proposed building would replace 3 smaller ones and the layout does not reflect the historic plot boundaries, however the site has been operating as one business over a number of years and the buildings have been the subject of considerable change and have lost significant aspects of their structure, form and architecture. It is therefore considered that a 4/5 storey building of the design proposed on this frontage is acceptable and would not cause harm to the significance of the Conservation Area. Overall the impact of the proposals on the Great Hampton Street frontage would be moderately beneficial.
- 6.20 The design of the proposed courtyard buildings B, C and E have been amended so that they are all now 4 storeys and below the height of the frontage buildings. Their layout would provide buildings set either side of a central courtyard in a linear pattern reflecting the original plots that extended back from the main street frontages. This arrangement would also allow the retained open steel structure of an original building to be retained as a focal point to the space. The City Design Manager supports their design as being a modern take of historic industrial language. Overall the proposals for the courtyard area are considered to have a neutral impact on the contribution of the central part of the site to the character and appearance of the Conservation Area.
- 6.21 The main objections to the application relate to the loss of all the existing buildings on the Barr Street frontage as detailed above and to the scale, height, form and design

of the proposed replacement buildings which are both 5 storeys high have been designed to read as two buildings of three and five storeys. These are criticised as being too high and not reflecting the mainly 2 storey building heights in Barr Street, that they do not follow the historic development pattern, are out of scale with their surroundings and provide no distinction of individual historic plots or variety in the street scene. The Jewellery Quarter Development Trust also comments that whilst the new building designs are interesting they are not typical of the Jewellery Quarter and eliminate the existing urban grain. They request further amendments are made to Barr Street frontage to retain more of the existing building stock and provide more activity to the street and additional commercial units.

6.22 Amendments have been made to the designs of Building D on Barr Street to introduce the steep pitched roof sloping away from the street on the northern half of the building so it appears to be 3 storeys on the street. The proposals now step the building to follow the site topography and provide a metal saw tooth roof on the 5 storey element of the scheme but would still result in an entirely residential frontage and apartments over 5 floors. This does not reflect existing building heights in the area and although the amendments made are an improvement the applicants advise that any further reductions in height will make the development unviable having regard to the loss of floors space and apartment's numbers already made.

6.23 The applicant's heritage statement also comments that the site is located on the edge of the Quarter, has been in decline for some time and very few of the buildings within the application site remain in active use. It however acknowledges that there will be some loss of urban grain and heritage value through the removal of the former domestic properties to Barr Street, but feels the losses need to be balanced against the careful design of the proposed development, which is very much in the spirit of the place. The City Design Manager comments that the large raked upper floor roofs with accommodation in them are very much in the factory tradition and that the vertical projected brick coursing proposed is both interesting and innovative. This would be a departure from anything else being delivered in the Jewellery Quarter, meeting the need for buildings to have individual identity and bespoke design. Although he notes the development is larger in places than policy would allow he considers its design is strong and the application of materials robust and innovative. None the less there would be some harm to the character of the conservation area and which in respect to the NPPF, would be at the lower end of 'less than substantial' and therefore would need to be balanced against any public benefits arising from the development which are considered further in paragraphs 6.36 below.

6.24 **Dwelling Mix**

6.25 Policy TP27 of the BDP states that new housing in Birmingham is expected to contribute to making sustainable places and demonstrate that it is meeting the requirements of creating sustainable neighbourhoods which are characterised by a wide choice of housing sizes, types and tenures to ensure balanced communities catering for all incomes and ages. As with most applications for residential schemes in the City Centre this development proposes mainly one and two bed apartments. The proposed 129 apartments would comprise 64 (49.6%) one bed, 54 (41.9%) two bed units and 11(8.5%) three bed apartments. All would meet the nationally described space standards and only 4 would be at the smallest size of 41sq.m with a number of the larger units being over 100 sq.m in size. Some 13 units would also be duplexes and 13 would be for low cost market rent thereby adding to the mix of accommodation available.

6.26 **Residential Amenity**

- 6.27 For the courtyard blocks the separation distances between the windowed elevations range from 8.8-10 metres. The separation distances between the proposed apartments fronting Great Hampton Street and those within New Hampton Lofts opposite the site are about 14 metres. Although these distances are well below the guidelines in Places for Living they are considered to be acceptable in a city centre location and characteristic of the Jewellery Quarter and to be sufficient to avoid undue overlooking or loss of privacy.
- 6.28 On the Barr Street frontage the proposed apartments would be adjacent and opposite existing commercial properties and on Great Hampton Street some of the courtyard block have a line of sight to the pub garden of the Lord Clifden and would adjoin the Blue Nile restaurant. Regulatory Services have raised a number of concerns regarding the proposals as there are two entertainment premises of note in close proximity to the development namely the Blue Nile restaurant which is currently licensed for alcohol sales between the hours of 12.00 – 00.00 Sunday to Thursday and 12.00 – 01.00 on Friday and Saturday. The other premises is the adjacent Lord Clifden public house which is licensed for alcohol sale between the hours of 09.00 – 02.00 Sunday to Thursday and between 09.00 – 04.00 on Friday and Saturday. In addition it is licensed for live music between the hours of 19.00 – 23.00 every day and has a large external area in regular use.
- 6.29 Regulatory Services further comment that the revisions made to the application do address some of concerns and the scheme now represents a significant improvement from the original scheme but are still concerned that even with the additional mitigation proposed there will be a noise impact from the Lord Clifden and other industrial/commercial sources on the proposed development. The concerns include the potential for noise from the Lord Clifden beer garden to be audible from the balconies on Block D even though additional shielding is now proposed by increasing the height of the boundary walls. They are also concerned that there are no proposals for the extraction equipment that may be required for the proposed commercial units and that noise, from the employment uses on the Barr Street façade, have not been satisfactorily addressed. They would have expected noise from this source to be more effectively controlled by mitigation at source using the agent of change approach.
- 6.30 Although the Jewellery Quarter Management Plan identifies Great Hampton Street as an important street where it is vital to encourage regeneration this has been hampered in recent years by the Hazardous Waste Licence that was in place at No's 19-21 Great Hampton Street. This licence was however revoked in 2017 and as a result a number of residential led mixed use redevelopment schemes are now coming forward in the area which are providing housing in locations previously occupied by commercial and businesses uses. The area has a lot of vacant and underused floor space so its regeneration is supported as it will enhance the appearance of the Conservation Area, however it does mean that there will be a need for residential and commercial uses to coexist together.
- 6.31 In the case of this application the sites adjoins The Lord Clifden Public House, its beer garden, a number of commercial properties on Barr Street and the Blue Nile restaurant which is to remain on site. The applicant's noise report recommends a scheme of mitigation and ventilation measures for the proposed dwellings and amended plans have been provided showing the boundary walls increased in height to provide further screening. There are no side windows in the proposed apartment blocks adjacent to the neighbouring properties and commercial uses are proposed in the retained building immediately adjacent to the Public House to act as a buffer.

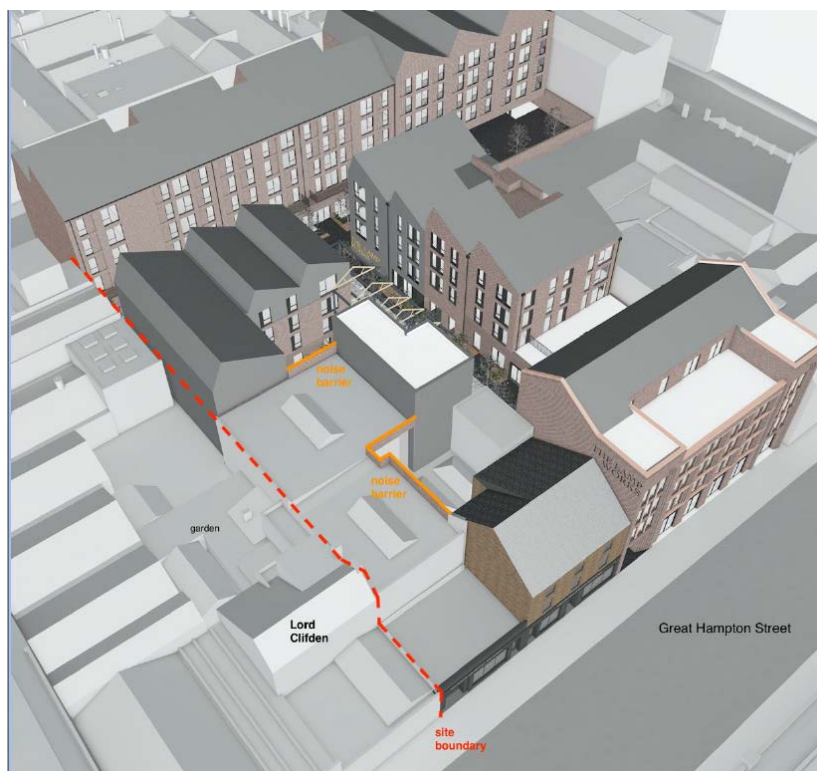


Figure 5: Plan showing the relationship to neighbouring uses

6.32 The applicants have also agreed to all the conditions recommended by Regulatory Services which include restrictions on opening and delivery hours for the commercial units, a requirement for details of extraction for any A3, A4 or D2 uses, controls on noise levels from plant and machinery, submission of a detailed specification for the noise mitigation/ventilation measures, a scheme to mitigate the noise from the industrial/commercial plant noise on Barr Street based on mitigation at source and post installation testing of the approved acoustic mitigation scheme to demonstrate it meets the required specification prior to occupation. These conditions have been agreed by the applicant and with these safeguards it is considered that the development would be acceptable.

6.33 **Impact on Heritage Assets**

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

6.35 The paragraphs above relating to the proposed demolition and design of the new buildings have commented on their impact on the Conservation Area. It is considered that a number of aspects of the development have the potential to enhance the character and appearance of the Conservation Area such as the replacement building on Great Hampton Street, the refurbishment of the retained buildings and reinstatement of the rear courtyards and would satisfy the test in the NPPF which requires local planning authorities to look for opportunities for new development

within conservation areas, to enhance or better reveal their significance. It is however considered that the demolition of all the existing buildings on the Barr Street frontage would cause harm to significance of the Conservation Area as would the replacement of the existing 2/3 storey buildings with 5 storey ones. The harm is at the lower end of less than significance and therefore needs to be weighed against the public benefits of the proposals as required by paragraph 196 of the NPPF.

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

- Regeneration of a brown field site which is largely vacant has not been used for jewellery related purposes since the mid-20th century and where the legibility of the plots and former uses has been significantly eroded.
- Securing a viable use for a site which is largely underused
- Removal of unsightly and dilapidated industrial and commercial units, which currently detract from the appearance of the Conservation Area and have an adverse impact on the vision for the Jewellery Quarter.
- The retention and refurbishment of Nos. 30-33 Great Hampton Street (including The Blue Nile), and the refurbishment of the shop frontage, which would enhance the appearance of the Conservation Area and its immediate setting along a prime street frontage.
- Providing locally distinctive new buildings and reinstatement of a network of enclosed yards.
- Providing a mix of uses including active frontages improving natural surveillance of the immediate area and deterring anti-social behaviour.
- Provision of additional residential accommodation specifically serving the growing rental market including 13 affordable units
- Provision of a contribution of £50,000 for public realm improvements in the vicinity of the site.
- Providing full and part time employment opportunities both during the construction and operational periods.

6.37 These benefits are considered on balance to outweigh the minor adverse impact on the heritage significance of the conservation area from the loss of the existing buildings on the Barr Street frontage and the proposed 5 storey building heights.

6.38 With regard to the impact on other heritage assets the site adjoins the locally listed Lord Clifden Public House at 34 Great Hampton Street and other locally listed buildings at No's 41-43 and No's 24-25 Great Hampton Street are close by. Opposite the site on Great Hampton Street No's 113-115 are Grade II listed buildings as are 22A, and 41-45 Great Hampton Street and No's 78-96 Hockley Street. The City Design Manager comments that the Heritage Statement soundly addresses the impact of the development on the setting of listed buildings and non-designated heritage assets through Section 66 of the Primary Legislation and Policy TP12 of the Birmingham Development Plan respectively. He is satisfied that the scope of assets assessed was sound and concurs fully with the finding that the impact of the development would not harm the setting of these assets.

6.39 **Transportation Issues**

6.40 The development would provide a new vehicle entrance from Barr Street to serve a small car park with 20 spaces a 15% provision. Transportation raise no objection to this provision and comment that the level of vehicle trips predicted is 36 two way movements in the am and pm peak period, which would be comparable to the existing trips if all uses were still active on the site. In addition there are a range of

sustainable transport alternatives in the immediate area and the inner-city location of the site provides a range of local facilities that are accessible by non-vehicular or public transport modes. The applicant has also offered to make a contribution of £50,000 towards public realm improvements on Great Hampton Street. The development would provide 132 cycle parking spaces and servicing activities would be from on-street as existing. There is a request from the Access Committee for disabled parking spaces which can be conditioned and the applicant is to provide two charging points for electric vehicles.

6.41 Sustainability

- 6.42 Objections have been received that the development does not appear to be designed and constructed in ways to maximise energy efficiency, or provide measures to enhance biodiversity value of the site as required through policies TP1, TP2, TP3 and TP4 of the BDP. The application includes an energy statement which advises that passive energy efficiency design measures normally prove to be the most economic and effective way to conserve energy and prevent heat loss. The adopted strategy for the development is therefore a fabric first approach with the aim that the thermal envelope and air tightness to reduce energy demand along with the proposed use of renewable technologies such as solar photovoltaic panels. An air source heat pump also being considered for the commercial units and duplex apartments. Two electric charging points are also proposed. The Council ecologist recommends some much needed ecological enhancement in the area through the provision of biodiversity roofing on flat roof areas and to require suitable planting through the landscaping scheme. Suitable conditions are recommended

6.43 Other Matters

- 6.44 The comments made by West Midlands Police are noted and conditions are recommended to require a lighting scheme, on site security measures and CCTV. The request from the Jewellery Quarter Development Trust for a comprehensive study is made of length of Barr St to avoid piecemeal and incremental changes is noted and a study of the wider area is currently being investigated.

6.45 CIL and Section 106 Obligations

- 6.46 The proposed development does not fall within lies within a CIL charging area but the number of apartments proposed means that the City Councils policies for Affordable Housing and Public Open Space in New Residential Development apply. A Viability Statement has been submitted with the application to demonstrate that the site cannot meet the full BDP requirements which has been independently assessed by the City Council's consultants. As a result it has been agreed that 13 (10%) low cost market rent dwellings will be provided on site at a 20% discount in the form of 8 x 1 bed and 5 x 2 bed units which equates to a subsidy of £520,629. This is an improved offer compared to the original affordable housing offer of 10 (7.4%) units, as mentioned as being inadequate, by the Jewellery Quarter Development Trust
- 6.47 Contributions have also been requested from Local Services towards off site public open space and although the development would not be viable if the £270,000 requested was provided. The applicants have however offered £50,000 towards public realm improvements which would accord with Policy 3.3 of the Jewellery Quarter Conservation Area Management Plan which states that developers will be expected to contribute to the enhancement of the public realm with priority given to restoration of historic features and paving. These requirements are considered to be a fair and justifiable and to meet the necessity tests set out in the CIL regulations.

The request for an employment construction plan is recommended to be covered via a condition.

7. Conclusion

7.1 The application proposals have required a careful balancing of the objections to the development and less than significant harm caused to the JQ Conservation Area against the public benefits of allowing the demolition of most of the existing buildings on the site and erection of replacement 5 storey buildings on Barr Street. The proposals would allow the regeneration of this run down site, the provision of viable new uses, restoration of the retained buildings, reinstatement of the linear courtyards and erection of high quality new buildings. A good mix of apartment sizes would be also provided as well as on site car and cycle parking.

7.2 Although concerns have been raised by Regulatory Services regarding the impact of adjacent commercial uses on future residents it is considered that with the imposition of the conditions they recommended the impact can be mitigated to an acceptable degree. There would also be no adverse impact on the significance and setting of the other listed and locally listed buildings nearby. It is therefore considered that on balance the application is acceptable and is therefore recommended for approval subject to conditions as set out below:-.

8. Recommendation

8.1 That consideration of application 2018/10135/PA be deferred pending the completion of a Section 106 Legal Agreement to secure the following:-

- i) The provision of 13 affordable market rent units on site comprising 5 x two bed and 8 x one bed to be offered at 20% discount of the market sale values in perpetuity.
- ii) The provision of £50,000 towards public realm improvements in the immediate area
- ii) Payment of a monitoring and administration fee associated with the legal agreement of 3.5% of the value of the public realm contribution and affordable housing provision subject to a maximum of £10,000.

8.2 In the absence of a planning obligation being completed to the satisfaction of the Local Planning authority by 29th May 2020 planning permission be refused for the following reason:-

- i) In the absence of a legal agreement to secure the provision of 13 on-site affordable market rent housing units the proposal conflicts with Policy TP31 of the Birmingham Development Plan and the National Planning Policy Framework.
- ii) In the absence of a legal agreement to secure contributions towards off site public realm improvements the proposal conflicts with Policies TP39 and TP47 of the Birmingham Development Plan, Policy 3.3 of the Jewellery Quarter Conservation Area Management Plan and the National Planning Policy Framework.

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

8.4 That in the event of the planning obligation being completed to the satisfaction of the Local Planning authority by the 29th May 2020 planning permission for application 2018/10135/PA be APPROVED, subject to the conditions listed below:-

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|----|--|
| 1 | Requires the prior submission of a phasing plan |
| 2 | Prevents demolition prior to a redevelopment contract being entered into |
| 3 | Requires details of works to conserve and repair Nos 30-33 Great Hampton Street. |
| 4 | Requires the prior submission of Structural Recording |
| 5 | Requires the submission of an implementation method statement |
| 6 | Requires the prior submission of contamination remediation scheme on a phased basis |
| 7 | Requires the prior submission of a construction employment plan. |
| 8 | Requires the submission of a contaminated land verification report |
| 9 | Requires the prior submission of a construction method statement and management plan |
| 10 | Requires the prior submission of a sustainable drainage scheme in a phased manner |
| 11 | Requires the submission prior to occupation of a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan |
| 12 | Requires the prior submission of sample brickwork and cladding materials |
| 13 | Requires the prior submission of window frame details |
| 14 | Requires the prior submission of sample roof materials and details |
| 15 | Requires the prior submission of roof light details |
| 16 | Requires the prior submission of details of external doors, gates, roof top plant or machinery and/or solar panels. |
| 17 | Requires the prior submission of Ramps and Step details |
| 18 | Requires the submission of details of balconies |
| 19 | Requires the submission of boundary walls, railings & gates details |
| 20 | Requires the prior submission of hard and/or soft landscape details |
| 21 | Requires the prior submission of hard surfacing materials |
| 22 | Requires the prior submission of details of green/brown roofs |
| 23 | Requires the prior submission of a landscape management plan |
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- 24 Requires the prior submission of a CCTV scheme
 - 25 Requires the prior submission of a lighting scheme in a phased manner
 - 26 Requires the prior submission of a scheme for ecological and biodiversity enhancement measures on a phased basis
 - 27 Requires the submission of details of bird/bat boxes
 - 28 Requires the prior submission and completion of works for the S278/TRO Agreement
 - 29 Requires the parking area to be laid out prior to use
 - 30 Requires the provision of cycle parking prior to occupation
 - 31 Requires the prior submission of a travel plan
 - 32 Requires the prior submission of noise mitigation measures
 - 33 Limits the noise levels for Plant and Machinery
 - 34 Requires the prior submission of noise insulation (variable)
 - 35 Prevents the use of amplification equipment
 - 36 Requires the prior submission of extraction and odour control details for any A3, A4 or D2 uses including the Blue Nile restaurant
 - 37 Requires submission of the retail/commercial Shop Front Designs
 - 38 Limits the hours of use of the commercial/retail units to 7am -11pm Monday - Saturday and 8am - 11pm Sundays.
 - 39 Limits delivery time of goods to or from the the commercial/retail units to 7am -11pm Monday - Saturday and 8am - 11pm Sundays.
 - 40 Requires the glazing to the commercial/retail units to be clear and not obstructed.
 - 41 Requires a site security strategy
 - 42 Requires the works to the shop/commercial units to be undertaken prior to occupation of any dwelling.
 - 43 Requires the scheme to be in accordance with the listed approved plans
 - 44 Implement within 3 years (Full)
-

Case Officer: Lesley Sheldrake

Photo(s)



Photo 1: Site frontage to Great Hampton Street with buildings to be demolished in the centre



Photo 2: Site frontage to Great Hampton Street showing buildings to be retained and refurbished



Photo 3: Site frontage to Barr Street looking north



Photo 4: Site frontage to Barr Street looking south

Location Plan



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Committee Date:	13/02/2020	Application Number:	2019/05777/PA
Accepted:	11/07/2019	Application Type:	Full Planning
Target Date:	14/02/2020		
Ward:	Ladywood		

210-211 Broad Street, City Centre, Birmingham, B15 1AY

Demolition of existing buildings and construction of a 37 storey tower with 264 serviced apartments (Use Class C1), cafe / restaurant (Use Classes A3) bar (Use Class A4) and gym (Use Class D2)

Recommendation

Approve subject to Conditions

1. Proposal

Use and Amount of Development

- 1.1. The proposed development is for 264 serviced apartments to be operated by a hotel in a 37 storey tower. Floors 3 to 35 each have two "T1" type rooms (46sqm), and six "T2" type rooms (33sqm -34sqm). The development includes an entrance and reception (with 24/7 concierge) on Broad Street, with a publically accessible bar and restaurant at level 1. Level 2 contains a gym and residents lounge. The bar, restaurant and gym uses are expected to be operated by the hotel but could also be operated by a third party. The roof (level 36), is a plant area.
- 1.2. A serviced apartment is a commercial business with a dedicated reception or guest services team. It includes a kitchen, bathroom and bedroom / living area and provides regular housekeeping services. This scheme also offers hotel-like services including a gym and resident's lounge. Length of stay at serviced apartments is also generally less than 90 days.
- 1.3. Overall the building would have a total GIA floorspace of 16,414 sqm with the bar / restaurant occupying a GIA floorspace space of 393.9 sqm and the gym also occupying a GIA floorspace of 393.9 sqm.

Access and Servicing

- 1.4. Customer and guest access to the building would be via the front door onto Broad Street. This access would fully with with the Equalities Act 2010 to all areas of the building internally. The fire strategy has been designed in conjunction with specialist fire consultants, with fire service access gained via Broad Street and Tennant Street, where there is the ability for fire tenders to park.
- 1.5. No car parking or vehicular access into the site is proposed. The operator has no requirement for cycle parking within the building but if a guest did arrive with a fold-up bicycle, there would be space within the luggage area in each apartment. There is also space within the back of house areas for the storage of a small number of bicycles for staff.

- 1.6. Servicing would be on street from Tennant Street. There are two existing on street metered parking bays on Tennant Street, which would be removed through a Traffic Regulation Order to create a loading / unloading zone, to service the building. The refuse collection and all deliveries would access through the service door on Tennant Street, which would also provide fire escape in an emergency.
- 1.7. It is necessary to have two electricity substations within the building to provide back-up power in the event of equipment failure to meet the service standards of the operator. Street level access is required to the sub-station equipment which dictates the need for the majority of the ground floor Tennant Street elevation to be given over to access to the electricity sub stations.

Layout

- 1.8. The ground floor accommodates the hotel entrance, a corridor on the north side of the building then gives access to two lift / stair cores with back of house facilities between them. To the Tennant Street elevation there are two electricity sub stations and access to the refuse stores.
- 1.9. Level 01 of the podium accommodates the bar and restaurant spaces to the Broad Street and Tennant Street frontages respectively. Ancillary back of house uses are located between the lift / stair cores. Similarly floor level 02 would house a residents lounge and gym to the street facing facades with back of house / ancillary spaces between the two cores.
- 1.10. Each floor comprises 8 serviced hotel apartments which are accessed via a corridor on the north side of the building. Two larger serviced apartments at the street facing ends of the floor plate provide a larger living and kitchen area. The serviced apartments have been designed with an open plan layout, with a full height division between the living and sleeping area to provide privacy.
- 1.11. The roof accommodates lift overruns and plant, together within the building maintenance unit with a perimeter rail to enable maintenance access to the full perimeter of the building.

Scale and Appearance

- 1.12. The proposal is for a “Slender Highrise” building inserted into the streetscape along Broad Street. It would occupy the whole development site, measuring 9.5m wide by 50.5m long and 116.5m tall. The building has three elements vertically. The first three floors provide the base, which is between the adjoining buildings. Floors 3 – 35 are fully glazed, whilst the top double height provides a crown to the building.
- 1.13. The Broad Street and Tennant Street façades would be a fully glazed unitised system with glass to glass corners and structural columns set back to give the appearance of a vertical glass shard. To the side elevations a clear glass façade would be maintained, apart from areas that would be obstructed by structure / core / walls, which would be glazed with thermally insulated unitised façade panels. Ventilation to the serviced apartments would be via a slot vent system incorporated into the spandrel panel within the glazed unitised system. This vent design would minimise the impact on the façade while maintaining the appearance of the fully glazed elevations.



Daytime Image from Broad Street

- 1.14. The double height crown of the building in its amended form would have full height cladding made of perforated metal panels to screen plant as well as providing an integrated signage option.
- 1.15. Signage would be focused on the active uses of the lower floors fronting Broad Street from where the only customer/guest entrance would be located. At ground and first floor levels this would be window manifestations. Free standing lettering aligned with the façade is also proposed as a suitable possible solution. There is no signage proposed in the middle glazed element of the building. Building signage to address views from afar is potentially to be integrated at rooftop level.
- 1.16. The lighting strategy follows a similar approach which would enable signage and lighting to be complementary. The top of the tower is to be lit to provide visibility in longer views. The podium would also be lit from within providing an active frontage to the street.



Night time image

Supporting Information

1.17. In support of the planning application the following documents have been submitted

- Design and Access Statement
- Daylight and Sunlight Study
- Glare Study
- Wind Microclimate Study
- Television and Radio Baseline Survey Report
- Communications Impact Assessment
- Aviation Safeguarding Assessment and Radar Assessment
- Daylight & Sunlight Glare Assessment
- Air Quality Assessment and Addendum
- Heritage Statement
- Archaeology Desk Based Assessment
- Ecological Appraisal and Bat Surveys
- Sustainable Drainage System Assessment
- Phase I Desk Study Report
- Noise Assessment
- Transport Statement and Interim Travel Plan

- Topographical & Utility Survey
- Energy Statement
- Detailed Unexploded Ordnance (UXO) Risk Assessment Preliminary Unexploded Ordnance
- (UXO) Risk Assessment
- External Fire Spread and Outline Fire Strategy Report

1.18. The application proposes hotel use (class C1) which within the city centre as defined in the Charging Schedule attracts a CIL charge in the region of £472,641.87. There is no requirement for a S106 obligation.

1.19. [Link to Documents](#)

2. Site & Surroundings

2.1. The application site (509sqm) is located to the west of the city centre between Broad Street to the north west and Tennant Street to the south east. With the exception of a small internal yard the site is fully developed with a 5 storey office building fronting Broad Street and a 2 storey industrial unit fronting Tennant Street.

2.2. The site is located within walking distance of the city centre business, shopping and entertainment districts. Broad Street is a main bus route for a number of services and there are bus stops immediately outside the site. The Metro extension along Broad Street is due to open in 2021 providing services between Five Ways / the city centre and Wolverhampton.

2.3. The application site is adjoined to the south west by a multi-storey car park, associated with the 'Hampton by Hilton' hotel and beyond it the hotel, with bars and nightclubs, fronting Broad Street at street level. To the north east the adjoining site at 212 -223 Broad Street benefits from planning consent for a 42-storey residential development (known as The Mercian) and is currently under construction. Beyond are the locally listed Grade B Lee Longlands furniture store at 224-228 Broad Street and O'Neill's public house on the corner of Granville Street and Broad Street.

2.4. To the south, across Tennant street are public and private car parks, with Trident House, a 20 storey residential building beyond. On the opposite side of Broad Street is the Grade II listed former Royal Orthopaedic Hospital (now Zaras bar grill and nightclub) and former Barclays Bank at 78-79 Broad Street. Behind the latter listed building between Sheepcote Street and Oozells Way (Left Bank Development Site) are two-high rise residential towers of 33 and 22 stories.

[Site Location](#)

3. Planning History

3.1. There is no recent planning history for this site but planning consent has recently been granted for tall buildings on nearby sites as detailed below.

3.2. The Mercian - 212 -223 Broad Street - Application 2017/08357/PA - Demolition of existing buildings and development of a 42 storey residential building with 14 storey shoulder and 3 storey podium, containing 481 no. residential apartments (Use Class C3), 1,663 sq m of retail floorspace (GIA) (Use Class A1,A2,A3,A4 and A5), 1,512 sq m of flexible office work space (Use Class B1), plant, storage, reception, residential amenity areas, site access, car parking, cycle parking and associated

works. This application was approved subject to a legal agreement to secure affordable housing and is currently under construction.

- 3.3. Left Bank Development Site - Application 2016/08890/PA – 31 storey residential building (in lieu of the 18 storey hotel building) containing 205 apartments including ground floor restaurant use. Approval subject to a legal agreement to secure financial contributions towards off site affordable housing and a car club. Application subsequently amended to add 2 further storeys (comprising 12 additional residential units). Scheme now complete
- 3.4. In addition, there is a current planning application (reference 2019/05158/PA with a resolution to approve subject to completion of a S106 agreement) at 100 Broad Street for demolition of existing buildings and erection of 61 storey tower to include 503 apartments (Use Class C3), ground floor commercial/retail units (Use Classes A1-A5 , B1a, D1 & D2), flexible upper floor uses (Use Classes A3, A4 and D2), ancillary residents amenity and all associated works.

4. Consultation/PP Responses

- 4.1. Nearby occupiers, residents associations, local ward councillors. M.P. and Westside BID notified. Site and Press notices displayed.
- 4.2. Letter of objection (and wind critique) from Moda, owner / developer of the Mercian building commenting that:-
- Up to 150 apartments in Mercian will suffer unacceptable light levels;
 - overshadowing of the podium level terrace at Mercian, with its outdoor amenity space for residents, has not been properly assessed;
 - there will be up to 66 apartments subject to adverse overlooking from the serviced apartments on the north-eastern corner of the proposed scheme;
 - the submitted Wind Study is deficient and does not provide reassurance that the applicant's proposals will not have an unacceptable impact;
 - the Solar Glare Assessment does not consider the impact of the mirroring effect on windows in Mercian's south-west elevation;
 - the proposals do not provide an acceptable treatment of the relationship with the podium of the Mercian, with windows at Level 03 directly overlooked from the terrace and smoke vent louvres facing directly onto the terrace;
 - there is inadequate assessment of the scheme's townscape and visual impact;
 - the Heritage Statement has a flawed approach to the consideration of impacts on heritage assets of interest and the existing Transport House building should be considered as a non-designated heritage asset;
 - the size and shape of the site, along with its immediate neighbours, generate significant challenges to buildability;
 - the proposed building has a low net to gross ratio and the basement construction will be expensive due to the proximity of adjoining buildings. The CGIs also suggest that limited allowance has been made for noise transfer between floors in the elevations. These raise questions about the viability of this form of development;
 - The application does not address the requirement for all non-residential buildings over 1,000 sq m to target BREAM Excellent, nor does it explain how the requirements of BDP policies.
- 4.3. In addition, two letters from solicitors acting on behalf of Moda have been submitted. The first letter confirms that their client will not allow any cranes, equipment or

materials to oversail their adjoining land at 212 Broad Street. As such the proposed development is not deliverable and requests that the City Council places considerable weight on the undeliverability of the development when considering the application. The second letter, in response to the applicant's solicitors, disputes their analysis of the legal position in this respect.

- 4.4. Cumberland House BRPA Property Fund – do not object to the principle of this proposal but have significant concerns with the detail and in particular the impacts upon the Hampton by Hilton Hotel which, as part of Cumberland House, sits adjacent to the proposed development. In particular:-
- unacceptable adverse impact on daylight to many of the windows of the Hampton by Hilton Hotel including a significant proportion of bedroom windows;
 - the potential for accidents caused by glare coming off the proposed building.
 - lack of provision of cycle parking for both guests and;
 - lack of disabled parking provision;
 - failure to demonstrate the proposed development will be BREEAM excellent;
 - concern over the practicality and safety of the construction options and reliance upon land that is not within the applicants control with no evidence of discussions with the relevant parties as to the acceptability of the construction proposals.
- 4.5. In response to additional information submitted by the applicant, Cumberland House have commented that:
- the Solar Glare assessment confirms their original objection;
 - whereas the Daylight and Sunlight Study dismisses Cumberland House because it is non-domestic, the BRE guide states that it may be applied to hotels where there is a reasonable expectation of daylight. They consider that the unobstructed daylight enjoyed by Cumberland House for over 55 years is material to the hotel guest experience and constitutes a prescriptive right.
 - the report states the proposed development does not fully comply with the BRE guidelines and appears to include calculated data for only a small number of the Cumberland House windows affected.
- 4.6. In addition, a letter from solicitors acting on behalf of Cumberland House BRPA Property Fund has been submitted confirming that their client would reject a request by the applicant for an oversailing licence to enable it to construct the proposed development.
- 4.7. Birmingham Civic Society - disappointed to see the demolition of the handsome existing building at 211 Broad Street, but a façade retention scheme would not be appropriate. The proposals here are no greater in height than the recently approved Mercian building, but new buildings should continue to be carefully designed and consider the context. The proportions of the proposed tower facing Broad Street are elegant, but the side elevations would present significant bulk and impact on the skyline particularly from the Edgbaston Conservation Area. A quality of visual simplicity and minimalism appears to be the intention, but for this to be achieved the whole requires a very carefully detailed and elegant curtain walling system. Further construction details would be welcomed. It is noted that no parking is to be provided.
- 4.8. One letter received from a nearby resident commenting that Transport House has quite an impressive facade. It seems a shame to not somehow integrate that in any new development. The proposed 37 storey tower might be too high, which together

with the development opposite are adding a huge number of apartments to the area. Also queries how noise would be dealt with as there is a lively bar scene nearby. The design should be such that the apartments are predominantly on the Tennant Street side.

4.9. Design Review Panel –

- praised the scheme being an ambitious concept and elegant in its form and had no objections to the height and mass; however concerns were raised about buildability;
- queried whether the glazing was to be tinted;
- considered that the “crown” of the building was not fully resolved;
- considered that the Broad Street entrance and Tennant Street elevation needed to be more active;
- considered it would be helpful to see a 3D image of the cladding details;
- lighting strategy needed to see how the building and cores will look like at night;
- comfort needed that the ventilation strategy can be built as proposed and how the separation of adjacent rooms on floors will transcend the appearance of the building

4.10. BCC Transportation Development – no objections subject to conditions to secure off site highway works (including Traffic Regulation Order changes and loading bay marking provision, and compensation for lost revenue on pay and display bay being removed), completion of the delivery and servicing area, cycle parking and a Construction Management Plan.

4.11. BCC Regulatory Services - amenity for occupants will be impacted by the late night entertainment activities that take place in the vicinity. The decision to create serviced apartments at this location is a commercial decision and the applicant needs to ensure that the development would provide a satisfactory amenity for the future customers. An air quality assessment report has been submitted in support of the application. The impact on future site users has been assessed on the basis that site users will only be resident at the proposed building on a short term basis, and as such the impacts will be minimal. A planning condition to limit the maximum period of occupation to six months or less is recommended. If occupation is not to be restricted then a noise assessment should be submitted in line with guidance provided in Section 7.7 of the Council's PGCN1(Edition 5) and the subsequent recommend mitigation be incorporated into the development together with a commissioning study. Conditions are also recommended to limit noise from plant / machinery and to secure details of fume extraction equipment. Given the previous industrial uses on the site conditions should be attached to secure a Contamination Remediation Scheme and Contaminated Land Verification Report.

4.12. BCC Employment Access Team - request a S106 obligation or planning condition to secure local employment obligations.

4.13. Local Lead Flood Authority – no objections subject to conditions to secure details of surface water drainage, sustainable drainage system and sustainable drainage operation and management plan.

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

4.15. West Midlands Police –

- the development should be to the standards in the Secured by Design 'Homes 2019' guide;
 - the site should be covered by CCTV;
 - further clarification should be provided as to whether the reception / concierge will be manned 24 hours a day and around any plans for refuse collection, post and delivery collection;
 - recommends that each route into the building have at least two layers of security before the doors to the individual apartments are reached;
 - recommends that public access to the Bar and Restaurant, on Level 1 be removed but if this is not possible then internal access control should be installed;
 - video intercom access control systems should be installed on all doors into the building;
 - supports the residents only gym and the lounge on the Second Floor but queries whether there will be changing lockers in the changing room. Also suggests the installation of CCTV to cover the gym and entrance to any changing room / lockers;
- 4.16. West Midlands Fire Service – the approval of Building Control would be required to Part B of the Building Regulations 2010. Early liaison should be held in relation to fixed firefighting facilities, early fire suppression and access.
- 4.17. Birmingham Airport – no objections subject to a condition requiring mitigation of interference on radar.
- 4.18. Historic England – no requirement to be consulted.
5. Policy Context
- 5.1. Birmingham UDP 2005 Saved Policies; Birmingham Development Plan 2017; High Places SPG; Places for All SPG; Access for People with Disabilities SPD; Car Parking Guidelines SPD; Lighting Places SPD and the revised National Planning Policy Framework.
- 5.2. Opposite the site is 78-79 Broad Street a Grade II Listed Building, whilst further along Broad Street is the Grade II Listed Royal Orthopaedic Hospital. Nearby is the locally listed Lee Longlands building at 224-228 Broad Street, and on the opposite side of Granville Street is O'Neill's Public House, both of which are categorised at Grade B. Nearby conservation areas at Colmore Row, Jewellery Quarter and Edgbaston.
6. Planning Considerations
- Land Use and Tall Building Policy
- 6.1. In 2017 planning consent was granted for a 42 storey residential building with 14 storey shoulder and 3 storey podium on the adjoining site at 212 Broad Street. Development has recently commenced on this scheme. On the opposite side of Broad Street is the Left Bank Development site, which comprises two residential towers of 33 and 22 storeys. In addition, there is a current planning application (with a resolution to grant permission subject to a S106 agreement) for a 61 storey residential tower at 100 Broad Street. This part of the City Centre is therefore

undergoing significant regeneration with a cluster of tall buildings as envisaged in the Big City Plan.

- 6.2. In January 2017, the City Council adopted the Birmingham Development Plan (BDP). The BDP is intended to provide a long term strategy for the whole of the City and will replace the saved policies of the Birmingham Unitary Development Plan 2005, with the exception of the City Wide policies contained within Chapter 8 of that plan. These policies will continue in force until the adoption of the Council's proposed Development Management DPD.
- 6.3. The proposal site is within the City Centre Growth Area (Policy GA1 of the BDP) and part of the Westside and Ladywood Quarter and the Westside Business Improvement District. The vision for this Quarter seeks to create "a vibrant mixed use area combining the visitor, cultural, commercial and residential offer into a dynamic well connected area..."
- 6.4. The principle of the proposal for a mixed use scheme of serviced apartments, restaurant / bar and a gym is in line with the vision for the Quarter and that of Birmingham as an International City (Policy PG2). In principle therefore, I have no objections to the proposed use subject to the details below being addressed.
- 6.5. As the proposed building would be 37 storeys in height the City Council's SPG on tall buildings "High Places" applies. It advises that this site falls within the Central Ridge Zone where tall buildings may be appropriate. High Places advises that tall buildings should respond positively to the local context and be of the highest quality in architectural form, detail and materials. They should also be well lit; not have an unacceptable impact in terms of shadowing and microclimate; help people on foot to move around safely and easily; be sustainable, and consider the impact on local public transport

Design Issues

- 6.6. The site falls within the Westside and Ladywood Quarter and is situated within the central ridge zone, as identified in Birmingham City Council planning policy 'high places'. In terms of massing this area is the preferred location for tall building clusters. The policy context provides the opportunity for this proposal to be an addition to the cluster of tall buildings currently emerging on Broad Street.
- 6.7. The proposed design seeks to deliver a fully glazed system to emphasise the simplicity of the design with the structure internally located. In particular, the ventilation strategy is via a slot vent system incorporated into the spandrel panel within the unitised system. The simplicity of the slot vent design seeks to maintain the simplicity of the façade.
- 6.8. The building comprises a base – middle and top.
 - Base - the design of the front elevation looks to bring the elevation straight down to meet the ground maintaining a simple façade on what is a narrow street frontage. The base is characterised by increased floor to floor heights and locating all front of house and amenity facilities here.
 - Middle - the body maintains the simplicity of the glazed façade. The proportions are all rationalised to a 3m floor to floor with the slot vents located on the North West elevation only. Glass wrap around corners are located on all elevations with the structure set in and visible.

- Top – the top is a two storey element to provide a visually crown to the building.

6.9. The Design Review Panel praised the scheme being an ambitious concept and elegant in its form and had no objections to the height and mass; however concerns were raised about the various details. In response the agent has:-

- submitted 3D visuals of the cappings, mullions, spandrel panels and ventilation details. These images show how the floor slabs will appear through the glazing, both with spandrel panels on the side elevations, and clear glass on the front elevation. The floor slabs can be seen to be recessed so that they do not directly abut the glazing. On the side elevations the spandrel panels have a very similar tint to the glazing, which prevents the panels breaking up the appearance of the elevation vertically;
- submitted further information showing the design intent of the glazing ventilation slots.
- given further consideration to enhancing and ‘celebrating’ the main entrance to the building from Broad Street. Amendments have been submitted with the main entrance now framed by a slim metal profile with a shadow gap surround. The glazed doors would also be recessed further into the façade with the head of the door expressed in a pressed metal flashing.
- revised the design of the crown, from a split design to a full height single architectural form made of perforated metal panels.
- given consideration to relocating the restaurant from the Tennant Street side of the building to the Broad Street side, above the bar which is proposed on the Broad Street frontage at 1st floor. However, it is the hotel operators’ strong preference to retain the restaurant in its current location. Whilst the kitchen will mainly service the restaurant, the operator wants to retain the ability to easily serve light bites from the bar area as well. The configuration in the application places the kitchen centrally between the bar and restaurant allowing it to perform a dual role. Splitting the levels for bar and restaurant makes kitchen operation much less efficient in physical and cost terms. The objective of DHRP in suggesting the swap between restaurant and gym, was to provide increased activity on the Tennant Street frontage. However, the restaurant would serve meals throughout the day and would therefore a good level of natural surveillance.
- clarified the lighting strategy, which includes strategically located light strips on the facade. These will also be incorporated into the core and other solid elements to break up the façade and avoid “dark spots”.

6.10. I consider that the building is of a high quality design and responds well to its context. To maintain the quality of the façade system conditions are attached to secure architectural and lighting / signage details.

Daylight and Sunlight

6.11. A Daylight and Sunlight study has been undertaken to assess the impact of the development at neighbouring properties. This report concludes that:-

- 211 Broad Street - the most significant impact is likely to be on the new tower, however, when this development was granted there was an expectation that 211 Broad Street would be redeveloped. Therefore, whilst there are shortfalls against the Vertical Sky Component Test and daylight distribution recommendations, the BRE guide permits an additional calculation of daylight to be undertaken, which is known as the average daylight factor (ADF) test. The results show that 95% of the rooms tested would meet the minimum ADF target.
- 1 Stoke Way - all windows tested pass the Vertical Sky Component test with the exception of one window, which falls only marginally short of its target.
- Tennant Street Lofts - the vast majority of windows and rooms at this property surpass the recommendations for both the VSC and NSL tests. A number of rooms fall short of the recommendations but these are bedrooms, where daylight is generally considered as less important.
- Sunlight to Windows - a number of windows at 78 to 79, 80 & 200 to 209 Broad Street do not pass both the total annual sunlight hours test and the winter sunlight hours test. However, this does not amount to non-compliance with the BRE requirements given that the windows are to non-domestic uses. All other properties appear to have a requirement for sunlight and all windows tested at these properties pass the sunlight tests with the exception of a number of windows at 212 to 223 Broad Street. However, the results show that the majority of living room windows at this property will meet the sunlight recommendations over the whole year and also in the winter months.

- 6.12. The results confirm that the proposed development does not fully comply with the BRE numerical guidelines. However, in urban locations, areas of non-compliance are not uncommon, especially where there are significant existing and proposed high-rise buildings in the nearby vicinity. Furthermore, the BRE guide explains that the numerical guidelines should be interpreted flexibly, since natural lighting is only one of many factors in site layout design. In addition, the revised NPPF advises that local planning authorities should take a flexible approach to daylight and sunlight to ensure the efficient use of land. On balance, I do not consider that the limited daylight and sunlight impacts justify refusal of this application.

Microclimate

- 6.13. The Wind Microclimate study confirms that no dangerous conditions would exist and pedestrian wind comfort would be satisfactory. Furthermore the impact of the 211 Broad Street building on the wind microclimate in its vicinity is low and pedestrian wind comfort should not be an issue. No mitigation measures are therefore needed.

Glare

- 6.14. The Solar Glare study identifies 13 sensitive sensor locations, all of which are located at traffic junctions or pedestrian crossings. The study has shown that sunlight reflected off the development is unlikely to cause glare to motorists for the majority of viewpoints. The exception to this are on Sheepcote Street, at a traffic-light controlled pedestrian crossing and another at a zebra crossing.
- 6.15. The Glare report has been revised to identify the specific part of the north east elevation of the proposal which generates the potential glare. To mitigate this glare

projecting mullion caps of 150mm on every other mullion in the relevant zone of the north east elevation are proposed.

Helping People Move Around

- 6.16. The proposed development would add to the cluster of tall buildings on Broad Street to identify the skyline and act as marker along the route of the Edgbaston Metro extension. The building would have its main entrance onto Broad Street creating a welcoming active frontage. In addition, the bar, restaurant and gym within the podium would provide natural surveillance to both the Broad Street and Tennant Street frontages.
- 6.17. In response to the Police, the applicant has confirmed that the reception would be manned 24hours / 7 days per week with the scheme run and managed similar to a hotel. Access through the reception would be possible to the bar and restaurant on the first floor but access beyond the first floor would be controlled. In addition, all front of house areas would be covered by CCTV as well as the corridor and lift lobby area per serviced apartment floor. A condition requiring details of the CCTV system is attached. The applicant has verbally confirmed with WMP that the proposals are appropriately designed for security purposes and reducing opportunity for crime.

Sustainability

- 6.18. The adopted energy strategy for the development is that of a fabric first approach utilising a unitised curtain walling system. The enhancement of the thermal envelope and air permeability would reduce the required energy demand for the development, supplemented by the use of renewable technologies. To meet the heating and hot water requirements of the serviced apartments, a number of options have been reviewed and the building layout is being developed to ensure the flexibility of potential heating and hot water sources.
- 6.19. Electrically sourced systems are currently being proposed with the potential incorporation of heat recovery Air Source Heat Pumps (ASHP), due to the upcoming changes to Part L analysis criteria where there would be a reduction in carbon dioxide emissions associated with grid electricity generation.
- 6.20. As part of Birmingham City Councils District Energy Scheme, there are a number of existing district energy networks in the area and viability of connecting a network to the proposed development has also been reviewed. As the building stands approximately 500m from the nearest district heating node and is located on the opposite side of the canal, it is proposed that the buildings design would be progressed utilising air source heat pumps as they have the same or similar benefits, and there is no adverse impact on amenity.
- 6.21. Severn Trent Water have no objections subject to inclusion of a condition requiring submission and implementation of drainage plans for foul and surface water. Additionally, the Local Lead Flood Authority have confirmed that they have no objections subject to conditions to secure details of surface water drainage, sustainable drainage system and sustainable drainage operation and management plan. Accordingly, conditions are attached.
- 6.22. BCC Regulatory Services acknowledge the Desk Study report in respect of land contamination submitted with the application noting that it proposes intrusive investigation. This can only take place once the existing buildings on site have been

demolished and conditions requiring a contamination remediation scheme and land verification report are attached.

- 6.23. The Ecological Study found two common pipistrelle bats roosting within the southern section of the building. A Natural England licence will therefore be required prior to any development works. The report also recommends that a bat box is installed as enhancement but that due to the nature of the site and the development, it may be necessary for this to be installed off-site.
- 6.24. The desk study identified six species of protected and notable birds within 1km of the site. The report therefore recommends that demolition of the building is undertaken outside the nesting bird season. If works are undertaken within the nesting bird season it is recommended a nesting bird check is undertaken by a suitably qualified Ecologist.
- 6.25. My Planning Ecologist concurs with the report and recommends conditions to secure a Legally Protected Species and Habitat Protection Plan and bird/bat boxes. I consider that these are reasonable but note that due to the design of the building the proposed bat / bird boxes may need to be located off-site.

Highway and Impact on local public transport

- 6.26. The site has excellent accessibility by public transport and walking, with New Street, Snow Hill, Moor Street and Five Ways stations all within a reasonable walking distance. The Edgbaston Metro extension will bring tram services along Broad Street past the site with stops close by on Broad Street, and there are bus stops on Broad Street adjacent the site. The proposal is therefore in a very sustainable location and would benefit from the public transport facilities in the vicinity.
- 6.27. The scheme will have no car parking provision, with servicing taking place from Tennant Street. The site is located within the city centre so accessible by all modes and this is in line with BCC parking policy on maximum parking levels. The adjacent roads are all protected by parking controls. The scheme provides an internal servicing area with vehicles needing to wait on a new loading bay TRO on Tennant Street to service the site. These alterations result in two pay and display bay needing to be removed which the applicants will need to cover the costs of lost revenue.
- 6.28. BCC Transportation Development have raised no objections to the proposed development subject to safeguarding conditions, which are attached. It should be noted that the adopted Parking Guidelines SPD does not set any minimum requirement for cycle parking with hotel development and the applicant is therefore proposing an area in the basement of the building which could be utilised by staff to store bicycles should there be demand. I consider this reasonable, given that public transport or walking are therefore expected to be the primary modes of travel to the site for staff and guests.

Noise and Air Quality

- 6.29. BCC Regulatory Services - amenity for occupants will be impacted by the late night entertainment activities that take place in the vicinity. The decision to create serviced apartments at this location is a commercial decision and the applicant is satisfied that the proposals will provide satisfactory amenity for guests, with the building having been designed with non-opening windows and mechanical ventilation to mitigate against external noise. As recommended conditions are

attached to secure a noise assessment and mitigation measures together with a commissioning study. Conditions are also attached to limit noise from plant and details of the kitchen fume extraction equipment are attached.

- 6.30. BCC Regulatory Services has no issues with the submitted Air Quality Assessment subject to a condition to limit occupation to 6 months. Subsequently, following submission of additional information, they have confirmed that given the impending clean air zone and Westside Metro Extension, they do not foresee any air quality issues in the vicinity of the development.

Heritage Issues

- 6.31. The City Design Manager has raised no objections to the proposed development. The listed buildings within Broad Street and its immediate environs will have their settings altered to varying degrees; however they all stand in a much altered townscape where the scale and form of development is now much greater. The application site is largely limited in its significance to these buildings setting, although the new building will be a dominant structure in their future setting. Most affected is the former orthopaedic hospital and Barclays Bank, however these structures already are surrounded by tall towers and this new landscape has been absorbed into their setting and the harm to setting is concluded as minor and 'less than substantial'.
- 6.32. Paragraph 196 of the revised National Planning Policy Framework states 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. In this instance I consider that the public benefits outweigh the less than substantial harm to heritage assets. These public benefits include:-
- redevelopment of an underused highly accessible city centre site with a high density mixed use development generating business rates and additional revenue for Westside BID;
 - a significant number of serviced apartments that will provide a high quality accommodation enhancing the attractiveness of Birmingham to business tourism visitors;
 - provision of a high quality development contributing to local distinctiveness and a sense of place;
 - a super slender tower that will contribute to a cluster of well-designed tall buildings that would enhance the Westside quarter of the city centre and raise the quality of this section of Broad Street;
 - an opportunity to discover archaeological remains and new evidence that would otherwise remain unknown; and;
 - creation of a significant number of jobs during the construction and operational phases.
- 6.33. The impact on the setting of conservation areas is far less than that with listed buildings. Edgbaston and the Jewellery Quarter are most affected, however views towards the city centre comprise groups of tall buildings already and whilst this is a tall structure it is not the tallest tower on the ridge and therefore it will not cause harm greater than negligible.
- 6.34. There is no evidence of the presence of heritage assets of schedulable significance on site. The most likely remains to exist on site are non-designated buried heritage

assets of post-medieval date. These impacts may be mitigated by condition, with resulting negligible-minor residual adverse effects. Therefore, the proposed development would cause 'less than substantial harm'. Harm would be mitigated by preservation by record and a condition is attached to secure archaeological investigation and recording.

Aerodrome Safeguarding and Telecommunications Impacts

- 6.35. The proposed development would break the Outer Horizontal Surface (OHS) at Birmingham Airport by 21.33m. In addition, the development is located within the protection area for some of Birmingham Airports Instrument Flight Procedure Analysis. Accordingly, a Radar Assessment has been undertaken. Birmingham Airport have raised no objections subject to a condition requiring mitigation of interference on radar. A condition this effect is attached, together with conditions attached to secure details of cranes and obstacle lighting.
- 6.36. A Communication Impact Assessment has been undertaken to assess the potential impact of a proposed building development upon fixed communication links in the surrounding area. The results show that one of the UK link operators has links nearby and negative impact is expected. The report therefore recommends that mitigation measures should be discussed with the particular operator. In addition, the Television and Radio Baseline Survey notes that it is possible that the proposed development could cause interference due to shadowing effects. Accordingly, conditions are attached to require a communication impact mitigation strategy and post construction reception measurement.

Response to MODA and Cumberland House

- 6.37. There are no objections to the principle of development by Moda or Cumberland House, but they do raise a number of specific points that are dealt with below.
- i) Light levels to Mercian
- 6.38. There are no national or local policies in the adopted Development Plan or supplementary planning document dealing with sunlight / daylight levels. However, the draft Development Management in Birmingham DPD at policy DM2 states that sunlight, daylight and overshadowing will be considered in assessing the impact of development on amenity. In addition, policy DM11 states that separation distances between buildings should ensure appropriate levels of daylight to internal and external living spaces. The draft Development Management Plan DPD has not yet been adopted and therefore they can only be afforded limited weight.
- 6.39. Following initial concerns by Moda about the BRE Sunlight Daylight and Sunlight Study, an updated study has been submitted, which assesses the revised impact on the podium amenity level, including a full overshadowing plan. The applicants consultant has compared the light situation that would exist with the building modelled in the Moda Design and Access Statement. The applicants argue that this is relevant, as Moda clearly wanted the City Council to believe that it was not prejudicing development of the adjoining site at 211, and that development of 211 had been taken into account in the design of Mercian. I consider that this is a reasonable approach.
- 6.40. The analysis in the updated report concludes that 490 out of 495 (95%) of Mercian rooms with windows facing 211 pass the Average Daylight Factor test. 20 combined living rooms and kitchens fall short, but have been assessed as kitchens, which

means they have been assessed as requiring a higher level of daylight than if assessed as living rooms. All of those rooms achieve the BRE guidance for living rooms. Furthermore all of those rooms which do not meet the BRE guidance, would achieve the guidance standard were it not for the shoulder wing of the Mercian. Whilst there would be some windows that do not meet the BRE guidelines, on balance I consider that the impact of the scheme is acceptable.

ii) Overshadowing of the Mercian podium

- 6.41. With the development of the 211 site, which Moda presented in their Design and Access Statement, a large area of the podium does not receive more than 2 hours sunlight on the assessment date of 21 March. The additional effect of the current application proposal is a small area in the north eastern corner of the podium. Whilst there would be a loss of direct sunlight to the podium this would be mitigated by the improved wind microclimate as a result of 211 Broad Street. On balance, therefore I consider that there would be no significant adverse impact on the outdoor podium amenity area.

iii) Overlooking of Mercian apartments

- 6.42. The separation distance between the south western elevation of Mercian and the facing north eastern elevation of 211 is 29m. There are two windows on that 211 elevation facing towards Mercian, which are in the Broad Street elevation end apartment. The principal windows of that apartment face directly over Broad Street, not towards Mercian.
- 6.43. The gable end of the shoulder block on Mercian is 10m from the north eastern elevation of 211, but has no windows to apartments. There is therefore nothing for the Tennant Street 211 apartment to overlook. Other than the wrap around glazing of the end apartments, there is no situation of apartment facing apartment across the 29m gap between 211 and Mercian. The residential to residential separation distance for buildings 3 storeys and above set out in Places For Living SPG is 27.5m. The application therefore exceeds the relevant design supplementary policy for residential development. I do not therefore have any objection regarding overlooking between 211 and Mercian.

iv) Wind impact to Mercian podium, and nearby streets and entrances

- 6.44. A revised wind study has been submitted utilising the Lawson criteria to make the results comparable with the wind assessment carried out on behalf of Moda. The revised Wind Study also responds to alleged shortcomings in the initial wind study asserted by Moda. Without 211, or 100 Broad Street, the Mercian podium is suitable for short periods of standing / sitting or strolling only. The introduction of 211 to the Mercian podium, would improve the wind environment by one and two steps of the Lawson scale. The introduction of 100 Broad Street (third party application proposal) has only a minor impact. Furthermore the impact of 211 Broad Street building on the wind microclimate in its vicinity is low and pedestrian wind comfort should not be an issue. No mitigation measures are therefore needed.
- 6.45. Consultants acting on behalf of Moda have reviewed the applicant's revised wind study and are still of the view that there are technical flaws and data omissions within the revised wind analysis which would need to be rectified before a decision maker could rely on the findings of this analysis. The current information does not represent best practice and is insufficient to enable a decision maker to make a robust and safe judgement on the impacts of the proposals at 211 and the range of

mitigation required. The applicant's wind consultant has provided a detailed response and their conclusions remain, that the proposed development will have some impact on the wind microclimate conditions, but are entirely acceptable in this regard. The 211 proposal will shield the podium of Mercian from direct winds coming from south-west, which are the most prevalent in this location and provides a significant benefit to Mercian in this regard.

v) Glare reflected onto Mercian from the proposal

- 6.46. There is no applicable standard to be achieved and no specific measure of what is appropriate in terms of glare. The only guidance that has been produced in relation to glare in a planning context is a document by the City of London. This guidance has been conceived for a primarily commercial building context and identifies only one indicative measure of glare where it may become an issue, which is in relation to a fixed workstation where the worker is required to look into the direction of the glare. The analysis confirms that there will be no harm or danger caused by glare reflecting from 211 onto Mercian. Approximately 1/3 of the Mercian elevation would receive no reflected glare from 211. Approximately 1/3 would receive some reflected glare, but less than 50 hours per year which is not an issue even for a fixed work station. Approximately 1/3 would receive more than 50 hours with the maximum being 90 hours per year.

vi) Privacy of occupants of the 211 proposal and smoke vent louvres on the 211 proposal facing onto the Mercian podium

- 6.47. Overlooking from the Mercian podium into the serviced apartments on level 3 of 211 would not be an issue as this floor level would be 1.23m higher than the surface of the podium. Whilst the closest distance from the Mercian podium to the side elevation of 211 is 1.77m, the layout of the podium means that users of it would not be likely to be in the extreme corners beyond the outer limits of the perimeter running track. The distance from the outer edge of the running track to the two windows of the end apartment are 3.42m and 5.02m. In addition, the Mercian wind mitigation measures include a 2m high screen to the Mercian boundary, which would provide additional privacy.

- 6.48. With regard to the smoke louvres, the ventilation strategy for 211 is that fresh air intake and extract for the apartments would be on the north eastern elevation towards Mercian, together with the fresh air intake for the commercial areas. All commercial extract would be to the south western elevation towards the Hilton car park and emergency smoke extract will be to the same side and the roof. There is therefore no kitchen or smoke extract on the north eastern (Mercian) side of the building.

vii) Townscape and visual impact assessment

- 6.49. The conservation consultation response of the City Design Manager confirms that "the Heritage Statement submitted with the application sets out the relevant legislation, policy and guidance and identifies all the heritage assets affected. It employs a sound and recognised methodology and appraised the scheme against agreed viewpoints." In addition, the City Council has been able to assess views of the proposal through a 3D model of the scheme

viii) Transport House as a non-designated heritage asset

- 6.50. The City Design Manager has considered the application proposals in a heritage context and has provided the conservation consultation response. Careful consideration has been given to the heritage value of Transport House, both as a building in its own right, and as part of the setting of nearby statutorily listed buildings. The City Design Manager has also given consideration to the desirability of conserving Transport House, and the contribution that retention of the building could make to sustainable communities through re-use. However, it is concluded that “exciting and positive conclusions could and should be drawn” on the positive contribution new development can make to the emerging new city. In these respects Transport House has been considered against the tests that would apply if it had been considered to be a non-designated heritage asset. Appropriate assessment of the heritage value of Transport House has therefore been undertaken by the City Council.

ix) Buildability

- 6.51. Both Moda and Cumberland House have objected on grounds that the confined size of the site would generate significant challenges to buildability. Furthermore, solicitors acting for Moda and Cumberland House have both confirmed that they will not allow any cranes, equipment or materials to oversail their land and as such the proposed development is not deliverable.
- 6.52. The applicants argue that buildability is not a material planning consideration for the purpose of determining this application. Nevertheless they have suggested that it would be possible for the crane to be located within the core, which will raise itself up as the core is constructed. In addition, solicitors acting on the applicants behalf have set out why they do not consider that Moda and Cumberland House are able to prevent oversailing.
- 6.53. Subsequently, solicitors for Moda and Cumberland House contend that the applicant's solicitor is entirely incorrect in asserting that Moda and Cumberland would have to accede to a request for an oversailing licence. BCC Legal Services have advised me that although oversailing and trespass are issues which the applicant will need to take into account when implementing their planning permission (if granted), the deliverability of the development in this application is not a material planning consideration and therefore the application should not be refused on deliverability grounds.

x) Viability

- 6.54. Moda argue that the building will be expensive to construct and suggest that limited allowance has been made for noise transfer between floors in the elevations. The applicants contend that whether the application proposal is viable is not a material consideration for the purpose of determining this application. Nevertheless they make it clear that they have paid considerable attention to designing a building which is appropriate to the context, fit for purpose and displays high quality architecture and is deliverable. They add that, plainly there is no benefit in pursuing the expensive exercise of seeking planning permission if there is no intention to deliver development.
- 6.55. In accordance with High Places SPG, the current planning application is a detailed application accompanied by a full suite of supporting documents and drawings. I am therefore satisfied that sufficient information has been submitted with the application. Moreover, following the City Council Design and Review Panel further details have been requested. Conditions are also attached to ensure the quality of the scheme is

not “watered down”. I am therefore confident that the building will be a high quality development.

xi) BREEAM

- 6.56. BDP policy TP3 sets a requirement that developments of more than 1,000 sqm gross permitted floorspace or on sites of 0.5ha or more, should aim to meet BREEAM standard excellent. A guidance note was adopted earlier this year clarifying, that the policy requires development to aim to meet BREEAM standard Excellent for non-residential built development irrespective of the Government introducing a residential zero carbon standard. Although the scheme does not meet BREEAM excellent the application is appropriate and sufficient in the information submitted in relation to environmental performance.

xii) Daylight to Cumberland House

- 6.57. The purpose of a Vertical Sky Component assessment is to determine if the change in VSC is of a level such that it is likely to be noticeable to occupants. The VSC impact of the 211 proposal on the Hilton was assessed in the Sunlight Daylight Study submitted with the application. This was carried out for completeness. The applicant considers that significant flexibility in the interpretation of guidance is appropriate in this context, reflecting the fact that the hotel occupants are not long term, and therefore will not be aware of any change, and for the reasons set out above, the application site is in an area of high rise development where it is to be expected that buildings will not achieve the daylight levels of suburban low rise domestic properties on which the BRE guidance is based.
- 6.58. Subsequently, the applicant has carried out a further assessment that utilises the Average Daylight Factor test which Cumberland House requested at the meeting be carried out to assess the hotel on the same basis as the Mercian. This test shows that the windows of all habitable rooms in the hotel pass the ADF test with the proposed development at 211 Broad Street in place.

xiii) Cycle Parking

- 6.59. The adopted Parking Guidelines SPD does not set any minimum requirement for cycle parking with hotel development. Consideration has been given to the cycle parking needs of staff, which is considered to be limited given the walking and public transport accessibility of the site. Notwithstanding an area of the basement is able to be used for cycle parking if required by the hotel operator.

xiv) Disabled Pick-up / drop-off

- 6.60. There is no ability to make provision for disabled pick-up or drop-off. Moreover, a drop-off facility in front of the building on Broad Street would not be possible given the impending closure of Broad Street to private vehicles once the tram extension is operating. The closest accessible point for private vehicle disabled drop off would therefore be Sheepcote Street. It is expected that Taxi's will be able to continue to use Broad Street after the commencement of tram services, such that disabled access by taxi and trams will be possible to the front door.

7. Conclusion

- 7.1. In principle redevelopment of this underused city centre site with a high density serviced apartment led scheme would be consistent with land use planning policies.

The location of the development is suitable for a tall building and the proposed super slender tower would contribute to a cluster of building of well-designed tall buildings that would enhance the Westside quarter of the city centre and raise the quality of this section of Broad Street. Moreover, the public benefits of the scheme outweigh any “less than substantial harm” to heritage assets.

- 7.2. Whilst I note the concerns of Moda and Cumberland House, I consider that the supporting technical studies are robust and that the proposed development would not have such significant adverse impacts to justify refusal. On balance, I therefore consider that the application is acceptable subject to safeguarding conditions.

8. Recommendation

- 8.1. Approve subject to safeguarding conditions.

1	Requires the scheme to be in accordance with the listed approved plans
2	Requires the prior submission of a programme of archaeological work
3	Requires the prior submission of a contamination remediation scheme
4	Requires the submission of a contaminated land verification report
5	Requires the prior submission of a sustainable drainage scheme
6	Requires the prior submission of a drainage scheme
7	Requires the prior submission of a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan
8	Requires the prior submission of a legally protected species and habitat protection plan
9	Requires the prior submission of details of bird/bat boxes
10	Requires the submission of extraction and odour control details
11	Limits the noise levels for Plant and Machinery
12	Requires the scheme to be in accordance with the glazing specification
13	Requires the prior submission of an internal noise validation report
14	Removes PD rights for telecom equipment
15	Requires the submission of a lighting scheme
16	Requires the prior submission of a construction method statement/management plan
17	Requires the submission of sample materials
18	Requires the submission of an obstacle lighting scheme

-
- 19 Requires the submission of details of refuse storage
 - 20 Requires mitigation of interference on radar
 - 21 Requires the prior approval of an Advertisement Strategy
 - 22 Requires the submission of architectural details
 - 23 Requires a post completion telecommunications reception assessment
 - 24 Requires an employment construction plan
 - 25 Requires the developer/occupier to identify local employment opportunities for the end user.
 - 26 Requires the delivery and service area prior to occupation
 - 27 Requires the submission of cycle storage details
 - 28 Requires the submission and completion of works for the S278/TRO Agreement
 - 29 Implement within 3 years (Full)
-

Case Officer: David Wells

Photo(s)

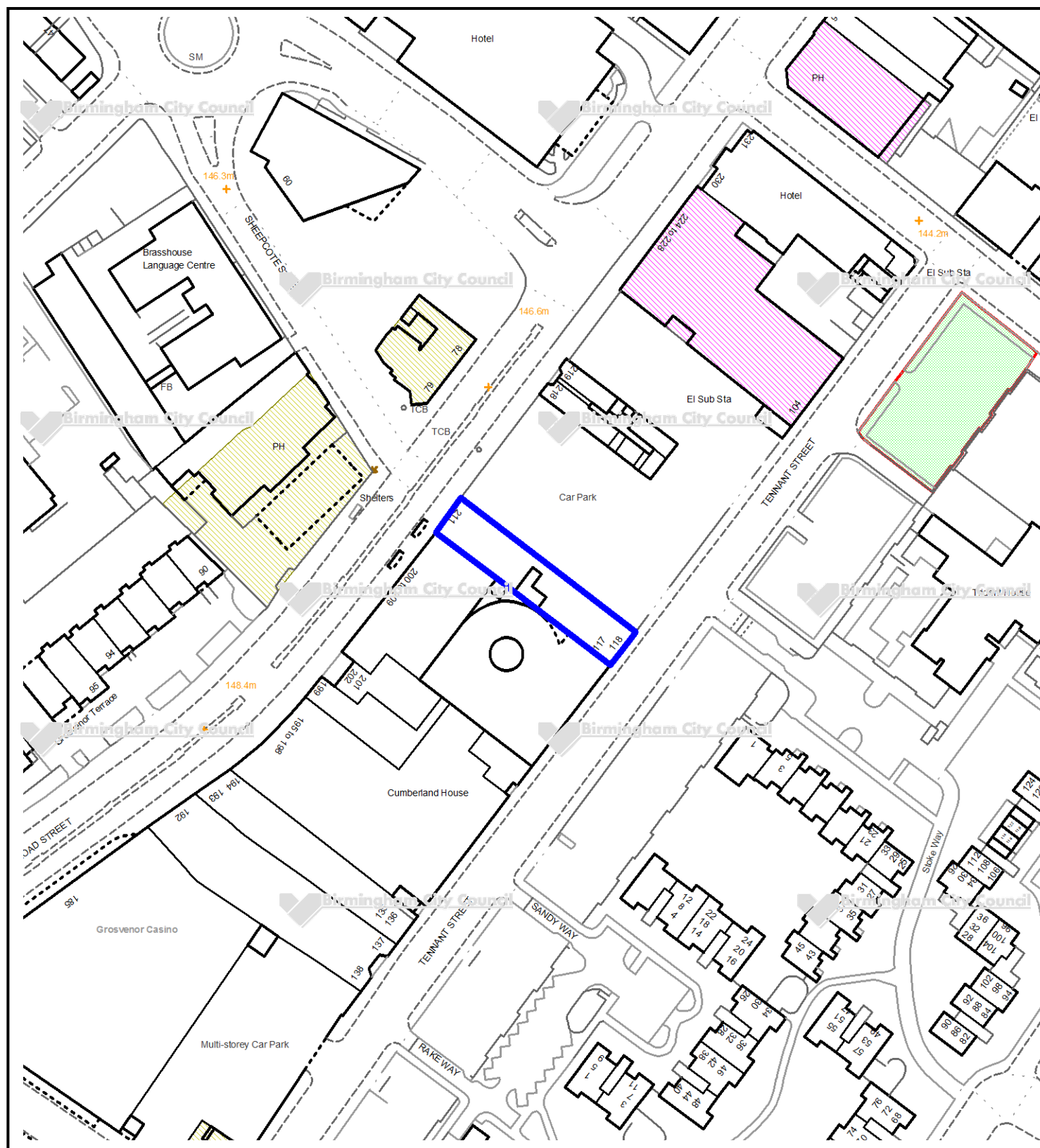


View from Broad Street



View from Tennant Street

Location Plan



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Committee Date:	13/02/2020	Application Number:	2018/09467/PA
Accepted:	16/01/2019	Application Type:	Full Planning
Target Date:	19/07/2019		
Ward:	Bordesley & Highgate		

193 Camp Hill, Highgate, Birmingham, B12 0JJ

Redevelopment of the site to provide 480 no. homes, a hotel (Use Class C1) and flexible business/commercial floorspace of 1,480sqm (Use Classes A1, A2, A3, B1, B2, B8 and D1) in 7 new blocks (A to G) ranging from 3 to 26 storeys, together with car parking, landscaping and associated works

Recommendation
Determine

Report Back

Members will recall that the application was presented to Planning Committee on 30th January 2020. At that meeting Members deferred the application, minded to refuse planning permission on the grounds that the proposed development may prejudice the delivery of part of the Camp Hill Chords. On this basis the first reason for refusal is advised. Next the development would require a Section 106 Agreement, without such an agreement the second and third reasons for refusal is advised.

1. The proposed development may prejudice the delivery, in terms of its construction and operation, the South West Camp Hill Chord; a proposal to enhance the City's rail network and part of the wider Midlands Rail Hub project. As such to approve the proposed development would be contrary to the objectives of Policies TP38 and TP41 of the Birmingham Development Plan (2017), the principles of the Adopted Bordesley Area Action Plan (2020) and paragraphs 102 and 103 of the NPPF.
2. In the absence of any suitable legal agreement to secure the provision of on site affordable housing the proposal conflicts with Policy TP27 and TP31 and TP20 of the Birmingham Development Plan, the Affordable Housing SPG and the NPPF.
3. In the absence of any suitable legal agreement to secure the provision of affordable commercial workspace on site the proposal conflicts with Policies GA1.3 and TP27 which seek to create sustainable communities, and to compensate for the loss of existing employment land contrary to the aims of TP20 of the Birmingham Development Plan and the NPPF.

Report back to Planning Committee of 30th January 2020

- 1.1 Members will recall that the determination of the application was deferred from the meeting on the 5th December 2019 for additional discussions to take place with the various transport authorities, in an attempt to remove the objections submitted by

West Midlands Rail Executive (WMRE), Midlands Connect and Transport for West Midlands (TfWM). A meeting, attended by these authorities plus Network Rail plus the applicants was held on 7th January. At that meeting it was agreed that the applicants would submit an additional technical report to provide the transport authorities further explanation and expertise regarding the interface between the development and the constructability of the Chords. This report, undertaken by Aecom on behalf of the applicant, is titled "*Review of Impact of Proposed Development on the Ability to Create a Future Railway Link to an Acceptable Alignment*".

- 1.2 The Review highlights that Aecom has experience of providing professional services to the rail industry in the UK including design, assessment, project and construction management both acting for developers and as part of the asset protection team within Network Rail.
- 1.3 Based on information relating to the route of the Camp Hill Chords within the public domain the Review states the following;
 - that the layout of the proposed development and the elevation of the railway allows sufficient safety clearance for future electrification of the line. It also allows for a margin alongside the railway for access and future maintenance by the railway maintainer;
 - that the proposed development layout does not prevent the development of a suitable vertical or horizontal rail alignment;
 - that the proposed siting of buildings would not clash with a future temporary or permanent realignment of Bedford Road (particularly over the first 60m of the railway tie-in) should this prove desirable;
 - The layout of the development does not over constrict the erection of the superstructure. Craneage will be required in order to offload prefabricated elements from delivery vehicles and place on a support structure. To minimise oversailing delivery might be from North West with a crane sited on or to the West of Bedford Road where minimum widths of 17m are available;
 - It is likely that closures of Bedford Road would be required for plant movements, crane siting for lifting structural elements and possibly to accommodate site offices. These functions are not prevented or unduly impeded by the siting of the buildings in the proposed development. AECOM understand that any realignment or temporary closure of Bedford Road can be accommodated. Only landscaping and parking areas would be affected by realignment; and
 - AECOM consider that the eastern triangle of the site could continue to be used for parking even after construction of a viaduct.
- 1.4 It is hoped that the Review will provide sufficient comfort to the non statutory objectors (WMRE, Midlands Connect and TfWM) and that, based on the information available, the proposed development would not prejudice the delivery of the Camp Hill Chords, to enable them to withdraw their objections. The Review has been circulated to the transport authorities and their responses will be reported verbally.
- 1.5 It is considered that the Review supports Officers recommendation of approval.

Update to Status of Planning Applications for Railway Stations along the Camp Hill Line

- 1.6 The planning application for Kings Heath Station was approved earlier this month, the application for the station at Hazelwell is awaiting determination and the application for a station at Moseley is yet to be submitted.

Amendments to Conditions

- 1.7 Since the date of the last report it is noted that there are two conditions regarding the requirement for a land remediation verification report, therefore condition 35 listed in the report has been omitted. A condition is added to require the vehicular and cycle parking on development zones C, D and F to be laid out prior to their occupation.

2. Recommendation

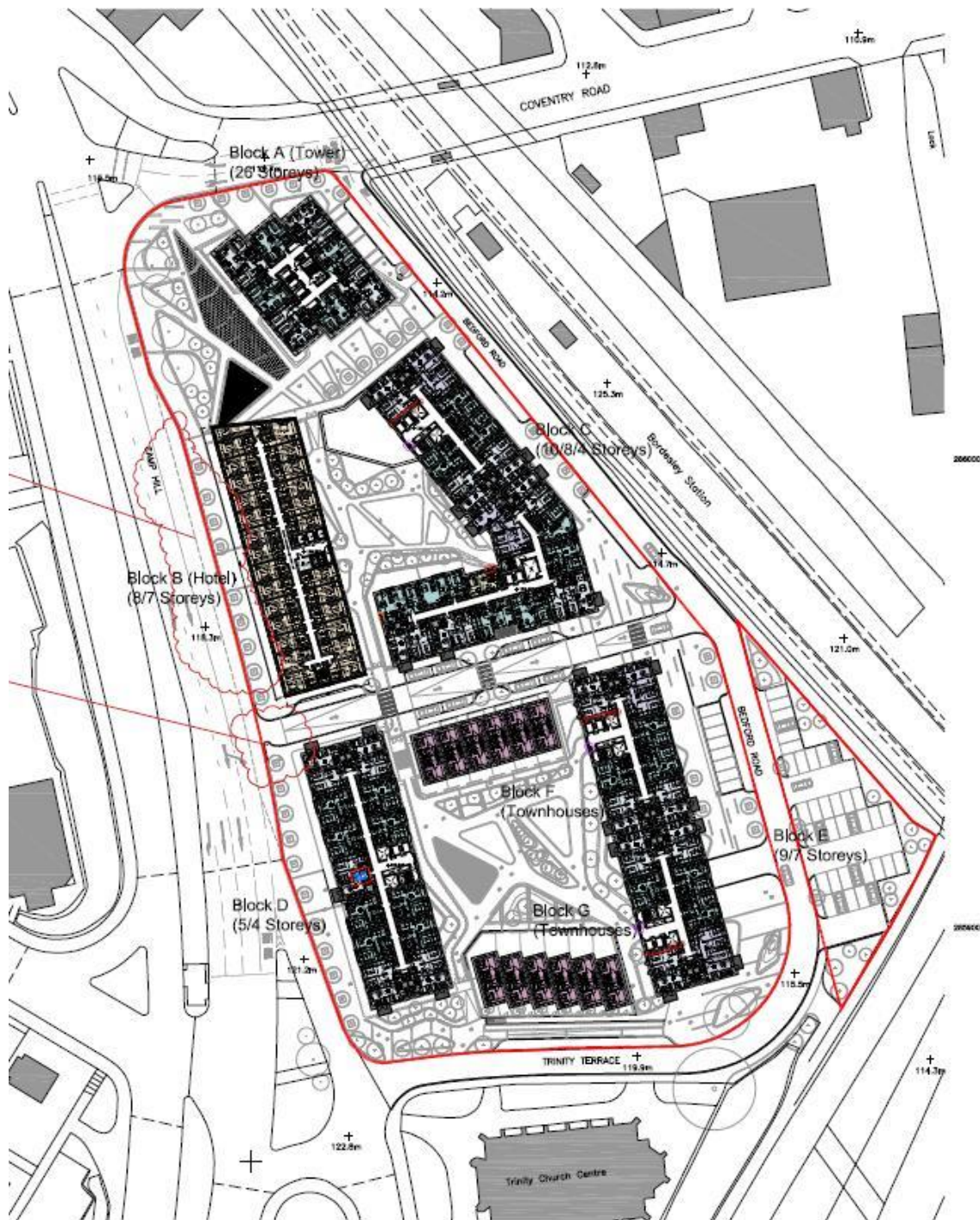
- 2.1 That consideration of the application 2018/09467/PA be deferred pending the completion of a Section 106 Agreement to secure the following:
- a) the provision of 24 units of 20% discount on market value affordable housing on site (11 x 1 bed, 11 x 23 bed, 1 x 3 bed and 1 townhouse);
 - b) a reduced rent of 50% for the commercial units in perpetuity; and
 - c) payment of a monitoring and administration fee associated with the legal agreement, subject to a maximum of £10,000.
- 2.2 That in the event of the planning obligation being completed to the satisfaction of the Local Planning Authority on or before 27th March 2020, favourable consideration be given to this application, subject to the conditions listed below
- 2.3 That the City Solicitor be authorised to prepare, seal and complete the planning obligation.
- 2.4 That, in the event of the above legal agreement not being completed to the satisfaction of the Local Planning Authority on or before 27th March 2020, planning permission be refused for the followings reason:
- 2.5 In the absence of any suitable legal agreement to secure the provision of on site affordable housing and affordable commercial floorspace the proposal conflicts with Policies TP31 and TP20 of the Birmingham Development Plan, the Affordable Housing SPG and the NPPF.

Original Report from 5th December Committee

1. Proposal

- 1.1 The application seeks planning permission to redevelop the site to provide a total of 480 residential units, a hotel and 1,480sqm GEA of flexible commercial floorspace (use classes A1 retail, A2 professional services, A3 café/restaurant, B1 office, B2 general industry, B8 warehouse / storage and D1 non-residential institutions). The accommodation would be arranged within the site to provide 7 blocks as follows:

- Block A – at the far north of the site reaching 26 storeys in total providing 262sqm commercial space at ground floor level with 183 apartments above;
 - Block B – part 8, part 7 storeys in height fronting Camp Hill to the west of the site providing a 167 room hotel;
 - Block C – with a frontage to Bedford Road and the proposed new internal road ranging from four to eight storeys in height to accommodate 877sqm commercial space at ground floor level with 131 apartments above;
 - Block D – fronting Camp Hill to the south west part of the site proposed to be part four, part five storeys providing 56 apartments;
 - Block E - positioned to the south east of the site fronting Bedford Road part 7 part 9 storeys to accommodate 174sqm commercial space at ground floor and 98 apartments above. Undercroft parking and servicing;
 - Block F - facing the proposed new internal road, six four-bedroom townhouses reaching 4 storeys in height; and
 - Block G – facing Trinity Terrace to the south of the site, six four-bedroom townhouses reaching 3 storeys in height.
- 1.2 The site comprises of two land parcels totalling 1.7 hectares. The first is rectangular and would accommodate the seven blocks of development. It is separated from the second smaller triangular parcel by Bedford Road. This would accommodate 38 parking spaces that would be in addition to the 72 undercroft parking spaces at ground floor level to Block E, the 8 spaces in front of Block E and the 8 spaces that would align the proposed central street.
- 1.3 Vehicular access to the development would be from Camp Hill (B4100) accessing a new one way vehicular road that would dissect the larger parcel of land or via Trinity Terrace and also from Bedford Road.
- 1.4 The mix of residential units would be as follows:
- 5 x 1 bed studio flats (1%),
 - 224 x 1 bedroom flats (47%),
 - 209 x 2 bedroom flats (44%),
 - 30 x 3 bedroom flats (6%), and
 - 12 x 3 bedroom town houses (3%).



Proposed Site Layout

1.5 [Link to Documents](#)

2. Site & Surroundings

- 2.1 The site is bordered by Camp Hill (B4100) to the west, Coventry Road to the north and Trinity Terrace to the south with Bedford Road dissecting the site. On the opposite side of Bedford Road is the existing Moor Street to Solihull / London Marylebone railway line on a viaduct which, to the top of the parapet wall height, would be set between approximately 4.75m and 7m higher than the proposed ground

floor level of the development. Some of the existing viaduct arches are currently used as warehouses and garages.

- 2.2 Beyond the boundaries to the site the Bordesley train station is located to the north-east and the Grade II listed Trinity Church is located beyond Trinity Terrace to the south. The boundary of the Digbeth, Deritend and Bordesley High Streets Conservation Area is on the opposite side of Coventry Road to the north of the site. The Grade II listed Clements Arms Public House is located 75m to the north east of the site and the former District and Counties Bank at 123 High Street Bordesley 80m to the north.
- 2.3 The site is previously developed brownfield land and is currently occupied by Sulzer, an international company specialising in pumping solutions, rotating equipment and separation, mixing and application technology. The larger parcel of land fronting Camp Hill offers a variety of 20th Century workshop and warehousing buildings, together with parking and servicing areas. Buildings occupy the majority of the footprint of the site area, comprising single, two and three storey structures that have developed on an ad hoc basis over time using a variety of materials with a range of roof forms. The smaller parcel to the south east of Bedford Road has been cleared and comprises an area of hardstanding with advertising hoardings. Sulzer, and their predecessor Dowding and Mills, have had a presence on the site since 1912 although the company is proposing to relocate outside of the City in March 2020. An application for prior notification to demolish the buildings was approved in earlier this year in July.

3. Planning History (most recent)

- 3.1 2019/05434/PA - Application for a prior notification for the proposed demolition of existing buildings. Accepted as not needing prior approval from the Council 25/07/2019
- 3.2 2000/03945/PA – Erection of single storey extension to provide generator facility – Approved 21/11/00.
- 3.3 2000/04899/PA - Retention of palisade fencing and gate to existing car park on Bedford Road and new bar fencing to Sandy Lane Middleway – Approved 10/10/00
- 3.4 1999/03250/PA - Retention of replacement lean-to extension – Approved 15/07/99

4. Consultation/PP Responses

- 4.1 BCC Transportation – The Transport Assessment has undertaken analysis of the existing development and proposed impacts of new plans. The scheme would lead to a minimal level of traffic generation with an increase from 35 two way trips to 85 in the AM peak, and from 16 up to 81 in the PM peak, ie an extra 50 two way vehicle trips in the AM peak and 65 in the PM. This would not affect the adjacent network and junctions. There are various highway alterations to mitigate impacts from the development which include a TRO change for drop-off and pick-up impacts for the hotel, laybys for the other uses around the site because the carriageways are narrow, and a new road linking Camp Hill to Bedford Road to provide some parking and servicing ability.

Given the increase in pedestrian activity from the proposed development it would be beneficial to provide improvements to the surrounding pedestrian network by way of

S106 monies towards these improvements. These would include Interconnect wayfinding and improvements to the pedestrian crossing facility of Coventry Road.

No objections subject to conditions to require:

- the prior submission and completion of works for the S278/TRO Agreement in order to remove the redundant footway crossings and provide new access road linking Camp Hill one way to Bedford Road, new laybys and associated footway provision;
- the implementation of the proposed cycle storage;
- the implementation of vehicular visibility splays;
- the parking areas to be laid out prior to use; and
- the prior submission of a parking management strategy

- 4.2 Regulatory Services – Content with the conclusions of the air quality assessment. Require conditions regarding glazing and ventilation to ensure that the amenity of the future residential occupiers with and without the potential development of the Camp Hill Chords is secured
- 4.3 Leisure Services – Although the development is within the City Centre it contains a small percentage of family accommodation and therefore this would also generate a play area contribution. The Public Open Space (POS) contribution would total £964,275 + £90,000 (cost of toddlers play area) = £1,054,275. This would be directed towards the provision, improvement and biodiversity enhancement of POS and the maintenance thereof at Kingston Hill and Highgate Park both in the Bordesley and Highgate Ward.
- 4.4 Canals & Rivers Trust – The site has the dual carriageway between it and the canal and therefore some of the more immediate issues or relationships are of less concern here than for other proposed developments. However, the Bowyer Street feeder does go through the development site approximately along the line of Bedford Road. This is an important feeder for the trust, as it provides water to the Grand Union and South Stratford canals. In situations such as this, the feeder is below ground and therefore owned and maintained by the land owners, not the Trust but it is required that to be maintained in functional order for the benefit of the canal network. It is therefore important that as part of any redevelopment of the site, the owners and operators are aware of its depth, location, construction type, required function and ensure that it is protected and maintained both now and in the future,

The main issues relevant to the Trust as statutory consultee on this application are:

- a) The impact of the proposed development on Bowyer Street feeder – its current condition and how it will be protected during construction and future operation of the site is important to us. Much more detail is required. It is likely that underground works to create foundations and parking area to facilitate the proposed development could result in damage to our feed and this is why we ask that it be identified and protected during and post construction, with appropriate inspection ability. The layout shows that blocks A, C and E are all in close proximity to the feeder and the sections suggested that these would have a piled foundation and that ground levels may be reduced/removed to provide underground parking. This has the potential to cause damage to the feeder due to proximity or via ground vibration caused by the piling or by applying additional loadings. Preference is for information upfront or it could be potentially be covered by a condition. We also note that the matter would be likely to have an impact upon land stability of the site and this is a material planning consideration. The NPPF is clear that planning decisions should ensure that new development is appropriate for its location in the context of avoiding unacceptable

risks from land stability and being satisfied that a site is suitable for its new use, taking account of ground conditions and land instability.

- b) The impact of the proposed development on water quality and drainage – the flood risk assessment assumes that the canal is waterproof and has no connectivity with ground water. This is a bold assumption and should be checked. It is possible that water would not seep as far as the development site from the canal but this should not be assumed. There is also no mention of the canal as a sensitive receptor, which it should be acknowledged and protected as. No drainage should discharge into the culverted feed along its stretch within the site. However there may be opportunities for the discharge of treated surface water into the main canal and this should be discussed.
- c) Planning obligation requirements of the proposed development – Policy GA1.4 indicates a desire to improve pedestrian and cycle connectivity using routes along canals. This is supported by policies TP38, TP39 and TP40. Which require good quality routes and wayfinding. The existence of these routes is not sufficient of themselves and therefore it is important that wayfinding is introduced. The planning statement suggests that connections to existing routes will be delivered but it is not clear which routes and what connections and access points these include. A small contribution is therefore sought towards improving the accesses onto the canal towpath at Coventry Road and Lawden Road and providing improved signage at both of these and the installation of some interpretation of the impact of the site on the views from the canal network in the Lawden Road area. We also support opportunities to improve pedestrian crossing opportunities across Bordesley Middleway adjacent to the site. We also seek to work with the developers to assist with their travel plan, welcome packs etc to ensure new residents and staff and hotel occupiers are aware of their travel options as well as the wider benefits of the canal network on their doorstep.
- d) Heritage matters – no concerns. However it is noted that the outward views from the canal towards the City and the listed Trinity Church building will change significantly as a result of the height, bulk and mass of the proposals, hence the requirement above for some interpretation of this area.
- e) Informative recommended to advise developers to contact the CRT Works Engineering Team and Utilities Team.

4.5 Police – Recommend the following:

- the key to the successful security of the differing aspects of these proposals will be the strict control of the interaction between the uses, ensuring that the various uses are kept apart;
- work regarding the dwelling units be undertaken to the standards laid out in the Secured by Design 'Homes 2016' guide;
- would welcome a formal Secured by Design application for the site;
- a lighting plan for the site be produced for the wider site to understand how it interacts with the surrounding public domain and also to ensure that all areas of the development are appropriately illuminated. Any scheme should follow the guidelines and standards as indicated in 'Lighting Against Crime' guide;
- welcome the proposals to control access into the private communal garden areas. All gates, including communal gates at the head of communal alleyways, should be installed so as to be as near to being flush to the front building line of the associated dwellings as possible. Recommend that any boundary, including gates, that abuts a publically accessible space, be no lower than 2.1m in height;

- The parking provision could have an adverse impact on the existing on-street parking demand, which could, in turn, lead to congestion;
- The undercroft car parking areas will be the subject of very little natural surveillance and the proposed open access will leave any vehicles in that area unnecessarily vulnerable. The proposed open access will also leave the site open for rough sleepers. Strongly recommend that the proposals be re-assessed and the appropriate gates / fencing / shutters be installed to secure the car parking. These should seek to restrict both vehicular and pedestrian access;
- 480 cycle spaces would appear to be sufficient. Block E - concerned that a large number of the cycle spaces appear to be very concealed from view,
- ask that CCTV is required via condition to cover all car parking areas, any cycle storage areas, the communal public space areas, external views of all entrances to the blocks, lifts, stairwells and lobbies and internal, facial views of anyone entering the building through any access point;
- that all of the green public open space areas should be the subject of a clear maintenance program to ensure that any plants / trees do not become overgrown, thus reducing visibility, creating shadowed areas where offenders can hide and adversely impacting on the CCTV coverage;
- access to the separate areas of the buildings be restricted to those that need the access, i.e. if another user doesn't need access to an area, or floor, then they should not be able to do so;
- any communal entrance area to a residential aspect of the site should be controlled by two layers of security, i.e. two fob controlled door sets. This will reduce the potential for an offender to tailgate into the buildings;
- ask that any work concerning the commercial / retail aspect of the development be carried out to the standards within the Secured by Design 'Commercial 2015' guide;
- intruder alarms and CCTV to the retail / commercial units;
- ask that any work be undertaken to the hotel rooms be to the standards laid out in the Secured by Design 'New Homes 2016' guide;
- The location for the reception of the hotel is well placed, in that it allows staff to have a clear line of sight to the main entrance to the hotel, and the entrance lobby area. This provides good opportunities for natural surveillance;
- ask that any work concerning the commercial aspect of the development be carried out to the standards within the Secured by Design 'Commercial 2015' guide;
- seek clarification of the proposed access control system, which should ensure that should an offender gain entry to the building, they cannot wander freely around the interior;
- Any roof terraces within this site should include a suitable boundary treatment around the accessible areas to adequately prevent accidental falls over the boundary or intentional attempts to self-harm. Recommend that consideration be given for the installation of a barrier no lower than 2.0 m in height and of a clear anti-climb design.
- any furniture installed on the roof be located so it cannot be used as a climbing aid to scale the boundary and secured in such a way that it cannot be moved to a location where it could act as a climbing aid;
- all of the roof area be covered by CCTV cameras; and
- suitable signage is installed on the roof, and on all the approaches to it, offering advice, support and signposting anyone considering self-harm.

4.6 Civic Society – No objections subject to conditions:

- The permeability of the development and commercial use to activate the ground floor is welcome. In this location there are concerns as to how successful this

will be however, in terms of security and risk of anti-social behaviour that will result in low take-up of tenancies;

- The height of the tall-building is in itself not a concern, but does not appear to relate to local policy in terms of location. This is not part of the city ridge cluster nor the developing strip of tall buildings along Digbeth High Street and creates a precedent for further spread of isolated towers throughout the City Centre;
- This area of the city is economically deprived and new development is welcome, but there is a loss of industrial use and consequent jobs which is disappointing. The D&A statement refers to the Digbeth Creative Quarter but this is rather isolated from this area;
- There is a concern about the lack of amenity space, which in this location will need to be secure if to be used by children or the infirm. There is likely to be high levels of noise and pollution which will limit use of these spaces. There is a lack of high quality schooling and other amenities such as health care in this area;
- The development has high aspirations for design and materials and responds well to the better qualities of the existing environment and this is to be applauded;
- There is some impact on historic buildings, but given the level of deprivation in this area, economic investment is likely to be beneficial to these building's future sustainable use.

4.7 Local Lead Flood Authority – No objections subject to conditions to require details of a sustainable drainage operation and maintenance plan, and a condition to ensure adherence to the agreed plan.

4.8 Education - Request a contribution for £25,989.59 (Nursery); £668,629.89 (Primary); £719,642.74 (Secondary). Total contribution £1,414,262.22.

4.9 Fire Service – In summary:

- Access roads should have a minimum width of 3.7m between kerbs, noting that WMFS appliances require a minimum height clearance of 4.1m and a minimum carrying capacity of 15 tonnes. Water supplies for firefighting should be in accordance with national guidance. The townhouses not fitted with fire mains should allow access for a fire appliance to within 45m of all points within the house, measured on a route suitable for laying hose;
- Where fire mains are provided in the blocks there should be access to the riser inlet for a pumping appliance to within 18 metres of each fire main inlet connection point, typically on the face of the building;
- Buildings with a floor higher than 18m above fire and rescue service access level, or with a basement more than 10m below fire and rescue service access level, should be provided with fire-fighting shaft(s) containing fire-fighting lifts;
- A sufficient number of fire-fighting shafts should be provided to meet the maximum hose distance set out in 50.2.2, and at least two fire-fighting shafts should be provided in buildings with a storey of 900m sq. or more in area;
- Blocks of flats with a floor more than 30m above ground level should be fitted with a sprinkler system, throughout the building; and
- The approval of Building Control will be required to Part B of the Building Regulations 2010.

4.10 Birmingham Airport – the proposals have been examined with respect to the Aerodrome Safeguarding requirements and based upon the information provided have been found to be acceptable subject to a crane management plans being agreed with the Airport prior to commencement of construction. The request for a crane management plans, is due to the height of the tallest building proposed being

205m above ordnance datum (AOD), which will mean that any cranes used during construction will be close in height to the Outer Horizontal Surface height of 242m AOD and should therefore be assessed to ensure that they are appropriately safeguarded.

- 4.11 Severn Trent Water - no objections to the proposals subject to the inclusion of conditions to require details and the implementation of agreed drainage plans for the disposal of foul and surface water flows.
- 4.12 Environment Agency – No objections. The site has had an extensive industrial history which lead to the recommendation and completion of an intrusive site investigation in May 2006. A review the relevant BGS Geological Map Sheet (50,000 scale) shows the site lies upon solid geology of the Sidmouth Mudstone Formation, which is designated a Secondary B Aquifer by the Environment Agency. Superficial Glaciofluvial deposits are also indicated, which are designated a Secondary A Aquifer. Logs from the window sample boreholes showed natural firm to stiff clays beneath made ground in the North and Western areas of the site, this was interpreted to be weathered Sidmouth Mudstone. In the South-eastern areas, sands and gravels were observed beneath made ground , these were interpreted as Glaciofluvial deposits. Groundwater was not encountered at any location.

AECOM has undertaken a review of available BGS borehole records in the vicinity of the site. Their review has concluded that groundwater is likely located at significant depth (>20m). We note risks to controlled waters has been considered in the preliminary risk evaluation undertaken, and are considered low owing to the conjectured depth to groundwater.

Although we note that potential sources of contamination may be present, groundwater does not appear to be a receptor of concern at this site. However, we see that further intrusive investigations are recommended to characterise areas not addressed in the previous investigations undertaken by Environ in 2006. If any subsequent investigation does identify the presence of groundwater underneath the site the EA must be informed immediately.

The EA would like to refer the applicant to our groundwater position statements in 'The Environment Agency's approach to groundwater protection', available from gov.uk and the CLAIRE Definition of Waste: Development Industry Code of Practice (version 2) and the Environmental regulations page on GOV.UK. Contaminated soil that is, or must be, disposed of is waste. Therefore, its handling, transport, treatment and disposal are subject to waste management legislation.

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standard BS EN 14899:2005 'Characterization of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear.

If the total quantity of waste material to be produced at or taken off site is hazardous waste and is 500kg or greater in any 12 month period the developer will need to register with us as a hazardous waste.

- 4.13 Employment Access Team – Request a construction employment plan be required either by condition or planning obligation.

- 4.14 Midland Connect (MC) – (latest comments) - Midlands Connect is the Sub-national Transport Body for the Midlands, a partnership which includes 16 Local Transport Authorities, of which the West Midlands Combined Authority represents its Constituent members including Birmingham City Council. The developer's updated proposals principally move Block E further away from the existing railway viaduct and further redesigning of the proposed layout of the residential properties. However, these proposed amendments do not address Midlands Connect's concerns and the revised development could still jeopardise the deliverability of the long-standing Bordesley Chords element of the Midlands Rail Hub rail enhancement proposals. Without these chords we cannot deliver the joint aspiration of Birmingham City Council, TfWM (and WMRE), Network Rail and the Department for Transport to implement the Midlands Rail Hub. The programme is already recognised in Network Rail's Control Period 6 Business Plan which commenced in April 2019.

Without the Bordesley Chords, trains from East/West Midlands will not be able to use Birmingham Moor Street station which is essential to enable more trains to flow through Birmingham. The more detailed configuration of the Chords will be advanced in the next stage of development which we are pushing to start as soon as possible, awaiting Department for Transport decision. Therefore there is call for the Committee to defer any decision to award planning permission to developments on, or adjacent to, any of the potential location of the Bordesley Chords until after the final alignment for the chords has been formally approved by Network Rail, the Planning Authority and Midlands Connect.

Whilst the amendments offered by the developer and their continued engagement with Network Rail (as asset owner) are welcomed, MC cannot in principle support this proposal on the basis that it conflicts with the following agreed policies:

- the Bordesley Area Action Plan (including the proposals plan);
- the West Midlands Local Transport Plan (both the long term "Strategic Transport Plan" and shorter term "2026 Delivery Plan"); and
- the Adopted Birmingham Plan 2017 (Policy TP41 Public Transport, Rail which supports the City's rail network including reopening the Camp Hill and Sutton Park railway lines).

In line with the previous comments made earlier this year in response to the application Midlands Connect remain concerned that the updated plans from the applicant do not provide enough assurances that these policies can be delivered. For this application to proceed, we would request for the Planning Committee, in accordance for NPPG guidance, to confirm whether there are material considerations that indicate that these policies should not be followed.

It is therefore requested that the Planning Committee reject the application and call on the developer to return to negotiation with Midlands Connect and Network Rail to consider a proposal in line with the adopted policies listed above.

- 4.15 West Midlands Rail Executive & Transport for West Midlands (TfWM) (latest comments) - note the revisions made to the Planning Application, principally in moving Block E further away from the existing railway viaduct and further redesigning of the proposed layout of the residential properties. However, these welcome amendments to the Planning Application do not address our principal concerns that:
- the Midlands Rail Hub scheme is a strategic transport project of critical local, regional and national significance;
 - at the current time it is not possible to determine, with sufficient accuracy, what the final alignment of the proposed "Bordesley South West" railway chord element of the Midlands Rail Hub scheme will be; and

- this revised development could still jeopardise the deliverability of long-standing Bordesley Chords element of the Midlands Rail Hub rail network enhancement proposals..

WMRE and TfWM therefore continue to:

- maintain our formal objection to the revised Planning Application;
- request that, as a minimum, any decision to award planning permission to developments on, or adjacent to, any of the potential locations of the Bordesley Chords be deferred until after the final alignment for the chords has been formally approved by Network Rail, the Planning Authority and Midlands Connect
- highlight and support the concerns and objections raised in respect of this Planning Application by Network Rail, Midlands Connect and the Mayor of the West Midlands Combined Authority.

4.16 Network Rail – welcomes the changes to the proposed layout to accommodate emerging proposals for the delivery of the Bordesley Chords railway scheme.

- NR re-iterate that there is no final fixed design for the Bordesley Chords proposals and their positioning could change as the design progresses. NR has not yet selected a construction methodology and depending on how the proposed Chords are built, we may require temporary access to the applicant's land right up to their proposed buildings, to facilitate construction activities. The construction of the Chords may require a temporary or permanent closure of Bedford Road, therefore access arrangements to and within the development should be designed with suitable flexibility. NR recommends that the developer does not rely on access via Bedford Road, e.g. should the developer require access to their site from Bedford Road between blocks C and E, this is an example of an access arrangement that could be cut off if Bedford Road was closed.
- Should the Chords proposals be constructed it is likely that a maintenance easement of 3m will be required – therefore we would strongly advise that no permanent structure / enclosures are built within such a strip.
- NR's Asset Protection team must review temporary works, crane lifting plans and Risk Assessment Method Statements) for the proposals. These will need to be agreed prior to any works commencing on site.

Latest comments received November 2019:

- The alignment of the chords will be based on a number of factors, comprising the track gradient, track curvature and line speed. It is not possible to provide any level of detail on a plan at this stage;
- It is not possible to determine land requirements at this early stage, noting that there will likely be a requirement for temporary as well as permanent land-take;
- Land take for construction purposes will be determined by the final design, construction methodology and sequencing. The area of Bedford Road adjacent to the existing railway will likely be integral to the construction solution(s), and be required for the delivery of materials, demarcation of the construction zone, erection of scaffolding/hording/formwork etc, siting of construction plant and lifting plant such as cranes and concrete pumps, welfare facilities etc.;
- It is envisaged that technical work on the outline business case (OBC) will be complete by the end of 2022, with a period to follow to support assurance processes and decision making on how or whether the project should proceed to Full Business Case (FBC). This is dependent upon OBC funding being secured by January 2020, so it is possible that these dates could therefore change. The

detailed design work would follow, with a defined route alignment being available circa 2023-24;

- The date of commencement of construction is not yet known, however we do not anticipate that it would start until at least CP7 (2024-2029);
- At the current level of programme maturity, the duration of the construction works is unknown at present and will be determined by the approved for construction design solution;
- The date of when the South West Chord would be operational is unknown at present and is dependent on the business case and affordability of the programme. Assuming construction could be complete in the late 2020s, the, train service patterns and operational aspects would likely be determined by the completion of dependant phases of the scheme elsewhere on the infrastructure and approved operating rules/timetable/service patterns; and
- It is currently envisaged that both the South West and North West Chords will be built and whilst it would likely be less disruptive and more efficient to build both chords simultaneously, there are options to build them separately.

- 4.17 Transport for West Midlands (TfWM) (previous comments to superseded plans) - A key part of Midlands Rail Hub is the construction of two chords (referred to interchangeably as the Camp Hill or Bordesley chords) in the vicinity of the development proposed allowing better access to the Snow Hill line which serves the City Centre rail terminuses, Moor Street and Snow Hill Stations. The subject planning application proposes development that impinges on or is in very close proximity to potential alignments for the south/west chord.

TfWM emphasise to the planning committee that the construction of these chords is a critical part of the future transport infrastructure required to accommodate growth in the city and the wider region. There is consensus in the rail industry that the construction of the chords represents the only realistic means of providing significant additional capacity on the classic rail network into (and through) central Birmingham over the coming decades.

It is understood that whilst there are references throughout the local plan and local transport plan (constituting material considerations), there are no specific planning safeguards in place on the land around where the chords are to be constructed which would preclude alternative development.

It is acknowledged that whilst the construction of the chords is undoubtedly a transport priority, it is not yet a committed funded scheme with detailed designs and relevant planning permissions.

TfWM encourage the planning committee to take this into due consideration when assessing the applicant's planning application in the context of evidence to be submitted by Network Rail and Midlands Connect, which will outline any potential impact that the development could have on the construction of the south chord (as well as giving further detail on the potential benefits of investment in this rail infrastructure).

TfWM request that proportional action is taken to avoid preclusion of future construction of the chord (whether this is because of direct impingement of development on the chord alignment or challenges that result from proximity) through further discussion between the planning committee and officers, Network Rail, Midlands Connect and the applicant (including agents). We encourage the committee to reflect this in their decision and any conditions that may accompany planning permission. Specifically, we endorse Midlands Connect's request for the planning

committee to defer decisions relating to the triangle of land east of Bedford Road be deferred until further consideration of the Midlands Rail Hub enhancement proposals by the Department for Transport and after the final alignment for the chord has been formally approved by Network Rail, the Planning Authority and Midlands Connect.

- 4.18 West Midlands Combined Authority (WMCA) (previous comments to superseded plans) - as Mayor of the West Midlands there is objection to the current planning application. The Mayor shares the concerns of a number of local stakeholders that the proposed development would preclude future construction of the southern Camp Hill chord.

In 2016/17 Midlands Connect were awarded £5m from the Department for Transport to develop proposals for Midlands Rail Hub into a Strategic Outline Business Case. It is acknowledged that there have been some positive discussions between the Developer, Birmingham City Council and Network Rail and these efforts are welcome. However, I am concerned that there are still a number of outstanding issues that require further investigation and appropriate action before planning permission can be granted.

It is acknowledged that the developer has altered designs, in particular by moving the proposed location for the energy centre and instead constructing surface level parking on the triangular area of land to the south-east of the site. However, assurances are still to be fully given by Network Rail and Midlands Connect that the amended proposals do not prevent and/or compromise construction and/or operation of the potential future southern chord.

In addition, detail is required from Network Rail and Midlands Connect on appropriate planning conditions that should accompany planning permission to develop on the site to reduce the risk of future objections to the chord arising from the chord's proximity to development on the site, to allow access to the site for construction and operation of the chord, or any other condition that may be deemed necessary.

Network Rail and Midlands Connect are still working to identify the final alignment of the proposed southern chord. Until these designs are developed further it will be difficult to say with certainty whether any development on the site could prevent or compromise plans for the chord and what planning conditions would be required. Such certainty will only emerge once the development of the project completes the next (Outline Business Case) stage and has reached the detailed design phase.

Permission to develop on the site should not be granted until final alignment of the southern chord has been approved by Network Rail, the Planning Authority and Midlands Connect. Would welcome the Developer submitting a revised planning application in the future once designs of the Chord have been approved

- 4.19 A site notice and press notice have been displayed and neighbours notified. 46 individual letters of objection have been received raising the following concerns:
- The land is essential to the construction of the Chord and would endanger the building of the Camp Hill Chords. Sufficient land should be protected to enable construction of the Chords
 - The development would seriously impact upon the proposed Bordesley Chord development to increase passenger services to Moseley, Kings Heath and Hazelwell into Moor Street by preventing an extra 10 trains an hour in and out of Birmingham (85,000 seats a day)

- railway work including the Camp Hill Chords is worth up to £2bn of economic benefits through unlocking jobs and supporting economic growth and maximising transport connectivity
- the development will stand in the way of an extra line railway line being added to the current layout at what will be Kings Heath Station. Without this extra provision the passenger line will be clogged by freight trains and the passenger service severely limited (1 train per hour has been mentioned). This will be very poor provision for local residents travelling to and from work or getting home after an evening in town, not to mention the wisdom of increasing public transport in the area, ready for the Commonwealth Games
- Economic and environmental drivers will be severely limited if this planning application is allowed to go ahead in any form which prevents the City from installing the Camp Hill Chord.
- the provision of housing which this scheme would deliver must not be done at the expense of wider community benefits, and the delivery of sustainable transport in south Birmingham must override the more local benefits offered by this scheme.
- The development would, if granted planning permission, make the consented land too expensive to be affordable for the rail authority to buy back.
- land required for the Camp Hill line should be clearly agreed with the rail authority and freely offered for this purpose, and there should be suitable planning conditions applied to ensure that the rail development is able to proceed.
- Has the planning office had meetings with the developers to discuss these plans as they were being developed?
- The Government's inability to so far fund such infrastructure in Birmingham should not be an excuse for developers to prejudice or make difficult their future delivery
- The line of the proposed Chords may now be different, or they could be delivered 'over' the proposed site. But if that is the case that should be confirmed by the Council before the application is approved. You can easily imagine a situation where the chords are said to be poor value for money, and aren't built, because the Council has made their construction more costly by approving applications like this one.
- On behalf of the community of Moseley and Kings Heath the planning committee are asked, when considering this application, that as a very minimum sufficient land is protected to enable the construction and accommodation of an up and down south/east railway link at Bordesley from the Camp Hill railway line, known as the Camp Hill chord.
- A new passenger rail service will complement the Clean Air Zone proposals
- The planning application should be refused on the basis that it needs to take into account that 10-15 metres will be needed for the chords and supporting infrastructure.
- The plans include a massive 26 storey block of flats. Can you confirm that this area is outside the central part of the city where such tall buildings are permitted in the council's planning policies? If so, was this made clear to the developers?;
- The ten most polluted UK cities named by the World Health Organisation include Birmingham. Every effort should be made to encourage train travel. We need to make Birmingham green;
- The commitment to support the proposed Bordesley Chord is stated in the Birmingham Development Plan (PolicyTP41 and paragraph 5.76), "Movement for Growth", the Strategic Transport Plan adopted by the West Midlands Combined Authority in 2017;

- The scale of committed and potential housing expansion across the West Midlands conurbation and wider region will seriously challenge the capability of the current rail infrastructure;
- Should rail capacity not be enhanced to accommodate the expected extra demand then the regional rail network will not be able to cope. This could mean that people will be unable to use rail and will instead have to make more trips by car which will exacerbate congestion. This would mean that Policy TP38 of the BDP “A Sustainable Transport Network” would not be met;
- If this planning application prevents the future of the Camp Hill Line Chords then I hope that Birmingham City Council will reject the application in order to benefit the lives of thousands of residents who live in and around Moseley, Kings Heath, Brandwood and Stirchley;
- The Moseley community has been campaigning for the reopening of the Camphill Railway Line for passenger traffic for well over 40 years;
- The number 50 bus service is already over capacity and the air pollution on the A435 route into city is a cause for concern to many residents.
- It is therefore urged that Planning Committee refuse this application – or require it to be reduced to the point where WMRE and TfWM are content that it will not prevent the future construction of railway chords at Bordesley.

4.20 Individual responses have also been submitted by the following Councillors and groups:

- Councillors Jenkins and Straker Welds - We are keen to seek assurances that this, or any other development, does not interfere with the re-opening of the Chords, which are widely accepted as being crucial to providing essential routes between the City Centre and satellite stations and we need reassurance that this application will not compromise plans to provide 10 extra train paths/hour in/out of central Birmingham, essential to extending the rail network.

Even if the proposed development were to be proved to be merely in close proximity to the final position of the Bordesley South West Chord, this would in itself raise some significant concerns which could threaten the viability of the Midlands Rail Hub project as some of the offices and residential properties are likely to find themselves within a few metres or less of the chord.

The proximity of one or more of these proposed buildings could have a detrimental impact on the “constructability” of the chord and could also generate significant future objections to the Bordesley South West Chord element of the Midlands Rail Hub scheme from any future residents/tenants of the “193 Camp Hill” development;

- Confederation of Passenger Transport UK - It is vital that no development takes place at this site as it would imperil the proposed Midlands Rail Hub Project in the Bordesley area. As the final alignment of the Chords has not yet been formally approved by the parties concerned i.e. Network Rail, the Local Planning Authority and Midlands Connect, it would surely be premature to approve the proposed development at this time? The provision of the ten extra train paths into the City should surely take precedence over a planning application such as this?
- The Moseley Society - We appreciate that the applicant has made some alterations to the plans in order to try to allow construction of South West Bordesley Chord at a future date. However, we are aware that the West

Midlands Rail Executive (WMRE) and Transport for West Midlands (TfWM) have expressed their objection to the revised plans on the grounds that the detailed plans for the chords cannot be drawn up before this application is decided. If built, the development envisaged in these plans is likely to affect both the constructability of these chords and also lead to objections from the residents and businesses that the development will introduce into the land adjoining the railway.

When the Moseley Society was formed in 1979 one of the topics on our wish list was the reopening of the Camphill Railway Line for passenger traffic. We are glad that plans and funds are now in place for that to happen. The planning applications for the new Hazelwell and Kings Heath Stations have just been submitted and we expect the application for Moseley Station by the end of the year. However, the reopening is being achieved on the original lines that take the Camphill service round by St Andrew's Junction to New Street Station. Because of the lack of capacity at New Street all that can be offered is a half-hourly service. We have been told that the only way for the large number of people living within walking distance of the Hazelwell, Kings Heath and Moseley Stations to be offered a more frequent rail connection is by building chords at Bordesley so as to take the Camphill Line into Moor Street Station.

We are therefore very alarmed to hear that this development is likely to remove that possibility permanently. The Bordesley chords are also part of the long-term plan to link east and west Midlands rail services via Moor Street Station so this is not just a matter of local interest, but one of fundamental importance to the development of improved rail services across the Midlands. We therefore hope that Planning Committee will refuse this application – or require it to be reduced to the point where WMRE and TfWM are content that it will not adversely affect the future construction of railway chords at Bordesley.

- Russell Road Residents' Association - Moseley and Kings Heath are grid-locked and polluted because of heavy traffic congestion; consequently, we urgently need alternative forms of transport to access the City-Centre. Any planning application that would compromise or delay the re-opening of this line would be disastrous for local residents, for the air-quality targets and for commuters. We would urge you to postpone any decision on this application until the rail-routes have been agreed.

(Latest comments) The objective of improving greener, more sustainable travel relies on a frequent train service into the city. Because of capacity issues, Moor Street Station is the most viable option, and that will rely on the construction of the Bordesley Chords. To permit this application would run counter to the council's policy of improving air quality, reducing car journeys and increasing long-term sustainable travel. The council's legal obligations to reduce atmospheric pollution, and the region-wide requirement for improved public transport, would be thwarted by the current plans. Whatever is built on this site must permit the construction of the Bordesley Chords and facilitate the opening of a functional rail-link into Moor Street for this busy commuter area. We urge the committee to reject this application and would ask the planners to submit revised plans that would be compatible with the council's transport and clean air objectives.

- Councillor L Turner Bromsgrove District Council - As a Bromsgrove District Councillor representing Wythall I strongly object to this application. Air quality needs to be greatly improved in the City and increased rail travel usage over car

traffic is a necessary step in the right direction. I use Wythall station frequently for travel into the city and would welcome more frequent and reliable rail transport. I know we need more new housing but please be sensible not to allow such house building to prevent much needed progress in transport and in people's health.

- Moseley Liberal Democrats - There is a huge potential problem in that if this goes ahead it will put an end to the plan to build the Camp Hill Chords which are needed to divert the Camp Hill line into Moor Street and provide a frequent commuter service. If this goes ahead it will be hugely controversial as the council were warned about it in 2013 when they sold the land. Moseley Forum objected at the time. We were told the land could be bought back in a compulsory purchase order if the chords project was to go ahead. At that time we didn't have confirmation of HS2 and the Centro Connectivity package so they probably thought it would never happen.
- Campaign for Better Transport – The proposed development must not under any circumstance be permitted to compromise or encroach the construction, establishment and maintenance of the proposed west/South Bordesley Railway Chord. The proposal to provide this is documented in the BDP and the regional transport priority list for many years. It is reference in Policy TP41 of the BDP the Bordesley Area Action Plan, the Strategic Transport Plan “Movement for Growth” adopted by the WMCA. Should capacity not be enhanced to accommodate the expected extra demand then the regional rail network will struggle to cope meaning Policy TP38 of the BDP “A Sustainable Transport Network” would not be met. The submitted Transport Assessment fails to mention the Bordesley Chords. Hope that the energy centre is relocated.
- Campaign for Rail - The long awaited Camp Hill Chord scheme and the corresponding substantial degree of socio-economic benefit, together with the critically important reduction in noxious vehicle emissions within the City, all urgently require safeguarding, rather than being unjustifiably compromised by way of the said planning application in its currently presented outline. However, despite the universally acknowledged need to safeguard a section of land for the construction of the Camp Hill Chords, the necessary critical protection would appear to have been overlooked, possibly in the unjustifiable belief that the Camp Hill Chord project would never be realised.

The current footprint encroaches in part, upon a section of land that would be required for at least the development of the Camp Hill South Chord and without that critical piece of land, the far more logical potential service route into Moor Street station, with its currently underutilised platform potential and corresponding passenger footfall growth, together with the inherent shorter journey time and close interconnectivity benefits, will most regrettably be lost.

In its current outlined form, the application should be withdrawn or withheld, pending a revised application that fully protects the land required for the vitally important Camp Hill Chord requirement.

As was the case in Manchester, honouring the City of Birmingham and West Midlands regional public transport requirement and listening to the universally concerned voices of the City and travelling public, together with concerns expressed by Midlands Connect, Transport for West Midlands, West Midlands Rail Executive and Network Rail, plus the rail franchisees and rail user groups, it is paramount that all associated stakeholders work towards achieving the

ultimate attainable rail infrastructure and passenger service potential, as part of an holistically enhanced Midland Hub requirement.

- Balsall Heath Forum - We understand that the proposed development will affect an element of the Balsall Heath Neighbourhood Plan. The Neighbourhood Plan became statutory in 2015. Balsall objects to this development, in that if approved, it would inhibit the growth of the future rail service, which has the potential to contribute greatly to the economy of Balsall Heath.
- Shakespeare Line Promotion Group - The need for the construction of this chord and the proposed alignment of it which involves the south-east corner of the proposed development detailed in the application is critical to the future transport and connectivity needs and requirements of Greater Birmingham but also the more extensive West and South Midlands. The broader drivers of HS2's arrival in 2027 and the crucial need to significantly reduce vehicle emissions in Birmingham City Centre determine that rail connectivity improvements must be enabled.

The scale of committed and potential growth in housing and employment volume and distribution, as well as freight growth, will directly challenge the capability of the region's rail infrastructure given its regional role and location at the heart of the UK rail network.

- The Bordesley Chord scheme a significant element within one of five key rail service improvement points that combined amount to £151 million Gross Value Added (GVA) to the economy each year by 2032.
- Solihull & Leamington Rail User Group (SALRUA) - This development would seriously impact the proposed Bordesley Chord development to increase passenger services to Moseley, Kings Heath and Hazelwell into Moor Street, a scheme to take pressure off New Street Station and the congested local road network. If this plan goes ahead it will negate a transport solution for the centre of Birmingham, for decades. If the chords are built Bordesley Station will close due to the alignment and will not be replaced. It is vital that the alignment is protected, even if the current plan has to be reconfigured to accept the chords. The present Sulzer site is very close to the road bridge and the present plan is very intensive. SALRUA always supports regeneration, but not the detriment of infrastructure requirements first. We would therefore recommend that this proposal is rejected and a revised one drawn up. Nationally there are too many schemes that have impacted previous rail land, and leads to far higher investment costs for future generations.

- 4.21 A public exhibition to share details of the emerging proposals was held at Evolve at the Adam & Eve, Bradford Street, Digbeth on 30 October 2018. The exhibition was advertised via a leaflet drop of 3,000 leaflets to all residential and business addresses covering the area approximately 0.5 miles from the site. It was also announced on social media via Twitter on 24th and 30th October 2018. According to the applicants the exhibition was attended by 9 people, and comments were made regarding the number of affordable homes, what was happening to Sulzer, more places for locals to go for coffee and restaurants were needed, welcoming the hotel and potential for jobs, supermarket needed in the area and positivity about bringing forward regeneration and development in Birmingham instead of Manchester.

5. Policy Context

- 5.1 Birmingham Development Plan (BDP) 2017, Birmingham Unitary Development Plan 2005 (Saved Policies), Car Parking Guidelines SPD (2012), Shopping and Local Centres SPD (2012), Lighting Places SPD (2008), Public Open Space in New Residential Development SPD (2007), Access for People with Disabilities Supplementary Planning Guidance (SPG) (2006), Archaeology Strategy (2004), High Places – A Planning Policy Framework for Tall Buildings SPG (2003), Affordable Housing SPG (2001), Places for Living SPG (2001), Places for All SPG (2001), Birmingham Curzon HS2 Masterplan for Growth (2015), High Places (2003), Loss of Industrial Land to Alternative Uses SPD (2006), Big City Plan Masterplan (2011) and the revised National Planning Policy Framework.

6. Planning Considerations

- 6.1 The proposed scheme would provide a total of 480 residential units and incorporate a maximum total of up to 1,480sqm (GEA) of flexible commercial floorspace comprising:
- Class A1: Shops;
 - Class A2: Financial and professional services;
 - Class A3: Restaurants and cafés; and
 - Class B1: Offices / Light Industrial;
 - Class B2: General Industry;
 - Class B8: Warehousing / Storage; and
 - Class D1: Non Residential Institution
- 6.2 Of this, 262sqm (GEA) of floorspace would be delivered at the ground floor of Block A, 877sqm (GEA) within Block C and 174sqm (GEA) at ground floor within Block E. The largest single unit in retail use (Use Class A1) would be 387sqm (GEA). In addition Block B would provide a hotel of 7,068sqm.

Loss of Industrial Use

- 6.3 The current occupiers of the site Sulzer are relocating from the site in March 2020 to purpose built facilities outside of the City as, according to the applicants, a result of the condition of the site and the limitations on the business. The proposed redevelopment of the site would therefore result in the loss of employment land.
- 6.4 The application site does not form part of a Core Employment Area under Policy TP19 of the BDP however Policy TP20 seeks to protect employment land and resources where it contributes to the portfolio of land needed to meet longer term requirements. The implementation of Policy is TP20 supported by the Loss of Industrial Land to Alternative Uses SPD, which provides guidance to developers on the information required by the City Council where a change of use to an alternative use is proposed.
- 6.5 According to Policy TP20 there is a general presumption against the loss of industrial land unless either the site accommodates a non-conforming use, has actively been marketed or it can be demonstrated that continuing an industrial development is not viable. The current use is not a non-conforming use and the applicants have failed to adequately demonstrate that there is marketing or viability justification to support the proposed loss of employment land. The SPD, which dates back to 2006 recognises that within the City Centre a more flexible approach towards the change of use of land is required, however the SPD should be given less weight as it is outdated in comparison to adopted BDP Policy TP20. Therefore the proposed loss of employment land is contrary to this BDP Policy any material considerations should be

assessed to ascertain whether they should be given greater weight to outweigh this Policy conflict.

- 6.6 First a requirement for future growth and change in and around the City Centre is identified within the development plan. 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
- 6.7 Whilst the site is located beyond the City Centre Retail Core it is identified within the Birmingham Development Plan Policies Map as part of the City Centre Growth Area under Policy GA1.1. Policy GA1.1 (City Centre Role and Function) indicates that the Council will continue to promote the City Centre as the focus for retail, office, residential and leisure activity within the context of the wider aspiration to provide a high quality environment and visitor experience. The site is also just beyond the border to the Southern Gateway Area of Change which has a boundary on the opposite side of Camp Hill (B4100). This area has recently seen the growth of mixed use developments along Digbeth High Street as a result of Lunar Rise, Connaught Square and Beorma.
- 6.8 Policy GA1.2 advises that in order for the City Centre to maintain and develop its position as a top visitor destination and driver of the City's economy, significant new levels of growth will be accommodated. Policy GA1.3 seeks to support seven distinctive quarters within the City Centre Growth Area. The application site falls within the Digbeth Quarter where a creative and cultural hub is supported with a high quality exciting and easily accessible environment.
- 6.9 The site is also within the boundary of the Curzon Masterplan area. This seeks to maximise the regeneration and development potential of HS2 in the City Centre. Proposals for development in the Masterplan area are identified to have potential for growth including 4,000 new homes, 36,000 net jobs and 60,000sqm hotel space. Key principles for Digbeth to deliver on the potential growth opportunity include:
- Growing the creative, media, digital and social enterprises and encouraging links with nearby universities and colleges;
 - A vibrant mixed-use neighbourhood that enlivens the area 24/7 with a range of distinctive retail and leisure uses reflecting the arts and creative industries as a tourist and visitor destination;
 - Creation of a high quality sustainable residential neighbourhood focused around the canals; and
 - A focus for cultural activities - growing the arts and live music scenes.
- 6.10 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 this would not undermine key economic sectors or sites, or the vitality and viability of town centres.
- 6.11 The application has the potential to deliver B1, B2 and B8 floorspace and local property agents have indicated a lack of suitable and affordable space to provide for demand in the area and to specifically accommodate creative start-up businesses. In addition, the majority of co-working spaces in the area have been found to be at full capacity demonstrating a need for more co-working options to be delivered in

Digbeth and the wider area. The applicants have also estimated that there would be a net increase of 112 to 165 jobs arising as a result of the development once it is operational, as well as additional jobs during construction.

- 6.12 It is therefore considered that taking account of the location of the site within the identified City Centre Growth Area and the associated policy documents which promote the regeneration of the area, plus the likely job creation there is sufficient policy support and material considerations that should be given greater weight to outweigh the conflict with Policy TP20, and allow the loss of the existing employment land.

Development Plan Allocation and The Camp Hill Chords (also known as Bordesley Chords)

- 6.13 The application site lies has a frontage to the Birmingham Moor Street to London railway line and lies close to the former Midland Railway Camp Hill Line from Kings Norton to Water Orton. There is the intention to connect these two existing railway lines via a north east and south west 'Chord' which collectively are known as the Camp Hill Chords.
- 6.14 There is mention of the Camp Hill Chords in the following documents:
- Policy TP41 of the BDP;
 - the emerging Bordesley Area Action Plan;
 - West Midlands "Movement for Growth" Local Transport Plan (both the long term "Strategic Transport Plan" and shorter term "2026 Delivery Plan");
 - Network Rail's "West Midlands and Chilterns Route Study" 2017 and "London North Western Route Specification 2017";
 - West Midlands Rail Executive's "Rail Investment Strategy", 2019;
 - Midlands Connect's "Strategy" (March 2017) and "Our Routes to Growth" (July 2018); and
 - Department for Transport Vision for Rail
- 6.15 The Camp Hill Chords are one part of the Midlands Rail Hub (MRH) project, currently being progressed by Midlands Connect and Network Rail. The MRH seeks to increase rail network capacity across the Midlands in phases between now and 2033. The Camp Hill Chords are one part of 20 infrastructure interventions proposed across the region to give greater access to HS2 and to provide an additional 24 passenger train services per hour at a total indicative cost of 2.02 billion pounds. The two new viaducts or Chords would create paths to the East Midlands and South West from Birmingham Moor Street allowing for greater connectivity to Cardiff, Bristol, Cheltenham and Hereford. At a local level the Chords would increase the capacity of the Camp Hill line once it is reopened, increasing the predicted 2 trains per hour via the proposed new stations at Moseley, Kings Heath and Hazelwell into New Street Station, to 10 trains per hour into and out of Moor Street. As an aside planning applications for the provision of stations at Hazlewell and Kings Heath have been submitted and it is reported that construction of the new stations would start in 2020, with a view to opening them by the end of 2021.
- 6.16 Midlands Connect submitted the Strategic Outline Business Case (SOBC) for the Midlands Rail Hub to the Department of Transport in June 2019. The purpose of the SOBC is to seek Government funding of £25m to proceed to the next stage of the project development. The next stage is the Outline Business Case which is programmed to be completed by the end of 2022 with a Full Business Case anticipated sometime between 2023 to 2025. At an estimated cost of £30m to £35m

the development of the Chords is earmarked as one of five potential early interventions with a desired timeframe for implementation of 2024 to 2029.

- 6.17 Policy TP41 (Public transport) seeks improvement of bus and coach, rail, and Midland Metro and Bus Rapid Transit networks in the City. With reference to rail provision the Policy states that proposals to enhance the delivery of the Camp Hill Chord scheme and the facilitation of services from the Camp Hill line from Tamworth/Nuneaton to run into the new platforms at Moor Street Station will be supported. The application site is outside the boundary to the emerging Bordesley Area Action Plan, however the document acknowledges that the Chords are a major transport priority and the emerging Plan contains principles and objectives that support an enhanced public transport system. In light of this in Policy recognition and the submission of the Midlands Hub SOBC the Chords are considered to be at a sufficiently advanced stage to amount to a material consideration in the determination of the current application.
- 6.18 The many rail and transport bodies recognise the proximity of the application site to the Camp Hill Chords and the importance of the Midlands Rail Hub that is currently progressing. WMRE and TfWM have suggested in their joint consultation response that the proposed development is either on the site of, or adjacent to the proposed South West Chord. The consultees have commented that it is theoretically possible that the final alignment could require a proportion of the land, particularly on the site of proposed Block E. Or, as a result of the proximity of the proposed buildings, it would be difficult to construct the Chord. Furthermore should the Chord be completed there is a high chance that some of the commercial and residential unit occupiers would be positioned within a few metres of this new infrastructure. Concerns have been raised regarding the impact upon occupiers due to the noise of passing trains and the visual intrusion of the structure itself. Therefore WMRE, TfWM, Midlands Connect have asked for the determination of the application to be deferred until after the final alignment for the South West Chord has been formally approved by Network Rail, the Local Planning Authority and Midlands Connect.
- 6.19 The Mayor of the West Midlands on behalf of the WMCA echoes the above concerns and seeks assurance that the proposed development would not prevent and/or compromise construction and/or the operation of the South West Chord. Deferring a decision as above is requested.
- 6.20 Midlands Connect reiterate that the proposed development would jeopardise the deliverability of the Chords.
- 6.21 In response, from the outset it should be acknowledged that Network Rail have confirmed that the decision to deliver the Midlands Hub or more specifically the Camp Hill Chords has not been taken, neither has the funding for the delivery of the programme been committed. Therefore the Chords are not yet being promoted by Network Rail as a committed rail enhancement. It is not anticipated that the DfT will make a decision on whether to fund the next stage of the Midlands Hub, or the Outline Business Case, until late 2019 or even 2020. Furthermore Network Rail have acknowledged that the exact alignment of the Chord will not be known until 2023 to 2024.
- 6.22 Hence, whilst BDP Policy TP41 specifically supports the delivery of the Chords there are material considerations to consider. No land has been safeguarded within the BDP for its construction or operation and at present there is no certainty that they will be delivered. Meanwhile whilst the Camp Hill Chords are mentioned in the emerging Bordesley Area Action Plan (AAP), there is no specific Policy relating to their

implementation, just a principle or objective supporting connectivity, whilst their proposed alignment is shown as indicative. Again like the BDP neither Plan rules out development due to the potential Chords scheme.

- 6.23 Acknowledging the current position the applicants have revised the application twice to reduce the likelihood of conflict with the South West Chord. First the energy centre previously proposed on the smaller triangular area of land that adjoins the existing railway viaduct has been relocated. This parcel of land is currently proposed to be kept open and used for car parking, free from physical or built obstructions. This could potentially allow the construction of the Chord above to join with the existing viaduct that is positioned approximately 5m above road level. Secondly Block E has been moved approximately 7.5m further away from the existing railway viaduct to leave a separation distance of approximately 19.3m to 50m between the Block and the railway viaduct. Furthermore a distance of at least a minimum of approximately 11.6m would be maintained between Block C and the viaduct.
- 6.24 Network Rail (NR) have welcomed these amendments and raise no objections to the scheme. Confirming that the alignment of the Chords will be based on a number of factors comprising track gradient, track curvature and line speed they have acknowledged that there is no defined route or design and it is not possible to provide any level of detail on a plan at this stage. Furthermore despite the request for further information with respect to the reasonable assumptions regarding construction techniques Network Rail have confirmed that construction methodology will be dictated by the final design and it is not possible to determine temporary or permanent land take requirements at this early stage.
- 6.25 The rail bodies, excluding NR, have also expressed concerns at the potential living conditions for those residents that would overlook the South West Chord. In response the applicants have also additional noise and vibration studies that assess the introduction of additional tracks that have the potential to be located on an extended viaduct closer to the proposed development. The current number of train movements passing the site averages 10 movements per hour. The new rail infrastructure has the potential to double the number of train movements. With respect to noise the additional studies conclude that, as a result of the increased train movements together with the location of rail track closer to the site, the proposed residential units would require an increased glazing specification for the living rooms and bedrooms to the facades of Blocks A, C and E. The study also makes reference to a typical elevation comprising of brick or metal cladding. Following the submission of additional survey data Regulatory Services have raised no objections subject to conditions.
- 6.26 Notably the rail bodies that have raised objection (WMRE, WMCA, TfWM, Midlands Connect) are not statutory consultees. This status is held by Network Rail who the applicants have met and since attempted to reduce the potential areas of conflict on a site where there is no certainty regarding the alignment of the Chords or their delivery. To emphasise Network Rail have not objected. The above transport bodies have also referred to a number of strategic documents that support an enhanced rail system, however whilst they may be considered to be material considerations as they support the wider intent to deliver the Chords they are attributed little weight as they do not form part of the development plan.
- 6.27 There is an expectation from the rail bodies that Network Rail or Midlands Connect can provide assurance that the proposed development will not prevent or compromise the construction or operation of the South West Chord. However neither can do so as, to reiterate, the alignment of the route has not been defined and the

associated land take required is unknown. There is also the request to defer a decision on this application until the alignment of the South West Chord is known. However The Camp Hill Chords are not a committed scheme, the process to deliver consent has not begun and, if it becomes a committed scheme, the definitive alignment of the Chord is unlikely to be known until 2023. The applicants have been asked for their view regarding a planning condition attached a permission that that seeks to restrict the sequencing or phasing of the development, with Blocks A, C and E, coming forwards later in the construction programme, to maximise the time available to define the alignment of the Chord. They have responded by submitting a supplementary financial viability assessment and comment, *“In this context, a scenario, whilst in our view highly unlikely, could exist where ultimately the route of the Chord sterilises Blocks A, C and E (rather than there being a possible temporary restriction on their construction). As long as this risk remains, which is introduced by the condition, it is therefore necessary for the updated viability assessment to consider a scenario where Blocks A, C and E are never constructed rather than simply their development coming forwards at the end of the construction period (but without any pause in that construction). The update to the viability appraisal confirms that any restrictions on the phasing secured through a condition could result in the scheme becoming unviable, as described above. Not only would such a condition be unnecessary, as Network Rail has not raised any objection with the scheme, but it would be unreasonable if its effect would be to allow for a situation where the scheme would be unviable; with an impact on the affordable housing / employment provision.”* The supplementary financial viability has been independently assessed and comes to the same conclusion.

- 6.28 With no certainty regarding the route alignment, no committed funding, no land safeguarded by Policy and no further information from Network Rail regarding potential land take for construction or operating purposes, there is little evidence to indicate that the current proposals for development would definitely prejudice the delivery of the Chords. Therefore whilst there is only potential conflict with BDP Policy TP41 and the emerging objectives of the Bordesley Area Action Plan greater weight is given to those policies that support redeveloping this site as highlighted above.

Proposed Retail (A1, A2 and A3), Office Uses (B1) and Non Residential Institutions (D1)

- 6.29 Notwithstanding Policies GA1.1 and GA1.3 that support the proposed mix of uses it should be acknowledged that the site is located outside of the City Centre retail core. Policy TP21 seeks to support the vitality and viability of the existing retail centres by guiding main town centre uses such as the proposed retail, office and community facilities falling within a D1 use class (some of which are defined as main town centre uses) towards the existing hierarchy of City, district and local centres.
- 6.30 Policy TP21 requires applications for main town centre uses to satisfy the requirements set out in national policy and be subject to a retail impact assessment. However, importantly in this case, even if all of the proposed commercial floorspace were to be used for retail and/or office uses it would total 1, 480sqm and would therefore be below the 2,500sqm threshold to require an impact assessment as set out at NPPF Paragraph 89. Plus Policy PG1 states that there is also a target for a minimum of 745,000sqm office floorspace to be provided in the network of centres, primarily to be focussed in the City Centre.
- 6.31 Based on the 480 homes that are proposed, the applicants estimate that there would be a residential population on site of approximately 770 people. This number would

increase to approximately 800 to 1,000 people with the addition of workers plus there would be guests at the 167 room hotel. As such the applicants consider that the proposed retail provision would meet the needs of local residents workers and visitors.

- 6.32 With respect to B1 office use the applicants consider that they would provide suitable and flexible work space to meet the needs of businesses in the local area. There would be an emphasis on the creative and digital business which are a focus for Digbeth, and on providing workspace which is affordable for industrial, office or artistic based industries and businesses with both permanent, hot-desking and co-working facilities. The applicants have advised, the space is primarily anticipated to be occupied by SMEs and microbusinesses in line with the Digbeth Creative Quarter, and there is the aspiration for this site to become a flourishing creative and cultural hub.
- 6.33 Whilst it is acknowledged that a formal sequential test for the proposed town centre uses has not been submitted the NPPG acknowledges that local planning authorities need to be realistic and flexible in applying the test. It is considered that by virtue of the scale of the proposed commercial uses they would comply with the revised NPPF and Policy TP21, insofar as they would be proportionate to serve the needs of the development and local area. They would be complementary and ancillary to the development and would not create a standalone centre that would compete with the core retail area of the City Centre. Instead, the proposals would deliver local services and facilities that would meet the day-to-day needs of local residents and workers in the area enhancing the sustainability of the development. Furthermore it is considered that the proposed commercial and community uses would promote a sense of place and contribute to the long-term vitality of the development by increasing footfall within the site, encouraging activity throughout the day and animating the ground floor facing Camp Hill, Coventry Road and Bedford Road.
- 6.35 In order to ensure that the proposed commercial uses remain ancillary the applicants have advised that the largest single unit would be 387sqm (GEA). A condition is attached to restrict the overall commercial floorspace and the largest possible single commercial unit on this basis.

Proposed Hotel Use (C1)

- 6.36 A hotel is proposed within Block B and would provide 167 rooms. Again according to the NPPF a hotel is a main town centre use that should, in Policy terms, be located within the City Centre retail core or a district or local centre.
- 6.37 In response the applicants have submitted a Hotel Demand Report that concludes that there is a need for a hotel at the edge of the City, and that the provision of a hotel would serve a growing demand from the increasing digital, TV, and arts companies and meet a gap in the current offer.
- 6.38 From a local policy perspective the site is within the City Centre Growth Area as allocated under Policy GA1. Furthermore TP25 supports proposals which reinforce and promote Birmingham's role as a centre for tourism, culture and events and as a key destination for business tourism. The Policy further states that the provision of supporting facilities such as hotels will be important and that well designed and accessible accommodation will be supported. Saved Policy 8.19 of the Birmingham UDP also encourages the provision of additional hotels in order to provide a balanced range of hotel bed spaces, subject to local planning, amenity and highway

considerations. Finally The Curzon HS2 Masterplan highlights support for the provision of 60,000sqm hotel space.

- 6.39 It is therefore considered that there is sufficient reason to support a hotel at this out of centre location.

Proposed Residential Units

- 6.40 BDP Policy GA1 confirms that residential development will continue to be supported where it provides well-designed good quality living environments. The Strategic Housing Land Availability Assessment (SHLAA) (2018) also highlights the importance of windfall sites as a source of housing in Birmingham, and anticipates 4,700 homes being delivered on windfall sites over the period 2018 to 2031.
- 6.41 BDP Policies TP27 and TP28 explain where new housing development should be located in order to create sustainable places. In this case the site is in a sustainable location with good access to infrastructure and services, including by public transport, walking and cycling. The site is not within an area at risk of flooding, and the development would not be subject to any serious physical constraints. The impact upon heritage assets is discussed later in the report. Notably the reasoned justification to Policy TP28 advises that a minimum of 80% of homes are expected to be on previously developed land.
- 6.42 Referring to the list of proposed uses it is recognised that the site is within the boundary of the City Centre Growth Area which is to be the focus for future retail, office, residential and leisure activities. It is considered that the scale of the proposed commercial uses is, subject to conditions, appropriate at this location whilst the proposed residential development would be acceptable in principle at this highly sustainable location with good access to public transport links.

Housing Density and Mix

- 6.43 Policy TP30 of the BDP states that new development should seek to deliver a range of both market and affordable dwellings to meet local needs and support the creation of mixed, balanced and sustainable neighbourhoods and should take account of the SHMA, current and future demographic profiles, the locality and ability of the site to accommodate a mix of housing, and market signals and local market trends. It also identifies that high density schemes will be sought in the City Centre.
- 6.44 The proposed mix is as follows:
5 x 1 bed studios (1%);
224 x 1 bed apartments (47%);
209 x 2 bed apartments (44%);
30 x 3 bed apartments (6%);
12 x 4 bed townhouses (3%).
- 6.45 The proposed size mix would not directly replicate the aspirations noted within the BDP providing a higher proportion of one- and two-bedroom homes. However the development mix proposed responds to the location of the site within the City Centre where there is a need to make the most efficient use of land and significantly boost the supply of housing to meet identified needs and address the housing shortfall.
- 6.46 Notwithstanding this, the development would also deliver a significant element of larger homes, including townhouses, which would ensure a range of accommodation types and sizes are available on the site to provide choice.

- 6.47 Given the significant scale of housing need in Birmingham and the circumstances of the site, the development mix proposed is appropriate to the site's City Centre location, including taking account of local needs and relevant policy provisions to create a balanced and vibrant development.
- 6.48 The more recent Birmingham Housing Market Assessment Strategic Growth Study (2018) reviewed options to meet needs across the housing market area and refers to building new housing at higher densities as an important component in addressing the shortfall of housing across the housing market area. Paragraph 123 of the NPPF advises that where there is an existing shortage of land for meeting identified housing needs, it is especially important that decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site.
- 6.49 The site is within the City Centre and the proposals would result in a residential density of 282dph on the site. The minimum density according to TP30 is 100 dph within the City Centre.
- 6.50 The density of the development reflects the highly sustainable location of the site with access to a range of services and facilities together with public transport options in close proximity. The site is within easy walking distance of Digbeth High Street, as well as the City Centre and associated facilities and rail services from New Street and Moor Street Stations. There are bus stops within 100m and 300m of the site served by a variety of routes to a range of destinations, and a future extension of the Midland Metro tram is in development with a stop planned less than 400m from the site, further enhancing access. In addition the proposed homes have been designed to ensure a suitable standard of amenity for future occupiers, and all would meet the Nationally Described Space Standards. Therefore the proposed density of residential development is also considered appropriate.

Scale, Layout & Design

- 6.51 BDP Policies PG3 and TP27 expect development proposals to create sustainable neighbourhoods and demonstrate a high design quality, contributing to a strong sense of place. The existing building dominates the site's footprint and as a result, has no permeability, isolating itself from the local context. In contrast, the proposed layout comprises of perimeter blocks and a clear walking route through the site allowing connections within the site and beyond.
- 6.52 A new plaza is proposed to the north of the site with seating and soft landscaping to invite people into the development and the space. This would link through the site to the hotel in Block B, the commercial frontages to Block C and the businesses within the existing railway arches. The plaza would be strategically positioned so it is clearly visible from the Camp Hill (B4100) highway with its edges activated by commercial frontages. Permeability would also be created via a new street running west to east through the site linking Camp Hill and Bedford Road, overlooked by residential apartments and half of the proposed town houses.
- 6.53 A further area of public space is provided to the south east of Block C at the junction of the new internal street and two further areas of space are provided at the south of Blocks D and E to provide more space to the listed church on the opposite side of Trinity Terrace. In addition to these public spaces the blocks would be arranged to provide two private courtyard spaces for residents, one to the north and one to the south of the new road.

- 6.54 The applicants have indicated that the development would provide 2,524sqm of publicly accessible space (including the two courtyards). Two areas of private gardens for the town houses totalling just less than approximately 999sqm are proposed and also an internal terrace on the 23rd floor of the tower measuring 193sqm.
- 6.55 In terms of the built form the taller blocks are positioned to the north of the site, to take advantage of views across Birmingham and to allow daylight into the plaza and the private courtyards. The proposed massing generally steps down, from 26 storeys to the north (Block A), to 3 to 4 storeys (Block G) to the southern part of the site towards the listed Holy Trinity church. Variation in height is provided to reduce the massing of the development and to provide interest and distinctiveness. The layout would also reinforce Trinity Terrace as a residential street with a row of townhouses (Block G) overlooking the highway.
- 6.56 Block A – This would provide a 26 storey tower and therefore the High Places SPG (2003) is a material consideration. This SPG provides policy design guidance for buildings of over 15 storeys particularly with respect to their location, form and appearance. The policy guidance directs tall buildings towards the defined City Centre ridge zone, key arrival points or other specific locations considered appropriate within the SPG. The application site is not at any of the above locations; however it is also outside the zone of restricted height, as recognised in the Big City Plan that is a more sensitive area where heights are more carefully controlled. As such there is no policy presumption against a tall building at this site.
- 6.57 Outside of the defined locations highlighted above the High Places SPG advises that each proposal will be considered on its merits, however a tall building should be of the highest architectural quality with particular attention given to its top. In this case Block A would have a distinct character resulting from its staggered footprint that would break down its massing and providing articulated and slender façades when exiting the City and from Camp Hill. Particular attention has been paid to the crown by the addition of metal fins to distinguish it from the lower storeys and by providing double height amenity spaces at the top meaning that the structure would be a recognisable form and a positive addition to the skyline.
- 6.58 The elevations to the remainder of the block are emphasised vertically due to the regimented layout of the windows, some of which would have metal panels to the side, and protruding surrounds to provide more definition within a brick clad frame to the building. A double storey height base is proposed to the bottom of the Block under a metal canopy that would accommodate the residential lobby area and commercial floorspace.



- 6.59 Secondly, tall buildings should respond to the local context. In this case the site is opposite the Southern Gateway Wider Area of Change, as identified in the BDP where significant transformation leading out from the City Centre core is anticipated. The development of Beorma, Lunar Rise and Connaught Square are evidence of this, and they will all be identified by tall buildings. It is therefore considered that an extension to this area of transformational change is appropriate, particularly adjacent to Camp Hill (B4100) a strategic route out of the City Centre. It would also provide a landmark at the junction of Camp Hill and Coventry Road and mark the route of the existing railway line into Moor Street Station. It is therefore considered that the principle of locating a tall building on this site is an acceptable exception, and in accordance with the SPG. Further discussion with respect to the impact upon heritage assets is considered later in the report.
- 6.60 The SPG also advises that tall buildings must not have an unacceptable impact on the local microclimate. A Pedestrian Level Wind Microclimate Assessment has been submitted showing proposed mitigation measures via screens and/or planting, details of which would be required by condition. In addition a shadow, sunlight and daylight analysis shows there would be an acceptable amount of sunlight to the adjacent Blocks within the site and it is noted that there are no immediate adjacent residential occupiers outside of the site.
- 6.61 Next, the SPG advises that opportunities should be taken to create new pedestrian routes that are overlooked, and to reinforce existing routes by fronting them with a lively mix of uses accessed directly from the public realm. The proposed scheme would strongly adhere to this guidance by providing clear walking routes through the site that would be overlooked by animated commercial uses. The proposed ground floor would accommodate two commercial units in addition to the residential entrance

and cycle store resulting in a ground floor layout that would be dominated by active uses

- 6.62 The SPG states that tall buildings must comply, in terms of height, with the Civil Aviation Authority's Aerodrome safeguarding criteria. The Airport has raised no objections in this respect but have however requested a crane management plan.
- 6.63 Next it is advised that the impact of tall buildings on the local transport infrastructure and particularly public transport needs to be carefully evaluated. This is discussed further in the highways paragraphs of the report.
- 6.64 In response to the policy guidance that tall buildings must be safe the applicant has advised that the design has been developed with specialist input from structural engineers and fire consultants to ensure that the proposed scheme meets the necessary requirements.
- 6.65 According to the SPG tall buildings that include residential accommodation should be good places in which to live. It is considered that the proposed layout would provide a destination in its own right offering occupiers good connections to the wider area. The provision of high quality, dual aspect units allowing far-reaching views across the City is a key element of the design of the tower with the internal and external roof terraces giving 360 degree views from these amenity spaces. Additionally the apartments would all over look existing highways, proposed amenity areas or the proposed external private amenity courtyard areas providing suitable outlook to occupiers. Finally all of the apartments would meet national space standards.
- 6.66 However there is also the internal arrangement of the building to consider and the impact upon light and outlook. Block A would have an unusual footprint whereby three rectangular shapes are joined in a staggered formation. This eases the separation distance between Block A and Block C however there is one particular point where the separation distance reads approximately 12m. However the affected and closest window in Block C is not a principal window as it is the smallest of three windows providing light to a kitchen/diner. Plus this is a City Centre location where densities are expected to be higher to make the best use of previously developed land in sustainable locations. Whilst the distance does not meet Places for Living guidance the amount of overlooking is considered to be acceptable in this case. The separation distance then increases to approximately 14m and for the same reasons as above is considered acceptable.
- 6.67 Finally the High Places SPG indicates that proposals should be sustainable. The sustainability of the location and with regards to the construction of the buildings are discussed later.

Proposed Design of Remaining Blocks

- 6.68 The site is currently occupied with one to three storey warehouse buildings. In addition to Block A at 26 storeys there would be another six Blocks (B to G), and the massing of these remaining Blocks reduces from the north to the south of the application site.
- 6.69 Block B - on the western side of the site facing Camp Hill the existing warehouses are mostly composed of brick facades and metal windows within a strong gridded pattern with large areas of metal framed windows breaking the brick elevations. Block B, the proposed 167 room hotel reaching 8 and 7 storeys in height uses metal in its detailing, referencing the fenestration of the past buildings on the site. The

main material of the building is red steel and red ceramic panels with the colour taking inspiration from some of the existing warehouses in Birmingham and the adjacent Conservation Area.

- 6.70 The north and west elevations would be recessed at the base to create a sheltered entrance and possible outdoor seating attached to the ground floor restaurant. The top floor of the southern end of the building would be one storey lower to step down the massing of the building whilst the top two floors of the southern part would be recessed to front and rear to create a terrace for a few executive rooms. As the only stand-alone hospitality building on this site, it takes on a language distinct from the other buildings.
- 6.71 Block D - again fronting Camp Hill the next building is Block D, an apartment block reaching 5 storeys in height and dropping down to 4 storeys. The lowered height at the southern end is to retain a direct view towards the listed church. The taller part would be brick clad and the smaller metal clad, again to break up the frontage and massing. The windows have been grouped together based on the flat types on each floor, which would also create a strong gridded façade pattern. Balconies are proposed to the larger windows to all facades to provide additional amenity, add interest and overlook the public and private amenity areas.
- 6.72 Along the railway and Bedford Road side of the site, the existing buildings present a face of corrugated metal and brick to the street, a character that the new buildings seek to replicate at the roofline. The height of the two Blocks facing the railway arches would vary between 10 and 7 storeys.
- 6.73 Blocks C and E – closest to the tall building is Block C reaching a height of 10 storeys, stepping down to 8 storeys before turning through 90 degrees to face the new internal road at 4 storeys. The Block has a double storey height base to accommodate the full commercial frontage to Bedford Road and the top two storeys would be clad in metal to contrast with the lower brick storeys to break up the massing and make reference to the previous industrial use. A subtle detail is the inclusion of a small horizontal recess between the brick and metal storeys to define the upper layer.
- 6.74 Block E - very similar in design to Block C it would be part 9 part 7 storeys. Containing one unit of commercial floorspace the remainder of the ground floor would be used for parking and an energy centre. The proposed step down in height and contrast in materials would again break up the massing of the Block. Metal balconies are proposed to these two blocks to add interest.
- 6.75 Blocks F and G – these blocks comprise of two terraces of six townhouses, Block F 4 storey and Block G 3 storey. The asymmetrical roofline and metal clad top storey echoes that of the previous industrial use whilst the staggered layout of Block G would complement the buttressing of the Church opposite. It is considered that the scale of Block G combined with its position which, at its closest point, would be sited approximately 8m from the back of pavement to Trinity Terrace would provide a more open aspect to the Church.
- 6.76 The layout of the Blocks provides for generous private courtyards with a minimum separation distance between the hotel at Block B and the residential apartment at Block C of approximately 15.5m extending to approximately 34m. The proposed internal road running west to east through the site would also provide a distance of approximately 15m between facing residential units of Block C and Block F. Meanwhile the second private courtyard would provide approximately 38m and 41m

between the windows of facing residential units. These distances are considered to be generous at this City Centre location.

- 6.77 It should however be acknowledged that there are 9 apartments (3 within Block D and 6 within Block E) that have bedrooms facing blank gable walls to the townhouses at distances of between approximately 5.5m and 6.5m. Whilst this is not ideal this is because of the re-siting of Block E, due to the proximity to the Camp Hill Chords, and it is a relationship that would be created between new unit to new unit, rather than creating an adverse impact upon an existing residential occupier. Notably paragraph 123 of the NPPF states that when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site, as long as the resulting scheme would provide acceptable living standards. In this case the rooms affected are bedrooms rather than living rooms or kitchens with only 9 out of 480 apartments affected. On balance it is considered acceptable in order to provide as much space as possible for the Camp Hill Chords.

Impact Upon Heritage Assets

- 6.78 BDP Policy PG3 expects development proposals to respond to site conditions and the local area, including heritage assets. Policy TP12 relates to the historic environment and the consideration of impacts arising as a consequence of development proposals. It advises that heritage assets will be valued, protected, enhanced and managed and that proposals affecting the setting of designated and non-designated heritage assets will be determined in accordance with national policy. Furthermore in accordance with Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 the local planning authority should have special regard to the desirability of preserving listed buildings and their settings.
- 6.79 The Grade II listed Holy Trinity church lies to the south of the application site and is the earliest surviving gothic revival church in Birmingham. It is in the 'Perpendicular Style' of the early gothic revival with a distinctive roofline of tall pinnacles and is a prominent, landmark building which is visible in the immediate and wider townscape. The now vacant church was deconsecrated in the 1970's, has in the past been used as a hostel and has been much altered internally.
- 6.80 The boundary of the Digbeth, Deritend and Bordesley High Streets Conservation Area encloses land to the north on the opposite side of Coventry Road, and extends north west encompassing the historic industrial area of Digbeth. The proximity of the Conservation Area allows inter-visibility between the heritage asset and the application site. Closest to the application site, the Conservation Area includes few historic buildings although it does include the former District and Counties Bank at No. 123 High Street, Bordesley, located approximately 80m to the north. This building is locally listed building (Grade B) and now forms part of The Vault Business Centre.
- 6.81 Beyond the application site and outside of the Conservation Area there is also the Clements Arms Public House, another Grade II listed building.
- 6.82 Due to the scale of the development, including the 26 storey tower, and the number of heritage assets in close proximity to the application site the consideration of the proposed development should assess the:
- Impact on the setting of the listed church;
 - Impact on the setting of the conservation area; and
 - Impact on the setting of other listed and locally listed buildings

- 6.83 Impact on the setting of the listed church - The church is a prominent, landmark building which is visible in the immediate and wider townscape. The setting of church has been much altered over the years following the clearance of adjacent housing and the introduction of new road systems and it now sits within an area of fragmented and poor quality townscape. It is clear that whilst the existing modern buildings on the application site are of limited architectural or historic interest, their low to moderate scale allows for the architectural qualities of the church to be appreciated and retain elements of setting that are significant, most notably its prominence in the surrounding townscape and sense of place determined by a number of views which clearly set the church in its immediate and wider context.
- 6.84 The Heritage Statement which accompanies this application correctly identifies the church as having a landmark function and mentions that the drama of the roof line of high pinnacles would remain unimpeded by the new development. It is accepted that this is the case in views of the church from the south and west however one of the principle aspects from which the church is experienced is on the approach from Digbeth High Street to the north moving south into Camp Hill. From a number of vantage points the church is experienced as the dominant building in this approach due to the rise in topography and its elevated position. It is apparent that this dominance would be impeded by the introduction of proposed blocks A, B and C along Camp Hill as, by way of scale, these blocks would compete with the church and, despite the stepped set back approach, there is reduced visibility of the church including a lost view of the two pinnacles to the rear elevation. The experience of the church and its prominence on this approach is therefore interrupted by the development and officers cannot agree with the applicants that this view is unimpeded. The impact on the experience of the church from these impeded views would therefore cause harm to the setting of the church.
- 6.85 Views of the church from the railway viaduct are also important and the church is a prominent building in views entering into and leaving Birmingham to the south. Whilst the church pre-dates the railway and would not have been designed to have been appreciated from this aspect it is still considered to be a firmly established historic view experienced by a large number of people travelling to and from the City. On the approach to Birmingham from the south the scale of the development adjacent to the railway is significant and would be highly visible in views of the church. Travelling out of Birmingham the church is highly visible to the west and the development would significantly impact on these views. The prominence of the church and how it is experienced would therefore be impacted on by way of the scale of the development and therefore cause harm to the setting of the listed church.
- 6.86 Whilst it is clear that harm will be caused to the setting of the church the massing strategy as identified in the Design and Access Statement shows that the height of the buildings would gradually drop towards the church. In terms of mitigating harm this is an acceptable approach, as is illustrated by siting the lower scale townhouses on Trinity Terrace. The heights of Blocks D, E and G make use of the drop in topography along Bedford Road whilst the tallest element of the scheme (Block A) would be located at the northern edge of the site, so that the church would not be over shadowed. Furthermore the tower would be set back from the street edge to establish an important viewing corridor from within the site between Blocks B and C framing the church. Plus the top two floors of Block B, the hotel, would be partially recessed to draw people's eye towards the church whilst the southern part of Block D steps down in level to enhance this view.
- 6.87 Another element of the scheme that go some way to reduce the level of harm is the reinstatement of a residential street frontage to Trinity Terrace. The townhouses at

Block G would introduce a more subservient domestic scale closest to the listed church and allow for the church to retain an element of dominance in its immediate setting. Reintroducing a street frontage to Trinity Terrace also connects this part of the development to the church and provides a more purposeful relationship than currently exists. An area of public realm would be created on the corner of Trinity Terrace and Camp Hill to provide more space and separation between the church and the new development. Plus the townhouses also have some architectural and historic response to the church as the floorplates would be staggered and the plots would have pitched roofs to complement the rhythm of the buttressing of the church opposite. These details are considered to be an improvement to the existing buildings on site.

- 6.88 It is appreciated the overall design and layout of the scheme has been modelled so as to reduce the impact on the setting of the church, however the proposed scheme still has an overall harmful impact on the setting of the church caused by the loss of or reduction in the quality of a number of views of the church. Harm to the setting of the church is also derived from the scale of the development which will impinge on the ability to experience the church as a prominent building in this setting.
- 6.89 Impact on the setting of the conservation area - The close proximity of the application site to the boundary of the Digbeth, Deritend and Bordesley High Streets Conservation Area determines that it forms part of the setting of the conservation area. Due to the scale of the proposed development there will be some inter-visibility between the site and the Conservation Area and the issue here is whether the development can be considered to cause harm to setting of the Conservation Area. The setting of the Conservation Area shows a change in urban grain towards its southern boundary through the amalgamation of plots, and loss of enclosure through road widening, gap sites and car parks. The existing application site containing poor quality 20th century industrial buildings makes no positive contribution to its existing setting and contributes little to the significance of the historic asset. For some parts of the Conservation Area the scale of the development could be considered to cause a level of harm, particularly taking account of the proposed 26 storey tower. However noting its City Centre location and associated varied city scape it is considered that the proposed tower would reflect the characteristics of a narrative of tall buildings along Digbeth High Street that are either under construction, or consented. The west side of the High Street, although outside the Conservation Area boundary, is part of the area identified in the Draft Rea Valley Urban Quarter SPD which will potentially form part of a changing and developing townscape within the setting of the Conservation Area. When considered in this context the tower would relate better to this emerging townscape and would be clearly distinguishable from the identified historic character of the Conservation Area.
- 6.90 Having considered Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 it is concluded that there would be no effect on the historic fabric or primary characteristics of the Conservation Area and acknowledging that the existing buildings on the application site offer little in the way of a positive contribution to the setting of the Conservation Area the level of harm is considered to be minimal.
- 6.91 Impact on the setting of other listed and locally listed buildings - Due to the proposed scale of this development, particularly the blocks along Bedford Road and the tower on the corner of High Street, Camp Hill and Coventry Road, the scheme would have some impact on the low scale listed and locally listed buildings located to the north of the site beyond Coventry Road. At present the buildings on Coventry Road are low scale, with the railway viaduct and church more dominant structures. Although the application site is separated from these buildings by the railway there would be a

level of inter-visibility between them and therefore the proposed development could be considered to form part of the wider setting of these heritage assets. There is a greater degree of inter-visibility between the proposed development and the locally listed building at 123 High Street, particularly the tower element, and the development is considered to form part of the immediate setting of this building.

- 6.92 At present these buildings are experienced in a low scale townscape setting and therefore the introduction of a much larger scale development into the townscape setting would have an impact on these heritage assets. The Heritage Statement correctly identifies the new development as a prominent addition to the skyline above the viaduct when viewed within the context of the setting of the heritage assets on Coventry Road and High Street and suggests that the proposed development would not result in any harm to these assets. Conservation Officers disagree due to the scale of the development, particularly the 26 storey tower. That said, acknowledging that both the buildings on Coventry Road and at 123 High Street currently exist within a context of a relatively poor townscape the level of harm would be less than substantial.
- 6.93 The proposed development would cause some harm to the setting of the listed church, the setting of the Conservation Area and the setting of the other identified listed and locally listed buildings. However the applicants have sought to reduce this harm to the listed church by reducing the scale of the development towards the church and addressing the siting and design of the townhouses at Block G. Therefore taking the level of harm separately in relation to the different heritage assets and cumulatively the level of harm would be less than substantial as defined by paragraph 196 of the NPPF.
- 6.94 According to Paragraph 196 of the NPPF where a development will lead to less than substantial harm to the significance of a heritage asset, this harm should be weighed against the public benefits. In this case they are considered to be the economic benefits of bringing people and commercial floorspace to this site in the short and long term. Benefits to the public realm both directly on site via the public plaza and by activity at street level and also by providing a high quality development with a landmark tower that would deliver much needed housing at a sustainable location. As such these public benefits are considered to outweigh the less than substantial harm to the heritage assets.
- 6.95 The Archaeological Assessment forming part of the submitted Heritage Statement notes that the site does not lie within an Archaeological Priority Area although it is to the south of the known extent of medieval growth at Digbeth. It finds that the potential for prehistoric or early historic remains on the site to be nil and while any chance finds that may be present and which have survived earlier 19th and 20th Century works on the site would add to the known record, it is unlikely that in situ undisturbed remains are present. Any remains that were covered in the course of future works would be of local importance and low significance and as such, further archaeological investigation would be unwarranted.
- 6.96 Last year the proposals were presented to members of the Conservation Heritage Panel. Regarding the setting of the church, the panel members felt that it could become part of the public realm but considered that increasing height towards the north part of the site, away from the church, was a sound approach. It was suggested that the development should make more of a connection to the listed church and its relationship to the Conservation Area should be considered further. Noting changes to the Conservation Area with other tall buildings coming forward in the vicinity members considered there to be an argument for tall buildings along the

High Street. The provision of public realm at the base of the tower was considered to offer an opportunity to create new space at the edge of the Conservation Area. The railway bridge was noted as the highest point in the Conservation Area and should be responded to in the proposed design. Following the review, the architects produced a series of view studies to analyse the relationship between the proposed layout and the listed Church. The findings demonstrated that the view of the church could be seen at almost every angle from the site and the reinstating of terrace houses along Trinity Terrace also helped to make the listed Church more relevant to its surroundings.

Highways

- 6.97 The BDP identifies that high quality connections by road, rail, bus, walking, cycling and digital connections are vital to the City's future prosperity and social inclusiveness, and Policy GA1.4 supports measures to improve accessibility to and within the City Centre. Policy TP38 supports the development of a sustainable, high quality, integrated transport system, and Policies TP39 and TP40 promote provision of safe and pleasant walking environments. BDP Policy TP43 also advises that adequate provision for low emission vehicle charging infrastructure is encouraged, and the Car Parking Guidelines SPD notes that the Council is seeking to work with developers to include charging points for electric vehicles in new development where appropriate.
- 6.98 The application is supported by a Transport Assessment (TA) and a Framework Travel Plan which consider how access to the development will be provided and the potential for impacts on the local transport network.
- 6.99 The proposals would provide a total of 126 car parking spaces on site, of which 12 would have an electrical charging point, 12 would be disabled parking spaces and 20 would be allocated for hotel use only. This would leave a ratio of 22% for the residential occupiers. In addition there is the provision for the internal storage of 390 bikes spread between Blocks A, C, D and E.
- 6.100 The Transport Assessment highlights that the site is in a highly sustainable location which is well served by public transport and pedestrian and cycling facilities. It is within easy walking distance of Digbeth High Street to the north, approximately 1.2km from Birmingham Moor Street and 1.5km from Birmingham New Street Stations. Whilst offering limited services Bordesley Green station is also only 150m away. In addition to rail services, there are a number of bus stops within close proximity to the site at Camp Hill (B4100), Coventry Road, Bradford Street and Broom Street. There are also plans to extend the Midland Metro tram service via Digbeth High Street with a proposed stop at Adderley Street, less than 400m to the north west of the application site.
- 6.101 The Council's Car Parking Guidelines provides guidance on maximum car parking standards, minimum disabled parking and cycle parking standards across a range of uses. For sites in Area 2, such as the application site, a maximum provision of 1.5 spaces per dwelling is specified. However, the Guidelines also acknowledge that the circumstances of a particular scheme, including the size of dwellings, proximity of local facilities, availability of on and off-street parking, width of the highway, and the availability of public transport provision should be taken into account when determining the appropriate level of car parking to be provided. It is considered that, taking the location of the site into account together with the provision proposed in terms of vehicle and cycle parking, that the scheme would provide sufficient parking facilities.

6.102 Furthermore the TA has analysed the trip generation associated with the proposed development and concludes that the existing junctions would operate well within capacity, with no significant impact from the development to comply with national and local policies. BCC Transportation have raised no objections subject to conditions which are attached.

Noise, Vibration and Air Quality

6.103 BDP Policy TP37 seeks to improve quality of life within the City by reducing noise and improving air quality. The latter is also sought within the Bordesley AAP.

6.104 The original Noise and Vibration Assessment submitted as part of the application considers the:

- i. baseline sound environment currently existing at receptor locations within the Site and within the surrounding area;
- ii. likely noise and vibration effects during construction and operation of the proposed development; and
- iii. mitigation measures required to prevent, reduce or offset any likely adverse noise and vibration effects arising as a result of the proposed development.

6.105 The original Noise Assessment concludes that the dominant noise sources are road and rail traffic as a result of the Camp Hill a six lane highway, including bus lanes, aligning the west of the site and the railway line to the east.

6.106 At the request of officers from Regulatory Services the original Assessment was supplemented by the submission of the following documents:

- Additional Noise Monitoring – undertaken in September 2019 from a second location which overlooked the existing rail lines and where there was clear line sight of the tracks;
- Acoustic Façade Assessment – providing information regarding the likely sound reduction performance of the façade treatment/building envelop to ensure acceptable internal noise levels;
- Overheating Assessment – Explains the proposed measures to mitigate the risk of overheating including layout and orientation, canopies and window reveals and building services such as mechanical ventilation; and
- Ventilation Noise Assessment – the submission demonstrates that there are typical ventilation systems and silencers available that would result in acceptable internal noise levels.

6.107 The subsequent submissions have given particular consideration of the likely effects from the current railway line together with the effects of location additional tracks with a higher frequency of rail movements closer to the application site,

6.108 Construction noise predictions indicate that sensitive receptors may experience high levels of noise, however these predictions are based on worst case scenario that are representative of high periods of construction activity where, over the course of a working day, all plant are operational at all areas of all worksites. In reality, it is likely that the worst case noise levels would only occur for limited periods of time when plant are operational close to sensitive receptors. These are identified as Trinity Church which is currently vacant and residential units on the opposite side of Camp Hill or beyond the railway line. The Assessment proposes that Noise and vibration will be managed by a Construction Environmental Management Plan (CEMP), which would propose certain practical measures such as construction hours and the fitting of sealed acoustic covers to plant.

- 6.109 The post construction/operational phase assessments and studies demonstrate that suitable internal noise conditions would be achievable with suitable mitigation in the form of enhanced glazing together with appropriate ventilation and building envelope design. Notably these conclusions also refer to a post Camp Hill Chords scenario.
- 6.110 Ambient vibration is considered would be unlikely to be perceptible in the proposed development and would be below the level at which there is a low probability of adverse comment. Therefore no mitigation is considered necessary.
- 6.111 Following the submission of supplementary monitoring data and assessment Regulatory Services are satisfied that conditions could adequately address the matter of noise and conditions with respect to a CEMP, glazing specification, façade or building envelope specification and a mechanical ventilation specification are attached.
- 6.112 The whole of Birmingham is designated as an Air Quality Management Area and Policy TP37 seeks to improve quality of life within the City, including by improving air quality.
- 6.113 The Air Quality Assessment (AQA) submitted as part of the application considers air quality impacts both during construction and once the development is occupied. This confirms that while demolition and construction activity has the potential to result in dust emissions, mitigation through standard construction practices would ensure that there would be no significant impacts. This could be controlled through a CEMP condition.
- 6.114 The AQA is based on the occupation of the development in 2023 and once operational it has identified that the proposed development would not result in new public exposure to elevated concentrations of nitrous oxides or particulate matter as the predicted concentrations of all pollutants are below the relevant air quality objectives at all proposed receptors on-site. Furthermore it concludes that the development would be unlikely to affect the implementation of measures described within the BCC Air Quality Action Plan, which are aimed at reducing emissions on the busiest routes through the Borough. Therefore no additional mitigation measures are proposed. Regulatory Services are content with these conclusions subject to conditions to require a CEMP and to restrict first occupation to 2023 as per the basis of the AQA results.

Flood Risk and Drainage

- 6.115 The Site is located in Flood Zone 1 where there is the lowest risk of flooding. Notwithstanding this, Policies TP2 and TP6 require development to manage flood risk.
- 6.116 The submitted Flood Risk Assessment and Surface Water Runoff Management Strategy advises that the proposed uses would be compatible with Flood Zone 1, the risk of flooding to the site is low and the proposed development would not increase the risk of flooding off site.
- 6.117 A Sustainable Urban Drainage Strategy (SuDS) is proposed to be delivered to manage surface water run-off from the site using a combination of flow control devices and attenuation storage including permeable paving and geocellular storage. The Local Lead Flood Authority and Severn Trent Water have raised no objections subject to conditions.

Biodiversity, Ecology and Landscaping

- 6.118 BDP Policy TP8 identifies that development proposals likely to affect features of habitat or biodiversity interest must be supported by information to ensure that potential impacts can be fully assessed. The application has been submitted together with a Preliminary Ecological Appraisal including an extended Phase 1 Habitat Survey and bat emergence/re-entry and activity survey, a Tree Survey Report and an Arboricultural Impact Assessment.
- 6.119 Whilst the adjacent railway line is identified as a 'potential site of importance' for biodiversity the Appraisal identifies that the majority of the site provides negligible ecological interest, with no suitable habitat for protected species. This is largely due to the highly disturbed and exposed nature of the site and lack of vegetation which adds to the isolation of the site from any suitable wildlife habitat in the area. There was no evidence of bat activity on the site or in the surrounding area. However, breeding birds may be present and the Appraisal recommends that demolition or vegetation clearance takes place outside of the bird breeding season and that where possible trees and shrubs are retained. There would also be a requirement to prevent the spread of invasive species during redevelopment of the site.
- 6.120 Whilst the development would retain the 10m London Plane trees that align Camp Hill and are a feature of the site, the development would require the removal of three tree groups and one individual tree to the south of the site, however these are low quality (category C). The loss of these trees would also be mitigated by new tree planting, including the provision of 15m trees along the frontage to Coventry Road to mitigate the impact of wind plus, wider landscaping including a green wall/planter to the south of Block G townhouses. As such there would be an increase in the quality, diversity and resilience of the local tree stock to the benefit of the area. Details of tree protection, tree retention, planting to secure biodiversity enhancing plants, to remove the existing invasive species from site and to restrict demolition outside of March to August are proposed to be attached.
- 6.121 In addition to the planting around the site, areas of green roof are proposed on Blocks C, D and E. The Council's ecologists note however that the proposed sedum roofs are not acceptable and should be designed to include variations in substrate type, height/depth and vegetation. A condition is attached to require details of green roofing so that it would provide biodiversity benefits to black redstart. In addition a condition is attached to require biodiversity enhancements in the form of bird and bat boxes.
- 6.122 Subject to the conditions outlined above the proposals would not result in adverse impacts on ecology or biodiversity but instead offer significant opportunity that would provide for new green infrastructure within this urban area.

Ground Conditions

- 6.123 BDP Policy TP6 advises that development will not be permitted where a proposal would have a negative impact on water quality including through pollution.
- 6.124 While the site has previously been in use for industrial purposes the submitted Preliminary Environmental Risk Assessment concludes that there would not be any constraint to development as a result of contamination, however further investigation of ground conditions should be undertaken once the site has been vacated. Furthermore remediation as part of construction works would ensure that there would

be no adverse impacts upon future occupiers or the environment and such investigations and remediation is to be secured by conditions.

Sustainable Construction and Maintenance

- 6.125 BDP Policy TP1 seeks a reduction in the City's carbon footprint, and Policy TP2 also advises that the impacts of extreme weather and climate change should be managed. Policy TP3 requires new developments to reduce carbon dioxide emissions and natural resource and water consumption, and Policy TP4 further indicates that development should incorporate the provision of low and zero carbon forms of energy generation or connection to low and zero carbon networks where practicable and viable. As part of this, consideration should be given to the inclusion of Combined Heat and Power facilities or connection to an existing CHP network.
- 6.126 In response to this policy guidance the applicants have indicated that an extensive area search has been undertaken but it has not been possible to identify any existing or emerging heat networks for the site to be connected to. Policy TP4 says where a connection is not possible the first consideration should be given to the inclusion of Combined Heat and Power (CHP). A communal system powered by gas CHP is likely to reduce the energy use of a site when compared to a baseline of gas boilers or electric heating. The planning application therefore includes an on-site Energy Centre which would host the CHP unit for the entire development. In addition photovoltaics panels are to be located on the roof of Blocks C, D and E and all of the proposed external cladding materials are to be BRE Green Guide Rated A.
- 6.127 It is considered that there is sufficient consideration and adherence to the BDP climate change policies.

Other

- 6.128 According to the Canals and Rivers Trust records they suspect that the Bowyer Street canal feeder lies under the site or under Bedford Road. The applicants have investigated this statement in relation to the land within their ownership, re-considered all of their survey plans and cannot find record of the canal feeder within the site, only along Bedford Road and therefore conditions regarding its protection are not considered to be reasonable or necessary.
- 6.129 As requested by the BCC Employment Access Team a condition is attached to require a construction employment plan.
- 6.130 A Screening Opinion pursuant to Regulation 5 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 has been undertaken it has been concluded that the proposed development does not need an Environmental Impact Assessment (EIA).

Planning Obligations and CIL

- 6.131 The development proposed is above the threshold for planning obligations relating to affordable housing and public open space. With regard to affordable housing, Policy TP31 seeks 35% affordable homes on developments of 15 dwellings or more. Furthermore in accordance with Policy TP9 and the Public Open Space in New Residential Development SPD BCC Leisure Services have requested a contribution of £964,275.

- 6.132 Requests for S106 contributions have also been received from BCC Transportation, BCC Education (£1,414,262) and the Canals and Rivers Trust towards improving signage and the accesses onto the canal towpath at Coventry Road and Lawden Road.
- 6.133 Where, as in this case due to the financial viability of the proposals, an applicant considers that a development cannot meet the policy requirements regarding affordable housing or public open space the application is accompanied by a financial viability assessment that is tested independently. The submitted assessment concludes that a negative profit would be produced by the scheme and therefore the applicants have offered to provide 10% affordable housing on site in accordance with Paragraph 64 of the NPPF. Noting the location of the site which lies within the BDP City Centre Growth Area, within the boundary to the Curzon Masterplan, close to the Digbeth Creative Quarter, the loss of employment land and the demand in the area for start-up business space notwithstanding this offer officers are keen to secure some affordable workspace.
- 6.134 It is therefore considered appropriate in this instance to provide 5% affordable housing on site (i.e. 24 discount market residential units on site), and re-assign the remaining funds to provide the commercial units at a reduced rent of 50%.
- 6.135 Unfortunately there is insufficient profit available to provide contributions towards the remaining items listed above, and noting the ratio of smaller 1 and 2 bed units rather than family accommodation together with the significant proportion of open space within the development this is considered appropriate.

7. Conclusion

- 7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 advises that the determination of a planning application shall be made in accordance with the development plan unless material considerations indicate otherwise. In this case there are however many strands within the development plan that pull in different directions and therefore it is necessary to consider and balance the conflicting issues.
- 7.2 First there is the loss of employment land and the conflict with Policy TP20. Next there is the less than substantial harm to surrounding heritage assets with such harm conflicting with Policy TP12 of the BDP. However consideration should also be given to those policies that promote redevelopment; PG1 supports significant levels of housing, employment, office and retail development within the BDP Plan period. PG2 promotes the City and supports development and investment that would raise the City's profile and strengthen its position nationally and internationally. Furthermore the site lies within the defined Growth Area where Policies GA1.1, GA1.2 and GA1.3 promote the re-use existing urban land through regeneration, renewal and redevelopment whilst The Curzon Masterplan also seeks to encourage growth in this part of the City.
- 7.3 The application site is a brownfield site in a sustainable location with the associated benefits of creating a community and delivering 480 new homes including a proportion of family and affordable housing in accordance with the objectives of Policies TP27, TP28 and TP30 of the BDP. The development would also provide a hotel alongside flexible affordable commercial floorspace designed to meet the needs of local businesses to accord with Policies TP24 and TP25. According to the applicants the development would add approximately 800 residents to the area contributing, approximately £4.4m per year to the Birmingham economy and a net increase in jobs once operational.

- 7.4 The scheme would also provide a development of high quality buildings with a landmark building that would make a positive addition to the skyline at this appropriate gateway to the City, provide connections through the site and beyond enhancing the public realm in accordance with Policy PG3.
- 7.5 Therefore in the planning balance the growth policies highlighted above due to the resulting public benefits would outweigh the conflict with the protection of employment land and the less than substantial harm to heritage assets.
- 7.6 However there is the emotive subject of the Camp Hill Chords and more specifically the provision of the South West Chord that could lie in close proximity to or intrude upon the application site. Policy TP41 and the emerging principles and objectives of the Bordesley Area Action plan support their delivery but there is such uncertainty regarding their delivery that whilst they are a material consideration the weight afforded to this Policy is less than the policies that support the redevelopment of the site when TP41 is considered on its own or cumulatively with the employment land and heritage protection land policies. To reiterate there is a lack of certainty regarding their implementation due to absence of committed funding, no safeguarded land within the BDP and no definitive route alignment or information relating to land take for construction or operating purposes. Hence Network Rail have not objected to the scheme. The applicants have revised the layout of the plans to potentially provide less conflict with the route if and when Chords come forward. As such there is little evidence to indicate that the current proposals for development would definitely prejudice their delivery and on this basis there is no robust reason to refuse or defer determining the current application.
- 7.7 Paragraph 38 of the NPPF advises that local planning authorities should approach decisions in a positive and creative way and work proactively with applicants to secure development that would improve the economic, social and environmental conditions of the area. Furthermore paragraphs 10 and 11 explain that the presumption in favour of sustainable development is at the heart of national planning policy.

8. Recommendation

- 8.1 That consideration of the application 2018/09467/PA be deferred pending the completion of a Section 106 Agreement to secure the following:
- a) the provision of 24 units of 20% discount on market value affordable housing on site (11 x 1 bed, 11 x 23 bed, 1 x 3 bed and 1 townhouse);
 - b) a reduced rent of 50% for the commercial units in perpetuity; and
 - c) payment of a monitoring and administration fee associated with the legal agreement, subject to a maximum of £10,000.
- 8.2 That in the event of the planning obligation being completed to the satisfaction of the Local Planning Authority on or before 10th January 2020, favourable consideration be given to this application, subject to the conditions listed below
- 8.3 That the City Solicitor be authorised to prepare, seal and complete the planning obligation.

- 8.4 That, in the event of the above legal agreement not being completed to the satisfaction of the Local Planning Authority on or before 10th January 2020, planning permission be refused for the followings reason:
- 8.5 In the absence of any suitable legal agreement to secure the provision of on site affordable housing and affordable commercial floorspace the proposal conflicts with Policies TP31 and TP20 of the Birmingham Development Plan, the Affordable Housing SPG and the NPPF.

1	Whole Site - Implement within 3 years (Full)
2	Whole Site - Requires the scheme to be in accordance with the listed approved plans
3	Whole Site - Submission of Remediation Strategy
4	Whole site - Restriction of total retail floorspace (A1, A2, A3 Uses)
5	Whole Site - Restriction of largest unit of retail floorspace (A1, A2, A3 Uses)
6	Whole Site -No Occupation of any residential Unit until 2023 (Air Quality Mitigation)
7	Whole Site - Requires the prior submission of a sustainable drainage scheme
8	Whole Site - Submission of a Construction Environmental Management Plan
9	Whole Site - Tree Retention
10	Whole Site - Requires the implementation of tree protection
11	Whole Site - Submission of Construction Employment Plan
12	Timing of Demolition
13	Development Zones Plan - Requires the prior submission and completion of works for the S278/TRO Agreement
14	Development Zones Plan - Requires the Prior Submission of a Sustainable Drainage Operation and Maintenance Plan
15	Development Zones Plan - Details of Hard and Soft Landscaping
16	Development Zones Plan - Details of Materials
17	Development Zones Plan - Further Architectural Details
18	Development Zones Plan - Details of Bird and Bat Boxes
19	Development Zones Plan - Requires the submission of a contaminated land verification report
20	Development Zones Plan - Requires the submission of boundary treatment details
21	Development Zones Plan - Provision of Photovoltaics

-
- 22 Development Zones A, D and F as shown on Development Zones Plan - Provision of Photovoltaics
 - 23 Development Zones A, B, D, F & Car Park as shown on Development Zones Plan - Requires details of vehicular visibility splays to be provided
 - 24 Development zones D, E& F as shown on Development Zones Plan - Noise Attenuation between Ground Floor Commercial and Residential Uses
 - 25 Development Zones D, E& F as shown on Development Zones Plan - restriction on delivery hours
 - 26 Development Zones D, E& F as shown on Development Zones Plan - restriction on opening hours
 - 27 Each development Zone as shown on Development Zones Plan - Requires the submission of Glazing Specification based on submitted noise reports
 - 28 Each development Zone as shown on Development Zones Plan - Requires the submission of Mechanical Ventilation Specification based on submitted noise reports
 - 29 Each development Zone as shown on Development Zones Plan - Requires the submission of Façade Specification to residential units based on submitted noise reports
 - 30 Zone D as shown on Development Zones Plan - Provision of Energy Centre
 - 31 Zone D as shown on Development Zones Plan - Requires the prior submission of a parking management strategy.
 - 32 Zone D as shown on Development Zones Plan - Electric Car Charging Points in Basement
 - 33 Development Zones A, D & F - Requires the submission of details of green/brown roofs
 - 34 Each Development Zone - Requires the submission of extraction and odour control strategy
 - 35 Requires the submission of a contaminated land verification report
 - 36 Limits the noise levels for Plant and Machinery
-

Case Officer: Julia Summerfield

Photo(s)



Looking Southwards at junction of Camp Hill and Coventry Road



Looking Southwards along Camp Hill towards Trinity Church

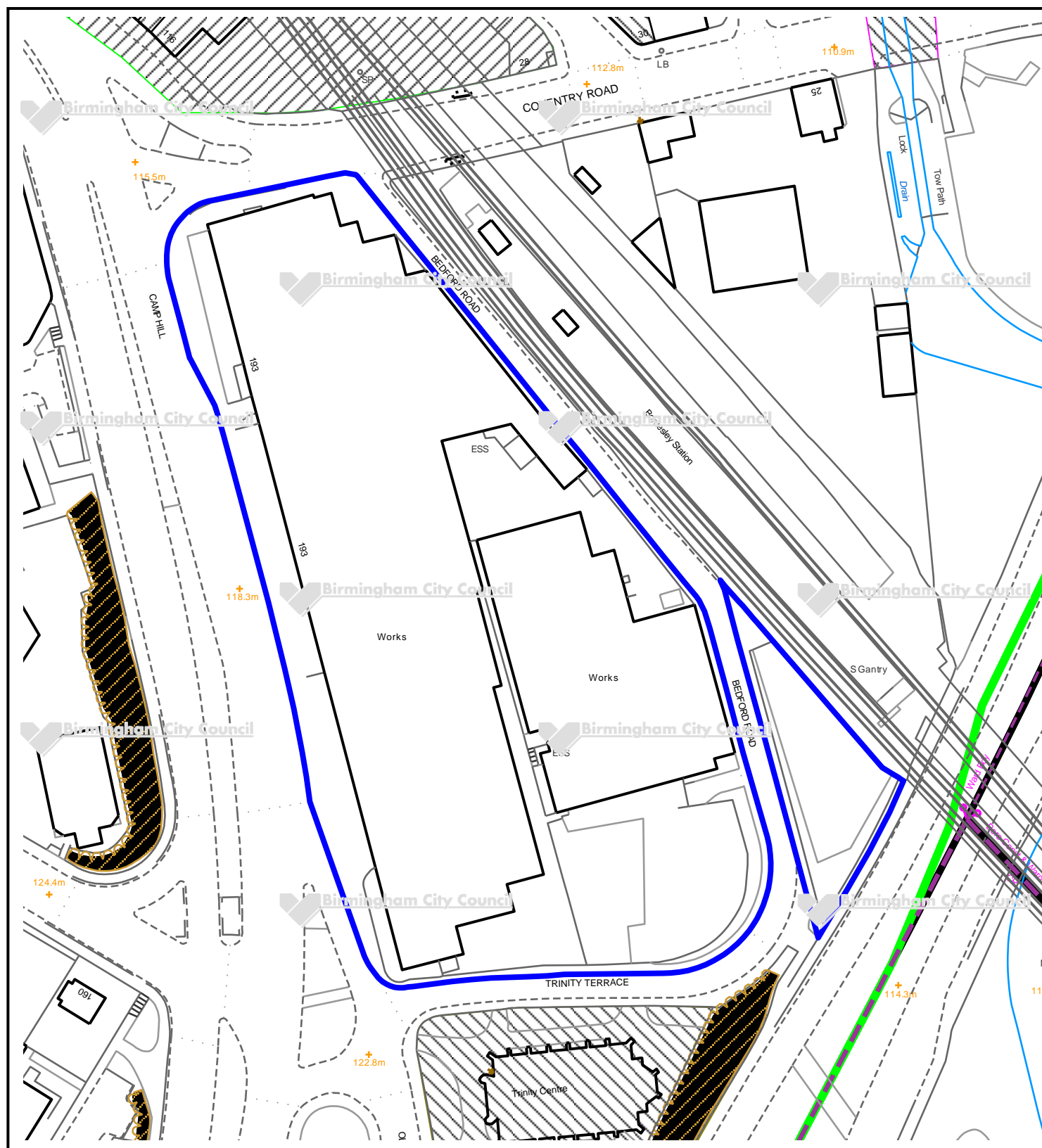


Looking Northwards where Trinity Terrace becomes Bedford Road



Northwards along Bedford Road, Existing Railway Line to Right Hand Side

Location Plan



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BIRMINGHAM CITY COUNCIL

REPORT OF ACTING DIRECTOR FOR INCLUSIVE GROWTH

PLANNING COMMITTEE

13 February 2020

Public Consultation on the Parking Supplementary Planning Document

1 Subject and Brief Summary

- 1.1 The Draft Parking Supplementary Planning Document (SPD) was approved for public consultation by the City Council's Cabinet on 29 October 2019. The consultation began on 9 January 2020 and will close on 21 February 2020 (having been delayed due to the General Election). The Cabinet report is attached as Appendix 1.
- 1.2 The Draft Parking SPD is attached at Appendix 2 and sets out a coherent and equitable parking strategy for the city, including clear area-based parking policies and revised parking standards to be applied when considering planning applications, reflecting the Council's objectives on climate change, air quality and sustainable transport

2 Recommendations

- 2.1 That Planning Committee notes the contents of this report and takes the opportunity to consider providing comments on the Parking Supplementary Planning Document.

3 Contact Officers

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4 Background

- 4.1 The Parking SPD, when completed and adopted, will replace the existing Car Parking Guidelines SPD for Birmingham which was adopted by Cabinet in May 2012. The 2012 standards were derived from Planning Policy Guidance Note 13 (PPG13) and Planning Policy Statement 4 (PPS4) published in 2001 and 2009 respectively. This guidance has since been superseded by the National Planning Policy Framework which itself was revised in 2018. Revised standards are required to reflect new national guidance and delivery of the Birmingham Development Plan (BDP), and the emerging Birmingham Transport Plan.
- 4.2 Robust evidence has been gathered to provide clear justification for the proposed parking standards and policies within the SPD. This has included national and local policy alignment, parking beat surveys, site surveys, benchmarking with other core cities and best practice research.

- 4.3 The SPD provides supplementary guidance and detail to support policies in the BDP and the emerging Development Management in Birmingham (DMB) plan. It will also be supported by the forthcoming Birmingham Design Guide and the Birmingham Transport Plan. Improving management of parking within the City Centre is a necessary pre-requisite measure to support delivery of the key objectives of the Birmingham Clean Air Zone (CAZ).

5 Legal Implications

- 5.1 The relevant legal powers for preparing and undertaking public consultation on the draft SPD is set out in the Planning and Compulsory Purchase Act 2004 (as amended), with detailed requirement set out in the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended), and the Birmingham Statement of Community Involvement. There is a requirement to publicly consult on SPDs for a minimum of four weeks before they can be adopted. SPDs also need to be consistent with the National Planning Policy Framework and the Birmingham Development Plan.

6 Financial Implications

- 6.1 The Parking SPD has been prepared using existing Inclusive Growth Directorate (Planning and Development, and Transport and Connectivity) staff resources and specialist external consultants funded from the Planning and Development revenue budget to prepare specific evidence in support of the SPD.
- 6.2 Costs from undertaking the public consultation of the draft Parking SPD will be met from approved revenue budgets within Inclusive Growth Directorate (Planning and Development, and Transport and Connectivity).
- 6.3 Following adoption, up to date accessibility mapping will be completed at least every 3 years to ensure that the accessibility zoning remains accurate. This will cost approximately £8,000 on each occasion and will be funded from the Planning and Development revenue budget.
- 6.4 All future programmes/projects/schemes resulting from the adoption of the Parking SPD will be progressed in accordance with the Council's Gateway and Related Financial Approval Framework, which will include the identification of financial implications and associated resources.

7 Implications for Policy Priorities

- 7.1 The Parking SPD is consistent with the City's Council Plan and Budget 2019 to 2023. It will support delivery of the primary goals of An Entrepreneurial City, An Aspirational City, A Fulfilling City to age well in and A Great City to live in. It supports the most recent Council priority to tackle climate change and work towards a carbon neutral city. It will provide up to date policies against which planning applications for development will be assessed and will support provision of a sustainable integrated transport system for the city.

- 7.2 In particular the SPD will support Outcome 1, Priority 4: We will develop our transport infrastructure, keep the city moving through walking, cycling and improved public transport; and Outcome 4, Priority 4: We will improve the environment and tackle air pollution. Management of parking is a vital tool in providing an effective, efficient and sustainable transport network.

8 **Implications for Equalities**

- 8.1 The Parking SPD has been prepared in line with Section 149 of the Equality Act 2010 in ensuring that public bodies consider the needs of all individuals in shaping policy. An Equality Impact Assessment, attached as Appendix 3, has been carried out and will be further developed following public consultation with appropriate advocacy groups and stakeholders representing relevant protected characteristics.

9 **Appendices**

- Appendix 1 – Cabinet report, Public consultation on the Parking Supplementary Planning Document, 29 October 2019
- Appendix 2 – Parking Supplementary Planning Document – Consultation Draft, November 2019
- Appendix 3 – Equality Assessment

The above appendices can be accessed via:

https://birmingham.cmis.uk.com/birmingham/Decisions/tabid/67/ctl/ViewCMIS_DecisionDetails/mid/391/Id/75b6304d-5468-4107-9085-49f87b4c2ae5/Default.aspx

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BIRMINGHAM CITY COUNCIL

REPORT OF ACTING DIRECTOR FOR INCLUSIVE GROWTH

PLANNING COMMITTEE

13 FEBRUARY 2020

Public Consultation on the Development Management in Birmingham (DMB) Development Plan Document (Publication Version)

1 Subject and Brief Summary

- 1.1 The Publication version of the Development Management in Birmingham Development Plan Document (DMB) was approved for public consultation by the City Council's Cabinet on 29 October 2019. The consultation began on 9 January 2020 and will close on 21 February 2020 (having been delayed due to the General Election).
- 1.2 Cabinet was asked to note the outcome of the previous consultation (Preferred Options) undertaken in January – March 2019 and approve the changes made to the document. The Publication version takes into consideration the comments received at the previous consultation stages.

2 Recommendations

- 2.1 That Planning Committee notes the contents of this report and takes the opportunity to consider providing representations on the DMB Publication document.

3 Contact Officers

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4 Background

- 4.1 The DMB, when completed and adopted, will support the strategic policies set out in the adopted Birmingham Development Plan (2017) (BDP) by setting out non-strategic detailed development management planning policies for the determination of planning applications. The majority of the proposed policies proposed will update and or modernise existing Unitary Development Plan (UDP) (2005).
- 4.2 This current consultation stage (Publication) is the third stage in the plan preparation process and has been developed having regard to comments received during the first two consultation stages on the document ('Issues and Options' and 'Preferred Options') which were held in 2015 and early 2019 respectively.

- 4.3 The outcome of most recent consultation (Preferred Options) is set out in the Consultation Statement (Appendix 2). The Consultation Statement contains details on the engagement that was carried out, the main issues raised and how they have been addressed in the Publication version. In summary, there were approximately 69 respondents providing about 650 different comments on the draft policies in the Preferred Options document. Overall there was general support for all the policy topics covered in the DMB but detailed comments on the content and wording of the policies.
- 4.4 In summary the changes include:
- Amendments to 'Policy DM6 Noise and vibration' and DM5 'Light pollution' to be more aligned with the approach in the National Planning Policy Framework (NPPF)
 - Additional criteria added to 'Policy DM9 Day Nurseries and early years' provision in relation to impact on 'local amenity, parking, public and highway safety.
 - Splitting of previous policy on 'Houses in Multiple Occupation and other non-family residential uses' into two separate policies – DM11 'Houses in Multiple Occupation' and DM12 'Residential Conversions and Specialist Accommodation' and additions and amendments to the policy criteria.
 - Detail added to DM11 Houses in Multiple Occupation in relation to minimum space standards and adequate living environments.
 - Detail added to DM12 Residential conversions and specialist accommodation to clarify the policy requirements.
 - Streamlining of Policy DM8 'Places of worship and faith related community uses' and alignment with NPPF.
 - Revision of the monitoring framework
 - Detailed wording changes to: DM1 Air quality, DM2 Amenity, DM3 Contaminated Land, DM4 Landscape and Trees, DM5 Light pollution, DM6 Noise and Vibration, DM7 Advertisements, DM14 Highway safety and access, DM15 Parking and servicing, and DM16 Telecommunications.
- 4.5 The purpose of the consultation is to invite comments on the final Publication version. The consultation document and relevant material has been published online and all those on the Planning Policy Consultation Database have been notified along with all Councilors and other stakeholders.
- 4.6 All representations received will be submitted, alongside the DMB, directly to the Secretary of State for Housing, Communities and Local Government for examination and by an independent Planning Inspector.
- 4.7 A report will be brought back to Cabinet and Full Council to seek approval for submission of the DMB (along with supporting evidence and any representations made) to the Secretary of State for Housing, Communities and Local Government for an examination in public. A planning inspector will be appointed to carry out the examination and, if found sound, the DMB can then be adopted by the Council.

5 **Financial Implications**

- 5.1 The Consultation Document has been prepared using existing Inclusive Growth Directorate (Planning and Development) staff resources and specialist external consultants funded from existing approved revenue budgets to prepare specific evidence in support of the DMB. Following consultation, subsequent stages in the adoption of the DMB will be met from the Planning and Development revenue budget for 2019/20. There are no additional financial implications to the City Council from the production of the DMB.

6 **Implications for Policy Priorities**

- 6.1 The DMB is consistent with the Council Plan priority “Birmingham is an Entrepreneurial City to learn, work and invest in” by providing up to date policies against which planning applications for development will be assessed. The draft policies within the document complement and are in line with the Birmingham Development Plan which was adopted by Full Council in January 2017.

7 **Implications for Equalities**

- 7.1 The DMB is being prepared in line with Section 149 of the Equality Act 2010 in ensuring that public bodies consider the needs of all individuals in shaping policy. Preparation of the DMB document includes the carrying out of an integrated Sustainability Appraisal at each formal stage which ensures positive social, economic and environmental impacts as well as an Equality Analysis.
- 7.2 Equalities considerations have been considered through the Councils gateway approval process on the decision to prepare the DMB document. This has not identified any specific impacts on the protected characteristics, and there will be positive outcomes for the local population from the application of the draft policies once adopted. The Equalities Analysis of the DMB document will be updated and inform the final version of the document when it is adopted by the City Council.

8 **Appendices**

- Appendix 1 – Cabinet report, Public Consultation on the Development Management in Birmingham (DMB) Development Plan Document (Publication Version), 29 October 2019
- Appendix 2 - Development Management in Birmingham DPD (DMB) (Publication Version)
- Appendix 3 – Consultation Statement

The above appendices can be accessed via:

https://birmingham.cmis.uk.com/birmingham/Decisions/tabid/67/ctl/ViewCMIS_DecisionDetails/mid/391/Id/772f0791-6f32-4619-9948-e2c3db82a9e9/Default.aspx

List of Background Documents used to compile this report

- Birmingham Development Plan (2017)
- Saved Policies of the Birmingham Unitary Development Plan (2005)

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