

Birmingham City Council

Planning Committee

18 January 2018

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>
Defer – Informal Approval	8	2017/08780/PA Nautical Club 3-4 Bishopsgate Street City Centre Birmingham B15 1ET Erection of part 15, part 10 storey development comprising 290 units of student accommodation (Sui Generis) with associated cycle parking and communal facilities at ground floor
Defer – Informal Approval	9	2017/07207/PA 75-80 High Street Digbeth Birmingham B12 0LL Demolition of existing buildings and the development of 517 residential apartments (including a 25 storey tower) with commercial units (Class A1-A5 and Class D2) at ground floor level and parking

Committee Date:	18/01/2018	Application Number:	2017/08780/PA
Accepted:	11/10/2017	Application Type:	Full Planning
Target Date:	09/02/2018		
Ward:	Ladywood		

Nautical Club, 3-4 Bishopsgate Street, City Centre, Birmingham, B15 1ET

Erection of part 15, part 10 storey development comprising 290 units of student accommodation (Sui Generis) with associated cycle parking and communal facilities at ground floor

Applicant:	Bishopsgate Street Company Ltd c/o Agent
Agent:	Arcadis Cornerblock 1st Floor, 2 Cornwall Street, Birmingham, B3 2DX

Recommendation

Approve Subject To A Section 106 Legal Agreement

1. Proposal
 - 1.1 The application seeks consent to provide a development of student accommodation comprising of 290 rooms and ancillary facilities. The development proposes a reception, offices and communal facilities at ground floor with a mix of cluster rooms sharing lounges and individual studios above.
 - 1.2 The proposed development would replace the former Nautical Club building with consent given for its demolition granted last year. The agent has advised that the two storey building is to be demolished in the New Year.
 - 1.3 In plan form the scheme proposes a building in an 'L' shape footprint with a courtyard area to the rear that would accommodate a covered cycle store.
 - 1.4 The proposed development would rise from 10 storeys clad in grey brick and grey panels to 15 storeys at the corner of the site expressed in green brick to provide definition to a curved tower. As a result of the easement associated with a railway tunnel that runs alongside the site the corner tower would cantilever the corner of Bishopsgate Street and Communication Row.
 - 1.5 No vehicle parking is proposed although a drop off layby is proposed in front of the reception on Communication Row.
 - 1.6 The proposed built floorspace would total approximately 9,245 sqm (GIA).
 - 1.7 [Link to Documents](#)
2. Site & Surroundings

- 2.1 The site has a boundary to Communication Row to the east and Bishopsgate Street to the south. The roads meet at a junction which forms the corner of the site accessed from Bath Row.
- 2.2 The application site accommodates the former Nautical Club, which previously operated as an ex-servicemens social club for sailors who had been involved in the military. Opening in 1972 the club closed in 2015. Since that date the two storey building has operated at some point as a drinking establishment called the Mischar Lounge although this has also closed. An application for prior notification for its demolition was approved last year.
- 2.3 Immediately adjacent to the site facing Bishopsgate Street is The Pavilion student accommodation whilst the former Computer Centre has a boundary to the north east. The Computer Centre has been demolished in order to be redeveloped for 214 apartments approved in August last year (Ref. 2017/03355/PA). This soon to be constructed residential development is now known as Arden Gate. A petrol station is located on the opposite side of Bishopsgate Street. The railway line and the Worcester and Birmingham Canal sit at a lower level beyond Communication Row to the east and are retained by a brick wall which follows the road.
- 2.4 Broad Street is located approximately 280m to the north west of the site. The wider area contains a range of uses including residential and a mix of commercial uses.
- 2.5 [Location Plan](#)
- 3 Planning History (recent)
- 3.1 2017/07752/PA - Application for prior notification for demolition of existing building. Accepted as needing prior approval from the Council and that permission be granted 03/10/2017
- Computer Centre / Arden Gate
- 3.6 2017/03355/PA - Residential development of 214 no. apartments with associated access, parking and landscaping. Approved 08/09/2017
- 4 Consultation/PP Responses
- 4.1 Transportation Development – no objections subject to the following conditions to:
- i. require a Section 278 Agreement to secure a layby, Traffic Regulation Order and new footway provision, forecourt parking prevention measures and to reinstate the redundant footway crossing;
 - ii. secure the implementation of the covered cycle store; and
 - iii. require a construction management plan detailing demolition and construction timescales and any highway related issues.
- 4.2 Regulatory Services - no objection in principle subject to the following conditions:
- noise insulation scheme to all windows to the south east and south west facades to avoid traffic disturbing residents;
 - restriction for cumulative noise from all plant and machinery;

- land decontamination, remediation and verification; and
 - mitigation for air quality:
 - no fewer than one charging point for electric vehicles shall be provided at each parking space dedicated to a residential unit;
 - no fewer than 10% of non-dedicated parking spaces shall be provided with electric vehicle charging points;
 - any commercial vehicle operated by occupiers of the commercial development shall comply with Euro 5/V emission standard, other than heavy duty vehicles which shall comply with Euro 6/VI;
 - the development shall not be occupied until details of designated parking spaces for low emission vehicles have been submitted;
 - car parking charges shall not be permitted until details of a differential charging scheme based on vehicle emissions have been submitted; and
 - submission of a travel plan with details of (i) public transport subsidies to be made available by the occupier for residents and or employees, (ii) mechanisms for discouraging use of high emissions vehicles and encouragement of modal shift including cycling/walking/uptake of low emission fuels and technologies, and (iii) details of low emissions service vehicles.
- 4.3 Severn Trent Water – No objections to the proposals subject to a condition to require prior agreement of foul and surface water drainage, and implementation of the agreed plans.
- 4.4 Local Lead Flood Authority – No objections subject to drainage conditions including the submission of a sustainable drainage operation and maintenance plan
- 4.5 Canal and Rivers Trust – Contribution towards providing lighting along the stretch of towpath between Bath Row and Holliday Wharf/Waterfront Walk is sought along with a mechanism for the provision and future maintenance thereof and any associated improvements to the access point, including wayfinding.
- 4.6 Birmingham Civic Society, local residents groups, local Councillors, the MP, Inland Waterways Association, Birmingham Public Health, the Police and Network Rail have been consulted but no replies received.
- 4.7 The application has also been advertised in the press, site notices have been posted and neighbours notified. One letter of objection has been submitted on behalf of the adjacent student accommodation called The Pavilion raising the following concern - respectfully ask that the application include further details as set out in the Council's SPD regarding High Places, with a design statement to consider the effect of the proposal on the local environment in terms of shadowing and microclimate (including sun path studies); representations of the proposal in context using photomontage techniques that show near, middle and distant views and a design statement to analyse the positive and negative characteristics of the site and local context

5 Policy Context

- 5.1 Birmingham Development Plan (BDP) 2017, Birmingham Unitary Development Plan 2005 (Saved Policies), Places for All (2001), Car Parking Guidelines SPD (2012) and the National Planning Policy Framework.

6 Planning Considerations

- 6.1 The application site is located in the City Centre Growth Area defined by Policy GA1 and within the Westside and Ladywood Quarter as identified by Policy GA1.3, although the site is not allocated for any specific use in the BDP. The overarching objective for the Westside and Ladywood Quarter is to create a vibrant mixed use area combining the visitor, cultural, commercial and residential offer into a dynamic well connected area, which supports development in the Greater Icknield Growth Area. GA1.1 states that residential development will continue to be supported in the City Centre where it provides well-designed high quality living environments.
- 6.2 BDP Policy TP33 supports off campus purpose built student accommodation (PBSA), subject to it meeting the following criteria:
- There is a demonstrated need for the development;
 - The proposed development is very well located in relation to the educational establishment that it serves and to the local facilities which will serve it, by means of walking, cycling and public transport;
 - The proposed development will not have an unacceptable impact on the local neighbourhood and residential amenity;
 - The scale, massing and architecture of the development is appropriate for the location; and
 - The design and layout of the accommodation together with the associated facilities provided will create a safe, secure and welcoming living environment.

NEED FOR STUDENT ACCOMMODATION

- 6.3 The planning application has been accompanied by a demand assessment that acknowledges that Birmingham has five universities, with around 63,000 full time students and a further 15,000 part time students in the 2015/16 academic year. The full time student population has reportedly been strongly and consistently growing over the past couple of decades and was relatively unaffected by the tripling of tuition fees in 2012.
- 6.4 The University of Birmingham is the largest of the City's five institutions with 27,195 full time students in 2015/16, 43% of the total student population in Birmingham and provides the closest campus to the application site.
- 6.5 Within the City there are 5,582 beds in the pipeline. 2,358 of these are under construction and 3,024 have planning permission. Using the 2015/16 student population and assuming that every single bed in the pipeline comes forward, the student to bed ratio will become 2.2 (i.e. 2.2 students per bed space). Although not every student will need accommodation, it is still considered that there is scope for more purpose built student accommodation in the City Centre.
- 6.6 Separately in the context of meeting the City's housing requirement, student accommodation counts towards the housing trajectory set out in Policy TP29 of the BDP.

LOCATION IN RELATION TO EDUCATIONAL ESTABLISHMENT(S) AND LOCAL FACILITIES

- 6.7 The submitted demand assessment acknowledges that the site is not located adjacent to any of the universities in Birmingham, but is a reasonable distance, by foot or by bus, to four out of the five universities.

Institution	Campus	Journey by public transport	Journey on foot
University of Birmingham	Edgbaston	13-16 minutes	2.0 miles, 40 minutes
Aston University	Aston	23-26 minutes	1.5 miles, 30 minutes
Birmingham City University	City Centre	26-27 minutes	1.9 miles, 38 minutes
Birmingham City University	City South	12-15 minutes	0.8 miles, 17 minutes
University College Birmingham	Summer Row	14 minutes	1.0 miles, 19 minutes

- 6.8 The application site is approximately 400m walking distance to Five Ways Station, less than a mile away from Birmingham New Street station, within 400m walking distance of five bus stops and a few metres away from the canal tow path. It is also approximately 300m to Broad Street where there is access to local shops and facilities. It is therefore considered that the location accords with Policy TP33. There are other student blocks next door and on Bath Row.

IMPACT UPON THE LOCAL NEIGHBOURHOOD AND RESIDENTIAL AMENITY

- 6.9 The siting of the development would be adjacent to The Pavilion student accommodation and whilst there are existing residential properties on the opposite side of Bishopsgate Street and approved residential apartments on the adjoining site to Communication Row (called Arden Gate) it is considered to be an appropriate City Centre location where there would be an acceptable impact upon the surrounding occupiers.
- 6.10 A representation submitted on behalf of the neighbouring Pavilion scheme comments that the proposed development would be too close to the adjacent building that would result in an unacceptable impact upon the student occupiers. In response the siting of the proposed development would meet the 45 degree guideline from the rear of The Pavilion building. Furthermore, excluding the communal courtyard building to the rear of The Pavilion and the proposed refuse/cycle store within the application site, there would be a separation distance across the courtyard of approximately 34m. Therefore it is considered that the impact upon the existing occupiers would be acceptable.
- 6.11 As part of the consultation process Regulatory Services have advised a condition to restrict the cumulative noise from all plant and machinery in relation to the existing background noise levels and, in order to protect the amenity of neighbours this has been attached.

SCALE MASSING AND ARCHITECTURE

- 6.12 Alongside the criteria of Policy TP33 according to Policy PG3 all new development is expected to demonstrate high quality design, contributing to a strong sense of place and local distinctiveness. Furthermore the NPPF land use planning principles as set

out under Paragraph 17 of the NPPF seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

- 6.13 The proposed design of the development has been informed by its context and site constraints. As the site is located on a corner with the existing Pavilion building to one side and the approved Arden Gate scheme to the other, an 'L' shape footprint responds to both aspects closing the empty space. There is an easement zone of 5 metres from the railway tunnel encroaching onto the site, and therefore the building line facing Communication Row steps back and an opened-up space between the building and road is proposed.
- 6.14 The development would reach a height of 15 storeys at the corner stepping down to 10 storeys either side facing Bishopsgate Street and Communication Row. The proposed 15 storey tower would create a focal point for the site and within the vicinity with the extra height leading residents and visitors towards the entrance and reception area. The tower feature would also be defined by the choice of materials with a green glazed brick framing the tower. The remainder of the building would be clad with a dark grey brick, grey rainscreen and parapet cladding introducing a contemporary architectural approach that allows the green glazed brick to take prominence.
- 6.15 The proposed grey clad 10 storey block facing Communication Row would sit adjacent to the Arden Gate scheme, granted consented in 2017 and formerly known as the Computer Centre. This as yet unimplemented development will provide an 8 storey block immediately adjacent to the application site with a mono-pitch roof above sloping up and towards the proposed development. It is considered that the proposed design and scale would sit well alongside the Arden Gate residential development. The corresponding 10 storey block facing Bishopsgate Street would sit next to The Pavilion student accommodation that reaches 5 storeys in height. Whilst there would be a step of five storeys between the existing and proposed blocks it is considered that the proposed progressive step up towards the proposed tower at the corner of the application site would appear acceptable in the street scene.
- 6.16 In response to the comments received on behalf of The Pavilion regarding the proposed design it is considered that the Council's High Places SPD is not relevant to the current proposals. This is because the proposed building would reach 15 storeys in height whereas the SPD is relevant to proposals of 16 storeys and above. It is also considered that due to the separation distances involved that there is no need for a sun path study whilst sufficient information has been submitted to fully assess the proposed design within its local context. The design has evolved through discussions with officers to provide a building that is considered would present an attractive and distinctive feature at the corner with the scale stepping down to fit in with the context of the adjoining streetscenes.

DESIGN AND LAYOUT OF ACCOMMODATION

- 6.17 Above the ground floor reception, offices and communal facilities, the layout of the upper floors would comprise of three main elements. The middle block would accommodate the core that leads to the circulation corridors serving the student accommodation rooms. The proposed communal lounges would be located at the end of the corridors providing good visibility into and out of the building.
- 6.18 At levels 1 to 4 the floor plate configuration would provide 25 units, comprising of 20 cluster rooms (each measuring 14 - 16sqm) with a communal living space

(measuring 23 - 34sqm) shared between five cluster rooms. There would also be five studio units (measuring 18 or 19sqm).

- 6.19 Levels 5 to 7 would replicate the floor plate configuration with 27 single living units, comprising 12 studio apartments and 15 cluster rooms. Each of these levels would include one accessible studio unit facing Bishopsgate Street.
- 6.20 Levels 8 and 9 would provide 12 studios (including 1 accessible) three shared living spaces serving 15 cluster rooms.
- 6.21 Levels 10 to 15 would have a reduced floor plate area reducing the living units to 10 per level, comprising of 5 cluster rooms 1 shared living area and 5 studio units. The reduction in floorspace focusses the living accommodation to the tower at the junction of Bishopsgate Street and Communication Row. It is considered that the proposed layout would provide sufficiently spacious living areas for proposed occupiers.
- 6.22 Therefore the proposal is considered to comply with the requirements of Policy TP33 of the BDP.

NOISE AND VIBRATION

- 6.23 Due to the presence of the A456 (Broad Street) to the west, the B4127 (Bath Row) to the south, the A4540 (Islington Row Middleway) further to the south and the railway line that lies approximately 14 meters away at its closest point an unattended ambient noise and vibration survey was carried out between 2nd March and 7th March 2017
- 6.24 The results show that the noise levels affecting the south-eastern and south-western facades are above the criteria recommended in BS 8233:2014 for both daytime and night-time levels, and at the rear, the north-east façade is expected to be above night-time levels. However levels of vibration are expected to be significantly lower than the BS 6472 criteria given for levels that may cause adverse effect at the closest façade to the railway.
- 6.25 Based on the results Regulatory Services have suggested a condition to require a scheme of noise insulation to ensure that all windows, any other glazed areas and external doors to habitable rooms on the south-east and south-west facades are provided with additional sound insulation; such a condition has been attached.

ECOLOGY

- 6.26 The submitted Extended Phase 1 Habitat Assessment that includes a Bat Scoping Assessment and Bat Emergence Survey advises that the proposed development site contains only buildings and hard standing, neither of which are considered to be of ecological value whilst the bat emergence survey did not record bats emerging from the buildings, within or around the site.
- 6.27 The Council's ecologist concurs that the site is very limited for biodiversity although its proximity to the green corridor provided by the rail line and canal offer some potential for protected species to be nearby.
- 6.28 The ecological report makes three recommendations. This first is that that the buildings should ideally be removed outside the bird nesting bird season, which runs from March to August inclusive, to avoid destroying active nests. The agent has

advised that the demolition is due in the New Year and an informative is added to this effect. The second recommendation is that there should be no increased light spillage onto the canal, where bats are most likely to forage and commute. A condition to require details of the lighting scheme is attached. Finally the report recommends that three suitable nest boxes are installed on the new building, and again a condition to this effect is also attached. The Council's ecologist has also suggested that the nest boxes be supplemented by some biodiversity roofing, however the agent has advised that this would not be financially viable whilst the enhancements proposed via the nest boxes and courtyard planting are considered to comply with Policy TP8 of the BDP.

TRANSPORTATION

- 6.29 The proposed student living accommodation does not include vehicular parking on-site, however a drop off area for three vehicles is proposed to the south-east of the site. A lay-by would be provided to pull into and park while loading or servicing the building. This would be accessed directly off Communication Row. On street parking along Bishopsgate Street is also available with free parking outside of pay and display times. Seventy six cycle spaces are proposed within the courtyard to the rear, accessed through a walkway at the end of the building from Communication Row.
- 6.30 Whilst there are no designed parking bays available for the future occupiers the Transport Assessment explains that there are five bus stops within the Institute of Highways and Transportation 400m walking distance guideline. Furthermore the Five Ways Train Station is located approximately 400m walking distance to the south and there is access to the Worcester and Birmingham Canal towpath within a few metres to the east.
- 6.31 The Canals and Rivers Trust have commented on the site's proximity to the Canal towpath highlighting that it would provide a sustainable convenient, traffic-free route for future residents to local facilities such as the City Centre, railway stations as well as Birmingham University and the QE Hospital campus. As explained later in the report a Section 106 agreement is proposed to require a contribution to enhancing the towpath for pedestrians.

PROPOSED DRAINAGE

- 6.32 A Surface Water Management Strategy accompanies the planning application. The Strategy proposes a gravity system connecting to an existing combined sewer. The primary form of attenuation storage is proposed to be oversized pipework although a condition is proposed to require further details and justification of a sustainable scheme.

OTHER

- 6.33 In accordance with Policy TP26 of the BDP a local employment condition is attached to encourage the use of a local workforce during the construction phase.
- 6.34 Regulatory services have also suggested conditions to require a charging point for electric vehicles, parking spaces for low emission vehicles and a differential car park charging scheme based on vehicles emission. These conditions are not necessary nor are they relevant as the proposed development would not have its own designated parking spaces.

- 6.35 It is also suggested that a condition is attached to require any commercial operators to operate vehicles that comply with certain emissions standards. As there is no separate commercial operator or occupier at ground floor this condition is not considered to be necessary.
- 6.36 Finally a travel plan is suggested to require details of public transport subsidies, and mechanisms to discourage the use of high emission vehicles. On the basis of the City Centre location, the nature of the occupiers and the proposed Section 106 contribution to make the tow path more attractive to walkers and cyclists it is considered that such a condition would not be necessary.
- 6.37 Based on the findings of the submitted Phase 1 Geo-Environmental Assessment land contamination, remediation and verification reports are requested and required by condition.

S106 AGREEMENT AND COMMUNITY INFRASTRUCTURE LEVY

- 6.38 The site is categorised as falling within a 'High Value Area' in the City Councils Community Infrastructure Levy Charging Schedule. As such, based on the information given on the application forms the CIL would equate to a payment of £1,161,539.
- 6.39 As stated above the Canal and Rivers Trust have requested a contribution towards the lighting the towpath of the Worcester and Birmingham canal between Bath Row and Holliday Wharf/Waterfront Walk, its associated maintenance and improvements to the access point including wayfinding. As they remark, the application proposal has the potential to generate a significant increase in use of the canal towpath, which is currently unlit and as such would not be an attractive option to pedestrians after dark due to its character and location within a cutting. It is considered that improving the towpath would be consistent with the aims of Policies TP38 to TP40 that promote a sustainable transport network and encourages walking and cycling. There is agreement to a payment of £55,000.

7 Conclusion

- 7.1 Both the NPPF and the BDP encourage the effective use of land by re-using land that has been previously developed. It is considered the proposed scheme would present an attractive design at an appropriate location that would meet a recognised demand for student accommodation in accordance with Policies GA1.1, GA1.3, PG3 and TP33 of the BDP.
- 7.2 It is therefore considered that the application is acceptable subject to safeguarding conditions and the completion of a S106 agreement to secure a financial contribution of £55,000 towards off site improvements to the Worcester to Birmingham Canal.

8 Recommendation

- 8.1 That consideration of the application be deferred pending the completion of a suitable legal agreement to secure:-
- a) A financial contribution of £55,000 (index linked from the date of this resolution) toward off site lighting of the Worcester and Birmingham Canal towpath between Bath Row and Holliday Wharf/Waterfront Walk, its associated maintenance and improvements to the access point including wayfinding, to be paid prior to the commencement of development;

- b) Payment of a monitoring and administration fee associated with the legal agreement of 3%;
- 8.2 That, in the event of the above legal agreement not being completed to the satisfaction of the Local Planning Authority on or before 1st February 2017, planning permission be refused for the followings reason:
 - a) In the absence of any suitable legal agreement to secure a financial contribution towards off site improvements to the Worcester and Birmingham canal towpath the proposals conflict with Policies TP38, TP39 and TP40 of the Birmingham Development Plan and,
- 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 1st February 2017, favourable consideration be given to this application, subject to the conditions listed below.

1	Implement within 3 years (Full)
2	Requires the scheme to be in accordance with the listed approved plans
3	Requires the prior submission of sample materials
4	Requires the prior submission of details of bird/bat boxes
5	Requires the prior submission of hard and soft landscape details to rear courtyard
6	Noise Insulation Scheme
7	Limits the noise levels for Plant and Machinery
8	Requires the prior submission of a contamination remediation scheme
9	Requires the prior submission of a contaminated land verification report
10	Requires the prior submission of a construction employment plan.
11	Requires the prior submission of a sustainable drainage scheme
12	Requires the prior submission of a Sustainable Drainage Operation and Maintenance Plan
13	Requires the prior submission and completion of works for the S278/TRO Agreement
14	Requires the prior submission of a construction method statement/management plan
15	Details of design of refuse / cycle store and retention thereafter
16	Prior submission of lighting scheme

Case Officer: Julia Summerfield

Photo(s)

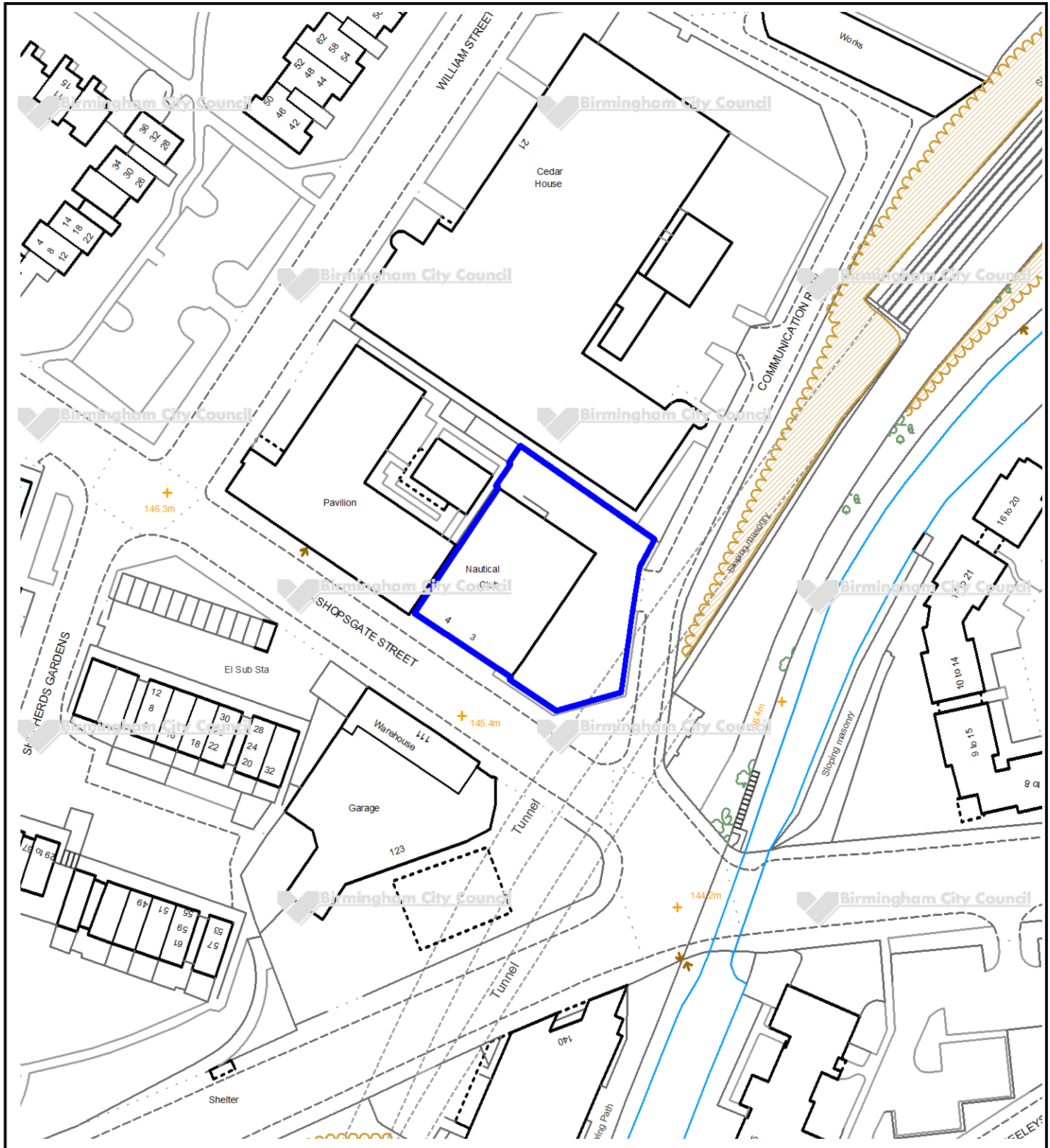


From the junction of Bishopsgate Street and Communication Row



From Communication Row looking south west

Location Plan



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Committee Date:	18/01/2018	Application Number:	2017/07207/PA
Accepted:	18/08/2017	Application Type:	Full Planning
Target Date:	17/02/2018		
Ward:	Nechells		

75-80 High Street, Digbeth, Birmingham, B12 0LL

Demolition of existing buildings and the development of 517 residential apartments (including a 25 storey tower) with commercial units (Class A1-A5 and Class D2) at ground floor level and parking

Applicant:	Prosperous Global China Capital (1) C/o The Agent
Agent:	Brooke Smith Planning (Arcadis) Cornerblock, 2 Cornwall Street, Birmingham, B3 2DX

Recommendation

Approve Subject To A Section 106 Legal Agreement

1. Proposal

Use and Amount of Development

- 1.1. This is a detailed planning application for 517 new apartments with amenity space and residential parking, together with retail and commercial space (A1-A5 inclusive and D2) at ground floor. The development proposes a mix of one, two and three bedroom apartments as follows:-

- 227no. 1 bed 1 person apartments ranging in size from 42-47sqm;
- 36no. 1 bed 2 person apartments ranging in size from 50-56sqm;
- 112no. 2 bed 3 person apartments ranging in size from 64-67sqm;
- 140no. 2 bed 4 person apartments ranging in size from 69-81sqm; and,
- 2no. 3 bed 6 person apartments at 100sqm

This equates to 50% one bed and 49% two bed apartments.

- 1.2. It is proposed to provide 3 linked blocks. These would consist of two 10 storey blocks and one tower of 25 storeys. The frontages of the site onto High Street and Clyde Street would incorporate four commercial units (totalling 552sqm) and entrance receptions for the individual residential blocks. Two garden rooms for the residents are also proposed.

Layout

- 1.3. The scheme comprises a lower ground floor parking area beneath the three blocks. The tallest, Block 1, at 25 storeys (84m high) is located at the corner of High Street and Clyde Street. This block then steps down to 7 and 8 storeys along the Clyde Street frontage. The second and third blocks are both 10 storeys (38m high) along

the High Street frontage and incorporate rear wings, which step down in height to 8 storeys above the car park podium level.

- 1.4. Block 1 and the rear wings of Blocks 2 and 3 create three southerly facing courtyards. The three courtyards would provide 2,445 sqm of amenity space, equivalent to 4.7sqm per apartment. In addition 109 apartments would have a balcony and three would have a terrace.

Appearance

- 1.5. The three blocks are designed with a simple frame wrapping the buildings, which provides an environmental zone around the perimeter building that is articulated in different ways e.g. by balconies and external terraces focused on the south and south west facades. The same framework is then applied to the facades that for reason of aspect or limited views do not have balconies, such as the Clyde Street elevation. The framework also responds to the High Street where there are factors such as air quality from traffic and noise from the Rainbow venues. Along this elevation the building fabric is extended to the frame line to form a more solid elevation with additional glazing perpendicular to the High Street to provide light and outlook.
- 1.6. The elevation is organised as double storeys with a double height colonnade to the ground floor to frame the commercial spaces. The setting out of the elevations is derived from a standard grid giving a consistent approach to the size of the windows and cladding zones. In addition, the roofscape of the lower two blocks is set back from the principle façade on High Street and articulated in a series of piers clad in metal. The introduction of metal cladding is also expressed within the frame at the lower levels to provide acoustic and environmental screening. The same palette of materials - engineered pre-cast stone / concrete frame with intermediate panels in a textured silver grey finish and aluminium framed windows are used for all three buildings.

Access and Parking

- 1.7. The proposed scheme provides approximately 153 car parking spaces (equivalent to 30% provision). Parking would also be provided for people with disabilities but no details have been provided. In addition three cycle store units are proposed providing space for 360 cycles.
- 1.8. Vehicle access to the site would be from High Street, which would provide access to the resident's car park, refuse stores and servicing. Cycle and pedestrian access points are provided for each block directly from the street.

Landscaping

- 1.9. The main components of the landscape scheme comprise the public space at ground level around the perimeter of the building and private internal gardens available for residents use. The design concept for the surrounding public realm seeks to draw pedestrians towards the building entrances by creating a "welcome mat" approach with the mat reflecting the dominant colour of the adjacent internal garden. The three private resident's gardens would include water, planting and paving to create a rhythm running through the development. The planting and structures would also help to create a sense of privacy for those using the gardens and to provide some screening of views into the apartments.

Supporting Information

- 1.10. Prior to submission of the application an Environmental Impact Assessment Screening Opinion was submitted and in response the City Council confirmed that a EIA was not required. Thus, as required by the City Council's planning validation criteria the following supporting documents have been submitted:-

- Design and Access Statement
- Tall Building Justification Statement
- Noise Assessment and Addendum
- Extended Phase 1 Habitat Survey and Bat Risk Assessment
- Sustainable Drainage Assessment
- Transport Assessment and Travel Plan
- Ground Contamination Desk Study
- Air Quality Assessment
- Heritage / Archaeological Assessment and Addendum
- Landscape Scheme
- Lighting Strategy
- Wind Microclimate Assessment
- Daylight and Sunlight Study
- Television and Radio Reception
- Economic Impact Statement
- Fume Extraction Report
- Sustainable Design and Construction Statement

- 1.11. In addition a Viability Statement has been submitted, which seeks to demonstrate that the scheme cannot support the full contribution toward affordable housing or a financial contribution toward public open space improvements. The Viability Statement has been independently assessed by the City Council's assessor, and that justifies a contribution of £900,000.

- 1.12. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site fronts onto the B4100 High Street, Bordesley, about 1.5km southeast of the City Centre. It is roughly rectangular with dimensions of approximately 144m by 60m (072ha). Levels fall across the site northwest toward the River Rea by circa 3m along High Street and 6m along Clyde Street.
- 2.2. The development site is currently a new and used car dealership site for a number of car manufacturers, which consists of a large outside display area for vehicles, inside display area, vehicle repair facility, a service centre and associated offices. The front part of the showroom is single storey with the remainder being two storey. Along the southern boundary is a series of retaining walls. The dealership is open 7 days a week and has one existing vehicle access point from Clyde Street.
- 2.3. This area of Digbeth has a mixture of commercial, industrial and residential buildings. There are also music entertainment venues nearby at the Rainbow on the opposite side of High Street and the Spotted Dog PH at the corner of Warwick Street and Alcester Street. The site is bordered to the south by existing warehouses which back on to the site from Warwick Street, to the east by an existing flower shop on the corner of Alcester Road, to the north by the High Street, and by Clyde Street to the west, beyond which there are commercial premises.

- 2.4. The application site is not within a conservation area but the area to the north west beyond the High Street falls within the Digbeth, Deritend and Bordesley High Streets Conservation Area. There are no statutorily or locally listed buildings within the site, but nearby listed buildings include 173-174 High Street, the Old Crown PH and Devonshire House. The nearest locally listed buildings include the Rainbow PH, 164 High Street, 179-182 High Street and 206 Heath Mill Lane. In addition, the application site is within an Archaeological site, known as the Digbeth / Deritend medieval and post medieval settlement.

Site Location

3. Planning History

- 3.1. Various planning and advertisement applications in connection with the use of the site as a car dealership. Within Digbeth there are a number of significant redevelopment proposals, of which four of the most relevant and detailed below.
- 3.2. Connaught Square - current planning application (reference 2016/08273/PA) for clearance of the site and the erection of new buildings ranging from 4 storeys to 20 storeys to provide 725 residential units and 3,529 sqm of commercial/retail/leisure and community uses together with car parking, new public square and pedestrian bridges over the River Rea, landscaping, engineering operations and associated works.
- 3.3. 234-236 Bradford Street – planning consent granted 18 July 2017 for demolition of existing Kingfield Heath buildings and erection of 237 residential units varying between 5 and 8 storeys together with 71 car parking spaces and associated works in accordance with application 2016/08444/PA.
- 3.4. 250 and 251 Bradford Street and 25-30 Green Street – planning consent granted 18 July 2017 for demolition of existing buildings and erection of 130 residential units varying from 4-8 storeys together with 40 car parking spaces and associated works in accordance with application 2016/08443/PA.
- 3.5. Land bounded by Green Street, Birchall Street and Bradford Street – planning application approved 27 October 2017 in accordance with reference 2017/02454/PA for demolition of existing building and erection of 165 residential units over 6 storeys together with 18 car parking spaces and associated works.

4. Consultation/PP Responses

- 4.1. Adjoining occupiers, residents associations, amenity societies, local ward councillors and M.P. notified. Site and press notices displayed. No comments received.
- 4.2. BCC Transportation – no objection subject to conditions to secure:-
- a demolition and construction plan that provides details of timescales involved, associated vehicles and delivery patterns;
 - a s278 highway agreement is required that will provide the new access, reinstate redundant access points around the site and reposition the bus stop and associated paving to provide a vehicle visibility splay at the egress point, all in place prior to the building being occupied;
 - vehicle visibility splay of 2.4m by 59m to be provided;

- parking for cars and bikes provided prior to occupation;
 - boundary treatment provided to prevent ad-hoc parking taking place on the sites wide forecourt; and,
 - gates to be set back 5.5m behind the public footway, and details to be provided of gate operation.
- 4.3. BCC Regulatory Services – concerned about the impact of the night time economy in Digbeth on the amenity of the future residents of this development. Amongst other things, they are particularly concerned with the fact that future occupiers of all dwellings would not be able to open windows to naturally ventilate their properties. On this basis they would normally recommend refusal, however, should the application be recommended for approval they suggest conditions in respect of the glazing requirements, noise insulation, ventilation, controlling noise from plant and machinery, securing fume extraction details and a land decontamination.
- 4.4. BCC Leisure Services – no objections. In accordance with the BDP policy, the development would generate an off-site POS contribution of £1,017,900. As it is situated within the City Centre it is not classed as family accommodation and would therefore not be liable for a Play area contribution. Rather than S106 contributions being directed towards public realm they recommend the contribution should be allocated off site towards provision, improvement and or maintenance of POS within the Nechells Ward such as the creation of new POS in the Southern Gateway or an extension / improvement of Highgate Park which is the nearest existing significant green space.
- 4.5. BCC Education – as the development would impact upon the provision of places at local schools they request a contribution £1,345,609.
- 4.6. BCC Employment Access Team – local employment and training obligations should be sought.
- 4.7. Historic England – it is not clear where these proposed tall buildings fit within the overall strategy for the location of tall buildings. Further analysis on the impact of listed buildings in the city centre, such as the Rotunda and St Martin's Church, should be sought to determine whether the proposal maintains their settings or enhances or better reveals their significance.
- 4.8. Conservation Heritage Panel – it was unclear how the analysis of the site had informed the design of the proposed development. Given the historic and townscape significance of the site a greater level of contextual analysis should be considered. The Panel acknowledged that as the first development on the urban block the building will have a significant impact on the evolving future urban form of the area. Subsequently, greater consideration should be given to the impact of the proposal on neighbouring and emerging sites. The Panel concluded that the style of architecture and tower do not reflect the present era of architecture or historical context along this important road and therefore they could not support the scheme as it stands.
- 4.9. Environment Agency – no objections but the proposed development site appears to have been the subject of past industrial activity which may pose a medium risk of pollution to 'Controlled Waters'. They therefore advise BCC Regulatory Services be consulted.
- 4.10. Local Lead Flood Authority - no objections subject to suitable drainage conditions.

- 4.11. Severn Trent Water – no objections subject to a condition to secure drainage plans for the disposal of foul and surface water flows.
- 4.12. Transport for West Midlands – no comments received.
- 4.13. Birmingham Airport – no comments received.
- 4.14. West Midlands Fire Service – firefighting access and water supplies should comply with the relevant guidance documents. Vehicle access will be required within 18 m of dry riser inlets able to support 15 tonnes. Water supplies for firefighting should be in accordance with National Guidance Document on the Provision for Fire Fighting, published by Local Government Association and WaterUK. The approval of Building Control will be required with regard to Part B of the Building Regulations 2010.
- 4.15. West Midlands Police – no objections in principle, in detail they recommend:-
- the apartments be to the standards laid out in the Secured by Design 'Homes 2016' guide;
 - a lighting plan be submitted;
 - the retail units be subject to an intruder alarm and designed to Secured by Design 'Commercial 2015' guide;
 - the site, especially the post room and cycle storage is covered by CCTV;
 - all doors to be to an appropriate security standard and access controlled;
 - management of the refuse storage area;
 - some of the entrance lobby entrances only have one layer of security and an additional door and internal access control be installed;
 - the eastern communal garden areas be the subject of access control, i.e. gates / fencing; and,
 - clarification should be sought as to the site management plan, in particular the processes for postal delivery and refuse collection.

5. Policy Context

- 5.1. Birmingham Unitary Development Plan (Saved Policies) 2005; Birmingham Development Plan 2017; Places for All SPG; Places for Living SPG; High Places SPG; Car Parking Guidelines SPD; Public Open Space in New Residential Development SPD; Lighting Places SPD; Affordable Housing SPG; Loss of Industrial Land to Alternative Uses SPD and National Planning Policy Framework 2012.
- 5.2. The application site within an Archaeological site, known as the Digbeth / Deritend medieval and post medieval settlement. It is also adjacent to the Digbeth, Deritend and Bordesley High Streets Conservation Area. Nearby listed buildings include 173-174 High Street, the Old Crown PH and Devonshire House. The nearest locally listed buildings include the Rainbow PH, 164 High Street, 179-182 High Street and 206 Heath Mill Lane.

6. Planning Considerations

Land Use Planning Policy

- 6.1. In January 2017, the City Council adopted the Birmingham Development Plan. The BDP will provide a long term strategy for the whole of the City and replaces 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.

- 6.2. The site is located within the area identified as the Southern Gateway Area of Change on plan 5 in the BDP. This area is also identified on the Policies Map as a mixed use allocation. Policy GA1.2 states that development will be supported in the Southern Gateway that diversifies the City's offer as a retail and leisure destination and residential development will be supported as part of the future mix of uses. Four commercial units are proposed with a total floor space of 552 sqm. An open consent for A1 retail, A2 financial and professional, A3 restaurant and cafes, A4 drinking establishments, A5 hot food takeaway and D2 assembly and leisure is being sought. These uses are identified at main town centre uses by the NPPF and, in accordance with national policy and BDP policy TP21, these uses should be located within a defined centre or within a specific allocation. The application site is within the City Centre where retail and leisure uses are supported. A sequential test is therefore not required and I consider the principle of the proposed residential and other uses to be acceptable in this location.
- 6.3. The mix of the proposed residential units is: 50.87% 1 bedroom apartments, 48.74% 2 bedroom apartments and 0.39% 3 bedroom apartments. By comparison the Birmingham Strategic Housing Market Assessment (January 2013) sets the following for market dwellings: 1-bed 13%, 2-bed 24%, 3-bed 28%, and 4-bed 35%. Although the proposed development is skewed toward 1 and 2 bedroom apartments, given the site's City Centre location, I consider that a higher proportion of smaller house types is appropriate.
- 6.4. I therefore welcome redevelopment of this site, which would not only help meet the city's housing needs but also have positive economic benefits. As recommended by the City Council's Employment Access Team a condition is attached to secure local employment and training.

Tall Building Policy - Impact of the Scale and Massing on the Skyline

- 6.5. As the tower would be 25 storeys in height the City Council's SPG on tall buildings "High Places" applies. Whilst the application site is not specifically identified as a location for a tall building in this SPG, It should be noted that the SPG is now relatively dated, having been adopted in 2003 and will be reviewed as part of the City's new Design Guide SPD. The city scape of Birmingham has changed significantly since this time, and in particular, the Digbeth area has and continues to develop. Indeed, the application site is located within a recognised 'wider area for change', and as such, significant transformation is expected within the surrounding area, in particular the delivery of the emerging Smithfield Masterplan will transform this part of the city.
- 6.6. The ongoing transformation of the immediate area has indeed led to the B4100 High Street becoming a key entry point into the City Centre from the east. Furthermore, the orientation and topography of High Street makes this location highly suitable for a tall building. The application site sits at a curved point along High Street, with the land falling slightly towards the city core. A tall building in this location, at the highest point of the site, would enhance these features, marking a gateway to the City Centre, and creating a landmark for visitors entering the city from the arterial road network to the east. The principle of a tall building in this location is therefore

considered to meet the “exception test” and would be in accordance with the guidance outlined within the High Places SPG.

6.7. In detail, the guidance goes on to say that tall buildings should:-

- respond positively to the local context and be of the highest quality in architectural form, detail and materials;
- not have an unacceptable impact in terms of shadowing and microclimate;
- help people on foot to move around safely and easily;
- be sustainable;
- consider the impact on local public transport; and
- be lit by a well-designed lighting scheme.

a) Design and Local Context

6.8. With regard to building heights the proposed scheme would be 10 storeys to High Street, culminating in a 25 storey tower at the high point of the site, providing a focal point for the development. The orientation of the tower, with the more slender façade fronting High Street, and extending backwards along Clyde Street appears most successful in design terms, forming a visual punctuation to the composition of the proposed built form.

6.9. In terms of layout, the development is broken down into three blocks to help break down the massing of the scheme. The three blocks also help with level changes across the site allowing level access into each building. Constructing the buildings close to back of pavement along High Street and Clyde Street also reinforces the streetscene. It also provides for active frontages and private backs providing a clear definition between the public and private realms. The scheme also benefits from lower ground floor parking and servicing keeping them out of sight from the street.

6.10. In terms of architectural treatment, alongside other high-quality materials, metal cladding is introduced throughout the development fronting High Street, providing a visual link to the industrial heritage associated with the site. The geometry of the roof and arrangement of the stacks creates a unique character, whilst also providing a visual link towards the tower element, which culminates in a change in the articulation of the framework for the top three storeys of the tower.

b) Microclimate and Shadowing

6.11. A Daylight and Sunlight study has been undertaken, which concludes that the proposed development would have low impact on the light receivable by its neighbouring properties. The scheme satisfies the BRE daylight and direct sunlight to windows requirements. Furthermore, due to the urban location of the development site, there are no nearby gardens or amenity areas directly to the north. The proposed development therefore satisfies the BRE overshadowing to gardens and open spaces requirements.

6.12. A wind tunnel assessment has been undertaken, which concludes that wind conditions in and around the proposed development are generally rated as suitable in terms of pedestrian safety for the general public. However, some exceptions occur at the north-eastern entrance to Tower C at ground level, at terrace level to the north-west of Tower C, and at the south-west facing balconies of Block B. The balconies on the south-western façade of Tower C also exceed the comfort criteria

for seating balconies. The report therefore sets out the following mitigation measures:

- two 3m high trees in planters and two 5m high trees on the podium between Blocks B and C;
- raised balcony parapets to 1.5m at the southwest facing facade of the Block A and B, and the north-west facing façade of Tower C;
- three 5m tall trees at ground level, to the south-west of Tower C;
- protruding screen with overhang of approximately 1m depth at the ground floor entrance at the north eastern façade of Tower C.

- 6.13. With these wind mitigation measures, wind conditions become largely suitable, in terms of pedestrian comfort and safety for their intended use. Several exceptions persist at the north west facing balconies of Tower C, where wind conditions are suitable for strolling only. One safety criteria remains at the top level balcony of Tower C where wind conditions are rated as unsuitable for the general public but suitable for able-bodied. The report recommends that further wind mitigation measures be developed and validated via boundary layer wind tunnel testing. Accordingly, a condition is attached to secure the wind mitigation measures proposed and a further wind study. If satisfactory wind conditions cannot be achieved at the top level balcony, then the condition requires that it be omitted.

c) Helping People Move Around

- 6.14. The proposed tower would be significantly taller than other buildings in the locality and would be highly visible in the streetscene. It would therefore act as a local landmark to help legibility within this part of the City Centre. The ground floor commercial units and entrances to the residential reception areas would provide active ground floor frontages to make the streets feel safer. All the main entrances would be at street level and suitable for people with disabilities. Internally, lift access would be available to all floors in all three buildings. The scheme has also been designed to minimize long corridors making it easier for wayfinding through the buildings.

d) Sustainability

- 6.15. In addition to being in a highly accessible sustainable location, the proposed development would contribute to the local economy through the growth of the city centre, provide housing to meet the needs of the local community and make the best use of a relatively unattractive site. In detail, a centralised heat network system is proposed to provide both heating and hot water to the apartments. Furthermore, as recommended by the Local Lead Flood Authority a condition is attached to use green roofs as part of a sustainable drainage system.
- 6.16. Whilst the site currently has negligible ecological value due to it being predominantly hard standing with only small areas of vegetation, there is scope for enhancements to secure ecological enhancement and as such a condition is attached to secure installation of bird boxes on buildings; diverse and native planting.

e) Impact on local public transport

- 6.17. The site benefits from good connectivity to the local facilities and access to public transport networks providing an alternative to car journeys. There are numerous bus services located along the High Street and Bradford Street, and two major rail

stations within 20 minutes' walk. In addition an application has been submitted by TfWM to the DfT for an extension to the Midland Metro tramway from the current line at Corporation Street/Bull Street to High Street Digbeth via Eastside Park and the new HS2 train station. A further link from this planned extension is currently in development which would extend the link further through East Birmingham/Solihull.

f) Lighting

- 6.18. The applicants are proposing a comprehensive lighting scheme, integrated into the overall design. The external lighting design is divided into four areas:–
- pedestrian level lighting – the base of the building would have a bright and inviting feel to improve the feel and the safety of the area and improve visibility of the ground floor commercial units. This includes concealed linear lighting within the colonnade, in- ground spot lights, contrasting cool white liner lighting to frame entrances and integrated step lighting to provide functional lighting without glare;
 - façade lighting – the lighting scheme highlights the structure with pinspots to create a “star-like impression on the façade” and contrasting warm white uplights to highlight the roof features on Blocks 2 and 3; and,
 - courtyards / roof gardens – here the lighting seeks to create a cosy place with low level lighting that minimises upwards light spill.
- 6.19. Overall, I consider that the design of the scheme is to a high standard and to ensure that the building is of the highest architectural quality a condition is attached to secure samples of materials.

Impact on Heritage Assets

- 6.20. The proposed development is situated adjacent to the Digbeth Deritend and Bordesley High Streets Conservation Area and in the setting of a number of grade II and II* listed buildings. However, the southern side of Digbeth High Street largely comprises a mix of poor quality 20th century, low rise, commercial/leisure developments, cleared sites and car parking, as such it contributes nothing positive to the character and setting of the conservation area, which is additionally harmed by the scale of the widened High Street itself.
- 6.21. The City Council's conservation officer supports the redevelopment of the southern side of the High Street in order to 'enhance' the setting of the conservation area and enclose the street and in particular deliver development comprising uses which would increase pedestrian activity along the High Street and support the viability and vitality of key destinations in Digbeth, such as the Custard Factory. He also broadly supports the architecture arrived at and the nature of the uses, however he has concerns about the townscape rational for the tower element with regards the setting of the Digbeth, Deritend and Bordesley Conservation Area and listed buildings.
- 6.22. In response to these comments and the concerns raised by Historic England and the Conservation Heritage Panel an addendum to the Heritage Statement has been prepared. An assessment on 'significant views' has been undertaken to understand the potential heritage impacts which may arise from the proposed development. The report notes that the introduction of a new element of high quality, historically influenced built form would not erode or inhibit the ability to appreciate the

significance of the surrounding listed buildings. The proposed development would form part of the wider urban context of a mix of buildings, separated from the Conservation Area by a wide and busy route. Indeed, this context is recognised within the Digbeth and Deritend Conservation Area Appraisal which states that a “traditional scale of development in the area is set against the metropolitan scale of the city centre”.

- 6.23. The proposed development, including the tall building element, is considered to form a legible cluster which would not result in harm to the heritage significance of the listed buildings within the locality, nor the setting of the neighbouring Conservation Area. The tower and blocks have also been designed to include elements of the past, current and future. Significant consideration has also been given to the topography of the site and the potential effects associated with the massing of the proposals. The proposed development is topographically in a lower position than other tall buildings within the city centre, and as such, the height of the tower element would not significantly impact upon the city sky line. The tallest part of the proposed development would also be located furthest from the more sensitive historic buildings in the Conservation Area, and closer to the modern industrial buildings and the southwestern end of the Conservation Area.
- 6.24. Due to the distance between the development site and the Conservation Area and surrounding listed buildings, the proposed tall building will not dominate, encroach or overwhelm the experience of the architectural and historic interest associated with those assets. The High Street elevation of the development is built on the street frontage, reinstating the sense of enclosure as a nod to the historic urban grain. This also provides a clear separation between the development site and the Conservation Area, reinforced by the presence of the High Street. This arrangement assists with the readability of the growth and development of the area, which emphasises the degree of change which has occurred, in particular to the south of the High Street, and will continue to occur over coming years.
- 6.25. The design and material palette reflects the industrial past, with oxidised metal coloured detailing interspersed throughout the High Street elevation, and aluminium finishes and louvre cladding referencing the former steel works on site. The use of geometric shapes within the external framework reflects the hard lines which would have been associated with historic industrial buildings. The tower element complements this by creating strong vertical lines linking with the city centre, with the overall massing remaining subordinate to the Rotunda and Alpha Tower within the city backdrop.
- 6.26. I am of the view that the proposed development would cause less than substantial harm to heritage assets. In such circumstances the National Planning Policy Framework at paragraph 134 requires the harm to be weighed against any public benefits associated with the development. In this case the public benefits include redevelopment of an underused City Centre site with a high density residential led mixed use redevelopment, it would help meet the city’s housing needs and have positive economic benefits. Overall, I consider that the public benefits outweigh the less than substantial harm caused. As the site is within an archaeological site a condition to secure a watching brief is attached.

Residential Amenity

- a) Building Safety

6.27. The Design and Access Statement confirms that each building would be designed to meet current fire regulations. Sprinkler provision is proposed throughout the circulation areas. Individual apartments would be compartmentalised and a fire fighting lobby and lift is proposed for each block. To reduce the loss of electric supply to fire protection systems secondary power supplies in the form of diesel powered generators are proposed. Moreover, main building materials would be non-combustible.

b) Living and Amenity Space

6.28. When assessed against the nationally prescribed housing standards:-

- there are no studio apartments;
- all 1 bedroom 1 person apartments comply with the minimum standard of 39sqm;
- all 1 bedroom 2 person apartments comply with the minimum standard of 50sqm;
- all 2 bedroom 3 person apartments comply with the minimum standard of 61sqm;
- 45 (32%) of the 2 bedroom 4 person apartments measure 69sqm and fall below the minimum standard of 70sqm by 1 sqm; and,
- all 3 bedroom 6 person apartments comply with the minimum requirement of 95sqm.

6.29. All but 45 (8.7%) of the apartments therefore exceed the minimum space standards and the apartments that fall below the minimum standard, do so by just 1sqm and satisfactory furniture layouts have been submitted. In addition 109 apartments would have a balcony and 3 would have a terrace. Moreover, the scheme includes two communal lounges for residents and three courtyards, which together would provide 5 sqm of communal space per apartment. The courtyards measure about 30m by 25m allowing satisfactory light and outlook to the apartments facing them. A boundary wall is also proposed along the open side of the courtyards to screen the rear of premises on Warwick Road. I am therefore of the view that the scheme would provide a good standard of living and amenity space.

c) Air Quality

6.30. The proposed development is located within the city wide Birmingham statutory designated AQMA, which was designated for exceedences of the annual mean NO₂ Objective. A three month air quality survey has been undertaken at four locations around the site. The assessment concludes that during construction there could be a nuisance and a condition to secure a construction management plan to reduce dust is attached. Post completion the report concludes that no mitigation measures are required for all apartments on the second floor and above. However, for 9 apartments on the first floor facing High Street specific air quality mitigation measures are required to reduce potential pollutant exposure. A condition is therefore attached to ensure that these apartments are provided with mechanical ventilation.

d) Noise

6.31. A noise report submitted with the application notes that the site is affected by road traffic noise from the High Street and from surrounding commercial uses, including music entertainment venues at the Rainbow and Spotted Dog PH. It recommends

soundproofing between the proposed ground floor retail and non-residential uses and the residential dwellings above; limits on plant noise and façade sound insulation to control road traffic noise and also to control music noise. It adds that to achieve suitable internal noise levels, the affected facades would need to be mechanically ventilated to avoid noise ingress via ventilation openings.

- 6.32. Whilst I note the concerns of BCC Regulatory Services, redevelopment of this site together with other similar potential development sites, could provide a significant number of new residential apartments to meet the City's housing needs. Although conditions as suggested by Regulatory Services are attached, Members should be aware that it would be impossible to completely remove all noise to the apartments.

e) Ground Contamination

- 6.33. A Ground Investigation Report has been submitted with the application. Given previous industrial uses on the site it identifies a number of potential sources of contamination. Overall it considers that the site to be of low risk of widespread significant contamination, however, "hotspots" of significant contamination could be present. Conditions are therefore attached to secure a site remediation strategy.

f) Fume Extraction Strategy

- 6.34. A fume extraction report has been submitted, which sets out a strategy for dealing with the main fume sources. It confirms that:-
- Commercial kitchen ventilation - would be to high level;
 - Apartment Ventilation – where natural ventilation is not deemed possible due to acoustic reason, it is proposed to ventilate each apartment via an individual mechanical system;
 - Car Park Ventilation – given the subterranean nature of the proposed car park and limited open sides for natural air flow dictate there is a need for a mechanical ventilation system to the car park. It is proposed that exhaust air would terminate within the courtyard areas of Blocks 2 and 3.

g) TV and Radio Reception

- 6.35. A Baseline Television and Radio Signal Survey and Impact Assessment has been submitted with the application. It notes that overall currently reception conditions are good with no significant interference noted. No interference is identified for the reception of terrestrial or satellite television services as there no viewers / satellite dishes in any areas where signal interference could occur. Overall, based on the report the proposed development is likely to have a neutral effect on the reception of television and radio broadcast services to local residents and no mitigation measure are necessary.

Access, Car Parking and Servicing

- 6.36. The proposed development would be accessed from a new dedicated vehicle access from High Street, which would provide access to a car park for residents, refuse collections and servicing situated beneath the ground floor. The access would be security controlled. It is anticipated that the scheme would generate 64 movements in the AM peak hour and 67 movements in the PM peak hour.

- 6.37. The proposed development would increase vehicle generation for the proposed development site by 40 vehicles in the AM peak hour and 50 vehicles in the PM peak hour. Although the development would increase vehicle trips from the site, the increase is not anticipated to create a detrimental impact on the operation or safety of the local highway network.
- 6.38. It is proposed that the scheme would provide 153 vehicle spaces in underground car parking. This equates to 30% provision. As a result of the location of the proposed development, public transport provision, surrounding on street and off street parking controls, it is concluded that the parking provision is appropriate for the proposals. The level of parking would also help to create a sustainable development which reduces the impact of the development, whilst promoting sustainable modes of transport such as walking and cycling. In addition a framework travel plan is proposed which would actively encourage sustainable travel.
- 6.39. BCC Transportation Development have raised no objections and as recommended conditions are attached to secure a demolition and construction plan, off site highway works, visibility splays, parking for cars and bikes, boundary treatments and details of the gates.

CIL and S106 Obligations

- 6.40. Given the number of proposed apartments the City Councils policies for Affordable Housing and Public Open Space in New Residential Development apply. The applicant is not able to meet in full the affordable housing or off-site public open space requirements. The applicant has submitted a Viability Statement with the application, which has been independently assessed by the City Council's assessor, and that justifies a contribution of £900,000. The City Council's independent consultant considers that this is a fair and justifiable offer.
- 6.41. BCC Education have requested a contribution towards the school places, however, school places are funded through CIL payments. I therefore consider that in this instance the financial contribution should be split evenly between offsite affordable housing and public realm / open space improvements.
- 6.42. The proposed development does not attract a CIL contribution.

7. Conclusion

- 7.1. The BDP encourages residential development in the City Centre where it provides well-designed high quality living environments. Digbeth is changing and the proposed development would help its further regeneration, providing much needed housing and a large investment on this area.. It signals a confidence in the area, as a location for residential development, an aspiration that the City is supportive of.
- 7.2. The justification for a tall building in this location is accepted, the design is to a good standard and subject to safeguarding conditions the scheme would provide a high standard of residential accommodation. Furthermore the public benefits of the scheme outweigh the less than substantial harm caused to the setting of nearby heritage assets. I therefore consider that the application is acceptable subject to completion of a legal agreement and safeguarding conditions.

8. Recommendation

- 8.1. That consideration of application 2017/07207/PA be deferred pending the completion of a legal agreement to secure the following:-
- a financial contribution of £450,000 index linked to construction costs from the date of this resolution to the date on which payment is made toward the provision and / or improvement of public realm in the Digbeth locality;
 - a financial contribution of £450,000 index linked to construction costs from the date of this resolution towards the provision of off-site affordable housing with the Birmingham City Council administrative boundary; and,
 - a financial contribution of £10,000 for the administration and monitoring of this deed to be paid upon completion of the agreement.
- 8.2. In the absence of a suitable legal agreement being completed to the satisfaction of the Local Planning Authority by the 16 February 2018, planning permission be refused for the following reasons:
- In the absence of a legal agreement to secure a financial contribution toward affordable housing, the proposal conflicts with Policy 8.50-8.54 of the adopted Unitary Development Plan, Policy TP31 Affordable Housing of the Birmingham Development Plan 2017 and Affordable Housing SPG; and
 - In the absence of a legal agreement to secure a financial contribution toward public realm improvements, the proposal conflicts with Policy 8.50-8.54 of the adopted Unitary Development Plan, Policy TP9 Open Space, Playing Fields and Allotments of the Birmingham Development Plan 2017 and Public Open Space in New Residential Developments SPD.
- 8.3. That the City Solicitor be authorised to prepare, seal and complete the appropriate legal agreement.
- 8.4. That in the event of an appropriate legal agreement being completed to the satisfaction of the Local Planning Authority by the 16 February 2018, favourable consideration be given to this application, subject to the conditions listed below.

1	Requires the prior submission of investigation for archaeological observation and recording
2	Requires the prior submission of a contamination remediation scheme
3	Requires the prior submission of a contaminated land verification report
4	Shop Front Design
5	Requires the prior submission of roller shutter details
6	Limits the hours of operation of the ground floor commercial uses 0700-midnight daily.
7	Limits delivery time of goods to or from the ground floor commercial uses 0700-1900 Mondays to Saturdays and 0900-1900 Sundays.
8	Requires the prior submission of a drainage scheme

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- 9 Requires the prior submission of details of bird/bat boxes
 - 10 Requires the prior submission of extraction and odour control details to the centralised heat network system
 - 11 Requires the prior submission of extraction and odour control details for A3, A4 and A5 uses
 - 12 Limits the noise levels for Plant and Machinery
 - 13 Requires the prior submission of noise insulation
 - 14 Glazing and Ventilation Specification
 - 15 Requires the prior submission of hard and/or soft landscape details
 - 16 Requires the prior submission of boundary treatment details
 - 17 Requires the prior submission of a lighting scheme
 - 18 Requires the prior submission of details of green/brown roofs
 - 19 Requires further details of wind mitigation measures
 - 20 Requires the prior submission of a construction method statement/management plan
 - 21 Requires the prior submission of a construction employment plan.
 - 22 Requires the prior submission of sample materials
 - 23 Requires the scheme to be in accordance with the listed approved plans
 - 24 Requires the prior submission of a CCTV scheme
 - 25 Requires the prior submission of details of refuse storage for the commercial units.
 - 26 Requires the prior submission of an air quality management plan
 - 27 Removes PD rights for telecom equipment
 - 28 Requires the prior approval of an amended car park layout
 - 29 Requires the parking area to be laid out prior to use
 - 30 Requires gates to be set back
 - 31 Requires vehicular visibility splays to be provided
 - 32 Requires the prior submission of cycle storage details
 - 33 Requires the prior submission and completion of works for the S278/TRO Agreement
 - 34 Implement within 3 years (Full)
-

Case Officer: David Wells

Photo(s)

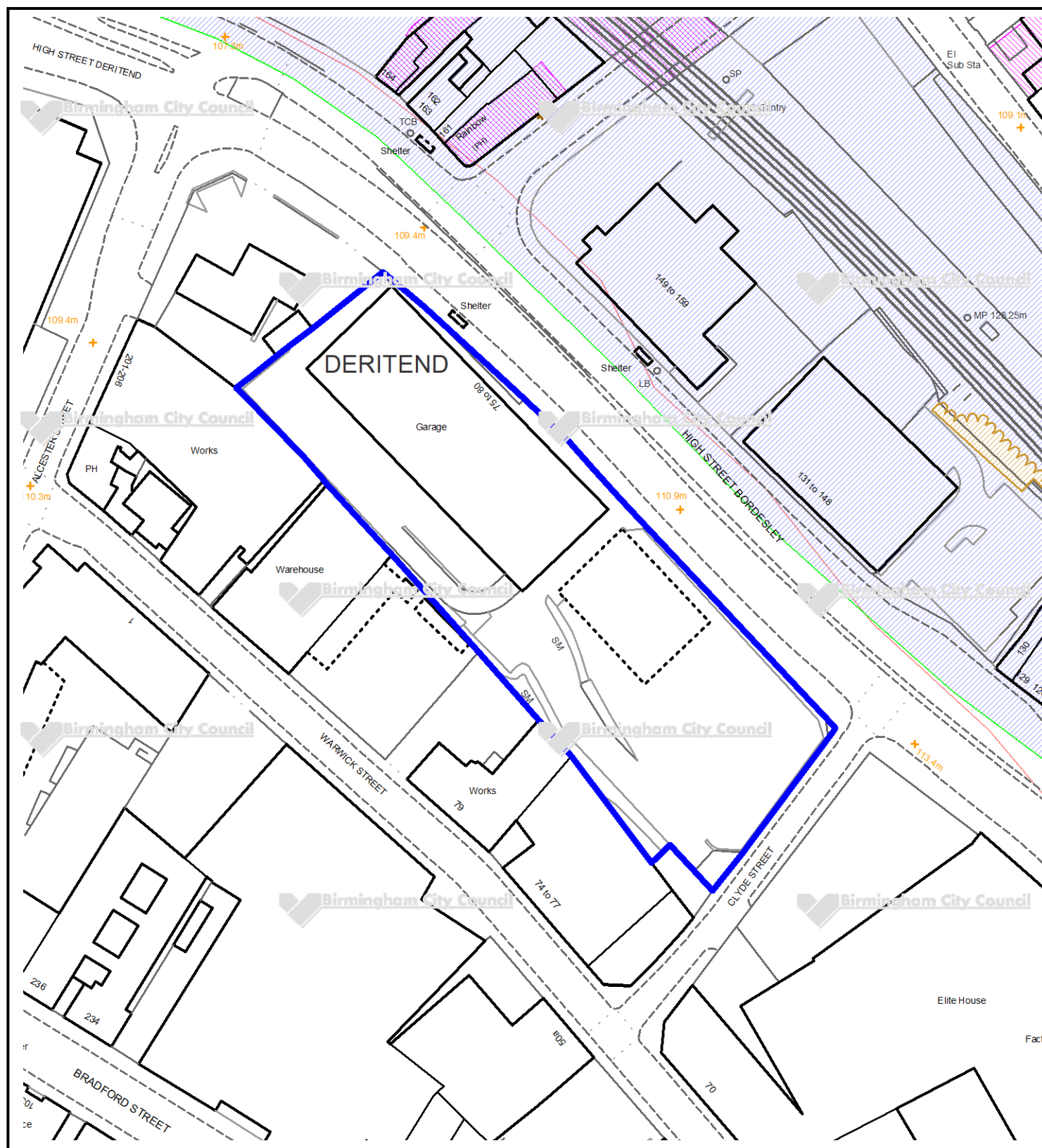


View from High Street looking south east away from the City Centre



View from High Street looking north west toward the City Centre

Location Plan



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Birmingham City Council

Planning Committee

18 January 2018

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>
Prior Approval required - Approve Condition	10	2017/10696/PA North Worcestershire Golf Club Ltd Hanging Lane Birmingham B31 5LP Application for prior notification of proposed demolition of the clubhouse

Committee Date:	18/01/2018	Application Number:	2017/10696/PA
Accepted:	18/12/2017	Application Type:	Demolition Determination
Target Date:	19/01/2018		
Ward:	Longbridge		

North Worcestershire Golf Club Ltd, Hanging Lane, Longbridge,
Birmingham, B31 5LP

Application for prior notification of proposed demolition of the clubhouse

Applicant: Bloor Homes
c/o Agent
Agent: Harris Lamb Property Consultancy
75-76 Francis Road, Edgbaston, Birmingham, B16 8SP

Recommendation

Prior Approval Required And To Approve With Conditions

1. Proposal

- 1.1. This application is made under the provisions of Part 11 of the Town and Country Planning (General Permitted Development) Order 2015 and seeks a determination as to whether prior approval is required for the method of demolition and site restoration at North Worcestershire Golf Club Clubhouse.
- 1.2. The method of demolition of the clubhouse would include 'soft-strip' of the internal fixtures and fitting, with the items then being removed from the site. The remaining structure would be demolished by mechanical means; the items would then be sifted for removal from the site. By means of restoration, the site would be demolished to slab level.
- 1.3. Future redevelopment of the site is ultimately proposed, however there is currently no live planning application for the site.
- 1.4. This application is a resubmission of a previous application (2017/09672/PA) which was withdrawn due to the incorrect site notice being displayed.
- 1.5. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The North Worcestershire Golf Course is located in the south of the City within the Longbridge Ward. The Golf Club closed on 31st March 2016 and the site is now closed.
- 2.2. The 32.35ha site is bounded by Frankley Beeches Road, Hanging Lane, Elan Road, Josiah Road and Tessall Lane. The clubhouse, located in the northeast corner of the site, is accessed from Hanging Lane, 10m from the junction with Frankley Beeches Road. In September 2017, the main clubhouse building was severely damaged by

fire, resulting in structural damage. Most of the site is adjacent to roads, by exception residential properties of Guardian Close (to the north), Josiah Road (east) and parts of Tessell Lane (south) and Hanging Lane (east) have rear gardens that are adjacent to the boundary of the site. Those in Hanging Lane have a rear access that provides access to both the houses and a storage yard to the golf course. The site is located within an established residential area.

- 2.3. The site consists of large woodland areas within landscaped grounds. Several watercourses run through the site, including the Hanging Brook which surfaces within the centre of the site and flows eastwards. This watercourse joins the River Rea, 1km to the east.
- 2.4. In terms of levels the site slopes from 205m above ordnance datum (above ordnance datum- AOD) in the southern part of the site, to its lowest point (177 AOD) in the centre and eastern area of the site, and rises back up to the north to a final height of 197m AOD on the northern boundary. The opposing east to west contour, slopes down from 200 AOD (on the west boundary) down to 180 AOD on the east boundary.

[Site Location](#)

3. Planning History

- 3.1. 01/03/2017 – 2016/02717/PA Outline planning permission for development of up to 1,000 dwellings, public open space, primary school, multi-use community hub, new access points, the demolition of club house and associated infrastructure. All matters are reserved apart from access – Withdrawn.
- 3.2. 31/08/2017 – 2017/02724/PA – Outline planning application with all matters reserved except access for the demolition of the club house and the development of up to 950 dwellings, public open space, primary school, multi use community hub, new access points and associated infrastructure – Refused at Planning Committee on the grounds of 1) The site not being allocated for new housing in the newly adopted Birmingham Development Plan and 2) As the Master Plan failed to pay sufficient regard to the identified site constraints of ecology, trees and important landscape features or the local context, as well as connectivity, density and layout.
- 3.3. 15/12/2017 – 2017/09672/PA - Application for prior notification for the demolition of existing building.

4. Consultation/PP Responses

- 4.1. Transportation – No objection
- 4.2. Regulatory Services – Comments from previous withdrawn application – No objection subject to the operator being aware that The EPU Construction Policy forbids the burning of material (except for diseased wood) and requires the construction site to operate within the following hours Monday to Friday: 8am to 6pm, Saturday: 8am to 1pm, Sundays and Bank Holidays: Not at all).
- 4.3. Ecology – No objection subject to conditions.

4.4. Requisite site notice has been displayed by the applicant, and local Ward Councillors have been consulted. At the time of writing, 1 letter of objection has been received from a local resident, on the following grounds:

- Questioning the change from the previously withdrawn application
- The building is insured and should be re-built
- Questioning why this application for demolition has been submitted when the application for new homes was refused
- Concerns were also raised regarding the potential development of dwellings on the site as follows:
 - The proposal had been badly thought out
 - Already an increase in traffic in the area due to the development of New Longbridge Village.
 - Existing infrastructure is unable to cope and the road network and public transport would be badly affected
 - Increased pressure on local services and emergency services
 - Increase in anti-social behaviour
 - Flood risk concerns
 - Impact on existing local residents

5. Policy Context

5.1. The following local policies are relevant:

- The Birmingham Development Plan (BDP) 2017
- TPO 1574

5.2. The following national policies are relevant:

- National Planning Policy Framework (NPPF) 2012

6. Planning Considerations

6.1. This application seeks a determination as to whether prior approval is required for the demolition of the North Worcestershire Golf Club Clubhouse. In accordance with the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 11, Class B, the matters to be considered are the method of demolition and the means of restoring the site.

6.2. This application is a resubmission of another application for the same proposal which was withdrawn on 15th December 2017 as the applicant had displayed the incorrect site notice.

6.3. The applicants are proposing demolition by soft strip and mechanical methods, with all items being removed from the site: this method is consistent with demolition applications approved elsewhere in the City. The site would be demolished to slab level, awaiting future redevelopment. All rubble and waste material would be removed from the site, with just the slab of the building remaining.

6.4. In 2015 a Bat Survey confirmed the presence of two common pipistrelle bat roosts. Following the fire at the Club House in September 2017, it appears that the roost on the western gable end of the second storey extension was damaged, and would therefore no longer be suitable for roosting. There is also a low risk that the other roost site within the building is still in use.

- 6.5. The applicant has submitted a Precautionary Methods Statement (Bats) in support of the application. The City's Ecologist is satisfied with the proposed methods of demolition and means of restoring the site, subject to the works being undertaken fully in accordance with the Precautionary Methods Statement (Bats) (Ecus Ltd, October 2017, Report Ref: 10716). In addition, the two bat boxes that are being provided as alternative roost locations should be installed before any dismantling / demolition works take place, as outlined in the Precautionary Methods Statement (Bats). The location of these boxes should be agreed with the applicant's ecological consultant, and a plan should be submitted to Birmingham City Council showing the bat boxes' location, preferably identifying the trees from the Tree Survey.
- 6.6. No objections have been raised from my colleagues in Transportation or Regulatory Services. However, Regulatory Services have stated that the operator should be aware that The EPU Construction Policy forbids the burning of material (except for diseased wood) and requires the construction site to operate the following hours Monday to Friday: 8am to 6pm, Saturday: 8am to 1pm, Sundays and Bank Holidays: Not at all). I will inform the Applicant separately.
- 6.7. I note the objection raised by a local resident. The previously withdrawn application received 8 letters of objection and an objection from Councillor Cartwright. As the Prior Approval application can only be determined on the matters of method of demolition and site restoration, these comments generally cannot carry material weight. One point refers to possible future development at the site and a concern that local residents have not been given appropriate chance to comment. Should a further planning application be submitted for development at the site, there would be another opportunity for local residents to comment on the proposal including on all the various topic areas listed. Further, one of the previous objections raised concern about the methods of consultation for this application: applications for prior notification for the demolition of an existing building require the applicant to display a site notice and not the City Council. Following the posting of the new site notice for this application, I am satisfied the Applicant has carried out the correct publicity, with the site notice displayed at the site entrance on Hanging Lane.

7. Conclusion

- 7.1. The proposed methods of demolition and restoration of the site are acceptable, subject to the works being carried out in accordance with the Precautionary Methods Statement (Bats) (Ecus Ltd, October 2017, Report Ref: 10716), two bat boxes being provided and operations at the site should only be carried out during times specified by Regulatory Services.

8. Recommendation

- 8.1. Prior Approval required and approved subject to condition.

1	The works should be undertaken fully in accordance with the Precautionary Methods Statement (Bats).
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Case Officer: Caroline Featherston

Photo(s)

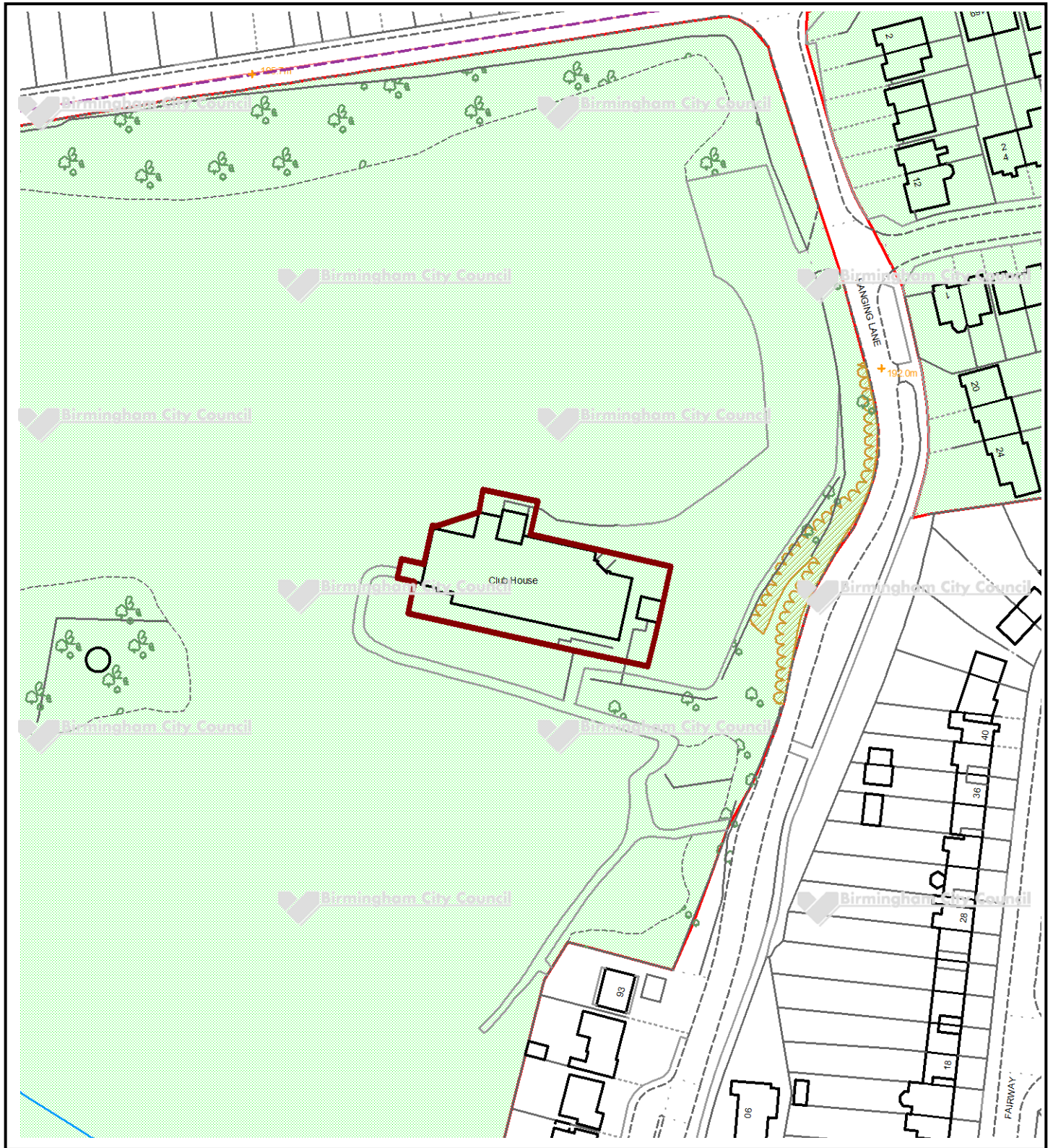


Photo 1 – North elevation



Photo 2 – South elevation

Location Plan



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Birmingham City Council

Planning Committee

18 January 2018

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Approve - Conditions	11	2017/09372/PA 35-41 Highfield Road Washwood Heath Birmingham B8 3QD Retention of use as a banqueting suite/ restaurant (Sui Generis) and retention of external works including extraction flues, together with provision of both on-site and off-site car parking
Approve - Conditions	12	2017/03758/PA 825 Tyburn Road Erdington Birmingham B24 9NY Retention of change of use from car dealership building to vehicle display car park (Sui Generis) and storage, to include hard surface permeable asphalt (tarmac) and lighting columns.
Approve - Conditions	13	2017/03036/PA 104, 106 and 108 Summer Road Erdington Birmingham B23 6DY Change of use from offices (Use Class B1) to a school for special educational needs (Use class D1c) at 104 Summer Road, residential care home (Use class C2) at 106 Summer Road and the rear area of 108 Summer Road to additional car parking associated with the existing use and proposed uses

Committee Date:	18/01/2018	Application Number:	2017/09372/PA
Accepted:	16/11/2017	Application Type:	Full Planning
Target Date:	19/01/2018		
Ward:	Washwood Heath		

35-41 Highfield Road, Washwood Heath, Birmingham, B8 3QD

Retention of use as a banqueting suite/ restaurant (Sui Generis) and retention of external works including extraction flues, together with provision of both on-site and off-site car parking

Applicant:	Mr Nazir
	35-41, Highfield Road, Washwood Heath, Birmingham, B8 3QD
Agent:	Latimer Planning LLP
	6 Shaw Street, Worcester, WR1 3QQ

Recommendation

Approve Subject To Conditions

1. Proposal
 - 1.1. Background
 - 1.2. Prior to 2008, the application premises were known as East Birmingham Trades & Labour Club and included a function/ community hall with 420 seats. As it was a long-established social club, there were no planning conditions attached to the premises. The club operated between 0800 – 2300 hrs daily. Within the basement, there was a separate members-only snooker hall which was open between 1000 – 0400 hrs daily. 35 car parking spaces and 1 mini bus space were available.
 - 1.3. The premises were acquired in 2008 and operated as a Conference and Function Hall (known as Nawab Hall). A modern 2/3 storey front extension to the premises was implemented (under App. No. App. No. 2008/00502/PA). This extension provided improved w.c's and office facilities. A condition was attached (C7), preventing banqueting or weddings being held at the premises.
 - 1.4. In December 2010 removal of Condition C7 (attached to approval 2008/00502/PA), was allowed on appeal to enable banqueting and weddings to be held at the premises, subject to conditions.
 - 1.5. In February 2016 the premises were refurbished internally and externally and re-named Ziryab Executive Buffet. An element of unauthorised restaurant use was provided.
 - 1.6. Proposals
 - 1.7. Consent is sought for retention of use as a banqueting suite/ restaurant use (Sui Generis) and retention of external works including provision of new extraction flues, together with provision of on-site and off-site car parking.

- 1.8. The submitted plans show that the basement is currently used for storage. The ground floor comprises entrance lobby, waiting area, buffet area, large seating area (430sq.m approx.), stage, storage rooms and w.c's. The first floor comprises 4 offices and storage areas.
- 1.9. Externally, new cladding panels have been added to the front façade and a glazed entrance feature to the premises has been provided. Along the side (south) elevation, replacement extract equipment has been installed.
- 1.10. To the front of the premises is a forecourt area and new boundary wall/ railings, with vehicular entrance and exit. Within a supporting statement, it is indicated that 122 car parking spaces are available. These include 10 spaces on the front forecourt and 52 spaces at the side of the premises. In addition, 40 spaces are available off-site at a Health Clinic in Craddock Road (dual use) and recently a further 20 spaces have been provided close-by at Unit 3, Highfield Road (dual use). It is noted that parking stewards are provided at all car parks when the premises are open. A directional signage board has been installed at the site entrance showing the location of the Craddock Road Overflow car park. It is intended that the signage would be replaced shortly to take account of the newly acquired additional car parking provision at Unit 3, Highfield Road. It is further indicated that the business web site will include directions to all of the car parks.
- 1.11. It is emphasised that the main use of the premises is as a banqueting suite, with the restaurant being a secondary use.
- 1.12. The premises are open to customers between 1700 – 2300 hrs daily and approx. 20 staff are employed at the premises.
- 1.13. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application premises comprise a large detached building, with adjoining car parking. It is located on the east side of Highfield Road, approx. 110m north of the junction with Alum Rock Road and approx. 34m north of the primary shopping area of the Alum Rock Road District Centre as defined by the Shopping and Local Centres SPD 2012. Adjoining to the north are 2-storey terraced residential dwellings. Adjoining to the south is Alum Rock Medical Centre (27-29 Highfield Road). To the rear (east) are further 2-storey residential properties. On the opposite side of Highfield Road (west) is an Islamic Education Centre (at 174 Havelock Road). The immediate surroundings are therefore considered to be mixed residential/ commercial in character.
- 2.2. The Health Clinic in Craddock Road, which provides 40 car parking spaces, is located 140m (approx.) north-west of the application premises. Craddock Road is a cul-de-sac, accessed off Havelock Road which is located directly opposite the application premises. Craddock Road and Havelock Road comprise primarily 2-storey terraced dwellings.
- 2.3. Unit 3, Highfield Road, which provides a further 20 car parking spaces, is located 43m (approx.) south-west of the application premises. It comprises a car parking area at the side/ rear of retail premises fronting Highfield Road and is adjoined by industrial/ commercial uses. This site is located within the primary shopping area of

the Alum Rock Road District Centre as defined by the Shopping and Local Centres SPD 2012.

2.4. [Location Plan](#)

3. [Planning History](#)

- 3.1. 30/08/1990 - 1990/01960/PA - Improvement to club entrance and reception area – Approved subject to conditions.
- 3.2. 03/08/2008 - 2008/00502/PA – Demolition of two-storey element and erection of two/three-storey front extension – Approved subject to conditions, including limiting of opening hours to 0800-2300 daily and prohibiting banqueting and weddings.
- 3.3. 31/12/2010 - 2010/02245/PA - Removal of Condition C7 attached to approval 2008/00502/PA (demolition of 2 storey element and erection of 2/ 3 storey extension at front) to allow banqueting and weddings to be held at the premises – Non-determination appeal, but recommendation minded to Approve endorsed by Committee, subject to further conditions including together with parking spaces within the application site at least 55 additional parking spaces shall be provided within 400 metre of the site, details of dropping off point and restricting the number of people allowed on the premises to no more than 420.
- 3.4. 30/12/2010 – APP/P4605/A/10/2135853 Appeal allowed, with above conditions attached.
- 3.5. 06.08.2012 - 2012/02647/PA - Minor material amendment to planning approval 2010/02245/PA to include external alterations to side and front elevations – Approved subject to conditions.
- 3.6. 03/01/2013 - 2012/06459/PA - Application to determine the details for Condition Nos. 1-15 (inclusive) attached to approval 2012/02647/PA – Part approved/ Part refused.
- 3.7. 2017/02155/PA - Retention of use as a banqueting suite/restaurant (Sui Generis) and retention of external works including extraction flues, together with provision of car parking both on-site and car park at northern end of Cradock Road – Withdrawn.
- 3.8. [Enforcement History](#)
- 3.9. 04/03/2009 - 2009/0329/ENF – Breach of condition C7 relating to App. No. 2008/00502/PA as hall being used as a banqueting suite without permission – Case closed, following appeal decision.
- 3.10. 21/03/2011 - 2011/0390/ENF - Unauthorised change of use of premises from a sports and social club (sui generis) to a function hall (Class D2) – Case closed, following investigations.
- 3.11. 29/06/2016 - 2016/0743/ENF - Alleged unauthorised change of use to include restaurant – held in abeyance pending the outcome of current planning application.

4. [Consultation/PP Responses](#)

- 4.1. Local Councillors, Liam Byrne M.P, Local occupiers (177) notified. Site notice posted. 21 objections (from at least 27 addresses) and 2 responses received in support, including response from Cllr Aikhlaq MBE. Petition in support provided (53 signatures – as follows; 15 Craddock Road, 25 Havelock Road & 13 Highfield Road). Petition states ‘support for the continued use of Ziryabs Executive Buffet as a banqueting suite and restaurant. I have NO objections to Ziryabs Executive Buffet to operate as a restaurant’.
- 4.2. *21 Objections on grounds of:*
- *Increased traffic - Highfield Road is a main road that connects Alum Rock Road to Washwood Heath Road, with doctor’s surgery and mosque close-by. The increased traffic is causing highway and road safety problems;*
 - *The extra car parking facility offered on Craddock Road has insufficient capacity (particularly on Friday and Saturday evenings) and is a long distance to the premises. It is unlikely that customer would use the car park when they could find a car parking space in nearby streets;*
 - *Congestion – particularly in evenings, mainly caused by dropping-off/ picking-up of customers on Highfield Road;*
 - *Insufficient parking provision which causes parking problem, generally from evening 6pm to 10pm. Residents are unable to find a car parking near to their homes in the evenings and therefore have to park their car several street away. Banqueting use caused parking/ highway problems limited largely to the weekends, but now every evening is affected when the restaurant is open;*
 - *Parking on pavements and corners causing hazardous situation and there have been several accidents;*
 - *The buffet is serving Asian weddings and banquets with coaches parked on Highfield Road;*
 - *Obstructions cause visibility issues and difficulty crossing roads;*
 - *Dangerous for other road users and pedestrians, including younger children, elderly, those with pushchairs and wheelchairs;*
 - *Inconsiderate and illegal parking, such as within disabled parking bays, across accesses/ drives and blocking-in of cars. Customers are rude and confrontational when their behaviour is challenged;*
 - *Cars have been damaged;*
 - *This site is not suitable to accommodate the large scale buffet/weddings and banquets. Owners traffic marshals do no help the situation;*
 - *Due to the late opening times and the increased number of people visiting the premises, local resident are adversely affected in terms of high noise levels. Also, wedding functions produce a lot of noise from drum playing, screaming people and car horns. Occasional also noise problems from fireworks. Noise problems are made worse by people congregating outside, especially during summer months when windows are usually open;*

- Air pollution caused by smells coming from the premises such as fish, charcoal & strong spices making it difficult to hang out washing. Rubbish bins leak and also, when rubbish bins are washed the dirty water flows down the road leading to further smell issues as well and blocking-up the drains. Smell problems are worse in the summer;
- There is a rat and mice infestation and litter problems;
- Patients who use the nearby GP surgery have been adversely affected;
- Often customers congregate on the Highfield Road. This causes road safety issues due to customers parking outside the restaurant and, as they are often groups of young men, it can be intimidating to those trying to get past. Also have been fights outside;
- The sheer volume of trade that the premises attract has had a negative impact on the quality of life for local residents;
- Cradock Road, which is a cul-de-sac, is now unsafe for children to play outside due to the level of traffic;
- Premises are predominantly operating as a restaurant (A3);
- Premises have been illegally operating as a buffet restaurant to members of the public for over 18 months. Use should cease until they get permission;
- The premises should be restored to its original use;
- The majority of residents haven't signed the petition in support;
- Highfield Road is a densely populated residential road and the use is causing considerable problems for locals. The site is unsuitable for the use. It should re-locate to a more suitable area. When the site was used as club it accommodated no more than 50-100 people, maximum on Friday or Saturday and was not a disturbance to the locals;
- Should the buffet continue despite the large scale objections raised, the local residents will be left no choice but to forward the matter to the Ombudsman.

4.3. One response in support from Cllr Aikhlaq MBE.

- Support for the application – The premises are local and have used the facility. It is understood that 30 plus people are employed at the premises and as customers attend from all over U.K, it helps the local business.

4.4. One response from a local resident.

- Very privileged to have such a wonderful facility in our area and therefore support the application.

4.5. Transportation Development – Temporary approval recommended, to allow for monitoring and to ensure that remedial action is taken to improve the management of travel demand at the premises. Conditions recommended if minded to approve; restricting capacity to no more than 420 people; provision of a car parking management plan, including details of marshalling and operation of drop-off /

collection facilities; parking areas to be available at all times during the operation of the premises and use to cease should off-site car parking become unavailable, provision of directional signage; no A5 takeaway sales or food delivery; amended car park layout; commercial Travel Plan; cycle storage details, pedestrian visibility splays; and Car Park Management Plan.

4.6. Regulatory Services – No objections.

4.7. West Midlands Police – No objections.

4.8. Access - The car park should include parking spaces for people with disabilities, disabled toilet/ parent and child changing/feeding facilities should be provided and a prayer room would be a useful facility.

5. Policy Context

5.1. NPPF (2012), Birmingham Development Plan (2017), Birmingham Unitary Development Plan, Saved Policies (2005), Places for All SPG (2001), Shopping and Local Centres SPD (2012), Car Parking Guidelines SPD (2012).

6. Planning Considerations

6.1. The main considerations in the determination of this planning application are the principle of the proposal in this location, the effect upon residential and visual amenity and highway implications.

6.2. *Principle of Use*

6.3. The application premises were erected in 1922 and were known as East Birmingham Trades & Labour Club and included a function/ community hall with 420 seats. Within the basement, there was a separate members-only snooker hall which was open between 1000 – 0400 hrs daily. The club was converted into a banqueting suite in 2007 and the basement was used for storage purposes. In February 2016, the premises were refurbished and used as a banqueting suite, with an element of unauthorised restaurant use. As the banqueting element has been previously approved and is well established, the principle to be assessed is only the restaurant element.

6.4. The application premises are located approx. 34m north of the primary shopping area of the Alum Rock Road District Centre. Therefore, it is considered to be on the edge of the District Centre. The immediate surroundings are considered to be mixed in character, with residential adjoining to the north and rear, as well as Alum Rock Medical Centre adjoining to the south and an Islamic Education Centre on the opposite side of Highfield Road. As such, I consider that due to the close proximity to the District Centre and the mixed character of the immediate surroundings, it is considered that, in principle, the restaurant element is acceptable.

6.5. *Residential Amenity*

6.6. Objections have been received stating that the premises are more popular than the previous social club use and hence causes greater problems of noise and disturbance, particularly from customers congregating outside the premises. However, these customers could well be related to the banqueting use and it would be difficult to ascertain whether the restaurant use alone has resulted in any additional noise and disturbance issues. It has been stated that the use would seem

to have been busier over the last 2 years since the premises were refurbished and the restaurant use commenced, particularly during weekdays. The application premises have been used as a banqueting suite for over 10 years. Additional noise and disturbance impacts would seem to be minimal. The application premises are located on the busy Highfield Road (B4516). This road links Alum Rock Road to Washwood Heath Road. As such ambient noise levels are high and I consider that local residential occupiers are unlikely to be adversely impacted by the restaurant element of the use. Regulatory Services have expressed no objections.

6.7. *Visual Amenity*

- 6.8. The premises have been refurbished and a new front façade has been provided. This comprises installation of cladding panels and a glazed entrance feature to the front elevation of the premises. A new boundary wall has also been provided. This modernisation of the premises and provision of a new boundary wall has improved the visual appearance of the premises, positively contributing to the streetscene and visual appearance of the area.

6.9. *Highway Implications*

- 6.10. The application premises are permitted to operate as a banqueting suite, subject to conditions including provision of parking spaces within the application site together with at least 55 additional parking spaces to be provided within 400 metre of the site, details of dropping off point and restricting the number of people allowed on the premises to no more than 420.
- 6.11. Currently, according to supporting information, 10 car parking spaces are provided on the front forecourt and 52 spaces at the side of the premises. In addition, 40 spaces are available off-site at a Health Clinic in Craddock Road, 140 to the north-west. This provision is below that required by the above planning condition, which requires at least 55 spaces to be provided within 400m. In addition, no dropping off point is provided due to the provision of forecourt parking. However, as a result of negotiations, the applicant has recently provided a further 20 car parking spaces close-by at Unit 3, Highfield Road, 43m south-west of the application premises. Also, parking stewards are now being provided at all car parks when the premises are open and a directional signage board has been installed at the site entrance showing the location of the Craddock Road Overflow car park. It is further intended that the signage would be replaced shortly to take account of the newly acquired additional car parking provision at Unit 3, Highfield Road. It is further indicated that the business web site would be up-dated to include directions to all of the car parks. I consider that the applicant is co-operating and trying to assist in overcoming parking problems.
- 6.12. As a result of the consultation process, a number of local residents have objected to the proposals, particularly on highway grounds and in their view the on-site adjoining car parking provision is inadequate. Despite the provision of the overflow off-site car parks, they state that many customers choose to park in adjoining residential roads, such as Havelock Road and Craddock Road, rather than drive to the designated car parking areas which has a detrimental impact on local residents.
- 6.13. It is noted that parking demand in the locality of the application premises is extremely high. The premises are located close to Alum Rock District Centre and Highfield Road links Alum Rock Road to Washwood Heath Road. In addition, there is a high demand from local residential occupiers as the area is characterised by high density terraced housing, most of which do not benefit from in-curtilage parking.

Further, local commercial occupiers and the application use also increases the demand for car parking provision. Transportation Development have noted that there are often occasions where illegal, inconsiderate and hazardous parking behaviour is observed in the vicinity of the site. However, they acknowledge that even when the premises are closed, on-street car parking is at full capacity and obstructive and hazardous parking takes place. It is advised that there is a finite level of on-street capacity and demand for parking locally would seem to greater than the available capacity. Transportation Development have stressed that similar parking behaviour is noted to occur (with increasing frequency over the past few years) on terraced residential streets where there are not any competing commercial or leisure uses, due to the ratio of kerbspace parking space to number of properties, with likely incremental increases in local levels of vehicle ownership. Residential parking demand is evidently highest during evening/ weekend times when demand for customer parking is also at its highest. However, there is a difficulty in assessing whether the obstructive parking noted in the vicinity of the site is more frequently directly carried out by customers, or whether it is more attributable to residents' vehicles being parked in such locations, due to legal and appropriate on-street spaces already being taken up on arrival, potentially by customers of the banqueting/ restaurant use. As such, a temporary approval, subject to conditions, is recommended by Transportation Development in order to allow for monitoring and to ensure that remedial action is taken to improve the management of travel demand at the premises.

- 6.14. I consider that clearly there are parking issues in the locality, but it would seem difficult to assess whether these can be attributed to the application premises and more specifically to the restaurant element now under consideration. In addition, it should be noted that under BCC Car Parking Guidelines SPD (2012), it is suggested that a D2 use (e.g. Banqueting Suite) provide 1 space per 5 covers, whilst an A3 use (Restaurant) provide 1 space per 6 covers. Therefore, the restaurant element is likely to generate less parking demand than the approved banqueting suite. I note that the site is located within a sustainable location, being close to the Alum Rock District Centre and around 800m from Washwood Heath Road and its associated public transport connections. Also, the site is acknowledged to be within convenient walking distance of a densely populated residential catchment, and as such should have potential to benefit from shared purpose trips & travel by sustainable modes. I consider therefore that a permanent consent would be appropriate, subject to the conditions recommended by Transportation Development outlined above.

7. Conclusion

- 7.1. The retention of use as a banqueting suite/ restaurant, together with external works and car parking provision is considered acceptable in terms of residential and visual amenity as well as highway safety, subject to satisfactory safeguarding conditions outlined above.

8. Recommendation

- 8.1. Approve subject to conditions.

1	Limits the hours of use to 1700 - 2300 hrs Monday to Fridays and Sundays/ Bank Holidays and between 1700 - 2300 hrs on Saturdays
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-
- 2 Requires an amended car park layout
 - 3 Requires the submission of a commercial travel plan
 - 4 Requires the submission of cycle storage details
 - 5 Requires pedestrian visibility splays to be provided
 - 6 Requires the submission of a car park management plan for disabled spaces
 - 7 Requires the scheme to be in accordance with the listed approved plans
 - 8 No more than 420 people shall be allowed on the premises at any one time
 - 9 Requires the submission of a car park management plan for marshalling and drop-off facilities
 - 10 The car parking provision shall be available at all times
 - 11 Requires the submission of car parking signage
-

Case Officer: Tony White

Photo(s)



Fig. 1: Application Premises



Fig. 2: Adjoining Main Car Park

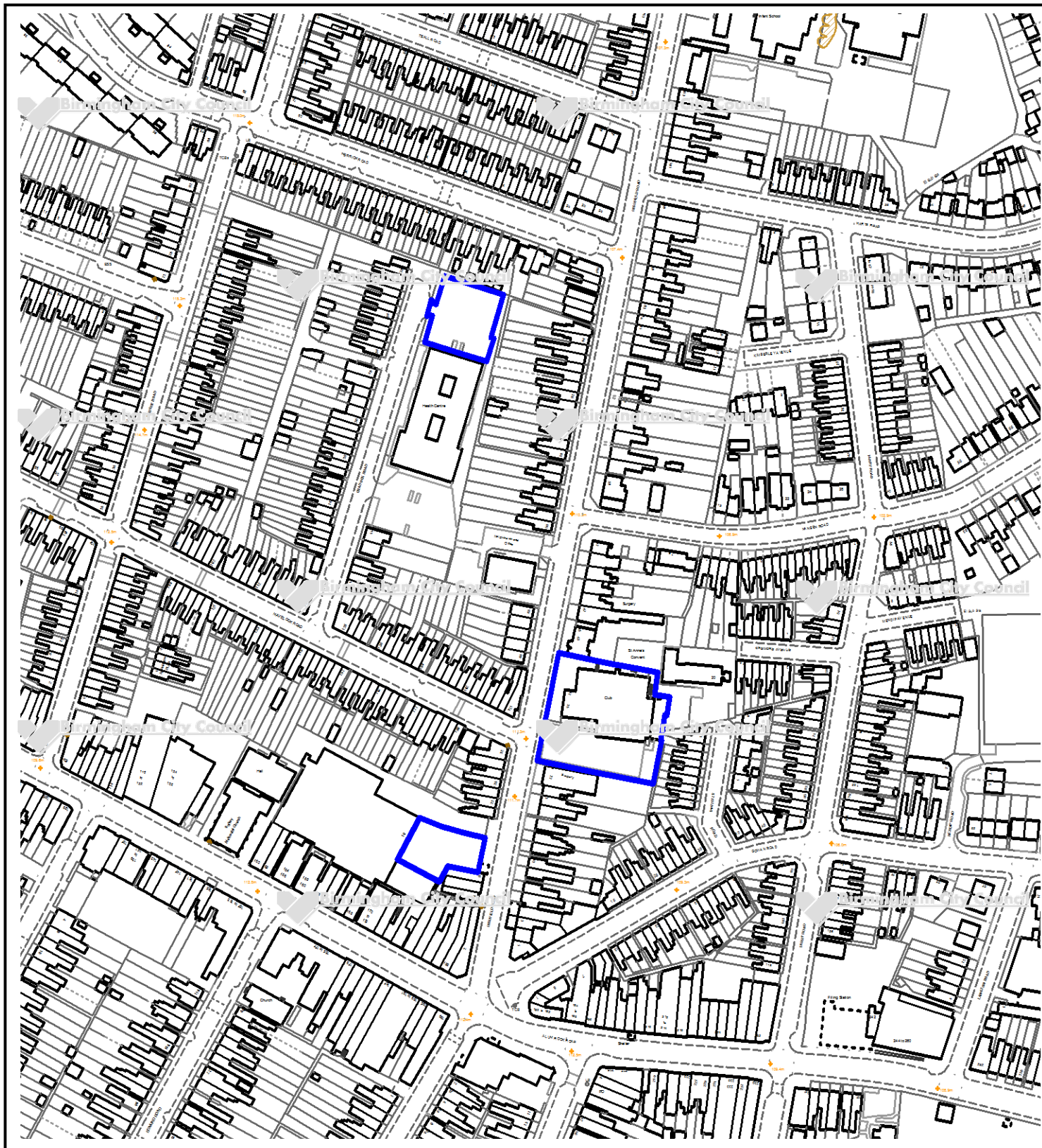


Fig. 3: Car Park at Health Centre, Craddock Road



Fig 4: Car Park at Unit 3, Highfield Road

Location Plan



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Committee Date:	18/01/2018	Application Number:	2017/03758/PA
Accepted:	06/07/2017	Application Type:	Full Planning
Target Date:	19/01/2018		
Ward:	Tyburn		

825 Tyburn Road, Erdington, Birmingham, B24 9NY

Retention of change of use from car dealership building to vehicle display car park (Sui Generis) and storage, to include hard surface permeable asphalt (tarmac) and lighting columns.

Applicant:	Jardine Motors Group Milton Keynes Audi,, Northfield Drive, Northfield,, Milton Keynes, MK15 0DQ
Agent:	SDA Architects Manor Mills, Manor Road, Leeds, LS11 9AH,

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. Consent is sought for the retention of the change of use of a formerly enclosed vehicle storage compound to that of a mixed vehicle display car park and vehicle compound (Sui Generis), to include 6no 7.5m high lighting columns, hard surfacing and marking out at the former Mazda car dealership, 825 Tyburn Road. The occupiers of the site have subsequently changed to that of the Audi Erdington dealership.
- 1.2. The area is within the new Audi dealership site, to the east of the main dealership building formerly occupied by the Mazda dealership, covering an area of approximately 2400sqm. The area has been sub-divided to allow for the formation of a 60 vehicle marked out vehicle display area of approximately 1700sqm to the northern edge of the site fronting Tyburn Road and, a vehicle compound of approximately 700sqm to the southern edge, adjacent to a section of the Birmingham and Fazeley Canal. The area has been constructed of hard surfaced tarmac permeable asphalt.
- 1.3. The 6 lighting columns are 7.5m in height, constructed of galvanised and painted steel, being square in cross section. The lighting columns are peripheral area columns and consist of LED spotlights which can be turned through 90 degrees.
- 1.4. Supporting information has been submitted in the form of site levels & drainage, drainage details, external drainage layout, design and access statement, lighting statement and a drainage sustainability & maintenance statement.
- 1.5. **Background:** The site was formerly in use solely as a vehicle compound storage area. The area of the compound originally had planning consent under application reference 2011/05448/PA for the development of an additional car dealership

building, as part of a wider consent which granted the demolition of existing buildings and outline application (all matters reserved) for the erection of 4no. car showrooms (Sui Generis) with ancillary accommodation, separate servicing facilities with office accommodation above, external car parking and car display. A subsequent application dealing with reserved matters was assessed and approved on the 4th October 2013 for access, appearance, landscaping, layout and scale.

[Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site formerly comprised of an enclosed vehicle compound, which was bounded by 1.8m high fencing and gates. The area of land is associated with the Audi car dealership, which consists of a modern commercial car showroom and workshop unit with associated vehicle parking. The site is located within a Core Employment Area.
- 2.2. The site fronts onto the main A38 Tyburn Road, a dual carriageway with lanes separated by a central reservation area of landscaping. The southern side of Tyburn Road on which the application site is located is predominantly commercial in character with the northern side of the road being predominantly residential in character. The rear of the application site faces onto a section of Birmingham & Fazeley Canal with industrial uses beyond.

<https://mapfling.com/qtx3ju3>

3. Planning History

- 3.1. 2017/07681/PA, Display of replacement internally-illuminated and non-illuminated corporate signage, currently under consideration.
- 3.2. 2017/03772/PA, Replacement of existing mesh building facade cladding with new mesh cladding, decision pending
- 3.3. 18.03.2016. 2016/00540/PA, Display of various illuminated and non-illuminated signage, approved temporary.
- 3.4. 04.08.2014. 2014/03365/PA, Display of 1 no. internally illuminated fascia sign, 2 no. internally illuminated freestanding signs and 2 no. non-illuminated freestanding signs, approved temporary.
- 3.5. 09.09.2014. 2014/05285/PA, Display of 4 internally illuminated and 3 non-illuminated fascia signs and 3 internally illuminated and 1 non-illuminated other signs, approved temporary.
- 3.6. 04.10.2013. 2013/06177/PA, Reserved matters application (access, appearance, landscaping, layout and scale) for the erection of 3no. car showroom buildings with external car display areas, customer parking and landscaping associated with outline planning permission 2011/05448/PA (Plots 2, 3 and 4), approved.
- 3.7. 03.11.2011. 2011/05448/PA, Demolition of existing buildings and outline application (all matters reserved) for the erection of 4 no. car showrooms (Sui Generis) with ancillary accommodation, separate servicing facilities with office accommodation above, external car parking and car display, approved.

4. Consultation/PP Responses

4.1. Regulatory Services – No objection.

4.2. Transportation Development – No objection, subject to safeguarding condition requiring that no vehicle parking or storage shall occur on the Transporter Route to the west of the application site.

4.3. Severn Trent Water – No objections.

4.4. Canal and River Trust – No objection subject to safeguarding condition for a Construction and Environmental Management Plan, making the following advice/informatives:

- *The applicant/developer is advised to contact the Works Engineering team in order to ensure that any necessary consents are obtained and that works comply with the Canal & River trust “Code of practice for Works affecting the Canal & River Trust; and,*
- *The applicant is advised that any surface water discharge to the waterway will require prior consent from the Canal & River Trust. As the Trust is not a land drainage authority, such discharges are not granted as of right-where they are granted they will usually be subject to completion of a commercial agreement.*

4.5. BCC Local Lead Flood Authority – No objection subject to conditions requiring details of surface water drainage and sustainable drainage operation & maintenance plan. Stating the following information will be required prior to the discharge of the above conditions:

- *Site-specific infiltration testing, in accordance with BRE 365 Guidance, should be undertaken in the locations of the proposed soakaways. Results should be provided.*
- *Detailed calculations, with supporting network layout plan, to demonstrate the proposed network performance (for all events up to and including the 100yr plus 30% climate change event) are required. Evidence of this should include details of design criteria, water level, surcharged depth, flooded volume, pipe flow, flow/overflow capacity, status of network and outfall details under each event, and may take the form of software simulation results. Network performance should be evaluated for storm durations of 15, 30, 60, 120, 240, 360, 480, 960 & 1,440 minutes.*
- *Typical cross-sections and details of the proposed soakaway features and proposed connections.*
- *Evidence (layout/flow plans, calculations and/or simulation results) should be provided, with all applications, to ensure that the surface water flood risk associated with exceedance events has been mitigated on- and off-site.*
- *Information relating to the O&M of all proposed surface water features, which should include:*

Details of party, and information regarding arrangements, for the ongoing responsible for the maintenance of the proposed attenuation storage

Site-specific specifications for inspection and maintenance actions

A plan showing that the proposed access routes for routine O&M. With regard to any underground feature, an access manhole/inspection chamber is required within the structure (typically a minimum of two access locations are required) to accommodate typical maintenance actions (e.g. tank inspections, jetting, removal of sediment etc)

- 4.6 Site notice posted, neighbouring occupiers, residents associations and Ward Councillors notified, with no responses received.

5. Policy Context

- 5.1. Birmingham Development Plan (2017) and Birmingham UDP 2005 (Saved Policies); Places for All SPG; Car Parking Guidelines SPD, NPPF.

6. Planning Considerations

- 6.1. The main considerations in the determination of this application are:

- 6.2. **Planning policy:** The NPPF is based on the principles of sustainable development and requires the planning system to balance economic, social and environmental factors. The planning system plays a fundamental role in securing economic growth. At National level, paragraph 21 of the NPPF requires LPA to set out a clear economic vision and strategy for their area and proactively encourages sustainable development. The planning system should support existing business sectors, taking account of whether they are expanding or contracting out and, where possible, identify and plan for new and emerging sectors. Policies should be flexible enough to accommodate need not anticipated in the plan and to allow a rapid response to changes in economic circumstances. Local Planning Authorities should identify priority areas for economic regeneration, infrastructure provision and environmental enhancement.

- 6.3. Policy PG3 (Place making) of the Birmingham Development Plan 2017 states that all new development will be expected to demonstrate high design quality, contributing to a strong sense of place. New development should reinforce or create a positive sense of place and local distinctiveness with design that responds to site conditions and the local area context and, to make the best use of existing buildings and efficient use of land in support of the overall development strategy.

- 6.4. Policy TP18 of the Birmingham Development Plan outlines the core employment areas that will “be retained in employment use and will be focus of economic regeneration activities”. The BDP and Loss of Industrial Land to Alternative Uses SPD seek to protect employment locations throughout Birmingham. The policy states that employment land within clusters of commercial and business uses should be recommended for retention in employment uses. The SPD policy allows certain uses such as car dealerships within core employment areas.

- 6.5. **Principle of use:** The site is currently in use as a car dealership, being located within a Core Employment Area, to the southern edge of Tyburn Road, in an area where a number of purpose-built car dealership showrooms and associated uses have recently been developed. Neighbouring uses include further purpose-built car dealerships and commercial uses. The principle of the use of this area of the site as a vehicle display car park and vehicle compound is therefore considered acceptable, and is what would be expected on this area of land and wider location, subject to the

proposal not creating any adverse impacts on residential amenity, visual amenity or highway/public safety.

- 6.6. **Impact on residential/visual amenity:** This application seeks the retention of a change of use of a former vehicle storage compound, associated with the relocated Audi car dealership. The proposal includes the retention of 6no 7 metre high lighting columns within the proposal area. Neighbouring uses include further modern car showroom/sales sites of similar appearance and use. The proposal is what would be expected to be found within such a commercial area, improving the visual amenity of the site through the re-laying of the area with hardstanding and marking out. Regulatory Services have assessed the proposal and raise no objections and no comments have been received through public participation. Consequently, it is considered that no harm has occurred to visual or residential amenity above or beyond the previous situation, when the area was just a car storage compound. The proposal is therefore considered acceptable on visual and residential amenity grounds.
- 6.7. **Impact on highway safety:** Transportation Development have assessed the proposal and raise no objection, subject to a safeguarding condition to ensure that no vehicle parking or storage shall occur on the Transporter Route to the west of the application site, commenting that as the plot was originally earmarked for the development of a smaller dealership there are no issues in principle with the use of the plot for vehicle parking and/or sales display area. It is however noted that no detail of proposed staff and customer parking has been provided. In response, the applicant has confirmed that 21 customer including 1 disabled bay and 36 staff parking spaces are provided. Consequently, it is considered that the proposal is acceptable on highway grounds subject to the imposition of the appropriate highway conditions.
- 6.8. **Impact on the adjacent Birmingham & Fazeley Canal:** The Canal and River Trust have assessed the proposal and raise no objection, recommending a construction environmental management plan condition be imposed in order to protect any threat to the water environment of the adjoining canal and wider network. I do not consider the above condition necessary, as the development has been completed and supporting information in the form of site levels & drainage, drainage details, external drainage layout, design and access statement and a drainage sustainability & maintenance statement have been submitted in support of the proposal.
- 6.9. In terms of lighting, the Canal and River Trust raise no objection, commenting that the lighting is set off the boundary with the canal corridor and the light spill diagrams indicate no significant impact to the canal.
- 6.10. **Impact on flooding and drainage:** The Council as Lead Local Flooding Authority has raised no objections, subject to conditions to include submission of further surface water drainage details and a sustainable drainage operation and maintenance plan, commenting that preliminary soakaway testing has been provided and they accept the principle of the development.
- 6.11. Severn Trent Water have assessed the proposal and raise no objections.

7. Conclusion

- 7.1. It is considered that subject to the imposition of relevant planning conditions as discussed within this report the principle of the change of use can be supported and

that the proposal is acceptable in terms of residential/visual amenity and highway/pedestrian safety.

8. Recommendation

8.1. Approve subject to the following conditions.

-
- | | |
|---|--|
| 1 | Vehicle parking and storage shall only occur in accordance with approved plans |
| 2 | Details of surface water drainage and SUDS to be submitted |
| 3 | Requires the submission of a Sustainable Drainage Operation & Maintenance Plan |
| 4 | Requires the scheme to be in accordance with the listed approved plans |
-

Case Officer: Keith Mellor

Photo(s)

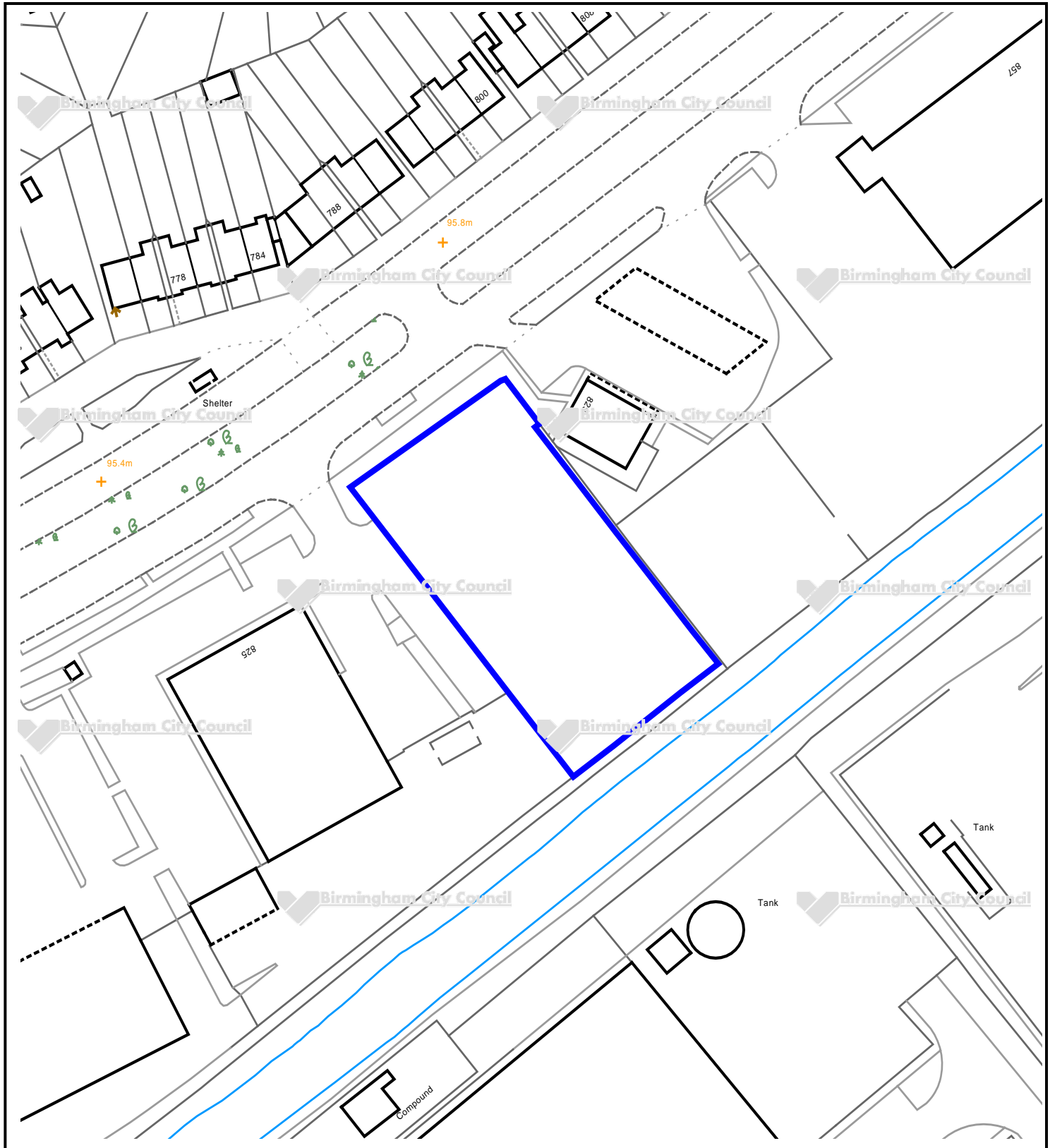


Site 1



Site 2

Location Plan



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Committee Date:	18/01/2018	Application Number:	2017/03036/PA
Accepted:	17/07/2017	Application Type:	Full Planning
Target Date:	19/01/2018		
Ward:	Stockland Green		

104, 106 and 108 Summer Road, Erdington, Birmingham, B23 6DY

Change of use from offices (Use Class B1) to a school for special educational needs (Use class D1c) at 104 Summer Road, residential care home (Use class C2) at 106 Summer Road and the rear area of 108 Summer Road to additional car parking associated with the existing use and proposed uses

Applicant: Steward Street Business Lofts
69 Steward Street, Hockley, Birmingham, B18 7AF
Agent: PJ Planning
Regent House, 156-7 Lower High Street, Stourbridge, DY8 1TS,

Recommendation

Approve Subject To Conditions

1. Proposal

1.1. Consent is sought for the change of use from offices (Use Class B1) to a school for special educational needs (Use Class D1c) at 104 Summer Road, plus the change of use from offices (Use Class B1) to a residential care home (Use Class C2) at 106 Summer Road and the change of use of the rear area of 108 Summer Road to an enlarged vehicle parking area (Sui Generis) associated with the existing use and proposed uses at 104 and 106 Summer Road.

1.2. The application has been submitted by NH Care and would take the form of: -

- A change of use of 104 Summer Road to a school for up to 20 children with learning difficulties/disabilities. The premises would be converted to provide three classrooms, kitchen/dining room, chill room, sensory room, reception, office, W.C's and teacher facilities. The school would operate classes consisting of 4-5 students, one teacher, one teaching assistant with 2 support staff on stand-by. A head teacher and administrator would also be on site. Student would have three break times in the outside play area in the morning, lunch and afternoon. The school may run evening clubs on 2 or 3 evenings a week to include chess and computer classes and, occasionally staff training sessions.
- A change of use of 106 Summer Road to a residential care home for up to three children with learning disabilities, who would reside in the property for between six months and three years. The premises would provide a residential layout with three bedrooms to the first floor and living accommodation to the ground floor. The type and level of care provided would include personal care and support for children with mild to severe learning disabilities and autism. The children in care would be schooled at the adjacent proposed school at 104 Summer Road. At weekends the

children would attend various events/activities and spend time with staff in their homes. Staff would operate shift patterns between the hours of 0700-2300 and with 2 to 3 staff at any one time and two staff would be present overnight. Parents would visit on a planned basis. An external play area of approximately 650sqm would be provided to the rear of property for use by the school and residential care home.

- The change of use of the rear area of 108 Summer Road, to provide laid out parking for 21 vehicles, consisting of 4 spaces for the existing office use that would continue to operate at 108 Summer Road and 17 spaces for the proposed uses at 104 and 106 Summer Road. A pedestrian route would be located from the car parking area to the rear of 106 Summer Road to provide safe pedestrian access between the properties. Access arrangements would continue to be maintained from Summer Road. The applicants are currently in the process of acquiring 108 Summer Road, however currently the property is in separate ownership, notice has been served.

[Link to Documents](#)

2. [Site & Surroundings](#)

- 2.1. Property 104 Summer Road is a two storey building currently occupied by offices, which fronts directly onto the back of footpath. The unit is attached to 1 South Road which has been sub-divided to provide two commercial units occupied by a hairdressers and a second hand shop.
- 2.2. Property 106 Summer Road is a two storey semi-detached property formerly in use as offices, attached to property 106 Summer Road, which is also in use as offices. To the front lies a hardstanding vehicle parking area and brick built ornate raised planting bed.
- 2.3. The rear area of 108 Summer Road is currently hard standing and used for storage and vehicle parking associated with the existing office use with an established double access to the side off an established dropped kerb.
- 2.4. Between properties 104 and 106 lies a gated access which leads to the rear areas of the properties and to the northern side elevation of property 106 lies a gated access, which leads to a hard standing rear amenity area which would be changed to provide off road parking for the proposed development.
- 2.5. The surrounding area is a mix of residential dwelling and commercial businesses including offices, retail and a car wash/valeting use on South Road. Two Public Houses lie to the northern end of Summer Road at the junction with Marsh Lane, Station Road and Short Heath Road.

[Location Plan](#)

3. [Planning History](#)

3.3. 104 Summer Road

- 02.02.1989. 14857005, Extension of existing first floor for office purposes, approved.

3.4. 106 Summer Road

- 26.06.1986. 68341000, Change of use of premises from residential use to office use and formation of 4 parking spaces, refused.
- 21.07.1988. 68341001, Change of use of part of 1 South Road to offices with new shop front and associated car parking to rear, approved.

3.5. 108 Summer Road

- 27.06.1985. 66982000, Use of buildings and land as offices and builders yard with storage garages and workshops, refused.
- 13.03.1986. 66982001, Change of use from dwelling unit to office, approved.
- 09.06.1988. 66982002, Continuation of use as offices for administration of industrial cleaning company, approved.
- 04.08.1988. 66982003, Erection of a single storey blockmore building with insulated cavity tyrollay render finish for storage, approved.

4. Consultation/PP Responses

4.3. Regulatory Services – No objection subject to the following conditions:

- Hours restrictions be put in place on the use of the site and in particular play areas and car parking areas, prohibiting access or any activity earlier than 8.00 am or later than 6.00pm Mondays to Fridays (in order to safeguard local amenity);
- In order to provide 'respite' for local residents I advise the use of the premises at the weekends be prohibited so no use at all on Saturdays or Sundays (in order to safeguard weekend amenity);
- Children's access to play areas controlled to an upper limit of 10 children at any one time;
- Restricted noise levels for any plant and machinery;
- Noise insulation scheme for habitable room windows and doors;
- Provision of vehicle charging points (10%);
- Land Contamination Remediation Scheme (for play areas and other proposed child access areas that are not hard standing); and,

4.2. Education School Places – No objection.

4.3. Transportation Development - No objections subject to conditions, requiring restriction of use, residential unit occupation, restricted number of 20 pupils within the school, no occupation until turning and parking area constructed or parking areas laid out, parking management strategy, cycle storage details and the submission of a Travel Plan.

4.4. West Midlands Police - Object, due to the number of existing children's homes within the area, it is considered a further children's home would place further demands on an already over-stretched local police resources. Concern is also raised to the

location of the external play/amenity area to residential properties. It is also stated that if the proposal is to be used for children with emotional and behavioural disorders then support would not be forthcoming. However, it is stated that if minded to approve then a condition would be required for a controlled access system.

4.5. Site notice posted, nearby residents, residents associations and Ward Councillors notified, with the following responses received: -

4.6. Ward Councillor Penny Holbrook objects for the following reasons:

- The site is unsuitable for educational use as it is a small site that will leave very little outdoor space for pupils;
- Summer Road is a very busy road, with no on street parking and the site would not allow sufficient on-site parking for teachers and professionals;
- There is a perfectly suitable empty school and residents unit on Reservoir Road, which is currently empty, we have been actively urging the council to dispose of both sites for residential care and education.
- In Stockland Green we have actively supported development of SEN education sites, such as Pines and COBS and we have no problem with educational facilities in appropriate spaces. However, we also believe that provision needs to be spread across Birmingham and not focuses in one area, allowing easier access for pupils and parents;
- We have a local development plan which encourages a mixed economy, we have very little retail provision and economic spaces and would discourage loss of any of these sites.

4.7. Councillor Robert Alden supports the objection of a near neighbour on the grounds of the location of the proposed play area close to residential properties, disturbance to neighbouring occupiers, noise disturbance through children playing, safety and security concerns, levels of supervision of children, neighbouring builders yard could lead to noise and rubbish falling within the site, trees and bushes on the application site and lack of parking provision.

4.8. Three objections from near neighbours on the grounds of:

- The location of the play area being close to residential properties leading to noise disturbance, loss of privacy and overlooking and, the play area is too small for 20 children, anti-social behaviour/vandalism, staff congregating and smoking, disturbance at weekends;
- 20 staff with only 8 parking spaces leading to further congestion on the highway and increased traffic, the narrowness of access drive being unsuitable;
- Potential loss of light if more buildings are erected;
- Potential increase in crime and more suitable locations available than the proposal site;
- Vermin located to the rear area of the properties; and,

- The proposal is out of character with the residential nature of street.

5. Policy Context

- 5.3. Birmingham Development Plan (2017) and Birmingham Unitary Development Plan 2005 (Saved Policies); Places for All SPG 2001 and Specific Needs Residential Uses SPG; Car Parking Guidelines 2012 SPD; DCLG Technical housing standards – nationally described space standards 2015 and National Planning Policy Framework 2012.

6. Planning Considerations

- 6.1. The main issues for consideration of this proposal are whether the principle of the proposed uses are acceptable in this location, crime, potential impact on the amenity of neighbouring occupants and highway/pedestrian safety and parking.
- 6.2. **Policy:** The NPPF confirms there is a presumption in favour of sustainable development. The core planning principles set out at Paragraph 17 state that planning should (amongst other things) always seek a good standard of amenity for all existing and future occupants of land and buildings. In additions Paragraphs 58 and 69 state planning decisions should aim to promote and create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion. Paragraph 72 states that the Government attaches great importance to ensuring that a sufficient choice of school places are available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education.
- 6.3. Policy PG3 (Place Making) of the Birmingham Development Plan 2017 states that all new development will be expected to demonstrate high design quality, contributing to a strong sense of place. New development should reinforce or create a positive sense of place and local distinctiveness, with design that responds to site conditions and local area context, create safe environments that design out crime and make provision for people with disabilities and, provide attractive environments that encourage people to move around by cycling and walking. Policy TP36 (Education) states that as the City's population grows there will be a need for additional Primary, Secondary and Special Needs schools and college provision. Proposals for the upgrading and expansion of existing schools and development of new schools in locations where additional provision is required will be supported, subject to providing safe access by cycle and walking as well as by car and incorporate a school travel plan, have safe drop-off and pick-up provision, provide outdoor facilities for sport and recreation and, avoid conflict with adjoining uses.
- 6.4. Specific Needs Residential Uses SPG and Saved Policies 8.28 and 8.29 of the Birmingham UDP apply to residential care homes as defined by Class C2 (Residential Institutions). The SPG and policy 8.29 of the adopted UDP state that proposals should not cause demonstrable harm to the residential amenity of occupiers of nearby properties by reason of noise and disturbance nuisance. Residential care homes are normally most appropriately located in large detached properties set in their own grounds. Furthermore, they state that in areas which already contain premises in similar use, and/or houses in multiple paying occupation and/or properties converted into self-contained flats, account will be taken of the cumulative effect of such uses upon the residential character and appearance of the area. Finally, proposals should not prejudice the safety and free flow of traffic in the adjoining highways and adequate outdoor amenity space (minimum 16sqm of space

- per resident) should be provided to ensure a satisfactory living environment for residents.
- 6.5. DCLG Technical housing standards – nationally described space standards (2015) sets out internal space standards and the requirements for gross internal (floor) areas.
 - 6.6. **Principle of change of use:** The proposal seeks consent for the change of use of 104 Summer Road to that of a school for children with learning disabilities, 106 to that of a residential care home for up to three children with learning disabilities, and the rear area of the office use at 108 into a car parking area to facilitate the uses at 104 and 106. Four parking spaces would be retained for the office use at 108.
 - 6.7. The properties are located in an area of mixed uses including residential, offices, leisure and commercial businesses with good accessibility to local facilities and services including public transport bus and rail routes. The proposal would see the provision 21 off road car parking spaces which includes 17 spaces for the proposed uses and 4 spaces for the existing office use at 108 Summer Road. The proposal would provide approximately 650sqm of outdoor amenity space for both the school and residential care home, which is considered more than adequate.
 - 6.8. Consequently, it is considered that the application proposals are in accordance with national and relevant adopted policy, and are acceptable in principle subject to no significant impacts occurring upon residential amenity, highway/pedestrian safety or the character of the area.
 - 6.9. **Impact on residential amenity and character of area:** Objection has been received from Ward Councillors Penny Holbrook and Robert Alden along with three objections from local residents, on the grounds that insufficient outdoor amenity is provided and what is provided is close to residential properties resulting in noise, disturbance, loss of privacy and overlooking. Further concerns include disturbance at weekends, potential loss of light if more buildings are erected and the proposed uses are out of character with the surrounding residential nature of the area. It is also suggested that there is an exacerbation of such uses in the area and, a more suitable vacant school and residents unit is available nearby on Reservoir Road.
 - 6.10. In response, the original submission included the provision of approximately 230sqm of outdoor amenity space adjacent to gardens of residential properties located on Highland Road and Balmoral Road. A subsequent amended plan has been submitted indicating that the original off road car parking area has been removed and located to the rear of the adjoined property 108 Summer Road and, the entire rear area of 106 Summer Road (approximately 650sqm) is now designated as outdoor amenity area, bounding the rear boundaries of properties on South Road and Highland Road. It is considered that the amended location of the rear amenity/garden area in proximity to residential gardens is an improved situation, but to ensure no significant adverse impact in terms of loss of privacy and outlook occur that a buffer be created between the rear amenity/garden area and the rear boundaries with properties on South Road and Highland Road conditions requiring details of soft and hard landscaping and boundary treatments along the boundaries with properties on South Road and Highland Road are attached to any approval, along with the submission of a landscape management plan to ensure continuity of approved landscape provision.
 - 6.11. In terms of future residents of the care home facility, saved UDP Policy 8.29 sets out a numerical standard for outdoor amenity space of 16sqm per resident. A secure private amenity/garden area of 650sqm would be located to the rear of 106 for both

residents of 106 and school pupils at 104, exceeding the requirement of 48sqm for three residents. The facility would provide communal lounge, sitting room, kitchen, utility and W.C's to the ground floor and three bedrooms with footprints of 8.5, 9 and 14.5sqm, with an overall internal footprint of approximately 100sqm. The property therefore exceeds the requirements of the 'Nationally Described Spacing Standards', which are not yet formally adopted but nevertheless provide a useful benchmark figure.

- 6.12. Regulatory Services have assessed the proposal and raise no objection, subject to conditions restricting the use of the outdoor play area to 0800-1800 Monday to Friday and no more than ten children being permitted to the area at any one time, restricted noise levels for any plant and machinery, noise insulation details, provision of vehicle charging points (10%), contamination remediation scheme (for play areas and other proposed child access areas that are not hard standing) and contaminated land verification report. I concur with the above views and accordingly attach the requested conditions. Consequently, it is considered the amended scheme and restrictive conditions requested would safeguard the amenity of neighbouring residents. It is not considered that the issues of loss of privacy, light or overlooking would occur as no additional buildings are proposed.
- 6.13. In terms of the impact of the proposal on the character of the area. West Midlands Police have highlighted that within the Erdington and Stockland Green wards 13 children's homes are located. On assessing the location of these homes to the proposed site it is noted that the nearest is located approximately 200m to the north west at 77 Short Heath Road, two are located approximately 400m to the north west and south west, three approximately 600m to the south west and south, two approximately 800m to north east and east, four over 1km to south west and south and, one at over 2km to the south. Consequently, whilst 13 children's homes are located within the Erdington and Stockland Green wards it is considered the homes are spread throughout the wards and not concentrated around the application site. Therefore it is considered that the character of the immediate area is not adversely eroded by a cumulation of similar uses.
- 6.14. **Impact on highway/pedestrian safety:** Objection has been received from Ward Councillors Penny Holbrook and Robert Alden along with three objections from local residents, on the grounds that insufficient off street parking is provided, leading to further congestion on the highway and increased traffic and the narrowness of the access drive renders it unsuitable.
- 6.15. In response, the original submission included the provision of eight off road parking spaces to the rear of property 106, along with the proposed amenity area. Transportation Development assessed the scheme and raised concerns due to inadequate vehicle access, inadequate parking and inadequate circulation/manoeuvring/footway crossings.
- 6.16. In light of Transportation's concerns an amended scheme has been submitted including the enlargement of the application site to include the rear area of property 108 into an off road parking facility for 21 vehicles, with 17 of the spaces allocated to the proposed uses and 4 remaining for the existing office use at 108. Transportation Development have reviewed the amended scheme and raise no objection, subject to conditions requiring restriction of use to that approved, residential unit occupation, restricted number of 20 pupils, no occupation until turning and parking area constructed or parking areas laid out, parking management strategy, cycle storage details and the submission of a Travel Plan. Transportation comment that the amended parking facility is acceptable for the proposed uses and existing use at 108,

and the site is located conveniently for public transport bus and rail routes and that the layout and turning head of the parking facility is acceptable.

- 6.17. **Crime and fear of crime:** Objection has been received from Ward Councillors Penny Holbrook and Robert Alden along with three objections from local residents, on the grounds of safety and security concerns, levels of supervision of children, anti-social behaviour/vandalism, and staff congregating and smoking.
- 6.18. West Midlands Police assessed the proposal and raised objection due to an accumulation of such uses, a further children's home and school would place further demand on already over-stretched policing resources and concern at the location of the proposed outdoor amenity/play area in close proximity to residential dwellings which could potentially lead to discord (based on the initial scheme plans). However, the Police consider that if the application is recommended for approval and the proposal would not be for children with emotional and behavioural disorders, then the proposal could be supported with the attachment of a condition requiring access control. Consequently, it is considered the amended scheme for the provision of a larger amenity/play area reduces the potential for discord between local residents and pupils and I accordingly attach the requested condition requiring controlled access arrangements.

The type of resident/pupil within the school/care home is not a planning consideration and would be governed by OFSTED or the Local Education Authority under separate legislation.

7. Conclusion

- 7.1. This proposal would comply with local and national planning policy, providing educational and care facilities for children with learning disabilities in a controlled environment. The proposal would not lead to an over-concentration of such uses within the immediate area and, the proposal has been amended to satisfy residential amenity and highway/pedestrian safety concerns and is considered acceptable subject to safeguarding conditions.

8. Recommendation

- 8.1. Approve subject to the following conditions:

-
- | | |
|---|--|
| 1 | Requires prior submission of controlled vehicle access system. |
| 2 | Prevents the use of 104 and 106 Summer Road from changing within the use class |
| 3 | Requires that residents are associated with a nearby premises |
| 4 | Limits the number of children able to attend the school at 104 Summer Road to 20 |
| 5 | Prevents occupation until the turning and parking area has been constructed |
| 6 | Requires the prior submission of a parking management strategy |
| 7 | Requires the prior submission of cycle storage details |
| 8 | Requires the submission of a School Travel Plan |
-

-
- 9 Limits the number of children allowed to play outside to 10 children at any one time between the hours of 0800-1800 Monday to Friday
 - 10 Prevents the school use at 104 Summer Road from occurring at weekends
 - 11 Limits the noise levels for Plant and Machinery
 - 12 Requires the prior submission a noise study to establish residential acoustic protection
 - 13 Requires the provision of vehicle charging points.
 - 14 Requires the prior submission of a contamination remediation scheme for proposed play areas, child access areas and areas that are not hardstanding.
 - 15 Requires the prior submission of a contaminated land verification report
 - 16 Requires the prior submission of hard and/or soft landscape details
 - 17 Requires the prior submission of hard surfacing materials
 - 18 Requires the prior submission of boundary treatment details
 - 19 Requires the prior submission of a landscape management plan
 - 20 Requires the scheme to be in accordance with the listed approved plans
 - 21 Implement within 3 years (Full)
-

Case Officer: Keith Mellor

Photo(s)

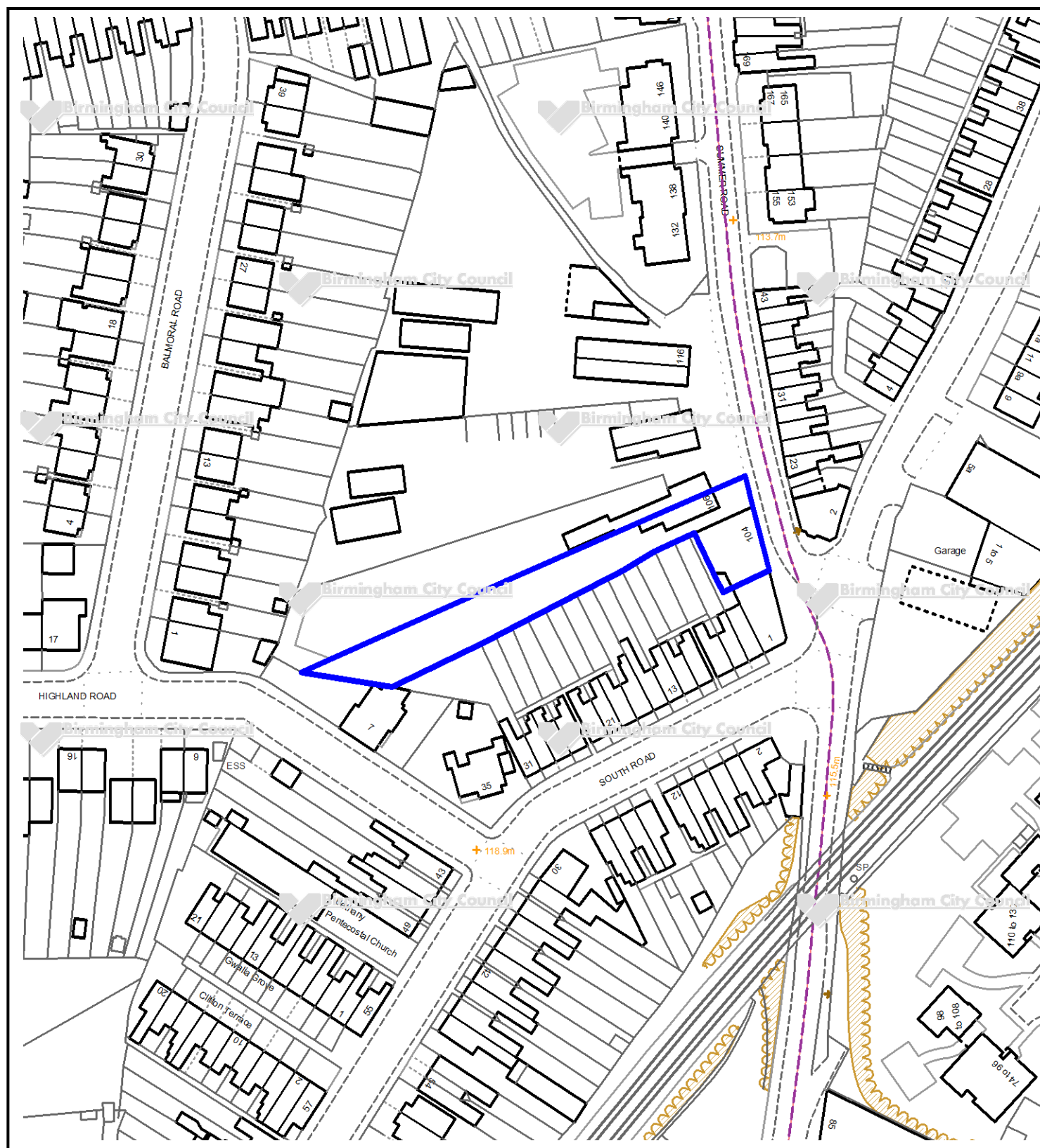


104 Summer Road 1



106 and 108 Summer Road 1

Location Plan



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REPORT OF CORPORATE DIRECTOR, ECONOMY

PLANNING COMMITTEE

18TH January 2018

WARD: LADYWOOD

ISSUES REPORT

SUMMARY

This report advises Members of a detailed planning application submitted by Orchidtime Ltd, for a new mixed use development of between 5 and 10 storeys high plus two towers of 26 and 29 storeys to include 1009 residential units (C3), a residential hub (705sqm), 1513sqm of retail/commercial use (A1-A5, D1), car parking, new public walkway, landscaping and all associated works on land which formerly accommodated Monaco House, Bristol Street, City Centre.

This report sets out likely issues to be considered when the proposal returns to your Committee. Your views on these issues and any other issues that you may have with regard the proposal are sought.

RECOMMENDATIONS

That this report be noted.

Comments of your Committee are requested.

CONTACT OFFICER

Joanne Todd
City Centre Planning Management
Tel. No. 0121-464-7790
Email: joanne.todd@birmingham.gov.uk

PURPOSE

This report is intended to give Members an early opportunity to comment on this proposal in order for negotiations with the applicants to proceed with some certainty. Members should raise any issues they feel are particularly relevant; require amending, or any additional information that they may wish to be sought.

PLANNING COMMITTEE 18.01.2018

Application ref: 2017/10551/PA

DISTRICT: CITY CENTRE

LOCATION: Former Monaco House site, Bristol Street, Birmingham, B5 7AS.

PROPOSAL: Erection of new mixed use development of between 5 and 10 storeys high plus two towers of 26 and 29 storeys to include 1009 residential units (C3), a residential hub (705sqm), 1513sqm of retail/commercial use (A1-A5, D1), car parking, new public walkway, landscaping and all associated works.

APPLICANT: Orchidame Ltd. c/o Agent

AGENT: Pegasus Group, 5 The Priory, Old London Road, Canwell, Sutton Coldfield.

1.0 POLICY CONTEXT:

- 1.1 Birmingham UDP 2005 saved policies; Birmingham Development Plan 2017; High Places SPG; Places for Living SPG; Places for All SPG; Access for People with Disabilities SPD; Car Parking Guidelines SPD; Lighting Places SPD; Public Open Space in New residential Development SPD; Affordable Housing SPG, Planning Policy Guidance and the National Planning Policy Framework.
- 1.2 There are no listed buildings within the immediate vicinity although adjacent to the north of the site is 74-104 Bristol Street which is locally listed Grade A. The nearest conservation area is Lee Crescent Conservation Area to the south west.

2.0 REVANT PLANNING HISTORY:

Application Site

- 2.1 23rd October 2013 Application 2013/05460/PA Hybrid application for the demolition of all existing buildings and a mixed use redevelopment to include detailed consent for a large retail store (A1), additional A1-A5 retail/D1 non-residential/D2 assembly and leisure units, associated car parking, highways, landscaping and other works and outline consent (access only) for a hotel (C1). Approved subject to conditions and S106.
- 2.2 21st November 2016 Application 2016/07612/PA Application for prior notification of proposed demolition of Monaco House. Prior approval required, but granted with conditions.

St Luke's, to the south

- 2.3 November 2017 Application 2017/01721/PA Demolition of existing buildings (St Luke's Church and the Highgate Centre) and redevelopment of site to provide 772

one, two and three bed houses and apartments with associated internal access roads, parking, open space, associated infrastructure. Withdrawn.

- 2.3 Application 2017/10448/PA Demolition of existing buildings (St Luke's Church and The Highgate Centre) and redevelopment of site to provide 778 one, two and three bedroom houses and apartments with ground floor retail unit for A1/A2/A3/A4 use, with associated internal access road. Currently being considered.

Former Kent Street Baths, to the north

- 2.4 Application 2017/09434/PA Clearance of site and erection of a residential mixed use development comprising of 504 dwellings (C3), 955sqm of flexible retail, restaurant, leisure and office uses, car parking and associated developments. Currently being considered.

Wrentham Street, to the north

- 2.5 16th March 2016 Application 2015/10323/PA Erection of 3-6 storey building comprising 141 residential apartments, ground floor commercial unit (A1, A2, B1(a) and D2) together with associated parking and landscaping. Approved with conditions and S106.

74-102 Bristol Street, to the north

- 2.6 17th August 2012 Application 2012/03213/PA Conversion of upper floors to create 12 clusters (81 bed spaces) of student accommodation (SG) with ground floor management office and laundry, ground floor refurbishment including new shop fronts and extension of ground floor uses to include A1-A5 and D1-D2 uses with parking to the rear. Approved with conditions.
- 2.7 11th December 2015 Application 2015/07682/PA Conversion and new build to provide 2 ground floor commercial units (A1-A5, D1, D2) and student accommodation (75 beds) (SG) comprising 12 five bed clusters, 1 four bed cluster, seven double studios and 2 twin studios. Approved with conditions.

3.0 NATURE OF SURROUNDINGS:

- 3.1 The application site is located to the south of the City core on the east side of Bristol Street (A38), which is one of the main arterial roads into the City. The site is approx 2.4 hectares and is bounded by Wrentham Street to the north, Vere Street to the east, and Bristol Street to the west. St Luke's Church and public open space are to the south.
- 3.2 The site is situated within the Southside and Highgate Quarter of the City Centre. There is a mix of commercial and residential uses, including student accommodation, surrounding the site which has an increasing residential focus.
- 3.3 There are significant level changes across the site sloping down from west to east and north to south.
- 3.4 The existing buildings on site have largely been demolished but previously comprised Monaco House (6 storeys), a multi-storey car park, small scale industrial units and a petrol filling station. There is currently no soft landscaping on the site.

4.0 DETAILS OF PROPOSAL:

Use and Amount of Development

- 4.1 This application is for a residential led mixed-used development incorporating 1009 residential units and 2,218 sqm of non-residential floorspace. The proposed development is based upon the Build To Rent (BTR)/Private Rented Sector (PRS) model. This concept is based around a mix of units and tenure that can be leased on long or short-term contracts whilst providing good facilities to create thriving communities, with the variety of apartment sizes enabling residents to move and stay within the development as their needs change. Consequently 1009 new residential units are proposed in a mix of 1, 2 or 3 bed apartments and 3 bed split level apartments would be provided across the site. In addition a residential hub area would be provided within the north western corner block fronting Bristol Street and Wrentham Street. Facilities within this 'hub' area could include, a gym, café, cinema room, function room and car club. Access to these facilities would be included as part of the residents' rent payments.
- 4.2 The remaining 1513 sqm non-residential floor space would be accommodated within 4 ground floor units, 3 of which would front Bristol Street and 1 of which would front Wrentham Street. There are currently no end users for these units and a flexible A1-A5, D1 use is therefore sought.

Layout, scale and design

- 4.3 The site layout has been designed as a series of individual apartment blocks in two perimeter group blocks positioned onto Bristol Street with a further row of apartment blocks to the east fronting onto the proposed new north south public walkway. The blocks would provide active frontages to public facing areas and would be connected by a hierarchy of public realm, private courtyards, gardens and new pedestrian routes.



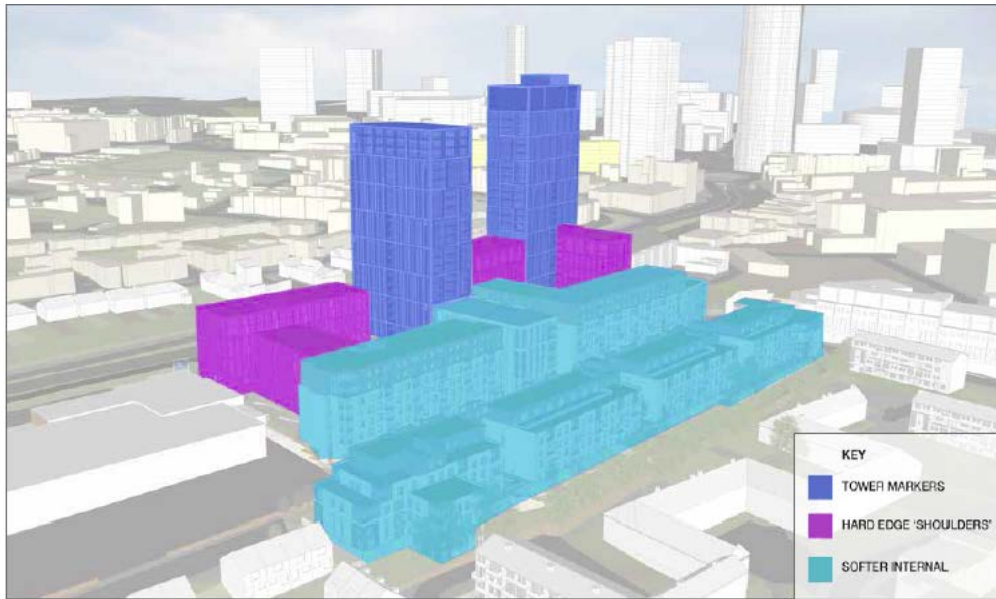
The blocks would be of the following heights:

A – 8 storeys
 B1 – 10 storeys
 B2 – 29 storeys
 C – 10 storeys
 D – 6 storeys
 E – 26 storeys
 F – 7 storeys

G – 7 storeys
 H – 6-7 storeys
 J- 3-5 storeys
 K – 4-5 storeys
 L – 4-5 storeys
 M – 4-5 storeys

Blocks J-M would sit above 1-2 storeys of car parking

- 4.4 The architectural concept splits the site into two main styles that addresses the location of the blocks relative to the external boundaries, defined as the 'hard edge' and the 'softer internal edge'. The hard edge, fronting Bristol Street and Wrentham Street, would provide a buffer to the more private 'softer internal edge' behind and this would be reflected in the design and materials used. The 'hard edge' element would consist of a regular and rhythmical framework of vertical and horizontal elements, with the towers featuring a more complex composition of bays and features and a greater vertical emphasis than the simpler, and more horizontal, emphasis of the shoulder blocks. The towers would be constructed using a light brick, stone/ceramic, and dark black profiled surrounds interspersed by full height glazing, balconies and winter gardens whilst the shoulder blocks would comprise black brickwork, metal panels and glazing. The 'softer internal edge' would be constructed using softer natural tone buff brick, tiles and metal panels and whilst similar proportions to the 'hard edge' would be used this would be on a much less regular basis than the 'hard edge'.



Apartment mix and size

- 4.5 The proposal consists of 4 typical units – 1 bed apartment, 2 bed apartments, 3 bed apartments and 3 bed split level apartments. They are primarily single aspect units, have bedrooms of a similar size and have no internal corridors. Apartment sizes would range in size from 44 – 123 sqm and would comply with national space standards. The scheme would provide 35% 1 bed units, 52% 2 bed units and 13% 3 bed units.

Access and Parking

- 4.6 Vehicular access to the car park would be from the southbound carriage of Bristol Street only via Wrentham Street. A servicing plan has identified how the commercial units would be serviced from the road and how a one way controlled access along the proposed new public walkway would provide servicing and emergency access to the residential units.
- 4.7 2 underground car parking areas would be provided, accessed via the east of the site off Wrentham Street. A total of 355 car parking spaces would be provided, 35 motorcycle spaces and 1010 bicycle spaces. Car parking provision would be at a ratio of 33%.
- 4.8 New public pedestrian routes would be introduced from Wrentham Street south to Vere Street and east to west from the proposed new walkway to Bristol Street. Footpaths to Bristol Street and Wrentham Street would be widened and resurfaced.
- 4.9 The proposal also includes incorporation of a two way cycle lane along the Bristol Street frontage and infilling of the redundant underground pedestrian walkway adjacent the site.

Supporting Documents

- 4.10 Prior to submission of the application an Environmental Impact Assessment Screening Opinion was submitted and in response the City Council confirmed that an EIA was not required. Thus, as required by the City Council's planning validation criteria the following supporting documents have been submitted:-

- Planning Statement (including statement of Community Engagement and Energy Statement);
- Design and Access Statement
- Townscape and Visual Impact Assessment
- Transport Assessment;
- Noise Impact assessment;
- Air Quality Assessment;
- Preliminary Ecological Appraisal;
- Sustainable Urban Drainage Assessment;
- Ground Condition Survey;
- Landscaping Scheme;
- Economic Statement;
- Wind Assessment Report;
- Daylight, Sunlight and Overshadowing Report;
- Viability Assessment;
- Fire Safety Strategy.

The proposed development would not be liable for CIL.

5.0 PUBLIC CONSULTATION

- 5.1 Pre-application discussions have taken place over a 12 month period and a number of meetings were held to discuss and evolve the proposal. Local residents' groups, Ward Councillors and the local MP were contacted to advise them about the proposal and invite them to an informal consultation event on 27th September 2017. A consultation website was also created to allow residents' groups to view the application proposals online. The website included an online comments facility to allow interested parties to register their thoughts on the proposals.
- 5.2 The agent advises that there was a limited response to the public consultation exercise, but that the responses received were positive.

6.0 ISSUES:

Issue 1 – Land Use Planning Policy

- 6.1 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 replaced the UDP 2005 with the exception of the saved policies in Chapter 8 of that plan.
- 6.2 Policy PG1 advises that over the plan period significant levels of housing, employment, office and retail development will be planned for and provided along with supporting infrastructure and environmental enhancements. Policy GA1.1 adds that residential development will continue to be supported in the City Centre where it provides well-designed high quality living environments and that development should be flexible and adaptable to meet a range of needs. Policy GA1.3 identifies that the Southside and Highgate area of the City should support the growth of the cultural, environment and residential uses, and be complemented by high quality public spaces and pedestrian routes. TP27 expects new residential developments to contribute to making sustainable neighbourhoods which are considered to be characterised by:

- A wide choice of housing sizes, types and tenures
- Access to local facilities including shops, schools, leisure and work
- Convenient options for sustainable travel
- A strong sense of place and high design quality
- Environmental sustainability and climate proofing measures
- Attractive, safe and multifunctional public spaces
- Effective long-term management of buildings, public spaces and other infrastructure

6.3 In respect of housing need the BDP states that its objectively assessed need is 89,000 across the plan period (until 2031) to meet the forecast increase in Birmingham's population of 150,000. Due to constraints across the administrative area the Plan only plans to provide 51,100 with 12,800 earmarked for the City Centre.

6.4 This scheme would deliver 1009 residential units within a mixed use scheme, on a site that has not previously been considered for residential redevelopment and bring significant investment to this part of the City, which has been in a poor condition for a considerable period of time.

6.5 Considering housing mix, policies within the BDP and the Birmingham Strategic Housing Market Assessment (Jan 2013) set the following target for market dwellings: 1-bed 13%, 2-bed 24%, 3-bed-28% and 4-bed 35%. This scheme is located in the City Centre where land values are high and density levels are expected to be higher than other parts of the City and this, and more localised need is not necessarily reflected within the bench marketing tools for policy. As such the proposal would provide accommodation for private rent only of the following mix 1-bed 35%, 2-bed 52% and 3-bed 3% which the applicant considers to meet the need in this location

Your Committee may wish to comment on the principle of a residential led mixed use scheme in this location and the proposed mix of residential units.

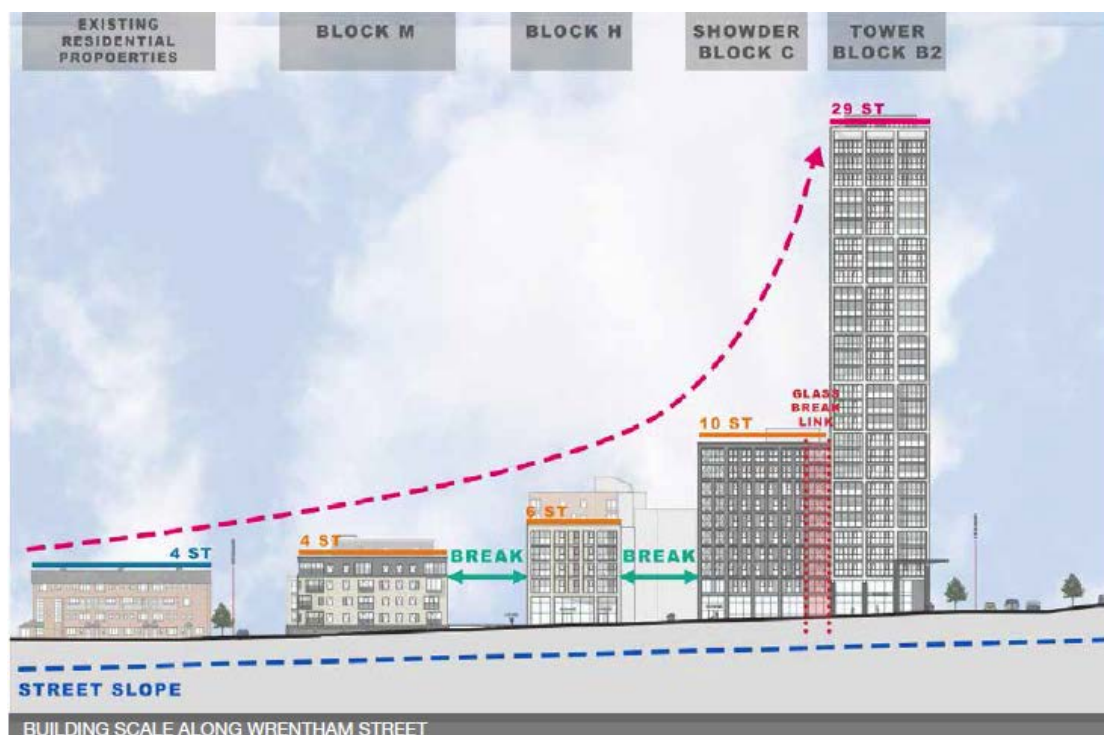
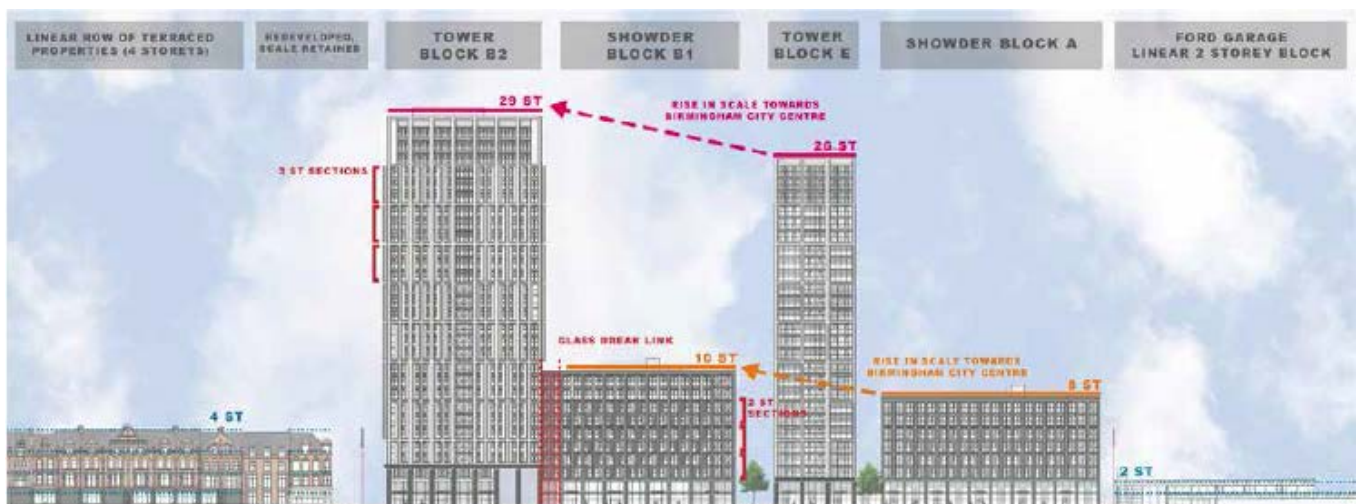
Issue 2 – Urban design and tall buildings

6.6 The proposed development would range in height from 3 to 10 storeys with two towers of 26 and 29 storeys. Policies PG3 and TP27 state the need for all new residential development be of the highest possible standards which reinforce, or create, a positive sense of place as well as a safe and attractive environment. Supplementary documents also provide further guidance for the need for good design including the City's 'High Places' SPG which provides specific advice for proposals which include elements in excess of 15 storeys. It advises that, generally, tall buildings will be accommodated within the city centre ridge zone and only permitted outside this zone in defined or exceptional circumstances. It further advises that tall buildings will:

- Respond positively to the local context and be of the highest quality in architectural form, detail and materials;
- Not have an unacceptable impact in terms of shadowing and microclimate;
- Help people on foot move around safely and easily
- Be sustainable
- Consider the impact on local public transport; and
- Be lit by a well-designed lighting scheme

6.7 As detailed at paragraph 4.3 the layout has been designed as a series of individual apartment blocks in two perimeter group blocks positioned to front onto Bristol Street

with a further row of apartment blocks to the east fronting onto the proposed new north south public walkway. Active frontages would be provided across the site and buildings have been positioned across the site to improve pedestrian connectivity in the area and link into, and improve, the existing transport networks, including provision of the City's strategic cycle network. As required, detailed reports with regard sunlight, daylight and overshadowing, micro climates (wind) and lighting have been submitted for detailed consideration and details with regard proposed materials have all been identified. In addition, the applicant has provided a detailed Design and Access Statement and a Townscape and Visual Appraisal, including verified views, to demonstrate and justify the design quality of the overall development including the provision of two towers in this location on Bristol Street which is outside the defined ridge zone. As such the applicant identifies that a 'landmark' development will be provided introducing architecturally distinct buildings which would significantly benefit the local area as a result of regenerating a longstanding 'run down' site on a key route into the City Centre.



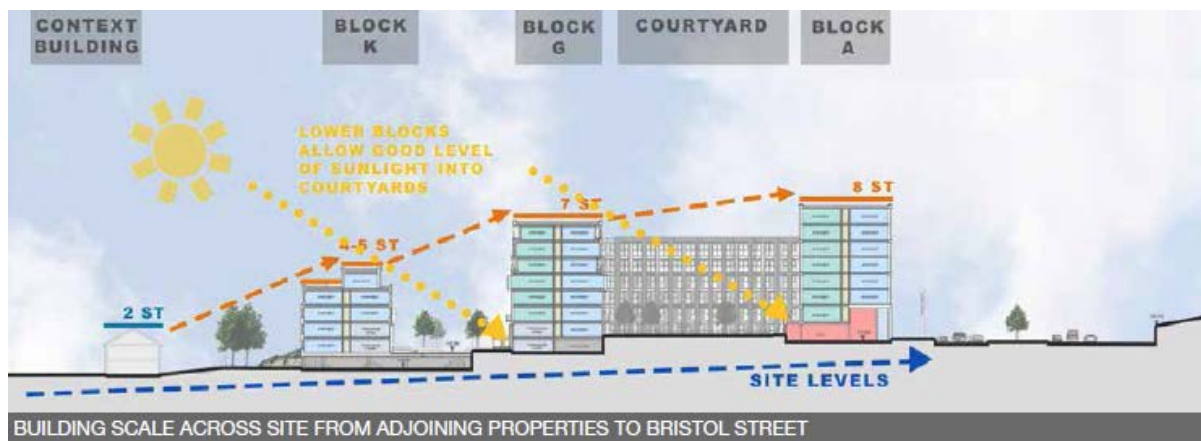


Your Committee may wish to comment on the principle of the proposed scale and design of the building and its impact on the skyline and character of the area.

Issue 3 – Impact on adjacent residential

- 6.8 As noted above policies require new residential development to be to the highest possible standards. Places for Living (SPG) provides more detailed advice about the City's design standards and the importance of design in protecting the amenity of existing residents from the effects of new development. Therefore whilst there is great emphasis on careful design rather than a "blanket application of numerical standards..." it does identify, at appendix A, a series of numerical standards including that a distance separation of 27.5m is required for 3 storeys for any proposed windowed elevation facing an existing windowed elevation and that a 5m per storey set back is required where main windows would overlook existing private space and that this applies independently of the minimum spatial separation requirement.
- 6.9 Block J, K, L and M would be positioned to the eastern side of the application site to front onto the proposed new walkway and 'back' onto the residential properties to the rear, removing the current unrestricted vehicular access adjacent the eastern boundary. The nearest half of the blocks proposed to the existing residential accommodation would be four storey stepping up to five storey to front the new public walkway. However, in order to maximise the levels across the site and to keep the car parking provision from 'sight', blocks J-M would sit on top of a deck level over the parking and the proposed four storeys of accommodation would therefore be visible above the existing boundary fence line to the existing residents (thereby

appearing more like a 5 storey building). The facing elevations of these buildings would be between 21 and 29m from existing windowed elevations but both existing and proposed blocks would also be at a slight angle so windows would not be directly facing. The distance separation between the proposed new build and private amenity of these existing dwellings would range between 12.5m and 14m significantly below the 25m that Places for Living requires.



- 6.10 There are some existing trees within the garden areas of the existing dwellings which would remain and additional landscaping, including trees, are proposed across the site including along the eastern boundary closest to existing residents.

Your Committee may wish to comment on the impact of the proposed development in relation to privacy and overlooking to existing residents.

Issue 4 – Parking

- 6.11 Policies TP38-41 encourages development where sustainable transport networks exist and/or are enhanced. In addition to supporting sustainable transport networks the Car Parking SPD goes on to identify the expected maximum car parking provision for each land use, dependent on the sites location.
- 6.12 The proposed development would be located in a sustainable location on the edge of the City Centre, in area 2 where a maximum provision of 1.5 car parking spaces per dwelling would be expected, it would be close to numerous existing public transport links and an array of existing amenities. It proposes the improvement of existing footpaths, the infilling of a pedestrian subway as an alternative surface crossing already exists, it would contribute to the City's strategic cycle network by providing a two-way cycle path along the sites frontage and provide additional public pedestrian links through the site. The site would also include the provision of 335 underground

car parking spaces, 35 motor cycle spaces and 1010 covered bicycle spaces. Car parking would be provided at approx. 33% and the bicycle provision would be in excess of 100% for the residential element of the scheme.

- 6.13 Servicing arrangements have been identified for the commercial units which would, primarily, be via laybys on Wrentham and Bristol Street whilst vehicular servicing of the residential elements of the scheme would be controlled by the management company to ensure that the site was primarily pedestrianized.
- 6.14 The site is currently served by a vehicular subway off Bristol Street providing access to the site for north bound traffic. The applicant has indicated that the access is to be closed off by the City Council.

Your Committee may wish to comment on the proposed car parking provision and servicing arrangements, including closure of subways.

Issue 5 – Planning Obligations

- 6.14 TP31 of the BDP requires 35% affordable dwellings on site of 15 dwellings or more and TP9 seeks either on site public open space at 2ha per 1000 population or a financial contribution towards off site provision on developments of 20 or more dwellings.
- 6.15 The applicants have submitted a financial appraisal (which is currently being independently assessed) to justify their claim that the development, as a PRS scheme, cannot afford to meet these policy requirements.
- 6.16 The proposal includes provision of two new public walkways, a cycle way along the sites frontage and a significant amount of landscaping but there is currently no offer in respect of affordable housing or off site public open space.
- 6.17 The site would not attract a CIL contribution.

Your Committee may wish to comment on the lack of S106 contributions towards affordable housing, including the lack of any on-site affordable housing provision, and public open space.

**Birmingham City Council
Planning Committee 18 January 2018**

**Appeal Decisions Received from the Planning Inspectorate in December
2017**

<u>CATEGORY</u>	<u>ADDRESS</u>	<u>USE</u>	<u>DECISION</u>	<u>TYPE</u>	<u>PROCEDURE</u>
Householder	230 Flaxley Road, Stechford	Erection of conservatory to rear. 2017/04539/PA	Dismissed	Delegated	Written Representations
Householder	154 Mere Green Road, Sutton Coldfield	Erection of two storey rear, single and two storey side and single storey front extensions. 2017/03618/PA	Dismissed	Delegated	Written Representations
Residential	23 Anchorage Road, Sutton Coldfield	Erection of rear extension and internal alterations to existing building to increase the number of apartments from 4 to 9. 2017/00927/PA	Dismissed	Delegated	Written Representations

Total - 3 Decisions: 3 Dismissed (100%)

Cumulative total from 1 April 2017 - 95 Decisions: 77 Dismissed (81%), 16 Allowed, 2 Part Allowed

BIRMINGHAM CITY COUNCIL

REPORT OF CORPORATE DIRECTOR, ECONOMY

PLANNING COMMITTEE

18th January 2018

Update on Disposal of Unwanted / Underutilised Parks Land (8 acres per year)

1 Subject and Brief Summary of Proposals

- 1.1 As part of the City Council's Business Plan and Budget 2016 it was agreed that the Parks Service would dispose of 8 acres of unwanted or underutilised land per annum for the next 4 years and that this land would be transferred to the Housing Service to enable the construction of much needed new homes through the Birmingham Municipal Housing Trust.
- 1.2 This proposal has now been developed by officers and sites have been identified for potential inclusion in the first phase of this proposal. This report seeks to update Planning Committee on the process undertaken and the progress to date so that members are aware of the context in which these proposals have been developed prior to planning applications related to this project formally being brought to Committee for determination.

2 Recommendations

- 2.1 That Planning Committee notes that 8 acres a year of unwanted or underutilised land currently held by the Parks Service will be brought forward for the development of new homes by the Birmingham Municipal Housing Trust.
- 2.2 That Planning Committee notes that planning applications in relation to this project will be brought forward for their consideration in due course.

Contact Officers

Planning: Jacob Bonehill, Principal Planning Policy Officer, jacob.bonehill@birmingham.gov.uk

Housing: Clive Skidmore, Head of Housing Development, clive.skidmore@birmingham.gov.uk

Parks: Steve Hollingworth, Service Director – Sport, Events, Open Space and Wellbeing
steve.hollingworth@birmingham.gov.uk

3 Background

- 3.1 The City Council as part of its budget setting process in 2016 identified a revenue saving to be made by the disposal of 8 acres of unwanted or underutilised land per annum by the Parks Service over the next 4 years. This land is to be appropriated by the Housing Service for the development of much needed new homes through the Birmingham Municipal Housing Trust (BMHT). This revenue saving was subsequently included in the City Council's 2017-18 budget and financial plan and is considered to be achievable, subject to all necessary statutory approvals being granted
- 3.2 It should be noted that the proposal only constitutes a modest reduction in public open space (so should not represent a material detriment to the overall provision), but it will deliver much needed revenue savings, whilst also giving the opportunity to contribute to the housing growth agenda and permitting investment into retained areas of open space.
- 3.3 A project board consisting of officers from the Parks Service, Housing Service, City Finance, Birmingham Property Services, and the Planning and Development Service has been established to consider potential sites for inclusion within this project. This board has assessed potential sites primarily on the following grounds:
- Suitability as public open space including access, location, quality, ecological value (both the site itself and potential role in linear green space corridors)
 - Principle of development in planning terms including in particular local provision of open space and suitability for housing led development
 - Consideration of the local property market
 - Viability of development as a BMHT scheme including consideration of any known abnormal costs
- 3.4 As a result of this process a number of sites have been identified with potential for inclusion within this project. Initial work has been undertaken that demonstrates that these sites can be considered for disposal by the Parks Service on the basis that they are appropriated to the Housing Service for development by BMHT for new homes. Each of the sites identified for potential inclusion will be subject to the Council's pre-application process to consider their suitability for development in more detail and to develop proposals for these sites. Ward Members and the local community will be consulted as part of this process prior to applications being submitted.
- 3.5 It is important to note that no formal planning decision has been made at this time and that each site if deemed suitable will, in due course, be brought to Planning Committee for consideration, as is the case with any other City Council owned site which requires planning permission to be redeveloped.
- 3.6 While it is fully acknowledged that the potential loss of public open space is often a contentious issue, the process being undertaken provides a robust approach that will ensure that only public open space that is truly surplus to requirements is released for development as part of this project. Furthermore utilising the surplus land for new homes delivered by BMHT will help contribute to meeting Birmingham's need for both market and affordable homes. In particular it should be noted that BMHT achieve 50% affordable housing across

their schemes and therefor make a substantial contribution to meeting Birmingham's affordable housing need. As Planning Committee members are aware, the majority of private sector developers struggle to achieve the 35% affordable housing target set in the Birmingham Development Plan due to viability issues. While this is understandable, given this context any measure that can be taken to increase the supply of affordable housing in Birmingham is welcome.

- 3.7 It should also be noted that due to the success of BMHT in bringing forward City Council owned sites for new housing development that BMHT are now looking at the potential acquisition of privately owned sites to enable them to increase the delivery of new homes in Birmingham. In comparison the use of surplus open space land would allow the expansion of the BMHT programme, while at the same time retaining the finance used to acquire the land in question within the wider City Council rather than making payments to private landowners.

4 Summary of Proposals

- 4.1 A number of sites have been identified for potential inclusion within phase 1 of this project. It is anticipated that at least 8 acres of developable land will be identified from these potential sites. For schemes where it is feasible, some of the land identified will be retained as public open space and improved in quality.

5 Key Matters for Consideration

- 5.1 The main in principle planning policy decision that will need to be made on each of these proposed sites is whether or not the loss of open space is acceptable. The first section of Policy TP9 of the adopted Birmingham Development Plan states:

"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 the minimum standard of 2 ha per 1,000 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 small part of a larger area of open space will be considered if compensation measures would result in significant improvements to the quality and recreational value of the remaining area.
- The development is for alternative sport or recreational provision, the benefits of which clearly outweigh the loss.

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 account of the minimum standard of 1.2 ha per 1000 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."

- 5.2 The identification of potential sites for inclusion in phase 1 of this project has been undertaken within the context of this policy.

6 Conclusions

- 6.1 The proposed disposal of unwanted / underutilised Parks land to the Housing Service for the development of new homes through BMHT has now progressed to the point where a number of sites for potential inclusion in phase 1 of the project have been identified.
- 6.2 Initial assessments of these sites suggest that in principle the proposed loss of open space is likely to be acceptable in terms of adopted local planning policy. Given this, each of these sites will be subject to the City Council's pre-application process to develop more detailed proposals that meet the City Council's planning policy requirements.
- 6.3 It is anticipated that the first planning applications as part of this project will be brought to Planning Committee for consideration in Summer 2018

7 Financial Implications

- 7.1 By the end of the project, it is anticipated that these proposals will generate ongoing revenue savings to the Parks Service of up to £0.8million per annum, reflecting the market value of the land transferred to the housing service. This forms a part of the Council's overall financial plan over the coming years, and helps to protect remaining budgets, including those made available for the maintenance of retained parks and public open space.

8 Implications for Policy Priorities

- 8.1 This project will primarily contribute to the 'Housing – a great city to live in' priority set out in the Council's Vision and Priorities 2017 to 2020 by facilitating the efficient use of City Council owned land for the development of new homes. It will also contribute to the 'Children – a great city to grow up in' and 'Health – a great city to grow old in' priorities by enabling the Council to focus its limited resources on maintaining and improving areas of better quality open space.

9 Implications for Equalities

- 9.1 In accordance with the public sector equality duty, as required by the Equality Act 2010, as part of the budget setting process the City Council undertakes equality impact assessments and public consultation on proposals within the budget. The outcomes of these assessments, responses from consultation and consideration of mitigation measures are assessed before implementing any service specific proposal in the Council's budget. This ensures that decision makers have had 'due regard' to issues arising from this equality process and the necessary governance process is completed. As such the project discussed in this report has been subject to the necessary consideration of its potential impact on equalities from its inception.
- 9.2 The Birmingham Development Plan was also subject to equalities analysis and public consultation at all stages of its production and adoption. As such the City Council's planning policies have also been prepared with 'due regard' to issues arising from this equality process.

- 9.3 Both the project itself and the policies that will inform its implementation have been subject to the necessary equalities analysis required by the public sector equality duty. As this report is only providing an update at this stage and no formal decision is requested it is not considered necessary to undertake a further equalities analysis at this time.

10 Background Papers

- 10.1 Birmingham City Council's Business Plan and Budget 2016
- 10.2 Birmingham City Council's Financial Plan 2017+ and the budget for Birmingham 2017 to 2018
- 10.3 Birmingham Development Plan



Waheed Nazir

Corporate Director, Economy