

Birmingham City Council

Planning Committee

30 July 2020

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Approve – Subject to 106 Legal Agreement	6	2019/07805/PA Bull Ring Trading Estate Green Street Deritend Birmingham B12 0NB Full planning application for the demolition of all building and the erection of 7no. 6 - 30 storey buildings comprising 995 residential apartments (Use Class C3) and associated internal amenity space, flexible amenity and retail / leisure floorspace (Amenity / A1 / A2 / A3 / A4 / A5 / D1 / D2), car parking, cycle parking, landscaping and access
Approve – Subject to 106 Legal Agreement	7	2017/10551/PA Land at former Monaco House site Bristol Street Birmingham B5 7AS Erection of new mixed use development of between 5 and 10 storeys high plus two towers of 29 + 26 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

Committee Date:	30/07/2020	Application Number:	2019/07805/PA
Accepted:	19/09/2019	Application Type:	Full Planning
Target Date:	13/06/2020		
Ward:	Bordesley & Highgate		

Bull Ring Trading Estate, Green Street, Deritend, Birmingham, B12 0NB

Full planning application for the demolition of all building and the erection of 7no. 6 - 30 storey buildings comprising 995 residential apartments (Use Class C3) and associated internal amenity space, flexible amenity and retail / leisure floorspace (Amenity / A1 / A2 / A3 / A4 / A5 / D1 / D2), car parking, cycle parking, landscaping and access

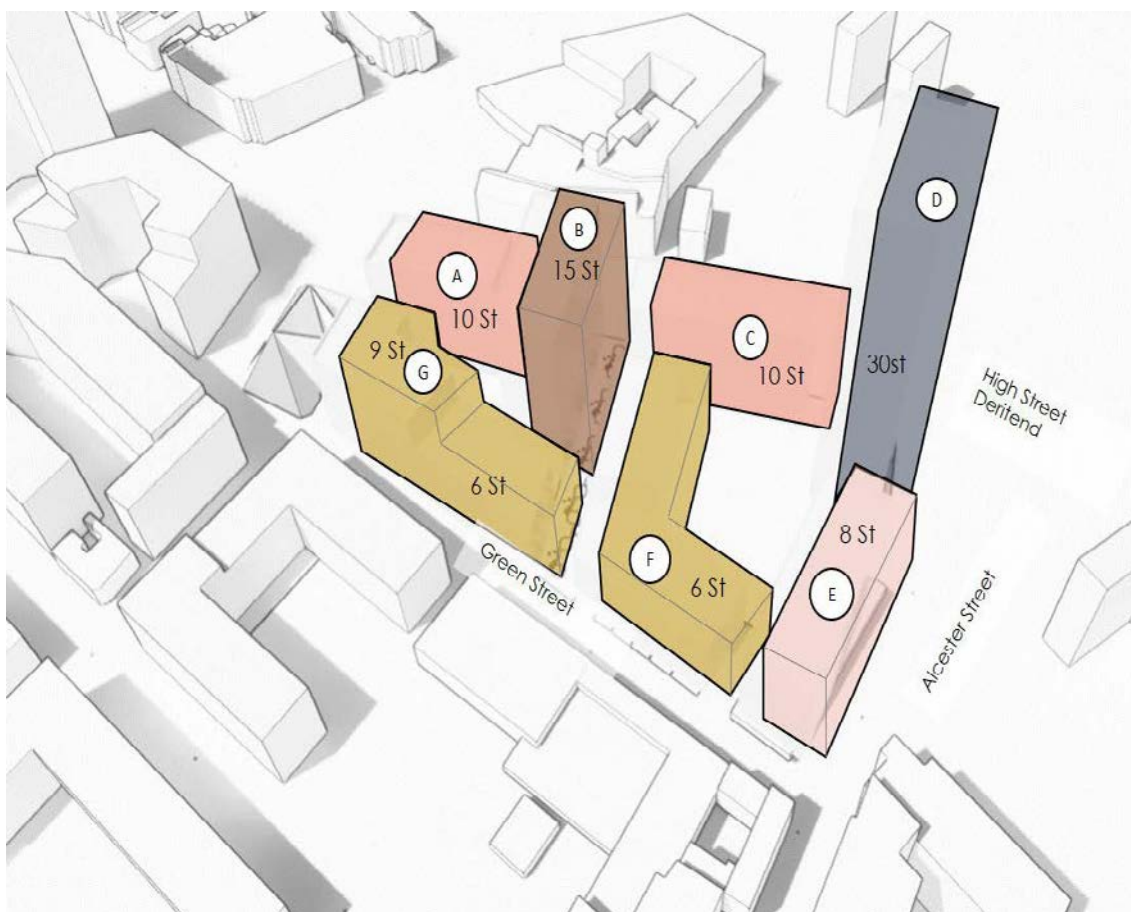
Recommendation

Approve Subject to a Section 106 Legal Agreement

1. Proposal

1.1. The application was originally submitted in September 2019, but in response to comments raised about the scheme design, amended drawings were made in May 2020. The key changes are as follows:-

- sun path analysis provided to demonstrate the quality and liveability for the future residents;
- connectivity plan showing the link between the boulevard and Custard Factory including the proposed pedestrian crossing within the Midland Metro proposals;
- increased and redistributed commercial and amenity space to create a vibrant and active frontage not only to Deritend High Street but also the new boulevard (increase of commercial space from 994sqm to 2,802sqm).
- reduction of Block F by 2 storeys (now ground + 6 residential storeys).
- re-orientation of blocks:
 - Blocks D and E have been completely re-orientated to better relate to the street edge;
 - Blocks A and G have been locally re-orientated to better relate to Chapel House Street;
 - tightening of gaps and boulevard to better relate to the Digbeth character;
 - the opening between each gable end has been reduced to circa 8m;
 - in addition, the boulevard has been reduced to 12m by moving Block B and extending Block G east, increasing the amenity space behind.
- simplification of materials across the site:
 - all mid and low rise blocks are to be red brick, in-keeping with the predominantly red brick palette of Digbeth. Subtle colour variations, alternative mortar colours and brick detailing will provide contrast;
 - the metal cladding has been retained on the nodal building (B), whilst the gateway building (D) is proposed as precast concrete cladding.
- design enhancements to facades of all blocks and reorganisation of ground floor uses to increase active frontage



Revised Scheme Massing

Use and Amount of Development

- 1.2. In its revised form the development proposes 995 apartments with a mix of 1 and 2 bedrooms over 7 blocks ranging in height from 6 storeys to 30 storeys. The residential accommodation comprises:
 - 305 (30%) x 1 Bed 1 Person @ 42sqm – 49sqm
 - 196 (20%) x 1 Bed 2 Person @ 50sqm – 61sqm
 - 328 (33%) x 2 Bed 3 Person @ 61sqm – 69sqm
 - 166 (17%) x 2 Bed 4 Person @ 70msqm – 85sqm
- 1.3. Overall, this equates to 50% 1-bed and 50% 2-bed apartments, which is an improvement over that originally submitted. The proposed tenure is to be Private Rented Sector (PRS).
- 1.4. In addition, 2,802sqm of commercial floorspace is proposed for uses such as retail, restaurant/bar, café, fitness club and cinema. The commercial floorspace is focussed along Deritend High Street and the new pedestrian boulevard through the site. This quantum of flexible floorspace includes a 424sqm unit on the ground floor elevation of Block C facing High Street Deritend, which has been designed to be of a size suitable for accommodating an Irish Community Facility, should the adjacent Irish Centre relocate from their existing premises.



Revised Ground Floor Layout

- 1.5. The development incorporates a publicly accessible boulevard north-south between Blocks B, C, F and G, providing a link between Green Street and High Street Deritend. The boulevard would comprise trees and landscaping. Two private courtyard amenity spaces are also proposed comprising a total of 3,551sqm; one courtyard at ground level serving Blocks A, B and G and one courtyard at podium level serving Blocks C, D, E and F. The courtyards would contain a variety of seating areas, trees and shrubs for use by the residents. In addition, 649sqm of internal amenity space is provided for residents. Green and brown roofs are also proposed.
- 1.6. Provision is made for 70 car parking spaces (7%), which would be accessed from Alcester Street to the east of the site. 464 cycle spaces (50%) are proposed, which would be accommodated in the cycle store with two tier cycle racks.

Layout and Design

- 1.7. Block A is situated on the corner of High Street and Chapel House Street and would be 10 storeys. It comprises a commercial unit at the corner of the High Street and Chapel House Street. The entrance is located on the corner adjoining Block B and the refuse and plant areas are located to the rear facing the private courtyard. The elevation of Block A comprises a simple grid to relate to an industrial aesthetic. Subtle detailing such as vertical recessed bricks between windows and horizontal recessed soldier course every third floor break down the elevation. On the upper floors there are large regular spaced window openings. At the ground floor, commercial spaces benefit from large expanses of double height curtain walling activating the street frontage.



Block A - View corner of High Street and Chapel House Street

- 1.8. Block B is situated on the corner of High Street and the new boulevard and would be 15 storeys. It comprises commercial floorspace facing onto the High Street and entrance to the apartments of the boulevard. All servicing areas are off the courtyard side of the building. The façade of Block B is expressed as a red toned metal framework cladding system. At the base the commercial unit fronting the High Street has curtain walls set back from the pavement. This provides more openness and space for breakout and general access off the High Street and proposed boulevard. A rhythm of vertical metal grids divided by horizontal bands every 3 storeys articulates the middle of the building. The top is composed of apertures that have deeper reveals than the middle to provide opportunities for a Juliet balcony to be integrated.



Block B - Elevation to High Street

- 1.9. Block C is situated on the High Street and would be 10 storeys. It comprises commercial floorspace on the ground and first floor fronting the High Street with residential accommodation above. At the base of Block C, the glazing system would be set back from the High Street to provide a sheltered breakout space for users of the commercial / community space. The main brick elevation is subdivided into 4 equal bays each with a simple, regular, repeating grid reflecting the factory aesthetic of Digbeth. These bays incorporate areas of glazing with simple sawtooth brick detailing to the side of each window.



Block C Main Elevation to Deritend High Street

- 1.10. Block D is situated on the corner of High Street and Alcester Street and would be 30 storeys. The design of the lower floors takes advantage of the change with street level to maximize the extent of active frontage along both High Street and Alcester Street. The commercial unit at the lower level directly opens on to the High Street and wraps the corner of Alcester Street. At this point the site levels increase and the entrance and an amenity area are at higher street level allowing level access to these locations. The floor level to the sub-station on the corner adjacent to the car park entrance rises again to provide level street access. The base of Block D would have flat piers and simple curtain walling infilling between. The main façade is subdivided into repetitive 6 storey middle bays comprised of angled precast reconstituted concrete piers and glazing set between them. The top of the building is expressed as three storeys through larger apertures and the addition of a further 3m high screening to the roof plant.



Block D - View along High Street

- 1.11. Block E is situated on the corner of Green Street and Alcester Street and would be 8 storeys. It comprises two residents' amenity areas at either end of the building, one fronting Alcester Street and the second at the corner of Alcester Street and Green Street. Also on the ground floor fronting Alcester Street is the entrance, and adjacent to the car park entrance a sub-station. To the rear facing the internal courtyard and on the upper floors is residential accommodation. The upper floors are divided vertically into 6 equal bays, with significant areas of glazing. Recessed rainwater pipes provide the vertical break and run centrally through the main brick piers. At lower floors these bays are further highlighted by recessing the intermediate piers and differentiating them with brick banding to relate to the Spotted Dog opposite.



Block E - Elevation to corner of Alcester Street and Green Street

- 1.12. Block F is an "L" shaped building situated along Green Street and the new boulevard and would be 7 storeys high. It comprises commercial uses at ground floor fronting the new pedestrian boulevard and residential above. As a low rise building it is articulated differently to the taller buildings with a base and a middle section. At the base, commercial units are designed as double height openings within a detailed brick surround. Panels of perforated brickwork enable passive ventilation into the sites underground car park area. The upper residential floors are brick faced with protruding window reveals. The top of the building has a plain metal / masonry coping.



Block F - Corner of Green Street and new boulevard

- 1.13. Block G is located at the corner of Green Street and Chapel House Street and would be 6 and 9 storeys high. It comprises residential accommodation above a ground floor commercial unit at the corner of the proposed boulevard and Green Street. Along Green Street there are sub-station / service areas requiring direct street access. This has been broken up with amenity areas to prevent too long an inactive frontage. Due to flood risk issues the entrance is located off Chapel House Street, opposite Block A. The building would be red brick with punched hole window openings. A feature window is incorporated at the corner of Green Street and Chapel House Street



Block G - Elevation to corner of Green Street and Chapel House Street

Supporting Information

1.14. The application is supported (including updated reports where necessary) by the following statements:

- Planning Statement;
- Daylight, Sunlight and Overshadowing Assessment;
- Affordable Housing Statement;
- Design and Access Statement;
- Air Quality Assessment;
- Archaeological Assessment;
- Extended Phase 1 Habitat Survey;
- Flood Risk Assessment;
- Flues and Extraction Statement;
- Heritage Statement;
- Housing Market Report;
- Phase 1 – Land Contamination Assessment;
- Landscaping Strategy Plan;
- Noise Assessment;
- Sustainable Construction Statement;
- Sustainable Drainage Assessment and Drainage Strategy;
- Tall Buildings Strategy;
- Telecommunication Link Report and Television Impact Assessment
- Wind Microclimate Assessment;
- Transport Assessment and Framework Travel Plan;
- Desktop Utilities Report;
- UXO Report; and,

- CAD Model.

1.15. 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 10% affordable private units, which assumes a proportionate mix of 1 and 2 bedroom apartments provided at 80% of market rent.

1.16. An Environmental Impact Assessment (EIA) Screening Opinion request has been submitted including both the Bull Ring Trading Estate site and the Irish Centre site and the City Council has confirmed that an EIA is not required.

1.17. [Link to Documents](#)

2. Site & Surroundings

2.1. The Bull Ring Trading Estate is located on the southern side of High Street, Deritend and covers 1.37 hectares. It has a frontage of about 170 metres onto High Street and is bounded by Green Street to the south, Alcester Street to the east and Chapel House Street to the west. It comprises 6 small industrial units along Deritend High Street, with service yards to the rear. At the corner of High Street and Alcester Street is a former car showroom, service maintenance and warehouse areas (now cleared). Access to the site is from Green Street.

2.2. There is a slope downward from east to west (toward the River Rea), along High Street of about 5 metres, whilst along Green Street the fall is almost 7 metres. There is also a fall in level north to south across the site of about 4 metres along Alcester Street and just over 1 metre along Chapel House Street. The smaller industrial buildings to the west of the site are raised up to 2 metres above pavement level, whilst the former car showroom building to the east of the site is up to 2 metres below pavement level.

2.3. There are two existing leases on the site: A lease for a future substation to Western Power with 66 years remaining; Units 2-3 are currently let to AJS and the applicant has an agreement in place for them to vacate in November of this year to new premises. All other units have been vacated.

2.4. Digbeth Coach Station is situated about 200 metres to the west, beyond which is the Bull Ring Shopping Centre. Directly opposite on High Street is the 4-storey Custard factory and small retail, commercial premises and The Rainbow public house. To the east on the opposite side of Alcester Street are a hire shop, an office building, the Spotted Dog public house and a recently constructed residential development. The southern side of Green Street comprises mainly 2 storey older industrial buildings, some of which are derelict. The Irish Centre and the Connaught Square scheme are located to the west on the opposite side of Chapel House Street.

2.5. There are a number of listed and locally listed buildings on the opposite side of High Street, within the Digbeth, Deritend, Bordesley, High Street, Conservation Area. These include the Old Crown Public House (Grade II*) and the four storey Devonshire House (Grade II). There is also a 3 storey locally listed building (Grade B) at the corner of Alcester Street and Green Street.

3. Planning History

Application Site

- 3.1. 8 January 2007 Application 2005/04972/PA. Planning Consent granted for redevelopment (outline with access and siting unreserved) for a mixed use scheme of 47,137 sqm gross internal floor space comprising up to: 38,850 sqm Class C3 residential 8,287sqm commercial, new public open space, private amenity open space and up to 670 car parking spaces. Permission subject to a S106 to secure: affordable housing; a financial contribution toward public open realm / open space improvements; a community space; and, a local training and employment scheme.
- 3.2. 13 November 2008 Application 2008/04509/PA. Planning consent granted to renew the above consent for a further 3 year period.
- 3.3. 26 October 2011 Application 2011/05085/PA. Planning consent granted to extend the time limit to implement the above permission for a further 3 year period.

Nearby Sites

- 3.4. Connaught Square – resolution 18 July 2019 to grant planning consent subject to a legal agreement for clearance of the site and the erection of new buildings ranging from 4 storeys to 28 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 in accordance with application 2016/08273/PA.
- 3.5. 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.
- 3.6. 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.
- 3.7. 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.
- 3.8. Lunar Rise - 75-80 High Street - 21 February 2018 Application 2017/07207/PA. Planning consent granted for 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. Permission subject to a S106 agreement to secure £450,000 toward public realm improvements in the Digbeth and £450,000 towards off-site affordable housing.

4. Consultation/PP Responses

- 4.1. Nearby occupiers, residents associations, local ward councillors and MP notified. Site and press notices displayed.
- 4.2. Five letters of support, including letters from the Community Sports Foundation and Birmingham Irish Foundation. In addition South and City College Birmingham have commented that this development will not only have the obvious impact of

significantly regenerating what is currently a very unattractive run down area, but more importantly will provide a large number of jobs, apprenticeships and training opportunities for students in many areas, primarily construction, which are all the more essential given the current jobs situation in Birmingham following the COVID lockdown.

- 4.3. Three petitions with 1,042, 290 and 65 signatories received. In addition, 109 letters of objection from local business and residents objecting on the following grounds.

Housing Need

- There are too many 1 and 2 bedroom flats proposed along Deritend High Street and a greater range of accommodation, including larger apartments for families and affordable housing should be provided.
- There is little or no regard for the quality of the public spaces in Digbeth, or provision of public services, like a GP, or a nursery, a dentist, a young people community space
- The only ones who benefit from building flats in high buildings are the developers and foreign investors, because the young people who live and work in the area will not be able to afford them.

Urban Design

- The Custard Factory and the whole of Digbeth have potential to become a jewel in the crown of what Birmingham can offer the world. As cities everywhere become increasingly indistinguishable, the rare and distinctive qualities of Digbeth with its history, architectural texture, human scale and diversity are an increasingly important and valuable asset to the city. Like many national and civic assets, this needs to be actively protected from the threat of inappropriate development, such as the proposed development.
- The scale of the development is excessive and clearly over development of the existing site. There are large areas of derelict land in Digbeth and no need to building higher than existing buildings. Their height is contrary to the Big City Plan, which designated this area an area of restricted height for new buildings. They will have a very damaging effect upon the quality of the area and Digbeth Conservation Area. There is no compensation for this damaging effect in the architectural design of the buildings. Their design is of a formulaic commercial type, of no particular character, which could belong anywhere
- The proposals would have a detrimental impact on loss of light / privacy and overshadowing of the surrounding areas especially, the Digbeth Conservation Area, listed buildings nearby and Abacus building. The largest of the tower blocks, 30 storeys in height, is in a prominent position adjacent a busy commuter road and not in keeping with the street scene
- Although the removal of the existing industrial units is welcomed they should be replaced by a development of much greater quality than this. A development much more in keeping with the character of the area would be well received compared to this proposal.

- It is disappointing that this scheme is of a poor quality, given the redesign of the High Street for the arrival of the Metro tram service. This will transform High Street from the most hostile street in the city centre, dominated by motor vehicles, to one of the most people-friendly.
- The place making in around the site does not seem to have been considered, nor the connections and routes through the site and how they meaningfully connect with existing adjacent routes for pedestrians. The site planning is clumsy, with blocks placed at arbitrary angles which in several cases are ignoring established building lines. The new pedestrian street connecting Green Street to High Street Deritend will increase permeability but there is no townscape analysis to explain and justify its siting.
- In a wider context, there is a failure of planning guidance on High Street Deritend and High Street Bordesley. There are three similar large development schemes planned on the south side of the street; Connaught Square, Stone Yard and Lunar Rise. They are all high density, predominantly residential schemes, all including tall buildings. They will cumulatively have a major impact on the character of this important street.

Noise

- The noise assessment is flawed and underestimates noise from nearby late night entertainment venues. The acoustic sound tests were not carried out when The Mill and Digbeth Arena were trading nor has the planning application taken either into consideration. Also, the broad nature of the cultural content programmed in the area has not been considered in the acoustic report.
- The developer has failed to implement the Agent of Change principal effectively, or given full consideration to the surrounding environment. The application should not be progressed based on incomplete information. The planning application also fails to ensure that the development is appropriately designed to guarantee the music noise ingress will meet acceptable levels inside proposed residential property. If approved based on this sound report there will be complaints from new residents who have inadequate sound proofing.
- Without any restrictions the proposed development would result in the closure of many of the late night entertainment venues. Thus it is imperative noise reduction levels are stipulated in any conditions attached and adequate provisions imposed on materials used in the construction of the building fabric to ensure the noise levels are reduced.

Parking and Highways

- The number of car parking spaces is not adequate and this will undoubtedly hinder the area, which is often already very congested at weekends.
- All parking spaces should have the capacity to charge electric vehicles.

- 4.4. BCC Transportation Development – no objections subject to conditions to secure off-site high way works, a demolition and construction management plan, cycle parking and car park management plan.

- 4.5. BCC Regulatory Services - no objections in principle subject to conditions to secure a scheme of noise mitigation, an overheating assessment, restrict plant noise, and commercial kitchen extract ventilation. In view of the previous industrial uses on the site conditions should be attached to secure a scheme of land remediation and a contamination land verification report. With regard to air quality conditions should be attached to mitigate air pollution during construction.
- 4.6. BCC Education - request a contribution of £1.9m toward the provision of local schools places.
- 4.7. BCC Leisure Services – in accordance with BDP policy, this development should be liable for a contribution of £1.8m towards the provision, improvement and / or biodiversity enhancement of POS and play at Highgate Park. Although the development is within the city centre it does contain a percentage of family accommodation and therefore this would also generate a play area contribution.
- 4.8. BCC Employment Access Team - request a condition or S106 Planning Obligation to secure local employment and training.
- 4.9. Design Review Panel -
- wider public realm around the site and adjoining Irish centre site needs to be considered;
 - schemes needs to create a sense of place;
 - vibrant mix of ground floor uses, and,
 - scale and mass acceptable but further consideration needs to be given to architecture and materials.
- 4.10. Historic England – the application seeks an excessively tall building of 30 storeys that will exacerbate the cumulative impact of a growing number of out-of-scale buildings within the setting of the Digbeth and Warwick Bar Conservation Areas, introducing a colossal scale more suited to the city centre far out into what is a low-scale industrial suburb. The proposals will cause harm to the significance of two conservation areas, multiple listed buildings and multiple locally listed buildings through development in their settings. They categorise this as being less-than-substantial, as referred to in the NPPF and urge the City Council and the applicants to explore ways of developing this site without causing such irreparable harm to the area's heritage. They feel that the scheme would need to be significantly reduced in height and scale to address the impact on the historic environment.
- 4.11. Victorian Society – whilst they have no objection to the principle of demolition of the existing modern buildings on the site, and their replacement by new development, they consider the current proposal to be inappropriate for this location, adjacent to the conservation area and the listed buildings. The four buildings proposed for the High Street Deritend frontage will create an enormous massing opposite the historic buildings, which are within the conservation area. The smallest of the four proposed buildings will rise to ten storeys, whilst the tallest will be thirty storeys. These will be very dominant and will have a negative impact on both the setting of the listed buildings themselves and on the conservation area in general.
- 4.12. Metro Alliance – Eastside Extension - close co-ordination will be required with the Metro Team delivering the Birmingham Eastside Extension.
- 4.13. Environment Agency – initial holding objection withdrawn following submission of additional information subject to a condition to ensure that the development is

carried out in accordance with the submitted Flood Risk Assessment. They also recommend a condition to secure a remediation strategy to deal with any risks to the River Rea from any significant pollutant leakages.

- 4.14. Local Lead Flood Authority - no objection in principle subject to conditions to secure details of surface water drainage, sustainable drainage system and Sustainable Drainage Operation and Maintenance Plan.
- 4.15. Severn Trent Water – no objections subject to conditions to secure drainage plans for the disposal of foul and surface water flows. There may also be a public sewer located within the application site.
- 4.16. West Midlands Police – recommends the use of laminate glass which is the most robust glass when attacked manually or damaged by an explosion.
- 4.17. West Midlands Fire Service – refer to fire safety requirements. Note that approval of Building Control will be required and recommended early liaison with the Fire Service in relation to fixed firefighting facilities, early fire suppression and access.

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; draft Rea Valley Urban Quarter SPD, and revised National Planning Policy Framework.
- 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:
 - Devonshire House The custard factory - Grade II Listed
 - The Old Crown PH - Grade II* Listed
 - Former Lloyds Bank - Locally Grade A Listed
 - Former Deritend Branch Library - Locally Grade A Listed
 - 27 Alcester Street - Locally Grade B Listed
 - The White Swan PH - Grade II Listed

6. Planning Considerations

Land Use Planning Policy

- 6.1. The Bull Ring Trading Estate site is bounded by the High Street Deritend, Alcester Street, Green Street and Chapel House Street. The site currently comprises trade counter buildings and associated car parking, and also a former car garage (site now cleared).
- 6.2. The site is located within an identified area for growth in the BDP. It is also surrounded by a changing development context, which is increasingly shifting towards residential-led or mixed uses. The area to the south of the site has previously been characterised by predominantly light industrial uses. However, a number of recent residential redevelopments have obtained planning permission, including Fabrick Square (completed and occupied), Connaught Square, Iron Works

and Lunar Rise. To the north of the site along High Street, there are a number of offices, retail and leisure uses, including the Custard Factory complex and the Old Crown Public House. The site is not located within a Core Employment Area, which are specifically to be retained in employment use. Other residential development in the area also demonstrates the move away from industrial uses in this location to residential and ancillary supporting uses, and subsequently the site, if continued as industrial, would likely have impacts such as noise and traffic which would not conform to the wider environment.

- 6.3. The emerging Rea Valley Urban Quarter SPD identifies the Cheapside neighbourhood as an opportunity for residential-led regeneration of medium to high density, creating a predominantly apartment-based residential community, to be delivered in a perimeter block typology. Therefore, both the BDP and the emerging Rea Valley Urban Quarter SPD support the principle of residential-led redevelopment of the site.
- 6.4. Within the plan period 2011 – 2031, Birmingham City Council are required to provide 51,100 additional homes (Policy PG1). The application site is identified in the 2018 SHLAA (LPA Ref: E76) as a suitable site for residential development. It also forms part of the Council's Brownfield Register. The proposed scheme would provide 995 apartments with a mix of 1 and 2 bedroom apartments, which all meet the minimum size guidelines in the nationally described housing standards
- 6.5. Additionally, the proposed development includes internal and external amenity spaces. 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 appropriate. I therefore welcome redevelopment of this site, which would not only help meet the city's housing needs but also have positive economic benefits and as recommended by the City Council's Employment Access Team a condition is attached to secure local employment and training.
- 6.6. I also welcome the proposed commercial floorspace, which would provide a mixed use development, create an active frontage along not only Deritend High Street but also the new boulevard, and help generate employment opportunities.

Tall Building Policy

- 6.7. The location of the tall building is outside of the identified ridge zone as set out in the High Places SPD (adopted 2003). However, this SPD is now considerably out of date (being over 17 years old) and the context of the scale of development and proposed infrastructure in the city has evolved. The precedent for tall buildings in this location has already been set with the approval of Lunar Rise and Connaught Square either side of the proposed development site (25 storeys and 28 storeys respectively), and also a proposed tall building within the Smithfield Masterplan.
- 6.8. Deritend High Street is becoming a gateway to the city from the south east, particularly given the significant transport infrastructure improvements proposed. HS2, scheduled for opening in 2026. Additionally, the metro is to be extended along Deritend High Street with a stop proposed nearby the Bull Ring Trading Estate site. As such, this route will become a major route into the city from the east and tall buildings assist in legibility and wayfinding as well as providing gateway to the city centre core.
- 6.9. The emerging Rea Valley Urban Quarter SPD suggests building heights for new development in this area. Within this plan, the corner of the Bull Ring Trading Estate

(corner of High Street and Alcester Street) is identified as suitable for a taller building (12 storeys plus) and the frontage to the High Street as 7 – 10 storeys.

- 6.10. Situated opposite the Custard Factory quarter, a tall building on this site would act as a visual marker for the significant location. The height of the tall building responds not only to the scale of the tall building of the adjacent proposed developments but are also respond to the scale of the High Street which is a very wide boulevard at this location.
- 6.11. I note the objections from the local community about the scale of development. However, the heights of the buildings within the development around the site respond in scale to the adjacent buildings. On the corner of Green Street and Alcester Street the corner is reduced in height respecting both to the listed building on the opposite corner and the pub across the road. The architectural form reacts to its surroundings and creates a varied range of heights. In addition, the proposed building heights are consistent with the draft SPD and comparable to other recent planning consents. In principle, therefore I have no objections to the proposed building heights.



View of Proposed Scheme with Lunar Rise and Connaught Square

Urban Design

- 6.12. The original September 2019 scheme generated significant local opposition, with particular concerns raised about its urban design quality. In addition, the original scheme was presented to the City Councils Design Review Panel, when Members raised concerns. Subsequently in May 2020, following discussions with the City Councils planning and urban design officers, the applicant submitted amendments to the scheme. How the scheme changes respond to the concerns raised are set out below.

- 6.13. Connection to Surroundings - the proposed new boulevard is located immediately south of Gibb Street, providing a direct link from the heart of the Custard Factory through the new boulevard via a new pedestrian crossing across High Street, Deritend. Currently High Street Deritend acts as a break, containing the activity and vibrancy of Digbeth to the north of the Road. With the new pedestrian link and boulevard, which will house a mix of potential commercial opportunities as well as cafes and restaurants, this will encourage the activity across to the south of the Road. Furthermore as the new boulevard connects through to Green Street, which in turn forms part of the new pedestrian route through Connaught Square to the River Rea this will further bring life and activity with improved pedestrian links through the area.



Connections to the Surrounding Area

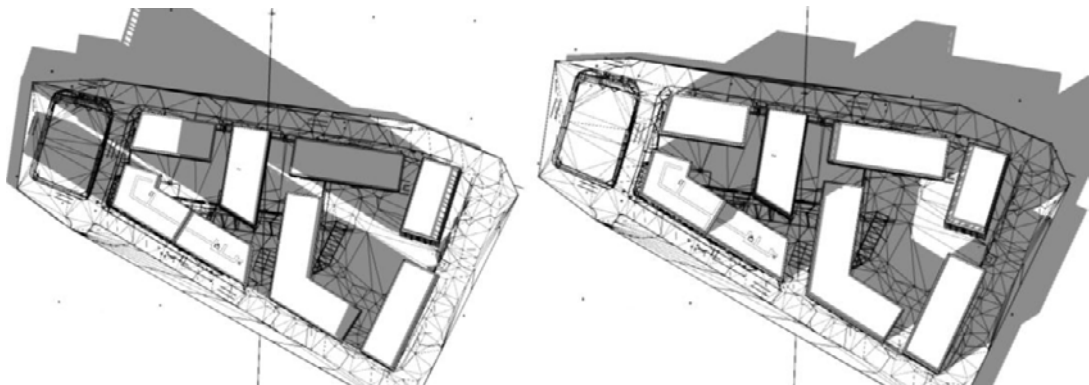
In addition to the physical links it is also proposed to make reference to the history of the site within the proposed landscaping scheme, such as the previously demolished St Johns Church and yard. The applicant considers references in the landscape is the most appropriate and effective strategy for creating a sense of connection to the past that can be sensitively and successfully integrated into the design.

- 6.14. Activity, Uses and Community - the applicant has reviewed the layouts and increased and redistributed the amenity and commercial space to create a vibrant and active frontage not only to High Street Deritend but also the new boulevard. The boulevard has become a true public space with the amount of commercial increased from circa 994sqm to 2,802sqm. This has been retained along the frontage to the High Street and brought down the length of the boulevard, continuing the active link from the Custard Factory through to the River Rea Quarter. The layout and elevations have been designed to allow a mix of unit types and sizes with the ability to combine or subdivide spaces to meet the needs of the occupier. This allows the space to adapt and respond to the area and the community around as it grows and develops over time.



Visual of the Proposed Boulevard

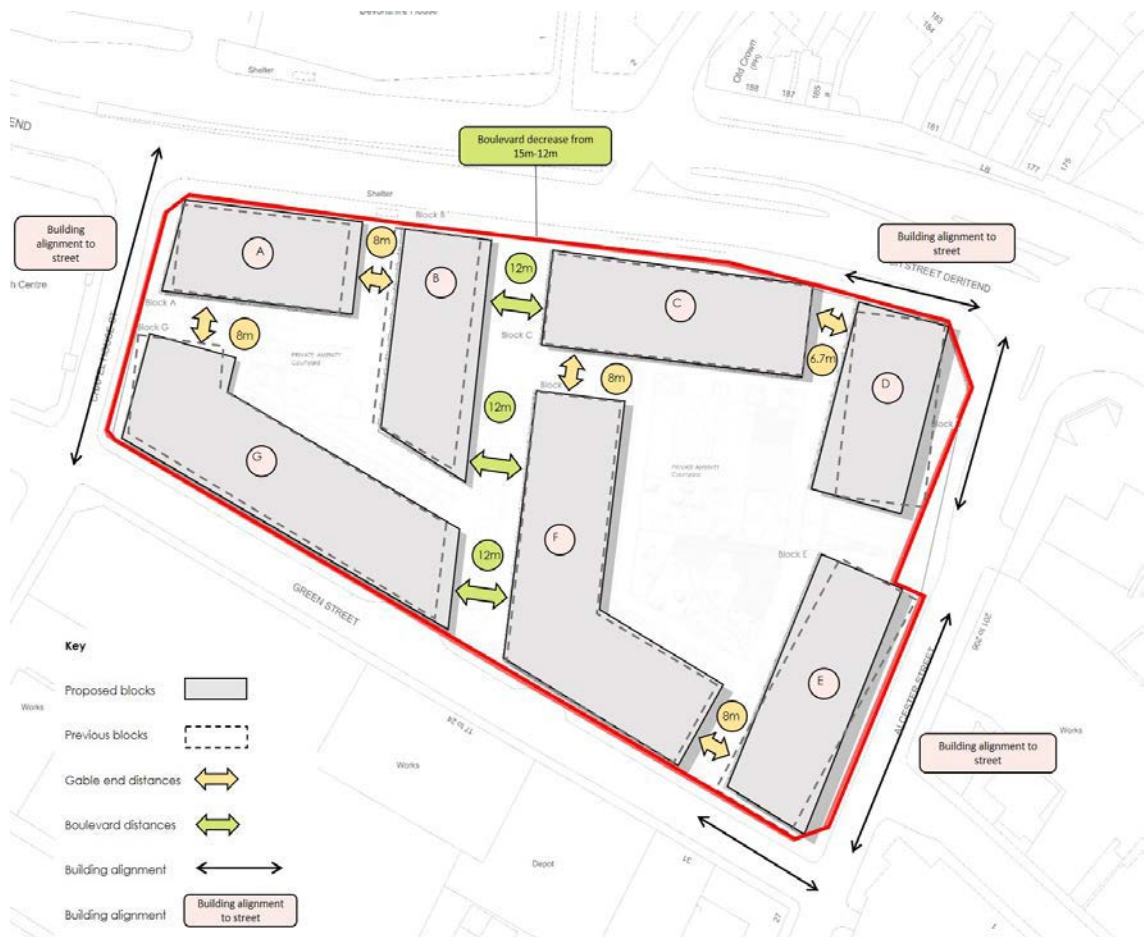
- 6.15. Massing Heights - while DRP commented that “there was general agreement regarding heights, scale and massing and the layout of the development”, the applicant has reduced the height of Block F to improve the quality of the environment along the boulevard. Block F was originally designed with a lower element along Green Street and an increased ground floor height to the boulevard to overcome the level change across the site. Two upper floors located along the boulevard have been omitted so that there is now a single height roof line across this block.
- 6.16. Sun path analysis - in response to concerns about the appropriateness of a tall building in this location, an architectural sun path diagram has been submitted to graphically represent the perceived result based on massing height and location.



Above are the sun path diagrams for 10am and 4pm on the spring equinox. As can be seen from these diagrams the buildings cast a shadow mainly to the north. However, given the width of Deritend High Street and that there are few residential properties on the opposite side of the road, its impact is lessened.

- 6.17. Layout and Orientation - Block D and Block E have been completely reoriented to better relate to the street edge, while maintaining adequate visibility splays. Blocks A

and G have been locally reoriented to better relate to Chapel House Street. The openings between each gable have been reduced to circa 8m. In addition, the boulevard has also been reduced to 12m. This has been done by moving Block B and extending Block G east, increasing the courtyard and amenity space behind it. The tightening of gaps between each block and boulevard now relates better to the Digbeth character



Revised Building Alignment

- 6.18. Materials and Architecture – the original scheme looked to use 3 materials, brick to mid and low rise blocks, metal cladding to the nodal Block B and stone to the gateway Building Block D. While there were only 3 materials used, the brick had a range of colours and textures including red, grey and brown. In response to the DRP comments, all mid and low rise blocks are to be red brick. The metal cladding has been retained on the gateway building where it is proposed to use metal with a Corten type finish. The orange and red palette will blend in with the texture and variance providing further relief and interest to the façade. In addition, the architecture of the brick buildings has been simplified.
- 6.19. Residential Mix and Numbers - there have been a number of alterations that have taken place as a result of the DRP comments which has impacted the layouts. The final number of units allowing for the reduction in massing to Block F is 995. This has been achieved by reducing the space between blocks from 10m to 8m, which has allowed the depth of the blocks to be increased by 1m and also the lengthening of the adjacent block by 1m. In addition, the reduction in the boulevard width has

allowed Blocks B and G to be extended. The result of the amendments is a better mix of, with 50% 1-bed and 50% 2-bed

Impact on Heritage Assets

- 6.20. The Heritage Statement submitted with the application is very thorough and soundly addresses all heritage assets and their setting comprehensively. It appraises all relevant policy and guidance and draws conclusions on the nature and scale of impact across the city. Whilst not all heritage assets are discussed in the report, the approach identifies all sites, buildings and monuments where an impact requires assessment and conclusions are therefore drawn.
- 6.21. The Heritage Statement notes that the conservation areas most affected, and which sit adjacent to the site are the Digbeth, Deritend and Bordesley High Streets Conservation Area and also the Warwick Bar Conservation Area. It notes that this area originally formed the Medieval manor and grew into the inner city industrial quarter consisting of surviving works, viaducts, canals and canal basins, along with a changing domestic scene and supporting services. The historic buildings within both Conservation Areas are predominantly 19th and early 20th century and both residential and industrial sites vary in layout, style and height.
- 6.22. The City Councils Conservation Officer considers that there is a low sensitivity to further change as the area is considered robust and capable of positively harnessing new development. He also largely concurs with the findings of the Heritage Statement that it is only the metropolitan scale of Block D that would draw a sharp contrast between the edge of the city setting and the darker and smaller scale of the historic buildings
- 6.23. The scale change is therefore fully understood and can be justified in conjunction with other developments approved along the southern side of the road. The Heritage Statement goes on to discuss 'moderating effects' and notes the night and wintertime presence of the development silhouetted above the traditional building scale and form of Digbeth. It concludes that 'though the prominence of the proposed development would have a moderate effect, it would not change the cohesiveness of the industrial character of the Conservation Area nor would it change the vibrant community and strong identity of the area'. The City Councils Conservation Officer concurs with this conclusion.
- 6.24. The Heritage Statement provides a comprehensive analysis of all relevant listed buildings nearby; including:
- Floodgate School, Floodgate Street (Grade II*)
 - Old Crown Pub, High Street (Grade II*)
 - Devonshire House, High Street (Grade II)
 - Former church, High Street (Grade II)
 - 224 and 225 High Street (Grade II)
 - White Swan PH, Bradford Street (Grade II)
- It concludes that the development would cause "less than substantial harm" ranging from minor and at the very lowest end to the mid-range of that measurement of harm.
- 6.25. In addition, there are several locally listed buildings in the vicinity:
- 27 Alcester Street;
 - The Roman Catholic Church of St Anne, Alcester Street;
 - 30 Lombard Street;
 - Bordesley Railway Viaduct;
 - Devonshire Works Chimney, Floodgate Street;

- W.J. Wild Company Buildings, Floodgate Street;
- Floodgate Tavern, Floodgate Street;
- Rainbow PH, 160 High Street;
- Cosifit Chair Ltd & Bordesley Chambers, 164 High Street;
- Incl, 179-182 High Street;
- 2, 4 and 6 High Street; and
- 78-79 High Street.

The Heritage Statement concludes that the development in most cases would cause no harm to the setting of these assets and a low level of 'less than substantial harm' to others.

- 6.26. The Heritage Statement is hugely comprehensive and soundly supports the proposal. The City Council's Conservation Officer acknowledges its findings and agrees that in most cases the setting of heritage assets are changed in the capacity of 'less than substantial' in Framework terms. In this instance the public benefits of the scheme include the following:
- ensuring the full and effective redevelopment and regeneration of a brownfield site in a sustainable location along an important transport corridor in Digbeth;
 - provision of quality high-density housing in the City Centre, which will make a valuable contribution towards local housing needs and the City's challenging housing target;
 - enhance the vibrancy and level of activity along High Street Deritend and supporting the vitality and vibrancy of local shops and businesses;
 - positive townscape benefits for the area;
 - delivery of a new pedestrian connection linking High Street Deritend with Green Street and the wider Cheapside Character Area;
 - creation of a community through provision of quality amenity space, courtyards and public realm; and,
 - creation of local employment opportunities throughout both the construction period and operation.
- 6.27. Historic England has concerns regarding the impact of this large scale development and resulting harm caused to the significance of two conservation areas, multiple listed buildings and locally listed buildings through development in their settings. The scheme exacerbates the cumulative impact of a growing number of out-of-scale buildings within the setting of two conservation areas. Historic England, however, concur with the finding in the Applicant's Heritage Statement, and the conclusion of the Council's Conservation Officer, that the proposed development will cause less than substantial harm to heritage assets.
- 6.28. In response to the comments from Historic England, the applicant has provided additional information. It should be noted that Historic England have not objected but have raised concerns to the proposed development. In the case of developments of tall buildings flanking the application site along the south side of Digbeth High Street (Lunar Rise (2017/07207/PA) and Connaught Square (2016/08273/PA)) Historic England also raised 'concerns' rather than 'objections'.
- 6.29. Since High Places was adopted in 2003, more recent advice on tall buildings has been provided in the 2011 Big City Plan, 2017 Birmingham Development Plan and 2019 Rea Valley Urban Quarter draft SPD (due to be adopted in September and on which Historic England have been consulted). These policy documents advise that tall buildings beyond the designated zone may be permitted. Indeed, a number of tall buildings have been permitted along High Street Deritend.

- 6.30. The Digbeth Quarter is mentioned in the draft SPD as an adjacent and separate Quarter, with its own character. It is emphasised that High Street Deritend "... presents the opportunity to create a street of city scale with a strong identity and character". As part of this vision, Birmingham Development Plan policies include this area in city centre policies (GA1.1). Further, the draft SPD stipulates that existing buildings which detract from the quality of the place should be replaced, which is reflected in the proposed demolition of the light industrial units on the site.
- 6.31. The draft SPD emphasises that a sense of place needs to be based on resilience, good quality design and connectivity. Historically, High Street Deritend is associated with high status expressed as taller and more architecturally detailed buildings. That sense of status has been eroded through the uniformity of the current industrial units and gaps in the street. The aim of the design is to re-instate a sense of high status, distinguishing this street from the surrounding streets in a contemporary way, to respond to the width of this principal route and integrate permeability into that design. Concerns over how the development would achieve a 'sense of place' were raised separately by the Design Review Panel, triggering the applicant to reconsider the function of the new street, its associated landscaping and the need to carefully reorganise the uses. Amended plans have been submitted and make significant changes to animate the development and connect it positively to the conservation area (across the High Street).
- 6.32. Change over time is an attribute of the historic value of heritage setting and the need for change is recognised in the Big City Plan, and more recently the Rea Valley Urban Quarter. The change introduced by the proposed development responds to that need and accords with these planning documents. The proposed development would assist in distinguishing the edge of the Conservation Area enhancing the readability of the full extent of the designation and the wider setting. This would be a positive change that equates to a small impact on the readability of the growth of the area, which has capacity to flux with that change. In conclusion, therefore, applying the relevant statutory test in Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the policy tests set out in the NPPF, whilst attaching great weight and importance to the less than substantial harm that the development would cause to the significance of heritage assets, it is concluded that the public benefits of the development identified above would outweigh such harm.

Entertainment Noise

- 6.33. With regard to the Bull Ring Trading Estate the noise assessment identified music noise from 2 locations (Monastery and Irish Club). The music from the Monastery was faintly audible with the Irish Centre being audible. In addition residential use has already been permitted on the adjoining sites facing High Street Deritend.
- 6.34. Based on this BCC Regulatory Services commented that the applicant has submitted details of a comprehensive noise assessment. This identifies the need to mitigate against both traffic noise and entertainment noise. The different mitigation requirements are identified in Figures 11 and 16 along with specifications in Tables 16 and 18. To ensure these recommendations are implemented they recommend that a detailed scheme of mitigation implementing these recommendations is submitted. This should be based on measured noise data / recommendations and should ensure the internal noise levels used in the noise assessment can be achieved. The assessment of the internal noise levels should be based on calculations using the methods provided in BS8233:2014 and/or BS EN 12354:3 and shall include the acoustic performance and area of the glazing, surrounding wall plus the performance of any ventilators (in the open position), noise from mechanical

ventilation and be based on the proposed building design. For rooms that have been identified as requiring mitigation against music noise an overheating assessment should be carried out to ensure windows can remain closed without overheating when the entertainment premises are active.

- 6.35. BCC Regulatory Services have added that they have no objection to requiring the provision of detailed schemes of noise mitigation/ventilation prior to the commencement of each phase. This should ensure that the mitigation will best reflect the environment conditions expected when each phase is brought into use. Likewise any overheating assessment will only be needed for habitable rooms where entertainment noise will require future residents to keep windows closed to achieve acceptable indoor amenity. Safeguarding conditions as agreed with BCC Regulatory Services and the applicant are attached.

Access and Parking

- 6.36. The site can be seen to accord with TP27 of the Birmingham Development Plan, by being well connected to public transport and close to the city centre (15-20m mins walking distance), thus removing dependency on cars. The site benefits from close proximity to the City Centre offer of civic, culture, retail and employment opportunities. Birmingham New Street and Moor Street Stations are located within a 15-minute walk from the site, opening up easy access to a cross-country connectivity network.
- 6.37. The current parking guidelines set a maximum level of provision and the site is adjacent to the City centre. Parking on adjacent roads is already fully occupied and a new Controlled Parking Zone is due to be implemented, and emerging parking policy to accept car free developments in the City centre. 70 car parking spaces are proposed, together with 464 cycle parking facilities, which given that the site is highly accessible, is appropriate. Following discussions with the Metro Alliance – Eastside Extension, BCC Transportation have raised no objections and as recommended, conditions are attached to secure off-site highway works, a demolition and construction management plan, cycle parking and car park management plan. A condition is also attached to secure electric vehicle charging infrastructure.

Wind and Microclimate

- 6.38. A Wind and Microclimate Study has been produced to accompany this planning application. The Study notes that with the introduction of the proposed development, both in the context of existing and future surrounds, and with both the proposed landscaping and targeted wind mitigation measures, wind conditions at all assessed locations within the site and surrounding area are suitable, in terms of pedestrian safety, for use by the general public and the able-bodied. In terms of pedestrian comfort, wind conditions are suitable for the intended use at the vast majority of locations, with some minor exceptions, principally in the passage between Blocks B & C and in the eastern courtyard, as well as at some entrances and building corners. A condition is therefore attached to secure the proposed wind mitigation measures.

Daylight and Sunlight

- 6.39. A Daylight, Sunlight and Overshadowing Assessment has been undertaken, which assesses the development in terms of its impact on the daylight and sunlight availability based on Building Research Establishment (BRE) guidance. Generally, the Development performs well against the various numerical tests laid down in the

relevant BRE Guide; refer to the Assessment for further details. The Assessment considers the implications of the Development for both existing and planned development. The Assessment notes that there are isolated areas of non-compliance with the BRE Sunlight & Daylight recommendations, which is not considered unusual in the context of a high-density urban context, where alterations in daylight and sunlight to adjoining properties often occur.

- 6.40. It is necessary to take into consideration that the numerical guidelines in BRE Guidance should be interpreted flexibly, as natural lighting is only one of many factors in site layout design and consideration of amenity. Paragraph 123 of the NPPF is clear that local planning authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making use of a site; as long as the resulting scheme would provide acceptable living standards. The isolated areas of non-compliance with the BRE Daylight & Sunlight recommendations are not unusual in the context of a high-density urban development. Give the marginal and isolated nature of the daylight sunlight related shortfalls I am of the opinion that on balance the development has an acceptable impact on the sunlight received by the neighbouring properties.

Air Quality

- 6.41. The Air Quality report concludes that with mitigation measures to suppress dust impacts the construction phase of the residual impacts from construction activities would not be significant. A condition is therefore attached to secure a Construction Management Plan. With regard to the occupation phase, a road traffic emissions assessment was undertaken to consider the impact of development-generated vehicle movements on air quality. The assessment took into account the expected improvements in air quality in the area as a result of the implementation of the Clean Air Zone in 2020. The results of the impact assessment showed that the impacts are not anticipated to be significant.

Aviation, Communication and Safety

- 6.42. The proposed development would measure up to 204.0m Above Ordnance Datum, meaning it is below the Airport's Safeguarding Zone of 242.35 metres by 38.35 metres. Therefore, no physical safeguarding concerns are predicted for Birmingham Airport.
- 6.43. The Communications Impact Assessment notes that no mitigation requirement has been identified. One of the operators has raised an initial objection due to link infrastructure in the area but no link details have been provided. It is also possible that outstanding responses will identify further links that are potentially affected. Based on the information available it is not considered that a condition is necessary.
- 6.44. The Television Impact Assessment notes that the proposed development will have a shadowing effect to the south-southwest and that there may be a degradation of television reception in the development's shadow. The report therefore recommends that in the event that effects are reported, a reception measurement is undertaken (post-construction) to investigate the likely cause of the interference and mitigation if required. Accordingly, a condition to this effect is attached.
- 6.45. The development complies with all of the current and emerging guidance and recommendations for the safe design of tall buildings. Including the use of non-flammable cladding and insulation. The entire development will also be fully

sprinklered throughout all of the residential and commercial accommodation. Firefighting lifts will be provided.

Flooding and Drainage

- 6.46. The planning application is supported by a Flood Risk Assessment which shows the site as falling predominantly in Flood Zone 1, with the north western corner shown on the current EA Flood Mapping as falling within Flood Zones 2 and 3.
- 6.47. The Environment Agency issued an objection dated 8 January 2020 which requested that the Flood Risk Assessment assesses and provides mitigation based on the 1 in 100 year plus 50% storm event in accordance with the latest climate change guidance. The applicant has re-assessed the flood risk in accordance with the above, and with further discussion with the Environment Agency, has provided an updated Flood Risk Assessment.
- 6.48. The proposed site layout of Block A, to allow level access from High St Deritend, shows commercial and retail properties will be affected by the 1 in 100 year + 50% Climate Change event. Levels have been reviewed to locate these areas above the flood level but due to the lower street level and requirements for access this has not been possible. Therefore these areas have been kept as retail and commercial uses and are defined as Less Vulnerable and therefore, in accordance with the NPPF. Block G, contains ground floor apartments facing the courtyard. The levels have been set a minimum of 300mm above the flood level in accordance with Environment Agency advice.
- 6.49. The Environment Agency has subsequently withdrawn their objection subject to a condition to ensure that the development is carried out in accordance with the mitigation measures detailed in the updated Flood Risk Assessment. In addition the Environment Agency and BCC Regulatory Services note that due to previous industrial uses on the site, contamination is likely to be present. As recommended conditions are attached to secure a contamination remediation scheme.
- 6.50. A Sustainable Drainage Assessment has been produced to consider potential SuDS techniques for the site. It is recommended underground tanks be used to attenuate surface run off from the proposed development to ensure that there is no increase in flooding arising. Severn Trent and the Local Flood Authority have raised no objections and as recommended safeguarding conditions are attached.

Biodiversity

- 6.51. The landscaping of the scheme provides sufficient habitat to enhance biodiversity at this location through the provision of a variety of species of trees and shrubs. As part of the landscaping strategy, the overall biodiversity of the site will be increased as a result of the provision of planting of trees and shrubs in the courtyard and around the site edges. The City Council's Planning Ecologist has raised no objections and as recommended conditions are attached to secure a legally protected species and habitat protection plan, scheme for ecological/biodiversity/enhancement measures and bird/bat boxes.

Sustainable Construction and Energy

- 6.52. A Sustainable Construction statement and Energy Statement has been submitted in support of TP3 and TP4. With regards to TP3, the sustainable construction statement successfully demonstrates how the proposed development:

- is adapted to climate change through SuDs and reduces overheating;
- conserves water and reduces flood risk;
- has considered the procurement of materials which promote sustainability, including by use of low impact, sustainably sourced, reused and recycled materials;
- minimises waste and maximises recycling during construction and operation;
- is flexible and adaptable to future occupier needs; and incorporates measures to enhance biodiversity value.

6.53. Policy TP4 states that new developments are expected to incorporate the provision of low and zero carbon forms of energy generation, or connect into low and zero carbon energy generation networks where they exist. The energy statement explains how the development has been based on low energy design principles, adopting a 'fabric first' approach through effective building form. In terms of LZC energy generation, a number of appropriate alternatives have been considered for the development using the correct methodology. BCC guidance states that analysis of CHP as an option must be included for residential developments over 200 units and non-residential development over 1,000 sq. m – this has been competed to an adequate standard. The proposed solution comprises electric heating / cooling through the use of a mixture of direct electric heating and air source heat pumps. Modelling suggests that this would produce an improvement over Building Regulations Part L2 notional of approximately 5%. Whilst I support the proposed LZC energy source, a condition is attached to secure further information on the placement and specifications of the technology to be used.

CIL and Planning Obligations

6.54. Given the number of proposed apartments the City Council's policies for Affordable Housing and Public Open Space in New Residential Development apply. The applicant is not able to meet in full the affordable housing or off-site public open space requirements. Accordingly, the applicant has submitted a Viability Statement to justify relaxing the policy requirements in this instance. The Viability Statement has been independently assessed by the City Council's assessor, who concludes that the provision of 100 (10%) affordable private rented units at 80% of Market Rent is the most that the scheme is able to sustain without impacting on viability and deliverability.

6.55. In addition to the provision of affordable housing, the scheme also provides new open space in the form of a new pedestrian boulevard through the site together with two private courtyards. BCC Education have requested a contribution towards the school places, however, school places are funded through CIL payments. The proposed development does not attract a CIL contribution.

7. Conclusion

7.1. In principle redevelopment of this underused partly brownfield City Centre site, for residential led mixed use development is consistent with the land use policies within the Birmingham Development Plan and emerging Rea Valley Urban Quarter SPD. In addition a tall building situated opposite the Custard Factory quarter would act as a visual marker for the significant location and is appropriate in this location. Furthermore, the design of the scheme has been amended to address concerns raised by the City Council's Design Review Panel and local residents. I therefore consider that the revised scheme is acceptable subject to completion of a suitable legal agreement and safeguarding conditions.

8. Recommendation

- 8.1. That consideration of application 2019/07805/PA be deferred pending the completion of a legal agreement to secure the following:
- a) 10% affordable private units (APR) at a proportionate mix of 1 and 2 bedroom apartments provided at 80% of market rent;
 - b) 24/7 public access to the pedestrian boulevard linking Deritend High Street with Green Street;
 - c) 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 30th August 2020, planning permission be refused for the following reasons:
- a) In the absence of a legal agreement to secure affordable housing, the proposal conflicts with Policy 8.50-8.54 of the adopted Unitary Development Plan, Policy TP31 Affordable Housing of the Birmingham Development Plan 2017 and Affordable Housing SPG; and
 - b) In the absence of a legal agreement to secure a public access to the new pedestrian route, 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 30th August 2020, favourable consideration be given to this application, subject to the conditions listed below

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|---|--|
| 1 | Requires the prior submission of a contamination remediation scheme |
| 2 | Requires the submission of a contaminated land verification report |
| 3 | Requires the prior submission of a sustainable drainage scheme |
| 4 | Requires the prior submission of a drainage scheme |
| 5 | Requires the prior submission of a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan |
| 6 | Requires that the development be carried out in accordance with the submitted Flood Risk Assessment |
| 7 | Requires the submission of a scheme for ecological/biodiversity/enhancement measures |
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- 8 Requires the prior submission of details of bird/bat boxes
 - 9 Requires the prior submission of extraction and odour control details for A3, A4 and A5 uses
 - 10 Requires the prior submission of a noise insulation scheme
 - 11 Requires the prior submission of a noise study to establish residential facade sound insulation
 - 12 Requires submission of an overheating assessment
 - 13 Requires the prior submission of an internal noise validation report
 - 14 Limits the noise levels for Plant and Machinery
 - 15 Requires implementation of construction air quality mitigation measures
 - 16 Requires further details of wind mitigation measures
 - 17 Requires the submission of hard and/or soft landscape details
 - 18 Requires the submission of hard surfacing materials
 - 19 Requires the submission of boundary treatment details
 - 20 Requires the submission of an obstacle lighting scheme
 - 21 Requires the submission of a lighting scheme
 - 22 Requires the submission of details of green/brown roofs
 - 23 Requires the prior submission of a demolition method statement
 - 24 Requires the submission of a construction method statement/management plan
 - 25 Requires the submission of the low and zero carbon energy generation system
 - 26 Requires the submission of sample materials
 - 27 Requires the submission of Shop Front Design details
 - 28 Requires the prior approval of a sample mock up facade panel for each block
 - 29 Requires the submission of window details
 - 30 Requires the submission of architectural details
 - 31 Requires the scheme to be in accordance with the listed approved plans
 - 32 Requires the submission of a CCTV scheme
 - 33 Requires a post completion telecommunications reception assessment
-

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- 34 Requires the submission of details of refuse storage
 - 35 Requires an employment construction plan
 - 36 Removes PD rights for telecom equipment
 - 37 Requires the submission of a car park management plan
 - 38 Requires the parking area to be laid out prior to use
 - 39 Requires the submission of cycle storage details
 - 40 Requires the submission and completion of works for the S278/TRO Agreement
 - 41 Requires the provision of vehicle charging point(s)
 - 42 Requires the prior submission of a phasing plan
 - 43 Implement within 3 years (Full)
-

Case Officer: David Wells

Photo(s)

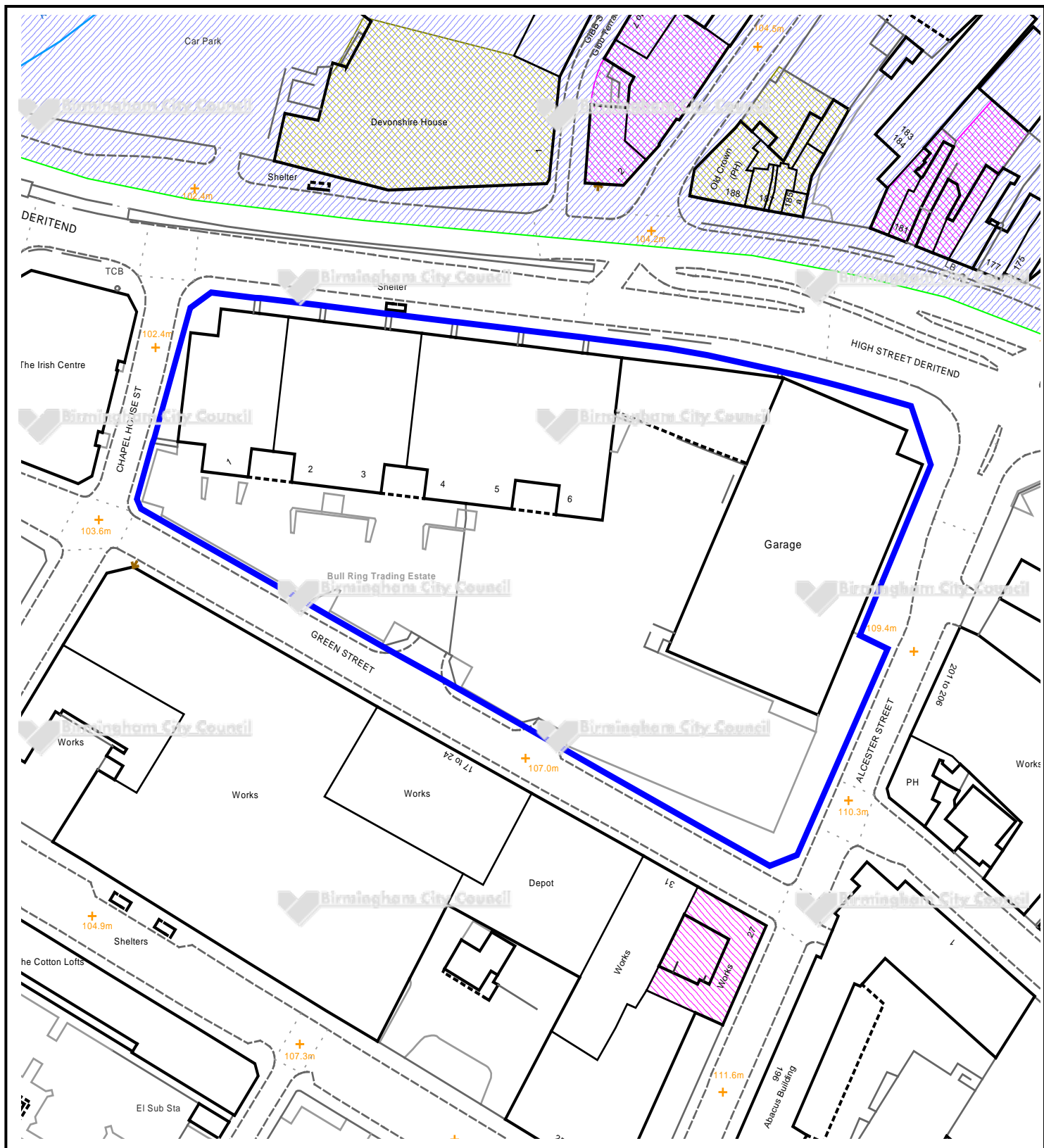


View along Deritend High Street



View from Alcester Street

Location Plan



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Committee Date:	30/07/2020	Application Number:	2017/10551/PA
Accepted:	19/12/2017	Application Type:	Full Planning
Target Date:	30/06/2020		
Ward:	Bordesley & Highgate		

Land at former Monaco House site, Bristol Street, Birmingham, B5 7AS

Erection of new mixed use development of between 5 and 10 storeys high plus two towers of 29 + 26 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:	Orchidtime Ltd c/o Agent
Agent:	Pegasus Group 5 The Priory, Old London Road, Canwell, Sutton Coldfield, Birmingham, B75 5SH

Recommendation

Approve Subject to a Section 106 Legal Agreement

Report back

- 1.1 Your Committee previously considered this application in August 2018 when you resolved that it should be approved subject to a satisfactory legal agreement being entered into.
- 1.2 As detailed at para 8.1 – 8.5 of the original report below the resolution your Committee agreed required the legal agreement to include;
 - the provision of 92 one and two bed Affordable Private Rent units (split 50/50) across the site.
 - that 25% of these would be provided prior to first occupation of the private rental units, another 25% prior to 50% private rent occupation, with the remaining 50% prior to 75% private rent occupancy.
 - a review mechanism requiring further financial assessments at 30 and 60 months from implementation and if any unit was to be sold.
- 1.3 Since your Committee considered this application there has been considerable negotiation between your Officers and the applicant over the specific wording content of the legal agreement to ensure it doesn't deter or prevent funding investment and render the development undeliverable. Some alterations to the resolution are therefore sought to ensure it accurately reflects the proposed legal agreement.
- 1.4 The offer of 92 one and two bed, on site, Affordable Private Rent unit's remain as originally agreed but due to the site and infrastructure investment required to bring this site forward the applicant seeks to revise the affordable housing triggers as follows;

- 25% affordable housing to be provided prior to 50% private rent occupancy, 50% prior to 75% and 100% prior to 90% private rent occupancy.
- 1.5 In addition, a change from 'timed' review mechanism or at a point of market sale, to the submission of a revised financial appraisal at 75% completion of each phase is sought.
 - 1.6 The proposed development is a PRS scheme and as such low yields are expected over a much longer period of time when compared to a build to sell scheme and this has a significant impact on a schemes viability. I therefore consider the request to slightly delay the delivery trigger for the provision of on-site affordable units, when compared to a market sale scheme, to support a more evenly balanced cash flow through the initial delivery period, would be entirely reasonable. All 92 affordable private rent units would still need to be provided prior to 90% occupancy of the site.
 - 1.7 Further I consider that a revised review mechanism trigger requiring a financial appraisal when each phase has reached 75% completion, instead of two periods in time, would ensure that the City is able to accurately assess the site's value and better reflect and capture any increased development value, including if any units were to be sold. I therefore consider this change to be appropriate, consistent and fair with regard the interests of both the developer and the City. The legal agreement would also remain entirely in accordance with guidance and legislation in this respect. Provisions within the proposed legal agreement would remain as originally identified to ensure that if any additional profit was generated it would be split 50/50 between the developer and the City and be provided either as additional on-site units or as an off-site commuted sum.

Recommendation

- 2.1 That the original resolution is amended to reflect the above changes. As such planning application 2017/10551/PA should be approved subject to the completion of a planning obligation agreement to secure the following:
- 2.2 92 one and two bed Affordable Private Rent units. These units shall be split 50/50 and pepper potted across the site. 25% of the units shall be provided by 50% of the private rental units, 50% at 50% occupancy and 100% provided by 90% occupancy and rental levels (including service charges) shall be retained at 20% below open market rent value in perpetuity. Eligibility will be determined in line with local incomes.
- 2.3 A review mechanism that requires a financial appraisal shall be submitted for assessment at 75% completion of each phase. If that financial appraisal identifies a greater surplus then the additional profit shall be split 50/50 between the developer and Local Authority up to a maximum financial contribution of 35% affordable housing. Any additional financial contribution would be spent on affordable housing.
- 2.4 Payment of a monitoring and administration fee associated with the legal agreement of £10,000.
- 2.5 In the absence of a suitable planning obligation agreement being completed to the satisfaction of the Local Planning Authority on or before 30th August 2020 the planning permission be refused for the following reasons:

In the absence of any suitable legal agreement to secure a financial contribution towards affordable housing the proposal would be contrary to TP31 of the Birmingham Development Plan and NPPF.

- 2.6 That the City Solicitor be authorised to prepare, seal and complete the planning obligation.
- 2.7 That no objection be raised to the stopping-up of Section of footway on Bristol Street and pedestrian subway that runs beneath Bristol Street and that the Department for Transport (DFT) be requested to make an Order in accordance with the provisions of Section 247 of the Town and Country Planning Act 1990.
- 2.8 That in the event of the planning obligation being completed to the satisfaction of the Local Planning Authority on or before 30th August 2020, favourable consideration be given to this application subject to the conditions listed below.

Original Report

1. Proposal
 - 1.1. 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, managed by a single company 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 units. 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.
 - 1.2. 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.
 - 1.3. 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 and 7 storeys

F – 7 storey

G – 7 storeys

H – 6-7 storeys

J- 3-5 storeys

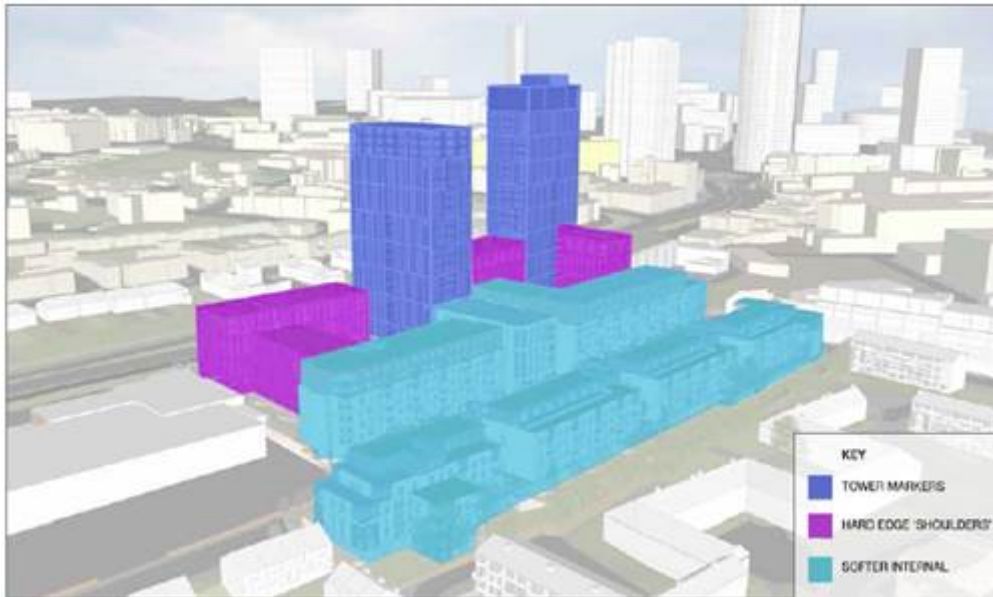
K – 4-5 storeys

L – 4-5 storeys

M – 4-5 storeys

Blocks J-M would sit above 1-2 storeys of car parking (indicated by the dashed line)

- 1.4. The architectural concept splits the site into two main styles that address the location of the blocks relative to the external boundaries, defined as the 'hard edge' and the 'soft 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 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'. Specific materials would be controlled by condition.



- 1.5 The scheme consists of 4 typical units; 1, 2 and 3 bed apartments and 3 bed split level units. They would all consist of 1, 2 or 3 en-suite bedrooms and an open plan kitchen/living area. They are primarily single aspect and have no internal corridors. They would range in size from 44-123sqm and would comply with national space standards. The scheme would provide 35% 1 bed units, 52% 2 bed units and 13% 3 bed units. 351 units would have balconies, 71 would have terraces and 129 would have winter gardens (56%). 92 of the units would be private affordable rent units at 20% less than the market rent units.
- 1.6 335 underground car parking spaces (33%) would be provided alongside 35 motor cycle spaces and 1010 covered bicycle spaces (100%). Servicing arrangements for both the commercial and residential elements have been identified.
- 1.7 The development will require the closing off of the vehicular and pedestrian subway off Bristol Street, the footpaths immediately adjacent the site would be widened and resurfaced, provision of two way cycle lane along Bristol Street and a new public pedestrian route would be introduced from Wrentham Street south to Vere Street and east to west from the proposed new walkway to Bristol Street.
- 1.8 Hard and soft landscaping would be provided across the site and would include feature trees, raised planters, seating areas and feature paving in a pallet of materials, the specific details of which would be conditioned.
- 1.9 1450 sqm storage area at the lower ground floor would be retained for Bristol Street Motors with pedestrian and vehicular access separate to the proposed residential redevelopment.
- 1.10 A 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 and Fire Safety Strategy have been submitted in support of the application.

1.11 A screening request was considered prior to the formal application submission which concluded an ES was not required.

1.12 [Link to Documents](#)

2 Site & Surroundings

2.1 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.

2.2 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.

2.3 There are significant level changes across the site sloping down from west to east and north to south.

2.4 The existing buildings on site have now been demolished but previously the site 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.

2.5 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, approx. 450m to the west/south west.

2.6 [Site location](#)

3 Planning History

3.1 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.

3.2 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

3.3 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.

3.4 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. Approved subject to conditions and S106.

Former Kent Street Baths, to the north

- 3.5 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. Approved subject to conditions and S106.

Wrentham Street, to the north

- 3.6 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

- 3.7 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.
- 3.8 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.

4 Consultation/PP Responses

- 4.1 Education – A financial contribution of £3,505,553.62 is required for the provision of places at local schools.
- 4.2 Heart of England Foundation Trust (now part of University Hospitals Birmingham NHS Foundation Trust) - A financial contribution of £42,112.00 is required which would be used to provide additional services and capacity to meet patient demand. The representation states that the Trust is currently operating at full capacity in the provision of acute and planned healthcare. It adds that contracts (and therefore budgets) are set based upon the previous year's activity and due to delays in updating tariffs and costs the following year's contract does not meet the full cost impact of the previous year's increased activity. They consider that without such a contribution the development is not sustainable and that the proposal should be refused.
- 4.3 Highways England – no objection.
- 4.4 Leisure – The proposed public realm and amenity space within the development would not compensate for off-site POS contribution. The Ward has an under provision of POS in comparison to the BDP policy and an off-site financial contribution of £2,342,600 to be spent on the creation of new POS in the Southern Gateway or extension/improvement of Highgate Park is required.
- 4.5 LLFA – accept the principles within the submitted FRA and associated drainage strategy subject to conditions.

- 4.6 National Grid – no objections.
- 4.7 Regulatory Services – No objections subject to conditions to secure additional information/appropriate mitigation with regard land contamination, air and noise.
- 4.8 Severn Trent – no objection subject to drainage condition.
- 4.9 Transportation Development – no objection subject to conditions including s278 Agreements, stopping up resolution, car park management plan, delivery and service plan, cycle parking, pedestrian visibility splays, construction management plan and delivery management plan.
- 4.10 West Midlands Fire – no objection subject to the details within the D and A and Warrington fire strategy are observed. A water scheme plan will need to be agreed with the Fire Service and relevant water company prior to development.
- 4.11 West Midlands Police – Various security comments ultimately noting that the key to the success of this scheme will be controlling the different uses and that the compliance with various “secured by design” documents should be achieved. In addition, secure access to the undercroft car parking will be required as will cctv across the site.
- 4.12 Local residents’ associations, neighbours, Ward Cllrs and the MP have been notified. Site and press notices have also been displayed. 1 letter of comment has been received which generally identifies support for the redevelopment of the site but questions the locality of the 29 storey tower on the corner of Bristol Street/Wrentham Street and also comments/notes;
- Why has the Conservation Officer not been involved?
 - Contents of supporting document statements questionable particularly with regard the relationship between the locally listed buildings and the 29 storey tower
 - Site is outside area identified for tall buildings within High Places, SPG
 - Adverse impact on street scene and daylight/sunlight paths

5 Policy Context

- 5.1 Birmingham Development Plan 2017, Birmingham UDP 2005 saved policies, 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.

6 Planning Considerations

Background

- 6.1 An issues report about this application was considered at the Planning Committee meeting on 18th January 2018. In response to the issues identified Members largely welcomed the proposal. Members were content with the scale of development and mix of uses and apartment mix but made the following comments;-
- The failure to make a S106 offer is unacceptable given the scale of the proposal
 - The level of community facility is not clear.

- 6.2 Significant negotiations have taken place in an attempt to address these concerns and are referred to in more detail in consideration of the issues set out below.

Principle

- 6.3 The Birmingham Development Plan (BDP) which was formally adopted on 10 January 2017 sets out a number of objectives for the City until 2031 including the need to make provision for a significant increase in population. Policy PG1 quantifies this as the provision of 51,000 additional homes within the built up area of the City which should demonstrate high design quality, a strong sense of place, local distinctiveness and that creates a safe and attractive environments. Policy GA1 promotes the City Centre as the focus for a growing population and states that residential development will be continued to be supported where it provides well-designed high quality environments with the majority of new housing expected to be delivered on brown field sites within the existing urban area. Whilst Policy GA1.3 and Policy TP27 emphasise the importance of supporting and strengthening the distinctive characteristics, communities and environmental assets of each area and the need to make sustainable neighbourhoods.
- 6.4 The application site is located within the Southside and Highgate Quarter within the City Centre Growth Area, it is well connected to amenities and facilities, and is an existing brownfield site. The provision of a residential development with ground floor commercial uses, which would complement and supplement the existing amenity provision in the immediate locality, is therefore acceptable in principle subject to detailed matters.

Design and layout

- 6.5 Local planning policies and the recently revised NPPF (July 2018) highlight the importance of creating high quality buildings and places and that good design is a key aspect to achieving sustainable development.
- 6.6 There have been no significant changes to the design of the proposed development since your Committee considered this application as an Issues report as no issues of concern were raised. 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 to be of the highest possible standards which reinforce and 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 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. Block D has been stepped into the site to improve future occupiers outlook and in order to prevent overlooking and sterilisation of the adjacent site should it come forward for redevelopment in the future. Active frontages would be provided across the site and buildings have been positioned 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.
- 6.8 The scale of the proposed buildings range from 3 to 10 storeys with two towers of 26 and 29 storeys. The site is outside the "central ridge zone". However the towers would be located to the back of pavement on Bristol Street which is part of the strategic highway into and out of the City. The applicant has provided comprehensive supporting information within their Design and Access Statement and a Townscape and Visual Impact Assessment which demonstrates that the proposed towers would not have an adverse impact on the street scene or the City's longer range views. I therefore concur with the Head of City Design who considers that the provision of the greater scale, including the towers, to Bristol Street emphasises its importance as part of the strategic highway network. It also allows the scale and mass of the other buildings to reduce moving east across the site and enable the development to 'knit' into the existing, lower, scales in the vicinity. I therefore consider the proposed layout and scale to be acceptable.
- 6.9 As noted in para 1.4 the architectural concept splits the site into two main styles that address the location of the blocks relative to the external boundaries. 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 and topped with a 'crown' 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' thereby creating a much 'softer' identity. The use of a horizontal podium and colonnade along Bristol Street frontage seeks to reference the lower linear design of the adjacent traditional building and detailed consideration has been given to areas such as the rear of the retail units and green walls to such areas are also proposed. I therefore consider the design concept, coupled with the proposed materials and the use of details such as recessed balconies, deep reveals and projecting winter gardens help create interest within the buildings elevations, break up its mass and create an identity and sense of place within the development itself.
- 6.10 I also note that the site is not in a conservation area and that it is not close to any statutory listed building. It is immediately adjacent a locally list building but I do not consider the proposal would have an adverse impact on their significance.
- 6.11 The Head of City Design has been intensely involved with this application and he considers the positioning of the towers to Bristol Street will provide a prominent landmark building in an appropriate position on a strategic highway network into the City Centre. He also considers that the layout, scale and mass is justified and

appropriate to the site and that the proposal would result in a well-designed, high quality development, subject to detailed conditions. Consequently I consider the proposed development would accord with the aims and objectives of both local and national planning policy in this respect. It is not considered that the development would have a detrimental impact on the locally listed buildings on Bristol Street to the north.

Housing mix

- 6.12 Policy TP30 states that proposals for new housing should deliver a range of dwellings to meet local needs and support the creation of mixed, balanced and sustainable neighbourhoods. It also identifies that high density schemes will be sought in the city centre. The redevelopment of the site would deliver additional housing on a brownfield site close to the City Centre Core and within the Southern Gateway Quarter. The proposal is identified as a PRS scheme, and although this isn't recognised within the BDP as being different to traditional C3 housing, the overall concept (as noted at para 1.1.) relies on a mix of units, with a variety of apartment sizes enabling residents to move and stay within the development as their needs change, facilitate and create a 'community'. Your Committee previously raised no concerns in terms of the housing type/mix.
- 6.13 The City's housing evidence base indicates that there is a need for larger properties but this is with reference to Birmingham's strategic housing area as a whole. It does not take account of demand in more localised locations such as the City Centre where there is significantly less land available, housing densities are expected to be higher and detailed data analysis suggests demand for smaller units is more likely. I also note policy PG1 and TP29 which identify housing need/delivery and consider that this scheme would positively contribute towards the achievement of these figures. All the units comply with the National Space Standards and delivers 13% 3 bed units. I therefore consider the proposal is acceptable and in line with policy.

Amenity

- 6.14 Places for Living (SPG) provides 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. Appendix A, includes a series of numerical distance separation requirements including that 27.5m distance separation is required for 3 storeys from any proposed and existing facing elevations and that 5m per storey set back is required where main windows would overlook existing private space.
- 6.15 Block J, K, L and M would be positioned to the eastern side of the application site, front onto the proposed new walkway and 'back' onto existing residential properties. The facing elevations of these buildings would be between 21 and 29m from existing windowed elevations and the distance separation between the proposed new build and private amenity of these existing dwellings would range between 12.5m and 14, below the 25m that Places for Living gives as guidance. However, as Places for Living also notes great emphasis is given to careful design rather than a "blanket application of numerical standards....".
- 6.16 Consequently, I note that the proposed new development would result in the removal of an unrestricted access road, improve the appearance of the physical boundary between the sites, including landscaping, and introduce a compatible residential use. I also note that both existing and proposed buildings would be at a slight angle and there would not be direct face to face views, that a number of the existing garden areas are communal and that there have been no objections raised on the basis of

loss of privacy or overlooking. I therefore consider the position and proximity of Block J, K, L and M would not adversely affect the amenities of existing residents sufficient to warrant refusal.

- 6.17 56 % of the proposed accommodation would have private terrace, balcony or winter garden areas and there would be 4 private, communal areas (approx. 3100 sqm) for future residents in addition to hard and soft landscaping across the site (over 5000 sqm). Given the sites Bristol Street frontage and the nature of the development including the potential additional on site facilities i.e. cinema and gym and the proximity of nearby parks, including the emerging park to St Luke's to the south, I consider the amenity provision for future occupiers would be appropriate. I also note that the applicant has confirmed that the facilities in the 'hub' would be available to the wider public subject to a membership fee.
- 6.18 A sunlight/daylight/overshadowing assessment has been submitted in support of the application. It concludes that the levels of daylight and sunlight to the majority of the proposed apartments and amenity areas comply with BRE requirements. Further, it confirms that the impact of the proposed development would be negligible to existing buildings with the exception of 86 Wrentham street (to the north east), which would experience a greater adverse impact. However I note this is a new development under construction and that I have received no objections on the basis of loss of light.
- 6.19 Therefore, given the sites location within an urban area, the existing site situation, the need to consider optimisation of a site's development potential and the flexibility provided by the BRE Guidelines for urban locations I do not consider the proposal would have an adverse impact on existing residents amenity sufficient to warrant refusal.
- 6.20 Following the initial wind assessment, mitigation including building canopies and landscaping have been added across the site to break up the flow of air and reduce wind speeds as far as possible. However I note the assessment is a desktop assessment only, has been carried out for the prevailing wind direction only and that there is no direct comparison to the industry wide recognised Lawson Comfort Criteria. Therefore in order to safeguard the future comfort and safety of pedestrian and cyclists within the vicinity I consider a more detailed wind study, including consideration of the need for any further mitigation, should be submitted prior to any above ground development and I recommend a condition to secure this accordingly.

Transportation

- 6.21 Policies TP38-41 encourages developments where sustainable transport networks exist and/or are enhanced. In addition to supporting sustainable transport networks the Car Parking SPG identify a maximum car parking provision of 1.5 car parking spaces per dwelling.
- 6.22 The proposal would include provision of 335 underground car parking spaces, 35 motor cycles' 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. A Transport Assessment has also been submitted which concludes that the proposed residential redevelopment would result in a significant net reduction in predicted traffic flows in the peak periods, compared to the previous and consented schemes, and that the proposed uses generate a much less significant demand. Further I note that the site is excellently located for public transport close to bus and train stops and within walking distance of a wide

range of facilities. I therefore raise no objection to the proposal, subject to conditions which I attach accordingly.

- 6.23 In addition I note that the development includes provision for the infilling of the existing vehicular and pedestrian subway off Bristol Street, widening and resurfacing of the footpaths immediately adjacent the site, the provision of a two way cycle lane along Bristol Street and that a new public pedestrian route from Wrentham Street south to Vere Street and east to west from the proposed new walkway to Bristol Street. These works would require the stopping up of public highway across/adjacent the site. However, no objections have been received on this basis and the highway works are necessary as part of the development. Further the provision of a north south, and an east west, pedestrian route through the site and 2 way cycle lane would ultimately result in significant improvements to pedestrian and cycle networks across the site in accordance with policy.

Planning obligations

- 6.24 The proposed development does not attract a CIL contribution but given the level of development proposed Policy TP9, which requires new public open space to be provided in accordance with the Public Open Space in New Residential Development SPD, and Policy TP31, which requires 35% affordable housing unless it can be demonstrated that this would make the development unviable, are applicable. When the issues report was considered members commented that the original zero offer was unacceptable given the density of the site, particularly as there would be no CIL payment.
- 6.25 Following the Issues report the applicant's financial appraisal has been independently assessed and there have been extensive negotiations by your officers. I am therefore satisfied that the scheme cannot support a fully policy compliant contribution. However the scheme will generate a surplus of £3.27 million and an offer on this basis has now been agreed with the applicant.
- 6.26 The revised NPPF (July 2018) emphasises that affordable housing should be provided on site and updates the definition of affordable housing to reflect recent market development/trends. In so doing it identifies "Affordable Private Rent" to be a form of affordable housing. Affordable Private Rent is accommodation provided by the landlord within a Build to Rent scheme (PRS scheme) at least 20% below local market rents (including service charges). Further, National Planning Guidance identifies that "For build to rent it is expected that the normal form of affordable housing provision will be affordable private rent". Consequently, the applicant has agreed that their financial contribution should be provided in the form of on-site affordable rent units – this would equate to 92 units (9.1%), split 50/50 between one and two bed apartments, be provided across the site, be provided for the lifetime of the development and be provided at a 20% discount to local market rent. Eligibility for these units would be considered in line with local incomes. This would mean there was no financial contribution to public open space. However, I note the proximity of a number of existing/emerging green spaces/parks including St Luke's immediately to the south of the site and I consider affordable housing, currently, to be the City's greater priority. I consider this would accord with policy and comply with the CIL Regulations 2010.
- 6.27 The previous and revised NPPF and PPG are clear that the assessment of viability for decision-taking purposes should be based on current costs and values. However previous NPPF guidance, RICS guidance and case law have also supported the view that on larger, multi phase projects that take longer to build out that are likely to be

subject to changing economic conditions could be appropriately considered for review mechanisms. The revised NPPF and PPG (July 2018) consider that the approach to this matter should remain unchanged and therefore whilst the City has not yet agreed a policy approach for review mechanisms, given the size and scale of this development and the understanding that it will be built in a series of phases (to be controlled by condition) over a longer period of time, I consider it would be appropriate to safeguard the City's position and require a S106 review mechanism. I consider it would be appropriate to require a S106 review at 30 months and 60 months with any surplus greater than that identified by the submitted, and agreed, financial appraisal being split 50/50 with the Local Planning Authority up to the maximum equivalent value of the 35% affordable housing policy.

6.26 I note the request received from the NHS Trust, for a sum of £42,112. Our position is that we do not consider the request would meet the tests for such Section 106 contributions in particular the necessity test (Regulation 122.(2)(a) necessary to make the development acceptable in planning terms). We believe the interval from approval to occupation of the proposed development, along with published information (such as the BDP and SHLAA) gives sufficient information to plan for population growth. Discussions with the relevant Trust are continuing on this matter, in order for us to understand more fully their planned investments in the City and how we might best be able to support that.

6.27 Education have also requested a financial contribution however I note education is identified on the CIL 123 list and it would not therefore be appropriate to request a further contribution in this instance.

6.28 The site is located in a low value residential area and does not therefore attract a CIL contribution.

Other

6.29 The site currently has minimal ecological value and the proposals provide an opportunity to create new green infrastructure in a highly urbanised area and enhance local biodiversity. My Ecologist therefore welcomes the provision of green roofs and landscaping across the site as part of this proposal subject to safeguarding conditions which I attach accordingly.

6.30 West Midlands Police have made various observations regarding specific security details. Their comments have been forwarded to the applicant and conditions with regard cctv and gates/secure access to the under croft parking are recommended.

6.31 Regulatory Services have raised no objection to the proposed development subject to conditions with regard to air quality, noise and land contamination which I attach accordingly. Suitable mitigation measures can be incorporated into the design.

6.32 The Lead Local Flood Authority raises no objections to the proposed drainage strategy which primarily relies on tanks. However they consider that features such as the proposed green roofs could also be successfully incorporated into the proposed drainage strategy and this should be considered as the design detail is progressed.

7 Conclusion

7.1 The proposal would provide a well-designed development and result in a high quality brownfield development on a prominent and sustainable City Centre location delivering a significant number of new homes. It would provide 92 on-site "affordable

private rent” units, provide significant on and off-site highway works and have wider regeneration benefits. It would not have an adverse impact on the adjacent highway and can be accommodated without having an adverse impact on its surroundings. The proposal would therefore be in accordance with the aims and objectives of both local and national planning policy and should be approved.

8 Recommendation

- 8.1 That consideration of planning application 2017/10551/PA be deferred pending the completion of a planning obligation agreement to secure the following:
- a) 92 one and two bed Affordable Private Rent units. These units shall be split 50/50 and pepper potted across the site. 25% of the units shall be provided by first occupation of the private rental units, 25% at 50% occupancy and remaining 50% provided by 75% occupancy and rental levels (including service charges) shall be retained at 20% below open market rent value in perpetuity. Eligibility will be determined in line with local incomes.
 - b) A review mechanism that requires that at 30 months and 60 months, or if any of the units are sold rather than rented, a revised financial appraisal shall be submitted for assessment. If that financial appraisal identifies a greater surplus then the additional profit shall be split 50/50 between the developer and Local Authority up to a maximum financial contribution of 35% affordable housing. Any additional financial contribution would be spent on affordable housing.
 - c) Payment of a monitoring and administration fee associated with the legal agreement of £10,000.
- 8.2 In the absence of a suitable planning obligation agreement being completed to the satisfaction of the Local Planning Authority on or before 26th September 2018 the planning permission be refused for the following reasons:
- a) In the absence of any suitable legal agreement to secure a financial contribution towards affordable housing the proposal would be contrary to TP31 of the Birmingham Development Plan and NPPF.
- 8.3 That the City Solicitor be authorised to prepare, seal and complete the planning obligation.
- 8.4 That no objection be raised to the stopping-up of Section of footway on Bristol Street and pedestrian subway that runs beneath Bristol Street and that the Department for Transport (DfT) be requested to make an Order in accordance with the provisions of Section 247 of the Town and Country Planning Act 1990.
- 8.5 That in the event of the planning obligation being completed to the satisfaction of the Local Planning Authority on or before 26th September 2018, favourable consideration be given to this application subject to the conditions listed below.

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- | | |
|---|--|
| 1 | Requires the prior submission of a sustainable drainage scheme in a phased manner |
| 2 | Requires the submission prior to occupation of the properties of a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan |
| 3 | Requires the provision of cycle parking prior to occupation |
-

-
- 4
 - 5 Requires the prior submission of details of a delivery vehicle management scheme
 - 6 Requires pedestrian visibility splays to be provided
 - 7 Requires the submission of a car park management plan for disabled spaces
 - 8 Requires the submission and completion of works for the S278/TRO Agreement
 - 9 Requires the provision of a vehicle charging point
 - 10 Requires bollards/controlled access to shared space
 - 11 Requires the commercial windows not to be obscured
 - 12 Requires the submission of a CCTV scheme
 - 13 Requires the scheme to be in accordance with the listed approved plans
 - 14 Requires the submission of a landscape management plan
 - 15 Requires the submission of details of green/brown roofs
 - 16 Requires the prior submission of a construction method statement/management plan
 - 17 Requires the submission of a lighting scheme
 - 18 Requires the prior submission of boundary treatment details
 - 19 Requires the submission of hard and/or soft landscape details
 - 20 Requires the submission of shop front design details
 - 21 Requires the prior submission of a construction ecological mitigation plan on a phased basis
 - 22 Requires the prior submission of a scheme for ecological/biodiversity/enhancement measures on a phased basis
 - 23 Requires an employment construction plan
 - 24 Requires the prior submission of a contamination remediation scheme
 - 25 Requires the submission of details of refuse storage
 - 26 Requires the submission of extraction and odour control details in a phased manner
 - 27 Requires the prior submission of noise insulation (variable)
 - 28 Limits the noise levels for Plant and Machinery
 - 29 Requires further internal sound levels
-

-
- 30 Limits the hours of use 0700-2300 and 0700-2400
 - 31 Limits delivery time of goods to or from the site
 - 32 Requires the submission of a contaminated land verification report
 - 33 Requires the prior submission of a phasing plan
 - 34 Requires the submission of sample materials in a phased manner
 - 35 Requires access road to be provided
 - 36 Requires secure access to undercroft parking
 - 37 Implement within 3 years (Full)
-

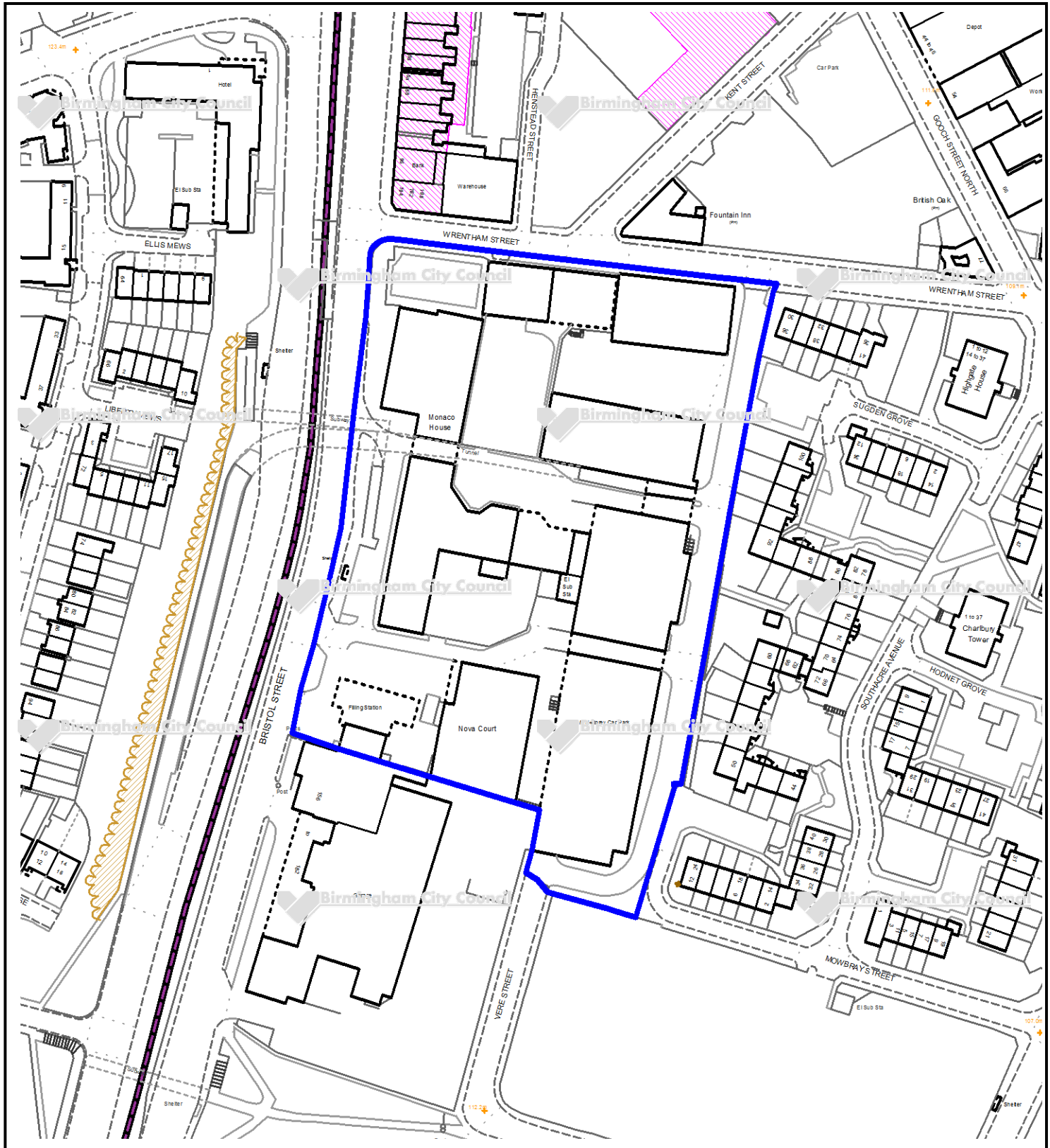
Case Officer: Joanne Todd

Photo(s)



Photo 1: site being cleared

Location Plan



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Birmingham City Council

Planning Committee

30 July 2020

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Approve – Subject to 106 Legal Agreement	8	2019/10649/PA North Worcestershire Golf Club Hanging Lane Northfield Birmingham B31 5LP Section 73 application for the Variation of Conditions 5 (approved plans) and 20 (site access) attached to planning permission 2017/02724/PA granted on appeal under reference APP/P4605/W/18/3192918 for revised site access to the west of Guardian Close on Frankley Beeches Road
Approve – Subject to 106 Legal Agreement	9	2019/02889/PA Weston House 6 Norfolk Road Edgbaston Birmingham B15 3QD Conversion and part demolition of existing buildings into 6 apartments and 2 dwellings, erection of 9 dwellings and 4 storey building consisting of 26 apartments and associated works including retention of existing access and creation of new access off Norfolk Road, associated infrastructure, landscaping and amenity open space
Approve – Subject to 106 Legal Agreement	10	2020/02457/PA Land off Cooper Way/ Austin Way Longbridge Birmingham Erection of residential apartment block comprising 56 apartments (21 x 1 bedroom and 35 x 2 bedroom) with associated access, parking, landscaping and infrastructure.

No Prior Approval Required

11

2020/03838/PA

128 Balden Road
Harborne
Birmingham
B32 2EP

Erection of 6 metre deep single storey rear extension. Maximum height 4 Metres. Eaves height 3 metres.

Committee Date:	30/07/2020	Application Number:	2019/10649/PA
Accepted:	13/05/2020	Application Type:	Variation of Condition
Target Date:	02/09/2020		
Ward:	Frankley Great Park		

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

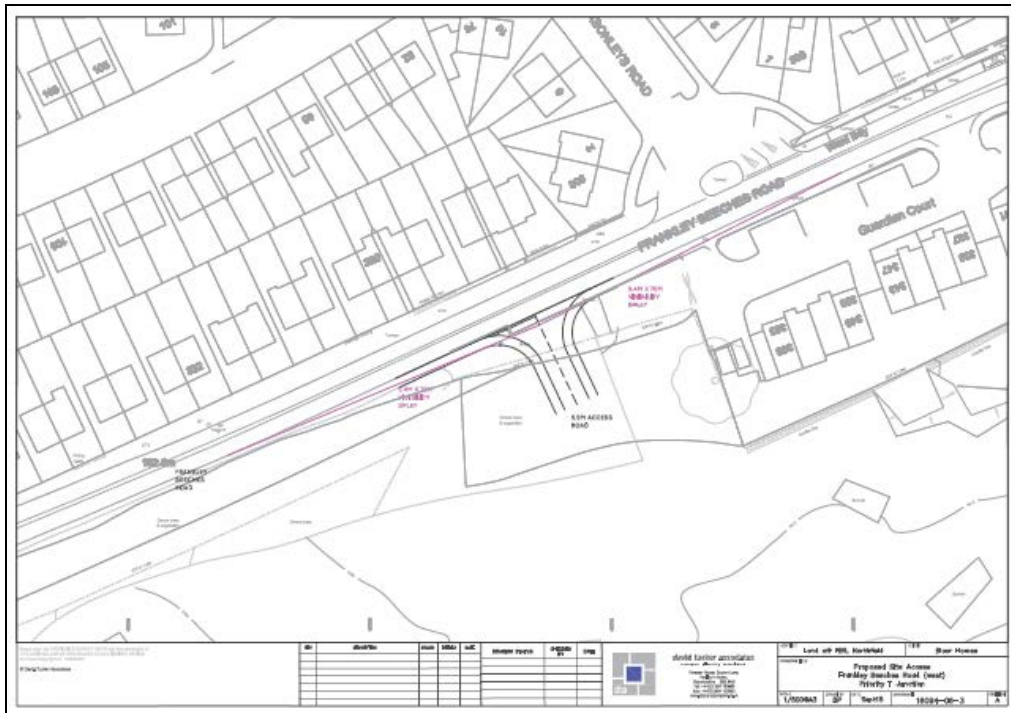
Section 73 application for the Variation of Conditions 5 (approved plans) and 20 (site access) attached to planning permission 2017/02724/PA granted on appeal under reference APP/P4605/W/18/3192918 for revised site access to the west of Guardian Close on Frankley Beeches Road

Recommendation

Approve Subject to a Section 106 Legal Agreement

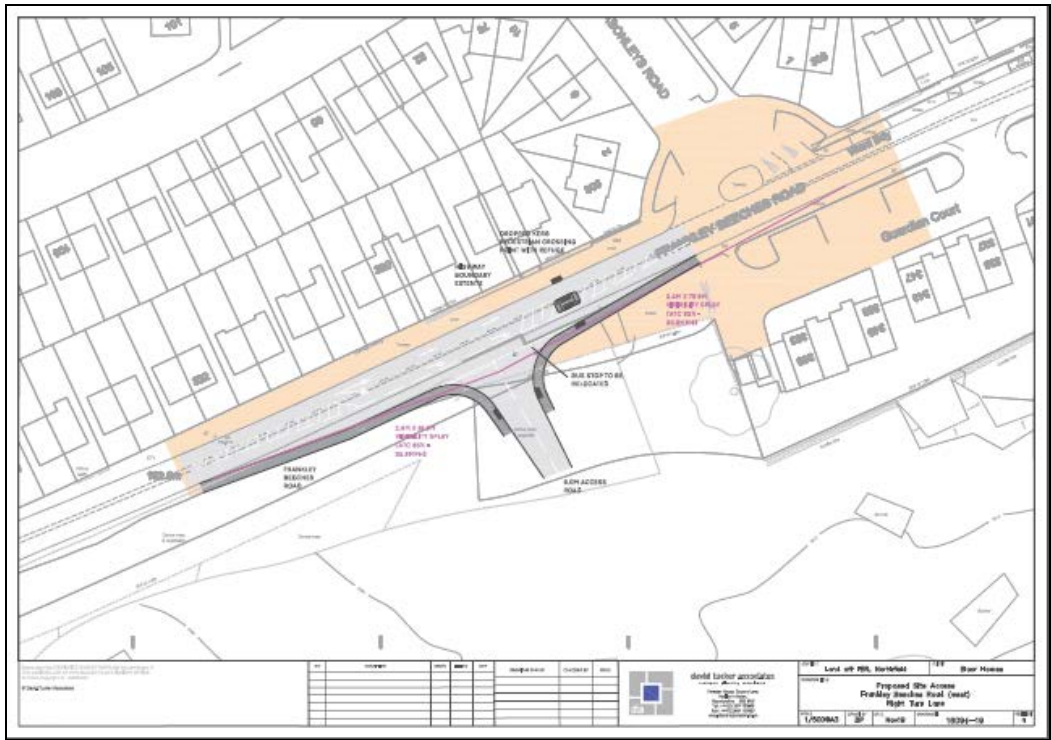
1. Proposal

- 1.1. Outline planning permission, with all matters reserved except access, was granted by the Secretary of State in July 2019 following a refusal of planning permission by Your Committee and a subsequent public inquiry appeal held in October 2018 for the demolition of the club house and the development of up to 950 dwellings, public open space, primary school, multi-use community hub, new access points and associated infrastructure. During the course of the appeal, the proposal was amended to 800 dwellings and this was conditioned within the Secretary of State approval.
- 1.2. The outline planning permission was granted subject to conditions including condition 5 relating to approved plans and condition 20 relating to site access. Both of these conditions referred to a plan number and a specific location of site access points.
- 1.3. Since the appeal was granted, the applicant, (Bloor Homes), have reviewed the approved site access arrangements and as a result, an alternative junction arrangement is now proposed for the access off Frankley Beeches Road (West); to the west of Guardian Close. As such, a variation of those two conditions is now sought.



Secretary of State Approved Access Point – Frankley Beeches Road – West

- 1.4. The revised access arrangement would see the centre-line of the access being moved approximately 15m to the west and is proposed in the form of a right turn lane junction which would remove right turners from the eastbound through lane, maintaining a permanent through lane for traffic. Other design changes include the access road being widened to 6m, the relocation of the existing nearby westbound bus stop and the introduction of a pedestrian refuge island and tactile paving to improve the crossing of Frankley Beeches Road. The remaining three, approved site accesses named above would remain unchanged from the approved plans.



Proposed site access – Frankley Beeches Road - West

- 1.5. The original access position required the removal of the eastern most part of G25 (category A) – calculated area 298m². G25 is a large, mixed species boundary group (including Pedunculate oak, ash, field maple, Rowan). The revised access location would now see the trees outlined above be retained and the loss of part of G62 (category B) and T312 (category B). Within G62 the following trees will be removed: 4 Lawson cypress, 1 wild privet, 6 elder, 25 hawthorn, 3 sycamore, 2 field maple and 2 goat willow. Tree T312 is a young common beech.
- 1.6. No other changes are being proposed to the planning permission granted by the Secretary of State. The 106 Agreement also remains as per that agreed by the Secretary of State. There is no scope for the principle of the development and/or any other issues relating to the site development to be considered again.
- 1.7. This application is made under Section 73 of the Town and Country Planning Act 1990 (as amended) and would result in the issuing of a new planning permission for the development. The application was submitted and consulted upon in December 2019/January 2020 however, as the previous permission was supported by an Environmental Impact Assessment (EIA) which was now two years old; the Local Planning Authority determined that an addendum updating the EIA was required. This was submitted in May and a further round of site and press notices and neighbour notification/consultation was undertaken
- 1.8. [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. Most of the site is adjacent to roads, by exception residential properties of Guardian Court (to the north); Josiah Road (east) and parts of Tessall Lane (south) and Hanging Lane (east) have rear gardens that are adjacent to the boundary of the site. Those in Hanging Lane have a rear access that 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. Bus services run adjacent to the north (Frankley Beeches Road) and west (Elan Road/Tessall Lane) boundaries of the site and include the no's 18, 18A, 29, 29A, 39H, 49, 878 and 61, several of these travel into the City Centre. Northfield Station is 1.5kms to the northeast and Longbridge Station 1km to the southeast.
 - 2.4. In terms of local amenities, there are the Northfield District Centre (780m to the northeast), Great Park; retail and leisure (1.5kms to the southwest) and, Longbridge District Centre (1kms to the southeast). Also more locally there is a parade of shops to the immediate west (including Tesco Express, day nursery and takeaway). In terms of formal parks, Cofton Park is located 1.5kms to the south, Senneleys Park 3.4kms to the north, and Victoria Common (Northfield Park) 1.5kms to the northeast, there are other numerous small pockets of open space around and nearer to the site.

- 2.5. In terms of schools, there are number of primary schools within 0.5km of the site, including Merritts Brook, St Brigids RC, Forestdale, and the Meadows. In terms of secondary schools, the nearest is Balaam Wood (1.6kms west), Turves Green Boys (1.5kms southeast), Turves Green Girls' (1.6kms southeast), St Lawrence Church (1.5kms northeast), Bellfield (1km northeast) and Colmers (1.2kms south). These are, however, full to capacity.
- 2.6. The golf course site consists of large woodland areas within landscaped grounds. Several watercourses run through the site, including the Hanging Brook which surfaces within the centre of the site and flows eastwards. This watercourse joins the River Rea, 1km to the east.
- 2.7. In terms of levels the golf course site slopes from 205m above ordinance 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.
- 2.8. [Site Location](#)
3. [Planning History](#)
 - 3.1. 24 July 2019. 2017/02724/PA. Outline planning permission granted by the Secretary of State following a three week public inquiry appeal by Bloor Homes in October 2018. The planning permission limited the development to 800 homes and included a Section 106 agreement to secure the following:
 - i) 35% on-site affordable housing with the following mix of 20% affordable rent, 10% social rent and 5% shared ownership.
 - ii) £4,500,000 (Index linked from issue of the Planning Permission to date payment is made to the Council) to be used towards the provision of a 1 Form Entry on-site primary school along with 1.8ha of land for the school; and a payment of an off-site contribution in accordance with the previously agreed formula for the additional primary school requirement that would not be provided on site.
 - iii) Provision of on-site open space (up to 12.45 hectares).
 - iv) Provision of a community hub which shall be approximately 1,000sqm gross and provide a multi-use community-run building to provide a range of services to community users.
 - v) £1,600,000 (Index linked from issue of the Planning Permission to date payment is made to the Council) for the development of sport in the local area for the purposes of the provision of two artificial grass pitches at Senneleys Park and/or Bartley Green Community Leisure Centre; and
 - vi) Local Employment.Contributions were also sought for additional sports improvements and secondary education totalling in excess of £4 million however, the Inspector and Secretary of State concluded that these contributions did not meet the relevant tests of the Community Infrastructure Levy Regulations.
 - 3.2. 18 January 2018. 2017/10696/PA. Prior Approval granted for demolition of the clubhouse.

- 3.3. 31 August 2017. 2017/02724/PA. Outline planning permission with all matters reserved except access refused for the demolition of the club house and the development of up to 950 dwellings, public open space, primary school, multi-use community hub, new access points and associated infrastructure.
- 3.4. 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. Application withdrawn by applicant.
4. Consultation/PP Responses
- 4.1. Local residents, Ward and Adjacent Ward Councillors, MP and Resident Associations notified. Site and press notice posted. This was undertaken in December/January 2019 and again in May 2020 following receipt of an Environmental Impact Assessment Addendum. Nine letter of comment/objection received from local residents and Councillors Armstrong and Freeman. Objections are on raised on the following grounds:
- Why is this entrance needed at all?
 - The issue of school traffic has still not been addressed.
 - The pedestrian refuge will be a squeeze point for cyclists.
 - Dust, smell and noise from the development
 - Entrance is opposite residential properties – needs to be elsewhere.
 - The site should stay as open space for the residents to use.
 - Flooding.
 - Opposed to building on the golf course.
 - If the proposal takes the number of units back to 950 then object.
 - Object to access adjacent to Guardian Close.
 - Destruction of trees.
 - Interruption of free flow of traffic.
 - Changes have occurred since 2018 – these need to be considered.
 - What about emergency access – ambulance hub on Hollymoor Way.
 - No consultation with residents in Guardian Close.
 - What has happened about public consultation and public meetings – breach of Localism Act?
 - The proposed development requires substantial revision in light of Government changes e.g. school location and size; feasibility of community centre; open spaces etc.
 - All of the local people objected to the development and it got approved. This was and is unacceptable. Consultation has not been undertaken properly on the original or this application.
 - No need for the development, housing or for the loss of the golf course.
- 4.2. Councillor Freeman – is the new access permanent or just while development is carried out?
- 4.3. Councillor Armstrong – the application was made after lockdown -how has the application be received and processed during this time given council services are suspended? The application is intended to confuse as the 2017 application was an amendment. Residents are entitled to a public discussion and no public meetings or consultation has taken place. West Midlands Ambulance Service has not been consulted.
- 4.4. Regulatory Services – No objection.

- 4.5. Transportation – No objection.
- 4.6. West Midlands Fire Service – No objection. Development will need to comply with Building Regulations.
- 4.7. West Midlands Police – No objections.
- 4.8. Local Services – No comments of objections.
- 4.9. Environment Agency – No objection.
- 4.10. Lead Local Flood Authority – Awaiting comments.
- 4.11. Natural England – No objections.
- 4.12. West Midlands Ambulance Service – Awaiting comments.
- 5. Policy Context
 - 5.1. Birmingham Development Plan; Unitary Development Plan (saved Policies); NPPF; NPPG; Places for Living (2001) SPG; Public Open Space in New Residential Development (2006) SPD; Car Parking Guidelines (2012) SPD, Affordable Housing (2001) SPG, Mature Suburbs (2008) SPD; TPO 1574
- 6. Planning Considerations
 - 6.1. Outline planning permission, with all matters reserved except access, was granted by the Secretary of State in July 2019 for the demolition of the club house and the development of up to 950 dwellings, public open space, primary school, multi-use community hub, new access points and associated infrastructure. During the course of the appeal, the proposal was amended to 800 dwellings and this was conditioned within the Secretary of State approval.
 - 6.2. Since the appeal was granted, the applicant, (Bloor Homes), have reviewed the approved site access arrangements and as a result, an alternative junction arrangement is now proposed for the access off Frankley Beeches Road (West); to the west of Guardian Close. As such, a variation of condition 5 relating to approved plans and condition 20 relating to site access is now sought.
 - 6.3. The revised access arrangement would see the centre-line of the access being moved approximately 15m to the west and is proposed in the form of a right turn lane junction which would remove right turners from the eastbound lane, maintaining a permanent through lane for traffic. Other design changes include the access road being widened to 6m, the relocation of the existing nearby westbound bus stop and the introduction of a pedestrian refuge island and tactile paving to improve the crossing of Frankley Beeches Road. The remaining three, approved site accesses named above would remain unchanged from the approved plans.
 - 6.4. The s73 application is supported by the NWGC Proposed Site Access Strategy Amendment – Technical Note produced by David Tucker Associates. The subject of this Note is to seek approval to amend the consented access provision by modifying the design of access as outlined above. The application includes a Stage 1 Road Safety Audit and “Designer’s Response”.

- 6.5. Transportation, on an assessment of the application, note the contents of the accompanying Stage 1 RSA review (and designed/auditor responses) and that the proposal will be the subject of a detailed design process (and associated RSA's) including further analysis/associated mitigation of any impact relating to frontage accesses, street lighting, highway drainage, bus stop relocation, traffic regulation review(s) and additional vehicle tracking analysis – which may modify the extent of highway change and associated details of the scheme design (this may include the pedestrian refuge being a squeeze for cyclists as raised by an objector). On this basis, Transportation has no objection to the proposed amended access location. I concur with this view.
- 6.6. I note the objections raised in relation to highway safety and free flow of traffic and can confirm that the proposed access would improve the safety and free flow along Frankley Beeches Road due to the proposed right turn lane junction, which would allow traffic to continue along Frankley Beeches Road without having to stop behind a vehicle wanting to turn right into the site. This in turn would assist with the free flow of emergency vehicles, specifically ambulances from the nearby 'ambulance hub'. The provision of this access would replace the one that was granted on appeal, 15m to the east of the current position and would be a permanent access point.

Environmental Impact Assessment Addendum

- 6.7. The previous permission was supported by an Environmental Impact Assessment (EIA) which is now two years old. As such, the Local Planning Authority determined that an addendum updating the EIA was required, in order to comply with the EIA Regulations. To take into consideration the change in the Town and Country Planning (Environmental Impact Assessment) Regulations since the scheme was consented, the Environmental Statement Addendum includes consideration of climate change. Consideration of major accidents and natural disasters, also brought in under the 2017 EIA Regulations, was scoped out due to the limited scale and nature of the proposed S73 development.
- 6.8. The aim of the ESA is to identify changes to the original impact assessment reported in 2017 that would arise from the Section 73 works and provide supplementary information in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. The ESA covers the following and addresses any required updates to the original EIA:
- Landscape and Visual
 - Ecology
 - Water Environment
 - Transportation
 - Climate Change
 - Conclusions and Residual Effects.

Landscape and Visual Impact

- 6.9. The original landscape and visual effects arising from the original consented access were reviewed by FPCR Environment and Design Ltd (FPCR) against the proposed revised access. Since the previous submission, Birmingham City Council made a Tree Preservation Order no 5th July 2017 (Ref: TPO 1574). TPO 1574 is an Area Order, which covers all trees, regardless of species, within the site. The City Council made the TPO not to prevent development from occurring but to provide protection to all trees within the site until a suitable scheme is approved which provides

acceptable amounts of retained trees and suitable quantities of mitigation/new tree planting for inevitable losses.

- 6.10. No other known changes were identified that would result in a material change to the landscape and visual receptors identified and assessed as part of the 2017 Environmental Statement.
- 6.11. The original access position required the removal of the eastern most part of G25 (category A) – calculated area 298m². G25 is a large, mixed species boundary group (including Pedunculate oak, ash, field maple, Rowan). The revised access location would now see the trees outlined above be retained and the loss of part of G62 (category B) and T312 (category B). Within G62 the following trees will be removed: 4 Lawson cypress, 1 wild privet, 6 elder, 25 hawthorn, 3 sycamore, 2 field maple and 2 goat willow. Tree T312 is a young common beech.
- 6.12. The 2017 ES identified a significant effect upon existing land cover and vegetation at construction due to the removal of existing tree cover. This judgement took into account the removal of vegetation along Frankley Beeches Road required to create the site access and visibility splays. The 2017 identified that effects upon land cover and vegetation would decrease by Year 15 after planting due to the proposed green infrastructure and replacement planting. This would include a combination of retained planting and new tree and hedgerow planting along Frankley Beeches Road.
- 6.13. It also identified that there would be an adverse effect upon the views of residents of Frankley Beeches Road (west of Masonley's Road) and views of road users during construction and that there would be an adverse effect upon the views of residents due to the screening and filtering effects of retained and proposed planting along the Frankley Beeches Road boundary. Whilst the revised access arrangement would result in a minor change in the location of the main vehicular access, landscape design of the Frankley Beeches Road boundary would continue to comprise a combination of existing retained planting and proposed tree and hedgerow planting. Therefore, the effects stated in the original Environmental Statement stated are considered to remain valid.
- 6.14. Overall, the ESA concludes that whilst the revised access arrangement would result in a minor change in the location of the main vehicular access, the proposed revised access arrangement would not alter the significance of landscape and visual effects reported in the 2017 Environmental Statement.
- 6.15. City Design, Landscape and Arboricultural Officers have reviewed the ESA and raise no objections to the proposed development. They comment that the proposed changes to the site entrance on Frankley Beeches Road will result in some additional impact on trees covered by the area TPO. However, the trees at this point are not of high quality with many having defects that have been caused by dense planting or machinery damage during golf course operations. They conclude that any additional loss of tree numbers/ canopy cover can be reasonably mitigated for through the landscaping schemes when these are brought forward. I concur with this view.

Ecology

- 6.16. The ecological effects arising from the original consented access were reviewed against the proposed revised access by HLPC ecologists to determine whether the changes would alter the assessment originally presented by Ecus Ltd. The area of

the revised access arrangement was re-assessed by ecologists to determine the latest likely impact on protected species and habitats. The revised access arrangement would result in minor additional vegetation removal which was not considered likely to alter the significance of effect stated within the 2017 Environmental Statement.

- 6.17. The City Ecologist has reviewed the ESA. They identify that the February 2020 habitat survey recorded the area required for the additional visibility splay as dominated by bramble scrub with immature trees. These trees have negligible potential for roosting bats. Patterns of bat foraging and commuting along this section of the boundary adjacent to Frankley Beeches Road were low compared to the wider site. The additional vegetation clearance would result in the loss of further habitat suitable for nesting birds; however, in the context of already approved vegetation removals across the wider site, this would be minor in extent.
- 6.18. In relation to badgers, sett 10, to the west of Guardian Court, has been re-classified as an active outlier. As such, it is likely to be used occasionally as part of the wider territory of the badger group present within the site. Based on the results of previous surveys/monitoring, sett 10 was classified as inactive in the approved Badger Protection Scheme (BPS). Despite its subsequent re-classification, the approach to mitigating impacts associated with the loss of sett 10, and ensuring compliance with legal requirements, will be the same as that already set out in the Badger Protection Scheme in relation to other active setts within the site.
- 6.19. The City Ecologist confirms agreement with the ESA conclusions that the assessment of impacts within the 2017 ES in relation to habitats and protected/notable species, and the mitigation measures required, remain appropriate. I concur with this view.

Transport

- 6.20. The original transport effects arising from the original consented access were reviewed against the proposed revised access by David Tucker Associates to determine whether the changes would alter the assessment originally presented by Ecus Ltd. The 2017 Environmental Statement included a thorough assessment of baseline highways and transport conditions. This comprised a thorough audit of existing conditions, and collection of extensive safety record and traffic data collection scoped and agreed with the local highway authority. Personal Injury Collision data was considered equivalent or an improvement on the previously reported record.
- 6.21. During the construction of the revised access arrangement it would be necessary for various plant, equipment and materials to be transported to the site. The construction of the development would take place in a phased approach, over a period of around 7-8 years. This period is not affected by the revised access arrangement. The construction operation will be the subject of a Construction Environmental Management Plan (CEMP). In addition to vehicle routeing, this would also set out items such as periods of operation and arrangements for construction workers parking within the site and traffic management on the highway during access construction. The revised access arrangement would not affect the overall pattern or volume of construction traffic movements.
- 6.22. The proposed amended site access right turn lane junction design would take slightly longer to construct than the consented T junction access. In isolation it is estimated that this junction may take an additional two months to construct, but this

will be subsumed within the overall construction programme. The ESA concludes that the proposed revised access arrangement will not alter the significance of effect reported in the original Environmental Statement. Transportation and I concur with this conclusion.

Climate Change

- 6.23. Climate change effects arising from the original consented scheme were not considered in the 2017 Environmental Statement. Since the outline scheme was granted planning permission, the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 have been brought into force. Climate change was therefore scoped in for the ESA. This assessment considers the consented scheme plus the proposed access arrangement revision.
- 6.24. Climate change assessment was undertaken by Turley. The following effects were considered within the context of the climatic systems and are reported:
- Construction - Release of direct and indirect Green House Gas emissions; and
 - Operation - Release of direct and indirect Green House Gas emissions.
- The release of direct and indirect Greenhouse Gas Emissions during the construction, and operational phase (and combined) was considered to be negligible and not significant under the EIA Regulations.

Water Environment

- 6.24. The original water environment effects arising from the original consented access were reviewed against the proposed revised access by BWB Consultants Ltd to determine whether the changes would alter the assessment originally presented by Ecus Ltd. The previous Environmental Statement assessed potential impacts of the development by applying an impact methodology to determine how receptors are affected in terms of the following:
- Fluvial Flood Risk
 - Surface Water Flood Risk
 - Groundwater Flooding
 - Surface Water Sewerage & Foul Water Drainage
 - Water Quality
 - Water Supply and Sewer Capacity.
- 6.25. The proposed access arrangement alteration has been reviewed against all the above receptors and is not expected to change the impacts arising from construction or post-completion reported in the 2017 Environmental Statement. The changes in the proposed drainage strategy are not expected to change the magnitude of the impacts on surface and foul water drainage. All surface water runoff from the revised access arrangement will still be attenuated and treated prior to discharge to the Hanging Brook, in line with the previously agreed strategy. The ESA concludes that the revised access arrangement would not alter the significance of effect reported in the 2017 Environmental Statement.
- 6.26. The Environment Agency has raised no objection to the proposed s73 development and whilst no comments have been received from the Lead Local Flood Authority, the drainage conditions attached to the outline planning permission granted by the Secretary of State have been agreed by both the LLFA and the EA. On this basis, I concur with the conclusions of the ESA in this respect.

Other Issues

- 6.27. I note the comments raised in the objections received. Issues relating to why is this entrance needed at all; school traffic; dust, smell and noise from the development; entrance location opposite residential properties; site should stay as open space for the residents to use; flooding; building on the golf course; number of dwellings; destruction of trees and need for the development were addressed when the Secretary of State granted planning permission for the development and this S73 application does not allow for the principle of the development already agreed to be reviewed again.
- 6.28. The objections raised by neighbours and Councillor Armstrong relating to procedural issues are explained below.
- No consultation with residents in Guardian Close – all of the addresses within Guardian Close have been sent a neighbour notification letter and site notices have been posted.
 - What has happened about public consultation and public meetings – breach of Localism Act and all of the local people objected to the development and it got approved. This was and is unacceptable. Consultation has not been undertaken properly on the original or this application. Clearly during the Covid-19 pandemic, public meeting have not been able to take place however, the LPA have undertaken public consultation in accordance with its published Statement of Community Involvement and the Government has not changed legislation to prevent planning decisions being made during the pandemic.
 - The proposed development requires substantial revision in light of Government changes e.g. school location and size; feasibility of community centre; open spaces etc. No legislation has yet been made by the Government that would alter the approved development and impact this S73 proposal.
 - The application was made after lockdown - how has the application be received and processed during this time given council services are suspended? The determination of planning applications and the provision of this statutory Council service was not suspended and work has been continuing by officers at home. Also, the application was submitted and consulted upon in January 2020. The May date referred to is when the accompanying ESA was submitted and the application was re-dated and re-consulted upon.
 - The application is intended to confuse as the 2017 application was an amendment. This is not the case. The 2017 application was made for 950 dwellings and was amended during the course of determination for 800 dwellings. The Secretary of State decision notice conditions a maximum of 800 units on the site and all of the previous conditions are recommended below. This application merely seeks approval for a revised access location – which is one of three access points approved.
 - West Midlands Ambulance Service has not been consulted – this has been undertaken and to ensure that they were consulted, a notification was sent to both the headquarter address and the local hub on Hollymoor Way. No comments have however been received.
- 6.29. The proposed development does not attract a CIL contribution.

7. Conclusion

- 7.1. Planning permission has previously been granted on appeal by the Secretary of State for the wider residential development with associated open space, primary school and community facility. The planning permission detailed plans relating to agreed access points and after further consideration, the applicant has considered a revised access on Frankley Beeches Road to that previously agreed. The remaining two access points would remain unchanged. This would see the centre-line of the access being moved approximately 15m to the west and is proposed in the form of a right turn lane junction which would remove right turners from the eastbound lane, maintaining a permanent through lane for traffic. Other design changes include the access road being widened to 6m, the relocation of the existing nearby westbound bus stop and the introduction of a pedestrian refuge island and tactile paving to improve the crossing of Frankley Beeches Road. I consider that the proposed variation of conditions 5 and 20 of the 2017/02724/PA permission granted on appeal under reference APP/P4605/W/18/3192918 would be acceptable.
- 7.2. I note that key principles in the NPPF include the presumption in favour of sustainable development and this is identified as having three stems of economic, social and environmental. As the proposal would continue to provide economic and social benefits along with needed housing and affordable housing provision; would continue to provide employment opportunities within construction and does not have an environmental impact as assessed through an Environmental Statement Addendum that could be regarded as significant; I consider the proposal to be sustainable development and on this basis, should be approved.
8. Recommendation
- 8.1. That application 2019/10649//PA be APPROVED subject to the prior completion of a Section 106 Legal Agreement/ Deed of Variation to continue to secure the following:-
- i) 35% on-site affordable housing with the following mix of 20% affordable rent, 10% social rent and 5% shared ownership.
 - ii) £4,500,000 (Index linked from issue of the Planning Permission to date payment is made to the Council) to be used towards the provision of a 1 Form Entry on-site primary school along with 1.8ha of land for the school; and a payment of an off-site contribution in accordance with the previously agreed formula for the additional primary school requirement that would not be provided on site.
 - iii) Provision of on-site open space (up to 12.45 hectares).
 - iv) Provision of a community hub which shall be approximately 1,000sqm gross and provide a multi-use community-run building to provide a range of services to community users.
 - v) £1,600,000 (Index linked from issue of the Planning Permission to date payment is made to the Council) for the development of sport in the local area for the purposes of the provision of two artificial grass pitches at Senneleys Park and/or Bartley Green Community Leisure Centre; and
 - vi) Local Employment.
 - vii) Payment of a £1500 monitoring and administration fee associated with the Deed of Variation legal agreement.
- 8.2. In the absence of a planning obligation being completed to the satisfaction of the Local Planning authority by 1 September 2020 planning permission be refused for the following reasons:-

- i) In the absence of a legal agreement to secure a commitment to provide 35% on-site affordable housing with the following mix of 20% affordable rent, 10% social rent and 5% shared ownership the proposal conflicts with Policy TP31 of the Birmingham Development Plan and the National Planning Policy Framework.
 - ii) In the absence of a legal agreement to secure £4,500,000 (Index linked from issue of the Planning Permission to date payment is made to the Council) to be used towards the provision of a 1 Form Entry on-site primary school along with 1.8ha of land for the school; and a payment of an off-site contribution in accordance with the previously agreed formula for the additional primary school requirement that would not be provided on site, the proposal conflicts with Policy TP36 of the Birmingham Development Plan and the National Planning Policy Framework.
 - iii) In the absence of a legal agreement to secure the provision of on-site open space (up to 12.45 hectares); the proposal would conflict with Policy TP9 of the Birmingham Development Plan and the National Planning Policy Framework.
 - iv) In the absence of a legal agreement to secure £1,600,000 (Index linked from issue of the Planning Permission to date payment is made to the Council) for the development of sport in the local area for the purposes of the provision of two artificial grass pitches at Senneleys Park and/or Bartley Green Community Leisure Centre, the proposal would conflict with Policy TP11 of the Birmingham Development Plan and the National Planning Policy Framework.
 - v) In the absence of a legal agreement to secure the provision of local employment, the proposal would conflict with Policy TP26 of the Birmingham Development Plan and the National Planning Policy Framework.
- 8.3. That the City Solicitor be authorised to prepare, complete and seal an appropriate agreement under Section 106 of the Town and Country Planning Act.
- 8.4. That in the event of the planning obligation being completed to the satisfaction of the Local Planning Authority by the 1 September 2020 planning permission for application 2019/10649/PA is APPROVED, subject to the conditions listed below.

1	Submission of Reserved Matters
2	Reserved Matters Submitted by 24 July 2022
3	Time Limit of 2 years from the date of the last reserved matters
4	Maximum Number of Dwellings - 800
5	Approved Plans
6	Development in Accordance with Framework Plan
7	Phasing Plan
8	Public Open Space Provision On Site
9	Proposed Play Areas
10	Updated Hydraulic Model

11	Flood Risk Assessment
12	Construction Method Statement
13	Sustainable Drainage System
14	Archaeology Written Scheme of Investigation
15	Badger Protection Scheme
16	Invasive Non-Native Species Protocol
17	Protection of Retained Trees
18	Tree Pruning
19	Bird Nesting Season
20	Site Access
21	Materials Submission
22	Hard and/or Soft Landscape Works
23	Tree replacement within 2 years
24	Hard Surfacing Materials
25	Boundary Treatment
26	Lighting
27	Earthworks and Level Details
28	Ground Contamination
29	Ground Contamination Verification
30	Construction Ecological Management Plan
31	Ecological Enhancement Strategy
32	Habitat/Nature Conservation Management Plan
33	Highway Improvement Measures
34	Sustainable Drainage Operation and Maintenance Plan
35	Vehicular Access
36	Residents' Travel Plan
37	Electric Vehicle Charging Points

38	School Travel Plan
39	School and Community Facility Plant and Machinery Noise Levels
40	Extraction And Ventilation Details for School and Community Facility
41	School and Community Facility Refuse Storage
42	Community Facility Opening Hours 0700-2300

Case Officer: Pam Brennan

Photo(s)

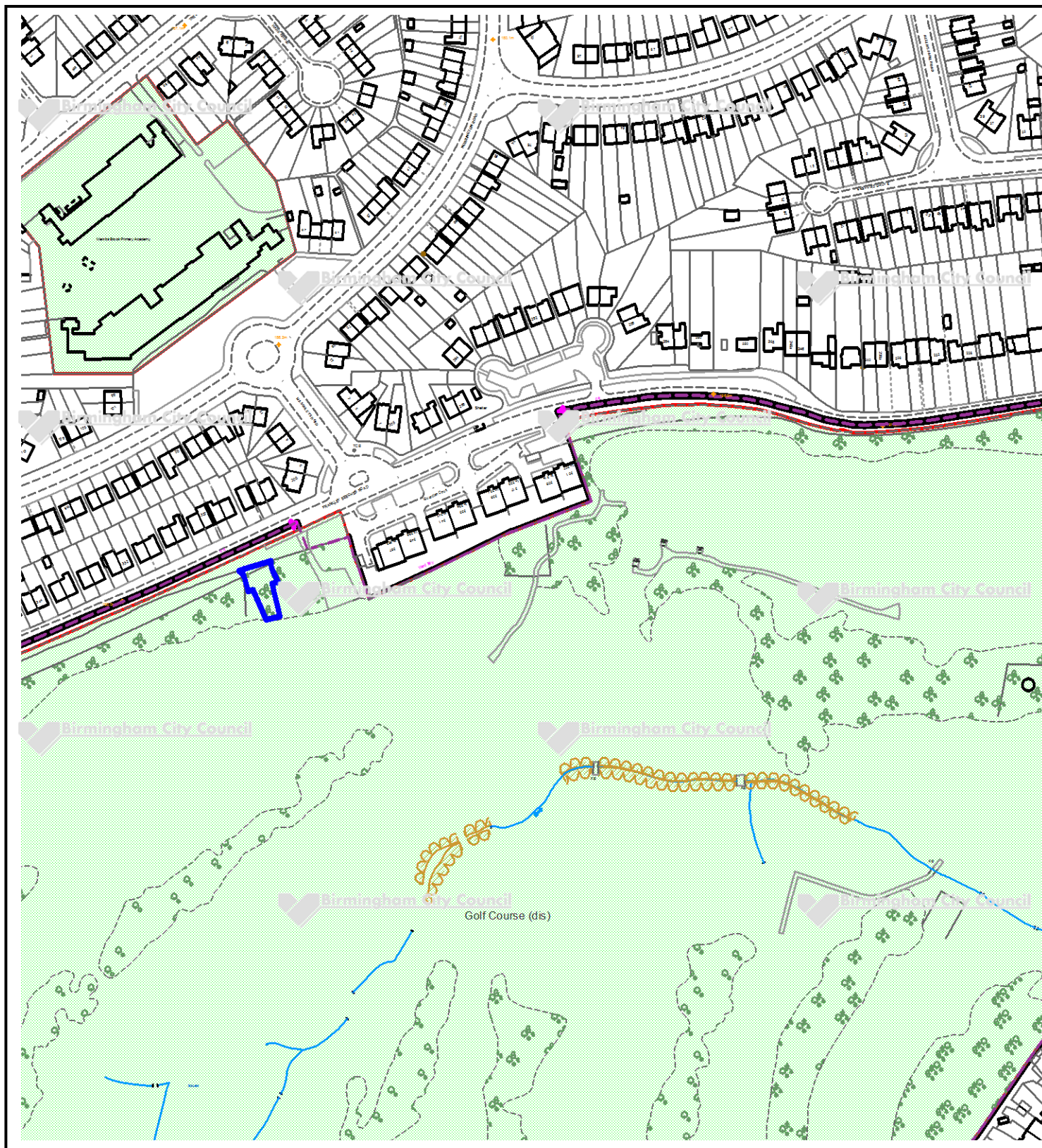


Photograph 1: Frankley Beeches Road looking west



Photograph 2: Frankley Beeches Road looking east

Location Plan



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Committee Date:	30/07/2020	Application Number:	2019/02889/PA
Accepted:	04/04/2019	Application Type:	Full Planning
Target Date:	27/09/2019		
Ward:	Edgbaston		

Weston House, 6 Norfolk Road, Edgbaston, Birmingham, B15 3QD

Conversion and part demolition of existing buildings into 6 apartments and 2 dwellings, erection of 9 dwellings and 4 storey building consisting of 26 apartments and associated works including retention of existing access and creation of new access off Norfolk Road, associated infrastructure, landscaping and amenity open space (amended scheme)

Recommendation

Approve Subject to a Section 106 Legal Agreement

1. Proposal

- 1.1. This application seeks planning permission for a residential development on the site known as 6 Norfolk Road. Through the life of the application several sets of amended plans were submitted which altered the design of the apartment building and town houses, the loss of one dwelling and a reduction in car parking provision.
- 1.2. The application was previously placed on the agenda for the committee meeting on 16th January 2020. However, the Director of Inclusive Growth removed the item from the agenda. On 28th January a public meeting to discuss the scheme was held with some local residents, Preet Gill MP and Council Officers present. This led to a further amended scheme being submitted which resulted in changes to the soft landscaping proposed, retention of 20 additional trees (including 1 additional category A and 1 additional category B tree) and the introduction of a new access from Norfolk Road.
- 1.3. The final scheme consists of 43 dwellings with the following elements:
 - The part demolition, extension and conversion of 6 Norfolk Road into 3 x 3 bed and 3 x 2 apartments;
 - The conversion of the coach house into 2 x 2 bed properties;
 - The erection of 2 x 4 bed town houses in a semi-detached unit;
 - The erection of an apartment building consisting of 26 units consisting of 16 x 1 bed, 8 x 2 bed and 2 x 3 bed properties; and
 - The erection of 7 detached dwellings consisting 3 x 5 bed and 4 x 4 bed properties
- 1.4. A total of 81 car parking spaces are provided across the site which results in 188% provision across the site. All of the 3, 4 and 5 bedroom units have a minimum of two parking spaces. In addition the detached new build properties have a garage providing additional parking provision. All 1 bedroom apartments have a single parking space allocated.

- 1.5. The town houses are located to the south of the 6 Norfolk Road building maintaining the existing building line. The building is 2 storeys high with a pitched tiled roof and rendered in white to match the existing property.
- 1.6. The new apartment building is located to the west and rear of 6 Norfolk Road and is a 4 storey building with a flat roof although the 4th floor is set back on all sides. The building is north facing, fronting onto the proposed access road through the site. The property is constructed of red brick with glazed balconies provided. The car parking for the apartment building is located to both the north and south.
- 1.7. The 7 detached dwellings are located in a cul de sac west of the new apartment building. These properties are a mix of two and 3 storeys in height. External materials are traditional red brick and grey roof tiles. The houses have a mix of gable end and hipped roofs. Many also have projecting gable features at the front. Each property has an integral garage and garden in excess of 100sqm.



Image 1: Proposed Site Plan

- 1.8. Site Area: 1.25ha Density: 34.4dph
- 1.9. [Link to Documents](#)
2. Site & Surroundings
 - 2.1. The application site is a rectangular plot of land with a large detached property to the front that was occupied by a care home which closed approximately 2 years ago. No. 6 is an attractive Georgian property that is sited towards the east of the large plot, fronting onto Norfolk Road. A coach house is located to the north of the main building. To the rear is a large private garden and beyond this is an area that would have historically been used as an allotment and orchard. The site has a single vehicular access from Norfolk Road. The site is surrounded by residential

development that varies in design and styles. To the north of the application site are 5 storey apartments dating back to the 1960s. To the east, south and west there are large detached properties from different eras. To the south west there is a Grade II listed property, 16 Norfolk Road.

2.2. [Site Location Plan](#)

3. [Planning History](#)

3.1. None Relevant

4. [Consultation/PP Responses](#)

4.1. Transportation Development – No objections subject to conditions requiring submission of a construction management plan and new access to be constructed to city specification at applicant's expense.

4.2. Regulatory Services – No objections subject to conditions regarding the submission of a contaminated land verification report and the provision of a vehicle charging point.

4.3. West Midlands Police – No objection

4.4. Severn Trent Water – No objection subject to condition for scheme of foul and service water drainage.

4.5. Fire Service – No objection

4.6. Lead Local Flood Authority – no objection subject to conditions requiring the submission of a sustainable drainage scheme and sustainable drainage operation and maintenance plan.

4.7. Education Services – A contribution of £188,452.22 is required to improve local schools

4.8. Leisure Services – Off-site public open space requirement of £158,575 required.

4.9. Housing – Off-site contribution towards affordable housing is accepted in this instance. The contribution for 11 dwellings should be calculated on the basis of 30% of average predicted sales price of the 43 units which equates to £627,000.

4.10. Site notice posted, local MP, Councillors, Residents' Associations and the occupiers of nearby properties notified of the application. Two further 14 day re-consultations were undertaken following the submission of amended plans. 59 objections have been received in total raising the following matters:

- Insufficient parking is proposed thereby increasing parking on Norfolk Road;
- Increased highway safety concerns in an area where accidents have previously occurred;
- Increased traffic and congestion at peak times;
- Loss of privacy;
- The level of overshadowing is greater than suggested;
- Loss of light and breach of the 45 degree code;
- Bin store is too close to neighbouring properties;
- Increased levels of noise and disturbance;

- Increased air pollution;
- Affordable housing needed on site;
- Increased risk of flooding;
- Drainage scheme will impinge on neighbouring properties;
- Loss of trees is excessive and unnecessary;
- Loss of biodiversity habitats including woodland and orchard;
- Harmful to character of the area;
- Harmful impact on bats and birds;
- 1 bedroom flats are not appropriate in this location;
- Loss of view;
- Over-development of site;
- Development is over-bearing;
- Damage to natural environment;
- Harmful to the setting of 6 Norfolk Road;
- Local schools and GP's cannot cope with increase in population;
- Negative impact on house prices;
- Car park too close to neighbouring properties;
- Insufficient public consultation;
- Proposals are contrary to Calthorpe's own Scheme of Estate Management;
and
- Approval of large backland development would set dangerous precedent

4.11. Following the submission of the final set of amended plans in March 2020 the Council undertook a further 2 week consultation. The applicant has also undertaken their own 14 day consultation exercise with local resident and interested parties on the final set of plans. These final consultation exercises resulted in 13 further objections being received. Many of the issues raised were the same as those raised previously, however the following additional comments were received:

- Japanese Knotweed needs to be removed;
- Amenity impact on adjacent property arising from position of new access;
- Increased highway safety risks due to position of the new access opposite Aston Bury; and
- Concerns over late nature of changes following last minute intervention of MP

4.12. 2 objections has been received by Councillor Deidre Alden raising the following concerns:

- the proposals are too dense for the plot and out of keeping with surrounding properties;
- There will be a will a loss of light, view and amenity from all fifteen established flats in The Regents;
- The proposed block of flats in the middle of the site is unattractive and harmful to the character of the area;
- the addition to the front is completely out of keeping;
- Increase in traffic near dangerous junction;
- The proposed detached houses are sited on plots which are too small;
- More parking is needed;
- Japanese knotweed should be eradicated;
- Coronavirus pandemic will increase car usage; and
- Developers have not listened to local residents;

4.13. 2 responses have been received by Preet Kaur Gill MP. She has raised the following concerns:

- Increased traffic on Norfolk Road;
- Increased air pollution impacting on human health e.g. asthma, heart disease and lung cancer;
- Increased risk of accidents involving children attending local schools;
- Alternative access further south should be utilised; and
- Unnecessary loss of too many mature trees on Norfolk Road frontage;
- Harm to visual amenity on Norfolk Road through tree loss;
- Additional tree planting required to make up for trees removed;
- Affordable housing contribution is insufficient; and
- Residents have not been properly consulted

4.14. A response has been received by Calthorpe Resident's Society. They have made the following concerns:

- The density is too high and amounts to over development of the site;
- The design and materials of the central apartment block are inappropriate;
- Site entrance is too narrow;
- Too much tree loss;
- Parking too close to neighbouring properties;
- Plot 11 is too high in relation No. 7 Norfolk Road; and
- Bin store too close to neighbouring properties

5. Policy Context

5.1. The following local policies are applicable:

- Birmingham Unitary Development Plan 2005 (Saved Policies)
- Birmingham Development Plan (2017)
- Places for Living (Adopted Supplementary Planning Guidance 2001)
- The 45 Degree Code (Adopted Supplementary Planning Guidance 1996)
- Car Parking Standards SPG
- Mature Suburbs SPD

5.2. The following national policy is applicable:

- NPPF – National Planning Policy Framework (2019)

6. Planning Considerations

6.1. Principle

6.2. The NPPF defines the three dimensions of sustainable development as being economic, environmental and social. The NPPF and appeal decisions have established that there must be very good reasons to resist development if it otherwise constitutes sustainable development. There is also a strong emphasis on providing new housing, especially at sustainable locations within urban areas. The NPPF seeks to ensure the provision of sustainable development, of good quality, in appropriate locations and sets out principles for developing sustainable communities. The NPPF promotes high quality design and a good standard of amenity for all existing and future occupants of land and buildings. It encourages the effective use of land by utilising brownfield sites and focusing development in locations that are sustainable and can make the fullest use of public transport, walking and cycling. The NPPF seeks to boost housing supply and supports the delivery of a wide choice of high quality homes, with a mix of housing (particularly in terms of type/tenure) to create sustainable, inclusive and mixed communities.

- 6.3. Policy TP28 of the BDP, requires new housing to be; outside flood zones 2 and 3 (unless effective mitigation measures can be demonstrated); served by new or existing infrastructure; accessible to jobs, shops and modes of transport other than the car; capable of remediation; sympathetic to historic, cultural or natural assets; and not in conflict with other specific policies of the plan. In summary the site is located in flood zone 1, close to the Hagley Road and makes efficient use of an underutilised site. This is considered to be a good location to deliver sustainable development and provide a mix of house types to substantially boost the supply of high quality housing.
- 6.4. Design
- 6.5. Policy PG3 of the BDP explains that “All new development will be expected to demonstrate high design quality, contributing to a strong sense of place.” It goes on to explain that new development should: reinforce or create a positive sense of place and local distinctiveness; create safe environments that design out crime and make provision for people with disabilities; provide attractive environments that encourage people to move around by cycling and walking; ensure that private external spaces, streets and public spaces are attractive, functional, inclusive and able to be managed for the long term; take opportunities to make sustainable design integral to development; and make best use of existing buildings and efficient use of land.
- 6.6. The Mature Suburbs SPD provides more detailed design guidance under a number of categories. It indicates that housing developments need to consider plot size, building form and massing, siting, landscape and boundary treatment, access, parking and traffic impact, design styles, public realm, historic assets, designing out crime, renewable energy and climate change and cumulative impact.
- 6.7. Norfolk Road is a residential area generally consisting of a number of substantial detached properties that vary in design and style and is considered to be an area of low density although the 5 storey flats on Woodbourne clearly have a much higher density. Policy TP30 seeks minimum densities of 50dph in areas well served by public transport unless local character dictates otherwise. A relatively modest density of 34dph is proposed in this case which clearly takes into account the prevailing character of the wider area.
- 6.8. Concerns have been raised over the principle of development to the rear of 6 Norfolk Road. However, this is an unusually large plot and there are examples of other infill developments locally including Aston Bury to the west, Woodbourne to the north and Antringham Gardens to the North West. Therefore the creation of this cul de sac will integrate into the street scene once complete.
- 6.9. In terms of new build development there are 3 well defined elements; the pair of semi-detached townhouses on the Norfolk Road frontage, the apartment building behind 6 Norfolk Road and the 7 detached dwellings at the rear of the site.
- 6.10. The 2 town houses have been designed to appear as a single large dwelling on a spacious plot reflecting the plot sizes seen in the Edgbaston area. The town houses have been carefully sited to retain the building line on Norfolk Road whilst also maintaining a small gap to the retained house. The town houses are presented as a traditional villa that is white rendered with a hipped tile roof. Headers and footers are provided to the large rectangular windows on the front elevation. The design is sympathetic to the appearance of 6 Norfolk Road and due to its 2 storey height also appears subservient to this property. Whilst the proposed town houses appear

higher than the adjacent dwelling, No. 7 Norfolk this is mainly due to the change in levels between the sites. When considering the separation of 17.1m between the properties the change in building heights is considered acceptable. The plot size, building form and massing of the town houses is therefore considered to be acceptable.



Image 2: Norfolk Road Street Scene



Image 3: Proposed town houses and adjacent retained building

- 6.11. A previous iteration of the plans included a large garage block to the rear of the townhouses which would have incorporated 7 cars. This was considered to dominate the amenity space within the heart of the site. These garages have since been removed in their entirety with parking spaces provided instead. Opportunities

for soft landscaping have been provided between spaces. This is far less imposing than the previous design solution.

- 6.12. An apartment building is proposed to the west of the original property. The principle of an apartment building is difficult to resist with the flatted development known as The Regents is located directly to the north. The building is 4 storeys high and has a flat roof. Whilst the building is 4 storeys high it does not exceed the height of the main building on site reducing views of it from Norfolk Road. This relationship is shown in image 4.



Image 4: Relationship between retained building and proposed apartment block

- 6.13. The 4th storey has also been set back on all sides further reducing its prominence meaning that the massing is acceptable in this location. The building is to be constructed entirely of red brick which is typical of the wider area and importantly does not compete with the white rendered retained building. The building has a uniform appearance with large rectangular windows which are surrounded by brick detailing. The building includes glass balconies which have been incorporated between the protruding bays to provide further visual interest. The appearance, massing and siting of the building is therefore considered to be in accordance with the Mature Suburbs SPD.



Image 5: Front elevation of apartment building

- 6.14. The final part of the development is the 7 detached properties at the rear of the site. These 2 and 3 storey properties have found a modest balance between referencing traditional housing and a fresh tack on suburban design. The massing and form of the dwellings fits comfortably within the range of detached properties found in the Edgbaston area. The large properties sit on good sized plots that are similar in size to those adjacent on Antringham Gardens. The dwellings are sited to provide a coherent layout at the rear of the development with dwellings situated on either side of the cul de sac fronting onto the street. Amended plans have been submitted reducing the number of integral garages creating a more active frontage onto the cul de sac.



Image 6: Front elevation of plot 38

- 6.15. In summary it is considered that the overall design of the proposed scheme would be acceptable and in keeping with the character of the local area.
- 6.16. Heritage
- 6.17. Paragraph 197 of the NPPF states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement is required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 6.18. Whilst not statutorily or locally listed the main building with application site and its coach house are considered to be heritage assets. Importantly this mid-19th century stucco villa and its coach house will be retained and converted. Some external works are proposed to the villa consisting of the removal of a two-storey side extension on the south side and demolition of part of the single-storey element to the north side. As later additions the removal of these elements is considered acceptable. A new 2 storey extension will replace the 2 storey extension that is to be demolished. The extension is clearly subservient to the main building and has been sensitively designed to complement the non-designated heritage asset.

- 6.19. Two listed buildings are located to the east of the application site namely; No. 16 Norfolk Road and the Stable Coach House associated with the Calthorpe Estate (both Grade II). It is necessary to consider the impact of this proposal on these designated historic assets. The Conservation Officer has reviewed the submitted Heritage Statement and considers that the development does not affect the setting of these listed building by virtue of the level of separation and scale of development fronting onto Norfolk Road. I concur with this view.
- 6.20. In summary, the proposal does not harm any heritage assets that are within or adjacent to the application site.
- 6.21. Residential Amenity
- 6.22. The Places for Living SPG sets out a number of numerical standards which help to ensure that acceptable amenity standards are provided for the occupiers of new dwellings and retained for the occupiers of adjacent properties.
- 6.23. The proposal is surrounded by residential development on all sides. The closest property is No. 7 Norfolk Road which is located directly to the south of the application site. This is a large 2 storey property with a front wing set substantially forward of the general building line of the property. The proposed town houses are broadly in line with No. 7 meaning that the proposal does not breach the 45 degree code when measured from the nearest habitable windows on either the front or rear elevations of No. 7. The side of the town houses (plot 10) contains no habitable windows meaning no loss of privacy would occur.
- 6.24. Concerns have been raised over the position of the car park and bin storage in close proximity to the garden of No. 7. Amended plans have recently been submitted which shows the relocation of the bin store. The bin store now retains a distance of 15.2m from the shared boundary with No. 7. This significant distance ensures no amenity issues could arise.
- 6.25. A separation distance of approximately 4.5m is retained from the car park to the side boundary of No. 7. The latest set of plans shows a reduction in the number of parking spaces in this area of the site to minimise any impact. This area is heavily planted and further landscaping will be provided to minimise the impact of the car park.
- 6.26. Noise concerns have also been raised in relation to the new access. However, the access is set off the boundary and there is a good level of screening along the boundary with No. 7 Norfolk Road. Furthermore, due to the number of dwellings the level of traffic would be low. In addition no objections have been raised by Regulatory Services in regards to noise.
- 6.27. Concerns have been raised over the amenity impact of the apartment building. This is positioned centrally within the site. A distance of 25m is retained from the north facing 3 storey elevation of the apartment building to the south elevation of The Regents apartment building. The 4th storey of the proposed building is recessed creating a separation distance of 28m. Taking into account the level of planting along the boundary the level of separation is considered sufficient to prevent direct overlooking of the flats in The Regents. A minimum separation of distance of 19m is retained from the three storey element to the site boundary shared with the Regents and this is increased to 22m from the fourth storey. These figures exceed the 5m per storey required by Places for Living SPG ensuring that the private spaces around The Regents will not be overlooked. The top floor penthouse apartments

include balconies however these are restricted to the sides (east and west) and rear (south) of the roof space of the building. A distance of 34m is retained to the shared boundary with No. 7 ensuring that no loss of privacy can occur to this properties private rear garden. A shadow study has also been submitted by the applicant ensuring that the apartment building would not overshadow adjoining properties, such as The Regents.

- 6.28. No. 29 Antringham Gardens is located to the north of the development site with a rear garden that adjoins the application site. However, there is a distance of 23m between the rear elevation of No. 29 and the side elevation of the nearest proposed 2 storey dwelling (plot 44). This comfortably exceeds the 12.5m required by Places for Living SPG ensuring that the proposal would not appear overbearing. No habitable windows are proposed on the north side elevation of plot 44 ensuring that no loss of privacy could occur.
- 6.29. Concerns have been raised over general noise and disturbance. It is acknowledged that there would be some noise and disturbance during the construction phase however this would only be temporary. There is no evidence to suggest that once occupied that there would be undue levels of noise arising from the individual dwellings.
- 6.30. An objection has also been received regarding the loss of a view. However, no one has right to a view and therefore objections on such grounds carry very little weight in the planning system.
- 6.31. Each new build dwelling has a garden measuring in excess of 100sqm thereby comfortably exceeding the 70sqm required within the Places for Living SPG. The gardens are notably small for the 2 x 2 bed dwellings provided in the former coach house (plots 1 and 2) measuring 27 and 30sqm respectively. This falls below the 52sqm recommended for 2 bed dwellings however there is no scope for further provision around these converted buildings. On balance, smaller gardens are accepted in this instance as it facilitates the conversion and reuse of an attractive coach house building.
- 6.32. In accordance with the Places for Living SPG 30sqm of open space is required per flat. An area of 553sqm has been provided for the 26 apartments in the new building. Whilst this falls short of the 780sqm required, the minor shortfall of less than 9sqm per flat will have an inconsequential impact on the occupiers of the development. 188sqm of shared amenity space is provided for the 6 apartments within the converted building. This just exceeds the requirement of 180sqm. The level of private amenity space across the development is therefore acceptable.
- 6.33. The Nationally Described Space Standards are not yet adopted in Birmingham but they do provide a good yardstick against which to judge proposals, to ensure that the accommodation is of sufficient space to provide a comfortable living environment for the intended occupiers. Due to the executive nature of the scheme all of the dwellings and apartments, including those within the converted buildings are spacious and comfortably exceed the requirements of the NDSS in terms of both of overall floor area and also bedroom sizes. The size of the accommodation is therefore acceptable.
- 6.34. In summary, the proposal does not have an undue amenity impact on the occupiers of adjacent properties and creates an acceptable living environment for the proposed occupiers.

- 6.35. Transportation
- 6.36. Policy TP38 of the BDP requires that development proposals support and promote sustainable travel and TP44 requires new development to support the delivery of a sustainable transport network.
- 6.37. A total of 81 spaces provided for the 43 properties, which amounts to an overall provision of 188%. In addition to this the detached houses have a garage incorporated providing additional capacity. Whilst concerns have been raised regarding overspill parking, it is clear that with such a high level of parking on site this is unlikely to occur. In addition the site is in a sustainable location close to the Hagley Road where frequent bus services are available. No objection has been raised by Transportation to the level of parking provision.
- 6.38. Following amendments the scheme proposes a new access onto Norfolk Road which is opposite the cul de sac Aston Bury. This access would be used to service the whole development and would also be utilised to provide access to the parking spaces of virtually all of the new build development. Transportation have confirmed that the tracking providing is sufficient for a refuse vehicle. The existing access is retained in its current form but will only provide access to the parking spaces for the converted buildings and 1 space each for plots 9 and 10. The Transportation Officer notes that appropriate visibility is provided and consequently raises no objection to the either the new or existing access. Concerns have been raised over the position of the new access. However Aston Bury on the opposite side of Norfolk Road is a modest cul de sac with a limited number of vehicle movements. There is therefore no reason to suggest that the additional access will raise highway safety concerns. It is important to note that Personal Injury Accident data was reviewed within the applicants Transport Statement. This sets out that a single accident has been recorded along the site's frontage with Norfolk Road in 2013 which was classified as slight in severity and involved a car reversing into a parked car on the carriageway. No accidents have been recorded at the current site access during the search period. Therefore, it is considered that there is no history of road safety issues in this location.
- 6.39. Concerns have been raised over increased congestion and traffic. The proposed development is forecast to generate 27 and 32 two-way vehicle trips during the AM and PM peak hour periods respectively. This would equate to approximately an additional vehicle trip on the network every two minutes. This level of trip generation is considered to have a negligible impact on the operation and safety of the adjacent highway network.
- 6.40. Transportation have requested conditions requiring the submission of a construction management plan and that the new access is constructed to the City Council's specification. I concur with the imposition of these conditions. In summary there are no reasons to resist the proposal on transportation grounds.
- 6.41. Ecology
- 6.42. The Council has a duty to consider the impact of any proposal on protected species. A Preliminary Ecological Appraisal was undertaken by the applicant which identified the need for further survey work including bat, badger and great crested newt surveys. It was determined that there are no badger setts on site however badgers were found to forage on the site regularly. No bat roosts were found on site in either trees or buildings. Although some bats were found to utilise the site for foraging this was infrequent and by a small numbers of bats. The site is therefore not considered to be an important bat habitat. The Council's Ecologist is supportive of the retention

of one of the historic orchards on the site and the creation of a dead wood habitat. The choice of a flowery lawn turf and mix of fruit trees is also supported as it will provide ecological benefits. The submitted ecological enhancement strategy also includes the provision of bat and bird boxes, badger gates and hedgehog gaps. The Council's Ecologist raises no objection to scheme subject to a condition requiring the implementation of the ecological strategy. The scheme can therefore be implemented without an undue impact on the protected species.

6.43. Landscape and Trees

6.44. There are a significant number of trees located across the site that vary greatly in size and quality. A detailed tree survey has been undertaken by the applicant which identifies a total of 125 trees and 5 groups of trees within the site. Due to the lack of landscape management a number of the trees are poor quality self-set trees that have grown in the past 20 years. In total 83 individual trees and 4 groups of trees are proposed for removal. This would leave 42 trees (3 x category A, 14 x category B and 25 x category C) to be retained including 9 fruit trees which are to be transplanted to a different location within the application site. The most recent amendments submitted result in the retention of an additional 20 trees and 1 group of trees. The additional tree retention includes 1 Grade A copper Beech tree which prominently located at the front of the site and 1 Grade B tree. These retained trees will provide attractive features across the development and as they are primarily located around the periphery of the site they will provide a level of screening. The submitted landscaping scheme proposes the planting of 59 trees which will enhance the level of landscaping across the site. The landscaping scheme is supported by the Landscape Officer and a condition will be attached to ensure its implementation.

6.45. A Tree Report has been submitted by an objector. The report sets out that more trees will be lost than suggested and the scheme could have been designed more carefully around the trees to allow greater retention. Since this time the scheme has been re-designed to retain a further 20 trees. The Council's Tree Officer is supportive of the additional tree retention and raises no objection to the scheme.

6.46. Concerns have been raised over presence of Japanese knotweed on the site. Its existence is acknowledged by the applicant and a condition is recommended to secure its removal from the entirety of the site.

6.47. Subject to conditions requiring appropriate tree protection measures for the remaining trees the scheme is considered to be acceptable from a trees and landscaping perspective.

6.48. Financial Contributions

6.49. Due to the size of the scheme contributions towards both affordable housing and public open space are required. In terms of affordable housing, 35% would result in the provision of 15 dwellings. However, in accordance with the NPPG the vacant building credit can be applied to the site. This incentivises developers to redevelop vacant buildings by reducing the affordable housing requirement, in this case down to 11 dwellings. The NPPF states that usually a minimum 10% of homes should be available on site for affordable home ownership. However, in this case the dwellings are of an executive nature which means they would not be truly affordable even with a reasonable discount. In addition just having a small proportion of the apartment block would be impractical for a Registered Social Landlord (RSL) to manage and there would also be expensive management fees associated with the luxury apartments. The Housing Officer considers in this instance it is more appropriate to deliver the affordable housing off-site to ensure that what is delivered is genuinely

affordable. This equates to a financial contribution of £627,000. A contribution £158,575 is required by Leisure Services to improve facilities open space facilities in the Edgbaston area.

- 6.50. As this is a high value area CIL payments of £79 per sqm are required which amounts to £330,629.31. It is noted that the Education Department have asked for payment however this is covered by the CIL payment.
- 6.51. Other Considerations
- 6.52. Concerns have been raised over the impact on house prices, air quality and drainage. The impact on house prices is not a material planning consideration. No concerns have been raised by Regulatory Services in relation to air quality in this location. The drainage scheme is considered acceptable to the Lead Local Flood Authority subject to conditions.
- 6.53. Concerns have also been raised over the extent of public consultation. However, the level of consultation exceeds statutory requirements. 53 letters were initially sent to adjoining properties and site and press notices were published. In addition 3 periods of re-consultation have taken place by the local planning authority and an additional engagement exercise by the applicant.
- 6.54. Concerns have been raised over the late changes that were made to the scheme following the involvement of the local MP. It is acknowledged that the scheme was withdrawn from a Planning Committee Agenda by the Council however it is considered that the changes made since have resulted in improvements to the scheme. The improvements include the retention of 20 additional trees including 1 category A and 1 category B tree as well as additional ecological enhancements through the creation of a deadwood area and orchard habitat. It is also considered that the changes have not resulted in harm to the amenities of local residents.

7. Conclusion

- 7.1. The proposed development would be in accordance with, and would meet policy objectives and criteria set out in, the BDP and the NPPF. The scheme is acceptable in terms of its design, amenity, highways, landscape and ecology considerations. It would contribute towards the city's housing requirements. Therefore the proposal would constitute sustainable development and it is recommended that planning permission is granted subject to the completion of the S106 agreement.

8. Recommendation

- 8.1. That consideration of planning application 2019/02889/PA be deferred pending the completion of a planning obligation agreement to secure the following:
 - a) off-site contribution of £627,000 towards affordable housing provision;
 - b) Off-site open space contribution of £158,575 to improve and maintain facilities in the Edgbaston area; and
 - c) Payment of a monitoring and administration fee associated with the legal agreement of £10,000.

- 8.2 In the absence of a suitable planning obligation agreement being completed to the satisfaction of the Local Planning Authority on or before 27th August 2020 the planning permission be refused for the following reasons:
- a) In the absence of any suitable legal agreement to secure a financial contribution towards off site affordable housing the proposal would be contrary to TP31 of the Birmingham Development Plan and NPPF.
- 8.3 That the City Solicitor be authorised to prepare, seal and complete the planning obligation.
- 8.4 That in the event of the planning obligation being completed to the satisfaction of the Local Planning Authority on or before 27th August 2020, favourable consideration be given to this application subject to the conditions listed below agreement.

-
- | | |
|----|--|
| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Requires the submission of sample materials |
| 3 | Requires the implementation of hard and/or soft landscape details |
| 4 | Requires the prior submission of earthworks details |
| 5 | Requires the implementation of boundary treatment details |
| 6 | Requires the submission of a landscape management plan |
| 7 | Requires the prior submission of level details |
| 8 | Requires the prior submission of a sustainable drainage scheme |
| 9 | Requires the prior submission of a drainage scheme |
| 10 | Requires the submission prior to occupation of the properties of a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan |
| 11 | Limits agreed trees works to 2 years |
| 12 | Requires the prior submission of a construction method statement/management plan |
| 13 | Requires the submission of a lighting scheme |
| 14 | Requires the submission of a contaminated land verification report |
| 15 | No more than 75% of the hereby approved new build development shall be occupied until the conversion of both of the retained buildings has been completed. |
| 16 | Requires the prior submission of a written scheme of investigation for a historic building recording survey |
| 17 | Submission of full specification details for any new windows proposed within the retained buildings |
-

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- 18 Prior submission of full suite of materials for retained buildings
 - 19 Requires the prior submission of a construction ecological mitigation plan
 - 20 Implement within 3 years (Full)
 - 21 Arboricultural Method Statement - Submission Required
 - 22 Requires the implementation of the submitted mitigation/enhancement plan
 - 23 Requires the prior submission of a method statement for the removal of invasive weeds
 - 24 Requires the implementation of hard surfacing materials
 - 25 Construction of new access to council specification
-

Case Officer: Andrew Fulford

Photo(s)



Photo 1: Front elevation of 6 Norfolk Road



Photo 2: View across east from private garden towards rear elevation of 6 Norfolk road and coach house



Photo 3: View west across the rear of the site

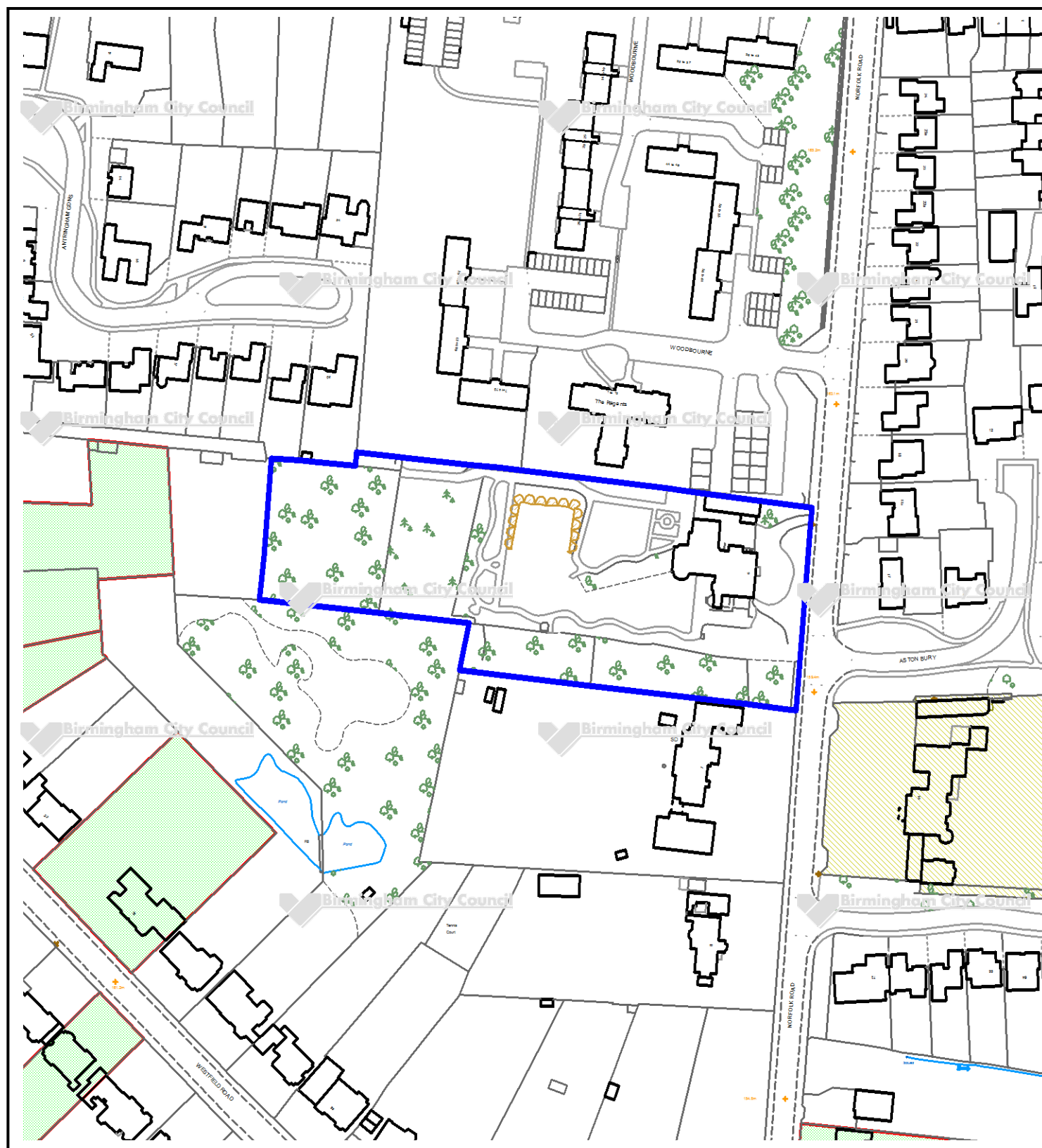


Photo 4: Street view image of site frontage



Photo 5: Wider aerial view of application site

Location Plan



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Committee Date:	30/07/2020	Application Number:	2020/02457/PA
Accepted:	27/03/2020	Application Type:	Full Planning
Target Date:	31/08/2020		
Ward:	Longbridge & West Heath		

Land off Cooper Way/ Austin Way, Longbridge, Birmingham

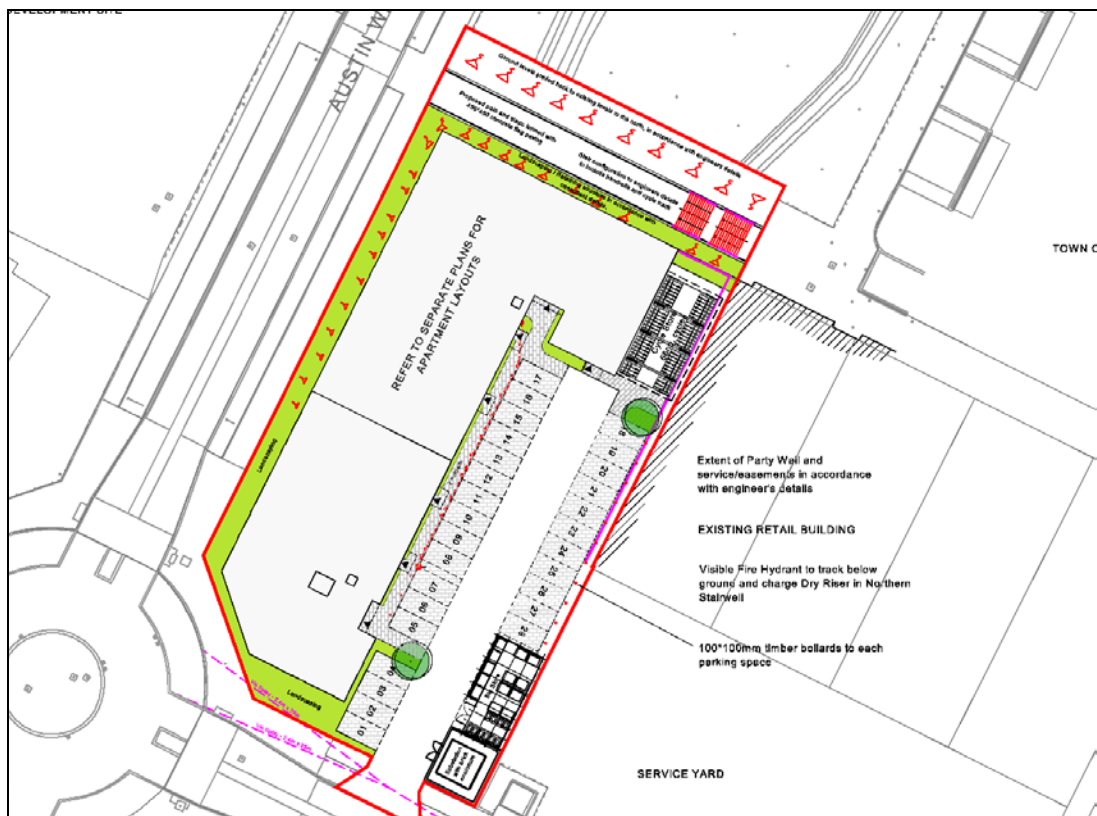
Erection of residential apartment block comprising 56 apartments (21 x 1 bedroom and 35 x 2 bedroom) with associated access, parking, landscaping and infrastructure.

Recommendation

Approve Subject to a Section 106 Legal Agreement

1. Proposal

- 1.1. Planning permission is sought for the erection of a residential apartment block comprising 56 apartments (21 x 1-bedroom and 35 x 2-bedroom) with associated access, parking, landscaping and infrastructure on land at the corner of Cooper Way and Austin Way, Longbridge.



Proposed Site Plan

- 1.2. The new apartment block would primarily be four storeys in height, apart from on the corner elevation, where the building would be five storeys. The building would be 'L'

shaped providing a legible continuation from the adjacent retail frontage with the predominant frontage being to Austin Way.



West Elevation - fronting Austin Way



East Elevation

- 1.3. The apartments would range in size from 51sq.m for the proposed 1-bedroom apartment to between 63 and 72sq.m for the 2-bedroom apartments. Each unit would have a balcony ranging in size from 2.5 sq.m on the 1-bedroom apartments to between 4.5 and 10sq.m on the 2-bedroom apartments. The larger balconies would be provided as part of the structure and as such would be part enclosed, whilst the smaller balconies (which are located to the rear of the building) would protrude from the structure and would not be covered.



Proposed Ground Floor Layout

- 1.4. The apartment block would be constructed primarily from brick which would range in colour from a predominant grey to a silver and engineering blue for the building plinth and to enhance the depth of the terrace/inset balconies. A feature framing band is proposed in metal with expressed joints. A feature brick is also proposed alongside the grey Upvc door and window frames.
- 1.5. 28 car parking spaces are proposed on site along with secure storage/parking for 56 bicycles. The bike store would be located within the car park and would measure 12.4m by 6.7m and would be 3m in height. A bin store would also be located within the car park adjacent to the entrance and would measure 11m by 5.6m with a height of 2m.
- 1.6. 10% affordable housing would be provided on site comprising 5 x one bed and 1 x two bed to be offered at 20% discount of the market sale values.
- 1.7. Amended plans and further drainage information has been submitted during the course of the application. The amended plans have reduced the height of the retaining north elevation wall by incorporating railings; provided additional and revised planting to the site margins including a new green feature wall and a new buttress detail to the retaining wall to provide further elevational interest.



North Elevation – showing footpath, retaining wall and adjacent retail units

- 1.8. The application is supported by a Planning Statement, Design and Access Statement, Noise Assessment, Sustainable Drainage System Management Plan, Flood Risk Assessment and Drainage Strategy, Land Contamination Assessment, Transport Statement and a Financial Viability Assessment.
- 1.9. Site area: 0.24Ha. Density: 233 dwellings per hectare.
- 1.10. Planning permission has previously been granted for the reprofiling of site levels, creation of access retaining wall and footpath as enabling works for the development of apartments on the site for which planning permission is now sought.
- 1.11. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The site is primarily located within the identified and allocated Longbridge District centre boundary and forms part of the Longbridge North redevelopment area. The centre has been developed in two main phases. The first comprising a Sainsbury's store, small shop units, offices, a hotel and other centre uses. The second phase comprised a bespoke M and S store, Multi-storey car park and a terrace of larger unit shops.



Aerial view with application site marked in red showing relationship to District Centre

- 2.2. The site is approximately 0.24ha in size on the western side of the centre, is vacant and is broadly rectangular in shape. The site fronts onto Austin Way on its western boundary and in part is opposite the existing Extra Care development; the existing retail, service yard and in part the town centre surface level car park on its eastern boundary; residential development (under construction) and Cooper Way on its southern boundary and to the north, a vacant site with a temporary planning permission for A1 retail, A3 restaurant/café, A4 (drinking establishment), D1 (non-residential institution e.g. art gallery, museum, library) and D2 (assembly and leisure e.g. cinema). Austin Park is located further to the north. Phase one of the town centre, including Sainsbury's plus hotel, retail, service and office accommodation is located to the north east, extending back from the northern edge of the surface car park. Further, multi-storey car parking is located at the southern end of the M and S unit.
- 2.3. Existing A3/A4/A5 uses are located within the centre in the form of The Cambridge (pub/restaurant); Beefeater; Costa Coffee; Starbucks (within the College) and sandwich/takeaway outlets in the form of Greggs, Subway, Stone Willy's and Royal Fish Bar along with a café facilities within M and S.
- 2.4. The site is located within a commercial centre which, on a wider view, is located in a residential suburban area.
- 2.5. [Site Location Map](#)
3. Planning History
 - 3.1. 5 June 2020. 2020/02792/PA. Planning permission granted for the reprofiling of site levels, creation of access retaining wall and footpath. (Current Application Site).
 - 3.2. 27 February 2020. 2019/08498/PA. Planning permission granted for the erection of an office building (Use Class B1a) with associated access, car parking, landscaping, drainage and infrastructure works. (Two Park Square).

- 3.3. 12 February 2020. 2019/10577/PA. Temporary planning permission granted for the erection of single storey building (Use classes A1, A3, A4, D1 and/or D2), ancillary stores and toilet buildings, external seating, access, service space, landscaping and associated infrastructure (Temporary For 5 Years).
- 3.4. 25 May 2018. 2018/01697/PA. Outline planning permission granted with (all matters reserved for future consideration) for site preparation and construction of premises for a Use Class A1 supermarket; car parking, landscaping, access roads and associated works.
- 3.5. 31 August 2017. 2017/05633/PA. Planning permission granted for site preparation and construction of premises for cinema (Use Class D2), gym (Use Class D2), and food and beverage activities (Use Classes A3/A4/A5), landscaping, access and associated works.
- 3.6. 18 November 2016. 2016/08020/PA. Planning permission granted for sub-division of Unit 27 of Longbridge Town centre Phase 2 with external alterations to shop front and rear elevation.
- 3.7. 10 June 2016. 2016/03513/PA. Planning permission granted for the reconfiguration of the retail units within Phase 2 of Longbridge Town Centre to include alterations to elevations, sub-division/amalgamation and provision of mezzanine and provision of external trolley bay.
- 3.8. 24 March 2016. 2014/09251/PA. Outline planning permission granted with all matters reserved for future consideration for residential development (up to 215 dwellings). (Phase 4 Lickey Road)
- 3.9. 24 September 2015. 2015/06722/PA. Planning permission granted for reconfiguration of the nine retail units within Phase 2 of the Longbridge Town Centre, to include subdivision/amalgamation and provision of mezzanines totalling 764sq.m
- 3.10. 19 March 2015. 2014/09425/PA. Outline planning permission granted for all matters reserved for future consideration for the erection of up to 10,040sq.m offices (B1), access, parking, landscaping and associated development infrastructure.
- 3.11. 16 September 2014. 2014/04442/PA. Planning permission granted for the development of an extra care village comprising 260 units and village centre in a five storey building with associated car parking, roads and landscaping.
- 3.12. 7 August 2014. 2013/09229/PA. Planning permission granted for retail and service development (A1, A3 and A5) comprising 14,832sq.m (GEA) anchor store, retail units of 4,383sq.m (GEA), restaurant/takeaway pavilion building of 589sq.m (GEA), erection of multi storey car park of 1216 spaces and surface level car park of 500 spaces, access, landscaping and associated works. (Phase 2 Town Centre) Subject to a Section 106 Agreement to secure:
 - a) An index linked financial contribution from the date of this planning committee of £1,857,846 towards the spend priorities of the Longbridge Infrastructure Tariff identified in Table 2 of the Longbridge Area Action Plan 2009 payable as 25% on commencement of development, 25% on first occupation, 25% on 50% occupation and 25% on 95% occupation.
 - b) The first occupation of the 14,832sq.m retail unit shall be Marks and Spencer Plc.

- c) A continued commitment to remain in a Local Training and Employment Scheme with the City Council and other agencies and employ local people during construction and operation of the development.
 - d) Payment of a monitoring and administration fee associated with the legal agreement of £10,000.
- 3.13. 15 November 2013. 2013/06431/PA. Planning permission granted for construction of highway access road & footway, associated drainage infrastructure, lighting & landscaping.
- 3.14. 7 February 2013. 2012/07693/PA. Planning permission granted for highway link road, street lighting and landscaping.
- 3.15. 21 June 2012. 2012/02283/PA. Planning permission granted for recreational park including alterations to river alignment, new bridge, pedestrian cycle bridge, footpaths, hard & soft landscaping and associated river & drainage infrastructure works.
- 3.16. 9 September 2011. 2011/00773/PA. Planning permission granted for mixed use development comprising new superstore, shops (A1), Financial and Professional (A2), Restaurants/Cafes (A3), Public Houses (A4) and Hot Food Takeaways (A5), Offices (B1a), 40 residential apartments, hotel, new public park, associated parking and service infrastructure and new highway access from Longbridge Lane and Lickey Road. (Phase 1 Town Centre)
- 3.17. 17 April 2009. 2008/06456/PA. Planning permission granted for development of a college facility (Class D1), with associated landscaping, parking and access arrangements.

4. Consultation/PP Responses

- 4.1. Local residents, Ward Councillors, MP and resident associations notified. Site and press notice posted. Two letters of objection have been received from residents in the adjacent Extra Care development and the adjacent Persimmon Homes development (currently under construction). The objections are based on the following grounds:
- No notification received despite living only about 200 metres from it.
 - The roads in the area are used for traffic from the Longbridge Town Centre development and the roundabout by the Longbridge Retirement Village is badly marked out and dangerous. Without any upgrading of the roads there is a danger of increased road accidents.
 - Increased demand on schools, medical facilities and other local amenities.
 - Lack of parking provision (28 spaces for 56 apartments) with excess vehicles parked on the roads in the Persimmon Homes development, as these are the only roads where parking is not formally restricted.
- 4.2. Regulatory Services – No objection subject to contaminated land conditions, plant and machinery noise levels, electric vehicle charging points and a noise insulation scheme.
- 4.3. Transportation – No objection. The visibility and swept paths are acceptable. Safeguarding conditions are requested relating to the submission of a construction management plan and electric vehicle charging points.

- 4.4. Severn Trent Water – No objection subject to a drainage condition.
- 4.5. West Midlands Fire Service – The development will be required to comply with Building Regulations in respect of fire safety and access.
- 4.6. Leisure Services - No objections. In accordance with the BDP, this residential scheme in excess of 20 dwellings would generate an off- site POS contribution as follows: 91 people generated. 91 divided 1000 x 20,000 (2 hectares per 1000 population) = 1820 m² x £65 (average cost of laying out POS /m) = Total contribution of £118,300 This would be spent on This would be spent on the provision, improvement and/or biodiversity enhancement of public open space at Cofton Park in the Longbridge and West Heath Ward.
- 4.7. Lead Local Flood Authority – No objection subject to sustainable drainage conditions.
- 4.8. Highways England – No objection.
- 4.9. Environment Agency – No objection.
- 4.10. West Midlands Police – No objection. The site is policed by Longbridge Neighborhood Team and calls to service are high. There have been 74 calls to the post code alone in the last 12 months and 84 recorded crimes, including robbery, assault, criminal damage and theft of pedal cycle. With this number of apartments I would expect there to be video capable remote controlled access controlled system installed at the main communal entrance door. Ideally there would also be further internal access control. This would reduce the risk of a 'tail-gaiting'. Access control should be applied to lifts and stairwells alike. All internal apartment doors and the door to the bike store should be of a suitable security standard. Is there a general post room as I cannot see one on the plans? This would negate the need for postal/delivery operatives to have access to the whole building. Is there a CCTV scheme proposed? I would expect to see entrance/egress (including fire escapes) internal lifts/staircases and also car park/cycle/bin store protected by CCTV. I would not expect that all apartments are fitted with an alarm but I would encourage the applicant to fit alarm 'spurs' to simplify the installation of a burglar alarm for future residents. It is not clear if the 'patio doors' to the ground floor apartments will open from the inside only. From a safety and security point of view this would be encouraged. Is there a lighting scheme for this proposal? The perimeter of the building, entrance/egress and car park should be suitably well lit.

5. Policy Context

- 5.1. Birmingham Development Plan (BDP); NPPF, NPPG, Longbridge Area Action Plan (AAP) (2009), Saved Policies of the Birmingham UDP (2005), Places for All SPD, Places for Living SPD, Car Parking Guidelines SPD, Technical Housing Standards – nationally described space standard March 2015, National Design Guide.

6. Planning Considerations

- 6.1. The application site sits within the Longbridge Area Action Plan (AAP) framework, which forms part of the Development Plan for the purposes of determining planning applications. The AAP contains a shared vision for Longbridge:

"Longbridge will undergo major transformational change redeveloping the former car plant and surrounding area into an exemplar sustainable, employment led mixed use

development for the benefit of the local community, Birmingham, Bromsgrove, the region and beyond. It will deliver new jobs, houses, community, leisure and educational facilities as well as providing an identifiable and accessible new heart for the area. All development will embody the principles of sustainability, sustainable communities and inclusiveness. At the heart of the vision is a commitment to high quality design that can create a real sense of place with a strong identity and distinctive character. All of this will make it a place where people will want to live, work, visit and invest and which provides a secure and positive future for local people."

- 6.2. Very significant development and regeneration has already taken place at Longbridge. A new town centre has been delivered, comprising Bournville College, various retail developments including a Sainsbury's supermarket, Marks and Spencer and other retail uses, leisure uses, 3,240sq.m of B1a offices, and a new urban park of 0.99ha. North of Longbridge Lane is the now completed Technology Park comprising four office buildings for use within the 'B' Use Class, a youth centre, Longbridge Park and Ride (now under construction as a much larger multi-storey car park) and Bournville Construction College. An Extra Care Village is located to the south west of the application site and further residential consents have been granted for other sites adjacent to the town centre on the former North works, which are currently under construction.
- 6.3. Policy GA10 of the BDP relates to Longbridge and identifies that an AAP is in place to secure comprehensive redevelopment over a 20 year period. The policy identifies the level of development that the AAP sought including 1450 new homes, a Regional Investment Site, 13,500sq.m gross of retail floor space and 10,000sq.m of office floor space. The policy goes on to state *"A total of 28,626sq.m of retail floor space has been committed to date, reflecting changing circumstances since the AAP was adopted. Proposals for further retail development will only be permitted where it can be demonstrated through a full retail impact assessment that there will be no significant adverse impact on investment in, and on the viability of centres in the catchment area."* As part of the BDP adoption, the Longbridge centre was upgraded from a neighbourhood centre to a District Centre and the boundary extended from that identified within the AAP and SPD.
- 6.4. Policy TP21 covers local centres policy and identifies that centres are the preferred location for retail, office and leisure developments along with community facilities and proposals which *"will make a positive contribution to the diversity and vitality of centres will be encouraged."*
- 6.5. Policy TP27 addresses sustainable neighbourhoods and identifies that all new residential development will need to meet the requirement of creating sustainable neighbourhoods. These are characterised by:
 - *"A wide choice of housing sizes, types and tenures to ensure balanced communities catering for all incomes and ages.*
 - *Access to facilities such as shops, schools, leisure and work opportunities within easy reach.*
 - *Convenient options to travel by foot, bicycle and public transport with reduced dependency on cars and options for remote working supported by fast digital access.*
 - *A strong sense of place with high design quality so that people identify with, and feel pride in, their neighbourhood.*

- *Environmental sustainability and climate proofing through measures that save energy, water and non-renewable resources and the use of green and blue infrastructure.*
- *Attractive, safe and multifunctional public spaces such as square, parks and other green spaces for social activities, recreation and wildlife.*
- *Effective long-term management of buildings, public spaces, waste facilities and other infrastructure, with opportunities for community stewardship where appropriate.”*

6.6. The application site falls within a larger ‘development site’ identified on the Longbridge Spatial Plan (Plan 14 of the BDP). The northern part (approximately two thirds) of the site lies within Longbridge District Centre as defined by BDP Policy TP21 and the Shopping and Local Centres SPD. In terms of the Longbridge AAP, the northern part of the site is also within proposals LC1 and LC4. The southern part of the site is outside of the defined District Centre boundary but the boundary defined in the SPD does not follow exactly the layout of development that has been approved and now completed as part of the new district centre. The site is located outside of the Primary Shopping Area and is considered edge of centre.

6.7. Policies LC1 and LC4 of the AAP identifies the large range of uses that were envisaged as being part acceptable development within the new Centre. This included leisure, retail, offices; other town centres uses and a range of residential uses. The AAP also identifies the aspiration to deliver a minimum of 1450 new homes with 35% being affordable across the AAP area.

6.8. To date, development within the AAP area has provided the following residential development and percentage of affordable homes.

Longbridge East Phase 1	229 homes	36 affordable (16%)
Longbridge East Phase 2a	41 homes	14 affordable (35%)
Longbridge East Phase 2b	185 homes	65 affordable (35%)
Longbridge East Phase 3a	149 homes	52 affordable (35%)
Longbridge East Phase 3b	24 homes	8 affordable (35%)
Lickey Road Phase 1	115 homes	34 affordable (29%)
Lickey Road Phase 2	19 homes	0 affordable (0%)
Lickey Road Phase 3	82 homes	60 affordable (73%)
Lickey Road Phase 4	215 homes	0 affordable (0%)
Extra Care	260 homes	156 affordable (60%)
Flightshed	95 homes	0 affordable (0%)

Total	1414 homes	425 affordable (30%)
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6.9. Planning permission has previously been granted for a range of uses including a discount food store, cinema, restaurant and gym. None of these planning permissions have been implemented. As such, the applicant looked to provide further residential development (which was originally planned for within the Centre itself). The proposed mix of one and two bedroom apartments with limited car parking provision located within walking distance of a range of bus routes, Longbridge railway station, Austin Park and Cofton Park, St Columba’s Primary School and Colmers School and Sixth form Centre and located on the edge of the District Centre would continue to create a sustainable neighbourhood when assessed against the criteria outline in Policy TP27 and the wider vision for Longbridge. As such, I consider that the proposed development would be in

accordance with Policy GA10 and TP27 of the BDP, Policies LC1 and LC4 of the Longbridge AAP and the NPPF.

Design

- 6.10. Policy PG3 of the BDP seeks to create a positive sense of place with design that responds to site conditions, local context, creates safe environments, provides attractive environments; make sustainable design integral, and supports the creation of sustainable neighbourhoods. Furthermore, Policy 3.14, of the UDP (saved Policies), states that a high standard of design is essential to the continued improvement of Birmingham as a desirable place to live, work and visit. Paragraph 124 of the NPPF states that *“Good design is a key aspect of sustainable development creates better places in which to live and work and helps make development acceptable to communities.”* Places for All (SPD) sets out design principles to promote good design and highlights the importance of design in achieving places that are successful and sustainable in social, economic and environmental terms. The design principles contained within the policy states that development should reinforce and build on local characteristics that are considered positive and expresses that care should be taken not to detrimentally affect positive townscape and landscape.
- 6.11. Planning permission is sought for the erection of a primarily four storey in height, (apart from on the corner elevation, where the building would be five storeys) residential apartment block comprising 56 apartments. The building would be ‘L’ shaped providing a legible continuation from the adjacent retail frontage with the predominant frontage being to Austin Way. As a ‘loose perimeter block’, my City Design advisor and I consider that the apartments would define the street well, create an active elevation with a sense of natural surveillance, and at 4-5 storeys would help to create some welcome street enclosure.
- 6.12. The site has significant change in levels and the previously approved enabling works approved a level of cut and fill across the site along with a significant retaining wall structure in the north east corner of the site. The south west corner is taken as the datum for the proposed apartment building following the cut and fill process. Following this through the development, the finished floor level for the ground floor at the north east corner would be over 2m above the footway. The result is a tall, inactive, blank wall at street level, which is worst at the north end, but continues along the west elevation. The resulting retaining wall on the north elevation between the retail store and the site would be approximately 7 metres (and has been granted planning permission previously through the enabling works consent..
- 6.13. The architect for the scheme has provided commentary regarding the site levels and necessary retaining structures and advises that a number of design and engineering studies were undertaken to establish a response to this narrow sloping site; that needed to ensure a viable delivery of new homes that achieved space standards and in particular fire strategy. With the vehicular access established off Cooper Way and a partial perimeter block form giving maximum active frontages, a fire strategy to allow alternative two-way egress on the same level was established for the main floors. This, along with there being limited scope to provide additional levels changing infrastructure (steps/ramps) to get back to the rear carpark area levels, established a single footplate for the building. The fall along Austin Way is approximately 1.5m. Importantly, the graded landscaping margin in elevation proposes maximum exposed under-build brickwork of between 1m and 1.2m. They consider this minimal and not detrimental to the street scene, moreover provides some defensibility to the properties.

- 6.14. On the northern elevation, the same would apply in terms of the proposed graded landscape margin which would reduce the visible extent of brickwork abutting the building. Whilst the extent of retaining required on the northern elevation is more extensive, on both elevations, the resulting visual impact is not felt to be harmful to the wider environment, considered alongside the landscaping proposed for the defensible margin, the high 'activity' of the remaining elevation (windows, balconies/terraces) and also a levels separation from the public realm improves security and avoids perception of ambiguous ownership.
- 6.15. The NE corner of the site has to deal with the most significant levels changes that occur generally from north to south / west to east. The current design aims to minimise the extent of retaining wall exposed at this point by pushing the footpath steps (approved under the previous enabling works consent) as far to the east as possible. The extent of visible wall would be further diminished by graded margin with robust landscaping.
- 6.16. Amended plans have been submitted that reduce the impact of the necessary retaining wall through the use of buttress detailing, reduction in height of wall through the incorporation of railings on the top sections and the use of sloped landscaped margins to the boundary. Whilst the levels and security issues prevent precise at grade solutions along the entire frontage, I consider that the proposals would provide a significantly more active elevation for this plot than the previously approved cinema and food store proposals.
- 6.17. The proposed apartments would be accessed from the rear of the block only, from within the car park. Places for All states that the main access to buildings should be from the public realm, which is a key part of creating active frontages. However it is also important from the point of view of legibility and the convenience of residents. The design approach has been to ensure maximum activity and surveillance along its perimeter. Through review of various iterations of the block design, it was established that pedestrian access is essential on the parking/amenity side and that additional access points directly off the public pathway would impact on the quantum (and viability) of new apartments available.
- 6.18. Whilst having two entrance points in the rear elevation only would not normally be considered acceptable in legibility or design terms, the applicant has advised the following:
- Austin Way is on a slope, but the building is on a single level; unless the entrance is at the southern extent of the building, steps would be required for access and it would not be possible to get a DDA ramp in this location without removing significant areas of landscaping.
 - The scheme takes an approach to provide low level balconies with fully opening doors but behind landscaping and with some defensibility given the retaining features. The Police Architectural Liaison Officer raised security concerns about securing additional access points direct from the street because of the levels involved. It would be difficult to get direct access into the flats along the Austin Way frontage because of the levels.
 - Even if an access could be accommodated into the block from Austin Way, this would lead to a loss of conservatively one apartment, more likely two. This would significantly alter the viability of the scheme, which is marginal at present (as explained below).

- The building as proposed would have two entrances from within the car park area – the principal one to the south (which has the stairs and lift) is located closest to the site / car park entrance so even though is not on Austin Way, is at the southern extent of the site making it easy to get out onto Austin Way via Cooper Way – from here you can turn either left (and use the existing steps in the middle of the retail parade) or right onto Cooper Way to access the town centre. If an additional entrance was added half way along the Austin Way frontage, it would only be around 45m away from the proposed southern main entrance in any event.
- 6.19. The applicant concludes that even though a direct access onto Austin Way is not proposed and cannot be achieved without significant difficulties due to site levels, what the scheme would achieve is a positive vibrancy of windows and balconies overlooking the public realm – which would be significantly better than previous proposals, granted consent, for the site.
- 6.20. Whilst limiting access to the rear of the building is not generally considered ‘good design’, I consider that in this instance, given the complexities of site levels on the site along with impact on development viability and that this in turn would impact on the level of affordable housing that could be provided, I consider the proposed development acceptable. As such, I consider that the overall proposal complies with the requirements of PG3 of the BDP, the vision of the Longbridge AAP along with the NPPF and the National Design Guide.

Residential Amenity

- 6.21. The Technical Housing Standards identify that a one bedroom apartment for 2 people should be a minimum of 50sq.m whilst a two bedroom apartment for 4 people should be a minimum of 70sq.m (61sq.m for a 2-bedroom 3 person apartment). The proposed apartments would range in size from 51sq.m for the proposed 1-bedroom apartment to between 63 and 72sq.m for the 2-bedroom apartments. The apartments would therefore comply with the unit size requirements of the technical standards.
- 6.22. The bedrooms would range in size from 9.3sq.m to 10.11sq.m for a single bedroom and between 11.52sq.m and 13.83sq.m for a double bedroom. This is against a requirement of the technical standards of 7.5sq.m for a single room and 11.5sq.m for a double bedroom. As such, all of the bedrooms would exceed the requirements of the national space standards.
- 6.23. Places for Living SPG seeks a guideline requirement of 30sq.m per apartment of outdoor amenity space. The proposed development of 56 apartments would therefore technically require 0.168ha of amenity area on a site that is only 0.24ha in size. No external amenity space is proposed on site except a balcony per apartment. Each unit would have a balcony ranging in size from 2.5 sq.m on the 1-bedroom apartments to between 4.5 and 10sq.m on the 2-bedroom apartments. Given the small site size, it is unfeasible to provide outdoor amenity areas on site. I consider this acceptable as the application site is located opposite the town centre park and within walking distance of Cofton Park.
- 6.24. The units themselves would partly front the Extra Care Village (although no direct overlooking would occur to living accommodation due to orientation); the new build Persimmon Homes accommodation opposite the site on Cooper Way and the existing retail service yard. The accommodation meets the required 27.5m separation distance to both of these existing residential schemes. As such, there

would be no impact on existing residential amenity. The proposed development site would sit adjacent to, and in part above, the existing retail development. The proposed apartments on the east elevation would have a separation distance of over 18m from the flank wall of the retail development. This would be in excess of the 15.5m guideline in Places for Living.

- 6.25. In terms of amenity for the new residential occupiers, the main issue arises from noise – road noise and service yard noise. The application is accompanied by a supporting noise assessment which has been reviewed by Regulatory Services. This concludes that the general noise climate across the site is determined by traffic movement on Austin Way and, to a lesser extent, Bristol Road to the west. There was no noticeable commercial noise impact from adjacent retail premises during the site visit. Assessment of typical delivery noise levels associated with a supermarket indicates that there would be no significant noise impact on the proposed apartment block from delivery activities on the service yard of Smyths Toys. The internal noise criteria requirements can be achieved with appropriate acoustic rated glazing and acoustic rated vents to habitable rooms within the development. Regulatory Services concur with the findings of the noise assessment and recommend a glazing specification condition. I agree with the approach taken by Regulatory Services in order to protect the residential amenity of new occupiers and the relevant condition is recommended below.

Trees and Landscape

- 6.26. Policy TP1 of the BDP is set out to reduce the City's carbon footprint and thus supports the expansion of tree provision, whilst Policy TP7 states that new development schemes should allow for tree planting in both the private and public domains. Policy 3.14D of the Birmingham UDP refers to the integration of landscaping and the retention of existing mature trees. Policy 3.16A seeks the retention and protection of trees and landscape in the urban environment, with developers expected to give priority to the retention of trees.
- 6.27. Little landscaping is proposed on site due to the confined nature of the site and the urban environment that the site sits within. However, 2 Chinese Red Birch are proposed for the car park and forming the site boundary (along Austin Way and the corner of Cooper Way/adjacent to the new footpath link) would be 1100 shrubs including European Box, Japanese Spurge and Periwinkle, 199 herbaceous plants, 166 grasses and 157 hedgerow plants including Field Maple, Hawthorn, Holly, Honeysuckle and Rose.
- 6.28. Whilst my Landscape Officer would like to see significantly more space given for landscaping, and I agree that this would be preferable. I consider that the constraints of the site prevent this from occurring. On this basis, I consider that the proposed landscaping scheme is acceptable and complies with policies TP1 and TP7 of the BDP.

Ground Conditions and Contamination

- 6.29. Paragraph 178 of the NPPF states that planning decisions should ensure that, amongst other things, a site is suitable for its proposed use taking account of ground conditions and any risk arising from land instability and contamination. This includes risks arising from natural hazard or former activities such as mining, and any proposals for mitigation including land remediation (as well as impacts on the natural environment arising from that remediation).

- 6.30. A Geotechnical and Contaminated Land Interpretive Report is submitted in support of the proposal. The report identifies that the potential for the migration of contaminants from soils and groundwater within the Made Ground and underlying strata to controlled waters receptors was previously identified. Remedial measures involving the removal of contaminated soils and ground water followed by validation testing have been completed. Organic Vapour resistant membranes may be required.
- 6.31. Two phases of remediation of the site were carried out in 2011 and 2013, in accordance with remediation strategies for the Lower South Works. The remediation involved the turnover of the site to 2.5m below existing ground level; removal of obstructions; backfill of excavations; delineation, treatment and validation of contaminant hot spots in soils within the 2.5m turnover depth; ex-situ treatment of petroleum hydrocarbon contaminated soils and groundwater remediation including the delineation and active recovery of free phase hydrocarbon product. The report concludes that further investigation and risk assessment are required in order to determine whether soil and vapour protection measures are required.
- 6.32. The Environment Agency has confirmed that they reviewed the appropriate validation and verification reports in 2012/13 which confirm that the works were carried out in accordance with the agreed remediation strategies for the Lower South Works. They concluded at that time that the works undertaken were appropriate and would likely mitigate any contamination risk to identified Controlled Water receptors. As such, they now confirm that based on the available information they do not require any further investigation or risk mitigation to Protect Controlled Water receptors on the application site and therefore raise no objection to the proposed development.
- 6.33. Regulatory Services have raised no objection to the proposed development and have requested contaminated land conditions are attached to any approval. I concur with their view and the relevant conditions are requested below.

Highways

- 6.34. Policy TP38 of the BDP covers sustainable transport networks and identifies that *“the development of a sustainable, high quality, integrated transport system, where the most sustainable mode choices also offer the most convenient means of travel, will be supported. The delivery of a sustainable transport network will require:*
- *Improved choice by developing and improving public transport, cycling and walking networks.*
 - *The facilitation of modes of transport that reduce carbon emissions and improve air quality.*
 - *Improvements and development of road, rail and water freight routes to support the sustainable and efficient movement of goods.*
 - *Reduction in the negative impact of road traffic, for example, congestion and road accidents.*
 - *Working with partners to support and promote sustainable modes and low emission travel choices.*
 - *Ensuring that land use planning decisions support and promote sustainable travel.*
 - *Building, maintaining and managing the transport network in a way that reduces CO₂, addresses air quality problems and minimises transport's impact on the environment.*

- *In some circumstances, the re-allocation of existing road space to more sustainable transport modes.”*

- 6.35. The enabling works planning permission granted consent for the creation of an access point in the southern site boundary off Cooper Way and the site access point including the pavement crossing, visibility splays and vehicle tracking. The access comprises a dropped kerb crossover measuring approximately 6m in width. This access extends northwards into the site and provides access to car parking spaces and pedestrian paving outside the apartment building. Refuse collection would be undertaken from Cooper Way.
- 6.36. A Transport Statement supports the application and has assessed the car parking requirements against draft parking standards. However, current parking guidelines (2012) seek a maximum 1.5 spaces per dwelling. Previous residential developments in Longbridge have had less than 100% with the reasoning that sites are some distance from the local public roads, and their site is all private land with all roads managed by St. Modwen. The Transport Statement states the provision of 28 standard spaces is within the car parking guidelines. It also highlights that free and paid parking is available in the Town Centre within a short walk of the development. Phase 2 of the Town Centre development has delivered 1,716 car parking spaces, comprising a 500-space surface car park and a 1,216 space multi-storey car park. Cycle parking would be provided in a covered cycle store within the car park for 56 bicycles.
- 6.37. The site is located within close proximity to range of amenities and employment opportunities within Longbridge Town Centre, in addition to access to multiple rail and bus services which can be reached via a multitude of pedestrian and cycle infrastructure.
- 6.38. The Transport Statement concludes that the development trip generation is well within the envelope approved for the previous consents and the proposed car parking is within standards and sufficient given the excellent accessibility to sustainable transport modes.
- 6.39. I note the objection raised by an adjoining occupier regarding the lack of car parking on site. Car parking provision is classed as maximum quotas and as such, development can be approved with less or in places, none at all. Should more than 28 people require a car parking space on site, a secure multi-storey car park is located within walking distance of the site in the town centre where spaces can be leased if required. Objections were also made in relation to the safety of the existing roads and roundabout. Transportation, when planning permission was granted for the roads and subsequent adjacent development assessed road safety and determined that the roads and junctions were acceptable. This review occurs with subsequent development proposals and in this instance, no further road works are considered necessary.
- 6.40. Transportation subsequently raises no objections to the proposed development subject to conditions relating to electric vehicle charging points and construction management. I concur with their view and the relevant conditions are recommended below.

Flood Risk and Drainage

- 6.41. Policy TP6 of the BDP relates to the management of flood risk and water resources. It confirms that site specific Flood Risk Assessments will be required in accordance

with the requirements of the relevant national planning policy and the guidance outlined in the Birmingham Strategic Flood Risk Assessment. The policy also requires developers to demonstrate that the disposal of surface water from the site will not exacerbate existing flooding and that exceedance flows will be managed.

- 6.42. Paragraph 55 of the NPPF confirms that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.
- 6.43. A Flood Risk Assessment (FRA) is submitted in support and considers the risk of various flood sources to the site and the consequent risk of flooding to downstream receptors from the proposed development as a result of surface water runoff. This identifies that the site is located within Flood Zone 1 and at low risk of river flooding. The site is also identified as being at low risk of surface water flooding.
- 6.44. In terms of sustainable drainage, the previous use of the site prevents the use of infiltration and there are no water courses within a reasonable distance whereby storm water could be discharged. This leaves discharge to surface water sewers as the only viable option for the site. Permeable paving and attenuation storage tanks within the car park are proposed.
- 6.45. Seven Trent Water has raised no objection to the proposed drainage strategy subject to a drainage safeguarding condition and the Environment Agency has raised no objection on flooding grounds. The LLFA requested further information which has subsequently been submitted and they now raise no objection subject to sustainable drainage conditions. The relevant drainage conditions are recommended below.

Viability

- 6.46. A Financial Viability Appraisal has been submitted in support of the proposal which has been independently reviewed by LSH as the proposed development, in order to comply with policy requirements of Policies TP31 and TP9 would require 35% affordable housing and open space on site (or a financial contribution of £118,300). The output of the development appraisal, which reflects revisions that LSH, is a profit on Gross Development Value of 16.16%, which is below what is considered to be an appropriate target rate of return for a development of this nature of circa 18%. The inclusion of six affordable apartments, comprising 5 No one bedroom apartments and 1 No two bedroom apartment, as low cost home ownership tenure at 20% discount on open market value, reduces the developer's return to a profit on Gross Development Value of 14.53%.
- 6.47. The LSH review concludes that the viability of the scheme is marginal and as such, could support either of the following:
- Option 1 – 10% Affordable Housing (Discounted Market Sale) – 10% affordable housing (6 units) is provided as Low Cost Home Ownership tenure at 80% of Market Value (the location of affordable apartments is to be agreed). No POS Contribution is provided; or
 - Option 2 - The Alternative Option – The POS payment of £118,300 is made by the Applicant. However, the 10% level of affordable housing would therefore need to reduce by an equivalent sum.

- 6.48. Based on the above viability, and that there are two parks within walking distance of the application site (one of which has secured significant funding for improvements from the former Longbridge Infrastructure Tariff), I consider that the available 106 monies, in this instance, would be better spent providing for 10% affordable housing on site.

Sustainable Construction

- 6.49. Policy TP3 on Sustainable Construction identifies that new development should be designed and constructed to maximise energy efficiency; conserve water and reduce flood risk, minimise waste and maximise recycling, be flexible and adaptable and incorporate measures to enhance biodiversity. Policy TP4 on Low and Zero Carbon Energy Generation states that “new developments will be expected to incorporate the provision of low and zero carbon forms of energy generation or to connect into low and zero carbon energy generation networks where they exist. In the case of non-residential developments over 1,000sq.m, first consideration should be given to the inclusion of Combined Heat and Power (CHP) generation or a network connection to an existing CHP facility. However, the use of other technologies will also be accepted.
- 6.50. The building design would involve maximising the performance of the components and materials that make up the building fabric itself, as well as considering the use of mechanical or electrical building services systems. The approach would reduce the need for maintenance during the building’s life. The building would therefore include the following measures
- Maximising air tightness.
 - Using super-high insulation.
 - Optimising solar gain through the provision of openings and shading.
 - Optimising natural ventilation.
 - Using the thermal mass of the building fabric.
 - Reducing the effects of thermal bridging.
- 6.51. The agent has confirmed that the development is not being assessed through BREEAM so it is difficult to compare it, particularly as BREEAM assessments (insofar as they are used for residential developments), also include a wide range of other factors in the assessment beyond sustainable building and energy. As such, the Agent has confirmed that the development would see an “enhanced Part L of Building Regulations”.
- 6.52. Based on the measures proposed and the marginal viability of the scheme (as previously outlined above), I consider the proposal complies with the requirements of TP3 and TP4 of the BDP.

Other Issues

- 6.53. I note the comments received from West Midlands Police and the applicant has responded to their queries as follows:
- Is there a video capable remote controlled access controlled system installed at the main communal entrance door. Remote access from an App for the door access system is currently being investigated.
 - Any further internal access control to only allow residents on their floor accessing their floor only? No additional access control once they gain access from the secure main entrance would be provided.

- What will the security arrangements be for the bike store? A combination lock with emergency internal override to the bike store door facing the carpark, and traditional deadlock to door accessing external space to the north is being investigated.
- Is there a general post room? There is not a dedicated post room but post boxes would be provided within the two main entrance lobbies.
- Is there a CCTV scheme proposed? There is CCTV over much of Longbridge town centre. CCTV to the external main entrances and cycle store linked to the management monitoring company is being investigated.
- Will the apartments have alarms or wiring for alarms? No provision has been made for alarms in individual apartments, but the power supply for future installation would be available.

6.54. Whilst I consider that the majority of issues raised by the Police sit outside the remit of Planning they have been adequately addressed at this stage. The requirement for CCTV can be adequately controlled by condition and as such, this is recommended below.

6.55. I note objections have been raised regarding notification of the planning application submission. The resident advises that they live approximately 200 metres from the site. As such, no formal letter would have been sent by the Local Planning Authority as the address in question would fall outside of the 100m notification buffer that is identified in the City Council's Statement of Community Involvement. The final objection relates to the increased demand on schools, medical facilities and other local amenities. The site is located within a city context and as such any residential development would increase demand exponentially. In this instance, the provision of 56 apartments does not in itself generate the need for new schools and services and these are now provided for through the Community Infrastructure Levy.

6.56. The proposed development would not attract a CIL contribution.

7. Conclusion

7.1. Policy GA10 of the BDP relates to Longbridge and identifies that an AAP is in place to secure comprehensive redevelopment over a 20 year period. I consider that the proposed residential development complies with the policy requirements of the Longbridge AAP and the Birmingham Development Plan. The viability of the scheme has been independently assessed and the 10% affordable housing provision on site is considered acceptable. The design of the proposal is also considered acceptable. The proposed parking provision sits comfortably within the maximum parking guidelines and the site is well served by public transport in the form of bus and train.

7.2. I note that the key principle in the NPPF is the presumption in favour of sustainable development and this is identified as having three stems of economic, social and environmental. As the proposal would continue to provide significant economic benefits, would continue to provide further local employment in construction and knock-on social benefits and would not have an environmental impact, I consider the proposal to be sustainable development and on this basis, should be approved.

8. Recommendation

8.1. That application 2020/02457/PA be APPROVED subject to the prior completion of a Section 106 Legal Agreement to secure the following:-

- i) The provision of 6 affordable housing units on site comprising 5 x one bed and 1 x two bed to be offered at 20% discount of the market sale values in perpetuity.
 - ii) Payment of a monitoring and administration fee associated with the legal agreement of 3.5% of the affordable housing value subject to a maximum of £10,000.
- 8.2. In the absence of a planning obligation being completed to the satisfaction of the Local Planning authority by 27 August 2020 planning permission be refused for the following reason:-
- i) In the absence of a legal agreement to secure a commitment provide 6 on-site affordable housing units the proposal conflicts with Policy TP31 of the Birmingham Development Plan and the National Planning Policy Framework.
- 8.3. That the City Solicitor be authorised to prepare, complete and seal an appropriate agreement under Section 106 of the Town and Country Planning Act.
- 8.4. That in the event of the planning obligation being completed to the satisfaction of the Local Planning Authority by the 27 August 2020 planning permission for application 2020/02457/PA be APPROVED, 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 a contamination remediation scheme |
| 4 | Requires the submission of a contaminated land verification report |
| 5 | Requires the prior submission of a drainage scheme |
| 6 | Requires prior submission of a surface water drainage scheme |
| 7 | Requires submission of a Sustainable Drainage Operation and Maintenance Plan |
| 8 | Requires the submission a Noise Insulation Scheme to establish residential acoustic protection |
| 9 | Requires the submission a Noise Insulation Scheme to establish residential acoustic protection |
| 10 | Requires the submission of details of a communal satellite dish |
| 11 | Requires the submission of hard and/or soft landscape details |
| 12 | Requires the submission of hard surfacing materials |
| 13 | Requires the submission of boundary treatment details |
| 14 | Requires the submission of a landscape management plan |
| 15 | Requires the submission of a lighting scheme |
-

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- 16 Requires the submission of Green Wall details
 - 17 Requires the prior submission of a construction method statement/management plan
 - 18 Requires the submission of sample materials
 - 19 Requires the submission of a CCTV scheme
 - 20 Requires the submission of architectural details
 - 21 Removes PD rights for telecom equipment
 - 22 Requires the provision of cycle parking prior to occupation
 - 23 Requires the submission of a residential travel plan
 - 24 Requires the parking area to be laid out prior to use
 - 25 Requires the provision of a vehicle charging point
-

Case Officer: Pam Brennan

Photo(s)

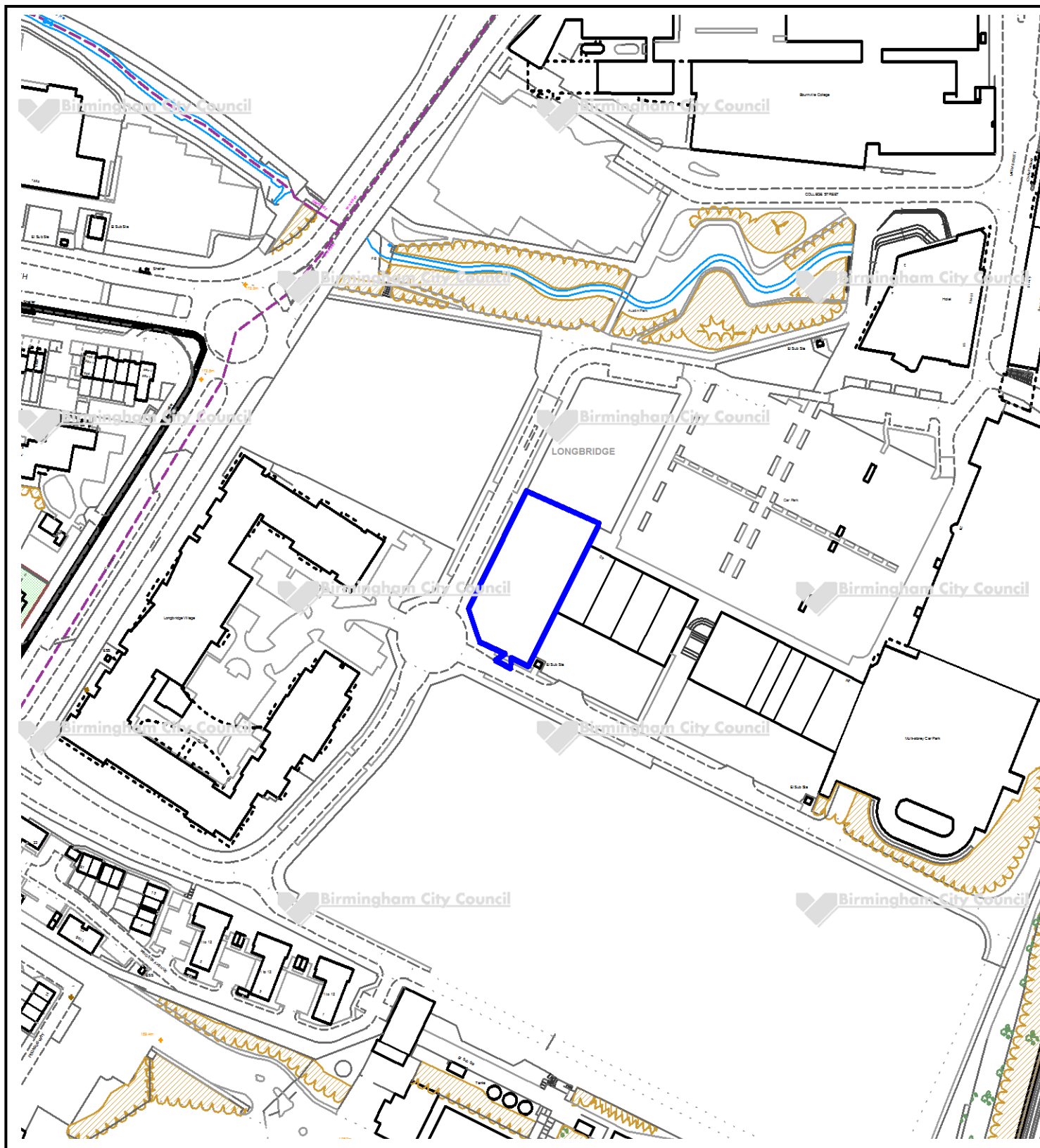


Photograph 1: Application site looking north and east – towards town centre



Photograph 2: Application site looking South showing retail development to the east and site levels

Location Plan



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Committee Date:	30/07/2020	Application Number:	2020/03838/PA
Accepted:	20/05/2020	Application Type:	Permitted Development Householder
Target Date:	06/08/2020		
Ward:	Quinton		

128 Balden Road, Harborne, Birmingham, B32 2EP

Erection of 6 metre deep single storey rear extension. Maximum height 4 Metres. Eaves height 3 metres.

Recommendation

No Prior Approval Required

1. Proposal

- 1.1. Consent is sought for the Erection of 6 metre deep single storey rear extension, maximum height 4 metres, eaves height 3 metres. The property has existing rear extensions in place that would be demolished and replaced by the proposed extension and would be erected from the original rear wall.
- 1.2. The report is required to go to planning committee as the applicant is an employee within the Planning and Development department which is part of the Inclusive Growth Directorate.
- 1.3. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site comprises of a two storey end terraced dwelling in a block of 4 with a gable end roof design, located in a predominantly residential area. The adjoining dwelling has existing single storey rear extensions. Surrounding properties numbers 130, 132 and 134 have a more narrow rear plot size in comparison to the application site which consists of a wider plot. There is a disused power station adjacent to the property and behind this lies No.122 Balden Road. There is a dense amount of vegetation to the rear and side boundary of the site that provides screening for the application site. The surrounding street scene is comprised of properties of similar age and design.
- 2.2. [Site Location](#)

3. Planning History

- 3.1. No previous planning history.

4. Consultation/PP Responses

- 4.1. Adjoining neighbouring properties have been consulted for the statutory 21 days, no responses have been received.
- 4.2. Western Power were consulted as a substation adjoins the site and they have confirmed that they have no objections to the proposal.

5. Policy Context

- 5.1. The Town and Country Planning (General Permitted Development) (England) Order 2015

6. Planning Considerations

- 6.1. This Householder Prior Notification application has been submitted under the Government's Larger Home Extensions Scheme: The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015 which allows householders to be able to build larger single storey rear extensions under permitted development. However if any adjoining neighbour raises an objection within the 21 day neighbour consultation period, the local authority will take this into account and make a decision about whether the impact on the amenity of all adjoining properties is acceptable.
- 6.2. In this case, as no objections or comments have been received from the adjoining neighbours, a full assessment of the impact on the amenity of all adjoining properties is not required as stated by The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015.

7. Conclusion

- 7.1. The proposal complies with the guidance set under the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015.

8. Recommendation

- 8.1. No prior approval required.

Case Officer: Sajjadur Rahman

Photo(s)



Figure 1: Rear Elevation of No.128 Balden Road

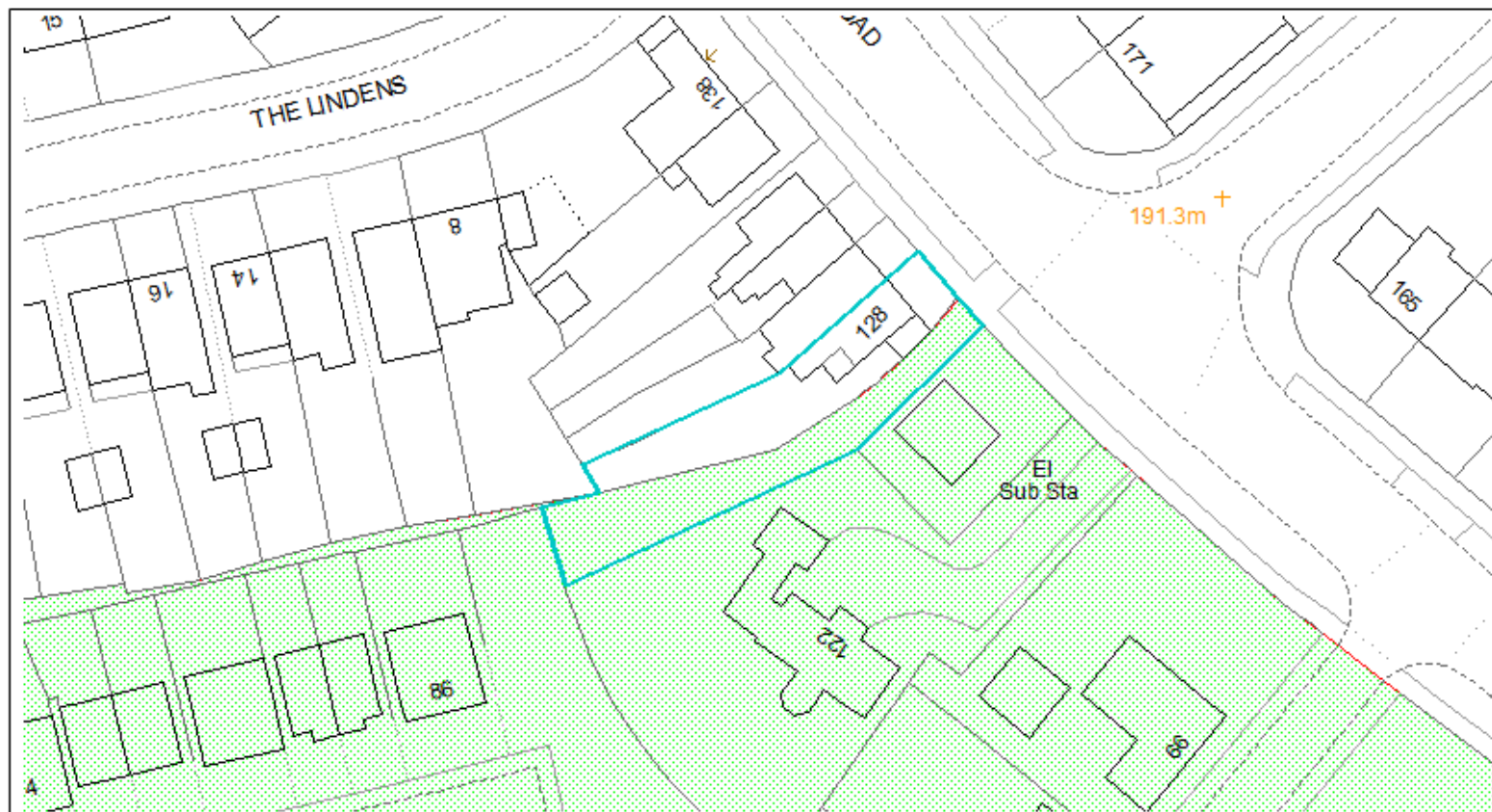


Figure 2. Side Boundary of No.128 Balden Road



Figure 3: 128 Balden Road Rear Garden

Location Plan



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Birmingham City Council

Planning Committee

30 July 2020

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Approve – Conditions	12	2020/01195/PA Washwood Heath Railway Sidings Heartlands Parkway Washwood Heath Birmingham B24 8HZ Erection and operation of ready mix concrete batching plant, alterations to approved rail off-loading facility at adjoining asphalt plant site to provide for transfer of aggregate to batching plant, use of asphalt plant site access, erection of related buildings and associated engineering operations including comprehensive surface water drainage strategy for ready mix and asphalt plant site area.

Committee Date:	30/07/2020	Application Number:	2020/01195/PA
Accepted:	12/02/2020	Application Type:	Full Planning
Target Date:	31/07/2020		
Ward:	Ward End		

Washwood Heath Railway Sidings, Heartlands Parkway, Washwood Heath, Birmingham, B24 8HZ

Erection and operation of ready mix concrete batching plant, alterations to approved rail off-loading facility at adjoining asphalt plant site to provide for transfer of aggregate to batching plant, use of asphalt plant site access, erection of related buildings and associated engineering operations including comprehensive surface water drainage strategy for ready mix and asphalt plant site area.

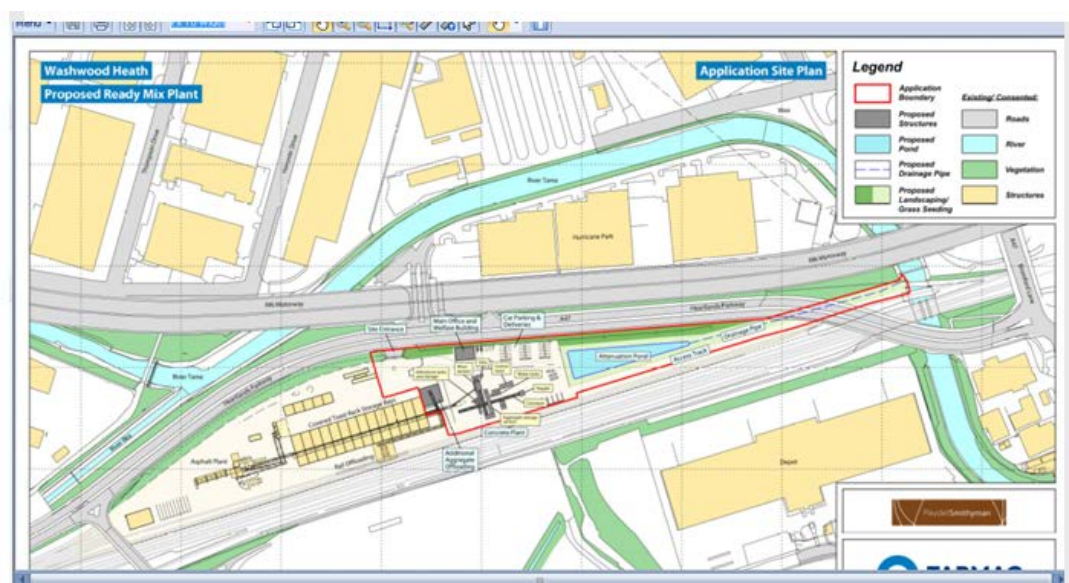
Recommendation

Approve subject to Conditions

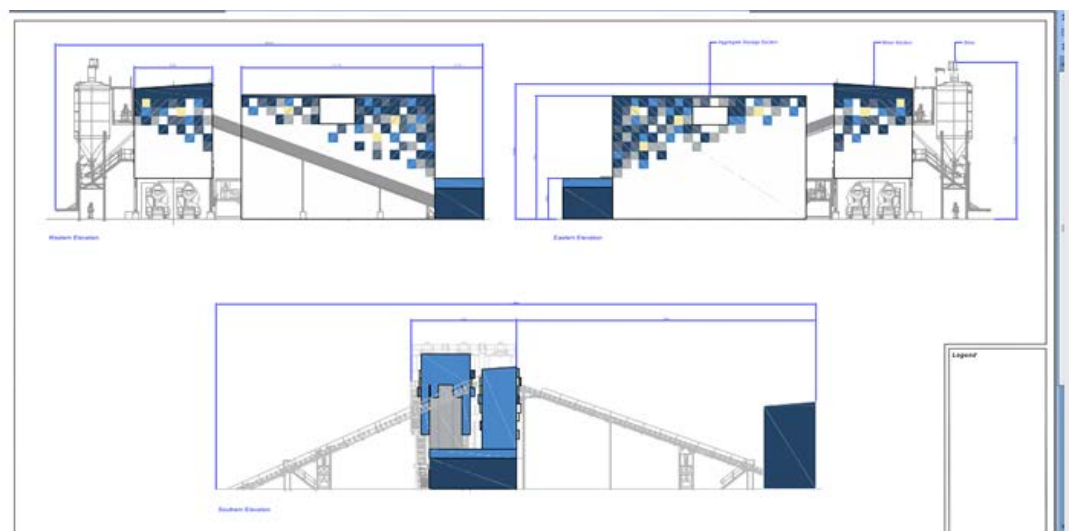
1. Proposal

- 1.1. This is an application for a concrete batching plant within the eastern half of the former Washwood Heath Railings Sidings site. The proposed development would provide ready mix concrete to construction projects in the West Midlands area.
- 1.2. Permission was granted in 2018 for an asphalt plant within the western part of the site. Adjoining the site of the proposed plant was an operational rail siding which was to be used to import aggregate to it for use in the manufacture of roadstone. This proposal will allow all aggregate to be used within the batching process to be imported by rail, with a modification to the approved rail offloading infrastructure at the asphalt plant site which would enable the aggregate to either be transferred by conveyor belt to the asphalt plant or directly to proposed storage bins at this site. A single access point (from the A47 Heartlands Parkway as approved for the asphalt plant) would be used to serve both sites.
- 1.3. The proposed site would consist of the following:
 - 6no. 14m high aggregate storage bins, contained within an aggregate offloading building, fed by a conveyor from the asphalt plant site;
 - an inclined conveyor from the bins into a 15m high batching plant unit;
 - 4no. 20m high silos for the storage of cement;
 - a 'batching area' for loading aggregate, cement and water into cement mixing trucks;
 - office/welfare building and a control room;
 - 35 spaces for car parking and deliveries;
 - an attenuation pond at the eastern end of the site

Site Layout



Elevations



Photomontage of approved asphalt plant and the proposed development (the proposed development is to the right of the blue and white building):



- 1.4 The site would operate 24 hours a day, 7 days a weeks and 6 staff would be employed.
- 1.5 [Link to Documents](#)
2. Site & Surroundings
 - 2.1. The site is 2.3 hectares in area and is now surplus to the requirements of Network Rail. The site lies within a predominantly industrial area. The site is bounded to the north by the A47 Heartlands Parkway beyond which River Tame and River Rea run under an elevated section of the M6. To the south is an operational railway line, beyond which lie further redundant sidings and associated land which have been

acquired by HS2 for the construction of a railway rolling stock depot. To the east the site is bounded by the River Tame beneath the elevated A47.

- 2.2. The closest residential properties are on Tyburn Road (approximately 500m to the north beyond the M6), and Washwood Heath Road and Drews Lane to the south and southeast (400m – 600m from the site beyond the land acquired by HS2 for the development of a depot)

[Site Plan](#)

3. [Planning History](#)

- 3.1. 2017/04513/PA - Erection of asphalt plant with associated infrastructure to include buildings (workshop, storage, office and welfare), covered storage bays, feed hoppers, silos, weighbridge, aggregate rail offloading facility and any related engineering and other operations (approved September 2018).
- 3.2. 2020/00793/PA - Drainage works associated with approved asphalt plant planning permission 2017/04513/PA, comprising the construction of a wetland lagoon to receive surface water drainage from the asphalt plant site, with a pipeline discharge to the River Tame to the east (approved April 2020).

4. [Consultation/PP Responses](#)

- 4.1. [Environment Agency](#) – No objection.
- 4.2. [Severn Trent Water](#) – No objection.
- 4.3. [West Midlands Police](#) – No objection.
- 4.4. [British Transport Police](#) – No objection.
- 4.5. [Natural England](#) – No objection.
- 4.6. [HS2](#) - Given the extent of positive engagement with the developer on their comprehensive development plans in this location, and following internal review of the latest details, there are no objections in safeguarding terms to the proposals.
- 4.7. [Health & Safety Executive](#) – No objection.
- 4.8. [Pollution Control](#) – No objection subject to conditions requiring remediation measures to be carried out to ensure that the site is free from contamination and the development to be carried out in accordance with the recommendations set out in the submitted noise report.
- 4.9. [Transportation Development](#) – No objection.
- 4.10. Site and press notices have been displayed and adjoining neighbours and Ward Councillors consulted. No representations have been received.

5. [Policy Context](#)

- 5.1 National Planning Policy Framework 2019
Birmingham Development Plan 2017
Saved 2005 UDP Policies

6. Planning Considerations

- 6.1. The NPPF requires that a sufficient supply of minerals should be available to provide the infrastructure the country needs. The provision of sites for the manufacture of concrete and concrete products and the handling, processing and distribution of aggregate materials is encouraged. Policy TP16 of the BDP supports the provision of sites for concrete batching and the protection of minerals infrastructure, including the handling, processing and distribution of substitute, recycled and secondary aggregate material.
- 6.2. The site constitutes brownfield land within an industrial and transportation corridor. The proposed buildings and structures will be clad in order to assimilate them into the surroundings and reduce what would otherwise be a solely industrial form of development in terms of its appearance. The cladding will be identical to that proposed for the approved asphalt plant development, coloured to contrast against the core structure, in a 'chequerboard' formation of different colours. Individual protruding blocks are to be incorporated into the design to provide a '3D' element to the design, some of which will be used as 'light boxes' to provide additional visual interest. Tree planting is proposed at the northern end (front) of the site which will provide a degree of screening and help to 'soften' the development
- 6.3 The proposed design approach to be taken contributes to place making and the improvement of the City's environment. By using the same form of cladding as that at the adjacent site the overall development will appear as a cohesive and integrated feature within the townscape. In this respect the proposal complies with Policy PG3 (Place Making) of the BDP and Policy 3.14 (The Design of New Development) of the saved UDP which require new development to demonstrate high design quality.
- 6.4 The siting of the proposed development in this location (adjoining rail sidings and the primary road network) accords with Policy TP42 (Freight) of the BDP which seeks the provision of a well-integrated freight distribution system which makes the most efficient and effective use of road and rail transport. The applicant has advised that if a contract is awarded to supply concrete to HS2 (in addition to supplying the general market) there would be a maximum of 128 HGV movements to and from the site a day, reducing to 106 at the projected end of the HS2 contract in September 2024. Transportation Development has not raised any objection to the proposal and as such it is not considered that the additional volume of traffic that would be generated by the development would have any detrimental effect on the local highway network.
- 6.5 The site lies within Flood Zones 2 and 3a. Accordingly, a Flood Risk Assessment has been submitted in accordance with the requirements of BDP Policy TP6 (Management of Flood Risk and Water Resources). The FRA sets out measures to ensure that the site would be free from the risk of flooding and that the development would not increase flood risk elsewhere. The Environment Agency has confirmed that the information provided is acceptable – should permission be granted it is recommended that a condition be imposed requiring the development to be carried out in accordance with the FRA.

- 6.6 The proposed attenuation pond at the eastern end of the site will attenuate surface water run off from both this development and the asphalt plant. From there it will discharge to the River Tame. This is in accordance with Policy TP6 which also requires that surface water is managed effectively on site through the application of Sustainable Drainage Systems.
- 6.7 Policy TP8 (Biodiversity and Geodiversity) of the BDP states that developments should support the enhancement of Birmingham's natural environment. The site is not designated as an ecological site and there are none nearby which could potentially be affected by the development. The proposal would deliver ecological enhancements in the form of new woodland along the northern boundary and wetland resulting from the creation of the attenuation pond.
- 6.8 The NPPF 2018 advises that where a site is affected by contamination, responsibility for securing a safe development rests with the developer and/or landowner. Given the brownfield nature of the site and the potential for there to be existing contamination, it is considered that the condition recommended by Pollution Control relating to contamination remediation measures is necessary.
- 6.9 A Noise Assessment has been submitted with the application. The Assessment concludes that noise generated by activities at the site would not result in undue disturbance to the occupants of the nearest residential properties on Drews Lane, provided that a 4m high acoustic fence is erected along the southern boundary to reduce noise levels experienced during night time hours. Pollution Control concurs with these findings, as such it is not considered that the development would have any adverse impact on existing residential amenity in terms of noise disturbance.
- 6.10 The site would have to be operated in accordance with an Environmental Permit issued by the Council. The Permit will include emission limits for particulate matter and requirements for the control and management of other emissions associated with the plant and other activities. The Air Quality Assessment submitted with the application concludes that the development (including the adjoining asphalt plant) would have negligible impact on local air quality. No objection has been received from Pollution Control in relation to these findings.
- 6.11 Policy TP3 (Sustainable Construction) of the BDP seeks to ensure that new developments meet high standards of sustainable design and construction, whilst Policy TP4 (Low and Zero Carbon Energy Generation) requires that developments incorporate the provision of low and zero carbon forms of energy generation or connect into existing networks. A Sustainable Construction and Energy Statement has been submitted which demonstrates how the development will conserve water and reduce flood risk, the type and source of materials to be used, will minimise waste and maximise recycling during construction and operation and incorporate measures to enhance biodiversity value. The Statement also sets out measures to be incorporated into the development to ensure that the development is energy efficient, including amongst other things the use of renewable sources of electricity, electric vehicles and solar panels on buildings.

7. Conclusion

- 7.1. The proposed development constitutes the redevelopment of a brownfield site for a policy-compliant use. The development would help to facilitate economic growth within the City by providing material for construction from a sustainable location which makes use of existing infrastructure at the asphalt plant and the adjoining rail

sidings. The scheme has been designed to minimise environmental effects to a minimum and complies with relevant national and local policy.

8. Recommendation

8.1. Approve with conditions

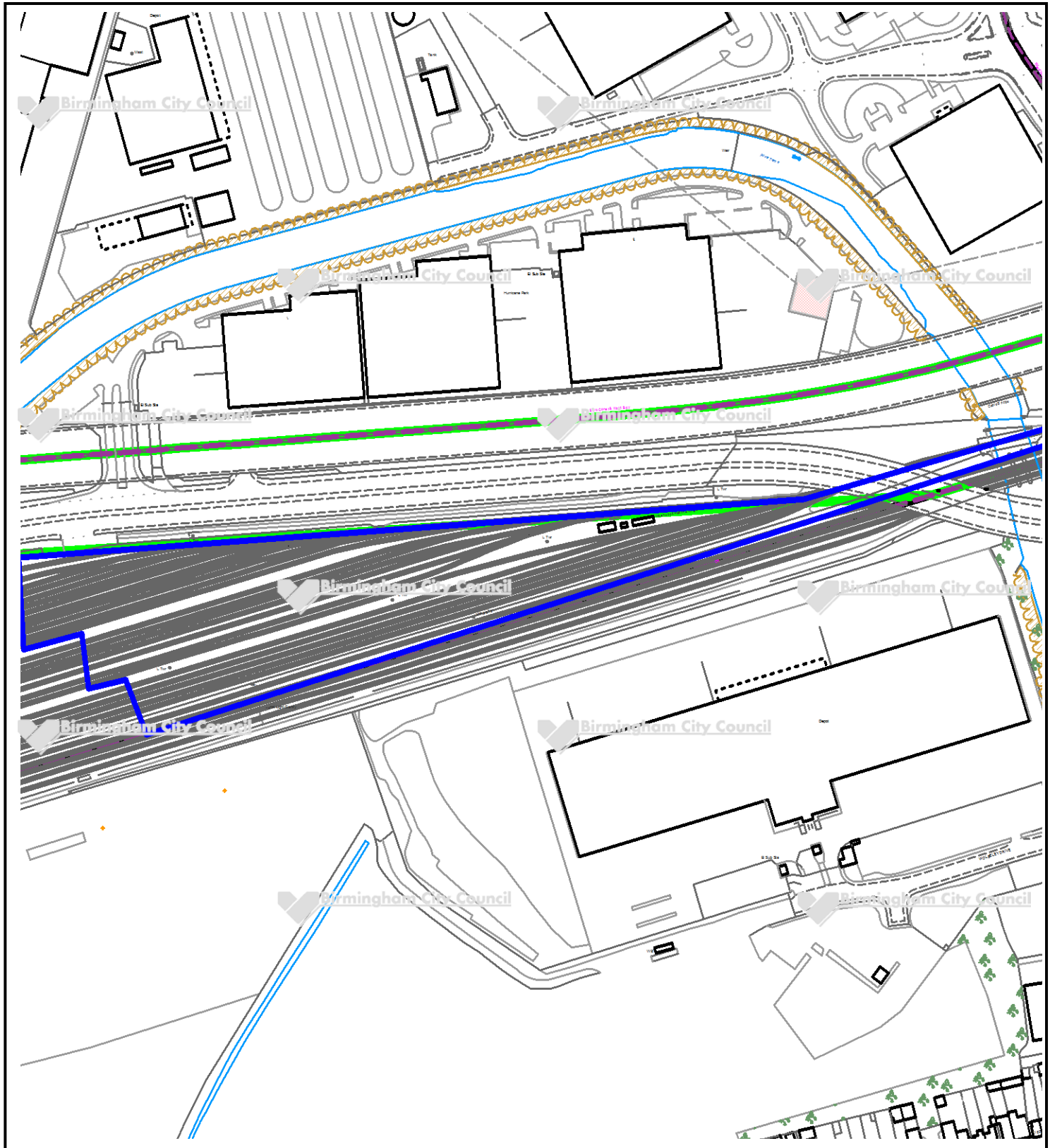
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|----|--|
| 1 | Implement within 3 years (Full) |
| 2 | Requires the scheme to be in accordance with the listed approved plans |
| 3 | Requires the prior submission of a contamination remediation scheme |
| 4 | Requires the submission of a contaminated land verification report |
| 5 | Requires the prior submission of a local employment plan. |
| 6 | Water pollution remediation strategy |
| 7 | Requires the submission of sample materials |
| 8 | Ecological Enhancement |
| 9 | Requires the submission of boundary treatment details |
| 10 | Requires the provision of vehicle charging points |
| 11 | Energy Statement |
| 12 | Flood Risk |
-

Case Officer: Faisal Agha

Photo(s)



Location Plan



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Birmingham City Council

Planning Committee

30 July 2020

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Approve – Subject to 106 Legal Agreement	13	2019/02972/PA 127 Aldridge Road Perry Barr Birmingham B42 2EU Extension to existing warehouse and alterations to existing warehouse and its external curtilage. Demolition of existing building situated between 125 and 131 Aldridge Road to allow for the formation of a new access road and associated parking area.
Approve – Subject to 106 Legal Agreement	14	2018/07488/PA African Village Former Crown and Cushion Birchfield Road Perry Barr Birmingham B20 3JE Erection of a new build eight storey high building containing 95 apartments on the upper levels and Use Class A1 (Retail) and/or Use Class A2 (Professional and Financial Services) units on the ground floor together with associated parking and landscaping.
Determine	15	2019/10518/PA 70-72 Handsworth Wood Road & land to rear Handsworth Wood Birmingham B20 2DT Erection of two storey rear extension comprising 13-beds to existing care home (Use Class C2) with alterations to existing car parking provision.

Prior Approval Required
Approve - Conditions

16

2020/04157/PA

339-373 Birchfield Road
Perry Barr
Birmingham
B20 3BJ

Application for Prior Notification for the proposed
demolition of former existing retail units

Committee Date:	30/07/2020	Application Number:	2019/02972/PA
Accepted:	11/07/2019	Application Type:	Full Planning
Target Date:	31/08/2020		
Ward:	Perry Barr		

127 Aldridge Road, Perry Barr, Birmingham, B42 2EU

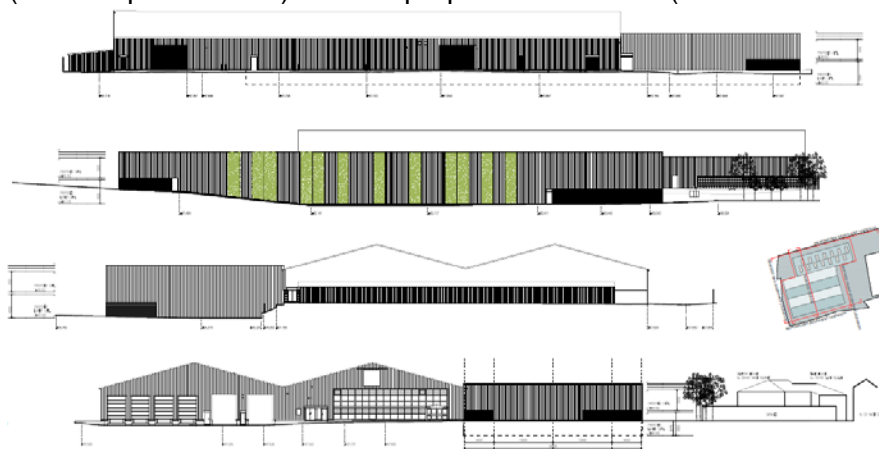
Extension to existing warehouse and alterations to existing warehouse and its external curtilage. Demolition of existing building situated between 125 and 131 Aldridge Road to allow for the formation of a new access road and associated parking area.

Recommendation

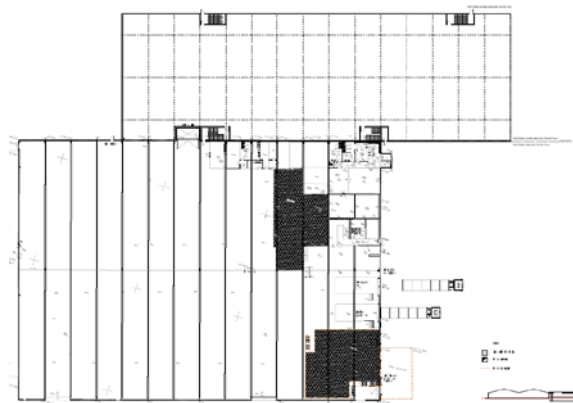
Approve Subject to a Section 106 Legal Agreement

1. Proposal

- 1.1. The application proposes the erection of an extension to, and alterations of, an existing warehouse and associated works within its external curtilage. The proposal also includes the demolition of an existing building situated between 125 and 131 Aldridge Road (number 127) to allow for the formation of a new access road and associated parking area. The new access will separate vehicle movements for the applicant's business from the adjacent business.
- 1.2. The proposed extension would have a flat roof and measure 30 metres wide by 92 metres long. At its highest level, measured externally, the new extension would measure just over 9 metres. Two emergency escape doors would be provided in the north west, side, elevation. The extension will be clad in white insulated cladding panels and black brick. Internally, due to changes in level it would have two floors, though it would appear single storey at the front elevation. To address the different levels, and in order to facilitate the movement of goods and workers between the existing warehouse and proposed extension, there would be a series of internal stairs and a platform lift. The following elevation plans show the existing building (with the pitched roof) and the proposed extension (with the flat roof):



- 1.3. The existing floor space of the warehouse is given as 5,246sqm with a net additional gross floorspace post development of 6,250sqm which includes a mezzanine floor. The development is expected to lead to an increase in employees on the site from 25 to 40 people. The site area is stated as 1.765 hectares.



- 1.4. The existing number of parking spaces in the site is 32 which will increase to 58 post development. The proposed hours of use would be 06:00 to 23:00 hours Mondays to Fridays; 06:00 to 18:00 hours Saturdays and 08:00 to 18:00 hours on Sundays and bank holidays.
- 1.5. The application has been submitted with the following supporting documents; Planning Statement, Design and Access Statement, Open Space Assessment, Noise Assessment, Ecology survey, Tree survey, Arboricultural report and Flood Risk Assessment.
- 1.6. The scheme falls under Schedule 2, 10b “Urban development projects” of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. However, as the site is within an urban environment and of less than 1ha in area the Council have screened the application as not requiring an Environmental Impact Assessment.

1.7. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site is currently occupied by an existing warehouse and a large, vacant, two storey building which was previously used as an adult training centre. The adult training centre has been vacant for a number of years and although boarded up and enclosed with fencing there is evidence of trespass and vandalism. The vacant building has a large rear amenity area with a number of trees all of which are covered by a TPO designation (1413).
- 2.2. To the north of the site lies Nash Square residential estate, to the east is Aldridge Road, to the south is a separate business whilst to the east of the site is the River Tame which forms a wildlife corridor and part of wider SLINC corridor. To the west of the river are other commercial premises in an allocated Core Employment Area. The site sits to the immediate north of the boundary of Perry Barr local centre. A large part of the site falls within flood zones 2 and 3.
- 2.3. The following diagram, taken from the original Design and Access Statement shows the application site with the existing buildings and the surrounding built context. The key indicates the key parts of the development.



2.4. [Site Location](#)

3. [Planning History](#)

Application site:

- 3.1. 1997/01188/PA – Part demolition to allow provision of additional car parking and improved servicing, and alterations to elevations – Approved subject to conditions 29.04.1997.

- 3.2. 1996/05070/PA – Change of use from warehouse to manufacture of architectural metalwork – Approved subject to conditions 06.03.1997.

Land rear of 127 Aldridge Road:

- 3.3. 1997/01021/PA – Replacement of existing polythene tunnel greenhouse by a timber and glass greenhouse (for use by Adult Training Centre) – Refused 08.05.1997

Land to the rear of 111a to 125 Aldridge Road:

- 3.4. 12.12.2000-2000/05047/PA – Erection of 5 detached, one bedroom bungalows and alterations to means of vehicular access – Refused 12.12.2000

4. [Consultation/ PP Responses](#)

- 4.1. Surrounding occupiers, local councillors, MP and local neighbourhood forum and Ramblers notified. A site notice and press notice has also been displayed. Two responses have been received which object to the proposal. These are summarised as follows:

- breach of covenants on the land to be developed
- impact of parking
- noise and disturbance
- trees already being chopped down to the rear of 111a to 127 Aldridge Road
- impact on highway traffic

- impact of the proposal on properties on Aldridge Road
 - the business should be relocated to a dedicated industrial estate in the area, such as Holford Drive industrial estate or Tamebridge industrial estate
 - the access through the central reservation on Aldridge has already been amended and does not allow vehicles to turn in a southerly direction
 - the crossing over the central reservation further north is dangerous
- 4.2. Transport Development – No objection subject to conditions following receipt of amended drawings and the Road Safety Audit.
- 4.3. Regulatory Services – No objection subject to conditions. Following receipt of the revised layout and plans and an addendum to the noise report has enabled the noise impacts to be conditioned. Other issues can also be conditioned.
- 4.4. LLFA – No objection to the proposed development subject to drainage conditions.
- 4.5. Severn Trent Water – No objection.
- 4.6. Environment Agency – No objection.
- 4.7. West Midlands Police – request compliance with Secured by Design and other security features to enhance security.
- 4.8. West Midlands Fire Service – set out various requirements the Fire Authority will expect of the development.
- 4.9. Leisure Services – If the loss of open space is justified a financial contribution of £25 per square metre would be required. For 3,813sqm of site this would equate to £95,325 which would be spent on Perry Hall Playing Fields.

5. Policy Context

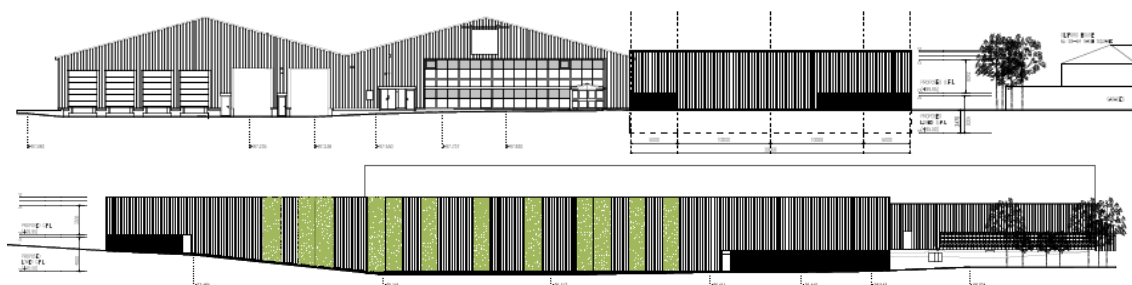
- 5.1. The following policies are applicable:
- Birmingham Development Plan (2017)
 - Birmingham Unitary Development Plan Saved Policies (2005)
 - Places for All SPG
 - Car Parking Guidelines SPD
 - Aston, Newtown and Lozells Area Action Plan
 - National Planning Policy Framework 2019

6. Planning Considerations

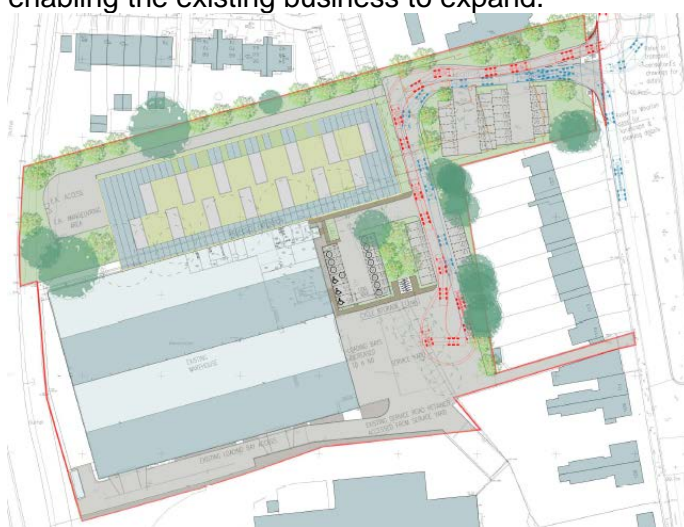
- 6.1. The purpose of the planning system is to promote sustainable development (NPPF paragraph 7). Section 6 of the NPPF “Building a strong, competitive economy” seeks to help create the conditions where business can invest, expand and adapt and places significant weight on economic growth.
- 6.2. PG3 of the Birmingham Development Plan (BDP) sets overall growth targets for Birmingham which include a target for ensuring a supply of available employment land in order to provide employment for the City’s growing population and reduce unemployment. This is further supported in TP17. Policy TP20 protects employment land such as the application site noting that employment land is a valuable resource.

- 6.3. The application site is within the Aston, Newtown and Lozells Area Action Plan (AAP). The document is a material consideration. It sets the vision and strategy for regeneration and development in the area with a view to maintaining a supply of employment land and also create sustainable neighbourhoods. The AAP sets a target of 1,700 new homes and 5,160 new jobs.
- 6.4. The proposal is to extend an existing business premises and as such, in principle, complies with the aims of the national and local policy for supporting employment development. However, the site is considered to be, in part, open space and is covered by a TPO. The other key issues are the new access, parking and highway implications, impact on the neighbouring residential properties, impact on ecology and the River Tame SLINC, drainage and flood risk and the potential for archaeology.
- Loss of open space*
- 6.5. The land to the rear of the existing building on Aldridge Road is considered to be open space due to it forming a visual and natural buffer between the commercial premises to the south and the residential premises to the north. This is amplified by the TPO designation afforded to all the trees on the site. It is not public open space as it is not publicly accessible, however it is open space for the amenity of the wider area.
- 6.6. The proposed extension to the employment building will result in the loss of open space. Policy TP9 states that planning permission will not normally be granted for development on open spaces, except where it meets one (or more) of a number of criteria. These are: that an up to date assessment has been carried out which demonstrates that the open space is surplus to requirements; that the lost site will be replaced by an open space which is at least as accessible and of similar quality and size; that the loss of part of a very poor quality open space is compensated for by measures to significantly improve the remaining area; or that the development is for alternative sport and recreational provision which outweighs the loss.
- 6.7. Turning to the first of the above requirements, the applicant has submitted an Open Space Assessment which demonstrates that the open space in Perry Barr Ward is 5.73 Ha per 1,000 population and as such is surplus in the context of the adopted policy requirement of a minimum 2 ha per 1,000 population for the ward.
- 6.8. The criteria in TP9 do not all need to be met, if the development meets one of the criteria then it can be considered acceptable in principle to develop the open space. In this case the assessment has clearly shown that the application site is surplus to requirements as open space.
- 6.9. As noted in section 4 above, Leisure Services have requested a financial contribution to compensate for the loss of the open space. I acknowledge this would be beneficial to the Council to be able to have additional funds for Perry Hall Park. However, there is no requirement in policy TP9 for a financial contribution to be paid when the loss of the open space is justified as over-supply. Furthermore, as noted above, the site is not public open space and as such the request for just over £95,000 is not reasonable or necessary to make the development acceptable and would not meet the tests within the CIL Regulations.
- Scale and design of extension*
- 6.10. The proposal is for an extension to the side of the existing premises. Externally the building will appear as single storey with the height just over 9m but internally, with the mezzanine floor, will provide 6,250sqm of storage space. The building is 92m by

30m and has been designed with a flat roof. The roof height of the new build will be just above the eaves of the existing pitched roof building. The extension will project forward of the existing building, however this is due to constraints from the river at the rear and needing to fit in the level of storage space required by the applicant. The full elevations are provided in section 1 above, the following two elevation drawings are the front elevation, to show the height in relation to the existing building and the neighbouring dwellings, and the side elevation, to show the length of the building:



- 6.11. The scale and design of the extension is considered to be acceptable. The building has not been reduced in size since the original submission as the applicant has advised that this level of storage space is required for their business. The design has been amended to remove the large roller shutter door from the rear elevation, as access from this side is no longer to be provided, and also to include sections of green walling on the side (north west) elevation as can be seen on the image above. The appearance of the extension has been kept simple and subservient to the existing building. The Design and Access Statement comments that the materials (white insulated cladding and black bricks) will “provide a simple and pragmatic solution that blends in”.
- 6.12. The width of the landscape buffer between the proposed extension and the houses on Nash Square has been increased from circa 2.5m to 5m and now provides a better visual outlook to these properties than the original proposal. There are still a number of trees to be removed and this will have a visual impact, however this needs to be balanced against the provision of additional employment floorspace and enabling the existing business to expand.



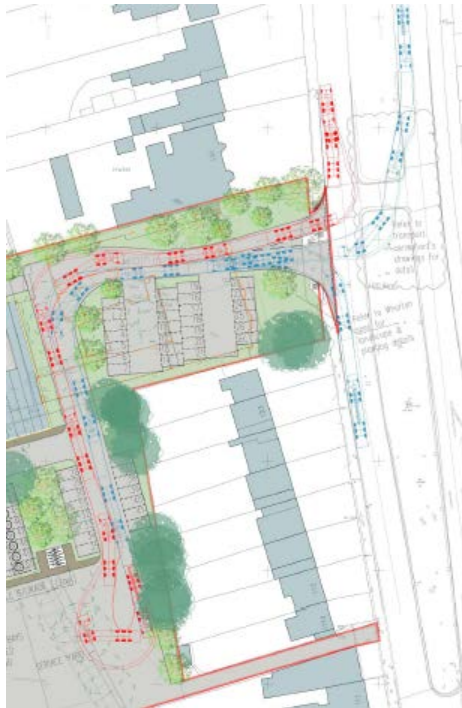
- 6.13. Within the DAS reference is made to a brown roof to provide additional habitat for wildlife. The amended plans show a flat roof with sections of transparent panels to provide natural light and a brown roof between the panels. The agent has confirmed

that the structure has been designed to accommodate this. A green/ brown roof is beneficial to the design and appearance of the building, especially as viewed from the neighbouring properties, and also beneficial for ecology (as discussed later in this report).

- 6.14. My City Design Officer and Landscape Officer have both been involved in the negotiations on the application and, following the submission of the amended scheme have confirmed that they consider that the design and scale of the proposed extension is acceptable.
- 6.15. As part of the proposal an existing building is to be demolished to allow for a new vehicle access to Aldridge Road. The building was originally a house, later used as an adult training centre but it has been boarded up and is in poor state of repair. The building has no statutory protection and its removal is not considered to be harmful to the character of the area.

Access, parking and highway impact

- 6.16. The proposal includes a new access to Aldridge Road, following demolition of the training centre. Two existing access points serve the former training centre but this arrangement is not suitable for the proposed use. The existing business, which this application seeks to extend, is currently accessed via a shared access with the business to the south. The Transport Statement (TS) comments that the existing access to the business, which also serves the adjacent business, is not suitable as traffic has to cross a 4 lane carriageway and also cross the car park of the adjacent business. The new access is intended to provide a separate access for the applicant's business.
- 6.17. Transportation Development initially advised that the proposed alterations to the central reserve would not prevent the vehicles turning out southbound using this gap which would likely block the northbound carriageway and result in increased potential for conflicts to the detriment of highway safety and free flow of traffic on Aldridge Rd. It also appears that if other vehicles are waiting to turn right from this central reserve gap, a HGV would be unlikely to clear the southbound carriageway fully and may block one lane of the southbound carriageway. Therefore, the proposed access arrangement, as submitted, was not acceptable.
- 6.18. During the consideration of the application the applicant's consultant provided a written response clarifying that, in their opinion the proposed works would not conflict with the access to the adjacent hotel, would provide sufficient pedestrian visibility and confirmed the available visibility from the gap in the central reservation. In response to the concerns regarding queueing in the gap the consultant has noted the submitted TS and the predicted traffic movements for the business. Only one large vehicle is anticipated per week and as such the consultant considers the potential for queueing is limited.
- 6.19. Following continued negotiations amended plans have now been submitted altering the position of the new access to bring it further from the adjacent access to the Hotel. The new access is now just off-centre in the road frontage of the application site. The access, as amended, will provide sufficient width for vehicles turning into the site from both the north and south and vehicles turning out of the site. All vehicles leaving the site will do so in a northerly direction and use the available turning points further along Aldridge Road. A central reserve is shown for pedestrians crossing the access.



- 6.20. Transportation Development have confirmed that the amended plan proposes slight alterations to align the gap in the central reservation to facilitate the access into the application site. The amended scheme and the updated Road Safety Audit have shown that the work can be carried out without impact on the adjacent site or the traffic flow on Aldridge Road. A highway tree on the central reservation would need to be removed and the impact has been considered below in the trees section. Transportation Development therefore have no objection subject to a condition to require the works to be carried out to BCC specifications.
- 6.21. The access leads to an internal road which provides access to a new car parking area, in place of the former training centre buildings, and the existing and proposed building and existing car parking. The new access is to be opposite a gap in the central reserve on Aldridge Rd, which has recently been altered following the housing development at the Former Dairy site on Aldridge Road. The proposed works would further widen the gap to accommodate HGVs but retain it in its new form as a turning facility for vehicles travelling south only. The existing access across the adjacent business will be retained but gated.
- 6.22. As originally submitted the proposal was to provide vehicular access down the side of the extension and delivery/ collection access at the rear (adjacent to the river). Officers considered that this would have a detrimental impact on the landscaping on the edges of the site and also on the amenities of the neighbouring residents. The amended plans have removed access for the extension but have retained a narrower access strip as this is required by the Environment Agency for maintenance of the River Tame. The use of this access can be controlled by condition.
- 6.23. With regard to traffic and parking the TS has predicted the likely traffic generation from the proposed extension. Staff arrive in cars and also public transport/ cycling and on foot. The goods arrive on site in containers (2-3 per week) and leave the site in 3.5T vans (10-12 per week).

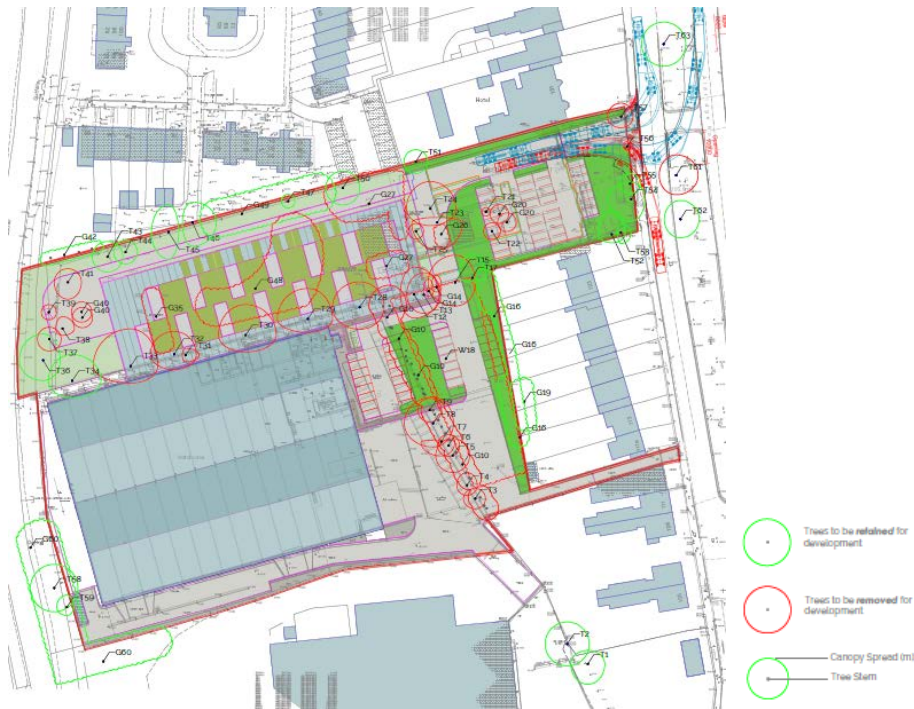
- 6.24. 26 additional car parking spaces are proposed to increase the existing parking to 58 spaces. The TS advises that this complies with maximums set out in the Car Parking SPD. At 6,250sqm of new floorspace, in zone 3 the SPD would require a maximum of 104 spaces (for the extension). As such the scheme does comply with the SPD as it sets maximum space requirements, however the total number of spaces is substantially lower than the maximum. Taking into consideration that the extension is proposed for storage of large furniture items and noting the staffing levels detailed in section 1 above I consider that the level of parking proposed is acceptable. The site is also close to bus stops, Perry Barr train station, the services and facilities within Perry Barr centre and a large residential area. To ensure that any future changes of the business do not result in higher levels of parking I recommend that the extension proposed should be restricted to storage (B8 warehouse) use only.
- 6.25. With respect to the issue of air quality, based on the information provided and taking account of existing flows on Aldridge Road, the additional traffic generated by this development is not significant (2-3 HGVs per day and 1-12 LGVs per day). I would therefore not require an air quality assessment. However, as the local air quality is poor my Regulatory Services advisor recommends that if this application is approved conditions, to achieve mitigation of air quality impacts, should be applied. These conditions include requirements for parking spaces for electric vehicles and low-emission vehicles, I concur with this view.
- Impact on amenity of neighbouring properties*
- 6.26. The extension is proposed on land between the existing warehouse building and the backs of houses located off Nash Square to the north. The proposed building, the access and car parking and the access strip to the river have the potential to impact on the amenities of these properties and the houses and businesses either side of the former adult training centre.
- 6.27. The proposed extension will be constructed on land at a similar level to the Nash Square houses, with ground levels excavated to form a level floor plan about 2.7m lower than the existing warehouse. Viewed from the houses it will rise about 9m high and be located 10m from the site boundary and 17m to 35m from rear facades of houses. As originally submitted the plans included service vehicles/ HGVs using the access road and service yard behind the houses. The visual and noise impacts for residents was considered to be adverse and compounded by the loss of the trees.
- 6.28. However, the amended plans have removed the service access road and yard, removed the roller shutter door and increased the width of the landscape buffer between the houses and the extension to approximately 5m. The retained, narrower, access strip for Environment Agency maintenance of the river will be used infrequently and therefore has limited impact. The increased buffer has retained a more robust screen to the existing properties. Although the outlook of these properties will change the change is no longer considered to be substantially adverse.
- 6.29. A Noise Report was submitted with the application which considers the proposal against the NPPF and the BCC Planning Consultation Guidance on Noise and Vibration. Noise monitoring was taken on the northern boundary of the site and also 1m from the existing building. The existing noise was attributed to moving goods and background noise was predominately traffic on Aldridge Road. The report predicts that the noise from plant on the extension and noise from the cars at the site will not be above the background noise levels. However, the report does

recommend monitoring the noise from the plant and the installation of noise limiters if required.

- 6.30. On receipt of an addendum to the noise report and also amended plans Regulatory Services have now confirmed that the main concerns have been addressed by the removal of the loading door from the side elevation. Furthermore the updated noise report includes internal measurements of existing noise levels which corroborate the data already provided. The information predicts low impact from the noise breakout on the proximate residential uses. Regulatory Services have confirmed that the noise impacts can be dealt with through a condition limiting the noise levels for plant and machinery.
- 6.31. The development also raises a number of other environmental issues such as a need for a demolition and construction management plan and the provision of a contaminated land assessment including ground gas and, if necessary, remediation strategy. These matters can all be dealt with by imposing appropriate conditions.
- 6.32. With regard to other residential amenity impacts there is no impact from the development on the privacy of nearby occupiers and no loss of light/outlook due to the separation distances between the houses and the proposed building.

Impact on trees

- 6.33. The application site wholly embraces an area of TPO'd woodland (No 1413) which is situated to the rear of 127 Aldridge Road as well as a second area of trees behind 111a to 125 Aldridge Road. The extent of the TPO area abuts a SLINC and wildlife corridor (River Tame) and provides a buffer to this area and the residential estate. Trees are a significant feature of the site and are part of the wider character and context of the site.
- 6.34. BDP policy TP7 states that the City Council "will seek to maintain and expand a green infrastructure network throughout Birmingham. The integrity of the green infrastructure network will be protected from development..." and "The City Council will also seek to conserve and enhance Birmingham's woodland resource..."
- 6.35. An Arboricultural Report was submitted with the application which surveyed 46 individual trees, 13 groups of trees and 1 woodland. There are no Category A trees, 12 Category B (Poplar, Oak, Sycamore, Lime, Larch, Horse Chestnut, London Plane, Ash), 5 Category U (Hawthorn, Cypress, Wild Cherry, Ash) and the remainder are Category C (Poplar, Sycamore, Oak, Cypress, Lime, Cedar, Robinia, Ash, Horse Chestnut, Hazel, Cherry, London Plane, Silver Birch). The report advises that the loss of trees is unavoidable but that mitigation is proposed. As submitted the scheme proposed the loss of 36 individual trees, 9 groups and the partial removal of 2 groups.
- 6.36. The amendments negotiated by officers, including the Council Tree Officer, have retained more of the trees on the site. A wider buffer is to be retained on the northern boundary and two of the high quality trees close to the River Tame are also now shown as being retained. A revised Arboricultural Report was been submitted during the determination of the application. This included the trees within the central reservation of Aldridge Road and therefore added 3 more trees, all Category B Small-leaved Limes, to the Arboricultural Report. One of these will need to be removed to enable the widening of the crossing over the central reservation. The following plan shows the existing trees and indicates the ones to be removed and retained:



- 6.37. My Tree Officer has advised that the revised plans are acceptable and will retain a number of trees with enough space and rooting volume to continue thriving and that the trees on Aldridge Road which have some element of outward show are also for retention. A condition should be imposed to ensure retention and protection. With regard to the tree within the central reservation (T61), a CAVAT assessment has been undertaken and an off-site financial contribution of £26,762 towards replacement tree planting has been agreed.
- 6.38. With regard to the claim from the objector that trees are already being chopped down to the rear of 111a to 127 Aldridge Road, these are outside of the TPO and therefore not protected and no action can be taken.
- 6.39. In summary, following the submission of amendments and greater tree retention I consider that, on balance, the scheme is acceptable in terms of impact on trees and policy TP7 of the BDP.

Ecology and impact on River Tame and SLINC

- 6.40. A Preliminary Ecological Survey has been submitted with this application. The survey included records of three bat species within 1km of the site and notes the River Tame SLINC, Perry Hall Playing Fields SLINC and Tame Valley Canal SLINC. The survey considers that there is no impact on the playing fields or canal due to separation distance and lack of connecting corridors. However, the river SLINC may be affected by the development. The survey recommends mitigation in the form of appropriate lighting, control of pollutants, removal of Japanese knotweed, the clearing of fauna outside of nesting season, installation of bird and bat boxes and the use of risk avoidance measures for hedgehogs, badger, water vole and otter.
- 6.41. The survey has assessed the existing habitat as 0.45ha of scrub and 0.15ha of woodland and some scattered trees. The removal of any of the woodland and trees will have an impact on habitat but can be off-set with replacement planting. The proposal includes 23 new trees along the northern boundary, within the car park, and a brown roof (which will provide equivalent of 0.25ha of habitat).

- 6.42. The River Tame immediately west of the site is likely to be important for commuting bats as a dark linear feature and ecological corridor through the landscape. The various buildings that form 127 Aldridge Road (to be demolished) have been evaluated for their bat roosting potential. Building B2 (the main part of the building that forms 127 Aldridge Road) was found to have a low potential for roosting bats.
- 6.43. During the consideration of the application an emergence survey for bats was carried out and an addendum to the ecology report submitted. The survey noted bat activity in the wider area, mainly along the boundaries of the site, but no evidence of bats emerging from the former training centre buildings. As such the report advises that the impact on bats is considered to be low and recommends the installation of bat boxes to provide enhancements and suitable lighting to direct light away from the bat boxes and the river corridor. My Ecology Officer has confirmed that the survey information, ecology report and enhancement strategy are all acceptable and recommends a condition to require the provision of the enhancements (including the brown roof).
- 6.44. As with the impact on trees the amendments negotiated have also maintained more of the existing ecological habitat and therefore reduce the impact on ecology. As such I consider that the scheme is acceptable, subject to the recommended conditions.

Drainage and flood risk

- 6.45. Due to the size of the site a Flood Risk Assessment was carried out by the agent. This notes that the site is within flood zone 2 and 3 and that it would not be possible to raise the site level above the flood level without adverse impact on existing flood storage capacity. As such the assessment recommends flood resilient construction and surface water runoff to be limited to the greenfield rate using sustainable urban drainage techniques and discharged to the River Tame.
- 6.46. The preliminary proposed surface water drainage system includes an underground storage tank, behind the proposed extension, to attenuate the surface water runoff and permeable paving to the car parking areas where there are no HGV movements or over-runs. The report advises that the details will need to be subject to a condition.
- 6.47. Severn Trent Water state they have no objection to the proposal as it has minimal impact on the public sewerage system. The LLFA also has no objection to the proposed development submitted subject to the inclusion of conditions to require submission of a surface water drainage scheme and a sustainable drainage operation and maintenance plan.
- 6.48. The LLFA agree in principle with the proposed discharge rate at 5 l/s and acknowledge the difficulties in providing SuDS within the new car parking area. The However, they will require confirmation that this discharge rate is acceptable from the Environment Agency.
- 6.49. The Environment Agency advise that although the site lies within flood zone 3, according to their Flood Map for Planning (Rivers and Sea), they have reviewed the submitted FRA and the latest hydraulic modelling for the area, which has identified the site will be a low flood risk, and therefore they raise no objections.

Archaeology

- 6.50. A possible Roman fort lies nearby to the NE of the site. The identification of the fort is based on the finding of several Roman objects in gardens and allotments to the

NE, the location is fairly speculative and it is considered there is insufficient evidence to justify archaeological works on the current development site. I therefore have no objections to the scheme with respect to impact on archaeology.

Other matters

- 6.51. I note the comments received from West Midlands Police. I consider, if the scheme is approved, details of lighting and CCTV can be conditioned to be provided.
- 6.52. The comments of West Midlands Fire Service can be relayed to the applicant as an advisory if the application is approved.
- 6.53. The breach of covenants noted by the objector to the scheme are not material planning considerations, such matters are separate from planning law. The comments regarding relocating the business to dedicated industrial estates in the area, such as Holford Drive industrial estate and Tamebridge industrial estate are noted. However, there is no policy requirement for existing businesses to consider alternative employment sites before extending their premises.

7. Conclusion

- 7.1. The application proposes an extension to an existing business to provide additional storage and the creation of a new access and car park following demolition of a former training centre on Aldridge Road. The scale and design of the extension are considered, on balance, to be acceptable taking into consideration the applicant's requirements and the constraints of the site. The loss of the land as open space has been justified by the assessment concluding an oversupply in the ward.
- 7.2. The impact on the amenities of neighbouring residents and businesses, ecology and trees has been reduced and, although the development will still result in the loss of trees, the impact is now considered to be balanced with the benefit of accommodating the growth of the business. The retained trees will still provide a buffer between the houses to the north and the employment premises; and the removal of the service access reduces the potential for noise. The scale of the building is such that it will not be visually intrusive. Ecological enhancements are proposed and can be secured by condition and the new access and car park are acceptable and provide sufficient parking and manoeuvring space without substantial harm to highway safety.
- 7.3. Overall the scheme is considered to comply with the requirements of the Birmingham Development Plan, the saved policies of the Unitary Development Plan, the relevant supplementary planning guidance and documents and the National Planning Policy Framework.

8. Recommendation

- 8.1. That consideration of application 2019/02972/PA be deferred pending the completion of Section 106 Legal agreement to ensure the following is secured:
 - a) Payment of a financial contribution of £26,762 towards replacement tree planting
 - b) Payment of a monitoring and administration fee associated with the legal agreement of £1,500.
- 8.2. In the absence of a suitable legal agreement being completed to the satisfaction of the Local Planning Authority on or before 31st August 2020, planning permission be refused for the following reason:

1) In the absence of a legal agreement to secure the provision of a financial contribution for replacement tree planting, the proposal would conflict with Policy TP7 Green Infrastructure of the Birmingham Development Plan 2017 and the National Planning Policy Framework.

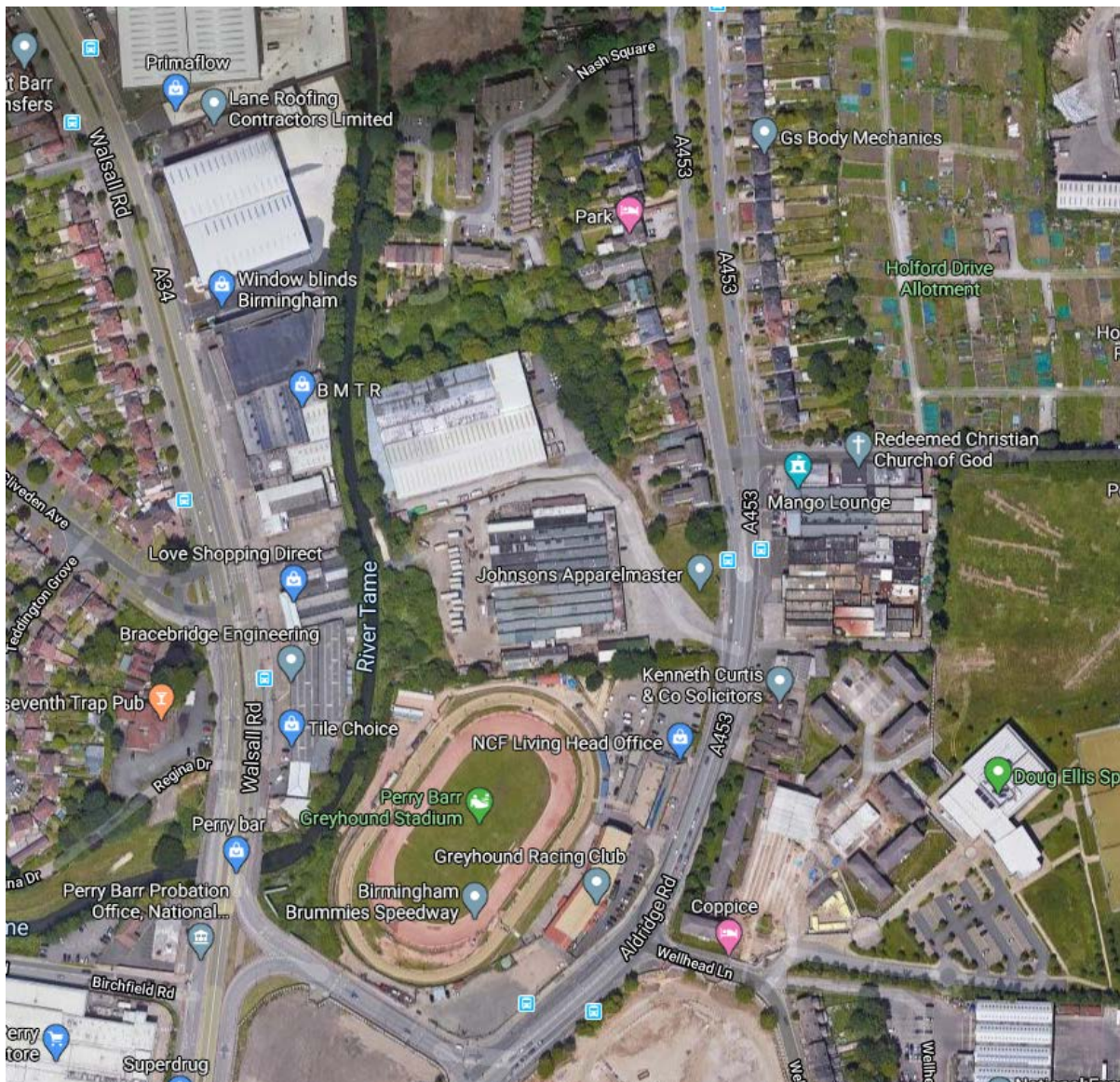
- 8.3. That the City Solicitor be authorised to prepare, seal and complete the appropriate legal agreement.
- 8.4. That in the event of an appropriate legal agreement being completed to the satisfaction of the Local Planning Authority on or before the 31st August 2020, favourable consideration be given to this application, subject to the conditions listed below.

1	Requires the scheme to be in accordance with the listed approved plans
2	Requires the submission of a demolition method statement
3	Requires the prior submission of a construction method statement/ management plan
4	Requires the prior submission of a contamination remediation scheme
5	Arboricultural Method Statement and Tree Protection Plan - Implementation
6	Requires the submission of a contaminated land verification report
7	Requires the prior submission of a sustainable drainage scheme
8	Requires the prior submission of a Sustainable Drainage Operation and Maintenance Plan
9	Requires the prior submission of level details
10	Requires the submission of sample materials
11	Requires the submission of facade details
12	Requires the submission of hard and/or soft landscape details
13	Requires the submission of a landscape management plan
14	Requires the submission of boundary treatment details
15	Requires the implementation of the submitted mitigation/enhancement plan
16	Requires the submission of details of brown roofs
17	Requires the submission of a CCTV scheme
18	Requires the submission of a lighting scheme
19	Limits the noise levels for Plant and Machinery

-
- 20 Requires highway works to be agreed and to BCC specification
 - 21 Requires vehicular visibility splays to be provided
 - 22 Prevents occupation until the turning and parking area has been constructed
 - 23 Requires the provision of a vehicle charging point/ low emission vehicle parking
 - 24 Requires the submission of cycle storage details
 - 25 Requires access to north of building to be for EA use only
 - 26 Prevents the use from changing within the use class
 - 27 Implement within 3 years (Full)
-

Case Officer: Karen Townend

Photo(s)

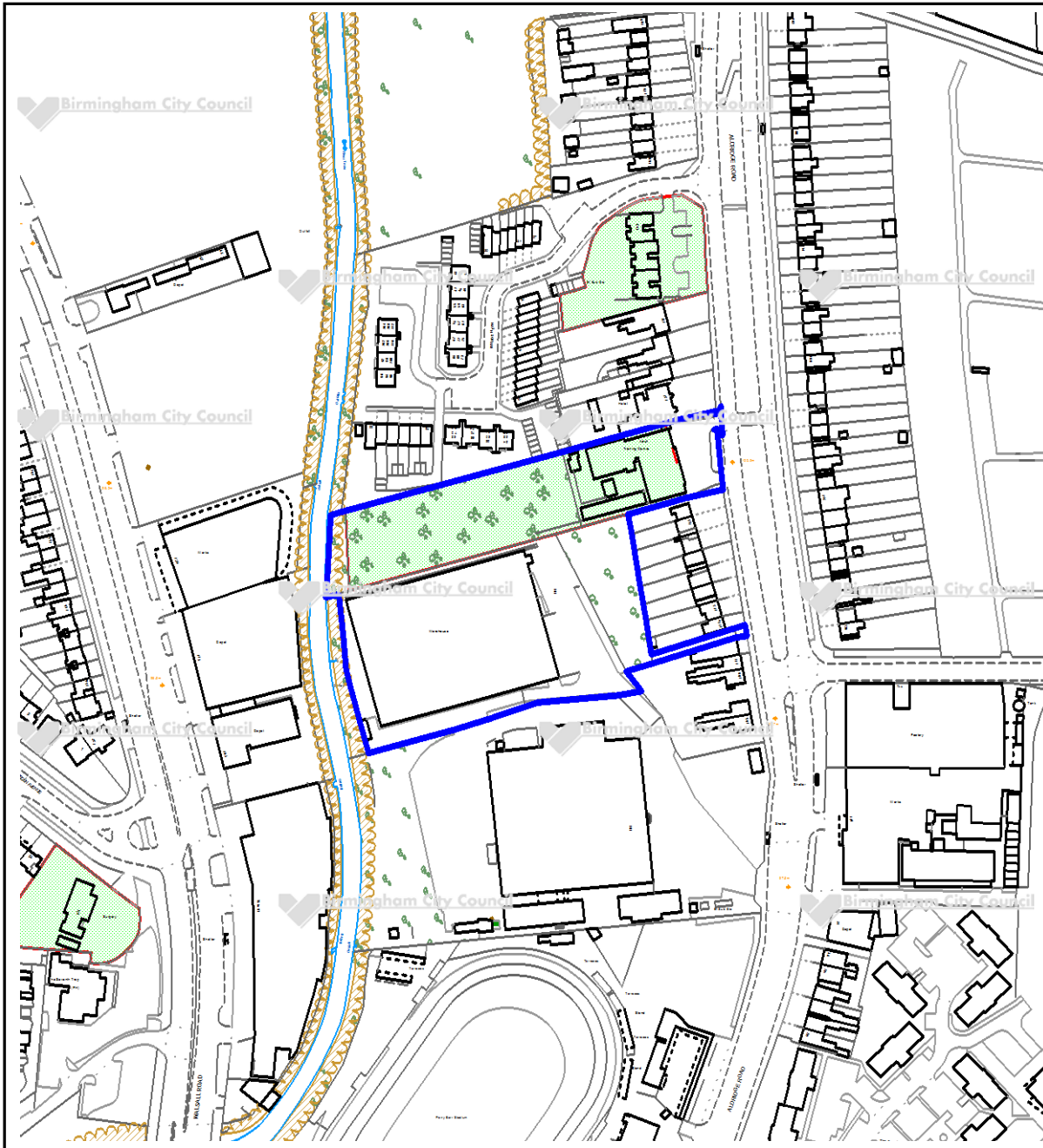


Google aerial photo



Existing property on Aldridge Road

Location Plan



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Committee Date:	30/07/2020	Application Number:	2018/07488/PA
Accepted:	18/09/2018	Application Type:	Full Planning
Target Date:	07/11/2020		
Ward:	Birchfield		

African Village, Former Crown and Cushion, Birchfield Road, Perry Barr, Birmingham, B20 3JE

Erection of a new build eight storey high building containing 95 apartments on the upper levels and Use Class A1 (Retail) and/or Use Class A2 (Professional and Financial Services) units on the ground floor together with associated parking and landscaping.

Recommendation

Approve Subject to a Section 106 Legal Agreement

1. Proposal

- 1.1. This application proposes the erection of a 8 storey apartment building which would contain 95 apartments together with associated parking on land at the corner of Birchfield Road and Wellington Road which was formerly occupied by the African Village bar and restaurant.
- 1.2. The building would measure 26.3 metres high and have a curved frontage at the junction of Birchfield Road and Wellington Road and extend almost the full depth of the site frontages along Birchfield Road and Wellington Road. The building would taper down from 8 storeys, from its peak on the corner of Birchfield Road and Wellington Road, to 5 storeys on Wellington Road and Birchfield Road frontages.
- 1.3. The exterior façade of the building would be mainly clad in bricks using a variant of three colours. The ground floor front façade to both Wellington Road and Birchfield Road would largely have ground to ceiling shopfronts with windows and doors that would serve Use Class A1 (Retail) and/or Use Class A2 (Professional and Financial Services) units on the ground floor. The remainder of the external façade would incorporate vertically laid windows of varying widths upwards. Other notable material types to be used include upper floor level cladding.
- 1.4. The ground floor layout would provide 5 commercial units as well as plant room, bin/cycle store rooms, staircases and lift. The communal staircases and lift would be accessible from the front and rear of the building. The upper levels would consist of 58 no. 2 bed and 37 no. 1 bed apartments.
- 1.5. Vehicular access to the rear car park and service yard would be achievable from Wellington Road over land that is shared with the western part of the curtilage of the former African Village Restaurant and Bar. A total of 33 car parking spaces would be provided in that rear car park.



CGI image of the proposed new building.



Ground floor and external site layout

- 1.6. The application has been submitted with the following supporting information:-Site contamination report; Planning and sustainability statement, Transport Statement, Drainage Strategy and SUDS Assessment, Arboricultural Report, Air Quality Assessment, Financial Viability report, Noise Assessment and Preliminary Bat roost Assessment.
- 1.7. The site area measure 0.265 hectares which equates to development density of approximately 358 residential units per hectare.
- 1.8. [Link to Documents](#)
2. Site & Surroundings
 - 2.1. The application site was previously occupied by the African Village Bar and Restaurant which has now been demolished. The other part of the curtilage (to the

west) would be left over to come forward as separate development plot. The site is now in the ownership of the City Council having been compulsory purchased with a wider view to supporting the delivery of the Commonwealth Games (this application is however by the previous owner of the site).

- 2.2. Further to the west are garage premises. To the north is part of the external curtilage boundary of a garage and a void piece of land belonging to the City Council. Further beyond that land are commercial premises and railway station (with One Stop Shopping Centre further north). Across Wellington Road to the south of the site is a 3 and 4 storey high block with commercial parade of premises on the ground floor and residential flats above. The site falls with the boundary of the Perry Barr Local Centre and the site has been identified in the SHLAA 2016 strategy of capable of providing residential development that may help meet the City's future housing needs. The red line site boundary is included within the boundary of TPO designation 498.

- 2.3. [Site location](#)

- 3. [Planning History](#)

- 3.1. 30.01.2020- 2020/00125/PA- Application for Prior Notification for the proposed demolition of the former African Village, garages and commercial unit- Prior approval required and approved with conditions.
- 3.2. Site to the west
- 3.3. 14.02.2019- 2018/08668/PA- Erection of a 5 storey apartment building containing 55 apartments together with associated parking- Refused on the grounds of non compliance with requirements for S106 contributions and also lack of tracking information with regard to demonstrating larger vehicles can access and egress the site.
- 3.4. 26.10.2017- 2016/08154/PA- Erection of 5 storey apartment building containing 55 apartments together with associated parking – appeal dismissed on the basis that there was no S106 in place to tie an appeal approval to.
- 3.5. 23.09.2010- 2010/03124/PA- Application for a new planning permission to replace extant planning permission 2007/03284/PA [Redevelopment of vacant land & car park to provide accommodation for 103 students within a 3 & 4 storey development with concierge & parking. Amendment to N/07712/05/FUL] in order to extend the time limit for implementation- Approved with conditions.
- 3.6. 03.08.2006- 2005/07712/PA- Redevelopment of vacant land and car park to provide accommodation for 115 student bedrooms within 3 and 4 storey building with concierge and 12 on-site parking spaces. Redesignated car park to adjoining public house- Approved subject to conditions.
- 3.7. 23.08.2007- 2007/03284/PA- Redevelopment of vacant land & car park to provide accommodation for 103 students within a 3 & 4 storey development with concierge & parking. Amendment to N/07712/05/FUL- Approved subject to conditions.

- 4. [Consultation/PP Responses](#)

- 4.1. Nearby occupiers, local councillors, Residents group and MP notified as well as site and press notices displayed- 1 letter of support and 1 letter of comment received. The comments/and expression of support can be summarised as follows:-
- good for Birmingham; provide high quality homes, currently have a housing crises so the development benefit the council and the community, African Village caused a nuisance and comments about access and amenity within the building.
- 4.2. Responses received from Councillor Muhammad Afzal and Councillor Mahmood Hussain who set out they support the proposal. It is expressed the proposal will help meet some of the significant housing need in the area.
- 4.3. 3 responses received which object to the development. The objectors object/comment on the following aspects of the proposal:-
- Scale and design; question whether it meets the same sustainability brief expected of the Athletes Village and other buildings for the Games, that the site is a historic site which has been blighted by development and speculative planning applications in the past, question its parking and highway impact, will take away jobs at the African Village Restaurant and Bar and families of those employees affected (and remove the business and also affect the community).
- 4.4. Transportation Development- no objection subject to conditions .
- 4.5. Regulatory Services- Requests the application of conditions, if minded to approve the development.
- 4.6. West Midlands Fire Service- request water supplies for fire fighting should be in accordance with their specified guidance, that the approval of Building Control will be required with regard to Part B of Building Regulations 2010 and where fire mains are provided in the building there should be access to the riser inlet within 18 metres and each access point should be clearly visible.
- 4.7. Environment Agency- no objection in principle subject to the application of condition related to dealing with unsuspected contamination that may be discovered during the development process. The also provide advice to the applicant with regard to other environmental matters.
- 4.8. West Midlands Police- ask that if the application is approved conditions are applied to help limit the limit the opportunity for and also detect crime.
- 4.9. Leisure Services- no objection to the application but require £242, 275 to be spent on the provision, improvement and or maintenance of POS and Play facilities at Perry Hall Park within the Perry Barr ward.
- 4.10. LLFA- no objection subject to conditions to secure a detailed sustainable drainage scheme and also sustainable drainage operation and maintenance plan.
- 4.11. Network Rail- Have not stated an objection to the scheme and have set out various steps that they would expect the developer and LPA to undertake at various stages in the development process.
- 4.12. Wildlife Trust- state they have no objection in principle subject to conditions related to protecting bats on site and the provision of a Construction and Ecological

Management Plan detailing the measures taken to protect the adjacent habitats specifically a nearby PSI during site enabling works and construction

- 4.13. Severn Trent Water - no objection subject to a drainage condition.

5. Policy Context

- 5.1. Birmingham Development Plan (2017); Saved policies UDP (2005), Places for Living SPG, Places for All SPG, Car Parking Guidelines SPD, Aston, Newtown and Lozells Area Action Plan (AAP), Shopping and Local Centres SPD, Draft Urban Centres Framework and the NPPF.

6. Planning Considerations

Principle

- 6.1. Local Planning Authorities must determine planning applications in accordance with the Statutory Development Plan, unless material considerations indicate otherwise. If the Development Plan contains material policies or proposals and there are no other material considerations, the application should be determined in accordance with the Development Plan. Where there are other material considerations, the Development Plan should be the starting point, and other material considerations should be taken into account in reaching a decision. The Development Plan comprises the saved policies of the Birmingham Unitary Development Plan 2005 and the Birmingham Development Plan 2017. The NPPF and the Aston, Newtown and Lozells Area Action Plan are also material considerations. Furthermore, the Draft Urban Centres Framework, which though not adopted as policy yet has been through consultation and therefore carries some weight in the assessment of this application.
- 6.2. In policy GA3 of the BDP, and the Aston, Newtown and Lozells AAP is identified as a key area for growth, including for over 700 new homes and Perry Barr is identified as a District Centre growth point. The AAP also highlights that the Crown and Cushion PH (African Village Restaurant and Bar) is suitable for new development for local centre uses. This view of Perry Barr district centre being a focus for significant growth for homes, jobs and services is also emphasised by the Draft Urban Centres Framework which identifies this application site as part of wider site of opportunity for development. The NPPF recognises that residential development can play an important role in ensuring the vitality of centres. Taking the above into account, no objection is raised in principle to residential development on the site.
- 6.3. I set out below my consideration of the other matters relevant to the proposal which all together are matters that need to be considered in arriving at a conclusion as to whether or not this proposal represents sustainable development.

Design and layout

- 6.4. This application has been the subject to extensive discussion and negotiation, in order to try and arrive at the most appropriate solution for the site. In contextual layout terms, the applicant has submitted an indicative master plan that I consider satisfactorily demonstrates that the development of the scheme could be built without hindering the prospective future redevelopment of neighbouring plots of land.

- 6.5. With respect to the overall mass and scale of the new building, street scene drawings have been provided which confirm that the new building would appear acceptable in relation to the 4 storey block across Wellington Road. Though the building would be taller than any other buildings along this side of Wellington Road, it is situated where buildings of such a size are deemed acceptable.
- 6.6. Turning to the design of the building, I now consider that the scheme as now presented before members is of a design that meets best principles of good design. The development would have front facing entrances and a clear definition between pedestrian and vehicular access to and from the site. The use of lightly contrasting brick facades, coupled with the large number of and varying sizes of windows, break up the large elevations of the building. This would help create a modern signature development for this location which is important given that it is expected to act as a catalyst for the redevelopment of this area. The mass, scale and design (which includes its positioning and general layout) of the new development meets good urban design principle and would fit into the wider vision for the future of this local growth centre. In summary, no adverse visual or urban design impact identified subject to safeguarding conditions. The City Design officer concurs with this view.

Residential amenity

- 6.7. In their assessment of the proposal Regulatory Services have considered noise and vibration as well as air quality and they request the application of conditions, if minded to approve the development, that would secure full details of site contamination investigation and remediation strategy; noise insulation between commercial and residential, control on any plant and equipment, ventilation and glazing specification. I concur with this view.
- 6.8. The site falls with the boundary of the Perry Barr Local Centre and the site has been identified in the SHLAA 2016 strategy of capable of providing residential development that may help meet the City's future housing needs, therefore the principle of introducing of residential development into this location is acceptable. I consider that the development site is suitable for the proposed development from an environmental perspective and consider the aforementioned conditions as well as others requested by other bodies such as the Environment Agency should address any environmental concerns related to the development of the site and the protection of the residential amenity of future occupiers. I consider it is reasonable to attach the conditions recommended by my environmental advisor rather than have to try and address them before the determination of this application.

Internal layout sizes

- 6.9. Bedroom 1 to units 8, 25, 42, 59 and 74 would measure 11.034 sq.m; bedroom 1 to units 9, 26, 43, 60 and 75 would measure 11.463 sq.m whilst bedroom 1 to units 16; 33, 50, 67, 80 88 and 95 would measure 11.44 sq.m. Whilst these sizes would fall short of the desired 11.5 sq.m set in National Technical Standards, given that the shortfall is very minimal, I raise no objection to this.
- 6.10. In summary, other than the shortfall mentioned above, which are deemed to be acceptable, the overall size of all the other bedrooms and units within the development would comply or exceed National Technical Space Standards.

Overlooking/intrusion of privacy

- 6.11. The nearest directly facing residential dwellings are the flats situated above the commercial premises across Wellington Road to the south of the site which are approximately 40 metres from where the new building would be erected. The nearest garden of a residential dwelling is the rear garden of number 309 Wellington Road which is situated approximately 86 metres away to the west of the application site. These distances are considered acceptable in terms of protecting nearby occupiers from overlooking/intrusion of privacy.
- 6.12. The indicative masterplan shows that a prospective residential block that may be erected to the west would be situated approximately 19.5 metres from the nearest windows on the western elevations of the application building. Whilst this distance is shorter than the 21 metre distance separation guidance figure set out in adopted SPG Places for Living I do not consider this warrants refusal of this application. The reasons for this are that I consider that it is a marginal shortfall and the clustering of taller buildings in designated centres such as this naturally allows for a reasonable degree of flexibility in the application of such distance separation where residents may be more accustomed to development being closer to them than would typically be the case in a low level residential suburban setting. Overall, I do not consider the separation distance would undermine the privacy of the future occupiers of this and the prospective development to the west.
- 6.13. A roof terrace (residential amenity area) along Wellington Road that would be located on the 6th floor of the new building would be situated approx. 13 metres from the indicative new apartment block to the west shown in the masterplan. I also note that another roof terrace would be provided on the 6th floor set approximately 19.9 metres from the indicative new apartment the west and also a roof terrace one would be provided on the 5th floor set 19.5 metres from the aforementioned property. In order to reduce the potential for intrusion of privacy to future development nearby from the these amenity areas, it is recommended that those amenity areas are screened by an appropriate boundary treatment (in lieu of what has been shown on the submitted drawings) to both help safeguard the privacy of nearby occupiers and also in providing a more taller perimeter treatment than which is currently shown at as 1.1 metre high. This can be secured by condition.
- 6.14. In summary, no adverse overlooking or intrusion of privacy issue identified subject to safeguarding conditions.

Amenity area

- 6.15. The development would provide approximately 679 sq.metres of cumulative external amenity area for residents. These spaces would be located on the roof tops at 5th and 6th floor level. This would equate to just over 7 sq.metres per unit. Whilst this is below the target guidance of 30 sq.m per flat in adopted SPG Places for Living, I note that given the site's location in a local centre, it is not normal to provide such a level of external amenity area in such locations and as such, I consider the amenity area shown should be welcome and would allow residents to utilise such space as well as nearby public open spaces in Perry Barr.

Parking/highway impact

- 6.16. Transportation Development raise no objection subject to conditions that require parking areas to be formally marked out; vehicle circulation areas to not be used for any other purpose, secure and covered cycle storage to be provided and the commercial units are restricted to the size shown as larger units may not be serviceable by larger lorries on this site. I concur with this view.

- 6.17. The applicant has provided a tracking plan which shows that the site would be capable of being serviced in site by a refuse vehicle. He has also provided a justification for the level of parking proposed, and I am satisfied that these show the site is capable of being serviced by larger vehicles and the level of parking shown is justified. The application site falls within area 2 as set out in adopted Car Parking Guidelines SPD due to its proximity to Perry Barr Railway Station. The proposed development would provide 33 car parking spaces for the 95 units (34.75%). Despite that the provision of parking would fall below 1 space per residential unit I do not consider this would lead to an adverse parking or highway safety impact. The reasons for this includes the fact that the site is located in the defined boundary of Perry Barr District Centre where access to everyday goods and services are within walking distance and the site is well serviced by public transport including bus and rail services.
- 6.18. For the above reasons I do not raise any objection to the scheme on parking or highway safety grounds.

Ecology

- 6.19. Further to the Wildlife Trust comments which raised no objection in principle to the proposal but at that time noted that the application was not accompanied by an ecological assessment, I can advise that a Preliminary Roost Assessment (PSA) was subsequently submitted by the applicant. My Ecological advisor has reviewed this and raises no objection. The Bat report does go on to say that as some features will be lost and that replacement features should be included in the new build (to enhance the potential for bat roosting). This can be secured by condition. I concur with this view.
- 6.20. With respect to the Wildlife Trusts comments that because the site lies approximately 15 m south of Perry Barr North Junction, a Potential Site of Importance (PSI) and subsequently they seek a Construction and Ecological Management Plan detailing the measures taken to protect the adjacent habitats specifically the PSI during site enabling works and construction. I recommend a condition to secure such is applied to this application in the event it is approved.

S106 Planning obligation

- 6.21. The applicant has submitted a financial viability report. An independent assessment of that submission has concluded that the provision of 10 on site affordable units (10%), being an equal mix of 1 and 2 bedroom apartments to be sold at 20% discount of market value in perpetuity, is the most that can be sustained by the development without impacting on viability and deliverability. This is equivalent to £280,000 in lieu of the on-site affordable housing provision. The on-site affordable housing provision has been agreed by the applicants advisor.

7. Conclusion

- 7.1. The scheme is acceptable in terms of its proposed use, design, impact on visual amenity, residential amenity of neighbouring uses, highway safety and planning obligations.

8. Recommendation

- 8.1. That consideration of application 2018/07488/PA be deferred pending the completion of Section 106 Legal agreement to ensure the following is secured:
- a) The provision of 10 low cost ownership dwellings, consisting of 5 no. two bed and 5 no. one bed, on site (at 20% discount);
 - b) Payment of a monitoring and administration fee associated with the legal agreement of £1,500.
- 8.2. In the absence of a suitable legal agreement being completed to the satisfaction of the Local Planning Authority on or before 30th October 2020, planning permission be refused for the following reason:
- In the absence of a legal agreement to secure the provision of affordable housing, the proposal would conflict with Policy TP31 Affordable Housing of the Birmingham Development Plan 2017, the Affordable Housing SPG, and the National Planning Policy Framework.*
- 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 on or before the 30th October 2020, favourable consideration be given to this application, subject to the conditions listed below.

-
- 1 Requires the prior submission of a contamination remediation scheme
 - 2 Requires the submission of a contaminated land verification report
 - 3 Requires unsuspected contamination to be addressed.
 - 4 Requires the submission of sample materials
 - 5 Requires the submission of architectural details
 - 6 Requires amended details of proposed parapet features to the fifth and sixth floor flat roof amenity areas.
 - 7 Requires the prior submission of a detailed sustainable drainage scheme
 - 8 Requires the submission of a drainage scheme for the disposal of foul and surface water flows
 - 9 Requires the submission of a Submission of a Sustainable Drainage Operation & Maintenance plan
 - 10 Requires the submission of boundary treatment details
 - 11 Requires the submission of hard and/or soft landscape details
 - 12 Requires the submission of hard surfacing materials
 - 13 Requires the submission of a lighting scheme
-

-
- 14 Requires the prior submission of level details
 - 15 Requires the submission of a CCTV scheme
 - 16 Requires the submission of cycle storage details
 - 17 Requires the parking area to be laid out prior to use
 - 18 Requires details of the proposed vehicle access gate to be provided.
 - 19 Requires the submission of an overheating assessment.
 - 20 Requires the prior submission of a scheme of glazing insulation and ventilation
 - 21 Requires the prior submission of an internal noise validation report
 - 22 Requires the prior submission of a construction ecological mitigation plan
 - 23 Requires the prior submission of details of bird/bat boxes
 - 24 Restricts the dimensions of the ground floor units to that shown on the approved plans.
 - 25 Limits the noise levels for Plant and Machinery
 - 26 Requires the prior submission of noise insulation between the commercial and residential units
 - 27 Limits the hours of use 8am - 11pm
 - 28 Removes PD rights for telecom equipment
 - 29 Requires the submission of details of green/brown roofs
 - 30 Requires the scheme to be in accordance with the listed approved plans
 - 31 Requires the prior submission of a construction employment plan.
 - 32 Implement within 3 years (Full)
-

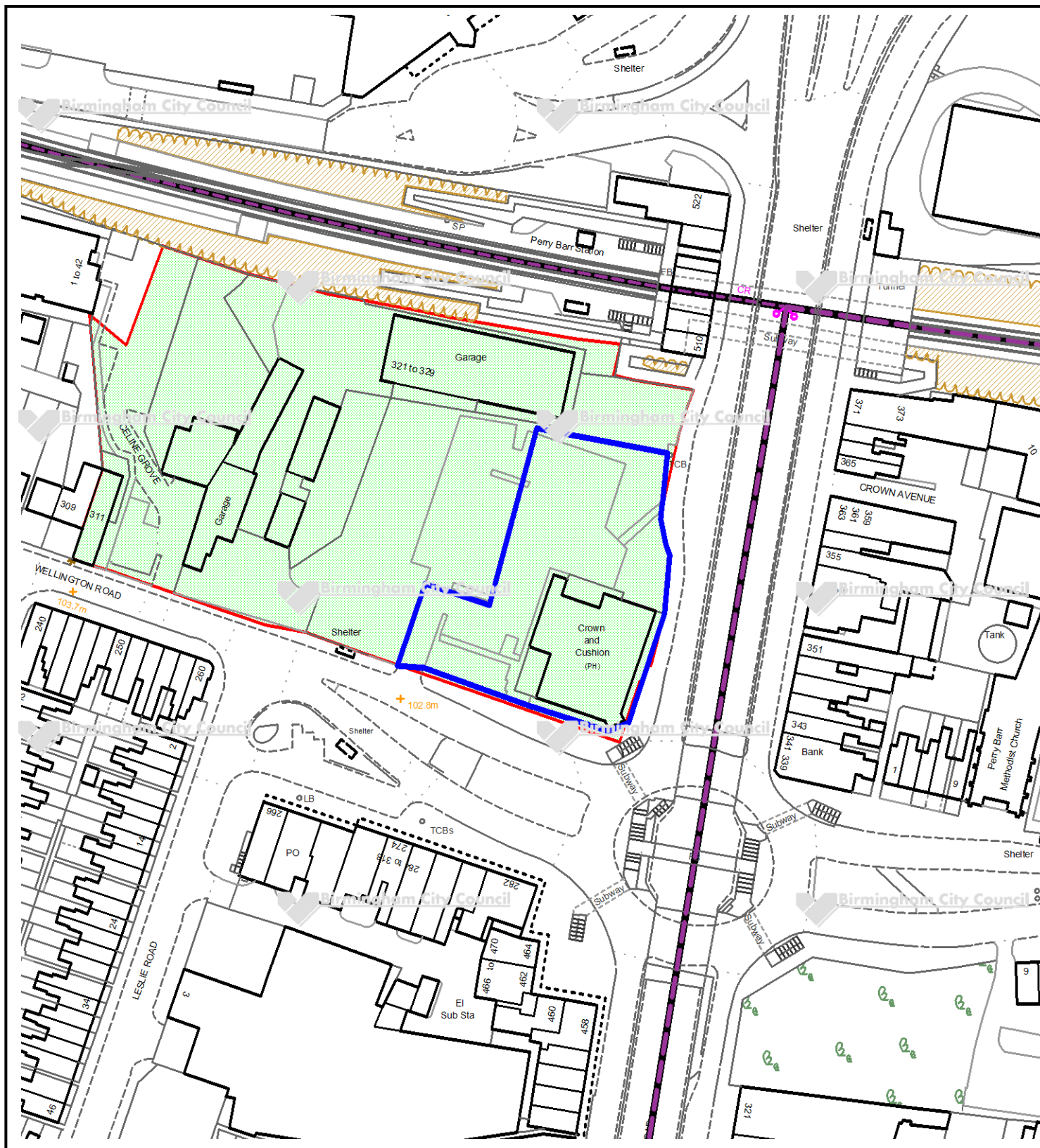
Case Officer: Wahid Gul

Photo(s)



Aerial photo of the site (African Village building now demolished) and wider context

Location Plan



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Committee Date:	30/07/2020	Application Number:	2019/10518/PA
Accepted:	23/12/2019	Application Type:	Full Planning
Target Date:	17/07/2020		
Ward:	Handsworth Wood		

70-72 Handsworth Wood Road & land to rear, Handsworth Wood, Birmingham, B20 2DT

Erection of two storey rear extension comprising 13-beds to existing care home (Use Class C2) with alterations to existing car parking provision.

Recommendation
Determine

Report back

Members will recall that this application was presented to Planning Committee on the 18th of June, 2020, with a recommendation to approve subject to conditions. At determination, the application was deferred in order to allow consultation with Birmingham Children's Trust.

Officers have now consulted with Birmingham Children's Trust who have advised that they do not wish to make any comments on this application.

A further letter of objection has been received from Ideal Fostering, setting out the following areas of concern:

- Foster children in the vicinity of the home, spend less time outside due to shouting and swearing from the home;
- High number of emergency service call outs to the area;
- Other negative psychological and physical impacts upon neighbouring children from the proposed extension.

The above raised matters are already addressed within the below report.

Officers maintain their original recommendation.

Original Report

1. Proposal

- 1.1. The application proposes the erection of a two storey rear extension, comprising accommodation for up to 13no. additional residents, to an existing private care facility, catering for adults suffering from illnesses relating to their mental health.
- 1.2. The proposed extension would be sited to the rear of the existing care facility, known as Dartmouth House; which, at present, has a large private rear yard and it is to this area that the current application relates. The proposed extension would be erected centrally within the plot, directly off the rear elevation of the main building, on what currently comprises as a "herb garden" for the existing care facility. The extension

would also comprise; a new communal lounge, residents terrace and other ancillary facilities, such as offices, kitchens and bathrooms.

- 1.3. As part of the development, the site's existing informal car park, sited to its rear would also be formalised and 8no. formal car parking spaces will be formed, to the site's, north-western end. An additional 2no. car parking spaces will be retained to the front of the site, within the site's front forecourt area. The application also proposes landscaping works within the rear garden area and along the boundaries of the site. These works would allow a greater and higher quality setting for residents and staff, while simultaneously, allowing for greater security of the site, ensuring the welfare of both residents and neighbouring occupiers.
- 1.4. The proposed extension would be 367sqm in size and would comprise 13no. additional bedrooms, with en-suites. These would measure 15sqm and would be sited at both ground and first floor level; the first floor of the extension is materially smaller in size, when compared to the ground floor as a result of this having been set back and in from the sides of the ground floor extension, in order to safeguard residential amenity of neighbouring occupiers. The building would have a maximum ridge height of 7.6m, with a width of circa 30m at its widest point and a depth of circa 14m at its deepest point. These measurements vary, as the extension has been designed with a staggered foot-point, with numerous forward projecting additions at ground floor level, to all four elevations. The ground floor would comprise:
 - 7no. bedrooms, reception room, lounge for residents, nurse station, ancillary rooms, plants/store and toilets.The first floor would comprise:
 - 6no. bedrooms, ancillary rooms, toilets and store.
- 1.5. All side facing windows are to be obscure glazed, with the main outlook for all of the rooms being focused within the site's existing rear private garden area, alongside an internal courtyard, which will separate the new extension from the existing care facility.
- 1.6. In terms of staff, an additional 12no. full time members of staff will be required to run the extended care facility. These will consist of 8no. additional day time staff and 4no. additional night time staff. The existing 14no. staff members would also remain on site.
- 1.7. In terms of car parking provision, the site at present has an informal car park to its rear, consisting of some 18no. spaces. This will be removed and a new formal car park for 10no. spaces will be created.



(Image 1 - care facility in its context on Handsworth Wood Road).

1.8. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application relates to Dartmouth House, an existing residential care facility, sited to the north-eastern side of Handsworth Wood Road, Handsworth Wood, Birmingham. Situated within a largely residential area, the application site is bound by residential dwellings fronting onto Handsworth Wood Road to its immediate east, west and south. To the site's north, lie residential dwellings fronting onto Butlers Road. Within the site's wider vicinity, a school and a number of other uses can also be found; however, the overarching character of the area is derived as a leafy, residential suburb, with large residential plots, set well back from the road, with large rear garden areas.
- 2.2. The application site itself comprises numbers 70-72 Handsworth Wood Road. The site has a small forecourt area, with access directly from Handsworth Wood Road to its south-west. The care facility comprises 2no. three storey buildings, which previously would have formed as two separate Victorian Villas, now converted to form one large care facility. The property has been heavily extended to the rear at both single and two storey level and also comprises accommodation within its basement and roof level. There lies an under croft access to the rear car park area sited to the site's north-west, with a large private amenity area also sited to the site's rear.
- 2.3. The site acts as a private care facility for adults with mental health concerns and at present the site houses some 15no. residents. The Use of the site falls under Use Class C2, as a Residential Institution. This Use would be retained.



(Image 2 – proposed site plan (ground and first floors) showing existing building and proposed rear extension).

2.4. [Site Location Link](#)

3. Planning History

- 3.1. 2000/01028/PA - Erection of single-storey rear extension to existing nursing home – Approved with conditions – 14/12/2000.
- 3.2. 2019/03646/PA - Erection of a 15-bed care home (Use Class C2), parking and landscaping to rear of existing care home – withdrawn – 28/10/2019.

4. Consultation/PP Responses

- 4.1. Transportation Development – raise no objections to the development proposals, subject to suitable conditions, in relation to; cycle storage, parking spaces being formally marked out adequate parking & vehicle circulation areas being maintained.
- 4.2. Severn Trent Water – raise no objections to the development proposals, subject to suitable conditions, in relation to foul water.
- 4.3. Regulatory Services – raise no objections to the development proposals, subject to the addition of suitable conditions, in relation to; Noise Levels for Plant and Machinery, Extraction and Odour Control Details, the submission of a Construction Method Statement/Management Plan, Contamination Remediation Scheme ,

Contaminated Land Verification Report and the erection of a low emission vehicle parking space.

- 4.4. Access Birmingham – raise concerns that the en-suite bathrooms are small in size and may not be suitable for wheelchair users.
- 4.5. West Midlands Police – raise no objections to the development proposals, subject to the use of a CCTV scheme on site and make a number of other security related recommendations.
- 4.6. 24no. representations and objections were received in reference to this application; raising the following areas of concern:
 - Increase in noise and nuisance;
 - Increase of residents with mental health issues which could impact upon neighbouring amenity;
 - Loss of light/outlook and amenity as a result of the proposals;
 - Numerous applications made to extend the site in the past;
 - Increase in call outs to the Police for the site;
 - Sets a dangerous precedent to develop rear garden spaces;
 - Impact upon house prices;
 - Increase in parking and congestions issues;
 - Overdevelopment of site;
 - Air pollution increase;
 - Development breaches 45 degree code for adjoining residences;
 - Effect on tree roots for adjoining gardens;
 - Existing car park to rear of site will be made busier;
 - Design of extension not in keeping with that of main home;
 - Development doesn't accord with BDP adopted policy guidance, alongside supporting SPG documents;
 - Rats within the garden;
 - Increased flooding and ground water run off concerns;
 - Increased lighting within the home will impact upon residential amenity;
 - Impact upon foster children being cared for within the area;
 - Increase in health risks for members of the public neighbours, from being attacked by residents.
- 4.7. 2no. petitions with 10no. and 65no. signatures respectively were also received, raising their objection to the development proposals, on the grounds, as set out above.
- 4.8. The Handsworth Wood Residents Association also has objected to the proposals on the following grounds:
 - The proposed development would in-fill the application site;
 - Result in an increase in noise and nuisance for adjoining land users;
 - Some residents have special needs and as such these residents could have public health risks for neighbours and members of the public, should the home be increased in size;
 - Increase in Police call-outs, as the home would increase in size;
 - Parking and traffic concerns;
 - Concerned if the home can cater to an increase in residents; and
 - Concerns about ratio between non-residential uses and family dwellings within the wider area.

4.9. Councillor Kooner has also objected to the application proposals and called-in the application on the grounds that the proposed development would:

- Add to back garden development within the area;
- Breach the 45 degree code, resulting in residential amenity impacts;
- Increase the existing high police call out rate to the site;
- Increase in noise and nuisance;
- Impact upon Foster Children within the vicinity of the site;
- Raise concerns around the wellbeing of the residents;
- Increase highway related concerns; and
- Result in an intensification of the application site.

4.10. A further 2no. letters of objection were received from the West and Central Fostering Support Team. These letters set out that there are children being cared for by foster parents within the vicinity of the application site and that the proposed development will exacerbate existing noise and nuisance from the site which will impact upon these children's mental and physical well-being.

5. Policy Context

5.1. Relevant Local planning policy:

- Birmingham Development Plan (BDP) 2017;
- Birmingham Unitary Development Plan (UDP) 2005 (Saved Policies);
- Places For Living SPG (2001);
- Specific Needs Residential Uses SPG; and
- Car Parking Guidelines - Supplementary Planning Document 2012;

5.2. Relevant National planning policy:

- National Planning Policy Framework (NPPF) (2019)
- National Planning Policy Guidance (NPPG)

6. Planning Considerations

Background and development proposal context

6.1. The current application proposes the erection of a two storey rear extension, to the existing care facility on site, alongside proposing changes to the site's existing car park and landscaping provision. The proposed extension is to be erected in order to meet existing and proposed demand for care provision at the existing private care facility on site, in a more efficient layout and through the rationalisation of the site area.

6.2. The proposed development of the two storey rear extension follows a former application, made in 2019, under application reference: 2019/03646/PA; which was subsequently withdrawn in October, 2019. This sought to erect a separate detached care facility within the site's grounds, a plan which has now been superseded, allowing for these current proposals to come forward for wider site wide enhancement.

6.3. The current proposals would now extend the current facilities on site, with a contemporary, rationalised two storey addition, which would cater for an increase of up to 13no. residents; alongside increased internal and external amenity provision.

The proposed works would also allow for wider site wide enhancement works within the site to create a formal car parking area, alongside improved landscaping and boundary treatment works across the site.

Principle

- 6.4. The proposal is for the construction of a two storey rear extension on an existing landscaped area, within the existing Dartmouth House site. The extension would be ancillary to the existing use of the site, as a Residential Institution, Use Class C2 and would not be used for purposes other than those directly relating to the wider site. The proposed extension would simply increase the level of care provision at the site, in order to allow the site to increase its care capacity by an additional 13no. residents.
- 6.5. The application site itself is not identified in the 2018 SHLAA, as well as within the 2017 brownfield register and remains unallocated within the BDP. The development would however increase the provision of such care facilities within the city, meeting the aims of policy TP27 from within the BDP, which seeks to cater to the housing needs of a variety of individuals, making the city much more resilient and able to meet the needs of its population who require such care provision, within an existing well established site.
- 6.6. It is therefore considered that the proposed development would increase the care provision of an existing, well-established, mental health care facility for adults, allowing the facility to increase provision and meet the demand for such care within the city for the longer term. The proposals would therefore comply with a number of policies from within the BPD and the NPPF and as such are supported in this regard. These will however have to be considered in light of the wider development plan policies.

Design

- 6.7. The proposed rear extension would be set over two levels and would comprise 376sqm of additional floor space. The proposals are set out in the form of a large rectangular building, situated centrally within the rear garden area of the application site. The proposed extension would be erected off the rear elevation of the existing care facility and the two buildings would have an open core in their centre, providing a small area of amenity space, alongside outlook and light for the internal bedrooms. Landscaping would then bound the site to its north, with a small car park proposed to the site's north-western most corner; consisting of 8no. spaces. This would be a reduction from the existing rear car park which has some 18no. parking spaces.
- 6.8. The proposed extension would have a staggered foot-print to all its four elevations, with the first floor being materially smaller than the ground floor, being set both back and in from the ground floor element. The main bulk of the extension would have a depth of 11.4m; however this would increase to 14m, at the furthest point of the ground floor rear elevation. The extension would have a total maximum width of 29m, however this would again be at the furthest point of the extensions staggered foot print. The first floor would be substantially less in its projection at 8m in its forward rear facing projection. The building would support a total height of circa 7.6m, as a result of the low internal floor to ceiling heights, flat roof and sloping garden.
- 6.9. At ground floor level, to the building's northern end would be a reception area, day room for residents, which would open out onto an external patio area, nurse station,

office, 1no. resident bedroom and lobby area. To the rear of the extension would like bathrooms, storage rooms, alongside 6no. bedrooms for residents. At first floor an additional 6no. bedrooms would be erected, with 3no. ancillary rooms for storage created. To the front northern end of the extension would be a large glazed corridor allowing for access and circulation. This would lead out onto an external terrace, acting as a fire escape, with stairs below.

- 6.10. Immediately to the front of the extension, an area of soft landscaping is proposed. This would run to the site's northern and eastern boundaries and would consist of a number of new trees, shrubs and hedgerows, allowing the building to have a softer impression upon the rear garden area. A timber post and rail fence, details of which are to be secured by way of condition, is proposed to bound the private garden area to all sides, thereby also allowing for security of the site and its residents.



(Image 3 – proposed rear elevation of proposed extension).

- 6.11. In terms of finish, the building would be finished off in red brickwork to match that of the existing building on site. In order to break up the large swathes of brickwork however render and cladded elements are also proposed throughout the four elevations, to allow the extension with diversity and relief. The proposed openings would be erected from aluminium and would also feature aluminium erected frames, finished in a dark finish. The small pitched roof elements of the projecting elements at ground floor will use blue slate to match the existing building on site.
- 6.12. It is noted that proposed extension would be large in its scale. However, the development must be viewed in its wider context, which is characteristic of large building's set within large and deep, spacious plots; with some encroaching into the rear garden spaces. The application site in particular has a very wide and both deep plot and an extension of this scale is considered to retain the wider areas character of space and openness. The extension further uses a very low ridge height and appropriate materials and would not be viewed from the public realm. Irrespective of this, when viewed from adjoining garden areas, this will take on the form of a secondary and subservient addition and would not be dominant within the site's rear elevation. The Council's City design officer further supports the high quality design and finish of the extension and recommend conditions requiring full details of the proposed landscaping, boundary treatments, material samples and architectural detailing. These conditions are appropriately included.

- 6.13. As such, it is considered that the proposed development is acceptable in its overall design, siting, scale and form and is seen to rationalise the site area for its betterment; creating a well-designed addition to the application site, which still allows the site to fit in within its wider context. The proposals are therefore considered to be supportive of policies from within the BDP and the relevant sections of the NPPF.

Residential amenity

- 6.14. A number of objections have been raised with reference to noise and nuisance arising from the existing site. Representations also make reference to health and safety concerns for the well-being of neighbouring land users, alongside that of the site's residents. I will therefore address these matters separately below:

Wellbeing of residents

- 6.15. The City's planning department must consider if the proposed development would provide suitable and adequate amenity provision for future residents at the site. In this effect, it is considered that the proposed development would create a high quality and spacious setting for residents. The proposed bedrooms are all considered to be of sufficient size and would benefit from a good source of light and outlook. The development would further create a large communal residents lounge, alongside a large external patio area and private rear grounds for residents to make full use of. The Council's locally adopted Specific Needs SPG seeks 16sqm, of outdoor amenity space provision per resident, which would equate to 448sqm, for a total of 28no. residents at the extended site. The application details a private amenity area of some 790sqm, well in excess of this figure.
- 6.16. In terms of the level of care and safety of residents, this is a matter for the Care Quality Commission and not a planning matter. However, for the purposes of this application, a condition which will require details of the site wide boundary treatment provision will be attached to any subsequent planning consent. This will ensure that the site is safe and secure; while also benefiting neighbouring occupiers. All other matters relating to instances of residents running out onto the road or creating noise and nuisance, are matters which are not unique to this site and have to be treated with caution, as these matters are specific to the needs of the individuals residing in the care facility and cannot be controlled by the planning department. However, measures can be taken to limit any such harm and these are outlined below.
- 6.17. The site is and should be viewed as an existing residential institution and has a license to operate in this manner. An increase in the number of residents will be monitored by the CQC and all matters relating to residents safety and welfare will be treated by the appropriate authorities. The CQC are also able to impose restrictions, withdraw a license and also impose stricter measures upon the site, if they feel that the care of residents is not up to standard. This however, cannot be considered at this stage and is not a planning consideration. For the purposes of this application, it is considered that an appropriate level of amenity would be on offer for future and existing residents at the site, as a result of this development. It is further considered that appropriate conditions for safeguarding such as those relating to boundary treatments etc. would ultimately benefit residents and neighbouring occupiers in the longer term. Instances where residents have escaped, or when the Police etc. have been called to the site, cannot be used to make a judgment on the current application, as these instances are not unique to this site and are associated within its use and the nature of the residents that the site would care for. For the purposes of this application, the Planning Department is able to make a balanced judgement

on the level of accommodation being applied for and its likely impacts upon the wider area.

Amenity of neighbouring land users

- 6.18. The proposed extension will be set away from No. 68 Handsworth Wood Road, sited to its south-east by some 1.5m, at its closest point and would be set some 4m away from No. 74 Handsworth Wood Road, sited to the site's north-west, at its closest point. The existing care facility already breaches the 45 degree code with both of these neighbouring dwellings. These breaches are both as a result of the existing main building and the existing boundary treatment, which runs along the common boundaries, which presently consists of a 3m high brick walls. With reference to No. 74, this dwelling has ground floor rear facing window openings, which are breached by the 45 degree code, as a result of the 3m high existing boundary wall, at a distance of some 5.1m. In terms of the dwelling's first floor rear facing openings, these would also be breached by the 45 degree code by the side elevation of the proposed extension at first floor level, but due to this being set well away from the common boundary, this breach would occur at some 19.9m and as such this relationship is considered acceptable.
- 6.19. With reference to No. 68 this dwelling has an existing 3.4m breach with the existing building, at both ground and first floor level for its existing rear facing openings; however this dwelling is 3 storeys and also has windows at second floor level. These openings would however remain unaffected, as the proposed extension at the application site would be erected at two storey level and as this maintains a low ridge height, the proposals would not breach the 45 degree code at this point. As such, it is considered, as a result of the proposed extension, there would be no undue increased overbearing or overshadowing concerns for the site's existing neighbouring occupiers, over and above the existing situation on site, which would warrant the refusal of the current application.
- 6.20. All proposed window openings, sited within the side elevations of the proposed extension will be fitted with obscure glazing. These would be sited between 2.5m and 4.5m away from the site's respective side boundaries (south-east and north-west) and an appropriate condition has further been recommended in this regard. All first floor window openings will further be conditioned to be non-opening for 1.7m above internal floor level, in order to maintain the privacy of neighbouring adjoining occupiers. The proposed extension would further retain well in excess of 30m to the site's rear facing boundary, where trees and landscaping cover will also be increased materially, ensuring minimal overlooking concerns for neighbouring land users.



Image 4 – showing the impact of the proposal on the 45 degree code (green lines) from No. 68 Handsworth Wood Road.



Image 5 – showing the impact of the proposal on the 45 degree code (green lines) from No. 74 Handsworth Wood Road

- 6.21. With reference to noise and nuisance from the site, these matters are firstly not uncommon for a use of this nature. As stated above, this is an existing use, already well-established on site, however as the provision is being increased, a number of measures are being proposed in order to ensure minimal additional harm to neighbouring land users. The first floor terrace area has also now been removed and a landscaping and boundary treatment condition will also be attached to any subsequent planning consent, in order to safeguard the amenity of neighbouring land users. In addition to this a noise prevention plan will also be conditioned as part of any subsequent approval, this will list a range of measures which the extended facility will use in order to minimise noise and disturbance to neighbouring land users. Measures will include; limiting the use of external areas to during daytime hours, restricting visiting hours and ensuring that all gates and fencing is secure at all times, amongst others. These measures will be submitted to and agreed by officers and then implemented on site accordingly.

- 6.22. A lighting scheme condition will also be attached to any subsequent planning consent. This will ensure that any new lighting will be fitted in such a manner which will ensure minimal impact upon neighbouring land users.
- 6.23. The Council's Regulatory Services Department has also reviewed the application and has raised no concerns in this regard, subject to the use of appropriate conditions, some of which have already been discussed above. These further include; a maximum noise levels condition for plant and machinery, the submission of extraction and odour control details and the submission of a construction method statement/management plan. These conditions are considered both appropriate and acceptable and are recommended accordingly.
- 6.24. It is therefore considered, subject to the use of the above planning conditions, that the development would have an acceptable impact upon neighbouring land users and would not result in the detriment of residential amenity, above and beyond the existing situation on site. The proposals are therefore considered acceptable and in compliance with the relevant sections of the BPD and those within the NPPF.

Contaminated Land

- 6.25. The application is supported by a ground investigation report from Spilman Associates, reference: J18037/01, dated June 2018. This report identifies contamination that requires remediation and suggests a clean cover, for future development. The Council's Regulatory Services is content with the submitted report and has recommended that a condition be attached to secure a ground remediation scheme, alongside a contaminated land verification report. Subject to these conditions, officers raise no objection to the development proposals in this regard. These conditions are thereby appropriately recommended.

Transport and Parking

- 6.26. The proposal would see the erection of two storey rear extension, comprising 13-beds to an existing care facility (Use Class C2). The application also includes alterations to the site's existing car parking provision. As per the submitted details, the existing care facility caters for 15no. residents, while the proposed rear extension would provide an additional 13no. beds, making total capacity of the site to 28no. beds.
- 6.27. While officers acknowledge that the additional bedrooms are likely to increase traffic to/from the site. It is considered that the increase in traffic would unlikely have adverse impacts upon the surrounding highways network. The residents themselves are unlikely to own or make use of a car and thereby any trips to and from the site would be largely resultant of staff and visitors. This trip generation level is thereby not considered to be substantial in number and is further not considered to result any new undue concerns for the wider highway network. The Council's Highway Officers are further content with the proposals and raise no objections in this regard.
- 6.28. BCC current parking guidelines specify a maximum parking provision of 1no. space per 3no. bed spaces for C2 Uses. As such, the specified maximum parking provision for a total number of 28no. bed spaces would be between 9no. and 10no. spaces. The application form refers to the existing 18no. spaces on site being reduced to 10no. spaces. The retained provision would however be in line with the maximum specified within BCC current guidelines and as the new layout would be formalised, this level of parking provision is considered to be acceptable for a facility of this size.

It is also noted that the site benefits from a good level of accessibility to public transport.

- 6.29. Transport Officers however recommend that sufficient and appropriate provision for secure cycle storage is made on site, for the benefit of staff and visitors. These details are thereby to be secured by way of condition. A further condition will also be attached seeking full details of the electric vehicle charging point, which is to be implemented on site. Subject to the addition of such conditions, alongside a condition to ensure that the new car parking layout is both implemented and retained on site, the development proposals are considered acceptable in this regard and would be in line with relevant policies from the BPD and the relevant sections of the NPPF.

Trees

- 6.30. The application proposals have been submitted alongside a Tree Report and associated plans. This confirms that as part of the development, no trees on site would need to be removed, as these sit on the site's periphery and the proposed extension would be sited centrally within the site, leading off from the existing facility. The report however identifies a Lime Tree sited to the front of the site, to its main entrance, which it highlights as being in poor condition, as category U and advises that this be removed for health and safety purposes.
- 6.31. The remaining 15no. trees sited within the rear of the site are all detailed as being category B and C and are advised to be retained. The City's Tree Officer has reviewed the proposals and has raised no objections, given that none of the trees are detailed to be removed. The officer however recommends the use appropriate tree protection conditions requiring the submission of
- An Arboricultural Method Statement for tree protection zones;
 - The submission of details for no digging to take place for the erection of the proposed new car parking bays; and
 - A further condition relating to any tree pruning being carried out to National standards.
- 6.32. These conditions are appropriately attached. It is also noted that the site will see significant new planting throughout and in order to secure details of these, a landscaping condition is also recommended. Subject to these conditions, the development is considered acceptable in this regard.

Flooding and Sustainable Urban Drainage

- 6.33. The application is supported by a Drainage strategy and Drainage layout plan. The submitted drainage strategy sets out the proposed use of soakaways was not appropriate at this site and as such the application has made an in principle agreement with Severn Trent Water, in order to allow for both foul and storm water into the existing Severn Trent drainage system. The applicant has further indicated that on site storage for rainwater would also be created, through the creation of a rainwater garden, within the proposed rear amenity space. Rain water from the roof of the extension and the proposed car parking areas would then be diverted into the proposed rainwater garden, using design techniques, allowing for full infiltration. An operation and maintenance plan for the proposed drainage has also been submitted. These details were reviewed by STW and they have raised no objections. STW have however requested a condition be attached to any subsequent planning

consent, securing details of the site's foul water drainage be submitted to STW for approval; this condition has been appropriately attached.

West Midlands Police

- 6.34. West Midlands Police were consulted on the application and confirm that there has been a high Police call out rate to the address within the past 12 months, however, not every call has resulted in necessary Police intervention; this number may also not be uncommon for a site of this nature. WMP had therefore requested that the applicant provide further information on the site's security measures and to this effect the applicant has confirmed the below:
- 6.35. The applicant has confirmed that the site will see an increase in staff numbers, to manage the increased number of residents, meeting relevant guidance. The applicant has also confirmed that all external front doors to the extended facility would meet the PAS24 safety criteria and all internal bedroom doors would also be anti-barricade, improving both the safety measures for residents and staff.
- 6.36. The applicant has further confirmed that the current 9am-5pm manned reception retains a locked front door with video monitoring. A new reception area (to the rear) would become the main entrance and reception area for all staff, service users and visitors for the site and this would retain a locked door with improved visibility and video monitoring. All staff, visitors and service users are also required to sign in an out of all buildings on site and are further required to read a health brief and safety statement, upon arrival, which is attached to the visitor's book. Staff members also have use of electronic ID cards and clock in and out to of the building in order confirm attendance at work. The mental state of service users is assessed and recorded prior to leaving the building on every occasion. Clothing, destination and expected return times are also noted. These measures will be enhanced and retained as part of the wider site's redevelopment.
- 6.37. In terms of CCTV, the site has CCTV in place externally and within internal communal areas for the protection of service users, staff and visitors. The site's care policy which covers its use conforms to the CCTV Data Protection Codes of Practice (ICO) and CQC guidance.
- 6.38. WMP have therefore raised no objection to the application proposals, however have noted, that the expansion of the site would likely result to an increased number of calls from the site. To this effect they have requested a number of recommendations be operated within the extended facility, most of which are already detailed above. These would include:
- That the communal front door and individual bedroom doors should be to PAS 24 or an equivalent standard;
 - That an access control system with video monitoring and remote access control be operated on site;
 - That there is a method of recording when residents and any visitors enter and exit the site (either electronically or manually);
 - That each of the residents rooms be fitted with anti-barricade door hinges for the protection of the residents;
 - That CCTV be installed at the entrance/egress and any communal areas and images are produced to meet the standards; and that
 - This proposal is developed to enhanced security standards produced by Police Crime Reduction initiative 'Secured by Design'.

- 6.39. The application site is a care facility for individuals with a range of mental health issues, naturally, given the conditions of such individuals, calls to the Police Service will be high for assistance. This is considered to be the case wherever such facilities exist throughout the city and these facilities are genuinely required in order to provide care for such individuals. These are monitored and assessed by the Care Quality Commission, who are able to impose sanctions and restrictions on sites to which they have concerns for residents or staff, with the strongest action being the closing down of the site.
- 6.40. The current facility already cares for some 15no. residents and seeks to increase this by 13no. however, this increase would also come with site wide improvements, mainly by boundary treatment enhancements or other security provisions, which should make the site more secure and safe for residents, staff and adjoining land users. Taking on board the Police's comments, a condition requiring the applicants to implement site wide CCTV and a further condition requiring the applicant to submit a security method statement will be attached to any subsequent planning consent. The Method statement will set out how the site meets the recommendations made by the Police and will specify the measures taken for the safety of residents. This will also make reference to the enhanced security fencing around the external communal areas and car park. Subject to the addition of these conditions, the application proposals are considered to be acceptable in this regard.

Other matters

- 6.41. A number of representations have raised concerns about the level of care on offer to residents at the site, alongside the fact that some residents have occasionally ran out of the facility etc. The Council's Planning Department is however unable to make a decision based upon how the existing facility is run and managed. The application site is registered with the Care Quality Commission (CQC) and are also regulated by CQC Regulations (2009) and the Health and Social Care Act 2008 (Regulated Activities). Any concerns or breaches by the providers, in terms of care provision for residents are considered for enforcement action by the CQC. This includes breaches to care standards which are regulated activities in the Health and Social Care Act. As such, these matters fall outside of the planning considerations remit of the current scheme. As set out above, the level of amenity on offer to residents is considered acceptable. The site is legally able to operate as a Mental Health support facility and there is no reasonable planning grounds which would result in this current application being refused, based on a number of instances, which may well be common for such site. Instead, a number of recommendations and conditions are attached to assist the management of the home, in order to ensure the safety and welfare of both residents and staff alike.
- 6.42. A number of representations detail that a foster carer is located within the vicinity of the application site. It is however considered that the impact of the development, upon all residents, including the rights of children, have been fully considered and form part of this applications planning balance. This concludes that the rights of residents, including children, would not be unduly impacted by the proposed development. The approach undertaken is proportionate for children's rights and human rights in general. It is also worth noting that the planning system by its very nature respects the rights of the individual, whilst acting in the interest of the wider community.
- 6.43. Concerns have also been raised stating that the residents would not be able to use the sites external areas and wouldn't be able to have visitors. The application however proposes an extensive private amenity area for the sole use of residents

and their visitors, during certain hours of the day. These hours will be agreed with the Council by way of condition, as part of the post consent phase of the development. A fine balance will be taken between allowing residents to enjoy the external areas of the site, whilst also safeguarding the amenity of neighbouring residents, as part of a noise management plan. This approach is not uncommon for sites of this nature and will prevent the sites external spaces being used into late hours, where these would potentially harm the amenity of neighbouring residents. There are no conditions proposed to prevent visitors to the site and these will be managed by the site operators, in co-ordination with the noise management plan.

- 6.44. Concerns have also been raised about the ratio between dwellings within the area and non-residential uses. It is confirmed that the development would not result in the loss of any residential units within the vicinity of the application site.
- 6.45. Concerns have also been raised in relation to rats and other such public health concerns. These are not material planning considerations and as such are not considered as part of this application's assessment.
- 6.46. Matters relating to impacts upon house prices are not a planning consideration.

7. Conclusion

- 7.1. The development proposals would deliver much needed improvement works to an existing Residential Institution within the city, allowing it to care for a large number of residents within the longer term, with underlying mental health conditions. The development would utilise an existing brownfield site, rationalising the site area and ensuring that wider site wide enhancement also take place. The development proposals are further considered to be of good design and are not considered to raise any new undue parking or residential amenity concerns, above and beyond the existing situation on site. Subject to appropriate safeguarding conditions, the development proposals are considered to be acceptable and in compliance with relevant sections of the NPPF and BDP, as set out above.

8. Recommendation

- 8.1. Approve with conditions:

-
- | | |
|---|--|
| 1 | Implement within 3 years (Full) |
| 2 | Requires the submission of sample materials |
| 3 | Requires the submission of architectural details |
| 4 | Requires the scheme to be in accordance with the listed approved plans |
| 5 | Requires obscure glazing for specific areas of the approved building |
| 6 | Limits the number of Residents at the Care Facility (C2) |
| 7 | Requires that the approved scheme is incidental to the main use |
| 8 | Requires the submission of extraction and odour control details |
-

9	Limits the noise levels for Plant and Machinery
10	Requires the prior submission of a Noise prevention plan
11	Requires the submission of a lighting scheme
12	Requires the prior submission of a contamination remediation scheme
13	Requires the submission of a contaminated land verification report
14	Requires the prior submission of a Security method statement
15	Requires the submission of a CCTV scheme
16	Requires the prior submission of a construction method statement/management plan
17	Requires the parking area to be laid out prior to use
18	Requires the provision of a vehicle charging point
19	Requires the submission of hard and/or soft landscape details
20	Requires the submission of boundary treatment details
21	Arboricultural Method Statement - Submission Required
22	Requires tree pruning protection
23	Requirements within pre-defined tree protection areas
24	No-Dig Specification required
25	Requires the prior submission of foul water drainage details
26	Requires the submission of cycle storage details

Case Officer: Idris Gulfraz

Photo(s)

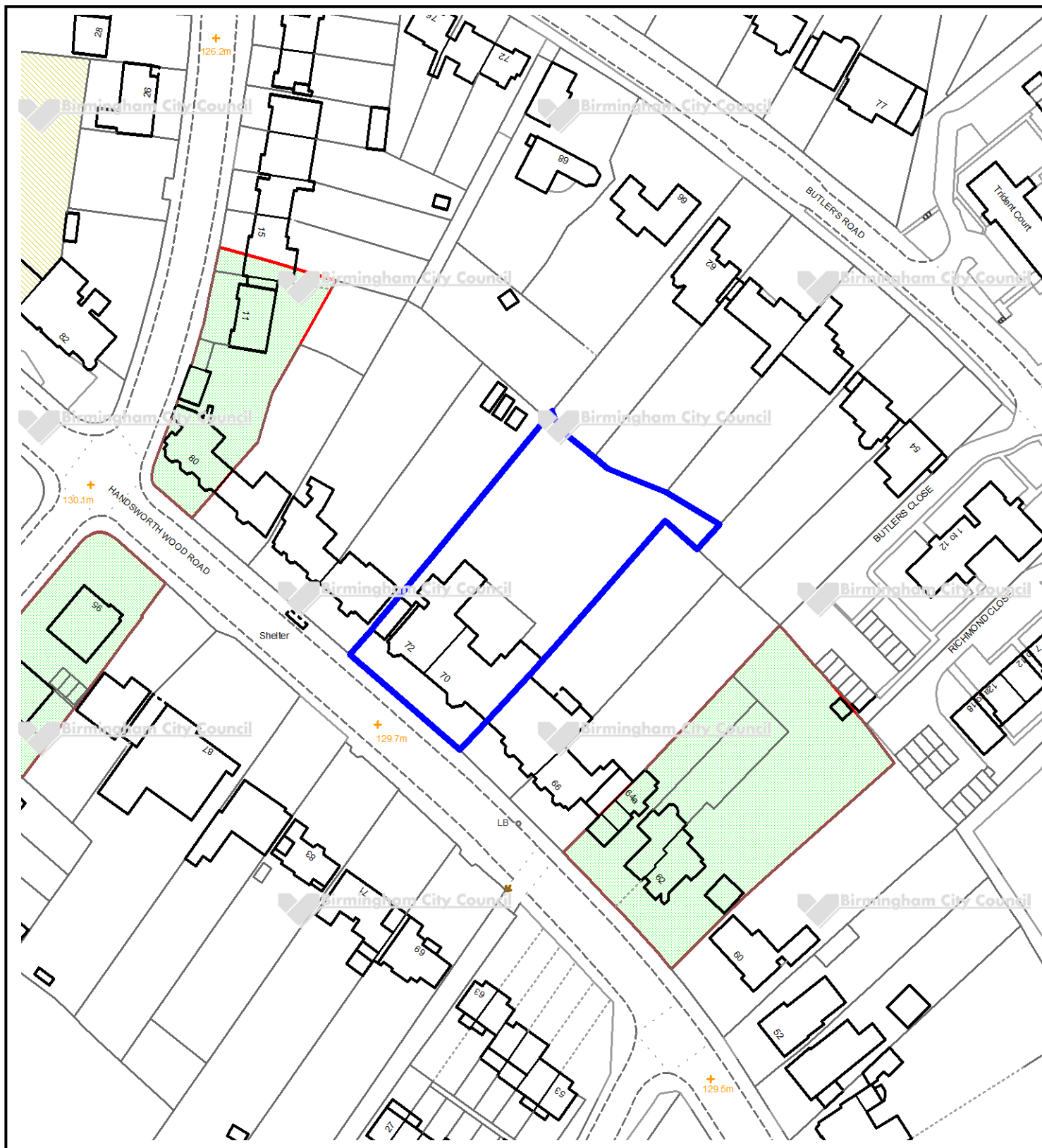


Image 1 – Front of private care facility.



Image 2 – rear of existing site – showing area of proposed extension.

Location Plan



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Committee Date:	30/07/2020	Application Number:	2020/04157/PA
Accepted:	12/06/2020	Application Type:	Demolition Determination
Target Date:	30/07/2020		
Ward:	Aston		

339-373 Birchfield Road, Perry Barr, Birmingham, B20 3BJ

Application for Prior Notification for the proposed demolition of former existing retail units

Recommendation

Prior Approval Required and to Approve with Conditions

1. Proposal

- 1.1. This application is made under the provisions of Part 11, Class B of the Town and Country Planning (General Permitted Development) Order 2015 and seeks a determination as to whether prior approval is required for demolition of No. 339-373 Birchfield Road commercial and residential units. The application site is approximately 0.9 hectares.

1.2. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site consists of a block of commercial units with residential facilities. The site is located within Perry Barr's Local Centre and is positioned east to the A34 dual carriageway. The site is also adjacent to a Network Rail line and sits opposite Perry Barr train station and One Stop Shopping Centre (north-west to site). There is a mixture of uses in the surrounding area including Perry Barr Methodist Church (Use Class D1), dwellinghouses (Use Class C3), storage facility (Use Class B8), retail units (Use Class A1), and takeaway (Use Class A5), in the surrounding area. Across the rail-line is the former Birmingham City University campus, and future Athlete's Village site for the Commonwealth games 2022.
- 2.2. The buildings on site consist of a row of terrace commercial units at street level with residential units above fronting the highway (Birchfield Road). Set behind these buildings are two storey red-brick residential units, a former exhaust services commercial building and courtyard and car parking area – which appears to be littered with waste.

3. Planning History

- 3.1. There are a number of historic planning applications related to the site, however, there are no relevant applications associated with this application.

4. Consultation/PP Responses

- 4.1. Local councillors were consulted. The prior notification has also been publicised by means of a site notice displayed by the applicant in accordance with the procedure set out in The Town and Country Planning (General Permitted Development)

(England) Order 2015 Schedule 2 Part 11 Class B - demolition of buildings B.2(b)(iv). No responses have been received.

4.2. Transportation Development - no objection subject to conditions.

4.3. Regulatory Services - no objection subject to conditions.

4.4. Network Rail - no objection in principle subject to conditions.

5. Policy Context

5.1. The following local planning policies are applicable:

- Birmingham Development Plan (BDP) 2017
- Birmingham Unitary Development Plan (UDP) 2005 (Saved Policies)

The following national policies apply:

- National Planning Policy Framework 2019
- General permitted Development Order/GPDO (2015) Class B, Schedule 2 Part 11.

6. Planning Considerations

6.1. The main considerations for this prior notification application are the method of demolition and any proposed restoration of the site in accordance with guidance set out in the General Permitted development Order 2015 (as amended 2019) for assessment of demolition applications in Schedule 2, Part 11, Class B.

Method of demolition

6.2. It is proposed for the buildings to be demolished to ground slab level. Kentledge'd Hoarding (2.4m height) will be erected as protection for the public whilst works take place. All asbestos containing materials and other hazardous containing materials will be properly removed from the site and be properly disposed of. Where possible, plasterboard materials will be separated from other waste materials for recycling or reuse purposes. Otherwise waste materials will be properly disposed of at landfill sites. Throughout the demolition process dust and noise will be monitored. The buildings will be softly stripped prior to demolition and once demolition has been undertaken, slabs, footings and foundations will be removed to a depth of 3m below ground level. The materials arising from demolition will be processed and screened and developer will backfill excavations and voids with selected site won materials. The site will be subsequently re-graded to fill any voids and changes in level.

6.3. The former High-street shops and residential uses, adjacent to Birchfield Road and Aston Lane (southern part of site), will be demolished by hand until the height of the first floor to minimise the impact of dust and debris on the public. The commercial building set within the rear of the site (northern part) will be demolished via use of machinery.

6.4. Following demolition works the hoarding will be removed and Paladin fencing (2.4m Height) will then be erected to the boundary to secure the site. An access gate will also be installed.

- 6.9. The demolition hours have excluded Sundays and Public Holidays. Additional restrictions have been applied to specific types of operating machinery which will mitigate impact of noise.
- 6.10. There are no trees currently located within the site boundary and the proposal does not include any removal of trees.
- 6.11. Ecological considerations have also been undertaken by the developer. The Preliminary Roost Assessment concluded that there is moderate suitability for roosting bats in the properties to be demolished and a dawn/dusk emergence survey was undertaken and concluded that the buildings were not used by bats as a roosting location. The City Ecologist is satisfied with these findings and highlights that ecological enhancements including bird and bat boxes will be required when the site's redevelopment comes forward.
- 6.12. Regulatory Services were generally supportive of the proposal; however, the consultation response did raise minor concerns relating to the extent of the hoarding and a request was made for additional hoarding to secure surrounding properties No. 1-9 Aston Lane which I am in agreement with. This will be included as a condition. Some information relating to contamination was submitted but as this relates to a demolition application and the end use is still to be proposed, this would be dealt with under the site's redevelopment at either outline or full planning application stage.
- 6.13. One site vehicular access point/route is proposed during demolition, located on Birchfield Road. It was outlined in the Construction Method statement that a Traffic Management Plan would be completed to provide further details relating to areas such as access; temporary traffic control measures; and restrictions to adjacent highway, pedestrian footpath and properties. Based on the information provided, Transportation Development were in favour of the proposal however, did recommend for the Traffic Management Plan to be submitted and approved by the Local Planning Authority prior to commencement of the development. It was also recommended that the spread of mud on the highway should be prevented and controlled via a condition. A condition to ensure dust prevention methods are implemented was also suggested. Further comments were raised, stating that any new gates proposed should be set back into the site to a distance so as to not adversely impact the highway to be conditioned against the application.
- 6.14. I am agreeable to the above so as to address and mitigate any potential highway safety concerns prior to development taking place.
- 6.15. Network Rail recommend that the developer must undertake the works with the agreement and supervision of network rail to ensure that the demolitions do not impact the safe operation and integrity of the railway and its boundary. Network Rail also requested for the developer to enter into a basic asset protection agreement with them with no development taking place until agreed with Network Rail, which is separate of the planning system.

7.0. Conclusion

- 7.1. There is no objection to the proposed demolition in principle, however, it is viewed that more details are required to reduce any harmful impact the development may cause on surrounding areas and highway safety. It is therefore recommended that prior approval be granted subject to the appropriate conditions.

8. Recommendation

8.1. Prior approval required and approved subject to conditions.

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- | | |
|---|---|
| 1 | Requires the prior submission of details of additional hoarding |
| 2 | Requires the prior submission of a Traffic Management Plan |
| 3 | Requires gates to be set back |
-

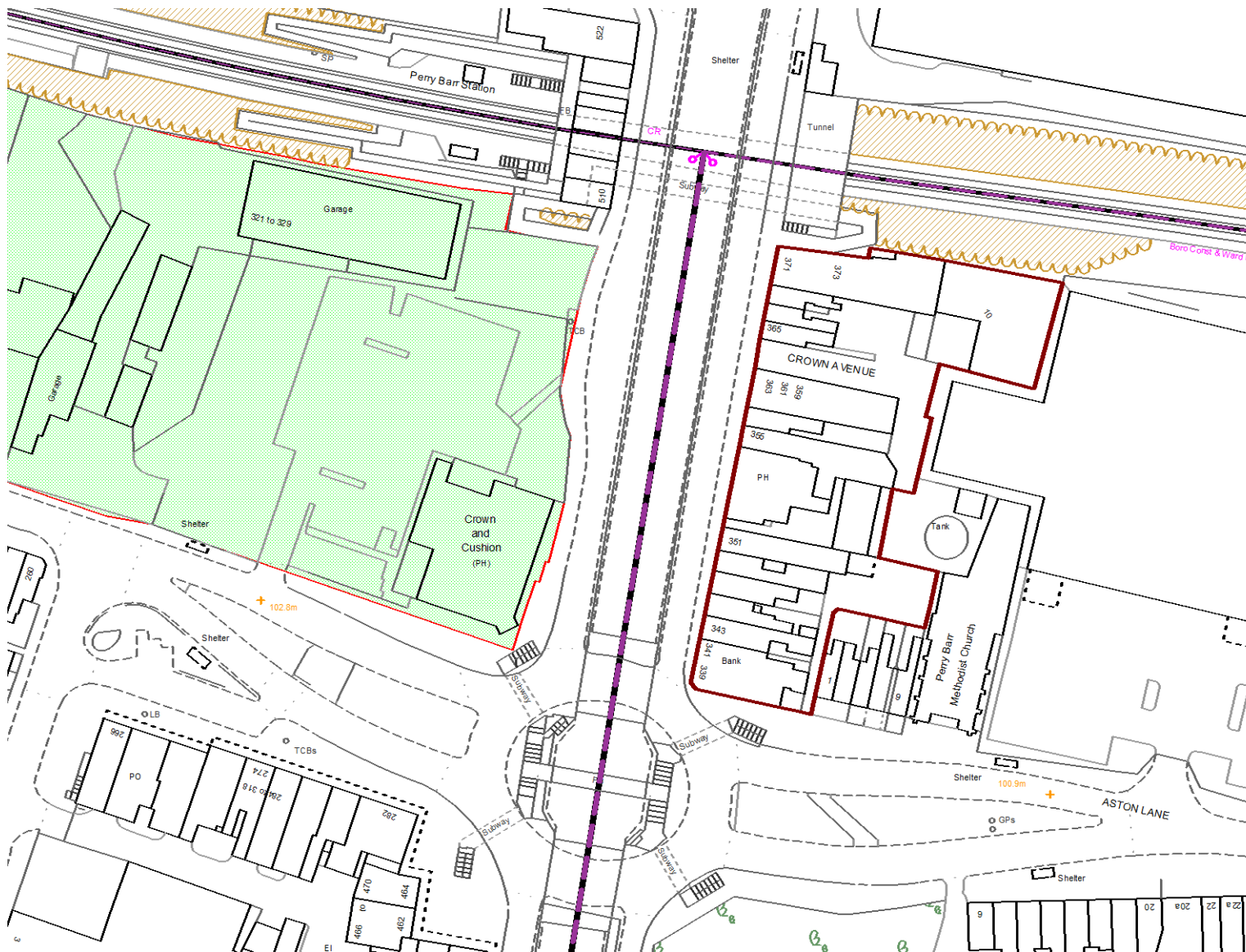
Case Officer: Janay Christie

Photo(s)



Aerial view of the site (looking east)

Location Plan



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REPORT OF THE INTERIM DIRECTOR INCLUSIVE GROWTH

To : Planning Committee

Date : 30th July 2020

Subject : Acivico (Building Consultancy) Ltd - Annual Performance Overview

Period : Financial Year (1st April 2019 – 31st March 2020 *inclusive*)

Background

Acivico (Building Consultancy) Ltd was established as a wholly owned company by Birmingham City Council in April 2012. This report focusses on Building Consultancy's performance for the previous financial year April 2019 to March 2020 (inclusive).

Contractual obligations between the Council and Building Consultancy require that performance is monitored and reported on a quarterly basis to an independent Performance Management and Monitoring Board (PMMB). This is chaired by the Council's Statutory Functions Officer (CSFO) with support from the Contract Management and Performance Team (CMaP). A component of these obligations is to share overall performance outcomes with the Planning Committee on an annual basis.

Performance Context

The services provided by Building Consultancy are statutory and therefore delivered on the Council's behalf. One consequence of this is that any formal notices issued during the execution of functions must be in the Council's name and duly authorised by a nominated officer (CSFO).

Acivico Building Consultancy has a longstanding reputation for the provision of high quality public facing services and contractual measures are therefore in place to ensure that its Customer Service Excellence (CSE) and ISO9001:2015 status are maintained. Both are widely regarded as national benchmarks and are independently assessed by licensed external bodies on an annual basis.

The Customer Service Excellence assessment was completed in November 2019 and in keeping with previous years confirmed full compliance, with elements of 'compliance plus'. The ISO9001:2015 assessment was completed more recently in January 2020 and also found the service to be fully compliant with all elements of this internationally recognised standard.

Key Performance Indicators (KPIs)

KPIs are agreed on an annual basis with the Performance Monitoring and Management Board and are subject to robust challenge/review with any subsequent adjustments reflected in the contract. For the year in review (2019-2020) seven primary measures had previously been agreed that would enable a targeted focus on the most critical functions.

Safety at Sports Grounds

The Council holds a statutory responsibility for oversight of 'safety' at designated sports grounds and stands. These presently include three grounds (Aston Villa, Birmingham City and Edgbaston County Cricket Ground) and 'regulated' stands at Alexander Stadium. Building Consultancy operates as a technical advisor to the Council's resilience team supporting them in the requirement to issue safety certification on each venue. To facilitate this Building Consultancy officers provide specialist advice, undertake match day inspections and attend safety advisory groups and liaise with the Sports Grounds Safety Authority (SGSA).

In 2018 the scope of these statutory responsibilities was substantially enhanced to widen definitions to include 'all persons present within the ground' rather than previously just spectators. The revised responsibilities also incorporate oversight of anti-terror measures both within and outside facilities.

In keeping with this remit Building Consultancy is presently actively working alongside developers for the infrastructure projects connected to the Commonwealth Games.

Safety Certification Review Target 100%	Actual 100%
Attendance (matches identified for inspection) Target 100%	Actual 100%

Trend Analysis (Previous performance)

2016/2017	2017/2018	2018/2019
100%	100%	100%

Building Regulation Applications

Almost all projects from a kitchen extension to a multi-storey mixed-use tower require an input under the Building Regulations to ensure that they meet the minimum technical standards for construction. This is most commonly discharged through two linked processes, firstly initial assessment of design stage plans/details followed by verification inspections on site during construction.

Decision Speed

There is a statutory requirement to issue a decision on a Building Regulation application (design stage appraisal) within twenty five working days of submission.

Target 100%	Actual 100%
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Trend Analysis over the previous five years.

2014/2015	2015/2016	2016/2017	2017/2018	2018/2019
99%	100%	100%	100%	100%

Decisions Approval Rate

Building Consultancy has a performance objective to ensure that an appropriate percentage of decisions are either approved or conditionally approved first time. The certainty that this generates is something that is valued by regular volume submitters. However, the capacity to 'approve' is dependent upon the technical quality of submitted plans along with a number of associated legislative constraints including input from third parties consultees such as West Midlands Fire Service.

Target 95%	Actual 96%
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Trend Analysis (Previous year end performance)

2014/2015	2015/2016	2016/2017	2017/2018	2018/2019
96%	96%	97%	97%	97%

Customer Satisfaction

This measure complements the various quantitative indicators to ensure quality of service is not compromised. The target requires a minimum of 90% of clients express satisfactory with the service provided in an end of service questionnaire. Questionnaires are deployed as part of the final stage completion certificate issued following successful inspection on site during construction.

Target 90%	Actual 94%
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2014/2015	2015/2016	2016/2017	2017/2018	2018/2019
96%	96%	96%	97%	93%

Dangerous Structures (Response Times)

Dangerous structures are reported from a variety of sources including, councillors, officers, emergency services and the public. Incidents are assessed for their severity from the information available to determine a target level of deployment for an officer. There are three agreed contractual levels of response (working hours);

Category A (immediate danger) – arrival on site **within 2 hours**

Category B (moderate danger) – arrival on site within 6 hours

Category C (low risk) – arrival on site by the close of the next working day.

Building Consultancy also support the Council's resilience team through a 24/7 365 day a year response service via the corporate emergency contact centre. *Due to their nature requests through this channel are automatically categorised as category A incidents.*

Category A - Target 100%	Actual 100%
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2014/15	2015/16	2016/17	2017/18	2018/2019
100%	98%	100%	100%	100%

Categories B and C are not part of the formal KPI but are closely monitored due to the public safety nature of the service delivered.

Category B+C - Target 95%	Actual 100%
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Complaint Response Times

Building Consultancy mirrors the Council's corporate complaints process and as such ensure expressions of dissatisfaction are appropriately investigated and responded to within fifteen working days. This also forms an integral element of both the CSE and ISO9001:2015 standards.

Target 100%	Actual 100%
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Trend Analysis (Previous year end performance)

2017/2018	2018/2019
100%	100%

Additional activities

Building Consultancy delivers a number of specialist technical roles to support the Council in the discharge of its statutory responsibilities under the Building Act and allied legislation. Many of these are not formally represented by KPIs but are subject to robust scrutiny and quarterly oversight using a comprehensive suite of contract management indicators (CMIs) which are reported at each quarterly PMMB.

Independent Review of Building Regulations & Fire safety : The Hackitt Review

This matter has previously been reported on and remains an area of significant governmental focus. December 2018 saw some initial adjustments to the technical 'Building Regulations' and more recently the direction of legislative travel was published in April 2020. A number of fundamental changes are signposted including the establishment of a new Building Safety Regulator with corresponding powers and responsibilities. It is clear that the proposed changes will significantly change the landscape and bring much needed scrutiny to the levels of competency that are necessary to assess complex 'in scope' buildings (presently 18m+ residential).

In anticipation of these changes seven senior officers within Building Consultancy have recently gained certification to the highest level of competence in fire safety that presently exists.

Implications for Priorities

A Modern and Successful City

An effective Building Control service is integral to the development process ensuring that buildings achieve the required standards of health, safety and welfare for those who own, work in or use them.

Recommendation

That this report be noted.

Ian Macleod
Interim Director Inclusive Growth

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