

# Birmingham City Council

## Planning Committee

15 April 2021

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Approve - Conditions	6	2020/09978/PA  Northern half of the former Birmingham Battery Site, land to the east of Aston Webb Boulevard and west of the Worcester and Birmingham Canal Selly Oak Birmingham B29  Hybrid planning application comprising: Outline application with all matters reserved for an office and research and development campus (Use Class E(g)(i) and E(g)(ii)), including multi-storey car park (Sui Generis) and ancillary gym (Use Class E(d)), landscaping, access, drainage infrastructure, lighting, plant, and associated development. Full application for Phase 1 comprising a 7 storey office and research and development building (Use Class E(g)(i) and E(g)(ii)), with an ancillary cafe (Use Class E(b)), vehicular access, internal spine road, temporary surface car park, pedestrian and cycle infrastructure, landscaping, drainage infrastructure, lighting, plant and flues, substation, and associated development.
Approve – Subject to 106 Legal Agreement	7	2020/09122/PA  Land at Hunts Road/Ripple Road Stirchley Birmingham B30 2PW  Full application for 87 dwellings with associated landscaping and infrastructure.

Committee Date:	15/04/2021	Application Number:	2020/09978/PA
Accepted:	11/12/2020	Application Type:	Full Planning
Target Date:	16/04/2021		
Ward:	Weoley & Selly Oak		

Northern half of the former Birmingham Battery Site, land to the east of Aston Webb Boulevard and west of the Worcester and Birmingham Canal, Selly Oak, Birmingham, B29

Hybrid planning application comprising: Outline application with all matters reserved for an office and research and development campus (Use Class E(g)(i) and E(g)(ii)), including multi-storey car park (Sui Generis) and ancillary gym (Use Class E(d)), landscaping, access, drainage infrastructure, lighting, plant, and associated development. Full application for Phase 1 comprising a 7 storey office and research and development building (Use Class E(g)(i) and E(g)(ii)), with an ancillary cafe (Use Class E(b)), vehicular access, internal spine road, temporary surface car park, pedestrian and cycle infrastructure, landscaping, drainage infrastructure, lighting, plant and flues, substation, and associated development.

Recommendation

**Approve subject to Conditions**

1. Proposal
  - 1.1. This is a hybrid planning application which seeks both full and outline consent for the development of a Health and Innovation Campus.
  - 1.2. Full Application
  - 1.3. Full planning permission is sought for Phase 1 which consists of a 7 storey office and research development building (building 1), with an ancillary café, a temporary surface car park, as well as associated infrastructure and landscaping. Three floors of building 1 will be home to the Precision Health Technologies Accelerator (PHTA). This facility will be occupied by the University of Birmingham and will focus on enabling the classification of patients and their treatments; allowing for a better understanding of these treatments and how they can be used within certain groups of people. The research and trials undertaken will aid in the development of precision medicine and improve the drug development pipeline; driving health innovation and development of new technologies.
  - 1.4. Building 1 has a gross internal floor of 15,937sqm and in addition to being occupied by the University will provide a hub for businesses working in medtech, biopharma, precision medicine, healthcare AI and genomics. Supporting facilities will also be provided including meetings spaces, and a café on the ground floor.

- 1.5. Building 1 is located within the north-eastern part of the site adjacent to the railway embankment. The building is 7 storeys in height and split over two levels, taking account of the change in levels across the site.
- 1.6. The layout of Building 1 is rectangular, providing a rational floor plate centred around two primary cores. Flues are proposed within Building 1 to facilitate the laboratory facilities.
- 1.7. The main entrance is to be located within the south-western corner of the building, opening up to the heart of the campus and public realm.
- 1.8. The design of Building 1 is centred around the concept of an 'ordered bookshelf'. A grid expression has been used to achieve the bookshelf concept, with horizontal bands helping to break up the elevation of the buildings, and vertical fins which also help with solar shading. The ground floor along the western elevation is mostly glazed. Dark and light grey aluminium is proposed for the banding and textured panelling in between the glazing, with a gold coloured aluminium used for the vertical fin.



Image 1: south and west elevations of building 1 showing the proposed entrance

- 1.9. Substantial landscaping is also proposed in phase 1 in the form of a central green, pond, pedestrian routes and woodland. Within the southern part of the site, temporary wild flower seeding is proposed adjacent to the pedestrian route to the canal link, where the future second phase building will sit. Temporary wild flower seeding will also be located around the temporary surface car park until this area of the site is developed.
- 1.10. A ramped canal link is proposed to address the change in levels up to the canal footpath, and provides a connection to the retail park.
- 1.11. The primary vehicular movement through the site is being established through Phase 1. This vehicular route will be via an access point off the Queen Elizabeth Island roundabout. The internal spine road connects to this access point and sits along the eastern boundary to the railway embankment. As part of future phases of

development the internal spine road will be extended further south, and along the southern boundary to the multi-storey car park.

- 1.12. The internal spine road brought forward as part of Phase 1 will connect to a temporary surface car park in the western part of the site. The temporary surface car park, providing 258 spaces (including 6 accessible spaces), 5 motorbike spaces, and 68 bicycle spaces, will provide parking for occupiers of Building 1, as well as accommodate occupiers of the second phase of development.
- 1.13. The cycle parking will be provided within building 1 for 44 cycles and 60 temporary long stay/staff cycle parking will be provided within cycle storage sheds adjacent to the temporary surface car park.

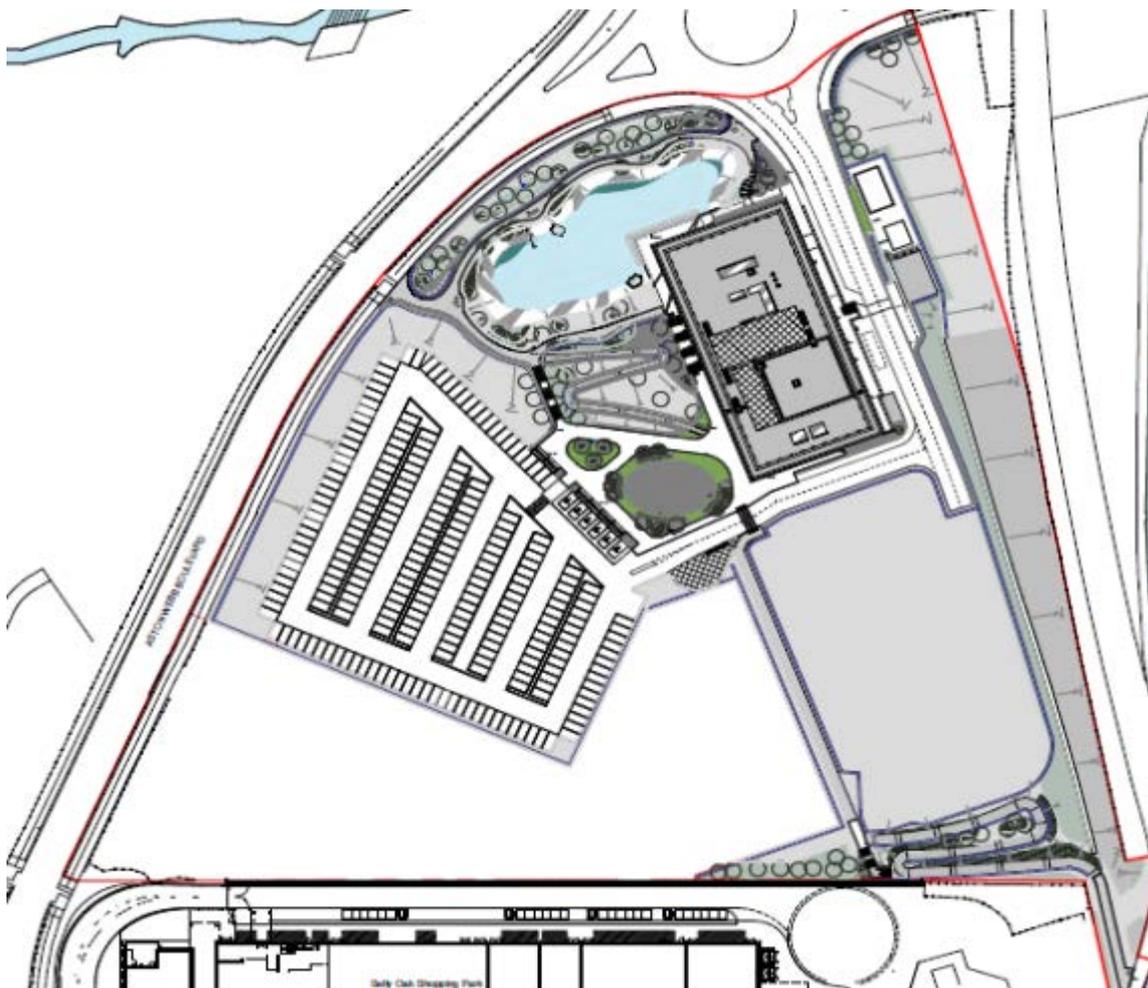


Image 2: Phase 1 layout

#### 1.14. Outline Consent

- 1.15. Outline planning permission with all matters reserved is sought for the remainder of the application site to bring forward up to a further five office (Use Class E(g)(i)) and research development (use Class E(g)(ii)) buildings and a multi-storey car park (MSCP). A gym (Use Class E(d)) with the gross floor area of 1,000sqm is also proposed within one of the buildings. This would only be for use by employees of the campus. For the outline elements, all matters are reserved for future approval.
- 1.16. The applicant has proposed the following maximum floor areas for each plot:

Development Plot	Use Class	Maximum Quantum (GIA m <sup>2</sup> )
2		17,451
3		11,032
4	Use Class E(g)(i) / E(g)(ii), plus ancillary gym (Use Class E(d))	15,848
5		9,660
6		7,584
MSCP	Sui Generis	1,333 parking spaces
<b>Total</b>		<b>77,512</b>

- 1.17. A series of parameter plans have been submitted that set out the maximum massing, footprints, heights, plant screening heights and floor levels for each plot. It is proposed that building heights will increase towards the rear of the site with heights varying between 6 and 8 storeys high.

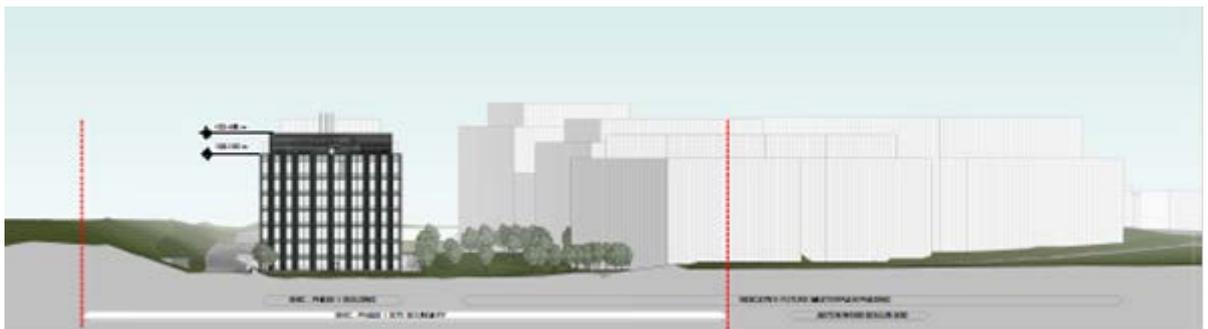


Image 3: North Elevation showing Building 1 and indicative outline of later phases

- 1.18. The multi –storey car park has been positioned to the rear of the site, along the southern boundary adjacent to the retail park retaining wall. The MSCP is proposed to provide up to 1333 car parking space across 13 levels. The floor-to-floor levels within the car park are reduced in height in comparison with the storey heights of the commercial buildings. In line with the Parameter Plans, the height of the MSCP will be of a similar height to the commercial buildings.



Class A4), hot food take-away (Use Class A5), leisure (Use Class D2), student accommodation (Sui Generis), petrol filling station (Sui Generis), a linear open space walkway 'greenway', vehicular Access to the site, car parking (including multi storey car parking), landscaping, retaining walls, and associated works including demolition of existing buildings. Matters Reserved: Scale, Layout, Appearance, Landscaping, pedestrian and cycle Access, and vehicular Access within the site. Approved

3.3. 17/12/2015, 2015/04902/PA Reserved matters application following outline consent 2013/02178/PA for the layout, scale, appearance, landscaping, pedestrian and cycle access, and vehicular access within the site for the supermarket and other retail development, student accommodation and petrol filling station. Approved

3.4. 02/02/2021, 2020/08125/PA, Enabling works comprising earthworks and site levelling, drainage infrastructure, erection of a primary sub-station, site compound, site access road and temporary surface car park to base course and below ground services and associated development. Approved

#### 4. Consultation/PP Responses

4.1. Network Rail – No objection

4.2. Environment Agency – No objection subject to conditions requiring implementation in accordance with submitted FRA and if further contamination is found remediation strategy is required,

4.3. Canals and Rivers Trust – No objection subject to conditions requiring details about the impact on the towpath, landscaping scheme, planting plan and an informative encouraging the applicant to work closely with CRT.

4.4. Historic England – Concerns raised over the impact on nearby heritage assets including the loss of views of the Roman Forts at Metchley Scheduled Ancient Monument and Grade II\* listed buildings at the University (Clock Tower, Great Hall and the Crescent).

4.5. Natural England – No objection

4.6. Severn Trent – No objection subject to drainage condition

4.7. Regulatory Services – No objection subject to conditions requiring the submission of a contamination remediation scheme, contaminated land verification report, construction management plan, extraction and odour details for café, lighting scheme and noise levels for plant and machinery.

4.8. Transportation – No objection subject to conditions requiring temporary car park to be provided prior to occupation, measures to control on the minor site egress, Parking management Plan, Travel Plan, cycle parking plan and construction management plan.

4.9. Employment Access Team – No objection subject to conditions requiring submission of construction employment plan and local employment strategy.

4.10. LLFA – No objection subject to conditions requiring the submission of sustainable drainage scheme and operation and maintenance plan.

- 4.11. Local occupiers, Ward Councillors, MP and resident associations were notified. A site notice and press notice have been displayed. 2 comments has been received raising the following matters:
- This scheme will continue to develop the Selly Oak area which is positive;
  - The junction should be designed to give priority to pedestrians and cyclists;
  - The building profile is 1-2 storeys too high which impacts on views of key landmarks; and
  - A significant number of the parking spaces should have electric charging points (50% plus).

## 5. Policy Context

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

## 6. Planning Considerations

- 6.1. The key considerations in the determination of this application are the principle of the development, economic impact, impact on residential amenity, highway safety, the character of the area, the Historic Environment, contamination, ecology and drainage.
- 6.2. Principle of Development
- 6.3. Policy GA9 of Birmingham Development Plan (BDP) promotes the Selly Oak and South Edgbaston area for major regeneration and redevelopment. The policy seeks to strengthen the role of Selly Oak District Centre Growth Point. The policy makes reference to a new economic zone as the focus of investment in the life sciences sector and specifically identifies the northern half of the Birmingham Battery Site as the location for a Life Sciences Campus. It goes onto explain that the purpose built campus should create a high quality environment that will be of a size that provides the critical mass needed for its success.
- 6.4. The site, which is adjacent to the District Centre and has lain vacant for a number of years. When outline planning permission was granted for a major mixed use development on the Battery Site (2012/02178/PA) the principle of a life sciences park was accepted on the application site. The remainder of the battery site has now been re-developed with the provision of large food store, other retail units and purpose built student accommodation. The Planning Policy Team support the principle of development but highlight that the flexibility that is now afforded to uses that fall under class E. A condition is therefore proposed restricting the use to classes E(g)(i) and E(g)(ii).
- 6.5. In summary the provision of an office and research and development campus is supported by Policy GA9 and the principle of such use has previously been accepted by the granting of a previous planning approval.
- 6.6. Economic Impact

- 6.7. The submitted Environmental Statement includes a chapter on the socio-economic and human health impacts. During the construction phase it is estimated that the development will create approximately 175 on and off-site full time jobs when factoring in the impact on the supply chain and economic multiplier effect. Furthermore, the applicant has estimated that the proposed scheme would directly generate £9.7 million in GVA per annum during the 10 year construction period. When factoring in the indirect GVA impact at total of £130,000,000 could be generated over the 10 year period.
- 6.8. Once operational the development is expected to create 2,146 on-site full time jobs which is considered to be a conservative estimate as it is based on low employment densities. A further 2,950 jobs could be created elsewhere in the West Midlands due to the direct and in-direct impacts of the development on supply chain businesses. When combining both the direct and indirect GVA generation the scheme is expected generate £185,100,000 per annum.
- 6.9. In summary, this major scheme would deliver significant economic benefits over both the construction and occupation of the development which would substantially boost the local economy.
- 6.10. Residential Amenity
- 6.11. As only outline consent is sought for the majority of the site the full amenity impact cannot be fully assessed at this stage. However, the parameters plans submitted indicate that no buildings will be taller than 8 storeys with building 1 being 7 storeys high. The closest residential accommodation is no. 178 Harborne Lane, which is approximately 98m from the site boundary. Taking into account the scale of the buildings this level of separation ensures that no significant issues will arise in terms of loss of light or loss of privacy.
- 6.12. It is acknowledged that there is likely to be some noise and disturbance during the construction phase however this would only be temporary in nature.
- 6.13. Highways Considerations
- 6.14. The site access to be provided is in line with the previous outline consent (2013/02178/PA) resulting in a 4<sup>th</sup> arm on the Queen Elizabeth roundabout that will initially provide access to building 1 and the surface level car park. Pedestrian and cycle routes are to be provided throughout the site with a new connection to the canal towpath via a ramp.
- 6.15. The TA analyses the previous consents and reviews trip generation based on similar science parks and University of Birmingham travel plan data to provide a more robust analysis of potential impacts. The Council's Transportation Officer notes that there is an increase in vehicle trips related to the increased amount of development but the assessment of the site access and roundabout operation is all within accepted levels.
- 6.16. Car parking is provided in a surface temporary car park initially which has 258 spaces (including 6 accessible spaces) and then will be located in a multi storey facility when further phases are built out. The level of car parking provision is considered sufficient for both building 1 and building 2 which will come forward with phase 2.
- 6.17. As part of the full application for building 1 a total 44 cycle parking spaces are proposed internally on the lower ground level. A further 60 temporary spaces provided within cycle storage sheds adjacent to the temporary surface level carpark.

This level of cycle provision meets the Council standards. To further encourage cycling building 1 includes shower and changing facilities and lockers.

- 6.18. The level of cycle parking for the outline application has not yet been confirmed. This matter can be addressed within each reserved matters application once the floor area of each individual building has been confirmed and also secured by condition. The applicant has also committed to providing facilities for cyclists within each building on the site.
- 6.19. The maximum provision proposed within the outline application for the multi-storey car park is 1,333 car parking spaces. Based on the amount of development proposed the adopted parking Standards SPD indicate that a maximum of 1722 spaces could be acceptable. The new emerging parking standards would permit up to 1292 spaces. With the level of provision falling 389 spaces below the maximum levels within the adopted standards the level of parking provision is considered to be acceptable. Furthermore the applicant is committed to monitoring parking use throughout the phased development of the site to determine whether all 1,333 spaces are required. A condition is proposed ensuring regular monitoring of the Parking management Plan.
- 6.20. Transportation have confirmed that the applicants are currently in the process of agreeing a s278 Highway Agreement for the works and this will manage the process on the access design of the fourth arm on the Selly Oak New Road roundabout.
- 6.21. Transportation have raised no objection to the scheme. It is therefore considered that the proposal would not have a significant impact on the public highway.
- 6.22. Character Impact
- 6.23. The siting of Building 1 creates a prominent frontage for the Health Innovation Campus in the part of the site closest to, and best connected with, the wider Health Campus including the QE hospital, medical school and university. The building's scale and mass reflect its intended use whilst starting to form a strong identity for the overall Health Innovation Campus. Its appearance is underpinned by its function and achieving an efficient, sustainable building form, with selection and detailing of materials adding extra layers of visual interest that balance the horizontal and vertical elements of the facades. The Council's City Design Officer considers that the end result is an attractive, distinctive building with active glazed facades to all sides that will help the campus achieve a strong sense of place and positively add to the character of the local area.
- 6.24. As stated previously, only outline consent is being sought for the remainder of the site with all matters reserved which means the detailed design of the other buildings cannot be considered at this stage. However, the parameters plans submitted indicate the footprints, heights, levels of each building as well as the access and movement hierarchy and these details can all be secured by condition. The plans show a further 4 or 5 buildings plus a multi-storey car park. It is not clear at this stage whether the final building will be a single large building or 2 smaller buildings on the same footprint.
- 6.25. The design creates a strong identity for the campus, with buildings arranged around the central green space integrating it with the adjacent area with a strong visual focus towards the wider health campus to the north. The scale and massing is fairly consistent across the site, ranging from 6 to 8 storeys, rising towards the south and east. The multi-storey carpark is positioned as discreetly as possible, close to the retaining wall and backs of retail units in the south west corner of the site. It is acknowledged that this will need to be carefully designed to ensure that it provides

interest to the Aston Webb Boulevard frontage but is secondary to the buildings in the streetscape and wider views. The masterplan approach is supported by the City Design Officer.

- 6.26. In summary the redevelopment of the site would have a positive impact on the character of the wider area.
- 6.27. Impact on the Historic Environment
- 6.28. Paragraph 193 of the NPPF indicates that when local planning authorities are considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be.
- 6.29. In this case there are a number of heritage assets which are relatively close to the application site. Within the University campus there is the Clock Tower, the Great Hall and the Crescent all of which are Grade II\* listed. The Clock Tower is approximately 660m from the application whilst the Great Hall and Crescent are closer at 570m. To the north of the site are the remains of the Roman Forts at Metchley, a scheduled monument which is 470m from the application site.
- 6.30. Historic England believe that the scale, massing and proximity of the proposal will significantly obstruct the available views south from the scheduled monument. They also believe that the proposed buildings would obstruct some views of the listed University buildings from the south west. Historic England have not objected to the development but have raised concerns over the proposal impact on these heritage assets.
- 6.31. In contrast, the Council's Conservation Officer does not believe that Great Hall or Crescent is visible from the application site and therefore the proposal cannot impact on the setting of these buildings. The Conservation Officer highlights that the 100m tall clock tower can be seen from many different locations across the City. Whilst the application would block a view from Harborne Lane the Conservation Officer considers that this isn't one of the designed views of the Clock Tower and therefore will not diminish its impact as the dominant built feature in the south Birmingham skyline.
- 6.32. Metchley Roman Fort Scheduled Monument largely consists of buried remains. The fort was deliberately located in this hill top location for strategic reasons. The Conservation Officer does not consider that the application site contributes to its significance due to the level of separation and the fact the application site is set on much lower ground than the monument.
- 6.33. In response to Historic England's comments the applicant has provided an additional statement on heritage matters. This statement reiterates that they are of the view that the proposed scheme does not diminish or harm the significance of the designated heritage assets. Taking in account the level of separation and lack of impact on important views it is considered that on balance the proposal does not impact on the setting these designated heritage assets in accordance with Policy TP12 of the BDP.
- 6.34. Landscape & Trees
- 6.35. The site was cleared a number of years ago and no landscape features require removal to facilitate the scheme. Due to the changes in levels a lake formed at the northern end of the site which is most obvious during periods of rain. This lake will be substantially enhanced to provide an attractive water feature within the first

phase of the development. A pedestrian link will also be provided through the whole site at this stage which connects to the canal. Substantial tree and hedge planting is proposed adjacent to Aston Webb Boulevard and a woodland area will be created adjacent to the railway embankment. A central green is also proposed in heart of the site to provide an attractive space for visitors and employees to relax or pass through the site.

- 6.36. No detailed landscaping plans have been provided for the outline element however a condition can ensure that appropriate hard and soft landscaping is secured on a phase by phase basis.
- 6.37. Drainage
- 6.38. The applicant has provided a Flood Risk Assessment and Drainage Strategy. The strategy indicates that a water feature will be provided on site to manage surface water run-off. This feature has occurred naturally on site in recent years during periods of wet weather.
- 6.39. The Lead Local Flood Authority have reviewed the submitted statement and are content that sufficient information about the proposed drainage scheme has been provided. They therefore raise no objection subject to conditions.
- 6.40. In summary sufficient information has been provided to demonstrate that the proposal does not increase the risk of surface water run-off in accordance with policy TP6 of the BDP.
- 6.41. Ecological Impacts
- 6.42. The Council has a duty to consider the impact of any proposal on protected species. The Environmental Statement submitted includes an Ecological Impact Assessment which has been informed by an ecological records search and various surveys completed between August 2019 and August 2020.
- 6.43. Part of Land at Vincent Drive SLINC is located within the redline boundary. Worcester and Birmingham Canal SLINC is adjacent to the eastern boundary, beyond the railway corridor.
- 6.44. The majority of the site was previously cleared of vegetation and remediated a number of years ago. Early-stage successional vegetation (tall ruderal and ephemeral/short perennial vegetation) has subsequently re-colonised in part. Additional habitats are located around the periphery of the site with small areas of grassland and scrub with a number of trees located on the railway embankment.
- 6.45. The various surveys undertaken indicate that badgers have used the site but there are no active setts on site. The survey confirmed that the water feature was not suitable for great crested newts in its current condition and the majority of bat activity is concentrated around the canal and railway corridors.
- 6.46. The key impacts identified in the Environmental Statement are the loss of habitat for breeding birds and invertebrates and the permanent loss of SLINC designated habitats. The Statement sets out a number of mitigation measures including the creation of a wooded bank adjacent to the railway line, provision of a landscaped buffer between the site and Aston Webb Boulevard and creation of a water body and surrounding wetland habitat.
- 6.47. The Council's Ecologist initially raised concerns over the extent of mitigation proposed. However, following updated submissions that provide further

enhancement to the remaining SLINC the Ecologist considers that the proposal demonstrates compliance with NPPF and Policy TP8 of the BDP. It is therefore considered that there will be no adverse impact on ecology.

7. Conclusion

7.1. The proposed hybrid application will deliver a health and innovation campus that will have substantial economic benefits for the locality. In terms of both the full and outline elements no concerns are raised in relation to highway safety, character, ecology, amenity, drainage, contamination or flood risk. The proposal constitutes sustainable development and is therefore in accordance with the aims and objectives of both local and national planning policy and should be approved.

8. Recommendation

8.1. Approved subject to conditions

1	Requires the scheme to be in accordance with the listed approved plans
2	Implement within 3 years (Full - phase 1)
3	Requires the submission of sample materials (full - Phase 1)
4	Requires the prior submission of a contamination remediation scheme (full - phase 1)
5	Requires the submission of a contaminated land verification report (full - phase 1)
6	Requires the submission of extraction and odour control details (cafe in phase 1)
7	Requires the submission of hard and/or soft landscape details (full - phase 1)
8	Requires the submission of a landscape management plan (full - phase 1)
9	Requires the temporary surface level parking area to be laid out prior to occupation of phase 1 (full - phase 1)
10	Implementation of cycle storage for phase 1 (full - phase 1)
11	Requires the implementation of the Construction & Environmental Management Plan (full - phase 1)
12	Requires the submission of a CCTV scheme (full - phase 1)
13	Requires the prior submission of a sustainable drainage scheme (full- phase 1)
14	Requires the submission prior to occupation of the development of a Sustainable Drainage Operation and Maintenance Plan (full - phase 1)
15	Requires the implementation of development in accordance with submitted Construction Ecological Mitigation Plan (full - phase 1)
16	Requires the submission of a scheme for ecological/biodiversity/enhancement measures (full - phase 1)

17	Requires the prior submission of a landscape and ecological management plan (full - phase 1)
18	Implement within 10 years (outline)
19	Requires the submission of reserved matter details following an outline approval (subsequent outline phases)
20	Requires the submission of a lighting scheme in a phased manner (subsequent outline phases)
21	Requires the submission of a contaminated land verification report on phased basis (subsequent outline phases)
22	Requires the prior submission of contamination remediation scheme on a phased basis (subsequent outline phases)
23	Submission of measures to control egress on the minor site egress (outline approval)
24	Requires the submission of cycle storage details in a phased manner (subsequent outline phases)
25	Requires the prior submission of a sustainable drainage scheme in a phased manner (subsequent outline phases)
26	Requires the submission prior to occupation of the development of a Sustainable Drainage Operation and Maintenance Plan on a phased basis (subsequent outline phases)
27	Requires the implementation of the Flood Risk Assessment
28	Requires the prior submission of unexpected contamination details if found on a phased basis
29	Requires the submission of hard surfacing materials on a phased basis (subsequent outline phases)
30	Requires the submission of a landscape management plan on a phased basis (subsequent outline phases)
31	Requires the submission of hard and soft landscape details on a phased basis (subsequent outline phases)
32	Requires the submission of sample materials in a phased manner (subsequent outline phases)
33	Requires the prior submission level details on a phased manner (subsequent outline phases)
34	Requires the submission of boundary treatment details in a phased manner (subsequent outline phases)
35	Requires the submission of extraction and odour control details in a phased manner (subsequent outline phases)
36	Requires the submission of a scheme for ecological/biodiversity/enhancement

	measures on a phased basis (subsequent outline phases)
37	Requires the prior submission of a construction ecological mitigation plan on a phased basis (subsequent outline phases)
38	Requires the prior submission of a landscape and ecological management plan on a phased basis (subsequent outline phases)
39	Requires the submission of a CCTV scheme (subsequent outline phases)
40	Building footprints and heights in accordance with submitted details (outline approval)
41	Maximum Quantum of Uses on Outline Approval (outline approval)
42	Access and Movement Hierarchy in accordance with submitted details (outline approval)
43	Requires the submission of a Construction & Environmental Management Plan on phased basis (subsequent outline phases)
44	Requires the prior submission of a phasing plan (subsequent outline phases)
45	Prevents the use from changing within the use class
46	Requires the review of the approved Parking Management Plan (phases 1 -6)
47	Requires the review of the approved Framework Travel Plan (phases 1 - 6)
48	Submission of BREEAM standard excellent certificate (phases 1 - 6)
49	Requires the scheme to be in accordance design and access statement
50	Limits the noise levels for Plant and Machinery
51	Requires the scheme to be in accordance with the Environmental Statement
52	Requires the installation of means of access prior to occupation of any buildings

Case Officer: Andrew Fulford

**Photo(s)**

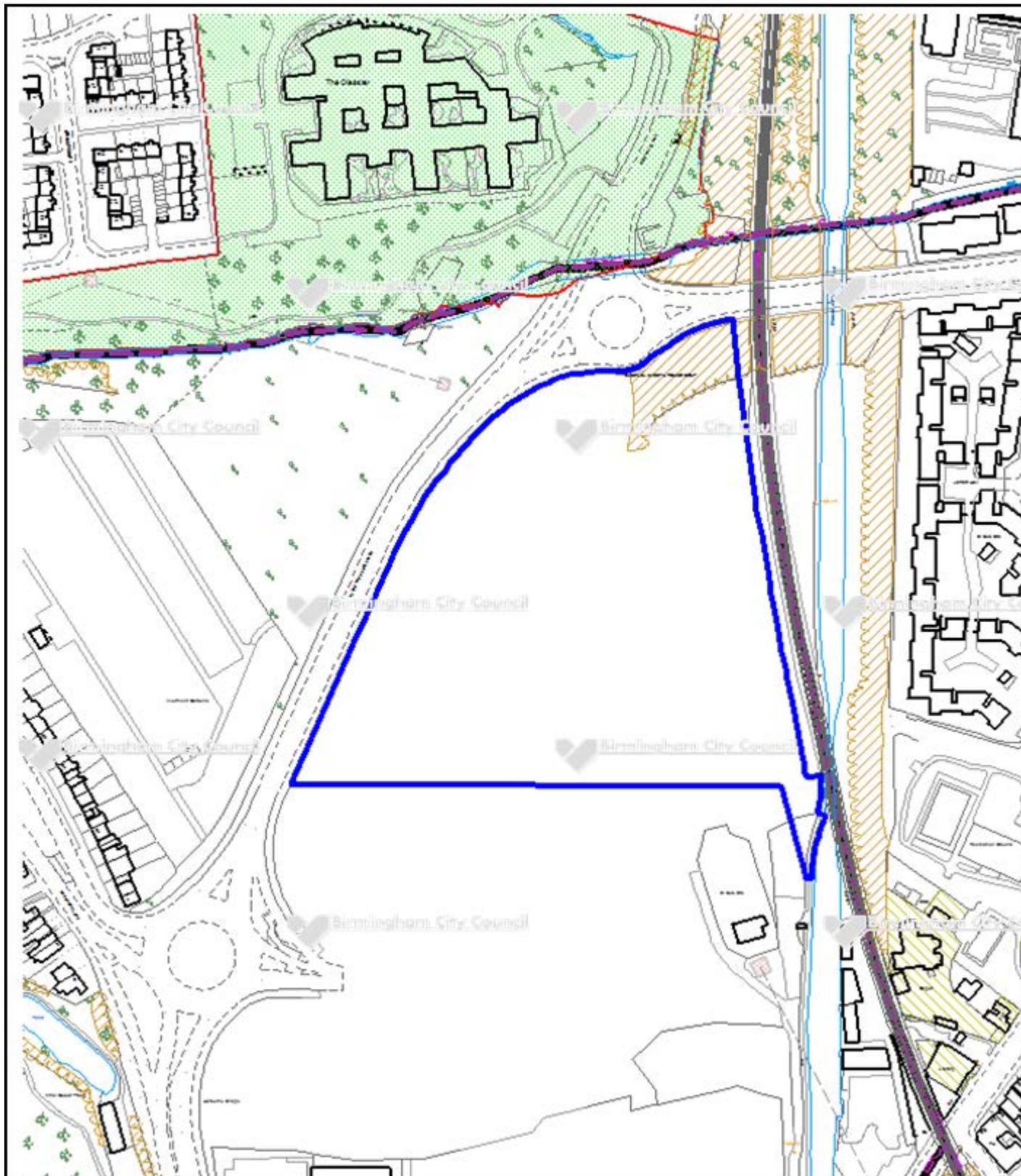


Photo 1: View north across the site from the rear of Selly Oak Retail Park



Photo 2: View looking south towards proposed vehicular entrance off Queen Elizabeth Roundabout

## Location Plan



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Committee Date:	15/04/2021	Application Number:	2020/09122/PA
Accepted:	23/03/2021	Application Type:	Full Planning
Target Date:	22/06/2021		
Ward:	Stirchley		

**Land at Hunts Road/Ripple Road, Stirchley, Birmingham, B30 2PW**  
**Full application for 87 dwellings with associated landscaping and infrastructure**

Recommendation

**Approve Subject to a Section 106 Legal Agreement**

1. Proposal

- 1.1. Full approval is sought for 87 dwellings. Three accesses are proposed for the development. There is the main access which utilises the existing Hazelwell Lane whilst secondary accesses are proposed further south off Hunts Road which serve the parking area for plots 14-16 and parking courtyard for plots 1-13. The access to the parking courtyard is a new access that was not approved under outline application 2018/10368/PA which is why this application is a full rather than reserved matters application.
- 1.2. A range of detached, semi-detached and terraced properties are proposed with the inclusion of some detached garages. The properties are a maximum of 2 and a half storeys high. The number of bedrooms proposed in each property are:
- 24 x 2 bed;
  - 44 x 3 bed; and
  - 19 x 4 bed
- 1.3. 11 of the dwellings are proposed to be affordable, of which 6 are for rent (4 x 2 bed and 2 x 3 bed) and 5 will be for shared ownership (3 x 2 bed and 2 x 3 bed). This is the same as secured in the recent S106 agreement attached to the outline approval. The 11 affordable dwellings are all located on the Hunts Road frontage (plots 3-13).



Image 1: Proposed Site Layout

1.4. The layout plan shows 160 parking spaces (excluding garages) which equates to 187%. All 3 and 4 bedroom properties have 2 parking spaces whilst 2 bed properties either have 1 or 2 spaces.

1.5. A Design and Access Statement and Planning Statement have been submitted in support of this application.

1.6. Site Area: 2.066ha; Density 42.11dph

1.7. [Link to Documents](#)

2. Site & Surroundings

2.1. The application site covers approximately 2.06 hectares. The site previously contained a mix of commercial and residential properties but all have been demolished and the site is clear. Currently Hazelwell Lane splits the site into northern and southern parcels. Terraced residential properties are located to the north and south and Hazelwell Park is located to the east. An industrial unit known as Hampton Works is also located to the north. The proposed retail development (2018/10370/PA) is located to the west.

- 2.2. The site falls within the primary shopping area which forms part of Stirchley District Centre, as identified in the City's Shopping and Local Centres Supplementary Planning Document.
- 2.3. [Site Location Plan](#)
3. Planning History
- 3.1. Extensive planning history but only the following is relevant:
- 3.2. 02/07/2020. Application No. 2018/10368/PA. Outline planning application for the development of up to 87 residential dwellings with associated parking, drainage, access and engineering works - All matters reserved except access - approved
4. Consultation/PP Responses
- 4.1. Severn Trent – No objection
- 4.2. Lead Local Flood Authority – No objection
- 4.3. Environment Agency – No objection
- 4.4. West Midlands Police – No objection subject to lighting scheme
- 4.5. West Midlands Fire Service – No objection
- 4.6. Regulatory Services – No objection
- 4.7. Transportation – No objection
- 4.8. Local occupiers, Ward Councillors, MP and resident associations were notified. Two site notices and a press notice have been displayed. 10 letters have been received by members of the public. All respondents support the principle of the site being redeveloped for housing. Positive comments include:
- Proposals are proportionate to the size of the site;
  - In keeping with character of the area;
  - Pedestrian and cycle route through the site provides good connection to park;
  - Great to see derelict land regenerated;
  - Site is currently unattractive and therefore development needs to be completed as quickly as possible; and
  - Additional housing is needed;
- 4.9. 6 of the 10 responses received raised following concerns:
- Big increase in traffic on local roads;
  - Too many dwellings squeezed onto the site;
  - More affordable housing needed;
  - Affordable housing could be spread better across the site;
  - Increased on street parking will occur;
  - Risk of increased surface water flooding;
  - Concerns about the timing of noise assessment;
  - Good quality street lighting needed;
  - Good quality paving needed;
  - Concerns over pedestrian and cycle route through former Hazelwell Lane;
  - More tree planting and additional soft landscaping needed; and
  - House designs could be better

- 4.10. The following comments have been submitted by Stirchley neighbourhood Forum:
- Scheme was generally favourably received at recent forum meeting;
  - Lack of parking directly onto Hunts Road opposite the Rea Valley has visual benefits and alleviates traffic concerns;
  - Dwellings could be more energy efficient;
  - Dedicated cycle parking and electric car charging points needed; and
  - More affordable housing needed

## 5. Policy Context

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

## 6. Planning Considerations

### 6.1. Principle

- 6.2. The site was historically used for industrial purposes but has been vacant for a long period of time. The granting of outline application 2018/10368/PA for 87 dwellings confirmed that the principle of residential development on the site.

### 6.3. Design and Layout

- 6.4. The layout forms a sensible and viable hierarchy integrating into its local existing context, with terraced and semi-detached properties proposed on Hunts Road that follow the building line of the existing terraced properties. Through the lifetime of the application the layout of has been amended to ensure that a greater number of dwellings front onto Hazelwell Lane which is the primary route through the site that connects with the proposed retail development. Throughout the development corner properties have been sensibly located which has avoided blank flank walls and ensured active frontages. The Urban Designer considers that the amended layout provides a more urban character and coherent streetscape. The housing has been designed so that it is neatly enclosing the site and ensuring all streets are legible and overlooked with an active frontage.



Image 2: Example street scene

- 6.5. The vast majority of dwellings across the site are two storeys in height with properties being a mix of terraced, semi-detached and detached. A small number of dwellings also include accommodation within the loft space. This scale and mix of house types fully respects the character of surrounding residential streets.
- 6.6. The main facing materials for the dwellings are red brick with weatherboard introduced into some of the house type elevations to enhance the contrast within the

street scene and add further interest. Grey and brown slate roof tiles are used across the scheme, giving variation to the roofscape, and grey UPVC windows are utilised on front elevations which helps bring a more contemporary design.



Image 3: Example House Type

- 6.7. In summary it is considered that the proposed layout, scale and appearance adequately addresses the urban design imperatives set out in the NPPF and BDP Policies PG3 and TP27.
- 6.8. Impact on Historic Environment
- 6.9. The Hampton Works (locally listed) is directly adjacent to the site and the British Oak (Grade II listed) is located 75m to the west of the site. These buildings have historically had an urban setting previously being surrounded by industrial uses. It is therefore considered that the proposed residential scheme has no impact on the setting of these heritage assets.
- 6.10. Housing Mix
- 6.11. The redevelopment of the site would deliver additional housing on a brownfield site. 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. The proposed density at 41 dwellings per hectare is not high but reflects the character of the immediate locality and is wholly housing-led without any flats. The scheme provides a mix of 2, 3 and 4 bed roomed units which provides a good mix of property types overall.
- 6.12. Residential Amenity

- 6.13. Residential development is located directly adjacent to the north and south western boundaries of the site with further residential accommodation located to the south on the opposite side of Hunts Road.
- 6.14. Plot 1 is sited 3.9m from No. 39 Hunts Road. However, this distance is between the blank side elevations of the dwellings. These dwellings follow the same building line with plot 1 not extending beyond the rear of No. 39 ensuring no breach of the 45 degree code.
- 6.15. The front of plots 1-13 look towards the front elevations of No's 18 and 38-46 (evens) Hunts Road. At the nearest point a separation of 12.2m is retained between the properties however as this is the front elevation were a lower level of privacy is expected the standards within Places for Living SPG can be treated flexibly.
- 6.16. The side elevation of plot 54 is located adjacent to the boundary of the rear gardens with No's 38 – 46 (evens) Ripple Road. However, the properties on Ripple Road have rear gardens in excess of 30m in length. This level of separation ensures that that plot 54 would not appear over-bearing from these properties on Ripple Road. Furthermore, no habitable windows are located in the side elevation of plot 53 ensuring there is no impact on privacy.
- 6.17. The layout of the site ensures that there are no issues or overlooking or overbearance for the occupiers of the proposed development.
- 6.18. Across the site the vast majority of dwellings either meet or exceed the private amenity standards within the Places for Living SPG. 5 Plots do fall short of the 70sqm standard however the shortfalls are only between 3 and 7sqm which across a scheme of this size is considered to be insignificant.
- 6.19. The Nationally Described Space Standards (NDSS) 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. All of the proposed house types meet or exceed the relevant size standard and bedrooms meet the relevant standards for both single and double bedrooms.
- 6.20. In summary it is considered that the scheme has no undue impact on the occupiers of adjacent properties and creates an acceptable living environment for the proposed occupiers.
- 6.21. The applicant has undertaken a noise survey and provided details of glazing specifications across the site. Regulatory Services are satisfied that an acceptable living environment will be created for proposed occupiers. This view takes into account noise from the British Oak Public House, The Working Men's Club and Hampton Works.
- 6.22. Comments have been raised that the noise survey was not undertaken at peak times. Regulatory Services have reviewed the Acoustic Assessment and consider that the modelling undertaken is robust and the conclusions acceptable. The acoustic layout identifies that a higher glazing specification is proposed on the dwellings at the rear of the site which are closer to the proposed commercial uses and the British Oak PH. Regulatory Services are content with the noise mitigation measures proposed.
- 6.23. In summary, it is considered that the scheme for 87 dwellings can be accommodated on the site without having an undue amenity impact on the

occupiers of adjacent properties and creates an acceptable living environment for the proposed occupiers.

6.24. Transportation

6.25. Three accesses are proposed for the development, two of which were approved on the previous outline application. There is the main access which utilises the existing Hazelwell Lane whilst secondary accesses are proposed further south off Hunts Road which serve the parking area for plots 14-16 and parking courtyard for plots 1-13. The main entrance along the route of Hazelwell Lane will provide direct access for cyclists and pedestrians to the adjacent retail scheme and the Pershore Road. The re-opening of this route significantly improves the accessibility of Hazelwell Park. The Transportation Officer raises no objection to the location or design of the accesses.

6.26. Each unit has been provided with a minimum of 1 parking space. Larger properties are shown to have 2 spaces or a garage plus one parking space. In this highly sustainable location with frequent bus services available on the Pershore Road this level of provision is considered to be acceptable.

6.27. Concerns have been raised regarding traffic flow and highway safety within the adjoining local roads of Twynning Road, Ribble Road and Hunts Road. However, taking into account that this is a busy urban environment adjacent to the district centre the additional vehicle movements would not be discernible. In summary there are no reasons to resist the proposal on transportation grounds.

6.28. Landscape and Trees

6.29. This vacant site has no landscape features of note. The proposed landscaping scheme proposes the planting of 45 trees plus a mix of shrubs and hedgerows. This will greatly enhance the setting of the scheme.

6.30. Sustainability

6.31. The Sustainability Assessment highlights the energy efficiency measures that will be included in the design and construction of every home. This includes sourcing high quality building materials that have a lower environmental impact, high levels of insulation, installation of efficient gas condensing boilers, installation of energy efficient lamps, the use of glazing that maximises passive solar gain and the installation of white goods that have an energy efficient rating of at least A. These measures have the potential to shrink CO2 measures by 6.27% over Building Regulations requirements and an average reduction of fabric energy efficiency which is 8.85% over and above that expected by Building Regulations. The applicant has therefore made efforts to meet the sustainability requirements of the BDP.

6.32. Financial Contributions

6.33. Deed of variation is proposed to the S106 agreement attached to the outline approval which will secure the provision of 11 affordable dwellings on the site which are shown in a single grouping on the Hunts Road frontage.

6.34. A CIL payment charged at £85.04 per sqm is also required which in this case equates to approximately £665,608.

6.35. Other Matters

6.36. Concerns have been raised over the increased risk of surface water flooding. A Condition was attached to the outline approval that will ensure a sustainable drainage scheme is agreed prior to development commencing. This will ensure that surface water is appropriately managed on site to prevent flooding.

7. Conclusion

7.1. The proposed development would be in accordance with, and would meet policy objectives and criteria set out in, the BDP and the NPPF. The access, appearance, layout, scale and landscaping of 87 dwellings is considered to be acceptable and the scheme would contribute towards the city’s housing requirements and be a positive addition to the regeneration of Stirchley. Therefore the proposal would constitute sustainable development and it is recommended that reserved matters consent is granted.

8. Recommendation

8.1. That the consideration of planning application 2020/09122/PA should be approved subject to the completion of a planning obligation agreement to secure the following:

- a) The provision of 11 affordable dwellings; and
- b) Payment of a monitoring and administration fee associated with the legal agreement of £1,500.

8.2. In the absence of a suitable planning obligation agreement being completed to the satisfaction of the Local Planning Authority on or before 14<sup>th</sup> May 2021 or such later date as may be authorised by officers under delegated powers the planning permission be refused for the following reason:

- a) In the absence of any suitable legal agreement to secure the provision of 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 14<sup>th</sup> May 2021 or such later date as may be authorised by officers under delegated powers favourable consideration be given to this application subject to the conditions listed below.

1	Requires the scheme to be in accordance with the listed approved plans
2	Implement within 3 years (Full)
3	Requires the use of submitted materials
4	Implementation of a contamination remediation scheme
5	Requires the submission of a contaminated land verification report
6	Requires the prior submission of a sustainable drainage scheme
7	Requires the submission prior to occupation of the properties of a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan

8	Requires the implementation of the submitted mitigation/enhancement plan
9	Requires the implementation of a construction ecological mitigation plan
10	Implementation noise insulation measures
11	Implementation of hard and soft landscaping scheme
12	Requires the implementation of a landscape management plan
13	Requires the submission of a lighting scheme
14	Requires the prior submission of a construction method statement/management plan
15	retention of access for bowling green
16	Provision of pedestrian and cycle route prior to occupation of 80% of the dwellings
17	Implementation of measures to prevent vehicular traffic passing between the application site and the adjacent retail scheme (2018/01368/PA)

Case Officer: Andrew Fulford

**Photo(s)**

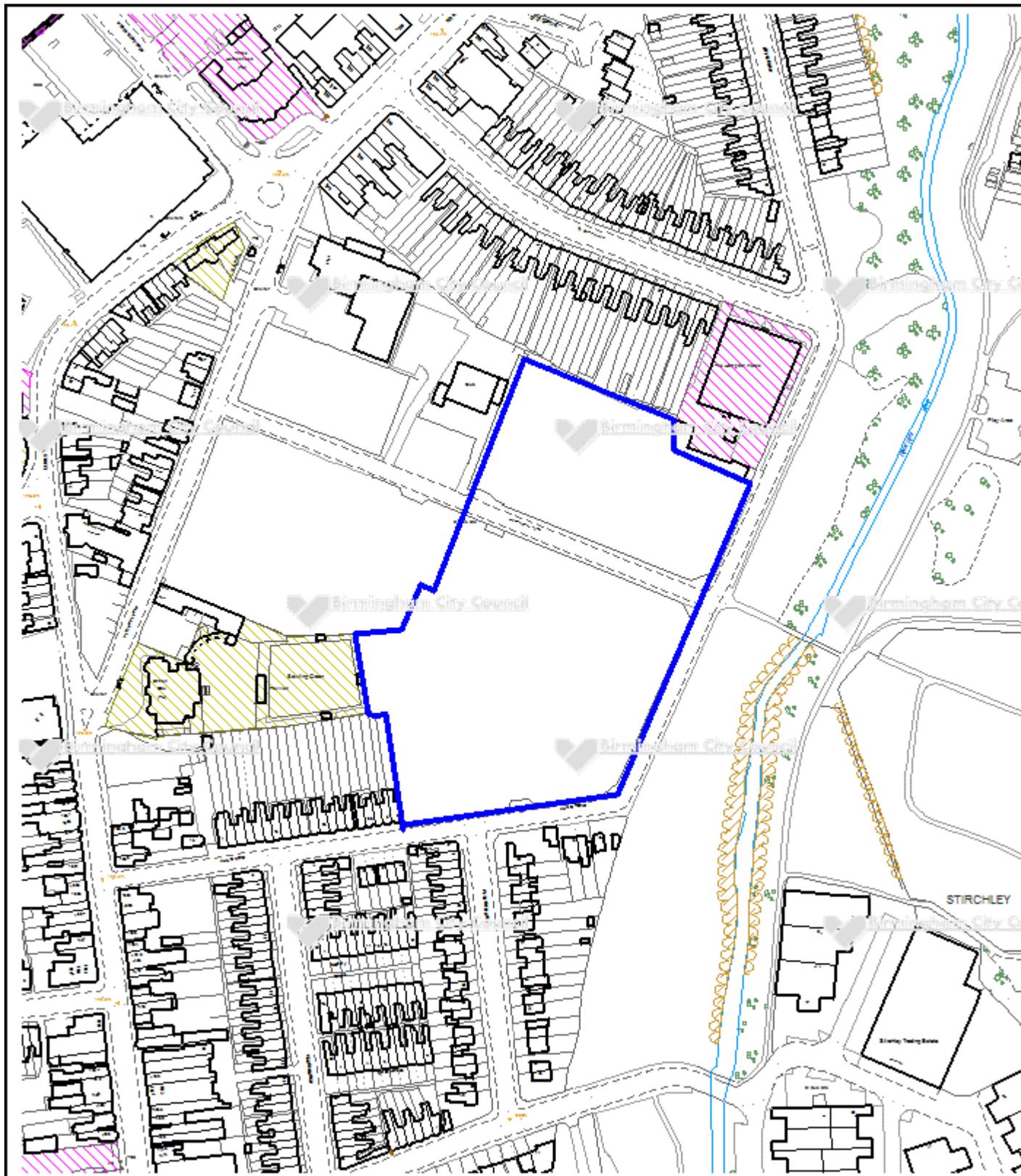


Photo 1: View west across the site from Ripple Road



Photo 2: View north across the site from Hunts Road

## Location Plan



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# Birmingham City Council

Planning Committee

15 April 2021

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	8	2019/04239/PA  Former CEAC building corner of Jennens Road & James Watt Queensway City Centre Birmingham B4 7PS  Erection of one 51 storey tower and one 15/16 storey tower containing 667 dwellings (Use Class C3) with associated ancillary spaces, landscaping and associated works.

Committee Date:	15/04/2021	Application Number:	2019/04239/PA
Accepted:	30/05/2019	Application Type:	Full Planning
Target Date:	30/04/2021		
Ward:	Nechells		

**Former CEAC building, corner of Jennens Road & James Watt Queensway, City Centre, Birmingham, B4 7PS**

**Erection of one 51 storey tower and one 15/16 storey tower containing 667 dwellings (Use Class C3) with associated ancillary spaces, landscaping and associated works.**

Recommendation

**Approve Subject to a Section 106 Legal Agreement**

1. Proposal

Introduction

- 1.1. The Committee will recall that you have previously considered this application 10th October 2019, 5th December 2019 and 23rd April 2020 however the decision was quashed on a procedural omission of not referencing the Victorian Society's objection in the final report back. The application has not materially changed since you last considered it but additional information has been submitted and consulted upon. There is a duplicate application 2020/06517/PA which is not currently being progressed due to this, the 2019 application, being returned to the Council for re-determination.
- 1.2. As such, the application is for the erection of one 51 storey tower, a 15/16 storey tower and a 2 storey pavilion building on land on the corner of Jennens Road and James Watt Queensway. The development would comprise of 667 one and two bed apartments along with ancillary internal and external amenity spaces. It is proposed as a PRS development.
- 1.3. The towers would be of a modern but simple classic grid design. Each tower would share common detailed design features such as floor to ceiling windows, deep rectangular reveals, colonnades and tapered 'crowns'. They would be constructed using a minimalist white colour palette with Tower A clad in fluted white GRC (glass re-enforced concrete) with horizontal and vertical solid black backed glass spandrel panels whilst Tower B would comprise of pure white GRC in a square buttress style along with horizontal and vertical solid black backed glass spandrel panels. Both towers would use an aluminium window system with an opening light and PV Panels would be accommodated on the roofs. The 2 storey pavilion would be constructed using a metal framed glazed system with transparent and black opaque glass, with the metal frame colonnade finished in a ceramic green gloss. The pavilion building would also support a brown roof. Specific materials would be controlled by condition.



Image 1 and 2: Proposed visual images from 1) south east and 2) north west

1.4 The proposed development would have a total gross floor area of 52,560 sqm – the buildings would have the following dimensions;

Tower A – 49.9m x 18.5m x 155.145m

Tower B – 43.6m x 17.5m x 51m

Pavillion building – 15.5m x 13.3m



Image 3: Proposed Pavillion building



Image 4: Indicative landscape showing site layout

- 1.5 The scheme would provide 357 one bed (54%) and 310 two bed (46%) apartments, of which 527 would be accommodated in Tower A and 140 in Tower B. The flats would range in size from 38.21 sqm to 71.36 sqm and would all exceed the national space standards. Internally the units would comprise one or two bedrooms, an open plan living/kitchen/dining area, 1 or 2 bathrooms and storage area.
- 1.6 A gym, cinema room, co-work spaces, potential café/retail space, meeting rooms, lounge space, roof terrace, residents' lounge, games room and private dining/kitchen area would also be provided across the three buildings for residents' use (circ 1200sq m). In excess of 3200sqm of external amenity space would also be provided in a secure courtyard garden between the two towers.
- 1.7 No car parking would be provided on site but 132 (20%) secure covered bike spaces would be provided. A service/drop off area would be provided to the west of the site via James Watt Queensway, which would be managed by the future operator.
- 1.8 Information submitted in support of the application includes; Design and Access Statement, Planning Statement, Economic Statement, Financial Viability Statement, Sustainability Statement, City Centre Housing Needs Assessment, Transport Statement and Travel Plan, Heritage Statement, Archaeology Report, Noise Assessment, Air Quality Assessment, Preliminary Ecology Report, Townscape Visual Impact Assessment (TVIA), Drainage Strategy, Aerodrome Safeguarding Assessment, Phase 1 Geo Environmental Report, Daylight and Sunlight Assessment, TV and Telecoms Assessment and Wind Microclimate and Pedestrian Wind Comfort Assessment.
- 1.9 A screening request was issued following the submission of this application and again on the duplicate application (2020/06517/PA). Following the submission of

additional information and a new Screening Report a further Screening Opinion has been issued which concludes it is not EIA development.

1.10 [Link to Documents](#)

2. [Site & Surroundings](#)

2.1. The application site lies on the edge of the BDP defined, city core within the inner ring road of Birmingham City Centre. The site is situated on the corner of Jennens Road and James Watt Queensway. It is in close proximity to a wide mix of uses including residential, commercial (office, retail and hotels) and educational uses.

2.2. The site was previously occupied by a 6 storey 1970's former teaching block which formed part of a wider university/college campus which included Aston University and parts of Birmingham Metropolitan College and Birmingham City University. The site has been vacant for some time and is currently in the process of being demolished.

2.3. There has been significant change in this part of the city over the past decade, in part as a result of the wider 'masshouse development' and the removal of the former 'concrete collar'. The character of this area continues to evolve as the regeneration potential of this part of the city is realised supported by opportunities such as HS2.

2.4. [Site location](#)

3. [Planning History](#)

3.1. 28th February 2019 – 2019/00617/PA Application for Prior Notification for the proposed demolition of existing building and surface level car park. No Prior Approval Required.

3.2. 2020/06517/PA - Erection of one 51 storey tower and one 15/16 storey tower containing 667 dwellings (Use Class C3) with associated ancillary spaces, landscaping and associated works. Under consideration.

4. [Consultation/PP Responses](#)

4.1. Following receipt of additional information the application has been subject to a further period of consultation and this included relevant consultees, direct neighbour notifications and site notices.

4.2. Access Birmingham – Note that inclusive access will be required by building regulations.

4.3. Birmingham Airport – No objections.

4.4. Education and Skills (employment) – Employment conditions required with regard construction period.

4.5. Education and Skills (schools) – £1,359,440.64 contribution required towards nursery/school places.

4.6. Historic England – "The proposal to construct a 51 storey tower is now supported by additional information. Historic England is concerned at the harm this scheme would cause to the character and appearance of the Steelhouse Lane Conservation Area, and to the significance of many of its most prominent and architecturally impressive

listed landmarks through development in their settings. In all cases we [Historic England] consider this to be 'less than substantial harm', requiring great weight to be given to the assets' conservation, irrespective of the level of harm.

At 51 storeys this would be one of the tallest buildings in Birmingham. It is vital then, that the City Council are fully satisfied that this will not also result in harm to heritage assets further afield. In particular, to those heritage assets outside the city centre whose significance is derived from their very separation and isolation from the city".

- 4.7. Lead Local Flood Authority – No objection subject to conditions to secure specific drainage detail and sustainable drainage operation and maintenance plan.
- 4.8. Leisure Services – No objections in principle, however in line with policy an off-site contribution of £1.26m for provision, improvement and or maintenance of POS within the Nechells Ward and Eastside Park is required.
- 4.9. Network Rail – Proposal would have no impact on rail infrastructure.
- 4.10. Regulatory Services – No objections subject to conditions with regard land contamination and to secure mitigation identified in supporting air and noise assessments.
- 4.11. Severn Trent – No objection subject to conditions to secure appropriate drainage for foul and surface water.
- 4.12. Sport England – No objection subject to £645,628 for investment in built sports facilities at IPL swimming pool and playing pitches.
- 4.13. Transportation Development – No objection subject to conditions.
- 4.14. Victorian Society – Objects, in summary, they consider the site is close to a number of heritage assets from their period of interest, including notably the grade I listed Curzon Street Station, grade I listed Victoria Law Courts, grade II\* listed former Methodist Central Hall, the grade II listed Birmingham Children's Hospital, the grade II listed 7-12 Bartholomew Row, the grade II listed Woodman Public House, as well as other designated heritage assets in and around the Steelhouse Lane Conservation Area. They note that the historic buildings of this area range in height from two to three storeys such as Curzon Street Station, 7-12 Bartholomew Row and the Woodman to the larger structures of up to five storeys including attics at the Victoria Law Courts, Children's Hospital and Methodist Central Hall, and these latter have skylines ornamented with terracotta turrets and towers, particularly the fine tower at Central Hall. These towers at Central Hall and the Children's Hospital are also currently dominant in the townscape of the Steelhouse Lane Conservation Area. We consider that new development in the environs of this conservation area should preserve characteristic views of these buildings in the conservation area, but in their opinion they will in fact appear reduced and diminished by the close proximity of this proposed 51 storey tower. They are also of the opinion that the proposed 51 storey tower will overshadow and have a negative impact on the setting of the adjacent grade II listed 7-12 Bartholomew Row. The impact of this proposed tower, when combined with this existing tower and several other recent tall developments in the vicinity, will in our view significantly dominate and overpower this grade II listed building.
- 4.15. Local residents associations', neighbours, Ward Councillors and the MP were consulted. Press and site notices were also displayed.

- 4.16 13 letters of objection have been received. 2 of these objectors have submitted multiple letters of objection, including a further one dated 16th March 2021, however for the avoidance of doubt these are counted once each only. A petition in objection with 218 signatures has also been submitted.

Objections received can be summarised as follows;

- the principle of development is not acceptable (it fails to comply with High Places),
- the proposal would have an unacceptable impact on visual amenity, it would ruin views in and out of the city, ruin view of uni campuses', the skyline and the streetscene
- it would have an adverse impact on heritage assets
- it would be contrary to specialist advisors,
- it would be of poor quality design and have an adverse impact on the skyline,
- it would result in poor quality urban realm with a high security fence,
- there would be insufficient amenity space
- it would create a gated community
- there would be no retail or leisure activities at base of tower,
- it would have an unacceptable impact on sunlight/daylight on adjacent sites in terms of internal residential spaces and external public and private spaces,
- information supporting the application is inadequate
- it would have an inadequate mix of homes,
- there is no need for additional homes in the city centre
- it would not provide any/inadequate affordable housing or any other S106 contributions,
- it would have an unknown impact on the micro-climate impact,
- no public space provided
- adverse impact on neighbouring buildings
- insufficient parking provision
- would be contrary to policy
- the space would be better utilised by Aston Uni, BCU or any other student/education focused development. Birmingham City Council should consider the long term effects on the student community.
- insufficient engagement has been undertaken with local people and business,
- concerns that the EIA screening opinion and report upon which it is based are inadequate and it is confusing that this application is being taken forward.

- 4.17 One letter of support received which states that the public benefits of the scheme out weigh the concerns.

- 4.18 Public speaking was also heard on two previous occasions (5th December 2019 and 23rd April 2020). A record of the representations are on the associated Committee web casts however no new issues were raised and the points are therefore summarised in the above summary of objections. It should be noted that the agent also spoke in support and responded to the points raised.

- 4.19 60 letters of objection, including Birmingham Civic (local amenity group), Victorian Society and Ancient Monuments (both national amenity groups) have been received on the duplicate application 2020/06517/PA. Issues raised are reflective of those summarised above.

## 5. Policy Context

- 5.1. Birmingham UDP 2005 saved policies; Birmingham Development Plan 2017; Emerging Development Management DPD, Places for Living SPG; Places for All SPG; Access for People with Disabilities SPG; Car Parking Guidelines SPD; High

Places SPG; Lighting Places SPD; Public Open Space in New Residential Development SPD; Affordable Housing SPG; National Design Guidance, Planning Practice Guidance and the National Planning Policy Framework.

## 6. Planning Considerations

### Introduction

- 6.1. The Committee will recall that you have previously considered this application 10th October 2019, 5th December 2019 and 23rd April 2020 and resolved planning permission should be issued following the completion of a S106 Agreement. However, the decision was subject to a Judicial Review, which the Council ultimately conceded, on one ground only, a procedural omission of not referencing the Victorian Society's objection in the final report back. Consequently the decision was quashed and returned to the Council for re-determination.
- 6.2. Additional information has been submitted to the Council, and consulted upon. The new and updated information includes a Heritage Statement and Microclimate Study, TIVA, Design and Access Statement, Daylight/Sunlight Study, Ecological Impact Assessment and Aviation Safeguarding Assessment. However, it should be noted that the development proposal has not materially changed since your Committee previously considered this application.
- 6.3. A planning report is a summary of the principal issues with key information put forward to enable, the Planning Committee, to make a lawful decision upon fair reading of the report as a whole. S.38(6) Planning and Compulsory Purchase Act 2004 identifies decisions must be taken in accordance with the development plan unless material considerations indicate otherwise.
- 6.4. The Birmingham Development Plan (2017) is the statutory development plan, and principal policy framework, against which applications are assessed. This is supported by the Development Management DPD which is not yet part of the development plan but officers consider it now has significant weight and supplementary planning guidance/documents which are material considerations.
- 6.5. The key planning considerations on this application are the principle, layout, scale and design of the proposal, impact on heritage assets, amenity including sunlight/daylight, wind, overlooking and amenity space, matters of sustainability, highways/parking and S106 contributions.

### Principle

- 6.6. In January 2017 the City Council adopted the Birmingham Development Plan (BDP). The BDP is intended to provide a long term strategy for the whole of the City Policy PG1 advises that over the plan period significant levels of housing, employment, office and retail development will be planned for and provided along with supporting infrastructure and environmental enhancements.
- 6.7. The application site is located within the Eastside Quarter of the City Centre immediately adjacent a wider area of change. The site is well connected to amenities and facilities and is a brownfield site. The provision of a residential development with supporting ancillary facilities would, in line with GA1.3, realise this areas "...extensive development opportunities...." and bring significant investment to this part of the City in addition to making an important contribution to the housing stock in the locality. There is no policy requirement that retail/leisure uses are provided at ground floor. Therefore there is no objection in land use policy terms to the proposal subject to all detailed matters.

## Layout, scale and design

- 6.8. Local planning policies and the revised NPPF (Feb 2019) along with the National Design Guide highlight the importance of creating high quality buildings and places, and that good design is a key aspect to achieving sustainable development. Policies PG3 and TP27 of the BDP 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.
- 6.9. Overall High Places SPG seeks to ensure the City is not subjected to uncontrolled tower growth which could detract from the character of an area, adversely impact on the environment or on the success of the City's regeneration and development plan aspirations. It also 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
- 6.10. The site layout results in a staggered form with Tower B positioned to reflect, and relate to, the existing adjacent buildings, the pavilion building marking the northwest corner and Tower A positioned to re-enforce the development form along James Watt Queensway. As such the layout maximises the site's prominence and site line, particularly from the south/south west. Site access would be via Tower A, off James Watt Queensway with additional resident's access via the courtyard garden area off Jennen's Road. The buildings, at all levels, would activate the street scene, particularly to James Watt Queensway and Jennens's Road, resulting in a significant improvement on the interaction and surveillance provided by the previous building. In addition, the two storey pavilion building to Coleshill Street/James Watt Queensway would provide a strong modern solution which would further activate this prominent location with the proposed gym use inside the pavilion further supporting the day and night surveillance of the street.
- 6.11. The scale of the buildings range from 2 to 51 storeys, primarily comprising of two towers. High Places SPG identifies a 'central ridge zone' as well as other appropriate locations for towers and goes on to state that towers should be no taller than 30-40 stories, in the City Centre, in accordance with Civil Aviation Authority Safeguarding Criteria. The application site is within the central ridge zone and information to demonstrate that the design does not conflict with the operations of Birmingham International Airport has been submitted. The towers are therefore acceptable in principle.

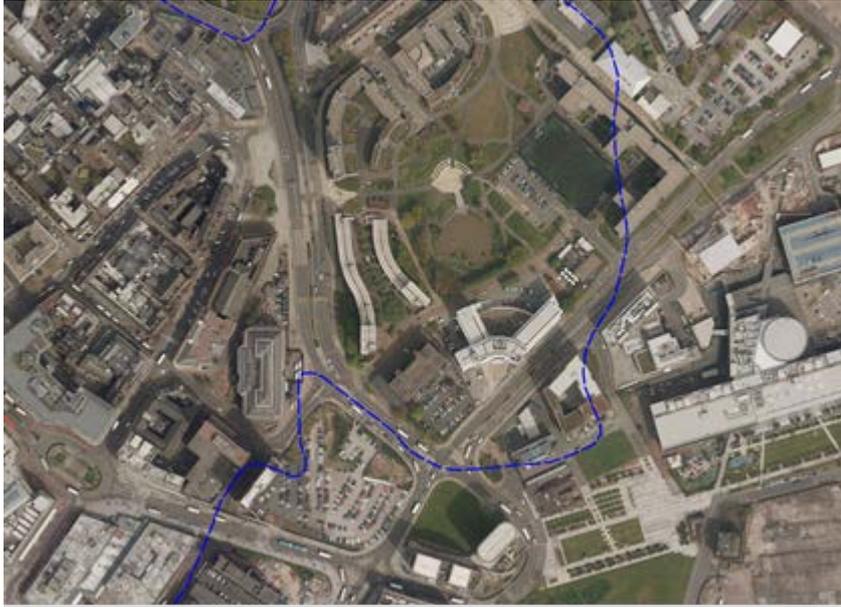


Image 5 – site within City Ridge zone

- 6.12. The applicant has provided comprehensive supporting information within their Design and Access Statement and a Townscape Visual Impact Assessment (TVIA) which demonstrates that the proposed towers would not have an adverse impact on the street scene or the City's longer range views. As such the City Design Team consider that the scale of the development would be a positive addition to the City's skyline. The building's width also compares favourably to the width of existing developments at Exchange Square and the McLaren building and this coupled with the site layout and detailed design, acknowledges and positively contributes, to the changing character of the surrounding area.
- 6.13 Further, the detailed design of the building has evolved with considerable input from the City Design Team. The proposed materials and design features such as the use of colonnades, deep reveals and large floor to ceiling windows are welcomed. I also note that Tower A's GRC flutes help create the illusion of a symmetrical and vertical façade which would result in a crisp well-articulated façade, whilst the detailed design of Tower B successfully creates a simple block with its own identity which acknowledges the materiality and vertical emphasis of Tower A to maintain a clear relationship between the two. Finally I welcome the design behind the proposed pavilion building which uses the former on-site pub as inspiration for its dimensions and the ceramic tile influence for the proposed colonnade frame colour. The colonnade frame also successfully references the façade and rhythm of the towers and ensures continuity across the site. As such I consider the design detail would result in a high quality landmark development.
- 6.14 Therefore subject to conditions to control the detailed materials and their application, which I recommend accordingly, I agree with City Design who consider the layout, scale and design of the proposal is acceptable and I consider that it will create a distinct landmark building and enhance the City's skyline on a strategically important site in accordance with policy.

#### Heritage

- 6.15 The site is not within a conservation area and there are no heritage assets within, or adjacent to, the site boundary. However, it is necessary to assess whether the proposal would lead to harm to the significance of any designated and/or non-designated heritage assets and/or their settings.

- 6.16 Section 66 of the Planning (Listed Building & Conservation Area) Act 1990 identifies the need to give special regard to the desirability of preserving designated assets including its setting or any features of special architectural or historic interest which it possesses and case law has established that where harm to a listed building or conservation area, or its setting, is identified this is a matter to which great weight and importance should be attached in the planning balance. The NPPF also identifies the importance of the historic environment, and how this should be dealt with and, in particular, states that the more important the asset, the greater the weight that should be attached to the asset's conservation in the planning balance. Further, in line with the NPPF and reflective of the statutory test, TP12 of the BDP is clear that the Council will give great weight to the conservation of heritage assets and will seek to protect and, where appropriate, enhance their setting and determine applications in accordance with the NPPF.
- 6.17 Since Members previously considered this application a new Heritage Statement (Jan 2021) has been submitted. The Heritage Statement, supported by the updated TVIA, identifies the special character and appearance (significance) and the contribution made by setting to significance of conservation areas and the special architectural or historic interest (significance) of listed buildings and locally listed buildings and the contribution made by setting to their significance within 1km of the site. In total the Heritage Statement assesses 52 designated heritage assets and 37 non-designated heritage assets and ultimately concludes that the development will harm the Victoria Law Courts (Grade I), Cells Block to the right of the police station on the corner of Coleridge Passage (Grade II), Coleridge Chambers (Grade II\*), Methodist Central Hall (Grade II\*) and Steelhouse Conservation Area. In summary it notes;

Victoria Law Courts (Grade I)



- 6.18 The Victoria Law Court was designed by Sir Aston Webb and Ingress Bell, who won a competition for the building's design. It was constructed between 1887 and 91. The building is of architectural and historic interest as a purpose built law court; it provided the first assize courts in the rapidly growing town of Birmingham. It has an Arts and Crafts style and is elaborately detailed, work executed by Aumonier from the architects' designs. It is constructed primarily in red brick and terracotta which results in a distinctive character and robust appearance. The building is two storeys and the broad principal frontage is to Corporation Street. The list description identifies the Arts and Crafts interior of the building as being of architectural interest, and includes a completely symmetrical great hall with hammerbeam roof and windows with tracery style detailing. Stained glass designed by Walter Lonsdale also adds to the architectural interest of the building.

- 6.19 The contribution made by the setting of the asset to its significance derives from the fact that it is situated at the northern extent of Corporation Street at the junction with James Watt Queensway and within the Steelhouse Conservation Area. The building sits opposite the Methodist Central Hall (grade II\* listed building), which has similarities in its terracotta façade, vertical tower elements, ornate decoration and detailing and eclectic mix of architectural styles. The building is designed to have an impressive elevation to Corporation Street. It is here that the exuberance, quality and extensive detailing of the building can be best appreciated. The roofline is characterised by pitched gables and projecting towers and finials which adds to the decorative form and character of the listed building. There are secondary views of the listed building from Steelhouse Lane, Newton Street and Coleridge Passage where the rear and side elevations are experienced. These are less decorative but allow for an understanding of the differing functions within the courts. The building forms part of a group of 19th century commercial and civic buildings on the northern part of Corporation Street (within the Steelhouse Conservation Area), all of which include elaborate architectural detailing.

Cells Block to Right of the Police Station on the Corner of Coleridge Passage  
(Grade II listed)



- 6.20 This late 19th century three storey, three bay building of brick and terracotta with slate roof, fronts onto Steelhouse Lane. The building is of interest as a purpose built cell block with late 19th century architectural detailing to its primary frontage.
- 6.21 The contribution made by the setting of the asset to its significance is because the building is situated at the junction of Steelhouse Lane and Coleridge Passage, with its primary frontage facing onto Steelhouse Lane. The building is best appreciated from this point with both its principal and side elevation visible. The architectural detailing and its use of similar materials to the nearby Methodist Central Hall, Victoria Law Courts and Children's Hospital are appreciated from this point. The adjacent building to the north-east is the police station, whilst to the south-west is the courts, to which the cells are connected by an underground tunnel. The proximity of these buildings creates group value.

### Coleridge Chambers (Grade II)



- 6.22 This building dates from the Late 19th century and comprises of four storey plus attic building of red brick and yellow terracotta. The building is of architectural interest as a good example of late 19th century commercial architecture and as one of the grouping of terracotta constructed buildings on Corporation Street. The building is of some historic interest due to its association with the Birmingham Mutual Sick Benefit and Old Age Society for whom it was originally constructed.
- 6.23 The contribution made by the setting of the asset to its significance is because the building forms part of a group of 19th century commercial and civic buildings on the northern part of Corporation Street, all of which include elaborate architectural detailing. The buildings architecture can be best appreciated from this point. The polygonal corner tourelle with ogee detail provides emphasis to the southwestern corner of the building and enhances its localised prominence at the junction of Corporation Street and Coleridge Passage. There are secondary views of the listed building from Steelhouse Lane and Coleridge Passage which allow for an appreciation of its side elevation and similar architectural detailing.

### Methodist Central Hall (Grade II\*)



- 6.24 The Methodist Hall is an impressive and substantial early 20th century building executed in red brick and terracotta by E and J A Harper. It is an eclectic mix of styles with Art Nouveau flourishes, a baroque porch and perpendicular windows. It has elaborate detailing on its facades and tower such as couplets of arched windows, a deep arched entrance with excellent figure carvings, tracery, and polygonal turrets. The tower marks a step down in the overall height of the building and rises to a belfry. The change in façade shows the internal change between the

former school rooms and offices and the main hall. The ground floor is articulated by pilasters and shopfronts with elegant thin mullions articulating the streetscape and providing a human scale to the large and imposing building. Pevsner remarks that the building is “remarkably eclectic.” The principal elevation is the Corporation Street elevation which wraps around the buildings northern return fronting James Watt Queensway. The elevation to Dalton Street is notably plainer.

- 6.25 The contribution made by the setting of the asset to its significance is because it is situated at the northern extent of Corporation Street at the junction with James Watt Queensway and within the Steelhouse Conservation Area. The building sits opposite the Victoria Law Courts (Grade I listed building), which has similarities in its terracotta façade, vertical tower elements, ornate decoration and detailing and eclectic mix of architectural styles. To the south and west, the building, forms part of the historic Victorian townscape of the Steelhouse Conservation Area. Until the 1960s Corporation Street continued north beyond the Methodist Central Hall and the angled north elevation of the Methodist Central Hall relates to a historic street pattern that was lost as a result of the construction of James Watt Queensway. Today there is an area of public open space immediately to the north of the Hall separating it from James Watt Queensway; a six-lane ring-road at this point.

#### Steelhouse Conservation Area

- 6.26 This CA is characterised by its collection of fine late Victorian civic, hospital and law buildings which are faced in red brick, red terracotta, buff terracotta and stone. The use of red brick with contrasting terracotta provides depth and richness to the colour palette and the animated roof lines created by the contrasting architectural style forms striking views which invite exploration along Corporation Street and Steelhouse Lane. The almost continuous built frontage along Corporation Street and Steelhouse Lane gives the buildings greater presence in the street scene and draws attention to the often highly elaborate detailing. There is a strong functional historical relationship between the buildings in the conservation area, many being associated with law and the The Victoria Law Courts (grade I listed) dates to 1887-91 and was designed by Sir Aston Webb and Ingress Bell. The buildings that form the complex occupy a large square plot between Corporation Street to the east, Steelhouse Lane to the west, Newton Street to the south and Coleridge Lane to the north which connects Steelhouse Lane to the west and Corporation Street to the east. The buildings facing the streets are faced with red brick and terracotta. The Steelhouse Lane elevation contains two adjoining red brick buildings, those to the northwest are constructed in Neo-Elizabethan style with projecting bay and canted bay oriels and canted multi storey bay windows. Detailing is provided in a deep red terracotta including moulded mullioned windows, which are filled with squared leaded comes. This element is in two storeys at the north rising to three storeys to the south. The frontage is staggered along Steelhouse Lane which emphasises the sense of depth provided by the projecting oriel windows. Substantial elongated chimneys rise above the roofline which is varied creating interest and rhythm in the street scene.
- 6.27 The location of the Law Courts sited close to the roads at the back of pavement across each elevation accentuates the detail and decoration applied to each façade and the size, massing, detailing, repetition of the deep red brick and terracotta and position in relation to the roads give the building an imposing prominence in the street scene, reflecting the authority and importance the buildings are intended to convey. According to Dargue, the Victoria Law Courts was the first major public building to employ a frontage faced entirely in terracotta. Queen Victoria laid the foundation stone in 1887 and the law courts were opened in 1891 by the Prince of Wales. The elaborate detailing was provided by Aumonier to the architect’s designs. The Law Courts are described as the “unique centrepiece” of the conservation area.

- 6.28 The setting of the CA contributes to its significance because it is located to the north east of Birmingham City Centre and is focussed around Corporation Street to the east and Steelhouse Lane to the west. To the north is a busy road network where four major roads converge at Dartmouth Circus. To the south is Colmore Circus where another four roads converge. To the north, east and west development is a mix of historic development and mid- to late- 20th century and 21st century buildings of varying height, scale, form and materials.
- 6.29 The conservation area is experienced as part of an urban city centre context with a mix of Victorian buildings, and mid- to late- 20th and 21st century development. There is a strong functional historical relationship between the buildings in the conservation area; many being associated with legal process. The presence of taller buildings utilising modern materials provides a modern backdrop to the conservation area. There are views northwards along Corporation Street towards the conservation area; incorporating the tower of the Methodist Central Hall and terminated by Aston Clock tower. This view is kinetic and changes along Corporation Street.
- 6.30 From James Watt Queensway to the north of the conservation area, a sense of the conservation area's impressive Victorian townscape is appreciable from the visibility of the Methodist Central Hall, the Victoria Law Courts and Ruskin Chambers. The curve of the western frontage of Corporation Street and the angled north elevation of the Methodist Central Hall relate to a historic street pattern that was lost as a result of the construction of James Watt Queensway. The public realm and ring road provide a clearly defined boundary to the conservation area. In views from the north, there is a clear distinction between the historic townscape of the conservation area and the modern city centre context along James Watt Queensway and glimpses of late 20th century development beyond the conservation area along Corporation Street.
- 6.31 Accordingly the Heritage Statement (Jan 21) goes on to assess what harm is caused to each asset's significance and notes that harm arises to the above heritage assets due to the visual impact of the proposed scheme. It ultimately concludes that in all instances, individual and cumulatively, the harm caused is considered to be 'less than substantial' under the terms of the NPPF but in reaching that conclusion, and in accordance with guidance in NPPG, it considers the level of harm caused within the 'less than substantial' category. As such with respect Victoria Law Courts, Cell Block to Right of Police Station on the Corner of Coleridge Passage and Coleridge Chambers it considers the harm to be low but with respect the Methodist Central Hall the harm is greater (para 5.24 and 5.25 Heritage Statement Jan 2021). With regards the CA the degree of harm within the 'less than substantial' category is considered to be medium, being greater than the impact on Victoria Law Courts, Cell Block to Right of Police Station on the Corner of Coleridge Passage and Coleridge Chambers, but less than that for Methodist Central Hall (as a Grade II\* listed building and a landmark tower).
- 6.32 During the lifetime of this application a considerable level of objection has been raised to the proposal on the basis of harm to heritage, generically, as well as in more detail including, but not limited to, 'the loss of the aesthetic and historical value of the existing view down Coleridge Passage from Steelhouse Lane because the proposed development would dominate the tower of Central Methodist Hall and disfigure the architectural lines of the existing composition'. The Victorian Society also continue to object to the proposal because they consider that a tower of the scale and height proposed will have a negative impact on the character and appearance of the listed Victorian and Edwardian buildings in the vicinity adversely

impacting on their setting to such an extent that they will appear reduced and diminished.

- 6.33 Historic England have considered the additional information submitted. They have confirmed that they do not require any further information to assess the harm that these proposals will cause to heritage assets. Their conclusion is that this scheme would cause harm to the character and appearance of the Steelhouse Lane Conservation Area, and to the significance of many of its prominent and architecturally impressive listed landmarks through development in their settings. Having considered the totality of this harm, HE have concluded that “In all cases we consider this to be ‘less than substantial harm’, requiring great weight to be given to the assets’ conservation, irrespective of the level of harm.”
- 6.34 The Conservation Officer has considered the applicants new Heritage Statement (Jan 21) and amended TVIA. He considers the Heritage Statement, supported by the amended TVIA, to be a robust, proportionate and comprehensive assessment of assets in accordance with the NPPF requirements. The Conservation Officer has also considered Historic England’s response, the Victorian Society, Ancient Monument Society and Birmingham Civic Society comments.
- 6.35 As such, the Conservation Officer agrees with the conclusions of the Heritage Statement, including the assessment of level of harm to individual assets or groups of assets as required by PPG, that overall the proposed development will result in harm to the significance of designated heritage assets but that in all cases this would be less than substantial in NPPF terms. Further, he notes that whilst Historic England raise a concern it is not an objection, that they do not require further information, require amendments or recommend safeguards and that they also ultimately agree with the applicant’s Heritage Assessment that the proposal will lead to less than substantial harm. In addition, and in accordance with Historic England’s advice, the Conservation Officer confirms that he is fully satisfied that heritage assets outside the 1km study area will not be harmed. He also confirms that the comments from the national, local amenity groups and objectors do not change his assessment or advice on the impact of the proposed development in relation to heritage assets.
- 6.36 The Conservation Officer advice is consistent with that of Historic England and the applicant’s Heritage advisor. I am therefore of the opinion that there is a consensus of technical expertise that the proposed development would cause ‘less than substantial harm’ to the significance of heritage assets.
- 6.37 Paragraph 193 NPPF advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 6.38 Paragraph 196 NPPF goes on to advise that ‘where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal ...’ . The proposed development would regenerate a currently vacant, brownfield, prominent and sustainable city centre site and in doing so provide significant social, economic and environmental benefits including;
- on-site affordable housing,
  - 667 new homes in a sustainable location,
  - redevelopment of a prominent, vacant, brownfield site

- a well-designed land mark building which would significantly improve the visual appearance of the site/street scene
- significantly improve the landscaping and ecological credentials of the site, including the provision of a green/brown roof and pv roof panels
- provide natural surveillance to street frontages
- creation of high quality residential living environment with a range of external and internal communal facilities in a sustainable location
- energy efficient scheme
- approximate £112 million in construction investment,
- 260 FTE direct construction jobs,
- 375 FTE indirect/induced construction jobs and approx. £ 75 million in economic output uplift.
- accommodation for approx. 1,115 resident who would generate approx.£ 7.5 mill in annual retail/leisure expenditure,
- generate/support approx. 15 direct, indirect/induced jobs,
- approx. £580,000 economic output per annum,
- approx. £1.1 mill Council Tax payments
- and approx. £95,000 over 4 years of new homes bonus.

6.39 Therefore, whilst recognising the very great weight and importance that should be attributed to matters of heritage, on balance, I consider that the wider public benefits of redeveloping this site would outweigh the less than substantial harm caused to the designated heritage assets. Thus I consider the proposal, in this respect, would be acceptable and accord with Policy TP12 and the NPPF.

#### Amenity

#### Sunlight/Daylight

6.39 Extensive objections have been raised with regard the developments impact on loss of sunlight/daylight and overshadowing of the existing surrounding area, in particular residential accommodation at Exchange Square, the student accommodation at Lakeside Residences and the public space at Aston University. Objections are also raised on the basis that the assessment is inadequate. In addition, the Council's attention has been drawn to an appeal decision where the Inspector attributed significant weight to ensuring that existing and proposed accommodation would not fall below the recommended sunlight/daylight standards even when it was student accommodation because, as the covid-19 health impact has highlighted, the importance of internal and external space. Details of the 'standards' used in the appeal decision however have not been provided.

6.40 High Places identifies the need for a sunlight/daylight report to be submitted in support of any 'tall' building however it does not subsequently identify any specific standards that have to be met. Policy DM2 in the emerging Development Management in Birmingham DPD identifies loss of light as one of a range of factors to consider in respect a development's impact on 'amenity' and although BDP policy PG3 identifies the need for high quality places there is no planning policy within the BDP which quantifies how the level of sunlight/daylight should be assessed. Consequently the nationally recognised BRE guidelines are used as an indicator as to whether or not a development is likely to have such an adverse impact on all existing /proposed resident's sunlight/daylight. It therefore falls to planning judgement to consider whether the impact is to such an extent that it would adversely impact on resident's amenity sufficient to warrant refusal of the scheme in line with the policy context.

- 6.41 However in using BRE guidelines to inform the planning decision it must also be recognised that the consideration of natural light is only one of many considerations and as such it is essential that all matters including design, density and site constraints, the limitations of BRE Guidelines and the wider policy context are also fully considered. It should also be noted that local and national planning policies encourage the high quality redevelopment of sustainable brownfield sites and, in particular, para 123 NPPF states that “local planning authorities should refuse applications which they consider fail to make efficient use of land, taking into account the policies in this Framework. In this context, when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards).”
- 6.42 The applicant has submitted a Daylight, Sunlight and Overshadowing report in support of the application and this assesses the impact of the proposed development in relation to surrounding residential and student accommodation as well as the public and private amenity spaces in the immediate vicinity.
- 6.43 In terms of existing residential accommodation it notes that whilst the vast majority of rooms do comply with BRE numerical guidelines it is transparent in identifying the locations where these guidelines are not met, including at Exchange Square and Lakeside Residencies where 28% and 5% of windows, respectively, fall short of the Vertical Sky Component (VSC) requirements to the extent that they could be considered to be significantly adversely affected. However, given the existing site context, nature of accommodation and the limitations of BRE Guidelines, overall the applicant’s report considers sunlight/daylight alterations to be minimal.
- 6.44 The publically accessible lakeside open space at Aston University is well used and is an important asset in the City’s green and open space infrastructure. Therefore as part of the supporting BRE assessment an objective overshadowing test has been done which demonstrates that the proposed development would have a minimal impact on this area with 98% of the amenity space continuing to receive 2 hours of sunlight on the 21st March, significantly above the 50% identified by the BRE guidance. Notwithstanding this assessment I do recognise that the position and scale of the proposed tower, relative to the open space, will have an overshadowing effect on it intermittently at different times and days of the year. However I also recognise that this will provide a different option for people’s use of the various spaces within the wider open space and intermittent additional shading will not necessarily have a negative impact on the area’s use.
- 6.45 The applicant’s submitted information is comprehensive and in accordance with the industry recognised BRE Guidance and I have no reason to contest its findings. However I give less weight, in this instance, than the authors of the applicant’s report appear to, to the reliance upon student accommodation being transient or residential accommodation being recently constructed as justification for accepting lower light levels. That said, I do note the limitations of applying BRE guidelines to a dense urban development rather than a suburban context for which they were developed and that natural lighting is only one of the many factors in site layout and design which has to be considered.
- 6.46 Therefore, whilst recognising there will be an adverse impact on some of the existing residents, including students, on balance, I consider that the site’s location within an urban area, the site’s development context including other buildings position and the need to consider optimisation of its development potential, the flexibility provided by the BRE Guidelines for urban locations, wider policy requirements such as the need for sustainable brownfield development and the

wider public benefits of the scheme (as identified within para 6.38 ) would collectively, outweigh the impact to existing occupiers' amenity as such it would be insufficient to warrant refusal of the scheme. This is an overall planning judgement taking into account the various factors identified in this section of the Report.

#### Overlooking

- 6.47 The eastern side of Tower B would look out onto the adjacent college with the majority of the proposed building being 23m away but there is a 'pinch point' where this distance is reduced to 7m. Whilst there are no policies that specify minimum separation distances between proposed residential and existing office accommodation the internal layout has been arranged to ensure a staircore and larger dual aspect units are positioned in this locality. Tower A and Tower B are angled and are not positioned directly opposite each other and there is wide public highway between Tower A and Exchange Square to the west. As such I consider the development would not adversely affect the amenities of future occupiers by virtue of overlooking or be contrary to policy including DM3 or 10 of the emerging Development Management DPD.

#### Communal amenity space

- 6.48 Objections have been raised on the basis of lack of amenity space for future occupiers, supported by a recent appeal decision where the Inspector highlighted the importance of amenity space particularly in light of the covid-19 pandemic, in addition to the concern that the development would create a gated community.
- 6.49 Approx. 4,400 sq m of internal and external communal amenity space would be provided across the site. This would equate to approx. 6.5 sqm per flat below the 30 sqm per resident identified within Places for Living SPG. However given the site's city centre location I consider the level of amenity provision to be good. I also note the close proximity of existing public open spaces. I do not therefore consider the level of amenity provision would adversely affect the amenities of future occupiers sufficient to warrant refusal of the scheme.
- 6.50 Fencing is proposed around the site to provide clear demarcation of public and private areas and ensure a secure and useable communal area for future residents. However, whilst the landscape would be visible to the public realm, and have a positive visual impact, I consider the perimeter fence, needs further refinement both in design terms and height with particular reference to the southern and eastern boundaries, to ensure it does not result in an oppressive feature which would detract from the visual appearance of the street scene. However, subject to a condition to secure further details of the fence I consider the proposal would provide acceptable communal amenity space which would not detract from the visual appearance of the area.

#### Wind

- 6.51 High Places SPG requires a wind assessment is submitted however it does not subsequently identify any specific standards that have to be met. An updated wind assessment has been submitted which uses a boundary layer wind tunnel study to quantify and classify pedestrian level wind environment at the site in terms of suitability for current and planned usage. It considers the development in existing and cumulative surrounding conditions as well as the existing site conditions and is based on the industry standard Lawson criteria for pedestrian comfort and safety.
- 6.52 In term of pedestrian safety it concludes that wind conditions remain suitable for use by the general public and the able-bodied with the exception of a couple of isolated

locations where pre-existing exceedances already occur and as the proposed development does not significantly exacerbate these existing exceedances the impact of the development is considered minimal.

- 6.53 In terms of pedestrian comfort, wind conditions are considered suitable for the intended use at the vast majority of locations. Some localised exceptions occur, principally along Chapel Street, at the secondary entrances to Tower A and in the courtyard of the proposed development. However, given the relatively minor levels of exceedance at the majority of these locations and the availability of alternative access / amenity, wind conditions would still be expected to be largely tolerable for the intended uses. Furthermore, with the addition of cumulative surrounds, wind conditions in and around the site generally improve, in terms of pedestrian comfort. Some localised exceptions persist at the secondary entrances to Tower A, within the courtyard of the proposed development and on Chapel Street, but the level of exceedance remains low and thus wind conditions would still be expected to be largely tolerable for the intended use.
- 6.54 On this basis therefore I consider the proposal would not have an adverse impact on the wind environment of the built environment sufficient to warrant refusal.

#### Sustainability

- 6.55 Policies TP1-TP5 of the BDP identify the need for any new development to be 'sustainable' and whilst they do not identify specific % reduction targets or require a minimum % of low/zero carbon technologies on each development they encourage developers to consider a wide range of measures to reduce Co2 emissions, promote low + zero carbon and adapt to climate change.
- 6.56 The application is supported by an energy assessment and it considers various advantages/disadvantages of a variety of 'sustainable' measures. The proposed building is identified for a fabric first approach. The residential units would be electrically heated and amenity spaces would have heating and cooling provided by highly efficient variable refrigerant volume (VRF) air source heat pump systems. Photovoltaic panels would be provided on the tower roofs and a brown roof would be provided on the pavilion. I also note the sustainable location of the site and its car parking approach and the Energy Assessment identifies that this approach would result in an 11% improvement on building fabric and 5% improvements on the overall development when considered against the Building Regulation requirements. As such I consider the proposal would satisfy the aims and objectives of both local and national planning policy.
- 6.57 The proposal includes landscaping as part of a courtyard garden and a brown roof. My Landscape Architect, Ecologist and Tree Officer largely welcome the proposals subject to conditions to secure details such as bird/bat boxes, lighting, planting plan, management plan and an ecological enhancement plan, and I consider it would enhance the visual appearance and biodiversity of the site.

#### Mix and need

- 6.58 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 within the Eastside quarter of the City Centre which sits immediately adjacent to a wider area of change and in close proximity to the anticipated HS2 station. The proposed mix would deliver only 1 and 2 bed apartments however the application has submitted a comprehensive Housing Need

Assessment in support of this application which demonstrates that the composition of the household size and future demand is markedly different to the wider strategic housing need.

- 6.59 Therefore whilst the City's housing evidence base indicates that there is a need for larger properties I acknowledge this is with reference to Birmingham's strategic housing area as a whole. Further I note it does not take account of demand in more localised areas 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. I therefore consider the proposal is acceptable and in line with policy in this respect.

#### Parking

- 6.60 Policies TP38-41 encourage development where sustainable transport networks exist and/or are enhanced. In addition to supporting sustainable transport networks the Car Parking SPD identifies the expected maximum car parking provision for each land use, dependent on the sites location, and in this instance identifies a maximum provision of 1 car parking space per dwelling.
- 6.61 The application has been supported by a Transport Assessment. A single servicing/delivery access point is identified to the west of the site. No on-site car parking is proposed. The proposed cycle parking at 20% is below the 100% provision identified within Car Parking Guidelines SPD.
- 6.62 Details have been submitted to demonstrate the acceptability of the proposed servicing arrangements. The site is a highly sustainable city centre location where sustainable transport networks already exist and the site has excellent access to tram, train, car hire and bus services in addition to access to a wide range of employment opportunities, leisure facilities and 'day to day' amenities/services, all within walking distance. I also note the proposed operator's commitment to review the cycle provision and increase/improve if necessary which will be secured by condition. Finally I note that there are car parks in close proximity which future occupiers could utilise if they had a need for a car or visitors to the site travelled by car.
- 6.63 Therefore, subject to conditions to secure a servicing and delivery management plan and a travel plan, I concur with Transportation Development who consider that the development would be acceptable and comply with both local and national planning policy. A S278 informative is attached.

#### Planning Obligations

- 6.64 The proposed development does not attract a CIL contribution but given the level of development proposed Policy TP9, TP31 and TP47 are relevant. Policy TP9 states the "Public open space should aim to be provided....." and Policy TP31 states that "The City Council will seek 35% affordable homes as a developer contribution on residential developments of 15 dwellings or more." However, in accordance with the NPPF, it goes on to state that "Where the applicant considers that a development proposal cannot provide affordable housing in accordance with the percentages set out above,...the viability of the proposal will be assessed using a viability assessment tool..." Whilst TP47 seeks to secure measures to directly mitigate a development's impact and make it acceptable in planning terms by contributing to infrastructure to meet the needs associated with the development.

- 6.65 The applicant has offered 20 on site affordable private rent units, at 20% discount (in line with NPPF requirements) and a review mechanism should any unit(s) be released as affordable housing on site, should the scheme change from a PRS scheme. The offer equates to 3% affordable housing and a financial viability appraisal has been submitted in support.
- 6.66 The applicant's financial appraisal has been independently assessed and this independent assessment accepts that the costs of the proposed development along with the 3% affordable housing would not meet the required minimum developer's return of 10% profit on cost.
- 6.67 As a PRS scheme low yields are expected over a much longer period of time when compared to build to sell schemes and this has a significant impact on schemes viability. Acknowledging this, the tests that this proposal has been subjected to, to ensure it is buildable and recognising it as a high quality landmark development on a strategically prominent site, I accept that the proposed scheme is at the limit of its viability. Therefore whilst the contributions significantly fail to meet the policy aspirations, on the basis of the independent appraisal I consider the offer of 20 on-site private affordable rent units (equivalent to £887,616.00) would be the most that the proposed scheme could reasonably sustain and I therefore consider that it has been demonstrated that this offer would accord with policy in this respect.
- 6.68 Education, Leisure and Sport England have identified the need for financial contributions. There is no policy requirement identified within the BDP with respect education contribution and TP9 states "...should aim to provide..." However TP47 identifies the need to secure infrastructure to meet the needs associated with the development. Notwithstanding this however, given the site's sustainable and city centre location including its proximity to existing public spaces, its composition (i.e. 1 and 2 bed properties), the schemes viability, availability of CIL funding, the Council's priorities in terms of S106 monies and the wider public benefits of this development (as identified at para 6.38), on balance, I consider these factors would outweigh any harm caused by failure to make contributions towards education or public open space. As such I consider it would be unreasonable to require further contributions in this instance. An employment condition is attached.

#### Other

- 6.69 High Places SPG requires that Birmingham Airport are consulted on developments that would exceed 242m AOD (above ordnance datum). This building would exceed this height at 273.4m AOD. An updated Aerodrome Aviation Assessment has been submitted in support of the application which includes details of discussions held with Birmingham Airport since the application was last considered. Birmingham Airport have raised no further comments to the proposal. Therefore subject to conditions identified as necessary within the updated assessment with regard details of the operation and usage of construction cranes and aviation lighting I am satisfied with the development in this respect.
- 6.70 The Air Quality Assessment recommends that residential accommodation up to the third floor could be adversely affected by pollutants and therefore, as a precautionary approach (the site will fall within the Clean Air zone but the potential impact of this has not been relied upon), mitigation should be provided to include sealed units or units with purge ventilation in these locations with air filtration provided from a higher intake. The Noise Assessment submitted identifies the need for various levels of glazing but notes that this can be provided to provide satisfactory internal environments. Therefore subject to conditions to control the mitigation proposed within the submitted reports Regulatory Services raise no

objection. As such conditions including land contamination are recommended accordingly.

- 6.71 The Lead Local Flood Authority and Severn Trent raise no objection subject to conditions to secure specific drainage details along with a sustainable drainage operation and management plan which I attach accordingly.
- 6.72 West Midlands Police have made comments which relate to a range of matters that would be controlled by other legislation and these details have been passed on to the applicant. However conditions with regard lighting, site management and cctv are recommended and attached accordingly.
- 6.73 Draft Design Guide has been published and consulted upon which will replace a number of existing SPG/SPDs. However objections/comments have been received and additional work is required. I am therefore of the view that little weight can be attached to it at this stage and relevant existing SPG/SPDs have been considered accordingly in the main body of the report.
- 6.74 Consultation was undertaken by the applicant prior to the formal submission of the application and the local planning authority has carried out consultation in excess of the statutory minimum and Birmingham's Statement of Community Involvement including additional consultation following receipt of additional information.
- 6.75 The applicant and objectors have requested that various comments/responses are shared in full with Committee Members. However, as noted at para 6.3, a Planning Committee report is a summary of the principal issues only. Should Members wish to view copies of any documents/comments/response in full they are available on the planning file.
- 6.76 An objector considers the application should be considered by Midlands Design Review Panel. However there is no procedural or statutory requirement for an application to be the subject of a design review panel, provided that the Council consider that it has sufficient expertise to properly consider the design aspects of a particular proposal then it will proceed to determine those applications. This application has been informed by a wide range of expertise including assessment by Conservation Officers and the City Design Team and I am therefore satisfied it has been considered fully.

## 7 Conclusion

- 7.1 The proposal would provide a landmark tower development and result in a high quality redevelopment of a brownfield site on a prominent and sustainable City Centre location in accordance with the aims and objectives of both local and national planning policy. Objections/concerns have been fully appraised and considered alongside the Development Plan Policy and other material considerations with the developments impact on heritage, sunlight/daylight/overshadowing and wider infrastructure provision by virtue of reduced S106 contributions recognised. However, on balance when considering all the factors at play in this scheme, the substantial wider public benefits of the sites redevelopment are considered to outweigh the harm from any potential impacts. Therefore subject to the signing of the S106 agreement, the proposal should be approved.

## 8 Recommendation

- 8.1 That planning application 2019/04239/PA should be approved subject to the prior completion of a Section 106 Legal Agreement to secure the following;

- a) 20 one and two bed Affordable Private Rent units. The provision of these units shall be split 50/50 and pepper potted across the site. 50% of the units shall be provided by first occupation, with the remaining 50% provided by 75% occupancy. The rental cost of these units shall be retained at 20% below local market value in perpetuity.
  - b) A mechanism to secure a review payment or payments in lieu of any affordable unit(s) that may be released as affordable housing on site, in the event that the scheme changes from a PRS scheme.
- 8.2 In the absence of a suitable planning obligation agreement being completed to the satisfaction of the Local Planning Authority on or before 30th April 2021, or such later date as may be authorised by officers under delegated powers, the planning permission be refused for the following reason:
- 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 in the event of the planning obligation being completed to the satisfaction of the Local Planning Authority on or before 30th April 2021, favourable consideration be given to this application subject to the conditions listed below.

- 
- 1 Requires the submission of a scheme for ecological/biodiversity/enhancement measures
  - 2 Requires the prior submission of details of bird/bat boxes
  - 3 Requires the submission of details of green/brown roofs
  - 4 Requires the submission of a lighting scheme
  - 5 Requires the submission of sample materials
  - 6 Requires the submission of a landscape management plan
  - 7 Requires the submission of hard and/or soft landscape details
  - 8 Requires the prior submission of a construction method statement/management plan
  - 9 Requires the scheme to be in accordance with the listed approved plans
  - 10 Requires the submission of a CCTV scheme
  - 11 Requires air quality mitigation
  - 12 Requires noise mitigation
  - 13 Requires the provision of cycle parking prior to occupation
  - 14 Requires the submission of details of a delivery/service vehicle management scheme
-

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- 15 Arboricultural Method Statement - Submission Required
  - 16 Requires tree pruning protection
  - 17 Requires the submission of hard surfacing materials
  - 18 Requires the submission of boundary treatment details
  - 19 Requires the submission of Architectural details
  - 20 Requires the prior submission of a sustainable drainage scheme
  - 21 Requires the submission of a Sustainable Drainage Operation and Maintenance Plan
  - 22 Requires the prior submission of a contamination remediation scheme
  - 23 Requires the submission of a contaminated land verification report
  - 24 Requires an employment construction plan
  - 25 Requires submission of management plan
  - 26 Requires the prior submission of a programme of archaeological work
  - 27 Glazing,vents and noise barrier
  - 28 Noise insulation required
  - 29 Implement within 3 years (Full)
  - 30 Requires submission of crane management plan
  - 31 Requires aviation lighting
  - 32 Requires the implementation of the submitted mitigation/enhancement plan
  - 33 Requires biodiversity lighting strategy
  - 34 Requires bay studies
  - 35 Requires 1:1 sample panel
- 

Case Officer: Joanne Todd

**Photo(s)**

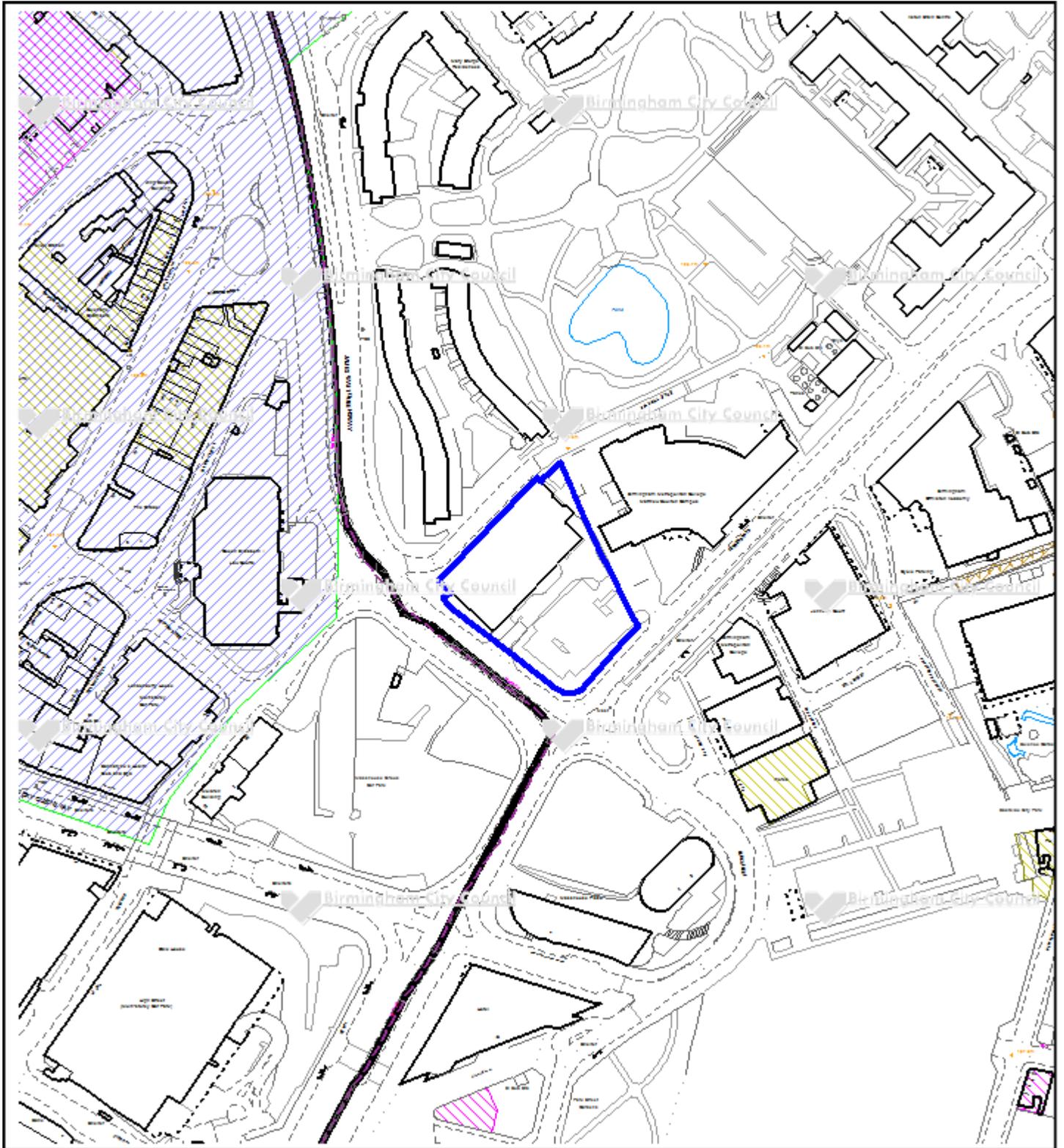


Photo 1: Site from north west corner, 7th February 2021



Photo 2: Site from south 27th November 2019

## Location Plan



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