

# **Birmingham City Council**

## **Planning Committee**

**09 May 2019**

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	9	2017/04040/PA  Land at Conybere Street Highgate Birmingham  Erection of a 4 storey educational institute (Use Class D1) together with associated parking, part closure and realignment of existing pedestrian footpath and landscaping
Approve – Subject to 106 Legal Agreement	10	2018/08132/PA  47-55 Alcester Street & 93 Cheapside (including The Fountain public house) Digbeth Birmingham B12 0PY  Demolition of existing industrial buildings and erection of 6 and 3 storey buildings and conversion of the existing public house to form 42 no. apartments and associated access and amenity area
Approve - Conditions	11	2019/01250/PA  rear of 245 Broad Street Birmingham  Demolition of existing multi-storey car park and erection of 14/15 storey hotel (Use Class C1) with parking and associated works

Land off  
Cardigan Street/Jennens Road and Glassworks  
Lane  
Eastside Locks  
Birmingham  
B4 7RJ

Proposed part demolition, alterations and extensions to former Belmont Works, and erection of new 5 storey building with link to Belmont Works, for use for teaching and ancillary uses within Use Class D1, commercial offices and Research & Development uses within Use Class B1(a) and (b), and ancillary campus retail facilities within Use Classes A1 and A3 (up to 300sqm), together with associated landscaping and boundary treatment

Committee Date:	09/05/2019	Application Number:	2017/04040/PA
Accepted:	21/06/2017	Application Type:	Full Planning
Target Date:	31/05/2018		
Ward:	Bordesley & Highgate		

## Land at Conybere Street, Highgate, Birmingham

Erection of a 4 storey educational institute (Use Class D1) together with associated parking, part closure and realignment of existing pedestrian footpath and landscaping

### Recommendation

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

#### 1. Proposal

- 1.1. This application proposes the erection of a part two / part four storey building to house the relocated and extended QAF faith education, library and language study building.

#### USE

- 1.2. The Qur'anic Arabic Foundation (QAF) is currently based from a modest two storey building off Coventry Road, Small Heath. The use has outgrown this current building with books and activities accommodated elsewhere. The new building will provide a central facility from which the QAF can operate. The proposed building would provide:
- 6 no. Classrooms
  - Learning Resource Areas
  - Multipurpose Hall
  - Public Exhibition Space
  - Ancillary Kitchen, Administrative and Storage Spaces
- 1.3. General teaching and publically accessible spaces are located on the ground and first floors with more specialist education and administration areas on the upper two floors.
- 1.4. Teaching would largely be for adults rather than children and the maximum capacity of the site is in the region of 180 people.
- 1.5. The 300 sq.m double height multipurpose hall would be used for exhibitions, lectures, assemblies, productions and dining etc. No public prayer, weddings or funerals would take place within the building. The hall would be serviced by a commercial kitchen located at the front of the building. A double height public exhibition space (184 sq.m) and double height entrance lobby together with ancillary facilities including a small shop (16 sq.m) and coffee kiosk (8 sq.m) complete the ground floor. There is a roof terrace proposed above this part of the building.

- 1.6. The first floor would house four classrooms in addition to breakout space and ancillary facilities.
- 1.7. Second floor would have two further classrooms, two recording studios (largely for the production of educational media) and onsite prayer room (73 sq.m) for staff and student use.
- 1.8. The upper third floor would include office and ICT spaces together with the library/archive room (105 sq.m).
- 1.9. The building would have a total Gross Internal Area (GIA) of 2,559 sq.m.

#### SCALE / DESIGN

- 1.10. The proposed four storey building would be set back from Conybere Street with its main entrance situated at the south-eastern corner up a short flight of steps. Feature curved columns would line the route to the front door. The building would be modelled so that its eastern part would be set back from the rest of the building, whilst the central element would project on its upper floors producing a cantilever.
- 1.11. Metal colour coated rain screen cladding is the principal facing material with polycarbonate and aluminium glazing/curtain walling.
- 1.12. The lower two storey element would be clad with the translucent insulated polycarbonate panels with largely horizontal windows around the southwest corner and on the western elevation of the building above a dark brick base.
- 1.13. The four storey element would include a central glazed atrium with copper coloured cladding either side at high level. The cladding would be vertically arranged on the western side and horizontal on the east. The entrance would consist of double height curtain walling.
- 1.14. Internally, a grand central (straight) staircase would provide access to the first and second floors with space for sitting and interaction. The circulation space would have atrium space up the full height of the building, covered by roof lights.
- 1.15. Car parking (37 spaces) and vehicle drop off space would be provided around the building (principally to the rear) with a one way in/out arrangement proposed.
- 1.16. The public footpath would be realigned on the eastern side of the site, linking with the existing footpath connecting to Chandos primary school to the north.
- 1.17. It is proposed to locate a refuse store adjacent to the existing substation.
- 1.18. A total of 23 no. trees would be removed (and 7 no. retained) with 24 new trees proposed to be planted.
- 1.19. Existing fencing is proposed to be retained on the western and northern boundaries with new fencing along the realigned foot path and feature fencing at the back of pavement on Conybere Street.
- 1.20. In addition to detailed drawings and visualisations, this application is supported by a Tree Survey; Design and Access Statement; Flood Risk Assessment; Planning

Statement; Transport Statement; and Travel Plan, the majority of which have been updated during consideration of this application.

1.21. [Link to Documents](#)

2. [Site & Surroundings](#)

- 2.1. The majority of the application site is a broadly flat piece of open grassed land which slopes gently towards the river to the west. The remainder of the site includes publically accessible footpaths to the eastern and western boundaries of the site, including a path along the river boundary which is at a lower level than the principal site. Mature trees are situated to the rear of the application site
- 2.2. The footpaths running through the sites are not formally adopted although they are paved and there are some lighting columns. A 20 storey residential tower block constructed in 1970 (Princethorpe Tower) previously occupied the site (demolished in 2003) and the city has more recently disposed of the site to QAF.
- 2.3. Beyond the site boundaries there are two schools (St Albans to the east and Chandos primary to the north), the culverted River Rea runs along the site's western boundary and Conybere Street is directly to the south. A brick built single storey substation is situated within the site on the Conybere Street frontage, close to its junction with Gooch Street.
- 2.4. Further afield there are residential properties on the opposite side of the river with the St Luke's residential redevelopment site beyond Gooch Street. Highgate local centre is to the south. The wider area to the east and north houses a wide range of residential and industrial/commercial uses.
- 2.5. The site is partially Floodzone 2 and part Floodzone 3. The River Rea is a designated site of local importance to nature conservation.
- 2.6. [Site Location](#)

3. [Planning History](#)

- 3.1. 14.02.2002 – 2002/00251/PA – No Prior Approval Required - Demolition of Princethorpe Tower and associated works
- 3.2. 02.03.2003 – 2002/06503/PA – Application Withdrawn - Erection of 31 dwellings (3 No. 2 bed houses, and 18 No. 2 bed flats)

4. [Consultation/PP Responses](#)

- 4.1. Transportation Development – No objection subject to conditions requiring a suitable highways agreement for changes to the highway; cycle parking provided before the building is operational; that there is no public prayer, wedding or funerals at the site; and that the new realigned footpath is provided prior to the removal of the existing un-adopted path.

- 4.2. Regulatory Services – No objection subject to conditions preventing functions (weddings/prayers/funerals); and requiring no external speakers; closing to the public by 23:00; and restricting noise levels of plant and equipment.
- 4.3. Leisure Services – Object to the loss of open space. If exceptional circumstances are demonstrated then suitable compensation for off-site improvements totalling £50,000 should be provided.
- 4.4. Lead Local Flood Authority – Raise no objection subject to a condition requiring further details of the sustainable drainage system.
- 4.5. Canal and Rivers Trust – No comment as the application falls outside of their scope.
- 4.6. Severn Trent – No objection subject to a condition requiring further drainage details.
- 4.7. West Midlands Fire Service – No objection subject to suitable access for pump appliance equipment and notes that a minimum carrying capacity of 15 tonnes is required for areas that could accommodate WMFS appliances.
- 4.8. West Midlands Police – Recommends further details of lighting and CCTV be secured by condition. Supports the location of the ICT room, being more secure on an upper floor. Raises concerns regarding highway impact.
- 4.9. Environment Agency – Raise no objection subject to a condition requiring the development to be carried out in accordance with the latest Flood Risk Assessment which sets the floor levels, and requires the implementation of the compensatory flood storage scheme and the landscaping strategy.
- 4.10. Neighbouring occupiers including the adjacent schools; Ward Members; the MP and Residents' Associations consulted.
- 4.11. One response has been received to speak at committee (although no comments stating what their interest or view on the scheme was provided).
- 4.12. Chandos Primary School have made representations (February 2018) raising concerns that the development:
- would reduce light into their classrooms
  - would overlook the playground, which may lead to safeguarding issues
  - could prevent access and compromise safety of pupils
- 4.13. Further comments have been invited in light of the amended scheme. Should any be received these will be reported at the meeting.
- 4.14. The most recent scheme has been shared directly with Ark St. Alban's Academy. Any comments received will be reported at the meeting.

## 5. Policy Context

- 5.1. Birmingham Development Plan 2017; Birmingham Unitary Development Plan 2005 (saved policies); Car Parking Guidelines 2010 (SPD); Places for All (2001) SPG; National Planning Policy Framework. Also the non-statutory Big City Plan and Bristol

Street and St. Luke's Development Framework (2013) and, as wider context, the Smithfield Masterplan.

## 6. Planning Considerations

### POLICY

- 6.1. The Birmingham Development Plan sets out the areas where major growth of the City Centre will occur, with five wider areas of change identified, drawing upon the earlier Big City Plan. The BDP sets out the ambitious growth of the City Centre to the south and identifies five strategic allocations for the centre, including the Southern Gateway, with the Smithfield Masterplan acting as a centerpiece. The BDP states that new investment in office, retail, cultural and residential provision will be supported. The BDP adds, at GA1.2, that schemes within the Southern Gateway will need to address the sustainable management of the River Rea Corridor in terms of flood risk and be supported by a range of infrastructure and services, employment opportunities and public spaces and improve connections to Highgate. Whilst not within the Southern Gateway the site is close to its southern boundary.
- 6.2. TP6 requires the sustainable management of both surface and river water highlighting the need for Sustainable Drainage and Flood Risk Assessments to demonstrate that the disposal of surface water from the site would not exacerbate existing flooding and that exceedance flows will be managed taking into account climate change. The policy adds that easements between development and watercourses should be provided; opportunities should be taken where possible to re-instate natural river channels; culverted water courses should be opened up where feasible; and existing open watercourses should not be culverted. The BDP recognises that large increases in impermeable areas for a site could contribute to a significant increase in surface water run-off which could in turn contribute to an increase in flood risk elsewhere.
- 6.3. TP26 seeks to maximise opportunities presented by new developments for local employment. This can be both during the construction and operational phases of the development.
- 6.4. TP28 adds that new development should be located outside of flood zones 2 and 3a unless effective mitigation measures can be demonstrated; must be adequately served by infrastructure; and be sympathetic to historic, cultural or natural assets.
- 6.5. Policies TP38-45 set out the City's aspiration to encourage sustainable transport, prioritising the needs of pedestrians and cyclists together with public transport over the private motor car supported by the planning and location of development.
- 6.6. The saved policy 3.14 of the Birmingham UDP provides specific guidance in relation to how to achieve good urban design.
- 6.7. Members will be aware that the National Planning Policy Framework (NPPF) was comprehensively reviewed and reissued in July 2018 with a further version issued in February 2019. Sustainable Development continues to be at the heart of the framework, for which there is a presumption in favour. Proposals are required to address the three key aspects of sustainability (economic, social and environmental) in order to constitute sustainable development. The NPPF breaks development down to key themes and provides guidance on each.

- 6.8. Chapter 7 requires the development of a network of centres and to maintain their vitality and viability. Chapter 12 requires high quality design. Chapter 14 provides policies for the sustainable management of flood risk and states that inappropriate development in areas at risk of flooding should be avoided, that development should be safe and that flood risk is not increased elsewhere.
- 6.9. On highway issues the NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Applications should give priority to pedestrian and cycle movement; address the needs of people with disabilities; minimise conflict between pedestrians, cyclists and vehicles; avoid unnecessary clutter; allow for deliveries, servicing and emergency services and be designed to enable the charging of plug-in vehicles.

## USE

- 6.10. The vast majority of the existing site does not have a formal open space designation (and therefore is not accounted for in the figures used to calculate whether the minimum target of 2ha per 1000 population is being achieved) but is soft landscaped and publically accessible amenity land. Leisure Services comment that in the event that exceptional circumstances can be demonstrated then compensation would be required in line with BDP policy. They note that according to the 2013 data the provision of open space in the former Nechells Ward was 1.5ha per 1000 people.
- 6.11. Considering the site's location adjacent to two schools and its nature as a grassed area with mature trees at its periphery, and despite no formal designation, it being previously developed and no facilities such as children's play areas being provided, the site has some value as an open area that is accessible to the community. Therefore whilst the loss of the site to an alternative use would not materially affect the open space calculations set out in Policy TP9 of the BDP adequate compensation should be secured to assist in the provision, improvement or maintenance of other public open space within the wider area.
- 6.12. The proposed community facility has an operational relationship with other religious and community uses within the wider area as set out in the sequential test document supporting the consideration of the flooding issue (below). The site is situated at the edge of a local centre adjacent to other education uses. It is noted that the non-statutory Big City Plan, dating from 2011, identified the site as a potential opportunity for a new area of open space. However the Bristol Street and St. Luke's Development Framework (2013) does not include the site in its masterplanning exercise for open space and a green corridor to the west. Finally, the planning consent for the St. Luke's development includes substantial new and much improved open space which will benefit the local community, including any that use the current Conybere Street site in addition to an existing facility to the west (New Hope Community Park).
- 6.13. A small part of the site (around 300sq.m) benefits from an open space designation. This area, on the eastern side of the site, previously formed part of a much larger area of open space (of over 1ha) which was largely lost when the Ark St Alban's Academy was constructed. The loss of such a comparatively small area would not materially impact upon the level of provision of open space in the ward.
- 6.14. Leisure Services consider that financial compensation of £50,000 should be secured to be used for the improvement and maintenance of the New Hope Community Park



to mitigate the impact of the proposals. Therefore, considering the nature of the existing space, the nature of the proposals, the provision of improved open space provision in close proximity and that financial compensation has been secured; exceptional circumstances have been demonstrated and no objections are raised to the principle of the proposals.

- 6.15. It should be noted that as an education use, the Places of Worship policy does not apply to the development.

#### FLOODING / DRAINAGE

- 6.16. At Development Plan level the site is identified within the Level 2 Strategic Flood Risk Assessment (SFRA). This identifies that the majority of the site (73%) is outside of Floodzone 3, although there is a greater flood risk closer to the river. It also identifies that there is a very high risk of groundwater flooding which will need further investigation to ensure that the site is suitable for development.
- 6.17. The SFRA continues that surface water run off should be attenuated at greenfield rates and that no flood water compensation is required providing development is outside of the area covered by Floodzone 3 and concludes that development of the site will be possible if it can be demonstrated that flood risk will not be exacerbated elsewhere and no alternative brownfield sites are available via the exception test. The SFRA applies the sequential test and concludes that the exception test will need to be applied. In addition, a sequential test for this site has been carried out by the applicant which considers the community need for the facility and site availability within the Highgate area (there are 16 institutions within the vicinity). The assessment concludes that there are no sequentially preferable sites that could reasonably accommodate the proposal.
- 6.18. In terms of application of the exception test, the SFRA identifies the sustainability benefits to the community as being linked to the wider benefits associated with the redevelopment of the wholesale market. It adds that this brownfield site is in a highly sustainable location in close proximity to the city core and that regeneration of this area will deliver significant sustainability benefits. It concludes that the site is on the periphery of Floodzone 3 and the vulnerability of any new development to flooding can be ameliorated through design measures and the arrangement of buildings on site.
- 6.19. The community benefits set out in the SFRA stand, and the application proposals have been designed to minimise their vulnerability to flooding through various mitigation measures (set out below) together with the siting of the building to largely avoid Floodzone 3.
- 6.20. Since submission the Flood Risk Assessment (FRA) has been amended several times to ensure that the mitigation proposed is successful in delivering a safe development that does not worsen flood risk elsewhere. The latest assessment uses the Environment Agency's data to predict the maximum flood extents for the 1 in 100 year + 30% climate change scenario. This shows that roughly a third of the western side of the site would be flooded, largely covering the area of the substation/refuse store and the car park access road along with some of the parking to the rear. The flood extent clips the north western corner of the building with flooding between 0m and 0.92m predicted.
- 6.21. The FRA goes on to model a 1 in 1000 year event which almost completely covers the site with a maximum flood depth of 1.87m. The FRA proposes that the building

incorporates flood resilience and resistance measures in its design to mitigate this impact.

- 6.22. In terms of the 1 in 100 year event, approximately 40.1 sq.m of the building would displace flood water and therefore suitable compensation for displacement of this water is required. This compensatory flood storage scheme consists of the manipulation of levels to the rear of the car park to allow pooling of water in a flooding event in a safe way.
- 6.23. The FRA demonstrates that in a flood event safe vehicular and pedestrian access to and from the building could be gained from Conybere Street, with building levels set to ensure this is secured. A flood warning and evacuation plan would also be required.
- 6.24. The building is set away from the river to facilitate access (for maintenance and clear blockages) and minimise structural impacts on the channel structure and a maintenance gate is built into the proposals.
- 6.25. The Environment Agency raise no objection subject to a condition requiring the mitigation measures set out in the FRA to be implemented.
- 6.26. On the basis of the latest information, which includes an underground storage tank, the Lead Local Flood Authority raise no objection, subject to further details of the sustainable drainage system being provided.
- 6.27. In conclusion the sequential and exceptions tests set out in the NPPF have been applied and the development passes both. In terms of flood risk, the revised FRA demonstrates that the development is safe and would not make flood risk worse elsewhere subject to implementation of the appropriate mitigation measures. Suitable conditions are therefore recommended.

## DESIGN

- 6.28. Discussions with the city design team have resulted in changes to the layout and design of the building to better engage with its surroundings. Additional glazing has been added to the kitchen to better activate the street frontage and the boundary fencing is tailored to this scheme rather than a standard item. Further finer details will be secured by condition to ensure that the detailing and materials of the building are satisfactory.
- 6.29. The scale and massing of the building is akin to the adjacent school building and is appropriate in this city centre / edge of local centre context. The building drops in height towards the lower two and three storey residential properties to the west. The building's siting addresses the street frontage and provides breathing space both to the river corridor to the west and the realigned pathway to the east.
- 6.30. The City Design Officer considers the amended proposals result in a distinct building that will add to the overall quality of the area. The layout and orientation successfully overlooks and engages with its surrounding public realm and the sculptured entrance archway successfully announces the entrance. Surveillance of the street is provided by a double height atrium and teaching space/library above. He adds that the stepped and projecting form of the building adds interest and breaks up the mass. The application of modern materials helps to deliver a

modernist inspired architectural form, and if successfully delivered, will provide a landmark building.

- 6.31. Therefore, subject to safeguarding conditions, no objections are raised on design grounds.

#### AMENITY

- 6.32. In terms of the amenity of occupiers of properties within the vicinity, the closest dwelling to the proposed building is approximately 18m to the northwest, at the head of a small cul-de-sac off Gooch Street. The proposed building, being to the southeast of these properties and beyond the river would not result in an overlooking/overshadowing or overbearing impact that would warrant the refusal of this application subject to the detailed design of the roof terrace. It is noted that the site previously housed a 20 storey residential tower and is within a city centre context (all be it peripheral) where a tighter urban grain can be expected.
- 6.33. Regulatory Services raise no objection subject to conditions preventing functions (weddings/public prayers/funerals); and requiring no external speakers; closing to the public by 23:00; and restricting noise levels of plant and equipment.
- 6.34. It is not proposed to hold functions, operate beyond 23:00 or install external speakers as part of this application and therefore conditions are attached. A condition limiting the noise levels of plant and machinery is also attached.
- 6.35. Access to the building would be directly from Conybere Street which faces the local centre with community, education and commercial uses within the vicinity. Therefore the impact of comings and goings would be unlikely to materially impact upon occupiers of residential properties within the vicinity.
- 6.36. Subject to safeguarding conditions, including the detailed design of the roof terrace, the amenity implications of the application are considered acceptable.

#### ARBORICULTURAL IMPACTS

- 6.37. An Arboricultural Impact Assessment has been provided. This report states that a total of three trees would conflict with the foundations of the main building and a further sixteen trees would conflict with the proposed hard surfaces. Hard surfaces would also pass over the root protection areas of six further trees to be retained. Of the nineteen trees to be removed four are 'U' category with an anticipated lifespan of less than 10 years; three are 'C' category which are of low quality, with the remainder being B category of moderate quality with a lifespan of at least 20 years. There are no A category trees identified.
- 6.38. The report considers that the majority of the trees proposed to be removed are at the rear of the site and would be screened by the building in any event; therefore their loss will have little impact on wider public amenity. However the trees proposed for removal located at the entrance will have some impact and it is recommended that replacements of a suitable size are secured to provide an instant impact. The report goes on to recommend pruning works to retained trees and ways to safeguard retained trees during the course of redevelopment works.
- 6.39. In relation the above scheme and Arboricultural Report, the city's Principal Arboriculturalist notes the limited impact of the application building upon existing trees, given that it is approximately in the location of the previous tower block on the

site. The car park and re-routed footpath necessitates the removal of the majority of trees on the site. A large proportion of the existing trees on site are Crack Willow, and it is considered that whilst they provide canopy there is a reasonable argument behind improvement through a wider range of more interesting landscape specimens. The Arboriculturalist recommends that subject to the provision of 20 replacement trees being provided and suitable safeguarding conditions (arboricultural method statement and pruning requirements) for the remaining trees, no objection is raised.

- 6.40. Subsequent to this report the flood mitigation measure of lowering levels at the back of the site has been introduced. This results in the loss of a further 7 no. trees. Further opportunities for new tree planting are identified taking the total provision of new trees to 24. A further Arboricultural Report to account for these changes will be provided, with comments to be reported at the Planning Committee meeting. In addition to the conditions recommended by the Arboriculturalist a condition requiring a minimum of 24 no. replacement trees as shown on the proposed plans and ensuring that they are of a suitable size to have an immediate impact when planted is recommended.

## ECOLOGY

- 6.41. The city's Ecologist notes the loss of the existing trees (although recognises that the amended proposals include more replacement trees) and the opportunity for green infrastructure along the river corridor and recommends that sustainable urban drainage system is secured with consideration of biodiversity roofing. Notes that any external lighting should not spill onto the river corridor to maintain the integrity of this potential bat forage and commuting route.
- 6.42. The proposals maximise the potential for tree planting and a condition is attached to ensure that ecological enhancement is secured in addition to a bat-sensitive lighting scheme. As recommended the scheme does include a sustainable drainage system. In respect of biodiverse roofing this has been explored but has been discounted in this instance for financial viability reasons.

## HIGHWAY MATTERS

- 6.43. The updated Transport Statement (January 2018) clarifies that the use of the building is as a facility for adult education training, teaching and research on both the Qur'an and the Arabic language. This represents an expansion of the existing operation in Small Heath. In addition the building will have an ancillary use for events such as conferencing, graduations, exhibitions, festivals and fundraising. The maximum capacity for teaching purposes is 180 people, and as an adult training facility the majority of the activities are scheduled for evenings and weekends. There will be approximately 8 members of staff onsite at any one time.
- 6.44. The statement clarifies that prayer facilities on site will be for staff and pupils only and not for public use. It goes on to analyse the mode of transport used by existing pupils. The updated statement therefore reinforces the conclusions set out in the earlier Transport Statement that the site will have a relatively low trip generation outside of peak hours and would not have a significant impact upon the local road network. A Travel Plan has been provided that aims to encourage travel via more sustainable modes of transport.
- 6.45. Transportation Development raise no objection subject to conditions requiring a highways agreement; cycle parking; that there is no public prayer, wedding or

funerals at the site; and that the new realigned footpath is provided prior to the removal of the existing un-adopted path which are acceptable and recommended. In accordance with the BDP and NPPF a further condition requiring the provision of an electric vehicle plug in point is recommended.

- 6.46. It is therefore concluded that subject to conditions the development would not have an unacceptable impact upon highway safety and there are no severe residual cumulative impacts on the road network.

#### CIL / SECTION 106

- 6.47. The application does not trigger the need for a CIL contribution however, as per above, the proposal includes compensation of £50,000 to compensate for the loss of open space. This sum, agreed with Leisure Services, would be used for the maintenance and improvement of New Hope Community Park located further east along Conybere Street.

#### CHANDOS SCHOOL COMMENTS

- 6.48. The comments raised by Chandos Primary School are noted. The new building is over 21m to the boundary with the school and therefore any loss of light or overlooking would not be to such an extent that refusal would be justified. It should be noted that existing and proposed tree planting along this boundary will help provide some visual separation and the existing site is currently open to the public.
- 6.49. The re-aligned footpath would continue to provide a connection to the existing footpath running through to Chandos School. A condition is recommended to ensure that it is provided and is a suitable specification to ensure that it is safe for the public, including parents and pupils, to use.

#### 7. Conclusion

- 7.1. The application proposals would result in the provision of an education focused community use on a sustainable city centre site close to other education uses and adjacent to the Highgate Local Centre. The revised proposals are safe and would not increase the risk of flooding or drainage problems elsewhere. Officers have worked with the applicant on the detailed design of the proposals which represent high quality contemporary architecture. Highway impact is considered to be acceptable.
- 7.2. As such approval subject to suitable safeguarding conditions and a legal agreement is recommended.

#### 8. Recommendation

- 8.1. That consideration of application 2017/04040/PA be deferred pending the completion of a Section 106 Legal Agreement to secure the following:
- i) A financial contribution of £50,000 (index linked to construction costs from the date of this resolution to the date on which payment is made), towards the improvement and maintenance of the New Hope Community Park within the Bordesley & Highgate Ward.

- ii) a financial contribution of £1,750 for the administration and monitoring of this deed to be paid upon completion of the legal agreement.
- 8.2 In the absence of a planning obligation being completed to the satisfaction of the Local Planning Authority by the 30<sup>st</sup> May 2019, planning permission be refused for the following reason:-
- i) In the absence of a legal agreement to secure a contribution towards public open space improvements the proposal conflicts with Policies 8.50-8.54 of the Birmingham Unitary Development Plan 2005 (saved policies); Policy TP9 and paragraph 10.3 of the Birmingham Development Plan and the National Planning Policy Framework
- 8.3 That the City Solicitor be authorised to prepare, complete and seal an appropriate agreement under Section 106 of the Town and Country Planning Act.
- 8.4 That in the event of the planning obligation being completed to the satisfaction of the Local Planning Authority by the 30<sup>st</sup> May 2019 favourable consideration is given to this application, subject to the conditions listed below.

---

1	Requires the prior submission of a sustainable drainage scheme
2	Requires the prior submission of a drainage scheme
3	Requires the submission of sample materials
4	Requires the prior submission of level details
5	Requires the submission of footpath details
6	Requires the prior submission of fire strategy details
7	Requires the prior submission of boundary fencing details
8	Requires the prior submission of roof terrace details including hours of use, extent and position
9	Requires the submission of a CCTV scheme
10	Arboricultural Method Statement - Submission Required
11	Requires the submission of hard and/or soft landscape details
12	Sets the minimum number of and sizes for the replacement trees
13	Requires the submission of a lighting scheme that does not spill onto the River Rea corridor
14	Requires the prior submission of a Sustainable Drainage Operation and Maintenance Plan
15	Requires the submission and completion of works for the S278/TRO Agreement

---

- 
- 16 Requires the prior submission of details of bird/bat boxes
  - 17 Requires the submission of a scheme for ecological/biodiversity/enhancement measures
  - 18 Requires the provision of cycle parking prior to occupation
  - 19 Requires a minimum of 1 no. electric vehicle charging point
  - 20 Prevents the use of amplification equipment
  - 21 Prevents weddings and other major events to take place on site
  - 22 Prevents the use from changing within the use class
  - 23 The development shall be carried out in accordance with the submitted flood risk assessment (FRA) (titled "Flood Risk Assessment for the Proposed Development at Land at Conybere Street, Highgate, Birmingham, Warwickshire, Issue 5, revision 3, dated 27 February 2019) and the following mitigation measures it details:
  - 24 Limits the noise levels for Plant and Machinery
  - 25 Limits the hours of use
  - 26 Requires tree pruning protection
  - 27 Requires the scheme to be in accordance with the listed approved plans
  - 28 Implement within 3 years (Full)
- 

Case Officer: Nicholas Jackson



## Photo(s)



Figure 1 – Application site from the corner of Gooch Street and Conybere Street (substation in the foreground)



Figure 2 – Application site from the north looking towards Gooch Street





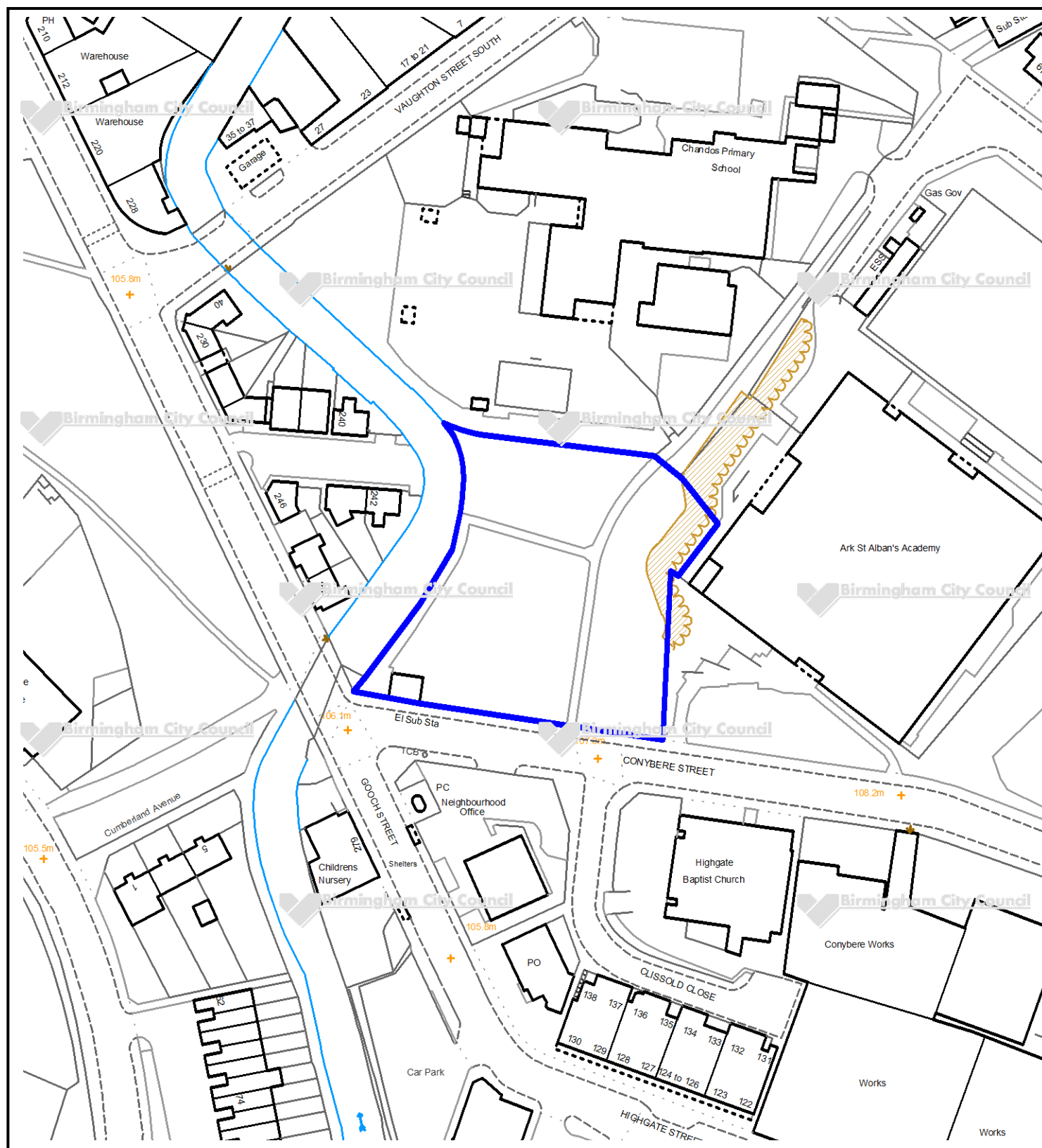
Figure 3 – Public footpath running between Chandos and Ark St Alban's schools (looking north)



Figure 4 – Looking back towards Conybere Street



## Location Plan



This map is reproduced from the Ordnance Survey Material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Birmingham City Council. Licence No.100021326, 2010

---

Committee Date:	09/05/2019	Application Number:	2018/08132/PA
Accepted:	16/10/2018	Application Type:	Full Planning
Target Date:	31/05/2019		
Ward:	Bordesley & Highgate		

47-55 Alcester Street & 93 Cheapside (including The Fountain public house), Digbeth, Birmingham, B12 0PY

Demolition of existing industrial buildings and erection of 6 and 3 storey buildings and conversion of the existing public house to form 42 no. apartments and associated access and amenity area

Recommendation

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

1. Proposal

1.1. This application proposes the demolition of all existing buildings on site except for the principal part of the Fountain Inn public house and the erection of two apartment buildings. In addition, the conversion of the public house to further residential apartments is proposed.

1.2. Since submission the application has been amended to reduce the overall number of apartments from 48 to 42 and the apartment mix has also changed as set out below.

Demolition

1.3. The existing two storey industrial buildings with various two and single storey extensions would be completely demolished. The principal public house building on the corner would be retained, although both single and two storey extensions would be demolished as part of these proposals.

Proposals

1.4. As part of the proposals the existing public house would be converted to form three apartments (one on each floor) with a new circulation core provided to the rear. This forms Block B.

1.5. The remainder of the site would be built out with further apartments in two blocks. Block C would directly adjoin the Fountain Inn on Cheapside. This building would be three storeys tall with an 'M-shaped' roof. The building would have traditional Georgian style proportions and be constructed of red facing brickwork with large dark grey timber framed sliding sashes (six over six).

1.6. Block A would be a flat roofed six storey red brick building with large Crittall style aluminium windows and vertical piers running up the façade. The overall aesthetic is that of an industrial warehouse style building. To the rear the upper five floors have a small external 'balcony' element which provides circulation space to apartments.

- 1.7. A private communal garden would be provided to the rear. In addition to residents' amenity space there would be 42 cycle storage spaces and an enclosed bin store. Gated access would be from both Cheapside and Alcester Street, where access to blocks B and C would be provided. Block A would be accessible either directly off Alcester Street or from the rear communal amenity space.

- 1.8. Due to the constrained nature of the site no on-site parking is proposed.

#### Apartment Mix

- 1.9. The amended scheme has an apartment mix as follows:

Apartment Type	Min. Size	Max. Size	Number	Percentage
<b>1b 1p</b>	37 sq.m	N/A	1	2 %
<b>1b 2p</b>	52 sq.m	62 sq.m	20	48%
<b>2b 3p</b>	61 sq.m	69 sq.m	14	33 %
<b>2b 4p</b>	73 sq.m	80 sq.m	7	17 %

*Figure 1 – Apartment Schedule*

- 1.10. As originally submitted the proposals had 65% one bedroom and 35% two bedroom units which has been improved to an equal split. It should be noted that 65% of the dwellings meet the technical standards for two bedroom units, however due to constraints on the layout six one bed apartments are large enough to have been suitable as two bedroom properties.
- 1.11. The applicant's Viability Appraisal stated that the scheme could not sustain any Section 106 contributions. Following detailed assessment by the Council's Independent Advisors, it has been agreed that four of the apartments would be provided as affordable units.
- 1.12. This application is supported by detailed plans; a Design and Access Statement; Planning Statement; Air Quality Assessment; Sustainable Drainage Assessment; Archaeological Assessment; Contaminated Land Desk Study; Noise Impact Assessment (updated April 2019); and a Financial Viability Appraisal.
- 1.13. [Link to Documents](#)

## 2. Site & Surroundings

- 2.1. The application site currently consists of the Fountain Inn public house, constructed in 1780, and situated at the corner of Cheapside and Alcester Street. The Fountain Inn is a pitched roofed building of brick and slate construction with residential accommodation above the existing drinking establishment. The remainder of the site is occupied by a series of industrial buildings of varied construction, but typically 2 storeys high. Aside from a small yard associated with the pub and a small set back on the Cheapside frontage the site is totally covered with development.

- 2.2. The locality houses a wide mixture of uses including residential, retail, industrial and hotel uses. A number of recent, ongoing and consented residential apartment schemes are situated within the vicinity including the former Harrison Drape building (Fabrick Square), the St. Anne's development and the former Westminster Works.

2.3. [Site Location](#)

3. [Planning History](#)

- 3.1. 27.06.2017 – 2016/07462/PA – Withdrawn - Demolition of public house and adjacent buildings and erection of 4 storey building to create 51 no. apartments (44x1 bed) and (7x2 bed)

Site Opposite on Alcester Street (Former Westminster Works)

- 3.2. 16<sup>th</sup> May 2018 - 2017/08666/PA – Approval - Demolition of existing buildings and erection of a 6/7 storey building to provide 220 no. apartments, car parking and associated development.

4. [Consultation/PP Responses](#)

- 4.1. Transportation Development – No objection subject to conditions requiring the reinstatement of redundant footway crossings and that 100% cycle parking is provided prior to occupation. Notes the applicant's assessment which reveals that within 100m of the site there were 26 on-street parking spaces in the evenings and 10 spaces during the daytime. Also highlights that guidelines seek maximum (not minimum) parking provision.
- 4.2. Regulatory Services – No objection. Concurs with the conclusions of the Air Quality report which states that no mitigation is required. In respect of Contaminated Land a condition is recommended to require intrusive investigation. Following the provision of an update Noise Assessment, raises no objection subject to conditions requiring a noise insulation scheme (providing acoustic targets for street and other elevations).
- 4.3. Leisure Services - No Objections to the development subject to an off-site contribution towards public open space of £76,700 to be spent on the provision, improvement and / or biodiversity enhancement of open space and the maintenance thereof at Kingston Hill Park and Highgate Park both in the Bordesley and Highgate Ward.
- 4.4. BCC Employment Team – Request either a condition or clause within the S106 securing a proportion of construction work associated with the development for apprentices, graduates, new entrants or people on work placement.
- 4.5. Lead Local Flood Authority – Raise no objection subject to conditions requiring the submission of a detailed drainage scheme.
- 4.6. Children, Young People and Families – No objections or comments.
- 4.7. Severn Trent – No objections subject to a condition requiring the approval of foul and surface water drainage details.

- 4.8. West Midlands Fire Service – Raise no objection and provide the relevant standards for water supplies for firefighting purposes, notes that Building Regulations consent will be required, and that any riser inlet associated with fire mains should be within 18 metres and access points clearly visible.
- 4.9. West Midlands Police – Raises no objection but request a condition requiring the provision of CCTV. In addition raises various security observations and recommendation such as lighting, achieving secure by design standards and access control arrangements.
- 4.10. West Midlands Metro – No operational issues would be affected by the proposed works.
- 4.11. Cadent (Gas) – Requires the applicant to secure agreement for any works that affect their network and recommends an informative be attached.
- 4.12. Neighbouring occupiers; Ward Members; the MP; Residents' Associations and relevant amenity societies have been consulted without response.

## 5. Policy Context

- 5.1. Birmingham Unitary Development Plan 2005 (saved policies); Birmingham Development Plan 2017; Places for Living SPG (2001); Car Parking Guidelines SPD (2010); Loss of Industrial Land to Alternative Uses SPD; Public Open Space in new Residential Development SPD (2007); Affordable Housing SPG; National Planning Policy Framework. Also the non-statutory Big City Plan and, as wider context, the Smithfield Masterplan.

## 6. Planning Considerations

### POLICY

#### Local

- 6.1. The Birmingham Development Plan sets out the areas where major growth of the City Centre will occur, with five wider areas of change identified, drawing upon the earlier Big City Plan. The BDP sets out the ambitious growth of the City Centre to the south and identifies five strategic allocations for the centre, including the Southern Gateway, with the Smithfield Masterplan acting as a centerpiece. The application site is within the Southern Gateway. The BDP states that new investment in office, retail, cultural and residential provision will be supported. The Southern Gateway anticipates residential development as part of the future mix of uses to help stimulate the regeneration of the wider area. GA1.3 states that in this area development should be complemented by high quality public spaces and pedestrian routes.
- 6.2. Policies TP3-5 provide detail on considering sustainability and TP12 sets out the City's approach to preserving and enhancing its historic environment. It states that proposals that affect heritage assets or their setting will be determined in accordance with national policy.

- 6.3. TP9 states that residents should have access to open space and that in some circumstances an off-site monetary contribution can be used to help address demand from new developments.
- 6.4. TP26 seeks to maximise opportunities presented by new developments for local employment. This can be both during the construction and operational phases of the development.
- 6.5. In respect of policies relating to residential uses, TP27 requires new housing to contribute towards making sustainable places with a mix of housing types, access to local facilities and the public transport network, a reduced dependency on cars, a strong sense of place, environmentally sustainable, create attractive and safe public spaces and create opportunities for public stewardship where possible.
- 6.6. TP31 states that the City will seek 35% affordable homes as a developer contribution on developments of 15 dwellings or more with a presumption that this be provided on site unless off site provision would help deliver other policy objectives. The policy acknowledges that this level of provision may not always be financially viable and that in such circumstances a viability assessment should be provided by the applicant for consideration. Further details on wider developer contributions are given in TP47.
- 6.7. Policies TP38-45 set out the City's aspiration to encourage sustainable transport, prioritising the needs of pedestrians and cyclists together with public transport over the private motor car, supported by the planning and location of development.
- 6.8. The saved policy 3.14 of the Birmingham UDP provides specific guidance in relation to how to achieve good urban design.
- 6.9. In addition to the above there are separate policies adopted in relation to specific issues as set out above in 5.1. Key policies include the Car Parking Guidelines which set out the maximum car parking and minimum cycle parking targets; Places for Living sets key design principles for residential developments; the Loss of Industrial Land to Alternative Uses seeks to protect industrial land from unjustified changes of use; and the Public Open Space in new Residential Developments sets out the formula used for calculating offsite compensation, where justified.

#### National

- 6.10. Members will be aware that the National Planning Policy Framework (NPPF) was comprehensively reviewed and reissued in July 2018 and reviewed further in February 2019. Sustainable development continues to be at the heart of the framework, for which there is a presumption in favour. Proposals are required to address the three key aspects of sustainability (economic, social and environmental) in order to constitute sustainable development. The NPPF breaks development down to key themes and provides guidance on each, including:
- 6.11. Chapter 9 adds that sustainable transport measures will be supported and that only developments with a severe impact should be refused. Chapter 5 requires a wide choice of homes that meet the authority's objectively assessed needs. Chapter 12 requires high quality design. Policy 189 of the NPPF requires the significance of a heritage asset to be described and any impact upon that significance should be assessed.

- 6.12. Key issues for consideration are therefore the principle of the development; design; heritage implications; amenity; highway impact; and viability/S106 issues.

## PRINCIPLE

- 6.13. The applicant's updated Planning Statement states that the former industrial buildings that occupy the site have been vacant for 3 years, and although the public house continues to operate it is with a very low footfall of customers. Whilst no evidence to substantiate this has been provided by the applicant, no evidence to the contrary has come to light.
- 6.14. The site is not within a core employment area. The site is within the Southern Gateway area of wider change as set out in the BDP (see 6.1 above). The Loss of Industrial Land SPD states that within the City Centre it is recognised that a more flexible approach towards change of use from industrial to residential is required to support regeneration initiatives. Given that the site is allocated within the Southern Gateway the principle of residential use is acceptable.
- 6.15. In respect of the public house, it is noted that it has not been designated as an asset of community value and no representations have been received despite extensive advertisement of the application. Finally, it is noted that the area is well served with alternative public houses in close proximity. Therefore no objections are raised to the loss of the use of the public house.
- 6.16. The proposed development is therefore consistent with the policy context outlined above. The scheme would deliver residential accommodation in a sustainable city centre location and result in the redevelopment of a number of buildings that are detrimental to the visual amenity of the area. The proposals would therefore improve the setting of the listed Rowton Hotel whilst retaining the Fountain Inn which makes a positive contribution as a non-designated heritage asset.
- 6.17. In respect of the composition of the development, the apartment schedule is set out in Figure 1.
- 6.18. The amended mix, with an equal split between one and two bedroom units is noted. Only one bedroom/one person unit is proposed, which is within the converted top storey of the public housing building. The remainder of the one bedroom units range from 52 sq.m up to 61 sq.m. The two person units ranging from 61 sq.m to 80 sq.m. The proposals are therefore fully compliant with the Nationally Described Space Standards.
- 6.19. In respect of housing need the BDP states that its objectively assessed need is 89,000 across the plan period (until 2031) to meet the forecast increase in Birmingham's population of 150,000. Due to constraints across the administrative area the Plan only plans to provide 51,100 homes, with 12,800 earmarked for the city centre. Considering housing mix, the BDP sets the following targets for market dwellings: 1-bedroom 13%, 2-bedroom 24%, 3-bedroom 28%, and 35% 4-bedroom. By comparison the proposed housing mix for this 42 apartment scheme would be 50% (21 no.) 1-bedroom and 50% (21 no) two bedroom apartments. Although the housing mix figures are not ceilings, given the city's overall housing requirement, there is a need to ensure that the right type and mix is provided in the city as a whole. It is accepted that in the city centre a higher percentage of one and two bedroom apartments are going to be delivered. Although the development comprises wholly of 1 and 2 bedroom units, given the overall housing needs of the



city it is considered acceptable, particularly given the site's location. In addition, given the limited scale of the proposal in the context of the 12,800 homes planned in the City Centre and the benefits associated with retaining the public house building, this mix is appropriate in this instance.

- 6.20. Therefore no objections are raised to the principle of the proposals.

#### DESIGN / HERITAGE

- 6.21. The application proposals have been the subject of significant negotiation with Officers, including the City Design Manager. Negotiations have secured the retention of the fountain public house building and amended the scale, design and format of the proposed new development.
- 6.22. Whilst the existing public house is not listed it has some historic significance, and as acknowledged by the supporting archaeological assessment, dates back to 1780. As such it is considered as a non-designated heritage asset in NPPF terms. The retention and conversion of the building is considered to be a strongly positive element of the proposals when compared with earlier iterations seeking the demolition of the structure. The building has a positive impact upon the street scene and there are wider benefits to the setting of nearby heritage assets such as the Rowton Hotel (Grade II) and St. Anne's Church (locally Listed Grade A).
- 6.23. The supporting Archaeological Assessment concludes that in the absence of detailed foundation designs the exact impacts of the development cannot be determined at this time. However, the report adds that given the site's location, the significance of finds on this site is likely to be low with the exception of finds from the late 18<sup>th</sup> Century which are likely to be low to moderate. A condition requiring a programme of archaeological works is therefore necessary.
- 6.24. An important part of the potential future context for the proposals is the recently consented development on the opposite side of Alcester Street at the former Westminster Works. The consent permits the erection of a part 6 / part 7 storey building of brick construction with an industrial architectural aesthetic. The application proposals a similar aesthetic and scale to Alcester Street
- 6.25. In order to respect the scale of the retained public house, the new building fronting Cheapside would be three storeys in height, pitched roofed and of a more traditional design. Given the context this is considered appropriate.
- 6.26. The proposal is therefore considered to relate well to both the existing and proposed context and would secure the removal of industrial buildings that negatively affect the character and appearance of the area. The scale and design of the proposals have been the subject of significant negotiation and the amended scheme would have a positive impact upon the setting of heritage assets within the vicinity. Therefore no objections are raised on design or heritage grounds.

#### AMENITY

- 6.27. Considering the amenity of future occupants, as described above, all units would comply with the Nationally Described Space Standards. In addition, the plans demonstrate how an appropriate furniture layout could be provided. The plans show that all apartments would have satisfactory outlook and access to natural daylight for

habitable rooms. The private communal garden area offers a significant amenity resource for future residents both in terms of as a space to use along with visual benefits.

- 6.28. The supporting updated Noise Impact Assessment provides detailed analysis and modelling of the acoustic environment around the site and sets standards for glazing on each façade of the building. Regulatory Services are satisfied that the updated report accounts for all noise sources and, subject to conditions setting acoustic standards for glazing around the development, raise no objections on noise grounds. Existing and consented residential properties are already present in this locality including Fabrick Square, the consented St Anne's development on the opposite side of Cheapside, Forge Place and the Point.
- 6.29. In respect of the potential for contaminated land, the supporting Desk Study acknowledges the long industrial uses on both this and surrounding sites. Therefore the report recommends a ground investigation is undertaken. Regulatory Services concur with this conclusion and an appropriate condition is recommended.
- 6.30. In respect of wider amenity impacts, the proposal would not have material overshadowing/overlooking implications for existing or future neighbouring residential occupiers. Noise from the construction of the development would have only a temporary impact.
- 6.31. The supporting Air Quality Assessment states that the site would not generate a significant amount of traffic and the air quality for future residents would sit within the air quality target values. The provision of on-site cycle storage and the likely introduction of a Clean Air Zone in the City Centre to further encourage a modal shift towards more sustainable modes of transport are also noted.
- 6.32. Subject to safeguarding conditions, there are no amenity-based objections to the proposal.

## ECOLOGY

- 6.33. The City's Ecologist recommends a condition requiring ecological enhancement. Black Redstarts have been recorded in reasonable numbers in this part of the city and the Ecologist notes that other developments in the vicinity have introduced some ecological mitigation, such as green roofing. The SUDS assessment's recommendation for incorporating rain gardens is noted and should be explored. Conditions requiring ecological enhancement together with the provision of bird and bat boxes are recommended.

## HIGHWAY IMPACT

- 6.34. The proposed development does not contain any on-site car parking facilities, although there are on-street parking opportunities on many of the surrounding streets, including Alcester Street and Cheapside, with double yellow lines within the vicinity of junctions. The site is within walking distance of the core of the City Centre and its many retail, leisure and employment facilities along with Digbeth to the north and is situated directly opposite a convenience retail store. The site is also in walking distance of the Smithfield site which will offer a range of leisure and retail attractions.

- 6.35. Key railway stations at New Street and Moor Street are in walking distance for most ambulant people, as is the key bus interchange at Moor Street (and the bus stops along High Street and Bradford Street). Increased future connectivity will be provided by Curzon Street Station (HS2) and the Eastside extension of the tramway network along High Street.
- 6.36. The site is therefore situated in a very sustainable city centre location that is accessible via a wide range of sustainable modes of transport. 100% provision of cycle storage is proposed within the secure amenity space, therefore sufficient space will be provided for each apartment.
- 6.37. The supporting Transport Statement notes that as the development would be marketed as not containing parking the overall car ownership level in the development is likely to be even lower than the relatively low level within the Digbeth/Cheapside area. Whilst noting the sustainable location of the site, it concludes that on-street facilities should be sufficient to cater for any demand associated with the development. As such the report states it demonstrates that the development proposal would not adversely impact upon highway safety and any residual cumulative effects will be negligible.
- 6.38. Transportation Development raises no objection subject to the reinstatement of redundant dropped kerbs and the provision of the cycle storage shown on the proposed plans, and suitable conditions are recommended. Therefore, in accordance with the NPPF the development would give priority to pedestrian and cycle movements, would not have an unacceptable impact on highway safety, nor would it have a severe impact upon the road network. No objections are raised on highway grounds.

#### DRAINAGE

- 6.39. The supporting Sustainable Drainage Assessment recommends that an underground tank be provided in conjunction with a rain garden / storm water planter to control water run off rates. It also notes the increase in the amount of permeable area in comparison to the existing site. The Lead Local Flood Authority raises no objection subject to suitably worded conditions requiring further drainage details.
- 6.40. Severn Trent raises no objections subject to an appropriately worded condition.
- 6.41. Subject to the imposition of conditions requiring the submission of further drainage details, no objections to the development on drainage grounds are raised.

#### PLANNING OBLIGATIONS/CIL

- 6.42. As the development is within a 'low value' area the scheme would not generate a requirement for a CIL contribution.
- 6.43. A Financial Viability Appraisal has been submitted in support of this application. This concludes that the development could not sustain any S106 contributions.
- 6.44. The NPPF requires that the local authority's affordable housing requirement (35%) should be met on-site unless an off-site provision or an appropriate financial contribution in lieu can be robustly justified. Further the NPPF includes low cost

market sales, where the discount is at least 20%, within the definition of Affordable Housing.

- 6.45. The applicant's Viability Appraisal has been interrogated and the development has been re-appraised by the City's appointed independent financial assessors. Following this further assessment they conclude that the development could remain viable whilst sustaining a provision of 4 no. affordable dwellings on site. The affordable units would comprise of 2 no. one bedroom and 2 no. two bedroom units on a low cost discount sale basis at 75% of market value. This equates to an overall provision of approximately 10%.
- 6.46. The BDP states that all residents should have access within 400m to an area of publically accessible open space with children's play facilities. In addition residents should be within 1km of open space at least 2ha in size. Highgate Park is close to the application site (around 100m). This park is over 3ha and contains a children's play area. Therefore, whilst Leisure Service's request for an offsite contribution of £76,700 is noted, in the context of the viability of the scheme and noting the proximity of Highgate Park it is appropriate, in this instance, to direct the entire S106 contribution towards the provision of affordable housing.

## 7. Conclusion

- 7.1. The application proposals offer a high quality residential scheme within the Southern Gateway Area of Transformation and represent a sustainable brownfield development. The retention of the public house building and carefully considered development either side results in a proposal that will successfully relate to both its existing and future contexts. The application constitutes sustainable development in NPPF terms and therefore this application should be supported subject to appropriate safeguarding conditions and Section 106 Agreement.

## 8. Recommendation

- 8.1. That consideration of application 2018/08132/PA be deferred pending the completion of a Section 106 Legal Agreement to secure the following:
- i) On site affordable housing comprising of 2 no. 2-bedroom apartments (62 sq.m each) and 2 no. one-bedroom apartments (55 sq.m each) on a low cost discount sales basis with a discount of no less than 75% of market value;
  - ii) A commitment to local employment and training during the construction of the development; and
  - iii) £1,500 for the administration and monitoring of this deed to be paid upon completion of the legal agreement
- 8.2 In the absence of a planning obligation being completed to the satisfaction of the Local Planning Authority on or before the 30<sup>th</sup> May 2019, planning permission be refused for the following reason:-
- i) In the absence of a legal agreement to secure a commitment to local employment / training the proposal conflicts with policy TP26 of the Birmingham Development Plan 2017

- ii) In the absence of a legal agreement to secure the provision of affordable housing the proposal conflicts with Policies 8.50-8.54 of the Birmingham Unitary Development Plan (saved policies) 2005 and policy TP31 of the Birmingham Development Plan 2017
- 8.3 That the City Solicitor be authorised to prepare, complete and seal an appropriate agreement under Section 106 of the Town and Country Planning Act.
- 8.4 That in the event of the planning obligation being completed to the satisfaction of the Local Planning Authority on or before the 30<sup>th</sup> May 2019 favourable consideration be given to this application, subject to the conditions listed below.

- 
- 1 Requires the prior submission of a programme of archaeological work
  - 2 Requires the prior submission of a contamination remediation scheme
  - 3 Requires the submission of a contaminated land verification report
  - 4 Requires the prior submission of a drainage scheme
  - 5 Requires the submission a Noise Insulation Scheme to establish residential acoustic protection for Cheapside and Alcester Street elevations
  - 6 Requires the submission a Noise Insulation Scheme to establish residential acoustic protection for all elevations except those facing Cheapside and Alcester Street
  - 7 Requires the submission of a scheme for ecological/biodiversity/enhancement measures
  - 8 Requires the prior submission of details of bird/bat boxes
  - 9 Requires the submission of boundary treatment details
  - 10 Requires the submission of sample materials
  - 11 Requires the prior submission of level details
  - 12 Requires the submission of a CCTV scheme
  - 13 Requires the provision of cycle parking prior to occupation
  - 14 Requires the submission and completion of works for the S278/TRO Agreement
  - 15 Requires the submission of details of works to the Fountain Public House
  - 16 Requires the submission of a lighting scheme
  - 17 Requires the submission of hard and/or soft landscape details
  - 18 Requires the submission prior to occupation of the properties of a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan
-

- 
- 19 Requires the public house to be converted prior to the occupation of the new build apartments
  - 20 Requires the scheme to be in accordance with the listed approved plans
  - 21 Implement within 3 years (Full)
- 

Case Officer: Nicholas Jackson

## Photo(s)



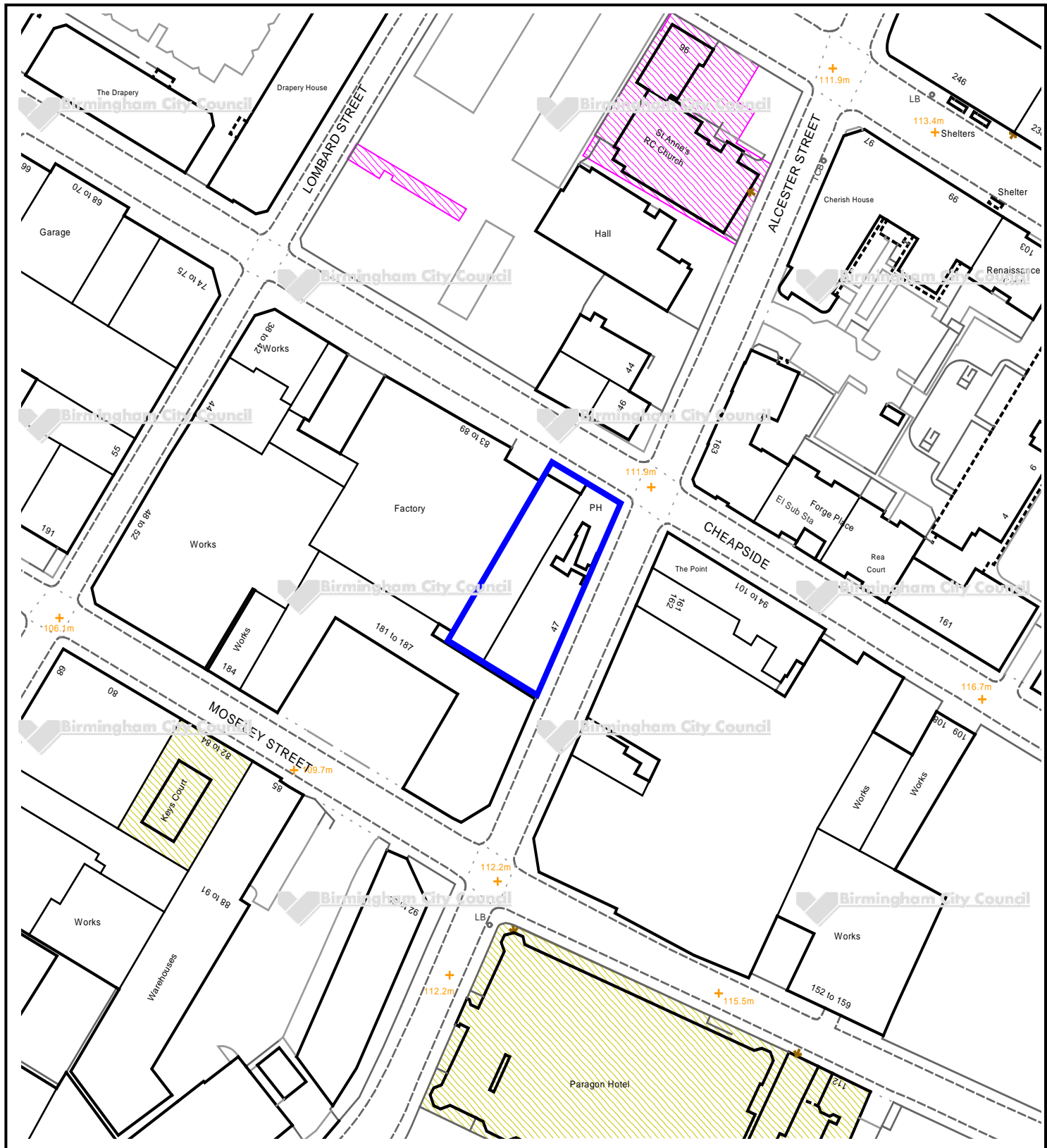
Figure 2 – Cheapside – Site on the left of the image



Figure 3 – Application site – Junction of Alcester Street and Cheapside



# Location Plan



This map is reproduced from the Ordnance Survey Material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Birmingham City Council. Licence No.100021326, 2010



Committee Date:	09/05/2019	Application Number:	2019/01250/PA
Accepted:	14/02/2019	Application Type:	Full Planning
Target Date:	16/05/2019		
Ward:	Ladywood		

Rear of 245 Broad Street, Birmingham

Demolition of existing multi-storey car park and erection of 14/15 storey hotel (Use Class C1) with parking and associated works

Recommendation

**Approve subject to Conditions**

1. Proposal

- 1.1. Proposal is for a 261 bed hotel (C1) over 13 storeys plus a mezzanine floor.
- 1.2. The building would be a modern, flat roofed 13/14 storey building. It would be constructed in a dark grey brick and punctuated by regular full height openings with deep reveals, feature perforated and patterned brickwork and commissioned integrated art pieces. Specific materials would be conditioned but the main building is expected to be constructed in a dark grey brick, use aluminium framed glazing for the windows, metallic paint, comprise feature brickwork panels and part of the upper floor would be constructed using a lightweight aluminium framing and panel system.
- 1.3. It would include reception area, office, luggage store, gym and associated back of house facilities at ground and lower ground floor, twin, double, executive and accessible en-suite rooms on floors 4-11, and restaurant, bar, terrace and staff facilities on the upper floors.
- 1.4. 152 on site car parking spaces would be provided on the lower ground, ground, first and second floors with access from Berkley Street along with 20 bicycle spaces.
- 1.5. The proposal is expected to provide an investment of approx. £33 million in Birmingham City Centre and result in approx. 110 hotel related positions in addition to construction jobs.
- 1.6. A Design and Access Statement, Transport Assessment, Daylight and Sunlight Assessment, Noise Assessment, Land Contamination Assessment, Flood Risk Assessment, Planning Statement and Energy Statement have been submitted in support of the application.
- 1.7. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The site is located on Berkley Street, just off Broad Street within the Westside and Ladywood quarter. Berkeley Street contains a mix of residential and commercial uses as does Broad Street which also has a number of uses that provide evening

entertainment. The application site is adjoined by hotel, residential and car park uses.

2.2. [site location](#)

3. [Planning History](#)

3.1. None relevant.

4. [Consultation/PP Responses](#)

4.1. Canal and River Trust – no objections.

4.2. LLFA – no comments received.

4.3. Regulatory Services – no objections subject to conditions with regard land contamination, extract and ventilation, plant noise limits, electric vehicle charging points and a travel plan.

4.4. Transportation Development – no objections subject to conditions with regard car park management plan, car park provision prior to use and construction management plan

4.5. Birmingham Civic Society - High rise on Broad Street has been an accepted for a number of decades, but once you move down the side streets to the south, medium rise is more appropriate (Trident Housing block excepted). Adjacent to the site to the west is 7 storeys and to the east just three storeys. This proposal would set a precedent which the LPA might have difficulty in denying elsewhere leading to development creep.

4.6. Local residents' associations, neighbours, Ward Councillors and MP were notified. Site and Press notices were also displayed. 2 objections have been received on the basis of construction noise and disturbance.

5. [Policy Context](#)

5.1. Birmingham Development Plan 2017 (BDP), Saved policies of the UDP 2005, Places for All (2001), Car Parking Guidelines (2012) and National Planning Policy Framework 2019.

6. [Planning Considerations](#)

6.1. The application concerns the erection of 261 bed hotel (use class C1) including a restaurant/bar, car parking and associated works. The development is located within the Ladywood and Westside area of the City Centre, just off Broad Street which is a key provider of the 'night time economy'.

6.2. Policies PG2 and GA1.1 outline the city's aspirations and growth vision, and determines that future leisure uses in the City Centre will be located on the retail cores periphery. Policy GA1.3 identifies that Westside and Ladywood Quarter should be developed to provide a 'vibrant mixed-use area including uses needed for the visitor economy, such as hotels'. Furthermore, the location of leisure uses in the City Centre is supported by policy TP21, TP24 and TP25. Therefore, subject to detailed matters, I consider that the provision of a hotel in this location is acceptable in principle.

## Design

- 6.3 The proposal is for a contemporary, architecturally designed brick built, flat roofed building. Its design would result in a building that would have its own distinct identity whilst acknowledging its surroundings with details such as recessed windows and bevelled surrounds, subtle brick detailing and the simple choice of complementary, yet contrasting materials positively adding to its overall appearance including helping break down its mass.
- 6.4 The building would be positioned to the back of pavement and, above the first 3 storey plinth height, comprise of an 'L' shaped building with the wing element closest to the existing, adjacent hotel. It would have an active ground floor and introduce bedroom windows on upper floors to overlook Berkeley Street which would be a significant improvement on the existing situation. A restaurant/bar on the upper floors would also maximise the sites position with views across the City. Furthermore, given the nature and layout of the proposed development it would not be a development constraint should adjacent sites come forward in the future and the outlook and amenity throughout the building would be acceptable for future occupiers.
- 6.5 Birmingham Civic Society have raised a concern that by allowing a tower in this location it would set a precedent for future development. However, at 13/14 storeys the proposed development would provide a step down from the existing adjacent 17 storey Jury's Inn and would be viewed within the site's context which includes Trident Tower and The Cube. I do not therefore consider it would set a precedent for future development. Consequently I concur with my City Design Officer who welcomes the design, scale and appearance of the proposed hotel.

## Impact on Amenity

- 6.5 A sunlight daylight report has been submitted in support of the application and considers the impact of the proposed development on surrounding residential properties – Friday Bridge, Berkley Court, Broadwalk and Cutlass Court - in relation to Building Research Establishment (BRE) guidelines.
- 6.6 It therefore assesses VSC (vertical sky component), DD (daylight distribution), APSH (annual probable sunlight hours) and concludes that the majority of rooms and windows around the development site would be fully compliant with the BRE Guidelines. However, even in the isolated locations where the BRE Guidelines are not met the retained levels are considered good given the sites urbanised location and the report considers that the change would be so marginal that the existing occupants would be unlikely to notice the difference.
- 6.7 I note that the 'L' shaped element of the building has been positioned on site to reduce its impact and even at the extreme edge of Cutlass Court the 45 Degree Code would not be breached, the plinth is over 25m from the nearest facing elevation (to the west) and that no concerns or objections have been raised by existing residents on the basis of loss of light/amenity.
- 6.8 Consequently, considering all of the above, the sites orientation and its urban context I accept the supporting sunlight/daylight report and do not consider the proposal would adversely affect existing residents amenity by virtue of loss of light sufficient to warrant refusal of the scheme.

## Transportation

- 6.9 The proposal would result in the loss of an existing 200 space multi-storey car park but include on-site provision of 152 car parking spaces and 10 cycle spaces for use by customers of both hotels.
- 6.10 The application has been supported by a Transport Assessment which includes surveys of the existing car park as it serves the adjacent Jury's Inn hotel 445 bedrooms. The survey demonstrates that, on average, between August and October 2018 the car park was below 50% occupancy. Furthermore, the applicant anticipates that customers of either hotel would purchase a parking space before arriving on site or park elsewhere if no spaces were available. Servicing uses in the existing rear yard area and delivery activities would be combined with the linked adjacent hotel.
- 6.11 In addition to the above I note that there are numerous car parking places in the vicinity including the adjacent the site. Furthermore I consider the site is excellently located for public transport close to bus, tram and train stops/station and within walking distance of a wide range of amenities. I therefore consider the on-site provision of 152 spaces for both hotels (706 beds) is acceptable and concur with transportation Development who raise no objection to the proposal, subject to conditions.

## Other

- 6.12 Policy TP3 identifies that non-residential built development should aim for BREEAM excellent. The proposed hotel development is expected to meet BREEAM very good and I note the financial constraints of a hotel achieving a higher standard. I am therefore satisfied the proposal is in accordance with the City's policy aims in this respect.
- 6.13 The proposed development would be liable to a CIL payment in excess of £400,000 and given the nature of the proposed development, policy does not require any other contributions. However, an employment condition is recommended.
- 6.14 Given the nature of the proposed development Regulatory Services raise no objection subject to conditions which I attach accordingly with the exception of a travel plan and restriction on instantaneous noise which are not relevant given the nature and location of the development.
- 6.15 No comments have been received from LLFA however given the nature of the existing site, subject to conditions the proposal would accord with TP6.
- 6.16 I note the concerns raised by nearby occupiers with regard noise/vibration/distribution during the construction period. However this is controlled by other legislation and would not be a reason to refuse planning permission but in order to safeguard the environment I do recommend a construction management condition.

## 7. Conclusion

- 7.1. Subject to safeguarding conditions I welcome the redevelopment of this site which would result in a well-designed and sustainable hotel development just off Broad

Street which would positively contribute to Birmingham's growth and regeneration aspirations. The proposal would accord with both local and national planning policy and should therefore be approved.

8. Recommendation

8.1. Approve subject to conditions

- 
- |    |  |
|----|--|
| 1  | Requires the prior submission of a sustainable drainage scheme         |
| 2  | Requires the prior submission of a drainage scheme                     |
| 3  | Limits the noise levels for Plant and Machinery                        |
| 4  | Requires the submission of extraction and odour control details        |
| 5  | Requires the submission of boundary treatment details                  |
| 6  | Requires the submission of a lighting scheme                           |
| 7  | Requires the submission of details of green/brown roofs                |
| 8  | Requires the submission of sample materials                            |
| 9  | Requires the scheme to be in accordance with the listed approved plans |
| 10 | Requires the submission of a CCTV scheme                               |
| 11 | Requires hotel management plan   |
| 12 | Requires the prior submission of a construction employment plan.       |
| 13 | Requires the parking area to be laid out prior to use                  |
| 14 | Requires the provision of a vehicle charging point                     |
| 15 | Requires the prior submission of a contamination remediation scheme    |
| 16 | Requires the submission of a contaminated land verification report     |
| 17 | Requires the prior submission of a construction method statement       |
| 18 | Requires series of bay studies   |
| 19 | Requires detail of plant enclosure                                     |
| 20 | Implement within 3 years (Full)  |
- 

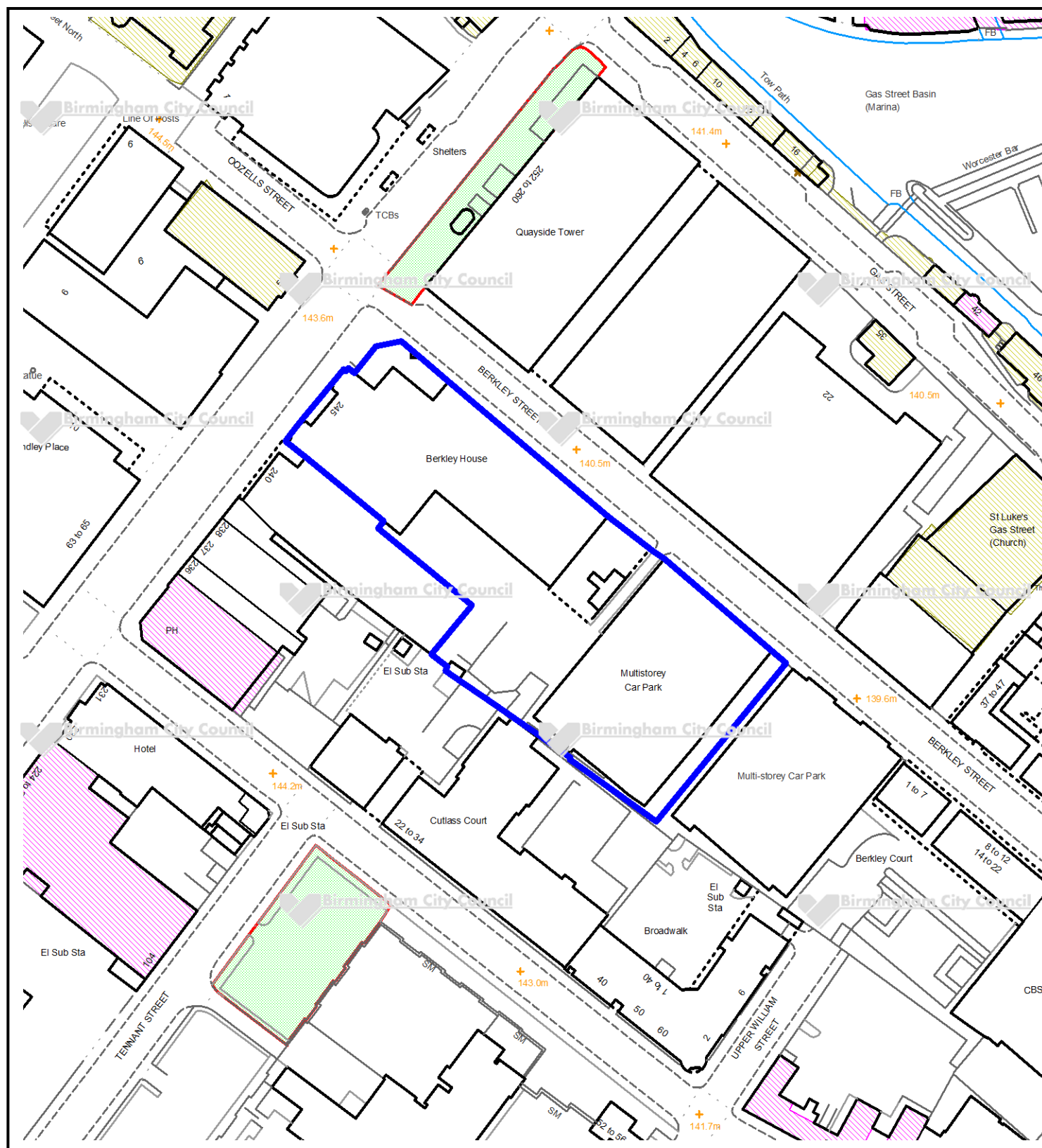
Case Officer: Joanne Todd

## Photo(s)



Photo 1: Application site

# Location Plan



This map is reproduced from the Ordnance Survey Material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Birmingham City Council. Licence No.100021326, 2010



---

Committee Date:	09/05/2019	Application Number:	2018/10197/PA
Accepted:	07/01/2019	Application Type:	Full Planning
Target Date:	08/04/2019		
Ward:	Nechells		

Land off, Cardigan Street/Jennens Road and Glassworks Lane, Eastside Locks, Birmingham, B4 7RJ

Proposed part demolition, alterations and extensions to former Belmont Works, and erection of new 5 storey building with link to Belmont Works, for use for teaching and ancillary uses within Use Class D1, commercial offices and Research & Development uses within Use Class B1(a) and (b), and ancillary campus retail facilities within Use Classes A1 and A3 (up to 300sqm), together with associated landscaping and boundary treatment

Recommendation

**Approve subject to Conditions**

1. Proposal

- 1.1 The application seeks permission to convert an existing, historic Birmingham building known as the Belmont Works and provide a two storey glazed link leading to extension of five storeys to create Birmingham City University's (BCU) Steamhouse 2.
- 1.2 The Steamhouse initiative aims to create a centre for education, research, innovation, creativity and production, where the businesses of tomorrow are formed and flourish. Phase 1 is located on Digbeth High Street with a floorspace of 1,400sqm and a range of spaces including co-working, project and production floorspace with equipment and technicians to support production and prototyping in digital, wood, metal and print.
- 1.3 The proposed Steamhouse 2 aims to build upon the foundation set up by phase 1; taking the initiative to the next level by enhancing the reach of Steamhouse into the academic world. The proposed Steamhouse 2 would include a new education faculty called the Steam Academy that would offer interdisciplinary courses with industry input. The site at Eastside Locks lies on the northern edge of the BCU campus and its location provides an ideal opportunity for Steamhouse 2 to help bridge the gap between students and the commercial environment. It should however be noted that the total floorspace could be used for commercial offices.
- 1.4 A key feature of the Eastside Locks regeneration area is the former Belmont Works building; a highly recognisable landmark in the local area. It's highly decorative 'freestyle' architecture was part of the physical expression of the thriving industry that the building represented. Based on the distinctive arts and crafts architectural style common in the City at that time, the freestyle architecture brought together features from earlier periods such as Tudor and Jacobean to bring grandeur to utilitarian structures such as industrial buildings. As one of three buildings that are to remain in



the wider site from an earlier industrial age, the late 19<sup>th</sup> century locally listed building positions itself as a significant architectural element of experimentation and exemplar of late 20th century industrial architecture. Identifiable for its brick and buff terracotta construction the building has suffered from dilapidation and fire damage from 2007, and it now stands as a ruin with substantial sections of its front elevation and all of the roof missing.

- 1.5 Turning to the current scheme, one of the key objectives is to restore the existing front façade of the Belmont Works to as close to its original appearance. This would result in the demolition of two of the later additions to the building; first the current brick lift shaft to the rear and secondly the extension over what was the balcony at the gable end facing Jennens Road. It is also proposed to rebuild the red brick rear elevation that has a much more industrial character, reflecting its status as the 'working' side of the building.
- 1.6 Thereafter, to the rear of the historic building, the concept for the proposed design of the new build is centred on its purpose for shared innovation, with the existing Belmont Works providing a fully functioning part of the new scheme. At the heart of the new build would be a four storey 'engine' or central collaborative zone, set within the surrounding workspaces or 'factory'. The five storey workspace would provide the facades to all of the frontages to the site, with the exception of the Belmont Works and would, in taking reference from the traditional local industries, comprise a solid red brick base to align with the eaves height of the Belmont Works. Metal cladding is proposed to the upper two floors with a saw-tooth roof in dark coloured metal to replicate the character of the now demolished glassworks roofline that previously was sited to the rear of the historic building. Meanwhile the central engine is seen as a different element with its curved elevation distinct from the angular and more industrial appearance of the outer saw tooth roofed floorspace. The frontage to the engine space would be covered in full height vertical timber fins giving a transparent feel and nodding to the vertical terracotta pillars of Belmont Works. Between the rear of the existing historic building and the proposed central 'engine' would be a simple two storey glass link providing a café, retail and exhibition space.
- 1.7 The current application also includes the provision of part of the public realm works which will form part of Arrival Square located at the junction of Jennens Road, Cardigan Street and Belmont Row. The works, as approved in 2014, included enhanced paving, landscaping and lighting, and the public realm to Gopsal Street to the south and Pound Square which crosses the Digbeth Branch Canal to the west have been largely completed (application reference 2014/05637/PA).
- 1.8 The current application is supported by a suite of information as follows:
  - Design and Access Statement
  - Planning Statement
  - Archaeology Assessment
  - Historic Building Assessment
  - Structural Report on Belmont Works
  - Transport Statement and Travel Plan
  - Ecology Assessment
  - Flood Risk Assessment and Drainage Strategy
  - Site Investigation Report; and
  - Energy Statement.
- 1.9 [Link to Documents](#)
- 2.1 [Site & Surroundings](#)

- 2.2 The application site extends to approximately 0.56 hectares and lies at the north-west gateway of the wider Eastside Locks redevelopment area. It is bordered by Jennens Road to the north-west, Glassworks Lane to the east, Belmont Row to the south and Cardigan Street to the west. The boundary to the rear of the application site intrudes upon part of Glassworks Square, an area of public realm on top of the existing Digbeth Branch Canal tunnel which is proposed to be constructed as part of the current application submitted by St. Joseph Homes, and awaiting determination (reference 2019/02161/PA).
- 2.3 Eastside Locks is a major mixed-use development in the Eastside area of Birmingham covering an area of 6.17ha. Over the last decade BCU has developed its City Centre Campus within this part of the City and the University occupies part of Millennium Point together with the Parkside, Curzon and Joseph Priestley buildings.
- 2.4 To reiterate the former Belmont Works is a locally listed grade A building. Built in 1899; the original use was for the manufacture of bicycle parts and the building has sustained a number of uses over the years including the manufacture of linen clothing, bedsteads and pianos. Latterly the building was used as an engineering depot and offices for the Co-operative society from around the 1960's.
- 2.5 The site also lies within the Warwick Barr Conservation Area, which also encloses the locally listed Ashted Canal Locks and Pumping Station, the Digbeth Branch Canal to the east of the site and the Lock Keepers Cottage to the south.
- 2.6 The site also lies within the Curzon Masterplan Area whilst the wider Eastside Locks site is one of 26 designated sites within the City Centre's Enterprise Zone (EZ).
- 2.7 [Site Location](#)
3. [Planning History](#)
  - 3.1 2008/02942/PA - Mixed-use redevelopment of land at Eastside Locks for up to 143,350 sq. m new floorspace comprising offices (including technology and Small-Medium Enterprises) (Classes B1(a) and B1(b)), residential with undercroft parking (Class C3), hotel with ancillary bar/restaurant, fitness suite and conferencing facilities (Class C1), retail/offices/restaurants/bars (Classes A1, A2, A3, A4 and A5), multi-storey car park (sui generis) creating a total of 1,653 car parking spaces within the development as a whole. Approved 05/12/2008
  - 3.2 2008/05242/PA – Demolition of buildings, walls and structures (either in part or in whole) within the Warwick Bar Conservation area within Eastside Locks, including the demolition of 76 and 78 Belmont Row, and north light shed sub-station building, walls and other minor demolitions at the former CWS engineering building (Co-op) Belmont Row (and alterations and minor demolitions to the main building, in connection with outline application for mixed-use redevelopment of land for up to 143,350sqm of new floorspace (C/02942/08/OUT). Approved 05/12/2008
  - 3.3 2009/00308/PA - Section 73 application for variation of conditions B1, B3-5, B7-9, B11, B12, B14-17, C6, C7, C9, C10, C13, C16-19; and deletion of conditions B2, B6 and C3 attached to planning application C/02942/08/OUT. Approved 05/05/2009
  - 3.4 2014/05637/PA - Proposed realignment of Belmont Row and Gopsal Street, upgrades to Cardigan Street, new landscaping and demolition of lean to extensions at the Lock Keepers Cottage (Creation of Arrival Square). Approved 02/10/2014

- 3.5 2015/07915/PA - Reserved matters application (scale, appearance, layout and landscaping) for proposed part demolition, alterations and extensions to former Belmont Works to provide retail uses (Use Classes A1 to A5) at lower ground floor and ground floor and/or offices (Use Classes B1(a) and B1(b)) on the lower ground floor, ground floor, first floor and second floor with associated courtyard and boundary treatment pursuant to outline application 2009/00308/PA (Plot B). Approved 04/03/2016
- 3.6 2016/08945/PA - Non Material Amendment to approval 2015/07915/PA for the relocation of principal entrance to southern elevation; changes to the opening positions of southern elevation windows at ground and first floor level 3; changes to the design of the windows and doors below 'Workpeople & Goods Entrance' sign and at lower ground floor to southern elevation; installation of louvre to eastern elevation of the water tower to provide extraction. Approved 28/11/2016
- 3.7 2018/04275/PA - Extension to site access road from Belmont Row with associated turning head to serve Plots B, D and F at Eastside Locks (as identified on planning approval 2009/00308/PA). Approved 28/08/2018
- 3.8 Plots E, D & F and Glassworks Square - 2019/02161/PA - Redevelopment of site to provide 769 no. homes (1, 2 & 3 bed) on Plot D (37 storey tower above ground level); Plot E (two pairs of 9 storey blocks) and Plot F (part 1, 5, 10 & 18 storeys); flexible commercial floorspace of 1914 sqm GIA (Use Classes A1, A2, A3 & A4), a gym of 448 sqm GIA (Use Class D2); associated basement level vehicular and cycle parking; new vehicular access from Pitt Street and Glassworks Lane; loading bay off Lawley Middleway, landscaping and creation of new public and private open spaces, ancillary facilitating works and associated infrastructure (Plots D, E & F as identified within outline application 2009/00308/PA for wider Eastside Locks area). Awaiting determination

#### 4. Consultation/PP Responses

- 4.1 BCC Transportation - No objection subject to conditions to require;
- a) the applicants to enter a suitable highways agreement for the works around the site frontage including new footway;
  - b) cycle parking prior to occupation; and
  - c) a construction plan to provide a detailed works programme referring to any effects on the highway.
- 4.2 Regulatory Services – No comments received
- 4.3 Police – Offer the following comments following a meeting with the architects and applicants:
- a) It is understood that the site will be covered by a zonal alarm system in keeping with the rest of the wider BCU campus. This is a positive situation;
  - b) It is understood that there will be a CCTV system installed on the site the advice has been given that it should provide coverage of all the areas outside the building, any publically accessible area, the cycle storage area, any area designated as a smoking area and an internal facial view of anyone entering the premises through any route. Ask for consideration to be given for the requirement of CCTV to be the subject of a condition;
  - c) Ask that any work be carried out to the standards within the Secured by Design 'Commercial 2015' guide;

- d) Recommend a lighting plan that should follow the guidelines and standards as indicated in 'Lighting Against Crime' guide, and any lighting scheme should be sympathetic to any CCTV coverage;
- e) The key to the successful security of the differing aspects of these proposals will be the strict control of the interaction between the uses. The proposed ground floor plan shows a reception area immediately inside the main doors. Whilst there is no indication of the layout and positioning of any security / reception desk, this location would be suitable for that facility;
- f) Should the site be open 24 hours a day, there should be a security presence over that same period;
- g) Advise that an additional layer of security is provided between the reception area / possible commercial areas and the rest of the building; and
- h) Strongly recommend that any post or other deliveries are received at the reception / security area and that any servicing or larger deliveries (which might need to be brought into the building from the rear, or side, access points) be done under a clear and robust booking system.

4.4 Local Lead Flood Authority (LLFA) – The additional comments provided within the addendum are noted however the LLFA remains concerned with the proposed approach to the drainage scheme for the site. The LLFA is concerned that the proposed free discharge from the site would have a significant adverse effect on the drainage network. The peak discharge of 229l/s rate from the application site is circa 30% of the stated 748l/s discharge rate from Eastside park storage and therefore the LLFA is concerned that the proposed drainage scheme will adversely affect the ability of future phases to discharge into the network. As such, the LLFA require further information to demonstrate that the wider network is capable of accepting the proposed discharge from the application site. Where necessary, as built information will be required to outline the size of existing features such as the Eastside Park attenuation and hydrobrake. The LLFA is aware through partnership with Severn Trent Water that the network in this area is heavily constrained. As such, written confirmation from Severn Trent Water is required confirming that STW find the proposed discharge into the network acceptable. It is worth noting current policy is to attenuate surface water runoff and discharge at the greenfield discharge rate. Whilst the LLFA do accept that significant investment has been made in infrastructure in this area, this should not be seen as carte blanche and every attempt should be made to provide a sustainable scheme.

4.5 Canals and Rivers Trust – Structural Integrity of Ashted Tunnel - It appears that the proposed building sits far enough away from the line of the canal so as not to be within the zone of influence of the tunnel, therefore loading and support issues are not of concern to the Trust. However construction traffic should not traverse over the tunnel (especially the former shaft location) and a fenced exclusion zone could be used. Vibration monitoring during construction with set trigger levels will be necessary and post construction surveys of the tunnel will also be required. Conditions should be imposed to this effect.

Quality of the water environment of the canal corridor and flood prevention – The Trust is concerned that the SuDS proposal should be designed so that they would not send any overflows into the canal if there were to be any failure of the system resulting in too much water and/or pollution of the water environment. Air borne pollution or water seepage / spillage / run off should be avoided to protect the water environment. Both of these matters could be controlled by condition. The Trust is not convinced that the canal will have remained sealed over time and no evidence has been provided to demonstrate that the canal is hydraulically sealed. Therefore it

is recommended that tests be carried out to ensure that the site does not include underground water seeping across unexpectedly. This should be included in any site investigation and needs to occur in order to protect both the site and the canal from water ingress. This would be better done prior to determination or could be controlled via the imposition of conditions.

Heritage Impacts – it is difficult to judge the impact upon the canal given the rate of development and the fact that other buildings may block the view. Visuals from the canal would be useful to assist in assessing the impacts of this proposal along with information on phasing / implementation. We therefore request additional information is submitted and we are consulted on it.

Biodiversity – there are no inclusions of enhancements recommended in the ecological appraisal therefore there is a biodiversity loss which is a concern given the cumulative effect of development and the impact upon the canal wildlife corridor. Soft landscaping is required to offset the biodiversity loss, mitigate bat foraging and for air quality and people's wellbeing. This could be required prior to determination or via a condition. The ecological appraisal recommends further bat survey of the basement and these should be carried out and shared for information.

Planning Obligation – the site lies in very close proximity to the canal, which has a variety of benefits for potential future occupiers as it forms sustainable off-road travel directly to residential accommodation, other University and business facilities and also to recreation, leisure and tourism facilities all of which would need to be accessed by future occupiers of this building. The nearest point is adjacent to the southern tunnel portal of Ashted Tunnel, approximately 60m and needs improvements and some wayfinding between it and this building. A suitable route should be provided to link the building and the access and details should be included within the requirements and information provided in relation to this request. Previous canalside improvements in this location were undertaken some time ago and maintenance is now required. Therefore a small contribution towards wayfinding, access improvements and bench repairs would seem proportionate and be of significant benefit. We also ask that the management company, in compiling and promoting its travel plan, work with the Trust to ensure that the benefits of the network are promoted and maximised to all potential users. Request informatives are appended to the decision notice advising contact with the Trust.

- 4.06 Birmingham Civic Society – The development is very much welcome, bringing into use a historic building which is in a ruinous state and securing its sustainable use. The particular use is also very welcome, appropriate to this part of the City and a positive expression of the connection between industry and education. It is felt that the detailing of the new build elements is rather austere in comparison to the richness of the historic element, and feel greater sensitivity would be beneficial. The massing of the new build is also rather over-powering to the historic element, but appropriate in scale to the other new buildings in this area. The scheme would benefit from greater provision of green space. In summary, the application is supported but the Civic Society would encourage the above points to be addressed.
- 4.07 Employment Access Team – Request an employment obligation either via a Section 106 Agreement or via planning condition to ensure that a minimum total of 60 Person Weeks of employment per £1million spend on the construction of the site will be provided for new entrants whose main residence is in the local impact area identified from the City Council's Employment Team or an alternative source agreed by the Council.

- 4.08 Historic England - On the basis of the information available to date, do not wish to offer any comments; suggest that the views of the Council's specialist conservation and archaeological advisers is sought.
- 4.09 Severn Trent Water – no response received.
- 4.10 Environment Agency – no response received.
- 4.11 The Victorian Society, Birmingham City Centre Management, Local Action Groups, Community and Neighbourhood Forums, Local Councillors, the MP Birmingham Property Services and , Birmingham Public Health and have been consulted but no replies received. Neighbouring Occupiers have been notified and a site a press notice posted. Two responses have been received raising the following concerns:
- the submitted Transport Statement claims that "six Brompton Bike lockers are located at the Parkside building." This is misleading information, there are six lockers, but these do not contain Brompton Bikes for hire, nor are they labelled as Brompton lockers;
  - The new building should possess its own cycle parking as it is a destination in its own right;
  - Belmont Works used to be a bicycle factory, this should be celebrated as part of the building's heritage and should promote cycling to and from it as much as possible;
  - The recommended listed NCN route following the Digbeth Branch Canal is fine for mountain bikes but this should not be considered as a route for most cyclists to take as it is unsuitable for mass traffic and city cycles without suspension. Routes directly from the City Centre should be considered more than this and a potential West Midlands Cycle Nextbike station should be considered for the campus and/or Eastside Locks development as a whole;
  - The Nature Conservation Strategy for Birmingham sets out to provide comprehensive advice and guidance concerning Birmingham's nature conservation resource. Development guideline 13 requires that the design of structures should take full account of the opportunity or need to accommodate features that support nature conservation. The North Elevation drawing shows a modern facade that would suit the forticrete swift bricks. Around 50 swift blocks would be preferred;
  - Mention is made of the bats and built in deliberate provision can be made;
  - On this proposal the flat roofs could be a green roof that mitigates the storm run-off. This also supports essential wildlife such as bees. Special measures could accommodate birds such as the Black Redstart.

## 5. Policy Context

- 5.1 Birmingham Development Plan (BDP) 2017, Birmingham Unitary Development Plan 2005 (Saved Policies), Birmingham Curzon HS2: Masterplan for Growth (July 2015), Warwick Bar Conservation Area Character Appraisal and Supplementary Planning Document, Regeneration through Conservation Strategy, Access for People with Disabilities, Car Parking Guidelines and the National Planning Policy Framework.

## 6. Planning Considerations

*Principle of Proposed Education (Use Class D1) Offices, (Use Class B1a&b) and Retail Uses (Use Classes A1 and A3)*

- 6.1 The NPPF sets out the Government's commitment to building a strong, responsive and competitive economy and seeks to ensure that planning policies and decisions create the conditions in which businesses can invest, expand and adapt. Within the BDP the site is located within the City Centre where Policy GA1 identifies Eastside as a regeneration area where well designed mixed use developments will be supported including office, technology, residential, learning and leisure. Policy TP36 sets out the Council's approach to education provision specifically stating that the development and expansion of the City's Universities will be supported.
- 6.2 The application site also lies within the Curzon Masterplan boundary. The Masterplan identifies the Eastside Locks area as an ideal location for a mix of high-tech, research, learning and business developments. Furthermore Eastside Locks is one of 26 designated sites within the City Centre's Enterprise Zone (EZ) which in itself is a commitment to realise growth and to promote the reuse of the site.
- 6.3 Within the wider 7.6 hectare Eastside Locks site outline permission was given for a range of uses including 68,500sqm of office (Use Classes B1a and B1b). Therefore the principle of office uses at Eastside Locks has previously been accepted, although it should be acknowledged that with respect to this plot particular (Plot B), only 10,700sqm metres of gross external floorspace was approved and of that floorspace only 1,500sqm of B1 floorspace.
- 6.3 It is however considered that the principle of the proposed education and office uses would comply with development plan policy at this location. The proposed conditions would not place any restrictions on the amount of D1 or B1a/b floorspace coming forward, acknowledging the development plan policy and the extant outline permission for B1a and B1b floorspace with no such office floorspace, independent to BCU, implemented to date.
- 6.4 It does however need to be acknowledged that Eastside Locks occupies an out of centre location which is not a preferred location for retail uses. The NPPF and Policy TP21 of the BDP promotes the City Centre retail core as destination for retail or town centre uses in order to support and maintain its vitality and viability. However in this case the application proposes a limited amount of retail floorspace of up to 300sqm which could include a café (Use Class A3). Subject to a condition to restrict the amount of floorspace to this figure it is considered that there would be no impact upon the City Centre retail core or surrounding district centres.

#### ***Proposed Design and Impact upon the Significance of Heritage Assets***

- 6.5 It is deemed that the consideration of the proposed design cannot be separated from the consideration of the impact that the proposed development would have upon the significance of the existing heritage assets. Not only does the proposed design need to ensure that the building would present an appropriate frontage to Arrival Square and the wider Eastside Locks regeneration area it should also respect the significance of the locally listed building and wider Conservation Area.
- 6.6 Policy PG3 titled Place Making outlines the City Council's overarching considerations when considering development proposals. It requires all new development to be designed to the highest possible standards
- 6.7 The main aim of the layout is to encourage the inter-mixing of the different disciplines so that ideas and expertise can be readily exchanged and in doing so help to create the next innovative business ventures. The high level concept proposed to achieve this is the idea of a central collaborative zone or an 'engine' that all rooms face onto



that runs vertically through the heart of the building. Thereafter the building has been arranged from the 'engine' outwards with the surrounding teaching, workshop and office floorspace or the 'factory' encircling this central hub or 'engine' allowing views into the rear of the former Belmont Works.

- 6.8 The encircling five storey 'factory' has been designed to provide strong built frontages to the four sides of the site facing Cardigan Street, Belmont Row Jennens Road and Glassworks Square to the rear. The massing of the building refers back to the 2009 wider Eastside Locks outline consent that prescribed certain height parameters. However in order to respond to the historic Belmont Works the roofscape has been modelled to provide a saw tooth design clad in dark metal that would point away from the original building. The saw toothed roof design echoes that of the 'Glassworks shed', a lower scale industrial building that was formerly attached to the Belmont Works building. The proposed 'factory' has been designed so that it would not compete with the established roofline of the historic building but to add interest and a visually distinctive silhouette that would be read independently and would serve to reduce the perceived bulk whilst opening up views. The proposed five storey 'factory' would also have a solid red brick base that would reach the eaves height of the former Belmont Works to provide a common feature between the existing and proposed. When viewed from the junction of Jennens Road and Cardigan Street the new build structure has been pushed away from the former Belmont works to provide some separation between the old and new, opening up views to the central 'engine' element of the scheme. A condition is proposed to provide a feature of public art within this opening, on top of the roof to the proposed cycle store at a lower level.
- 6.9 The proposed four storey 'engine' would have a curved frontage facing the rear of the former Belmont Works and would be clad in timber vertical fins. It would also be visible through the gap between the new and old structures.
- 6.10 The application seeks to restore the locally listed former Belmont Works building as originally approved under the 2015 reserved matters application with little amendment. Most notably an additional doorway is proposed to the front elevation entrance facing Arrival Square, this would offer the benefit of ensuring that this original building retains some prominence.
- 6.11 It is considered that the proposed design of the new extensions comprising the 'engine' and the 'factory' would provide a fitting entrance to the wider Eastside Locks site with an appropriate nod to the former industrial use of the site. It is however necessary to further consider the impact upon the existing heritage assets within and surrounding the site.
- 6.12 The grade A locally listed Belmont Works building has a history dating back to 1899 when it was constructed in close proximity to the Digbeth Branch Canal. The building is described as expressing a decorative freestyle architectural design, a style that brought together features from earlier periods such as Tudor and Jacobean to bring a sense of grandeur to utilitarian structures such as industrial buildings. The building is the most prominent building in this northern tip of the Warwick Bar Conservation Area where it forms the only historic building of any stature in the immediate locality. Its significance is derived firstly from being a surviving warehouse or building in association with the canal development of the City from the late 18<sup>th</sup> century onwards, reflecting the growth of trade and industry. Secondly its significance is also aesthetic due to the quality of the front elevation as well as the use and handling of terracotta; a material much associated with Birmingham and the growth of the City in the 19<sup>th</sup> and early 20<sup>th</sup> centuries. Unfortunately however its significance has been harmed by a fire in 2007 when a significant part of the front elevation together with



the windows, roof and the interior of the building were damaged and subsequently collapsed, and little of the original fabric now remains.

- 6.13 In terms of the revised NPPF the locally listed building is a non designated heritage asset. Paragraph 197 states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 6.14 In addition, with respect to the Warwick Bar Conservation Area The Planning (Listed Buildings and Conservation Areas) Act 1990 is the legislative basis for decision-making on applications that relate to the historic environment. Section 72 of the Act imposes a statutory duty upon local planning authorities which, in respect of conservation areas, states that '*special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area*'.
- 6.15 The Warwick Bar Conservation Area Character Appraisal references the Belmont Works as a focal point along the canal, which is an important landmark in the north of the area. The SPD states that '*the Belmont Works provides a good example of a late nineteenth century manufactory. It stands above Belmont Row canal pound beside the now vacant yards which replaced earlier street frontage development and canal wharves. The building forms the major landmark within the locality; its water tower providing an important focal point especially prominent in views northwest from the canal*'.
- 6.16 Meanwhile Policy TP12 of the BDP acknowledges that proposals for new development affecting a designated or non-designated heritage asset or its setting, including alterations and additions, will be determined in accordance with national policy.'
- 6.17 Taking each of the elevations in turn the proposed development is considered in terms of its design and impact upon the significance of the locally listed building. Firstly the principles for the restoration of the front façade remain the same as previously approved in 2009 and 2015. The red brick and terracotta would be cleaned, repaired and restored. However a further doorway to the front is proposed and the previous additional clerestory glazing to the lower ground floor would be deleted. As previously approved it is proposed to reinstate the second floor gable end roof terrace in place of the later extension facing Jennens Road.
- 6.18 Due to the significant extent of south west glazing to the front elevation there would be the unfortunate consequence of overheating during the summer months. In order to combat this effect bespoke designed brise soleil is proposed to the front elevation which, the applicants consider, would be more appropriate than solar control glazing or increased mechanical ventilation. It was acknowledged by officers that such a solution was not ideal but a bespoke design was accepted previously.
- 6.19 The restoration of the front elevation through repair and rebuilding to its original design is welcomed as it is perhaps the part of the building that holds most significance in terms of its heritage. In addition it would secure an appropriate elegant frontage to Arrival Square
- 6.20 The elevation of most change is the proposed rear elevation which is much more industrial in character, reflecting its status as the working side of the building. It previously had a north light shed to the rear which was demolished following

conservation area consent in 2008. The existing rear elevation including the water tower would be demolished. It is not an original feature and was extended in the early 20<sup>th</sup> century to become a fire escape and to accommodate a lift shaft. The part of the tower which extends above the parapet is a later extension built to accommodate a water tank to serve the internal sprinkler. It is proposed to demolish and rebuild the rear elevation in red brick around the proposed new two storey glazed link and rebuild a replica water tower with a coloured or illuminated feature at the top to highlight its landmark status.

- 6.21 The Civic Society refer to the austere detailing of the new build contrasting with the richness of the Belmont Works. This contrast is however considered appropriate to ensure that, in terms of the architectural detailing the new and old would have a separate character and would not compete. Secondly the comments refer to the massing of the new build overpowering the historic new build. It is acknowledged that the proposed extensions to the rear would be much larger in terms of floorspace and massing than approved under the reserved matters application of 2015. However the current proposals builds upon the approved principle of a contemporary extension whilst the relationship between the new and old is eased through the provision of the simple glazed link providing separation between the historic building and the scale of the proposed workshop floorspace. It is accepted that the extensions are required to ensure the long-term viability and conservation of the locally listed building.
- 6.22 Next, with respect to the east gable, as previously proposed in the 2015 application this side elevation is of sufficient stability to underpin and retain.
- 6.23 The structural report has found that the recent highways works adjacent to the north-western gable elevation have left insufficient space to underpin it and thus it advises that the elevation should be rebuilt. It is therefore proposed to reconstruct the existing blank red brick façade to include the reinstatement of the second floor roof terrace returning the north-west elevation to its original design. This approach is as approved under the 2015 application.
- 6.24 It is acknowledged that the building makes a positive contribution to the character and appearance of the Warwick Bar Conservation Area which centres on the Digbeth and Grand Union canals and their industrial past however the submitted Historic Building Report sets out a sound methodology that identifies the heritage assets affected, the significance of these assets, the policy tests, the nature of the impact and the type and degree of impact. The Council's Conservation Officer concurs fully with the Report and agrees that there would be no harm caused to the locally listed building or the Conservation Area, and therefore the tests regarding the balance between harm and public benefits set out in paragraphs 193 to 196 of the NPPF are not relevant.
- 6.25 However, the applicant has still set out the following public benefits of the proposed scheme which would include the:
- repair and restoration of the front façade and roof of the historic building;
  - removal of later second floor infill extension, reinstating the terrace and revealing the gable end and finial;
  - level access throughout;
  - providing connectivity from the new Arrival Square throughout the site;
  - provision of an historic anchor within the new development providing context and links to the Conservation Area's industrial past; and

- enhancement of the building as a local landmark through restoration and the introduction of a high quality piece of new architecture.
- 6.26 In terms of archaeology the submitted assessment indicates that the northern part of the site has been previously excavated and 18<sup>th</sup> to 20<sup>th</sup> century industrial remains were recorded. The southern half of the site is occupied by the former Belmont Works whilst the presently undeveloped space between the former Belmont Works building and the previously excavated area has not been previously assessed. It is anticipated that remains within the remainder of the site would be of low-moderate heritage significance.
- 6.27 The Conservation Heritage Panel viewed the scheme in September 2018. Whilst the Panel welcomed the proposed restoration of the Belmont Works there was a discussion about the appropriateness of restoring the Belmont Works without the interim two storey section of the extension. Some panel members suggested that the two storey glazed link be omitted and be replaced with a sensitively designed contemporary element which could activate the blank frontage and create a relationship with the proposed contemporary buildings. Another panel member advised proceeding with caution if this approach were taken. The north west gable elevation was also discussed and, given that the north west flank wall of the Belmont Works was historically a blank façade facing what was once a chapel forecourt the current blank façade was considered the most appropriate response. A panel member likened the courtyard space to a maker's yard and it was suggested a hard rather than soft landscape treatment would be appropriate. The Panel had no objection to the proposed massing, cladding treatment and saw tooth roof.
- 6.28 The CRT requested further information in order to assess the visual impact of the proposals upon the canal. It is however considered that via the plans together with the supplementary documents have allowed sufficient consideration of the outlook from this heritage asset.
- 6.29 It is therefore it is considered that, subject to conditions to secure further details where necessary, the proposals would comply with the NPPF and BDP Policy TP12. Furthermore the imaginative adaption of the building and site satisfies Paragraph 200 of the NPPF which requires LPA's to look for opportunities for new development within Conservation Areas to enhance or better reveal their significance.

### **Highways**

- 6.30 It is acknowledged that whilst offering approximately 12,900sq.m of floorspace there would be no dedicated parking spaces. A member of the public has queried the provision of cycle storage however there would be the provision of a 64 space covered cycle store at ground floor level accessed via the Belmont works. Servicing is proposed via the yard accessed off Glassworks Lane to the side.
- 6.31 BCC Transportation Development recognise that the site is close to the City Centre with good quality foot and cycle connections, and it is located in proximity to a range of public transport services including bus, train and Midland Metro. Furthermore future transport provision proposed includes the extension of cycle routes, Sprint, Midland Metro and the opening of HS2 Curzon Street Station. The predicted level of vehicle trips is considered to be acceptable on the network and there is the 980 space Millennium Point multi storey car park within walking distance. Conditions are recommended and attached to:
- i. request that the applicants enter a suitable highways agreement for the works

- around the site frontage with new footway;
  - ii. require that the approved cycle parking is provided prior to occupation; and
  - iii. require a construction plan is provided to detail works programme and any effects on the highway.
- 6.32 In addition, due to the total floorspace and the lack of dedicated on site parking proposed an additional condition to require a travel plan is considered appropriate. Such a condition would replicate that attached to Plots A and C that received outline approval for education and office uses by BCU earlier this year 2018/08426/PA). It is considered that the impact upon the highway network is in accordance with Policy TP44 of the BDP.

### ***Biodiversity***

- 6.33 The Canal and River Trust (CRT) commented that there are no inclusions of the enhancements recommended in the submitted ecological appraisal; therefore there is biodiversity loss within the proposed development and no mitigation. This is concern given the cumulative effect of development and the impact upon the canal wildlife corridor. The Council's ecologist agrees with the CRT comments above and recommends enhancements in the form of bird/bat boxes and a green roof. In response the applicants are agreeable to the provision of bird boxes whilst the provision of a green roof to mitigate against the loss of a valuable brownfield site and its associated habitats is being clarified.
- 6.34 Again in response to the comments made by CRT the applicant's agent has confirmed that further bat surveys were undertaken earlier this year and the results concluded that hibernating bats do not pose a constraint to the development and no further surveys are required.
- 6.35 Subject to clarification regarding the provision of a green roof the proposal is, subject to conditions, considered to comply with Policy TP8 of the BDP.

### ***Flood risk and Drainage***

- 6.36 Policies PG3, TP2 and TP6 seek to ensure that the site is not at risk of flooding and that surface water drainage can be managed so that the development will not increase the risk of flooding elsewhere.
- 6.37 A Flood Risk Assessment and Drainage Strategy has been submitted in support of this application indicating the provision of offsite surface water attenuation. The LLFA have queried the drainage strategy and the calculations therein and the results of these discussions will be reported in order to ensure that the proposed development meets Policy requirements.
- 6.38 Subject to this clarification the proposal would accord with TP6 of the BDP.

### ***Sustainability***

- 6.39 Policy TP1 states that the City Council is committed to a 60% reduction in total carbon dioxide (CO<sub>2</sub>) emissions produced in the City by 2027 from levels achieved in 1990. A number of policies in the plan seek to contribute to achieving this: Policy TP2 (Adapting to climate change) requires development schemes to demonstrate ways in which overheating is minimised; Policy TP3 (Sustainable construction) sets out a number of criteria which should be considered to demonstrate sustainable

construction and design; TP4 requires new development to incorporate low and zero carbon forms of energy generation, unless it is unviable to do so, and; TP6 requires a Sustainable Drainage Assessment and Operation and Maintenance Plan for all major developments.

- 6.40 An Energy Statement detailing the Energy Strategy for the proposed development has been submitted as part of the planning application. The overall development, refurbishment and extension, aspires to achieve a 5% reduction in CO2 emissions compared to a new building compliant with Building Regulations. The development will seek to achieve a BREEAM 'very good' rating and an Energy Performance Certificate (EPC) Rating of 'B'. This will be achieved by incorporating a number of features including:
- horizontal louvres where required to minimise solar gain on the south facing façade;
  - cooling by high efficiency, low global warming potential refrigerate, and roof mounted air-cooled water chillers;
  - high efficiency low NOx gas fired condensing boiler plant; and
  - illumination of internal and external spaces by energy efficient LED lighting and in unison a lighting control system offering occupancy and daylight dimming controls to maximise energy savings.
- 6.41 Policy TP3 encourages developments to meet a BREEAM standard of 'excellent'. Whilst the current scheme would only achieve 'very good' the Policy acknowledges that the higher target is not as yet enshrined in Building Regulations legislation, and it is clear that the applicants have considered how to improve energy efficiency and reduce pollution through fabric enhancements, heating and cooling system enhancements and lighting. It is therefore considered that there is sufficient justification to avoid strict compliance with the sustainable construction requirements of the Policy.

### ***Ground Conditions***

- 6.42 A Geotechnical and Geo-environmental Site Assessment has been submitted. It provides an overview of the Intrusive Site Investigations that were undertaken in 2015 and 2018 including cable percussion and rotary follow-on boreholes, trial holes and window sample boreholes. These methods have been utilised to obtain representative samples for chemical and geotechnical laboratory testing and to allow for the installation of groundwater monitoring wells and ground gas monitoring wells. The results of the assessment show no complete pollutant linkages associated with human health.
- 6.43 With regard to controlled water, no complete pollutant linkages have been identified and risks are therefore considered to be low.

### ***Impact upon Digbeth Branch Canal***

- 6.44 The CRT advise that construction traffic serving the proposed development would be within the zone of influence of the Ashted Canal tunnel and therefore pre and post vibration monitoring is required during the construction phase to ascertain whether the vehicles cause structural damage. In response the applicants have submitted a drawing showing a 10m fenced exclusion zone to prevent damage from construction traffic. Furthermore they have advised that the development would be a minimum of 20m from the canal tunnel and therefore the proposed piling for foundations would not cause vibration.

- 6.45 Secondly the CRT consider that there is a potential threat to the water environment of the canal and wider network and the threat of air borne pollution or water seepage, spillage or run off. Therefore it is recommended that tests are undertaken to ensure that the site does not include underground water seeping across unexpectedly to protect both the site and the canal from water ingress. In response the applicants have suggested that a condition is attached to require a construction methodology that would indicate any proposed compounds and storages areas together with measures to minimise dust and ensure that surface water would not drain to the canal.
- 6.66 This information has been forwarded to the CRT and their response is awaited.

### *Planning Obligations*

- 6.67 Previous development within the wider Eastside Locks site has been granted permission subject to a Section 106 Agreement to secure a contribution towards enhancements to the public realm or wayfinding. The CRT have also requested a contribution towards canalside improvements. In this case it is acknowledged that further thought is required in order to ensure that the gap or area separating the historic Belmont Works from the larger scale new build presents an attractive entrance to the development and wider site. Furthermore as the Steamhouse 2, the use of the building has its principles based on innovation and creativity and it is considered appropriate that this be realised in a piece of public art that would address this gap or corner facing the junction of Cardigan Street and Jennens Road. It is therefore considered that a condition is attached to secure the detailed design of this frontage and its associated public art in lieu of a Section 106 agreement or contribution towards the canalside. It is acknowledged that there are other plots within the wider site that are positioned closer to the Canal than the 60m quoted by CRT. The implementation of this condition will be in discussion with the City Design Team and the Council's Conservation Officer who also support this approach.

## 7. Conclusion

- 7.1 The proposed STEAMhouse2 would stand as an important local landmark within the wider Eastside Locks regeneration area and the largely ex-industrial Warwick Bar Conservation Area. The former Belmont Works is a building which lacks a viable use at present and is now in a ruinous state and at risk of further decay. The proposed scheme seeks to insert a viable new use into this locally listed building which simultaneously would secure its restoration whilst celebrating its industrial past. The proposals would also introduce a use that would not harm the significance of the associated heritage assets and would continue to bring public benefits to the building and the wider Conservation Area.
- 7.2 The development would provide substantial economic benefits by supporting the growth of Birmingham City University and the economic growth strategy of Birmingham in accordance with the NPPF, the BDP and the Curzon Masterplan.
- 7.3 The impact upon highways, ground conditions, sustainability, have been considered and found to be acceptable subject to suitable safeguarding conditions. Matters of drainage and biodiversity are sought to be resolved prior to Committee meeting.

## 8. Recommendation

- 8.1 The recommendation is for approval subject to conditions.



---

1	Approved Plans
2	Time Limit Full
3	Requires the prior submission of level details
4	Requires the prior submission of a construction employment plan.
5	Restriction of total retail floorspace (A1 to A3 Uses)
6	Materials for the former Belmont Works Building
7	Prior submission of samples of materials for former Belmont Works Building and Approved Extensions
8	Details of Windows and Doors to South Elevation
9	Submission of Large Scale Details to be Agreed
10	Brick Bonding - English Bond
11	Prior Agreement of Mortar Mix
12	Prevents demolition prior to a redevelopment contract being entered into
13	Prior agreement of method of demolition and protecting the canal from air borne pollution
14	Method of removing the existing damaged terracotta and fixing of new terracotta
15	Limits the noise levels for Plant and Machinery
16	Requires the submission of a scheme for ecological / biodiversity / enhancement measures
17	Requires the submission of a Soft Landscape Scheme
18	Details of Hard Landscaping to Arrival Square
19	Completion of Hard Landscaping to Glassworks Lane
20	Details of Temporary Hard Landscaping to Glassworks Square
21	Details of Long Term Hard Landscaping to Glassworks Square
22	Requires the prior submission of a programme of archaeological work
23	Implementation of Canal Exclusion Zone During Construction
24	Requires the prior submission of a sustainable drainage scheme
25	Requires the prior submission of a contamination remediation scheme

---

- 
- 26 Requires the submission of a contaminated land verification report
  - 27 Construction Methodology Plan Including Protection of Canal
  - 28 Requires the submission and completion of works for the S278/TRO Agreement
  - 29 Requires the provision of cycle parking prior to occupation
  - 30 Prior Submission of Travel Plan
  - 31 Prior Submission of Details of Boundary Treatment and Public Art
- 

Case Officer: Julia Summerfield

**Photo(s)**



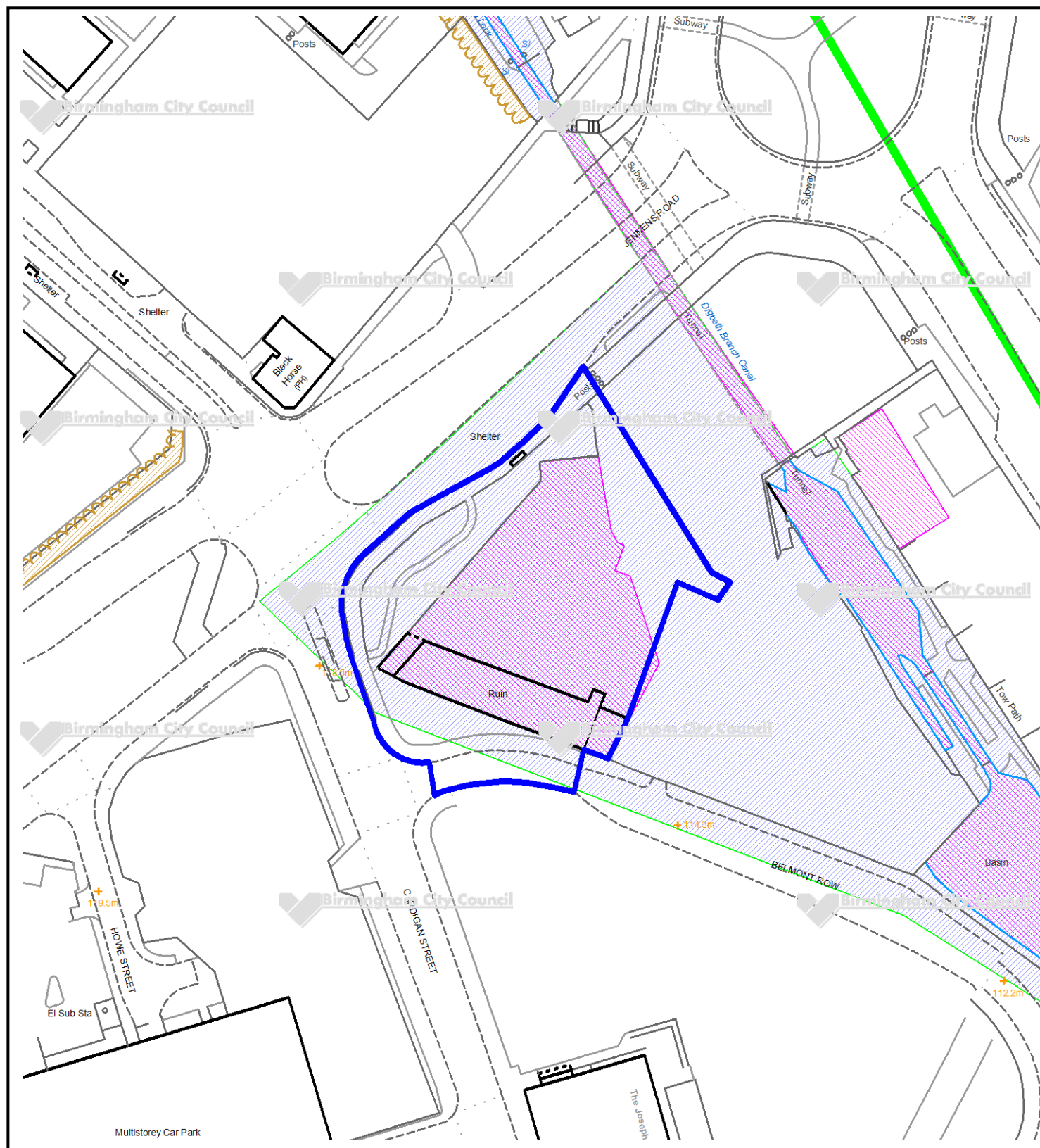
Front Elevation of Belmont Works





Side Elevation (facing Jennens Road) and Rear Elevation to Belmont Works

## Location Plan



This map is reproduced from the Ordnance Survey Material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Birmingham City Council. Licence No.100021326, 2010

# **Birmingham City Council**

## **Planning Committee**

**09 May 2019**

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Approve - Conditions	13	2019/00175/PA  Saltley School Belchers Lane Bordesley Green Birmingham B9 5RX  Erection of detached two storey teaching block and relocation of new MUGA's and playing field with associated works
Approve - Conditions	14	2019/01573/PA  2 Gravelly Lane Erdington Birmingham B23 6UH  Retrospective change of use from shop unit and residential flat (Use Class A1 & C3) to 7 bed HMO (Sui-Generis) with communal living room and kitchen
Approve - Conditions	15	2019/00041/PA  496 Barrows Lane Sheldon Birmingham B26 3BH  Erection of two storey front, side and rear extensions, erection of single storey garage to side, installation of dormer windows to rear and extension to existing footway crossing.



---

Committee Date:	09/05/2019	Application Number:	2019/00175/PA
Accepted:	25/01/2019	Application Type:	Full Planning
Target Date:	10/05/2019		
Ward:	Heartlands		

Saltley School, Belchers Lane, Bordesley Green, Birmingham, B9 5RX,

Erection of detached two storey teaching block and relocation of new MUGA's and playing field with associated works

Recommendation

**Approve subject to Conditions**

1. Proposal

- 1.1. Planning Permission is sought by BCC Education Skills & Infrastructure for the erection of a two-storey detached building to accommodate additional pupil places, the relocation of two Multi-Use Games Areas (MUGA's) and the provision of additional car parking.
- 1.2. The proposal is required as the demand for secondary places is increasing as larger primary cohorts reach secondary age. This has resulted in additional places being required and it is the Local Authority's statutory duty requirement to ensure that there are sufficient pupil places available, promote diversity and increase parental choice through planning and securing additional provision. The two form entry expansion would result in an additional 250 pupils, 40 additional staff and 40 additional Special Educational Needs (SEN) places.
- 1.3. The proposed new teaching facility would be sited away from the road frontage on existing playing fields to the west of the existing School's sports hall and north of Saltley Well Being and Sports Centre. The proposed building would be two storeys in height with a flat roof and a colonnaded set back on the ground floor. The proposed materials would include red brick to match the appearance of existing buildings on the site. It would be approximately 68 metres in length by 25 metres in width providing for an additional 19 classrooms, separate SEN facilities, a kitchen and dining area as well as toilet facilities, plant room on the ground floor, staff areas and group rooms. The total floor area of the proposed building would be 2,743 sqm.
- 1.4. The scheme also proposes the relocation of the existing two MUGA's and reconfiguration of the existing playing field provision. The new MUGA's would be situated further to the north and parallel to the railway line. The materials used would be of porous macadam surface and enclosed by a 3m high steel fence. The former MUGA location will be reused to extend the existing playground within the school site.
- 1.5. The application proposes a reconfiguration of the existing vehicle parking and would remove a demonstrable modular building (three class rooms) approved under reference 2018/04662/PA. The parking provision would increase from approximately 75 to 90. It would also include changes to the existing internal access arrangement

by providing a new one-way vehicular access from Belchers Lane and traffic calming measures along Broadway Avenue.

[Link to Documents](#)

2. Site & Surroundings

- 2.1. Saltley School is a mixed secondary school which was built in the 1920's. It was converted to academy status in 2015 and subsequently renamed Saltley Academy. It currently has approximately 1110 pupils aged between 11 and 16 years old including SEN provision for 51 pupils.
- 2.2. The application site is located on the corner of Belchers Lane and Broadway Avenue. The school is a part single storey and part two storey Victorian building with modern elements of contemporary brick/timber cladding. It comprises internal courtyard areas and in recent years has undergone major refurbishment, including extensions to allow for new class rooms and the provision of a separate sports hall to the rear to satisfy requirements for an increased number of pupil places within the area.
- 2.3. There are currently existing play areas and large grassed external sports fields located to the west of the main school building. Those include two existing MUGA's, four football pitches, a mini rugby pitch and a mini football pitch. In addition, there is an all-weather artificial grass sports pitch (AGP) within the centre of the site which is excluded from the application site. The latter is also regularly used by Saltley Well Being and Sports Centre which is located on Broadway Avenue, immediately to the south of the application site.
- 2.4. There are access arrangements into the site from Belchers Lane that leads to a staff car park. A separate pedestrian access is also provided off Belchers Lane. A secondary vehicular access is provided off Broadway Avenue serving service vehicles. An active railway line set into a cutting and with dense vegetation on either side runs along the northern boundary of the School.
- 2.5. The surrounding area is predominantly residential in character with community uses to the south, including the Saltley Wellbeing Centre and a Day Care Centre on the opposite side of Belchers Lane.

[Site location](#)

3. Planning History

- 3.1. 06.09.2018 – 2018/04662/PA: Temporary provision of one modular building to form three classrooms. Temporary approval for two years subject to conditions.
- 3.2. 21.08.2014 – 2014/01548/PA: Erection of single storey detached building, single storey extension to existing dining hall, four canopies and reconfiguration of existing car park and landscaping. Approved subject to conditions.
- 3.3. 12.06.2014 – 2014/00630/PA: Retention/ installation of two canopies and two enclosed structures. Approved subject to conditions.

- 3.4. 16.09.2010 – 2010/03493/PA: Demolition of dining block and gym, erection of two new classroom clusters into existing school quadrangles. Erection of new sports hall and associated landscaping, playground and parking. Relocation of main vehicular entrance off Belchers Lane. Approved subject to conditions.
- 3.5. 09.05.2003 – 2003/01423/PA: Renewal of planning permission for single storey freestanding canteen/kitchen facility. Approved subject to conditions.
- 3.6. 21.11.2002 – 2002/04447/PA: Demolition of temporary classrooms and erection of single storey extension to form four classrooms and student entrance. Approved subject to conditions.
- 3.7. 22.07.2002 – 2002/01837/PA: Demolition of temporary classrooms and erection of single storey classroom block and glazed link. Approved subject to conditions.

#### 4. Consultation/PP Responses

- 4.1. Site Notice displayed. Press notice advertised. MP, Ward Members, Residents Association and neighbours notified. No comments received.
- 4.2. Sport England – Request for financial contribution to mitigate loss of playing field provision together with improvement to existing open space.
- 4.3. Leisure Services – No objections subject to provision of compensation payment of £30,000 for off-site POS contribution within Heartlands Ward, Community Use Agreement and playing fields laid out in accordance with approved plans.
- 4.4. West Midlands Fire Service – No objections.
- 4.5. West Midlands Police – No objections.
- 4.6. Severn Trent – No objections subject to conditions in relation to drainage of foul and surface water flows.
- 4.7. Local Lead Flood Authority – No objections subject to conditions in relation to surface water drainage and SUDS and Sustainable Drainage Operation and Maintenance Plan.
- 4.8. National Rail – No objections subject to advisory notes in relation to construction works near railway line.
- 4.9. Regulatory Services – No objections subject to conditions in relation to noise from plant and machinery and electric vehicle charging points.
- 4.10. Ecology – No objections subject to conditions in relation to a lighting scheme and a scheme for ecological enhancement measures.
- 4.11. Transportation Development – No objections subject to conditions in relation to parking arrangements, access and highway improvements works.

#### 5. Policy Context

- 5.1. NPPF (2019); Birmingham Development Plan (2017); Birmingham Unitary Development Plan Saved Policies (2005); Places for All SPD (2001); Car Parking Guidelines SPD (2012), BCC Playing Pitch Strategy (2017).

6. Planning Considerations

- 6.1. The application has been assessed against the policies as set out above and the main considerations in the assessment of the applications are:

**Principle of Use**

- 6.2. The NPPF is clear at paragraph 94 that the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the need of existing and new communities. It advises that Local Planning Authorities should take a proactive, positive and collaborative approach to meeting this requirement. Furthermore, great weight should be given to the need to create, expand or alter schools through the preparation of plans and decisions on applications.
- 6.3. Policy TP36 of the Birmingham Development Plan recognises that as the City's population grows there will also be a need for additional Primary, Secondary and Special Needs schools and college provision. It adds that proposals for the upgrading and expansion of existing schools and the development of new schools in locations where additional provision is required will be supported subject to having safe access, safe drop-off and pick-up provision, provision of outdoor facilities for sport and recreation and avoiding conflict with adjoining uses.
- 6.4. There is an established need for additional secondary places within the catchment area of the School. The application site is owned by the Council and has been identified as suitable to deliver additional secondary pupil places and SEN provision to meet Birmingham's identified education provision demands. Consequently, the provision of additional pupil places on this site is considered acceptable, subject to appropriately addressing the impact on external playing fields and transport matters concerning access, drop-off and pick-up as well as matters in respect of the proposed design and impact on residential amenity which are discussed in detail below.

**Impact on playing fields**

- 6.5. The NPPF in paragraph 96 recognises that access to a network of high quality open space and opportunities for sport and physical activity is important for the health and well-being of communities. NPPF paragraph 97 identifies that existing open spaces, sports and recreational buildings and land, including playing fields, should not be built on unless:
- an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
  - the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
  - the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.

- 6.6. Birmingham Development Plan Policy TP9 further adds that playing fields will be protected and will only be considered for development, where they are either shown to be surplus for playing field use, taking account of the minimum standard of 1.2 ha per 1000 population, through a robust and up to date assessment and are not required to meet other open space deficiencies, or alternative provision is provided which is of equivalent quality, accessibility and size.
- 6.7. The Birmingham Development Plan recognises the potential development on existing playing fields and can potentially allow this in principle, where it is considered that the alternative provision would result in an equivalent or better provision in terms of quality, accessibility or size.
- 6.8. The detailed scheme proposes the construction of a new two-storey detached teaching block on an area of land within the site which is currently being used as a mini football pitch. Concerns were raised initially by Sport England and Leisure Services that the proposals would result in the reduction in the quantity of pitch provision which would be contrary to adopted planning policies.
- 6.9. Whilst it is accepted that the proposal would result in the marginal loss of playing fields, I acknowledge that the application proposes the reconfiguration of the existing playing field provision on site. This would result in the same number of specific playing pitches provided, having a marginal reduction in the overall size from 30,615 sqm to 30,315 sqm. By making more efficient use of the land available, this reconfigured layout continues to provide a mini football pitch 2,010 sqm, four large football pitches and a mini rugby pitch.
- 6.10. The relocation of the two MUGA's would also allow for an increased size from currently 1,260 sqm to 1,295 sqm, complying with the Sport England requirement for Netball in England. The MUGA relocation would be laid out with an improved macadam surface and with upgraded fencing. The MUGA's would be laid out for flexible uses on an all-year round basis as well as for after school activities and community use. The two MUGA's reconfiguration of playing pitches and increased playground space would also result in an improvement to the playing field, recreational and community provision on this site. It was also confirmed by the applicant that the proposals would maintain the access to the shared AGP between the Academy and Sports Centre. I consider a condition for a community use/access agreement to be appropriate in this respect.
- 6.11. Within Heartlands Ward, the total amount of public and private playing fields is 0.22 hectares per 1000 population standard, which is below the 1.2 hectares playing field provision per 1000 population in the Ward. However, the reconfiguration of the existing playing fields would only result in a marginal loss of 300 sqm of the wider playing fields site of approximately 30,000 sqm which is considered appropriate in light of the improvements proposed. Consequently, the local provision is considered to be acceptable.
- 6.12. The applicant has also offered to make a contribution of £30,000 to compensate for the loss of the open space and allow for improvements to be carried out to enhance existing open space in the vicinity of the site within the Heartlands and Small Heath Wards. The proposal therefore satisfies the tests of paragraph 97 of the NPPF and policy TP 9 of the BDP.
- 6.13. Leisure Services and Sport England have raised no objections to the proposal subject to conditions in relation to a community use agreement and that the reconfigured playing fields are to be laid out in accordance with the approved plans.

In addition, they request a condition to provide an off-site compensation payment as stated above. This contribution would normally be controlled through a Section 106 Agreement in order to conform to adopted planning policies. However, it is not legally possible for a Section 106 Agreement to be secured as part of this scheme as it would mean the Council entering into an agreement with itself. Therefore, a condition would be attached to any grant of planning permission to request the payment to be made prior to the occupation of the new teaching block.

- 6.14. Whilst it is regrettable that not the entire green space can be retained, I consider the reconfiguration and improvements as explained in detail above would result in minimal harm to the existing playing field provision. Consequently, I consider that subject to a condition for the provision of an off-site contribution and a condition for a community use agreement, the public benefits by the delivery of education facilities in an area with a pressing need for additional pupil and SEN places, would outweigh the harm that is caused to the existing playing field provision. I therefore consider the application proposal is acceptable and in accordance with relevant planning policy TP9 of the BDP and the NPPF.

### **Impact on highway safety**

- 6.15. A Transport Assessment has been submitted with the application which shows an increase in car parking spaces on the site by extending the existing car park to the north-west of the main school building. The improvement measures proposed include the provision of an improved access into the site from Belchers Lane as well as traffic calming measures along Broadway Avenue including pedestrian railings and additional signage. The applicant has also confirmed that additional cycle parking spaces will be provided on site.
- 6.16. The site is located within a sustainable location with the nearest bus stops located approximately 100 metres to the north on Belchers Lane. The proposal would provide school places for additional secondary age pupils, who are generally mobile and travel to attend a particular school.
- 6.17. Transportation has been consulted on the application and confirms that they have no objections to the proposal subject to conditions requesting the applicant signs up to the Birmingham Connected Business Travel Network. Additional conditions are requested in relation to a highway mitigation/safety scheme associated with Belchers Lane and Broadway Avenue (S278/Highway works), cycle storage and amended parking arrangements and management. Subject to these conditions the proposal is not considered to raise any highways safety concerns, nor would it be considered to have a detrimental impact on the surrounding road network.
- 6.18. Regulatory Services have recommended that a condition is attached to any grant of planning permission to secure electric vehicle charging points on the extended car park. I concur with this view and attach a condition accordingly.

### **Design and impact on visual amenity**

- 6.19. The proposal seeks to extend the facilities of Saltley Academy with the introduction of a new teaching block to the west of the School Sports Hall and north of the Saltley Wellbeing and Sports Centre. The simple two storey form of the building is sited away from the existing road frontage, partially enclosed by existing development. The dual aspect building provides surveillance over the adjacent sport facility and activates the façades, whilst introducing physical enclosure of the proposed running track and hard landscaped recreation space.



- 6.20. The introduction of a ground floor set back and associated colonnade breaks the simple form of the building, adding a focal point and interest to the primary elevation which is supported. The proposed use of brick as the primary material, complements the historic school building and the architectural form of the proposal. The proposed design and appearance of the proposed new teaching block is considered to be in accordance with Policy PG3 of the BDP, which relates to place making and quality of design.
- 6.21. The removal of the existing fencing would increase connectivity between the playing fields and school playground as well as open up views from the main school building towards the west. The proposed layout reflects the existing mixed character of the school site and overall area. Landscaping would be provided along the boundary of the building and also within the wider application site to improve the overall appearance. I consider therefore the impact on the general streetscene and visual amenity to be acceptable.
- 6.22. The application also seeks approval to amendments to the proposed parking layout and design, in particular the provision of an improved access arrangement into the site from Belchers Lane. Whilst no further details of the design and layout have been provided, I consider that suitable conditions can be attached to provide details of the parking layout prior to any occupation of the new building.

#### **Residential amenity**

- 6.23. The nearest residential dwellings are located to the south-east and south-west along Broadway Avenue and Green Croft with a minimum separation distance of 100 metres which is in excess of relevant guidance set out in 'Places for Living' and there would be no impact from the new building on occupiers of nearby residential dwellings. As such, there would be no material overlooking or overshadowing of existing residential properties. The two new replacement MUGA's would be located further to the north of the existing MUGA's, adjacent to the railway line and would have no impact on amenity of residential dwellings and there would also be no impact in terms of overlooking, overshadowing or general amenity.
- 6.24. Regulatory Services have been consulted and raise no objections to the proposal subject to a condition to secure noise levels for plant and machinery. Consequently, I conclude that subject to the condition the proposal would not harm the amenities of occupiers of dwellings within the vicinity of the site.

#### **Ecology and Landscaping**

- 6.25. The City's Ecologist consider that the overall site is of poor ecological value. However, the railway line to the north offers potential to be used as a corridor for foraging and/or commuting bats. As such, artificial lighting could have a negative impact on their behaviour and they have recommended a condition for a lighting scheme to be provided. In addition, it is considered that the loss of permeable surface and to enhance the ecological value of the site, a condition is recommended to provide ecological enhancement measures on the site. I consider imposing the two conditions is appropriate.
- 6.26. My Landscape Officer has reviewed the supporting information and commented that vegetation along the proposed new building would need to be reinforced. An amended landscape plan has been provided which is considered acceptable subject to conditions in relation to a detailed planting plan, boundary treatment details and a 5 year landscape maintenance plan. I concur with this view.

- 6.27. There are no protected trees within the application site and my Tree Officer has confirmed he has no objections to the proposal. I concur with this view.

### **Flooding and Drainage**

- 6.28. A Flood Risk Assessment and Drainage Strategy have been submitted as supporting document. It identifies the site as being entirely within Flood Zone 1 and therefore the site is at low risk of flooding. Severn Trent and the Council's Local Lead Flood Authority have been consulted on the application. Both have accepted the principle of the development and have no objections, recommending conditions to secure the prior submission of a sustainable drainage scheme. I concur with this view.

### **Impact on adjacent railway line**

- 6.29. The relocation of two MUGA's into the north-eastern corner of the existing playing fields would be located some 22 metres to the south of the active railway line. Network Rail has been consulted on the application and raises no objection to the proposal. Advisory notes have been forwarded to the agent and applicant to agree works with Network rail and that no soakaways are located within 30 metres of the railway boundary as well as any excavation earthworks within 10 metres of the railway line.
- 6.30. Network Rail has also requested a condition in relation to lighting proposed for the two new MUGA's. A similar condition has been requested by my Ecologist and I consider a condition for a proposed lighting scheme to be acceptable in order to agree any lighting details for the MUGA's prior to use.

### **Other matters**

- 6.31. Birmingham City Council's Employment Team has recommended a condition to be attached to any grant of planning permission for the prior submission of a Construction Employment Plan. However, I consider that the proposal is of small-scale. Attaching the condition would therefore not be reasonable and would not meet the six tests (use of conditions) as set out in National Planning Practice Guidance (NPPG).

## **7. Conclusion**

- 7.1. The application proposes the erection of a new two-storey detached teaching block including the relocation of two MUGA's and additional car parking. The proposed building would be located on part of the existing playing field within the wider school site. Whilst it is considered that there would be some harm to the green space provision within the site, I have balanced this against the improvements and reconfiguration proposed as well as the public benefits that arise from the application in the form of additional secondary school places where there is an identified need. I therefore conclude that the proposal is acceptable and in accordance with adopted planning policies set out in the BDP and NPPF. In addition, the proposal is considered to be acceptable in terms of highway safety and residential amenity. The proposal is therefore recommended for approval.

## **8. Recommendation**

8.1. Approve, subject to conditions.

- 
- 1 Requires the scheme to be in accordance with the listed approved plans
  - 2 Implement within 3 years (Full)
  - 3 Requires the submission of sample materials
  - 4 Requires the submission of boundary treatment details
  - 5 Requires the prior submission of level details
  - 6 Requires the submission of hard and/or soft landscape details
  - 7 Requires the submission of hard surfacing materials
  - 8 Requires the submission of a landscape management plan
  - 9 Requires the submission and completion of works for the S278/TRO Agreement
  - 10 Requires the provision of vehicle charging points
  - 11 Requires the provision of a financial contribution of £30,000 towards off-site playing fields in the Heartlands/Small Heath Wards
  - 12 Requires the prior submission of a sustainable drainage scheme
  - 13 Requires the submission of a Sustainable Drainage Operation and Maintenance Plan
  - 14 Requires the submission of a lighting scheme
  - 15 Requires the submission of a scheme for ecological enhancement measures
  - 16 Limits the noise levels for Plant and Machinery
  - 17 Requires the prior approval of a Community Access Agreement
  - 18 Requires the prior submission of a construction method statement/management plan
  - 19 Requires the submission of details to prevent mud on the highway
  - 20 Requires the prior installation of means of access
  - 21 Prevents occupation until the service road has been constructed
  - 22 Requires the submission of the siting/design of the access
  - 23 Requires the submission of vehicle parking and turning details
  - 24 Requires the submission of entry and exit sign details
  - 25 Requires the submission of a parking management strategy
-

- 
- 26 Requires the provision of cycle parking prior to occupation
  - 27 Requires the applicants to sign-up to the Birmingham Connected Business Travel Network
  - 28 Requires vehicular access from Belchers Lane to remain open during operational hours
- 

Case Officer: Laura Pohl

## Photo(s)



Figure 1: View towards location of new building



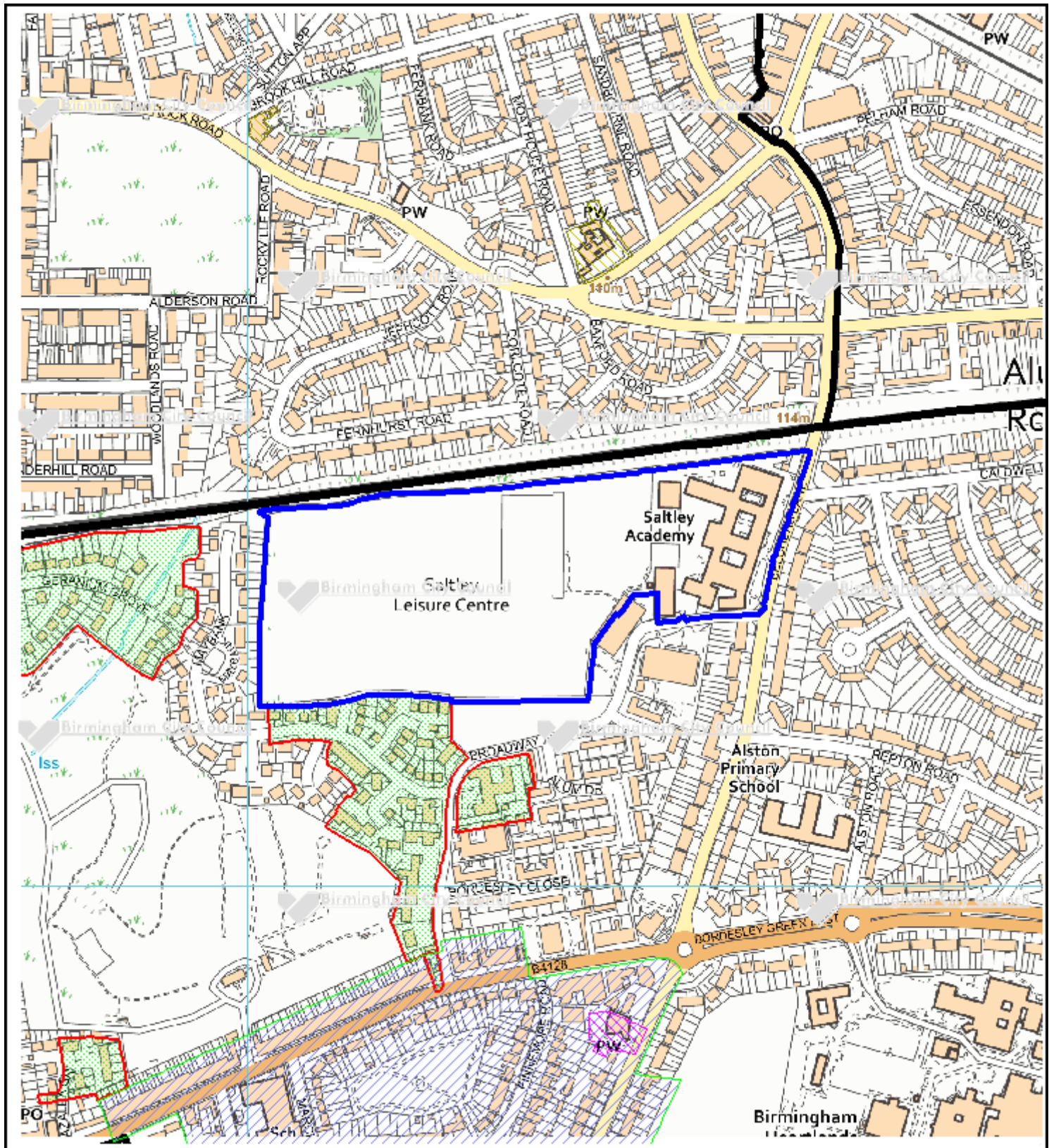
Figure 2: View towards location of new MUGA's



Figure 3: View from main school building towards existing MUGA's



## Location Plan



This map is reproduced from the Ordnance Survey Material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationary Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Birmingham City Council. Licence No.100021326, 2010

---

Committee Date:	09/05/2019	Application Number:	2019/01573/PA
Accepted:	01/03/2019	Application Type:	Full Planning
Target Date:	10/05/2019		
Ward:	Erdington		

2 Gravelly Lane, Erdington, Birmingham, B23 6UH

Retrospective change of use from shop unit and residential flat (Use Class A1 & C3) to 7 bed HMO (Sui-Generis) with communal living room and kitchen

Recommendation

**Approve subject to Conditions**

1. Proposal

- 1.1. Consent is sought for continued use as a 7 bedroom HMO (Sui Generis). The property was previously in use as a retail shop, with residential flat above. At ground floor, the accommodation comprises a communal kitchen, communal living room, bathroom, boiler room and two bedrooms (with en-suites). At first floor, there are four rooms (with en-suites) and a kitchen. Within the roof space, there is a further bedroom with en-suite). Bedroom sizes range between 7sq.metres and 17sq.metres.
- 1.2. There is an existing side garage which is to be retained.

[Link to Documents](#)

2 Site & Surroundings

- 2.1. The building is located at the corner of Gravelly Lane and Summer Road and has previously been extended along both Gravelly Lane and Summer Road frontages. The surrounding area is predominantly residential (with a wide variety of house types, including family homes, flats and subdivided buildings), interspersed with commercial uses.

[Site location](#)

3. Planning History

- 3.1. None relevant to the assessment of the application.

4. Consultation/PP Responses

- 4.1. Transportation Development – No objections.

- 4.2. Regulatory Services – No objections, subject to a noise insulation scheme for door/windows.
- 4.3. West Midlands Police – No objections received.
- 4.4. Local residents and Ward Councillors have been notified and a site notice displayed. Councillor Moore has requested that the application be determined by Planning Committee and not under delegated power on the grounds of highway safety and cumulative impact on the number of HMO's in the area.

A resident of Summer Road has also objected on the grounds that the development will exacerbate existing on-street parking problems.

5. Policy Context

NPPF 2019  
Birmingham Development Plan 2017  
Saved 2005 UDP Policies  
Car Parking Guidelines SPD  
Places For Living SPG  
Specific Needs Residential Uses SPG

6. Planning Considerations

- 6.1 With regard to Saved Policies 8.23-8.25 (Houses in Multiple Paying Occupation) of the 2005 UDP, the main issues in the assessment of this application are:

- The impact of the development on the character of the area and on adjoining premises;
- The size and character of the property and whether the development provides satisfactory living accommodation for the occupants;
- The impact of the development on highway safety.

6.2 *Character of the area/residential amenity impacts*

- 6.3 There is no evidence of any existing over intensification of existing HMO uses within the immediate vicinity of the site and the site does not lie with an 'Area of Restraint'. The proposal complies in principle with Policy TP27 (Sustainable Neighbourhoods) of the BDP which requires that new housing contributes to making sustainable places, to be achieved by providing a wide choice of housing types and tenures to ensure balanced communities catering for all incomes and ages. Given the mixed commercial/residential nature of the area, it is not considered that the use is not out of character. As a relatively 'isolated' building located on a busy classified road, the use would not have any harmful effect on the existing amenities of occupants of nearby dwellings resulting from noise/ disturbance.

6.4 *Size and character of the property/living accommodation*

- 6.5. Saved Policy 8.25 of the UDP advises that the use of small terraced and semi-detached houses as HMO's should be resisted. This is a detached former retail shop/ flat of residential scale and appearance which has previously been extended – in principle therefore its existing scale and character allow for it to be converted to multiple occupation use.
- 6.6. The floorspace of each of the rooms exceeds the City's minimum room size requirement of 6.5 sq.m for a single room within an HMO, where there is a separate communal living room. No amenity space is available within the site. Special Needs Residential Uses SPG requires the provision of 16 sq.m per unit. However, this is considered acceptable as the property is only 300m (approx.) from Witton Lakes Park. In addition, the property provides a reasonable level of accommodation, including a large communal living room and two separate kitchens. The SPG also advises that 'lifestyle' choices should be taken into account when considering amenity space provision and that it is not necessarily required in higher density housing developments.
- 6.7. *Highway Safety*
- 6.8. The Specific Needs Residential Uses SPG states that proposals should not prejudice the safety and free flow of traffic and that parking guidelines for HMO's should be treated on their individual merits. Given that Transportation have not identified any specific highway safety implications, and that the use would be unlikely to generate significantly higher volumes of traffic and parking requirements than the previous use, it is considered that the development complies with BDP Policy TP44 (Traffic and Congestion Management) which seeks to ensure the safe use of the existing transport network. Further, the site is located within a convenient walking distance of a number of regular bus services and within 500m of Erdington Railway Station.

## 7. Conclusion

- 7.1 The proposal constitutes a sustainable form of development in this location which provides satisfactory living accommodation for its occupants and has no harmful effect on the existing character of the area, residential amenity or highway safety. As such the proposal complies with the relevant policy documents referred to above.

## 1. Recommendation

- 8.1 Approve subject to conditions.

---

1	Requires details of noise insulation scheme within 1 month and implementation within 3 months
2	Requires details of communal living room window with 1 month and installation within 3 months
3	Requires the submission of cycle storage details within 1 month and implemented within 3 months

---

---

4 Limits the maximum number of residents to 7

5 Requires the scheme to be in accordance with the listed approved plans

---

Case Officer: Faisal Agha



**Photo(s)**



Fig. 1: Gravelly Lane – Application property



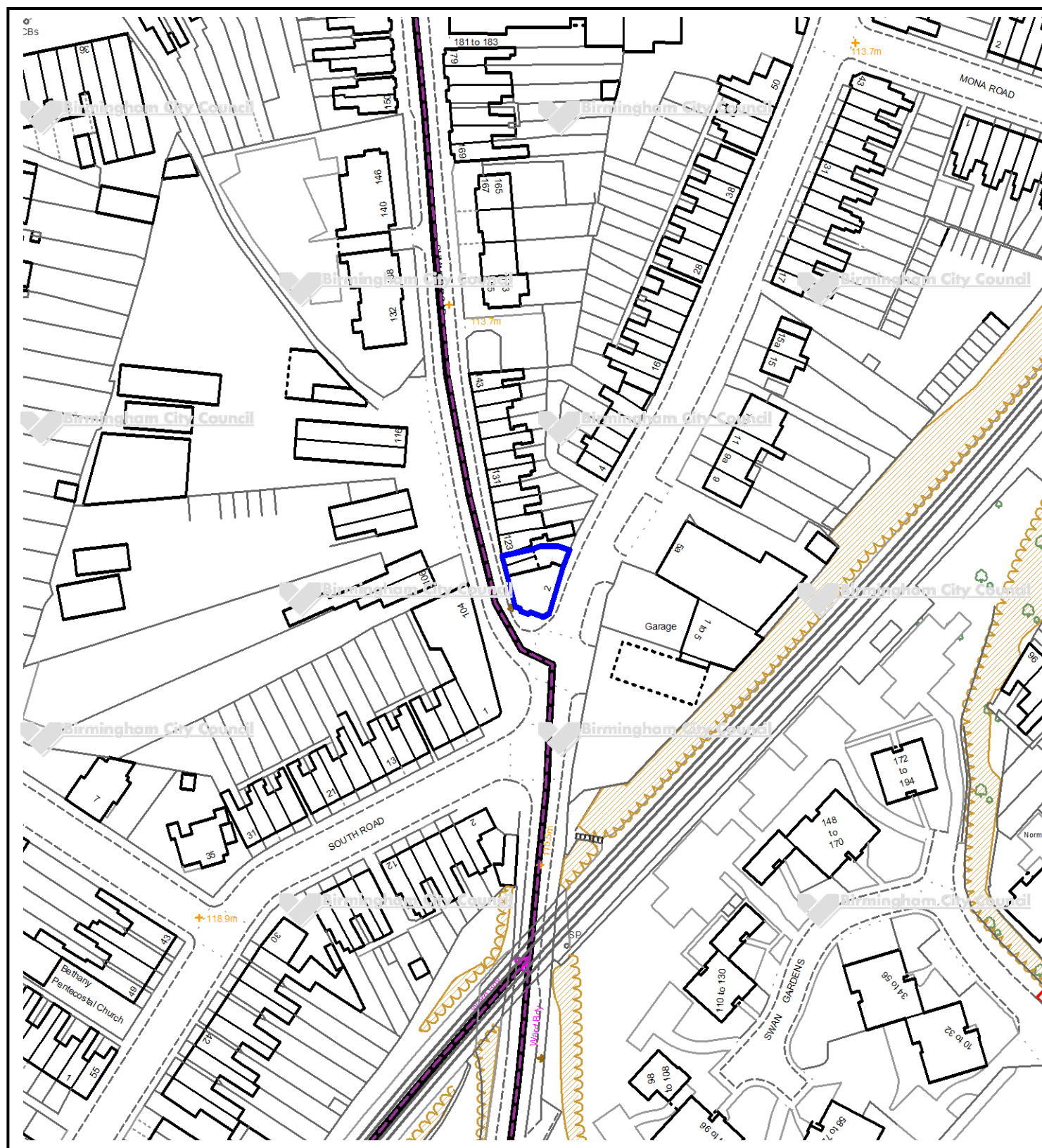
Fig. 2: Gravelly Lane – Rear of adjoining dwellings





Fig. 3: Summer Road – Application property

## Location Plan



This map is reproduced from the Ordnance Survey Material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Birmingham City Council. Licence No.100021326, 2010

Committee Date:	09/05/2019	Application Number:	2019/00041/PA
Accepted:	08/01/2019	Application Type:	Householder
Target Date:	10/05/2019		
Ward:	Sheldon		

496 Barrows Lane, Sheldon, Birmingham, B26 3BH

Erection of two storey front, side and rear extensions, erection of single storey garage to side, installation of dormer windows to rear and extension to existing footway crossing.

Recommendation

**Approve subject to Conditions**

1. Proposal

- 1.1. The application site seeks consent for the erection of two storey front, side and rear extensions, erection of single storey garage to side, installation of dormer windows to rear and extension to existing footway crossing. A rear timber extension would be removed. Also, following negotiations, a front dormer has been deleted and a first floor rear window has been relocated to the side elevation overlooking Common Lane.
- 1.2. The two storey front, side and rear extensions would introduce 2 gable features on the front elevation, the existing garage would be converted into a family lounge, the existing kitchen and lounge would be converted into an entrance hallway. The single storey rear extension consisting of conservatory, store and wash cabin would be replaced with a kitchen/dining room and a single storey garage would be erected to the eastern side of the property. On the first floor the rooms would be re-arranged to create an additional bedroom to the rear elevation and the installation of two dormer windows within the loft conversion would create two additional bedrooms. The existing footway crossing on Barrows Lane would be extended by 2.7m.
- 1.3. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site comprises of a large two storey detached property with a hipped roof design. The property is located on a corner plot within a residential area with varying styles of architectural designs within the street scene. The property has a large bay window feature and an integrated garage on the front elevation. The property is enclosed with a brick wall and wooden fencing fronting onto Barrows Lane and Common Lane and is 1.8m in height.
- 2.2. There are wooden gates 0.8m high at the entrance of the site at Barrows Lane leading to a hardstanding driveway and a large garden to the front of the property. At the rear, there is also a large garden, together with a single storey timber extension. The rear boundary treatment with the neighbouring property at No.494 consists of

2.1m high wooden fencing and hedges. There are a number of trees located around the site, providing natural screening from the street.

- 2.3. There is a shared accessway located behind the applicants rear boundary and is used by No.2, No.4 and No.6 Woodbine Croft.

2.4. [Site Location](#)

3. [Planning History](#)

- 3.1. None.

4. [Consultation/PP Responses](#)

- 4.1. Local Ward members and neighbours have been consulted.

- 4.2. Six objections have been received in relation to this application, the concerns raised have been summarised and listed below:

- Out of character and design to surrounding area
- Scale and mass of dwelling considered to be over dominant compared to wider area
- Overlooking issues, loss of privacy and outlook
- Concerns raised in relation to tree removal
- Comments/further details requested in relation to building works/foundations
- Parking concerns/overspill due to intense use of applicants site
- Loss of private amenity space on applicants site
- Additional noise pollution once the dwelling is occupied

- 4.3. Transportation Development – No objections, subject to the extension of existing footway crossing to BCC specification at the applicants expense.

5. [Policy Context](#)

- 5.1. National Planning Policy Framework (2019); Birmingham Development Plan (2017) Birmingham Unitary Development Plan Saved Policies (2005); Places For Living (Adopted Supplementary Planning Guidance 2001); The 45 degree Code (Adopted Supplementary Planning Guidance 1996); Extending Your Home (Design Guide 2007).

6. [Planning Considerations](#)

- 6.1. This application has been assessed against the objectives of the policies as set out above.

- 6.2. Amended plans have been received removing the proposed front dormer from the planning application as the dormer was considered to be uncharacteristic and unsympathetic to the wider area. In addition, the windows to bedroom 4 failed to meet the required standard of 21m separation distance of window to window relationship with No.2 Woodbine Croft. The amended plans now show the proposed

window moved from the rear elevation and onto the eastern side elevation in order to mitigate the breach.

- 6.3. Objections have also been received on grounds of overlooking, loss of privacy and outlook. However the proposed development in its revised form complies with the 45 Degree Code and the minimum distance separation guidelines contained within 'Places for Living' and 'Extending Your Home'. There would be no overlooking issue, loss of privacy or significant adverse impact on the amenities of the occupiers of the adjacent properties by virtue of loss of light or outlook.
- 6.4. Objections have also been received in relation to the proposed development being out of character and design to surrounding area and the scale and mass of the dwelling being considered over dominant compared to wider area. However, the proposed development would comprise of forward extensions, which on this occasion would provide symmetrical gables and would be in keeping with the existing building line, I therefore do not consider that the forward extensions would significantly compromise the existing character or architectural features of the property, or have a detrimental impact on the general street scene. Therefore the proposal complies with the principles set out within 'Extending Your Home'.
- 6.5. The scale, mass and design of the proposed development are acceptable. Whilst the proposed development would increase the size of the development the proposal would provide additional floor space through the creation of three additional bedrooms and the two gable features on the front elevation would improve the character and appearance of the dwelling within the large corner plot. Furthermore, whilst the proposed development would be visible from the street, the proposed development would have a limited impact on the visual amenity of the surrounding area.
- 6.6. An objection has been raised on grounds of loss of private amenity space on the applicant's site. However, whilst there would be a shortfall; the existing garden already falls short of the 10m guidance and currently achieves 8m to the rear boundary. The proposal would result in a loss of a further 2m. However, the proposals would comply in terms of separation distances and the remaining garden size (175sq.m approx.) would exceed the minimum gardens size requirement of 70sq.m required in Places for Living. Therefore, I consider that the proposed development would not have a detrimental impact on the amenity of nearby occupiers in terms of loss of light or privacy.
- 6.7. An objection has also been raised on grounds of the proposed development creating additional noise pollution post development and consultation comments have been received requiring further details in relation to building works/foundations. However neither of these responses are material planning considerations and therefore have not been taken into account within this assessment.
- 6.8. Parking concerns have been raised by neighbours; however, noting that the forecourt is already hard paved and used for parking purposes, I do not consider that the proposed development would significantly worsen the current arrangement. Furthermore, the Transport Officer has raised no objections to the proposed 2.7m footway extension, subject to the crossing being constructed to the dimensions authorised by BCC Highways, with the cost payable by the applicant to BCC for footway crossing construction.



6.9. Concerns have also been raised in relation to tree removal around the site, however, there is no existing statutory tree protection within the site and the Tree Officer does not consider the trees to be suitable for a tree preservation order.

7. Conclusion

7.1. The application complies with relevant planning policies and there are no sustainable grounds to warrant a refusal, the application is therefore recommended for approval.

8. Recommendation

8.1. Approve Subject to Conditions

- 
- |   |   |
|---|---|
| 1 | Requires that the materials used match the main building                                    |
| 2 | Requires the scheme to be in accordance with the listed approved plans                      |
| 3 | Requires the submission of the siting/design of the access                                  |
| 4 | Requires the submission of hard and/or soft landscape details                               |
| 5 | Requires the submission details obscure glazing for specific areas of the approved building |
| 6 | Implement within 3 years (Full)   |
- 

Case Officer: Vajid Mahmood



## Photo(s)



Fig. 1: Street View



Fig. 2: Front Elevation





Fig. 3: Rear Elevation



Fig. 4: Shared access for neighbour's on Woodbine Croft

## Location Plan



This map is reproduced from the Ordnance Survey Material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Birmingham City Council. Licence No.100021326, 2010

# **Birmingham City Council**

## **Planning Committee**

**09 May 2019**

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>
Determine	16	2019/01058/PA  14 Langleys Road Selly Oak Birmingham B29 6HP  Erection of two and single storey rear extension
Approve-Conditions	17	2018/07934/PA  Land rear of 163-179 Baldwins Lane Hall Green Birmingham B28 0PY  Erection of two dwellings



---

Committee Date:	09/05/2019	Application Number:	2019/01058/PA
Accepted:	11/02/2019	Application Type:	Full Planning
Target Date:	08/04/2019		
Ward:	Bournville & Cotteridge		

14 Langleys Road, Selly Oak, Birmingham, B29 6HP

Erection of two and single storey rear extension

Recommendation

**Determine**

1. Report Back

1.1. Members will recall that this application was presented to Planning Committee on 11 April 2019. At determination, Members will recall that the application was deferred, minded to refuse for the following reasons:

- a) Impact on light
- b) Impact on privacy
- c) Impact on residential amenity

1.2. Officers consider that the recommendation to approve in accordance with the original report dated 11 April 2019 remains appropriate; however if Members remain minded to refuse the application then the following reason for refusal is suggested:

- a) The proposed ground floor extension, by virtue of its depth and close proximity to the boundary of No. 12 Langleys Road would lead to a loss of light and outlook to the rear windows to No. 12, adversely impacting on their residential amenity. As such the proposal would be contrary to Policy PG3 of the Birmingham Development Plan 2017, saved Paragraphs 3.14C and 8.39-8.43 of the Birmingham UDP 2005, guidance in Places for Living adopted as Supplementary Planning Guidance and Extending Your Home adopted as a Supplementary Planning Document, and the National Planning Policy Framework.

1.3. With reference to the impact on privacy, Officers do not consider a reason for refusal on this aspect could be successfully defended. The proposed single storey rear extension incorporates obscure glazing along the side boundary with No. 12, removing the ability to overlook the next door garden and safeguarding the neighbour's privacy. There is a solid side wall up to 2 metres in height on the extension which would also prevent any overlooking.

**1. Original Report**

1.1. Proposal

1.2 Consent is sought for the erection of a two and single storey rear extension at 14 Langleys Road, Selly Oak, B29 6HP.

1.3 The single storey extension would create a large shared kitchen and lounge area with an existing conservatory to be removed. At first floor the extensions would extend two existing bedrooms. The plans show a total of 8 bedrooms, which would not result in an increase on the existing layout.

1.4 [Link to Documents](#)

## 2 Site & Surroundings

2.2 The application site comprises a semi-detached property with a half hipped roof design located within a residential street comprising properties of a similar design and scale to the application site. The property has been previously extended with a single storey conservatory and dormer windows within the rear roof slope. Within the rear garden is an existing brick outbuilding with a shed to the rear. Neighbouring property No. 12 Langleys Road is of a similar design and scale to the application site, with a single storey outbuilding within the rear garden. To the rear elevation there is a set of patio doors at ground floor nearest the site with a kitchen window alongside. At first floor there are two bedroom windows. The boundary between the two properties is defined by low level close boarded fencing. To the adjacent side, No. 16 has a single storey brick outbuilding along the side boundary, with a ground floor kitchen window and first floor bedroom window nearest the site.

2.3 [Site Location Plan](#)

## 3 Planning History

3.2 No planning history

3.3 Enforcement History

3.4 2013/0842/ENF – Alleged unauthorised use as a HMO – Case closed, property used as a 7 bedroom HMO since 2002. Property now used as an 8 bedroom HMO, however not expedient to pursue additional bedroom.

## 4 Consultation/PP Responses

4.2 Local Ward Members, Residents Associations and neighbouring properties have been consulted. 8 responses have been received raising the following objections:

- Use of the property as a HMO
- Noise and disturbance from occupants
- Impact on parking
- Disruption during construction
- Devalue neighbouring properties
- Loss of light into neighbouring gardens
- Loss of light and privacy
- Party wall agreement

4.3 Councillor Grindrod has objected to the proposal on the grounds of potential increase in the number of bedrooms, overconcentration of HMOs in this article 4 area, noise and disturbance from occupiers impacting neighbours, and impact on parking provision.



4.4 Councillor Clements has objected to the proposal on the grounds of noise and disturbance from occupiers, impact on parking, impact on local services, disturbance during construction, impact on light and privacy.

4.5 Regulatory Services – No objections

4.6 Transportation – No objections subject to secure cycle storage

## 5 Policy Context

5.2 The following local policies are applicable:

- Birmingham Unitary Development Plan (2005) – Saved policies
- Birmingham Development Plan (2017)
- Places For Living SPG (2001)
- The 45 Degree Code SPG (1996)
- Extending your Home SPG (2007)

5.3 The following national policies are applicable:

- NPPF- National Planning Policy Framework

## 6 Planning Considerations

6.2 This application should be assessed against the objectives of the policies as set out above.

6.3 The design and scale of the proposal is acceptable. I consider that the proposed extensions would not compromise the existing character or architectural features of the property, or have a detrimental impact on the general street scene. The resulting building would not be out of scale or character with other properties within the locality, and would not be an over development of the site. The proposal would be in accordance with the principles contained within 'Extending Your Home' Supplementary Planning Document.

6.4 The proposed single storey rear extension would breach the 45 degree code from the ground floor rear window to No. 12 Langleys Road. However the Code allows for structures which are mainly made of glass as they allow light to pass through to neighbouring properties. The proposed single storey rear extension would be partially glazed to the side elevation at the location of the 45 Degree Code breach, above the line of the boundary treatment. Glazing would also be proposed to the rear elevation and within the roof slope of the extension. As such I do not consider the proposed extension would have a detrimental impact on the light to the neighbouring property. Consideration is also given to the existing conservatory which is in the same location as the proposed extension and which would already have an impact on the ground floor window to No.12. A condition is attached to ensure the glazing to the side elevation facing No. 12 is obscurely glazed to prevent any overlooking or loss of privacy.

6.5 All other development complies with the 45 Degree Code Policy, and minimum distance separation guidelines contained within 'Places for Living' and 'Extending Your Home' would be met. There would be no overlooking issue, or adverse impact on the amenities of the occupiers of the adjacent properties by virtue of loss of light or outlook.

6.6 Concern has been raised with regards to the use of the property as a large House in Multiple Occupation. The Enforcement history for the site states that the property has been used as a 7 bedroom HMO since 2002, therefore this is deemed a lawful use. In respect to the additional bedroom the Council's Enforcement Officer has advised it would not be expedient to pursue this additional bedroom. Therefore this application is solely for the proposed rear extensions. The extensions proposed would not result in any additional bedrooms so the existing use would be unaffected. Any increase would have to be investigated separately.

6.7 Concern has also been raised with regards to party wall agreements, disruption during construction, and impact on property values. However these are not material planning considerations and fall outside the remit of the planning department. I consider the remaining objections have been addressed above.

6.8 The proposed development does not attract a CIL contribution.

## 7 Conclusion

7.2 This application is recommended for approval as the proposal complies with the policies as outlined above.

## 8 Recommendation

8.2 Approve subject to the following conditions

- 
- |   |   |
|---|---|
| 1 | Requires the scheme to be in accordance with the listed approved plans  |
| 2 | Requires that the materials used match the main building                |
| 3 | Requires the submission of cycle storage details                        |
| 4 | Requires the submission of obscure glazing for the conservatory Windows |
| 5 | Implement within 3 years (Full)   |
- 

Case Officer: Leah Russell

## Photo(s)



Photo 1: Rear elevation of No. 12 Langleys Road



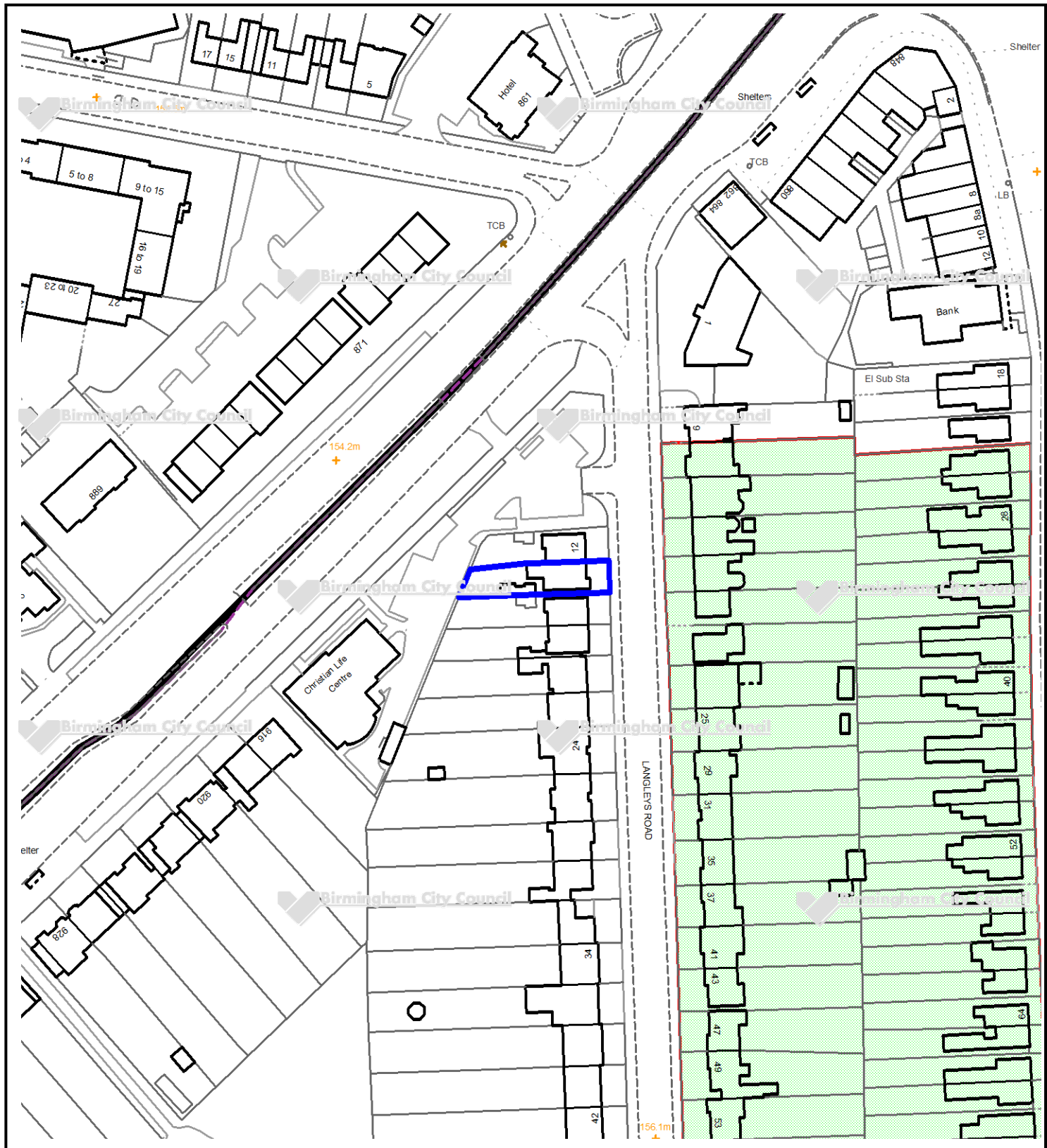
Photo 2: Rear elevation of 16 Langleys Road





Photo 3: Rear elevation

## Location Plan



This map is reproduced from the Ordnance Survey Material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Birmingham City Council. Licence No.100021326, 2010

Committee Date:	09/05/2019	Application Number:	2018/07934/PA
Accepted:	03/10/2018	Application Type:	Full Planning
Target Date:	28/11/2018		
Ward:	Hall Green South		

Land rear of 163-179 Baldwins Lane, Hall Green, Birmingham, B28 0PY

## Erection of two dwellings

### Recommendation

### **Approve subject to Conditions**

#### 1. Proposal

- 1.1. Planning Permission is sought for the erection of a two storey dormer building consisting of two dwellings on land to the rear of no.163-179 Baldwins Lane, Hall Green. The proposed building would have a pitched roof design with two small pitched roof dormer windows on the buildings West elevation. The application proposes two on-site parking spaces for each plot.
- 1.2. The layout of the dwellings would consist of the following:
  - Plot 1 - Would measure 10.9m in width x 7.6m in depth x 7.4m in height to ridge, 2.9m to eaves, consisting of an entrance hall, W.C, lounge/dining/kitchen room area (32.3sqm), ground floor bedroom (17.9sqm) with en-suite and two first floor bedrooms (15.3.3 and 12.1sqm) with en-suites. The property would have a gross internal floorspace of 70sqm. Externally, an amenity/garden area of 210sqm would be provided.
  - Plot 2 - Would measure 10.9m in width x 7.6m in depth x 7.4m in height to ridge, 2.9m to eaves, consisting of an entrance hall, W.C, lounge/dining/kitchen room area (32.3sqm), ground floor bedroom (17.9sqm) with en-suite and two first floor bedrooms (15.3.3 and 12.1sqm) with en-suites. The property would have a gross internal floorspace of 70sqm. Externally, an amenity/garden area of approximately 200sqm would be provided.
- 1.3. The site measures 0.1ha and the development represents a density of 20 dwellings per hectare.
- 1.4. [Link to Documents](#)

#### 2. Site & Surroundings

- 2.1. The application site is a former garage site, located behind residential properties (165-179 Baldwins Lane). The site is accessed via a driveway from Baldwins Lane between 179 & 181 Baldwins Lane. The site is adjoined by a small area of scrubland to the north, the curtilages/gardens of residential properties to the south, east and west and the grounds of Chilcote Primary School to the south-west. The surrounding area is predominantly residential in character.



2.2. [Site Location Plan](#)

3. [Planning History](#)

- 3.1. 2006/04477/PA - Construction of 3 no., four-bedroom detached dwellinghouses, 3 garages and parking areas – Refuse - 11/09/2006. It was considered that the proposal would interfere with the freeflow of traffic and have an adverse effect upon pedestrian and highway safety due to inadequate access, parking provision and turning areas. The proposed development was also considered poor in urban design terms and would have an adverse effect upon the environment of the surrounding area.

4. [Consultation/PP Responses](#)

- 4.1. Local Councillors, Residents Associations, Neighbourhood Forums and Neighbouring Residents notified. Site notice displayed (11/10/2018).
- 4.2. Councillor Huxtable has objected to the application following correspondence with local residents.
- 4.3. 16 strong petition received from neighbouring residents in objection to the application.
- 4.4. The application received 9 responses from neighbouring residents. All 9 responses received were in objection to the application.
- 4.5. The following objections were raised:
- Concerns over damage caused by vehicles and construction vehicles to adjoining residential properties due to the narrowness of the access.
  - Concerns raised over the proposed developments impact on neighbouring residential properties in terms of noise, dust, loss of daylight, vibration, shadow flicker, outlook, overlooking and visual amenity.
  - The proposal would constitute overdevelopment of the area which would be out of character with the surrounding area.
  - Disruption caused to the education and safety of the pupils of Chilcote Primary School.
  - Noise and traffic disruptions caused during the construction process and the increase in traffic as a result of the development
  - The demolition of the previous 14 garages which stood on the site caused major disruption.
  - The driveway access is very narrow (approx. 3 metres). This could cause potential hazards for emergency vehicles and refuse collections attempting to access the site. Concerns also raised over safe pedestrian access if there is to be increased vehicular use.
  - Previous application on the site (ref: 2006/04477/PA) was refused with the main concerns being lack of space for a footpath and vehicle access from Baldwins Lane to the site, two vehicles being unable to pass each other and lack of space for emergency vehicle access. There has been no change to the entrance since then so these concerns will still stand.
  - The submitted design and access statement does not mention all the properties on Baldwins lane that have right of way to the sites access. The current site access allows residents to gain access to their rear gardens and garages.

- Adequate turning space should be provided to allow residents of Baldwins Lane to access their garages and rear accesses to neighbouring properties should not be obstructed.
  - The access route to the proposed dwellings would affect security of neighbouring residential gardens and dwellings. There should be secure high fencing separating the site and the neighbouring residential boundaries in order to compensate.
  - No mention of fencing for the chicken wire boundary where the North elevation shall be facing.
  - The submitted information does not mention how the proposed development would be served by utilities e.g. gas, electric, water, sewage and how this might impact upon the existing utilities of the surrounding properties.
  - Mitigation measures should be taken to ensure the asbestos roofing to be removed does not cause danger to local residents.
  - Not all surrounding properties have received consultation letters.
- 4.6. Transportation Development – No objections, following amendments to provide 6 metre manoeuvre area for the proposed driveway parking spaces.
- 4.7. Regulatory Services – No objection subject to conditions requiring the submission of a noise insulation scheme, contamination remediation scheme, contaminated land verification report and the provision of a vehicle charging point at each residential unit.
- 4.8. Severn Trent Water – No objection
- 4.9. West Midlands Police – No objection
- 4.10. West Midlands Fire Service – No objection given the existing access to the site of the proposed dwellings, and the applicant supporting the installation of sprinklers throughout the properties (in accordance with BS 9251 or BS EN 12845).
5. Policy Context
- 5.1. Birmingham Development Plan 2017; Birmingham Unitary Development Plan 2005 (Saved Policies); Places for Living (2001); 45-Degree Code SPG; Car Parking Guidelines (2012); Nationally Described Space Standards (2015) and NPPF (2018).
6. Planning Considerations
- 6.1. The main issues in the determination of this application are:
- Policy:
- 6.2. Birmingham Development Plan Policy PG3 states that all new development will be expected to demonstrate high design quality, contributing to a strong sense of place, new development should reinforce or create a positive sense of place and local distinctiveness, with design that responds to site conditions and the local area context, create safe environments which design out crime and, make best use of existing buildings and efficient use of land in support of the overall development strategy. Policy TP27 states that new housing is expected to contribute to making sustainable places, whether it is a small infill site or the creation of a new residential neighbourhood. Policy TP28 states that new residential development should be adequately serviced by existing or new infrastructure, which should be in place

before new housing for which it is required and, be accessible to jobs, shops and services by modes of transport other than the car.

- 6.3. 'Places for Living' SPG encourages good quality accommodation in attractive environments. It contains a series of urban design principles and distance separation standards, with emphasis to assessing context and responding positively to local character.
- 6.4. The NPPF seeks to ensure the provision of sustainable development, of good quality, in appropriate locations and sets out principles for developing sustainable communities. It encourages the effective use of land by utilising brown-field sites and focusing development in locations that are sustainable and can make the fullest use of public transport, walking and cycling. The NPPF promotes high quality design and a good standard of amenity for all existing and future occupants of land and buildings. It also advises that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 6.5. DCLG Technical Housing Standards – Nationally Described Space Standards (2015) sets out internal space standards and the requirements for gross internal (floor) areas.
- 6.6. Principle of use:
- 6.7. The application site is a former garage site which is classed as brownfield land and the plot represents a windfall plot, which is advocated within policy TP28 of the Birmingham Development Plan and paragraph 68 of the NPPF. While it is considered that the siting of the proposed backland development away from any defined streetscene would not be particularly in-keeping with the existing layout of the locality, given the application site was previously used as a garage site and is served by an existing access road off Baldwins Lane, Officers do not consider that the proposed development would result in a discordant feature which would be detrimental to the visual amenities of the locality in this instance. The surrounding area is residential in nature/character and two additional dwellings would fit appropriately within this context. Furthermore, the proposal is less intensive and the proposed dwellings are more appropriately located within the application site than the previous scheme (ref: 2006/04477/PA) for three dwellings. It is considered that the development overcomes the second refusal reason of the previous application (ref: 2006/04477/PA) relating to poor urban design and having an adverse effect upon the environment of the surrounding area.
- 6.8. Given the above, it is considered the development would constitute sustainable development, constituting an efficient use of land, responding to site conditions and the local area context, within a sustainable location that is close to schools, shops and public transport facilities. The proposal complies with the aspirations as laid out within the NPPF and the Birmingham Development Plan. Consequently, it is considered that the proposal is acceptable in principle subject to the siting, design and layout of the proposed dwelling being acceptable.

Layout, design, scale and massing:

- 6.9. The application site is surrounded by 2-storey dwellings to the north, east and south and by 3-storey residential apartments and a 2-storey school building to the west. The proposed residential building would be of a modern design, which would not be at odds with the visual aesthetics of the site and surrounding properties in general.

The proposed size, scale and massing of the proposed dwellings is appropriately proportionate to the size of the site and the proposed gable roof design with two pitched dormer windows on the west elevation would not be at odds with the surrounding area.

- 6.10. The proposed dwellings would adhere to guidance in terms of bedroom sizes and gross internal floor area in accordance with Nationally Described Space Standards for three bedroom, six person properties. The plots would have an amenity space of 200sqm and 210sqm respectively, adhering to guidance contained within the SPG 'Places for Living' for family dwellings. Given the above, the proposal is considered acceptable in terms of layout, design, scale and massing subject to the imposition of a condition requiring samples of materials.

Impact on residential amenity:

- 6.11. The proposed development would comply with the Council's 45 Degree Code and all suggested separation distance guidelines would be adhered to with the exception of the proposed dormer window on plot 1 which would be sited approximately 8.5 metres from the side/rear boundary of no.46 Scribes Lane. While this is 1.5 metres less than the recommended separation distance contained within the SPG 'Places for Living', Officers consider the proposed separation distance to be acceptable, given that the dormer window would be relatively low in height and would only overlook the very rear of the large garden area of no.46 Scribes Lane. All proposed landing, en-suite and w.c windows shall be conditioned to be fitted with obscure glazing in order to prevent any overlooking towards the private rear amenity space of the adjoining plots. The cill height for proposed rooflights on the east elevation would be 1.9 metres in height from first floor level which is considered to be too high for the occupants to look out of.
- 6.12. Regulatory Services have raised no objection subject to conditions. Officers do not consider the submission of a noise insulation scheme is necessary in this instance given that the surrounding area is predominantly residential in nature.

Parking and Highway Impacts:

- 6.13. The application proposes two on-site parking spaces for each dwelling which complies with the Council's Car Parking Guidelines. Following amendments to the proposed site layout to enable a 6 metre area to allow vehicles to manoeuvre, Transportation Development raised no objection to the application. The public participation comments relating to right of access and the potential for the development to restrict residents of Baldwins Lane from gaining access to their garages and rear accesses is acknowledged. While, there is no indication within the submitted information to suggest that the residents of no/s 165-179 Baldwins Lane would be prevented from gaining access to their garages and rear accesses as a result of the development, the concerns raised are civil matters and does not constitute a material planning consideration. While it is disappointing that potential off street parking could become unusable, it is noted that the majority of the Baldwins Lane properties have a good level of frontage parking available to them, along with unrestricted on street options. Given the above, Officers consider the proposal to be acceptable in terms of parking availability.
- 6.14. For the previously refused application on the application site (ref: 2006/04477/PA), it was deemed that the proposed access was of insufficient width for two vehicles to pass one another and for a vehicle to safely pass a pedestrian. Paragraph 109 of the NPPF states that '*Development should only be prevented or refused on*

*highways grounds if there would be an unacceptable impact on highway safety, or the residential cumulative impacts on the road network would be severe*’. The proposed access is approximately 3 metres in width. Upon reflection, it is considered there is adequate space for a vehicle to safely pass a pedestrian. Transportation Development is satisfied that the existing driveway access would adequately serve the proposed development and the addition of two dwellings would not dramatically impact upon the vehicular use of the access as the existing garages have been removed so there would be less use of the driveway. In addition, the existing access does not require any highway works and visibility is considered acceptable without the need for improvements. It is considered that the proposal would not have an unacceptable impact on highway safety to justify a refusal reason. A condition shall be attached requiring the submission of details of refuse storage.

- 6.15. West Midlands Fire Service initially raised objection to the scheme as the access road does not comply with the Approved Document B (Fire Safety) Vol 2, Sec 15 and the National Guidance Document on the Provision for Fire Fighting which requires access roads to have a minimum width of 3.7m between kerbs, a minimum height clearance of 4.1m and a minimum carrying capacity of 15 tonnes. In addition, any dead end greater than 20m in length should have an appropriate turning facility for a pump appliance and there should be vehicle access for a pump appliance to within 45m of all points within each dwelling, with a suitable access door no less than 750mm in width. BS 9991:2011, 23.2 Permitted variations of guidance, p. 57 states that where sprinklers are fitted throughout a house or block of flats, the minimum distance between the side of the building and the relevant boundary may be halved. Where attendance time of the local fire and rescue service is expected to be no more than 10 minutes the distance between the fire appliance and any point within the house (in houses having no floor more than 4.5m above ground level and having a sprinkler system throughout) may be up to 90m. WMFS consider the inclusion of sprinklers would provide occupants with very early fire suppression and would allow the fire service to attend within design parameters for the sprinkler action. Furthermore, a sprinkler system would negate the appliance needing to use the access route and so the need for suitable turning provision. Given the existing access to the site of the proposed dwellings, and the applicant supporting installing sprinklers throughout the properties in-line with WMFS recommendations, Officers consider the proposed development is acceptable in terms of fire safety.

Other matters:

- 6.16. No boundary treatment or landscaping details have been submitted with the application. It is therefore necessary to attach conditions requiring the submission of these details.
- 6.17. A number of representations have been made in reference to security to the rear of the adjoining properties. The introduction of two dwellings with overlooking of the area would increase natural surveillance and security.
- 6.18. Concerns have been made in relation to noise and disturbance during the construction works and whilst any disruption is likely to be very short-term within the lifespan of the development, the scale and nature of the development is relatively small scale and as such any impact is likely to reflect this.
- 6.19. Public Participation responses were received concerning potential asbestos within the site. The removal of asbestos materials would be controlled by environmental regulations and is not a material planning consideration. The concerns raised over

how the proposed development would be served by utilities such as gas, electric, water and sewage would be covered under building regulations.

- 6.20. Following the Public Participation responses received in relation to neighbour consultation, Officers can confirm that consultation for this application was conducted in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2010.

7. Conclusion

- 7.1. The proposed dwellings are of an appropriate size, scale, massing and design which would not be significantly out of character with the existing context of the surrounding area, providing a satisfactory internal and external environment for future occupiers. The proposal is also considered acceptable in terms of its impacts upon residential amenity and highway safety/parking.

8. Recommendation

- 8.1. Approve subject to the following conditions.

- 
- |    |   |
|----|---|
| 1  | Implement within 3 years (Full)   |
| 2  | Requires the prior submission of a contamination remediation scheme                         |
| 3  | Requires the submission of a contaminated land verification report                          |
| 4  | Requires the submission of boundary treatment details                                       |
| 5  | Requires the submission of hard and/or soft landscape details                               |
| 6  | Requires the submission of sample materials   |
| 7  | Requires the submission details obscure glazing for specific areas of the approved building |
| 8  | Requires the submission of details of refuse storage  |
| 9  | Requires sprinklers to be installed throughout the development                              |
| 10 | Requires the scheme to be in accordance with the listed approved plans                      |
- 

Case Officer: James Herd



## Photo(s)



Figure 1 – View of shared private access towards application site



Figure 2 – View of application site looking south-west with Chilcote Primary School in the background



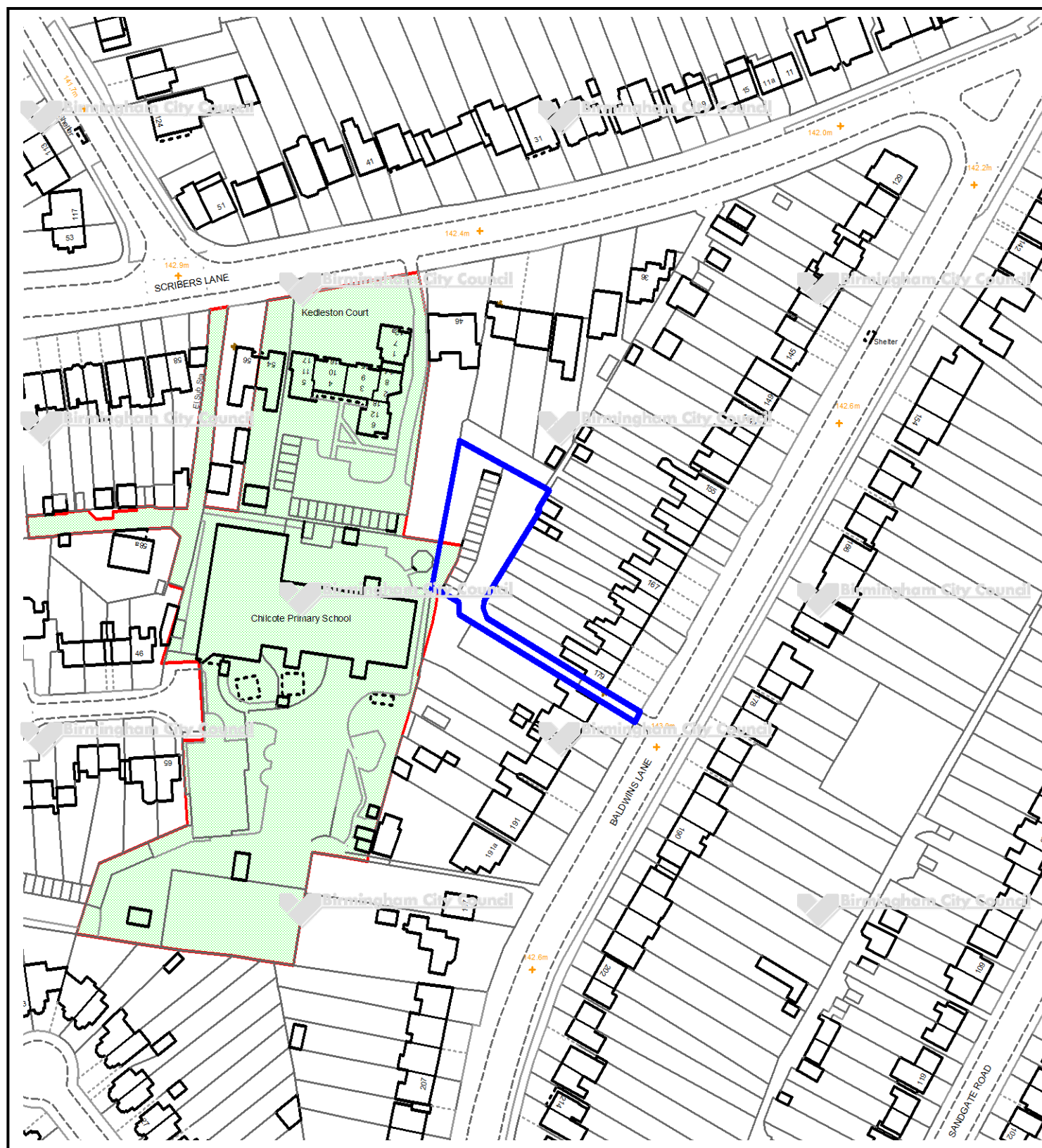
Figure 3 - View of application site looking south-east with the rear of residential properties on Baldwins Lane in the background



Figure 4 – View of the rear garden area of no.40 Scribers Lane with residential flats belonging to Kedleston Court behind (north-west of application site)



## Location Plan



This map is reproduced from the Ordnance Survey Material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Birmingham City Council. Licence No.100021326, 2010

# **Birmingham City Council**

## **Planning Committee**

**09 May 2019**

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Approve - Conditions	18	2018/07906/PA  Osborne Tower Gladstone Street Aston Birmingham B6 7PA  Demolition of Osborne Tower and the erection of 32 new dwellings with associated infrastructure works, landscaping and parking
Prior Approval Required - Approve - Conditions	19	2019/03140/PA  Coppice Site 92-94 Aldridge Road Perry Barr Birmingham B42 2TP  Application for Prior Notification for the proposed demolition of 11 no. student accommodation blocks and former WDM Cars Ltd building

---

Committee Date:	09/05/2019	Application Number:	2018/07906/PA
Accepted:	18/01/2019	Application Type:	Full Planning
Target Date:	17/05/2019		
Ward:	Nechells		

Osborne Tower, Gladstone Street, Aston, Birmingham, B6 7PA

Demolition of Osborne Tower and the erection of 32 new dwellings with associated infrastructure works, landscaping and parking

Recommendation

**Approve subject to Conditions**

1. Proposal

- 1.1. The application site has previously seen the granting of planning consent, reference: 2015/02284/PA, for the: "Demolition of Osborne Tower and the erection of 32 no. dwellings for affordable rent, with associated infrastructure, landscaping and parking provision". This application was approved in 2015 but was never implemented. This consent has since expired.
- 1.2. Following this expiration, planning permission is now sought for the demolition of Osborne Tower, an existing 16 storey residential block, alongside its associated single storey block of garages. The demolition will allow for the erection of 32no. new dwellings with their associated infrastructure, landscaping and parking provision. The new accommodation would comprise 9 No. 3, 4 and 5 bedroom houses, alongside 23 No. 1 and 2 bedroom flats. All of the units would be for affordable rent, secured through the Birmingham Municipal Housing Trust (BMHT) housing programme. The existing tower comprises 92 flats and as such the development would result in a net reduction of 60 units on site.
- 1.3. The development proposes the siting of the flats in one block situated to the north--western corner of Gladstone Street and Church Lane, with car parking provided within a single shared car-park, accessed from Gladstone Street. The flats would be situated within a 5 storey building, within an irregular U-shaped footprint. Pedestrian access would be provided from both the front elevation of the apartment block, via Church Lane and from the rear, via the shared car park. Bedroom sizes would meet or exceed the Council's minimum guidelines in the 'Places for Living' SPD, with the internal floor area ranging from 46-76 square metres. Each flat would have an allocated car parking space, in the form of a part under-croft car-park, to the rear of the apartment building.
- 1.4. The flats would have a contemporary design comprising a mix of: red facing brickwork, white render, blue brick detailing, curtain walling and feature balconies with glass balustrading and stainless steel posts/handrails; alongside a standing seam pressed aluminium grey roof. The massing of the block would be broken down into sections, ranging from 4 to 5 storeys on the north-western corner of the site. Boundary treatments would be a mix of railings around the front perimeter boundary to the highway and a screen wall to enclose the rear car parking area.

- 1.5. The proposed houses would be arranged in a U-shaped perimeter block, with plots 1-4 having driveways onto Gladstone Street. Plots 5-9 would be configured to be served from an extended section of road from Heanor Croft and a section of private drive for plots 8 and 9. Each house would have two car parking spaces within their individual curtilage. The proposed rear garden sizes would exceed the minimum guidelines set out in the 'Places for Living' SPD. The provision of new driveways onto Gladstone Street necessitates the removal of approximately 8 on-street parking spaces, which are currently governed by a traffic regulatory order (TRO) on Aston Villa FC matchdays for use by residents.
- 1.6. The houses would comprise a mix of designs, but nonetheless would be to the same architectural character to complement the proposed flats. All houses would be two to three storeys in height. These would predominantly be erected from red brick, with white render, blue brick detailing and large vertically proportioned windows, including some with projecting boxed surrounds and flat roofed canopies, over the front doors. All house types would have bedrooms that meet or exceed the guidelines set out in the 'Places for Living' SPD. The houses all include sun-pipes to provide additional light to hallways and stair/landings and include the provision for PV panels on the pitched tiled roofs. Boundary treatments would comprise a mix of brick piers and railings to the front boundaries.
- 1.7. An existing pedestrian footpath is to be partially diverted to the north-eastern section of the site, in order to facilitate the proposed development. A section of footpath is to also be stopped up.
- 1.8. Four trees are proposed to be removed from the site in order to facilitate the development. The proposed layout shows the retention of two existing trees at the corner of Gladstone Street and Church Lane, adjacent to the proposed flats. As part of the proposals, 35 new trees, which include several large individual specimen semi-mature trees, are proposed at various points across the site.
- 1.9. The application is accompanied by the following:
- Planning Statement and Design and Access Statement;
  - Sustainable Drainage Strategy
  - Arboricultural Survey
  - Energy and Construction Statement
  - Preliminary Ecological Appraisal and Bat Roost Assessment
  - Geo Environmental Desk Study
  - Geotechnical and Geo-Environmental report
- 1.10. [Link to Documents](#)
2. Site & Surroundings
- 2.1. The application site comprises 0.44 hectares of land, which contains an existing 19 storey residential block, with 92 flats and its associated landscaped open space and garage court. This contains 18 lock-up garages for residents of the block. The site is roughly triangular in shape, with a curved corner with wide street frontages onto Gladstone Street and Church Lane. The site is largely flat with a small change of levels of around 1 metre across the site. A large sub-station building is also sited to the sites eastern boundary.



- 2.2. The surrounding area contains a mix of residential houses and maisonettes to the east, Manor Park Primary School to the west and a community hall to the north. The Aston Regional Investment Site is located to the north.

## 2.3. Site and surrounding's

### 3. Planning History

- 3.1. 2014/04494/PA – Application for prior notification for the proposed demolition of residential tower block – no prior approval required (dated 17 July 2014).
- 3.2. 2015/02284/PA – Demolition of Osborne Tower and the erection of 32 no. new dwellings for affordable rent with associated infrastructure works, landscaping and parking (approved 11 June 2015).
- 3.3. 2018/03677/PA - Application for prior notification of proposed demolition of 16 storey tower block (Osborne Tower) – Prior Approval Required and to Approve with conditions (21.06.2018).

### 4. Consultation/PP Responses

- 4.1. Press and site notice erected, MP, ward members, residents association and neighbouring occupiers were notified of the application. 6 representations have been received of which 2 are in support of the proposal. Others are mere enquiries regarding the timescales of the development and how the demolition works would affect the surrounding amenities. These issues are addressed within the main body of this report.
- 4.2. Building Regulations – no objections but provided a number of comments relating to vehicle access standards, water supplies for firefighting and approval of Building Control, which would be required in accordance with Part B of the Building Regulations 2010.
- 4.3. Local Flood Authority and Drainage Team – raise no objections to the proposals, subject to conditions relating to submission of a detailed sustainable drainage scheme and sustainable drainage operation and maintenance plan being attached to any subsequent planning consent.
- 4.4. Leisure Services – no objections to the proposals, however have commented to state that there would be no loss of POS and, even though this application is over 20 dwellings in size and would normally trigger an off-site POS contribution. In this case the demolition of the existing tower block will overall result in the numbers of people likely to be generated by the development being reduced and as such no contribution is required.
- 4.5. Regulation Services - no objection subject to conditions relating to vehicle charging points, glazing and ventilation to be as per submitted acoustic report, ground remediation and subsequent verification.
- 4.6. Education – no objection.
- 4.7. Severn Trent Water - no objections but recommended a condition relating to submission of drainage plans for the disposal of foul and surface water flows.

- 4.8. Transport Development - no objection, subject to the attachment of recommended conditions. Comments: There would be a net reduction in parking demand due to the fewer proposed units than those to be replaced. 6 on-street parking bays on Gladstone Street and 2 on Heanor Croft would be lost to facilitate the proposed vehicular accesses, requiring an amendment to existing TRO's. The scheme proposes the diversion of existing footpaths, which should be undertaken through an appropriate resolution. Conditions relate to off-site highway works, pedestrian visibility splays and construction traffic management plan.
- 4.9. West Midlands Police - makes detailed comments relating to lighting and car parking, and comments that the development is well-thought out with the majority of parking provision being within curtilage. It has been recommended that the shared parking for the flats be controlled by a suitable gated access and that both the external and internal doors to the refuse store be of an appropriate security standard and the subject of suitable access control.

5. Policy Context

- 5.1. Birmingham Development Plan 2017, Adopted UDP 2015 (saved policies), Aston Newtown and Lozells Area Action Plan 2012, Places for Living SPD, Public Open Space in new Residential Development SPD, Affordable Housing SPD, Car Parking Guidelines SPD, National Planning Policy Framework (updated in February 2019).

6. Planning Considerations

- 6.1. Having given careful consideration to the application and supporting information, consultation responses and representation received, the relevant development plan and documents and the other material consideration referred to above, the key issues are considered to be:
- Background
  - Design and Layout
  - Traffic and Parking
  - Impact on Trees and Landscape
  - Provision of affordable housing and public open space
  - Noise attenuation
  - Impact on ecology/biodiversity

***Background and Principle***

- 6.2. The current application proposes 32 no. dwellings in a configuration that is identical to the layout as approved under application 2015/02284/PA. This planning consent has since expired.
- 6.3. The proposed development remains no different to the previous approval on site. This sought to redevelop the site, in order to provide 100% affordable rented accommodation, to suit a range of house types and sizes. The current proposals replicate this previous consent in this regard and would again be rationalising the site to create a well-mixed, high quality, affordable rented development, in a sustainable location. And since the principle for this form of development on the application has already been set, and based on the above, it is considered that the proposals would be acceptable and in compliance with the relevant policies from the BDP and the Aston, Newtown and Lozells Area Action Plan 2012. The application is therefore considered acceptable in this regard.

## ***Design and Layout***

- 6.4. The design and layout of the proposed houses is unchanged from the previous application (ref. 2015/02284/PA). The layout successfully integrates two prominent trees on the corner of the site by setting back the proposed apartment block. The design of the building reflects the BMHT style, with façade features and a mix of materials to give an attractive appearance. No objections have been received from the City Design Officer, with reference to the proposals and these are therefore considered acceptable. The relevant details of materials are proposed to be agreed by way of condition. Full details of landscaping, boundary treatment and levels have been provided and are further considered acceptable. Drainage details have also been provided; however both Severn Trent and the LLFA have requested that further details are agreed by way of an appropriate planning condition.
- 6.5. The proposed layout accords with the guidance within the 'Places for Living' SPD for minimum rear garden sizes. Separation distances generally comply or exceed the guidelines, except for the corner plots (plots 3-4 and 6-7), where the separation distance from the 1st floor rear bedroom windows, to neighbouring rear gardens are 6m (plot 3) and 8m (plots 6 and 7). The minimum guideline is 10m. This shortfall is proposed in this instance to ensure that the units appropriately turn the corner in the street and is considered to be acceptable in this case, as the arrangement affects new properties only (rather than overlooking existing residents), and relates to a relatively small number of plots in the overall development. It should further be noted that the layout is constrained by an existing sewer easement, which restricts the developable area within the site and as such the developers approach is considered acceptable.
- 6.6. The closest residential dwellings are sited to the east of the site on Heanor Croft and Gladstone Street. These would be sited some 22m+ away from the proposed development at their closest point, being sited opposite plots 3 - 7. To the north of the site lies a community building, with the main primary school sited to the sites south and south-west. As such, the development proposals are not considered to result in any new undue amenity concerns for existing neighbouring residents by way of overlooking, visual intrusion or being overbearing. It is further considered the loss of the tower block would further better the existing situation on site for neighbouring land users.

## ***Traffic and Parking***

- 6.7. The submitted Transport Statement demonstrates that the proposals would not generate significant levels of traffic, with a net reduction when compared to that of Osborne Tower being fully occupied. The level of car parking proposed would accord with the Council's car parking guidelines and is considered to be acceptable. The development also makes provision for cycle parking in both the proposed apartments and the houses and is considered acceptable. The site also has good accessibility by public transport, with a bus stop nearby on Church Lane. The layout has been subject to detailed discussions with the Transportation Officer and has been revised to address detailed comments relating to the design of the access to the shared parking areas and the design of the access road and private drive.
- 6.8. The development would result in the loss of approximately 8 resident parking bays on Gladstone Street and Heanor Croft, which would require an amendment to the existing Traffic Regulation Order. This is considered to be acceptable in principle, bearing in mind the net reduction of occupants and the provision of on-site parking within the development. A condition to secure the appropriate approval for these

works has been recommended. The existing highway around the site, particularly Church Lane is used for parking by parents dropping off and collecting children from the adjacent school. The impact on proposed residents would be minimal as no driveways are proposed to access onto Church Lane. The development also requires the diversion and stopping-up of a footpath that crosses the site, with an alternative convenient provision proposed. This approach has been considered acceptable.

### ***Impact on Trees and landscape***

- 6.9. Of the six existing trees on the site, two field maples (both category B trees) sited in a prominent position at the corner of the site have been incorporated into the layout of the development and would be retained. The remaining four trees (3 category C and 1 category U) are to be removed and would be replaced with 35 new trees around the perimeter of the development. These would be sited within the proposed front gardens and within areas of the proposed open space. The retention of the two field maples and the proposed landscaping would make a positive contribution to the appearance of the development. These will further be secured by way of condition.

### ***Provision of affordable housing and public open space***

- 6.10. As with some other BMHT schemes, whilst the proposal would provide affordable housing, no other s106 obligations can be provided in this instance. The previously approved planning application was supported by a financial statement which explained that the land was provided for the development at no cost and with no land value to be realised from its sale. The rented properties would form part of the Housing Revenue Account with rents set in accordance with Government guidance. The properties are designed to a high standard. The cash-flow projection showed that the debt would only be repaid in year 52 and that the normal level of discount that would be required for an RSL means that a developer would not normally proceed with this standard of development, even without the added financial burden of a planning obligation, in respect of either public open space or education contributions.
- 6.11. Leisure Services have raised no request for any financial contribution towards public open space (POS) provision and have raised no objection. There would be no overall loss of POS as part of the development and although this application proposes in excess of 20 dwellings, the demolition of the existing Tower block would result in an overall loss in housing numbers and as such the development is considered to be acceptable in this regard.

### ***Noise attenuation***

- 6.12. The submitted noise assessment sets out that with some mitigation in the form of acoustic glazing to habitable rooms, which overlook roads at the periphery of the site, alongside the use of trickle vents, the development would be acceptable. Regulatory Services are satisfied with proposed mitigation and have recommended a condition to secure the implementation of this standard of glazing.

### ***Impact on ecology/biodiversity***

- 6.13. The ecological statements demonstrate that the site is of limited biodiversity value and the BCC Ecologist has raised no objections to the development in this regard. However, the Ecologist has commented that the tower block held nesting peregrine falcons in previous years, which delayed the initial demolition programme. It should

be noted that, following the approval of an application for prior notification of proposed demolition (ref. 2018/03677/PA), the demolition works have already commenced. On this occasion, no pre-commencement condition is required. However, a condition could be imposed requesting an Ecological Enhancement Strategy and details of any forthcoming bird/bat boxes. The condition would achieve appropriate mitigation and enhancement on site and as such are considered appropriate and relevant and are therefore recommended.

## 7. Conclusion

- 7.1. The proposed development would provide affordable housing to meet local needs and would improve the visual appearance of the site and the surrounding area. The proposal accords with the Council's policies for new housing in the UDP, BDP, Aston, Newtown, and Lozells Area Action Plan and the guidance in the NPPF. Approval is therefore recommended.

## 8. Recommendation

- 8.1. Approve Subject to Conditions.
- 8.2. No objection has been raised to the stopping up of the areas of public highway within the application site and that the Department of Transport (DFT) will be requested to make an Order in accordance with Section 247 of the Town and Country Planning Act 1990.

---

1	Grants a personal permission to Birmingham City Council
2	Requires the provision of affordable dwellings
3	Requires the prior submission of a contamination remediation scheme
4	Requires the submission of a contaminated land verification report
5	Requires the prior submission of a construction method statement/management plan
6	Requires the submission of a scheme for ecological/biodiversity/enhancement measures
7	Requires the prior submission of details of bird/bat boxes
8	Requires the prior submission of a drainage scheme (foul water)
9	Requires the prior submission of a Sustainable Drainage Scheme and Sustainable Drainage Operation and Maintenance Plan
10	Requires the submission of sample materials
11	Requires the submission of boundary treatment details
12	Requires the submission of hard surfacing materials
13	Requires the submission of a lighting scheme

---



- 
- 14 Requires the implementation of tree protection
  - 15 Requires the submission of hard and/or soft landscape details
  - 16 Requires tree replacement within 2 years post development
  - 17 Requires the submission a Noise Insulation Scheme to establish residential acoustic protection
  - 18 Requires the submission and completion of works for the S278/TRO Agreement
  - 19 Requires the parking area to be laid out prior to use
  - 20 Requires pedestrian visibility splays to be provided
  - 21 Requires the scheme to be in accordance with the listed approved plans
  - 22 Requires the provision of a vehicle charging point
  - 23 Implement within 3 years (Full)
- 

Case Officer: Alfia Cox

## Photo(s)

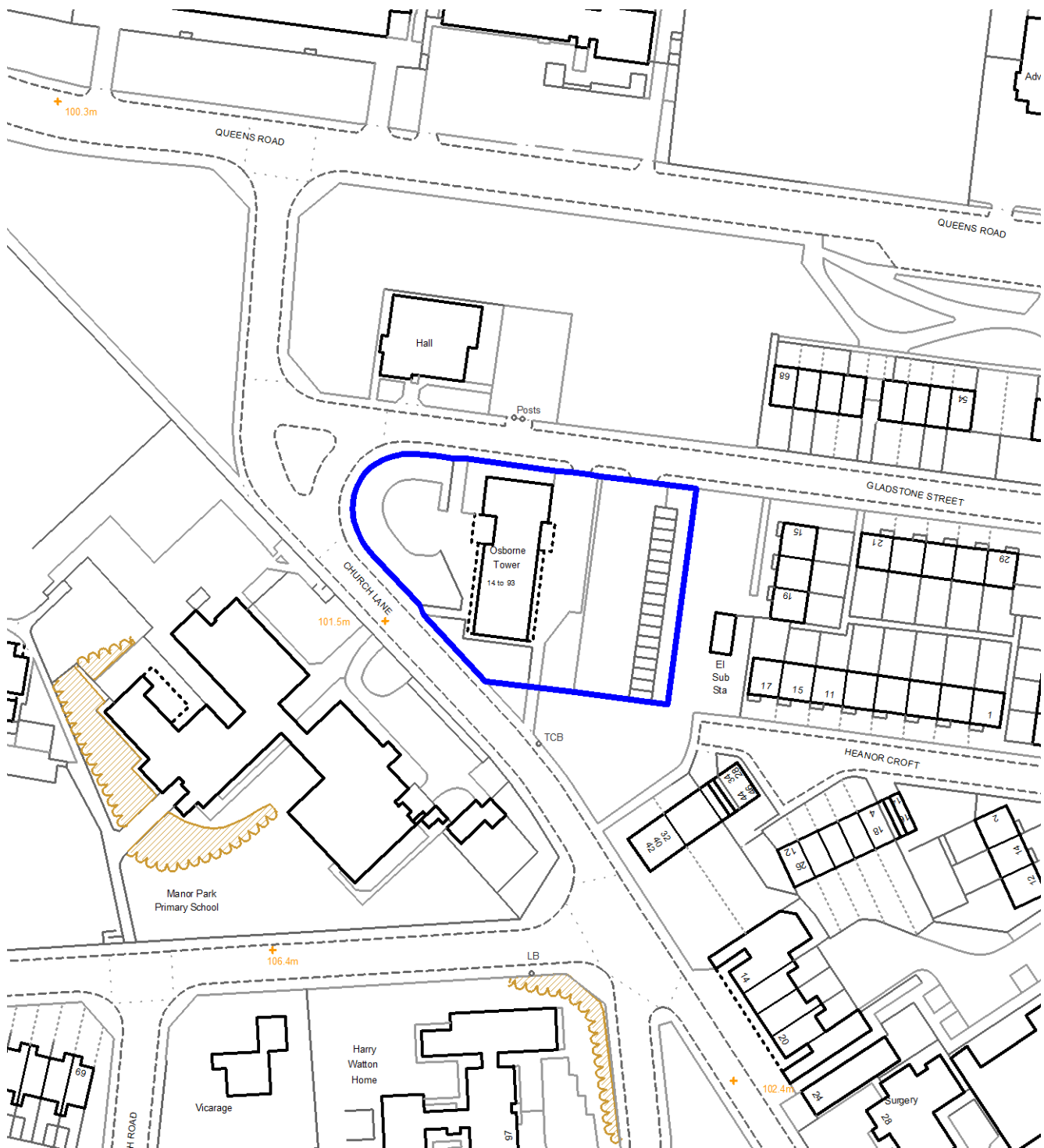


**Photo 1: Osborne Tower – view from Gladstone Street and Church Lane**



**Photo 2: View towards Church Lane**

## Location Plan



This map is reproduced from the Ordnance Survey Material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Birmingham City Council. Licence No.100021326, 2010

Committee Date:	09/05/2019	Application Number:	2019/03140/PA
Accepted:	11/04/2019	Application Type:	Demolition Determination
Target Date:	09/05/2019		
Ward:	Perry Barr		

Coppice Site, 92-94 Aldridge Road, Perry Barr, Birmingham, B42 2TP

Application for Prior Notification for the proposed demolition of 11 no. student accommodation blocks and former WDM Cars Ltd building

Recommendation

**Prior Approval Required and to Approve with Conditions**

1. Proposal

- 1.1. This application is made under Schedule 2, Part 11 of the Town and Country Planning (General Permitted Development) (England) Order 2015, in order to determine whether the City Council requires the prior approval of the method of demolition and proposed restoration for the application site.
- 1.2. No locally listed pub or listed buildings are proposed to be demolished as part of this application.
- 1.3. The applicant states that the method of demolition would be traditional and piecemeal (i.e. by machine) with no explosive demolition proposed. The demolition is required to provide a clear, fully warranted development platform for the City Council. All deleterious materials would be removed from the site to appropriate/licenced waste facilities. The site would be cleared of all other arising's and any excavations would be backfilled to ground level, in order to prevent sudden changes in level.
- 1.4. The site will be secured with 2.4m hoardings.
- 1.5. The applicant has displayed a site notice that publicises the demolition. This expires on the 1<sup>st</sup> May 2019.
- 1.6. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The site is approx. 1.75 hectares in size. This comprises a range of various sized buildings, comprising purpose built student residential accommodation. This accommodation was associated with the now cleared BCU teaching campus to the south of the site, alongside units associated with WDM Cars; an independent Mercedes specialist.
- 2.2. Both the student blocks and WDM buildings are primarily brick built. There are a total of 11 student accommodation blocks all fairly consistent in design, scale and mass.

- 2.3. To the west of the site is Aldridge Road; whilst to the east is Doug Ellis Sports Centre. To the north are industrial buildings and to the south is the cleared former BCU teaching campus, alongside residential dwellings previously sited on Wellhead Lane.
- 2.4. The site partly includes two archaeological sites, the first being recorded as part of Wellhead Brewery (early 20th C) with the site occupied by metal works by 1938. The Councils records also indicate that the site was in part crossed by Ryknild Street Roman Road.
- 2.5. [Site location](#)
- 3. [Planning History](#)
  - 3.1. Current- 2019/03020/PA- Outline application for the creation of residential dwellings, a new secondary school with sixth form, new public open space, associated parking, landscaping and infrastructure; with all matters reserved except for access.
- 4. [Consultation/PP Responses](#)
  - 4.1. Regulatory Services – no objections subject to a condition to secure a Demolition Method Statement.
  - 4.2. Transportation Development- no objection subject to conditions to control dust and keeping the highway clear of any mud during the completion of the demolition works. They also recommend that the applicant is referred to BCC highway and traffic management procedure and process, if any highway roads need to be closed as a result of the works. They also advise that the Traffic Management Services of BCC Highways must be consulted on any highway related matters such as temporary highway closure/temporary occupation of any part of the public highway, requirement of any permits/licences, traffic arrangement and requirements of any temporary TRO's etc.
  - 4.3. Local residents associations and Councillors have been notified. Site notice has been displayed by the applicant. No comments received to date.
- 5. [Policy Context](#)
  - 5.1. General Permitted Development Order 2015 (the GPDO)
- 6. [Planning Considerations](#)
  - 6.1. Schedule 2, Part 11 of the GPDO 2015 states that any building operation consisting of the demolition of a building is permitted development, subject to a number of criteria, including the submission of a prior notification application in order to give local planning authorities the opportunity to assess the details of demolition and site restoration only.
  - 6.2. All buildings on the application site are to be demolished in readiness of the site being redeveloped, for which Outline approval is currently being sought, planning reference: 2019/03020/PA.



- 6.3. The existing buildings on site are not locally or statutorily listed and are of little architectural merit, being of a traditional 1980's/90's build. I therefore raise no objection to the principle of demolition for these buildings.
- 6.4. Given the identified archaeological records associated with the site, comments from my Conservation officer are awaited and your committee will be updated with their comments.
- 6.5. With respect to the potential for contamination of the environment and risks to human health, associated with the proposed works. Regulatory Services are concerned that the application states that their intent is to provide a clean platform for redevelopment and are therefore proposing the complete removal of ground structures and floor slabs. They note that no information has been provided on possible site contamination and whilst (subject to site above-ground asbestos and hazardous substance assessments prior to demolition) they have no issue with removing above-ground structures, they are concerned that any groundworks would make site assessment very difficult and may exacerbate any contamination on site.
- 6.6. Therefore, they would also expect a preliminary UXO (Unexploded Ordnance) assessment prior to any ground work, taking place on site. I concur with this view. To try and meet the requirements of Regulatory Services as well as their concerns expressed about the need to limit the impact from other environmental impacts such as noise, I have drafted a condition to apply to this application in the event it is agreed by members, which I request is added. Such conditions have been used on other sites with similar issues.
- 6.7. Transportation Development have responded by stating no objection to the proposals, subject to conditions to control dust and keeping the highway clear of any material during the completion of the demolition works. Such matters can be captured as part of the condition for a Demolition method plan to be submitted for approval to the Council.
- 6.8. Transportation Development also recommend that the applicant is referred to BCC highway and traffic management procedure and process if any highway roads need to be closed as a result of the works and that Traffic Management Services of BCC Highways must be consulted on any highway related matters such as temporary highway closure/temporary occupation of any part of the public highway, requirement of any permits/licences, traffic arrangement, requirements of temporary TRO's etc. Whilst no details have been set out at this stage that indicates the development would require undertakings such as highway road closures, in order to ensure the correct procedure and processes are followed, if such circumstances arise, I recommend that the applicant is made aware of the traffic management procedures and processes through an informative.
- 6.9. In summary, I consider the method of demolition and proposed site restoration is acceptable subject to the aforementioned condition requested by Regulatory Services (modified to also incorporate the requirements of Transportation Development).
7. Conclusion
- 7.1. The proposal would result in the demolition of the student residential accommodation and a building operated by an independent Mercedes specialist. I raise no objection in principle, however given the need to secure additional

information to minimise the impact of the demolition upon the environment and human health a safeguarding condition requiring further details to help determine the impact on such is recommended to be applied. As such prior approval is required and granted.

8. Recommendation

8.1. That prior approval is required and granted in accordance with the condition below.

---

1

Requires Demolition method statement

---

Case Officer: Wahid Gul

**Photo(s)**

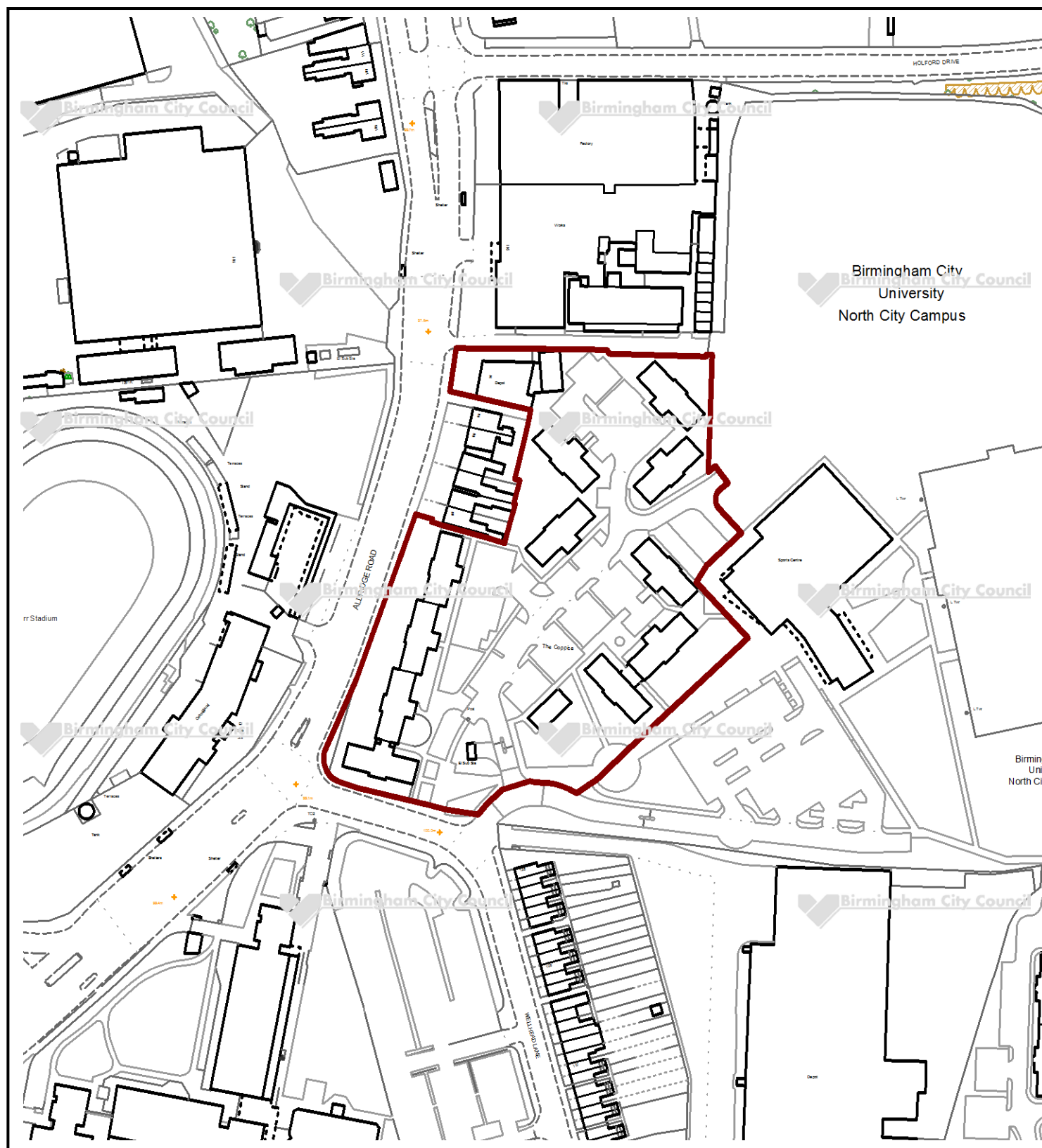


Student block on corner of Aldridge Road and Wellhead Lane



W.D.M Cars building frontage facing Aldridge Road

## Location Plan



This map is reproduced from the Ordnance Survey Material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Birmingham City Council. Licence No.100021326, 2010