

Birmingham City Council

Planning Committee

28 April 2022

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Refuse	6	2020/09703/PA Former 'The Trees' Public House site Bristol Road Edgbaston Birmingham B5 7TT Erection of 26-storey tower and cluster of blocks up to 11 storeys (total 18,061sqm) for student accommodation (sui generis) (657 bedspaces) with associated landscaping and external works

Committee Date:	28/04/2022	Application Number:	2020/09703/PA
Accepted:	07/12/2020	Application Type:	Full Planning
Target Date:	29/04/2022		
Ward:	Edgbaston		

Former 'The Trees' Public House site, Bristol Road, Edgbaston, Birmingham, B5 7TT

Erection of 26-storey tower and cluster of blocks up to 11 storeys (total 18,061sqm) for student accommodation (sui generis) (657 bedspaces) with associated landscaping and external works

Applicant:	Fusion Birmingham Devco
	C/o Agent
Agent:	Lichfields
	Cornerblock, 2 Cornwall Street, Birmingham, B3 2DX

Recommendation

Refuse

1. **Proposal**

- 1.1. This is an application for Purpose-Built Student Accommodation (PBSA). The proposed 26-storey tower would sit close to the front of the site facing east onto Bristol Road with a cluster of blocks of 2, 7, 10 and 11 storeys to its south and west. The tower and blocks would be arranged around a central courtyard which would be landscaped to provide outdoor amenity space for the students.
- 1.2. To the rear of the site a driveway off Spring Road would provide access to 5 disabled parking spaces, detached substation and plant room, and refuse and cycle stores integral to the ground floor.

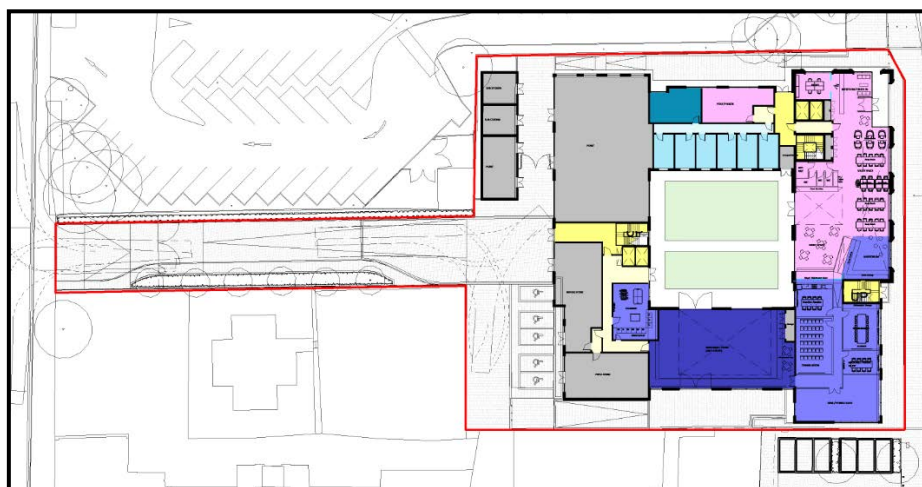
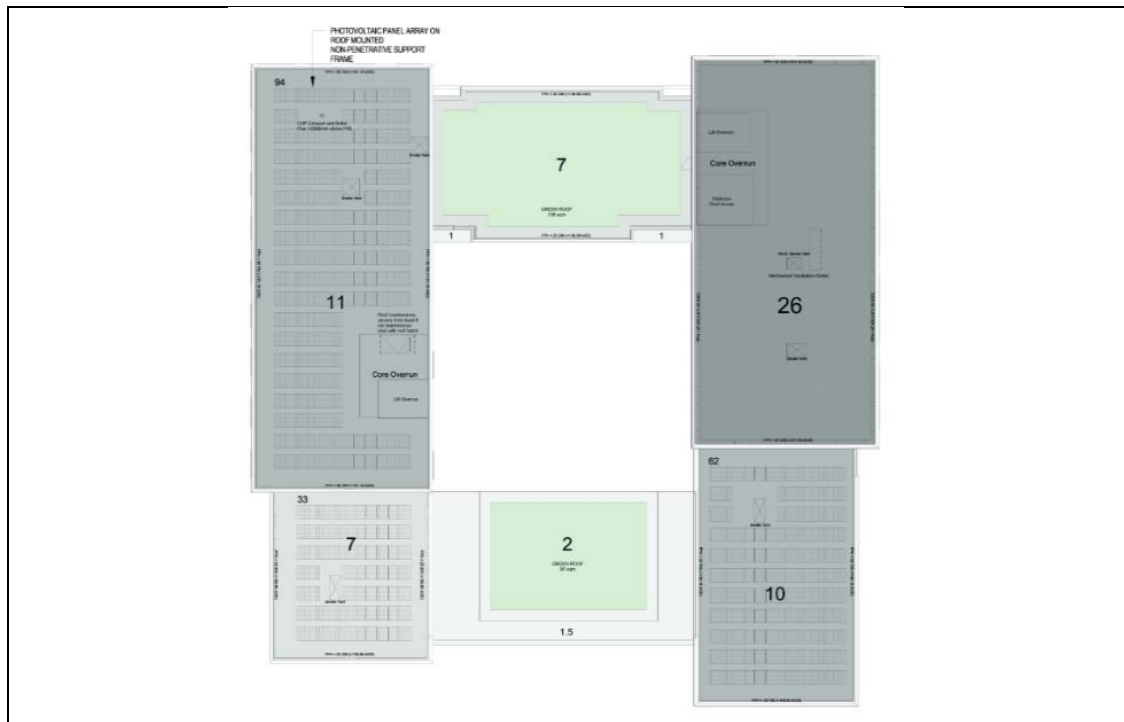


Figure 1: Proposed Site Plan



1.3. Externally, a red brick finish is proposed:





Figure 5: CGI showing proposed north elevation in context

1.4. Internal accommodation:

Ground floor: reception/office, study and event space, auditorium, private dining room, cinema room, boardroom, basketball court (half size), post room, 1 x 6-bed cluster flat, plant room, refuse store, cycle store and laundry.

Mezzanine: Library/study space, private dining room and bookable study room, and various types of student bedrooms/flats.

All other floors would comprise student accommodation of the following types:

- Studio apartment: single ensuite bedroom with kitchen facilities (18sqm). Total: 133 (21% of bedspaces).
- Twodio apartment: two single ensuite bedrooms (15sqm) with shared kitchen. Total: 132 (20% of bedspaces).
- One bedroom apartment: larger ensuite bedroom with kitchen facilities (22sqm+). Total: 68 (10% of bedspaces).
- Standard apartment: 3-4 ensuite bedrooms (12.5sqm) plus shared kitchen/dining/living room. Total: 144 (22% of bedspaces).
- Social studio apartment: 5-6 studios (15sqm) with shared kitchen/dining/living room. Total: 180 (27% of bedspaces).

1.5. Outdoor amenity space within the central courtyard: approx. 366sqm.

1.6. Tree removals: T1 Silver Birch – C1 T3 Red Oak (on McDonalds site) C1 T5 Red Oak (on McDonalds' site) B1 G1 Ash & Sycamore – C2

1.7. Supporting documents:

Planning Statement
Design and Access Statement
Statement of Community Involvement
Bedspace Report
Townscape and Visual Appraisal and Heritage Statement
Lichfields' Response to Conservation Officer's comments 10/05/2021
Addendum to Heritage Statement Oct 2021
Public Benefits Assessment
Energy Statement
BREEAM Pre-assessment Report
Phase 1 Desk Study
Noise Impact Assessment
Air Quality Assessment
Odour Impact Assessment
Daylight and Sunlight
Wind Assessment
Landscape Design Statement
Arboricultural Impact Assessment
Arboricultural Method Statement
CAVAT Valuation
Ecological Walkover Survey
Transport Assessment
Travel Plan
Flood Risk and Drainage Assessment Nov 2020
Drainage Technical Note Sept 2021
Construction Management Plan
Residence Management Plan

1.8. An EIA screening opinion was issued during the pre-application discussions and concluded that an Environmental Statement was not required.

1.9. The application originally proposed the erection of a 31-storey tower (723 bedspaces) but amended plans submitted in March 2022 have reduced this element to 26 storeys (657 bedspaces). The applicant also indicated their intention to submit updates/addenda to the following reports to support the 26-storey proposal: Planning Statement, Public Benefits Assessment, Design and Access Statement, Bedspace Report and HTVIA. Unfortunately, these reports were not received at the time of writing this report, however, the reduction in the height of the proposed tower is not considered to be so significant as to prevent a fair assessment being made using the content of the reports previously submitted. In respect of some issues, such as the Bedspace Report, the Council has its own data which is up to date.

1.10. [Link to Documents](#)

2. **Site & Surroundings**

2.1. The site is located at the north end of Bristol Road (A38) close to the junction with Lee Bank Middleway (A4540 ring road). It was formerly occupied by The Trees PH (built mid-20th century) but following demolition of the pub c.2005 it now comprises a large area of hardstanding enclosed by close-board fencing. Several trees are interspersed along the boundaries but generally the site has a fairly open appearance. There is a rise in ground level of approx. 1-1.5m across the site in a

westerly direction. More widely, the site sits on the edge of the River Rea valley with the ground rising from the river to the east and reaching its highest point at Five Ways to the west.



Figure 6: Application site in context when viewed from the northeast

- 2.2. Size of site: 0.36ha
- 2.3. On the north side of the ring road is the city centre and to the south the area is predominantly residential. This major road junction is already marked by buildings of some height: Belgrave View (student accommodation) is 18 storeys, Park Central Phase 11 features a 10 storey apartment block, and a 15 storey residential development has been approved on the site of the former St Luke's Church.
- 2.4. Immediately adjoining the site to the north is a McDonalds restaurant/drive-through takeaway and to the south an asylum seeker hostel of 4-6 storeys with retail units at ground floor set behind a small Council-owned car park. Beyond the hostel, Spring Road leads into the Edgbaston Conservation Area which covers a large swathe of land to the southwest of the application site. The Lee Crescent and Ryland Road Conservation Areas are located to the west and there are a large number of Listed Buildings within these historic residential areas.

2.5. [Site location](#)

3. **Planning History**

- 3.1. None relevant.

4. **Consultation Responses**

- 4.1. Transportation Development: No objection subject to the following condition:

- Construction Traffic Management Plan.

Concur with the conclusions of the Transport Assessment. Site is well served by all forms of public transport and services can be accessed within a short walk of the site via the existing pedestrian/cycle infrastructure. Site is well located to various

university campuses with UoB, BCU and Aston University all accessible within a short trip via sustainable modes of transport. Revised Travel Plan is acceptable.

Response to amended plans (March 2022) reducing the proposed tower from 31 to 26 storeys: no objection.

4.2. Regulatory Services: No objection subject to the following conditions:

- Contamination Remediation Scheme
- Contaminated Land Verification Report
- Noise Levels for Plant and Machinery
- Noise Mitigation Scheme

a) Contaminated Land: The application is supported by a Phase 1 desk study report produced by IDOM reference DS-21207-18-294 REVC dated November 2020. The report concludes that there is low to moderate risk of contamination of the site and recommends they further intrusive Phase 2 site investigation to consider asbestos, soil and groundwater pollution and ground gas and this is accepted.

b) Air Quality and Odour: The application is supported by an Air Quality Assessment produced by IDOM reference AQA-21207-18-292 REVB dated November 2020. The report has assessed construction phase air quality impacts and the recommendations have been reflected in the Construction Method Statement. In respect of the operational phase air quality assessment the consultant has reviewed the continuous and diffusion tube air quality monitoring undertaken by the Council and has selected BHM20 as the most appropriate monitoring point with which to compare this development. This is not accepted as BHM20 is located in a very different air quality environment. However, the report further reviews the Jacobs modelling carried out in 2018 in respect of the Clean Air Zone (CAZ) and has used point PCM_54 (located close the site boundary) for comparison. The CAZ modelling predicts that the location will have a nitrogen dioxide level of 36.6 micrograms per cubic metre as an annual average. This is below the air quality objective and the site will not be adversely affected by air quality.

The applicant has now submitted a detailed air quality assessment (IDOM reference DMA-21207-21-365 dated September 2021) which has produced a detailed model based on assessments and assumptions of the odour source at McDonald's. The consultants were unable to gain any specific information on the McDonald plant and have therefore assumed an odour release value and have modelled two different discharge velocities of 0.5 m/s and 5m/s. In the absence of any further information these provide a mechanism to carry out a comparative assessment. The proposed screening value of 30u/m³ as a moderately offensive odour is accepted.

In respect of the impact of the tall building on dispersion and subsequently odour impacts at existing receptors there was a marginal increase at one receptor location due to the development however the building itself will not lead to any significant changes in odour impacts at existing receptors.

In respect of the impact of odour on the proposed building the model suggests that above Level 3 there will be no adverse impacts. The predicted odour levels with a discharge velocity of 0.5m/s were highest at the ground floor level which has no residential receptors as it is shared space and at the upper floors the levels were below the screening value. However, at the discharge velocity of 5m/s the predicted odour levels at floors 1, 2 and 3 were above the screening value suggesting adverse impact.

Based on this there would need to be consideration of mitigation of the odour impacts to avoid nuisance which may subsequently adversely impact the existing McDonald's operation.

- c) Noise: The applicant had submitted an amended noise impact assessment produced by Apex Acoustics reference 8429.1 Revision C dated 19 October 2021. The report confirms that the calculation method for façade sound insulation is in accordance with BS 8233 and the principles of BS EN 12354-3 and provides the required detail.

The attended monitoring of the commercial noise from the McDonald's resulted in an assessment based on the BS4142 predicting an excess of the noise rating level of 8bB above background which is a significant impact requiring further mitigation. The adverse impacts occurred during the night-time period and are associated with activities outside the building such as refuse collection and movement of materials in wheeled stillages. The report does not identify any adverse plant or equipment noise impacts.

The report provides details of proposed building envelope acoustic treatment to mitigate the commercial noise. I have evaluated the data and whilst I accept that with the windows closed the commercial noise will be adequately mitigated, when the windows are open the internal noise levels are unacceptable.

Summary: There are no significant issues other than the impact of odour and noise from the operations at McDonald's.

The noise report states that 40 of the proposed 723 bedrooms will be adversely impacted by commercial noise and the odour assessment predicts odour levels at floors 1, 2 and 3 were above the screening value suggesting adverse impact.

In terms of the mitigation of commercial noise impacts we would expect the hierarchy to be applied as per the PCGN and would not accept openable windows where there is reliance on the occupier keeping them closed to mitigate the impacts. The sealing of affected facades is usually only considered where there are air quality issues as this is a poor acoustic solution. In this case there are adverse odour impacts on floors 1, 2 and 3 together with adverse noise impacts. Sealed windows have been accepted on other student accommodation schemes subject to avoiding overheating and provision of sufficient ventilation for comfort cooling and on balance this is the approach that I would accept for this site.

[Response to amended plans \(March 2022\) reducing the proposed tower from 31 to 26 storeys](#): no objection.

4.3. Principal City Designer: No objection subject to the following conditions:

- Details of hard and soft landscaping
- Earthworks details
- Boundary treatment details
- Sample materials to be submitted
- Sample panels to be provided on site
- Architectural details required

No objection to a tall building being development on this site. Site layout and its response to its surroundings are supported. The siting and orientation of the tower responds effectively to its immediate context as a key route into the city centre.

Siting the building at the north-eastern corner of the site allows the tall building to help repair the enclosure needed around the road junction and through its orientation it reads as an elegant slim form when viewed north and south. Whilst the form of the tower viewed from the east and west does not have the slim form achieved by the north/south gables, its height and prominence above its cluster, allied with its balanced façade design, ensures a strong and well-proportioned form is created.

The cluster and shoulder effectively complement, but do not compete with the tall element of the building. The proposal has effectively achieved this by creating a form that reads as individual blocks, aided by the variations in height, setbacks and subtle variations in the architecture.

The architecture and materiality effectively work with the form of the building to deliver the perceived cluster of blocks, providing both consistency and individuality, through subtle changes in the façade detailing / design. The architects have sought to create a simple, well detailed building, which is wholly supported.

I support the proposed landscape proposal for the site. Given the dense nature of the development there is limited scope for extensive soft landscape; and I support the courtyard being a largely hard space with selective species to help provide a degree of interest and 'green'. The attempt to introduce trees and hedgerow along the vehicle entrance is supported, but sufficient soil volume must be provided to enable these species to mature. More detail needed concerning boundary treatment.

Revisions to the materials/architecture of the base of the tower are supported.

Concerns raised regarding the wind speeds within the courtyard and comfort levels for residents. More permanent mitigation features are likely to be required.

[Response to amended plans \(March 2022\) reducing the proposed tower from 31 to 26 storeys](#): no objection. The proposal aligns with the requirements of the High Places SPD (p.18 & 19), with a form, scale, height and mass that effectively responds to the surrounding context, with a well-proportioned cluster of buildings and prominent tall building that will enhance and punctuate the adjacent junction and views from Bristol Street. Views of the block from the Middleway (particularly the west) present a different character to the tall building, with the wider elevations providing an opportunity to appreciate the balance and detailing across the facades. Whilst the visual mass of the building increases, the lower secondary elements (shoulder & cluster) and the height of the tower ensures its proportions retain its elegance. If the tower was any lower, this form would be lost.

- 4.4. Principal Conservation Officer: Less than substantial harm identified to a number of designated heritage assets. No objection if the public benefits are found to outweigh the harm, otherwise reasons for refusal are offered.

The methodology used in the supporting documents and the scope of heritage assets appraised is acceptable.

This scheme, which affects only setting (indirect impact), stands or falls on an appraisal of setting. The LPA clearly understands that change or being able to see something does not always mean that harm is caused and that a visual change does not necessarily mean a change to of the heritage significance of heritage assets, or the ability to appreciate or understand this significance, and that change is not always harmful to significance. However, where elements or aspects of significance or setting, or the ability to appreciate, experience and understand such elements, are adversely impacted then harm can arise.

This is a suburban area which retains that suburban character and at present the city centre/ inner urban area scale is not present in a number of aspects of setting. The character of the Edgbaston Conservation Area and the setting of numerous listed buildings within is predominantly one of a Georgian suburb and the fact that it happens to be on the edge of Birmingham city centre is irrelevant. This scheme brings into the setting an urban scale which would see the intactness of this suburban character changed with the encroachment of city centre scale development. The impact therefore is not just that we can see it but that it changes the sense of this being a suburban area. The sense of this being a low scale, low density suburban area in isolation of an intrusive city centre is central to the significance of the areas character and setting in a number of areas and around a number of assets in the short, medium and distant setting.

The assessment of impact includes a number of heritage assets where the degree of impact concluded by the applicant is as follows:

Negligible/neutral impact to 74, 75 and 78 Ryland Road, Church of St. Thomas

Minor neutral impact to 57 & 58 Lee Crescent, City Day Nursery, Nos. 90,98, 102, 106, 110, 112, 114, 116 and 120 Moseley Road, 96 Bristol Road, Ryland Road Conservation Area, Lee crescent Conservation Area

Following scrutiny by the LPA there is an agreement with the applicant on the concluding position of minor/negligible/neutral impact in these cases and no harm to significance or setting concluded.

In agreement with the applicant, harm is concluded to a number of heritage assets. Based on the assessment of the TVAHS and the Addendum, the document has concluded some adverse impacts and some 'localised' or 'very minor' harm to the setting of the following designated heritage assets:

- The Edgbaston Conservation Area
- Nos. 17, 18 & 19 Spring Road
- Nos. 24-28 Spring Road
- Nos.16-25 Wellington Road, Woodfield & Nos. 74-79 Wellington Road

In all these cases the degree of harm is concluded by the applicant as being at the lowest end of 'less than substantial harm' and that the harm arises through the increased awareness of urban scale, although considers that this would not affect the ability to appreciate the designated assets as part of the planned development of the Edgbaston Estate, therefore historic and architectural significance is preserved.

Where these conclusions have been drawn I consider that the introduction of the scale of a tower in close proximity to the listed buildings, and to the boundary of the Edgbaston Conservation Area, would diminish the ability to appreciate and experience the historic and architectural significance of these 19th century domestically scaled buildings in their setting, and the suburban character and appearance of the conservation area.

The degree of harm is placed at 'less than substantial harm' on all counts but is considered to be greater in relation to Nos. 17, 18 & 19 Spring Road and Nos. 24-28 Spring Road due to the close proximity of the development to these buildings and its appearance in some principal views of them, and less in relation to 16-25 Wellington Road, Woodfield & Nos. 74-79 Wellington Road, where the nature of the views are different. The development will be seen in the same views here but at a greater distance and not in any principal or most significance views of their front elevations.

The harm to the setting of the Edgbaston Conservation Area is greatest and most pronounced to the northeast and the streets in this part of the conservation area, where the development is most apparent and most notably at odds with existing character. Within the context of the harm caused to the overall setting of the conservation area, taken as a whole, this would be considered to be at the lower end of less than substantial harm.

Recommendation:

- By virtue of its location, position and scale the proposed development would fail to preserve the setting of Nos 17, 18 & 19 Spring Road and Nos. 24-28 Spring Road, as required by Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, through a diminished ability to appreciate their significance, thereby causing harm to this significance through development in their setting. The level of harm is a moderate level of less than substantial harm and greater than that caused to the listed buildings on Wellington Road.
- By virtue of scale the proposed development would fail to preserve the setting of 16-25 Wellington Road, Woodfield & Nos. 74-79 Wellington Road, as required by Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, through a diminished ability to appreciate their significance, thereby causing harm to this significance through development in their setting. The level of harm is at the lower end of less than substantial harm and less than that caused to the listed buildings on Spring Road.
- By virtue of scale the proposed development would cause harm to the significance of the setting of the Edgbaston Conservation Area through development in its setting. The level of harm to the conservation area as a whole is at the lower level of 'less than substantial harm'.

The planning case officer will need to be satisfied that the identified harm to the significance of a the designated heritage assets from development in their setting can be clearly and convincingly justified as required by paragraph 194 of the NPPF, and that the degree of 'less than substantial harm' identified to the designated assets can be sufficiently outweighed by the public benefits of the scheme, in order to meet the tests of paragraph 202 of the NPPF.

Subject to the tests of paragraph 202 being satisfied in line with the public benefit provisions (which should be set out in the Planning Statement to be assessed by the planning case officer) due to the overall limited nature of the harm, all things considered, I would not object to this application.

[Response to amended plans \(March 2022\) reducing the proposed tower from 31 to 26 storeys](#): Amended plans have been received which show the tower reduced by 5-storeys, from 31 to 26-storeys. The amended proposal follows a number of discussions and modelling exercises which demonstrated how and to what degree a reduced height of the tower could reduce the impact of the identified harm concluded to a number of heritage assets. The modelling showed the effect of reducing the height of the tower by 5, 10 and 15- storeys. A reduction of 5-storeys was not considered to have any significant impact on the degrees of harm as previously concluded and therefore the amendment to reduce the tower to 26- storeys would not prompt me to alter the conclusions reached.

4.5. Principal Ecologist: No objection subject to the following conditions:

- Invasive weeds on site method statement
- Scheme for ecological/biodiversity enhancement measures
- Bird/bat boxes
- Implementation of acceptable mitigation/enhancement
- Biodiversity roof details

Site is of limited ecological value. Patches of vegetation offering opportunistic habitat resources for urban wildlife, notably common invertebrates and nesting birds. Proposed biodiversity roofs would provide new habitat resources for mobile species and improve ecological connectivity and could provide space for surface water attenuation and contribute to urban cooling, subject to the detailed design. Amendments have secured an increase in landscape planting at ground level and two biodiversity roofs.

4.6. Principal Arboriculturist: No objection subject to the following conditions:

- Details of hard and soft landscaping
- Biodiversity roof details
- Grampian-style condition to secure removal and replacement of trees on McDonalds' land.

Amendments to the plans to show additional tree and shrub planting are noted. Removal of the trees along the boundary with McDonalds is not ideal but replacement is the only reasonable option given the extent of pruning required.

[Response to amended plans \(March 2022\) reducing the proposed tower from 31 to 26 storeys](#): no further comments.

4.7. Employment Access Team: No objection subject to a condition requiring a Construction Employment Plan.

4.8. Lead Local Flood Authority: Objects. Further information requested and provided but the objection is maintained.

4.9. Severn Trent Water: No objection subject to a condition requiring drainage plan for disposal of foul and surface water flows.

[Response to amended plans \(March 2022\) reducing the proposed tower from 31 to 26 storeys](#): no comment on the amendment.

4.10. West Midlands Police: No objection. Advice given on various security matters which are beyond the scope of planning.

[Response to amended plans \(March 2022\) reducing the proposed tower from 31 to 26 storeys](#): Amendments are noted; no adverse comments.

4.11. West Midlands Fire Service: No objection. Number of staircases required depends on several factors including building height and evacuation strategy. There are many provisions now in place for buildings over 11m (sprinklers/wayfinding signs) so it seems unlikely that one staircase would be sufficient. This would be addressed at the Building Regulation application stage.

4.12. Historic England: Concern raised regarding the harm and overbearing impact the tower would have on the significance of the three Edgbaston Conservation Areas and on numerous Listed Buildings. No objection to redevelopment of the site with buildings of some considerable scale however the proposal seeks the introduction of

a very tall building nearly twice the height of any other large scale neighbouring development. Failure to preserve or enhance this part of Edgbaston's fundamental surviving interest as the polite, spacious and domestic suburb it was originally developed to be. Harm caused would be less than substantial.

Additional commentary submitted on the likely wider impacts on surrounding Registered Parks and Gardens is noted; HE is content with the conclusion that the development would not have an impact on their significance.

[Response to amended plans \(March 2022\) reducing the proposed tower from 31 to 26 storeys](#): Whilst the proposals remain tall, this begins to bring them closer to the heights of neighbouring tall buildings at this major road junction. This change may also reduce the tower's prominence and visibility from the neighbouring conservation areas. No revised assessments or views appear to have been submitted to confirm this.

- 4.13. Birmingham Civic Society: Objects. Site is suitably located for PBSA and would reduce the burden on Selly Oak, however there is no justification for such a tall building; there are insufficient verified views to assess the impact on heritage assets; and the tower would present its greatest bulk to the Conservation Areas. More cycle storage should be included. The size of the internal accommodation and the external courtyard would be inadequate. The materials and detailed design are welcome. Although designed to comply with Building Regulations, more than a single escape core should be provided within the tower. The pre-application community consultation was disappointing for the scale of the development.

[Response to amended plans \(March 2022\) reducing the proposed tower from 31 to 26 storeys](#): Reduction in height is welcomed and overcomes the earlier objection. S106 contributions/CIL should be directed towards improvements to cycling and public realm in the vicinity.

- 4.14. Ancient Monuments Society: Objects. Intrusive impact of tower on local vistas through the Edgbaston Conservation Area, substantial harm to the established green, suburban character and to the setting of the Listed Buildings within the Conservation Area. No local context for such a tall building.
- 4.15. University of Birmingham (UoB): This location is not desirable to UoB students. Campus Living Villages (Belgrave View) opposite has consistently held vacancies proving the demand in this specific location is not required, and it is now part converted. The demand analysis is not supported.
- 4.16. Birmingham Airport: No objection subject to a condition requiring that no part of the development should exceed 150m in height without an assessment against published Instrument Flight Procedures.

5. **Third Party Responses**

- a. The application has been publicised through the posting of site and press notices and the sending of individual notifications to the local MP, Councillors, Residents' Associations and the occupiers of nearby properties.
- b. Representations have been received raising the following objections:
 - Preet Kaur Gill MP
Already reached saturation point for student accommodation.
Sceptical about the intended purposes for PBSA.

Question whether the need and demand exist for the development and on this scale. Social housing is needed too.
 Lack of public consultation by the applicant.
 Insufficient time to respond to revised plans/documents.
 Inadequate parking.
 Query regarding safety assessment for proposed cladding.
 Independent bedspace report should be commissioned.
 Impact on Stone Rd Initial Accommodation during construction

- Councillor Deirdre Alden (Edgbaston)
 Edgbaston ward already has a large proportion of student accommodation.
 Development is too large for the site. It will be out of character with properties in Spring Rd and will spoil the streetscene. It would be more appropriate in the city centre.
 Out of character with Listed Buildings nearby and will spoil the vista.
 Inadequate parking provision.

Response to 26-storey proposal: it would be out of keeping with the character of the area; tower over the Listed properties on Wellington Road and Spring Road and within the Conservation Area; impact on privacy; bedspaces not needed and there are already vast numbers in the ward; too distant from any campus; inadequate parking.

- Councillor Matt Bennett (Edgbaston): Concurs with Councillor Deirdre Alden's comments.
- Calthorpe Residents' Society
 No evidence of demand either city-wide or in the immediate area.
 Not affiliated to any educational establishment so location criterion not met.
 Powerful negative effect on local neighbourhood in terms of parking congestions, rising crime, overstretched medical and other local services.
 Scale and architectural brutality of the block would be out of keeping with its setting.
 Not conducive to productive learning or good mental health – small urban plot without green land. Fire risk. Noise and pollution. Stark living environment would cause a sense of isolation and confinement for occupants.
 Concern that once permission granted, in the absence of demand, could be used in conjunction with asylum seeker hostel adjacent.

Response to 26-storey proposal: maintain objection. No public benefit from the tower. Inappropriate scale, questionable design quality, lack of amenity space. Detrimental impact on Edgbaston Conservation Area and on the historic Calthorpe Estate. Impact on local community and residents' established quality of life. Lack of demand for the bedspaces.

- Lee Crescent Residents' Association
 Height of main block is excessive even in context of other tall blocks. Overpowering effect on Listed Buildings when viewed from Spring Rd and Wellington Rd.
 Inadequate on-street parking available.
- Calthorpe Estates
 Insufficient evidence provided to identify a specific need for this development.
 Proposal is not very well located in relation to the educational establishment it is to serve.
 Negative impact on local amenity and on residents.
 Scale, massing and architecture is not appropriate for the location.

Heritage Impact Assessment has not fully assessed the significance of each of the relevant heritage assets nor does it demonstrate that the proposal will make a positive contribution to the heritage assets.
Design is not of a high architectural standard.

- **35 individual responses received objecting on the following grounds:**
 - Exacerbation of existing congestion, on-street parking and highway safety problems.
 - Exacerbation of existing drainage problem in the locality.
 - Very tall building proposed which will over-crowd the area and be out of character with surrounding development.
 - Should be providing much-needed affordable homes not student accommodation.
 - Concern regarding fire safety with only one staircase/lift in the tower.
 - Poor impact on student mental health.
 - Exacerbation of existing drug dealing situation in the vicinity of the site.
 - Student accommodation should be under university control.
 - Inadequate green space in and around the development.
 - Exacerbation of existing littering and vermin problem.
 - Loss of light and privacy for nearby residents.
 - Development will contribute towards anti-social behaviour.
 - Development would not meet the criteria set out in BDP policy TP33 for student accommodation.
 - Scale, massing and architecture are inappropriate in relation to the tall student building opposite and residential streets behind it.
 - Scale would not create a welcoming, secure living environment, rather it would be a forbidding, overpowering design which would engender a sense of isolation for student occupiers.
 - Visual intrusion as a result of the scale of the development.
 - Over-intensive use of the site by a very mobile population will have social consequences for local people.
 - There is no shortage of student accommodation in Birmingham and it is highly likely that there will be an over-supply in the foreseeable future.
 - There is no evidence of demand or a demonstrated need for this development in the city or in this locality.
 - There are no major educational establishments nearby and the applicant cannot designate any specific establishment which it will serve and which wishes to use its services.
 - Building is ugly and out of place on the border of an important Conservation Area.
 - Building will tower over the lower level McDonalds and nearby housing.
 - Overshadowing of residents to the north of Spring Road and those in the adjacent hostel.
 - Unavailability of NHS primary care for this many young people within travelling distance. Lack of capacity in existing medical services.
 - Scepticism about the real intention for the building and potential use of permitted development rights to change to a use which would not normally be permitted.
 - Former high-rise development has been replaced with low-rise housing in order to promote the local community. Reinstating high-rise development will destroy the community.
 - High density living can be dangerous for vulnerable people with for example Covid outbreaks. This would not be a safe place to self-isolate.
 - Development would compromise the appearance and atmosphere of the historic environment in this area.
 - Extensive environmental impacts arising from the construction process.
 - Ban on tenants bringing cars to the site within the tenancy agreement will not be monitored or enforced.
 - Moving in and out periods will cause congestion.

- Increase in noise and disturbance.
 - Uncertainty about student need caused by Covid-19 pandemic.
 - Proposal is not in keeping with the Council's 'Big City Plan' and its approach to building heights. Proposal is not located within a tall building cluster zone. It would not integrate into its surroundings.
 - Building would dominate views across the city from all parts of Edgbaston and on the A38 route into the city from the south.
 - No inclusion of high quality public space.
 - Air quality is poor in this location.
 - General lack of information with the application.
 - The site could become a cul-de-sac for homes with gardens and parking.
 - Development is only intended to generate a profit for the developer and does not consider the future residents.
 - Too many student units being proposed relative to other blocks in use or planned in the area.
 - Impact on outlook and views from nearby dwellings.
 - This development should only be allowed on the city-side of the ring road.
 - High density of the development.
- c. Support received from 1 local resident on the following grounds:
- There is a need for more high-quality student developments in the city, with too many of Birmingham's students having to rely on the city's and Selly Oak's crowded HMO provision.
 - This distinctive and modern development represents a positive use of a vacant, brownfield site at a key gateway into both the City Centre and Edgbaston.
 - A prominent location that makes it accessible by foot to students from all the city's universities.

Following submission of the amended plans reducing the height of the tower from 31 to 26 storeys, a further 28 responses have been received raising the following additional objections:

- Reduction in height and number of bedspaces does not address concerns previously raised.
- Disagreement with the content of the Public Benefits Assessment.
- Idea of having a large tower group to welcome people into Birmingham is an archaic notion.
- Impact of inadequate parking provision on road safety around Oasis Woodview School.
- Inadequate parking provision will exacerbate an existing parking problem caused by the Clean Air Zone (CAZ); people park here and walk/ride into town to avoid the congestion charge.
- Residential development here is a health hazard due to the congestion caused by the CAZ.
- Extensions to nearby houses have to conform to conservation-grade requirements to maintain the aesthetic standard of the area. The proposed 60s-style tower block does not reinforce this aim. The buildings on the other three corners of the crossroads have more to offer.
- When something more suitable is constructed on this site, Spring Road and adjacent residential streets are unsuitable for construction traffic.
- Other parts of the city need to take their fair share of student accommodation.
- A development of this size should be on campus to be safe and secure for residents and the neighbourhood.
- Lack of transparency and information with the application. Insufficient time to comment on the amendments.
- Local Councillors' views are being overshadowed by the developer's input to Councillors from other wards.

Please note, objections raised to the amended plans on topics already listed above have not been repeated, and 15 of the responses to the amended plans are from individuals who did not respond to the initial public participation exercise.

6. **Relevant National & Local Policy Context**

a. **National Planning Policy Framework**

The following paragraphs are particularly, but not exclusively, relevant to the proposal:

Chapter 2: Achieving Sustainable Development – paras. 7, 8, 11
Chapter 4: Decision-making – paras. 56, 57
Chapter 5: Delivering a sufficient supply of homes – paras. 60, 62
Chapter 8: Promoting healthy and safe communities – paras. 92, 98
Chapter 9: Promoting sustainable transport – para. 104, 110, 112
Chapter 11: Making effective use of land – paras. 119, 120, 124,
Chapter 12: Achieving well-designed places – paras. 126, 130, 131, 132, 133,
Chapter 14: Meeting the challenge of climate change, flooding and coastal change – para.152
Chapter 15: Conserving and enhancing the natural environment – paras. 174, 180, 183, 185, 186, 187
Chapter 16: Conserving and enhancing the historic environment – paras. 189, 194, 195, 197, 199, 202, 206

b. **Birmingham Development Plan 2017**

PG1 Overall levels of growth
PG3 Place making
TP1 Reducing the City's carbon footprint
TP2 Adapting to climate change
TP3 Sustainable construction
TP4 Low and zero carbon energy generation
TP6 Management of flood risk and water resources
TP7 Green infrastructure network
TP8 Biodiversity and Geodiversity
TP9 Open space, playing fields and allotments
TP12 Historic environment
TP26 Local employment
TP27 Sustainable neighbourhoods
TP28 The location of new housing
TP29 The housing trajectory
TP30 The type, size and density of new housing
TP33 Student accommodation
TP37 Heath
TP38 A sustainable transport network
TP39 Walking
TP40 Cycling
TP44 Traffic and congestion management
TP45 Accessibility standards for new development
TP46 Digital communications

c. **Development Management DPD**

DM1 Air quality
DM2 Amenity

DM3 Land affected by contamination, instability and hazardous substances
 DM4 Landscaping and trees
 DM6 Noise and vibration
 DM10 Standards for residential development
 DM12 Residential conversions and Specialist accommodation
 DM14 Transport access and safety
 DM15 Parking and servicing

- d. Supplementary Planning Documents & Guidance
 Student Accommodation Supply and Demand (January 2021)
 Birmingham Parking SPD 2021
 High Places SPD (2003)
 Places for All SPG (2001)
 Places for Living SPG (2001)
 Access for People with Disabilities SPD 2006
 Conservation Through Regeneration SPG 1999
 Edgbaston Conservation Area Character Appraisal

7. **Planning Considerations**

7.1. The main material considerations are:

- a) the principle of the development including the need; location; impact on the local neighbourhood and residential amenity; scale, massing and architecture; and the proposed living environment;
- b) the impact on heritage assets;
- c) the sustainability credentials of the development;
- d) the impact on landscaping and biodiversity;
- e) the impact on drainage; and
- f) CIL/Planning Obligations.

Principle of development

7.2. TP33 sets out the criteria for assessment of off-campus PBSA which relate to need; location; impact on the local neighbourhood and residential amenity; scale, massing and architecture; and the resulting living environment.

Need

7.3. A Bedspace Report (dated October 2020) submitted with the application indicates that the proposed accommodation would be occupied by students from any of the following institutions:

University of Birmingham	Aston University
Birmingham City University (City Centre)	University College Birmingham
Birmingham City University (South)	Newman University

7.4. The report concludes there is a potential shortfall of 801-1,425 bedspaces. This is based on past student growth rates which, when projected forward, indicate that an additional 7,045 full time students would require accommodation over the next 5 years, compared to a potential pipeline supply of 5,619 bedspaces.

7.5. The Council's most recent figures (February 2022) also indicate a city-wide shortfall in PBSA bedspaces based on both existing demand and potential future demand. For existing demand the shortfall would be 10,858 bedspaces and for future demand it would be up to 14,172 bedspaces.

7.6. The data provided by the applicant is not directly comparable with the Council's figures as different methodologies have been employed however both demonstrate a

shortfall which the proposed development could help to address.

- 7.7. It should be noted that supply figures from November 2021 indicated a small surplus of bedspaces in the city centre however there remained a large shortfall in the south of the city. Given the location of the application site, it could serve campuses in either the city centre or the south of the city.
- 7.8. Neither method of calculating supply and demand accounts for students occupying HMOs or other rented accommodation. Factoring this in, February 2022 figures show a surplus of bedspaces based on both existing demand and potential future demand of up to 8,757 bedspaces. However, HMOs are not considered to be directly comparable with PBSA given the differences in the range of facilities, services and rents.
- 7.9. On the issue of need, using the most up to date figures available, I conclude there is a demonstrated need for additional PBSA.

Location

- 7.10. There is no formal definition of 'very well located' in the context of policy TP33 however the Guidance Note on Student Accommodation Statements refers to a 15-20 minute walk as a guide and is based on BDP policy TP45 Accessibility standards for new development. This equates to a distance of approximately 1.5km.
- 7.11. Since the development could serve any number of institutions the table overleaf at Figure 7 gives a rough guide to distances and travel times.
- 7.12. The table indicates that the development would be beyond a 15-20 minute walk from all the city's major universities however the following should be noted:
- it would be within easy cycling distance of all but Newman University and it would be located on the new dedicated A38 Cycle Route which runs along Bristol Road between Selly Oak and the City Centre;
 - it would be close to bus stops around the Bristol Rd/Ring Road junction serving several different bus routes; and
 - Five Ways railway station is a short distance to the northwest of the site and it is only one stop each way to Selly Oak and New Street stations.
- 7.13. In addition, a convenience store, pharmacy and medical centre are all very close to the site near the junction of Bristol Road and Wellington Road; a McDonalds takeaway is immediately adjacent to the site; and there are a wider variety of shops and services at Five Ways and in the city centre.
- 7.14. Notwithstanding the longer walking distances, the site is accessible to several university campuses, especially for cyclists but also by bus and train, and to shops, services and leisure facilities within the city centre. Being mindful that a walking distance of 15-20 minutes is not specifically referred to in policy TP33, overall, I consider the site could be a suitable location for PBSA, although arguably not an ideal location.
- 7.15. I note that the University of Birmingham (UoB) in its consultation response considers the location to be undesirable for its students and that reference is made to the recent temporary change of use of part of Belgrave View, a PBSA development opposite the application site, to serviced accommodation for non-student use. While this is noted, I have not been able to determine whether the lack of demand for Belgrave View can be attributed to its location; there may be other reasons which make it undesirable such as the quality or price of the accommodation, the

management arrangements or the facilities available on site. Accordingly, it is difficult for me to attribute significant weight to this concern.

University	Distance as crow flies from site to university marker on Google Maps	Approx. shortest walking time according to Google Maps directions	Approx. shortest cycling time according to Google Maps directions	Approx. shortest public transport travel time according to Google Maps directions
University of Birmingham	2.61km	24 mins (1.8km via Wellington Rd/Church Rd)	8 mins (via Wellington Rd)	16 mins (walk/train)
Aston University	2.3km	27 mins (2.1km via Bristol Rd/ <u>Smallbrook Queensway</u>)	9 mins (via Bristol Rd/A38)	14 mins (No. 61 bus)
Birmingham City University – City Centre campus	2.1km	31 mins (2.4km via Bristol Rd)	10 mins (via Bristol Rd/A38)	18 mins (No. 61 bus)
Birmingham City University – South campus	1.62km	27 mins (2km via Wellington Rd/ Carpenter Rd)	9 mins (via Carpenter Rd)	Not practical – route too indirect
University College Birmingham	1.68km	26 mins (2km via Bristol Rd)	9 mins (via Bristol Rd)	Not practical – route too indirect
Newman University	7.2km	1 hr 48 mins (8.3km via A38)	34 mins (via Bristol Rd/A38)	43 mins (No. 61 or 63 bus)

Figure 7: Distances and travel times to educational institutions

Impact on local neighbourhood and residential amenity

- 7.16. *Noise and disturbance:* The Planning Statement indicates that residential developments are not typically considered as a source of noise once occupied. In this case, the nearest residents who could be affected by the scheme occupy the adjacent hostel which provides temporary accommodation to asylum seekers. Given that the application site is currently vacant, the development would result in a significant increase in comings and goings in its vicinity, however, these would not be objectionable given the context. The site is close to a very busy road intersection; the adjacent McDonalds drive-through operates 24 hours a day; and the hostel itself is likely to have a rather sporadic pattern of noise and activity. Students are unlikely to travel to and from the site *en masse* and consequently noise and disturbance arising from the development is likely to be assimilated into the existing busy noise climate.
- 7.17. A Residence Management Plan submitted with the application indicates a high level of management of the site including staff being present on site at all times, the provision of CCTV at the entrance, regular external maintenance, waste/refuse management, etc. The Plan indicates how the moving in/moving out periods would be managed to minimise disruption to local residents and to ensure highway safety is maintained.
- 7.18. The impact of the construction phase on local residents would be temporary and could be minimised through a Construction Management Plan.

- 7.19. *Privacy/outlook/light:* Due to the relative positions of the buildings and windows, there would be no direct overlooking of the hostel from proposed habitable room windows and there would be a distance of 14.5m between the flank wall of the proposed 7 storey block nearest the hostel and its habitable room windows. The hostel is not intended to be permanent living accommodation so this relationship is considered to be acceptable. The development will inevitably be visible in the outlook from surrounding dwellings, however, other than in respect of the hostel, given the distances involved (+50m) I do not consider the impact on outlook to be such that it would justify refusal of the application, and the hostel should be considered more flexibly since it is not a permanent home. This is a brownfield site in an area which already has some mid-rise buildings and a building of some height should be expected.
- 7.20. A Daylight and Sunlight report sets out the impact of the development on neighbouring properties and shows that the greatest impact would be on the north-facing elevation of the hostel, with minor losses of light to Ontario House and Belgrave View on the east side of Bristol Road. These minor impacts are considered to be acceptable.
- 7.21. *Traffic/highway safety:* Despite local concern regarding traffic, there is no objection to the scheme from Transportation Development, on the basis of the following:
- The site will be served by an existing footway crossing on Spring Road with gates set back to allow sufficient space for vehicles to wait off the highway.
 - Swept paths demonstrate that a refuse vehicle can manoeuvre within the site and can enter and leave in a forward gear.
 - Although largely car-free, 5 disabled bays are proposed and there is sufficient space within the controlled area to provide an additional 9 temporary spaces for vehicles during moving in/moving out periods.
 - Cycle parking at a ratio of 1 space per 4 bedrooms is proposed together with a free bike hire scheme. This is short of the 1 cycle space per 3 bedspaces required in the recently adopted Birmingham Parking SPD (Nov 2021) but still represents good provision. It is noted that the 1 space per 4 bedrooms was the recommended standard contained in the Car Parking Guidelines which was extant at the time the application was made.
 - The updated Travel Plan is acceptable.
 - A finalised Construction Method Statement could be secured by condition.
 - The site is extremely well served by all forms of public transport (bus, metro and train) and services can all be accessed within a short walk of the site via the existing pedestrian/cycle infrastructure
 - The site is well located to the various university campuses across the city. The local universities (University of Birmingham, Birmingham City University and Aston University) can all be accessed within a short trip of the site using the sustainable modes of transport, walk, cycle and bus.
 - The rental agreement with students will prohibit cars being brought to the site. On street parking is controlled by TRO's near to the site with areas of available parking generally occupied by local residents. Any student vehicles noted by local residents are likely to be reported to the building management.
- 7.22. *Crime:* Local concerns regarding an increase in crime are noted however there is no objection from the Police on this matter.
- 7.23. *Pressure on existing services:* Local concerns have been raised regarding this issue. The applicant would provide some services in-house, for example access to a GP, but there would likely be increased use of local services and infrastructure. However, this would be very difficult to quantify and there is no policy basis for refusal or for securing a financial contribution towards, for example, medical facilities to

compensate for any such impact.

Scale, massing and architecture

- 7.24. From a design perspective, there is no objection in principle to a tall building and an associated cluster on this site; the High Places SPD notes tall buildings will be acceptable where they aid legibility of the city's form enhancing significant topographical features or marking gateways to the City Centre. Approximate suitable locations are identified on Map 4 of the SPD including near the Bristol Street/Ring Road intersection. Much modelling has been undertaken in order to demonstrate that the exact siting of the proposed tower would be appropriate to mark this gateway to the city centre from the south of the city, given the lack of availability of the McDonalds site which directly abuts the corner formed by the road junction.
- 7.25. The layout of the site maximises its capacity, overlooks the primary frontage of Bristol Road, provides a private amenity courtyard for residents; and keeps servicing away from the public realm and its primary surroundings. Communal spaces would activate the Bristol Road frontage.
- 7.26. The tower is appropriately positioned within the site to be as close to the road junction as possible. It would appear as a slim form when viewed from the north and south though when viewed from the east and west it would be less slender. The accompanying cluster would be an appropriate height relatively to both the tower and surrounding development.
- 7.27. Good quality architecture is proposed and much work has been carried out by the applicant's team and your Principal City Designer to ensure that the overall standard of design is carried through into the details.
- 7.28. I am satisfied that the development in itself is well-considered in design terms.

Proposed living environment

- 7.29. Internally, various room types are proposed giving potential occupiers a range of options including studios and one bed apartments for single occupancy; twodios with two bedrooms and a shared kitchen; cluster apartments comprising three or four bedrooms with shared kitchen/living space; and social studios comprising five or six studios but with a shared kitchen/living as well. In addition, the development would include a common room, auditorium, gym, basketball court, study space, private dining room and a landscaped courtyard. Communal facilities would be confined to the ground floor and mezzanine. Bedroom and shared spaces are adequately sized and the quality of the internal accommodation is expected to be high.
- 7.30. In addition to the physical environment, the applicant has provided details of the arrangements it would put in place to ensure students' wellbeing is maintained, including the on-site provision of management staff, GP services, wellbeing events and activities; free breakfast on weekdays; free bike hire; access to a mental health portal app; and liaison with university student services to identify any students in need of additional support.
- 7.31. Comments made by Regulatory Services concerning noise and odour likely to be experienced by prospective student occupiers are noted, together with the recommended conditions which would satisfactorily address the effects.
- 7.32. Public participation responses relating to the stark living environment proposed and outdoor space are also noted. There is no explicit requirement to provide any outdoor space within PBSA developments and therefore the proposed courtyard is a welcome element of the scheme. Due to the height of development enclosing it, it is likely to be rather shady however it would be on site and is thus more likely to be

used by the students than other nearby public green spaces. I am also mindful that some of the university campuses include high quality outdoor space which students would have access to.

- 7.33. Concluding on the matter of principle, and assessing the proposal against policy TP33 alone, the development of PBSA in this location is considered to be acceptable. However, there are other policies in the BDP which are also relevant to the development and these are considered next.

Impact on heritage assets

- 7.34. The Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on Local Planning Authorities, in the exercise of their planning functions to have special regard to the desirability of preserving a Listed Building or its setting or any features of special architectural or historic interest which it possesses (section 66).
- 7.35. BDP policy TP12 relates to the historic environment and states that “*Great weight* will be given to the conservation of the City’s heritage assets. Proposals for new development affecting a designated ... heritage asset or its setting will be determined in accordance with national policy” (my emphasis).
- 7.36. The NPPF recognises the value of heritage assets and sets out a framework for considering the potential impacts of proposed development on the significance of a designated heritage asset, also placing “*great weight*” on the asset’s conservation (para. 199).
- 7.37. The application site is located in close proximity to three Conservation Areas and to a number of Listed Buildings, consequently, the application is accompanied by a Townscape and Visual Appraisal and Heritage Statement (TVAHS). This uses a sound methodology to set out the baseline townscape conditions and provides a Zone of Theoretical Visibility to inform the study and to test views from the nearby heritage assets. Using this information, your Principal Conservation Officer (PCO) has concluded that there would be less than substantial harm to the significance of the following heritage assets:

Nos. 17, 18 & 19 Spring Road and Nos. 24-28 Spring Road (Grade II)

Significance: Detached and semi-detached villas c.1830-40s constructed as part of the planned development of the Calthorpe Estate and group value with other 19th century properties on the Estate. Historic setting has been compromised by the post-war modern housing estates with high rise modern buildings visible as part of the city centre skyline.

Impact on significance: The PCO considers the proposed increase in scale would have an adverse effect on the immediate setting of the Listed Buildings (LBs). Notwithstanding changes already made to their setting to the north and east, the LBs can still be experienced in a predominantly suburban context. The proposed development would bring a highly visible urban character closer to the LBs failing to preserve the historic significance of the setting of the buildings as early suburban development. Furthermore, the presence of the tower rising up in the backdrop would diminish the ability to appreciate Nos. 17, 18 and 19 Spring Road as domestically scaled villas failing to preserve their architectural significance. The application site in its existing form preserves the openness and low density, low scale suburban character of setting. A moderate level of less than substantial harm is concluded.



Figure 8: 17 and 18 Spring Road



Figure 9: View of proposed development from Spring Road

16-25 Wellington Road, Woodfield & Nos. 74, 76-79 Wellington Road (Grade II)

Significance: Well-proportioned and in some cases grand Victorian villas, designed as a unified concept and laid out as part of the early development of the Calthorpe Estate; Nos.74-79 represent the earliest phase of the Estate. Group value with other 19th century properties of the Estate, illustrative of changing fashions in domestic architecture. Surviving historic setting of other 19th century houses and a visual setting of the largely intact appearance of the Calthorpe Estate. To the north and east the setting has been altered with taller modern development. The application site itself is obscured from view through intervening development.

Impact on significance: The PCO considers the increase in scale would have an adverse effect on the immediate setting of the LBs through an increased awareness of modern development along Wellington Road. The proposed development would bring an urban character closer to the suburban setting of the buildings failing to

preserve the historic significance of the setting of the buildings as part of the earliest phase of the suburban development of the Calthorpe Estate. Furthermore, rising up above the rooftops of the buildings the presence of the tower would diminish the ability to appreciate the form of the buildings as domestically scaled grand villas, designed as a unified concept, and therefore fail to preserve architectural significance. As historic and architectural significance is not preserved the development would cause less than substantial harm to the setting of the LBs. The harm would be at the lower end of less than substantial harm.

For clarification, it should be noted that No. 75 Wellington Road, which sits between Nos. 74 and 76 Wellington Road, is not Listed and is a later addition to the streetscene.



Figure 10: 16-25 Wellington Road

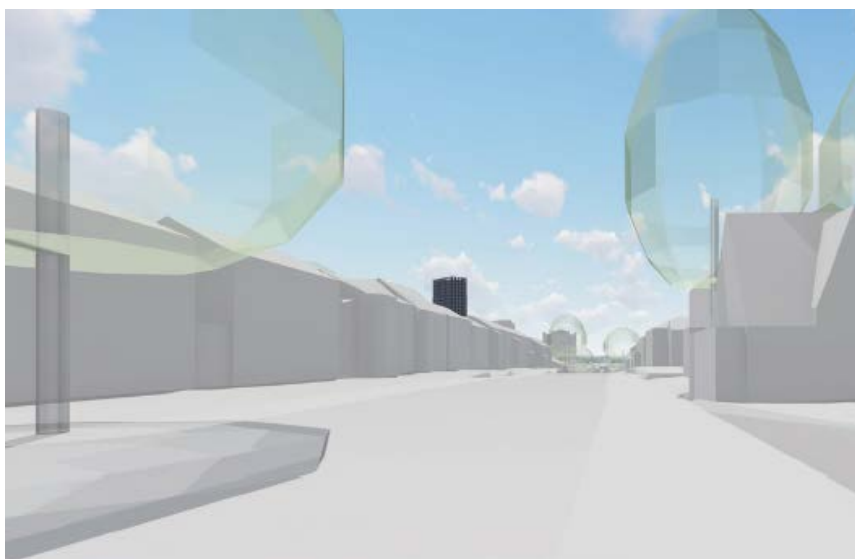


Figure 11: View of proposed development from Wellington Road

Edgbaston Conservation Area (ECA)

Significance: One of the earliest examples of a planned suburban development in the country containing a wide range of building types reflecting the fluctuating economic output of the Period and evolving tastes of the merchant class. The strict development controls of the Calthorpe Estate are illustrated by the exclusive suburban character that prevails which has resulted in generous plot sizes, large gardens and tree-lined streets. The retained ability to appreciate the elements of high quality, planned suburban development in a quasi-rural setting contributes to

significance. From within the ECA this suburban character remains largely appreciable with larger scale buildings acknowledged to the north and east but with the scale rising up moving closer towards the City and away from the ECA. The role of the site as existing in the setting of the ECA is negligible.

Impact on significance: The proposal would bring taller development closer to the boundary of the ECA, introducing a scale of development uncharacteristic to its immediate setting and would exacerbate the presence of an urban setting which does not contribute to significance. With a general and established increase in height moving towards the city centre and away from the more heritage sensitive areas, a tower in this location would dominate the low scale historic buildings which are significant to the ECA and visually intrude on the suburban character of the Conservation Area. The architectural and historic significance of the ECA would still be legible however the proposal would diminish the ability to appreciate and understand the historic and architectural context of the Conservation Area, particularly when viewed from its north-eastern side, and therefore it does not preserve the character and appearance of the Conservation Area. This would constitute harm to the significance of a designated heritage asset through development in its setting. The harm would be at the lower end of less than substantial.

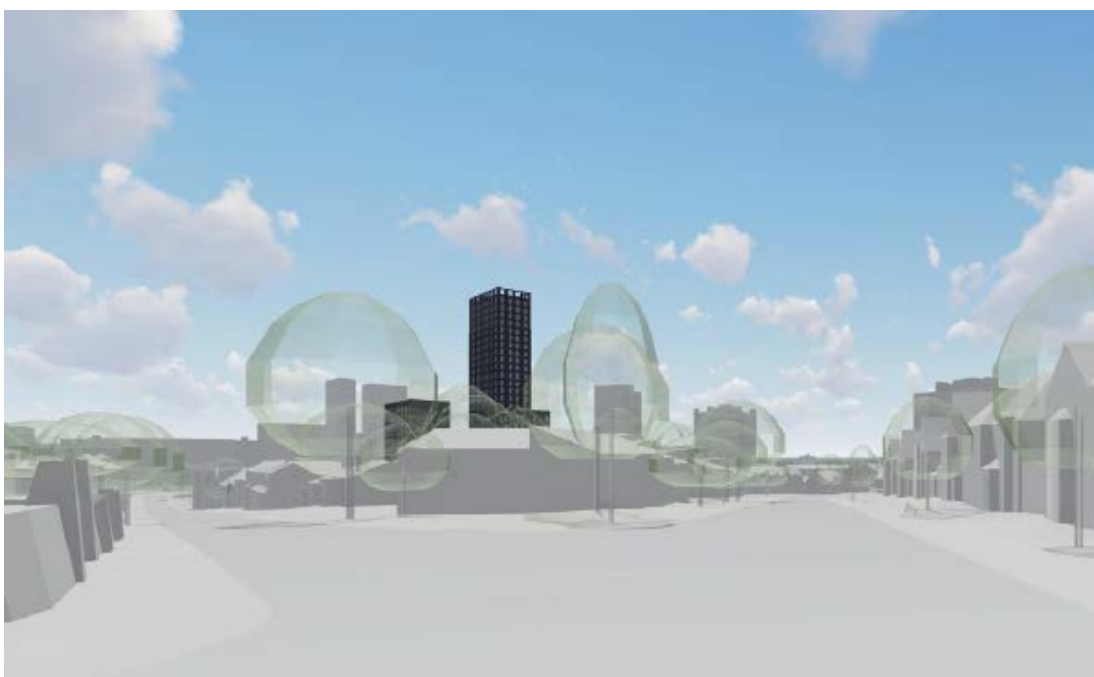


Figure 12: View of proposed development from Wellington Rd/Spring Rd junction

- 7.38. The Principal Conservation Officer has placed the degree of harm at 'less than substantial harm' on all counts but it is considered to be greater in relation to Nos. 17, 18 & 19 Spring Road and Nos. 24-28 Spring Road due to the close proximity of the development to these buildings and its appearance in some principal views of them, and less in relation to 16-25 Wellington Road, Woodfield & Nos. 74-79 Wellington Road, where the nature of the views are different. The development will be seen in the same views here but at a greater distance and not in any principal or most significant views of their front elevations.
- 7.39. The harm to the setting of the ECA is greatest and most pronounced to the northeast and the streets in this part of the Conservation Area, where the development is most apparent and most notably at odds with the existing character. Within the context of the harm caused to the overall setting of the Conservation Area, taken as a whole, this would be considered to be at the lower end of less than substantial harm.

- 7.40. I am satisfied that a rigorous process of assessment has been carried out by both the applicant's representatives and the Principal Conservation Officer, considering the impact on numerous heritage assets in the vicinity of the site. I have no reason to differ from your Principal Conservation Officer's conclusions and therefore agree that there is less than substantial harm caused to the significance of the designated heritage assets listed above.
- 7.41. In accordance with para. 202 of the NPPF, where less than substantial harm to the significance of a designated heritage asset is identified, the harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. This balancing exercise is undertaken towards the end of this report.

Sustainability

- 7.42. In broad terms, the site is located within an existing urban area, close to the city centre, with excellent access to public transport, shops and services, and it is particularly well-connected to other parts of the city by cycling. By virtue of its sustainable location and accessibility by modes of transport other than the private car, it would contribute towards the reduction of the City's carbon footprint. It would also bring back into use a long-standing vacant brownfield site.
- 7.43. In respect of its construction and ongoing operation, the proposed development would comply with the requirements of BDP policies TP3 and TP4 incorporating passive design measures to reduce energy requirements, energy efficiency design measures and low/zero carbon technologies, including a gas-fired Combined Heat and Power unit. It is predicted to meet the BREEAM 'Excellent' rating.

Landscaping and biodiversity

- 7.44. The site has limited good quality planting and a low ecological value at present. The proposed tree removals within the site are all category C trees, several are self-seeded and they have limited public amenity value. There are limited opportunities for new tree and shrub planting within the site; what is proposed would be concentrated along the front boundary and along the access drive to the rear, where it would have the greatest impact on the Bristol Road and Spring Road streetscenes. Initial attempts to retain two Red Oaks, one of which is a B category tree, were not considered realistic and agreement has been reached between the applicant and McDonalds to remove and replace these. While this is regrettable, it would be the only option in the event of approval since the required pruning to facilitate the development would have been too severe.
- 7.45. The biodiversity roofs and proposed landscaping are welcome additions to a site which current has a low ecological value. I note your Principal Arboriculturist and Principal Ecologist are now satisfied with the scheme subject to conditions to secure additional detail.

Drainage

- 7.46. The site is in Flood Zone 1 and is at the lowest risk of flooding. Based on the geology, infiltration is considered unlikely to be suitable for the disposal of surface water flows from the site so discharge to the nearest surface water sewers is proposed. An attenuation tank is proposed under the access drive, along with a permeable block paving system. In addition to the underground SuDS, the two green roofs and a rain garden within the courtyard would contribute to surface water drainage. Foul water would discharge to the existing sewer to the west of the site.

- 7.47. Despite the submission of additional information by the applicant, the LLFA remains concerned that the drainage strategy would not enable the development to meet the minimum requirements of BDP policy TP6 and further evidence and justification of the drainage design is required. The evidence provided does not demonstrate that the discharge hierarchy has been followed and that all opportunities to implement sustainable drainage measures have been implemented as far as is reasonably practicable. Notwithstanding the green roofs, these are not designed to provide attenuation or act as a sustainable drainage feature. Various other information remains outstanding including the necessary confirmation of Severn Trent Water's agreement to the proposed discharge locations and rates, and detailed calculations, with supporting network layout plan, to demonstrate the proposed network performance (for all events up to and including the 100yr plus 30% climate change event).
- 7.48. In the absence of information, the LLFA cannot advise that the drainage strategy proposed would fulfil the requirements of TP6 or the NPPF which seek to minimise the risk of flooding and to manage surface water effectively using sustainable drainage systems both now and in the future.

CIL/Planning Obligations

- 7.49. Developments of PBSA are liable for CIL which in this case would be £1,527,143.65.
- 7.50. There are no planning obligations associated with this proposal.

Other issues

- 7.51. There are three particular comments received through the public participation exercise which have not been directly addressed above:
- 7.52. *Potential alternative uses of vacant PBSA:* I am aware of local concern regarding the use of PBSA which cannot be filled. It should be noted that PBSA is a '*sui generis*' use which means it is in a use class of its own. There is currently no permitted change from PBSA to other uses and therefore express planning permission would be required for a change to any other use. This would be assessed against the relevant policies and be subject to public consultation.
- 7.53. *Lack of affiliation to any specific university:* BDP policy TP33 requires new PBSA to be '*very well located in relation to the educational establishment it is to serve*' however it does not technically or explicitly require there to be a formal agreement in place between proposed student accommodation and a university.
- 7.54. *Fire safety:* Given the date this application was submitted, there is no requirement for it to be accompanied by a Fire Statement nor subject to consultation with the HSE as more recent applications are. I note concerns regarding fire safety however the Fire Service advises that this matter would be dealt with through the Building Regulations.

Planning Balance

- 7.55. The proposed development complies with a number of relevant development plan policies including those relating to place-making and the provision of student accommodation. However, the proposals would cause less than substantial harm to the significance of several designated heritage assets. First this harm needs to be weighed against the considerable importance and weight to be applied to the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990 and secondly, there is a conflict with BDP policy TP12 as a result of the harm. TP12 states that "great weight" will be given to the conservation of the City's heritage assets and that the Council will seek to manage new development in ways which will make a positive contribution to the character of the historic environment. Accordingly, the requirement of para.202 of the NPPF to balance the harm that would

be caused to the significance of the setting of the Listed Buildings and Conservation Area against the public benefits offered by the proposal is engaged.

7.56. In order to assist in this balancing exercise, the applicant has provided a Public Benefits Assessment listing the benefits under four headings and these are summarised as follows:

7.57. Regenerative benefits:

- A viable form of development that will achieve much-needed regeneration of a highly prominent site which currently detracts visually from the surrounding area in this key gateway location.
- Delivery of a building of exemplar design of sufficient height and scale to mark this principal southern gateway into the city centre.
- Enhancement of the legibility of this part of Birmingham being instantly recognisable to students.
- Marking of the transition between suburban Edgbaston and the high-density urbanised city centre.
- Introduction of a well-designed, active frontage along the Bristol Road building line.
- Generation of increased footfall along Bristol Road enlivening the street and improving safety/security.
- Increased public realm along Bristol Road.
- New high-quality hard and soft landscaping within the enlarge public realm area including tree and shrub planting.
- Reflection of Birmingham's red-brick Victorian architectural heritage in the material choices.
- Provision of an architectural style which attractively contrasts with that of buildings to the south, including designated heritage assets in the form of stucco-fronted villas.

7.58. Economic Prosperity:

- Capital investment of approx. £40million.
- 340 gross direct full time equivalent (FTE) jobs annually over the two-year construction phase.
- 410 indirect FTE jobs throughout the two-year construction phase.
- Temporary uplift in Gross Value Added in the order of £52.9 million per annum throughout the two-year construction phase.
- Net additional expenditure generated by the development (i.e. money spent by the students) in the region of £2.3 million per annum and resultant creation of approx. 20 new FTE jobs.
- Operational employment in the region of 5 FTE jobs for management and maintenance of the development, with associated additional Gross Value Added of approx. £110,000 per annum.

NB. These figures are taken from the Public Benefits Assessment dated October 2021 and are based on the 31 storey tower proposal.

7.59. Social Value:

- For students, the provision of well-designed accommodation, that is fully maintained and cleaned and includes utility bills.
- 24-hour management team including security concierge and provision of CCTV.
- Close working with university student services to identify and support students struggling with their wellbeing.
- Provision of an app-based Mental Health Portal.
- On-site GP service with treatment room.
- Wellbeing events and activities provided.

- Free breakfast for students on weekdays.
- Free bike hire for students.
- On-site gym, cinema room, dining areas, public and private study spaces and landscaped courtyard.
- For local workers, employment and training opportunities in accordance with a Construction Employment Plan.

7.60. Alleviating Housing and Amenity Pressures:

- Alleviation of pressure on private rental housing by adding additional homes that meet students' needs in a suitable and sustainable location.
- Reduction in the risk of family housing being converted to HMOs in areas of the city such as Selly Oak where there is already a prevalence of such accommodation, and consequently the alleviation of the residential amenity impacts in those areas.

7.61. Although this is a lengthy list, after consideration, I am not persuaded that the benefits listed here outweigh the heritage harm identified for the following reasons:

Regenerative benefits

7.62. The re-use of a long-vacant site is a clear public benefit, along with the public realm improvements. Its location on a major arterial route through the city, close to a major road intersection and at an important gateway to the city centre when travelling from the south of the city is acknowledged. Also noted is the constrained nature of site, resulting from its size and shape, and the difficulties of bringing forward a more comprehensive scheme due to the highly profitable McDonalds restaurant adjacent. However, the site is not particularly large; it does not accommodate a dilapidated or unsightly building; and it is not the source of anti-social or criminal behaviour. While the overall design of the proposed development is not objectionable, I would describe it as 'good' rather than 'exemplar' and the design benefits could be achieved with a building in a different form, height and use. The site is not located immediately abutting the corner of the intersection where a taller building would give greater legibility for the City. Although the Public Benefits Assessment states that this proposal is the only viable option for the site, there is no evidence to support this statement that can be independently verified. It is considered that redevelopment of this site alone is unlikely to be the catalyst for bringing forward wider regeneration in the immediate locality and the site does not form part of a wider masterplan or vision for the area.

Economic Prosperity

7.63. In broad terms, securing the employment and investment described in the Assessment would constitute a public benefit, however, I am mindful of the relatively short construction phase (2 years) and the very small number of operational jobs (5 direct and 20 indirect) set against the long term harm to heritage assets. Furthermore, my observation is that students are primarily attracted to a university by the courses on offer; issues such as their accommodation, lifestyle, attractiveness of the city, etc. tend to be secondary matters. Students occupying the proposed accommodation may well, therefore, be bringing their spending power to the city regardless of whether they occupy this or another development. In addition, higher end student accommodation such as that proposed, is often particularly attractive to overseas students, who may bring their spending power in the shorter term but they are not necessarily retained in Birmingham in the longer term. The local employment clauses would be a wider public benefit.

Social Value

- 7.64. In addition to reviewing the social benefits listed in the Assessment, I have reviewed the applicant's website and I am confident that they would look after the students' wellbeing as they appear to do in their developments elsewhere. However, the benefits listed are almost entirely private and would not secure wider public benefit beyond the site or the occupants themselves. The opportunities secured through the Construction Employment Plan are acknowledged but the employment benefits would be relatively short term – only two years.

Alleviating Housing and Amenity Pressures

- 7.65. With regard to the impact of PBSA development in reducing the risk of family homes being converted to HMOs, I am not convinced that this is a straightforward public benefit. There is likely to still be a strong demand for HMO accommodation among students and there has been no strong evidence to date of a reduction in the number of HMOs as a consequence of other PBSA developments. The City continues to deal with a number applications for the change of use from traditional family homes to HMOs including in the Selly Oak area. At present there is no compelling evidence that the provision of new PBSA has or will result in large numbers of HMOs switching back to single dwellings. Many will no longer be suitable for occupation as traditional family housing for which there is a need in the City.
- 7.66. Having noted the compliance with a number of development plan policies and having assessed the benefits put forward by the applicant, I have considered whether there are any further benefits which ought to be taken into account. I am mindful of the following:
- In respect of economic benefits, the development is liable for CIL, the spending of which would lead to wider public benefits.
 - In respect of social benefits, the provision of PBSA can be counted towards the City's overall housing supply at a rate of 1 unit per studio apartment and 1 unit per cluster. As a result, this development would contribute 341 units. Given that the City announced in January 2022 that it could no longer demonstrate a 5 Year Housing Land Supply, these units would make a good contribution, in the order of 5% of the annual requirement of 6,750 units.
- 7.67. I conclude that while there are public benefits, they are not individually or cumulatively strong and there are some notable omissions in the way of, for example, any heritage benefits or financial contributions towards affordable housing or the provision of public open space which might be secured on a general needs housing development. These would certainly be beneficial to the wider public. I acknowledge the level of heritage harm to be low to moderate and that this is very finely balanced decision, however I am particularly persuaded by the general approach of both the BDP and the NPPF which place 'great weight' on the conservation of designated heritage assets and accordingly, I consider the public benefits fail to outweigh the harm to designated heritage assets.
- 7.68. It is necessary to consider whether para. 11d of the NPPF is engaged in this decision. This states:

- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date⁸, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed⁷; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 7.69. Footnote 8 explains that this includes, for applications involving the provision of housing, situations where the Local Planning Authority cannot demonstrate a five year supply of deliverable housing sites, as is now the case in Birmingham. Footnote 7 includes, among other things, policies relating to designated heritage assets.
- 7.70. The purpose of this paragraph is to tilt the planning balance in favour of the provision of housing where that is a particularly pressing need but to allow for exceptions where they are clearly justified, for example, where there is a need to protect special areas or assets.
- 7.71. Having reached the conclusion that the less than substantial harm which the proposed development would cause to designated heritage assets would not be outweighed by the public benefits associated with the scheme, in my view there is a clear reason for refusing the proposed development based on the impact on heritage assets. Consequently, I consider the balance should not be tilted in favour of the provision of housing and that the normal planning balance should be applied.

8. Conclusion

- 8.1. The proposed development would cause less than substantial harm to the significance of several designated heritage assets with the level of harm considered to be at a low to moderate level. Having applied the public benefits test as set out in para. 202 of the NPPF, I have concluded that the public benefits which would result from the proposed development are not sufficient to outweigh the harm which would be caused to the significance of Nos. 17, 18 & 19 Spring Road and Nos. 24-28 Spring Road (Grade II); 16-25 Wellington Road, Woodfield & Nos. 74 and 76-79 Wellington Road (Grade II); and the Edgbaston Conservation Area.
- 8.2. In addition, the application fails to demonstrate that the drainage strategy would meet the requirements of BDP policy TP6 and that surface water would be effectively managed on site.

9. Recommendation

The application is recommended for refusal for the following reasons.

Reasons for Refusal

-
- | | |
|---|---|
| 1 | By virtue of its location, position and scale the proposed development would fail to preserve the setting of: |
| | Nos. 17, 18 & 19 Spring Road; |
| | No.24, No.25 and No.26 Spring Road; |
-

and Nos. 27 and 28 Spring Road,

as required by Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, through a diminished ability to appreciate their significance, thereby causing harm to this significance through development in their setting. The level of harm is a moderate level of less than substantial harm and would not be outweighed by the public benefits which would result from the development. The proposal therefore conflicts with policies PG3 and TP12 of the Birmingham Development Plan and the guidance contained in Chapter 16 of the National Planning Policy Framework.

- 2 By virtue of its location, position and scale the proposed development would fail to preserve the setting of:

Nos. 16 & 17, Nos. 18 & 19, No.20, Nos. 21, 22 & 23, No.24 and No.25 Wellington Road;

Woodfield, No.73 Wellington Road; and

No. 74, Nos. 76 & 77, No.78 and No.79 Wellington Road

as required by Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, through a diminished ability to appreciate their significance, thereby causing harm to this significance through development in their setting. The level of harm is at the lower end of less than substantial harm and would not be outweighed by the public benefits which would result from the development. The proposal therefore conflicts with policies PG3 and TP12 of the Birmingham Development Plan and the guidance contained in Chapter 16 of the National Planning Policy Framework.

- 3 By virtue of scale the proposed development would cause harm to the significance of the setting of the Edgbaston Conservation Area through development in its setting. The level of harm to the Conservation Area as a whole is at the lower level of less than substantial harm and would not be outweighed by the public benefits which would result from the development. The proposal therefore conflicts with policies PG3 and TP12 of the Birmingham Development Plan and the guidance contained in Chapter 16 of the National Planning Policy Framework.
- 4 The application fails to demonstrate that the proposed development would manage effectively the disposal of surface water from the site and consequently it fails to comply with policy TP6 of the Birmingham Development Plan 2017, the Sustainable Management of Urban Rivers and Floodplains SPD 2007 and the National Planning Policy Framework.
-

Case Officer: Amy Stevenson

Photo(s)



Photo 1: View looking north along Spring Road towards the city centre



Photo 2: View of site from Bristol Rd/Stone Rd junction – looking north



Photo 3: View of site from Spring Road - looking east

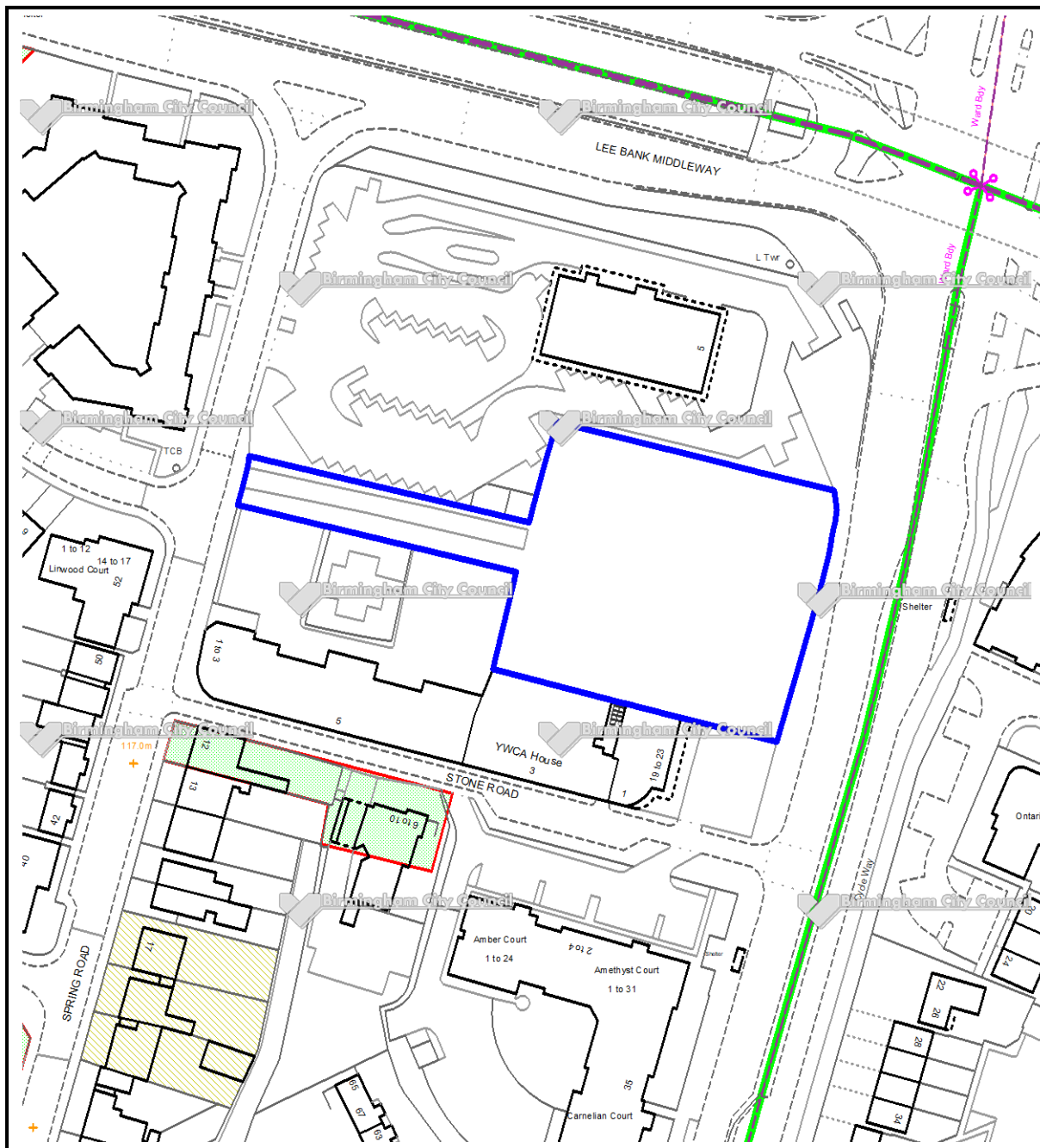


Photo 4: View of site from Bristol Rd looking south towards rear of hostel. McDonalds trees proposed to be removed shown to the right.



Photo 5: View looking east from Lee Bank Middleway

Location Plan



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Birmingham City Council

Planning Committee

28 April 2022

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 – Conditions	7	2019/10362/PA 153-161 Corporation Street Birmingham Change of use to apart-hotel (Use Class C1) and part demolition and alterations with construction of new build element to the rear
Approve – Conditions	8	2019/10409/PA 153-161 Corporation Street Birmingham Listed Building Consent for part demolition and alterations and construction of new build element to the rear in association with of use to a hotel
Approve – Subject to 106 Legal Agreement	9	2021/06272/PA Land at 1-4 Key Hill Drive, Nos 2, 54-58 Key Hill and 17-21 Hockley Hill, Jewellery Quarter, Birmingham, B18 5NY Redevelopment of site to provide a mixed use development comprising of 62 studios and apartments and ground floor commercial units for flexible Class E uses including demolition of existing buildings, conversion of retained buildings and erection of a new 3-5 storey buildings with associated car parking, cycle storage and amenity space
Approve Temporary 1 Year	10	2022/02874/PA Smallbrook Queensway Buildings Smallbrook Queensway Birmingham Display of non-illuminated wrap signage at four locations on building

Committee Date:	28/04/2022	Application Number:	2019/10362/PA
Accepted:	27/12/2019	Application Type:	Full Planning
Target Date:	13/05/2022		
Ward:	Ladywood		

153-161 Corporation Street, Birmingham

Change of use to apart-hotel (Use Class C1) and part demolition and alterations with construction of new build element to the rear

Applicant:	Mr Simon Linford c/o agent
Agent:	Mr Gerald Sweeney Crossway, 156 Great Charles Street Queensway, Birmingham, B3 3HN, England

Recommendation

Approve subject to Conditions

1. **Proposal**

1.1 This application proposes the following:

- change of use of the Grade II* Listed Nos. 153-161 Corporation Street, also known as the Murdoch and Pitman Buildings, from shops with offices above to an apart-hotel;
- part-demolition to the rear including removal of a large four-storey wing off the Pitman Building;
- internal and external alterations to the existing buildings to facilitate the change of use; and
- erection of an eleven-storey block to the rear.

1.2 Change of use: Currently the two commercial units on the ground floor are occupied by hot food takeaways but the remainder of the floorspace is vacant, having previously been used as legal offices. The proposed hotel would comprise 156 bedrooms plus a restaurant/bar, gym and meeting room. No off-street parking is proposed but cycle storage would be provided to the rear.

1.3 Demolition: Both buildings initially had a rear wing element and together they filled the full site area, however the wing behind the Murdoch Building has already been demolished and the proposal includes the demolition of the Pitman Building wing.

1.4 Alterations: Externally, new shopfronts and entrance doors would be installed and repairs made to the terracotta sculpture, timber window frames, brickwork and roofs. Internally, modern office fittings would be removed and repairs/reinstatement of original features such as chimneypieces, cornices and doors. Remedial works are also needed to address dry rot. 28 bedrooms are proposed within the retained buildings.

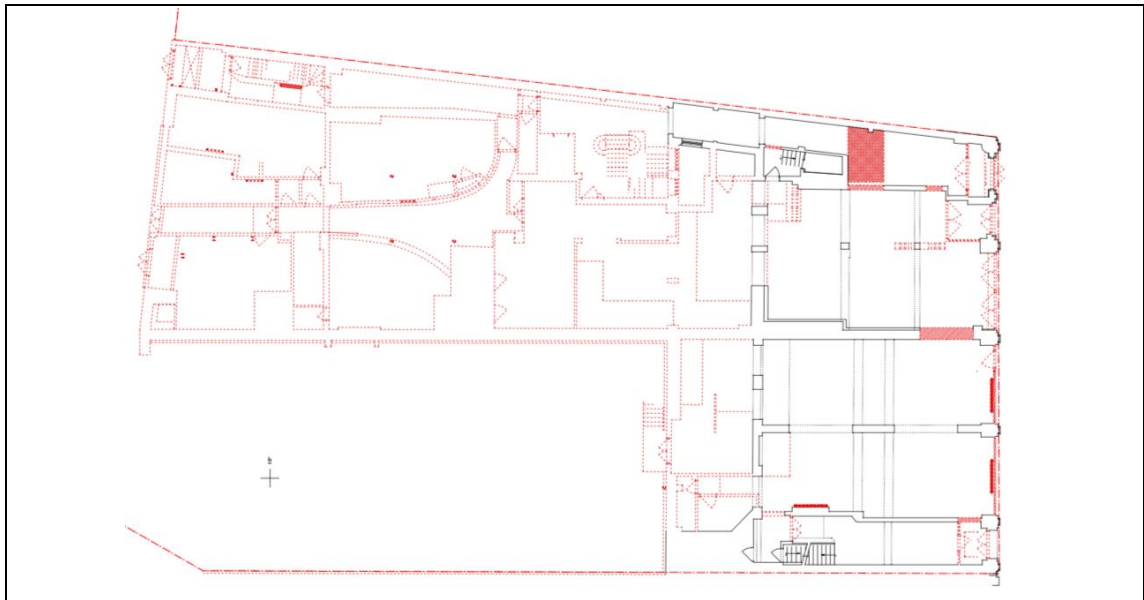


Figure 1: Proposed demolition plan

- 1.5. New block: This would take the form of a simple cuboid with a rectangular footprint sitting directly behind the retained buildings and with a single storey link with glazed roof panels connecting the two elements. 128 bedrooms would be provided within the new block.



Figure 2: Proposed ground floor plan (retained buildings to right, new-build to left)



Figure 3: Proposed front elevation

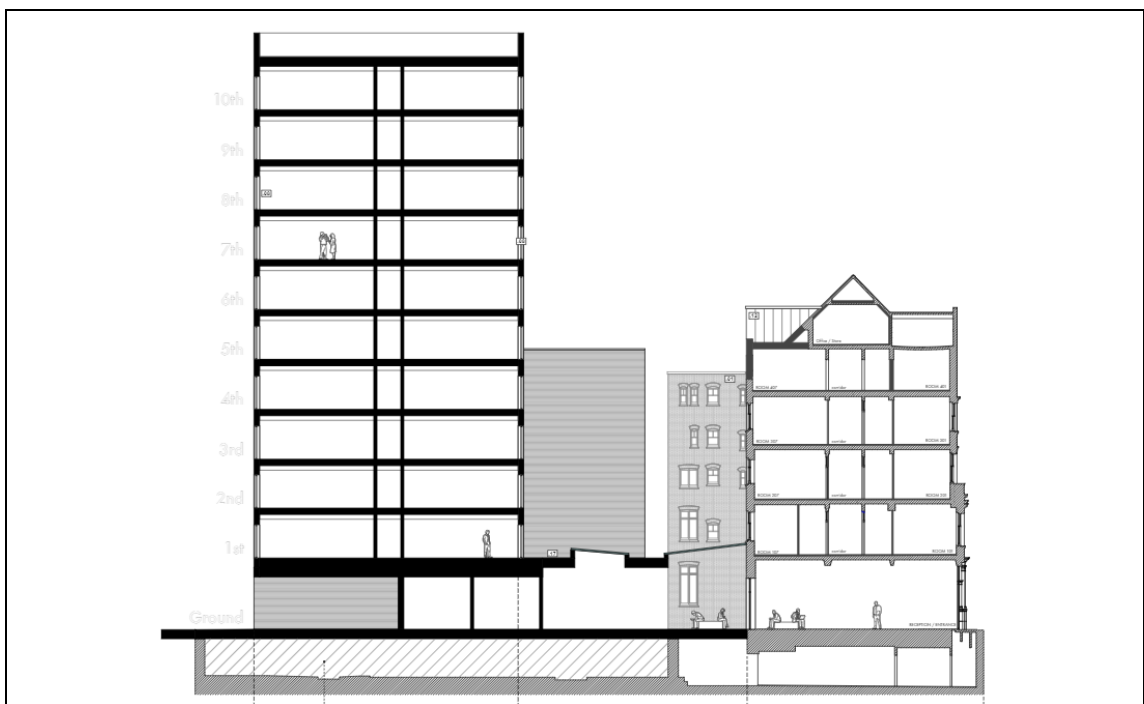


Figure 4: Proposed cross-section

1.6. Supporting documents:

Planning Statement and addenda
 Design and Access Statement
 Terracotta Details
 Energy Statement
 Sustainable Design & Construction Statement
 Sustainable Drainage Assessment
 Fire Statement
 Transport Statement
 Developers Viability Justification for

Heritage & Townscape Impact Assessment
 Summary of Heritage Impact
 Outline Conservation Specification
 Structural Stage 2 Report
 Ventilation and Flue Strategy
 BREEAM Pre-assessment report
 Schedule of Accommodation
 Phase 1 Desk Study

1.7. [Link to Documents](#)

2. **Site & Surroundings**

- 2.1. The site is located on the west side of Corporation Street with the front elevation abutting the pavement. Vehicular access is available to the rear via a narrow access drive off Newton Street. The site comprises the Grade II* Listed Murdoch and Pitman Buildings which were erected 1896-9 as offices with associated warehousing and were initially occupied by Dean's Furniture Manufactory and Pitman's vegetarian restaurant. The most exceptional architectural feature is the Corporation Street façade in red brick and terracotta.
- 2.2. The site is approx. 0.14ha and currently comprises 3,843sqm gross internal floorspace.
- 2.3. Adjoining the site to the north is the County Court building which is a two-storey Grade II Listed building. To the south is Cannon House, a 1960s eight-storey office block with retail units on the ground floor.
- 2.4. The site lies within the Steelhouse City Centre Conservation Area and a number of statutorily Listed buildings are nearby including the Victoria Law Courts (Grade I), Birmingham Children's Hospital (Grade II) and Methodist Central Hall (Grade II*).
- 2.5. The application site is currently owned by the City Council.
- 2.6. [Site Location](#)

3. **Planning History**

- 3.1. 27/12/2019 – 2019/10409/PA - Listed Building Consent for part demolition and alterations and construction of new build element to the rear in association with of use to a hotel.

4. **Consultation Responses**

- 4.1. Transportation Development: No objection subject to a condition that staff cycle parking is provided before the use is operational.

The new use would potentially increase servicing trips and taxi pick-up and drop-off movements. The site benefits from a rear service yard which allows access by smaller service vehicles, and on the frontage a loading bay. This on-street bay is shared with other public users but is generally available for use. The majority of customer trips would be via sustainable modes.

- 4.2. Regulatory Services: No objection in principle to this proposal. I am not aware of adjoining premises that might be predicted to have an adverse impact on the amenity of the guests. No contaminated land issues.
- 4.3. Employment Access Team: No objection subject to a condition requiring submission of a Construction Employment Plan.
- 4.4. City Design Manager: Acceptable subject to the following conditions:
- Submission of architectural detailing and materials

- Submission of M&E detailing including rooftop plant and ventilation
- Submission of hard and soft landscaping scheme

The principle of using this site as a hotel can be supported and whilst the new build to the rear has become more prominent through successive redesigns, its form is stronger and better than before and the impact of seeing the building is not as significant as expected following the preparation of views and testing by the City Design Team in the City Model. The sensitivity of the surrounding historic townscape and the repair being invested into the host grade II* listed building must be fully appraised by the Conservation Officer separately.

The architecture is bespoke and will deliver something that could if well executed be acceptable, however that depends on the materials, their used and the handling of their fixing, hence the recommended conditions.

4.5. Principal Conservation Officer: No objection subject to conditions.

The change of use to a hotel is acceptable in principle and is particularly fitting considering the original use as Pitman's Restaurant and Hotel. I am happy that the proposed internal works are acceptable and can be accomplished without causing too much harm. The repair works are detailed in the application but the various details like replacement doors and stairs will need to be conditioned.

The more controversial aspect of the development occurs to the rear of the listed building where the rear wing is to be demolished. I agree with the submitted Heritage Assessment that the rear wing is of relatively low significance compared to the frontage building but that this is a substantial piece of demolition for a Grade 2* building. The assessment considers this to be less than substantial harm at a moderate level and I agree as the most significant part of the building is retained that this falls short of substantial harm. I also agree that by allowing the demolition we are failing to preserve the special interest of the building under the Planning (Listed Buildings and Conservation Areas) Act 1990.

The proposed tower will be considerably taller than the frontage building and could loom over the historic buildings. Whilst it would not be particularly prominent in the most significant views looking along Corporation Street, it would be very prominent in views from Newton Street, both looking from the Crown Court and looking from the side of the Victoria Courts. The heritage assessment concludes that the development would represent less than substantial harm at a moderate degree under the tests outlined in the NPPF and that the harm would need to be balanced against the benefits of the scheme. The recent changes in the cladding materials of the tower have provided a degree of mitigation to the harm caused, but I would still agree with the conclusion of the Heritage Statement, that the proposals represent less than substantial harm to a moderate degree as they fail to preserve the interest of the listed building and the character or appearance of the Steelhouse Conservation Area.

The development does undoubtably bring heritage benefits; the most significant part of the building will be retained, the facades and interiors will be repaired and the building will be given a sympathetic, sustainable use. There will be additional, non-heritage related benefits too in terms of employment etc. I feel that there are clear benefits for the elements of the building that are of the highest significance and on balance I am supportive of the proposals.

4.6. Historic England: Having reviewed the information presented we consider that the construction of a rear accommodation block of a larger height and scale of the principal building is likely to cause less-than-substantial harm to the significance of this Grade II* listed building, as is presented and assessed in the viewpoints within

the application's Heritage Statement. It is vital that the LPA assures itself of the need for this quantum of additional accommodation and weighs the harm against the public benefits.

If the LPA is minded to approve this application, we strongly advise that matters of design detail, materials and final appearance, are safeguarded by condition to ensure the final quality and appropriateness of a new addition in the conservation area.

Whilst we are pleased to note a future use for the current vacant building, and the various repairs and conservation works intended to the principal Grade II* listed building, much of the detail, specification and method of works are still required to understand the nature and extent of repair works and therefore should be safeguarded via condition.

- 4.7. Victorian Society: Supports plans to bring the building back into use, the repair works to the historic fabric and understands the rear block to be demolished has been much altered. However there is an objection to the substantial rear extension which will overshadow the Listed buildings and have a negative impact on the character and appearance of both the Listed building and the Conservation Area. Its monolithic appearance would contrast with the fine detailing of the historic façade and skyline of the Listed building. The proposal to clad the extension with terracotta 'baguettes' is inappropriate in this location. The rear extension should be subservient to the fine listed building in both massing and design, rather than apparently seeking to dominate it.
- 4.8. Birmingham Civic Society: Initial support for the scheme at a lower height (8-9 storeys) but concern regarding the 11-storey proposal. Retention of original frontage is well-considered. Concern regarding access for servicing and emergency vehicles. Reference is made to a 12 storey extension.
- 4.9. Lead Local Flood Authority: No objection subject to the inclusion of the following planning conditions:
- Requires the prior submission of a sustainable drainage scheme
 - Requires the prior submission of a Sustainable Drainage Operation and Maintenance Plan
- 4.10. Severn Trent Water: No objection subject to the inclusion of the following condition:
- Submission of drainage plans for the disposal of foul and surface water flows.
- 4.11. West Midlands Police: No objection subject to the following conditions:
- Provision of CCTV to cover all entrances/exits, communal areas inside the building and external space.
 - Appropriate lighting which complements the CCTV scheme.
- Concern raised regarding the uncontrolled access to the rear of the site via a dark and narrow drive. Gates should be fitted with access controlled via intercom/hotel staff. Internal access control is also needed.
- 4.12. West Midlands Fire Service: Initial concern regarding the length and width of the access route off Newton St and proximity of fire appliance to proposed dry riser but no objection following discussion.
- 4.13. Health and Safety Executive: The site does not lie within the consultation distance of a major hazard site or major accident hazard pipeline.

5. Third Party Responses

- 5.1. The application has been publicised through press and site notices, and direct notification sent to local MP, ward councillors, Residents' Associations and the occupiers of nearby properties.
- 5.2. 2 representations have been received making the following comments:
- HM Courts and Tribunals Service: Disruption to Crown Hearings is a criminal offence. Hearings are held throughout the building including in the basement. Appropriate measures must be implemented to ensure the existing use is protected. Access along Newton Street must not be compromised during demolition, construction or operational phases. A construction management plan should be required.
 - Concern regarding the impact of the proposal on existing commercial occupiers.

6. Relevant National & Local Policy Context

6.1. National Planning Policy Framework

The following chapters and paragraphs are particularly, but not exclusively, relevant to the proposal:

Chapter 2: Achieving Sustainable Development – paras. 7, 8, 11
Chapter 4: Decision-making – paras. 56, 57
Chapter 6: Building a strong, competitive economy – paras. 81, 83
Chapter 7: Ensuring the vitality of town centres – para. 86
Chapter 8: Promoting healthy and safe communities – para. 92
Chapter 9: Promoting sustainable transport – para. 104, 110, 112
Chapter 11: Making effective use of land – paras. 119, 120, 124
Chapter 12: Achieving well-designed places – paras. 126, 130, 132, 133
Chapter 15: Conserving and enhancing the natural environment – para. 185, 187
Chapter 16: Conserving and enhancing the historic environment – paras. 189, 194, 195, 197, 199, 202, 206

6.2. Birmingham Development Plan 2017

PG1 Overall levels of growth
PG2 Birmingham as an international city
PG3 Place making
GA1 City Centre
TP1 Reducing the City's carbon footprint
TP2 Adapting to climate change
TP3 Sustainable construction
TP4 Low and zero carbon energy generation
TP5 Low carbon economy
TP6 Management of flood risk and water resources
TP12 Historic environment
TP21 The network and hierarchy of centres
TP24 Promoting a diversity of uses within centres
TP25 Tourism and cultural facilities
TP26 Local employment
TP38 A sustainable transport network
TP39 Walking

6.3. Development Management DPD

DM1 Air Quality
DM2 Amenity
DM6 Noise and vibration
DM14 Transport access and safety
DM15 Parking and servicing

6.4. Supplementary Planning Documents & Guidance

Regeneration Through Conservation SPG 1999
Places for All SPG 2001
Access for People with Disabilities SPD 2006
Birmingham Parking SPD 2021
Snow Hill Masterplan 2015

7. Planning Considerations

- 7.1. The main material considerations are the principle of the proposed use, design, the impact on heritage assets, sustainability, highway safety, and safety and security.

Principle

- 7.2. The application site lies within the City Centre Growth Area (BDP policy GA1) and specifically within the Snow Hill District wider area of change (GA1.2) and the City Centre Quarter (GA1.3). The City Centre will continue to be the focus for retail, office, residential and leisure activity in general terms, while the Snow Hill District will expand the central office core around Snow Hill station through key office and mixed use developments, and the City Centre Quarter will provide an exceptional visitor experience within a high quality environment.
- 7.3. Hotels constitute a main town centre use, as defined in the NPPF, and should be located sequentially on town centre sites in the first instance, then at the edge of a centre and lastly in out of centre locations. Although the application site lies approx. 60m beyond the boundary of the city centre retail core a hotel use is considered to be acceptable taking account of the following:
- it is within a predominantly commercial setting only a short distance from the retail core boundary;
 - there is strong support for the provision of hotels and tourist facilities through BDP policies TP24 and TP25;
 - it would complement the growth of office development in the Snow Hill District and help to realise the aim to re-use historic buildings in this part of the city centre;
 - it would support aspirations for the City Centre Core Quarter to provide an exceptional visitor experience within a high quality environment; and
 - it would involve the re-use of a largely vacant and rapidly deteriorating Grade II* Listed building in close proximity to the retail core with much associated footfall.

Design

- 7.4. The proposed extension does not follow the normal hierarchy of buildings through a site, whereby typically the primary building is located towards the front of a site and heights recede into the rear. However, the applicant has indicated that to secure delivery of the scheme, greater scale is needed within the extension. Following a series of amendments, the resulting extension, whilst taller than the host property,

would appear simple in form and detached from the historic buildings.

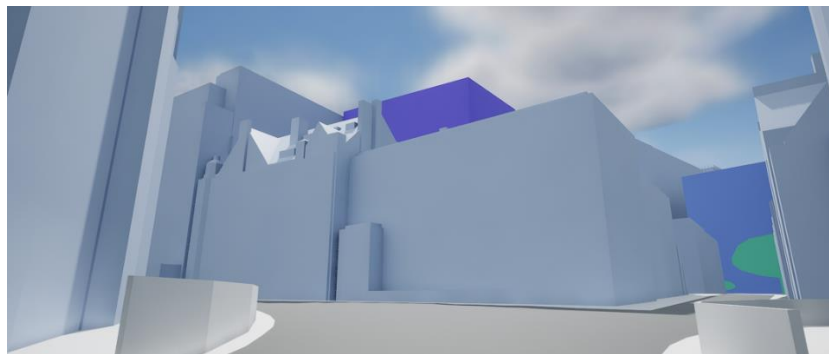


Figure 5: View from Newton St (east of site)

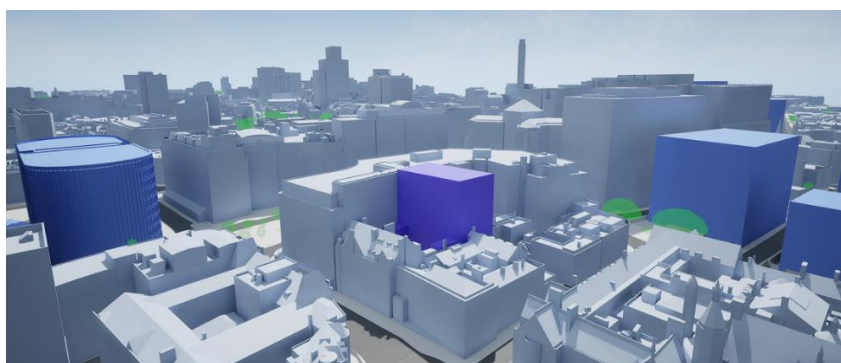


Figure 6: View from Steelhouse Lane

- 7.5. Testing by your City Design Team in the City Model has demonstrated satisfactorily that the extension would not bear down over the principal street facing listed buildings as much as expected. Furthermore, it would not be dominant in the streetscene in either direction along Corporation Street, or from Newton Street or Steelhouse Lane. Its simple form would not compete with the listed buildings around it and it would benefit from the backdrop of Cannon House. Appropriate materials have been selected.



Figure 7: CGI showing proposed extension in place



Figure 8: Proposed terracotta cladding

Impact on heritage assets

- 7.6. The Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on Local Planning Authorities, in the exercise of their planning functions to have special regard to the desirability of preserving a Listed Building or its setting or any features of special architectural or historic interest which it possesses (section 66).
- 7.7. BDP policy TP12 relates to the historic environment and states that “*Great weight* will be given to the conservation of the City’s heritage assets. Proposals for new development affecting a designated ... heritage asset or its setting will be determined in accordance with national policy” (my emphasis).
- 7.8. The NPPF recognises the value of heritage assets and sets out a framework for considering the potential impacts of proposed development on the significance of a designated heritage asset, also placing “*great weight*” on the asset’s conservation (para. 199).
- 7.9. The application is accompanied by comprehensive statements identifying the significance of the site and assessing the impact of the proposed development on various heritage assets.
- 7.10. The key elements which contribute to the significance of the application site and its setting are: the association with the late 19th century transformation of the city centre as promoted by Joseph Chamberlain; the Corporation St frontage is of exceptional architectural quality and contributes to the diverse architectural quality of the street; and the roofscape contributes positively to the character of the Steelhouse Conservation Area.
- 7.11. I note your Principal Conservation Officer (PCO) is satisfied with the alterations to the frontage buildings within the site which will aid their long-term preservation. I also note he agrees with the conclusions of the Heritage Assessment that the proposed demolition, although relatively large in scale, would relate to the least significant part of the building and consequently the harm would be at a moderate level of less than substantial. This aspect of the scheme would also fail to preserve the special interest of the building as required by the Act.
- 7.12. With regard to the proposed 11 storey extension, this has been the subject of much

discussion with the applicant. As noted above, the proposal would not follow the typical hierarchy of building height and scale within a plot, with the proposed addition being significantly taller and providing more floorspace. Nevertheless, the presence of the substantial Cannon House building, a modern block which adjoins the southern boundary of the site, would form a backdrop for the extension and this, together with some recent amendments to the materials proposed, enables the PCO to conclude that the extension would appear secondary and would recede into the rear of Cannon House. Furthermore, the gap between the rear of the retained historic fabric and the proposed extension has been widened giving good definition between the old and new elements of the resulting building.

- 7.13. In respect of the impact on surrounding Listed buildings and the Steelhouse Conservation Area, the PCO agrees with the conclusions of the Heritage Assessment that less than substantial harm would be caused to a moderate level, despite the alterations to the materials which would provide a degree of mitigation to the harm caused.
- 7.14. I am satisfied that a rigorous process of assessment has been carried out by both the applicant's representatives and the Principal Conservation Officer, considering the impact on the site itself and various heritage assets in the vicinity of the site. I have no reason to differ from your Principal Conservation Officer's conclusions and therefore agree that there is less than substantial harm caused to the significance of the Murdoch and Pitman buildings, to the setting of nearby listed buildings, including the Grade 2 County Court, the Grade 2* Central Hall and the Grade 1 Victoria Law Court, and to the character and appearance of the Steelhouse Conservation Area.
- 7.15. In accordance with para. 202 of the NPPF, where less than substantial harm to the significance of a designated heritage asset is identified, the harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. This balancing exercise is undertaken towards the end of this report.

Sustainability

- 7.16. In broad terms, the site is located within the city centre with excellent access by public transport, walking and cycling. The proposal would bring back into full use largely vacant buildings and the necessary improvements would modernise them thereby securing their use into the future.
- 7.17. Concerning specific sustainability measures, the proposal is supported by a Sustainable Design and Construction Statement, an Energy Statement and other supporting documents, which seek to address BDP policies TP3 and TP4.
- 7.18. An updated Sustainable Design and Construction Statement notes various design features to maximise energy efficiency, conserve water, use sustainable materials in construction and reduce waste. In addition, a BREEAM pre-assessment indicates a score of 62.5% which is equivalent to the 'very good' standard. TP3 requires development to aim for the 'excellent' rating however the Council's guidance note published to assist developers in submitting sustainability documents allows for the 'very good' rating to be met instead with a reasoned justification. In this case, extra credits may have been available but they have not been secured due to the timing of the pre-assessment report. I am satisfied that in this particular case a 'very good' rating would be acceptable.
- 7.19. The Energy Statement and additional information note the limitations of the existing listed buildings in terms of their ability to reduce energy consumption and concentrate on the efficiencies which could be offered in the new-build element instead. Various forms of low and zero carbon energy generation are considered. Further

investigation is required into connection to the District Heating System but if that is not viable then a Variable Refrigerant Flow (VRF) system plus air source heat pumps (ASHP) would best suit the scheme. Implementation of this technology would lead to a carbon saving of 23.6% within the extension and a saving of 19.4% across the whole site. No fossil fuels are proposed within the extension so, as the grid becomes decarbonised, it would become zero carbon in its operation.

Highway safety

- 7.20. Comments made by Transportation Development are noted and I have no reason to disagree with them. The absence of car parking accords with the Birmingham Parking SPD. An amended ground floor plan has been submitted indicating two covered areas for cycle storage.

Safety and security

- 7.21. Although the Murdoch and Pitman buildings front Corporation Street, vehicular access to the site is to the north along a narrow driveway off Newton Street. Concerns have been raised about this access by both West Midlands Fire Service (WMFS) and West Midlands Police (WMP).
- 7.22. WMFS: At 3.47m wide, the drive is below the 3.7m width recommended for emergency vehicle access in the Building Regulations Approved Document B and at approx. 40m long, exceeds the 20m recommended distance for reversing a fire appliance. Following discussion with the applicant, WMFS have confirmed that the drive is wider than the acceptable pinch point width of 3.1m and a fire appliance (2.9m wide with mirrors out) would be able to enter the site in an emergency. Furthermore, reversing an appliance out of the site would be less time-critical and would be managed by WMFS, for example, using spotters or swapping drivers partway through the manoeuvre. The yard area at the rear of the hotel would provide adequate space for firefighting equipment and activity, and the location of the dry risers is acceptable.



Figure 9: Driveway to rear

- 7.23. WMP: The vehicle access currently has a gate which appears to be old and out of use. Ideally the driveway would be properly gated in the interests of security, with access controlled by hotel staff. Given the constraints set out above to ensure adequate and freely available emergency access this is not possible. The rear access is only intended for use by hotel staff and for deliveries/servicing, and lighting

and CCTV are proposed within the rear yard area to improve security in that area.

Other issues

7.24. Viability: Partway through the application process a financial viability report was submitted to justify the need for greater scale. This makes reference to a number of costs including:

- those associated with the retention and refurbishment of the listed buildings, including the costs of dealing with dry rot damage and the retrospective fitting of modern services;
- the need for high quality materials to be used on the new-build element to reflect the historic surroundings;
- the inefficiencies of spreading a hotel across two buildings and the associated duplications of lifts and staircases, for example;
- and the difficulties associated with construction of such a large extension with a very narrow vehicle access and surrounded by historic buildings, with fewer contractors available and thus less competitive pricing.

Reference is also made to the significant impact of the Covid-19 pandemic on the hotel industry and that the development relies on grant aid from the West Midlands Combined Authority in the order of £1.7m.

7.25. Amenity: Comments from HM Courts and Tribunals Service concerning disturbance are noted. Management plans for the demolition and construction periods secured by condition would address this matter in the short term. In the operational phase, the rear access drive would be used for servicing but this is unlikely to be high frequency or excessively noisy such that it would disrupt court hearings. I note Regulatory Services has raised no objections on noise grounds.

7.26. Drainage: The site lies within Flood Zone 1 and is at lowest risk of flooding. Green roofs initially proposed are no longer appropriate due to the change in roof design as part of amended plans to reduce the dominance of the extension. Surface water attenuation will be in the form of below ground oversized pipes and a small geocellular tank in the undercroft loading area.

7.27. Landscaping/biodiversity: Given the location of the site there are minimal opportunities for landscaping but planting beds have been added to the rear yard to soften its appearance.

7.28. CIL/Planning Obligations: The proposal is liable for a Community Infrastructure Levy payment of £130,854.55.

7.29. Birmingham Civic Society comments: I note the reference to a 12-storey extension. I am mindful that the plans show a basement level but above this there are 11 storeys and this is what would be visible above ground.

7.30. Ecology: I am mindful that the proposal involves the demolition of a large and historic wing which has the potential to be used by birds and/or bats. The application is not supported by any ecological surveys however other protected species, such as the Black Redstart, are known to be active in and around other historic buildings in close proximity to the application site. There is also the potential for bat roosts within the existing buildings. A condition could be attached to secure suitable survey work and the implementation of appropriate mitigation measures.

Planning balance

7.31. The proposed development complies with a number of relevant development plan policies including those relating to place-making, the provision of hotels/tourist

facilities, and sustainability. However, the proposals would cause less than substantial harm to the significance of several designated heritage assets. First this harm needs to be weighed against the considerable importance and weight to be applied to the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990 and secondly, there is a conflict with BDP policy TP12 as a result of the harm. TP12 states that “great weight” will be given to the conservation of the City’s heritage assets and that the Council will seek to manage new development in ways which will make a positive contribution to the character of the historic environment. Accordingly, the requirement of para.202 of the NPPF to balance the harm that would be caused to the significance of the setting of the Listed Buildings and Conservation Area against the public benefits offered by the proposal is engaged.

- 7.32. To assist in this balancing exercise, the Planning Statement sets out the following benefits under three headings:

Heritage benefits

- re-use of largely vacant Grade II* Listed Buildings securing their ongoing conservation;
- considerable external repair and reinstatement works including appropriate new shopfronts, which will enhance their significance and contribution to the conservation area;
- comprehensive internal refurbishment including reinstatement of lost features and repair of damaged features;
- improvement of the setting of the buildings through removal of detracting features/structures;
- delivery of a scheme which is sustainable through provision of an active and appropriate use; and
- enhancements to the public realm through repair and reinstatement works.

Economic benefits

- Successful application for grant funding from West Midlands Combined Authority;
- provision of a new hotel supporting business and leisure tourism;
- contribution towards CIL;
- new employment opportunities during operational phase both directly and in the supply chain; and
- construction jobs during the build period both directly and in the supply chain;

Environmental benefits

- Proposed viable use will create vitality and vibrancy in the streetscene;
- high standard of sustainable design and construction;
- promotion of sustainable modes of travel due to accessible location; and
- delivery of an active and appropriate use for the listed buildings with sensitive improvements to performance and thermal efficiency.

- 7.33. I am satisfied that the benefits listed are public rather than private and, in my view, they are sufficient to outweigh the moderate level of less than substantial harm that would be caused by the proposed development to the significance of heritage assets. In reaching this conclusion I have paid particular regard to the following matters:

- The NPPF and BDP place ‘*great weight*’ on the conservation of heritage assets and in this case, the most significant elements of the application properties themselves would be retained and restored in an appropriate manner.

- The degree of less than substantial harm would be at a moderate level and no higher.
- The proposed use is appropriate for a historic building, is supported by BDP policies and is considered acceptable in this location.
- The design of the extension has been refined through negotiations and the submission of several amendments and is now considered to be satisfactory.
- The application period has unfortunately been lengthy and the condition of the buildings has continued to deteriorate.

8. Conclusion

- 8.1. The proposed development would facilitate the restoration of Grade II* Listed Buildings, which are in a deteriorating condition, and would bring them into a viable use which would be appropriate in this location. The harm to the significance of heritage impacts in the vicinity is acknowledged, however the public benefits associated with the proposal are considered strong enough to outweigh that harm.
- 8.2. Conditions recommended by the various consultees are considered to pass the tests for planning conditions set out in the NPPF and are listed below.
- 8.3. The late publishing of the necessary press notice advertising this application means that a decision cannot be issued until the consultation period has finished. A suitable resolution follows.

9. Recommendation

- 9.1. That determination of application 2019/10362/PA be deferred pending the conclusion on 12th May 2022 of the 21-day consultation period associated with the press notice published on 21st April 2022.
- 9.2. In the event that no new material considerations are raised during the consultation period, the application shall be approved subject to the conditions listed below (that may be amended, deleted or added to providing that the amendments do not materially alter the permission).
- 9.3. In the event that new material considerations are received during the consultation period, the application shall be deferred until such time as a revised report can be presented to Members.

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- | | |
|---|--|
| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Requires the prior submission of a construction ecological mitigation plan |
| 3 | Requires the prior submission of a construction employment plan. |
| 4 | Prevents demolition prior to a redevelopment contract being entered into. |
| 5 | Requires the prior submission of a demolition method statement/management plan |
| 6 | Requires the prior submission of a construction method statement/management plan |
| 7 | Requires the prior submission of a Conservation Demolition Method Statement. |
| 8 | Requires the prior submission of a drainage scheme |
| 9 | Requires the submission of a surface water drainage scheme |
-

-
- 10 Mechanical and electrical (M&E) systems strategy and water utilities strategy
 - 11 Requires the submission of architectural details and materials
 - 12 Requires the submission of mechanical and electrical details
 - 13 Requires the submission of details of the Variable Refrigerant Flow system and Air Source Heat Pumps
 - 14 Requires the submission of a Sustainable Drainage Operation and Maintenance Plan
 - 15 Requires the works to the listed building to take place prior to the commencement of the approved use
 - 16 Requires the submission of detached cycle store details
 - 17 Requires the submission of a lighting scheme
 - 18 Requires the submission of a CCTV scheme
 - 19 Requires the submission of hard and/or soft landscape details
 - 20 Requires the submission of roof materials
 - 21 Requires the submission of sample brickwork
 - 22 Requires the submission of roof light details.
 - 23 Requires the submission of dormer window/window frame details.
 - 24 Requires the submission of external doors.
 - 25 Requires the submission of shop front design details.
 - 26 Requires the submission of fixtures and fittings details.
 - 27 Requires the removal of brick pointing to be undertaken by hand tools only.
 - 28 Requires the submission of a BREEAM final certificate
 - 29 Requires the development to be in accordance with the Energy Statement
 - 30 Repair and work to historic fabric
 - 31 Implement within 3 years (Full)
-

Case Officer: Amy Stevenson

Photo(s)

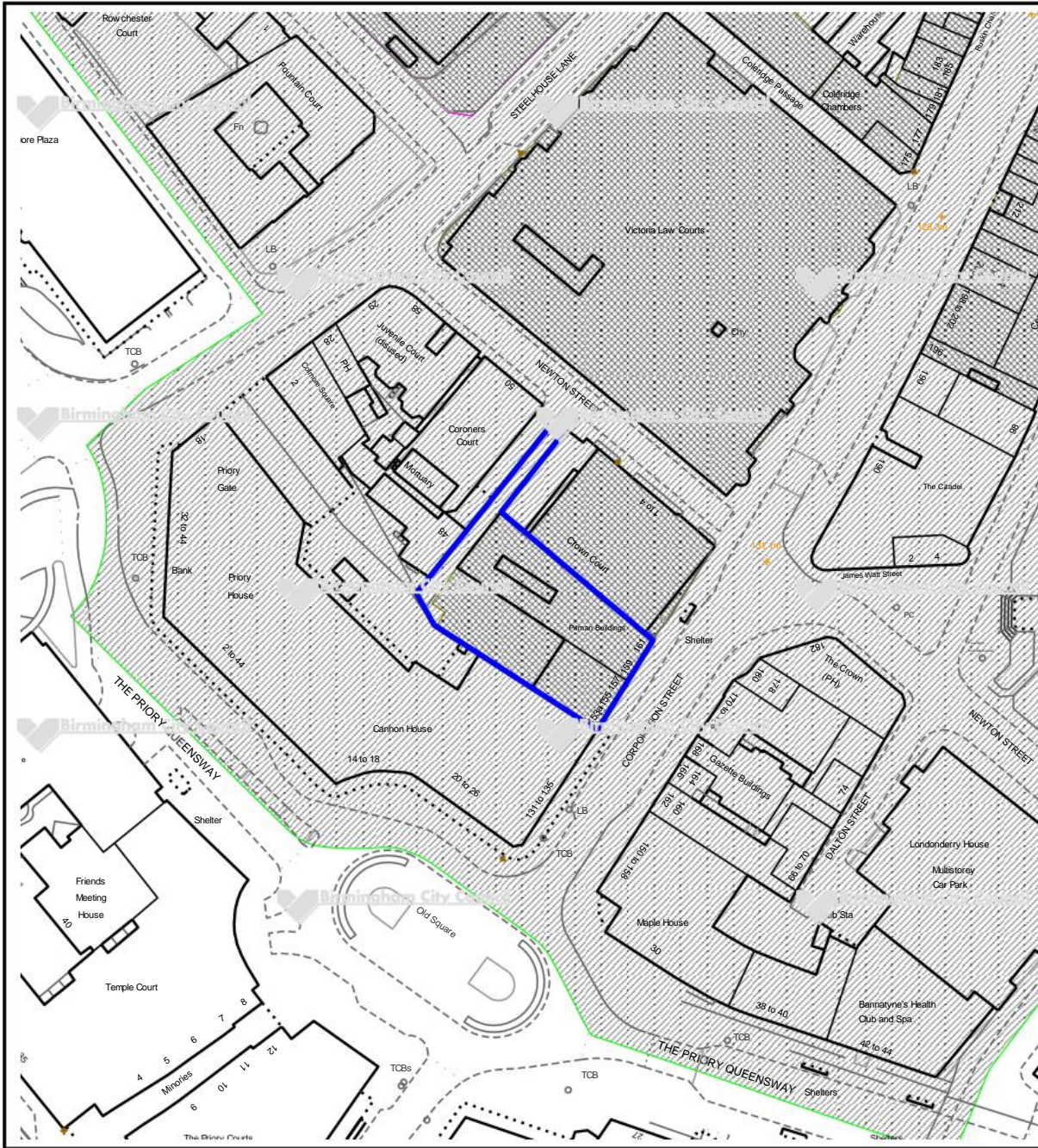


Photo 1: View of site from Newton St (east of site)



Photo 2: Closer view of front elevation

Location Plan



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Committee Date:	28/04/2022	Application Number:	2019/10409/PA
Accepted:	27/12/2019	Application Type:	Listed Building
Target Date:	13/05/2022		
Ward:	Ladywood		

153-161 Corporation Street, Birmingham

Listed Building Consent for part demolition and alterations and construction of new build element to the rear in association with of use to a hotel

Applicant:	Mr Simon Linford c/o agent
Agent:	Mr Gerald Sweeney Crossway, 156 Great Charles Street Queensway, Birmingham, B3 3HN, England

Recommendation

Approve subject to Conditions

1. Proposal

1.1 This application accompanies application 2019/10362/PA for full planning permission for the change of use of the Grade II* listed Murdoch and Pitman Buildings from offices and retail units to an apart-hotel. Overall, the scheme involves repairs and refurbishment of the listed buildings, demolition of a large wing off the rear elevation of the Pitman Building and the erection of an 11 storey extension to the rear of the site.

1.2 Listed Building Consent is sought for the following works:

- new shopfronts and entrance doors to the front elevation, together with installed and repairs made to the terracotta sculpture, timber window frames, brickwork and roofs;
- removal of modern office fittings and repair/reinstatement of original features such as chimneypieces, cornices and doors;
- internal alterations to create a reception, bar/lounge, meeting rooms, kitchen, laundry, gym, meeting rooms and stores on the ground floor, and 28 bedrooms above all with ensuite bathroom; and
- erection of 11-storey extension to rear.

1.3 Supporting documents:

Design and Access Statement	Heritage & Townscape Impact Assessment
Summary of Heritage Impact	Terracotta Details
Structural Stage 2 Report	Ventilation and Flue Strategy
Outline Conservation Specification	Schedule of Accommodation

1.4 [Link to Documents](#)

2. **Site & Surroundings**

- 2.1. The site is located on the west side of Corporation Street with the front elevation abutting the pavement. Vehicular access is available to the rear via a narrow access drive off Newton Street. The site comprises the Grade II* Listed Murdoch and Pitman Buildings which were erected 1896-9 as offices with associated warehousing and were initially occupied by Dean's Furniture Manufactory and Pitman's vegetarian restaurant. The most exceptional architectural feature is the Corporation Street façade in red brick and terracotta.
- 2.2. The site is approx. 0.14ha and currently comprises 3,843sqm gross internal floorspace.
- 2.3. Adjoining the site to the north is the County Court building which is a two-storey Grade II Listed building. To the south is Cannon House, a 1960s eight-storey office block with retail units on the ground floor.
- 2.4. The site lies within the Steelhouse City Centre Conservation Area and a number of statutorily Listed buildings are nearby including the Victoria Law Courts (Grade I), Birmingham Children's Hospital (Grade II) and Methodist Central Hall (Grade II*).
- 2.5. The site is currently owned by the City Council.
- 2.6. [Site Location](#)

3. **Planning History**

- 3.1. 27/12/2019 – 2019/10362/PA - Change of use to apart-hotel (Use Class C1) and part demolition and alterations with construction of new build element to the rear- Awaiting determination.

4. **Consultation Responses**

- 4.1. Principal Conservation Officer: No objection subject to conditions.

The change of use to a hotel is acceptable in principle and is particularly fitting considering the original use as Pitman's Restaurant and Hotel. I am happy that the proposed internal works are acceptable and can be accomplished without causing too much harm. The repair works are detailed in the application but the various details like replacement doors and stairs will need to be conditioned.

The more controversial aspect of the development occurs to the rear of the listed building where the rear wing is to be demolished. I agree with the submitted Heritage Assessment that the rear wing is of relatively low significance compared to the frontage building but that this is a substantial piece of demolition for a Grade 2* building. The assessment considers this to be less than substantial harm at a moderate level and I agree as the most significant part of the building is retained that this falls short of substantial harm. I also agree that by allowing the demolition we are failing to preserve the special interest of the building under the Planning (Listed Buildings and Conservation Areas) Act 1990.

The proposed tower will be considerably taller than the frontage building and could loom over the historic buildings. Whilst it would not be particularly prominent in the most significant views looking along Corporation Street, it would be very prominent in views from Newton Street, both looking from the Crown Court and looking from the side of the Victoria Courts. The heritage assessment concludes that the development would represent less than substantial harm at a moderate degree under

the tests outlined in the NPPF and that the harm would need to be balanced against the benefits of the scheme. The recent changes in the cladding materials of the tower have provided a degree of mitigation to the harm caused, but I would still agree with the conclusion of the Heritage Statement, that the proposals represent less than substantial harm to a moderate degree as they fail to preserve the interest of the listed building.

The development does undoubtedly bring heritage benefits; the most significant part of the building will be retained, the facades and interiors will be repaired and the building will be given a sympathetic, sustainable use. There will be additional, non-heritage related benefits too in terms of employment etc. I feel that there are clear benefits for the elements of the building that are of the highest significance and on balance I am supportive of the proposals.

4.2. Historic England: No objection; conditions recommended.

The construction of a rear accommodation block of a larger height and scale of the principal building is likely to cause less-than-substantial harm to the significance of this Grade II* listed building, as is presented and assessed in the viewpoints within the application's Heritage Statement. It is vital therefore, that the local authority assure themselves of the need for this quantum of additional accommodation and weigh the harm against the public benefits.

The application also makes reference to the design of the rear block, presented as a reflection of the use of terracotta in the conservation area. We note, however, that the finer details of design are not presented in full in the application and that this is intended to be developed after a decision is made. If, after balancing the harm against the public benefits, the local authority is minded to approve this application in its current form, we would strongly advise that these matters of design detail, materials and final appearance, are safeguarded by condition for the approval of the council's expert conservation staff.

Whilst we are pleased to note a future use for the current vacant building, and the various repairs and conservation works intended to the principal Grade II* listed building, much of the detail, specification and method of works are still required to understand the nature and extent of repair works and therefore should be safeguarded via condition for the approval of the Conservation Officer.

In particular, conditions should be applied requiring a full assessment and proposed construction details for the reinstatement of the original shopfront arrangement, to be received prior to the removal of the existing shopfronts.

4.3. The Victorian Society: Supports plans to bring the building back into use, the repair works to the historic fabric and understands the rear block to be demolished has been much altered. However, there is an objection to the substantial rear extension which will overshadow the Listed buildings and have a negative impact on the character and appearance of both the Listed building and the Conservation Area. Its monolithic appearance would contrast with the fine detailing of the historic façade and skyline of the Listed building. The proposal to clad the extension with terracotta 'baguettes' is inappropriate in this location. The rear extension should be subservient to the fine listed building in both massing and design, rather than apparently seeking to dominate it.

5. **Third Party Responses**

5.1. The application has been publicised by the posting of site and press notices, and notification to the BID/Residents' Associations and local Councillors. No responses

received.

6. **Relevant National & Local Policy Context**

6.1. **National Planning Policy Framework**

The following chapters and paragraphs are particularly, but not exclusively, relevant to the proposal:

Chapter 2: Achieving Sustainable Development – paras. 7, 8, 11

Chapter 4: Decision-making – para. 56

Chapter 16: Conserving and enhancing the historic environment – paras. 189, 194, 195, 197, 199, 202, 206

6.2. **Birmingham Development Plan 2017**

PG3 Place making

TP12 Historic environment

6.3. **Supplementary Planning Documents & Guidance**

Regeneration Through Conservation SPG 1999

Snow Hill Master Plan 2015

Access for People with Disabilities SPD 2006

7. **Planning Considerations**

- 7.1. The only material consideration is the impact of the proposed alterations on the special character of the heritage asset, in accordance with S.16 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, which states,

“In considering whether to grant listed building consent for any works the Local Planning Authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”

- 7.2. The key elements which contribute to the significance of the application site and its setting are: the association with the late 19th century transformation of the city centre as promoted by Joseph Chamberlain; the Corporation St frontage is of exceptional architectural quality and contributes to the diverse architectural quality of the street; and the roofscape contributes positively to the character of the Steelhouse Conservation Area.
- 7.3. I note your Principal Conservation Officer (PCO) is satisfied with the alterations to the frontage buildings within the site which will aid their long-term preservation. I also note he agrees with the conclusions of the Heritage Assessment that the proposed demolition, although relatively large in scale, would relate to the least significant part of the building and consequently the harm would be at a moderate level of less than substantial. This aspect of the scheme would also fail to preserve the special interest of the building as required by the Act.
- 7.4. With regard to the proposed 11 storey extension, this has been the subject of much discussion with the applicant. The proposal would not follow the typical hierarchy of building height and scale within a plot, with the proposed addition being significantly taller and providing more floorspace. Nevertheless, the presence of the substantial Cannon House building, a modern block which adjoins the southern boundary of the site, would form a backdrop for the extension and this, together with some recent

amendments to the materials proposed, enables the PCO to conclude that the extension would appear secondary and would recede into the rear of Cannon House. Furthermore, the gap between the rear of the retained historic fabric and the proposed extension has been widened giving good definition between the old and new elements of the resulting building.



CGI showing proposed extension in place

8. **Conclusion**

- 8.1. The proposed alterations, demolition and extension works would facilitate the restoration and re-use of the Grade II* Listed buildings, which are in a deteriorating condition, and would bring them into a viable use. The scheme represents a suitable balance between preserving and restoring the most special features, removing those which are less special, and creating an addition which, although sizeable, would not dominate the Listed Buildings.

9. **Recommendation**

- 9.1. That listed building consent be granted subject to the conditions below.

-
- 1 Requires the scheme to be in accordance with the listed approved plans
 - 2 Prevents demolition prior to a redevelopment contract being entered into
 - 3 Requires the prior submission of a Conservation Demolition Method Statement.
 - 4 Mechanical and electrical (M&E) systems strategy and water utilities strategy
 - 5 Requires submission of building recording
 - 6 Requires the prior submission of details for the protection of architectural details.
 - 7 Requires the submission of roof materials
-

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| 8 | Requires the submission of sample brickwork |
| 9 | Requires the submission of roof light details. |
| 10 | Requires the submission of dormer window/window frame details. |
| 11 | Requires the submission of external doors. |
| 12 | Requires the submission of shop front design details. |
| 13 | Requires the submission of fixtures and fittings details. |
| 14 | Requires the submission of a schedule of existing and new internal joinery details. |
| 15 | Requires the removal of brick pointing to be undertaken by hand tools only. |
| 16 | Repair and work to historic fabric |
| 17 | Implement within 3 years (conservation/listed buildings consent) |
-

Case Officer: Amy Stevenson

Photo(s)

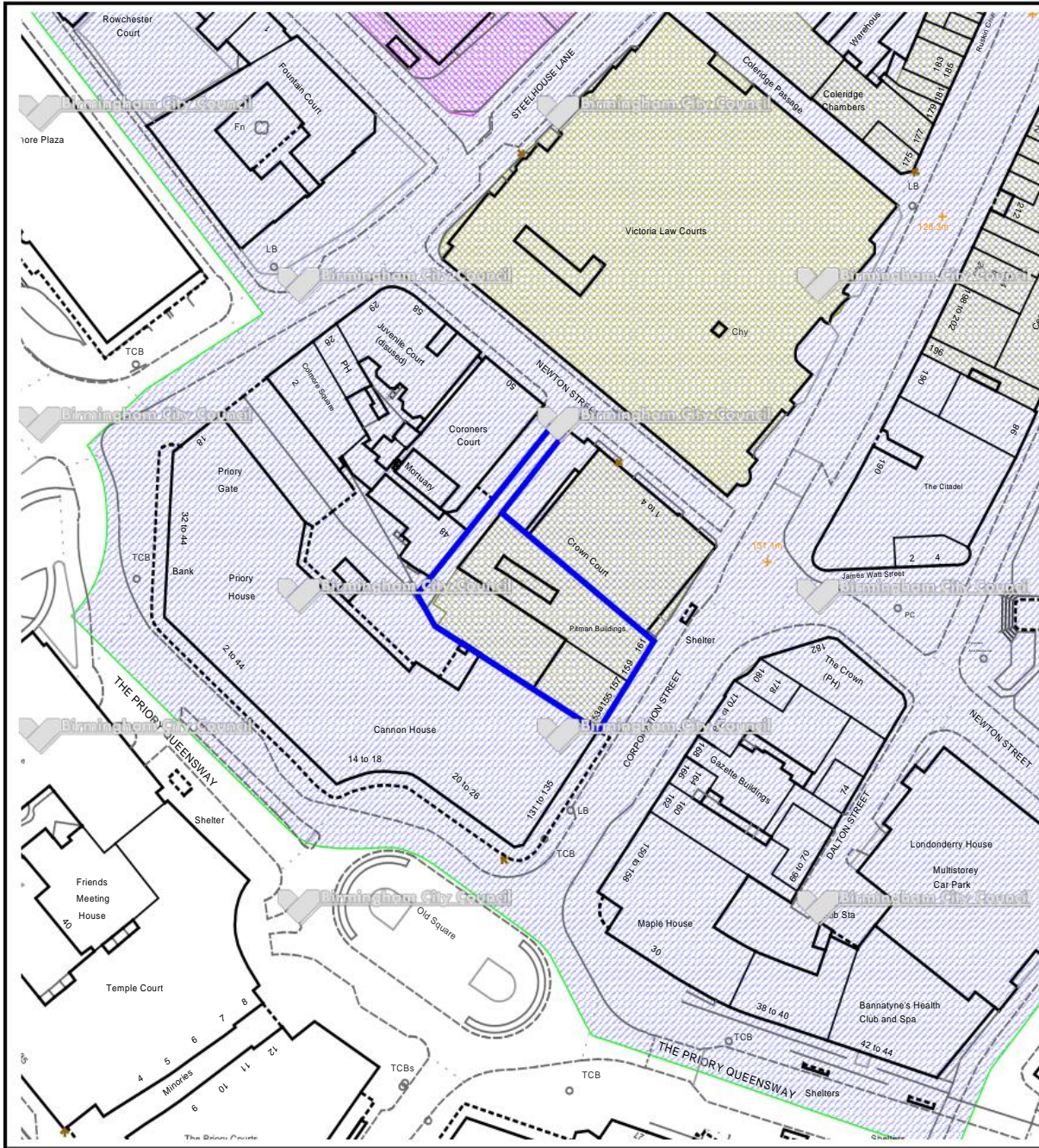


Photo 1: View of site from Newton St (east of site)



Photo 2: Closer view of front elevation

Location Plan



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Committee Date:	28/04/2022	Application Number:	2021/06272/PA
Accepted:	16/09/2021	Application Type:	Full Planning
Target Date:	30/06/2022		
Ward:	Soho & Jewellery Quarter		

Land at 1-4 Key Hill Drive, Nos 2, 54-58 Key Hill and 17-21 Hockley Hill, Jewellery Quarter, Birmingham, B18 5NY

Redevelopment of site to provide a mixed use development comprising of 62 studios and apartments and ground floor commercial units for flexible Class E uses including demolition of existing buildings, conversion of retained buildings and erection of a new 3-5 storey buildings with associated car parking, cycle storage and amenity space.

Applicant:	Mr D Mahony 86 Spencer Street, Jewellery Quarter, Birmingham, B18 6DS
Agent:	PCPT Architects Limited 86 Spencer Street, Jewellery Quarter, Birmingham, B18 6DS

Recommendation

Approve Subject to a Section 106 Legal Agreement

1. Proposal:

- 1.1 This application relates to two parcels of land located opposite each other on Key Hill close to the junction with Hockley Hill and within the Jewellery Quarter Conservation Area. The site is almost entirely covered with buildings two of which are listed Grade II listed. The application proposes the regeneration of the site by way of conversions, extensions and erection of new buildings to provide 62 studios/apartments and ground floor commercial units.



Figure 1: Image of application proposals from Key Hill



Figure 2: Proposed upper ground floor layout

1.2 The proposals comprise the following: -

- Retention of the listed buildings at 17-21 on the north side of Key Hill and conversion to new uses. On the southern part of the site the frontage block at 1-2 Key Hill Drive and former town houses at Nos 3-4 Key Hill would also be retained.
- Demolition of Nos 54-58 Key Hill together with a range of single and two storey workshops to the rear of Nos 1-2 Key Hill Drive.
- Erection of add two additional floors and a 4-storey rear extension to Nos 1-2 Key Hill Drive and a new 4 storey and part 5 storey building on the frontage to Key Hill.

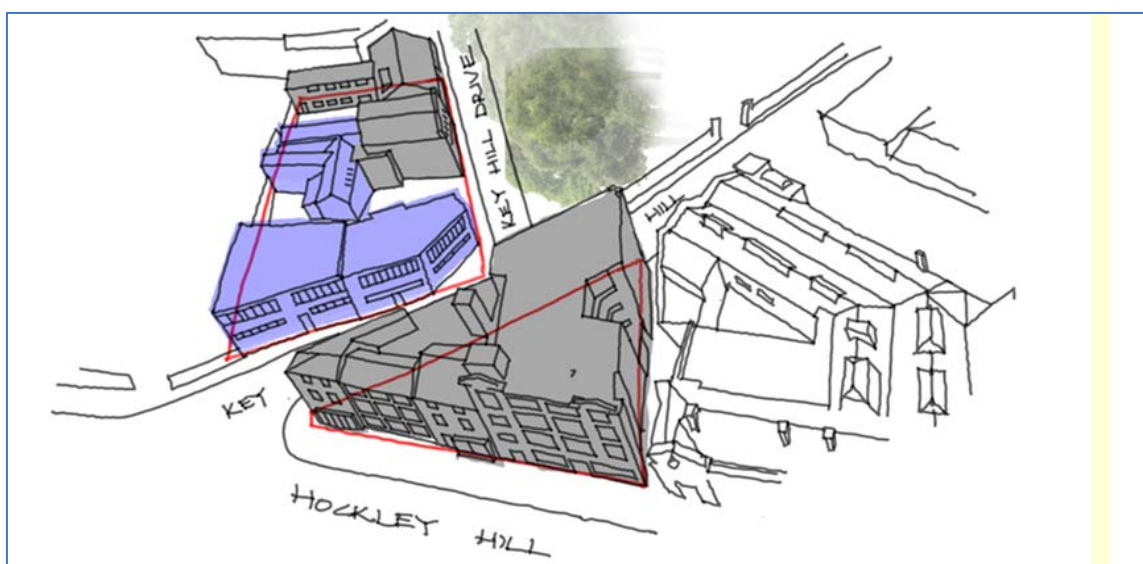


Figure 3: Diagram showing retained buildings in grey and demolitions in purple

1.3 Various restoration works would be undertaken to the retained buildings including repairs and renovations to two listed buildings, alterations to the 1960's infill block to include a new entrance and over cladding the front façade, reinstating the traditional

facades to Victorian properties at 3 and 4 Key Hill Drive and alterations to the shopping wing to the rear of 4 Key Hill Drive including new windows and an external staircase.

- 1.4 Commercial floor space would be retained within the listed Harry Smith buildings at 17-19 Key Hill at basement and ground floor level with the two upper floors being converted to 6 apartments. Within the neighbouring listed Gem Building at 20/21 Hockley Hill all 4 floors would be converted to residential use providing 16 apartments. On the plot opposite, commercial units are proposed at ground floor level on the street frontages with the upper floors providing 36 apartments and the retained former dwellings at 3-4 Key Hill Drive would provide a further 4 dwellings. Overall, the development overall would provide 4,768 sq.m of floor space of which 3,835 sq.m (82%) would be residential accommodation and 933 sq.m (18%) would be for flexible E class uses. The mix of dwellings comprises: -
 - 6 x 1 bed studios (30 – 37 sqm) - 9%
 - 18 - 1 bed x 2 person apartments (50 - 55 sq.m) – 29%
 - 30 - 2 bed x 3 person apartments (60.5 – 62.5 sq.m) – 48%
 - 6 x 3 bed apartments (70 - 87 sq.m) – 9%
 - 2 x 2 bed town houses – 3%
- 1.5 The replacement building proposed at the corner of Key Hill Drive and Key Hill would be a part 4 storeys and part 5 storey. It would be attached to the retained building at 1-2 Key Hill Drive which would be enlarged by a 4-storey rear and two storey roof top extension. The design of the new buildings would provide a grid of large window openings within a red or blue brick frame. The roof form comprises of a mix of flat roofs and set back gables in a dark grey metal cladding. Amenity space for residents is proposed as terraces on the flat roof areas and within two shared courtyard spaces covering 170 sqm. The development would also provide 9 car parking spaces with access from Key Hill Drive and 65 cycle parking spaces.

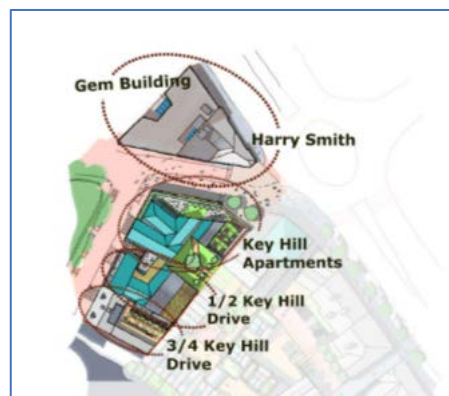


Figure 4: Birds eye view of application proposals and plan of the various buildings



Figure 5: Existing and proposed views from Hockley Hill

- 1.6 Energy statement and sustainable construction statements have been provided stating that it is intended to provide solar collectors, green roofs, water recycling to plants, improve the existing building fabric and upgrade insulation including adding internal insulation to the walls and windows and upgraded glazing to the retained buildings. Other measures to reduce energy usage include energy efficient domestic hot water,

lighting and ventilation. 61% of the development involves the reuse and upgrading of retained buildings.

- 1.7 The application has been supported by a Construction Method Statement, Design and Access Statement, Sustainability & Energy Statement, Noise Impact Assessment, Bat Roost and Ecology Assessment, Sustainable Drainage Assessment and Operation Maintenance Plan, Transport Assessment and Travel Plan, Heritage Statement, Historic Building Assessment, Historic Asset Schedule, Desk Based Contamination Report, Planning Statement and Financial Viability Statement.

- 1.8 [Link to Documents](#)

2. **Site & Surroundings:**

- 2.1 The site lies within and on the northern edge of the Jewellery Quarter Conservation Area. It is formed on two plots located either side of Key Hill. The northern most plot is a triangular site of 0.08 ha at the junction of Key Hill and Hockley Hill occupied by two adjoining Grade II listed buildings. These comprise the Gem Building at 20/21 Hockley Hill and Nos 17/18/19 Hockley Hill former dwellings occupied for many years by the Harry Smith hardware shop. Between the two is a modern late C20th infill block of 3 storeys.

- 2.2 The other plot on the south side of Key Hill and fronting Key Hill Drive covers 0.16 ha. It consists of a series of street frontage buildings with associated workshop ranges to the rear. These comprise 54-58 Key Hill a late C20th office/workshop, 1-2 Key Hill Drive a two-storey former mid C20th industrial building and Nos 3- 4 Key Hill Drive former Victorian town houses with a shopping range behind. There is also a small parking area to the rear of 54-58 Key Hill.

- 2.3 Overall the buildings have been occupied for a variety of commercial uses, but many are now vacant and in a poor state of repair. Some uses remain within the listed buildings, but the Harry Smith hardware shop closed in 2021. The existing floor space at 1-2 Key Hill Drive known as the Lampworks is used as a music/film studio.

- 2.4 There is a mix of uses and vacant plots/buildings adjacent to the site. These include a Post Office sorting/collection office to the north and various commercial uses to the east including a bar/club on the opposite side of Hockley Hill. To the south a high brick wall separates the site from a cleared plot that was previously occupied by the Duke of York grade II listed public house and separate restaurant. To the west on Key Hill Drive is a terrace of former Victorian dwellings more recently used for commercial purposes with several now boarded up and vacant. On the opposite side of Key Hill Drive is a high brick boundary wall enclosing Key Hill Cemetery a Grade II* Registered Historic Park.

- 2.5 [Site Location](#)

3. **Planning History:**

- 3.1 Current - 2021/07305/PA - Listed Building consent for the conversion and refurbishment of buildings to allow the Harry Smith building to be retained as commercial/retail space at basement and ground floor levels with 6 apartments above and for the Gem Buildings to be used as 16 open plan loft studios/duplex apartments.

- 3.2 1/3/21 - 2019/10501/PA – Application withdrawn for redevelopment of site to include demolition of buildings, change of use/refurbishment, alterations and extensions to retained buildings and erection of new 3-6 storey buildings to provide 69 apartments and townhouses, co-live/work studios, B1 employment space, A1 retail space and

A3/A4 cafe/restaurant spaces, D2 leisure space with basement car park and on land at Hylton Street, Key Hill, Hockley Hill, Key Hill Drive & York Terrace.

3.3 2/5/17 - 2017/01520/PA – Planning permission refused for change of use from vacant commercial (Use class B1) into two live/work units at Nos 3-4 Key Hill.

3.4 28/4/17 - 2017/01519/PA – Planning permission refused for change of use from vacant commercial (Use Class B1) into two live/work units at Nos 1-2 Key Hill

4. **Consultation Responses:**

4.1 Transportation – No objection subject to conditions that the highway works to be completed before the development is occupied which will include new footway crossing and reinstatement of redundant ones, cycle parking and car parking to be provided before the development is occupied and requiring a Construction Management Plan prior to any demolition.

4.2 Regulatory Services – Recommend refusal on the grounds that there is the potential for a significant adverse impact on the proposed development from noise which would lead to harm to health and quality of life for future residents. This is due to noise from nearby commercial uses and it would introduce a noise sensitive use in an existing area in circumstances where the resulting residential noise climate may represent a statutory nuisance which may have an adverse impact on the operation of existing businesses. They are concerned that the noise assessment has not considered potential noise from several nearby business premises and from two clubs on Hockley Hill, which are open until 5am. Regulatory Services are content to condition a site investigation, additional ground gas monitoring, hours of opening of the Class E units, delivery times, noise from plant and equipment and extraction system if any of the commercial units was used for cooking food.

4.3 Local Services – As the scheme of over 20 dwellings it is subject to an off-site POS and Play contribution in accordance with the BDP. This equates to £179,375 which would be spent on the provision, improvement and/or biodiversity enhancement of public open space, and the maintenance thereof at New Spring Street POS within the Soho and Jewellery Quarter Ward.

4.4 Lead Local Flood Authority – No objections subject to conditions requiring a detailed sustainable drainage scheme, its implementation and future maintenance.

4.5 Severn Trent Water -No objections subject to a drainage condition being imposed.

4.6 City Design Team - Following the amendments made the design is considered acceptable subject to conditions for details and materials which would need to be of the highest quality. Comments that the proposed new build offers up a mix of uses which will deliver significant regeneration benefits to this corner of the Jewellery Quarter. The intention to rebuild and reverse 3 & 4 Key Hill Drive back to Victorian houses is acceptable and the retention of 1 & 2 Key Hill and incorporate into the commercial at ground floor with residential above is supported as it will include the reuse the building and provide an active frontage. The new development with mostly commercial use on ground floor and residential above is also supported. Proposed buildings have been located back of pavement in line with the strong urban grain. The heights, scale and mass are considered acceptable in line with urban design policy and guidance.

4.7 Conservation – No objection subject to conditions re submission of details, materials and building recording. Comments that the Harry Smith and Gem Building are both Grade 2 listed and externally the buildings will be little altered, and the works are

confined to sympathetic repairs to historic fabric and the reinstatement of lost features. Has some concerns about the proportion of residential to commercial accommodation in the scheme but notes the proposals will repair and repurpose several historic buildings that are presently empty or partly occupied. Most of these buildings are in declining condition and will continue to deteriorate unless this decline is arrested. The proposals will also help to reinvigorate what is currently a rather run-down corner of the Jewellery Quarter and the introduction of some residential accommodation is likely to be positive subject to the applicant justifying this. Recommends that the new build elements are not occupied until the listed buildings have been repaired. Is supportive of the design would recommend approval.

4.8 Historic England – Do not wish to offer any comments

4.9 Birmingham Civic Society - Support the application and have the following comments:

- The proposal was a well thought out proposal for the first phase of regeneration of the Key Hill/Hockley Hill area. The heritage assets (listed buildings and existing older properties) are to be retained and renovated and more modern additions with little merit are to be replaced with new buildings.
- The mixed-use development which accords with the Birmingham Development Plan's aim for the Jewellery Quarter.
- The proposal would make good use of heritage assets and enhance the local economy with up to around 150 new residents, support existing and create new businesses resulting in around 35 jobs. The increased activity would also make the area safer and livelier.
- There is below deck parking 9 spaces and cycle parking for 65 cycles around the site and Great Hampton Street has very regular bus services to the City Centre and north west of the city and beyond. The site is around 400 metres to the Jewellery Quarter railway station and Metro tram stop.
- No Affordable housing is proposed – presumably for viability reasons.
- Design was considered appropriate to the character of the Jewellery Quarter.

4.11 Ecology – No objections subject to conditions. Comment that it is good to see that there is integration of green space within the proposed layout and inclusion of new trees on the road frontage with Key Hill as this will add some greenery at this point extending out from Key Hill Cemetery. Requests conditions for an additional bat survey if demolition does not occur before the end of Feb 2023, scheme of ecological enhancement measures including suitable bat roost features, precautions are taken to protect black redstarts its nesting and foraging areas as well detailed landscaping scheme.

4.12 Education - Request a contribution under Section 106 as the proposal is for at least 20 dwellings and would impact on the provision of places at local schools. The contributions requested total £184,973.63 and would be used towards provision of for nursery, primary and secondary school places.

4.13 West Midlands Police - No objection to raise in relation to the proposed plans, and have the following recommendations:

- That the design of the designs of the buildings and open spaces be to the general principles of Secured by Design
- A lighting scheme and a suitable site-wide CCTV scheme be installed.
- Access controls be provided on all buildings and the commercial units to include entrance / egress points etc to avoid unwanted intruders entering the development.
- A suitable boundary treatment is installed around any roof space to adequately prevent accidental falls over the boundary or intentional attempts to self-harm and any furniture etc be secured.

4. 14 West Midlands Fire Service - Comment that the approval of Building Control will be required under Part B of the Building Regulations 2010.

5. **Third Party Responses:**

- 5.1 Ward Councillors, MP, residents associations, residents and businesses notified of the application and site/press notices displayed.

- 5.2 4 letters received making the following objections and comments: -

- Existing commercial businesses in Key Hill Drive object to the residential development as is likely to adversely affect their business activities which include manufacturing early in the morning, deliveries and loading/unloading. Point out that there is no turning area, so vehicles reverse down Key Hill Drive.
- 9 parking spaces for 62 residential units is insufficient. Residents and businesses will all be after the limited parking on street which is already in full use. Notwithstanding the impact of the CAZ the reality is that people still use cars.
- The submitted transport statement seems to assume there are 31 car parking whereas the plans only show 9 spaces, so it has no validity.
- The Jewellery Quarter Conservation Area Character Appraisal and Management Plan shows the site as lying within the "Golden Triangle" where there is a presumption against residential development.
- The application properties are not derelict nor empty nor being incapable of commercial use. They have a variety of users, many in the creative sector, that forms part of the Jewellery Quarter growth/expansion plan and need of protection and assistance.
- An application for change of use to live/work at 3 & 4 Key Hill Drive was refused in May 2017 due to the impact of existing commercial and entertainment uses on future occupiers. The reasons for refusal are still applicable.
- Nos 1&2 Key Hill Drive are currently used as space for filmmakers, music videos, photographers, visual creators, dancers etc. This is something we want to continue. It also has use of 3-4 Key Hill Drive for parking which is still needed.
- No 5 Key Hill Drive shares party walls with No 4 and its commercial operation and could be adversely affected by any change of use to residential.
- The site adjoins the Hockley Hill Delivery Office and Royal Mail is concerned that the proposed use of the Gem Building as apartments would introduce residential neighbours immediately opposite with habitable rooms across three floors overlooking the Royal Mail yard. This could lead to noise complaints from residents regarding their use of the site particularly from vehicular movements in the early hours of the morning as work commences from 5am.
- The submitted noise report identifies the need for acoustic glazing with alternative ventilation as the windows will need to be closed in order to meet the internal noise levels. If planning permission is granted therefore request it is subject to conditions including provision and implementation of a detailed scheme of noise insulation measures.
- Also request condition for a construction management plan so that free and unobstructed access is maintained for Royal Mail operations, during both the construction period and future occupation.
- The owner of the adjoining vacant plot comments that there are references in the in the planning application and design statement to connections to their site and it is forming Phase two of the development. They advise that this will not be possible due to the sites being in different ownerships.

6. **Relevant National & Local Policy Context:**

- 6.1 National Planning Policy Framework

The following paragraphs are particularly, but not exclusively, relevant to the scheme:

Chapter 2: Achieving Sustainable Development – paras. 7, 8, 11, 13
 Chapter 4: Decision-making – paras. 47, 55, 56, 57,58
 Chapter 8: Promoting healthy and safe communities – paras. 92, 98
 Chapter 9: Promoting sustainable transport – para. 110
 Chapter 11: Making effective use of land – paras. 120, 124, 125
 Chapter 12: Achieving well-designed places – paras. 126, 127, 129,130,
 Chapter 14: Meeting the challenge of climate change, flooding and coastal change
 paras.152
 Chapter 15: Conserving and enhancing the natural environment – paras. 174, 180,
 183, 185, 186, 187
 Chapter 16: Conserving and enhancing the historic environment – paras. 189, 190,
 194,195,197, 199, 201, 202, 203, 204, 206, 208.

6.2 Birmingham Development Plan 2017:

The application site falls within the City Centre Growth Area identified in policy GA1 and for Jewellery Quarter it seeks to create an urban village supporting the areas unique heritage with the introduction of an appropriate mix of uses. The following Policies are particularly, but not exclusively, relevant to the proposal:

PG1 Overall levels of growth
 PG3 Place making
 GA1.3 The Quarters
 TP1 Reducing the City's carbon footprint
 TP2 Adapting to climate change
 TP3 Sustainable construction
 TP4 Low and zero carbon energy generation
 TP6 Management of flood risk and water resources
 TP7 Green infrastructure network
 TP8 Biodiversity and Geodiversity
 TP9 Open space, playing fields and allotments
 TP12 Historic environment
 TP21 The network and hierarchy of centres
 TP24 Promotion of diversity of uses within centres
 TP26 Local employment
 TP27 Sustainable neighbourhoods
 TP28 The location of new housing
 TP30 The type, size and density of new housing
 TP31 Affordable housing
 TP37 Health
 TP38 A sustainable transport network
 TP39 Walking
 TP40 Cycling
 TP43 Low emission vehicles
 TP47 Developer contributions

6.3 Development Management DPD:

DM1 Air quality
 DM2 Amenity
 DM3 Land affected by contamination, instability, and hazardous substances
 DM4 Landscaping and trees
 DM5 Light pollution
 DM6 Noise and vibration
 DM10 Standards for residential development
 DM14 Transport access and safety
 DM15 Parking and servicing

6.4 Supplementary Planning Documents & Guidance:

Jewellery Quarter Conservation Area Character Appraisal and Management Plan
Jewellery Quarter Conservation Area Design Guide,
Draft Jewellery Quarter Neighbourhood Plan
Conservation Through Regeneration SPD;
Places for All SPG
Places for Living SPG
Birmingham Parking SPD (2021)
Public Open Space in New Residential Development SPD (2007)

7. **Planning Considerations:**

- 7.1 The main material considerations are: the principle of the development, the demolition proposed, the suitability of the layout, building heights and designs, the proposed dwelling mix and standards of residential amenity, the impact on heritage assets, noise and the impact on neighbouring development and transportation matters.

Principle

- 7.2 Planning (Listed Buildings and Conservation Areas) Act 1990 gives a statutory requirement under Sections 66 and 72 and to pay special attention to the desirability of preserving or enhancing the character or appearance and setting of listed buildings and conservation areas. BDP policy TP12 relates to the historic environment and states that great weight will be given to the conservation of the City's heritage assets. The Jewellery Quarter Conservation Area Character Appraisal and Management Plan SPG shows the application site as being within the Golden Triangle. The document states that the loss of traditional trades has left vacant premises in Hylton Street and Key Hill Drive leaving a core "at risk" and proposals for residential development could dilute the traditional character of the conservation area. Thus Policy 2.2 states that the Council will not normally permit new residential uses, whether by conversion of existing buildings or new build in the area.
- 7.3 The application site has been used most recently for employment purposes and commercial uses, including retail, workshops, a night club and for car sales. Most of the floorspace is currently unoccupied apart from the film studio at 1-2 Key Hill and music rehearsal space in part of the Gem Building. Whilst the BDP seeks to create an urban village within the Jewellery Quarter it also seeks to support the areas unique industrial heritage and therefore residential development is not normally supported in this part of the Conservation Area.
- 7.4 The proposed scheme would provide a mix of uses with ground and basement commercial units covering 933 sq.m (18%) but most of the development would provide residential accommodation at 3,835 sq.m (82%) in the form of 62 new residential units. The applicant's comments that this would deliver new homes as required by PG1 of the BDP and that 66% of the floor space makes use of existing buildings including listed buildings. The buildings are currently in a state of disrepair and the proposals would better reveal their significance, enable them to accommodate viable new uses and enhance the character and appearance of the Conservation Area. However due to the high costs of their refurbishment they claim residential floorspace is required to provide a viable development.
- 7.5 Planning policies for the site give some support for the development in that the listed buildings would be restored, the street frontage buildings improved, the modern additions removed and the appearance of a prominent site at one of the entrances to the Jewellery Quarter would be enhanced. This part of the Jewellery Quarter has been neglected for many years and was identified in the 2002 JQ Conservation Area Appraisal and Management Plan as being partly occupied by buildings in a poor condition. Since then plot to south of the site has also been cleared following the

demolition of the former Public House and restaurant building which has also added to the rundown appearance of the area. It is also accepted that there is only a 3.5-year supply of housing land below the requirement for a supply of 5 years.

- 7.6 The need to regenerate this area has also been identified in the Jewellery Quarter Neighbourhood Plan published for consultation in 2020. It identifies a new Economic Zone for the Jewellery Quarter replacing the Industrial Middle and Golden Tringle which includes the southern part of the application site. The Neighbourhood Plan gives special protection to the Economic Character Zone, as home to an important concentration of character buildings, jewellery and manufacturing trades. It seeks to support the retention of existing commercial floorspace but recognises that there are some opportunities for redevelopment. It states proposals should maintain at least the existing quantum of commercial uses and any residential development permitted as 'enabling' by conversion of existing premises or new build will only be supported where:
- i. They are part of mixed-use developments which make a positive contribution to the Economic Character Zone's economic vitality by providing space suitable for jewellery and creative industries
 - ii. They make a positive contribution to the character and appearance of the Conservation Area and/or significance of heritage assets
 - iii. In all cases residential uses shall not make up more than 50% of the gross internal area.
- 7.7 The JQ neighbourhood plan is at an early stage in the adoption process and can therefore only be given limited weight. It does however propose a more flexible approach towards residential development in the Golden Triangle and Industrial Middle as part of a mixed use scheme provided it includes space for jewellery and creative industries, offers benefits to the character and appearance of the conservation area and allows a viable scheme to come forward. This development would however only deliver 18% of the floorspace for commercial uses so there would be a loss of business floor space from the area.
- 7.8 The applicants point out that they are proposing to provide ground floor commercial units and the existing creative businesses on the site can be accommodated within the scheme design once the development is complete if terms are agreed between both parties. The applicant notes that all the current commercial space needs investment and that their proposals would double the size of that currently in occupation. Notwithstanding this, the loss of employment floor space from the site and its replacement with a largely residential development would result in a degree of harm to the Conservation Area. This therefore needs to be weighed against other material considerations, including whether any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the development plan taken as a whole including any public benefits resulting from the development as required by Para 201 of the NPPF. These matters are set out further in section 8 below.

Demolition

- 7.9 The proposals require the demolition of 54-58 Key Hill, a vacant 1960's block of former workshops and a 1990's two storey extension and single storey workshop to the rear of Nos 1-2 Key Hill Drive. The buildings are not listed or locally listed although are within the conservation area where there is a presumption against the demolition of existing buildings. The conservation officer comments that although representative of their time they are not of significance which contribute strongly to the character and appearance of the area. He considers they have a neutral contribution to the Conservation Area and subject to a suitable replacement being brought forward considers their loss to be acceptable.



Figure 6: Views of buildings to be demolished

Layout

- 7.10 The layout on the northern half of the site occupied by the listed buildings would remain un-changed but the uses would be altered to residential apart from the basement and ground floor of the Harry Smith building which would be retained in commercial use. The conservation officer notes that this is contrary to the Jewellery Quarter Conservation Management Plan but could support the uses proposed in the Harry Smith Building as these would have been the historic uses, it keeps the active frontages and the shopfronts can remain unaltered. Historically the ground floor of the Gem Building would however have been offices with retail units shop windows facing Hockley Hill. He therefore has some concern over the loss of retail space as it provided activity to the street before the long run of inactive frontages running down to Hockley Circus. This contributed positively to the vitality of the area Conservation Area and therefore the likely loss of active frontages due to the proposed residential use would cause some harm which would be less than substantial to the significance of this heritage asset. The city design officer has expressed similar concerns.



Figure 7: Lower and upper ground floor plans with commercial space in dark blue

- 7.11 The applicant has responded that commercial floorspace has not be retained at ground floor level in the Gem Building due to physical difficulties in making the space accessible, that the demand and value of retail units in the area is very low and that there are considerable costs involved in restoring the Gem Building. To address the issues raised that residential uses will make the ground floor inactive the two

apartments fronting Hockley Hill have been designed as duplex units so that living areas can be provided at street level. The existing roller shutter's that cover the shop fronts will also be removed. These points are noted but the less than substantial harm caused will need to be weighed against the public benefits.

- 7.12 The layout for the southern part of the site proposes buildings located back of pavement to provide a strong urban grain and continuous built form to the Key Hill frontage apart from a slight set back to allow a small area of hard landscaping to be provided. Active frontages are proposed at ground floor level in the form of new commercial units as well as the retention and extension of the existing commercial floorspace at 1-2 Key Hill Drive. The frontage blocks would have two wings at the rear enclosing a landscaped courtyard located above a basement parking area with access from Key Hill Drive. Nos 3-4 Key Hill Drive and the rear shopping wing would be restored and converted to residential use and sit in their own small courtyard area. This layout is generally acceptable and appropriate for the site although it should be noted that majority of the new build is residential accommodation which will need to be justified.

Building Heights and Design

- 7.13 The JQ Management Plan normally limits the height new buildings to a maximum of 4 storeys and the JQ Design Guide seeks to maintain the subtle variety of roofline. The new build is predominantly 4 storeys (above a basement) but the rear wings partly reduce to a height of 3 storeys and a section of the building above the site entrance on Key Hill would be partly 5 storey and there are also a series of gable end set back from the street on the roof area. The buildings heights proposed generally comply with the Design Guide and although a small part of the development would provide 5 storeys it is appropriate.
- 7.14 The conservation officer notes the building exceeds the usual 2 to 4 storeys seen in the Jewellery Quarter but the proposals have an interesting roofscape and do not appear unduly tall in this location. The city design officer also considers that the roof form would add diversity of roofscape and be acceptable subject to suitable materials being used. Some amendments have been made to the proposals to provide a cat slide roof to the Key Hill Elevation, the omission of a floor to the rear of 1-2 Key Hill Drive and to alter the colour of roof material to dark grey metal which are improvements. The terraces would be set back from the street and hidden behind a parapet to ensure they would not be visible from the street.



Figure 8: View of proposals from Key Hill

- 7.15 The design of the new apartment buildings on the corner of Key Hill and Key Hill Drive has a grid based on a principal set of brick pilasters and large windows set within deep reveals. At ground floor level the commercial units have larger floor to ceiling windows to provide activity to the street. The materials would be red/orange and blue bricks arranged to include brick patterning and fluted brick columns. At 1-2 Key Hill Drive the

existing brick industrial façade would be retained at ground and first floor level and the modern infill section between the listed Harry Smith and Gem Buildings would be remodelled and reclad.

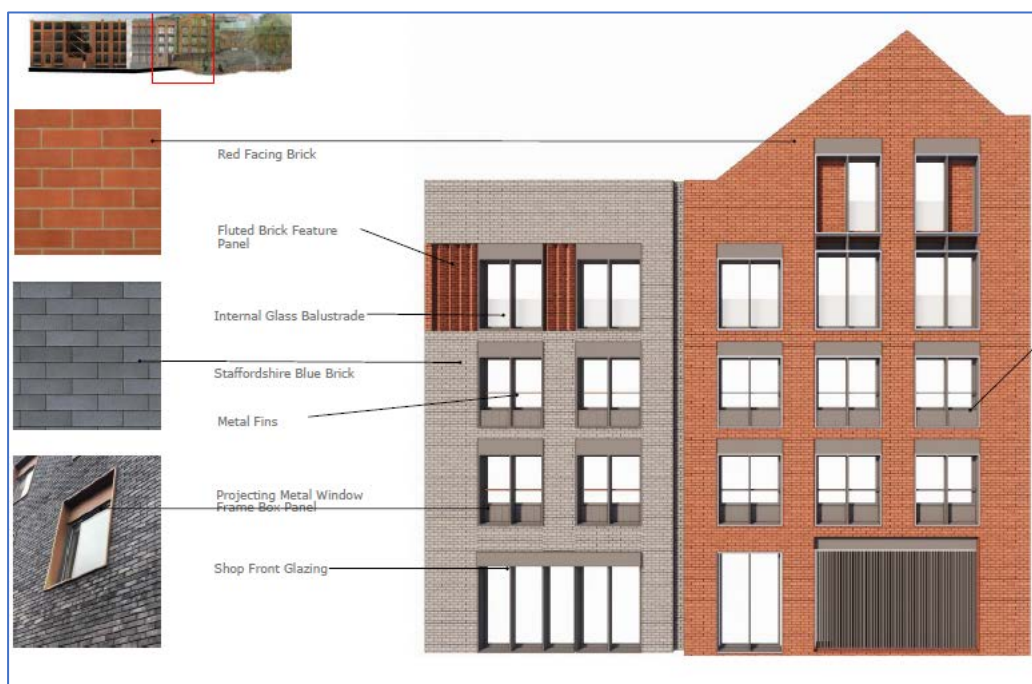


Figure 9: Proposed materials and detailing

- 7.16 The city design officer comments that as the scale has now been reduced it is considered to in keeping with the general character of the Jewellery Quarter and he supports the use of the red/orange and blue bricks to create interest. He also supports the diminishing proportions of windows and considers there is a rhythm and symmetry of elevations which works quite well. Further details such as the brick recesses and patterns would need to be covered via conditions. The conservation officer also considers the design and windows to be well proportioned with projecting metal frames giving the building a clean contemporary look. Overall the design of the new buildings is considered to be appropriate.
- 7.17 At 3 Key Hill Drive elevations would be restored back to their original design removing the poor quality alterations undertaken including the ground floor roller shutter and restoring the window and detailing to match No 4. The shopping wing to the rear would also be renovated and have new windows and detailing. These alterations are welcomed and would improve the appearance of the terrace. The listed buildings would also be renovated including replacing several upvc windows and reinstating blocked openings and the light wells on the street.
- 7.18 Sustainable measures to be provided as part of the development include solar collectors, green roofs, water recycling and a sustainable drainage scheme. Improvements to the existing building fabric and would also be undertaken to upgrade insulation to the walls and windows. The intended renovations with improvements in fabric performance would reduce energy usage of the buildings along with new energy efficient domestic hot water, lighting and ventilation. As the development involves the reuse of existing buildings this is also a significant sustainable measure.

Dwelling Mix and Residential Amenity

- 7.19 The development would provide 62 studios and apartments comprising 6 x 1 bed studios (9%) 18 x 1 bed apartments (29%), 30 x 2 bed apartments (48%), 6 x 3 bed apartments (9%) and 2 x 2 bed town houses (3%). The mix is weighted to larger units

which is supported. All the dwellings would comply with the Nationally Described Space Standards apart from 2 studios within the retained shopping wing to the rear of 4 Key Hill Drive. Although at 30 sqm these studios are very small and well below the minimum standard for a one bed unit at 37 sqm they make use of an existing shopping wing which is to be renovated and restored. Due to these circumstances, the benefits of providing a new use for the shopping wing and that there is a good mix of dwelling sizes overall, this is considered that this is acceptable in this instance.

- 7.20 The separation distances between windows in the rear wings either side of the courtyard amenity space is 11.5 metres but within the existing courtyard area to the rear of 3-4 Key Hill Drive the separation distances between windowed elevations would be only 5.9 metres. This is partly due to the position of the existing shopping wing and it is not uncommon in the Jewellery Quarter for there to be tight courtyard spaces. The development includes a further new shared courtyard space for residents within the southern part of the site above the basement car park and several of the apartments on the top floor also have their own private terrace. Key Hill Cemetery also provides a green open space opposite the site so overall the amenity space provided as part of the development is appropriate.

Impact on Heritage Assets

- 7.21 The paragraphs above relating to the principle of development, demolition and design of the new buildings have commented on their impact on the JQ conservation area. The works to retain and re-use the listed buildings and other retained buildings on the site are relatively minor and will not affect their significance or setting. Regarding the impact on other heritage assets, opposite the site lies the Grade II* Registered Historic Park and Garden known as Key Hill Cemetery. The development is not considered to cause any harm to the significance or setting of this heritage asset which is separated from the site by a high brick wall. The applicant has also offered to contribute of £60,000 towards its improvement and maintenance as part of the Section 106 offer.
- 7.22 With regard to the mix of uses and their impact on the wider conservation area it has been concluded that while the development would comply with several of the relevant BDP policies which seek to create a vibrant and mixed-use urban neighbourhood there would however also be a number of conflicts between the proposals and development plan policies as they seek to support the manufacturing and commercial activities in the Golden Triangle section of the Jewellery Quarter. The degree of harm will be less than substantial and must be afforded significant importance and weight and engages the presumption against the development. It also gives rise to conflict with policy TP12 of the development plan. Therefore, in accordance with paragraph 201 of the NPPF the less than substantial harm needs to be weighed against the public benefits of the development which are covered section 8 of this report.

Noise and impact on neighbouring uses

- 7.23 Objections have been received to the development from Regulatory Services on the grounds that there is the potential for a significant adverse impact on the proposed development from noise from a number of metal melting and finishing businesses on Hylton Street/Vyse Street, a metal plating works on Key Hill Drive and from clubs and bars that operate in the early hours on Hockley Hill. In addition, objections have been received from local businesses in Key Hill Drive and from Royal Mail who are concerned about possible disturbance from the adjacent sorting office.
- 7.24 A noise report has been submitted with the application to quantify and assess existing noise sources in the area which are largely from road traffic on Hockley Hill/Great Hampton Street and vehicles using the Royal Mail Delivery Office. The report recommends installation of upgraded glazing and ventilation systems for the proposed

apartments with appropriate insulation for the commercial units and limits on plant noise. The measures proposed in the report are supported by consultants acting for the Royal Mail and conditions are recommended to require that these measures are provided.

- 7.25 Further information regarding noise has also been submitted to address the objections raised by owners of local businesses in the area. It states that that continuous noise monitoring has been carried out to capture the worst-case sound pressure levels from industrial/commercial premises that occur during weekday and weekend period within the surrounding development area including from the Royal Mail sorting office. Mitigation treatment has been provided based on the worst-case sound pressure levels measured at the proposed development site. This is in the form of acoustic glazing and ventilation. The proposals also optimise the internal location of sensitive rooms within the proposed development away from the commercial sound.
- 7.26 The applicant's noise consultant also advises that their monitoring would have picked up any noise from the metal melting and finishing businesses on Hylton Street/Vyse Street, the metal plating works on Key Hill Drive and from clubs and bars that operate in the early hours on Hockley Hill. These businesses are some distance from the site with the metal finishing business on Hylton Street being located about 50 metres away. The closest bar on Hockley Hill lies opposite the listed buildings but is separated from the site by 5 lanes of traffic and the other bar at 5 Hockley Hill is approximately 70 metres south of the site.
- 7.27 Objections have been received from the owners of several of the commercial properties in Key Hill Drive that occupy the former Victorian terraced houses and buildings to the rear for business purposes. They are concerned that the introduction of residential accommodation into the area would threaten their business operations. These businesses have adapted the use of the former terraced dwellings for workshop use but several are vacant and boarded up including no 5 adjacent to the site. At the southern end of Key Hill Drive properties at No's 17 – 20 have already been converted to residential use following prior approval consents so there are already other residential uses in the street.
- 7.28 The noise report submitted with the application took background readings of noise levels from the site and did not find these businesses create noise nuisance that would preclude residential development being provided on the application site. The few businesses remaining in Key Hill Drive are small scale due to the nature of the building which also do not benefit from any on-site parking or delivery space. Key Hill is also a narrow road with no turning areas and therefore the buildings are not suitable for large scale commercial operations. It is not considered that the use of the application site for residential development would threaten the use of these remaining businesses. It is also proposed that the ground floor 3 and 4 Key Hill would be used for Class E activities which would offer some separation if 5 Key Hill was reused for employment purposes.
- 7.29 The objectors also mention that planning permission has previously been refused for the use of Nos 1-4 Key Hill Drive as live work units in 2017 on the grounds of noise disturbance however this was due to the presence of a night club which at the time operated from 54-57 Key Hill and had a licence until 4am. The club was also accessed from the private car park adjacent to number 1 Key Hill Drive and thus the presence of the club was considered likely to cause significant adverse impact on the amenity of residential occupiers at site. There was also the concern that the recording studio within the Gem Building also was likely to cause disturbance to residents. The night club has since closed and the car park and the Gem Building all form part of the current application so that these potentially noisy uses would be removed as a result of the development.

- 7.30 It is therefore considered that circumstances have changes since the previous refusals and that the remaining business in the area are unlikely to cause undue disturbance to residents of the development subject to the noise mitigation measures recommended in the noise report being provided.

Transportation Matters

- 7.31 An objection has been raised to the amount of car and cycle parking provided and local businesses are concerned this could lead to issues over the use of the limited on street parking in the area. The site however lies in Zone A as shown in the recently adopted Parking SPD. This states that in Zone A only disabled user car parking will be expected to be provided. There will be a preference for car free development unless there is a demonstration of clear need for car parking provision and the maximum provision would be 1 space per 10 residential units.
- 7.32 This application was submitted prior to the adoption of the parking SPD and Transportation therefore raise no objections to the 9 spaces being provided. The applicant also comments that one of the spaces would be for disabled persons and it is intended that the other 8 spaces would be provided as a car share/pool enterprise for electric cars with priority booking to residents/occupiers.
- 7.33 The site lies within the clear air zone and close to the city centre core and is accessible to all key facilities via pedestrian and cycle routes. There is also a frequent train/metro service from the Jewellery Quarter station which is easy walking distance. Since there would be limited parking available the site is likely to only generate a small number of vehicle trips during the peak hour periods and as such will not cause any significant impact on the local highway network. A condition can be imposed that 100% cycle parking is to be provided. No objections are therefore raised to the development on highway grounds.

Other Matters

- 7.34 The Council's ecologist recommends conditions are imposed to require a detailed landscape scheme, further bats surveys if demolition has not taken place by February 2023, a precautionary approach to demolition to investigate the presence of black red starts and that ecological enhancement features are provided. He is pleased that the proposals show integration of green space and planting areas within the layout and include new trees on the road frontage with Key Hill as this will add some greenery at this point extending out from Key Hill Cemetery.
- 7.35 No objections have been raised by West Midlands Police to the development and conditions can be imposed to require a suitable lighting scheme and CCTV. The application is not in a high value area where CIL is payable.

Planning Obligations

- 7.36 The BDP requires 35% affordable dwellings on site for developments of 15 dwellings or more and either on site public open space or contributions towards off site provision for developments of 20 or more dwellings. The applicant has submitted a viability report with the application which has been independently assessed by the Council's consultant. They conclude that the development can provide the following and still achieve a benchmark profit of 20% on GDV: -.
- 5,022 sq. ft (467 sq.m) of affordable workspace at a 30% discount on market values to qualifying businesses
 - £60,000 off site contribution towards Public Open Space
 - £127,000 Section 106 contribution

- 7.37 The applicant has agreed to the £60,000 POS contribution which would be used towards improvements to Key Hill cemetery which lies opposite the site. They have also agreed that 50% of the commercial floor space which equates to 467 sqm can be made available to the creative industries at a 30% discount of market values which equates to a subsidy of about £144,000. Although planning policies would normally require affordable housing it is recommended that affordable workspace is provided instead to help to sustain policies regarding the protection of employment uses and jewellery businesses in the Golden Triangle. There would be a greater likelihood of the commercial floor space being let if some was provided at a discounted rent as it could then provide suitable space for small start-up businesses and also help compensate of the loss of existing employment floor space from the site. Furthermore in order for this development to contribute to the character and appearance of the conservation area it is important that the commercial floor space is let and is occupied therefore if some subsidised space is provided this may widen the range and number of businesses that could occupy the units. This is a fair and justifiable and meets the necessity tests set out in the CIL Regulations.
- 7.38 The applicant however does not consider that it is possible for the development to provide the additional £127,000 at this stage in the light of the uncertain nature of costs involved in the reinstatement of heritage assets, the uncertainty surrounding construction cost inflation and as values in this part of the Jewellery Quarter are untested. The applicant strongly refutes that the full reinstatement of heritage assets can be delivered within the cost constraints suggested in viability report provided by the Council's consultants. They consider this would put at risk the full restoration of the buildings including the replacement of windows and brickwork currently inconsistent with the original design of the buildings and the extensive repairs and upgrading of heritage assets to make them suitable for re-use. As is usual in conservation work, predicting its extent is an inexact science and the applicants consider that the provision of the further £127,000 Section 106 contribution could leave the development critically short of funds to deliver best conservation practice. They therefore propose that that the payment of £127,000, is deferred until a post-completion cost review is undertaken.
- 7.39 The viability appraisals currently have an estimate of £600,000 for the works to restore the two listed buildings including renovating the shop windows, the large number of cast iron windows on the Gem Building, pavement lights, doors, stall riser lights, eyebrow windows and for the replacement of uPVC which detract from the building. Costs could increase once work commences and the buildings are subject to more detailed surveys and investigations. It is therefore agreed that a further assessment of the actual costs takes place on completion and that if the works fall within the £600,000 estimate then the £127,000 (index linked) Section 106 contribution should be provided which would be used for public realm improvements such as replacing the pavements in front of the listed buildings with blue bricks. If the costs of the restoration work are greater than the £600,000 then the further contributions would be reconsidered and reassessed with the contribution payable adjusted, as required, to provide a viable development. This is an acceptable way forward in this instance.
- 7.40 Contributions have also been requested to fund additional school places but the viability assessment demonstrates that the development could not afford to fund this request as well as providing affordable workspace and an off-site contribution for Key Hill Cemetery which are of a greater priority. CIL contributions, when payable, can also be used towards education facilities.

8.0 The Planning Balance:

- 8.1 The development would comply with several of the relevant BDP policies relating to the re-use of urban land, delivering more housing to meet the current shortfall, promotion of mixed-use development within the City Centre and creating sustainable

and high-quality new places. It could also meet some of the objectives set out for the Jewellery Quarter in the BDP to create a vibrant and mixed-use urban neighbourhood supporting its unique heritage. However there are also a number of conflicts between the application proposals and the development plan policies in that the BDP and Jewellery Quarter Management Plan seeks to support manufacturing and jewellery related businesses in the Golden Triangle part of the Jewellery Quarter and would not therefore normally allow new residential development in this location. Policy TP12 of the BDP also requires great weight will be given to the conservation of the City's heritage assets. Accordingly, the development is contrary to the development plan strategy and the JQ Management Plan when considered as a whole. The conflict with the Development Plan policies and the "less than substantial harm" caused to the significance of designated heritage assets needs to be weighed against the public benefits of the proposals and these include the following: -

8.2 Heritage Benefits

- Restoration and refurbishment and finding new uses for underused listed buildings that could fall into disrepair.
- Refurbishment and reuse of the former Victorian dwellings and shopping wing
- Retention and refurbishment of Nos 1 and 2 Key Hill
- Removal of the existing low-quality building from the site which currently detract from the architectural quality and historic townscape character of the conservation area.
- Removal of the gap in the street frontage and providing built form and sense of enclosure along Key Hill Drive
- Provision of new buildings reflecting the character and appearance of traditional buildings within the Conservation Area

8.3 Economic Benefits.

- Upgrading the existing ground floor commercial floor space and providing new commercial activity to street frontages
- Creating local employment opportunities and up to 35 FTE
- Providing affordable workspace for the creative industries at a discount on market rents.
- Increasing spending power for the local economy, through the additional number of persons occupying the site helping to sustain shops and other businesses in the Jewellery Quarter.
- Rejuvenation a prominent site at one of the main approaches to the Jewellery Quarter has that been under used for many years encouraging other regeneration opportunities

8.4 Housing

- Providing 62 studios and apartments to help address the shortfall in housing supply within the City.
- Delivering of a broad range of apartment types and sizes to create a diverse community

8.5 Design

- Replacing a poorly designed workshop with high quality new buildings that would provide variety to elevations and roofline and reintroduce several architectural features which are characteristic of the conservation area
- Providing large windows at ground floor level to provide activity and surveillance to the street frontages.

8.6 Sustainability

- Reuse of existing buildings with 61% of the development involving the reuse of existing structures

- Regeneration of a brownfield site close to the City centre core and good accessibility by means other than the car via pedestrian and cycle routes, bus and train services nearby
- Would provide buildings designed to reduce energy use and carbon including use of water efficiency measures and sustainable materials
- Providing cycle storage facilities and electric vehicle charging points.
- Provision of a sustainable drainage scheme

8.7 **Ecology**

- Inclusion of suitable native planting, bird/bat boxes and green infrastructure which would enhance the biodiversity of the site which currently has little ecological value.
- Providing contributions towards improvements to Key Hill Cemetery

8.8 These public benefits in developing the site as proposed are considered to outweigh the 'less than substantial harm' to heritage assets. It is however recommended that the retained buildings are restored and renovated and available for use prior to 50% of the new apartments being occupied to ensure that the public benefits identified are delivered.

9. **Conclusion:**

9.1 The development proposal would be contrary to the development plan, having regard to section 38(6) of the Planning and Compulsory Purchase Act 2004. Moreover, it would give rise to "less than substantial harm" to heritage assets. These are factors that weigh against the development. The application proposals have therefore required a careful balancing of the objections to the development and harm caused to heritage assets against the public benefits of allowing this largely residential development within the Golden Triangle part of Jewellery Quarter Conservation Area. The proposals would allow the restoration and improvement of several existing buildings on the site frontages including those that are not listed and would provide viable new uses including commercial floor space at ground floor level. The applicant's viability appraisal shows that in order to provide a viable development of the site a mixed-use development including dwellings is required.

9.2 Although the concerns regarding the loss of commercial floorspace from the site and potential impact on existing businesses are acknowledged in my judgement it has been demonstrated that the residential led nature of the development is necessary to deliver the benefits the development offers in terms restoring and finding viable uses for the existing buildings. The new buildings and extension proposed are of a high-quality design and would enhance the appearance of the conservation area. Although the loss of employment floor space would cause less than substantial harm to heritage assets this would be outweighed by the public benefits. This scheme can therefore be supported subject to the Section 106 obligation and conditions recommended below: -

10. **Recommendation:**

- 10.1 That application 2021/06272/PA be APPROVED subject to the completion of a Section 106 legal agreement to secure:
- The on-site provision of 467 sqm of floor space for use by jewellery, creative industries and similar businesses at a 30% discount of market in perpetuity
 - That the affordable workspace and other commercial floor space is provided in accordance with an agreed specification and timescale
 - The off-site contribution of £60,000 (index linked to the date of the committee resolution) towards improvements to Key Hill cemetery
 - A review of the costs of the works to renovate and repair the listed buildings following completion of the work with a further payment of £127,000 (index linked to the date of the committee resolution) being paid if restoration works have cost

£600,000 or below. If the works have cost greater than £600,000 then the contributions payable would be reassessed and adjusted, as required, to provide a viable development.

- Payment of an off-site contribution of £127,000 (index linked to the date of the committee resolution) if required, towards public realm improvements in the vicinity of the site.
- Payment of a monitoring and administration fee associated with the legal agreement of 3.5% of the value of the public realm contribution and affordable housing provision subject to a maximum of £10,000.

10.2 In the absence of a suitable legal agreement being completed to the satisfaction of the Local Planning Authority on or before 30 June 2022 or such later date as may be authorised by officers under powers hereby delegated, planning permission be refused for the following reasons: -

- In the absence of a legal agreement to secure on site affordable workspace the proposal conflicts with Policies PG3, GA1.3, and TP12 of the Birmingham Development Plan 2017, the Jewellery Quarter Conservation Area Character Appraisal and Management Plan SPG 2002 and the NPPF.
- In the absence of a legal agreement to secure contributions towards off site public realm and public open space improvements the proposal conflicts with Policies GA1.3, PG3, TP9, TP39 and TP47 of the Birmingham Development Plan and the National Planning Policy Framework.

10.3 That the City Solicitor be authorised to prepare, seal and complete the appropriate legal agreement.

10.4. That in the event of an appropriate legal agreement being completed to the satisfaction of the Local Planning Authority by the 30 June 2022 or such later date as may be authorised by officers under powers, planning permission for application 2021/06272/PA be APPROVED, subject to the conditions listed below:-

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- | | |
|---|---|
| 1 | Requires the prior submission of a phasing plan |
| 2 | Requires the prior submission of Structural Recording |
| 3 | Requires the prior submission of details of the repairs works to the listed and retained buildings. |
| 4 | Requires the prior submission of a construction employment plan |
| 5 | Prevents demolition prior to a redevelopment contract being entered into |
| 6 | Requires the prior submission of a demolition method statement to ensure protection of the retained buildings. |
| 7 | Requires the prior submission of a legally protected species and habitat protection plan |
| 8 | Requires the prior submission of a demolition method statement and management plan |
| 9 | Requires the prior submission of an additional bat survey if demolition has not been carried out by February 2023 |
-

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- 10 Requires the prior submission of contamination remediation scheme on a phased basis
 - 11 Requires the submission of a contaminated land verification report
 - 12 Requires the prior submission of a construction method statement/management plan
 - 13 Requires submission of the noise mitigation and ventilation measures
 - 14 Requires the prior submission of a Sustainable Drainage scheme in a phased manner
 - 15 Requires the submission prior to occupation of the properties of a Sustainable Drainage Operation and Maintenance Plan
 - 16 Requires the submission of samples and details of materials
 - 17 Requires the prior submission of sample materials.
 - 18 Requires the submission of sample brickwork
 - 19 Requires submission of the commercial units facade design.
 - 20 Requires the submission of hard surfacing materials
 - 21 Requires the submission of boundary treatment details
 - 22 Requires the submission of hard and/or soft landscape details
 - 23 Requires the submission of a lighting scheme
 - 24 Requires the submission of cycle storage details in a phased manner
 - 25 Requires the parking area to be laid out prior to use
 - 26 Requires the submission of details of pavement boundary
 - 27 Requires the submission of a residential travel plan
 - 28 Requires the applicants to sign-up to the Birmingham Connected Business Travel Network
 - 29 Requires the provision of a vehicle charging point
 - 30 Limits the noise levels for Plant and Machinery
 - 31 Requires the prior submission of noise insulation
 - 32 Limits delivery time of goods to or from the commercial/retail units to 8am-8pm
 - 33 Limits the hours of use of the commercial/retail units to 7am -11pm
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- 34 Requires the prior submission of any pv panels, av's, plant enclosure, flues, lift overruns to be installed on the roof
 - 35 Requires the submission of a CCTV scheme
 - 36 Requires the glazing to the commercial units to be clear and not obstructed
 - 37 Requires a further noise assessment for some class E uses
 - 38 Requires the submission of details of refuse storage
 - 39 Requires the submission of a scheme for ecological and biodiversity enhancement measures
 - 40 Requires the prior submission of details of bird/bat boxes
 - 41 To ensure energy and sustainability measures are delivered in accordance with the submitted details
 - 42 Requires the floor commercial space to be used for Class E Purposes only.
 - 43 Requires the works to repair and restore the listed buildings to take place prior to the occupation of 50% of the new apartments.
 - 44 Requires the scheme to be in accordance with the listed approved plans
 - 45 Implement within 3 years (Full)
-

Case Officer: Lesley Sheldrake

Photo(s)



Photo 1 – Aerial view of site and surroundings



Photo 2: View of site with listed buildings to the right and buildings to be demolished to the left



Photo 3: View of site looking up Key Hill towards Hockley Hill



Photo 4: View of site looking along Key Hill Drive

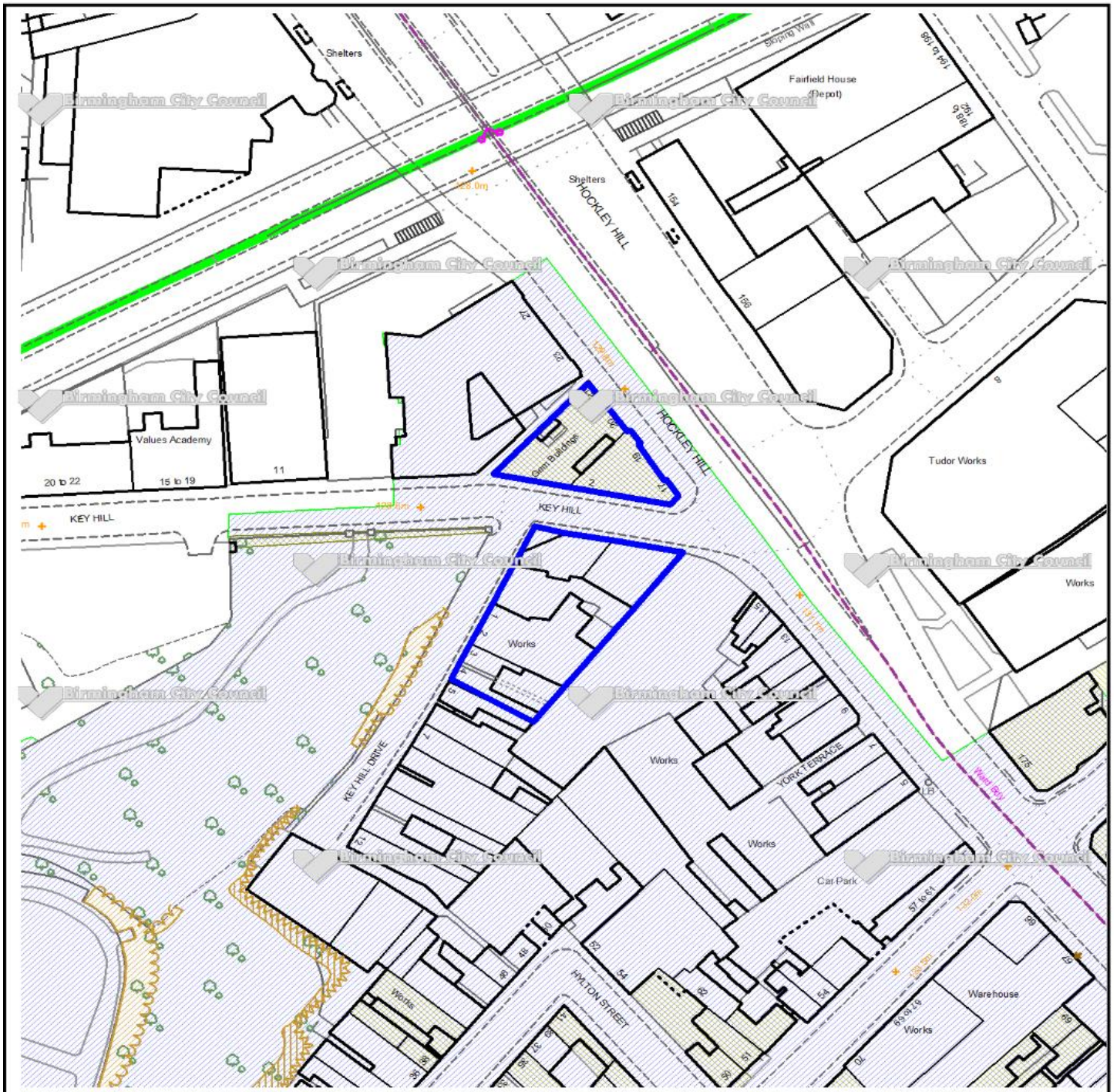


Photo 5: View of listed Harry Smith and Gem Buildings from Hockley Hill



Photo 6: View of Nos 1-4 Key Hill Drive and neighbouring building at 5 Key Hill Drive

Location Plan



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Committee Date:	28/04/2022	Application Number:	2022/02874/PA
Accepted:	05/04/2022	Application Type:	Advertisement
Target Date:	31/05/2022		
Ward:	Bordesley & Highgate		

Smallbrook Queensway Buildings, Smallbrook Queensway,
Birmingham,

Display of non-illuminated wrap signage at four locations on building

Applicant:	Commercial Estates Group C/o Agent
Agent:	Turley 9 Colmore Row, Birmingham, B3 2BJ

Recommendation

Approve Temporary

1. **Proposal:**

- 1.1 This is an application for Advertisement Consent for the erection of four non-illuminated 'wrap' advertisements on to the Ringway Centre buildings.
- 1.2 The advertisements are made from a Mesh PVC stretched over a stainless-steel wire system fixed to the building. The wires are fixed to the building façade by drilling holes (max 100mm deep) at intervals around the perimeter, a bolt is then fixed (chemfix) which holds a bracket to enable a steel wire system to be stretched across to affix the wrap.
- 1.3 Timber frames and cut outs will also be included to allow for the projecting light troughs on the building façade, which will remain in place.
- 1.4 Each advertisement displays the text and branding for the 'Be Bold' campaign.
- 1.5 [Link to Documents](#)

2. **Site & Surroundings:**

- 2.1 The Ringway Centre is around 240m in its entirety including SBQ 1,2, 3&4, the four buildings that make up the Ringway Centre complex. A significant proportion of the upper storey office and commercial ground/lower ground spaces are currently vacant.
- 2.2 The application building is concrete framed with textured concrete panels across the façade of most of the building, across the frontage are large metal framed glazed windows and projecting concrete uplighters. The bridge section over Hurst Street varies in design, with larger glazing elements and projecting concrete floor, supported on columns over the road. At street level are recessed commercial premises with shop fronts along the building's frontage with Smallbrook Queensway, many of these are currently boarded up. The western end of the block is abutted by another building and the eastern end is clad in concrete panels.
- 2.4 The whole of the Ringway Centre (1958-1960) is Locally Listed Grade B and the site benefits from a Certificate of Immunity from Listing.



Figure 1; Existing Ringway Centre, looking from East along Smallbrook Queensway

- 2.5 The surrounding area is made up of a mixture of hotel, entertainment and retail uses along with residential. The Holiday Inn is situated on the northern side of the Queensway between Beetham Tower and Hill Street, with retail units at ground floor. Centre City, a tower with a lower level podium marks the opposite corner of Hill Street with ground floor retail with offices above (the Grade B Locally Listed Norfolk House). The Bullring Shopping Centre is situated to the east beyond Dudley Street. Birmingham's China Town is situated to the south with a mix of restaurants, entertainment venues and a multi-storey car park. The Arcadian is adjacent and also provides a mix of entertainment venues including a hotel, in addition to ground floor retail, food and entertainment uses. The Hippodrome theatre is situated further south with Birmingham's LGBTQ+ village beyond. That.

- 2.8 [Site location](#)

3. **Planning History:**

- 3.1 2016/06617/PA - Demolition of existing buildings SBQ1 and SBQ2; construction of part 9 part 26 storey building, plus rooftop enclosures and basement level; containing 309 residential units on the upper floors with ground floor entrances, retail/leisure (Use Classes A1-) Approve subject to conditions 26/05/2017
- 3.2 2016/06618/PA - Demolition of building SBQ2; and recladding, refurbishment and extension of building SBQ3&4 to include an increase in height by two storeys, rooftop plant enclosures and rear extension at first floor level. Development to provide Class B1(a) offices – Approve subject to conditions. 26/05/2017
- 3.3 Case Reference: 1476808 - Certificate of Immunity from Listing (Issued by Historic England) 11.02.2022

4. **Consultation Responses:**

- 4.1 BCC Transportation – to be reported as an update
- 4.2 BCC Conservation – to be reported as an update
- 4.3 Southside BID – to be reported as an update

4.4 Amenity Societies – to be reported as an update

5. **Third Party Responses:**

5.1 The application has been publicised by the erection of a site notice within the vicinity of the site.

5.2 No representations have been received to date

6. **Relevant National & Local Policy Context:**

a. National Planning Policy Framework

Section 12: Achieving well designed places - Paragraph 136

Section 16; Conserving and enhancing the historic environment Paragraph 189-208

b. Birmingham Development Plan 2017

PG3; Place making

TP12: Historic Environment

c. Development Management DPD 2021

DM7; Advertisements

DM14: Transport access and safety

d. Supplementary Planning Documents & Guidance:

Large format banner advertisements (2008) SPD; National Design Guide (2019); Planning Practice Guidance (PPG);

7. **Planning Considerations:**

7.1 Advertisements are controlled with reference to their effect on amenity and public safety only and so are the key issues in the consideration of this application. As advised in the National Planning Policy Practice Guidance *“buildings which are being renovated or are undergoing major structural work and which have scaffolding or netting around them may be considered suitable as temporary sites for shroud advertisements or large ‘wrap’ advertisements covering the face, or part of the face, of the building”*. The application site is not currently undergoing any renovation or structural work., However, the application site is a very prominent building on a key route (anticipated to be a formal designated route) that will be heavily used throughout the Commonwealth Games to the Smithfield area where events are being held within the City Centre.

7.2 *Advert 1* - Is the largest of the advertisements. It is 14m high and 235m wide, stretching the full width of the Ringway Centre complex facing Smallbrook Queensway (north elevation). positioned 6m above ground level. This has a purple background displaying multicoloured letters that reflect the ‘be bold campaign’

Advert 2 - is 14m high and 40m wide positioned across the width of the Hurst Street bridge link on the southern elevation. It has a green background and reflects the be bold campaign, referring to Birmingham hosting the Commonwealth Games.

Advert 4 - is 5m high and 20m wide positioned 4m from ground level on the east Edgbaston Street frontage.



Figure 2. Advert 1, 2 and 4 seen from Smallbrook Queensway

Advert 3 - is 14m high and 15m wide positioned on the east elevation of the main SBQ4 block, closest to the Bull Ring end of the complex. The sign is blue and displays the 'be bold' campaign text and branding.



Figure 3. Advert 3 viewed from Hurst Street

Impact upon amenity including heritage assets

- 7.3 The building benefits from a certificate of immunity issued by Historic England in February 2022, this prevents the building form becoming statutory listed (for 5 years). Historic England confirm within the certificate that whilst the building is of merit it does not have the high degree of architectural quality required for a building of this date and type to be listed. In addition, the building has been altered and although a prominent example of the post-War development by a notable architect, this historic interest is not sufficient for the building to merit listing. Nonetheless, the Ringway Centre is a Locally Listed building (B) which acknowledges the contribution that the building makes to the city wide architectural context and the impact on the local street scene and warrants positive efforts to ensure its preservation and is therefore

considered to be a non-designated heritage asset.

- 7.4 Guidance in relation to this type of advertisement states that proposals should respect the scale of their surrounding location and that large poster hoardings, which are often part of the fabric of the commercial and industrial areas, are usually out of place anywhere else. It also states that poster advertising is out of place in any predominantly residential area and should not normally be allowed. The Council's large format banner advertisements SPD states that these types of adverts should only be used on buildings with scaffolding and in those instances no elevation should normally contain an advertisement element greater than 500sq.m in area or 40% of the scaffolded elevation, whichever is the lesser. Adverts that exceed these limits are usually considered to be visually intrusive in the street frontage.
- 7.5 In all instances the proposed adverts are not being used to improve the visual amenity of a building under renovation/construction and are not attached to scaffold. Proposed adverts 2, 3 and 4 are smaller or just over 500sqm, and advert 3 takes up less than 40% of the southern elevation. However, advert 2 and 3 whilst smaller do cover almost the entirety of the eastern elevation of the building. Advert 1 substantially exceeds 500sqm and covers 100% of the northern elevation of the building. Moreover, adverts 1, 2 and 4 when viewed from the east, would have a cumulative visual impact. The proposed adverts are bright and intentionally bold, aligning with the branding of the campaign 'be bold'. The proposal is therefore likely to be visually very prominent. Notwithstanding, the application site is within the City centre core and is a mixed-use area in character, therefore this is the kind of location that large format banners can be acceptable, on a temporary basis.
- 7.6 The proposal will also substantially change the appearance of a locally listed (grade B) building. Elements of the building's significance will still be discernible including its scale and broad sweeping nature however the external architectural details would be hidden on the north and eastern elevations diminishing the ability to appreciate these features or visibly associated them with surrounding architecture. Despite this, the building will remain intact in its entirety, the wrap is temporary and reversible and any damage caused by fixing the wire system can be repaired. However, this is considered to cause harm to the significance of the asset. In accordance with Paragraph 203 of the NPPF (2021) a balanced judgement will be required, having regard to the scale of harm and the significance of the heritage asset.
- 7.7 Advertisement consent is as standard granted on a temporary basis for 5 years, this is to prevent the deterioration and over proliferation of advertisements that can have a cumulatively adverse impact on the visual amenity of an area. However, large format banners such as this, should be removed as soon as the associated development is complete or within 1 year, whichever is lesser, as set out in the Council's SPD. In this instance, the applicant has applied for a temporary period of 3 years. Given the issues highlighted above (visual prominence, heritage harm) along with the fact that there is no associated development at this time and the Commonwealth Games is for a very short period, 3 years is excessive. A temporary period of 12 months is acceptable. After which time the adverts and the wire system should be removed and any necessary repairs made to the façade of the building.

Impact upon Highway Safety

- 7.8 The wraps on all elevations are located between 4-6m above ground level they are also fixed close to the building and so would not overhang the public highway to a degree that could cause a highway safety concern.

8. Conclusion

- 8.1 The proposed adverts are individually and cumulatively, visually very prominent. They are on a very large and prominent building and exceed the size guidance set

out in Large Format Banners (2008) SPD. They are not associated with any exiting renovation works. The proposed adverts would also have low-moderate harm to a non-designated heritage asset (Ringway Centre) by masking its architectural features, substantially changing the visual character of the building and its relationship to the ring road and surrounding area.

- 8.2 However, the application site is in the city centre core in a mixed-use area where large format banners can be acceptable. The proposals are temporary and reversible. Most importantly, the adverts are linked to a significant cultural event happening in the city, the Commonwealth Games, displaying the branding of the event on a key (anticipated to be designated) route through the city during the games.
- 8.3 Therefore whilst the proposal would not normally be acceptable on balance there is justification in this instance, to allow the banners on a temporary basis.

9. **Recommendation:**

Grant temporary approval subject to:

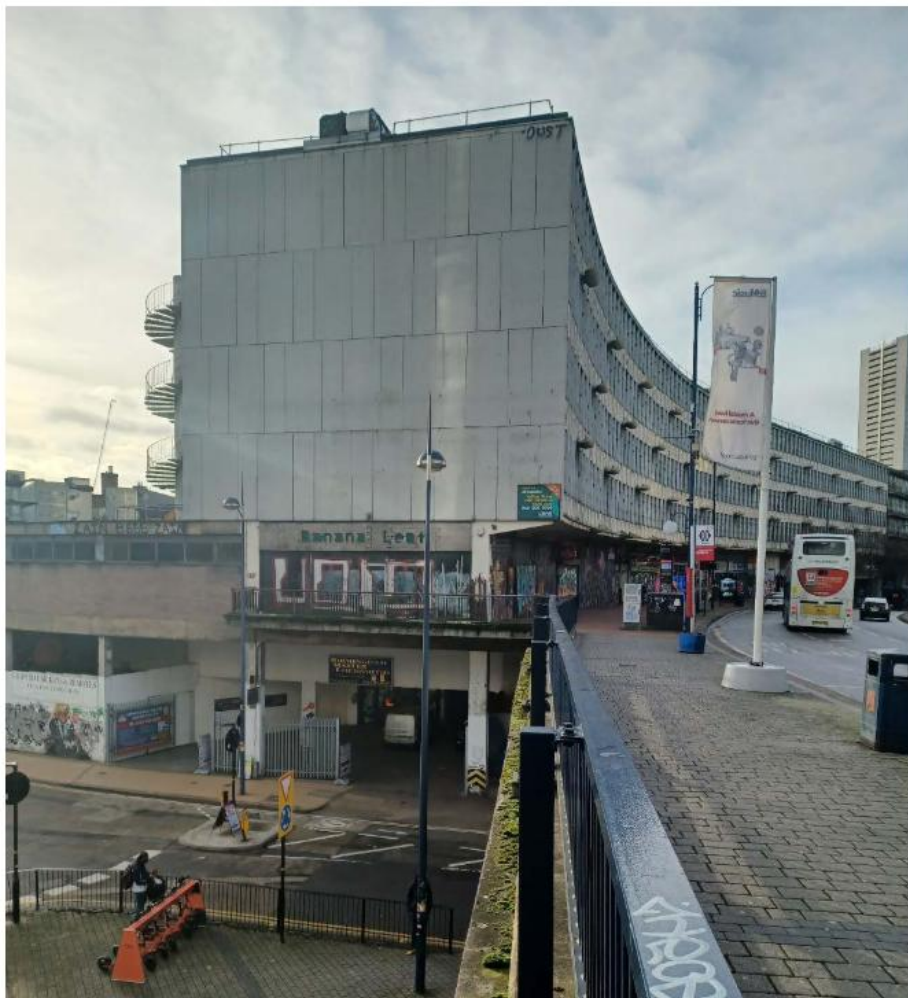
- a) the below conditions and;
- b) No further objections received raising new material planning considerations after 03rd May 2022

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- | | |
|---|--|
| 1 | Limits the approval to 1 year (advert) |
| 2 | Requires permission be obtained for siting the advertisement |
| 3 | Advertisement not to hinder road signage and use |
| 4 | Advertisement condition to be maintained |
| 5 | Advertisement condition not to endanger public |
| 6 | Maintain condition of site after advertisement removal |
-

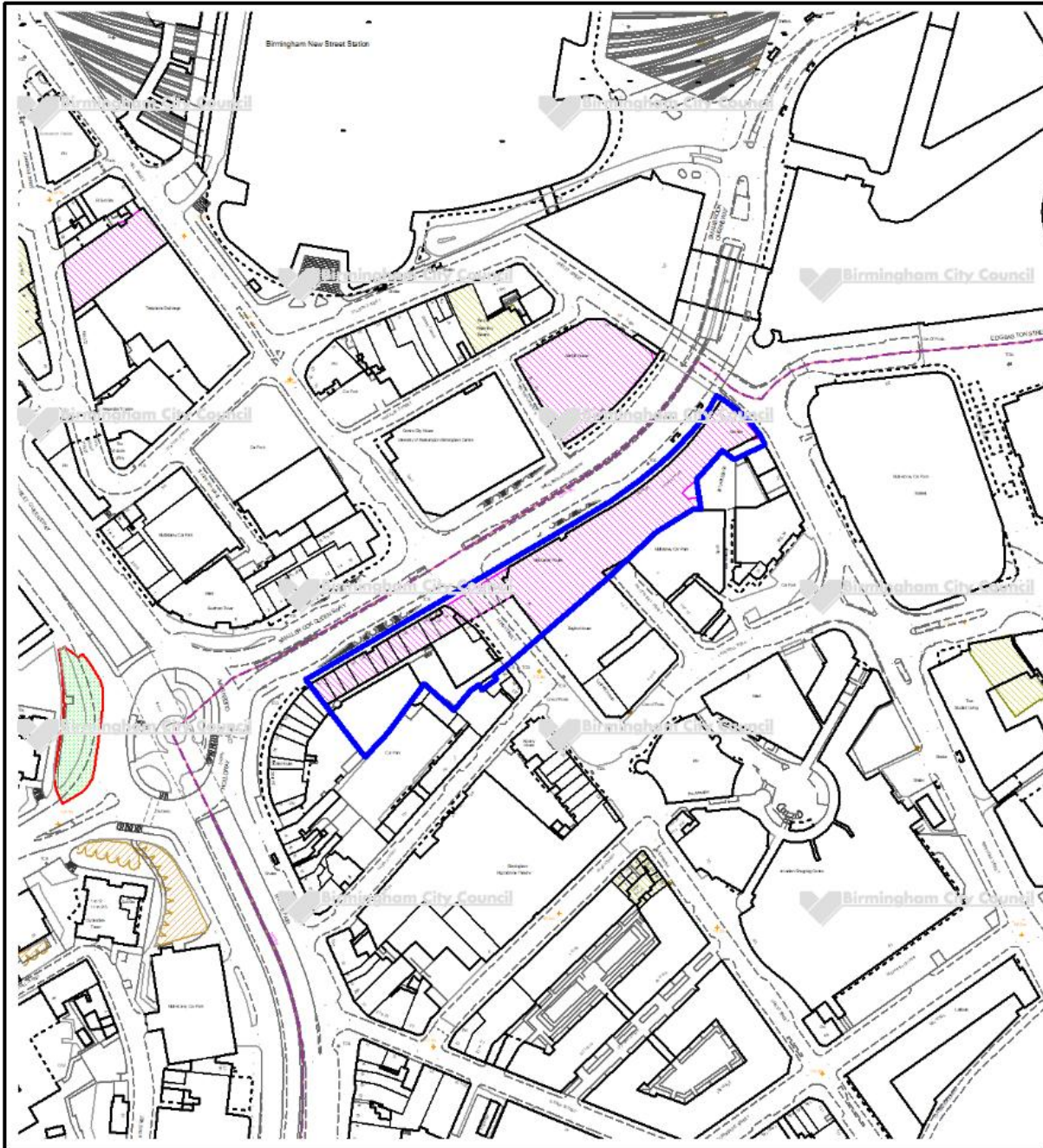
Case Officer: Rhiannon Hill

Photo(s)





Location Plan



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Birmingham City Council

Planning Committee

28 April 2022

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Approve – Conditions	11	2021/06385/PA 68 Wood End Lane Erdington Birmingham Erection of single storey and first floor rear and two storey side extensions
Approve – Conditions	12	2021/08850/PA Land to the east of Sutton Road Erdington Birmingham The demolition of the existing onsite buildings and the erection of a new discount foodstore (Use Class E) with access, car parking, landscaping and other associated works.
Determine	13	2021/10836/PA 889 Chester Road Erdington Birmingham B24 0BS Change of use from care home (Use Class C2) to 14-bed HMO (Sui Generis)

Committee Date:	28/04/2022	Application Number:	2021/06385/PA
Accepted:	13/08/2021	Application Type:	Householder
Target Date:	08/10/2021		
Ward:	Gravelly Hill		

68 Wood End Lane, Erdington, Birmingham, B24

Erection of single storey and first floor rear and two storey side extensions

Applicant:	Mr D and C Singh and Sohal
	68 Wood End Lane, Erdington, Birmingham, B24
Agent:	Masood Akhtar Associates
	65-67 Whitmore Road, Small Heath, Birmingham, B10 0NR

Recommendation

Approve subject to Conditions

1. **Proposal:**

- 1.1. Consent is sought for the erection of single storey and first floor rear and two storey side extensions.
- 1.2. In detail the proposed rear extensions would comprise a single storey extension of the rear of the original at a depth of 9m and 3.5m in width. This part of the proposal would be constructed with a mono pitched roof at a maximum height of 3.4m (3m to eaves height). Over the top of the existing wing is proposed a first floor extension, this would project 1m from the rear of the wing and 2.8m in width. This element would be designed with a pitched roof to integrate with the main house at a total height of 7.5m when measured from ground level (5.5m to eaves height).



Figure 1: Existing side elevation



Figure 2: Proposed side elevation

- 1.3. In addition to the rear a two and single storey extension is proposed to the side. This would be two storey closest to the front elevation and single storey closest to the rear. This element is designed with a set back from the front wall of the main house. The two storey element is designed with a hipped roof and would measure a maximum height of 8.2m in height (5.5m to eaves). The single storey element is designed with a flat roof at a height of 3.3m.

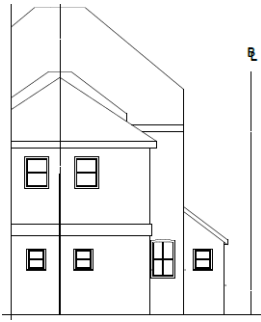


Figure 3: Existing rear elevation

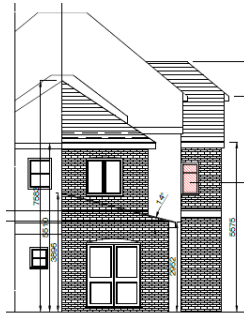


Figure 4: Proposed rear elevation

1.4. All materials are proposed to match the existing dwelling.



Figure 5: Existing front elevation



Figure 6: Proposed front elevation

1.5. Amended plans have been received: 1) Reduce the scale and depth of the first floor rear extension 2) omit part of the first floor side extension 3) Reduce the depth of the rear extension by 1m and redesign the internal ground floor lay out to include a family jack and jill style bathroom.

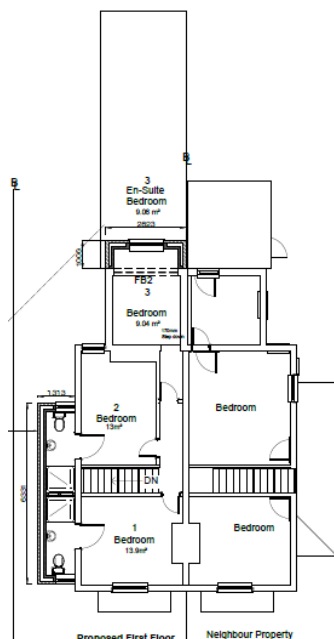


Figure 6: Proposed first floor plan

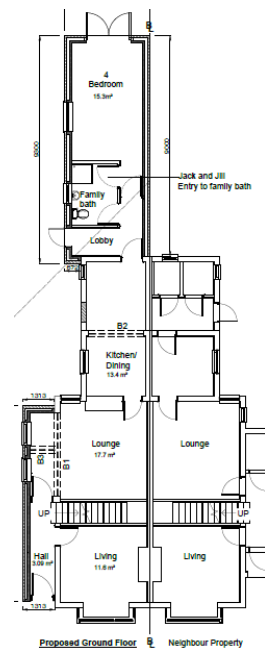


Figure 7: Proposed ground floor plan

2. **Site & Surroundings:**

- 2.1. The application site consists of an older semi semi-detached dwelling designed with a with a pitched roof that creates a half hip to the side elevation, single storey bay window to the front, single story project to the side, which includes the main entry to the property and a two and single storey wing to the rear.
- 2.2. The rear of the site is enclosed by approximately 1.8m high fencing, with some additional mature planting.
- 2.3. The application site itself sits within a small row of semi-detached dwellings of a similar character and age. The wider street scene is characterised by semi-detached, detached and terraced family dwellings that differ in character and age, as well as some modern three storey apartment blocks.
- 2.4. The adjoining semi-detached dwelling, No. 70, appears to be unaltered. There are no habitable room windows to the rear of the ground floor wing; the nearest first floor window lights an en suite. To the rear of the of wing, along the boundary with the application property are a collection of detached outbuildings, extending into the rear garden.
- 2.5. With respect to No. 66, this property is designed with a side facing bedroom window at first floor, a corner living room window to the rear of the property and side facing kitchen windows within the wing.
- 2.6. [Site Location](#)

3. **Planning History:**

- 3.1. 2021/06471/PA – Prior Approval for the erection of 5.603 metre deep single storey rear extension. Maximum height 3.681 metres, eaves height 2.952 metres – Withdrawn by agent

4. **Third Party Responses:**

- 5.1. The application has been published via public consultation with neighbours and local ward councillors. 20 letters of objection have been received that raise concern in respect of:
 - Loss of light and outlook
 - Loss of privacy
 - Scale and over development of the property
 - Use of the property as an HMO – over saturation of HMOs in the area, loss of family properties, lead to an increase in anti-social behaviours and activates & increased littering
 - Increased noise and disruption
 - Impact on health as a result of the building works
 - Dust and other toxins during building works
 - Increase parking demands
 - Impacts on drainage and sewage network
 - Impact and potential damage of neighbouring structures
 - Assess to neighbouring properties/party wall concerns

- Lack of consultation with neighbours
 - Insufficient and inaccurate information provided with the application
- 5.2. Councillor Mick Brown supports residents' concerns.
5. **Relevant National & Local Policy Context:**
- 6.1. National Planning Policy Framework Paragraphs 126 - 136
- 6.2. The following local policies are applicable:
- Development Management in Birmingham (2021)
 - Birmingham Development Plan (2017).
 - Places for Living 2001.
 - Extending Your Home 2007.
 - 45 Degree Code SPD.
6. **Planning Considerations:**
- 7.1. As submitted the proposed development was considered to have an overbearing impact on the habitable room windows to the side and rear of No. 66 Wood End Lane. Plans, as described above, have been secured in order to reduce the impact the habitable room windows. The proposed first floor and side extensions, as amended, complies with the 45 Degree Code.
- 7.2. The proposed single storey rear extension complies with the guidance contained in the 45 Degree Code with respect to older winged property. The Code advises that single storey additions of the rear of the original wing can be acceptable providing sufficient rear garden is retained. In this instance it is considered that a generous rear garden of approximately 150sqm would be retained at the property.
- 7.3. With respect to the adopted distance separation guidelines contained in 'Places for Living' and 'Extending your Home', the proposal would fail to meet the required distance separation of 5m between the proposed side facing bedroom 4 window and the private amenity space at No. 66 Wood End Lane. In this instance, when taking into account the distance retained (approximately 3.5m) together with the presence of the boundary treatment it is not considered that this window would cause an overlooking issue. Furthermore, the existing arrangement fails to comply with this requirement.
- 7.4. As such the proposal would not result in a detrimental impact on the amenities of the occupiers of the neighbouring properties by way of loss of light, outlook or overlooking and a refusal could not be sustained based on this issue alone.
- 7.5. The scale of the proposed single storey rear extension is considered to be relatively sizable but is considered that the development would not have a detrimental impact on the architectural character of the property and general street scene. The bulk of the proposed development is to the rear of the property and would therefore have a limited impact on the visual amenity of the surrounding area. Furthermore, as outlined above a generous rear amenity space would be retained. It is also noted that No. 70 have several outbuildings extending into the rear of their garden; therefore the pattern of development is

not at odds in the area.

- 7.6. The scale, mass and design of the proposed side and rear extensions as amended are considered to be acceptable and would be in accordance with the principles contained within 'Extending Your Home' Design Guide. The amended scheme, when viewed from the highway proposes a half-hipped roof to the side. This is reflective of the pitch of the original dwelling. The scale and design of the amended rear additions are considered to be acceptable and would not have a detrimental impact on the overall scale of the host dwelling. The additions cumulatively are considered to remain in keeping with the character and appearance of the wider street scene.
- 7.7. In regards to concerns relating to the use of the property as an HMO, the submitted information and plans provided with this application indicate the property will be used as a single-family dwelling. Furthermore, the agent has confirmed that this is case. A city-wide article 4 direction has been imposed by the Local Planning Authority and any change of use will now require a separate application.
- 7.8. Issues of drainage would be regulated by a building surveyor at the time of any construction.
- 7.9. With respect to parking objections raised all parking within the area is current on street parking. The City Council can not control the number of vehicles owned by the occupants.
- 7.10. Issues of access for construction works are not a material consideration that can influence the determination of the application.
- 7.11. Similarly matters of disruption at the time of building works are governed by Regulatory Services.
- 7.12. Concerns over structural impacts on neighbouring dwellings are a civil matter between neighbours as well as being issues covered by the Party Wall Act. Furthermore the building would also be regulated by a qualified building surveyor at the time of works commencing on site.
- 7.13. Finally, comments relating to a lack of public consultation have been noted. Full consultation has been carried out in accordance with the statutory requirement. Further comments have been raised over insufficient information supporting the application and part of the information within the form being incorrect. It is considered that sufficient information has been received as part of the application to enable an informed decision to be made.

7. **Conclusion**

- 8.1. This application is recommended for approval as it is considered that the amended proposal complies with the objectives of the policies that have been set out above.

8. **Recommendation:**

- 9.1. Approve with Conditions

-
- 1 Implement within 3 years (Full)
 - 2 Requires the scheme to be in accordance with the listed approved plans
 - 3 Requires that the materials used match the main building
 - 4 Removes PD rights for new windows
-

Case Officer: Philip Whittaker

Photo(s)



Photograph 1: Rear elevation taken from No. 66 Wood End Lane



Photograph 2: window arrangement to rear No. 66 Wood End Lane



Photograph 3: Front elevation

Location Plan



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Committee Date:	28/04/2022	Application Number:	2021/08850/PA
Accepted:	14/10/2021	Application Type:	Full Planning
Target Date:	08/04/2022		
Ward:	Erdington		

Land to the east of Sutton Road, Erdington, Birmingham, B23 6RH

The demolition of the existing onsite buildings and the erection of a new discount foodstore (Use Class E) with access, car parking, landscaping and other associated works.

Applicant:	Lidl Great Britain Ltd
	C/o Agent
Agent:	Rapleys LLP
	York House, Manchester, M2 3BB

Recommendation

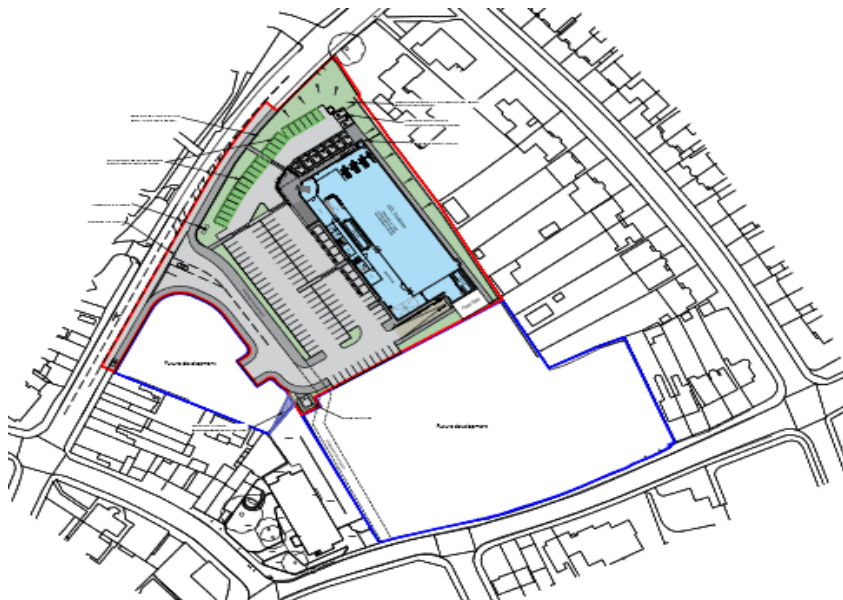
Approve subject to Conditions

1. **Proposal:**

1.1. This is an application for a 2,277 sq.m food store (net sales area of 1,414 sq.m) with associated areas of landscaping and parking (121 car parking spaces, including 2 electric vehicle charging bays and 7 disabled parking bays, plus 12 cycle spaces). The existing access into the site from Sutton Road is to be widened as part of the development. Opening hours of 8am - 10pm Monday to Saturdays are proposed, as well as 10am - 6pm on Sundays to allow for flexible opening hours of no more than a continuous 6 hour period in accordance with Sunday trading laws.

1.2 The application is accompanied by the following documentation:

- Air Quality Assessment
- Archaeological Desk Based Assessment
- Archaeological Field Evaluation
- Arboricultural Impact Assessment
- Flood Risk Assessment
- Heritage Statement
- Land Contamination Assessment
- Land Contamination Remediation Strategy
- Ecological Appraisal
- Bat Survey
- Biodiversity Impact Assessment
- Energy and Sustainability Strategy
- BREEAM Pre-Assessment Report
- Transport Assessment
- Travel Plan
- Planning and Retail Statement
- Noise Impact Assessment



Site layout plan



Front elevation (facing Sutton Road) and side elevation (facing proposed car park)

[Link to Documents](#)

2. **Site & Surroundings:**

- 2.1 The site, which currently consists of vacant buildings (formerly in commercial use) and large areas of hardstanding, lies 75m to the north of Erdington District Centre and 180m from the Primary Shopping Area. The site is bounded to the north-east by the rear gardens /amenity areas of residential properties on Orchard Road. It is bounded to the south-east by a vacant plot (future development site), which sits at a lower level and has a retaining wall to the boundary and is accessed from Orphanage Road. Beyond this site, are commercial properties and a nine storey 'Nexus Point' apartment building. To the south-west is a further vacant site (future development site) and further commercial/ retail premises fronting Edwards Road and Sutton Road. On the opposite side of Sutton Road, west of the application site, is the Grade II listed Erdington Abbey (which forms part of the Highclare School campus), Grade II* Church of St Thomas and St Edmund with lych gate and boundary walls to its southeast, and the Grade II listed Abbey Hall (32 Sutton Road).

Site Location

3. **Planning History:**

- 3.1 2011/08251/PA - Hybrid planning application (Part Full and Part Outline) comprising:
- 1) - Full planning application for a retail superstore (Class A1), 3 no. retail units (Class A1, A2 & A3), cash point (ATM's), car parking, public realm works, landscaping and associated works
 - 2) - Outline planning application for approximately 15 residential units
 - 3) - Demolition of existing buildings, (approved with conditions - July 2012)

2015/06560/PA - Application for a Lawful Development Certificate to confirm the full element of planning consent 2011/08251/PA has been implemented within the required time period (Certificate issued - November 2015)

2018/10371/PA - Demolition of existing buildings and structures and construction of a retail food store (Use Class A1) and associated works (withdrawn)

2022/00100/PA - Contaminated land remediation works (approved February 2022, the background and reason for submission of this application is set out in paragraph 7.27 below

4. **Consultation Responses:**

- 4.1 Transportation Development – No objection, subject to the following conditions:

- 1) Submission of construction method statement /management plan;
- 2) Details to prevent mud on the highway;
- 3) Details of the siting and design of the access to the site;
- 4) Submission of parking management strategy;
- 5) Submission of a travel plan;
- 6) Completion of service /delivery area prior to first use;
- 7) Provision of parking spaces prior to first use;
- 8) Details of cycle storage provision;
- 9) Submission of delivery vehicle management scheme;
- 10) Submission of details of electric vehicle charging points.

Environmental Pollution Control – No objection. subject to the following conditions:

- 1) The rating level for cumulative sound from all plant and machinery shall not exceed the background sound level at any noise-sensitive premises;
- 2) Submission of information to demonstrate that the site has been appropriately remediated from potential contamination risks.

Ecology Officer – The ecological information submitted is considered to be acceptable in terms of demonstrating that there is no likelihood of bats being present within the existing buildings at the site. The proposed enhancement measures set out demonstrate that the ecological value of the site would be improved, although it is considered that additional measures could be carried out to further enhance the development's ecological value. The following conditions are recommended:

- 1) Further bat survey to be carried out if demolition of the existing buildings has not commenced by September 2023;
- 2) Submission of a scheme for ecological enhancement measures;
- 3) Development to take place in accordance with the recommendations set out in the approved reports /surveys.

City Design & Landscape Officer – The proposal successfully responds to the key characteristics of the surrounding area, as required by the NPPF and National Design Guide. Conditions recommended relating to the submission of boundary treatment and materials details.

Conservation & Archaeology Officer – The development would not be harmful to the setting of the nearby heritage assets. The proposed front boundary wall and railings should be similar in appearance to the existing boundary treatment opposite the site to the front of the listed buildings. The conclusions of the information submitted relating to archaeological remains are accepted.

Tree Officer – The development would have no impact on the TPO trees at the neighbouring apartment building (Derbridge Court, 45 Sutton Road) or existing non-TPO trees close to the boundary with the site.

Lead Local Flood Authority – No objection.

Employment Officer – Requests a condition requiring the submission of a construction employment plan including a local employment strategy.

Historic England – Do not wish to offer any comments, the views of the Authority's conservation and archaeology officer should be sought.

Severn Trent Water – Request a condition requiring the submission of foul and surface water drainage details.

Environment Agency - The information submitted relating to remediation of existing contaminated land at the site is considered to be acceptable. The following conditions are recommended:

- 1) Submission of a verification report to demonstrate completion of the works set out in the approved remediation strategy;
- 2) Penetrative methods of foundation design not to be used unless it can be demonstrated that there would be no risk to groundwater.

Access Birmingham – Request that an electric vehicle charging point is provided within one of the disabled parking bays.

West Midlands Police – No objection.

5. **Third Party Responses:**

5.1 The local M.P, ward members and surrounding properties have been notified by letter and site notice.

5.2 Councillor Robert Alden has made the following comments on the proposals:

- The materials to be used in the building should be in keeping with existing buildings in the vicinity, including the listed buildings;
- The car park should be available for use by members of the public for free for up to three hours;
- Signage should be sympathetic to the setting of the listed buildings;
- Highway safety issues must be satisfactorily resolved;
- Welcome the addition of landscaping and a new wall along the site frontage;
- A litter pick condition be attached to ensure that any litter generated by the

development is cleaned.

5.3 7 letters of objection have been received, including one from Highclare School, raising the following concerns:

- the position of the access to the development, opposite the egress point from Highclare School and close to the pedestrian crossing, bus stop and the signalised junction at the end of Sutton Road, would be detrimental to highway safety;
- additional traffic queuing along Sutton Road resulting from the development would also increase safety risk from vehicles turning into and out of the site and those exiting the school;
- the application does not propose monitoring /enforcement of the parking area to ensure that it is used only by store customers, thereby increasing its use and the potential for accidents to occur;
- the application has not considered the potential highway safety implications resulting from future developments within the blue line area;
- the application has not considered the impacts of construction works on the school and other nearby sensitive receptors;
- the EIA screening opinion issued by the Local Planning Authority is deficient;
- due to the under-estimate of queuing on the network arising from the proposed development an update to the air quality assessment needs to be undertaken;
- the construction and operational phases of the development would adversely affect the school's operations as a charitable foundation and a business;
- inappropriate weight given to the approval of application 2011/08251/PA;
- the sequential test has not properly assessed the in-centre sites;
- the design of the proposed store is out of keeping with the historic setting of the abbey, school and church;
- the proposed amount of landscaping is inadequate;
- invasive species planted in the proposed landscaping strip on the eastern side of the site could encroach their property;
- plant and machinery could potentially result in noise disturbance.

6. **Relevant National & Local Policy Context:**

6.1 National Planning Policy Framework
Paragraphs 81, 86-88, 110-111, 130, 174, 195, 199 and 202.

Birmingham Development Plan 2017

Policy PG3 (Place making)

Policy TP3 (Sustainable construction)

Policy TP4 (Low and zero carbon energy generation)

Policy TP6 (Management of flood risk and water resources)

Policy TP8 (Biodiversity and geodiversity)

Policy TP12 (Historic environment)

Policy TP21 (The network and hierarchy of centres)

Policy TP22 (Convenience retail provision)

Development Management in Birmingham (DMB) DPD

Policy DM1 (Air quality)

Policy DM2 (Amenity)

Policy DM3 (Land affected by contamination, instability and hazardous substances)

Policy DM4 (Landscaping and trees)

Policy DM6 (Noise and vibration)

7. **Planning Considerations:**

7.1 The determining issues in the assessment of this application are:

- Principle;
- Access /Highway safety;
- Design and layout;
- Impact on heritage assets;
- Residential amenity;
- Air quality;
- Trees;
- Flood risk;
- Contamination;
- Ecology;
- Sustainability

Principle of development

7.2 Redevelopment of this site would accord with the broad aims of Chapter 11 of the NPPF relating to the use of brownfield land, and with paragraph 81 of the NPPF which advises that planning decisions should help create the conditions in which businesses can invest, expand and adapt. Paragraph 81 also states that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. Condition 10 will ensure that local people are provided with employment opportunities, both at the construction stage and once the site is operational.

7.3 Paragraph 86 of the NPPF states that planning decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation. Paragraph 87 requires that a sequential test be applied to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.

7.4 To address the above NPPF advice, the Planning and Retail statement sets out a sequential site assessment taking into consideration the edge-of-centre location of the site in retail planning terms. The applicant has advised that their food stores provide a neighbourhood shopping facility and therefore serve a relatively compact catchment area typically equating to a 0-5 minute drive-time from the store. The sequential site assessment therefore encompasses the following centres which the applicant considers are appropriate to the proposal's catchment area:

- Erdington District Centre
- Wylde Green Local Centre

- 7.5 Five separate sites within these centres have been assessed, all of which were dismissed for reasons of suitability /size or availability. Based on the information provided it is considered that the applicant has satisfactorily demonstrated that there are no sequentially preferable sites within, or on the edge of, the centres located within the catchment area which could accommodate the scale and form of development proposed. The proposal therefore complies with the requirements of paragraph 87 of the NPPF and BDP Policies TP21 and TP22 which seek to maintain the vitality and viability of centres.
- 7.6 The NPPF advises that retail proposals not located within an existing centre should be assessed according to their impact (if any) on existing centres. Impact assessments should be provided for all proposals over 2,500 sq.m when the proposal is not located within an existing centre and not in accordance with an up-to-date Development Plan. Where there are no locally set thresholds for the requirement of an impact assessment, the default threshold should be 2,500 sq.m. The Development Plan has no locally set threshold and as such, given that the development proposed falls below 2,500 sq.m, an assessment of impact of Erdington District Centre is not required. However, the Planning and Retail Statement does assess the impact and advises that the proposal would not have any significant adverse effect on existing, committed and planned public and private investment in any centre or centres in the catchment area of the proposal.
- Access/Highway safety
- 7.7 Paragraphs 110 of the NPPF requires that developments provide safe and suitable access and that any significant impacts on the transport network be effectively mitigated to an acceptable degree. Paragraph 111 advises that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety.
- 7.8 Policy DM14 of the DMB DPD seeks to ensure that the safety of highway users is properly taken into consideration and that any new development would not have an unacceptable adverse impact on highway safety. Development must provide safe, convenient and appropriate access arrangements. Development proposals should be located where the need to travel will be minimised, and in a location that is readily accessible by sustainable transport modes. Policy DM15 states that new development will need to ensure that the operational needs of the development are met in terms of parking provision, including parking for people with disabilities, cycle parking and infrastructure to support the use of low emission vehicles.
- 7.9 The development accords with the standards set out in the Birmingham Parking SPD in terms of parking provision for cars (including disabled spaces), cycles and electric vehicles charging point infrastructure (22 of the parking spaces are to be fitted with passive provision for charging points in accordance with the SPD's requirements). Condition 25 requires the submission of details of the charging points to be installed.
- 7.10 The existing entrance to the site, which is located opposite the vehicular egress from Highclare School, is to be upgraded to a bellmouth arrangement. The applicant has advised that 'Keep Clear' markings can be used to prevent queuing traffic from blocking the site entrance, to ensure that the free flow of traffic along Sutton Road is not disrupted. Information has been provided to demonstrate that a) the local highway network can accommodate additional traffic generated by the development, so that unacceptable levels of queuing would not occur, and b) the proposed siting of the access, relative to the position of the egress from the school and nearby pedestrian crossing to the north, is safe and would not lead to an increased risk of collisions and an increased risk for pedestrians. Transportation Development have raised no objections, subject to conditions and as such it is

considered that the proposed development would not conflict with paragraph 110 of the NPPF or DMB DPD Policy DM14.

Design and layout

- 7.11 The siting of the proposed store along the north-eastern boundary would be similar to that of one of the existing buildings at the site. The store entrance, on the northern elevation, would be glazed with an aluminium canopy above and would present an active frontage to the road. The main material to be used (predominantly on the long western elevation facing the car park) is red brick, with contrasting brown brick to provide visual interest.
- 7.12 A new boundary wall with railings is proposed to the front of the site along Sutton Road. Landscaped strips would be provided to the front of the site behind the wall and alongside the access road. Six trees are to be planted within a landscaped area at the northern corner of the site, two further along the frontage, four alongside the access road, three at the rear of the site and seven between the proposed building and the boundary with properties on Orchard Road.
- 7.13 The proposed development would significantly improve the existing appearance of the site, having a positive impact on the character of this part of Sutton Road. In this respect the proposal complies with BDP Policy PG3 in that it would be of high design quality, DMB DPD Policy DM4 which requires that developments take opportunities to provide high quality landscapes and townscapes, Places for All SPG advice relating to design issues, and paragraph 130 of the NPPF.

Impact on heritage assets

- 7.14 The NPPF requires (at paragraphs 130, 195, 199 and 202) that developments are sympathetic to local character and history. When considering the impact of a proposal on a heritage asset, local planning authorities should seek to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal. Great weight should be given to the conservation of heritage assets, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. Policy TP12 of the BDP advises that the Council will seek to manage new development in ways that protect, enhance and make a positive contribution to the character of the historic environment.
- 7.15 The site of the proposed development is located immediately opposite a group of listed buildings – Erdington Abbey (Grade II), the Roman Catholic Church of St Thomas and St Edmund with Lych Gate and walls (Grade II*) and Abbey Hall (Grade II). These buildings are visible as a single group of buildings on the west side of Sutton Road.
- 7.16 The submitted Heritage Statement describes the existing condition of the site as 'somewhat rundown' and states that a 'clean modern building, which does not block views of any historic buildings, is therefore a neutral change'. The Statement advises that views of the heritage assets from the public realm would be enhanced and views to the public realm from the assets themselves will also be improved. The Statement concludes that the development would not have any adverse effect on the importance or significance of any of the heritage assets as the setting in essence is unchanged, although it could be argued that the proposals are in fact a 'conservation positive' as a well-designed development would replace an assortment of run down dated structures.

- 7.17 The Conservation Officer is of the opinion that the proposed re-development of the site would not have any adverse effect on the setting of the listed buildings, and that the proposed boundary wall in particular (as the element of the development closest to the listed buildings) could in fact be beneficial to their setting through the use of appropriate materials. Condition 27 requires the submission for approval by Officers of details of the materials to be used. Overall the public benefits of the proposal, as an appropriately designed redevelopment of a run-down/ vacant site for an acceptable use in principle, outweigh its less than substantial harm to the significance of the heritage assets.
- 7.18 The submitted documents relating to archaeology advise that the potential for survival of complex archaeological features pre-dating the 19th century is 'low'. The Conservation Officer has assessed the documents and is satisfied with their findings.
- Residential Amenity
- 7.19 The site is partly screened from residential properties to the east by existing trees within the gardens /amenity areas of those properties. The proposed additional tree planting proposed along the boundary, in combination with levels differences (the site being at a lower level) and the single storey form of the building, would ensure that there would be almost no views of the development and therefore no detrimental effect on existing outlook.
- 7.20 The warehouse and delivery loading bay is located at the rear end of the proposed building. The store would be serviced via this enclosed loading bay so that all deliveries of goods and collection of waste is carried out within the building. The submitted Noise Assessment advises that there would be 2 to 3 HGV deliveries per day, during which vehicle engines are switched off to reduce noise and disturbance. Delivery noise during the daytime at nearby dwellings would comply with BS4142, however there is the potential for noise disturbance to occur at night. The Assessment concludes that this is acceptable, given that there would only be a small number of deliveries to the store and that it is unlikely that they would take place regularly during the night-time period.
- 7.21 The Noise Assessment has been reviewed by Pollution Control Officers. No concerns have been raised in relation to potential noise disturbance at night and as such it is considered that the measures set out in the Assessment to minimise delivery noise are acceptable. Condition 11 requires the development to take place in accordance with those measures and Condition 4 limits noise from plant and machinery. These conditions will help to ensure that the development will not have an adverse impact on the amenities of occupants of nearby dwellings.
- 7.22 In view of the above, it is considered that the proposal complies with the requirements of paragraph 130 of the NPPF and DMB DPD Policies DM2 and DM8 relating to the protection of amenity.
- Air quality
- 7.23 Policy DM1 of the DMB DPD seeks to ensure that proposals consider air quality and are accompanied by an appropriate scheme of mitigation. Where a development involves significant demolition, construction or earthworks, Policy DM1 requires that the risk of dust and emissions impacts are assessed and appropriate mitigation measures secured in a Construction Management Plan.
- 7.24 The Air Quality Assessment sets out mitigation measures to ensure that there would be no adverse effects due to dust emissions during the construction phase. The impact on air quality of changes in traffic flow resulting from the development is determined to be 'negligible'. Condition 30 requires that the development takes

place in accordance with the mitigation measures set out in the Assessment, and Condition 17 (submission of a Construction Management Plan) will further ensure that potential dust /emission impacts are minimised.

Trees

- 7.25 The Arboricultural Impact Assessment sets out measures to minimise the risk of harm during construction works to existing TPO trees at the adjacent site (45 Sutton Road). Condition 5 requires the development to take place in accordance with those measures to ensure compliance with Policy DM4 of the DMB DPD.

Flood Risk

- 7.26 The site lies within Flood Zone 1. The Flood Risk Assessment was reviewed by the Lead Local Flood Authority and further information was requested to ensure that the proposed drainage measures are appropriate – the requested information was subsequently provided and no objections have been raised by the LLFA. It is therefore considered that the applicant has demonstrated that the development would not increase the risk of flooding on or off-site, in accordance with the requirements of BDP Policy TP6.

Land contamination

- 7.27 Paragraph 174 of the NPPF seeks to prevent developments from contributing to unacceptable levels of pollution and requires remediation of contaminated land where appropriate. DMB DPD Policy DM3 requires that proposals for new development ensure that risks associated with land contamination are fully investigated and addressed by appropriate measures to minimise or mitigate any harmful effects to human health and /or groundwater. Contamination remediation measures for the site have previously been approved under application 2022/00100/PA (the submission of that application was necessary as remediation is required on land outside the red line area of the proposed store, but within the blue line area under the ownership of the applicant). Conditions have been attached to that permission requiring the development to take place in accordance with the submitted remediation measures and for verification of completion of the remediation works. The applicant has given a unilateral undertaking not to commence development until all of the works approved under application 2021/00100/PA have been carried out and the conditions fully complied with.

Ecology

- 7.28 Paragraph 174 of the NPPF requires that development proposals provide net gains for biodiversity. BDP Policy T8 states that all development should support the enhancement of the natural environment. Enhancement measures should be appropriate to the nature and scale of the development proposed.
- 7.29 The ecological information submitted advises that there is no reasonable likelihood of bats being present in the existing buildings at the site, and therefore no precautionary measures are required in relation to the demolition of these structures. The proposed planting will enhance the ecological value of the site, as demonstrated by the Biodiversity Impact Assessment which advises that the development would result in a biodiversity net gain of 248%. The conditions recommended by the Ecology Officer have all been attached.

Sustainability

- 7.30 Policy TP3 of the BDP seeks to ensure that new buildings within the City meet high standards of sustainable design and construction and requires that development proposals over 1,000 square metres of non-residential floorspace should aim to meet BREEAM 'excellent' standard. Policy TP4 of the BDP requires new developments to incorporate the provision of low and zero carbon forms of energy generation or to connect into existing networks where they exist.

- 7.31 To ensure that the development accords with Policies TP3 and TP4 Condition 8 requires that the measures set out in the Energy and Sustainability Strategy are implemented. The BREEAM pre-assessment report advises that the development could achieve a 'very good' rating ('excellent' is considered to be unattainable due to site and operational constraints and with knowledge of BREEAM performance of other similar stores). This is considered acceptable and Condition 29 seeks the submission post development of certification to demonstrate that BREEAM 'very good' standard has been met. Details of electric vehicle charging points to be provided are required by Condition 25.

Other Issues

- 7.32 The paragraphs below relate to matters raised by objectors which have not been addressed in the previous sections of the report.
- 7.33 Conditions requiring the applicant to provide free parking or to monitor /enforce parking by non-customers would not meet the relevant tests, being neither necessary nor reasonable as parking demand and potential highway safety risks have not been identified by Transportation Development.
- 7.34 Signage at the development would be dealt with via an application for advertisement consent.
- 7.35 A 'litter pick' condition cannot be imposed, as increased litter would not necessarily be a consequence of the type of development proposed and therefore such a condition would be unreasonable.
- 7.36 A 'masterplan' has been submitted showing potential developments within the blue line area, including a drive thru accessed from the proposed access road and a residential development accessed from Orphanage Road. The plan is indicative only. The merits of each of the developments would be assessed via separate applications submissions, with regard to all relevant material considerations (including, specifically, highway safety matters).
- 7.37 The Construction Management Plan required by Condition 17 will include a traffic management strategy to ensure that highway safety and the free flow of traffic along local roads is not compromised during construction works.
- 7.38 The EIA screening opinion has been undertaken in accordance with the relevant regulations and is considered to be acceptable.
- 7.39 Appropriate measures will be put in place (to be secured by the recommended conditions) to ensure that the effects of construction works on Highclare School would be minimised and not affect its status as a charitable foundation and business.
- 7.40 The approval given for application 2011/08251/PA has been given little weight in the assessment of the proposal. The development accords with current planning policy irrespective of that approval.
- 7.41 The concern relating to invasive species was raised by the occupant of a property bordering the site on Orchard Road. The species have been removed from the landscape plan.

8. Conclusion

8.1 The proposal is consistent with the aims of the policy documentation referred to above, in that it constitutes an appropriate use and form of development on a brownfield site which would have no detrimental highways or environmental impacts.

9. **Recommendation:**

9.1 Approve with conditions

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|----|--|
| 1 | Implement within 3 years (Full) |
| 2 | Requires the scheme to be in accordance with the listed approved plans |
| 3 | Submission of drainage details |
| 4 | Limits the noise levels for plant and machinery |
| 5 | Tree protection |
| 6 | Flood risk mitigation |
| 7 | Lighting |
| 8 | Sustainability |
| 9 | Travel Plan |
| 10 | Requires the prior submission of a construction employment plan |
| 11 | Noise mitigation |
| 12 | Operating hours |
| 13 | Archaeology |
| 14 | Contamination remediation |
| 15 | Ecological mitigation |
| 16 | Requires the prior submission of an additional bat survey |
| 17 | Requires the prior submission of a construction method statement/management plan |
| 18 | Requires the submission of details to prevent mud on the highway |
| 19 | Requires the submission of the design of the access |
| 20 | Requires the submission of a parking management strategy |
| 21 | Requires the delivery and service area prior to occupation |
| 22 | Requires the parking area to be laid out prior to use |
| 23 | Requires the submission of cycle storage details |
| 24 | Requires the submission of details of a delivery vehicle management scheme |
| 25 | Requires the provision of vehicle charging points |
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- 26 Requires the submission of boundary treatment details
 - 27 Requires the submission of sample materials
 - 28 Requires the submission of hard surfacing materials
 - 29 Submission of BREEAM information
 - 30 Requires the development to take place in accordance with the Air quality Assessment
-

Case Officer: Faisal Agha

Photo(s)



Image1: View of site prior to any demolition from north looking southwards along Sutton Road

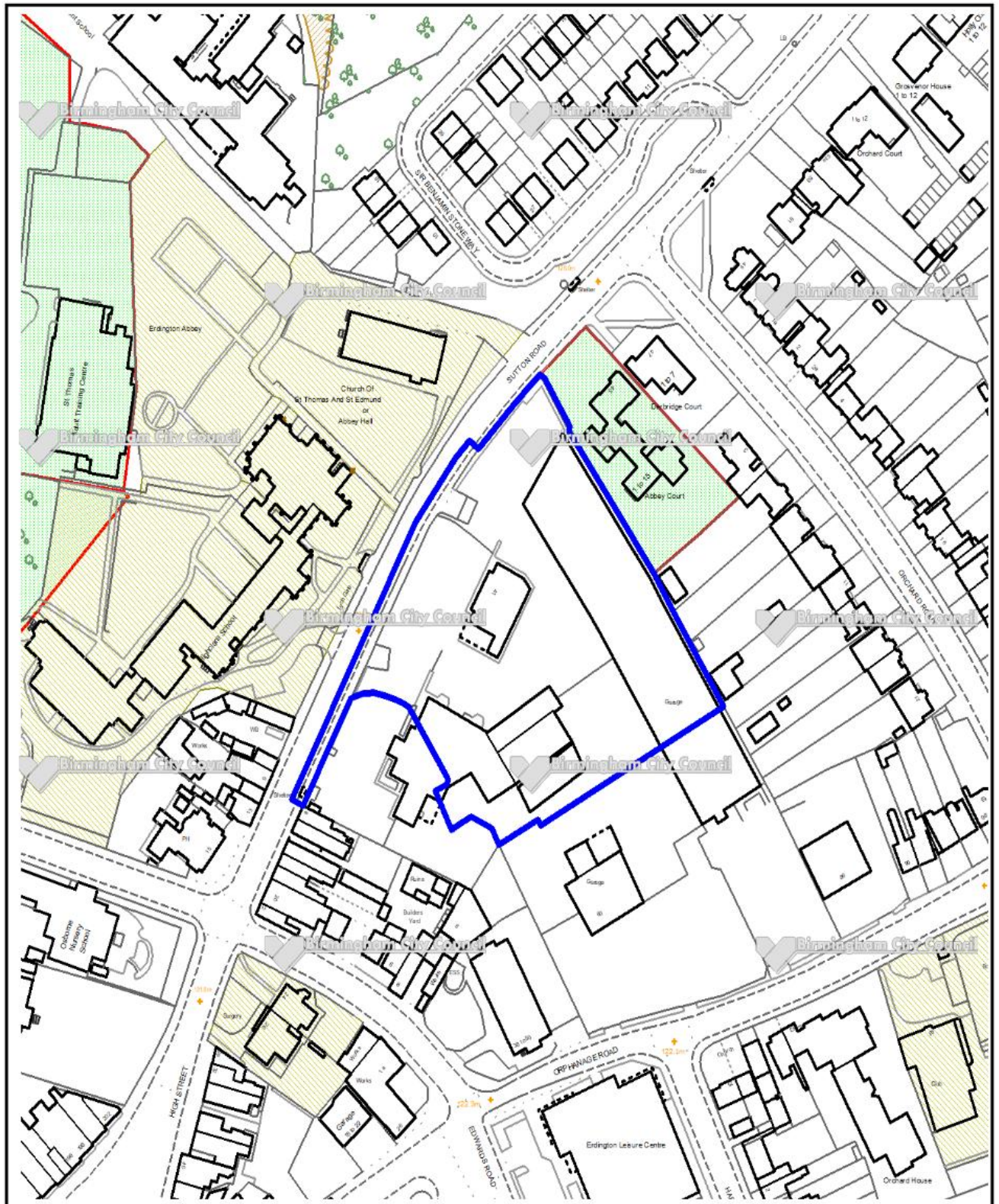


Image 2: View of the site prior to any demolition from the opposite side of Sutton Road



Image 3: View looking northwards prior to any demolition along Sutton Road (Highclare School to the left, application site to the right)

Location Plan



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Committee Date:	28/04/2022	Application Number:	2021/10836/PA
Accepted:	29/12/2021	Application Type:	Full Planning
Target Date:	07/04/2022		
Ward:	Erdington		

889 Chester Road, Erdington, Birmingham, B24 0BS

Change of use from care home (Use Class C2) to 14-bed HMO (Sui Generis)

Applicant:	Kensington Investment Hub Ltd 81 Lombard Street, Deritend, Birmingham, B12 0QR
Agent:	ZS Partnership Ltd 469 Coventry Road, Small Heath, Birmingham, B10 OTJ

Recommendation
Determine

Report Back

This application was reported to Planning Committee on 7th April 2022, when a decision was deferred pending additional information. Members considered that the information contained within section 7 (Planning Considerations), para. b (Principle of Development), within the original report (see below) should be checked and verified. The report states that 'There are no other HMO's within the immediate vicinity of the site and the proposal would not result in more than 10% of properties located within the 100m radius being in HMO use.' This statement was based on the latest data available at the time which indicated that there were no HMO'S or Exempt accommodation within 100m of the site. In terms of data collection, HMOs are identified from the following sources:

- Properties licensed as an HMO;
- Properties with C4 or Sui Generis HMO planning consent or issued with a Certificate of Lawful Development;
- Declared C4 HMOs; and
- Council tax records – student exemptions for council tax excluding purpose-built student accommodation and private flats

I can advise that the data has been checked and that of the 65 properties within 100m of the application property, indeed there are no HMO's or Exempt accommodation. This has been verified by using updated information gathered through the above sources and discussions with Housing Strategy. The Local Authorities enforcement records have also been checked and there is one property within 100m which is currently being investigated as an unauthorised HMO. It is acknowledged that there are a small number of HMO's just outside of the 100m radius (i.e. 1 HMO & 2 Exempt Accommodation within 150m radius) and that there

may be instances where a HMO/ Exempt accommodation has not been identified. However, in this case, even taking into account the above, it is considered unlikely that the 10% threshold would be exceeded. As such, the proposal would not result in an over-concentration of HMO's in the area. Therefore, the proposed change of use from Care Home (Use Class C2) to 14-bed HMO (Sui Generis) would comply with policy and is considered acceptable.

Following the previous Planning Committee meeting, further correspondence has been received from Cllr Robert Alden which includes recent sales details. These indicate that the property is a 9 bedroom detached residence, with 3 reception rooms, large kitchen & utility room, etc. It is stated that it was a former Care Home and that the property is currently in use as a family home. Photographs are included, which show that the property is largely vacant, except for a wardrobe, 2 coffee tables, 2 paintings and a piano. Cllr Robert Alden considers that the property was used as a family dwelling from 2012 to 2021 and not operating as a HMO. Therefore, it is considered that the application description should be amended to 'Change of use from residential (Use Class C3) to 14-bed HMO (Sui Generis)'.

To seek to establish that the authorised use of the property is a dwellinghouse (Use Class C3), the Local Planning Authority would need to be satisfied that the property has been in continuous use as a dwellinghouse for more than 4 years. However, the above information is considered insufficient to prove that the lawful use of the property is as a family dwellinghouse. Therefore, it is considered that the application should be assessed as originally described, i.e. Change of use from care home (Use Class C2) to 14-bed HMO (Sui Generis).

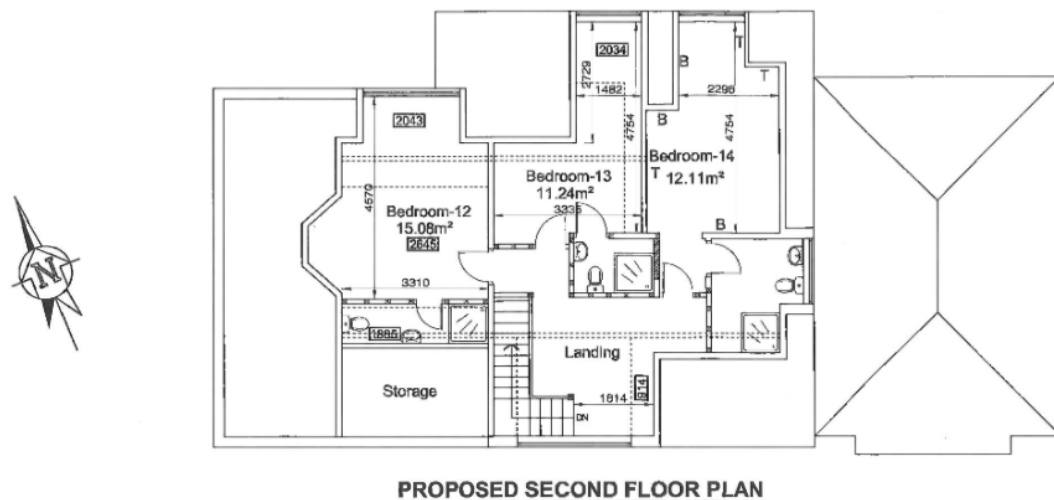
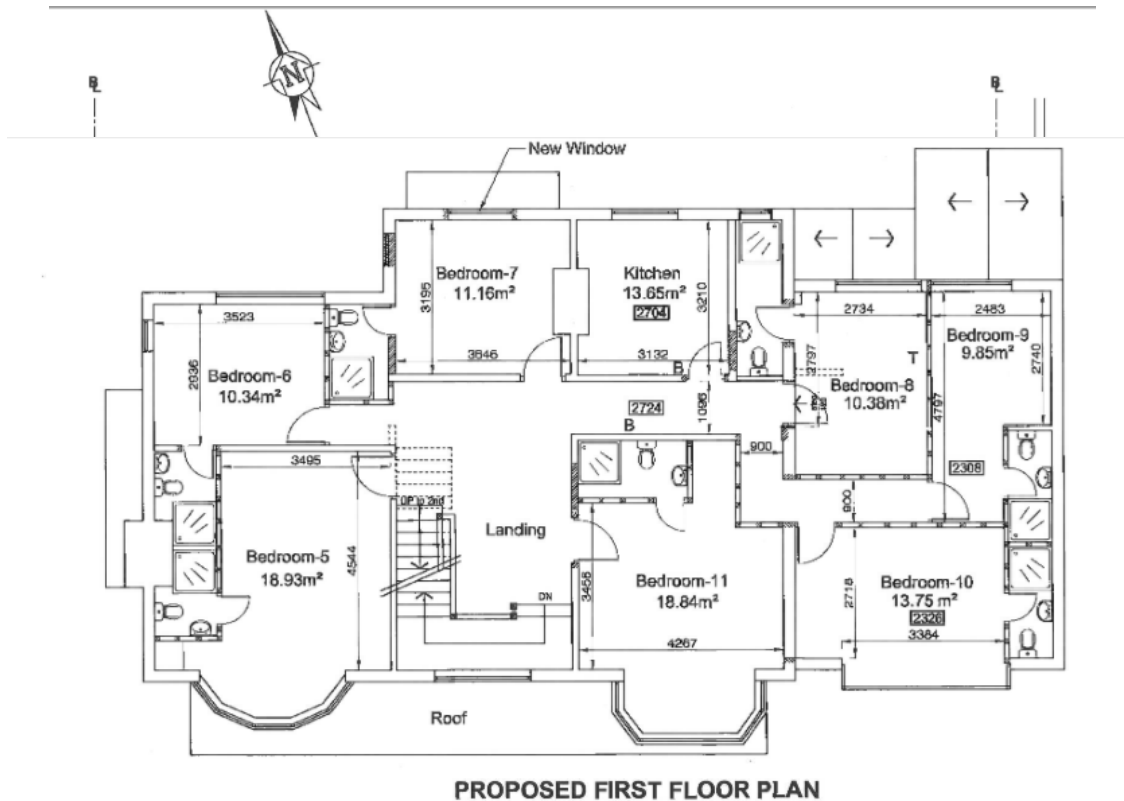
2. Recommendation

That the application be determined in accordance with the recommendation in the original report as detailed below, i.e. approve subject to conditions.

Original Report

1. Proposal

- 1.1. This application seeks permission for a change of use from care home (Use Class C2) to 14-bed HMO (Sui Generis). The proposed ground floor would consist of two lounges measuring 23.08sqm and 16.9sqm, a kitchen (28.23sqm), utility room and four bedrooms ranging from between 9.17sqm and 13.06sqm. The first floor would include a kitchen (13.65sqm) and seven bedrooms ranging from between 9.85sqm and 18.93sqm. The second floor would consist of three bedrooms ranging from between 11.24sqm and 15.08sqm area.
- 1.2. The applicant has advised that the property was in use as a care home until January 2012, after which time it remained vacant.



1.3. [Link to Documents](#)

3. **Site & Surroundings**

- 3.1. The application property is a large detached building located in a residential area which was previously occupied as a 9-bedroom care home. The adjoining properties include 893 Chester Road to the east and 887 Chester Road located to the west, both of which are in use as family dwellings. On the opposite side of the road is a row of three storey flats. The site has a rear

garden of approximately 900sqm and a forecourt which includes 6 car parking spaces. The site has a good level of public transport accessibility, being within easy walking distance of bus stops and the Erdington Railway Station.



3.2. [Site Location](#)

4. **Planning History**

- 4.1. 3/12/2021 - 2021/08500/PA – Change of use from care home (Use Class C2) to 19-bed HMO (Sui Generis) – withdrawn by applicant as likely to be refused due to the high number of bed spaces proposed.
- 4.2. 29/01/1959 - 17974000 – use as hostel for discharged mental hospital patients – approved.

5. **Consultation Responses**

- 5.1. Transportation Development - no objection subject to a secure cycle storage condition.
- 5.2. Regulatory Services – no objection subject to the provision of a vehicle charging point.
- 5.3. Tree Officer – no objection.
- 5.4. West Midlands Police – no objection.

6. **Third Party Responses**

- a) Ward Councillors and adjoining neighbours were notified for the statutory period. A

site notice was also displayed.

- b) Councillor Alden submitted a petition signed by the occupants of 18 properties. 29 representations have also been received. The following objections have been raised:

- The proposed accommodation is inadequate for the number of residents and would result in overcrowded conditions.
- The lack of parking spaces proposed within the site will lead to parking pressures and more vehicles parking in unsuitable locations such as on the grass verge.
- The proposal would increase crime, anti-social behaviour, and drug use in the area.
- There is a significant lack of large family housing in the Erdington constituency therefore, the property should be used as a family dwelling house as supported by the Birmingham Development Plan and the Mature Suburbs SDP which encourage houses to be restored if they can. The application property is in good condition and there is no reason why this cannot be used as a single occupancy.
- There is no justification on the loss of a family dwelling house or demand for an HMO of this size within the particular part of Erdington.
- Chester Road is characterised as a family neighbourhood, the HMO would not be in keeping with the local area. The Erdington ward is already saturated with family dwellings being converted to HMOs.
- The HMO would result in an increase in comings and goings and general level of activity which are likely to result in increased noise and disturbance to the occupants of the adjoining properties.
- The HMO would have an adverse impact on the character of the wider area and the setting of the adjacent listed building.
- Poor level of outdoor amenity space is provided for fourteen residents and poor outlook from habitable rooms windows.

7. **Relevant National & Local Policy Context**

- a) Paragraph 119 of the National Planning Policy Framework
- b) Policy TP27 of the Birmingham Development Plan (2017)
- c) Policy DM11 of the Development Management in Birmingham Development Management Plan (2021)
- d) Places for Living SPG (2001)
- e) Birmingham Parking Supplementary Planning Document (2021)
- f) Technical Housing Standards – Nationally Described Spatial Standards (2015)

8. **Planning Considerations**

- a) The Technical Housing Standards requires that in order to provide one bed space, a single bedroom must have a floor area of at least 7.5m² and be at least 2.15m wide. In order to provide two bed spaces, a double (or twin bedroom) should have a floor area of at least 11.5m². One double (or twin bedroom) is at least 2.75m wide and every other double (or twin) bedroom at least 2.55m wide.

The main material considerations in this application are as follows.

b) **Principle of Development**

There are no other HMO's within the immediate vicinity of the site and the proposal would not result in more than 10% of properties located within the 100m radius being in HMO use. As such the proposed HMO would not result in an over-concentration of such use and the proposal therefore complies with criteria a of Policy DM11 of the DMB Development Plan Document.

The proposal would also not result in a C3 dwellinghouse being sandwiched between two HMOs and would not result in a continuous frontage of three or more HMOs thereby complying with criteria b and c of Policy DM11 of the DMB Development Plan Document.

Given that the property has been previously used as a 9-bed care home it is not considered that there would be a loss of a family dwelling house and therefore, in principle, the change of use to a HMO is acceptable.

c) Residential Amenity

The proposed bedroom sizes would comply with the Technical Housing Standards in terms of the floor space to be provided and all bedrooms would have adequate outlook and daylight provision. The ground floor would provide two communal lounges which are of an appropriate size in relation to the number of occupants. Places for Living (2001) requires 30sqm of outdoor amenity space per resident, equating in this case for the need for the development to provide 420sqm. The rear garden is around 900sqm and would therefore exceed policy guidance in terms of amenity space.

Given that the property is detached and located on the busy A452 Chester Road, with high ambient noise levels, it is considered that the proposed use as a 14 bed HMO would not result in adverse noise and disturbance to local residential occupiers. Also, it is considered that the proposed use would not result in any materially greater noise and disturbance impacts than the previous use of the premises as a care home. This care home use would have had regular staff comings and goings, as well as other visitors to the premises.

d) Visual Amenity

A new single window is proposed to the rear of the first-floor bedroom. There would be no overlooking issues to the rear of adjoining properties. The ground floor garage would be converted to two separate bedrooms and would include windows providing outlook onto Chester Road. The proposal would not have any detrimental impact on the appearance of the property or the existing street scene within this part of Chester Road.

e) Highway Safety

Birmingham Parking Supplementary Planning Document requires 0.5 parking spaces per bedroom for an HMO use. The document acknowledges that HMOs tend to attract occupiers with lower-than-average levels of car ownership compared to the general population. The desirable level of on-site parking provision would be seven spaces and the proposal would provide six spaces to the forecourt. Given that there is un-restricted on street parking available on nearby roads, the amount of parking proposed is considered acceptable and therefore the use would not result in a detrimental impact on highway safety.

f) Other issues

NPPF paragraph 130 advises that 'decisions should ensure that developments will

function well and add to the overall quality of the area (and)...create places that are safe'. The concerns raised by objectors regarding safety being compromised are therefore a material consideration in the assessment of how a proposal may affect residential amenity. In order to carry weight in the determination of an application fear of safety must be based on sound reasons and, additionally, there needs to be reasonable evidential basis for that lack of safety. In this regard it is important to note that West Midlands Police have not expressed any concerns in relation to the proposal. There is no substantive evidence that the proposed HMO would attract or be likely to be occupied by persons more likely to commit crimes or to carry out anti-social behaviour. It is not therefore considered that crime/anti-social behaviour or increase in drug use would be a potential consequence of the proposed use, and as such refusal of the application on these grounds would not be justifiable.

I note the concerns regarding the proposed HMO resulting in an over development of the site. There are no extensions proposed as part of this application and the internal layout would comply with all the relevant policies in terms of bedroom sizes, outlook and adequate provision of communal spaces. Given the large detached nature of the property and the previous use it is considered that the proposal would not result in over development of the site. In addition, the application site is not in proximity to listed buildings or in a conservation area.

9. **Conclusion**

The proposed change of use is acceptable as it complies with the criteria set out in Policy DM11 of the Development Management in Birmingham DPD, Places for Living and the NPPF.

10. **Recommendation**

Approve subject to conditions

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|---|--|
| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Limits the maximum number of residents to 14 |
| 3 | Requires the provision of a vehicle charging point |
| 4 | Requires the submission of cycle storage details |
| 5 | Implement within 3 years (Full) |
-

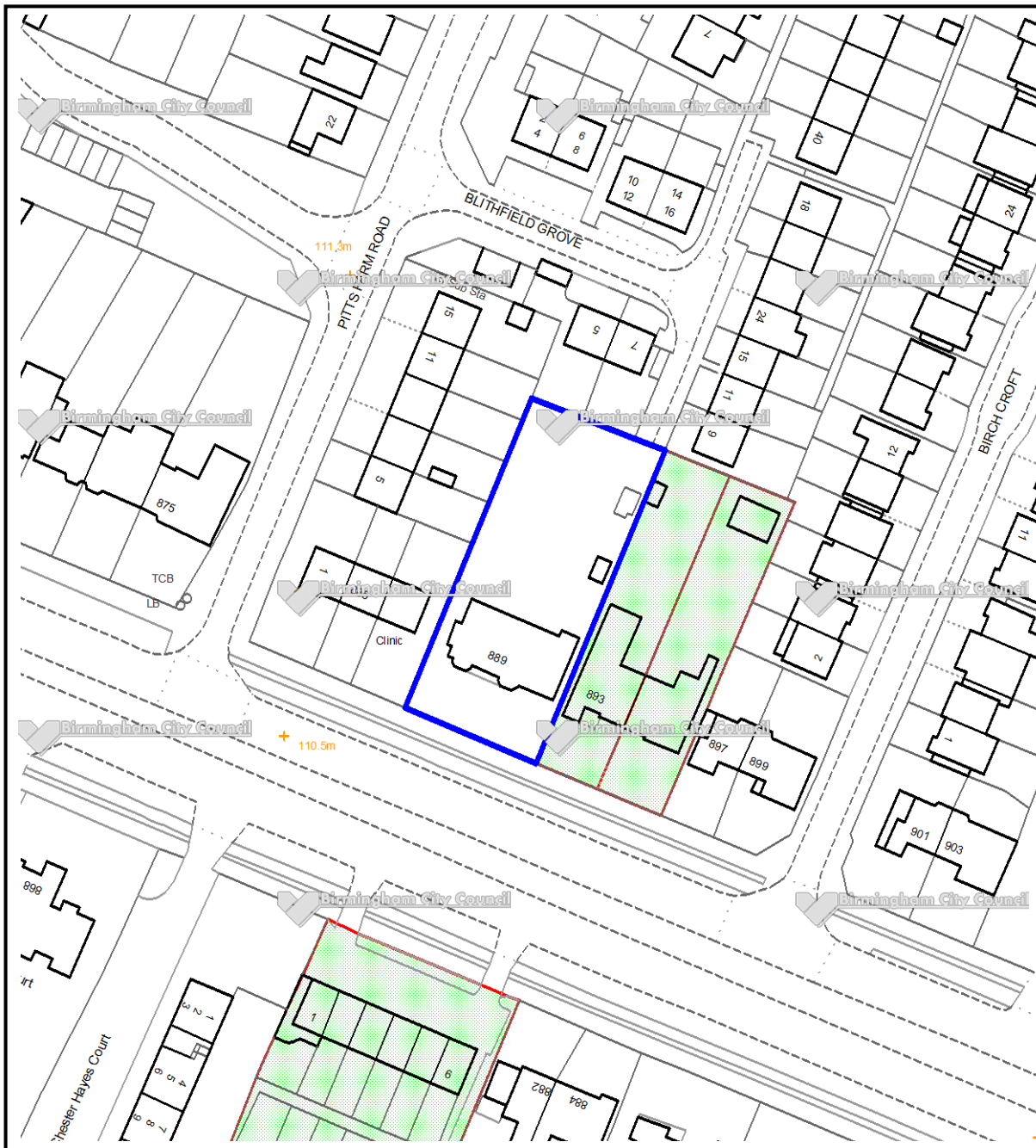
Case Officer: Sanya Imran

Photo(s)

The site



Location Plan



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