

Birmingham City Council

Planning Committee

01 March 2018

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Approve - Conditions	8	2017/10237/PA 103 Selly Park Road Selly Park Birmingham B29 7LH Erection of two storey rear extension and additional hard standing to front

Committee Date:	01/03/2018	Application Number:	2017/10237/PA
Accepted:	30/11/2017	Application Type:	Householder
Target Date:	25/01/2018		
Ward:	Selly Oak		

103 Selly Park Road, Selly Park, Birmingham, B29 7LH

Erection of two storey rear extension and additional hard standing to front

Applicant:	Mr S Sahota 103 Selly Park Road, Selly Park, Birmingham, B29 7LH
Agent:	Gurmukhi Building Design Ltd The Old School House, School Road, Moseley, Birmingham, B13 9SW

Recommendation

Approve Subject To Conditions

1. Proposal

1.1. Planning consent is sought for the erection of a two storey rear extension and an enlarged area of hard standing to the front of No. 103 Selly Park Road, Selly Oak.

1.2. [Link to Documents](#)

2. Site & Surroundings

2.1. The application site comprises of a large detached property with a cat slide roof design. The property is set back from the road with a large frontage comprising of a drive and garden area to the front. The property is located in Selly Park Conservation Area of which there are varying styles of architectural designs within the street scene. The rear boundary treatment consists of high wooden fence panels with large mature trees to the rear. There is a 1.3m high wooden fence along the boundary with No.101. No.105 is a bungalow.

2.2. [Site Location Plan](#)

3. Planning History

3.1. 01/11/2017- 2017/07658/PA- Erection of two storey side and rear and single storey side extensions- Refused on scale, design and impact on the Conservation Area.

Enforcement history:

3.2. 2017/1418/ENF- Alleged unauthorised works to front garden within a conservation area- Ongoing

4. Consultation/PP Responses

4.1. Neighbours and local Ward Councillors were notified and site and press notices displayed. 14 responses were received from local residents who objected to the proposal on the grounds of:

- Loss of privacy
- Loss of daylight
- Loss of outlook
- Overdevelopment of the plot
- Loss of garden space
- Development is unsympathetic to the Conservation Area
- Converting property into potential HMO
- Works on frontage commenced prior to any consent
- No details regarding proposed materials
- Hard standing to front is out of character

4.2. Members of the Selly Park Property Association objected to the proposals based on the overdevelopment of the site and lack of concern for character of the Conservation Area.

5. Policy Context

5.1. The following local policies are applicable:

- Birmingham Unitary Development Plan (Adopted 2005)
- Draft Birmingham Development Plan (2013)
- Places For Living (Adopted Supplementary Planning Guidance 2001)
- The 45 Degree Code (Adopted Supplementary Planning Guidance 1996)
- Extending your Home (2007)
- Selly Park Conservation Area

5.2. The following national policies are applicable:

- NPPF- National Planning Policy Framework.

6. Planning Considerations

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

6.2. The proposed development would comply with the 45 Degree Code and the numerical guidelines as set out in Places for Living SPG. As such, I consider there would be no detrimental impact upon neighbouring amenities by way of loss of daylight, outlook or privacy. In more detail, the 5m per storey minimum overlooking guidance distance to neighbouring gardens would still be exceeded, as would the minimum 21m guidance distance to neighbours' windows, as would the minimum 70 sqm guidance for garden area.

6.3. I consider the scale, mass and design of the two storey rear extension to be acceptable. The City's Conservation Officer has raised no objection to the proposal

as it is not expected that the two storey rear extension would have a significant impact on the architectural appearance of the property or the wider street scene and thus the proposal can be supported subject to a condition requiring matching materials. I concur with this view, the extension would not protrude further into the rear garden than the existing conservatory and would be 2.7m in depth. As such I do not consider that the proposed development would be overbearing nor would it amount to over intensive development of the plot. The size of the rear garden would therefore remain unchanged and I consider that the proposed design of the rear elevation would not affect the architectural appearance of the property as such to warrant a refusal of the application.

- 6.4. Given the small nature of the changes to the frontage including alterations to walls and increased area of hard standing to ease the manoeuvring of parked vehicles, I do not consider that the changes would significantly alter the appearance of the frontage. As such, I consider that the proposed development would not have a detrimental impact upon the existing property nor the wider conservation area. The proposal would therefore meet the principles contained within the design guide 'Extending your Home'.
- 6.5. The Conservation Officer has not objected to the proposed extension and hard standing subject to matching materials. There is a local concern about conversion to an HMO, but this is not any more likely to happen than to the existing premises and would highly require planning permission given the size of the premises even before the proposed extension.
- 6.6. Following the previously refused application the proposed two storey rear extension has been reduced in depth (by 0.9m), with the first floor side extension removed from the proposal altogether. As such I consider the previous reasons for refusal have been overcome.

7. Conclusion

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

8. Recommendation

- 8.1. Approve subject to the following conditions

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- | | |
|---|--|
| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Requires the prior submission of sample materials |
| 3 | Implement within 3 years (Full) |
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Case Officer: Leah Russell

Photo(s)



Photo 1: Front elevation

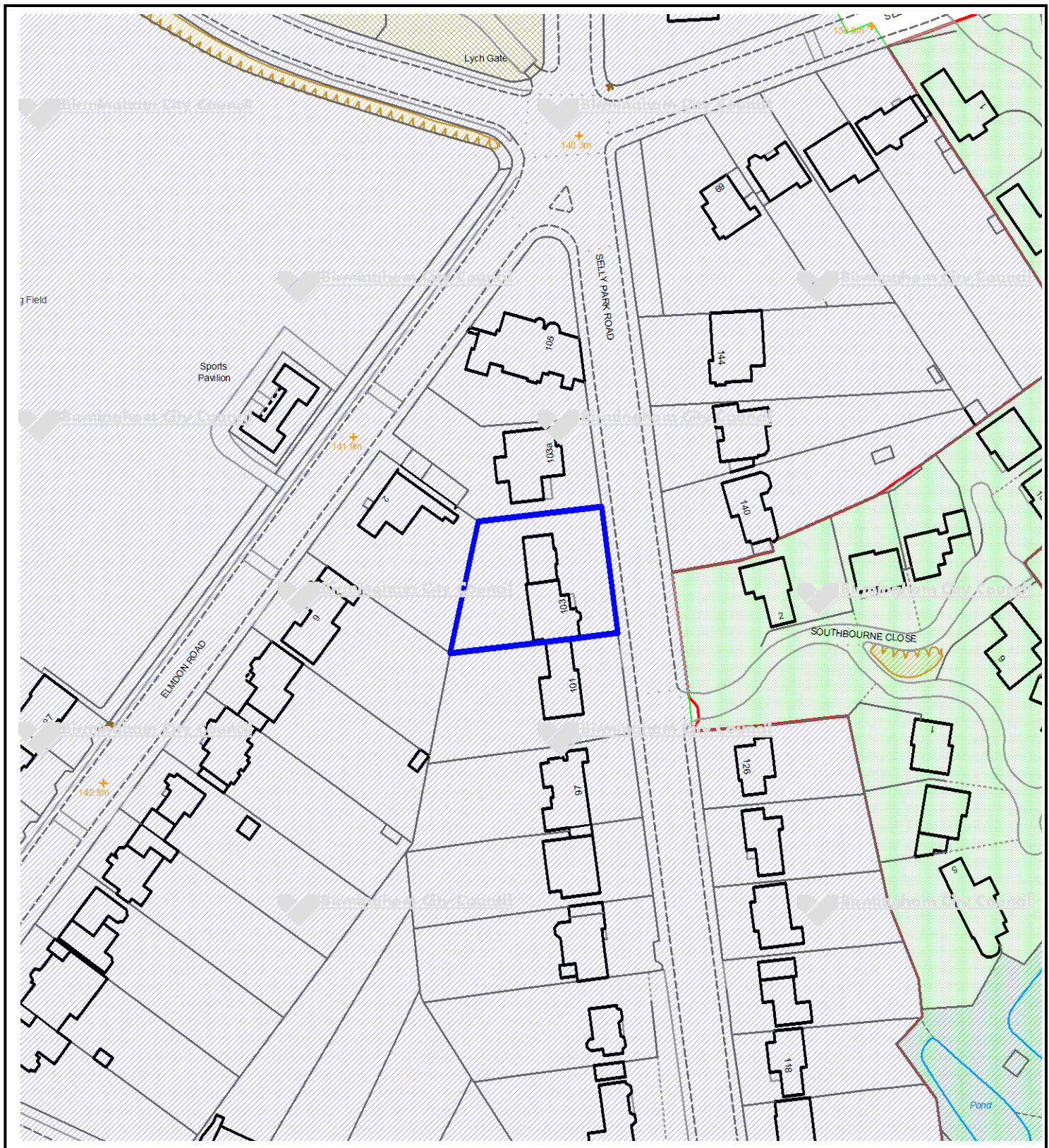


Photo 2: Rear elevation



Photo 3: Rear elevation of 101 Selly Park Road

Location Plan



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Birmingham City Council

Planning Committee

01 March 2018

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Approve – Conditions	9	2017/10312/PA 35 Boldmere Road Sutton Coldfield Birmingham B73 5UY Retention of use of first floor office space as guest bedrooms (Use Class C1 hotel/guest house)
Approve – Conditions	10	2017/10931/PA St. Marys C of E Primary Academy & Nursery 292 Hamstead Road Handsworth Birmingham B20 2RA Installation of external sprinkler tank compound with pump house and ancillary equipment, with associated screen fencing, landscaping, temporary hard play area and pathways.

Committee Date:	01/03/2018	Application Number:	2017/10312/PA
Accepted:	05/01/2018	Application Type:	Full Planning
Target Date:	02/03/2018		
Ward:	Sutton Vesey		

35 Boldmere Road, Sutton Coldfield, Birmingham, B73 5UY

Retention of use of first floor office space as guest bedrooms (Use Class C1 hotel/guest house)

Applicant:	Mr Paul Zacaroli 35 Boldmere Road, Sutton Coldfield, Birmingham, B73 5UY
Agent:	HG Design Ltd Sutton House, 4 Coles Lane, Sutton Coldfield, Birmingham, B72 1NE

Recommendation

Approve Subject To Conditions

1. Proposal
 - 1.1. Retrospective planning permission is sought for the change of use of ancillary first floor office floorspace associated with an existing commercial building into 8no ensuite guest bedrooms (Use Class C1), with an associated guest kitchen common area. The application description initially published referred to the proposal simply as 'overnight accommodation', with no indication of the actual use class involved nor particular details about what type of accommodation this would be. Following the case officer's site visit it became apparent that the proposed development had already been implemented, and a re-consultation has also been carried out which has allowed a clearer description of development to be used.
 - 1.2. The guest bedrooms do not operate as a hotel in a traditional sense – for example, there is no front reception nor branding/signage on the property. However, the 8 bedrooms do have an appearance typical of a hotel; with each having a double bed, a bedside table, a small desk and chair and a wall-mounted television. They are fitted out and furnished to a relatively high standard, but there is little of the other furniture present that might be typical of full residential occupation. The bedrooms share a small communal kitchen which contains a microwave and fridge, and incapable of use for day-to-day cooking. Adjacent to the kitchen there is a small room, which is used by a cleaner for the storage of cleaning supplies and fresh linens. Classification of the property as Use Class C1 is considered to be appropriate.
 - 1.3. Rather than the property being actively advertised, it is understood that several local hotels and guest houses are 'referring' customers to it in order to help them to address peaks in demand. It is understood that most customers of the property are staying for short periods, primarily for work and business.
 - 1.4. [Link to Documents](#)
2. Site & Surroundings

- 2.1. The application property occupies the first floor of a two-storey, flat-roofed building attached to the front of a larger single-storey commercial building behind used for the assembly, repair and storage of hot tubs and spa pools. The ground floor below the application property is mainly taken up by an ancillary showroom for the sale of those products.
- 2.2. The site is located within the Boldmere Neighbourhood Centre, although it falls outside the centre's Primary Shopping Area. The site is effectively 'hidden' behind the retail parade to the west at 15-33 Boldmere Road, and therefore has little visual relationship with the rest of the Neighbourhood Centre. Land to the south is in a mixture of commercial and light industrial uses, and St Nicholas Catholic Primary School is immediately to the east. To the north, is an open tarmac yard used as a hand car wash and residential properties immediately surrounding the site are to the west, above the retail units at 15-33 Boldmere Road.
- 2.3. [Link to site location and street view.](#)
3. Planning History
- 3.1. None.
4. Consultation/PP Responses
- 4.1. Transportation – No objections subject to cycle storage.
- 4.2. Regulatory Services – Recommended refusal on the basis of uncertainty around the use proposed. There is specific concern that the proposal is effectively an HMO for which room sizes would be too small, concern with the lack of any on-site management presence, and concern with potential amenity issues that could arise from the commercial use on the ground floor below.
- 4.3. West Midlands Police – No objections, although several recommendations have been made with respect to crime prevention on the site.
- 4.4. Local ward councillors, residents associations and occupiers of neighbouring properties have been consulted. A site notice has also been posted. Eight local residents have objected to the proposal, of which seven submitted their comments prior to the re-consultation with the more accurate and precise description of development. The objections can be summarised as follows:
- There is no need for a guest house in Boldmere because it has no tourist attractions – the Neighbourhood Centre's purpose should only be to serve the local area;
 - There is no demand for overnight accommodation so close to the Travelodge;
 - If this is an application for a hostel, it will be out of keeping with the area and inappropriately located given the proximity of public houses and schools;
 - There is insufficient parking supply to accommodate the proposal;
 - With a more transient population staying in the area, there will be an increased risk of crime;
 - The proposal makes no provision for the storage or collection of waste;
 - The proposal will be a potential health hazard as it is unclear how foul sewage and waste water will be dealt with.

5. Policy Context

5.1. The following local policies are applicable:

- Places for Living (2001)
- Shopping and Local Centres SPD (2012)
- Car Parking Guidelines SPD (2012)
- Birmingham Development Plan (2017)
- Birmingham Unitary Development Plan (2005) – Saved policies

5.2. The following national policies are applicable:

- NPPF: National Planning Policy Framework (2012)

6. Planning Considerations

6.1. The main issues to consider with this application are the principle of development in Use Class C1 in this location, amenity issues including the potential for crime, and impacts on highways and transport.

6.2. **Principle of a C1 use** – The NPPF includes hotels as an example of a ‘Main Town Centre Use’. The Council’s *Shopping and Local Centres SPD* indicates that town centre uses will be encouraged within Birmingham’s Town, District and Neighbourhood Centres. As such, the proposal is policy-compliant in this location. With respect to those objections received which are concerned that Boldmere has no need for overnight accommodation or that the proposal will not serve local needs, it is worth noting that the intended target market of the hotel is business travellers and short-term workers in local businesses. Facilitating local stays of people who are supporting the local economy is clearly in the public interest.

6.3. A number of concerns have been raised that the application is an attempt to secure permission for a *Sui Generis* hostel or C4/*Sui Generis* House in Multiple Occupation (HMO) use. When viewed by the case officer it would not have been capable of long term occupation. In any case, a HMO/hostel use would require planning permission for a change of use and would need to be considered under its own merits.

6.4. In order to provide additional control over the situation and ensure that the property is only used for C1 purposes, it is considered that a condition would be appropriate to limit the length of stay at the property by any guest to no more than 14 nights in any 28 night period. This would strike a reasonable balance between allowing a slightly more extended use of the property by guests (for example whilst working or doing business in the area), but preventing the property from being used as any occupants’ primary home.

6.5. **Amenity issues** – Concerns have been raised with the suitability of the application property for use as overnight accommodation, in light of the commercial uses present on the ground floor below. However, these comments appear to emanate from assumptions that the application property will – or could – be used as permanent residential accommodation. However, because guests of the accommodation will be paying customers staying for short periods, noise and other nuisances would not affect them in the same way.

6.6. It has been suggested by consultees that a condition could be imposed to tie any permission granted to the current owner of the site, in order to limit the potential for issues to arise should the application property ever come under separate ownership to the main commercial unit. However, as indicated above it would be paying

customers and not residential occupiers that would be affected by any issues that arose, it is not considered that such a condition would be necessary or reasonable.

- 6.7. Concerns have also been raised by local residents that a C1 use on the site – i.e. allowing it to be used on a transient basis by people with no connection to the area – could lead to an increase in crime. West Midlands Police have offered no objection to the proposal, and it is noted that a much larger Travelodge hotel operates successfully a short distance to the south of the site along Boldmere Road. It is not considered that concerns around crime are justifiable in this case.
- 6.8. **Highways and transport issues** – The Council's *Car Parking Guidelines SPD* indicates a standard of 1 space per 2 guest bedrooms for Use Class C1 in locations away from the City Centre and railway stations. This would result in a baseline requirement of 4 car parking spaces for this application. Boldmere Road has reasonable bus service provision, and the application site is within a 15 minute walk of Wylde Green Railway Station.
- 6.9. The applicant has submitted a plan showing a layout to accommodate 5 cars on site. Whilst this layout was not marked out at the time of the officer's site visit, the space available was still sufficient to accommodate at least 5 vehicles. As the commercial uses on site do not operate at night, the spaces would be available exclusively for guests of the application property. Even if onsite parking provision did prove to be insufficient, there is plentiful local on-street parking on Boldmere Road which is unrestricted between 18:00 and 08:00. Accordingly, Transportation Development is satisfied that parking provision will be acceptable. There is not considered to be any reason to disagree with this view.
- 6.10. Transportation Development does consider that provision should be made for secure cycle parking on the site. However, on the basis that public cycle parking provision already exists a short distance from the site entrance on Boldmere Road, it is not considered that any condition requiring additional on-site provision would be justifiable.
- 6.11. In terms of vehicular access, the proposal will continue to use existing areas of the site which are already accessed by vehicles. There are therefore no further issues to consider in terms of crossovers and visibility splays to the highway. Whilst vehicular movements to the site will increase, the extent of that increase will likely be negligible.
7. Conclusion
- 7.1. The site is within Boldmere Neighbourhood Centre and the proposed use is a town centre use, and therefore complies with both national and local policy.
- 7.2. It is considered that concerns expressed by Regulatory Services and local residents around potential amenity conflicts from the commercial use below would be justifiable, if the proposal was to be used for long term residential accommodation. However, because guests of the accommodation will be paying customers staying for short periods, noise and other nuisances would not affect them in the same way. There have also been concerns expressed by local residents that the property will become used as permanent residential accommodation if this application is approved. However these uses would require planning permission for a change of use and would be assessed on their individual merits.

7.3. Highways and transport issues are considered to be acceptable. Sufficient provision exists on the site to accommodate the likely levels of car parking demand that will arise, and in any case sufficient local on-street parking exists to accommodate any potential overspill.

8. Recommendation

8.1. That the application is approved, subject to the following conditions.

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

2 Requires the development to be occupied on a short term basis only

Case Officer: Robert Webster

Photo(s)



Figure 1 Front elevation and view north



Figure 2 Internal view of bedroom

Location Plan



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Committee Date:	01/03/2018	Application Number:	2017/10931/PA
Accepted:	28/12/2017	Application Type:	Full Planning
Target Date:	22/02/2018		
Ward:	Lozells and East Handsworth		

St. Marys C of E Primary Academy & Nursery, 292 Hamstead Road, Handsworth, Birmingham, B20 2RA

Installation of external sprinkler tank compound with pump house and ancillary equipment, with associated screen fencing, landscaping, temporary hard play area and pathways.

Applicant:	Balfour Beatty Regional Construction c/o Agent
Agent:	Tweedale Limited 265 Tettenhall Road, Wolverhampton, WV6 0DE

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. Consent is sought for the installation of external sprinkler tank compound with pump house and ancillary equipment, with associated screen fencing, landscaping, temporary hard play area and pathways at St. Marys C Of E Primary Academy & Nursery, 292 Hamstead Road, Handsworth.
- 1.2. The proposed sprinkler tank and pump house would be located on a lower ground level than the main school building, close to the north-west boundary of the application site. The sprinkler tank and pump house would be enclosed with 2m high fencing panels with screen planting. The proposed concrete base to the sprinkler tank compound would measure 5m x 9.5m and the sprinkler tank would be 3.5m in height.
- 1.3. The proposal would result in the loss of approximately 47.5m² of hard play space. A tarmacked play area with timber edgings would be created during construction works amounting to 171m² along with 1500mm wide tarmac path, handrails, ramps and balustrades along the northern end of the site. The existing retaining wall would be upgraded and increased in height from 1m to 1.5m in height.
- 1.4. The proposal is part of the Council's programme to fit sprinkler systems throughout its schools.

1.5. [Links to Documents](#)

2. Site & Surroundings

- 2.1. The school is situated on Hamstead Road and is set back with a staff car park fronting the school buildings. The school currently has three access points. The primary access for parents and pupils is accessed via Hamstead Road adjacent to

Trinity Way. There is also a secondary pedestrian access via Manwood Close from the north. The staff car park is accessed via Hamstead Road and provides a total of 25 spaces.

- 2.2. The site has a significant change in level to the rear with the playground set at a lower level to the school buildings accessed by existing steps within the site. There are groups of trees situated along the site boundaries.
- 2.3. The surrounding area contains a mix of residential properties to the south and east of the site. The former Endwood public house is situated to the north-west which is a Grade II Listed Building. The railway line is located on part of the northern boundary of the site.
- 2.4. [Site Location](#)

3. Planning History

Various applications with the most recent/relevant being:

- 3.1. 23.08.2017 - 2017/04957/PA - Erection of a three storey teaching block, single storey infill extension to provide enlarged reception area and office accommodation, formation of two new play areas and internal refurbishment – Approved with conditions.
- 3.2. 01.06.2017 - 2017/02726/PA Installation of temporary classroom - Approved temporarily.
- 3.3. 21.08.2015 - 2015/05127/PA Erection of one double classroom modular building on playing field to rear - Approved temporarily.
- 3.4. 28.05.2015 - 2014/09294/PA Erection of single storey extensions to nursery (Phase 1) and three storey extension to rear (Phase 2) - Approved with conditions (not implemented).
- 3.5. 06.04.2010 - 2010/00415/PA Erection of two storey classroom extension and extension of school reception with reconfiguration of car park - Approved with conditions.
- 3.6. 06.04.2010 - 2010/00490/PA - Erection of temporary classroom adjacent to hard play area – Approved temporarily.

4. Consultation/PP Responses

- 4.1. Ward Councillors, Resident Associations and adjoining occupiers notified. Site Notice displayed. No responses have been received.
- 4.2. Regulatory Services – No objections, subject to conditions relating to contamination remediation scheme and land verification report.
- 4.3. Transportation Development – No objections.
- 4.4. Network Rail - Advises that a Risk Assessment and Method Statement (RAMS) for all works to be undertaken within 10m of the operational railway under Construction (Design and Management) Regulations should be submitted and agreed with Network Rail. All surface water is to be directed away from the direction of the railway

and Network Rail will need to review and agree all excavation and earthworks within 10m of the railway boundary.

5. Policy Context

5.1. Relevant National Planning Policies:

- National Planning Policy Framework;

5.2. Relevant Local Planning Policies:

- Birmingham Development Plan (2017);
- UDP: Saved Policies (2005);
- Places for All – SPG (2001).

6. Planning Considerations

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

6.2. **Principle-** The proposed development would seek to provide water supplies in the event of fire breaking out on the site. The proposal is part of the Council's programme to fit sprinkler systems throughout its schools. It is acknowledged that the proposal would result in the loss of approximately 47.5m² of hard play space. It is noted that the creation of two additional play areas approved under planning reference: 2017/04957/PA and the creation of a tarmacked play area amounting to 171m² as proposed within this scheme would satisfactorily compensate for loss in play space. For this reason the principle of the development is acceptable and I consider that the loss in hard play area is negligible.

6.3. **Design and impact on visual amenity** – The proposed works would be set within the school grounds and located on lower ground level from the main school building, on an existing hard surfaced playground. The proposed sprinkler tank is relatively large in size and not very attractive in terms of its design. However, it would be enclosed with 2m high fence and screened with soft landscaping. The sprinkler tank and pump housing would be constructed with metal and plastic (GRP) respectively which are satisfactory from a visual perspective and therefore I conclude there is no need to apply a condition requiring material details. The proposed development set within the context of the school grounds would have no adverse impact on visual amenity.

6.4. **Impact on residential amenity** – The proposed sprinkler tank and associated pump house would be located adjacent to the north-west boundary with the former Endwood public house. The nearest residential dwelling is located approximately 28m away and as such, there would be no adverse impact of neighbour amenity. I note that Regulatory Services have assessed the scheme and raise no objections, subject to conditions relating to contamination remediation scheme and land verification report. I concur with this view.

6.5. **Parking and Highway Safety** – The proposal would not existing highway safety or parking arrangements. Transportation Development raise no objections to the proposal. I concur with this view.

6.6. **Other Matters** – The applicant/agent has been advised in relation to Network Rails comments. Although, the proposed development would be approximately 23m away from the railway boundary.

7. Conclusion

7.1. The proposed development accords with the relevant policies and guidance set out in the UDP (saved policies), BDP, and the NPPF, and would have no adverse impact on visual amenity, residential amenity or parking and highway safety.

8. Recommendation

8.1. Approve subject to the following conditions

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- | | |
|---|--|
| 1 | Requires the prior submission of a contamination remediation scheme |
| 2 | Requires the prior submission of a contaminated land verification report |
| 3 | Requires the scheme to be in accordance with the listed approved plans |
| 4 | Implement within 3 years (Full) |
-

Case Officer: Chantel Blair

Photo(s)

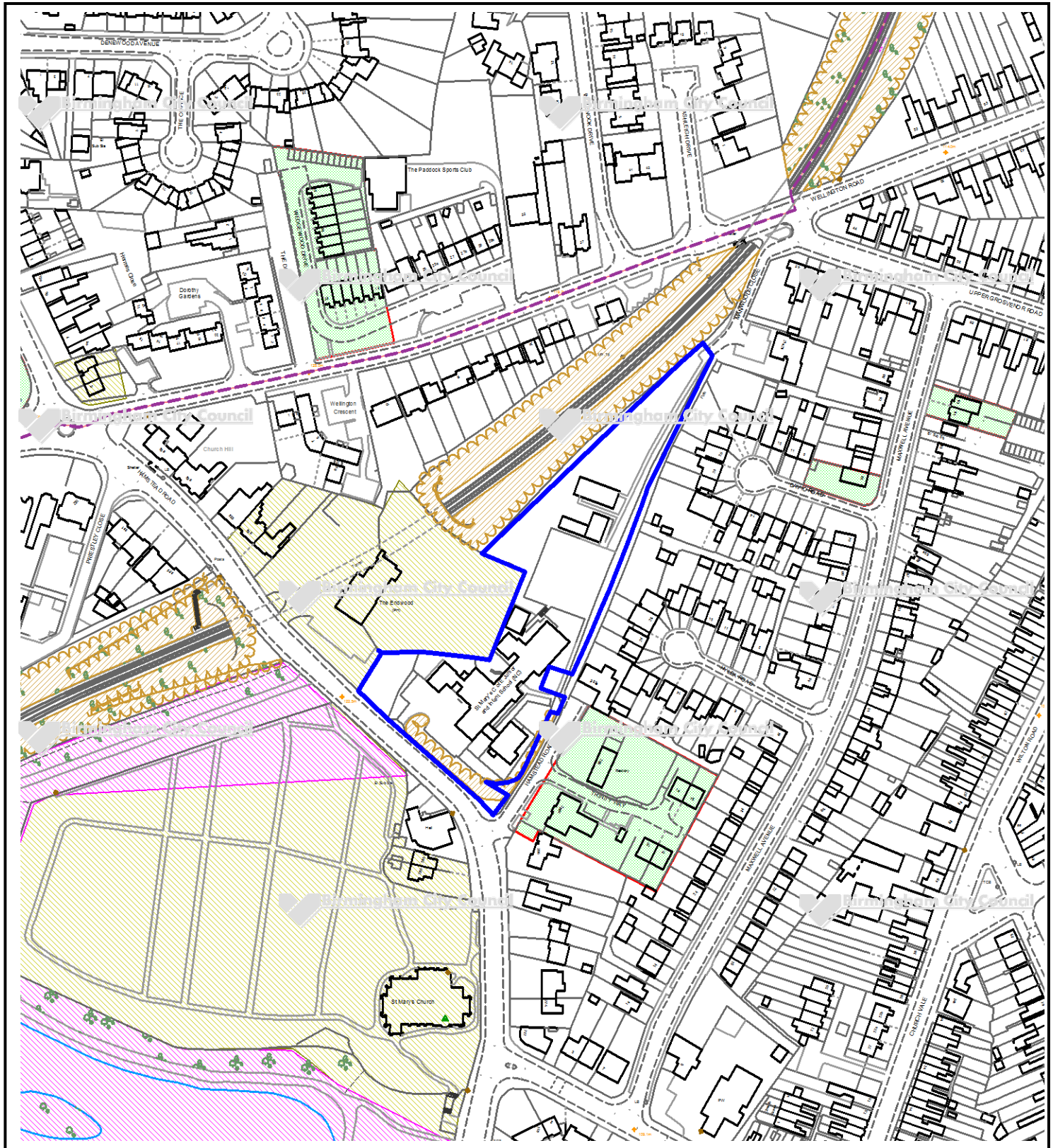


Figure 1: Sprinkler Tank Location



Figure 2: Hard Play Area Location

Location Plan



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Birmingham City Council

Planning Committee

01 March 2018

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Defer – Informal Approval	11	<p>2017/10448/PA</p> <p>Land fronting Bristol Street, Belgrave Middleway, St Luke's Road, Sherlock Street, Hope Street, Vere Street, Mowbray Street, Spooner Croft and Gooch Street St Luke's Estate Birmingham B5 7AY</p> <p>Demolition of existing buildings (St Luke's Church & The Highgate Centre) and redevelopment of site to provide 778 one, two and three bedroom houses and apartments with ground floor retail unit for A1/A2/A3/A4 use, with associated internal access roads, parking, open space, infrastructure and alterations to footpaths</p>
Approve – Conditions	12	<p>2017/10287/PA</p> <p>Central Methodist Hall 196-224 Corporation Street Ladywood Birmingham B4 6QB</p> <p>Change of use, conversion and three storey roof extension to provide 147 (no.) room hotel accessed off Corporation Street (C1 Use), and 75 (no.) room apart-hotel (C1 Use) accessed off Ryder Street, including restaurant, bars and cafe; retention of use of ground floor units for flexible retail, office, restaurant/cafe, public house, hot food takeaway uses (Use Classes A1 to A5); use of Nos. 208-210 as hotel cafe and No. 216 as a secondary hotel access and ancillary retail; use of basement as nightclub (Sui Generis) accessed from Dalton Street; new ground floor shop fronts at Nos 204 to 206 and 224</p>

Approve – Conditions	13	<p>2017/10299/PA</p> <p>Central Methodist Hall 196-224 Corporation Street Ladywood Birmingham B4 6QB</p> <p>Listed Building Consent for new 3 storey roof top extension; insertion of new decks, balconies, partition walls and other works; new shopfronts to nos. 204 to 206 and 224; opening up of historic fabric; removal of raked seating; part retention part removal of existing tracery windows; repointing, cleaning and repair of existing terracotta and brickwork where required and repair of some existing shopfronts in order to facilitate the proposed change of use to hotel and apart-hotel, retention of use of ground floor units for flexible retail uses and use of basement as nightclub.</p>
Approve – Conditions	14	<p>2017/08885/PA</p> <p>Land at Vesey Street, Lench Street, Lancaster Street and Lancaster Circus St Chads Queensway Birmingham</p> <p>Erection of new buildings between 9 and 24 storeys to provide purpose built student accommodation (Sui Generis) with associated internal and external amenity space, landscaping, cycle parking and associated works.</p>
Approve – Conditions	15	<p>2017/10835/PA</p> <p>Land at and bounded by Paradise Circus Queensway and surroundings including Chamberlain Square, Parade, and Paradise Street City Centre Birmingham B3 3HJ</p> <p>Reserved Matters Application (scale, appearance, layout and landscaping) pursuant to outline planning permission 2017/03356/PA for the erection of a fourteen storey office and retail building (Building G) and associated development.</p>

Committee Date:	01/03/2018	Application Number:	2017/10448/PA
Accepted:	14/12/2017	Application Type:	Full Planning
Target Date:	15/03/2018		
Ward:	Nechells		

Land fronting Bristol Street, Belgrave Middleway, St Luke's Road, Sherlock Street, Hope Street, Vere Street, Mowbray Street, Spooner Croft and Gooch Street, St Luke's Estate, Birmingham, B5 7AY

Demolition of existing buildings (St Luke's Church & The Highgate Centre) and redevelopment of site to provide 778 one, two and three bedroom houses and apartments with ground floor retail unit for A1/A2/A3/A4 use, with associated internal access roads, parking, open space, infrastructure and alterations to footpaths

Applicant:	Barratt Homes c/o Agent
Agent:	Turley 9 Colmore Row, Birmingham, B3 2BJ

Recommendation

Approve Subject To A Section 106 Legal Agreement

1. Proposal

1.1 The application relates to a site of 8.7ha as identified as a significant redevelopment opportunity in the Bristol Street and St Luke's Development Framework as adopted in December 2013. This application proposes to develop the site to provide a mix of apartments and houses ranging in height from 2 – 15 storeys, a ground floor commercial unit fronting Bristol Street together with associated car parking and areas of public open space including a new neighbourhood park and landscaped square. The application proposals are revised from an earlier scheme for the site which was considered by the planning committee as an issues report on 27 April 2017 under reference 2017/01721/PA and was subsequently withdrawn.

1.2 **Demolition**

1.3 The implementation of the proposals would require demolition of the following buildings:

- St Luke's Church which fronts the east side of Bristol Street near to the junction with Belgrave Middleway
- The Highgate Centre which fronts the north side of St Luke's Road close to the junction with Cumberland Avenue.

1.4 **New buildings**

1.5 The proposed development proposes the erection of 778 dwellings and a ground floor retail unit which would provide 175 square metres of floor space for A1, A2, A3

or A4 use. The dwellings would comprise 590 apartments (76%) and 188 (24%) houses with the following mix:-

- 1 bed x 1 person apartments – 59 (8%)
- 1 bed x 2 person apartments – 135 (17%)
- 1 bed x 2 person house – 9 (1%)
- 2 bed apartments – 396 (51%)
- 2 bed houses – 30 (4%)
- 3 bed houses – 149 (19%)

- 1.6 It is proposed that the 10% (78) of the dwellings being built on site would be affordable. The proposed units would be made up of rented, shared ownership and low cost dwellings comprising
- 1 bed apartment for rent – 11 units
 - 2 bed apartment for rent – 20 units
 - 1 bed apartment for shared ownership – 12 units
 - 2 bed apartments for shared ownership – 8 units
 - 3 bed houses for shared ownership – 6 units
 - Low cost dwellings – 21 units (mix to be determined)
- 1.7 The apartments would be accommodated across 16 buildings which are labelled A to F. The most prominent buildings would be A1 – A6 which would be the tallest buildings on the site and located fronting Bristol Street and the junction with Belgrave Middleway. They are arranged in two groups and would be located either side of a new private mews street which would be used by residents to gain access to the basement parking areas.
- 1.8 Buildings A1-A3 have been designed as linked landmark buildings and would be located at the western end of the site, fronting Bristol Street and the junction with Belgrave Middleway. Building A1 would be located on the land at the corner of this junction and be the tallest building on the site at 15 storeys. Buildings A2 and A3 would be attached to building A1 to form a U shaped block grouped around a landscaped deck. Building A2 would be three storeys in height and Building A three storeys. Together the 3 buildings would provide 131 apartments and communal space for residents including a gym, lounge and landscaped amenity space at podium level and at roof top level above Building A3. The podium amenity space would be located above a ground floor car parking area with 32 (24.4%) car parking spaces and 97 cycle spaces (74%) as well as plant and refuse stores.
- 1.9 Buildings A4–A6 would be located north of Buildings A1-A3 fronting Bristol Street and have heights of 7, 6 and 5 storeys in height and are also designed to form a further U shaped block around a landscaped deck. Together the 3 buildings would provide 147 apartments, communal space for residents including lobby/lounge areas, a landscaped area of amenity space at podium level and at roof top level above Building A6. On the frontage to Bristol Street a retail unit is also proposed for general public use. The podium amenity space would be located above a ground floor car parking area with 61 (41.5%) car parking spaces and 95 cycle spaces (64%) as well as plant and refuse stores
- 1.10 To the east of buildings A1– A6 and within the parcel of land between Bristol Street and Sherlock Street 8 further, but smaller, apartment buildings are proposed. These include a row of three four storeys blocks located on the Belgrave Middleway frontage (Buildings B1- B2) which would provide 88 one and two bed apartments and a further 4 storey block of (shown as Building B3) located at the junction of Belgrave Middleway and Sherlock Street which would provide a further 24 apartments. This building also includes a room for community use with a small

kitchen area and toilet. Buildings C1 and C2 are smaller three storey blocks each providing 6 apartments which would be located to the north of Hope Street either side of a new access road. Of the two other apartments buildings proposed on this part of the site (Buildings G) one would be located to front Sherlock Street and the other a new area of public open space proposed to the rear of Building A6. Both these buildings would provide 9 apartments over 3 floors.

- 1.11 On the eastern part of the site between Sherlock Street and Gooch Street 5 apartments buildings are proposed including Building D1 and D2 which would be located at the junction of Sherlock Street and Belgrave Middleway. These two buildings would be 4 storeys in height and accommodate a total of 51 apartments which are identified as affordable units in the form of 23 one bed apartments and 28 two beds. The other apartment buildings comprise Building E which would be located to the north of St Luke's Road, towards the eastern end of the site facing over the new neighbourhood park and would accommodate 35 apartments over four storeys, Building E2 which would be situated opposite Barrow Walk to the west of Building E and provide 8 apartments and Building F which would be located at the south eastern corner of the site at the junction of Belgrave Middleway and St Luke's Road. The latter building would provide 76 dwellings within a part four and part five storey building and as this part of the could be affected by flooding it is proposed that the residential units be sited above an under croft car parking area so that they are above any predicated flood levels.
- 1.12 The remaining 188 dwellings on site comprise a mix of two and three storey terraced and semi-detached houses as well as 7 flats above garages. These are arranged largely to infill the gaps in the existing street frontages to Hope Street, Vere Street, Spooner Croft and Mowbray Street in the northern part of the site as well as Sherlock Street and St Luke's Road to the east. Several new streets are also proposed within the site off Sherlock Street, St Luke's Road and Hope Street to provide frontages to additional dwellings and access to car parking. The infill dwellings proposed at the eastern end of the site fronting St Luke's Road and Barrow Walk could also potentially be affected by flooding and it is therefore proposed that they have finished floor levels above existing ground levels.
- 1.13 The apartment's sizes vary from 44 – 52 square metres for a one bed type and from 54 – 73 square metres for a two bed type. The proposed house sizes vary from 52.5 square metres for a 1 bed type, 64 - 72 square metres for a 2 bed type and from 77 – 108 square metres for a 3 bed type. The 7 flats above garages would all have 2 bedrooms and have a floor area of 63.8 square metres. The development would have a density of 89.7 dwellings per ha if the areas of public open space are included or 140 dwellings per ha excluding them.
- 1.14 **Design and Appearance**
- 1.15 The overall layout of the development has been influenced by the need to retain the existing street pattern and residential development adjacent to the site as well as the need to create landmark buildings on the Bristol Street frontage and address the possibility of flooding in the eastern end of the site. A number of changes have been made to the layout following concerns raised by officers and members to the previous proposals particularly to the western half of the site. This includes the re-arrangement of the buildings fronting Bristol Street, the inclusion of a new area of public space to the rear of Buildings A5 - A6, the repositioning of buildings to overlook the additional open space, the provision of dwellings to front the new access road and the setting back of dwellings from the Sherlock Street frontage.

Some of the car parking proposed has also been relocated away from the main street frontages and positioned below a landscaped deck.

- 1.16 Most of the building heights remain at 2-4 storeys however the proposed apartment's blocks fronting Bristol Street have been completely redesigned to provide a 15 storey tower on the junction with Belgrave Middleway with a range of supporting blocks of 4-7 storeys. The fenestration has been remodelled to provide a grid of larger windows, deep reveals, parapets, expressed entrances, double height details and active uses at ground floor level. The design also includes roof top terraces and balconies. Materials proposed are predominantly brick but also includes metal work details and the use of three different shades of buff brick. The other buildings would also be built from the same range of buff coloured bricks and some include blue brick string course detailing at lower levels. The apartment blocks would have a range of roof designs including flat or pitched roofs which are also proposed for the houses. In prominent corner locations these would be modified through the introduction of a front parapet to add interest and verticality. Throughout the development window openings with vertical proportions would be used and simple detailing. 9 different house types are proposed with slight variations dependant on plot location.

1.17 **Amenity Space and Trees**

- 1.18 The proposals also include a central, linear park running the entire length of the site from Bristol Street through to Gooch Street. This space, which has an average width of about 15 metres would link through to a new neighbourhood park of 1.05 ha which would be provided at the eastern end of the site between St Luke's Road and Gooch Street. The revised proposals also include a new area of public open space measuring about 34 by 53 metres within the western half of the site which would abut the linear park and a widened area of open space on the frontage to Sherlock Street.

- 1.19 The new park would provide a grass pitch, infant and junior play areas as well as other informal areas of open space. A further pocket park is proposed between Lawford Grove and Gooch Street. The proposed apartment blocks fronting Bristol Street and Belgrave Middleway have also been set back further from these road frontages to allow planting to be provided to form a green edge to the development and an elevated structure incorporating the church bell from St Luke's Church is also proposed to be retained and positioned within the open space fronting Bristol Street. All the areas of public open space would be privately maintained which would be financed through service contracts with occupiers of the development.

- 1.20 Small gardens are proposed for the new houses which on average provide about 40 square metres of private amenity space but vary in size between 16.5 and 76 square metres. The apartments would have small communal areas of landscaped space around each block. The occupants of apartment blocks A1-A6 would have the use of communal roof gardens as well as many apartments having individual balconies.

- 1.21 There are a number of mature trees within the site and the Arboricultural report submitted with the application identifies 107 individual trees and 22 groups. A total of 81 trees are required to be removed to enable the development to come forward but the landscaping scheme includes the planting of over 330 new trees.

1.22 **Access and Parking**

- 1.23 All the existing estate roads within the site would be retained and these would be supplemented with additional access roads to serve the new buildings. There are several footpaths through the site which would be rationalised to provide a main east - west route through the site between Bristol Street and Gooch Street and St Luke's Road as well pedestrian links into the various housing areas. The existing pedestrian subway that runs under Bristol Street is to be removed as part of the highway works being undertaken in connection with the housing redevelopment at Park Central on the opposite side of Bristol Street. The ramps down to the subway on the application site would be removed and the land re-graded
- 1.24 A total of 544 (70%) parking spaces are proposed across the development. Of these 522 Spaces (67%) will be provided for residents of which 448 spaces will be allocated and 74 spaces will be for communal use. Undercroft car parking will be provided for apartment blocks A1 to A6 (93 undercroft spaces) and F (36 undercroft spaces), with additional surface parking immediately adjacent to each block. Each house would be provided with at least one allocated off-street parking space. 22 visitor spaces are also proposed which would also support the proposed retail unit. A former garage court used for parking by existing residents of Spooner Croft is to be retained.
- 1.25 350 (59%) covered cycle spaces are to be provided across the 16 apartment buildings. For the houses space for cycle storage would be available within the curtilage of each dwelling. A loading bay would be available for use in connection with the retail unit.
- 1.26 **Supporting Information**
- 1.27 The application has been supported by a comprehensive range of documents including Design and Access Statement, Planning and Heritage Statement, Flood Risk Assessment and Drainage Strategy, Transport Assessment and Travel Plan, Arboricultural Impact Assessment, Bat Surveys, Ecological Appraisal, Energy Statement, Air Quality Assessment, Environmental Noise Survey & Assessment, Statement of Community Engagement and Phase II Ground Investigation. A Viability Assessment has also been provided in support of this application to justify the deviation from policy in respect of Open Space and Affordable Housing contributions.
- 1.28 The application proposals have been screened at pre-application stage where it was concluded that the development would not be EIA development requiring the provision of an Environmental Statement.
- 1.29 [Link to Documents](#)
2. Site & Surroundings
- 2.1 The application site of 8.7 ha is located within the Southside and Highgate quarter of the City Centre. It is bordered by Bristol Street (A38) to the west, a key arterial route into and out of the city centre and Belgrave Middleway (A45400) to the south, which forms part of the Birmingham ring road. Mowbray Street and Gooch Street form part of the north and north eastern boundaries. The site also encompasses parts of Vere Street, Hope Street, Spooner Croft, Lawford Grove and Berrington Walk and Sherlock Street crosses through the centre of the site.
- 2.2 Most of the western half of the site was the former home of Matthew Boulton College since demolished. The eastern half of the site forms part of site the St Luke's housing

estate and a number of tower blocks, maisonettes and a nursery that previously occupied the site have been demolished and cleared. Running through the centre of the site from east to west is a substantial area of public open space which contains a number of well-established trees. There are other mature trees within the site as well as footpaths, areas of hard standing, fenced off former housing sites and highways. The site also contains two existing buildings; these are the former St Luke's Church, fronting on to Bristol Street and the Highgate Centre, fronting onto St Luke's Road.

2.3 Immediately adjacent to the site are a number of retained dwellings which are predominantly 2 storeys terraced houses but there are also some bungalows and three storey town houses that border the plot. The north western corner of the site lies adjacent to Bristol Street Motors, which contains a petrol filling station, a car showroom, Transit Centre as well as workshops and car storage areas. There is also a disused multi storey car park that was used in connection with Monaco House at the northern of Vere Street. A small number of commercial uses border the site along Gooch Street, including a public house and a range of other small scale two storey commercial units. The River Rea also lies adjacent to the eastern corner of the site adjacent to the Gooch Street frontage.

2.4 Opposite the site fronting Bristol Street lies the Park Central development which is nearing completion with the final phase of apartments currently under construction. Where the apartments front the Bristol Street/Lee Bank Middleway junction they are to be 10 and 11 storeys high. On the opposite side of Belgrave Middleway/Bristol Street junction is an 18 storey high student accommodation block known as Belgrave View.

2.5 [Site Location](#)

3. [Planning History](#)

3.1 2017/01721/PA - Demolition of existing buildings (St Luke's Church and the Highgate Centre) and redevelopment of site to provide 772, one, two and three bed houses and apartments with associated internal access roads, parking, open space, associated infrastructure services and alterations to footpath. Application withdrawn November 2017.

3.2 There have also been have been a number of applications to demolish the tower blocks, maisonettes and a nursery that previously occupied site prior to 2001.

3.3 A development brief for part of the site and adjoining land at Monaco House and Bristol Street Motors was adopted in March 2003 and a further Development Framework for the entire application site known as Bristol Street and St Luke's was adopted in December 2013.

3.4 2017/10551/PA – Current application for erection of new mixed use development of between 5 and 10 storeys high plus two towers of 29 and 26 storeys to include 1009 residential units (C3), a residential hub (705sqm), 1513sqm of retail/commercial use (A1-A5, D1), car parking, new public walkway, landscaping and all associated works on Land at former Monaco House site adjacent to the site.

4. [Consultation/PP Responses](#)

4.1 Transportation – No objection subject to conditions. Transportation originally had a number of queries regarding servicing and use of the proposed retail unit, the status of the parking on Spooner Croft, the width of the land on the Bristol Street corner to

be made available to accommodate the BCR cycle route and the need for tracking plans to show access to the bin stores and commercial unit. Additional information to address these matters has been provided by the applicant and Transportation has confirmed that all their queries have been answered and resolved.

- 4.2 Regulatory Services – Comments awaited
- 4.3 Local Services – Comment that they accept that there will be development on this site but do not consider the 1.3 Ha of open space retained and laid out as part public park and part public realm/linear walkway to be adequate compensation for the loss of existing open space and sufficient to service an estimated additional 1,502 persons. The current level of public open space and playing field provision available in the ward is also only 1.5 ha per 1000 population below the minimum level of 2 ha standard provision. They point out that the current area of open space on the site is 3.58 ha and the retained POS to be laid out is stated as being 1.3ha equating to a loss of 2.28Ha. In accordance with BDP policy this would generate an off-site contribution over and above that provided on site of £1,482,000. In addition provision is required for new residents which equates to 2.8ha or an off- site contribution of £1,832,350 making a total of £3,314,350 which reflects the value of open space lost to the City. Whilst the retained open space on the western side of the development is more of a public square than a park it goes some way to make up for the fact that the open space has not been concentrated in the centre of the development as recommended in the design brief.
- 4.4 Lead Local Flood Authority – No objection subject to conditions to allow the scheme to progress to the next stage of design.
- 4.5 Education/ School Places - Request a contribution under Section 106 for any potential development as the development would impact on the provision of places at local schools. The contribution requested (subject to surplus pupil place analysis) is a total of £3,240,445.47.
- 4.6 Employment Team – Request that employment obligations are included within any planning approval for this development either through a Section 106 agreement or employment conditions.
- 4.7 Environment Agency – No objection subject to conditions but comment that the proposed development will only meet the requirements of the National Planning Policy Framework if the measures as detailed in the Flood Risk and Drainage Statement in support of application are implemented and secured by way of a planning condition on any planning permission.
- 4.8 West Midlands Police – No objection but has the following comments:-
- The dwellings be undertaken to the standards laid out in the Secured by Design guide.
 - Gates should be provided at the head of communal alleyways and to rear garden areas
 - A lighting plan for the site be produced following the guidelines and standards as indicated in 'Lighting Against Crime' guide.
 - Recommend that any boundary, that abuts a publically accessible space, be no lower than 2.1 m in height which can be achieved with the use of trellis.
 - The parking provision should be reviewed to reduce the number of parking spaces located out of the view of the dwellings they belong to. The car ports should be enclosed with 2.1 metre high boundary treatment and the rear car

parking areas should be subject of automated gates and appropriate access controls.

- Consideration should be given to the installation of CCTV to cover parking, entry and within apartment blocks
- Request management arrangements for the refuse storage areas
- Object to instances where rear boundary treatment that are adjacent to open public access, are identified as being 1500mm high timber fence panels with 300 trellis. These boundary treatments should be solid up to 1.8m in height, with an additional 300mm trellis, to the height of 2.1m.
- Request that all public open space areas be designed, constructed and maintained to the standards laid out in the Secured by Design guide.

4.9 West Midlands Fire Service - No objections but comments that as Apartment block A1 exceeds 18 metres in height it will require a fire-fighting shaft and the other apartment blocks that exceed 11 metres in height will require an escape stair and provided with a fire main. Any building fitted with a fire main should have access for a pumping appliance to within 18 metres of each fire main inlet connection point and the inlet should be visible from the appliance. Water supplies for firefighting should be in accordance with national guidance.

4.10 Ward Councillors, MP, residents associations, local residents and businesses notified of the application and site/press notices displayed. The applicants also carried out their own pre-application consultation with local stakeholders and residents in June 2016. 7 letters have been received including one from the Victorian Society and one from SAVE Britain's Heritage.

4.11 The representations from the Victorian Society and SAVE include the following comments/objections:-

- Do not object to the principle to development in this location, but strongly object to the loss of the two historic buildings especially St Luke's Church.
- Both non-designated heritage assets are in a good structural condition and no justification is given for their demolition.
- St Luke's Church is a handsome, landmark building and has witnessed and survived considerable changes around it. Its position on one of the most prominent road junctions in the city makes it a well-known building, and its loss to this area and Birmingham as a whole would be considerable.
- Firmly disagree with the applicant's heritage statement that St Luke's is of limited architectural and historic interest.
- St Luke's Church It was designed by Edward Mansell of the noted Birmingham architectural practice and built in 1903 to replace an earlier church. Other buildings by Mansell are listed and are of a similar quality to this building and as his only surviving church design it is worthy of preservation and respect.
- The present church is a fine Gothic style building of brick with stone dressings and its perpendicular style window designs are a particularly attractive feature of the exterior. The impact statement should clarify what remains internally.
- The Highgate Centre dates to 1877, which together with its 20th century extension, is a brick building of character. The earlier part is in a Victorian Gothic style and erected for John Middlemore MP as a children's emigration home.
- The Highgate centre is an evocative part of Birmingham's historic heritage as it housed orphan/destitute children before they were sent to start new lives particularly in Canada and Australia in the late 19th and early 20th centuries
- The Bristol Street and St Luke's Development Framework states that both buildings could be reused as part of any redevelopment and points out that as

there are few examples left of the historic fabric in the area future development should seek to retain/reuse those assets that remain.

- The development is contrary to paragraph 6.69 of the adopted Development Plan (BDP) which states that the historic environment contributes to local distinctiveness and provides a sense of place and that the aim should be to reinforce and reveal the historic environment through incorporating rather than isolating it to provide a context for new development and inspires innovative design which respects existing local character and distinctiveness.
- The application fails to address Policy TP12 of the BDP which says the City Council will support development that conserves the significance of non-designated heritage assets.
- Paragraph 135 of the National Planning Policy requires the effect of an application on significance of non-designated heritage assets to be taken into account in determining an application.
- This application clearly fails to comply with national and local planning policy regarding the protection of non-designated heritage assets – a balanced judgement cannot be reached when no justification is presented for demolition.
- The public benefits do not outweigh the substantial harm caused by their demolition and could be delivered whilst retaining the two existing buildings
- St Luke's Church and the Highgate Centre should be preserved and incorporated into the development, St Luke's is now the sole historic building to remain on the long southern stretch of Bristol Street, and offers the opportunity to provide the new development with a real sense of place and a landmark centrepiece terminating views something that the current proposal entirely fails to do.
- There are countless examples across the country where redundant churches have been used for other purposes such as cafés, bar spaces etc.
- The revisions to the development to include a retail unit and residents' amenity facilities could be housed within either the existing church or the Highgate Centre.
- Retention of the two modest but significant historic buildings on this vast site would not prevent development from coming forwards, but would enhance such development and be a clear win for Birmingham's built environment, especially in this inhospitable environment at a major road junction. .
- There are a number of recent and comparable planning appeals - where a local authority refusal due to the loss of an undesignated heritage asset has been upheld by planning inspectors.
- Planning permission for the development should be refused.

4.12 The five other letters received from local residents/interested parties include the following objections:-

- Whilst the amended plans show some improvements unnecessary demolition of St Luke's Church and the Highgate Centre their potential for re-use has been completely and disappointingly ignored.
- Both the Church and Centre could easily be incorporated into the design and used as flats, the gym, community centre, social enterprise units, retail, a restaurant etc. Their retention would help create a better sense of unique place making and local character/identity.
- It would be a criminal act to allow such high quality and well detailed architecture be demolished particularly as the only reasons apparent are short-sightedness, greed and a lack of vision/imagination. It is a horrible repetition of 1960s Birmingham which destroyed the heart and soul of the city.
- To salvage the bell rather than the entire building seems almost an insensitive and offensive gesture, particularly to the societies groups and individuals campaigning for their retention

- Concerned that old buildings are being replaced with generally non-descript buildings like the ones planned here. The design of the so called 'landmark' blocks leaves a lot to be desired.
- 10% should not be an acceptable level of affordable housing
- Concerns about the dangers of air pollution and feel it is dangerous to build high residential buildings so close to the very busy Middleway with its constant road noise.
- A green barrier of trees and shrubs should be provided next to Bristol Street and the Middleway the development appears to be rather lacking in greenery and the building density seems very high.
- The 5 storey apartments on the corner of St Luke's Road will block my right to light and cause a loss of income from my solar panels
- Concerned regarding the location of the football pitch as balls will fly towards existing houses and the river as the goal post are in the wrong places and should be moved.

5.0 Policy Context

- 5.1 Birmingham Development Plan 2031, Birmingham Unitary Development Plan 2005 saved policies, Bristol Street and St Luke's Development Framework 2013; Places for Living SPG; Car Parking Guidelines SPD; Public Open Space in new Residential Development SPD; Affordable Housing SPG, non-statutory Big City Plan and the National Planning Policy Framework 2012

6. Planning Considerations

6.1 **Background**

- 6.2 An issues report relating to the previous application for development on this site submitted under reference 2017/01721/PA was considered at the planning committee meeting on 27 April 2017. In response to the issues identified Members had the following views:-

- The proposal should be a mixed use development and include some retail premises with an active frontage and community uses.
- Some Members favoured the retention of St Luke's Church but if the church was demolished a plaque or piece of public art should commemorate its existence.
- The design and layout of the overall development was unimaginative and monotonous. Concern that the size of many of dwellings would not comply with the minimum national standards. Would accept taller apartment blocks if it allowed larger units to be provided.
- More family homes should be included and 10% affordable dwellings was insufficient and should be increased to 35%
- The public open space should be accessible to all. Concern that the public open space would be located to one side of the development rather than dispersed throughout the site and development should include roofs gardens and living walls.
- The Section 106 offer was insufficient when compared with the density of the site and the fact that the location was in a very profitable area and would not attract a CIL payment.

- 6.3 The current application proposals have sought to address the issues raised and includes the following changes:-

- The addition of a retail unit and a community room to provide a base on site for an on-site management company and to provide a meeting space/focal point for residents.
 - The redesign of the apartment buildings fronting Bristol Street to include a 15 storey tower on the corner with Belgrave Middleway.
 - The repositioning of the apartment buildings fronting the two major roads to allow landscaping in front of the buildings
 - Provision of active uses to at ground floor level fronting Bristol Street including the retail unit, a resident's gym and communal lounge.
 - Inclusion of roof gardens to the tall apartment blocks
 - Revisions to the materials and design of the apartments to include more modelling to the facades
 - Provision of a further area of open space within the western half of the site
 - Redesign of the development to provide apartments and houses overlooking the new area of public open space
 - Changes to the dwelling mix to provide more larger units and less one bed apartments
 - Increase in size of the apartments so that most of the one bed types (70%) are now of a suitable for occupation by 2 persons
 - Changes to the affordable housing offer to an additional low cost dwelling and provide 6x3 bed houses rather than 2 bed units
- These changes will be referred to in more detail in consideration of issues set out below.

6.4 **Land Use Policy**

- 6.5 The Birmingham Development Plan (BDP) which was formally adopted on 10 January 2017 sets out a number of objectives for the City until 2031 including the need to make provision for a significant increase in population. Policy PG1 quantifies this as the provision of 51,000 additional homes within the built up area of the City which should demonstrate high design quality, a strong sense of place, local distinctiveness and that creates a safe and attractive environments. Policy GA1 promotes the City Centre as the focus for a growing population and states that residential development will be continued to be supported where it provides well designed high quality environments. The majority of new housing is expected to be delivered on brown field sites within the existing urban area.
- 6.6 Policy GA1.3 relates to the Quarters surrounding the city centre core and states that development must support and strengthen the distinctive characteristics, communities and environmental assets each area. The site is within the Southside and Highgate Quarter where the aim is to support the growth of the area's cultural, entertainment and residential activities and its economic role complemented by high quality public spaces and pedestrian routes.
- 6.7 Policy TP27 states that new housing is expected to contribute to making sustainable neighbourhoods which are characterised by:-
- A wide choice of housing sizes, types and tenures.
 - Access to local facilities including shops, schools, leisure and work.
 - Convenient options for sustainable travel.
 - A strong sense of place and high design quality.
 - Environmental sustainability and climate proofing measures
 - Attractive, safe and multifunctional public spaces.
 - Effective long-term management of buildings, public spaces and other infrastructure.

- 6.8 The NPPF contains a presumption in favour of sustainable development which is about positive growth making economic, environmental and social progress for this and future generations. It affirms the Government's commitment to securing economic growth in order to create jobs and prosperity. Paragraph 49 states that housing applications should be considered in the context of the presumption in favour of sustainable development.
- 6.9 The application site is identified on the City Centre spatial plan as a major development site and a Development Framework for the site was adopted in December 2013. This states that the sites at Bristol Street and St. Luke's provide a significant opportunity within the quarter to create a high quality, sustainable, mixed-use development with high-profile commercial sites and the elements for a new residential neighbourhood. It notes that the prominent frontages to Bristol Street and Belgrave Middleway, presents an opportunity for a major mixed-use landmark development and that the site will support a mix of uses that help to provide a magnet to draw economic and pedestrian activity into this part of the City Centre.
- 6.10 The principle of residential development on this site is acceptable in principle and a significant part of the plot was previously occupied by housing. The Development Framework however seeks a mix of uses particularly fronting Bristol Street but the proposals as originally submitted did not include any commercial uses and the frontage to Bristol Street at ground floor level was predominantly car parking. Following considerations of the issues report members concluded that the proposal should be a mixed use development and include some retail premises with an active frontage and community uses.
- 6.11 These revised proposals now include a commercial unit fronting Bristol Street other communal space for residents including a gym and lounge/reception areas so there will be activity and overlooking of the street frontage. Apartment Building B3 on Sherlock Street also includes a room with toilet and small kitchen area that is to be used by a site manager but would also be available for community use. The inclusion of these facilities are welcome and the development would now provide a better range of uses across the site as well as activity and vitality to Bristol Street.
- 6.12 **Demolition**
- 6.13 There are two existing buildings on the site which are proposed for demolition. Neither of these buildings is statutorily listed or locally listed and both are vacant. Policy TP12 of the BPD states that great weight will be given to the conservation of the City's heritage assets and proposals for new development affecting a designated or non-designated heritage asset or its setting, will be determined in accordance with national policy. Where consent is given for proposals involving the loss of all or part of the significance of a designated or non-designated heritage asset, archaeological excavation and/or historic building recording will be required. National Policy as set out in the NPPF paragraph 135 is that the effect of an application on the significance of non-designated heritage assets should be taken into account in determining the application. In weighting applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss of the heritage asset.
- 6.14. Although the buildings are not statutorily protected, locally listed or identified in a Historic Environment Record the Bristol Street/St Luke's Development Framework states that there are few examples left of the historic fabric of the area and future development should seek to retain and reuse St Luke's Church and the Highgate Centre as they are the last surviving examples of the original buildings in the area

and provide local landmarks that contribute to a neighbourhood sense of place. A heritage assessment has therefore been submitted which considers the significance of the buildings following the guidance set out in the NPPF.

- 6.15 With regard to St Luke's Church the applicants assessment comments it dates from the early 20th century (c.1902), replacing an earlier church on the same site. It was designed by the architect Edward Mansell in the Perpendicular Gothic style and has an unfinished south west tower. It is constructed from red brick with stone dressings and a concrete tiled roof. The assessment concludes that the Church is of limited architectural interest and displays typical detailing found in church architecture for this period which is not itself innovative or of strong architectural merit. The design and composition of the building has been compromised by the unfinished tower, later roof and other alteration and it appears unbalanced to its principal elevation, principally in views along Bristol Street. The building also holds limited historic interest.
- 6.16 In respect of the Highgate Centre which fronts St Luke's Road the applicant's assessment comments that this building dates to the mid to late 19th century (c.1877) and was constructed for use as an emigration home for children. There are two clear distinct phases to the building comprising a 3 storey Victorian building constructed from red brick with red clay tile roof which incorporates elements of simple Gothic detailing to its principal elevation and a early to mid-20th century (c.1930's) 11 bays section which replaced part of the original building. Overall, the assessment concludes that the Highgate Centre is of limited architectural interest and contains various phases of development associated with Middlemore Homes and a later industrial use. The buildings are restrained in their architectural detailing with few features of interest. Whilst the building holds a degree of historic interest through being associated with the Middlemore Homes, the legibility of this has been significantly eroded by the later demolition and replacement extension. The interest with Middlemore is ephemeral in its nature and not embedded in the fabric of the building.
- 6.17 The applicants propose to demolish both buildings on the grounds that their retention would compromise the redevelopment of the site and which has been designed to suit the site, its surroundings and the desire from the Council for buildings of height on the Bristol Street frontage. The Diocese have been consulted and confirmed that they do not require any parts of the building to be retained. They also point out the public benefits that would be delivered by the proposals including the social and economic regeneration of the area, environmental improvements, the provision of a variety of new homes including on-site affordable housing and the creation of improved areas of public open space.
- 6.18 Although the Development Framework shows both buildings for retention it also seeks buildings along Belgrave Middleway and Bristol Street which should provide a level of enclosure that responds to the scale of the roads and marks junctions including buildings between 6 and 12 storeys at the junction of Bristol Street and Belgrave Middleway to mark it as a 'gateway' road. Since the framework was published other high density apartment schemes have been developed such as opposite the site at Park Central where the building heights are 10-11 storeys across the frontage and there is a current application for buildings with heights of between 5 and 10 storeys including two towers of 29 and 26 storeys fronting Bristol Street on the former Monaco House site to the north. The proposals have been designed to fit with the existing and emerging scale of development in the immediate area and the applicants consider St Luke's Church could not be successfully assimilated into the scheme.

- 6.19 With regard to the Highgate Centre this lies within the area proposed for the new neighbourhood park as this is an area identified by the Environment Agency (EA) as at risk from flooding. The applicants advise that any build development on the site would require finished floor levels above 107.7 AOD whereas the ground floor of the Highgate Centre is approximately 106m and therefore 1.7m below AOD. The costs associated with raising the floor levels on the building in line with the requirements of the EA would be prohibitive and the applicants therefore do not consider it to be suitable for residential conversion. In addition they consider that the extensive and unsympathetic alterations as well as its low significance mean it is not worthy of retention.
- 6.20 It will be noted that there are a number of objections to the loss of these existing buildings including from the Victorian Society and SAVE. The Council's City Design Manager however raises no objections and comments that the site is located adjacent to the Middleway Ring Road in what is a relatively dismantled townscape comprising largely cleared land bounded by major post war transport infrastructure routes, fragments of post war housing and commercial sheds and unmanaged open space. Whilst there are two good buildings within the site dating to the early 20th century and their loss is regrettable, neither of these structures are listed. Although they have previously been identified as non-designated heritage assets their retention cannot be justified to outweigh the public benefit of the proposed housing and the significant urban design moves taking place to reconnect this part of the city with the city centre and inner suburbs.
- 6.21 When committee members considered the issues report in respect of the demolition some favoured the retention of St Luke's Church but others felt the church could be demolished if a plaque or piece of public art should commemorate its existence. The applicants have therefore included the retention of the church bell which would be positioned within the open space fronting Bristol Street.
- 6.22 **Design and Layout**
- 6.23 Policy PG3 of the BDP states that all new development will be expected to be designed to the highest possible standards which reinforces or creates a positive sense of place and safe and attractive environments. Policy TP27 also has similar wording and seeks high design quality. Paragraph 56 of the NPPF states that good design is a key aspect of sustainable development and is indivisible from good planning. Where proposed developments fail to take opportunities available for improving the character and quality of an area, they should be refused
- 6.24 The Bristol Street/St Luke's Development Framework states that the development should take the opportunity to create a new place in the City Centre that will complement nearby major regeneration at Southside and the residential neighbourhood at Park Central. Although development layout and massing must pay heed to the existing 1960s housing immediately around the site, it should have its own strong identity and achieve a high quality environment in terms of urban design and architecture. It indicates appropriate building heights for the site which are between 6-12 storeys on the Bristol Street frontage and 5-10 storeys on the western half of the Belgrave Middleway to respond to the scale of the roads and the junction. Elsewhere buildings heights are shown as 6-9 storeys on the Sherlock Street junction and between 2-6 storeys elsewhere having regard to the amenity of residents of existing dwellings.
- 6.25 When the issues report was considered by Committee the design and layout were criticised as being unimaginative and monotonous. Concern was also expressed

regarding the public open space distribution as it was located to one side of the development rather than dispersed throughout the site. Since then the proposals have been extensively redesigned particularly on the western half of the site between Bristol Street and Sherlock Street where a large additional area of open space is now proposed between the apartment's blocks and family dwellings. A new master plan for the site has been drawn up with a rationale for the layout and shows the site divided into a number of character areas. The design of each area would reflect its context, the positioning of the new areas of open space, together with the movement of people and vehicles through and around the site. The architectural approach for each block would be slightly different but provide a coherent architectural language across the whole development with features such as use of the use of different shades of buff brick across the site responding to their context and character area and similar window styles/design across the scheme for both the apartment blocks and houses.

- 6.26 It is proposed that the redesigned City Blocks fronting Bristol Street are now of a greater scale of 15 storeys at its highest on the corner of Bristol Street and Belgrave Middleway. The mass reduces northwards along Sherlock Street to address the scale of Bristol Street Motors to the north and reduces east to address the established low rise residential scheme off St Luke's Road. The area between the taller City Blocks and Sherlock Street has been characterised as Urban Avenues which comprise a mix of smaller scale apartment blocks (3-4 storeys) and houses grouped in small terraces. Development to the north of Hope Street has been designed to fit in with the scale of the existing retained dwellings and existing street pattern and Block F at 5 storeys has been designed to provide a gateway to the development from St Luke's Road whilst avoiding residential development on the ground floor due to potential flooding issues.

- 6.27 The treatment of the dwellings has also been refined and the City Blocks in particular now have active ground floor uses and the car parking has been rearranged to avoid ventilation grills at street level. A framed or grid language is proposed to create an elegant façade to the city blocks including the use of projecting brick, deep reveals and balconies to add interest. A family of base window styles for apartments and house types is proposed and the apartments would have a flat or gabled roof whilst the pitched roofs of the house types help to bridge the difference in relative massing. Dwellings on corner plot would also address both frontages with windows on both elevations. A number of flats above garages are also proposed to provide overlooking of courtyard parking areas and several small house types are proposed where the existing street pattern does not accommodate more standard accommodation.

- 6.28 Overall the layout and design of the dwellings has been significantly upgraded and are now considered to provide a suitable and high quality scheme for the site.

- 6.29 **Dwelling Mix and Sizes**

- 6.30 The Development Framework for the site seeks a mix of housing types and tenures and the Policy TP30 of the BDP states that new housing should seek to deliver a range of both market and affordable dwellings to meet local needs and should take account of Strategic Housing Market Assessment as well as the locality and ability of the site to accommodate a mix of housing. Policy TP31 seeks to include a table setting out the details of the housing required across the City and for all tenures seeks 14.6% - one bed, 30.8% - 2 bed, 26.3% - 3 bed and 28.1% - 4 bed properties and committee members previously commented that more family homes should be included.

- 6.31 The current and previous proposals compare as follows:
- 1 bed apartments – 194 (was 228)
 - 1 bed houses – 9 (was 0)
 - 2 bed apartments - 396 (was 352)
 - 2 bed houses – 30 (was 85)
 - 3 bed houses – 149 (was 107)
 - Total number of dwellings 778 (was 772)
- It will therefore be seen that the number of one bed apartments has been reduced and the number of 3 bed properties has been increased so that the development now provides now larger units.
- 6.32 In terms of dwelling size, the committee previously expressed concern that the size of many of dwellings would not comply with the minimum national standards and that they were willing to consider taller apartment blocks if it allowed larger units to be provided. The dwelling sizes were previously compared with the National Described Space Standards which seeks minimum sizes of 39 square metres for 1 bed x 1 person apartments, 50 square metres for a 1 bed x 2 person apartment, 61-70 square metres for a 2 bed apartment, 70-79 square metres for a 2 bed house and 90 -108 square metres for a 3 bed house.
- 6.33 At the issues report stage all the proposed 1 bed apartments were less than 50 square and would only comply with the national space standards if occupied by 1 person. 53 (62%) of the 2 bed houses proposed were also below the minimum space standard.
- 6.34 The changes made to the proposals now result in 135 (70%) of the 194 one bed apartments meeting the size guidance for 2 person occupation and of the 2 bed apartments 368 (93%) are at least 61 square metres in size and therefore meet the national space standards. With regard to the houses the 9 (100%) one bed units are below the size guidance as are 29 (96%) 2 bed units. However 133 (89%) of the 3 bed houses exceed the size guidance of 90 square metres. Overall the number of larger units has been increased and although the 1 and 2 bed houses are on the small side the number of larger 3 bed units has been greatly improved giving a better range of dwelling sizes overall.
- 6.35 **Amenity open space and trees**
- 6.36 One of the aims of the Development Framework is the transformation of the large areas of existing open spaces that run through the centre of the site so that they form the heart of the new development, an attractive setting for the new homes and provide new high quality facilities. The framework document states that it is accepted that a quantity of open space will be lost but in return the remaining open space will achieve a significant improvement in the quality and usability. The requirements for the new open space are stated as being:-
- To meet the policy requirements of 2ha of open space per 1000 population
 - To provide a linear open space through the site to create a strong green pedestrian link between the remodelled open spaces and form part of the strategic network.
 - To provide a neighbourhood park of at least 1.3 ha to include a grassed pitch, play areas, informal spaces and room for community events.
 - To retain as many of the good tree specimen trees as possible whilst accepting there will be some tree loss.

- 6.37 A development of the number and size of dwellings proposed generates a requirement of 2.8 ha of public open space using the criteria set out in policy TP9 of the BDP and the Public Open Space in new residential development SPD. Most of this requirement, some 2.6 ha would be provided on site including a central east – west green link, the new open space within the western part of the site, a small ‘pocket park’ fronting Gooch Street, retained open space fronting Sherlock Street and a neighbourhood park of 1.05ha located between Gooch Street and St Luke’s Road. The new open space to the rear of the city blocks A is to include a mix of hard and soft landscaping and the new neighbourhood park is to include a grass kick-about pitch to replace the existing provision, infant and junior play areas as well as informal amenity areas. The park has been located at the eastern end of the site as there is a risk from flooding from the River Rea and the provision of the open space helps to mitigate against flooding of any dwellings and ensures there is no loss of flood storage of the site. The design also includes swales and remodelling of existing land forms to help provision additional flood mitigation measures.
- 6.38 Comments have been received from Local Services that they do not consider the 1.3 ha of open space retained and new public park/public realm areas is adequate compensation for the loss of existing open space and sufficient to service an estimated additional 1,502 persons. However the amount of on-site open space being provided would be 2.6ha and only just below the policy requirement. It is however accepted that the current area of open space on the site is 3.58 ha and the retained development would result in a loss of open space of about 0.98 ha and that there is a shortfall of open space in the ward generally. However the St Luke’s/Bristol Street framework acknowledges that a quantity of open space will be lost as a result of the development but in return the remaining open space will achieve a significant improvement in the quality and usability. Most of the existing open space comprises areas of grassland containing groups of trees and there is also an informal football pitch. The proposals however would provide a neighbourhood park with a range of facilities as well and new landscaped amenity spaces which would significantly upgrade and improve the usability of the open space.
- 6.39 The layout has also sought to retain as many of the existing trees as possible including several of those within the existing linear area of open space, two groups fronting Sherlock Street, a group adjacent to Berrington Walk and 4 trees and a small group fronting Gooch Street. Some 81 trees would be required to be removed to enable the development to come forward but the landscaping scheme includes the planting of over 330 new trees. This represent additional tree planting compared to the previous proposal which showed 260 new trees.
- 6.40 In terms of private amenity space the committee requested that the development include roofs gardens and living walls. Although no living walls are proposed the design of the City Apartments blocks fronting Bristol Street have been completely redesigned to include 4 roof gardens for use by residents. These would be located above the two podium areas above the ground floor car parking and on the roof of the two lower blocks – buildings A2 and A6. In addition a number of the apartments will now look onto the new area of open space proposed on the western part of the site and others are provided with a terrace or balcony. The other apartment’s buildings and a number of the town houses would also overlook the neighbourhood park and the other areas of open space as well as new landscaping proposed directly adjacent to the buildings. This is a significant improvement compared with the original proposals for the site and will provide a high quality and attractive environment for residents as well as ensuring the open space is well overlooked.

6.41 The new houses all have small private rear gardens which have an average size of about 40 square metres but vary between but vary in size between 30 and 74 square metres. There are also a small number of maisonettes which have private amenity space ranging between 15 and 20 square metres and 4 dwellings would include a deck at first floor level. Most are therefore below the garden sizes recommended in Places for Living which seeks minimum garden sizes of 52 square metres for 2 bed and 70 square metres for 3 bed dwellings. However a considerable amount of on-site public open space is proposed and having regard to the city centre location of the site is considered to be acceptable. The garden areas would be enclosed with a mix of railings and walls with railings where the boundary treatment would be seen from the street with fencing elsewhere.

6.42 **Residential Amenity**

6.43 The layout for the City apartment blocks A1-A6 would provide apartments with suitable separation distances between windowed elevations of between 20-25 metres. Apartment building A3 (7 storeys) would be about 10 metres from the end gables of apartment building B1 and a 3 storey town house both of which have windows in the side elevations. However these windows provide secondary light to the buildings and have been provide to add interest to the gable ends so it is not considered there would be an unacceptable impact in terms of overlooking or loss of privacy. The other separation distances between main windowed elevations vary between 19 – 23 metres. There are some instances where the separation distances are lower so that a single aspect house types or one with secondary windows to the rear have been used to avoid undue overlooking. These distances are considered to be acceptable. The development would be affected by road traffic noise so appropriate glazing and ventilation has been specified which can be controlled through conditions.

6.44 The development has been located in between a number of retained dwellings particularly on the eastern half of the site. There were previously maisonettes and tower blocks on a number of these adjoining sites which would now be developed with low rise 2-5 storey houses and apartments. The layout has however had regard to the positioning of neighbouring dwellings and suitable separation distances have been provided. In most instances the new dwellings would be located adjacent to the blank end gable wall of neighbouring properties or a window to a non-habitable room.

6.45 An objection has been received from a neighbour regarding the impact of the 5 storey apartments proposed at Building F on their property in terms of right to light and loss of income from solar panels. The gable end of the objector's property lies on the opposite side of the proposed apartments which would be located a minimum of 21 metres away. The side gable end of the neighbour's property is blank apart from high level windows to a conservatory so there would be no direct overlooking between windowed elevations. The solar panels are on the roof of the objectors property facing south east away from the apartments and it is not considered would be overshadowed by the development.

6.46 **Transportation matters**

6.47. All the existing estate roads within the site would be retained and these would be supplemented with additional access roads to serve the new buildings. There are several footpaths through the site and redundant areas of highway that would need to be stopped up so they can be rationalised and a resolution to cover this is proposed. This includes the existing ramps down to the subway that lies under Bristol Street

which is being closed off in connection with the development being undertaken at Park Central opposite the site.

- 6.48 Transportation comment that a comprehensive TA has been provided that follows national guidance and includes analysis of trip impacts by all modes, accident analysis, tracking plans and parking provision levels. The site benefits from connections into a well-established network of public footpaths and cycle routes. The subway on Bristol Street is being removed as part of the Park Central redevelopment and should be replaced with a surface level crossing later this year. In terms of traffic impacts they comment that junction capacity assessment work has been carried out based on recent traffic flow data, and using both TRICs data and local residential sites surveyed to compare valid local examples. They consider the assessment is robust and shows no significant impacts that lead to any material queuing and delays on the local network. The existing access onto Sherlock Street is reused as the main access to the residential apartment block which was previously used for the college car park and had around 150 parking spaces so traffic flows for the residential are slightly reduced in this location.
- 6.49 In terms of car parking 544 (70%) parking spaces are proposed across the development. Of these 522 Spaces (67%) will be provided for residents of which 448 spaces will be allocated and 74 spaces will be for communal use. Several of the apartment buildings would have undercroft car parking and each house would be provided with at least one allocated off-street parking space. Transportation raise no objection to this level of parking and comment that there is provision on the local roads to accommodate additional parking and new spaces are provided for some existing residents. As part of the Section 278 agreement various TRO alterations are required which will manage parking demand in locations that may give rise to issues.
- 6.50 350 (59%) covered cycle spaces are to be provided across the 16 apartment buildings. For the houses space for cycle storage would be available within the curtilage of each dwelling. The application has been amended since the original application to include a link on the Bristol Street frontage into the combined pedestrian and cycle Toucan crossing with a 3 metre wide shared pedestrian/cycle route, which would be safeguarded through conditions. A loading bay would be available for use in connection with the retail unit in addition with the use of the 22 visitor spaces proposed in conjunction with Apartment buildings A4 – A6.
- 6.51 **Other Matters**
- 6.52 In response to the comments raised by West Midlands Police the applicants have confirmed that boundary treatment adjacent to publicly accessible space will be no lower than 2.1 metres in height, refuse collections for the apartments will be the responsibility of an estate management company, gates will be provided to the rear of communal alleyways and secure access mechanisms. The request for suitable site lighting can be required through a condition as recommended. The applicants have also confirmed that the requirements of the fire officer will be incorporated in the final design and building regulation drawings for the A blocks. The applicant is also in discussion with the employment team regarding a construction employment plan as wish to amend the standard wording but they are willing to work with the Council to provide an acceptable scheme.
- 6.53 With regard to the comments made by an objector regarding the layout of the neighbourhood park the detailed design can be covered by conditions and take into account measures to ensure footballs do not stray onto neighbouring properties, the River Rea or the adjacent highway.

6.54 Policy TP16 of the BDP states that prior to the commencement of development on any site over 5ha an investigation should be undertaken into the existence of mineral deposits. The site investigation submitted with the application found no mineral deposits on the site and therefore it is not considered necessary for any further evaluation to be undertaken.

6.55 **CIL and Section 106 Obligations**

6.56. The proposed development does not attract a CIL contribution but given the number of proposed apartments the City Council's policies for Affordable Housing and Public Open Space in New Residential Development apply. When the issued report was considered members commented that 10% affordable dwellings was insufficient and should be increased to 35% when compared with the density of the site and the fact that the location was in a very profitable area and would not attract a CIL payment.

6.57 The applicant has submitted a viability appraisal which has been considered by the Council's independent consultants as well as by consultants acting on behalf of the HCA. They conclude that the development can only afford to provide 10% on site affordable dwellings and that the changes made to the development including the increase in public open space, provision of the roof gardens, inclusion of the retail unit and improved design and quality of the buildings has increased costs. The Council's consultants confirm that the affordable housing offer of 10% on-site affordable is reasonable and the most that can be sustained by the development without impacting on viability. The applicants have however improved their offer slightly from that previously proposed to one additional low cost dwelling to make a total of 78 affordable dwellings and have changed the shared ownership dwellings being offered from 6 x 2 bed properties to 6 x 3 bed to address the request for the inclusion of family houses. Although the affordable housing is less than the 35% sought in the BDP the proposed on site provision is positive as most recent city centre sites development have only provided off-site contributions which equate to a lower percentage. In this case the 10% on-site provision is on site and the financial value compares favourably with other applications.

6.58. Although there have also been requests from Local Services for off- site public open space contributions the development cannot afford further planning obligations. The development is also to provide a significant amount of upgraded public open space so it is considered the priority is to secure affordable housing in this instance. Education has requested a contribution towards school places; however these are funded through CIL payments.

6.59 The site is owned by the City Council and as the applicant does not currently have an interest in land for Section 106 purposes, it would be necessary for the Section 106 to be secured via the applicant completing a Section 111 of the Local Government Act 1972.

7. Conclusion

7.1. The application site has been identified as a major development site offering a significant opportunity to create a high quality, sustainable, mixed-use development and new residential neighbourhood for a number of years. The applicant's original proposals were not considered to be of a high enough quality for this prominent site but this revised scheme has made major improvements to the design and layout. It now provides a high design quality which would provide a strong sense of place and attractive, safe and multifunctional public open spaces. The mix of accommodation

has also been improved to provide larger units and more 3 bed properties to help address the need for more family sized accommodation in the City.

- 7.2 It is acknowledged that there are objections to the loss of the existing buildings on the site however these are not locally or statutorily listed and are considered to be of limited historic and architectural significance. Furthermore the public benefits of the scheme are considered to outweigh the loss of these non-designated heritage assets. It is considered that the application is acceptable subject to securing the off-site contributions via legal agreements as below:-

8. Recommendation

- 8.1 That no objection be raised to the stopping up of the areas of public highway within the application site and that the Department for Transport be requested to make an Order in accordance with Section 247 of the Town and Country Planning Act 1990.
- 8.2 That consideration of application 2017/10448/PA be deferred pending the completion of a Section 111 of the Local Government Act 1972 legal agreement to require the applicants to enter into a Section 106 agreement to secure:
- a) The 10% on site affordable housing comprising 11 x 1 bed apartments for rent, 20 x 2 bed apartments for rent, 12 x 1 bed apartments for shared ownership, 8 x 2 bed apartments for shared ownership, 6 x 3 bed houses for shared ownership and a further 21 low cost dwellings across the site.
 - b) Payment of a monitoring and administration fee associated with the legal agreement of £1,500.
- 8.3 In the absence of a suitable legal agreement being completed to the satisfaction of the Local Planning Authority on or before 15 March 2018, planning permission be refused for the following reason:
- 1. In the absence of a legal agreement to secure a financial contribution towards affordable housing, the proposal conflicts with Policy TP31 Affordable Housing of the Birmingham Development Plan 2017 and the Affordable Housing SPG
- 8.4 That the City Solicitor be authorised to prepare, seal and complete the appropriate legal agreement.
- 8.5. That in the event of an appropriate legal agreement being completed to the satisfaction of the Local Planning Authority on or before the 15 March 2018, favourable consideration be given to this application, subject to the conditions listed below:-

-
- | | |
|---|--|
| 1 | Requires the prior submission of a phasing plan |
| 2 | Requires the prior submission of a construction method statement and management plan |
| 3 | Requires the prior submission of contamination remediation scheme on a phased basis |
| 4 | Requires the prior submission of a contaminated land verification report |
| 5 | Arboricultural Method Statement - Submission Required |
-

6	Requires the implementation of tree protection
7	Requires the prior submission of investigation for archaeological observation and recording
8	Requires the prior submission of a method statement for the removal of invasive weeds
9	Requires the prior submission of a sustainable drainage scheme
10	Requires the submission prior to occupation of the properties of a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan
11	Requires the prior submission of sample brickwork
12	Requires the prior submission of window frame details
13	Requires the prior submission of roof materials
14	Requires the submission of details of balconies
15	Requires the prior submission of details of external gates, louvres, metal panels and any roof top plant and machinery
16	Requires the prior submission of hard and/or soft landscape details
17	Requires the prior submission of hard surfacing materials
18	Requires the prior submission of boundary treatment details in a phased manner
19	Requires the prior submission of a landscape management plan
20	Requires the prior submission of a scheme for ecological and biodiversity enhancement measures on a phased basis
21	Requires the prior submission of a lighting scheme in a phased manner
22	Requires the prior submission and completion of works for the S278/TRO Agreement
23	Requires the parking area to be laid out prior to use
24	Requires the provision of cycle parking prior to occupation
25	Requires pedestrian visibility splays to be provided
26	Requires the prior submission of a residential travel plan
27	Requires the prior submission of noise insulation (variable)
28	Requires the implementation of the noise protection and ventilation measures
29	Shop Front Design
30	Limits the hours of use of the commercial unit to 7am -11pm Monday - Saturday and

8am - 11pm Sundays.

- 31 Limits delivery time of goods to or from the the commerical unit to 7am -11pm Monday - Saturday and 8am - 11pm Sundays.
 - 32 Requires the prior submission of extraction and odour control details
 - 33 Removes PD rights for extensions
 - 34 Requires the ground floor glazing to the commercial use and communal facilities to be clear and not obstructed.
 - 35 Requires the prior submission of a construction employment plan.
 - 36 Requires the scheme to be in accordance with the listed approved plans
 - 37 Implement within 3 years (Full)
-

Case Officer: Lesley Sheldrake

Photo(s)



Figure 1: View of St Luke's Church



Figure 2: View of Highgate Centre



Figure 3: View of Bristol Street frontage and subway



Figure 4: View of cleared sites

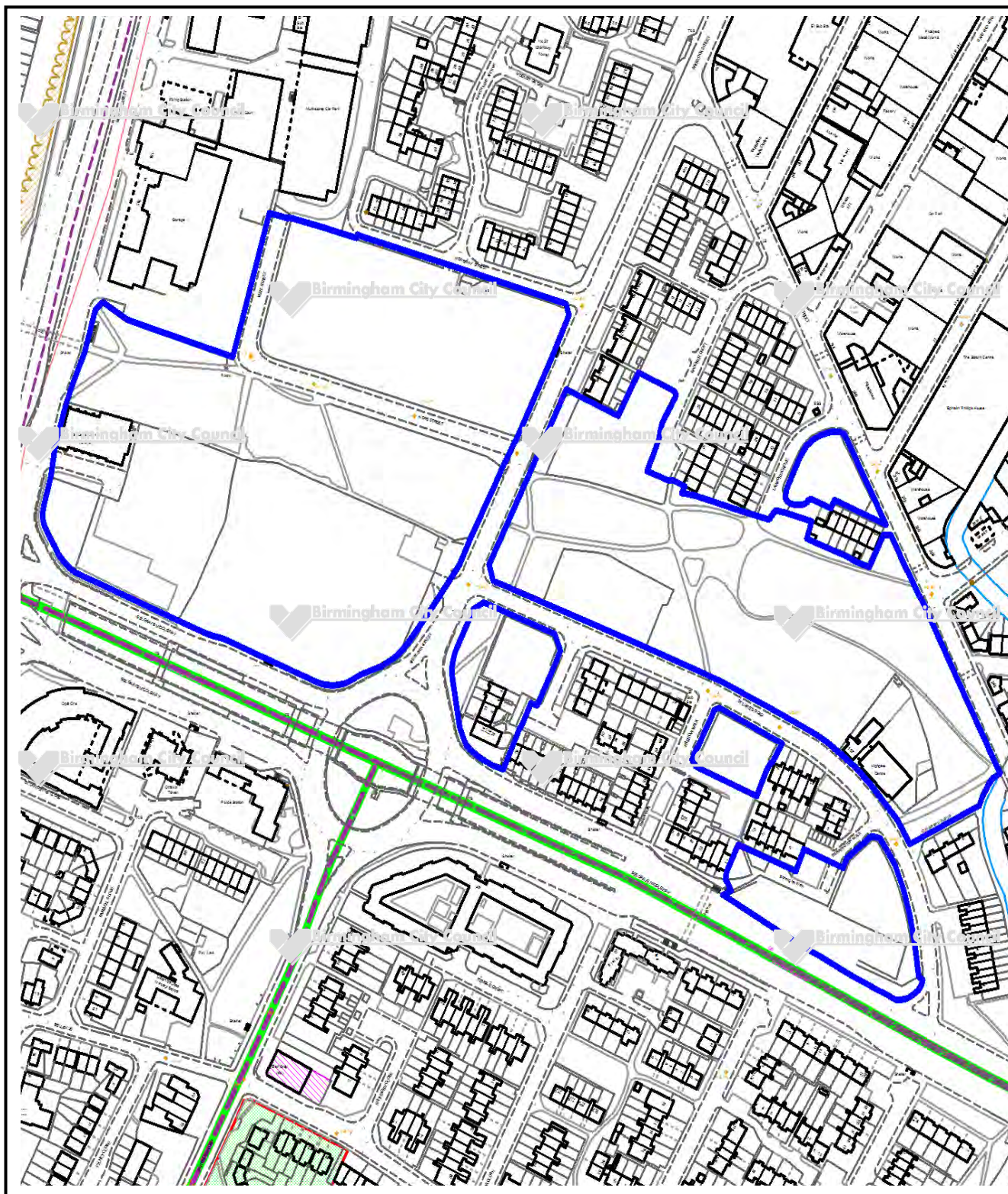


Figure 5: View across Sherlock Street



Figure 6: View from St Luke's Road

Location Plan



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Committee Date:	01/03/2018	Application Number:	2017/10287/PA
Accepted:	04/12/2017	Application Type:	Full Planning
Target Date:	05/03/2018		
Ward:	Ladywood		

Central Methodist Hall, 196-224 Corporation Street, Ladywood, Birmingham, B4 6QB

Change of use, conversion and three storey roof extension to provide 147 (no.) room hotel accessed off Corporation Street (C1 Use), and 75 (no.) room apart-hotel (C1 Use) accessed off Ryder Street, including restaurant, bars and cafe; retention of use of ground floor units for flexible retail, office, restaurant/cafe, public house, hot food takeaway uses (Use Classes A1 to A5); use of Nos. 208-210 as hotel cafe and No. 216 as a secondary hotel access and ancillary retail; use of basement as nightclub (Sui Generis) accessed from Dalton Street; new ground floor shop fronts at Nos 204 to 206 and 224

Applicant:	Ciel Central Hall Ltd 15-16 Brooks Mews, Mayfair, London, W1K 4DS
Agent:	SLR Consulting Ltd 2nd Floor Hermes House, Holsworth Park, Oxon Business Park, Shrewsbury, SY3 5HJ

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1 Birmingham's Methodist Central Hall, which dominates part of the City's skyline, is a complex multi level building with elevations facing the public domain to Corporation Street, Dalton Street and Ryder Street. In summary the current proposals seek planning consent to retain retail uses at ground floor and to convert and extend the building to provide a 147 bed hotel unit, 75 apart-hotel units and a nightclub / multi-purpose space at basement level. The proposed extension comprises a three storey roof top extension.
- 1.2 In more detail, taking the proposed levels individually the proposed development would provide the following:

Basement level

- Basements to the 7 retained retail units at ground floor;

- Nightclub/ multi-purpose room accessed from Dalton Street to also be used as a function room screenings, meetings and a live music venue with a floorspace of 93sqm;
- Staff facilities;
- Back of house floorspace serving the proposed hotel café at ground floor; and
- Ancillary facilities, storage and back of house floorspace to serve the hotel and apart-hotel.

Ground Floor

- Primary hotel entrance off Corporation Street with lobby and reception area, 102sqm;
- 7 retained retail units. The external original shop fronts to the retail units on ground floor level would be preserved and where they have previously been removed, they would be reinstated (use classes A1 to A5). The total floorspaces of the individual retail units would range from 31 to 220sqm with an overall total retail offer of approximately 3,035sqm;
- Hotel café bar. Of the existing retail units two directly to the south of the main hotel entrance (nos. 208 and 210), would be combined to form a hotel café bar;
- 1 retail unit (no.216) operated by the hotel to the north of the hotel entrance to provide a dedicated secondary access to the Gastro Hall, Organ Bar or roof top bar for non-residents;
- Entrance and lobby to apart-hotel units off Ryder Street;
- 3 hotel meeting rooms;
- Entrance to basement multi-purpose room/nightclub; and
- Back of house staff offices and staff facilities, luggage area, guest and service lifts, toilet and changing facilities.

Level 1 - This level provides floorspace to the northern end of the building, north of the tower towards Ryder Street only.

- 18 apart-hotel rooms ranging in floorspace from 17 to 35sqm.

Level 2

- Gastro Hall and lobby. The existing Central Hall is proposed to become the 'Gastro Hall' area which would be used as the main food and beverage space within the hotel for use by the public together with hotel and apart-hotel residents, 340sqm;
- 20 hotel rooms ranging in floorspace from 21 to 25sqm arranged around the perimeter of the Gastro Hall;
- Show kitchen and back of house service kitchen; and
- A new mezzanine floor would be constructed at this level, north of the tower to provide 19 apart-hotel rooms ranging in floorspace from 18 to 31sqm.

Level 3

- 25 hotel rooms ranging in floorspace from 21 to 31sqm.

Level 4

- a new publically accessible mezzanine bar level overlooking the proposed Gastro Hall called the Organ Bar as it is proposed to retain the existing pipe organ;
- 25 hotel rooms ranging in floorspace from 21 to 31sqm;
- 19 apart-hotel rooms ranging in floorspace from 19 to 27sqm.

Level 5 – 1st floor of proposed roof extension

- 26 hotel rooms ranging in floorspace from 20 to 31sqm;

- 19 apart-hotel rooms ranging in floorspace from 17 to 28sqm. The apart-hotel rooms would be accommodated at the current roof level to the north of the tower representing the first floor of the proposed roof extension.

Level 6 – 2nd floor of proposed roof extension

- 36 hotel rooms ranging in floorspace from 19 to 47sqm;
- fitness suite, 27sqm.

Level 7 – 3rd floor of proposed roof extension

- 17 hotel rooms ranging in floorspace from 19 to 43sqm;
- rooftop bar, 134sqm;
- roof top external terrace to accompany roof top bar, 162sqm.

- 1.3 The application is supported by the international Dream Hotel Group and this would be Dream's first location in the UK. The Dream Hotel Group is a luxury hotel brand and management company with a 30 year history of managing properties worldwide. It is home to Dream Hotels, Time hotels, The Chatwal and Unscripted Hotels brand and has hotels in North America, with future projects in Qatar, the Maldives and Vietnam.



Fig. 1 View from James Watt Queensway

[Link to Documents](#)

2. Site and Surroundings

2.1 The site is bound by Corporation Street to the west, Ryder Street to the north and Dalton Street to the east. The property occupies a prominent position when entering the City Centre particularly from the Aston Expressway and from James Watt Queensway.

2.2 During the early part of the 20th Century the Methodist movement in Britain decided to focus on the concept of new central halls in the larger towns and cities. The existing Methodist Central Hall is typical of these great architectural statements combining worship, education, welfare and religious administration within the same building complex with associated commercial premises that provided a valuable source of rental income. The building is Grade II* listed and occupies much of the eastern side of the frontage to Corporation Street, north of Priory Queensway. It is located within part of the City Centre that is characterised by fine late 19th Century and early 20th Century civic buildings, and encompassed within the Steelhouse Conservation Area. Within the surrounding area there are several other listed buildings:

- Victorian Law Courts (Grade I), Corporation Street;
- Coleridge Chambers (Grade II), Corporation Street;
- County Court (Grade II), Bull Street;
- Ruskin Buildings (Grade II); and
- Murdon Chambers and Pitman Chambers, Corporation Street (Grade II*).

Their presence provides a distinct character to this part of Corporation Street with the Steelhouse Conservation Area Character Appraisal remarking that the quality of the architecture and the fine townscape surrounding the Victoria Law Courts remains the principal justification for the designation of the Conservation Area.

2.3 The building, designed by Birmingham architects Ewan Harper and James A. Harper was constructed in two main sections above a ground floor shopping parade. The first which, when looking at the building from Corporation Street is to the left of the tower, has five storeys and is believed to have been constructed in 1897. The section to the right of the tower has four storeys and is understood to have been constructed in 1903 and includes the Central Hall. Externally it has a tower extending to some 25m to 30m above the general roof line making the Methodist Central Hall a landmark building on the skyline and marking the Conservation Area. There is also the decorative red terracotta brickwork to the frontages of the building, another distinctive feature. The main entrance is located on Corporation Street and comprises of a highly decorative terracotta casement leading to a porch and recessed double door opening. At roof level there are finials and other heavy ornate stonework sculptures visible from the ground.

2.4 Internally the building comprises the full height Central Hall with tiered seating on three sides, a large pipe organ dating back to the late 19th Century and short stage space. It was capable of seating up to 2,000 people. The main hall has a secondary curtain wall running around its periphery, separating it from the principal external envelope, forming a circulation route with access points through to the peripheral raked seating. In addition to the main hall this complex building comprises an additional 32 rooms.

2.5 The building remained in use as a place of worship until 1990. It was sold in 1991 and thereafter converted into a nightclub complex which subsequently closed in

2002. It remained vacant until 2007 when its doors opened as the Que Club, closing again in February 2017 and has remained vacant above ground floor since that date.

- 2.6 The Central Hall has remained largely unchanged since its opening in 1904 however the condition of the building has deteriorated due to the poor level of occupancy and lack of general maintenance, an example of which is the vegetation that has grown within the external structure of the tower. Its deterioration over many years has placed the building on Historic England's Heritage at Risk Register.

[Site Location](#)

3. Planning History

- 3.1 50227013 - Change of use from religious meeting hall and ancillary accommodation to law courts and ancillary offices. Approved 08/02/1990
- 3.2 1990/00598/PA - Change of use from religious meeting hall to law courts, shops, banks, storage and church. Approved 31/08/1990
- 3.3 1990/00599/PA - Change of use from religious meeting hall and ancillary accommodation, shops, bank, storage & church to law courts, shops, banks etc. Approved 18/09/1990
- 3.4 1990/05656/PA - Proposed change of use to entertainment, sports and leisure events, and promotions. Approved 08/03/1991
- 3.5 1992/03026/PA - Use for entertainment and ancillary purposes. Approved 14/10/1992
- 3.6 1994/02062/PA - Change of use of shop (A1) to ancillary offices and internal alterations to enlarge family centre. Approved 01/09/1994
- 3.7 1996/02522/PA - Change of use of basement to offices. Approved 06/11/1996
- 3.8 2002/04317/PA - Change of use from nightclub/dance venue to residential apartments development, extensions to roof area and external alterations to building. Approved 01/04/2004
- 3.9 2004/00666/PA - Change of use of part of basement and ground floor and all of upper floors from night club to apartments with extensions to roof area and external alterations of the building. Approved 05/01/2005 (Listed Building Consent reference 2004/00667/PA)
- 3.10 2009/03740/PA - Alterations and extensions and change of use from nightclub to 47 residential apartments, office, restaurant/bar and retail use. Approved 08/11/2010 (Listed Building Consent reference 2009/03741/PA)
- 3.11 2017/10299/PA - Listed Building Consent for new 3 storey roof top extension; insertion of new decks, balconies, partition walls and other works; new shop fronts to nos. 204 to 206 and 224; opening up of historic fabric; removal of raked seating; part retention part removal of existing tracery windows; repointing, cleaning and repair of existing terracotta and brickwork where required and repair of some existing shop fronts in order to facilitate the proposed change of use to hotel and apart-hotel, retention of use of ground floor units for flexible retail uses and use of basement as nightclub. (Accompanying Listed Building Application – awaiting determination)

4. Consultation/PP Responses

- 4.1 BCC Transportation - No objection subject to conditions to secure the following:
- cycle parking prior to occupation;
 - Reinstate existing redundant footway crossing on Dalton Street; and
 - Submission of a Construction Management Plan to confirm details on the programme of works and how this may affect the highway, i.e. requirement for highway space for materials delivery and storage etc.
- 4.2 Historic England - Methodist Central Hall is one of Birmingham's outstanding examples of the use of terracotta in the City during the late-19th and early-20th centuries. The imposing building is hailed as being a well-executed response to the earlier Victoria Law Courts opposite. The two together arguably form the highpoint of the city's numerous examples of skilfully-detailed terracotta. The building's scale and architectural detailing are a clear reflection of the growth of non-conformism in Birmingham at the turn of the century and it holds considerable aesthetic, historical and communal value and makes an important contribution to the Steelhouse Conservation Area. This high significance is recognised in the building's Grade II* listing, representing just 5.8% of all listed buildings nationally. Vacancy and its poor condition have placed the building on Historic England's Heritage at Risk Register.
- 4.3 The provision of additional floor space throughout the building will clearly have a major influence on the viability of the scheme in providing a large proportion of accommodation space. Having considered the applicant's Development Viability Appraisal Report, and its subsequent independent review commissioned by the local authority, we are content that the submitted assessment represents a robust evaluation of the viability of the present scheme and its comparison with other potential uses, concluding that the application represents the optimum viable use for the building.
- 4.4 Following numerous discussions with the applicants and the local authority we would emphasise that Historic England is supportive of finding a suitable and sustainable use for this significant building, and we recognise the clear benefits of addressing long standing issues of vacancy and poor condition. Following their acquisition of the site in May and June 2017 we were pleased to note that the applicants took action to secure the building, and began to investigate and address factors contributing to the building's worsening condition. Amendments to the scheme following pre-application advice have also resulted in some improvements in approach and design that have resulted in the retention of some significant historic fabric. Whilst the level of harm remains very high, we do consider the present scheme to be improved from the previous approval of 2009/10.
- 4.5 Once the tests of paragraph 133 of the NPPF have been considered, if the local authority is minded to approve this application we would strongly recommend that they satisfy themselves of the formal commitment of the proposed end users. Similarly, that all details, materials and finishes are carefully monitored by the council's expert conservation advisers so to ensure that a high quality of approach is realised in practice, and to agree those historic features proposed to be retained and reused.
- 4.6 Recommendation - Historic England has concerns regarding the application on heritage grounds. Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice.

- 4.7 Local Lead Flood Authority (LLFA) - Given that this application refers to internal alterations to an existing building with minimal external works, the LLFA have no comment.
- 4.8 Severn Trent Water - No objections to the proposals subject to the inclusion of a condition to require the submission and implementation of drainage plan.
- 4.9 Police - This, potentially, is a difficult site to review, given the variety of mixed uses proposed, i.e. hotel, retail, offices, bars and cafes, public house, restaurants and hot food takeaways. The key to the successful security of the differing aspects of these proposals will be the strict control of the interaction between the uses, ensuring that the various uses are kept apart. A Security Strategy Report has been produced which addressed issues raised during a pre application meeting. If the application were to be approved, any work should be undertaken to the apartments / hotel rooms be to the standards laid out in the Secured by Design 'New Homes 2016' guide. A lighting and CCTV plan for the site should be produced and the latter is clearly referenced, and addressed within the aforementioned Security Strategy Report. This is supported. The location for the reception of the hotel is well placed in that it allows staff to have a clear line of sight to the main entrance to the hotel and the entrance lobby area. This provides good opportunities for natural surveillance which should in turn give staff more time to respond to any unwanted visitors. The commercial aspect of the development should be carried out to the standards within the Secured by Design 'Commercial 2015' guide. The proposed access control system, which clearly seeks to separate the varying uses of the building and control unauthorised access is noted and supported as are the various alarm systems to cover the varying uses.
- 4.10 Regulatory Services – No objections subject to conditions to require details of the extract ventilation and odour control equipment and to restrict noise from plant.
- 4.11 Birmingham City Centre Management, Local Action Groups, Community and Neighbourhood Forums, Centro, Local Councillors and the MP have been consulted but no replies received.
- 4.12 The application has been advertised in the press, by site notices and neighbouring occupiers have been notified by letter. Thirty two responses have been received, a petition of 29 signatures plus two further letters in support and one objection. Within the supporting letters the following comments have been made (in summary):
- Proposals will meet the growing demand for hotels in Birmingham;
 - Carry out a sensitive restoration of the historic building;
 - Assist in the economic revitalisation of the area;
 - Create new opportunities for the local community;
 - The proposed conversion honours the origins and tradition of the Birmingham Central Hall by being sensitive to its architecture and purpose;
 - When the 1901 Central Hall was being built three foundation stones were laid in the presence of the architect Ewen Harper, the Rev Lewis Wiseman, John Bowen and Thomas Barnsley, the latter three being trustees of the new Central Hall. Photographs of the stone laying are in Birmingham archives but not actual

photos of the stones or of their inscriptions. Please ensure that these stones are located in the building and retained;

- The buff terracotta work in the frieze of the main door way of John Wesley preaching must be retained and preserved; and
- Wherever possible the terracotta fabric both external and internal should be retained so that the integrity of the main hall can be preserved.

4.13 One letter of objection raises the following concerns (in summary):

- Infilling could ruin the character of the building while estate development would overwhelm it;
- Not only is it a Listed building but it is a redundant church too. How does the proposed development relate to the legislation on ecclesiastical buildings and their protection?;
- The City is reaching a very saturated market for hotels and the development of these is ubiquitous; and
- Birmingham City Centre becoming more pedestrianised and managing the traffic such developments attract, the inadequacy of the lanes apart from the Corporation Street to accommodate even small increases in traffic, and road widening all would have a negative impact upon the area, located very close to the Children's Hospital.

5. Policy Context

5.1 Birmingham Development Plan (BDP) 2017, Birmingham Unitary Development Plan 2005 (Saved Policies), Car Parking Guidelines SPD (2012) the National Planning Policy Framework, Steelhouse Conservation Area Character Appraisal (SPG) and the Snow Hill Masterplan, Shopfronts Design Guide 1996, Grade II* Listed Building.

6. Planning Considerations

BACKGROUND

- 6.1 The site has been the subject of two previous planning applications over the last 15 years, neither of which have been brought forward to convert the existing building. The first, granted in 2004 was for the residential conversion of the building. Following this, both planning and listed building consent was obtained in 2010 for alterations, a roof top extension and the change of use of the building from a nightclub to form 47 apartments, offices, restaurant/bar and retail use. However, this proposal was never delivered and the permission has now lapsed.
- 6.2 In contrast to the earlier applications the current proposals seek approval to bring the upper parts of the building back into public use. Furthermore the applicants have also acquired the ground floor retail units, which were not included in any of the previous planning application proposals for the site, to enable the ground floor area to integrate with the hotel and apart-hotel and also enable a retail and food/beverage offer at street level, seeking a comprehensive solution for the whole building.

VIABILITY OF PROPOSALS

- 6.3 Conscious that the previous approvals have remained unimplemented and the condition of the building is continuing to deteriorate officers considered that it was necessary to ensure the following:
- firstly the proposals as they stand including the proposed range of uses would be financially viable; and
 - secondly the level of intervention inside the Grade II* listed building together with the proposed roof top extension is required to make the proposals viable, and that the quantum of additional floorspace, i.e. 3,000sqm is required.
- 6.4 The current proposals have therefore been independently assessed by testing the financial viability of the following scenarios:
- a) the scheme consented in 2010 – the previous planning and listed building consent (which provided for the conversion of the listed building to office and residential uses) in line with Planning Application Ref: 2009/03741/PA and Listed Building Consent Ref: 2009/03740/PA;
- b) the current proposals – the applicant’s planning application proposals (i.e. a 147 bedroom hotel and 75-bed apart-hotel, associated food and beverage outlets and night club / multi use basement); and
- c) a budget hotel scheme – a hypothetical scheme assuming that a discount hotel operator could be attracted. This scenario has been requested on the basis that if a budget operator could be attracted, such a scheme may be more sensitive to the historic fabric of the existing building, by virtue of the reduced room size requirement and associated servicing arrangements.
- 6.5 Based on risk and profit it has been found that options (a) and (c) would not be financially viable with the profit well below a target rate of return of 15% to 20% for a development of this nature. It would only be the current proposals or option (b) that would generate a sufficient level of return that would be acceptable in the market. It has been remarked that the proposed up-market high end offer would create a necessary destination required in order to attract customers. Furthermore the proposed hotel’s clientele would be more likely to spend on-site and the nature of the proposed hotel and food and beverage proposals would complement each other and should interact well. This would not be the case in respect of a budget operator which simply would not be interested in or able to support such a food and beverage offer. The budget hotel option would fail to create the level of value necessary to make such a proposal viable.
- 6.6 In addition the independent assessment has explored the potential of bringing the building forward on the basis of 100% office use, 100% residential use or an alternative leisure use. These options demonstrate a significant viability deficit and would clearly be unviable.

PRINCIPLE OF THE PROPOSED USES AT THIS LOCATION

- 6.7 The NPPF defines hotels, restaurants, bars and night clubs and as town centre uses. The application site is located within 200m of the retail core as identified within the Birmingham Development Plan (BDP) and within the wider growth area that encircles the City Centre, as defined by Policies GA1.1 and GA1.2. New leisure uses are promoted within and on the edge of the retail core to support the City’s offer as a top visitor attraction.
- 6.8 Meanwhile Policy TP21 of the BDP acknowledges that the City Centre will continue to be the focus for retail and leisure activities and Policy TP24 encourages a diverse

range of facilities including restaurants and hotels. Policy TP25 supports the provision of hotels and development to support the existing tourist and cultural facilities.

- 6.9 Saved Paragraph 8.19 of the BDP encourages new major hotels to meet the needs of tourism and business visitors subject to local planning, amenity and highway considerations. Paragraphs 8.6 and 8.7 provide guidance relating to the location of restaurants and cafes. Whilst they are guided towards locating in mixed commercial areas, the paragraphs acknowledge that consideration should be given to highway, retail vitality and amenity matters.
- 6.10 The application site also lies within the boundary to the Snow Hill Masterplan which acknowledges that with the arrival of HS2 the area will see its attractiveness as a key location within the City Centre increase. It also promotes the innovative reuse of the Central Methodist Hall.
- 6.11 It is therefore considered that the principle of the proposed uses at this City Centre location would be appropriate subject to more detailed consideration of highway and amenity issues.

PROPOSED DESIGN AND IMPACT UPON HERITAGE ASSETS

- 6.12 When considering the merits of the current planning application Section 72 of the Planning (Listed Buildings & Conservation Areas) Act 1990 should be addressed. This section states that special attention shall be paid to the desirability of preserving or enhancing the character and appearance of the conservation area it affects. Section 66 of the same primary legislation also needs to be considered as it refers to the protection of listed buildings.
- 6.13 The National Planning Policy Framework (NPPF) (2012) states under paragraph 131 that in determining planning applications, local planning authorities should take account of:
- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - the desirability of new development making a positive contribution to local character and distinctiveness.
- 6.14 In addition, Policy TP12 of the Birmingham Development Plan is relevant and reiterates the guidance above noting that the City Council will seek to manage new development in ways which will make a positive contribution to the character of the historic environment.
- 6.15 It is acknowledged that the current scheme proposes a significant intervention to the interior and exterior of the building; most notably with regards to alterations to the roof, the central hall including its existing tracery windows and raked seating, and the existing shop fronts.
- 6.16 Accordingly the assessment of the current planning application will consider the alterations to the exterior of the building and the potential harm to the character of the Steelhouse Conservation Area and the setting of the listed building itself and the surrounding listed buildings. The accompanying listed building report will refer to both the internal and external alterations.

- 6.17 Perhaps the most significant aspect of the proposal is the addition of a part three storey roof extension. Like the existing building, the proposed roof would be formed of two parts divided by the existing tower in the middle. It would accommodate hotel guest rooms and a roof terrace to the south of the tower, a roof top bar adjacent to the tower, and apart hotel plus hotel guest rooms to the north of the tower.
- 6.18 The submitted elevations indicate that, to the south of the tower, the existing pitched roof above the central hall would be retained albeit with new roof lights and ventilation louvres punched through it. The proposed roof terrace is proposed in front of the existing roof overlooking Corporation Street. A new two storey curved roof extension would be constructed to the rear facing Dalton Street reaching an approximate height of an additional 5.2m above the existing parapet wall.
- 6.19 To the north of the tower a proposed three storey curved roof would replace all of the existing part flat part pitched dummy roof. It would increase the height of the roof above the existing parapet wall by approximately 7m to hide the proposed roof top plant.
- 6.20 The proposed roof extension would be given vertical emphasis through a curved fin detail positioned at 1m intervals to align with the upper floor windows. The fins would protrude from the exterior of the extension windows and curtain walling system by approximately 0.5m.
- 6.21 As referred to previously, the second requirement of the independent financial appraisal was to test whether the additional roof top extension is required to make the scheme viable and whether the quantum of development can be justified. Following detailed analysis the independent report concludes that the additional floorspace creates the critical mass necessary to underpin the occupier's business model and drive viability. Any reduction in floorspace would prejudice viability and also compromise the operator's occupational requirements. The quantum of rooms, sizes and design are essential in order to satisfy the operator's requirements and drive value. A very high level sensitivity analysis has been undertaken where the additional 3,000sqm of floorspace has been removed from the applicant's proposed scheme appraisal alongside the proportionate reduction in values and build cost. The independent report concludes that firstly whilst this fails to address the overriding concern that such an option would be unlikely to be acceptable to the operator, the removal of the additional floorspace would reduce profit to sub 15% and such an option, even if the changes were acceptable to the operator, would be unviable.
- 6.22 Following the outcome of the financial appraisal the Council's Conservation Officer acknowledges that whilst the scale of the roof remains a serious concern it can be supported. The proposed design has been the subject of careful scrutiny both by officers, by the Conservation Heritage Panel and external consultees, and it is considered that it has a refinement that relates well to the architectural bays of the building. The design has evolved such that the Conservation Officer considers that there is a distinction yet a synergy between the roof to the north and the roof to the south of the tower. It is considered that the proposed curved roof would reduce the visual impact and massing of the extension from street level and within the wider Conservation Area. Furthermore whilst the proposed roof would be approximately 1.25m higher from Ryder Street than the scheme consented in 2010, it would be a more sensitive solution to the requirement for additional floorspace.
- 6.23 Turning to the ground floor over the course of the 20th Century harm has been caused to the building through lawful and unlawful changes to a number of the historic shop fronts along the principle Corporation Street parade. Approval is sought

to reinstate these shop fronts and deliver harmony across this elevation much in the way the refurbished commercial units under the newly refurbished Grand Hotel on Colmore Row has achieved. The repair and changes to some of the shop fronts is considered would have a positive impact on the public perception and use of this building.

- 6.24 As required by the Planning (Listed Buildings & Conservation Areas) Act 1990 it is necessary to consider whether the proposals would preserve or enhance the character and appearance of firstly the Conservation Area and secondly the listed building itself and the setting of the listed buildings within the vicinity. First it is acknowledged that the proposed roof top extension would be prominent from various vantage points within the Steelhouse Conservation Area and in the same context as adjacent listed buildings. However it is considered that the proposals would preserve both of these heritage assets as it would bring the building back into reuse, removing it from the Historic England Heritage at Risk Register, thereby preserving the character of the Conservation Area and the setting of the listed buildings.
- 6.25 Regard has also been given to paragraphs 131 to 134 of the NPPF and Policy TP12 of the BDP, and it is considered that the proposals would lead to less than substantial harm to the significance of the Conservation Area and the listed buildings and the harm is outweighed by the public benefits. According to the national planning policy guidance public benefits could be anything that delivers economic, social or environmental progress. In this case they are considered to be:
- securing the optimum viable use of a heritage asset, bringing the vacant and deteriorating Grade II* listed building into reuse and removing the heritage asset from the 'at risk register';
 - upgrading the retail unit shop fronts located at street level, leading to an overall package that would provide a significant improvement to the street scene and public realm of Corporation Street;
 - delivering a range of food and beverage outlets that would promote this part of the City Centre as a destination in their own right, improving footfall and vitality during the day and supporting a thriving evening economy in this part of the City; and
 - providing new employment opportunities and positively contributing to tourism spend in and around the City.
- 6.26 It is acknowledged that the previous proposals granted consent in 2010 have expired, however it is considered that with respect to the roof extension the design proposed by current application would deliver a higher quality more sensitive response to the existing pitched roof form by adopting a curved single profile. Furthermore in terms of the wider setting of the Central Hall since the previous approvals the Masshouse scheme, currently under construction, will rise above the Central Hall roof extension emerging as another dominant feature on the skyline. Also, again to reiterate, the current scheme seeks approval to improve the ground floor retail units as, unlike previously, they are now in the same ownership as the upper floors.
- 6.27 Historic England have mentioned paragraph 133 of the NPPF and consider that substantial harm would be caused to the significance of the heritage asset, although it is not clear whether it is considered that there would be substantial harm to the character and appearance of the Conservation Area and/or the setting of the listed building. Paragraph 133 states that local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm is necessary to achieve substantial public benefits that outweigh the harm or all of the following criteria apply:
- i. the nature of the heritage asset prevents all reasonable uses of the site;

- ii. no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation;
 - iii. conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
 - iv. the harm or loss is outweighed by the benefit of bringing the site back into use.
- 6.28 Whether a proposal causes substantial harm is a judgment for the decision taker, having regard to the circumstances of the case and the policy in the National Planning Policy Framework. The national planning policy guidance advises that the substantial harm is a high test, so it may not arise in many cases. An important consideration is whether the adverse impact seriously affects a key element of the building's special architectural or historic interest. Furthermore it is the degree of harm to the asset's significance rather than the scale of the development that is to be assessed. The Council's Conservation Officer disagrees with Historic England with respect to the harm to the significance of the heritage assets concluding that the proposals would cause less than substantial harm. Nonetheless it is considered that the harm would be necessary to achieve the substantial public benefits and the proposals meet criteria i, ii and iv above.

TRANSPORTATION

- 6.29 The application has been supported by a Transport Statement (TS) which assesses the suitability of the site in terms of its accessibility and the traffic movements that might be generated by the proposed use. An integral part of the submission is a Framework for a future Travel Plan.
- 6.30 The location of the nearest bus stop is 50m to the north of site on Corporation Street serving 20 bus routes; New Street railway station lies 800m to the south-west, Moor Street railway station 750m to the south and Snow Hill station 500m to the west. It is also approximately 300m from the nearest Midland metro tram stop. It is considered that the site is well positioned to enable staff, guests, customers and visitors to travel on foot, by bicycle and by modes of public transport, with services operating nearby to the site.
- 6.31 There are a total of 40 on-street public car-parking spaces (including six disabled spaces) on Corporation Street. The nearest off-street car park is the 24-hour Londonderry House NCP on Dalton Street. This car park has 720 standard and 6 disabled spaces. A taxi drop off zone is located opposite the entrance to the building.
- 6.32 BCC Transportation have raised no objections subject to conditions to ensure that cycle parking would be available prior to occupation, to reinstate a redundant footway crossing on Dalton Street and to require the submission of a Construction Management Plan to confirm details of the programme of works and how this may affect the highway in terms of space required for the storage and delivery of materials. Such conditions have been attached.

IMPACT ON AMENITY

- 6.33 The aims of the submitted acoustic report seek to provide information relating to protecting the surrounding area from noise sources associated with the operation of the building, and protecting occupiers of the building, both users and staff, from noise intrusion from the outside environment.

- 6.34 Subjectively, the sound environment all around the building is dominated by motor vehicle noise and more variable levels of construction noise from numerous building projects.
- 6.35 The report suggests additional secondary glazing to protect the amenity of the future occupiers and the requirement to submit details of such has been attached as a condition.
- 6.36 At the request of Regulatory Services an addendum to the noise report has also been submitted specifically to provide information relating to the use of the basement. The planning application indicates a multi purposes room that could operate as a nightclub or a live music venue. The addendum highlights the differences between the proposed club and the nightclub that previously operated on site. Previously the night club operated from the upper floors, had a floorspace of 5000sqm and a capacity of 2,500 persons. The current scheme proposes a club located in the basement with a floorspace of 150sqm and able to accommodate 80 to 90 persons.
- 6.37 The addendum acknowledges the location of the nearest residential properties on the opposite side of Dalton Street close to the James Watt Queensway. Due to the potential for amplified music having an effect both inside and outside of the building it advises the addition of high grade sound absorption material to the ceiling, staircase and doors leading to the venue. It also suggests the use of subsidiary glazing to the existing lightwells on Dalton Street and advises that there may be a requirement to fit an acoustic limitation device inside the building. Conditions have been added to this effect.

AIR QUALITY

- 6.38 Policy TP37 of the BDP seeks to reduce health inequalities, increase life expectancy and improve quality of life by various methods which include by attempting to improve air quality and reduce noise within the City. Whilst the submitted Air Quality Appraisal acknowledges that the site is within the Birmingham Air Quality Management Area the addendum advises that the proposed development would add minimal additional vehicle trips to the existing network and would therefore have minimal impact upon air quality. It is acknowledged that the hotel and apart hotel rooms would be mechanically ventilated as a result of traffic noise, whilst the occupation of the building would be on a temporary basis and therefore the occupiers would not be significantly adversely affected.

DRAINAGE

- 6.39 The application forms indicate that both foul and surface water drainage would be via the main sewer. Both Severn Trent Water and the Local Lead Flood Authority have raised no objections to this approach subject to a condition to require further details, and this has been attached.

ECOLOGY

- 6.40 A Preliminary Ecological Appraisal (PEA) and separate Presence/likely Absence Bat Survey have been submitted. The purpose of the former is to provide an initial assessment of the ecological importance of the site and the potential for it to support protected ecological features and species. The field survey focused on the potential of the building to support roosting bats and birds, as well as other protected or notable species and whilst no evidence of roosting bats inside or outside the building

was found it concluded that a further dusk emergence or pre-dawn re-entry survey be undertaken.

- 6.41 The subsequent nocturnal dusk emergence and re-entry survey did not observe any bats emerging or re-entering the building. The report explains that a combination of a general lack of suitable foraging habitat, with large buildings and lighting providing barriers to flight, suggests that bats rarely use the area immediately around the Central Hall and therefore it is not likely that there would be features within the building capable of supporting them.
- 6.42 The Council's ecology officer has acknowledged that the Central Hall was highlighted in the PEA as having potential for a number of protected bird species, primarily Black Redstart and Peregrine Falcon, with significant numbers of recent records for each. Although the last record of Black Redstart is noted as 2014 in the report there has been verbal reports of this species having been present singing from the building in 2017, although no confirmation of breeding. The PEA suggests the inclusion of nesting boxes for black redstart and a tray/ platform for peregrine falcon to be installed within the tower structure and the Council's ecologist concurs. Therefore a condition is attached although there would need to be some discussion about their location to ensure that they would not lead to the further deterioration of the condition of the tower.

OTHER

- 6.43 The Police have raised no objections and have suggested conditions to require lighting and CCTV plans. These are considered to be reasonable and are attached.
- 6.44 The application site is located within a high value area for hotels where the new hotel floorspace and apart-hotel units would be liable for CIL. It is estimated that CIL would amount to £158,000.
- 6.45 In response to comments made by the objector ecclesiastic legislation offers no protection to the former Methodist Central Hall. Secondly with respect to the saturation of hotels in Birmingham the submitted financial appraisal makes reference to the local hotel market, and the increase in the proportion of leisure visitors to Birmingham has over the last few years, particularly airport arrivals that has resulted in investor interest remaining high. Officers are comfortable that there is the demand for hotel accommodation at this City Centre location although it is acknowledged that the need for hotel accommodation is not a material consideration relevant to the determination of the current planning application.

7. Conclusion

- 7.1 It is recognised that the proposals would have a significant impact upon the appearance of the existing Grade II * listed building, changing the skyline to the north of the City Centre. However ultimately, if approved, the development would secure the long-term survival and protection of the building, which is currently on Historic England's Heritage at Risk Register and in a deteriorating condition. The proposed development, taking in the whole of the building would also provide the opportunity to transform Corporation Street and open up the restored heritage asset to the public.
- 7.2 Furthermore, the Birmingham Development Plan and the NPPF supports economic growth in a proactive and sustainable way, including retail and hotel developments, particularly favouring these uses within main town centres. Consideration has also been given to the impact upon the wider conservation area and the setting of the

listed building together with the setting of the listed buildings in the vicinity and it is considered that the proposals meet the guidance of local and national policy.

8. Recommendation

8.1 Approve subject to conditions.

1	Completion of Repairs Prior to Occupation
2	Requires the prior submission and completion of works for the S278/TRO Agreement
3	Limits the Noise Levels for Plant and Machinery
4	Details of Alterations and Extension- Phase A
5	Extraction and Odour Control Details - Phase A
6	Requires the Prior Submission of a Drainage Scheme - Phase A
7	Materials - Phase A
8	Security Strategy - Phase A
9	External Lighting Strategy -- Phase A
10	Ecological Enhancements -- Phase A
11	Details of Cycle Parking - Phase A
12	Requires the Prior Submission of a Construction Method Statement/Management Plan - Phase A
13	Requires the prior submission of noise limiting device details for basement in Phase A
14	Details of Alterations and Extension- Phase B.
15	Extraction and Odour Control Details - Phase B .
16	Requires the Prior Submission of a Drainage Scheme - Phase B
17	Materials - Phase B.
18	Security Strategy - Phase B
19	External Lighting Strategy -- Phase B
20	Details of Cycle Parking - Phase B
21	Requires the Prior Submission of a Construction Method Statement/Management Plan - Phase B
22	Details of Alterations and Extension- Phase C

23	Extraction and Odour Control Details - Phase C
24	Requires the Prior Submission of a Drainage Scheme - Phase C
25	Materials - Phase C
26	Security Strategy - Phase C
27	External Lighting Strategy -- Phase C
28	Details of Cycle Parking - Phase C
29	Requires the Prior Submission of a Construction Method Statement/Management Plan - Phase C
30	Approved Plans - Including Phasing Plans
31	Time Limit

Case Officer: Julia Summerfield

Photo(s)

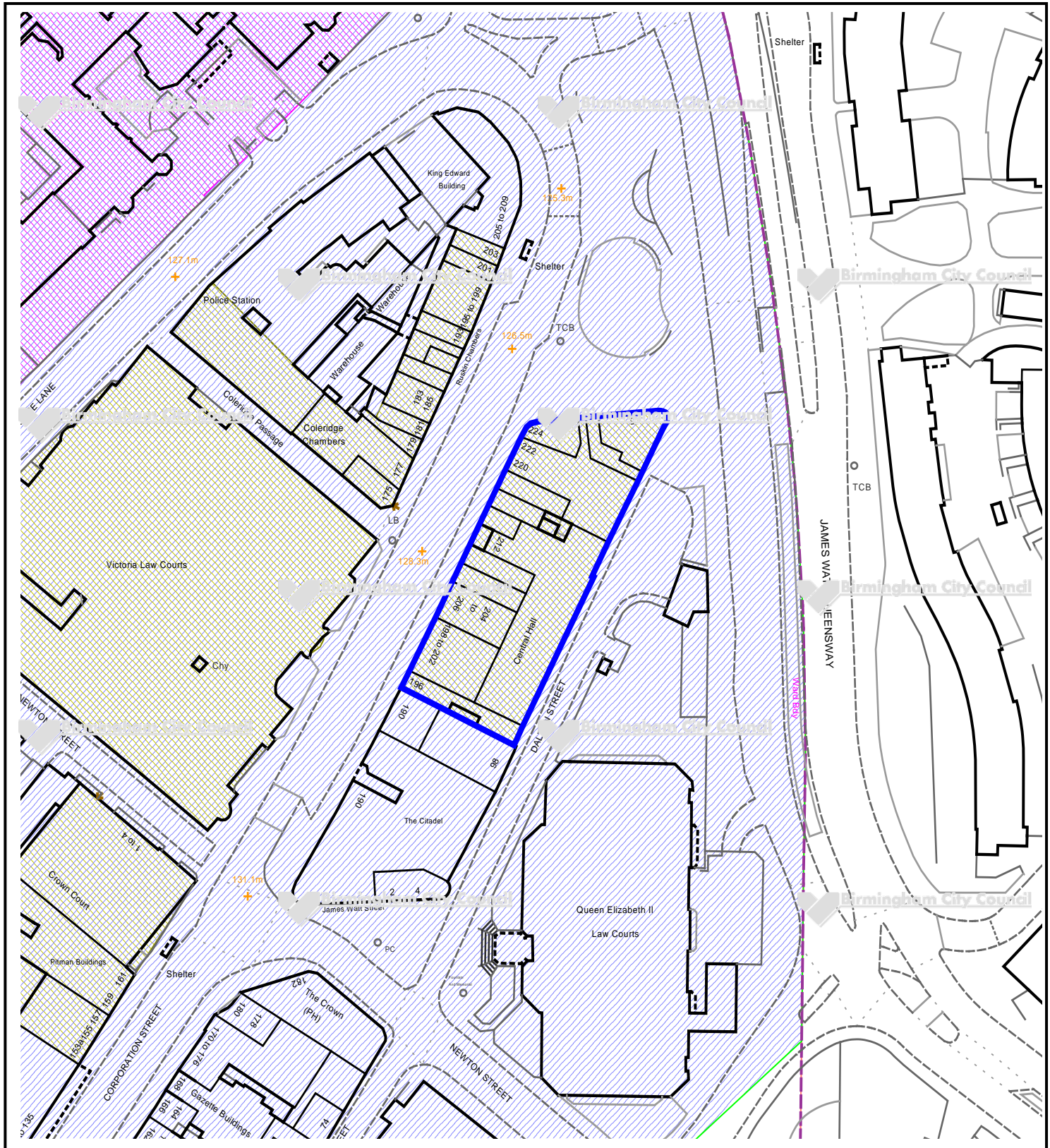


Fig. 2 View North



Fig. 3 View South

Location Plan



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Committee Date:	01/03/2018	Application Number:	2017/10299/PA
Accepted:	04/12/2017	Application Type:	Listed Building
Target Date:	29/01/2018		
Ward:	Ladywood		

Central Methodist Hall, 196-224 Corporation Street, Ladywood, Birmingham, B4 6QB

Listed Building Consent for new 3 storey roof top extension; insertion of new decks, balconies, partition walls and other works; new shopfronts to nos. 204 to 206 and 224; opening up of historic fabric; removal of raked seating; part retention part removal of existing tracery windows; repointing, cleaning and repair of existing terracotta and brickwork where required and repair of some existing shopfronts in order to facilitate the proposed change of use to hotel and apart-hotel, retention of use of ground floor units for flexible retail uses and use of basement as nightclub.

Applicant: Ciel Central Hall Ltd
15-16 Brooks Mews, Mayfair, London, W1K 4DS
Agent: SLR Consulting Ltd
2nd Floor Hermes House, Holsworth Park, Oxon Business Park,
Shrewsbury, SY3 5HJ

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1 This application for listed building consent accompanies the planning application for the Central Methodist Hall (reference 2017/10299/PA), the committee report for which precedes this item on the agenda.
- 1.2 The listed building application seeks approval to convert and extend the building to utilise the basement as a nightclub / multi-purpose space, retain the existing shops and ground floor and provide a 147 bed hotel units and 75 apart-hotel units above. The proposed conversion would require the following works:
- reinstate the existing shop fronts to Corporation Street to the retained retail units and proposed hotel café bar at ground and basement levels;
 - opening up the principle staircase through to the main hall;
 - new staircase to the northern part of the building to provide access from ground floor to the apart-hotel units above;

- provision of a new mezzanine at proposed level 1 to accommodate apart-hotel units to the north of the building;
- removal of all original internal raked tier seating, walls and doors, namely to the eastern and western sides of the building along with some staging from beneath the organ;
- removal of ambulatory corridors with associated terracotta brick décor and door openings and curved timber balcony with associated timber detailing and cast-ironwork;
- provision of a gastro hall food offer within the previous central hall auditorium with two new staircases leading to a mezzanine Organ Bar above;
- provision of new mezzanine floors with balconies at proposed levels 3 and 4 around the perimeter of the main hall to accommodate hotel and apart-hotel rooms;
- removal of some tracery windows from proposed levels 5 and 6; and
- provide a three storey roof top extension to be used as accommodation, a roof top bar and external terrace.

1.3 The proposals would retain and restore many of the original features in-situ within the building including the façade and the Victorian shop frontages, the main entrance doors, the late 19th century pipe organ within the main hall, the original windows and door casements and associated furniture, the original parquet flooring in certain areas and the central staircase.

1.4 The application is supported by the international Dream Hotel Group and this would be Dream's first location in the UK. The Dream Hotel Group is a luxury hotel brand and management company with a 30 year history of managing properties worldwide. It is home to Dream Hotels, Time hotels, The Chatwal and Unscripted Hotels brand and has hotels in North America, with future projects in Qatar, the Maldives and Vietnam.



Fig. 1 View from James Watt Queensway

[Link to Documents](#)

2. Site & Surroundings

- 2.1 The site is bound by Corporation Street to the west, Ryder Street to the north and Dalton Street to the east. The property occupies a prominent position when entering the City Centre particularly from the Aston Expressway and from James Watt Queensway.
- 2.2 During the early part of the 20th Century the Methodist movement in Britain decided to focus on the concept of new central halls in the larger towns and cities. The existing Methodist Central Hall is typical of these great architectural statements combining worship, education, welfare and religious administration within the same building complex with associated commercial premises that provided a valuable source of rental income. The building is Grade II* listed and occupies much of the eastern side of the frontage to Corporation Street, north of Priory Queensway. It is

located within part of the City Centre that is characterised by fine late 19th Century and early 20th Century civic buildings, and encompassed within the Steelhouse Conservation Area. Within the surrounding area there are several other listed buildings:

- Victorian Law Courts (Grade I), Corporation Street;
- Coleridge Chambers (Grade II), Corporation Street;
- County Court (Grade II), Bull Street;
- Ruskin Buildings (Grade II); and
- Murdon Chambers and Pitman Chambers, Corporation Street (Grade II*).

Their presence provides a distinct character to this part of Corporation Street with the Steelhouse Conservation Area Character Appraisal remarking that the quality of the architecture and the fine townscape surrounding the Victoria Law Courts remains the principal justification for the designation of the Conservation Area.

- 2.3 The building, designed by Birmingham architects Ewan Harper and James A. Harper was constructed in two main sections above a ground floor shopping parade. The first which, when looking at the building from Corporation Street is to the left of the tower, has five storeys and is believed to have been constructed in 1897. The section to the right of the tower has four storeys and is understood to have been constructed in 1903 and includes the Central Hall. Externally it has a tower extending to some 25m to 30m above the general roof line making the Methodist Central Hall a landmark building on the skyline and marking the Conservation Area. There is also the decorative red terracotta brickwork to the frontages of the building, another distinctive feature. The main entrance is located on Corporation Street and comprises of a highly decorative terracotta casement leading to a porch and recessed double door opening. At roof level there are finials and other heavy ornate stonework sculptures visible from the ground.
- 2.4 Internally the building comprises the full height Central Hall with tiered seating on three sides, a large pipe organ dating back to the late 19th Century and short stage space. It was capable of seating up to 2,000 people. The main hall has a secondary curtain wall running around its periphery, separating it from the principal external envelope, forming a circulation route with access points through to the peripheral raked seating. In addition to the main hall this complex building comprises an additional 32 rooms.
- 2.5 The building remained in use as a place of worship until 1990. It was sold in 1991 and thereafter converted into a nightclub complex which subsequently closed in 2002. It remained vacant until 2007 when its doors opened as the Que Club, closing again in February 2017 and has remained vacant above ground floor since that date.
- 2.6 The Central Hall has remained largely unchanged since its opening in 1904 however the condition of the building has deteriorated due to the poor level of occupancy and lack of general maintenance, an example of which is the vegetation that has grown within the external structure of the tower. Its deterioration over many years has placed the building on Historic England's Heritage at Risk Register.

[Site Location](#)

3. Planning History

- 3.1. 50227013 - Change of use from religious meeting hall and ancillary accommodation to law courts and ancillary offices. Approved 08/02/1990

- 3.2. 1990/00598/PA - Change of use from religious meeting hall to law courts, shops, banks, storage and church. Approved 31/08/1990
- 3.3. 1990/00599/PA - Change of use from religious meeting hall and ancillary accommodation, shops, bank, storage & church to law courts, shops, banks etc. Approved 18/09/1990
- 3.4. 1990/05656/PA - Proposed change of use to entertainment, sports and leisure events, and promotions. Approved 08/03/1991
- 3.5. 1992/03026/PA - Use for entertainment and ancillary purposes. Approved 14/10/1992
- 3.6. 1994/02062/PA - Change of use of shop (A1) to ancillary offices and internal alterations to enlarge family centre. Approved 01/09/1994
- 3.7. 1996/02522/PA - Change of use of basement to offices. Approved 06/11/1996
- 3.8. 2002/04317/PA - Change of use from nightclub/dance venue to residential apartments development, extensions to roof area and external alterations to building. Approved 01/04/2004
- 3.9. 2004/00666/PA - Change of use of part of basement and ground floor and all of upper floors from night club to apartments with extensions to roof area and external alterations of the building. Approved 05/01/2005 (Listed Building Consent reference 2004/00667/PA)
- 3.10. 2009/03740/PA - Alterations and extensions and change of use from nightclub to 47 residential apartments, office, restaurant/bar and retail use. Approved 08/11/2010 (Listed Building Consent reference 2009/03741/PA)
- 3.11. 2017/10287/PA – Planning Application for new 3 storey roof top extension; insertion of new decks, balconies, partition walls and other works; new shop fronts to nos. 204 to 206 and 224; opening up of historic fabric; removal of raked seating; part retention part removal of existing tracery windows; repointing, cleaning and repair of existing terracotta and brickwork where required and repair of some existing shop fronts in order to facilitate the proposed change of use to hotel and apart-hotel, retention of use of ground floor units for flexible retail uses and use of basement as nightclub. (Accompanying Planning Application – awaiting determination)

4. Consultation/PP Responses

- 4.1. Historic England - Methodist Central Hall is one of Birmingham's outstanding examples of the use of terracotta in the City during the late-19th and early-20th centuries. the imposing building is hailed as being a well-executed response to the earlier Victoria Law Courts opposite. The two together arguably form the highpoint of the City's numerous examples of skilfully-detailed terracotta. The building's scale and architectural detailing are a clear reflection of the growth of non-conformism in Birmingham at the turn of the century and it holds considerable aesthetic, historical and communal value and makes an important contribution to the Steelhouse Conservation Area. This high significance is recognised in the building's Grade II* listing, representing just 5.8% of all listed buildings nationally. Vacancy and its poor condition have placed the building on Historic England's Heritage at Risk Register.
- 4.2. The proposed scheme sees the use of the central part of the main hall as a public

restaurant/dining space with hotel bedrooms around the perimeter in newly created floor levels and perimeter balconies. This sees the substantial alteration of the main hall comprising of: The wholesale removal of the raked seating and its structure throughout, the removal of its curved timber balcony with detailed timber and cast iron balustrading, and the entire removal of the ambulatory corridors and their internal terracotta tracery windows. This is arguably the building's most significant space, and its *raison d'être*, historically providing a large auditorium for worship and meeting space. Its raked seating, set in-the-round and facing a clearly visible area for preaching and speaking, is a characteristic feature of many non-conformist worship spaces which reflects the theology and historic principles of Methodist worship.

- 4.3 Whilst it is recognised that the nature of the space creates a number of challenges for its practical conversion and viable use, these proposals would result in a very high intensity of intervention and loss of historic fabric that would have a subsequent impact on the character and proportions in the main hall, and ultimately the significance of the building. This adverse impact within the main hall would affect a key element of its special architectural and historic interest and for that reason it is considered that the proposals would lead to substantial harm to its significance and therefore the relevant tests of paragraph 133 of the NPPF should be considered.
- 4.4 The provision of additional floor space throughout the building would clearly have a major influence on the viability of the scheme in providing a large proportion of accommodation space. Having considered the applicant's Development Viability Appraisal Report, and its subsequent independent review commissioned by the local authority, Historic England are content that the submitted assessment represents a robust evaluation of the viability of the present scheme and its comparison with other potential uses, concluding that the application represents the optimum viable use for the building.
- 4.5 Following numerous discussions with the applicants and the local authority it is emphasised that Historic England is supportive of finding a suitable and sustainable use for this significant building, and we recognise the clear benefits of addressing long standing issues of vacancy and poor condition. Following their acquisition of the site in May and June 2017 Historic England were pleased to note that the applicants took action to secure the building, and began to investigate and address factors contributing to the building's worsening condition. Amendments to the scheme following pre-application advice have also resulted in some improvements in approach and design that have resulted in the retention of some significant historic fabric. Whilst the level of harm remains very high, it is considered that the present scheme is improved from the previous approval of 2009/10.
- 4.6 Once the tests of paragraph 133 of the NPPF have been considered, if the local authority is minded to approve this application it is strongly recommend that the applicants satisfy themselves of the formal commitment of the proposed end users. Similarly, that all details, materials and finishes are carefully monitored by the council's expert conservation advisers so to ensure that a high quality of approach is realised in practice, and to agree those historic features proposed to be retained and reused.
- 4.7 Recommendation - Historic England has concerns regarding the application on heritage grounds. Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice.

- 4.8 Victorian Society - Broadly supportive of these current plans to regenerate the highly significant Grade II* listed Central Hall and pleased to note the commitment by the developer to retain and conserve many historic features and details.
- 4.9 Whilst the principle behind the demolitions to the main hall space are understood there is regret at the loss of the secondary screen wall and traceried windows on levels 3 and 4 to the sides of the main hall area. Further details of what is proposed for their reuse is requested. Any design feature so created would need to fit harmoniously into the remaining architecture of this main hall space and complement the organ and other historic fittings.
- 4.10 It is pertinent to note that if either of the previous applications were implemented when consented, a large area of the building would be subject to office and residential use, which would restrict the building's public accessibility. The Heritage Statement states that where possible the removed staircases balusters, ceiling coving, archways and original stone, the coloured and stained glass, existing doors and over-panels, radiators and raked seating would be restored and re-used elsewhere in the building. A key aspect of the current proposals is to celebrate the buildings listing, and therefore within this submission, the key emphasis is to allow the public to appreciate Central Hall's historic presence. Therefore details of what is proposed for these relocated historic features is requested.
- 4.11 Strongly support a detailed room-by-room audit to inform interested parties on the condition and survival of the historic fabric. Plans for alterations to the basement are noted and whilst it appears that interventions proposed would be minimal we would draw your attention to the main spinal service corridor with its raked brick floor and it is hoped it would be retained in its entirety. The survival in the basement of a foundation stone from the previous hall is noted and trust that this will be suitably protected from damage both now and during building works, and that a suitable new location will be found within the building for the stone to be preserved and displayed.
- 4.12 Conservation Heritage Panel – At pre application stage the Panel discussed the design of the originally proposed roof and suggested that it would benefit from a greater vertical emphasis and depth. With respect to the interior of the main congregational space the Panel members queried the removal of the original tracery borrowed lights. Several Panel members advised that care needs to be taken not to remove too much of the existing interior. It was considered that the required additional accommodation needed to be woven inside the building without losing too many vertical elements in order to retain the key qualities of the space. A Panel member suggested that some internal and external details could use the same architectural language. The Panel suggested that the technical detail would be crucial throughout the project and would form an important part of the application. It was recommended that mullions to the roof extension could restore verticality as at Leicester Square or Baskerville House. Concluding remarks were made about the positive aspects of the scheme which has the potential to regenerate a highly valued historic building at risk.
- 4.13 The Council has notified local councillors, the amenity societies, Birmingham Civic Society and local neighbourhood groups and advertised the application by site notice and in the newspaper but no responses have been received.

5 Policy Context

- 5.1 Birmingham Development Plan (BDP) 2017, Birmingham Unitary Development Plan 2005 (Saved Policies), Car Parking Guidelines SPD (2012) the National Planning

6 Planning Considerations

BACKGROUND

- 6.1 The site has been the subject of two previous applications over the last 15 years, neither of which have been brought forward to convert the existing building. The first, granted in 2004 was for the residential conversion of the building. Following this, in 2010 for alterations, a roof top extension and the change of use of the building from a nightclub to form 47 apartments, offices, restaurant/bar and retail use. However, this proposal was never delivered and the permission has now lapsed.
- 6.2 In contrast to the earlier applications the current proposals seek approval to bring the upper parts of the building back into public use. Furthermore the applicants have also acquired the ground floor retail units, which were not included in any of the previous proposals for the site, to enable the ground floor area to integrate with the hotel and apart-hotel and also enable a retail and food/beverage offer at street level, seeking a comprehensive solution for the whole building.

VIABILITY OF PROPOSALS

- 6.3 Conscious that the previous approvals have remained unimplemented and the condition of the building is continuing to deteriorate officers considered that it was necessary to ensure the following:
- firstly the proposals as they stand including the proposed range of uses would be financially viable; and
 - secondly the level of intervention inside the Grade II* listed building together with the proposed roof top extension is required to make the proposals viable, and that the quantum of additional floorspace, i.e. 3,000sqm is required.
- 6.4 The current proposals have therefore been independently assessed by testing the financial viability of the following scenarios:
- a) the scheme consented in 2010 – the previous planning and listed building consent (which provided for the conversion of the listed building to office and residential uses) in line with Planning Application Ref: 2009/03741/PA and Listed Building Consent Ref: 2009/03740/PA;
- b) the current proposals – the applicant's planning application proposals (i.e. a 147 bedroom hotel and 75-bed apart-hotel, associated food and beverage outlets and night club / multi use basement); and
- c) a budget hotel scheme – a hypothetical scheme assuming that a discount hotel operator could be attracted. This scenario has been requested on the basis that if a budget operator could be attracted, such a scheme may be more sensitive to the historic fabric of the existing building, by virtue of the reduced room size requirement and associated servicing arrangements.
- 6.5 Based on risk and profit it has been found that options (a) and (c) would not be financially viable with the profit well below a target rate of return of 15% to 20% for a development of this nature. It would only be the current proposals or option (b) that would generate a sufficient level of return that would be acceptable in the market. It has been remarked that the proposed up-market high end offer would create a necessary destination required in order to attract customers. Furthermore the

proposed hotel's clientele would be more likely to spend on-site and the nature of the proposed hotel and food and beverage proposals would complement each other and should interact well. This would not be the case in respect of a budget operator which simply would not be interested in or able to support such a food and beverage offer. The budget hotel option would fail to create the level of value necessary to make such a proposal viable.

- 6.6 In addition the independent assessment has explored the potential of bringing the building forward on the basis of 100% office use, 100% residential use or an alternative leisure use. These options demonstrate a significant viability deficit and would clearly be unviable.

PROPOSED DESIGN AND IMPACT UPON HERITAGE ASSETS

- 6.7 When considering the merits of the current listed building application Section 16 of the Planning (Listed Buildings & Conservation Areas) Act 1990 must be adhered to in order to ensure that the decision maker has paid special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 6.8 The National Planning Policy Framework (NPPF) (2012) states under paragraph 132 that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation and the more important the asset, the greater the weight should be. The NPPF refers to the requirement to consider the harm to the significance of the heritage asset, and if harmful whether there would be substantial harm or less than substantial harm.
- 6.9 In addition, Policy TP12 of the Birmingham Development Plan reiterates the national guidance above noting that the City Council will value, protect, enhance and manage its statutorily protected assets and their contribution to character and local distinctiveness.
- 6.10 It is acknowledged that the current scheme proposes a significant intervention to the interior and exterior of the building; most notably with regards to alterations to the existing shop fronts, to the central hall including its existing upper floor tracery windows and raked seating and the roof top extension.
- 6.11 Accordingly the assessment of the current listed building application will consider the alterations to the interior and exterior of the building from ground floor upwards, and the potential harm to its significance, its features of special architectural or historic interest and its setting.

GROUND FLOOR SHOP FRONTS

- 6.12 Over the course of the 20th Century harm has been caused to the building through lawful and unlawful changes to a number of the historic shop fronts along the principle Corporation Street parade. Approval is sought to reinstate these shop fronts and deliver harmony across this elevation much in the way the refurbished commercial units under the newly refurbished Grand Hotel on Colmore Row has achieved. The repair and changes to some of the shop fronts is considered would have a positive impact on the historic and special character of the building.

INTERNAL ALTERATIONS

- 6.13 Proposed level 2 of the building indicates the provision of the proposed gastro hall, show kitchen and back of house kitchen within the space previously used as the auditorium to the Central Hall. However a significant intervention is required comprising the wholesale removal of the original internal raked tier seating, walls and doors along with some staging from beneath the organ. As highlighted by Historic England this is one of the contributing factors to the significance of the Grade II* listed building. However whilst regrettable, the applicants consider that the removal of the raked seating is required to provide usable floorspace. Officers acknowledge that the original purpose of the main hall has gone and accept that incorporating the existing raked seating into a new use would be impractical and unviable.
- 6.14 Two new staircases from the proposed gastro hall would lead to a new mezzanine level bar in front of the retained pipe organ that would provide a unique focal point overlooking the gastro food offer. It is considered that the retention of the organ would secure part of an important historic legacy relating back to the original use and purpose of the building.
- 6.15 Hotel guest rooms would be positioned around the perimeter of the Hall from proposed levels 2 to 6 with those at levels 3 and 4 accessed via balconies that would run around the edge of the gastro hall. The proposed balconies would be constructed in front of the existing colonnade line on the western and eastern sides of the hall incorporating an open-design with a balustrade detail to harmonise with the existing historic balustrades within the rest of the building and enabling views into the gastro hall. Officers accept that whilst the proposed perimeter rooms would reduce the volume of the main hall the height of existing hall would be retained.
- 6.16 Officers and Historic England have highlighted the contribution that the existing tracery windows make to the special and historic character of the building. As a result, the applicants have made a concession to the hotel operational requirements and room size criteria by providing the accommodation at proposed level 6 behind the proposed circulation corridor in order to retain twelve of the tracery windows at this level.
- 6.17 A number of other interventions are proposed throughout the building. Of more significance is the proposed including the opening between the hotel café on the ground floor through to the main hotel entrance lobby and opening up the principle staircase through to the main hall. The Conservation Officer considers that whilst regrettable the proposed alterations would however facilitate the development of a hotel and better afford public access through its key spaces. Of less significance is the removal of other sections of fabric, staircases and walls, alongside other fixtures and fittings.
- 6.18 Whilst the loss of particularly the raked seating and some of the tracery windows are unfortunate and would cause harm reference is made to the financial viability tests. An independent assessment has been undertaken of a potential budget hotel scheme, 100% office use and 100% that may have required less intervention inside the building. However these options were found not to be viable, and therefore the prospect of bringing the building back into reuse is highly unlikely.

PROPOSED ROOF EXTENSION

- 6.19 The agent has advised that the siting of the circulation corridor at proposed level 6 behind the retained tracery windows would result in a number of undersized hotel guest rooms, and this a factor contributing to the operator's requirement for perhaps the most significant aspect of the proposals, the proposed roof extension. Like the existing building, the proposed roof extension would be formed of two parts divided

by the existing tower in the middle. It would accommodate hotel guest rooms and a roof terrace to the south of the tower, a roof top bar adjacent to the tower, and apart-hotel plus hotel guest rooms to the north of the tower.

- 6.20 The submitted elevations indicate that, to the south of the tower, the existing pitched roof above the central hall would be retained albeit with new roof lights and ventilation louvres punched through it. The proposed roof terrace is proposed in front of the existing roof overlooking Corporation Street. A new two storey curved roof extension would be constructed to the rear facing Dalton Street reaching an approximate height of an additional 5.2m above the existing parapet wall.
- 6.21 To the north of the tower a proposed three storey curved roof would replace all of the existing part flat part pitched dummy roof. It would increase the height of the roof above the existing parapet wall by approximately 7m to hide the proposed roof top plant.
- 6.22 The proposed roof extension would be given vertical emphasis through a curved fin detail positioned at 1m intervals to align with the upper floor windows. The fins would protrude from the exterior of the extension windows and curtain walling system by approximately 0.5m.
- 6.23 As referred to previously, the second requirement of the independent financial appraisal was to test whether the additional roof top extension is required to make the scheme viable and whether the quantum of development can be justified. Following detailed analysis the independent report concludes that the additional floorspace creates the critical mass necessary to underpin the occupier's business model and drive viability. Any reduction in floorspace would prejudice viability and also compromise the operator's occupational requirements. The quantum of rooms, sizes and design are essential in order to satisfy the operator's requirements and drive value. A very high level sensitivity analysis has been undertaken where the additional 3,000sqm of floorspace has been removed from the applicant's proposed scheme appraisal alongside the proportionate reduction in values and build cost. The independent report concludes that firstly whilst this fails to address the overriding concern that such an option would be unlikely to be acceptable to the operator, the removal of the additional floorspace would reduce profit to sub 15% and such an option, even if the changes were acceptable to the operator, would be unviable.
- 6.24 Following the outcome of the financial appraisal the Council's Conservation Officer acknowledges that whilst the scale of the roof remains a serious concern it can be supported. The proposed design has been the subject of careful scrutiny both by officers, by the Conservation Heritage Panel and external consultees, and it is considered that it has a refinement that relates well to the architectural bays of the building. The design has evolved such that the Conservation Officer considers that there is a distinction yet a synergy between the roof to the north and the roof to the south of the tower. It is considered that the proposed curved roof and would reduce the visual impact and massing of the extension from street level and within the wider Conservation Area. Furthermore whilst the proposed roof would be approximately 1.25m higher from Ryder Street than the scheme consented in 2010, it would be a more sensitive solution to the requirement for additional floorspace.
- 6.25 As required by the Planning (Listed Buildings & Conservation Areas) Act 1990 it is necessary to consider whether the proposals would preserve or enhance the building and its setting or any features of special architectural or historic interest that it possesses. First it is acknowledged that the proposed roof top extension would be prominent and the proposed internal alterations would be significant. However by

implementing the proposed development it is considered that it would preserve the Grade II* listed structure, by securing its reuse and it would remove the building from the Historic England Heritage at Risk Register. It is clear that continuation of the current consented uses would not resolve the current underuse of the building and therefore the deterioration to the condition of building will continue to harm the significance and future of this asset. Two alternative planning consents have been granted over the last 15 years with the objective of bringing the building back into an appropriate use. Both included significant alterations and interventions to the fabric of the building but failed to deliver a viable development. Therefore the current opportunity to reuse the whole of this Grade II * listed building and remove it from Historic England's Heritage at Risk Register is an important public benefit that has weighed heavy in the balance of the decision.

- 6.26 Regard has also been given to paragraphs 132 to 134 of the NPPF and Policy TP12 of the BDP, and it is considered that the proposals would lead to less than substantial harm to the significance of the Grade II* listed building and its setting and that the harm is outweighed by the public benefits. According to the national planning policy guidance public benefits could be anything that delivers economic, social or environmental progress. In this case they are considered to be:
- securing the optimum viable use of a heritage asset, bringing the vacant and deteriorating Grade II* listed building into reuse and removing the heritage asset from the 'at risk register';
 - upgrading the retail unit shop fronts located at street level, leading to an overall package that would provide a significant improvement to the street scene and public realm of Corporation Street;
 - delivering a range of food and beverage outlets that would promote this part of the City Centre as a destination in their own right, improving footfall and vitality during the day and supporting a thriving evening economy in this part of the City; and
 - providing new employment opportunities and positively contributing to tourism spend in and around the City.
- 6.27 It is acknowledged that the previous proposals granted consent in 2010 have expired, however it is considered that with respect to the roof extension the design proposed by current application would deliver a higher quality more sensitive response to the existing pitched roof form by adopting a curved single profile. In terms of the wider setting of the Central Hall since the previous approvals the Masshouse scheme, currently under construction, will rise above the Central Hall roof extension emerging as another dominant feature on the skyline. Furthermore the previous consent also only retained four of the tracery windows as opposed to the current proposals that would retain a row of the windows either side of the gastro hall. Plus consent to remove the existing raked seating was granted previously. Finally, again to reiterate, the current scheme seeks approval to improve the ground floor retail units as, unlike previously, they are now in the same ownership as the upper floors.
- 6.28 Historic England have mentioned paragraph 133 of the NPPF and consider that the high intensity of intervention and loss of historic fabric would cause substantial harm to the significance of the listed building. Paragraph 133 states that local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm is necessary to achieve substantial public benefits that outweigh the harm or all of the following criteria apply:
- i. the nature of the heritage asset prevents all reasonable uses of the site;
 - ii. no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation;

- iii. conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
- iv. the harm or loss is outweighed by the benefit of bringing the site back into use.

6.29 Whether a proposal causes substantial harm is a judgment for the decision taker, having regard to the circumstances of the case and the policy in the National Planning Policy Framework. The national planning policy guidance advises that the substantial harm is a high test, so it may not arise in many cases. An important consideration is whether the adverse impact seriously affects a key element of the building's special architectural or historic interest. Furthermore it is the degree of harm to the asset's significance rather than the scale of the development that is to be assessed. The Council's Conservation Officer disagrees with Historic England with respect to the harm to the significance of the heritage assets concluding that the proposals would cause less than substantial harm. Nonetheless it is considered that the harm would be necessary to achieve the substantial public benefits and the proposals meet i, ii and iv above.

7 Conclusion

7.1 The significant impact of the proposals upon the external appearance and the special historic character of the interior and exterior of this Grade II* listed building is acknowledged. However through ongoing discussions officers are satisfied with the historic features that would be retained whilst meeting the operator's requirements; and that the viability options have been fully investigated and demonstrate that the proposed development represents the optimum viable use. The proposed development would secure the reuse of the building whilst restoring public access to this heritage asset. Therefore it is considered that the proposals would meet national and policy guidance.

8 Recommendation

8.1 Approve subject to conditions.

1	Condition Survey and Schedule of Repairs to Building
2	Methodology of Repair Statement
3	Completion of Repairs Prior to Occupation
4	Building Recording
5	Details of Alterations and Extension- Phase A
6	Details of Mechanical and Electrical (M&E) System - Phase A
7	Water and Drainage Strategy - Phase A
8	Materials - Phase A
9	Mortar - Phase A

10	Security Strategy - Phase A
11	External Lighting Strategy -- Phase A
12	Signage Strategy -- Phase A
13	Pest Control Strategy -- Phase A.
14	Ecological Enhancements -- Phase A
15	Details of Alterations and Extension - Phase B
16	Details of Mechanical and Electrical (M&E) System - Phase B
17	Water and Drainage Strategy - Phase B
18	Materials - Phase B
19	Mortar - Phase B
20	Security Strategy - Phase B
21	External Lighting Strategy -- Phase B
22	Signage Strategy -- Phase B
23	Pest Control Strategy -- Phase B
24	Details of Alterations and Extension - Phase C
25	Details of Mechanical and Electrical (M&E) System - Phase C
26	Water and Drainage Strategy - Phase C
27	Materials - Phase C
28	Mortar - Phase C
29	Security Strategy - Phase C
30	External Lighting Strategy -- Phase C
31	Signage Strategy -- Phase C
32	Pest Control Strategy -- Phase C
33	Approved Plans - Including Phasing Plans
34	Time Limit

Case Officer: Julia Summerfield

Photo(s)

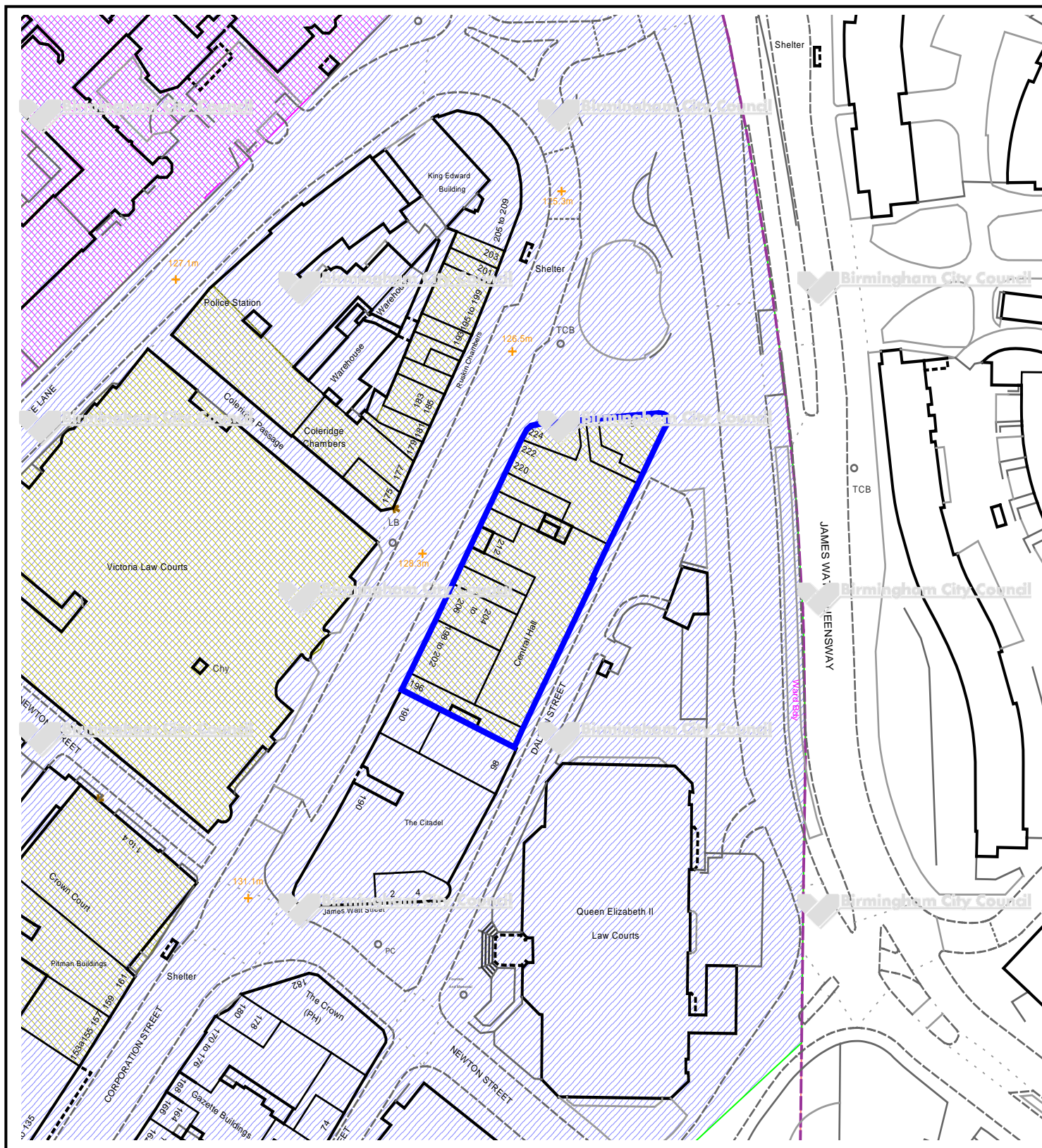


Fig. 2 View North



Fig. 3 View South

Location Plan



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Committee Date:	01/03/2018	Application Number:	2017/08885/PA
Accepted:	16/10/2017	Application Type:	Full Planning
Target Date:	02/03/2018		
Ward:	Aston		

Land at Vesey Street, Lench Street, Lancaster Street and Lancaster Circus, St Chads, Queensway, Birmingham, B4

Erection of new buildings between 9 and 24 storeys to provide purpose built student accommodation (Sui Generis) with associated internal and external amenity space, landscaping, cycle parking and associated works.

Applicant:	Lench's Trust and ES Lancaster Birmingham Ltd 100 George Street, London, W1U 8NU
Agent:	WYG 54 Hagley Road, 3rd Floor, Edgbaston, Birmingham, B16 8PE

Recommendation

Approve Subject To Conditions

1. Proposal
 - 1.1. Application is for the clearance and redevelopment of the site for student accommodation (1023 beds) and associated facilities.
 - 1.2. The proposal is for an inverted 'C' shaped building comprising of three blocks of 9/10, 13 and 24 storeys. The building would be positioned to the northern part of the site resulting in back of footpath development to Lancaster Street, Vesey Street and the junction with Lench/Vesey Street with an open courtyard to the south towards Lench Street. The development would provide a GEA of 31,181 sqm.
 - 1.3. The proposed building would be of a contemporary design and would read as three distinct elements having a horizontal element along Vesey Street with two different towers at either end. The main 24 storey tower would be 'v' shaped and positioned to the 'wider' end of the site closest to Lancaster Circus Queensway and a smaller 13 storey tower would be positioned on the corner of Vesey Street and Lench Street. The two tower elements have 'sharp' angled corners and would be joined by a horizontal 9-10 storey brick building.
 - 1.4. It is proposed that the tower elements of the building would be constructed in reflective and dark coloured rain screen cladding, fixed pane frameless (tinted) glass, perforated panels with a hidden, openable, window behind and glazing strips. The joining block would be constructed in a grey facing brick which would feature brick pilasters and staggered windows, some of which would have protruding cassettes around them. Clear glazed curtain walling would be used at lower/upper ground floor across the site. Specific details would be controlled by condition.

- 1.5 Internally the building would provide 1023 student bedrooms in a mix of cluster units and studios. The clusters would comprise of between 5 and 7 individual en-suite bedrooms and an open plan kitchen/living area. The clusters would range in size from 112-143 sqm with all bedrooms being a min of 13.5 sqm. The studios would be self-contained and include bathroom, study and cooking areas. They would be a minimum of 19 sq m each.
- 1.6 At ground and lower ground floor approx 1,157 sqm of communal space would be provided and include common area/games room, reception area, study rooms, gyms and a laundry room. An external communal amenity space of approx 958 sqm would be provided within a central courtyard area opening out onto the south of the site.
- 1.7 A cycle store area for 256 bikes would be provided on the lower ground floor. No parking is proposed on site but a dedicated pick-up/drop-off area is to be provided on Vesey Street. Servicing of the site would take place from Vesey Street.
- 1.8 It is proposed that the building will be built to achieve a BREEAM 'Very Good' and it would include a combined heat and power (CHP) system to meet demands for hot water within the building. A green/brown roof would be provided on the smallest building.
- 1.9 It is anticipated that the completed development would provide circa 27 full-time equivalent jobs as part of the management and security of the building and approx. 600 construction jobs during the 24 month build period.
- 1.10 A Design and Access Statement, Planning Statement (including statement of Community Involvement), Tall Buildings Assessment, Heritage Statement, Student Needs Assessment, Transport Assessment, Travel Plan, Wind/microclimate study, Noise Assessment, Air Quality Assessment, Contaminated Land Assessment, Energy Statement, Ecological Assessment and Suds Assessment have been submitted in support of the application.
- 1.11 [Link to Documents](#)
2. Site & Surroundings
 - 2.1. Application site is approx 0.34 hectares and is currently used as a surface level car park. The site fronts Lancaster Circus and the St Chads Queensway/Corporation street flyover, where the Aston Expressway joins the Queensway inner ring road and is located at the southern end of the St Chads and St Georges Quarter, where it meets the City Centre and Eastside. The site is bounded by Vesey Street to the north, Lancaster Street to the east and St Chad Queensway to the south and west.
 - 2.2. There are a wide mix of uses in the area including offices, universities, student accommodation, children's hospital and leisure uses. It is within the Gun Quarter locality.
 - 2.3 The Bulls Head pub and 44 Loveday Street, Grade II Listed, are approx. 40m to the north west of the site. Further, whilst the site does not fall within a conservation area the Steelhouse Lane Conservation area lies 114m to the south/ south east of the site and includes the Grade II listed Fire Station and the local listed Children's Hospital.
 - 2.4 [Site location](#)

3. Planning History

- 3.1. 10th December 2008 - 2008/02232/PA Erection of a 21 storey building, with ground floor mezzanine, comprising student accommodation (734 units) and ground floor classes A1, A2, A3, A4, A5, B1, D1 and/or D2 floor space (shops/financial & professional services/restaurants & cafes/drinking establishments/hot food takeaways/non-residential institutions and/or assembly & leisure), associated parking and vehicular access & landscaping. Approved with conditions and S106.
- 3.2. 5th January 2012 – 2011/06764/PA Application to extend the time to implement extant planning permission 2008/02232/PA – approved with conditions and S106.
- 3.3. 13th April 2012 – 2012/00296/PA Minor material amendment to planning consent 2011/06764/PA for removal of the basement car park, additional accommodation block on Lench Street elevation, an increase of bedspaces to 747, external alterations increasing the buildings height by no more than 1 metre and revised internal layout – approved with conditions and S106.
- 3.4. 11th March 2014 – 2014/01688/PA Display of 2 single sided internally illuminated digital display units – temporary approval until June 2018.
- 3.5. 30th July 2015 – 2015/02319/PA Display of 1 internally illuminated digital screen – temporary approval until 24th June 2018

4. Consultation/PP Responses

- 4.1. Lead Local Flood Agency – no objection to the amended information subject to conditions to secure SUDS and maintenance plan.
- 4.2. Regulatory Services – no comments received.
- 4.3. Severn Trent – no objection subject to drainage condition.
- 4.4. Transportation Development – no objection to the amended/additional information subject to conditions to secure cycle provision, management plan and s278.
- 4.5. West Midlands Police – concerns raised about parking provision, 24hrs staff presence, lack of cctv, access control, safety issues and the need to comply with secure by design.
- 4.6. Neighbours, local resident associations, Ward Cllrs, MP and the District Director were notified. A site and press notice were displayed. The site notice included advertising of the proposed stopping up of a footpath. 1 letter of objection has been received raising objections on the basis that it would result in a brutal block of a building with zero architectural merit. 1 letter of support has been received on the basis that the proposal is of a decent design.

5. Policy Context

- 5.1. Birmingham Development Plan, saved policies of the Unitary Development Plan (2005), Places for All, Places for Living, Specific Needs Residential uses, High Places, Access for People with Disabilities, Steelhouse Lane Conservation Area Character Appraisal and Supplementary Planning Policies, Snow Hill Masterplan and Grade II listed buildings.

6. Planning Considerations

- 6.1. Paragraph 14 of the National Planning Policy Framework (NPPF) advises that there is a presumption in favour of sustainable development. For the decision maker this means approving development proposals that accord with the development plan. Paragraph 17 states that planning policies and decisions should encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value.
- 6.2. The application site is located in the City Centre Growth Area within the Gun Quarter and is not allocated for any specific use. Policy GA1 supports residential development in the City Centre where it provides well-designed high quality living environments and policy GA1.3 sets out the overarching objective for the Gun Quarter which identifies that it should provide a mix of uses and improve connections to neighbouring areas.
- 6.3. Policy TP33 supports off campus purpose built student accommodation subject to a series of criteria being met including whether there is a demonstrated need for the development. The application site is located approximately 150m from Aston University campus and 600m from Birmingham City University (BCU) campus. A Student Accommodation Needs Assessment has been submitted with the application which assesses the number of full time students at Aston and BCU against the amount of on and off campus PBSA (purpose built student accommodation) available. The assessment finds that based on existing and pipeline PBSA bed spaces only 50% of the full time population of the two universities will be able to access purpose built accommodation and that additional student accommodation therefore continues to be needed.
- 6.4. There have been previous approvals on this site for student accommodation, there is other purpose built student accommodation in the immediate vicinity, the Universities have raised no objection to the proposal and I have no reason to disagree with the submitted Student Needs Assessment. I therefore concur with my strategic colleagues who consider that the principle of student accommodation is acceptable in this location subject to detailed matters.

Design, scale and layout

- 6.5. For new development national and local planning policies promote high quality well-designed development that responds to local context and emphasises that new developments should take the opportunities to enhance the character and quality of the area. High Places provides more specific advice for developments in excess of 15 storeys, including identification of appropriate site locations.
- 6.6. The application site is located just outside the central ridge zone. However High Places states that tall buildings should mark the sense of arrival at key points around the City Centre and be designed to contribute as a unique, memorable, landmark that enhances the image of the City Centre. The sites importance, and its appropriateness, for a tall building is also identified within the Snow Hill Master plan and I note that a 21 storey tower has previously been approved on this site. I therefore consider that the site is a key gateway site and an appropriate location, in principle, for a tall building.

- 6.7 The applicants have worked with the Council to bring forward this development. The proposed building would be positioned to the back of footpath to Lancaster Street, Vesey Street and part of Lench Street with the southern edge 'open' allowing views in to the proposed central courtyard area. Site levels vary across the site which allows for the ground floor to be split into lower and upper levels but externally appear as a single, double height frontage onto Lancaster Street and Vesey Street. Multiple entrances on Vesey Street and Lancaster Street would be provided and this, combined with the communal spaces being positioned at lower ground and ground floor, single aspect accommodation arranged either side of a central corridor and the choice of materials ensure active frontages would be provided across the site. The building would also serve as a visual connector between the City Centre Core and the Gun Quarter in accordance with policy. The site layout is therefore appropriate.
- 6.8 The scheme seeks to create a sleek modern 'v' shaped tower built in dark glazed panels, with sharp fins, angled corners and vertical glazed panel strips to create a striking landmark building. The smaller adjoining buildings seek to complement the tower, break up the overall development mass and 'knit' into the existing urban fabric. Comprehensive documentation has been submitted to justify the proposed scale and design, including both long and short distance views which demonstrate that the scheme would have a positive contribution to the appearance of the cityscape. City Officers have also visited a building in Portsmouth constructed in similar materials and subject to safeguarding conditions the Head of City Design raises no objection.
- 6.9 A Heritage Statement has been submitted in support of the application and considers the impact of the proposed development in relation to the setting of heritage assets in the vicinity. My Conservation Officer generally accepts the report's conclusions and whilst he considers the proposed harm to the setting of the Bull Public House is 'moderate' rather than 'very minor' he considers the proposed buildings orientation and separation from the public house by other undeveloped land and the potential to improve its setting with further development ensures that 'less than substantial harm' would occur. He also notes that the existing use as a vacant car park and its context within a modern city centre offers no significance to the setting of a number of the other buildings and in some instances can be considered harmful. Overall therefore he concludes, when considering the wider public benefits, the proposed redevelopment would not contravene policy TP12.
- 6.10 Therefore, subject to conditions to secure specific construction and materials details I consider that the proposal would result in a well-designed landmark development and that the scale, massing and architecture of the development are appropriate for the location and in accordance with policy, including TP33.
- 6.11 Room layouts have been provided to demonstrate a satisfactory internal layout can be achieved in both of the proposed accommodation types and I note that the accommodation would be in excess of the minimum standards identified within Specific Needs Residential Accommodation. Over 1,100sqm of communal space would also be provided a ground and lower ground floor and 958sqm of external communal space would be provided within the courtyard area which is a positive benefit, particularly given the sites urbanised location.
- 6.12 Concerns raised by the Police have been forwarded to the applicant who has addressed the issues with additional information with any outstanding information controlled by condition including cctv, boundary treatments, lighting and management conditions.

Trees

- 6.13 The proposed development would result in the loss of 3 maples and 3 willows trees and the supporting information notes that "...their condition is far from good. Some have twisted or bent trunks and their crowns have lost their own individual form" whilst in the long term some are considered "...a health and safety liability....". In addition I note that previous applications on this site have accepted the removal of these 6 trees and that they have no statutory protection and I therefore consider the principal of their loss has been established. Notwithstanding this the applicant proposes to provide 12 semi mature and mature replacement trees within the courtyard. They have also drafted indicative proposals to improve the landscaped area immediately adjacent their site and provide a green roof on the 10 storey building. Overall therefore, and subject to specific landscaping details, I consider the proposed development would improve the long term visual amenity of the area and consequently I would raise no objection to the proposal on the basis of loss of trees.

Transportation

- 6.14 TP33 requires student accommodation to be well located in relation to the educational establishment that it is to serve and to local facilities by means of walking, cycling and public transport. Car Parking Guidelines (SPG) requires cycle parking at a ratio of 1:4.
- 6.15 The proposed development does not include the provision of any on site car parking but would include 256 bicycle spaces (25%) and a drop-off pick-up area with an associated management plan. The site is located on the fringe of the city centre and is in close proximity to the higher education establishments that it is likely to serve including a suitable direct pedestrian link to Aston campus. It is also within easing walking distance of public transport facilities and the streets immediately adjacent are subject to parking controls. I therefore concur with Transportation Development who raise no objection to the proposal and consider the proposed development would be well located and accord with policy.
- 6.16 The proposal requires the stopping up of a public footpath. This has been advertised and no objections have been received. Further the applicant has provided a plan showing how a replacement footpath could be accommodated to connect Lench Street, the proposed courtyard access and Lancaster Street on land adjacent the site. The specific details will be controlled by condition.

Planning obligations

- 6.17 The previous consents for student accommodation on this site attracted a financial contribution of £400,000 to be used towards public transport, safer routes, landscaping, public art/lighting and public realm improvement within the vicinity of the site. However, since these applications were considered the City has adopted CIL and this development would be liable for a CIL payment of over £2m. I do not therefore consider it would be appropriate to seek any further financial contribution.

Other

- 6.18 Comments from Regulatory Services have not been received; however they previously raised no objection to the redevelopment of this site subject to conditions with regard to land contamination, noise insulation, lighting, external sound reproduction and details of industrial plant and machinery within the building. Since the last application was considered the NPPF and the Birmingham Development

Plan have been adopted and more weight is being attached to air quality. An air quality assessment has been submitted with the application which identifies that units fronting Lancaster Street could be expected to experience concentration of nitrogen oxides above the acceptable level up to floor 17 and sealed units with mechanical ventilation are therefore required. Given the nature of the proposed accommodation the proposed mitigation would be unlikely to adversely affect the internal amenity for future occupiers and could be secured by condition. I also note the building appearance and design would not be compromised. Therefore, subject to safeguarding conditions, I would raise no objection to the proposal on land contamination, light, noise or air pollution grounds.

- 6.19 A wind assessment has been submitted in support of the application which concludes that, given the sites urbanised location, the proposed development is not expected to have a significant effect on its surroundings with pedestrian routes surrounding the site remaining suitable for sitting and standing and that average and maximum wind conditions would be unlikely to be expected to be at a level where they became dangerous. Notwithstanding this the proposed includes landscaping, podiums and awnings to help mitigate the effects of any down wash from the building. On the basis of this supporting assessment I raise no objection to the proposed development in relation to wind.
- 6.20 A shadow analysis has been submitted which shows the proposal would have no significant effect on any existing residential properties. In addition I note the highest element of the proposal would be below the maximum building height identified for aerodrome safety.
- 6.21 The floor plans have been amended to incorporate a second staircase within the tallest tower and the applicant has confirmed that the building would be constructed to the highest safety standards in relation to both Building and Fire Regulations and that a sprinkler system would be provided across all floors of the building.
- 6.22 There are currently two large digital adverts on site, one located to the north east and one to the south west of the site. These adverts only have consent until June this year and would need to be removed to facilitate the proposed development. I consider this would have a positive impact on the visual amenity of street scene.

7. Conclusion

- 7.1. The proposed development would result in a high quality sustainably located brownfield development which would be located close to existing higher education establishments. The proposal would result in a CIL payment in excess of 2 million pounds, would not have an adverse impact on the adjacent highway and can be accommodated without having an adverse impact on its surroundings. The proposal would therefore comply with both local and national planning policy and should be approved.

8. Recommendation

- 8.1. That the City Solicitor be authorised to make an Order in accordance with the provision of Section 257 of Town and Country Planning Act 1990.
- 8.2. That Planning permission be granted subject to the following conditions;

-
- 1 Requires the prior submission of a sustainable drainage scheme
 - 2 Requires the submission of a Sustainable Drainage Operation and Maintenance Plan prior to occupation
 - 3 Requires the prior submission of a construction employment plan.
 - 4 Requires sample panel
 - 5 Requires the prior submission of a contamination remediation scheme
 - 6 Requires the prior submission of a contaminated land verification report
 - 7 Requires the prior submission of dormer window/window frame details
 - 8 Requires the prior submission of sample walling/render panel/stonework/brickwork
 - 9 Requires the prior submission of sample materials
 - 10 Requires the prior submission of hard and/or soft landscape details
 - 11 Requires the prior submission of boundary treatment details
 - 12 Requires the prior submission of noise and air pollution mitigation
 - 13 Limits the noise levels for Plant and Machinery
 - 14 Requires the prior submission of a lighting scheme
 - 15 Requires the prior submission of details of green/brown roofs
 - 16 Requires the prior submission of a construction method statement/management plan
 - 17 Requires the prior submission of a CCTV scheme
 - 18 Requires the provision of cycle parking prior to occupation
 - 19 Requires the prior submission and completion of works for the S278/TRO Agreement
 - 20 Requires provision of a management plan for the move in/move out of students at the beginning and end of term
 - 21 No obstruction, displays or signage to the lower and upper ground floor
 - 22 Requires submission of a student management plan
 - 23 Limits the occupation of the development to students in full time education
 - 24 Requires the scheme to be in accordance with the listed approved plans
 - 25 Requires the implementation of tree protection
 - 26 Removes PD rights for telecom equipment
-

-
- 27 Requires the prior submission of a residential travel plan
 - 28 Requires the prior submission of details of roof top plant/structure/balustrading
 - 29 Implement within 3 years (Full)
-

Case Officer: Joanne Todd

Photo(s)

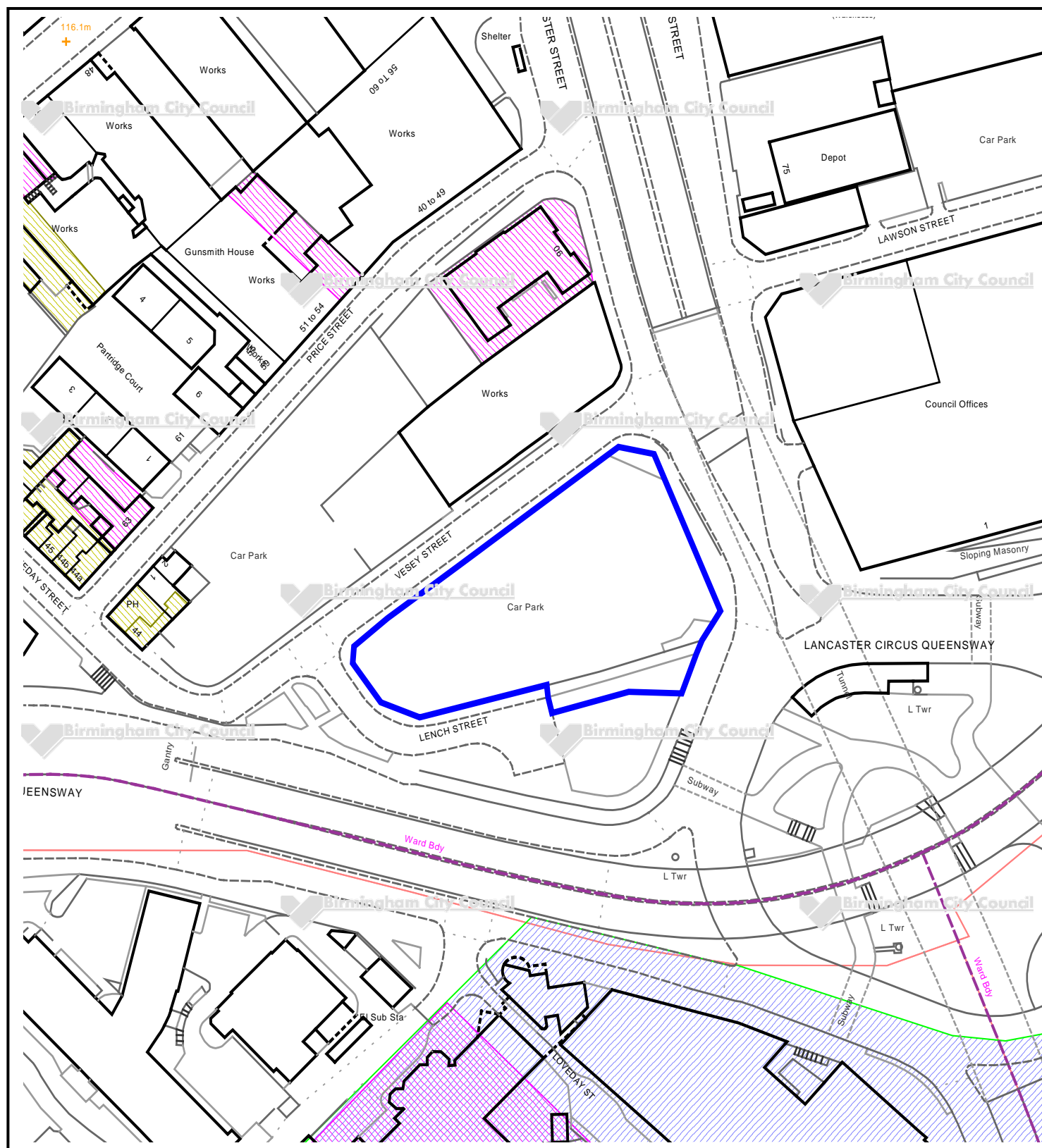


Photo 1: Site from Lench Street (Council Offices beyond the site).



Photo 2: From Council Offices

Location Plan



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Committee Date:	01/03/2018	Application Number:	2017/10835/PA
Accepted:	06/02/2018	Application Type:	Reserved Matters
Target Date:	08/05/2018		Development
Ward:	Ladywood		

Land at and bounded by, Paradise Circus Queensway and surroundings including Chamberlain Square, Parade, and Paradise Street, City Centre, Birmingham, B3 3HJ

Reserved Matters Application (scale, appearance, layout and landscaping) pursuant to outline planning permission 2017/03356/PA for the erection of a fourteen storey office and retail building (Building G) and associated development.

Applicant: Paradise Circus Limited Partnership
c/o Agent
Agent: Turley
9 Colmore Row, Birmingham, B3 2BJ

Recommendation

Approve Subject To Conditions

1. Proposal

1.1. This application is for the remaining reserved matters (scale, appearance, layout and landscaping) associated with the erection of a mixed use office-led building with principal retail frontages to the north and south as part of the second phase of the Paradise Circus redevelopment. These proposals are designed to be complementary and an extension to phase 1 which included the delivery of an altered highway layout (now complete), re-modelled public realm and two further office-led buildings on Plot D and E to the east (all ongoing).

1.2. Outline consent was granted subject to various parameters established through a 'Parameters Plan' and a 'Design Protocol' that set certain limits for the siting, scale, materials and design of the buildings across an approved master plan.

AMOUNT OF DEVELOPMENT

1.3. Building G comprises a 14 storey L-shaped building that provides retail space to the north and south elevations at ground floor levels with offices above. The building extends partly below ground into a wider basement car park and would add a large cycle hub to this consented parking area. The building would have a total GIA of 38,025 sq.m, with some 30,681 sq.m of office space and 990 sq.m of retail space.

1.4. The consented Parameters Plan allows for the flexible use of the ground floor retail areas including A1-A5, B1, D1, and D2 Use Classes.

- 1.5. This building would straddle the car park access and would provide both cycle storage and cycle hub facilities together with a further 10 parking spaces. The cycle storage area would provide sufficient space for the secure storage of some 430 cycles. The existing phase 1 consent includes provision of a 330 space car park of which 6% (20 spaces) would be allocated for disabled parking. Electric vehicle charging points will also be provided on each of the two levels. Servicing of Building G would be via the service yard area approved as part of Phase 1 which is accessed from Great Charles Street Queensway into the basement car park.
- 1.6. The extant outline consent permits a total of 170,012 sq.m GIA excluding the hotel of which up to 161,651 sq.m can be office and 4,645 sq.m can be retail floorspace. The outline consent limits any single retail unit to be no greater than 650 sq.m in size. The total GIA of buildings D, E and G would be 78,954 sq.m, with 60,227 sq.m of office space and 4,220 sq.m of retail.

DESIGN

- 1.7. The proposed building is heavily led by the structural solution used to bridge over the below ground constraints, including the Queensway Tunnel. Rather than utilising a stabilising core, which is the traditional solution for buildings of this type, the external perimeter sat on transfer beams would provide the overall support. The transfer beams supporting the structure are exposed with a metal frame extended above. The building is sited so that it manages the transition between the new east/west route through the development (Centenary Way) and the lower level of Ratcliffe Square together with the future 'southern square' immediately to the south of the proposed building.
- 1.8. As suggested by the Design Protocol, the proposed building incorporates an element of colonnade on its frontage along Centenary Way in the form of a recessed entrance (5.4m) to the office space. The retail space would step forward to the extent of the metal frame aligning with the pedestrian bridge across to Centenary Square.
- 1.9. Due to the visibility and sensitivity of this location the protocol also requires a distinctive 'top' to this building. This is provided in the form of the metal framing continuing to the top of the building over the plant levels, with a thicker beam topping the building. The open air top level would be surrounded by backlit translucent glazing that provides a beacon and aiding way finding. This would sit above a level of recessed metal louvres.
- 1.10. There is a distinctive plinth to the building wrapping around from Ratcliff place to the western Broad Street facing elevation. This would be formed of dark masonry on the solid elements punctuated with large retail windows on the square elevation, incorporating large exposed transfer beams. The entrance to the cycle hub would be provided from this area, with a staircase between Buildings G and E providing a tertiary connection between Centenary Way and Ratcliffe Square.
- 1.11. The main body of the building would be formed by the exposed metal perimeter framing with the curtain wall glazing sat behind. The windows would be arranged in 3m bay divided horizontally by two fins in each bay.

PUBLIC REALM

- 1.12. The wider Phase 2 public realm works will include the completion of Centenary Way across to Centenary Square, the Western Terrace adjacent to the underpass

connection to Arena Central, Ratcliffe Passage between Three Chamberlain Square (Plot F) and the Town Hall and the interconnecting routes around the development. Whilst the finer detail of these elements will follow in a subsequent reserved matters application, the strategy provided within this application establishes the key principles

- 1.13. Comprehensive plans, a Planning Statement incorporating a Statement of Community Involvement; a Heritage Statement; Public Realm Strategy and a Design and Access Statement have been provided in support of this application. The outline application was the subject of an Environmental Impact Assessment and an Environmental Statement was submitted. This was updated in connection with last year's S73 submission. The current application is within the latest parameters tested and no residual adverse impacts were identified.

1.14. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site is currently occupied partly by the now demolished Chamberlain House office building with the rest cleared through the principal demolition works associated with the Central Library and the former Conservatoire. The site transitions (in excess of 4m) between the higher level of Centenary Way and the lower level of the Western Terrace to the south and is all currently contained within the hoarded off area of the wider site.
- 2.2. Paradise Circus Queensway runs along the site's western boundary. In addition to a mains service tunnel, the Suffolk Street Queensway carriageway and the access to the Paradise development's car park are all situated beneath the proposed building.
- 2.3. In relation to the wider masterplan, Building G is situated opposite the termination of Broad Street in the south western corner. Phase 1 consented the remodelled Chamberlain Square, Centenary Way and buildings on Plots D and E. The remainder of the site between Centenary Way and Paradise Street falls into Phase 2 which is completed by Plot F, the Hotel and the associated public realm including Ratcliff Passage, Ratcliffe Square and the Western Terrace. Phase 3 to the north of Centenary Way would complete the Paradise development.
- 2.4. Phase 1 of the highway works associated with the removal of the gyratory are complete, with Phase 2, including the overlapping works associated with the extension of the tram network, currently on site.
- 2.5. To the west of the site, across the Queensway lies Centenary Square (currently being remodelled) which accommodates Baskerville House (Grade II listed), the Hall of Memory (Grade I Listed), the International Convention Centre, the Repertory Theatre and the new Library of Birmingham. To the south west is the Grade II listed Alpha Tower and the wider Arena Central development site, including the new HSBC building. To the north across Summer Row are commercial properties and UCB and the wider Jewellery Quarter Conservation Area. To the east of the site are a large number of civic buildings, many listed and within the Colmore Row Conservation Area, including the Council House (Grade II*), museum/art gallery (Grade II*) and Town Hall (Grade I). To the south of the site across Paradise Street are a mixture of commercial and residential premises including the (Grade II) listed Queens College Chambers. The Chamberlain Memorial Fountain in Chamberlain Square is Grade II listed.

- 2.6. The site is identified as an Enterprise Zone site.

Site Location

3. Planning History

- 3.1. Various applications for minor amendments and discharge of conditions. Key history is as follows:
- 3.2. 11 January 2011- Certificate of Immunity from listing issued for the Central Library for 5 years.
- 3.3. 21.12.2012 - 2012/05118/PA – Approval – Application for Listed Building Consent for the demolition of Congreve House (the two-storey bridging structure between the Paradise Circus complex and the Grade II* Council House Extension), and restoration works to the first and second floor facade of the Council House Extension.
- 3.4. 08.02.2013 – 2012/05116/PA – Approval - Outline planning application (all matters reserved save for access) for demolition of all buildings on the site (save for the Joseph Chamberlain Memorial) and commercial led mixed use redevelopment of up to 170,012 square metres gross internal floorspace, comprising offices (Use Class B1a), retail and leisure units (Use Classes A1/A2/A3/A4/A5/D1/D2), concert hall (D2), energy centre (Sui Generis), together with a hotel of up to 250 bedrooms (Use Class C1), car parking, highways works (to include the closure of eastern arm of Paradise Circus gyratory), public realm improvements and associated works including alterations to public rights of way.
- 3.5. 10.10.2014 - 2014/05319/PA – Approval - Variation of Conditions 2, 5, 6, 7, 10 , 11, 12, 13, 15, 16, 18, 22, 24, 25, 26, 27, 29, 30, 32, 36 and 55 attached to planning permission 2012/05116/PA to reflect the proposed phasing of development
- 3.6. 17.09.2015 – 2015/05009/PA, 2015/05010/PA and 2015/05012/PA – Approval - Reserved matters applications (scale, appearance, layout and landscaping) pursuant to outline approval 2014/05319/PA for the erection of the first two buildings (Buildings D and E) and associated development and for phase 1 public realm including chamberlain square and the basement car park/servicing areas.
- 3.7. 11.09.2017 – 2017/03356/PA – Approval - Variation of conditions 40, 43 and 44 to allow for changes to the approved plans and design protocol, variation of condition 56 to allow for a reduction in the minimum distance between the hotel and building F, variation of condition 41 to allow for an increase in the number of hotel bedrooms and the removal of condition 53 to remove the requirement for the replacement of the Adrian Boulton Hall of application 2014/05319/PA

4. Consultation/PP Responses

- 4.1. Transportation Development – No objection subject to conditions requiring the parking and circulation areas and cycle storage to be constructed prior to occupation and a construction management plan.
- 4.2. Regulatory Services – No objection

- 4.3. Historic England – Raise no objection subject to suitable control over the detailed design of the proposals including the junction between the development and the ground, the detailed design of the public realm and suitable controls over signage on the building.
- 4.4. Canals and Rivers Trust – This application falls outside the scope for consultation with them and therefore provide no further comment.
- 4.5. Environment Agency – No comments to make on this application.
- 4.6. Transport for West Midlands / Midland Metro Alliance – No objection. Notes the ongoing dialogue with the developer to align delivery programmes.
- 4.7. Site and Press Notices posted and Ward Members, the MP, Residents' Associations and neighbouring occupiers consulted, no representations received.
- 4.8. Conservation Heritage Panel - The scheme was presented to the panel at pre-application stage and was welcomed, with the contrasting approach to the Phase 1 buildings in particular supported. The Panel advised that the steel framing should connect with the ground and that the base and vehicle entrance should feel integrated into the design.

CONSULTATION

- 4.9. The Statement of Community Involvement sets out the extensive pre-application discussions that have taken place prior to the submission of this application. This includes specific consultation with Historic England. The proposals were considered by the city's Conservation Heritage Panel at pre-application stage. Key stakeholders including adjoining occupiers, special interest groups, residents' groups, Ward Members and business groups were invited to presentations and previews of public exhibitions. A public exhibition was held following advertisement in the local press, a leaflet drop and on the scheme's dedicated website. 32 people attended the two stakeholder presentations and 53 people attended the public exhibition. A total of 32 responses were received by the design team of which around 70% were positive with 14% critical of the scheme.

5. Policy Context

- 5.1. The Birmingham Unitary Development Plan (2005) saved policies; Birmingham Development Plan (2017); Colmore Row and Environs Conservation Area Character Appraisal SPG; Jewellery Quarter Conservation Area Character Appraisal and Management Plan SPG; Places for All SPG; Car Parking Guidelines SPD; and the National Planning Policy Framework 2012. Also the Big City Plan and the Snow Hill Masterplan.

6. Planning Considerations

- 6.1. The remaining reserved matters for consideration are scale, appearance, layout and landscaping.

SCALE

- 6.2. Masterplan parameters limit the overall height of the building to some 214.75 A.O.D (approximately 16 storeys). The application proposals are comfortably within these maximums set out in the latest November 2017 Parameters Plan (Building G is 206.42 A.O.D / 14 storeys).
- 6.3. These parameters were rigorously tested to ensure that the scale of the development was appropriate in this historically sensitive location. This included verified views to ensure that the impact of the proposed massing was accurately depicted. In addition the maximum parameters were tested against the Design Protocol's requirement for sunlight penetration into the public realm. The mandatory requirements of no less than 29% of the Northern Square receiving 2 hours of direct sunlight on the 21st March, rising to 50% on the 29th March are met.
- 6.4. I consider that the proposed building would have a satisfactory relationship with its neighbours, with the proposals representing a refinement of the details approved at outline stage. The modelling of the upper floors ensures that the proposed building would not have a detrimentally dominant impact upon Centenary Square, Victoria Square, Chamberlain Square or the Conservation Area. The scheme is fully in accordance with the approved Parameters Plans. I therefore raise no objections to the scale of the proposed development.

APPEARANCE

- 6.5. In relation to materials, the approved Design Protocol requires Plot G to add to a rich diversity of materials across the development, but not to choose a material that directly responds to the character of the historic context (i.e. masonry). The design responds in a positive way to the surrounding listed buildings without attempting to visually compete. The scheme avoids architectural 'gimmicks' and proposes a restrained palette of high quality materials that are designed to stand the test of time. Development on this plot was intended to provide a visual eastern edge to Centenary Square, which I consider the proposed design to successfully achieve without being over-dominant.
- 6.6. The use of a simple but well detailed metal frame with curtain walling behind would provide an appropriate backdrop to Centenary Square and its civic and cultural buildings. The building would also help to define Centenary Way and the future Western Terrace. The use of a grid pattern will have an architectural relationship with the Phase 1 buildings, and two Chamberlain Square in particular. However the materials and form of the building, including the horizontal format windows, would give it its own identity.
- 6.7. In addition to offering the tenants wide ranging views across the western part of the city centre, the proposed roof terrace at level 12 would provide further visual interest, with the framing continuing above this feature.
- 6.8. A key elevation onto Centenary Way would provide retailing and an office entrance at ground floor level resulting in an animated street scene whilst maintaining continuity with the treatment of the upper floors. The proposals allow a flexible approach to the ground floor level in terms of the positioning of entrances and shop fronts in a way that would not impact upon the regimented framing that is the defining feature of the proposed building, with an option to extend the office entrance into the retail unit location at this level shown on the application proposals.

- 6.9. The Western Terrace elevation includes a retail store at ground level to animate this space in addition to the entrance to the large cycle hub beneath the development.
- 6.10. Whilst the public realm is not included as part of this reserved matters application, the supporting Public Realm Strategy sets the key principles for the Phase 2 public realm building upon the consented high quality design being delivered by Phase 1. This gives sufficient comfort that the design of the building has not been progressed in isolation and demonstrates how the detailed design of the surrounding pavements and squares could provide a positive contribution to the overall masterplan.

HERITAGE IMPLICATIONS

- 6.11. The proposed building sits within the context of a number of the city's most important heritage assets including the Grade I listed Town Hall and the Grade II* Council House and its extension. This building would also have a relationship with Baskerville House (Grade II), Alpha Tower (Grade II) and the Hall of Memory (Grade I) in particular. As discussed above, the proportions of a building on this plot were given significant consideration at outline stage and parameters were established. The Protocol requires the building to provide a contained setting for the Hall of Memory and Baskerville House, creating a strong sense of enclosure for Centenary Square. A distinctive top element to this building is also recommended by the Protocol.
- 6.12. My Conservation Officer raises no objection and considers that the architectural expression of the structural solution to the below ground constraints is honest, exciting, rigorous and appropriate to its location. The development would not harm the setting of the Conservation Area and the impact to the setting of listed building would be very minor considering the context. The building would act as a terminus to the large open space of Centenary Square.
- 6.13. Historic England raises no objection subject to conditions/control over various detailed elements of the proposals. The change in status of the Hall of Memory since outline consent to Grade I is noted. The control of signage will be through the signage strategy secured as a condition of the outline consent. The Design and Access Statement demonstrates how signage would be suitably incorporated without dominating or appearing as an after-thought. A condition requiring the detail of the building/pavement interface is recommended. Whilst the indicative design of the public realm demonstrates how this element of the masterplan could be realised, the detail of this element will follow in a subsequent application for reserved matters.
- 6.14. I therefore consider that the proposed development would preserve the setting of the adjacent listed buildings as well as the views to and from the adjacent Conservation Areas. I recommend conditions requiring the provision of a sample panel of materials and details of the junction between the building and the new public realm.

LAYOUT / LANDSCAPING

- 6.15. This application does not seek consent for any landscaping outside of the building's envelope, and a detailed reserved matters application will follow for the next phase of the public realm will follow.
- 6.16. However, as set out above, the supporting indicative Public Realm Strategy demonstrates that the building and surrounding landscaping have been developed

together. The strategy shows that Centenary Way would be extended from the Phase 1 area to connect Chamberlain and Centenary Squares across the footbridge. The footbridge would be enhanced with the flower beds removed and new contemporary railings installed either side.

- 6.17. Significant design and development of the Western Terrace area has taken place, showing how the landscaping can best respond to the significant on site constraints set by the extended Easy Row Subway and the Queensway tunnel.
- 6.18. The design of Ratcliff Passage will need to accommodate both servicing traffic for the Town Hall and public art (Watt and Priestly statues) relocated from the wider works. The strategy shows how this may be realised, including potential vehicle circulation movements.
- 6.19. The tree strategy is also set out in the document, showing that tree planting will be secured wherever possible and appropriate.
- 6.20. The proposed building respects the zones reserved for pedestrian circulation around the development which include the priority route along Centenary Way and a connection between the new 'Southern Square' and Centenary Way.
- 6.21. Positioning of various uses around the development is also controlled by the approved Parameters Plan. The proposal, with retail to the north and south and offices above is consistent with this document and will enable activity to be concentrated on the key routes around the building.
- 6.22. Levels are also controlled by the parameters set at outline stage, and the proposed building is in accordance with these. The building would benefit from level access from the Centenary Way and the new Southern Square linking into the publically accessible link between the two key levels at the south-western corner of Two Chamberlain Square. The access to the cycle hub is well considered and will provide further activity around the Southern Square area.
- 6.23. In conclusion, the proposed development represents a refinement of the information approved at outline stage and is consistent with the parameters previously imposed. I conclude that the scale, layout, appearance and landscaping are acceptable and consider the proposed building to enhance the setting of neighbouring heritage assets and views to and from nearby Conservation Areas.

COMPLIANCE WITH CONDITIONS

- 6.24. The application proposals are fully compliant with the latest Parameters and Design Protocol. The supporting Design and Access Statement sets out how the design responds to each relevant condition. Selected conditions include:

20 - The proposal incorporates a brown roof in excess of 10% of the total roof area.

28 – An Advertisement Strategy is included in the application. This shows that the principal fascia signs would be located behind the shop front windows, mirroring the strategy agreed for Phase 1.

29 – Siting of Plant –Detailed plans have been provided showing how the rooftop plant would be accommodated without compromising the design of the building. The

glazed plant screen would add a beacon feature adding to the overall composition of the building.

30 – Servicing for this building will be located within the basement car park area.

50 – The total number of parking spaces across Phases 1 and 2 is 340; condition 50 limits the overall number of parking spaces on site to 550.

HIGHWAY MATTERS

- 6.25. Access into the development was approved in detail at outline stage with some 330 spaces of a maximum of 550 provided as part of this phase of the overall development, with the current application raising this slightly to 340 spaces. I consider this an appropriate level of provision considering the proportion of the development proposed/committed. The inclusion of the cycle hub is welcome and will provide a useful facility for cyclists right in the heart of the city centre. I note the conditions recommended by Transportation Development, however these are captured as conditions of the outline planning permission.

SECTION 106 / CIL

- 6.26. The outline planning consent secures a significant package of planning obligations including £1,100,000 towards the metro scheme; £400,000 towards public transport (bus shelters etc.) and Wayfinding; £1,000,000 towards the provision of the new northern square amenity area and strategy for statue removal and reinstalling statues; £20,000 Shopmobility contribution; local employment contribution; £150,000 towards Easy Row subway enhancements in addition to the provision of the remodelled Chamberlain Square and Town Hall public realm (£1,650,000).

7. Conclusion

- 7.1. The development would deliver a mixed-use office / retail building of the very highest quality in a key strategic city centre location. The building would build on the high quality development secured by Phase 1 and continues to set a high benchmark for the remainder of the Paradise Circus redevelopment. The design process has been rigorous to ensure that the relationship with the consented and existing context, including heritage assets, is positive. The Paradise development continues to deliver transformational redevelopment that responds to the historic context in a contemporary way, and therefore this application should be supported.

8. Recommendation

- 8.1. Approve subject to the following conditions:

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| 1 | Requires the prior submission of details of the junction between the building and the surrounding public realm |
| 2 | Requires the provision and agreement of a sample panel of building materials |
| 3 | No obstruction, displays or signage fitted to shop front. |
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- | | |
|---|--|
| 4 | Allows the flexible location of building entrances on Centenary Way |
| 5 | Requires the scheme to be in accordance with the listed approved plans |
-

Case Officer: Nicholas Jackson

Photo(s)



Figure 1 – The wider Paradise site from the south west

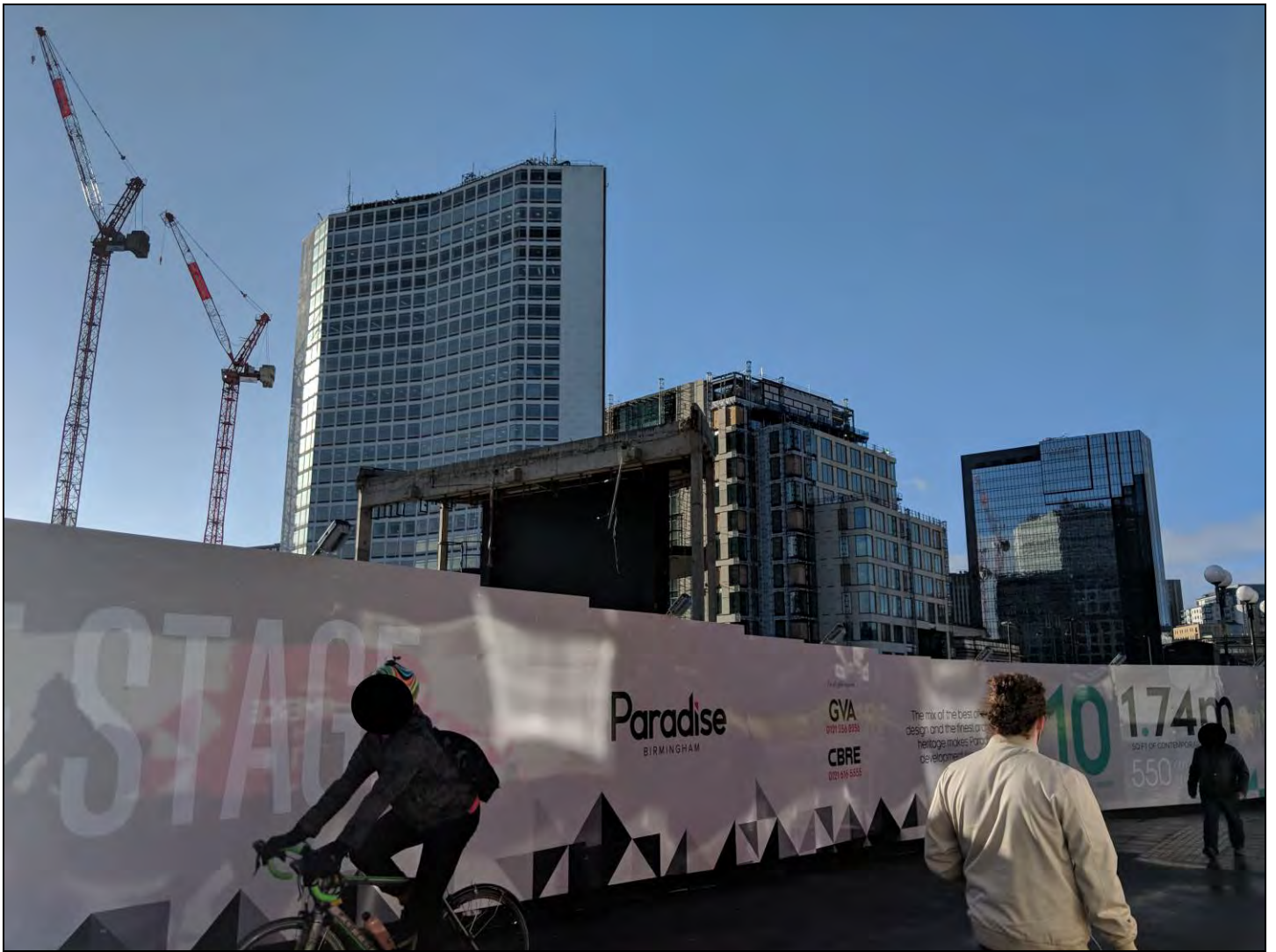


Figure 2 – The application site from Centenary Way

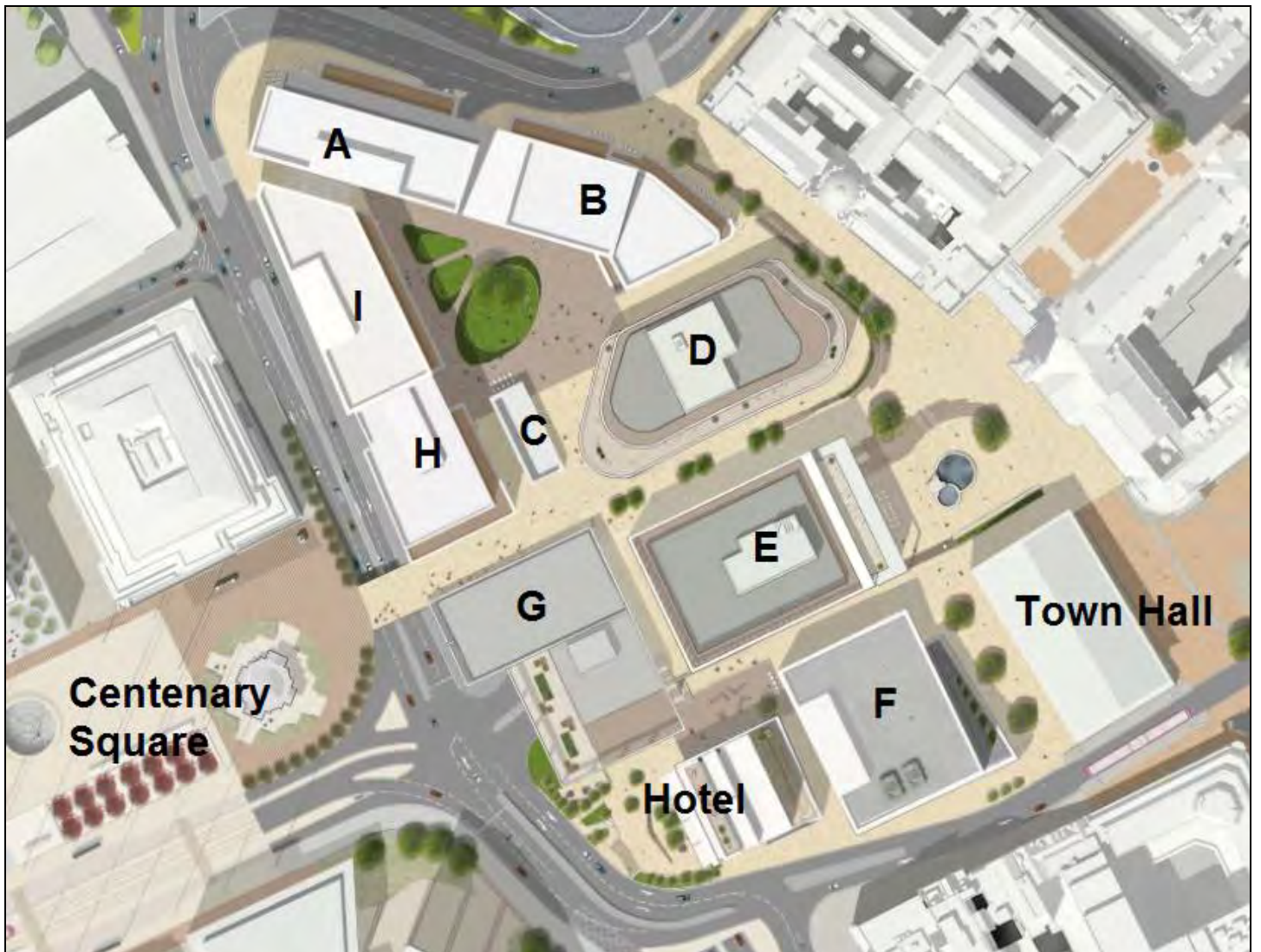
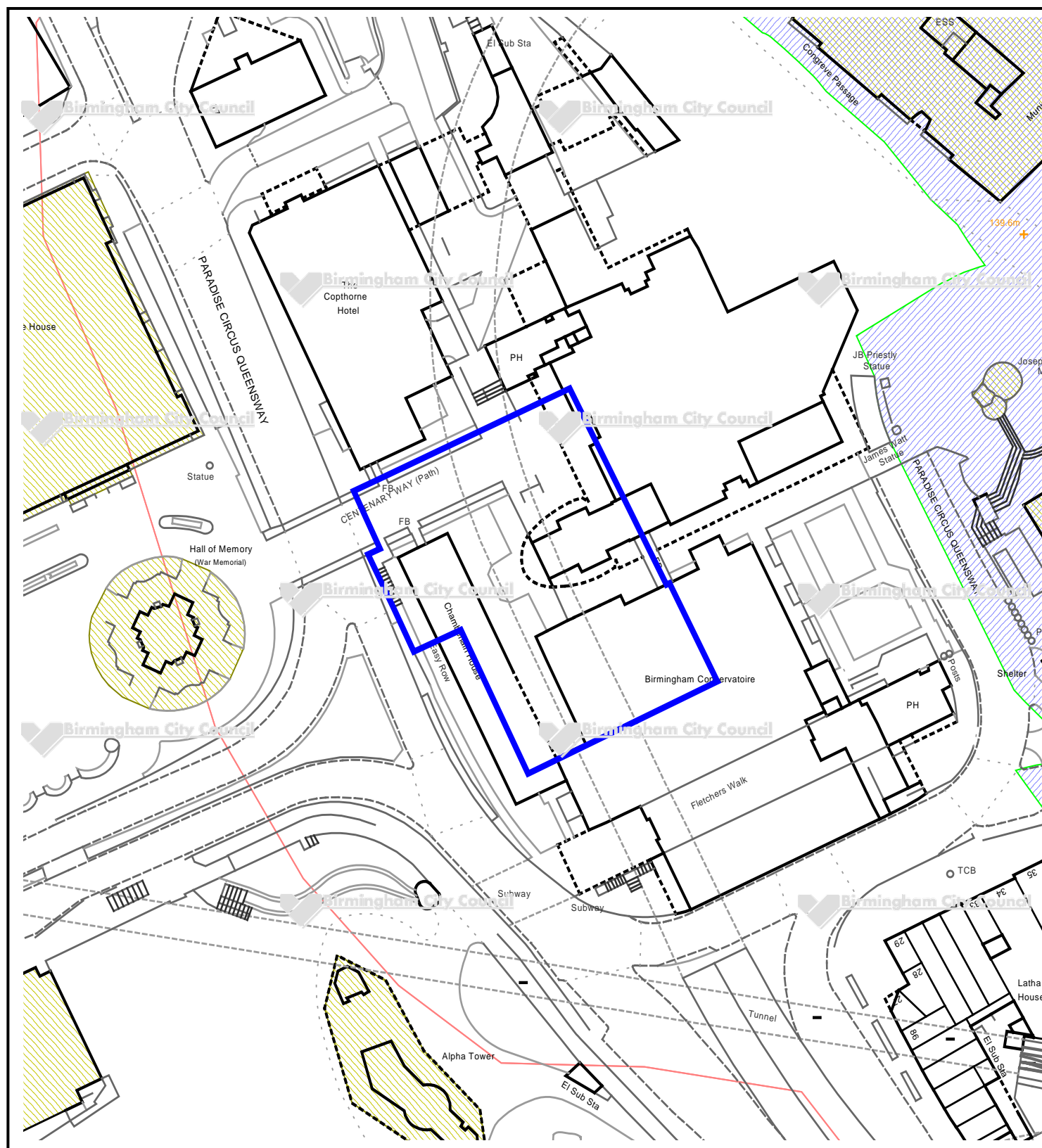


Figure 3 – The Updated Master Plan

Location Plan



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