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Committee Date:	23/07/2015	Application Number:	2014/07978/PA
Accepted:	04/12/2014	Application Type:	Full Planning
Target Date:	05/03/2015		
Ward:	Ladywood		

Former Kettleworks, Land bound by Ickniel Street/Pope Street/Camden Street, Jewellery Quarter, Birmingham, B1 3AG

Part demolition, part conversion and part new build of land bounded by Ickniel Street, Pope Street and Camden Street, including the Kettleworks building, for erection of 291 residential units, 2 commercial units (A1) and associated infrastructure, parking and landscaping

Applicant: Seven Capital (JQ) Ltd  
c/o Agent  
Agent: WYG  
3rd Floor, 54 Hagley Road, Edgbaston, Birmingham, B16 8PE

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Recommendation

**Approve Subject To A Section 106 Legal Agreement**

1. Proposal

- 1.1. The application seeks planning consent for the refurbishment, redevelopment and extension of the existing Kettleworks building and adjacent car park to create a total of 291 apartments, 2 retail units, car parking, landscaping and associated works.
- 1.2. The original Kettleworks building, to the corner of Pope Street and Ickniel Street is to be retained and refurbished, as is the second oldest extension which fronts Pope Street. The newest addition to the existing Kettleworks, along the remaining part of Pope Street, is to be demolished and replaced by a new build which would also be used to complete the Kettleworks as a perimeter block building. The largest extension to the original Kettleworks, along Camden Street and part of Ickniel Street, is to have its façade replaced but the existing steel floorplate structure would be retained. A new pedestrian route would be created between the Kettleworks and the existing car park.
- 1.3. The existing car park would have a replacement façade and would be 'topped' by a level of residential accommodation.
- 1.4. The new build elements would be 5 and 6 storeys high with the different sections of the Kettleworks building linked by the use of modern recessed links.
- 1.5. A landscaped courtyard would be provided within the internal area of the Kettleworks perimeter block, approx. 870 sqm in size along with 8 car parking spaces. Approx. 612 sqm of garden/amenity would also be provided on the rooftop area of the car park. A galvanised steel decorative metal balustrade, approx. 1m high, would be utilised internally and externally within the scheme to demarcate

'private space' with timber screens provided between each balcony/terrace to ensure privacy.

- 1.6. 226 car parking spaces (8 disabled) would be provided of which 112 (38% provision) would be allocated to the residential development within this scheme. The remaining spaces would be held back for phase 2 located opposite the site (vacant land between Pope Street, Carver Street and Moreton Street). 138 cycle spaces (47% provision) would also be provided, of which 82 would be within the residential block with the remaining 56 within the car park.
- 1.7. Where the existing building is to be retained, the steel windows would be retained and refurbished with the brickwork repaired, repainted and cleaned. The new build elements on the Kettleworks block would be of an industrial appearance constructed within brick columns, utilise two different facing red clay bricks, galvanised steel lintels and polyester coated glazed aluminium windows. To the internal courtyard clay facing bricks, rockwell cladding, and a frameless glass balustrade would be used. Timber gates would be introduced across the site where new/existing vehicular entrances are proposed. Blue brick and cobbles would be used for the new pedestrian route.
- 1.8. The link infills would be constructed using blue and red facing bricks and format acid etched glass panels, whilst the new car park façade would comprise clay brick columns, a clay brick "brick weave", metal louvres, glazing and large format acid etched opaque panels. The specific material details would be secured by condition.
- 1.9. The 291 residential units would comprise of 86 studio apartments (29.5%), 86 one bed apartments (29.5%), 117 two bed apartments (40%) and 2 three bed apartments (1%). Apartments would range in size between 37sqm – 93sqm and some would also benefit from terrace/balcony areas. Internally all units would comprise of an open plan kitchen/living area, bathroom and bedroom(s), dependent on exact apartment type. All bedroom sizes would comply with guidance as identified within Places for Living.
- 1.10. Two ground floor A1 retail units (approx. 203 sqm and 149 sqm) would be provided to either side of the proposed new pedestrian route, fronting onto Pope Street. The main pedestrian entrance to the car park and the residential block would be accessed from the proposed new pedestrian route with additional pedestrian accesses off Pope and Camden Street. Ancillary accommodation such as residents storage, post room, bins etc.. would be provided to the southern end of the Kettleworks block.
- 1.11. A Design and Access Statement, Ecology Assessment, Heritage Statement, Financial Appraisal, Air Quality Survey, Noise Assessment, Flood Risk Assessment, Sustainable Urban Drainage Assessment, Transport Assessment and Travel Plan have all been submitted in support of the application.

1.12. [Link to Documents](#)

## 2. Site & Surroundings

- 2.1. The application site is situated to the north west of the Jewellery Quarter within the Conservation Area. During the C20th this part of the JQ became associated with large scale industrial/commercial businesses, however the surrounding area is currently mixed in nature with a range of commercial, industrial, educational and

residential uses in the vicinity. Residential uses are becoming increasingly prominent in the area.

- 2.2. The site is currently occupied by a vacant factory and office block known as the Kettleworks, the original part of the building was constructed in the early 1900's and has a frontage to Icknield Street and Pope Street. The building has a range of period features such as a stone detailed entrance and cast iron internal columns. The elevations are industrial in style brickwork piers and infill panels with large window openings. The later extension which extends along part of the Icknield Street frontage and along Camden Street was built in the 1950's of concrete and brick block and is of little architectural merit.
- 2.3. The whole complex was formerly the Swan Moulinex factory. The existing storage building to the south-eastern end of the site was originally built as a car park, it is a concrete framed building which is faced with vertical ribbed steel cladding. The adjacent site to the south-west on the opposite side of Camden Street is occupied by a low rise call centre which has been modernised. On the opposite side of Icknield Street are residential blocks and to the north-east on the opposite side of Pope Street is the new Assay Office. Adjoining the application site to the south-east of the parking area is Perry Beeches IV School.
- 2.4. The site is identified as part of the Kettleworks Enterprise Zone.

2.5. [Site location](#)

3. [Planning History](#)

- 3.1. 03.06.2008 - 2007/02855/PA and 2007/02854/PA – Demolition of existing buildings excluding part of The Kettleworks (2007/02854/PA) and the mixed use redevelopment of former industrial premises consisting of 695 studio, 1 and 2 bedroom apartments, 8 live-work units, 2 hotels 8689sqm offices (B1), 2274sqm retail (A1 or A2), 1145sqm café/restaurant (A3) and 981 parking spaces. Approve (outline) with conditions and S106 Agreement.
- 3.2. 06.04.2009 - 2008/06508/PA and 2008/06509/PA - Planning permission and Conservation Area Consent for the partial demolition of building to allow for conversion of existing building into office and mixed use accommodation and multi storey car park, including an additional set back storey at roof level, creation of a public square and pedestrian link. Approved with conditions.
- 3.2. 22.06.2012 - 2012/01833/PA and 2012/01834/PA – Application for a new planning permission to replace extant planning permissions 2008/06508/PA and 2008/06509/PA for the partial demolition of a building to allow for conversion of existing building into office and mixed use accommodation a multi storey car park, including an additional set back storey at roof level, creation of a public square and pedestrian link. Approved with conditions.

**Site opposite**

- 3.3. 2015/00775/PA - Demolition of existing buildings/structures on site and redevelopment for 318 residential units, parking, landscaping and associated works – discussions ongoing.
- 4. [Consultation/PP Responses](#)

- 4.1. Local residents' associations, neighbours, Ward Councillors, District Director and the MP have been notified. Site and press notices have also been displayed.
- 4.2. 2 letters of support have been received on the basis that the proposed redevelopment is welcomed as there are too many derelict buildings in the area.
- 4.3. 1 letter of objection has been received on the basis of errors in the submission.
- 4.4. 2 letters of comment have been received one of which supports the redevelopment of the Kettleworks building but highlights the need to see a high quality and vibrant development which complements existing investment. They also consider it should comprise a mix of uses, ensure that the development is not overly oppressive i.e. support a more 'open' courtyard and that there is an opportunity to alter the highway in the area. The other letter of comment notes that there are records of Black Redstarts within 300m of the building and that a survey should therefore be required along with brown/living roof.
- 4.5. Birmingham Civic Society – Large development which will bring activity into a run down part of the JQ. Proposal appears to be of an appropriate scale and character for the area.
- 4.6. Centro – Well linked site, but developer should ensure a travel plan is developed.
- 4.7. Education – On basis of the originally submitted scheme (nothing from 1 beds/studio's) a financial contribution of £523,879.06 would be required.
- 4.8. Environment Agency – no objection subject to conditions to prevent contamination of controlled waters and the underlying principal aquifer.
- 4.9. Historic England – proposal should be determined in accordance with local advice.
- 4.10. Jewellery Quarter Development Trust – Concerns about the design and massing and how different the scheme is from the original discussions, consider there is limited amenity for resident's and nothing for occupiers of the wider community, consider there also to be a lack of parking which will increase pressure on limited existing on street parking. Also note that the mix of uses is unacceptable with a lack of commercial despite the site being designated an Enterprise Zone and that the residential mix of 60+% being studio/1 bed apartments unacceptable, as it would fail to encourage a balanced and sustainable community.
- 4.11. Lead Local Flood Authority – some additional information is required however this can be secured by condition.
- 4.12. Local Services – scheme generates the need for public open space and an off-site financial contribution of £331,200 is required towards restoration of Warstone Lane and Key Hill Cemeteries in the Jewellery Quarter.
- 4.13. Regulatory Services – conditions required.
- 4.14. Severn Trent – no objection subject to a condition re drainage.
- 4.15. Transportation – no objection subject to conditions including demolition and construction management plan, cycle parking, delivery and service area restrictions, residential travel plan, parking area laid out, gate position and s278 agreement.

- 4.16. West Midlands Police – Scheme should comply with Secured by Design ‘New Homes 2014’ guide, a lighting plan should be designed and suitable access control and cctv is required.

5. Policy Context

- 5.1. Birmingham UDP (2005), submission draft Birmingham Development Plan, Jewellery Quarter Conservation Area Character Appraisal and Management Plan, Jewellery Quarter Urban Village Framework, Jewellery Quarter Conservation Area, Jewellery Quarter Design Guide, Conservation Strategy, Places for All, Places for Living, NPPF.

6. Planning Considerations

- 6.1. The adopted Birmingham UDP (2005) still forms the basis of the statutory planning framework. It contains policies to support city living (5.32b) as residential accommodation in the City Centre provides sustainable accommodation close to both public transport and places of work and reduces the pressure on greenfield sites.
- 6.2. The NPPF supports sustainable development, especially on previously developed land, within established centres and where sites are well located in terms of public transport.
- 6.3. The site is within the Industrial Fringe area of the Jewellery Quarter where there are no restrictions in terms of new residential development.
- 6.4. The site is also part of the Kettleworks Enterprise Zone however this would not prevent a residential scheme being developed on the site. Planning permission has also previously been granted for both mixed use development and residential development of this, since which time policy has not fundamentally altered.
- 6.5. Therefore, in land use policy terms I raise no objection to the proposed commercial and residential uses, subject to all other material considerations.

**Design/Impact on the Conservation Area**

- 6.6 Local and national planning policies seek to ensure high quality design. In addition, policies specific to the Jewellery Quarter identify its unique historic environment and that (policy 2.1 of the JQCACAMP) “...permission for new development will normally only be granted where it respects the scale, form and density of the historic pattern of development, where it protects views and roofscapes and where it preserves or enhances the character and appearance of the conservation area...”
- 6.7 The existing factory building would be retained, with more recent additions retained in part with replacement facades or replaced with new development to create a large perimeter development block, which is welcomed. The detailed design of the replacement façade/new build would reflect the large industrial openings and materials of the original building with a flat roof, resulting in a traditional industrial appearance with each different section of the building linked by a more modern recessed element. Whilst the new build elements of the main building would be either 5 or 6 storeys high they would be of a similar scale to the original 4 storey building, step up to the car park building to the south and ensure the integrity of the original buildings skyline, by virtue of no roof top additions. Furthermore, their positioning to the back of footpath would allow the perimeter block to be completed

as well as facilitate the creation of a new pedestrian route from Pope Street to Camden Street.

- 6.8 The replacement façade to the car park would, by virtue of its column framed design and the use of more traditional materials, significantly improve its visual appearance and ensure its mass is broken up appropriately. Whilst the use of more modern materials on the top level identify the new residential element as well as incorporating a reference to the adjacent Kettleworks development. A high rise pedestrian link between the two buildings has been removed from the scheme as it would have introduced an uncharacteristic feature into the Jewellery Quarter.
- 6.9 Policy does not require commercial uses at ground floor however, two commercial uses have been introduced at ground floor either side of the proposed new pedestrian route which, along with the main reception area for the residential building provide a good level of activity to this location. Additional entrances to the residential block on Pope Street and Camden Street have also been introduced and this, along with the overlooking of the street from the residential accommodation, would ensure that the building will become active within the street scene.
- 6.10 Amended plans have been submitted showing an amenity area to both the internal courtyard area of the residential block and on the rooftop of the car park, totalling almost 1500 sqm of communal amenity for future occupiers. Some of the apartments would also benefit from terraces/balconies. The amenity spaces would all be contained within the building envelopes and would not therefore adversely affect the character or appearance of the Jewellery Quarter. I therefore welcome this amenity provision which will enhance the environment for future occupiers.
- 6.11 Within the courtyard area the separation distances between facing elevations would be at least 16m and given the utilisation of the existing building and the arrangement of properties within the scheme I consider this distance sufficient so as to not harm the amenities of future occupiers.
- 6.12 Originally the scheme proposed a total of 311 new apartments, of which 118 (38%) were shown to be studios, 95 (30.5%) one bed apartments, 96 (31%) two bed apartments and 2 (0.5%) three bed apartments. The scheme has now been amended and the number of total apartments reduced by 20, due to the number of studios and one bed apartments being reduced from 68.5% to 59% and the number of 2 beds increased to 40%. Therefore on the basis of the amended plans, that the site is a brownfield, windfall site within the City Centre which reutilises an existing building I consider this mix acceptable and would reflect the aims of the emerging housing policy within the Birmingham Development Plan (TP26). In addition, I also note it would make a significant, and valuable, contribution to the City's housing need.
- 6.13 I therefore consider the layout, design, scale and mass of the proposal are acceptable and would retain and regenerate a currently run-down building within the historic Jewellery Quarter Conservation Area, resulting in a development which would significantly improve the quality of the built environment.

### **Planning obligations**

- 6.14 A financial appraisal has been submitted to demonstrate that, with policy compliant contributions, the scheme would not be financially viable. An independent assessment has been commissioned which agrees that the scheme would be unviable. Further, on the basis of the applicant's assumptions it acknowledges that

any financial contribution would result in a negative residual land value. However, the Council does not accept all of the assumptions within the applicant's appraisal, in particular the land value. Therefore, following further discussion the applicant has agreed to a contribution of £800,000.

- 6.15 Given the nature of the city centre development this contribution would be used towards off site affordable housing, enhancement of the public footpaths in the immediate vicinity and improving and enhancing publically accessible space at the Jewellery Quarter Cemeteries (as part of the Jewellery Quarter Heritage Lottery Fund programme). There are insufficient monies to include a contribution towards education. I consider this contribution would accord with policy and comply with the CIL Regulations 2010.

### **Transportation Development**

- 6.16 The proposal would provide a total of 226 car parking spaces with 8 disabled parking spaces within the internal courtyard of the Kettleworks building. The rest of the parking spaces would be provided across three floors of the multi-storey car park adjacent. 112 of the spaces would be allocated to the Kettleworks residential development with the remaining spaces being held for the second phase (planning application 2015/00775/PA).
- 6.17 1 of the letters of comments raises concerns in terms of parking provision. However, whilst the parking provision would be approx. 38% a good level of cycle parking provision would be provided (approx. 47%) and the site is sustainably located in the Jewellery Quarter which has good public transport and amenity links. I therefore concur with Transportation Development who raise no objection to the scheme.
- 6.18 Transportation Development request a number of conditions which I attach accordingly however given the location of the site within the Jewellery Quarter Conservation Area I do not consider it would be acceptable to require gates to be set back from the back of the footpath.

### **Air quality**

- 6.19 The whole of Birmingham falls within an air quality management zone (AQMA) where the introduction of new residential accommodation needs to be carefully considered. An air quality report, has been submitted in support of the application which identifies that some of the ground floor apartments, fronting Icknield Street, may be adversely affected by poor air quality. Regulatory Services consider further information is required as further monitoring may demonstrate that mitigation may not actually be required in this location. Therefore, given poor air quality is likely to affect a minimal number of properties within the scheme, if at all, I recommend a condition to secure additional monitoring, and mechanical and natural ventilation solutions if necessary.

### **Noise**

- 6.20 A noise assessment has been submitted. Regulatory Services consider this assessment deals adequately with transport noise but that existing commercial noises, particularly in relation to the adjacent Assay Office, have not been adequately considered. However, I note that the Assay Office development was approved despite residential properties at 50-54 Carver Street which immediately adjoin the offices eastern boundary. Furthermore, I note 'quieter' office and data analysis uses are also located closest to the Kettleworks building. I do not therefore consider noise

generated by the Assay Office will adversely affect future occupiers sufficient to warrant refusal.

## **Other**

- 6.21 A local resident has raised the issue of Black Redstarts in the vicinity; a point which my Ecologist also considers has not been adequately addressed within the ecological survey. However given the condition of the existing building my ecologist is satisfied that subject to conditions to secure additional survey work and improvements to the natural environment, the proposed development will not adversely impact on Black Redstarts sufficient to warrant refusal.
- 6.22 Severn Trent, Lead Local Flood Agency and the Environment Agency raise no objection subject to conditions which are recommended accordingly.
- 6.23 The Police have identified the need to comply with Secured by Design particularly internally and whilst I am unable to control this I do recommend conditions with regard lighting and CCTV.

## **7. Conclusion**

- 7.1. In principle the proposed development is consistent with both local and national land use planning policies. The design, scale and mass of the proposal is acceptable and would result in significant improvement to the built environment which would also have a positive impact on regeneration of the wider area. Therefore, subject to safeguarding conditions and a S106 legal agreement to secure a financial contribution towards affordable housing, public realm, public open space and a commitment to local employment and training, the proposal would result in a sustainable form of development in accordance with policies. Proposal should therefore be approved.

## **8. Recommendation**

- 8.1. That consideration of planning application 2014/09600/PA be deferred pending the completion of a planning obligation agreement to secure the following:-
- a) A financial contribution of £240,000 (index linked from date of resolution) towards off-site affordable housing.
  - b) A financial contribution of £250,000 (index linked from date of resolution) towards public realm enhancements of Icknield Street, Pope Street and Camden Street.
  - c) A financial contribution of £300,000 (index linked from date of resolution) towards public open space enhancements at the Jewellery Quarter Cemeteries as a result of the Jewellery Quarter Heritage Lottery Fund.
  - d) A commitment to engage with the City Council and other agencies to enter into a local training and employment scheme for construction of the development.
  - e) Payment of a monitoring and administration fee associated with the legal agreement of 3.5% of the affordable housing, public realm and public open space sum subject to a maximum of £10,000.



- 8.2 In the absence of the suitable planning obligation agreement being completed to the satisfaction of the Local Planning Authority by 30<sup>th</sup> July 2015 then planning permission be refused for the following reason(s):
- a) In the absence of any suitable legal agreement to secure a financial contribution towards off site affordable housing the proposal conflicts with Policies 5.37 A-D of the Birmingham Unitary development Plan 2005, Affordable Housing SPG and Policy TP30 of the draft Birmingham Development Plan 2031.
  - b) In the absence of any suitable legal agreement to secure a financial contribution towards public realm improvements and/or enhancements to Icknield Street, Pope Street and Camden Street the proposal conflicts with Policies 3.8 and 3.10 of the Birmingham Unitary Development Plan 2005.
  - c) In the absence of any suitable legal agreement to secure a financial contribution towards public open space improvements and/or enhancements to Jewellery Quarter Cemeteries the proposal conflicts with Policies 3.53, 5.53 A and B, 5.20B and 5.20C and public open space in new residential development SPG.
  - d) In the absence of any suitable legal agreement to secure local training/employment opportunities, the proposal conflicts with Policy 8.52 of the Birmingham Unitary Development Plan and Policy TP25 of the Draft Birmingham Development Plan 2031.
- 8.3 That the Director of Legal and Democratic Services be authorised to prepare, seal and complete the planning obligation.
- 8.4 That in the event of the planning obligation being completed to the satisfaction of the Local Planning Authority by 30<sup>th</sup> July 2015, favourable consideration be given to this application, subject to the conditions listed below.

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| 1  | Requires the scheme to be in accordance with the listed approved plans   |
| 2  | Restricts piling   |
| 3  | Control of surface drainage  |
| 4  | Requires submission of a scheme for biodiversity enhancement specifically green/ brown roof designed for Black Redstarts |
| 5  | Further Survey - Black Redstarts   |
| 6  | Requires the prior submission of entry and exit sign details   |
| 7  | Requires the provision of cycle parking prior to occupation  |
| 8  | Requires the delivery and service area prior to occupation   |
| 9  | Requires the prior submission of a residential travel plan   |
| 10 | Requires the parking area to be laid out prior to use  |
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| 11 | Requires the prior submission and completion of works for the S278/TRO Agreement   |
| 12 | Limits the approval to 3 years (Full)  |
| 13 | Requires the prior submission of a lighting scheme   |
| 14 | Requires the prior submission of hard and/or soft landscape details  |
| 15 | Requires the prior submission of sample materials  |
| 16 | Requires the prior submission of a CCTV scheme   |
| 17 | Requires the submission prior to occupation of the properties of a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan |
| 18 | Requires air quality monitoring and mitigation   |
| 19 | Requires the prior submission of noise insulation (variable)   |
| 20 | Requires the prior submission of a contaminated land verification report   |
| 21 | Requires the prior submission of shop front design details   |
| 22 | Requires the prior submission of a landscape management plan   |
| 23 | Requires the prior submission of level details   |
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Case Officer:        Joanne Todd

**Photo(s)**



Photo 1: Corner of Icknield Street/Camden Street



Photo 2: Corner Icknield Street/Pope Street





Photo 3: Looking east along Pope Street

## Location Plan



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