

Birmingham City Council

Planning Committee

14 March 2024

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	6	<p>2023/05774/PA</p> <p>Hill West Junior and Infant School Clarence Road Four Oaks Sutton Coldfield Birmingham B74 4LD</p> <p>Demolition of existing school buildings and erection of a two-storey combined Primary School and Nursery, Multi Use Games Area, car parking, cycle storage, bin store and landscaping.</p>
Approve - Conditions	7	<p>2023/03864/PA</p> <p>Land north of Icknield Square Bounded by Icknield Square, Birmingham Main Line Canal and Icknield Port Loop Canal Ladywood Birmingham B16</p> <p>Application for the erection of 234no. one, two and three bedroom apartments (Use Class C3) across various interlinked blocks ranging from 4 - 10 storeys in height, with 196sqm of ancillary commercial floor space (Use Class E) with other associated access, car parking, and landscaping works.</p>

Approve – Subject to
106 Legal Agreement

8

2023/06888/PA

WHS Plastics Ltd
Water Orton Lane
Sutton Coldfield
Birmingham
B76 9BG

Demolition of existing buildings and structures on site to facilitate the erection of a new industrial unit (Use Class B2) associated with battery technology for the production of electrically powered vehicles, canopy; ancillary storage and office use, re-profiling of site levels, part re-alignment of the existing earth bund, erection of 2 Silos, water sprinkler tanks, pump house, provision of photovoltaic roof panels, service yard including security barrier, associated parking including cycle shelters and landscaping (cross boundary application, only the proposed access within the Birmingham City Council boundary).

Approve – Conditions

9

2023/06889/PA

WHS Plastics Ltd
Water Orton Lane
Minworth
Sutton Coldfield
B76 9BG

Engineering operations to facilitate the construction of new industrial unit comprising ground re-profiling, part realignment of existing earth bund, installation of storm and foul water drainage provision, demolition of existing buildings and structures (cross boundary application, only the proposed access within the Birmingham City Council boundary).

Committee Date:	14/03/2024	Application Number:	2023/05774/PA
Accepted:	24/08/2023	Application Type:	Full Planning
Target Date:	15/03/2024		
Ward:	Sutton Mere Green		

Hill West Junior and Infant School, Clarence Road, Four Oaks, Sutton Coldfield, Birmingham, B74 4LD

Demolition of existing school buildings and erection of a two-storey combined Primary School and Nursery, Multi Use Games Area, car parking, cycle storage, bin store and landscaping

Applicant:	Department of Education c/o Agent
Agent:	Claremont Planning Consultancy Ltd Somerset House, 37 Temple Street, Birmingham, B2 5DP

Recommendation

Approve subject to Conditions

1. Proposal

- 1.1. Planning permission is sought for redevelopment of Hill West Junior School. The development involves the demolition of the existing buildings on site and erection of a new two storey school building, creation of multi-use games area (MUGA) to the north of the new school, car and cycle parking, landscaping, amenity areas and other associated works. The application identifies that surveys of the existing school buildings have revealed that these buildings are in a poor condition requiring significant intervention. The school has secured funding through the Government's School Rebuilding Programme to facilitate the construction of a new Primary School and Nursery and re-instate a high-quality education facility on site.
- 1.2. The demolition of the existing school and construction of the new building and associated development would be in different phases. This is required to continue the operation of the school. The 2-storey education building would be constructed first before demolition of the other school buildings to maintain normal operation of the school. The building would be L-shaped to comprise buff brick materials, with a small area of grey cladding to enclose plant equipment and provide roof access. The building would have grey aluminium windows and a green flat roof with PV panels, which would comprise a modern and contemporary design.
- 1.3. Numbers of pupils and staff would remain unchanged; 420 pupils, 46 nurseypupils and 41 members of staff. Off-street parking provision would be increased from 25 spaces to 35 spaces with the existing minibus parking retained. The existing vehicular access and access drive to the site would remain with a 'passing place' proposed along the access drive.



Aerial view looking north-east

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Proposed layout

- 1.4. In addition to necessary plans, the application is accompanied with a Planning Statement, Design and Access Statement, Flood Risk Assessment, Drainage Strategy, Energy Statement, Phase 1 & 2 Ground Investigation Reports, Preliminary Ecological Statement, Preliminary Bat Roost Assessment, Biodiversity Metric Assessment, Transport Statement, Tree Survey Report, Construction & Demolition Method Statement and Statement of Community Involvement.
- 1.5. This application is being referred to Planning Committee as the proposal is a major school application and Birmingham City Council own the land.

1.6. [Link to Documents](#)

2. **Site & Surroundings**

- 2.1. The application site comprises an area of approximately 3.8ha. It contains multiple flat roofed buildings of two storey height with link buildings. There is an existing MUGA to the south of the site and playing fields to the east and north of the site.
- 2.2. There are a number of substantial trees and other vegetation along the perimeter of the school boundary in addition to some trees within the site, which form part of the existing landscape features of the school. There are no Tree Preservation Orders affecting the site.
- 2.3. A single vehicular access serves the site from Clarence Road. The surrounding area is predominantly residential in character. Railway lines are located adjacent to the eastern boundary of the school site, approximately 100m from the proposed school building. Train stations Blake Street and Butlers Lane on the north and south sides.
- 2.4. [‘Site location’](#)



3. **Planning History**

3.1 No recent relevant planning history.

4. **Consultation**

4.1. Transportation Development - No objection, subject to conditions requiring no increase in pupil/staff numbers, school travel plan, secure covered cycle provision, disabled parking and EV charging points.

4.2. Regulatory Services - No objection subject to conditions requiring a contamination remediation scheme, contamination land verification report, odour extraction details, noise levels of plant and machinery, construction method statement/management plan and restriction in hours of use of the MUGA & sports pitches.

4.3. Local Lead Flood Authority (LLFA) – No objection subject to conditions requiring submission of a sustainable ‘construction’ surface water drainage scheme, sustainable Drainage Operation and Maintenance Plan and protection of overland surface water flood route.

4.4. Sports England – No objections subject to pre-commencement conditions for details of construction hoardings/contractor’s compound and reinstatement of the playing field, playing field maintenance and community use agreement.

4.5. Severn Trent Water – No objection subject to condition requiring submission of surface water and foul drainage details.

4.6. Network Rail – No objection, subject to informative for drainage/construction works to be confirmed and agreed with Network Rail prior to construction works to ensure assets are adequately protected.

4.7. City Design – Satisfied with the design details, no objection subject to conditions requiring submission of hard and soft landscape details and architectural details including facing/external construction materials.

4.8. Ecology – No objection subject to pre-commencement conditions for a construction ecological management plan (CEcMP), landscape ecological management plan (LEMP), bird/bat boxes, scheme for ecological biodiversity enhancement measures, landscaping details, lighting design strategy for biodiversity and biodiversity roof condition.

4.9. West Midlands Police – No objection

4.10. West Midlands Fire Services – No objection

4.11. Tree Officer – No objection subject to conditions for replacement trees and landscaping.

4.12. Planning Policy Comments – The application does not conform with BCC planning policy to achieve a ‘very good’ or ‘excellent’ BREEAM rating. S21 is the DfE output specification for schools, it does cover net zero but not the wider sustainability issues that BREEAM considers. It is up to the case officer to reach a balanced judgement in determining the application.

5. **Third Party Responses:**

- 5.1. The application has been publicised by site notices and press notice in addition to notification letters which were sent out to adjoining neighbouring occupiers, residents' associations, Ward Councillors and Local MP.
- 5.2. 10 No. representations have been received making the following comments:
- The new school will be closer to properties in Hillmorton Road and Clarence Road than the existing school. In particular the kitchen area will be near No.94 Hillmorton Road, which will have plant equipment above it including air source heat pumps. The school and plant equipment should be moved further away from residential properties.
 - The height of the building is not necessary, it could be built as a lower height and increased footprint.
 - The design of the school give the appearance of an office and does not fit in with the residential area surrounding.
 - Loss of privacy.
 - Loss of view.
 - The design of the building could be more aesthetically pleasing.
 - The bin store will cause noise and danger of vermin.
 - Possible light pollution to surrounding residential properties.
 - Lighting plans for the lighting of the car park and MUGA areas are unclear.
 - There is no detail regarding the community use of the MUGA, in terms of likely use and hours.
 - Demolition will cause disruption to surrounding residents.
 - A mature horse chestnut at the rear of No. 88 Hillmorton Road will be removed, subject of tree preservation order.
 - Although the Flood Risk Assessment states there are no historical records of flooding, following spells of heavy rain there is regularly a river of water running across the school playing field.
 - Friends of Hill Hook Local Nature Reserve (FoHHLNR) comment that the Local Nature Reserve should be considered and protected from disturbance from noise, dust, surface water run off, sewage discharge, fly tipping etc. There are seven species of local bat population using the reserve and water quality is key to health and size of the bat population.
 - Installation of Swift bricks to encourage the Swift bird population.
 - Opportunities should be used to promote public transport and reduce parking in line with the whole of Birmingham.
 - Design is unsustainable and does not include solar shading.
 - Poor air quality from parking and traffic at the school site.
 - De-valuation of property.

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

- 6.1 National Planning Policy Framework:
- Section 2 – Achieving sustainable development; Paragraph 7 -9
 - Section 3 – Decision making; Paragraph 38, Paragraph 47, Paragraph 55-57
 - Section 8 – Promoting healthy and safe communities; Paragraph 96-97, Paragraph 99
 - Section 9 – Promoting sustainable transport; Paragraph 110 - 112
 - Section 11 – Making effective use of land; Paragraph 124
 - Section 12 – Achieving well-designed places; Paragraph 131 – 140
 - Section 14 – Meeting the challenge of climate change, flooding and coastal change; Paragraph 157- 164, Paragraph 173-175
 - Section 15 – Conserving and enhancing the natural environment; Paragraph 180, 185 - 186
- 6.1 Birmingham Development Plan 2017:
- PG3 – Place making

- TP36 – Education
- TP1 – Reducing the City's carbon footprint
- TP2 – Adapting to climate change
- TP3 – Sustainable construction
- TP4 – Low and zero carbon energy generation
- TP5 – Low carbon economy;
- TP7 – Green infrastructure network
- TP8 – Biodiversity and geodiversity
- TP9 – Open space, playing fields and allotments
- TP9 – Open space, playing fields and allotments
- TP11 – Sports facilities
- TP39 – Walking
- TP40 – Cycling
- TP44 – Traffic and congestion management

6.2 Development Management in Birmingham DPD:

- DM1 – Air quality
- DM2 – Amenity
- DM3 – Land affected by contamination, instability and hazardous substances; DM4 – Landscaping and trees
- DM5 – Light pollution
- DM6 – Noise and vibration
- DM14 – Transport access and safety
- DM15 – Parking and servicing

6.3 Supplementary Planning Documents & Guidance:

- Birmingham Design Guide SPD (2022)
- Birmingham Parking SPD (2021)

7 **Planning Considerations**

7.1 *Principle:* The NPPF at paragraph 99 states that local planning authorities should take a proactive, positive, and collaborative approach to ensure that a sufficient choice of school places are available to existing communities. The BDP 2017 Policy TP36 is to support creation of high-quality learning environment. This Policy states that the proposals for the upgrading and expansion of existing schools and development of new schools would be supported subject to the provision of safe access, safe drop-off/pick-up provision and outdoor sport and recreation facilities without conflicting with adjoining uses. The site is an established school within a residential area surrounded by residential properties. The proposal is to create a 2-storey building by demolishing 2 storey buildings on site to streamline the built form of the school and to provide an improved education facility. The proposal includes a MUGA and improved outdoor sports pitch provision. The proposal also includes associated development which includes landscaping and increased off-street parking provision. Therefore, the principle of development is considered acceptable subject to compliance with other plan policies, in particular, BDP and DMB-DPD Policies related to design and character, residential amenities, highways, trees and ecology, and other wider environmental issues. The detailed assessment has been provided in the later sections of this report.

7.2 *Design and Layout:* The proposed school, which is a 9m high flat roofed 2-storey L-shaped building would be located towards the south-western part of the site. In addition to teaching facilities, this building includes provision for offices, halls and dining spaces. In addition to specialist classrooms and offices, the ground floor would have kitchen, dining hall, assembly hall and plant room. There would be classrooms and offices on the first floor. The proposed layout and scale of the education building, sports

pitches and MUGA is considered appropriate on this site. The 2-storey building would be similar in height to the 2-storey buildings it replaces. It would be sited at least 28m from the rear of the nearest residential properties (bungalows) on Hillmorton Road and appears appropriate due to the separation distance. The building would be located at least 45m from the rear of the nearest residential properties in Clarence Road, many of which are two storey houses. New tree planting and landscaping is proposed which would mitigate the visual effects due to increase in height of the proposed new school taking into account the sloping ground levels. The proposed layout would allow minimal disruption to teaching and would help to retain most of the trees on site.

- 7.3 It is considered that the design and materials of the proposal are of high quality and in keeping with the local character and pattern of the built form. The layout of the school building, sports pitches, MUGA and associated works appears functional and well thought-out. It appears from the siting, orientation and separation distance from neighbouring properties, that the proposal has considered its impact on the wider area and relates to the design and mass of the neighbouring buildings.
- 7.4 The main vehicular access and pedestrian access from Clarence Road would remain unaltered. The proposal involves enlargement and reconfiguration of car parking area which would be to the north-west of the new school, next to the MUGA and amenity grass area. This arrangement would help to retain trees and minimise impact on the neighbouring residential occupiers in terms of their outlook and visual amenity as well as contribute towards biodiversity net gain.
- 7.5 The main entrance of the school would be located on the recessed area, where there is a stair lift in addition to a flight of stairs.
- 7.6 Overall, the school building, sports pitches, MUGAs and associated works would appear modern and contemporary in design and would deliver an attractive built form in the area. It is therefore considered that the proposed development would enhance the character and quality of the locality.
- 7.7 *Neighbour Amenity:* The school site is surrounded by residential properties, with properties on Hillmorton and Clarence Road abutting the site to the south and west respectively. The existing boundary hedges/trees, in addition to boundary treatment screen the site from the surrounding residential properties and their rear gardens. The compact footprint of the proposed two storey building compared to the 2 storey buildings spread over a larger footprint across the site would improve the outlook and views of neighbouring properties. The building would be sited closer to the southern boundary than the existing 2 storey buildings on site, however, a distance of a minimum of 28m would remain to the dwellings in Hillmorton Road. The building would be located a minimum of 45m would remain from the rear of the dwellings in Clarence Road. The Birmingham Design Guide, SPD 2022 requires 5m set back per 3m for non-residential buildings. The building would be 9m in height, which requires a set back of 15m therefore, this separation distance would be achieved. As such, it is considered that the impact in terms of outlook and overlooking towards the rear amenity of residential properties would not be any more significant than that which already exists. In addition, the proposal includes planting trees along the periphery of the site and within the site. This would help to create a continuous landscape buffer between the dwellings and the school and when mature these trees would screen the new building from the neighbouring rear gardens and dwellings. Therefore, the proposed two-storey building would not result in any demonstrable harm and this arrangement would be acceptable in terms of immediate outlook, sunlight and privacy in respect of the neighbouring dwellings.
- 7.8 The school, sports pitches and MUGA sports provision would also be used by the school and community outside school hours. Hours of operation on the application

form have been stated as 8am to 10pm, however, Regulatory Services recommends the hours of use is to be conditioned weekdays between 8am-8pm, Saturdays & Sundays 8am – 1.30pm in line with a recent similar school redevelopment site to protect neighbour amenity. It is considered such use would not result in unacceptable noise and disturbance than that what is normally anticipated from a primary school use. The outdoor sports provision is only for daytime use, as no floodlights would be installed at the pitches or MUGA. Appropriate conditions have been recommended to safeguard the neighbouring residential amenities.

- 7.9 It is acknowledged that demolition and construction works and associated activities would generate a certain level of noise and disruption within the immediate vicinity during the construction phase. To address this issue a Construction Method Statement/Management Plan (CMS) would be secured via condition to detail hours of construction/demolition works, timing of delivery, parking for construction workers, how noise and dust would be addressed etc.
- 7.10 *Highways:* The existing vehicular and pedestrian access from Clarence Road would remain unaltered. The existing car parking and manoeuvring area would be expanded and reconfigured to the north of the new school building. A total of 35 car parking spaces (an increase in 12 spaces compared to the existing spaces), 30 cycle storage and 10 scooter storage spaces would be provided. The proposal also includes minibuses and disabled parking spaces. The proposed redevelopment of the school would not result in an increase in pupils and staff numbers.
- 7.11 Transportation Development have no objections to the scheme and they consider that an appropriate level of car parking for staff and visitors is included in the scheme. It is also a betterment to the existing arrangement and the proposed redevelopment of the school would not result in an increase in pupils and staff numbers. Therefore, it is considered that the generated trips would likely to remain as existing with no significant increase and subsequently impact in terms of parking and highway safety would remain neutral. A travel plan has been submitted to promote the use of sustainable transport travel modes, i.e. walk, cycle and use public transport and share car journeys and reduce car dependency. Nevertheless, the school is on bus/rail routes and served by the bus/rail services that the proposed development would not have a significant adverse or severe impact on the operation or safety of the surrounding highway network. Transportation Development have raised no objection subject to conditions requiring restriction in pupil/staff numbers, travel plan to be finalised with BCC Travel Demand Team, secure covered cycle provision, disabled parking and EV charging points. As such, the scheme is supported by the Council, however, it is considered unreasonable to impose a condition for pupil numbers, as there is no increase in pupil or staff numbers and therefore it is considered both unreasonable and unnecessary.
- 7.12 *Trees:* The school has a number of mature trees both within and around the periphery of the site. These trees not only provide a natural screen between the school site and neighbouring residential properties but also have immense ecological and landscape value. A number of mature high-quality trees are also present within the site as part of the high-quality landscape setting of the school. It is evident from the layout and design of the scheme that the trees and vegetation around the boundaries as well as the trees within the site have been taken in consideration. A Tree Survey has been submitted which demonstrates that the appropriate methods of working in relation to on-site trees would be followed to minimise impact on trees. The City Council's Tree Officer has raised no objection, subject to imposition of standard tree protection conditions and enhanced landscaping provision.
- 7.13 Of particular note with this proposal, would be the removal of a mature Horse Chestnut which was considered for a TPO. However, following extensive investigation it has been adequately demonstrated that there are no viable options for re-siting the building

(including keeping the existing school operational during the building works) and retaining the tree. In light of the significant public benefits associated with the proposal, the removal of the tree is deemed appropriate and the confirmation of the TPO did not take place.

- 7.14 *Ecology:* The ecology and biodiversity have been considered in the submission of the proposal development. A Biodiversity Net Gain (BNG) has also been completed. The city council's ecologist is satisfied with the findings and the proposed mitigation and compensatory measures and consider that the development can be accommodated within this site without harming protected species. To ensure protected species are not harmed by the development, appropriate conditions have been recommended.
- 7.15 A Biodiversity Metric Assessment has been submitted in support of the planning application to demonstrate how ecological enhancements would be incorporated so that the scheme delivers a net gain for biodiversity (target of 10% biodiversity net gain). The submitted information and evidence have been provided to demonstrate that the proposed development would result in biodiversity net gain. This would be achieved via new habitat creation through retention of hedges and trees and creation of new shrub and tree planting, green roof, etc. A condition requiring the applicant/developer to ensure the habitats would be created, enhanced and maintained to achieve their intended biodiversity value, over a minimum 30-year period has been recommended as per current policy and guidance. A biodiversity roof condition has also been recommended to ensure that the design and materials of green roof are satisfactory to maximise its ecological value.
- 7.16 *Sustainability:* Policy TP3 seeks all new non-residential built developments in excess of 1,000sqm floorspace should aim to meet BREEAM standard 'excellent' to demonstrate their environmental credentials unless it can be demonstrated that the cost of achieving this would make the proposed development unviable. The later Council Policy Guidance Note on Sustainable Construction (2019) goes on to state that the Council will accept a 'Very Good' rating with a reasoned justification. BREEAM is an independent environmental assessment method created by the Building Research Establishment (BRE) and it assigns credits to a wide range of sustainable construction issues based on standards developed by BRE.
- 7.17 The Energy Statement submitted in support of the application highlights that the proposed development would achieve high levels of energy efficiency through the employment of passive and active design measures and low and zero carbon technologies. Furthermore, it advises that the proposal seeks to achieve 'zero carbon', corresponding to a 100% reduction CO2 emissions beyond Building Regulations Part L. It also adds that an alternative design specification to BREEAM will be implemented across all schools delivered through the School Rebuilding Programme, known as the 'S21 output specification'.
- 7.18 BREEAM is a widely recognised means of assessing the sustainability credentials of new development and it is acknowledged that the DfE's S21 Output specification is mandated across all DfE delivered schools and therefore represents the design and sustainability standard to which the Government considers to be both appropriate and consistent with their aspirations to mitigate and adapt to climate change. The applicant argues that the S21 output specification achieves enhanced sustainability credentials which exceed those required to be achieved in order to secure BREEAM 'Excellent', and as such represents an appropriate and innovative alternative to BREEAM. In addition, the applicants advise that the timescales and budget within which this project must be delivered are strictly controlled and do not provide for BREEAM assessment.
- 7.19 Therefore, whilst S21 output specification for schools does cover net zero, it does not cover the wider sustainability issues that BREEAM considers and ultimately does not

meet the requirements of TP3 to achieve a BREEAM rating. However, the observations on budgets linked to the School Rebuilding Programme and the S21 output specification are noted and given appropriate weight. Taking all factors into account, it is considered that whilst the proposal will not achieve the required BREEAM standard, the applicants have been able to fully explain and justify how the proposals would comply with the essence of TP3.

- 7.20 The proposed development would involve the demolition of existing buildings on the site. Paragraph 157 of the NPPF states that the planning system should “encourage the reuse of existing resources, including the conversion of existing buildings”. In this instance the existing building is an existing school, that is identified to be in a poor condition, whilst the proposed replacement would represent a modern and efficient building with plenty of public benefits including the delivery of community facilities, which holds significant weight in favour of approval.
- 7.21 *Drainage:* A Flood Risk Assessment and Drainage Design Strategy have been submitted to support this application. Following initial objections from the LLFA (Local Lead Flood Authority), the applicant has provided additional detailed drainage information. The LLFA consider that the additional information provided is acceptable. However, the LLFA consider prior to construction/occupation conditions requiring submission of a sustainable ‘construction’ surface water drainage scheme, sustainable Drainage Operation and Maintenance Plan and protection of overland surface water flood route to minimise surface water flooding and improve water quality. Severn Trent Water have raised no objection subject to conditions requiring submission of surface water and foul water drainage details. It is considered that this condition is not necessary in this instance as LLFA conditions would address the surface and foul water drainage details. Severn Trent Water itself are involved in the implementation of the drainage scheme.
- 7.22 *Air Quality:* A condition has been applied to ensure details of mitigation measures on how to dust emission would be reduced during demolition/construction phase to minimise impact on air quality. In respect of the operational phase impacts on air quality, the transport assessment indicates no increase in traffic and therefore it is considered that the impact on air quality would remain neutral. The proposal includes an extraction system in association with kitchen and food preparation area. Although a plan has been provided to indicate installation of plant equipment, no technical details have been provided to assess the impact of the external flue and extraction system and extraction systems. An appropriate condition has been imposed requiring submission of the extraction details including any external flue.
- 7.23 *Land Contamination:* Phase 1 & Phase 2 Ground Investigation Assessments have been submitted in support of the application. The City Council’s Regulatory Services Team require imposition of pre-commencement conditions in this regard.

8 **Conclusion**

- 8.1 The proposed redevelopment of the existing school would not only provide a high-quality education facility but would also enhance the quality and character of the area by incorporating good urban design principles in the built form. The proposal complies with the aims of BDP Policy TP36 which supports the upgrade of existing schools and Policy PG3 which seeks to ensure a well-designed and sustainable development which would contribute to a strong sense of place. The proposal is considered an appropriate development and efficient land use to provide high quality learning environment. The proposed development would not result in any significant impact upon neighbour amenity, landscape features, highway safety or infrastructure. The proposal would constitute a sustainable development and therefore, I recommend that planning permission is granted subject to conditions.

9 **Recommendation**

9.1 That planning permission is granted subject to the conditions listed below

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- 1 Implement within 3 years (Full)
 - 2 Requires the scheme to be in accordance with the listed approved plans
 - 3 Requires the submission and approval of external materials and detailing
 - 4 Hard and/or soft landscape details
 - 5 Implementation of boundary treatment details
 - 6 Requires the submission of extraction and odour control details in a phased manner
 - 7 Limits the noise levels for Plant and Machinery
 - 8 Requires the prior submission of a construction method statement/management plan
 - 9 Requires the prior submission of a contamination remediation scheme
 - 10 Requires the submission of a contaminated land verification report
 - 11 Requires the submission of a commercial travel plan
 - 12 Requires the submission of cycle storage details
 - 13 Requires the provision of a vehicle charging point
 - 14 Requires the parking area to be laid out prior to use
 - 15 Requires the submission of the 'for construction drainage' strategy prior to the construction of built development.
 - 16 Requires the prior submission of a Sustainable Drainage Operation and Maintenance Plan
 - 17 Protection of overland surface water flood route
 - 18 Requires the prior submission of a flood emergency plan
 - 19 Temporary construction compound
 - 20 Playing field maintenance
 - 21 Community use agreement
 - 22 Tree Protection MUGA root damage
 - 23 Requires tree pruning protection
 - 24 Requirements within pre-defined tree protection areas
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- | | |
|----|--|
| 25 | Requires the submission of a scheme for ecological/biodiversity/enhancement measures |
| 26 | Requires the prior submission of details of bird/bat boxes |
| 27 | CEcMP CONDITION |
| 28 | LEMP Condition |
| 29 | Lighting – biodiversity |
| 30 | Biodiversity Roof Condition |
| 31 | Hours of Use of the MUGA and sports pitches |
| 32 | To ensure energy and sustainability measures are delivered in accordance with energy statement |
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Case Officer: Audrey Lewis

Photo(s)

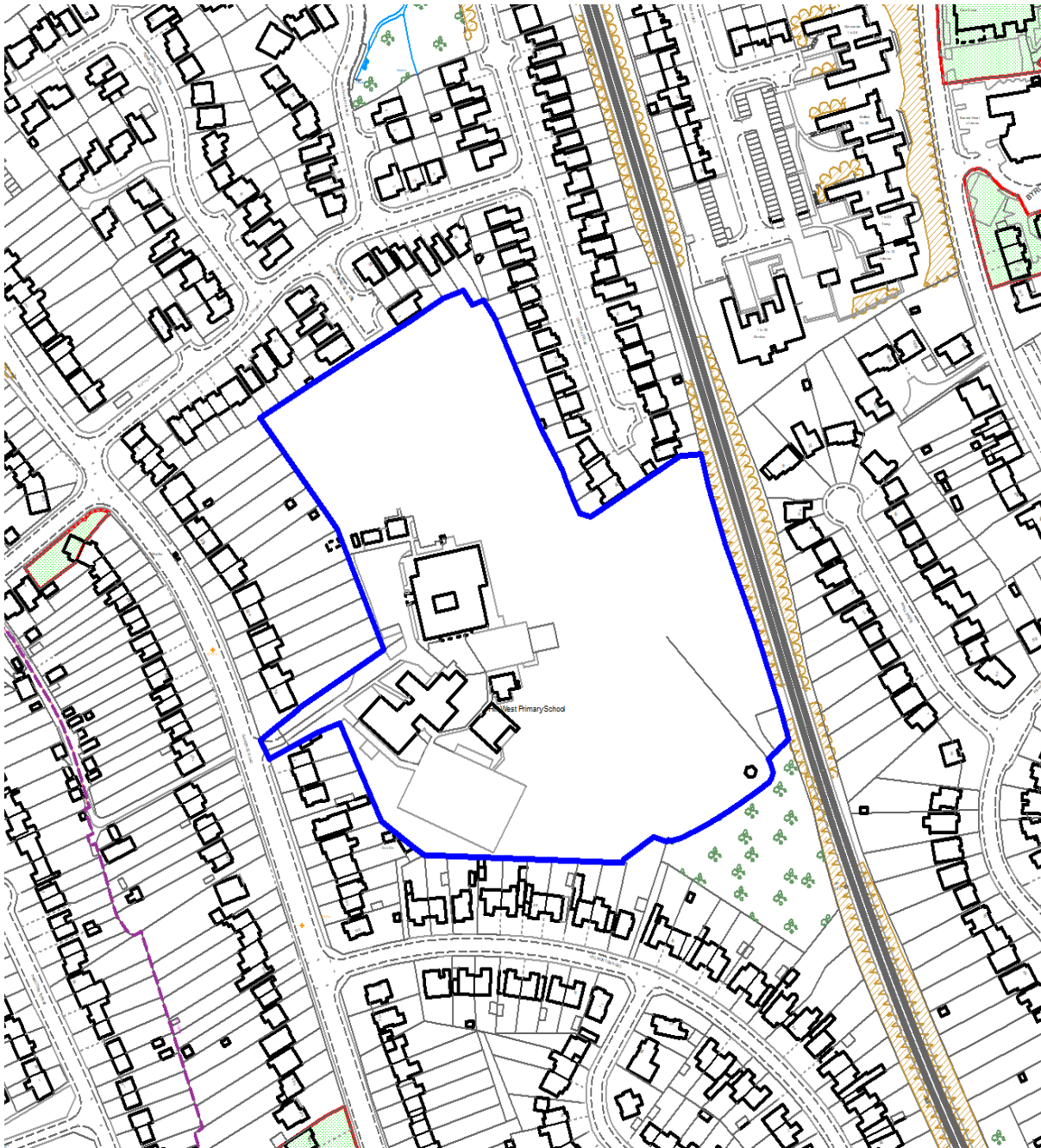


School entrance off Clarence Road



View of school grounds from Knightsbridge Close

Location Plan



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Committee Date:	14/03/2024	Application Number:	2023/03864/pa
Accepted:	16/06/2023	Application Type:	Full Planning
Target Date:	29/03/2024		
Ward:	Ladywood		

Land north of Icknield Square, Bounded by Icknield Square, Birmingham Main Line Canal and Icknield Port Loop Canal, Ladywood, Birmingham, B16

Application for the erection of 234no. one, two and three bedroom apartments (Use Class C3) across various interlinked blocks ranging from 4 - 10 storeys in height, with 196sqm of ancillary commercial floor space (Use Class E) with other associated access, car parking, and landscaping works

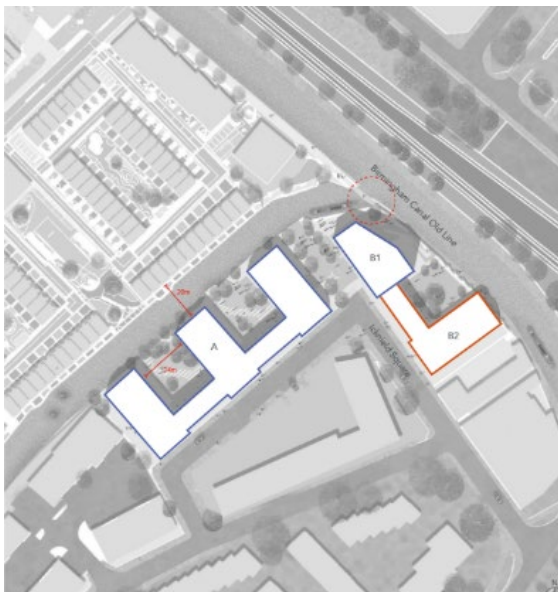
Applicant:	Places for People Homes Ltd
	C/o Agent
Agent:	Turley
	9 Colmore Row, Birmingham, B3 2BJ

Recommendation

Approve Subject to a Section 106 Legal Agreement

1. **Proposal:**

- 1.1 The application proposes the erection of a residential-led, mixed-use development, comprising of 234no. apartments, consisting of a mixture of one-, two- and three-bedroom units. The apartments would be housed within a number of interlinked blocks, across three plots, ranging from four to ten storeys in height.



(Proposed site Layout).



(Proposed indicative 3D Model for site's various blocks).

1.2 As well as the proposed apartments, the development would also feature 196sqm of ancillary commercial floor space (Use Class E), within the ground floor of one of the abovementioned blocks, alongside other associated internal and external amenity space, landscaping, car parking and associated works. The application also seeks works to adjacent canal bridge, which is Grade II Listed, these works are set out in further detail below.

1.3 The proposed apartment mix would be as follows:

Table 2.2: Proposed Residential Unit Mix (September 2023 resubmission)

Unit Type	Number	Percentage (%)
1-bed 2-person	88	38
2-bed 3-person	54	56
2-bed 4-person	78	
3-bed 5-person	14	6
Total	234	100

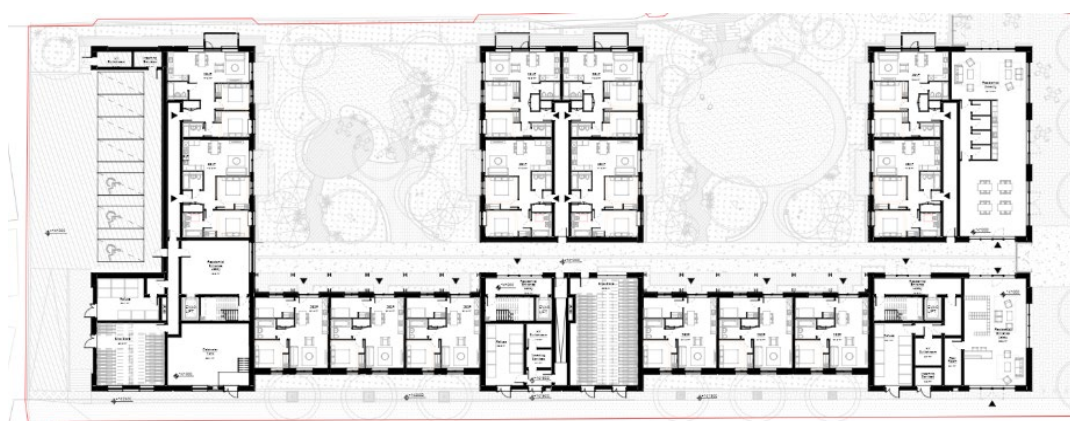
1.4 From the 234no. apartments provided, 38% of these would be 1-bedroom units, suitable for two people, while the remaining 62% would be 2-bedroom and 3-bedroom units. In total 6% of the total mix would be for 3-bedroom apartments, suitable for 5-persons.

1.5 A total of 14no. car parking spaces are proposed on site, these would be in the form of under croft spaces and all of these would be fitted with EV charging points.

1.6 The applicants also propose a further 6no. on-street car-parking spaces, on Icknield Square. As an overall percentage the parking provision is proposed at 6%, increasing to 8.5%, if the on-street provision is also included.

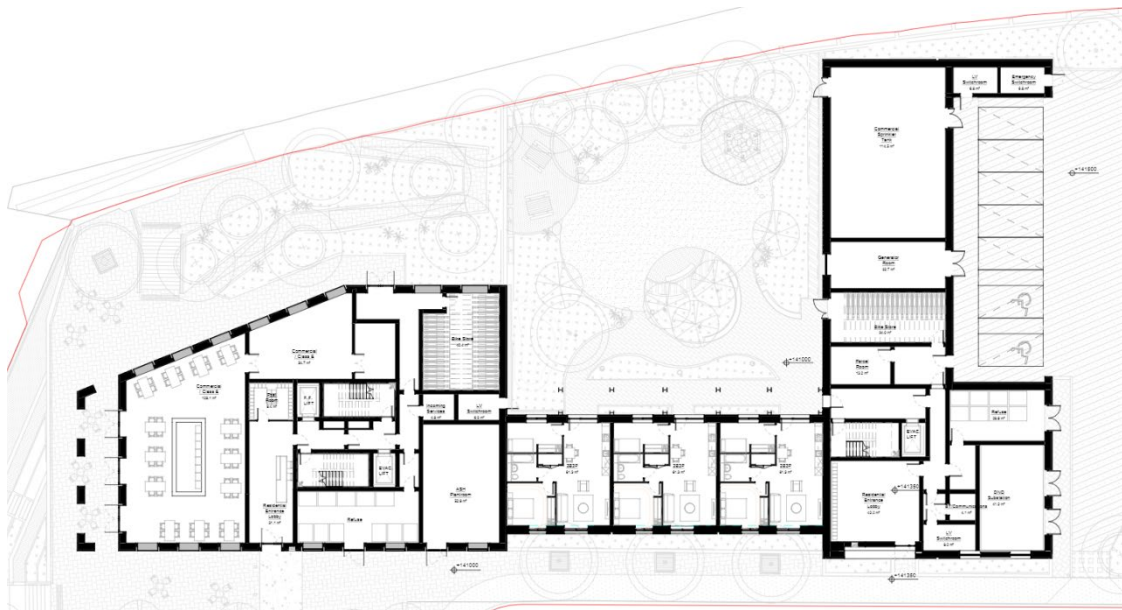
1.7 In terms of cycle storage, 270no. lockable cycle storage racks are proposed, which would take the provision to 100%. A further 27no. visitor spaces are also proposed within this figure, with 4no. Cycle stands proposed within the external public realm for use of residents and visitors. The development can briefly be summarised within 3no. plots and these are summarised below:

1.8 Plot A: Plot A would sit to the western end of the site and would be bound by the Canal to its north and Icknield Square to the south. This plot would consist of 3no. blocks which would run north to south across the site, interlinked by smaller blocks, going east to west, to their southern end. The main blocks would be erected at 5no. storeys, while the link blocks would be erected at 4no. storeys; taking a sideways "E" shape formation.



(Proposed ground floor plan for Plot A).

- 1.9 To the ground floor of Plot A, a residents lounge/internal and an internal amenity area would be provided, to the site's north-east, an entrance lobby, refuse area, post/plant room and bike store are proposed. The remainder of the ground floors across the interlinked blocks, as well as the floors above, would comprise a number of one, two and three bed apartments. 7no. under croft car parking spaces are also proposed to the south-west of the western most block, accessed off Icknield Square.
- 1.10 Plot B1: This would be the tallest element of the site and would comprise a height of 10 storeys. This block would sit to the north-western corner of the site, adjacent to the Listed Bridge and would have a ground floor commercial space, as set out above. The ground floor would also comprise a plant room, refuse area, entrance lobby and bike store, with the upper levels comprising of apartments.



(Proposed ground floor of Plot B1 and B2).

- 1.11 Plot B2: Plot B2 would attach onto the taller block and would take on a similar form to the development at Plot A, comprising of a 4no. storey link block and a taller 6no. storey main block running east to west across the site. The ground floor would comprise of an entrance lobby, parcel room, bike store, plant space, refuse area and 7no. under croft parking spaces are proposed to the south-eastern most end of the block, accessed from Icknield Square to the west. The upper levels and the remainder of the ground floor would comprise of apartments.
- 1.12 The proposed apartments would meet or exceed the Nationally Described Space Standards and the proposed ground commercial space would act as ancillary retail unit, and is proposed to be Use Class E, potentially taking on the form of a local shop/coffee shop etc. with the end user to still be established.
- 1.13 The proposed 5no. storey apartment buildings have been designed to feature a warehouse style appearance, and are proposed to be erected in red brick, with grey pitched roofs, which would remain in keeping with nearby industrial buildings, most notably the Biddle and Webb warehouse sited to the south of the site. The units would feature metallic windows for added detailing, finished in a red colour, to contrast the brickwork and many of the units would further feature metallic balconies, as can be seen within the proposed CGI Image below.



(CGI 1 – Proposed view of apartments facing Port Loop).

- 1.14 The taller 10no. storey building is proposed as a marker building, and is again proposed in red brick, to tie in with the wider development. In order to provide this block with a vertical emphasis, vertical windows and elongated brick piers are proposed, with oxide red metallic balconies proposed for added detailing.



(CGI 2- 10-storey marker building).

- 1.15. Alongside the proposed residential led development, the applicant's also propose public realm works within the site, this would allow for improved landscaping throughout the site, allowing improved pedestrian access from Ickniel Square, through the site, and onto the Listed Roving Bridge which sits to the site's north-west, connecting onto the city centre and beyond. A new public plaza is proposed in the northwest corner of the site at the canal junction. This would be fronted by active uses at street level, on the southern side by residents' communal spaces and on the northern edge by 'public facing' uses within 'The Mill' building. The plaza would create public access between Ickniel Square and the main line canal towpath including the Grade II Listed footbridge over the Loop Canal, providing a direct connection to Port Loop. The works would see a new wall erected where the site and Listed Bridge meet, with an existing section of this wall proposed to be rebuilt, to allow for greater access.



(CGI 3 – Proposed view of public realm works opening out onto canal).

- 1.16. A number of highway improvements would also be carried out as a result of the proposals, and these would include:
- Ickniel Square/A4540 Ladywood Middleway Junction redesigned and narrowed to provide a continuous footway and gateway treatment to encourage slower speeds by vehicle traffic exiting the A4540 Middleway.
 - Cope Street/A4540 Ladywood Middleway Junction redesigned and narrowed to provide a continuous footway and gateway treatment to encourage slower speeds by vehicular traffic exiting the A4540 Middleway.
 - Upgrade of pedestrian crossings to Toucan crossings (dual use for pedestrians and cyclists) at A4540 Ladywood Middleway (Snell Park), and Ickniel Port Road (near Monument Road).
 - The review and implementation of Traffic Regulation Orders, and the erection of car club bays on Ickniel square.
- 1.17. The applicants are proposing a 10% provision of Affordable Housing, which would be delivered on site. This would be equally split between “First Home” Units (5%), discounted at 30% and Shared Ownership Units (5%), again discounted at 30%.



(CGI 4 – Proposed apartments facing onto Icknield Square).

1.18. The application has been submitted with the following supporting documentation:

- Design and access statement;
- Planning statement;
- Ecological impact and biodiversity net gain assessment;
- Daylight and sunlight report;
- Transport assessment;
- Framework travel plan;
- Noise assessment;
- Air quality assessment;
- Flood risk assessment and strategy;
- Residential standards statement;
- Ground investigation report;
- Sustainable construction statement;
- Townscape and visual assessment;
- Heritage statement;
- Landscape design statement;
- Fire statement;
- Arboricultural impact assessment;
- Archaeological assessment;
- Energy assessment;
- Infrastructure appraisal report;

- Unit mix report;
- Statement of community involvement;
- Lighting assessment;
- Topographical and utility survey; and
- Viability Assessment;

1.19. [Link to Documents](#)

2. **Site & Surroundings:**

- 2.1 The application relates to a derelict parcel of brownfield land sited to the western side of the city centre, within Ladywood. The site formally comprised of industrial works, with all existing buildings now being long cleared. This sits at 0.84ha in size and remains sited within the Greater Icknield Growth Area, as defined by the BPD. The site has a sideways, L-shape form and is bound by the Main Line Canal to its north, with the Port Loop residential site, further north, beyond the canal. The below plans shows the site in reference to the Port Loop site, reference as IPL, as well as the Edgbaston Reservoir and other major housing developments within the area, including Soho Wharf.
- 2.2. The eastern boundary of the site is also bound by the canal, with a railway line and industrial buildings sited further east. To the south of the site lie a number of industrial units, which also bound the site to its west.
- 2.3. To the northern corner of the site lies the Grade II Listed Roving Bridge, although the whole of the bridge itself doesn't sit within the site's red line boundary, a section of the canal wall does form part of the boundary for the site at its north-eastern most point and it is at this point where the proposed works to the retaining wall are proposed, as set out above.



(Site location plan in site context).



(Aerial Shot of site from Google Maps).

3. **Planning History:**

- 3.1. Where the site itself doesn't have any direct relevant planning history. From the above plan it can be seen that the site lies in close proximity to the Port Loop site, which has seen a number of applications approved for a large residential led regeneration scheme from 2013, until the present day. Many of the phases of the original 2013 consent have now been completed and are occupied, and consent is currently being sought from the Council for more phases of the approved outline scheme. A number of these are referenced below for reference:

Port Loop active and former applications:

- 3.2. 20/09/2013 - 2011/07399/PA - Outline planning application for demolition of buildings and a mixed use redevelopment of up to 1150 dwellings, retail, service, employment, leisure and non-residential institutions uses (Use Class C3, B1, A1, A2, A3, A4, A5, D1 & D2) of up to 6960 square metres (gross internal area) (including up to 2500 square metres of retail) (gross internal area) together with hotel and community facilities, open space, landscaping and associated works including roads, cycleways, footpaths, car parking and canal crossings. Change of use of industrial buildings fronting Rotton Park Street to leisure, retail and non-residential institutions (Use Class A1, A2, A3, A4, A5, B1, D1 & D2). Approved.
- 3.3. 22/11/17 – 2017/07024/pa - Reserved matters application for appearance, landscaping, layout and scale following outline planning permission 2017/04850/PA for the erection of 207 dwellings and 300sqm of Use Class A1-A5, B1a and D1 floor space together with associated internal roads, parking, landscaping and open space (Phase 1). Approved.
- 3.4. 24/10/2019 - 2019/06091/PA – reserved matters application for Phase 2A in respect to: appearance, landscaping, layout and scale following outline planning permission 2017/04850/PA. Approved.
- 3.5. 15/08/2020 - 2020/03360/PA - Reserved matters application for Phases 2B and 2C in respect to: appearance, landscaping, layout and scale following outline planning

permission 2017/04850/PA; comprising of up to 98 No. dwellings, within 7 residential blocks and associated car parking and landscaping works. Approved.

- 3.6. 2020/09983/PA - Reserved Matters application for Phases 3A and 3B in respect to: appearance, landscaping, layout and scale following Outline planning permission (2017/04850/PA) comprising of up to 98 no. dwellings at 2 and 3 storey level, alongside their associated car parking and landscaping works – approved.
- 3.7. 2023/06276/PA - Reserved Matters Application for Phases 11 and 12 in respect of: access, appearance, landscaping, layout and scale following outline planning permission 2022/00690/PA; comprising of 166 No. dwellings, ranging in scale from 2 - 4 storeys; and associated car parking, private and public realm, and landscaping works including a Multi-use Games Area (MUGA) – pending approval.
- 3.8. 2023/06332/PA - Reserved Matters Application for Phases 4A and 4B in respect of: access, appearance, landscaping, layout and scale following outline planning permission 2022/00690/PA; comprising of 331 apartments/town-houses across 2no. detached blocks, at up to 6 storeys in height, with ancillary commercial/community space. Together with associated car parking and landscaping works, including two new parks (Phase 3 Park and Phase 7 Park), and a new public footbridge – pending approval.
- 3.9. 2023/03205/PA - Reserved Matters Application for Phases 3A and 3B in respect of: access, appearance, landscaping, layout and scale following outline planning permission 2022/00690/PA; comprising of 89 No. dwellings and associated car parking and landscaping works – pending approval.
- 3.10. 2023/03206/pa - Reserved Matters Application for Phase 3C in respect of: access, appearance, landscaping, layout and scale following outline planning permission 2022/00690/PA comprising of 29 No. dwellings and associated car parking and landscaping works – pending approval.
- 3.11. 2023/06243/PA - Reserved matters application for Phase 3D in respect of: access, appearance, landscaping, layout, and scale pursuant to outline planning permission 2022/00690/PA; comprising of 31 No. dwellings and associated car parking and landscaping works – pending approval.

Listed Building Consent for adjacent Listed Rovers Bridge

- 3.12. 2023/08119/PA - Listed Building Consent for the demolition of the existing boundary wall adjacent to the listed Roving Bridge and remediation works to the bridge including the construction of new walling and parapet – pending approval.

4. **Consultation Responses:**

- 4.1. Network Rail – raise no objections and advise the applicant to submit further details to Network Rail.
- 4.2. National Highways – No comments.
- 4.3. West Midlands Police – Raise no objection and make a number of security related recommendations, which include the provision of on-site CCTV.
- 4.4. Birmingham Civic Society – Support the proposals, however, note the city wishes to see more affordable/three-bedroom units.

- 4.5. Canal and Rivers Trust – Raise no objections subject to the following conditions: no works to take place within 15m of canal wall, prior submission of a risk assessment for works carried out adjacent to canal, prior submission of towpath details, prior submission of a construction management plan, and prior submission of a surface water drainage system.
- 4.6. Sport England – Raises no objection and offers advice in reference to sporting facilities.
- 4.7. Transport Development – Raise no objections, subject to the applicant completing the following works:
- Icknield Square/A4540 Ladywood Middleway Junction redesigned and narrowed to provide a continuous footway and gateway treatment to encourage slower speeds by vehicle traffic exiting the A4540 Middleway.
 - Cope Street/A4540 Ladywood Middleway Junction redesigned and narrowed to provide a continuous footway and gateway treatment to encourage slower speeds by vehicular traffic exiting the A4540 Middleway.
 - Upgrade of pedestrian crossings to Toucan crossing (dual use) at A4540 Ladywood Middleway (Snell Park), and Icknield Port Road (near Monument Road).
 - The review and implementation of Traffic Regulation Orders, car club bays on Icknield square.
- Officers also recommend the following conditions: pedestrian visibility splays to be provided, secure and covered cycle storage to be provided and a car club to be set up, with allocated spaces provided on site. All works are to be carried out pre-occupation.
- 4.8. Regulatory Services – Recommend conditions in relation to: prior submission of a construction management plan, prior submission of a contamination remediation scheme, prior submission of a contaminated land verification report, prior submission of a noise insulation scheme for acoustic residential protection, prior submission of a noise insulation scheme for commercial noise, noise levels restriction for plant and machinery, and a restriction on the proposed Class E Use, including the restriction of opening hours.
- 4.9. Lead Local Flood Authority – raise no objections, subject to the addition of conditions to ensure the prior submission of a sustainable drainage scheme and an operation and management plan.

5. **Third Party Responses:**

- 5.1. Nearby residential and commercial premises, residents groups, Ward Councillors and MP consulted with site and press notices posted. 3no. responses were received setting out the below areas of concern:
- Concerns around lack of affordable units on site;
 - Number of car parking spaces still too high;
 - Lack of commitment to biodiversity;
 - Provision should be made for swifts;
 - Lack of consultation around development; and
 - Concerns about regeneration of area and impact upon existing residents.

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

- 6.1. National Planning Policy Framework (Relevant Sections):
- Section 8, Promoting Healthy and Safe Communities, Paragraphs 92, 93, 98, 99;

- Section 9, Promoting Sustainable Transport, Paragraphs 110, 111, 113;
- Section 11, Making Effective Use of Land, Paragraph 120;
- Section 12, Achieving Well-Designed Places, Paragraphs 126 – 135;
- Section 15, Conserving and Enhancing the Natural Environment, Paragraph 174;
- Section 15, Conserving and Enhancing the Historic Environment, Paragraphs 194-208.

6.2. Birmingham Development Plan 2017 (Relevant Policies):

- Policy PG3 (Place Making);
- Policy GA2 (Greater Icknield);
- TP1 Reducing the City's carbon footprint
- TP2 Adapting to climate change
- TP3 Sustainable construction
- TP4 Low and zero carbon energy generation
- TP6 Management of flood risk and water resources
- TP7 Green infrastructure network
- TP8 Biodiversity and Geodiversity
- TP9 Open space, playing fields and allotments
- TP12 Historic environment
- TP26 Local employment
- TP27 Sustainable neighbourhoods
- TP28 The location of new housing
- TP29 The housing trajectory
- TP30 The type, size and density of new housing
- TP31 Affordable Housing
- TP32 Housing Regeneration
- TP37 Health
- TP38 A sustainable transport network
- TP39 Walking
- TP40 Cycling
- TP44 Traffic and congestion management
- TP45 Accessibility standards for new development

6.3. Development Management DPD (Relevant Policies): relevant

- Policy DM1 (Air Quality);
- Policy DM2 (Amenity);
- Policy DM3 (Land Affected by Contamination, Instability and Hazardous Substances);
- Policy DM4 (Landscaping and Trees);
- Policy DM10 Standards for residential development;
- Policy DM14 (Transport Access and Safety);
- Policy DM15 (Parking and Servicing).

7. **Planning Considerations:**

Principle

- 7.1. The application site is 0.84 hectares in size and was previously used for Industrial purposes, though currently this lies as a vacant site. The site is situated within the Greater Icknield Growth Area, and under policy GA2 of the BDP, the site and its surrounding area have been earmarked to deliver 3,000 new homes, alongside local facilities and employment uses to support new sustainable neighbourhoods within the area. As a result of this policy, the wider area is currently undergoing substantial change. And nearby active developments include Icknield Port Loop, with the first

phase of this scheme being fully built out and occupied, and later phases under construction, this development seeks to establish a large housing scheme with over 1,200 new homes having been consented for this site, as set out within section 3 of this report. A number of further phases for the Port Loop are also expected to be built out in the near future, and these are shown as pending consent within section 3 of this report. The application site itself is included within the Icknield Port Loop site allocation, and as such I deem the proposals for a housing led regeneration scheme appropriate for this site and in line with local policy.

Non-residential / commercial uses

- 7.2. The applicant has included an element of non-residential/commercial floor space to allow for up to 196sqm of commercial space to be provided within Use Class E, within the taller corner block of the scheme. The site itself is not located within or to the edge of any allocated Local Centre. However, a sequential test is still considered necessary for applications outside of local centres as identified in Policy TP21 of the BDP in accordance with paragraph 87 of the NPPF.
- 7.3. In this case however, it is noted that the floor space proposed is marginal in size and unlikely to act as a destination and this would rather work to act as an ancillary use for future residents of the site. It is also noted in addition to the small scale and ancillary nature of the proposals, policy GA2 of the BPD requires developments within this area to offer local facilities, as part of the larger housing led schemes coming forward within this area, in order to create sustainable neighbourhoods. This remains with the Port Loop site, which has a number of ancillary commercial and community uses approved as part of the development, despite this not being situated within a designated centre location. As such, given its limited floor space, as well as the proposed Use, which is Class E only, it is deemed that despite the lack of a sequential test, the proposed floor space be deemed as acceptable, given its ancillary nature and limited scale; as well as this being akin to similar developments within the area, most notably Port Loop and Soho Wharf.

Housing Mix

- 7.4. With regards to policy TP30 (The type, size and density of new housing) the submission proposes 38% 1 bed apartments and 56% 2 bed apartments and 6% three bed apartments. The Councils newly published Housing and Economic Development Needs Assessment (HEDNA) provides guidance on the mix of dwelling sizes, required in different parts of the city, and replaces the existing SHMA referred to in the policy. The application site is located at the outer extremities of the Central Sub-Area, and it is considered that the current mix is acceptable. None of the proposed one-bedroom units are suitable for only one person and they would comprise accommodation for 2, 3, 4 and 5 people, which is considered acceptable.

Affordable Housing

- 7.5. Policy TP31 states, "The City Council seek 35% affordable homes as a developer contribution on residential developments of 15 dwellings or more". The policy however also allows developers to submit a Financial Viability Appraisal (FVA) when they consider affordable housing of 35% cannot be provided on their respective scheme. Furthermore, the NPPF makes clear that viability is a material consideration in the assessment of a planning application.
- 7.6. The applicants are proposing a 10% provision of Affordable Housing, which would be delivered on site. This would be equally split between "First Home" Units (5%), discounted at 30% and Shared Ownership Units (5%), again discounted at 30%. The

offer would be formed from a mixture of unit types and sizes, allowing for a range of affordable units to be provided on site, suitable for a variety of households.

- 7.7. The submitted viability assessment has been examined by the Council's Viability Assessors and Officers. It has been concluded that the current offer of 10%, in the form of on-site, market discounted homes for both shared ownership and first homes would be the option with the greatest benefit to the city. The Affordable Housing Team supports this recommendation and advises that this is the best option for the city. The submitted appraisal takes into account the high quality of the development and the overall pressures around build costs, land valuations and other factors at play. As such I deem the current offer of 10% in the form proposed as acceptable and accept the case put forward by the applicant which suggests any greater offer would deem the scheme further unviable. These works are to be secured by way of a s106 agreement, suitable wording for which is attached. Subject to this agreement, I deem the scheme acceptable, in this regard.

Sustainable construction and low and TP4 zero carbon energy generation

- 7.5. Policy TP3 of the BDP requires applicants to ensure that developments be designed in ways that maximise energy efficiency, reduce energy consumption, minimise the use of carbon and can be resilient and adapt to the effects of climate change. Policy TP4 requires all new development to incorporate the provision of low and zero carbon forms of energy generation or connect into a network where it exists, unless it can be demonstrated that the cost of achieving this would make the proposed development unviable.

Sustainability

- 7.6. The submitted energy statement outlines that the scheme would maximise energy efficiency by using a fabric first approach to provide good insulation to limit heat loss through thermal bridging. Air Sourced Heat Pumps and a communal on-site heat network would be incorporated into the design to satisfy policy TP4 of the BDP which would result in a 39% reduction in CO2 against the building regulation baseline. In terms of sustainable construction, the applicant would source sustainable and locally produced products and manage in line with the waste hierarchy. The proposal would reduce water usage by using highly efficient products and would manage wastewater by utilising permeable paving and underground attenuation tanks. To further reduce energy demands 100% low energy lighting would be incorporated into the design of the scheme throughout. As such, the development is considered to meet the requirements of the above policies and a condition to secure details of these works, prior to occupation would be attached to any subsequent planning consent.

Design

- 7.7. Plot A is made up of 5-storey pitched roof blocks perpendicular to the loop canal and 4-storey flat-roof infill blocks fronting the street, creating a series of gables and spaces that create interest along the canal, whilst also maximising residents' views towards the water. The canal junction in the northwest part of the site is marked by a 10-storey 'mill' type building (plot B1) its location also minimises the potential for overshadowing impacts. This building has a chamfered form that follows the canal alignment and maintains clear pedestrian space adjacent to the water. A 6-storey building (plot B2) mirrors the historic form of the adjacent Biddle and Webb buildings along the main line canal and is connected to B1 by a lower 4-storey block.
- 7.8. A townscape and visual analysis have been included within the supporting Design and Access Statement and this demonstrates how the development would sit comfortably within the existing built form and its canal side setting. The Council's City Design

7.9. It is further noted that the Council's Greater Icknield Masterplan seeks to create continuous canal side access along the loop canal. The development would deliver significant public realm and access benefits by delivering a new public plaza and walking / cycling connection between the mainline canal and Icknield Square. This would thereby deliver large improvements to the canal side environment, which are seen as highly positive and of benefit to both existing and future residents of the site.

7.10. The application is accompanied by a Landscape Design Statement which sets out the design approach for public realm and private courtyard spaces. The public space in the northwest part of the site, referred to as Icknield Wharf, would connect the main line canal with Icknield Street and include landscaped terraces providing access to the loop canal water's edge. It would be edged with active uses: the marker building would have space for hospitality such as a coffee shop, grocery store or bakery at ground floor level opening on to Icknield Wharf and plot A residents' entrance would be off the public space. The brick piers of a bridge that used to cross the loop canal would be retained and mark a viewing area over the water. The general arrangement of the Icknield Wharf space appears acceptable.





(Proposed landscape plan for site – showing public realm).

- 7.11. The Landscape Design Statement shows the various types of surfacing, planting, and furniture to be used within the development. The Landscape Concept Plan and the Tree Planting Strategy diagram indicate street tree planting in front of plot A and plot B2 connecting blocks along Icknield Square. At Icknield Wharf, the CGI images show railings enclosing the upper-level terrace around buildings, all of which are deemed acceptable, subject to further details being submitted by way of condition.
- 7.12. The Design and Access Statement further explains the architectural rationale for the building design, referencing traditional local Canalside buildings, and bay study drawings are provided for the main building elevations. As well as character and visual interest, considerations include outlook, privacy, solar gain and preventing overheating. Buildings would be primarily faced with brick in red and purple tones based on building type and location, windows would have vertical proportions and would be set back within brick reveals, with brick detailing, ceramic spandrel panels and red metalwork balconies creating additional visual interest. I consider that the proposal seeks to create attractive buildings with a good level of architectural interest that complements traditional Canalside character. Building floor plans and typical apartment layouts have been submitted.
- 7.13. The apartments comply with adopted minimum space standards and the layouts appear to provide spaces that are functional with a good level of residential amenity. The proportion of dual aspect apartments within each block is relatively high, ranging from 50 – 59%, helping to provide natural light to interiors and views out. The proposed development, from a design, materiality and architectural approach perspective are deemed acceptable, subject to conditions to secure the prior approval of full architectural and material details, landscaping proposals, boundary treatments and all hard surfacing. With the addition of these conditions, I deem the application acceptable in this regard.

Conservation

- 7.14. The application includes works to the adjacent Listed Bridge, part of which sits on the site's north-western most boundary. The Grade II listed Roving Bridge spans the loop canal on the mainline towing path and is built from cast iron with brick ramps at either end. The City's Conservation Officer has stated that the significance of this structure derives from its relationship with the canal and as such, the proposed change to the

bridge's setting, in this instance would not be harmful to the structure, and as such in principle the proposed development is accepted in this regard.

- 7.15. The proposed works would however mean that appropriate works would need to be carried out to the bridge as existing. The proposals include the demolition of an existing revetment wall, which sits on the land side of the bridge, as approached from the city centre, and this would be replaced by a new parapet wall, in order to improve access. The proposed works although forming part of this consent, are also submitted under application reference: 2023/08119/pa, seeking Listed Building consent for the above-mentioned works.
- 7.16. For the purposes of this application however, it is considered that the existing revetment is integral to the bridge, however the proposed works, subject to the use of appropriate materials, bonding techniques and the submission of further details are deemed to be acceptable in principle. The applicant has further submitted further detail as to how these works would take place and where the appropriate materials would be sourced from. Based on this information, I am satisfied that the proposed works can be conducted to an appropriate standard, in order to not result in any undue harm to the Listed structure. I consider that the proposed works would rather work to ensure its optimum viable use for the long term. Para 208 of the NPPF states that: *Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.* In this case, I deem any harm resulting from the loss of this existing original fabric of the bridge to be less than substantial. I further consider that this harm would be outweighed by the public benefits of the scheme, which would see this structure retained for use for the foreseeable future. As such, subject to the use of the appropriate conditions, these works are deemed acceptable in this regard.

Amenity for future occupiers

- 7.17. Regulatory Services have reviewed the proposals and note that the development proposes the use of an Air Source Heat Pumps (ASHP). They have no objection to the use of this facility on site, subject to the addition of a condition to control background plant noise, an appropriate condition is thereby attached.
- 7.18. The development also proposes a ground floor commercial use. Regulatory Service Officers have no objection to the proposed commercial use, and its proposed use class being Class E, however, advise to restrict the operational hours of the development in this respect and an appropriate condition is attached. Officers also advise the use of a condition which would come into play, where a use for indoor sport, recreation or fitness, Creche, day nursery or day centre or for sale of food and drink for consumption on the premises is proposed, and the condition would state that these uses shall not commence until a noise assessment and noise mitigation scheme, details of any extract ventilation and odour control equipment and any proposed plant or equipment have been submitted and approved by the Council. I agree with this approach and a suitable condition is attached.



(CGI 6 – Proposed development from north-west of site, showing Listed Bridge in foreground and ground floor commercial unit within taller block).

- 7.19. The applicants have submitted a noise survey in support of the application. This was rejected by BCC Officers who requested that a more up to date survey be carried out, considering noise sources form industrial premises within close proximity of the site, most notably units on Cope Street, Steward Street and Eyre Street.
- 7.20. A further survey was thereby carried out by the applicants, which paid particular regard to these existing industrial units, and this found that these noise sources were not dominant in the context of the site, when taking into account railway and traffic noise and as such the result of the original survey remained largely unchanged. Officers deem the revised survey acceptable and raise no objections to the proposals from a noise perspective, subject to the addition of the following conditions which are attached: Prior submission of a noise insulation scheme for acoustic residential protection, prior submission of a noise insulation scheme for commercial noise and a noise level restriction for plant and machinery,
- 7.21. The submitted floor plans show all of the apartments as having a good level of light and outlook for future occupiers. The apartments also have floor spaces in excess of the Nationally Prescribed Space Standards for 1, 2 and 3 bed apartments.
- 7.22. The Birmingham Design Guide requires appropriate levels of outdoor amenity space for apartments. This is set at: 5sqm for 1-bed, 7sqm for 2-bed and 9sqm for 3-bed apartments, equating to circa 1,500sqm for the proposed development. The applicant is proposing circa 2,624sqm of private amenity space in the form of various private

landscaped courtyards, alongside internal amenity spaces, as well as the external projecting balconies. The proposals therefore exceed the required amenity figure, and it should also be noted that the development would deliver a vast amount of external public realm amenity space, which would also be on offer to future occupiers of the site. As such, based upon the above this element of the scheme is deemed acceptable.

Overlooking

- 7.23. The closest neighbouring occupiers of the site would be sited on the Port Loop site which sits to the site's north-west. Window to window separation distances would be circa 21m. Although below the guidelines, as set out within the Birmingham Design Guide, as these would be the rear windows for the residents on Port Loop and given that these would be sited across a canal with other forms of landscaping etc. the distances are deemed acceptable. It is also noted that these distances are on par with the existing situation between properties within the Port Loop site, which the current proposals could arguably be seen to be an extension of.

Daylight in neighbouring dwellings

- 7.24. The applicants have submitted a daylight/sun-light assessment, which considers the impact of the scheme on neighbouring properties at the Port Loop site. The report concludes that all of the existing properties, as well as those proposed in future phases, would all comply with the 25-degree line test and as such daylight and sunlight amenity to them would not be adversely affected from the proposed development. When looking at these results in greater detail, and when assessing daylight 89% of the windows facing the site would meet or exceed the BRE guidelines, whereby these would retain daylight levels at 80% or more, in line with BRE Guidelines. 10.no bedrooms however, or 11% of the total number of rooms would suffer a slight loss of daylight and have slightly lower levels of between 60%-79%, which is under the recommended guidance figure of 80%. However, these rooms would be first floor bedrooms, with the main living spaces at ground floor remaining unaffected. As such, on balance, I consider the proposals to be acceptable and further note that it is not uncommon for such levels of daylight for built up urban environments such as this site. It is also noted that the current daylight levels are higher than usual, owing to the vacant nature of the site and given the nominal decrease from the recommended 80% threshold, I deem the proposals to be acceptable.

Sunlight in neighbouring dwellings

- 7.25. All of the rooms facing the site would meet or exceed the required sunlight levels under the BRE Report guidelines, and as such would receive adequate levels of sunlight within the respective rooms. The report further concludes that adequate levels of daylight and sunlight would be achieved from the proposed apartments within the development itself, and where some of the ground floor units would have slightly lower levels, owing to their orientation, the spaces most affected would be kitchens, which can be artificially lit. The proposed courtyards and other outdoor amenity areas are deemed to also receive adequate levels of sunlight throughout the year and would not be overshadowed to the detriment of amenity. As such the proposals are deemed acceptable in this regard.

Highway safety/Parking

- 7.26. 14no. car parking spaces are proposed, equating to 6% provision. Given the site's sustainable location, in close proximity to bus and walking connections, this level is considered acceptable. The site offers 100% cycle storage provision. Transportation Development raise no objections, subject to the applicant completing the following works:

- Icknield Square/A4540 Ladywood Middleway Junction redesigned and narrowed to provide a continuous footway and gateway treatment to encourage slower speeds by vehicle traffic exiting the A4540 Middleway.
- Cope Street/A4540 Ladywood Middleway Junction redesigned and narrowed to provide a continuous footway and gateway treatment to encourage slower speeds by vehicular traffic exiting the A4540 Middleway.
- Upgrade of pedestrian crossings to Toucan crossing (dual use) at A4540 Ladywood Middleway (Snell Park), and Icknield Port Road (near Monument Road).
- The review and implementation of Traffic Regulation Orders, creation of appropriate car club bays on Icknield square.

Officers also recommend the following conditions: pedestrian visibility splays to be provided, secured and covered cycle storage to be provided and a car club to be set up, with allocated spaces provided on site. All works are to be carried out pre-occupation.

- 7.27. I agree with this approach and appropriate conditions are attached. The various works to existing infrastructure would allow for much needed improvements, allowing both pedestrian and cyclists to move more freely and safely between the site and the city centre and beyond. These works would therefore be beneficial for both future occupiers and existing neighbouring occupiers of the site and the wider area. The proposals are thereby deemed appropriate and are accepted in this regard. All works would be conditioned to be completed prior to occupation.

Air quality

- 7.28. The Air Quality Assessment considers both the construction and operational phases. Regulatory Services have no objection, and it is considered that the proposed development would comply with relevant air quality policy; subject to the addition of a condition requiring the prior submission of a construction management plan. I agree with this approach and an appropriate condition is attached.

Ecology

- 7.29. The submitted ecological and biodiversity net gain statement shows that the site has a current baseline Biodiversity figure of 0.72 habitat units and no hedgerow/linear units. The proposed development would comprise 12.27 habitat units through creating various new areas of habitat on site and 0.24 hedgerow units, resulting in a net gain of 0.55 units. This would be an increase of 76.65% for the habitat units and 41.46% for the hedgerow units. As such the metric shows an increase, exceeding the required 10% uplift within the biodiversity levels of the site, in line with the relevant clauses of the NPPF.
- 7.30. The Councils Ecologist raises no objections to the proposals and recommends the following conditions: prior submission of a scheme for biodiversity/ecological enhancement, prior submission of details of bird/bat boxes, prior submission of a construction ecological management plan, prior submission of a landscape ecology management plan and a condition which would ensure the use of a biodiversity roof for the flat roof areas of the development.
- 7.31. All of the above-mentioned conditions are noted, and I agree with the ecologist views as to their need and are appropriately attached. However, the condition relating to flat roofs has not been attached as the applicant has stated that the cost associated with the erection of such a roof, alongside the on-going maintenance would be of

considerable cost, making the scheme unviable. The applicant has also stated these costs would further impact the ability of the scheme to offer the level of affordable housing as presently proposed. As such, on balance, it is considered that although a biodiversity roof is desirable it is not essential to make the scheme before me acceptable, both on planning or ecology grounds; and rather, the focus I consider should be in ensuring that the scheme aims to enhance the Biodiversity of the site, which it is proposing to do so, while still retaining a good level of affordable housing provision. This approach is deemed acceptable and pragmatic and is considered to be the most beneficial to the city.

Trees

- 7.32. There are no trees on the site at present, however a number of new trees are proposed. A condition requiring the submission of a landscaping scheme is attached.

West-Midlands-Police

- 7.33. West Midlands Police have recommended the use of a suitable CCTV system, alongside a detailed lighting strategy. Suitable conditions are included.

Contaminated land

- 7.34. Regulatory services recommend the use of conditions which require the submission and approval of a ground investigation report and remediation scheme, prior to any works commencing on site. Appropriate conditions are included.

Flood risk and drainage

- 7.35. The LLFA raise no objections subject to conditions which would look to secure the prior submission of a sustainable drainage scheme and the prior submission of a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan. These conditions are attached.

Other matters

- 7.36. Canal and Rivers Trust have reviewed the proposals and have raised no objection, subject to the addition of a number of conditions. These are deemed both appropriate and proportionate given the schemes proximity to the canal and as such are attached.
- 7.37. Sport England have raised no objections to the proposals but have offered advice to state that if the development is proposing additional housing, the development should be assessed in terms of its impact upon existing sporting provision within the area and for the applicant to pay towards any shortfall, if this was found to occur as a result of the proposals. In this case however, the applicant has submitted a viability assessment which shows that the applicant isn't able to make any contribution towards sporting provision within the area and that any developer contribution in this case would be used towards the 10% affordable housing provision. I therefore deem this to be the right approach for the city and deem the application acceptable in this regard. It is also noted that a number of new sporting facilities including a MUGA have been secured as part of the adjacent Port Loop development, which would help meet any shortfall within the area.

Planning Obligations

- 7.38. The proposed development does not attract a CIL contribution.
- 7.39. The applicant has offered 10% of all units on site to be earmarked as affordable. This

would be in the form of discounted First Home units, at 30% discount below market value, alongside Shared Ownership Units, again to be discounted at 30% below market value. The 10% offer would be evenly split between these two housing types at 5% each. It is considered that the units on offer would be suitable for a range of people, from one person households, up to couples and families, given the inclusion of 3-bed units, in a sustainable location on the periphery of the city centre.

- 7.40. The submitted viability assessment has been examined by the Council's Viability Assessors and Officers. It has been concluded that the current offer of 10%, in the form of on-site, market discounted homes for both shared ownership and first homes would be the option with the greatest benefit to the city. The Affordable Housing Team supports this recommendation and advises that this is the best option for the city. The submitted appraisal takes into account the high quality of the development and the overall pressures around build costs, land valuations and other factors at play. As such I deem the current offer of 10% in the form proposed as acceptable and accept the case put forward by the applicant which suggests any greater offer would deem the scheme further unviable. These works are to be secured by way of a s106 agreement, suitable wording for which is attached. Subject to this agreement, I deem the scheme acceptable, in this regard.

Planning balance

- 7.41. As of 10th January 2022, the Council cannot demonstrate a five-year supply of deliverable housing sites. Consequently, Paragraph 11d) of the NPPF is engaged and the tilted balance applies for decision taking. NPPF paragraph 11 states that plans and decisions should apply a presumption in favour of sustainable development. For decision taking, paragraph 11 d) states that where the policies which are the most important for determining the planning application are considered out-of-date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Footnote 8 of the NPPF confirms that in considering whether the policies that are most important are indeed out-of-date, this includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.
- 7.42. This application presents an opportunity to redevelop this vacant site, within a mixed-use area, into a high-density apartment scheme, adding 234 residential units to the city's housing stock, at a time where we cannot demonstrate a 5-year housing supply. The site has very good links into the city centre, and it is noted that a more traditional housing scheme may not come forward given the site's location and the existing land values, as well as the Port Loop development adjacent to the site, which proposes a scheme of a similar nature. As such, it is considered that the current proposals provide a good opportunity for the site's redevelopment. The 234no. residential units, would be located within a growth area of the city and a large number of these would be suitable for couples and small to medium sized families, this combined with the public realm improvement works, as well as the addition of the affordable units which would be provided on-site, would outweigh any harm associated with the scheme and result in a development which would have numerous benefits for the city. I further cannot see any adverse impacts that the scheme would result to, which cannot be mitigated against, through the careful use of planning conditions. As such, subject to appropriate safeguarding conditions which are attached, I recommend the scheme for approval.



(CGI 7 – Proposed development seen in its existing context from Ladywood Middleway).

8. **Conclusion**

- 8.1. The application proposal would see the development of a vacant brownfield site, at the edge of the City Centre, at a high density, in order to provide a sustainable residential development. The development would see the erection of 234no. new homes, which would suit a range of future occupiers. The development is further seen to rationalise the site area and provide a good range of on-site private and public amenity space, with numerous public improvements. The proposals are further considered to offer a suitable level of car parking and the development would further use sustainable technology for onsite energy generation and offer EV charging points for future occupiers.
- 8.2. A detailed viability assessment has been considered as part of the proposals and following this, a suitable level of on-site affordable housing provision has been agreed. As such, the development proposals are recommended for approval and are considered to make a positive contribution to the city's aim of creating sustainable communities, in line with the BPD and the relevant sections of the NPPF. The council further is not able to demonstrate a 5-year housing land supply and in the absence of such a supply, I consider that the current scheme to be a sustainable form of development, with no undue adverse impacts which would outweigh the significant benefits of the scheme as set out within this report.

9. **Recommendation:**

- 9.1. That application APPROVED subject to the prior completion of a Legal Agreement to secure the following:
 - A. 10% affordable housing on site (24no. units) at 30% discount, with a proportionate mix of 1-, 2- and 3-bedroom apartments, with these being equally split between First Homes (5%) and Shared Ownership units (5%) being offered to qualifying occupiers.
 - B. Payment of a monitoring and administration fee associated with the legal agreement, subject to a maximum of £10,000.

- 9.2. In the absence of a suitable legal agreement not being completed to the satisfaction of the Local Planning Authority on or before 29th May 2024, or such later date as may be authorised by officers under powers hereby delegated, planning permission be refused for the following reasons:
- In the absence of any suitable legal agreement to secure the provision of onsite affordable housing, the proposal conflicts with Policies TP31 of the Birmingham Development Plan, the Affordable Housing SPG and the NPPF.
- 9.3. That the City Solicitor be authorised to prepare, seal and complete the appropriate legal agreement.
- 9.4. That in the event of a suitable legal agreement being completed to the satisfaction of the Local Planning Authority on or before 29th May 2024, or such later date as may be authorised by officers under delegated powers, planning permission be APPROVED, subject to the conditions listed below (that may be amended, deleted or added to providing that the amendments do not materially alter the permission).

-
- | | |
|----|--|
| 1 | Requires the prior submission of a contamination remediation scheme |
| 2 | Requires the submission of a contaminated land verification report |
| 3 | Requires the prior submission of a demolition method statement in relation to canal bridge |
| 4 | Requires the submission of sample walling |
| 5 | Requires the prior submission of a sustainable drainage scheme |
| 6 | Requires the prior submission of a Sustainable Drainage Operation and Maintenance Plan |
| 7 | Requires the submission and approval of external materials |
| 8 | Requires the submission and approval of architectural detailing |
| 9 | Requires the construction and approval of a sample panel on site |
| 10 | Requires the submission and approval of building & site level details |
| 11 | Requires the submission of hard and/or soft landscape details |
| 12 | Requires the submission of a landscape management plan |
| 13 | Requires the submission of a scheme for ecological/biodiversity/enhancement measures |
| 14 | Requires the prior submission of details of bird/bat boxes |
| 15 | Prior submission of a construction ecological management plan |
| 16 | Prior submission of a Landscape and ecology management plan |
| 17 | Limits the noise levels for Plant and Machinery |
| 18 | Requires the prior submission of noise insulation |
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|----|--|
| 19 | Requires the submission a Noise Insulation Scheme to establish residential acoustic protection |
| 20 | Prior submission of noise assessment for any future use where food and drink are consumed on site |
| 21 | Prior submission of further details should the approved Class E space be used for one of the following at any time: indoor sport, recreation or fitness, Creche, day nursery or day centre |
| 22 | Construction Management details to be submitted prior to commencement of works |
| 23 | Limits the hours of use |
| 24 | Implement within 3 years |
| 25 | Requires the submission of hard surfacing materials |
| 26 | Requires the submission of boundary treatment details |
| 27 | Requires the scheme to be in accordance with the listed approved plans |
| 28 | Requires the submission of a CCTV scheme |
| 29 | To ensure energy and sustainability measures are delivered in accordance with statement |
| 30 | Requires the submission of cycle storage details |
| 31 | Requires pedestrian visibility splays to be provided |
| 32 | Requires the submission and completion of works for the S278/TRO Agreement for the upgrade of 2no. existing crossings to form Toucan crossings |
| 33 | Requires the submission and completion of works for the S278/TRO Agreement for the upgrade of existing junctions and other works |
| 34 | Requires the provision of vehicle charging points |
| 35 | No works to take place within 15m of Canal without prior investiagtioin |
| 36 | Prior submission of a risk assessment and method statement in reference to safeguarding the canal |
| 37 | Prior submission of access details to canal towpath |
| 38 | Prior submission of SUDS in relation to the canal |
| 39 | Prior submission of a construction environment management plan in relation to the canal |
| 40 | Submission of details in relation to car club and car club parking bays |
-

Case Officer: Idris Gulfraz

Photo(s)

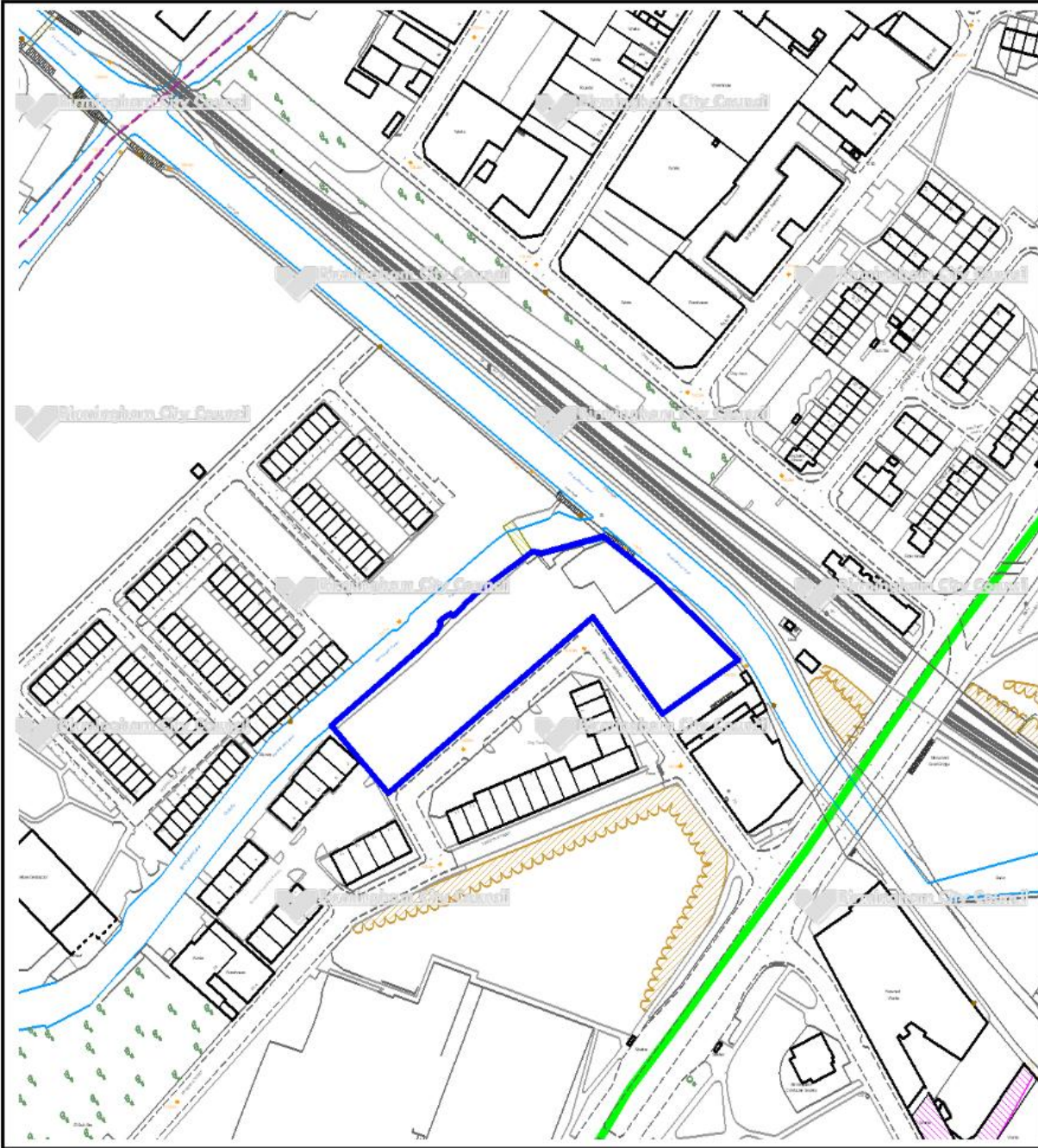


Site photo 1 – looking north-west from Icknield Square.



Site photo 2 – looking east from Icknield Square.

Location Plan



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Committee Date:	14/03/2024	Application Number:	2023/06888/PA
Accepted:	10/10/2023	Application Type:	Full Planning
Target Date:	15/03/2024		
Ward:	Sutton Walmley & Minworth		

WHS Plastics Ltd, Water Orton Lane, Sutton Coldfield, Birmingham, B76 9BG

Demolition of existing buildings and structures on site to facilitate the erection of a new industrial unit (Use Class B2) associated with battery technology for the production of electrically powered vehicles, canopy; ancillary storage and office use, re-profiling of site levels, part re-alignment of the existing earth bund, erection of 2 Silos, water sprinkler tanks, pump house, provision of photovoltaic roof panels, service yard including security barrier, associated parking including cycle shelters and landscaping (cross boundary application, only the proposed access within the Birmingham City Council boundary)

Applicant:	WHS Plastics Ltd Water Orton Lane, Minworth, Sutton Coldfield, Birmingham, B76 9BG
Agent:	Frampton Town Planning Ltd Oriel House, 42 North Bar, Banbury, OX16 0TH

Recommendation

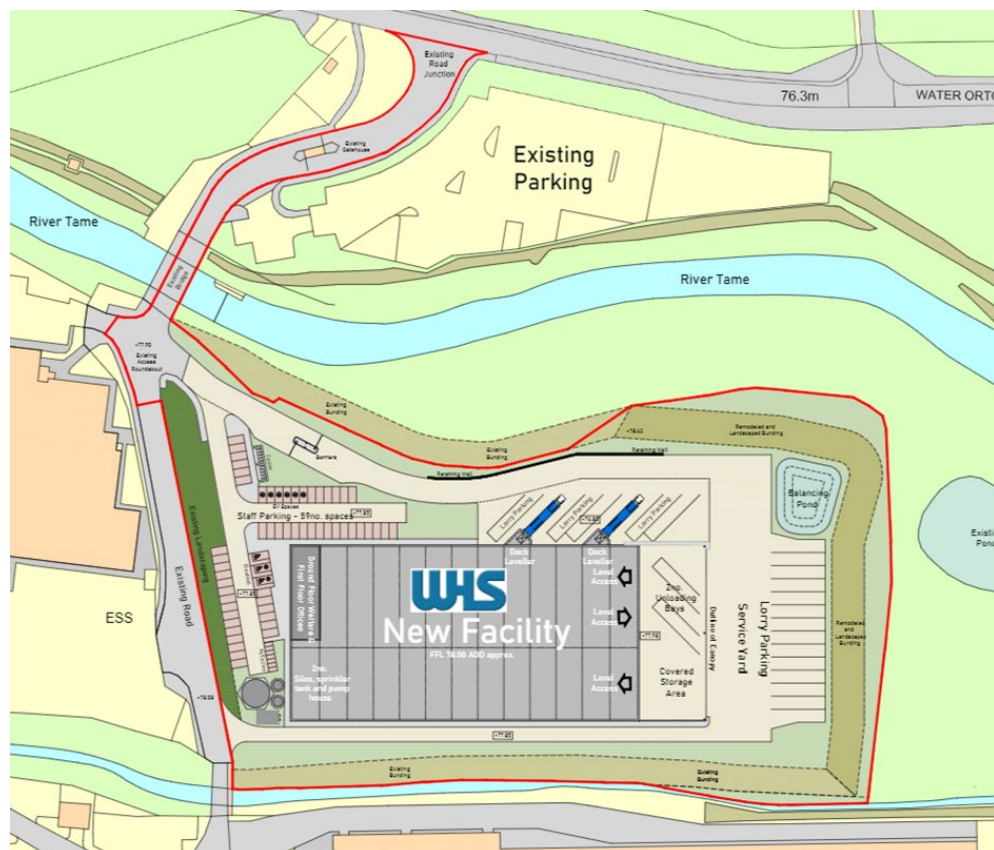
Approve Subject to a Section 106 Legal Agreement

1. Proposal:

- 1.1 This cross boundary planning application seeks permission for the demolition of the existing buildings and erection of an industrial unit (use class B2) to support an electric car manufacturing project for Jaguar Land Rover. The proposed industrial unit would be around 6000 square meters in footprint with a dimension of 53m by 112m. The overall height of the building is around 17.6m with a low-pitched roof together with solar panels on the southern side of the roof. The proposal is to build a purpose-built industrial unit to provide 64-80 million plastic parts for Jaguar and Land Rover for their electric car industry. Only the access road from Water Orton Lane to where it crosses the River Tame is within BCC boundary and subject to this application.
- 1.2 The proposal includes 59 onsite parking spaces in addition to service yards, loading/unloading bays and lorry park. The proposal also involves soft and hard landscaping together with associated works. A separate application (2023/06889/PA) has been submitted simultaneously seeking permission of the engineering works to enable the development.
- 1.3 The proposed industrial unit would operate 24/7 and would initially create 60 skilled jobs with potential for more in future.

1.4 The application accompanies following supporting statements/documents:

- Design and Access Statement
- Planning Statement
- Transport Assessment
- Statement of Community Involvement
- Energy and Sustainability Statement
- Ecological Appraisal
- Bat and Bird Survey
- Construction Traffic Management Plan
- Air Quality Assessment
- Flood Risk and Drainage Strategy
- Fire Statement
- Noise Impact Assessment



Proposed site plan

1.5 [Link to Documents \(2022/06888/PA\)](#)

2. **Site & Surroundings:**

- 2.1 The application site forms part of an existing industrial site within the Green Belt comprising four large industrial units and other buildings to the south of Water Orton Lane between the railway line to the south and Water Orton Lane to the north. The River Tame flows along the northern edge of the site. The majority of the site is located within North Warwickshire Borough Council (NWBC) outside the boundary of Birmingham City Council.
- 2.2 The area of the site is around 2.57 hectares of which 0.12 hectares is within the administrative area of Birmingham, i.e. only the access road off Water Orton Lane to where it crosses the River Tame.



2.3 [‘Site location’ \(google maps\)](#)

3. **Planning History:**

- 3.1 2018/01481/PA – Erection of factory building; approved 10/12/2019
- 3.2 2023/06889/PA - Engineering operations to facilitate the construction of new industrial unit comprising ground re-profiling, part realignment of existing earth bund, installation of storm and foul water drainage provision, demolition of existing buildings and structures (cross boundary application, only the proposed access within the Birmingham City Council boundary), submitted with the current application and under consideration.

4. **Consultation Responses:**

- 4.1 Transportation Development - No objection, subject to conditions requiring submission of a commercial travel plan and secure financial; contribution for installation of additional signage.
- 4.2 Regulatory Services – No objection
- 4.3 Environment Agency – Raise objection and asked for additional information.
- 4.4 Ecology – No objection
- 4.5 Lead Local Flood Authority – No objection
- 4.6 Canal and River Trust – No comments (outside the notified area)
- 4.7 Sutton Coldfield Town Council – No objection, but raised concerns over traffic generation, particularly HGVs using Water Orton Lane and the impact upon local residents
- 4.8 Active Travel England – No objection

5. **Third Party Responses:**

- 5.1 The application has been publicised by displaying site notice and publishing press notice. In addition, local occupiers, Ward Councillors, MP and resident associations were notified.
- 5.2 One representation has been received raised concerns about increased noise pollution and highway safety as well as disruption to neighbouring occupiers from constructions work.
- 5.3 Councillor Ken Wood requested conditions should planning application be approved. Conditions are construction to avoid Water Orton Lane, restrict noisy destruction/construction works, breaking up concrete floors, piling etc. and measures to control dust from demolition and construction works.

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

- 6.1 National Planning Policy Framework 2023
- 6.2 **Birmingham Development Plan 2017:**
 - PG3 Place making
 - TP1 Reducing the city's carbon footprint
 - TP2 Adapting to climate change
 - TP3 Sustainable construction
 - TP5 Low carbon economy
 - TP6 Management of flood risk and water resources
 - TP8 Biodiversity and Geodiversity
 - TP18 Regional investment sites
 - TP19 Core employment Areas
 - TP20 Protection of employment land
 - TP38 Sustainable transport network
 - TP39 Walking
 - TP40 Cycling
 - TP44 Traffic and congestion management
 - TP47 Developer contributions
- 6.3 **Development Management DPD:**
 - DM1 Air quality
 - DM2 Amenity
 - DM6 Noise and vibration
 - DM14 Transport access and safety
 - DM15 Parking and safety
- 6.4.1 **Supplementary Planning Documents & Guidance:**
 - Birmingham Design Guide, SPD
 - Birmingham Parking, SPD

7. **Planning Considerations:**

- 7.1 The majority of the site lies within North Warwick Borough Council (NWBC), who shall be the Local Planning Authority determining that part of the proposal. Only the site access from Water Orton Lane and where it crosses the River Tame is within BCC boundary and only this aspect has been considered here. A full planning application Ref. PAP/2023/0422 has already been approved by NWBC subject to no objection from the Environment Agency. BCC raised no objection as a neighbouring authority to this application. The access road is already used by vehicular traffic associated with the existing industrial complex and the impact on the Green Belt of this element would be acceptable.

Highways issues

- 7.2 The existing vehicular access off Water Orton Lane will be used without any modification to provide vehicular access to the site. The access and exit from WHS Plastics are only from the north/northwest, i.e. from the western end of Water Orton Lane /Kingsbury Road as the eastern end of Water Orton Lane/Minworth Road is not suitable for HGVs. There are Traffic Regulation Orders (TROs) at the entrance to the Water Orton Bridge (Grade II* listed) in the form of 7.5T weight restriction and 6ft 6inch (2m) width restriction. The Grade II* listed structure is labelled as a 'Weak Bridge' and it is not suitable for HGVs. There are similar TROs upon exit of the WHS Industrial Park in addition to road signage to direct all commercial traffic to the north-west toward Minworth and the A38. Therefore, it is not expected any HGVs will travel through Water Orton Village.
- 7.3 A Construction Traffic Management Plan (CTMP) in addition to a Transport Statement has been submitted with the planning application to ensure safe and efficient transport route for vehicles to access the site during the construction phase of the proposed development. The CTMP confirms that all construction LGVs and HGVs would entirely avoid the Water Orton Bridge, that means, such construction traffic would not travel through Water Orton Village. The CTMP also indicates that the construction traffic would avoid settlements and sensitive receptors (schools, retail areas) where possible which would help to minimise inconvenience and disruption to the local communities.
- 7.4 Transportation Development acknowledge that the proposal is likely to increase traffic, however they consider that the level of increased traffic is unlikely to be significant to have severe impact on surrounding highways and it is unlikely to intensify the use of the vehicular access off Water Orton Lane. The Transport Statement states that the proposal would include additional road signage/wayfinding as part of development proposal to benefit servicing and deliveries. This would help to minimise disruption and inconvenience to highways users.
- 7.5 Transportation Development raise no objection subject to a financial agreement in order to install additional road signage as well as a condition covering a commercial travel plan.

Drainage and Flooding

- 7.6 The access road is in flood zone 3 and is therefore at high risk of flooding, however there are no proposed modifications to this section of the road. The proposal would not involve any changes to the land or highways within the City Council's boundary. Therefore, the Birmingham LLFA consider that the proposed development would not increase flood risk in this location.
- 7.7 The Environment Agency have objected to the four relevant applications (2x in BCC and 2x in NWBC) and there are ongoing discussions between the EA, the applicant, their agent and flood risk consultant. However, and in light of the LLFA's comments, it is considered reasonable to determine this application. Consent is required from both BCC and NWBC to enable the development to go ahead. It should be noted that NWBC have approved their application subject to receiving a 'no objection' from the Environment Agency.

Ecology

- 7.8 An Ecological Impact Assessment (EclA) has been submitted in support of the planning application. Within the area of Birmingham City Council, the site comprises an existing road junction, gatehouse, internal access road and river crossing. These features are recorded in the EclA as hardstanding. The proposed development does not involve

any changes or alterations to the site within the Birmingham boundary. All the above ecological features within the Birmingham City Council's boundary would remain as existing, as such no ecological impacts are anticipated with the city boundary.

Other issues

- 7.9 Regulatory Services considered imposing a condition to minimise noise impact, in particular noise from door slams, unloading procedure, forklifts, reversing alarms, roller shutter doors etc especially during the night. They also raised concerns about 24 hours operation and consider there may be a requirement for a further noise assessment. However all of these activities are well within the administrative boundary of NWBC. It is for NWBC to consider any issues related to noise from plant and machinery and associated commercial activities including any noise and vibration issues during demolition and construction. Such conditions are not necessary as part of the application that falls within BCC.

Planning Obligation

- 7.10 The Transport Statement recognises that additional road signage is required to ensure highway safety and free flow of traffic. The additional wayfinding signage would assist with traffic management and reinforce that HGV traffic do not use Water Orton Lane (except of WHS Plastics, up to the site access). The applicant has agreed with the Council's Highway Engineers to contribute a sum of £8,750.00 for installation of two signs including maintenance cost for 30 years. The applicant agreed to provide a Unilateral Undertaking in this regard which would secure this contribution.

8. Conclusion

- 8.1 The access from Water Orton Road to where the road crosses the River Tame, which is within the Birmingham administrative control, would remain as existing although there is potential for increased traffic movement, in particular HGVs and LGVs. Considering the proposed development, the highways implications are unlikely to be significant than that what currently exists to affect the highway safety and free flow of traffic. The proposal is therefore considered acceptable subject to appropriate conditions and upon completion of a unilateral undertaking to secure a financial contribution towards highway signs.

9. Recommendation:

- 9.1 That application 2023/06888/PA be APPROVED subject to the prior completion of a Legal Agreement to secure the following:
- A financial contribution of £8,750 towards the provision of 2x highway wayfinding signs (including procurement, installation, commuted sums for maintenance and BCC Highways fees) prior to commencement of the development.
 - Payment of a monitoring and administration fee associated with the legal agreement of £1,500.
- 9.2 In the absence of a suitable legal agreement not being completed to the satisfaction of the Local Planning Authority on or before 7th May 2024, or such later date as may be authorised by officers under powers hereby delegated, planning permission be refused for the following reason:

In the absence of a suitable legal agreement to secure the provision of additional highway wayfinding signage, the proposal conflicts with Policy TP44 of the Birmingham Development Plan, Policy DM14 of the Development Management in Birmingham DPD 2021 and the NPPF.

- 9.3 That the City Solicitor be authorised to prepare, seal and complete the appropriate legal agreement.
- 9.4 That in the event of the planning obligation being completed to the satisfaction of the Local Planning Authority on or before 7th May 2024, or such later date as may be authorised by officers under delegated powers, favourably consideration be given to this application, subject to the conditions listed below (that may be amended, deleted or added to providing that the amendments do not materially alter the permission).

-
- 1 Implement within 3 years (Full)
 - 2 Requires the scheme to be in accordance with the listed approved plans
 - 3 Requires the submission of a commercial travel plan
-

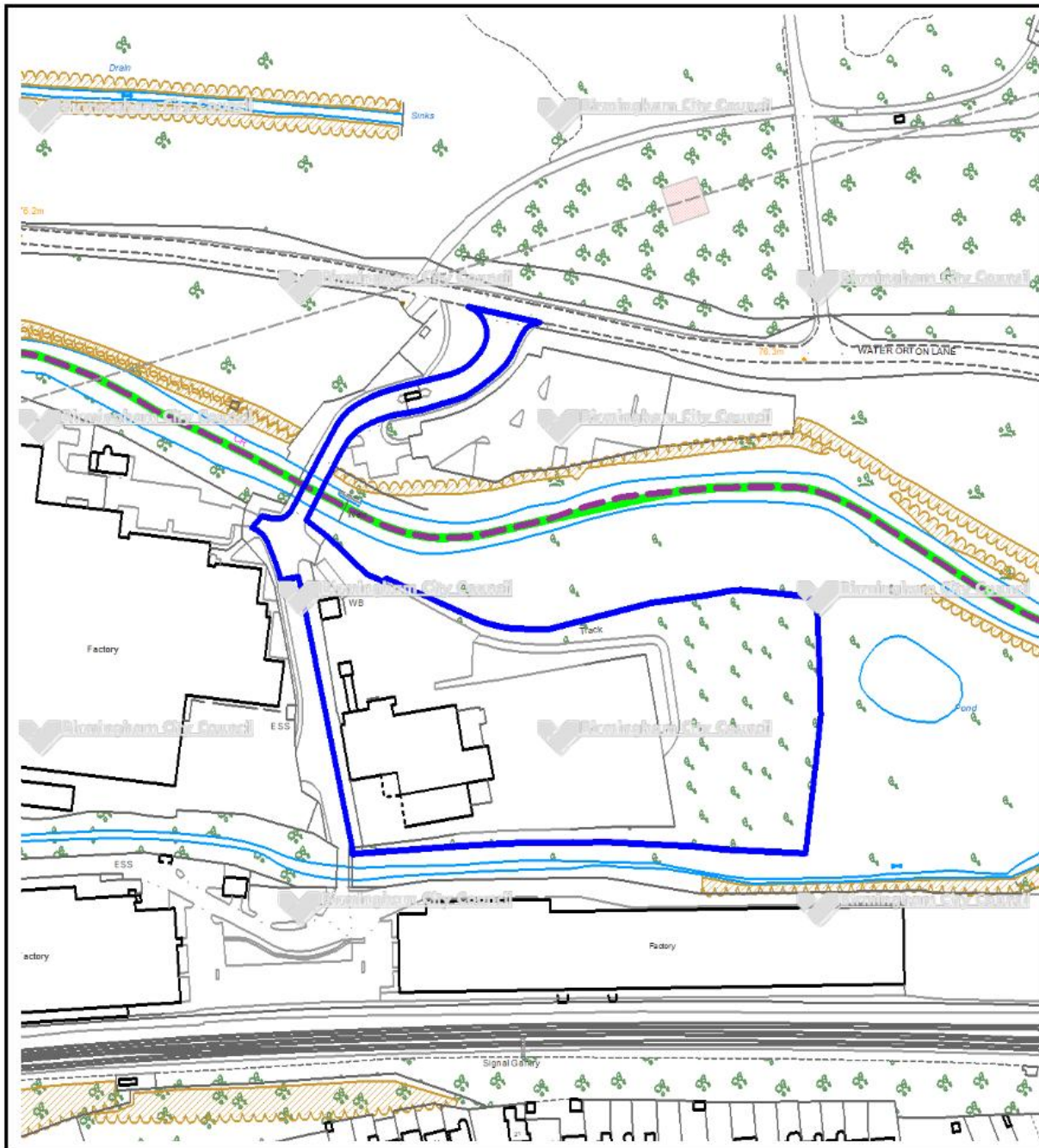
Case Officer: Shamim Chowdhury

Photo(s)



Entrance to the site from Water Orton Lane

Location Plan



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Committee Date:	14/03/2024	Application Number:	2023/06889/PA
Accepted:	10/10/2023	Application Type:	Full Planning
Target Date:	15/03/2024		
Ward:	Sutton Walmley & Minworth		

WHS Plastics Ltd, Water Orton Lane, Minworth, Sutton Coldfield, B76 9BG

Engineering operations to facilitate the construction of new industrial unit comprising ground re-profiling, part realignment of existing earth bund, installation of storm and foul water drainage provision, demolition of existing buildings and structures (cross boundary application, only the proposed access within the Birmingham City Council boundary)

Applicant:	WHS Plastics Ltd Water Orton Lane, Minworth, Sutton Coldfield, B76 9BG
Agent:	Frampton Town Planning Ltd Oriol House, 42 North Bar, Banbury, OX16 0TH

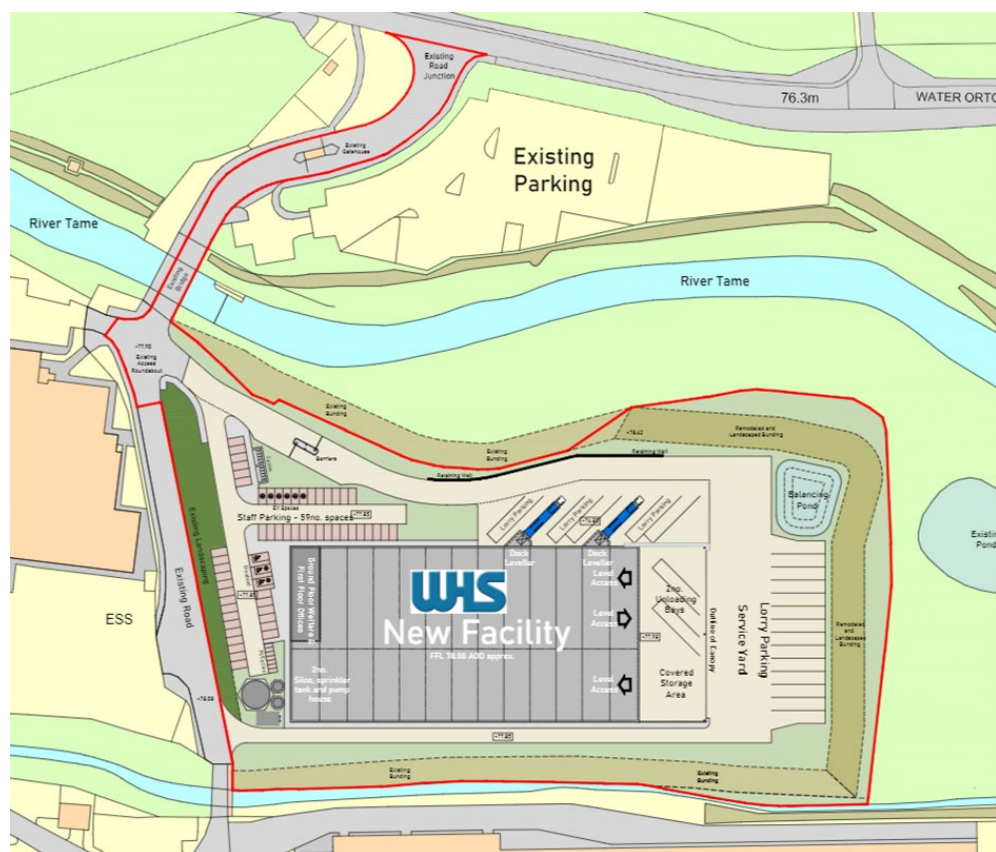
Recommendation

Approve subject to Conditions

1. **Proposal:**

- 1.1 This is cross boundary planning application seeks permission for engineering operations to facilitate the construction of new industrial unit comprising ground re-profiling, installation of storm and foul water drainage provision, demolition of existing buildings and structures and site clearance. The new industrial unit is to produce plastic parts of Jaguar Land Rover for their electric car manufacturing. Only the access road from Water Orton Lane to where it crosses the River Tame is within BCC boundary and subject to this application.
- 1.2 The proposed industrial unit would be around 6000 square meters in footprint with a dimension of 53m by 112m. The overall height of the building is around 17.6m with a low-pitched roof together with solar panels on the southern side of the roof. The purpose of the engineering works planning application due to the time demands from the end user for when they need the building. The engineering application offers the opportunity to approve the engineering works ahead of the building application (should there have been any issues with that building etc. to resolve) and allow WHS Plastics to make a start on site ahead of the approval of the building application.
- 1.3 A separate planning application (2023/06888/PA) has been submitted simultaneously seeking permission for the proposed development of the industrial unit and associated works.
- 1.4 The application accompanies following supporting statements/documents:

- Design and Access Statement
- Planning Statement
- Transport Assessment
- Statement of Community Involvement
- Energy and Sustainability Statement
- Ecological Appraisal
- Bat and Bird Survey
- Construction Traffic Management Plan
- Air Quality Assessment
- Flood Risk and Drainage Strategy
- Fire Statement
- Noise Impact Assessment



Proposed site plan

1.5 Link to [Documents](#) (2022/06889/PA)

2. **Site & Surroundings:**

- 2.1 The application site forms part of an existing industrial site within the Green Belt comprising four large industrial units and other buildings to the south of Water Orton Lane between the railway line to the south and Water Orton Lane to the north. The River Tame flows along the northern edge of the site. The majority of the site is located within North Warwickshire Borough Council (NWBC) outside the boundary of Birmingham City Council.
- 2.2 The area of the site is around 2.57 hectares of which 0.12 hectares is within the administrative area of Birmingham, i.e. only the access road off Water Orton Lane to where it crosses the River Tame.



2.3 [‘Site location’ \(google maps\)](#)

3. **Planning History:**

- 3.1 2018/01481/PA – Erection of factory building; approved 10/12/2019
- 3.2 2023/06888/PA - Demolition of existing buildings and structures on site to facilitate the erection of a new industrial unit (Use Class B2) associated with battery technology for the production of electrically powered vehicles, canopy; ancillary storage and office use, re-profiling of site levels, part re-alignment of the existing earth bund, erection of 2 Silos, water sprinkler tanks, pump house, provision of photovoltaic roof panels, service yard including security barrier, associated parking including cycle shelters and landscaping (cross boundary application, only the proposed access within the Birmingham City Council boundary), submitted with the current application and under consideration.

4. **Consultation Responses:**

- 4.1 Transportation Development - No objection, subject to conditions requiring submission of a commercial travel plan and secure financial; contribution for installation of additional signage.
- 4.2 Regulatory Services – No objection
- 4.3 Environment Agency – Raise objection and asked for additional information.
- 4.4 Ecology – No objection
- 4.5 Lead Local Flood Authority – No objection
- 4.6 Canal and River Trust – No comments (outside the notified area)
- 4.7 Sutton Coldfield Town Council – No objection, but raised concerns over traffic generation, particularly HGVs using Water Orton Lane and the impact upon local residents
- 4.8 Active Travel England – No objection

5. **Third Party Responses:**

- 5.1 The application has been publicised by displaying site notice and publishing press notice. In addition, local occupiers, Ward Councillors, MP and resident associations were notified.
- 5.2 One representation has been received raised concerns about increased traffic in particular impact and disruption from construction traffic. The representation also requested for adequate road signage for HGVs and construction traffic to use Minworth Parkway.

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

6.1 National Planning Policy Framework 2023

6.2 **Birmingham Development Plan 2017:**

- PG3 Place making
- TP1 Reducing the city's carbon footprint
- TP2 Adapting to climate change
- TP3 Sustainable construction
- TP5 Low carbon economy
- TP6 Management of flood risk and water resources
- TP8 Biodiversity and Geodiversity
- TP18 Regional investment sites
- TP19 Core employment Areas
- TP20 Protection of employment land
- TP38 Sustainable transport network
- TP39 Walking
- TP40 Cycling
- TP44 Traffic and congestion management
- TP47 Developer contributions

6.3 **Development Management DPD:**

- DM1 Air quality
- DM2 Amenity
- DM6 Noise and vibration
- DM14 Transport access and safety
- DM15 Parking and safety

6.4.1 **Supplementary Planning Documents & Guidance:**

- Birmingham Design Guide, SPD
- Birmingham Parking, SPD

7. **Planning Considerations:**

- 7.1 The majority of the site lies within North Warwick Borough Council (NWBC), who shall be the Local Planning Authority determining that part of the proposal. Only the site access from Water Orton Lane and where it crosses the River Tame is within BCC boundary and only this aspect has been considered here. A full planning application Ref. PAP/2023/0422 and application for engineering works Ref. PAP/2023/0421 have already been approved by NWBC subject to no objection from the Environment Agency. BCC raised no objection as a neighbouring authority to this application. The access road is already used by vehicular traffic associated with the existing industrial complex and the impact on the Green Belt of this element would be acceptable.

Highways issues

- 7.2 The existing vehicular access off Water Orton Lane will be used without any modification to provide vehicular access to the site. The access and exit from WHS Plastics are only from the north/northwest, i.e. from the western end of Water Orton Lane /Kingsbury Road as the eastern end of Water Orton Lane/Minworth Road is not suitable for HGVs. There are Traffic Regulation Orders (TROs) at the entrance to the Water Orton Bridge (Grade II* listed) in the form of 7.5T weight restriction and 6ft 6inch (2m) width restriction. The Grade II* listed structure is labelled as a 'Weak Bridge' and it is not suitable for HGVs. There are similar TROs upon exit of the WHS Industrial Park in addition to road signage to direct all commercial traffic to the north-west toward Minworth and the A38. Therefore, it is not expected any HGVs will travel through Water Orton Village.
- 7.3 A Construction Traffic Management Plan (CTMP) in addition to a Transport Statement has been submitted with the planning application to ensure safe and efficient transport route for vehicles to access the site during the construction phase of the proposed development. The CTMP confirms that all construction LGVs and HGVs would entirely avoid the Water Orton Bridge, that means, such construction traffic would not travel through Water Orton Village. The CTMP also indicates that the construction traffic would avoid settlements and sensitive receptors (schools, retail areas) where possible which would help to minimise inconvenience and disruption to the local communities.
- 7.4 Transportation Development raise no objection and the financial contribution towards the 2 wayfinding highway signs are covered under 2023/06888/PA.

Drainage and Flooding

- 7.6 The access road is in flood zone 3 and is therefore at high risk of flooding, however there are no proposed modifications to this section of the road. The proposal would not involve any changes to the land or highways within the City Council's boundary. Therefore, the Birmingham LLFA consider that the proposed development would not increase flood risk in this location.
- 7.7 The Environment Agency have objected to the four relevant applications (2x in BCC and 2x in NWBC) and there are ongoing discussions between the EA, the applicant, their agent and flood risk consultant. However, and in light of the Birmingham LLFA's comments, it is considered reasonable to determine this application. Consent is required from both BCC and NWBC to enable the development to go ahead. It should be noted that NWBC have approved their application subject to receiving a 'no objection' from the Environment Agency.

Ecology

- 7.8 An Ecological Impact Assessment (EclA) has been submitted in support of the application. Within the area of Birmingham City Council, the site comprises an existing road junction, gatehouse, internal access road and river crossing. These features are recorded in the EclA as hardstanding. The proposed development does not involve any changes or alterations to the site within the Birmingham boundary. All the above ecological features within the Birmingham City Council's boundary would remain as existing, as such no ecological impacts are anticipated with the city boundary.

Other issues

- 7.9 Regulatory Services considered imposing a condition to minimise noise impact, in particular noise from engineering works, unloading procedure, forklifts, reversing alarms etc. It is acknowledged that demolition and construction work and associated engineering activities would generate a certain level of noise and disruption within the immediate vicinity. However, all of these activities are well within the administrative

boundary of NWBC. It is for NWBC to consider any issues related to noise from plant and machinery in association with engineering works including any noise and vibration. Therefore, such conditions are not necessary as part of the application that falls within BCC.

8. **Conclusion**

- 8.1 The proposed engineering works will take place within the administrative control of North Warwickshire Borough Council (NWBC). The access from Water Orton Road to where the road crosses the River Tame, which is within the Birmingham administrative control, would remain as existing although there is potential for increased traffic movement, in particular HGVs and LGVs. Considering the proposed development, the highways implications are unlikely to be significant than that what currently exists to affect the highway safety and free flow of traffic. The proposal is therefore considered acceptable subject to appropriate conditions.

9. **Recommendation:**

- 9.1 The application is recommended for approval subject to conditions.

1 Implement within 3 years (Full)

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

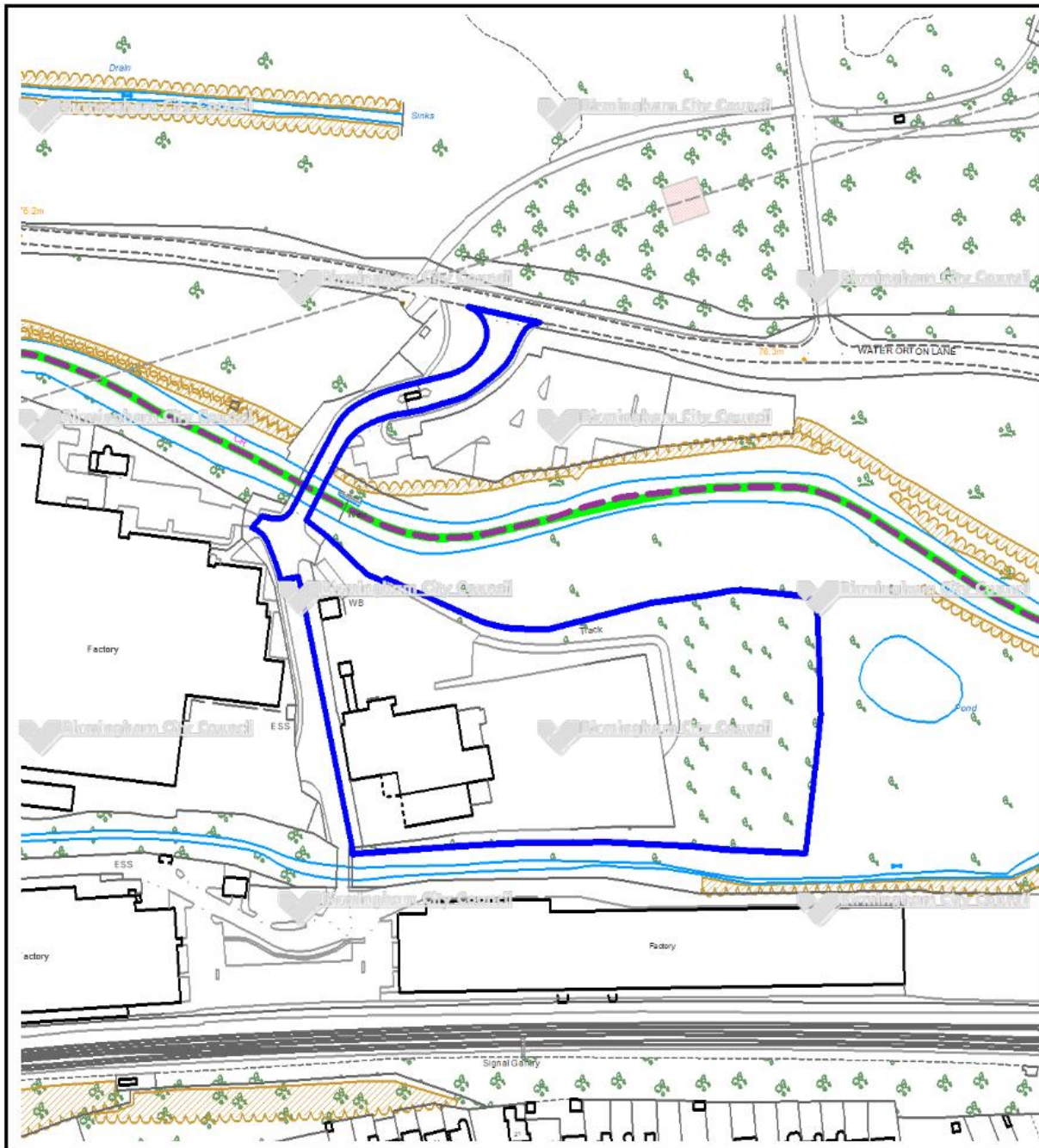
Case Officer: Shamim Chowdhury

Photo(s)



Entrance to the site from Water Orton Lane

Location Plan



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Birmingham City Council

Planning Committee

14 March 2024

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Refuse	10	2023/05239/PA The Bowling Club 129 Wychall Lane Kings Norton Birmingham B38 8AH Full application for the change of use of bowling club (Sui Generis) to residential (C3) forming 9no. apartments and associated works
Approve – Subject to 106 Legal Agreement	11	2023/07517/PA The Beeches 76 Selly Oak Road Bournville Birmingham B30 1LS Change of use from Hotel/Conference Centre (Use Class C1) to a residential use (Use Class C3) consisting of 21 affordable rent apartments.

Committee Date: 14/03/2024 Application Number: 2023/05239/PA
 Accepted: 06/09/2023 Application Type: Full Planning
 Target Date: 01/11/2023
 Ward: King's Norton North

The Bowling Club, 129 Wychall Lane, Kings Norton, Birmingham, B38 8AH

Full application for the change of use of bowling club (Sui Generis) to residential (C3) forming 9no. apartments and associated works

Applicant: Wexham Homes Ltd
 c/o Arcitek Building Design Ltd, Office 2 Anglia House, 21 Hamburg Way, Kings Lynn, PE30 2ND
 Agent: Arcitek Building Design Ltd
 Anglia House, 21 Hamburg Way, North Lynn Industrial Estate, King's Lynn, PE30 2ND

Recommendation

Refuse

1. Proposal:

- 1.1 This application seeks permission for a change of use of a bowling club (sui generis) to residential (Use Class C3) forming 9no. apartments and associated works at The Bowling Club, 129 Wychall Lane, Kings Norton, B38 8AH.
- 1.2 The proposal would include:
- 7 x 1 bedroom apartments;
 - 2 x 2 bedroom apartments;
 - 22 car parking spaces;
 - Individual cycle stores; and
 - 1 bin store.
- 1.3 No extensions are proposed with primarily internal alterations required to the club house to support the conversion of the building into residential use. External alterations would include changes to existing fenestration and additional fenestration with matching materials proposed.
- 1.4 The bowling green would provide approximately 1452sqm of shared amenity/garden space as shown on the site plan.
- 1.5 No changes are proposed to the existing vehicular access apart from the additional of a sliding residents access gate.
- 1.6 The application is accompanied by the following supporting information:
- Site and location plan;

- Existing floorplans and elevations;
- Proposed floorplans and elevations;
- Planning design and access statement;
- Open space assessment;
- Flood risk assessment; and
- Lettings particulars, marketing materials and council tax information.

1.7 [Link to Documents](#)

1.8 This application is brought to Planning Committee in accordance with paragraph 9(K)(ii) of the scheme of delegation due to the Council having an interest in the application site land (owned by Housing Department and managed by Birmingham Property Services) and the LPA having received a public representation contrary to the officer recommendation.

2. **Site & Surroundings:**

2.1. The application site is located at 129 Wychall Lane, Kings Norton and comprises of a part one, part two storey building and an additional single storey within a car parking area alongside the main former bowling green club house. The bowling green itself lies to the rear of the former club house with an area of hardstanding alongside it.

2.2. The application site is approximately 5271sqm (0.53 hectares) in area with the site buildings occupying approximately 722sqm (0.07 hectares).

2.3. The immediate surrounding area is primarily residential in nature with residential properties directly opposite the application site on Wychall Lane to the north, to the south on Marbury Close and on Nortune Close to the east. The area is largely characterised by a mix of detached, semi-detached and small rows of terraced two storey houses. To the west of the site lies The Fairway Day Centre providing disability services and support. In the wider context, there is a small parade of local shops and amenities on Popes Lane and the St Thomas Aquinas Catholic School is also nearby.

2.4. Kings Norton Green is the nearest neighbourhood centre and primary shopping area to the application site, lying some 1.5km distant and local buses services are provided from Wychall Lane.

2.5. [Site Location Map](#)

3. **Planning History:**

3.1. 30/11/1990-1990/04473/PA; Extension to rear of private members bowling club; Approve subject to conditions

3.2. 17/04/1986-63751001; Retention of pavilion building; Approve subject to conditions

3.3. 15/06/1978-18723038; Use of land as scout activity area and erection of storage building; Approve subject to conditions

3.4. 06/06/1974-18723021; Car park; Approve

3.5. 28/09/1975-18723030; Pavilion; Approve

4. **Consultation Responses:**

- 4.1. *Transportation*- amendments requested; comments suggested a reduction in parking (currently 9 spaces required vs 22 proposed) to incorporate more practical parking layout to aid movement through the site
- 4.2. *Regulatory Services*-no objection subject to conditions relating to contamination, the provision of a construction method statement/management plan and provision of vehicle charging point
- 4.3. *City Design and Landscaping*-recommended refusal on adverse impacts to future occupier residential amenity as a result of poor-quality internal layout caused by the re-purposing of a leisure facility into residential
- 4.4. *Leisure Services*- the site is shown as a communal garden for residents use only and it is not considered that the benefits of such would clearly outweigh the loss of the bowling green asset therefore £75,000 compensation required for loss of the bowling green facility
- 4.5. *Trees*-no objection
- 4.6. *West Midlands Fire Service*-no objection
- 4.7. *Ecology*-no ecological information provided in support of the application; additional information required in the form of a Biodiversity Survey and Report, initially comprising a Preliminary Ecological Appraisal (PEA) and Preliminary Bat Roost Assessment
- 4.8. *Severn Trent*- no comments received
- 4.9. *Sport England*-no comments received

5. **Third Party Responses:**

- 5.1. A site notice was posted and neighbours and local ward councillors were consulted for the statutory period of 21 days.
- 5.2. A total of eight public representations have been received, submitted as 4 objections, three comments and one letter in support of the application.
- 5.3. In summary, the objections received raised the following concerns:
 - Small flats would be inappropriate;
 - Adverse impact on character;
 - Increase in traffic and car parking issues;
 - Noise and disturbance;
 - Loss of local communal/community space with a preference for retaining community use or community benefit;
 - Overlooking and loss of privacy; and
 - Inappropriate waste disposal.
- 5.4. In summary, the comments received raised the following:
 - Work should be carried out to a good standard;
 - A request was made to remove the conifers due to impacts on a nearby property; and
 - Traffic generation and car parking.

- 5.5. The letter received in support of the application commented that the proposal would result in a positive improvement to the area as the site currently results in anti-social behaviour issues in its current form.

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

6.1. **National Planning Policy Framework:**

- Section 2: Achieving Sustainable Development
- Section 4: Decision Making
- Section 5: Delivering a Sufficient Supply of Homes
- Section 8: Promoting Healthy and Safe Communities
- Section 11: Making Effective Use of Land
- Section 12: Achieving Well-Designed and Beautiful Places

6.2. **Birmingham Development Plan 2017:**

- PG3: Place Making
- TP1: Reducing the City's Carbon Footprint
- TP8: Biodiversity and Geodiversity
- TP9: Open Space, Playing Fields and Allotments
- TP27: Sustainable Neighbourhoods
- TP30: The Type, Size and Density of New Housing
- TP44: Traffic and Congestion Management
- TP47: Developer Contributions

6.3. **Development Management DPD:**

- DM2: Amenity
- DM10: Standards for Residential Development
- DM12: Residential Conversions and Specialist Accommodation
- DM14: Transport, Access and Safety
- DM15: Parking and Servicing

6.4. **Supplementary Planning Documents & Guidance:**

- Birmingham Design Guide (2022)
- National Design Guide (October 2019)
- DCLG Technical Housing Standards (2015)
- National Planning Practice Guidance (PPG)
- Car Parking SPD (2021)

7. **Planning Considerations:**

- 7.1. This application has been assessed against the objectives of the policies set out above.
- 7.2. The main considerations in the determination of this application are the principle of the development, visual amenity, residential amenity, ecology, and highway safety.

Five Year Housing Land Supply

- 7.3. Paragraph 11 of the NPPF states that plans and decisions should apply a presumption in favour of sustainable development. For decision taking, paragraph 11 d) states that where the policies which are the most important for determining the planning application are considered out-of-date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Footnote 8 of the NPPF confirms that in considering whether the policies that are most important are out-of-date, this includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.
- 7.4. The Birmingham Development Plan became five years old on 10th January 2022 and is currently being updated. In accordance with paragraph 75 of the NPPF, Policies PG1 and TP29 of the Birmingham Development Plan are considered out of date, and the Council's five-year housing land supply must be calculated against the Local Housing Need figure for Birmingham. Currently, the Council cannot demonstrate a five-year supply of deliverable housing sites. Consequently, paragraph 11d) of the NPPF is engaged and the tilted balance applies for decision taking.
- 7.5. The NPPF seeks to ensure the provision of sustainable development, of good quality, in appropriate locations and sets out a presumption in favour of sustainable development. It promotes high quality design and a good standard of amenity for all existing and future occupants of land and buildings. It encourages the effective use of land by utilising brownfield sites and focusing development in locations that are sustainable.
- 7.6. Section 11 of the NPPF refers to 'Making Effective Use of Land'. Paragraph 128 of the NPPF states that "planning policies and decisions should seek to "support development that makes efficient use of land" that takes into account a range of criteria including identified need for different types of housing; local market conditions and viability; local infrastructure and services; the prevailing character and setting; as well as the importance of securing well-designed, attractive and healthy places."
- 7.7. Policy PG3 of the BDP expects all new development to 'reinforce or create a positive sense of place' and make 'efficient use of land in support of the overall development strategy' and Policy TP27 states that "New housing in Birmingham is expected to contribute to making sustainable places, whether it is a small infill site or the creation of a new residential neighbourhood. All new residential development will need to demonstrate that it is meeting the requirements of creating sustainable neighbourhoods" which includes (but is not limited to) a wide choice of housing sizes, types and tenures and a strong sense of place with high design quality so that people identify with, and feel pride in, their neighbourhood.
- 7.8. Policy TP30 of the BDP states that proposals for new housing should seek to deliver a range of dwellings to meet local needs and support the creation of mixed, balanced and neighbourhoods and that account will be taken of the SHMA, whilst Policy DM12 of the DMB relates to the subdivision or conversion of properties into self-contained dwelling units.
- 7.9. This application proposes the change of use of a bowling green club house to 9 residential apartments through the conversion of the existing part one, part two-storey building along with an existing single storey building within the car park area and represents a form of brownfield development. Whilst the property lies approximately 1.5km from the nearest neighbourhood centre, local amenities and bus stops serving the city centre, Solihull, Longbridge and Frankley are available nearby therefore the application site is considered to be located in a sustainable location.

- 7.10. In considering the balance of the planning considerations set out above, it is considered that the proposed development would be of a brownfield site in a sustainable residential location therefore the broad principle of residential development of the site is considered acceptable. However, this is not considered to outweigh the harm caused by the extremely low housing density proposed, proposed housing mix and overall inefficient use of the land at this application site.
- 7.11. It is accepted that conversion can be a useful way of maximising efficient use of land. The application site is approximately 5271sqm (0.53 hectares) in area with a proposal of 9 apartments. This would result in a housing density of 17 dwellings per hectare and as such the proposal would not accord with Policy TP30 of the BDP which sets out the requirement for 50 dwellings per hectare in areas served well by public transport. This further highlights the inefficient use of land within this proposal contrary to Policies PG3 and TP30 of the BDP and the NPPF, in particular paragraph 128.
- 7.12. In terms of housing mix and making efficient use of land, the application site is vacant and appears to have been for some time. The site is not currently in residential use but appears to have included a flat at some stage as evidenced by the applicant submission document in the form of a council tax bill and also does lie within a predominantly residential area. It is acknowledged that the SHMA (and more recent HEDNA) indicates that accommodation of all sizes is required but that a higher proportion of 3 and 4-bedroom family accommodation is required in terms of housing need to 2031. It is also acknowledged that the proposal would bring back into use this existing building and that there would be no loss of additional dwellings/family size accommodation in this case. However, the proposal would include 1 and 2 bedroom flats rather than a wider more diverse housing mix which could be accommodated on this site and contribute towards meeting the objectives of the HEDNA and the BDP. As such the proposal would be contrary to Policies PG3, TP27 and TP30 of the BDP, as well as the NPPF, particularly paragraph 128 which seeks to ensure proposals make efficient use of land, taking into account the identified need for different types of housing.

Loss of the Bowling Green

- 7.13. The application site comprises of a former bowling green club house building with an associated building in the car park area, with the bowling green itself to the rear of the buildings. The proposal would result in the loss of the bowling green and the associated supporting buildings.
- 7.14. It is acknowledged that the applicant has provided an open space assessment in relation to neighbouring bowling clubs and whereas this does provide opportunities for latent demand to be taken up, Leisure Services nonetheless require compensation for loss of the facility at the application site which would go towards improving neighbouring sites as set out within the Council's Playing Pitch and Outdoor Sport Strategy. The loss of the bowling green facility in favour of residential amenity space is not considered to clearly outweigh this loss and compensation is required in this instance. Overall, however, subject to £75,000 in compensation to be agreed via section 106, the loss of the bowling green would be acceptable in this instance. The applicant has indicated within the submission that this level of compensation would be met in the event of an approval.

Visual Amenity

- 7.15. Along with the proposed change of use, the proposal includes some external works including to existing fenestration and some additional fenestration notably at ground floor level in both the main building and the smaller single storey building within the existing car park. Improvements and repairs are also proposed to the site's boundary

treatment. Matching materials are proposed for the external works and no extensions are proposed to accommodate the change of use sought.

- 7.16. Overall, the proposed change of use would result in minimal changes to the existing building and the appearance of the building would therefore be subject to the use of matching materials as proposed, the visual impacts of the proposal would be minimal in terms of any impacts to the existing street scene. The proposal would therefore be considered acceptable in terms of visual amenity in this instance with no adverse impacts on character.

Residential Amenity

- 7.17. The assessment of the proposal must take into consideration the amenity of any new occupiers and also the amenity of neighbouring occupiers.
- 7.18. The proposal would cause no breach of the 45 Degree Code over and above the existing situation.
- 7.19. The nine apartments are set out across the main building and a smaller building within the car park, with 7 x 1 bed properties and 2 x 2 bed properties. The apartments have gross internal areas (GIA) ranging from approximately 51sqm to 130sq m. The bedrooms range from approximately 11.5sqm to 19.2sqm. On this basis, the proposal is considered to meet the requirements of the DCLG Technical Housing Standards.
- 7.20. The distance to the rear boundary ranges from approximately 42m to 46m while the shortest distance from the eastern elevation would be approximately 16.5m. The proposal meets the required separation distances to the rear and to the east as set out in City Note LW-3.
- 7.21. The proposal includes approximately 1452sqm of garden space and would meet the requirements of the City Note LW-13 (Outdoor amenity space for residents) within the BDG although it is noted there is no delineation for individual, private amenity spaces in its current form.
- 7.22. Policies PG3 and TP27 of the BDP, Policies DM2, DM10 and DM12 of the DMB and Design Principles 13 and 15 relate to amenity and housing standards in some way. The National Design Guide (NDG) also states that well-designed places are based on a sound understanding of the features of the site and surrounding context; integrate into their surroundings; and are positively influenced by their context (Paragraph 39). It states that well designed homes provide good quality internal and external environments for their users, promoting health and wellbeing; relate positively to the private, shared and public spaces around them; and resolve the details of operation and serving (Paragraph 123).
- 7.23. The distance between the adjacent day care centre and the proposal ranges from approximately 6m to 7m, short of the required distance which could have some degree of an impact on the ground floor windows in the western elevation of the main building. Flats 1 and 2 would be partially impacted by this in terms of outlook however given the nature of the adjacent site to the west, it is unlikely that there would be any significant concerns with regards to overlooking. In isolation, this short separation distance would not necessarily in itself warrant a refusal on this basis.
- 7.24. Flats 2, 3, 5, 6 and 8 all have either high level windows in habitable rooms or small windows all of which raise concerns in relation to the provision of adequate daylight and/or lack of outlook. Furthermore, whilst each flat has its own entrance door, which

is welcomed, these do not face the public realm/Wychall Lane frontage and as such raises questions of natural surveillance and security.

- 7.25. The conversion of the former bowling club house building does limit the options available to enable the high quality residential accommodation new development is expected to provide whilst also limiting the legibility of the building as residential with no clear identity or definition between the public and private realms. The internal layout is considered to be driven by the conversion of the building, rather than a considered design that delivers '*a good quality internal environment*' as required by the NDG which could be achieved on the site.
- 7.26. Cumulatively, the short separation distance between the adjacent day centre and the western elevation of the main building, proposed window arrangements, the resulting loss of outlook and inadequate daylight and overall poor internal layout which would not provide an adequate level of amenity to all future residents.
- 7.27. The proposal would therefore be contrary to Policies PG3 and TP27 of the BDP, Policies DM2, DM10 and DM12 of the DMB and Design Principles 13 and 15, the NDG and the NPPF.

Highway Safety

- 7.28. The application site lies within Zone C as set out in the Car Parking SPD (2021).
- 7.29. The Car Parking SPD sets out that 1 space per unit is required where 1 and 2 bed apartments are proposed therefore 9 spaces would be required in this instance. Individual cycle storage is provided for each of the proposed apartments.
- 7.30. The proposal offers 22 car parking spaces which far exceeds the 9 spaces required. Whilst it is acknowledged that some visitor parking is beneficial where new residential units are proposed, in this case a reduction would be considered more appropriate with a more practical parking layout preferred including chevron spaces replaced with standard 90 degree spaces. This would result in fewer car parking spaces but would aid movement through the site.
- 7.31. The overprovision of car parking would result in an inefficient use of land and would encourage higher car ownership by design, in turn adversely impacting the sustainability of the proposed development and would not support the objectives of Policy TP1 of the BDP or Policy DM 15 of the DMB.
- 7.32. Amendments would also be required to the proposed sliding entrance gate in the event of an approval and would need to be set back at least 2.5m into the site, but preferably 5m, to ensure those entering do not obstruct the highway when gates are in operation.
- 7.33. In the current form the access/parking arrangements do not accord with Policies PG3, TP1 and TP44 of the BDP, Policy DM14 and DM15 and the NPPF and therefore this aspect of the proposal would be considered unacceptable in this instance.

Ecology

- 7.34. No ecological information has been submitted in support of this planning application and the planning application has not been supported by a BNG assessment, informed by Biodiversity Metric 4.0 calculations, because of the time the application has already been in the system and because it is a minor application, which does not become subject to BNG until April 2024.

- 7.35. Biodiversity net gain (BNG) is a way to contribute to the recovery of nature while developing land. It's an approach that aims to leave habitats for wildlife in a measurably better state than they were before development. BNG became a mandatory requirement as of 12th February 2024 for most major developments. It will also apply to small sites (minor applications) from April 2024. The application site is considered a small site. All developments (with certain exemptions) will need to deliver a minimum 10% BNG. If this cannot be delivered, then off-site land is expected to be used to meet the mandatory requirement. In advance of this mandatory requirement, development proposals are still be expected to deliver BNG consistent with national and local planning policy, and applicants should target the forthcoming mandatory requirement of 10% BNG.
- 7.36. It is considered that this site could potentially support nesting birds and roosting bats, and the site could provide habitat resources for a wider range of species and due to the nature of the proposed development this gives rise to concerns in terms of the potential to damage, destruct and/or disturb roosting or nesting sites of protected species. Furthermore, the change of use of the bowling green into residential gardens also has the potential to result in the loss of existing habitats.
- 7.37. In the absence of ecological information (for example a Biodiversity Survey and Report, initially comprising a Preliminary Ecological Appraisal (PEA) and Preliminary Bat Roost Assessment) within the submission, it is not possible to conclude that no harm would be caused and that legally protected species would not be impacted by the proposed development. The City Ecologist cannot support the application without reviewing the relevant surveys, subject to their contents. As such the proposal is considered unacceptable in terms of ecological matters in this instance contrary to Policies PG3 and TP8 of the BDP and the NPPF.

Other Matters

- 7.38. It is acknowledged that objections and comments have been received in relation to the proposal. The majority are covered within the report. It is also acknowledged that the matter of noise and disturbance was raised however the use would likely be less than that of a bowling club use.
- 7.39. The tree officer has been consulted and raised no concerns in relation to the proposal; any removal of trees causing disruption to neighbours would need to be addressed outside of the planning process.

8. Conclusion

- 8.1. Significant weight must be attached to the provision of an additional 9 residential units which would help boost supply. It is also acknowledged that the proposal would be located on a brownfield site which in itself is considered to be within a sustainable residential location.
- 8.2. Due to a lack of 5YHLS it has already been established that the tilted balance is engaged. It is however important to consider that the 5YHLS is set out in order to promote a sufficient supply of land for housing and to support housing delivery, with the provision of housing a clear and significant benefit.
- 8.3. In this instance, the Council's lack of 5YHLS position would be a missed opportunity by the proposal in providing so little on such a capable site and this proposal demonstrates that we should be optimising suitable sites.

- 8.4. In terms of the planning balance in this case, the balance takes into account that the development is proposed on a brownfield site in a sustainable residential location and would provide 9 residential units. However, this is considered against the low housing density proposed, a housing mix which doesn't support the wider objectives of the HEDNA and an overall inefficient use of the land from both a residential unit aspect and in terms of car parking. Furthermore, the proposed internal layout is considered to be driven by the conversion of the building, rather than a considered design and would not provide an adequate level of amenity to all future residents whilst the access/parking arrangements are unacceptable in current form and would adversely impact the sustainability of the proposed development. Finally insufficient ecology information has been submitted to demonstrate that the proposal would not cause harm to ecology and biodiversity.
- 8.5. On balance the proposal does not make optimum use of land with regards to wider objectives of BDP and NPPF and significant harm has been identified across a number of planning consideration in this instance.
- 8.6. At the heart of the NPPF is a presumption in favour of sustainable development (Paragraph 11) and, in this instance, the presumption in favour therefore does not apply as the adverse impacts of the development significantly and demonstrably outweigh the benefits and, therefore, the development does not constitute a sustainable form of development.
- 8.7. In conclusion, notwithstanding the need to continually boost housing supply, it is considered that the harm identified is unacceptable and therefore, the application is recommended for refusal.

9. **Recommendation:**

Refuse

Reasons for Refusal

-
- 1 The proposed housing density of 17 dwellings per hectare is an inefficient use of land that fails to maximise housing delivery contrary to Policies PG3 and TP30 of the BDP and paragraph 128 of the NPPF.
 - 2 By virtue of the significant number of 1 bed flats the proposed development fails to deliver a good mix of house types. There is an undersupply and evidenced demand in the City for family housing which the scheme fails to deliver and as such the proposal would be contrary to Policy TP30 of the Birmingham Development Plan 2017 and the National Planning Policy Framework.
 - 3 By virtue of a poor internal layout resulting in lack of daylight to internal spaces, poor outlook, poorly defined private space and compromised level of privacy for future occupiers would result in unacceptable levels of amenity for residents / occupiers. As such, the proposal would be contrary to Policies PG3 and TP27 of the Birmingham Development Plan 2017, Policies DM2, DM10 and DM12 of the Development Management in Birmingham DPD 2021, Design Principles DP13 and DP15 of the Birmingham Design Guide adopted as SPD 2022, the NDG and the NPPF.
 - 4 The access gate is considered unacceptable and the parking arrangements constitute an oversupply and a resulting inefficient use of land which would also promote unsustainable travel patterns contrary to Policies PG3, TP1 and TP44 of the BDP, Policy DM14 and DM15 and the NPPF.
-

-
- 5 The applicant had failed to provide any ecological surveys meaning that it is not possible to determine whether the development could occur without resulting in a net loss of biodiversity or unduly impacting on protected species. As such the proposal would be contrary to Policies PG3 and TP8 of the Birmingham Development Plan 2017, policy DM4 of the Development management in Birmingham DPD and the National Planning Policy Framework.
-

Case Officer: Christina Rowlands

Photo(s)



Side/front view



Front view

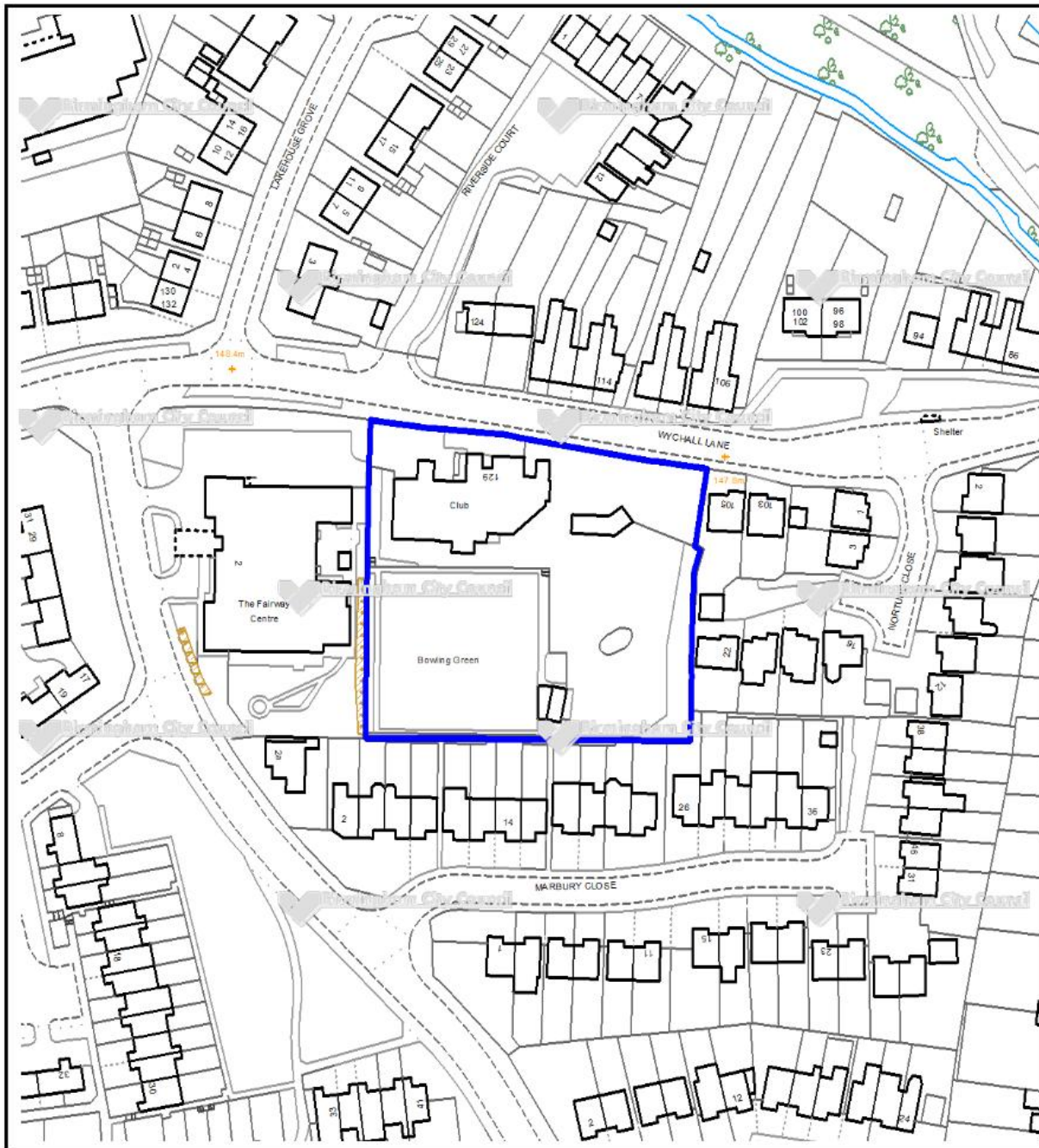


Bowling Green



View from the road

Location Plan



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Committee Date:	14/03/2024	Application Number:	2023/07517/PA
Accepted:	10/11/2023	Application Type:	Full Planning
Target Date:	12/04/2024		
Ward:	Bournville & Cotteridge		

The Beeches, 76 Selly Oak Road, Bournville, Birmingham, B30 1LS

Change of use from Hotel/Conference Centre (Use Class C1) to a residential use (Use Class C3) consisting of 21 affordable rent apartments

Applicant:	Spring Housing Association
	C/o Agent
Agent:	Pegasus Group
	5th Floor, 1 Newhall Street, Birmingham, B3 3NH

Recommendation

Approve Subject to a Section 106 Legal Agreement

1. **Proposal:**

- 1.1. Planning permission is sought to change of use of The Beeches Hotel and Conference Centre into 21 apartments (C3 use class). The apartments would be split across three main buildings across the site (known as Beeches, Moorlands and Conifers) and would be occupied by families currently living in temporary accommodation. The apartments will provide intermediate accommodation for families with all nominations coming via Birmingham City Council. The aim is that families will move on to longer-term accommodation, with support from the Council.

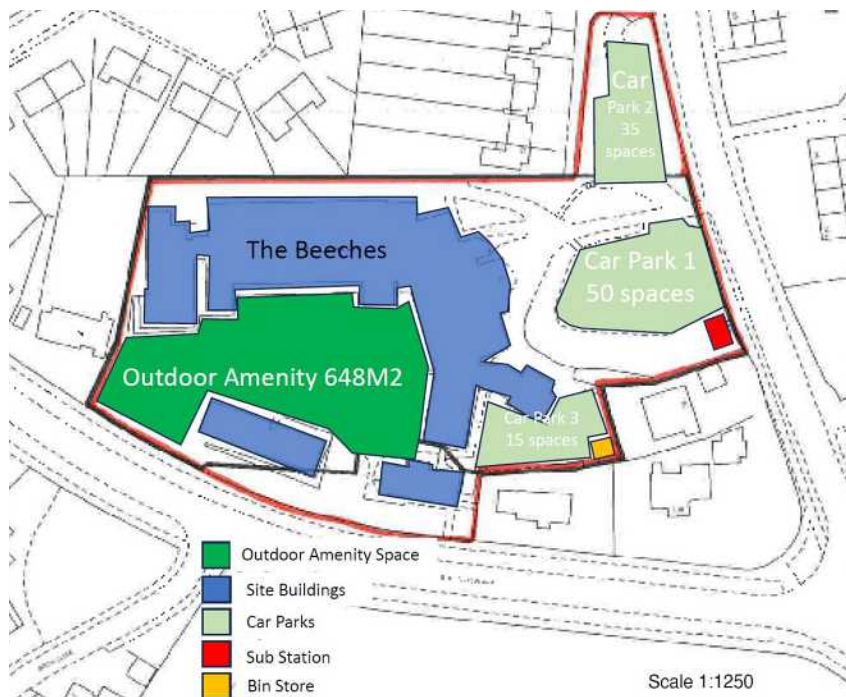


Image 1: Site Layout Plan

- 1.2. This scheme has been developed in partnership with Birmingham City Council (BCC) and the Bournville Village Trust (BVT). The lease arrangement with Spring Housing is for five years after which the site would return to BVT and the residential use would cease.
- 1.3. This is a 100% affordable rent scheme with the following mix of property sizes:
 - 15 x 2 bed; and
 - 6 x 3 bed;
- 1.4. There are a total of 100 car parking spaces spread across 3 car parks. A shared outdoor amenity area of 648sqm is proposed.
- 1.5. No external alterations are proposed.
- 1.6. The scheme was originally presented as a 26 apartment scheme however during the life of the application amended plans were submitted reducing the number of apartments to 21 so larger apartments could be provided which are more compliant with the Nationally Described Space Standards
- 1.7. [Link to Documents](#)
2. Site & Surroundings
 - 2.1. The application site comprises a cluster of buildings, last used as a hotel and conference centre. The main Beeches building is an attractive 3 storey early 20th century red brick building that is located in the heart of the site. The Beeches has been heavily extended on all sides with single and 2 storey additions. The Moorlands and Conifers buildings are located adjacent to Bournville Lane. The Conifers is a bungalow whilst the Moorlands is a dormer bungalow. The site is located on the corner of Selly Oak Road and Bournville Lane and is adjacent to Bournville Conservation Area.
 - 2.2. This considered to be a predominantly residential area. The character of the area is mixed, with bungalows characterising the area along Cedar Road, more traditional properties on Selly Oak Road and more modern properties on Bournville Lane. Opposite the site, across Bournville Lane, are Rowheath playing fields, beyond which is Rowheath Park and Hay Green Allotments.
 - 2.3. [site location](#)
3. Planning History
 - 3.1. None
4. Consultation
 - 4.1. Transportation Development – No objection subject to condition to provide cycle parking
 - 4.2. Regulatory Services – No objection subject to condition limiting noise levels for plant and machinery.
 - 4.3. West Midlands Police – No objection subject to conditions regarding CCTV, lighting and access controls.

- 4.4. West Midlands Fire Service – No objection.
- 4.5. Affordable Housing team – support for size and mix of accommodation.
- 4.6. Accommodation Finding Service – Support application, have been working with the applicant to secure accommodation for families currently living in B&B accommodation.
- 4.7. Planning Growth and Strategy – No objection
- 4.8. Leisure Services – Play facilities should be provided on site.
5. Third Party Responses:
 - 5.1. Neighbours, local ward councillors and MP were consulted for the statutory period of 21 days. The application was advertised through a site and press notice. 20 responses have been received raising the following concerns:
 - Bin storage too close to other houses raising odour concerns;
 - increased strain on local infrastructure and facilities;
 - Increased parking problems;
 - Alternative uses would be more appropriate e.g. community centre, market housing or permanent affordable housing
 - Adverse impact on the attractiveness of the area;
 - Increased crime and anti-social behaviour;
 - increase in the fear of crime;
 - Lack of public consultation;
 - Loss of privacy from additional window;
 - Increased noise and disturbance;
 - Laundry room is too close to neighbouring properties;
 - Drainage capacity concerns;
 - Local schools are already over-subscribed;
 - Local NHS services are already over-subscribed;
 - There are not supermarkets nearby;
 - Increased pressures on police; and
 - Doesn't benefit local residents;
 - 5.2. A petition against the application has been submitted with 146 signatures. The petition requests that the application is placed on hold until further public consultation is undertaken by the applicant and the applicant undertakes an impact assessment that assesses the operational Impact of the development, considers the support and supervision available for occupiers and considers community integration.
 - 5.3. 6 letters of support has been received raising the following points:
 - No impact on local services;
 - No impact on local roads with parking available on site;
 - Helps address housing needs;
 - Will support those in greatest need;
 - Assertions around increased crime and anti-social behaviour have no basis; and
 - Use fits well with the ethos of the Bournville area;
 - 5.4. One further comment has been received raising the following matter:
 - Swifts may be nesting in the building
6. Relevant National & Local Policy Context:

- 6.1. National Planning Policy Framework
Chapter 2 – Achieving Sustainable Development
Chapter 5 – Delivering a Sufficient Supply of Homes
Chapter 8 – Promoting Healthy & safe Communities
Chapter 9 – Promoting Sustainable Transport
Chapter 11 – Making effective Use of Land
Chapter 12 – Achieving Well Designed Places
- 6.2. Birmingham Development Plan 2017:
PG3: Placemaking
TP27: Sustainable Neighbourhoods
TP28: Location of New Housing
TP30: Type, Size and Density of new Housing
TP31: Affordable Housing
- 6.3. Development Management DPD:
DM2: Amenity
DM10: Standards for Residential Development
DM12: Residential Conversions and Specialist Accommodation
DM15: Parking and Servicing
- 6.4. Supplementary Planning Documents & Guidance:
Birmingham Design Guide SPD
Birmingham Parking SPD
7. Planning Considerations
- 7.1. Housing Land Supply
- 7.2. The Birmingham Development Plan which was adopted more than five years ago the Local Housing Need figure must be applied when calculating the five year housing land supply.
- 7.3. The Council's estimate of deliverable sites is 31,534 dwellings for 2023- 2028 (including windfall allowance). The Local Housing Need (LHN) target over the same period is 37,223 dwellings (including a 5% buffer). This equates to a 4.24 years supply and represents a shortfall against the LHN requirement.
- 7.4. As a result, the Council cannot demonstrate a five year housing land supply which means that the presumption in favour of development applies in accordance with Para 11d of the NPPF. The consequences of this are that the 'tilted balance' will be engaged for decision taking. This means that the assessment shifts from a neutral balance where the consideration is whether the harm outweighs the benefits to a tilted balance, where the harm would have to significantly and demonstrably outweigh the benefits justify the refusal of residential development. This assessment will take place towards the end of the report where significant weight will be placed on the delivery of 26 affordable dwellings.
- 7.5. Principle of Development
- 7.6. The NPPF defines the three dimensions of sustainable development as being economic, environmental and social. There is also a strong emphasis on providing new housing, especially at sustainable locations within urban areas. The NPPF seeks to ensure the provision of sustainable development, of good quality, in appropriate locations and sets out principles for developing sustainable communities. The NPPF promotes high quality design and a good standard of

amenity for all existing and future occupants of land and buildings. It encourages the effective use of land by utilising brownfield sites and focusing development in locations that are sustainable and can make the fullest use of public transport, walking and cycling. The NPPF seeks to boost housing supply and supports the delivery of a wide choice of high quality homes, with a mix of housing (particularly in terms of type/tenure) to create sustainable, inclusive and mixed communities.

- 7.7. Policy TP28 of the BDP, requires new housing to be; outside flood zones 2 and 3 (unless effective mitigation measures can be demonstrated); served by new or existing infrastructure; accessible to jobs, shops and modes of transport other than the car; capable of remediation; sympathetic to historic, cultural or natural assets; and not in conflict with other specific policies of the plan.
- 7.8. The application site is in a sustainable location in a residential area and is within flood zone 1. The principle of the conversion is considered to be acceptable subject to the detailed consideration of the design, residential amenity and transportation considerations.
- 7.9. Housing Mix and Need
- 7.10. Policy TP30 of the BDP seeks to secure a good range of dwelling types to meet local needs and create mixed and balanced communities. Policy TP31 aims to deliver 35% affordable housing on all scheme of 15 dwellings or larger to help meet the high level of need in the City.
- 7.11. The Council's Housing and Economic Development Needs Assessment (HEDNA) highlights that there is greatest need for family housing in the City. This scheme proposes a mix of 2 and 3 bed properties which will help meet this need. Furthermore, the scheme is 100% affordable housing that will help families in who are in greatest need. The development will be utilised as temporary accommodation for families who are currently residing in B&B accommodation. The Council's Affordable Housing Team is supportive of the mix proposed.
- 7.12. The City Council's Accommodation Finding Team are currently working in partnership with the applicant (Spring Housing Association) to deliver this scheme which would provide better quality accommodation for families who are in greatest need. The Accommodation Finding Team have confirmed that Spring Housing Association will provide the accommodation under the BCC PRS Leasing Scheme for families. Whilst accommodated by Spring Housing, the families will receive support in terms of finding a more permanent type of accommodation.
- 7.13. In summary the proposal fully accords with policies TP30 and TP35 and will provide affordable accommodation for families in greatest need.
- 7.14. Design and Layout
- 7.15. There are no external alterations proposed and internal alterations are limited to those necessary to facilitate residential use and ensure that rooms are of an appropriate shape and size. The car park and amenity area will also remain unchanged in their current location. On this basis the proposal will have no impact on the street scene or adjacent Conservation Area. The Conservation Officer has confirmed that he has no objection to the proposals.
- 7.16. In summary, the proposal will maintain the character and appearance of the area in accordance with Policies PG3 and TP12 of the BDP and the Birmingham Design Guide SPD.

7.17. Quality of Proposed Living Environment

- 7.18. Policy DM10 of the Development Management in Birmingham DPD set out that new dwellings should meet the size requirements of the National Described Space Standards (NDSS). 17 of the 21 apartments achieve the relevant NDSS. It is acknowledged that 4 apartments do not achieve the relevant standard however the shortfall is no greater 2sqm. In this context of the wider scheme these minor shortfalls are not considered to be significant, especially when considering the proposal will deliver much needed affordable housing for families currently living in bed and breakfast accommodation.
- 7.19. All of the bedrooms meet the minimum standard required by the NDSS, namely 7.5sqm for single and 11.5sqm for double rooms.

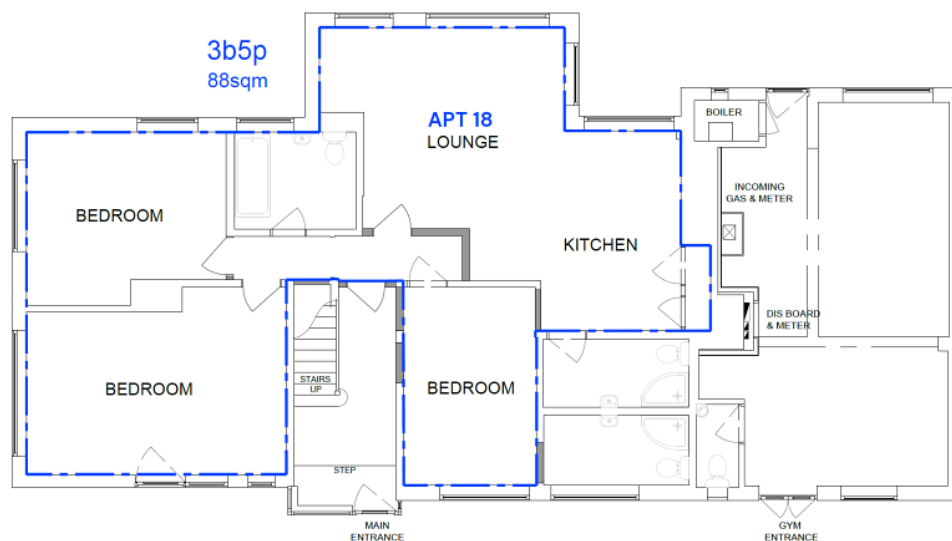


Image 2: Ground Floor Layout of Moorlands Building

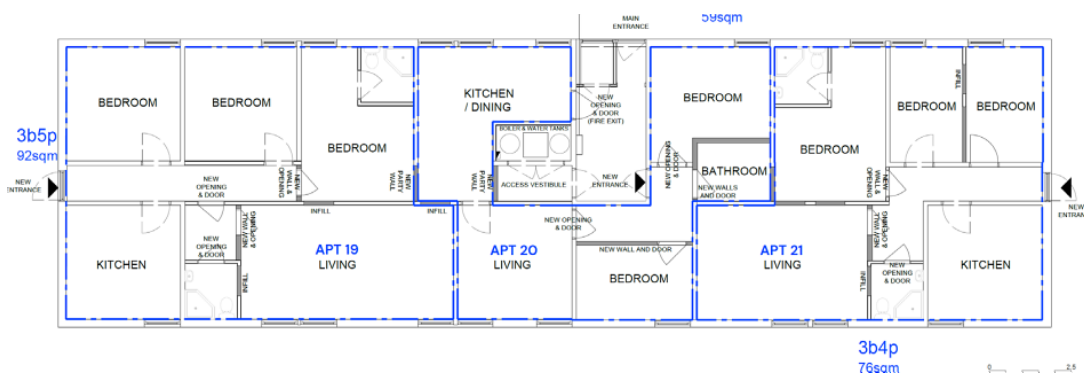


Image 3: Ground Floor Layout of Conifers Building

- 7.20. The Birmingham Design Guide SPD sets out standards for outdoor communal space. For each 2 bed flat 7sqm is required and for each 3 bed the figure is 9sqm. Based on the mix of 15 x 2 bed and 6 x 3 bed a total of 159sqm is required. In total 648sqm of outdoor space is provided which comfortably exceeds the minimum standard.
- 7.21. Leisure Services have requested that play equipment is provided on-site as the scheme is aimed at families. However, taking into account the temporary nature of the scheme and the viability concerns by the applicant such a request is considered unreasonable in these circumstances. Furthermore, the site is opposite Rowheath Playing Fields, 600m from Rowheath Park and 500m from Bournville Park. The proposal there has good access to parks and play areas.

- 7.22. Residential Amenity
- 7.23. With no additional openings proposed the scheme raises no concerns in terms of a loss of privacy.
- 7.24. The bin store is in close proximity to No.'s 118 and 120 Bournville Lane and No. 78 Selly Oak Road. However, the bin store for the hotel was also housed in this location. It is not considered that this change of use should result in any additional odour or noise from the bin store than a fully functioning hotel and conference centre.
- 7.25. Concerns have also been raised over noise and vibrations coming from the laundry room. This building includes 2 industrial sized washing machines and 2 tumble dryers. Taking into account the small number of machines and the fact the building is fully enclosed it is considered that there would be any notable impact for adjoining residents in terms of noise or vibrations. Furthermore, Regulatory Services have raised no objection.
- 7.26. Concerns have been raised over increased levels of crime and anti-social behaviour. There is no evidence to suggest that this would be the case and importantly no concerns have been raised by West Midlands Police.
- 7.27. In summary, the proposal would have no undue impact on the occupiers of adjacent properties in accordance with Policy DM2 of the Development Management DPD.
- 7.28. Transportation
- 7.29. The Birmingham Parking SPD indicates that the site falls within Zone C where typically 1 car parking space is required for a 2 bed flat which larger properties require 2 spaces. In addition, 1 cycle storage space per bedroom would need to be provided. The former hotel has existing car parks which provides 100 spaces which comfortably exceed the requirements. Due to the financial situation of the occupants, it is expected that car ownership would be low. It is therefore considered that the proposal would have no greater impact on the local highway network than the previous hotel use. Transportation have raised no objection to the proposals subject to a condition to secure cycle storage.
- 7.30. Other matters
- 7.31. Concerns have been raised on the level consultation undertaken by the applicant. However, this is not a reason to delay the determination of the application. The Council has undertaken public consultation in line with statutory requirements and the level of public responses suggests that there is an awareness of the scheme within the local community.
- 7.32. Objectors have suggested alternative uses for the site. However, Officers are only able to assess whether the affordable housing scheme presented is acceptable against local and national policies.
- 7.33. Concerns have been raised over the impact on local infrastructure. It is not considered that the change of use to residential will have any notable additional impact on drainage or sewerage systems when compared to a fully occupied hotel. It is also considered that the scheme is not of a scale that would materially impact on the capacity of local GP surgeries and schools.
- 7.34. Planning Balance

7.35. Significant weight must be attached to the provision 21 flats which will provide much needed affordable accommodation for families in greatest need. In this instance, the only harm identified is the very minor shortfall in the size of 4 of the apartments. In this case the benefits arising from the delivery of affordable accommodation for those currently in B&B accommodation comfortably outweighs the very low level of harm identified.

8. Conclusion

8.1. The proposal maintains the character and appearance of the area, has no undue amenity impact and has no harmful impact on the local highway network. The proposal therefore accords with policy PG3 of the BDP, policy DM2 of the Development Management DPD and the Birmingham Design Guide SPD.

9. Recommendation

9.1 That the consideration of planning application 2023/07517/PA should be approved subject to the completion of a legal agreement to secure the following:

- a) 35% affordable housing consisting of affordable rent accommodation; and
- b) Payment of a monitoring and administration fee associated with the legal agreement of £1,500.

9.2 In the absence of a suitable planning obligation agreement being completed to the satisfaction of the Local Planning Authority on or before 12th April 2024 or such later date as may be authorised by officers under delegated powers the planning permission be refused for the following reason:

- a) In the absence of any suitable legal agreement to secure the public realm enhancements the proposal would be contrary to policy TP33 of the Birmingham Development Plan and NPPF.

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

9.4 That in the event of a suitable legal agreement being completed to the satisfaction of the Local Planning Authority on or before 12th April 2024, or such later date as may be authorised by officers under delegated powers, planning permission for application 2023/07517/PA be approved, subject to the conditions listed below (that may be amended, deleted or added to provided that the amendments do not materially alter the permission).

-
- | | |
|---|--|
| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Implement within 3 years (Full) |
| 3 | Requires the submission of a CCTV scheme |
| 4 | Requires the provision of cycle parking prior to occupation |
| 5 | Limits the noise levels for Plant and Machinery |
-

Case Officer: Andrew Fulford

Photo(s)



Photo 1: View of Morlands Building from Bournville Lane

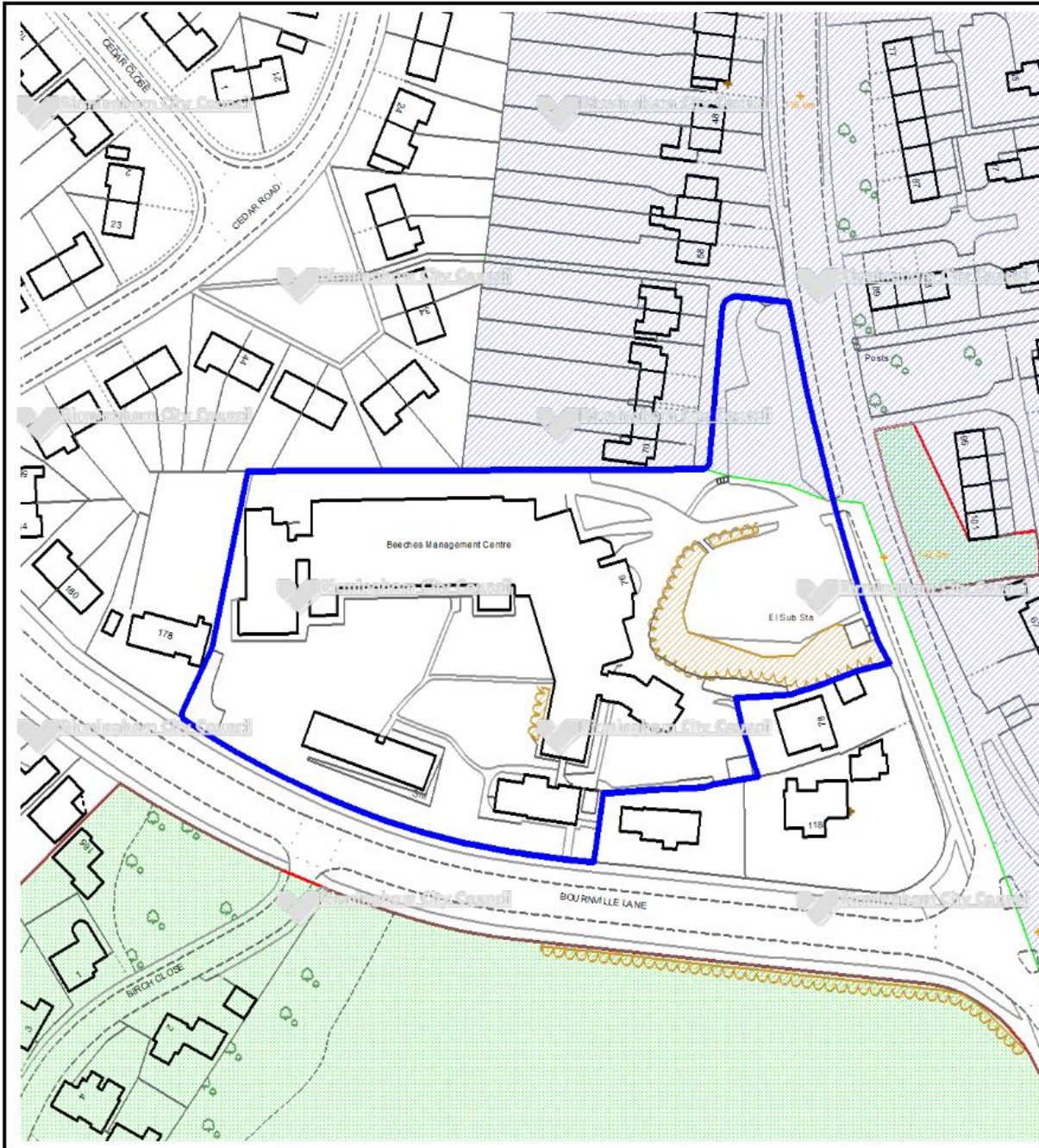


Photo 2: View of Conifers Building from Bournville Lane



Photo 3: View of the Beeches from site entrance on Selly Oak Road

Location Plan



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Birmingham City Council

Planning Committee

14 March 2024

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Approve – Subject to 106 Legal Agreement	12	2023/01324/PA 90-97 Broad Street Birmingham B15 1AU Erection of a 47 storey tower to include 525 residential units (Use Class C3), with residential amenity space, landscaping and all associated engineering and enabling works, including site clearance.
Approve – Conditions	13	2023/07135/PA Clyde Street/High Street Land at Digbeth Birmingham B12 Demolition of existing building and erection of one building of 34 storeys and one building of 10 storeys with single storey linking pavilion to provide 481 dwellings and 637m2 of ground floor commercial floorspace (Use Class E) along with associated amenity, access, parking, landscaping and infrastructure.

Committee Date:	14/03/2024	Application Number:	2023/01324/PA
Accepted:	01/03/2023	Application Type:	Full Planning
Target Date:	01/02/2024		
Ward:	Ladywood		

90-97 Broad Street, Birmingham, B15 1AU

Erection of a 47 storey tower to include 525 residential units (Use Class C3), with residential amenity space, landscaping and all associated engineering and enabling works, including site clearance.

Applicant:	91-97 Broad Street Devco Ltd c/o Agent
Agent:	Carney Sweeney Crossway, 156 Great Charles Street, Queensway, Birmingham, B3 3HN

Recommendation

Approve Subject to a Section 106 Legal Agreement

1. Proposal:

- 1.1 Planning permission is sought for the erection of a 47 storey tower to include 525 residential units (Use Class C3), residential amenity space and landscaping. The works also include the site clearance and all enabling works at 90-97 Broad Street, Birmingham.
- 1.2 The proposed residential mix is as follows:
 - 229 no. 1-bed apartments (44% of housing mix).
 - 296 no. 2-bed apartments (56% of housing mix).
- 1.3 At ground floor level, there would be a lobby area and residents lounge, along with a gym, wellbeing space, event space, residents storage space and a parcel room. The ground floor will also include plant room space and a refuse area. At mezzanine level there will be cycle storage space, the gym entrance and changing area, nursery, work from home space, games lounge, cinema room, arcade room and staff welfare area.
- 1.4 Across levels 1-45 there would be between 10-12, 1 and 2 bedroom apartments per floor. Level 46 would be the penthouse level, which would include 2 bedroom apartments, two with a private terrace area. The top floor would also include a sky lounge and private residents function room. The proposal would also include habitat green roofs at penthouse floor level. The façade would be constructed from three pre-cast concrete components in the colour Porcelain White with a roughcast finish with a metal framed window system in a metallic finish. The proposed materiality would include rib pattern profile pre-cast concrete panels in porcelain white and metal cladding.
- 1.5 Zero car parking will be provided for residents. Secure cycle storage for 163 cycles would be provided across the ground and mezzanine levels, which would be accessed

via the ground floor to the rear of the building. An electric cycle charging point for 13 cycles would be provided at ground floor.

- 1.6 The main residents entrance to the building would be to the front of the building, set back from Broad Street. Service access would be provided through gated access to the rear of the building via the services yard. Fire escape exists would be provided to the rear and south elevation. An active street frontage would be provided to the Broad Street elevation together with soft landscaping to the east, south and west elevation of the site. The site would also include the provision of a pocket park, providing a pedestrian link between Broad Street and Essington Street, facilitating a connection to the Ladywood regeneration zone. A garden area would also be provided to the east of the building, providing further public realm and external amenity for residents. The pocket park will include a mix of hard and soft landscaping including the retention of two existing trees across the south-west boundary and introduction of new raised planters, shrub planting, hedging, paving and the planting of new semi-mature trees.



Image 1: CGI visual of the proposed pocket park

- 1.7 Maximising the affordable housing offer is a key national and local priority. As set out in the National Planning Policy Framework, the Financial Appraisal supporting the scheme has been through a thorough and independent assessment. The result is that the independent assessors consider that the development could sustain an affordable housing contribution of **6% without becoming unviable**. This viability exercise takes into account the provision of the public pocket park that will provide wider public benefit, in addition to Community Infrastructure Levy. The following table provides a summary of the position reached.

Cost	Amount	Affordable Housing Equivalent
CIL	£3.72m	9.5%
Pocket Park	£1m	2.67%
Affordable Housing	£2,050,000	6%
Total		18%

Table 1 – Selected outputs from the FVA

- 1.8 Predicted rents are circa £1,325 pcm (1-bed) and £1,626 pcm (2-bed). With a 20% discount it will be difficult to secure tenants that meet the eligibility requirements in relation to household income. It is therefore recommended that a deeper discount of 30% is secured which will reduce the provision to **4% (21 dwellings)**.
- 1.9 It has been confirmed that the development is not EIA development requiring the submission of an Environmental Statement. The application has been accompanied by the following supporting documents:

Aerodrome Safeguarding Assessment; Affordable Housing Statement; Air Quality Assessment; Archaeological Assessment; BNG Assessment; CIL Form; Daylight and Sunlight Assessment; Design and Access Statement; Drainage Statement; Energy Statement; Financial Viability Appraisal; Fire Statement; Heritage Statement; Landscape Strategy; Landscaping Plan; Noise Impact Assessment; Overheating Assessment; Preliminary Ecological Appraisal; Phase 1 Ground Report; Planning Statement; Residential Standards Statement; Schedule of Accommodation; SUDs Maintenance Guide; Sustainable Construction Statement; Tall Building Assessment; Telecommunications Impact Assessment; Townscape and Visual Appraisal; Transport Assessment; Travel Plan; Tree Survey; and Wind Microclimate study.

[Link to Documents](#)

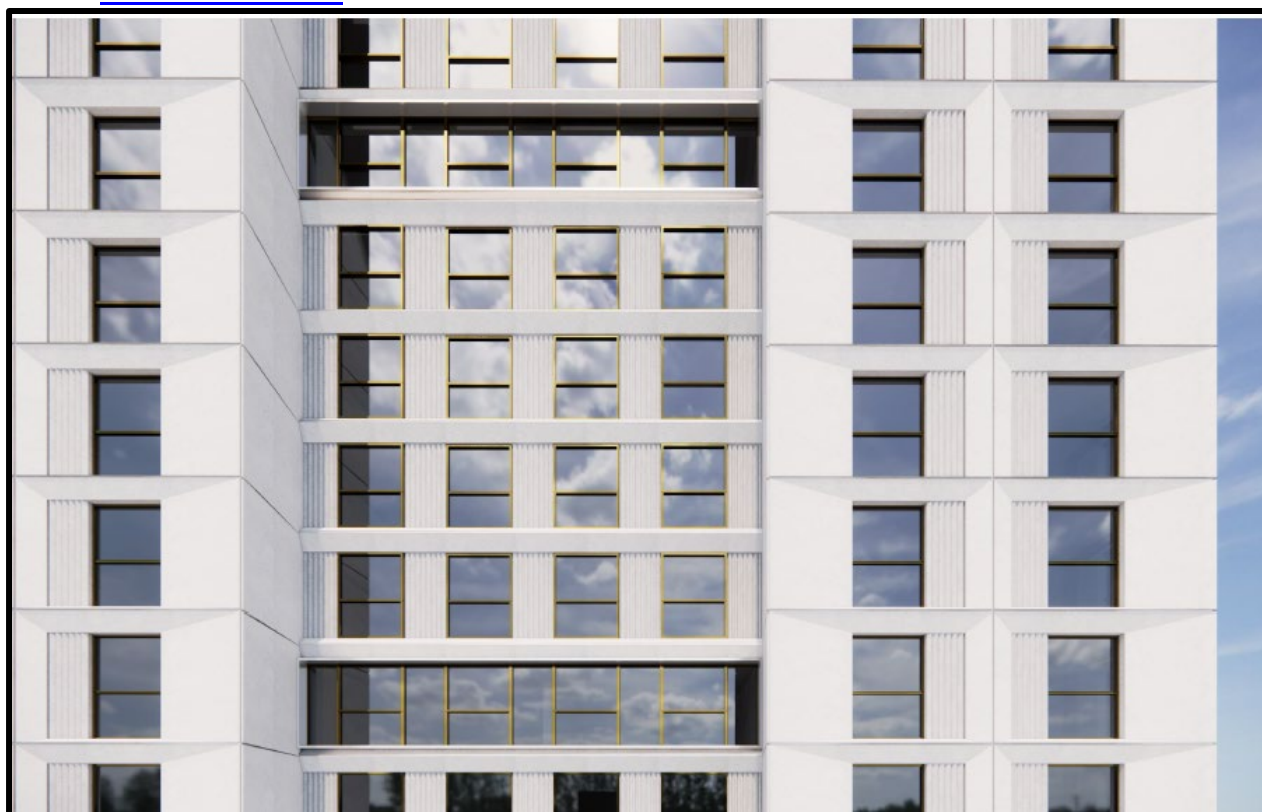


Image 2: CGI of the facade



Image 3: CGI of the proposal from Broad Street

2. **Site & Surroundings:**

- a. The application site relates to 90-97 Broad Street, which currently comprises of a three-storey part vacant 1980's commercial building which fronts onto Broad Street. The site is 0.25ha in size. To the rear of the building there is currently a car park area which extends the width of the existing building. The car park is accessed via Essington Street to the rear.
- b. The site is not located within an area at risk of flooding nor is it located within a designated ecological site. The application site is not listed nor is it situated within a Conservation Area and does not include any designated or non-designated heritage assets within the red line boundary. There are several listed buildings within the setting of the site. Directly adjacent to the site to the north east is the

grade II listed former Royal Orthopaedic Hospital, the main block to the Royal Orthopaedic Hospital, built in 1814. Beyond that is the grade II listed Nos.78 & 79 Broad Street, former Barclays Bank, built in 1898.

- c. The site is situated on Broad Street, which is diverse in its character with a mix of surviving historic 19th century low rise buildings, high rise 1970's towers, 1980's low scale officing and 1990's/2000's mid-scale mix use office lead development forming the Brindley Place regeneration area. A similar three-storey office building occupies the next site to the west. To the rear of the site comprises of public sector housing and a three-storey hotel, accessed off Essington Street. The Metro line runs adjacent to the front of the site, along Broad Street. The area is now once again under transition with a number of tall buildings being developed, some of which to the north east of the site have now been completed. The scale of surrounding development along Broad Street varies in scale from between two storeys to tall towers varying between 10-42 storeys.

[Site location link](#)



Image 4: CGI of the proposal

3. **Planning History:**

- a. 10/11/2022 – 2022/08517/PA - Environmental Impact Assessment Screening Request - 90-97 Broad Street (amended from 46 storeys and 509 units to 47 storeys and 526 units).

100 Broad Street:

- b. 26/06/2023 - 2023/04261/PA - Site clearance and demolition of all existing buildings and the erection of a 33-storey building (Ground + 32 storeys) for residential use and associated amenity floor space (Use Class C3), ground floor commercial spaces (Use Class E (a-g(i))), public realm works, hard and soft landscaping, access, drainage, and all other associated works. Resolution to approve 1st February 2024

4. **Consultation Responses:**

- a. BCC Archaeology – No objections.
- b. BCC City Design – No objections subject to conditions regarding materials, construction of a complete one floor high bay, implementation using a pre-cast form of construction, landscaping details, boundary treatment and the submission of architectural details.
- c. BCC Conservation - The proposed development would cause a low to moderate degree of “less than substantial harm” to the significance and setting of the Former Royal Orthopaedic Block and a low degree of “less than substantial harm” to the setting of the former Barclays Bank.
- d. Birmingham International Airport – no objections subject to conditions.
- e. Cadent Gas – No objections subject to informative.
- f. Civic Society – Object. See paragraph 7.68 for detail.
- g. Ecology – Acceptable subject to conditions requiring a scheme for ecological/biodiversity/enhancement measures, bird/bat boxes, implementation of acceptable mitigation/enhancement biodiversity roof.
- h. Employment Access Team – require employment obligations/condition relating to the submission of a construction employment plan.
- i. Health and Safety Executive – No objection.
- j. Historic England – Raise concerns as set out in paragraphs 7.69-7.71.
- k. Leisure Services – Raise no objections. Taking into account the public open space being provided by the proposals the application generates a requirement for an off-site contribution towards public open space of £972,465.
- l. LLFA – No objections subject to conditions requiring the prior submission of a sustainable drainage scheme, the prior submission of a Sustainable Drainage Operation and Maintenance Plan and associated informatives.
- m. Regulatory services – Refuse on the basis that there is the potential for a significant adverse impact on the proposed development which could lead to harm

to health and quality of life for future residents due noise from nearby entertainment uses and it would introduce a noise sensitive use in an existing area in circumstances where the resulting residential noise climate may represent a statutory nuisance which may have an adverse impact on the operation of existing businesses and potential loss of employment activities. Further information regarding the suggested approach has been provided to Regulatory Services for comment.

In relation to air quality they raise no objection with respect to the impacts of the development and raise no issues with impacts to future potential occupiers in relation to matters of air quality.

In respect of contamination Regulatory Services raise no objection to the recommendations in the report except that they consider that site investigations should be undertaken prior to demolition of buildings to carry out effective and accurate ground gas monitoring. An appropriate condition is recommended.

- n. Severn Trent Water – No objections subject to conditions requiring the submission of drainage plans for the disposal of foul and surface water flows.
- o. Trees – No objections subject to conditions requiring the submission of an Arboricultural Method Statement, regarding the protection of existing trees and requiring tree pruning protection.
- p. The Garden Trust – No comments.
- q. Transportation – No objections subject to conditions requiring the installation of boundary treatment along the Broad Street forecourt between planter areas, the submission of a servicing and delivery management plan, the submission of a demolition and construction management plan and the removal of vegetation along the footway on Essington Street.
- r. Victorian Society – Object on the basis of the impact to the setting of heritage assets further detail is given in paragraph 7.67.
- s. West Midlands Fire Service – Provided comments on fire safety requirements
- t. West Midlands Police – No objections subject to security recommendations / conditions regarding CCTV.

5. Third Party Responses:

- a. The application has been publicised by site and press notices. Neighbouring occupiers; Ward Members; Westside BID; Resident Associations; and the MP.
- b. 8 public representations received. From local occupiers including nearby entertainment venues/clubs and leaseholders on the site. Objections concern:
 - impact on natural light to adjacent businesses
 - legal issues in relation to a current leaseholder and ask that consideration of the application is deferred until this is resolved
 - impacts on adjacent late-night businesses
 - Impact on the setting of the Grade II listed Royal Orthopaedic Hospital – request that the tower is sited further away
 - objects to the design of the proposal. Considers the proposal to be backward looking, featureless, imposing and block formed concrete.

- Inappropriate scale and massing with regards to footprint and slenderness
- Failure to adequately consider the effect of the development on the ability to deliver comprehensive regeneration of the Broad Street North 'Major Development Area'
- Inadequate townscape and visual assessment

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

a. National Planning Policy Framework

Section 2: Sustainable Development

Section 8: Promoting healthy and safe communities

Section 9: Promoting sustainable transport

Section 12: Achieving well-designed places

Section 14: Meeting the challenge of climate change, flooding and coastal change

Section 15: Conserving and enhancing the natural environment

Section 16: Conserving and enhancing the historic environment

b. Birmingham Development Plan 2017

The application site falls within the City Centre Growth Area where Policy GA1 of the BDP promotes the City Centre as the focus for office, residential and commercial activity. As defined by Policy GA1.3, the application site falls inside the Westside and Ladywood Quarter where the objective is to create a vibrant mixed-use area combining the visitor, cultural, commercial and residential offer into a dynamic well-connected area.

PG1 Overall levels of growth

PG3 Place making

TP1 Reducing the City's carbon footprint

TP2 Adapting to climate change

TP3 Sustainable construction

TP4 Low and zero carbon energy generation

TP6 Management of flood risk and water resources

TP7 Green infrastructure network

TP8 Biodiversity and Geodiversity

TP9 Open space, playing fields and allotments

TP12 Historic environment

TP26 Local employment

TP27 Sustainable neighbourhoods

TP28 The location of new housing

TP29 The housing trajectory

TP30 The type, size and density of new housing

TP31 Affordable Housing

TP32 Housing Regeneration

TP33 Student Accommodation

TP37 Heath

TP38 A sustainable transport network

TP39 Walking

TP40 Cycling

TP44 Traffic and congestion management

TP45 Accessibility standards for new development

c. Development Management DPD

DM1 Air quality

DM2 Amenity

DM3 Land affected by contamination, instability, and hazardous substances.

DM4 Landscaping and trees
DM5 Light pollution
DM6 Noise and vibration
DM10 Standards for residential development
DM14 Transport access and safety
DM15 Parking and servicing

d. Supplementary Planning Documents & Guidance:

Birmingham Parking SPD
Birmingham Design Guide SPD

7. **Planning Considerations:**

The main material considerations are:

- a. Principle of development
- b. Housing need and housing mix
- c. Affordable housing
- d. Design
- e. Microclimate
- f. Landscaping/Biodiversity
- g. Sustainability credentials of the development
- h. Noise, air quality and contamination
- i. Residential amenity
- j. Landscaping and biodiversity
- k. Drainage/flood risk
- l. Fire and building safety.
- m. Access, parking, and highway safety
- n. Third party comments
- o. CIL/Planning Obligations

Principle of development

- 7.1 GA1.1 of the BDP sees the City Centre as the focus for residential activity, creating a vibrant mixed-use area combining the visitor, cultural, commercial and residential offer (of Westside and Ladywood) into a dynamic well-connected area.
- 7.2 Policy GA1.3 'The Quarters' states: - 'New development must support and strengthen the distinctive character of the areas surrounding the City Centre Core raising their overall quality offer and accessibility. The City Centre is formed by seven Quarters with the Core at its heart. The application site is located within the defined city centre, within the Westside and Ladywood the aim of which it to create a vibrant mixed-use area combining the visitor, cultural, commercial and residential offer that is dynamic, well connected area, and supports development in the Greater Icknield Growth Area.
- 7.3 The site sits within the Greater Icknield Growth Area. GA2 envisages the delivery of circa 3000 new homes within a broad area that sits within and beyond the west of the city centre.

Housing need

- 7.4 As of 10th January 2022, the Council cannot demonstrate a five-year supply of deliverable housing sites. Consequently, Paragraph 11d) of the NPPF is engaged and the tilted balance applies for decision taking. NPPF paragraph 11 states that plans and decisions should apply a presumption in favour of sustainable development.

- 7.5 For decision taking, paragraph 11 d) states that where the policies which are the most important for determining the planning application are considered out-of-date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Footnote 8 of the NPPF confirms that in considering whether the policies that are most important are indeed out-of-date, this includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

Housing mix

- 7.6 BDP policy TP30 states, 'Proposals for new housing should seek to deliver a range of dwellings to meet local needs and support the creation of mixed, balanced and sustainable neighbourhoods. Account would need to be taken of the:

- *Strategic Housing Market Assessment (or any subsequent revision)*
- *Detailed Local Housing Market Assessments (where applicable)*
- *Current and future demographic profiles*
- *Locality and ability of the site to accommodate a mix of housing*
- *Market signals and local housing market trends.*

- 7.7 This policy allows for account to be taken of several strands of information which influence housing mix, however neither the text of policy TP30 nor any of the strands of information in themselves set a specific or rigid housing mix requirement. Further analysis of the HEDNA draws out the nuances associated with housing mix, particularly in relation to the Central Area, which includes the city centre.

- 7.8 The housing mix starting point identified in the HEDNA for the Central Area is:
1 beds: 17% 2 beds: 37% 3 beds: 31% 4 beds 15%

- 7.9 The 'Central Area' defined in the HEDNA covers more than just land within the ring road. It comprises the entirety of the following wards: Balsall Heath West, Bordesley and Highgate, Bordesley Green, Edgbaston, Ladywood, Lozells, Nechells, Newtown, Small Heath, Soho & JQ, and Sparkbrook and Balsall Heath East. These wards cover a mix of areas including the city core, inner city areas and the suburbs.

- 7.10 The HEDNA analyses sub-areas within the Central Area which it defines as Inner and Outer Central Sub-Areas – broadly the Inner area corresponds with land within the ring road and the Outer area covers those areas within the Central Area wards which are outside of the ring road. It looks at the size of homes (using 2011 census data) and the location of schools and central GP practices within these areas.

- 7.11 Within the Inner Central Sub-Area, approx. 85% of homes have 2 bedrooms or fewer and there are fewer schools and GP surgeries. Where there are schools and surgeries, especially primary schools, these are located towards the periphery of the Inner Central Sub-Area. In the Outer Central Sub-Area, 3 bed homes make up the largest group at 38.1% and combine with 2 beds to account for 67% of all homes in this sub-area.

- 7.12 The HEDNA therefore suggests that the Outer Central Sub-Area is likely to see greater demand for larger homes as families grow and are better able to access schools, leaving the inner area which has a lack of social infrastructure able to accommodate smaller homes for singles and couples. It states, 'This also responds to the type of sites that are likely to come forward in the respective areas i.e., higher density more centrally.' (Para. 8.77)

- 7.13 It also states that the location/quality of sites would also have an impact on the mix of housing. For example, brownfield sites in the City Centre (particularly the inner sub-area) may be more suited to flatted development ... whereas a more suburban site may be more appropriate for family housing.
- 7.14 Therefore, although the HEDNA does not suggest a housing mix specifically for the Inner Central Sub-Area, it does state that the Council should broadly seek the same mix of housing in all locations but to be flexible to a different mix where specific local characteristics suggest.
- The city centre has specific characteristics which make it more suitable for smaller homes and this is only a part of the overall housing offer across the Central Area and the city as a whole.
 - The current city-wide housing mix continues to show a strong emphasis on three bed, family-sized homes and this stock is being added to in some parts of the city centre but particularly beyond the ring road through your committee's decision making.
- 7.15 Policy TP30 further allows for the circumstances of individual sites and market trends to play a part in determining house mix.
- 7.16 The proposed offer of 44% 1 bed and 56% 2 bed dwellings fits into the city's wider provision of housing. Tables 2 below presents a more detailed breakdown.

TYPE	NUMBER	PERCENTAGE
1 BED 1 PERSON	71	
1 BED 2 PERSON	158	
TOTAL 1 BED	229	44%
2 BED 3 PERSON	2	
2 BED 4 PERSON	294	
TOTAL 2 BED	296	56%

Table 2: Proposed mix

- 7.17 Taking the site as a whole, it would be more effectively and efficiently used for high density housing in accordance with para 124 of the NPPF. This guidance requires planning decisions to give "substantial weight to the value of using suitable brownfield land within settlements for homes", to "promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained", and to "support development that makes efficient use of land".

Affordable Housing / Viability

- 7.18 Policy TP31 states, "The City Council seek 35% affordable homes as a developer contribution on residential developments of 15 dwellings or more. The developer subsidy would be established taking account of the above percentage and the types and sizes of dwellings proposed." It also allows developers to submit a Financial Viability Appraisal (FVA) when they consider affordable housing of 35% cannot be provided.
- 7.19 Furthermore, the NPPF makes clear that viability is a material consideration in the assessment of a planning application.

The appraisal must take into account the high quality of the development and the overall pressures around build costs. As mentioned above an affordable homes offer has been put forward and assessed by an Independent Financial Advisor, who confirms that in addition to the other financial contributions, as below:

-Community Infrastructure Levy – circa £3,718,638

-Public Realm Works - £1,651,488 (of which £1m is the pocket park)

-The scheme can support **(6%) affordable units at 20% discount or 4% at a 30% discount.**

- 7.20 The HEDNA states, “Overall, the analysis identifies a notable need for affordable housing, and it is clear that provision of new affordable housing is an important and pressing issue in the area. It does however need to be stressed that this report does not provide an affordable housing target; the amount of affordable housing delivered would be limited to the amount that can viably be provided. The evidence does however suggest that affordable housing delivery should be maximised where opportunities arise.” (Chapter 7, Key Points). In consultation with the affordable housing team fewer affordable units at a 30% discount is recommended.
- 7.21 Leisure Services’ request for £972,465 towards off site public open space is noted, however affordable housing is the priority in this instance, and the contribution towards the public realm via the pocket park does contribute to the wider public realm.

Design

Layout

- 7.22 The development would sit at back of a widened pavement to the north side of Broad Street. The building would sit right of centre of the plot allowing a generous public space and new route to be created to the south west of the site. This would create a direct pedestrian connection between Broad Street and Essington Street and would provide some relief between the proposed tower at 100 Broad Street on the adjacent site.

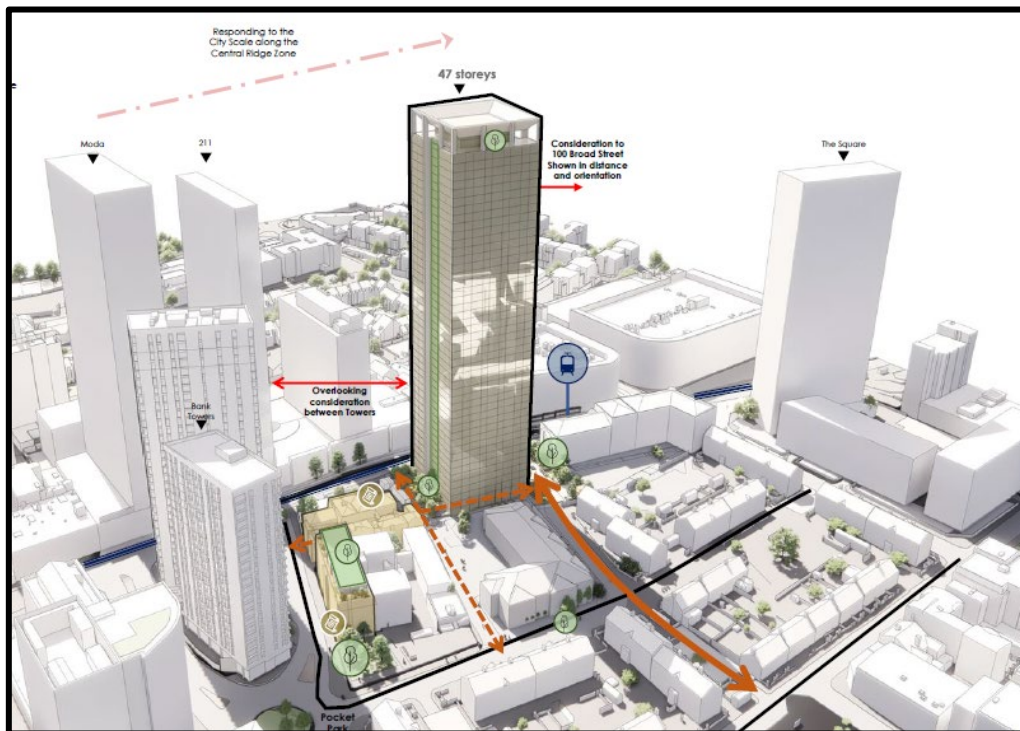


Image 5: Massing visual showing existing and consented tower at 211 (note 100 not shown)



Image 6: Layout of the site showing the new public route (to the left of the image)

- 7.23 The City Design Manager has some concerns in relation to how the landscape scheme for this application and that at 100 Broad Street would come together and read as one

place and maximise activity onto the new route.

- 7.24 Notwithstanding the City Design Manager's comments, and considering constraints such as the necessary wind mitigation, the proposals would deliver a new high quality route that would be of real public benefit. Further finer detail such as final paving material choices etc would be controlled by conditions.

Scale, height and massing

- 7.25 The site falls within an emerging cluster of tall buildings developing towards the western end of Broad Street. Currently under construction (already at full height) is the development known as The Square, on the opposite corner of Ryland Street to the site. The adjacent site at 100 Broad Street previously gained planning permission for a 61 storey tower and has recently gained resolution to grant for a revised tower of up to 33 storeys tall.
- 7.26 At 47 storeys the development is clearly of some considerable size and would be amongst the tallest buildings within the city and a significant departure from the low level buildings that currently occupy the site. However, the City Design Manager raises no objections to the scale of the proposal and notes that whilst there is an emerging townscape of large buildings, he raises no objection to the proposal in its own right which does not rely on other buildings being implanted to be acceptable.
- 7.27 The building's massing, in this case as a simple extruded tower form, is acceptable. Slenderness ratio (as in the proportion of height v.s. width) has been given careful consideration and benchmarked against other tall buildings. Whilst the building is relatively wide, this is acceptable in urban design terms because of its overall height.
- 7.28 Some variation is provided to the form/footprint of the building to provide interest, most notably the indentations on two elevations on the upper floors (resulting in the layout being roughly a capital 'I' in shape) together with the sculpted crown to the top of the tower. This detail will add interest, particularly from wider view points.



Image 7: sculpted crown to the tower

- 7.29 A Townscape and Visual Impact Assessment supports the application which demonstrates the impact of the proposed building both in closer proximity as well as wider cityscape views. The proposal satisfies the key criteria set out in policy, and in particular Design Principle 19 of the City Design Guide SPD which provides guidance in relation to tall buildings such as this.

Architecture and materiality

- 7.30 As a bespoke and identifiable design the officers have strove to ensure that the striking design intent can be delivered through interrogation of the method of construction and the finer details of the façade. The City Design Manager consider that the resultant design is individual, has a controlled use of materials and has exceptional depth to the architectural modelling that can only be delivered to the required design quality through a pre-cast method of construction. Therefore, the design is supported subject to the design not being compromised through changes, particularly to the method of construction.

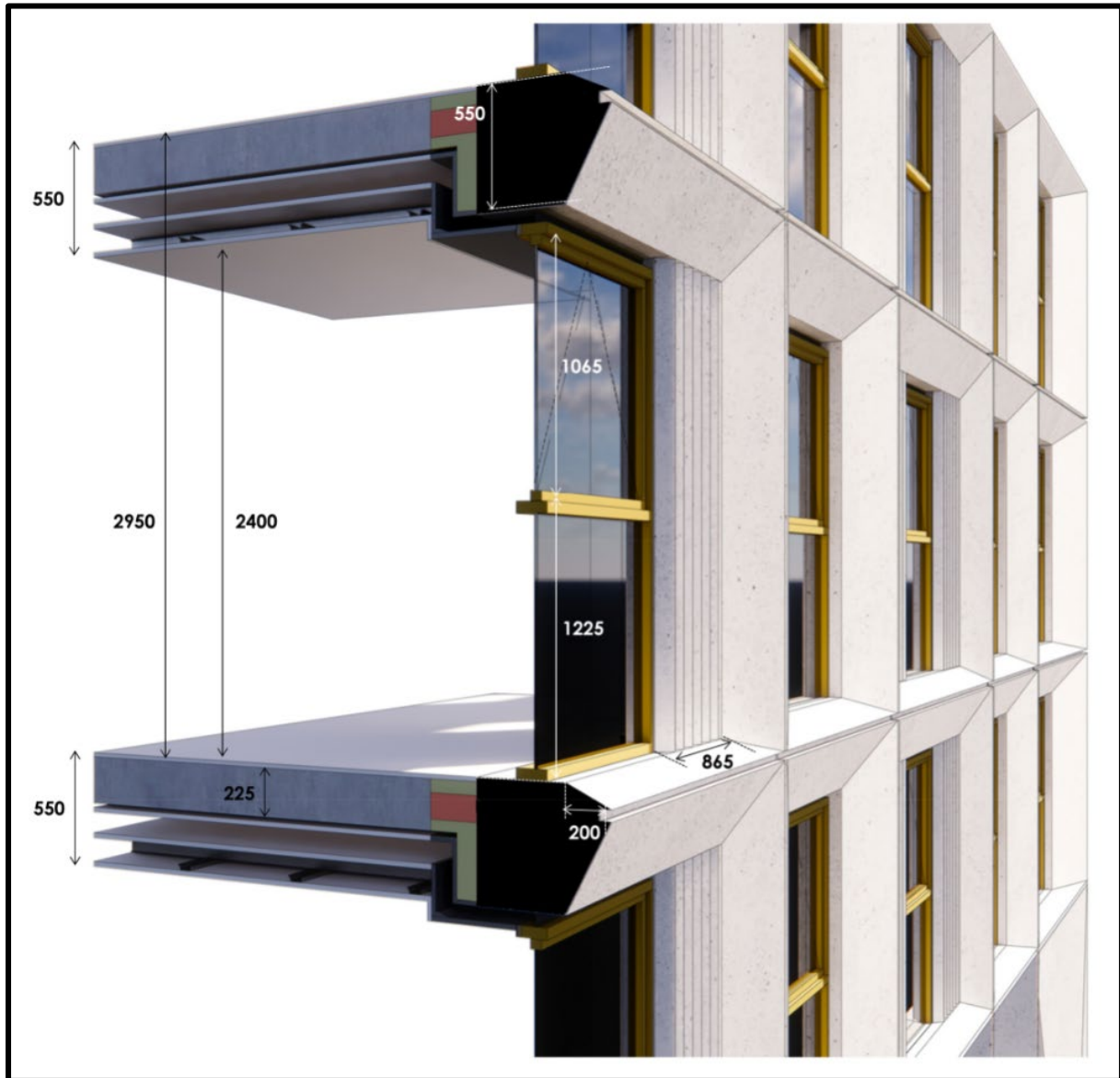


Image 8: CGI of façade detail to the upper floors

- 7.31 Deep and generous reveals in the same primary material, including soffits are proposed, with the use of aluminium doors and window frames that complement the primary textured concrete. The structural columns at street level are sculpted to add further interest.
- 7.32 The height of the proposed building relates well to neighbouring buildings and would sit comfortably within the wider townscape and skyline as well as enhance the overall appearance of the streetscape. The area is undergoing change in character and appearance, notably further along Broad Street where new developments constructed, being constructed that include the recently completed 'Mercian' building (42 storeys), 'The Square' (36 storeys) and "The Bank: Towers 1 and 2 (22 and 33 storeys respectively). The proposals would therefore be consistent with the wider character and townscape.
- 7.33 The City Design Manager raises no objections subject to conditions. The proposals represent high quality architecture that is bespoke and accords with the relevant design policy.

Aerodrome Safety

- 7.34 Assessments in relation to telecommunications and aerodrome safeguarding have been submitted in support of this application. Birmingham Airport were consulted and raise no objections subject to conditions that are recommended.

Microclimate

- 7.35 The application is supported by a Wind Microclimate Study which has have been prepared in accordance with the requirements of LW44 and Policies PG2, PG3 and DM2. Additionally, a letter commenting on the cumulative wind impacts of the proposals has been provided as additional information. This letter confirms that the cumulative impacts of both schemes (the application proposals and 100 Broad Street) would be expected to be insignificant and that no changes have been made to the application proposals.
- 7.36 The latest wind testing notes that wind conditions in and around the existing site are suitable both in pedestrian safety and comfort for the intended uses with minor exceptions around Left Bank Towers in terms of comfort only. There is an existing safety criteria exceedance on the corner of Ryland Street and Broad Street.
- 7.37 With the introduction of the proposed development, including the proposed mitigation, the majority of locations become suitable in terms of safety and comfort with a few minor exceptions in relation to comfort only. These predominately occur during winter months when other inclement conditions will also prevail. The existing issue on the corner of Ryland Street and Broad Street will remain.
- 7.38 Therefore, whilst an existing local exceedance remains at the corner or Ryland Street and Broad Street (near The Square development) the proposals would not create any further exceedances and pedestrian comfort levels are generally in accordance with the intended purpose of the various locations in and around the site. Subject to an appropriately worded condition securing the mitigation, the proposal therefore would satisfy the requirements of DMB Policies DM2 and City Note LW-44 of the Design Guide.



Image 9: CGI view of the proposed Pocket Park

Daylight Sunlight

- 7.39 In accordance with PG3 of the BDP, DM2 and DM10 of the DPD as well as design principles 11 and 13 of the Design SPD all new developments must ensure they do not have an unacceptable impact on the amenity, outlook, or privacy of existing or new residential properties. Additionally, the proposals should provide dwellings with acceptable levels of daylight and sunlight.
- 7.40 Following amendments to the proposals a supporting letter capturing further internal layout changes to the proposal was submitted to supplement the original assessment. The assessment and letter confirms that given the dense urban environment future residents would have access to good levels of daylight and sunlight.
- 7.41 In respect of neighbouring occupiers the proposals demonstrate that again, given the dense city centre location, the provision of daylight and sunlight for occupiers is considered fully acceptable.
- 7.42 The assessment concludes that upon successful completion of the proposed development, 88% of neighbours would meet the BRE guidelines for Vertical Sky Component and 93% for the No Sky Line metric. Therefore overall, the scheme would not result in unacceptable living standards for residential amenity for existing or proposed occupiers.

Noise, air quality and contamination

Air Quality

- 7.43 Regulatory Services raise no objection with respect to the air quality impacts of the development and raise no adverse comments regarding potential impact to future residents, who will not be exposed to pollution levels in excess of the relevant air quality objectives.

Contaminated Land

- 7.44 The application is supported by a Phase 1 contaminated land assessment dated July 2023. Regulatory Services raise no objection to the recommendations in the report except that they consider that site investigations should be undertaken prior to demolition of buildings to carry out effective and accurate ground gas monitoring. An appropriate condition is recommended.

Noise

- 7.45 Environmental Pollution Unit object on the basis of noise, particularly in respect to night-time entertainment noise along Broad Street and future residents making noise complaints resulting in notices being served.
- 7.46 Given the potential for multiple sources of noise nuisance (both current and future) affecting the building a restrictive covenant on future occupants of the property to be a more effective way of mitigating the risk of complaints and is recommended. Members will recall that this approach was recommended by officers on the adjacent scheme at 100 Broad Street.
- 7.47 The covenant within the S.106 Agreement to require that all occupiers close their bedroom windows (as there would be mechanical ventilation provision in place) 11pm until 5am. Legal advice confirms that this approach would be acceptable and this would place onus on the owner to enforce the clause, rather than the onus to be on the LPA to pursue noise complaints.

- 7.48 Conditions and the s.106 requirements would identify which units would need to close vents/windows and set out how this would need to be controlled.
- 7.49 The applicant is prepared to accept a S106 obligation that would protect the Local Authority from complaints relating to noise by placing the onus on the developer/operator to enforce the provisions of the obligation and management of complaints, relating to noise nuisance/disturbance from residents.
- 7.50 This would mean that if any resident has not closed their bedroom window between the hours of 11pm-5am they would remove their basis for complaint in respect of night-time entertainment noise and therefore the subject of suitable enforcement action from the developer/operator. Noise complaint management, including control over the closure windows, would become a landlord and tenant matter to be controlled by the developer/operator with their tenants, including in terms of managing the behaviour and actions of residents, and through suitable methods of communication and available information (e.g. briefings to new residents).

Fire Safety

- 7.52 West Midlands Fire Service raises no objection and the Health and Safety Executive have confirmed that they are satisfied with the fire safety design.

Landscaping/Biodiversity

- 7.53 A new public route between Broad Street and Essington Street is a key public benefit put forward by the application proposals. This link would provide an additional public route to Broad Street in close proximity to the tram stop. The route would comprise of a mixture of hard and soft landscaping with trees and seating.



Image 10: View of the base of the tower with the new route to the left (Broad Street to the right)

- 7.54 Additional space around the building includes a frontage area that would provide a

transition to the relatively newly laid hard landscaping along Broad Street, a private landscaped area between the building and the adjacent listed building and a service area to the rear of the site (on the boundary with the hotel).

- 7.55 The applicants have submitted a Biodiversity Net Gain Assessment. This concludes that with the proposed planting that includes 24 smaller and 3 larger trees along with the other planting and green roof results in a total BNG gain of 29.7%. The Arboricultural report notes that four trees would be removed to facilitate the development, one 'U', one 'C' and two 'B' category. Three existing B category trees along the Broad Street frontage would be retained and integrated into the landscaping proposals.
- 7.56 Given that the site is currently developed with buildings with some amenity planting and street trees, the current site has very limited ecological value. The proposal would provide a significant uplift in greenspace comprising of new public realm (**at a total cost of £1,651,488**) ornamental planting, planting 24 no. new trees (including 3 larger trees) and a green roof. This would secure a biodiversity net gain, and fully mitigate the loss of 4 of the existing trees.



Image 11: Base of tower from Broad Street

Sustainability credentials of the development

- 7.57 Policy TP3 Sustainable construction of the BDP would be important to ensure that developments would be designed in ways that maximise energy efficiency, reduce energy consumption, minimise the use of carbon and can be resilient and adapt to the effects of climate change. Policy TP4 requires all new development to incorporate the provision of low and zero carbon forms of energy generation or connect into a network where it exists, unless it can be demonstrated that the cost of achieving this would make the proposed development unviable.
- 7.58 A Sustainable Design and Construction Statement confirms that, in addition to targeting a sustainable location, the development would achieve CO2 emissions reductions beyond 2021 Part L requirements; a fully electric development that allows it to become fully zero carbon in operation as the grid becomes decarbonised; use of

sustainable materials and a design that adapt for climate change; minimising construction material waste and recycling and management of operational waste.

- 7.59 This is accompanied by the applicant's Energy Statement that states that through several measures (such as enhanced building fabric; low energy lighting; energy efficient appliances and Mechanical Ventilation with Heat Recovery systems) an overall CO2 reduction of 52.55% can be achieved. This is in addition to a 3.74% fabric efficiency reduction and 9.59% reduction in primary energy.
- 7.60 The submitted reports show how the proposals have been designed to reduce energy demand, carbon emissions in accordance with Policy. The scheme would meet the individual requirements listed under policy TP3 and TP4.

Re-use of the existing building

The proposed development would involve the demolition of an existing building on the site. Paragraph 157 of the NPPF states that the planning system should "encourage the reuse of existing resources, including the conversion of existing buildings". In this instance the existing building is purpose-built commercial premises, underutilising this brownfield site. The NPPF is also clear whilst re-use of buildings should be encouraged, the delivery of housing on brownfield land within existing settlements should be given substantial weight. Weight is also attached to the efficient use of underutilised land, such as this.

Heritage

- 7.61 BDP Policy TP3 requires that developments contribute to a sense of place and respond to local context, including consideration of their effects on heritage assets. Policy TP12 places great weight on the conservation of heritage assets. Proposals that may have an effect on assets or their setting are to be determined in accordance with national policy. In accordance with City Note LW-45 a Heritage, Townscape and Visual Assessment (HTVIA) has been submitted. This outlines the national and local legislation, policy and guidance used to undertake the assessment.
- 7.62 In instances where paragraph 11d of the NPPF is engaged, such as this, it is also important to note that footnote 7 states that development should be approved unless the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed, assets of particular importance are defined as designated heritage assets (amongst other things such as AOANBs).
- 7.63 The City's Conservation Officer considers that the Heritage Statement's analysis of heritage assets that are impacted is complete and all appropriate assets are identified. The report identifies and assesses the impact on a large number of assets. The Conservation Officer concurs with the majority of the conclusions reached within the Statement but does place a higher level of harm on the setting of the former hospital ('Zara's'). The Conservation Officer's key conclusions are:

Former Royal Orthopaedic Hospital ('Zara's') - GRADE II - Low to Moderate Degree of Less than Substantial Harm to the significance and setting. Commenting as follows:

The historic setting of the building has been much altered by later clearance and redevelopment and this has continued till recently with the relatively recent erection of towers, The Bank, behind the Barclays Bank and the Moda scheme opposite. The building is well represented in views along Broad Street where the forecourt offers a degree of openness to setting. The application site is in direct views of the

building and the proposed development will be a direct new visual element within the immediate visual setting. The tower will become a visually dominant element although will not interrupt direct views currently had of the principal elevation of the listed building.

The HS identifies that the proposal would have some negative impact on the setting of this asset through a further reduction of evidence of historic scale and considers the impact of the proposal arising to the challenge posed by the new tower would be moderate adverse to setting and minor adverse to significance. The Statement also finds that there would be some minor beneficial impacts through the replacement of poor-quality built form with a higher quality development and townscape which residually gives a minor adverse impact on both setting and significance of the building.

Although the impact upon significance and setting is concluded in the assessment to be minor adverse I am not entirely convinced that the minor beneficial impacts to setting put forward would reasonably reduce the moderate adverse impacts to setting to overall minor adverse. Arguing that placing a 47- storey tower adjacent to a 2-storey listed building which presents a challenge to the building and its historic scale is a positive change because it will be high quality does not justify or significantly mitigate for the negative impact caused through scale. I would not want to moderate the overall impact to the building to minor adverse purely based on the tower being of a higher quality than what currently exists. I would therefore conclude a moderate adverse impact to setting which would be moderate degree of "less than substantial harm" and a minor adverse impact to significance which would be a low degree of "less than substantial harm" in Framework terms.



Image 12- CGI of the proposed tower with the former hospital to the right

Former Barclay's Bank – GRADE II – Low degree of less than substantial harm to it's setting, commenting as follows:

The assessment cannot be greatly different from that concluded to the hospital building, although one must consider the far greater change that has already taken place to its setting with tower development all around it. As such the assessment concludes that the overall impact is minor adverse to its setting which I also agree

with. This equates to a low degree of “less than substantial harm” in Frameworks terms.

- 7.64 The Conservation Officer notes that whilst resulting in a change within the visual setting of the other assessed listed buildings, the proposed development would not result in any detrimental effect on either the significance or ability to appreciate the significance of these heritage asset. Considering the wider townscape now established and having reviewed the concluding position of the HS on these heritage assets, I can agree that the impacts would be considered to be neutral to none.
- 7.65 The Conservation Officer also concludes that the impact upon 17-23 Grosvenor Street West (Grade II listed) including the Group of 36 and 37 Sheepcote Street, Hudson Edmunds and Company Limited and Paron Packaging Supplies Limited to be neutral. In addition, the impact to the City Tavern Public House is considered to be neutral
- 7.66 An assessment of the impact upon Conservation Areas has also been undertaken with the Conservation Officer concluding that the development would have neutral impact on Edgbaston; Jewellery Quarter; Colmore Row; and Lee Crescent; and Steelhouse conservation areas.
- 7.67 Both the former hospital and bank have been raised by the Victorian Society, who consider that constructing such a tall tower in their immediate vicinity is totally inappropriate. Sensitive development on a much smaller scale which more sympathetically reflects the three to four storey height of the listed buildings should instead be considered for this site. They therefore object to this application as is currently presented.
- 7.68 Birmingham Civic Society object. They note that the identified harm must weighed in consideration of the building's height and proportions which will be dominating in the local areas and visible from many locations across the city, for example Edgbaston Conservation Area. They note the positive impact of the pocket park and retention of trees and comment that they support the provision of nil parking – but note that consideration should be given to disabled residents. They add that they are disappointed that there are no 3-bedroom apartments and consider further cycle storage necessary. They consider more active frontage should have been provided. But it is principally because they consider that the proportions and materiality that they object combined with its height and lack of mitigating amenities.
- 7.69 Historic England comment that the proposed tower is approximately twice the height of many neighbouring tall buildings and therefore may appear in views in parts of the wider landscape where the city centre isn't currently observed. They raise no objection to the principle of redeveloping the site which....at 47 storeys...would be one of the tallest buildings in Birmingham and the region, likely having a far-reaching impression on the city and wider landscape. It is therefore, essential that the local authority satisfies itself of the impact of the proposed development on heritage assets across a large area to ensure that it does not negatively impact conservation areas or other heritage assets outside of the city centre whose significance is derived from their apparent separation from dense urban development.

They add that the scheme must be fully understood and assessed in the context of

other permitted and emerging proposals and informed by a coherent strategic approach to tall buildings in the city and their cumulative impact. They note that they are engaging with the City Council on its Local Plan Review and its Future City Plan aspirations.

- 7.70 In conclusion HE states that the representations should be taken into account and they refer to the city's own expert heritage and design advisors in respect of design detail relationships with the adjacent listed building; the use of good quality materials would play a large part in the success of such a scheme.
- 7.71 Further comments were received following receipt of amended plans that changed the external finish of the proposed tower to a lighter tone and changes to the internal layout. Historic England state that they have no comments in relation to the internal layout changes but consider that the external finish would be much brighter and likely to be more impactful visually, and therefore more harmful to heritage assets in that wider sense, compared to the grey tone previously proposed.
- 7.72 The NPPF states that *"When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance."* and *"Where less than substantial harm to the significance of a designated heritage asset is identified, the harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use"* The more important the asset the greater the weight should be.

Paragraph 208 adds:

Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

- 7.73 The proposed development has been found to cause a low to moderate degree of "less than substantial harm" to the significance and setting of the Former Royal Orthopaedic Block and a low degree of "less than substantial harm" to the setting of the former Barclays Bank. The public benefits test set out in paragraph 208 of the NPPF needs to be carried out, and is set out further on in this report.

Residential amenity

- 7.74 In accordance with PG3 of the BDP, DM2 and DM10 of the DPD as well as design principles 11 and 13 of the Design SPD all new developments must ensure they do not have an unacceptable impact on the amenity, outlook, or privacy of existing or new residential properties. Although separation distances between the new blocks and neighbour development does not adhere to the numerical standards in the Design Guide SPD, by reason of scale and location of habitable and non-habitable serving windows levels of outlook and privacy would not result in an unacceptable standard of living.

7.75 The application site has commercial uses in the immediate vicinity (the former Zara's bar/nightclub, the hotel, the former job centre/offices and the former Brasshouse language centre) and raises no amenity concerns for those uses. Members will recall giving a positive resolution to grant permission at the job centre site (100 Broad Street), however the current application would not prejudice this development and may recall that two alternative elevation treatments were given for that development for the with and without the 90-97 Broad Street development. In addition, a condition is proposed to require additional noise assessments and details of noise mitigation should there be a potential noise impact from Zara's, to ensure acceptable internal amenity levels, and a s.106 requirement to close windows during times that may be noisy (11pm-5am). Notwithstanding, the need for potential additional noise mitigation, acceptable levels of amenity are achieved through the use of mechanical ventilation and a overheating assessment.

7.76 There are residential properties to the rear fronting Essington Street (two and three storeys tall). The sunlight and daylight impacts are considered above and found to be acceptable. In addition, the proposal would not overlook or otherwise unacceptably impact upon existing occupiers. Neighbouring amenity is therefore considered acceptable.

Outdoor amenity space for residents

7.77 The SPD (City Note LW-13) states the following requirements for outdoor amenity space must be provided:

- i. 5sq.m (1 bed flat); and
- ii. 7sq.m (2 bed flat)

This would therefore equate to a requirement of 3,217 sq.m, noting that the total site area is less than this at 2,505 sq.m.

7.78 The 46th floor will provide some private external space for the penthouse apartments. In addition, there is an element of external space between the building and the adjacent listed building that is partly animated by the resident's lounge and event space. Residents will also derive some benefit from the new public route/pocket park, albeit that this is public not private space.

7.79 Private amenity space for residents to meet their day-to-day needs by socialising, exercising, working, and relaxing is provided through the provision of the following facilities.

Ground floor – event space, resident's lounge, gym and wellbeing space;

First floor/Mezzanine – Cinema, Arcade room, Work from Home Space, Nursery and a Games Lounge

46th Floor – Sky lounge, Private Dining and external terrace space

7.80 Green (habitat) roof space would be provided at 1st and 46th floor levels.

7.81 Amenity Space Quantum

Total communal internal amenity space = 959 sq.m

Pocket Park = 934 sq.m

Other external areas = 598 sq.m

Total communal indoor and outdoor space = 2,466 sq.m

7.82 *Although the space provided falls short of the standards the proposed level of amenity*

would create several smaller spaces of variety that would enable different residents to have private space. These include City Centre Gardens and Five ways Community Park. Overall, the development will provide an acceptable living environment for future residents.

Drainage/flood risk

- 7.83 BDP Policies PG3, TP2, TP3, TP6, TP28 promote the need to adapt to climate change through managing and reducing risk of flooding through ensuring developments are located in areas at least risk of flooding and the use of sustainable drainage systems in accordance with the drainage hierarchy.
- 7.84 The site is situated within Flood Zone 1, with a very low likelihood (1 in 1000) of flooding. The Lead Local Flood Authority and Severn Trent raise no objection subject to conditions.

Access, parking, and highway safety



Image 13: Servicing plan

- 7.85 Access for residents would be via a legible entrance fronting Broad Street. Vehicular access is provided from Essington Street to the back of the pocket park, which will allow day to day servicing of the building to take place. No parking is provided on site.
- 7.86 The development provides 15 dedicated spaces for electric cycles along with further space within the main cycle storage facility. In total 163 cycle spaces are provided all of which can be accessed from the ground floor main core, Essington Street and/or Ryland Street. The cycle store would contain both cycle racks as well as a maintenance hub.
- 7.87 The proposed development would not have an adverse impact upon the local highway network, pedestrian and cycle infrastructure or public transport networks and is in a highly sustainable location with excellent access to public transport. The transport details presented are acceptable and accord with Policies TP38, TP39, TP40 and TP44 of the BDP and Policies DM14 and DM15 of the DMB. Transportation Development raises no objections subject to conditions.

Public Participation

- 7.88 In addition to points picked up in the above considerations, local occupiers, landowners and businesses have made other points. In response to issues around existing leaseholds on the site this is not a material consideration. The Townscape and Visual Impact Assessment is considered adequate and in relation to design matters (such as appearance of the building, layout, slenderness) these have all been found to be

satisfactory. The proposal would not unacceptably compromise the wider redevelopment of the wider area.

Planning Balance

- 7.89 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that 'If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise'.
- 7.90 Paragraph 11 d) states that where the policies which are the most important for determining the planning application are considered out-of-date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Footnote 8 of the NPPF confirms that in considering whether the policies that are most important are indeed out-of-date, this includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.
- 7.91 The Birmingham Development Plan became 5 years old on 10th January 2022. In accordance with NPPF paragraph 75, BDP policies PG1 and TP29 are considered out of date, and the Council's five-year housing land supply must now be calculated against the Local Housing Need figure for Birmingham. As of 10th January 2022, the Council cannot demonstrate a five-year supply of deliverable housing sites, currently demonstrating a 3.99 year supply. Consequently, Paragraph 11d) of the NPPF is engaged and the tilted balance applies for decision taking. This means that planning permission should be granted, unless adverse impacts of doing so, would significantly and demonstrably outweigh the benefits.
- 7.92 However, Footnote 7 notes the specific policies which protect important areas or assets, these include policies relating to designated heritage assets. Footnote 7 therefore establishes that where there is a clear reason for refusal (because of harm to designated assets) the tilted balance described above, is not engaged.
- 7.93 The harm identified to the significance of designated heritage assets needs to be weighed against the considerable importance and weight to be applied to the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990, as well as the degree of accord with BDP policy TP12 and the relevant paragraphs in the NPPF.
- 7.94 Using the three strands of sustainable development the public benefits of the scheme are identified as

Economic

Temporary construction jobs over the construction period and employment during the operational phase

Additional residents adding to the economy

- 7.95 Para. 85 of the NPPF states that "Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development" However, I also note that many of the new jobs would only be for a temporary period, and that whilst some permanent jobs would be created, the figure is not significant. However, given the scale of development, moderate weight is attached to these economic benefits.

Social

- Boost to the supply of housing
- The provision of 4 % affordable housing at 30% discount
- Health and well-being on site provision

- 100% of apartments being Accessible Part M4 (2) compliant dwellings
- 7.96 Taking account of the extent of the 5YHLS shortfall and the acute need for affordable housing, and that the NPPF is clear that substantial weight should be given to the value of making the best use of brownfield land in sustainable locations to deliver homes.

Environmental

- The site would enhance the ecological and biodiversity offer at the site and contribute to the greening and biodiversification of the city centre.
 - Significant public realm improvements
 - Using suitable brownfield land within settlements for homes
 - Encouragement of sustainable development through the use of methods of off site construction and materiality
 - All electric energy strategy that would take full advantage of grid decarbonisation
- 7.97 The above points set out the key benefits of the scheme. Weighing most highly in its favour are the place making social, economic and environmental benefits identified above. The delivery of a high-quality development in design terms and the provision of public realm accords with policies PG3 and TP27 and the Birmingham Design Guide, and the proposal would support the transformational change already taking place in and around the surrounding area. Allied to this is the re-use of brownfield land in a highly sustainable location. I attach substantial weight to these benefits.
- 7.98 I also attach significant weight to the provision of housing as well as the mix of uses accords with the aims for the Westside and Ladywood area (GA1.2)
- 7.98 I attached moderate weight to the 4% (30% discount) level of affordable housing contribution.
- 7.100 I attach moderate weight to the economic benefits and the environmental benefits set out as well as the employment benefits, CIL payment and the other economic benefits.
- 7.101 Set against these benefits are the less than substantial harm identified to designated heritage assets low to moderate level of 'less than substantial'.
- 7.102 With specific regard to the impact of harm caused to the significance of heritage assets, both the BDP and NPPF place great weight on their conservation. The NPPF states that the more important the asset the greater the weight should be, additionally it calls for this harm to be weighed against the public benefits of the proposal. Policy TP12 states that proposals for new development affecting a designated or non-designated heritage asset or its setting, including alterations and additions, would be determined in accordance with national planning policy (the NPPF).
- 7.103 The limited private outdoor space weighs against the development, however the city centre context and proximity to nearby green spaces and parks are noted, along with the meaningful contribution to the public realm in the form of the pocket park. Both the internal and outdoor shared amenity space and high-quality design and commitment to pre-cast construction methods go some way to mitigating this harm through delivery of good architecture. The proposed dense development leads to efficient use of brownfield land within the existing settlement.
- 7.104 In accordance with 11d) the identified heritage harm (or any other issue as set out in footnote 7) does not provide a clear reason for refusing the application, and therefore the tilted balance is engaged. The development is in overall accordance with the development plan. In this context the application is recommended for approval subject to appropriate conditions and a legal agreement.

8 Conclusion

- 8.1 The proposed design and layout of the development would provide for a mix of accommodation in a high quality, secure environment that would complement surrounding developments in a key city centre location. The proposed dwellings would result in living accommodation that reflects modern standards, that are also compliant with and exceed the Nationally Describe Space Standards minimum requirements including 100% of apartments being Accessible Part M4 (2) compliant dwellings. The proposed residential units would make a meaningful contribution towards Birmingham's housing shortfall and contribute towards the regeneration aspirations for this part of the City Centre. It would create a distinctive place and deliver 4% (at 30% discount) affordable housing, in accordance with local and national policies. The scheme would also provide economic, social and environmental benefits and therefore approval is recommended.

9 Recommendation:

- 9.1 That application 2023/01324/PA be APPROVED subject to the prior completion of a Legal Agreement to secure the following:
- i) 4% affordable rental units (21) at 30% discount at proportionate mix of 1 and 2 bedroom apartments provided on site.
 - ii) Minimum public realm spend of £1m on the proposed pocket park
 - iii) A requirement of the building owner to manage noise of affected units through the closure of amenity vents between the hours of 11pm and 5am
 - iv) Payment of a monitoring and administration fee associated with the legal agreement, subject to a maximum of £10,000
- 9.2 In the absence of a suitable legal agreement not being completed to the satisfaction of the Local Planning Authority on or before 29th March 2024 or such later date as may be authorised by officers under powers hereby delegated, planning permission be refused for the following reasons:
- 9.3 In the absence of any suitable legal agreement to secure the provision of onsite affordable housing, public realm and noise mitigation the development does not deliver the sufficient benefits when weighed against the identified adverse impacts. Therefore, the proposal conflicts with Policies TP31, TP47 and PG3 of the Birmingham Development Plan, the Affordable Housing SPG the Development Management in Birmingham DPD and the NPPF.
- 9.4 That the City Solicitor be authorised to prepare, seal and complete the appropriate legal agreement.
- 9.5 That in the event of a suitable legal agreement being completed to the satisfaction of the Local Planning Authority on or before 29th March 2024, or such later date as may be authorised by officers under delegated powers, planning permission for application 2023/01324/PA be APPROVED, subject to the conditions listed below (that may be amended, deleted or added to providing that the amendments do not materially alter the permission).

-
- | | |
|---|---|
| 1 | Requires the prior submission of a contamination remediation scheme |
|---|---|
-

-
- 2 Requires the submission of a contaminated land verification report
 - 3 Requires the prior submission of a drainage scheme
 - 4 Requires the prior submission of a Sustainable Drainage Operation and Maintenance Plan
 - 5 Requires the submission of a further overheating assessment
 - 6 Requires the submission of hard and/or soft landscape details
 - 7 Requires the submission of a landscape management plan
 - 8 Requires the submission of a lighting scheme
 - 9 Requires the submission of an external CCTV scheme
 - 10 Requires the submission of an Instrument Flight Procedure Assessment
 - 11 Requires the submission of a Construction Management Strategy
 - 12 Requires the submission of a Bird Hazard Management Plan
 - 13 Requires the submission of a demolition method statement/management plan
 - 14 Requires the prior submission of a construction method statement/management plan
 - 15 Requires the submission of a service delivery management plan
 - 16 Requires the provision and agreement of building materials
 - 17 Requires submission of full architectural and specification details of the façade packages
 - 18 Requires the prior submission of a construction employment plan (development)
 - 19 Requires the prior submission of an employment plan (occupation)
 - 20 Requires the prior submission of a sample panel
 - 21 Requires the details of the pre-cast form and construction
 - 22 Requires boundary treatment details
 - 23 Arboricultural Method Statement - Submission Required
 - 24 Requires the prior submission of a construction employment plan.
 - 25 Requires the prior submission of details of bird/bat boxes
 - 26 Requires the submission of a Landscape and Ecological Management Plan
 - 27 Requires details of the biodiverse roofs
 - 28 Requires implementation of wind mitigation measures
-

-
- 29 Requires tree pruning protection
 - 30 Requires the implementation of the submitted mitigation/enhancement plan
 - 31 Requirements within pre-defined tree protection areas
 - 32 Limits the noise levels for Plant and Machinery
 - 33 Requires the provision of cycle parking prior to occupation
 - 34 Requires the development to comply with the Energy Statement
 - 35 Requires access to the pocket park be maintained
 - 36 Requires the scheme to be in accordance with the listed approved plans
 - 37 Implement within 3 years (Full)
 - 38 Prior to Occupation: Submission of Noise Assessment and Proposed Scheme of Noise Mitigation Measures
-

Case Officer: Sarah Plant

Photo(s)



Photo 1 – View of the application site with the adjacent listed building to the right

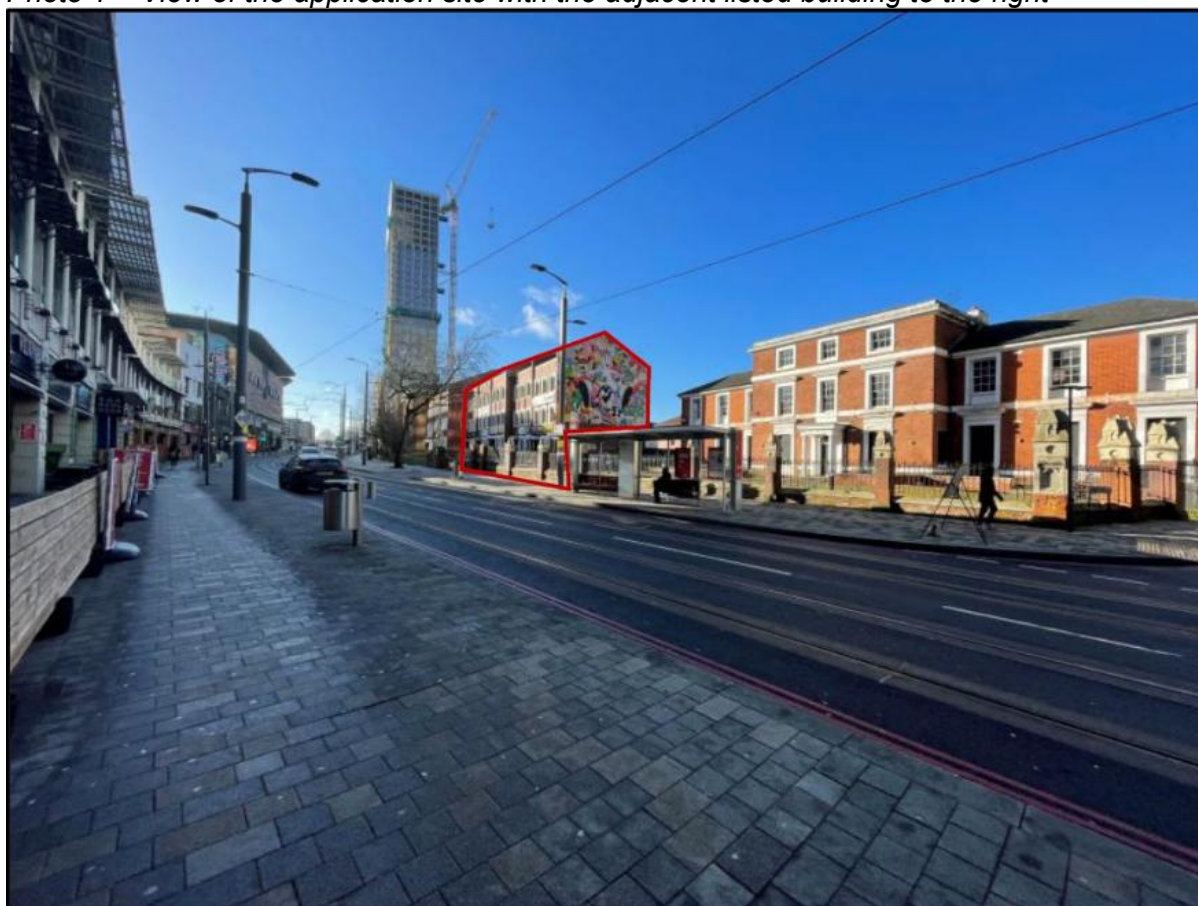


Photo 2: Application site highlighted in red, adjacent listed building to the right

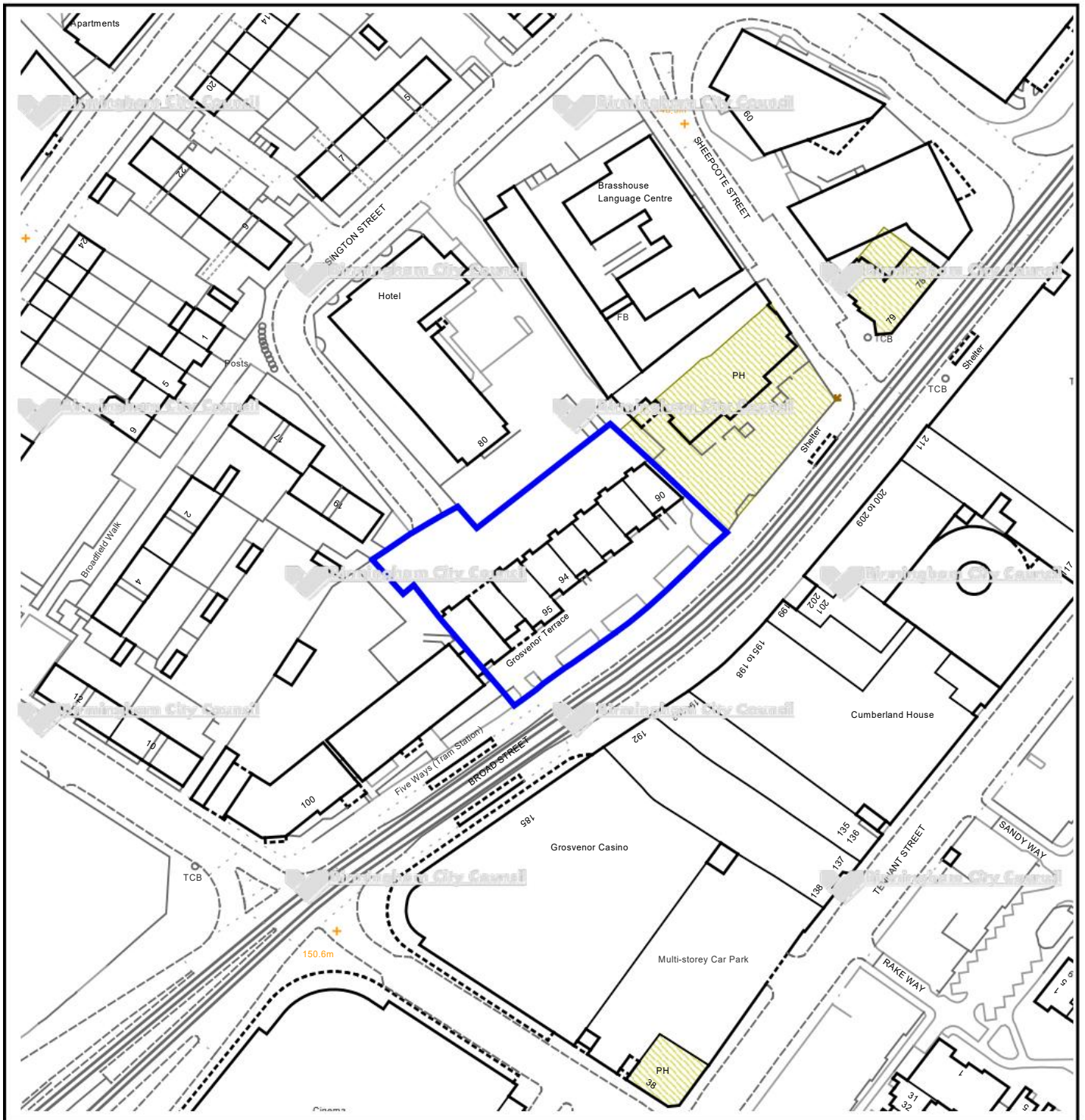


Photo 3: Looking along Broad Street towards the City Centre with 100 Broad Street



Photo 4: View of Essington Street from the rear of the application site

Location Plan



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Committee Date:	14/03/2024	Application Number:	2023/07135/PA
Accepted:	23/10/2023	Application Type:	Full Planning
Target Date:	16/03/2024		
Ward:	Bordesley & Highgate		

Clyde Street/High Street, Land at, Digbeth, Birmingham, B12

Demolition of existing building and erection of one building of 34 storeys and one building of 10 storeys with single storey linking pavilion to provide 481 dwellings and 637m2 of ground floor commercial floorspace (Use Class E) along with associated amenity, access, parking, landscaping and infrastructure

Applicant:	Latimer Developments Ltd
	C/o Agent
Agent:	DPP Planning
	11-13 Penhill Road, Pontcanna, Cardiff, CF11 9PQ

Recommendation

Approve subject to Conditions

1. **Proposal:**

- 1.1 The existing warehouse building, operating as a safe store, would be demolished.
- 1.2 Two new buildings, one of 34 storeys and one of 10 storeys would be erected. They would be linked by a single storey pavilion building. A CGI of the proposed scheme (within the context of other nearby consented schemes) and the site plan are reproduced below for ease of reference.

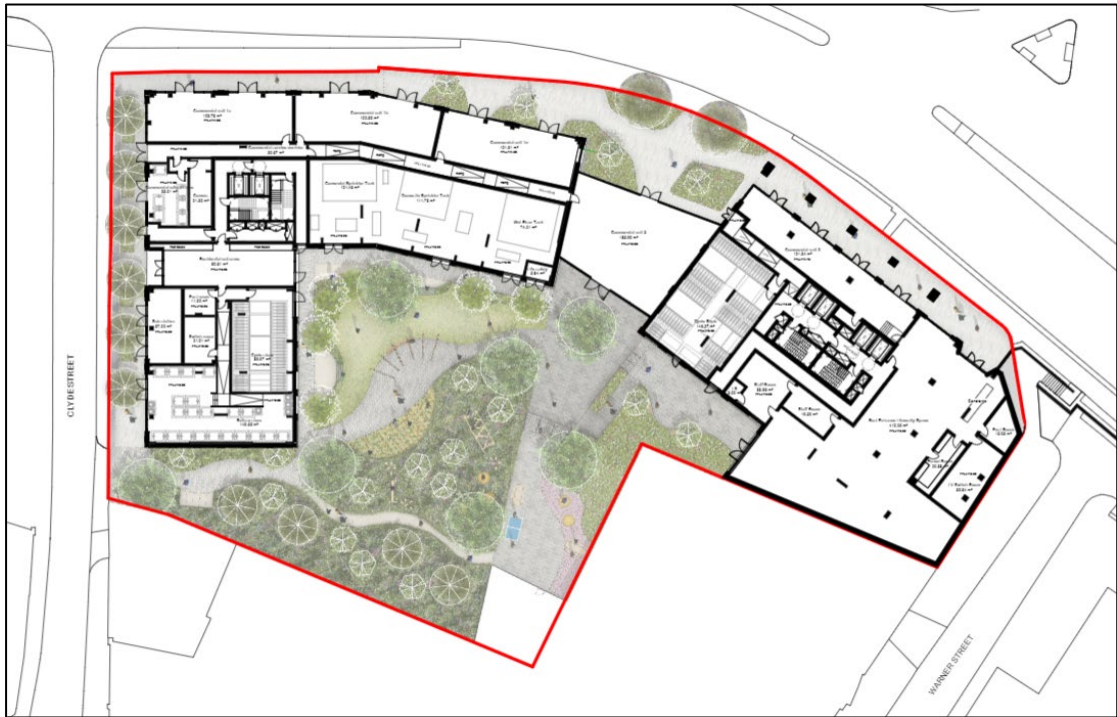


Image 1 – Proposed Site Plan



Image 2 – CGI of the proposed development with consented schemes shown

- 1.3 481 dwellings would be provided. The mix of units would be as indicated in figure 1 below.

Unit size*	Number	% of total units (rounded)
1B2P	168	35%
2B3P	241	50%
2B4P	69	14%
3B5P	3	1%
Total	481	100%

* B denotes number of bedrooms, P denotes number of bedspaces (e.g. 2P = double or twin bedroom)

Figure 1 – Table showing units size, number and % of total units

- 1.4 Whilst the applicant has expressed a desire to provide 55% of the dwellings proposed as affordable housing this would not be secured via the planning permission. Given that there is no certainty this provision would come forward, the provision of affordable housing cannot be considered as a material planning consideration or given weight as a public benefit in the planning balance. 0% is proposed to be secured given the viability constraints of the site.
- 1.5 The ground floor of the buildings would be occupied by commercial space and residential access and storage space.
- 1.6 New public realm is proposed to be provided along the High Street.
- 1.7 Two accessible car parking spaces would be provided for future residents alongside 1 car club space and 5 motorcycle spaces. 277 cycle spaces in total would be provided, including some short stay spaces serving the commercial element of the scheme.
- 1.8 A residents' courtyard would be provided to the opposite side of the rear of the building when viewed from the High St. Communal roof terraces amounting to 246m² would also be provided.
- 1.9 The following documents have been submitted in support of the application -
 - Flood Risk Assessment
 - Drainage information
 - Biodiversity Net Gain (BNG) assessment
 - Aerodrome Safeguarding assessment
 - Television survey report
 - Contaminated land assessment
 - Wind/Microclimate assessment
 - Topological survey
 - Fire statement
 - TVIA
 - Bat survey
 - Preliminary Ecological Assessment
 - Affordable housing statement

- Planning statement
- Sustainable construction statement
- Tall buildings assessment
- Archaeology and Heritage Statement
- Drawings showing elevations and floorplans
- Financial viability statement (A report produced by LSH evaluating the applicant's statement is also available)
- Design and access statement
- Landscape strategy
- Daylight, sunlight and overshadowing assessment
- Tree survey and arboricultural impact assessment
- Transport Statement
- Framework Travel plan

1.10 [Link to Documents](#)

2. **Site & Surroundings:**

- a. The site is located to the south western side of High Street Bordesley, to the corner with Clyde Street. This is in the south eastern section of the City Centre.
- b. It has an area of 5545m² or 0.5545 hectares.
- c. The remainder of the buildings within the same urban block as the application site (including fronting Warwick Street and Warner Street) are in commercial use. The adjacent block to the north west on the High Street, number 75-80, has been cleared and benefits from consent for 517 apartments with ground floor commercial use (reference 2017/07277/PA).
- d. The site is occupied by large warehouse building which, the Planning Statement indicates, hasn't been in use for a number of years. The level of the site is lower than that of Clyde Street.
- e. The site location can be viewed here on google maps - [Clyde St - Google Maps](#)

3. **Planning History:**

- 2022/06977/PA – Pre-application enquiry regarding a proposed development of 466 dwellings. Advice issued.
- 2005/01262/PA – Change of use of units 3 and 4 from B2 (general industry) to B8 (self storage unit) and alterations to elevations including new shop front. Approved 26/05/2005.
- 2001/00398/PA – Alterations to elevations and layout to allow division of industrial unit into smaller units. Approved 30/03/2001.

- Adjacent site at 75-80 High Street (Lunar Rise, opposite side of Clyde Street) – 2017/07207/PA – Permission granted for demolition of existing buildings and the development of 517 residential apartments (including a 25 storey tower) with commercial units (Class A1-A5 and Class D2) at ground floor level and parking. Consent extant due to start on site within 3 years.
- Adjacent site at 193 Camp Hill (opposite side of High Street)- 2021/10845/PA
- Proposed redevelopment of the site to provide 550 homes and flexible business / commercial floorspace of 1,480sqm (Use Classes E (a, b, c, e, f, g), F1, B2 and B8) in 6 new blocks (A-F) ranging from 3-26 storeys, together with car parking, landscaping.
- Adjacent site at 193 Camp Hill (opposite side of High Street)- 2023/03081/PA
- Section 73 application for the Variation of Conditions 2 (approved plans), 3 (approved plans) and 22 (landscape plan) attached to planning permission 2021/10845/PA to accommodate design and landscape amendments. Permission granted.

4. **Consultation Responses:**

- 4.1 City design and landscape team - No objection. Conditions not recommended as not able to offer support (rather than 'no objection') to the scheme without reassurance around building method and contractor.
- 4.2 Conservation Team - Heritage harm identified.
- 4.3 Conservation Officer, Archaeology - Development acceptable subject to condition requiring archaeological investigation
- 4.4 Trees team – No existing tree issues.
- 4.5 Regulatory Services Team - No objection subject to conditions to secure –
- Air quality study and management plan
- Noise mitigation scheme
- Contamination remediation scheme
- Contaminated land verification report
- Construction Environmental Management Plan
- 4.6 LLFA - Concerns expressed regarding SUDs and attenuation calculations, overland flows off site and flood proofing to ground floor. This matter is outstanding and will be reported to committee as an update.
- 4.7 Transportation team - Amendments required to layout to provide footway. This matter is outstanding and will be reported to committee as an update.

Recommended conditions

- highway works provided before occupation; provision of layby, new footway and TROs on Clyde Street
- closure of redundant crossings on other frontages.

- boundary treatment measures to prevent illegal forecourt parking.
 - cycle parking before occupation.
 - Demolition and Construction Management Plan before works start.
 - doors on Warner Street to open into the building and not out onto the footway.
- 4.8 Affordable Housing Team - No affordable housing is to be provided. The Affordable Housing Team support the applicants indicative proposal that they will seek to provide 55% affordable with external funding.
- 4.9 Ecology Team - Acceptable subject to conditions to secure:
- Scheme for ecological enhancement measures
 - details of bird/bat measures
 - implementation of mitigation and enhancement
 - Biodiversity roof condition
 - Precautionary working method statement
- 4.10 Employment Access Team - Acceptable subject to either condition or legal agreement to ensure Employment Access Plan.
- 4.11 Health and Safety Executive (HSE) - Content with fire safety design to the extent that it affects land use planning considerations.
- 4.12 Canal and Rivers Trust – No comments to make on the proposal.
- 4.13 West Midlands Fire Service - Comment submitted outlining matters with which the development would need to comply.
- 4.14 Active Travel England - ATE recommended deferral of the application stating: “ATE is not currently in a position to support this application and requests further assessment, evidence, revisions and/or dialogue as set out in this response.” They state that there are several issues which require further consideration and enhancement to ensure that suitable provision for active travel is made. These are:
- Insufficient cycle parking
 - Travel plan must be secured by condition
 - Would like to see a quantitative assessment of the routes residents would take to access the cycle network, train stations and facilities such as schools
 - The applicant must explore opportunities to make a developer contribution towards either the creation or upgrade of relevant routes identified in the LCWIP.
- 4.15 West Midlands Police - No objection subject to conditions/recommendations. Request for development to meet Secured by Design standards and for conditions requiring CCTV and limiting hours of commercial units. Concerns raised about security during development phase and suicide prevention to rooftop amenity space.
- 4.16 Network Rail - Information provided regarding controls which the applicant will need to meet given proximity to the railway. A Basic Asset Protection Agreement will be necessary and should cover matters such as crane safety in proximity of the railway.

5. **Third Party Responses:**

- a. The application has been publicised by site and press notice in addition to letters sent to the occupiers of adjacent properties.
- b. 5 representations have been received making the following comments:
 - Insufficient parking and increased pressure on existing off street parking.
 - Will there be social housing?
 - No green space provided for future and existing residents
 - Does not fit in with the historic area
 - Increased traffic will be harmful to children attending the two nearby schools
 - Loss of light from the tower
 - The building work will reduce access to public transport
 - No roadside trees
 - Poor architectural design
 - Does not encourage sustainable development
 - Should be restricted to 6-8 storeys because it is out of the city centre.
 - No infrastructure such as doctors and dentists exist to support the flats.
 - Erodes the heritage of the area.
 - Increase in anti social behaviour
 - Want quality homes for a mix of families as well as apartments
 - The developer should contribute to mitigate the impact on health and education.
 - A comments was also made stating that the plans do not show whether there will be any windows overhanging Mcc House, Warner Street.

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

a. **National Planning Policy Framework**

Paragraph 11 – Presumption in favour of sustainable development.

Paragraph 124 – Making effective use of land.

Paragraph 205 – Considering impact of development on the significance of designated heritage assets.

b. **Birmingham Development Plan 2017:**

- GA1: City Centre
- PG3: Place making
- TP3: Sustainable construction
- TP4: Low and Zero Carbon Energy Generation
- TP6: Management of Flood Risk
- TP8: Biodiversity
- TP12: Historic Environment
- TP20: Protection of employment land

- TP21: Hierarchy of Centres
- TP24: Diversity of uses within centres
- TP27: Sustainable neighbourhoods
- TP28: The location of new housing
- TP29 The housing trajectory
- TP30: The type, size and density of new housing
- TP31: Affordable Housing
- TP39: Walking
- TP40: Cycling
- TP45: Accessibility standards for new development

c. Development Management DPD:

- DM1: Air Quality
- DM2: Amenity
- DM6: Noise and Vibration
- DM10: Standards for Residential Development
- DM14: Transport access and safety

d. Supplementary Planning Documents & Guidance:

- Rea Valley Urban Quarter Supplementary Planning Document (2020)
- Design Guide (October 2019);
- National Planning Practice Guidance (PPG);
- Car Parking Guidelines SPG (2021)
- Loss of Industrial Land to Alternative Uses Supplementary Planning Document (2006)
- Affordable Housing (2001)
- Birmingham Design Guide (2022)
- Public Open Space in New Residential Development (2007)
- Housing, Economic Development Needs Assessment (2022).

7. **Planning Considerations:**

7.1 The main material considerations are:

- Principle of development
- Housing mix and tenure
- Design
- Impact on residential amenity
- Heritage
- Wind and microclimate

- Noise and pollution matters
- Transportation considerations
- Ecological considerations
- Flooding and drainage
- Sustainability

Principle of development

7.2 The Birmingham Development Plan became 5 years old on 10th January 2022 and is currently being updated. In accordance with NPPF paragraph 75, BDP policies PG1 and TP29 are considered out of date, and the Council's five-year housing land supply must be calculated against the Local Housing Need figure for Birmingham. Currently, the Council cannot demonstrate a five-year supply of deliverable housing sites. Consequently, Paragraph 11d) of the NPPF is engaged and the tilted balance applies for decision taking.

7.3 Paragraph 11 d)ii) states that where the policies which are the most important for determining the planning application are considered out-of-date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Footnote 8 of the NPPF confirms that in considering whether the policies that are most important are indeed out-of-date, this includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. Footnote 7 notes the specific policies which protect important areas or assets, and these include policies relating to designated heritage assets. This is discussed in further detail in the planning balance assessment.

7.4 The site is within the City Centre where a mix of uses are suitable. The proposal is for the redevelopment of a brownfield site currently accommodating a building which the applicant states is vacant. It is also within the River Rea Urban Quarter Supplementary Planning Document ("the SPD") area, where a transition from predominantly industrial uses to include more residential accommodation is identified. As identified in the SPD, the site is within the High Street frontage neighbourhood, where development of ground floor active uses and high density city living is identified as a future aspiration. The redevelopment of the site for a residential led, mixed use scheme could therefore present an efficient use of land with the ability to make a significant contribution to meeting Birmingham City Council's identified housing need.

7.5 It is noted that Policy TP20 of the BDP states that employment land should be retained for this use unless it is a non-conforming use or it is evidenced that the site has been actively marketed for alternative employment generating uses. However, the Loss of Industrial Land to Alternative Uses SPD makes the following statement– "City Centre Sites - Within the City Centre it is recognised that a more flexible approach towards change of use from industrial to residential is required to support regeneration initiatives. The boundary of the City Centre is defined in the UDP by the Ring Road – A4540. The 2003 industrial land review recognises the contribution of industrial land towards City Centre housing development. Proposals involving the loss of industrial land will be supported, however, only where they lie in areas which have been identified in other planning policy documents, that have been approved by Birmingham

City Council, as having potential for alternative uses.” (para 5.6). Given that the River Rea Urban Quarter is identified as suitable for a transition from industrial to residential, it is considered that the proposed loss of the employment use on this site can be supported regardless of the lack of marketing information.

- 7.6 The provision of flexible commercial space (use class E) at ground floor level is supported and would facilitate activation of this stretch of the High Street.
- 7.7 Given all of the above considerations, it is considered that national and local policy and guidance weigh in favour of the principle of the redevelopment of the site for residential use with active ground floor use, as proposed.

Housing mix, Tenure and Affordable Housing

- 7.6 The Council’s Housing and Economic Development Needs Assessment (HEDNA) provides guidance on the mix of dwelling sizes, required in different parts of the city, and replaces the existing SHMA referred to in Policy. The proposal would not replace existing housing and would therefore add to housing choice within the area. Figure 2 ‘Tenure of housing’ as set out in the BDP (2017) required as a percentage, a mix of housing. This has been updated by the HEDNA which suggests the following mix for the central area. 1 beds: 17% 2 beds: 37% 3 beds: 31% 4 beds 15%. The 481 dwellings proposed would comprise the following mix of unit sizes –

Unit size*	Number	% of total units (rounded)
1B2P	168	35%
2B3P	241	50%
2B4P	69	14%
3B5P	3	1%
Total	481	100%

* B denotes number of bedrooms, P denotes number of bedspaces (e.g. 2P = double or twin bedroom)

Figure 2 ‘Tenure of housing’

As set out in the BDP (2017) specifies a housing mix by percentage of the total number of dwellings provided. This has been updated by the HEDNA which requires the following mix for the central area.

1 beds: 17% 2 beds: 37% 3 beds: 31% 4 beds 15%

- 7.7 There would therefore be more 1, and particularly 2 beds than sought by the HEDNA and a smaller proportion of units of 3 or more beds than sought. Overall, however, given the high density of the development, and that the greatest proportion of units would have two bedrooms rather than one, it is considered that the mix proposed is appropriate for this location.

7.8 With regards to the provision of affordable housing, 0% is proposed to be secured by either planning obligation or condition. This falls significantly short of the 35% sought by Policy TP31 of the BDP. However, in line with national policy in this regard, Policy TP31 does allow for a lower level of affordable housing to be secured if it is evidenced that the maximum viable level of affordable housing is being proposed. A viability statement was submitted with the application and this has been independently verified by the specialist viability team at LSH. They have confirmed that the scheme cannot viably afford to provide any affordable housing. The primary reasons for the lack of scheme viability which they have outlined are –

- The scheme is very large for a build for sale scheme and therefore carries very high cost liability
- Sales values of around £450 per sq ft are expected and there is no comparable evidence to justify higher in the proposed location
- Finance cost is significant for this type of scheme.

The assessment has been adjusted to improve values by increasing off plan sales figures, incorporating a 7.5% reduction in overall cost, and attributing higher value for the commercial element, alongside lower finance cost. However, even with these adjustments, the scheme is not generating enough profit to support the provision of affordable housing secured within a legal agreement. This is highly regrettable but in accordance with the established viability assessment and Policy principles.

7.9 The applicant, Latimer is a subsidiary business of Clarion Housing, a Registered Provider of affordable housing. It is of note, as background information only, that Clarion have stated that they will be seeking to deliver the scheme to provide 55% affordable housing which would not be secured in the legal agreement and would instead come forward through the potential award of grant following the grant of planning permission. Whilst this would be a very positive scenario, the committee can have no certainty that this will come to fruition. 100% of the scheme could be delivered as private market units. On this basis, the offer of potential affordable housing is not a material planning consideration which can be taken into account in the decision making process. The provision of affordable housing which is not guaranteed by legal agreement cannot be considered as a public benefit of the proposed scheme in the planning balance.

7.10 Whilst officers have discussed a number of options to facilitate the provision of some secured affordable housing in order to increase the level of public benefits associated with the scheme, this has not been achieved.

7.11 Overall, given the independently assessed viability situation, this is considered acceptable.

Design

7.12 Each of the key facets of the design (townscape, layout, scale and massing, architecture and materiality and landscaping) will now be discussed individually.

Townscape

- 7.13 The application is accompanied by a detailed townscape and visual analysis. A visual amenity assessment has been conducted through reference to viewpoints, including various points on the High Street and 132 Bradford Street (Grade II listed Mosely Arms), the canal and Highgate Park. The assessment states that the development would result in a neutral or negligible visual impact the majority of viewpoints other than 132 Bradford Street, the hill at Kingston Hill Park and looking for the bridge at Small Heath Highway and the Grand Union Canal. Adverse townscape is also identified, particularly to the High Street. Visual mitigation is proposed in the form of landscaping and high quality materials (to be secured at condition stage.) Some of the views at produced below for reference.



Image 3 - From 132 Bradford Street baseline



Application Site Boundary

Image 4 - From 132 Bradford Street with proposed scheme

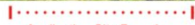


Image 5 - From Grand Union canal baseline



Image 6 - From Grand Union Canal with the proposed scheme and wirelines of other consented schemes

- 7.14 The buildings and particularly the taller building would have a significant townscape and visual impact due to their scale. This represents a harm of the development which needs to be considered against the public benefits of the scheme. There is a significant new housing need within Birmingham and thus a significant need for new built form. The site is on a major thoroughfare and in an area identified as suitable for intensification and potentially a tall building within an adopted SPD. Balanced against these factors, the townscape and visual impacts are considered proportionate to the extent of new housing being provided and acceptable. It is, however, noted that achieving high quality design and materials is essential to ensure that these impacts are mitigated to the largest extent possible.

Layout

- 7.15 The proposed layout, with one L shaped building and one more rectilinear building would in affect represent two side of a courtyard. This is considered an appropriate layout for the site and an opportunity to maximise useable amenity space for future residents. This is also in line with the perimeter block approach outlined for both this site and the surrounding area in the SPD.

Scale and mass

- 7.16 The Rea Valley Urban Quarter SPD height proposal plan identifies the site as suitable for a 10-15 storeys fronting the High Street, with a slender taller element of more than 15 storeys to the corner as shown in the images below, with the site denoted by a blue arrow.

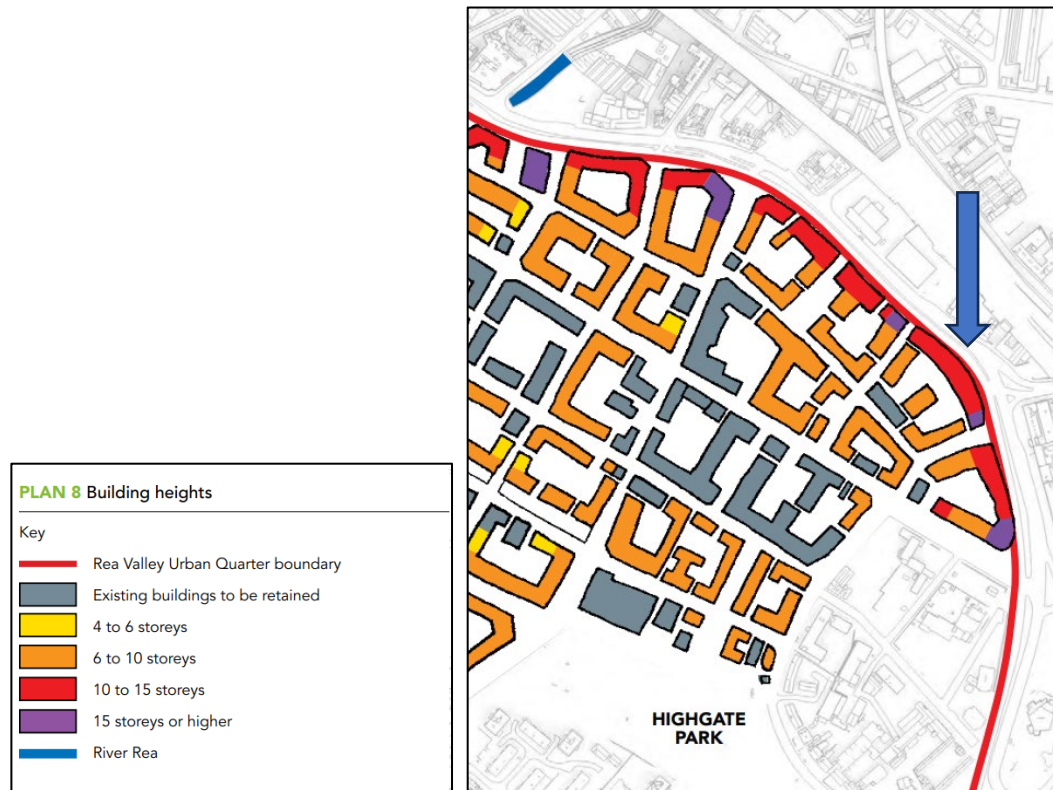


Image 7 – Rea Valley SPD Plan

- 7.17 The proposal is in line with the approach to building height and massing outlined in the SPD. The height is focused adjacent to the High Street. The 34 storey building would appear as a slender tower whilst the lower 10 storey building would provide an appropriate shoulder course. This massing would also appear appropriate within the emerging surrounding context of consented schemes.

Architecture and materiality

- 7.18 The architecture takes reference from the historic industrial buildings of Digbeth with equal apertures and expressed lintel and cill details. A bay study of the lower building is provided below.



Image 8 – Bay Study

- 7.19 This is considered an appropriate approach for the scale of the buildings and the context of the site. Details ensuring deep recesses and window reveals to ensure the façade is appropriately articulated are proposed. The use of high quality materials which are appropriate for the locality will also be essential for the scheme to achieve a high quality appearance. This matter would be secured by condition. A pre-cast system would be most appropriate. Detailed visual mock ups will also be necessary.
- 7.20 Whilst the Design officer has expressed concern that there is not sufficient surety at this stage to ensure appropriate mitigation of the townscape and visual impacts of the mass and height, it is considered that these matters can be secured by condition.

Landscaping

- 7.21 The provision of an expanded and improved area of public realm to the front of the site adjacent to the High Street is appropriate and represents a public benefit of the scheme. The initial information regarding the landscaping of the proposed courtyard space, with expansive areas of soft landscaping, is supported and will support the greening aims of the SPD whilst providing a more comfortable and usable environment for future residents than a primarily hard landscaped area. This aspect of the scheme is wholly supported.
- 7.22 The overall design, therefore, is considered acceptable in relation to each level of analysis outlined above.



Image 9 – High Street View

Impact on residential amenity

- 7.23 There is not currently residential accommodation in close proximity to the site and it is not considered that the proposed scheme is likely to have an adverse impact on the outlook or privacy of existing residences. The submitted sunlight and daylight assessment does identify that some nearby residences would experience a perceivable reduction in daylight and sunlight as a result of the proposal. The most noticeable impact would be at 117-122 High Street. However, the overall resultant levels at this dwelling and others are considered acceptable for an urban area.
- 7.24 There is a consented residential scheme which has been commenced to the north west at 75-80 High Street (Ref 2017/07207/PA). That scheme shows a tower adjacent to Clyde Street with a small set back from the Highway and residential accommodation with habitable rooms facing towards the current application site. The proposed building would be set back by approximately 2m, whilst the existing highway is approximately 7m in width. Whilst this habitable room to habitable room separation distance of approximately 10m is significantly lower than the separation we would generally expect as a rule of thumb, it is considered acceptable given that the outlook would be over the highway where habitable rooms could already be overlooked to a certain extent.
- 7.25 With regards to the sunlight and daylight impacts on the consented scheme at 75-80 High Street, the majority of facing habitable room windows would meet BRE sunlight/daylight tests. However, a number would not and would experience significant reductions as a result of the proposal. However, given the urban nature of the site and

the pressing housing need to build at higher densities on appropriate brownfield sites such as the application site, this impact is considered acceptable.

- 7.26 Overshadowing would not result in a material adverse impact. Overall, therefore, it is considered that the impact on the residential amenity of adjoining occupiers would be acceptable.
- 7.27 With regards to the residential amenity of future residents, all units would meet or exceed the Nationally Described Space Standards. Whilst the units wouldn't benefit from private amenity space, they would have access to communal amenity space within the courtyard which would be for residents only. The internal layouts would allow sufficient privacy between habitable rooms in different dwellings within the development.
- 7.28 An assessment of the internal living environment has been submitted which demonstrates at 90% of habitable rooms would meet suggested daylight standards in the cumulative scenario (i.e. if the consented schemes are built out.) 64% of habitable rooms would meet the suggested sunlight criteria within the same cumulative scenario. These levels of sunlight and daylight are considered acceptable.
- 7.29 Overall, therefore, the impact on the residential amenity of both existing/consented dwellings and the future occupiers of the development are considered acceptable.

Heritage

- 7.30 The proposal is for a tall building located within the setting of a large number of designated and non-designated heritage assets. The application is accompanied by a Heritage Assessment which identifies a low level of less than substantial harm to the significance of the various listed building through development within their setting and to the significance of the Conservation Area through impact on character and appearance.
- 7.31 The Council's Conservation Officer identifies less than substantial harm to multiple assets. Taking each assets in turn, the following levels of less than substantial harm have been identified -
- Holy Trinity Church- low level
 - 132 Bradford Street- moderate level
 - Clements Arm P. H. – moderate level
 - Moseley Arms P. H. – moderate level
 - Digbeth, Deritend and Bordesley High Streets Conservation Area- low to moderate level in various locations but low to the conservation area as a whole
 - Warwick Bar Conservation Area- low level
- 7.32 The Conservation Officer also identifies that the proposed development will cause harm to the following non-designated heritage assets through development in their settings:

- No. 123 High Street- moderate level
- Bradford Court- moderate level
- No. 70 Warwick Street- moderate level

7.33 In accordance with NPPF paragraph 205, this harm is afforded significant weight within the planning balance and weighs against the development. Whether the identified harm is outweighed by the public benefits of the scheme is discussed further below in the planning balance assessment.

Wind and micro climate

- 7.34 The application is accompanied by a wind microclimate assessment report, produced following wind tunnel testing. The assessment makes the following conclusions –
- The development would not result in any significant wind safety risks at ground level
 - The proposal would result in a beneficial wind microclimate impact on the Bordesley Station bus stops under the railway bridge. They currently experience unsuitable conditions which would become suitable with the building in place.
 - Without mitigation, there would be a localised area of uncomfortable conditions to the south easter corner of the development. This could be mitigated by the provision of screen within the proposed landscaping.
 - The proposed amenity spaces would have suitable wind conditions for their intended use.
 - Screens and planters would be required to mitigate the wind impact on the proposed amenity terraces, including that to the roof. With this mitigation, however, they would provide suitable wind environments for amenity space and not subject to wind safety risks.
 - There would be a negligible wind impact on consented schemes in the vicinity of the site.
- 7.35 These conclusions indicate that the wind environment which would be experienced within the site for future residents and passers by/users of surrounding functions such as the bus stops, would be acceptable. The wind impacts on consented schemes would be negligible when considered against the impacts which those schemes themselves would generate. The proposal is therefore considered acceptable with regards to the resultant wind impacts.

Noise and pollution matters

- 7.36 The proposed development would be acceptable with regards to all air quality, land contamination risk and noise matters, subject to conditions as recommended. Noise mitigation will be required. The development is therefore considered acceptable in this regard.

Transportation considerations

- 7.37 In accordance with adopted Policy, there would be very limited parking associated with the development. The resultant impact on Highway safety and efficiency through car journey generation would therefore be negligible.

- 7.38 A number of conditions would be necessary to ensure that the scheme is acceptable with regards to transportation impacts, including to ensure the provision of cycle parking and a Travel Plan.
- 7.39 The applicant has been asked to produce an amended plan to ensure that the width of the proposed footway is increased to an acceptable figure. The outcome of this request will be presented at committee.
- 7.40 It is noted that Active Travel England, who are a statutory consultee on the planning application, have recommended that the application is deferred. This would be to allow the submission of further assessment information and further discussions regarding potential planning obligations to fund improved cycle routes and similar. The committee are obliged to consider these comments in the decision but are not obliged to determine the application in line with them.
- 7.41 Officers consider that deferral on the matters raised is not necessary. Whilst concerns have been raised that insufficient cycle parking would be provided, the Highway Authority do not object on this basis. Officer's also support the applicant's statement that cycle stores are seldom used to capacity and that this saved space could be used for more efficient purposes. A Travel plan can be secured by condition, as recommended. Whilst a quantitative assessment of the routes residents would take to access the cycle network, train stations and facilities such as schools could be produced, this would be unlikely to have a material impact on the outcome of the decision as to whether the proposal is acceptable with regards to sustainable travel. It is located within a highly accessible location in close proximity to major transport nodes. The Highway Authority has not requested a developer contribution towards either the creation or upgrade of relevant routes identified in the Local Cycling and Walking Infrastructure Plan (LCWIP). On the basis that no directly relevant section of work has been identified, such a contribution would not be necessary to make the development acceptable.
- 7.42 The proposal is therefore considered acceptable with regards to transportation impacts (subject to receipt of a plan showing a minor amendment to the proposed footway width.)

Ecological considerations

- 7.43 The application is accompanied by a Bat Report outlining a survey of sound methodology. The building was identified as having low bat roost potential and no bat activity was identified during the survey. Roosting birds may be present on site but no suitable habitat is currently provided for other species. The proposal is therefore not likely to result in harm to protected species, subject to the conditions as recommended by the Council's Ecologist.
- 7.44 Whilst the application was submitted before 12th February 2024 and therefore is not subject to a statutory requirement to provide Biodiversity Net Gain (BNG) the application has been accompanied by a full assessment. As there are no habitat units currently on site (i.e. the baseline conditions) the landscaping proposed result in a

substantial biodiversity nett gain of 100%. It is proposed that this would be secured by condition.

- 7.45 The proposal is thereof reconsidered acceptable with regards to ecological matters.

Flooding and drainage

- 7.46 The site is within flood zone 1 and therefore not likely to experience flooding, despite relative proximity to the River Rea.
- 7.47 Achieving suitable SuDS for the site is essential given the highly built-up nature of the surrounding area. The LLFA have outstanding concerns regarding the proposal in this regard and have a holding objection. The applicant is seeking to address these prior to the committee meeting. The officer recommendation is subject to information addressing the LLFA's comments being forthcoming and giving the LLFA sufficient comfort that their objection can be removed. This information will be presented at the committee meeting.

Sustainability

- 7.48 The application is accompanied by a Sustainable Construction Statement. This states that the development will maximise energy efficiency by measures such as air tightness, solar glass and efficient lighting. An air source heat pump would be used for energy generation, alongside some solar panels to the rooftop area. Sufficient energy efficiency measures are identified to comply with the requirement of Policies TP3 and TP4.

7.49 Other issues

- The proposal is considered acceptable with regards to aerodrome impacts. The CAA and Birmingham International Airport were consulted and did not return comment. The application is accompanied by a Technical Aerodrome Safeguarding Assessment. This notes that a warning light may be necessary and that cranes may be tall enough to come vertically within the Outer Horizontal Surface of Birmingham Airport. It is recommended that these matters are controlled by condition.
- The application is also accompanied by a television baseline survey report. This identifies that whilst there might be a slight decrease in signal strength within the reception 'shadow zone' of the tower, the effects are unlikely to be noticeable given that there is a very good baseline strength. The proposal is therefore acceptable in this regard.
- Representations have raised concern that there is insufficient social infrastructure, such as dentist and doctors, in the locality of the application site to support the new development. CIL funding is available through the bid process should local services identify a need for investment due to the proposed development. The proposal is therefore acceptable in this regard.
- Representations have raised concerns regarding anti-social behaviour. However, there is no reason to suspect that the proposed scheme would result in an increase in

anti-social behaviour and no objection has been received from the police.

- Representations have raised concern that there may be windows over-hanging the site. No such windows have been identified.

The planning balance

- 7.50 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that 'If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise'.
- 7.51 Paragraph 11 d) states that:
- “Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”
- 7.52 Footnote 8 of the NPPF confirms that in considering whether the policies that are most important are indeed out-of-date, this includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.
- 7.53 The Birmingham Development Plan became 5 years old on 10th January 2022. In accordance with NPPF paragraph 75, BDP policies PG1 and TP29 are considered out of date, and the Council's five-year housing land supply must now be calculated against the Local Housing Need figure for Birmingham. As of 10th January 2022, the Council cannot demonstrate a five-year supply of deliverable housing sites. Consequently, Paragraph 11d)ii) of the NPPF is engaged and the tilted balance applies for decision taking. This means that planning permission should be granted, unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
- 7.54 This is only the case, however, when Paragraph 11d)i) is not engaged i.e. there is no harm which provides a clear reason for refusal to a protected asset or area of importance. Footnote 7 clarifies that designated heritage assets are considered to be protected assets of importance for the purposes of paragraph 11d)i). Therefore, where there is a clear reason for refusal, because of harm to designated assets, the tilted balance described above is not engaged.
- 7.55 The harm identified to the significance of designated heritage assets needs to be weighed against the considerable importance and weight to be applied to the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990, as well as the degree of accord with BDP policy TP12 and the relevant paragraphs in the NPPF.
- 7.56 The identified harm was as follows;

Designated assets

- Holy Trinity Church- low level
- 132 Bradford Street- moderate level
- Clements Arm P. H. – moderate level
- Moseley Arms P. H. – moderate level
- Digbeth, Deritend and Bordesley High Streets Conservation Area- low to moderate level in various locations but low to the conservation area as a whole
- Warwick Bar Conservation Area- low level

7.57 None designated heritage assets:

- No. 123 High Street- moderate level
- Bradford Court- moderate level
- No. 70 Warwick Street- moderate level

7.58 Using the three strands of sustainable development the public benefits of the scheme are identified as

Economic

- Temporary construction jobs over the construction period
- Limited employment within the commercial units
- Additional residents adding to the economy
- Limited level of employment for staff managing the residential aspects of the buildings.

7.59 Para. 85 of the NPPF states that “Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development” However, I also note that many of the new jobs would only be for a temporary period, and that whilst some permanent jobs would be created, the figure is not significant. However, given the scale of development, moderate weight is attached to these economic benefits.

7.60 Social

- The provision of 481 new homes

Taking account of the extent of the 5YHLS shortfall, substantial weight is attributed to the provision of housing using brownfield land in sustainable locations to deliver homes.

7.61 Environmental

- The site would enhance the ecological and biodiversity offer at the site and contribute to the greening and biodiversification of the city centre.
- Public realm improvements
- Using suitable brownfield land within settlements for homes.

7.62 Moderate weight is afforded to the sustainability credentials of the built development, I note the carbon impact of demolition, however given the existing BDP Policies, this

carries limited weight in this context. The site has very limited ecological value and the proposal does provide ecological gains. This is afforded moderate weight.

- 7.63 Set against these benefits is the less than substantial harm identified to designated heritage assets, identified as low or moderate levels of less than substantial harm in all cases. In accordance with TP12 and the NPPF, great weight should be given to the impact on heritage assets in the planning balance. In addition, a balanced judgement is required with the high degree of harm resulting from the complete loss of and adverse impact to the setting of non-designated heritage assets.
- 7.64 The designated heritage assets hold considerable historic significance and the less than substantial harm which would be caused to their significance by the development is considered by conservation colleagues to reach low or moderate levels. The level of harm is also broadly commensurate with other consented schemes on Digbeth High Street and the site is identified within an adopted SPD for larger buildings with a corner building of more than 15 storeys. Therefore, on balance, I consider there are enough benefits associated with this proposal to outweigh the heritage harm, with particular reference to the delivery of homes on brownfield land within a sustainable urban context. The test within the NPPF is therefore favourable to the proposal. In reaching this conclusion on heritage matters it follows that I can find no clear reason for refusal based on policies, as referenced by NPPF para.11(d)i and Footnote 7. The tilted balance is therefore engaged.
- 7.65 There are also other harms associated with the development. There would be a loss of light to some habitable rooms of some surrounding existing residencies and some reduction in available light within consented schemes nearby. I attribute this moderate weight in the planning balance. There would also be a degree of inevitable townscape harm given the scale of the building, as acknowledged in the applicants submitted TVIA. I attribute this low weight in the planning balance, however, given that a number of other tall buildings have been consented to the High Street and that the site is identified by the SPD as an area of change.
- 7.66 Overall, I conclude that the cumulative adverse impacts would not be such that they would significantly and demonstrably outweigh the benefits of the scheme. In accordance with para. 11(d)ii) of the NPPF, I recommend the application is approved subject to the conditions set out below.

8. **Conclusion**

The proposed development would result in some harms, most notably to townscape and visual factors, heritage assets and the lighting conditions within some habitable rooms of surrounding existing and consented dwellings. However, it would result in significant public benefits. Not least of these would be the provision of 481 new dwellings to make a contribution towards meeting significant housing demand in the city. There would also be public benefits in terms of the provision of significant biodiversity nett gain, improved wind conditions to the bus stops and the provision of a greater offer of larger (i.e. two bedroom unit) dwellings. Overall, therefore, the proposal is considered to be acceptable in planning terms.

9. **Recommendation:**

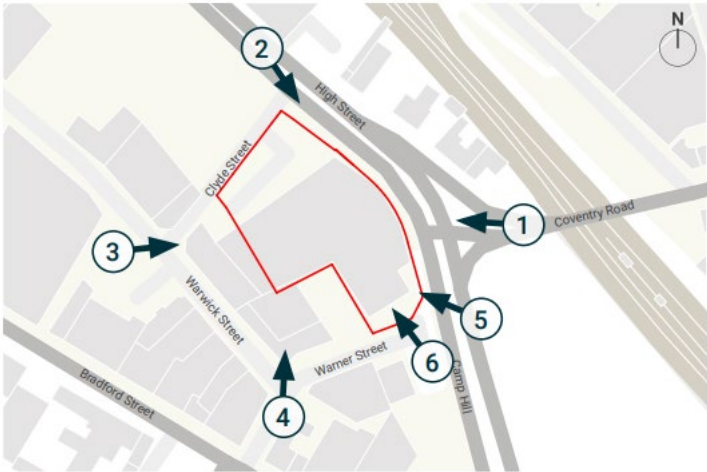
- 9.1 That application 2023/07135/PA be APPROVED, subject to the applicant successfully addressing the LLFA's objection and the objection being removed, and the conditions listed below (that may be amended, deleted or added to providing that the amendments do not materially alter the permission).

-
- 1 Implement within 3 years
 - 2 Build in accordance with approved drawings
 - 3 Archaeological investigation
 - 4 Air quality study and management plan
 - 5 Noise mitigation scheme
 - 6 Contamination remediation scheme
 - 7 Contaminated land verification report
 - 8 Construction Environmental Management Plan
 - 9 Provision of materials samples and panels
 - 10 Provision and maintenance of landscaping
 - 11 Visual mock ups for both buildings
 - 12 TBC Conditions regarding SUDS
 - 13 Travel plan
 - 14 Highway works provided before occupation.
 - 15 Closure of redundant crossings on other frontages.
 - 16 Boundary treatment measures
 - 17 Cycle parking before occupation.
 - 18 Demolition and Construction Management Plan before works start.
 - 19 Doors on Warner Street to open into the building and not out onto the footway.
 - 20 Scheme for ecological enhancement measures
 - 21 Details of bird/bat measures
 - 22 Implementation of biodiversity mitigation and enhancement
 - 23 Biodiversity roof condition
 - 24 Precautionary working method statement (ecology)
 - 25 Construction Employment Plan
-

-
- 26 Crime prevention strategy
 - 27 Limiting hours of commercial units to close to the public 11pm to 6am
 - 28 Scheme for wind mitigation, including to terrace areas
 - 29 Compliance with sustainable construction statement.
 - 30 Aviation Warning light
 - 31 Control of cranes
-

Case Officer: Kate Edwards

Photo(s)



Key plan



View from Coventry Road



View from High Street



View from corner of Clyde Street and Warwick Street



View from Warner Street

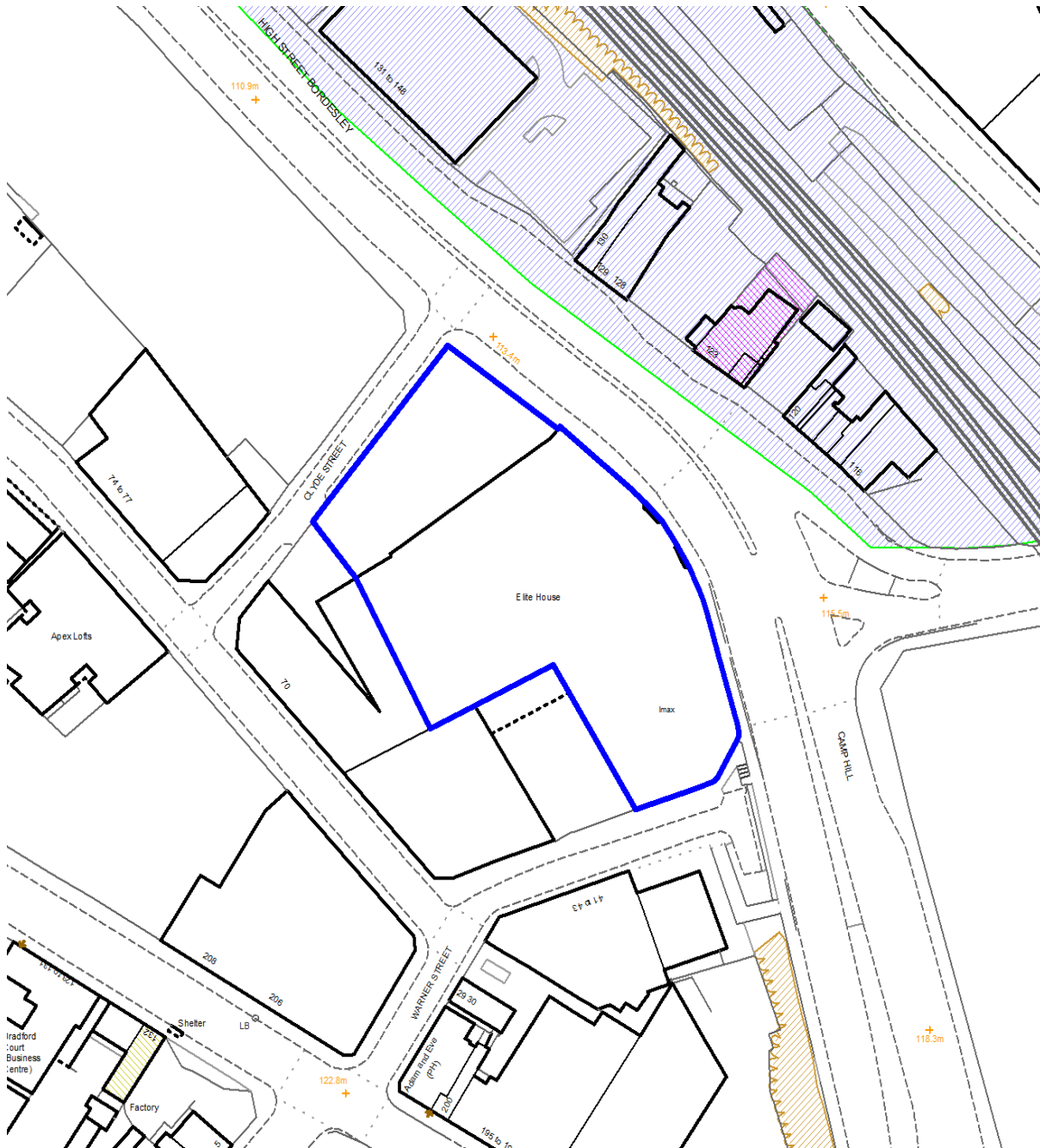


View from Camp Hill



View from Warner Street

Location Plan



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BIRMINGHAM CITY COUNCIL

**REPORT DIRECTOR OF BUILDING CONSULTANCY
 ACIVICO BUILDING CONSULTANCY LIMITED**

PLANNING COMMITTEE

DATE : 14 MARCH 2023

THE BUILDING (LOCAL AUTHORITY CHARGES) REGULATIONS 2010 - ANNUAL SCHEME OF CHARGES.

1.0 SUMMARY

- 1.1 Since April 2012 Birmingham City Council's statutory building control functions have been discharged through its wholly owned company Acivico (Building Consultancy) Limited. This report informs Planning Committee about proposed revisions in respect of Building Regulation charges and seeks approval to implement these from 1st April 2024.

2.0 RECOMMENDATIONS

That Planning Committee:

- 2.1 Approve the Building Regulations Charging Scheme dated 1st April 2024, to be implemented with effect from 1st April 2023.
- 2.2 Permit the calculation of charges by the Director of Acivico (Building Consultancy) Limited where an individual project fee is required.

Contact Officer

Kevin Blunden, Director of Building Consultancy – Acivico Building Consultancy Ltd
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3.0 PURPOSE OF REPORT

3.1 This report informs Planning Committee about the revision of Building Regulation charges and seeks approval to implement a 20% increase with effect from 1st April 2024.

3.2 The report also outlines the increase in costs associated with delivering the Building Control Service as a consequence of new provisions introduced by the Building Safety Act 2022 and amendments to the Building Act 1984

4.0 BACKGROUND

4.1 Building Regulation charges were last approved at Planning Committee one year ago.

4.2 Building Regulation charges are subject to an annual budget review by Acivico Building Consultancy Limited which considers the following:

- a) Corporate charging policy.
- b) Forecast changes in the cost base alongside a statutory constraint for the fee earning service to operate at cost neutral.
- c) Analysis of fee earning and non-fee earning service inputs over the preceding twelve months.
- d) The external competitive environment within which building control operates.
- e) The significant changes to legislation and the regulation of those working in Building Control being introduced in April 2024, requiring additional training, registration fees for all staff, increased costs for staff registered to deal with more complex buildings, increased powers of enforcement and costs associated in changing systems to allow reporting to the new sector regulator.

4.3 The Building Regulation Fee Regulations primary objectives are:

- a) Chargeable functions are delivered on a cost recovery basis, funded through fees.
- b) The charging scheme is transparent and able to demonstrate value for money.
- c) Charges support an appropriate level of resource to ensure that we compete by providing good quality professional services and meet the new national Operational Standard Rules.
- d) Charges are flexible, achieving cost recovery on all projects, from high rise and complex buildings to small domestic projects.
- e) Additional charges to be levied when additional time is required to be inputted due to changes in design or failure of the person carrying out the building work.

4.5 For the purposes of this report the scheme of charges as been collated into this report. There is a legal requirement to publish fees, and this is incorporated into the website application process with relevant information for each application type being separated to ease understanding for the end user.

5.0 PROPOSED FEE INCREASES FOR APPLICATIONS

- 5.1 A 20% rise in fees is required to accommodate inflationary pressures and changes to the regulatory framework, additional duties placed upon Local Authorities and the increased scope of technical standards forecasted in 2024/25.

This will apply to all applications and are summarised in the table below.

- ## 5.2 Schedule of proposed changes.

Fees show include VAT at the current rate of 20%

Full Plans Applications – Domestic Works

Full Plans Applications	Domestic Works					
	Fees 2023/24			Fees 2024/25		
Category of work	Plan Fee	Inspection Fee	Total	Plan Fee	Inspection Fee	Total
A detached garage or habitable structure (summer house, office, gym or playroom) exceeding 30m2 but not exceeding 60m2	£175	£395	£570	£210	£474	£684
An extension that is less than 10m2	£175	£395	£570	£210	£474	£684
An extension that is over 10m2 but less than 40m2	£182	£543	£725	£220	£650	£870
An extension that is over 40m2 but not exceeding 60m2	£225	£685	£910	£270	£822	£1092
An extension that is over 60m2 but less than 100m2	£256	£769	£1025	£310	£920	£1230
A loft conversion comprising of a floor area less than 50m2 or two rooms	£200	£370	£570	£240	£444	£684
Any other alterations valued at less than £5,000.00 undertaken at the same time as an extension from one of the categories listed above	£82			£100		
Conversion of an existing garage into a habitable room	£175	£330	£505	£210	£396	£606
Other building work to a domestic residence not included in one of the above categories.						
Up to and including a value of £15,000	£175	£252	£427	£210	£302	£512
Up to and including a value of £50,000	£175	£520	£695	£210	£624	£834
Up to and including a value of £100,000	£256	£769	£1025	£310	£920	£1230
All other works fees by individual quotations						

Building Notice Applications – Domestic Works

Building Notice applications do not have the requirement to submit plans for approval and therefore do not attract a Plan fee, however this is offset by a need to carry out additional work during inspections to assess design and therefore the principle is that the single inspection fee paid upon application is equivalent to the Plan Fee plus the Inspection Fee chargeable for full Plan domestic applications.

Small projects and minor works are typically submitted without plans under the Building Notice procedure and the following fees apply.

For the majority of these works the client may use a contractor registered under a national competent persons scheme in which case no application is made and no fee is charged. Notification of these works are provided by the scheme provider.

Building Notice Application – Minor works		
Category	Fees 2023/24	Fees 2024/25
Minor works up to £5000	£200	£220
Solar panels not covered by a competent persons scheme but certified to BS 7671	£130	£150
Replacement windows, other than by a registered installer	£130	£150
Electrical installations not covered by a competent person's scheme but certified to BS7671	£130	£150

Full Plans Applications – Commercial Works

Full Plans Applications	Commercial Works					
	Fees 2023/24			Fees 2024/25		
Category of work	Plan Fee	Inspection Fee	Total	Plan Fee	Inspection Fee	Total
An extension or detached new build commercial structure that does not exceed 40m ²	£200	£524	£724	£250	£620	£870
An extension or detached new build commercial structure that is over 40m ² but less than 100m ²	£300	£725	£1025	£360	£870	£1230
Internal refurbishment of commercial premises with a floor area not exceeding 75m ² .	£410		£410	£500		£500
Internal refurbishment of commercial premises with a floor area not exceeding 200m ²	£200	£410	£610	£250	£480	£730
Internal refurbishment of commercial premises with a floor area not exceeding 500m ²	£250	£658	£908	£300	£790	£1090
Other Building Work						
Up to and including a value of £15,000	£430		£430	£500		£500

Up to and including a value of £50,000	£200	£494	£694	£240	£590	£830
Up to and including a value of £100,000	£300	£725	£1025	£360	£870	£1230
Any building work up to a value of £5,000 undertaken at the same time as the above	£120		£120	£150		£150

Regularisation Applications can be made in respect of works carried out without prior application for any works since 11 November 1985. These applications do not have a requirement for a plan approval and hence a single fee is charged for these works.

The Regularisation fee is 120% of the standard fee for the work involved.

Reversion Applications relate to works which were being controlled by private Approved Inspectors but have reverted to Local Authority control either because the Approved Inspector can no longer continue to provide the service or because there are non-compliance matters requiring enforcement under Sections 35 or 36 of the Building Act 1984 as Approved Inspectors cannot carry out that function.

The reversion fee is 120% of the standard fee for the work involved.

Full Plans Applications	New Dwellings <250m2 & < 4 Storeys					
	Fees 2023/24			Fees 2024/25		
Category of work	Plan Fee	Inspection Fee	Total	Plan Fee	Inspection Fee	Total
1 Dwelling	£220	£611	£831	£264	£740	£1,004
2 Dwellings	£220 per dwelling type	£807	£1027 to £1247	£264 per dwelling type	£966	£1,230 to £1,494
3 Dwellings	£220 per dwelling type	£1003	£1,223 to £1,663	£264 per dwelling type	£1,200	£1,464 to £1,992
4 Dwellings	£220 per dwelling type	£1,169	£1,389 to £2049	£264 per dwelling type	£1,400	£1,664 to £2,465
5 Dwellings	£220 per dwelling type	£1305	£1525 to £2,405	£264 per dwelling type	£1,566	£1,830 to £2,886
6 Dwellings	£220 per dwelling type	£1,471	£1,691 to £2,791	£264 per dwelling type	£1,765	£2,029 to £3,349
7 Dwellings	£220 per dwelling type	£1,578	£1,78 to £3,118	£264 per dwelling type	£1,890	£2,154 to £3,738
8 Dwellings	£220 per dwelling type	£1,863	£2,083 to £3,623	£264 per dwelling type	£2,235	£2,499 to £4,347
9 Dwellings	£220 per dwelling type	£2,059	£2,279 to £4,039	£264 per dwelling type	£2,470	£2,734to £4,846
10 Dwellings	£220 per dwelling type	£2,373	£2,593 to £4,573	£264 per dwelling type	£2,850	£3,114to £5,490
All other works by quotation						

- The Charging Scheme sets out clearly and transparently how the fees are applied. All fees are consistent with the requirements and powers set by the fee regulations.
- 6.2 The Scheme is clear about when charges apply, how discounts will be applied, how refunds will be given and how additional charges will be levied.

7 FINANCIAL IMPLICATIONS

The proposals identified above for the 2024/2025 charging scheme maintain the delivery of a balanced statutory trading account and continue to underline that the service operates in an efficient and cost-effective manner.

8 BENCHMARKING

In Benchmarking it should be noted that Birmingham City Council is one of the largest in the UK, with a diverse population and wide-ranging demographic of properties in a compact urban area which presents unique challenges in delivering services across the city.

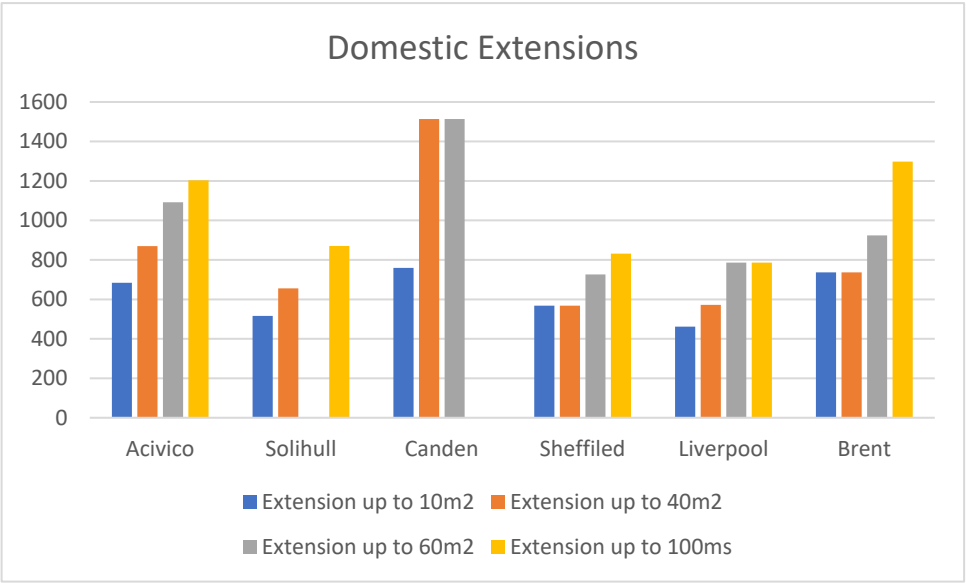
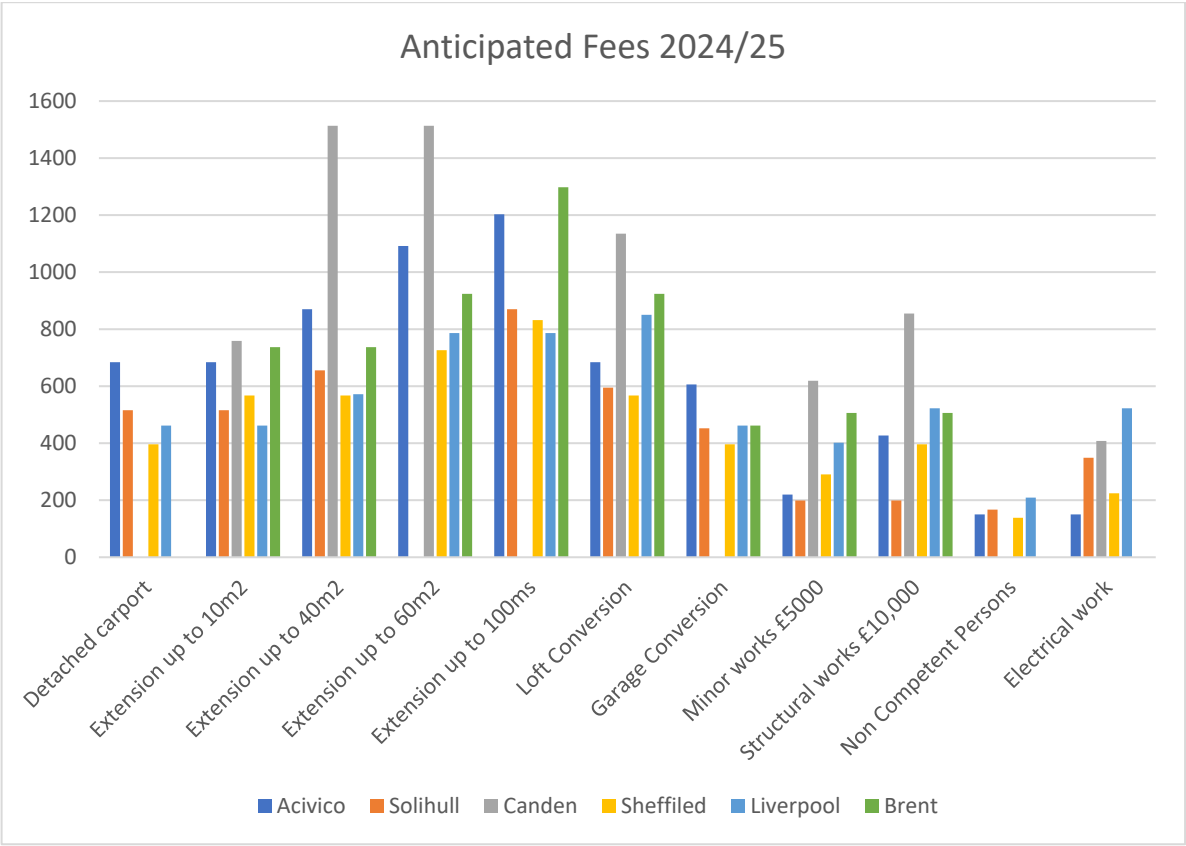
In preparing report the fees to be charged by others in 2024/25 have not yet been published and analysis is based upon the previous year.

Private sector providers, Registered Building Control Approvers (formerly Approved Inspectors) are not obliged to publish fee scales and comparisons are not possible. In addition the private sector can decline smaller, less financially viable projects.

Acivico Building Consultancy Limited fees are more competitive compared to other large metropolitan Councils particularly in respect of smaller works paid for by residential clients carrying out improvement works to their properties. Smaller commercial works carries out mainly by local businesses and new dwellings are broadly comparable for all other work where comparison data is available.

Accurate benchmarking against private sector competitors is not possible as there is no requirement for the private sector to prepare or publish scales of fees.

Benchmarking has been carried out against large Local Authorities, a neighbouring authority and London Boroughs. As far as possible the benchmarked authorities have been selected upon the profile of work being similar to Acivico. Fees for others for 2024/25 for benchmarked authorities have not been published and are based upon discussions around intended fee scales.



- 11.1 All statutory non-fee earning services are delivered within an agreed budget and it is not intended to change the previously established mechanism for determination of the payment for these services.

The non-fee earning services currently include works where an obligation is placed upon the Local Authority in respect of

- Enforcement of the Building Regulations

- Provision of a service to deal with Dangerous Structures

- Provision of a service to deal with notifications and notices in respect of demolitions.

- Maintenance and publication of a public register of applications

- Registering and including on a public register all notifications received from Approved Inspectors

- Registering and including on a public register all notifications received from operators of competent persons schemes.

- Dealing with Building Regulation applications which meet the fee exemption criteria in respect of works for disabled persons.

- Assessment of venues and provision of advice in respect of properties covered by the Safety at Sports Ground Act and associated legislation.

- Provision of general advice to the public in respect of general building matters which are not linked to applications, including advice on exemptions.

In addition, in the 2024/25 financial year it is anticipated that there will be additional non-building regulation fee related work as a consequence of regulatory change including:

- Increased enforcement as a consequence of new enforcement powers being introduced under regulations to be made under the Building Safety Act 2022

- The inclusion in the Building Control function to assess the competence of Principal Designers and Principal Contractors as defined in legislation to be introduced shortly.

- Subject to legislation being finalised a need to make provision for the assessment and collection of the Building Safety Levy at the time of application for any new residential work.

- A significant programme of education and dissemination of information to clients, designers and contractors to advise of new responsibilities under legislation to come into effect in April 2024

