

Birmingham City Council

Planning Committee

16 March 2023

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Approve – Conditions	6	2023/00312/PA 2 Station Street City Centre Birmingham B2 4AU Change of use to Flexible Class E and/or F1(b) and/or F1(c) and/or sui generis uses (to allow for cinema, theatre, live music venue, bars and drinking establishments) alongside external alterations to the building including a roof top extension and garden, installation of photo voltaic panels and other associated works
Approve – Conditions	7	2022/08628/PA Typhoo Tea Bordesley Street Birmingham B5 Full planning application for site clearance, partial-demolition of, change of use and refurbishment of, and extensions to, the former Typhoo Tea Factory for commercial use (Class E) including broadcasting, production, offices and associated staff facilities (including a roof extension) and food and beverage units (Class E and / or Sui Generis (drinking establishments), alongside new public realm and landscaping, access, parking and associated works
Determine	8	2022/04246/PA Land at Gough Street/Suffolk Street Queensway Birmingham B1 1LT Full planning application for the erection of a purpose-built student accommodation (PBSA) scheme (Sui Generis) including amenity space and landscaping

Approve – Subject to 106 Legal Agreement	9	<p>2022/01880/PA</p> <p>Corner of Cheapside and Moseley Road Bordesley Birmingham B12</p> <p>Part 11, part 10, part 8 storey residential development comprising 70no. apartments with a mix of 1, 2 and 3 bed units</p>
Approve – Subject to 106 Legal Agreement	10	<p>2022/07459/PA</p> <p>Former Sytner/BMW Dealership Site on corner of Newhall Hill, Sand Pits, Camden Street, Sloane Street and Summer Hill Terrace Jewellery Quarter Birmingham</p> <p>Demolition of all existing buildings, erection of residential accommodation (C3) within five buildings with associated public open space, private amenity space and commercial ground floor spaces (Commercial Class E and/or Drinking Establishments (Sui Generis)).</p>

Committee Date:	16/03/2023	Application Number:	2023/00312/PA
Accepted:	17/01/2023	Application Type:	Full Planning
Target Date:	14/03/2023		
Ward:	Ladywood		

2 Station Street, City Centre, Birmingham, B2 4AU

Change of use to Flexible Class E and/or F1(b) and/or F1(c) and/or sui generis uses (to allow for cinema, theatre, live music venue, bars and drinking establishments) alongside external alterations to the building including a roof top extension and garden, installation of photo voltaic panels and other associated works

Applicant:	Grand Central Limited Partnership C/o Agent
Agent:	Barton Willmore now Stantec 7 Soho Square, London, W1D 3QB

Recommendation

Approve subject to Conditions

1. **Proposal:**
 - 1.1 The Proposed Development seeks a change of use to the former John Lewis unit (Class E) and adjacent retail units (also Class E) within Grand Central, to office floorspace alongside flexible ancillary uses including, at gallery level (sitting directly above the concourse) food & beverage (F&B) uses (Class E), venue/auditorium uses (Sui Generis) and at roof level, the creation of additional floorspace and a garden terrace including bar facilities.
 - 1.2 The proposed roof extension is 308 sqm, with a proposed garden terrace comprising 880 sqm landscaped space, the proposed facilities at roof level would only be accessible to the office occupiers.
 - 1.3 Flexibility is sought to allow for the gallery level area (internal to Grand Central) to be used for conference/exhibition purposes (Class F1(e)); cinematic (including Virtual Reality), live music or theatrical purposes (sui generis) and /or gallery space (Class F1(b)). Notwithstanding the flexibility sought it is proposed that the flexible use floorspace would not exceed 1,315 sqm NIA.
 - 1.4 Therefore, proposal is 14,891 sqm Class E office floorspace and up to 1,832 sqm of flexible Class E and/or F1(b) and/or F1(c) and/or sui generis uses to allow for cinema, theatre, live music venue, bars and drinking establishments.
 - 1.5 Other alterations proposed include the cutting of a large feature atrium/lightwell through the building, removing escalators from concours to gallery level, the reconfiguration of the existing roof plant and the installation of Photo Voltaic (PV) Panels (extending across 1,250 sqm).
 - 1.6 The changes at roof level, result in the loss of 43 parking spaces.
 - 1.7 This application is supported by a Transport Technical Note, Planning Statement, Design and Access Statement, Sustainable Construction and Energy Statement.

2. **Site & Surroundings:**

- 2.1 The Site lies in the City Centre core, surrounded by a range of commercial, residential, and administrative uses. The Site extends to 0.8ha and comprises the former John Lewis building (which has been vacant since 2020) adjacent units at gallery level within Grand Central, above Birmingham New Street rail station southern main entrance (Spanish Steps), on the east side of Hill Street and the northern side of the junction with Station Street.
- 2.3 The shopping center (Pallasades) underwent extensive redevelopment from 2011 before re-opening as Grand Central in September 2015 with John Lewis as the anchor store occupying a prominent frontage.
- 2.4 The Site is accessed off Station Street as well as through the internal mall within the wider Grand Central Shopping Centre.
- 2.5 The retail unit occupies four levels above the concourse level, plus rooftop which is currently used for plant, maintenance, and car parking. At Gallery level the Site also comprises Units U44, U45 and U46 to the east of the John Lewis unit and Units MK1, MK2 and MK5 to the north.

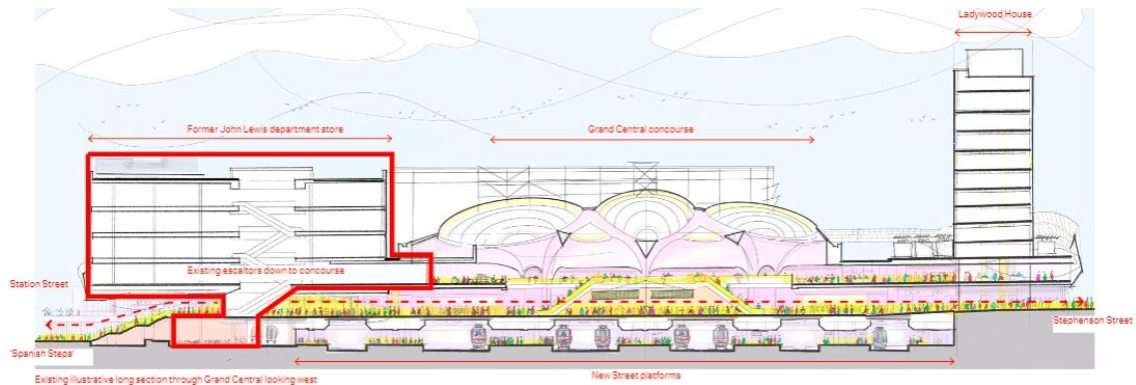


Figure 1. Section through Grand Central, Application site indicated in red

- 2.6 The building is a large, curved structure clad in reflective metal cladding and fritted glass.



Figure 2. Existing Façade

- 2.7 The grade II listed Old Rep Theatre is located further east (on the opposite side of Station Street), and locally listed buildings are located to the south (the former Crown Public House), and the west (the former Futurist Cinema), on Station Street and Hill Street respectively.

3. **Planning History:**

- 3.1 The Site has a long planning history primarily relating to the Pallasades Shopping Centre and its redevelopment/refurbishment to create Grand Central which opened in September 2015
- 3.2 2006/05066/PA 'Outline planning application, including the approval of access, for the major refurbishment and associated development of New Street Station and adjoining land, in connection with alterations and reconfiguration of the station facilities and comprising changes to the Pallasades Shopping Centre, the demolition of Stephenson Tower (Use Class C3), construction of two tall buildings, associated highway works, public spaces and infrastructure works (including uses A1 (retail), A3 (restaurants and cafes), A4 (drinking establishments), A5 (hot food take-away), A2 (financial and professional services) B1 (business uses including offices) C3 (residential), of the Use Classes Order (England) April 2005' - Approved subject to conditions July 2007
- 3.3 2009/03086/PA Application made under S73 of the Town & Country Planning Act 1990 to vary conditions attached to outline planning permission 2006/05066/OUT to allow the development to be progressed in phases, and minor amendments including: new eastern access and alterations to the passenger drop-off/short stay car park access – Approved subject to conditions October 2009
- 3.4 2009/05720/PA 'Reserved matters to outline planning consent 2009/03086/PA for the redevelopment of phase one (comprising redevelopment of New Street Station and adjoining land including changes to the Pallasades Shopping Centre, the demolition of Stephenson Tower, associated highway works, creation of public spaces and infrastructure works), including the siting, design and external appearance of the building(S) and landscaping' – Approved subject to conditions February 2010
- 3.5 2011/02869/PA "Construction of a new A1 department store including ancillary customer facilities (including customer cafes and restaurants and other customer services) set over four floors, and the construction of two A3 retail units at concourse level, three A1 retail units at hinterland (ground floor) level and three A1 retail units at the lower retail level. The proposed development also includes demolition work to facilitate construction, provision of drop-off and pick-up areas, extension of the public concourse with a reconfigured access lift and ramp and extension to the public NCP car park on the roof level and ancillary services and facilities." – Approved subject to conditions September 2011

4. **Consultation Responses:**

- 4.1 BCC Transportation – No objection subject to conditions seeking covered cycle parking
- 4.2 BCC Environmental Protection – No objection subject to conditions
- 4.3 BCC City Design – No objection subject to lighting and signage strategy conditions
- 4.4 BCC Conservation – No objection
- 4.5 BCC Ecology – No objection subject to conditions requiring the submission of a scheme for ecological enhancements, details of bat and bird boxes, a landscape and ecological management plan and a protected species method statement.
- 4.6 West Midlands Fire Service – No objection subject to building control

5. **Third Party Responses:**

- 5.1 The application has been publicised by erecting site notices within the vicinity of the site and sending letters to neighbouring properties. No third-party representations have been made.

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

6.1. **National Planning Policy Framework**

Section 6: Building a strong, competitive economy
Section 9: Promoting sustainable transport
Section 11: Making effective use of land
Section 12: Achieving well-designed places
Section 16: Conserving and enhancing the historic environment

6.2. **Birmingham Development Plan (2017)**

GA1: City Centre
PG3: Place making
TP2: Adapting to climate change
TP3: Sustainable construction
TP4: Low and zero carbon energy generation
TP8: Biodiversity
TP12: Historic Environment
TP21: Hierarchy of Centres
TP24: Promotion of diversity of uses within centres
TP39: Walking
TP40: Cycling

6.3. **Development Management DPD (2021)**

Policy DM2: Amenity
Policy DM4: Landscaping & Trees
Policy DM14: Transport access and safety

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

National Design Guide (2019); National Planning Practice Guidance (PPG); Car Parking Guideline SPG (2021) Birmingham Design Guide (2022) Colmore Row and Environs Conservation Area Management Plan

7. **Planning Considerations:**

- 7.1. The main material considerations in the determination of this application are as follows
- Principle of development
 - Design
 - Impact upon heritage assets
 - Sustainable Construction
 - Transportation
 - Noise, Air Quality and Contaminated Land
 - Ecology
 - Other matters

Principle of development

- 7.2. Policy GA1.1 City Centre, Role and Function, GA1.2 City Centre -Growth and Wider Areas of Change, and GA1.3 City Centre -The Quarters are relevant, they all support the creation of vibrant mixed-use areas, combining the visitor, cultural, commercial and residential offer into a dynamic well-connected area.
- 7.3. 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 City Centre Core' role is to provide "an exceptional visitor and retail experience with a diverse range of uses set within a high-quality Environment".
- 7.4. The site is also within the retail core which Policy TP21 identifies as the preferred location for retail office and leisure developments.
- 7.5. The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 came into effect in September 2020 which restructured the Use Classes Order. A key change of this introduced a new Use Class E (Commercial, Business and Service) which amalgamated a number of uses including A1 (shops) and B1 (offices). The current lawful use of the site is retail, this was unrestricted and therefore now assumes Use Class E in line with the changes.
- 7.6. Therefore, the proposed change of use to Office and associated internal changes (removal of stud walling and plaster boards etc.), would not constitute development requiring planning permission. However, the uses which fall outside the existing, established Use Class E - including Class F1(b) (for the display of art, otherwise than for sale or hire); F1(c) (conference/exhibition facilities); and sui generis uses to allow for cinema, theatre, live music venue, bars/drinking establishments, do require consent, as do the alterations to the atrium and creation of the roof garden.
- 7.7. Policy TP24 encourages a diverse range of facilities and uses consistent with the scale and function of the centre including retail, restaurants, pubs and bars and offices. It also seeks to protect the proportion of ground floor retail floorspace in local and District Centres. This part of TP24 does not apply in the City Centre, and in any case is undermined by Permitted Development within Class E.
- 7.8. Further to the above, Paragraph 81 of the NPPF (2021) encourages decisions to help create the conditions in which businesses can invest, expand, and adapt and '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'.
- 7.9. Therefore, whilst there would be a loss of retail floorspace within the retail core (which is Permitted Development), the proposals would provide a range of uses compatible with and add vibrancy to the existing uses within this part of the city centre. It would also secure the occupation of a prominent and vacant building.

Design

- 7.10. Policy PG3 of the BDP (2017) advises that all new development must ensure high quality design. It states that development should create a positive sense of place and local distinctiveness; design out crime and make provision for people with disabilities; encourage people to cycle and walk; ensure spaces are attractive and functional in the long term; integrate sustainable design; and make the best use of existing buildings and efficient use of land.
- 7.11. The Proposed Development involves the retention of an existing building with relatively limited external alterations. views of the existing building will not materially change as a result of the proposed development particularly noting the proposed changes at roof level (landscaping, reconfiguration of plant, addition of PV panels and atrium extension).
- 7.12. The proposed extension of the atrium would bring increased light into the building and

would add interest internally, creating communal workspaces as well as a visible connection to the proposed landscaped rooftop. This includes the removal of the existing escalator staircase from concours level, which would clear views out to the Spanish Steps main entrance, making a more legible internal space.



Figure 3. Indicative image of proposed atrium

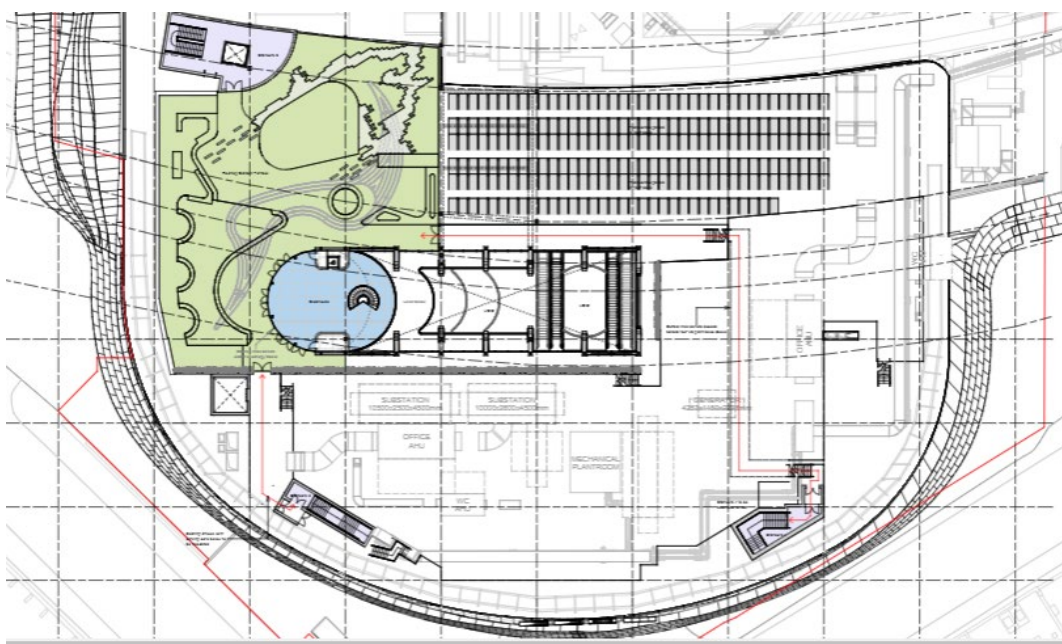


Figure 4. Proposed roof plan, showing landscaping, PV panels and atrium

- 7.13. Alterations at gallery level, directly above the concourse would introduce a large publicly accessible area, with food and beverage uses proposed. As well as access to the flexible F use, venue/event space area proposed. There would then be a controlled barrier allowing access to the workspaces on the floors above.

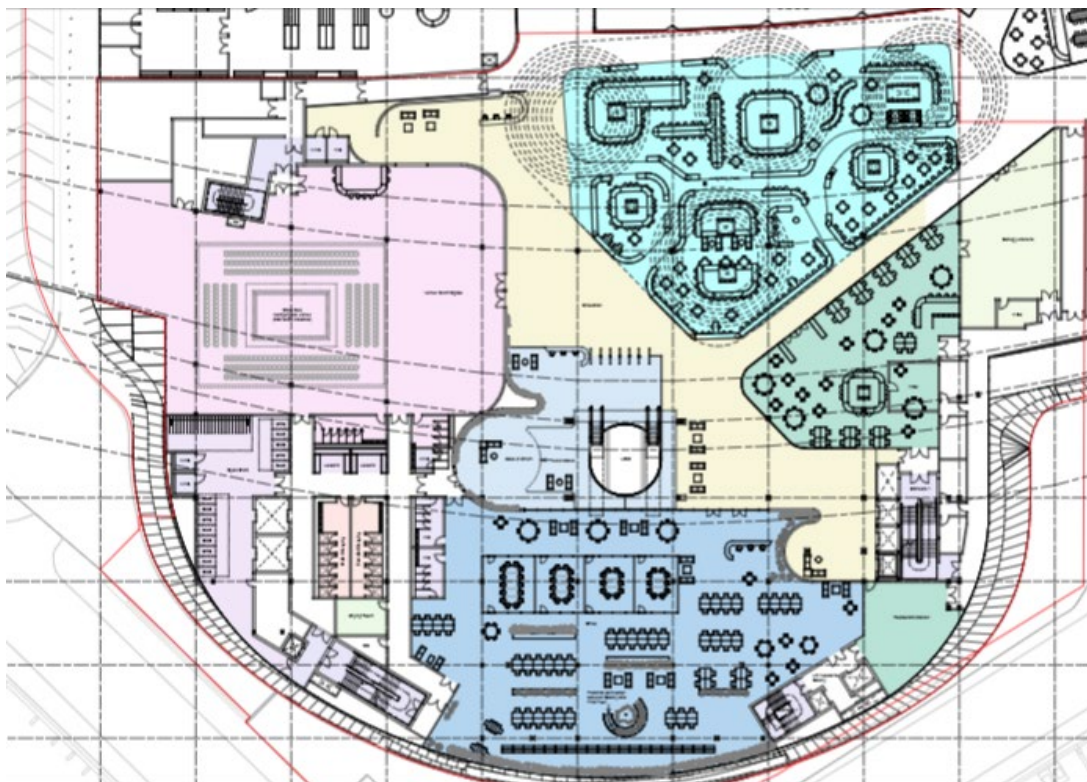


Figure 5. Proposed Gallery Level- Blue indicates restricted access office space, purple is flexible event space, green is publicly accessible food and beverage.

- 7.14. Removing the stud walls and plaster work that currently obscures the glass frontage is welcomed in helping to create a more outward facing development. Allowing visibility into the building, making its active use more notable. However, it is considered further thought should be given to a lighting and signage strategy to elevate this façade, which can be secured via condition. A separate advertisement consent would be required for any proposed signage.
- 7.15. Overall, there are very limited visible external alterations. The internal alterations to facilitate the change of use are acceptable

Impact upon Heritage Assets

- 7.16. Policy TP12 establishes that the historic environment will be valued, protected, enhanced and managed for its contribution to character, local distinctiveness and sustainability and the Council will seek to manage new development in way which will make a positive contribution to its character.
- 7.17. Colmore Row and environs Conservation Area is situated to the north of the application site, the boundary of which abuts New Street Station along Stephenson Street. However, the application site is separated from the conservation area by Grand Central and is therefore not within the conservation area boundary. The Grade II Old Rep theatre is situated south of the application site on Station Street and the locally listed buildings 215 John Bright Street, and the Crown PH Station Street are south and east of the application site.
- 7.18. The Design and Access Statement demonstrates that views of the external alterations on the roof top will not be visible at street level and therefore would have no material impact upon the setting of the identified heritage assets.
- 7.19. Longer distance views of the roof top alterations, from higher ground north along Hill Street, may be possible. Some plant is currently visible on the roof from Hill Street, however the proposed changes would be negligible in this view. Views from within Victoria Square are not possible.



Figure 6. View south along Hill Street towards, New St. Station

- 7.20. Therefore, no harm is identified to heritage assets and the setting of assets is preserved in accordance with Policy TP12.

Sustainable Construction

- 7.21. The application seeks to the change of the use of an existing building, with the vast majority of changes being internal and Permitted Development. Therefore, the requirements of Policy TP3 and the Guidance given in the Council's Sustainable Construction and Low Carbon Energy Production Guidance Note, do not apply, as the proposal does not exceed the threshold.
- 7.22. Nonetheless, the application is supported by a sustainable construction and energy statement which sets out how the proposed development makes improvements to the energy performance of the existing building with increased reliance on renewable energy as part of an all-electric solution. The supporting statement identifies a target of achieving an EPC A rating, based on a PV system comprising a 1,250 sqm PV array at roof level. Alongside this, the refurbished building is proposed to include energy efficient equipment, lighting, and mechanical systems.

Transportation

- 7.23. The proposed change of use is not considered lead to any significant changes in trips, and the reduction in car parking and addition of 155 cycle spaces within the building along with the associated changing and shower facilities dedicated to the office uses is a positive sustainable transport move in accordance with Policy TP40. As detailed within the Transport Note, of the 155 spaces proposed 80% will be two tier and 20% will be provided as Sheffield stands. The proposed cycle parking area is located within a dedicated cycle store at gallery level.
- 7.24. It is also noted that Servicing would remain the same and take place via the secure space on Station Street. Therefore, having no impact upon the highway network from existing.
- 7.25. However, Transportation colleagues consider that the change in uses might lead to an

increase in short-stay visitor cycle parking and there is none provided on the Hill Street/Station Street side of the site. The Parking SPD seeks around 20 spaces so 10 Sheffield type stands would be required. However, it must be noted that much of the change in use is Permitted Development and the proposal does include internal cycle access and storage for users of the office space. Given that very limited additional floorspace is proposed (in the form of the roof top garden and extension) and the largest change is Permitted Development, with adequate cycle provision provided for, it is not considered reasonable or necessary for additional public cycle spaces to be provided.

- 7.26. The proposed changes at roof level will result in the loss of 43 parking spaces. However, as set out within the accompanying Transport Note, the Site has excellent sustainability credentials due to its city centre location and proximity to a major transport hub – Birmingham New Street Train Station.

Noise, Air Quality, Contaminated Land

- 7.27. Given the proposal is for a change of use, there are no contaminated land concerns. EPU do not object to the application subject to the inclusion of conditions. The proposed conditions relate to the flexible event/venue space and require the submission of a noise assessment and mitigation scheme which should also detail extraction.
- 7.28. EPU colleagues also seek to restrict the hours of use to 08:00-22:00 Daily. However, the existing retail store is unrestricted other than outdoor seating areas being limited to the hours of 07:00-23:00. Therefore, it would not be reasonable to restrict the hours of use for the proposed development. Further, the location of the development within a major transport hub within the core of the city centre is an acceptable location for the uses proposed, therefore a noise mitigation strategy is sufficient to control noise from the premises without restricting hours of use.

Ecology

- 7.29. The Proposed Development involves the creation of a 880 sqm rooftop garden, the proposed landscaping scheme of which will deliver biodiversity enhancements in accordance with Policy TP8.
- 7.30. The surrounding area is highly urbanised and there is currently limited green infrastructure. Notwithstanding this, there are opportunities for nesting birds on the roof structure and therefore it is recommended that the development be carried out in accordance with an ecological construction method statement, secured via condition.
- 7.31. The DAS and associated drawings provide details of the proposed roof top garden. A range of planting is proposed including wildflower meadow and a 280m long green wall and climbers. Additional habitat features are also proposed - insect log piles and nesting aids, bird boxes (including swift boxes), bat boxes and shallow water features.
- 7.32. Provision of the new roof top is a significant biodiversity enhancement in this highly urbanised location, providing valuable new habitat resources for urban wildlife, in particular birds and invertebrates. The detailed planting scheme must be secured by condition.

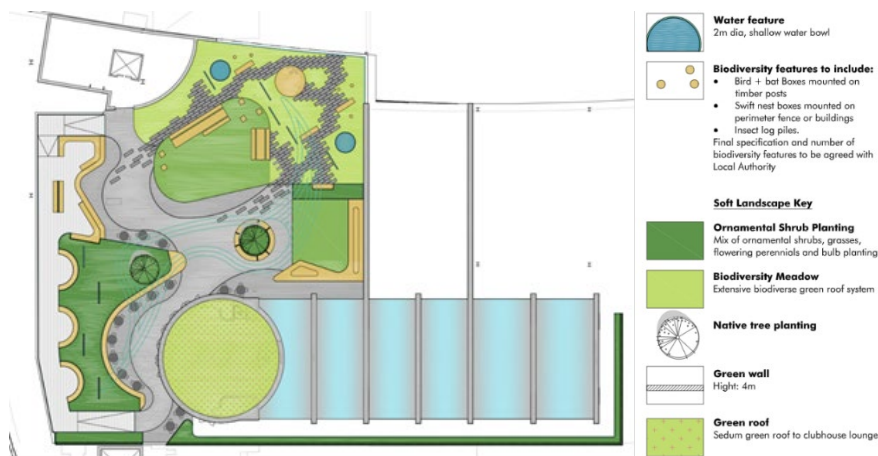


Figure 7. Showing Ecological Enhancements on landscaped roof

- 7.33. A green roof is shown on the proposed rooftop 'clubhouse' extension. However, the detail of this as a sedum mat is not accepted, to maximise biodiversity this should be plug planting and if the weight of that can not be supported then pre-grown wildflower and sedum blanket should be used. Details of the green roof should therefore be conditioned.
- 7.34. It is also requested that the Solar PV area is a biosolar design, to maximise biodiversity potential of the development. This has been requested of the applicant and an update will be reported should amendments be made to address this.

Other matters

- 7.35. The site falls within Flood Zone 1, most of the proposed change of use is permitted development and given the limited availability for the opportunity of SUDS, the use of the existing drainage strategy is acceptable. A condition requiring accordance with the existing strategy has been suggested.
- 7.36. Application 2011/02869/PA was accompanied by a s.106 agreement securing financial contributions towards Shopmobility, Signage and Wayfinding and required the construction of the store to provide construction employment opportunities to local people. No further s.106 obligations are required as a result of this Change of Use application.

8. Conclusion

- 8.1. The principle of the proposed uses is acceptable in this highly sustainable location, the loss of retail within the retail core permitted development and the proposal brings back in to use a large vacant unit in the city centre core providing a range of uses compatible with and adds vibrancy to the existing uses within this part of the city centre. The proposal refurbishes the building with higher sustainable construction specifications, introducing low/zero carbon energy production and efficient M&E. There are very limited external alterations that are visible and no harm to the significance of any heritage assets is identified. There are no other technical objections with regards to Transportation, Environmental Protection, Ecology and Drainage. Thus, the proposed development accords with the development plan and should therefore be approved.

9. Recommendation:

- 9.1. Approve subject to the conditions below (that may be amended, deleted or added to providing that the amendments do not materially alter the permission).

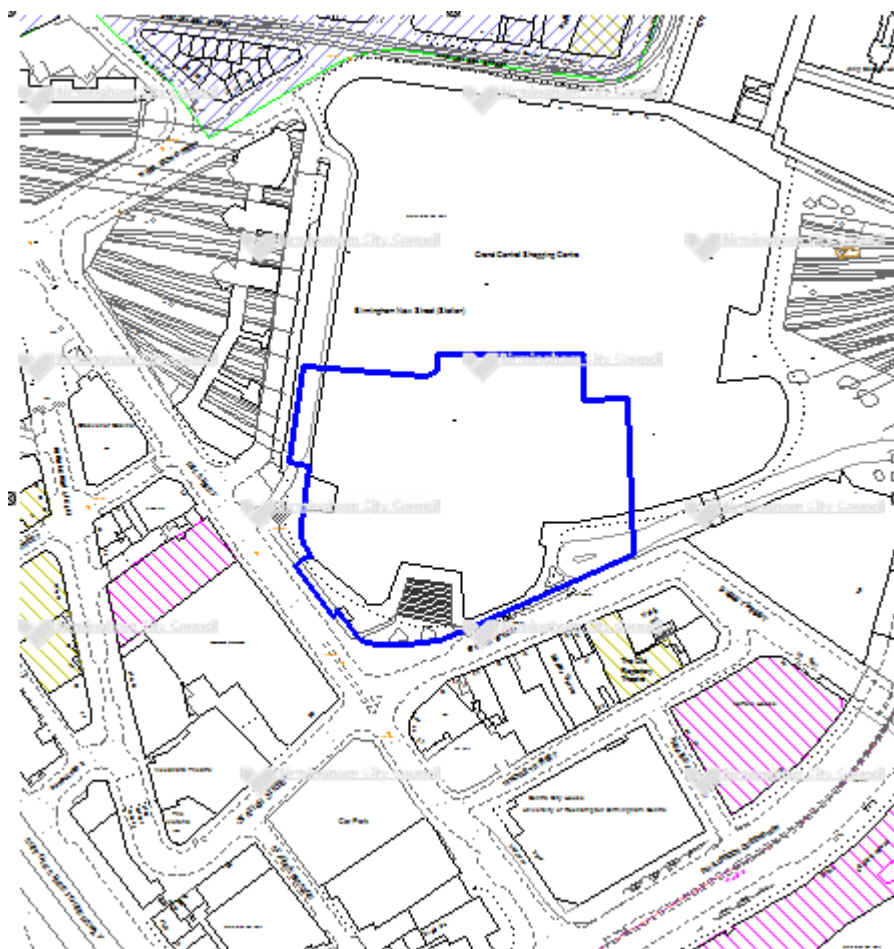
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- 1 Implement within 3 years (Full)
 - 2 Requires the scheme to be in accordance with the listed approved plans
 - 3 Limits the maximum gross floorspace
 - 4 Removes PD rights for telecom equipment
 - 5 Limits the noise levels for Plant and Machinery
 - 6 Requires the submission of a landscape and ecological management plan (LEMP)
 - 7 Requires the submission of hard and soft landscape details including a scheme for ecological/biodiversity/enhancement measures
 - 8 Requires the submission of a landscape management plan
 - 9 Requires the submission of details of green/brown roofs
 - 10 Requires the prior submission of details of bird/bat boxes
 - 11 Requires the submission of a protected species method statement
 - 12 Requires the submission of a lighting scheme
 - 13 To ensure energy and sustainability measures are delivered in accordance with statement
 - 14 Requires the provision of cycle parking prior to occupation
 - 15 Development shall operate in accordance with approved Code of Best Practice for the management and operation of the delivery process,
 - 16 In accordance with approved Refuse storage details
 - 17 Development in accordance with approved delivery and service area
 - 18 Scheme to operate in accordance with approved CCTV scheme
 - 19 Requires the submission of noise assessment and mitigation strategy
-

Case Officer: Rhiannon Hill

Photo(s)



Location Plan



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Committee Date:	16/03/2023	Application Number:	2022/08628/PA
Accepted:	21/11/2022	Application Type:	Full Planning
Target Date:	20/02/2023		
Ward:	Bordesley & Highgate		

Typhoo Tea, Bordesley Street, Birmingham, B5

Full planning application for site clearance, partial-demolition of, change of use and refurbishment of, and extensions to, the former Typhoo Tea Factory for commercial use (Class E) including broadcasting, production, offices and associated staff facilities (including a roof extension) and food and beverage units (Class E and / or Sui Generis (drinking establishments), alongside new public realm and landscaping, access, parking and associated works

Applicant:	Stoford Properties Ltd and Benacre (2022) LLP
	C/o Agent
Agent:	Turley
	9 Colmore Row, Birmingham, B3 2BJ

Recommendation

Approve subject to Conditions

1. **Proposal:**

- 1.1 This is a full planning application for the partial demolition of the existing factory building, removal of the roof, removal of bridge links, and demolition of boiler house. Refurbishment of the retained factory building and the change of use to Class E(g) for commercial offices, broadcasting, production and associated activities within that Use Class. The creation of two units at ground floor level for Use Class E(b) and / or sui generis (drinking establishments). A rooftop extension (to accommodate staff canteen, servicing area and terrace). a new brick western façade (where demolished building is removed) and other external works to the existing building.
- 1.2 A new public square to the rear (north) of the former Typhoo Tea Factory, is proposed alongside other public realm works.
- 1.3 The proposal is intended for the relocation of the BBC from the Mailbox creating a regional headquarters in Digbeth.
- 1.4 This application is supported by an Air Quality Assessment; Arboriculture Report and Impact Assessment; Archaeology Assessment; Demolition Method Statement; Design and Access Statement; Energy Statement; External Lighting Strategy; Flood Risk Assessment; Geo-Environmental Reports (Phase 1); Heritage Statement Landscape and Public Realm Strategy; Noise Assessment; Preliminary Ecological Appraisal (inc. Protected Species Report); Planning Statement; Statement of Community Engagement; Structural Report; Surface Water Drainage Design; Sustainable Construction Statement (inc. BREEAM Pre-assessment); Sustainable Drainage Statement (inc. operation and management plan); Transport Statement (inc. Parking Provision Statement); Travel Statement; Tree Schedule; Tree Drawings (Tree Constraints Plan and Impact Assessment Plan).

1.5 [Link to Documents](#)

2. **Site & Surroundings:**

- 2.1 The site extends to approximately 1.2 hectares and is located within the Digbeth area of the city centre. The site sits within the Warwick Barr Conservation Area and immediately adjacent to the Digbeth, Deritend and Bordesley High Street Conservation area.
- 2.2 The immediate surroundings consist of a series of buildings developed over the early to mid-20th century, south of the Digbeth Branch Canal where it terminates in a canal basin in the centre of the city block formed by Fazeley Street (to the north), New Canal Street (to the west), Bordesley Street (to the south), and Pickford Street (to the east). Benacre Drive extends into the block (west of the canal basin off Fazeley Street). The block is largely cleared of buildings along the New Canal Street frontage (which is used mostly for surface level parking), with the buildings of the former Typhoo Factory fronting Bordesley Street and Pickford Street. There are large areas of clearance beyond the block to the south, with a number of similarly scaled/designed buildings to the Typhoo Warehouse to the east and west.
- 2.3 The canal basin is designated as a Site of Local Importance for Nature Conservation (SLINC).
- 2.4 The existing Typhoo Warehouse (now vacant) building is located to the south east corner of the block with an art-deco brick façade to its main Bordesley Street frontage. It is mostly three and four storeys in height and was built in several phases between 1929 and the 1960s (Phases 1-4). The later phase (Phase 5, currently 'Latifs') is not included in the site boundary and does not form part of this planning application. A small group of earlier buildings hold the rear corner of Pickford Street round onto Fazeley Street (Fairbank Works), these are locally listed. A number of low-rise modern sheds flank Benacre Drive.
- 2.5 It is the first four phases of the Typhoo buildings, along with land to the rear (up to the canal basin) and links to Fazeley Street (along Benacre Drive), down to Bordesley Street and across to New Canal Street that form the extent (red edge) of the proposal within the wider city block.
- 2.6 All buildings on the block are locally listed besides the western 1944-51 extension (phase 4) of the Typhoo Warehouse and the sheds on Benacre Drive. There are no statutorily listed buildings within the application site, a group of earlier, smaller listed buildings exist to the north, including industrial works along Fazeley Street (grade II) and the Gun Barrel Proof House (grade II*). There are also several locally listed buildings surrounding the site including Ladbrook House, Fairbank Works and Latifs.
- 2.7 The site is broadly level, with a gentle fall to the east and an elevated arrangement around the canal and Fazeley Street bridge to the north.
- 2.8 The site is located approximately 300m from Birmingham Moor Street Station and Digbeth Coach Station, and within 1km of Birmingham New Street Station. The site is well served by public transport, including the forthcoming Eastside Metro extension with a stop planned for New Canal Street on the edge of the site and regular bus services along Digbeth High Street. In addition, the site is located approximately 100m from the under-construction Birmingham Curzon Street Station, which will operate as the terminus of the proposed High Speed 2 network in the city.

3. **Planning History:**

- 3.1 2012/03227/PA: Extend the time limit for implementation of extant planning permission (ref. 2005/00261/PA) for conversion and new build to form mixed use

development of residential (Use Class C3) (353 flats including 231 one-bed and 122 two-bed), commercial (Use Classes A1-A5) (522 sqm) and gym (Use Class D2) (260 sqm gross) with 188 parking spaces. Approved subject to conditions December 2012.

- 3.2 2012/03293/PA: Conservation area consent for the demolition works associated with conversion of Typhoo Wharf (in association with ref. 2012/03227/PA). Approved December 2012.
- 3.3 2009/01039/PA: Conservation area consent for demolition works associated with C/00261/05/FUL. Approved May 2009.
- 3.4 2005/00261/PA: Conversion and new build to form a mixed-use development of residential (Use Class C3) (353 flats including 231 one-bed and 122 two-bed), commercial (Use Classes A1 - A5) (522 sqm) and gym (Use Class D2) (260 sqm gross) with 188 parking spaces. Approved September 2007.
- 3.5 2002/04234/PA: demolition works associated with Phase 1 of Typhoo development masterplan. Approved subject to conditions August 2003.
- 3.6 2002/04233/PA: Conversion and new build to form mixed use development of residential (C3), commercial (A1, A3, B1, D2) and live / work units, Phase 1 Typhoo development masterplan. Revoked in October 2004.

4. **Consultation Responses:**

- 4.1 City Design – No objection subject to conditions requiring the submission of material samples, architectural details and landscape, lighting, signage and security details.
- 4.2 Historic England – No objection
- 4.3 Canal and River Trust- No objection subject to conditions requiring the submission of balustrade edge, coping and grab chain details to canal basin, demolition in accordance with demolition statement, ground investigation to consider hydrology impacts upon canal basin, submission of an Environmental Management Plan, provision of signage/wayfinding information,
- 4.4 West Midlands Police – No objection subject to conditions requiring confirmation of exact locations (if any) of ballistic glazing, bollards / planters specification, A HVM (hostile vehicle mitigation) plan, CCTV Strategy, Lighting Strategy
- 4.5 Severn Trent Water – No objection subject to conditions requiring foul and surface water details.
- 4.6 Birmingham Civic Society – Support the application.
- 4.7 BCC Employment Access – No objection subject to a condition requiring a construction employment plan
- 4.8 BCC Tree Officer – No objection subject to a condition requiring a arboriculture method statement.
- 4.9 Environment Agency – Refer to standing advice
- 4.10 HSE Fire Safety – Fire Report not required
- 4.11 HSE Hazardous Substances – No objection
- 4.12 BCC Environmental Protection – No objection subject to conditions for commercial food and beverage uses, separate noise assessment and mitigation scheme, details of any extract ventilation and odour control equipment, details of any proposed plant or equipment, Sound Insulation for Plant/Machinery, Sound Insulation and Emission Dispersion for Plant/Machinery, Demolition Management Plan, Construction Management Plan

- 4.13 Lead Local Flood Authority – No objection subject to conditions requiring the submission of drainage strategy construction details and an operation and maintenance plan.
- 4.14 BCC Ecology – No objection subject to conditions requiring the submission of a construction ecological mitigation strategy, a scheme for ecological enhancements, bat and bird boxes, soft landscaping details.

5. **Third Party Responses:**

- 5.1 The application has been publicised by sending out letters to neighbours, posting a site notice within the vicinity of the site and a press notice. One representation has been made raising the following points
 - Agree that the location is suitable for swifts, 20 swift boxes should be required.

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

6.1 National Planning Policy Framework

Section 6: Building a strong competitive economy
 Section 11: Making effective use of land
 Section 12: Achieving well-designed places
 Section 16: Conserving and enhancing the historic environment

6.2 Birmingham Development Plan 2017

GA1: City Centre
 PG3: Place making
 TP2: Adapting to climate change
 TP3: Sustainable construction
 TP4: Low and zero carbon energy generation
 TP8: Biodiversity
 TP12: Preserving the historic environment
 TP21: Network and Hierarchy of Centres
 PT24: Promoting a diversity of uses within centres
 TP39: Walking
 TP40: Cycling

6.3 Development Management DPD

DM1: Air Quality
 Policy DM2: Amenity
 Policy DM4: Landscaping & Trees
 Policy DM14: Transport access and safety

6.4 Supplementary Planning Documents & Guidance:

Historic Environment Good Practice Advice in Planning Note 2: Managing Significance in Decision Taking in the Historic Environment - Historic England (2015); Good Practice Advice Note 3: the setting of Heritage Assets – Historic England (2017); Birmingham Design Guide (2022) National Design Guide (October 2019); National Planning Practice Guidance (PPG); Car Parking Guidelines SPG (2021); Warwick Bar Conservation Area character Appraisal and Supplementary Planning Policies (2008); Digbeth, Deritend and Bordesley High Streets Conservation Area character Appraisal and Supplementary Planning Policies (2009) Loss of Industrial Land to Alternative Uses SPD (2006) Curzon Masterplan (2015); Guidance note on

7. **Planning Considerations:**

7.1. The main material considerations for the determination of this application are;

- The principle of development
- Impact upon heritage assets
- Design
- Sustainable Construction
- Transportation
- Environmental Protection
- Flooding and Drainage
- Ecology
- Other issues

Principle of Development

7.2. The BDP identifies the application site as being within the City Centre Growth Area (Policy GA1) where the focus is re-using existing urban land through regeneration, renewal and development. Policy GA1.3 relating to the Quarters surrounding the city centre core states that development must support and strengthen the distinctive characteristics, communities and environmental assets of each area. The site is situated within the Digbeth quarter of the city centre where the aspiration is to create "a thriving creative and cultural hub with a high quality, exciting and easily accessible environment".

7.3. Although the Typhoo Warehouse has been vacant for a long time (since Typhoo closed the factory in 1978, except for an uncertain period when part of the building was occupied by a clothing company), it is considered that its most recent use was B2 general industrial. Policy TP20 of the BDP is therefore relevant. This policy states that losses of employment land can be considered as acceptable where it's existing use is non-conforming or has been unsuccessfully marketed for a new employment use for a period of at least two years. The applicant states that in their view the use is 'abandoned' in planning terms and therefore the site cannot be considered as employment land (within the terms meant by policy) and thus consider that Policy TP20 is not relevant. I take a different view and apply Policy TP20 in accordance with Paragraph 5.9 of the Loss of Industrial Land to Alternative Uses SPD which recognises that there are also occasions where there are good planning grounds to depart from the general presumption against the loss of industrial land. This can include large-scale mixed-use regeneration proposals which have been identified in other City Council planning documents. Typhoo Wharf is identified within the Birmingham Curzon HS2 Masterplan, as an opportunity to deliver a distinctive business, retail, residential and leisure development within refurbished and new buildings around a publicly accessible canal basin. Although the proposed development does not include any residential uses it will deliver all other objectives for this site that are identified within this document. In addition, the site lies within an allocated Enterprise Zone site. The BDP states that Enterprise Zones are expected to deliver office and commercial development as part of mixed-use or standalone proposals. Therefore, I consider the proposal to align with other development aspirations of the City and therefore accords with Policy TP20.

7.4. Policy TP21 'The network and hierarchy of centres' supports proposals for main town centre uses within allocated centres, to ensure the vitality and viability of these centres. The site falls within the City Centre Boundary for main town centre uses but falls outside the retail core. The city centre boundary is however the focus for uses as proposed, according with Policy TP21. Policy TP24 states that a mix of uses as defined by TP21 will be encouraged where they are consistent with the scale and

function of the centre.

- 7.5. Overall, Policy PG1 and GA1.3 support development proposals in identified sustainable growth areas such as this therefore the principle of the proposed redevelopment of the site for commercial purposes can be supported.

Impact upon heritage assets

- 7.6. Policy TP12 of the BDP states that great weight will be given to the conservation of the City's heritage assets and that development affecting a designated or non-designated heritage asset or its setting, will be expected to make a positive contribution to its character, appearance and significance.
- 7.7. The proposal includes the total demolition of Phase 4 of the existing Typhoo Warehouse building, which is excluded from the local listing, partial demolition of Phase 2 (locally listed). Removal of the roof to accommodate the necessary floor to ceiling heights for the proposed use. Removal of bridge links connecting Phases 3 and 5. Demolition of a late 20th century boiler house, tanks and associated enclosure (part of the local listing of Phase 5); and new openings in the rear to connect to the public realm and create retail/food and drink units for active frontages. Two new atriums are also proposed to bring daylight and circulation spaces into the centre of the building, one of which will incorporate existing lightwells.



Figure 1 showing phases 1-5 and plan of extent of demolition



Figure 2 existing Bordesley Street Elevation



Proposed Bordesley Street Elevation (facing south)

Figure 3 proposed Bordesley Street Elevation

- 7.8. The application is supported by a Heritage Statement (HS) which identifies the heritage assets on the application site and those considered to form part of the setting of the application building with the potential to be impacted by the development. The scope of assessment is considered acceptable by the Conservation Officer. The HS also identifies the significance of the Typhoo factory building, which is considered to arise from its external architectural value and associations with the local architect.
- 7.9. The HS concludes that the proposed development will result in very limited and low level of harm to the significance of the Warwick Bar Conservation Area in relation to the demolition of Phase 4 and partial demolition of Phase 2 of the former Typhoo Tea Factory and the resultant further reduction in enclosure along Bordesley Street. The Conservation Officer agrees that the proposed development will cause a low level of 'less than substantial harm' to the significance of the Warwick Bar Conservation Area. No harm is found to the setting of the adjacent Digbeth Deritend and Bordesley High Streets Conservation Area given changes to the setting are relatively minor in context. No harm is identified to any other designated assets within the vicinity as identified in the supporting HS.
- 7.10. The HS considered that the level of harm to the Typhoo building itself from loss of historic fabric, as a result of demolition, its limited. This is due to only less significant (architecturally) parts of the building being proposed for demolition and the key elements of architecture remaining (Art deco facades, blending tower). The Conservation Officer agrees with the assessment made in the HS concluding that the proposals will cause some direct harm to the locally listed building, at the low level in relation to the overall significance of the building. Demolition also has some adverse impact upon the setting of the building, as the removal of later phases of the factory removes the ability to appreciate the evolution of the complex. However the Conservation Officer agrees that this harm is also limited.
- 7.11. There are other proposed alterations to the building including the replacement of windows/roller shutters, a new west elevation and a new roof extension and plant screen. The replacement windows, although resulting in a loss of historic fabric, can be supported in this instance as the proposed replacements reflect the character of the existing. The openings of the existing roller shutters are retained in form and the infilling with glazing to create frontages is supported. The other smaller interventions such as new openings and bricking up of others are not considered to be significant and do not have adverse impact upon the overall appearance of the elevations they relate.
- 7.12. The proposed west elevation (required as a result of demolition) is supported by the Conservation Officer. The design of the west elevation, including materials, proportions and rhythm, has been informed by an analysis of the existing and historic elevations within the complex.
- 7.13. The proposed roof top extension extends across the entirety of the remaining building, post demolition. The HS identifies that the new roof extension will be subservient to the host building, set back from the Bordesley Street frontage and

clearly legible as a modern, yet sensitive addition. The new interventions are not considered to diminish or detract from the scale and prominence of the original building, including in key views along Bordesley Street and from the canal basin to the north and the simple form and industrial materials are compatible with the character of the building.

- 7.14. The remaining phase 5 of the complex known as Latif's, is locally listed. The concluded position of the HS is that there will be a very limited level of harm to the significance of the building arising from a reduction in the completeness of the complex, which the Conservation Officer concurs with. The Canal Basin, within the site is also considered to be a non-designated asset, the concluding position of the HS and LPA conservation officer is that the significance of this non-designated heritage asset will be better revealed and appreciated as a result of the Proposed Development. In relation to all other locally listed assets the concluding position of the HS is that there will be no harm to the significance of these heritage assets, this position is agreed.
- 7.15. The proposed development will bring the vacant former Typhoo Tea Factory (Phases 1-3) back into sustainable use and provide for the repair and maintenance of the building complex and associated open space to the north. The proposed works will provide for an improved relationship of the site with the canal to the north including connectivity opportunities and overall offer opportunity to better reveal the designated heritage assets, including two 'at risk' Conservation Areas. The proposed alterations are considered to be generally heritage-led and have been designed sensitively to respond to the building and its more significant elements.
- 7.16. However, some limited harm to heritage assets has been identified, the assessment also concludes there will be a degree of limited harm to non-designated assets. Accordingly, paragraph 202 and 203 of the NPPF are engaged. This identified harm should therefore be weighed against the benefits of the scheme.

Design

- 7.17. Policy PG3 of the BDP (2017) advises that all new development must ensure high quality design. It states that development should create a positive sense of place and local distinctiveness; design out crime and make provision for people with disabilities; encourage people to cycle and walk; ensure spaces are attractive and functional in the long term; integrate sustainable design; and make the best use of existing buildings and efficient use of land
- 7.18. The proposed layout of the building has a principal full height atrium entrance, reception and exhibition space on to Bordesley Street also allowing internal pedestrian access, along a full height atrium running the length of the building, through to a proposed public square at the rear of the building, fronting onto the canal basin.
- 7.19. Along the western flank (following demolition of phase 4), a new vehicular, servicing and pedestrian route is proposed, connecting Bordesley Street through to Fazeley Street. The ground floor of the building facing on to this access (for the majority of its length) will comprise bespoke garaging to this media building, whilst there was some concern about this not being active, the design responds to the functional use of many of the surrounding buildings and this can be accepted especially given the more open/active frontages are proposed along both the northern and southern frontages. (Later phases of development on the City Block should carefully consider activation of this new route). With regards the new flank wall along the western elevation, the setting out of structural/architectural bays in red and blue brick banded English bonded brickwork and dressed concrete lintels, makes clear reference to the architecture of the phase 2 extension.
- 7.20. The four solid brick bays proposed on the western façade present an opportunity to animate the proposed route with public art. Public Art in the form of 'street art'

painted on to the facades of buildings characteristic of the creative character of Digbeth, with examples found within the surrounding area, therefore, this should be required by condition.

- 7.21. The existing scale of the building will be increased by a single floor which will accommodate staff canteen, external terracing, brown roof and plant including Solar PVs. Design Principle 17 within the BDG (2022) sets out how the design of rooftop extensions must effectively respond to the existing building and its surroundings; acknowledging the architectural style and scale of the existing building, to create a proposal that is appropriate in scale and form to its host building. It is considered that the proposed roof top extension is of an appropriate scale, especially given its connection with bringing the building back in to use for bespoke TV production purposes. The roof extension comprises elements of modern vertical sheeting and northern light forms. Neither respond to any historic precedent from this site, but in combination they appear acceptable, subject to condition.



Figure 4 showing proposed western elevation and passage and roof top extension

- 7.22. Windows throughout the existing building and the new façade will be new, replaced with windows that replicate the typical Crittal style windows found in the existing building and surrounding area.



Figure 5. Proposed Western Elevation

- 7.23. The proposed hard landscaping is proposed to be blue pavers, changing to ceramic paving and raingardens around the canal basin square. Whilst blue paver throughout would be preferable, the proposed landscaping approach is acceptable.
- 7.24. Design Principle 20 of the Birmingham Design Guide states that development should utilise opportunities to enhance the waterside environment and its use. The new trees are a positive intervention as is the raingardens and SUDs. The proposed development adjacent to a canal is considered to positively relate to this asset.



Illustrative view looking to the canal edge

Figure 6. Indicative image showing hard and soft landscaping arrangement at canal basin

- 7.25. Overall, it is considered that the proposed development will result in significant public realm improvements including a new public square, new pedestrian routes and opening up the canal-side and the design of the interventions to the building are appropriate.

Sustainable Construction

- 7.26. The Guidance note on Sustainable Construction and Low and Zero Carbon Energy Generation (2022) provides guidance to developers on how to achieve the requirement of Policies TP3 and TP4. A Sustainable Construction Statement and an Energy Statement have been submitted which are intended to address the requirements of the above policies.
- 7.27. In regard to policy TP3, the individual requirements listed under the policy are all addressed within the Sustainable Construction Statement and a BREEAM pre-assessment has been provided which demonstrates that BREEAM Outstanding standard can be targeted by the development scheme. A post construction assessment should be required by condition, in accordance with Policy to ensure at least BREEAM excellent. The BBC is striving to achieve net zero whole life carbon and is designed to be net zero ready during operation.
- 7.28. In regard to policy TP4 the Energy Statement includes consideration of a range of low and zero carbon energy generation technologies, including Combined Heat and Power, and determines that air source heat pumps and solar photovoltaics are the most appropriate to be delivered as part of the development scheme. These energy generation measures should be secured via condition.

Transportation

- 7.29. Policy DM14 (Transport access and safety) defines that development must ensure that the development would not have an unacceptable adverse impact on highways

safety, safe convenient and appropriate access arrangements are in place for all users and that priority is given to the needs of sustainable transport modes.

- 7.30. The site is in a sustainable location close to Moor Street Station, which will be enhanced by the Metro East side extension and new stop on New Canal Street and Birmingham Curzon HS2 station. There are frequent bus services along Digbeth High Street.
- 7.31. There is a need for parking within the site which will provide a total of 64 operational parking spaces in the building at lower ground floor level – 53 car / van spaces, 3 disabled bays, and 8 specialist satellite news vehicle bays with controlled access. 23 of the proposed vehicle spaces are for pool cars and the rest are for staff that work shifts that operate 24 hours a day. A dedicated bay for a HGV is provided within the Western Passage, adjacent to the building and away from the public square (to be used for a limited time each year). Dedicated motorcycle parking will also be provided within the building. The BCC Parking SPD (2021) seeks zero parking provision in City centre, but does allow for exceptional circumstances and operation demand where justified. Transportation colleagues do not object to this provision of parking and accept that the bespoke operation needs of the BBC justify the level of parking proposed.
- 7.32. The building provides 125 cycle spaces and associated facilities which is above the SPD requirement.
- 7.33. Servicing is from Benacre Dive which is a private road off Fazeley Street. Currently this is a small industrial estate and the road has been designed with no formal pedestrian provision. It is planned for these businesses to relocate but even if they continue the access for service vehicles on this alignment is acceptable.
- 7.34. Given the specific nature of the use there is deemed to be a requirement for HVM bollards along the Bordesley Street frontage. To enable these to be installed the footway is being widened which requires changes to the Highway that will be delivered with a s278 agreement, this aligns with City Note SS-5. The details of this should therefore be conditioned.
- 7.35. Other s.278 works are required, including the amendment of a TRO and relocation of parking bays. Transportation colleagues do not object to this work in principle and a condition should be attached to any permission requiring that these works take place prior to occupation.

Environmental Protection

- 7.36. Policy DM2 (Amenity) expresses that all development will need to be appropriate to its location and not result in unacceptable adverse impacts on the amenity of occupiers and neighbours.
- 7.37. The site is located within a mixed area of industrial, commercial and entertainment uses.

Contaminated Land

- 7.38. The application is supported by a Phase 1 desktop contaminated land study. This report summarises the significant previous industrial use on the site and previous investigation work which identified significant made ground. The report recommends a further phase two intrusive site investigation to carry out Unexploded Explosive Ordnance (UXO), contamination and ground gas which EPU colleagues suggest should be secured via condition.
- 7.39. The proposed demolition below ground slab should not be carried out until necessary ground gas assessments have been undertaken. Therefore, appropriate wording of conditions need to consider this requirement. Subsequently a Phase 2 Geo-Environmental Assessment was submitted and consulted upon, should a response be received removing the need for conditions, this will be provided by an

update to Committee.

Air Quality

- 7.40. The applicant has submitted an air quality assessment, which includes a demolition and construction phase air quality assessment the identified mitigation controls need to be incorporated into any construction or demolition management plan. EPU colleagues concur with the submitted reports consider that there is no need to carry out an air quality assessment in relation to the operational phase of the proposal.
- 7.41. Two points were raised in relation to the required ventilation for the enclosed car park and emissions from the proposed generators. The applicant has responded to these points setting out that the car park is ventilated through louvers and mechanical ventilation to be used when required if carbon monoxide/dioxide exceed recommended levels, therefore the extraction will be limited. There is now only one generator proposed, and this is only to be used in the event of fire.

Noise

- 7.42. The application is supported by a baseline noise assessment. It has identified a number of noise sensitive developments including the Ladbroke Hotel on Bordesley Street and residential premises on Meriden Street. It has provided some guide values for plant and equipment noise design in the absence of any detail specification, plant noise levels should therefore be conditioned. It was noted that this did not include noise from the air source heat pumps, however noise from these can be controlled by the suggested condition.
- 7.43. Some concern was raised in relation to the proposed ground floor commercial units, as no details of extraction were provided or operating hours. However, given the location of the proposed development in a mixed use area where there are currently limited residential premises in close proximity it is considered that requiring extraction detail by condition is reasonable and necessary.

Flooding and drainage

- 7.44. BDP Policy TP6 'Management of flood risk and water resources' requires a sustainable drainage assessment and maintenance plan for all major developments. The scale of the proposal also requires a Flood Risk Assessment. BDP Policy TP2 'Adapting to climate change' and TP3 'Sustainable construction' states that new development should be designed and constructed in ways to conserve water and reduce flood risk, promoting sustainable drainage systems.
- 7.45. The Environment Agency standing advice has been followed. The site falls within Flood Zone 2 and the application is supported by a site specific Flood Risk Assessment, in accordance with guidance. The proposed use, vulnerability classification is 'less vulnerable', a sequential test is not be required as the proposal is for a change of use and no exception test is required. The submitted FRA concludes that the proposed development is at an acceptable level of flood risk, subject to the recommended flood mitigation strategies being implemented (including profiling of external areas, away from the building).
- 7.46. The LLFA have no objection to the surface water drainage strategy proposed, which includes sustainable drainage methods including a brown roof and rain gardens. The reduction in run off rate as a result of the development (taking in to account the existing building) is considered to be acceptable subject to conditions requiring final design detail.

Ecology

- 7.47. Policy TP8 'Biodiversity and Geodiversity' requires all development, where relevant to result in a net gain of biodiversity. NPPF para 174 requires planning decisions to contribute to and enhance the natural and local environment, including minimising impacts on and providing net gains for biodiversity to support the enhancement of

Birmingham's natural environment

- 7.48. The arm of the Digbeth Branch Canal which runs into the northern element of the site, is designated as a Site of Local Importance for Nature Conservation (SLINC), as is the River Rea. It is recommended that the environmental construction method statement addresses potential impact and mitigation measures required to protect these assets.
- 7.49. An updated Preliminary Ecological Appraisal (PEA)/Protected Species assessment has been submitted in support of the planning application. The submitted assessments identify very limited habit opportunities, no further ecology surveys are required in support of the planning application (although if development does not begin before a certain date an update bat survey will be required). However, because the site provides opportunities for roosting bats and nesting birds, precautionary working practices must be implemented during development to minimise the risk of harm to these species. This should be conditioned.
- 7.50. Suitable mitigation for bats and birds are identified in the supporting assessments, as well as other additional biodiversity enhancements including tree planting and soft landscaping, habitat features, biodiverse roofs. The details and implementation of which should be secured via condition. The lighting strategy should be ecologically sensitive where appropriate, the wording of conditions should reflect this.

Other matters

- 7.51. The site falls within a Hazardous Substance consultation zone, the HSE were consulted. The advice given is that they do not advise against the proposed development in this instance.
- 7.52. A screening opinion was provided 27th September 2022, which confirmed that the proposed development would not require an Environmental Impact Assessment (EIA) as a result of the characteristics of development, the location of development and the type and characteristics of the potential impacts.

8. Conclusion

- 8.1. The proposed development accords with a number of Development Plan Policies, providing economic development of high-quality design, on a brown field site in a sustainable location. These factors weight in favour of the proposal.
- 8.2. However, the proposal also results in less than substantial harm to a low level to designated and non-designated heritage assets. This weighs against the proposal this harm should be weighed against the public benefits.
- 8.3. Following the three strands of sustainable development the benefits of the scheme are identified as
- Economic benefits through the construction of the scheme and constructions spend. future-proofing the building and acting as a catalyst to creative development in Digbeth, according with aspiration for the Quarter to grow as a creative and cultural destination. Creation of high-quality office space.
 - Environmental benefits through the regeneration and efficient use of a brown-field site, within a conservation area. Sustainable construction methods making the existing building operationally sustainable. Targeting BREEAM rating of 'Outstanding'. Making the canal basin more accessible.
 - Social benefits through the creation of construction and operation jobs.
- 8.4. There are a number of heritage benefits identified, including the use of vacant locally listed building within a designated conservation area. The repair of the historic

fabric. The associated public realm enhancements which will make the building and surrounding area including the canal basin, more accessible.

- 8.5. Overall, mixed use development is supported in this growth area supported by the aspirations of the Curzon Masterplan and Policy GA.1.3. The, the loss of employment land at this site does not significantly conflict with the Council's strategic employment Policies and is considered justified, in accordance with Policy TP19. The proposal will see the development of this brown field site, with a high-quality development and the above outlined economic, environmental, and social benefits of the proposal as well as the identified heritage benefits are considered to outweigh the less than substantial harm that has been identified to designated heritage assets. It is also concluded that the public benefits outweigh the limited degree of harm to the non-designated heritage assets.

9. **Recommendation:**

Approval subject to the conditions below

-
- | | |
|----|--|
| 1 | Implement within 3 years (conservation/listed buildings consent) |
| 2 | Requires the scheme to be in accordance with the listed approved plans |
| 3 | Requires the prior submission of a contamination remediation scheme |
| 4 | Requires the submission of a contaminated land verification report |
| 5 | Requires compliance with the demolition method statement |
| 6 | Requires the prior submission of a construction method statement/management plan |
| 7 | Limits the noise levels for Plant and Machinery |
| 8 | Requires the submission of details of the sound insulation for plant/machinery |
| 9 | Sound Insulation and Emission Dispersion for Plant/Machinery |
| 10 | Limits hours of use for ground floor commercial uses |
| 11 | Requires the submission of a scheme for ecological/biodiversity/enhancement measures |
| 12 | Requires the submission of details of the brown roof |
| 13 | Requires the submission of sample materials |
| 14 | Requires the submission of architectural details |
| 15 | Requires the submission of hard and/or soft landscape details |
| 16 | Requires the submission of hard surfacing materials |
| 17 | Requires the submission of Canal Basin edge details |
| 18 | Requires the submission of details of public art |
| 19 | Requires the submission of a CCTV scheme |
-

20	Requires the submission of a lighting scheme
21	To ensure energy and sustainability measures are delivered in accordance with statement
22	To ensure that the development achieves BREEAM rating level
23	Requires the provision of cycle parking prior to occupation
24	Requires the prior submission of a sustainable drainage scheme
25	Requires the prior submission of a Sustainable Drainage Operation and Maintenance Plan
26	Prevents the use from changing within the use class
27	Requires the prior submission of a social value action plan
28	Requires the submission of a HVM (hostile vehicle mitigation) plan
29	Requires a further bat survey if development does not commence before August 2023
30	Requires the completion of works for the S278/TRO Agreement
31	Requires compliance with Travel Plan and Mode Shift Stars programme
32	Requires the prior submission of Structural Recording
33	Requires a strategy for the repair and work to historic fabric
34	Requires the prior submission of a programme of archaeological work
35	
36	Requires UXO management and supervision

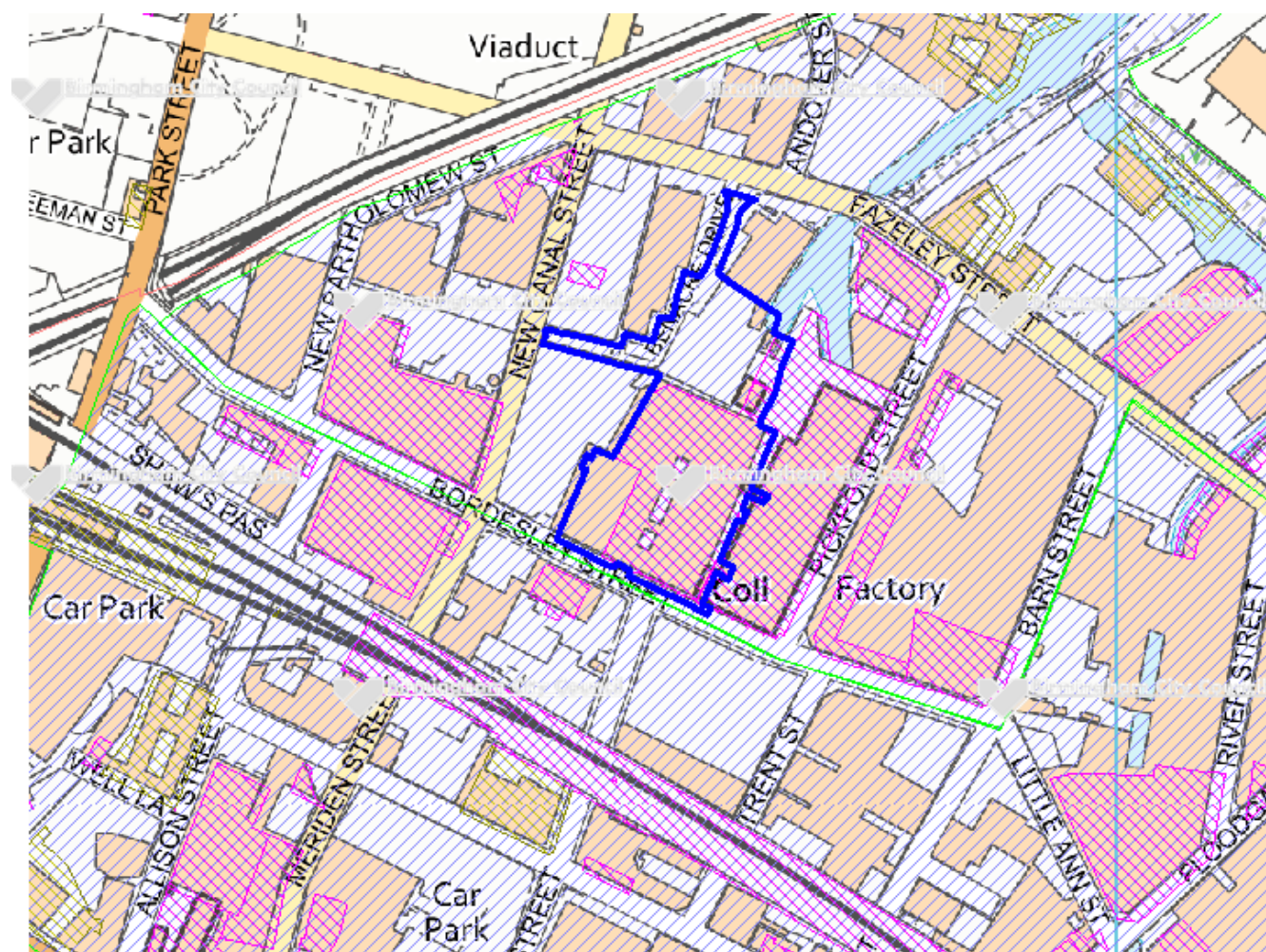
Case Officer: Rhiannon Hill

Photo(s)





Location Plan



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Committee Date:	16/03/2023	Application Number:	2022/04246/PA
Accepted:	25/05/2022	Application Type:	Full Planning
Target Date:	17/03/2023		
Ward:	Ladywood		

Land at Gough Street/Suffolk Street, Queensway, Birmingham, B1 1LT,

Full planning application for the erection of a purpose-built student accommodation (PBSA) scheme (Sui Generis) including amenity space and landscaping (Amended plan/ information received)

Applicant:	Es Suffolk Birmingham Ltd 161 Drury Lane, London, WC2B 5PN
Agent:	Carter Jonas 2 Snowhill, Birmingham, B4 6GA

Recommendation

Determine

Determine

1. **REPORT BACK:**

1.1 Members will recall that this application was presented to Planning Committee on 1st December 2022. Members resolved not to carry the case officer's recommendation of approval (subject to conditions) and were minded to refuse planning permission on the grounds of:

1.No need for student accommodation

2.Heritage Impacts on Singers Hill Synagogue (Grade II* Listed) and the adjacent Christadelphian Hall (Locally Listed).

1.2 As such, it was considered by Members the application be refused.

1.3 Since then, discussion has taken place between the applicant and adjoining landowner (Riverlow – Queensgate House) and the scheme has been re-designed with amended plans and supporting documents submitted for further consideration. A covering letter summarises the changes along with accompanying reports that are available to view via the Council's website.

1.4 The recent revisions attempt to satisfy Riverlows reasons for objection (see paragraph 5.2 of original report), remove the potential threat of Judicial Review and provide additional supporting information to alleviate members concerns.

Amended design

1.5 The revised plans have re-orientated the main tower layout to remove any opportunity for overlooking from the north façade/onto the neighbouring site at

Queensgate House Car Park, whilst continuing to complement and in keep with the surrounding area. See images 1 and 2.

1.6 [Link to Documents](#)

1.7 Members will recall that another planning application (for the adjacent site) is currently under consideration 2022/07620/PA. That application had been seeking approval for residential development in the form of a 11 and 15 storey block, at a close distance from the application site boundary. By means of impact on one another it was considered the effect of granting Planning Permission for either scheme (the proposed scheme on the application site under consideration and the recently submitted scheme) would mean that the other would not be acceptable; to the extent the two schemes are direct alternatives to each other.

1.8 The plans for the PBSA scheme have therefore been re-designed to prevent either scheme unacceptably impacting on one another and to enable both sites to come forward whilst respecting one another.

Queensgate House Planning Application 2022/07620/PA - Update

1.9 With regards to the neighbouring site and its planning application, discussions are still ongoing. On the 28th of February further amended plans and documents were submitted.

1.10 The revised scheme now seeks consent for 125 residential apartments (as opposed to 159) whereby Block B has been reduced in height and the layout re- drawn so that bedrooms face east and west, and dual aspect living room/dining areas face south towards the PBSA scheme. The housing mix has also been revised with an increased percentage of 2 and 3 bed units proposed

1.11 With regards to these revisions, re-notification letters will be sent, and the application will be dealt with accordingly. This application remains under consideration and will be presented to Members in due course.

PBSA Planning Application - Amendments

1.12 The following paragraphs below present a set of amended and superseded images showing recent revisions as mentioned above in paragraph 1.5.



1.13

Image 1: Amended north facing elevation (left) Superseded (right).



1.14

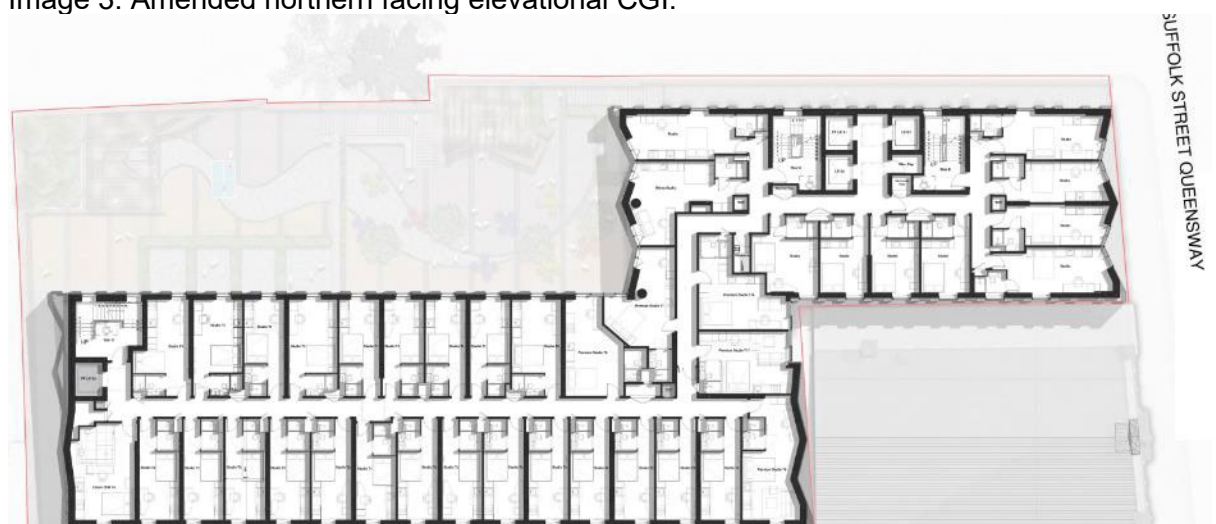
Image 2: Amended eastern elevation (left) Superseded design (right).

- 1.15 The internal layout, glazing and gables have been amended. The building is predominately masonry brick in keeping with its historic neighbours and the gables have been given some textured brick detailing, referencing the detail found on the Grade I listed British School and the Grade II* listed Singers Hill Synagogue. The vertical piers found on the façade of the Christadelphian Hall have been reflected within the façade of the two buildings, creating a modern interpretation of these upright lines.

- 1.16 Windows have been introduced into the east and west gable of the main tower to remove any opportunity for overlooking from the north facade. The solid vertical elements have been introduced including a folded gable to provide depth and interest utilising light and shade. Room layouts have been modified to get around the appearance of repeating windows, with perforated panels to allow light to penetrate the rooms. The folded gable continues to the ground floor where the extensive glazing has been maintained. To remove any potential overlooking at Queensgate House, most of the windows on the north façade have been removed. Some symmetrically positioned strips of windows retain which will be made opaque or obscured by condition.



1.17 Image 3: Amended northern facing elevational CGI.



1.18 Image 4: Amended floor plans to show revised layout/facing windows – levels 4 to 10.



1.19 Image 5: Superseded floor plan



1.20 Image 7: Amended Visual of the proposed façade – Suffolk Street Level



1.21 Image 8: Superseded proposed façade design.

Total beds: 540	
100% studios	
<ul style="list-style-type: none"> • Standard studios (16m2) = 152 • Standard + studios (17m2) = 104 • Enlarged studios (20m2) = 130 • Premium/Adaptable studios (24m2) = 145 • Vita Ultimate (30m2) = 9 	<ul style="list-style-type: none"> • 170 standard studios (16m2), • 104 standard+ studios (17m2), • 140 enlarged studios (20m2), • 118 premium/UA Studios (24 -26m2) • 8 Vita Ultimate studios (31m2).

1.22 Image 9: Amended (left) and superseded (right) room schedules.

1.23 With regards to the number of units, the total proposed remains at 540 although the number of standard studios has decreased by 18, enlarged studios has decreased by 10, premium studios decreased by 27 and vita ultimate studios increased by 1. See tables above – image 9.

Threat of Judicial Review – position update

1.24 Previously notice was given to the Council of Riverlows's intention to pursue a claim for Judicial Review (JR) in the event of Birmingham City Councils Planning Committee granting planning permission in respect of application ref: 2022/04246/PA. The letter concluded that Riverlow wished for the City Council and applicant/agent to review the issues identified in the letter and seek a solution that enabled both sites to come forward whilst respecting one another and to therefore allow for the most efficient use of land.

1.25 The applicant of the PBSA scheme states that discussions with Riverlow representatives about the proposed revisions have taken place. Whilst the LPA do not have a letter of support from them it is reported that negotiations to date have been constructive and positive (by email). Furthermore, Riverlow's Agent has confirmed to the applicant they will not be objecting to the revised application. The

applicants are therefore confident that the threat of objection and JR has now been removed through meaningful dialogue.

- 1.26 With regards to other third-party letters of representation the case officer confirms that the recent round of re-consultation has not resulted in any further objections from Riverlow.
- 1.27 Further minor amendments have been made to the following documents:
- Daylight and Sunlight Report
 - Structural Philosophy Statement
 - Sustainable Drainage Assessment
 - Noise Impact Assessment
- 1.28 I can clarify the changes made do not have any material impacts on the recommendation for approval. Several supporting documents have also been amended to reflect the design changes.
- 1.29 Townscape and Visual Impact Assessment
- 1.30 The TVIA has been updated to reflect the amended design and architectural materials. Most of the amended wording can be found in Section 6: Townscape and Visual Effects.
- 1.31 In summary, the incorporation of fenestration, Corten-effect metal panels, PPC aluminium louvres and channels, and varying brick patterns and details contribute to the breaking up of the building elevations providing more visually interesting and active facades.
- 1.32 Energy and Sustainability
- 1.33 The Energy and Sustainability Statement and BREEAM pre-assessment has been updated and continues to reflect that the proposed development could achieve a 'Very Good' BREEAM rating. The overall percentage carbon reduction has decreased as a result of the amended layout, but overall, the scheme still achieves a good reduction in both Part L (2013) carbon factors (16%) and Sap10 (58%).

Consultation responses to revised design

- 1.34 Those who originally commented on the application plus those originally consulted have been re-consulted of the recent changes.
- 1.35 As of 2nd March, 5 third party objections from a nearby residents have been received and concerns raised include, poor design, out of character and scale with surrounding buildings, loss of light and overshadowing. However, these reasons for objecting are not any new reasons to what has previously been raised and addressed.
- 1.36 No concerns from the BCC Conservation Officer, the Amenity Bodies or City Design have been raised. BCC Conservation considers the harm to be low to moderate (as before) and the City Design Manager supports the amended application subject to additional conditions as well as pre-commencement conditions around materiality and architecture, to which the applicant has agreed to. Additional condition detail is provided further below in para 1.78. Comments from the Birmingham Civic Society, Historic England and Transportation have been received.
- 1.37 Birmingham Civic Society conclude the design changes do not improve the scheme and object (as before). They also highlight that the author of the BCS comments acts

on behalf of the Singers Hill Synagogue and there is therefore a risk of a conflict of interest.

- 1.38 Historic England confirm they do not wish to add any further comments to those already expressed in June 2022. Transportation queries the width of the retained footway and request an amended plan which has been provided and the layby shortened, and footway re-drawn to 1.8m. Transportation support the application subject to conditions and for the highway works to be agreed under a highway's agreement – the applicant confirms agreement.
- 1.39 It should also be noted that the University of Birmingham have been consulted and has not commented or objected to the application.

Representatives of the Singers Hall Synagogue (Grade II* Listed) and the Christadelphian Hall (Locally Listed)

- 1.40 With regards to revisions the applicant confirms they have made efforts in reaching out to the representatives of these listed buildings and have forwarded on email communication that is available to view online. Whilst the representatives do not comment generally on external matters it is worth noting they have not objected to the application and the applicants have a good working relationship with them.

Reasons for refusal and updated submission

Student Need

- 1.41 BDP policy TP33 sets out the criteria for assessment of off-campus PBSA which relates to need; location; impact on the local neighbourhood and residential amenity; scale, massing and architecture; and the resulting living environment. It states that there is a demonstrable need for further student accommodation in the City.
- 1.42 With regards to student needs and the supply of student housing the applicant has provided an updated Student Demand and Supply Report taking into consideration the latest Higher Education Statistics Agency Authority (HESA) data from the 2021/22 academic year and Birmingham City Councils' purpose-built Student Accommodation: Supply and Demand Report Published on the 23rd of January 2023.
- 1.43 The BCC supply and demand report states (under scenario 2 City Centre) that there is a deficit of 900 bedspaces (future demand against existing and committed supply) but a surplus of 1,948 bedspaces under Scenario 3 if all current applications are approved. This shows that there is a limited demand (900 bedspaces) for additional PBSA in the city centre and that the situation should be carefully monitored to prevent oversupply based on the assumptions below.

Table 3: Demand/ supply analysis

Blue = surplus
Red = shortfall

University/ Location	Uni. of Bham (Selly Oak/ Edgbaston)	Aston, BCU, UCB (City Centre)	Newman Uni. (Bartley Green)	City-wide
Scenario 1				
Existing demand	23,095	17,690	210	40,995
Existing + Committed Supply*	10,047	18,239	306	28,591
Shortfall/ surplus	-13,047	548	-98	-12,401
Scenario 2				
Potential future demand	24,407 - 25,407	19,139	516	44,062 - 45,062
Existing + Committed Supply*	10,047	18,239	306	28,591
Shortfall/ surplus	-14,360 to -15,360	-900	-210	-15,471 to -16,471
Scenario 3				
Potential future demand	24,407 - 25,407	19,139	516	44,062 - 45,062
Existing + Committed supply + Current applications	10,452	20,829	306	31,845
Shortfall/ surplus	- 13,955 to -14,955	1,948	-210	-12,217 – 13,217
Scenario 4				
Potential future demand	24,407-25,407	19,139	516	44,062-45,062
Existing + Committed supply + Current applications + HMOs	23,516	28,692	566	52,774
Shortfall/ surplus	- 891 to - 1,891	9,553	50	8,712 - 9,712

- 1.44 Table 1: from BCC Purposed Built Student Accommodation: Supply and Demand Report Updated 23rd January 2023.
- 1.45 However, the applicants Revised Student Demand and Supply Report (February 2023) demonstrates an additional need for student accommodation above that identified in the Council's student supply and demand report (January 2023) and reported in recent planning applications that have very recently gone before Members.
- 1.46 The applicant's revised report focuses on the universities with a presence in the city centre which include Birmingham City University, Aston University, University College Birmingham, Ulster University, University of Bedfordshire and Roehampton University. The latter 3 institutions (not included in the Council's January 2023 report) gives rise to a demand for 2,260 bedspaces.
- 1.47 When added to the potential future demand of the 3 main universities in the city centre and compared with the existing and committed supply (900 + 2,260) there would be capacity for a further 3,160 bedspaces in the city centre.
- 1.48 Members will very recently recall planning approval being granted for other PBSA schemes within the City Centre - therefore this figure needs to account for those consented schemes and the 3,160 figure is therefore less.
- 1.49 At 23rd February Planning Committee Meeting the following PBSA schemes were approved:
- 1.50 2022/08046/PA: 2-10 Bournbrook Road (69 PBSA units)

- 1.51 2022/06777/PA: Former 'The Trees' Public House Site, Bristol Road (520 PBSA units)
- 1.52 The 2-10 Bournbrook Road application is located in Selly Oak and outside of the City Centre and is therefore irrelevant in this exercise. However, the Former Trees application is located at the edge of the city centre and was aimed at serving both University of Birmingham and the City Centre so 50% of the bedspaces are be attributed to the city centre shortfall.
- 1.53 The capacity is therefore be reduced by 310 beds to 2,850 bedspaces (3,160 - 310). Should members therefore approve this application this would leave a capacity of 2,310 (after discounting the 540 PBSA units proposed).
- 1.54 The Planning and Growth Strategy Manager has verified the data for the 3 additional institutions and the applicant's revised report and considers it to provide a satisfactory demonstration of need for the development, in accordance with TP33.
- 1.55 The only point of dispute in the report is the following paragraph on page 11.
- "Aston University have reported to BCC that they anticipate a 10% increase in the University's student population between 2018/19 and 2025/26."
- 1.56 This is incorrect. The expectation is a 10% increase in the number of students requiring accommodation, not a 10% increase in the student population.
- 1.57 "Aston University has overshoot it's 10% growth expectations, growing by 14% between 2018/19-2021/22. This suggests the University may need these beds sooner than 2025/26 and could continue to overshoot it's growth expectations"
- 1.58 The growth in students requiring accommodation between 2018/19 and 2021/22 has been broadly in line with the 10% prediction. Based on an annualised rate, the growth in 2021/22 should have been 4.3%, so in fact growth has been slower than
- 1.59 forecast.

1.60

Aston University	2018/2019	2019/20	2020/21	2021/22
Students requiring accommodation	5,937	5,780	5,117	6,137
% growth	Baseline	-2.6	-13.8	3.4

1.61

Table 2: Growth in students requiring accommodation

- 1.62 At the 1st December planning committee meeting members further raised concerns over the number of international students decreasing and the need for PBSA therefore potentially falling, however, the extent to which universities are exposed to the international market is said to vary by institution.
- 1.63 Image 10 below clearly shows that whilst the number of non-EU students has more than doubled over the last five-years, the number of UK domiciled students has grown the greatest in actual full-time student numbers by 7,890. There are over three times more UK domiciled students than international students studying at Birmingham city centre universities. This places Birmingham in a better position when considering the global mobility challenges international students have faced as a result of COVID and Brexit. The 2020/21 student data includes the impact of covid.

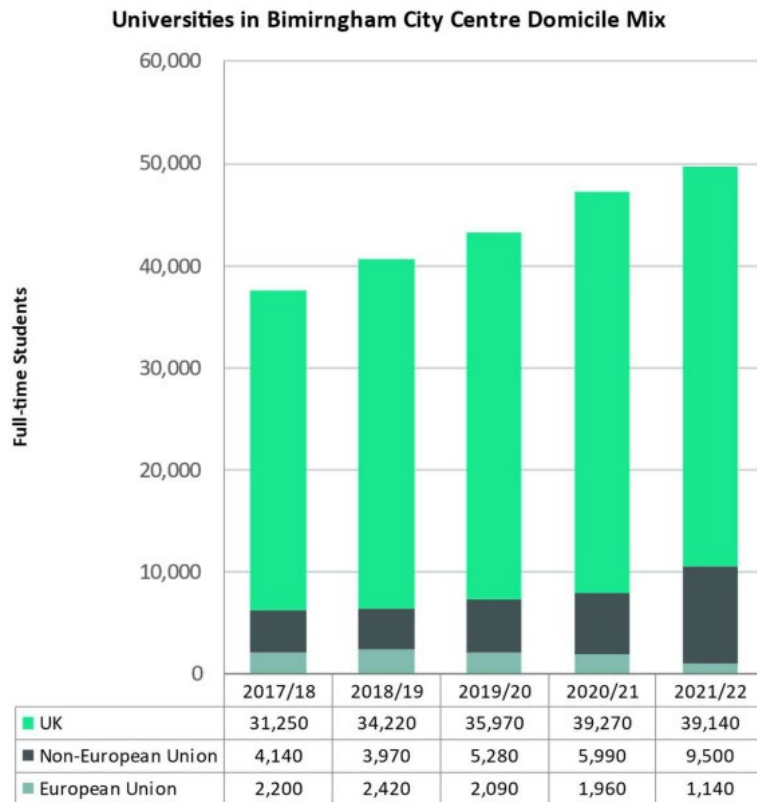
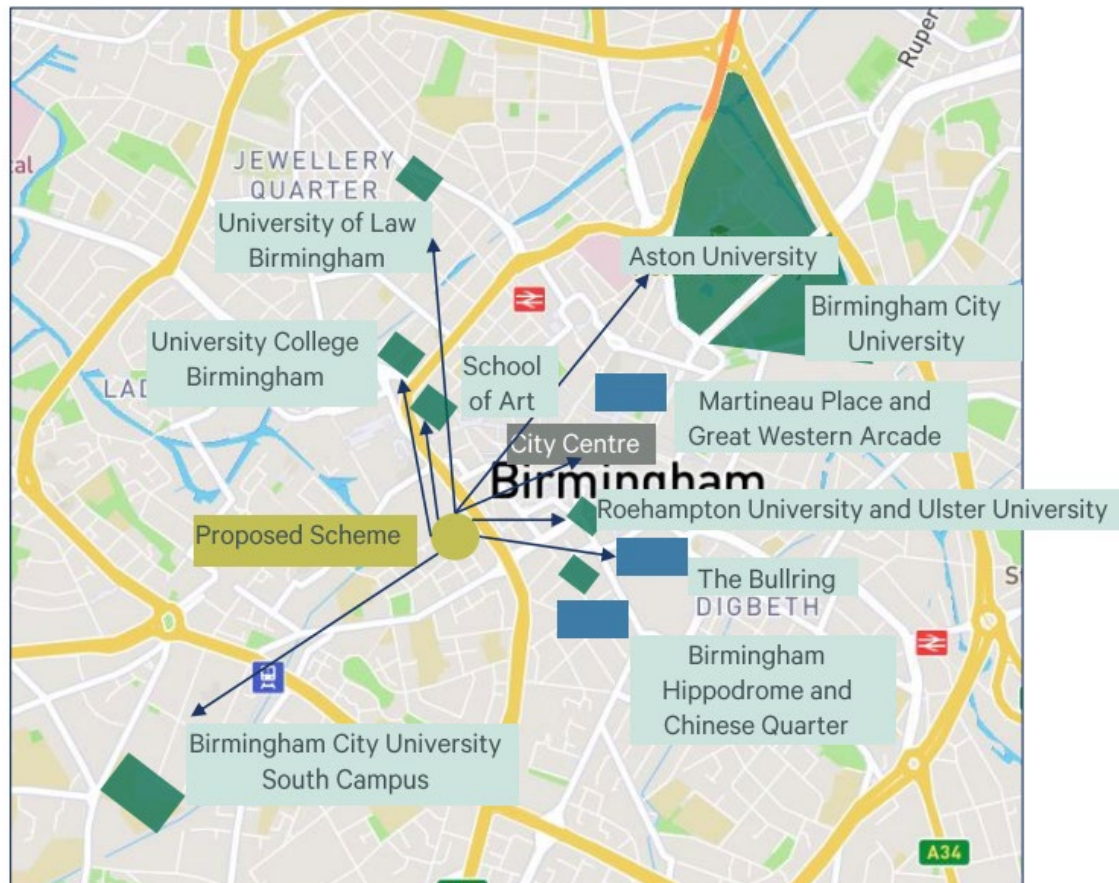


Image 10: Graph showing Universities in Birmingham City Centre Domicile Mix.

- 1.64 Similarly, Birmingham City University's growth plans submitted to Birmingham City Council anticipate a demand for beds will increase by 35% from 2018/19 to 2025/26, equating to 2,846 additional beds. 82% of Birmingham City University's full-time students are undergraduates, which means they generally need somewhere to stay for their three years of study away from home. Students who cannot access Purposely Built Student Accommodation therefore may choose to live in a House of Multiple Occupancy (HMO).
- 1.65 The updated student demand and supply report states it is estimated that as of 2021/22, 7,530 full-time students who study at universities in the city centre live in HMO accommodation. This is a growth of 62% from 2016/17 to 2021/22. The development of more PBSA therefore can alleviate the pressures on local housing as a supply of medium density housing in central locations in Birmingham and can remain as family housing, assisting with housing land supply shortfall figures.
- 1.66 To conclude, an additional need of for 2,850 PBSA bedspaces has been demonstrated and verified, therefore the BCC supply and demand report will be updated, and figures amended accordingly.
- 1.67 Location
- 1.68 Policy TP33 requires PBSA to be "very well located in relation to the university that it is to serve and to the local facilities which will serve it, by means of walking, cycling and public transport." There is no formal definition of 'very well located' in the context of policy TP33 however the Guidance Note on Student Accommodation Statements refers to a 15-20 minute walk as a guide and is based on BDP policy TP45 Accessibility Standards for New Development.
- 1.69 Paragraph 7.7 of the original report discusses location and considers the site to be a suitable location for PBSA.

1.70 However, to further demonstrate such a map and table are presented below.



1.71 Image 11: Proximity of universities within short walking/cycle distance to application site

1.72

Transport and the City

- 5-minute walk to Birmingham New Street Station
- 7-minute walk to Birmingham City Centre and The Bull Ring

Universities– the largest centre for Higher Education outside of London

- 11-minute walk/ 5-minute cycle ride to Birmingham School of Art (3 Margaret Street)
- 13-minute walk/6-minute cycle ride to University College Birmingham (Summer Row)
- 17-minute walk/8-minute cycle ride to Aston University (Building 5 Aston Business School)
- 22-minute walk/8-minute cycle ride to Birmingham City University (City Centre Campus)
- 24-minute walk/10-minute cycle ride School of Jewellery (82-86 Vittoria Street)
- 26-minute walk/10-minute cycle ride to the University of Law Birmingham

Distances and travel times to education institutions

1.73 The above indicates that the development would be a 11-26 minute walk/5-10 minute cycle from all the city's major universities, the nearest campus serving Roehampton University and Ulster University.

Further considerations

- 1.74 It should be noted that the Birmingham Development Plan became 5 years old on 10th January 2022 and is currently being updated. In accordance with NPPF paragraph 74, 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. Based on the latest 5YHLS position the city has 3.99 years' supply. Consequently, Paragraph 11d) of the NPPF is engaged and the tilted balance applies for decision taking. This means that any harm that would be caused must significantly and demonstrably outweigh the benefits of boosting housing supply.
- 1.75 As most existing operational PBSA schemes were built prior to 2015, the applicants scheme is said to provide modern, top quality PBSA accommodation to students with brand new services and amenities to enhance their experience in the city. The planned practical completion of the scheme for the 2026 academic year, also aligns well with the forecast growth.
- 1.76 The updated report remains to demonstrate an unmet demand for student bedspaces in the city. Therefore, it is asked that members reconsider their initial decision and move to support the recommendation of approval.
- 1.77 As both the Area Planning Manager and the Chair of the Committee sought to remind Members at the meeting, there was and there still remains no evidential basis to dispute the student housing need figures submitted with the application, or the advice on this issue provided to Members in the advice contained in this report back to Committee. If members agree with officer recommendation, please note the following conditions will be re-worded and added.

Re-worded

- 1.78 Condition 2: Approved Plans
To include revised plans and relevant supporting documents

Conditions 3 and 4 Materials and Architectural Details
To include a pre-commencement trigger.

Condition 9: Cycle Parking
To reference amended plan

Condition 12: Noise Insulation
To reference update Noise Impact Assessment 'admitt acoustics' issues date 09/02/23

Condition 17: Energy and Sustainability
To reference the updated Energy and Sustainability Statement Version V4.0 – 09/02/23

Condition 27: BREEAM Certificate
To reference the update B1014 BREEAM Pre-assessment Version V2.0 – 09/02/23

Additional Conditions

Condition 8: Drainage Scheme

Condition 33: Landscape Management Plan

Condition 34: Obscure glazing details – pre-commencement

Condition 35: A 1:1 sample panel of a bay of the east elevation of the tower (pre-commencement)

Condition 36: All brickwork shall be pointed using flush pointing.

Condition 37 - The ribbed/modelled/rusticated brickwork shall be at least 20mm deep.

Condition 38 - The design of the metal ventilation grills shall match the horizontal design of the ribbed/modelled/rusticated they are intended to emulate in the chequerboard design.

- 1.79 If members still take the view that both the BCC and applicants revised report is flawed, officers believe a refusal reason on these grounds would be very difficult to defend at appeal and would leave the City Council exposed for costs claim by the applicant, which in the case officers view would also be likely to succeed. Therefore, no wording to refuse on such grounds is provided.

Heritage

- 1.80 In relation to Heritage, Adapt Heritage, the Applicant's appointed heritage consultant has provided an addendum note in support of the amended scheme. The note summarises the proposed amendments and provides an assessment of the impacts to each individual Heritage Asset. In summary, the note concludes that 'the changes have resulted in a positive improvement which increases areas of glazing and provides variation and articulation to the brickwork, helping to visually reduce the overall solidity and perceived mass of the building when compared with the previously submitted scheme'.
- 1.81 In the Committee Meeting on the 1st of December 2022 Members specifically referenced impacts to Singers Hill Synagogue (Grade II* Listed). The Heritage Consultant states that the elevational changes will reduce the solidity of the building in views from Blucher Street and thus help visually reduce its overall perceived mass. This is considered an improvement on the previously submitted scheme (see comparative images 12 and 13 below) however that the proposed would cause 'less than substantial harm' to the significance of the II* listed Synagogue through development in its setting, with the level of harm to be moderate.
- 1.82 Members also mentioned harm to the adjacent Christadelphian Hall (Locally Listed).
- 1.83 The Councils Conservation Officer has reviewed this addendum and concurs with the assessment yet, as before, remains of the view that there will be low to moderate harm. The BCC Conservation Officer states:
- 1.84 'Whilst the design amendments appear to be a positive move, these would not prompt me to alter the degree of harm arrived at in my initial assessment which was based on the impact of the scale of the development and how this would compromise the ability to appreciate, understand and experience the architectural interest of this highly graded heritage asset. I therefore retain my position and, in line with that of the Heritage Addendum, consider that the proposed development would cause 'less than substantial harm' to the significance of the II* listed Synagogue through development in its setting. The harm remains placed at the moderate level of the 'less than substantial' bracket.'



1.85 Image 12: View of amended design from Blucher Street.



Figure A6.6: View from Blucher Street (Proposed Development outlined in Red, Consented Schemes in Blue and Submitted Schemes in Yellow)

1.86 Image 13: View of superseded design from Blucher Street.

1.87 In reference to the Christadelphian Hall BCC Conservation considers the addendum note to be fair comments and agrees that the changes would not give rise to a greater level of harm than that originally concluded to these other assessed heritage assets. However, as the levels of harm concluded to these assets were based on the impact of bringing the larger scale of development which exists in the wider setting into the much closer proximity of the immediate setting of these buildings, and as there is no change to scale and retains her position as before.

1.88 *BCC Conservation provide the below summary:*

1.89 The design amendments to the scheme are acknowledged however the reasons for the concluded harm remain. Should the amendments carry additional public benefits which would be considered to outweigh this harm is a matter I leave to the decision maker.

-The proposal would cause 'less than substantial harm' to the significance of the grade II* Singer's Hall Synagogue through development in its setting. The harm is considered to sit at the *low-to-moderate degree* within the 'less than substantial' bracket.

-The proposal would cause 'less than substantial harm' to the significance of the grade II listed Former British School, the grade II listed Caretaker's House for Birmingham Athletic Institute and the grade II listed Athol Masonic Building through development in their setting. The harm is considered to sit at the lower end of the 'less than substantial' bracket on all counts.

-The proposal would cause a degree of harm to the locally listed Christadelphian Hall through development in its setting. The harm is considered to be minor harm to a non-designated heritage asset within the context of the existing setting.

- 1.90 In accordance with Paragraph 202 of the NPPF, 'where 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'.
- 1.91 The Case Officer previously listed the range of public benefits of the scheme in the original report, concluding that the identified less than substantial harm is outweighed.
- 1.92 *Public benefits:*
- 1.93 • Annual expenditure injected into the Birmingham Economy of circa £15.1 million (including tuition fees, student expenditure and visitor expenditure, excluding rent);
- 1.94 • Providing new employment opportunities and supporting the local supply and service chain and positively contributing to tourism spend in Birmingham;
- 1.95 • Provision of approximately 466 full-time equivalent jobs on site during demolition and construction;
- 1.96 • Provision of 15 full-time equivalent jobs on site through building/site management and other secondary employment (approximately 180 indirect jobs) by utilising support goods and services in the City and investment during the construction period;
- 1.97 • Improving footfall and vitality during the day and supporting a thriving evening economy in this part of the City;
- 1.98 • Regeneration of a large vacant brownfield site on the edge of the city centre;
- 1.99 • Delivering a high-quality designed scheme to integrate the site into its surrounding context;
- 1.100 • Provision of purpose-built student accommodation in an appropriate location to meet identified need for additional bed spaces;
- 1.101 • A Community Infrastructure Levy (CIL) Contribution of circa £1.4 million which can be spent on local infrastructure projects;
- 1.102 • A BREEAM Very Good and EPC A rated development;

- 1.103 • Landscaped roof terraces with green infrastructure;
- 1.104 • Zero on site car parking promoting active and green travel; and
- 1.105 • A carbon reduction of 8% will be achieved when compared to the baseline building. The amended scheme will continue to deliver these benefits, alongside allowing for the most efficient use of land at Queensgate House.
- 1.106 Contribution to the 5YHLS figure

1.107 Additional public benefits

- 1.108 As stated, before the amended scheme would enable these two sites to be more compatible next to one another and subsequently allow the neighbouring land to be used more effectively (para 110 NPPF). These amendments could potentially allow much needed residential development to be delivered (subject to planning permission) without having an unacceptable impact on this site; subsequently contributing to existing housing land supply figures, potentially providing more affordable homes, a mix of homes, as well as many other economic benefits such as new employment opportunities.
- 1.109 It is therefore considered that the revisions would give rise to additional public benefits to those previously identified whereby the level of harm identified would not outweigh the public benefits, particularly bearing in mind the Councils lack of a five-year housing and land supply that the development could deliver.

Heritage reason for refusal summary

- 1.110 The accompanying plans and reports provide additional information in order to address all the comments raised. As set out in the Planning Statement and the Case Officer's report to Committee in December 2022, the proposal delivers an identified need within the City, providing significant public benefits that outweigh the limited harm caused to designated heritage assets.
- 1.111 This scheme has been the subject of extensive heritage assessment whereby it would be difficult for officers to robustly defend an appeal on this ground. However, issues of heritage harm are subjective matters that the Committee are entitled to come to a different view upon and if this is to form a reason for refusal it will therefore be essential to secure an expert witness that supports the Committee's reasoning.
- 1.112 Therefore, we request that Members of Birmingham City Council's Planning Committee approve the development in accordance with the revised plans and the resolution of 8.1-4 of the original report and be reminded that any reasons for refusal must be made in accordance with the Development Plan unless material considerations indicate otherwise.
- 1.113 However, if Members still take the view that the proposed harm is not outweighed, Officers believe a refusal reason based on that reason alone is likely to be strong enough to avoid a successful costs application; subject to the Council finding an appropriate expert witness to defend the case. However, the likelihood of successfully defending the refusal reason at appeal would be dependent upon the strength of the case that is made at the appeal.
- 1.114 Members should consider the application in light of both this and the original report and recommendation, and I consider that the original recommendation to approve

subject to conditions remains valid. However, if Committee remains of the view that planning permission should be refused then I would advise the following reason for refusal:

Reason for refusal

- 1.115 By virtue of its location, position and scale the proposed development would fail to preserve the setting of both the Christadelphian Hall (locally listed) and Singers Hill Synagogue (Grade II* Listed) Singers, as required by Section 66 of the Planning (Listed Buildings and Conservations Areas) Act 1990 through a diminished ability to appreciate their significance, thereby causing harm to this significance through development in their setting. The level of harm is a low to moderate level of less than substantial harm and would not be outweighed by the public benefits which would result from the development. The proposal therefore conflicts with policies PG3 and TP12 of the Birmingham Development Plan and the guidance contained in Chapter 16 of the National Planning Policy Framework.

[End of Report Back]

2. Proposal:

- 1.1 Consent is sought for Purpose-Built Student Accommodation (PBSA) to provide a total of 540 units. The scheme will comprise of two blocks which stand at 10 storeys (to Gough Street) and 29 storeys (ground floor, roof, plus 27 floors) to Suffolk Street Queensway.



Image 1: CGI of the proposed development, view from Suffolk Street, Queensway.

- 1.2 Both buildings would be located adjacent to the locally listed Christadelphian Hall; the 29-storey facing onto Suffolk Street Queensway and the smaller 10 storey would be set in and away the Synagogue car park to the west blocks would sit to the east and south of a new courtyard which would be landscaped to provide outdoor amenity space or the students.
- 1.3 In terms of room schedule the following is proposed:

- 170 standard studios (16m²),
- 104 standard+ studios (17m²),
- 140 enlarged studios (20m²),
- 118 premium/UA Studios (24 -26m²)
- 8 Vita Ultimate studios (31m²).

1.4 All studios will have a kitchenette, desk/sitting area, storage space, en-suite and bed. Larger studios will include additional lounge type sofa areas.

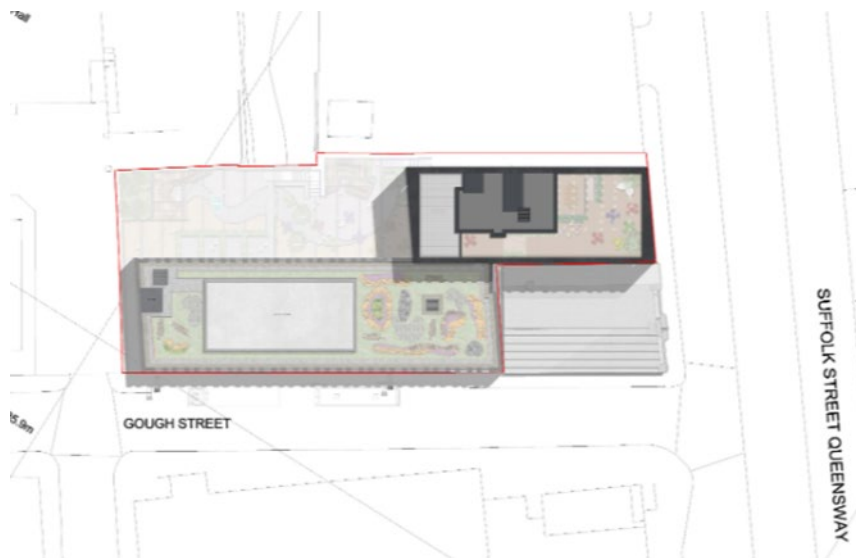


1.5 Image 2: Floor plan of level 2

1.6 The main entrance to the building will be located on Gough Street and an active frontage to Suffolk Street Queensway would also be provided. There are no parking facilities for students and drop off/refuse collection etc. will be via Gough Street. A new layby is to be constructed on the north side of Gough Street for deliveries, refuse collection and drop-offs.



Image 3: Visual of the proposed façade – Suffolk Street Level



- 1.7 Image 4: Site arrangement plan – view from roof level
- 1.8 The site will be operated by Vita Group who run a similar establishment at the former Pebble Mill Site, Edgbaston. The residence will have a single point of entry for pedestrians which will be through the main entrance located off Gough Street and through a management office which will be manned 24-hours a day, giving the team visibility of everyone entering and leaving the site. Entry will be through a computer-based access control system and every student will be issued with an electronic fob which will give them access to the communal hub space as well as their specific studio.
- 1.9 Non-residents who visit will be required to sign-in and will wait in the reception area for the resident to come and collect them. The site will benefit from CCTV and a bespoke internal and external lighting scheme to ensure that both within the property and outside, a safe and secure environment is created.
- 1.10 There is to be external amenity space on the ground floor, a garden on the 11th floor and a terrace on the 28th floor.
- 1.11 As for internal amenity space I note there is to be a café/cycle store/gym/games room and bookable private dining area will be provided at level 28.
- 1.12 Level 01 Terrace: 243m²
 Level 02 Terrace: 200m²
 Level 28 Roof Terrace: 176m²
 Total External Amenity Space: 619m²
- 1.13 Level 0 Amenity: 342.87m²
 Level 01 Amenity: 654.22m²
 Level 28 Amenity: 60.73m²
 Total Internal Amenity Space: 1057.82m²

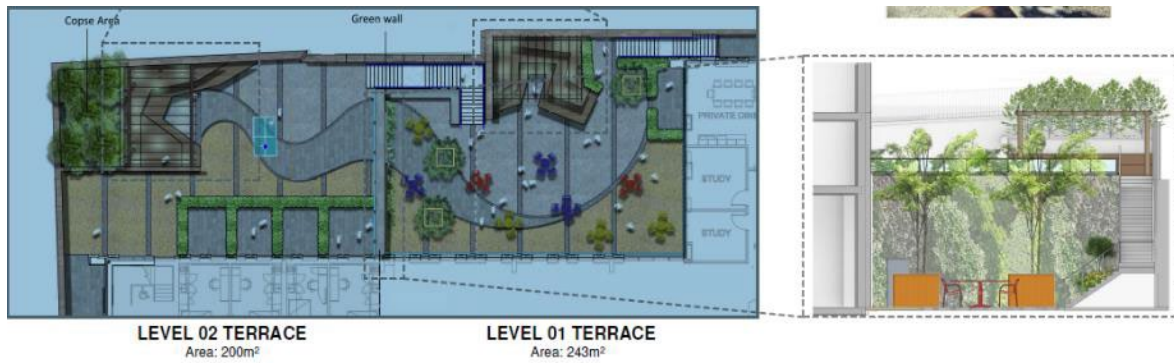


Image 5: Illustration of outdoor amenity area at levels 02 and level 03

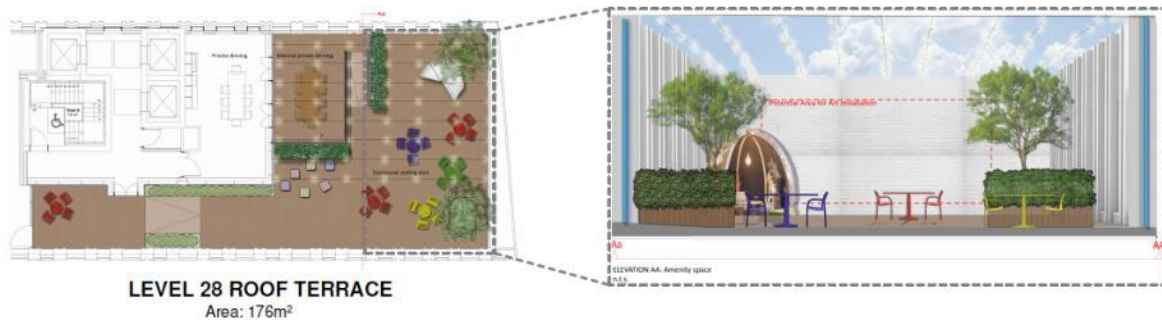


Image 6: Illustration of outdoor amenity at level 28/roof terrace

- 1.14 In terms of appearance the two buildings are to be constructed in a stack bonded brick finish. The 10-storey build would consist of expressed brick columns at roof level, aluminium louvres above the windows, vertical glazing, recessed stacked brick as well as expressed brick columns at entrance soffit. The ground floor entrance off Gough Street would be glazed and set back to include textured projecting brick detail. The ground level that faces onto Suffolk Street will have large sections of glazing and levels above strong architectural details to the gable.



1.15 Image 7: Elevational detailing

1.16 Additional/Amended Plans

- 1.17 Since the submission of the application additional information has been submitted, façade and ground floor design revisions to the ground floor of the tower, updated drainage information and plans, a massing exercise relative to the neighbouring site, an updated daylight, sunlight and overshadowing assessment, a further daylight/sunlight letter, a resubmission response statement to consultee comments and revised landscape biodiversity details.

1.18 [Link to Documents](#)

3. **Site & Surroundings:**

- 2.1. The application site is approximately 0.18ha and is located in the city centre on the west side of Suffolk Street Queensway, which is a major highway artery into Birmingham from the south. The site reflects the shape of an 'L' in plan, wrapping around an existing late 19th/early 20th century brick and terracotta Locally listed Christadelphian Hall (which sits on the northern corner of Gough Street and Suffolk Street Queensway). As such the site fronts Suffolk Street Queensway to the west and Gough Street to the south.
- 2.2. The application site comprises cleared brownfield land previously occupied by a print works and cultural centre. The site is cleared of buildings and bounded by hoarding. It features steep topography that runs westerly from the Suffolk Street Queensway frontage up to the western (top) end and beyond and comprises a strong topographical feature that it shares with the surrounding blocks.
- 2.3. The east of the site and beyond lies the underpass of the Suffolk Street Queensway and on the opposite side of the Queensway is a townscape of median and tall scale buildings, forming a 'wall' of development characterising the area around New Street Station.
- 2.4. To the south of the site is a seven-storey 1970's concrete clad commercial building now used residentially with a multi-storey behind it. Directly north is an area of back-land surface level parking which separates the site from another seven-storey 1970's 7 storey concrete clad commercial building (recently) in residential use. Beyond this is other new mid-scale residential development as well as the Mailbox retail and leisure complex.
- 2.5. The site is not within or adjacent to a Conservation Area but there are some nearby Heritage assets notably the Grade II* listed Singers Hill Synagogue and on nearby Severn Street some Grade II listed buildings, the former British School, Caretaker's House for the Birmingham Athletics Institute and the Athol Masonic Institute.
- 2.6. [Google site map](#)

4. **Planning History:**

- 3.1 20/09/2019 - Land at Gough Street/Suffolk Street Queensway – 2019/07842/PA – Application to determine the details for condition number 1 (submission of details of green/brown roofs) attached to approval 2018/09086/PA. Approved.

17/06/2019 – Land at Gough Street/Suffolk Street Queensway – 2019/05065/PA – Non Material Amendment to approval 2018/09086/PA for amendment to layout and associated internal reconfiguration. Approved.

01/03/2019 – Land at Gough Street/Suffolk Street Queensway – 2019/01740/PA – Application to determine the details for condition numbers 7 (arboricultural method

statement) and 8 (requires tree pruning protection) attached to planning approval 2018/09086/PA). Approved

08/11/2018 – Land at Gough Street/Suffolk Street Queensway – 2018/09086/PA – Erection of 330 bed hotel (Use Class C1) including restaurant, ancillary facilities and associated works. Approved subject to conditions.

3.2 Adjacent the application site (northwards)

Received 10th October 2022 and validated 13th October 2022 – Land adjacent Queensgate House 110 Suffolk Street – 2022/07620/PA – Erection of a residential led development comprising 159 residential apartments (Use Class C3), ancillary internal and external residential amenity space, access, cycle parking, landscaping and all other associated works. Pending consideration.

13/01/2022 – Queensgate House, 121 Suffolk Street Queensway – 2021/10075/PA – External alterations to facades of the building to include installation of render, fibre cement rainscreen cladding system and framing to top floor, replacement of existing commercial frontages and replacement windows and doors. Approved subject to conditions.

22/09/2021 – Queensgate House, Nakira, 121 Suffolk Street Queensway – 2021/05502/PA – Change of use of former nightclub at ground floor and mezzanine floor to offices (Use Class E (g_ (i))) and use of basement as ancillary plant for building. Approved subject to conditions.

22/09/2021 – Queensgate House, Suffolk Street Queensway – 2021/05487/PA – Prior approval for change of use from offices (Use Class B1 [a]) at ground floor (part) and 1st to 7th floors to 67 flats (Use Class C3). Approved.

04/04/2014 – Land at 121 Suffolk Street Queensway - 2013/05474/PA - Application to extend the time of extant planning application 2010/02930/PA for the erection of a 25 storey building fronting Suffolk Street Queensway comprising 259 bedroom hotel and 9 storey building fronting Severn Street comprising 144 apartment/hotel rooms, ancillary parking and landscaping. Approved subject to conditions.

19/08/2010 – Land at 121 Suffolk Street Queensway – 2010/02930/PA - Erection of a 25 storey building fronting Suffolk Street Queensway comprising 259 bedroom hotel and 9 storey building fronting Severn Street comprising 144 apartment/hotel rooms, ancillary parking and landscaping. Approved subject to conditions.

5. **Consultation Responses:**

- 4.1 City Design – no objections subject to conditions around final architectural, material and landscaping details.
- 4.2 Conservation – no objections, comments are provided within the report.
- 4.3 Historic England: raises concerns regarding the impact of the tower and the resulting harm that this would cause to the significance of the Grade II* listed Singers Hill Synagogue and the locally listed Christadelphian Hall, through this scale of development within their immediate setting. Further comments are provided and considered in the report.
- 4.4 Victorian Society - object to these proposals as are currently presented and urge the City Council to refuse consent. VS considers the application unacceptable and that

the tower completely will overpower the adjacent historic buildings dating from their period of interest, and particularly the locally listed former Christadelphian Hall as its immediate neighbour, as well as the grade II* listed Singers Hill Synagogue. The Victorian Society considers the scheme will have a negative impact on the character and appearance of the adjacent grade II* listed, grade II listed and locally listed buildings, with significant harm to their settings. They consider this to be unacceptable, and particularly if this application is considered alongside other proposals for tall buildings nearby in the Suffolk Street and Bristol Street area of the city. In their view a scheme of more modest scale should be considered for this site in Gough Street and Suffolk Street, and one which remains within the parameters of the scale of the previously consented hotel development at 11 storeys.

- 4.5 Archaeology – no objections, the development is unlikely to affect significant archaeological remains. The site sits beyond the core of the historic town and was not developed until the early 19th century, the previous development of the site will also have impacted upon any buried remains that did survive. No conditions are recommended or any further archaeological investigation.
- 4.6 BCC Transportation Development – no objections subject to conditions requiring the development not to be occupied until highway works under a highway's agreement are provided, cycle parking to be provided and an updated construction management plan.
- 4.7 Tree Officer – no objections subject to tree protection and tree pruning conditions.
- 4.8 Ecology – do not object however seek revisions to the biodiversity offer, tree planting/landscaping. The landscape management plan needs amending (with regards to the volume water required per tree) prior to agreeing to condition the management plan for implementation.
- 4.9 Regulatory Services – no objections subject to conditions requesting a noise insulation scheme, noise levels for plant and machinery, contamination remediation scheme and contamination verification report. No concerns regarding air quality.
- 4.10 Local Lead Flood Authority – objected to the scheme 14.07.22 and sought for further information. Amended plans and reports were submitted and the LLFA reconsulted. The LLFA responded 20.10.22, removed their objection and stated 'As the proposal has now supplied the STW Developer Enquiry details, we recommend the following conditions to ensure the proposed development complies with the minimum requirements of the NPPF and Policy TP6 of the adopted Birmingham Development Plan: 1. Requires the prior submission of a sustainable drainage scheme and 2. Requires the prior submission of a Sustainable Drainage Operation and Maintenance Plan
- 4.11 Severn Trent Water – made no comments.
- 4.12 Employment Access Team – no objections subject to employment condition
- 4.13 West Midlands Police - no objections subject to lighting and CCTV conditions.
- 4.14 West Midlands Fire Service – no objections and recommend a design informative
- 4.15 Health and Safety Executive – required further information to comment including the provision of a Qualitative Design Review. As of 29.09.22 HSE confirm they are satisfied with the additional information provided.

4.16 Planning and Growth Strategy – no objections subject to conditions regarding energy statement and BREEAM Certificate and concurs there is student need.

4.17 Birmingham Civic Society:

Considers the scheme to accord with GA1., to be sustainably located and situated within a cluster of tall buildings. BCS have reviewed the Heritage Statement and agree with this assessment. They state the scheme would substantially overshadow the locally listed Christadelphian Hall which sits adjacent, but most development here would, unless only of 1-2 storeys, and its principal façade would still be seen and appreciated. BSC acknowledge the positive aspects of the proposal. In terms of design BCS state there are large expanses of curtain wall with little consideration of detail to entrance doors, security, signage, lighting. The facade drawing in Part 14 of the DAS shows 'potential and aspirations' without any commitment to quality of materials, construction and detailing. The façade facing the A38 was considered to present a hostile appearance to the city.

In summary, BCS support the scheme on many levels, yet encourage the above points regarding design and treatment to be addressed, and object to the scheme in its current form.

4.18 Birmingham International Airport – no objections subject to condition.

6. **Third Party Responses:**

5.1. The application has been advertised in the press, publicised by 3 site notices and neighbours notified. In addition, the Local MP, local residents' groups and forums have been consulted. Associations and Ward Councillors consulted. 27 neighbouring objectors have submitted 28 letters of objection (as of 22.11).

Friday 4th November 2022 a consultation technical error was identified whereby the Council could not be sure whether all original neighbour notification letters that should have been sent on 8th June were sent.

Neighbours were therefore reconsulted on the application (8th November) for 3 weeks in line with statutory requirements and have until 1st December to make comments. Since re-notifying neighbours 2 further residents have objected. Accordingly, their comments have been considered and have been added to the list of comments/concerns below, I should highlight that these additional comments do not raise any new issues and are like points that have been previously raised and covered in the report below. Should any additional comments be received between 22nd November and 1st December these will be reported to members via an update.

5.2 Neighbours raise the following comments/concerns

- the 28 storeys will block most of the sunlight and overshadow around 200 households and 800 residents living in the apartment block Westside One and Westside Two.
- the 28-storey high rise section is on the North-eastern side which is closest to the Westside One and Westside Two residents.
- the new build is 4 times more in height than the 7 storey which will cause a big impact by blocking most of the sun light and overshadowing the surrounding area.
- scale, height and massing and materiality of this tall proposal appears oppressive and overbearing and moreover is unrelieved by lightness of touch and elevational relief.
- is a dated eyesore that would appear to apply in this case
- very tall buildings require exemplarily design in mitigation of their impact. By no means can this be classed as an exemplarily designed tall building.

- this is fundamentally unacceptable by any reasonable design standard (as well as Birmingham Design Guide) to have such a monolithic windowless faced on such a prominent building.
- it antisocially turns its back on the city and would be very difficult to correct in the future if approved. This cannot be approved in its current design.
- loss of daylight will have an effect on mental health and healthy way of living
- site would be better as a green area
- this will cause noise pollution during and after construction
- loss of privacy
- will destroy the Birmingham Skyline
- will destroy a piece of heritage
- number of student residents will put a strain on local medical services and facilities
- building teams are currently digging up foundations on site already
- site includes no parking and is assumed the car parks around the area will be used, when the road is already blocked with cars
- will destroy local heritage for commercial gain
- will ruin the Birmingham skyline
- out of scale with nearby buildings and would be an eyesore next to the listed church
- a lower building would be acceptable more in line with the previous graduated height application
- would ruin the outlook from my flat dominating my view
- too big and too ugly, not suitable for placement so close to the road and other housing units
- would prefer a 11 or 12 storey building like Westside Two

Objection from adjoining landowner (Queensgate House)

- are disappointed the applicant did not consult with neighbours prior to the submission of the application and provided the opportunity for discussion and feedback
- the approach taken by the developer is not conducive to creating a positive sense of place and making the best and efficient use of land
- the distance and erosion if developable area on the applicant's site is wholly unacceptable especially given the applicant intends to erect a building 0.7metres from the same boundary
- it has not been demonstrated that the scheme can be delivered without adversely impacting upon the applicants own scheme
- states the tower would be only a few metres from the flank of the Locally listed Christadelphian Hall and disputes that the proposed building would contribute positively to the character of the historic environment and therefore the development should not be considered to accord with Policy TP12.
- the Daylight and Sunlight Report does not include an assessment of the impact of the proposals on the forthcoming residential conversion of Queensgate House (as approved under ref: 2021/05487/PA) and as such it is unclear whether the proposed development would have material impact on future residents' availability of light.
- the applicant is keen to participate in a collaborative master planning exercise with the LPA and considers that proposals are capable of being developed which make an effective and efficient use of both the land in its ownership as well as that subject to this current application
- the application proposals by virtue of the significant number of windows in the north elevation would prejudice the delivery of development on the neighbouring vacant site
- the applicant's piecemeal approach does not contribute to delivering a strong sense of place and would not deliver an efficient use of land in support of the Council's overall development strategy. The application therefore fails to accord with Policy PG3.

-refers to residents that reside at 121 Suffolk Street did not receive the first round of consultation letters

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

6.1 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

6.2 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

TP24 Promotion of diversity of uses within centres

TP26 Local employment

TP27 Sustainable neighbourhoods

TP28 The location of new housing

TP29 The housing trajectory

TP30 The type, size and density of new housing

TP33 Student accommodation

TP37 Heath

TP38 A sustainable transport network

TP39 Walking

TP40 Cycling

TP44 Traffic and congestion management

TP45 Accessibility standards for new development

TP46 Digital communications

6.3 Development Management DPD

DM1 Air quality

DM2 Amenity

DM3 Land affected by contamination, instability, and hazardous substances

DM4 Landscaping and trees

DM5 Light pollution

DM6 Noise and vibration

DM10 Standards for residential development

DM14 Transport access and safety

- 6.4 Supplementary Planning Documents & Guidance
Student Accommodation Supply and Demand Update (2022)
Birmingham Parking SPD (2021)
Birmingham Design Guide SPD 2022

8. **Planning Considerations:**

- 7.1. The main material considerations are:

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

Principle of Development

- 7.2 Policy GA1.1 sees the City Centre as the focus for residential activity, furthermore the focus for Westside and Ladywood is to creating a vibrant mixed-use area combining the visitor, cultural, commercial and residential offer into a dynamic well connected area. While the proposed use will not contribute to a mix of uses, the principle of student accommodation development in this location is supported by the BDP, subject to satisfying other relevant local plan policies below. Policy TP33 sets out the policy for student accommodation and sets out the criteria for assessment of off-campus PBSA which relate to need; location; impact on the local neighbourhood and residential amenity; scale, massing and architecture; and the resulting living environment.

- 7.3 A Birmingham Student Demand and Supply Report (CBRE - dated April 2022) has been submitted with the application and indicates that the proposed accommodation would be occupied by students from any of the following institutions:

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

- 7.4 The applicants CBRE report estimates the existing demand at **16,800** bedspaces based on HESA data 2020/21. However, BCC's latest assessment of demand arising from the main city centres universities shows a current figure of **15,880** bedspaces. This difference was highlighted to the applicant, and they stated the reason for the reports arriving at different figures was because they have included different universities in the demand pool (when calculating the estimated demand). Discussions between the agent and the Planning and Growth Policy office were therefore had around which universities, accommodation needs and demand calculations.

- 7.5 It was agreed that despite arriving at the different figures above, the Student Needs Assessment estimated an unmet demand (including pipeline supply) of 3,224 bedspaces: arising from the 3 main city centre universities. BCC'S latest assessment (at Feb 2022) confirmed a figure of 2,060 bedspaces. Therefore, notwithstanding any corrections that need to be made to the submitted Student Needs Assessment, BCCs assessment confirms there is a level of unmet demand within the City Centre (2,060

bedspaces) which is in excess of current supply when comparing existing demand to existing available and consented supply.

- 7.6 It is considered the data provided shows that there is a demonstrated need for additional PBSA.

Location

- 7.7 There is no formal definition of 'very well located' in the context of policy TP33 however the Guidance Note on Student Accommodation Statements refer to a 15—20minute walk as a guide and is based on BDP policy TP45 Accessibility Standards for new development. This equates to approximately 1.5km.

- 7.8 The proposed development is a five-minute walk from New Street Station. The supporting Student Needs Assessment also states the site is located a short walk (within 0.5miles) of four universities and easy walking distances to other university campuses:

- 11 minute walk/5 minute cycle ride to Birmingham School of Art (3 Margaret Street)
- 13 minute walk/6 minute cycle to University College Birmingham (Summer Row)
- 17 minute walk/8 minute cycle to Aston University (Building 5 Aston Business School)
- 22 minute walk / 8 minute cycle to Birmingham City University (City Centre Campus)
- 24 minute walk/ 10 minute cycle to School of Jewellery (82-86 Vittoria Street)
- 26 minute walk/10 minute cycle to the University of Law Birmingham

Image 8: A list of the walking and cycling travel times from the application site to nearby Universities

- 7.9 The above list indicates the site would be beyond a 20minute walk from BCU, School of Jewellery and University of Law Birmingham however it should be noted they are a short cycle ride and can also be accessed easily via bus, tram or train. In addition, the site is in very close proximity to Ulster and Roehampton University and is near to services, shops, and facilities. Based on the above it is considered that the site to be a suitable location for PBSA.

Site security and management

- 7.10 A Student Management Plan, Security Strategy and Moving in/moving out strategy have been submitted that is submitted and reviewed by West Midlands Police who confirm no objections subject to lighting and CCTV conditions.

Design

- 7.11 Layout

The layout presents a development at the back of pavement with a recess entrance on Gough Street and further access from the front onto Suffolk Street Queensway. Windows are largely orientated sideways in a north and southerly direction. The proximity to the site adjacent (to the north) has been tested via a massing exercise which allows for a separation distance of between 12m (tower) and 20.5m (shoulder) which is comparable to similar relationships elsewhere across the City Centre. Furthermore, the footprint of the tower is somewhat alike other towers too.

- 7.12 With regards to amenity provision, Design Principle LW-13 of the Design SPD states all residents should be able to access private outdoor amenity space of sufficient size and quality to service intended occupants; and as a minimum requires 10sq.m per resident for sui-generis shared residential use. 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. Additionally,

1057.82m2 of internal amenity space is being provided and there are several areas of green space in walking distance of the application site. Therefore, I considered the level of amenity proposed acceptable in this case.

Architecture and materiality

- 7.13 The proposed red/orange brick is very positive and a colour which falls in keeps with and respects the base material of City and surrounding heritage assets (including the synagogue and British School). The elements of stack bonding are also very welcomed. The verticality of the long elevations has been organised in way that reflects the linear windows of the adjoining Christadelphian Hall. The scheme also proposes linear modelling of the brick piers.
- 7.14 The design of the windows is generous and the contrast between the rhythm of the north and south elevations of the tower gables is positively interesting. The narrow profile of the tower includes a single thin slot window frame with alternating chamfered blocks of masonry, stepped out within the frame.
- 7.15 A double-height ground floor to Suffolk Street Queensway has been amended to be fully glazed, creating more visual interest at street level, natural surveillance and active frontage to Suffolk Street Queensway. Additionally, the east and west gable ends have been updated so that the projecting brickwork areas are not uniform, to provide further interest to the elevation. The soffits are presented in a matching brick so they read as a whole when one observes the building upwards and the ground floor is opened up with glazing and the internal piloto are now external and a strong feature of cylindrical concrete. The amendments area welcomed and secure a scheme of bespoke and exciting design.
- 7.16 To the top of the tower the crown/parapet is deep and appears to screen planting from view however there appears to be a space left vacant for future signing. Signing and lighting in this location would not be welcomed and should be resisted. As a result, suitable conditions are proposed to control this.

Scale, height and massing

- 7.17 With regards to scale, height and massing some of the sites in the immediate and surrounding area have obtained planning approval for developments of a similar scale, some of which are extant, and others implemented. To the north on Seven Street a 10-storey block has been built, this positions to the side of the neighbouring 1970s 7-storey commercial building (Queensgate House, 121 Suffolk Street) and establishes a base line in height here. The shoulder proposed as part of this application also reflects application 2015/05554/PA that was approved some time ago. Moreover, a number of other residential developments at this scale (and greater) such as 2015/05112/PA for a 12-storey block diagonally to the rear have been and are being implemented to the rear higher ground.
- 7.18 However in relation to the tower element, it can be said Bristol Street and Suffolk Street Queensway host a number of towers along this highway artery. This collection of taller structures creates a density of high-rise that cumulatively creates a character running up to Paradise, Centenary Square and Arena Central which includes taller buildings. City Design have reviewed the application and considers the height (of 29 storeys) is acceptable and is lower that a number of existing towers in close proximity.

Impact on the Townscape

- 7.19 In relation to Townscape, the City Design manager (CDM) considers the TVIA to follow an acceptable methodology and is sound. The CDM states it demonstrates that during operation of the proposed development the effects on townscape character are expected to be negligible adverse at national level, minor beneficial at a local level, to moderate beneficial on the site and its immediate context.

- 7.20 The Visual summary also states that during operation of the proposed development that the effects on visual amenity are expected to range between moderate adverse to negligible/none to minor beneficial. The City Design manager agrees with both findings.



Image 9: CGI view of the proposed tower from the west (from Severn Street)



Image 10: CGI view from the south west (Gough Street/Blucher Street)

Design Principle 19 – Tall Buildings

- 7.21 This proposed scheme features appropriate façade detailing, good quality materials, well designed and generous window openings, well-articulated elevations as well as many other appreciated architecture styles and modelling that would result in the delivery of an exciting and innovative building. Both the tower and shoulder would respond positively within its surrounding context and wider area as well as improve the quality. They would be located along this main highway route through to the City both

7.22 The proposed design is appropriate within the site context and complementary to its surroundings, the design is well proportioned and creative. It is bespoke and exciting and following amendments is considered high-quality design in accordance with Policy PG3 of the BDP and design principles 14 and 19 within the Design Guide SPD. Furthermore, the City Design officer supports the application subject to conditions.

7.23 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.

7.25 Kensington House (136 Suffolk Street)
Kensington House is a 6 storey plus ground floor student residential block whereby its northern facing elevation would face onto the application site with a 10m separation between. Whilst this façade features windows along this gable end these are secondary windows at an acceptable distance, therefore loss of privacy and outlook would be very limited.

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The adjacent Queensgate House, at its closest point positions 10m away from the proposed 29 storey tower. The gable ends to Queensgate House are mostly flanked walls albeit several secondary side facing windows that look onto the site, therefore impact on views and loss of light would be also limited.

7.27 Westside One and Westside Two

Westside One and Westside Two are located to the northeast of the site and are separated by the main public highway at approximately 35-57m. Whilst both of these premises feature front facing windows across their entire frontage, I consider the significant separation distance between the existing and proposed would offset any detrimental harm to outlook and loss of privacy.

7.28 The numerical standards in the Design Guide SPD give a separation distance guide of 27.5m and 21m and further states that the separation distance should be increased by 2m for every 1m rise in ground level between the new and existing dwellings. On that basis the separation distance would not meet the numerical standards for Queensgate House and Kensington House. However, the guidance is simply that, and should not be applied as a blanket threshold, a point which reflects national policy in NPPF para 125(c); furthermore, the site's context should be considered. In this instance the site is located within the City Centre where the urban grain is tight and the density of development much higher (as encouraged by the BDP and Design Guide) to make the most efficient use of land in sustainable locations. Therefore, in this context the separation distances are considered acceptable with respect to maintaining the privacy of the existing adjacent occupiers, whilst making efficient use of this brownfield land in a sustainable location.

7.29 Matters of noise during construction have been raised, whilst this is noted, construction is a day-to-day occurrence across the City and beyond whereby it would be for a temporary period, that said an updated construction management statement will be required by condition to cover working practices and hours of construction/deliveries. Furthermore, the regulatory team have been consulted who confirm no objections subject to noise and amenity mitigating conditions during construction.

7.30 With regards to the increase in density in this location I consider the relationship between the building and street environment has been appropriately balanced. Therefore, notwithstanding the concerns raised it is viewed that the proposed, on balance, would provide an acceptable level of residential amenity for neighbouring residents in accordance with policy and guidance. In relation of daylight and sunlight impacts on the possible future development of adjacent sites, this is discussed in the paragraph 7.54.

Impacts on Queensgate House and car park

7.31 An objection has been made by the owner of the adjacent land. This presently comprises a vacant car park and Queensgate House both of which are to the immediate north of the site. Queensgate House has a prior approval consent for its residential conversion (2021/05487/PA) and the objection letter highlights concern with daylight/sunlight impacts and contends that the proposed PBSA scheme will prejudice future development at the Queensgate House (121 Suffolk Street) and its car park.

7.32 The effect of a proposed development upon an adjacent site which could otherwise be developed in a different way is capable of being a material consideration for members to consider. If such an effect is considered to be material, then as with all material considerations the weight to be afforded such a concern is for the decision maker.

7.33 In this case, members should note that not only have the owners of the adjacent objected on the basis that this proposal will restrict the prospects of developing the adjacent site, but very recently they have submitted a full planning application seeking

residential development upon the adjacent site. The scheme seeks planning approval for residential development in the form of a 11 and 15 storey block, a close distance (shortest being approximately 3-4metres) from the site boundary. By means of impact on one another the effect of the grant of Planning Permission for either scheme (the proposed scheme on the application site under consideration and the recently submitted scheme) would mean that the other would not be acceptable (see images 12 - 15 and paragraphs 7.41 – 7.46); to that extent the two schemes are direct alternatives to each other. It is therefore considered that the comparative land use implications of the recently submitted scheme are material considerations to the scheme under consideration in this report. That said, the two schemes are obviously at a different stage in the planning process whereby many of the consultation responses have only recently been received (reply date 10th November) therefore in respect of the recent application the following assessment is based upon the information available to officers at the time of writing.

- 7.34 Members should also bear in mind therefore that the comparative benefits/impacts of one scheme become relevant to the determination and are presented in paragraph 7.47 - 7.50 of the report. However, with regards to the letter of objection, the points raised are addressed below.

7.35 Impact on amenity of the existing Queensgate House Prior Approval Scheme

In response to the daylight/sunlight concern the applicant recently updated its Daylight and Sunlight assessment to include consideration for the prior approval consent. The report found there to be no unacceptable adverse impacts on daylight/sunlight and stated the below:

- 7.36 'in respect of the committed scheme at 121 Suffolk Street Queensway, Queensgate Business Centre (planning ref: 2021/05487/PA), the results of both daylight assessments and the sunlight assessment record full BRE compliance (100%), commensurate with the BRE's permissible 20% change from former value.'

- 7.37 Additionally, the building consented for residential conversion (Queensgate House), positions (at its closest point) 10m away whereby its flank elevation being the nearest. There are windows to the rear of the QH building, yet views between it and the proposed PBSA scheme would be indirect and at a greater distance. At its southern side the QH building features several windows however these are secondary and set back a further distance therefore harm by means of impact on views, loss of light and privacy would not be at an unacceptable level.

7.38 Prejudicing future development of adjacent land

In response to an objection from the owners of the neighbouring site alleging that this proposal may have the effect of prejudicing future development at Queensgate House and its car park, the applicant of the PBSA scheme explored the potential for development at Queensgate House car park with the proposed development in situ. That massing exercise presented indicative drawings that show what could potentially be delivered (on site) using a separation distance of 12metres between the building frontages. The indicative drawings showed there is opportunity to create an extended frontage to Queensgate House, along with a rear wing. They show a continuation of the scale at Queensgate House and state there is potential for an additional quantum of development comprising of a new building extending to 14,736m²; arranged over ground floor plus mezzanine and 7 upper floors, tying into the height of the existing residential planning approval for Queensgate House (2021/05487/PA). This demonstrates that the effect of the grant of permission would not be to sterilise the development of the adjacent site, even if it were to put limits upon its potential development.

- 7.39 The exercise also stated further developmental floor space could be secured should the site be redeveloped to include the demolition of the existing Queensgate House.
- 7.40 In July (this year) a pre-application (from the adjoining landowner) was submitted seeking planning advice for development at Queensgate House car park - development closer in position and significantly taller in height than that of the massing exercise. The LPA considered the proposal and by means of design, townscape massing and proximity to the PBSA site the LPA did not look upon the scheme favourably. This has now been followed by the submission of a planning application (discussed below).
- 7.41 **Consideration of the PBSA scheme and the Queensgate House residential full planning application**

Although the recently submitted planning application (10th October) is at an early stage and with some consultee responses recently available (by reason of timing) this report will nonetheless seek to assess the effects of the proposed PBSA scheme upon the ability of the adjacent site (Queensgate car park); to be developed for a 15 storey and 11 storey block without a significant standoff as presented in the application plans (2022/07620/PA). The next five paragraphs consider whether or not the two schemes are incompatible and whether the grant of planning permission of the PBSA scheme would constrain the extent of development on the adjacent Queensgate site. Below are five images taken from the Queensgate planning application pack.



Image 12: Queensgate House Car Park – application red line site boundary



Image 13: Site layout of adjacent Queensgate House application showing the 11-storey block to the left (west) and the 15-storey to the right (east) and north of the PBSA site.



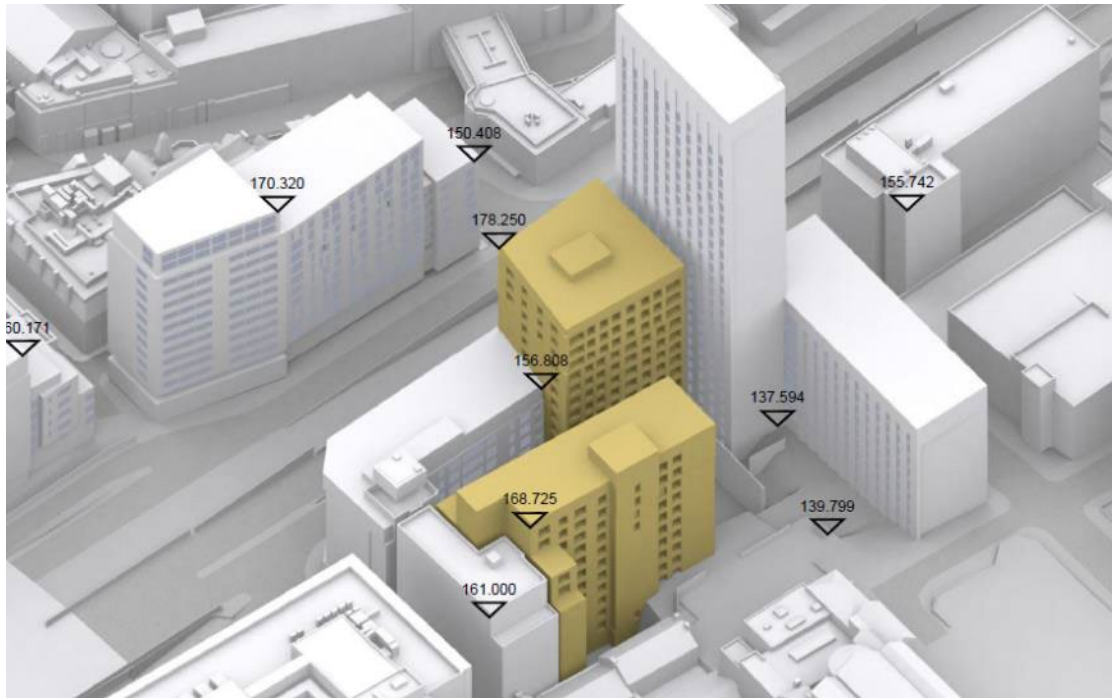


Image 14: Isometric views/images of the Queensgate House application site in isolation (top left) and its proximity to the PBSA boundary (right and bottom).

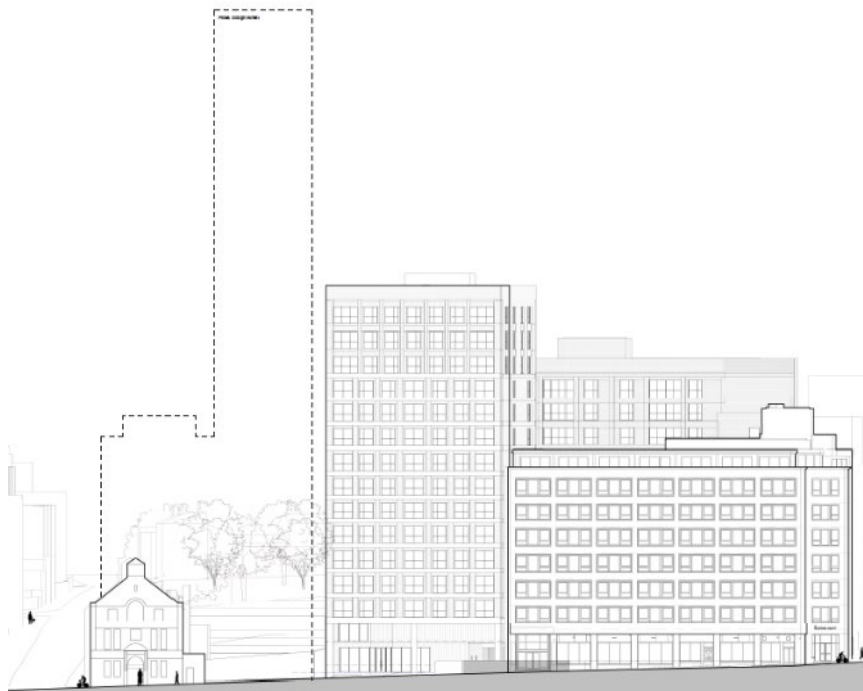


Image 15: PBSA tower in dash lines, residential 15 storey block and 11 storey block (left to right).

7.42 Impact on amenity

By means of appraising the application with its technical documents, a 15-storey building located approximately 3-4m from the proposed PBSA tower would give rise to unacceptable levels of outlook and light to the shown primary side facing windows that would result in an unacceptable standard of living. Furthermore, development on the residential scheme would not only negatively impact on the PBSA scheme but could potentially harm the quality of life for future occupiers of the permitted residential scheme (prior approval consent) for similar reasons.

- 7.43 Impact on townscape
With regards to design, a 15-storey and 11 storey block to the rear of an existing 7 storey building (QH) in such proximity would appear incongruous and would have a negative impact on townscape in both the immediate and surrounding context. These buildings immediately next to one another would be out of scale and proportion with the surroundings and uncharacteristic in this part of the City Centre.
- 7.44 Impact on heritage
These buildings in such proximity would bring an even larger scale of development into the wider settings of the close by heritage buildings. It is likely to visually intrude further on a number of views and potentially increase the extent of harm identified when compared to the PBSA in isolation.
- 7.45 Overall
The above is useful and makes clear that if the PBSA scheme were to be approved it would indeed inhibit some residential development on the adjacent site by reason of its close proximity. Therefore, it would be unlikely for the two schemes to acceptably receive planning approval due to the need for creating adequate standoff, daylight/sunlight impact and high-quality design. If consented, the PBSA application would subsequently reduce the level of residential development being sought in such close proximity.
- 7.46 In summary the proposed PBSA application is inconsistent with the recently submitted application, and taken together with the massing exercise discussed above, the grant of permission in this case will undoubtedly limit the extent of development that could be achieved upon the adjacent car park. Accordingly, if this application is approved and the owners of the adjacent site wished to bring forward development then alternative ways of developing the car park area of land would have to be considered by means of a revised scheme. As a result, it is fundamental to note that the application scheme will have an inhibiting effect upon the development immediately alongside it, and that this inhibiting effect is a material consideration in the determination of the PBSA application; and it is for members to give appropriate weight to this material consideration in the overall planning balance.

Comparative exercise: PBSA vs Queensgate Car Park residential proposal

- 7.47 Given that the application site and the land adjacent to it comprise two possible locations for a tall tower and two buildings of several storeys, albeit at different stages in the planning process, it is considered useful to consider at a high level the comparative position between the two locations; mindful that one involves a fully worked up scheme and the other is at a much earlier stage in the planning process. This is not intended to be a comprehensive list of all material considerations, but consideration of the principal ones; members are referred to both application files should they want more detail. In the planning balance the merits for the proposal can nonetheless be usefully compared. Below presents the merits and demerits of each scheme. Please note the assessment is necessarily limited in detail, without the availability of all consultee responses, further reports, or amendments therefore the comparison is somewhat high level.
- 7.48 PBSA
- Merits
- Deliverable scheme – funding is understood to be currently available subject to determination
 - Able to demonstrate public benefits to weigh against the less than substantial harm to heritage assets

- Meets an existing significant student need
- Good design
- High density/efficient use of land in a sustainable location
- CIL contribution of £1,479,011.49
- The design is equivalent to a 47% improvement when compared to Part L Building targets.

Demerits

Heritage Harm

- Low-to-moderate degree of less than substantial harm to the grade II* Singers Hall Synagogue
- Low degree of less than substantial harm to the grade II Former British School, the grade II listed Caretaker's House for Birmingham Athletic Institute and the grade II listed Athol Masonic Building
- Minor harm to the locally listed Christadelphian Hall

7.49 Queensgate House Car Park

Merits

- Loss of existing surface level car park
- Scheme will aid regeneration of a sustainable brownfield site as well as reduce reliance on the car in line with the carbon zero aspirations/planning policy guidance
- Potential to provide much needed housing (159 units) and contribute to the 5yhls
- Provision of 55 (35%) affordable homes
- CIL charge equates to £689,333.84
- Seeks to provide a mix of bedroom size units to include 3 bed units – however revisions to the mix would be sought.
- Makes efficient use of a brownfield site in a sustainable location
- The design is approximately equivalent to a 31% improvement over Part L Building targets.
- The deep reveals of building A are welcomed

Demerits

Daylight and Sunlight Impacts

-Queensgate House (recently converted to residential) – The vertical Sky Component (VSC) results indicate that all of the 48 windows considered will experience a high reduction beyond the BRE guidelines. The NSL results indicate that all 48 rooms considered will experience a high reduction beyond the BRE guidelines.

-Of the 48 windows considered within Queensgate House 2 (4%) will satisfy the BRE guidelines with the remaining 46 experiencing a high reduction beyond the BRE guidelines. Due to the relationship between this building and the development site it is inevitable that a high reduction in sunlight will occur, however of the 46 rooms that fall below the suggested BRE benchmark, 31 will retain Annual Probable Sunlight Hours APSH levels of at least 10%.

-Block B positions approximately 18m from the rear of Queensgate House and proposes several primary windows within its eastern elevation, these windows will face directly opposite existing primary habitable (bedroom) windows (on several floors). This layout could adversely impact on the standard of residential living for existing and future residents by loss of outlook or privacy.

-Seeks to provide a high percentage of 1 bed units (44%) that is not wholly reflective of the current need in the City Centre (where an oversupply of 1 bed units has been identified in the HEDNA)

The City Design Officer has responded to the planning application consultation response and in summary states the following:

-Block A is unflattering in its proportions adjacent to the Queensgate House, contributing little to the character of the style of development developing along Suffolk Street Queensway.

-Neither Block A or B bring anything new or fresh to this very public and highly visible location. The simple generic, gridded, orthogonal elevations are a solution seen time and time again and speak nothing of location, context, or identity.

-The deep reveals of building A are welcomed, but the double step in the brickwork is something being retracted from buildings across the city as it is too difficult to deliver.

Heritage Harm

The submitted Heritage Impact Assessment concludes no harm to any of the assets assessed. BCC's Conservation Officer has responded to the planning application consultation and in summary states:

The application is not supported by a TVIA or any visual analysis so it is difficult for us to conclude whether there will be any actual harmful impacts on the setting of the identified assets. We can presume that a TVIA or any particular heritage views have not been provided as at 15-storeys the building is not classed as a tall building, but it may be something that the planning case officer feels can reasonably be asked of the applicant. Without this evidence base I can only really use the visual evidence as submitted for the Vita scheme as a guide and based on this I would assess the impacts as followings:

Impact on Singer's Hill Synagogue- grade II* listed

It is unlikely that the development would be visible in any significant views of the principal elevation of the building and if this is the case then no harm would be concluded. The development would be visible in views of the south-eastern side elevation of the building (identified as being of some significance), however within these views the development would be read in the context of similarly scaled buildings to the east side of the Queensway and the impact is likely to be negligible/neutral. If it is proven that the development is apparent in any significant views of the principal elevation, then potentially there could be some harm but this would likely be at the lower end of less than substantial.

Impact on the former British School- grade II listed

The development would introduce a large-scale building into the immediate visual setting of the building and would bring much larger development closer to the building and its significant elevations. The development would likely cause a distraction to the appreciation and experience of the listed building but would also be read in the context of the existing setting of an adopted large scale. Taking account of the low harm concluded to this asset by the Vita tower then I would say the harm here would be less and at the very lowest end of less than substantial.

Impact on Masonic Hall and Caretaker's House (86 Severn Street)- grade II listed

I do not think that the development would be visible in any important or significant views of these buildings and therefore no harm is concluded.

Christadelphian Hall- locally listed

For the Christadelphian Hall I would say for the same reasons given on the Vita Scheme some minor harm would be caused to its setting through bringing much larger development closer to the building and competing for prominence in views. The proposed development would detract from existing views of the Hall, looking in both directions along the Queensway, and from Suffolk Place. Should the Vita scheme be built this harm would be removed.

These conclusions are a bit of guess work tied in with some level of professional judgement, but I think if we want to accurately understand if the development will be visible, and potentially harmful, in the absence of a TVIA or any specific heritage views then it may be necessary for the scheme to be modelled in the city model and tested to confirm if it does intrude into any views.

Recommendation

- The proposal would cause harm to the setting of the grade II listed former British School through development in its setting. The harm arises through the development causing a distraction to the appreciation and experience of the listed building when viewed from its principal elevation. Due to the context of an existing setting of an adopted large scale the proposed development is considered to have a negligible adverse impact on the setting of the listed building. In framework terms I consider that this would cause harm at the lowest end of the 'less than substantial' bracket. The tests of paragraph 202 of the NPPF will need to be applied.
- The proposal would cause minor harm to the setting of the locally listed Christadelphian Hall. The harm would be caused through bringing much larger development closer to the building, competing for prominence in views and detracting from existing views of the Hall.

The tests of paragraph 203 of the NPPF will need to be applied.

- It is not considered that the proposed development is likely to result in any detrimental visual impacts on the Singer's Hill Synagogue, the Athol Masonic Hall or on the Caretaker's House at No.86 Severn Street and the impact is considered neutral. However, it is recommended that the scheme be modelled in the city model as evidence for this if we are to fully conclude a 'no harm' position for these assets.

Recent Consultation Responses

Employment Access Team – no objections subject to condition requiring construction employment plan

Trees – it appears the only tree here are a small group of rather attenuate spindly birch trees. Refer to policy DM4.

Birmingham Civic Society – supports the application and states appropriate mitigation for noise pollution is necessary as the proposed fronts the A38, considers the scheme exhibits a high standard of design.

Severn Trent Water – no objection subject to conditions requiring disposal of foul and surface water flow drainage plans and informative to make contact with STW/submit a Development Enquiry for this development site.

West Midlands Police - seeks clarification regarding:

- sufficient highway space for moving in
 - questions if anything will be in place to prevent units being sub-let (i.e. Airbnb)
 - asks what hours the concierge would work/whether the building would be staffed 24/7
 - will there be CCTV
 - is there a lighting plan
- No objections and recommends several security measures

City Design and Landscape – as above para 7.49

Conservation - as above para 7.49

Archaeology - I would agree with the conclusions of the submitted archaeological desk-based assessment that the potential for significant archaeological remains on the site is low. I do not think there is any need for any further archaeological work. No objections.

Transportation - no objections subject to minor alterations and conditions

-The private forecourt area providing space for vehicles to access the site for servicing and drop-off/pick-up is welcome, and necessary given the waiting restrictions on Suffolk Street Queensway. However, I have a concern drivers might cross over the footway in a non-designated access area so some form of boundary treatment is required to prevent this.

-I recommend the area for vehicle access is defined by studs or similar so maintains a suitable space for pedestrians across this forecourt.

-Signage required to advise drivers the egress is left out only.

-Cycle parking, refuse stores and forecourt access areas with associated highway works are provided before the development is occupied.

-A construction management plan is provided before any works commence on site.

-Advisory the highway works need to be progressed with a suitable Highway agreement, likely a s278 agreement, to reinstate redundant footway crossings and provision of new with any associated footway improvements.

Detail;

The site is a public car park that is privately operated. It benefits from vehicle access points from the upper levels of Suffolk Street Queensway which is two lanes one-way in operation towards Paradise Circus and subject to a TRO with double red lines that prevents any loading and waiting. Previous consents have now lapsed that permitted a hotel that had a basement car park. The BCC Parking SPD Nov 2021 altered to state zero car parking is required in the City centre so this aspect is now met in this proposal. It provides 164 cycle parking spaces including room for larger bikes and so provides over 100% cycle parking provision in secure stores, and another 16 in the public realm area.

This development will be a highway improvement by removing the associated car parking vehicle trips and is located in the City centre so accessible by all modes.

The forecourt area is provided with an ingress and egress lane to provide vehicle access. Tracking plans confirm this is possible by a refuse vehicle and fire tender, and up to three private cars could wait in the space clear of the public footway.

West Midlands Fire Service – makes a number of recommendations

Health and Safety Executive (Padhi) – the proposed site does not lie within the consultation distance of a major accident hazard pipeline, no objections.

Ecologist - no comments yet

Historic England - no comments yet and have requested more time by reason of staff shortage

Victorian Society – no comments yet

Planning and Growth Strategy - no comments yet

Health and Safety Executive (Fire Safety) - no comments yet

Leisure Services – no comments yet

Local Lead Flood Authority – no comments yet

Third Parties

8 neighbours have submitted comments, 1 letter of objection and 7 letters of support received for the following reasons:

Objecting comment

According to the light report this building should not be built as they will cause a high reduction of sunlight beyond BRE guidelines to Queensgate Building

Supporting comments

-We need more homes and urge Birmingham Council to support building homes. They urge the Council to approve plans for the land adjacent to Queensgate House Suffolk Street Queensway Birmingham 2022/07620/PA.

-Important to have affordable housing for people, people shouldn't have to struggle in the local area.

-A lot of people are in need for a better living environment/better place to live.

7.50 **Conclusion**

The merits and demerits of both schemes shows how one application is ready for determination yet the other being at an earlier stage in the planning process, requiring further assessments and consideration. Members should have regard to the fact that if permission is granted in respect of this scheme that it will undoubtedly inhibit the delivery of the scheme on the adjacent land. Having considered the comparative merits of the two, it is not considered that the recently submitted scheme offers any significant advantage over the scheme which is presently before members.

- 7.51 Although the proposed scheme will constrain the delivery of development on the adjacent Queensgate House car park it would see the delivery of a high quality, well-designed scheme. It would see the re-use of a vacant site and regeneration in a sustainable location that would provide an acceptable level of residential amenity for neighbouring residents in accordance with policy and guidance. Whilst the proposal would cause minor and low to moderate levels of less than substantial harm of the nearby listed buildings, this harm is outweighed by the public benefits of the scheme. There are no technical objections to the proposal in relation to ecology, drainage, amenity, or transportation, subject to conditions, therefore on balance the proposed scheme, before members is to be preferred.

Microclimate

- 7.52 In support of the application the agent has provided a Wind Microclimate study, Daylight, Sunlight and overshadowing assessment.

Wind

- 7.53 A wind microclimate assessment has been carried out to support the proposals at Gough Street. The study employed computational modelling (CFD) to predict the strength of wind speeds as a result of the development and on the roof terrace of the development itself. The study concluded that with the introduction of the proposed development, wind conditions within the site and immediate surroundings remain suitable for all proposed and existing pedestrian uses including during the worst-case scenarios as shown on page 18 of the report. Furthermore, the introduction of cumulative schemes on the surroundings would not materially impact wind conditions, which remain suitable for all users. The report confirms no mitigation is required.

Daylight, Sunlight and Overshadowing

- 7.54 A Daylight and Sunlight study has been undertaken to assess the impact of the development at neighbouring properties and concludes that the proposed development complies with the 2022 Building Research Establishment (BRE) numerical guidelines. An updated Daylight/Sunlight and Overshadowing Assessment was further submitted in August 2022 following a letter of objection concerning the impact of the proposed on the forthcoming residential conversion of Queensgate House (as approved under ref: 2021/05487/PA). The updated Daylight/Sunlight and Overshadowing Assessment considered the approval at Queensgate House (ref: 2021/05487/PA).
- 7.55 The extent of the scope of the review was determined by considering which neighbouring properties were likely to experience a change in light because of the implementation of the proposed development. The scope zone (sites within the pink line) is presented below. The orange infill indicates the application site.



- 7.56 The assessment states that the properties listed below are registered with a residential usage or include a residential component which in turn could experience a change in light because of the implementation of the proposed scheme, these being:

- Kensington House, 136 Suffolk Street Queensway
- Westside Two
- 121 Suffolk Street Queensway House, Queensgate Business Centre (consented)

The report recognised that the application site benefitted from consent for a hotel scheme and as such considered an additional baseline condition for which any change in light as a result of the proposal would cause no significant adverse effects on

daylight/sunlight. However, being as though the consent for a hotel has lapsed the consideration for the baseline condition is irrelevant.

- 7.57 Nevertheless the true existing baseline measured against the proposed development demonstrated a good level of retained daylight and sunlight values. The proposed development related well with neighbouring residential buildings, with transgressions nonetheless recording good, retained daylight and sunlight values.
- 7.58 The Vertical Sky Component (VSC) results show that 201 out of 251 windows (of the above addresses) (80%) will meet the strict application of the BRE Guidelines. The No Skyline (NSL) results recorded full BRE compliance (100%), commensurate with the BRE's permissible 20% from former value. In terms of sunlight, the technical results show that 185 out of 193 rooms (96%) will meet the strict application of the BRE Guidelines. The majority of transgressions record low existing levels of sunlight and thus a slight change in outlook is likely to trigger a disproportionate change in light. As a result, neighbouring amenity will not be unacceptably impacted because of the scheme in terms of daylight and sunlight.
- 7.59 It is noted several objections have been received from residents at Westside One. Having forwarded these objections on the consultant confirms the technical assessment did not include Westside One as the building faces away (at some distance) from the site and would be unaffected by the proposed scheme.
- 7.60 With regards to Westside Two the Vertical Sky Component (VSC) shows that 130 out of 135 windows (96%) will continue to meet BRE guidelines. In the image below the green windows shows BRE compliance.

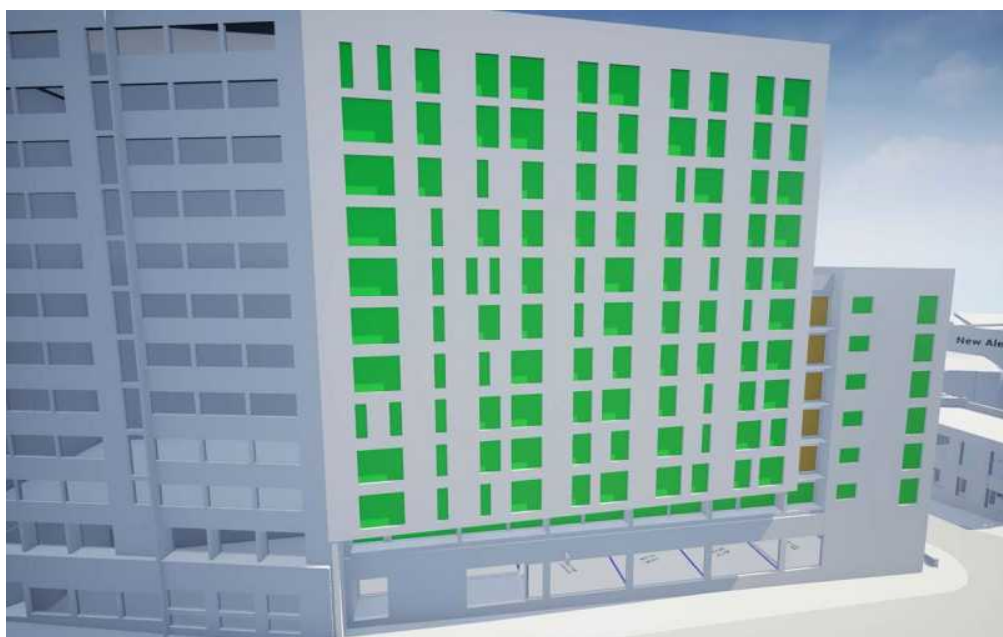


Image 16: Daylight and sunlight results at Westside Two

- 7.61 The few windows that do not meet BRE are shown in amber in the above image. The reason for not meeting BRE is due to the overhang and set back nature of the windows serving these rooms and due to blinking restricts the existing flow of light. Therefore, any changes trigger a disproportionate percentage change.
- 7.62 With regards to No-Sky Line (NSL) at Westside Two the results show full BRE compliance, commensurate with the BRE's permissible 20% from former value.

- 7.63 And in terms of sunlight the technical results show that 130 out of 131 rooms (99%) will meet the BRE Guidelines – as indicated below.

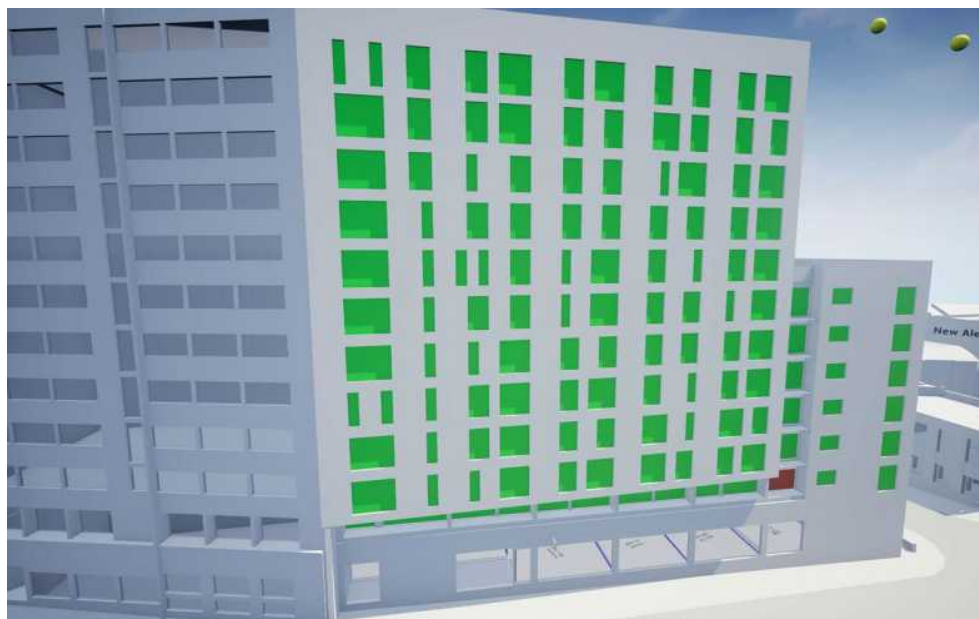


Image 17: Daylight and Sunlight results at Westside Two

- 7.64 Overall, at Westside Two the daylight and sunlight position are considered excellent and well within the intentions and application of BRE Guidelines.
- 7.65 There are several objections relating to the potential of the proposed scheme causing a significant blockage of light. The way in which overshadowing is measured is through the 2 Hour-In Sun methodology as outlined in the BRE Guidelines. The Daylight/Sunlight and Overshadowing Assessment seeks to establish whether (as a result of a proposed scheme) existing and proposed amenity areas (parks, backyards etc) will have 2 hours of sun to at least 50% of the test area. When considering the proposed scheme, it was noted that there are no such areas local for assessment and was therefore excluded from the scope. As such, the proposed scheme will not overshadow any area as defined as worthy of assessment by the BRE.
- 7.66 In summary, the proposed development will relate well with the neighbouring residential buildings, with transgressions recording good, retained daylight and sunlight values or which do not breach the permissible 20% from former value by virtue of low existing levels of light. The overall effect therefore is the impact upon existing and consented residential development within the study area is not unacceptable. The proposed is therefore compliant with Policies PG3, TP27 of the BDP and principles set out in the Design Guide SPD.

Conservation

- 7.67 There are no designated or non-designated heritage assets within the application site. However, a number of designated heritage assets sit close by and in the wider site area and under the Planning (Listed Buildings and Conservation Areas) Act 1990 the LPA in considering applications for planning permission has a statutory duty to pay special regard to the desirability of preserving listed buildings, their setting or any features of special architectural or historical interest which they may possess (section 66 (1)).
- 7.68 NPPF paragraph 199 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). Caselaw additionally establishes that very considerable weight

should be attached to any effect upon the significance of a designated heritage asset and that there should be a presumption against any such adverse effects. Where any such effect arises and is unavoidable then it must be weighed against the public benefits of such a proposal with considerable weight being given to such adverse effects in such balance.

- 7.69 Paragraph 200 of the NPPF states that 'Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification' and 'where a proposal will lead to less than substantial harm to the significance of a heritage asset, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting) should require clear and convincing justification. Great weight should be afforded to the conservation of designated assets.
- 7.70 In paragraph 203, NPPF states that 'the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset'.
- 7.71 Paragraph 206 of the NPPF further states 'local planning authorities should look for opportunities for new development within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably'.
- 7.72 Policy TP12 requires proposals for new development affecting a designated or non-designated heritage asset to be determined in accordance with national policy.
- 7.73 The application is accompanied by a Heritage Statement (Adapt Heritage, May 2022) which assesses the significance and setting of the five identified heritage assets closest to the development and the impact of this proposal on this significance.

Singers Hill Synagogue- grade II*

Former British School- grade II listed

Caretakers House for Birmingham Athletic Institute at No. 82 Severn Street- grade II listed

Athol Masonic Hall- grade II listed

Christadelphian Hall- locally listed

- 7.74 Historic England (HE) have been consulted on the application and have reviewed the submitted Heritage Statement and confirm they have concerns regarding the application on heritage grounds. Historic England state the Heritage Statement and visual impact assessment of the proposals indicate that the development will be particularly prominent in selected views from John Bright Street and Holloway Circus and will be a dominant feature within kinetic views along Commercial Street, Severn Street and Blucher Street. Historic England also state that due to its height, the proposed development will also appear as an incongruous and intrusive element within the central view of the principal elevation and entrance of the Singers Hill Synagogue, as seen from Blucher Street (Appendix 6, Fig A6.6) (see image 17).
- 7.75 Comments from Historic England further state that although there are other tall buildings in the vicinity of the site, as demonstrated by the visual modelling provided by the applicant, at the present time none of these appear in this key view of the synagogue, which is presently undisturbed by modern development. HE state

Paragraph 5.24 of the submitted Heritage Statement confirms that the proposed development will be visible above the roofline of the synagogue, disrupting the silhouette of the building and competing with its 'prominence and overall architectural composition'.

- 7.76 HE considers the proposed development will appear in key views that are fundamental to the appreciation of the architectural form and symmetry of the principal elevation of the Grade II* Singers Hill Synagogue and will cause harm to the significance of this important heritage asset. It is also their view that the new development is likely to dominate and over-shadow the adjacent Locally listed Christadelphian Hall, resulting in a less than substantial level of harm to this heritage asset.
- 7.77 In addition, the Victorian Society has reviewed the application and consider it unacceptable. They state the tower will completely overpower the adjacent historic buildings dating from our period of interest, and particularly the locally listed former Christadelphian Hall as its immediate neighbour, as well as the grade II* listed Singers Hill Synagogue. The Victorian Society considers the scheme will have a negative impact on the character and appearance of the adjacent grade II* listed, grade II listed and locally listed buildings, with significant harm to their settings. The Victorian Society consider this to be unacceptable, and particularly if this application is considered alongside other proposals for tall buildings nearby in the Suffolk Street and Bristol Street area of the city. In their view a scheme of more modest scale should be considered for this site in Gough Street and Suffolk Street, and one which remains within the parameters of the scale of the previously consented hotel development at 11 storeys.
- 7.78 The submitted Heritage Statement assessed the significance and setting of the five identified heritage assets listed above and the impact of this proposal on their significance. The BCC conservation officer has considered this assessment and provides views on each of the assets below.
- Singers Hill Synagogue- grade II*
- 7.79 The effect on the relatively undisturbed roofline and silhouette on this view is considered to cause a degree of harm to its significance. Taking into consideration the significance of the building as a whole and those positive aspects of setting which will remain, it is concluded that the level of harm would be 'less than substantial harm' and Paragraph 202 of the NPPF is therefore engaged.
- 7.80 There will be no impacts on the high quality and elaborate interior of the listed building, nor will it affect the group value with other listed buildings in the area. Furthermore, the mass of the proposals closest to the listed building has been reduced when compared to previously approved scheme.
- 7.81 The BCC Conservation officer agrees with the position reached in the Heritage Statement that some harm will be caused to the significance of the Synagogue through development in its setting. It is said the harm arises from the proposed tower which would loom large above the Synagogue, breaking the roof form and impeding on the overall appreciation of the architectural form of this grade II* listed building (see image below).



Image 18: View from Blucher Street

- 7.82 The harm would be 'less than substantial' and based on a compromised ability to appreciate, understand and experience this highly graded heritage asset, the conservation officer places the harm at the low to moderate level of the 'less than substantial' bracket.

Former British School- grade II listed

- 7.83 The Former British Schools complex is located along Severn Street to its northwest and sits within a relatively well enclosed and defined setting which is characterised by both modern and traditional buildings. The complex includes buildings fronting the pavement line of Severn Street and also an earlier block setback behind the site of the original playground. It is enclosed to the west by modern development and a mix of traditional development (Mid-20th century garage and Atholic Masonic Building) with taller modern development beyond. To the south is the Singers Hill Synagogue.
- 7.84 The building complex is largely experienced from Severn Street where its original use and function as a school remains appreciable, with its former playground and later additions. The original building and its later extensions are principally experienced from the east of the street, facing west due to their position and phasing. In these views along Severn Street, the complex sits in the foreground to the wider cityscape of Birmingham with various tall buildings visible above and alongside the listed building. Due to the tight urban grain and topography of the area, there are no other areas in which to experience the listed building.
- 7.85 Caretakers House for Birmingham Athletic Institute at No. 82 Severn Street- grade II listed
The building is located along Severn Street to its north west and sits within a relatively well enclosed and defined setting which is characterised by both modern and traditional buildings. It is flanked by a 19th century extension to the Former British Schools complex (to the east and rear) and a modern residential development to the west and south. To the north is the Mailbox development. The building is primarily experienced from various points along Severn Street where its original use and function as a residential terraced house remains legible, alongside its later role as part of the Former British Schools complex. Due to the tight urban grain and topography of the area, there are no other areas in which to experience the listed building.
- 7.86 Former British School -grade II listed and Caretakers House for Birmingham Athletic Institute at No. 82 Severn Street- grade II listed - impact

The Conservation officer does not fully agree with the position of the submitted Heritage Statement in relation to these two listed buildings (named above). The Statement itself notes that the setting of the complex is characterised by a mix of modern and traditional development but that their immediate setting to Severn Street consists of lower scale buildings of traditional materials and form. Whilst it is acknowledged that a number of larger, modern buildings, including some towers, exist in the wider city centre setting of these buildings, and are indeed visible within their context, this development would introduce a much larger scale much closer to these buildings (Viewpoint below).



Image 19: View from Severn Street (to the west)

- 7.87 The Statement references the PPG and the guidance which states that it is the degree of harm to the asset's significance rather than the scale of the development that is to be assessed, but guidance cannot outweigh the requirements of primary legislation which seeks to preserve the setting of listed buildings. The site as exists is not considered to contribute to the significance of the buildings but nor does it harm, therefore being neutral. To introduce a building of this scale into this location is not considered to preserve the setting to a degree that the tower would not challenge and compete with these more modest historic buildings and diminish an appreciation and understanding of their importance therefore causing harm.
- 7.88 The application site is in direct views of the buildings and the proposed development will be a direct new visual element within the visual setting. The tower will become a visually dominant element although will not interrupt direct views currently had of the listed buildings. Taking account of the fact that the buildings are within the context of both existing and emerging modern and tall buildings and that throughout the late 20th century new buildings have substantially altered their setting, the impact upon significance is concluded by the conservation officer to be minor and at the lower end of 'less than substantial' in Framework terms.

Athol Masonic Hall- grade II listed

- 7.89 At the other end of Severn Street is the Athol Masonic Building which is an early example of a synagogue in Birmingham, dating from 1827. The significance of the building is largely attributed to its surviving interior. Its setting is predominantly characterised by a large modern building to its east and lower scale buildings (associated with the British Schools) to the west. As with other listed buildings on the street, the setting of the Athol Masonic Building is characterised by tall buildings.
- 7.90 BCC's conservation officer does not fully agree with the position of the Heritage Statement in relation to this listed building. The Statement itself notes that the setting

of the building is characterised by a mix of large modern buildings, lower-scale traditional buildings and tall buildings. Whilst it is acknowledged that a number of larger, modern buildings, including some towers, exist in the wider city centre setting of this building, and are visible in its context from various vantage points along Severn Street, none of these buildings are readily visible in views of the principal elevation of the building. Although not evidenced by any viewpoint in the TVIA, the officer is not convinced that a tower of this scale would not appear dominant in the backdrop of this building, visually competing with its architectural form. The site as exists is not considered to contribute to the significance of the buildings but nor does it harm, therefore being neutral. To introduce a building of this scale into this location is not considered to preserve the setting to a degree that the tower would not challenge and compete with this more modest historic buildings and diminish an appreciation and understanding of its importance.

- 7.91 The application site is in direct views of the building and the proposed development will be a direct new visual element within the visual setting. The tower will become a visually dominant element in the setting of the building, although it is not clear whether or not it will interrupt direct views currently had of the listed building.
- 7.92 Taking account of the fact that the building is within the context of both existing and emerging modern and tall buildings and that throughout the late 20th century new buildings have substantially altered its setting, the impact upon significance is concluded to be to be minor and at the lower end of 'less than substantial' in Framework terms.

Christadelphian Hall- locally listed

- 7.93 The Christadelphian Hall which is a small place of worship from the early 20th century on a relatively prominent position between Suffolk Street Queensway and Gough Street. The proposed development involves introducing a 28-storey building adjacent to the locally listed building which will help reinstate part of the former tight urban grain of the area. As previously stated, PPG is clear that it is the degree of harm to the asset's significance rather than the scale of the development that is to be assessed.
- 7.94 Our Conservation officer does not fully agree with the concluding position of the Heritage Statement in relation to the impact on this locally listed building. The Statement itself notes that the proposed development involves introducing a 29 storey tower building adjacent to the locally listed building which is significantly taller. The document considers that whilst visible the new tower is not considered to diminish the significance of the locally listed building which will continue to comprise a prominent building within this part of Birmingham.
- 7.95 The site as exists is not considered to contribute to the significance of the buildings but nor does it harm, therefore being neutral. Whilst it is acknowledged that a number of larger, modern buildings, including some towers, exist in the wider city centre setting of this building, and are visible in its context from various vantage points, none of these buildings sit adjacent to or are as dominant in principal views of the building as this tower would be. The building has an altered setting but is well represented in views along Suffolk Street Queensway, although in the medium and longer distance views these tend to be screened off by intervening built form. Viewpoints 8 and 12 of the TVIA (below) demonstrates the impact of such a large building next to the locally listed building where it brings the larger scale much closer, appears dominant and visually competes for prominence with this modest heritage asset.



Image 20: View from Suffolk Place (from the north)



Image 21: View from Bristol Street (from the southeast)

- 7.96 The officer agrees with the Heritage Statement that some aspects of significance will be sustained, but to introduce a building of this scale into this location is considered to challenge and compete with the asset's current prominence. This would, in the officer's opinion, diminish an appreciation and understanding of its heritage importance causing a degree of harm.
- 7.97 The application site is in direct views of the building and the proposed development will be a direct new visual element within the visual setting. The tower will become a visually dominant element and will interrupt some direct views currently had of the building. Taking account of the fact that the building is within the context of both existing and emerging modern and tall buildings and that throughout the late 20th century new buildings have substantially altered its setting, the impact upon significance is concluded to be minor harm to a non-designated heritage asset in Framework terms.

Other Heritage Assets

- 7.98 The Heritage Statement identifies from a study area of 500m based on a ZTV that there are 55 further heritage assets which could potentially be impacted by the proposed development. Following subsequent field-based exercise a number of these heritage assets were scoped out for further assessment due to:
- the nature and extent of their significance (including visual, functional or historic connections);

- the orientation of view and the way in which a heritage asset is experienced, and the contribution made by setting; and/or
- the current city centre context that characterises their setting and in which the proposed development would also be experienced.

7.99 Those assets which are not considered to be affected by the proposed development and the reasons for this are included at Appendix 5. Having reviewed the reasons given in Appendix 5 the officer agrees to these assets being scoped out for further assessment, including the three conservation areas in the wider area, Edgbaston, Warwick Bar and Digbeth, Deritend and Bordesley High Streets Conservation Area.

7.100 The Heritage Statement sets out that the uppermost stages of the proposed development may be visible in kinetic or glimpsed views from the Edgbaston, Warwick Bar and Digbeth, Deritend and Bordesley High Street Conservation Areas. Where the proposed development is visible, it will be experienced as part of the wider city centre townscape or skyline and will not affect their significance. This has been explored and confirmed via Vu City Modelling including from Warwick Bar (Appendix 4) and Viewpoint 11 within the supporting TVIA and the officer and case officer concur with the findings.

7.101 The scope of heritage assets included for further assessment is set out in Table 2.1 (listed buildings) and Table 2.2 (non-designated heritage assets) of the document. In addition, the Colmore Row and Environs Conservation Area has been included for further assessment. Those assets in close proximity to the development site have been dealt with in depth earlier in these comments. For the remaining heritage assets the Heritage Statement identifies the significance, setting and development impacts on these assets. With reference to the evidenced views of TVIA the effect of the development on the significance these heritage assets it concludes that the impact is acceptable largely being no impact or negligible. The conservation and case officer support these findings.

Summary

7.102 The Heritage Statement concludes that the development will cause harm to the grade II* Singers Hill Synagogue. The harm arises due to the visual impact of the proposed development and is 'less than substantial' under the terms of the NPPF and Paragraph 202 of the NPPF is engaged. The Statement concludes no harm to all other designated and non-designated heritage assets assessed.

7.103 The Conservation officer generally agrees with the conclusions of the Heritage Statement apart from in relation to the grade II listed Former British School, Caretaker's House for Birmingham Athletic Club, the Athol Masonic Building and the locally listed Christadelphian Hall. In relation to these assets, the officer considers there will be minor harm caused through development in their settings and I concur with this view. As noted above great weight must be given to any impact upon designated heritage assets.

7.104 The principal impacts are said to arise from bringing the larger scale of development which exists in the wider setting into the much closer proximity of the immediate setting of these buildings. The effect of this is that the tower will visually intrude on a number of views of each heritage asset, competing and challenging for prominence and diminishing the appreciation, experience and understanding of their significance. The development is moderated by established and emerging development at scale and within this context the extent of harm identified is considered to be minor in extent and less than substantial in terms of Framework policy.

The Conservation officer concludes:

The proposal would cause 'less than substantial harm' to the significance of the grade II* Singer's Hall Synagogue through development in its setting. The harm is considered to sit at the low to moderate degree within the 'less than substantial' bracket.

The proposal would cause 'less than substantial harm' to the significance of the grade II listed Former British School, the grade II listed Caretaker's House for Birmingham Athletic Institute and the grade II listed Athol Masonic Building through development in their setting. The harm is considered to sit at the lower end of the 'less than substantial' bracket on all counts.

7.105 Concerns of Historic England and the Victorian Society are noted, and it is agreed the proposed will harm the settings of listed buildings however the harm to the Grade II* Singers Hill Synagogue is considered to be at the low to moderate end of less than substantial. Whereas the harm to the grade II listed Former British School, Caretaker's House for Birmingham Athletic Club, the Athol Masonic Building and the locally listed Christadelphian Hall to be minor. Therefore, in accordance with paragraph 202 of the NPPF the harm should be weighed against the public benefits of the scheme.

7.106 The proposed will deliver a number of key benefits to the local area and the wider City including, these being:

- Providing new employment opportunities and supporting the local supply and service chain and positively contributing to tourism spend in Birmingham

- Provision of approximately 466 full-time equivalent jobs on site during demolition and construction.

- Provision of 15 full-time equivalent jobs on site through building/site management and other secondary employment by utilising support goods and services in the City and investment during the construction period.

- Improving footfall and vitality during the day and supporting a thriving evening economy in this part of the City.

- Regeneration of a large vacant brownfield site on the edge of the city centre

- Delivering a high-quality designed scheme to integrate the site into its surrounding context;

- Provision of purpose-built student accommodation in an appropriate location to meet identified need for additional bed spaces;

- A Community Infrastructure Levy (CIL) Contribution of circa £1.4 million which can be spent on local infrastructure projects

- A BREEAM Very Good and EPC A rated development.

- Landscaped roof terraces with green infrastructure.

- Zero on site car parking promoting active and green travel

- A carbon reduction of 8% will be achieved when compared to the baseline building

7.107 Overall, whilst some harm will be caused to the significance of these listed buildings through development in its setting (to which great weight attaches), it is considered the public benefits listed outweigh the level of less than substantial harm. With regards to

paragraph 195 of the NPPF and avoiding or minimising any conflict between a heritage asset's conservation and the proposal, a scheme of reduced scale/alternative design and layout was explored pre planning application however would neither have been viable nor have delivered the same public benefits. During the early stages of developing of the scheme, it was realised that adapting the previously approved 330 bed hotel scheme (of 4 and 12 storeys) (2018/09086/PA) to suit Vita's needs would have been impracticable that would lead to an inefficient building with increased construction and operational costs making the scheme unviable. The proposed scheme was developed to ensure majority of the massing was set away from grade II* Singers Hill Synagogue with the plan to reduce harm by positioning the tower to front Suffolk Street Queensway.

Archaeology

- 7.108 The development is unlikely to affect significant archaeological remains. The site sits beyond the core of the historic town and was not developed until the early 19th century, the previous development of the site will also have impacted upon any buried remains that did survive. No objections are raised neither are conditions recommended or any further archaeological investigation.

Sustainability

- 7.109 The site is located within the urban area in close proximity to jobs, shops and services and with good public transport links. It would also see the re-use of a largely vacant brownfield site.
- 7.110 Policy TP3 'Sustainable construction' of the BDP requires development to maximise energy efficiency, minimisation of waste and the maximisation of recycling during the construction and operation of the development, conserve water, consider the use sustainable materials and the flexibility and adaptability of the development to future occupier's requirements. It also requires non-domestic development (including multi-residential accommodation) over a certain threshold to aim to meet BREEAM 'Excellent'. The proposal would therefore be required to aim to meet the BREEAM requirement in TP3.
- 7.111 A BREEAM Pre-Assessment has been undertaken. The identified credits indicate that the proposed development could achieve a targeted credit score of Very Good. The Council's Guidance note on Sustainable Construction and Energy Statements advises that if a 'Very Good' rating is proposed instead of an 'Excellent' rating, a statement setting out a reasoned justification for the lower standard should be provided. Subject to this, the achievement of BREEAM Very Good would be acceptable. To secure the BREEAM standard a planning condition is recommended and has been agreed with the agent.
- 7.112 TP4 'Low and zero carbon energy generation' requires development to incorporate low and zero carbon energy generation where viable, and specifically the inclusion of a Combined Heat and Power unit or connection to a district heat network to be given first consideration to non-residential developments over 1,000 m². However, the policy says use of other technologies - for example solar photovoltaics or thermal systems, will also be accepted where they will have the same or similar benefits, and there is no adverse impact on amenity.
- 7.113 An Energy and Sustainability Statement has been submitted which sets out the fabric first and energy efficiency measures that will be deployed. A comparison has been made with CHP which shows that air source heat pumps will provide a greater reduction of carbon.
- 7.114 The energy statement shows that a fabric first approach combined with the inclusion of air source heat pumps will result in a 47% carbon reduced when compared to Part

L Building Regulations Baseline. The statement also highlights that when analysed through SAP10, the carbon reduction would be 65% (as the new SAP favour electric). A planning condition will be attached to secure the commitments set out in the Energy Statement. Overall, the proposed energy strategy is acceptable and complies with TP4.

Biodiversity and landscaping

- 7.115 An Ecological Impact Assessment was undertaken which comprises an Extended Phase 1 Habitat Survey being conducted at the site. The report concludes that there should be measures for species-specific enhancement including for bats and birds. These are all included as part of the submitted landscaping drawings and management plan. The development of the landscaping proposals have included specific inputs from the project team Ecologist to ensure ecological enhancements are delivered. The Ecologist has received the application and confirms no objections.
- 7.116 With regards to biodiversity Japanese Knotweed is currently being removed from the site and for a while the site has been clear of vegetation. That said the site has some intrinsic value for biodiversity by way of pollinator species and birds. The ecologist has reviewed biodiversity impact assessment and rates the onsite habitat as being of poor quality and a resultant habitat unit score of 0.36 units. The report also considers the site against the proposed development and landscape.
- 7.117 A green roof and lower-level landscaping of trees and non-native species were proposed that would result in the reprovision of 0.25 habitat units and a resultant (give or take) 30% net loss. Based on this net loss the ecologist asked if we could seek landscape revisions resulting in biodiversity net gain as opposed to net loss.
- 7.118 Whilst it is noted the Environment Act 2021 recently brought in a mandate for a minimum 10% biodiversity net gain the implementation of this requirement is currently delayed until approx. Nov 2023 therefore it is not reasonable to insist developers comply. That said the NPPF paragraph 180 states new developments should pursue opportunities for securing measurable net gains for biodiversity; therefore, amended plans were sought to swap non-native species to native species to provide some biodiversity enhancement. Amendments were received and the Ecologist re-consulted however no response has been provided; landscaping details and management plan will therefore be secured by condition.
- 7.119 An Arboricultural Impact Assessment (AIA) has been undertaken and reviewed by the tree officer who confirms no objections subject to conditions. Overall, the proposal accords with Policy TP6, TP7 and TP8 of the BDP and the NPPF.

Drainage

- 7.120 The site is situated within Flood Zone 1, with a very low likelihood (1 in 1000) of flooding. MCR Consulting Engineers have prepared a Sustainable Drainage Assessment in support of the application. Originally the LLFA objected to the application however since reviewing amended details they have removed their objection and are satisfied the Severn Trent Water Developer Enquiry details have been provided and recommend conditions requiring sustainable drainage scheme and a Sustainable Drainage Operation and Maintenance Plan. The proposed development therefore complies with the minimum requirements of the NPPF and Policy TP6 of the adopted Birmingham Development Plan.

Air Quality, Contamination and Noise

- 7.121 The site falls within the city's Air Quality Management Area. Accompanying the application environmental reports have been submitted and reviewed by Regulatory services who confirm no comments or objections subject to conditions around noise and contamination.

Impact on highways

- 7.122 A Transport statement and Travel Plan accompanies the planning application and has been reviewed by BCC Transport Development Officer.
- 7.123 The proposed development provides no car parking which is in accordance with the Birmingham Parking Supplementary Planning Document (2021) which sets out that development within Zone A (City Centre) should not be provided except for some visitor and drop off/pick up spaces. A new lay-by is proposed on Gough Street to facilitate deliveries/taxi pick-up and as set out in Vita's Operational Management Plan, a coordinated timetable with time slots will be delivered to facilitate moving in of students at the start of each intake.
- 7.124 The BCC Transport Development Officer supports the application subject to a number of conditions requiring the development not to be occupied until highway works under a highway's agreement are provided, cycle parking to be provided and an updated construction management plan.
- 7.125 Subject to conditions therefore I consider the proposed development is suitable for residential development and accords with the BDP, DPD and Design Guide SPD.
- 7.126 **Fire Safety**
HSE commented on this application and sought for further information. In response a fire safety statement form, qualitative design review and fire response letter have been submitted and such evidently show that fire safety measures have been incorporated into the design. HSE were recently re-notified and confirm they are satisfied. The West Midlands Fire officer raises no objections to the application.

Other Matters

Employment

- 7.127 The developers have submitted an employment method statement and table of local employment delivery in relation to the proposals at Gough Street. This had been provided by the Applicant's construction team following recent discussions with Employment and Access Team.
- 7.128 Although a method statement and table were provided the Employment and Access team have reviewed these submitted details and would like further discussions and therefore request that a Construction and end user condition is imposed.

Neighbour consultation

- 7.129 Following a second round of consultation neighbours who have written into object have also stated they did not receive the original application consultation letter. Recently a consultation technical error was identified whereby the Council could not be certain whether all original neighbour notification letters that should have been sent on 8th June were sent. Neighbours were therefore reconsulted on the application (8th November) for 3 weeks in line with statutory requirements and have until 1st December to comment.

Existing site works

- 7.130 Local residents have been in touch with the LPA to say works on site have commenced. Having seen photographs and spoken with the agent I can confirm the works relate to remediation and levelling and are not connected to any construction works i.e., piling etc. The site has had a long-standing issue with Japanese Knotweed throughout - JWN is categorised as an invasive species which must be extracted very carefully to depths of 3 meters. The works commenced on the 12th of September and will last approx. 8 weeks. This will include installation of a root barrier around the perimeter of the site.

- 7.131 28 storeys reference
Throughout the report there are occasional references to a 28-storey tower as opposed to 29 storeys, for the avoidance of doubt consultees/residents have commented on the scheme as presented and the height has not changed.

Community Infrastructure Levy

- 7.132 This planning application is CIL liable as it is for purpose-built student accommodation area for CIL whereby the charge equates to £1,479,011.49. This is based on the new floor area being created 17,496.60sq.m

9. Conclusion

- 8.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004, as amended, requires that if regard is to be had to the development plan, the determination must be made in accordance with the plan unless material considerations indicate otherwise.
- 8.2 The proposed development would see the delivery of a high-quality designed student accommodation in a vacant sustainable location, the scheme complies with Policies GA1, TP24 and TP33, which are those relating to the promotion of mixed-use development and student accommodation within the City Centre. There are no technical objections to the proposal in relation to ecology, drainage, amenity, or transportation, subject to conditions.
- 8.4 The proposal would cause minor and low to moderate levels of less than substantial harm to the significance of the adjacent listed buildings through development in their setting, however, the setting of the listed buildings in the wider area would be preserved.
- 8.5 Policy TP12 requires proposals for new development affecting designated or non-designated heritage assets to be determined in accordance with national policy. Paragraph 202 states that where a proposal will lead to less than substantial harm to the significance of a heritage asset, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting) should require clear and convincing justification. Great weight should be afforded to the conservation of designated assets (and the more important the asset the greater the weight should be). The benefits of the scheme are:
- 8.6
- Providing new employment opportunities and supporting the local supply and service chain and positively contributing to tourism spend in Birmingham
 - Provision of approximately 466 full-time equivalent jobs on site during demolition and construction.
 - Provision of 15 full-time equivalent jobs on site through building/site management and other secondary employment by utilising support goods and services in the City and investment during the construction period.
 - Improving footfall and vitality during the day and supporting a thriving evening economy in this part of the City.
 - Regeneration of a vacant brownfield site on the edge of the city centre

- Delivering a high-quality designed scheme to integrate the site into its surrounding context;
- Provision of purpose-built student accommodation in an appropriate location to meet identified need for additional bed spaces;
- A Community Infrastructure Levy (CIL) Contribution of circa £1.4 million which can be spent on local infrastructure projects
- A BREEAM Very Good and EPC A rated development
- Landscaped roof terraces with green infrastructure.
- Zero on site car parking promoting active and green travel
- A carbon reduction of 8% will be achieved when compared to the baseline building

8.7 These benefits taken together are afforded significant weight and are found to outweigh the less than substantial harm identified. The scheme would provide economic and environmental benefits by means of employment, visitor spend during the construction phase and over the long-term supporting a significant number of jobs as well as providing an identified unmet demand of student accommodation.

8.8 The development would effectively re-use this brownfield site and provide needed student accommodation in accordance with TP33. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 the application would accord with the development plan taken as a whole and is therefore acceptable subject to completion of a legal agreement and safeguarding conditions

10. **Recommendation:**

9.1 Authority is granted to officers to issue a decision, including the appropriate wording of conditions and any planning obligation; UNLESS representations received during the extended consultation period (which expires on 1st December 2022) raise issues of substance which are not otherwise considered in this report; in which case officers shall remit the application back to be reconsidered by the Planning Committee.

1	Time Limit Implement within 3 years (Full)
2	Requires the scheme to be in accordance with the listed approved plans
3	Materials
4	Architectural details
5	Ecological and Biodiversity Statement
6	Green Roof
7	Sustainable Drainage Scheme

8	Drainage Scheme
9	Cycle Parking
10	Tree Pruning
11	Tree protection
12	Noise Insulation scheme
13	Noise levels for plant and machinery
14	CCTV
15	Lighting
16	Construction and end user employment plan
17	Energy and sustainable measures delivered in accordance
18	Boundary Treatments
19	Hard and Soft Landscape Details
20	Hard Surfacing Details
21	Foul and Surface Drainage
22	No signage
23	Bird/Bat Boxes
24	Development not to be occupied until highway works under a highway's agreement are provided
25	Contaminated Remediation Scheme
26	Contaminated Land Verification Report
27	BREEAM Certificate
28	Removal PD for telecommunications equipment
29	Sustainable Drainage Operation and Maintenance Plan
30	Crane Management Plan
31	Roof plant and screening
32	Updated CMP
33	Landscape Management Plan
34	Obscure Glazing Details
35	A 1:1 sample panel of a bay of the east elevation of the tower

-
- 36 All brickwork shall be pointed using flush pointing.
- 37 The ribbed/modelled/rusticated brickwork shall be at least 20mm deep.
- 38 The design of the metal ventilation grills shall match the horizontal design of the ribbed/modelled/rusticated they are intended to emulate in the chequerboard design
-

Case Officer: Sarah Plant

Photo(s)



View of the site from Suffolk Street, the Queensway



View to side of Queensgate Tower 121 Suffolk Street



View from Blucher Street of Westside One and Westside Two



View of Kensington House - gable end

Location Plan



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Committee Date:	16/03/2023	Application Number:	2022/01880/PA
Accepted:	09/03/2022	Application Type:	Full Planning
Target Date:	15/06/2023		
Ward:	Bordesley & Highgate		

Corner of Cheapside and Moseley Road, Bordesley, Birmingham, B12

Part 11, part 10, part 8 storey residential development comprising 70no. apartments with a mix of 1, 2 and 3 bed units

Applicant:	M and T Partitions Patrick House, Small Heath Business Park, Talbot Way, Small Heath, Birmingham, B10 0HJ
Agent:	D5 Architects LLP 71-77 Coventry Street, Digbeth, Birmingham, B5 5NH

Recommendation

Approve Subject to a Section 106 Legal Agreement

1. Proposal:

- 1.1 The application seeks permission for a total of 70 residential apartments within an orthogonal building comprising of:
31 one-bedroom apartments (44%);
30 two-bedroom apartments (43%); and
9 three-bedroom apartments (13%).
- 1.2 A total of 11 storeys of habitable accommodation is proposed however due to the topography of the site rising by over 3.5m from west to east the massing would rise from 8 storeys to 10 storeys at the highest point of the site, which is at the junction of Cheapside and Moseley Road. This steep change in level allows for two separate building entrances; at low level from Cheapside and at high level from Moseley Road. The stepping down in scale also provides a roof top communal amenity space of 237sqm and generous private amenity spaces for a six of the apartments at the lower levels.



Figure 1: Proposed Elevation to Cheapside

1.3 All of the apartments have been designed to exceed the nationally described space standards. The size of the apartment's ranges from 44.4 sqm to 58.1 sqm for the one-bedroom apartments; 63.4 sqm to 86.9 sqm for the two-bedroom apartments; and 90.8 sqm to 126.3 sqm for the three-bedroom apartments.

1.4 Zero parking spaces and 78 cycle spaces are proposed

1.5 [Link to Documents](#)

2. **Site & Surroundings:**

2.1 The site comprises a roughly rectangular 0.07 ha parcel of vacant previously developed land at the junction of Cheapside and Moseley Road in Digbeth. It is rectangular in shape measuring approximately 18.6m long by 37.5m. Previously the site held a collection of commercial and light industrial buildings (the former Leopold Works factory and offices) that were constructed following planning permissions granted between 1958 and 1988. The buildings were demolished in 2005-6.

2.2 The site lies within the boundary to the Rea Valley Urban Quarter Masterplan. Within the wider area Smithfield lies to the west, Highgate Park to the south and High Street Digbeth with the Conservation Area beyond to the north.



Figure 2: The Site and Surroundings

- 2.3 Within its immediate surroundings is The Moseley Arms (Grade II Listed) on the corner of Ravenhurst Street, offices and a mix of existing apartments and residential schemes under construction that demonstrate how the area is evolving into a new residential hub, as part of the Rea Valley Masterplan. Land to the immediate west and south of the Site has planning permission for the erection of a residential development with up to 366 units (ref. 2020/07829/PA) and adjoins land occupied by a 6-storey residential development of 67 apartments at 150-159 Moseley Street.



Figure 3: Land Uses Within Surrounding Area

- 2.4 There are a number of heritage assets within close proximity to the proposed development site:
- 132 Bradford Street - Grade II listed;
 - The Moseley Arms, Ravenhurst Street/Moseley Road – Grade II Listed;
 - Lenches Trust Almshouses & Lodge on Ravenhurst Street - Grade II listed;
 - Nos.90 to 120A Moseley Road - Grade II listed;

- The Rowton (former Paragon) Hotel, Moseley Street - Grade II listed; and
- 112 Moseley Street (St Anne's Hostel), Moseley Street - Grade II listed.

3. **Planning History:**

- 3.1 2003/04098/PA - Mixed use development consisting of residential (class C3) office floorspace (class B1) and retail (class A1) with car parking. Approved 25/07/2005
- 3.2 2005/07838/PA - Erection of 24 No. apartment dwellings and 205 sqm commercial space (over two floors) with basement parking to residential. Approved 16/03/2006
- 3.3 2016/06827/PA - Erection of part 6 / part 7 storey 102 bed student residential building with ground floor retail unit and associated development. Approved 13/04/2017
- 3.4 Adjacent site - Land bounded by Moseley Street (south), Moseley Road (east) and Cheapside (north),
- 3.5 2020/08279 - Erection of residential development (Use Class C3) for up to 366 units in two principal blocks of between 5 and 8 storeys with associated residents amenity areas (internal and external), access, cycle parking, landscaping, earthworks and associated works. Approved 23/07/2021
- 3.6 2022/02631/PA - Section 73 Application to Vary Conditions 2 (drawings), 6 (materials), 7 (architectural details), 9 (samples of materials), 10 (sample panel), 11 (details of windows, entrance doors & rainwater goods) and 29 (bird nesting/bat boxes) attached to planning permission 2020/07829/PA for the Erection of residential development (Use Class C3) for up to 366 units in two principal blocks of between 5 and 8 storeys with associated residents amenity areas (internal and external), access, cycle parking, landscaping, earthworks and associated works; Variations to approved layout and elevations. Awaiting Decision

4. **Consultation Responses:**

- 4.1 HSE - Design changes necessary to provide alternative, separate access points to the single staircase serving storeys 7 to 10, the so working space and the plant rooms are required. There would be conflict in the single staircase serving the roof top amenity area between occupiers escaping a fire and firefighters. It will be for the applicant to demonstrate that a means of escape is available for use at all times. A single staircase should not descend to a basement. Likewise, lifts in a building served, or part served, by a single staircase should not descend to a basement.
- 4.2 Ecology – No objections subject to conditions. Complying with the Green Roof Organisation Code of best practice standards should mean that any soft landscaping is going to be well thought out, implemented and most importantly sustainable. Sustainable soft landscape will give the greatest biodiversity benefits long term. Note that there is mention of roof top water attenuation and would strongly recommend the use of a geocellular structure system. Need to see details of the proposed the soft landscape scheme. This should incorporate plants of varying heights and forms plus those that by way flowers Recommend following conditions:
 - Submission of scheme for ecological/biodiversity/enhancement measures; and
 - Requires the submission prior to occupation of hard and soft landscape details

- 4.3 Local Lead Flood Authority –has no objections to the proposed development as submitted subject to the inclusion of the following planning conditions and informative to ensure the proposed development can comply with the minimum requirements of the NPPF and Policy TP6 of the adopted Birmingham Development Plan:

Condition:

Before implementing each phase of development approved by this planning permission no development approved by this planning permission shall commence until such time as a scheme to:-

- Discharge surface water at a maximum discharge rate of 1 l/s from the site
- Incorporate rainwater gardens and blue / green roof areas within the detailed design.

has been submitted to, and approved in writing by, the local planning authority
The scheme shall be fully implemented and subsequently maintained, in accordance with the scheme's timing/phasing arrangements, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Condition

Requires the prior submission of a Sustainable Drainage Operation and Maintenance Plan

- 4.4 Conservation - The Digbeth, Deritend and Bordesley High streets Conservation Area (CA) is assessed in the Heritage Assessment (HA) however based on distance from the site and separation through large-scale modern development there are no elements of the CA or the site that are inter-visible with each other, nor are there any key views between the two. The site does not contribute to the significance of the CA through setting and no further assessment is made. Agree with the no harm conclusion in this regard.

Listed buildings at No.132 Bradford Street, St. Anne's Hostel and Former Paragon Hotel - Considered in the HA not to be harmful to those elements of setting that contribute to their significance and this is a fair assessment.

Moseley Arms P.H. - The Grade II listed Moseley Arms is identified in the HA as a building of high significance, its principal heritage significance embodied in the architectural and historic interest of its physical fabric as a late Georgian public house. The pub occupies a prominent corner position on Moseley Road, Cheapside and Ravenhurst Street which allows it to be seen and appreciated from these roads and from where an appreciation of its built form and features of architectural and historic significance can be experienced. Despite the large modern buildings to the west and south the prominence of the pub is derived from its historic built form. The proposed development is identified in the HA as being tall at 10-storeys but would have little to no impact on the prominent position of the listed pub on its corner plot and that its prominence would be retained through its physical aesthetic. The HA also considers that close ranging views of and from the asset and from the neighbouring streets would not be blocked and that the proposed development will not detract from the asset concluding very minor harm to the significance of the listed pub. Therefore it is not clear how the very minor harm to the pub identified within the

HA arises. Furthermore it is confusing that the overall conclusion of the HA is that the proposed development will cause no harm to any of the designated heritage assets assessed.

With regards to all but one asset the position of the HA can be supported. However, in relation the listed Moseley Arms it is considered that such a large-scale building located on the opposite corner could challenge and compete with the corner prominence of the listed pub, causing harm to an identified element of its significance. The harm is considered to be very minor and would sit at the lowest end of 'less than substantial'. The planning case officer will need to be satisfied that the public benefits of the scheme can successfully outweigh the low degree of harm caused in order to meet the tests of paragraph 202 of the NPPF.

4.5 Civic Society - In policy terms a suitable location for residential development. The proposal accords with the adopted Birmingham Development Plan and the Rea Valley Urban Quarter Supplementary Planning Development (SPD). The site is also on a very regular bus service. The much larger cleared adjacent site of 0.7 hectares has a planning consent for 366 units. It is unclear whether residents of this development would have access to that adjacent courtyard. The Heritage Assessment considers that the proposed development would not cause harm to the nearby heritage assets, with which we concur. Some concerns were raised regarding design (original elevations):

- Some of the facades were considered too busy and the offset windows jarring, such that the proposal will not complement the adjacent approved development;
- Some of the detailing was considered attractive and will hopefully not succumb to later value engineering;
- the articulation of the façade was not felt to help the overall height and sense that the 'attic' was rather too high and should be reduced to contribute better to the street scene. There are very few of the buildings indicated as of 6 to 10 storeys that will be within the outer range. The quality of design was not felt to mitigate this additional height;
- The large terraces will take in spectacular views of the city centre and have been well considered, however the opportunity to increase the number of balconies along Cheapside should have been taken;
- it fails to activate the ground floor and will cumulatively lead to Cheapside becoming quiet, empty and potentially feeling dangerous;
- the lack of parking should support sustainable transport, but another view is the absence of parking makes it very difficult for families to live in the building, contributing to the sense of the area becoming quiet and empty, with a younger transient population;
- It should be stipulated that Staffordshire blue brick pavers should be installed instead of tarmac and mitigation
- put in place to prevent inconsiderate parking on the pavement that may also obstruct the busy bus route that
- passes along Moseley Street.

4.6 Regulatory Services – no objections subject to conditions. This site is to some extent impacted by the operation of Cleary's Irish Bar. Given that permission has been granted for a residential development on the land between this site and Cleary's

(2020/07829/PA) officers would not object to this proposal. It should be noted that should the adjacent development be constructed prior to the occupation of this scheme some of the southern façade will be shielded and would therefore require reduced mitigation. Should this occur the applicant may wish to submit a revised noise assessment. In addition to a noise mitigation scheme recommend that a condition requiring an overheating assessment for all rooms on the south façade that are identified as needing to keep windows closed to mitigate noise from Clearys Irish Bar. The condition should require the overheating assessment and the submission of a scheme to incorporate the recommendations of the overheating assessment (if necessary). Recommended conditions:

- a) Prior submission of noise insulation scheme for residential units in accordance with the recommendations of the Noise Assessment Report;
- b) Prior submission of an overheating assessment for all rooms on the south façade that are identified as needing to keep windows closed to mitigate noise from Clearys Irish Bar. The condition should require the overheating assessment and the submission of a scheme to incorporate the recommendations of the overheating assessment (if necessary).
- c) Contamination Remediation Scheme
- d) Contaminated Land Verification Report

4.7 Police – No objections recommend following:

- access Control must include main entrances/lobby areas, refuse, stairwells, courtyards, cycle storage and lift access control;
- all access points are fitted with self-closing mechanisms..
- a visitor door entry system and access control system be installed on all doors into the building;
- development to conform to the standards set out in Approved Document Q – Security –Dwellings and Secured by Design ‘Homes 2019’ guide;
- a condition is attached to require a CCTV scheme be installed to cover the area outside all the entrances to the site, internal views of anyone entering the building / site through any route and the main communal areas including the cycle storage areas, and courtyard areas
- a lighting plan the communal area and the courtyards;
- a suitable boundary treatment is installed around any private / public roof space to adequately prevent accidental falls over the boundary or intentional attempts to self-harm and any furniture that is installed is suitably located so it cannot be used as a climbing aid to scale the boundary and be secured in such a way that it cannot be moved to a location where it could be used as a climbing aid; and
- any ground floor opening windows are fitted with window restrictors.

4.8 Transportation - No objection subject to conditions:

- a) Cycle parking is all provided before the building is occupied.
- b) The redundant footway crossing on Cheapside is reinstated prior to occupation.

4.9 West Midlands Fire Services (WMFS) – the development needs to meet the requirements of Approved Document B, Volume 1, Dwellings, 2019 edition incorporating 2020 amendments for use in England with particular reference to Requirement B5: Access and facilities for the fire service (Section 13: Vehicle access; Section 14: Fire mains and hydrants in flats; Section 15: Access to buildings for firefighting personnel in flats and Section 7: Compartmentation/sprinklers in flats). Early liaison should be held with this WMFS in relation to fixed firefighting facilities,

early fire suppression and access. The external access provisions for a building should be planned to complement the internal access requirements for a fire attack plan. (CIBSE Guide E, Fire Safety Engineering 2010)

- 4.10 Severn Trent Water – No objections subject to conditions to require the submission of drainage plan for the disposal of foul and surface water and to require the implementation of the agreed plan prior to first use.
- 4.11 Education – Request contribution of £191,650.49 for nursery, primary and secondary education provision.
- 4.12 Employment Access Team – No objections and do not require an employment condition.
- 4.13 City Design - Amended plans have improved the overall design, however a number of details remain problematic. No objections subject to the following conditions for:
 - 1. Materials: For the avoidance of doubt this shall be a plain orange brick.
 - 2. Pointing.
 - 3. Decorative metal panel: Details of unit size and fixing.
 - 4. System of construction: For the avoidance of doubt this shall comprise a pre-cast system of construction in order to deliver the brick detailing/modelling.
 - 5. Soffits: These shall be a matching brick to that of the main elevations.
 - 6. M&E/ventilation: For the avoidance of doubt this shall comprise integrated vents to windows and not separate grills in the brickwork.
 - 7. Window and external door design: Frame, bars, reveal, ventilation and opening mechanism.

5. **Third Party Responses:**

- a. The application has been publicised by newspaper advert, site notice and neighbour letters.
- b. 1 representation has been received making the following comments:
The offset windows are distracting, unattractive and do not compliment the proposed adjacent development. Making them 'in line' will produce a far more cohesive design that is also timeless rather than submitting to this fad of offset windows which will age badly.

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

- a. National Planning Policy Framework
Paragraphs 7, 8, 10, 11, 60, 69, 105, 119, 120, 126, 159, 179, 180, 194, 199, 200, 201, 202.
- b. Birmingham Development Plan 2017:
PG1 (Overall Levels of Growth)

- PG3 (Place Making)
- GA1 (City Centre)
- GA1.2 (Southern Gateway)
- GA1.3 (Southside and Highgate Quarter)
- 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)
- TP8 (Biodiversity and Geodiversity)
- TP9 (Open Space, Playing Fields and Allotments)
- TP12 (Historic Environment)
- TP27 (Sustainable Neighbourhoods)
- TP28 (Location of New Housing)
- TP30 (The Type, Size and Density Of New Housing)
- TP31 (Affordable Housing),
- TP38 (A Sustainable Transport Network)
- 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)
- DM6 (noise and vibration),
- DM10 (Standards for Residential Development)
- DM14 (Transport Access and Safety)
- DM15 (Parking and Servicing)

d. Supplementary Planning Documents & Guidance:

- Rea Valley Urban Quarter SPD
- Birmingham Parking SPD
- Birmingham Design Guide SPD

7. **Planning Considerations:**

Principle of Development

- 7.1 The site is vacant, comprises of previously developed land and lies within the Southern Gateway and the City Centre Growth Area where Policies GA1.1, GA1.2 and GA1.3 support residential development. In addition, the Rea Valley Urban Quarter SPD seeks residential-led regeneration of the Cheapside neighbourhood to create a predominantly residential based community; the proposed use is consistent with previous permissions on this site and recent decisions relating to land immediately to the south and west.
- 7.2 Residential development would support the NPPF objectives of focusing significant development on locations which are or can be made sustainable, through limiting the

need for travel and offering a genuine choice of transport modes, making effective use of brownfield land and developing under-utilised land.

- 7.3 It is therefore considered that the principle of residential development on this site is acceptable subject to other material considerations as discussed below.

Proposed Design

- 7.4 The proposed rectangular footprint would complete the perimeter block, with the remainder of the block granted consent last year, and therefore the siting is acceptable. It does however need to be acknowledged that whilst the proposed perimeter block would create a central courtyard this would not be available for use by the occupiers of this development. The agent has advised that discussions have taken place and there may be some agreement in the future between the two developers. However, of the 70 residential apartments, 9 are proposed to benefit from private amenity space: one apartments on each of Levels 2 to 6 will include a private balconies of 5sqm; and two apartments on each of Levels 7 to 9 would have outdoor terraces of 19.4-6sqm of private amenity space. Additionally, a shared 237 sqm communal area of amenity space is proposed on the roof of the building. The recently adopted Birmingham Design Guide encourages the provision of 242sqm of private amenity space for the 70 apartments proposed. It is therefore considered that on site provision is alongside the proximity to Highgate Park, at a walking distance of approximately 120m, is sufficient to meet BDP Policy PG3.



Figure 4: Application Site and Adjoining Approved Development (2020/08279/PA)

- 7.5 Policy DM10 requires at least 30% of new dwellings to comply with part M4(2) of Building Regulations (Accessible and Adaptable Dwellings). At 45% the proposals meet this Policy. In addition, all apartments would meet the nationally described space standards.
- 7.6 The Rea Valley SPD seeks to create developments of 6 to 10 storeys in this area. The proposal is in keeping with this intention and the proposed height has been designed to directly correlate with the recently approved residential development

directly adjacent, to create a cohesive and integrated urban block (ref. 2020/08279/PA). The tallest part of the block is sited at the junction of Moseley Street and Cheapside to mark the corner and provide a strong building frontage. The upper three levels of the proposal are set back to the north-west elevation, allowing generous external amenity spaces and views over the city to some of the future occupiers on levels 07, 08 and 09, and aligning with the gradient of Cheapside.

- 7.7 The building would address both Cheapside and Moseley Road with entrances on each aspect. Both entrances have been designed to have accessible doorways and level thresholds, with compliant grade internal ramps to allow free accessible movement throughout the building.



Figure 5: Basement Level and Ground Floor showing Proposed Entrances
from Cheapside and Moseley Road

- 7.8 The application proposes a 10 storey development on the highest point and corner of the site and reduces to 8 storeys with one distinct set back to the north west of the site. This is in line with the suggested heights in the Rea Valley Urban Quarter Draft SPD as between 6 to 10 storeys.



Figure 6: Proposed Elevation to Moseley Road

- 7.8 A regular grid framework for the elevations has taken from the local industrial aesthetic of the area with recessed infill panels of brickwork, brass cladding and windows to create variety and depth across the elevations. In keeping with the historic language of industrial Birmingham, it is proposed to use a multi orange/red brick, laid in stretcher bond for the general brickwork, with recessed and feature panels in Flemish bond and areas of articulated brickwork through the use of projecting and recessed headers to create a pattern of Celtic knots. Brass panels have been used to identify the entrances on both Cheapside and Moseley Road reflecting the history of the site as the 'Leopold Works' listed as a chandelier and gas fitting manufacturer adjacent to the site and after which the development has been named.
- 7.9 The use of the regular framework with recessed windows and panels to articulate the elevations is considered appropriate to the site, with strong blank corner to mark the junction of Cheapside and Moseley Road. It is considered that confining the range of materials to brickwork and cladding would provide a simple but effective appearance with sufficient interest provided by the application of the brickwork in three different bond types.
- 7.10 Since receiving the comments of the City Design manager amended plans have been received that show that the glazing and doors to the main entrances have been enlarged to make them more identifiable. Glazing has been added to cycle store as requested. The soffits to balconies and lintels confirmed as brick. It has also been clarified that external ventilation is necessary for the MVHR and for the domestic hot water Air Source Heat pump. Therefore, venting is proposed both through the window heads and via air bricks. Finally, the modelling of the elevations has been improved to provide deeper recesses to the windows and infill panels.

- 7.11 The proposed layout, massing and design of the elevations is considered to accord with Policy PG3 and the guidance within the recently adopted Design Guide SPG.

Impact Upon Heritage Assets

- 7.12 As outlined in the Heritage Statement, there are no designated or non-designated heritage assets on the site however the Grade II listed Moseley Arms public house is located diagonally opposite at the corner of Moseley Road and Ravenhurst Street. There are several other Grade II-listed buildings within the vicinity of the site whilst the Digbeth, Deritend and Bordesley High Streets Conservation Area lies approximately 300m to the north.
- 7.13 The Heritage Statement concludes that the proposed development will cause no harm to any designated heritage asset in the immediate or wider locality. In contrast the Conservation Officer considers that, due to its scale, the proposals would cause minor harm to the Moseley Arms as it would compete with prominence of the listed building. In accordance with paragraph 202 of the NPPF there is an assessment of the public benefits associated with the proposed development and how these weigh against the harm in the planning balance section at the end of the report.

Impact of Noise Upon Residential Amenity

- 7.14 The submitted noise assessment identifies road traffic noise on Moseley Road and Cheapside as the dominant source of noise affecting the application site, with entertainment noise associated with Cleary's Bar identified as a further significant noise source within the vicinity. Noise associated with the Moseley Arms, which operates primarily as a restaurant and guest house, was found to be largely inaudible and insignificant in the context of the dominant road traffic noise. Based on cumulative noise levels the assessment identifies minimum requirements for the sound insulation performance of façade elements including windows, external doors and external walls on different elevations of the proposed building. Furthermore, should the consented residential scheme sited adjacent, on land between this site and Cleary's Bar, be implemented it would screen the application site such that the recommended sound insulation performance of the southern façade could be significantly reduced.
- 7.15 Regulatory Services find the noise assessment acceptable subject to conditions to require the submission of a noise insulation scheme to accord with the recommendations of the Noise Assessment and an overheating assessment.

Air Quality

- 7.16 The submitted Air Quality Assessment (AQA) considers that operation phase impacts are likely to be negligible, with no car parking included within the development proposals and heating, cooling and hot water to be provided by electric heat pumps. Furthermore, it predicts that through the life of the development air quality will meet annual mean air quality objective threshold values. As such it concludes the building is suitable for natural ventilation with openable windows from an air quality perspective.

- 7.17 Regulatory Services have raised no objections and it is considered that the proposals comply with Policies DM1 and DM2 of the Development Management DPD and the aims of BDP Policy TP37.

Highway Matters

- 7.18 The site is in a sustainable location with a wide range of public transport services within desirable walking and cycling distances. The submitted Transport Assessment identifies no outstanding highway safety issues on the surrounding local highway network which the proposed development might exacerbate and that trip generation rates for the proposed development would not have a significant impact on the operation of the local highway or public transport networks.
- 7.19 The proposals provide zero onsite car parking and two cycle stores, located adjacent to the Cheapside and Moseley Road entrances are included. These would provide a total capacity for up to 78 bikes, more than the requirements of the SPD. The Birmingham Parking SPD (2021) only requires provision at this location for disabled user car parking only whilst the TA advises that the existing on-street parking would be able to accommodate this requirement.
- 7.20 Transportation have raised no objections subject to conditions to secure the cycle parking and to reinstate redundant footways crossings that will no longer be required. Such conditions are attached.

Flood Risk and Drainage

- 7.21 The Site is located entirely within Flood Zone 1 where there is the lowest risk of flooding. The applicant and the LLFA have discussed acceptable SUDs drainage arrangements along with an appropriate and acceptable discharge rate. The LLFA have also received a confirmation letter of flow connection (from STW) and are therefore satisfied subject to conditions. The applicant has agreed to the pre-commencement condition.

Ecology and Biodiversity

- 7.25 The submitted Preliminary Ecological Assessment (PEA) states that there are no statutory ecological sites within 1km of the site and it does not lie within any Impact Risk Zones. However, the Site is listed as being within a non-statutory Potential Site of Importance (Land off Moseley Street), which is described in the listing as a post-industrial site consisting of a mixture of ephemeral/short perennial and tall ruderal habitats with bare ground. Given the low value habitats and species that have been recorded the PEA concludes that no direct, indirect, or residual impacts are predicted to any ecological sites.
- 7.26 Ecology Officers have raised no objections to the PEA and note the biodiversity benefits of the proposed soft landscaping. Therefore, the scheme is considered to comply with Policy TP8 subject to the recommended conditions to require the submission of scheme for ecological/biodiversity/enhancement measures and hard and soft landscape details.

Sustainability

- 7.27 The submitted Energy and Sustainability Statement concludes in accordance with Policies TP2 and TP3 energy demand will be reduced by achieving a well-insulated envelope whilst energy efficient building systems such as LED lighting and low-power fans and pumps will further drive down regulated energy use. In line with Policy TP4 the development will generate hot water through efficient air-source heat pumps (ASHP's). In addition, an area of 107sqm of photovoltaics are also proposed on the roof. As such via this strategy the proposed development would achieve an improvement over Part L1A of the building regulations 2013, meeting the 19% as required by the Birmingham Development Plan 2031.
- 7.28 A condition is attached order to secure the delivery of the proposed ASHP's and the photovoltaics and therefore ensure that the proposals meet Policies TP2, TP3 and TP4.

Ground Conditions and Contamination

- 7.29 Based on a desktop assessment and a site walkover, the Phase 1 Site Assessment identifies a low to moderate risk that contamination including ground gas could be present. Given the ground conditions and the characteristics of the proposed development, the potential presence of contamination is considered likely to represent a manageable risk to the proposed development. Conditions to require a remediation strategy and verification plan are attached in order to ensure that the development complies with Policy DM3 of the Development Management DPD.

Other

- 7.30 The applicant's fire engineer has responded to the comments from the HSE and Fire Officers stating that they are content that all the items raised by the HSE could be addressed when the fire strategy is developed at the next stage of the design, and they are confident that with some layout revisions appropriate solutions can be provided. The Fire Statement indicates that careful consideration of lobby provision and smoke control would be incorporated into the design to support both means of escape and firefighting.
- 7.31 In response to the comments from the Police the agent has advised that all ground and lower ground floor windows as well as windows accessible from terrace levels would adhere to PAS 24:2016 Enhanced security performance requirements for doorsets and windows in the UK, which is a recognised security standard.
- 7.32 In addition monitored CCTV would be provided to both entry doors, cycle stores, bin stores and the proposed collaborative workspace. Furniture would be fixed on the communal terrace. Entry doors to main entrances, bins and cycle stores would be externally illuminated at all times and have secure entry. Finally lift and stair lobby's would be controlled by access control limiting access to only residents of that floor.

Planning Obligations

- 7.33 The development proposed is above the threshold for planning obligations relating to affordable housing and public open space. Furthermore, BCC Education have

requested a total contribution of £191,656.49.

- 7.34 A financial viability assessment has been submitted and independently assessed. Unfortunately, the proposed development cannot meet the policy requirements of TP9 and TP31, however 11% of affordable housing (8 units) at a 30% discount on market value could be sustained in accordance with Paragraph 64 of the NPPF.

Planning Balance

- 7.35 The proposed development constitutes sustainable development, which will deliver substantial benefits, including:
- the provision of 70 high-quality residential units;
 - the efficient re-use of vacant brownfield site, responding to nearby sites which could stimulate wider regeneration opportunities within the Rea Valley SPD area and the wider city centre growth area;
 - Employment opportunities for local people during construction; and
 - Spend from future residents into local economy.
- 7.36 However there is harm to the setting of the grade two listed Moseley Arms located diagonally opposite the site. According to paragraph 202 of the NPPF this harm needs to be weighed against the benefits of the proposed development. In this case it is my opinion the harm, which is considered to be at the lowest end of less than substantial, is outweighed by the public benefits listed above.
- 7.37 Furthermore the City Council now 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 meaning that permission should be granted unless 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. The tilted balance adds weight to the benefits of the scheme.

8. Conclusion

- 8.1 The site meets the criteria for the location of new housing under BDP policy TP28. It is also located within the City Centre Growth Area and within the boundary to the Rea Valley SPD both of which support the principle of residential development. It is outside flood zones 2 and 3a, adequately serviced by infrastructure, accessible to jobs shops and services and by sustainable modes of transport. The proposed development would be sympathetic to historic assets, incorporate sustainable energy requirements and the site is capable of remediation.

9. Recommendation:

- 9.1 That application 2022/01880/PA be APPROVED subject to the prior completion of a Section 106 Legal Agreement to secure the following:
- a) 11% (8) affordable units at a mix of 1 and 2 bedroom apartments provided on site at a discount on market value of 30%. At least 25% of which should be First Homes

and

b) Payment of a monitoring and administration fee of £10,000

- 9.2 That the City Solicitor be authorised to prepare, complete and seal an appropriate legal agreement and any necessary supplemental agreements under Section 106 of the Town and Country Planning Act.
- 9.3 That in the event of a suitable legal agreement being completed to the satisfaction of the Local Planning Authority on or before 15th June 2023 or such later date as may be authorised by officers under delegated powers, planning permission for application 2022/01880/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).
- 9.4 In the absence of a suitable planning obligation agreement being completed to the satisfaction of the Local Planning Authority on or before 15th June 2023 the planning permission be refused for the following reason:
- 9.5 In the absence of a suitable legal agreement to secure affordable dwellings the proposal would be contrary to TP31 of the Birmingham Development Plan and Revised National Planning Policy Framework.

-
- | | |
|----|---|
| 1 | Time Limit 3 Years |
| 2 | Approved Plans |
| 3 | Drainage Strategy |
| 4 | Construction Management Plan |
| 5 | Construction Employment Plan |
| 6 | Energy Efficiency Measures |
| 7 | Foul Drainage and Surface Water Details |
| 8 | Contamination Remediation Scheme |
| 9 | Materials |
| 10 | Architectural Details |
| 11 | Noise Insulation |
| 12 | Overheating assessment |
| 13 | Contaminated Land Verification Report |
| 14 | Ecological Enhancements |
| 15 | Hard and Soft Landscape Details |
-

16	Landscape Management Plan
17	Cycle Provision
18	Sustainable Drainage Operation and Maintenance Plan
19	Waste Management Strategy
20	CCTV
21	PV panels
22	Highways agreement - reinstatement of footpath
23	Removal of PD for Telecoms equipment
24	Lighting Plan
25	Access Control
26	Boundary Treatments

Case Officer: Sarah Plant

Photo(s)

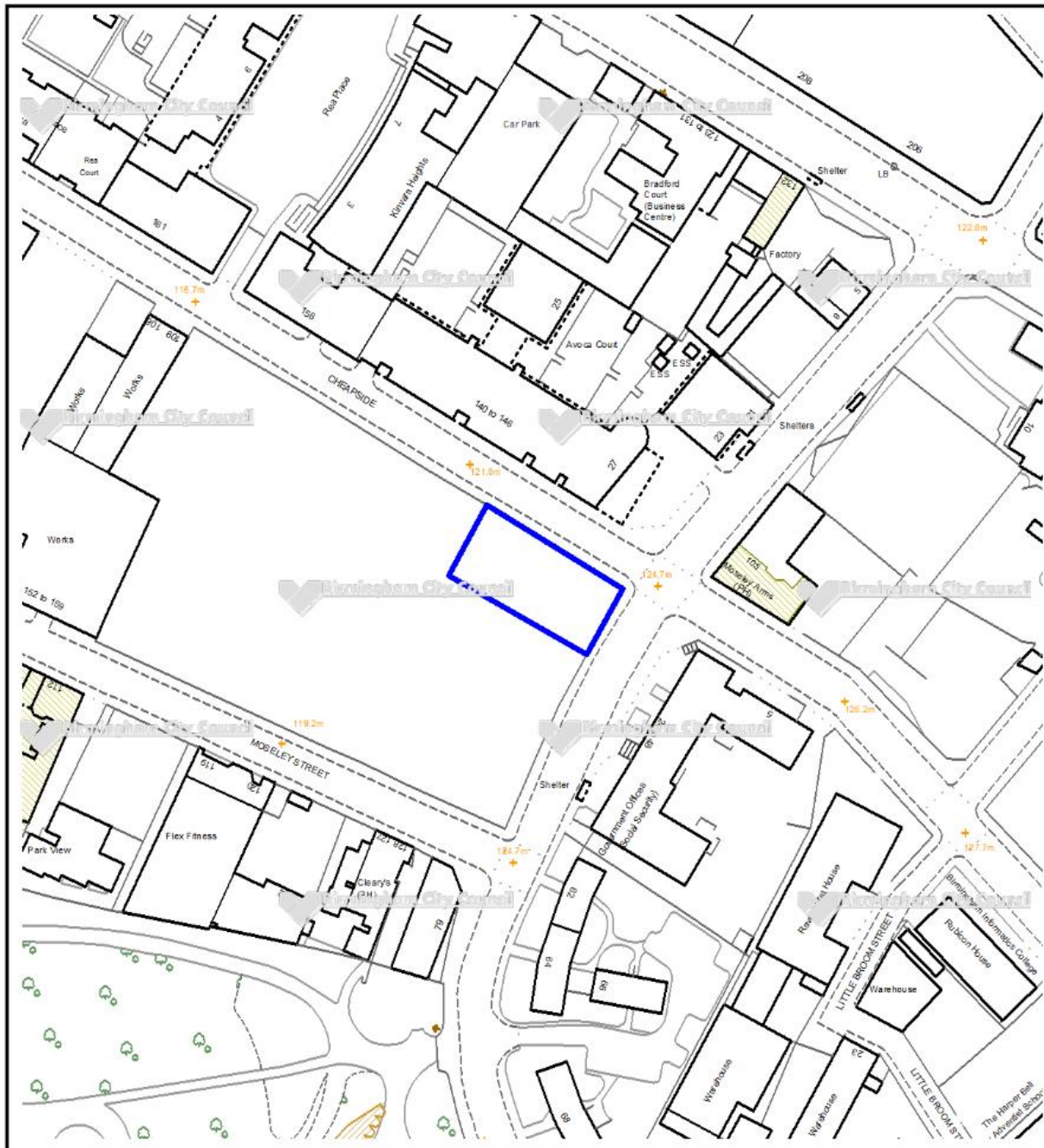


Looking towards the site from Cheapside with application site on the left



Looking along Cheapside with application site on the right

Location Plan



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Committee Date:	16/03/2023	Application Number:	2022/07459/PA
Accepted:	24/11/2022	Application Type:	Full Planning
Target Date:	23/02/2023		
Ward:	Soho & Jewellery Quarter		

Former Sytner/BMW Dealership, Site on corner of Newhall Hill, Sand Pits, Camden Street, Sloane Street and Summer Hill Terrace, Jewellery Quarter, Birmingham,

Demolition of all existing buildings, erection of residential accommodation (C3) within five buildings with associated public open space, private amenity space and commercial ground floor spaces (Commercial Class E and/or Drinking Establishments (Sui Generis)).

Applicant:	HBD Summerhill Ltd
	C/o Agent
Agent:	Avison Young
	3 Brindley Place, Birmingham, B1 2JB

Recommendation

Approve Subject to a Section 106 Legal Agreement

1 Proposal:

- 1.1 This application seeks full planning permission for the demolition of the existing structures within the site and the erection of 5 new buildings ranging in scale from 3-4, 5-6 and 7-9 storeys comprised of 414 build to rent, residential units with ancillary amenity space including a winter garden, gym, communal work-from-home space, lounge areas, external private courtyard and five private roof terraces. As well as 568 sqm of ground floor commercial space comprised of 4 units (commercial class E and Sui Generis drinking establishment), one fronting onto Newhall Hill, and 3 centrally facing into a proposed publicly accessible courtyard.
- 1.2 The proposed development provides 320 cycle spaces within 3 cycle storage areas, and zero private parking.
- 1.3 The application is supported by; Schedule of Accommodation, Design and Access Statement, Public Realm Lighting Strategy, Landscape Scheme, Transport Statement, Travel Plan, Phase 1 and Phase 2 Ground Investigation, SUDs Assessment, Operation and Maintenance Plan and Drainage Strategy Report, Energy Statement, Ecological Appraisal, Air Quality Assessment, Archaeological Assessment, Heritage Assessment, Sustainable Construction Statement, Noise Impact Assessment, Fire Statement, Ventilation Details, Affordable Housing Statement, Daylight, Sunlight and Shadowing Assessment, Statement of Community Involvement and a Financial Viability Assessment.
- 1.4 [Link to Documents](#)

2 Site & Surroundings:

- 2.1 The site is a total of 1.1ha overall and comprises two separate parcels of land, bound by Sand Pits to the south, Newhall Hill to the east and Camden Street bisecting the two parcels.
- 2.2 The site comprises a group of modern buildings which were occupied by Sytner as a second-hand car dealership and is comprised of showrooms, garage and ancillary office and storage space. There is an area of hardstanding for the display of cars wrapping around the edge of the site on its north-eastern and southern edges. Access to the site is via Sandpits or Newhall Hill.
- 2.3 The site is located within the Jewellery Quarter Conservation Area, characterised generally by a mix of some industrial, vacant industrial buildings, leisure and office uses and residential properties. There are apartments located to the north of the site on Newhall Hill, and on the opposite side of Newhall. New residential development is being delivered on the adjacent Photographic Works and Pyramid Works sites. To the south, beyond Sand Pits, is generally residential uses, including a recently completed development by Seven Capital on a plot at the junction of Sand Pits and Edward Street.
- 2.4 The entire area comprises a steep drop in topography from north to south and west to east.
- 2.5 [Site Location](#)

3 Planning History:

- 3.1. 2013/00377/PA Erection of single storey building and external alterations – Approved subject to conditions 28/03/2013
- 3.2 2013/01051/PA Conservation Area Consent for demolition of existing pre-cast concrete building and brick extension to workshop – Approved subject to conditions 22/03/2013
- 3.3 2003/00456/PA - Partial change of use to facilitate use as three car dealerships, including canopy extension, new glazing, roof works, elevational alterations and repair works – Approved subject to conditions 27/03/2003

4 Consultation Responses:

- 4.1 BCC City Design – Support the application subject to conditions
- 4.2 BCC Conservation – No objection subject to conditions
- 4.3 BCC Archaeology – No objection subject to conditions
- 4.4 Lead Local Flood Authority – No Objection, subject to conditions
- 4.5 BCC Employment Access – No objection subject to conditions
- 4.6 HSE Fire – No objection
- 4.7 Historic England – No objection
- 4.8 BCC Education – No obligations required
- 4.9 Birmingham Civic Society – Support the application
- 4.10 West Midlands Fire Service – No objection
- 4.11 Severn Trent Water – No objection subject to conditions
- 4.12 West Midlands Police – No objection subject to conditions
- 4.13 BCC Transportation – No objection subject to conditions requiring

Details of boundary treatments, reinstate redundant footway crossings, define pedestrian link/route across Camden Street i.e., carriageway surface treatment to define an informal crossing, and pedestrian dropped crossing paving. Traffic Regulation Order changes to define servicing bays for refuse servicing and daily deliveries where necessary and associated footway improvements around the site

frontages where any surfaces are in poor quality, cycle and refuse parking before occupation and a construction management plan.

- 4.14 Leisure Services- No objection subject to contribution towards off-site Play and Open Space
- 4.15 BCC Education – No objection

5 **Third Party Responses:**

- 5.1 The application has been publicised by sending out letters to neighbours, posting a site notice within the vicinity of the site and a press notice, 14 responses have been received raising the following points of objection;
 - Harmful to the character of the Jewellery Quarter, scale is too great, should be four storeys.
 - Eight storeys is too high for the width of the road (Newhall Hill) and will be imposing.
 - Other buildings in the area are 2-4 storeys
 - Development scale does not address scale east to west, buildings will be at least 7m higher than buildings to the east
 - Development will not represent a gateway to the JQ as it will misrepresent the Conservation Area.
 - Loss of light
 - Overshadowing to neighbouring properties
 - Loss of view
 - Devaluation of property
 - Noise and anti-social behaviour from commercial uses
 - Commercial uses will detract from JQ Local Centre
 - Loss of privacy
 - Over burden on local infrastructure
 - Noise during construction
 - Damage to property during construction
 - Inadequate parking provision, which will impact on-street parking
 - Traffic management as Newhall Hill is only one way, increase in traffic will be harmful
 - Cycle parking should be in every block not just 3 locations
 - Internal amenity is low, space standards only just being met
 - Apartments are too close together
 - Build to rent developments are ghettos of the future
 - Birmingham at risk of becoming build to rent dominated
 - Loss of views of Greek orthodox church
 - Lack of affordable housing
 - Camden Street should remain open during construction works
 - Did not receive enough notification of consultation event (pre-application)
 - Objections raised at public consultation regarding scale and views have not been addressed at formal application.
 - Not all neighbours received letters
 - Public areas will end up being neglected
 - Already vacant commercial units in the JQ, additional units will not add vibrancy
 - Development will be detrimental to mental health
 - Noise report to nursery refers to 14 children outside, this is not the maximum capacity and the development should not make restrictions on the existing use.

- Development will create sense of enclosure to nursery play area, the blank façade should be a green wall to mitigate this.
 - Demolition and construction management condition should be applied
- 5.2 Letters were also sent to the JQ BID, Neighbourhood Forums and local Councillors, no responses were received.

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

6.1 National Planning Policy Framework

Section 11: Making effective use of land - Paragraph 118

Section 12: Achieving well-designed places - Paragraph 124-132

Section 16: Conserving and enhancing the historic environment - Paragraph 189-202

6.2 Birmingham Development Plan 2017

GA1: City Centre

PG3: Place making

TP2: Adapting to climate change

TP3: Sustainable construction

TP12: Preserving the historic environment

TP21: Network and Hierarchy of Centres

PT24: Promoting a diversity of uses within centres

TP27: Sustainable neighbourhoods

TP28: The location of new housing

TP30: The type, size and density of new housing

TP31: Affordable Housing

TP39: Walking

TP40: Cycling

6.3 Development Management DPD

DM1: Air Quality

DM2: Amenity

DM10: Standards of residential development

DM14: Transport access and safety

6.4 Supplementary Planning Documents & Guidance:

Historic Environment Good Practice Advice in Planning Note 2: Managing Significance in Decision Taking in the Historic Environment - Historic England (2015); Good Practice Advice Note 3: the setting of Heritage Assets – Historic England (2017); Birmingham Design Guide (2022) National Design Guide (October 2019); National Planning Practice Guidance (PPG); Car Parking Guidelines SPG (2021) Jewellery Quarter Conservation Area Management Plan (2002) Jewellery Quarter Design Guidelines (2005) DRAFT Jewellery Quarter Neighbourhood Plan

7 **Planning Considerations:**

7.1 The main material considerations of this application are;

- The principle of development
- Design
- Impact upon heritage assets

- Sustainable Construction
- Transportation
- Environmental Protection
- Flooding and Drainage
- Ecology
- Planning Obligations and Financial Viability
- Other Matters

- 7.2 Paragraph 11 d) of the NPPF (2001) 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.
- 7.3 The Birmingham Development Plan became 5 years old on 10th January 2022. In accordance with NPPF paragraph 74, 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) of the NPPF is engaged and the tilted balance applies for decision taking.

Principle of Development

- 7.4 The BDP identifies the application site as being within the City Centre Growth Area (Policy GA1) where the focus will primarily be upon re-using existing urban land through regeneration, renewal and development. Policy GA1.3 relating to the Quarters surrounding the city centre core states that development must support and strengthen the distinctive characteristics, communities and environmental assets of each area. For the Jewellery Quarter (JQ) it seeks to create an urban village supporting the areas unique heritage with the introduction of an appropriate mix of uses and radically improved connections to the City Centre Core.
- 7.5 Policy TP21 'The network and hierarchy of centres' supports proposals for main town centre uses within allocated centres, to ensure the vitality and viability of these centres. The site falls within the City Centre Boundary for main town centre uses but falls outside the Jewellery Quarter local centre. The city centre boundary is however the focus for such uses, according with Policy TP21. Policy TP24 states that a mix of uses as defined by TP21 will be encouraged where they are consistent with the scale and function of the centre. With regard to the JQ ground floor commercial units outside of the local centre, can be supported where part of a mixed-use development
- 7.6 The site lies on the edge of the designated Jewellery Quarter Neighbourhood Plan area. The Neighbourhood Plan (NP) has been to examination but has not yet been to Referendum and is not a 'made plan'.
- 7.7 Notwithstanding this, the Draft Neighbourhood Plan (NP) is a material consideration in this decision-making process and the weight to be given to it is set out in paragraph 48 of the NPPF. Factors to be considered to the weight to be given to the NP include the stage of preparation of the plan and the extent to which there are unresolved objections to relevant policies. Therefore, in this instance the plan can be afforded weight in the decision-making process.
- 7.8 The site does not fall within the identified creative district, thus the Policies within chapter 1 do not apply. There are no historic buildings within the site and no existing jewellery based businesses would be lost as a result of development. Therefore, the

principle of a mixed commercial and residential led development can be supported by the NP, outside of the creative quarter.

- 7.9 POLICY 2(h): 'Major development providing new workspace for the creative industries' states that *"proposals for Major Development should provide flexible workspace suitable for creative industry businesses. This suitability should be demonstrated by providing amenity, size and configuration suitable for these occupiers, and be provided on-site wherever possible or otherwise within the Neighbourhood Plan area. Where Major Development is residential-led, 50% of the commercial space proposed should be allocated to creative industry businesses"* At examination the inspector suggested amendments to this policy removing the 50% requirement to *"a proportion of the commercial space proposed should be allocated to creative industry businesses; the proximity of which to the Creative District should be a consideration"*. Class E floor space is provided within the ground floor of the proposal, however the floorspace is not allocated to a specific use but given a flexible E class use which would allow the unit to be used by a number of the E class creative industries as identified by the plan. In addition the site lies on the very edge of the designated NP area, away from the creative quarter.
- 7.10 The NP design Policies are discussed later.
- 7.11 Therefore, the principle of the use proposed is generally supported by the Policies of the Draft NP.
- 7.12 Some objections consider the commercial premises outside of the JQ local centre to be detrimental. However, for the reasons given above, mixed use development within the city centre boundary is supported.

The provision of Housing

- 7.13 Policy TP27 of the Birmingham Development Plan highlights the significance of housing and its importance in the creation of sustainable neighbourhoods; and how this is underpinned by the provision of a wide choice of housing sizes, types, and tenures to ensure balanced communities are created to cater for all incomes and ages. Policy TP28 'The location of new housing' requires new residential development to be well located listing several requirements a residential development site should meet. The application site is an appropriate location for housing, in accordance with this policy
- 7.14 TP30 requires proposals for new housing to deliver a range of dwellings to meet local needs and support the creation of mixed, balanced and sustainable neighbourhoods in accordance with the most recent housing market assessments.
- 7.15 POLICY 2(d): 'Diversity in residential space including affordable housing' of the Neighbourhood Plan (NP) requires, residential development to providing a wide choice of housing sizes, types and tenures and cater for a range of affordability needs and ages it also requires that *"the Gross Internal floor area and Storage area of all dwellings shall meet the nationally described space standard as a minimum"*.
- 7.16 The development delivers a broadly even mix of one and two bedroom apartments with a small proportion of three bedroom apartments, 208 no. one-bedroom apartments 185 no. two-bedroom apartments including 11 no. two-bedroom duplex apartments, 21 no. three-bedroom apartments (50% 1-bed; 45% 2-bed and 5% 3-bed).

	1B1P	1B2P	2B3P	2B4P	3B5P	Total Number
Block A	4	0	8	8	0	20
Block B	22	10	35	9	5	81
Block C	16	5	20	24	0	65
Block D	0	9	5	16	0	30
Block E	27	0	4	4	0	35
Block F	5	34	0	8	0	47
Block G	34	9	4	19	6	72
Block H	25	8	0	21	10	64
Total	133	75	76	109	21	414
Mix %	32%	18%	18%	26%	5%	
Mix %	50%		45%		5%	

Table 1. Showing accommodation schedule

- 7.17 The proposal delivers a total of 414 units of residential accommodation on a brownfield site, within a sustainable location, helping to deliver housing in accordance with the government's commitment to significantly boosting the delivery of housing and would assist in meeting the shortfall in the five-year housing land supply. This weighs in favour of the application.
- 7.18 Whilst the mix of housing fails to provide a significant number of larger units of accommodation (3+ bedrooms), the mix is weighted evenly between 1 and, 2 and 3 bed units. This mix can be supported in a City Centre location, on a site of this character given that the proposal adds to the mix available across the City. The Housing Economic Needs Assessment (HEDNA) (2022) considers that it is appropriate that "the Council recognise the role of Build to Rent (BTR) development and develop a policy supporting it, which specifies the types of locations where such development is encouraged". It goes on to suggest that "BTR is expected to be in the Central sub-area based on the demographics of those areas. These areas are also well connected to local services and transport, this would also support the night-time economy".
- 7.19 Overall, Policy PG1 and GA1.3 support development proposals in identified sustainable growth areas such as this. The site is sustainably located with access to facilities and service by sustainable modes of transport and the proposal provides a satisfactory mix of housing adding to the types of accommodation available across the city in accordance with TP27, TP28 and TP30. Overall, the principle of the proposed redevelopment of the site for residential purposes can be supported.

Design

- 7.20 Policy PG3 of the BDP (2017) advises that all new development must ensure high quality design. It states that development should create a positive sense of place and local distinctiveness; design out crime and make provision for people with disabilities; encourage people to cycle and walk; ensure spaces are attractive and functional in the long term; integrate sustainable design; and make the best use of existing buildings and efficient use of land.
- 7.21 POLICY 2(a): 'Authenticity in the Jewellery Quarter' states that Development in the Jewellery Quarter Neighbourhood Plan area must retain and maintain its historic and cultural character and integrity relevant to its site and context. Development should contribute to the Jewellery Quarter's unique character and function, and demonstrate how it respects, conserves and enhances the existing scale and grain of the built environment, and the unique mixture of uses present. Proposals which support and enhance the variety of jewellery, design and making uses are encouraged.
- 7.22 Firstly, the proposal removes the existing unsightly car garage buildings and means

of enclosure. This is a positive move. The proposed building layout then reintroduces back of pavement blocks which create a suitable landmark at the junctions of Newhall Hill and Camden Street two important routes into the historically significant Jewellery Quarter from a major road in to the City Centre (Sandpits/Parade), making this site a gateway location.



Figure 1. showing ground floor block plan

- 7.23 The proposal creates pedestrian links from Camden Street through the development to Newhall Hill with a publicly accessible courtyard with the centre of the larger block. There are other smaller private spaces within the Camden Street block also. Therefore, the proposal is better connected and more permeable that the existing gated car sales garage. These spaces and street frontages are also well animated by a mix of commercial and residential frontages.
- 7.24 It is acknowledged that the proposed ‘edge’ blocks are larger in footprint and height than the historic buildings in the area. The proposed grain of development also follows street edges, being less linear than typical Jewellery Quarter plots. However, being back of footpath with a tight grain is characteristic of the historic Quarter.
- 7.25 The supporting Design documents set out a clear rationale to how this development responds to the historic character of the Jewellery Quarter, as well as the character of the city centre proper, which the site directly interfaces with. Through bands of scale, ‘Traditional’, ‘Transitional’ and ‘Edge’.



Figure 2. showing bands of scale

- 7.26 The four building typologies proposed sit within each of the corresponding zones. ‘JQ’ buildings within the ‘Traditional’ lowest band of development scale, situated

furthest in to the Quarter in a context of traditional scale buildings. 'Factory' and 'Special' within the 'Transitional' band where scale rises and 'Edge' buildings within the 'Edge' band of greatest scale, reflecting the scale of buildings on the opposite side of Sandpits, of City Centre Scale. The materiality (predominantly red/orange brick and terracotta), form and architectural detailing whilst differing between typologies is consistent, allowing the blocks to be read as one comprehensive high-quality development.



Figure 3. traditional buildings in JQ scale

- 7.27 The 'traditional' buildings are smaller scale buildings around Sloane Street incorporating dark and red brick buildings which includes in some parts of the façade alternating dark brick decoration.



Figure 4. Factory Typology in 'Transitional' scale

- 7.28 The Factory Buildings take reference from late 20th Century large scale industrial buildings and include red brick facades with alternating projecting brickwork and composite windows. The roof is designed to sit below an upstand parapet with a zinc standing seam roof finish.



Figure 5. Special building in transitional scale

- 7.29 The Special Buildings sit on the site of the former Hardman & Co Stained glass works, and this is referenced through the use of colour and reflection in glazed terracotta facades. Building A (shown above), adjacent Newhall Hill, is finished in a blue vertical terracotta panel that alternates. Building C (not shown) is a green glazed vertical wave terracotta



Figure 6. Edge buildings on City interface

- 7.30 The Edge Buildings are more aligned to the City Centre and are effectively a 'scaled up' version of the JQ buildings. Using the same red and dark brick material, with projecting brick detailing and green terracotta used at the ground floor and around entrances.
- 7.31 The design approach is supported by City Design colleagues who consider the layout, scale and architecture of the proposal to be compatible with the city fringe edge of the Quarter.
- 7.32 The proposal does offer up soft landscaped areas, traditionally in the Jewellery Quarter hard landscaping is utilised to reflect the Quarters industrial past. However, this proposal introduces soft landscaping and natural drainage in integrated SUDs. The use of these strategies is positive and of high quality, making for an attractive, liveable environment. The hard surfacing around the edge of the buildings, within the highway use a traditional blue paver. A landscape management plan should be required via condition to ensure these areas are maintained.

- 7.33 This landscape strategy aligns with the vision of the emerging 'Our Future City Plan', seeking to create a city of nature. In addition, the development sits alongside a stretch of Summer Hill Terrace that forms part of the Jewellery Quarter Development Trust's (JQDT) aspiration to form a new area of public realm. The main frontage along 'the Edge' is one of three 'Visioning Studies' in the Draft NP with the Newhall Hill junction identified by Policy 3d as a 'Gateway Node'. This application will contribute towards the viability and desirability to deliver this.



Figure 7. landscape strategy

- 7.34 Conditions should be utilised to secure detail and ensure high quality delivery that makes this development acceptable in its context. Whether this is compatible with the conservation area is discussed below. Overall, the design of the proposals sees the redevelopment of a poor quality, brownfield site, with a high quality, well considered development, making efficient use of the land.

Impact upon heritage assets

- 7.35 Policy TP12 of the BDP states that great weight will be given to the conservation of the City's heritage assets and that development affecting a designated or non-designated heritage asset or its setting, will be expected to make a positive contribution to its character, appearance and significance.
- 7.36 The site is located with The JQ Conservation Area where the relevant Character Appraisal and Management Plan SPG identifies the special interest of the JQ, provides a definition of its character and a management plan for its preservation and enhancement. It divides the conservation area into eight sub areas and the application site is shown as being within the Industrial Fringe. The CAMP describes the varied character of this area and highlights the 'alien' use of materials in the southwest portion, the application site and its buildings are a prime example of this later modern development that sits at odds with the special character of the wider Conservation Area.
- 7.37 The Conservation Officer describes how *"the historic tight urban grain and traditional buildings of the JQ are all but lost on the site and the existing buildings do not contribute to the character and appearance of the conservation area and currently have a negative impact...The buildings do not properly enclose the streets and allow for adjacent sites (never intended to be viewed) to feature strongly in the conservation area. As it stands this site poorly terminates vistas into and out of the conservation area, from both Camden Street and Newhall Hill, does little to mark a corner site and gateway entrance into the JQ and has a deteriorated legibility of the approach to what is a highly significant area of the city"*. The Heritage Impact Assessment (HIA) states that the existing buildings are of no significance and due to

their negative impact on the Conservation Area the demolition of the existing buildings is acceptable. The Conservation Officer agrees with this position.

- 7.38 The 2002 Conservation Area Appraisal and Management Plan limits the height of new development to four storeys with a slight relaxation for sites on the fringe of the area *“except in the City Fringe building height in the conservation area is limited to a maximum of four storeys. In some contexts, however three or even two storeys may be more appropriate”*. This position is also supported by the draft NP Policy 4(b). The proposed development is significantly higher than this in part. The supporting HIA and design documents justify the proposed heights as reflective of the northerly and more contained parts of the site (traditional) on Sloane Street and Camden Street at between 3-4 with an increase to the southerly parts, moving down Camden Street (transitional) with an array of buildings ranging in height from 4-6 storeys and onto the frontages to Sandpits (edge) where the buildings rise to 7, 8 and 9 storeys. At these key frontages the increased height is considered in the HIA to be able to contribute to the formation of a gateway to the JQ and create an inter-face with larger scale of the city centre development, and in this specific context this is acceptable.



Figure 8. showing transition of scale

- 7.39 The Conservation Officer summarises that *“if we are to depart from conservation area policy on heights then some minor harm to the designation as a whole should be acknowledged and this is generally the position reached on other developments in the JQ which have exceeded policy height. I do consider that the heritage benefits of this scheme to this part of the conservation area through the removal of uncharacteristic and harmful built form, the regeneration of gap sites, reinstatement of built form at back-of-pavement and newly created passageways and courtyards offer a significant enhancement to the character of the Industrial Fringe and to the conservation area as a whole.”*
- 7.40 The design of the buildings have been clearly considered in context to reflect the historic and traditional typologies of the JQ and how these respond to specific areas of the site, streets, existing buildings, inter-faces with each other and outer areas. The Conservation Officer considers the building forms, typologies, design and materials proposed are acceptable in approach to the character and appearance of the conservation area.
- 7.41 The application site is also within the setting of several listed buildings including Sloane House (1-7 Sloane Street), 3 Summer Hill Terrace, 16 & 17 Newhall Hill and the Greek Orthodox Cathedral, all of which are listed grade II. With regard to impact

upon these assets the Conservation Officer concurs with the supporting Historic Impact Assessment and concludes that in all instances development of the site would have a beneficial impact upon the setting of these buildings.

- 7.42 The proposals are a contextual response to the setting of Sloane House and by reinstating built form to Sloane Street at an appropriate and characteristic scale the new development is considered to be an enhancement to the setting of this asset. The closest block to No.3 Summer Hill Terrace (Block H) is not considered to present any significant challenge to an appreciation or understanding of this assets significance and development is in a manner more consistent with the three- and four-storey buildings which framed its plot in the late 19th century, the proposal would help to re-contextualise the building and its historic associations with this part of the JQ and improve the setting of the listed building. This is the same position reached in relation to the Greek Orthodox Church whereby it is concluded that any existing views of the listed building looking west along Sandpits are not designed, significant or historic views and the reinstatement of built form along this part of sandpits would help to re-contextualise the building and its historic associations with this part of the JQ and improve the setting of the listed building. The proposals will not directly affect Nos.16 & 17 Newhall Hill but offer enhancements to its wider physical setting by removing detracting features and reinstating denser built form that completes the streetscape more effectively and therefore improve the setting of these listed buildings.
- 7.43 The scheme was presented to the Conservation and Heritage Panel (CHP) in June 2022, during the pre-application phase. The panel concluded that *"The provision of a new residential neighbourhood with new connections and public spaces between a tight urban grain and of new characterful buildings is applauded. The architecture and detailing should be given further consideration to ensure rational concepts are arrived at, but otherwise this will deliver real heritage led regeneration"*.
- 7.44 The identified limited harm to the Conservation Area as a result of scale, should be weighed against the public benefits of the proposal in accordance with Paragraph 202 of the NPPF. There have been several neighbour objections in relation to the scale of development and its impact upon the conservation area, citing that Policy restricts height. The conflict with Policy is noted above and the identified limited harm will be weighed against the benefits of the scheme as required by Policy.

Archaeology

- 7.45 The initiation Archaeology Assessment was not considered acceptable. The Conservation Officer stated they need to further consider what was on site, what is significant, what is likely to survive, how will it be impacted upon and what the proposed mitigation will be. An updated Archaeology Assessment has been provided and found to be acceptable subject to conditions requiring further intrusive investigations.

Residential Amenity

- 7.46 Policy DM10 and DM12 of the DMB (2021) requires that development would not have a significant adverse effect on the privacy or amenity of nearby residents and occupiers of adjacent buildings and the amenity of the occupiers of the proposed development would not be adversely affected by activities within the vicinity of the site. This policy also requires the proposed development to meet nationally described space standards.

Daylight/sunlight and Overshadowing Assessments

- 7.47 The application is supported by a daylight, sunlight, and overshadowing assessment. The report considers the amount of daylight/sunlight entering the proposed development as well as potential overshadowing to neighbouring property.
- 7.48 The results demonstrate that 42% of the habitable rooms tested within the proposed

development, meet the BRE guidelines for internal sunlight. For neighbouring properties 77% of windows tested met the guidelines for daylight and 94% met guidelines for winter sunlight.

- 7.49 Whilst the development falls below the numerical guidelines for both internal light and light received by neighbouring properties. The report sets out justification. The guidelines themselves set out that light is only one factor, and in some contexts some obstruction to light may be unavoidable. This includes the development being within a dense urban environment, the majority of the rooms falling below standards being north facing and the tight grain of the development being informed by its location within the conservation area where this dense pattern of development is acceptable. In addition, the report sets out that standard window proportions are used to reflect the character of the JQ, therefore larger and full height windows which would allow more light in to the proposed development have not been utilised. This justification is accepted, as a development informed by these guidelines alone, would be unlikely to properly reflect the character of the area.

Amenity

- 7.50 The proposed development meets Nationally Described Space Standards and both internal and external amenity space is provided. Internally, residents have access to a winter garden, shared work space, gym and shared lounge areas. There are also private external courtyard spaces and roof terraces.
- 7.51 Separation distances between the proposed buildings are tight, for example between blocks A and B the separation is around 7.5m. However, windows on the side elevation of block A are mostly secondary or are not directly opposite another habitable window. There is however a window-to-window separation on this tight scale, between bedrooms, however this is the only example across the development. Across the courtyard of blocks B and C the shortest separation is around 14m, however this is not direct and increases up to a separation of 27m. The separation between blocks C and D is around 11.5m and across the courtyard of D and E is around 12m and the courtyard between block F and G is around 11.5m. This is generally in line with other developments in the JQ where there has been an attempt to reinstate the urban grain and density. The width of the existing highway along Camden Street is approx. 12m, Newhall Hill around 14m and Sloane Street 10.5m, demonstrating that the proposed separations are consistent with the grain of the JQ.



Figure 9. Showing Block References

- 7.52 There are residential properties opposite the proposed development along Sloane Street. These are newly constructed and have habitable windows facing out across

the highway. These would be in close proximity to the proposed development with a window to window separation of 11m. However, given both developments are situated at back of footpath, as its characteristic of the JQ this separation distance is anticipated and acceptable in this historic environment.

- 7.53 The Photographic Works is also a newly constructed residential building, adjacent to block H on Camden Street. The developments are of the same height and have blank flanks, the proposed development does not extend beyond the rear of the adjacent newly constructed development. Therefore, these adjacent developments have little opportunity to conflict with regards to amenity.
- 7.54 There are residential developments across Sandpits, however this is a wide busy B Road. The separation distances are adequate to protect the residential amenity of these properties with regards to overlooking.
- 7.55 There are residential buildings to the east of Newhall Hill. The proposed block (Block B/C) here is 8 storeys with the opposite existing apartment being 4 (with a plinth and 5 storey corner). The return of this block along Newhall Hill is 5 storeys, with the 6th up to 8th floors of the proposed development situated at the junction on Newhall Hill and Sandpits. There is a roof terrace proposed on the 5th floor, however this is enclosed within a parapet wall, preventing unacceptable loss of privacy to the neighbouring residential property.
- 7.56 There is a residential building to the north of block A, this adjacent premises has habitable room windows along its flank facing on to the application site. Block A is around 12m from these windows. Block A at ground floor has commercial units with glazed openings that would face this neighbouring property. However, the neighbouring property is at a higher ground level and with proposed landscaping separating the premises this is not considered to cause a loss of privacy. Some of the windows are secondary windows to living rooms which have primary windows to the front and rear of the building. Proposed block A is 4 storeys and does have proposed habitable windows on the elevation facing this neighbour. However, these separation distances are common in the JQ due to the character of the area and affect a limited number of windows in the adjacent property.
- 7.57 There is a residential scheme under construction off Sloane Street granted consent under reference 2017/00002/PA (known as Pyramid Works). The proposal is in a mews arrangement, with long flank walls that abut the application site. The SW elevation is blank, with single aspect units facing into the site. However, the southern boundary has habitable room windows facing out across to the application site, where the proposed public courtyard is. There are habitable room windows within the proposed development within Block A, C and D that would face these windows across the courtyard. None of these views are direct window to window and the separation is at its closest 14m up to around 22m. Given the angles and the separation distances this is considered to protect privacy.
- 7.58 There are 5 roof top garden areas, split across block B&C and F&G amounting to around 500sqm of private space, in addition to a ground floor private garden of 467 sqm between block F, G&H and a private ground floor garden of 340sqm between block D&E. Totalling around 1,307 sqm of private outdoor amenity space. See figure 7 for ground floor landscaping strategy.
- 7.59 There is also a publicly accessible 'pocket park' to the rear of block G&H off Camden Street and a large publicly accessible square between blocks A, B&C. The development could create greater private space by gating the development. However, the benefits of having new routes through the development, and new open spaces with the JQ, activated by commercial uses is beneficial, and can still be used by residents to access open space whilst also having access to private space, throughout the development.
- 7.60 Therefore, notwithstanding the concerns raised in relation to residential amenity by

objectors it is considered that the proposal would provide acceptable levels of residential amenity for neighbouring residents, as well as for potential future occupiers, in accordance with Policy DM2 and DM10 of the DMB (2020).

7.61 Sustainable Construction

- 7.62 The Guidance note on Sustainable Construction and Low and Zero Carbon Energy Generation (2022) provides guidance to developers on how to achieve the requirement of Policies TP3 and TP4. This sets out that residential development building regulations came into effect this year. From 15th June 2022 all domestic development must achieve at least a 31% reduction in carbon dioxide emissions compared to the 2013 Building Regulation (Approved Document Part L) standards. For nondomestic buildings this figure is 27%. Policy TP3 of the adopted Birmingham Development Plan requires that development should seek to maximise energy efficiency and carbon reductions. Development proposals should therefore seek to achieve a betterment over the baseline national requirements against the Target Emission Rate (TER) of the 2021 Edition of the 2010 Building Regulation (Part L) where possible and where viable.
- 7.63 For non-domestic development the policy requires development to aim to meet BREEAM standard Excellent. Where this is not achieved, the applicant should provide justification and support this with a financial viability appraisal. The non-domestic floorspace proposed for flexible E use is less than 1000sqm and so would not trigger the requirement of BREEAM Excellent. With all of the commercial development contained to one parcel of land less than 0.5ha.
- 7.64 With regards to the residential elements of the proposal and Energy Statement has been submitted which sets out the fabric first approach taken to reach a 27% carbon reduction from baseline levels through the use of energy efficiency measures and LZC technologies (air source heat pumps). The proposal demonstrates a 33% improvement against TER set by Part L of Building Regulations.

Transportation

- 7.65 Policy DM14 (Transport access and safety) defines that development must ensure that the development would not have an unacceptable adverse impact on highways safety, safe convenient and appropriate access arrangements are in place for all users and that priority is given to the needs of sustainable transport modes.
- 7.66 Transportation have no objection to the proposal, commenting that the development will lead to a significant reduction in vehicle trips from the previous car dealership, offering a major highway improvement. Servicing will continue from on-street with various locations around the site in accordance with existing TRO's or with amendments to TRO's.
- 7.67 There are no private parking spaces proposed, which is in accordance with the Parking SPD (2021) and 324 cycle parking spaces (70%) which was discussed at pre-app in accordance with the transitional arrangement of the Parking SPD.
- 7.68 There are parts of the public highway that appear to be within the redline ownership of the applicant. Plans have been provided overlaying the extent of the highway and the ownership boundary. Transportation have been provided with these plans for comment as to whether new highway could be created, or whether the boundary needs to be defined with materials change or studs, and/or possibly historic BCC HMPE limit records that might not be correct and need amended rather than formally stopping-up highway. In any case Issues of ownership are not a planning matter which the highway authority can deal with separately to the planning permission as the overlap in ownership does not create any planning issue. An informative can be added to any decision relating to the need to enter in to a s.278 agreement to carry out works within the highway (both in and outside of the red line) and a resolution to formally stop up the public highway where necessary, can be included within any legal agreement.

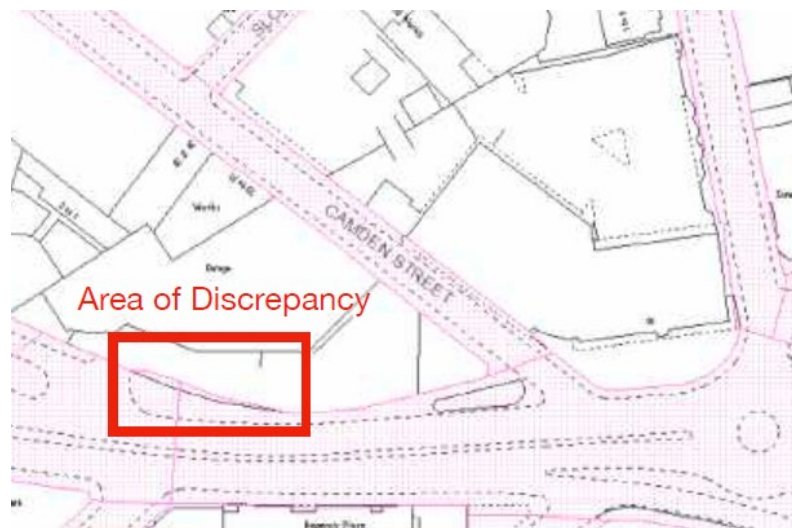


Figure 10. extent of Highway within application site

- 7.69 The proposed drawings show the creation of a publicly accessible courtyard, whilst this would be publicly accessible it would not become adopted highway and it maintainable at the developer's expense. The plan however does show footpath improvements to the boundaries of the site, replacing the surfacing with blue brick. This material is reflective of materials found within the JQ and from a planning perspective is welcomed. However, as its delivery is outside of the red line and within the highway this will need to be secured via a condition.
- 7.70 Whilst some objections received to the scheme comment on impact upon traffic, this is not considered by highway colleagues to be likely. There was concern expressed over lack of parking and the impact upon on-street parking. However, the proposal complies with the Council's parking guidance for the city centre location and therefore, whilst these objections are acknowledged there is no sound planning reason to refuse the application due to impact upon the Highway or parking provision. Furthermore, the objection to the location of cycle parking is noted however, there is sufficient cycle storage proposed for the development as a whole, located in safe secure positions.

Environmental Protection

- 7.71 Policy DM2 (Amenity) expresses that all development will need to be appropriate to its location and not result in unacceptable adverse impacts on the amenity of occupiers and neighbours.

Contaminated land

- 7.72 The application is supported by a phase two site investigation report. A number of boreholes and trial pits have been undertaken and ground gas analysis and sample collection for chemical evaluation has been completed, the report concludes that mitigation is required and should therefore be required by condition, a remediation strategy is also required.

Air Quality

- 7.73 The site is located both within an Air Quality Management Area (AQMA) and the Birmingham Clean Air Zone (CAZ). The application is supported by an air quality assessment, the EHO concurs with the report that there will be no adverse air quality impacts associated with this new development. The primary concern was the potential for existing adverse air quality impacting on the new residential units. The assessment is based on a baseline year of 2019 and indicates that existing air quality will not result in an adverse impact on the proposed development and this is accepted.

Noise

- 7.74 The application is supported by a noise impact assessment, the methodology used within the assessments provided in the report are not accepted by Environmental Health Officers. Nonetheless, it is proposed that background ventilation is to be provided by either whole-house MVHR or constant mechanical extract ventilation (MEV) with trickle ventilators in window heads. EHO agree this is a suitable method of mitigation, however an overheating assessment will be required and can be secured via condition.
- 7.75 Notwithstanding the concerns with the noise impact assessment the EHO has reviewed other information available and has evaluated the use of the 'Vaults' premises, the internal layout and design and the distance between the bar and the proposed development (which is also shielded by an existing residential development) and it is concluded that any entertainment noise impact will not be of any significance to the proposed development.
- 7.76 In respect of the nursery noise impacts it is noted that Block F at the rear is fully screened by the nursery building itself from any impact from the play area and Block H extends the length of the nursery boundary. There are no windows on this facade and there is a significant existing boundary wall within the nursery site which would also act as a noise barrier. Therefore, there will be no adverse impact from the adjacent nursery.
- 7.77 The primary noise impact relates to road traffic noise and there is sufficient evidence provided to conclude road traffic noise would not be a reason for refusal of this application.
- 7.78 Commercial unit ventilation details are provided, however, this is not accepted as an appropriate solution. However, a suitable mitigation strategy can be sought via condition.
- 7.79 A number of neighbour objections raise concern with anti-social behaviour arising from the commercial premises. These premises are located around the courtyard and so are offered surveillance from residential properties and other commercial units. Furthermore, a scheme for CCTV will be required via condition, West Midlands Police make no objection to the proposal.
- 7.80 In addition, a number of objections raise concern with noise, pollution and damage to property during construction. However, a construction management plan condition will be required which should demonstrate how issues of noise, dust and vibration will be mitigated through the temporary construction period.

Flooding and drainage

- 7.81 BDP Policy TP6 'Management of flood risk and water resources' requires a sustainable drainage assessment and maintenance plan for all major developments. The scale of the proposal also requires a Flood Risk Assessment. BDP Policy TP2 'Adapting to climate change' and TP3 'Sustainable construction' states that new development should be designed and constructed in ways to conserve water and reduce flood risk, promoting sustainable drainage systems.
- 7.82 The site lies within Flood Zone 1 and is therefore appropriate for residential development. The existing site is extensively developed with impermeable areas (buildings and hard surfacing).
- 7.83 A drainage strategy has been provided which includes green/blue roofs, below ground attenuation, permeable paving and the use of rain gardens as methods of sustainable urban drainage strategies. The Lead Local Flood Authority do not object to the proposed strategy subject to conditions requiring construction detail and operation and maintenance strategy. Severn Trent raise no objections.

Ecology

- 7.84 Policy TP8 'Biodiversity and Geodiversity' requires all development, where relevant.

NPPF para 174 requires planning decisions to contribute to and enhance the natural and local environment, including minimising impacts on and providing net gains for biodiversity to support the enhancement of Birmingham's natural environment.

- 7.85 The existing buildings are of negligible ecological value for bats and birds. The small amount of existing soft landscape does provide a limited potential for nesting birds, but appropriate timing of any vegetation clearance would avoid any issues. The proposed landscape scheme has the potential to provide a net gain benefit and could be furthered with the inclusion of integrated bat and bird box features, therefore, this should be conditioned as well as a scheme for ecological enhancements and details of green/brown roofs and their ecological benefit.

Planning Obligations and Financial Viability

- 7.86 The BDP requires 35% affordable dwellings on site for developments of 15 dwellings or more. Either on site public open space or contributions towards off site provision for developments of 20 or more dwellings is also required by the Open Space in New Development SPD. 3.3 of the Jewellery Quarter Management Plan, states that where there is a deficiency of amenity space for residential developments, developers would be expected to contribute to the enhancement of the public realm.
- 7.87 The development is in a High Value Residential area and therefore the proposal is liable to a CIL payment of £2,402,846 (at the time of assessment).
- 7.88 The applicant has submitted a viability report with the application which has been independently assessed by the Council's independent viability consultant. The independent consultant concludes that the development can provide the following.
- 7.70% on-site Affordable Private Rented Units (32 units total)
 - 16 No. 1 bedroom apartments 22.5% Discount Market Rate
 - 16 No. 2 bedroom apartments 22.5% Discount Market Rate
- 7.89 However, to achieve greater affordability a greater level of discount can be applied however this results in less overall units.
- 5.3% on-site Affordable Private Rented Unit (total 22 units)
 - 11 No. 1 beds apartments 30% Discount Market Rate
 - 11 No. 2 beds apartments 30% Discount Market Rate
- 7.90 The difference in rental costs of the two are
- 7.71 Therefore, in this instance, given the high rental amounts it is considered that less units at greater discount would deliver a more truly affordable offer to residents.
- 7.72 The CIL payment reflects 36.5 units, based on a 22.5% discount from Market Rent this would reflect an equivalent on site affordable provision of 8.8%. Therefore, if no CIL payment was being made the equivalent cost added to the 7.7% affordable provision agreed in the FVA, equates to 16.50%, equivalent on site affordable provision.
- 7.73 Taken into account in the FVA are the costs of providing the public courtyard within the development and re-surfacing the public footpaths surrounding the development with blue brick paver, the costs of which are agreed within the assessment.
- External works / public realm improvements outside the boundary of £363,000
 - External works / public realm improvements inside the boundary of £2,030,000
- 7.72 BCC Education did not request any obligations towards school places as there is a surplus of spaces available within the vicinity.
- 7.73 Leisure services requested an obligation towards off site Play and Open Space of £875,375. This would be spent on the provision, improvement and /or maintenance of

POS in the Jewellery Quarter Cemeteries within the Soho and JQ Ward. However, given the above viability assessment demonstrates that the scheme is not able to support a policy compliant position, in this instance the money has been directed to Affordable Housing, which is considered to be the greatest priority at this time.

Other Matters

- 7.74 HSE Fire have made comments on amended plans and state that “following review of the information provided, HSE is satisfied with the fire safety design, to the extent that it affects land use planning”.
- 7.75 There is a piece of public art (heart padlock) within the boundary of the application site. The developer has commented that they are able to re-locate the public art back within the development. Therefore, this should be secured via planning condition.
- 7.76 Some objections raise concerns with devaluation of property and loss of view. These are not material planning considerations.

8 Conclusion

- 8.1 The proposed development accords with a number of Development Plan Policies, providing a residential development of high-quality design, which adds to the housing mix available across the City contributing to the shortfall in housing land supply, on a brown field site in a sustainable location. These factors weight in favour of the proposal.
- 8.2 However, the proposal also results in very low levels of less than substantial harm to a negligible adverse degree, to the Conservation Area a designated heritage asset. This weighs against the proposal and needs to be weighed against the public benefits of the development in accordance with the requirements of the NPPF and Policy TP12.
- 8.3 Following the three strands of sustainable development, the public benefits of the proposal are considered to be;
- Environmental
 - The removal of unsightly buildings that do not positively contribute to the character and appearance of the Conservation Area, and their replacement with, new, high-quality, well-designed buildings.
 - The creation of a entrance and gateway to the Jewellery Quarter.
 - The creation of new public open space and facilities.
 - Economic
 - creation of jobs in the construction phase of the project, and then in the operational phase of the project in the proposed commercial units.
 - Social
 - contribution to the supply of housing and affordable housing in the City Centre.
- 8.4 There are also a number of identified heritage benefits to the setting of surrounding designated heritage assets, which weight in favour of the application.
- 8.4 Overall, residential and mixed uses are supported by Policy GA.1.3, the site is within the City Centre growth area and would see the development of this brown field site, which currently has harm to designated heritage assets, with a high-quality residential development, supporting the delivery of the Council’s housing requirements. The benefits of the proposal are therefore considered to outweigh the identified harm.

9 Recommendation:

- 9.1 That consideration of planning application 2022/07459/PA be APPROVED subject to the completion of a planning obligation agreement to secure the following: -

a) No.22 affordable Discount Rent properties comprised of;

11 x Discount Rent – 2 beds @ 30% discount

11 x Discount Rent – 1 bed @ 30% discount

b) On site public realm improvements to a minimum cost of £2,030,000

c) That no objection be raised to the stopping-up of the parts of the public highway along Summer Hill Terrace/ Sandpits (shown on plan 'Camden Street – Hmpe shaded pink' EA-1035061) and that the Department for Transport (DFT) be requested to make an Order in accordance with the provisions of Section 247 of the Town and Country Planning Act 1990

d) Payment of £1,500 for the administration and monitoring of this deed to be paid upon completion of the agreement.

9.2 In the absence of a suitable planning obligation agreement being completed to the satisfaction of the Local Planning Authority on or before 16th May 2023, 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 legal agreement to secure affordable housing, the proposal conflicts with Policy TP31 Affordable Housing of the Birmingham Development Plan 2017 and Affordable Housing SPG

9.3 That the City Solicitor be authorised to prepare, seal an appropriate agreement under Section 106 of the Town and Country Planning Act.

9.4 That in the event of a suitable legal agreement being completed to the satisfaction of the Local Planning Authority on or before 16th May 2023, or such later date as may be authorised by officers under delegated powers, planning permission for application 2022/07459/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 | Implement within 3 years (conservation/listed buildings consent) |
| 2 | Requires the scheme to be in accordance with the listed approved plans |
| 3 | Requires the prior submission of a contamination remediation scheme |
| 4 | Requires the submission of a contaminated land verification report |
| 5 | Requires the prior submission of a demolition method statement |
| 6 | Requires the prior submission of a construction method statement/management plan |
| 7 | Limits the noise levels for Plant and Machinery |
| 8 | Requires the submission of details of the sound insulation for plant/machinery |
| 9 | Requires the prior submission of noise insulation (variable) |
| 10 | Limits out of operation for commercial uses |
-

11	Noise Assessment for commercial uses
12	Requires the submission of a Noise Mitigation Scheme
13	Requires the submission of a scheme for ecological/biodiversity/enhancement measures
14	Requires the submission of details of green/brown roofs
15	Requires the prior submission of details of bird/bat boxes
16	Requires the submission of sample materials
17	Requires the submission of architectural details
18	Requires the provision and agreement of a sample panel of building materials
19	Requires the submission of hard and/or soft landscape details
20	Requires the submission of hard surfacing materials
21	Requires the submission of a landscape management plan
22	Requires the submission of details of public art
23	Requires the submission of a CCTV scheme
24	Requires the submission of a lighting scheme
25	To ensure energy and sustainability measures are delivered in accordance with statement
26	Requires the provision of cycle parking prior to occupation
27	Requires the completion of works for the S278/TRO Agreement
28	Requires the prior submission of a sustainable drainage scheme
29	Requires the prior submission of a Sustainable Drainage Operation and Maintenance Plan
30	Requires the prior submission of a construction employment plan
31	Removes PD rights for boundary treatments

Case Officer: Rhiannon Hill

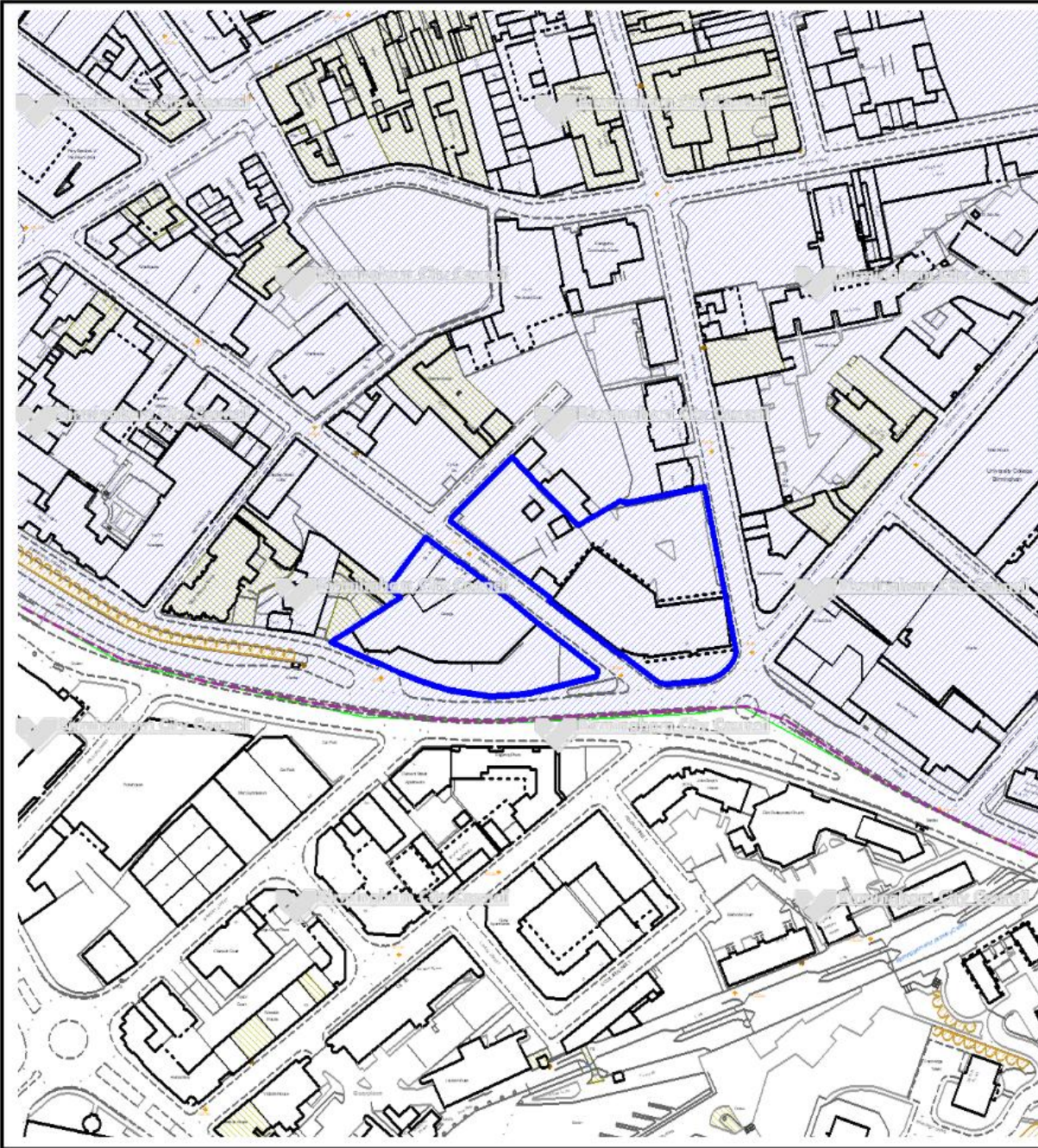
Photo(s)







Location Plan



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Birmingham City Council

Planning Committee

16 March 2023

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 – Subject to 106 Legal Agreement	11	2022/04441/PA 10-38 Birmingham Road Sutton Coldfield Birmingham B72 1QQ Proposed demolition of existing buildings and erection of commercial, business and service uses (Use Class E) and hot food takeaway (Use Class Sui Generis) at ground level and 75 apartments (Use Class C3) above, with parking, landscaping and all other associated works
Approve - Conditions	12	2022/07069/PA Northern section of former Hilltop Golf Course off Park Lane Handsworth Birmingham B21 8LJ Redevelopment of existing trails within Sandwell Valley Park and the redevelopment of part of the former Hill Top Golf Course and associated works including creation of bicycle tracks/course.

Committee Date:	16/03/2023	Application Number:	2022/04441/PA
Accepted:	01/06/2022	Application Type:	Full Planning
Target Date:	24/03/2023		
Ward:	Sutton Trinity		

10-38 Birmingham Road, Sutton Coldfield, Birmingham, B72 1QQ

Proposed demolition of existing buildings and erection of commercial, business and service uses (Use Class E) and hot food takeaway (Use Class Sui Generis) at ground level and 75 apartments (Use Class C3) above, with parking, landscaping and all other associated works

Applicant: Mercia Real Estate Ltd
C/o Agent
Agent: CarneySweeney Ltd
Crossway, 156 Great Charles Street, Queensway, Birmingham, B3 3HN

Recommendation

Approve Subject to a Section 106 Legal Agreement

1. **Proposal:**

- 1.1 This application seeks planning permission for the demolition of existing buildings at 10-38 Birmingham Road, Sutton Coldfield, and the erection of commercial, business and service uses (Use Class E) and hot food takeaway (Use Class Sui Generis) at ground level and 75 apartments (Use Class C3) above, with parking, landscaping and associated works.
- 1.2 The proposals comprise three separate buildings, between three and five storeys in height fronting Birmingham Road. The buildings would provide commercial floorspace at ground floor, served by an undercroft bin store and servicing, accessed from Birmingham Road. This would replace and enhance the existing commercial floorspace currently found at the application site. Residential access to the apartments above would also be provided from the Birmingham Road frontage. A commercial servicing bay would be introduced on Birmingham Road which would remove existing on street parking spaces.



Figure 1: Building 1 CGI image



Figure 2: Building 2 proposed elevations

- 1.3 The 12no. commercial units would range from 70sqm to 240sqm, however it is presumed that these could be subdivided or amalgamated as required by any prospective occupier. The commercial units would comprise contemporary shopfronts with large glazed frontages, fascia signage and awnings.

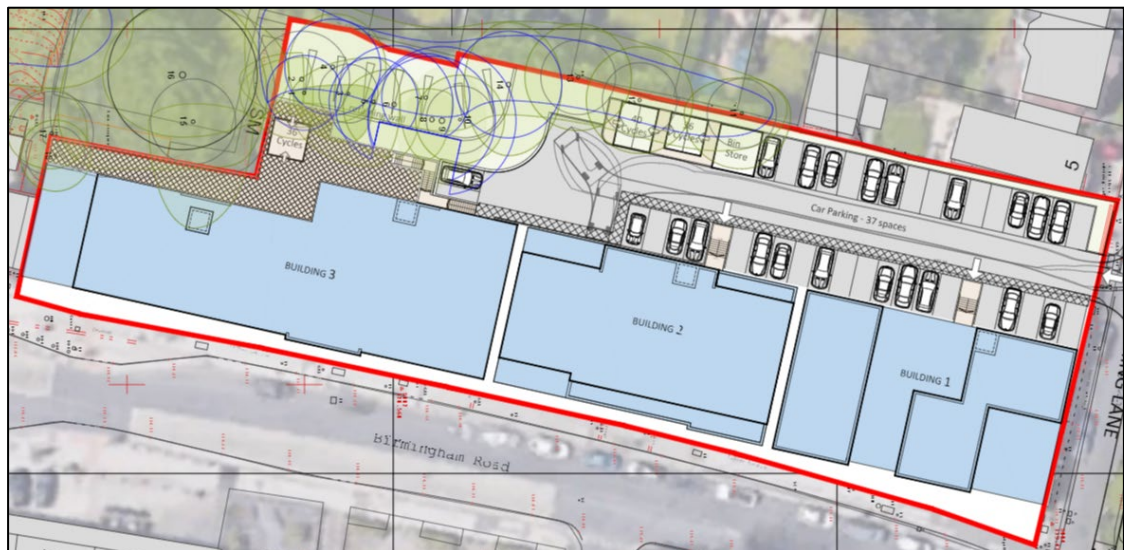


Figure 3: Proposed Site Plan

- 1.4 The residential accommodation would comprise a mix of 19no. one-bedroom apartments and 56no. two-bedroom apartments, including some larger duplex two bed apartments. These would average 50sqm for a 1 bed 2-person apartment and between 62sqm and 78sqm for a 2 bed 3-person apartment. The duplex apartments would be 2 bed 2-person apartments and would measure between 86sqm and 104sqm. These duplex apartments would benefit from balconies at the second floor, with some apartments benefiting from balconies located on the third floor.
- 1.5 The one-bedroom apartments would comprise a kitchen, bathroom, living / dining room, double bedroom and storage. The two-bedroom apartments would comprise a kitchen, bathroom, living / dining room, double bedroom with en-suite, single bedroom and storage. The proposed bedroom sizes would meet or exceed the minimum floorspace required by the Nationally Described Spatial Standards.



Figure 4: Typical Apartment layouts

- 1.6 The residential density of the proposals would amount to 187 dwellings per hectare.
- 1.7 The buildings would comprise a mix of materials including red brick slips, cladding and buff brick. Herringbone brick detailing would also be incorporated. Glass balustrading is proposed to enclose balconies fronting Birmingham Road with some projecting features located on the northern corner of building 1 at the junction with Farthing Lane. Vertical fenestration is proposed at the upper floors of the buildings to introduce an element of visual coherence amongst the variety of materials proposed.



Figure 5: Building 3 Proposed Elevation

- 1.8 No external amenity space is proposed to be provided however existing trees on the western boundary of the site are proposed to be retained and enhanced.
- 1.9 A total of 37no. car parking spaces would be proposed to the rear of the buildings and accessed from a vehicular entrance on Farthing Lane to the north of the site. A servicing area for the commercial premises would also be accommodated to the rear of the buildings. The car park would also provide a bin store and cycle storage.
- 1.10 The application is supported by the following documents: Planning Statement; Design and Access Statement; Noise Technical Note; Air Quality Technical Note; Transportation Assessment; Tree Survey and protection plan; Energy Statement; Preliminary Ecological Appraisal; Sustainable Construction Statement.

1.11 [Link to Documents](#)

2. **Site & Surroundings:**

- 2.1. The site is located on Birmingham Road and shares a junction with Farthing Lane. The site is located within Sutton Coldfield Town Centre and forms part of the Primary Shopping Area.
- 2.2. The application site comprises a number of one and two storey buildings in commercial use, including a gym, barbers, hot food takeaways, restaurants, estate agents, and nail salon. It is understood that there are some vacant units. The buildings are of a mixed appearance and visual quality, being constructed of various materials. To the rear of the site are a mix of yards and car parking which are accessed from existing entrances on Farthing Lane and Birmingham Road. To the front of the site is existing on street parking bays.
- 2.3. The site occupies an elongated frontage along Birmingham Road of approximately 0.4ha.
- 2.4. To the north lies the Brewhouse and Kitchen pub, on the opposite side of Farthing Lane. To the south lies a three storey 1930s building which comprises commercial uses on the ground floor and residential at the upper floors. To the west are existing dwellinghouses located on College Hill. To the east are commercial uses, including a six storey postmodern building, and Sutton Cottage Hospital. The site is subject to a considerable level change across the site, falling from east to west.
- 2.5. [Site location](#)



Figure 6: Aerial view (source: DAS prepared by BHP Design)

3. **Planning History:**

- 3.1. Various historic and recent minor applications for changes of use and minor alterations to the existing units at the application site.

4. **Consultation Responses:**

- 4.1. Transportation Development – recommend conditions for all redundant footway crossings to be reinstated; all highway works to be agreed with the Highway Authority and undertaken at the applicant's expense; fund the review of a TRO and implement changes to TRO; service management plan; pedestrian visibility splays; disabled parking spaces, Electric Vehicle charging points and secure & covered cycle parking to be provided; applicant to enter into Highway Works Agreement with the Highway Authority.
- 4.2. Regulatory Services – recommend conditions to secure contaminated land remediation and verification; electric vehicle charging point; noise insulation between commercial and residential uses; hours of operation for hot food takeaways; construction method statement / management plan; and extraction and odour control details. Regulatory Services raise concerns regarding the noise assessment submitted and the proposed mitigation recommended.
- 4.3. City Design – recommend conditions to secure public realm landscape works, site landscape works, details of boundary treatments and materials.
- 4.4. Conservation – no objection.
- 4.5. Trees – recommend conditions for requirements within pre-defined tree protection areas and tree pruning.
- 4.6. Ecologist – recommend conditions to secure a further bat survey; scheme for ecological / biodiversity enhancement measures; bird / bat boxes; construction ecological management plan; and biodiversity roof.
- 4.7. LLFA – recommend conditions for the implementation of the Drainage Statement and require the submission of a Sustainable Drainage Operation and Maintenance Plan.
- 4.8. Employment Access Team – no requirement for conditions.
- 4.9. Leisure Services – require a financial contribution towards POS and Play at Sutton Park within the Sutton Trinity Ward.
- 4.10. Severn Trent Water – recommend condition to secure drainage plans for the disposal of foul and surface water.
- 4.11. West Midlands Police – no objection.
- 4.12. West Midlands Fire Service – advise of fire safety requirements.
- 4.13. Royal Sutton Coldfield Town Council – “The Town Council would welcome in principle the re-development of this site with a suitable high quality mixed-use scheme. It is however of critical importance that this development is consistent with the key design policies in the Birmingham Development Plan and Masterplan SPD and helps achieve the vision for the regeneration of the town centre set out in the latter document. On the basis of the issues raised in this report the proposed design and layout does not conform with the key development principles and the Town

Council object on the basis that:

- (i) The proposed development is contrary to Policy PG3 in the Birmingham Development Plan and Big Move BE1 in the Masterplan SPD to encourage high quality sustainable design and placemaking. The proposed development by reason of its scale and massing would have an overbearing impact which would be detrimental to the character and amenity of the town centre and adjoining residential properties to the west
- (ii) There are significant concerns about the adequacy of the proposed parking, servicing and access arrangements in the report
- (iii) The Town Council also requests that in the event that, notwithstanding these objections, the City Council are minded to grant approval this decision should not be made until the further details requested in the report have been provided. These include the suitable block plan, sections and visual images referred to in paras 6.6 and 6.7 which should be the subject of further consultation and the other issues raised should also have been satisfactorily addressed.”

5. Third Party Responses:

5.1. The application has been publicised by a site notice and a press notice. Neighbours, Ward Member and MP notified. 64 representations objecting have been received making the following comments:

- The proposed buildings would be of unacceptable height.
- The proposals would result in instances of overlooking and loss of privacy.
- The proposals would result in the loss of light to existing dwellings and cause overshadowing.
- The proposals would result in the loss of existing views.
- The proposed demolitions, groundworks and construction would cause a nuisance in terms of noise, visual impact and dust.
- Risk of subsidence and structural instability of existing dwellings caused by development.
- The proposed parking provision is inadequate to serve the proposed number of residents and commercial units.
- The inadequate level of parking proposed would cause additional parking demand in surrounding streets.
- The proposal would put further strain on local infrastructure including schools, hospitals and GPs.
- The proposals would have an unacceptable impact on wildlife.
- The proposals would be out of character with the surrounding area.
- The proposals should incorporate Art Deco architectural style.
- Concerns raised regarding highway safety in respect of number of additional cars generated by the development and the impact that this could have on the free flow of traffic.
- Inadequate public consultation undertaken by applicant and Local Planning Authority.
- Likely increase in anti-social behaviour of burglary and public nuisance.
- Impact on values in the area.
- Lack of infrastructure and amenities within Sutton Coldfield Town Centre to support new residential communities.
- Redevelopment should be focused in Town Centre core which needs urgent renewal.
- Impact on trees protected by Tree Preservation Order.
- Risk of loss of existing businesses and retailers located at the site.
- Lack of affordable housing.

- The development comprises overdevelopment of an overintense density.
 - Royal status of the town is not being adequately considered in the design of new developments.
 - More policing required due to increase in number of residents and visitors to commercial premises.
- 5.2. 3 representations have been received supporting the scheme, making the following comments:
- The proposal will provide investment into the area and provide improved facilities.
 - Sutton Coldfield is suffering and declining and at risk of stagnation.
 - Existing buildings are dated.
 - Need to start here for Sutton Coldfield Town Centre to regain its potential.
- 5.3. Councillor David Pears objects on the grounds of the proposed heights of the buildings; the buildings would not fit in with the objectives of the Town Centre Masterplan as they lack character; inadequate parking would have an unacceptable impact on local congestion and on-street parking demand; additional retail units would have an adverse impact on existing vacancy rates within the Town Centre; inadequate electric vehicle charging points; need for further landscaping to improve street scene.
- 5.4. Sutton Coldfield Central Neighbourhood Forum object on the grounds that the character of historic Sutton Coldfield is being eroded and the proposals are of an unacceptable design. Services within Sutton Coldfield cannot accommodate more residents. The proposed development is out of place.
- 5.5. Sutton Coldfield Civic Society do not feel that the design is sympathetic to the area and whilst they do not object to the principle of redevelopment, they object to the height and mass of the proposals.
- 5.6. Our Town object on the grounds of the scale and mass of the building. Set backs should be included at the upper floors and high quality materials and details of architectural fenestration should be included within the planning application. CIL contribution should be made to improve public realm of Birmingham Road. Loss of trees should be mitigated. Support level of car parking proposed but raise questions regarding parking allocation to residents. Objects to no affordable housing. Our Town accept that there are positives to the development but conclude that the five storey element would be unacceptable and inadequate proposals are made for green infrastructure.

6. Relevant National & Local Policy Context:

- 6.1. National Planning Policy Framework: Chapter 5 Delivering a sufficient supply of homes; Chapter 7 Ensuring the vitality of town centres; Chapter 11 Making efficient use of land; Chapter 12 Achieving well-designed places; Chapter 16 Conserving the historic environment.
- 6.2. Birmingham Development Plan 2017: PG3 Place making; GA4 Sutton Coldfield Town Centre; TP3 Sustainable Construction; TP4 Low and Zero Carbon Energy Generation; TP6 Managing flood risk; TP8 Biodiversity and Geodiversity; TP9 Open Space, Playing Fields and Allotments; TP12 Historic Environment; TP21 The Network and Hierarchy of Centres; TP24 Promoting a Diversity of Uses within Centres; TP27 Sustainable Neighbourhoods; TP28 The Location of New Housing; TP30 The Type, Size and Density of New Housing; TP31 Affordable Housing.

- 6.3. Development Management DPD: DM1 Air Quality; DM2 Amenity; DM4 Landscape and Trees; DM6 Noise and Vibration; DM10 Standards for Residential Development; DM15 Parking and Servicing.
- 6.4. Supplementary Planning Documents & Guidance: Sutton Coldfield Town Centre Masterplan SPD; Birmingham Parking SPD; Birmingham Design Guide SPD; Shopping and Local Centres SPD.

7. Planning Considerations:

- 7.1. **Principle of Development and conformity with Sutton Coldfield Town Centre Masterplan** – The application site is located in the Sutton Coldfield Town Centre (BDP Policy GA4) within an identified ‘wider area of change’. It is also within the primary shopping area of Sutton Coldfield centre (BDP Policy TP21).
- 7.2. Policy GA4 supports the delivery of mixed-use residential and retail development. The policy also supports proposals to redevelop land within the town centre to create an improved retail and residential offer and encourages the redevelopment of the primary shopping area. Policy TP21 identifies Sutton Coldfield as a sub-regional centre and states that centres will be the preferred location for retail, office, leisure and community facilities. TP21 also supports residential development within centres having regard to the provisions of policy TP24, which encourages residential uses on upper floors. In the context of these policies, I consider the proposed E class and residential uses to be acceptable in this location. As Use Class E provides a large amount of flexibility, it is considered that any use which could be delivered as part of the scheme would have an acceptable impact on the vitality and viability of the town centre. It is noted that hot food takeaway (Use Class Sui Generis) uses would also be proposed at ground floor. Given that the site falls within the Town Centre, it is considered that such uses would be appropriate when considered against the guidance set out within Shopping and Local Centres SPD at Policy 1 which requires at least 55% of units at ground floor to be in commercial / retail use, and policy 4 which restricts hot food takeaway uses to no more than 10% of ground floor uses within a local centre.
- 7.3. The application site also falls within the boundary of the Sutton Coldfield Town Centre Masterplan SPD. The masterplan provides up-to-date guidance for the town centre and all proposals are expected to be in accordance with the vision, objectives, and principles set out for the individual projects. 10-38 Birmingham Road forms part of Project M “Birmingham Road” within the Sutton Coldfield Town Centre Masterplan. The guidance sets out that *“Opportunities to retain and develop active ground floor uses with possible residential provision above could be explored, ensuring a high standard of design and character is retained on this important gateway to the pedestrianised element of the town centre.”* I am of the view that the proposals would seek to achieve this aspiration for regeneration in this area of Sutton Coldfield Town Centre.
- 7.4. The guidance goes on to state that *“Capacity for height and bulk would need to be assessed based on immediate context and viability. Impact on the existing character of Birmingham Road would need to be carefully considered, and setbacks at upper levels could help to retain a human scale at street level. Frontage should be continuous with neighbouring properties to reinforce building lines.”* The principles noted here have been used to establish the appropriate scale and massing for the development. The proposed building would be 4 storeys for the most part with small elements of 5 storey, some of which are set back. Having considered this in the context of the surroundings, my colleagues in City Design and I consider this to be

acceptable and would have the benefit of regenerating this site and elevating the quality of the streetscene which is very inconsistent at present.

- 7.5. 37 car parking spaces would be accommodated to the rear with a high number of cycle parking spaces, that would not detract from the guideline to encourage sustainable travel. Taking all these factors into account it is considered that the proposal has adequately demonstrated that it would not be contrary the Masterplan SPD and its ambitions for Project M.
- 7.6. 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.
- 7.7. The Birmingham Development Plan became 5 years old on 10th January 2022. In accordance with NPPF paragraph 74, 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) of the NPPF is engaged and the tilted balance applies for decision taking.
- 7.8. **Design and Layout** – The proposed layout seeks to demolish the existing buildings at the site and to create a linear development of three buildings fronting Birmingham Road ranging from a height of one storey to five storeys. To the rear of the buildings, 37no. car parking spaces are proposed alongside bin stores and cycle stores. Servicing of the commercial units would take place from Birmingham Road, as per the existing arrangement, however a service corridor would be introduced to the rear of the buildings. A vehicular turning head would form part of the car park. The proposed layout is considered to make an efficient use of previously developed land in a sustainable location within the Town Centre.
- 7.9. The existing streetscape of one and two storey buildings has grown organically over time, resulting in range of building styles, proportions, roof forms, building lines, architectural features, detailing and materials (predominantly brick, with some render). Individual buildings are fairly ordinary, but the variety creates interesting street character.
- 7.10. It is noted however that the proposed development will comprise only three buildings delivered by a single developer, so there is a considerable risk that the development may appear bland and contrived. The proposals have taken inspiration from the existing streetscape with regards to the variety of scales, which range from one storey to five storeys, and the elevational treatments and materials. The applicant has consulted extensively with the Council's City Design Officers to ensure that the proposals would be fitting within this prominent gateway site within Sutton Coldfield Town Centre. City Design Officers recommended that the buildings should use a fairly simple palette of good quality facing materials coupled with detailing that articulates and creates architectural richness through variations in how the materials are used and by adding depth to the facades.



Figure 7: Proposed scale and massing looking south

- 7.11. With regards to building 1, this is divided vertically in to four bays, with buff brick used on recessed sections of the façade, which also use laminate cladding panels between windows and standing seam metal cladding at top floor. The building returns along Manor Road / Farthing Lane, where facing materials are buff brick, other brick and metal standing seam. City Design have been consulted and recommended amendments to the proposed materials and elevational details. An amended proposed elevation drawing and detailed information was submitted, to which City Design considered that the materials could be conditioned.



Figure 8: Architectural and material details of proposed buildings

- 7.12. With regards to building 2, The building uses predominantly brick on front façade, with one projecting bay in buff brick and with top (3rd) floor and part of 2nd floor set back by 2m and clad with aluminium flashings to create external terraces for apartments edged by clear glazed balustrades. Laminate cladding panels are introduced between some windows. City Design have been consulted and advise that there is good degree of articulation through recessed & projecting elements, although materials would need to be conditioned.
- 7.13. With regards to building 3, this building takes architectural cues from the adjacent 1930s building, with horizontal bands of brick between floors and recessed panels of different brick between windows, with windows and panels set back c.100mm from main façade. The top floor is standing seam metal. City Design have been consulted and they advise that the approach is generally successful, with the layering of the façade providing a strong architectural form. Conditions are recommended to secure materials.

- 7.14. It is considered that the application proposals would make a positive contribution towards the street scene and would elevate the prevailing character with a degree of consistency and high-quality materials and elevational treatments. The recommended conditions would be attached to any grant of planning permission.
- 7.15. In terms of the proposed scale of the buildings, this is considered to be appropriate in the context of the surrounding scale and mass of buildings in the immediate vicinity, which range from single storey to six storey buildings and include single homogenous blocks as well as detached buildings which are of a more unique architectural style. Given the varying levels across the site and at neighbouring sites, the scale is not considered to be overbearing or over-dominant from the Birmingham Road perspective. The scale, massing, design and appearance are considered to warrant this prominent location within Sutton Coldfield Town Centre at this gateway site and would achieve the ambitions of Project M of the Sutton Coldfield Town Centre Masterplan.



Figure 9: Proposed scale and massing looking north

- 7.16. **Housing Mix** – With regards to the mix of the proposed apartments, it is noted that the development would seek to deliver 19no. one-bedroom apartments and 56no. two-bedroom apartments. The recently published Housing and Economic Development Needs Assessment (HEDNA) sets out that the greatest need is for two- and three-bed homes. Recent completions have delivered high numbers of one- and two-bed units and the future need for one-bed is a fraction of what it is for two-bed units. This is particularly true within Birmingham City Centre. The affordable housing need identifies a more balanced requirement between one-bed, two-bed and larger dwellings. Within the context of Sutton Coldfield Town Centre, with infrastructure to support young families in the immediate area (schools, nurseries), it is considered that the larger proportion of two-bedroom apartments proposed as part of this development should be supported. Policy EC2 within the Masterplan encourages town centre living. It is considered that the mix of dwelling sizes within this development would be supported, in this sub-regional Town Centre.
- 7.17. The proposed density would amount to approximately 187dph. This is considered to be acceptable, in accordance with Policy TP30 of Birmingham Development Plan, on the basis that the site is located within the Town Centre which is a sustainable location with good access to public transport and local facilities and amenities.

- 7.18. **Historic Environment** – The existing buildings at 10-38 Birmingham Road are a collection of single and two-storey shop units. They range in date from the late 19th century to the 1960s, they are a varied group in contrasting styles. Some may have been built as domestic residences and later converted to retail use with shopfront extensions built in the front gardens. Whilst it is noted that they are an interesting streetscape, the Council's Conservation officer advises that they would not consider them to be non-designated heritage assets due to their lack of architectural interest and would be unlikely to be of historic interest either.
- 7.19. Whilst the site is located some distance from Sutton Coldfield's Conservation Areas, the site would be visible to and from the grade II listed former Odeon Cinema (now operating as Empire Cinemas), located at Maney Corner 200m south of the application site. The nearest heritage asset is the locally listed 'The Duke' public house on Duke Street, this is a well-preserved back street pub probably of late 19th century date. The Council's Conservation Officer has been consulted and they advise that the change in setting caused by the proposed development would not be harmful to the significance of the public house.
- 7.20. The proposals are therefore considered to be acceptable in respect of their impact on the historic environment.
- 7.21. **Landscape, Trees and Ecology** – The application proposals seek to deliver "an avenue of relatively small ornamental trees along the retail frontage" and that "the new retail avenue is designed to encourage social interaction with potential for seating areas, outdoor dining opportunities and flexible trading". A public realm drawing has not been submitted as part of the application proposals however it is considered that such proposals would address the requirements of Project M of Sutton Coldfield Masterplan SPD in principle, which sets out the need to improve the pedestrian environment along this section of Birmingham Road. It has been agreed that a condition should be attached to any grant of planning permission to secure the details of public realm planting, and the condition would require the prior completion of detailed ground surveys to confirm whether the delivery of tree planting would be in the ground or within planters.
- 7.22. To the rear of the site, the trees are covered by TPO 1615 which is an Area classification. The TPO was designated to ensure additional information could be provided but the designation is non-specific. It is understood that Area Orders are to be considered with pragmatism: not every tree will be appropriate for retention. The application proposal indicates that most of the trees would be retained however the location of the trees on the bank would warrant some removals.
- 7.23. The Council's Tree Officer has been consulted and raises no objection as some removals may have become necessary at some stage, irrespective of development. The proposal seeks to retain existing levels where feasible, which should permit sustainable tree retentions to some degree, and makes a positive contribution towards the amenity of the site. Retaining walls are proposed to support the bank. On this basis, no objection has been raised and conditions have been recommended to secure tree pruning and requirements within pre-defined tree protection areas.
- 7.24. The application has been supported by a Preliminary Ecological Appraisal which includes recommendations for general habitat enhancement and species-specific/faunal enhancement measures to include:
- Planting scheme to include native trees, shrubs and wildflowers (preferably of local provenance) and/or fruit bearing and flowering species of value to protected/notable species.
 - Installation of bird boxes on suitable trees along the western periphery and,

where practical, swift boxes below the eaves of buildings.

- Installation of bat boxes on mature trees or built structures (integral roost features such as bat bricks/tubes and/or bat access tiles).

7.25. The City Ecologist raises no objection to the proposals but has advised that additional details would be required to be secured by condition. Given that the application proposals incorporate a large footprint of flat roof, the potential for green roofs or photovoltaic panels should be considered further in respect of the site's potential contribution towards biodiversity net gain and low carbon development. The suggested conditions have been attached to this recommendation on this basis.

7.26. **Existing Residential Amenity** – The application site falls within the Primary Shopping Area of Sutton Coldfield Town Centre, which predominantly contains commercial floorspace. Immediately to west of the site are existing residential dwellings on College Hill and Manor Hill. The existing conditions of the site and its surroundings are accordingly taken into account in assessing the proposals impact on residential amenity.

7.27. The proposed development would achieve a minimum separation distance of 30m between windowed elevations of building 3 to the nearest dwellings located on College Hill, and maximum separation distances of 41m. The minimum distance between building 2 and rear windowed elevations of properties on College Hill would be 34m, and maximum separation distances of 41m. Due to the orientation of the nearest dwellings on Manor Hill / Farthing Lane, building 1 would face two storey flank walls only, achieving a separation distance of 27m. The closest dwelling on Manor Hill / Farthing Lane is a bungalow which would be concealed behind any boundary treatment. The separation distances would all exceed the requirements set out within the Birmingham Design Guide. It is also noted that there is a considerable level change from west to east, with the land on Birmingham Road sitting significantly lower than the properties on College Hill. The topography of the site is therefore considered to be sufficient to tolerate the proposed heights that the development seeks to achieve.

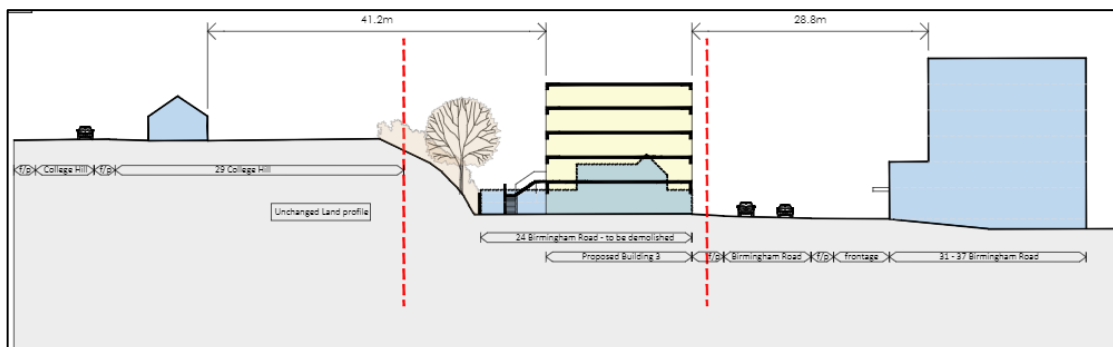


Figure 10: Proposed site section

7.28. In terms of the distances to existing site boundaries, it is noted that these are considerably less than the total separation distances and regard has been had towards the site context to understand the impact this could have upon residential amenity. As shown in figure 11 below, part of building 3 is just over 3m from the site boundary. More than 50% of the building at this location however would be single storey and therefore a flexible approach should be applied given the height of likely boundary treatments and so forth. Nevertheless, there is a pronounced level difference between the application site and neighbouring properties on College Hill. On this basis, it is considered that appropriate levels of residential amenity would be retained for existing occupiers.



Figure 11: Extract of Site Plan showing building 3 and site boundary

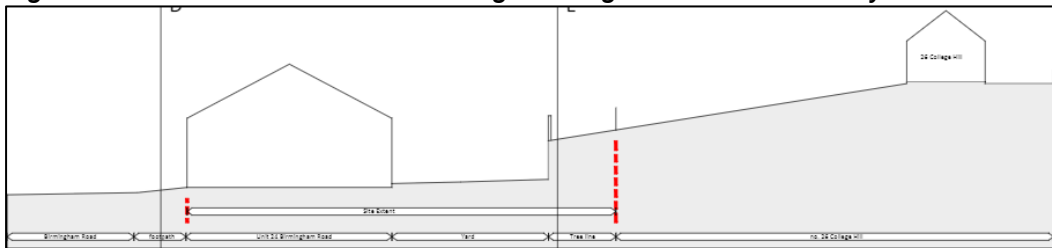


Figure 12: Existing site section

- 7.29. Given the proposed separation distances and level differences between the existing and proposed residential dwellings, I consider that it would be unlikely that any instances of overlooking would result in an unacceptable living environment for existing residents. It is therefore considered that existing levels of privacy of existing occupiers would be retained at the properties on College Hill.
- 7.30. Concerns raised by local residents are noted. Whilst the development would introduce residential premises on this site and even in its most intense use currently would not present the mass or scale of the proposed development, it is considered that the development would be unlikely to have a significantly adverse impact on neighbouring residential amenity, opposite residential properties. It is anticipated that, given the constraints of the site, there would be likely to be a protracted construction phase. On this basis, it is recommended by Regulatory Services that a condition to secure construction method statement and management plan is attached to any grant of planning permission.
- 7.31. **Proposed Residential Amenity** - The proposed residential floorspaces proposed in the one and two-bedroom apartments would achieve the minimum requirements for floorspace as set out within Policy DM10 of the Development Management in Birmingham DPD. The apartment layouts would appear functional with a good amount of outlook, achieving a good level of residential amenity.
- 7.32. The application site fronts Birmingham Road, a main route into Sutton Coldfield Town Centre. The surrounding area is known as "The Restaurant Quarter" of Sutton Coldfield Town Centre. It is therefore noted that there are commercial uses within the vicinity of the application site that could be cause an adverse impact on prospective residential amenity, with regards to the existing noise environment. A Noise Assessment has been submitted in support of the planning application which sets out that the noise environment generated by both the traffic noise and commercial uses on Birmingham Road would result in noise exceedances that would require sealed units on the Birmingham Road (eastern) façade. These units would have unopenable windows and would be mechanically ventilated. This would result in 42 units (56%) requiring appropriate noise mitigation to achieve an acceptable living environment.

The units on the rear (western) façade would not require such mitigation due to their distance from Birmingham Road.

- 7.33. Regulatory Services have raised concerns with the validity of the Noise Assessment on the grounds that it was undertaken during August 2020 and that as a result of covid restrictions, the results of any surveys would not be representative of the reality at the site. At the time of the surveys, the Government incentivised “Eat out to help out” scheme was running which resulted in high activity levels, which are understood to have been considerably higher than normal, given the existing conditions within Sutton Coldfield Town Centre. It has therefore been concluded that whilst there would be a benefit to a more up to date survey, the conditions identified within the noise assessment would be representative of a “normal” level of activity.
- 7.34. Regulatory Services have advised that it is their policy to recommend refusal for such mitigation when commercial noise is the reason. Whilst I am conscious of Regulatory Services concerns, on balance, given the wider benefits of the scheme, I consider that the proposed approach for the affected units to have sealed windows would be acceptable and can be further mitigated by a noise insulation scheme to be secured by appropriately worded planning conditions, which have been recommended to be attached to any grant of planning permission.
- 7.35. No communal external amenity space is proposed to be delivered as part of the application proposals. Five apartments would benefit from private balconies between 16sqm and 24sqm floorspace. Birmingham Design Guide sets out a requirement for 5-7sqm external amenity space per apartment under City Note LW13, resulting in a total requirement of 487sqm external amenity space. The Birmingham Design Guide goes on to comment at paragraph 2.48 that *“If proposals are seeking to gain support for amenity space below the City Council’s minimum standards, designs must clearly demonstrate how this reduction will not impact on the delivery of quality amenity space. This may form part of an innovative architectural design that creates a number of smaller spaces (garden, roof terraces, balconies and/or courtyards) that provide variety; benefit from sunlight at different hours of the day; and enable different residents to have private space.”* It is noted that Sutton Park is located approximately 0.4 miles to the west which would provide access to communal public amenity space, and the development proposals would offer town centre living.
- 7.36. The site is noticeably constrained with significant level changes and bank of existing trees to be retained. To create communal open space, there would be the need for the loss of trees and cutting out to level the site. On balance, it is considered that the amenity value achieved by retaining the trees would outweigh the need to level the site to create communal open space, particularly when considering the benefits of town centre living and the proximity of the site to Sutton Park.
- 7.37. Whilst the site is located within the Town Centre, the proposed hot food takeaway uses have been recommended to be limited to opening hours of 10am – 11pm daily, in the interests of preserving the residential amenity of prospective residents.
- 7.38. Subject to relevant conditions to secure noise mitigation, it is considered that the proposals would be acceptable from the perspective of securing acceptable levels of residential amenity.
- 7.39. **Access and Parking** - The proposals seek to retain the existing vehicular access from Farthing Lane / Manor Hill across the rear of the site, which would access 37no. parking spaces, and a service corridor. At the request of Transportation Development, an access gate proposed to control entry to the car park has been removed. A total of 112no. cycle spaces would also be provided in stores within the car park. The proposed parking provision is acceptable in the sustainable location of

the Town Centre with excellent access to public transport, and when considered against the Birmingham Parking SPD and the aspirations of the Sutton Coldfield Town Centre Masterplan SPD.

- 7.40. The existing servicing arrangement to serve commercial units from Birmingham Road is proposed to be retained and improved through the introduction of the service corridor to the rear of the buildings. Transportation Development have been consulted and recommend a review of the existing TROs on Birmingham Road to ensure that the free flow of traffic on Birmingham Road would not be adversely impacted. This is reasonable in the context of the application proposals, and is recommended to be secured by condition.
- 7.41. It is anticipated that the demolition and construction phase of the development could have a significant adverse impact on the free flow of traffic in the vicinity of the site, and it is recommended that a construction management plan and method statement should be a condition of any planning permission.
- 7.42. A number of conditions have been recommended to any grant of planning permission by Transportation Development to ensure highway safety is maintained, including pedestrian visibility splays from the vehicular access, which have been duly attached to this recommendation.
- 7.43. **Planning Obligations** – The application proposals comprise residential development which would require a contribution towards affordable housing, as set out in TP31 of the Birmingham Development Plan, through on-site provision or a commuted sum towards off-site provision.
- 7.44. The development is also required to contribute towards the provision of open space and play areas, in accordance with Policy TP9 of Birmingham Development Plan. Leisure Services has been consulted and advised that the development would generate a requirement of a financial contribution to the amount of £204,575. This has been considered in the context of the location of the proposals and the affordable housing offer. It has been recommended that the financial contribution be provided to support affordable housing as opposed to enhancing public open space (Sutton Park). This is considered appropriate in respect of the acceptability of the development and the acute need for affordable housing as set out within the HEDNA.
- 7.45. A financial viability assessment has been submitted and has been independently assessed and it was concluded that the scheme is able to sustain the provision of six affordable units for low-cost home ownership at 20% discount on Market Value, on a proportionate mix basis, and two affordable units for First Homes tenure at 30% discount on Market Value. This equates to an overall affordable housing provision of 10%. A Section 106 Agreement has been drafted on this basis.
- 7.46. A contribution towards the Community Infrastructure Levy is required, and this has been calculated as £285,796 based on the proposed residential floorspace.
- 7.47. **Planning Balance** - The principle of mixed use development is acceptable but there are other factors which are material and must be balanced against the lack of 5 year supply, including the concerns raised by Regulatory Services regarding noise and the lack of communal open space. Any adverse impacts must be clearly identified significantly and demonstrably outweigh the benefits of boosting housing supply. Considerable weight is required to be given to the lack of supply in the titled balance, as set out by the NPPF.
- 7.48. In this instance, it is considered that the proposals would comprise the sustainable development of a site in need of refurbishment and make more efficient use of land.

The development would result in the net gain of a 75no. residential units, with 75% of these delivered as two-bedroom units. It is considered that the proposals are acceptable in respect of the benefits that the development could achieve, and the noise concerns can be suitably mitigated through an enhanced noise mitigation scheme.

- 7.49. A number of benefits are considered to be delivered as part of the application proposals. These include:
- Sustainable development of under-developed site;
 - Efficient use of land with a high density development;
 - Net gain of 75no. residential units in central location with excellent access to local amenities, services and public transport;
 - High quality, modern, purpose-built commercial units at ground floor;
 - Appropriate levels of off-street town centre car parking;
 - On-site affordable housing;
 - Contribution to Community Infrastructure Levy;
 - The opportunity to secure high quality design and materials at reserved matters stage; and
 - Delivers an early phase of wider masterplan development, potentially catalysing further regeneration of Project M and the Town Centre.
- 7.50. **Other Matters** - The site is located within Flood Zone 1. The proposals incorporate a drainage strategy which would comprise a to a Severn Trent sewer. The LLFA have confirmed that they are satisfied that an appropriate assessment has been undertaken to identify the most appropriate methods to ensure the proposal would not have an adverse impact on drainage, including connections to surface water and foul sewers. The LLFA have recommended conditions to be attached to any grant of planning permission.
- 7.51. Conditions to secure contaminated land remediation and verification have been recommended by Regulatory Services and such conditions would be attached to any grant of planning permission.
- 7.52. It is noted that comments are raised by local residents in respect of a lack of public consultation on the application. Whilst site notices were displayed at the site and a press notice published in the local press, the Local Planning Authority identified a technical error whereby we neighbour notification letters were not sent out on this application. In order to exercise due diligence, further consultation on the application took place for 21 days to accord with statutory requirements. I am satisfied that the Council's consultation complies with our Statement of Community Involvement and accords with relevant legislation.

8. Conclusion

- 8.1. The application seeks to deliver a mixed-use commercial/residential development in a highly sustainable town centre location, delivering a net gain of residential units, including on-site affordable housing. The application has demonstrated that it could be developed within the existing built context but also would be in accordance with the guidelines for Project M within the Sutton Coldfield Town Centre Masterplan SPD.
- 8.2. Whilst there are concerns in respect of noise disturbance from external sources, it is considered that this can be suitably mitigated. For the reasons set out above, the application is recommended to be approved subject to a Section 106 agreement to

secure a commuted sum towards affordable housing, funding towards the refurbishment of the cinema and planning conditions.

9. Recommendation:

- 9.1 That consideration of planning application 2022/04441/PA be approved subject to the completion of a planning obligation agreement to secure the following:
- Eight on-site affordable units to include six apartments at 25% discount, on a proportionate mix basis, and two apartments at 30% discount (First Homes); and
 - Payment of a monitoring and administration fee associated with the legal agreement of 3.5% up to a maximum of £10,000.
- 9.2 In the absence of a suitable planning obligation agreement being completed to the satisfaction of the Local Planning Authority on or before 24th March 2023 the planning permission be refused for the following reason:
- In the absence of any suitable legal agreement to secure on site affordable housing the proposal would be contrary to TP31 of the Birmingham Development Plan and NPPF.
- 9.3 That the City Solicitor be authorised to prepare, seal and complete the planning obligation.
- 9.4 That in the event of the planning obligation being completed to the satisfaction of the Local Planning Authority on or before 24th March 2023, or a later date as agreed between the Local Planning Authority and the applicant, favourable 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 prior submission of a construction method statement/management plan
4	Requirements within pre-defined tree protection areas
5	Requires tree pruning protection
6	Requires the submission of hard and/or soft landscape details
7	Requires the submission of boundary treatment details
8	Requires the submission of sample materials
9	Shop Front Design
10	Requires the prior submission of public realm works
11	Requires the prior submission of drainage plans for the disposal of foul and surface water
12	Requires the prior submission of a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan

13	Requires the implementation of the Drainage Strategy
14	Requires the prior submission of an additional bat survey
15	Requires the submission of a scheme for ecological/biodiversity/enhancement measures
16	Requires the prior submission of details of bird/bat boxes
17	Requires the prior submission of a construction ecological mitigation plan
18	Requires the prior submission of details of a biodiversity roof
19	Requires the provision of a vehicle charging point
20	Requires the submission of cycle storage details
21	Requires the submission and completion of works for the S278/TRO Agreement
22	Requires pedestrian visibility splays to be provided
23	Requires the submission of details of a delivery / service vehicle management scheme
24	Requires the submission of a car park management plan for disabled spaces
25	Requires the reinstatement of redundant footway crossings prior to occupation
26	Requires the prior submission of a contamination remediation scheme
27	Requires the submission of a contaminated land verification report
28	Limits the hours of operation
29	Requires the submission of extraction and odour control details
30	Limits the noise levels for Plant and Machinery
31	Requires the units on the eastern elevations to be sealed
32	Requires the prior submission of a ventilation and overheating assessment
33	Requires the prior submission of noise insulation (variable)
34	Requires the submission a Noise Insulation Scheme to establish residential acoustic protection
35	To ensure energy and sustainability measures are delivered in accordance with statement

Case Officer: Claudia Clemente

Photo(s)



Image 1: Existing commercial premises



Image 2: Existing commercial premises

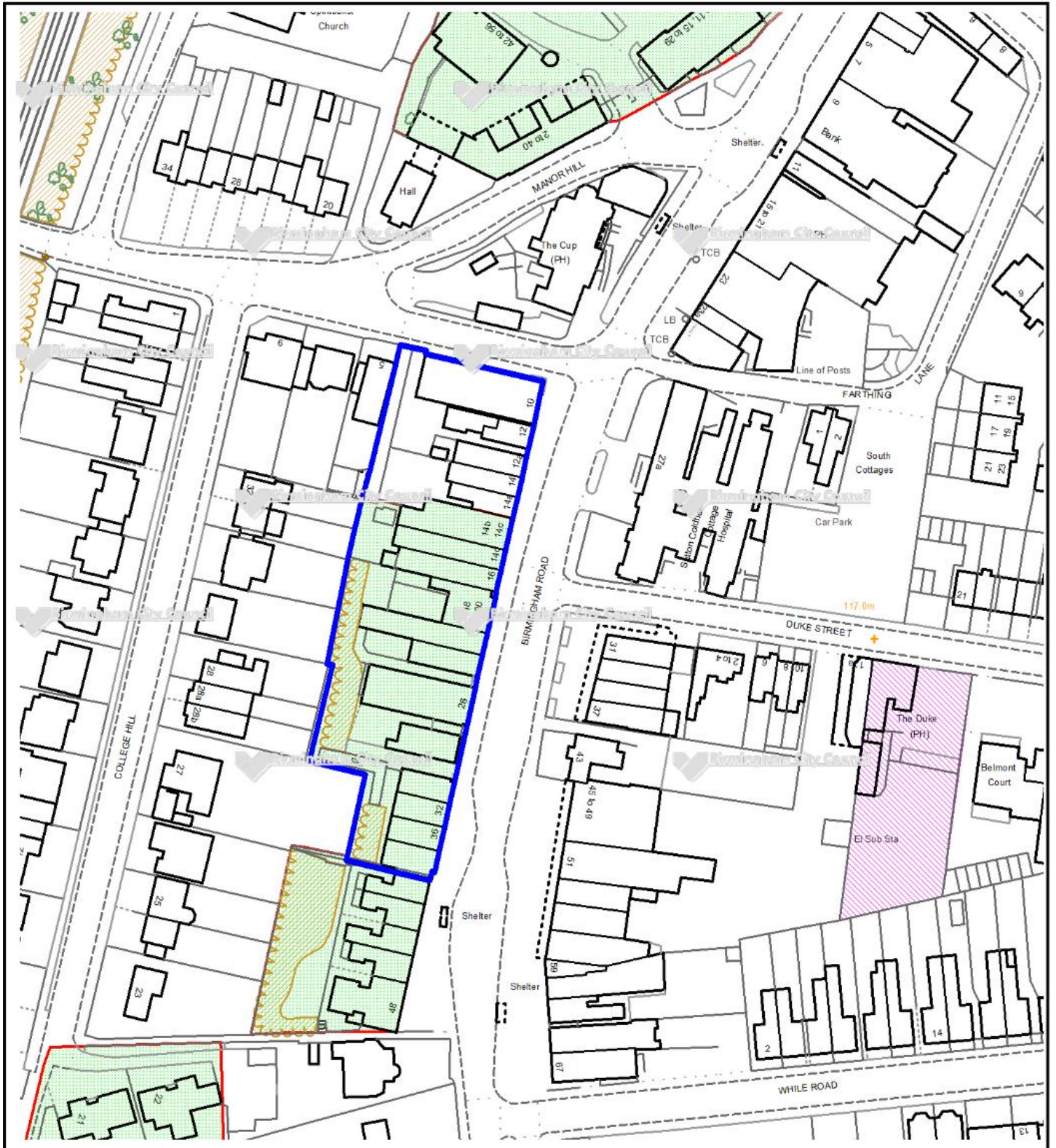


Image 3: Rear of existing site from Manor Hill



Image 4: Rear of existing site from within car park / yard

Location Plan



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Committee Date:	16/03/2023	Application Number:	2022/07069/PA
Accepted:	25/01/2023	Application Type:	Full Planning
Target Date:	26/04/2023		
Ward:	Handsworth Wood		

Northern section of former Hilltop Golf Course, off Park Lane, Handsworth, Birmingham, B21 8LJ

Redevelopment of existing trails within Sandwell Valley Park and the redevelopment of part of the former Hill Top Golf Course and associated works including creation of bicycle tracks/course.

Applicant:	Birmingham City Council Head of Sport and Physical Activity, Alexander Stadium, Walsall Road, Perry Barr, Birmingham, B42 2LR
Agent:	Sandwell Council Regeneration and Growth, Urban Design, Sandwell Council House, Oldbury, West Midlands, B69 3DE

Recommendation

Approve subject to Conditions

1. Proposal:

- 1.1 The applicant proposes the redevelopment of part of the former Hill Top Golf Course and the carrying out of other works that would include the creation of a bicycle course.
- 1.2 The proposed works would entail the creation of a two-way connecting trail for bikes that would be a continuation of a trail located to the western side of Park Lane situated in Sandwell. The two-way connecting trail would link to a high collection point from which bicycle riders would descend from along a number of descending trails northwards before returning to the same spot along a return route. The trail routes would include a push up route. The base of the trails will be formed using limestone scalpings with a high binder content with the trails capped by limestone dust as binding course.
- 1.3 Whilst the site sits partly in flood zone 2 and is located near the river Tame, the applicant confirms that there is no intention to use culverts on any water courses within the site. They have stated that at this point they do not believe there to be any ordinary water courses or drainage ditches in the area in which the mountain bike trails are to be constructed. However, they advise that if during the course of construction, they find any ordinary water courses or drainage ditches, they will make a separate application to the LLFA to address this.
- 1.4 The proposal would also require the establishment of a temporary 4 metre wide construction access route from Park Lane to facilitate the development which will be removed on completion of the works and made good with the planting of wild flora seed with a new native hedge planted to the western site boundary once works have been completed.



Image above shows the proposed tracks and course (multi coloured) to the top right in Birmingham and the wider green course it would form part of to the bottom left located in Sandwell.

- 1.5 The application has been supported by documents including a Transport Statement, Landscape and ecological management plan, Construction and environmental management plan, Flood risk assessment and a signage document.

- 1.6 [Link to Documents](#)

2. **Site & Surroundings:**

- 2.1 The site forms the northern part of Hill Top Golf Course. The site area measures 58 hectares. To the north is the River Tame and Forge Mill car park, to the west is Park Lane, to the east is Handsworth Golf Club whilst to the south east are residential properties. The site is designated as green belt and a small part of it falls within flood zone 2.

[Site location](#)

3. **Planning History:**

- 3.1 No relevant recent planning history.

4. **Consultation Responses:**

- 4.1 Transportation Development- Request conditions are applied.
- 4.2 Regulatory Services- No objection raised.

- 4.3 Tree officer- No objection.
- 4.4 LLFA- No objection subject to condition.
- 4.5 City design and landscape officer- No objection raised.
- 4.6 City Ecologist- No objection subject to conditions.
- 4.7 City Conservation officer- no objection.
- 4.8 Leisure Services- No response received.
- 4.9 Environment Agency- refer to LPA flood risk standing advice.
- 4.10 West Midlands Police- raise no objection.
- 4.11 Sport England- offers its support. The also relay comments from England Golf which sets out they have no issues in regard to the proposal from their perspective.
- 4.12 Natural England- no objection.

5. **Third Party Responses:**

- 5.1 Nearby occupiers, local councillors and MP notified as well as site notices displayed. 2 objections received which raise the following issues:-
 - Concerned about this development and impact on residents at Park Farm where there are 5 houses.
 - Concerned that increased traffic will further damage the road surface from the entrance to hill top golf course all the way down the private road to those houses. This road needs urgent resurfacing and repair for its entire length before we contemplate increased traffic.
 - Concerned about increased noise from cycling activities. Current construction vehicle noise is heard clearly from objector's house.
 - Concerned about security arrangements, for example who will monitor entry and exit at site entrance with an inevitable increased public use of the site
 - The entrance needs to be widened because of dangers of getting in and out of T junction at entrance. Increased traffic will make that exit a potential site for accidents.
 - It looks like the start of a quad and dirt biking track.
 - It will have an utter disregard for the privacy of local residents given the hundreds of people it will attract.
 - Existing local residents would have to share the narrow roads that have no turning point and only fits one car coming down it at a time, leading to dangerous situations that consequently will cause distress and injury.
 - Not only that, there is a major safety concern for us as individuals and our properties because the barrier that is now installed that only allows property owners to gain access will be taken out meaning that anybody could come down the access route thereby placing occupiers at higher risk of crimes like burglary and theft.
 - Our lives have been changed enough already with the constant construction noise meaning that we cannot enjoy our space in our garden. We do not want it to be further disturbed by the noise of bikes.
- 5.2 A response received from a local representative of Cycling UK in the Cycle Advocacy Network who comments that they fully support this application on behalf of Cycling UK. They do question what considerations will be given to preventing illegal use of the site.

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

6.1 **National Planning Policy Framework:**

Chapter 2 (Achieving sustainable development);
Chapter 8 (Promoting healthy and safe communities),
Chapter 13 (Protecting Green belt land),
Chapter 15 (Conserving and enhancing the natural environment)
Chapter 16 (Conserving and enhancing the historic environment).

6.2 **Birmingham Development Plan 2017:**

PG 3 (Place making);
TP 7 (Green infrastructure network),
TP8 (Biodiversity and geo diversity),
TP 9 (Open space, playing fields and allotments),
TP 10 (Green belt), TP 11 (Sports facilities),
TP 12 (Historic Environment),
TP 37 (Health)
TP 40 (Cycling).

6.3 **Development Management DPD:**

DM 2 (Amenity),
DM 4 (Landscaping and trees)
DM 4 (Transport access and safety).

6.4 **Supplementary Planning Documents & Guidance:**

Birmingham Design Guide

7 **Planning Considerations:**

Principle of development

- 7.1 The application site forms part of designated green belt land. Part 145 of the NPPF states 'Once Green Belts have been defined, local planning authorities should plan positively to enhance their beneficial use, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity, or to improve damaged derelict land'.
- 7.2 It states in 147 of the NPPF that 'Inappropriate development, is by definition, harmful to the green belt and should not be approved except in very special circumstances'.
- 7.3 Part 148 states 'When considering a planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the green belt by reason of inappropriateness, and any other harm resulting from the proposal is clearly outweighed by other considerations'.
- 7.4 Policy TP 10 (Green Belt) of the adopted BDP states 'Measures to improve public access to these Green Belt areas and the wider Green Belt will be encouraged. Outdoor sport and recreational facilities will also be supported, provided that their provision preserves the openness of the Green Belt, and does not conflict with the purposes of including land within it'
- 7.5 In line with the above policies related to the Green Belt in the NPPF and BDP the proposed use and associated cycle tracks and course represent an appropriate use of this Green Belt. Therefore, the principle of the proposed use is acceptable. More detailed assessment of the scheme elsewhere in this report will look at other aspects of proposal which includes the visual impact of the scheme including on the openness

of the green belt which dovetails into the requirements of the policies set out above.

- 7.6 The site forms Open Space and as such Policy TP 9 (Open space, playing fields and allotments) of the adopted BDP applies in this case.
- 7.7 Policy TP 9 states 'Planning permission will not normally be granted for development on open space except where:
- It can be shown by an up-to-date assessment of need that the open space is surplus taking account of a minimum standard of 2 ha per 1,000 population and the accessibility and quality criteria listed below.
 - The lost site will be replaced by a similar piece of open space, at least as accessible and of similar quality and size.
 - Where an area of open space is underused, as it has inherent problems such as poor site surveillance, physical quality or layout, which cannot be realistically dealt with, then in this case proposals that would result in the loss of a small part of a larger area of open space will be considered if compensation measures would result in significant improvements to the quality and recreational value of the remaining area.
 - The development is for alternative sport or recreational provision, the benefits of which clearly outweigh the loss.
- 7.8 Playing fields will be protected and will only be considered for development where they are either shown to be surplus for playing field use, taking account of the minimum standard of 1.2 ha per 1000 population, through a robust and up to date assessment and are not required to meet other open space deficiencies, or alternative provision is provided which is of equivalent quality, accessibility and size'.
- 7.9 In response to the requirements of the above policy, members are advised the ward has a current open space provision of 5.08 hectares per 1000 population, and therefore this exceeds policy requirements. In addition to this, I note the development is for alternative sport and recreational use and that the benefits of which outweigh the use of the land for golf related purposes. The reason for this includes that the development will link into a wider new track network thereby creating greater potential for people to undertake cycling activity. Finally, it is noted that golf related activities will still be accommodated through the provision of upgraded golf facilities approved under application 2019/06456/PA on land to the south of the site. I therefore consider the principle of the proposed use accords with the requirements of policy TP 9 of the BDP.
- 7.10 The development will make use of the site's existing topography where the land drops in height from south to north. This will allow the development to provide more naturally occurring sloping routes for cyclists, thereby reducing the need for a substantial modification to the surface level of the site to accommodate the development. Where land levels would be raised, this will occur along relatively narrow designated paths set within the wider site which measures many hectares. This will allow the works to be visually accommodated within this setting without undermining the openness of the greenbelt and would not adversely affect views across it. Mindful that the sites use as a golf course also makes use of an undulating surface, then the introduction of the proposed raised paths along the site, which would have further elevated points along them, would not appear out of keeping with this locality. Furthermore, the use of naturally occurring materials in relation to the materials to be used on site would allow the development to be assimilated into this green belt. I therefore raise no objection to the scheme on visual amenity grounds.

Ecological impact

- 7.11 A pre-commencement biodiversity assessment and a post development assessment for the site that has been submitted for the application. While the proposal would result in a small net loss of landscape, the landscape enhancement and management plan have informed a post intervention assessment which indicates an acceptable level of

biodiversity net gain. I am therefore content with the proposal for habitat management and enhancement and therefore have no objection to the proposal on the basis that the landscape plan and management regimes are conditioned for implementation. My ecological advisor concurs with this view.

Flood and drainage matters

- 7.12 No objections raised to the scheme by the LLFA in regard to surface water drainage. I concur with this view. The top of the track and course would be surfaced with limestone dust with the base comprising limestone scalplings whilst the top of the tracks/paths will be shaped in a manner to allow for water run off to the sides onto the wider site which comprises soft soil. This will allow water to drain and be absorbed into the soil.
- 7.13 The applicant has confirmed that if any 'ordinary watercourses' (which is defined as a watercourse that is not part of a main river and includes rivers, streams, ditches, drains, cuts, culverts, dikes, sluices, sewers (other than public sewers within the meaning of the Water Industry Act 1991) and passages, through which water flows) are encountered during construction, then any works to address such would be outside the scope of this planning application and would require a separate consent to be authorised by the LLFA. I note that dependent on what such works entail, planning permission may also be required in the event such works are proposed. An advisory to that effect has been applied that reminds the applicant of the requirement to follow this approach in the event such watercourses are encountered.
- 7.14 In regard to the Environment Agency's comments that the Local Planning Authority should follow their standing advice when assessing this application, I can advise that the submitted FRA confirms:-
- The development falls within the major development category,
 - That an FRA is required as the site partly falls within flood zone 2 and also because it is a major application over 1 hectare in site area,
 - In regard to sustainable drainage, information related to this has been assessed by the LLFA and no objection has been raised subject to an informative.
 - Only a very small section of the northern tip of the route is likely to be affected by current or future flooding from reservoirs overflowing and only a small section of land within the areas that the trails will be built would be subject to surface water flooding at a low risk of 1 in 100 to 1 in 1000 year probability;
 - This development is unlikely to increase flood risk elsewhere,
 - measures to deal with the risks from potential flooding are appropriate which in this case will be an informative that can be attached, if this application is approved, that requires emergency procedures for the evacuation of the trails routes; and criteria for closure of the trail routes (subject to monitoring of the reservoirs, rainfall fall etc.) to be established,
 - the scheme is 'water compatible',
 - that the scheme does not need to be subject to the Exception Test.
- 7.13 Based on the above assessment of the scheme in the FRA, in line with standing advice, it concludes the scheme is acceptable from flood risk perspective.
- 7.14 For the reasons above no adverse flooding or drainage implications identified.

Tree issues

- 7.15 The applicant has stated that the construction of the new 40-metre section of descending blue grade trail (shown on the submitted plans) through existing woodland is not detrimental to any of the retained existing trees, none are to be felled and all tree root zones shall be protected. They also advise that crown lifting of trees is required along the route to provide adequate headroom for riders and provide a supporting document 'Proposed Tree Work along Descending Blue Grade Trail' in relation to such.

7.16 The applicant has also set out that where new trails are constructed through existing woodland as above, then a “No-Dig” trail construction method is specified, as indicated on submitted drawing 220721_OT_SUBP_Trail Construction. They state that work shall be closely supervised and monitored to ensure compliance with the contract drawing and specification, to safely protect and avoid any damage to tree root zones.

7.17 In response to the above my Tree advisor comments that whilst he does not raise an objection to the proposal, it would have been preferred that the scheme was supported by the provision of a Tree Protection Plan that would normally support a BS5837:2012 Arboricultural Impact Assessment or an AMS, given the aims of such documents including the ecological benefits of a securing appropriate tree protection measures. I therefore recommend a condition is applied that seeks the provision of the aforementioned documents if this application is approved.

Parking and highway matters

7.18 As part of this submission, the applicant is proposing one new vehicular access off Park Lane for a temporary period during the construction period. That access appears to be close to a bend in the road and also a pedestrian/cyclists crossing point. In order to safeguard the safety of pedestrians and motorists, the applicant has provided a detailed scaled plan to demonstrate that vehicular visibility splays would be provided from that new access along Park Lane. Upon review of that drawing, my transportation advisor raises no objection subject to a condition that secures that visibility splay. They also recommend a condition is applied that requires any works to the highway in relation to that new temporary access route to be undertaken in accordance with City Council specifications. I concur with this view and such conditions are recommended accordingly.

7.19 In regard to the wider parking implications of the scheme, it is noted that there is a car park directly opposite the site in Sandwell across Park Lane which those who may wish to travel by car can use. Finally, users of the new track and course can travel to the site by bike. I do not consider an increase in the number of bikes on the site, that the development would lead to, would have an adverse impact on the ability to use the existing vehicle access drive further south of the site that serves the southern section of the golf course and private dwellings beyond. The reason being that riders and drivers accessing the new development would not need to use that vehicle access drive which is set a distance from the development. Consequently, I do not envisage an adverse impact in terms of traffic as a result of the development for residents located a distance to the south east of the site. For these reasons, I do not consider the proposed development would give rise to any adverse impact in regard to parking matters.

7.20 In summary, no adverse highway or parking impact identified as a result of the proposed development.

7.21 Regulatory Services raise no objection to the proposal. I concur with this view. I note the objections received from some residents which includes concerns raised in regard to noise. In response, the development would be on land that is currently classified as open space which currently attracts people to the site. In addition to this the end use is to accommodate bicycle/mountain bike users and it is not expected that the activities they will undertake would give rise to any harmful noise impact. For this reason, I do not consider the proposal would give rise to any adverse noise and disturbance impact.

Health

7.22 The development would help in the pursuance of wider strategic policy aims in relation to improving the health of City residents.

Conservation

7.23 The proposed bike track is approximately 650m NW of the listed grade II barn at Park Farm. The tree planting and topography mean that there are not likely to be views

between the site and the listed building and therefore I do not consider that the proposed bike track would change the setting in a way that would affect the significance of that listed building.

7.24 The nearby archaeological remains associated with Manwoods Farm (HER reference MBM2470) lies outside the route of the bike track and should not be affected by the development.

7.25 For the reasons above, I do not consider the development will cause any harm to heritage assets within the Birmingham part of the site. My Conservation advisor concurs with this view.

Crime and fear of crime

7.26 No objection to the scheme is raised by WM Police in regard to matters related crime and fear of crime. I concur with this view. The development will make use of existing open space for recreational purposes and channel users along specific routes. These routes are set a distance from nearby residential dwellings and no evidence has been provided that demonstrates the proposed use is likely to increase the risk of crime.

Other issues

7.27 The objections to the scheme raised by objectors have been noted and it is considered the matters they raised have been addressed in this report.

8 Conclusion

8.1 The proposed development represents appropriate development in the green belt and helps in achieving wider policy aims such as improving the health of citizens.

9 Recommendation

9.1 That the application is approved subject to conditions.

-
- 1 Implementation of acceptable mitigation/enhancement:
 - 2 Arboricultural Method Statement - Submission Required
 - 3 Requires the removal of the temporary access route
 - 4 Safeguards the visibility splays to the new temporary vehicle access on Park Lane.
 - 5 Requires works to the highway to be carried out to authorised specification.
 - 6 Requires the scheme to be in accordance with the listed approved plans
 - 7 Implement within 3 years (Full)
-

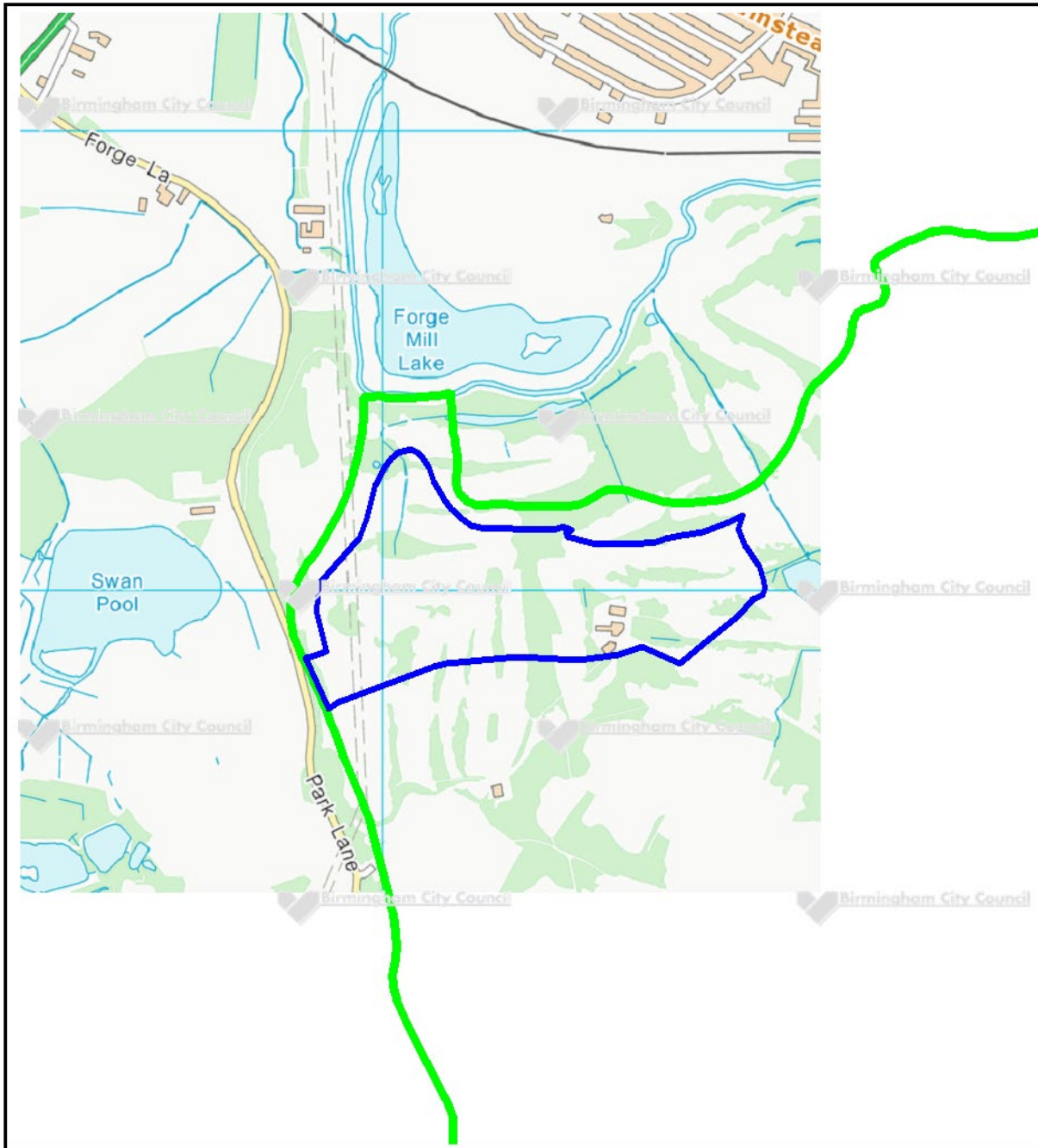
Case Officer: Wahid Gul

Photo(s)



View of site from above

Location Plan



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Birmingham City Council

Planning Committee

16 March 2023

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Approve – Conditions	13	2022/09301/PA Land off Bordesley Green Road and Venetia Road Birmingham B9 4TL Demolition of existing buildings/structures off Bordesley Green Road and Venetia Road, site reclamation and erection of security fencing.
Approve – Conditions	14	2022/08037/PA North Birmingham Academy 395 College Road Kingstanding Birmingham B44 0HF Erection of extension to main school building with associated landscaping
Approve – Conditions	15	2021/10266/PA Phoenix Park Brickfield Road Hay Mills Birmingham B25 8EZ Erection of new building for flexible general industrial / warehouse and distribution purposes (Use Classes B2 and B8) with ancillary office and staff facilities, associated car parking, loading area and wider site works including works to the existing vehicular access point at land at Brickfield Road

Committee Date:	16/03/2023	Application Number:	2022/09301/PA
Accepted:	16/12/2022	Application Type:	Full Planning
Target Date:	17/03/2023		
Ward:	Bordesley & Highgate		

Land off Bordesley Green Road and Venetia Road, Birmingham, B9 4TL

Demolition of existing buildings/structures off Bordesley Green Road and Venetia Road, site reclamation and erection of security fencing.

Applicant: Birmingham City Council
C/o Agent
Agent: Tetra Tech
One Victoria Square, Birmingham, B1 1BD

Recommendation

Approve subject to Conditions

1. Proposal

- 1.1 The application seeks planning permission for the proposed demolition of all existing buildings and structures on the two sites off Bordesley Green Road (Site 1) and Venetia Road (Site 2), the proposed reclamation of the two sites and the erection of 2.4m high paladin security fencing.
- 1.2 The scheme and reclamation of the two sites (Site 1 hatched in red and site 2 hatched in green) is the first stage in the preparation for the comprehensive re-development of the wider Bordesley Park (former Wheels) site (hatched in blue) funded through the government's Levelling-Up Fund following the City Council's successful bid under round 1 of the fund. The wider redevelopment will be subject to a separate full planning application at a later stage.

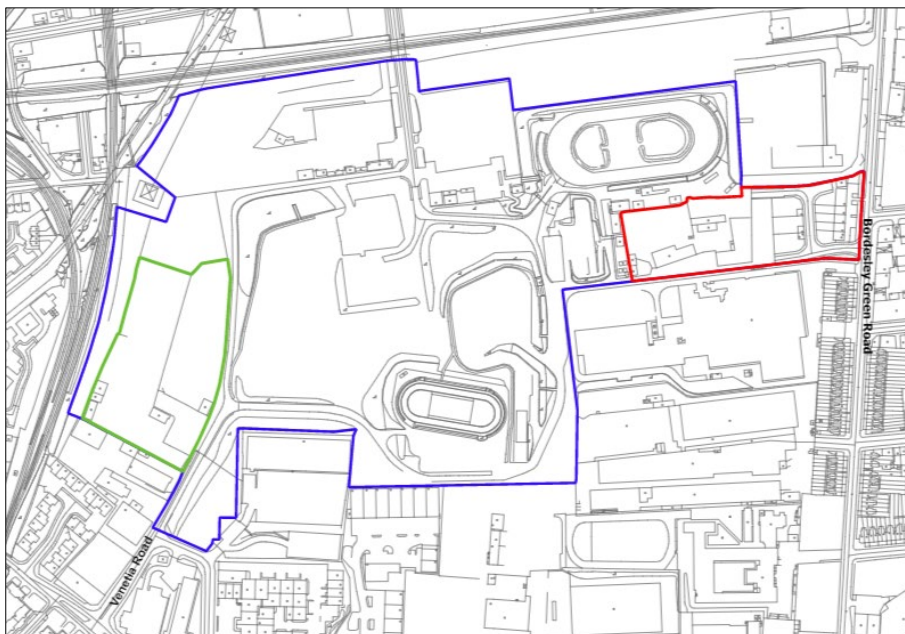


Figure 1: Location of sites within wider Bordesley Park site

- 1.3 The proposed detailed works comprise the demolition of all structures and buildings on the two sites, including site clearance, asbestos removal and removal of vegetation. The reclamation works would also include the breaking up of the areas of hardstanding, removal of any footings and below ground obstructions as well as screening and re-engineering of all made ground. Any contamination would be appropriately tested as well as treated and materials that cannot be reused on site would be removed.
- 1.4 The proposed fencing would be sited along the Bordesley Green Road frontage (Site 1) and along the southern boundary of Site 2. The fencing would be 2.4m in height and would comprise of green galvanised paladin fence panels with a new gate being situated on the Raleigh Road junction with Bordesley Green Road and a new gate off Venetia Road.

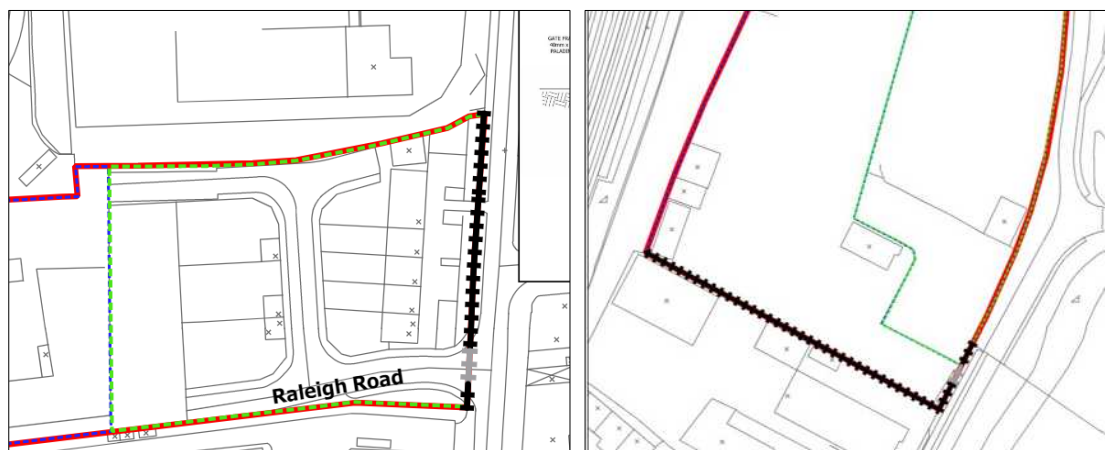


Figure 2: Proposed location of fencing Site 1 and Site 2

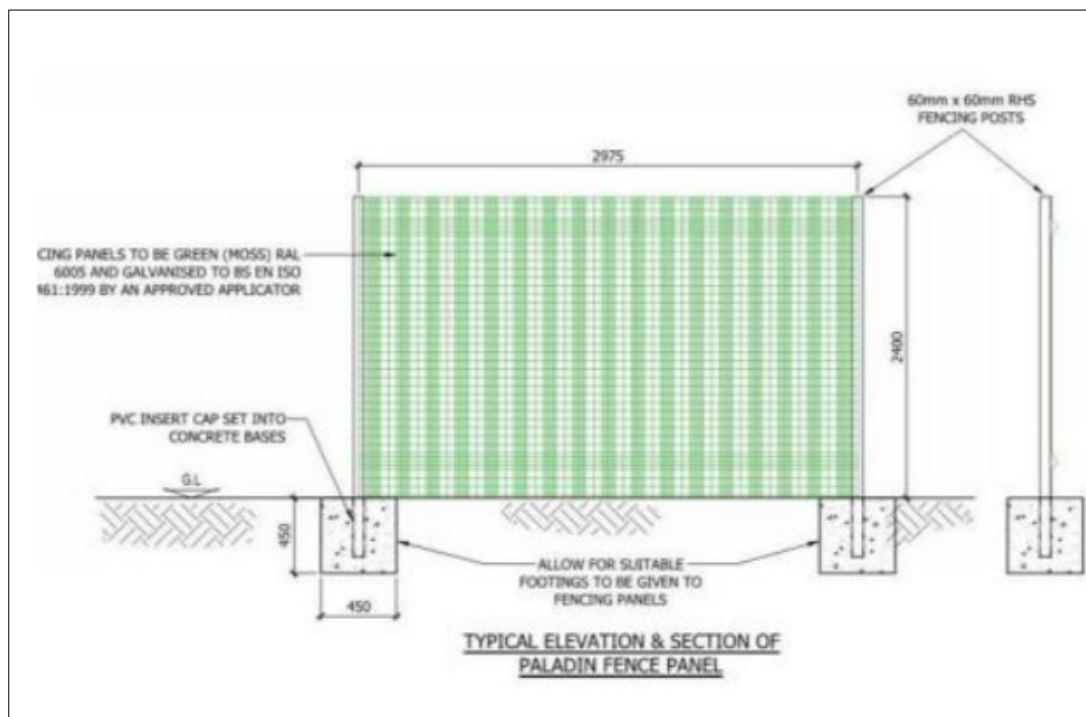


Figure 3: Typical Paladin Fence Panel

- 1.5 An Environmental Impact Assessment Screening Opinion was requested in December 2022 for the two sites. However, the proposed works would neither fall into Schedule 1 or Schedule 2 of the Town and Country Planning (Environmental

Impact Assessment) Regulations 2017 (as amended) and the sites are not within sensitive areas, as stated in 2.(1) of the Regulations. Therefore, the proposed works would not have a significant impact on the environment and would not require Screening in line with the Regulations at this stage.

- 1.6 The application is brought to Planning Committee as it has been submitted by Birmingham City Council.
- 1.7 The scheme is supported by a Demolition Method Statement, Phase 1 Geo-Environmental Assessment, Planning Statement, Ecological Appraisal and Arboricultural Report for both sites.

[Link to Documents](#)

2. Site & Surroundings

- 2.1. The application comprises of two separate sites, situated within the wider Bordesley Park site, located to the east of the city centre within the Saltley/Bordesley area. Both sites are adjacent to the former Wheels site.
- 2.2. Site 1 is situated within the north-eastern corner of the Bordesley Park site and to the west of and accessed off Bordesley Green Road and Raleigh Road. The site incorporates land forming part of the Cherrywood Industrial Estate and has a size of approximately 1.7ha. It was most recently used for industrial purposes including car storage/repair and used as a car breakers yard. The site largely consists of hardstanding with various steel framed buildings, shipping containers and a temporary building including large areas of open storage. It is adjoined by other industrial uses to the south and part to the north, with the former karting track of the Wheels site situated to the north-west. The nearest residential dwellings to this site are located along Bordesley Green Road, approximately 35m to the south.
- 2.3. Site 2 is situated within the south-western area of the wider Bordesley Park site and to the north off Venetia Road. The site has a size of approximately 1.9ha and comprises a number of buildings and temporary structures with large areas of hardstanding and open storage. Part of the site was most recently used as a scrap yard, whilst the remainder of the site was most recently used as a builders merchants. The site is adjoined by a dense landscaping strip to the west, with the railway line and Grand Union Canal beyond. To the north and east the site is adjoined by areas of overgrown vegetation and the former off-road karting track which formed part of the Wheels site. To the south, the site is adjoined by other commercial and industrial uses. The nearest residential dwellings to this site are approximately 200m to the south, on the opposite side of Garrison Lane and approximately 80m to the west, beyond the railway line/canal.

[Site Location](#)

3. Planning History

Land off Venetia Road

- 3.1. 19.05.2006: 2006/00922/PA – Continued use of site (approx. 0.66ha) for open storage and continued siting of storage containers in association with adjacent civil engineering contractors. Approved, subject to conditions.

- 3.2. 24.02.2003: 2002/06036/PA – Continued use – vehicle dismantling yard, dismantling shed and store, 2 temporary buildings. Approved temporary.
- 3.3. 17.02.2003: 2002/06065/PA – Change of use of vacant land to storage use (B8) in association with adjacent depot, and installation of fitters shed and containers. Approved, subject to conditions.
- 3.4. 23.09.1999: 1999/02578/PA – Change of use to vehicle dismantling yard, erection of dismantling shed and store, 2 temporary buildings and new fencing and boundary treatments. Approved temporary.
- 3.5. 10.02.1998: 1997/05281/PA – Change of use to vehicle storage, construction of valeting bay and portacabin office and erection of palisade fencing. Approved temporary.
- 3.6. 13.01.1998: 1997/04018/PA – Certificate of lawfulness for existing use – storage & breaking of vehicles & storage & retailing of car spares. Approved.
- 3.7. 07.02.1995: 1994/01898/PA – Use of site as marine container storage depot with ancillary offices and parking. Refused.
- 3.8. 23.02.1993: 1992/05170/PA: Construction of concrete pad and change of use to waste transfer station. Approved, subject to conditions.

Land off Bordesley Green Road

- 3.9. 05.09.2012: Certificate of lawfulness for the existing use of the site as a vehicle breakers yard with ancillary sales in excess of 10 years (Unit 2). Approved.
- 3.10. 21.05.2012: 2012/01292/PA – Retention of single storey spray booth and enclosure on part of rear yard (Unit 7). Approved, subject to conditions.
- 3.11. 01.03.2001: 2000/05527/PA: Erection of 3.5m high perimeter security fence. Approved, subject to conditions.
- 3.12. 27.05.1999: 1998/04730/PA – Continued use for dismantling of vehicles and retail sales of parts from vehicle storage yard, erection of maintenance workshop and sales building to comprise retail display area, counter area, office and w.c. Approved, subject to conditions.
- 3.13. 25.11.1997: 1997/01003/PA – Continued use for retail sales of spare parts from vehicle storage yard, and erection of maintenance workshop building. Refused.
- 3.14. 22.10.1996: 1996/03198/PA – Proposed damaged cars storage yard and erection of building comprising office, reception, w.c., counter and formation of car parking spaces, with installation of 2.4m high cladding fencing. Approved, subject to conditions.
- 3.15. 20.04.1993: 1993/01024/PA: Formation of vehicular access. Approved, subject to conditions.
- 3.16. 10.11.1992: 1992/03592/PA – Use for transferal of waste from mini skips or lorries prior to removal to tip (unit 10). Approved, subject to conditions.

Wider Bordesley Park Site (covering both smaller sites)

- 3.17. 24.02.2022: 2021/09467/PA – Land remediation to include engineering operation for the removal of areas of Japanese Knotweed equating to 9,160 square metres. Approved, subject to conditions.

4. Consultation Responses

- 4.1. Transportation – No objections.
- 4.2. Canal and River Trust – No objections.
- 4.3. Ecology – No objections subject to conditions for management of invasive weeds on site and implementation of acceptable mitigation in accordance with submitted details.
- 4.4. Environment Agency – No objections.
- 4.5. LLFA – No objections. Informative regarding flooding risks during demolition works.
- 4.6. Network Rail – No comments.
- 4.7. Regulatory Services – No objections subject to conditions for a demolition management plan, contamination remediation scheme, contaminated land verification report and unexpected contamination.
- 4.8. Severn Trent – No objection subject to a condition for drainage plans for disposal of foul and surface water flows.
- 4.9. Trees – No objections subject to a condition for an arboricultural method statement and tree protection plan.
- 4.10. West Midlands Fire Service: No comments

5. Third Party Responses:

- 5.1. MP, Ward Councillors, Residents Associations and local residents were consulted on the original scheme. The application was also publicised for 21 days by way of a Site Notice and Press Notice.
- 5.2. One comment from local resident received, stating:
- It is suggested that as part of the proposed redevelopment, the existing dwellings along Bordesley Green Road are demolished as they are too close to the main road, because there are congestion and parking issues on this road which would only increase
 - Residents should be re-located out of the area
 - Bordesley Green Road should be renamed to Ash Road as there is confusion with the surrounding road names, including Bordesley Green and Bordesley Green East.
 - Residents are unable to apply for a dropped kerb within the area, because the distance between dwellings and footpath is too short.

6. Relevant National & Local Policy Context:

- 6.1. National Planning Policy Framework (2021)

Chapter 2: Achieving sustainable development
Chapter 6: Building a strong, competitive economy
Chapter 8: Promoting sustainable transport
Chapter 11: Making effective use of land
Chapter 12: Achieving well-designed places

6.2. Birmingham Development Plan 2017:

PG 3 Place Making
GA7 Bordesley Park
TP44 Traffic and Congestion Management

6.3. Development Management in Birmingham DPD 2021

DM1 Air Quality
DM2 Amenity
DM4 Landscaping and Trees
DM6 Noise and Vibration
DM14 Highways safety and access
DM15 Parking and servicing

6.4. Bordesley Park Area Action Plan 2020

Principle 1: Growth
Principle 2: Connectivity
Principle 3: Local Character
Principle 4: Sustainability
Key Opportunities for Change: The Wheels Site and Environs

6.5. Supplementary Planning Documents & Guidance:

Birmingham Design Guide 2022
Birmingham Car Parking Standards SPD 2021

7. Planning Considerations

- 7.1. The application has been assessed against the objectives of the policies as set out above. The main matters for consideration are as follows:

Principle of Development

- 7.2. The application seeks to demolish all existing structures within the two sites and reclamation of the land in order to prepare them for the proposed comprehensive re-development of the wider Bordesley Park site, which will be subject to a separate planning application.

- 7.3. The loss of the existing uses and principle of the proposed reclamation works, considering the future aspirations for the site to be redeveloped with industrial and commercial uses, as set out in the Birmingham Development Plan 2017 and Bordesley Park Area Action Plan 2020, is considered to be acceptable subject to consideration of detailed technical matters as discussed below.

Residential Amenity

- 7.4. Both sites are largely situated within existing commercial/industrial settings with residential dwellings nearest to site 1, approximately 35m to the south along Bordesley Green Road and some distance from site 2, to the west (a minimum of 80m) beyond the railway line and canal and south (a minimum of 200m) from the

site. Both sites are separated from those residential uses by existing vegetation and roads. The works would not result in any loss of privacy, daylight/natural light or overlooking to nearest residents.

- 7.5. In terms of demolition works and potential noise implications for surrounding residents, the application is supported by an outline demolition method statement relating to the Phase 1 works of Asbestos Removal, Demolition and Reclamation. Section 4 states that the contractor, once selected, would be required to provide a detailed demolition management plan which would be conditioned to ensure there would be no unacceptable impact on surrounding residents. Regulatory Services is content with the approach.

- 7.6. In addition, both sites are known to have a previous history of landfill and infill and in terms of ground contamination, the application is supported by a Phase 1 Desk Top Study, a Phase II Ground Investigation report and a pre-liminary remediation strategy for both sites which have been reviewed by Regulatory Services. They raise no concerns with regard to the findings, however, recommend conditions which are attached accordingly.

Highway Safety

- 7.7. The two application sites are accessed off Bordesley Green Road and Raleigh Road (site 1) and Venetia Road (site 2), connecting to Garrison Lane in the south. Considering the existing road network around the site within a largely commercial and industrial setting, and the limited impact of the works on surrounding highways when compared to the existing uses, it is considered that the scheme would be acceptable in terms of highways and pedestrian safety. Transportation also raises no objections in this regard.

Ecology and Trees

- 7.8. The two sites comprise largely of hardstanding, with limited landscaping within the sites, including scattered trees on site 1 and a strip of broadleaved woodland along the eastern boundary of site 2. An Ecological Appraisal has been submitted with the application and it is considered that the trees and existing buildings/structures would have negligible suitability for bats and there would be no significant ecological constraints.
- 7.9. Two stands of invasive non-native species Japanese knotweed were identified growing on the northern boundary and in the north-east corner of site 1 and in the woodland strip on the eastern boundary of site 2. A condition for a method statement for the removal of the invasive weeds would be conditioned.
- 7.10. Measures to mitigate any potential ecological impact, including effective protection of the nearby SLINC area, and protection of the strip of woodland within site 2 have been set out within the submitted report and its appropriate implementation would be conditioned. Ecology agrees with the recommendation. They also highlight that the details of the Ecological Appraisal are valid for 24 months from the date of survey and therefore, if works have not commenced by October 2024, an updated assessment may be required.
- 7.11. In addition, the application is supported by an Arboricultural Method Statement and Tree Protection Plan. There is no statutory tree protection within the site and considering the sites are largely covered by hard standing, only very limited tree removal is proposed in order to allow for the reclamation of the land. The Tree Officer raises no objection but recommends a condition for the implementation of the works in line with the submitted tree protection plan. Additional informatives are recommended in order to ensure bats and birds are protected during the works.

Drainage and Flood Risk

- 7.12. The Environment Agency has reviewed the submission and confirms that the site is not considered to be sensitive with respect to controlled water receptors. They accept the findings of the submitted Ground Investigation Reports and therefore, raise no objections to the scheme.
- 7.13. In addition, the LLFA has confirmed that the sites are at very low risk of surface water flooding and the proposed demolition of buildings and areas of hard standing are unlikely to increase flood risk to third party land during the remediation of contaminated land. They have requested that during the remediation works, material is not placed in large continuous bunds which could impound water. If bunding of material is required, they should be no longer than 25 meters in length without a small space to prevent the impounding of water.
- 7.14. Whilst Severn Trent has recommended a condition for drainage plans for the disposal of foul and surface water flows to be submitted, considering the works relate to the reclamation of the site only and at this stage, no development or building works are proposed for the site, it is not considered the condition would be reasonable in this instance. Such a condition would likely be relevant, once an application for the wider re-development of the site is submitted in the future.
- 7.15. Canal and River Trust raised no objections to the proposal, but highlighted that any future proposals for the site would need to address how foul and surface water discharge would be managed to ensure canal water quality would not be affected.

Impact on visual amenity

- 7.16. The scheme proposes to erect fencing along the Bordesley Green Road frontage of site 1 and along the southern boundary of site 2. The fencing along site 1 would be visible to the adjoining road users; however, it is considered that the fencing is appropriate, considering the proposed works and existing commercial and industrial setting of the surrounding area. In addition, the fencing would also only be of a temporary nature and would be removed once the wider re-development works commence. The fencing is therefore considered to be appropriate and would not negatively impact on the visual amenity of the area. The fence along site 2 is situated along the boundary with the adjoining commercial site and therefore is not immediately visible within the public realm, and therefore is also acceptable.

8. Conclusion

- 8.1. The application seeks planning permission for the demolition of all structures on the two sites and reclamation of the land in order to prepare the sites for the proposed re-development as part of the wider Bordesley Park site. The loss of the existing uses and principle of the proposed works is acceptable and the works would not negatively impact on residential amenity, visual amenity, highway safety, ecological or drainage matters. The application is therefore recommended for approval, subject to conditions.

9. Recommendation

- 9.1. Approve, subject to conditions as detailed below.

1	Implement within 3 years (Full)
---	---------------------------------

-
- | | |
|---|--|
| 2 | Requires the scheme to be in accordance with the listed approved plans |
| 3 | Requires the prior submission of a method statement for the removal of invasive weeds |
| 4 | Requires the implementation of the submitted mitigation/enhancement plan |
| 5 | Arboricultural Method Statement and Tree Protection Plan - Implementation |
| 6 | Requires the prior submission of a demolition management plan |
| 7 | Contamination Remediation Scheme - Implementation in accordance with submitted details |
| 8 | Requires the submission of a contaminated land verification report |
| 9 | Finding of unexpected contamination |
-

Case Officer: Laura Shorney

Photo(s)



Image 1: 3D Aerial View onto Site1, land off Bordesley Green Road (@Google maps)



Image 2: 3D Aerial View onto Site 2, Land off Venetia Road (@Google maps)



Image 3: Site off Bordesley Green Road (Site 1)



Image 4: Site off Bordesley Green Road (Site 1)

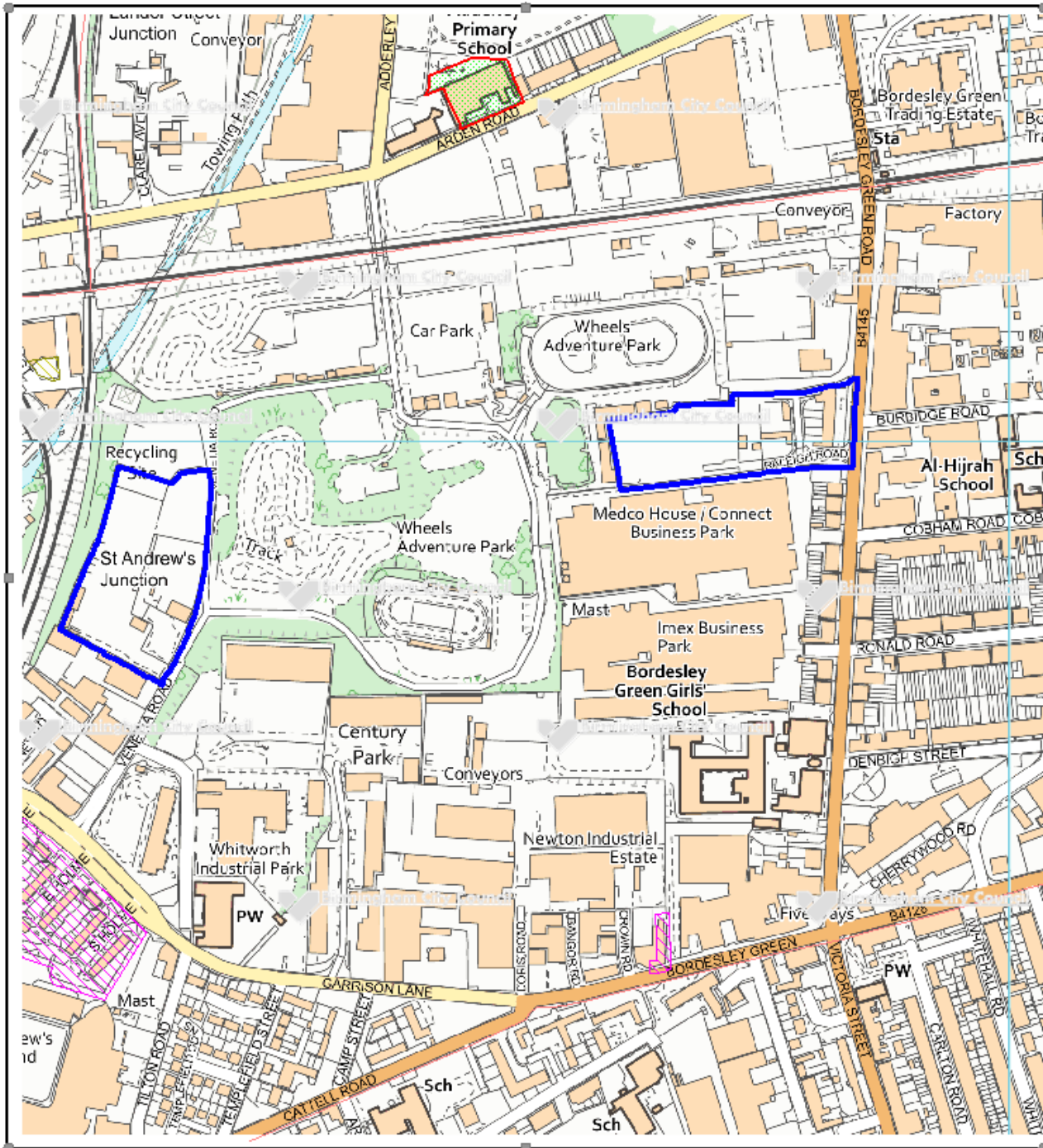


Image 5: Land off Venetia Road (Site 2)



Image 6: Land off Venetia Road (Site 2)

Location Plan



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Committee Date:	16/03/2023	Application Number:	2022/08037/PA
Accepted:	10/11/2022	Application Type:	Full Planning
Target Date:	17/03/2023		
Ward:	Perry Common		

North Birmingham Academy, 395 College Road, Kingstanding,
Birmingham, B44 0HF

Erection of extension to main school building with associated
landscaping

Applicant:	Birmingham City Council PO Box 15843, Birmingham, B2 2RT
Agent:	Glancy Nicholls Architects The Engine Room, 2 Newhall Square, Birmingham, B3 1RU

Recommendation

Approve subject to Conditions

1. **Proposal:**

1.1 This is an application for the erection of an approximately 2,300 sq.m. three storey extension within a landscaped informal play area on the western side of the school building, to be linked to it by two separate corridors. The development will predominantly provide new teaching space and is required as part of an expansion programme to increase pupil numbers at the school by 300.

1.2 The following reports/surveys have been submitted with the application:

- Noise Impact Assessment;
- Construction Management Plan;
- Contaminated Land Site Investigation;
- Arboricultural Impact Assessment;
- Preliminary Ecological Appraisal;
- Preliminary Bat Roost Assessment;
- Biodiversity Metric Assessment;
- Transport Statement;
- BREEAM pre-assessment;
- LZC Technologies Feasibility Report;
- Energy Statement;
- SUDS Assessment



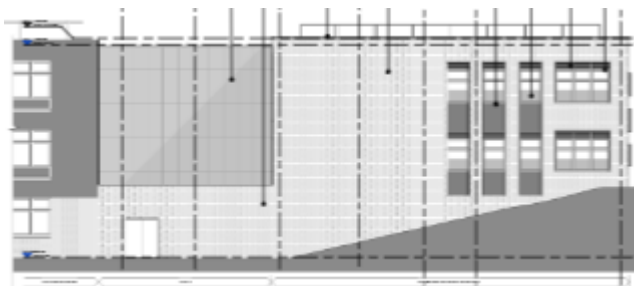
SITE CONTEXT PLAN



SITE OF PROPOSED EXTENSION



WEST ELEVATION



NORTH ELEVATION



CGI – SOUTH AND WEST ELEVATION OF THE EXTENSION



CGI – EXTENSION AND EXISTING BUILDING (SOUTH ELEVATION)

- 1.3 This is a 'major' application (based on the overall site area of the school) for a site where the Council has a land interest. The Scheme of Delegation requires that such applications are determined by the Development Control Committee.
- 1.4 [Link to Documents](#)
2. **Site & Surroundings:**
 - 2.1 The existing school building opened in 2013. This part of the school site is bounded to the north by the rear gardens of properties on Perry Common Road. To the south and west of the site of the proposed extension are playing fields.

SITE PLAN

3. **Planning History:**

- 3.1 2011/00260/PA - Demolition of existing academy buildings and erection of new 3 storey academy building with access improvements, landscaping and car parking, approved with conditions April 2011
- 3.2 2013/03205/PA - Installation of artificial turf pitch with associated fencing, floodlighting and mounds, approved with conditions November 2013
- 3.3 2016/09091/PA - Installation of artificial sports pitch with associated fencing, floodlighting and mounds, approved with conditions January 2017

4. **Consultation Responses:**

- 4.1 Environmental Pollution Control – Recommend conditions limiting noise levels from plant and machinery and submission of a contaminated land verification report.

Lead Local Flood Authority – No objection.

Transportation Development – No objection.

City Design – See paragraph 7.4 below.

Ecology – Recommend conditions requiring the submission of an Ecological Enhancement Scheme, a Landscape and Ecology Management Plan, and for development to take place in accordance with the submitted ecological appraisal.

Leisure Services - Concur with the comments provided by Sport England and the list of draft conditions to be imposed. No objection subject to acceptable mitigation being agreed for the loss of the playing field as a result of the development and that the existing remaining pitches are improved to an approved standard

Sport England - Approximately 2100 sqm metres of existing playing field would be lost to the proposed development. There would also be a temporary loss of playing field to accommodate the proposed construction compound areas, haul road etc. However the capacity of the northern playing field to provide sports pitches and an athletics track would be retained. The school also has other sports pitches and an area of grass playing field elsewhere on the site, all of which would be unaffected by the proposed development and would be retained.

The submission proposes measures to mitigate for the loss of playing fields, in the form of improvements to the quality of the retained playing field area in the north of the site and a community use agreement for the whole site as a means of providing some alternative benefits to community sport. This would be a significant benefit that would justify a departure from policy in this case. Conditions are therefore required to secure the details of the proposed specification of works and a suitable maintenance regime and the submission for approval of a community use agreement.

The Construction Management Plan indicates that parts of the existing playing field will be required to be lost temporarily to undertake construction of the development. Information has been submitted to demonstrate that this would not have an unacceptable adverse impact on the school meeting its needs during the construction period. A condition should be imposed requiring details of how the contractors' compound and haul road are to be removed and the existing playing field reinstated.

5. **Third Party Responses:**

- 5.1 Ward Councillors and neighbouring properties were notified and a site notice was posted. No representations have been received in response to the public consultation exercise

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

- a. National Planning Policy Framework
Paragraph 95
- b. Birmingham Development Plan 2017
Policy PG3 (Place Making)
Policy TP3 (Sustainable Construction)
Policy TP4 (Low and Zero Carbon Energy Generation)
Policy TP8 (Biodiversity and Geodiversity)
Policy TP11 (Sports Facilities)
Policy TP36 (Education)
- c. Development Management DPD: (if relevant)
Policy DM2 (Amenity)
Policy DM4 (Landscaping and Trees)
Policy DM14 (Transport Access and Safety)
Policy DM15 (Parking and Servicing)
- d. Supplementary Planning Documents & Guidance:
Birmingham Design Guide SPD
Birmingham Parking SPD

7. **Planning Considerations:**

- 7.1 The main material considerations are:

- Principle;
- Design/Layout;
- Residential amenity;
- Parking/Access;
- Sustainable construction/Energy generation;
- Ecology

Principle of development

- 7.2 The principle of improving or expanding schools to provide sufficient school places is in accordance with the NPPF (paragraph 95) and Policy TP36 of the BDP.
- 7.3 Policy TP11 of the BDP requires that sports and physical activity facilities be protected from development, and advises that the loss of existing sports facilities will not be allowed unless an equivalent or better quantity and quality replacement provision is provided. The use of facilities within the City's educational establishments by the community is encouraged. The imposition of the three conditions recommended by Sport England (Conditions 13, 14 and 15) will ensure that the aims of the policy are met.

Design/Layout

- 7.4 The City Design Officer is of the opinion that the design and scale of the proposed extension will result in a seamless addition to the existing school building. Eleven trees are to be removed in order to facilitate the development – these trees are to be

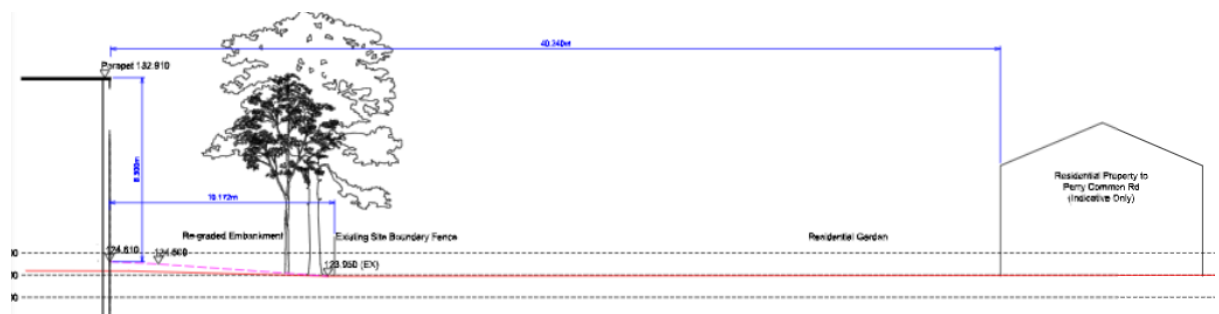
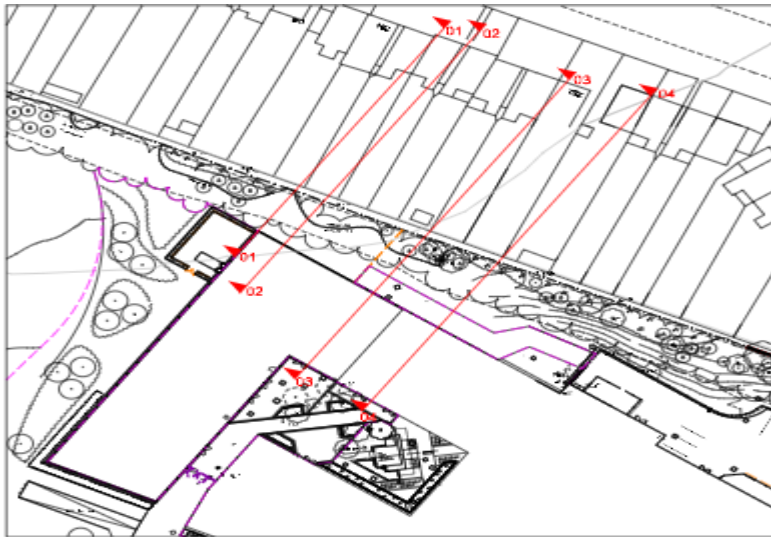
replanted elsewhere within the site and sixteen new trees are to be planted. New hard and soft landscaping is proposed in the vicinity of the extension, in accordance with the requirements of Policy DM4 of the Development Management in Birmingham DPD. The development will have a positive impact on the appearance of the school site and in this respect complies with the aims of BDP Policy PG3 and the Birmingham Design Guide SPD which require that all new development should demonstrate high design quality and enhance the City's environment.

Residential amenity

7.5 In assessing the impact of the development on outlook and privacy on properties at Perry Common Close, the following guidelines set out in the Birmingham Design Guide are relevant:

- 21m between building faces for 2 storey dwellings and 27.5m for 3 storeys and above; the separation distance should be increased by 2m for every 1m rise in ground level between new development and existing dwellings.
- 5m setback per storey where primary windows overlooking existing private space is proposed.

The two cross-sections below (01 and 02) show the relationship between the building and existing properties to the north.





- 7.6 The proposed extension has four windows at each of the first and second floors on the elevation facing the Perry Common Road properties. The extension would be set approximately 3m below the level of the nearest properties, and therefore the relationship between them is effectively two storey to two storey. The extension would be approximately 40m at its nearest point from the rear elevation of the houses, significantly in excess of the Birmingham Design Guide minimum requirement. The extension would be sited approximately 10.5m from the nearest garden, exceeding the 5m per storey set back requirement by 0.5m. Existing trees along the boundary would also provide a degree of screening.
- 7.7 In view of the above it is considered that the proposal complies with BDP Policy TP36 and Policy DM2 of the Development Management in Birmingham DPD in that it would not conflict with adjoining residential uses by reason of loss of privacy or outlook.

Parking/Access

- 7.8 The submitted Transport Statement advises that, in consideration of the Parking SPD, the existing school site overprovides by 35 spaces compared to a typical level of parking included within the SPD. Therefore it is considered that the typical parking levels associated with the proposed expansion will be accommodated within existing on-site parking provision. There are 56 existing cycle parking spaces at the site, which is greater than the current usage, and therefore no additional spaces are proposed. The Statement also advises that the proposed development will generate an additional 89 pupil vehicular drop offs and pick ups and 10 additional staff trips by car.
- 7.9 The Statement concludes that the proposed development would not have a significant impact on the local highway network, as any impacts from additional vehicular trips and can also be accommodated within the site. On this basis it is considered that there would not be any adverse highway safety impacts and as such the proposal complies with Policies DM14 and DM15 of the Development Management in Birmingham DPD.

Sustainable Construction/Energy Generation

- 7.10 BDP Policy TP3 (Sustainable Construction) seeks to reduce CO2 emissions and create adaptable buildings. Developments are required to meet BREEAM standard 'Excellent' unless it can be demonstrated that the cost of achieving this would make the development unviable. The submitted BREEAM pre-assessment demonstrates that the development is capable of meeting BREEAM standard 'Very Good' and provides a reasoned justification why 'Excellent' cannot be achieved. Condition 11 requires the submission of a certificate post completion of the development to confirm that the 'Very Good' standard has been achieved.
- 7.11 In relation to Policy TP4 (Low and Zero Carbon Energy Generation), the applicant has provided an Energy Statement to calculate energy savings and an LZC

Technologies Feasibility Report setting out potential LZC sources. Condition 12 requires that the development takes place in accordance with the recommendations set out in the two reports.

Ecology

- 7.12 Policy TP8 of the BDP requires that developments should support the enhancement of Birmingham's natural environment and clearly identify how ongoing management of biodiversity enhancement measures will be secured.
- 7.13 The submitted ecological appraisals advise that the existing habitats affected by the proposed development are of low ecological value and offer minimal opportunities for protected/notable species. Recommendations are included in the appraisal to minimise the risk of harm to these species and to ensure works comply with legal protections. Condition 6 secures the implementation of development in accordance with these recommendations.
- 7.14 The new landscaping proposed by the development will compensate for habitat losses. The submitted Biodiversity Metric Assessment calculates that the landscaping will result in a gain in 14% in area habitats and 100% in hedgerow habitats - the scheme will therefore deliver an acceptable level of biodiversity gain, in excess of the forthcoming mandatory requirement of 10%.

Conclusion

- 7.15 The proposal constitutes a sustainable form of development which would be of an appropriate design and scale, providing improved educational facilities within the City and ecological benefits, and would not have any adverse on existing residential amenity or highway safety. As such the proposal complies with the relevant policy documents referred to in Section 6 above.

8. Recommendation:

- 8.1 Approve with conditions.

-
- | | |
|----|--|
| 1 | Implement within 3 years (Full) |
| 2 | Requires the scheme to be in accordance with the listed approved plans |
| 3 | Construction Management Plan |
| 4 | Tree survey |
| 5 | Landscaping details |
| 6 | Ecological surveys |
| 7 | Landscape and Ecology Management Plan |
| 8 | Limits the noise levels for Plant and Machinery |
| 9 | Requires the submission of a contaminated land verification report |
| 10 | Construction Employment Plan |
| 11 | BREEAM Certificate |
-

-
- 12 Low and Zero Carbon Technology
 - 13 Playing field improvement works
 - 14 Community Use Agreement
 - 15 Reinstatement of playing fields
 - 16 SUDS details
-

Case Officer: Faisal Agha

Photo(s)



AERIAL VIEW OF SITE

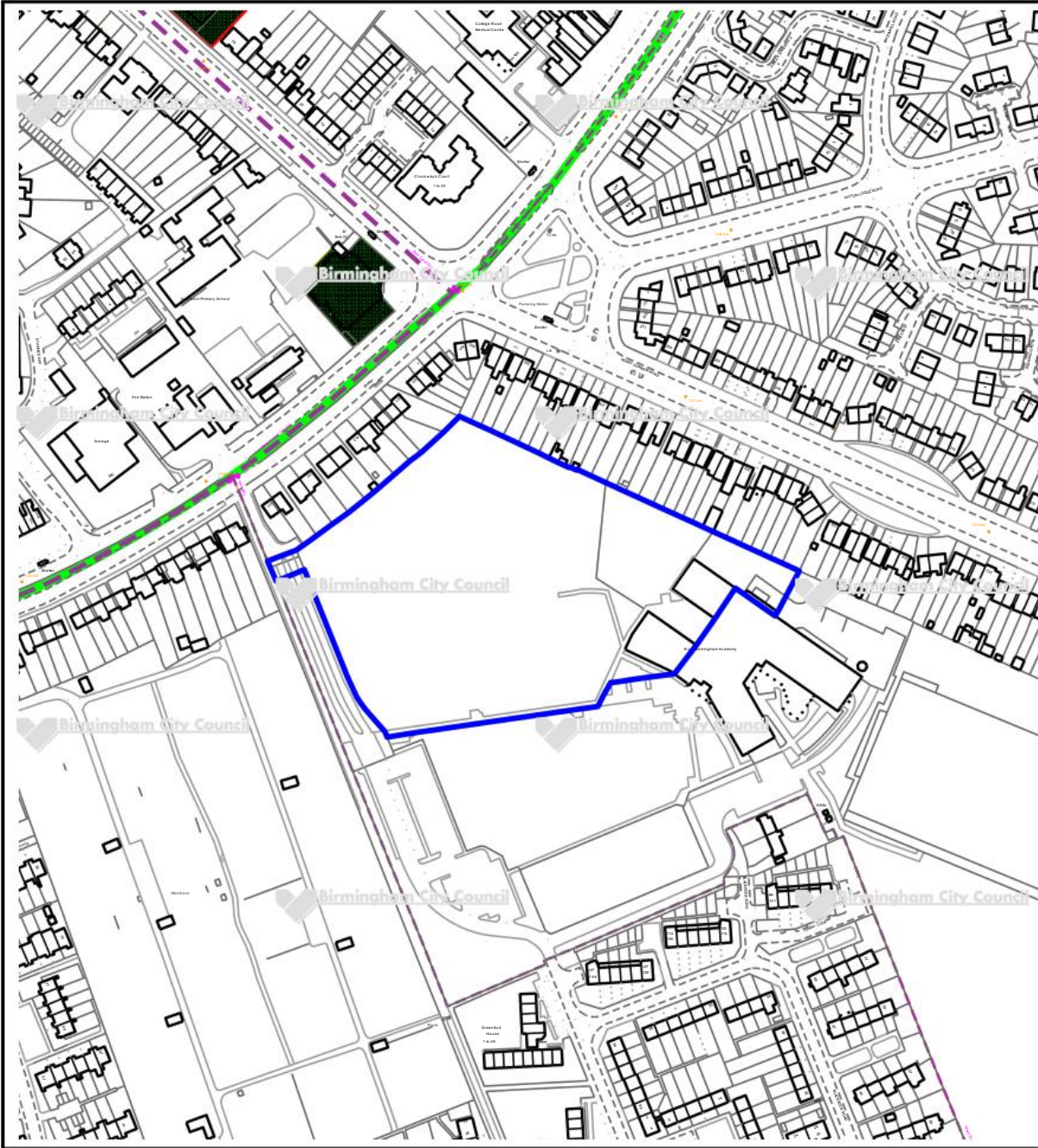


EXISTING NORTH ELEVATION



EXISTING (PART) WEST ELEVATION OF THE BUILDING

Location Plan



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Committee Date:	16/03/2023	Application Number:	2021/10266/PA
Accepted:	17/11/2022	Application Type:	Full Planning
Target Date:	17/03/2023		
Ward:	Tyseley & Hay Mills		

Phoenix Park, Brickfield Road, Hay Mills, Birmingham, B25 8EZ

Erection of new building for flexible general industrial / warehouse and distribution purposes (Use Classes B2 and B8) with ancillary office and staff facilities, associated car parking, loading area and wider site works including works to the existing vehicular access point at land at Brickfield Road

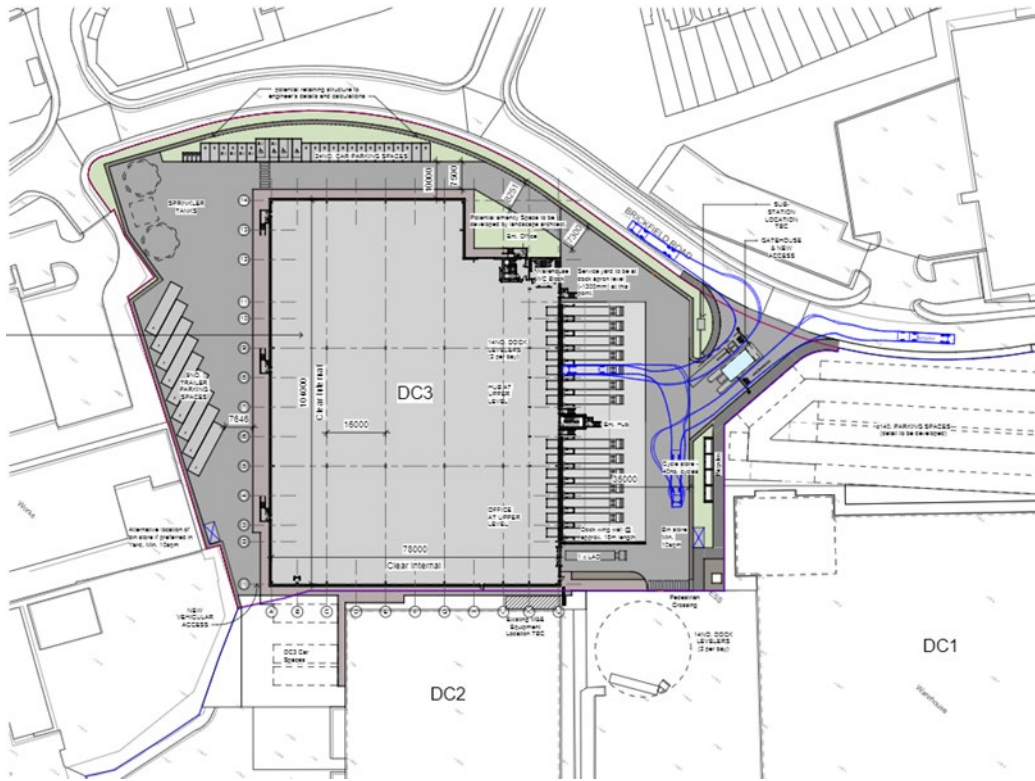
Applicant:	Euro Property Investments Ltd 20 Brickfield Road, Hay Mills, Birmingham, B25 8HE
Agent:	Carter Jonas 2 Snow Hill, Queensway, Birmingham, B4 6GA

Recommendation

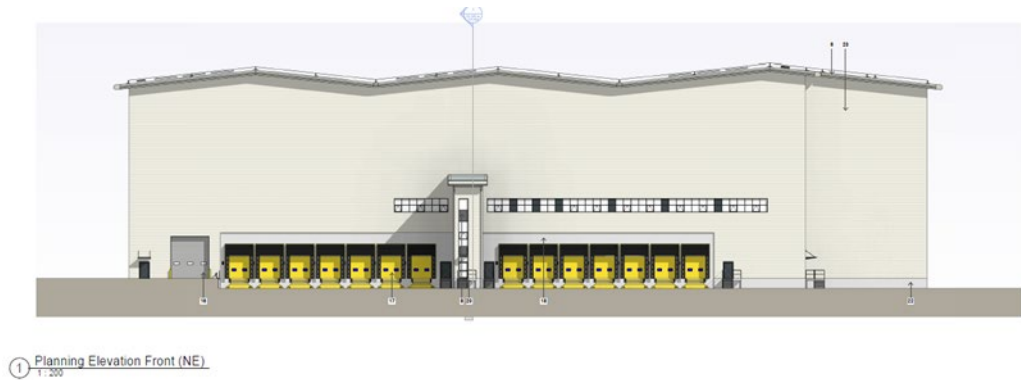
Approve subject to Conditions

1. **Proposal**

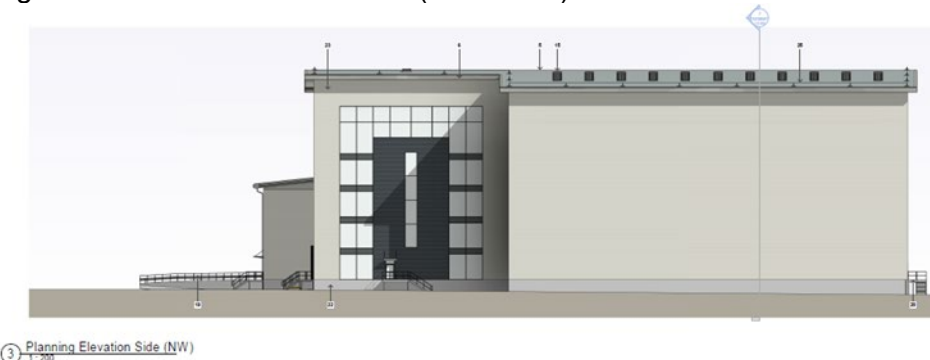
- 1.1 This application relates to the erection of a new building for flexible general industrial / warehouse and distribution purposes (Use Classes B2 and B8), with ancillary office and staff facilities, associated car parking, loading area and wider site works including works to the existing vehicular access point at land at Brickfield Road.
- 1.2 The site area measures approximately 1.8 hectares. The proposed unit would measure approximately 78.6m (W) x 105m (L) x 29m (H) and would have a gross internal floor area of 8,340sqm. The unit would have a basic and functional appearance faced in metal sheeting in grey, designed with horizontal banding. The roof would be designed with shallow pitches.
- 1.3 Figure 1: Block Site Plan



1.4 Figure 2: Warehouse Elevations (Northeast).



1.5 Figure 3: Warehouse Elevations (Northwest)



1.6 The main frontage would be the northeast elevation and would comprise the HGV docking area and office windows to level 2. The main entrance from Brickfield Road would be located along this elevation and would feature a yard area to the frontage. The northwest elevation which fronts onto Brickfield Road would feature a section of curtain glazing and horizontal anthracite cladding. A small amenity area would be

proposed on this frontage. The southwest and southeast elevations are blank facades, located to the rear of the site and not visible from the street scene.

- 1.7 A total of 24no. car parking spaces are proposed to the northwest of the site of which 4 are accessible bays, 6no electric charging bays (2 are accessible EV bays) and 4no. motorcycle parking bays. Cycle parking for up to 40no. spaces is proposed to the northeast of the site. 9no. HGV parking spaces are located to the southwest elevation alongside sprinkler tanks as shown on drawing 21-172-SGP-STE-ZZ-DR-A-13-1002 Revision P9 (Block Site Plan).
- 1.8 The proposed use would have a 24hour use. A total of 234 full-time jobs would be created, safeguarding 187 jobs at EPIL's existing operation adjoining the site.
- 1.9 The flexible B2/B8 use would allow EPIL to respond to changes in demand within the packaging industry (e.g. new production lines) or provide a 'just in case' storage facility in the advent of supply-chain issues.
- 1.10 This application has been supported by the following:
 - Planning Statement
 - Design and Access Statement
 - Transport Assessment
 - Archaeological Assessment
 - Air Quality Assessment
 - Flood Risk and Drainage Assessment
 - Noise Assessment
 - Ecological Impact Assessment
 - Energy Assessment
 - BREEAM pre-assessment
 - Ground Investigation Report
 - Arboricultural Survey
 - Lighting details

1.11 [Link to Documents](#)

2. **Site & Surroundings**

- 2.1. The application site is located off Brickfield Road to the south of Coventry Road and is located within Kings Road Core Employment Area and within the Tyseley Environmental Enterprise District (TEED) which is a predominantly industrial area.
- 2.2. Figure 2: Ariel view of site (Google Maps, February 2023)



- 2.3. The site is currently vacant and comprises of poor-quality lawn and hardstanding. It is bounded by a 2m high timber fence and overgrown landscaping that provides substantial screening along the western and southern boundaries. The site was previously used as open storage.
- 2.4. The site is located within flood zone 1. It has previously been used as a landfill site, however that use has now ceased. The site is predominantly surrounded by industrial and commercial uses including the existing Europackaging facility situated to the east of the site. There are ground level differences within the site of around 11m from the highest point on the northern edge and lowest point on the south-eastern edge.
- 2.5. The nearest residential neighbours are located on Ada Road to the north and Speedwell Road to the southwest with the rear boundaries of these properties located approximately 35-50m away from the site boundaries.

2.6. [Site Location](#)

3. **Planning History**

- 3.1. 20/2/1997 - 1996/04238/PA - Change of use to airport car parking, new access road, reception building, fencing and landscaping works - Approved subject to Conditions.
- 3.2. 21/11/2002 - 2002/04050/PA - Change of use from airport parking to external storage of scaffolding materials - Approved subject to Conditions.
- 3.3. 27/04/2006 - 2006/00735/PA – Subdivision of site into 16 plots for a variety of industrial and waste uses – Approved, temporary for a period of three years.
- 3.4. 07/10/2016 - 2016/06923/PA – Subdivision of site into 16 plots for a variety of industrial and waste uses – Refused on the grounds of insufficient information.
- 3.5. 20/07/2017 - 2016/10590/PA - Change of Use and sub-division of site into 16 plots

to be used as open storage and car parking - Refused on the grounds of insufficient information.

- 3.6. 19/7/2018 - 2018/01359/PA - Outline planning application with some matters reserved (save for access, scale, appearance) for the erection of a building for general industrial/warehouse and distribution purposes (Use Class B2 and B8) - Approved subject to Conditions.
- 3.7. 12/8/2019 - 2019/03990/PA - Retention of change of use and sub-division of site into 16 plots to be used as open storage and car parking – Refuse on grounds of insufficient information.
- 3.8. 16/12/2021 - 2021/06041/PA - Application for reserved matters for details of landscaping and layout (only) in respect of the outline consent under reference 2018/01359/PA - Approved subject to Conditions.

4. Consultation Responses

- 4.1. City Design – No objection to amended scheme, subject to conditions.
- 4.2. Transportation – No objection, subject to conditions.
- 4.3. Regulatory Services - No objection, subject to conditions.
- 4.4. Tree Officer - No objection.
- 4.5. Ecology - No objection, subject to conditions.
- 4.6. Severn Trent Water - No objection, subject to conditions.
- 4.7. Local Lead Flood Authority - No objection, subject to conditions.
- 4.8. Archaeology – No objection.
- 4.9. Environment Agency – No objection, subject to conditions
- 4.10. Employment Access Team – No objection, subject to the inclusion of employment obligations via a S106 agreement/condition.
- 4.11. West Midlands Fires Service – No objection.
- 4.12. West Midlands Police – No objection.

5. Third Party Responses:

- 5.1. Ward Members, Resident Associations and Neighbours have been consulted. A site notice has been displayed. No public participation received.

6. Relevant National & Local Policy Context:

- 6.1. National Planning Policy Framework:
 - Chapter 2 – Achieving sustainable development.
 - Chapter 6 - Building a strong, competitive economy.

- Chapter 11 - Making effective use of land.
- Chapter 12 – Achieving well-designed places.

6.2. Birmingham Development Plan 2017:

- PG3 Place making
- TP3 Sustainable construction
- TP4 Low and zero carbon energy generation
- TP5 Low carbon economy
- TP15 Location of waste management facilities
- TP19 Core Employment Areas
- TP20 Protection of employment land
- TP26 Local employment

6.3. Development Management DPD:

- DM2 Amenity
- DM14 Transport access and safety
- DM15 Parking and servicing

6.4. Supplementary Planning Documents & Guidance:

- National Design Guide 2021
- The Birmingham Design Guide 2022
- Birmingham Parking SPD 2022

7. **Planning Considerations**

- 7.1. The application has been assessed against the objectives of the policies set out above. The critical issues in the determination of this application are the principle of the development, design and appearance, residential amenity, and highway safety/parking.

Principle of development

- 7.2. The application site is located within Kings Road Core Employment Area and Tyseley Environmental Enterprise District (TEED). Policy TP19 (Core Employment Areas) and Policy TP20 (Protection of Employment Land) of the Birmingham Development Plan (2017) states that land within such areas will be retained for employment use with the definition of employment being as B1b (Research and Development), B1c (Light Industrial), B2 (General Industrial) and B8 (Warehousing and Distribution) and other uses appropriate for industrial areas such as waste management, builders' merchants and machine/tool hire centres. In addition, the principal of the use of the site for industrial/commercial uses has already been established through the historical permissions. As such, it is considered that the proposed use for general industrial and warehouse / distribution purposes is considered an appropriate use and accords with the policies outlined above.

Design and Appearance

- 7.3. Amended plans had been provided to overcome design concerns. The applicant has amended the design to provide an active frontage, an improved building design which would fit in with industrial buildings within the vicinity and would have a positive visual presence along Brickfield Road through the introduction of improved glazing to the northwest elevation and staff amenity area. My City Design Officer has no objections to the amended scheme and welcomes the proposed choice of materials, simple building design and improved active frontage along Brickfield Road.

- 7.4. Overall, I consider the proposal will provide an acceptable scheme in an otherwise vacant brownfield site and promote positive visual presence along Brickfield Road and promote a level of natural surveillance. The proposal would improve the visual appearance of the surrounding area by making efficient use of a brownfield site.

Residential Amenity

- 7.5. Residential amenity is considered for neighbouring occupiers. I note the nearest residential dwellings are approximately 50-35m away along Speedwell Road to the southwest and Ada Road to the north. A noise assessment has been submitted to provide an understanding of the noise levels from the additional staff vehicles and HGV deliveries. The assessment shows that the impact is low given the context of the site and concludes that noise resulting from the proposed deliveries will be below the guideline limits of 50dB(A) for rear gardens on Speedwell Road and Ada Road.
- 7.6. Regulatory Services do not raise any concerns in terms of noise and have suggested a condition which limits the noise levels for Plant and Machinery. I concur with the views of my Regulatory Services Officer. A condition has been attached accordingly.
- 7.7. Overall it is considered the proposal would have an acceptable impact in terms of noise on nearby residential occupiers.

Highways

- 7.8. The proposed vehicular access would be located on the northern boundary off Brickfield Road as shown on the submitted Block Site Plan. Tracking analysis has been submitted in support of the planning application which demonstrates that access/egress can be achieved. An HGV/car vehicle route is located along the western boundary which leads to a car parking area to the west and HGV parking to the rear of the unit.
- 7.9. Transportation Development raise no objections, concurring that there is sufficient highway capacity in the vicinity of the site that would not be adversely affected by the traffic movements associated with the development. Transportation Development recommends conditions to include details of a construction management plan; cycle storage details; and siting/design of access.
- 7.10. I concur with these views and have attached the recommended conditions in order to appropriately safeguard highway safety matters associated with the proposed development.

Other Matters

- 7.11. Employment – The proposal seeks to create a total of 234 full-time jobs whilst safeguarding 187 jobs at EPIL's existing operation adjoining the site. The Council's Employment Access Team seek to include employment obligations through a Job & Skills S106 clause or condition. A condition relating to a Construction Employment Plan has been attached.
- 7.12. Ecology – The Ecologist welcomes the proposed changes which includes a wildflower meadow and native species planting as shown on the Landscape Masterplan. The proposal is an improvement in terms of ecological value in comparison to its existing state. Conditions such as Landscape and Ecological Management Plan (LEMP), Method Statement for Invasive weeds, Scheme for

ecological/biodiversity/enhancement measures, bird/bat boxes suggested by my Ecologist is attached.

- 7.13. Drainage – Through extensive discussions between the LLFA, Planning Officer and Drainage consultant the applicant has sought to resolve the drainage issues via pre-commencement conditioning. This strategy is considered to be a pragmatic approach as it does not hinder the redevelopment of this otherwise vacant brownfield site and would offer the applicant sufficient time to test appropriate drainage solutions. The LLFA has raised no objection, subject to conditions.
- 7.14. Sustainability – An Energy Statement has been submitted in support of this application. The proposal will include a high fabric efficiency measure to provide energy demand reduction and the use of air source heat pumps in the office and areas of similar activity. The report also highlights the potential for further improvement via the introduction PV to the roof.

8. **Conclusion**

- 8.1. The application proposals seek planning permission for the erection of a large B2 use general industrial / B8 use storage and warehouse facility on land at Brickfield Road, located within a core employment area. The proposals are considered to be acceptable in principle and would not have an adverse impact on residential amenity or highway safety. I am satisfied that the proposals would amount to an improvement in visual amenity and the general physical environment of the site. For the reasons set out above, I recommend that the application be approved subject to conditions.

9. **Recommendation**

- 9.1. Approve, subject to conditions as detailed below.

-
- | | |
|----|---|
| 1 | Implement within 3 years (Full) |
| 2 | Requires the scheme to be in accordance with the listed approved plans |
| 3 | Requires the submission of sample materials |
| 4 | Requires the submission of hard and/or soft landscape details |
| 5 | Requires the prior submission of a method statement for the removal of invasive weeds |
| 6 | Requires the submission of a scheme for ecological/biodiversity/enhancement measures |
| 7 | Requires the prior submission of details of bird/bat boxes |
| 8 | The development shall be implemented in accordance with the mitigation |
| 9 | A landscape and ecology management plan (LEMP) |
| 10 | Limits the noise levels for Plant and Machinery |
-

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- 11 Requires the prior submission of a contamination remediation scheme
 - 12 Requires the submission of a contaminated land verification report
 - 13 Requires the provision of a vehicle charging point
 - 14 Requires the prior submission of a construction method statement/management plan
 - 15 Requires the submission of details to prevent mud on the highway
 - 16 Requires the prior installation of means of access
 - 17 Requires the submission of cycle storage details
 - 18 Requires the applicants to sign-up to the Birmingham Connected Business Travel Network
 - 19 Requires the prior submission of a sustainable drainage scheme
 - 20 Requires the prior submission of a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan
 - 21 Requires the prior submission of a construction employment plan.
 - 22 To ensure that the development achieves BREEAM rating level
-

Case Officer: Hiteshree Kundalia

Photo(s)

Image 1: Aerial View of the wider site including Phoenix Park (Google maps, 2023)



Image 2: Aerial View of Site, Phoenix Park (Google maps, 2023)



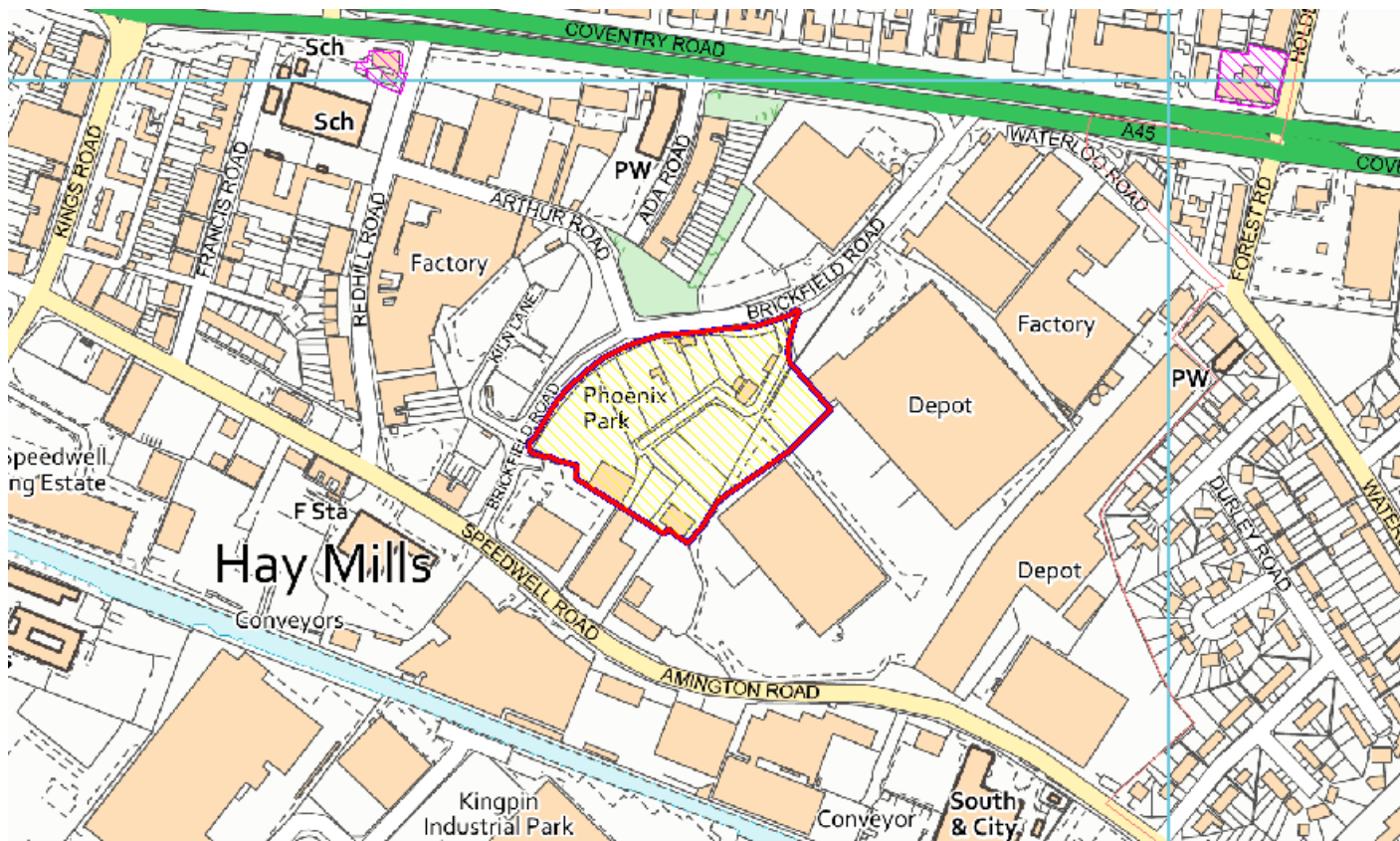
Image 3: View North of the Site (location of proposed access) (Google maps, 2023)



Image 4: View west of the site (along Brickfield Road) (Google maps, 2023)



Location Plan



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BIRMINGHAM CITY COUNCIL

REPORT DIRECTOR OF BUILDING CONSULTANCY ACIVICO BUILDING CONSULTANCY LIMITED

PLANNING COMMITTEE

DATE : 16 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 2023.

2.0 RECOMMENDATIONS

That Planning Committee:

- 2.1 Approve the Building Regulations Charging Scheme dated 1st April 2023, 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.
- 2.3 Recommend the approval of the increase in the amount paid to Acivico Building Consultancy relating to non-chargeable activity and agree a metric for future increases.

Contact Officer

Kevin Blunden, Director of Building Consultancy – Acivico Building Consultancy Ltd
Tel. No: 07467 890291
Email: kevin.blunden@acivicogroup.co.uk

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 10% increase with effect from 1st April 2023
- 3.2 The report also outlines the increase in non-fee earning work over previous years and the significant increase in new legislation, enforcement and registration of Building Inspectors in 2023/24

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 within the 2023/24 financial year, requiring additional training, registration fees and 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.
 - 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 10% 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 2023/24.

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 2022/23			Fees 2023/24		
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 30m ² but not exceeding 60m ²	£175	£343	£518	£175	£395	£570
An extension that is less than 10m ²	£175	£343	£518	£175	£395	£570
An extension that is over 10m ² but less than 40m ²	£175	£484	£659	£182	£543	£725
An extension that is over 40m ² but not exceeding 60m ²	£175	£651	£826	£225	£685	£910
An extension that is over 60m ² but less than 100m ²	£175	£759	£934	£256	£769	£1025
A loft conversion comprising of a floor area less than 50m ² or two rooms	£200	£318	£518	£200	£370	£570
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	£75			£82		
Conversion of an existing garage into a habitable room	£175	£284	£459	£175	£330	£505
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	£214	£389	£175	£252	427
Up to and including a value of £50,000	£175	£457	£632	£175	£520	£695
Up to and including a value of £100,000	£175	£759	£934	£256	£769	£1025
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.

Building Notice Application – Minor works		
Category	Fees 2022/23	Fees 2023/24
Minor works up to £5000	£184	£200
Solar panels not covered by a competent persons scheme but certified to BS 7671	£119	£130
Replacement windows, other than by a registered installer	£119	£130
Electrical installations not covered by a competent person's scheme but certified to BS7671	£119	£130

Full Plans Applications – Commercial Works

Full Plans Applications	Commercial Works					
	Fees 2022/23			Fees 2023/24		
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 40m2	£200	£459	£659	£200	£524	£724
An extension or detached new build commercial structure that is over 40m2 but less than 100m2	£300	£634	£934	£300	£725	£1025
Internal refurbishment of commercial premises with a floor area not exceeding 75m2.	£373		£373	£410		£410
Internal refurbishment of commercial premises with a floor area not exceeding 200m2	£200	£410	£610	£200	£470	£670
Internal refurbishment of commercial premises with a floor area not exceeding 500m2	£250	£576	£826	£250	£658	£908
Other Building Work						
Up to and including a value of £15,000	£389		£389	£430		£430
Up to and including a value of £50,000	£200	£431	£631	£200	£494	£694
Up to and including a value of £100,000	£300	£633	£933	£300	£725	£1025
Any building work up to a value of £5,000 undertaken at the same time as the above	£110		£110	£120		£120

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 2022/23			Fees 2023/24		
Category of work	Plan Fee	Inspection Fee	Total	Plan Fee	Inspection Fee	Total
1 Dwelling	£200	£556	£756	£220	£611	£831
2 Dwellings	£200 per dwelling type	£734	£934 to £1,134	£220 per dwelling type	£807	£1027 to £1247
3 Dwellings	£200 per dwelling type	£912	£1,112 to £1,512	£220 per dwelling type	£1,003	£1,223 to £1,663
4 Dwellings	£200 per dwelling type	£1,063	£1,263 to £1,863	£220 per dwelling type	£1,169	£1,389 to £2,049
5 Dwellings	£200 per dwelling type	£1,187	£1,387 to £2,187	£220 per dwelling type	£1,305	£1525 to £2,405
6 Dwellings	£200 per dwelling type	£1,338	£1,538 to £2,538	£220 per dwelling type	£1,471	£1,691 to £2,791
7 Dwellings	£200 per dwelling type	£1,435	£1,635 to £2,835	£220 per dwelling type	£1,578	£1,798 to £3,118
8 Dwellings	£200 per dwelling type	£1,694	£1,894 to £3,294	£220 per dwelling type	£1,863	£2,083 to £3,623
9 Dwellings	£200 per dwelling type	£1,872	£2,072 to £3,672	£220 per dwelling type	£2,059	£2,279 to £4,039
10 Dwellings	£200 per dwelling type	£2,158	£2,358 to £4,158	£220 per dwelling type	£2,373	£2,593 to £4,573
All other works by quotation						

6.0 THE BUILDING REGULATIONS CHARGING SCHEME

6.1 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 2023/2024 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

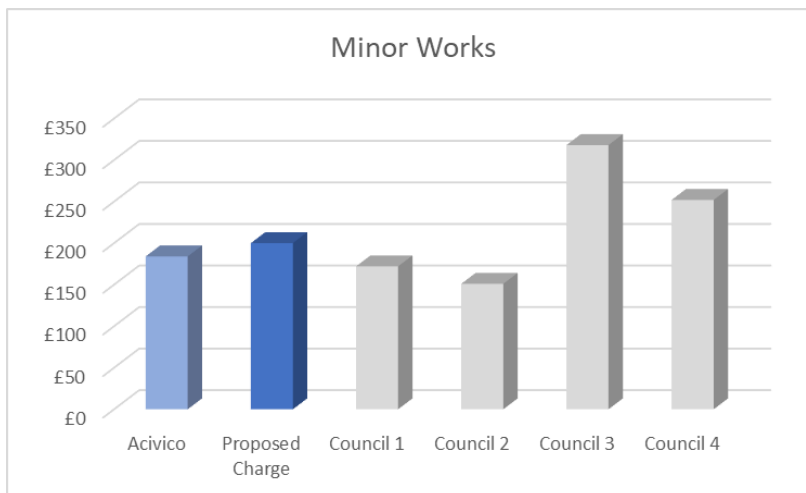
In Benchmarking it should be noted that Birmingham City Council is one of the largest in the UK, with a diverse population and wide-ranging demographic of properties in a compact urban area which presents unique challenges in delivering services across the city.

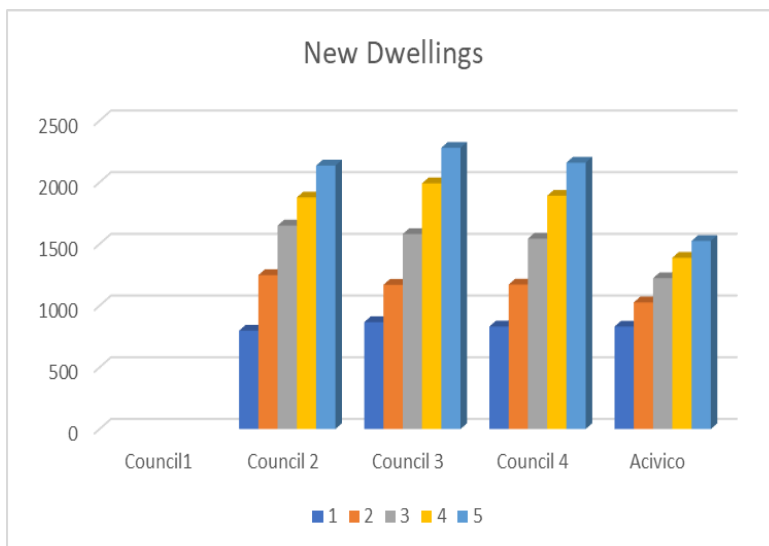
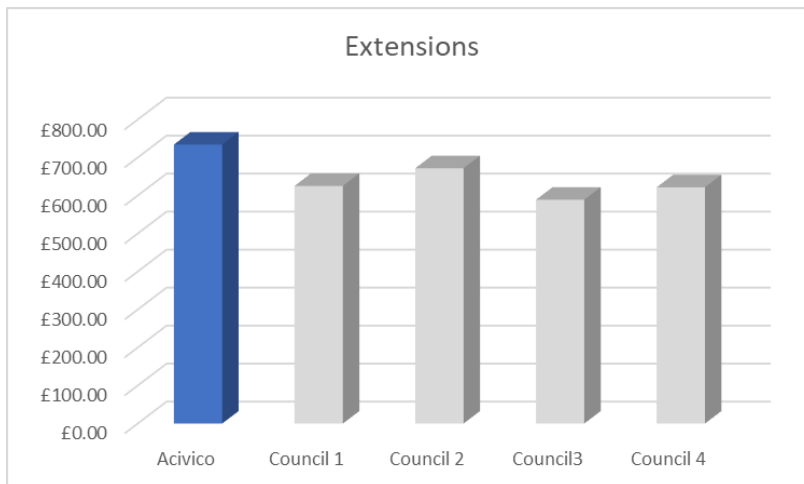
Acivico Building Consultancy Limited fees are more competitive compared to other large metropolitan Councils in the West Midlands in respect of smaller works carried out mainly by individual householders, smaller commercial works carried out mainly by local businesses and new dwellings and broadly comparable 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.

Manchester City Council has a similar profile but does not publish its charges to enable benchmarking and similarly Hertfordshire Building Control which is an outsourced company does not publish charges.

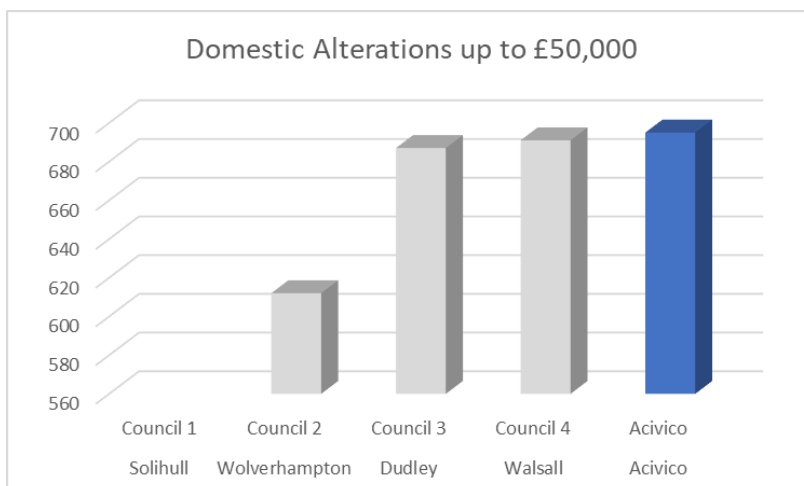
Fees for smaller works, typically carried out by individual property owners remain low compared to our neighbours.

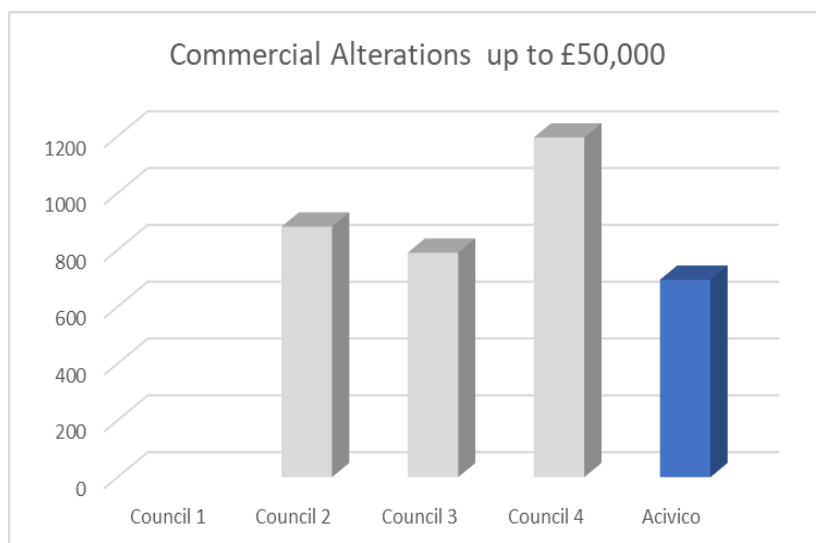




Council 1 in benchmarking to not publish fees for new dwellings.

Other benchmarked Councils do not discount Plan assessment fees based upon number of house types. i.e charge for 5 plan assessments even if there is only 1 house type.





IMPLICATIONS FOR PRIORITIES IN RESPECT OF STATUTORY (NON-FEE EARNING) ACTIVITIES

- 11.1 **A Modern and Successful City** – it is widely recognised that an effective Building Regulation Service is a fundamental part of the development process whilst at the same time ensuring that buildings support the continued health, safety and welfare of persons who own or use them.

All statutory non-fee earning services are delivered within an agreed budget and an increase in that budget is requested for the 2022/23 financial year to reflect inflationary costs and the increasing demand for services which are not subject to Building Regulation fees.

The Building Safety Regulator, the new body with responsibility for Building Regulations has set expectations in respect of compliance with all elements of the Building Regulations and has declared that from April 2023 they will be seeking reporting data to this effect and arranging to Audit Local Authorities to ensure standards are being met.

In consequence there is a need to increase the amount paid to cover non-fee earning works to reflect the increasing costs of service delivery and the need to enforce the Building Regulations in respect of all aspects of the Regulations and the increase in responsibility and duties as a consequence of the legislation being introduced under the Building Safety Act 2022.

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 2023/24 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 during 2023.

Benchmarking of the annual payment in respect of non-fee earning work against neighbouring authorities is not possible as this data is not publicly available and the direct funding of in-house services is not readily comparable.

The proposal is to increase the annual payment made for non-fee earning services to allow for enforcement of all aspects of the Building Regulations by £64,000 and to increase that base figure by a recognised metric such as consumer price index (CPI). (8.8%) with a proposed annual payment of £1,267,400

Acivico is proposing the CPI as the future metric used in determining increases in the annual payment.

There is a risk associated with a static annual payment or lower payment than proposed in that Acivico Building Consultancy may not be able to deliver those parts of the Building Control Service to residents and businesses within Birmingham and may not be able to enable Birmingham City Council to fulfil the obligations placed upon it by the Building Act 1984 and Building safety Act 2022.

Birmingham City Council, as the largest Local Authority in the country, with a large number of High Risk Buildings (HRBs) is likely to be subject to audit by the new Building safety Regulator within the next 12-24 months and it will be necessary to demonstrate that the enforcement of Building Regulations and associated legislation is effectively being carried out.

- 11.2 **Equalities** - the enabling legislation stipulates that a Local Authority is unable to charge a Building regulation fee where the work is directly linked to a person with a disability. As a consequence, Acivico (Building Consultancy) Ltd process around two hundred and fifty applications in 2022/23, an increase of one hundred on the previous year, this category per annum the costs of which are borne from general funds.