

Birmingham City Council

Planning Committee

22 February 2024

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 – Subject to 106 Legal Agreement	6	2022/07907/PA Land North of Warwick Road Acocks Green Birmingham B27 6PL Erection of 46 dwellings with associated works and landscaping. Access proposed from Warwick Road.

Committee Date:	22/02/2024	Application Number:	2022/07907/PA
Accepted:	14/11/2022	Application Type:	Full Planning
Target Date:	29/02/2024		
Ward:	Acocks Green		

Land North of Warwick Road, Acocks Green, Birmingham, B27 6PL

Erection of 46 dwellings with associated works and landscaping.
Access proposed from Warwick Road.

Applicant: Living Space Housing
Hayfield House, Arleston Way, Shirley, Solihull, West Midlands, B90 4LH

Agent:

Recommendation

Approve Subject to a Section 106 Legal Agreement

1. **Proposal:**

- 1.1 This application relates to the erection of 46 dwellings with associated works and landscaping, with access proposed from Warwick Road.
- 1.2 The overall site measures approximately 8,085sqm (0.8hectare) and would comprises a mix of 2-storey terraced, detached and semi-detached dwellings and a 4-storey apartment block.
- 1.3 Figure 1: Proposed Site Layout



1.4 Figure 2: Proposed Street scenes, including view along Warwick Road frontage



1.5 Figure 3: CGI1 (Proposed view from the southern end of Warwick Road)



1.6 Figure 4: CGI 2 (Proposed view from northern end of Warwick Road)



- 1.7 The site would have a single point of access off Warwick Road as shown on the Proposed Site Layout (Drawing D01 Revision Q). The internal road layout runs through the centre of the site. The proposed site access would be sufficient for emergency vehicles/refuse vehicles.
- 1.8 The proposal seeks to provide 1 and 2-bed flats and 2 and 3-bed dwellings. The following mix of housing types is proposed:
- 12no. 1bed/2 person flats
 - 7no. 2bed/3 person flats
 - 11no. 2bed/3 person dwellings
 - 16no. 3bed/4 person dwellings
- 1.9 The application would comply with Policy TP31 as 35% on-site affordable housing provision is proposed and would be secured via a S106 legal agreement. The following plots would be affordable as part of the S106 legal agreement:
- 7no. 2 bed units (plots 01, 02, 03, 24, 25, 23, 22) (Social Rent)
 - 6no. 3 bed units (plots 26, 20, 19, 18, 17, 16) (Social Rent)
- 1.10 It is also advised that it is expected that overall the scheme would be 100% affordable through grant funding from Homes England and working with a Registered Provider. However, as this cannot be secured through this planning application, this is not a material planning consideration.
- 1.11 In terms of design, the proposed dwelling units would be 2-storeys and would have a

traditional appearance; faced in red brick, with gable roofs and symmetrical windows. Some decorative brick detailing would be included with the window surrounds. Each dwelling would be designed with a front garden and rear garden.

- 1.12 The apartment block would be designed in a contemporary flat roofed form. The 4th storey would be set back from the third floor and clad in grey panelling. The apartments would be designed with Juliet style balconies and symmetrical windows. The facing materials would be in keeping with the dwellings within the wider development and comprise similar brick detailing to maintain some continuity in design. The parking area and amenity space for the proposed block would be located to the rear and comprises a courtyard style parking area. A landscaping scheme is proposed to the block's frontage comprising of trees and areas of lawn along Warwick Road.
- 1.13 Plots 1-3 comprise a row of terraced dwellings located to the sites frontage along Warwick Road. The units would be set back from the road frontage with a landscaping strip creating a buffer along Warwick Road as shown on the CGI images. The car parking for plots 1-3 would be located to the rear of the residential gardens within a courtyard style car parking area shared with Plots 4-5.
- 1.14 Plots 4-11 comprise a mix of terraced and semi-detached units which form a perimeter block, located within a cul-de-sac off the main residential road within the application site. The majority of parking spaces would be in the form of front driveways.
- 1.15 Plots 12-15 comprise a pair of semi-detached units located to the northern boundary of the site.
- 1.16 Plots 16-26 comprise a mix of terraced, semi-detached and detached properties which front onto the main residential road within the site.
- 1.17 Plot 27 is a detached property and is located along Lincoln Road.
- 1.18 The overall site would provide 66no. car parking spaces; 1 space per 1/2 beds and 2 spaces per 3 beds, plus 4no. visitor spaces.
- 1.19 The following documents have been submitted in support of this application:
 - Waste collection strategy
 - Materials Plan
 - Flood risk assessment
 - Air Quality Assessment
 - Design and Access Statement
 - Noise Impact Assessment
 - Preliminary Ecology Appraisal
 - Preliminary Ground Level bat roost assessment of trees
 - Preliminary Arboricultural Assessment
 - Sustainable Construction Statement
 - Interim Ground Investigation Land Contamination Assessment
 - Parking Management Plan
 - Parking Strategy
 - Planning Statement
 - Financial Viability Assessment
 - Transport Assessment
 - Stage 1 RSA
 - SUDs details
 - Bicycle and bin strategy

- CGIs
- Smart/Wildlife garden design

1.21 [Link to Documents](#)

2. **Site & Surroundings:**

- 2.1. The application site (0.87ha) was cleared of former commercial/ industrial buildings around 15 years ago. It now currently comprises of hardstanding, with areas of scrub and grassland, as well as lines of mature Leyland Cypress trees to the north-western and south-eastern boundaries. The site is adjoined by residential properties to the north (Olton Croft), east (Lincoln Road) and west (Culham Close). Immediately east of the proposal is a small parade of commercial units containing a day nursery, takeaway and a retail unit. The site fronts onto the Gospel Lane/Warwick Road/ Olton Boulevard East Gyratory. Further south along Warwick Road comprises a number of larger commercial units including a petrol filling station and restaurants.
- 2.2. There are two existing vehicular accesses off Warwick Road and Lincoln Road. Ground levels across the site slopes to the south, following the fall of Warwick Road. Changes in ground levels are up to 2m.
- 2.3. The surrounding area fronting Warwick Road is predominantly commercial. Acocks Green District Centre is located approximately 200m west along Warwick Road. The site is highly accessible by a range of public transport networks including bus and train which provides connectivity to Birmingham City Centre and Solihull Town Centre.
- 2.4. [Site location](#)

Figure 5: Site Location (Google Maps, 2024)



3. **Planning History:**

- 3.1. 16.03.1995 - 1995/00139/PA - Retention of car park area - Approved subject to Conditions.
- 3.2. 20.02.1996 - 1995/04746/PA – Change of use from industrial unit to form annex baby unit to existing day nursery at 1322 Warwick Road (Class D1 - Non residential institution) - Approved Temporary.
- 3.3. 10.09.1998 - 1998/02740/PA - Change of use of car park to the sale/display of vehicles and erection of sales office - Approved subject to Conditions.
- 3.4. 31.01.2017 - 2016/07099/PA - Outline planning application for the erection of up to 48 residential units (with means of access to be determined and all other matters reserved) - Approved subject to Conditions.

4. **Consultation Responses:**

- 4.1. Transportation development – No objection subject to conditions.
- 4.2. Regulatory Services – No objection subject to conditions.
- 4.3. Planning and Growth Strategy – No objection subject to conditions.
- 4.4. City Design – No objection to amended scheme.
- 4.5. LLFA – No objection subject to conditions.
- 4.6. Trees – No objection subject to conditions.
- 4.7. Ecology – No objection subject to conditions.
- 4.8. Leisure Services – No objection subject to Open Space contribution.
- 4.9. Employment Access Team – No employment conditions required.
- 4.10. Severn Trent Water – No objection subject to condition.
- 4.11. West Midlands Police – No objection.
- 4.12. West Midlands Fire – No objection.

5. **Third Party Responses:**

- 5.1. Neighbouring occupiers, residents' groups, Local Councillors and Jess Phillips MP have been consulted. Site notice posted. Councillor Roger Harmer objects to the scheme. No further comments have been provided.
- 5.2. 14 objections have been received from local residents and an objection from Acocks Green Focus group on the following grounds:
 - Warwick Road is already busy. The development will make traffic and congestion worse.
 - The Triabout will cause bottleneck.
 - The Triabout needs to be redesigned.

- The Triabout is accident prone already with collisions being witnessed it is a accident hotspot.
- 48 houses is an over development of the site.
- The left turn into Lincoln Road from Warwick Road already causes queuing along Warwick Road, the new site access will exacerbate this.
- The site access is on a busy junction with merging traffic. More traffic being added to the junction will create highway safety issues.
- Cars would have to drive past the site further north and u-turn to be able to approach from the North as this is the only approach in the plan, in practice this will not work and people will try to get cars trying to turn against oncoming traffic and to enter to access, which would be very dangerous.
- 4 storey block would be out of character, imposing and not in keeping with surrounding dwellings.
- The block of flats is of poor design and would not be pleasant on the streetscene.
- There is regular flooding across the Warwick Road at this point, potentially due to inadequate drainage of underground waterway. Changes to the topography and additional demands may add to this problem.
- Concerns over a party wall has been raised (this is a civil matter and not a material planning consideration).
- Concerns have been raised regarding the mature trees to the boundary of Culham Close and impact on the root of the mature trees as a result on digging foundations.
- The cutting down of trees to the boundary of properties to Culham Close will give rise to overlooking and loss of privacy to neighbouring occupiers.
- The scheme does not have enough parking spaces. Where would visitors park their cars.
- Lincoln Road will get blocked by inconsiderate drivers.
- Local roads are already at capacity with the volume of traffic. Adding another 50-100 cars will create significant congestion/parking issues.
- The trucks/delivery vehicles to construct the dwellings will cause traffic and congestion issues on the local road network.
- The lighting scheme required for the development will be a nuisance for neighbouring occupiers.

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

6.1. **National Planning Policy Framework (2023)**

- 2. Achieving sustainable development
- 5. Delivering a sufficient supply of homes
- 8. Promoting healthy and safe communities
- 15. Conserving and enhancing the natural environment

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

- PG3 Place making
- TP27 Sustainable neighbourhoods
- TP28 The location of new housing
- TP30 The type, size and density of new housing
- TP31 Affordable housing
- TP44 Traffic and congestion management
- TP45 Accessibility standards for new development

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

- DM2 Amenity

- DM10 Standards for Residential Development

6.4. Supplementary Planning Documents & Guidance:

- Birmingham Design Guide (BDG 2022)
- Nationally Described Space Standards (NDSS 2015)
- Birmingham Parking SPD (2021)

7. **Planning Considerations:**

- 7.1. This application has been assessed against the objectives of the policies as set out above. The critical matters for consideration are housing need, principle of the development, design and appearance, residential amenity and highway safety/parking.

Housing Need/5 Year Housing Land Supply

- 7.2. Paragraph 11 of the NPPF states that plans and decisions should apply a presumption in favour of sustainable development. For decision taking, Para.11 d) states that where the policies which are the most important for determining the planning application are considered out-of-date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Footnote 8 of the NPPF confirms that in considering whether the policies that are most important are out-of-date, this includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.
- 7.3. The Birmingham Development Plan became five years old on 10th January 2022 and is currently being updated. In accordance with P.75 of the NPPF, Policies PG1 and TP29 of the Birmingham Development Plan are considered out of date, and the Council's five-year housing land supply must be calculated against the Local Housing Need figure for Birmingham. Currently, the Council cannot demonstrate a five-year supply of deliverable housing sites. Consequently, P.11d) of the NPPF is engaged and the tilted balance applies for decision taking.
- 7.4. The Birmingham Housing and Economic Development Needs Assessment (HEDNA) (2022) completion data concludes that the LPA is not currently meeting the City's housing needs, particularly in relation to family accommodation and also falling behind on the delivery of affordable sites. HEDNA completions from 2011 till 2021 show that most of the new housing delivered has been in the form of 1 and 2-bed properties. It is therefore essential to consider such brownfield sites which have laid vacant for a number of years and contribute to the City's initiative towards achieving sustainable housing growth to meet demand. The scheme being put forward seeks to deliver much needed family housing as well as delivering a diverse mix of tenures within this part of the city and crucially bolster the availability of affordable housing within the area of Acocks Green.

Principle of Development

- 7.5. The site has been identified in the Housing & Land Availability Assessment (Ref: E520) since 2012 and on the Brownfield Register as a site with potential for a housing-led redevelopment for circa 48 dwellings. Furthermore, the principle of a residential scheme within this site has already been established through a historic permission as set out in the Planning History section of this report. It is considered that the site is located within a highly sustainable location with a range of amenities, services and transport networks located in close proximity to support a residential development of this size. As such, the principle of a residential scheme in this location is supported.

Design and Appearance

- 7.6. The site layout demonstrates good urban design principles, with majority of houses fronting onto a central core or within perimeter blocks, creating a sense of enclosure whilst achieving high levels of natural surveillance and security. The layout demonstrates that a relatively high-density scheme in a sustainable location providing a good mix of house types can be adequately accommodated on the site. Proposed rear gardens would back onto existing neighbouring gardens, creating secure and unexposed rear boundaries. The majority of the buildings would be 2-storey, reflecting the neighbouring properties, whilst due to the topography of the site and the 2.5-storey nature of the adjacent parade of commercial units, the apartment block to the south of the Warwick Road access is shown to be 4-storey. The proposed parking is shown as allocated parking with some visitor spaces. The provision of parking has been reduced allowing sufficient space for front gardens and landscaped areas, particularly along the central core.
- 7.7. The City Design Officer has been consulted on the application and has raised no objections to the amended plans. It is noted that the applicant has actively engaged with the City Design Officer and has made a number of revisions to the proposed block design such as levelling out the ground floor, 4th storey having a set back from the 3rd storey and the use of differing materials to the 4th storey to reduce the visual mass along the street scene. The City Design Officer considers the amended design of the block would have an acceptable visual impact along this stretch of Warwick Road. To ensure continuity of design within the overall site, the facing materials of the dwellings and apartment block would be matching as well as brick detailing around windows surrounds would be carried throughout the site.

Residential Amenity

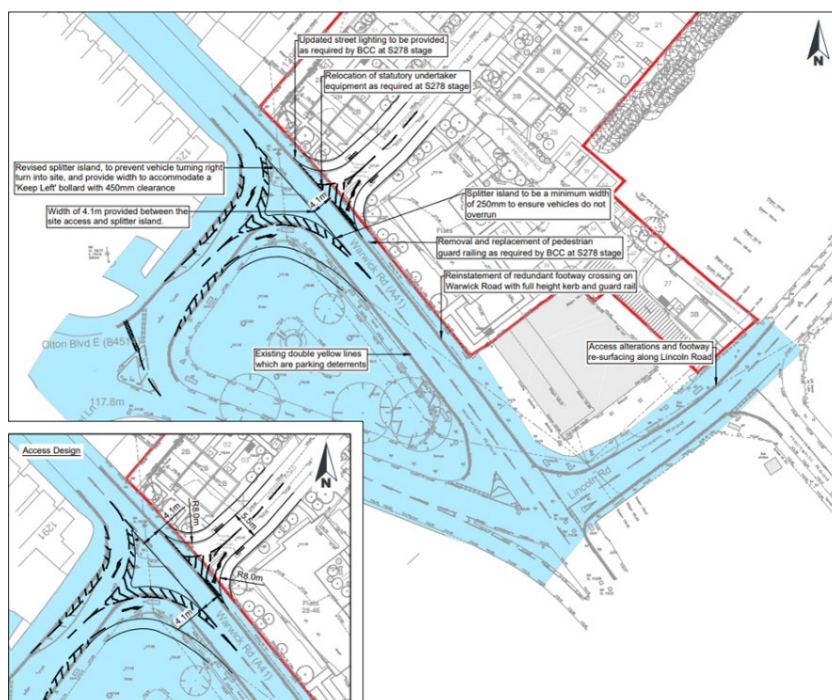
- 7.8. The site is located within an existing established residential area. The nearest residential dwellings are situated to the north (Olton Croft), east (Lincoln Road) and west (Culham Close).
- 7.9. Current ground levels within the site would require further levelling to accommodate the site's redevelopment. The proposed site layout demonstrates that adequate setback distances (5m per storey and 21m between rear building faces, as per Birmingham Design Guide) can be achieved to existing neighbouring properties as well as within the proposed development itself.
- 7.10. Overall, the proposed residential development is compatible with its residential neighbours and would have no adverse impact on neighbour amenity in terms of privacy/outlook/noise and disturbance in line with Policy.
- 7.11. The applicant has made a number of amendments in an effort to address the internal space standards as set out in the NDSS. 42 out of the 46 units would meet and exceed NDSS requirements in terms of internal floorspace, bedroom size and internal storage standards. The remaining 4 plots fall short by a very small margin (within 10% of the NDSS standard) and would be considered de minimis in comparison to the overall scheme which is largely compliant.
- 7.12. The Birmingham Design Guide aims to ensure that all residents have access to private outdoor amenity space of sufficient size and quality to serve the occupants of the dwelling. Guidance suggests that a 2-bed family dwelling should have a garden size of 52sqm and a 3-bed family dwelling a garden size of 70sqm. For each apartment: 5sq.m (1 bed flat), 7sq.m (2 bed flat) and 9sq.m (3 bed flat).
- 7.13. It is noted that plots 1, 2, 3, 5, 6, 7, 17, 18, 19 and 23 would have a slight shortfall (the shortfall being within 10% of the requirement). In addition, the applicant proposes a qualitative approach by providing high quality gardens which seek to promote improved biodiversity/high quality landscaping. The City Design Officer considers this approach to be acceptable and a condition is attached to this effect.

- 7.14. All other numerical standards in terms of separation distances/45 degree code as set out in the BDG are met. Overall, it is considered that the proposed development would not give rise to any significant residential amenity issues in terms of privacy, overlooking, outlook/light to existing and future residential occupiers.
- 7.15. Regulatory Services have been consulted and raise no objections to the scheme subject to conditions relating to contamination and a noise insulation scheme for properties fronting onto Warwick Road. Conditions are attached.

Highway Safety

- 7.16. The access proposed as part of this application is in keeping with the previously approved access which was approved by members at Planning Committee (Ref: 2016/07099/PA).
- 7.17. A Transport Assessment has been submitted in support of the application as well as a series of tracking/routing plans for smaller and larger vehicles (car, bus, refuse vehicles, HGVs). The site access is proposed off Warwick Road which would be a left turn only from the northern end of Warwick Road to enter the site. The site exit would be a left turn only travelling south along Warwick Road.
- 7.18. The Highways Private Developments Team have been consulted as part of this application. A number of meetings have taken place between the Transportation Department and the Transport Consultant to ensure the proposed scheme does not give rise to highway safety issues. Noting the Gospel Lane/Warwick Road gyratory located directly in front of the application site, cars would not be able to turn right from Gospel Lane and into the application site. A series of agreed highway works would be undertaken as part of a S278 application which would seek to make improvements to the gyratory to ease HGV traffic away to improve the highway safety as the site comes forward. The splitter island located directly in front of the proposed access would be revised to further prevent vehicles turning right into the site and provide width to accommodate a 'Keep Left' bollard with a 450mm clearance. A width of 4.1m would be provided between the site access and splitter island. To this effect, the Highways Department considers the proposed development would not give rise to significant highway safety issues as a result of the package of measures that would be put in place which would be conditioned as part of this application.

- 7.19. Figure 6: Proposed Highway Works Drawing



- 7.20. Transportation Development considers the internal layout of the site is acceptable and no concerns have been raised with regards to the parking arrangement, visibility splays or internal circulation space. It is noted that the car parking provision is in keeping with the Car Parking SPD.
- 7.21. Conditions relating to Construction Management plan, cycle storage details and residential Travel Plan have been attached.

Sustainability

- 7.22. BDP Policy TP4 advises that, in the interests of providing sustainable forms of development, schemes will be expected to incorporate the provision of low and zero carbon forms of energy generation. The development has incorporated a fabric first approach, with increased loft insulation, high performance glazing and highly efficient heating systems in the form of air source heat pumps.

Ecology

- 7.23. The conditions recommended by the Ecology Officer have been attached in order to ensure that the proposal complies with BDP Policy TP8 which requires that developments support the enhancement of the natural environment.

Planning Obligations

- 7.24. Affordable Housing – The quantum of development has triggered the requirement for affordable housing at 35% as per policy TP31. The proposal seeks to provide 35% affordable housing on-site (7no. 2 bed units (plots 01, 02, 03, 24, 25, 23, 22) (Social Rent) and 6no. 3 bed units (plots 26, 20, 19, 18, 17, 16) (Social Rent) and would be secured via a S106 legal agreement.
- 7.25. The quantum of development would trigger Public Open Space contribution amounting to £181,975. A financial viability Assessment has been submitted in support of this application demonstrating that this contribution cannot be afforded as the development is already providing 35% affordable housing on-site. The FVA has been assessed by an independent assessor which has found that the Open Space contribution would not be viable for the scheme.

Other Matters

- 7.26. Notwithstanding the objections raised by local residents with regards to the highway safety aspect of the scheme; Transportation Development do not consider the proposal would have a significant detrimental impact on the local highway network to warrant a refusal of the application given the package of measures that would be put in place through a S278 application. The tracking plans have shown that vehicles can drive along the gyratory as well as cars being able to turn left in/left out of the development safely. HGV vehicles would be re-routed to minimise traffic and highway risks away from the gyratory/site access.
- 7.27. With regards to the objections raised on design grounds, the scheme has undergone a number of amendments in an effort to minimise the visual impact of the 4-storey block along this stretch of Warwick Road. It is now considered to be in keeping with the wider street scene and would not detract from the character of the wider area which already comprises similar scale block developments.
- 7.28. Whilst a number of objections have been raised on grounds of overlooking/privacy, the proposal complies with the separation distance guidelines as set out in the BDG and as such the proposal would not negatively impact neighbouring residential dwellings by way of overlooking/ loss of privacy.
- 7.29. A number of objections have been raised on flooding grounds. The site is located within flood zone 1, which has the lowest risk of flooding. The amended flood risk assessment and drainage plans have been assessed by LLFA who raise no objections, subject to conditions relating to a sustainable drainage scheme and the prior submission of a Sustainable Drainage Operation and Maintenance Plan.

- 7.30. Concerns relating to the stability of the trees to the boundary of Culham Close. These trees fall within the boundary of the application site and are not protected by a TPO. They are poor quality trees (Leyland Cypress) are to be removed and additional tree planting and landscaping be provided throughout the site. The Tree Officer has been consulted on the proposals and has expressed no objections.

8. **Conclusion**

- 8.1. The proposal provides good quality family accommodation on a brownfield site that would provide an acceptable level of residential amenity for future occupiers and also safeguard existing neighbour's amenity. The design of the properties and apartment block is acceptable and would not cause harm to the character of the surrounding area. It is proposed to provide 35% affordable housing on-site and seeks to provide a 100% affordable scheme through grant funding. The application is in accordance with relevant policy and guidance and subject to the completion of a S106 agreement is considered acceptable.

9. **Recommendation:**

- 9.1. That application 2022/07907/PA be APPROVED subject to the prior completion of a Section 106 Legal Agreement to secure the following:
- 9.2. Provision of 35% on-site affordable housing (7no. 2 bed units (plots 01, 02, 03, 24, 25, 23, 22) (Social Rent) and 6no. 3 bed units (plots 26, 20, 19, 18, 17, 16) (Social Rent) and
- 9.3. Payment of a monitoring and administration fee associated with the legal agreement of £1,500.00.
- 9.4. In the absence of a suitable legal agreement not being completed to the satisfaction of the Local Planning Authority on or before 22nd May 2024, or such later date as may be authorised by officers under powers hereby delegated, planning permission be refused for the following reason:
- 9.5. In the absence of a suitable legal agreement to secure the provision of on-site affordable housing the proposal conflicts with policy TP31 of the Birmingham Development Plan and the NPPF.
- 9.6. That the City Solicitor be authorised to prepare, seal and complete the appropriate legal agreement.
- 9.7. That in the event of the planning obligation being completed to the satisfaction of the Local Planning Authority on or before 22nd May 2024, or such later date as may be authorised by officers under delegated powers, favourably consideration be given to this application, subject to the conditions listed below (that may be amended, deleted or added to providing that the amendments do not materially alter the permission).

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- | | |
|---|--|
| 1 | Implement within 3 years (Full) |
| 2 | Requires the scheme to be in accordance with the listed approved plans |
| 3 | Requires the submission and approval of external materials |
| 4 | Requires the submission and approval of architectural detailing |
| 5 | Requires the construction and approval of a sample panel on site |
| 6 | Requires the submission of hard and/or soft landscape details |
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| 7 | Requires the submission of hard and/or soft landscape details |
| 8 | Requires the submission of hard surfacing materials |
| 9 | Requires the prior submission of earthworks details |
| 10 | Requires the submission of boundary treatment details |
| 11 | Requires the submission of a landscape management plan |
| 12 | Requires the submission a Noise Insulation Scheme to establish residential acoustic protection |
| 13 | Requires the prior submission of a contamination remediation scheme |
| 14 | Requires the submission of a contaminated land verification report |
| 15 | Requires the prior submission of drainage plans for disposal of foul and surface water flows |
| 16 | Requires the prior submission of a sustainable drainage scheme |
| 17 | Requires the prior submission of a Sustainable Drainage Operation and Maintenance Plan |
| 18 | Arboricultural Method Statement - Submission Required |
| 19 | Requires the scheme to adhere to measures as set out in the Sustainable Construction Statement. |
| 20 | Requires the submission of a lighting scheme |
| 21 | Removes PD rights for new windows |
| 22 | Removes PD rights for extensions |
| 23 | Landscaping Scheme for residential rear gardens for plots 1, 2, 3, 5, 6, 7, 17, 18, 19 and 23 |
| 24 | Requires the prior submission of a construction method statement/management plan |
| 25 | Requires the submission of details to prevent mud on the highway |
| 26 | Requires the submission of cycle storage details |
| 27 | Prevents occupation until the service road has been constructed |
| 28 | Requires the submission of a residential travel plan |
| 29 | Requires the submission and completion of works for the S278/TRO Agreement |
| 30 | Requires the prior submission of details of bird/bat boxes |
-

Case Officer: Hiteshree Kundalia

Photo(s)

View of site from Lincoln Road



Existing Site Frontage



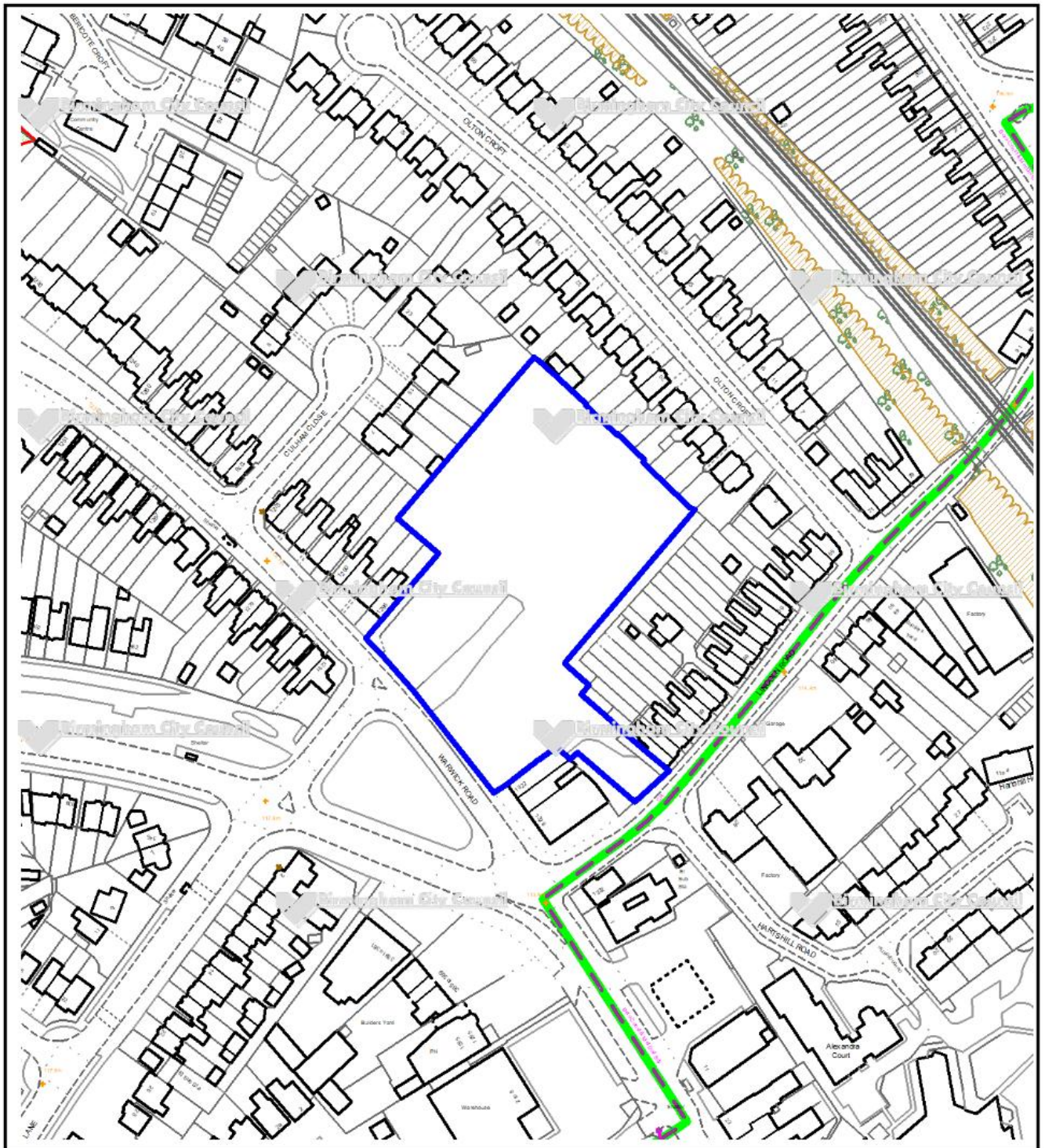
View from site onto Gospel Lane/Olton Boulevard East/Warwick Road Gyratory



Location of proposed site entrance



Location Plan



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Birmingham City Council

Planning Committee

22 February 2024

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Determine	7	2023/05721/PA 2-6 Colmore Gate Colmore Row Birmingham B3 2QA Partial demolition of existing building, extension to create a 26-storey tower and a 10-storey shoulder and construction of a new facade, external rooftop landscaped amenity space and pavilion (all use class E office and ground floor retail), the closure and diversion of the existing pedestrian arcade and provision of public realm and landscape works at ground floor level
Approve – Subject to 106 Legal Agreement	8	2023/03450/PA 131-137 High Street Bordesley Birmingham B12 0JU Demolition of existing building and erection of 136 residential apartments (Use Class C3) within a seven storey building. Including landscaping and associated works

Committee Date:	22/02/2024	Application Number:	2023/05721/PA
Accepted:	22/08/2023	Application Type:	Full Planning
Target Date:	21/11/2023		
Ward:	Ladywood		

2-6 Colmore Gate, Colmore Row, Birmingham, B3 2QA

Partial demolition of existing building, extension to create a 26-storey tower and a 10-storey shoulder and construction of a new facade, external rooftop landscaped amenity space and pavilion (all use class E office and ground floor retail), the closure and diversion of the existing pedestrian arcade and provision of public realm and landscape works at ground floor level

Applicant: AP Colmore Ltd
c/o Agent, 2 Cornwall Street, Birmingham, B3 2DX
Agent: Lichfields
Cornerblock, 2 Cornwall Street, Birmingham, B3 2DX

Recommendation **Determine**

1. Report Back

- 1.1. Members will recall that this application was brought before Planning Committee at your meeting of 21st December 2023, where it was resolved that the application be deferred to seek more details in relation to what Historic England's (HE) concerns are and, whether an amended scheme could be considered to address those concerns.
- 1.2. This report back seeks to set out in more detail the comments made by Historic England (HE) and provide a response as to why it has not been possible to amend the scheme presented.

2. Verbal updates (of 21st December 2023 Committee)

- 2.1. There were verbal updates made at the Committee in December, that need to be considered along with the main body of the report, below.
 - A re-consultation response from HE was received in response to additional viability information. HE note the additional information but maintain their objection.
 - Paragraph 9.2 should refer to the City Solicitor

3. Historic England – Consultation response

3.1. Historic England response 19th December 2023:

"We note the additional information submitted in respect of viability and also the commentary from the applicant in respect of our original advice. I can advise that we have nothing further to add to the advice provided in our original consultation response. As such, our advice remains the same as set out in our letter of 26 September 2023".

3.2. Historic England response 26th September 2023

"Impact

Colmore Row and Environs Conservation Area and wider impacts

The main impact on the Conservation Area would be from the increase in height of the tower from 17 to 26 storeys, which would cause harm to significance which the asset derives from its setting. The tower appearance would change in overall massing as well as the increase in height and this would create a dominant mass which would be evident within views as indicated in the application's supporting information.

The partial demolition and refurbishment, including a new façade, would also result in a new external finish to the tower and shoulder comprised of metal and reconstituted stone cladding. The Design and Access Statement (DAS) sets out that the façade of the building would be inspired by the historic role of jewellery making and metalwork in the city, and the reconstituted stone would reflect the presence of stone on buildings in the vicinity of the site. We would wish to highlight that jewellery and metalwork activity took place elsewhere in the city and these design cues do not relate to the local distinctiveness of this part of the city which are based on historic financial, retail and service activity.

The scale and appearance of the proposed development would be at odds with that of the existing development in the Colmore Row and Environs Conservation Area which includes some of the best examples of Birmingham's Victorian and Edwardian architecture. Nor would it contribute to any wider narrative of how this financial, retail and service hub subsequently spread north east, to the area now included in the Steelhouse Lane Conservation Area.

The Victorian and Edwardian development to the north east culminated in an outstanding collection of orange/red brick and terracotta buildings representing the former Birmingham Corporation's vision for health, justice and morality. The two Conservation Areas provide an impressive and deliberate collection of institutional buildings where the lavishness of the architecture speaks of the city's civic values.

The proposed development would be situated at a location where two quintessential and historically defining areas of the city converge, but the scheme does not reflect that importance in scale or appearance. The dominant mass of the proposed scheme would result in further segregation of the two Conservation Areas. This would cause harm to the significance that Colmore Row and Environs Conservation Area, in particular, derives from its setting, albeit a low level of less than substantial harm.

Cathedral Church of St Philip (GI listed building) and The Grand Hotel, 31 Colmore Row (GII* listed building)

The proposed works would not have any physical impact on St Philip's or The Grand Hotel listed buildings but there would be the potential to impact on significance as a result of changes within their setting.

As mentioned above, the street blocks in this part of the city are close grain and create a strong sense of enclosure. The planning of Birmingham at the time is strongly reflected in what we still experience in the city today in the Colmore Lane Conservation Area and this human scale development transposes through to the adjacent Steelhouse Lane Conservation Area.

The proposed works would result in a bulkier, taller tower than that currently in place, which would further remove itself from the human scale development that characterises this part of the city, and would harm the heritage significance that the listed buildings derive from their setting. In our view this would constitute a lower level of less than substantial harm.

Great Western Arcade (GII listed building)

There would likely be physical impacts on the Great Western Arcade in relation to adjoining boundaries and we would refer you to your own expert heritage advisers in relation to any impacts on this heritage asset.

Position

The proposed works would accentuate the additional height and footprint, bringing the overall massing of the development, especially the tower, well above the characteristic building heights along Colmore Row and Environs Conservation Area. The proposal would therefore also appear more prominent in the street scene than many of the neighbouring towers which rise above the characteristic urban form.

We, therefore, do not consider that the current proposal would make a positive contribution to local character and distinctiveness, nor sufficiently respond to the character and appearance of adjacent Colmore Row and Environs Conservation Area in particular. Furthermore, the proposal would not offer any substantive heritage benefits.

We are concerned that the proposed scheme would harm the heritage significance that the Conservation Area and nearby listed buildings derive from their setting. Such harm could be avoided by an alternative design for a reduced scheme which better responds to the various heritage assets.

Harm could be lessened, if the tower height was reduced and the external appearance reimagined to reflect local area context provided by heritage assets. Since there is opportunity for a design solution that would reduce the building's harm to heritage assets we do not consider these proposals are justified as required by paragraph 200 of the NPPF. We, therefore, recommend that the application is amended as we have described above."

4. Key Considerations

- 4.1. Historic England's comments on potential impacts (above), highlight two specific elements of the proposal, that in their view could be amended, to lessen the identified harm to designated heritage assets. These are;
 - Scale – through a reduction in height; and
 - Appearance – a change to the external appearance (façade treatment).
- 4.2. The impact of the proposed development on heritage assets is addressed in paragraphs 7.11 to 7.28 of the Officer report below. There is consensus between Historic England, BCC Conservation and the applicants Heritage Statement that any harm that would be caused is at 'a low level of less than substantial harm'.
- 4.3. *Scale* - Paragraph 206 of the NPPF requires that "*any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification*". Consequently, the applicant provided a Financial Viability Assessment (FVA) making a case that the additional proposed height and footprint is essential to making a scheme financially viable and deliverable.
- 4.4. Two scenarios were tested in the FVA, the proposed scheme and a scheme with a reduction of four storeys. In both scenarios the proposal results in negative residential land value, demonstrating that the scheme is financially challenging. The Council's independent viability consultants (LSH) reviewed the FVA and confirmed that without additional floorspace, the scheme would be subject to a "*disproportionate financial deficit*". Importantly LSH concluded "*We are therefore in agreement that reducing the height of the tower building by four storeys significantly impacts on viability.*"
- 4.5. It is argued by the applicant that the less than substantial harm identified, with regards to scale, is therefore justified. Officers agree that the tests of paragraph 206 are met.

- 4.6. It may also be helpful for members to be aware that the application was subject to pre-application advice which saw many iterations of scale and mass. Whilst the proposed scheme remains large, it is at a much-reduced scale to those presented at pre-application stage.
- 4.7. Therefore, it has not been possible to further reduce the proposed height or mass of the building, as this would render the scheme unviable.
- 4.8. *Appearance* - Historic England state that the external appearance should be “*reimagined to reflect local area context provided by heritage assets*”. It was considered by Officers that the existing building’s architecture was of no historic or architectural merit and does not reflect the wider character of the area. Whilst the officer report to members set out that there were some compromises with the design, accepted as a result of retaining existing structure and the need to address energy and thermal efficiency, the design arrived at was considered acceptable, responding to its modern central business district location.
- 4.9. As mentioned, a key factor to influencing the façade design was the applicants desire to recycle the existing building structure, the grid structure of which is reflected in the façade layout. Another key influence is the ventilation strategy (designed with energy efficiency and overheating in mind) which utilises air supply and extracts delivered through the facade (rather than traditional plant and louvers). Therefore, the façade is designed to accommodate these intakes in the angular architectural motif, integrating this into the external facade. The stone used in the existing building is proposed to be recycled and used to form the base of the building, a feature of the architecture which was considered in the full report to be strong and exciting.
- 4.10. Therefore, whilst Historic England’s view is that the façade could respond better to its heritage context, the design in its CBD context, outside of the conservation area but within its setting, is acceptable and, a betterment on the existing architecture. Therefore, no amendments were sought.

5. Benefits of Proposed Scheme

- 5.1. Therefore, whilst no amendments have been made to the proposal, low levels of less than substantial harm have been identified. This harm must be balanced against the public benefits of the proposals. Key public benefits include:
- 5.2. Economic Benefits
- Construction Phase;
 - 562 direct Full Time Equivalent (FTE) construction jobs
 - £87.6m direct and indirect Gross Value Added (GVA) p.a. in the construction phase.
 - Operational Phase
 - 2,796 FTE direct operational jobs supported
 - £209.3m of GVA p.a.
 - The provision of 47,438 sqm of Grade A office and ancillary space (Use Class E).
- 5.3. Social Benefits
- Attractive pedestrian route with surveillance, connecting Colmore Row and Bull Street to replace the existing pedestrian arcade through the current building, improving safety.
 - Construction Employment Management Plan securing local training and employment.
- 5.4. Environmental
- Re-use of a largely vacant sustainably located office building.

- Use of embodied carbon through recycling of building (87% of the existing foundations and structure recycled).
- Energy efficient building (57.04% reduction in energy and CO2 emissions compared with the 2013 Building Regulations)
- Achieving BREEAM Excellent as a minimum.
- Car free development (removing 99 existing spaces)
- Biodiversity net gain

6. Conclusion

- 6.1. It is acknowledged that Historic England have objected and that the proposal would cause low levels of less than substantial harm, as set out in the officer report. However, as required by the NPPF this harm has been justified and weighed in the planning balance against the benefits of the proposal. When considering the scheme against the NPPF as a whole, along with Development Plan Policies, it is considered that notwithstanding the identified harm, there are enough benefits of the proposal to outweigh that harm.
- 6.2. Therefore, planning permission should be granted in accordance with the recommendation below, subject to conditions.

7. Recommendation

- 7.1. That consideration of planning application 2023/05721/PA be APPROVED subject to the suggested conditions below (that may be amended, deleted or added to providing that the amendments do not materially alter the permission); and
- 7.2. That the City Solicitor be authorised to make an Order in accordance with the provisions of Section 257 of the Town and Country Planning Act 1990, for the closing of the existing public route and re-routing around the building, along with other alterations to the highway as listed above.

[End of report back]

1. Proposal:

- 1.1 The proposal is for the partial demolition of the existing building and extensions to create a 26-storey tower and a 10-storey shoulder. In addition, a new facade, external rooftop landscaped amenity space and pavilion (all use class E office and ground floor retail) are proposed. The existing pedestrian arcade would be closed, and new public realm and landscape works at ground floor level would be provided including a new pedestrian route.
- 1.2 The proposed redevelopment is inclusive of the retention of the existing concrete frame, with extensions to both sides and rear of the existing podium level and tower, increasing the footprint of the building, with additional storeys to the tower and podium. The existing Colmore Gate building comprises 28,964sqm (GEA) of office (and ground floor commercial and servicing) floorspace. The proposal is to reconfigure and extend the existing building to provide a total of 47,438sqm (GEA) of floorspace, totalling 18,474sqm of additional floorspace.
- 1.3 The existing tower comprises the ground floor plus 16 storeys, the proposal would result in a building of ground floor + 25 storeys. There is also the addition of two storeys to the shoulder building along Bull Street which would result in a 10-storey building.
- 1.4 A private communal outdoor amenity space/terrace is proposed on the podium roof, along with a pavilion activity space structure, landscaping and seating areas. Smaller private terrace areas for offices are proposed at L8 and L9.
- 1.5 The proposal also removes the basement parking and increases cycle parking and

facilities (changing and showers). Relocating existing basement plant to the roof.

- 1.6 The proposal re-configures the ground floor diverting the existing right of way under the building, around to the side and re-providing and increasing the ground floor commercial space.
- 1.7 The document submitted in support of this application include the following; Planning Statement, Statement of Community Involvement, Heritage Statement Townscape and Visual Appraisal, Design and Access Statement, Planning Noise Report, Air Quality Screening Assessment, Indoor Air Quality Plan, Preliminary Ecological Appraisal Report, Construction Environmental Management Plan, Transport Assessment, Travel Plan, Wind and Microclimate Assessment, Daylight, Sunlight and Overshadowing Assessment, Solar Glare Assessment, Flood Risk Assessment, Drainage Strategy Report, Energy Statement, Sustainable Construction Statement (including BREAM Pre-Assessment Report) BREAM UK New Construction Ecology Report, Fire Statement, Aerodrome Impact Assessment, Financial Assessment.
- 1.8 [Link to Documents](#)

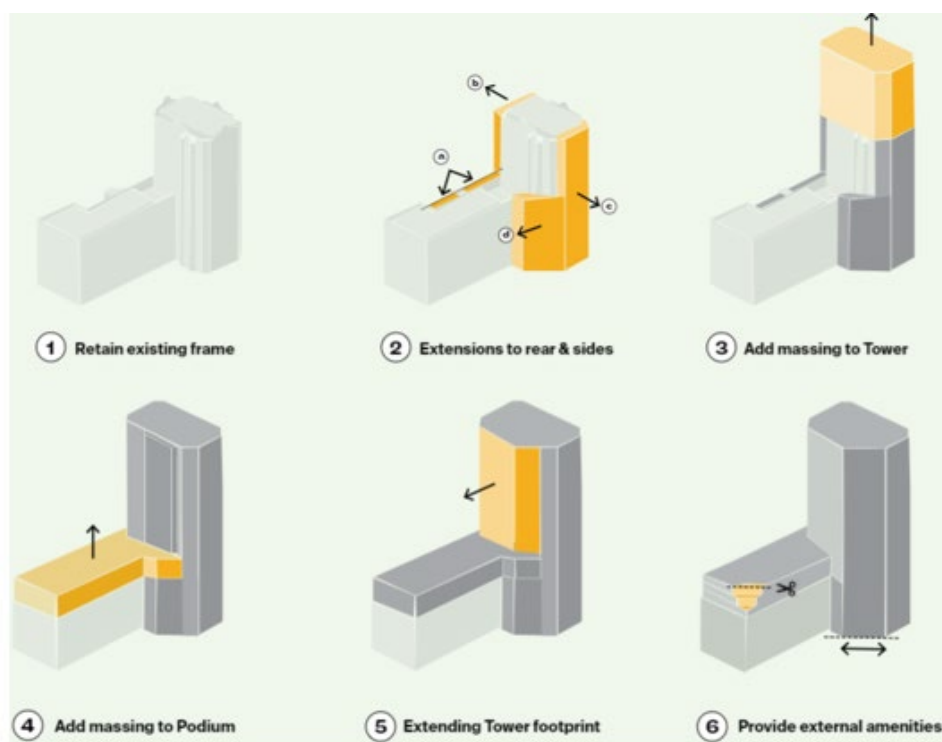


Figure 1: Showing location and proportion of extensions to existing building



Figure 2: Existing and proposed NE Elevation (Bull Street)

2. Site & Surroundings:

- 2.1. The site comprises a late 20th century tower (17-storeys high) and shoulder block (eight-storeys high). The tower fronts onto the south-eastern side of Colmore Row (opposite the main entrance and square leading into Snowhill Station). The tower marks the corner of the junction of Colmore Row with Bull Street, which carries the Metro (tram) and the site extends along this frontage with its north-eastern facing flank forming a shoulder block located in a stepped back position from the tower.
- 2.2. The site is on the edge of the Colmore Row and Environs Conservation Area and adjacent (and in close proximity to) a number of listed buildings including the grade I Cathedral of Birmingham.



Figure 3 – Ariel image of existing building location

3. Planning History:

- 3.1. 2008/03053/PA Refurbishment of ground floor, including extension to provide shop unit and new canopy. Approved 29/7/2008

- 3.2. 2010/02299/PA Extension of permitted use to include A2 (financial & professional services) & A3 (restaurants & cafes) uses within new retail area approved under application 2008/03053/PA. Approved 29/6/2010
- 3.3. 2012/02332/PA Retrospective change of use of 5th and 7th floors from offices (Use Class B1) to conference centre (Use Class D1) or flexible office use (Use Class B1). Approved. 21/6/2012

4. **Consultation Responses:**

4.1. Historic England – Objection

The proposed works would accentuate the additional height and footprint of the existing development, bringing the overall massing of the tower well above the characteristic building heights along Colmore Row and Environs Conservation Area.

Colmore Row and Environs Conservation Area, and Steelhouse Lane Conservation Area, provide an impressive and deliberate collection of institutional buildings where the lavishness of the architecture speaks of the city's civic values at a point in time. The application site lies at a location where these two historically defining areas of the city converge, but the scheme does not reflect that importance in scale or appearance.

The scheme would fall short of opportunities and aspirations for place-making, informed by Birmingham's historic environment and landscape. The proposals would harm the significance of the Colmore Row and Environs Conservation Area as well as the Cathedral Church of St Philip (GI listed) and The Grand Hotel (GII listed) through setting impacts.*

The proposals would result in harm that could be avoided by an alternative design for a reduced scheme which better responds to the various heritage assets. As there is a design solution that we consider would reduce the harm, we do not consider these proposals are justified in line with NPPF paragraph 200 requirements.

4.2. BCC Conservation – Objection

The proposed development by way of its height and massing has adverse impact upon Colmore Row Environs Conservation Area and the setting of other designated heritage assets.

4.3. BCC City Design – No objection

No objection is raised, but no overwhelming support is offered at this time, in terms of overall benefits from the scheme on townscape and architectural merit.

4.4. BCC Employment Access – No objection

Subject to conditions requiring a construction employment management plan.

4.5. BCC Transportation – No objection subject to conditions and a s.278 and s.35 agreement

The current walkway is noted on ARCGIS HMPE reference 1219 and a Public Right of Way under reference 2681, though both records refer to a section 35 Highways Act agreement to make the route available when the building was constructed in and agreement signed in 1996. A new section 35 agreement can be used for the new route and a condition should be applied requiring its completion.

Cycle parking before occupation, lighting and materials details.

The works to the public highway - alteration to remove the car park/basement access, and any associated works long with footway changes around the new walkway are provided prior to the new building being operational.

- 4.6. BCC Ecology – No objection subject to conditions
Scheme for ecological/biodiversity/enhancement measures, Bird/bat boxes, A landscape and ecological management plan (LEMP), A scheme for biodiversity roofs, precautionary working method statement (pwms) condition.
- 4.7. West Midlands Fire Service – No objection
Subject to compliance with building regulations.
- 4.8. West Midlands Police – No Objection
Subject to Design out Crime principles being applied to the design/management of the building.
- 4.9. Birmingham Civic Society – No objection
- 4.10. Transport for West Midlands – No objection subject to conditions
WMCA will require sight of method statements and drawings relating to any excavation, drainage, demolition, lighting and building work or any works to be carried out on site that may affect the safety, operation, integrity and access to the tramway.
- 4.11. Active Travel England – No Objection subject to conditions
details of the cycle parking in accordance with approved planning statement, Travel Plan

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, 5 responses have been received raising the following points of objection;
 - The Bull Street proposals especially will block out almost all of the sunlight. This would reduce the amount of sunlight and natural daylight for our conference guests, employees and other users.
 - Alongside the Meeting House there is a small garden, something of an oasis in the city centre, and a place much used by Quakers as well as visitors to Priory Rooms, the Conference Centre. This development will result in the garden suffering from a lack of sunlight and consequent damage to the ecosystem currently in place.
 - There may also be a negative affect on the landscaped gardens
 - This building extension will have a negative impact on the Meeting House and local neighbours and the local community, particularly due to noise disturbance. The objective of a Quaker Meeting is to sit and wait on God in silence. The activities involved in building this facility, as well as the increased use as a result of the new build, will result in more noise and disturbance.
 - The new build will overlook the Meeting House and will result in less privacy, and increased nuisance.
 - There will be loss of daylight in the Meeting Room, a Meeting Room that is already suffering from shading due to the height of surrounding buildings. The new build will just make it worse.
 - The new build, which is a further extension, will be out of character with the surrounding area, and the area will suffer from over-development and overcrowding.
 - There will be negative and adverse visual impact as a result of the development, particularly on the landscape and locality
 - Peace Hub occupies the shop-front on the ground floor, which is used as a community drop-in space, and Peacemakers have a small office on the first floor. We are concerned about the potential loss of natural light that the development will cause for both. The 'Daylight, Sunlight and Overshadowing Assessment' provided for the development by GIA dismisses the impact of any loss of light to our building

on the basis that it is 'commercial'. However, both projects are in fact charitable, and we would argue do have a reasonable expectation of natural light.

- The increase height with increase the need for heating and lighting in the winter months, at both a financial and environmental cost.
- closure of pedestrian footways should be confined to the southern side of the street where Colmore Gate is located
- Why do we need more office space in Birmingham when there seems to be a lot of empty offices for rent already. Do we need another high rise which which does not, in my opinion make for a pleasant city centre.
- Noise and dust must not have an effect of our business or other businesses in the location.
- Our access to our carpark is via Temple Row and Upper Bull Street. This must remain accessible.
- The Metro is also an important route into and out of the city and this must remain open at all times.

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

6.1 National Planning Policy Framework

Section 11: Making effective use of land

Section 12: Achieving well-designed places

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

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 sources and technologies

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

DM2: Amenity

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) The Snow Hill Masterplan (2015)

7. **Planning Considerations:**

7.1. The main material considerations of this application are;

- The principle of development
- Impact upon heritage assets
- Design
- Sustainable Construction
- Transportation
- Environmental Protection
- Flooding and Drainage
- Ecology
- Planning Obligations and Financial Viability
- Other Matters

Principle of Development

- 7.2. Policy PG1 is the strategic policy setting the quantum of development to be delivered in the plan period. However, the figures set out in Policy PG1 are out of date and only limited weight is given to this policy.
- 7.3. Paragraph 11 d) of the NPPF 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. Policy GA1 and TP21 are also important for determining this application, these are considered to up to date and consistent with the NPPF, these policies are therefore afforded full weight.
- 7.4. The application site is located within the City Centre Growth Area (Policy GA1) in the Birmingham Development Plan (2017). Policy GA1 confirms the City Centre as a focus on retail, office, residential and leisure activity within the context of the wider aspiration to provide a high-quality environment and visitor experience. '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". The site is also within the retail core which Policy GA1 identifies as the preferred location for appropriate scale retail, and mixed-use developments.
- 7.5. Policy GA1.2 focuses on the different areas within the City Centre Core. In relation to the Snowhill District in which the application site falls, the policy states that "the eastern expansion of the central office core around Snow Hill station will be supported through key office and mixed-use developments. Connected routes and incidental spaces throughout the district will be promoted to provide a public realm that will encourage new business activity."
- 7.6. The site also lies within the city centre retail core. 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, particularly where development will bring vacant buildings back into positive use. The existing building is made up of office and ground floor commercial use (currently retail – convenience), the continued use of the existing office floor space does not require planning consent. However, the increase in floor space does (along with the façade and landscape proposals).
- 7.7. The building is currently vacant, with the applicant putting forward an argument that the existing office space does not meet current standards and therefore cannot be let. It is argued that the proposed refurbishment and extension would provide Grade A office space which would support and encourage the continued investment and economic growth within the City Centre and the potential for new high-end occupiers, whilst bringing back in to use a prominently located office building in the central business district area of the city.
- 7.8. The HEDNA identifies a need for 469,000 square metres of office floorspace in the period up to 2042, (less than the PG1 figure). The Annual Monitoring Review (AMR)

identified 217,211 square metres of completed office floorspace in the period 2013-2022 and 588,742 square metres with either planning permission or under construction. Together this would amount to 805,953 square metres of additional floorspace, which is 61,000 square metres above the PG1 figure and beyond the updated need figure in the HEDNA. Therefore, evidence suggests there is no overwhelming need for additional office space. However, it must be noted that these figures are expressed as a minimum and a maximum quantity is not expressed.

- 7.9. The proposal includes 223m2 of ground floor retail space. Policy GA1.1 support retail development with appropriate scale that complements the existing Retail Core and as part of mixed-use redevelopments throughout the City Centre. The scale of the retail space, located within the retail core, is not required to be supported by a sequential test or retail impact assessment.
- 7.10. Therefore, whilst there may be no evidence of a significant need for office space, the principle of the proposed development is supported by Policy to encourage further regeneration and economic growth within the city centre. It is not envisaged that the E use class proposed would give rise to the need for a retail impact assessment or sequential test.

Impact upon heritage assets

- 7.11. 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.
- 7.12. The site is not within a conservation area but sits immediately adjacent to Colmore Row and Environs Conservation Area and is visible in the setting of Steelhouse Lane Conservation Area. The application site would also be visible in the setting of a number of listed buildings, including the Grade I St Phillips Cathedral.



Figure 4: Site location in conservation area context (left) and listed building locations (right)

- 7.13. In determining a planning application that would affect a Listed Building, Section 66 of the Listed Building and Conservation Areas Act requires the Local Planning Authority to “have special regard to the desirability of preserving the Listed building or its setting or any features of special architectural or historic interest which it possesses.” And Section 72 requires that “special attention is paid to the desirability of preserving or enhancing the character or appearance of a conservation area”. It is also important to note that footnote 7 of the NPPF states that development should be approved unless the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed, assets of particular importance are defined as designated heritage assets

(amongst other things).

- 7.14. The application is supported by a Heritage Statement (HS) that argues there would be some adverse effects to the setting of heritage assets. In all instances where harm is found this is described in the statement as less than substantial; Grade I St Philip's Cathedral - very low level and Grade II* Methodist Central Hall – negligible. With harm arising as a result of increased height in some views impacting the prominences of the cathedral and tower of the Methodist Hall and appreciation of their architecture.
- 7.15. Whereas in other cases the submitted HS argues that the setting of Grade II Great Western Arcade, Colmore Row Conservation Area would be preserved.
- 7.16. Historic England have objected to the application and state that "*The proposals would result in harm that could be avoided by an alternative design for a reduced scheme which better responds to the various heritage assets. As there is a design solution that we consider would reduce the harm, we do not consider these proposals are justified in line with NPPF paragraph 200 requirements*". BCC Conservation Officer also notes that in their view the scheme should be amended to reduce the mass of the tower, to lessen impact to heritage assets. With Historic England adding that opportunity should be taken to enhance the setting of heritage assets.
- 7.17. The proposals were presented to the Conservation Heritage Panel (CHP) at pre-application stage. CHP considered the existing building to be of architectural value and therefore a non-designated heritage asset, which positively contributes to the setting of two conservation areas. CHP raised concern with the proportions of the tower as a result of extension, considering that this should take a more slender form. CHP considered that the proposal would compete with St. Philips cathedral and would be unacceptable. CHP also considered that the architecture presented to them at the time, needed significant improvement.
- 7.18. The Council's conservation officer and the submitted HS, do not consider the existing building to be a non-designated heritage asset, the Conservation Officer adding that it does not add to the significance of any of the surrounding designated assets either. I support this view and have not considered the existing building as a non-designated heritage asset with regards to the provisions of the NPPF or Policy TP12.



Figure 5: Existing Building from Snow Hill Station

Colmore Row and Environs Conservation Area and Steelhouse Lane Conservation Area

- 7.19. The application site is not within either conservation area but does sit immediately adjacent to Colmore Row Conservation Area. The significance of both conservation areas largely arising from the historic townscape formed of C19 and C20 buildings which have a very high quality of architecture, some of the best examples of Victorian and Edwardian architecture in the city centre. Whilst also having a human scale consistent height of buildings with a tight grain. The conservation area is also significant in that it reflects the importance and development of Birmingham's economy and civic role. Historic England consider both the height and mass of the proposed alterations to the existing building would be dominant in the setting of the Colmore Row conservation area with the scale and appearance of the proposed buildings *"at odds with that of the existing development in the Colmore Row and Environs Conservation Area"* BCC Conservation Officer concurs that the additional height and mass would be harmful.
- 7.20. Historic England state that *"the dominant mass of the proposed scheme would result in further segregation of the two Conservation Areas. This would cause harm to the significance that Colmore Row and Environs Conservation Area, in particular, derives from its setting, albeit a low level of less than substantial harm"*. BCC conservation Officer states that 103 Colmore Row should not be used as a precedent (A tower positioned to the west end of Colmore Row) and considers 103 Colmore Row to be extremely harmful to heritage assets. The Conservation Officer considers that this proposal would be a repeat of what they consider to be, harmful development to heritage assets in this location. Concurring with HE view that the proposal would harm the significance of Colmore Row Conservation Area.
- 7.21. BCC Conservation Officer agrees with the HS that impact to the Steelhouse Lane Conservation Area, would not be adverse.



Figure 6 : View looking east along Colmore Row (within conservation area)

Cathedral Church of St Philip (GI listed building) The Grand Hotel, 31 Colmore Row (GII listed building)*

- 7.22. Historic England consider that *"The proposed works would result in a bulkier, taller*

tower than that currently in place, which would further remove itself from the human scale development that characterises this part of the city and would harm the heritage significance that the listed buildings derive from their setting. In our view this would constitute a lower level of less than substantial harm"

- 7.23. BCC Conservation Officer considers the harm to the above assets to be less than substantial (but does not give a scale of to what degree).

7.24. *Great Western Arcade (GII listed building)*

- 7.25. This is a Victorian shopping arcade which still retains its retail function. The arcade is within the ownership as the applicant. As a result of the application proposals to retain the existing structure, only minor works would be required to replace flashing between the Arcade and the Colmore Gate building. This nature of these works mean that Listed Building Consent is not required. The Conservation Officer has confirmed this and does not consider that this would harm to the significance of this asset.

Methodist Central Hall (GII listed building)*

- 7.26. BCC Conservation Officer agrees with the HS, that the impact to the Methodist Hall would be less than substantial to a low degree.

- 7.27. Paragraph 200 of the NPPF requires that 'any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification'. Historic England and the Conservation Officer both consider that amendments could be made to the scheme to lessen impact to heritage assets. As a result, the applicant has provided a Financial Viability Assessment putting a case forward that for the building to be renovated to a standard that would provide grade A office space and introduce sustainable design principles. The additional height and footprint are required to make these investments in the existing building financially viable and deliverable. This assessment has been independently assessed and it was confirmed that without the additional mass the scheme would not be viable. The assessment provides two scenarios, existing and a lower scheme (with less floorspace) which demonstrates that if additional floors were removed from the tower, there would be a disproportionate financial deficit. Therefore, it is argued by the applicant that the less than substantial harm identified is justified. I concur that the requirements of paragraph 200 are met.

- 7.28. The harm identified to designated heritage assets as a result of scale, mass and architecture should be weighed against the public benefits of the proposal in accordance with Policy TP12 and Paragraph 202 of the NPPF.

Design

- 7.29. 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.

- 7.30. The existing Colmore Gate building comprises a 17-storey tower, and as such, already falls within the Council's definition of a tall building being over 15 storeys in height. The proposed development would increase the overall height of the tower to 26 storeys. Although a tall building exists on this site, this is a significant extension in height and a tall building assessment has been submitted in support of the application.

- 7.31. The tall building submission documents, including the Townscape and Visual Impact Assessment set out that the application site is located on a key route from the Ring Road into the City Core via Snow Hill Queensway and Colmore Row/Bull Street and a tall building would sit within the context of other tall buildings including One, Two and Three Snowhill and other recently consented schemes for tall buildings and therefore the principle of tall buildings in this area is established. The principle of tall

buildings in this location is further supported by the Snow Hill Masterplan, albeit the masterplan is non-statutory, recognition of this as a growth area characterised by landmark office development is found in GA1.

- 7.32. The City Design Manger also acknowledges that *“The principle of refurbishing and extending an existing office building (as an office) is supported. Not only does this support the economic growth of the Central Business District but is retaining the embodied carbon within the existing structure. It is also the intention of this proposal that in delivering a new façade, that the sustainability of the building will be greatly improved as it will be possible to improve the passive performance of the building’s fabric”* matters which are discussed later in the report.
- 7.33. However, the ‘Healthy Living and Working Places City Manual’ of the Design Guide (2022) sets out a number of tall building considerations, including whether tall buildings add to the skyline and key views, architectural quality, grouping, which the proposal should still accord.
- 7.34. The submission documents make a case that the proposed building makes a positive impact upon the townscape and would act as a wayfinding feature. The tower is already visible in the local townscape and there is an emerging scale within the central business district. However, the City Design Manager points out that *“This late 20th century anomaly will in the short term be emphasised”* by the increased massing of the proposed tower.
- 7.35. Amendments have been made to the scheme through the pre-app process, reducing the mass and creating a better relationship between the proportions of the tower and shoulder to accord with City Note LW-43 which suggests shoulders should be no more than one third of the tower. This is not achieved (being about two fifths). However, the City Design Manager acknowledges the poor proportions of the existing building and agrees that although not ideal, can be supported in this instance. it must still be acknowledged that in terms of the tower, the advice of the City Design Manger is that the proposal *“lacks the elegance of a new build tower, its girth and height in combination, is not as elegant as would otherwise be desirable, in such a sensitive location”*.

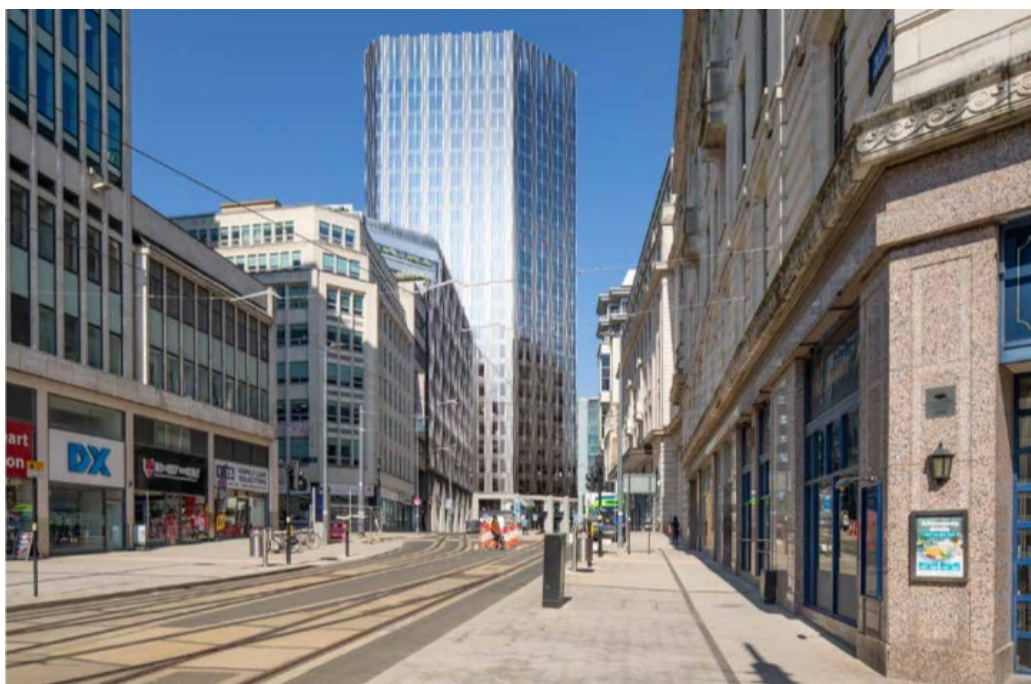


Figure 7: View looking north along Bull Street

- 7.36. In addition changes to the architecture have been negotiated to give better articulation, vertical emphasis, consistent bay arrangements and aimed to achieve 360-degree elevational design whilst working within substructure constraints.

However, the façade remains to have a lack of modelling and relief, this is limited by the retention of the existing structure in combination with the thermal performance requirements of the new elevations and filling the available space with additional floor space. The fin and louvre features have a maximum projection of 300mm, 200mm of which over-sails the highway.

- 7.37. Given that the proportions of the existing tower and its extended footprint present challenges, the architecture of the building is of particular importance.
- 7.38. The proposed elevational treatment incorporates chamfered reconstituted light grey stone piers, to create a double height base with areas of glazing framed in dark grey metal between. Above, the façade comprises vertical bands of glazing and light-grey metal spandrel panels, with vertical projecting geometric fins with an undulating elongated diamond shape set between vertical columns formed of a series of light grey louvred fins with a dark grey metal backdrop. The plant at the top of the tower would be enclosed by a two storey 'crown' combining the vertical fins along with raked solid panels featuring vertical tapered slots. The architectural treatment is proposed to be carried through to the shoulder building.

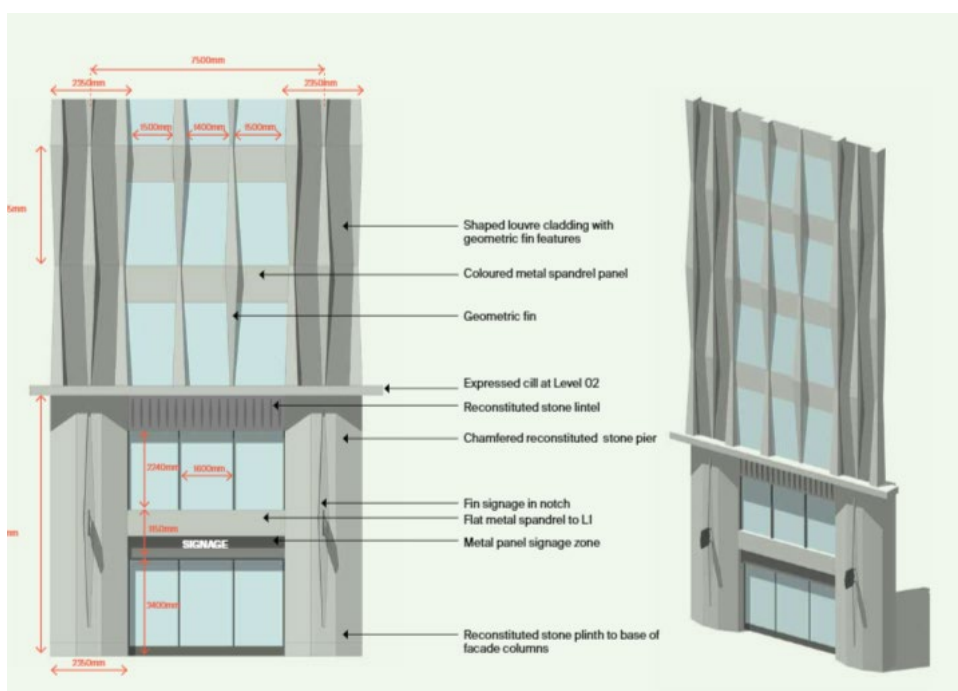


Figure 8: Bay study of base and podium

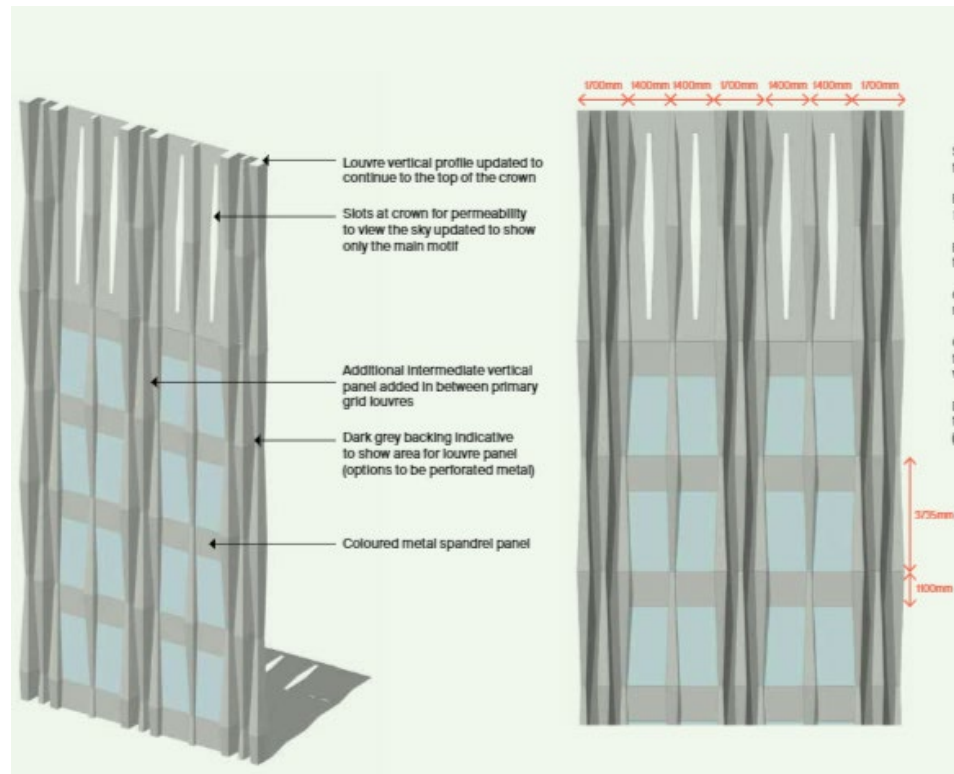


Figure 9: Bay study of tower and crown

- 7.39. The success of this approach would depend on quality of delivery, therefore a further reduction in any modelling or design quality could not be accepted.
- 7.40. The application of the panels would also be important. Typical bay drawings and detailed sections have been provided. The junction between panels is currently being presented at 20mm, which is large enough to be visible, hence attention needs to be given to this detail, therefore it is important that should permission be granted a architectural panel is constructed and viewed by the Council on site before the façade is applied.
- 7.41. In initial presentations, the stair core was expressed in the architecture of the façade facing St Philips Cathedral and the panelling either side had no modelling. The formal submission shows the new tower core set in from the façade to allow the fins to wrap around all sides of the tower. This is a welcomed move; however, the materiality would still differ on this elevation as glazed panels cannot be used on to the core (due to fire safety). Therefore, the architecture is not truly 360°, as it should be.



Figure 10: view from within Cathedral Square towards St Phillips Place

- 7.42. With regards to the base of the building, the use of reconstituted stone cladding, formed out of the existing building's stone cladding, is supported and is considered a positive element of the design. The use of a lighting scheme is also shown highlighting this feature, this should be conditioned.



Figure 11: CGI of base, along Bull Street

- 7.43. Whilst improvements have been made and are recognised, the design reached, is considered by the City Design Manager to be *“a compromise, in that it is fettered by the position and form of the retained existing structural frame and the aspirations to improve thermal performance. That aside, the design arrived at is acceptable and responds as best it can to its modern central business district location, despite its heritage context”*
- 7.44. Further to the limitations and challenges created by the retention of the substructure and improving the environmental performance of the building, ss mentioned above, the applicant has provided a Financial Viability Assessment, to demonstrate that without the additional floor space proposed the scheme would not be financially viable. This report has been reviewed by a third-party consultant on behalf on the City Council. The applicant also confirmed that additional height (to reduce floorplate width) was not possible due to restrictions of the loading baring capacity of the existing frame. The submitted energy statement sets out the strategies employed to create a

sustainable structure.

Landscaping

- 7.45. The proposed development includes a landscaped roof terrace to the podium roof level, with the provision of a pavilion structure and plant enclosure. There are also smaller terrace areas to the Bull Street elevation.

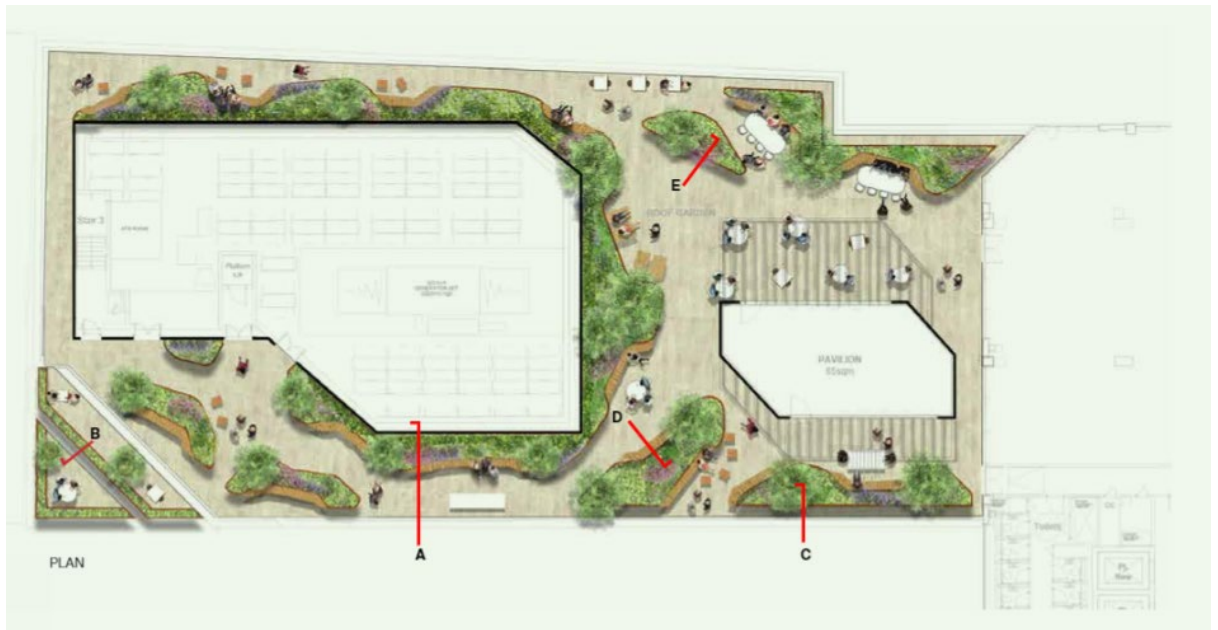


Figure 12: Proposed roof terrace (level 10)

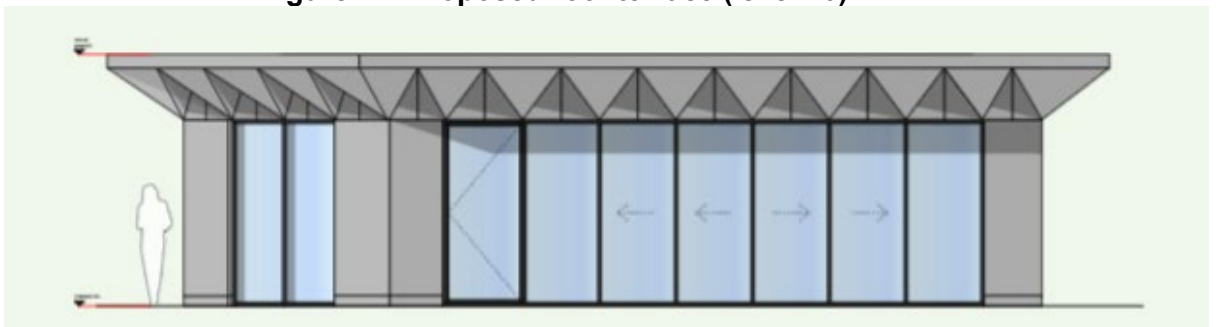


Figure 13: proposed pavilion of roof terrace

- 7.46. The new public realm along Bull Street and Colmore Row would be landscaped with mixed stone paving along with street furniture and metal planters, creating a buffer between the walkway and adjacent tram route along Bull Street. This should tie in to the existing surrounding Granite and York Stone.



Figure 14: Proposed landscaping and public access

Microclimate and Amenity

- 7.47. 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.
- 7.48. Wind – the application is supported by a wind assessment, this demonstrates that the extension of the building, including the increase in height would maintain wind conditions at ground level, suitable for pedestrians and any cumulative impact from surrounding developments would not have a material impact on wind conditions.
- 7.49. Daylight, sunlight and solar glare – the application is supported by a Daylight, Sunlight and Overshadowing Assessment and a Solar Glare Assessment. The daylight report finds that the development would have a minor impact on the daylight condition of the Quaker Meeting House. When considering the BRE guide for commercial premises and city centre urban locations, the overall impact of the scheme on the surrounding buildings is considered acceptable. The Solar Glare report assesses the proposed development in order to evaluate whether solar glare reflections would be visible from sensitive viewpoints. Most viewpoints were found to be acceptable, where there was glare visible in most instances this could be mitigated by car visors or reflections are for very short durations and would therefore not be unacceptable.
- 7.50. There have been a number of objections from members of the public in relation to loss of light, specifically to a place of worship and conference centre. However, as set out in the supporting assessments, these types of uses are not afforded the same protection with regards to loss of light as residential premises. In addition to loss of light, concern for impact of noise during construction has been expressed. Given the construction period would be temporary this is not considered significant enough to warrant refusal of the application. In addition, a condition has been suggested to require a construction management statement to control the impacts of noise and dust during construction.
- 7.51. There are limitations to the design proposed. Clearly a more elegant form with greater depth and modelling to the façade would be preferable. However, the structural limitations are accepted, as is retention of the existing structure and the findings of the Financial Viability Assessment. I concur with the advice of the City Design Manager in that whilst the design is a compromise, there is reason enough to accept it, in this instance. However, should the viability position worsen, and the scheme be value engineered as a result, it is unlikely that the City Council would support a diminished design approach, as supported by paragraph 135 of the NPPF. In addition, conditions should be applied to ensure that the proposed materials and architectural details are acceptable.

Sustainable Construction

- 7.52. 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 from 15th June 2022 all non-domestic development must achieve at least a 27% reduction in carbon dioxide emissions compared to the 2013 Building Regulation (Approved Document Part L) standards. 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.
- 7.53. For non-domestic development, the policy requires development to aim to meet BREEAM standard Excellent (on developments over 1000sqm). Where this is not achieved, the applicant should provide justification and support this with a financial

viability appraisal.

- 7.54. 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'. Policy TP4 requires new developments to incorporate the provision of low and zero carbon forms of energy generation or to connect into low and zero carbon energy generation networks where they exist.
- 7.55. The design approach proposes passive and low energy design technologies to reduce baseline energy demand and CO2 emissions through operation, followed by the application of low and zero carbon technologies. The energy strategy aims to demonstrate a reduction in carbon emissions and achieving sufficient Ene01 credits to reach BREEAM excellent, as a minimum. A BREEAM pre-assessment has been providing showing a target score of 81.32% (achieving excellent).
- 7.56. The feasibility of a range of LZC technologies have been considered by the submitted Energy Statement which concludes that PV panels and air source heat pumps (ASHP) are the most feasible and desirable technologies for the scheme. The proposal is to install 228.8 m2 solar PV on the roof as shown on the plan in the Energy and Sustainable Construction Statement, with a capacity of 42.6 kWp. Air Source Heat Pumps (ASHP) is also considered suitable and will be used in their Hybrid Variable Refrigerant Flow (HVRF) format. The development overall will achieve a 57.04% reduction in energy and CO2 emissions compared to 2013 building regulations. A detailed plan showing where the ASHP would be installed will be required.
- 7.57. The Sustainable Construction Statement sets out other considerations to the sustainable construction of the development, including; sustainable procurement, use and recycling of materials, the use of SUDS, introduction of green infrastructure, passive design considerations including; improved building fabric high performance glazing, heat recovery, LED lighting, building management systems which provides energy efficiently controls; BREEAM Excellent pre-assessment completed.
- 7.58. The Submitted Energy Statements sets out that high performance glazing is specified which minimises the cooling demand and overheating risk of the design.

Re-use of the existing building and embodied carbon

- 7.59. The applicant confirms that the existing structural frame is sound and capable of supporting extension and adaption to support a continued office use, therefore the approach is to retain the existing frame. This approach is supported by the NPPF. The applicant has provided commentary on this approach having a lesser carbon impact, through retention of embodied carbon, than would be seen through demolition and re-build.

Transportation

- 7.60. 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.
- 7.61. The proposed development is supported by a Transport Assessment. This Assessment sets out and supports the removal of the existing 99 car parking spaces which are in the basement and introduction of 299 cycle spaces and supporting facilities. Allowing for the removal of the access including the current highway crossover. Drop off and waste collections point would be required. In addition, removal of the vehicle entrance point would allow for the removal of the existing

vehicle cross over. This accords with the BCC Parking SPG.

- 7.62. The TA also considers the potential impact of the development on the nearby Tram Infrastructure. TfWM were consulted and suggest a set of conditions to ensure the ongoing operation of the Trams throughout any works. The catenary equipment would have to be removed and placed on a temporary structure, however, it is noted and recognised by the applicant that the equipment would have to be re-attached to the building.
- 7.63. The proposal requires the closure of an existing right of way and would therefore be subject to a Stopping Up Order. The existing route runs through the existing building from Colmore Row to Bull Street. An alternative pedestrian route would be provided, around the eastern edge of the building (but still underneath a cantilevered section of building). Transportation have no objection to this re-routing and confirming it may be a more pleasant route, given it would be open to one side and now overlooked by new ground floor commercial use, which would have an active frontage. A Section 35 Highways Act Walkway Agreement, or other agreement, would be required to allow public access over this land which would no longer be a Public Right of Way, as it would be in private ownership. A Grampian style condition would be required to ensure this agreement is entered in to before occupation of the building.

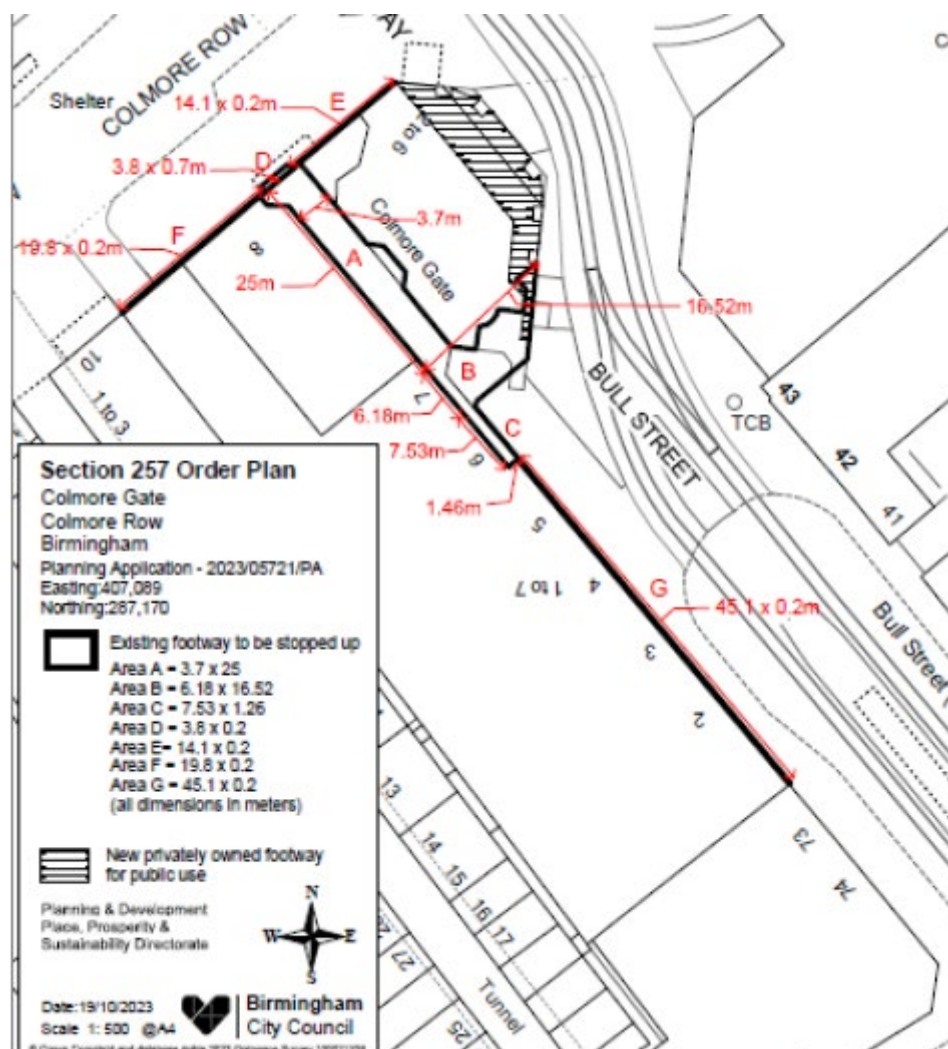


Figure 15: Stopping Up Plan and area of new route (hatched area)

- 7.64. The proposal is supported by a Travel Plan which sets out how the Travel Plan Co-ordinator would encourage walking, cycling and public transport use as an alternative way to access the site, rather than using a private car.
- 7.65. The proposed development is unlikely to have an adverse impact upon the safe

operation of the highway and transportation do not object.

Environmental Protection

- 7.66. The existing use is office and the continued extended use is office, in addition, the ground floor commercial space is also use class E and therefore it is not considered that the proposed development would introduce any significant additional noise, air quality or contamination issues.
- 7.67. Noise - The application is supported by a noise assessment which identifies the nearest sensitive noise receptors (hotel and place of worship). However, it establishes that appropriate noise levels are achievable but as final details of plant is unknown it should be conditioned to further assess and proposed any required mitigation before installation.
- 7.68. Air Quality – The application is supported by an Air Quality Assessment the acknowledges the site's location within the Clean Air Zone. However, concludes that the as the proposal is car free and removed 99 parking spaces trip generation would fall and so impact upon air quality would not be significant.
- 7.69. There are no land contamination concerns given that the proposal is for the reuse and extension of an existing building.

Flooding and Drainage

- 7.70. TP6 'Management of flood risk and water resources' requires a sustainable drainage assessment and maintenance plan for all major developments. 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.
- 7.71. The site lies within Flood Zone 1 and is therefore appropriate for development of this use. The existing site is extensively developed with impermeable areas (buildings and hard surfacing).
- 7.72. The FRA sets out that a surface water management system (which includes SuDS techniques) should be incorporated into the design, ensuring that runoff rates do not increase post-development. The submitted drainage strategy states that infiltration systems are not feasible for the site given the building occupies the whole site and therefore surface water would be discharged into the public sewer at a restricted rate. Geo-cellular structures are proposed within blue roofs to attenuate rainwater and restrict run off at a betterment to the existing, as suggested in the FRA.
- 7.73. The developer has provided confirmation from STW that the restricted discharge rates shown in the drainage strategy are acceptable to them, to allow for connection to the network.

Ecology

- 7.74. 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.
- 7.75. A Preliminary Ecology Assessment was carried out which found no presence or opportunities for protected species other than nesting birds. As the existing development does not support any biodiversity features and the proposed development includes rooftop gardens/ green roofs, this would serve to significantly enhance the green infrastructure on the site. The PEA considered that this would result in a 100% increase in biodiversity on the site.
- 7.76. BCC Ecology agree with the PEA in that mitigation measures should be employed during construction to protect any nesting birds. The overall approach to ecological enhancement/BNG, as set out in the PEA and BREEAM report, is supported by BCC

Ecology.

- 7.77. The green roof as shown is sedum, this does not take the opportunity to be designed to enhance biodiversity features. The applicant has agreed to a condition requiring further detail of the green roof to be shown with ecological enhancements.

Other Matters

- 7.78. An Aviation Report (Aerodrome Safeguarding Assessment) is submitted with this application. the proposed development would not penetrate the Outer Horizontal Surface at Birmingham Airport and there would be no impact on the airport's operations. It is not anticipated that there would be an impact on the airport during construction as cranes (and associated construction activities) would be kept under 309m above ordinance datum. The report also considered impact upon the Children's Hospital (access to helipad) and found there to be no unacceptable impact. Birmingham Airport did not respond.
- 7.79. A Gateway One Fire Report was submitted with the application, HSE fire did not respond to the consultation. Nevertheless, the proposal development would be required to comply with Building Regulations with regards to fire safety.

Planning Balance

- 7.80. Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that 'If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise'.
- 7.81. 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.
- 7.82. BDP policy PG1 is considered out of date. However, Policy GA1 and TP1 are up to date, consistent with the NPPF and are afforded full weight. Therefore, on the whole the policies are considered to be up to date and consequently, Paragraph 11d) of the NPPF is not engaged and the tilted balance does not apply in this instance.
- 7.83. The harm identified to the significance of designated heritage assets, and the great weight afforded to their conservation needs to be considered along with the considerable importance and weight to be applied to the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990, specifically in section 66 and 72, as well as the degree of accordance with BDP policy TP12 and the relevant paragraphs in the NPPF against the benefits of the scheme.
- 7.84. The identified harm is as follows;
- Colmore Row and Environs Conservation Area - a low level of less than substantial harm.
 - Cathedral Church of St Philip (GI listed building) The Grand Hotel, 31 Colmore Row (GII* listed building) - lower levels of less than substantial harm.
- 7.85. Whilst low levels of less than substantial harm are identified by HE, the reason for objection cited is *"The proposals would result in harm that could be avoided by an alternative design for a reduced scheme which better responds to the various heritage assets. As there is a design solution that we consider would reduce the harm, we do not consider these proposals are justified in line with NPPF paragraph 200 requirements. If the proposals are not amended, please treat this letter as an objection"*.
- 7.86. The application is supported by a FVA which justifies the increase in floorspace, as required to support the financial investment in the existing vacant building to provide grade A office space. It is therefore considered that paragraph 200 of the NPPF is

satisfied.

- 7.87. Using the three strands of sustainable development the public benefits of the scheme are identified as

Economic

- Temporary construction jobs over the construction period (562 direct and 680 indirect FTE)
- £87.6m direct and indirect GVA p.a. in the construction phase
- 2,796 FTE direct operational jobs and 811 further indirect FTE jobs supported locally.
- £209.3m of GVA p.a. during operation
- Refurbishment of the existing building, providing grade A office space in the city centre.

- 7.88. Para. 81 of the NPPF states that “Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development” However, I also note that many of the new jobs would only be for a temporary period, and that whilst permanent jobs would be created, a proportion of the floorspace and therefore calculated jobs, already exist. However, given the scale of development, moderate weight is attached to these economic benefits.

Social

- Introducing better passive surveillance of public route, thereby enhancing pedestrian safety.

- 7.89. Environmental

- Bringing back in to use a vacant sustainably located office building.
- Making use of existing embodied carbon through the conversion of an existing structure
- Refurbishment of energy inefficient building to an energy efficient structure.
- New publicly accessible route, replacing existing unattractive route.
- Public realm improvements
- Car free development (involving the loss of 99 existing parking spaces) and provision of 299 cycle spaces.
- Landscaping with ecological benefits, with no net loss in biodiversity.

- 7.90. Significant weight is afforded to the sustainability credentials of the built development. The site has very limited ecological value and the proposal does provide ecological gains, however, this is afforded moderate weight.

- 7.91. The designated heritage assets buildings hold considerable historic significance and the less than substantial harm which would be caused to their significance by the development is considered by conservation colleagues to reach a low level. However, in my view, and very much on balance, I consider there are enough benefits associated with this proposal to outweigh the heritage harm identified. The paragraph 202 test of the NPPF is therefore favourable to the proposal. I therefore recommend the application is approved subject to the conditions set out below.

8. **Conclusion**

- 8.1. Overall, the proposed use is supported by Policy GA1 and TP21, the site is within the City Centre growth area and would see the development of this brown field site, with a high-quality development.
- 8.2. The opportunity to repurpose the existing building with alterations, compared to a scheme for demolition and new build, is welcomed in respect of minimising impact on the adjoining listed buildings and in relation to climate change and making use of existing embodied carbon.
- 8.3. 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 conditions.

9. **Recommendation:**

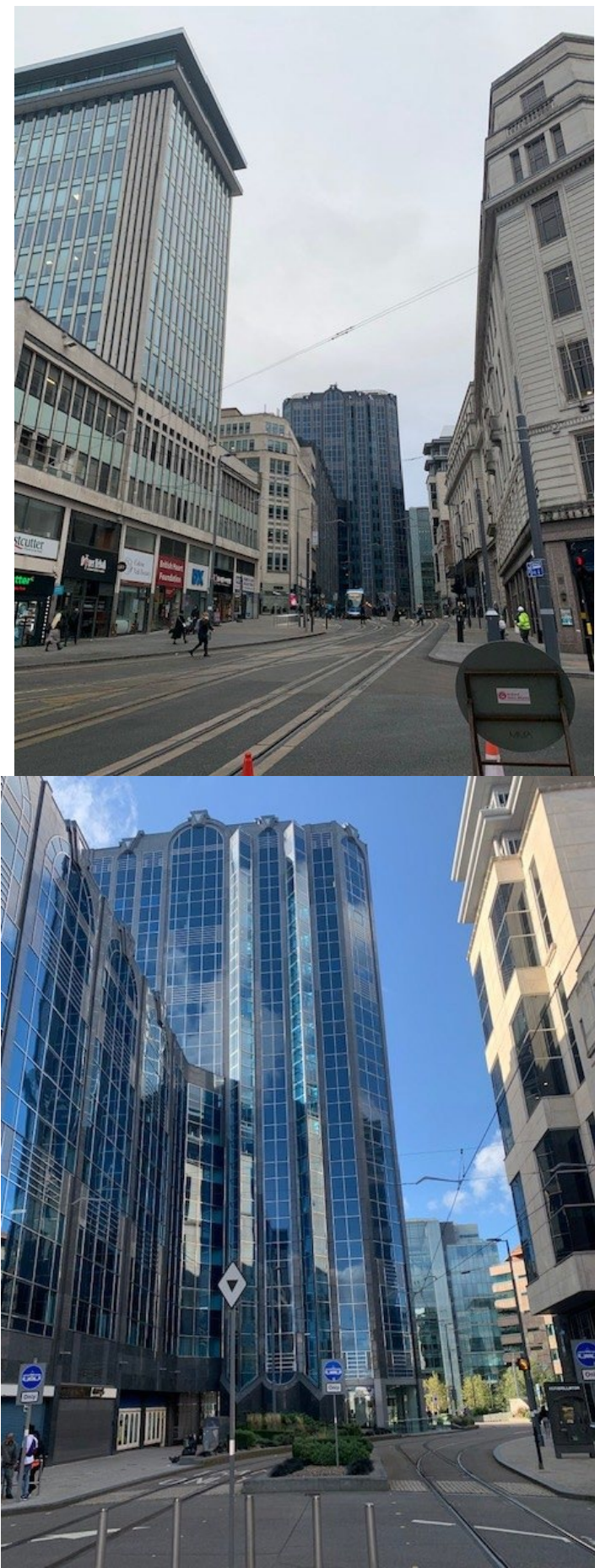
- 9.1. That consideration of planning application 2023/05721/PA be APPROVED subject to the suggested conditions below (that may be amended, deleted or added to providing that the amendments do not materially alter the permission); and
- 9.2. That the Director of Legal Services be authorised to make an Order in accordance with the provisions of Section 257 of the Town and Country Planning Act 1990. For the closing of the existing public route and re-routing around the building, along with other alterations to the highway as listed above.

-
- | | |
|----|---|
| 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 employment plan. |
| 4 | Requires the prior submission of a demolition and construction method statement/management plan |
| 5 | Requires the submission of extraction and odour control details |
| 6 | Requires details of Sound Insulation for Plant/Machinery |
| 7 | Limits the noise levels for Plant and Machinery |
| 8 | Requires the submission and approval of external materials |
| 9 | Requires the submission and approval of architectural detailing |
| 10 | Requires the construction and approval of a sample panel on site |
| 11 | Requires the provision of cycle parking prior to occupation |
| 12 | Requires compliance with the commercial travel plan |
| 13 | To ensure that the development achieves BREEAM rating level |
| 14 | To ensure energy and sustainability measures are delivered in accordance with statement |
| 15 | Requires the submission of hard and/or soft landscape details |
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- | | |
|----|--|
| 16 | Requires the submission of a scheme for ecological/biodiversity/enhancement measures |
| 17 | Requires the prior submission of details of bird/bat boxes |
| 18 | Requires the submission of Biodiversity Roof details |
| 19 | Development in accordance with Ecological Appraisal Report |
| 20 | Requires a Demolition and Construction Method Statement in relation to Bull Street and Overhead Line Equipment |
| 21 | Requires replacement of Overhead Line Equipment |
| 22 | Requires earthing / bonding of scaffolding |
| 23 | Requires the submission of details of excavation and earthworks |
| 24 | Requires the submission of a lighting scheme |
| 25 | Requires the prior submission of a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan |
| 26 | Requires the prior completion of a legal agreement to provide the publicly accessible route |
| 27 | Requires the S278 works to the public highway to be substantially complete before occupation of the building |
-

Case Officer: Rhiannon Hill

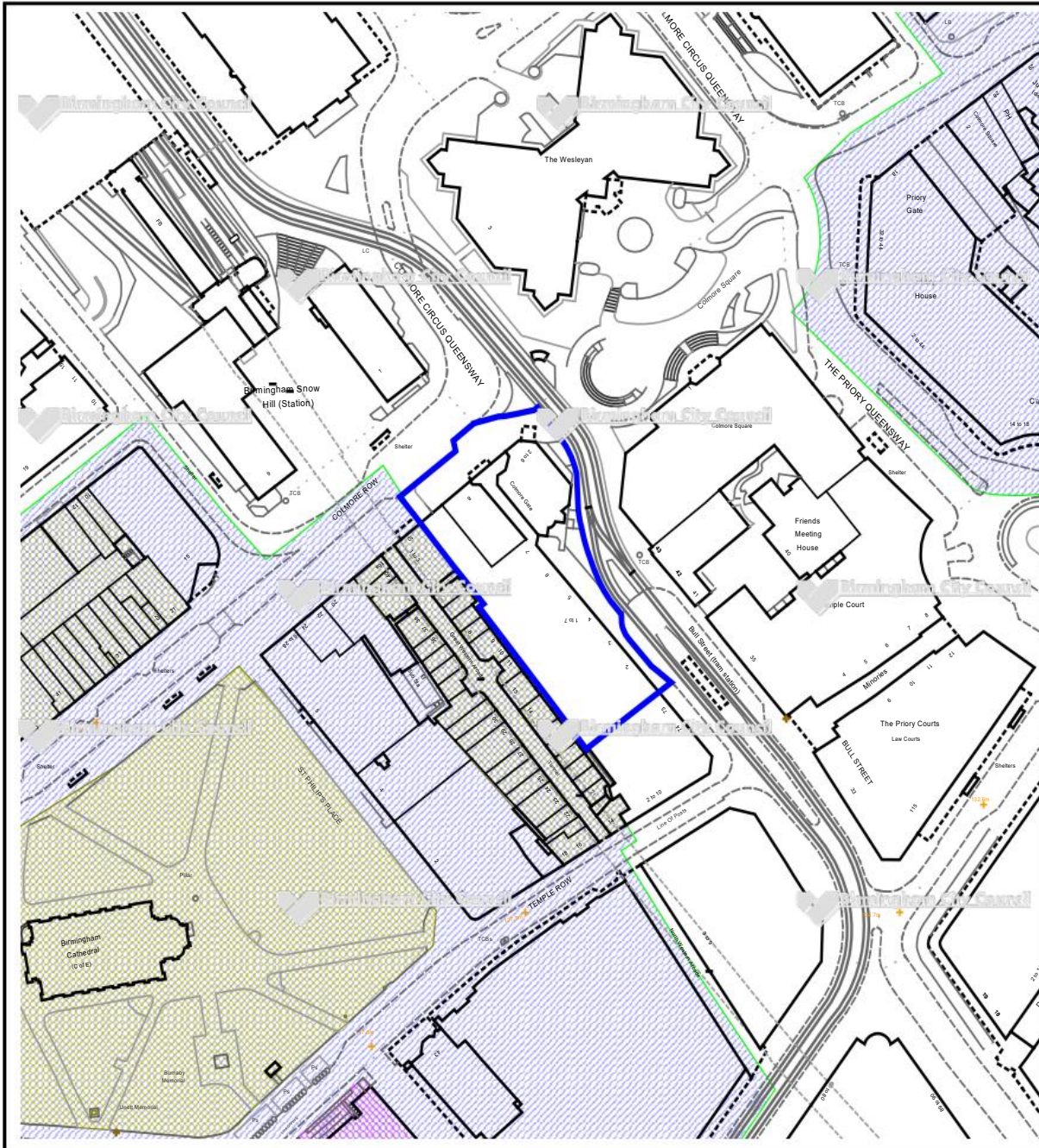
Photo(s)







Location Plan



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Committee Date:	22/02/2024	Application Number:	2023/03450/PA
Accepted:	24/05/2023	Application Type:	Full Planning
Target Date:	14/12/2023		
Ward:	Bordesley & Highgate		

131-137 High Street, Bordesley, Birmingham, B12 0JU

Demolition of existing building and erection of 136 residential apartments (Use Class C3) within a seven storey building. Including landscaping and associated works

Applicant:	Croft Development Consultancy UK Ltd 26 Hatherton Croft, Cannock, Staffs, WS11 1LD
Agent:	Croft Development Consultancy UK Ltd 26 Hatherton Croft, Cannock, Staffs, WS11 1LD

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 commercial unit (former motorcycle sales) and the erection of a 7 storey building, in one block across the full site (incorporating existing car park), comprising 136 residential apartments (C3 Use Class).



Existing building on site

- 1.2 The proposed residential accommodation is comprised of;
- 58 x 1 beds (43%)
 - 74 x 2 beds (54%)
 - 4 x 3 beds (3%)
- 1.3 The ground floor provides for 488sqm. of internal communal amenity space and around 855sqm of shared external amenity space, within a courtyard to the rear of the building. Some units have private balconies and some ground floor private amenity space.
- 1.4 The application is supported by the following documents: Archaeology Desk Based Assessment; Design and Access Statement; Flood risk and Drainage Assessment;

Ecological Appraisal; Energy Statement; Fire Statement; Ground Contamination Report; Air Quality Assessment; Noise Assessment; Traffic and Residential travel Plan; Heritage Statement; Financial Viability Assessment.

1.5 [Link to Documents](#)



CGI of Proposed Building from High Street (Upper Trinity St proposal Visible to rear)

2 **Site & Surroundings:**

- 2.1 The application site is located to the northern side of High Street, backing onto the Moor Street Railway viaduct. High Street is made up of a mixture of commercial, residential and leisure uses.



Application site an immediate context

- 2.2 The application site lies within the south easterly 'leg' of the Digbeth, Deritend and Bordesley High Streets Conservation Area and in close proximity to the locally listed former Barclays Bank at 123 High Street and backs on to the locally listed Bordesley Viaduct. There are a number of other designated and non-designated heritage assets in the immediate area, being mostly contained within the High Streets Character Area of the conservation area.

- 2.3 Both the site and its neighbouring plot to the west comprise large modern retail showrooms. The existing building is around two and half storeys in height and is a simple rectangular structure of red brick and metal cladding construction, of no architectural or historic merit and of no heritage value to the Conservation Area.
- 2.4 There are a number of development sites in very close proximity to the application site, with a number of development proposals granted consent on the southern edge of Digbeth High Street, although notably these are outside of the conservation area.

3 Planning History:

- 3.1 1994/03482/PA - Erection of unit for sale of motorcycles and ancillary functions (sui generis) (1115 sq m) and 48 space car park - Approve subject to Conditions. 6/7/1995
- 3.2 2004/07672/PA - Change of use of former motorcycle dealership to car showroom and re-cladding/refurbishment of existing building - Approve subject to Conditions. 3/3/2005

4 Consultation Responses:

- 4.1 BCC City Design – No objection

Following a long process, we have arrived at a scheme where the objection can be lifted. The proposal broadly complies with the Birmingham Design Guide SPD.

- 4.2 BCC Conservation Officer – No objection

The application site currently makes a negative contribution to the character and appearance of the conservation area and to the setting of nearby heritage assets. The site would benefit from redevelopment that would offer an enhancement to the area and any such redevelopment should demonstrate a regard for all the elements of the character of the High Streets Character Area and the wider conservation area as set out in the CAAMP, including through scale, form, mass and design. This revised proposal has ultimately demonstrated some elements in the new development that can be considered characteristic of the conservation area with regards to scale, plan form and, layout and design and therefore can be considered to meet the requirements of conservation area legislation and policy. The proposals can therefore be supported.

- 4.3 BCC Archaeology – No objection

Subject to conditions requiring a written scheme of investigation for a programme of archaeological evaluation, full details of the proposed foundation design including level, a written scheme of investigation for a programme of archaeological mitigation works

- 4.4 BCC Tree Officer – No objection

- 4.5 BCC Ecology – No objection

Subject to conditions requiring details of a method statement for dealing with invasive weeds, scheme for ecological and enhancement measures, bird and bat boxes, construction ecological management plan and a landscape ecological management plan, lighting details, Green roof details.

- 4.6 BCC Environmental Protection – Objection

Matter of Air Quality and Contamination are acceptable subject to conditions requiring the submission of a contamination remediation strategy and verification report.

However, with regards to noise; The noise impact assessment does not adequately characterise noise environment particularly in respect of commercial noise and it would introduce a noise sensitive use in an existing area in circumstances where the resulting residential noise climate may represent a statutory nuisance which may have an adverse impact on the operation of existing businesses and potential loss of employment activities.

4.7 BCC Transportation – No objection

Subject to the submission of a construction management plan, and provision of cycle parking and refuse bays and the reinstatement of redundant footway crossings, before occupation of the proposed development.

4.8 BCC Employment Access – No objection

Subject to a condition securing a construction employment management plan

4.9 BCC Leisure Services – No objection

Request a contribution of £313,775 towards the improvement of public open space at Kingston Hill Recreation Ground, within Bordesley & Highgate.

4.10 BCC Education – No objection

Request for s.106 contribution of £350,823.39 towards education places.

4.11 Historic England – No objection, concern.

The proposed development would involve the introduction of a much taller building than is characteristic of this side of the High Street which would cause some harm to heritage assets. Notwithstanding this, we consider the proposed development would cause a very low level of less than substantial harm to the Conservation Area and nearby listed buildings.

4.12 The Victorian Society – Objection

Whilst we have no objection to the proposed demolition of the existing 1980s building on the site, or to the principle of a residential development at this location, we do not consider the proposed development of seven storey building an appropriate design. The Character Appraisal for this Conservation Area was adopted by Birmingham City Council as a Supplementary Planning Document in 2009; On p40 in Key Design Principle 2.2 it is stated that “New buildings should not generally appear to be significantly higher or lower than their neighbours and should reflect the building heights characteristic of the locality or character area. This will normally limit new buildings to a maximum of six industrial/commercial storeys”. The proposed development at seven storeys is too tall for this location in the conservation area and is likely to set an unwelcome precedent for surrounding sites within the conservation area, notwithstanding consented and proposed tall buildings outside the conservation area boundary.

We furthermore consider that the proposed design is bland and oppressive in its appearance and as such will not preserve or enhance the character of this part of the conservation area. We therefore object to this application as is currently presented.

4.13 Birmingham Civic Society – Support the application.

4.14 Health and Safety Executive (Fire) – No objection

It will be for the applicant to demonstrate that the proposed fire safety design standard is suitable and that the proposed development complies with building regulations, at subsequent regulatory stages.

4.15 Canal and River Trust – No Comment

4.16 Network Rail – Objection

The application site contains land within Network Rail ownership, proposals should retain access to allow for maintenance.

4.17 West Midlands Fire Service – No objection

Subject to compliance with building regulations

4.18 West Midlands Police – No objection

Subject to a condition securing details of CCTV, Lighting plan and boundary treatment details.

5 Third Party Responses:

5.1 The application has been publicised by sending out letters to neighbours, posting site notices within the vicinity of the site and a press notice.

5.2 Residents' Associations; Ward Members; the MP and local occupiers consulted with the following representations received.

5.3 There has been one letter of support received, which did not include any comments.

5.4 There has been one letter of comment received raising the following points

- Swifts are in trouble. The UK has seen numbers plummeting with steep declines since the 1990s and a real danger of local extinction unless we act now. When buildings are refurbished or demolished, the nooks and crannies used by swifts for nesting are lost and swifts have nowhere to lay their eggs and raise young. Ensuring provision is made for swifts via the planning system is crucial. Whilst sparrow boxes are recommended as ecological enhancement, Boxes for sparrows are an inflexible option only suitable for sparrows, and external boxes may be removed and (depending on the material used) typically have a relatively short lifetime and require ongoing maintenance.

6 Relevant National & Local Policy Context:

6.1 National Planning Policy Framework

- Section 2: Achieving sustainable development
- Section 4: Decision-making
- Section 5 Delivering a sufficient supply of homes
- Section 11 Making effective use of land
- Section 12 Achieving Well-Designed Places
- Section 14: Meeting the challenge of Climate change, flooding and coastal change
- Section 16 Conserving and enhancing the historic environment.

6.2 Birmingham Development Plan (2017)

- G1 Overall levels of growth
- GA1 Spatial Delivery of Growth: City Centre
- 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
- TP5 Low carbon economy
- 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
- TP20 Protecting existing employment land
- TP21 The network and hierarchy of 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
- TP31 Affordable 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
- TP47: Developer contributions

6.3 Development Management DPD (2021)

- 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

6.4 Supplementary Planning Documents & Guidance:

Birmingham Design Guide (2022); Birmingham Parking Supplementary Planning Document (2021); Guidance Note on Sustainable Construction and Low and Zero Carbon Energy Generation (2021); Public Open Space in New Residential Development SPD (2007) National Planning Practice Guidance; Community Infrastructure Levy (CIL); Our Future City Framework (2023). 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); Digbeth, Deritend and Bordesley High Streets Conservation Area Appraisal and Management Plan;

7 **Planning Considerations:**

7.1 The main material considerations of this application are

- The principle of development
- Impact upon Heritage Assets
- Design
- Residential Amenity
- Sustainable Construction
- Ecology
- Flood Risk and Drainage
- Noise, Air Quality and Contamination
- Transportation

- Network Rail
- Planning Obligations
- Other Matters

Principle of Development

- 7.2 Policy GA1 promotes the City Centre as the focus for a growing population and states that residential development would be continued to be supported where it provides well-designed high-quality environments with the majority of new housing expected to be delivered on brownfield sites within the existing urban area. Policies 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 application site is located within Digbeth, where development should be "Creating a thriving creative and cultural hub with a high quality, exciting and easily accessible environment".
- 7.4 Overall, the site is within the City Centre growth area, sits outside the Retail Core and would see the use of brownfield land to deliver a residential led development. The principle of which accords with the above policies.

Loss of employment land

- 7.5 The Council's adopted Loss of Industrial Land to Alternative Uses SPD defines industrial uses as those falling within use class B1(b and c) Light Industrial, B2 General Industrial and B8 warehousing, (Since its adoption use class B1 no longer exists). The existing building on site was erected as a car show room with a Sui Generis Use Class and would not be considered strictly employment use. Moreover, the unit appears to have been functioning as a motorcycle clothes and accessories retail unit, which would have therefore fallen under Use Class E. Therefore, Policy TP20, loss of employment land is not relevant.

Provision of Housing

- 7.6 The Birmingham Development Plan became 5 years old on 10th January 2022 and is currently being updated. In accordance with NPPF paragraph 75, BDP policies PG1 and TP29 are considered out of date, and the Council's five-year housing land supply must be calculated against the Local Housing Need figure for Birmingham. Currently, the Council cannot demonstrate a five-year supply of deliverable housing sites. Consequently, Paragraph 11d) of the NPPF is engaged and the tilted balance applies for decision taking.
- 7.7 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. Footnote 7 of the NPPF notes the specific policies which protect important areas or assets, and these include policies relating to designated heritage assets, this is discussed later.
- 7.8 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.

- 7.9 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. TP30 also requires development to be delivered at a minimum target density of 100 dwellings per ha within the City Centre.
- 7.10 The C3 units are proposed to be delivered in the following Mix
- 58 x 1 beds (43%)
 - 74 two beds (54%)
 - 4 x 3 beds (3%)
- 7.11 The Council's Housing and Economic Development Needs Assessment (HEDNA) provides guidance on the mix of dwelling sizes, required in different parts of the city, and replaces the existing SHMA referred to in Policy. The proposal would not replace existing housing and would therefore add to housing choice within the area. Figure 2 'Tenure of housing' as set out in the BDP (2017) required as a percentage, a mix of housing. This has been updated by the HEDNA which suggests the following mix for the central area. 1 beds: 17% 2 beds: 37% 3 beds: 31% 4 beds 15%.
- 7.12 The 'Central Area' defined in the HEDNA covers more than just land within the ring road, it analyses sub-areas within the Central Area which it defines as Inner and Outer Central Sub-Areas – broadly the Inner area corresponds with land within the ring road and the Outer area covers those areas within the Central Area wards which are outside of the ring road. The HEDNA does not suggest a housing mix specifically for the Inner Central Sub-Area, which the site would be located within, it does however acknowledge its different characteristics compared to the Outer Central Sub-Area.
- 7.13 Whilst the mix of housing fails to provide a significant number of larger units of accommodation at 57% (2 and 3+ bedrooms), the mix is weighted towards 2 and 3 beds. However, 43% 1 beds is greater than that set out in the HEDNA. Whilst it is not expected that every proposal would provide the exact mix suggested, it would be preferable to see more 2 and 3 bed units incorporated into the housing mix. This would contribute to the aim of creating a more varied supply of family homes in the central area, suggested in the HEDNA and Policy GA1.
- 7.14 Nonetheless, 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 housing across the city as a whole. The HEDNA also recognises that brownfield sites within the central area are likely to be suited to flatted development such as that being proposed, as well as it being important to recognise the role and function of areas which differ from one another (Suburbs Vs City Centre).

Affordable Housing

- 7.15 In developments where more than 14 residential units are proposed, the Council seeks 35% affordable homes, in accordance with BDP policy TP31. BDP para. 8.21 states the Council is committed to providing high quality affordable housing for people who are unable to access or afford market housing and that this is an important commitment to ensure a choice of housing for all. The HEDNA concludes that there is a "notable need" and "it is clear that provision of new affordable housing is an important and pressing issue in the area." Where meeting the 35% target would make the development unviable, the application must be supported by a financial viability appraisal (FVA) to demonstrate this. The FVA is independently assessed on behalf of the LPA, and it may be the case that a lower amount of affordable housing can be offered

instead.

- 7.16 The NPPF sets out the definition of affordable housing (in planning terms). The NPPF requires the affordable provision on site to be at least 20% below local market value/rents (including service charges where applicable) in perpetuity.
- 7.17 In this instance an FVA has been submitted and assessed by independent consultants (Lambert Smith Hampton). As a result of this assessment, it has been found that the proposal can support 10% affordable housing (14 units) at a 30% discount. This would be in the form of a proportionate mix equating to 6 x 1 beds, 7 x 2 beds and 1 x 3 bed. This is broadly equivalent to a monetary contribution of £1,315,000.
- 7.18 The Current BCC income restrictions for qualifying persons are: £30,000 for single income and £45,000 for dual income. Therefore, qualifying individuals are unlikely to be able to afford these units, even with a 20% discount.
- 7.19 Approximate affordability calculator (4.5 being likely mortgage lend, although that may come down slightly):
- 30,000x4.5= £135,000
 - 45,000x4.5= £202,500
- 7.20 Therefore, securing a reduced number of units at a greater discount, that the minimum 20% is preferable and is supported by the Affordable Housing Delivery Team. Therefore, in this instance a 30% discount is applied resulting in 10% of units being for discount market sale.
- 7.21 The FVA sets out that the Base Line Value of the land is reasonable and comparable to the current market. This is compared to the value of the development as built (Gross Development Value) which includes build costs, marketing, professional fees etc. giving a residual value. In this instance resulting in low developer profit, as a consequence of high development costs (including high build costs) when compared to the sales values of the units and resulting Gross Development Value (GDV).
- 7.22 The proposed dwellings are delivered at a density in excess of the minimum required by Policy TP30. This is acceptable in the city centre, where high density, efficient use of land is encouraged.

Summary of principle of development

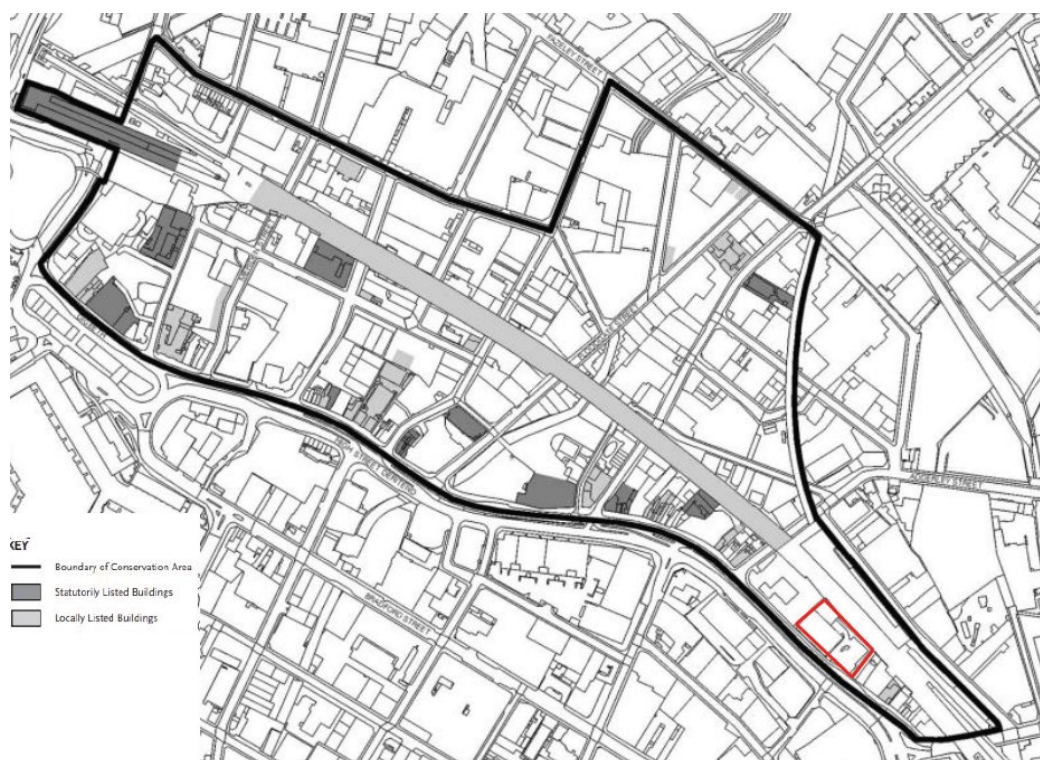
- 7.23 Overall, the proposal delivers a total of 136 units of residential accommodation on a brownfield site, within a very sustainable location, helping to deliver housing in accordance with the government's commitment to significantly boosting the delivery of housing, and would assist in meeting the shortfall in the five-year housing land supply. In accordance with the NPPF substantial weight should be afforded to the value of using suitable brownfield land within the urban area for homes and decisions should support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained. This weighs heavily in favour of the application.
- 7.24 Whilst the mix of C3 housing does not provide a greater number of larger units of accommodation (2 and 3+ bedrooms), the proposed mix can be supported in the City Centre location, on a site of this character. Further to this, the scheme offers 10% affordable housing, helping to deliver affordable housing in line with the Council's acute need. The delivery of housing and affordable housing in this location, is therefore afforded substantial weight. The proposal adds to the types of accommodation available across the city, in accordance with TP27, TP28, TP30 and TP31.
- 7.25 Therefore overall, the principle of the redevelopment of the site for a residential led development, with the proposed mix and level of affordable housing, can be supported.

Impact upon Heritage Assets

- 7.26 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.

- 7.27 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)).
- 7.28 In instances where paragraph 11d of the NPPF is engaged, such as this, it is also important to note that footnote 7 states that development should be approved unless the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed, assets of particular importance are defined as designated heritage assets (amongst other things such as AOANBs).
- 7.29 The application was reported to the Conservation Heritage Panel as part of the pre-app process. The application was reported twice, with the second presentation outlining design amendments to address comments made by the panel and other consultees. At the final presentation to the panel (in April 2023) noted that the amendments were a vast improvement, with the scale and layout now generally acceptable. The single use of one material was seen as a benefit however it was felt the architecture could respond better to the conservation area.



Extent of Conservation area and application site

- 7.30 The Conservation Officer notes that the existing building on site is of no heritage value and does not positively contribute to the conservation area, having a negative impact through its poor relationship to the High Street and being discordant with traditional character and grain. They also note that the proposed residential use does not have any detrimental impact on the character of the conservation area.
- 7.31 Much discussion has centred around appropriate scale, both at pre-app and formal application stages. This is partially as a result of surrounding development proposals to the southern side of High Street and proposals to the north of the application site being of much greater scale and the applicant therefore forwarding an argument a proposal of greater scale would be appropriate within its context. However, these other

development sites are all situated outside of the Conservation Area and have been considered in the context of the indirect impact they have upon the conservation area through change to its setting.

- 7.32 Any impact of this proposed scheme on the conservation area will be a direct impact to a designated heritage asset. The LPA have a statutory duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of development which preserves or enhances the character and appearance of a conservation area.
- 7.33 The prevailing character of the conservation area, and the High Streets character area, is buildings which range in height from three to five storeys. The Digbeth, Deritend and Bordesley High Street Conservation Area Appraisal and Management Plan (CAAMP) under section 2.2. Key Design Principles guides the scale of development proposals, stating that *“New buildings should not generally appear to be significantly higher or lower than their neighbours and should reflect the building heights characteristic of the locality or character area. This will normally limit new buildings to a maximum of six industrial/commercial storeys”*.
- 7.34 The proposed development is six residential storeys with additional accommodation in a mansard style roof to the high street, however, this steps up to a modern flat roof arrangement and so is 7 residential storeys in height. This is a significant step up from adjacent locally listed buildings, however the Conservation Officer states that *“the height of the building meets conservation area policy and can therefore be accepted.”*
- 7.35 The design of the building has been amended to remove features that were uncharacteristic of the conservation area and reduces what was considered an overly domestic appearance, the Conservation Officer now considers the design to be acceptable in the heritage context.
- 7.36 Another key issue is plan form and massing. The High Street and conservation area traditionally had a very fine grain of development, it is acknowledged that this fine grain has been greatly eroded in this part of the conservation area already. However, the proposed development introduces one large, massed block which continues to introduce a coarser grain of development, into the Conservation Area. This is particularly evident in its eastern section where a large flank is visible along the High Street.



View from High Street, looking west – eastern flank visible.

- 7.37 The design has been amended, introducing a mansard roof arrangement to the west flank which helps to reduce the perceptible mass from this view.



Views from High Street looking east.

- 7.38 The conservation Officer considers that the curvature of the road and proximity of other buildings, reduces the impact of the large mass, in views into and out of the Conservation Area. The plan form with a principal building fronting the high street with rear wings extending towards the viaduct, reflects the historic plan form. The Conservation Officer notes *“At present the townscape of the application site and this parcel of land does feel detached from the rest of the conservation area and the development goes some way to re-knit the area back into the rest of the conservation area, which is considered to be an enhancement to the conservation area”*.
- 7.39 **Direct Impact** – The Conservation Officer concludes on the direct impact to the Conservation Area *“The overall scale of the proposal has been reduced throughout extensive pre-app and then further discussions and now meets conservation area policy on heights. As such I can agree with the conclusion of the Heritage Statement, that the proposal would sustain and enhance the character and appearance of the conservation area.”*
- 7.40 **Indirect Impact** – There are a number of identified designated and non-designated heritage assets within the vicinity of the proposed development, which the proposal could impact the setting of and therefore significance.
- 7.41 **Designated assets** – The designated heritage assets identified are the grade II* Old Crown P.H., the former Monastery Church at No. 173 and 174 High Street and grade II listed Devonshire House. The Conservation Officer concludes that *“due to distance, intervening built form and the cumulative impact of the Upper Trinity Street development (which is considerably more harmful), the proposed development is considered to have a negligible/neutral impact on the setting of these heritage assets”*.
- 7.42 **Non designated assets** - The proposed development would form part of the High Street setting of the locally listed former Barclays Bank at No. 123 High Street to the east and the locally listed Rainbow P.H. and No.164 High Street to the west. The Conservation Officer states *“The scale of the development at six/seven-storeys is larger than that traditionally seen along the High Street frontage and within the context of the high street settings of these two locally listed buildings but the benefit of the reinstatement of a historic building line to the High Street would help to re-link these two buildings*

through a more cohesive streetscape and enhance their townscape setting. Therefore, on balance I consider the proposal to be acceptable in relation to these locally listed buildings."

Archaeology

- 7.43 The proposed development is supported by a Desk Based Assessment that sets out that there is a high probability that the site contains post-medieval buried archaeology and therefore, there is a potential impact upon this, as a result of development. The submitted assessment suggests further investigation may be required by condition including a written scheme of investigation. BCC Archaeology concur and suggest detail of a scheme of investigation is required and likely subsequent suitable foundation design submitted for approval.

Summary of Heritage Harm

- 7.44 Therefore, the proposed development is considered to maintain the significance of the conservation area and the setting of adjacent designated and non-designated heritage assets in accordance with Policy TP12 of the BDP. With further investigation and a scheme for suitable mitigation adverse impact upon buried archaeology can be secured in accordance with Policy.

Design

- 7.45 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

Layout

- 7.46 The proposed development has been significantly amended through pre-app discussions. The proposed layout now fills the width of the plot, removing previously proposed accesses and parking and reinstates development at back of footpath, which is characteristic of the area. The internal arrangements now activate the ground floor street frontage with communal amenity space for residents and servicing uses are moved to the rear of the building out of the public realm. The City Design Manager supports the proposed layout.
- 7.47 The application site sits mid street scene, not on a junction or corner. The layout does introduce rear wings, extending back into the plot, which would be visible from High Street, in some views. Whilst this layout leads to long flank walls being visible, the proposal is making efficient use of land, and these views are more evident in longer views, due to other built development in proximity shielding this view. It is also likely that the built development on adjacent plots is likely to change, particularly to the west of the application site, which is occupied by another low-level commercial shed, surrounded by parking, on a prominent corner plot – which currently exposes the flanks of this proposed development. However, this is not a material consideration at this stage and the application is considered on its merits.

Scale, Form and Massing

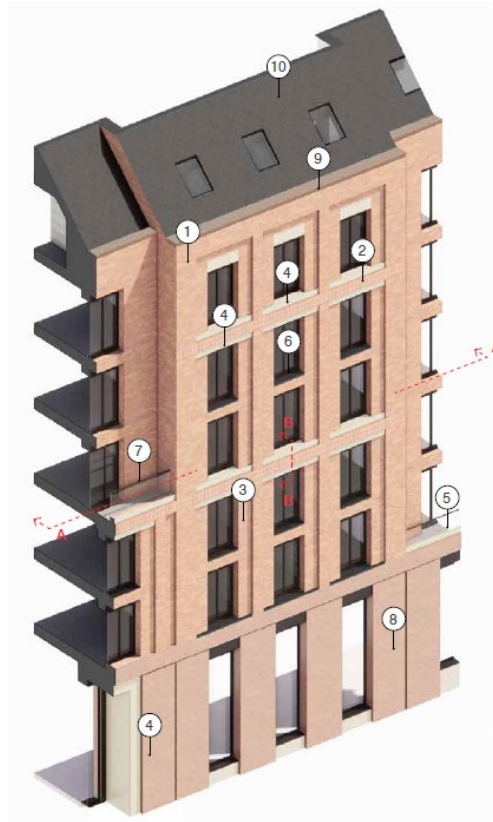
- 7.48 The scale of development is considered acceptable by the City Design Manager. The proposal is a commercial ground (in scale) with 5 residential storeys above and accommodation is a partial mansard arrangement at the seventh storey. However, the handling of the roof form with a mansard design returning to the west but not east, in an attempt to deliver acceptable scale, is not executed in full by only returning to the west flank, but can be accepted in its mid plot position along the street where the mansard will only be perceptible in some views, from a distance.



View from High Street – Camp Hill development site visible (under construction)

Architecture and Materiality

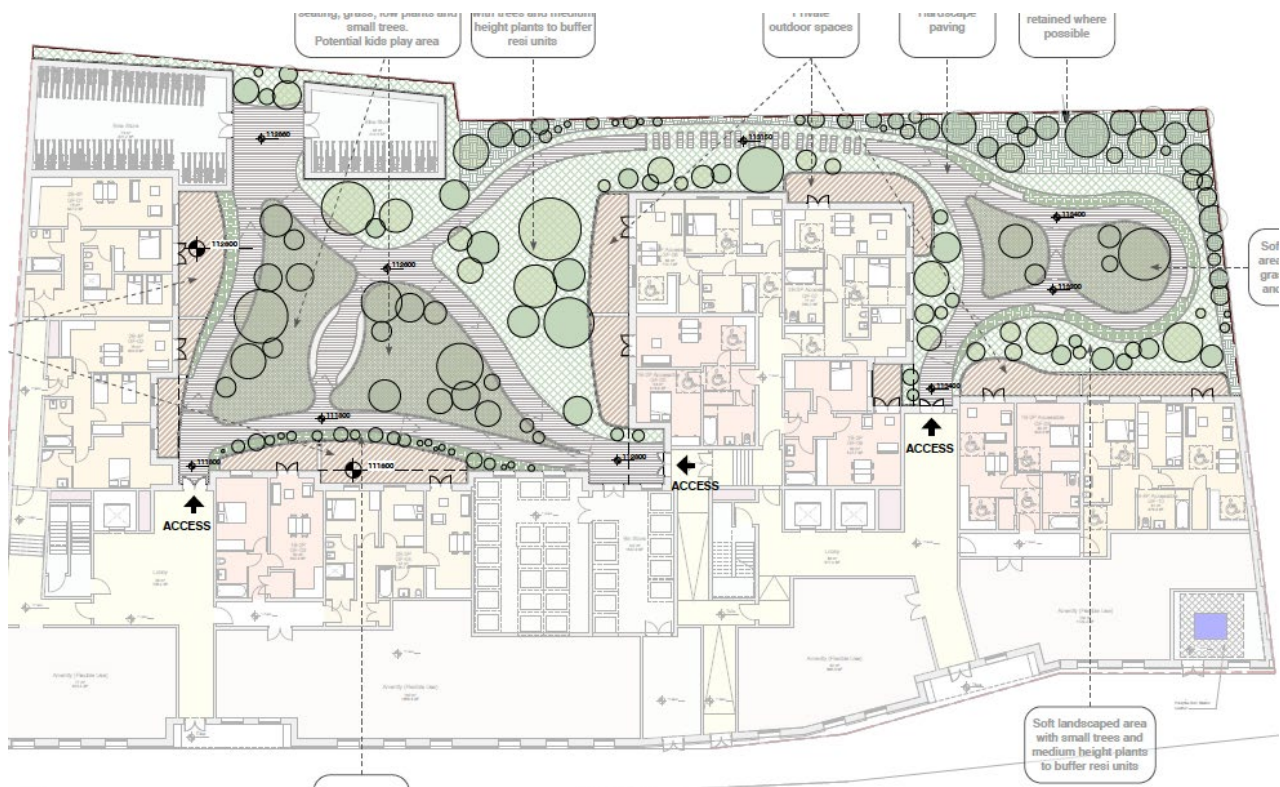
- 7.49 The proposed development consists of a red brick façade, forming a varied grid of architecture, in a stretcher bond, with soldier course and brick recesses. Pre-cast windowsills and headers, light pink pre-cast panels to the ground floor and a slate style mansard roof covering (in part). However, the City Design Manager considers this to be “*of limited sophistication*”. Nonetheless, the architecture is considered acceptable, and proposed materials supported. Moreover, the provided sectional plans demonstrate a good level specification with regards to reveal depth, sill detail and ambitious window arrangements (no transoms). However, this must be followed through to delivery to ensure the design quality required to mitigate the concerns about the architectural concept. In accordance with paragraph 140 of NPPF, the design should not be “*materially diminished between permission and completion*”, this will not be supported.



Typical Bay detail

Landscaping

- 7.50 The proposed landscaping scheme has limited detail but shows areas of both soft and hard landscaping to the rear courtyard, this is acceptable subject to condition requiring final details.



Proposed Landscaping plan.

Residential Amenity

- 7.51 Policy DM10 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.
- 7.52 The SPD (City Note LW-13) states the following outdoor amenity space standards should be provided:
- 5sq.m (1 bed flat),
 - 7sq.m (2 bed flat) and
 - 9sq.m (3 bed flat).
- 7.53 This would therefore equate to a requirement of 844sqm of external amenity space. The proposed development provides approximately 855sqm of external communal space, according with this Policy. In addition, nine of the ground floor flats have private space, where they face into the rear courtyard and 31 units have private balconies (40 units total with private outdoor space).



CGI of courtyard and rear elevation with balconies

- 7.54 In addition to the above external space, the proposed development has over 400sqm of shared internal amenity space on both the ground and first floor.
- 7.55 The majority of the units have a single aspect, which is either out on to High Street or into the courtyard. There are some dual aspect units situated with the ends of the rear wings that look out over the courtyard and towards the viaduct. There is no residential development currently to the southern side of High Street, however, consent has been granted. Whilst these developments would face one another, they are across a public highway which is greater than a standard width highway, therefore, this is an acceptable and common, living condition. Internally to the rear of the building, the side facing windows into the courtyard are approximately 28m from one another, which is an acceptable separation distance to allow for acceptable amenity and privacy. There are no side facing windows to the flanks of the development that could be

compromised by future development (or prevent development of adjacent plots in the future) where there are side facing windows towards adjacent plots (on the east of rear wing) these are 20m from the boundary, and so acceptable separation could be achieved.

- 7.56 The proposed development is not a 'tall building' according to BCC guidance and is not adjacent to any existing residential development that could be impacted upon by loss of light or overshadowing.

Sustainable Construction

- 7.57 Policy TP1 sets out that the Council is committed to 60% reduction in total CO2 emissions by 2027 from 1990 levels. This requires new development to be located in sustainable locations, reduced CO2 and water consumption, and to promote the use of LZC technologies.
- 7.58 Policy TP2, Adapting to Climate Change - Requires new development to demonstrate how it has considered the impacts of the future climate and extreme weather through the integration of adaptation and resilience measures.
- 7.59 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 new residential development building regulations came into effect in 2022. 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 non-domestic 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.
- 7.60 The feasibility of range of LZC technologies have been considered by the submitted Energy Statement which concludes that air source heat pumps (ASHP) are one of the most feasible and desirable technologies for the scheme. The development will achieve a 72.58% betterment on Building Regulations with dwelling emission rates and a 45.65% betterment on Building Regulations for kWh of energy used in each dwelling (per sqm per year). A detailed plan showing where the technology would be installed will be required via condition, along with a condition requiring compliance with the submitted Energy Strategy.

Re-use of the existing building

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

Flood Risk and Drainage

- 7.62 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.

- 7.63 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).
- 7.64 The Lead Local Flood Authority raise no objection to the proposal or the strategy presented, subject to conditions requiring further design details and a operation and maintenance plan.

Noise and Vibration, Air Quality and Contamination

- 7.65 *Air Quality* – The site is located within the city-wide air quality management area and within the Clean Air Zone. The application is supported by an air quality assessment. The report confirms that the Development would be below the screening criteria for air quality assessment of the impacts of the development on existing air quality within an AQMA. BCC EHO is in agreement that *"given the location and geometry of this development and adjacent development there should be no creation of canyons and I would not anticipate adverse air quality impacts on the residents of this development from road traffic"* and is therefore content to condition air quality impacts during construction and demolition phases only.
- 7.66 *Contaminated Land* – A Phase 1 Report was submitted with the application. The site has an extensive previous industrial history including operation as a petrol filling station. The submitted report identifies the need for an intrusive phase 2 investigation BCC EPU are content with the report and recommend a full Phase 2 intrusive site investigation be submitted via discharge of condition.
- 7.67 *Noise* – The application is supported by a Noise and Vibration Impact Assessment and a further Technical Note. BCC EHO comments that they are content with the assessment of entertainment noise and are satisfied that a condition requiring a strategy for mitigation can adequately deal with noise from nighttime entertainment. There are two other sources of potential noise – commercial uses and the railway. The noise assessment has correctly accounted for an uplift in values to account for increased rail traffic. BCC EHO do not consider that the report adequately characterises commercial noise. However, the applicant states that the noise report discounts commercial noise as they were not considered to significantly contribute to the noise environment which was dominated by traffic and rail noise (entertainment noise was assessed separately). The Applicant also confirmed the assessment of rail noise was conducted in direct line of sight to the railway and not screened (as per EPU comments).
- 7.68 The adjacent site to the west is a car showroom, the sites immediately to the east are currently operating as retail, selling blinds and fireworks. To the south of the site, across the highway are two development sites – Lunar Rise, which has been cleared of any commercial buildings and the vacant Elite House, which is currently subject to a planning application. To the north of the site, to the other side of the railway is the Upper Trinity Street development site. Therefore, it is the view of officers that whilst not considered separately in the noise report, entertainment and transport noise (rail and road) are most likely to create the noise environment and have been assessed.
- 7.69 *Vibration* – given the location of the application site adjacent to the railway viaduct an assessment of vibration impact has been submitted. BCC EHO state that they are "content to include a condition that if piled foundations are used further assessment of vibration should be undertaken on a pile cap at that stage and a further report including any necessary mitigation provided".

Ecology

- 7.70 Policy TP8 'Biodiversity and Geodiversity' requires all development, to result in an enhancement of the natural environment.
- 7.71 A Preliminary Ecological Appraisal (PEA) (containing Preliminary Bat Roost Assessment (PBRA)), Ecological Impact Assessment (EclA) and a BNG Assessment, have been submitted in support of the planning application.
- 7.72 The EclA notes that the building within the site was recorded as having moderate bat roost potential during the PEA survey but was subsequently found to have negligible bat roost potential during the bat roost inspection survey, and that the site has potential to support nesting birds, reptiles, notable invertebrates and hedgehog, albeit with a low likelihood of some of these species being present due to the urban location of the site and the limited extent of the habitats present.
- 7.73 The BNG assessment calculates a significant net gain. This is not based on detailed soft landscape proposals as these have not been submitted. However, the BNG assessment has allowed for this lack of soft landscape detail by assuming that habitats to be created will be of low distinctiveness and poor condition BCC Ecology confirm this is the correct approach. BCC Ecology raise some queries on the methodology used, however acknowledge that based on the information provided the site would be able to deliver a net gain and therefore this is acceptable subject to conditions requiring further enhancement and landscape details.

Transportation

- 7.74 A Transport Assessment (TA) has been prepared in support of the development proposals. BCC Transportation do not object to the proposed development, the plans show provision of 160 secure cycle parking spaces but no car parking, this is in line with the Parking SPD.
- 7.75 BCC Transportation note that servicing can take place on-street, fronting the site, subject to the parking controls in place (double yellow lines, which allow servicing outside peak periods). There is a stretch of on-street pay and display parking available in the adjacent layby lane.
- 7.76 Therefore, the proposal is unlikely to create an adverse impact upon the free flow of traffic or create any highway safety concerns subject to the suggested conditions which include the provision of cycle parking, reinstatement of redundant footway crossings, provision of refuse stores prior to occupation and a construction management plan.

Network Rail

- 7.77 The application site is adjacent to land in the ownership of Network Rail, they have been consulted as the Infrastructure Manager. They have placed a 'holding objection' on the application as there is some dispute about land ownership. However, the applicant has amended the site location plan (very minor change) and provided Land Registry details to confirm they are landowner of all land within the application site. Any further dispute about access rights is a legal matter between the parties.
- 7.78 Aside from landownership, Network Rail suggest a number of conditions to ensure that any works within close proximity to the viaduct, do not adversely impact the safe operation of the railway network. The applicant will be responsible for ensuring they have relevant separate consents from Network Rail.
- 7.79 *Camp Hill Chords* – It is noted that the site is in close proximity to the existing railway viaduct, which has been identified in a number of transportation documents as a potential infrastructure project known as the 'Camp Hill Chords', which is concerned with increasing rail capacity. However, a development site in very close proximity to the application site, dealt with this issue in depth at Public Inquiry (2018/09467/PA). Network Rail have made no objection in relation to this infrastructure project and the application site is sufficient distance from any new railway spur.

Planning Obligations and Financial Viability

- 7.80 The site falls within the Low Value Residential Area and therefore there is no CIL payment for the residential buildings.
- 7.81 In addition to affordable housing, discussed earlier in the report, 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.
- 7.82 BCC Leisure Services Leisure raised no objection however requested a financial contribution of £313,775 towards the improvement of public open space at Kingston Hill Recreation Ground, within Bordesley & Highgate Ward.
- 7.83 Notwithstanding the above, 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 scheme is not financially viable and cannot support any s.106 contributions other than those made towards Affordable Housing, which is the current priority for any available s.106 monies in this instance.

Planning Balance

- 7.84 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that 'If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise'.
- 7.85 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.
- 7.86 The Birmingham Development Plan became 5 years old on 10th January 2022. In accordance with NPPF paragraph 75, BDP policies PG1 and TP29 are considered out of date, and the Council's five-year housing land supply must now be calculated against the Local Housing Need figure for Birmingham. As of 10th January 2022, the Council cannot demonstrate a five-year supply of deliverable housing sites. Consequently, Paragraph 11d) of the NPPF is engaged and the tilted balance applies for decision taking. This means that planning permission should be granted, unless adverse impacts of doing so, would significantly and demonstrably outweigh the benefits.
- 7.87 However, Footnote 7 notes the specific policies which protect important areas or assets, these include policies relating to designated heritage assets. Footnote 7 therefore establishes that where there is a clear reason for refusal (because of harm to designated assets) the tilted balance described above, is not engaged.
- 7.88 An assessment of impact upon heritage assessments is made in the report and it is found that the proposed development sustains the Conservation Area and does not adversely impact the setting of any other assets. Therefore, there is no clear heritage reason for refusal and 11(d) remains engaged.
- 7.89 Using the three strands of sustainable development the public benefits of the scheme are identified as

Economic

- Temporary construction jobs over the construction period
 - Additional residents adding to the economy
- 7.90 Para. 85 of the NPPF states that "Significant weight should be placed on the need to

support economic growth and productivity, taking into account both local business needs and wider opportunities for development” However, I note that jobs would only be for a temporary period only, and there is no commercial space proposed, therefore given the scale of development only limited weight is attached to these economic benefits.

Social

- The provision of housing
- The provision of 10 % affordable housing at 30% discount

7.91 Taking account of the extent of the 5YHLS shortfall and the acute need for affordable housing, and that the NPPF is clear that substantial weight should be given to the value of using brownfield land in sustainable locations to deliver homes, substantial weight is given to these social benefits.

Environmental

- The site would enhance the ecological and biodiversity offer at the site
- Using suitable brownfield land within settlements for homes.

7.92 Moderate weight is afforded to the sustainability credentials of the built development, I note the carbon impact of demolition, however given the existing BDP Policies, this carries limited weight in this context. The site has very limited ecological value and the proposal does provide ecological gains, however, this is afforded moderate weight.

7.93 There are also heritage benefits to the proposed development

- Demolition of the existing building that adversely impacts the Conservation Area.
- Re-development of the site with a proposal that reinforces High Street of an appropriate scale, design and materials.

7.94 I note the SoS decision which references a presumption in favour of re-using buildings. However, in the context of the Development Plan and NPPF policies as a whole, I do not find that the demolition of the existing building significantly and demonstrably outweighs the benefits identified.

7.95 Given there are no adverse impacts identified that would significantly and demonstrably outweigh the benefits, in accordance with para. 11(d) of the NPPF, I recommend the application is approved subject to the conditions set out below and the completion of a legal agreement.

8 Conclusion

8.1 The proposed development would see the delivery of a high-quality residential led development, in a sustainable location on brownfield land. The proposed residential units would make a meaningful contribution towards Birmingham’s housing shortfall and contribute towards the regeneration aspirations for this part of the City Centre. It would also deliver much needed affordable housing, in accordance with local and national policies. The proposal also sees the removal of an undesirable development in the Conservation Area and replaces it with a high-quality development, that would offer heritage benefits to the city. The scheme would also provide economic, social and environmental benefits.

8.2 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 conditions.

9 Recommendation:

9.1 That application 2023/03450/PA be APPROVED subject to the prior completion of a Legal Agreement to secure the following:

- 10% affordable units with a proportionate mix of 1, 2 and 3 bedroom apartments, on site.
 - Payment of a monitoring and administration fee associated with the legal agreement, subject to a maximum of £10,000.
- 9.2 In the absence of a suitable legal agreement not being completed to the satisfaction of the Local Planning Authority on or before 29th March 2024 or such later date as may be authorised by officers under powers hereby delegated, planning permission be refused for the following reasons:
- In the absence of any suitable legal agreement to secure the provision of onsite affordable housing, the development does not accord with the Affordable Housing Policy TP31. In addition, the application was subject to a viability assessment, therefore without a s.106 agreement, the application would not have adequately demonstrated it mitigates the impacts of the proposed development. Therefore, the proposal conflicts with Policies TP31, TP47 and PG3 of the Birmingham Development Plan, the Affordable Housing SPG and the NPPF.
- 9.3 That the City Solicitor be authorised to prepare, seal and complete the appropriate legal agreement.
- 9.4 That in the event of a suitable legal agreement being completed to the satisfaction of the Local Planning Authority on or before 29th March 2024, or such later date as may be authorised by officers under delegated powers, planning permission for application 2023/03450 /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).

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- | | |
|----|---|
| 1 | Implement within 3 years (Full) |
| 2 | Requires the scheme to be in accordance with the listed approved plans |
| 3 | Requires the submission and approval of external materials |
| 4 | Requires the submission and approval of architectural detailing |
| 5 | Requires the construction and approval of a sample panel on site |
| 6 | Requires the submission and approval of building & site level details |
| 7 | No development shall take place until a programme of archaeological work is submitted and approved. |
| 8 | Requires the prior submission of a contamination remediation scheme |
| 9 | Requires the submission of a contaminated land verification report |
| 10 | Requires the submission a Noise Insulation Scheme to establish residential acoustic protection |
| 11 | Requires the prior submission of a vibration protection scheme |
| 12 | Requires the prior submission of a method statement for the removal of invasive weeds |
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- 13 Requires the submission of a scheme for ecological/biodiversity/enhancement measures
 - 14 Requires the prior submission of details of bird/bat boxes
 - 15 Requires the prior submission of a construction ecological mitigation plan
 - 16 Requires the prior submission of a landscape and ecological management plan (LEMP)
 - 17 Requires the submission of a lighting scheme
 - 18 Requires the submission of details of green/brown roofs
 - 19 Requires the submission of hard and/or soft landscape details
 - 20 Requires an updated Biodiversity Net Gain Report (BNG)
 - 21 Requires the prior submission of a construction method statement/management plan
 - 22 Requires the provision of cycle parking prior to occupation
 - 23 Requires the reinstatement of redundant footway crossings
 - 24 To ensure energy and sustainability measures are delivered in accordance with statement
 - 25 To ensure information on the proposed low/zero carbon energy technology is submitted
 - 26 Requires the prior submission of a sustainable drainage scheme
 - 27 Requires the prior submission of a Sustainable Drainage Operation and Maintenance Plan
 - 28 Requires the prior submission of a construction employment plan. No development shall take place, including any works of demolition, until a construction employment plan has been submitted to, and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. The construction employment statement shall provide for details of the following:
-

Case Officer: Rhiannon Hill

Photo(s)



Application site from High Street



Looking West towards site from High Street



Application site – rail line raised to rear of site



Looking East towards site from High Street

Location Plan



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Birmingham City Council

Planning Committee

22 February 2024

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Approve – Conditions	9	2023/07676/PA New Oscott Primary School Markham Road Sutton Coldfield Birmingham B73 6QR Demolition of existing school building and erection of a new two storey school building, creation of MUGAs, car and cycle parking, landscaping, amenity areas, plant and other associated works

Committee Date:	22/02/2024	Application Number:	2023/07676/PA
Accepted:	14/11/2023	Application Type:	Full Planning
Target Date:	23/02/2024		
Ward:	Sutton Vesey		

New Oscott Primary School, Markham Road, Sutton Coldfield, Birmingham, B73 6QR

Demolition of existing school building and erection of a new two storey school building, creation of MUGAs, car and cycle parking, landscaping, amenity areas, plant and other associated works

Applicant: Tilbury Douglas Construction Ltd
Regional Building and Engineering (West Midlands), 1st Floor, T3
Trinity Park, Birmingham, B37 7ES

Agent: Q+A Planning Ltd
The Stables, Paradise Wharf, Ducie Street, Manchester, M1 2JN

Recommendation

Approve subject to Conditions

1. **Proposal**

- 1.1. This application is being referred to Planning Committee as the application is Birmingham City Council owned land.
- 1.2. Planning permission is sought for redevelopment of New Oscott Primary School. The development involves the demolition of the existing buildings on site and erection of a new two storey school building, creation of MUGAs to the south of the site, car and cycle parking, landscaping, amenity areas, plant and other associated works; including 2 No. natural sports pitches - an additional area for a rounders pitch to the north of the site and a new grass pitch to the east of the site. A swale would be created towards the north-east of the site.
- 1.3. The demolition of the existing school and construction of the new building and associated development would be in different phases. This is required to continue the operation of the school. The 2-storey education building would be constructed first before demolition of the other school buildings to maintain normal operation of the school. The supporting information indicates that the redevelopment works would commence in May 2024 with an aim to complete and ready for September 2025. The building would comprise buff brick materials at ground floor with off white render at first floor level. The building would have grey aluminium windows and a flat roof, which would comprise a modern and contemporary design.
- 1.4. Numbers of pupils and staff would remain unchanged; 630 pupils, 58 nurse pupils and 112 members of staff.

- 1.5. The improved sports provision would also be used by the school and community outside school hours 7 days a week. The hours of use proposed is weekdays between 7:30am-8pm, Saturdays & Sundays 8.00am-1.30pm. The school would be supervised and secured whilst community uses occur outside of school hours.
- 1.6. In addition to necessary plans, the application is accompanied with a Planning Statement, Design and Access Statement, Energy Strategy Report and BREEAM Pre-Assessment, Flood Risk & Drainage Strategy, Phase 1 & Phase 2 Ground Investigation Assessments, Preliminary Ecological Appraisal, Bat survey, Construction Ecological Management Plan, Biodiversity Metric Assessment, Method Statement for Cotoneaster and Rhododendron Control, Transport Statement, Framework Travel Plan, Arboricultural Impact Assessment and Arboricultural Method Statement, Acoustic Stage 3 report, Noise Impact Assessment, Construction & Demolition Method Statement, Building Condition Survey, External Lighting Strategy, Agronomy Assessment, Written Scheme of Investigation and Heritage Impact Assessment.
- 1.7. [Link to Documents](#)





Proposed front elevation (north facing)



Proposed layout

2. **Site & Surroundings**

- 2.1. The application site comprises two single storey blocks that have been extended and linked together.
- 2.2. There are a number of substantial trees and other vegetation along the perimeter of the school boundary in addition to some trees within the site, which form part of the existing landscape features of the school.
- 2.3. Provide link to '[Site location](#)' (google maps)



3. **Planning History**

3.1 No recent relevant planning history.

4. **Consultation**

4.1. Transportation Development - No objection, subject to conditions requiring restriction in pupil/staff numbers, temporary permission for community use, travel plan to be finalised with BCC Travel Demand Team, secure covered cycle provision, disabled parking and EV charging points. The proposal does not include any alterations to the highway access to the site nor any increase

in numbers at the site.

- 4.2. Regulatory Services – No objection subject to conditions requiring a contamination remediation scheme, contamination land verification report, odour extraction details, noise levels of plant and machinery, lighting scheme in accordance with submitted details and restriction in hours of use of MUGAs & sports pitches.
- 4.3. Local Lead Flood Authority (LLFA) – No objection subject to pre-commencement condition requiring submission of a sustainable drainage scheme and a sustainable Drainage Operation and Maintenance Plan.
- 4.4. Sports England – Sports England raise no objections subject to conditions for detailed construction, playing field maintenance and community use agreement.
- 4.5. Severn Trent Water – No objection subject to condition requiring submission of surface water and foul drainage details.
- 4.6. City Design – Satisfied with the design details, no objection subject conditions requiring submission of hard and soft landscape details and architectural details including facing/external construction materials.
- 4.7. Conservation Officer – There are heritage implications for this development, however no objection from Conservation Team, subject to pre-commencement condition for archaeological investigations.
- 4.8. Ecology – No objection subject to pre-commencement conditions for a construction ecological management plan (CEcMP), landscape ecological management plan (LEMP), lighting design strategy for biodiversity and biodiversity roof condition.
- 4.9. West Midlands Police – No objection
- 4.10. West Midlands Fire Services – No objection
- 4.11. Tree Officer – No objection.
- 4.12. Employment Access Team – No objection or conditions required.
- 4.13. Planning Policy Comments – No objection, subject to condition to ensure compliance with the Energy Strategy submitted with the application.
- 4.14. Active Travel England – Makes recommendations to improve opportunities for choice in modes of transport to school, additional dropped kerbs at pedestrian access and widen pedestrian barrier to improve disabled access.

5. **Third Party Responses:**

- 5.1. The application has been publicised by site notices and press notice in addition to notification letters which were sent out to adjoining neighbouring occupiers, residents' associations, Ward Councillors and Local MP.
- 5.2. 12 No. representations have been received making the following comments:
- Design is utilitarian and commercial in appearance.
 - Rendered upper portion of the proposed building is out of keeping with the character of the area.
 - The new building is being located approximately 25m nearer to residential properties, which will add to it's presence and scale.
 - A single storey building should replace the existing building.
 - Demolition will cause noise, dust and asbestos dust into the air.
 - Restriction in hours of construction should be imposed to 9am-5pm Mon-Fri and 10am -4pm weekends.
 - Loss of privacy
 - Sight lines to show loss of view across to Sutton Park should be provided.
 - Site sections of existing must be provided to show full impact of proposal.
 - The MUGAs present a blot on a green space to the detriment of visual amenity.
 - The 3m high weldmesh fencing to the MUGAs further adds to the unsightly visual appearance of the proposal.
 - The proposal does not mention temporary 2 storey portacabins that will be in place for the duration of the construction, as advised during a public consultation drop-in session on 20 September 2023. These will have a detrimental impact on amenity for the residents in Jeavons Road.
 - The development will increase existing traffic and parking issues of inconsiderate and pavement parking around the school.
 - A drop off zone within the school grounds should be included in the proposal.
 - Other measures to reduce traffic must be clearer and not left undefined.
 - Larger car park will increase car noise and emissions, contrary to clean air zone aims of BCC.
 - Proposed landscaping is insufficient to screen the prominence of the building viewed from No.s 48-60 Jeavons Road.
 - Proposed new tree planting may damage residents' fencing and restrict sunlight to surrounding residential properties. These should be relocated away from residential properties and regular maintenance of the landscaped areas should occur to prevent overgrowth.
 - New Oscott School could be improved by installing Swift bricks to encourage the Swift bird population.
 - De-valuation of property.

6 Relevant National & Local Policy Context:

6.1 National Planning Policy Framework:

Section 2 – Achieving sustainable development; Paragraph 7 -9

Section 3 – Decision making; Paragraph 38, Paragraph 47, Paragraph 55-57

Section 8 – Promoting healthy and safe communities; Paragraph 96-97, Paragraph 99

Section 9 – Promoting sustainable transport; Paragraph 110 - 112

Section 11 – Making effective use of land; Paragraph 124

Section 12 – Achieving well-designed places; Paragraph 131 – 140
Section 14 – Meeting the challenge of climate change, flooding and coastal change; Paragraph 157- 164, Paragraph 173-175
Section 15 – Conserving and enhancing the natural environment; Paragraph 180, 185 - 186
Section 16 – Conserving and enhancing the historic environment; Paragraph 211

6.1 Birmingham Development Plan 2017:

PG3 – Place making
TP36 – Education
TP1 – Reducing the City's carbon footprint
TP2 – Adapting to climate change
TP3 – Sustainable construction
TP4 – Low and zero carbon energy generation
TP5 – Low carbon economy;
TP7 – Green infrastructure network
TP8 – Biodiversity and geodiversity
TP9 – Open space, playing fields and allotments
TP9 – Open space, playing fields and allotments
TP11 – Sports facilities
TP12 - Historic Environment
TP39 – Walking; TP40 – Cycling
TP44 – Traffic and congestion management

6.2 Development Management in Birmingham DPD:

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

6.3 Supplementary Planning Documents & Guidance:

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

7 **Planning Considerations**

7.1 The main issues in determining this application are

- principle of development
- design and layout
- impact upon the character of the area
- impact upon neighbouring amenity

- the impact on highways
- impact on tree and ecology
- air quality and other environmental impact

Principle:

- 7.2 The NPPF at paragraph 99 states that local planning authorities should take a proactive, positive, and collaborative approach to ensure that a sufficient choice of school places are available to existing communities. The BDP 2017 Policy TP36 is to support creation of high-quality learning environment. This Policy states that the proposals for the upgrading and expansion of existing schools and development of new schools would be supported subject to the provision of safe access, safe drop-off/pick-up provision and outdoor sport and recreation facilities without conflicting with adjoining uses. The site is an established school within a residential area surrounded by residential properties. The proposal is to create a 2-storey building by demolishing 2 No. single storey buildings on site to streamline the built form of the school and to provide an improved education facility. The proposal includes MUGAs and improved outdoor sports pitch provision. The proposal also includes associated development which includes landscaping and increased off-street parking provision. Therefore, the principle of development is considered acceptable subject to compliance with other plan policies, in particular, BDP and DMB-DPD Policies related to design and character, residential amenities, highways, trees and ecology, and other wider environmental issues. The detailed assessment has been provided in the later sections of this report.

Design and Layout:

- 7.3 The proposed school, which is a flat roofed 2-storey L-shaped building would be located towards the mid-western part of the site. In addition to teaching facilities, this building includes provision for offices, halls and dining spaces. In addition to specialist classrooms and offices, the ground floor would have kitchen, dining hall, assembly hall and plant room. There would be classrooms and offices on the first floor. The proposed layout and scale of the education building, sports pitches and MUGAs is considered appropriate on this site. The 2-storey building would be sited at least 35m from the rear of the residential properties on Jeavons Road and appears appropriate as the properties on Jeavons Road are also 2-storey in height. The building would be located at least 57m from the rear of the residential properties in Markham Road, many of which are bungalows and dormer bungalows, however the building would be distanced further away than that of the existing single storey school building, which would mitigate the visual effects due to increase in height of the proposed new school taking into account the sloping ground levels. The proposed layout would allow minimal disruption to teaching and would help to retain most of the trees on site.
- 7.4 It is considered that the design and materials of the proposal is of high quality and in keeping with the local character and pattern of the built form. The layout of the school building, sports pitches, MUGAs and associated works appears functional and well thought-out. It appears from the siting, orientation and separation distance from neighbouring properties, that the proposal has

considered its impact on the wider area and relates to the design and mass of the neighbouring buildings.

- 7.5 The main vehicular access and pedestrian access from Markham Road would remain unaltered. Additionally, pedestrian access is also facilitated via the existing access points on Jeavons Road at the southern and western boundaries of the site respectively. However, the proposal involves enlargement and reconfiguration of car parking area which would be on the north-west portion of the site in front of the school and on the junction with Markham Road with Jeavons Road next to amenity grass area. This arrangement would help to retain trees and minimise impact on the neighbouring residential occupiers in terms of their outlook and visual amenity as well as contribute towards biodiversity net gain.
- 7.6 The main entrance of the school would be located on the north facing elevation where there is a stair lift in addition to a flight of stairs.
- 7.7 Overall, the school building, sports pitches, MUGAs and associated works would appear modern and contemporary in design and would deliver an attractive built form in the area. It is therefore considered that the proposed development would enhance the character and quality of the locality.

Neighbour Amenity:

- 7.8 The school site is surrounded by residential properties, with properties on Avery and Markham Road abutting the site to the north and south east respectively. The existing boundary trees, in addition to boundary treatment screen the site from the surrounding residential properties and their rear gardens. The compact footprint of the proposed two storey building compared to the two single storey buildings spread over a larger footprint across the site would improve the outlook and views of neighbouring properties. The building would be sited closer to the southern boundary than the existing single storey building on site, however, a distance of a minimum of 35m would remain to the dwellings in Jeavons Road. The building would be located further away, a minimum of 57m would remain from the rear of the from the bungalows/dormer bungalows Markham Road. The Birmingham Design Guide, SPD 2022 requires 5m set back per 3m for non-residential buildings. This separation distance would be achieved. Therefore, it is considered that the impact in terms of outlook and overlooking towards the rear amenity of residential properties would not be any more significant than that which already exists. In addition, the proposal includes planting trees along the periphery of the site and within the site. This would help to create a continuous landscape buffer between the dwellings and the school and when mature these trees would screen the new building from the neighbouring rear gardens and dwellings. Therefore, the proposed two-storey building would not result in any demonstrable harm and this arrangement would be acceptable in terms of immediate outlook, sunlight and privacy in respect of the neighbouring dwellings.
- 7.9 The school, sports pitches and MUGAs sports provision would also be used by the school and community outside school hours 7 days a week. The hours of use is proposed weekdays between 7:30am-8pm, Saturdays & Sundays 800am – 1.30pm. It is considered such use would not result in unacceptable noise and disturbance than that what is normally anticipated from a primary school use. However, the Regulatory Services consider one of the key issues around the new MUGAs/sports pitches are that there may be more potential for noise and light pollution. However, based on the confirmation of operating hours and the absence of lighting to the pitches/MUGAs, the Regulatory Services consider light and noise impacts can be adequately dealt with by

condition. The outdoor sports provision is only for daytime use and no floodlights would be installed at the pitches or MUGAs. Lighting would be installed only around circulation areas of the school and the submitted details are found to be satisfactory and would not cause light pollution to the surrounding residents. Appropriate conditions have been recommended to safeguard the neighbouring residential amenities.

- 7.10 It is acknowledged that demolition and construction works and associated activities would generate a certain level of noise and disruption within the immediate vicinity during the construction phase. To address this issue a Construction & Demolition Method Statement (CDMS) has been submitted with the application. The CDMS stipulates how the demolition and construction works would be carried out while the normal operation of the school would remain continuous. The CDMS also provided details of hours of construction/demolition works, timing of delivery, parking for construction workers, how noise and dust would be addressed etc.

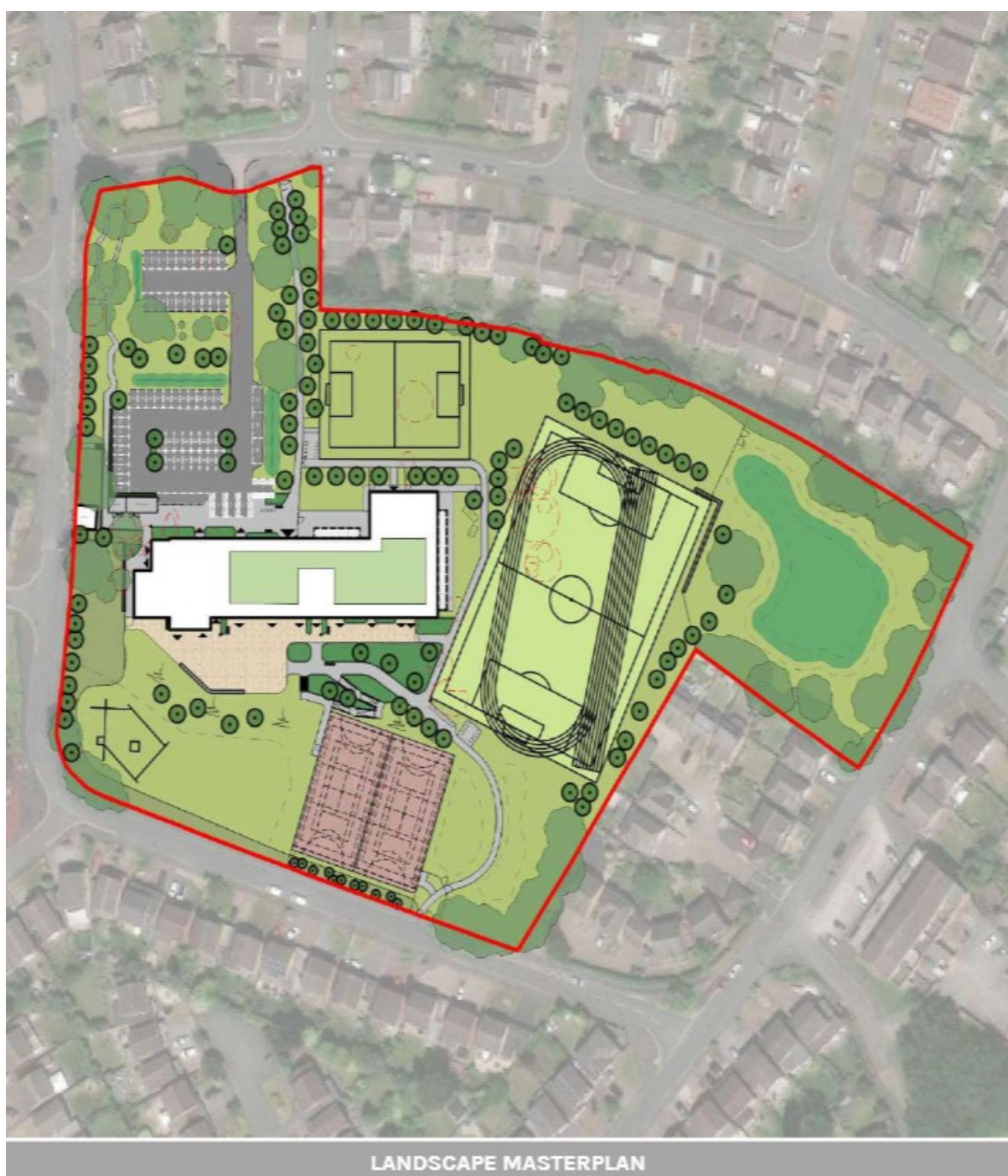
Highways:

- 7.11 There are highway concerns raised by residents.
- 7.12 The existing vehicular and pedestrian access from Markham Road would remain unaltered. The accesses from Jeavons Road would remain for pedestrian use. The existing car parking and manoeuvring area would be expanded and reconfigured in the same area, near the junction of Markham Road with Jeavons Road near the north eastern boundary. A total of 63 car parking spaces (an increase in 8 spaces compared to the existing spaces) Covered cycle storage area would be provided for 12 staff and 64 pupil spaces. The proposal also includes 3 additional minibus parking spaces. The proposed redevelopment of the school would not result in an increase in pupils and staff numbers.
- 7.13 The Transportation Development Team have no objections to the scheme. Although the level of parking provision would be less than the car parking standards require, they consider that the appropriate level of car parking for staff and visitors is included in the scheme, as it is a betterment to the existing arrangement and the proposed redevelopment of the school would not result in an increase in pupils and staff numbers. Therefore, it is considered that the generated trips would likely to remain as existing with no significant increase and subsequently impact in terms of parking and highway safety would remain neutral. A travel plan has been submitted to promote the use of sustainable transport travel modes, i.e. walk, cycle and use public transport and share car journeys and reduce car dependency. Nevertheless, the school is on bus routes and served by the bus services that the proposed development would not have a significant adverse or severe impact on the operation or safety of the surrounding highway network. The Transportation Development Team have raised no objection subject to conditions requiring restriction in pupil/staff numbers, temporary permission for community use, travel plan to be finalised with BCC Travel Demand Team, secure covered cycle provision, disabled parking and EV charging points. As such, the scheme is supported by the Council, however, it is considered unreasonable to impose a temporary condition for community use, as this is a use that is normally ancillary to school buildings in order to obtain maximum benefit of the building to the community. It is also considered that as there is no increase in pupil or staff numbers that it is unreasonable and unnecessary to fund the items requested by Active Travel

England.

Trees:

- 7.14 The school is surrounded by mature trees. These trees not only provide a natural screen between the school site and neighbouring residential properties but also have immense ecological and landscape value. A number of mature high-quality trees are also present within the site as part of the high-quality landscape setting of the school. It is evident from the layout and design of the scheme that the trees and vegetation around the boundaries as well as the trees within the site have been taken in consideration.. An Arboricultural Method Statement (AMS) has been submitted which demonstrates that the appropriate methods of working in relation to on site trees would be followed to minimise impact on trees. The City Council's Tree Officer has raised no objection.



Ecology:

- 7.15 The ecology and biodiversity have been considered in the submission of the proposal. development. A Biodiversity Net Gain (BNG) has also been completed. The city council's ecologist is satisfied with the findings and the proposed mitigation and compensatory measures and consider that the development can be accommodated within this site without harming protected species. To ensure protected species are not harmed by the development, appropriate conditions have been recommended.
- 7.16 A Biodiversity Metric Assessment has been submitted in support of the planning application to demonstrate how ecological enhancements would be incorporated so that the scheme delivers a net gain for biodiversity (target of 10% biodiversity net gain). The submitted information and evidence have been provided to demonstrate that the proposed development would result in biodiversity net gain. This would be achieved via new habitat creation through retention of hedges and trees and creation of a swale, new shrub and tree planting, green roof, etc. A condition requiring the applicant/developer to ensure the habitats would be created, enhanced and maintained to achieve their intended biodiversity value, over a minimum 30-year period has been recommended as per current policy and guidance. A biodiversity roof condition has also been recommended to ensure that the design and materials of green roof are satisfactory to maximise its ecological value.

Sustainability:

- 7.17 The application has been supported by a sustainable design statement and a BREEAM Pre-Assessment. The proposal incorporates sustainable energy source through the use of an air source heat pumps and low energy high level perimeter ventilation units (FAVU's). These measures would result in a reduction of CO2 emissions significantly. The design and access statement indicates that the new school buildings would achieve zero carbon in operation and incorporate sustainability elements throughout the scheme design. The BREEAM Report indicates that 'very good' would be achieved. It is considered that the proposed development would be energy efficient and reduce carbon footprint significantly and accords with the sustainability requirements of policies TP3 and TP4 of the BDP.

Re-use of the existing buildings

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

Drainage:

- 7.19 A Flood Risk Assessment and Drainage Design Strategy have been submitted to support this application. Following initial objections from the LLFA (Local Lead Flood Authority), the applicant has provided additional detailed drainage information. The LLFA consider that the information provided sets the parameters for a drainage system to be designed however the drainage strategy is not implementable and details of the SuDS (sustainable urban drainage system) needs to be incorporated. However, the LLFA consider a pre-commencement condition to requiring submission of sustainable drainage scheme would resolve the issue. The LLFA would also recommend a requiring submission of a Sustainable Drainage Operation and Maintenance Plan to

minimise surface water flooding and improve water quality. Severn Trent Water have raised no objection subject to conditions requiring submission of surface water and foul water drainage details. It is considered that this condition is not necessary in this instance as LLFA conditions would address the surface and foul water drainage details. Severn Trent Water itself would involve in the implementation of the drainage scheme.

Air Quality:

- 7.20 **Air Quality:** The CDMS has provided details of mitigation measures on how to dust emission would be reduced during demolition and construction phase to minimise impact on air quality. In respect of the operational phase impacts on air quality, the transport assessment indicates no increase in traffic and therefore it is considered that the impact on air quality would remain neutral. The proposal includes an extraction system in association with kitchen and food preparation area. Although a plan has been provided to indicate installation of plant equipment, no technical details have been provided to assess the impact of the external flue and extraction system and extraction systems. An appropriate condition has been imposed requiring submission of the extraction details including any external flue.

Land Contamination:

- 7.21 Phase 1 & Phase 2 Ground Investigation Assessments have been submitted in support of the application. The City Council's Regulatory Services Team require imposition of pre-commencement conditions in this regard.

8 Conclusion

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

9 Recommendation

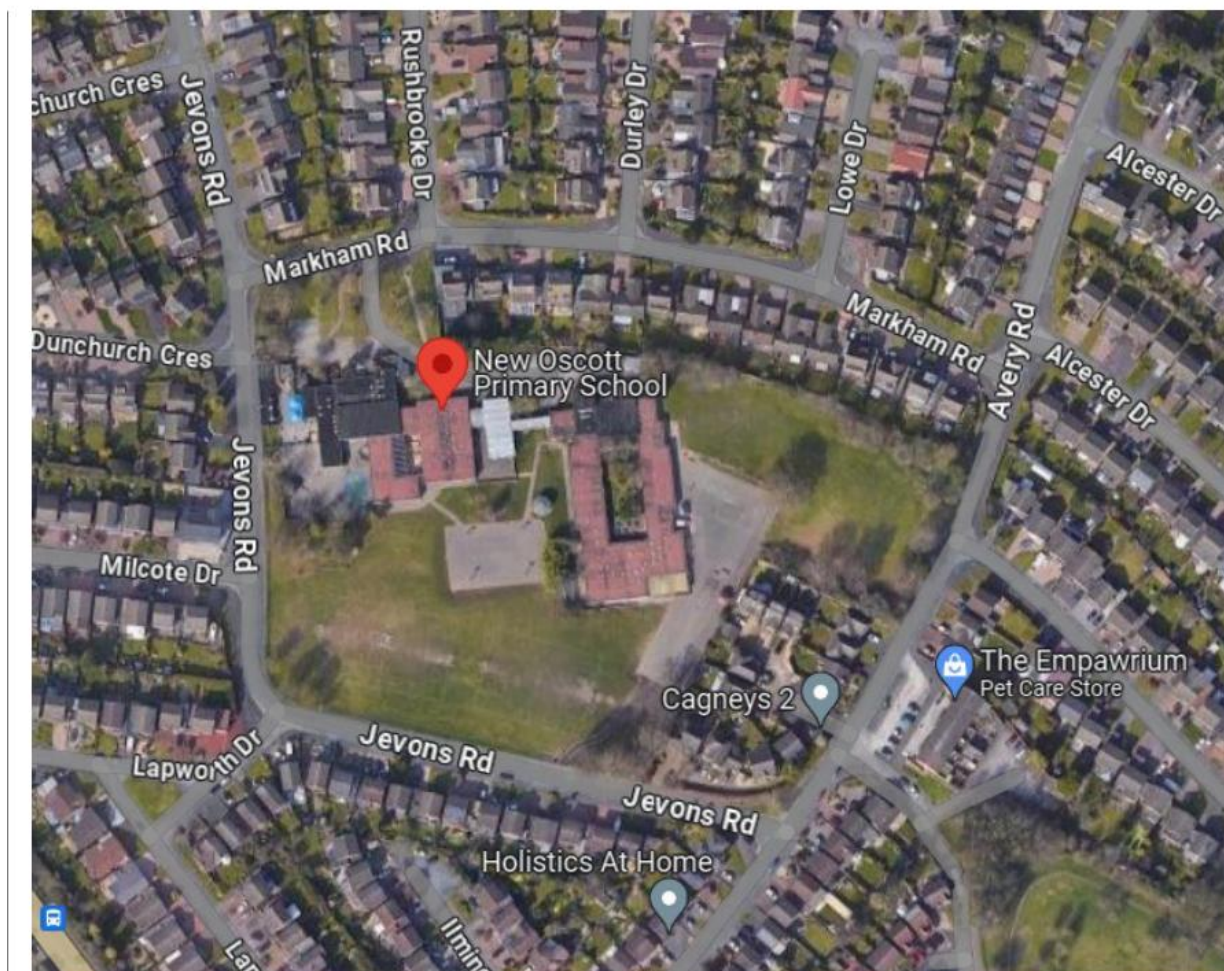
- 9.1 That planning permission is granted subject to the conditions listed below |

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- | | |
|---|--|
| 1 | Implement within 3 years (Full) |
| 2 | Requires the scheme to be in accordance with the listed approved plans |
| 3 | Requires the submission of materials and architectural details |
| 4 | Construction method statement/management plan |
| 5 | Requires the prior submission of a sustainable drainage scheme |
-

6	Requires the submission of a Sustainable Drainage Operation and Maintenance Plan
7	Requires the prior submission of a contamination remediation scheme
8	Requires the submission of a contaminated land verification report
9	Requires the submission of hard and/or soft landscape details
10	Requirements within pre-defined tree protection areas
11	Tree Work Plan - Implementation
12	To ensure energy and sustainability measures are delivered in accordance with statement
13	To ensure that the development achieves BREEAM rating level
14	Requires the submission of a scheme for ecological/biodiversity/enhancement measures
15	Requires the implementation of the submitted mitigation/enhancement plan
16	LEMP Condition
17	Biodiversity Roof Condition
18	Hours of Use of the MUGA and sports pitches
19	Requires the submission of extraction and odour control details
20	Limits the noise levels for Plant and Machinery
21	Requires the submission of a commercial travel plan
22	Requires the provision of vehicle charging point
23	Requires the provision of cycle parking prior to occupation
24	External lighting layout
25	No of pupils/staff
26	No development shall take place until
27	Detailed construction of playing field
28	Scheme for playing field maintenance
29	Community use and management plan agreement

Case Officer: Audrey Lewis

Photo(s)



Aerial view



South facing elevation of school (Jeavons Road)



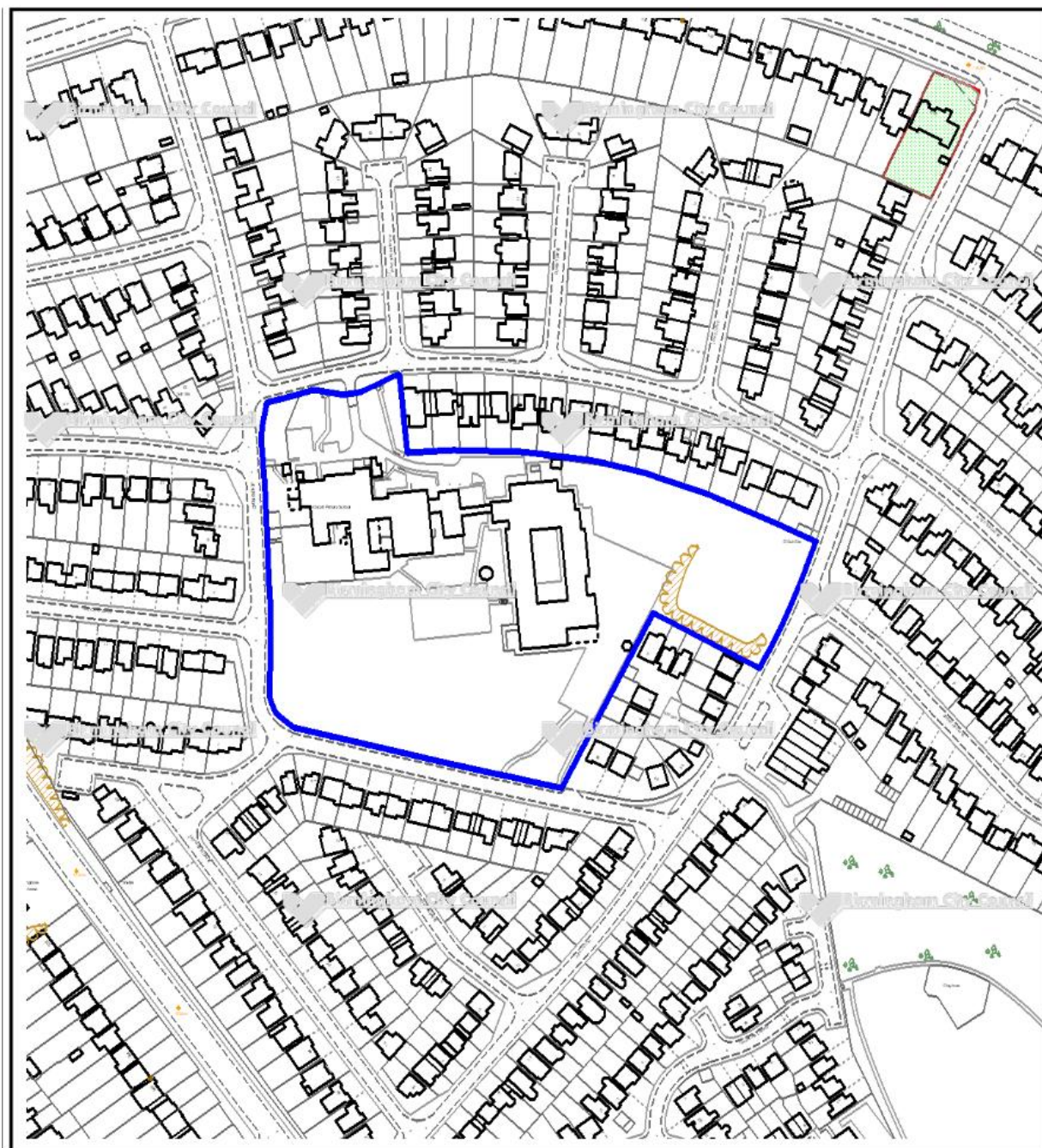
West facing elevation of school (Jeavons Road)





Pedestrian Access Jeavons Road

Location Plan



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