

Birmingham City Council

Planning Committee

13 May 2021

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Approve – subject to 106 Legal Agreement	6	2020/07829/PA Land bounded by Moseley Street (south), Moseley Road (east) and Cheapside (north) Digbeth Birmingham B12 Erection of residential development (Use Class C3) for up to 366 units in two principal blocks of between 5 and 8 storeys with associated residents amenity areas (internal and external), access, cycle parking, landscaping, earthworks and associated works

Committee Date:	13/05/2021	Application Number:	2020/07829/PA
Accepted:	05/10/2020	Application Type:	Full Planning
Target Date:	16/04/2021		
Ward:	Bordesley & Highgate		

Land bounded by Moseley Street (south), Moseley Road (east) and Cheapside (north), Digbeth, Birmingham, B12

Erection of residential development (Use Class C3) for up to 366 units in two principal blocks of between 5 and 8 storeys with associated residents amenity areas (internal and external), access, cycle parking, landscaping, earthworks and associated works

Recommendation

Approve Subject to a Section 106 Legal Agreement

1. Proposal

- 1.1. This full planning application proposes 366 residential apartments in two 'U-shaped' blocks, with internal and external resident's amenity space, including private courtyards and balconies, a new pedestrianised street named "Park Lane," which would provide a route through the development between Cheapside and Moseley Street and offers landscaped areas of public realm creating opportunities for sitting and informal recreation. It would also allow for cycle access. The development is proposed to be 'car free' and proposes zero parking provision.
- 1.2. The proposed design responds to the gradient of Moseley Street, meaning the ground floor would provide accessible amenity areas (including residents lounge, concierge, bike stores and other back of house facilities).
- 1.3. Two blocks (Block A and Block B) are proposed, with a central public, pedestrian and cycle route through the site ('Park Lane'). The heights of the buildings fluctuate in a 'step-up-step-down' manner, to add visual interest to the development and to accommodate the site's topography with heights ranging from 5 to 8 storeys. The highest point of the development has been focused on the corner on Moseley Street and Moseley Road to provide a landmark feature.
- 1.4. The proposed layout seeks to enhance permeability of the area, particularly through the introduction of 'Park Lane'. Soft and hard landscaping is proposed along Park Lane to create an attractive and inviting walkway between Cheapside and Moseley Street. In line with the site's topography, the amenity areas would be on different levels each side which seeks to achieve distinction and separation between the private residential space, and the public route.
- 1.5. The scheme proposes a variety of apartment sizes across the 366 units and the mix is broken down in figure 1 below.

Unit Type	Number	Percentage
1 Bed	147	40%
2 Bed	207	57%
3 Bed	12	3%
Total:	366	100%

Figure 1 – Unit mix

- 1.6. The typical size of the apartments ranges from 42 - 51m² for the 1 bedroom apartments; 67m² - 71m² for the 2 bed; and 81m² - 91m² for the 3 bed, which all exceed the Nationally Described Space Standards (NDSS).
- 1.7. All apartments and amenity areas would be accessed internally via the main entrances on Moseley Street and Cheapside and would be accessible from the internal landscaped courtyards. These entrances would have an arched shape to reflect precedents elsewhere in Digbeth. The entrances are proposed to be emphasised in coloured glazed brick with additional visual interest at lower levels. Block A to the west, would have pedestrian entrances on Cheapside and Moseley Street and Block B, to the east would have three points of access for pedestrians via Moseley Street, Moseley Road and Cheapside. Lifts within both blocks provide access to all units on the upper floors.
- 1.8. The scheme includes communal cycle parking at ground floor level for both blocks. These cycle storage areas are accessed internally to ensure the cycle parking is secure and protected. A total of 388 spaces are proposed. Refuse Stores are positioned near cores and residents would be able to access them from within the courtyard and communal areas. They are positioned back from the street but accessible to refuse collection services.



Figure 2 – Ground Floor Plan



Figure 3 – Typical upper floor plan

- 1.9. The development would provide a series of indoor amenity areas in both blocks at ground floor level with a further amenity space at first floor level in Block B which is

accessed at street level from Moseley Road. Outdoor resident's amenity areas are proposed within each block, in the form of the courtyard areas with soft and hard landscaping, and seating areas which would be accessed from the ground floor. The two courtyards extend to 776sqm and 832sqm respectively, providing a total of 1,608sqm of communal space, equivalent to 4.4sqm per apartment. In addition, 'Park Lane' provides further informal amenity and recreation space, which is accessible to residents as well as the public.

- 1.10. Just over a third of the apartments also have access to private amenity space via a garden, roof terrace or balcony. This provides a further 1,026sqm of external space. Gated access from Moseley Street and Cheapside respectively is proposed at both blocks, which would provide a view through the development and contribute toward an active street frontage.
- 1.11. The ground floor apartments adjacent to the outdoor courtyards would have their own private outdoor amenity area. Balconies are proposed for the upper floors, enabling private outdoor space for some apartments. The position and number of balconies have been influenced by the need to ensure good levels of daylight are received by the apartments below. Private roof terrace areas are also provided for some of the apartments. A total of 239 sq. m of indoor amenity space is proposed at ground floor, with each block having two amenity spaces respectively. A further 48sqm of amenity space is proposed on the first floor of Block B.
- 1.12. Photovoltaic Panels and Brown Roofs are also proposed at roof level which would contribute to the sustainability and biodiversity of the development.
- 1.13. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site covers an area 0.7ha and is located within Birmingham City Centre, within the Rea Valley Urban Quarter. The site is immediately bound by Cheapside to the north; Moseley Road to the east; Moseley Street to the south; and 150 to 159 Moseley Street to the west, which benefits from planning permission for residential development of 67 apartments in a 6 storey, H-shaped block (currently under construction).
- 2.2. The section of Cheapside immediately opposite the is occupied by a midrise residential development ranging from 5 to 6 storeys. Buildings opposite the site on Moseley Road are 3 storey residential flats and a 60s style office building. On the corner of Moseley Road and Ravenhurst Street is the Moseley Arms public House, a Grade II listed building.
- 2.3. Moseley Street is occupied by a range of uses including a printing business, a vehicle mechanics, Cleary's Irish Bar, 'Flex Fitness' gym, St. Anne's Hostel and the Rowton Hotel. The latter two buildings are both Grade II listed. It is also worthy to note that the mechanics that currently occupies 122 Moseley Street has recently received planning consent for a 5 storey building comprising 29 residential apartments.
- 2.4. The application site excludes a small parcel of land to the north-east on the corner of Cheapside and Moseley Street, which is in separate ownership. This site benefits from an extant planning permission for purpose built student accommodation,

however, the consent expires on 1st of May 2021 due to being extended under the covid business planning act 2020. This site is referred to as Leopold Works.

- 2.5. The site is wholly located within Flood Zone 1 (low risk of flooding). The site and wider city are designated an Air Quality Management Area and it also falls within the proposed clean air zone (CAZ). There are no Tree Preservation Orders within or adjacent to the site.
- 2.6. The site is previously developed brownfield land that has been cleared and is currently vacant. The topography of the site slopes downhill to the west which offers views towards the city centre.
- 2.7. The application site falls within the Highgate Park neighbourhood in the Rea Valley Urban Quarter, as defined by the Rea Valley SPD. The area has been historically developed with a dense street pattern and has been redeveloped many times; today, it is predominantly industrial with distinct local landmarks. The area is changing as industrial premises become outdated and are being replaced by new residential-led developments.
- 2.8. The character to the south remains largely industrial with low-rise warehouse buildings and surface car parks. In recent years, the area has seen an increase in residential development of up to 6 or 7 storeys in scale, reflecting trends in city-centre living and aspirations set out in the draft Rea Valley Urban Quarter SPD for high density city living.

3. Planning History

- 3.1. The relevant planning history for the application site is outlined below.
- 3.2. 2003/04098/PA – Mixed use development consisting of residential (Class C3), office floorspace (class B1) and retail (class A1) with car parking (including only the easternmost part of the site, plus the site now referred to as Leopold Works. Approved subject to conditions 21/07/2005. Not implemented and now expired.

4. Consultation/PP Responses

- 4.1. BCC Transportation – No objection subject to conditions; Cycle parking provision, A Construction Management Plan; Measures to prevent vehicles accessing the new pedestrian/cycle link.
- 4.2. BCC Ecology – No objection subject to conditions requiring the submission of a landscaping scheme, a scheme to ensure biodiversity gains within the development, the provision of bat/bird boxes and a scheme to approve/implement the proposed brown roofs.
- 4.3. BCC Lead Local Flood Authority – No objection subject to conditions requiring the submission and implementation of a sustainable drainage scheme and a drainage management plan.
- 4.4. BCC Education – Request S.106 contribution towards the provision of school places.
- 4.5. BCC Leisure Services – No objection. In accordance with the BDP this development of over 20 dwellings would be subject to an off site contribution towards POS and Play.

- 4.6. BCC Employment Access Team – No objection subject to a condition requiring the submission of an employment access plan.
- 4.7. BCC Regulatory Services – Confirm that at source noise mitigation would not be possible with doors of Cleary's Bar continuously open, which is the current mode of operation. To achieve a suitable noise environment in some of the units within the development mechanical ventilation and non-openable windows would be required and this approach is not supported. Recommend further negotiation between the developer and Cleary's Bar in regards to possible at source noise mitigation measures.
- 4.8. Historic England – Acknowledge application and confirm it falls outside of scope for statutory consultation.
- 4.9. Environment Agency – No objection.
- 4.10. West Midlands Police – Make the following recommendations; Installation of access control measures; installation of video intercom at access points; installation of CCTV scheme; submission of a lighting scheme; submission of boundary treatments.
- 4.11. West Midland Fire Service – Water supplies for firefighting should be in accordance with "National Guidance Document on the Provision for Fire Fighting". Where fire mains are provided in the building there should be access to the riser inlet within 18 metres and each access point should be clearly visible.
- 4.12. Severn Trent Water- No objection subject to conditions requiring the submission of foul and surface water drainage plans and their implementation.
- 4.13. Birmingham Civic Society – Object to the proposal and make the following comments.
- The D&A statement suggests that the proposed buildings have been 'influenced from the local vernacular in Digbeth and design cues' – but we do not feel this has been executed with flair equal to the historic buildings that make them special. The proposed buildings are of a well established recent precedent of grid like masonry bays with infill, but short of any detail which the surrounding historic buildings demonstrate. Why should the elevations echo the 'simple industrial forms appropriate to the area'? The proposal is not an industrial building; it does not have to be monolithic or 'robust block massing'. There are many examples of modern development within the Jewellery Quarter (for example) where the challenge of responding to an industrial, historic context has been met.
 - The proposed development seems to risk overshadowing and turning its back on the amenities on Moseley Street.
 - The landscape plan appears pleasant – although a little at odds with the Digbeth setting; a more 'industrial' landscape, with cobbled courtyards etc, may be more fitting.
 - There does not appear to be any car parking for residents – while car use in the city should not be encouraged, this appears impractical.
 - Overall amenity space is very limited and insufficient.

- 4.16 Site and Press Notices displayed. Neighbouring occupiers, Ward Members, Southside BID, and Resident's Associations consulted with the following representations received.
- 4.17 2 objections received.
- Lack of parking provision within development, limited on street parking currently and this development will exacerbate matter.
 - Lack of amenities to support existing/future residents of the area, scheme should have included shops/bars/cafes.
- 4.18 1 member of the public made a generally supportive representation, praising the scheme but observed that he would have preferred the scheme to have been 6 storeys at its highest, to have placed greater emphasis on the corner buildings and to have gone further with the architectural features and detailing. He also praised the creation of 'Park Lane' and hoped that it would connect all the way to Highgate Park in the future.
- 4.19 A further objection was received from the owner of Cleary's Irish Bar, the public house opposite the site located on Moseley Street. This objection has been supported by a representation from an acoustic consultant. The points of objection are summarised as follows:
- The noise assessment submitted to support the application is deficient as it does not take into account the worst case scenario for noise generation at the pub.
 - Subsequent to the joint noise monitoring exercise, the revised noise assessment does not recognise the 'worst case scenario' noise levels that could be present at the development façade as agreement of the baseline level cannot be reached.
 - The applicant has failed to discharge their duty as 'Agent of Change' as required by paragraph 182 of the NPPF.
 - Potential for future residents to complain about noise generated by or associated with the pub, which could jeopardise the future viability of the business.
 - The at source noise mitigation proposed by the developer is not suitable because it would require the front doors of the pub to remain closed. This is not possible because the doors are in continuous use and need to remain continually open to allow people to enter and exit the pub during busy periods.

5. Policy Context

- 5.1. Birmingham Development Plan (BDP) 2017, Birmingham Unitary Development Plan 2005 (Saved Policies), Places for Living SPG, Places for All SPG, Car Parking Guidelines SPD, Lighting Places SPD, Public Open Space in New Residential Development SPD (2007), Affordable Housing SPG (2001), Rea Valley Urban Quarter Masterplan SPD (2020), Development Management in Birmingham Document DPD Publication Document (2020) and the National Planning Policy Framework.

6. Planning Considerations

PRINCIPLE

Residential Use and Unit Mix

- 6.1. The application site is located within the City Centre Growth Area defined under Policy GA1.1.
- 6.2. Policy GA1.2 identifies this part of the City Centre as the Southern Gateway; an area of wider change where residential development is supported whilst Policy GA1.3 supports residential development in this location as it falls within the Southside and Highgate Quarter.
- 6.3. The Rea Valley Urban Quarter Masterplan SPD, adopted in October 2020 focusses on connectivity and producing high quality development. Moseley Street is identified as a park link where pedestrians will be given priority in order to assist linking the Smithfield area to the River Rea corridor, Highgate Park and onto the wider green infrastructure of the City. The SPD also identifies the creation of a new pedestrian route that seeks to connect Highgate Park with Moseley Street and Cheapside.
- 6.4. Based on development plan policy it is considered that the principle of proposed residential use would be acceptable at this location.
- 6.5. Considering housing mix, the BDP sets the following targets for market dwellings: 1-bedroom 13%, 2-bedroom 24%, 3-bedroom 28%, and 35% 4-bedroom. By comparison the proposed housing mix for this 366 apartment scheme is as follows: 147 (40.1%) 1 beds, 207 (56.5%) 2 beds and 12 (3.7%) 3 bed.
- 6.6. The housing mix is influenced by a number of factors including housing needs and demands in this part of the city and affordability. It is accepted that in the city centre a higher percentage of one and two bedroom apartments are going to be delivered. This is on the basis of development land being at a premium, and the types of households that are likely to want to reside within a city centre locale. All apartments comply with or are in excess of minimum floor areas set within the Nationally Described Space Standards.
- 6.7. The development is considered to provide a good standard of living accommodation and the proposed mix is considered acceptable.

DESIGN

Scale and Mass

- 6.8. The plot layout follows a strong urban grain along the streets and allows for two significant courtyards for future residential amenity. The two block development reinforces the existing hierarchy of streets. The building footprint follows the street line of the surrounding area, with the development set close to the pavement line. The boundary of the new proposed pedestrian route through the site 'Park Lane' would allow for defensible space and for amenity space/landscaping to be provided.
- 6.9. The Rea Valley SPD 'Building Heights' in this location are suggested to be 6 to 10 storeys. The proposed scheme ranges in heights from 5 storeys up to 8, and as such is lower than the maximum envisaged by the SPD.
- 6.10. The taller block elements face Cheapside and the corner of Moseley Road and Moseley Street. This massing is supported from a townscape perspective and also reduces impact on the heritage assets further down Moseley Street, whilst still

allowing the creation of a landmark corner at Moseley Road. Taller elements at the corners of the Park Lane entrances also identify this as a connecting route and are considered positive.



Figure 4 – CGI view from corner of Moseley Street and Moseley Road

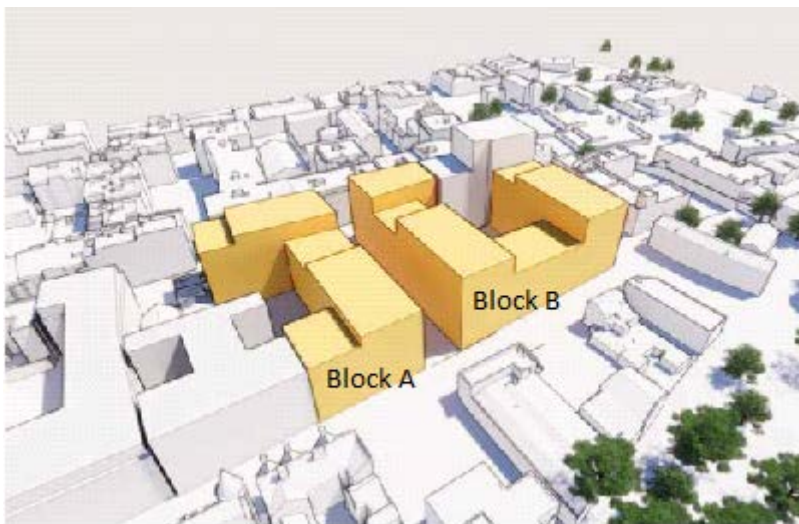


Figure 5 – Massing of development in context of emerging townscape in the context of the Rea Valley SPD.

- 6.11. The proposed heights and mass are considered appropriate. An articulation of the roofscape across the scheme gives interest across the townscape. The general architectural approach is an alternating red brick system; the corners of the development are seen as landmarks, particularly to indicate the presence of the pedestrian route through the development.

- 6.12. A Townscape and Visual Appraisal concludes that the proposed buildings would be of an appropriate height and scale for the local context and the proposed high quality of architecture and landscape design would have a beneficial effect on the local townscape character and visual amenity of the area. I concur with this assessment.

Park Lane

- 6.13. The proposed development includes the provision of a new 'green route' through the application site that would connect Moseley Street to Cheapside. The new street, to be known as 'Park Lane' would run between Block A and Block B and measure 12m wide. The street would be provided over 3 levels with the central publically accessible route provided at level with the adjoining streets flanked by higher and lower private amenity areas associated with the apartments within blocks B and A respectively. A detailed landscaping scheme has been provided which specifies tree planting along the route, in addition to low level planting either side of the accessible route and within the private amenity spaces. The landscaping scheme is largely acceptable, but a condition is recommended to ensure finer details such as soil depths, protection measures and maintenance is secured.
- 6.14. The Park Lane also includes seating provision which contributes to its usability as public open space. The route would be maintained as open to public access by way of a planning condition and a further condition regarding boundary treatments would ensure appropriate measures are provided to restrict access to motor vehicles. The provision of this green route would enhance the experience of pedestrians and cyclists using the area and significantly contributes to achieving one of the key objectives of the Rea Valley Master Plan which seeks to create a new link to Highgate Park and the landscaping will support the city's wider green agenda.



Figure 6 – View from Moseley Street down 'Park Lane'

Detail and Materials

- 6.15. A red orange brick tone for the external facades is in keeping with the local industrial heritage. The final colour and specification of brickwork would be controlled by conditions should Members be minded to grant approval.
- 6.16. The use of glazed green brick around entrances and at landmark corners improves wayfinding.
- 6.17. The proposed residential entrances are off main access streets and are situated next to resident's lounges and communal spaces to ensure an active frontage and sense of security. They provide a focus of activity at street level whilst allowing views through to the landscaped courtyards. Entrances have been designed to be proportionate in relation to the overall design and are legible as building entrances without being visually overpowering.
- 6.18. Architecturally, entrances are emphasised in coloured glazed brick creating an additional visual interest at the low level immediately next to the building users. Entrance points into the courtyards are well defined, with artistic metal sliding gates to match the bespoke railings. The use of green glazed brick and Celtic style metal work is proposed in order to reflect the cultural heritage of this part of the city.



Figure 7 – Entrance detailing

- 6.19. The landmark corner buildings at Moseley Road/Moseley Street, and on Cheapside, either side of 'Park Lane' would be accentuated by inclusion of glazed brick and alternating courses of brickwork around the windows. These details would relate to the proposed detailing at building entrances.



6.20. Figure 8 – Landmark corner building detailing

Future Developments

- 6.21. As previously mentioned, the corner of the wider development plot at Moseley Road and Cheapside falls outside of the application boundary. The two sites abut one another and the proposal has been designed with a largely blank façade facing the future development site. The block fronting Moseley Road is predominantly 8 storeys, but steps down to 6 where it meets the adjoining site. This allows for private terraces and balconies at storeys 7 and 8 respectively, with the brown roof of the lower section of the building providing separation from the adjoining development site. The remaining floors on the elevation facing Cheapside do not have windows, and as such would allow a future development to sit flush against the development proposal currently under consideration.
- 6.22. As such, the proposed development would not prejudice the adjoining site at the corner of Cheapside and Moseley Road being brought forward for redevelopment.

HERITAGE

- 6.23. There are no heritage assets within the application site itself, therefore any impact arising from development on the identified heritage assets would arise by way of

indirect impact upon their setting. There are three Grade II listed buildings in close proximity to the application site, St. Anne's Hostel and The Rowton Hotel (formerly the Paragon Hotel), both on Moseley Street and the Moseley Arms public house on the Corner of Moseley Road and Ravenhurst Street.

- 6.24. The application is accompanied by an Archaeological and Heritage Assessment which has identified the significance of the heritage assets likely to be affected and the contribution made to that significance by its setting. The document has concluded that all but the Rowton Hotel (referred to in the Heritage Assessment as Park View House) are unlikely to experience a change in their setting that would result in harm to their significance and they are not considered further in the document.
- 6.25. The Heritage Assessment has identified that the significance of St. Anne's Hostel is derived from its architectural and historic interest as a relatively early example of an inner-city Victorian Police Station, its decorative principal elevation contributes to its artistic and aesthetic value. The document goes on to identify that the building is best appreciated from this principal elevation onto Moseley Street where it was designed to occupy a prominent position on the street front. The application site itself is opposite the Hostel is a 'weedy area of Brownfield land' which does not contribute to the significance of the building.
- 6.26. The document concludes that whilst the asset has a level of prominence on the street frontage this derives from its distinct architecture and appearance rather than its massing and scale which are dwarfed by the adjacent Rowton Hotel and modern development to the east, and that this will continue to be the case once the consented Westminster Works development is implemented. Considering these points alongside the separation of the site from the listed building the Heritage Statement does not consider that the proposed development has the potential to result in a change to the setting of the asset that would harm its significance.
- 6.27. The significance of the Rowton Hotel is also derived from its architectural, historic and artistic interest; therefore the impact of the proposed development on this significance has also been assessed. The Heritage Statement discusses the contribution made by setting and identifies that the Moseley Street, Alcester Street and Highgate Park elevations provide the best publicly available location from which to experience its significance, with the Alcester Road elevation being of greatest value as the principal façade. In addition due to its scale, massing and distinctive architectural design and treatment, to the south side of Moseley Street the building forms the dominant element of the street frontage and this prominence makes a positive contribution to its significance.
- 6.28. The grade II listed former police station (St. Anne's Hostel) to the east is identified in the statement as a survival of the historic built setting of the asset which positively contributes to its significance. The document also identifies that little of the building's original setting remains to the north following clearance of the 19th century industrial and domestic buildings and their replacement with modern buildings or left as brownfield plots concluding that these elements do not make any contribution to the significance of the asset. With regards to the contribution made to significance through setting I concur with this assessment.
- 6.29. The Heritage Statement goes on to state that the impact of the development will have no direct effect on the architectural, historic or artistic interest of the listed building and thereby this significance will be preserved. The statement acknowledges that the development will not remove the ability to experience the

listed building from its best appreciable locations in Alcester Street, Moseley and Highgate Park and will not sever or reduce any relationship between the building and the former police station and the contribution this makes to its setting. Furthermore as the development site does not currently contribute to the significance of the listed building then the principle of re-development to residential would not be harmful to significance. My Conservation officer concurs with this assessment.

- 6.30. However, architectural and historic prominence can be impacted by scale, massing, design and materials which can affect the ability to appreciate such qualities. Although the scale and massing of the proposed development complies with policy for the area in order to fully support the view of the Heritage Assessment it will be necessary to secure a quality of design detail and materiality which would complement the architectural significance of these listed building. As such, conditions requiring approval of final design details and materials are proposed to be appended to any approval Members may be minded to grant.
- 6.31. The Heritage Statement concludes that the proposed development could result in a very limited level of harm to the significance of the listed building through moderately competing with the prominence of the asset in views along Moseley Street. The level of harm is placed at the lower end of less than substantial harm in respect of the NPPF. I agree that this is the only heritage asset that would be subjected to an adverse heritage impact as a result of the proposed development.
- 6.32. It is necessary to consider the statutory duties of the local authority. Section 66 requires that the local authority 'shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.' The application submission has provided suitable detail to allow the determination of the application under the requirements of paragraph 189 of the NPPF.
- 6.33. The NPPF states that any harm to the significance of a designated heritage asset should be weighed against the public benefits of the proposal.
- 6.34. Officers agree with the ultimate conclusion of the applicant's heritage statement, namely the only heritage asset that will be adversely impacted, will be the Rowton Hotel. Officers acknowledge that this engages the statutory presumption against development and engages paragraph 196 of the NPPF. It is considered that the proposal would lead to less than substantial harm to the Rowton Hotel. However, there is clear and convincing justification for this level of harm such that the harm to the Rowton Hotel is considered to be outweighed by the wider public benefits of the development given the overall need for additional housing in the City, the provision of affordable housing, the redevelopment of vacant brownfield land with a scheme of high design quality, the provision of a new pedestrian route as aspired to by the Rea Valley SPD and the economic benefits the scheme will bring to the area, both during construction and once completed. Accordingly there is no conflict with policy TP12 of the development plan which requires determination in accordance with national policy. As such, I consider that the heritage impacts of the proposal are outweighed by the public benefits.
- 6.35. The site is located circa 310m to the north of the Digbeth, Deritend and Bordesley conservation area. The heritage assessment concludes that the site is at most a peripheral element in the setting of the conservation area and that the proposed development would not harm the special interest of the conservation area. I agree

with this assessment and conclude that there are no harmful impacts to the conservation area.

AMENITY

Residential Amenity

- 6.36. As previously stated, residents' amenity areas would be provided in the form of shared courtyards. This equates to 4.4sqm of amenity space per dwelling and is considered to be a suitable provision. In addition, the proposed Park Lane would provide further usable outdoor space. Just over a third of the apartments also have access to private amenity space via a garden, roof terrace or balcony. This provides a further 1,026sqm of external space. The communal/private amenity space offered to prospective residents by this proposal is considered to be generous and with appropriate landscaping and maintenance would be attractive usable places.



Figure 9 – CGI of internal amenity courtyard

- 6.37. An assessment of the provision of daylight and sunlight amenity within the proposed apartments, and the level of sun hours on ground overshadowing to amenity areas demonstrates that 88% of the habitable rooms assessed would meet the minimum recommended Average Daylight Factor (ADF) daylight criteria. In terms of sunlight, 79% of the windows relevant for assessment will meet the recommended criteria for winter sunlight and 76% for total sunlight. This represents an acceptable level of compliance, considering the dense nature of the development within an urban location.
- 6.38. Whilst there are windows/rooms which fall below the recommended BRE criteria for daylight and sunlight amenity, this is not uncommon in urban developments and full compliance is very unlikely to be achieved when allowing for other requirements of a scheme.

- 6.39. In relation to sun hours on ground overshadowing, two courtyard amenity areas within Blocks A and B would fall below the recommended BRE Guidelines on 21st March. However on 21st June when the areas are most likely to be used both courtyard amenity areas would achieve at least two hours of direct sunlight to over 50% of their areas on. Residents will, therefore, have access to sun within the communal amenity areas, particularly during the summer months.
- 6.40. Although the proposal does not achieve full compliance with the BRE Guidance the scheme is considered to be acceptable in terms of daylight, sunlight and overshadowing given its density and city centre location.

Noise

- 6.41. The application submission is supported by a noise assessment and two addendum statements produced in response to the initial comments received from the Regulatory Services department. The noise assessment seeks to determine whether prospective residents can enjoy a suitable level of amenity within their apartments without being subject to adverse noise conditions. It is accepted that the vast majority of units proposed would enjoy a suitable noise environment. However, 46 of the proposed apartments within Block B of the development, namely those facing 'Cleary's Irish Bar' (Cleary's) on Moseley Street require careful assessment.
- 6.42. Furthermore, as an established business the right of 'Cleary's' to continue to operate without the imposition of unreasonable restrictions arising as a result of the approval of the proposed development must be ensured in accordance with paragraph 182 of the NPPF. Where significant adverse effect on new development is anticipated the applicant is required to provide suitable mitigation.
- 6.43. Given the application has been submitted during the covid-19 pandemic, during which entertainment venues and public houses such as 'Cleary's' have been forced to close and/or operate under restricted hours, there had not been adequate opportunity to conduct on site noise monitoring. As such, the applicant's initial noise assessment has been based upon data submitted in support of the recently approved application at 122 Moseley Street (ref: 2018/01177/PA) located next door to 'Cleary's'. The noise data was collected on St. Patrick's Day's 2019 and was considered to represent the 'worst case scenario' for noise generation at the pub.
- 6.44. The primary noise source is accepted to be at the rear of 'Cleary's' where a function room used to host live DJ's and bands spills out onto the beer garden facing Highgate Park. Moseley Street is screened from the beer garden largely by the 3 storey pub itself, and to a lesser extent by the pub's single storey side extension. It is this entertainment noise, in conjunction with the on street noise generated on Moseley Street that must be appropriately assessed to determine whether the development would be adversely affected by noise which could subsequently give rise to complaints made against the pub.
- 6.45. However, Cleary's maintain that this noise data is not an accurate representation of the 'worst case scenario' i.e. a live band playing at its loudest with the pub full of patrons enjoying the performance. Regulatory Services also raised concerns with the use of the data collected to support the planning application at 122 Moseley Street given that the proposed development is orientated differently to the noise source and is directly opposite Cleary's front doors which are considered to be the main source of noise outbreak.

- 6.46. A joint noise monitoring exercise was undertaken by acoustic consultants acting on behalf of Cleary's and the applicant, with officers from Regulatory Services also present. This consisted of a mock live band performance, with monitoring equipment set up at various locations including within the pub and at the development façade. A revised noise assessment was then submitted in support of the application. Despite the joint exercise the two parties have still been unable to agree the baseline noise level at the development façade due to a difference in opinion as to realistic noise levels likely to be generated by the band, and real life scenarios such as a pub full of people which were not possible to simulate under current covid restrictions.
- 6.47. Notwithstanding the disagreement over the baseline level, it was clear that mitigation of some form would be required in order to create an acceptable noise environment within the 46 proposed residential units fronting Moseley Street. Regulatory Services recommended that at source mitigation measures be explored in accordance with the Noise Hierarchy as defined by NPPG and BCC's Planning Consultation Guidance Note 6.

In assessing mitigation schemes the following hierarchy of measures should be considered in descending order of preference:

1. Engineering – reduction of the noise generated at source by redesign, relocation or containment
2. Design and layout – maximise the distance between noise source and receptor, using existing topography or existing structures or purpose-built barriers to screen the proposed development site from significant sources of noise.
3. Using the layout of the scheme or orientation of buildings to avoid location of noise sensitive rooms on adversely impacted facades
4. Using planning conditions/obligations to restrict activities allowed on the site at certain times and/or specifying permissible noise levels (differentiating as appropriate between different times of day, such as evenings and late at night),
5. Using the building envelope to mitigate the impact of noise to acceptable levels through noise insulation.

Figure 10 – Noise Hierarchy as defined by PCGN6

- 6.48. It should be noted that PCGN6 is a practice note used by Regulatory Services when assessing noise impact and does not form formal planning policy.
- 6.49. Negotiations commenced between the applicant and Cleary's, with the applicant proposing to replace the front door and the internal lobby door of the pub with acoustic treated alternatives, and to provide the pub with mechanical ventilation so that the doors could be kept closed during live music performances. This offer was rejected by Cleary's who confirm that it is not feasible to close the front doors as they are in continual use and have to be kept open during busy times/events simply due to the number of people entering and exiting the pub.
- 6.50. Regulatory Services have confirmed that if the front doors are required to remain open, as its current practice, then effective at source noise mitigation would not be possible. As such I consider negotiations in regards to suitable at source noise mitigation to have been exhausted.
- 6.51. The applicant has removed habitable rooms from the ground floor block facing Cleary's to reduce the number of sensitive receptors located opposite the pub.

Moving the development façade back from the pavement in its entirety would be out of character in terms of the local urban design, would reduce the amount of useable residential amenity space and create a development that does not accord with the Rea Valley Urban Quarter SPD. Creating a blank façade would also be detrimental to the character of the development and the area, thus also contravening planning policy. In addition, any further changes in relation to layout or orientation would compromise the viability of the scheme and lead to a reduction in the affordable housing contribution that is sought by a S106 agreement.

- 6.52. As such, I am satisfied that the applicant has considered the scheme's layout and orientation sufficiently in regards to reducing sensitive receptors. What's more, whilst requiring a revised layout may accord with planning consultation guidance, it would be contrary to planning policy, which carries the greater weight when considering matters in the planning balance.
- 6.53. The next stage in the noise hierarchy would be to use planning conditions to control noise impacts. Given that the development is residential in nature and would be in use continuously, the implementation of conditions are not practical and would fail the 6 tests.
- 6.54. The final step in the noise hierarchy is to consider mitigation at the development façade. The applicant contends that a suitable noise environment can be created within the affected units by utilising suitable acoustic glazing while maintain openable windows. However, Regulatory Services do not concur with this view and believe openable windows could lead to noise complaints that would ultimately lead to restrictions being placed upon Cleary's. If this were to occur, then the scheme would be contrary to paragraph 182 of the NPPF. However, a suitable noise environment within the affected units could be achieved if they were fully sealed and ventilated through mechanical means.
- 6.55. Given the proposed development's close proximity to the recently approved scheme at 122 Moseley Street I am of the opinion that it would not be unreasonable to expect suitable mitigation could indeed be implemented at the façade of Block B to ensure a suitable level of amenity could be enjoyed by potential future occupiers. However, such mitigation would need to be informed by an appropriate bespoke noise assessment that takes account of entertainment noise generated by 'Cleary's' in the context of the current urban landscape, and the landscape in the event of the development at 122 Moseley Street being implemented. The forthcoming relaxation of covid-19 restrictions may present an opportunity for further 'real life' scenario noise monitoring to be undertaken.
- 6.56. The total number of units potentially subject to adverse noise, of varying levels, is 46. The noise assessment submitted in relation to the application at 122 Moseley Street suggests mitigation in the form of high specification noise attenuating glazing is may be suitable in relation to this development. However, should this not be the case, it may be necessary for some or all of the 46 units to be fully sealed, dependant on the conclusion of the bespoke noise assessment.
- 6.57. While sealed apartments are not preferable, and not supported by Regulatory Services, provided suitable mechanical ventilation is installed, the apartments would constitute a satisfactory residential environment free from adverse noise. Given the potential number of sealed units is small in the context of the development as a whole, their possible inclusion is considered acceptable when weighed in the planning balance against the other aspects of the scheme that include; the city's

need for housing, the on-site affordable housing provision, the high quality design and the provision of the publically accessible green route 'Park Lane'.

- 6.58. As such, I recommend conditions be appended to any approval Members may be minded to grant that requires the submission of a noise assessment methodology, a noise mitigation strategy and MVHR ventilation strategy prior to the commencement of development. In addition, I recommend conditions requiring the submission of a noise validation report and the testing of internal noise levels prior to first occupation of the development.
- 6.59. Paragraph 182 of the NPPF states that '*Where the operation of an existing business or community facility could have a significant adverse effect on new development in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed.*' Subject to the conditions recommended above, the applicant (agent of change) will have exercised their duty under this section of the NPPF.
- 6.60. Paragraph 80 of the NPPF states: '*Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. 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. The approach taken should allow each area to build on its strengths, counter any weaknesses and address challenges of the future.*' The proposed development would contribute towards economic growth by creating jobs in the construction industry and associated supply chains. In addition it would contribute towards the identified housing need in the city, with prospective residents themselves contributing to the economy, including by supporting local businesses. Subject to the conditions outlined above, existing local businesses would be supported and allowed to operate and build on their strengths, without restrictions, into the future.

SUSTAINABILITY

Energy Efficiency

- 6.61. Policy TP3 sets out a number of ways in which development should be designed and constructed. The submitted sustainability statement incorporates the sustainable construction statement and has met all the criteria required.
- 6.62. An energy statement has been submitted to accompany the application. Although the statement does not consider a variety of LZC generation sources, it does propose the installation of Solar PV panels. The development is predicted to deliver a 17.7% Co2 saving after Energy Efficiency Measures and a 19% saving after LZC Technology (Solar PV). As such the development is considered to comply with policy and is deemed acceptable in terms of sustainability and energy efficiency.

Ecology

- 6.63. An Ecological Assessment and sets out the findings of an extended Phase I habitat survey. The habitats recorded on site primarily consist of 0.4ha of bare ground, which is of negligible ecological importance, alongside 0.01ha of scattered shrub and 0.29ha of ephemeral/short perennial and tall ruderal habitat, which, are collectively considered to be of no more than site-level ecological importance.

- 6.64. No protected species were found on site and the appraisal concluded that the development would result in a net gain for biodiversity of 10% through the landscaping of the amenity courtyards and the 'Park Lane', as well as on the building's brown roofs. To ensure these gains are delivered and maximised, my ecologist has requested conditions to ensure ecological enhancement, to provide bat/bird boxes, and to agree details of brown roofs and a landscaping scheme. Subject to the requested conditions, the proposal would comply with Policy TP7 of the BDP.

Flood Risk and Drainage

- 6.65. A Flood Risk Assessment demonstrates that the proposed development is not at significant flood risk, being wholly in Flood Zone 1, subject to the recommended flood mitigation strategies being implemented. The Assessment confirms that the flood risk posed from groundwater, surface water, canals, reservoirs and sewers is also considered low and that the development will not increase flood risk to the wider catchment area, subject to suitable management of surface water runoff discharging from the site.
- 6.66. The recommended mitigation measures include the raising of finished floor levels above surrounding ground levels where possible, the profiling of ground levels to encourage pluvial runoff and overland flows away from the built environment and towards the nearest drainage point, safe access and egress to and from the site and surface and foul water drainage.
- 6.67. The LLFA and Severn Trent Water raise no objection to the proposal subject to the inclusion of conditions requiring the submission of surface/foul water drainage plans and a SuDs drainage scheme and maintenance plan.

Air Quality

- 6.68. The site is located within the Birmingham Air Quality Management Area and lies within the emerging Clean Air Zone and, accordingly, the application is accompanied by an Air Quality Assessment. This considers the potential impacts associated with the construction and operation of the proposed development.
- 6.69. There are no exceedances of the NO₂, PM₁₀ and PM_{2.5} annual mean, the 1- hour mean NO₂ and the 24-hour PM₁₀ air quality objectives at the proposed receptor locations. Therefore no mitigation is required.

Ground Contamination

- 6.70. Some contamination issues have been identified, including a potential for historic tanks, and marginally elevated levels of carbon dioxide. There are no elevated concentrations of petrol contamination; no asbestos fibres; and no elevated groundwater contaminants.
- 6.71. Conditions requiring a contaminated land remediation strategy and a contamination verification report are recommended.

TRANSPORTATION

- 6.72. The application site is in a highly sustainable location in close proximity to services and facilities. Its location benefits from being fully integrated with existing pedestrian and cycle networks and has good access to regular bus and rail services.

- 6.73. The existing primary routes to the application site would be retained, with the incorporation of a new primary pedestrian and cycle only route created between Block A and Block B ('Park Lane') facilitating a significant improvement in accessibility within the site; to Highgate Park and to the city centre, and encouraging walking and cycling. This meets the aspirations of the Birmingham Development Plan, Big City Plan and Rea Valley Urban Quarter SPD.
- 6.74. The proposed development is 'car free' and includes no on-site parking provision, but does include the provision of 388 cycle spaces in accordance with the adopted Car Parking Guidelines SPG and the emerging Birmingham Parking SPD. As such, the proposal is considered to be in accordance with policies TP38, TP39, TP40, TP44 of the BDP and paragraph 109 of the NPPF).
- 6.75. The transportation officer has raised no objection subject to conditions requiring the provision of cycle parking prior to occupation of development, a construction management plan, measures to prevent vehicles entering 'Park Lane'.

PLANNING OBLIGATIONS

- 6.76. This application is supported by a Financial Viability Statement that has been the subject of independent assessment, and the conclusions reached reference the likely residential values that could be achieved in this part of the City Centre.
- 6.77. The report concludes that the scheme is able to sustain the provision of 33 affordable apartments (9%) for low cost home ownership comprising a proportionate mix of one and two bedroom apartments, to be sold at 20% discount on Market Value in perpetuity. This is in addition to the Park Lane public realm works being undertaken at a cost of £500,000 which is broadly the equivalent of an additional 3% affordable housing contribution. The total contribution is therefore the equivalent of approximately 12%. The City's independent assessor believes that this is the most that can be sustained by the development without impacting on viability and deliverability.
- 6.78. The financial contribution towards the provision of school places would be met through the CIL process and is not appropriate to be secured by a section 106 agreement.
- 6.79. The Leisure Services department have requested a total contribution of £806,475 towards public open space. Given the conclusion of the independent viability appraisal it is clear that the full contribution cannot be met, although a considerable portion will be provided on site in the form of 'Park Lane'.
- 6.80. Having regard to the above, I am satisfied that the proposed on site provision of 33.No apartments (9%) for Low Cost Home Ownership comprising 14.No one bedroom apartments and 19.No two bedroom apartments, to be sold at 20% discount on market value in perpetuity, in addition to the public realms works estimated at a cost of £500,000, is the most that can be sustained by the development without impacting on viability and deliverability.
- 7. Conclusion
- 7.1. The application proposes 366 new residential apartments comprising a mix of 1, 2 and 3 bed units contributing to the city's identified housing need and is in

accordance with the Rea Valley Master Plan which seeks to regenerate the area, with residential proposals accepted as providing an important part of the mix of uses within this wider area. The scheme provides a good standard of accommodation, with units all meeting or surpassing the NDSS for their proposed occupancy. Good quality private amenity space is provided in the form of landscaped courtyards, gardens, balconies and a publically accessible green route through the site provides valuable public realm. The proposal also makes a contribution of 33 affordable homes, to be provided on site in this city centre location.

- 7.2. The scheme represents a high quality design and incorporates architecture and features that are distinctive and relate to the character and history of the area. The scheme has been designed sympathetically in relation to nearby heritage assets and would not result in any adverse heritage impacts other than those discussed in relation to the Rowton Hotel. However, the benefits of the proposed development outweigh that harm, as previously discussed.
- 7.3. The proposition of sealed and mechanically ventilated units is remains unsupported by Regulatory Services. However, for the reasons outlined in this report I am confident that an appropriate assessment can be secured via condition, and subsequent mitigation measures could be implemented that would ensure the development is acceptable. On balance, considering the proposal accords with relevant local and national policy and for the reasons stated above, the application is recommended for approval subject to the following conditions.

8. Recommendation

- 8.1. APPROVE application number 2020/07829/PA subject to the prior completion of a Section 106 Legal Agreement to secure the following:

- i) the provision of 33 No. on-site affordable housing units (14 No. 1 bed units and 19 No. 2 bed units) to be sold at 20% discount on market value, in perpetuity.
- ii) Payment of a monitoring and administration fee associated with the legal agreement of 3.5% of the value subject to a maximum of £10,000.

and subject to the conditions listed below.

- 8.2. In the absence of a suitable legal agreement being completed to the satisfaction of the Local Planning Authority by the 14th June 2021 or such later date as may be authorised by officers under powers hereby delegated, planning permission be refused for the following reason(s):-
- a) In the absence of a legal agreement to secure an onsite affordable housing contribution the proposal conflicts with Policies 8.50-8.54 of the Birmingham Unitary Development Plan 2005 (saved policies) and Policy TP31 and paragraph 10.3 of the Birmingham Development Plan
- 8.3. That the City Solicitor be authorised to prepare, complete and seal an appropriate agreement under Section 106 of the Town and Country Planning Act.
- 8.4. That in the event of the planning obligation being completed to the satisfaction of the Local Planning Authority by the 14th June 2021 favourable consideration is given to this application, subject to the conditions listed below.

-
- 1 Implement within 3 years (Full)
 - 2 Requires the scheme to be in accordance with the listed approved plans
 - 3 Requires the submission of foul and surface water drainage plans.
 - 4 Requires the submission of a lighting scheme
 - 5 Requires the submission of a CCTV scheme
 - 6 Requires the submission and approval of materials.
 - 7 Requires the submission and approval of architectural details.
 - 8 Requires the submission of a detailed section of the proposed brick work recess detail.
 - 9 Requires the prior submission of sample materials
 - 10 Requires the prior submission of sample brickwork
 - 11 Requires the prior submission of hard and/or soft landscape details
 - 12 Requires the prior submission of external fixtures and fittings
 - 13 Boundary Treatment Details
 - 14 Requires the submission of levels.
 - 15 Requires detailed cross-sections
 - 16 Requires the submission of external doors
 - 17 Requires the submission of dormer window/window frame details
 - 18 Requires the submission of details of public art
 - 19 Requires the submission of hard and/or soft landscape details
 - 20 Requires the submission of hard surfacing materials
 - 21 Requires the submission of a landscape management plan
 - 22 Requires the prior submission of a construction employment plan.
 - 23 Requires the prior submission of a contamination remediation scheme
 - 24 Requires the submission of a contaminated land verification report
 - 25 Requires the provision of cycle parking prior to occupation
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|----|---|
| 26 | Requires the prior submission of a construction method statement/management plan |
| 27 | Requires the prior submission of a sustainable drainage scheme |
| 28 | Requires the prior submission of a Sustainable Drainage Operation and Maintenance Plan |
| 29 | Requires the submission of a scheme for ecological/biodiversity/enhancement measures |
| 30 | Requires the prior submission of details of bird/bat boxes |
| 31 | Requires the submission of details of green/brown roofs |
| 32 | Pedestrian link to remain publically accessible. |
| 33 | Requires submission of a noise asesment methodology |
| 34 | Requires submission of a noise assessment and mitigation strategy |
| 35 | Prior to commencement of the development details of an MVHR ventilation scheme |
| 36 | Requires the submission of an internal noise validation report prior to the occupation of the first apartment |
| 37 | Testing of the internal noise levels prior to the occupation of the first apartment and submission of results for agreement |
| 38 | Requires the prior submission of an overheating assessment. |
-

Case Officer: Tom Evans

Photo(s)

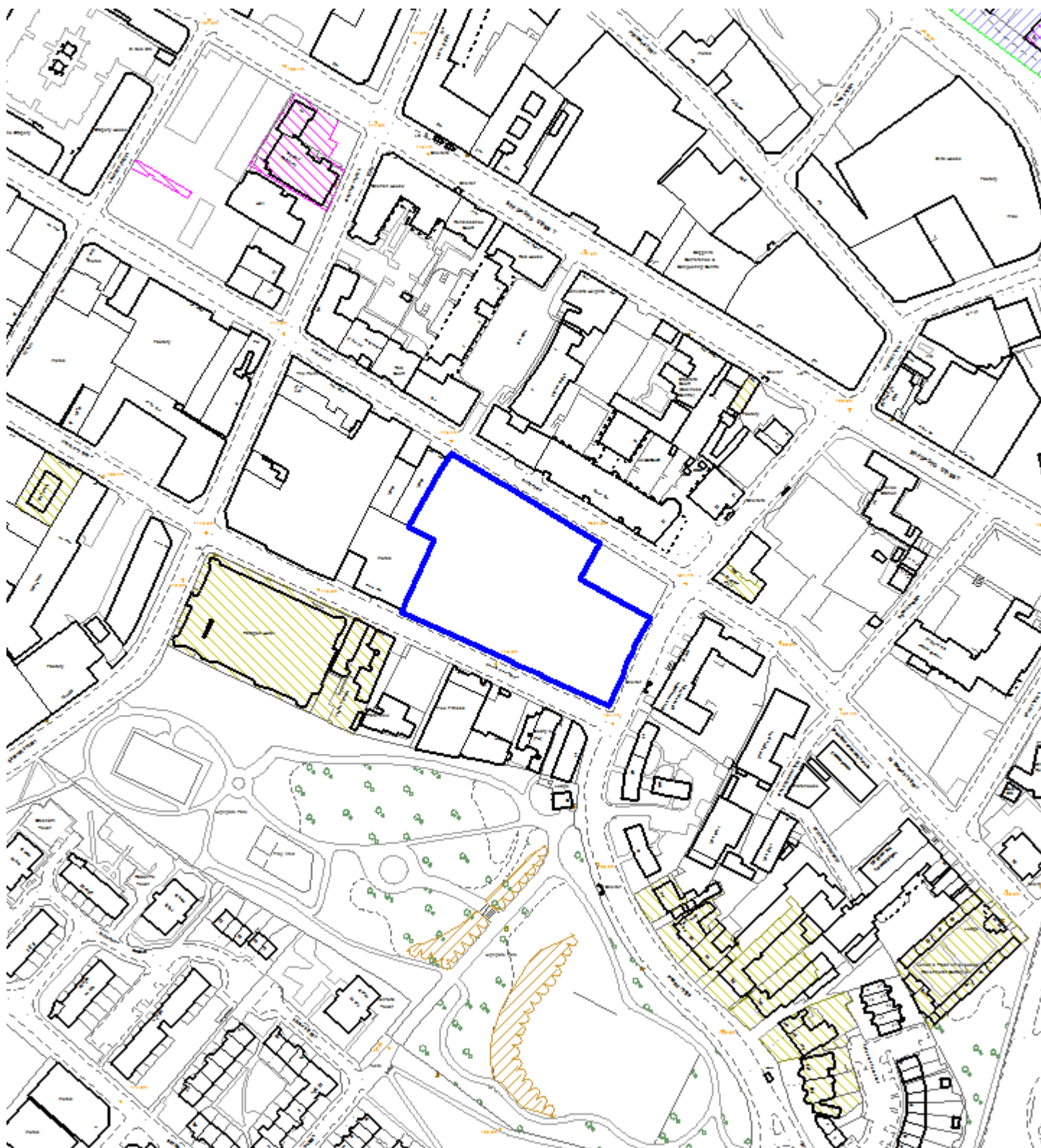


Figure 11 – View of site from Moseley Road towards city core



Figure 12 – View from Moseley Road over site towards Cleary's Irish Bar and Moseley Street

Location Plan



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Birmingham City Council

Planning Committee

13 May 2021

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	7	2021/00377/PA Alexander Stadium Walsall Road Perry Barr Birmingham B42 2LR Reserved matters application for access road comprising a new temporary Athletes' Route between Church Road and the Alexander Stadium service road for the Commonwealth Games, and post-Games its permanent adaptation to form an accessible route for pedestrians and cyclists

Committee Date:	13/05/2021	Application Number:	2021/00377/PA
Accepted:	15/01/2021	Application Type:	Reserved Matters Development
Target Date:	16/04/2021		
Ward:	Perry Barr		

Alexander Stadium, Walsall Road, Perry Barr, Birmingham, B42 2LR

Reserved matters application for access road comprising a new temporary Athletes' Route between Church Road and the Alexander Stadium service road for the Commonwealth Games, and post-Games its permanent adaptation to form an accessible route for pedestrians and cyclists

Recommendation

Approve subject to Conditions

1. Proposal

- 1.1 The application is a reserved matters application for the provision of a new vehicular/pedestrian route across Perry Park towards the Alexander Stadium. It would be delivered in two distinct phases 1) Games Mode and 2) Legacy Mode.



Sketch image taken from applicant's Design and Planning Statement

- 1.2 During Games Mode the proposed access would be 7m wide and extend from the existing Church Road access through the park to connect with the previously approved vehicular access to the east/north of the stadium (shown as the brown route on the image above). A mix of tarmac and stone surfaces would be used and

where new kerbs are required these would be fitted flush. The new route would essentially provide a dedicated vehicular route enabling athletes to access the Alexander Stadium venue in an efficient and segregated manner away from any other Games traffic, in addition to providing access to the transport mall (to be subject of a separate application) and providing a route across the park for construction traffic prior to the Games. It is anticipated works would commence May/June 21.

- 1.3 In Legacy Mode the northern section of the new route (shown as light green in the image below) would be reduced from a width of 7m to 4m comprise a bound gravel finish and flush kerbs and, along with the southern extent (shown as dark green on the image below retained as a 7m wide road), would provide accessible pedestrian, cycle and wheelchair access through the park. The proposed pedestrian 'spur' would also be retained. The bell mouth junction to the proposed transport mall would be removed and grass would be reinstated along the length of the reduced road. Vehicular access along this route would be controlled by a locked barrier and permitted for park maintenance and parking during major events (as happens currently) only. It is anticipated works would commence Autumn 2022 (phase 3 of the hybrid permission and secured by condition 33 attached to 2019/07968/PA).



Sketch image taken from applicant's Design and Planning Statement

- 1.4 The proposal will affect a linear area of approx 22,908 sqm.
- 1.5 The application has been supported by a Design and Planning Statement (which includes a review of the ES), TA, Sustainable Drainage Assessment and Tree Survey.
- 1.6 The original hybrid application was supported by an Environmental Statement (ES). As a subsequent application a Screening Opinion has been issued and whilst recognising that this proposal will result in slightly different environmental effects to those original anticipated the changes are not significant and it is concluded that an ES supplement is not therefore required.
- 1.7 [Link to Documents](#)

2. Site & Surroundings

- 2.1. The wider development site, as approved under the 2019 hybrid planning application, occupies an area of approximately 33 hectares and includes the existing Alexander Stadium; Birmingham High Performance Centre (HPAC); Gymnastics and Martial Arts Centre (GMAC); and Perry Park public open space.
- 2.2. It is situated to the North West of the City Centre in the Perry Barr Constituency. It lies between the M6 to the east, the A34 Walsall Road to the west, is bounded to the north by Tame Valley Canal and Church Road to the south. Perry Reservoir is situated immediately north-east of the Alexander Stadium.
- 2.3. The application site subject to this reserved matters application is only a small part of the wider development site and comprises of a relatively linear route of existing surfaced access off Church Road (between the Church Tavern to the east and Aston Manor Cricket Club to the west) and open grassland. The access is currently used for maintenance purposes and for occasional access for car parking on the park during large scale events such as the Diamond League.

2.4. [Site location](#)

3. Planning History

- 3.1. 31/01/20 - 2019/07968/PA Hybrid planning application to include full planning permission to provide a new western stadium, increase seating capacity to 18,000, relay athletics track, provide new warm up track, a new throwing area, sports lighting, provision of office/teaching accommodation, landscaping and all associated works. An outline application for Commonwealth Games 'overlay' to include temporary seating up to 40,000 spectators, athlete drop-off/pick-up area, temporary bus mall, various compounds and upgrade/provision of access road, all matters reserved. Approved subject to conditions.

4. Consultation/PP Responses

- 4.1. Access Birmingham - Footpath should meet best practice for footpath design to ensure inclusivity for all.
- 4.2. Canal and River Trust – No comments to make.
- 4.3. Environment Agency – No objection.
- 4.4. Highways England – No objection.
- 4.5. Local Services (Employment) – Note requirements on outline consent.
- 4.6. Local Services (Leisure) – No comments received.
- 4.7. LLFA – No objection subject to conditions to secure sustainable drainage strategy and sustainable drainage and operation maintenance plan and informative.
- 4.8. Reg Services – No objections.
- 4.9. Sport England – No objection subject to condition.
- 4.10. Transportation Development – To be reported verbally.

- 4.11. West Midlands Fire – Proposal should comply with building regulation requirements.
- 4.12. West Midlands Police – Raise a series of questions/comments particularly with regard need for lighting/cctv.
- 4.13. Local residents' associations, neighbours, Ward Cllrs and the MP were notified. Press and site notices' were also displayed.
 - 1 letter of objection received on basis that there is no need for a new road one already exists, proposal will detract from green space and unnecessary expense on top of unnecessary expense of the stadium revamp and removal of the flyover. Money could have been better spent on community projects.
 - 1 letter of comment noting that there is past history of anti-social behaviour what sort of barrier is planned?
 - B's Neighbour Forum - No objection to the proposal

5. Policy Context

- 5.1. Birmingham UDP 2005 saved policies; Birmingham Development Plan 2017; emerging Development Management in Birmingham (DPD); Places for All SPG; Access for People with Disabilities SPG; Car Parking Guidelines SPD; Planning Policy Guidance and the National Planning Policy Framework.

6. Planning Considerations

- 6.1. This application follows the previous hybrid approval, 2019/07968/PA, which granted detailed permission for legacy works to the stadium, and outline permission for various other development needed in order for the Alexander Stadium and the wider park area, to host the Birmingham Commonwealth Games 2022. The Alexander Stadium is to be the principle venue hosting the opening and closing ceremonies in addition to the athletics events.
- 6.2. The hybrid permission established the principle of providing an “.... upgrade/provision of access road....” with all specific matters reserved for future consideration, as such this application seeks approval for the detailed works for a new access route.
- 6.3. The key issues for consideration relate to the location/appearance of the proposal.

Location/appearance
- 6.4. Initially it was envisaged that the existing vehicular access running along the eastern boundary of the site would be widened to allow vehicles transporting athletes between their accommodation and the Alexander Stadium to journey through the site. However following detailed design work this access has been discounted due to the adverse impact it would have on trees, ecology and flooding.
- 6.5. Consequently the proposal now seeks to makes use of the existing access road off Church Road and follows a logical and reasonably direct route across the Perry Park towards the Alexander Stadium. However in doing so this proposal would result in the loss of existing public open space and it has the potential to prejudice the use, or lead to the loss of use of land that has been used as a playing field in the last five years.

- 6.6. This application is a reserved matters application to 2019/07968/PA which approved the redevelopment of the Alexander Stadium to provide a world-class sporting venue delivering a legacy through the provision of a new destination for sport, health and wellbeing by significantly improving the existing, and providing additional facilities (including two grass football pitches), entirely in line with local and national planning policies. The principle of the provision of the proposed athlete's route has previously been accepted and it is essential to the successful operation of the Alexander Stadium as a venue for both the athletics events and the opening and closing Games ceremonies. Post Games the proposed route would increase the park's accessibility by providing increased walking and cycling opportunities. I also note that the applicant has demonstrated that the proposed development would not reduce the wider site's capacity to accommodate a range of pitches which could be provided as part of the Council's future proposals for the park.
- 6.7. I welcome the increased opportunities this proposal, in Legacy Mode, would provide for park users and consider the benefits of this would significantly outweigh any harm caused by loss of open space. I therefore consider the proposal would accord with TP9 and the NPPF in this respect. Further I welcome Sport England's assessment of the application with regard to playing fields and note that they raise no objection to the proposal subject to a condition to secure appropriate re-instatement of grassland around the reduced road area (post Games). The requested condition is specific to the reserved matters detail, necessary to safeguard potential playing field area and has also been agreed with the applicant and is therefore recommended accordingly.
- 6.8. The new route would result in the loss of one tree and comprise a mix of surfaces appropriate to its proposed use with any new kerb stones fitted flush. In the long term the route should be fully integrated by landscaping within the park however I do not consider the proposals as they stand would adversely affect the visual appearance of the openness or appearance of the park sufficient to warrant refusal. Further I note significant tree and bio diversity net gains have already been secured by the original hybrid application and that a replacement tree is proposed. Further, whilst beyond the scope of this application, I also recognise the Council's long term aspirations to develop informal and formal sporting/recreation, include enhanced landscaping opportunities within the park. On this basis I accept that it would be premature to require landscaping in this instance. Subject to tree protection conditions to safeguard the retained trees I consider the location and appearance of the proposed route would be acceptable and consistent with local and national planning policy.
- Other
- 6.9. This application follows the previously approved hybrid application which considered the transport impacts of the legacy stadium development and the principle of the sites utilization, including increased capacity, for Games Mode. The current application is supported by a further TA given the relocation of the proposed athletes' route.
- 6.10. Comments from Transportation Development have not yet been received and will be reported verbally to your Committee. However I do not consider that the repositioned route (which utilises an existing access) would fundamentally introduce any new highway issues in relation to Games Mode and consider vehicular access of the route, in Legacy Mode, would be no greater than existing. The increased opportunities for walking and cycling in Legacy Mode would also be in line with TP39 and 40. I therefore consider the proposal is acceptable in this respect.
- 6.11. LLFA have raised no objections subject to conditions which are specific to the detail now proposed as such I recommend these accordingly.

6.12 Regulatory Services have reviewed the application. They note that the impact of construction and Games operations, in terms of noise and air quality, have previously been assessed and will be temporary in nature as well as noting that safeguarding measures already exist to control noise through the CEMP (attached to the original hybrid). Further whilst they note the Legacy use will improve access and use of the park they do not consider this is likely to cause significant disruption, they therefore raise no objections to the proposal. I concur with this view.

6.13 There is no policy requirement for route to be lit or covered by cctv however West Midlands Police comments have been passed to the applicant for information and consideration as part of the future park proposals.

7. Conclusion

7.1. The application is a reserved matter detail following the approval of the previous hybrid application 2019/07968/PA which gave full permission to significantly improve existing sporting facilities at the Alexander Stadium and established the principle of overlay works to enable the site to host the Commonwealth Games 2022. The provision of a new route across the site is essential to the successful hosting of the Commonwealth Games and, in Legacy Mode, would increase walking and cycling opportunities and park accessibility. The loss of open space, appearance, highways issues, drainage, noise and objections have all been considered and, subject to conditions, the proposal is considered to be in accordance with local and national planning policy.

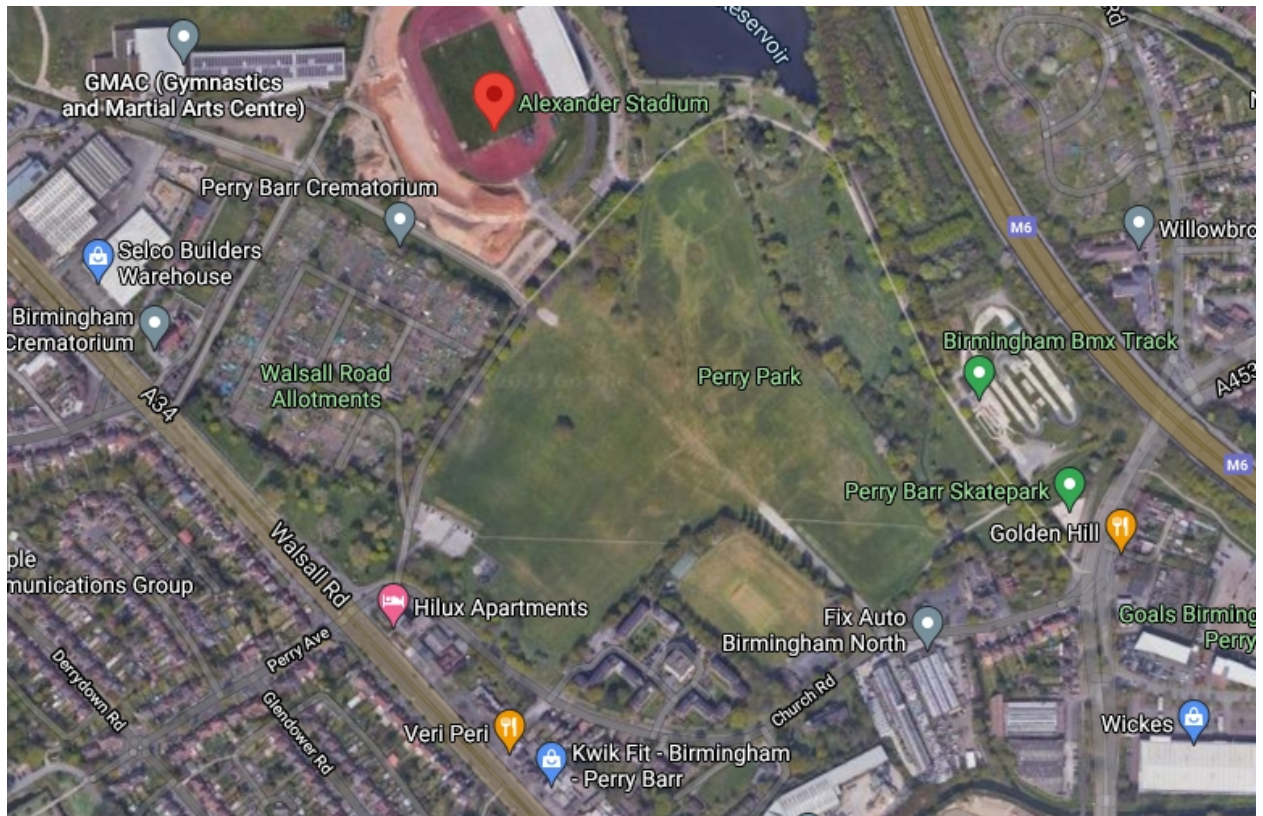
8. Recommendation

8.1. Approve subject to conditions.

1	Secures re-instatement of grassland
2	Requires compliance of drainage plan
3	Secures Sustainable Drainage Management and Operation Plan
4	Requires the scheme to be in accordance with the listed approved plans
5	Requirements within pre-defined tree protection areas
6	Requires tree pruning protection

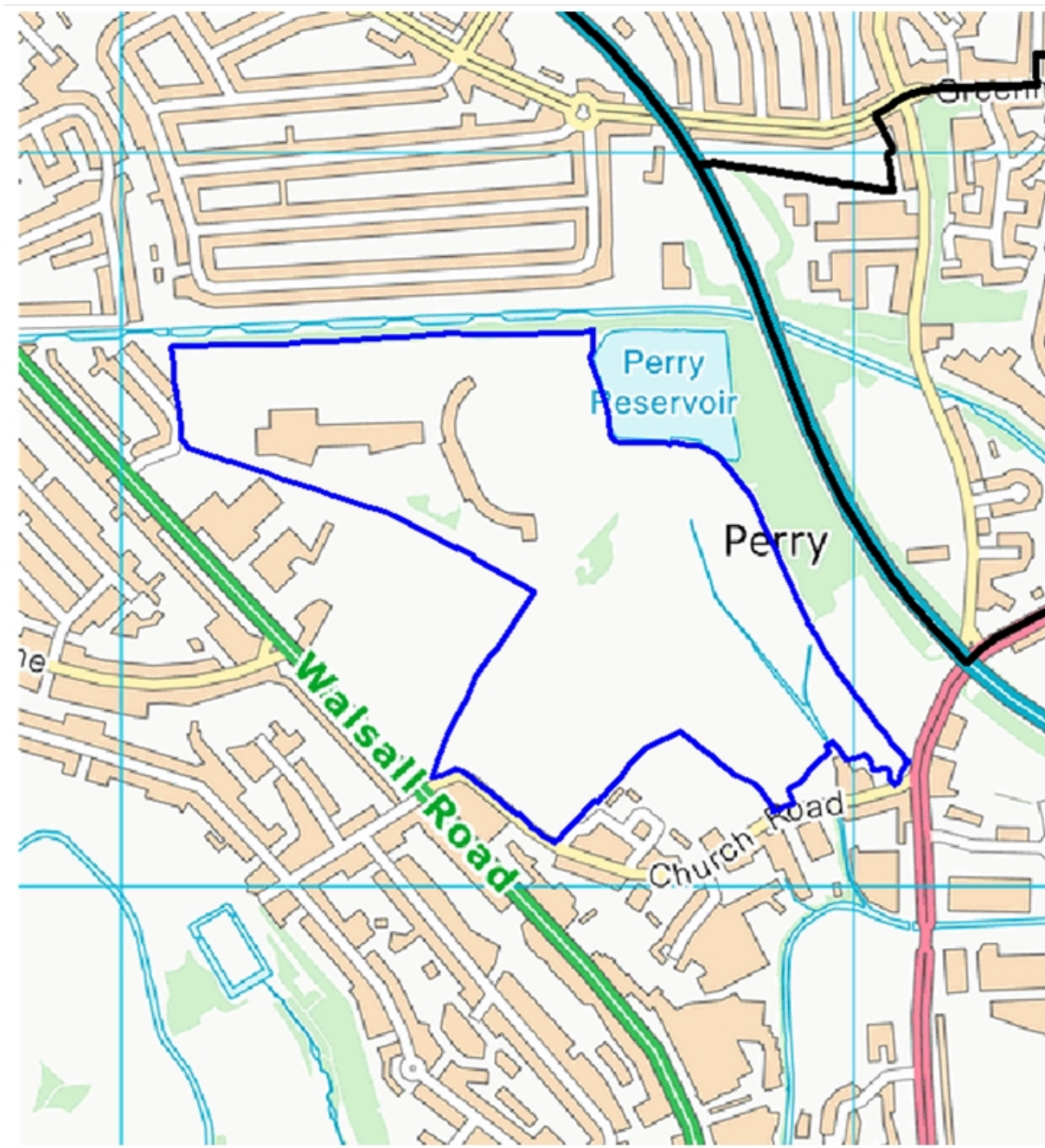
Case Officer: Joanne Todd

Photo(s)



Google ariel view of park

Location Plan



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