

Birmingham City Council

Planning Committee

03 January 2019

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	9	2016/08273/PA Connaught Square (Land bounded by High Street (Deritend), Rea Street, Bradford Street and Stone Yard) Digbeth Birmingham B12 Clearance of site and the erection of new buildings ranging from 4 storeys to 28 storeys to provide 770 residential units and 3,529 sq.m of commercial/retail/leisure and community uses (Use Classes A1, A2, A3, A4, B1, D1 and D2) together with car parking, new public square and pedestrian bridges over the River Rea, landscaping, engineering operations and site clearance and associated works
Approve – Conditions	10	2018/08221/PA 75-79 Lancaster Street City Centre Birmingham B4 7AT Demolition of existing buildings and development of a 24 storey building with 8 storey shoulder height buildings to provide purpose-built student accommodation (556 bed-spaces) with external landscaping and associated works

Committee Date:	03/01/2019	Application Number:	2016/08273/PA
Accepted:	21/11/2016	Application Type:	Full Planning
Target Date:	13/02/2018		
Ward:	Bordesley & Highgate		

Connaught Square, (Land bounded by High Street (Deritend), Rea Street, Bradford Street and Stone Yard), Digbeth, Birmingham, B12,

Clearance of site and the erection of new buildings ranging from 4 storeys to 28 storeys to provide 770 residential units and 3,529 sq.m of commercial/retail/leisure and community uses (Use Classes A1, A2, A3, A4, B1, D1 and D2) together with car parking, new public square and pedestrian bridges over the River Rea, landscaping, engineering operations and site clearance and associated works

Applicant:	Seven Capital (Connaught Square) Ltd 112 Colmore Row, Birmingham, B3 3AG
Agent:	WYG 3rd Floor, 54 Hagley Road, Edgbaston, Birmingham, B16 8PE

Recommendation

Approve Subject to a Section 106 Legal Agreement

1. Proposal

- 1.1. Since submission this residential-led mixed use development has been subject to a series of amendments reducing the number of apartments from 940 (to 770) and the commercial/leisure floorspace from 5,839 sq.m (to 3,529 sq.m).

Site Layout

- 1.2. In response to the River Rea, and further to discussions with officers, the layout of the proposed scheme divides the development into four separate blocks. This creates a north/south route either side of the river, and an east/west route through the centre of the site. The proposals show an extensive area of public realm including an area bridging over the river connecting the east/west route. To maximise the opportunity provided by the river together with increasing the capacity of the channel, an area of terracing down to the river would be provided on its western bank. This would be publically accessible and provide seating opportunities.
- 1.3. Car parking would be provided within Block 3, which would be accessed from Stone Yard.
- 1.4. The majority of the ground floor areas of all buildings would be in commercial use with active frontages to street elevations and onto the key parts of the public realm.

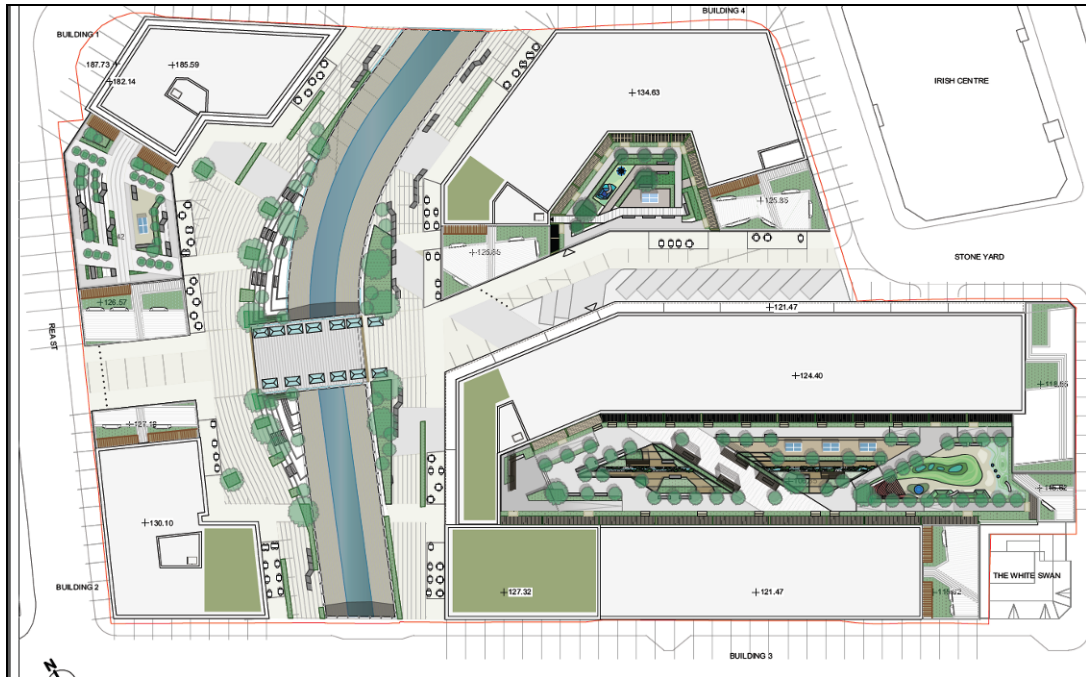


Fig. 1 – Site Layout

Scale and Massing

- 1.5. Building 1 would consist of a twenty eight storey tower and lower 'shoulder' element situated on the corner of Rea Street and High Street. The tallest element would be situated on the High Street frontage; the building would then drop in height along Rea Street firstly to ten storeys and then eight. There would be amenity areas for residents above these lower parts of the building. The building would have a cranked layout forming an 'r' shape to provide more pavement space on the corner and maximise the area of public realm behind. The space between the building and the river would provide a part of the large area of public realm associated with the scheme, including a terraced area down to the river.
- 1.6. Building 2 would be situated to the south of Building one on the corner of Rea Street and Bradford Street. This 'L' shaped building further encloses the public realm to the rear beside the river. Building 2 would rise from eight storeys to nine towards Bradford Street.
- 1.7. Building 3 would be the largest building on plan situated between the new east/west route through the scheme with Bradford Street to the south, the river to the west and Birchall Street to the east. This building would consist of a perimeter development of residential apartments with the White Swan public house completing the block. To the rear of the apartments there would be a large shared private amenity space above the car park.
- 1.8. In terms of scale, the proposals show a building that rises from four storeys to six then to eight storeys on the Bradford Street frontage. The building would drop in height to seven storeys again on the riverside elevation. The building would continue at seven storeys in height until its junction with Stone Yard / Birchall Street where it drops to five storeys before finally dropping to four stories adjacent to the White Swan.

- 1.9. The final building, Building 4, would address the High Street, the river, the east/west route and Stone Yard. Above the commercial podium the residential element would be 'U' shaped around the private amenity space. The building would be ten storeys to the High Street dropping to seven then six to the rear.

External Appearance and Materials

- 1.10. Brick would be the principal material to be used on the facades of the majority of the proposed buildings, with the tower being the exception – utilising Portland Stone and Copper Cladding. The proposals would use three different brick types (grey, black and red) to provide visually distinct buildings across the site, whilst having the consistency of a single material. Generally the scheme shows grouped metal windows within reveals and both metal and brick panels. Ventilation to residential apartments would be provided via metal louvres built into the window design.



Fig. 2 – High Street Elevation

- 1.11. Building 1, incorporating the 28 storey tower, would be formed of acid etched Portland Stone with large metal framed windows running up the tower element. Window frames, spandrel panels and louvres would be brass coloured, contrasting with the very light tone of the stone. The top of the tower would incorporate a large frame to the top three floors that provides an accessible terrace area. At ground floor the main entrance off the High Street would be colonnaded. The lower shoulder element would pair windows vertically with windows set within deep reveals and carry through the larger order at the lower levels from the tower with brick framing.
- 1.12. Building 2 is shown as a black brick building with a similar appearance to the shoulder element to Building 1.



Fig 3 – View along the river from Floodgate Street

- 1.13. Building 3 would be a red brick building. The two lower floors would be grouped with a brick surround with stair cores expressed as glazed features. On parts of the building the top two floors would be clad with metal cladding providing a visually distinct upper element. Along the new east/west elevation the relocated JFK memorial would help enliven the car park/cycle storage elevation. The seventh floor would be recessed back with balcony space provided in front of these top level apartments.
- 1.14. Building 4 is shown as a grey building without the visual pairing of the lower floors and is of a similar appearance to Building 1, although rather than a regular regimented pattern to window placement, window groupings are off-set along the façade.

Public Realm

- 1.15. The River Rea would be at the heart of the development, splitting the site north/south. The development would provide a total of approximately 5,000 sq.m of publically accessible open space with the river as the centrepiece. A new pedestrian river crossing would provide the focus for the new public space with terracing on its eastern side providing a further visual feature. It is envisaged that this significant area of space could be used for temporary events with the space being predominantly hard landscaped, although opportunities for planting will be taken where appropriate.
- 1.16. The new bridge is located at a logical point in the masterplan, being at the intersection of the new north/south and east/west routes.

Amount of Development

Use	Amount
Residential	770 Apartments <ul style="list-style-type: none"> - 367 one bed (48%) - 357 two bed (46%) - 46 three bed (6%)
Commercial / Leisure Uses A1-A4, B1, D1 and/or D2	3,529 sq.m (GIA)
Car Parking	105 Spaces
Public Realm	4,991 sq.m
Private Communal Space	3,304 sq.m

Figure 4

Supporting Information

- 1.17. This amended application is supported by a Planning Statement (and addendum); Design and Access Statement (and addendum); Residential Market Report;

Financial Viability Assessment; Noise Assessment (and update); Air Quality Assessment; Contaminated Land Assessment; Heritage Assessment (and update); Archaeological Assessment; Flood Risk Assessment (and updates and addendum); Ecological Assessment; Sustainable Drainage Assessment (and update); Transport Assessment; and a Travel Plan. The updates and addendums have been provided for the majority of the supporting statements following the latest amendments. It should be noted that the supporting documents refer to the tower as being 27 storeys, however this discounts the commercial mezzanine level.

1.18. In addition, the applicant proposes extensive public realm works and financial contributions, the value of which would be secured through a S106 agreement. The total S106 package totals £3.53m, and works include (with estimated costings):

- Demolish existing bridge structure including temporary and permanent propping works - £200,000;
- Riverbank wall remediation and enabling work to deliver bridge link. Retaining wall repairs including aesthetics and structural works. River dredging - £100,000;
- New bridge of circa 250 sq. m and landscaped embankment - £400,000;
- Riverbank terracing- £300,000;
- Public realm works both on site and surrounding footpaths - £1,000,000;
- JFK Memorial relocation - £30,000;
- A free to use (for local residents) community gym would also be provided as part of the development; and financial contributions of
- £250,000 towards public realm improvements in Digbeth, Southside and/or Highgate
- £1,250,000 contribution towards the provision of off-site affordable housing

1.19. The application proposals have been screened and it was concluded that the development would not be EIA development requiring the provision of an Environmental Statement.

1.20. [Link to Documents](#)

2. Site & Surroundings

2.1. Connaught Square occupies 1.4 ha (including the river) of largely cleared land fronting High Street Deritend to the north, Rea Street to the west, Stone Yard/Birchall Street to the east and Bradford Street to the south. The site was cleared prior to 2011 except for a relatively small vacant industrial unit fronting Stone Yard previously occupied by a children's clothing store and a car repair garage. The west of the site is currently utilised as surface level parking with much of the site consisting of rubble and scrub vegetation. The base of one of the buildings that formerly occupied the site remains in situ above part of the river channel and what appears to be a former public lavatory is situated on the High Street frontage. Two commercial advertisement panels sit at the corner of High Street and Stone Yard.

- 2.2. The site is dissected north/south by the River Rea which sits in a largely open culvert. Although the river typically sits at a very low level within the concrete channel, during periods of high rainfall the depth of the water can rise within the channel considerably.
- 2.3. The grade II listed White Swan public house is situated on the corner of Bradford Street and Birchall Street and the grade II listed Anchor public house is situated on the corner of Rea Street and Bradford Street, both late Victoria/early Edwardian buildings.
- 2.4. The Irish Centre fronts High Street to the east of the application site which has bars and function facilities. The Bull Ring Trading Estate is situated beyond. On the opposite side of Birchall Street is a collection of former industrial buildings and associated yards, more recently housing a shisha lounge and a hand car wash.
- 2.5. Obliquely opposite to the southeast the former Harrison Drape industrial building has undergone conversion to residential apartment, with new build blocks to the rear.
- 2.6. The S.K Building is situated on the opposite side of Bradford Street to the south of the site; with a small portion accommodating a cash and carry warehouse. A derelict building lies to the east of this, with the former Midland Heart offices beyond.
- 2.7. Digbeth Coach Station is accessed off Rea Street, with the main building situated towards High Street.
- 2.8. High Street contains a wide mixture of building types with heights varying from 2 to 5 storeys. The northern edge of the High Street is the southern boundary of the Digbeth, Deritend and Bordesley Conservation Area. The South Birmingham College building on the corner of Milk Street is grade II listed as is the Custard Factory to the east. Further east the Old Crown is Grade II* listed. The warehouse incorporating a pyramidal roof at 85 Digbeth is grade II listed. Within the conservation area there are numerous locally listed buildings including the Institute and the Kerryman public house.
- 2.9. High Street Digbeth/Bordesley is a wide vehicular transport corridor that is up to 8 lanes wide in places and dates from the 1950's.
- 2.10. The application site is an Enterprise Zone site, and identified as such in the BDP.

[Location Plan](#)

3. Planning History

- 3.1. 24th January 2008 - 2007/04049/PA – Approval - Erection of new floorspace to provide for residential, retail, commercial, leisure and community uses (Use Classes A1, A2, A3, A4, A5, B1, C1, C3 and D2) plus ancillary parking, servicing and amenity space. This scheme consented 667 residential units (including 36 serviced apartments) and approximately 23,630 sq.m of commercial floorspace comprising;
 - 1,577 sq.m of A1 retail floorspace
 - 2,940 sq.m of A2/B1 office floorspace at ground level
 - 2,802 sq.m of B1 office floorspace at upper level
 - 2,504 sq.m of A3, A4 and A5 retail floorspace

- 11,339 sq.m of C1 hotel floorspace (2,349.33 sq.m of serviced apartments)
 - 884 sq.m of D2 spa complex
 - 1,584 sq.m of community facilities in the form of a rebuilt Irish Centre
- 3.2. 13th January 2011 - 2010/05820/PA - Application to replace an extant planning permission in order to extend the time limit for implementation for the erection of new floorspace to provide for residential, retail, commercial, leisure and community uses (Use Classes A1, A2, A3, A4, A5, B1, C1, C3 and D2) plus ancillary parking, servicing and amenity space
 - 3.3. 22nd June 2017 – An issues report in respect of an earlier iteration of the current scheme was presented to Planning Committee.

Notable major schemes in the vicinity

Lunar Rise – 75-80 High Street

- 3.4. 21st February 2018 - 2017/07207/PA – Approval - Demolition of existing buildings and the development of 517 residential apartments (including a 25 storey tower) with commercial units (Class A1-A5 and Class D2) at ground floor level and parking

Park Works – land bounded by Green, Birchall and Bradford Street

- 3.5. 27th October 2017 – 2017/02454/PA - Approval - Demolition of existing buildings and erection of 140 residential units over 5/6 storeys together with 42 car parking spaces and associated works

Beorma – 135-149 Digbeth / 3-5 Park Street / 89-91 Alison Street

- 3.6. 26th September 2018 - 2018/04391/PA - Variation of conditions attached to approval 2015/06678/PA to clarify the works required to trigger the pre-commencement conditions and to allow for alternative phasing of the development

4. Consultation/PP Responses

- 4.1. Transportation Development – Raise no objection. Notes that the vehicle trips generated by the proposal are very similar to the previously approved scheme. Concludes that the proposed parking provision, at 14%, is acceptable in this location close to the City Centre.
- 4.2. Comments that changes to the Traffic Regulation Order will be required on Stone Yard in order to provide adequate service vehicle manoeuvring space. A condition requiring a suitable highways agreement is recommended that would secure such changes together with reinstating redundant footpath crossings, footway crossings, any works to the existing bridge structures, bus stop repositioning and arrangements for any on-street servicing as required etc. It is recommended that defined service bays for units not served by dedicated off-street facilities are provided. Questions whether a contribution to a city centre car club could be provided.
- 4.3. Further conditions requiring a delivery vehicle management scheme, provision of cycle storage details, position of the car park entrance gates, that the car park is laid out prior to occupation, a construction management plan and restricting the gradient of the car park access are requested.

- 4.4. It is noted that commercial entrance doors have been amended in response to Transportation's comments, with doors opening into the development and not onto the public highway.
- 4.5. In addition, the location and entrance for cycle storage facilities have been amended since the original design in response to Transportation's comments.
- 4.6. Note that a very minor part of the pavement at the corner of Birchall Street/Stone Yard would need to be stopped up as the building is at right angles whereas the footpath is splayed.
- 4.7. Regulatory Services – Following the receipt of an updated Air Quality Report raises no objection, Construction impacts will be temporary and typical mitigation measures to limit avoidable pollution such as dust are recommended. There are no modelled exceedances of air quality targets for sensitive receptors such as future occupants of the development; however the report notes that measures to reduce reliance upon private motor vehicles would help further mitigate the development's impact.
- 4.8. In relation to noise no objection is raised subject to conditions requiring the developers to prove that the acoustic and vibration standards have been met, requiring a scheme of noise insulation between ground and first floor uses, details of extraction facilities, limiting plant noise, and a condition limiting opening hours for the commercial units. In addition conditions in relation to contamination and refuse storage are recommended.
- 4.9. Lead Local Flood Authority – Following additional information supplied by the applicant, raise no objection subject to a condition requiring further details of the proposed drainage solution.
- 4.10. Children, Young People and Families – Requests a financial contribution of £2,225,429.79 towards the provision of school places within the local area due to the impact of the development.
- 4.11. Environment Agency – Following extensive discussions and hydraulic modelling of the development's impact upon the river, raise no objection subject to conditions requiring the development to be carried out in accordance with the most recent Flood Risk Assessment (including all identified mitigation measures); ground remediation strategy and associated verification report; and there is to be no infiltration of surface water drainage into the ground without the consent of the Local Planning Authority.
- 4.12. Their response notes that the modelling exercise undertaken demonstrates in the 1 in 100 year + 30% climate change scenario significant overall reductions in flood depths between 10-160mm around the neighbouring building on Bradford Street. There are decreases of up to 0.6m immediately upstream of the site between Macdonald Street and Bradford Street as a result of the removal of the existing bridge/building slab.
- 4.13. In the 1 in 100 + 50% climate change scenario the proposed development shows very minor reductions in flood extent and depth both upstream and downstream of the site, with significant reductions in the vicinity of the site. It is noted that in this scenario there is significant flooding in Digbeth, with anticipated flood depths of up to 0.94m around buildings 1 and 2. The structural integrity of the buildings would need to account for this potential event.

- 4.14. Due to the potential for past uses of the site to have caused contamination to the underlying aquifer, a condition requiring the further investigation and remediation of any contamination is requested.
- 4.15. In respect of biodiversity, the EA add that the proposed layout will provide a greener more accessible river corridor incorporating native planting, which will improve biodiversity through the site. In addition the proposed green roofs will also provide a significant contribution to creating a greener more biodiverse city.
- 4.16. Historic England – Raise concerns that the scale of the proposed development would have an overbearing impact in the context of the Digbeth Conservation Area and the setting of multiple heritage assets. They do not consider the proposals to respond positively to the area's character and appearance not local character or distinctiveness. They recommend that these recommendations are taken into account and amendments, safeguards and further information is secured.
- 4.17. Natural England – The application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. Consider the site to be in an area that could benefit from enhanced green infrastructure provision.
- 4.18. Access Birmingham (commenting on the original proposals) – Concerned regarding the inadequate mention of proposals in the Design and Access Statement to make it an inclusive development. Make recommendations regarding the specification of surfaces, barriers, handrails etc and suggest that the applicants should be encouraged to provide a number of lifetime home standard units.
- 4.19. West Midlands Police – Recommends that various detailed safety and security measures are implemented including details of control measures for vehicles entering the site and car park; CCTV; lighting; on site management measures; access control into the units and planting management plan.
- 4.20. West Midlands Fire Service – Note that the Planning Statement addendum confirms that the proposal will exceed current Building and Fire Regulations, with safe and suitable means of escape and access for fire tender provided and that a sprinkler system will be fitted to all floors.
- 4.21. Severn Trent – No objection subject to a condition requiring further drainage details.
- 4.22. National Grid – There is gas infrastructure that is within the vicinity of the development. Provides the applicant with advice on how to proceed.
- 4.23. Site and Press Notices displayed. Ward Members, the MP and Resident's Associations consulted with the following representations received.
- Digbeth Residents' Association
- 4.24. Commenting in relation to the originally submitted scheme raise the following points:
- Commend the development of this site which is central and visible, and feel that this project will act as a catalyst for further development in Digbeth
 - Encouraged by the ratio of one bedroom units to larger units, level of bicycle spaces, and the availability of commercial space to support the creation of social infrastructure. Also like the community gym and the appearance and materials of

the development. The number of outdoor spaces including green roofs and internal winter gardens is also positively received (although further children's play facilities would be encouraged).

- Do not support the height of the development. Consider that it would dwarf surrounding buildings, is not in-keeping with local vernacular which would be emphasised by the topography. Concerned that the height of the development could discourage use of the newly-opened River Rea. Strongly suggest that the development should be limited to seven storeys.
- Recommend that pedestrianized areas in the future Smithfield development be extended to connect with the Connaught development.

Pat Benson Boxing Academy

- 4.25. Again commenting on the original proposals, fully support the scheme which they consider is much needed for the local economy. They hope that this mixed use scheme is the first of many in Digbeth to provide a better environment, security, job creation and an attractive living environment. The increased footfall will support the existing local businesses.

National Express

- 4.26. Digbeth is critical for National Express as it is the home to their global headquarters and their flagship coach station, and is at the heart of their national coach network with circa 2 million journeys to and from the coach station each year. The station operates 24 hours a day, 7 days a week and has particularly busy interchanges at 3am.
- 4.27. They are supportive of the proposals and recognise the significant benefits such as improvements to anti-social behaviour, safety and security, making a more pleasant environment for their customers. Combined with Smithfield they recognise that the new development presents a major new opportunity for the city as a whole, developing Digbeth as a destination in its own right.
- 4.28. Therefore in principle they welcome the introduction of new residential properties in the area, however it is critical that the 24/7 nature of their business is recognised within the design principles of the development, and that there is more explicit recognition of their specific business requirements.
- 4.29. Finally, they would like to work with the developers and the city to minimise disruption to their business during the construction works.

Local Occupiers

- 4.30. Three responses have been received from local residents. The first offers support to the proposals, whilst the second objects (although no comments have been provided). The final response offers extensive comments, which are summarised as:
- Proposal full support of the development of the city and is wholeheartedly behind the development and regeneration of Digbeth.

- Considers that poor planning and inaccurate and misleading noise testing and evaluation of the area have resulted in loss of livelihood and poor quality living condition.
- The development is high density and should do everything possible to incorporate clean, green technology.
- Considers that acoustic testing should be done during times of peak activity of local entertainment venues and the highest levels of soundproofing should be used in every aspect of the building.
- The development must be provided with adequate parking facilities, expecting everyone to abandon the car in favour of walking, cycling and public transport is unrealistic.

5. Policy Context

- 5.1. Birmingham Unitary Development Plan 2005 (saved policies); Birmingham Development Plan 2017 (including the Strategic Flood Risk Assessments – Levels 1 and 2012); Places for All SPG; Regeneration Through Conservation SPG; Digbeth, Deritend and Bordesley High Streets Conservation Area Appraisal and Supplementary Planning Policies SPG; Car Parking Guidelines SPD; High Places SPG; Public Open Space in new Residential Development SPD; Affordable Housing SPG; Shopfronts Design Guide SPG; Places for Living SPG; and the National Planning Policy Framework 2018 together with the supporting National Planning Policy Guidance. Also the non-statutory Big City Plan and the Smithfield Masterplan.

6. Planning Considerations

POLICY

Local

- 6.1. The Birmingham Development Plan sets out the areas where major growth of the City Centre will occur, with five wider areas of change identified, drawing upon the earlier Big City Plan. The BDP sets out the ambitious growth of the City Centre to the south and identifies five strategic allocations for the centre, including the Southern Gateway, with the Smithfield Masterplan acting as a centerpiece. The BDP states that new investment in office, retail, cultural and residential provision will be supported. The BDP adds, at GA1.2, that schemes within the Southern Gateway will need to address the sustainable management of the River Rea Corridor associated with flood risk and be supported by a range of infrastructure and services, employment opportunities and public spaces and improve connections to Highgate. The Southern Gateway anticipates residential development as part of the future mix of uses to help stimulate the regeneration of the wider area. GA1.3 states that in this area development should be complemented by high quality public spaces and pedestrian routes.
- 6.2. Connaught Square is identified in the BDP as an Enterprise Zone site, with the BDP stating that EZ sites would be expected to deliver a strong office/commercial

element as part of mixed use proposals. This Smithfield Masterplan, building on Policy GA1.2 of the BDP articulates how the comprehensive redevelopment of 14ha of land within the city centre including the sites of the Wholesale Markets and the Indoor Markets together with neighbouring development blocks could be realised. The masterplan proposes the demolition of the majority of the existing buildings within the boundary and their replacement with a mixed use development including leisure, retail and residential elements served by an integrated public realm and public transport provision. Connaught Square is not within the Smithfield Masterplan area; however this redevelopment coupled with the wider Southern Gateway development will result in a fundamental change to the character of this part of the city centre.

- 6.3. Policies TP3-5 provide detail on considering sustainability, with a specific requirement in TP4 that all residential developments over 200 units must consider Combined Heat and Power facilities first followed by other solar and thermal, wind, biomass or ground source heating for powering developments.
- 6.4. TP6 requires the sustainable management of both surface and river water highlighting the need for Sustainable Drainage Assessment and Flood Risk Assessments to demonstrate that the disposal of surface water from the site would not exacerbate existing flooding and that exceedance flows will be managed taking into account climate change. The policy adds that easements between development and watercourses should be provided; opportunities should be taken where possible to re-instating natural river channels; culverted water courses should be opened up where feasible; and existing open watercourses should not be culverted. The BDP recognises that large increases in impermeable areas for a site could contribute to a significant increase in surface water run-off which could in turn contribute to an increase in flood risk elsewhere.
- 6.5. TP12 sets out the City's approach to preserving and enhancing its historic environment. It states that proposals that affect heritage assets or their setting will be determined in accordance with national policy.
- 6.6. Policy TP21 seeks to protect the vitality and viability of shopping centres across the city, identifying the City Centre as a focus for significant growth. The policy adds that except for sites allocated in the plan, proposals for main centre uses outside the boundary of existing centres will be considered against national policy, with retail impact assessments for out of centre schemes providing in excess of 2,500 sq.m of retail development.
- 6.7. TP26 seeks to maximise opportunities presented by new developments for local employment. This can be both during the construction and operational phases of the development.
- 6.8. In respect of policies relating to residential uses, TP27 requires new housing to contribute to making sustainable places with a mix of housing types; access to local facilities and the public transport network; a reduced dependency on cars; a strong sense of place; environmentally sustainable, create attractive and safe public spaces and create opportunities for public stewardship where possible. TP28 adds that new development, amongst other things, should be located outside of flood zones 2 and 3a unless effective mitigation measures can be demonstrated; must be adequately served by infrastructure; and be sympathetic to historic, cultural or natural assets.

- 6.9. TP31 states that the City will seek 35% affordable homes as a developer contribution on developments of 15 dwellings or more with a presumption that this be provided on site unless off site provision would help deliver other policy objectives. The policy acknowledges that this level of provision may not be financially viable and that in such circumstances a viability assessment should be provided by the applicant for consideration. Further details on wider developer contributions are given in TP47.
- 6.10. Policies TP38-45 set out the City's aspiration to encourage sustainable transport, prioritising the needs of pedestrians and cyclists together with public transport over the private motor car supported by the planning and location of development.
- 6.11. The saved policy 3.14 of the Birmingham UDP provides specific guidance in relation to how to achieve good urban design.
- 6.12. In addition to the above there are separate policies adopted in relation to specific issues as set out above in 5.1. Key policies include the Car parking Guidelines which set out the maximum car parking and minimum cycle parking targets. Places for Living sets key design principles for residential developments. Places for All provides more general design guidance, whilst High Places provides design guidance specifically for buildings of 16 storeys or more.

National

- 6.13. Members will be aware that the National Planning Policy Framework (NPPF) was comprehensively reviewed and reissued in July 2018. Sustainable Development continues to be at the heart of the framework, which establishes a presumption in favour of such development. Development is required to address the three key aspects of sustainability (economic, social and environmental) in order to constitute sustainable development. The NPPF breaks development down to key themes and provides guidance on each, including:
- 6.14. Chapter 5 requires a wide choice of homes that meet the authority's objectively assessed needs. Chapter 7 requires the development of a network of centres to maintain their vitality and viability. Chapter 9 adds that sustainable transport measures will be supported and that only developments with a severe impact should be refused. Chapter 12 requires high quality design. Chapter 14 provides policies for the sustainable management of flood risk and states that inappropriate development in areas at risk of flooding should be avoided, that development should be safe and that flood risk is not increased elsewhere. Policy 189 of the NPPF requires the significance of a heritage asset to be described and any impact upon that significance should be assessed.
- 6.15. Key issues for consideration are therefore the principle of the development; design; drainage/flooding; heritage implications; amenity; highway impact; sustainability; and viability/S106 issues.

PRINCIPLE

- 6.16. The proposed development is consistent with the broad policy context outlined above. The scheme would deliver a high quality residential-led mixed use development in a sustainable city centre location. The City's Strategic Planning Officer raises no objections to the principle of the development and concludes that neither a retail impact nor sequential tests are necessary given that the proposals

are consistent with Policy GA1.2 and there is a limit of 2,400 sq.m of A1 retail. Therefore, subject to more detailed considerations explored below, no objection is raised to the principle of the proposals.

6.17. The proposed housing mix is as follows:

	Number	Percentage	Minimum	Maximum
1 Bedroom 1 person	79	10.3%	42 sq.m	48 sq.m
1 Bedroom 2 person	288	37.4%	50 sq.m	63 sq.m (duplex)
2 Bedroom 3 person	213	27.7%	61 sq.m	71 sq.m
2 Bedroom 4 person	144	18.7%	70 sq.m	87 sq.m (duplex)
3 Bedroom 4 person	20	2.6 %	79 sq.m	91 sq.m (duplex)
3 Bedroom 5 person	25	3.2%	94 sq.m	99 sq.m (duplex)
3 Bedroom 6 person	1	0.1%	104 sq.m	104 sq.m

Figure 5 – Housing Mix

- 6.18. Following officer and Member's concerns, and compared to the original proposals the overall number of 1 bedroom 1 person units has reduced by 55%, with a 36% increase in the number of 1 bedroom 2 person units. The amendments have also doubled the number of 2 bedroom 4 person units from 7% to 19%.
- 6.19. The BDP states that its objectively assessed housing need is 89,000 across the plan period (until 2031) to meet the forecast increase in Birmingham's population of 150,000. Due to constraints across the administrative area the Plan only plans to provide 51,100 homes, with 12,800 earmarked for the city centre. 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. Although the housing mix figures are not ceilings, given the city's overall housing requirement, there is a need to ensure that the right type and mix is provided in the city as a whole. It is accepted that in the city centre a higher percentage of one and two bedroom apartments are going to be delivered. Although the development is more skewed toward the 1 and 2 bedroom units, given the overall housing needs of the city this is considered acceptable, particularly given the site's location.
- 6.20. The ground floor commercial and community uses will provide the development with activity throughout the day, with the surrounding streets and square providing significant commercial/community facilities for the occupants of the wider Southern Gateway area without competing with the core retail area of the city centre. The scheme also provides a (free for locals to use) community gym that will also house a local boxing academy.
- 6.21. The proposed development is consistent with the broad policy context outlined above. The scheme would deliver a residential-led mixed use scheme in a sustainable city centre location. The City's Strategic Planning Officer raises no objections and considers the scheme to be an appropriate form of regeneration for

this site. The proposal would result in the redevelopment of a cleared site that is currently detrimental to the visual amenity of the area, setting of the neighbouring listed buildings and the conservation area opposite. Therefore, subject to more detailed considerations explored below, no objection is raised to the principle of the proposals.

DESIGN

- 6.22. Both at pre-application stage and during the course of determination of this application, officers have secured significant changes to the scale and design of the proposed development. Massing has been redistributed to provide a more comfortable relationship with the lower scale of Bradford Street to the south, with the height of the tower designed to mark the key arterial route of High Street whilst not harming the significance of neighbouring heritage assets.
- 6.23. The use of brick as the principal material is appropriate within the context, where red brick is the predominant material within the wider Digbeth locality.
- 6.24. I consider that the scale and massing of the amended scheme is appropriate. The height set by the extended Harrison Drape building is carried across onto the proposed Bradford Street frontage, with the junction with the river accentuated by elements of taller buildings. In acknowledgement of the setting of the adjacent listed public house, the proposals drop down in scale to transition between the existing and proposed buildings.
- 6.25. At 10 storeys, the proposals would satisfactorily address the High Street – which is in excess of 34m wide building frontage to building frontage – without having an unacceptable relationship with the Conservation Area to the north.
- 6.26. The proposals include a generous amount of public open space, centring on the River Rea. Works to the river set out in 1.18 are consistent with the BDP's aim of capitalising on the opportunity to increase the amenity value of this feature.
- 6.27. The introduction of terracing down to the river will bring the public back into close proximity to the river, whilst also having flood risk benefits. The public square either side of the river will provide a high quality functional space that could accommodate temporary events along with break out space for the ground floor commercial uses. The public realm would also facilitate pedestrian movement through this large development block, including a new pedestrian bridge over the river.
- 6.28. The wider public realm will create a generous area providing new routes together with publically accessible space and areas for the ground floor businesses to 'spill out' with seating areas etc. This aims to create a car free space that has activity throughout the daytime and into the evening. The supporting Design and Access Statement demonstrates the generous size of the space, being approximately 100m long from High Street to Bradford Street and between 28m and 42m wide (in addition to the new east/west route, which is approximately 12m wide).

Tall Building

- 6.29. The High Places SPG sets out the potential benefits of tall buildings as:
- ability to act as landmarks aiding legibility
 - clusters of tall buildings can signal the location of the centre of the city

- a distinctively designed tall building or group of buildings can assist in giving the city a unique skyline that is easily recognisable in an international context
 - marking important facilities (e.g. civic buildings, universities, etc)
 - high quality tall buildings could help attract more international companies to the city
- 6.30. The proposed tower falls outside of the designated location for tall buildings ('appropriate locations') set out in High Places. The SPG states that where sites are outside of defined locations or where the tower is not marking important facilities a case must be made for exceptional circumstances, considering the merits of the particular scheme against the wider policy context.
- 6.31. High Places sets out a series of further requirements for tall buildings to ensure that only high quality design that successfully integrates into its surroundings is supported. These include that the building:
- must be of the highest quality in form, design and materials
 - must respond positively to local context
 - should contribute to legibility
 - should provide a good place to live
 - should be sustainable
 - must be lit at night by well-designed lighting
- 6.32. At 28 storeys, the height of the tower has been designed so that it provides a visual marker for High Street, the River Rea and the adjacent coach station. Following officer-led negotiations, the tower has been orientated to directly address the High Street acting as a gateway into the wider Southern Gateway / Smithfield areas of transformation set out in policies that have emerged since High Places (in 2003). In addition, the scale is set such that it would have a relationship with the consented 30 storey Beorma tower to the west along with the consented 25 storey tower on the Luna Rise development to the east.
- 6.33. In response to the previous 20 storey tower proposals, Committee Members at the Issues Report stage considered the design and appearance of the tower element to be unimaginative and the proposed materials were dull, unattractive and would dominate the landscape. In response the tower has been significantly redesigned, changing the materials, height and design of the building.
- 6.34. Updated views have been provided as part of the revised Design and Access Statement. These demonstrate how the tower would successfully reinforce the city's skyline from the High Places key views. In addition, closer views of the scheme demonstrate that the tower would present its more slender elevations to the important view from the city centre core/Bullring along High Street.
- 6.35. When viewed towards its broadest elevation (a view is provided from within the vicinity of the Custard Factory – see fig.2) the visuals demonstrate that the architectural approach, including the open grid at the highest levels, would result in a successful and distinct building. The use of Portland Stone provides a suitable contrast to both the wider masterplan and the existing context whilst not being overbearing.
- 6.36. The application documents demonstrate that the proposed scheme would deliver a high quality development that would reinforce the location of a key arterial route into the City Centre and the river crossing and aid legibility marking the one of the important gateways to the Southern Gateway Area of Transformation. The changes

to the tower have addressed concerns raised by Members in relation to the Issues Report. As such the development complies with the exceptions test set out in the High Places SPG and the proposed tower, subject to suitable safeguarding conditions, is acceptable. The Digbeth Residents' Association's comment that the development should be restricted to a maximum of seven storeys is noted, however, as set out above, the scale of the currently proposal is justified and supported.

HERITAGE IMPACTS

- 6.37. The application proposals would affect the setting of listed buildings within the vicinity and the Conservation Area to the north and, in addition, the site is within the larger Digbeth/Deritend Medieval and post Medieval Settlement archaeological site on the Historic Environment Records. The supporting Heritage Statement and addendum which considers the latest amended scheme (maximum height of 188.8m AOD / 28 storeys) acknowledges the historic importance of High Street and the barrier that it forms between the Conservation Area to the north and the area to the south that is characterised by utilitarian buildings, gap sites and little of historic interest. The exceptions being the Anchor and White Swan public houses together with the fine red brick (originally) industrial buildings of the S&K warehouse and Harrison Drape.
- 6.38. The Statement tests the impact of the proposals upon key views set out in the Conservation Area Character Appraisal. The creation of a vista following the course of the River Rea is regarded as a strong conservation gain. The visibility analysis demonstrates, taking into account topography, where the scheme would be visible from the wider area and conservation area in particular.
- 6.39. In respect of the setting of the Anchor and White Swan, the report concludes that repairing the street scene with high quality development will restore the sense of enclosure at historic cross roads. The report concludes that the scheme would have a positive impact upon the setting and significance of these listed buildings.
- 6.40. The statement adds that the setting of a number of assets along High Street will be enhanced through the restoration of the sense of enclosure on this historic route.
- 6.41. In conclusion the statement concludes that the scheme does not cause substantial harm to surrounding heritage assets and notes the conservation benefits of the proposals as:
- Creation of a vista and open space along the River Rea towards the Conservation Area, in turn allowing an appreciation of the medieval layout of the city and a Civil War battle site.
 - Removal of dereliction surrounding the White Swan public house
 - Removal of a gap site opposite the Conservation Area
 - Removal of a recent utilitarian industrial building
- 6.42. From an archaeological perspective, the majority of the site has been investigated as part of the previous development proposals. A condition secures the excavation of the remainder of the site, an approach that my Conservation Officer considers acceptable.

- 6.43. The City's Conservation Officer is satisfied with the relationship to the listed public houses on Bradford Street. The comments provided in respect of the amended plans add that the proposed development has been the subject of further revisions and the form of the tower is now better conceived and elevated. The structure sits discretely from the conservation area and the various listed buildings on north side of the street, which itself is of generous proportions (widened in the 1950's). Whilst the tower will be visible from various aspects within the conservation area, one cannot disassociate the conservation area's relationship with the city core and views of the Rotunda and other tall buildings to the northwest. It must also be noted that there are other towers consented (committed) along the High Street (including those known as Beorma and Lunar Rise) which have a similar impact on the conservation area and must be acknowledged.
- 6.44. The relationship between tall buildings and designated heritage assets in city centre locations is a continuing challenge not just in Birmingham, but in all major British city centres. The sharp contrast between new and old in terms of the scale of towers is in many ways easier to handle than mid-scale over development, which appears bulky and overly dominant. The juxtaposition between towers and modest listed buildings have been successfully and dynamically achieved in numerous locations and in this instance true urban hierarchy can also be preserved, with the tower sitting adjacent to the principal road, rather than behind a retained historic line of structures. The dimensions of the street, primary nature of the street and cumulative grouping with Beorma and the Rotunda allow for a collective piece of rational townscape to be delivered.
- 6.45. The comments add that in many respects the greatest aspect of harm caused to the conservation area is the scale of the road (which is too large and over engineered for the function it now performs) and its lack of sufficient enclosure. The development starts to redefine the artery and close down the substantially lost townscape, thereby serving the purpose of enclosing the space whilst marking out the node of the bus station and the route of the river. The scheme therefore effectively reintroduces townscape markers that have become eroded south of the carriageway.
- 6.46. In conclusion the comments state that the benefits of the development do outweigh the harm caused by the development as required in the tests set out in the NPPF.
- 6.47. Whilst not an outright objection, Historic England raises concerns regarding the scale of the proposal, and considers that the development would cause harm to the surrounding heritage assets. It is true that the tower (in particular) would be visible from within the wider conservation area; however, as is inevitable given the proximity to the city core, there are views of other tall buildings which is acknowledged by the Character Appraisal which states "traditional scale of development in the area is set against the metropolitan scale of the city centre". The development would have its greatest impact upon the conservation area's southern boundary, being directly across High Street. However, the road is broad and the current gap site, and the resultant lack of enclosure, detracts from the setting of this southern part of the conservation area. I do not consider that the proposed development and tower either in isolation or in combination with other committed developments along the High Street would be an overly dominant feature to either the setting or from the experience of being within the conservation area. Indeed the clear separation between the newly emerging and more recent development to the south of High Street emphasises the degree of change that has and will continue to occur on this side of the road since its widening in the 1950's. Therefore whilst the

scale of the development is greater than general heights/massing within the conservation area, I consider that the scheme causes slight harm to the significance of this heritage asset.

- 6.48. In respect of the neighbouring listed and unlisted heritage assets (S&K and Harrison Drape), the scheme respects the scale of the closest – the White Swan, dropping down to four storeys either side. The scale of Bradford Street respects the scale of the recently extended Harrison Drape building, rising to mark the river. The use of brick as the facing material is appropriate and respects the character of the wider area.
- 6.49. When balanced against the public benefits associated with repairing the street frontages, the delivery of high quality residential and commercial accommodation, the high quality design of the proposed buildings and opening up the River Rea with associated public realm, any harm to the conservation area and other designated and non-designated heritage assets is outweighed and fully justified.

FLOODING / DRAINAGE

Background

- 6.50. The River Rea is currently contained by a brick lined channel dating from the late C19th with various conditions along its length including fully culverted, a number of cleared sites such as Connaught and buildings constructed up against the river bank.

Modelling & FRA

- 6.51. The updated Flood Risk Assessment (FRA) and associated addendum (September 2018) respond to the updated River Rea Hydraulic Model produced by the Environment Agency (EA). In order to be as robust as possible the EA's model is a 'bare earth' model based upon the assumptions that buildings and other structures will offer no level of water containment above the top of the channel. The EA has taken this approach to be as robust as possible considering the unknown structural condition of many of the buildings/structures along the channel's length. In reality buildings would offer a level of containment, although without detailed studies this is not reliably quantifiable.
- 6.52. Based upon these assumptions the applicant's revised FRA shows that in a 1 in 100 year event part of the site to the west of the river would flood, therefore this part of the site is flood zone 3 and subject to the maximum + 50% climate change. As the eastern part of the site is not flooding in a 1 in 100 year event the FRA considers that this part of the site is flood zone 2. Therefore a 30% climate change factor should be applied.
- 6.53. The FRA addendum models these two scenarios together with the 1 in 100 year event (without climate change) and concludes that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and reduces flood risk overall.

Policy Context

- 6.54. The NPPF sets out the national approach to planning and flood risk between paragraphs 155 and 165. The overarching requirement, set out in 155, is that

inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. And that where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.

- 6.55. The NPPF adds that strategic decisions relating to the location of development should be informed by a strategic flood risk assessment and that a sequential risk-based approach taking into account climate change should be taken to avoid, where possible, flood risk to people and property. If it is not possible through the sequential test to relocate the development to a zone with a lower risk of flooding taking into account wider sustainable development objectives, the exception test would need to be applied.
- 6.56. The exception test should be informed by a site specific FRA and should demonstrate that the development would provide wider sustainability benefits to the community that outweigh the flood risk and that the development will be safe for its lifetime, would not increase flood risk elsewhere, and, where possible, reduce flood risk overall.
- 6.57. If a site is allocated in the development plan through the sequential test, applicants need not apply the sequential test again. However the exceptions test may still need to be reapplied if relevant aspects of the proposal had not been considered at plan making stage or more recent information about flood risk should be taken into account.
- 6.58. Paragraph 163 adds that development should only be allowed in areas at risk of flooding where the FRA, sequential and exceptions tests demonstrate that:
- a) within the site the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
 - b) the development is appropriately flood resistant and resilient
 - c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
 - d) any residual risk can be safely managed; and
 - e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.
- 6.59. Paragraph 165 states that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate.
- 6.60. The latest technical note (August 2018) together with the earlier separate note (April 2018) set out the wider sustainable development objectives (as required by NPPF 159) as:

Economic Benefits

The scheme represents a total investment of circa £172m GDV contributing over £4.7m in new homes bonus over 4 years, significant investment secured through the planning obligation, an estimated 243 jobs in the proposed retail, community and commercial units (and a further 91 jobs in the supply chain), a council tax revenue of over £1m per annum, provision of a lively mix of active uses,

provision of some 770 residential units which contribute to the city's need, providing a catalyst for wider development, together with future occupier/resident expenditure.

Social Benefits

An emphasis on 2 and 3 bedroom apartments within the development, with all units meeting the national standards, creation of a new destination within the City Centre with over 4,800 sq.m of public space centred on a new river crossing providing opportunities for events, relocation of the JFK memorial providing a permanent home for this structure reflecting the historic links to the Irish community, delivering high quality design at a key arrival point in the city, provision of a new community gym, provision of new pedestrian routes, and use of apprenticeships with a local college for fitting out apartments working in conjunction with South Birmingham College.

Environmental Benefits

Opening up of the River Rea within the site and as part of a new public square with a new riverside walkway and pedestrian bridge and terracing, redevelopment of a gap site adjacent to listed buildings, reuse of previously developed land to improve the visual amenity of the area and the creation of a high quality development with a sense of place and destination.

- a) The new development incorporates sustainable urban drainage features to manage surface water discharges from the development. Measures include green roofs, water features and attenuation storage.
- b) The river channel shall be upgraded to modern standards removing the risk of collapse identified by the EA.
- c) The removal of the low soffit bridge that currently could act as a cause for flooding in times of high flow.
- d) The terracing of the west bank of the river rea to provide increased channel capacity, emergency access to the river channel for the EA and a publicly accessible feature.
- e) The new development will have a flood warning system and will provide safety for occupants and, in addition, areas that are above the theoretical flood levels for the wider locality.
- f) Overall due to the removal of the existing bridge structure and provision of the terrace feature the depth of flooding in the 1 in 100 year + 50% climate change scenario is reduced.
- g) There would be a reduction in flood volume overall taking into account mitigation measures

It should be noted that a more detailed assessment of the impact of the development is provided in the latest Flood Risk Assessment and associated modelling exercise.

Application of policy

- 6.61. The BDP and accompanying proposals map highlights the Southern Gateway as an allocation and this is articulated within the plan at policy GA1.2. Connaught Square is shown as an individual site within the wider Southern Gateway on plan 5 as an Enterprise Zone where the commercial or office element would facilitate long term economic development helping to accelerate delivery of key sites.
- 6.62. As part of the evidence base for the BDP the Strategic Flood Risk Assessment (SFRA) Level 1 identifies the site (CC208) as being within Floodzone 3a and is unlikely to be suitable for infiltration techniques (SUDS). The level 2 SFRA states that this site was not considered in detail for the sequential assessment as it benefitted from an extant detailed planning permission. This consent expired in early 2014. The BDP was subsequently adopted in 2017 with no further updates to the SFRA. As such regardless of the allocation of the Southern Gateway, the site has not been the subject of a Sequential Test at plan making stage and must be considered at this stage.
- 6.63. Within the wider Southern Gateway area, which is the appropriate catchment given that it is identified for regeneration in the BDP, there are other sites with a lower risk of flooding than the application site that could theoretically accommodate the development. However these sites would not fulfil the wider sustainable development benefits that the current development offers. This is by virtue of the site's location on the periphery of the city core beyond the Smithfield site. Whilst Smithfield will undoubtedly have many significant regeneration benefits, this application would significantly extend those benefits into the core of Digbeth providing further significant quantum of commercial, community and residential development benefits further encouraging the redevelopment of the wider Southern Gateway area. The site's location next to the river is also important in meeting policy aspirations of reconnecting with the Rea, with the development providing a large public square offering wider public benefits (para 6.60). It is noted that the developer is willing to agree to a shorter time period for implementation (2 years) of the scheme.
- 6.64. In accordance with the NPPG/F the latest FRA addendum applies the exceptions test to the development as set out above. I note that the development sites all residential use, which is more vulnerable to flooding, to the upper floors of the development with commercial at ground floor. The FRA demonstrates that access routes can be provided from each of the blocks with the relevant climate change factors applied, being 30% given that the safe routes are to the east of the site which is Floodzone 2. In respect of flood resistance/resilience the developer has confirmed that the scheme would offer both dry and wet proofing measures. These include the raising of internal levels, fitting of non return valves, air vents above flood level, use of materials in the lobby areas that would not be harmed by water, and locations of power sockets above the highest anticipated flood level.
- 6.65. Residual risk is the risk that remains after all avoidable, reduction, and mitigation measures have been implemented. The key residual risk for this area is the case of blockage or collapse of the culvert, which is identified in the SFRA level 1. Given that the development is renewing the culvert structure within the site and removing the existing low soffit bridging structure, the development is helping to manage these risks identified by the SFRA.
- 6.66. As required by the Exceptions Test, the FRA commits to the provision of a flood warning and evacuation plan which includes implementation of the early warning system, evacuation plan telling people where the safe routes in the development are with a site liaison officer to implement these measures.

- 6.67. The Environment Agency raises no objection, and notes that the development results in reductions in flood depth both in the immediate vicinity of the site and further up/down stream. Their latest response advises the Local Planning Authority to satisfy itself with a) the adequacy of emergency evacuation plans, b) the structural integrity of the proposed buildings during a flood event, c) whether insurance can be gained, and d) the arrangements for handling surface water (such that off-site flood risk is not increased). In respect of a) and b) conditions are recommended. c) is a matter for the developer and, in respect of d), the surface water implications are considered below.
- 6.68. The updated Sustainable Urban Drainage Assessment recommends the use of green roofs together with below ground storage attenuation tanks and discounts other measures which are not suitable for the site. The report concludes that the mitigation measures would result in 80% betterment in terms of the rate of water discharge into the river than the existing situation. In addition the report concludes that the proposed drainage system would contain storm events, with any exceedance of surface water routed away from buildings.
- 6.69. Following the submission of additional information the Lead Local Flood Authority raises no objection subject to conditions requiring further drainage details. Matters reserved for detailed consideration at conditions stage include submission of further sustainable drainage details and provision of a sustainable drainage operation and management plan.
- 6.70. BDP Policy is set out above. The development would set buildings back from the river allowing for access to maintain the channel. It is noted that the policy states that opportunities to naturalise the river channel should be taken where possible. However, given the limited length of river channel through this site, together with the terracing and public square that will re-connect people with the river it is not considered appropriate to naturalise the channel in this location. It is noted that there are seemingly more appropriate opportunities to naturalise the channel in other locations within Digbeth linking with the Smithfield redevelopment.

Conclusion

- 6.71. In conclusion on the matter of flood risk and water management:
- h) The site is allocated in the development plan
 - ii) Due to the chronology of the site the sequential test was not applied at plan making stage
 - iii) The sequential and exceptions tests have therefore been applied at an individual application level and the proposals fully meet the requirements set out in the NPPF
 - iv) Detailed hydraulic modelling demonstrates that the development would be safe for its lifetime, taking into account the vulnerability of its users without increasing flood risk elsewhere, and reduces flood risk overall.
- 6.72. It is therefore concluded that the additional information provided, subject to the imposition of suitably worded conditions, satisfies the planning and flood risk requirements set out in the NPPF and BDP.

RESIDENTIAL AMENITY

- 6.73. Apartments within the scheme would benefit from generous high-level private amenity space totalling 3,304 sq.m, which equates to 4.3 sq.m per residential unit, in addition to the extensive public realm in and around the scheme. Apartments at the same level as the roof gardens will have garden spaces that provide a private outdoor space and access. The concept for the roof garden areas includes playground space for children together with recreation/activity space and relaxation spaces.
- 6.74. A shadowing study has been provided as part of the updated Design and Access Statement. I consider that the impacts of overshadowing are acceptable in this well-developed City Centre context.
- 6.75. In terms of outlook for the future residents of the proposed scheme, I consider that there is adequate separation distances across the development with Building 4 modelled to provide views out over the podium. Building 3 would have a private roof terrace with 13-18m separating the two east/west elements. In addition, the southerly element is lower in scale, providing increase light penetration into the amenity space.

Air Quality

- 6.76. The updated Air Quality Assessment concludes that the temporary construction impacts can be managed through site mitigation measures and will not be significant. In respect of the operational phase of the scheme once complete, the Air Quality Objective target would not be exceeded at the application site. I note that the site will ultimately be within the city's Clean Air Zone and that changes to High Street and Moor Street associated with the introduction of the tram will most likely reduce overall through-city traffic volumes significantly, directing private vehicles to the ring road. Therefore the site will be compliant with targets in the short term with potential significant improvements as the CAZ and metro proposals progress. Regulatory Services raise no objections on air quality grounds.

Noise

- 6.77. The updated Noise Assessment includes additional measurements of nearby entertainment uses including the O2 Institute, the Emperor's Shisha Lounge, the Irish Centre and the Anchor Public House in addition to traffic and plant noise.
- 6.78. In respect of the amenity of future occupants of the development, the report concludes that enhanced glazing would be required on habitable rooms exposed to road traffic noise from High Street, Rea Street and Bradford Street with alternative ventilation provided. The report does not specify the form of alternative ventilation, stating that this could be a passive system such as trickle vents or mechanical ventilation systems. This would enable occupants to close their windows and secure a satisfactory living environment during noisier times.
- 6.79. Considering noise impact upon occupiers of properties within the vicinity, the report concludes that the noise levels from construction are within recommended criteria and I note that this would be a temporary impact. In respect of plant noise, the report concludes that there would not be an observed adverse effect on nearby sensitive receptors.

- 6.80. Following the additional survey work Regulatory Services are satisfied that the proposal is acceptable subject to safeguarding conditions. These include the need to provide a survey to demonstrate that their acoustic and vibration targets have been met. Regulatory Services recommend a condition restricting delivery times, however given the 24 hr operation of the coach station together with the city centre context of the site, this would not be reasonable in this instance.

Ground Conditions

- 6.81. The supporting Site Investigation concludes that the site has previously been in industrial use since the early 19th Century, with a petrol station appearing on more recent maps. The report concludes that the site has a potential contaminative history and therefore has a moderate to high risk of contamination needing remediation.
- 6.82. Regulatory Services and the EA raise no objection and conditions are recommended.

HIGHWAY IMPACT

- 6.83. The supporting Transport Assessment, which relates to the original scheme including 940 dwellings, 5,380 sq.m commercial floorspace and 874 car parking spaces, concludes that highway network is adequate to support the vehicle movements for the proposed development and that there would be no severe cumulative effects.
- 6.84. The amended proposals include 770 dwellings, 4,109 sq.m of commercial floorspace, 506 cycle parking spaces (66%) and 105 parking spaces (14%). The Planning Statement Addendum highlights that there are at least 4,974 off-street parking spaces within 500m of the application site. The addendum acknowledges that the site is well served by existing public transport (buses, coaches, taxis and trains), which will improve when the proposed tramway extension – which includes a stop directly adjacent to the site – is delivered. In addition the addendum adds that the site is in a highly sustainable location with all of the city centre's facilities within walking distance.
- 6.85. The supporting Framework Travel Plan proposes a number of measures including appointing a travel plan co-ordinator, providing a public transport travel information pack to occupiers in order to reduce the reliance upon private cars.
- 6.86. Transportation Development notes the sustainable location of the site and raises no objection subject to conditions.

WIND / MICROCLIMATE

- 6.87. The supporting Wind Microclimate Assessment (and addendum) concludes that the proposals would not have significant adverse effects on the pedestrian areas surrounding the development and that the pavements around the development would remain a suitable environment for long periods of standing or sitting.

ECOLOGY

- 6.88. The Extended Phase 1 Habitat Survey reports that a bat roost for Common Pipistrelle bats is present under the Bradford Street bridge immediately south of the application site. Due to safety constraints the existing bridge on site could not be effectively surveyed and therefore the possibility of a further roost cannot be discounted. The report recommends a precautionary approach to the removal of this structure.
- 6.89. The report adds that the majority of the site is of no ecological importance, consisting of loose stone and gravel. There are two mature trees in the north east of the site. In relation to birds, the report recommends that clearance works are undertaken outside of the bird breeding season or under the guidance of a suitable qualified ecologist.
- 6.90. In addition ecological enhancement measures including additional tree planting, installation of bird and bat boxes, planting areas of soft landscaping and that the lighting scheme shall be sympathetic to bats and minimising artificial lighting of the River Rea. Finally, the works within the vicinity of the southern bridge must be undertaken with consideration of the bat roost and where necessary under the guidance of a suitably qualified bat worker.
- 6.91. The City's Ecologist recognises the improvements to the overall design including the widening of the river channel and increase in green infrastructure within the public realm. To ensure that the full ecological potential of planting species is realised a condition for ecological enhancements is recommended. In addition, a condition requiring further lighting details is recommended, with particular attention to avoiding over-lighting the river channel and compromising the foraging potential for bats.
- 6.92. The recommendations of both the City's Ecologist and the supporting report are considered appropriate and the relevant conditions are recommended.

SUSTAINABILITY

- 6.93. The applicant has confirmed that the proposals would meet Part L of Building Regulations and whilst a specific BREEAM requirement is not targeted at this time, the following measures will be incorporated into the proposals:
- Low flow sanitary ware and water saving devices will be specified, in order to conserve water
 - The development will exceed Building Regulations standards in relation to insulation and airtightness
 - Electric vehicle charging points will be included in the development's car park
- 6.94. In addition to the above, further consideration will be given towards the utilisation of solar photovoltaic arrays. The use of combined heat and power has been considered however this was discounted on economic viability grounds at this stage, although the potential future feasibility is recognised. In addition the scheme will be future proofed to enable the use of smart grid technologies.
- 6.95. The above demonstrates that the proposals are in accordance with BDP policies TP3 – 5.

PLANNING OBLIGATIONS / CIL

- 6.96. A Financial Appraisal (with supporting Residential Market Report) has been submitted in support of this application, which has been the subject of detailed independent assessment. Following negotiations with officers and independent assessment by the City's advisors the following package has been secured:
- Works to the River Rea to include:
 - Demolish existing bridge structure including temporary and permanent propping works - £200,000;
 - Riverbank wall remediation and enabling work to deliver bridge link. Retaining wall repairs including aesthetics and structural works. River dredging - £100,000;
 - New bridge of circa 250 sq. m and landscaped embankment - £400,000;
 - Riverbank terracing- £300,000;
 - Public realm works both on site and surrounding footpaths - £1,000,000;
 - JFK Memorial relocation - £30,000;
 - A free to use (for local residents) community gym would also be provided as part of the development; and financial contributions of
 - £250,000 towards public realm improvements in Digbeth/Deritend
 - £1,250,000 contribution towards the provision of off-site affordable housing
- 6.97. In total the value of the works and contribution secured through the S106 agreement for the scheme would be £3.53m. These works and contributions represent a significant public benefit mitigating the impact of this large scheme and is the maximum contribution that the scheme can sustain without critically impacting upon the ability to deliver the proposals or compromising the design quality of the proposed buildings and/or public realm.
- 6.98. In relation to affordable housing, the NPPF states that "...the weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case..." and that "...affordable housing...is expect[ed] to be met on site unless off site provision or an appropriate financial contribution in lieu can be robustly justified...and the agreed approach contributes to the objective of creating mixed and balanced communities". Finally it adds that "...major development...(should deliver)..at least 10% of homes to be available for affordable home ownership".
- 6.99. No on-site affordable housing is proposed. The scheme is based upon the funding assumptions as presented in the supporting viability assessment and the applicant adds that the project could not sustain introducing on-site affordable housing at this stage without all of these funding assumptions being revisited. Primarily due to the ongoing work in respect of flooding issues, this application has been with the city for in excess of two years. It is also noted that the applicant has agreed to a shorter time period for commencing the development (2 years rather than 3) to demonstrate the deliverability of this scheme. Given these unique set of circumstances,

substantial weight is attached to the delivery of the proposals in the shorter term and the significant impact the scheme will have on assisting the city to meet its identified housing need. Finally, the off-site contribution will make a significant impact towards delivering affordable housing elsewhere in the city. It is concluded that, in these particular circumstances, this is sufficient to outweigh the NPPFs requirement for at least 10% of provision to be provided on site.

6.100. Given that the scheme is for primarily one and two bedroom apartments the number of families with children is likely to be low. An education contribution could not be justified in this instance.

6.101. Due to the site's location and proposed uses the proposed development would not generate a CIL contribution.

7. Conclusion

7.1. The amended proposals represent a high quality mixed use scheme that will deliver a quality place to live, work and visit. The development would create a new destination for Digbeth that embraces the river and provides significant levels of activity through the day whilst removing a currently derelict site in a prominent location. It has been demonstrated that the development would effectively manage flood risk and would not worsen flood risk elsewhere. The positive impacts of the scheme will be significant and wide ranging and a key component of the Southern Gateway area of transformation as set out in the BDP. Approval is therefore recommended.

8. Recommendation

8.1. That consideration of application 2016/08273/PA be deferred pending the completion of a Section 106 Legal Agreement to secure the following:

- i) A financial contribution of £1,250,000 (index linked to construction costs from the date of this resolution to the date on which payment is made), towards off site affordable housing to be paid prior to first occupation of the residential element of the scheme
- ii) Improvements to the River Rea consisting of demolition of the existing bridge structure and construction of a new bridge, retaining wall repairs, aesthetic improvements, structural works, and river dredging of a value of no less than £700,000 (index linked to construction costs from the date of this resolution to the date on which payment is made). In event that the agreed works cost less than £700,000 the difference will be provided and spent on public realm improvements on High Street Digbeth/Deritend
- iii) Provision of a publically accessible river bank terracing of a value of no less than £300,000 (index linked to construction costs from the date of this resolution to the date on which payment is made). In event that the agreed works cost less than £300,000 the difference will be provided and spent on public realm improvements on High Street Digbeth/Deritend
- iv) Provision of new public realm within the site of a value of no less than £1,000,000 (index linked to construction costs from the date of this resolution to the date on which payment is made). In event that the agreed works cost

less than £1,000,000 the difference will be provided and spent on public realm improvements on High Street Digbeth/Deritend

- v) A financial contribution of £250,000 (index linked to construction costs from the date of this resolution to the date on which payment is made) towards public realm improvements in Digbeth, Southside and/or Highgate
- vi) Relocation of the JFK memorial to the application site and incorporation into the development as shown on the approved plans
- vii) Provision of a community gym that is free for local residents to use
- viii) a commitment to local employment and training during the construction of the development; and
- V) a financial contribution of £10,000 for the administration and monitoring of this deed to be paid upon completion of the legal agreement

8.2 In the absence of a planning obligation being completed to the satisfaction of the Local Planning Authority by the 1st February 2019, planning permission be refused for the following reason:-

- i) In the absence of a legal agreement to secure a commitment to local employment / training and public realm the proposal conflicts with Policies 8.50-8.54 of the Birmingham Unitary Development Plan 2005 (saved policies); Policy TP26 and paragraph 10.3 of the Birmingham Development Plan and the National Planning Policy Framework
- ii) In the absence of a legal agreement to secure an offsite contribution towards the provision of affordable housing the proposal conflicts with Policies 8.50-8.54 of the Birmingham Unitary Development Plan 2005 (saved policies); Policy TP31 and paragraph 10.3 of the Birmingham Development Plan and the National Planning Policy Framework
- iii) In the absence of a legal agreement to secure a commitment for works to the River Rea the proposal conflicts with Policy TP6 of the Birmingham Development Plan and the National Planning Policy Framework

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 1st February 2019 favourable consideration is given to this application, subject to the conditions listed below.

8.5 That no objection be raised to the stopping up of part of the footway affected by the development at the corner of Chapel House Street and Stone Yard and that the Department for Transport (DfT) be requested to make an Order in accordance with the provisions of Section 247 of the Town and Country Planning Act 1990.

1 Requires the prior submission of a phasing plan

2 Requires the scheme to be carried out in accordance with the Flood Risk Assessment

-
- 3 Requires the prior submission of investigation for archaeological observation and recording on a phased basis
 - 4 Requires the prior submission of contamination remediation scheme on a phased basis
 - 5 Requires the submission of a contaminated land verification report
 - 6 Requires the prior submission of details of works to the river channel
 - 7 Requires the prior submission of a sustainable drainage scheme in a phased manner
 - 8 Requires the prior submission of a drainage scheme
 - 9 Requires the prior submission of a scheme for ecological/biodiversity/enhancement measures on a phased basis
 - 10 Requires the prior submission of details of bird/bat boxes
 - 11 Requires the prior submission of hard and soft landscape details
 - 12 Requires the submission of boundary treatment details in a phased manner
 - 13 Requires the prior submission of sample materials in a phased manner
 - 14 Requires the prior submission level details on a phased manner
 - 15 Requires pedestrian routes to be available for public use at all times
 - 16 Requires the submission of details of green/brown roofs
 - 17 Requires the prior submission of details of a delivery vehicle management scheme on a phased basis
 - 18 Requires the prior submission of shopfront, ramps and step details
 - 19 Requires the prior submission of vehicle access details
 - 20 Requires the prior submission of an advertisement strategy
 - 21 Requires the submission of extraction and odour control details in a phased manner
 - 22 Requires the prior submission of a bat friendly lighting scheme in a phased manner
 - 23 Requires the submission prior to occupation of the properties of a Sustainable Drainage Operation and Maintenance Plan
 - 24 Requires the submission a Noise Insulation Scheme to establish residential acoustic protection
 - 25 Requires the submission of a CCTV scheme
 - 26 Requires the provision of cycle parking prior to occupation
-

-
- 27 Require sprinkler and fire tender access details to be submitted
 - 28 Requires the prior submission and completion of works for the S278/TRO Agreement
 - 29 Requires structural and flood evacuation plan details
 - 30 Requires the submission of a mobility access scheme
 - 31 Requires the submission of details of refuse storage
 - 32 Prevents obstruction, displays and/or signage being fitted to the proposed shop front windows
 - 33 Limits the amount of A1 retail across the development and the size of each unit
 - 34 Requires the soffit level of the bridge to be a certain height
 - 35 Requires gates to be set back and limits the gradient of the car park access
 - 36 Sets the acoustic standards for windows and ventilation specifications
 - 37 Requires the provision of a vehicle charging point
 - 38 Limits the noise levels for Plant and Machinery
 - 39 Prevents infiltration of surface water drainage
 - 40 Removes PD rights for telecom equipment
 - 41 Limits the hours of use
 - 42 Limits delivery time of goods to or from the site
 - 43 Requires the scheme to be in accordance with the listed approved plans
 - 44 Implement within 2 years
 - 45 Requires the implementation of the Framework Travel Plan
-

Case Officer: Nicholas Jackson

Photo(s)



Figure 6 – The White Swan PH with application site beyond, from Bradford Street



Fig. 7 – Application site from Stone Yard

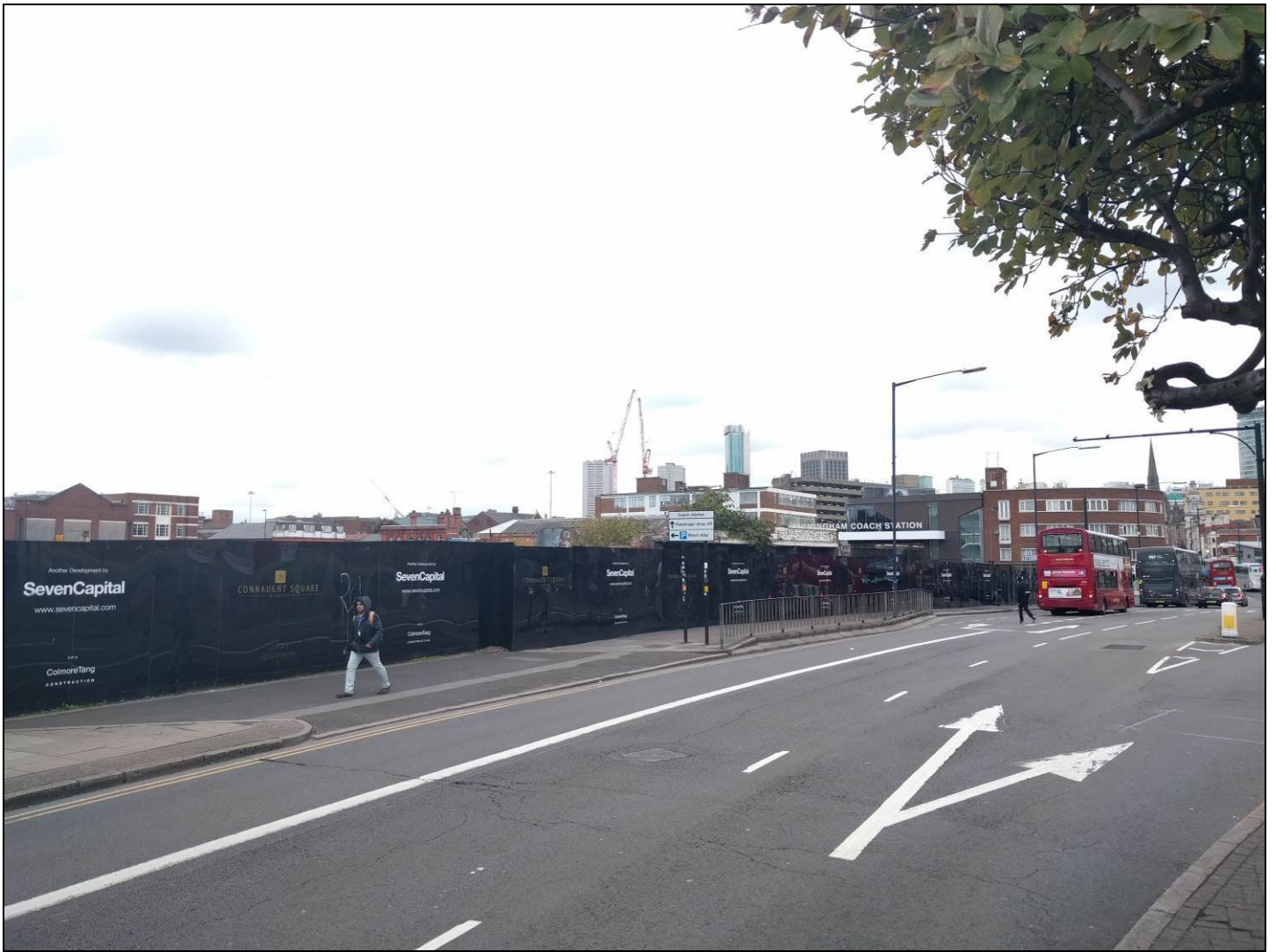


Fig. 8 – Application site from High Street



Fig. 9 – View of High Street

Location Plan



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Committee Date:	03/01/2019	Application Number:	2018/08221/PA
Accepted:	11/10/2018	Application Type:	Full Planning
Target Date:	10/01/2019		
Ward:	Newtown		

75-79 Lancaster Street, City Centre, Birmingham, B4 7AT

Demolition of existing buildings and development of a 24 storey building with 8 storey shoulder height buildings to provide purpose-built student accommodation (556 bed-spaces) with external landscaping and associated works

Applicant:	Reuben & Morgan (Lancaster Street) Ltd c/o Agent
Agent:	DPP Planning Sophia House, 28 Cathedral Road, Cardiff, CF11 9LJ

Recommendation

Approve subject to Conditions

1. Proposal

Use and Amount of Development

- 1.2. The proposed scheme would deliver a total of 199 units (556 student bedspaces) comprising of 115 Studio Bed Apartments (21%) and 441 Multi-Bed Apartments (79%). The proposed accommodation mix is broken down as follows:
 - 69No. Studio Apartments
 - 46No. Access Studio Apartments
 - 7No. 3 Bed Clusters
 - 39No. 4 Bed Clusters
 - 23No. 6 Bed Clusters
 - 1No. 7 Bed Cluster
 - 7No. 8 Bed Clusters
 - 7No. 9 Bed Clusters
- 1.3. The development proposals would comprise a 24-storey (including ground floor) tower fronting Lancaster Street and Lawson Street, with 8-storeys (including ground floor and part mezzanine) shoulders.
- 1.4. The ground floor would comprise a mix of functional and communal spaces serving the development, including internal bicycle storage for 82 bicycles, a social hub space, a lobby area, café lounge, fitness studio and building service areas for bin storage, laundry facilities, office space, postal collection, heating plant, substation and switch room. Above part of the ground floor along Lancaster Street is a mezzanine floor with a 7 bed cluster apartment.

- 1.5. The upper floor plan is built up from a set of repeated building blocks: the en-suite bedrooms, the studio apartments and the accessible studio apartments. These are all based on a 2.5m module. The en-suite units gather into clusters, which each have a communal lounge and kitchen.

External Appearance

- 1.6. The proposed façade comprises an alternating pattern of solid pre-cast concrete panels and glazed openings that wrap around the building to form the structural skin. This alternating pattern then changes width in accordance with the rooms behind. According to the Design and Access Statement this creates “an optical effect of undulation” that “elongates as it stretches up the tower, drawing the eye upward.” The pre-cast panels would be cast with a form-liner to create a fluted impression to further emphasise its verticality.
- 1.7. The precast panels would have a light warm hue to contrast to the darkness of nearby developments. The elevation would be accented with powder-coated aluminium for the windows, casements, the soffit at the entrance, and balustrades at the shoulders.

Access, Servicing and Parking

- 1.8. The proposed development would be car free, providing no on-site car parking and no vehicular access. It is proposed that the existing vehicular access junction is stopped up and the footway reinstated where necessary. Temporary arrangements are proposed to cater for the start and end of term drop-off and collection by means of a management strategy allocating time slots to students over the course of two weekends, with short-term parking managed utilising car parks and on-street car parking in proximity to the site. Disabled persons would be able to use the adjacent pay and display car park on Lawson and Street and on-street parking spaces including those available on Staniforth Street.
- 1.9. It is proposed that 82 cycle parking spaces would be provided within a secure cycle store room on the ground floor of the building. This provision equates to approximately one cycle parking spaces per 6.8 students, which has been agreed with planning officers at the pre-application meetings.

Landscaping

- 1.10. The development proposals include an external courtyard connecting with the internal hub space. The external space includes checkerboard paving, seating around the courtyard and a mix of shade tolerant and low maintenance planting.

Supporting Documentation

- 1.11. The application is supported by the following documents:-
- Planning Statement
 - Tall Buildings Report;
 - Design and Access Statement;
 - Market Demand Report;
 - Air Quality Assessment;
 - Noise Assessment;

- Heritage and Archaeology Statement;
- Ecology Report;
- Energy Statement;
- BREAAAM Pre-Assessment;
- Flood Risk Assessment;
- Sustainable Drainage Statement;
- Transport Assessment and Travel Plan;
- Land Contamination Assessment; and
- Landscaping Scheme.

1.12. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site is located within the St George and St Chad Quarter on the boundary of Eastside (Learning Quarter). It is within walking distance of Aston University Campus and Birmingham City University campus. Bus services run frequently between Lancaster Street, the university campuses, and the city centre core. Birmingham Snow Hill and New Street stations are about 10mins and 20mins walk respectively.
- 2.2. This site comprises of a rectangular plot of 1665sqm square metres which fronts Lancaster Street and Lawson Street. There are two buildings on the site. To the north fronting Lancaster Street is the Mossvale Depot used for the servicing and maintenance of construction vehicles, which has a workshop building abutting the northern boundary of the site. At the corner of Lancaster Street and Lawson Street on the southern part of the site is the former two storey Turks Head public house, most recently used as a Pizza Takeaway at ground floor with residential above. At the rear of this building is a single storey flat roofed extension used as the kitchen/food preparation area. Beyond this is an open hard surfaced area used as a car park in conjunction with the takeaway which is secured by a row of lockable bollards.
- 2.3. The eastern boundary adjoins the City Council owned pay and display car park with the Council offices occupying the opposite side of Lawson Street. To the north is the International House site, where construction is underway on a 6 to 14 storey student housing scheme. The wider area comprises a mix of light industrial, commercial and student accommodation uses.

3. Planning History

Application Site

- 3.1. Application 2015/05565/PA. Retention of first floor extension in connection with first floor flat – Approved 24 September 2015.
- 3.2. Application 2016/05214/PA. Change of use of ground floor from Use Class A3 (restaurants/cafes) to Use Class A5 (hot food take-away) – Approved 10 August 2016.
- 3.3. Application 2017/04314/PA. Residential extension over existing ground floor incorporating change of use of existing first floor to provide 5 apartments – Approved 15 August 2017.

Nearby Student Schemes

- 3.4. Land at Legge/ Bagot Street/ Moland Street – Application 2014/09468/PA – Demolition of existing building and erection of a mixed-use building of between 4 to 10-storeys to provide student accommodation comprising 534 bed spaces (Sui Generis) with ancillary supporting communal facilities and an A1 retail unit. Approved 19 March 2015.
- 3.5. International House, Staniforth Street (adjoining site) - Application 2016/07872/PA. Planning consent granted for demolition of existing buildings and the erection of a part 6 storey, part 10-storey, part 14 storey building to provide student accommodation (Sui Generis) comprising 586 student bedspaces; communal areas with associated landscaping and cycle parking and a Class A1/A3 commercial unit at ground floor level of 82m2 – Approved 23 December 2016.
- 3.6. Land at Vesey Street Application 2017/08885/PA — Erection of new buildings between 9 and 24-storeys to provide purpose-built student accommodation (1023 beds) with associated internal and external amenity space, landscaping, cycle parking and associated works. Approved 01 March 2015.

4. Consultation/PP Responses

- 4.1. Adjoining occupiers, residents associations, local ward councillors, MP, Aston University and Birmingham City University notified. Site and Press notices displayed.
- 4.2. BCC Regulatory Services – awaiting comments.
- 4.3. BCC Transportation Development - no objection subject to conditions to secure the off-site highway works; cycle parking; demolition and construction management plan; and a term start/finish vehicle drop-off and pick-up plan.
- 4.4. BCC Employment and Skills – recommend a construction employment plan to secure local employment and training.
- 4.5. Local Lead Flood Authority - no objections subject to drainage conditions.
- 4.6. Severn Trent Water - no objections subject to a condition to secure drainage plans for the disposal of foul and surface water flows.
- 4.7. West Midlands Police –
 - there is no car parking provided and staff or residents would have to use the existing nearby provision, which is often in high demand from existing, neighbouring uses. Details of the moving in / moving out process of students are therefore needed;
 - recommend that 24 / 7 staffing is employed;
 - welcome the proposed lighting levels for the scheme but recommend that a monitored CCTV system be installed;
 - all access points should be fitted with self-closing mechanisms and there should be access control within the building to restrict unwanted / unauthorised access. Also a secondary access should be installed in front of the reception desk;
 - recommend that Secured by Design 'Homes 2016' guide be used as a reference for the appropriate standards;

- the refuse collection plan for the site is supported as any site could be particularly vulnerable during the refuse collection process when it could be easy for off-site staff to leave doors / gates open or unlocked;
- although there is a planting scheme further clarification as to the proposed maintenance regime is required to ensure to prevent planting adversely affecting any lighting and CCTV schemes.
- query whether the lounge and the fitness studio are for residents of the building or whether they will be accessible by the public?
- query the smoking policy for the site, i.e. where do smokers go?
- the location of the post boxes, near to the reception desk where staff can keep an eye on it, is supported; and,
- the cycle storage area, which would be accessed from the building lobby and from Lancaster Street, should be fully covered by CCTV. Also, both entrances should be the subject of robust access control and an appropriate security standard.

4.8. Birmingham Airport – no comments received.

4.9. Transport for the West Midlands – no operational issues that will be affected by the proposed works.

4.10. Canal and Rivers Trust – the application falls outside the notified area for its application scale.

4.11. Environment Agency – low environmental risk and therefore no comments to make.

4.12. West Midlands Fire Service – Water supplies for firefighting should be in accordance with national guidance. The approval of Building Control will be required with regard to Part B of the Building Regulations 2010. 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. Where wet mains are fitted, access should be to within 18 metres of the main and within sight of the inlet for replenishment of the tank.

5. Policy Context

5.1. Birmingham Unitary Development Plan Saved Policies (2005), Birmingham Development Plan 2017, High Places SPG; Places for All SPG, Places for Living SPG; Specific Needs Housing SPG; Car Parking Guidelines SPD and Revised National Planning Policy Framework 2018.

6. Planning Considerations

6.1. The main issues are considered to be whether the provision of student accommodation in this location is acceptable in principle and if so whether the scale of the building proposed and layout is appropriate having regard to the site surroundings. Also to be considered is the external appearance of the building including the proposed materials, amenity and transportation issues.

6.2. The Revised National Planning Policy Framework states at paragraph 117 that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a

way that makes as much use as possible of previously-developed or 'brownfield' land.

6.3. At a local level, the Birmingham Development Plan 2017 advises that proposals for purpose built student accommodation provided for off campus provision will be considered favourably where:

- there is a demonstrated need for the development.
- the proposed development is very well located in relation to the educational establishment that it is to serve and to the local facilities which will serve it, by means of walking, cycling and public transport.
- the proposed development will not have an unacceptable impact on the local neighbourhood and residential amenity.
- the scale, massing and architecture of the development is appropriate for the location.
- the design and layout of the accommodation together with the associated facilities provided will create a safe, secure and welcoming living environment.

Student Need and Location

6.4. The applicant has submitted a Student Needs Assessment with the application, which notes that:-

- the Student:Bed ratio in the City is currently 1.9:1, below the national average of 2.0:1. Birmingham is mature and can absorb more demand than a smaller market;
- Lancaster Street is located on the north east side of the city centre of Birmingham, ideally located for students of both Aston University and Birmingham City University. The scheme is unlikely to be popular amongst University of Birmingham students due to the University's location to the south of the city.
- rental increases have been extremely healthy for en-suite rooms, with above 4.5% a year rental increases for every year since 2015, with prices rising the most this year –increasing by 5.6%. Studios have risen in price much more slowly – between 15/16 and 16/17 they rose by only 0.6%.

6.5. The Student Needs Assessment undertaken by the applicant confirms the research undertaken by the City Council. There has been a significant growth in the development of Purpose Built Student Accommodation (PBSA), particularly in and around Birmingham City Centre. In considering PBSA it is acknowledged that, currently, all students have accommodation and there is, therefore, sufficient accommodation to house all students. This suggests that any new PBSA would primarily be to serve a growth in student numbers, rectify a mismatch in the type of accommodation which is available and that which is needed, respond to changing student preferences or replace existing PBSA accommodation.

6.6. There are three main campuses located in the city centre. These serve Aston University, Birmingham City University (Eastside campus and to a lesser extent the south campus) and University College Birmingham. Taking account of students living in their own home, living with their parents/ guardian and 'not in attendance' e.g. due to industrial placement, there is about 14,651 BCU, UCB and Aston University students needing accommodation. It should be noted that the number of students requiring accommodation each year will fluctuate.

- 6.7. There were 13,364 bedspaces available in PBSA at April 2018 in the city centre. A further 2,147 bedspaces were under construction in April 2018. Once they are completed the supply of PBSA will be 15,511 bedspaces. A further 2,461 bedspaces have planning permission but are not yet started. The total existing supply and pipeline, if all consented schemes were built out, will be 17,972 bedspaces.
- 6.8. If all consented PBSA is built out and the demand for accommodation remains the same, the level of supply of student accommodation in the City Centre would exceed the demand arising from the 3 main City Centre institutions by approximately 3,321 bedspaces. However, 1,065 bedspaces at BCU Perry Barr will be no longer available in the near future which would reduce the supply to 16,907 bedspaces. Supply would therefore still exceed demand.
- 6.9. However, demand may also not be exclusively restricted to these three institutions. In addition, some flexibility in supply is beneficial as student numbers can change relatively quickly but development takes much longer to be provided, so capacity in the existing stock is necessary to accommodate growth. Overall therefore I consider that applicant has demonstrated that there is a need for the development.
- 6.10. This application site is close to Eastside, which is designated as the “learning quarter” and is considered to be in a suitable and sustainable location for student accommodation. It is within an area where there are already a number of existing student residential schemes and others under construction. Given these adjacent sites, and the close proximity of the site to public transport services and higher education institutions it is considered that the proposed use in principle is acceptable in this location.

Tall Building Design

- 6.11. Whilst the Birmingham Development Plan (2017) does not contain any specific policies relating to tall buildings, Policy PG3 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.
- 6.12. As the proposed building would be 24 storeys in height the City Council’s SPG on tall buildings “High Places” applies. The High Places SPG identifies the site as an ‘appropriate location for a tall building outside the central ridge zone.’ The site falls within the definition of “other suitable locations in the city for tall buildings”, the supporting text for which states that ‘elsewhere in the city new tall buildings will only be appropriate in a few places where they would aid legibility of the city’s form,’ and where they would enhance significant topographical features or mark gateways to the City Centre.
- 6.13. In addition, the site is set within the context of taller, post-war structures. The elevated flyover of the A38 Lancaster Circus Queensway is a distinctive feature in the immediate setting of the Site. Taller, modern buildings are prominent on sites adjacent to the Queensway, including the 24 storey Vesey Street building located at Lancaster Circus (currently under construction); 18 storey James Watt Tower at Aston University; the 10 storey former Dental Hospital; and, the 21 storey Kennedy Tower further west towards Snow Hill. Taller buildings and structures form an important backdrop to the surrounding context in which the site falls in. In principle I

therefore consider that a tall building in this location would be consistent with High Places SPG.

- 6.14. In terms of design, High Places advises that tall buildings should respond positively to the local context and be of the highest quality in architectural form, detail and materials; not have an unacceptable impact in terms of shadowing and microclimate; help people on foot to move around safely and easily; be sustainable; consider the impact on local public transport; and be lit by a well-designed lighting scheme.

a) Design and Local Context

- 6.15. The proposed tower aims to positively define the corner of the block at Lancaster and Lawson streets. Moreover, the height of the proposed tower at 24-storeys matches that of the consented scheme opposite at Lancaster Circus, Vesey Street to define a gateway into the city centre looking south from Lancaster Street.
- 6.16. The 24 storey tower provides a central focal point on the corner between Lancaster Street and Lawson Street, rising in height to address the student accommodation buildings that currently occupy Lancaster Street/ Newtown Row. These include International House (14 storeys), Bagot Street 1 (17 Storeys), Bagot Street 2 (16 Storeys) and the former Globe Works (10 storeys- planning approval). These buildings create a rhythm of 'smaller' tall buildings when travelling along Lancaster Street/ New Town Row, to arrive at the proposed 24 storey tower on the edge of Birmingham City Centre Core.
- 6.17. Rising from an 8-storey tall base, the tower clearly stands apart from its neighbours. Its shape is articulated with chamfered corners to distinguish itself from its base. Further, the elevations would have an alternating pattern of solid pre-cast concrete panels and glazed openings that would "animate the elevation by catching light and shadow, and create long rising lines to emphasize the tower's verticality."
- 6.18. The proposed scheme has been subject to an extensive design evolution process with detailed input from the Planning and City Design Officers at Birmingham City Council. Overall, I consider that the scheme is well designed and conditions are attached to secure high quality building materials.
- 6.19. A Heritage Statement has been submitted in support of the application. The report notes that the site has been assessed as possessing low evidential, historical, aesthetic and communal values. The impact of the proposal in terms of the height, scale, bulk and mass, layout, use of materials and enhanced landscaping, is considered to have a minimal and neutral to positive impact on the settings of the Steelhouse Conservation Areas and the identified statutorily listed and locally listed buildings. Whilst there will be an increase in the height, scale and massing of the proposed building on the site, the design has suitably addressed the settings of the nearby heritage assets. The key elements of the settings of all identified heritage assets will be preserved, whilst the use of appropriate materials and elevational treatments ensure that any glimpses of the proposed development will mean there will be no negative impacts.
- 6.20. A desktop archaeological assessment has been submitted with the application. It notes that the site has only been developed from the late 18th century with low potential for any archaeological remains. It is not therefore considered that any additional assessment or fieldwork is necessary prior to the commencement of the proposed works.

b) Impact on local environment

- 6.21. A Daylight and Sunlight Report has been prepared to accompany the application. Birmingham City Council's planning policy requires new development to respect the local environment and not have 'an unacceptable impact', however, it does not impose rigid criteria and allows each scheme to be judged on a subjective basis and on its own merits.
- 6.22. The scheme demonstrates broad compliance with the BRE guidance in respect of the daylight and sunlight enjoyed by neighbouring properties, although, there are a number of rooms around the site, in particular, at the adjacent new student housing scheme, International House, that do not satisfy the BRE guidance.
- 6.23. The BRE guidance states that the criteria identified should be interpreted flexibly where transgressions occur. The detail of any transgressions in the main, are attributed to either mitigating factors in respect of the room itself or the fact that, at present they enjoy abnormally good daylight and sunlight for a dense urban environment.
- 6.24. The assessment concludes that overall, the layout of the proposed development follows the BRE guidelines and will not significantly reduce sunlight or daylight to existing surrounding properties or amenity spaces.
- 6.25. A Wind Microclimate Assessment has also been prepared to assess the potential wind effects from the proposed development. The assessment concludes that the introduction of the proposed development is expected to modify the wind microclimate. Mitigation in the form of wind breaks/screening and landscaping will address such issues. A suitable condition is therefore attached.
- 6.26. A Building Technical Scope Assessment has been submitted to consider, aviation issues, glint and glare, television interference and impacts on point to point microwave communications. The report concludes that the development would cast a shadow and limit coverage from the main Sutton Coldfield transmitter in a narrow strip south west of the proposed development. This impact would be mitigated by existing coverage from the local Edgbaston transmitter but safeguarding conditions are attached to secure pre commencement / post completion TV reception survey. No significant aviation or glint and glare issues have been identified; and, whilst a number of microwave communication links pass over the site, this would not prevent development. No specific conditions are required to address these issues.

c) Helping People Move Around

- 6.27. The proposed development would see the redevelopment of an underdeveloped brownfield site with a landmark building, aiding the legibility of the city centre. Together with the 24 storey tower at Lancaster Circus, the scheme would create a gateway into the city centre looking south from Lancaster Street.
- 6.28. At a local level, the building includes active frontages to both Lancaster Street and Lawson Street, to help bring activity to these streets. In addition, as recommended by the Police conditions are attached to secure a lighting scheme and CCTV, making the development site and street frontages feel safer.

d) Sustainability

- 6.29. The BDP supports the Council's commitment to a 60% reduction in total carbon dioxide (CO₂) emissions produced in the city by 2027 from 1990 levels (Policy TP1) and a number of policies in the plan seek to contribute to achieving this.
- 6.30. Redeveloping this underused brownfield city centre site, which is highly accessible for pedestrians, cyclists and by public transport, contributes toward the overall goals for sustainable forms of development.
- 6.31. In detail, to meet the City Council's planning policies, the Energy Report submitted with the application notes that the overall aim is to achieve BREEAM standard excellent. The report notes that the scheme is appropriate for small scale Combined Heat and Power unit. It may also be possible to connect to the local district heating network. It is therefore proposed to design the scheme as standalone building, but with the appropriate space and connections to the heating plant. The Energy Statement also recommends other energy saving measures through the choice of construction materials; high thermal performance and air tightness of the building's envelope; heat recovery from air handling plant; and, low energy lighting and controls.
- 6.32. As the site is an existing brownfield site, Severn Trent Water have requested that a 30% betterment is applied to the surface water run-off for the new development. The site has provided additional permeable area; however, additional storage is required and would be in the form of below ground storage crates. As requested by Severn Trent Water and the Local Lead Flood Authority safeguarding conditions are attached to secure details of the drainage scheme and SuDS.
- 6.33. An Ecology Appraisal and Bat Survey Report have been undertaken and the results indicate that the site is of a low value area for biodiversity. However, there is scope for inclusion of biodiversity roofing on the 8 storey shoulder and a condition to secure a brown roof is attached.

e) Impact on local public transport

- 6.34. BCC Transportation Development have commented that the proposal is for a student residential block with ancillary ground floor uses. The block provides 556 bedspaces and has 82 cycle parking spaces with no car parking provision. The TRO fronting the site is to be modified to locate the bay for servicing in a suitable position to service the site and access the refuse stores. The level of cycle parking provision and zero car parking provision are similar to other developments nearby. Although the level of cycle parking is below policy guidelines, given the proximity of the site to Aston University the cycle parking provision levels are deemed suitable and match demand levels seen in existing developments with room for future growth. No objections have been raised by BCC Transportation and as recommended conditions are attached to secure off-site highway works; cycle parking; a demolition and construction management plan; and a term start/finish vehicle drop-off and pick-up plan.

f) Lighting

- 6.35. A lighting strategy has been submitted that seeks to create brighter main spaces to assist with way-finding, and create safe areas on and adjacent to the site. Any light source at or below eye level would be designed in a way that does not create unnecessary glare. Additional lighting in the terrace would be designed to ensure that light does not adversely affect the bedrooms and communal spaces of the development or the adjacent student accommodation at Staniforth House. The

proposed lighting strategy is acceptable and a condition is attached to secure further details.

Student Amenity

- 6.36. In terms of student safety the scheme has been designed with input from Fire Engineers who have advised the architects as the layout has developed. In particular, the façade would be a solid fire guarded material, which would also satisfy the required standards. In addition, in response to the Police, the applicant has commented that:-
- students would be allocated phased arrival time-slots with details of parking and unloading arrangements. This approach would manage additional vehicle movement on the local roads at move in/ move out times so that congestion is avoided at these peak times.
 - the site would be managed by an on-site management team and would have security coverage on a 24-hour basis through a combination of student wardens, security staff and emergency call centre monitoring. Comprehensive CCTV coverage would be installed to provide total site coverage of all external areas (including exit points from the building) and key internal areas. A condition is attached to secure details of the scheme
 - Security and access control systems would be put into place to safeguard against unauthorised people entering the building.
 - It would be the role of the appointed Management Team to cover grounds maintenance, including seasonal gardening, to ensure that the grounds remain well-kept and do not compromise security.
 - The lounge and fitness studio would be for resident use only.
 - Smokers would be able to use the external areas within the site or at the front of the building requiring their swipe card to regain entry.
 - The cycle storage area would be monitored by CCTV and sufficient access control measures will be put in place for security.
- 6.37. The Air Quality Assessment submitted with the application concludes that the construction works have the potential to create dust. During construction it would therefore be necessary to apply a package of mitigation measures to minimise dust emissions. A condition is therefore attached to secure a demolition and construction management plan to control dust during construction work.
- 6.38. The combined effects of emissions from local traffic and the proposed energy plant on the air quality for students living in the proposed development would be 'significant' at the worst-case locations, with concentrations being above the air quality objectives at the ground, first and second floors. On the third floor and above annual mean nitrogen dioxide concentrations would be below the air quality objective and thus impacts would be 'not significant'. Mitigation is therefore recommended in the form of a NOx filtration system, to provide adequate air to all habitable rooms and communal lounge areas on the ground, first and second floors, which will provide adequate air to all rooms without recourse to opening the windows. This ventilation system would need to be capable of providing all the required air to the rooms, without any residual reliance on natural ventilation
- 6.39. In addition to the communal facilities on the ground floor, 10 studio apartments and 60 bedrooms on the mezzanine, first and second floors would therefore need to be mechanically ventilated sealed units. Overall this would affect 9% of the apartments and 14% of the cluster bedrooms. Whilst I do not favour sealed units, on balance, I

consider that this is acceptable in this instance, given that the majority of apartments and cluster bedrooms would not be sealed and would benefit from openable windows. Safeguarding conditions are attached to secure appropriate mechanical ventilation details.

- 6.40. An assessment of a site's suitability for student accommodation with respect to noise has been undertaken. Whilst appropriate internal noise levels can be achieved with a 'standard' façade construction assuming mechanical ventilation, uprated glazing / ventilation is required for selected rooms located on the western and southern facades of the proposed development. A condition is therefore attached to secure the uprated glazing / ventilation specifications.
- 6.41. Overall, taking account of the on-site facilities, including a social hub space, a lobby area, café lounge, fitness studio and laundry facilities, I consider that subject to safeguarding conditions the scheme would provide a good level of accommodation, within a safe and secure environment.

7. Conclusion

- 7.1. This application site is close to Eastside, which is designated as the "learning quarter" and is considered to be in a suitable and sustainable location for student accommodation. It is within an area where there are already a number of existing student residential schemes and others under construction. Given these adjacent sites, and the close proximity of the site to public transport services and higher education institutions it is considered that the proposed use in principle is acceptable in this location.
- 7.2. The introduction of a tall building within the application site contributes to the achievement of all of the general principles outlined in Policy PG3, creating local distinctiveness; increasing natural surveillance and thus reducing crime levels; providing easy access for all; being sustainably located and encouraging sustainable methods of travel; being of high architectural quality; and, delivering high density development, which is owed to the introduction of a tall building, making the best use of this prime location site. Subject to safeguarding conditions, I consider that the scheme would provide a good level of accommodation within a safe and secure environment.
- 7.3. The development is liable for CIL, (following its adoption on 4th January). The submitted application forms specify that the floor area of the development would be 16,772sqm GIA (with 895sqm demolished). This would equate to a payment of £1,265,297.70. If the application is approved in 2019, a higher rate of interest will apply.

8. Recommendation

- 8.1. Approve subject to conditions.

-
- | | |
|---|------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1 | Requires the prior submission of a contamination remediation scheme |
| 2 | Requires the submission of a contaminated land verification report |
| 3 | Requires the prior submission of a sustainable drainage scheme |
| 4 | Requires the submission prior to occupation of the properties of a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan |
-

-
- 5 Requires the submission of extraction and odour control details
 - 6 Limits the noise levels for Plant and Machinery
 - 7 Requires the scheme to be in accordance with the glazing specification
 - 8 Requires the prior submission of ventilation details
 - 9 Requires the prior submission of an internal noise validation report
 - 10 Requires the submission of hard and/or soft landscape details
 - 11 Requires the submission of boundary treatment details
 - 12 Requires the submission of a lighting scheme
 - 13 Requires the submission of details of green/brown roofs
 - 14 Requires the prior submission of a demolition method statement/management plan
 - 15 Requires the prior submission of a construction method statement/management plan
 - 16 Requires the prior submission of a construction employment plan
 - 17 Requires further details of wind mitigation measures
 - 18 Requires window/door reveal/setbacks
 - 19 Requires the ground floor windows not to be obscured.
 - 20 Requires the submission of sample materials
 - 21 Requires the submission of a CCTV scheme
 - 22 Requires a pre commencement telecommunication reception assessment
 - 23 Requires a post completion telecommunications reception assessment
 - 24 Removes PD rights for telecom equipment
 - 25 Requires the provision of cycle parking prior to occupation
 - 26 Requires the submission and completion of works for the S278/TRO Agreement
 - 27 Limits the occupation of the development to students in education
 - 28 Requires provision of a management plan for the move in/move out of students at the beginning and end of term.
 - 29 Requires the scheme to be in accordance with the listed approved plans
 - 30 Implement within 3 years (Full)
-

Case Officer: David Wells

Photo(s)

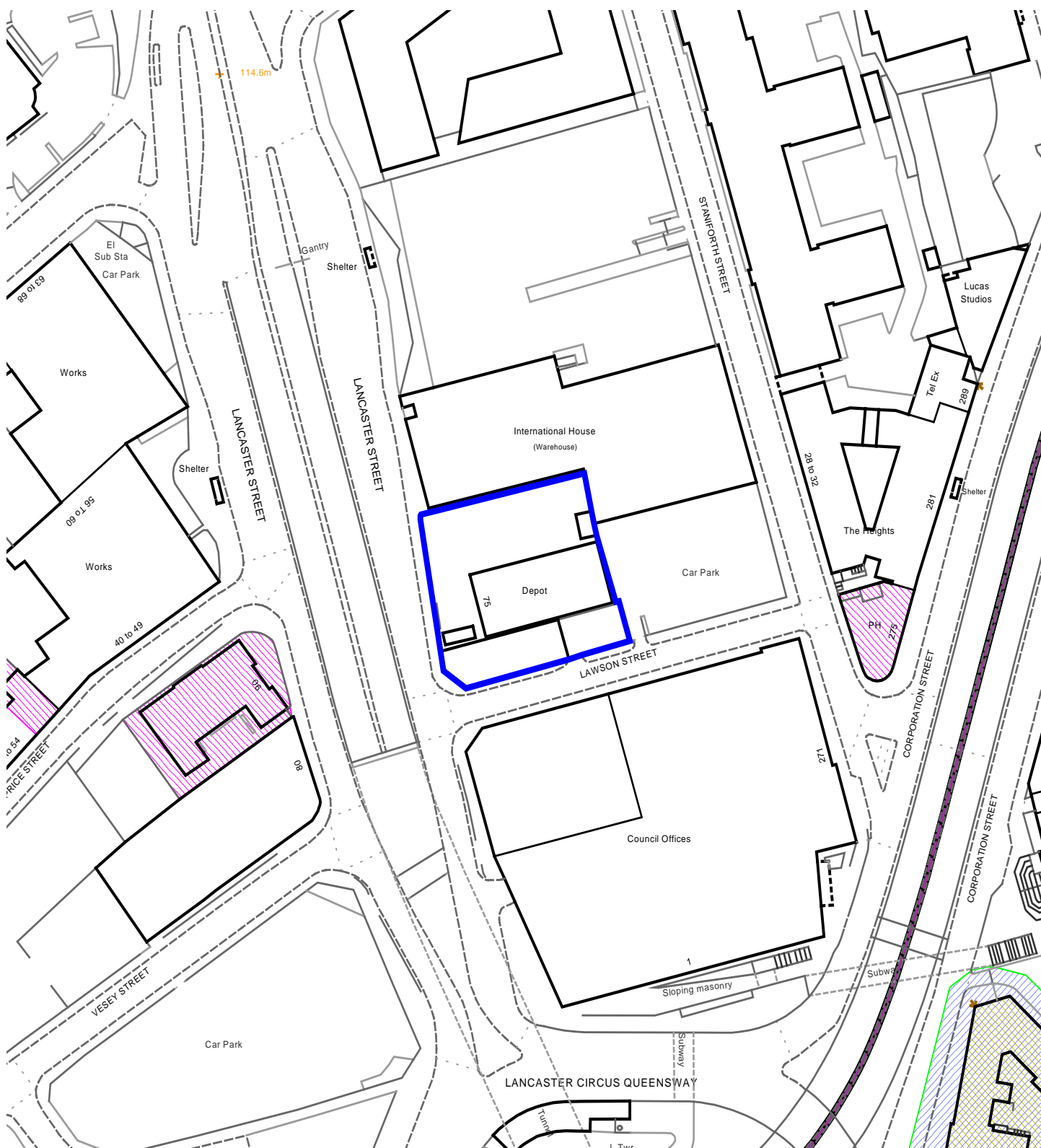


View from corner of Lancaster Street and Lawson Street



View along Lawson Street toward Lancaster Street

Location Plan



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Birmingham City Council

Planning Committee

03 January 2019

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Approve - Conditions	11	2018/07028/PA Former Selly Oak Hospital Raddlebarn Road Selly Oak Birmingham B29 6DJ Reserved Matters application seeking permission for appearance, layout, scale and landscaping of 153 dwellings (Phase 5a) following outline approval 2012/02303/PA
Prior Approval Required Approve - Conditions	12	2018/09461/PA 66-92 The Fordrough and 1-9 Houldey Road West Heath Birmingham B31 3LU Application for prior notification for the proposed demolition of existing three storey building.
Approve - Conditions	13	2018/07400/PA 11 Harrisons Road Harborne Birmingham B15 3QR Erection of detached outbuilding to rear

Committee Date:	03/01/2019	Application Number:	2018/07028/PA
Accepted:	10/09/2018	Application Type:	Reserved Matters Development
Target Date:	10/12/2018		
Ward:	Bournville & Cotteridge		

Former Selly Oak Hospital, Raddlebarn Road, Selly Oak, Birmingham, B29 6DJ

Reserved Matters application seeking permission for appearance, layout, scale and landscaping of 153 dwellings (Phase 5a) following outline approval 2012/02303/PA

Applicant: Persimmon Homes Ltd
 Persimmon House, Tameside Drive, Birmingham, B35 7AG
 Agent:

Recommendation

Approve subject to Conditions

1. Proposal

- 1.1. This application is a reserved matters submission for the sixth phase of the redevelopment of the Selly Oak Hospital site. An outline application (ref 2012/02303/PA) for demolition of existing structures and construction of a maximum of 650 dwellings, in addition to A1, A2, A3, A4, B1(a) and D1 uses on the hospital site was approved on 14th October 2013. The application included consideration of access, with all other matters reserved. The submission included a series of parameter plans, which established a number of principles for development, including land use, residential densities, scale/massing, access/movement strategy and building retention.
- 1.2. This sixth phase – relating to land west of phase 4 – is for residential development (with no commercial element). All buildings within the site boundary have been demolished. The scheme proposes 158 units which would comprise:
 - 28 no. 1 bed apartments (6 social rented)
 - 89 no. 2 bed houses (12 shared ownership, 3 social rented and 5 low cost home ownership);
 - 25 no. 3 bed houses; and
 - 11 no. 4 bedroom houses
- 1.3. This would equate to 17% affordable provision in terms of the 153 units the subject of this application.
- 1.4. The main vehicular access through this part of the site was approved under application 2016/09242/PA. This phase utilises 2 accesses on the northern side of Raddlebarn Road. There also internal road connections with phases 3, 4 and 5.

- 1.5. The proposed new houses would be either 2 or 2 ½ storeys in height and the new apartment blocks would be either 2 ½ or 4 storeys high. The new dwellings would be of a simple design, constructed in brick with tiled roofs. There are 11 different house-types with some incorporating features such as dormers, porches and garages. There are 4 rectangular shaped apartment blocks. They are similar in design to blocks approved on previous phases with ground floor units having individual front doors and small dormers within the roof space. The blocks would also incorporate small canopies over entrances and cills/headers to windows.
- 1.6. Accommodation within the houses would generally comprise of a lounge, kitchen, dining room, WC, bathroom and 2, 3 or 4 bedrooms. Some also have an office or study and integral garages. The apartments contain a kitchen/living/dining room, bathroom, and a bedroom.
- 1.7. There are a group of 23 trees within the heart of the site which are covered by a TPO. This group of trees are all shown to be retained and this area is to be utilised as a toddler play area including play equipment such as swings and slides.
- 1.8. One car parking space is proposed for the 1 bed apartments. The 3 and 4 bedroom dwellings have 2 parking spaces whilst each 2 bedroom dwelling has 1 space allocated with some visitor spaces provided. In total 211 spaces have been provided which represent 137% provision across this phase.
- 1.9. Site area: 3.42 ha. Density 44.7 units per hectare.
- 1.10. [Link to Documents](#)
2. Site & Surroundings
 - 2.1. This current application relates to part of the wider development site at Selly Oak Hospital. The hospital site is located approximately 3.5 km south-west of Birmingham City Centre and just to the south of the A38 (Bristol Road). The hospital site lies at the southern end of Selly Oak, abutting the northern edge of Bournville Village Conservation Area. To the east the site is bordered by the Worcester and Birmingham Canal and the Cross City Rail Line. To the west are The Acorns Hospice and Selly Oak School. Raddlebarn Road bisects the site and provides all existing vehicular access to it. There is established housing to the north and west, and development sites to the north on Elliott Road. Raddlebarn Road forms the boundary between Selly Oak and Bournville Wards.
 - 2.2. The wider hospital site extends to 17.4 ha overall, the majority (11.3 ha) of which lies to the north of Raddlebarn Road which was, for the most part, developed with a range of buildings used for hospital related activities.
 - 2.3. Following relocation of most services to the QE Hospital many buildings across the site were demolished, although some buildings were retained for conversion. Parts of the site have been enclosed with green weld mesh security fencing. The first four phases of redevelopment are well underway, with a large number of units already occupied.
 - 2.4. A large area north of Raddlebarn Road is the subject of this current application and is the last remaining phase of the redevelopment with exception of 2 buildings earmarked for conversion, known as the 'Nurse School' and 'K block'. It was previously occupied by buildings of varying ages/styles associated with the former

hospital use and with the exception of a group of TPO trees the application site has been cleared in its entirety.

- 2.5. Phase 4, which is under construction, is located to the east, phase 1 is located to the south beyond Raddlebarn Road. Terraced residential properties on Gleave Road are located to the west of the site and a 4 storey block of purpose built student accommodation known as Selly Oak Court is located to the north of the application site.

3. Planning History

- 3.1. 14th October 2013. PA No. 2012/02303/PA. Outline application for demolition and construction of a maximum of 650 dwellings and construction of up to 1000m² (maximum) Use Class A1 (Shops); 500m² (maximum) Use Class A3 (restaurants and cafes) and Use Class A4 (drinking establishments); 1500m² (maximum) Use Class B1(a) (offices)/Use Class A2 (financial & professional services) and Use Class D1 (non-residential institution); together with access, associated public open space, roads, car parking and landscaping. Approved subject to a legal agreement.
- 3.2. 30th April 2015. PA No. 2015/00535/PA. Reserved matters submission for consideration of details of appearance, landscaping, layout and scale relating to Phase 1 of outline approval (ref 2012/02303/PA) for 96 new build dwellings (Use Class A3), provision of open space (incorporating cricket pitch and pavilion), associated parking and external works. Approved.
- 3.3. 12th June 2015. PA No. 2015/01313/PA. Conversion of former (Woodlands) nurses' home to 15 residential apartments (Use Class C3), with associated external alterations and landscaping works. Approved (with subsequent amendments/additional units).
- 3.4. 17th September 2015. PA No. 2015/04617/PA. Reserved matters submission for consideration of details of appearance, landscaping, layout and scale in respect of Phase 2 of outline approval (2012/01232/PA) for 67 new dwellings (Use Class C3) with associated parking and external works. Approved.
- 3.5. 7th September 2016. PA No. 2016/04337/PA. Conversion of West Lodge into 10 apartments (Use Class C3) with associated car parking facilities. Approved.
- 3.6. 12th August 2016 PA No. 2016/04941/PA. Roof extension and internal/external alterations to existing buildings to accommodate 3 additional apartments with associated parking and external works. Approved.
- 3.7. 13th October 2016. PA No. 2016/01232/PA. Reserved Matters submission for consideration of details of appearance, landscaping, layout and scale relating to Phase 3 of outline approval (2012/02303/PA) for 125 no. new build units with associated parking and external works. Approved.
- 3.8. 10th February 2017. PA No. 2016/06550/PA. Conversion of water tower into 6 apartments (Use Class C3) with associated car parking facilities and landscaping. Approved.
- 3.9. 13th February 2017. PA No. 2016/05990/PA. Reserved matters submission for consideration of details of appearance, landscaping, layout and scale relating to Phase 4 of outline approval (2012/02303/PA) for 122 new residential units with associated parking and external works and laying out of public open space.

Consideration also of details in respect of conditions 13 and 23 attached to 2012/02303/PA. Approved

- 3.10. 27th February 2017. PA No. 2016/06553/PA. Conversion of infirmary entrance building into 11 apartments (Use Class C3) with associated car parking facilities and landscaping. Approved.
- 3.11. 12th April 2017. PA No. 2016/09242/PA. Reserved matters submission for consideration of internal roads within Phase 5 of outline approval reference 2012/02303/PA. Approved.
- 3.12. 8th June 2018. 2018/01390/PA. Change of use of hospital building (use class C2) to childrens day nursery (use class D1) with single storey rear extension. Approved
- 3.13. 13th September 2018. 2018/01472/PA. Reserved matters application seeking permission for appearance, landscaping, layout and scale of 34 dwellings (Phase 5) following outline approval 2012/02303/PA. Approved

4. Consultation/PP Responses

- 4.1. Regulatory Services – no objections
- 4.2. Transportation – no objection subject to conditions regarding the provision of a travel plan, cycle storage and a construction management plan.
- 4.3. Local Lead Flood Authority – No objection
- 4.4. West Midlands Police – no objections subject to conditions regarding CCTV, lighting and landscaping.
- 4.5. West Midlands Fire Service – No comments.
- 4.6. Local occupiers, residents' associations, Councillors and MP notified, advertised by Press and Site Notice. 3 representations have been received raising concerns over the following matters:
 - Noise and disturbance;
 - Loss of view;
 - Increased risk of crime;
 - No need for further construction works;
 - Loss of sunlight;
 - Parcel of land off Elliott Road should be included within site boundary as it falls within BDP development allocation; and
 - Proposed apartments render Elliott Road site undevelopable

5. Policy Context

- 5.1. The following local policies are applicable:
 - Birmingham Unitary Development Plan 2005 (Saved Policies)
 - Birmingham Development Plan (2017)
 - Places for Living (Adopted Supplementary Planning Guidance 2001)
 - The 45 Degree Code (Adopted Supplementary Planning Guidance 1996)
 - Wider Selly Oak SPD (2015)

5.2. The following national policy is applicable:

- NPPF – National Planning Policy Framework (2018)

6. Planning Considerations

6.1. This application is a reserved matters submission for the sixth phase of the redevelopment of the Selly Oak Hospital site. An outline application (2012/02303/PA) for demolition of existing structures and construction of a maximum of 650 dwellings, in addition to A1, A2, A3, A4, B1(a) and D1 uses was submitted by the University Hospital Trust in April 2012, and was subsequently approved (subject to a S106 agreement) on 14th October 2013.

6.2. The outline submission included consideration of access, with all other matters reserved. It included a series of parameter plans, which established a number of principles for development, including land use, residential densities, scale/massing, access/movement strategy and building retention.

6.3. This sixth phase of the development relates to a large area north of Raddlebarn Road measuring 3.42ha. The proposal is for residential development – 153 new units, being a mix of houses and apartments. All buildings that were previously within this area of the site have been demolished.

6.4. Established Principles/Parameters (including Scale)

6.5. The proposed uses reflect those considered appropriate for this part of the hospital site in the consideration of the outline application and the current proposals broadly reflect the indicative layout which formed part of the outline submission in terms of the different elements and their positioning on the site.

6.6. Vehicular access was approved at the outline stage and remains unchanged in this reserved matters submission and the proposals reflect the principles established in the 'Access and Movement Strategy Parameter Plan' considered at the outline stage.

6.7. This phase of development would have a density of 44.7 units per hectare. This figure fits comfortably within the target density identified on the original Parameters Plan, which indicated 45-50 dwellings per hectare in this location.

6.8. The houses within this phase are a mix of 2 and 2 ½ storeys in height. Two of the apartment blocks are also 2 ½ storeys high. This accords with the Parameter Plan for building heights, which indicates a maximum of 2 ½ storeys across the majority of the site. In the north east corner of the site the Parameters Plan indicates a maximum of 8 storeys. The site layout for this scheme proposes 2 apartment buildings which are 4 storeys high. This therefore accords with the parameters plan.

6.9. In the light of the above, I am satisfied that the current submission for the sixth phase of development is broadly in accordance with the approved parameters established at the outline stage in terms of access, land use, residential density, scale/massing and access/movement.

6.10. Transportation

6.11. Your Transportation Officer raises no objection to the current proposal, subject to the imposition of a condition requiring a travel plan, secure cycle storage and a

construction management plan. All of these conditions are attached to the outline approval and need to be discharged on a phased basis and therefore attaching them to this reserved matters would be unnecessary duplication. All apartments have a single parking space and the dwellings have either one or two parking spaces resulting in an overall provision of 137% across this phase. Taking into account the site's highly sustainable location with good access to local services and public transport facilities (including buses along Bristol Road/Oak Tree Lane and Selly Oak station) and the modest size of many of the units, I am satisfied that the level of parking provision is sufficient in this instance.

6.12. Layout and Appearance

6.13. The submitted layout generally reflects that shown on the indicative Master Plan considered at the outline application stage, including the road layout and incorporation of perimeter blocks.

6.14. A series of meetings have taken place between the applicant and City Council Officers prior to this formal submission and during the consideration of the application, which have resulted in amendments to the scheme. I am satisfied that the current proposal now reflects the advice provided in terms of the design of the detailed elements and the overall character of this phase of the development.

6.15. The proposal broadly follows the design principles supported in 'Places for Living' SPG. A consistent building line has been provided with the dwellings fronting onto the access roads. One of the apartment blocks (plot No's 525-530) is side facing, however windows and a door have been added to the road facing elevation to provide visual interest.

6.16. A characterisation plan has been submitted which indicates the key differences between primary, secondary and tertiary roads. Differences include road widths, road surfaces, house types and house sizes. This defined street hierarchy helps to create a sense of place within the development.

6.17. A range of house types are proposed included detached, semi-detached, terraced and apartment blocks which helps to provide some variety within the street scene. Properties with dual aspects have been included on corner plots to ensure that there are no blank frontages. The designs of the brick and tile properties are relatively simple however they are reflective of the properties approved in earlier phases and I consider that the scheme pays sufficient regard to the site's context to sit comfortably within its surroundings.

6.18. Amenity Considerations

6.19. The site adjoins residential properties on three sides with Gleave Road to the west, student accommodation (Selly Oak Place) to the north and Ward Place to the east (part of phase 4). Four plots back onto properties on Gleave Road. The Gleave Road properties have gardens of approximately 25m in length ensuring that there is no potential for a loss of privacy to occur. Two proposed properties (plots 558 and 563) have blank side elevations facing the rear of properties on Gleave Road. Due to the level of separation the proposals would not appear overbearing.

6.20. Two and a half storey apartment buildings (plots 525-536) are proposed near to existing purpose built student accommodation (Selly Oak Place) however a minimum separation distance of 25m is retained which is sufficient to prevent any significant loss of privacy to the occupiers of rooms within the existing student block.

Objections have been raised by the owners of the narrow plot of land between the student accommodation and parking spaces numbered 525-536 within the application. The primary concern is that the undeveloped parcel of land would be blighted by the construction of this proposal. However, it is considered the developability of the narrow parcel is already heavily constrained by the 4 storey student accommodation that is directly adjacent that has a number of windows looking towards the parcel.

- 6.21. Phase 4 is located to the east of the application site. The adjoining properties are now constructed with many now occupied. Addresses include 9-25 Matrons Walk (odds), 9-17 Ward Place (odds) and 10-28 Ward Place (evens). The rear of these properties face towards the side elevation of dwellings within the proposed scheme. However, a distance of 12.5m has been retained between the side elevation of the proposed dwellings and the rear of the existing properties. This accords with the Places for Living SPG ensuring that the proposal would not appear overbearing.
- 6.22. A concern was raised over a loss of a view. The loss of a view is not a material planning consideration. Taking account of the array of hospital buildings that would have had an overbearing impact on the adjacent properties and the uses which would have operated 24 hours a day, 7 days a week it is considered that the replacement housing scheme has much less of an amenity impact on the occupiers of adjacent properties.
- 6.23. It is also important to consider amenity levels for the occupiers of the proposed dwellings. Although the Nationally Described Space Standards are not yet adopted in Birmingham, they provide a useful yardstick for assessing size of dwellings. In terms of overall floor area, all of the apartments accord with the standard. Of the 11 house types 4 exceed the standard with all of the remaining house types falling short by no more than 3sqm. The bedroom sizes across the various house types meet the standards for single and double rooms. The applicant has therefore paid regard to the standards and on balance the size of the accommodation is considered to be acceptable.
- 6.24. The Places for Living SPG requires 2 bedroom dwellings to provide a minimum garden of 52sqm and a figure of 70sqm is required for family sized accommodation. All 4 bedroom properties exceed the standard and only one 3 bedroom property falls short of 70sqm, measuring 68sqm. 10 of the 89 No. 2 bed properties fall short of the standard measuring between 40 and 50sqm. For apartments 30sqm per flat is required to meet the standards within the SPG. The apartments are presented in 4 blocks, 2 containing 8 units and 2 containing 6 units. 2 of the blocks (units 525-536) have a shared private amenity space measuring approximately 364sqm. The other 2 blocks have individual private amenity space areas measuring 237sqm (plots 450-457) and 291sqm (plots 458-465). To comply with the Places for Living Guidance each block of 6 requires 180sqm of private amenity space with the figure rising to 240sqm for the 8 units blocks. All of the apartments therefore meet the required standard.
- 6.25. It is noted that a small proportion of the dwellings do not have the required amount of private amenity space however taking the scheme as a whole the shortfall is not significant and importantly only relates to the smaller house types rather than large family homes. In addition the site is in close proximity to public open spaces at Selly Oak Park and Bournville Park as well as provision being provided on site. On balance the shortfall is considered to be acceptable.

The layout of the scheme ensures that there is no undue overlooking or loss of light arising between the proposed dwellings and apartments. Consequently the scheme has an acceptable amenity impact on both existing and proposed occupiers.

6.26. Trees, Landscaping and Ecology

6.27. Landscaping is a matter for consideration as part of this current application. All trees within the phase 5a boundary are covered by a TPO (No. 1586) and grouped together adjacent to the boundary with phase 5. All trees within this area are shown to be retained. The protection of these trees has been secured through conditions attached to the outline approval.

6.28. The submitted landscape plans show a proposed mix of tree, shrub planting and hedgerow planting with a number of grassed areas proposed across this phase which will improve the appearance of the site. The plans also indicate boundary treatments, including 1.2m railings around the front side and rear of the apartment buildings to delineate amenity space from the public realm. Fencing up 1.8m in height is proposed to enclose rear gardens.

6.29. Planning Obligation Requirements/CIL

6.30. A S106 was attached to the outline approval, which secured a series of provisions including on-site open space/play facilities, new cricket pitch/pavilion, a contribution towards pitches at Selly Park Recreation Ground, and towpath works. The elements of relevance to this phase of development include the provision of an area of open space which includes a toddler play area. In accordance with the S106 6 pieces of equipment are proposed which includes swings and a slide. Leisure services have confirmed this is acceptable.

6.31. In addition, the S106 included a requirement for 17.5% affordable housing provision across the hospital site as a whole. This current phase offers 17% affordable provision (26 of the 153 units proposed).

6.32. An Affordable Housing Strategy for the overall development was submitted and approved by the Council's Housing Team as part of the Phase 1 reserved matters application. After the approval of phases 1-5 a total of 80 affordable units were secured out of 444 dwellings. That equated to 18% which marginally exceeded the target of 17.5%. Including this final phase there would be a total of 106 affordable units across the 597 unit scheme. This equates to 17.7% which accords with the 17.5% provision required within the S106 agreement.

6.33. The agreement also secured an education contribution of £3,087 per unit, with phased payments linked to occupation of the properties. The applicant understands this requirement, which would necessitate a payment here totalling £487,746 (index linked from January 2013).

6.34. This is a reserved matters submission and, as such, the development would not be liable for CIL.

6.35. Other Considerations

6.36. Concerns have been raised over the increased risk of crime arising from the development. West Midlands Police have raised no objection to the scheme and a scheme of CCTV provision will need to be submitted and agreed if approval for this

phase is granted. I therefore consider that there is no reason to suggest that the proposal would result in increased crime levels.

- 6.37. A further concern was raised over the high level of construction in the area. Whilst this may be true the development of this site is crucial to the Council maintaining a 5 year supply of housing sites. Any disruption arising during the construction phase is also temporary in nature.

7. Conclusion

- 7.1. The principle of development for the purposes currently proposed, along with the access to the site, was established through the determination of an outline application for the wider hospital site in 2013. The current proposals relating to layout, scale, appearance and landscaping in respect of this sixth phase of development are broadly in accordance with the parameters established at the outline stage and are considered acceptable.
- 7.2. The site is in a sustainable location and the proposed scheme would deliver medium density living in an area identified as appropriate for such development, close to Selly Oak centre and, as such, would assist in achieving the City Council's wider housing objectives and supply. I consider that the development would sit comfortably within its surroundings, would have no unacceptable impact on existing occupiers or the highway network, and would provide an attractive living environment for residents.
- 7.3. In the light of the above, I recommend approval of this reserved matters submission.

8. Recommendation

- 8.1. Approve subject to conditions

1	Requires the scheme to be in accordance with the listed approved plans
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Case Officer: Andrew Fulford

Photo(s)

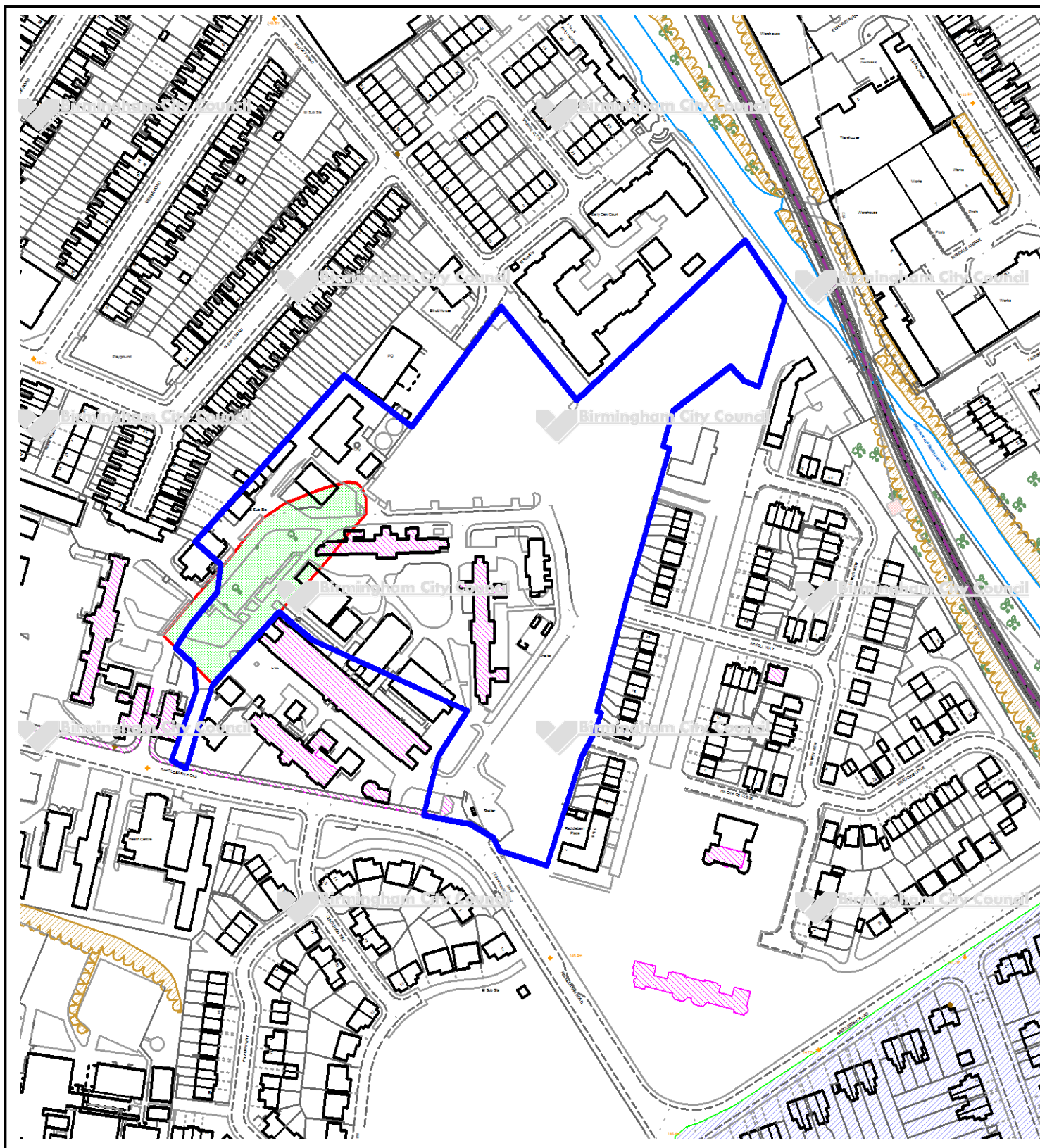


Photo 1: View north through site towards student accommodation known as 'Selly Oak Place'



Photo 2: View east from within the application site towards phase 4 (Ward Place)

Location Plan



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Committee Date:	03/01/2019	Application Number:	2018/09461/PA
Accepted:	20/11/2018	Application Type:	Demolition Determination
Target Date:	04/01/2019		
Ward:	Longbridge & West Heath		

66-92 The Fordrough and 1-9 Houldey Road, West Heath, Birmingham, B31 3LU

Application for prior notification for the proposed demolition of existing three storey building.

Applicant: Birmingham City Council
Clearance Team, PO Box 16579, Level 2 Zone 11, 1 Lancaster
Circus, Queensway, Birmingham, B2 2GQ
Agent: Acivico (Building Consultancy) Ltd
Louisa House, 92-93 Edward Street, Birmingham, B2 2AQ

Recommendation

Prior Approval Required and to Approve with Conditions

1. Proposal

- 1.1. This application is made under the provisions of Part 11 of the Town and Country Planning (General Permitted Development) Order 2015 and seeks a determination as to whether prior approval is required for the method of demolition and site restoration at 66-92 The Fordrough and 1-9 Houldey Road, West Heath.
- 1.2. The method of demolition would include 'soft-strip' of the building to remove combustible items, fixtures, fittings, M&E and precious metals. Manual hand demolition tools would then be used to strip away materials and arisings would then be taken off site. Once all asbestos is removed and soft-strip complete, the buildings would be demolished using a 360 degree mechanical machine fitted with demolition attachments. All asbestos would be removed by a licensed contractor, all material would be recycled where possible and non-recyclable material would be disposed of at licenced waste disposal facilities.
- 1.3. By means of restoration, the site would be picked and graded on completion to match surrounding levels. The site would be secured with herras fencing around the perimeter, timber trip rails at the back of pavements and 1.8m high chain link fencing set 2m back from the pavement. The existing boundary walls on the north-east and north-west elevations and the existing galvanised palisade fencing on the south-west elevation would be retained, as shown on drawing 13015/02.
- 1.4. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site relates to a 3 storey block of units on the corner of The Fordrough and Houldey Road, West Heath. The buildings are in an 'L' shape with a yard area to the side/rear. The premises have a flat roof design and comprise commercial units at ground floor level with residential flats above. The site lies in West Heath, with West Heath Local Centre and Primary Shopping Area lying approximately 220m to the south west of the site, along Alvechurch Road and Redhill Road. The immediate area is predominantly residential in character, with properties of varying design bordering the site.

2.2. [Site Location Plan](#)

3. Planning History

- 3.1. Relevant planning history:
- 3.2. 2018/09301/PA - Demolition of existing buildings and erection of 9 no. residential dwellings - Pending Consideration

4. Consultation/PP Responses

- 4.1. Transportation Development – No objection subject to condition for a Demolition Management Plan
- 4.2. Regulatory Services – No objection
- 4.3. Requisite site notice has been displayed by the applicant, and residents associations and local Ward Councillors have been notified. No responses have been received

5. Policy Context

- 5.1. The following local policies are relevant:
- The Birmingham Development Plan (BDP) 2017
- 5.2. The following national policies are relevant:
- National Planning Policy Framework (NPPF) 2018

6. Planning Considerations

- 6.1. This application seeks a determination as to whether prior approval is required for the demolition of 66-92 The Fordrough and 1-9 Houldey Road, West Heath. In accordance with the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 11, Class B, the only matters to be considered are the method of demolition and the means of restoring the site.
- 6.2. The buildings are to be demolished as they are no longer suitable for occupation. The site is to be re-developed and a separate planning application (reference:

2018/09301/PA) for the erection of 9 dwellings has been submitted and is pending consideration.

Demolition and Site Restoration

- 6.3. The proposed method of demolition is through 'soft-strip' and the use of 360 degree mechanical machine: this method is consistent with demolition applications approved elsewhere in the City. All asbestos would be removed by a licensed contractor, all material would be recycled where possible and non-recyclable material would be disposed of at licenced waste disposal facilities.
- 6.4. By means of restoration, the site would be picked and graded on completion to match surrounding levels. The site would be secured with herras fencing around the perimeter, timber trip rails at the back of pavements and 1.8m high chain link fencing set 2m back from the pavement. The existing boundary walls on the north-east and north-west elevations and the existing galvanised palisade fencing on the south-west elevation would be retained, as shown on drawing 13015/02.

Ecology

- 6.5. An ecological bat survey has been submitted with the associated planning application, which also seeks to demolish the buildings. The survey revealed that the site was considered as having negligible value for bats but as having some value for birds. A condition has therefore been applied requiring the provision of bird boxes prior to the demolition as a compensatory feature and potentially provide some biodiversity net gain. The City's Ecologist has also requested an informative is attached to the application to cover the clearance of any vegetation.

Transportation and Highway Safety

- 6.6. Transportation Development have been consulted on this application and have raised no objection, subject to a condition for a Demolition Management Plan including details of routing, contractor parking, wheelwashing, management of wagons/machinery and relevant permits. With the attachment of this condition, I consider that the proposal would have an acceptable impact on transportation matters and highway safety.

Residential amenity

- 6.7. Regulatory Services have raised no objections to the proposal. They note that specialist asbestos contractors should be enlisted should the Asbestos Demolition Survey require this and that the contractor should be made aware of Birmingham City Council's "Advice to Building Contractors on Noise and Dust from Construction and Demolition Works" leaflet (2011). I therefore consider that the proposed demolition would have no adverse impact on the residential amenity of surrounding occupiers.

7. Conclusion

- 7.1. The proposed method of demolition and site restoration are acceptable and would enable the redevelopment of the site. Conditions have been attached for a Demolition Management Plan in order to safeguard the amenity of neighbouring occupiers and for the provision of bird boxes to ensure the nature conservation

interest of the site. I therefore recommend that prior approval is required and consent should be granted, with conditions.

8. Recommendation

8.1. Prior Approval Required and to Approve with Conditions.

1 Requires the prior submission of details of bird boxes

2 Requires the prior submission of a demolition management plan

Case Officer: Caroline Featherston

Photo(s)



Photo 1: 1-9 Houldey Road



Photo 2: 66-92 The Fordrough

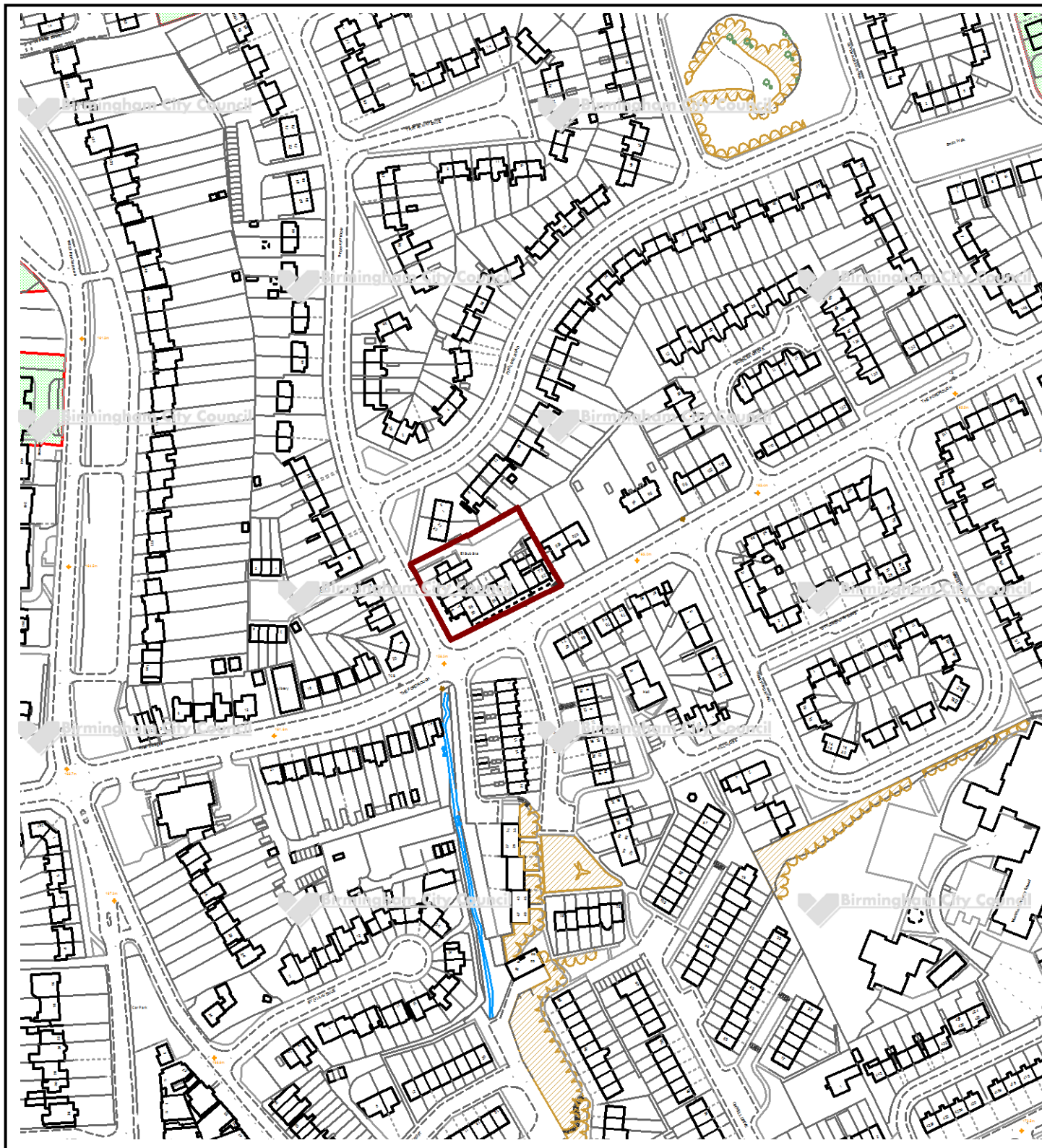


Photo 3: Corner of The Fordrough and Houldey Road



Photo 4: Corner of The Fordrough and Houldey Road

Location Plan



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Committee Date:	03/01/2019	Application Number:	2018/07400/PA
Accepted:	14/09/2018	Application Type:	Householder
Target Date:	09/11/2018		
Ward:	Edgbaston		

11 Harrisons Road, Harborne, Birmingham, B15 3QR

Erection of detached outbuilding to rear

Applicant: Mr S Gregory
11 Harrisons Road, Harborne, Birmingham, B15 3QR
Agent: Springfield As Ltd
13 Springfield Drive, Halesowen, B62 8EU

Recommendation

Approve subject to Conditions

1. Proposal

1.1. Consent is sought for a detached outbuilding to the rear to replace an existing smaller garage.

1.2. The proposed outbuilding would be 7.8m deep 5.8m wide and 4.5m high. The proposed structure would have a flat roof design with roof lights. The outbuilding would be constructed of blue brick with burnt cedar cladding above and a grey insulated steel roof. The outbuilding would be built over two floors with a garage and garden room to the ground floor and a mezzanine games room and wc above. A full width glazed bi-fold door would face the rear of the dwelling with a roller shutter garage door with window above to the rear.

1.3. A similar sized garage / games room has been given consent as part of a previous application but not built (2014/04309/PA).

1.4. [Link to Documents](#)

2. Site & Surroundings

2.1. The application site consists of a semi detached property with a gable end roof design and a two storey rear wing and single storey rear extension. The property is located within a predominantly residential area with similar properties within the immediate locality. The front boundary of the site is defined by a low level brick wall as the case for the majority of properties within the street scene.

2.2. [Site Location](#)

3. Planning History

3.1. 20/05/1965 – 25190000 – Permission granted for garage.

- 3.2. 07/08/2014 - 2014/04309/PA - Erection of single storey extension to rear, detached garage with accommodation in roof space to rear and installation of dormer window with juliette balcony to rear – Approved with Conditions

4. Consultation/PP Responses

- 4.1. Neighbours were consulted for the statutory period of 21 days. Letters of objection were received from the owners of 2 properties in Harrisons Road. The objections were raised on the following grounds:
- Loss of privacy.
 - The scale and design of the proposed outbuilding to the rear.
 - Potential for use as residential accommodation
 - Concerns over maintenance access for neighbouring outbuildings

5. Policy Context

5.1. National Policy

- National Planning Policy Framework

Local Policy

- Birmingham Development Plan (BDP) 2017
- Birmingham Unitary Development Plan (UDP) 2005 (Saved Policies)
- Places for All SPG
- Places for Living SPG

6. Planning Considerations

- 6.1. The principal matters for consideration are the scale, design and siting of the proposed development, and the impact on the architectural appearance of the property, the general street scene and neighbouring properties amenities.
- 6.2. The proposed detached garage /outbuilding to the rear is relatively sizeable within the context of the application site. Notwithstanding this issue, and noting that a similar sized structure has previously been granted permission, I do not consider that the impact of the proposed development could be considered to be significantly detrimental to sustain a refusal of the application on these grounds alone. The proposed development would be of a similar size in terms of its footprint and height to existing detached garages to the rear of both No.7 and No.9 Harrisons Road. With these other examples taken into account the proposed development would not be out of keeping with the character of the area.
- 6.3. I note concerns regarding the possible use of the building as residential accommodation and, whilst any such use would provide substandard accommodation, I therefore propose to add a standard condition to prevent such an occurrence (in line with the previous consent) should Committee be minded to approve.
7. Conclusion
- 7.1. Notwithstanding the objections raised by the neighbouring occupiers, the proposal meets with the objectives of the planning policies set out above. I therefore consider that the proposal is a sustainable form of development which does not harm the amenities of surrounding property. Therefore the application is recommended for approval.

8. Recommendation

8.1. Approval is recommended subject to the following conditions:

-
- | | |
|---|------------------------------------------------------------------------|
| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Limits the use to being incidental to the dwelling |
| 3 | Implement within 3 years (Full) |
-

Case Officer: John Richardson

Photo(s)



Existing garage – from rear

Location Plan



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Birmingham City Council

Planning Committee

03 January 2019

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	14	2018/08425/PA St Nicholas RC Primary School Jockey Road Sutton Coldfield Birmingham B73 5US Installation of replacement fencing and gates.
Approve - Conditions	15	2018/05145/PA Land at corner of Poplar Avenue and Withy Hill Road Sutton Coldfield Birmingham B75 6HT Erection of 15 two-bed bungalows for older people, associated communal garden, car parking, landscaping and external works
Approve - Conditions	16	2018/07720/PA 60B & 60C Boldmere Road Sutton Coldfield Birmingham B73 5TJ Retention of shipping container to the rear and erection of a fixed awning to the rear and 2 no. retractable awnings to the front.
Approve - Conditions	17	2018/06252/PA 7 Lyttelton Road Edgbaston Birmingham B16 9JN Retention and refurbishment of 7 Lyttelton Road with erection of 3 storey building comprising 12no. apartments.

Committee Date:	03/01/2019	Application Number:	2018/08425/PA
Accepted:	16/10/2018	Application Type:	Full Planning
Target Date:	04/01/2019		
Ward:	Sutton Vesey		

St Nicholas RC Primary School, Jockey Road, Sutton Coldfield, Birmingham, B73 5US

Installation of replacement fencing and gates.

Applicant:	St Nicholas Roman Catholic Primary School Jockey Road, Sutton Coldfield, Birmingham, B73 5US
Agent:	Wood Goldstraw and Yorath Churchill House, 47 Regent Road, Hanley, Stoke-on-Trent, ST1 3RH

Recommendation

Approve subject to Conditions

1. Proposal

- 1.1. Planning permission is sought for the installation of replacement fencing and gates surrounding St Nicholas RC Primary School. All replacement fencing will be set just inside the existing boundaries or on existing fence lines within the school grounds. The fence and gates will measure 2.4 metres high from the existing ground levels and will comprise of green polyester powder coated/welded mesh fencing/gating with light brown timber slat infills and all gates will have an access control system linked back to the main school reception.
- 1.2. The existing security fencing has been deemed inadequate by the applicant as it offers very poor security. The School wishes to erect the fencing in order to provide greater security and improve safeguarding for pupils and staff on site.
- 1.3. [Link to Documents](#)

2. Site & Surroundings

- 2.1. St Nicholas RC Primary School is situated on Jockey Road, Sutton Coldfield, surrounded by residential properties, industrial warehouses and St Nicholas RC Church. Some of the boundary treatments also have shrub planting around the border. Some of the neighbouring gardens also have trees and shrub planting close to and alongside the boundary.
- 2.2. The existing boundary comprises of timber and chain link fencing, half painted blue facing towards the school on the Western side and South Western corner and unpainted on all other sides. The gating is also painted blue.
- 2.3. The primary school is accessed via Jockey Road, through a car park owned by St Nicholas Church or through a secondary access off Wakefield Road to the rear of the site. Jockey Road is principal 'A' classified (A453), with no TRO parking

restrictions in the vicinity of the site except the yellow school keep clear signs fronting the school. Wakefield road is unclassified.

- 2.4. Warehouses to the West of the site rise to a slightly higher ground level than the primary school whilst the school and neighbouring dwellings on Wakefield Close and Jockey Road are situated on a flat ground level.

[Site Location](#)

3. Planning History

- 3.1. None of relevance.

4. Consultation/PP Responses

- 4.1. Environmental Pollution Control – No objections.
- 4.2. Transportation – No objections.
- 4.3. Local ward councillors, residents associations and occupiers of neighbouring properties have been consulted. A site notice has also been posted.
- 4.4. Six objections were received from local residents on the following points;
- The need for a new fence and understanding of the desire for greater security is accepted although there is no knowledge of any particular issues regarding security;
 - The height of the fence is unacceptable, being far too imposing on back garden space;
 - The fencing would reduce the amount of sunlight received to garden space and neighbouring dwellings; have a detrimental impact on access to light and view from back garden and ground floor rooms;
 - Alternative options for the proposed security fencing that is more in keeping with the residential area and considerate of neighbouring houses access to light and skyline view is needed;
 - The height of the proposed fence may reduce security for residences as it may give cover for prospective burglars;
 - Value of properties may be adversely affected due to changes in outlook.

5. Policy Context

- 5.1. The following local policies are applicable:
- Places for All (2001)
 - Birmingham Development Plan (2017)
 - Birmingham Unitary Development Plan (2005) – Saved policies
- 5.2. The following national policies are applicable:
- NPPF - National Planning Policy Framework (2018)

6. Planning Considerations

- 6.1. The main issues to consider with this application are the benefits that the fencing may have from a safeguarding perspective and the implication of the proposed fence on visual amenity and on the amenities of the adjoining residential properties.
- 6.2. **Residential and visual amenity** - The proposed new fencing and gates will be a complete replacement of the existing boundary, built at 2.4 metres high to act as safeguarding works for St Nicholas Primary School. The development will replace the existing 1.8-2.2 metres high fencing, maintaining the existing fence lines within the school grounds. The fence is situated between approximately 8-12 metres from the rear windows of residential properties on Wakefield Close and 36-42 metres from the rear windows of residential properties on Jockey Road. At these distances, the residential properties on Jockey Road would not be adversely affected by the fence by means of loss of light or outlook. However, the fence is considered to have the potential to impact upon the amenities of residential properties on Wakefield Close.
- 6.3. The main concerns with the fence are its design and height, and the sense of enclosure it could generate to the affected gardens. It should be noted that plans initially submitted with the application indicated that the fencing adjoining these residential properties would be of the height of 3 metres, however following negotiation, the height of the entire fence line and gates were reduced to 2.4 metres to address the concerns raised. Following these amendments, it is considered that the proposal presents an acceptable improvement to residential and visual amenity and would comply with the National Planning Policy Framework (2018) core planning principle which states that planning should always seek to secure high quality design (Para 124). Given that the proposed fencing would increase the height of the fencing already built by approximately 200-600mm, but still maintaining the existing boundary line, on balance it is considered to be an appropriate design solution between providing appropriate security for school users and sufficient residential amenity.
- 6.4. It has been determined that the proposed fencing/gates would have limited visibility from the public realm and main road network as it is set back from the highway, situated behind St Nicholas Church and so would only be readily visible from within the school grounds, surrounding neighbouring gardens and main access points into the school site. The proposal would have no impact on any existing pedestrian or vehicular access to the school site and, as such, Transportation Development raises no objection to the proposal. The fencing will not encroach any pedestrian or vehicular visibility splay.
- 6.5. The existing fence is in need of improvements following damage to some sections around the site with panels in a state of disrepair. It is therefore considered that the proposal would be a visual improvement to the school and local area. In the current standing, it is also important to note that some neighbouring dwellings contain a level of screening through the use of mature planting and trees at their back gardens close to or along the boundary.
- 6.6. It is clear that the proposal would be safeguarding school pupils for whom going to school needs to be a safe and stimulating experience and thus the intent of this proposal is clearly in the public interest.
- 6.7. Impact on value of property is not a material consideration.

7. Conclusion

- 7.1. It is considered that the proposed fencing and gates, following amendments, is deemed acceptable as it would be a visual improvement to the current boundary and would improve security for pupils and staff at the school without detrimental impact to residential amenity. Subject to conditions it is considered that the proposal is acceptable and recommended for approval.

8. Recommendation

- 8.1. Approve subject to conditions.

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

2 Implement within 3 years (Full)

Case Officer: Chloe Faulkner

Photo(s)

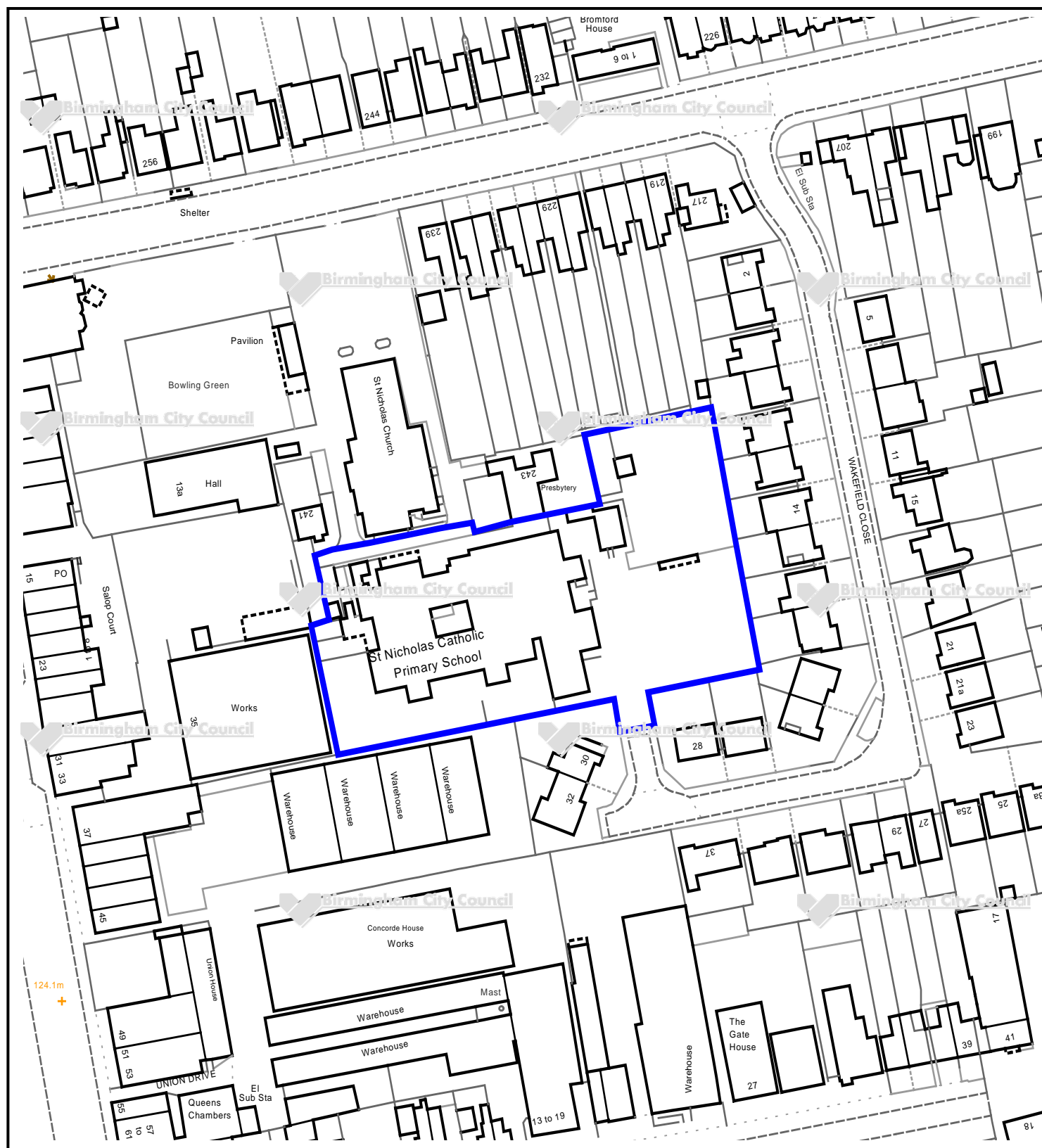


Photo 1 - Rear Entrance off Wakefield Close



Photo 2 - Residential Properties on Wakefield Close

Location Plan



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Committee Date:	03/01/2019	Application Number:	2018/05145/PA
Accepted:	25/06/2018	Application Type:	Full Planning
Target Date:	04/01/2019		
Ward:	Sutton Roughley		

Land at corner of Poplar Avenue and Withy Hill Road, Sutton Coldfield, Birmingham, B75 6HT

Erection of 15 two-bed bungalows for older people, associated communal garden, car parking, landscaping and external works

Applicant:	Birmingham City Council Planning and Regeneration, PO Box 16572, 1 Lancaster Circus Queensway, Birmingham, B2 2GL
Agent:	Oakley Architects Ltd 2B Hillwood Road, Sutton Coldfield, Birmingham, B75 5QL

Recommendation

Approve subject to Conditions

1. Proposal
 - 1.1. This application is for full planning permission for the erection of 15 no. affordable dwellings for social rent on a site on the western corner of the junction of Withy Hill Road and Poplar Avenue, Sutton Coldfield.
 - 1.2. The application is submitted on behalf of Birmingham Municipal Housing Trust (BMHT) as a 100% affordable housing scheme, for occupation by the elderly and defines the elderly as being persons over the age of 50.
 - 1.3. The scheme comprises 10 no. two-bed semi-detached dormer bungalows, 3 no. two-bed terraced dormer bungalows and 2 no. two-bed detached single-storey bungalows.
 - 1.4. The layout proposes 7 no. dwellings fronting Withy Hill Road, comprising three pairs of dormer bungalows and a single-storey detached unit located on the corner, with a dual frontage turning onto Poplar Avenue. On Poplar Avenue, a row of three terraced dormer units are proposed, fronting the road, with a second dual frontage single-storey bungalow turning the corner fronting Arthur Gunby Close, where two more pairs of dormer bungalows are proposed. Overall, the layout is in a U-shape with the dwellings facing out towards the existing roads, with small gardens and parking areas to the front (with the exception of those fronting Arthur Gunby Close), small private garden areas to the rear and a communal garden around the centre of the site.
 - 1.5. 20 no. designated off-street parking spaces are provided for the proposed dwellings – 5 no. dwellings with 2 no. designated spaces and 10 no. dwellings with one space each. For the dwellings fronting Withy Hill Road and Poplar Avenue, one or two parking spaces are provided to the front and / or side of the dwellings. For those

fronting Arthur Gunby Close, where no vehicular access exists, parking spaces are provided in designated parking bays fronting Poplar Avenue.

- 1.6. The dormer bungalows provide 70 sq.m. of accommodation – 54.2 sq.m. at ground floor level, comprising a living room, kitchen, accessible shower room and a double bedroom (12.9 sq.m.); and 31.6 sq.m. at attic level, comprising a second double bedroom (15.9 sq.m.), bathroom and two storage spaces. The single-storey detached dwellings have a total floor area of 73 sq.m. and comprise an open-plan living / dining / kitchen, bathroom, 4 no. storage spaces and two double bedrooms (12.2 sq.m. and 13 sq.m. respectively).
- 1.7. The buildings are proposed to be finished in light red brick with reconstituted stone heads and cills, interlocking plain roof tiles and uPVC windows.
- 1.8. The application is accompanied by a Planning Statement, Transport Assessment, Drainage Strategy, Noise Assessment, Geo-Environmental Assessment, Ecological Assessment, Bat Survey and Arboricultural Survey.
- 1.9. [Link to Documents](#)
2. [Site and Surroundings](#)
 - 2.1. The application site was formerly a home for the elderly known as 'The Poplars', which provided 29 no. dwellings at 1-29 Poplar Avenue and 43 Withy Hill Road. 43 Withy Hill Road is a detached two-storey building finished in white render. The other buildings on the site are a mix of single and two-storey, flat / low pitched roof buildings in 3 no. blocks, which provide residential units rather than separate dwellings. The site was fully vacated earlier this year (2018) and permission exists to demolish the buildings on the site.
 - 2.2. The site area is 0.38ha and contains a number of existing trees. The trees along the northern boundary of the site, adjacent to Arthur Gunby Close, are the subject of a Tree Preservation Order (TPO).
 - 2.3. The site is surrounded by residential properties on Poplar Avenue (to the east), Withy Hill Road (to the south and west) and Arthur Gunby Close (to the north). Poplar Avenue is made up of pairs and short terraces of bungalows finished in red brick with concrete tile finished pitched roofs. The houses on the opposite side of Withy Hill Road are semi-detached two-storey dwellings with hipped roofs and minor variations in house design; with those to the side of the site being two-storey with red brick to the ground floor and hanging tiles above. Arthur Gunby Close is a small group of two-storey, red brick, dwellings with pitched roofs.
 - 2.4. [Site location](#)
3. [Planning History](#)
 - 3.1. 2017/08052/PA – Prior notification of the proposed demolition of the buildings on the site. Approved with conditions October 2017.
4. [Consultation/PP Responses](#)
 - 4.1. Local Ward Councillors, MP, Residents Associations and adjoining occupiers were notified; a site notice was displayed outside the site and a press notice published.

- 4.2. Three letters of representation have been received raising the following concerns:
- Accommodation should remain for elderly persons and conditioned as such
 - Over 50 is not elderly
 - First floor bedrooms not practical for elderly
 - Increase in traffic; area is already congested
 - Parking should meet BCC maximum standards (200%)
 - Site is currently not occupied but there are no on-street parking spaces
 - New dropped kerbs will further reduce on-street parking
 - Need to include visitor parking
 - Hedges should not be allowed to impact pedestrian visibility
- 4.3. Royal Sutton Coldfield Town Council – Welcomes the provision of this type and design of development for older people.
- 4.4. Transportation Development – Conditions are recommended relating to works in the public highway; amendments to the red line plan; pedestrian visibility splays; gradient of driveways; and cycle parking.
- 4.5. Regulatory Services – No objection. Conditions recommended relating to noise insulation; contamination remediation and verification; and vehicle charging points.
- 4.6. Severn Trent Water – No objection subject to a condition requiring details of foul and surface water drainage.
- 4.7. Local Lead Flood Authority – No objection and recommend conditions relating to detailed sustainable drainage scheme; and a Sustainable Drainage Operation & Maintenance Plan.
- 4.8. West Midlands Police – Support.
- 4.9. NHS Trust – Financial contribution of £5,831 sought to facilitate the provision of services needed by the occupants of the new homes.

5. Policy Context

- 5.1. Birmingham Development Plan (2017); Unitary Development Plan (2005) (saved policies 3.14 – 3.14D & Chapter 8); Places for Living SPG (2001); Car Parking Guidelines SPD (2012); and National Planning Policy Framework (2018).

6. Planning Considerations

- 6.1. The main considerations are whether the proposed development would be acceptable in principle and whether it would result in a detrimental impact on local character, residential amenities, highway safety or trees and biodiversity.

Principle of development

- 6.2. The National Planning Policy Framework (NPPF) states that ‘to support the Government’s objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed’ and that ‘the needs of groups with specific housing requirements are addressed’ (paragraph 59). It also states that ‘planning policies and decisions should support development that makes efficient use of land, taking into account ... the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it’ (paragraph 122).

- 6.3. Policy PG1 of the Birmingham Development Plan 2017 (BDP) sets the overall level of growth for the Council area, including affordable housing. Policy PG3 states that all new development is expected to demonstrate high quality design, contribute to a 'strong sense of place' and 'make best use of existing buildings and efficient use of land in support of the overall development strategy'.
- 6.4. Other key policies include Policy TP27, which requires new housing to contribute to making sustainable places; Policy TP28, which sets out criteria for the location of new housing; Policy TP30, which supports the creation of mixed, balanced and sustainable neighbourhoods; and Policy TP31, which is the specific policy for affordable housing and sets a target of 35% affordable homes for all sites of 15 or more dwellings.
- 6.5. An Affordable Housing Statement has been provided within the Planning Statement, which notes the relevant policies and confirms that the proposal is a BMHT scheme for social rent. The development proposes a 100% affordable housing scheme, which over-provides with regard to the policy requirement and will contribute to the overall housing mix of the wider area.
- 6.6. The proposal is intended to respond to a specific need for rented accommodation for older people. BMHT hope that they will be able to give priority to people who currently under occupy larger properties, thus enabling those larger properties to be released into the affordable housing supply. BMHT have also advised that they are investigating options to link the proposed dwellings to other elderly service provision locally.
- 6.7. As the Council is unable to enter into a Section 106 agreement with itself, it is appropriate to condition the consent so that it can only be implemented by the Council and a minimum of 35% of the housing is affordable, so that it complies with affordable housing policy.

Layout, scale and design

- 6.8. The layout has been designed to take into account the existing street layout and retain the majority of mature trees on the site creating a courtyard development around a communal garden.
- 6.9. It is considered that the layout has been well-designed and will provide a high quality street scene, respecting the existing building line along Withy Hill Road, providing frontages to all three roads that enclose the site and retaining existing landscape features. The proposed layout provides off-street parking, defensible front gardens, small private rear gardens and a substantial area of communal amenity space within the centre of the site.
- 6.10. The two single-storey corner units are specifically designed for the site with dual frontages to address both roads. The designs of both house types are acceptable and of good quality that will fit well into the immediate area and wider context.
- 6.11. The scheme has also been designed to meet Secured by Design standards.

Highways and parking

- 6.12. A Transport Assessment (TA) was been submitted with the application, which notes that there is some existing parking within Arthur Gunby Close but that vehicles also park along both sides of Poplar Avenue and Withy Hill Road. With the exception of

one disabled parking space, there are no restrictions preventing parking on those roads.

- 6.13. The TA provides detail of the amenities and facilities within walking and cycling distance of the site noting that Sutton Coldfield town centre is within walking distance. There are also bus stops within 350 metres of the site that provide public transport access to Sutton Coldfield town centre, Birmingham city centre and Sutton Coldfield train station.
- 6.14. Trip analysis provided within the TA states that the predicted trip rates for the current use is 5 vehicular movements in each peak hour; with the predicted trip rates for the proposed use being 9 vehicular movements in the morning peak (8-9am) and 8 in the evening peak (5-6pm). As such, the increase in vehicular movements is predicted to be 4 in the morning peak and 3 in the evening peak.
- 6.15. Transportation Development note that the proposal is likely to increase traffic to / from the site compared with the existing / previous use but that the level of increase predicted would be unlikely to have a significant impact on surrounding highways.
- 6.16. Birmingham Council Car Parking Guidelines SPD set maximum parking standards of 2 spaces per dwelling in such a location as this.
- 6.17. Transportation Development recognise that the proposed dwellings are only for elderly and therefore there is a possibility that each dwelling would likely to have only one vehicle. The waiting is unrestricted on both roads in the vicinity of the site and the sections of Poplar Avenue have wider carriageway sections which might have some space capacity for on-street parking. The site also has a reasonable level of accessibility to public transport with a bus-service accessible from Whitehouse Common Road.
- 6.18. Parking could be further increased on the site, however, this would be at the expense of either landscaping or some of the proposed units and it is considered that the level of car parking provision proposed is now acceptable.
- 6.19. It is not considered necessary to amend the red line of the application site on the grounds that that the works previously proposed in the northern corner of the site within the public highway have been removed from the development. In this respect, an application site may include land on which no works are proposed and the red line plan, as submitted, is considered acceptable.
- 6.20. It is acknowledged that the parking spaces for the properties facing Arthur Gunby Close are not within the curtilage of the dwellings, nor within their sight. However, it is considered that the road frontage of Poplar Avenue provides natural surveillance to the parking spaces for those properties, that the distance between the parking spaces and the dwellings is not excessive and that the layout of the overall site and, in particular, retention of the protected trees is considered to outweigh concerns about the location of the parking spaces.

Residential amenities

- 6.21. Places for Living SPG sets out a number of separation distances which are met between the existing and proposed houses and between the new units. As such, it is not considered that the proposed development would result in any adverse impact on the amenities of existing occupiers in terms of overlooking that could support a reason for refusal. It is therefore considered that the proposed development would

retain a good standard of amenity for existing residents, in accordance with Policy PG3 of the BDP and the National Planning Policy Framework.

- 6.22. The application has been submitted with a Noise Assessment, which provides details of the results of on-site monitoring. The report advises that the existing noise is attributed to traffic on Withy Hill Road and other roads in the area. There was no noise audible from the commercial uses in the area. The layout of the proposed dwellings on the site means that bedroom windows will face roads, however, the report advises that standard building construction methods and the provision of trickle vents in windows will provide sufficient sound reduction. Private gardens are all located within the interior of the site and, as such, the proposed dwellings and fencing will provide a buffer to noise. Overall, the layout and construction will ensure that the amenities of the future residents are not adversely affected by road noise.
- 6.23. Internally, the room sizes and overall floor spaces proposed meet the requirements of the National Space Standards. A small front garden and a small rear patio, providing space for bin storage, sitting out and a rotary airer would be provided. The private rear gardens range from 22 – 28 sq.m. in area for the terraced and semi-detached properties, with the corner houses benefiting from larger spaces ranging from 70 to 80 sq.m. In addition, a central communal garden area is proposed, containing a path system, existing and new trees and benches, enclosed by 900mm metal railings. The communal area, which measures approximately 625 sq.m., equates to an additional 42 sq.m. of amenity space per dwelling. Accordingly, it is considered that the proposed development will provide an acceptable living environment for future occupiers in terms of internal space standards, with private rear gardens divided by 1.8 metre-high fences to ensure privacy, in accordance with the advice contained in the Places for Living SPG.
- 6.24. Regulatory Services have raised no objection subject to conditions relating to land contamination remediation and verification; noise insulation; and charging points for electric vehicles. A condition to secure contamination remediation and verification is proposed. It is not considered necessary or reasonable however, given the fact that all houses have off-street parking, to require charging points for electric vehicles on the basis that if residents require them they can readily install them within their own property. In addition, it is not considered necessary to attach a condition relating to noise insulation on the basis that there are no identified noise sources in the local area; that the dwellings are located on a residential road; and that noise insulation requirements are provided within Building Regulations.

Biodiversity & trees

- 6.25. An Arboricultural Survey report was submitted with the application, which confirms that 2 no. category U trees are to be removed with all others, which are category B and C trees, retained and protected during the course of construction. Two sections of hedging along the southwestern boundary are to be removed to open-up pedestrian access. The report recommends tree protection measures to ensure that the retained trees are not adversely affected and that the development is outside of root protection areas. New trees are also proposed along the Withy Hill Road frontage and the arboricultural report advises that these should be native and wildlife attracting species.
- 6.26. The Council Tree Officer has advised that the proposal sits well with existing trees and raises no objection but recommends conditions relating to hard surfaces within root protection areas and a condition requiring the submission of an Arboricultural Method Statement.

- 6.27. Policy TP7 of the BDP seeks to maintain and enhance green infrastructure and Policy TP8 is the relevant policy for biodiversity. An Ecological Assessment and Bat Survey have been submitted with the application. These note that the site was previously in residential use with residential properties to all sides; that the nearest site of local importance for nature conservation (SLINC) is 710 metres to the southwest; and that there are records of amphibians, bats, nesting birds, badgers and hedgehog all within 1km of the site.
- 6.28. A walk-over survey of the site was carried out which recorded birds and a squirrel (not protected) on site. The site is considered a potential habitat for bats, both in the trees and buildings and also a potential foraging and commuting habitat for badgers and hedgehogs. The submitted Bat Survey report confirms that there was no sign of bat activity or occupation in the buildings on the site. Recommendations are made in the Bat Survey report for clearance outside of the nesting season; the covering of excavations; habitat enhancement through landscaping; sensitive lighting; and protection of existing trees.
- 6.29. The Council's Ecologist accepts the survey's conclusions and recommendations and proposes an addition conditional requiring ecological enhancements. It is considered that the condition is relevant and necessary to comply with Policy TP9.

Drainage

- 6.30. The Drainage Strategy states that ground conditions have identified that infiltration is not possible on the site. As there are no known existing watercourses adjacent to the site, surface water is proposed to be discharged into the existing Severn Trent Water (STW) surface water sewer at a restricted rate of 5 l/s. The flows are to be attenuated within the site (via the piped drainage system and private geo-cellular attenuation tank located beneath the front gardens of plots 1 – 4), thus enabling it to be discharged to the sewer in accordance with the peak discharge and volume of discharge requirements of Policy TP6 of the BDP, the NPPF and STW.
- 6.31. The Local Lead Flood Authority raise no objection to the scheme and recommend conditions requiring the prior submission of a detailed sustainable drainage scheme; and the submission of a Sustainable Drainage Operation & Maintenance Plan. Both conditions are considered reasonable and are proposed.

Other matters

- 6.32. The proposal represents a social housing scheme (BMHT) and as such is exempt from the Community Infrastructure Levy (CIL).
- 6.33. The request received from the NHS Trust for a sum of £5,831 is noted. Our position is that we do not consider the request would meet the tests for such Section 106 contributions, in particular the necessity test (Regulation 122.(2)(a) *necessary to make the development acceptable in planning terms*). We believe the interval from approval to occupation of the proposed development, along with published information (such as the BDP and SHLAA) gives sufficient information to allow the Trust to plan for population growth and associated. Discussions with the relevant Trust are continuing on this matter, in order for us to understand more fully their planned investments in the City and how we might best be able to support that.

7. Conclusion

- 7.1. The proposed development makes efficient use of a previously developed site and will provide 15 no. small, affordable dwellings contributing to the City's housing supply and affordable housing stock.
- 7.2. The layout, scale and appearance of the proposed development is of a high quality and will not have a detrimental impact on highway safety, the amenities of existing or future occupiers, or existing trees and ecology.
- 7.3. Accordingly, the proposal is considered to comply with policies PG1, PG3, TP27, TP28, TP30 and TP31 of the Birmingham Development Plan, saved policies 3.14-3.14D of the Unitary Development Plan (2005), Places for Living SPG (2001), Car Parking Guidelines SPD (2012) and the National Planning Policy Framework (2018).

8. Recommendation

- 8.1. Approve, subject to the following conditions:

-
- 1 Requires the scheme to be in accordance with the listed approved plans
 - 2 Requires pedestrian visibility splays to be provided
 - 3 Requires the gradient of driveways to be no steeper than 1:12
 - 4 Requires the submission of cycle storage details
 - 5 Requires the submission prior to occupation of the properties of a Sustainable Drainage Operation and Maintenance Plan
 - 6 Requires the prior submission of a detailed sustainable drainage scheme
 - 7 Requires the prior submission of a foul water drainage scheme
 - 8 Requires the prior submission of a contamination remediation scheme
 - 9 Requires the submission of a contaminated land verification report
 - 10 Tree Protection Plan - Submission Required
 - 11 Requirements within pre-defined tree protection areas
 - 12 No-Dig Specification required
 - 13 Requires the submission of a scheme for ecological/biodiversity/enhancement measures
 - 14 Requires the submission of sample materials
 - 15 Requires the submission of hard and soft landscape details
 - 16 Requires the submission of boundary treatment details
-

-
- 17 Requires the submission of a lighting scheme
 - 18 Requires the reinstatement of redundant footway crossings
 - 19 Removes PD rights for extensions
 - 20 Requires the provision of the affordable homes
 - 21 Restricts implementation of the permission to Birmingham City Council
 - 22 Implement within 3 years (Full)
-

Case Officer: Lydia Hall

Photo(s)

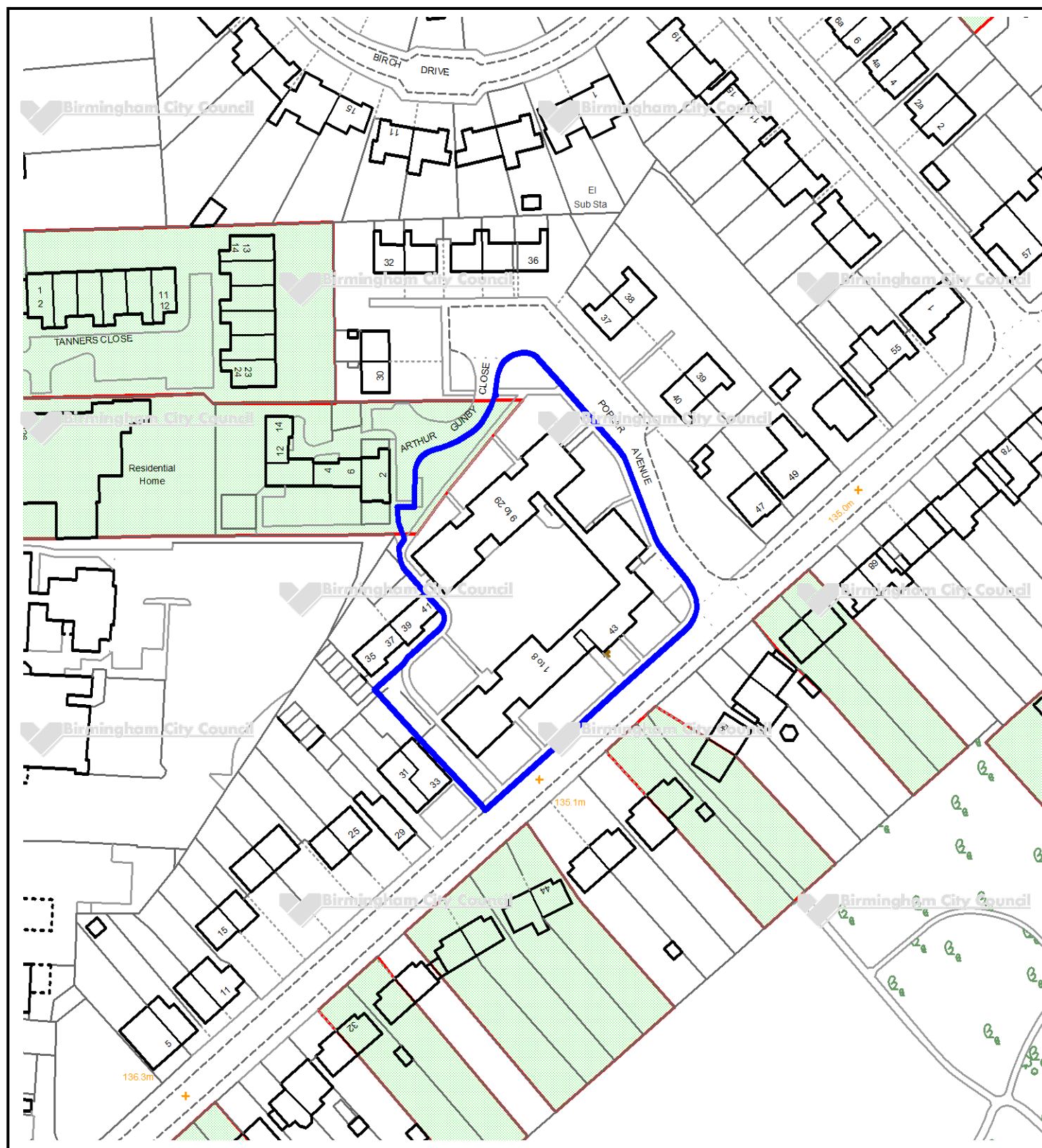


Photo 1 - Existing buildings on the frontage of the site, taken looking along Withy Hill Road towards its junction with Poplar Avenue (which is just beyond the two-storey white-painted building).



Photo 2 - Taken from the corner of Poplar Avenue and Arthur Gunby Close, showing the existing trees along the northern boundary of the site (the subject of a TPO) and the existing buildings on the site beyond.

Location Plan



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Committee Date:	03/01/2019	Application Number:	2018/07720/PA
Accepted:	17/10/2018	Application Type:	Full Planning
Target Date:	12/12/2018		
Ward:	Sutton Vesey		

60B & 60C Boldmere Road, Sutton Coldfield, Birmingham, B73 5TJ

Retention of shipping container to the rear and erection of a fixed awning to the rear and 2 no. retractable awnings to the front.

Applicant: The Deli Social (Boldmere) Ltd
60b-60c Boldmere Road, Sutton Coldfield, Birmingham, B73 5TJ
Agent:

Recommendation

Approve subject to Conditions

1. Proposal

- 1.1. The current application is for retention of a shipping container located in the rear garden of an existing café/restaurant (A3) and for the erection of a fixed awning in the rear yard and 2 no. retractable awnings attached to the front elevation of the premises. The application form states that the shipping container is “to be used as storage and on an ad hoc basis as a weather-proof location for a mobile bar”.
- 1.2. The shipping container is a standard-sized 6 metre long by 2.44 metre wide by 2.6 metre high black metal-finished container with double doors at the end facing Redacre Road and a roller-shutter door on the side facing the rear of the café premises.
- 1.3. The fixed awing is an open sided structure measuring 9 metres long by just over 3 metres wide, comprising six legs supporting a shallow mono-pitched glass roof. At its highest point the structure is 2.45 metres high. It is proposed to be permanently located in the passageway to the rear of the premises, to provide an all-weather outdoor eating area for the café.
- 1.4. Two retractable awnings are proposed to the front of the café, each measuring 4 by 4.4 metres. Technical details of the proposed awnings have been submitted to accompany the application, which confirm that the proposed type is the ‘Monobloc 350’, which is self-supporting.

1.5. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site comprises 60b and 60c Boldmere Road, which is currently in use as a part-delicatessen and part-café / restaurant known as the ‘The Deli Social’. It

has a capacity of approximately 15 covers inside, with additional tables provided outside to both the front and rear.

- 2.2. To the rear of the premises is a wide passage (around 3.4 metres wide), which opens out into an outdoor eating area that measures approximately 12 metres in width by 12 metres in depth. The shipping container is situated just beyond the outdoor eating area and in this respect forms part of the rear boundary of the outdoor eating area. The rest of the rear boundary of the eating area comprises a 1.8 metre high close-boarded situated fence either side of the shipping container.
- 2.3. Behind the container is an area of land, approximately 3 metres deep which, at the time of the site inspection, was being used for outdoor storage (empty cardboard boxes, pallets, gas heater etc). Beyond that area, an acoustic fence has been erected along the full width of the site to protect the residents of the dwelling to the rear of the site (1 Redacre Road) from noise and disturbance associated with use of the rear yard as an outdoor eating area.
- 2.4. The upper floors of the premises are in use as offices / storage and 60a Boldmere Road is the 'Mother India' restaurant. There are two flats in close proximity to the site – both of which are located at first floor level in the adjacent properties and overlook / are directly adjacent to the outdoor eating area.
- 2.5. The site is located within a primary shopping frontage in the Boldmere Local Centre.

2.6. [Site location](#)

3. [Planning History](#)

- 3.1. 04/07/12 - 2012/01518/PA. Change of use of 60b and 60c Boldmere Road from retail (Use Class A1) to café / restaurant (Use Class A3) and formation of external eating area to the rear. Approved.

4. [Consultation / PP Responses](#)

- 4.1. Transportation Development – No objection.
- 4.2. Regulatory Services – No objections based on the controls and conditions attached to the existing planning consents, subject to conditions relating to noise levels for plant and machinery; no amplified sound equipment or live music in any external areas; and hours of opening of the container bar restricted to 9am to 8:30pm.
- 4.3. Royal Sutton Coldfield Town Council – Objection. Excessive noise and disturbance to neighbouring properties from the mobile bar usage.
- 4.4. Councillors, Residents Associations and nearby occupiers notified; site notice erected on 24th October 2018.
- 4.5. 7 letters of representation have been received in relation to the proposals, one in support of the application and 6 in objection. The letter of support was submitted on the grounds that the Deli has been a community hub for many years and is central to Boldmere's thriving high street and that by providing more usable outdoor space, it will help attract more people to the area and support the economic well-being of

Boldmere Road. The letters of objection relate primarily to increased noise, disturbance and anti-social behaviour associated with use of the outdoor eating area / proposed outdoor bar. Specific issues include:

- The container being located closer than 20 metres from the boundary of the neighbouring property (contrary to the original planning permission).
- Use of the container and the area behind it for storage / the storage of refuse, which attracts vermin
- Nearby residents already experiencing noise pollution as a result of use of the outdoor area, which will only increase as a result of the proposed bar
- The existing 9pm curfew on the use of the outdoor area being ignored
- The acoustic fence installed is inadequate does not mitigate the noise levels of 50 to 100 people located metres away from private gardens
- The gate to the side of the container has been used on multiple occasions as an entrance / exit point for the venue
- The area behind the container providing easy access for intruders to the gardens of houses on Redacre Road and Heathlands Road and being used by groups of young people to congregate and carry out antisocial behaviour
- Increased footfall to the premises resulting in parking issues in the area

5. Policy Context

- 5.1. Birmingham Development Plan (2017); Birmingham Unitary Development Plan (2005) (saved policies); Shopping and Local Centres SPD (2012); and the National Planning Policy Framework (2018).

6. Planning Considerations

- 6.1. The proposed development comprises three distinct elements which will be assessed in turn.

Retractable awnings

- 6.2. No details of the proposed material or colour of the awnings have been submitted. In principle however, it is considered that such features would not have an adverse impact on the visual amenities of the area, would enhance the facilities of the café and would thus help to maintain the vitality of the local centre within which the site is located.
- 6.3. Transport Development have raised no objection to this element of the proposals and note that even when fully extracted, the awning will be contained within the application site and not over-sail the public highway.
- 6.4. This element of the proposed development is therefore considered acceptable, subject to a condition requiring details of the material and colour of the awning cloth.

Fixed awning

- 6.5. As stated above, it is proposed to locate this in the wide passageway to the rear of the café premises. The proposed materials are durable and it is not considered that it would have a detrimental impact on the visual amenities of the area.
- 6.6. In terms of its use, it is noted that it is to replace a similar temporary structure in place in the same location at the time of the site inspection. The structure would enable that part of the outdoor eating area directly adjacent to the café to be used permanently in all-weather which, like the front awnings, would improve the facilities of the café.
- 6.7. It is noted that the use of this area as an outdoor eating area associated with the café has already been approved by way of planning permission 2012/01518/PA. It is also noted that use of the outdoor eating area to the rear of the café is controlled by conditions attached to the 2012 permission, which restrict use of the area to between 9am and 9pm; control amplified music being played; require the installation of an acoustic fence along the rear boundary; and prohibit external dining or eating within 20 metres of the rear boundary of the site (that with 1 Redacre Road).
- 6.8. The proposed structure would facilitate this part of the site being used as an outdoor eating area daily throughout the year (between 9am and 9pm). Due to the scale of the structure however and the level of seating that it would accommodate and taking into account the conditions already in place that control the use of this area, it is considered that this element of the proposed development is acceptable and would not result in an unduly adverse impact on the amenities of residential properties in the vicinity.

Shipping Container

- 6.9. In terms of its physical impact, retention of the shipping container is considered acceptable on the basis that it is visually unobtrusive and located to the rear of the site.
- 6.10. Regulatory Services raise no objection to the proposals, subject to conditions. As stated above, use of the area to the rear of the premises as an outdoor eating area associated with the café has already been approved by way of planning permission 2012/01518/PA and it is not considered that the provision of an additional facility for the serving of beverages within the outdoor area would fundamentally change the impact of the premises on neighbour amenity. The conditions proposed by Regulatory Service require the outdoor bar to cease serving customers at 8:30pm, which is half an hour ahead of the 9pm curfew on use of the outdoor area and is considered reasonable. The existing permission is subject to a condition restricting amplified sound in the outdoor areas, however, Regulatory Services have suggested that for this permission the playing of live music should also be prohibited. Taking into account the proximity of residential properties to the site, such an additional restriction is considered reasonable.

7. Conclusion

- 7.1. Further to the conditions proposed it is considered that the proposed development is acceptable and in accordance with adopted development planning policies and the National Planning Policy Framework.

8. Recommendation

- 8.1. Approve subject to conditions.

1	Requires the scheme to be in accordance with the listed approved plans
2	The container bar in the rear external area shall only be open for customers between the hours of 09:00 and 20:30.
3	Prevents the use of amplification equipment
4	Limits the noise levels for Plant and Machinery
5	Requires the prior submission of retracatable awning details
6	Implement within 3 years (Full)

Case Officer: Lydia Hall

Photo(s)



Photo 1 - Front elevation and location of the proposed retractable awnings



Photo 2 - Southern boundary and shipping container



Photo 3 - Rear outdoor eating area

Location Plan



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Committee Date:	03/01/2019	Application Number:	2018/06252/PA
Accepted:	17/08/2018	Application Type:	Full Planning
Target Date:	16/11/2018		
Ward:	North Edgbaston		

7 Lyttelton Road, Edgbaston, Birmingham, B16 9JN

Retention and refurbishment of 7 Lyttelton Road with erection of 3 storey building comprising 12no. apartments.

Applicant:	Mr Bindra 7 Lyttelton Road, Edgbaston, Birmingham, B16 9JN
Agent:	Khoury Architects 42 New Road, Stourbridge, DY8 1PA

Recommendation

Approve subject to Conditions

1. Proposal

- 1.1. Planning permission is sought for the retention and refurbishment of no. 7 Lyttelton Road which contains 5 no. apartments and for the erection of a new three storey detached building comprising of 12 no. new apartments along with associated parking and landscaping.
- 1.2. The existing two and half storey building (no. 7) would be extensively refurbished with existing render removed and its brickwork and detailing restored, new windows, doors and roof tiles as well as an internal refit with the existing two storey link extension and external staircase to be removed so as to provide space for the new three storey building. No. 7 would provide 5 no. refurbished apartments comprising of 4 no. 1 bed apartments at ground and first floor levels with open plan kitchen/dining/living area, bedroom with en-suite and hall way. 1 no. 2 bed apartment is also to be provided within the roof space following a similar layout to the other apartments but with an additional bedroom and 3 no. single box dormers facing towards the parking area and Lyttelton Road beyond.
- 1.3. The proposed three storey new build would provide 12 no. apartments spread over 4 floors and provide 12 no. 2 bed apartments with 2 no. at lower ground floor level, 4 no. at ground floor level, 4 no. at first floor and 2 no. at second floor level with each apartment having an open plan kitchen/dining/living space, bathroom, circulation space, double bedroom with en-suite and a single bedroom. All apartments within the new build would be served by a communal staircase and lift via a communal entrance door from the building's side (facing existing no. 7 building) elevation.
- 1.4. The proposed new build would maintain the building line of 9-19 Lyttelton Road and would be set back between 11.3m and 24.7m from the back of the existing footway that curves away from the building and forms part of the circle surrounding St Augustine's Church and set behind a proposed parking area and existing vegetation and boundary treatments fronting Lyttelton Road.

- 1.5. The building would have a contemporary design with vertical emphasis and roof line and gable fronted detail which mirrors the scale and design of adjacent properties, in particular 9-19 Lyttleton Road, and would be articulated with facing brickwork and brickwork detailing along the gable ridge line. Furthermore, the proposal includes 2 no. projected square bays to the outer two gables and recessed reveal window detailing and positioning to the building's principal elevation. The building would be three storeys high with a lower ground floor to the rear elevation to take advantage of the site level changes with the building stepping down towards the rear garden area with a site levels difference of approx. 2m. Building materials would comprise of red facing brickwork with brickwork orientated through 45 degrees to create texture and large panel windows with reveals and access door to the side and rear elevation of matching materials and design. Roof materials have not been specified at this stage.
- 1.6. The communal private amenity space to the rear would measure approx. 370sq.m (21.76sq.m per flat) along with soft landscaping to the front parking area. The parking area would comprise of 15 no. onsite parking spaces, which equates to 88% parking provision. These spaces would be accessed via an existing site access from Lyttleton Road with a further existing pedestrian access maintained to the sites south eastern boundary onto Lyttleton Road.
- 1.7. Site Area: 0.154 hectares. Density: 110 dwellings per hectare.
- 1.8. [Link to Documents](#)
2. Site & Surroundings
 - 2.1. The surrounding area is predominantly residential in character and comprises of both detached and semi-detached dwellinghouses, of similar design, scale and age (late 1800's onwards). All properties have road frontages and are set back behind front garden and driveway areas which face onto the circle and onto St Augustine's Church, a Grade II* listed church, which is located within the centre of Lyttleton Road and which acts as the focal point within the streetscene upon which all properties face towards. The application site is located centrally within the St Augustine's conservation area, within 10m of St Augustine's Church and its listed curtilage and is also the subject of a Tree Preservation Order (TPO 163) that covers the site.
 - 2.2. The application site is located to the north of St Augustine's Church fronting onto Lyttleton Road and currently encompasses a two storey detached dwelling that is in a poor state of repair and which dates from the late 1800's and which has been significantly extended with a two storey extension and altered over an extended period of time. The rest of the site comprises of open garden land associated with the dwelling along with an informal parking area to the front elevation. The sites boundaries comprise of low level walls in red and blue engineering bricks typical of properties in the area along with side gable walls of no. 7 and no. 9 Lyttleton Road which also form the site boundaries along with vegetation and a number of mature trees which are subject to the sites TPO.
 - 2.3. Access to the site is currently via an existing access/footway crossing directly from Lyttleton Road which would be maintained as existing for the proposed development. The site has good accessibility to public transport services with regular bus services along Hagley Road (A456) into Birmingham City Centre and to other areas throughout the city and beyond located approx. 220m away to the south of the site.

2.4. [Site Location](#)

3. [Planning History](#)

- 3.1. 2017/10643/PA – Full Planning – Proposed demolition of parts of the existing building, erection of extension to create a total of 12 (two bed) flats, car parking and landscaping – Withdrawn, 27/04/2018.

4. [Consultation/PP Responses](#)

- 4.1. Site Notice displayed outside site on Lyttleton Road with Ward Councillors, M.P, Residents Associations and adjoining occupiers notified. 7 no. letters of objection received from local residents on the following points;

- While renovation of number 7 is welcome, 12 no. is a large number of apartments and will significantly change the character of the area.
- Adverse impacts upon residential amenity – loss of privacy and overlooking.
- Overdevelopment of site.
- Scale and massing is inappropriate.
- Adverse impacts upon Tree Preservation Orders (TPO).
- Adverse impacts upon ground stability and drainage.
- Inadequate parking provision.
- Inadequate site access.
- Current site is poorly managed/maintained.
- Proposal does not comply with local and national planning policy.

- 4.2. Preet Gill MP – Supports the proposal.

- 4.3. Regulatory Services – No objection.

- 4.4. Transportation Development – No objection, subject to conditions;

- Cycle storage to be provided prior to occupation,
- Disabled parking space provision within site,
- Parking and vehicle circulation areas not be used for any other purpose.

- 4.5. Severn Trent Water – No objection, subject to foul and surface water drainage condition.

- 4.6. West Midlands Police – No objection, subject to additional security measures.

- 4.7. West Midlands Fire Services – Sufficient firefighting water provision to be provided.

- 4.8. Lead Local Flood and Drainage Officer (LLFA) – No objection, subject to conditions;

- Surface water drainage details.
- Sustainable drainage operation and maintenance plan.

- 4.9. Historic England – No comments offered.

5. [Policy Context](#)

- 5.1. National Planning Policy Framework (NPPF) 2018, Birmingham Development Plan (2017); Birmingham Unitary Development Plan (2005) (Saved Policies); Car Parking Guidelines SPD, Mature Suburbs SPD and Places for Living SPG.

6. Planning Considerations

Principle of Development

- 6.1. The NPPF advises that all housing applications should be considered in the context of the presumption in favour of sustainable development. It seeks to ensure the provision of sustainable development, of good quality, in appropriate locations and sets out principles for developing sustainable communities. The NPPF promotes high quality design and a good standard of amenity for all existing and future occupants of land and buildings. It encourages the effective use of land by utilising previously developed (brown-field) sites and focusing development in locations that are sustainable and can make the fullest use of public transport, walking and cycling.
- 6.2. The NPPF seeks to boost housing supply and supports the delivery of a wide choice of high quality homes, with a mix of housing (particularly in terms of type/tenure) to create sustainable, inclusive and mixed communities. Chapter 16 of the NPPF relates to conserving and enhancing the historic environment. It requires new development to make a positive contribution to local character and distinctiveness and to look for opportunities within Conservation Areas to enhance the overall heritage value of the area and to ensure that development proposals do not detrimentally impact upon the character and appearance of designated heritage assets.
- 6.3. The NPPG explains that setting can be more than just based on a visual assessment due to the need for additional considerations such as dust, noise and vibration from other land uses in the vicinity and by understanding the historic relationship between places.
- 6.4. Saved policy 3.14D seeks high quality design and requires the scale and design of new buildings and spaces to respect the area around them and reinforce local character whilst policy TP12 of the Birmingham Development Plan (BDP) states that the historic environment will be valued, protected, enhanced and managed for its contribution to character, local distinctiveness and sustainability with new development required to make a positive contribution to the areas character.
- 6.5. Policy TP26 states that new residential development needs to demonstrate that it is creating a sustainable neighbourhood. Policy TP27 requires new residential development to be located outside of flood zones 2 and 3a and 3b, be adequately serviced by infrastructure, be accessible to local services, be sympathetic to historic, cultural or natural assets and satisfy other important land use related policies of the Plan. Policy PG3 advises that all new development would be expected to demonstrate high design quality, contributing to a strong sense of place' and 'make best use of existing buildings and efficient use of land in support of the overall development strategy.
- 6.6. Places for Living (SPG) encourages good quality accommodation in attractive environments. It contains a series of urban design principles with emphasis to assessing context and responding positively to local character. This guidance also recommends appropriate separation distances, bedroom and garden sizes.

- 6.7. The main considerations are whether the proposed development would be an acceptable location for housing in principle and whether the development would result in a detrimental impact upon designated heritage assets and local character, upon residential amenity, highway safety and biodiversity and trees.

Heritage Impacts

- 6.8. The St Augustine Conservation Area is valued for its special architectural and historic interest and is centred around St Augustine's Church, a grade II* listed building. It contains the only example in Birmingham of the growth of a medieval market settlement into a small country town and of its later development as a large and prosperous suburb. The application site falls between existing three storey residential buildings arranged around the circular roadway around the church with the buildings dating from the mid-nineteenth century. The ground level falls from Lyttleton Road towards the rear/side towards the rear of dwellings along Rotton Park Road although limited views of this are made due to existing tree/boundary coverage.
- 6.9. My Conservation Officer and Design Advisor raised a number of issues related to design, scale and mass at pre-application stage, which have been addressed both prior to submission and during the life of the current planning. Paragraph 196 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. In the case of the proposed development, any harm would be less than substantial.
- 6.10. I also acknowledge the objections raised regarding the design, height and size of the proposed new building and the impact this proposal would have on the setting of the adjacent listed building and the wider conservation area. The proposed scheme does not attempt to copy or pastiche the existing design style of other residential dwellings within the streetscene and instead seeks to provide an innovative and original design style that reflects the level changes within the site and reinforces the vertical emphasis with gable fronted roof detailing and protruding bay window details found in the immediate streetscene. I am satisfied that there would be sufficient coherence and consistency in the architectural treatment and detail to ensure the proposed development relates well and complements the adjacent residential dwellings of Lyttleton Road, in particular no.9. I have recommended conditions to ensure that the building materials complement and reinforce local identity.
- 6.11. It is noted that in addition to the provision of the new build structure, the proposal also proposes the significant refurbishment, including a large element of demolition of an existing two storey side extension, which would have substantial positive impacts upon the existing building itself, which would see its existing render removed the brickwork, stonework and detailing restored, and the wider conservation area and setting of the listed church which would be improved upon with a building restored to nearer its original appearance which is considered to be a strong material consideration in favour of the current scheme and is supported in this regard.
- 6.12. The footprint of the new building has been reduced during pre-application discussions to maintain a good separation from both the existing building (no. 7) and from adjacent dwellings both on Lyttleton Road and those along Rotton Park Road with existing trees to be retained and for the provision of replacement trees with a large garden space maintained to the rear and a large forecourt/parking area

maintained to the front elevation. I am of the view that the proposed development would not result in an over-development of the site.

- 6.13. Furthermore, I consider that the proposed improvements to the existing building along with the provision of the new build structure whilst changing the setting of the locally listed buildings and associated views would not amount to substantial harm to this heritage asset or to the wider conservation area. I also consider that any minor harm to the significance of these assets would be outweighed by the benefits of the scheme in terms of additional housing and the refurbishment/improvement of an existing non-designated heritage asset.
- 6.14. The development of the site would provide additional housing, jobs during the construction phase, additional natural surveillance of the public realm and the refurbishment/improvement of an existing building within a conservation area and within the foreground of a listed heritage asset. Further to the amendments made to the proposal throughout the life of the current planning application upon which significant advice has been provided from the conservation officer to the applicant in order to achieve a high quality, well designed scheme, my conservation officer raises no objection to the proposed development subject to a number of planning conditions to secure appropriate external finish materials along with external detailing, boundary treatment details and a scope of works to the existing buildings exterior treatment. Overall, I am of the view, that subject to safeguarding conditions, the proposed development would not have a detrimental impact on the character and appearance of the adjacent grade II* listed church and the wider St Augustine's conservation area.

Impact on Residential Amenity

- 6.15. The existing two storey building would be retained in its current location, albeit in a smaller format with the removal of the existing two storey extension whilst the new three storey building would be built in between the existing dwellings (no.7 and no.9). The proposed development would provide acceptable living environments for future occupiers in terms of room sizes and layouts, with each of the 2 bed/3 person apartments within the new build element either meeting or exceeding the minimum space standard of 61sq.m. Whilst the private rear amenity space falls slightly below the standards outlined within Places for Living SPG at 30sq.m per unit (370sq.m out of 510sq.m proposed which equates to 21.76sq.m per unit), it is considered that the quality of the space, i.e. regular shape, attached to the building, private and not overlooked, are positive factors that helps to address the shortfall in provision and is therefore considered acceptable in this regard.
- 6.16. The majority of windows to habitable rooms on each of the 3 levels would be set back at least 5 metres per storey (up to 15m) from existing rear garden boundaries to neighbouring properties to comply with the minimum guidelines set out in Places for Living SPG whilst no breaches to the 45 degree code of neighbouring properties, particularly to no. 9 Lyttleton Road would occur. It is noted that there would be a shortfall to a second floor, side elevation window to the kitchen/dining/living space of unit 12 of 4.9m (10.1m rather than 15m) to the rear garden boundary of 18 Rotton Park Road. However, given that this window would be a secondary window to the main front elevation bay window which serves the main living space, it is considered appropriate to ensure that the secondary window would be non-opening and obscure glazed so as to ensure that no overlooking/loss of privacy would occur to adjacent residents of Rotton Park Road. Furthermore, rear elevation windows to the main living space of units 2, 4 and 8 are proposed to be set at an angle so that

views outwards are made into the sites private amenity space rather than onto neighbouring boundaries which is supported.

- 6.17. Furthermore, the side elevation, first floor window to the galley kitchen of unit 9 results in a separation distance shortfall of 1.5m (8.5m rather than 10m) to neighbouring rear gardens of Rotton Park Road. However, in order to mitigate against this shortfall, it is considered appropriate to ensure that the window to the galley kitchen would be bottom hung and inward opening which would omit the need for any transoms and/or mullions and thus maintain the visual relationship across the side elevation of the building. In addition, the window would be obscure glazed up to 1700mm from internal floor level so as to maintain privacy to nearby properties whilst also providing natural light into the kitchen space.
- 6.18. With the provision of the mitigation measures as outlined above, I do not consider that the proposed development would result in significant adverse impacts upon the amenities to adjacent properties and occupiers in terms of overlooking, overshadowing and loss of outlook sufficient to justify refusal of the proposal.
- 6.19. I also consider that the proposed development would not result in a significant increase in vehicular movement along the access road to cause a noise disturbance to existing occupiers. I therefore consider that the proposed development would retain a good standard of amenity for existing residents, in accordance with Policy PG3 of the BDP and the National Planning Policy Framework. I have also attached a condition to ensure an acceptable outdoor lighting scheme is provided to the communal parking areas and front parking area.
- 6.20. Regulatory Services have raised no objection to the proposal and I note that sufficient communal refuse storage is to be provided. I do consider it appropriate to secure a charging point for electric vehicles within the curtilage via planning condition so as to reduce potential air quality issues from the additional vehicles associated with the increase in occupants on site in accordance with the thrust of policy TP24 within the BDP 2017.

Highway Safety

- 6.21. The submitted site layout shows that refuse storage is located to the sites frontage so that bins can be brought to the roadside and therefore refuse vehicles do not need to enter the site. West Midlands Fire Services have raised no objection subject to water provision for firefighting purposes. The submitted Transport Statement concludes that the traffic generation from the site would be modest and that the proposed development would have negligible impact in traffic terms.
- 6.22. Transportation Development has been consulted on the proposal and raise no objection to the development in principle. They do consider that the proposal is likely to increase traffic to/from the site compared to the existing use. However, it is considered that the level of additional traffic associated with 12 no. additional apartments would unlikely to have a significant impact upon surrounding highways. Furthermore, BCC current parking guidelines specify maximum parking provision of 2 no. spaces per residential unit (i.e. 200% provision). The specified maximum parking provision for the proposal would be 34 no. spaces. The applicant is proposing 15 no. spaces (approx. 88% provision).
- 6.23. It is noted that waiting is unrestricted on the surrounding highway network in the vicinity of the site with a large proportion of properties in the locality benefiting from off-street parking facilities and whereby on-street parking demand appears to be

relatively low. Therefore, it appears that there is sufficient reserve capacity for on-street parking which combined with the site's good level of accessibility to public transport with frequent bus-services accessible from Hagley Rd, which is within walking distance from the site, the proposal is considered to be appropriate in this regard.

- 6.24. The submitted details also refer to 18 no. cycle parking spaces. However, the area shown on the submitted plans for cycle parking appears to be too small to accommodate 18 no. cycle parking spaces in a practical arrangement and which would need to be addressed. As such, subject to the imposition of conditions to secure appropriate cycle storage provision, disabled parking provision within the site and to ensure that the parking and vehicle circulation areas are not used for any other purpose, the proposal would not adversely impact upon the free flow of traffic or upon highway safety

Tree and Ecology Impacts

- 6.25. The site's boundaries comprise of low level walls in red and blue engineering bricks typical of properties in the area along with side gable walls of no. 7 and no. 9 Lyttleton Road which also form the site boundaries along with vegetation and a number of mature trees which are subject to a Tree Preservation Order (TPO 163) that covers the site with a number of trees and groups of trees along the sites boundaries covered by the order.
- 6.26. The City Tree Officer has been consulted on the proposal and has outlined that the site falls within TPO 166 and St Augustine's conservation area where trees are afforded additional protection. The application seeks to remove a number of trees from within the site, namely G7 (group) which is a mix of Blackthorn and Sycamore which is considered to have limited public amenity to which the officer raises no objection to their removal nor that of T12 on the grounds of Health & Safety. It is noted that a number of off-site trees would potentially be affected by the new build, including T1-3 which are covered by conservation area protection and which protection measures have been included within the AMS which seeks to retain these trees in full.
- 6.27. An arboricultural method statement and tree protection plan (AMS and TPP) have been submitted to provide adequate protection for the remaining on-site trees and the Tree Officer raises no objection to the proposal subject to this method statement and protection plan being implemented in full, secured by planning conditions. I agree with this viewpoint.
- 6.28. The city ecologist has been consulted on the proposal and has raised no objections to the proposal. They do state that the clearance of the northern part of the site must avoid the breeding bird season so as to avoid destroying or disturbing active bird nests and that clearance must be undertaken in stages, with vegetation cut back gradually to ground level and raking away the clippings to avoid killing or injuring any hedgehogs that may be present during site clearance. I agree with such comments and consider such works can be covered with an informative attached to any consent granted.
- 6.29. Furthermore, the submitted Ecological Appraisal outlines three opportunities for ecological enhancement within the site which relate to the installation of gaps to the site's boundaries for hedgehogs which will encourage hedgehogs by facilitating the wide foraging range this species requires, that bird boxes are installed on the lime trees so as to compensate for the loss of nesting habitats in the north of the site and

to encourage breeding birds in an area which has plentiful mature garden habitat for foraging and that soft landscaping to the area should incorporate ecologically beneficial planting to compensate for the loss of some of the naturalised vegetation. I agree with the provision of such ecological enhancements on site and consider it appropriate to secure such works by planning condition.

Other Matters

- 6.30. The application site is located within flood zone 1 (i.e. not at high risk of flooding) and the proposed scheme has been submitted with a foul and surface water drainage scheme along with a sustainable urban drainage strategy (SUDS) that employs the use of soakaways and discharge to the public sewer. I note that concerns have been raised by local residents regarding potential drainage and land stability issues, particularly in relation to level changes from the front to the rear of the site of approx. 2m. However, the submitted information has been assessed by both Severn Trent Water and the lead local flood authority (LLFA) who have raised no objections to the submitted calculations, assessment and mitigation subject to the provision of planning conditions securing surface water drainage details and a sustainable drainage operation and maintenance plan prior to works commencing on site. I concur with this viewpoint.

Community Infrastructure Levy (CIL)

- 6.31. The application site is not situated within an area where new residential development is subject to CIL. Therefore no CIL payment is required.

7. Conclusion

- 7.1. The proposed development would provide additional housing, jobs during the construction phase, additional natural surveillance of the public realm and the refurbishment/improvement of an existing building within a conservation area and within the foreground of a listed heritage asset. The proposed improvements to the existing building along with the provision of the new build structure whilst changing the setting of the locally listed buildings and associated views would not amount to substantial harm to this heritage asset or to the wider conservation area. I also consider that any minor harm to the significance of these assets would be outweighed by the benefits of the scheme in terms of additional housing and the refurbishment/improvement of an existing non-designated heritage asset.
- 7.2. I also consider that the development would not have a detrimental impact on the amenities of existing occupiers, trees and wildlife. It is considered that it represents a form of development where the benefits outweighs the harm and is recommended for approval subject to suitable mitigation secured by planning conditions.

8. Recommendation

- 8.1. I recommend approval subject to the following conditions:

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|---|------------------------------------------------------------------------|
| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Requires the submission of sample materials |
| 3 | Requires the parking and circulation areas to be laid out prior to use |
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- | | |
|----|-------------------------------------------------------------------------------------------------------|
| 4 | Requires the submission of details for disabled parking |
| 5 | Requires the submission of cycle storage details |
| 6 | Requires the submission of a lighting scheme |
| 7 | Requires the submission of boundary treatment details |
| 8 | Requires the submission of hard and/or soft landscape details |
| 9 | Requires the prior submission of level details |
| 10 | Requires the submission of obscure glazing/window details for specific areas of the approved building |
| 11 | Requires the submission of details of refuse storage |
| 12 | Requires the prior submission of a sustainable drainage scheme |
| 13 | Requires prior submission of Sustainable Drainage Operation and Maintenance Plan |
| 14 | Requires the prior submission of foul and surface water drainage scheme |
| 15 | Requires full scope of works to exterior of building (No.7 Lyttleton Road) |
| 16 | Requires the prior submission of external building detailing |
| 17 | Requires the implementation of tree protection |
| 18 | Requirements within pre-defined tree protection areas |
| 19 | Requires the submission of a scheme for ecological/biodiversity/enhancement measures |
| 20 | Implement within 3 years (Full) |
-

Case Officer: Christopher Wentworth

Photo(s)

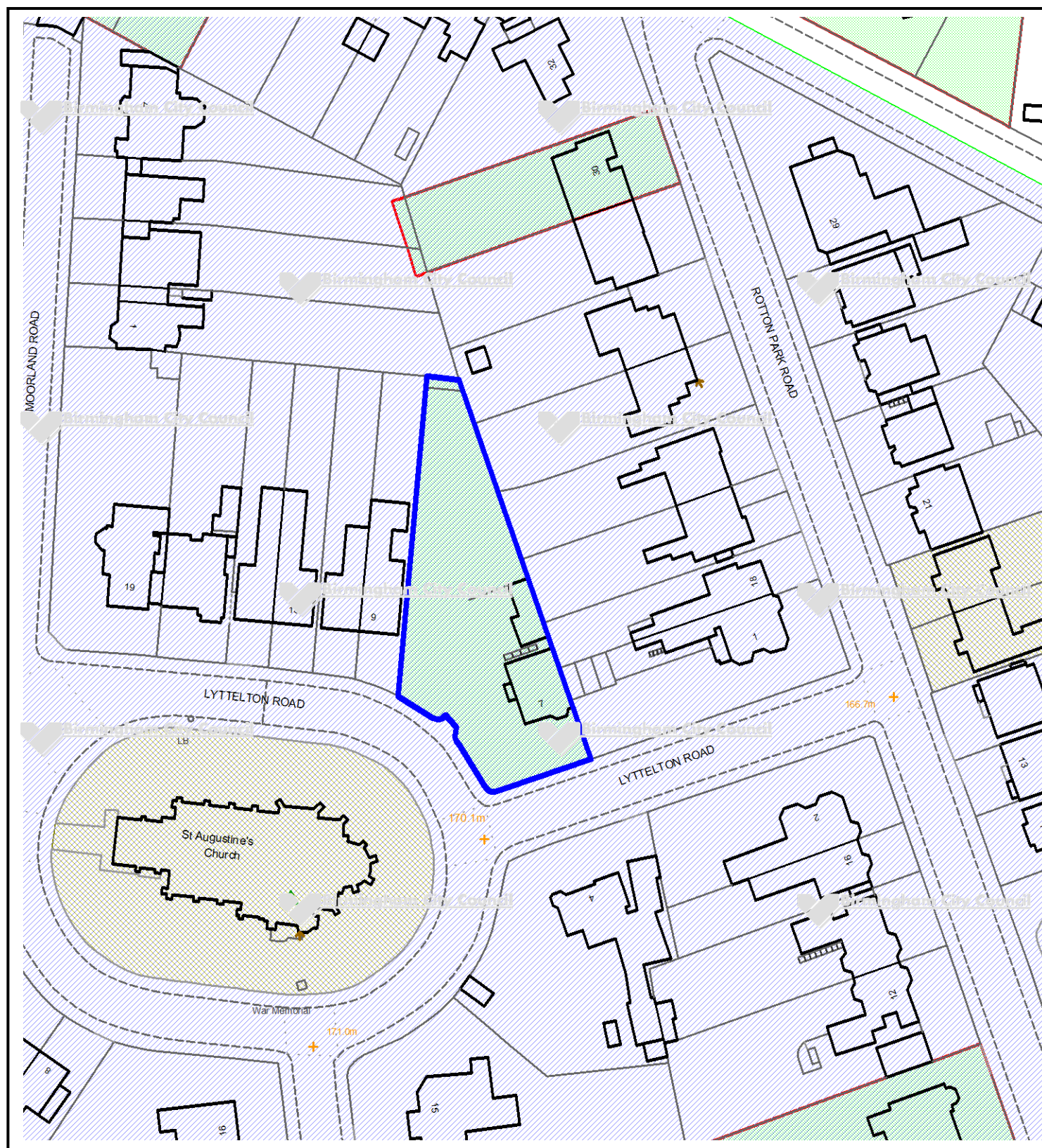


Photo 1 - Existing Dwelling to be Retained (No. 7 Lyttleton Road).



Photo 2 – Location of new 3 storey building (centre of photo) with existing dwellings (no. 7 to right side and no. 9 to left side).

Location Plan



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BIRMINGHAM CITY COUNCIL

REPORT OF CORPORATE DIRECTOR OF ECONOMY

PLANNING COMMITTEE

3 JANUARY 2019

AREA: CITY CENTRE

WARD: SOHO AND JEWELLERY QUARTER

ISSUES REPORT

SUMMARY

This report advises Members of a detailed planning application submitted by Northwood Street Ltd and Pingrade Ltd under reference 2018/04882/PA. The site comprises of 1.5ha of land fronting Northwood Street, James Street, Graham Street, Brook Street, Newhall Street and Regent Place in the Jewellery Quarter Conservation Area. Most of the site comprises the business premises of two existing companies AE Harris and Baker and Finnemore. The application proposes the partial demolition of buildings, change of use of retained buildings at 109, 123 & 128 Northwood Street to A1-A4, B1 and C3 uses, change of use of retained building at 199 Newhall Street from B2 to B1 and erection of new buildings to provide 320 one, two and three bed apartments and 8,136 sqm of non-residential floor space for A1-A5, B1 and D2 uses with associated parking and landscaping. This report sets out likely issues to be considered when the proposal returns to the Committee for a decision, seeks views on these issues and on any other relevant planning matters that members may wish to raise.

RECOMMENDATIONS

Comments of your Committee are requested.

CONTACT OFFICER

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Email: Lesley.Sheldrake@birmingham.gov.uk

PURPOSE

This report is intended to give Members an early opportunity to comment on the application proposals in order for negotiations with the applicants to proceed with some certainty as to the issues Members feel are particularly relevant, require amending or require additional information that should be sought.

PLANNING COMMITTEE: 3 January 2019

APPLICATION: 018/04882/PA

AREA: City Centre

LOCATION: Land fronting Northwood Street, James Street, Graham Street, Brook Street, Newhall Street and Regent Place, Jewellery Quarter, Birmingham. B1

PROPOSAL: Partial demolition of buildings, change of use of retained buildings at 109, 123 & 128 Northwood Street from B2 to A1-A4, B1 and C3 uses, change of use of retained building at 199 Newhall Street from B2 to B1, conversion and erection of new buildings to provide 320 one, two and three bed apartments and 8,136 sqm of non-residential floor space for A1-A5, B1 & D2 uses with associated parking and landscaping.

APPLICANT: Northwood Street Ltd and Pingrade Ltd

AGENT: Turley, 9 Colmore Row, Birmingham, B3 2BJ

1.0 DETAILS OF PROPOSAL:

- 1.1 The application relates to a site of 1.5ha within the Jewellery Quarter Conservation Area which is currently occupied by a range of modern and traditional industrial buildings. These existing buildings are largely used as the business premises of AE Harris and Baker and Finnemore. The application proposes to redevelop the site to provide a mixed use development of 320 apartments and 8,136 sqm (NIA) of commercial floor space with associated parking, landscaping and new areas of public realm.

Demolition

- 1.2 The implementation of the proposals would require demolition of most of the existing structures on the site, which comprise of a group of traditional and modern industrial buildings. Four buildings which have been identified as having historic merit would however be retained. These comprise the two listed buildings on the site namely 109 Northwood Street known as Harper Hill Works, a three storey former metal working manufactory dating from 1882 and 199 Newhall Street an early 20th Century three storey purpose built manufactory. Modern extension attached to both listed buildings would be demolished. The two other buildings that would be retained are a late 19th/early 20th century workshop range at 123 Northwood Street and a further late 19th century workshop range to the rear 128 Northwood Street.

Mix

- 1.3 The proposed development would provide of 27,471 sqm (NIA) of floor space of which 19,335 sqm – 70% (320 Units) would be for residential uses and 8,136 sqm 30% would be for commercial uses with the following mix:-
- 106 (33%) -1 bed x 1 person apartments
 - 68 (21%) -1 bed x 2 person apartments
 - 49 (15%) - 2 bed x 3 person apartments
 - 66 (21%)- 2 bed x 4 person apartments
 - 31 (10%)– 3 bed apartments
 - 3,695 sqm of commercial workspace for B1 uses
 - 3,792 sqm of retail floor space for A1-A5 uses
 - 649 sqm for a D2 leisure use
 - 44 car parking spaces
 - 320 cycle spaces
 - 3,111 square metres of public realm
- 1.4 Generally the development would provide ground floor B1 commercial or retail A1 - A5 space with apartments on the upper floors. Two buildings would however be used entirely for B1 use these being the listed building at 199 Newhall Street (Buildings Q) and new Building R located on Graham Street. No affordable housing is proposed but instead the applicants are offering affordable workspace within Building Q of 1,709 sqm which represents 73% of the net lettable floor area within the block.

Layout

- 1.5 The proposed layout has been arranged so that there would be new or retained buildings occupying the main street frontages to the site including Graham Street, Newhall Street/Brook Street, James Street, Regent Place and both sides of Northwood Street. Currently the section of Northwood Street that runs east -west centrally through the site is privately owned and gated and the proposals would reinstate this as a shared surfaced public route predominantly for pedestrians but also for emergency and service vehicles. In addition a new north – south pedestrian route is proposed between Newhall Street and Regent Place. This route would also be fronted by new buildings and, in order to address a considerable change in levels across the site would include steps and a public lift. A further area of public realm is proposed adjacent to the new north – south route which is indicated as being an event square associated with the proposed new commercial uses.

- 1.6 In order to reinstate gaps in the existing street frontages and replace the demolished structures a range of new buildings are proposed. These are shown as A-Q and incorporate the retained structures as well as the new buildings. Some of these would be subdivided further so that the development would appear as 20 individual buildings. The new buildings generally have heights generally between 4 and 5 storeys and the retained buildings have heights of 2 and 3 storeys.

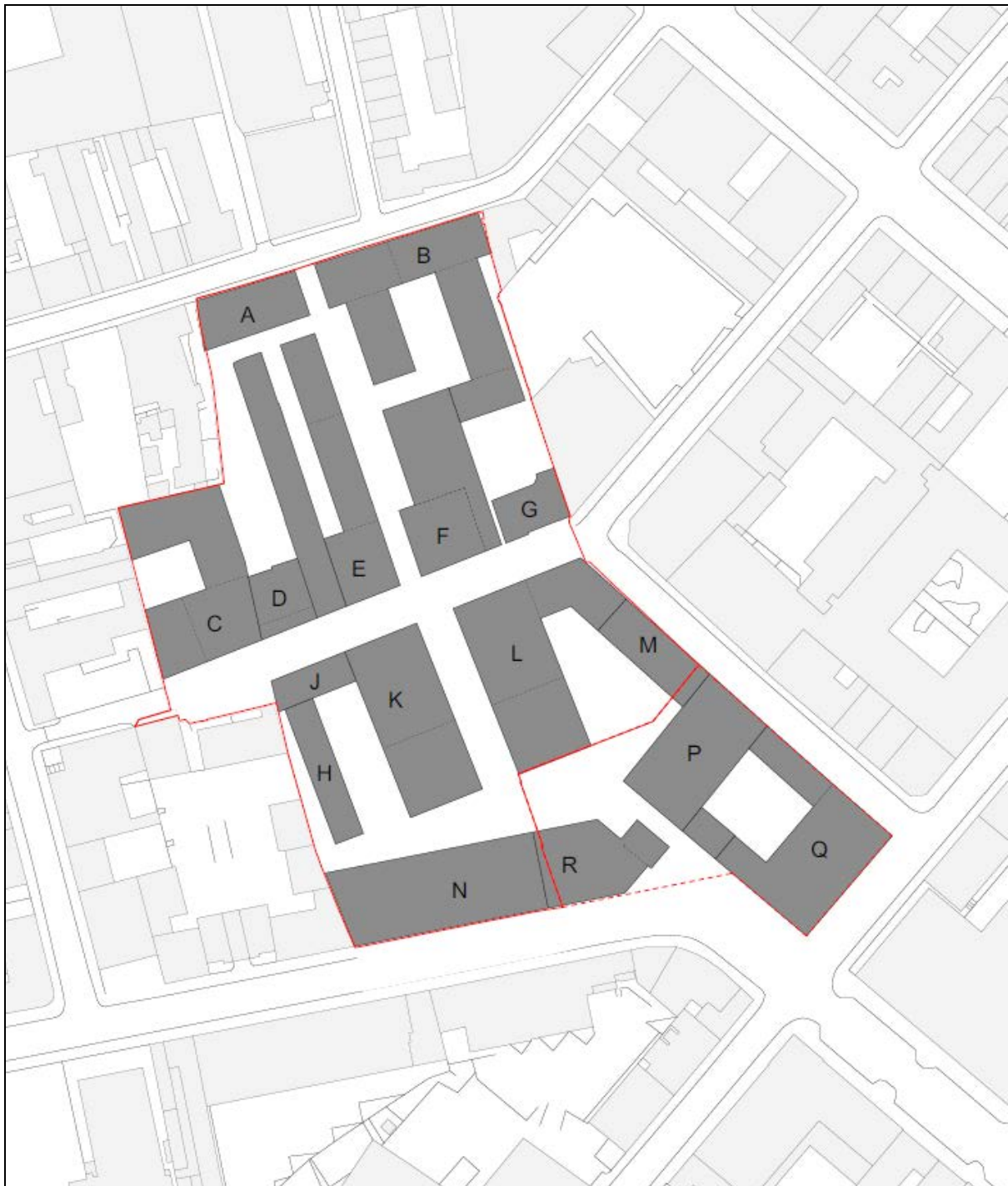


Figure 1: Plan showing the location of buildings A- Q

New buildings and Heights

- 1.7 Proposed Buildings A and B are new blocks that would be located on the site frontage to Regent Place adjacent to the new north–south pedestrian route. Building A would be 4 storeys in height and subdivided to have the appearance of two linked blocks using the same brick type but with slight variations in heights and window patterns. Building B would also comprise of two linked blocks of 4 and 5 storeys in height. The taller 5 storey section would be of a brighter orange brick and have larger windows than the lower 4 storey section which would be subdivided further into narrower modules. Building B would also have two wings at the rear which would be 5 storeys high fronting the new public route and a private resident's courtyard space. The ground floor of both buildings where they front Regent Place and the new public route would provide retail or B1 floor space with apartments above. The other rear wing within the courtyard would provide entirely residential floor space.
- 1.8 Buildings C-G would be located to front the north side of Northwood Street and have wings at the rear fronting the new north-south pedestrian route and a number of new private residential courtyard spaces. They also encompass two of the retained 2 and 3 storey buildings on this part of the site (Buildings D and G) with Building D being altered and extended to provide 3 floors of accommodation. This frontage of the site would have the appearance of 6 buildings with the new blocks being of 5 storeys in height but with 4 storey sections adjacent to the 3 storey listed Harpers Hill works (Building G) and neighbouring development in Vittoria Street. The buildings fronting Northwood Street would be of 4 and 5 storeys high with the courtyard wings being predominantly 4 storeys. On the ground floor retail uses are proposed fronting the main public routes with entrances through to the apartments in the rear private courtyard areas. All 3 floors of the retained listed building G would be used entirely for retail purposes.
- 1.9 Buildings H-L would occupy the south side of Northwood Street, the corner with James Street, the lower section of the new north - south pedestrian route and the north side of the new events space. This group also contains the retained 2 storey workshop wing (Building H). The 4 new buildings fronting Northwood Street would be 4 and 5 storeys in height but with the blocks subdivided to give the appearance of 7 narrower plots. The southern end of Buildings K and L marks a change in levels within the site so that these blocks will be a storey higher, at 5 and 6 storeys when viewed from the events space. The public frontages and events space would have retail uses at ground floor level apart from the Northwood Street/James Street corner where a D2 cinema use is proposed at street level as the gradient allows a large basement area to be provided.
- 1.10 The James Street frontage of the site has a steep gradient with the 2 storey retained listed building at 199 Newhall Street (Building Q) being at its lowest point. The frontage is shown as being developed with 4 buildings L-Q, with heights between 2 and 5 storeys. Buildings would again be subdivided into narrower forms and this frontage would also include the vehicular entrance to the basement area which includes the car park and cycle store as well as a potential cinema area. B1 uses are proposed within the retained listed building and at ground floor level within Building P with apartments within the other floor space. 2 private rear courtyard areas are also

proposed one providing the entrance and amenity space for the B1 uses in buildings P and Q and the other for the residential units within buildings L-M.

- 1.11 The remaining frontage to Newhall Street and Graham Street would comprise of the retained 3 storey listed building (Building Q) and two new buildings N and R which would also front the south and west sides of the new events space. Proposed building N would be 5 storeys in height with a central 4 storey section and has been subdivided to have the appearance of 4 narrower buildings. It would provide retail floor space on the ground floor together with a pedestrian entrance/exit into the events space and apartments above. Building R would be 4 storeys in height fronting Graham Street but with a corner set an angle to align with the end of Newhall Street. This corner would be marked with a 6 storey high marker tower providing the entrance and circulation space to Building R which would provide retail floor space at ground floor level with B1 uses on the upper floors.



Figure 2: Birds Eye view of existing site looking towards Newhall Street



Figure 3: Birds Eye view of site proposals looking towards Newhall Street

Design and Materials

- 1.12 The Design and Access statement includes an analysis of existing buildings types within the Jewellery Quarter, which it divides into four main types which is then used to establish a system and rhythm for the new streetscape proposed. Plot widths are therefore varied and different roof treatments are used including flat roofs with parapets, standard gables, pitches and a contemporary northern lights style. A range of building heights are used, although predominantly 4-5 storeys. Generally the building designs use large ground floor openings for the commercial uses with regularly spaced floor to ceiling windows to the upper floors set back within a brickwork frame. The window widths and fenestration pattern vary but would use double glazed aluminium frames with a slim profile to mimic traditional steel Crittall windows. Lintels and sills would be of brick, metal, coloured masonry or stone. A number of different colour bricks are proposed in the red/orange range, black/grey range or white. Pitched roofs would either be of metal or slate.
- 1.13 Three “cornerstone” and “special” designs are proposed for Buildings E, L and R. Building E which lies on the north side of Northwood Street roughly in the centre of the site would be one of the tallest new buildings at 5 storeys but with a tall parapet of 2 metres above a flat roof. The base would have large oriel projecting windows set with a pre-cast concrete frame. The frame would extend to the floors above where it would be infilled with white brickwork and floor to ceiling windows with bronze metal lintel and sill details. The frame would extend to the top of the building where vertical bronze fins would be used with a balustrade 1.5 metre high to enclose a roof garden.

- 1.14 Building L, which occupies the plot at the junction of James Street and Northwood Street, would be developed with a 4 storey flat roofed building with basement for use as a cinema or theatre. There would be an entrance foyer at street level and three floors of apartments above. The architects describe the design as an interpretation of an art-deco cinema which would be of white facing bricks incorporating a curve on the corner. At ground floor level large shop front style windows would occupy both frontages and on the upper floors the main fenestration would be to the Northwood Street elevation but there would also be a line of windows to James Street.
- 1.15 The final “special” Building R would occupy the plot on the corner of Graham Street and Newhall Street and is designed to terminate the long view of the site down Newhall Street and provide the main pedestrian entrance to the development. It would be predominantly 4 storeys high with a flat roof and be constructed from black metal fins, glazing and black brickwork. The brickwork would be used for the ground floor base set between large retail/commercial windows. The upper floors would be fully glazed with a regular frame of extruding metal fins 400 mm deep provided in front. The same design is used on the rear elevation facing the new events square but on east side of the building a brick circulation tower is proposed. This would be of the same height as the main building but as it has been designed to act as a marker for the development it would incorporate a light box on top 7 metres high and be enclosed in hit and miss brickwork.

Public Realm/Amenity Space

- 1.16 The development would provide 3 new areas of public realm totalling 3,111 sqm, a series of 6 private courtyard spaces for residents covering 2,937 sqm and a private courtyard for the B1 units of 393 sqm. The public realm areas comprise of the north - south pedestrian route between Regent Place and Newhall Street which accommodates steps and a lift adjacent to the events space and Building K. Most of the route follows a straight line but to link to Newhall Street it includes a dogleg to terminate alongside building Q and the listed building at 199 Newhall Street. A more direct route is also proposed via Graham Street by use of an undercroft section to Building N. The main route varies in width between 4 and 10 metres although it widens further where it crosses the events square.
- 1.17 Northwood Street would form the second new public route running east - west through the site following the line of the existing private gated highway. Bollards would be provided at its eastern end to restrict its use by vehicles other than by service and emergency vehicles. It would be resurfaced and has a width of between 10 and 14 metres. The route would remain as a cul de sac, as although it adjoins St Helens Passage at the western end, this is not a public highway and does not fall within the application site.
- 1.18 The other area of public realm proposed is shown as an events space and is a roughly triangular area of land located to the rear of buildings fronting Graham Street. It is intended that this would be used in conjunction with the various ground floor retail uses fronting the space. It has a width of between 5 -17 metres. All three public realm areas would be surfaced with a mix of blue brick clay pavers, granite setts and york stone and tree planting provided.

- 1.19 Six private courtyard spaces are also proposed for residents and a seventh courtyard would be provided in association with the B1 floor space proposed in Buildings P and Q to the rear of James Street. There would be 4 small courtyards in the northern half of the site and three courtyards in the southern half two of which would be constructed as podiums above the underground parking facilities. These spaces would also use the same hard surfacing materials but also include raised planters, seating and soft landscaping in the form of grass, trees and herbaceous planting. The entrances to the courtyards would be enclosed with decorative metalwork gates. The development also includes balconies and roof gardens for a number of the apartment's blocks including their use on buildings C, E, J, K, L, P and N.

Access and Parking

- 1.20 The vehicle access to and from the development would be from James Street into an undercroft car park with 44 spaces. The entrance is incorporated into Plot M which would be of a single vehicle width. The cycle store would also be accessed from this entrance which would provide 320 spaces as well as a wash down facility and tool station workshop for maintenance. Servicing of the development would take place directly from the street frontages to Regent Place, Northwood Street and Graham Street. The applicant advise that this arrangement will be used for loading/unloading of goods, deliveries and refuse lorries and would be overseen by on site management to ensure the process runs smoothly.

CIL/Section 106 offer

- 1.21 A viability appraisal has been submitted with the application which is currently being reviewed by consultants on behalf of the Council. It advises that the development would be liable for CIL and having regard to the development costs and a return of 15% of GDV, the development can only provide 1,709 sqm (NIA) of affordable workspace. This would be accommodated within the listed Building Q fronting Newhall Street. The appraisal comments that any further contributions towards planning obligations would generate a viability deficit.

Supporting Information

- 1.22 The application has been supported by a comprehensive range of documents including Design and Access Statement including landscape strategy, Planning Statement, Flood Risk Assessment, Transport Statement and Travel Plan, Preliminary Ecological Appraisal, Air Quality Assessment, Noise Assessment, Heritage Assessment, Economic Impact Assessment, Sustainability Statement and Desktop Ground Conditions Survey. A Viability Assessment has also been provided in support of this application to justify the deviation from policy in respect of open space and affordable housing contributions.

- 1.23 [Link to Documents](#)

2.0 NATURE OF SURROUNDINGS:

- 2.1 The application site covers 1.5 ha and lies between Regents Place to the north, James Street/ Brook Street to the east, Graham Street and Newhall Street to the

south and St Helen's Passage off Vittoria Street to the west. Most of the site is currently occupied by the business premises of AE Harris, a manufacturing business, which operates from buildings, located either side of Northwood Street. At this point Northwood Street is a private road which is gated at either end. The south eastern corner of the site is occupied by the premises of Baker & Finnemore, a metal pressing manufacturer, and the Graham Street frontage by modern workshops which are now vacant.

- 2.2 The site lies within the Jewellery Quarter Conservation Area and contains 2 listed buildings, Harpers Hill Works at 109 Northwood Street which is vacant, and 199 Newhall Street, used by Baker and Finnemore. The rest of the site contains a range of traditional and modern manufacturing buildings/workshops with ancillary offices ranging in height from one – three storeys. They fill virtually the full site but on the Regent Street frontage a vacant part of the site is used as a temporary car park. There is also a further car park/delivery yard on James Street used by Baker and Finnemore. On the south side of Northwood Street a number of the older traditional buildings which are used by Stan's Café as a performance space for art exhibitions installations and performances (use class D1) together with ancillary storage.
- 2.3 There is a considerable difference in levels across the site with the southern boundary being about 9 metres below the northern boundary. The existing buildings on the south side of Northwood Street have therefore been built on a high retaining wall that runs to the rear of the existing buildings on the Graham Street frontage. The principle access to the AE Harris part of the site is from Northwood Street and the Baker and Finnemore premises have its main access onto James Street. There are also a number of entrances to delivery areas onto Graham Street.
- 2.4 The site boundaries adjoin a mix of commercial buildings and 2 undeveloped plots used as car parking. On the Regent Street frontage the eastern boundary adjoins 35 Regent Place, a Grade II listed 3 storey works , and the western boundary adjoins No's 13 -17 Regent Place, a further three storey group of listed buildings built as a manufactory incorporating earlier structures and part of a house. The western boundary also adjoins the curtilage of a group of three Grade II listed buildings at No's 33 - 37 Vittoria Street which are also of 3 storeys.
- 2.5 The immediate area contains a considerable number of listed buildings particularly fronting Regent Place. Opposite the site frontage No's 22, 24, 26, 32 are all Grade II listed buildings as are No's 9, 12 -14, 16 and 60 -70 further along the street. These are in predominantly commercial use, but the upper floors of the former Squirrel Works at 32 Regent Street, has recently been converted to provide offices and several apartments. On Vittoria Street Standard Works at the junction of Regent Street is listed as are a number of other buildings slightly further away on the opposite side of Vittoria Street. On Graham Street opposite the application site No's 204 -206, the former Dorman Smith Switchgear Ltd offices are listed as is No 11 Brook Street located opposite the listed building on the site at 199 Newhall Street. The site is also near to St Paul's Square and the Grade 1 listed St Paul's Church which has tall spire visible over a wide area.

- 2.6 Generally the area surrounding the site is occupied by a variety of business premises, including offices, jewellery manufacturers, an education facility, restaurants and live work units. There are some modern apartment's schemes nearby predominantly opposite the site frontage on Graham Street.

2.7 [Site Location](#)

3.0 RELEVANT PLANNING HISTORY:

- 3.1 2018/04885/PA – Current application for Listed Building Consent for demolition of structures attached to listed buildings and conversion of 109 Northwood Street (Harpers Hill Works) from B2 to A1-A4 or B1 uses and conversion of 199 Newhall Street from B2 to B1 use with associated works.
- 3.2 24/4/18 - 2018/01431/PA – Permission granted for variation of Condition 2 attached to planning approval 2015/02349/PA to allow the temporary car park to operate at 109-111 Northwood Street until 28th April 2020.
- 3.3 20/3/15 - 2015/00313/PA – Planning permission granted for continued use of 110-118 Northwood Street as performance space for art exhibitions installations and performances (use class D1)
- 3.4 5/2/13 - 2012/07519/PA – Planning permission granted to extend the time limit condition on planning permission 2010/00357/PA for a mixed use re-development of on land at 109-138 Northwood Street and 5-6 Graham Street. (Existing consent extended to 28 April 2016 for submission of reserved matters and for a start on site until 28 April 2018).
- 3.5 5/2/13 – 2013/2012/07624/PA - Planning permission granted for new conservation area consent to replace 2010/00358/PA for demolition of all existing buildings and structures on site at 109-138 Northwood Street and 5-6 Graham Street except for the listed building at 109-111 Northwood St (Harpers Hill Works). (Existing consent extended for further 3 years until 28th April 2018).
- 3.6 21/04/10 – 2013/2010/00357/PA – Planning permission granted to extend the time limit condition on planning application C/02600/06/OUT- Mixed use re-development of land at 109-138 Northwood Street and 5-6 Graham Street. .
- 3.7 1/04/10 - 2010/00358/PA – Planning permission granted to extend the time limit condition on conservation area consent C/03757/08/CAC for the demolition of all existing buildings and structures on site except for the listed building at 109-111 Northwood St (Harpers Hill Works).
- 3.8 4/09/2008 - 2008/03757/PA – Planning permission granted to extend the time limit for conservation area consent C/02602/06/CAC for the demolition of all existing buildings and structures on site except for the listed building at 109-111 Northwood St (Harpers Hill Works).
- 3.9 28/8/08 - 2006/02600/PA – Planning permission granted for mixed use re-development of site to provide 9,779 sqm of gross B1 floor space (including 1,639 sqm of affordable workspace), 8,721 sqm of net residential floor space (approx. 148

apartments), 1,725sqm of gross retail floor space (A1 and A3 uses), 462 sqm gross of community uses (D1 uses) with decked car park of 308 spaces including at least 90 spaces for public use on land at 109-138 Northwood Street and 5-6 Graham Street.

- 3.10 15/11/2006 - 2006/02601/PA- Listed building consent granted for conversion of 109-111 Northwood Street (Harpers Hill Works) to A3 restaurant use
- 3.11 15/11/2006 - 2006/02602/PA – Conservation Area consent granted for demolition of all buildings and structures on site except for the listed building at 109-111 Northwood Street (Harpers Hill Works)
- 3.12 27/4/98 - 1997/04322/PA – Planning permission granted for installation of vehicular barrier across the street with planters and pedestrian gate at 109 & 110 Northwood Street.

4.0 CONSULTATIONS / PP RESPONSES:

- 4.1 Public consultation is underway with local businesses and residents, Jewellery Quarter Associations and local ward councillors. Press and site notices have also been displayed. Consultations have also been undertaken with Council departments, statutory consultees and other interested parties. Pre application proposals were also considered by Conservation and Heritage Panel on 12 March 2018.

5.0 POLICY CONTEXT:

- 5.1 National Planning Policy Framework 2018, Birmingham Development Plan 2031, Birmingham Unitary Development Plan 2005 (saved policies), The Jewellery Quarter Urban Village Framework SPG, The Jewellery Quarter Conservation Area Character Appraisal and Management Plan SPG, Jewellery Quarter Conservation Area Design Guide SDG, Conservation Through Regeneration SPD, Places for All SPG, Places for Living SPG, Loss of Industrial Land to Alternative Uses SPD 2006, Car Parking Guidelines SPD, Public Open Space in new Residential Development SPD; Affordable Housing SPG and non-statutory Big City Plan.

6.0 BACKGROUND

- 6.1 In August 2008 planning permission was granted under reference 2006/02600/PA for a mixed-use development on land comprising the current application site but excluding the 0.3ha site occupied by Baker and Finnemore. The approved scheme provided 9,779 sqm of B1 floor space, including 1,639sqm of affordable workspace, 8,721 sqm of residential floor space providing approximately 148 apartments, 1,725 sqm of retail floor space for A1 and A3 uses and 462 sqm of D1 uses together with a decked car park of 308 spaces of which at least 90 spaces would be for public use. Conservation Area consent was also granted for the demolition of all the existing apart from Harpers Hill Works which was granted listed building consent for conversion to an A3 restaurant.
- 6.2. The planning permission was subject to a Section 106 Agreement which secured the following:-

- No development to take place until AE Harris has relocated to a new site and continues to employ their existing employees on the same terms and conditions for two years.
- That A E Harris must relocate and complete the acquisition of their new site before or simultaneous to the completion of the sale of the existing site.
- That A E Harris give an undertaking that if the company does not relocate and or ceases trading within a period of 2 years following relocation then the increased value of the site achieved through the residential approval is repaid to the Council to enable new or improvements to existing employment opportunities in the Industrial Middle/Golden Triangle.
- That AE Harris locates to a new site within the Birmingham City Area unless an alternative location is fully justified.
- That at least 90 car parking spaces are made available for general public parking
- That the area set for affordable workspace is retained for that purpose in perpetuity and provides no less than 1,639 square metres of gross floor space.
- The affordable workspace units are appropriately fitted out and marketed to local qualifying businesses at a 30% discount of open market value.
- A management agreement is provided for the affordable workspace block which includes provision of a business centre manager, PA, maintenance of any central services, communal areas and the exterior of the property.
- That the developer provides a grant of £100,000 to the centre to allow for initial starts up costs and the first 12 months' salary of a business centre manager and PA in connection with the affordable workspace.
- That a financial contribution of £216,800 (index linked to construction costs) is paid towards the provision of improvements to the public realm in the vicinity of the site and open space within the Jewellery Quarter including St Paul's Square and the cemeteries.
- A commitment to maximise local construction and operation employment opportunities and training programme with the City Council and other agencies.

6.3 The reason these Section 106 requirements were imposed was, that they were considered to be necessary, to make the application acceptable in planning terms. These requirement together with the various planning conditions imposed were considered to be essential in order to justify allowing residential floor space on the site as it lies within the designated Industrial Middle area of the Jewellery Quarter where planning policies would not normally allow new housing development..

6.4 The planning permission granted was subsequently renewed on several occasions the most recent being in 2013 but has now expired.

7.0 ISSUES:

Issue 1 - Land Use Policy

- 7.1 Local Planning Authorities must determine planning applications in accordance with the Statutory Development Plan, unless material considerations indicate otherwise. The Development Plan comprises Birmingham Development Plan 2031 and the saved policies of the Birmingham Unitary Development Plan 2005. Other adopted supplementary planning policies are also relevant as is the National Planning Policy Framework as recently revised.
- 7.2 Policy PG1 of the Birmingham Development Plan (BDP) states that significant levels of housing, employment, office and retail growth is required to meet the needs of its growing population. Policy PG1 quantifies this as the provision of 51,000 additional homes within the built up area of the City together with sites for employment, retail and office uses. Policy PG3 requires all new development to demonstrate high design quality contributing to a strong sense of place that should respond to the local area context including heritage assets.
- 7.3 The BDP identifies the application site as being within the City Centre Growth Area where the focus will primarily be upon re-using existing urban land through regeneration, renewal and development. Policy GA1.3 relating to the Quarters surrounding the city centre core states that development must support and strengthen the distinctive characteristics, communities and environmental assets of each area. For the Jewellery Quarter it seeks to create an urban village supporting the areas unique heritage with the introduction of an appropriate mix of uses and radically improved connections to the City Centre Core.
- 7.4 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. It states that where a Conservation Area Character Appraisal or Management Plan has been prepared, it will be a material consideration in determining applications for development. It will be used to support and guide enhancement and due regard should be given to the policies it contains.
- 7.5 Policy TP20 seeks to protection employment from other uses unless it can be demonstrated that site is a non-conforming use or is no longer attractive for employment purposes.
- 7.6 The JQ Conservation Area Character Appraisal and Management Plan SPG identifies the special interest of the JQ, provides a definition of its character and a management plan for its preservation and enhancement. It divides the conservation area into eight sub areas and the application site is shown as being within the Industrial Middle characterised by industrial uses largely related to the jewellery and small metal trades with some commercial and retail uses. The document states that most significant changes in recent land use pattern in the JQ has been the recent introduction of new residential development and although this can encourage valuable new uses and significant regeneration it leads to pressure for housing in the industrial heart of the area diluting the character of the conservation area.

- 7.7 Policy 2.2 of the JQ Management plan states that the Council will not normally permit new residential uses, whether by conversion of existing buildings or new build in the areas defined as the Golden Triangle and the Industrial Middle. Exceptions will be made in the case of live- work units as a component of a mixed use development and where the ratio of living to working spaces does not exceed 50% of each unit.
- 7.8 The NPPF contains a presumption in favour of sustainable development which is about positive growth making economic, environmental and social progress for this and future generations. It affirms the Government's commitment to securing economic growth in order to create jobs and prosperity. Paragraph 11 states that applications should be considered in the context of the presumption in favour of sustainable development. The NPPF seeks to significantly boost the supply of homes and also to create the conditions in which businesses can invest, expand and adapt. Significant weight is to be given to the need to support economic growth and productivity, taking into account, both local business needs and wider opportunities for development. The NPPF also recognises heritage assets as an irreplaceable resource, and should be conserved in a manner appropriate to their significance.
- 7.9 The application site is predominantly in employment use and the current businesses employs about 110 people in activities associated with the manufacture of metal products. Although the BDP seeks to create an urban village within the Jewellery Quarter is also seeks to support the areas unique industrial heritage. Therefore whilst residential development is supported in some parts of the conservation area in other sections housing development is not normally permitted. The explanatory text to policy 2.2 from the Management Plan states that the provision of new residential development in the Jewellery Quarter has resulted in the loss or change of use of industrial buildings and has significantly enhanced potential property values. It threatens the continued industrial use of manufacturing premises and reduces the amount of workspace available to the traditional industries in the Quarter. The text also states that the density and integrity of the surviving industrial premises in the Golden Triangle and Industrial Middle makes a powerful contribution to the character of the Jewellery Quarter such that it is considered inappropriate to permit any change of use of industrial or commercial premises to residential usage.
- 7.8 Policy TP20 of the BDP also seeks to protect employment land. The Loss of Industrial Land to Alternative Uses SPD 2006 recognises that within the City Centre a more flexible approach towards change of use to residential is required to support regeneration initiatives. Therefore proposals involving the loss of industrial land can be supported, if they lie in areas which have been identified in other approved planning policy documents, as having potential for alternative uses. Although the JQ Management Plan supports new development including housing it would not allow residential development, other than live work units, in this location.
- 7.9 The applicants acknowledge that the JQ Management Plan seeks to restrict residential development in this part of the Jewellery Quarter. However, they consider that there are a unique set of circumstances associated with the location of the site and the proposed scheme which together, present a suitable opportunity for a viable high quality mixed use development, including residential use, to be delivered in the heart of the Jewellery Quarter. The benefits are stated as including the following:-

- Enabling AE Harris to fund the relocation to premises more suitable for their needs allowing a more efficient business operation to be established.
- Delivering the comprehensive regeneration of an underutilised site within the Jewellery Quarter and offering visual enhancements and greater opportunity for place-making.
- Creating new public routes through the site linking key streets and areas within the Jewellery Quarter.
- Removal of buildings which detract from the character and appearance of the Jewellery Quarter Conservation Area.
- Creation of new buildings which will enhance the character and appearance of the Jewellery Quarter Conservation Area and re-provide enclosure to the townscape along at the site frontages.
- Retaining and providing suitable new uses for the historic buildings within the site
- The creation of flexible workspaces which will contribute further employment opportunities on site.
- The delivery of 320 residential units in a high quality mix of accommodation which will contribute to boosting the supply of housing to meet Birmingham's needs.
- Contributing towards local and wider employment generation and economic productivity including creation of new jobs, resident and visitor expenditure in the local area. This would include 110 jobs and investment of about £48.6 million in the construction of the scheme and provision of 345 jobs upon completion as well as a £17 million annual contribution to the West Midlands economy once fully operational
- Increased activity within the heart of the Jewellery Quarter with improved amenity space, offering places for residents and visitors to socialise, relax and enjoy the enhanced environment.
- Development delivered in a sustainable location with pedestrian, cycling and public transport connections and easy links to services and employment opportunities
- Potential for enhanced biodiversity through the introduction of landscaping in what is currently a hard urban environment.

7.10 The committee may wish to comment as to whether the benefits offered by the scheme could overcome the objection in principle to residential development on the site and the loss of industrial floor space.

Issue 2 – Mix of Uses

7.11 When planning permission was previously granted for the re-development of the AE Harris owned part of the site the development proposed a total of 22,142 (gross)

square metres of which 11,966 (44%) was for B1 use including affordable workspace, 1,725 sqm (8%) was for A1 and A3 uses, 462 sqm (2%) for D1 community uses and 10,176 sqm (46%) was residential accommodation in the form of 148 apartments. The highest percentage (54%) of the new floor space proposed was therefore in commercial rather than residential use reflecting the location of the site within the Industrial Middle. The amount of B1 floor space proposed also equated the approximately the same amount of useable manufacturing floor space that was on the application site at the time.

- 7.12 The amount of floor space now proposed on this larger site is 27,471 sqm of net floor space (38,186 sqm gross) of which 3,695 sqm (13%) would be for B1 uses, 3,792 sqm (14%) for A1-A5 retail uses and 649 sqm (2%) for a D2 leisure use with the remaining 19,335 sqm (70%) being residential accommodation in the form of 320 dwellings. A considerable reduction in the amount of B1 floor space is now proposed with a significant increase in the number of apartments compared to the development previously approved. Overall this would result in the loss of about 14,250 square metres of industrial/business floor space from this part of the Jewellery Quarter Conservation Area.
- 7.13 In terms of the location of the B1 and retail floor space this has been accommodated to front the street frontages and the new areas of public realm. The two listed buildings would be used entirely for commercial uses with Harpers Hill Works at 109 Northwood Street being proposed for an A1-A4 retail use and 199 Newhall Street being proposed for B1 Uses including the affordable workspace. New building R fronting Graham Street and the junction with Newhall Street is also proposed for commercial uses with ground floor retail space and offices above.
- 7.14 **The Committee may wish to comment on the mix of uses proposed and whether the balance between the residential and non-residential uses within the scheme is acceptable.**

Issue 3 – Demolition

- 7.15 The redevelopment of the application site would require the demolition most of the unlisted buildings on the site. Although unlisted as they are within a conservation area, there is a statutory requirement to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. Policy TP12 of the BDP states that great weight will be given to the conservation of the City's heritage assets and the Jewellery Quarter Conservation Area Appraisal and Management Plan states in para 1.1 that demolition of buildings will not normally be permitted. The NPPF requires the conservation of heritage assets in a manner appropriate to their significance. In considering the impact of a proposed development on the significance of a designated heritage asset great weight should be given to the asset's conservation.
- 7.16 The two listed buildings on the site and two other 19th century workshop buildings, at 123 Northwood Street and to the rear 128 Northwood Street would be retained. The buildings proposed for demolition are generally 20th century industrial workshops and sheds and although some date from the late 19th century they have been extensively

altered. The JQ Character Appraisal describes the gated section of Northwood Street as containing industrial sheds of a poor quality and designs uncharacteristic of the Jewellery Quarter. Previously Conservation Area consent has been granted for the demolition of all existing buildings and structures on the former AE Harris site except for the listed Harpers Hill Works as recently as 2013.

- 7.17 This application proposes to retain more built form than previously agreed however the current site now includes the Baker and Finnemore premises. Within this part of the site is the listed building at 199 Newhall Street which would be retained but the extensions to it would be demolished. These additions which front Graham Street and James Street are 2 and 3 storeys high and date from around the 1950's.

7.18 The Committee may wish to comment on the proposed loss of buildings.

Issue 4 – Layout

- 7.19 Policy PG3 of the BDP states that all new development will be expected to be designed to the highest possible standards which reinforces or creates a positive sense of place and safe and attractive environments. The Jewellery Quarter Design Guide states that the close urban grain of the Jewellery Quarter is particularly distinctive, should be retained and wherever necessary enhanced by new development.
- 7.20 The layout for the site is similar to that previously agreed on the AE Harris part of the in that central to the design is the establishment of active ground floor uses and a cross plan of public routes. The new routes would open up the currently closed east-west route of Northwood Street to public access and established a new north-south axis linking to Regent Place. Previously the later route terminated on Graham Street but with the inclusion of the Baker and Finnemore premises this would allow a link to Newhall Street through the centre of the site. At the southern end of route there would now be a public space behind a new line of development fronting onto Graham Street with a flight of steps and lift to link this new public space with the new north-south route.
- 7.21 The proposed new development would line both sides of these two routes, as well as fronting Northwood Street, Graham Street, James Street and Regents Place in a series of new buildings comprising both frontage and courtyard blocks supplementing the four retained buildings. The layout proposed would create not only the public square behind the Graham Street frontage, but a number of private courtyards primarily for residents use and access to the apartments. It is intended that the proposed form and width of new routes and spaces are narrow to reflect the character, grain and intensity of the Jewellery Quarter Conservation Area.

7.22 The Committee may wish to comment on the proposed site layout.

Issue 5 - Building Heights and Designs

- 7.23 Policy TP12 of the BDP relating to the historic environment states that it will be valued, protected, enhanced and managed for its contribution to character, local distinctiveness and sustainability and new development should make a positive

contribution to its character. The revised NPPF in Para 124 states that good design is a key aspect of sustainable development and creates better places to live and work. The JQ Management Plan requires the design of new development to respect the scale, form, and density of the historic pattern and form of the existing traditional buildings. It states that this will normally limit the height of the buildings to a maximum of 4 storeys. The JQ Design Guide outlines principles for good design including guidance on scale, form, grain, street/plot hierarchy and materials. In terms of building heights it states that new buildings should maintain the subtle variety of roofline characteristic of the area which limits height to a maximum of four storeys although in some contexts three or even two storeys will be more appropriate.

- 7.24 The previously approved scheme for the site proposed building heights of 3 and 4 storeys with the development fronting Regent Place being 3 storeys to reflect the heights of existing building along this historic street where many of the buildings are listed. The new buildings proposed on the site are a mix of mainly 4 and 5 storeys but Building K would be 6 storeys where it adjoins the new events square and the tower to Building R also has a height equivalent to about 6 storeys being 24 metres high. Generally the higher buildings have been positioned towards the centre of the site but there would also be 5 storey blocks along the main street frontages including on Regent Place and within some of the courtyards.
- 7.25 In terms of design and materials the JQ Design Guide seeks to reflect the character of the traditional buildings within the conservation area which include a regular pattern of fenestration, diminishing proportions, a variety in the roof space and the use of a limited palette of traditional materials generally red brick with brick stone or terracotta details and blue/grey slate.
- 7.26 The development includes a range of new buildings designed to appear as 20 individual designs. To inform the design they have identified four main building types within the conservation area which they refer to as the Industrial Masters Villa, 19th Century Workshop, 20th Century Factory and Special and then applied this to the new development to create a cohesive and varied character to the street form. Generally buildings would have a brick frame with a regular pattern of recessed windows of different forms above taller ground floor windows for the commercial uses. Roofs would be either flat with a parapet or have a pitched roof clad in dark metal or slate. The use of a number of materials is proposed including red/orange, grey, black and white brickwork with details of coloured masonry, stone, brick, dark metal and bronze fins.
- 7.27 The Committee may wish to comment on the buildings heights and designs and whether these respond to the Jewellery Quarter Design Guidance.**

Issue 6 - Dwelling mix and sizes

- 7.28 Policy TP27 of the BDP states that new housing in Birmingham is expected to contribute to making sustainable places and demonstrate that it is meeting the requirements of creating sustainable neighbourhoods which are characterised by a wide choice of housing sizes, types and tenures to ensure balanced communities catering for all incomes and ages. Regards should be had to Strategic Housing

Market Assessment as well as the locality and the ability of the site to accommodate a mix of housing. The mix of dwelling types and sizes is required across the City as a percentage is set out in Policy TP31 as follows:

Tenure	One bed	Two bed	Three bed	Four bed	Total
Market	8.1	14.9	17.3	21.9	62.2
Shared ownership	1.1	1.2	2.2	0.3	4.8
Affordable rent	3.7	11.6	5.3	0.9	21.6
Social rent/ requires subsidy*	1.7	3.0	1.6	5.0	11.4
Total	14.6	30.8	26.3	28.1	100

- 7.29 The proposed development would provide market 100% open market apartments with 54 % 1 bed units, 36% 2 person units and 10% 3 bed units., The applicants state the proposed residential unit mix reflects the demographic and need of the City Centre, as informed by supporting market evidence and that a higher proportion of 3 beds would be provided compared to many other city centre schemes. The development previously approved was for 148 apartments of which 38% (58) were one-bedroom units, 43% were 2 bed and 18% were 3 bed apartments.
- 7.30 With regard to dwelling sizes, the National Described Space Standards can be used as a guide and it seeks minimum sizes of 39 sqm for a 1 bed one person apartment and 50 sqm for a 1 bed two person apartment. The largest number of dwellings types proposed on the application site would be the 168 (33%) 1 bed one person apartments which are between 38-49 sqm in size and therefore would only comply with the national described space standards if they are only occupied by 1 person.
- 7.31 **The committee may wish to comment on the mix of accommodation, the dwelling sizes proposed and whether the development would provide a suitable range of dwelling types to meet local needs.**

Issue 7 – Parking and Servicing

- 7.32 The application proposes a vehicle access to serve the development from James Street which would lead to an undercroft car park with 44 spaces and a cycle store with 320 spaces. Pedestrians would be able to gain access to the car park via lifts and a staircase from the ground floor of Building K where it adjoins the events square public realm. Servicing, deliveries and refuse collection would take place directly from the street frontages at Regent Place, Northwood Street and Graham Street overseen by on site management. Access onto Northwood Street would be controlled through the installation of bollards.
- 7.33 The previously approved scheme on the site proposed a two deck basement parking area accommodating 308 spaces with access from Graham Street and James Street at the upper level. It was proposed that each of the 148 apartments would have a parking space, 43 spaces would be for the B1 units, 9 spaces for the retail uses, 9 spaces for the affordable workspace and 2 spaces would be for visitors leaving 97

spaces for general public use. At the time it was considered that it would be of benefit to provide public parking in the area as the JQ Conservation Area Management Plan identifies a lack of short stay car parking as a particular issue in the area. One of the clauses of the Section 106 agreement was that least 90 car parking spaces be made available for general public parking

- 7.34. Since then a number of developments have been approved with limited parking spaces for residents and some with no on-site parking at all. This is partly because of the sustainable location of the Jewellery Quarter as it has train and metro stops, regular bus services and is within easy walking/cycling distance of the city centre. In addition the Jewellery Quarter Development Trust supports limited on-site parking in the area in order to help reduce the potential vehicular and traffic impacts associated with new development.

7.35 The committee may wish to comment on the proposed parking and servicing provision.

Issue 9 - Planning Obligations

- 7.36 Policy TP31 of the BDP requires 35% affordable dwellings on site of 15 dwellings or more and TP9 seeks either on site public open space at 2ha per 1000 population or contributions towards off site provision for developments of 20 or more dwellings. The revised NPPF states that where major development is proposed at least 10% of the homes provided to be available for affordable home ownership. The applicants have submitted a financial appraisal with the application which concludes that the development can only afford to provide affordable B1 workspace and offers 1,709sqm (NIA) of floor space within Building Q for this purpose which would be made available at a discount of 30% below normal market rents. This appraisal and its conclusions are currently being assessed by consultants on the Council's behalf.
- 7.37 The previously approved development on the AE Harris part of the site provided 1,639 sqm of affordable workspace in lieu of affordable housing. This was because a key proposal within the 2005 UDP for the Jewellery Quarter was need for managed workspace for small businesses and low-cost artisan's workspace. Although there were other schemes of affordable workspace within the Jewellery Quarter at the time there appeared to be a high demand with limited availability. It was also felt that the provision of affordable workspace would help, promote and retain the areas traditional manufacturing base and jewellery industry by providing start up accommodation for creative industries and new businesses. Although policies required affordable housing to be provided in this instance low cost work units were considered to be preferable. This was to ensure that the commercial floor space provided the largest new use thereby helping to sustain policies regarding the protection of employment uses in the Industrial Middle and Golden Triangle.
- 7.38 In terms of the current proposals for affordable workspace the applicant advises that it is their intention to provide serviced office and co-working space catering to the local market as an incubator for tech start-ups, media and creative industry. Space would be available on flexible leases according to the needs of the occupiers. They have explained that discussions are taking place with TCN who operate workspace

within the old Assay Office on Newhall Street but alternatively the affordable workspace could be managed with an operator such as Work:Life who is an established co-working operator. They propose that affordable B1 space is to be provided at a discount of 30% from the open market rent and that any service charges would be fair and reasonable to ensure units remains affordable.

7.39 When the previous application was approved the Section 106 Agreement in relation to the affordable workspace required 1,639 sqm of gross affordable workspace to be provided on the following terms:-

- That the affordable workspace is retained for that purpose in perpetuity and provides no less than 1,639 square metres of gross floor space.
- That the workspace units are appropriately fitted out, measures are put in place for the management and marketing of the workspace and they be made available to local qualifying businesses at a discount of 30% of Open Market Value together with agreed affordable service charges.
- That the developer sets up a management agreement for the block which provides for a business centre manager and personal assistant, the full maintenance of any central services, communal areas and continued maintenance of the exterior of the property
- That the developer provides a grant of £100,000 to allow for initial starts up costs and the first 12 months' salary of a business centre manager and personal assistant unless satisfactory alternative management arrangements are agreed in writing

7.40 The amount of affordable workspace now offered is 1,709 of net floor space which would represent a slight increase from the previous proposal but there is no offer to provide the grant of £100,000 for management of the space and start-up costs. Maintenance costs could also be higher as it is now proposed to use a listed building to provide the affordable workspace whereas previously it was to occupy new purpose built accommodation.

7.41 In addition to the requirements for the affordable workspace and public car parking mentioned in paragraph 7.34 above the Section 106 agreement previously agreed included a financial contribution of £216,800 (index linked from 2006 to construction costs) towards the provision of improvements to off- site public realm improvements and public open space within the Jewellery Quarter. No offer has been made in connection with this new application as the applicants consider this would make the development unviable. Although the application includes the two new public routes this was also provided in the previously approved scheme although it did not include the events space. Local Services have calculated the off- site public open space contribution required in connection with the current proposals to be £695,475 which they would wish to use on the provision, improvement and/or biodiversity enhancement of St Paul's Closed Burial Ground and/or New Spring Street POS within the Soho and Jewellery Quarter Ward.

- 7.42 When the previous application was considered the need for AE Harris to relocate was an important element in the committee agreeing to support of the proposals. Part of the case made at the time was that the development was driven by the need for AE Harris to fund and find more suitable premises within the city to safeguard jobs and survive. To ensure that the company would still remain within the city and that jobs would be safeguarded the Section 106 Agreement required that:-
- No development could take place until AE Harris relocated to a new site and continued to employ their existing employees on the same terms and conditions for two years.
 - That A E Harris relocate and complete the acquisition of their new site before or simultaneous to the completion of the sale of the existing site.
 - That if AE Harris does not relocate and/or ceases trading within a period of 2 years following relocation then the increased value of the site achieved through the residential approval is repaid to the Council to enable the creation of new employment opportunities in the Industrial Middle/Golden Triangle.
 - That AE Harris locates to a new site within the Birmingham City Area unless an alternative location is fully justified.
- 7.43 In 2006 when the original application was considered AE Harris employed 66 people and although they are still operating from the site they now employ about 40 people. The agents confirm that there is still a need for the company to relocate as their existing premises does not provide adequate or efficient space for manufacturing and as deliveries and manoeuvring of materials and goods is compromised by the sites location. They comment that the applicants are still seeking alternative premises within Birmingham and that the sale of the site will enable AE Harris to relocate.
- 7.44 Although it may be possible for a Section 106 agreement to be completed on similar terms regarding the relocation of AE Harris the application site now includes the premises of Baker and Finnemore. It is understood this company employ 67 people and their agent has advised that the Company have no wish to vacate the site which remains suitable for their purposes and that they are a viable and active manufacturing company whose presence within the Jewellery Quarter adds to the diversity of the area and the overall skill base of the City. No information has been provided with the application to explain how they will relocate and what benefits the development would bring to this existing business.
- 7.45 The Section 106 agreement requirements were a significant factor in the balancing the policy objections to the scheme against the benefits offered by the redevelopment. The committee report in 2006 concluded that it would only be with this full package of measures that the scheme would on balance be acceptable and represent a unique set of circumstances that would allow the Council to defend any other applications for residential development in the Industrial Middle or Golden Triangle.
- 7.46 **The committee may wish to comment on the Section 106 being offered in connection with the development.**

Site Photos



Figure 1: Existing site frontage to Graham Street



Figure 2: Existing site frontage to James Street

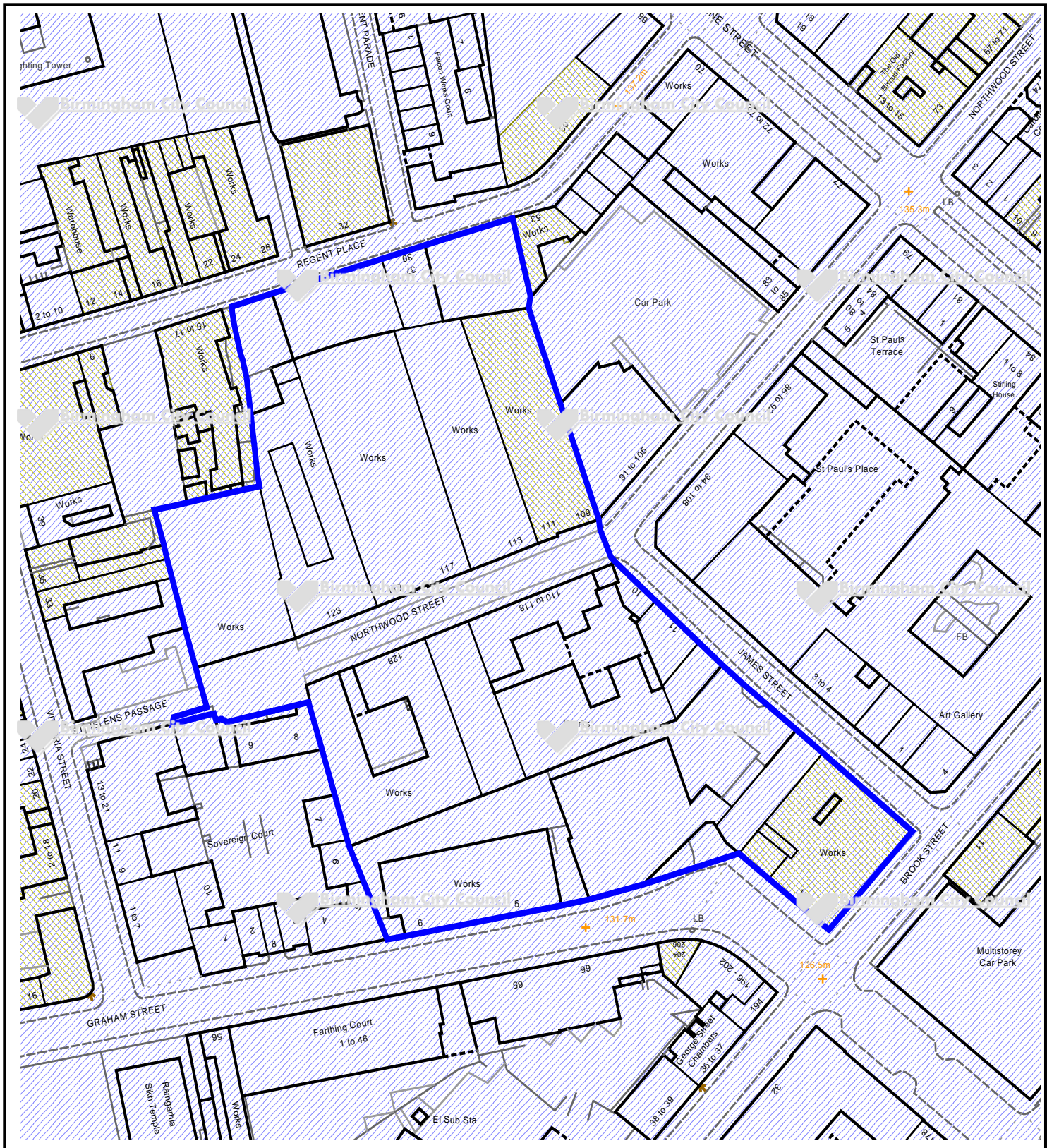


Figure 3: View of site from Newhall Street



Figure 4: Existing site frontage to Regents Place

Site location Plan



Proposed Street Images



Proposed view of buildings C-G along north side of Northwood Street



Proposed view of buildings L- J along south side of Northwood Street



Proposed view of buildings C-G along north side of Northwood Street



Proposed view of retained building H and new buildings K and L from proposed Events Square



Proposed view of buildings Q-L along James Street



Proposed view of buildings B along Regents Place