

Birmingham City Council

Planning Committee

28 July 2022

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Approve – Conditions	6	<p>2022/02598/PA</p> <p>Central Methodist Hall 196 - 224 Corporation Street City Centre Birmingham B4 6QB</p> <p>Mixed use development including change of use to hotel (up to no.155 rooms) (class C1) with three storey roof top extension with ancillary restaurant/bar. Retention of part ground floor/ part basement for Commercial, Business and Service uses (class E), including reinstatement of ground floor shopfronts and the erection of awnings. Restoration of the auditorium and part basement for retained use as an event space/nightclub (Sui Generis).</p>
Approve – Conditions	7	<p>2022/02607/PA</p> <p>Central Methodist Hall 196 - 224 Corporation Street City Centre Birmingham B4 6QB</p> <p>Listed Building consent for change of use and three storey roof top extension to create a hotel (up to no.155 rooms) (class C1), and ancillary restaurant/bar. Refurbishment and reinstatement of ground floor shopfronts, including the erection of awnings, restoration of the auditorium and other general repair works of historic fabric. Erection of internal walls, mezzanine flooring, insertion of a lift shaft and stair cases. Demolition of internal basement walls and removal of some stairs, fixtures and fittings.</p>

Approve – Subject to
106 Legal Agreement

8

2022/02908/PA

Upper Gough Street Car Park
Birmingham
B1 1JG

Full planning application for the site clearance and redevelopment of a surface car park to provide 111 residential apartments (Use Class C3) over five to seven storeys comprising of associated residential space, landscaping and public realm.

Committee Date:	28/07/2022	Application Number:	2022/02598/PA
Accepted:	11/04/2022	Application Type:	Full Planning
Target Date:	11/07/2022		
Ward:	Ladywood		

Central Methodist Hall, 196 - 224 Corporation Street, City Centre, Birmingham, B4 6QB

Mixed use development including change of use to hotel (up to no.155 rooms) (class C1) with three storey roof top extension with ancillary restaurant/bar. Retention of part ground floor/ part basement for Commercial, Business and Service uses (class E), including reinstatement of ground floor shopfronts and the erection of awnings. Restoration of the auditorium and part basement for retained use as an event space/nightclub (Sui Generis).

Applicant:	Creative Cedar Limited First Floor, 1 Bouchier Street, London, W1D 4HX
Agent:	SLR Consulting Ltd 2nd Floor Hermes House, Holsworth Park, Oxon Business Park, Shrewsbury, SY3 5HJ

Recommendation

Approve subject to Conditions

1. Proposal:

- 1.1 The proposal seeks full planning permission for a mixed-use development consisting of a change of use to hotel (C1) for up to 155 hotel rooms, the erection of a three-storey roof extension containing additional hotel rooms and a rooftop restaurant/bar. The double height spaces within the existing building along Corporation Street would have a new floor inserted to create 2 floors of hotel rooms. As well as the re-use of the existing basement/ground floor units for eight E class commercial purposes (does not require a Change of Use), the continued use of the basement nightclub (sui generis) as a cocktail bar and the continued use of the Central Hall as an event space/venue.
- 1.2 Ancillary hotel facilities including the hotel kitchen and back of house are proposed in the basement. The hotel also offers a series of meeting rooms.
- 1.3 The ground floor main entrance into the proposed hotel is located directly below the tower on Corporation Street providing the primary access. A secondary entrance is proposed on Dalton Street which would allow access to the proposed basement gym (former church meeting space and nursery, permitted change under use class E). Membership to the gym would be for members of the public and hotel guests. The basement nightclub would also have dedicated access on this side of the building. The proposed food and

beverage units would each have their own access from either Corporation Street or Ryder Street.

- 1.4 The proposal also includes refurbishment of the original shop fronts on ground floor level with a consistent paint colour and the introduction of retractable awnings.
- 1.5 Various schemes have received consent over the past 20 years, however, none to date have been delivered. The building was last used (above ground level) in 2017. The building is in single ownership and the new owner will also be the future operator of the facilities provided.
- 1.6 The application is supported by; Planning Statement; Community Infrastructure Levy (CIL) Form ;Transport Assessment and Framework Travel Plan; Heritage Statement; Air Quality Appraisal; Preliminary Ecological Appraisal; Ventilation Strategy Report; Fire Statement; Energy Statement; Structural Report (& Structural Intent - Structural Intervention); Phase I Geo-Environmental Assessment; Noise Report; Waste Strategy; Sustainable Construction Statement; SUDs Details; Design and Access Statement
- 1.7 [Link to Documents](#)



Figure 1. Ryder Street/ Corporation Street proposed elevation

2. Site & Surroundings:

- 2.1. The application site comprises a grade II* listed extensive complex of former congregational hall and meeting rooms known as Methodist Central Hall and a parade of street facing shops. The building was designed to have a commanding presence over the townscape at the date of its construction (1903-4) through the construction of a dominant tower and spire over the central entrance on Corporation Street. This tower sits between effectively two buildings, the principal hall to the south east and the associated meetings

rooms to the north west. The floor plates of the building are thus staggered on each side from the central staircase that sits behind the tower.

- 2.2. The building fills the depth of a city block with principal elevations fronting Corporation Street (to the north west) and Ryder Street (to the north at an obtuse angle) which are executed in terracotta (matching the Victoria Law Courts opposite). The rear elevation fronting Dalton Street (to the south east) is built in brick (although dressed in terracotta) and the south western flank is a party wall to neighbouring properties fronting Corporation Street.
- 2.3. The entire site is within the Steelhouse Conservation Area which comprises a mix of late-19th century buildings principally associated with commercial and judiciary functions, but also municipal, medical, religious and administrative uses, many of which are key destinations in the City. Corporation Street itself is home to a number of the City's finest civic and commercial buildings including:
 - Victoria Law Court 1887-91 (grade I) which is located opposite and slightly to the south of the site;
 - Coleridge Chambers and Ruskin Buildings Circa Late-19th (grade II) which is located opposite and slightly to the north of the site;
 - County Court 1882 (grade II) which is located opposite the site beyond the junction with Newton Street;
 - Murdock and Pitman Chambers 1896-7 (grade II*) which is located directly adjacent to the southern boundary of the County Court; and
 - A number of fine late 19th century commercial buildings directly to the south of the site, which it shares the city block with, including Citadel Buildings.
- 2.4. The city scape to the west retains its historic street structure and many further significant buildings, particularly those located along Steelhouse Lane to the north west including the City Centre Police Station complex, the Juvenile Courts complex and the Children's Hospital estate.
- 2.5. The historic townscape, however, has been dismantled to the north east and the south west of the site, with most historic buildings being demolished and replaced by an open network of city centre dual carriageways and public spaces. This has left a large open public space to the north of Ryder Street, with views through to the Lancaster Circus flyover and an emerging tall building townscape in this direction. That said the historic tower of the former Central Fire Station (1935) remains.
- 2.6. The modern mid-scale campus of Aston University extends along the western boundary of James Watt Queensway to the west which itself caused the removal of the historic townscape to the west of Dalton Street, thereby exposing the more utilitarian façade of the site 60 years ago.
- 2.7. To the south, at the lower end of Dalton Street, the replacement Crown Court c1980 unflatteringly exposes its rear entrances to James Watt Queensway as it swings west down to Masshouse Junction. To the south of this is an existing gaggle of tall buildings that is continuing to expand and will function as the arrival piazza to the new HS2 station.
- 2.8. The site drops in topography from south to north down Corporation Street and west to east down Ryder Street.

- 2.9. The building remained in use as a place of worship until 1990. It was sold in 1991 and thereafter converted into a nightclub complex which subsequently closed in 2002. It remained vacant until 2007 when its doors opened as the Que Club, closing again in February 2017 and has remained vacant above ground floor since that date.
- 2.10. The Central Hall has remained largely unchanged since its opening in 1904 however the condition of the building has deteriorated due to the poor level of occupancy and lack of general maintenance. Its deterioration over many years has placed the building on Historic England's Heritage at Risk Register.

3. **Planning History:**

- 3.1. 1990/00599/PA - Change of use from religious meeting hall and ancillary accommodation, shops, bank, storage & church to law courts, shops, banks etc. Approved 18/09/1990
- 3.2. 1990/05656/PA - Proposed change of use to entertainment, sports and leisure events, and promotions. Approved 08/03/1991
- 3.3. 1992/03026/PA - Use for entertainment and ancillary purposes. Approved 14/10/1992
- 3.4. 2002/04317/PA - Change of use from nightclub/dance venue to residential apartments development, extensions to roof area and external alterations to building. Approved 01/04/2004
- 3.5. 2004/00666/PA - Change of use of part of basement and ground floor and all of upper floors from night club to apartments with extensions to roof area and external alterations of the building. Approved 05/01/2005 (Listed Building Consent reference 2004/00667/PA)
- 3.6. 2009/03740/PA - Alterations and extensions and change of use from nightclub to 47 residential apartments, office, restaurant/bar and retail use. Approved 08/11/2010 (Listed Building Consent reference 2009/03741/PA)
- 3.7. 2017/10287/PA Change of use, conversion and three storey roof extension to provide 147 (no.) room hotel accessed off Corporation Street (C1 Use), and 75 (no.) room apart-hotel (C1 Use) accessed off Ryder Street, including restaurant, bars and cafe; retention of use of - Approve subject to Conditions 01/03/2018
- 3.8. 2017/10299/PA Listed Building Consent for new 3 storey roof top extension; insertion of new decks, balconies, partition walls and other works; new shopfronts to nos. 204 to 206 and 224; opening up of historic fabric; removal of raked seating; part retention part removal - Approve subject to Conditions 01/03/2018

4. **Consultation Responses:**

- 4.1. BCC Employment Access Team – No objection subject to condition
Requiring a construction employment plan
- 4.2. BCC Environmental Protection- No objection subject to conditions
Extraction and Odour Control Details and Noise Levels for Plant and Machinery conditions should be applied.

4.3. Birmingham Civic Society – No Objection

This will be a costly building to repair to the standard which is required, and we applaud the sensitive design of the consultant team and the impressive ambition of the applicant for this important building. We support the application.

4.4. Historic England – No objection

Historic England has no objection to the proposed conversion of the Grade II listed former Methodist Central Hall; one of Birmingham's finest terracotta landmarks. The proposal would ensure the positive reuse of a building at risk.*

4.5. BCC City Design – No objection subject to conditions

The design of the roof extensions responds to the two parts of the building, either side of the tower, yet seeks to use a controlled, neutral material so as not to compete with the terracotta material of the existing historic fabric.

Design mitigation is offered up to ensure the principal tower remains the dominant aspect of the local townscape and the pepper-pot turrets continue to be appreciated as free-standing structures in most prominent views.

The architecture is broken down into stepped stages and bays to respond to the historic architecture with an emphasis on ribs, scalloped panels and fluted metalwork to pay tribute to the perpendicular design of the original building.

The design is bespoke, unique and aims to mitigate the impact on this important building and its surrounding townscape whilst delivering viability so as to return this building to productive use

4.6. BCC Conservation – No objection, subject to conditions and suggested amendments

There will be less than substantial harm to the significance of the Central Hall and the Conservation Area, which should be considered against the benefits of the scheme.

I would recommend approval with conditions requiring

Inventory of retention of fixtures, building recording, Method Statement for implementation, details of repair and work to historic fabric, architectural details, mechanical and electrical strategy, materials details, mortar details

4.7. West Midlands Police – No Objection

Support the use of Designing Out Crime principles

4.8. Severn Trent Water – No objection subject to conditions

Requiring the submission of foul and surface water drainage details

4.9. BCC Ecology – No objection subject to conditions

Requiring the submission of a Construction Ecological Mitigation Plan and details of bird nesting boxes to be installed.

4.10. Victorian Society – No objection, comment on design

Broadly supportive of what is proposed to bring this long-neglected building back into use, and welcome proposals for restoration of the historic fabric. We had concerns about previous proposals for alterations to the main auditorium, and so we welcome the current proposals to restore and make use of this superb space.

The currently proposed extension appears too bulky and dominant in relation to the terracotta below. Whilst the proposed dark grey colour may have been sourced to reflect the existing slate roof, in our view the proposed extension at three storeys should be a lighter grey in colour, and more reflective, to make it more subservient to the façade beneath it. In addition, we consider that the proposed roof design form appears quite monolithic across the entire building, whereas the roofs to be removed are quite diverse in shape, so we would like to see some more articulation to the proposed roof profile which would better reflect the varied design of the existing roofs and indeed the amount of 'remarkably eclectic detail e.g. corner turrets resembling Indian chattris to the building's facades, as described by Foster.

Nevertheless, we are very pleased to see proposals which we hope will secure the future of this grade II listed building for many generations to come.*

- 4.11 Birmingham City Centre Management, Local Action Groups, Community and Neighbourhood Forums, Local Councillors and the MP have been consulted but no replies received

5. **Third Party Responses:**

- 5.1. The application has been publicised by sending out letters to neighbours, posting a site notice within the vicinity of the site and a press notice.
- 5.2. No third-party letters of representation have been received.

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

a. National Planning Policy Framework

Section 11: Making effective use of land - Paragraph 118

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

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

b. Birmingham Development Plan (2017)

PG3: Place making

GA1: City Centre

TP2: Adapting to climate change

TP3: Sustainable construction

TP4: Low and zero carbon energy generation

TP6: Management of flood risk and water resources

TP12: Historic Environment

TP8: Biodiversity and geodiversity

TP21: The network and hierarchy of centres

TP24: Promoting a diversity of uses within centres

TP25: Tourism and cultural facilities

TP39: Walking

TP40: Cycling

c. Development Management DPD (2020)

Policy DM3: Amenity

Policy DM4: Landscaping & Trees

Policy DM7: Advertisement

Policy DM14: Transport Access and Safety

d. Supplementary Planning Documents & Guidance:

National Design Guide (October 2019); National Planning Practice Guidance (PPG); Car Parking Guidelines SPG (2021) DRAFT
Birmingham Design Guide (2022) Retail Strategy ; , Steelhouse
Conservation Area Map; Snow Hill Masterplan; Shopfronts Design Guide
(1996); Historic Environment Good Practice Advice in Planning Note 2:
Managing Significance in Decision Taking in the Historic Environment -
Historic England (2015); Good Practice Advice Note 3: the setting of
Heritage Assets – Historic England (2017); **Regeneration through
Conservation SPG**; Nature Conservation Strategy for Birmingham SPG;
Lighting Places SPD

7. **Planning Considerations:**

7.1 The main points for consideration are

- a. Principle of development
- b. Design
- c. Impact upon Heritage Assets
- d. Transportation
- e. Noise, Contamination and Air Quality
- f. Flood Risk and Drainage
- g. Ecology
- h. Sustainable Construction

Principle of Development

- 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. The BDP identifies the application site as being within the City Centre Growth Area (Policy GA1) where the focus will primarily be upon re-using existing urban land through regeneration, renewal, and development. The application site is located within 200m of the retail core as identified within the Birmingham Development Plan (BDP) and within the wider growth area that encircles the City Centre, as defined by Policies GA1.1 and GA1.2. New leisure uses are promoted

within and on the edge of the retail core to support the City's offer as a top visitor attraction.

- 7.3. Policy TP21 'The network and hierarchy of centres' supports proposals for main town centre uses within allocated centres. The site falls within the City Centre Boundary, therefore the principle of a C1 use is supported by this Policy. TP24 and TP25 encourage a diverse range of facilities and uses including hotels, supporting proposals which reinforce and promote Birmingham's role as a centre for tourism.
- 7.4. The application site also lies within the boundary to the Snow Hill Masterplan which acknowledges that with the arrival of HS2 the area will see its attractiveness as a key location within the City Centre increase. It also promotes the innovative reuse of the Central Methodist Hall.
- 7.5. The Retail Strategy encourages a greater focus on attracting a variety of retailers to the core, which builds on securing specialist and niche retailers. The proposal would see the refurbishment of the existing commercial units at basement/ground floor helping to revitalise this area of the City and help attract occupation.
- 7.6. Overall, Policy PG1, GA1.1, TP21, TP24 and TP25 support development proposals in identified sustainable growth areas such as this. Therefore, the principle of change of use of this building to C1 and the reinstatement of the ground floor and basement commercial and leisure premises could be supported, subject to satisfactorily addressing other Development Plan Policies.

Design

- 7.7 Policy PG3 of the BDP (2017) advises that all new development must ensure high quality design. It states that development should create a positive sense of place and local distinctiveness; design out crime and make provision for people with disabilities; encourage people to cycle and walk; ensure spaces are attractive and functional in the long term; integrate sustainable design; and make the best use of existing buildings and efficient use of land.
- 7.8 The proposal seeks the re-use and change of use of an existing historic building within the City centre which is currently on the Historic England buildings at risk register. There are very limited changes to the existing facades of the main building, other than the reinstatement of shop fronts, the repair of damaged terracotta and the introduction of retractable awnings all of which are considered to retain the distinctiveness of this building and the character of the area and in some instances improve the current appearance of the building, which has become run down due to the building being vacant for some time.
- 7.9 The proposal seeks to remove the existing roof completely and erect an extension that would extend over the entire structure. The approach to the extension differs at the two ends of the building (either side of the central tower).

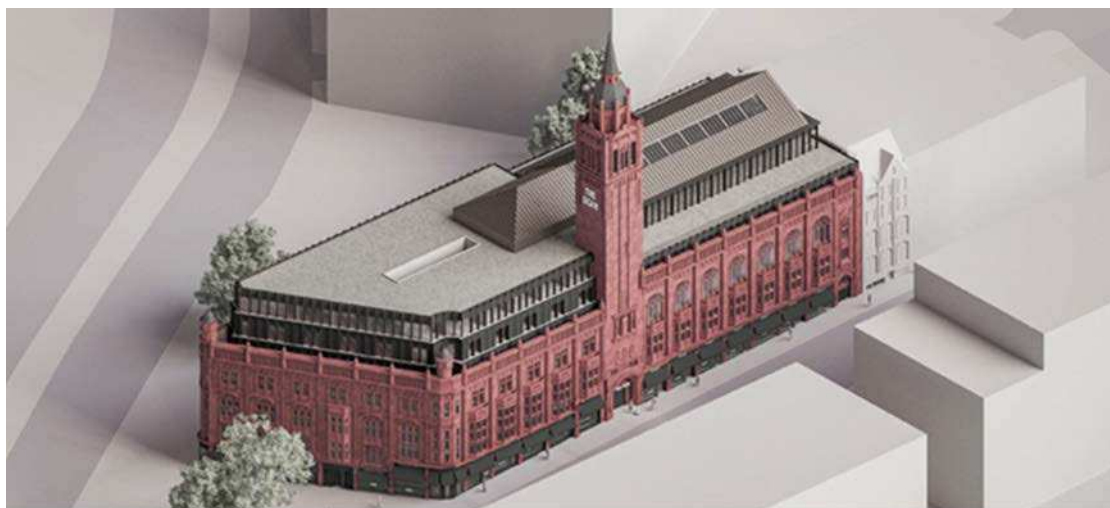


Figure 2. Proposed roof top extensions

- 7.10 The proposed extension to the north would be three storeys, similar in scale to previously approved extensions (which were also three storey) each storey set back from the one below, the footprint of the extension concaves around the turrets at either end of the Ryder Street elevation. The treatment of each storey will have a slightly different bay arrangement, set between projecting mullions. This draws inspiration from the vertical emphasis of the terracotta piers below. The cladding panels are arranged to allow the proposed windows to align with the windows of the existing building on the first two floors of the extension, the final floor is however entirely glazed. This approach is considered appropriate, being responsive to the architecture of the main building, without being pastiche.
- 7.11 This northern element will be highly visible; however, City Design colleagues advise that the proposal allows for the historic architecture to still be appreciated and would not appear overly dominant, which I agree with.
- 7.12 The extension over the southern end of the building (above the main central hall) introduces a two-storey extension with hotel rooms in the first storey and a restaurant above in a setback shallow pitched roof. The first storey of this element sits adjacent (although not exactly level) with the second storey of the northern extension, due to the step in the building's core. The architecture of this level reflects that of the adjacent extension within the northern element. Much of this first level sits behind an existing parapet and would not be highly visible, the set back of the second level creates roof terraces to both elevations and introduces glass balustrades. The restaurant element would have glazed elevations and large rooflights, this element extends behind the central tower.
- 7.13 From James Watt Queensway, the southern extension will project above the existing building, and will be visible in these longer views, compared to the views obtainable from Corporation Street which are restricted by the width of the street and the height of the building. However, the elevation along Dalton Street is the least sensitive and the scale and design are considered appropriate.
- 7.14. Notwithstanding the differing designs to the two elements of the roof extension, the proposed materials are consistent and comprise a dark grey scalloped and fluted aluminium cladding and matching standing seam zinc cladding. This clear departure in material choice from the historic terracotta aids the distinction between the rooftop extension and historic elevations and is therefore acceptable.



Figure 3. Proposed materials

- 7.15 Considering the role and function of this landmark building in this gateway location in the City, the delivery of a high-quality finish is essential to the success of the proposal. Therefore, details will be required by condition, including balustrade finish and position, façade mock-up, and detailed architectural drawings showing colour, finish, fixing, size and positioning of cladding, window details, roof light details.

Impact Upon Heritage Assets

- 7.16 The NPPF requires heritage assets to be conserved in a manner appropriate to their significance and directs local planning authorities to require an applicant to describe the significance of any heritage assets affected and to assess how the significance any heritage asset that may be affected by a proposal. The NPPF also recognises heritage assets as an irreplaceable resource. Policy TP12 of the BDP states that great weight will be given to the conservation of the City's heritage assets and that development affecting a designated or non-designated heritage asset or its setting, will be expected to make a positive contribution to its character, appearance and significance.
- 7.17 This is a particularly sensitive location as a grade II* building within the Conservation Area. As this is a grade II* building, it is afforded a high level of protection and its conservation is paramount. In Accordance with the NPPF "*Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification*" with Grade II* falling within the NPPF definition as heritage assets of the highest significance.
- 7.18 The proposal will necessitate some extension, intervention, and demolition within the building; this must be justified and balanced against the wider objective of removing the asset from the Historic England 'at risk register' and securing public benefits in accordance paragraph 200 of the NPPF. In this case such benefits include acquiring a long-term comprehensive use for the site, bringing the building back into use and securing its long-term maintenance.
- 7.19 The proposal was referred to the City of Birmingham Conservation and Heritage Panel (CHP), which strongly supported the proposals to repair the building and convert it into a hotel and associated uses particularly following two previous failed attempts to bring the building back into use.
- 7.20 The proposal is supported by a Heritage Assessment that concludes that there would be less than substantial harm to the significance of Central Hall, which BCC Conservation Officers agree with. This is concluded due to the most significant elements of the building; the terracotta facades, the tower, the main hall, the entrance hall & landing, and porch, being retained and conserved. The harm is contained within the less significant elements of the listed building. However, the level of less than substantial harm is high, owing to the removal of the entire roof, to facilitate the extension. There also remains concern for the level of impact on the hall, from the structural requirement to support the proposed extension. The extension is justified by the assertion that without it the conversion of the building is not viable, this position has been supported in the past with several previous consents allowing for rooftop extensions.
- 7.21 The loss of the historic roof is not something that would usually be acceptable due to the effect on the appearance and the loss of historic fabric. However, in this instance the roof structure is considered to be one of the less significant aspects of the building and is not prominently visible. The roof was secondary and functional, the important element of the design was the profile of the Central Hall against the sky looking up from the street, with the attention of the eye being drawn to the tower, the chattris-style turrets on the corners and the pinnacles on top of the piers, which are all retained by the proposal.

- 7.22 The form of the extension to the southern end is similar to the existing roof, although a storey higher, is not considered to have the same degree of impact as the proposed extension to the northern end of the building. BCC Conservation Officers consider that the extension to the north has a detrimental impact upon the prominence of the tower and the corner turrets which would sit against the backdrop of the extension rather than sky. Therefore, having a detrimental impact upon the significance of the building.

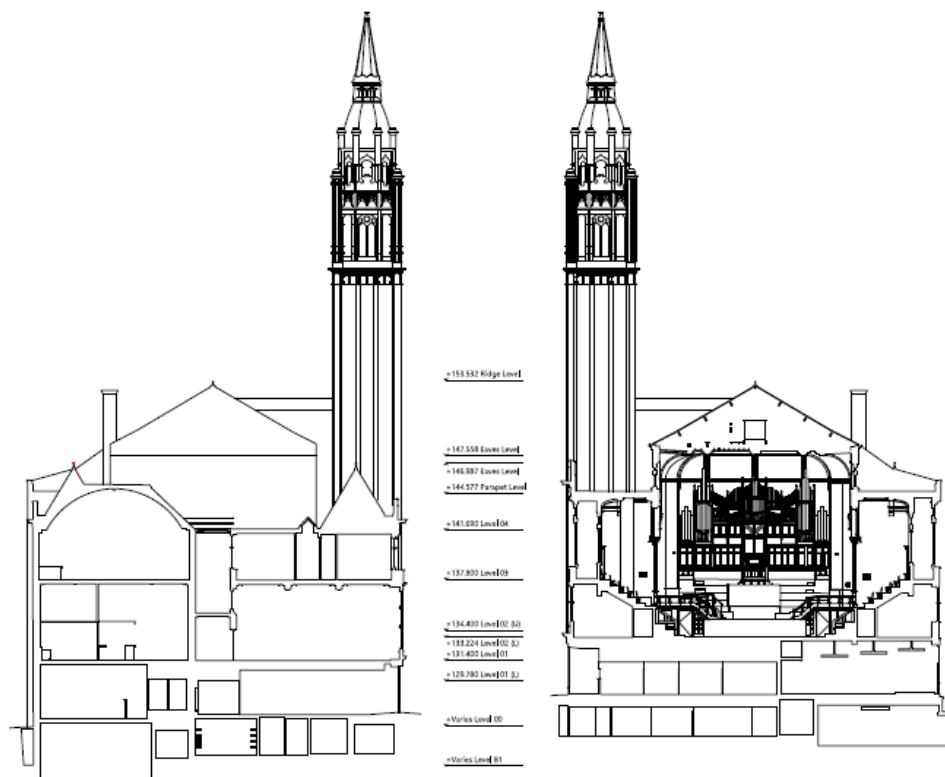


Figure 4. sections through the existing building

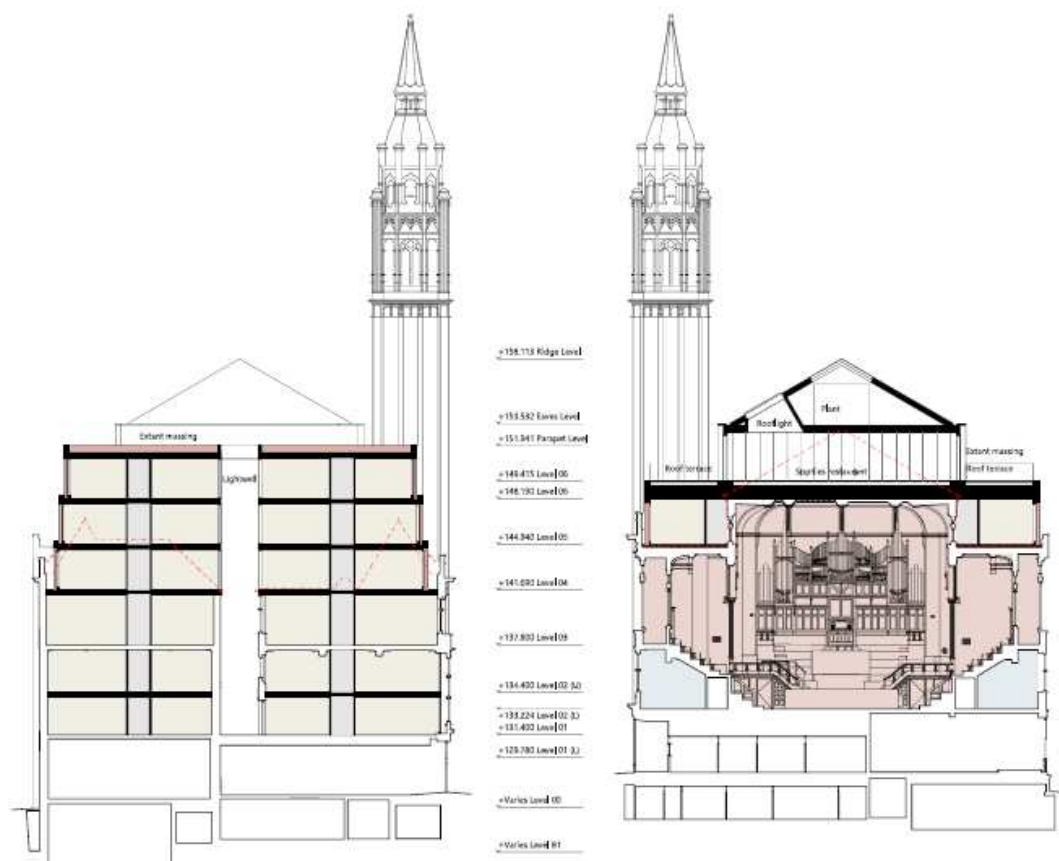


Figure 5. proposed sections through the building

- 7.23 BCC Conservation recommend that the upper two storeys of the northern extension are amended to be set back further from the facades. However, the previous permissions for the roof extension were not dissimilar to the scale of the proposed roof extension and the proposed extension enables a viable scheme which includes the retention of the hall. The applicant has confirmed there is no scope to reduce the footprint of the proposed extension and no amendments have been sought. The harm the proposal causes to the significance of the asset will therefore be weighed in the planning balance.
- 7.24 CHP did not object to the scale of the proposed extensions but stated that *“It will be important, if the development is to be successful, to ensure that the underlying design principles applied to the roof top extensions are underpinned by detailed design work in the building’s delivery. This should be the subject of extensive and detailed conditions. The exact materiality, its colour, detailed articulation, and the extent of louvers and roof lights must be given special consideration if harm to the Conservation Area and surrounding listed buildings is to be avoided and a bold and successful intervention secured”*. This view is shared by officers, a series of conditions are suggested to secure design quality details prior to commencement of development.
- 7.25 The roof top extension requires structural support through the existing building, likely to be in the form of steel beams, including across the hall space. A structural Interventions document was submitted in support of the application detailing the likely works. However, for this to be confirmed, intrusive works will first need to take place (subject of separate Listed Building Consent). This will likely require steels to be run down through the building to basement level where new foundations will be built. In the main hall steels will need to be run down against the side walls between the windows. Whilst the Conservation Officer raises concerns with this, given the extent and finish of the work is currently unknown. However, it is agreed that a condition requiring the submission of a fully designed solution for the support of the roof

extension could be added to any consent. In addition to this, this scheme retains the existing hall in public use and secures the refurbishment of many of its significant features. This application is therefore still less intrusive than other approvals which allowed greater intervention into the hall.

- 7.26 The proposed layout of the building, as well as preserving the hall also has a more considered layout than previous consents, the hotel rooms are aligned with the existing building's grid. This will ensure that rooms will generally benefit from a full window unlike the previous application which proposed partition walls that would have split the windows in half.
- 7.26 Turning to the ground floor, over the course of the 20th Century harm has been caused to the building through lawful and unlawful changes to several the historic shop fronts along the principal Corporation Street parade. Approval is sought to reinstate these shop fronts and deliver consistency across this elevation. A typical shop front elevation drawing is provided in support of the application, which shows the reinstatement of a traditional shopfront with an awning. The repair and changes to some of the shop fronts would have a positive impact on the public perception and use of this building. Detailed design proposals for each shop front, including the awning treatments should be secured by condition. This element of the proposal also includes the demolition of original internal walls to create larger units, whilst this would not impact upon the external appearance of the building there is some loss of historic fabric, this is considered in greater detail within the associated Listed Building Consent.



Figure 6. proposed Corporation Street elevation with awnings

- 7.28 The shop fronts also require the introduction of ventilation and extraction, the

submitted details show this by way of vents into the stall risers and above the door. Conservation Officers are content with the approach, however, required the grill details are to be required via condition to ensure a suitable finish. A perforated metal screen (whose perforation pattern derived from a motif on the existing building) would be the preferred approach.



Figure. 7 Proposed typical shopfront

- 7.29 It is proposed to reinstate existing pavement lights, there is no objection to this in principle. However, again the final details would be secured via condition. The existing windows are also to be repaired and retained.
- 7.30 Much of the proposed interior works are subject to separate Listed Building Consent, including consideration of replacement flooring, seating (to the main hall), railings, organ repair and banisters. Consideration is also required within the associated Listed Building Consent application to the appropriateness of the creation of new openings, new floor deck, secondary glazing treatments and the protection of other historic fixtures and fittings during works.
- 7.31 As well as the significance of the building itself the proposal is also within the Steelhouse Conservation Area and within the setting of other Listed Buildings (Victoria Law Courts, Coleridge Chambers, and Ruskin Buildings). Corporation Street contains a number of elaborately decorated buildings, the façade along this street would remain largely unaltered and could be enhanced through the terracotta repairs and improvements to the shopfronts and so the contribution the Central Hall makes to the setting of the surrounding listed buildings would be maintained. The rooftop extension will change the appearance of the Conservation Area, this will be most noticeable when approaching from the North (James Watt Queensway). The Conservation Officer concludes that the proposal would cause some less than substantial harm to the significance of the Conservation Area.



Figure 8. existing Dalton Street elevation



Figure 9. proposed Dalton Street elevation

- 7.32 Overall, the change of use would continue the use of this Grade II* listed building and facilitate its repair and refurbishment. However, the identified less than substantial harm to the significance of the building and the significance of the Conservation Area must be weighed against the benefits of the proposal.
- 7.33 It is recommended that a condition requiring building recording takes place before work commences to record the lost elements of architecture and also evidence of its use by the Methodist and its use as a nightclub. This is reasonable given the significance of the building, architecturally and arising from its historic use and accords with the requirements of Policy TP12.

Transportation

- 7.34. The location of the nearest bus stop is 50m to the north of site on Corporation Street; New Street railway station lies 800m to the south-west, Moor Street railway station 750m to the south and Snow Hill station 500m to the west. It is also approximately 300m from the nearest Midland metro tram stop. It is considered that the site is well positioned to enable staff, guests, customers and visitors to travel on foot, by bicycle and by modes of public transport, with services operating nearby to the site. BCC Transportation have no objection to the proposal, however, suggest a condition requiring cycle parking is provided before the building is reoccupied.
- 7.35. There are on-street public car-parking spaces (including disabled spaces) on Corporation Street. The nearest off-street carpark is the 24-hour Londonderry House NCP on Dalton Street. This car park has 720 standard and 6 disabled spaces. A taxi drop off zone is located opposite the entrance to the building
- 7.36 Servicing is generally from Dalton Street, but the Corporation Street frontage will allow servicing for the ground floor shops.

Noise, Odour, Contamination and Air Quality

- 7.37. The lawful use of the premises includes a nightclub that previously operated on site, within a floorspace of 5000sqm and a capacity of 2,500 persons. The current scheme proposes a club located in the ground/basement only with a much-decreased capacity.
- 7.38 The nearest residential properties are located on the opposite side of Dalton Street close to the James Watt Queensway (student accommodation). Due to the previous use of the building, it is not considered reasonable to require further full noise assessment to define the impact upon existing nearby residential occupiers. However, the application is supported by a noise assessment which considers the noise environment and impact upon occupiers of the hotel. The applicant has stated that it is in their interest to ensure the proposed hotel use has an acceptable noise environment for their guests and that the commercial units do not cause noise and disturbance to them. Therefore, it is reasonable to condition details of the proposed

mitigation measures to be utilised throughout the development.

- 7.39. The application includes commercial kitchens and similar premises and it is important that any kitchen extract systems are installed to minimise the impact on amenity. Conditions are included requiring extraction and odour control details and noise levels for plant and machinery
- 7.40. The Phase I Geo-Environmental Assessment Report and Air Quality Assessment have been reviewed and Regulatory Services raise no objection.

Flood Risk and Drainage

- 7.41 According to the Environment Agency's Interactive Flood Mapping system the site lies entirely within Flood Zone 1.
- 7.42 The application forms indicate that both foul and surface water drainage would be via the main sewer. Both Severn Trent Water and the Local Lead Flood Authority have raised no objections to this approach subject to a condition to require further details, and this has been attached.

Ecology

- 7.43 A Preliminary Ecological Appraisal (PEA) has been submitted, providing an update to previous assessments made on previous applications. The purpose of the former is to provide an initial assessment of the ecological importance of the site and the potential for it to support protected ecological features and species. Originally both bats and nesting birds were considered and with the latter Black Red Start (BRS) a red list species was specifically mentioned. However, the update now identifies the building as having low bat roost potential, makes no mention of potential for BRS and only covers the feral pigeons found within the building.
- 7.44 BCC Ecology do not object to the proposal but recommend that appropriate measures to consider both bats and nesting birds are included. The submission of a Construction Ecological Mitigation Plan via a condition that details how any and all ecological risks would be dealt with, would ensure this is considered. A condition requiring bird boxes is also applied.

Sustainable Construction

- 7.45 The application is accompanied by a Sustainability and Energy Report which looks to set out how the proposal will meet the requirements of Policies TP3 and TP4.
- 7.46 The requirements of policy TP3 relate only to the new build element of the proposal and not the change of use to the historic building. The policy requires development to aim to meet BREEAM standard Excellent for non-residential built development more than a total floor area of 1,000m². It may be that a 'Very Good' rating can be achieved within a viable development instead of an 'Excellent' rating. If this is the case, the guidance states that the Council will accept a statement setting out a reasoned justification for achievement of a 'Very Good' rating. In the case of this application the minimum credits for ENE01 (Reduction of energy use and carbon emissions) is achieved in order to adhere to the minimum requirements for a BREEAM standard Very Good and the applicant has provided a justification statement to support this, in accordance with Policy TP3. As per the completed energy modelling, the proposed extension demonstrates an improved performance of approximately 12%. with regard to the existing building, with the energy efficiency measures in place, as set out within the supporting document, the energy calculations demonstrate an increased performance of approximately 29%.
- 7.47 Policy TP4 requires all new development to incorporate the provision of low and zero carbon forms of energy generation or connect into a network where it exists, unless it can be demonstrated that the cost of achieving this would make the proposed development unviable. An appraisal of Available Heat Network Connection is

provided with the statement, this states that a connection request form was submitted to the network operator, but no response was received. The statement describes the proposal will incorporate heat recovery (via air source heat pumps) as a low zero carbon (LZC) technology.

Other issues

- 7.48 The application site is located within a high value area for hotels. However, the CIL Team have confirmed that the existing floorspace is larger than the proposed hotel floor space (which is the only CIL liable part of this application). The proposed hotel floor area can be offset by the existing floor area therefore negating the CIL charge.
- 7.49 The proposal does not fall within the 'relevant buildings' requiring a Fire Report, therefore no consultation with HSE is necessary.

8. Conclusion and Planning Balance

- 8.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004, as amended, requires that if regard is to be had to the development plan, the determination must be made in accordance with the plan unless material considerations indicate otherwise.
- 8.2 The proposed development complies with Policies GA1, TP21, TP24 and TP25, which are those relating to the promotion of mixed-use development and tourism within the City Centre. There are no technical objections to the proposal in relation to ecology, drainage, amenity, or transportation, subject to conditions.
- 8.3 The proposal would cause high levels of less than substantial harm to the significance of the hall and less than substantial harm to the Conservation Area. However, the setting of adjacent listed buildings would be preserved.
- 8.4 Policy TP12 requires Proposals for new development affecting a designated or non-designated heritage asset to be determined in accordance with national policy. Paragraph 202 states that where a proposal will lead to less than substantial harm to the significance of a heritage asset, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting) should require clear and convincing justification. Great weight should be afforded to the conservation of designated assets. The benefits of the scheme are;
- 8.5 Economic Benefits
- Delivering a range of commercial outlets and other facilities which will be a destination in their own right
 - Providing new employment opportunities and supporting the local supply and service chain and positively contributing to tourism spend in Birmingham
 - Improving footfall and vitality during the day and supporting a thriving evening economy in this part of the City.
 - This proposal will create approximately 291 full time equivalent new jobs
 - secondary employment by utilising support goods and services in the City and
 - investment during the construction period.
- 8.6 Environmental Benefits

- Bringing back in to use a large currently vacant building, along with several existing commercial units
- Upgrading the retail unit shop fronts located at street level, providing a significant improvement to the street scene and public realm of Corporation Street;
- Ecological enhancements
- Improved energy efficiency of a historic building

8.7 Heritage Benefits

- Retention of the main hall without subdivision,
- Reopen the hall for public use
- A holistic scheme for the entire building with identified end users.
- The restoration of the street level facades and shopfront
- securing the optimum viable use of a heritage asset, bringing the vacant and deteriorating Grade II* listed building into reuse and removing the heritage asset from the 'at risk register';
- The hotel and associated leisure use will bring employment and economic benefits and reinvigorate this part of the Steelhouse Lane Conservation Area.

8.8 These benefits taken together are afforded significant weight and are found to outweigh the less than substantial harm identified. The proposal would result in comprehensive repair and re-use of this Grade II* Listed heritage asset, that will open the restored building to the public. Securing reuse of the building would remove the premises from the Historic England at Risk Register and reinvigorate this area of the Conservation Area.

9. **Recommendation:**

9.1 The Committee grant approval subject to the below conditions

-
- 1 Implement within 3 years (Full)
 - 2 Requires the scheme to be in accordance with the listed approved plans
 - 3 Completion of Repairs Prior to Occupation
 - 4 Details of Alterations and Extension
 - 5 Materials
 - 6 Shop Front Details
 - 7 Limits the Noise Levels for Plant and Machinery
 - 8 Extraction and Odour Control Details
 - 9 Requires the Prior Submission of a Drainage Scheme
 - 10 Security Strategy
 - 11 External Lighting Strategy
-

12	Ecological Enhancements
13	Requires the prior submission of a construction ecological mitigation plan
14	Requires the Prior Submission of a Construction Method Statement/Management Plan
15	To ensure energy and sustainability measures are delivered in accordance with statement

Case Officer: Rhiannon Hill

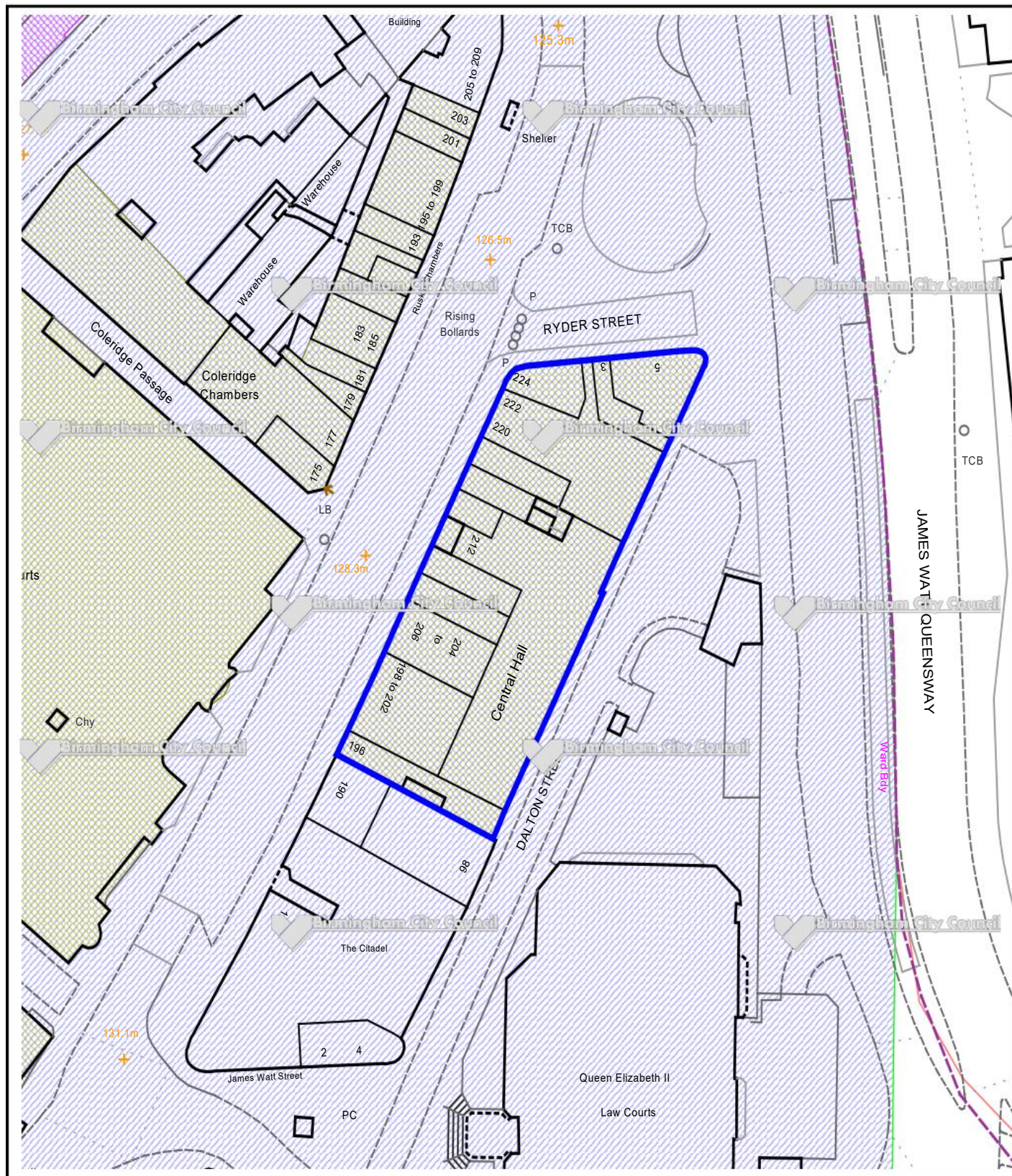
Photo(s)







Location Plan



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Committee Date:	28/07/2022	Application Number:	2022/02607/PA
Accepted:	11/04/2022	Application Type:	Listed Building
Target Date:	06/06/2022		
Ward:	Ladywood		

Central Methodist Hall, 196 - 224 Corporation Street, City Centre, Birmingham, B4 6QB

Listed Building consent for change of use and three storey roof top extension to create a hotel (up to no.155 rooms) (class C1), and ancillary restaurant/bar. Refurbishment and reinstatement of ground floor shopfronts, including the erection of awnings, restoration of the auditorium and other general repair works of historic fabric. Erection of internal walls, mezzanine flooring, insertion of a lift shaft and stair cases. Demolition of internal basement walls and removal of some stairs, fixtures and fittings.

Applicant:	Creative Cedar Limited First Floor, 1 Bouchier Street, London, W1D 4HX
Agent:	SLR Consulting Ltd 2nd Floor Hermes House, Holsworth Park, Oxon Business Park, Shrewsbury, SY3 5HJ

Recommendation

Approve subject to Conditions

1. Proposal:

- 1.1 This application for listed building consent accompanies the planning application for the Central Methodist Hall (reference 2022/02598/PA), the committee report for which precedes this item on the agenda.
- 1.2 The listed building application seeks approval to convert and extend the building, to utilise the basement as a nightclub, retain the existing commercial units at ground floor and provide a 155-bed hotel. The proposed conversion would require the following works:
 - Removal of the exiting roof structure and construction of a 3-storey roof extension to the northern side of the building and two storey extension to the southern side.
 - Construction of a new roof top restaurant with accessible roof terraces to the east and west
 - Reconfiguration of the existing floors to the northern side of the building to provide new hotel rooms
 - Creation of new floors within the 2 double height spaces
 - Full restoration of the central hall to an event space
 - Retention and adjustments to the existing ground floor and basement retail

units to support their use as Food and Beverage units including alterations to the shop fronts and the erection of retractable awnings

- Use of the existing basement space off Dalton Street for use as a cocktail bar
- Conversion of sections of the ground and basement floors for use as a gym including a swimming pool
- removal of walls and doors, namely to the eastern and western sides of the building along with some staging from beneath the organ;
- Opening up works to establish extent of structural work required
- As well as other smaller areas of demolition and alteration

1.3 The proposals would retain and restore many of the original features in-situ within the building including the façade and the remaining Victorian shop frontages, the main entrance doors, the late 19th century pipe organ within the main hall, the original windows and doors and associated furniture and the central staircase and lobby.

1.4 [Link to Documents](#)

2. **Site & Surroundings:**

2.1. The application site comprises a grade II* listed extensive complex of former congregational hall and meeting rooms known as Methodist Central Hall and a parade of street facing shops. The building was designed to have a commanding presence over the townscape at the date of its construction (1903-4) through the construction of a dominant tower and spire over the central entrance on Corporation Street. This tower sits between effectively two buildings, the principal hall to the south east and the associated meetings rooms to the north west. The floor plates of the building are thus staggered on each side from the central staircase that sits behind the tower.

2.2. The building fills the depth of a city block with principal elevations fronting Corporation Street (to the north west) and Ryder Street (to the north at an obtuse angle) which are executed in terracotta (matching the Victoria Law Courts opposite). The rear elevation fronting Dalton Street (to the south east) is built in brick (although dressed in terracotta) and the south western flank is a party wall to neighbouring properties fronting Corporation Street.

2.3. The entire site is within the Steelhouse Conservation Area which comprises a mix of late-19th century buildings principally associated with commercial and judiciary functions, but also municipal, medical, religious and administrative uses, many of which are key destinations in the City. Corporation Street itself is home to a number of the City's finest civic and commercial buildings including:

- Victoria Law Court 1887-91 (grade I) which is located opposite and slightly to the south of the site;
- Coleridge Chambers and Ruskin Buildings Circa Late-19th (grade II) which is located opposite and slightly to the north of the site;
- County Court 1882 (grade II) which is located opposite the site beyond the junction with Newton Street;
- Murdock and Pitman Chambers 1896-7 (grade II*) which is located directly adjacent to the southern boundary of the County Court; and

- A number of fine late 19th century commercial buildings directly to the south of the site, which it shares the city block with, including Citadel Buildings.
- 2.4. The city scape to the west retains its historic street structure and many further significant buildings, particularly those located along Steelhouse Lane to the north west including the City Centre Police Station complex, the Juvenile Courts complex and the Children's Hospital estate.
 - 2.5. The historic townscape, however, has been dismantled to the north east and the south west of the site, with most historic buildings being demolished and replaced by an open network of city centre dual carriageways and public spaces. This has left a large open public space to the north of Ryder Street, with views through to the Lancaster Circus flyover and an emerging tall building townscape in this direction. That said the historic tower of the former Central Fire Station (1935) remains.
 - 2.6. The modern mid-scale campus of Aston University extends along the western boundary of James Watt Queensway to the west which itself caused the removal of the historic townscape to the west of Dalton Street, thereby exposing the more utilitarian façade of the site 60 years ago.
 - 2.7. To the south, at the lower end of Dalton Street, the replacement Crown Court c1980 unflatteringly exposes its rear entrances to James Watt Queensway as it swings west down to Masshouse Junction. To the south of this is an existing gaggle of tall buildings that is continuing to expand and will function as the arrival piazza to the new HS2 station.
 - 2.8. The site drops in topography from south to north down Corporation Street and west to east down Ryder Street.
 - 2.9. The building remained in use as a place of worship until 1990. It was sold in 1991 and thereafter converted into a nightclub complex which subsequently closed in 2002. It remained vacant until 2007 when its doors opened as the Que Club, closing again in February 2017 and has remained vacant above ground floor since that date.
 - 2.10. The Central Hall has remained largely unchanged since its opening in 1904 however the condition of the building has deteriorated due to the poor level of occupancy and lack of general maintenance. Its deterioration over many years has placed the building on Historic England's Heritage at Risk Register.

3. **Planning History:**

- 3.1. 1990/00599/PA - Change of use from religious meeting hall and ancillary accommodation, shops, bank, storage & church to law courts, shops, banks etc. Approved 18/09/1990
- 3.2. 1990/05656/PA - Proposed change of use to entertainment, sports and leisure events, and promotions. Approved 08/03/1991
- 3.3. 1992/03026/PA - Use for entertainment and ancillary purposes. Approved 14/10/1992
- 3.4. 2002/04317/PA - Change of use from nightclub/dance venue to residential apartments development, extensions to roof area and external alterations to building. Approved 01/04/2004

- 3.5. 2004/00666/PA - Change of use of part of basement and ground floor and all of upper floors from night club to apartments with extensions to roof area and external alterations of the building. Approved 05/01/2005 (Listed Building Consent reference 2004/00667/PA)
- 3.6. 2009/03740/PA - Alterations and extensions and change of use from nightclub to 47 residential apartments, office, restaurant/bar and retail use. Approved 08/11/2010 (Listed Building Consent reference 2009/03741/PA)
- 3.7. 2017/10287/PA Change of use, conversion and three storey roof extension to provide 147 (no.) room hotel accessed off Corporation Street (C1 Use), and 75 (no.) room apart-hotel (C1 Use) accessed off Ryder Street, including restaurant, bars and cafe; retention of use of - Approve subject to Conditions
- 3.8. 2017/10299/PA Listed Building Consent for new 3 storey roof top extension; insertion of new decks, balconies, partition walls and other works; new shopfronts to nos. 204 to 206 and 224; opening up of historic fabric; removal of raked seating; part retention part removal - Approve subject to Conditions

4. **Consultation Responses:**

4.1 Birmingham Civic Society – No Objection

This will be a costly building to repair to the standard which is required, and we applaud the sensitive design of the consultant team and the impressive ambition of the applicant for this important building. We support the application.

4.2 Historic England – No objection

Historic England has no objection to the proposed conversion of the Grade II listed former Methodist Central Hall; one of Birmingham's finest terracotta landmarks. The proposal would ensure the positive reuse of a building at risk.*

4.3 BCC Conservation – No objection, subject to conditions and suggested amendments

There will be less than substantial harm to the significance of the Central Hall and the Conservation Area, which should be considered against the benefits of the scheme.

I would recommend approval with conditions requiring

Inventory of retention of fixtures, building recording, Method Statement for implementation, details of repair and work to historic fabric, architectural details, mechanical and electrical strategy, materials details, mortar details

4.4 Victorian Society – No objection, comment on design

Broadly supportive of what is proposed to bring this long-neglected building back into use, and welcome proposals for restoration of the historic fabric. We had concerns about previous proposals for alterations to the main auditorium, and so we welcome the current proposals to restore and make use of this superb space.

The currently proposed extension appears too bulky and dominant in relation to the terracotta below. Whilst the proposed dark grey colour may have been sourced to reflect the existing slate roof, in our view the proposed extension at three storeys should be a lighter grey in colour, and more reflective, to make it more subservient to the façade beneath it. In addition, we consider that the proposed roof design form appears quite monolithic across the entire building, whereas the roofs to be removed are quite diverse in shape, so we would like to see some more articulation to the proposed roof profile which would better reflect the varied design of the existing roofs and indeed the amount of `remarkably eclectic detail e.g., corner turrets resembling Indian chattris to the building's facades, as described by Foster.

Nevertheless, we are very pleased to see proposals which we hope will secure the future of this grade II listed building for many generations to come.*

- 4.5 Birmingham City Centre Management, Local Action Groups, Community and Neighbourhood Forums, Local Councillors and the MP have been consulted but no replies received

5. **Third Party Responses:**

- 5.1. The application has been publicised by sending out letters to neighbours, posting a site notice within the vicinity of the site and a press notice.
- 5.2. No third-party letters of representation have been received.

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

a. National Planning Policy Framework (if relevant)

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

b. Birmingham Development Plan 2017: (if relevant)

TP12: Historic Environment

c. Supplementary Planning Documents & Guidance:

National Design Guide (October 2019); National Planning Practice Guidance (PPG); DRAFT Birmingham Design Guide (2022); Steelhouse Conservation Area Map; Shopfronts Design Guide (1996); Historic Environment Good Practice Advice in Planning Note 2: Managing Significance in Decision Taking in the Historic Environment - Historic England (2015); Good Practice Advice Note 3: the setting of Heritage Assets – Historic England (2017); Regeneration through Conservation SPG;

7. **Planning Considerations:**

- 7.1 The main considerations for this application are

a. Impact upon the Listed Building

- 7.2 When considering the merits of the current listed building application Section 16 of the Planning (Listed Buildings & Conservation Areas) Act 1990 must be adhered to in order to ensure that the decision maker has paid special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses
- 7.3 The National Planning Policy Framework (NPPF) (2001) states under paragraph 199 that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation and the more important the asset, the greater the weight should be. The NPPF refers to the requirement to consider the harm to the significance of the heritage asset, and if harmful whether there would be substantial harm or less than substantial harm.
- 7.4 In addition, Policy TP12 of the Birmingham Development Plan reiterates the national guidance above noting that the City Council will value, protect, enhance and manage its statutorily protected assets and their contribution to character and local distinctiveness.
- 7.5 It is acknowledged that the current scheme proposes a significant intervention to the

interior and exterior of the building, most notably with regards to the roof top extension.

- 7.6 The changes proposed to the building will see the removal of various architectural and historic elements, this would include evidence of its use by the Methodists and its use as a nightclub. Therefore, a programme of historic building recording should be required by condition.

Ground Floor Shop Fronts and internals

- 7.7 Over the course of the 20th Century harm has been caused to the building through lawful and unlawful changes to a number of the historic shop fronts along the principal Corporation Street parade. Approval is sought to reinstate these shop fronts and deliver harmony across this elevation much in the way the refurbished commercial units under the newly refurbished Grand Hotel on Colmore Row has achieved. The repair and changes to some of the shop fronts is considered would have a positive impact on the historic and special character of the building. A typical shop front design was submitted with the application and a condition should be added to ensure a scheme for each shopfront is submitted broadly in line with the submitted drawing.
- 7.8 The changes to the shop front also includes the introduction of retractable awnings. Whilst the building did not have awnings historically, they are not considered to be harmful to the setting of the building or its character. The details of the awnings should be secured via condition to ensure the position, fixing and colour is acceptable.
- 7.9 The proposed ventilation system will also require the introduction of vents into the stall risers of the shopfronts and in the fanlight above the door. These are described as grills and look like standard metal louvres, whilst neat is does have a slightly detrimental impact upon the appearance. Therefore a condition is suggested to secure design a suitable, a period-style grill used consistently across the ground floor should be used.
- 7.10 Of the interiors of the shops on the ground floor and the basements below, there is not a lot of significant fabric and it is mainly modern shop fit outs. There will be some opening-up between units, as is shown on the plans, this is likely to entail some harm due to loss of historic fabric. A condition should secure details of internal elevations showing the extent of the opening and how it would be finished, so that the historic layout remains legible.

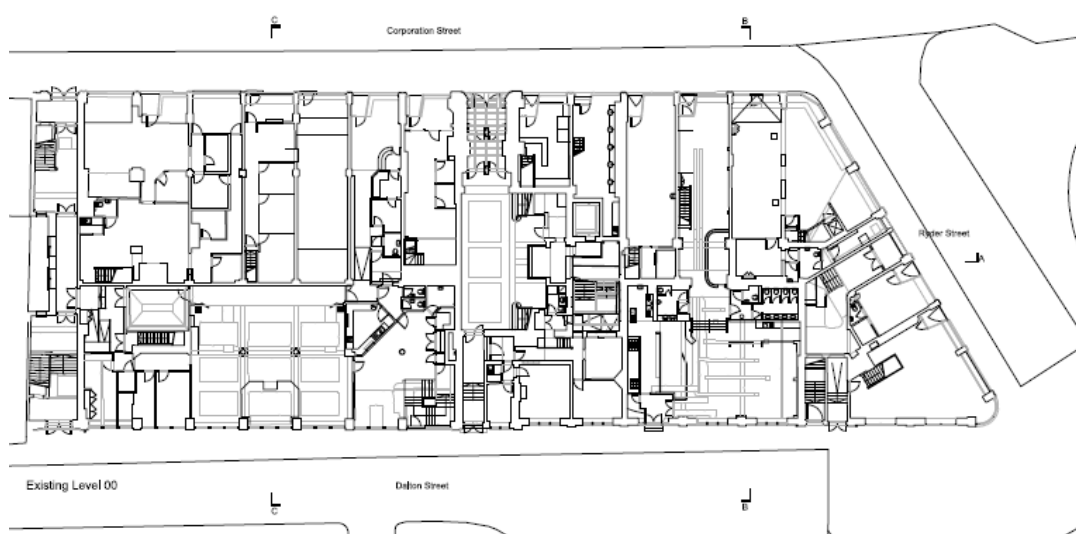


Figure 1. Existing ground floor plan

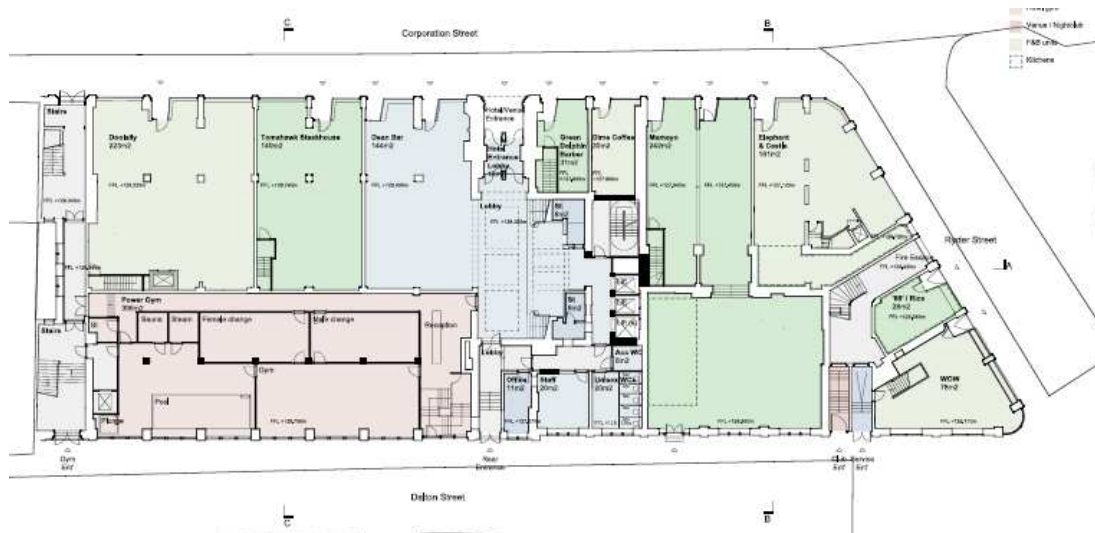


Figure 2. Proposed ground floor plan

Façade / terracotta

- 7.11 The terracotta facing along Corporation Street and Ryder Street appears to be in reasonable condition with some damage at the ground floor. On the upper floors it is harder to assess, there is one large section of cornice missing at high level that will need to be replicated, whilst the tower and spire has some quite substantial trees growing from it. Therefore, a survey of the tower should be undertaken to establish what is required and a corresponding programme of repair works required by condition.

Internal Alterations

- 7.12 The space previously used as the auditorium to the Central Hall is to be retained and would be accessible to the public, this is a significant improvement of other consents which have seen significant interventions (including hotel rooms around the perimeter of the hall which reduced the volume of the hall, removed the existing tracery windows and introduced balconies). This application details how the space would be reused, and the historic fabric repaired, including repair of the organ, and reintroduction of raked seating and retention of the tracery windows. The organ is significant in its own right. The instrument has been damaged but externally looks to be mostly complete, proposals for its cosmetic restoration should be submitted via condition.

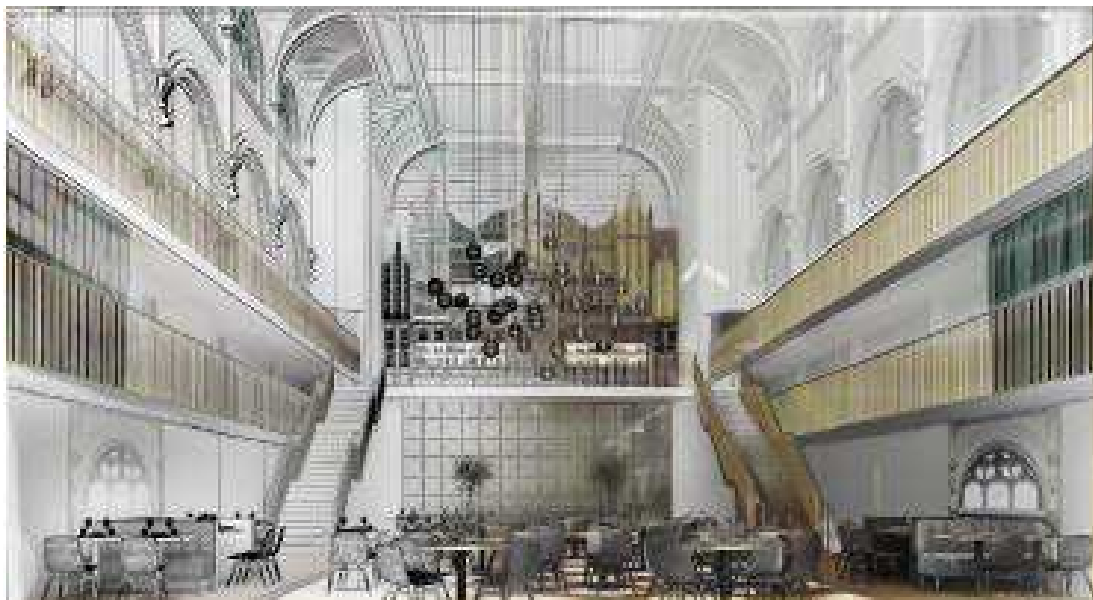


Figure 3. Previous approvals, intervention to main hall



Figure 4. Proposed main hall (subject to finishes)

- 7.13 However, much of the main hall interior has been damaged due to theft and vandalism in recent years. All of the tiered seating has been removed along with cast metal and timber railings. The parquet floor in the hall has also been almost entirely removed. details of; replacement railings; flooring; conservation of the stage and panelling throughout the hall and side corridors; should be secured via condition.



Figure 5. Main hall as existing

- 7.14 The staircase bannister on the main stairs in the northern end of the building has also been stolen and this needs to be reinstated using the surviving elements, details of which should be secured via condition.
- 7.15 Openings are proposed in the entrance hall to create the hotel lobby by knocking through into the adjoining shop unit and under the stairs into the existing light well to create the service core with the lifts. Internal elevations and for wall nicks and down stands to be retained to show the historic layout.
- 7.16 Most of the the proposed hotel rooms are located within the northern side of the building. Along the Ryder Street elevation, the floor plan is already quite compartmentalised, and the hotel rooms will use these with some additional partitioning. The remaining space comprises some large rooms at first floor level either side of a central light-well that we assume were formerly meeting rooms. The proposal is to sub-divide these spaces and insert a floor as they are currently double height. The spaces are fairly simple aside from a coffered ceiling, but their scale and volume will be harmed by the proposals, albeit at quite a low level of harm. The room divisions will work with the bay divisions on the windows (so no partitions on mullions), the floor levels do not correspond with the height of the transoms of the windows. The proposed solution is that there will be an internal wall to the rooms set back from the external windows so the floor level is not obvious from the outside despite sitting part way up the window. In the lower room a door could be opened into the oriel window whilst the upper room would be fixed. The final details of this should be submitted via condition.

Windows

- 7.17 Central Hall retains the vast majority of its historic windows, these are metal framed casements with glass panes mounted in lead. These are a significant element and are to be repaired and retained. To improve thermal performance and reduce noise there will be the need to install secondary glazing throughout the building, this is acceptable, but details of the proposed product and drawing of how it will be installed in each window type will be required.

Proposed roof extension

- 7.18 The proposed roof extension would be formed of two parts divided by the existing tower in the middle. It would accommodate hotel rooms, roof terraces to the south of the tower and a rooftop bar/restaurant. The proposed extension sees the removal of

the entire existing roof. However, it is the degree of harm to the asset's significance rather than the scale of the development that is to be assessed.

- 7.19 The loss of the historic roof is harmful to the significance of the building and is not something that would usually be supported because of the impact upon and the loss of historic fabric. However, the roof structure is considered to be one of the less significant aspects of the building. The Conservation Officer notes that from Corporation Street it is not prominently visible due to the width of the street and the height of the parapet and the height of the building overall. The roof and chimneys can be seen on the Ryder Street elevation looking south along Corporation Street and on the Dalton Street elevation looking from James Watt Queensway. In all cases it was never intended for the roof to be prominently visible, this perpetuates on Corporation Street where the historic street layout survives but on the other elevations the views have been exposed by post-war demolitions and these longer views were never intentional. The roof was secondary and functional.
- 7.20 The important element of the design was the profile / silhouette of the Central Hall against the sky looking up from the street, with the attention of the eye being drawn to the tower, the chattris-style towers / turrets on the corners and the pinnacles on top of the piers. The Conservation Officer therefore raises concern that the extension is too tall and alters the silhouette / profile of the building in a way that diminishes the impact of the tower and the corner turrets that will sit against a background of grey metal rather than against the sky. Thus, having a harmful impact upon the appearance of the building as well as the Conservation Area. However, it is considered that the extension at the southern end with a shape similar to the form of the existing roof and set back from the main elevations does not have the same detrimental impact to the building.
- 7.21 Notwithstanding concerns with scale and prominence, the proposed design has been the subject of scrutiny both by officers, the Conservation Heritage Panel and external consultees, and there is overwhelming support for the re-use and repair of the building.
- 7.22 The roof top structure will require a substantial amount of steel work to be added to the building, including steel ties across the hall space, which is documented in the submitted Structural Interventions document. As no intrusive investigations have yet been undertaken, the final engineering solution is unknown. Steels will be required to run down through the building to basement level where new foundations will be built. In the main hall steels will need to be run down against the side walls inside the hall between the windows. Therefore, a condition is required to secure the details of penetrations through walls and floors, finish of the final structure and the methodology for how the existing roof is removed whilst keeping the coffered ceiling of the hall prior to the works (other than the detailed opening up works) taking place.

Opening works

- 7.23 As a result of the above, the application was also supported by a schedule of 'opening up works' (dated 8th June 2022). The document details the scope of work necessary to allow and understanding of the various forms of construction employed in the existing building to determine the final detail design of the engineering solutions required to support the roof extension.

Harm to significance

- 7.24 As required by the Planning (Listed Buildings & Conservation Areas) Act 1990 it is necessary to consider whether the proposals would preserve or enhance the building and its setting or any features of special architectural or historic interest that it possesses. First it is acknowledged that the proposed roof top extension would be prominent. However, by implementing the proposed development it is considered that it would preserve the Grade II* listed structure, by securing its reuse and it would remove the building from the Historic England Heritage at Risk Register. Further

deterioration to the condition of building will continue to harm the significance and future of this asset. Several planning consents have been granted over the last 20 years with the objective of bringing the building back into an appropriate use. These all included significant alterations and interventions to the fabric of the building but failed to deliver a viable development. Therefore, the current opportunity to reuse the whole of this Grade II * listed building and remove it from Historic England's Heritage at Risk Register is an important public benefit that has weighed heavy in the balance of the recommendation.

7.25 Regard has also been given to paragraphs 199 and 202 of the NPPF (2021) and Policy TP12 of the BDP, and it is considered that the proposals would lead to less than substantial harm to the significance of the Grade II* listed building and its setting and that the harm is outweighed by the public benefits. According to the national planning policy guidance public benefits could be anything that delivers economic, social or environmental progress. In this case the benefits are considered to be:

7.26 Economic Benefits

- Delivering a range of commercial outlets and other facilities which will be a destination in their own right
- Providing new employment opportunities and supporting the local supply and service chain and positively contributing to tourism spend in Birmingham
- Improving footfall and vitality during the day and supporting a thriving evening economy in this part of the City.
- This proposal will create approximately 291 full time equivalent new jobs
- secondary employment by utilising support goods and services in the City and
- investment during the construction period.

7.27 Environmental Benefits

- Bringing back in to use a large currently vacant building, along with several existing commercial units
- Upgrading the retail unit shop fronts located at street level, providing a significant improvement to the street scene and public realm of Corporation Street;
- Ecological enhancements
- Improved energy efficiency of a historic building

7.28 Heritage Benefits

- Retention of the main hall without subdivision,
- Reopen the hall for public use
- A holistic scheme for the entire building with identified end users.
- The restoration of the street level facades and shopfront
- securing the optimum viable use of a heritage asset, bringing the vacant and deteriorating Grade II* listed building into reuse and removing the heritage asset from the 'at risk register';
- The hotel and associated leisure use will bring employment and economic benefits and reinvigorate this part of the Steelhouse Lane Conservation Area.

8. **Conclusion**

8.1 The high level of less than substantial harm the proposals causes upon the historic fabric of this Grade II* listed building is acknowledged. However, officers are satisfied that the most significant features would be retained, and the proposed development would secure the reuse of the building whilst restoring public access. Therefore, the harm is found to be outweighed by the benefits of the proposal, according with both National and Local Policy requirements.

9. **Recommendation:**

9.1 That Committee grant Listed Building Consent subject to the conditions below

-
- 1 Implement within 3 years (conservation/listed buildings consent)
 - 2 Requires the scheme to be in accordance with the listed approved plans
 - 3 Building Recording
 - 4 Structural Investigations
 - 5 details of 'making good' following Structural Intrusive Investigations
 - 6 Inventory of historic fixtures for retention
 - 7 Condition Survey and timescale for repairs to building
 - 8 Schedule of repair and work to historic fabric:
 - 9 Completion of Repairs Prior to Occupation
 - 10 Temporary Roof and weather proofing
 - 11 Structural design to support the roof extension
 - 12 Details of Alterations and Extension
 - 13 Shop Front Details
 - 14 Submission of materials
 - 15 Details of mortar
 - 16 Security Strategy
 - 17 External lighting strategy
 - 18 Details of Mechanical and Electrical (M&E) System
 - 19 Requires the submission of extraction and odour control details
 - 20 Water and Drainage Strategy
 - 21 Ecological Enhancements
 - 22 Requires the prior submission of a construction ecological mitigation plan
-

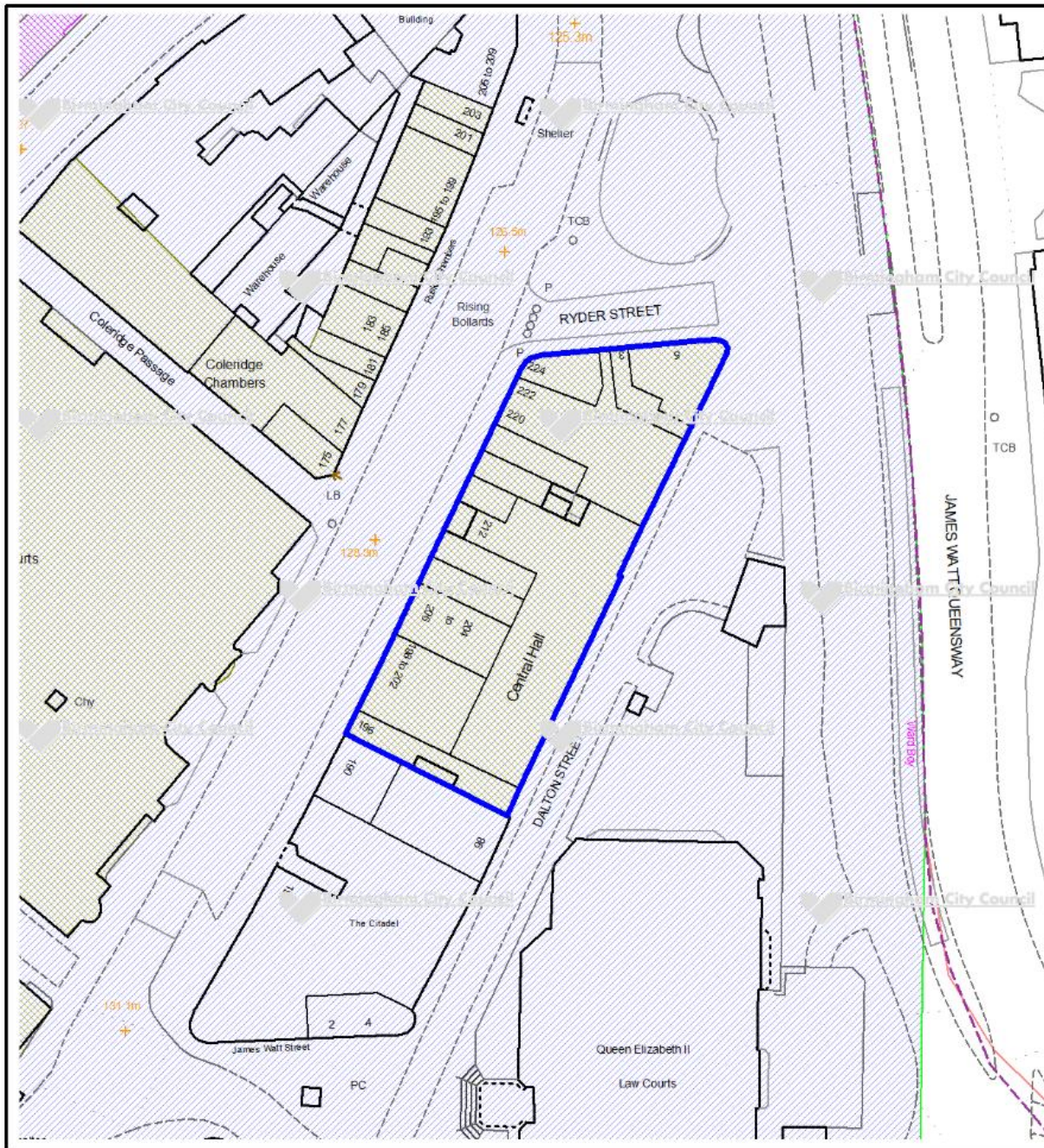
Case Officer: Rhiannon Hill

Photo(s)









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Committee Date:	28/07/2022	Application Number:	2022/02908/PA
Accepted:	05/04/2022	Application Type:	Full Planning
Target Date:	29/07/2022		
Ward:	Ladywood		

Upper Gough Street Car Park, Birmingham, B1 1JG

Full planning application for the site clearance and redevelopment of a surface car park to provide 111 residential apartments (Use Class C3) over five to seven storeys comprising of associated residential space, landscaping and public realm.

Applicant: Upper Gough Street Limited
C/O Agent
Agent: Turley
9 Colmore Row, Birmingham, B3 2BJ

Recommendation

Approve Subject to a Section 106 Legal Agreement

1. **Proposal:**

- 1.1 Consent is sought for residential development on an existing surface level car park at Upper Gough Street. The proposal consists of the clearance and levelling of the existing site (involving the removal of hard surfacing and vegetation) and its redevelopment featuring the construction of an 'I'-shaped apartment block.
- 1.2 In total 111 one and two-bedroom apartments over five to seven storeys are to be built around two internal landscaped private courtyards. The Seven storeys would front Upper Gough Street, 6 storeys mid-way and 5 storeys adjacent to Chapmans Passage.

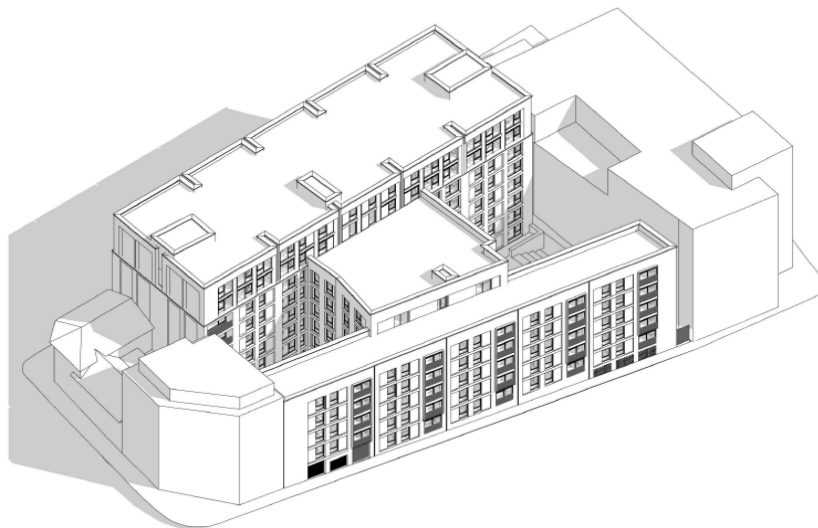


Image 1: Site layout isometric

- 1.3 Of the 111 apartments 11 units will have a balcony space overlooking the courtyard area. In addition to the courtyard, an internal communal area would be provided along with shared roof terrace at fifth floor featuring planting and SUDS alongside grassed spaces. All residential space is to be made private for residents.



1.4 Image 2: Fifth floor layout plan and view of roof terrace area



Image 3: Elevation plan presenting existing site levels across Chapmans Passage.



Image 4: CGI view of Chapmans Passage and consented development to the left (2018/085420).



Image 5: CGI view of the Keg & Grill PH and proposed scheme at Upper Gough Street.

1.4 The scheme does not propose any car parking and provides 56 secure cycle spaces.

Access into the building will serve from Upper Gough Street with a secondary access off Chapmans Passage where cycle access will also be provided.

1.5 The main refuse store is to be located on the ground floor at Upper Gough Street, near to the Keg and Grill Pub.

1.6 The application is supported by several technical documents including a viability assessment which has been appraised by an independent financial assessor

1.7 [Link to Documents](#)

2. **Site & Surroundings:**

2.1. The site is owned by Birmingham City Council and is located just beyond the edge of the 'City Core' within the City Centre in the quarter of 'Westside'. The site extends to approximately 0.19 hectares and is rectangular in shape.

2.2. The site is bound by Upper Gough Street to the north-west and Chapmans Passage to the south-west. It abuts Lonsdale House (a five storey 1960s office block) fronting Blucher Street. To the north-east sits the Keg & Grill public house and to the south-west Marshall House (a four storey recently converted residential building).

2.3. The majority of the site is comprised of hardstanding with vegetation of limited quality along the eastern and southern boundaries.

2.4. In terms of levels there is a significant drop in levels across the site from north-west to south-east, towards the city core.

2.5. The site is not situated within a conservation area and there are no listed buildings on the site. That said the site lies within the vicinity of the Grade II* listed Synagogue on Blucher Street and the locally listed Craven Arms public house (at the junction of Upper Gough Street and Blucher Street). The area is characterised by a mix of low scale light industrial and associated office units dating to the mid-20th century which are being replaced by modern apartment blocks. The area to the north was redeveloped after the Millennium and is now well established, whereas the area to the east (along Holloway Head) is currently under transition with development between 5 and 15-storeys in height (averaging 8-10).

2.6. Historically Upper Gough Street would have once been a densely packed area mixing industrial uses with residential dwellings before being cleared on the mid-20th century.

2.7. [Google site map](#)

3. **Planning History:**

3.1 23/05/2008 – 52 Blucher Street – 2008/01508/PA – Change of use from office (use class A2) to booking office for private hire (use class Sui Generis). Withdrawn.

3.2 Adjacent the application site

2015/05112/PA – 49-51 Holloway Head – Demolition of existing buildings and erection of a multi storey residential buildings (with either 487 apartments and relocation of the girl guides off-site, or 481 apartments and relocation of girl guides on site) across two adjacent blocks separated by Brownsea Drive including basement

parking to both blocks at ground floor retail units (A1) at 49-51 Holloway Head. Approved. Currently under construction.

15/01/2021 – Lee Bank Business Centre 55 Holloway Head – 2018/08452/PA – Conversion of existing building and addition of 5 storeys to Holloway Head and 3 storeys to Blucher Street; new townhouses and apartments to Chapmans Passage to create a total of 122 apartments. Approved.

16/09/2021 – 40 Upper Gough Street – 2021/02691/PA – Erection of two Use Class E buildings to provide offices and commercial units below, provision of public realm improvements with the extension of Chapmans Passage and associated infrastructure, landscaping and on-off site car parking at 40 Upper Gough Street. Approved.

4. **Consultation Responses:**

- 4.1 City Design -no objection subject to conditions for materials, fixing and bonding; Window reveal details; Window soffits to be brick; Ventilation strategy; and Capping, parapets and balustrades.
- 4.2 Conservation – no objection
- 4.3 Transportation Development - no objection subject to conditions:
 - 1.The redundant footway crossing on Upper Gough Street is reinstated before the development is occupied with a Grampian style condition. An advisory is also required to note a relevant Highways agreement is required to progress these works.
 - 2. Cycle parking is provided before the building is occupied.
 - 3. A Construction Management Plan is required before the works commence to define any highway impacts, i.e., temporary occupancy of highway, crane oversailing and materials delivery routes.
- 4.5 Tree Officer – no objections, the site appears to feature no more than two small crab apple trees of small amenity and monetary value.
- 4.6 Ecology – no objections subject to hard and soft landscaping and bat and bird nesting box condition.
- 4.7 Regulatory Services – no objections subject to noise insulation scheme, contamination remediation scheme and verification report conditions.
- 4.8 Local Lead Flood Authority – no objections subject to conditions requiring submission of a sustainable drainage scheme and a sustainable drainage operation and maintenance plan.
- 4.9 Severn Trent Water – no objections subject to a condition to secure drainage plans for the disposal of foul and surface water flows before the development is first brought into use.
- 4.11 Leisure Services – in accordance with the BDP policy this development is liable for an offsite POS and play area contribution of £256,175.
- 4.12 Education – no comments
- 4.13 West Midlands Police – no objections subject to a condition requiring CCTV, lighting scheme and landscape management plan.

- 4.14 West Midlands Fire Service – no objections and recommends informative.
- 4.15 Health and Safety Executive – awaiting 2nd set of comments, these will be presented to a committee via an update. Existing set of comments do not object to scheme although do query means of escape and fire service access and potential design revisions.
- 4.16 Cadent Gas – no comments
- 4.17 Planning and Growth Strategy – no objections subject to requesting a roof plan and energy and sustainability condition.
- 4.17 Birmingham Civic Society – support the application.

5. **Third Party Responses:**

- 5.1. The application has been advertised in the press, publicised by 3 site notices (posted 07.07.2021 – expires 28.07.2021) and neighbours notified. In addition, the Local MP, local residents' groups and forums have been consulted. Associations and Ward Councillors consulted. One third-party comment (as of 13th July) has been received, see below:
- 5.2 Neighbour asks BCC whether they have considered closing Chapmans Passage/ the 'urban lane' to traffic permanently and utilising S106 monies to improve the public realm. The neighbour states 'developers could be required to jointly install reclaimed cobble sets, low level planting and trees to create a space for residents as the present amenity looks to be shrouded in darkness for most of the day. Developers of the lozenge shaped building on Marshall Street/Upper Gough Street intend to extend Chapman's Passage as a pedestrian space leading towards the peace gardens so improving the public realm here could form part of a broader scheme of improvements for the area.'

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

6.1 **National Planning Policy Framework**

Section 2: Sustainable Development

Section 8: Promoting healthy and safe communities

Section 9: Promoting sustainable transport

Section 12: Achieving well-designed places

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

Section 15: Conserving and enhancing the natural environment

Section 16: Conserving and enhancing the historic environment

6.2 **Birmingham Development Plan 2017**

PG1 Overall levels of growth

PG3 Place making

TP1 Reducing the City's carbon footprint

TP2 Adapting to climate change

TP3 Sustainable construction

TP4 Low and zero carbon energy generation

TP6 Management of flood risk and water resources

TP7 Green infrastructure network

TP8 Biodiversity and Geodiversity

TP9 Open space, playing fields and allotments

TP12 Historic environment

TP24 Promotion of diversity of uses within centres

- TP26 Local employment
- TP27 Sustainable neighbourhoods
- TP28 The location of new housing
- TP29 The housing trajectory
- TP30 The type, size and density of new housing
- TP31 Affordable housing
- TP37 Heath
- TP38 A sustainable transport network
- TP39 Walking
- TP40 Cycling
- TP44 Traffic and congestion management
- TP45 Accessibility standards for new development
- TP46 Digital communications

6.3 Development Management DPD

- DM1 Air quality
- DM2 Amenity
- DM3 Land affected by contamination, instability, and hazardous substances
- DM4 Landscaping and trees
- DM5 Light pollution
- DM6 Noise and vibration
- DM10 Standards for residential development
- DM14 Transport access and safety
- DM15 Parking and servicing

6.4 Supplementary Planning Documents & Guidance

- Places for All SPG (2001)
- Places for Living SPG (2001)
- Lighting Places SPG
- Birmingham Parking SPD (2021)
- Public Open Space in New Residential Development SPD (2007)
- Affordable Housing SPG (2001)
- Emerging Birmingham Design Guide SPD 2022

7. Planning Considerations:

Principle of Development

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

Housing Mix

- 7.2 The application proposes 50.5% (56) 1 beds and 49.5% (55) 2 beds dwellings, this range of unit sizes presents an over-provision of 1 bed units when it would be preferable to see a reduction in the number of 1 bed units and an increase in the 2 bed (and if possible 3 bed units). A reduction would contribute to the aim of creating a more varied supply of homes in the central area, as suggested in the Housing and Economic Needs Assessment (HEDNA). The table below demonstrates the proposed mix breakdown.

Size	Number	Ratio	%
1 bed 1 person	31	28%	50%
1 bed 2 person	25	23%	
2 bed 3 person	18	16%	
2 bed 4 person	32	33%	50%
2 bed townhouse	5		
Total	111	100%	

7.3 Table 1: Proposed housing mix

- 7.4 The case officer sought revisions to the mix however in response the agent made a case regarding viability and explained how amendments would potentially result in fewer units (overall) being provided and subsequently a reduced affordable housing contribution offer. It was suggested a more varied mix could be provided via the scale of development being increased, however given the size of the site, existing differences in levels and its immediate neighbours an increase in scale would be out of character and potentially harm local amenity therefore this option is both unrealistic and unviable.
- 7.5 As of 10th January 2022, the Council cannot demonstrate a five-year supply of deliverable housing sites. Consequently, Paragraph 11d) of the NPPF is engaged and the tilted balance applies for decision taking. NPPF paragraph 11 states that plans and decisions should apply a presumption in favour of sustainable development.
- 7.6 For decision taking, paragraph 11 d) states that where the policies which are the most important for determining the planning application are considered out-of-date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Footnote 8 of the NPPF confirms that in considering whether the policies that are most important are indeed out-of-date, this includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.
- 7.7 Whilst the proposed mix does not wholly adhere to the aims of policy TP25, the scheme fully accords with DMB Policy DM10; all units meet or exceed the Nationally Described Space Standards (NDSS) and the size and density are acceptable, thereby the weight attributed to the lack of a 5-year housing land supply (5YHLS) considerably outweighs the limited weight afforded to the TP25 conflict. The proposal is sustainably located whereby the limited harm by means of unit sizes would not be outweighed by the economic, environmental, and social benefits the development could deliver.
- 7.8 **Impact on highway**
- 7.9 The site lies within a highly accessible location and is in walking distance of the city core. There are numerous bus stops within a 400m walk and the site is a short walk from Birmingham New Street Station.
- 7.10 The site was previously used as a car park therefore by removing the vehicle trips and providing a scheme which proposes no car parking is a transport improvement and one which complies with policy and supporting guidance.

- 7.11 Whilst the scheme proposes zero-car parking the developer has agreed to enter into a S278 (of the highways act) agreement to change the existing Traffic Regulation Order on Chapmans Passage to create 5no.disabled parking bays. This agreement reflects a monetary cost (to the developer) of approximately £15,000 and would be secured by a Section 106 agreement.
- 7.12 The scheme provides 50% cycle parking which is acceptable given the City centre location. Although the Parking SPD seeks a cycle space per unit; it can be said 56 spaces does not wholly conform with this guidance. That said pre-application discussions for this application took place with BCCs Transport Officer prior to the adoption of the SPD, thereby 56 is reasonable provision and is supported.
- 7.13 The site would be serviced from Upper Gough Street with access to a refuse store that will require refuse vehicles to wait either in the carriageway and temporarily disrupt traffic or further along on the restricted parking area. The BCC Transport Development Officer supports the application subject to conditions a S278 highways agreement. The transport details presented are acceptable and accord with Policies TP38, TP39, TP40 and TP44 of the BDP and Policies DM14 and DM15 of the DMB.

Design

- 7.14 The scale of the Upper Gough Street building exceeds the scale of the bookend buildings either end of the block, but not excessively and reflects the emerging mid-scale height of the wider area. At seven-storeys this is considered acceptable. It offers up a simple notion of five bays along the Upper Gough Street frontage with the two top floors being more deeply recessed with canted piers in a different brick.



Image 6: CGI of Upper Gough Street elevation



Image 7: CGI of back of pavement positioning next to Lonsdale House

- 7.15 The development restores the back of the street development which, as previously mentioned, would have traditionally been the form of development in this area as well strengthen the relationship between Chapmans Passage and the office-led proposal to the southeast which was approved under ref: 2021/02691/PA.
- 7.16 The Townscape and Visual Assessment concludes that effects upon the local townscape character area would form an improvement to the townscape character and integrate well.
- 7.17 The site lies in very close proximity to the neighbouring office building Lonsdale House, whereby the scheme would abut a number of side facing windows. With regards to this positioning, no minimum separation distances/standards for commercial premises are set by policy, therefore this relationship is supported. The proposed layout and massing is appropriate within the site context and creates high design quality in accordance with Policy PG3 of the BDP. Furthermore, the City Design officer supports the application subject to conditions.

Provision of outdoor amenity

- 7.18. The Public Open Space SPD requires public open space pro-rata in accordance with the 2ha per 1000 population standard for residential schemes of twenty or more dwellings. The site seeks to provide onsite outdoor amenity space by means of 11 private balconies, a communal courtyard at the lower ground floor and a roof terrace as per images below.



Image 8: Lower Ground Floor Floor Plan



Image 9: Roof Terrace Floor Plan

7.19 The level of provision equates to a total of 741m² outdoor amenity. The courtyard measures 447m², the roof terrace at 225m², with the 11 balconies amounting to 69m². Whilst this figure clearly falls below the required standard, consideration should be had for the site's internal communal space (garden lounge) of 56m² and the site's close proximity to nearby areas of public accessible recreational spaces, some of these being:

- St Thomas Peace Gardens: 170m away / 3-minute walk
- Five Ways Community Park: 800m away / 9-minute walk

-Lytham Croft Playground: 480m away / 6-minute walk

-Sunset Park: 645m away / 8-minute walk

- 7.20 These spaces can be accessed in less than 10 minutes and provide a varied recreational offer. That said they do not make up for the lack of onsite amenity space thereby the conflict with policy is acknowledged. However, given the sites location within the City Centre whereby land available for housing is limited, the existing 5YHLS position as well as the policy requirement to make the most efficient use of land (Paragraph 124 of the NPPF) limited weight is afforded to this conflict with PG3.

7.21 Impact on residential amenity

- 7.22 The proposed apartments meet the nationally described space standards and are considered to be of an acceptable size, with a good level of openings. That said separation distances between units fall considerably below the required distances described in the Spaces for Living SPD.

- 7.23 The apartments are arranged in an 'I' style whereby units face onto one another. Distances between (approximately) 9.5m and 16m would allow for direct views into habitable rooms; and views into apartments when walking through the site. Closer separation distances between of 4m-11m are also present between units, however these views are indirect and at an obscure angle and would be lessened and interrupted by the communal amenity spaces between. Layouts such as this are characteristic and somewhat reflective of parts of the City Centre being higher dense and more compact living; and one that potential occupiers will be aware when viewing potential units. Therefore, on that basis, I consider the layout in this case to be acceptable.

- 7.24 The permitted residential development opposite (2018/084520) is separated by the public highway whereby development is set to the back of the pavement resulting in properties having a close relationship. These separation distances existed historically and exist further along and are typical of city centre living as are high density layouts.

- 7.25 Whilst the distance separation (8m - 9.2m) between the facades of the proposed and recently consented development (2018/08452) along Chapmans Passage would be close knit and less than the Places for Living guidelines, I consider that the design of the scheme, for this location achieves a reasonable level of privacy and outlook. Furthermore, the permitted premises is not in situ and development is still to commence. Should the permitted scheme be developed out in the future, potential occupiers/buyers will be mindful of the separation distances between habitable windows and close by development relationship.

Microclimate

- 7.26 An overshadowing study has been undertaken to assess the impact of the development at neighbouring developments. The report concludes that overall, the layout of the proposed development will not have an adverse effect on surrounding properties and amenity spaces. Overshadowing has been provided for Spring, Summer Autumn and Winter and whilst there is impact, the layout will not reduce sunlight or daylight to an extent that it would adversely affect the occupation of the proposed or neighbouring permitted dwellings. The proposed is therefore compliant with Policies PG3 and TP27 of the BDP.

7.27 Conservation of the Historic Environment

The Conservation officer states the Craven Arms and the Cask and Keg pub are the last examples of the scale of the pre-war city centre but no longer dictate the scale of the area. The relationship between the Cask and Keg PH and the development is somewhat awkward with the gable end of the flats rising above the roof of the PH, however, I am advised that this is not harmful in heritage terms.

- 7.28 The Craven Arms is a far finer building with a glazed ceramic, decorated frontage, it is locally listed and a significant non-designated heritage asset. The Conservation officer however agrees with the submitted heritage statement that the proposed development does not harm its architectural interest.
- 7.29 The Synagogue is just a little bit more distant from the application site and is visually separated from it by the pub. Again, the development would change the setting in a way that is not harmful to its significance.
- 7.30 Overall, it is the view the scheme will not harm these heritage assets. The development will reinstate the areas dense urban environment, enhance the local setting and comply with policies PG3 and TP12 of the BDP

7.31 **Biodiversity**

The site is considered to be of low biodiversity value predominantly being a hard surfaced car park along with a narrow strip of grass and 2 no. fruit trees. The indicative plans offer an improvement to landscaping within the internal courtyard, amenity roof top garden and biodiversity roof. This level contributes to what be an increase in biodiversity of around +38% over base line. BCC principal ecologist has no objections and recommends a modified landscape condition to secure appropriate level of detail for all aspects of soft landscape including biodiversity roof. The proposal accords with Policies TP6, TP7 and TP8 of the BDP and the NPPF.

7.32 **Drainage**

The site is situated within Flood Zone 1, with a very low likelihood (1 in 1000) of flooding. A Sustainable Drainage Assessment has been submitted in support of the application and sends the discharge of foul water via a new adopted length of sewer within Chapmans Passage. It is proposed that surface water will be catered for through sustainable urban drainage systems that will not increase flood risk to the site itself or the surrounding area. The LLFA and Severn Trent support the application subject to conditions. The drainage proposals therefore accord with Policy TP6 of the BDP and flood requirements of the NPPF.

7.33 **Air Quality, Contamination and Noise**

- 7.34 The site falls within the city's Air Quality Management Area. Accompanying the application environmental reports have been submitted and reviewed by Regulatory services who confirm no objections subject to conditions around noise and contamination.
- 7.35 Subject to conditions therefore I consider the proposed development is suitable for residential development and accords with PG3 of the BDP and DM2 and DM6 of the Development Management DPD.

Sustainability

- 7.36 The site is located within the urban area in close proximity to jobs, shops and services and with good public transport links. It would also see the re-use of a largely vacant brownfield site.

- 7.37 An energy statement has been submitted as well as an appropriate assessment of LDC energy sources completed. The statement has concluded solar PV to be the most appropriate LDC technology resulting in a 30.53% reduction in carbon dioxide against part L. The Planning and Growth team have reviewed these documents and requested a roof plan to be submitted to show the layout and configuration of PVs; and request a condition applied to secure the scheme complies with Policy TP4 and incorporates the measures presented. Since comments were made an acceptable roof plan has been submitted. The roof plan allocates the roof space over Upper Gough Street for photovoltaic panels, this being the tallest mass being the area less likely to be overshadowed by neighbouring developments.

7.38 **Fire Safety**

A fire safety statement has been submitted and provides evidence that fire safety measures have been incorporated into the design of the proposed. This statement has been reviewed by HSE whereby comments were made to the LPA regarding means of escape and fire service access requiring design amendments. The agent has responded to these comments and HSE recently re-notified. Any further comments will be presented to planning committee. The West Midlands Fire officer raises no objections to the application.

Other Matters

- 7.39 West Midlands Police have submitted a few queries whereby the agent has responded and has agreed to the CCTV, Landscape Management Plan and Lighting condition. In their response they confirm:

- no moving in strategy is required and has not been requested per Transportation comments.
- Typically, a video entry with controlled fob access for residents will be included.
- The building will operate via some form of management, that would control access to the restricted terrace area.
- Roof terrace furniture would be fixed and away from parapet edge.

7.40 **Community Infrastructure Levy**

This planning application is CIL liable as it lies within a High Residential Market Value area for CIL whereby the charge equates to £711,754.10. This is based on the new floor area being created 8,420 sqm.

Planning Obligations

- 7.41 Policy TP31 of the BDP requires 35% of the total number of dwellings to be affordable on sites of 15 dwellings or more and TP9 seeks either on site public open space at 2ha per 1000 population or a contribution towards off site provision for developments of 20 or more dwellings.
- 7.42 The applicants contend that the development would be unable to meet the Policy requirements outlined above and still deliver a sufficient developer's return. Therefore, a Financial Viability Appraisal (FVA) has been submitted and independently assessed.
- 7.43 Independent review of the submitted Financial Viability Appraisal indicates that the proposal could support the provision of 11 affordable units at a 30% discount on market value. This is in addition to the S278 change to the TRO along Chapmans Passage with (equivalent to a monetary value of approximately £15,000) and the High Residential Market Value CIL payment of £711,754.10

- 7.44 This provision, while not meeting the 35% set out in policy TP31, is welcomed however closer inspection of the cost of the units with a 20% discount applied indicates they would not be affordable based on the Council's income thresholds. Consequently, an alternative option comprising 11 units at a 30% discount has been agreed, with 25% (3) of the 11 to be First Homes. A 30% discount would provide more genuinely affordable accommodation as shown in the table below. The 30% market discount reflects a monetary value/financial figure of £877,638 and assumes a proportionate mix of apartments (6 x one-bedroom units and 5 x two-bedroom units).

Unit	Market Value	Market Value @ 30% discount
1 bedroom apartment	£205,000	£143,500
2 bedroom apartment	£315,000	£220,500

- 7.45 The scheme will not be delivering a significant proportion of family housing and would provide ample space for outdoor physical activity. In addition, achieving an element of affordable housing and is considered a priority in this instance. Therefore, the preference is to comply as far as possible with Policy TP31 by providing on site affordable housing.

8. **Conclusion**

- 8.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 advises that the determination of a planning application shall be made in accordance with the development plan unless material considerations indicate otherwise
- 8.2. The proposed development would see the delivery of a high-quality development residential development in a sustainable location. It would provide much needed housing and contribute towards the regeneration aspirations for this part of the City Centre. It would create a distinctive place and deliver 10% of affordable housing at a 30% market discount in accordance with local and national policies.
- 8.3. The scheme would provide economic and environmental benefits by means of employment, visitor spend during the construction phase and over the long term supporting a significant number of jobs and well as the increase in biodiversity value.
- 8.4. The development would effectively re-use this brownfield site and boost the local housing supply in accordance with PG1. The application is acceptable subject to completion of a legal agreement and safeguarding conditions

9. **Recommendation:**

- 9.1 That In the event that no new and substantive objections are received during the consultation period (expires 28th July 2022), application 2021/05033/PA be APPROVED subject to the prior completion of a Section 106 Legal Agreement to secure the following:

- 10% (11) affordable units at a mix of 1 and 2 bedroom apartments provided

on site at a discount on market value of 30%. At least 25% of which should be First Homes.

- The Developer enters into a s.278 of the Highway Act, to amend the existing Traffic Regulation Order on Chapmans Passage to create 5no.disabled parking bays.
- Payment of a monitoring and administration fee associated with the legal agreement, subject to a maximum of £10,000.

9.2 In the absence of a suitable legal agreement not being completed to the satisfaction of the Local Planning Authority on or before 27th October 2022, or such later date as may be authorised by officers under powers hereby delegated, planning permission be refused for the following reason:

- In the absence of any suitable legal agreement to secure the provision of onsite affordable housing the proposal conflicts with Policies TP31 and PG3 of the Birmingham Development Plan, the Affordable Housing SPG and the NPPF.

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

9.4 That in the event of the planning obligation being completed to the satisfaction of the Local Planning Authority on or before 27th October 2022, or such later date as may be authorised by officers under delegated powers, favourable consideration be given to this application, subject to the conditions listed below (that may be amended, deleted or added to providing that the amendments do not materially alter the permission).

1	Time Limit
2	Approved Plans
3	Site clearance/demolition plan, method statement and management plan
4	Requires submission of a sustainable drainage scheme
5	Requires submission of a Sustainable Drainage Operation and Maintenance Plan
6	Hard and soft landscaping
7	Requires the submission of photovoltaics details
8	Landscape management plan
9	Construction Management Plan
10	Construction employment plan
11	Details of foul and surface water
12	Cycle Parking to be provided
13	Energy and Sustainability
14	Noise insulation scheme

-
- 15 Contaminated remediation scheme
 - 16 Verification Report
 - 17 Lighting Scheme
 - 18 Requires details of CCTV
 - 19 Requires submission of a Waste Management Plan
 - 20 Requires redundant footpath to be reinstated
 - 21 Requires sample materials
 - 22 Architectural and specification details including ventilation strategy
 - 23 Window soffits to be brick
 - 24 Details of bat and bird nesting box condition
 - 25 Advisory note: Highways agreement is required to progress improvement works and TRO
 - 26 Removes PD rights for telecom equipment
-

Case Officer: Sarah Plant

Photo(s)



View of site/car park from Upper Gough Street



View from Chapmans Passage

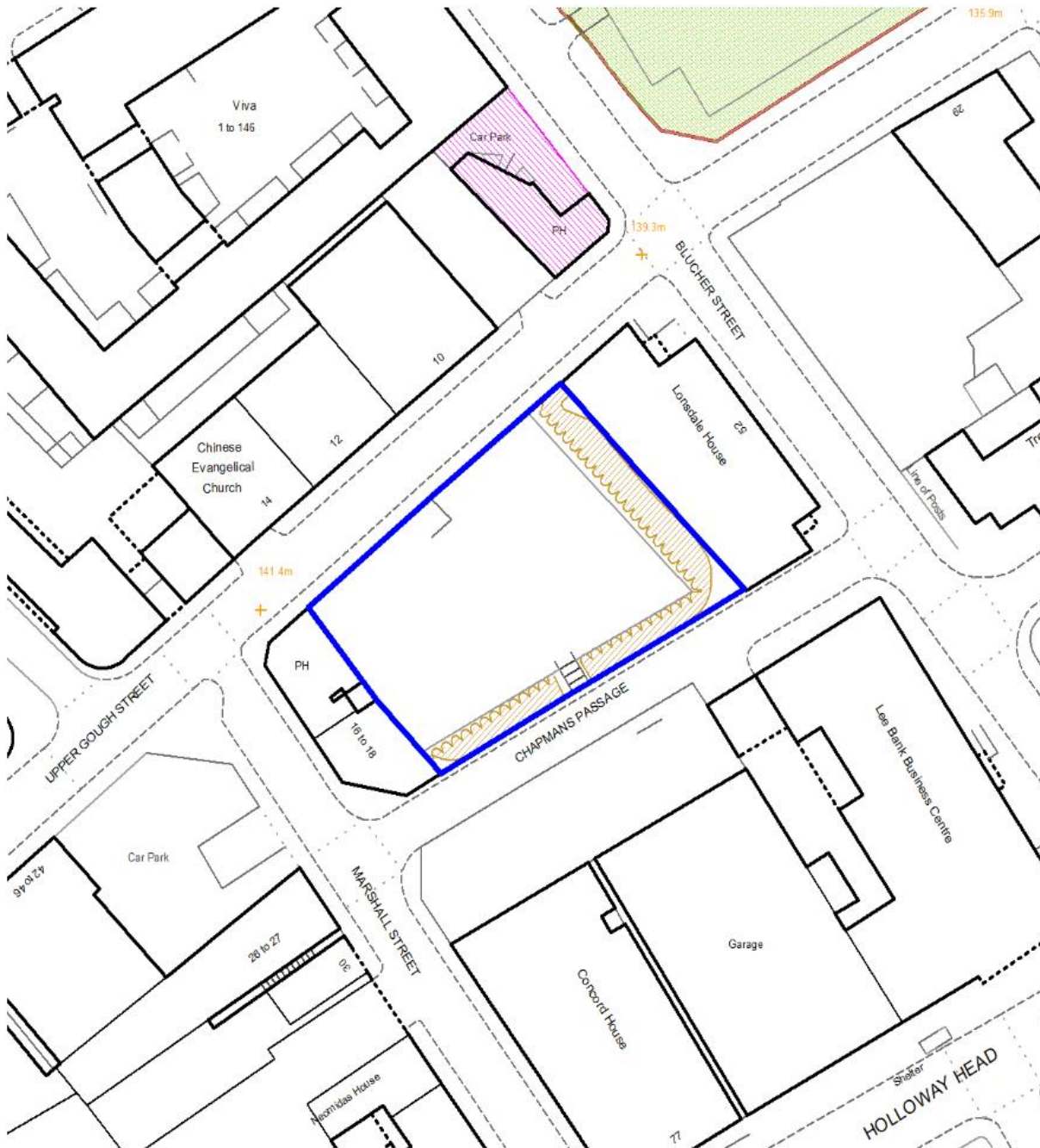


View of Chapmans Passage



View from Blucher Street of Lonsdale House

Location Plan



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Birmingham City Council

Planning Committee

28 July 2022

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Approve – Subject to 106 Legal Agreement	9	2022/00861/PA Former Royal Works Coleshill Street Sutton Coldfield Birmingham Demolition of the existing buildings and erection of 2 no. buildings, one containing retirement apartments (Use Class C3) and one containing assisted living units and communal/operational floorspace (Use Class C2), ancillary facilities, access, landscaping, and associated works
Approve – Conditions	10	2021/05890/PA New Hall Hotel Walmley Road Sutton Coldfield Birmingham B76 1QX Outline planning application with all matters reserved for the erection of a new function building with ancillary facilities to replace existing temporary marquee

Committee Date:	28/07/2022	Application Number:	2022/00861/PA
Accepted:	11/02/2022	Application Type:	Full Planning
Target Date:	21/07/2022		
Ward:	Sutton Trinity		

Former Royal Works, Coleshill Street, Sutton Coldfield, Birmingham

Demolition of the existing buildings and erection of 2 no. buildings, one containing retirement apartments (Use Class C3) and one containing assisted living units and communal/operational floorspace (Use Class C2), ancillary facilities, access, landscaping, and associated works

Applicant:	McCarthy Stone Lifestyles Ltd and Anchor Hanover Group C/o Agent
Agent:	The Planning Bureau Ltd Ross House, Binley Business Park, Harry Weston Road, Coventry, CV3 2TR

Recommendation

Approve Subject to a Section 106 Legal Agreement

1. Proposal:

- 1.1 This planning application seeks permission for the demolition of the existing buildings and erection of 2 no. buildings, containing retirement apartments (Use Class C3) and assisted living units with communal floorspace (Use Class C2), ancillary facilities, access, landscaping, and associated works on land at Coleshill Street, formerly known as Royal Works.
- 1.2 The proposals comprise the erection of two buildings. The three-four storey northern building would accommodate 52no. one and two bedroom C3 use retirement apartments for residents over the age of 55, to be delivered by McCarthy Stone. The four- five storey south eastern building would accommodate 85no. one and two bedroom C2 use affordable assisted living apartments, to be delivered by Anchor Hanover. The development density would equate to approximately 94 dwellings per hectare (dph). A total of 137 residential units are proposed.
- 1.3 The retirement apartment building would comprise 32no. one bedroom apartments and 20no. two bedroom apartments. The ground floor would also provide a resident's lounge, reception lobby, guest suite, internal bin store, internal cycle store, and internal buggy / scooter store. The building would be accessed through two staircases and a lift. The apartments would be available for market sale.
- 1.4 The assisted living apartment building would comprise 32no. one bedroom apartments and 53no. two bedroom apartments. The ground floor would also provide a dining room / lounge, kitchen and servery, reception, hair and beauty salon, activity room, wellbeing room, quiet room, toilets, stores, staff facilities, office, meeting room, internal buggy store and guest suite. The building would be accessed through three staircases and two lifts. The apartments would be available for affordable rent or shared ownership. It is understood that the communal facilities available in the assisted living building would

be available to be used by residents of the retirement apartments.



Figure 1: Proposed Site Layout

- 1.5 The proposed buildings would be constructed from light multi brickwork with vertical detailing and grey window treatments.
- 1.6 The site is proposed to be accessed from Coleshill Street and would incorporate the demolition of no. 65 Coleshill Street. A total of 91no. car parking spaces are proposed in banks throughout the centre of the site. These would include a number of disabled parking spaces close to the building entrances.
- 1.7 Communal gardens are proposed across the site for use by residents, of around 4,771sqm. These would be landscaped with areas of seating provided. A number of the apartments on the upper floors of both buildings would also benefit from balconies, with a number of the ground floor buildings benefiting from patios / terraces.
- 1.8 The application has been supported by the following documents: Air Quality Assessment, Flood Risk Assessment, Drainage Statement, Noise Impact Assessment and Addendum, Preliminary Ecological Assessment, Bat Survey, Reptile Survey, Odour Risk Assessment, Transport Statement, Road Safety Audit, Planning Statement, Levels Strategy, Landscape Plan, Energy Statement, Affordable Housing Statement, Need Assessment, Ground Conditions Statement, Tree Survey, Tree Constraints Plan, Design and Access Statement, and Statement of Community Involvement.
- 1.9 [Link to Documents](#)
2. **Site & Surroundings:**
 - 2.1 The application site comprises vacant industrial land, formerly known as Royal Works, a mix of industrial factory and office buildings. The buildings have been demolished.

The land is predominantly scrub land with mature trees forming the boundary to the site. The site comprises a considerable level change, falling from west to east. The site area is 1.45ha.

- 2.2 The site frontage is on Coleshill Street and comprises the existing site entrance. Two detached houses (nos. 65 & 67 Coleshill Street) and a series of terraced cottages (nos. 53 – 63 Coleshill Street) comprise the western boundary of the site.
- 2.3 A very small portion of the site adjacent to the entrance is within the “High Street, Sutton Coldfield” Conservation Area but the majority of the site lies to the rear of the grade II listed buildings at 51-63 Coleshill Street.
- 2.4 The site is located close to the eastern edge of Sutton Coldfield town centre, on the east side of Coleshill Street. Bus stops are located 0.2 miles north-west at the Gracechurch Shopping Centre, providing access to locations across north Birmingham, Lichfield and South Staffordshire.
- 2.5 The surroundings of the site predominantly comprise residential uses with commercial uses located immediately to the south. The railway line is located on the eastern boundary of the site.



Figure 2: Character Appraisal Aerial View (DAS)

2.6 [Site Location](#)

3. **Planning History:**

- 3.1 2020/01215/PA - Erection of 100no. residential apartments with care (Use Class C2) including communal facilities alongside associated works – Withdrawn.
- 3.2 19.04.2001 - 1999/04827/PA - Demolition of bungalow and alterations, refurbishment and erection of new units as an estate of smaller units, for use classes B1, B2 and B8 with associated alterations to access and car parking - Approved subject to conditions.

- 3.3 Various historic planning applications throughout the 1950s – 1970s associated with the former factory buildings located on the site.

4. **Consultation Responses:**

- 4.1 Transportation Development – recommend conditions to restrict occupation of development; secure visibility splays; construction traffic management plan; cycle parking; disabled parking and electric vehicle parking space provision; travel plan; and highway works including new bell-mouth access (including associated pedestrian dropped kerbs, tactile paving etc.), reinstatement of any redundant footway crossing (or any redundant parts), any work relating to any street furniture (telephone/street lighting columns etc)/statutory undertakers' apparatus, any work related to lighting (including any lighting assessment/redesign). A financial contribution is also required to fund the review / implementation of Traffic Regulation Orders (TRO) to regulate / prohibit waiting on Coleshill Street along both sides of access to protect the vehicular visibility splays and opposite the proposed access to facilitate vehicular movements to/from the access and traffic calming/management measures.
- 4.2 Regulatory Services – awaiting comments in respect of contaminated land. Conditions recommended to secure implementation of dust control measures.
- 4.3 City Design – recommend conditions to secure hard and soft landscape details; earthworks details; boundary treatment details; sample materials; and architectural details.
- 4.4 Conservation – no objection.
- 4.5 Trees – recommend conditions to secure tree pruning and requirements within no dig areas.
- 4.6 Ecologist – request a biodiversity impact assessment and recommend conditions to secure scheme for ecological / biodiversity / enhancement measures; bird / bat boxes; implementation of acceptable mitigation / enhancement; construction ecological management plan; landscape and ecological management plan; biodiversity roof condition; and boundary treatment condition.
- 4.7 LLFA – recommend conditions to secure implementation of drainage strategy and flood risk assessment; and an operation and maintenance plan.
- 4.8 Housing – support proposed level of affordable housing and accept mechanism to secure affordable housing through Section 106 agreement.
- 4.9 Leisure Services – no contribution towards public open space or play area required.
- 4.10 Network Rail – recommend conditions to protect the railway network.
- 4.11 West Midlands Police – no objection, recommend a number of measures to achieve Secured by Design principles.
- 4.12 West Midlands Fire Service – recommend a number of measures to address fire safety requirements.
- 4.13 Severn Trent Water – recommend a condition to secure drainage plans for the disposal of foul and surface water.
- 4.14 Royal Sutton Coldfield Town Council – object on the grounds that the height and scale of the development would be out of character with the surrounding area; over-intense

development which is out of character with the surrounding area; unacceptable site layout with minimal external amenity space; poor accessibility; loss of trees; impact on biodiversity; inadequate sustainability and energy saving measures incorporated into the development.

5. **Third Party Responses:**

5.1 The application has been publicised by a site notice displayed and press notice advertised. Twelve representations received objecting on the following grounds:

- Poor appearance;
- Out of character with surrounding area;
- Impact of construction on existing living environment;
- Over-saturation of retirement facilities in the area;
- Impact on car parking availability on street;
- Increase in traffic congestion along Coleshill Street;
- Increase in light pollution;
- Additional traffic movements on existing busy road;
- Increase in noise pollution;
- Impact on ecology;
- Increase in litter;
- Impact on capacity of doctors surgeries and clinics;
- Development would not contribute towards the existing community;
- Loss of existing dwelling at no. 65 Coleshill Street;
- Impact on visibility splays;
- Unacceptable scale;
- Loss of trees subject to TPO;
- Loss of landscape screening of the site;
- Unacceptable density and over-intense development;
- Inadequate pre-application consultation;
- Design not sympathetic to the area;
- Loss of privacy as a result of the difference in levels between the application site and surrounding residential properties;
- Inadequate boundary treatments and retaining walls proposed;
- Loss of light and outlook;
- Poor accessibility for wheelchair or mobility scooter users;
- Inadequate access to accommodate vehicular movements; and
- Impact on drainage.

5.2 Three representations have been received providing support for the development, on the grounds that the development would redevelop a vacant site; and would be a good location for such a development.

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

6.1 National Planning Policy Framework: Chapter 5 Delivering a sufficient supply of homes; Chapter 11 Making effective use of land; Chapter 12 Achieving well designed places; Chapter 16 Conserving the historic environment

6.2 Birmingham Development Plan 2017: PG3 Placemaking; TP3 Sustainable construction; TP4 Low and zero carbon energy generation; TP8 Biodiversity and geodiversity; TP12 Historic environment; TP17 Portfolio of employment land and premises; TP20 Protection of employment land; TP27 Sustainable neighbourhoods; TP28 The location of new housing; TP30 The type, size and density of new housing; TP31 Affordable housing

- 6.3 Development Management DPD: DM1 Air quality; DM2 Amenity; DM3 Land affected by contamination, instability and hazardous substances; DM4 Landscaping and trees; DM5 Light pollution; DM6 Noise and vibration; DM10 Standards for residential development; DM12 Residential conversions and specialist accommodation; DM15 Parking and servicing
- 6.4 Supplementary Planning Documents & Guidance: Loss of Industrial Land to Alternative Uses SPD (2006); Birmingham Parking Guidelines SPD (2021); Specific Needs Residential Uses: Residential Care SPG; Places for Living SPG (2001)

7 Planning Considerations:

- 7.1 **Principle of Development** – The application site is located in an established predominantly residential area, in close proximity to Sutton Coldfield Town Centre. The site is included within Council's most recent Strategic Housing Land Availability Assessment (SHLAA) describing the site as 'former industrial' land and noted its suitability for residential development. The site is also included in the Council's Brownfield Register, a comprehensive list of all brownfield sites in a local authority area that are suitable for housing irrespective of their status or use.
- 7.2 The proposed development comprises age restricted C3 residential use as well as age restricted C2 assisted living use. The mix of uses are considered to be entirely compatible site uses in respect of the residential element, within a broadly residential area. It is understood that the communal facilities available within the assisted living building would be accessible to the residents of the retirement apartments.
- 7.3 The proposals must also adhere to the residential policies set out within the Birmingham Development Plan. Policy TP27 of the BDP relates to Sustainable Neighbourhoods and requires "a wide choice of housing sizes, types and tenures to ensure balanced communities catering for all incomes and ages". The application proposals to provide accommodation for elderly residents would achieve this objective. Whilst it cannot be guaranteed that any person moving into retirement flats would be a resident of Sutton Coldfield and the locality, it can be assumed that this would normally free up a larger family home. On this basis, the development would help address a general need for older person's accommodation and consequently help to free up family accommodation elsewhere.
- 7.4 The proposed density of the development would amount to approximately 94 dwellings per hectare. Policy TP30 accepts that higher densities would be accepted in sustainable locations with good public transport links and access to local amenities. It is considered that the proposed development would have an acceptable density in the context of its location and make an efficient use of land in accordance with chapter 11 of the NPPF.
- 7.5 The level of care provision for prospective residents of the assisted living accommodation has been assessed and it is considered that whilst many residents would live independently for the large majority of their time, the eligibility criteria set out in support of the application is very clear that there must be an identified need for care to be required for residents, which would range from limited support to attend appointments, administer medication to full care of a resident. The assisted living accommodation that is proposed is inherently linked to the care provision that would be available to each resident, and measures would be installed to ensure that only residents requiring a degree of care would access the accommodation. Whilst the retirement apartments do not incorporate a specific care element, the site arrangement is consistent with accommodation to address aging needs. It is considered appropriate to attach a condition to restrict residents to both uses to a minimum age of 55.

- 7.6 NPPF paragraph 11 states that plans and decisions should apply a presumption in favour of sustainable development. For decision taking, paragraph 11 d) states that where the policies which are the most important for determining the planning application are considered out-of-date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Footnote 8 of the NPPF confirms that in considering whether the policies that are most important are indeed out-of-date, this includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.
- 7.7 The Birmingham Development Plan became 5 years old on 10th January 2022. In accordance with NPPF paragraph 74, BDP policies PG1 and TP29 are considered out of date, and the Council's five-year housing land supply must now be calculated against the Local Housing Need figure for Birmingham. As of 10th January 2022, the Council cannot demonstrate a five-year supply of deliverable housing sites. Consequently, Paragraph 11d) of the NPPF is engaged and the tilted balance applies for decision taking.
- 7.8 I am satisfied that the principle of development is acceptable and the proposals would make a positive contribution to the surrounding area, particularly when redeveloping a large vacant site in a highly sustainable location.
- 7.9 **Reuse of Industrial Land** - Although the application site is not located within a Core Employment Area (Policy TP19), it is considered to be a valuable resource to the Birmingham economy as a long established industrial site. On this basis, the site was assessed against Policy TP20 of the BDP, which provides protection to the employment land, and Paragraph 5.3 of the "Loss of Industrial Land to alternative Uses SPD". It was concluded that the site is a non-conforming use due to its location within an established residential area as well having been vacant for an extensive period. I consider that the loss of industrial land is acceptable.
- 7.10 **Design and Layout** – The application proposals comprise a U-shaped building form across the two buildings at the end of the access road, providing views from Coleshill Street. The buildings vary in height from three – five storeys to account for the difference in levels across the site, with the buildings giving the perception of no more than four storeys when viewed from street level. City Design have been consulted and advise that the coherent contemporary architectural approach helps to create a well-defined place character. Facades are well-proportioned, with significant amounts of glazing, and additional architectural interest arising from window decorative brick detailing including glazed green saw-tooth brick detailing panels around windows and ribbed brick roof parapets. The main material will be brick, with the McCarthy Stone building using light-coloured multi-bricks and the Anchor building using two bricks, with a darker one at low level and lighter on the top floor.



Figure 3: Proposed massing plan



Figure 4: CGI of McCarthy Stone and Anchor Hanover buildings (DAS)

- 7.11 Whilst the proposed buildings are of a greater scale than the existing dwellings, it is not considered that the development would have an unacceptable impact on character as a result of the buildings being set back into the site and the level differences across the site.
- 7.12 The proposed site entrance incorporates the demolition of no. 65 Coleshill Street. The site entrance is in the form of a block-paved road with central strip of trees and a pedestrian path separated from the road by a grass verge. At the end of the road, and part of the walking route, is an 'entrance garden' (about 16m x 11m) enclosed by evergreen hedge, providing a focus for views from Coleshill Street. Whilst the loss of this detached building is regrettable, the proposed site entrance has a strong emphasis on landscape and pedestrian movement and would add positively to local character.
- 7.13 It is considered that in the context of the site surroundings, garden lengths of

neighbouring properties and the site levels, the views of the development would have a positive impact on the street scene when taking account of the current condition of the site and the high-quality materials proposed to be used in the construction of the buildings. It is recommended that the materials and architectural details of the buildings should be subject to conditions attached to any grant of planning permission.

- 7.14 **Impact on Residential Amenity** – The application proposals would achieve separation distances between the northern McCarthy Stone building 15.9m from the boundary with rear gardens of the existing dwellings on Rectory Road, and c.44 – 50m from the rear facades of houses. As the building would appear as three storeys from Rectory Road as a result of the site levels. This is considered acceptable in the context of Places for Living numerical standards.

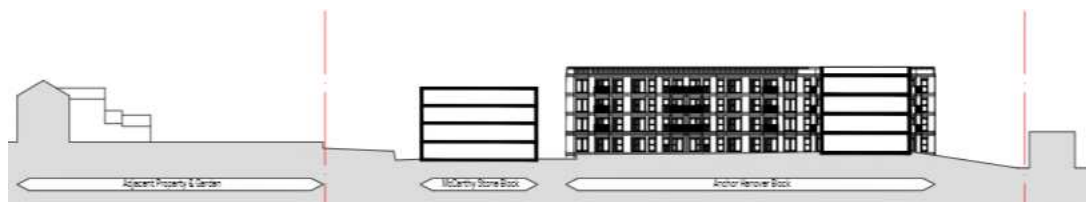


Figure 5: Site section from Rectory Road (north to south)

- 7.15 Due to the orientation of the proposed buildings, no windows would overlook the existing dwellings located on Coleshill Street. The proposed development would therefore significantly exceed the minimum separation distance requirements of 12.5m between windowed elevations and flank walls as set out by Places for Living SPG.

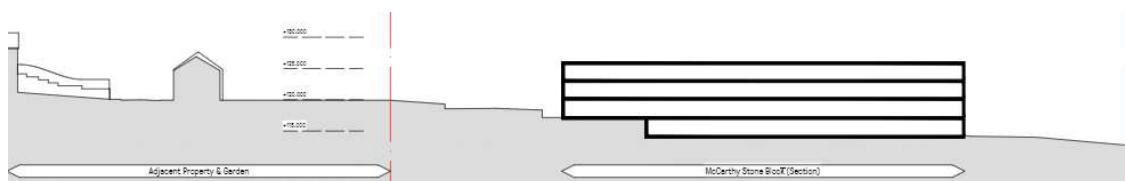


Figure 6: Site section from Coleshill Street (east to west)

- 7.16 Whilst the development would introduce residential premises on what is currently a vacant site, it is considered that the development would be unlikely to have a significantly adverse impact on neighbouring residential amenity. Furthermore, the benefits that the development would achieve in redeveloping a vacant site at risk of flytipping and anti-social behaviour would also improve residential amenity for existing occupiers.
- 7.17 With regards to the residential amenity of prospective residents, the proposed one- and two-bedroom apartments would exceed the minimum floorspace required by the nationally described spatial standards as adopted by Development in Birmingham DPD policy DM10 Standards for Residential Accommodation. The proposed communal gardens would measure 4,771sqm, and would amount to an equivalent of approximately 34sqm per dwelling, exceeding the requirement for communal gardens as set out within Places for Living SPG. The proposed residential layouts appear functional alongside adequate communal external amenity space and would achieve a good quality living environment for prospective occupants.
- 7.18 A Noise Impact Assessment has been submitted to assess the proposed scheme in terms of the impact that existing commercial uses within the vicinity of the site could have on prospective residents. Regulatory Services has been consulted and raise no objections to the proposals in terms of likely noise generated from neighbouring commercial premises.

- 7.19 **Impact on Highway Safety** – The proposed development seeks to improve the access to the site through the demolition of no. 65 Colehill Street. Transportation Development has been consulted on the likely impact that this would have on highway safety and they advise that the alteration to the access would improve visibility. The construction of the access will however require the displacement of some on-street car parking provision immediately opposite the site entrance to allow for safe access and egress to the site. Transportation Development have recommended that the applicant agree to funding a traffic regulation order (TRO) to prohibit waiting and protect visibility splays as well as traffic calming measures. This forms part of the Section 106 Agreement which is detailed in paragraph 7.34 below.
- 7.20 It is noted that there has been some concern expressed by local residents in respect of the use and reliance on the on-street parking found on Coleshill Street and the impact that the loss of this could have on congestion and highway safety. I would advise that the on-street car parking is not a formal arrangement and is facilitated only by virtue of no TRO measures being implemented. It is also noted that many of the dwellings on the western side of Coleshill Street have private car parking to the rear of their properties. Whilst I appreciate the benefits that the current situation achieve for local residents, I do not feel that there are grounds to resist the proposals and the necessary TRO on Coleshill Street in respect of any likely impact on highway safety, particularly when weighed against the benefits that the development could achieve.
- 7.21 In terms of the proposed parking provision for the residential development, 91no. parking spaces are proposed. Birmingham Parking SPD sets out that for developments of extra care / independent living, to which this proposal relating to both uses could most accurately be correlated, the level of parking provision will vary depending upon a range of factors, including:
- The spectrum of care being provided and the likely mobility and connectivity needs of resident, visitors and staff (including opportunities for social interaction);
 - The availability, distance and ease of access of residents to key services/facilities on site, in the near vicinity and within the extra care facility itself – taking into account and likely mobility issues;
 - The availability and frequency of public transport to key services and facilities;
 - Connectivity and standard of routes to local services and facilities; and
 - Servicing requirements of the scheme.
- 7.22 For these reasons no specific parking standards are set out within this SPD. Instead, applicants are required to consider and address the above factors as part of a holistic approach towards ensuring the accessibility of schemes in order to maximise accessibility and connectivity, which may include necessary infrastructure upgrades. Given the sustainable location of the development, on the edge of Sutton Coldfield Town Centre, with good walking and public transport access to local amenities and facilities, the proposed level of parking is considered to be adequate and unlikely to have an adverse impact on parking demand and traffic congestion.
- 7.23 Transportation Development recommend amendments to the proposals to secure disabled parking spaces, an increased level of cycle parking and electric vehicle charging points. These elements could be secured through appropriately worded conditions, which have been recommended to be attached to any grant of planning permission. Due to the proposed alterations to the access, conditions to secure the implementation of the highway works are recommended and duly attached to any grant of planning permission.
- 7.24 **Impact on Ecology and Trees** – The site as existing has some ecological value which is understood to have been established through the neglect of the site. The site is

dominated by poor semi-improved grassland, with other habitats including scattered trees, dense scrub, tall ruderal vegetation, bare ground and hardstanding. More established areas of broadleaved woodland are present adjacent to, and beyond, the eastern boundary, where the woodland runs along an embankment associated with the Sutton Park Railway Line Potential Site of Importance (PSI). The PSI provides a near-continuous habitat corridor between the key wildlife sites of Sutton Park SSSI to the north-west and New Hall Valley Country Park (SINC, SLINC & PSI) and Minworth Sewage Works (SINC, SLINC & PSI) to the south-east.

- 7.25 The detached property at 65 Coleshill Street supports a bat roost used by low numbers of common pipistrelle bats, which is a commonly occurring species. Demolition of the building will result in the destruction of this bat roost. In line with NPPF and BDP policy TP8, the proposed development must incorporate appropriate mitigation and compensation to avoid harms to bats and ensure compliance with the legal protection afforded to bats and their roosts.
- 7.26 As the development impacts a European Protected Species through the destruction of this bat roost, regard must also be had towards the three tests set out in Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) before determining planning applications.
- 7.27 Test 1 considers whether “the derogation is in the interests of preserving public health or public safety or other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment”. Having regard to the wider development, I consider that the benefits that the development of the site could achieve in terms of contributing towards five year housing land supply and potentially freeing up existing family homes in the area whilst making the most effective use of land would outweigh the loss of the bat roost, on the grounds that it would not have an unacceptable impact on the conservation of a European Protected Species, as indicated by the submitted bat surveys.
- 7.28 Test 2 considers whether “there is no satisfactory alternative”. The proposed demolition of no. 65 Coleshill Street and the bat roost contained facilitates the alteration of the proposed access which would achieve satisfactory highway standards for the access and egress of the development site. There is no alternative to achieve such access alterations.
- 7.29 Test 3 relates to whether the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range. The application has been supported by a Preliminary Ecological Appraisal and further bat surveys. The conclusions of the bat survey that the loss of the bat roost will not have an unacceptable impact on the conservation of a European Protected Species, and the recommended measures should be secured by appropriate planning condition.
- 7.30 It is considered that the proposals are acceptable in the context of their impact on European Protected Species. A number of conditions are recommended to ensure that adequate mitigation is delivered as part of the development scheme, which would be duly attached to any grant of planning permission.
- 7.31 The Council's Ecologist raises some concerns in terms of whether the development would achieve a biodiversity net gain. Whilst this would be desirable, the requirement to secure biodiversity net gain is not currently mandatory or legislated and I consider that the other ecological benefits that are recommended to be secured through conditions would be sufficient when weighed against the benefits that the development of the site would be able to achieve. It is therefore not recommended that a biodiversity

net gain assessment is required, nor would require the development to deliver biodiversity roofs.

- 7.32 A number of trees are present across the site however it is understood that their value has established as a result of neglect. Whilst the loss of trees are regrettable, these are of diminished condition and there are benefits in the management of landscape features in the context of development of the site. A number of trees would be retained, including those along the access drive, and additional trees would be planted to enhance the character of the site and to improve the amenity value. The Tree Officer raises no objection and recommends conditions to protect the trees to be retained covered by the TPO on the site.
- 7.33 **Impact on Historic Environment** – The site entrance of the application site falls within the High Street, Sutton Coldfield Conservation Area. The Council's Conservation Officer advises that they agree with the analysis and conclusions of the submitted heritage statement that the development would not change the setting of the listed buildings or the conservation area in a way which would be harmful to their significance. They advise that the development would probably have a beneficial impact on the settings by bringing the derelict site back into use. It is considered that the site does not have any potential for buried archaeological remains. In terms of the impact of the proposals on the historic environment, the development would be acceptable.
- 7.34 **Impact on Flooding and Drainage** – The application site lies within Flood Zone 1. The application is supported by a Flood Risk Assessment (FRA) to confirm that the development would not be at risk of flooding and there would be no increased flood risk downstream as a result of the development of the site. A drainage strategy for surface and foul water drainage has been submitted in support of the application. It is proposed that both surface water and foul will be discharged into the existing respective sewers. Discharge of surface water via infiltration has been explored, in line with best practice, and the results have concluded that the most appropriate method for controlled discharge is via sewers, due to the unsuitability of ground conditions for infiltration. Tanked permeable paving within the parking areas on site will provide additional surface water storage, as part of the drainage strategy.
- 7.35 The Local Lead Flood Authority has been consulted and confirms that the proposed scheme and amended ground levels would have a beneficial impact to reduce flood risk to neighbouring properties. On this basis, it is recommended that the recommendations of the drainage strategy and flood risk assessment are implemented and that an Operation and Maintenance Plan is required prior to occupation. These conditions are considered reasonable and necessary and recommended to be attached to any grant of planning permission.
- 7.36 **Planning Obligations and Affordable Housing** - The application proposals comprise residential development which would require a contribution towards affordable housing, as set out in TP31 of the Birmingham Development Plan, through on-site provision or a commuted sum towards off-site provision. The policy sets out that in addition to general needs housing, development proposals for housing of a specialist nature within the C3 use class, such as age restricted housing, will be expected to deliver affordable housing in accordance with this policy in order to assist in meeting the affordable housing needs of all members of the community.
- 7.37 The application proposals seek to deliver all the C2 use assisted living apartments as entirely affordable housing, providing either affordable rent or shared ownership units. 85no. C2 units are proposed to be delivered as affordable housing, which would significantly exceed the policy requirement of on-site affordable housing to be delivered

by the development, of which there is an identified affordable need for this type of accommodation.

- 7.38 Whilst the affordable housing provision would relate to a different residential use class, it is accepted that the proposed C2 units would provide residential accommodation delivered and managed through a Registered Provider (RP). The applicant has submitted evidence in support of the planning application to demonstrate the acute need for affordable retirement accommodation and affirms that the C2 use would provide comparable living accommodation to the C3 units, as illustrated by the floorplans submitted for approval, with additional communal facilities and care assistance available. The Council's Housing Officer has been consulted and they confirm that they are supportive of the approach proposed to be taken. A Section 106 Agreement to secure the affordable housing provision has been drafted on this basis.
- 7.39 A financial contribution has been requested to form part of the Section 106 Agreement to secure the review / implementation of Traffic Regulation Orders (TRO) to regulate / prohibit waiting on Coleshill Street along both sides of access to protect the vehicular visibility splays and opposite the proposed access to facilitate vehicular movements to/from the access and traffic calming/management measures. This is considered appropriate to be secured by the Section 106 mechanism given that it will cover multiple obligations and contributions.
- 7.40 Leisure Services have been consulted on the application proposals and they advise that given the proportion of the development that would relate to C2 use, no contribution is required towards public open space or play area provision. Given the private communal amenity space provided and the nature of the development, it is considered that the development would be self-sufficient in terms of open space required. Furthermore, due to the high level of affordable housing to be delivered through the scheme, it is considered that this should be viewed positively in the context of planning obligations achieved through the development.
- 7.41 **Other Matters** – Network Rail has been consulted and requires assurances that the development would not adversely impact the railway adjacent. Having reviewed the requirements of Network Rail, I am of the view that the matters required to be confirmed can be dealt with through the Basic Asset Protection Agreement (BAPA) that the developer would be required to enter into with Network Rail, outside of the planning application process.
- 7.42 It is noted that some concerns are raised by members of the public with regards to the over-saturation of such retirement development concentrated in Sutton Coldfield. This is noted however the proposals are considered to be consistent with policy TP30 of the BDP which sets out the need for a variety of homes to meet different needs. I am also mindful that age-restricted residential developments typically free up family homes elsewhere in the area. Accordingly, I am satisfied that the development would be acceptable and would be unlikely to adversely impact the demographics of Sutton Coldfield.
- 7.43 The development proposes the use of photovoltaic panels on the roof to achieve 19% CO² reduction, alongside thermal envelope to minimise heat loss, as well as efficient heating and lighting systems. This is set out within an Energy Statement submitted in support of the planning application. The implementation of measures is recommended to be secured through appropriately worded condition.
- 7.44 The application site incorporates a number of mounds across the site following the demolition of the former buildings. Regulatory Services raise some queries regarding contaminated land however in the context of the proposals to fully redevelop the site, including the need for some earthworks to construct the development, it is considered

such matters can be addressed by suitably worded conditions.

7.45 **Planning Balance** – The principle of housing development is acceptable but there are other factors which are material and must be balanced against the lack of 5 year supply, including the concerns raised by Ecology regarding the loss of the bat roost. Any adverse impacts must be clearly identified significantly and demonstrably outweigh the benefits of boosting housing supply. Considerable weight is required to be given to the lack of supply in the titled balance, as set out by the NPPF.

7.46 In this instance, it is considered that the proposals would comprise the sustainable development of a vacant site and make more efficient use of land. The development would result in the net gain of a 137no. residential units for over 55s, potentially freeing up existing family housing in Sutton Coldfield and the wider Birmingham area. It is considered that the proposals are acceptable in respect of the benefits that the development could achieve, and the proposed ecological mitigation.

8 **Conclusion**

8.1 The application proposals seek to develop a brownfield, vacant site within a predominantly residential area into residential development. It is considered that the proposed development would achieve a number of benefits and would not have an unacceptable impact on neighbouring residential amenity nor highway safety. For the reasons set out above, the application is recommended to be approved subject to conditions and a Section 106 Agreement.

9 **Recommendation:**

9.1 That consideration of planning application 2022/00861/PA be approved subject to the completion of a planning obligation agreement to secure the following:

- 85no. apartments to be delivered as affordable rent and shared ownership units;
- Financial contribution of £10,000 to fund the review / implementation of Traffic Regulation Orders (TRO) to regulate / prohibit waiting on Coleshill Street along both sides of access to protect the vehicular visibility splays and opposite the proposed access to facilitate vehicular movements to/from the access;
- Financial contribution of £7,000 for flashing speed sign;
- Financial contribution of £5,000 for pedestrian friendly measures (guard rails / bollards / dropped kerbs);
- Payment of a monitoring and administration fee associated with the legal agreement of 3.5% up to a maximum of £10,000.

9.2 In the absence of a suitable planning obligation agreement being completed to the satisfaction of the Local Planning Authority on or before 26th August 2022 the planning permission be refused for the following reason:

- In the absence of any suitable legal agreement to secure on site affordable housing and a financial contribution related to highway safety measures the proposal would be contrary to TP31, TP39 and TP44 of the Birmingham Development Plan and NPPF.

9.3 That the City Solicitor be authorised to prepare, seal and complete the planning obligation.

9.4 That in the event of the planning obligation being completed to the satisfaction of the Local Planning Authority on or before 26th August 2022, or a later date as agreed between the Local Planning Authority and the applicant, favourable consideration be given to this application subject to the conditions listed below.

-
- 1 Implement within 3 years (Full)
 - 2 Requires the scheme to be in accordance with the listed approved plans
 - 3 Restricts the age limit of occupants of the residential units to over 55s
 - 4 Requires the submission of sample materials
 - 5 Requires the submission of architectural details
 - 6 Requires the submission of boundary treatment details
 - 7 Requires the prior submission of earthworks details
 - 8 Requires the submission of hard and/or soft landscape details
 - 9 Requires the prior submission of level details
 - 10 Requirements within pre-defined tree protection areas
 - 11 Requires tree pruning protection
 - 12 Requires the prior submission of a construction method statement/management plan
 - 13 Requires the submission of cycle storage details
 - 14 Requires pedestrian visibility splays to be provided
 - 15 Requires vehicular visibility splays to be provided
 - 16 Requires the provision of a vehicle charging point
 - 17 Requires the submission of an amended car park layout
 - 18 Requires the prior submission of highway works
 - 19 Requires the submission of a residential travel plan
 - 20 Requires the submission of extraction and odour control details
 - 21 Limits the noise levels for Plant and Machinery
 - 22 Requires the prior submission of a contamination remediation scheme
 - 23 Requires the submission of a contaminated land verification report
 - 24 Requires the submission of a scheme for ecological/biodiversity/enhancement measures
 - 25 Requires the prior submission of details of bird/bat boxes
 - 26 Requires the implementation of the submitted mitigation/enhancement plan
 - 27 Requires the prior submission of a construction ecological mitigation plan
-

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- | | |
|----|--|
| 28 | Requires the submission of Landscapae and Ecological Management Plan |
| 29 | Requires the implementation of the Flood Risk Assessment |
| 30 | Requires the submission prior to occupation of the properties of a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan |
| 31 | Requires the submission of drainage plans for disposal of foul and surface water |
| 32 | Requires Energy and Sustainability measures in accordance with statement |
| 33 | Requires the installation of solar photovoltaic panels |
| 34 | Requires the submission of a lighting scheme |
-

Case Officer: Claudia Clemente

Photo(s)



Image 1: Application site looking east



Image 2: 65 Coleshill Street (to be demolished)

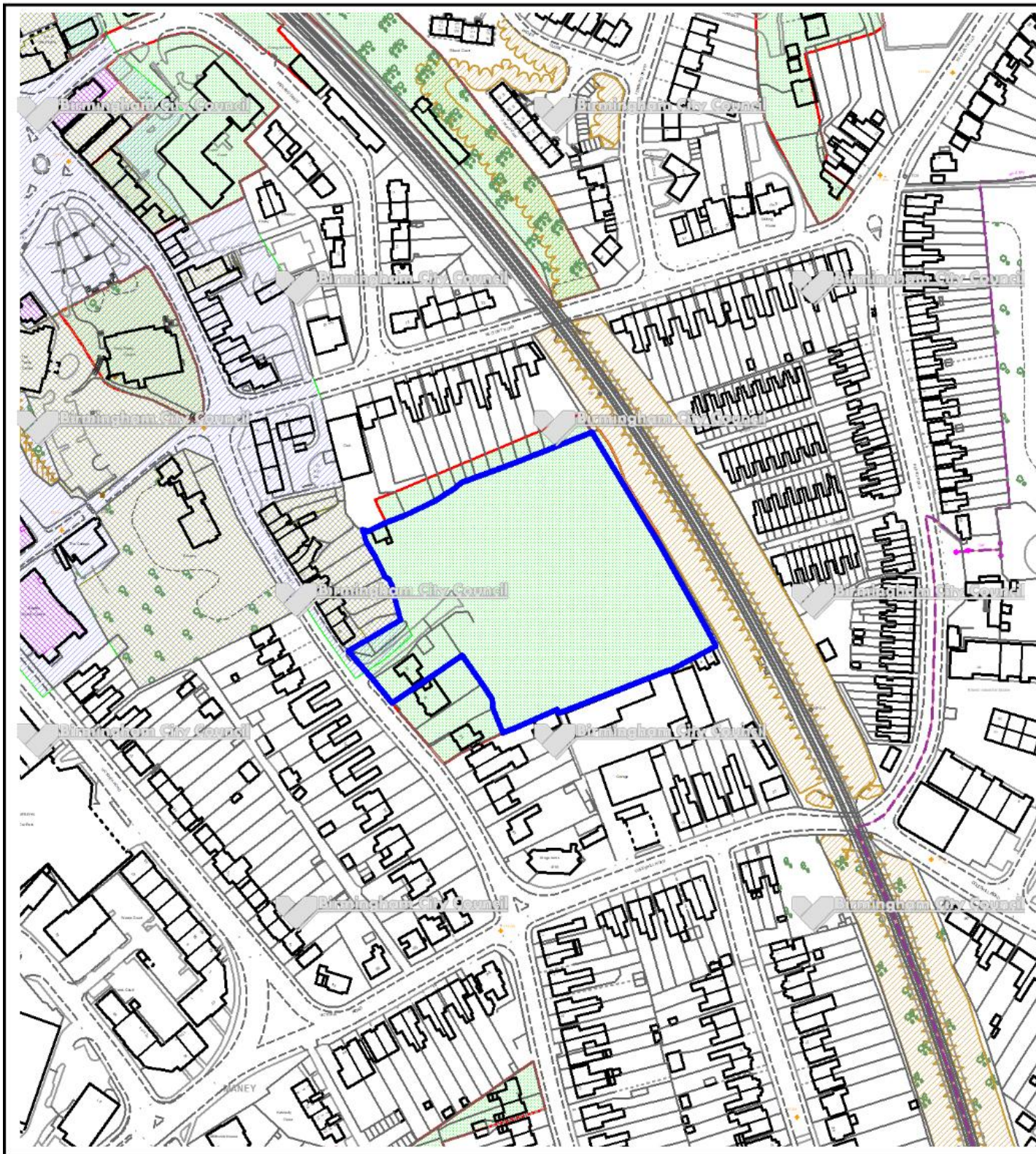


Image 3: Site access from Coleshill Street



Image 4: Aerial view of application site

Location Plan



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Committee Date:	28/07/2022	Application Number:	2021/05890/PA
Accepted:	13/09/2021	Application Type:	Outline
Target Date:	29/07/2022		
Ward:	Sutton Walmley & Minworth		

New Hall Hotel, Walmley Road, Sutton Coldfield, Birmingham, B76 1QX

Outline planning application with all matters reserved for the erection of a new function building with ancillary facilities to replace existing temporary marquee

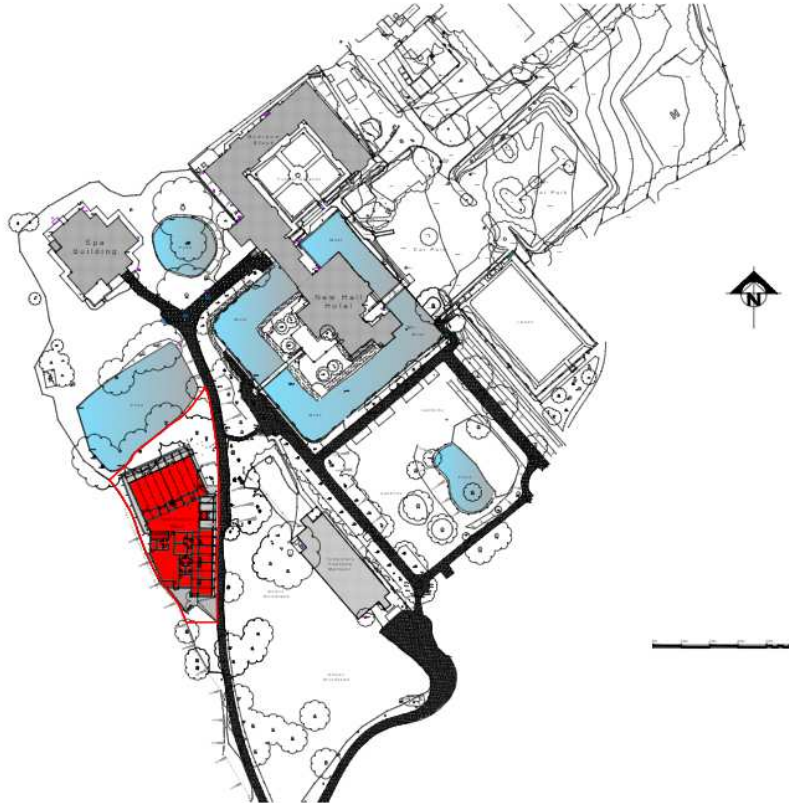
Applicant:	Hand Picked Hotels Ltd
	The Old Library, The Drive, Sevenoaks, Kent, TN13 3AB
Agent:	ADD Ltd
	Caledonian House, Tatton Street, Knutsford, WA16 6AG

Recommendation

Approve subject to Conditions

1. Proposal:

- 1.1 This application seeks outline planning permission with all matters reserved for the erection of a new function building with ancillary facilities to replace the use of an existing temporary marquee at the grade I listed New Hall Hotel, Sutton Coldfield. The proposals relate to the redevelopment of the existing tennis court located in the south of the site.
- 1.2 The existing marquee structure measures 13 metres x 31 metres and is 7 metres high to the top of the pitched roof and includes double glazed windows and doors, a projecting porch and covered walkway, two containers to the rear housing the generators, toilets, acoustic internal insulation with plastic hard boarding to outer wall areas and sound system.
- 1.3 The indicative proposals comprise a single-storey function building that would occupy most of the tennis court site and would front the pond to the north. The proposed building would achieve a maximum of 955sqm, providing a large function room of approximately 450sqm which would be capable of being subdivided, a lobby, 4no. meeting rooms, back of house kitchen, toilets, and associated facilities. Deliveries and bin storage are proposed to be located at the southern end, accessed from an existing gravel path that runs along the eastern edge of the tennis court site.
- 1.4 This outline application seeks permission for the principle of development and approval of the location proposed. All details of the proposals would be subject to future reserved matters applications. The application is supported by a Heritage Statement, Heritage Impact Assessment, Supporting Planning Statement, Preliminary Ecological Assessment, Great Crested Newt Survey and Arboricultural Impact Assessment.
- 1.5 [Link to documents](#)



Site plan showing proposed location and indicative siting

2 Site & Surroundings

- 2.1 The application site comprises an existing tennis court in the west of the grounds of New Hall Hotel, a Grade I Listed building, which is owned and managed by Hand Picked Hotels Limited. The 10.5 hectare New Hall Hotel site is accessed along a long driveway from Walmley Road to the east and contains ancillary buildings, a large garden, marquee and a golf course. The site forms part of New Hall Valley, which is an established Green Wedge, and part of Sutton Coldfield Green Belt. New Hall Valley Country Park lies approximately 100 metres to the northwest and is recognised as a Site of Importance for Nature Conservation (SINC).
- 2.2 The listing description advises that the Grade I Listed Building was built as a 13th century or 14th century medieval house that was extended in the late 16th century and early 17th century. The building was restored, Gothicised and enlarged in 1869 however the interior retains medieval hall; late 16th century banqueting hall, panelled and with ornate ceiling. It has been used as a single dwelling and as a college until 1988 when it was converted into a hotel. It was extended in 1992 with a large bedroom wing and the separate spa building. The grounds around the building were originally open fields, developed as gardens by 1887 and altered again as part of the conversion to a hotel.
- 2.3 The surrounding area is predominantly residential in character. The nearest residential properties are located 265 metres to the east of the marquee in Aspen Close, Ash Walk and Sycamore Close.

2.4 [Site Location](#)

3 Planning History

- 3.1 2021/05560/PA - Continued use of existing marquee for weddings and

functions within the grounds of hotel approved under Planning Application 2018/04758/PA. Approved temporary 17.09.2021 (temporary consent expires 14th September 2024).

- 3.2 2018/04758/PA - Continued use of existing marquee for weddings and functions within the grounds of hotel. Approved temporary 14.09.2018.
- 3.4 2015/02526/PA - Erection of two storey extension to western elevation to provide 10 additional bedrooms, and alterations to parking to provide 7 additional spaces. Approved 16.12.2015.
- 3.5 2015/01811/PA – 5 year temporary planning permission for retention of marquee for functions, as renewal of planning permission 2010/01932/PA, with music to be played inside the marquee from 9am until midnight and on New Year's Eve only from 9am to 1am. Approved temporary 07.05.2015.
- 3.6 2010/01932/PA - 5 year temporary planning permission for renewal of application 2008/01621/PA, with music to be played inside the marquee from 9am until midnight and on New Year's Eve only from 9am until 1am, subject to conditions. Approved temporary 09.06.2010.
- 3.7 2008/01621/PA - 2 year temporary planning permission for renewal of application 2007/03881/PA, with extension of time for music to be played inside the marquee from 9am until 11pm to 9am until midnight, subject to conditions. Approved temporary 26.06.2008.
- 3.8 2007/03881/PA - 6 month temporary planning permission for retention of marquee for function use, subject to conditions. Approved temporary 01.11.2007.
- 3.9 2005/04223/PA - 2 year temporary planning permission for renewal of planning application to allow retention of marquee for a temporary period catering for weddings, subject to conditions. Approved temporary 08.08.2005.
- 3.10 2004/03000/PA - 1 year temporary planning permission for the erection of marquee in revised position, subject to conditions. Approved temporary 02.07.2004.
- 3.11 2004/00487/PA - 5 year temporary planning permission for the erection of a marquee for wedding receptions, subject to conditions. Approved temporary 23.03.2004.

4 Consultation

- 4.1 City Design – acceptable in principle subject to conditions required by Conservation and Ecology.
- 4.2 Conservation – recommend conditions to secure submission of roof materials; submission of sample materials; submission of window details; submission of external doors; submission of fixtures and fittings details; submission of ramp and steps details; protection of features; and any damage to the listed building to be made good.
- 4.3 Trees – recommend conditions to secure protection of existing trees and tree pruning protection.
- 4.4 Ecology – recommend conditions to secure the removal of invasive weeds; scheme for ecological / biodiversity / enhancement measures; bird / bat boxes; Construction

Ecological Management Plan; lighting design strategy for biodiversity; and biodiversity roof scheme.

- 4.5 Transportation – no objection subject to conditions to secure the removal of the existing temporary marquee; detailed parking layout to be provided; and all matters to be reserved.
- 4.6 Regulatory Services – recommend conditions to secure extraction and odour control; contaminated land remediation and verification; noise assessment; hours of operation; plant and machinery noise limit.
- 4.7 West Midlands Fire Service – recommend the development is constructed to adhere to fire safety standards.
- 4.8 West Midlands Police – no objection.
- 4.9 Severn Trent – recommend conditions to secure drainage plans for the disposal of foul and surface water flows.
- 4.10 Historic England – support the proposed permanent solution which facilitates the removal of the temporary marquee.

5 Third Party Responses:

- 5.1 Site notice displayed. Press notice advertised. Neighbours and Ward Member notified. Two representations received, supporting the development on the grounds that it replaces the marquee which is well used but deteriorating in its appearance.

6 Relevant National & Local Policy Context:

- 6.1 National Planning Policy Framework: Chapter 11 Making effective use of land; Chapter 12 Achieving well designed places; Chapter 13 Protecting Green Belt land; Chapter 16 Conserving the historic environment
- 6.2 Birmingham Development Plan 2017: PG3 Place Making; TP10 Green Belt; TP11 Sports Facilities; TP12 Historic Environment; TP25 Tourism and Tourist Facilities
- 6.3 Development Management DPD: DM2 Amenity; DM4 Landscaping and Trees
- 6.4 Supplementary Planning Documents & Guidance: Places for All SPG (2001)

7 Planning Considerations

Background

- 7.1 The proposals at the subject of this outline planning application are intended to provide a permanent solution to the longstanding retention of the temporary marquee which has been in situ on the grounds of the grade I listed hotel since 2004 and is considered to cause less than substantial harm to the listed building. The retention of the marquee has been accepted in previous years due to the economic benefits that the floorspace and wedding function of the site has achieved, however it is considered that the longstanding retention of the marquee is eroding the character of the heritage asset and a permanent solution must be identified.
- 7.2 New Hall Hotel employs 79 full time staff and 48 part time staff of which approximately 15-20 are employed in association with the functions held in the

marquee. It would be anticipated that the permanent structure would retain this level of staffing.

- 7.3 As the development comprises the redevelopment of the tennis court which is a later addition to the grounds of the listed building and not a listed curtilage building, there is no requirement for a listed building application.

Principle of Development

- 7.4 As part of an existing hotel site, regard must be had towards Policy TP25 of Birmingham Development Plan, which sets out that "Proposals which reinforce and promote Birmingham's role as a centre for tourism, culture and events and as a key destination for business tourism will be supported. This will include supporting the City's existing tourist and cultural facilities and enabling new or expanded provision where it contributes to the City's continued success as a destination for visitors. This provision will not just be focused on major sporting, business tourism and visitor attractions but also on protecting and promoting the City's strong industrial heritage and the smaller scale venues and attractions that are an important part of creating a diverse offer. The provision of supporting facilities such as hotels will be important and proposals for well designed and accessible accommodation will be supported." It is considered that the proposed development seeks to enhance an existing hotel site, which has a well established local supply chain associated with its operation and weddings / functions. In principle, it is considered that the development would comply with relevant tourism policy.
- 7.5 The proposed location of the single storey building on the tennis court is considered to be acceptable in terms of the loss of sports facility as this is not accessible to the public and used only by hotel guests. It is understood from submissions made by the applicant that the tennis court is underused and a number of the applicant's hotel sites across the UK have removed their tennis court. Considering the existing situation at the hotel site, and the desire for the removal of the marquee given its adverse impact on the listed building and the Green Belt, it is considered that the loss of the tennis court would be acceptable and represent an effective use of land without having any greater impact on the listed building or Green Belt, as considered below.
- 7.6 The proposed building would seek to deliver a function of the wider site as part of the wedding venue, whilst removing a temporary structure which has been in situ for 18 years and is arguably reaching the end of its lifetime, which could cause further detrimental impact on the heritage asset and Green Belt. The development would therefore enhance the existing use of the site and is considered to be acceptable in principle.
- #### **Impact on Heritage Assets**
- 7.7 Under section 66(1) of the Town and Country Planning (Listed Building and Conservation Areas) Act 1990 the Council has a duty to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess. The NPPF provides detailed advice on considering applications for works to listed buildings and within the setting of listed buildings. Policy TP12 of Birmingham Development Plan encourages strategies to preserve and enhance listed buildings, and innovative design which retains the significance of the heritage asset and is integrated into the historic environment will be encouraged.
- 7.8 A Heritage Assessment has been submitted in support of the application proposals. The assessment concludes that the development site on the tennis court would not be harmful to the setting of the listed building and that the removal of the existing marquee would enhance the setting and overall the scheme has a positive impact.

The assessment also concluded that there was the potential for archaeology on site and that a programme of archaeological work would be necessary. The Council's Conservation Officer has been consulted and advise that they would agree with the conclusion on the archaeology and would recommend a condition for a programme of archaeological work is attached to any consent given.

- 7.9 Historic England express support that the applicant is pursuing a permanent, sustainable replacement for the temporary marquee, consistent with their advice on the previous temporary consents for the marquee. They raise no objection to the proposed location of the function room and consider that the finer details of design and construction should be informed by discussions with the Conservation Officer. With regards to the larger floorspace and increased capacity proposed as part of the permanent solution, Historic England defer to the Council's Conservation Officer to consider impact on the listed building and visibility from elsewhere in the site.
- 7.10 The Conservation Officer concludes that the proposed location would be acceptable in terms of the impact of the development on the grade I listed building. It would also facilitate the removal of the marquee which currently causes less than substantial harm to the heritage asset and is accepted only on the grounds of the wider benefits that the marquee achieves for the hotel, in respect of enabling its optimum viable use and maintenance. Whilst the Conservation Officer would rather consider a full planning application for the single storey structure, they acknowledge that further reserved matters approval would be required which can be subject to detailed pre-application discussions. On this basis, they are content to recommend approval of the outline proposals subject to appropriately worded conditions. It is therefore considered that the proposed outline development would amount to a low level of less than substantial harm, which would be outweighed by the scope to influence the design of the building and the economic benefits from retaining the site in its optimum viable use.
- 7.11 I concur with this view, particularly in terms of the proposed development facilitating the removal of the harmful marquee and have recommended conditions to be attached to any grant of outline planning permission.

Impact on Green Belt

- 7.12 The site forms part of New Hall Valley and part of Sutton Coldfield Green Belt. Paragraph 147 of the NPPF advises that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 149 of the NPPF identifies exceptions to this, including the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.
- 7.13 The indicative plans illustrate a significantly greater floorspace of 955sqm, in excess of the 432sqm provided by the marquee, albeit the function room space would be of comparable sizes. On this basis, it is considered that the proposed development represents inappropriate development within the Green Belt. Very special circumstances would accordingly be required to accept the development within the Green Belt. Very special circumstances have previously been identified with the temporary consents for the marquee.
- 7.14 The single storey building would not be an unexpected or unusual structure within a hotel garden. The tennis court is enclosed within dense trees and given the description of development for a single storey building, it is anticipated that there would be limited views of the building. Due to the outline nature of the planning application, reserved matters proposals provide the opportunity to refine the design and appearance to ensure that the development would represent exceptional quality architecture, and further integrate the development into the Green Belt. Furthermore,

the development would result in the removal of the marquee and its associated infrastructure which is considered to detract from the openness of the Green Belt, whereas the single storey building would incorporate the necessary infrastructure within the building.

- 7.15 It is considered that this would comprise very special circumstance whereby an exception to development in the Green Belt would be accepted. The proposed single storey function building would provide a venue for wedding receptions and functions which provides a substantial income for the hotel which considerably funds the maintenance and preservation of the grade I listed hotel building. The location of the tennis court is in an enclosed garden setting and does not significantly detract from the openness of the Green Belt or the character of the area.
- 7.16 Whilst the building would deliver a larger floorspace than the marquee, this would deliver a purpose-built, well designed, permanent building that would also enclose the storage and back of house facilities from views. The proposal would have a positive impact on the setting of the Grade I listed building and the Green Belt compared to the existing arrangement. It is considered that the identified benefits, including the support from Historic England, outweigh the harm of the development on the Green Belt and any other harm. This amounts to very special circumstances when considered against paragraph 148 of the NPPF.

Ecology, Trees and Landscape

- 7.17 The application site is adjacent to New Hall Valley SLINC and New Hall Valley Potential Site of Importance (PSI). New Hall Valley SINC is approximately 90m to the north-west. The country park is an important component of Birmingham's ecological network. The application has been supported by the submission of a Preliminary Ecological Assessment and Great Crested Newt surveys.
- 7.18 The City Ecologist has raised concerns about the proposed development's adjacency to the northern pond and the PSI and watercourse to the west. They accept the principle of development within the tennis court area, however the scale of the building currently proposed is not acceptable due to impacts on adjacent habitats. The PEA recommends minimum stand offs of 10m from the watercourse to the west and the pond to the north, but this is not achieved with the currently submitted proposal. Given the outline nature of the planning application, with matters of scale, layout and appearance reserved, it would be considered appropriate to grant outline planning permission on the basis that detailed design would be addressed as part of the detailed proposals within the reserved matter scheme.
- 7.19 The City Ecologist recommends that a suitably worded condition be attached to any grant of outline planning permission to ensure at reserved matters stage that the proposed building's footprint would allow for adequate buffers between the development (construction and operational phases) and the adjacent habitats. I consider that such a condition reasonable and necessary, and am satisfied that the condition which requires all reserved matters to be submitted to be sufficient in this regard.
- 7.20 The application proposals would require the removal of a number of B category trees (T5 – T11) to facilitate the development. The Tree Officer has inspected these and confirmed that their removal is acceptable. The site would remain screened by trees following the removals. The proposals incorporate the incursion of a root protection area of an alder tree, which the Tree Officer accepts in the circumstances and the wider benefits that the development would be likely to achieve. It is recommended that conditions to secure protection of existing trees and tree pruning protection are attached to any grant of planning permission.

- 7.21 The matter of landscaping is a reserved matter and pre-application discussions would be invited prior to any reserved matter application being submitted to ensure that an appropriate landscaping plan is delivered as part of the development.

Highway Safety and Parking

- 7.22 Whilst the proposed floorspace would increase beyond that provided by the existing marquee, the capacity for the function room would reflect the capacity of the marquee. It is therefore anticipated that the proposal would not create additional parking demand beyond the existing demand. The existing parking provision for the hotel and wedding functions would remain and be utilised for the new single storey function building.
- 7.23 Transportation Development have recommended conditions to secure the removal of the marquee prior to the occupation of the single storey building and require a detailed parking layout to be agreed prior to occupation. Given the comparable capacity level for the proposed function room when compared against the marquee, I do not consider the request for a car parking condition reasonable. With regards to the removal of the marquee, this is established through the time expiry set out within planning permission 2021/05560/PA and is not considered to be justified in the context of the application proposals.

Residential Amenity

- 7.24 The closest residential properties are located approximately 265m to the north at Musgrave Close and 340m to the east at Aspen Close. Regulatory Services have recommended that a Noise Assessment is required to assess the likely impact of the development. Whilst I acknowledge that weddings and functions can often generate noise, I am mindful that the proposed development would deliver a permanent structure which would result in a significantly lesser level of noise leakage from the building than is experienced through the use of the marquee. Furthermore, the closest dwellings are a considerable distance away beyond dense treelines, which would provide some mitigation from the noise generated.
- 7.25 A number of the conditions that were recommended to be attached to the temporary consent for the marquee to mitigate noise are considered to be relevant to the permanent structure and are recommended to be attached to any grant of planning permission. These do not include the conditions that were required to address the temporary construction of the marquee and instances of noise leakage. It is considered that on this basis, the proposals would have an acceptable impact on residential amenity.

Other Issues

- 7.26 Severn Trent Water have recommended a condition to secure drainage plans for the disposal of foul and surface water. This is considered appropriate and necessary at this stage.

8 Conclusion

- 8.1 It is considered that the proposed outline application would achieve a substantial benefit in respect of facilitating the removal of the temporary marquee with a permanent replacement which would have a superior impact on the Green Belt and the setting of the grade I listed building when compared to the existing arrangement. All details would be subject to future reserved matters determination, which we would invite early pre-application discussions on to ensure that an exceptional quality replacement is delivered, befitting its unique location and setting. For the reasons set out above, the application is recommended to be approved subject to conditions.

9 Recommendation

9.1 Approve subject to conditions.

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|----|---|
| 1 | Implement within 3 years (outline) |
| 2 | Requires the submission of reserved matter details following an outline approval |
| 3 | Limits the layout plans to being indicative only |
| 4 | Requires the prior submission of a method statement for the removal of invasive weeds |
| 5 | Requires the prior submission of a construction ecological mitigation plan |
| 6 | Requires the submission of a scheme for ecological / biodiversity / enhancement measures |
| 7 | Requires the prior submission of details of bird/bat boxes |
| 8 | Requires the submission of extraction and odour control details |
| 9 | Prevents live music being played within or outside the marquee between the hours of midnight and 9 a.m. on any day, other than New Years Eve, when music shall not be played between the hours of 1 a.m. and 9 a.m. |
| 10 | Limits the noise levels for Plant and Machinery |
| 11 | Requirements within pre-defined tree protection areas |
| 12 | Requires tree pruning protection |
| 13 | Requires the submission of drainage plans details |
| 14 | Requires the submission of lighting design strategy for biodiversity details |
| 15 | Requires the submission of biodiversity roof details |
| 16 | Requires the submission of roof materials |
| 17 | Requires the submission of sample walling/render panel/stonework/brickwork |
| 18 | Requires the submission of dormer window/window frame details |
| 19 | Requires the submission of external doors/garage doors |
| 20 | Requires the submission of fixtures and fittings details |
| 21 | Requires the submission of Ramps and Step details |
-

Case Officer: Claudia Clemente

Photo(s)



Image 1: Existing tennis court, looking north towards the pond and spa building beyond

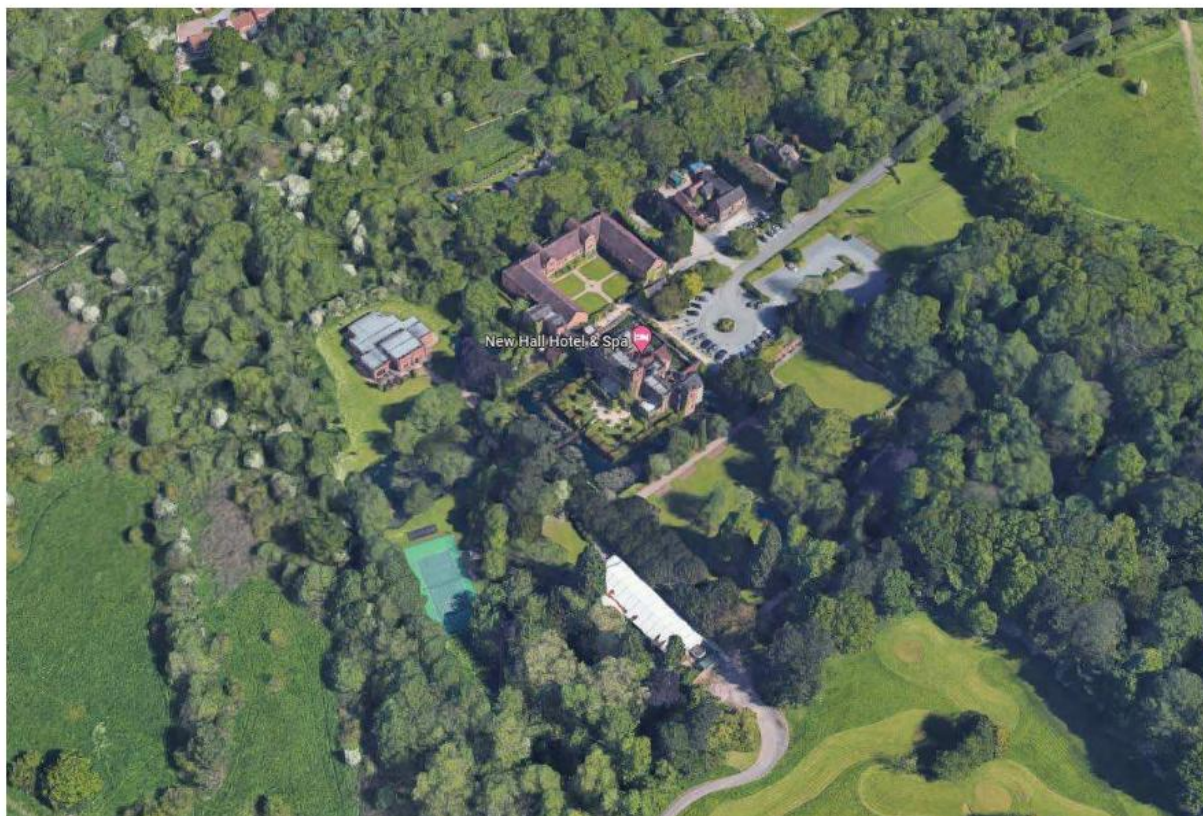
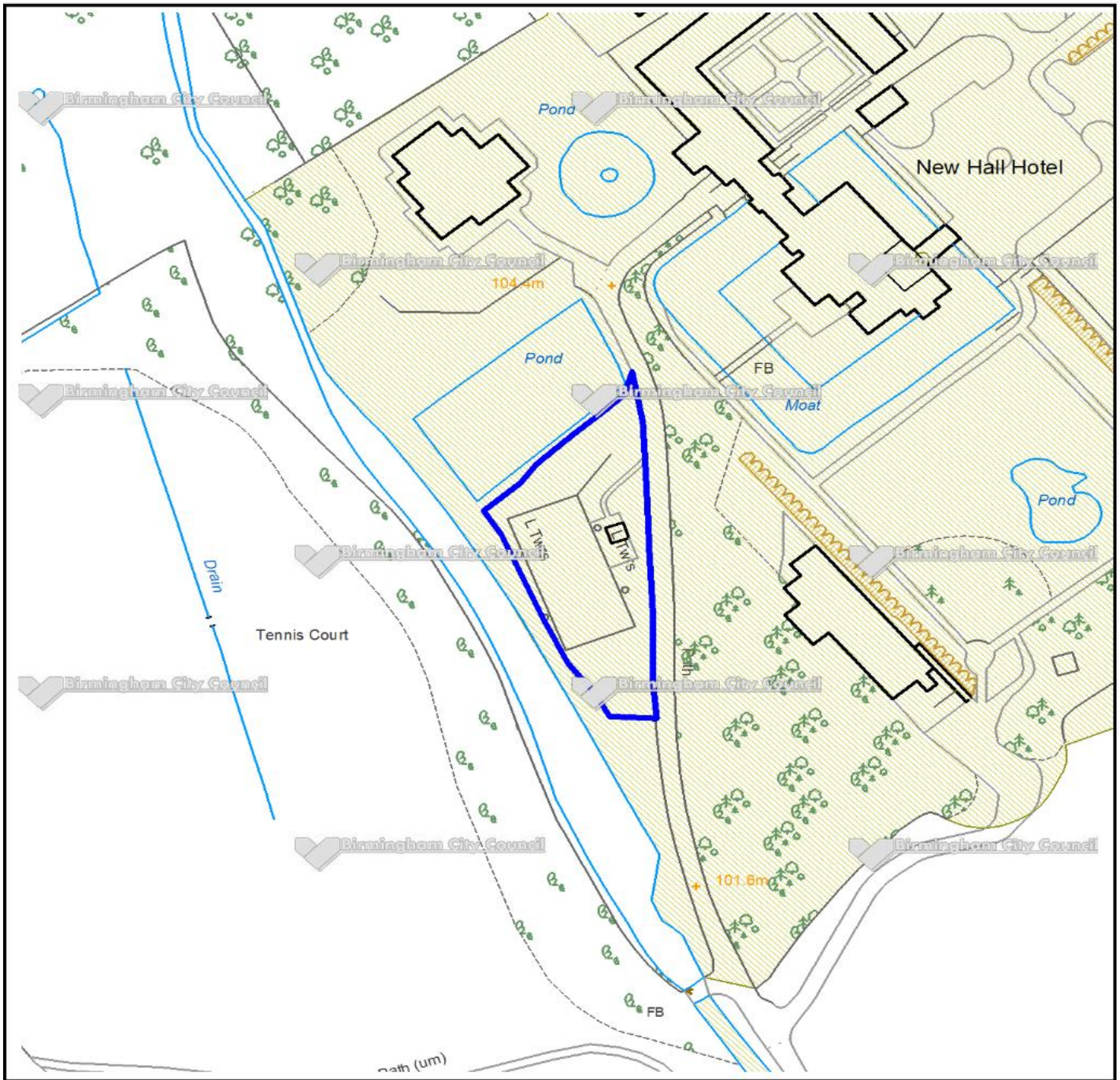


Image 2: Aerial view including the tennis court (green surface) and temporary marquee (white material)

Location Plan



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Birmingham City Council

Planning Committee

28 July 2022

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Determine	11	2022/02444/PA 56 High Street Erdington Birmingham B23 6RT Change of use of ground floor from a bank (Use Class E) to a betting office (Sui Generis) with associated external alterations.
Approve – Subject to 106 Legal Agreement	12	2021/06275/PA Land at former Ivy Club 2296 Coventry Road Sheldon Birmingham B26 3JR Change of use of ground floor from a bank (Use Class E) to a betting office (Sui Generis) with associated external alterations.

Committee Date:	28/07/2022	Application Number:	2022/02444/PA
Accepted:	31/03/2022	Application Type:	Full Planning
Target Date:	01/08/2022		
Ward:	Erdington		

56 High Street, Erdington, Birmingham, B23 6RT

Change of use of ground floor from a bank (Use Class E) to a betting office (Sui Generis) with associated external alterations

Applicant:	BoyleSports (UK) Limited 56 High Street, Erdington, Birmingham, B23 6RT
Agent:	Rhiannon Harrop-Griffiths Cornerblock, 2 Cornwall Street, Birmingham, B3 2QX

Recommendation
Determine

1 **Report Back:**

- 1.1 This application was previously reported to Planning Committee on 7th July 2022. Members will recall that at committee an objector (Cllr Robert Alden) spoke against the proposals and a supporter (Harry Plotnek, Lichfields – agent) spoke in support of the proposals. Also, updates were provided advising members that since circulation of the Planning Committee agenda, two additional objections had been received, including one from a local Sgt from the Erdington Neighbourhood Policing Team (NPT) and one from a local resident, raising the following issues:
 - Increased litter/anti-social behaviour/ crime;
 - Proposed opening hours are excessive and would be detrimental to residential amenity;
 - Increased demand for on-street parking;
 - Impact on application for Levelling Up funding.
- 1.2 It was also reported that further clarity had been received from West Midlands Police advising that despite the above comments from the NPT, their formal response to the Planning Application remained no objection. It was stated that they had reviewed the proposals and were content that they had considered all aspects of this application and found no material considerations to object to the proposals.
- 1.3 Members considered the proposals and determined to defer the application minded to refuse; on the grounds that the proposed development would: 1) have an adverse impact on the vitality and viability of the Erdington Local Centre, contrary to BDP Policies TP21, TP23 and TP24 and 2) result in crime and anti-social behaviour. Members were reminded that officers had considered these issues in the original report (See below, particularly para's 7.2 – 7.5 & 7.11 respectively) and had concluded that the proposals were acceptable in principle, subject to conditions.
- 1.4 Since the Planning Committee meeting on the 7th July, the applicant has submitted a supplementary statement which cites numerous appeal decisions in which inspectors

concluded that betting offices are generally a footfall-generating use with active frontages that can contribute to the vitality and viability of local centres and that gambling is regulated by other statutory methods including the licensing regime whereas neither national or local planning policies are proscriptive of such uses.

1.5 Notwithstanding the above, if Members resolve to refuse the application, I submit the following suggested reasons:

- The proposed development would provide a non-retail use that would fail to maintain or enhance the vitality and viability of the Erdington Local Centre or protect its primary retail function. As such, the application conflicts with Policies TP21 and TP24 of the Birmingham Development Plan 2017 and the National Planning Policy Framework.
- The proposed development would result in an increased fear of crime and anti-social behaviour and would fail to create a safe environment that promotes positive social interaction. As such, the application conflicts with Policy PG3 of the Birmingham Development Plan 2017 and the National Planning Policy Framework.

2 **Recommendation:**

2.1 Determine.

Original Report

1 **Proposal:**

1.1. This application proposes the change of use of the ground floor of the premises at 56 High street, Erdington from a bank (Use Class E) to a betting office (Sui Generis) with associated external alterations.

1.2. The proposal would primarily involve the reconfiguration of internal floorspace to provide:

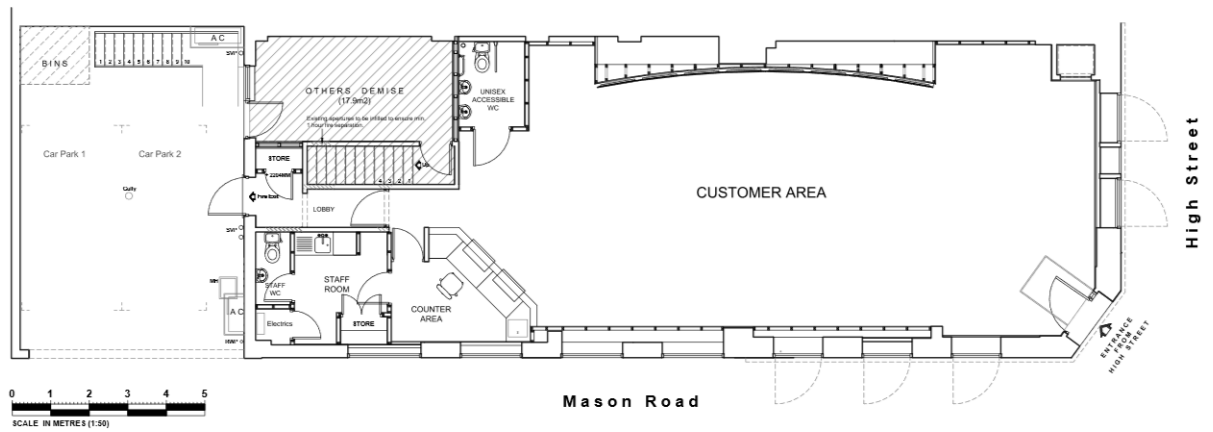
- Customer area (110.2m²)
- Counter area (8.3m²)
- WC (3.7m²)
- Staff facilities (8.75m²)

1.3. The proposal also includes a number of external alterations, comprising the replacement of the existing shopfront and entrance door, replacement of front elevation windows and repair of existing side elevation windows, the provision of 2 satellite dishes and AC units to the rear of the building.

1.4. The proposed betting office would open between 08:00-22:00 daily, and would be managed by four full-time and four part-time members of staff.

1.5. This application is parallel to a pending application for the conversion of the first floor from offices to three flats. Permission has previously been granted for fascia and hanging signage which are shown on the plans relating to this current application.

1.6. [Link to Documents](#)



Proposed Ground Floor Plan 1:50

2 **Site & Surroundings:**

- 2.1 56 High Street is a two-storey building which occupies a rectangular layout within a constrained plot. The building embodies a distinctive appearance, featuring alternating bands of decorative tiles and roughcast render with a high proportion of fenestration. The site is served by a small parking area to the rear.
- 2.2 The site is located within the Primary Shopping Area of the Erdington Local Centre. The area to the west and south of the site is characterised by contemporary buildings of varying design comprising numerous commercial uses. To the north and east, the built form is more traditional as it transitions into the residential dwellings of Mason Road, including the Grade II listed Erdington Library.
- 2.3 [Link to Site Location](#)

3 **Planning History:**

- 3.1 2022/01206/PA - Change of use of first floor from office space (Use Class E) to 3no. self contained flats (Use Class C3) - Decision pending.
- 3.2 2022/02445/PA - Display of 3no. internally illuminated fascia signs and 2no. internally illuminated projecting signs – Approved with conditions.

4 **Consultation Responses:**

- 4.1 Regulatory Services: No objections, subject to condition linking operation of AC units to opening hours of site.
- 4.2 Conservation: No objections.
- 4.3 Transportation Development: No objections.

5 **Third Party Responses:**

- 5.1 Ward Councillors, Residents Associations and adjoining occupiers were notified, and a site notice was displayed outside the premises.

- 5.2 Eighty objections have been received raising the following issues which are material to the consideration of the application:
- Anti-social behaviour resulting from development;
 - High number of betting premises;
 - Impact on the character of the area.
- 5.3 Paulette Hamilton MP objected to the application for the following reasons:
- Proliferation of betting shops;
 - Impact on the character of the area;
 - Potential increase in anti-social behaviour.
- 5.4 Cllr Alden objected to the application for the following reasons:
- Loss of retail unit;
 - Visual impact of development;
 - Conflict with Shopping and Local Centres SPD.
- 5.5 A petition was also submitted, which contained fifty-four signatories.

6 Relevant National & Local Policy Context:

6.1 National Planning Policy Framework

6.2 Birmingham Development Plan 2017:

- PG3 Place Making
- TP12 Historic Environment
- TP21 The Network and Hierarchy of Centres
- TP24 Promoting a Diversity of Uses Within Centres
- TP44 Traffic and Congestion Management

6.3 Development Management DPD: (if relevant)

- DM2 Amenity
- DM14 Transport Access and Safety
- DM15 Parking and Servicing

6.4 Supplementary Planning Documents & Guidance:

- Places for Living SPG (2001)
- Shopping and Local Centres (2012)
- Birmingham Parking SPD (2021)
- Shopfronts Design Guide (1995)

7 Planning Considerations:

- 7.1 This application has been assessed against the objectives of the policies set out above. The key issues in the determination of this application are the principle of development, visual amenity, conservation of the historic environment, the residential amenity of existing and future residents, and highways safety and parking.

Principle of Development:

- 7.2 Neither the existing use of the premises as a bank (Class E) nor the proposed use of the premises as a betting office (Sui Generis) constitute retail shop uses. As such, the

proposed change of use would not reduce the proportion of retail shop units within the Erdington Local Centre below the existing 63.6%. Although the proposed change of use would continue the run of two non-retail shop uses in a row, this would not worsen the existing situation. The proposal would not therefore additionally contribute to a clustering of non-retail shop uses.

- 7.3 Objectors have raised concerns that the development would exacerbate a proliferation of betting shops within the area and have a detrimental impact on the character of the local centre. However, although one other betting shop is present in the frontage of shops which includes no.56, this is separated by eight intervening retail units. Moreover, seven other betting offices are present within the 650m of shops on either side of High Street, equating to approximately one betting office every 72m. This is not considered to comprise an unacceptable clustering of such uses.
- 7.4 Furthermore, the operation of the unit as a betting office would not be significantly different to the use of other units in the Local Centre in terms of the level and timing of activity and movements. It is not anticipated that the proposed use would significantly affect footfall or vehicular movements. As such, the characteristics of the proposed use are considered to be appropriate within a Local Centre.
- 7.5 Therefore, given the existing and proposed uses of the site, the development would not result in the loss of a retail unit, the harmful clustering of non-retail units, or the introduction of a use that would conflict with the character of the Local Centre. The application is therefore considered acceptable in principle.

Visual Amenity/ Urban Design:

- 7.6 The proposed external alterations would neither collectively nor individually harm the area's visual amenity. The removal of brickwork below a number of windows would arguably improve the solid to void ratio of the shopfront. The windows to be repaired or replaced, in addition to the replacement front door would be similar in appearance to the existing openings and would not significantly alter the character of the building. Furthermore, although the proposed satellite dishes and AC units would be visible from Mason Road, they would be sited within a rear service yard with a utilitarian character and would be neither conspicuous nor incongruous in this context.

Conservation of the Historic Environment:

- 7.7 The site makes a neutral contribution to the setting of the Grade II listed Erdington Library by virtue of its neat and coherent appearance. The proposed scheme was amended to improve the appearance of the proposed fenestration/ colour and the Conservation officer has raised no objections to the current proposals.

Residential Amenity:

- 7.8 The proposed development would not increase the footprint of the building, and would therefore not result in any overbearing, overshadowing, or overlooking impacts that would be detrimental to the residential amenity of surrounding occupiers.
- 7.9 It is considered that the proposed change of use would not result in any environmental impacts that would be harmful to the residential amenity of surrounding neighbours, including the future occupiers of the first floor should 2022/01206/PA be granted approval. The proposed use of the site as a betting office would not result in externalities in excess of those associated with the site's previous use as a bank. Furthermore, the proposed AC units would not result in excessive noise or disturbance. Accordingly, Regulatory Services did not object to the application subject to a condition restricting the use of the proposed AC units to match the opening hours of the betting

office. This suggested condition is considered to be reasonable and has been attached accordingly.

Highways, Traffic and Parking:

- 7.10 Within a consultation response from Transportation Development, it was argued that the proposed use would not result in a material change to the character or volume of traffic in the vicinity of the site, while the traffic and parking demand would not exceed that of a retail use. Furthermore, no alterations to the existing access that would impact the public highway are proposed. Accordingly, it is considered that the application would not disrupt the functioning of the local highways network.

Other issues:

- 7.11 With regards to objectors' concerns that antisocial behaviour would result from the proposed development, there is no evidence that this would be the case. West Midlands Police did not object to the application on this basis. It would therefore be unreasonable to refuse the application on the basis of a speculative increase in such behaviour.

8 **Conclusion**

- 8.1 In summary, the proposed development is acceptable in principle, would not be harmful to the area's visual amenity, the conservation of the historic environment, the residential amenity of surrounding occupiers, or the functioning of the local highways network. As such, the application complies with the policies of the Local Plan and is recommended for approval.

9 **Recommendation:**

- 9.1 Approve subject to conditions.

-
- | | |
|---|--|
| 1 | Implement within 3 years |
| 2 | Requires the scheme to be in accordance with the listed approved plans |
| 3 | Limits the hours of operation to between 08:00 - 22:00 daily |
| 4 | Restricts use of AC units to opening hours |
| 5 | Prevents obstruction of windows |
-

Case Officer: Jeff Badland

Photo(s)



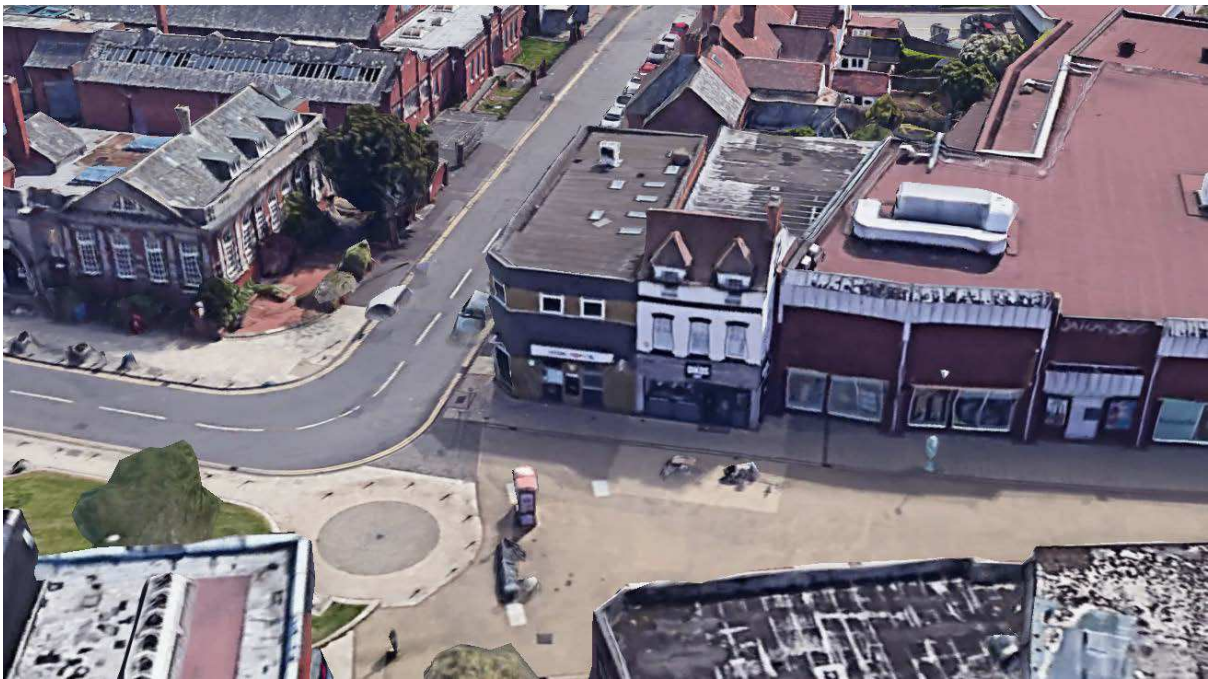
Aerial view of site



Front and side elevations



Rear service yard



Bird's eye view of the site from the west



Bird's eye view of the site from the east



Bird's eye view of the site from the north

Location Plan



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Committee Date:	28/07/2022	Application Number:	2021/06275/PA
Accepted:	14/07/2021	Application Type:	Full Planning
Target Date:	27/07/2022		
Ward:	Sheldon		

Land at former Ivy Club, 2296 Coventry Road, Sheldon, Birmingham, B26 3JR

Demolition of former Ivy Social Club and erection of 50 apartments (1 and 2 beds), a retail unit and associated parking and ancillary works.

Applicant: Gemini Property Group UK
26 Hatherton Croft, Cannock, Staffs, WS11 1LD
Agent: Mayfair Land and Estates
26 Hatherton Croft, Cannock, Staffs, WS11 1LD

Recommendation

Approve Subject to a Section 106 Legal Agreement

1. **Proposal:**

- 1.1 The proposal seeks the construction of two blocks of 50 apartments, 15 to the front block and 35 to the rear block, and a single retail unit to the front of the site onto Coventry Road. The development would consist of 31 x one bed apartments (62%) and 19 x two bed apartments (38%). The accommodation would be set over four floors, with bin stores and secure cycle facilities on the ground floor. The flat gross floor areas would be:

One bed two person flats

20 x 50sq.m, 3 x 52sq.m, 3 x 55sq.m, 3 x 56sq.m, 2 x 57sq.m

Two bed four person flats

6 x 70sq.m, 1 x 72sq.m, 6 x 73sq.m, 4 x 74sq.m, 2 x 75sq.m

- 1.2 The proposed retail unit would be located on the ground floor to the left of the site access and would have a ground floor area of approximately 78sq.m.
- 1.3 The two blocks would form an 'L' shape, with a narrower frontage onto Coventry Road and expanding in width to the rear of the site. The rear block would be behind an existing carpark to the adjacent building to the east, which was formally occupied by Severn Trent Water. The front block would measure approximately 16.5m high to the ridge and would have a mansard roof. The built form would drop in height to the rear of the site, with the backmost block measuring 13.5m to the ridge.
- 1.4 Materials would include a locally appropriate red brick, standing seam zinc cladding to the top portions of the buildings and roofs and dark grey PPC windows and doors. 25 on-site car parking spaces would be provided, including three disability spaces.
- 1.5 The site area measures 0.31ha and would, therefore, have a density of 161dph.

1.6 [Link to Documents](#)

2. **Site & Surroundings:**

- 2.1 The site lies within the Sheldon District Centre and primary retail frontage (as allocated within the BDP), at Coventry Road. It lies within the northern element of the centre, contributing (but not attached to) a well-established parade of small shops that have flats above.
- 2.2 The site itself is detached from the parade, but the existing building aligns with the basic architectural style, form and scale. The existing building effectively engages and fronts onto Coventry Road, allied with a vehicle access to the rear that cuts through the building, leading to the club's car park.
- 2.3 At its northern boundary lies semi-detached mid-century houses; to its east a 1980s purpose built 3 storey office block (former ST office). South, beyond the dual wide Coventry Road, lie Morrison's supermarket and a seven-storey former office block, which has been converted to residential accommodation.

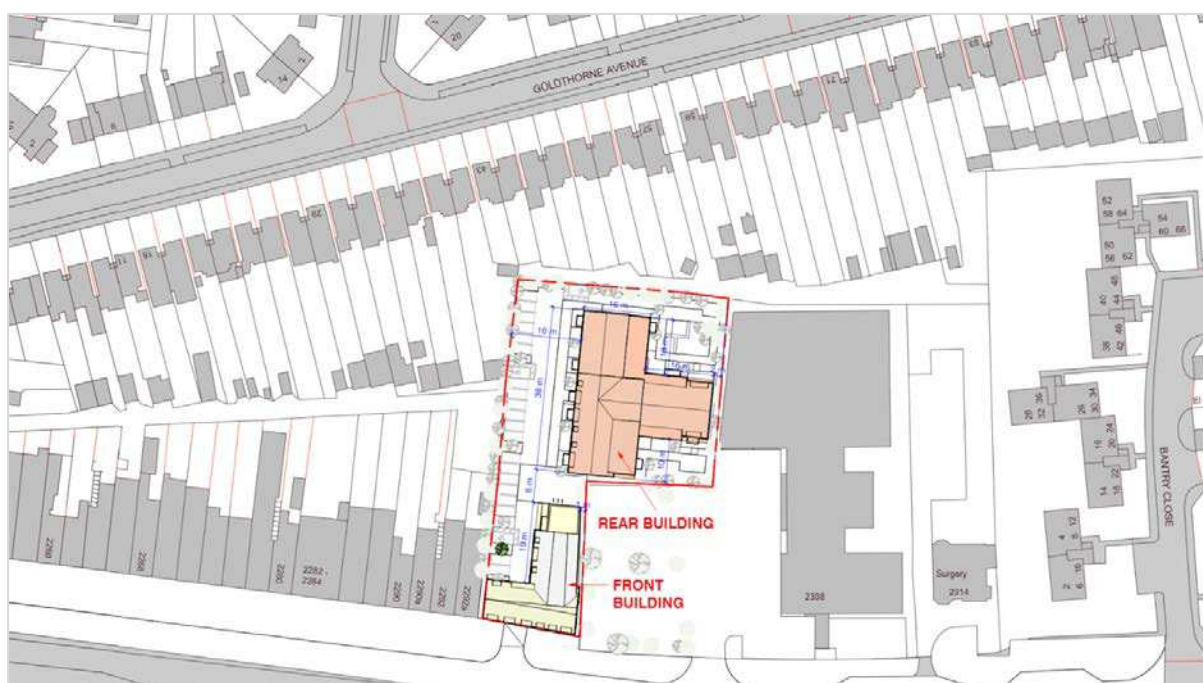


Figure 1: Proposed Site Layout

- 2.4 The character of the immediate surrounding area is divided by Coventry Road, with the northern element of the centre containing small scale retail and commercial units, whilst the southern element contains buildings of a large footprint and mass, notably the Morrison's supermarket and neighbouring large retail units. Residential areas enclose the local centre, with mid-century semi-detached properties dominating the vernacular, especially to the rear of the site where the scale of buildings is considerably reduced. The site is considered to sit within the northern character area of Coventry Road, whilst also having a close relationship with the adjacent residential character area of Goldthorne Avenue.



Figure 2: Aerial Site View, North (source: Google Earth)



Figure 3: Aerial Site View, East (source: Google Earth)

2.5 [Site Location](#)

3. **Planning History:**

- 3.1 2020/00474/PA - 2308 Coventry Road (neighbouring building to the east) 'Prior Approval for change of use from offices (Use Class B1[a]) to 52 residential flats (Use Class C3)' – Prior Approval Required and Refused (28.02.2020)
- 3.2 No relevant planning history on application site.

4. Consultation Responses:

- 4.1 Transportation – No objections subject to conditions for a Construction Method Statement, mud on the highway, site access, services roads, turning area, a Parking Management Strategy, a Residential Travel Plan, laying out of parking, cycle storage, and EVCPs.
- 4.2 Environmental Pollution Control - No objections subject to conditions for a Noise Insulation Scheme, a Contamination Remediation Scheme, a Contaminated Land Verification Report, and the provision of EVCPs.
- 4.3 City Design – No objection subject to conditions for hard and soft landscaping; earthwork details; boundary treatments; sample materials; levels; and architectural details.
- 4.4 LLFA – No objections subject to conditions for a sustainable drainage scheme and Operation and Maintenance Plan.
- 4.5 Conservation – No objection subject to a condition for the relocation of the war memorial to the frontage of the building.
- 4.6 Archaeology – No objection subject to a condition for the protection, treatment and siting of the war memorial.
- 4.7 Employment – No comment.
- 4.8 Severn Trent – No Objection subject to a condition for drainage plans for the disposal of foul and surface water flows.
- 4.9 West Midlands Police – No objection.
- 4.10 West Midlands Fire Service – Development should be in accordance with Approved Document B: Fire Safety of the Building Regulations.
- 4.11 Ecology – No objection subject to conditions for further bat surveys; a scheme for ecological/biodiversity enhancement measures; bird/bat boxes; implementation of mitigation/enhancement measures; biodiversity to flat roofs; and a CEMP.
- 4.12 Trees – No objection subject to a condition for an Arboricultural Method Statement.
- 4.13 War Memorials Trust – The war memorial should be publicly accessible and prominent and, therefore, would ideally be reinstated to the front of the building.
- 4.14 Leisure Services – No objection subject to open space contribution.
- 4.15 Affordable Housing – No objection. Given the viability issues, it is understood why low-cost home ownership is the identified tenure. The development doesn't lend itself to containing a small number of affordable housing units managed by an RP. Notwithstanding this, the delivery of low-cost units does nothing to address the overwhelming need for Social and Affordable Rent in the city.
- 4.16 Birmingham Airport Ltd. – No objection.

5. **Third Party Responses:**

- 5.1 The application has been publicised through a press notice, site notices and neighbour letters.
- 5.2 14 letters of objection have been received from 9 neighbouring properties making the following comments:
- Overbearing effect on neighbouring dwellings due to proximity and height.
 - Out of keeping for the area.
 - Cause parking issues in the vicinity.
 - Loss of privacy and overlooking.
 - What will happen to the war memorial?
 - Negative impact of nearby shops due to lack of parking.
 - Additional traffic.
 - Impact on local character.
 - Compliance with 45 degree code.
 - Loss of trees.
 - Potential flooding issues.
 - Environmental impact.
 - No need for new apartments in the area.
 - Suitable boundary treatments required.
 - External lighting details required.

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

National Planning Policy Framework

- 6.1 Chapter 2: Achieving Sustainable Development – paras. 7, 8, 10, 11
Chapter 4: Decision-making – paras. 38, 55, 56, 57
Chapter 5: Delivering a sufficient supply of homes – paras. 63, 65
Chapter 8: Promoting healthy and safe communities – paras. 92, 98
Chapter 9: Promoting sustainable transport – para. 110
Chapter 11: Making effective use of land – paras. 120, 124
Chapter 12: Achieving well-designed places – paras. 126, 130, 131
Chapter 14: Meeting the challenge of climate change, flooding and coastal change – paras. 152
Chapter 15: Conserving and enhancing the natural environment – paras. 174, 180, 183, 185, 186
Chapter 16: Conserving and enhancing the historic environment – para. 198

Birmingham Development Plan 2017

- 6.2 PG1 Overall levels of growth
PG3 Place making
TP1 Reducing the City's carbon footprint
TP2 Adapting to climate change
TP3 Sustainable construction
TP4 Low and zero carbon energy generation
TP6 Management of flood risk and water resources
TP7 Green infrastructure network
TP8 Biodiversity and Geodiversity
TP9 Open space, playing fields and allotments
TP12 Historic Environment
TP21 The network and hierarchy of centres
TP22 Convenience retail provision
TP23 Small shops and independent retailing
TP24 Promoting a diversity of uses within centres

TP27 Sustainable neighbourhoods
 TP28 The location of new housing
 TP29 The housing trajectory
 TP30 The type, size and density of new housing
 TP31 Affordable housing
 TP37 Heath
 TP38 A sustainable transport network
 TP39 Walking
 TP40 Cycling
 TP44 Traffic and congestion management
 TP45 Accessibility standards for new development
 TP46 Digital communications
 TP47 Developer contributions

Development Management in Birmingham DPD

- 6.3 DM1 Air quality
 DM2 Amenity
 DM3 Land affected by contamination, instability and hazardous substances
 DM4 Landscaping and trees
 DM5 Light pollution
 DM6 Noise and vibration
 DM10 Standards for residential development
 DM14 Transport access and safety
 DM15 Parking and servicing

Supplementary Planning Documents & Guidance

- 6.4 Places for All SPG (2001)
 Places for Living SPG (2001)
 Birmingham Parking SPD (2021)
 Public Open Space in New Residential Development SPD (2007)
 Affordable Housing SPG (2001)

7. Planning Considerations:

- 7.1 The main material planning considerations for this application are the principle of the development, layout, scale, appearance, landscaping, biodiversity, sustainability, residential amenity, highway safety, parking, drainage/flood risk, relocation of War Memorial and planning obligations.

Five Year Housing Land Supply

- 7.2 NPPF paragraph 11 states that plans and decisions should apply a presumption in favour of sustainable development. For decision taking, paragraph 11 d) states that where the policies which are the most important for determining the planning application are considered out-of-date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Footnote 8 of the NPPF confirms that in considering whether the policies that are most important are indeed out-of-date, this includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.
- 7.3 The Birmingham Development Plan became 5 years old on 10th January 2022. In accordance with NPPF paragraph 74, BDP policies PG1 and TP29 are considered out of date, and the Council's five-year housing land supply must now be calculated against the Local Housing Need figure for Birmingham. As of 10th January 2022, the

Council cannot demonstrate a five-year supply of deliverable housing sites. Consequently, Paragraph 11d) of the NPPF is engaged and the tilted balance applies for decision taking.

Principle of Development

- 7.4 The proposed development of 50 apartments and a retail unit would replace the Ivy Social Club, which closed around the end of 2020. The site is within the Sheldon District Centre and primary shopping area.
- 7.5 The proposed development which, whilst within the District Centre, is to the edge and would maintain the diversity and vitality of the area and would not significantly diminish the general provision of retail, leisure, and community facilities. This is due to the inclusion of a retail unit to the frontage of the site and the majority of the proposed residential properties being to the back of the site and/or above ground floor level. In this respect, the proposal is therefore considered to accord with Policies TP21 and TP24 of the BDP.
- 7.6 Overall, the principle of the residential development of a brownfield site in a sustainable location is considered acceptable, subject to the assessment of all other material planning considerations below.

Character of the Area, Visual Amenity and Design

- 7.7 The proposed apartment block would have a modern architectural appearance with a mixture of gable, mansard and flat roofs constructed in a standing seam zinc, which would also clad parts of the upper sections of the buildings. The main part of the buildings would be constructed in red brick to reflect the local character, with window surrounds in a dark grey powder coating. The external walls would also be enhanced through recessed panelling and headers to add subtle depth and contrast.



Figure 4: Visualisation of front elevation from the Coventry Road

- 7.8 The scale and mass of the building would be greater than, in particular, the shopping parade to the west, which has a very clear and uniform height and frontage. The development would better relate to the larger, more individual buildings to the east and across the Coventry Road to the south. To try to create a transitional building that

aligns the two scales of development in the area, dual-materials and sloping roof pitches have been utilised to visually break up the frontage. Given the prominence of the site within the streetscene, I consider that the building would not appear oppressive or incongruous and, if finished to the high standard shown in the plans, would raise the overall level of architectural design in the area.



Figure 5: Visualisation from within the site looking towards the access from Coventry Road

- 7.9 Taking the above considerations into account, the proposed development would successfully integrate with its surroundings, reflecting the local character of the area and would, therefore, accord with policies PG3, TP27 and TP30 of the BDP.

Neighbouring Amenity

- 7.10 To the west of the site above the parade of shops along Coventry Road are a row of duplex apartments which have their primary access to the rear. The nearest such property to the application site is 2292b Coventry Road. Currently, the existing building bounds this apartment and extends a further 25m out to the rear. Whilst the proposed building would be higher than the existing, the rear element of the front building would be set in from the western boundary by approximately 10m and, therefore, would provide an overall betterment in terms of amenity.
- 7.11 Beyond the rear of the site, to the north, are the rears of the properties along Goldthorne Avenue. The properties run at an angle to the application site so that the westernmost dwelling is closest, and they gradually get further away to the east. A narrow, private access track which serves these properties runs between the site and their rear gardens. The current boundary treatment to this area is a concrete post and panel fence, with a number of trees within the application site.
- 7.12 The part of the proposed building closest to these properties would be three storeys high with a gable end and windows to kitchen spaces. The closest building to the proposal would be a single storey rear extension to no.47, some 26m away, and the closest two storey element would be around 29m away. As well as the kitchen windows, balconies to the side elevation would be provided to the upper floor apartments. The closest balcony would be approximately 12m from the end of the nearest rear garden and around 25m from the primary rear garden amenity space directly outside the back of the dwellings.

- 7.13 Given the above distances, the proposal is considered to meet the minimum requirements as set out within the Places for Living SPG and, therefore, would not cause unacceptable harm to neighbouring properties in terms of loss of light, overbearing effect or overlooking in accordance with Policies DM2 and DM10(3) of the DMB DPD.



Figure 6: Rear/Northern Elevation

- 7.14 Concern has been raised by third parties with regards to the proposed treatment of the northern boundary, including any works to the existing trees. Although a detailed landscaping and maintenance plan and Arboricultural Assessment would be secured by condition if permission is forthcoming, the submitted plans do indicated that the existing trees to the boundary would be retained, along with additional planting. Similarly, the exact boundary treatments for the site would be secured by condition; however, a high quality doubled lapped and capped timber palisade fence has been specified. Subject to the final details, I consider that a quality and robust boundary treatment can be secured at the site.
- 7.15 External lighting within the site has also be raised as a potential issue for neighbouring properties and I consider that a suitably worded condition would ensure that an appropriate scheme would be put in place.



Figure 7: Proposed First Floor Plan

Future Residents' Amenity

- 7.16 All the proposed apartments would comply with the nationally described space standard for apartment and bedroom sizes set by the DCLG (now DLUHC). The 31, one-bedroom, two person flats would meet or exceed 50sq.m as an overall floorspace and the double bedrooms would meet or exceed 11.5sq.m. The 19, two-bedroom, four person flats would meet or exceed 70 sq.m as an overall floorspace and the double bedrooms would meet or exceed 11.5 sq.m.
- 7.17 With regards to outdoor amenity space, 24 of the apartments would have balconies, as well as a further 9 having directly accessible, small, private outdoor spaces. There would also be two communal garden areas. Whilst the general provision would be below the recommended 30sq.m per flat set out within the Places For Living SPG, when combined with the public open space in the wider area, on balance, the provision is considered to be acceptable.
- 7.18 Given the stated floor areas and provision of private/shared outdoor space, I consider that the proposed development would accord with Policies DM2 and DM10 of the DMB DPD.

Landscaping

- 7.19 Presently the site has little green space and planting apart from some shrubs and trees towards the rear periphery of the site. The proposed soft landscaping would improve the current situation, with two small communal garden spaces to the eastern section of the site and some internment planting between car parking spaces and to the rear of the site. Hard landscaping would include block paving for vehicular areas and private spaces in contrasting tones, as well as resin bonded gravel to communal paths.
- 7.20 Whilst relatively limited, given the 'hard' nature of the existing site, the proposed landscaping would be a clear improvement and softening of the area. The introduction of additional planting and trees would create a pleasant outlook and improve the site's biodiversity potential. Given this, the proposal is considered to accord with Policy DM4 of the DMB DPD.

Historic Environment

- 7.21 Paragraph 198 of the NPPF states that *'in considering any applications to remove or alter a historic statue, plaque, memorial or monument (whether listed or not), local planning authorities should have regard to the importance of their retention in situ and, where appropriate, of explaining their historic or social context rather than removal'*.
- 7.22 The application site currently houses a War Memorial which previous sat to the front of the site but was subsequently moved around the 1970s to the rear car park during remodelling. As part of the proposal, the War Memorial would be reinstated to the front of the building in a prominent, public position more befitting its historic significance. As a non-designated heritage asset, the relocation of the memorial would provide a significant local benefit and, subject to conditions for its storage during construction and exact details of its placement and fixing, the proposal is considered to accord with Policy TP12 of the BDP and paragraph 198 of the NPPF.

Highways and Parking

- 7.23 Vehicular and pedestrian access to the site would be maintained from the A45 Coventry Road to the south but would be moved around 5m to the east to a slightly off-centre position within the front elevation. There is restricted on-street parking (1hr,

7am-7pm, Mon-Sat) to the front of the site along the A45 Coventry Road which is a Red Route with double red lines.

- 7.24 The application site is located within Zone B of the Birmingham Parking Standards, which requires one car parking space per one and two bed dwelling, plus one unallocated space per 10 dwellings (on developments of 10+ dwellings), one disabled parking space or 5% of total units (whichever is greater) and one motorcycle parking space per 20 units. The proposed development would provide 19 car parking spaces, three disabled spaces and three motorcycle parking spaces, which would be 26 spaces less than the prescribed amount within the SPD. Notwithstanding this, the SPD states that *'the parking standards will not apply to any detailed or reserved matters planning applications that are already registered prior to the adoption of the SPD'*. As the application was validated in July 2021 and the SPD was adopted in November of the same year, I consider this to be applicable in this case. The Transportation Officer has assessed the parking provision in light of this and considers that, due to the sustainable location and good public transport links in the area, the proposal to be acceptable in this respect.
- 7.25 With regards to highways safety, the proposed development would have good visibility onto the A45 Coventry Road and would not unacceptably impact on the surrounding highways network. The site is well situated for access to sustainable travel modes and would also provide facilities for secure cycle storage and EVCPs. The Transportation Officer has raised no objection on this basis subject to conditions securing the above requirements. With the imposition of these conditions, I consider that the proposed development would accord with Policy TP44 of the BDP and Policies DM14 and DM15 of the DMB DPD.

Air and Noise Quality

- 7.26 The site is located in close proximity to the A45 Coventry Road and is within the Birmingham Air Quality Management Area (AQMA). The proposal has, therefore, been assessed in terms of the impact on future residents from the surrounding air quality. The outcome of this is that the development would be adequately constructed to ensure that residents would not be exposed to unacceptable levels of air pollution. It is there considered that the development would accord with Policy DM1 of the DMB DPD.
- 7.27 With regards to the noise impact from the A45, the Environmental Pollution Officer has recommended a condition requiring a scheme of noise insulation to be submitted and approved which accords with the principles identified within the submitted Noise Assessment. With the imposition of such a condition, I consider that the development would correspond with the requirements of Policy PG3 of the BDP and DM2 of the DMB DPD.

Drainage and Flooding

- 7.28 The application site falls within Flood Zone 1, where there is a low probability of flooding. The submitted Flood Risk Assessment (FRA) confirms the low fluvial flood risk and proposes measures to manage surface water flows by giving priority to a sustainable urban drainage system (SuDS), details of which would be secured by condition. The LLFA and Severn Trent have confirmed that this is acceptable and have raised no objection on this basis. The proposal is therefore considered to accord with Policy TP6 of the BDP.

Ecology

- 7.29 The submitted Design and Access Statement outlines opportunities to deliver a net gain for biodiversity, with green infrastructure including communal gardens, car park planting and green roofs across part of the roof area. To maximise the scheme's biodiversity gain, it is essential that an ecologically led planting design is implemented at ground level (i.e. the use of native species and ornamental varieties with proven ecological benefits) and that green roof areas are designed as biodiversity roofs. Mitigation measures are also required to ensure compliance with legal requirements and to minimise the risk of harm to any wildlife which may use the site. If permission is forthcoming, these elements would be secured by way of suitably worded conditions.
- 7.30 Based on the site's baseline ecological condition and proposed plans, which show the extent of proposed green infrastructure, the proposed scheme could deliver a biodiversity net gain of 148.9% (site's pre-development habitat units value of 0.32; post-development habitat units value of 0.8). Consequently, with the imposition of the identified conditions, the proposal would accord with policy TP8 of the BDP.

Sustainability and Energy Efficiency

- 7.31 The Council's overarching requirement in Policy TP3 of the BDP is for new development to be designed and constructed in ways that maximise energy efficiency and the use of low carbon energy, consider the type of and source of materials used, minimise waste and maximise recycling, and are flexible and adaptable to future occupier needs.
- 7.32 In addition, Policy TP4 requires new developments to incorporate low and zero carbon forms of energy generation or to connect into low and zero carbon energy generation networks where they exist.
- 7.33 The submitted Sustainable Statement identifies measures that would aid in the Council's response to the climate emergency, including electric vehicle charging points (EVCP) and sustainable processes instigated during the construction phase. To ensure that low and zero carbon forms of energy generation are also integrated within the development, if permission is forthcoming, a condition for would be attached requiring exact details of the proposed technologies. With the imposition of such a condition, I consider that the proposed development would accord with Policies TP3 and TP4 of the BDP.

Other Issues

- 7.34 The application site is previously developed land and, as such, has the potential for contamination. The Environmental Pollution Officer has raised no objections to proposal and is satisfied that the development can be adequately conditioned to ensure that the site can be utilised for residential purposes without any adverse impacts on future residents' health in accordance with Policy DM3 of the DMB DPD.

Planning Obligations and Financial Viability

- 7.35 As part of the application, a Viability Report was submitted in respect of the proposed planning contributions. This has been independently assessed by the Council's consultant who has concluded that the development would not be financially viable if the proposed contributions were sort in full.

Affordable Housing

- 7.36 Policy TP31 of the BDP requires 35% affordable dwellings on residential developments of 15 dwellings or more. Following negotiations in light of the viability issues, it was agreed that five apartments (10%) would be provided for low-cost home ownership at 20% discount on market value on a proportionate mix basis. The Housing Development Officer has agreed to this provision in this case.

Public Open Space

- 7.37 Policy TP9 of the BDP states that new residential developments will be required to provide new public open space broadly in line with the standard of 2ha per 1,000 population. It goes on to say that, in most circumstances, residential schemes of 20 or more dwellings should provide on-site public open space and/or children's play provision.
- 7.38 Further details on the implementation of public open space is provided within the Public open space in new residential development SPD which asserts that *'although open space should normally be provided on site, there are certain circumstances where it may be preferable for all, or part, of the public open space requirement to be provided as an off-site monetary contribution'*. One of the circumstances where an off-site contribution is considered acceptable is where new development is close to existing public open space.
- 7.39 In this case, the site would be located approximately 550m walk from Elmdon Nature Park to the east and 950m from Sheldon Country Park to the west. Therefore, it is considered that it would be preferential to seek an off-site contribution rather than on-site provision for this site.
- 7.40 In accordance with Appendix B of the Public open space in new residential development SPD, the proposed development would generate approximately 77 occupants. Therefore, for public open space, the contribution would be £149,475.
- 7.41 Due to the viability of the site and the provision of 10% affordable housing, the development could not sustain the above requested off-site contribution to public open space

Community Infrastructure Levy (CIL)

- 7.42 The proposal is liable for CIL; however, as the proposed development is within Value Zone 5, which is deemed a Low Value Area, the charge per sq./m is £0. Therefore, no payment would be required.

Planning Balance

- 7.43 As of 10th January 2022, the Council cannot demonstrate a five-year supply of deliverable housing sites. Consequently, Paragraph 11d) of the NPPF is engaged and the tilted balance applies for decision taking. In this case, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 7.44 The NPPF gives three dimensions to sustainable development: social, economic and environmental. These should not be assessed in isolation because they are mutually dependant. Assessing the planning balance against these three strands, I consider that the likely **benefits** from the proposals would be:

Economic

- Employment generation during construction and subsequent operation
- On-going expenditure by households purchasing and occupying the apartments
- Greater utilisation of local shops and services by residents
- House building supports economic growth
- Additional retail unit with a District Centre and primary retail frontage

Social

- Supply of smaller apartments for younger people
- Provision of five discount market affordable apartments
- Reinstatement of War Memorial to the front of the site with public access

Environmental

- Ecological enhancements through new planting
- Biodiversity net gain
- Redevelopment of a Brownfield site
- More efficient building

7.45 With regards to the potential **harm** arising from the development these are considered to be:

- Environmental effects of noise, disturbance, dust etc. during construction phase (this would be controlled through the submitted CMP)
- Lack of an off-site contribution towards POS (due to viability)
- Affordable housing provision below 35% (due to viability)
- Environmental effect of demolition of existing building and rebuilding – Embodied Carbon

7.46 As well as the above considerations, considerable weight is given to the Council's lack of a 5YHLS.

7.47 When weighing the identified harm against these benefits, I find in this case that the benefits of the proposal do outweigh the harm and, therefore, the development is, on balance, sustainable development. I therefore consider that the presumption in favour does apply in this case and that Planning Permission should be granted.

8. Conclusion

8.1 The proposed development of the application site for residential purposes is considered acceptable in principle and would make a meaningful contribution towards the Council's 5YHLS. The design and scale of development would accord with the pattern and style of development in the vicinity and would establish a net biodiversity gain on the site through new landscape and SuDS. On this basis, I have concluded that the proposal is sustainable development and recommend permission is granted without delay subject to conditions and the completion of a section 106 agreement to secure the necessary contributions.

9. Recommendation:

9.1 Officers have made a recommendation on the basis of the Development Plan and other material considerations. It is for the Committee to weigh and balance these in coming to a decision, based on their judgement of the available evidence.

9.2 It is therefore recommended that the application be GRANTED subject to the completion of a Section 106 legal agreement to secure:

- Five apartments (10%) for low-cost home ownership at 20% discount on market value on a proportionate mix basis
- 9.3 In the absence of a suitable legal agreement being completed to the satisfaction of the Local Planning Authority on or before 28th October 2022 or such later date as may be authorised by officers under powers hereby delegated, planning permission be refused for the following reasons:
- In the absence of a legal agreement to secure affordable housing the proposal conflicts with Policies TP31 and TP47 of the Birmingham Development Plan 2017 and the National Planning Policy Framework.
- 9.4 That the City Solicitor be authorised to prepare, seal and complete the appropriate legal agreement.
- 9.5 That, in the event of an appropriate legal agreement being completed to the satisfaction of the Local Planning Authority by 28th October 2022 or such later date as may be authorised by officers under powers, planning permission be GRANTED, subject to the following conditions, the detailed wording and numbering of which is delegated to officers:

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|----|--|
| 1 | Implement within 3 years (Full) |
| 2 | Requires the scheme to be in accordance with the listed approved plans |
| 3 | Requires the submission of sample materials |
| 4 | Requires the prior submission of earthworks details |
| 5 | Requires the prior submission of level details |
| 6 | Requires the prior submission of foul & surface water drainage details |
| 7 | Requires the prior submission of a sustainable drainage scheme |
| 8 | Requires the prior submission of a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan |
| 9 | Requires the prior submission of a contamination remediation scheme |
| 10 | Requires the submission of details to prevent mud on the highway |
| 11 | Requires the prior submission of a Construction Environmental Management Plan (CEMP) |
| 12 | Arboricultural Method Statement - Submission Required |
| 13 | Requires the prior submission of an additional bat survey |
| 14 | Requires the submission of architectural details |
| 15 | Requires the submission of façade detailing |
| 16 | Requires the construction of a sample panel |
| 17 | Requires the safe storage and reinstatement of the war memorial |
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18	Requires the submission of hard and/or soft landscape details
19	Requires the submission of boundary treatment details
20	Requires the prior submission of details of bird/bat boxes
21	Requires the submission of a scheme for ecological/biodiversity enhancement measures
22	Requires the implementation of the submitted mitigation/enhancement plan
23	Requires the submission of details of green/brown roofs
24	Requires the submission a Noise Insulation Scheme to establish residential acoustic protection
25	Requires the submission of a lighting scheme
26	Requires the submission of a contaminated land verification report
27	Construction Traffic Management Plan
28	Requires the prior installation of means of access
29	Prevents occupation until the service road has been constructed
30	Prevents occupation until the turning and parking area has been constructed
31	Requires the parking area to be laid out prior to use
32	Requires the submission of a parking management strategy
33	Requires the submission of cycle storage details
34	Requires the provision of cycle parking prior to occupation
35	Requires the submission of a residential travel plan
36	Requires the provision of vehicle charging points
37	Requires the submission of low/zero carbon energy technologies
38	Use Class Restricted to E(a)/E(c)
39	Limits the hours of use of the retail unit (09:00-20:00 Monday to Saturday including Bank Holidays)
40	Limits the hours for deliveries and dispatch (07:00-20:00 Monday to Saturday including Bank Holidays)
41	Requires the delivery and service area prior to occupation

Case Officer: Eddie Wrench

Photo(s)



Photo 1: View from A45 Coventry Road



Photo 2: View across neighbouring carpark towards application site



Photo 3: View of application site across neighbouring carpark with backs of dwellings along Goldthorne Rd



Photo 4: View from rear carpark with rears of dwellings along Goldthorne Rd in the background

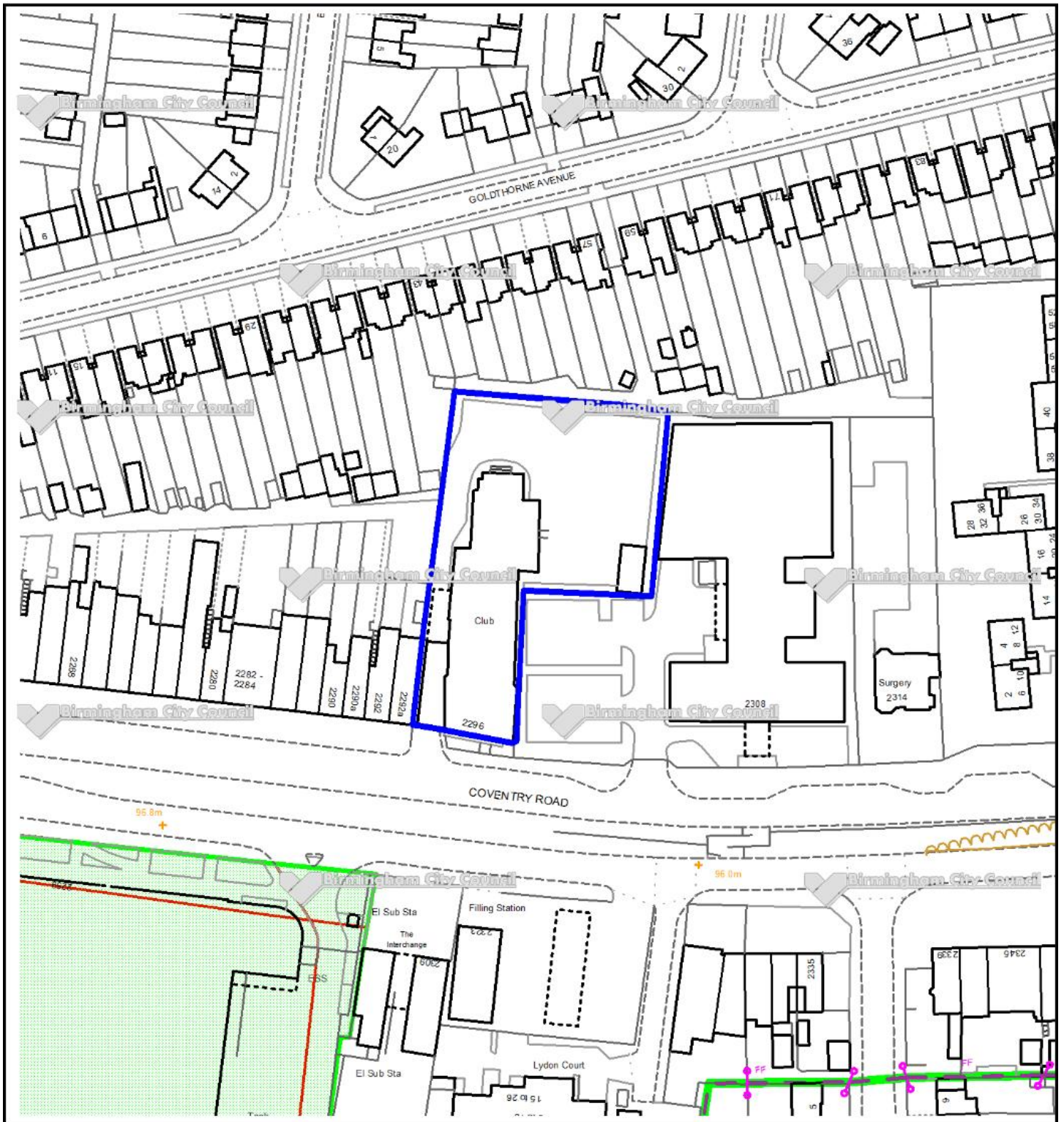


Photo 5: War Memorial



Photo 6: Rear of site looking back towards the access from the A45 Coventry Road

Location Plan



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