

# **Birmingham City Council**

## **Planning Committee**

**18 August 2022**

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

<b><u>Recommendation</u></b>	<b><u>Report No.</u></b>	<b><u>Application No / Location / Proposal</u></b>
Refuse	6	2021/00081/PA  Land at Kent Street Digbeth Birmingham B5 6QU  Erection of 8-12 storey building providing 133 no. residential apartments (Use Class C3) together with ancillary ground floor amenity and commercial space (Use Class E)
Approve – Conditions	7	2021/10845/PA  193 Camp Hill Highgate Birmingham B12 0JJ  Proposed redevelopment of the site to provide 550 homes and flexible business / commercial floorspace of 1,480sqm (Use Classes E (a, b, c, e, f, g), F1, B2 and B8) in 6 new blocks (A-F) ranging from 3-26 storeys, together with car parking, landscaping and associated works

Committee Date:	18/08/2022	Application Number:	2021/00081/PA
Accepted:	19/01/2021	Application Type:	Full Planning
Target Date:	26/08/2022		
Ward:	Bordesley & Highgate		

Land at Kent Street, Digbeth, Birmingham, B5 6QU

Erection of 8-12 storey building providing 133 no. residential apartments (Use Class C3) together with ancillary ground floor amenity and commercial space (Use Class E)

Applicant:	London Development Group 17 Hanover Square, Mayfair, London, W1S 1HU
Agent:	Lambert Smith Hampton Interchange Place, Edmund Street, Birmingham, B3 2TA

#### Recommendation

#### **Refuse**

#### 1. **Proposal**

- 1.1. This application seeks planning permission for the erection of a block of 133 apartments comprising a central 12 storey tower with 8 storey wings either side at the corner of Kent Street and Gooch Street North. A small Class E commercial unit (62sqm) is also included on the ground floor.



Figure 1: Proposed site plan



Figure 2: CGI showing Kent Street/Gooch Street North junction

- 1.2. Site layout: Development would sit at the back of the pavement along both Kent Street and Gooch Street North creating an inverted V shaped footprint. An outdoor amenity space, roughly square in shape and approx. 310sqm, would be provided to the rear of the building together with cycle parking for 61 bicycles.
- 1.3. External appearance: A simple repetitive grid of standard bays are proposed on all elevations with wide horizontal banding. Larger windows are proposed on the ground floor and on the corner of the 12 storey tower, where glass would be curved rather than reaching a sharp point. Predominant material will be brick. A rooftop access and residents' communal room and external terrace are also proposed. The two wings would host PV panels on their flat roofs.



Figure 3: Proposed Gooch Street North elevation

1.4. Internal arrangements:

- Ground floor: residents' entrance/amenity space, commercial unit, integral substation, plant, refuse and cycle stores; 7 apartments, of which 4 would have their own private sections of the rear amenity space.
- Floors 1-11: 126 apartments of which 7 would have a private balcony and 2 would have a private roof terrace.
- Floor 12: Shared residents' amenity room leading onto rooftop terrace.

1.5. Site area: 0.15ha     Density: 886dph

1.6. Car parking: 0%     Cycle storage: 100%

1.7. Housing mix:

APARTMENT SUMMARY

	1B1P	1B2P	2B3P	2B4P	TOTAL
TOTAL	57	7	69	0	133
MIX	43%	5%	52%	0%	100%
	48%		52%		

1.8. Supporting documents:

Design & Access Statement and Addendum

Planning Statement

Transport Assessment

Energy & Sustainability Statement

Ventilation Strategy

Baseline Noise Assessment

Phase 1 (Desk Study) Report

Heritage Statement

Travel Plan Statement

Sustainable Drainage Assessment

Air Quality Assessment

Preliminary Ecological Appraisal

Financial Viability Appraisal

1.9. [Link to Documents](#)

2. **Site & Surroundings**

2.1. The application site is located in the Southside area of the city centre, south of the city core in an area currently the subject of significant growth and investment. This district of the city is historically composed of low density workshops and units comprising employment uses, however it is developing into a residential neighbourhood. Madison House, a modern 5-6 storey apartment block wraps around the remainder of the perimeter block formed by Kent Street, Gooch Street North and Wrentham Street with a central courtyard parking area. The British Oak and The Fountain Inn public houses are located at the junctions of Gooch Street North and Kent Street with Wrentham Street.

2.2. The site itself occupies a cleared corner plot to the south of the junction of Kent Street and Gooch Street North. The site comprises an acute angle to the street and abuts existing residential redevelopment on both the Kent Street and Gooch Street North frontages. It is currently in use as a pay and display car park. There is a

gentle fall in land level across the site in a southeast direction.

- 2.3. There are no statutory designated or non-designated heritage assets on the site or in the immediate vicinity of the site, the closest being the grade II listed Wellington Hotel, a public house of 1890 by James and Lister Lea with 18th century origins located on the corner of Bristol Road and Bromsgrove Street to the northwest of the site, and the locally listed Nos. 74-104 Bristol Street, a 19th century high-quality shopping parade fronting the Bristol Road.

- 2.4. [Site Location](#)

### 3. **Planning History**

- 3.1. None directly relating to the application site but the following planning applications relate to nearby sites:
- 3.2. 16/03/2016 – 2015/10323/PA – Land at Wrentham Street, Kent Street and Gooch Street North – Erection of 3-6 storey building comprising 141 residential apartments, ground floor commercial unit (Use Classes A1, A2, B1(a) and D2) together with associated parking and landscaping – Approved subject to conditions.
- 3.3. 29/05/2018 – 2017/09434/PA – Former Kent Street Baths, Land bounded by Bromsgrove Street, Gooch Street North, Kent Street and Henstead Street – Clearance of site and erection of a residential mixed use development comprising 504 dwellings, flexible retail, restaurant, leisure and office uses, car parking and associated developments – Approved subject to conditions. Phase 1 currently under construction.
- 3.4. 20/11/2018 – 2018/03004/PA – 16 Kent Street – Demolition of existing buildings and residential-led redevelopment to provide 116 apartments and 2no. commercial units (Use Classes A1-A4, B1(a) and D1) in a 9-12 storey building – Appeal against non-determination dismissed. Reasons for refusal: inadequate mitigation proposed within the development against noise from the Nightingale; absence of an agreement to secure noise mitigation measures at the Nightingale which could result in complaints against the Nightingale; and absence of an agreement to secure affordable housing.
- 3.5. 18/12/2020 - 2020/04784/PA - Priory House, Gooch Street North/Kent Street - Conversion and refurbishment of Priory House, including change of use from Use Class B1(b) to include 79 residential apartments (Use Class C3), ancillary internal and external resident's amenity areas, secure car and cycle parking and other associated works - Approve subject to Conditions and nearing completion on site.
- 3.6. 27/4/2021 - 2021/03783/PA - 16 Kent Street - Demolition of existing buildings and redevelopment to provide 116 apartments with a ground floor of 2 commercial units to include Use Classes E(a), E(b), E(c), E(e), E(f) public houses, wine bars, and/or drinking establishments (sui generis) and E(g)(i) – Withdrawn.
- 3.7. 4/6/2021 - 2021/05033/PA - Land at Lower Essex Street, Hurst Street and Sherlock Street - Demolition of existing buildings and erection of 3 residential blocks to provide 628 apartments together with associated amenity/commercial (Use Class E) floorspace, parking and landscaping. Block A - 27 storey tower with 9 storey shoulder, Block B – 12 storey taller element and 8 storey shoulders, Block C – 8 storeys – Awaiting completion of the Section 106 agreement following resolution to grant planning permission.
- 3.8. 17/6/2021 - 2021/05399/PA - Site Bordered by Gooch Street North, Kent Street and Lower Essex Street - Demolition of all buildings and construction of 7 to 12 storey

buildings (excluding basement) comprising 456 apartments (1 & 2 bed) (Use Class C3); 517sqm commercial floorspace (Flexible Use Classes E(a)/E(b)/E(c)/E(e)/E(f)/E(g)(i)); landscaped private courtyard and private garden terrace; new public thoroughfare – Awaiting completion of the Section 106 agreement following resolution to grant planning permission.

#### 4. **Consultation Responses**

##### 4.1. **Transportation Development: No objection subject to conditions:**

- No occupation until the redundant footway crossing is reinstated on Kent Street as there is no vehicle access to the site in the new development. This needs to be carried out with a suitable highway agreement.
- The cycle parking is provided before the development is open for occupants.
- A Construction Management Plan is provided before any works commence on site that details any highway impacts.

A cycle lane has recently been installed on Kent Street which leaves one running lane and parking bays fronting the site. There is a section of no parking further west which will allow for servicing to take place, but potentially there may be minor disruption if a refuse vehicle has to wait in the running lane. Given the limited volumes of traffic on Kent Street and amount of time any disruption would last for this is deemed acceptable.

##### 4.2. **Regulatory Services:**

*Air quality:* Agree with the conclusion of the Air Quality Assessment that as the site will be provided with electric space and water heating, there will be a net reduction in vehicle movements and there will be no adverse air quality impact from the operations phase of the development. Dust Management Plan to be secured by condition.

*Contaminated land:* Agree with the conclusions of the Phase 1 Site Appraisal (Desk Study) which recommend a further Phase 2 intrusive assessment and this should be secured by condition.

*Commercial use:* Limited information is provided about the use, operational hours or extraction provision, however, conditions could be attached to address the uncertainties and to control the potential impacts on residential uses nearby.

*Noise:* A Baseline Noise Assessment (BNA) and a Ventilation Strategy accompany the application. A number of additional Notes have been provided to support the BNA in response to comments from Regulatory Services.

The BNA and Notes indicate that the primary noise sources in the locality relate to traffic and the Nightingale nightclub. The Assessment concludes that traffic noise can be mitigated through suitable glazing secured by condition and that is agreed. However, to mitigate the entertainment noise, the proposed glazing design is inadequate and occupants would have to keep their windows closed. The identified threshold for sealing windows is 65dB but no rationale is provided for this. Based on the 65dB threshold, 20 apartments would have sealed windows, predominantly around the corner of Kent Street and Gooch Street South.

A threshold of 60dB is considered to be more appropriate for identifying windows to be sealed and would result in 71 units being sealed. The proposed glazing design is not acceptable but a more suitable design could be secured by condition.

Refusal is recommended on the basis that there is the potential for a significant adverse impact on the proposed development which could lead to harm to health and quality of life for future residents due to noise from nearby commercial uses. Furthermore, the development would introduce a noise sensitive use in an existing area in circumstances where the resulting residential noise climate may represent a statutory nuisance which may have an adverse impact on the operation of existing businesses and potential loss of employment activities.

The Ventilation Strategy states that the development will be provided with an MVHR system with vents located above the windows and an assessment in respect of overheating will be undertaken at a later date.

- 4.3. Leisure Services: No objection. In accordance with BDP policy, this development should be liable for an off-site Public Open Space and Play contribution of £292,875 to be directed towards the provision, improvement and/or biodiversity enhancement of POS/Play and the maintenance thereof at Highgate Park in the Bordesley and Highgate ward.
- 4.4. Housing: No response received.
- 4.5. Employment Access Team: No objection subject to a condition to secure the following:
- Construction Employment Plan
- 4.6. City Design Manager: This is an early phase of the next generation of development in Southside and can be supported in principle. Amended plans have secured a better architectural response to that originally submitted. This should not try to be a landmark building but instead a humble background building. There are risks over the delivery of the masonry, which should be conditioned, and the extra development on the roof terrace should be deleted. Proposed conditions:
- Materials (including pointing);
  - Bonding;
  - Reveals and soffits (which for the avoidance of doubt shall be 1.5 bricks and lined with brick;
  - Details of windows (position, design, materials, louvre, opening mechanism and dimensions of frame, sill, transoms, mullions and glazing bars).
- 4.7. Principal Conservation Officer: No objection; the impact on the identified heritage assets would be negligible. The Heritage Statement identifies that there was no designated heritage assets within the site or outside the site that will be impacted by the proposal and no above-ground heritage assets are assessed. The closest assets include the Wellington Hotel and Nos. 74-101 Bristol Rd. Current inter-visibility between the assets and the site will be lost once the Kent Street Baths development is complete. In respect of archaeological impact, the potential for significant buried archaeology is very low and there is no need for an intrusive archaeological investigation on the site. The design and massing of the proposal is considered to be in keeping with the evolving scale and character of this part of the city.
- 4.8. Principal Ecologist: No objection subject to conditions:
- Scheme for ecological, biodiversity/enhancement measures



- Bat/bird boxes
- Implementation of acceptable mitigation/enhancement
- Biodiversity roof details

The submitted PEA demonstrates the site is currently of negligible ecological interest, but the proposals offer considerable scope to secure a net gain for biodiversity, by incorporating biodiversity roofs on the three blocks and other ecological design features such as “wildlife-friendly” planting and integral habitat features for nesting birds and roosting bats. Conditions should be imposed to ensure the recommended precautionary control measures are implemented during site clearance and construction and to secure further details of ecological enhancement measures so the scheme delivers a biodiversity gain.

4.9. Birmingham Public Health: No response received.

4.10. Lead Local Flood Authority: No objection subject to the following conditions:

- Requires the prior submission of a sustainable drainage scheme
- Requires the prior submission of a Sustainable Drainage Operation and Maintenance Plan

4.11. Severn Trent Water: No objection subject to the following condition:

- The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority.

4.12. West Midlands Fire Service: No objection.

4.13. West Midlands Police: No objection subject to conditions to secure the following:

- Lighting scheme
- Access control system
- CCTV

## 5. Third Party Responses

5.1. Site and press notices posted; local Councillors, Residents’ Associations and the occupiers of nearby properties notified. Responses as follows:

1) Two local residents making the following points:

- Concern regarding loss of light and privacy for neighbouring residents.
- Scheme would be a good addition to the local area and looks well designed.

2) Birmingham Civic Society:

- Reduced scale from pre-application discussions is positive.
- Amenity space is too small for number of dwellings.
- Disappointed that affordable housing is not considered viable.
- Proposal unlikely to impact on designated heritage assets which is positive.
- Overall supportive of the architectural language employed.
- Single escape core staircases are unlikely to meet future building regulations.



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

### a. **National Planning Policy Framework**

The following paragraphs are particularly, but not exclusively, relevant to the proposal:

Chapter 2: Achieving Sustainable Development – paras. 7, 8, 11  
Chapter 4: Decision-making – paras. 56, 57  
Chapter 5: Delivering a sufficient supply of homes – paras. 60, 62  
Chapter 8: Promoting healthy and safe communities – paras. 92, 98  
Chapter 9: Promoting sustainable transport – para. 104, 110, 112  
Chapter 11: Making effective use of land – paras. 119, 120, 124,  
Chapter 12: Achieving well-designed places – paras. 126, 130, 131, 132, 133,  
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, 187  
Chapter 16: Conserving and enhancing the historic environment – paras. 189, 194, 195, 197, 199, 202, 206

### b. **Birmingham Development Plan 2017**

The site falls within Policy GA1 the City Centre Growth Area; and within the Southside and Highgate Quarter where the aim is to support the area's cultural, entertainment and residential activities and its economic role complemented by high quality public spaces and pedestrian routes.

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  
TP24 Promotion of diversity of uses within centres  
TP25 Tourism and cultural facilities  
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 Health  
TP38 A sustainable transport network  
TP44 Traffic and congestion management

### c. **Development Management DPD**

DM1 Air quality  
DM2 Amenity  
DM3 Land affected by contamination, instability and hazardous substances  
DM4 Landscaping and trees

DM6 Noise and vibration  
DM10 Standards for residential development  
DM14 Transport access and safety  
DM15 Parking and servicing

- d. Supplementary Planning Documents & Guidance:  
Places for Living SPD  
Places for All SPD  
Birmingham Parking SPD  
Draft Birmingham Design Guide SPD  
Affordable Housing SPG  
Public Open Space in Residential Development SPD

## 7. **Planning Considerations**

- 7.1. The key issues for consideration are:

Principle of the proposed development  
Sustainability  
Layout, scale and design  
Landscaping and ecology  
Impact on heritage assets  
Impact on residential amenity  
Noise  
Parking and impact on highway safety  
Drainage  
Planning obligations/Community Infrastructure Levy

### **Principle**

- 7.2. In January 2022, the BDP became more than five years old. In accordance with NPPF paragraph 74, BDP policies PG1 and TP29 are considered to be 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 on applications for new housing. 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 application site falls within the City Centre Growth Area (but not within the retail core). BDP policy GA1 applies and the development complies with this policy in the following respects:
- It would contribute towards the mix of uses, which should include residential among other uses.
  - Its retail element would be small (62sqm) and ancillary to the main residential use.

- Redevelopment of the current surface car park would better achieve the aims of the GA1.3 with reference to the Southside and Highgate Quarter to support the area's cultural, entertainment and residential activities and its economic role.

- 7.4. More generally, the location of the site for residential use is appropriate and accords with BDP policy TP28 being outside of Flood Zones 2 and 3; well-served by infrastructure; close to jobs, shops and services via sustainable methods of travel; capable of remediation; and outside of protected areas such as Core Employment Areas and open space.
- 7.5. BDP policy TP30 requires consideration of the type, size and density of new housing with reference to the Strategy Housing Market Assessment (SHMA); locality and ability of site to accommodate a mix of housing; demographic profiles; and local housing market trends.
- 7.6. The proposed development only includes one and two bedroom apartments and compares to the SHMA as follows:

	SHMA	Proposal
1 bed	14.6%	48%
2 beds	30.8%	52%
3 beds	26.3%	0%
4 beds	28.1%	0%

- 7.7. As Members will be aware, as part of the review of the BDP, the Council has recently published the Housing and Economic Development Needs Assessment (dated April 2022) which provides updated housing need data for the city as follows:

**Table 8.22 - Suggested Mix by Broad Tenure**

	1-bedroom	2-bedrooms	3-bedrooms	4+-bedrooms
Market	5%	35%	40%	20%
Affordable home ownership	20%	40%	30%	10%
Affordable housing (rented)	20%	35%	25%	20%

Source: Iceni Projects based on Modelling

- 7.8. For the central area, figures in tables 8.26-8.28 indicate the following need:

	1 bedroom	2 bedrooms	3 bedrooms	4 bedrooms
Market	12%	35%	35%	18%
Affordable home ownership	24%	42%	23%	10%
Affordable/social housing (rented)	29%	40%	24%	8%

- 7.9. The number of one bedroom properties in the city has seen a significant increase in the last few years and monitoring against the SHMA housing mix shows an over-supply of 1 and 2 bed dwellings. This is reflected in the HEDNA data, particularly in respect of 1 bed dwellings for market sale across the city, for which the need is now

only 5%. It is acknowledged that for the central area, a larger proportion of 1 bedroom homes are needed.

- 7.10. The proposed mix of dwellings would exacerbate the over-supply of one-beds however policy TP30 takes a broader view than just the SHMA/HEDNA data. The applicant notes that market advice does not indicate a demand for 3 bed units in this location, and that increasing the number of 2 or more bed units coupled with the cost of design changes requested would further reduce the viability of the scheme which is already below the 20% benchmark. Taking account of the full range of considerations, the mix is deemed to be acceptable.
- 7.11. In terms of density, the proposed 886dph is significantly above the 100dph minimum indicated in TP30, however it is appropriate in its context and comparable with surrounding development.
- 7.12. In general land use terms, therefore, the proposal accords with the most relevant policies in the BDP and the development is considered to be appropriately located.

### **Sustainability**

- 7.13. The Council declared a climate emergency in June 2019 and aims to become net zero carbon by 2030 or as soon as possible thereafter as a 'just transition' allows. Each development has the opportunity to help meet that aim. In this case, the proposed development would see the re-use of a previously developed site and it would be sustainably located within the city centre with jobs, shops and services easily accessible by modes of transport other than the private car.
- 7.14. An Energy and Sustainability Statement accompanies the application and sets out the approach for addressing the requirements of BDP policies TP3 and TP4, including:
- reducing energy demand through high fabric energy efficiency, natural ventilation, daylight and solar gains;
  - meeting energy requirements in a way which minimises CO2 emissions; and
  - maximising the use of low and zero carbon energy sources in particular using solar photovoltaics and air source heat pumps (ASHP).
- 7.15. The inclusion of energy efficiency measures would give a CO2 saving of around 2% compared to a Building Regulations compliant baseline, and the solar photovoltaics and ASHP would provide a further 5% reduction. This translates to an overall improvement of 32% over the Target Emissions Rate compared to the recommended reduction of 19% for residential developments set out in the Council's Guidance Note on Sustainable Construction and Low and Zero Carbon Energy Generation.

### **Layout, scale and design**

- 7.16. The layout of the built form is governed by the size of the plot and its relationship to the street. The two wings that converge on the corner sit at the back of the pavement and align through with the redevelopment of the wider block and are therefore acceptable.
- 7.17. On the ground floor, the entrance is appropriately located on the corner, a typical scenario in this part of the city. The Kent Street frontage has had to be dominated by bin storage and cycle storage which is unfortunate but unavoidable. The Gooch Street North frontage has apartments fronting the street which benefit from the fall in topography and this would give a sense of privacy for residents.
- 7.18. The Design and Assess Statement illustrates how the scale of the development has been reduced during negotiations and the eight-storey wings along both street

frontages and the taller 12-storey element on the corner are appropriate and the architectural response adds interest to this form.

- 7.19. In terms of detailed design, a strong, simple grid reflects the utilitarian inter-war and post-war buildings in the area. While principally a vertical building, the horizontality of the mid-20th century Modernist movement is delivered through wide horizontal bands of vertical brickwork delineating every second floor, and between windows on intermittent floors. The simplicity of the brickwork carries the architecture.
- 7.20. The standard windows comprise a simple design, with an integrated ventilation strip through top louvres. Regrettably the requisite 1.5 brick deep reveal that buildings of this size require has (despite discussion) been resisted, thus weakening the quality of the building. That said, brick soffits are secured which helps with quality. Curved glazing on the principal corner, although not a traditional characteristic in the area, would add interest to the elevations at the key focal point of the building. A concrete lintel has been integrated between ground and first floor to define the base.
- 7.21. During the course of the application, a rooftop access and residents' room has been added. Your City Design Manager does not consider this to be an enhancement to the design but acknowledges it is unlikely to be particularly visible from street level. In my view, it would be a benefit to residents and the design is not objectionable.



Proposed Scheme Visual: View of Coach Street North Facade

Figure 4: Proposed architectural detailing

### Landscaping/ecology

- 7.22. Policy DM4 of the Development Management in Birmingham DPD requires all development to take the opportunity to provide high quality landscapes, to maximise the provision of new trees, to create or enhance links from the site to other green infrastructure, and to support habitat creation and enhancement.
- 7.23. The landscaped areas proposed comprise a courtyard garden to the rear which the Planning Statement indicates would incorporate “small trees, low level planting and ground greening” and container-type planting in the rooftop amenity terrace. According to the applicant it is not technically possible in this instance to combine green roofs with the PV panels proposed for the rooftops of the 8 storey wings.





Figure 5: Proposed rear amenity area/cycle parking

- 7.24. The landscape layout is rather basic but a detailed scheme could be secured by condition in the event of approval. The provision of outdoor space is welcome and, in addition to providing amenity space for residents, would give the opportunity to deliver a net gain for biodiversity. The site is of negligible ecological interest at present, given its current use as a surface car park, and vegetation along the site's boundaries offer only limited opportunities for nesting and foraging birds. The site does not contain suitable habitat for other protected or notable species, although some are active within 1km of the site (common pipistrelle bat, black redstart, kestrel, swift, peregrine falcon and starling).

#### Impact on heritage assets

- 7.25. The application is accompanied by a Heritage Statement which concludes that there are no designated heritage assets within or close to the site which would be impacted by the proposed development, and that the site is considered to have a low/negligible potential for significant archaeological remains. Your Principal Conservation Officer agrees with this assessment.

#### Impact on residential amenity

- 7.26. Policies DM2 Amenity and DM10 Standards for Residential Development of the DMB DPD seek to ensure that a good standard of amenity is provided for prospective occupiers and residential neighbours.
- 7.27. For prospective residents, all but 7 of the apartments would meet the Nationally Described Space Standards. These 7 apartments would be the 2 bed 4 person units which would all have a shortfall of 2sqm on the required 70sqm. However they are sensibly laid out internally and all of them would have a good sized balcony of 8.2sqm and, on balance, the amenity they would afford would still be of a satisfactory standard.
- 7.28. In terms of separation distances, Madison House is the closest residential development to the application site and wraps around the block immediately to the south of the application site. Its habitable room windows face Gooch St North, Wrentham St and Kent St and into its own courtyard car park; it has no outdoor amenity space. Proposed apartments would largely overlook the Madison House parking courtyard and the only direct face-to-face relationship would be for habitable

room windows some 42m apart, which is considered to be sufficient to avoid any significant overlooking. As the proposed development is to the north of Madison House there is unlikely to be any significant shadowing or loss of light caused to existing residents either.

7.29. Shared outdoor space proposed comprises the following:

- Shared rear courtyard approx. 250sqm (excluding bike store)
- Shared rooftop terrace approx. 270sqm

7.30. This is the equivalent of 3.9sqm per unit which is considerably below the 30sqm per flat recommended in Places for Living, but this takes account of the city centre location and, subject to suitable landscaping, these spaces could be pleasant, useable spaces for residents.

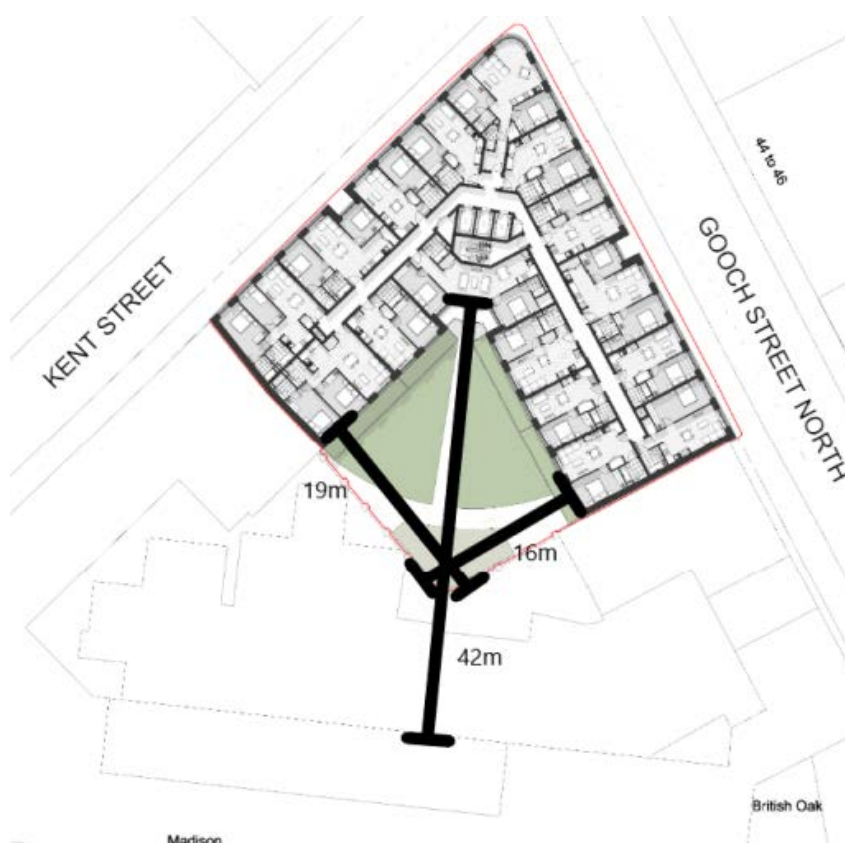


Figure 6: Separation distances to Madison House site

7.31. In addition, the following private external spaces are proposed, which would benefit specific units and add to the range of outdoor spaces available:

- Private balconies for 7 apartments approx. 8.2sqm each
- Private roof terraces for 2 apartments approx. 25sqm each
- Private gardens for 4 ground floor rear-facing apartments

7.32. Shared internal amenity space would comprise:

- a large furnished area at the main entrance to the building (147sqm)
- small amenity room to the rear of the ground floor facing the courtyard (26sqm)
- commercial/amenity area adjacent to the main entrance (62sqm)
- rooftop room with access onto the roof terrace (51sqm)



7.33. Overall, the layout of the development both internally and externally would provide a good standard of amenity for prospective residents without adversely affecting the amenity of existing residents in the vicinity, and in this respect, it would accord with the requirements of BDP policies PG3, TP27 and policies DM2 and DM10 of the DMB DPD.

7.34. I note that Regulatory Services has no objection to the scheme in terms of air quality or contaminated land, subject to conditions, and that the impact of noise from the proposed commercial unit on upper floor residents could be adequately controlled by condition.

#### Noise

7.35. The site lies within an area of the city centre known for its vibrant late night venues. The Nightingale Club on the opposite side of Kent St, approximately 120m east, is open seven days a week into the early hours of the morning, closing sometime between 4am and 6.30am.

7.36. Policy DM6 of the Development Management in Birmingham DPD states that where potential adverse noise impact is identified, the development proposal should include details on how the adverse impact will be reduced and/or mitigated.

7.37. The application is accompanied by a Baseline Noise Assessment (BNA) which identifies the existing noise climate as one which is dominated by road traffic on Bristol Street to the west but with additional intermittent traffic noise from other roads in the vicinity. Further noise is generated in the late evening and night-time period particularly Thursday to Saturday, which is attributable to break-out from the Nightingale together with associated pedestrian and vehicle activity on nearby streets.

7.38. The BNA states that structural components of the building envelope could be expected to provide a sound reduction in excess of 45dB and would not provide a significant pathway for noise break-in; the greatest sound break-in would occur via windows. Standard thermal double glazing would be adequate to mitigate against traffic noise for habitable rooms on all elevations and there is no objection from Regulatory Services to having openable windows in respect of mitigating traffic noise as this is considered to be 'noise without character'.

7.39. Entertainment noise, often at low frequencies, can be mitigated through suitable glazing. The glazing proposed is not considered to be adequate but Regulatory Services accepts a suitable scheme could be secured by condition. However, this mitigation would only work with the windows closed. Neither Regulatory Services or the applicant's noise consultant considers sealed windows to be a desirable solution because they produce a poor internal environment. However, sealed windows have been accepted to a limited extent on other developments in the vicinity as a pragmatic means of facilitating residential development.

7.40. In this case, according to the applicant, the number of apartments needing to have sealed windows would be limited to those where external noise levels exceed 65dB, predominantly those located on the corner of the building overlooking the junction of Kent Street and Gooch Street North. This would amount to 20 apartments which is 15% of the total number, of which 10.5% (14 units) would be fully sealed.

7.41. Regulatory Services does not consider the threshold of 65dB to be justified by the applicant and instead considers 60dB to be more appropriate. Using this threshold would result in 71 apartments having sealed windows, equivalent to 53% of the total number of units.

- 7.42. There is clearly a significant difference in the potential number of sealed apartments as a result of a difference of opinion regarding the noise level threshold for sealing windows. However, it is for the applicant to demonstrate that the scheme works using reliable and justified data.
- 7.43. In the absence of a rationale which Regulatory Services is satisfied with, assuming the worst case scenario of 71 sealed units, I do not consider having more than half of the apartments (53%) within the development with sealed windows to be acceptable. I agree with both the applicant's noise consultant and Regulatory Services colleagues that sealed windows produce lower quality accommodation and although mechanical ventilation can be provided, this results in a somewhat artificial internal environment. Apartments would not be dual aspect so there would be no opportunity to, for example, open a window overlooking the rear of the building to get some fresh air. While some prospective residents would be less concerned than others about the quality of the internal environment and may be content to accept the compromise in favour of living close to the nearby entertainment venues, the NPPF seeks to avoid noise from adversely affecting quality of life and in my view the inability to access fresh air by opening windows would reduce quality of life on a daily basis. BDP policy GA1.1 states that residential development will support in the city centre where it provides "well-designed high quality living environments". The application does not demonstrate that the compromise on quality would be limited to a small number of units and on the basis of 53% needing to be sealed, the development would not result in a well-designed high quality living environment.
- 7.44. In addition to considering the impact of the noise generated by the Nightingale on prospective residents, the NPPF advises that existing businesses should not have unreasonable restrictions placed on them as a result of development permitted after they were established.
- 7.45. I note that sealed windows were not initially proposed and the choice of whether to open windows or not during periods of entertainment noise was to be left to individual residents. This is not considered a suitable mitigation strategy as it would be likely to expose residents to a statutory noise nuisance with the Nightingale as the source.
- 7.46. The NPPG refers to other options for dealing with noise, as does Regulatory Services' *Planning Practice Guidance Note* (PPGN) although this is not a planning policy, which include an agent of change agreement to undertake works to the source of the noise, in this case the Nightingale, and alterations to the design, for example in providing dual aspect apartments where rear-facing windows have less exposure to the noise source and do not need to be sealed. The applicant has not indicated a willingness to enter into an agent of change agreement with the Nightingale and the design is based around apartments off a central corridor so providing dual aspects would require a fundamental re-design. Consequently, in this case sealed windows is put forward as the only realistic option to protect both residents and the Nightingale.

#### **Parking and impact on highway safety**

- 7.47. No car parking spaces are proposed within the application site but 133 cycle spaces would be provided, 72 within an integral cycle store and a further 61 in a detached cycle store at the back of the rear courtyard. The absence of any car parking spaces within the site reflects the city centre location, where access to shops, services and more sustainable means of travel is excellent, and this is in accordance with the Birmingham Parking SPD. For cycle parking requirements the Birmingham Parking SPD refers to "high provision". The proposed 1 space per unit is considered to be acceptable.

- 7.48. In terms of the more general impact on highway safety, Transportation Development note that a cycle lane has recently been installed on Kent Street leaving only a single lane width carriageway for cars.
- 7.49. A section of no parking further west which would allow for servicing to take place, but potentially there may be minor disruption if a refuse vehicle has to wait in the running lane. Given the limited volumes of traffic on Kent Street and amount of time any disruption would last for this is deemed acceptable.



Figure 7: Kent Street carriageway with cycle lane

### Drainage

- 7.50. A Sustainable Drainage Assessment and Operation and Maintenance Plan accompanies the application and, in summary, states that the proposed development is in Flood Zone 1 so the overall risk of flooding is low; there would be no increase on the current impermeable area; and Sustainable Drainage Systems would be introduced including green lawn area, permeable paving areas and underground storage. Surface water discharge would be limited to 5l/s to the public drainage network.
- 7.51. Both the LLFA and Severn Trent Water are content with the proposal, subject to conditions.

### Community Infrastructure Levy/Planning Obligations

- 7.52. The development would not generate a CIL payment as the site is in the Low Market Value Area.
- 7.53. To address BDP policy TP31, which requires housing developments of 15 dwellings or more to provide 35% of dwellings as Affordable Housing, a Financial Viability Appraisal (FVA) has been submitted to demonstrate that the development would not be viable with the full contribution. This has been independently assessed and it is concluded that the development could make a contribution of 8% towards affordable housing, which would provide 11 units comprising low cost housing to be sold at 20% discount to market value in perpetuity. Since the appraisal was assessed, the requirement for First Homes has commenced and would result in the first 25% of the affordable apartments having a 30% discount and the remainder, a 20% discount.

The following figures show these discounts based on a 1 bed/1 person apartment and a 2 bed/4 person apartment:

1 bed/1 person apartment

Expected sales value with no discount: £168,600

Expected sales value with 30% discount: £118,020

Expected sales value with 20% discount: £134,880

2 bed/4 person apartment

Expected sales value with no discount: £257,900

Expected sales value with 30% discount: £180,530

Expected sales value with 20% discount: £206,320

- 7.54. The 8% contribution is well below the 35% target but it is still acknowledged as a benefit of the scheme. Unfortunately, the development cannot make any contribution beyond this, namely to address the requirements of BDP policy TP9 for the provision of open space, and affordable housing is considered to be the higher priority for the Council in this instance.

**Public Sector Equality Duty**

- 7.55. The Equality Act 2010 introduced a new public sector equality duty (the PSED), which cover nine protected characteristics including sexual orientation. This is relevant to the current proposal as it could have an impact upon the Nightingale which is a key venue for the LGBTQ community.
- 7.56. The applicant has worked with the Council over many months to address the impact of noise on its prospective occupants from the Nightingale. The proposed commercial unit could offer additional floorspace to extend the LGBTQ quarter and could provide more activity and natural surveillance to increase safety in this part of the City Centre. However, the absence of suitable noise mitigation, due to the unacceptable extent of sealed windows, threatens the club's ongoing operation.

**Response to public participation comments**

- 7.57. Comments made by two local residents are noted; matters of light and privacy are dealt with at para. 7.27. Comments made by the Birmingham Civic Society are also noted; no matters are raised that are not addressed in various paragraphs above.

**Planning balance**

- 7.58. The proposal would provide 133 apartments including a very modest amount of affordable units in a sustainable location and would make efficient use of a previously developed site which is currently underused. However, the concept of sustainable development is broader than just the location and character of the site and includes the quality of the development and its attractiveness in the long term as part of the social objective set out in para. 8 of the NPPF. Undesirable development which does not provide a good standard of accommodation is unlikely to be sustainable in the long term. The high proportion of units with sealed windows would provide poor quality accommodation which would be contrary to the following policies:
- BDP policy GA1.1. which requires well-designed high quality living environments;
  - BDP policy TP27 which promotes high design quality within the residential environment;
  - BDP policy TP37 which seeks to reduce health inequalities including in respect of noise;
  - DM6 of the DPD which expects developments to be designed to reduce exposure to noise including by taking account of the need to maintain adequate levels of ventilation to habitable rooms; and

- NPPF para. 185 which seeks to prevent noise from giving rise to significant adverse impacts on health and quality of life.

7.59. Furthermore, in the absence of the sealed windows, the development is likely to result in complaints against the Nightingale which may compromise its operation and adversely impact on the viability of the Gay Village more generally. This would go against the aims of NPPF para. 187 which seeks to protect existing businesses from unreasonable restrictions as a result of new development, and BDP policies TP24 and TP25 which encourage a diverse range of uses within centres including cultural facilities and venues.

7.60. As the noise mitigation scheme would have to include a significant number of sealed windows throughout the development, the benefits associated with the proposal, namely the provision of housing, affordable housing and re-use of an inefficiently used previously developed site, would not outweigh the poor quality of the accommodation proposed. In reaching this conclusion, I am mindful of para. 11(d) of the NPPF which requires the granting of planning permission where the most important policies are out of date 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”* (my emphasis).

## 8. **Conclusion**

8.1. Significant work has been undertaken by both the applicant and Council officers in order to fully understand the requirements of the noise mitigation scheme and to assess its effectiveness. Unfortunately, the application does not demonstrate that the scheme put forward would be effective while keeping the resulting undesirable impact on living conditions to a limited extent. While there would be benefits arising from the proposed development, including the provision of housing for which there is a considerable need within the city, these are not considered strong enough to outweigh the adverse impact on residential amenity arising from the use of sealed windows. Furthermore, in the absence of a suitable noise mitigation strategy, the ongoing operation of the Nightingale would be compromised, and no S106 agreement has been completed to secure the affordable housing offered.

## 9. **Recommendation**

9.1. Refuse

### Reasons for Refusal

- 
- 1 The application fails to demonstrate the extent of the use of sealed windows within the noise mitigation scheme and the proposal may result in an excessive number of apartments being sealed. This would be detrimental to the internal living environment of prospective occupiers, significantly and demonstrably outweighing the benefits of the proposal, and in conflict with policies GA1.1, TP27 and TP37 of the Birmingham Development Plan 2017; policy DM6 of the Development Management in Birmingham Development Plan Document; and paragraph 185 of the National Planning Policy Framework.
  - 2 In the absence of a suitable noise mitigation scheme, the proposal is likely to result in complaints from prospective residents of the proposed development concerning entertainment noise generated by the Nightingale nightclub. This may result in unreasonable restrictions being placed on the Nightingale which could affect its operation and the Gay Village more widely. This would be contrary to policies GA1, TP24, TP25 and TP28 of the Birmingham Development Plan 2017; paragraph 187 of the National Planning Policy Framework; and the Public Sector Equality Duty.
-

- 
- 3 In the absence of a suitable legal agreement to secure affordable dwellings the proposal would be contrary to TP31 of the Birmingham Development Plan and the National Planning Policy Framework.
- 

Case Officer: Amy Stevenson



## Photo(s)



Photo 1: View of site (surface car park) looking south into Gooch Street North



Photo 2: View of site looking west along Kent Street





Photo 3: View towards site looking north along Gooch Street North

## Location Plan



This map is reproduced from the Ordnance Survey Material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Birmingham City Council. Licence No.100021326, 2010

---

Committee Date:	18/08/2022	Application Number:	2021/10845/PA
Accepted:	18/01/2022	Application Type:	Full Planning
Target Date:	23/08/2022		
Ward:	Bordesley & Highgate		

193 Camp Hill, Highgate, Birmingham, B12 0JJ

Proposed redevelopment of the site to provide 550 homes and flexible business / commercial floorspace of 1,480sqm (Use Classes E (a, b, c, e, f, g), F1, B2 and B8) in 6 new blocks (A-F) ranging from 3-26 storeys, together with car parking, landscaping and associated works

Applicant:	Camp Hill Trustee No.1 Ltd & Camp Hill Trustee No. 2 Ltd Acting on behalf of Camp Hill Unit Trust, C/o Agent
Agent:	Pegasus Group 10 Albemarle Street, London, W1S 4HH

---

Recommendation

**Approve subject to Conditions**

1. **Proposal:**

- 1.1 The application seeks permission for a total of 550 residential units and 1,480sqm of commercial floorspace. The development would be arranged in six blocks (A-F) ranging from 3 to 26 storeys, together with car parking and landscaping. As set out in paragraph 1.6, this application follows a previous consent granted at appeal.



Figure 1: Proposed Site Layout

1.2 Aside from the six Blocks of development a separate triangular piece of land, located to the east of Bedford Road would accommodate 38 car parking spaces.

- Block A – at the far north of the site reaching 26 storeys in total providing 595sqm commercial space at ground floor level with 158 apartments. The Block would be set back from Camp Hill to create a public plaza space at the north west part of the site. This would be the focal entrance point for the development;
- Block B – part 9 part 8 storeys in height fronting Camp Hill to the west of the site accommodating 105 apartments with 220sqm GIA (252sqm GEA) commercial space at ground level;
- Block C – part 10 part 8 storeys with a frontage to Bedford Road and proposed to accommodate 116 apartments;
- Block D – part 6 part 5 storeys with 61 apartments, fronting Camp Hill to the south west;
- Block E - positioned to the south east of the site fronting Bedford Road part 7 and 9 storeys 104 apartments with 510sqm GIA (562sqm GEA) commercial floorspace; and
- Block F - six four-bedroom townhouses facing Trinity Terrace reaching 4 storeys in height.



Figure 2: CGI of Block A(tower) and Block B fronting Camp Hill

1.3 The applicants have advised that the residential units would operate under a 'Build-to-Rent' model and would comprise the following mix of units,

- Studio apartments: 26
- one bed = 250
- two beds = 172

- three beds = 96
  - four bed townhouses = 6
- = Total 550

- 1.4 Meanwhile the proposed commercial space could provide the following list of uses:
- Class E – shops, food and drink (consumed on the premises), financial and professional services, indoor sport and recreation, medical services, creche, office
  - Class F1 - Learning and non-residential institutions
  - Class B2 - General industry
  - Class B8 - Storage and distribution
- 1.5 It is anticipated by the applicants to be occupied by small and medium size enterprises and microbusinesses as part of the City's Creative Quarter, helping to encourage more start-up and creative business within Digbeth.
- 1.6 The application site lies has a frontage to the Birmingham Moor Street to London railway line and lies close to the former Midland Railway Camp Hill Line from Kings Norton to Water Orton along which three new train stations at Moseley, Kings Heath and Hazelwell have planning permission. There is the intention, as part of the Midlands Rail Hub (MRH) project, to connect these two existing railway lines via a north east and south west 'Chord' which collectively are known as the Camp Hill Chords. Previously in February 2020 the City Council refused an application on this site for 480 residential units plus 1,480sqm of commercial floorspace (ref 2018/09467/PA). The principal ground for refusing the application related to the potential effects on the deliverability of the Camp Hill Chords rail project supported by Policies TP38 and TP41. Following a six day public inquiry the Secretary of State agreed with the Inspector's findings and concluded that were the proposed development to go ahead, the ability to construct the south-west Chord would not be lost and that there would be limited potential for prejudice to delivery of the Chords, with any potential prejudice limited in its extent. The scheme was subsequently allowed on appeal in March 2021.
- 1.7 The amendments proposed within the current scheme comprise:
- changes to the total and mix of residential units;
  - the removal of hotel;
  - a reduction in the overall quantum of internal ancillary space;
  - an amendment to the internal layout of the courtyard and amenity space, removing a row of townhouses creating a single open landscape area increasing the amount of landscaping by 35%;
  - the construction of one additional storey added to Block B;
  - connecting Blocks A (tower), B and C by a curved reception/amenity space at ground floor
  - rationalising the building levels on site to remove previous undercroft parking and siting Blocks C and E behind a retaining wall aligning Bedford Road.
- 1.8 The application has been submitted together with the following documents:
- Design and Access Statement
  - Assessment of Residential Standards



- Planning Statement Including Affordable Housing Statement and Loss of Industrial Land Statement)
- Air Quality Assessment
- Landscape Management and Maintenance Plan
- Energy report
- Fire Statement
- Flood Risk Assessment and Surface Water Run Off Management Strategy
- Heritage Statement
- Noise and Vibration Assessment
- Microclimate assessment
- Preliminary Ecological Appraisal
- Preliminary Environmental Risk Assessment
- Sustainable Construction Statement
- Tall Building report
- Transport Assessment (including Framework Travel Plan and Parking Management Strategy)
- Tree Survey Report
- Arboricultural Impact Assessment
- Financial Viability Assessment
- Waste Management Strategy

1.9 [Link to Documents](#)

## **2. Site & Surroundings:**

- 2.1 The 1.7 hectare site is located at the junction of Camp Hill (B4100) and Coventry Road and comprises of two parcels of land. The first is roughly rectangular and bordered on four sides by Camp Hill, Trinity Terrace, Bedford Road and Coventry Road. The second is a triangular site boarded by the Birmingham Moor Street to London railway, Bedford Road and Bordesley Middleway. The railway line lies atop a viaduct which, to the top of the parapet wall height that measures between approximately 4.75m and 7m above Bedford Road. The railway arches on the east side of the site are currently used as warehouses and garages.
- 2.2 The site previously accommodated single, two and three-storey industrial buildings primarily constructed in the 1970's and used by Sulzer that specialised in pumping solutions, rotating equipment and separation, mixing and application technology. The buildings have been demolished and company has relocated to Birmingham Business Park in Solihull. Bordesley train station is located to the north-east of the Site and the former Grade II listed Trinity Church is located to the south. The boundary of the Digbeth, Deritend and Bordesley High Streets Conservation Area is on the opposite side of Coventry Road to the north of the site. The Grade II listed Clements Arms Public House is located 75m to the north east of the site. The former District and Counties Bank at 123 High Street Bordesley, Bordesley House at 46 Coventry Road and the Coventry Road Canal Bridge are all locally listed and lie approximately 75m to 80m to the north of the site.

## **3. Planning History:**

- 3.1 2019/05434/PA - Application for a prior notification for the proposed demolition of existing buildings. Accepted as not needing prior approval from the Council 25/07/2019
- 3.2 2018/09467/PA Redevelopment of the site to provide 480 no. homes, a hotel (Use Class C1) and flexible business/commercial floorspace of 1,480sqm (Use Classes A1, A2, A3, B1, B2, B8 and D1) in 7 new blocks (A to G) ranging from 3 to 26 storeys, together with car parking, landscaping and associated works. Granted at appeal 8 March 20212000/03945/PA – Erection of single storey extension to provide generator facility – Approved 21/11/00.
- 3.3 2000/04899/PA - Retention of palisade fencing and gate to existing car park on Bedford Road and new bar fencing to Sandy Lane Middleway – Approved 10/10/00
- 3.4 1999/03250/PA - Retention of replacement lean-to extension – Approved 15/07/99

#### **4. Consultation Responses:**

- 4.1 BCC Transportation – No objections to previously appended conditions covering: no development until submission and agreement of Construction Environmental Management Plan, no occupation until a package of highway measures for that Phase submitted and completed, No occupation of each Block/Phase until details of cycle parking associated with that Block have been submitted and agreed to and it has been constructed, surfaced and marked out on site in accordance with the previously agreed details, no use of car park until it has been constructed, surfaced and marked out in accordance with details that shall previously have been submitted. All car parking spaces to be active Electric Vehicle Charging Points (EVCP).
- 4.2 BCC Leisure Services - Although the development is within the city centre it does contain a small percentage of family accommodation and therefore this would also generate a play area contribution. The Public Open Space and play contribution would be calculated as follows: 926 people generated from the accommodation.926 divided by 1000 x 20,000 (2 hectares per thousand population) = 18,520m2 of POS generated.18,520 minus 1225m2 area of a junior play area = 17,295m2. 17,295 x £65 (average cost of laying out POS per sqm) = £1,124,175 + £110,000 (cost of a juniors play area) Total contribution of £1,234,175. This would be directed towards the provision, improvement and / or biodiversity enhancement of POS and the maintenance thereof at Kingston Hill Park and Highgate Park within the Bordesley and Highgate Ward.
- 4.3 Canals and Rivers Trust (CRT) (Latest comments) - Since the appeal decision the Trust has consistently maintained objections to sustainable drainage and CEMP condition discharge submissions given the critical need to assess and protect the Bowyer Street culverted feeder. Acknowledge that discussions with the developers are underway.
- 4.4 More immediate issues or relationships are of less concern, however, the Bowyer Street feeder does go through the development site approximately along the line of Bedford Street. This is an important feeder for the Trust and important the owners and operators are aware of its depth, location, construction type, required function and ensure that it is protected and maintained both now and in the future.



The main issues relevant to the Trust as statutory consultee on this application are:

- a) The impact of the proposed development on the Bowyer Street feeder,
- b) The impact of the proposed development on water quality and drainage,
- c) Connectivity of the site with its surroundings and associated active travel opportunities

CRT advise that suitably worded conditions are necessary to address these matters.

- 4.5 Feeder protection and retention - The identification of the location of our Bowyer Street feeder, its current condition and how it will be protected during construction and future operation of the site is important to us. Full detail on this is required including a CCTV survey of its current condition. Any use of piled foundations and alteration to ground levels to provide underground car parking has the potential to cause damage to the feeder. Prefer this information to be included in the planning submission, but if a good reason for its omission is provided, it could potentially be covered by the imposition of conditions. We also note that the matter would be likely to have an impact on the land stability of the site and this is a material planning consideration. Request the replication of previous appeal conditions regarding the sustainable drainage for the site.
- 4.6 Water quality and drainage - Works of demolition and construction should not result in the pollution of the canal environment, both to protect water quality and the environment for users of the water and towpath. Noise and air pollution experienced by towpath users and boaters should be included in the compilation and consideration of these details. Request replication of appeal condition regarding a CEMP for the demolition and construction phases of the development of the site.
- 4.7 Connectivity - Consider that residents and employees on this site will need to commute into the city centre and also further out using non-car modes, and the canal network provides a good option for this. It also provides opportunities for the health and wellbeing of those on the site such as a tranquil space for lunchtime escape. It is therefore important that wayfinding is introduced. Therefore, seek a small contribution towards improving the accesses onto the canal towpath at Coventry Road and Lawden Road and providing improved signage at both of these and the installation of some interpretation of the impact of the site on the views from the canal network in the Lawden Road area. We support opportunities to improve pedestrian crossing opportunities across the Bordesley Middleway adjacent to the site. Request a condition requiring the approval and implementation of residential and workplace Travel Plan(s), upon which the Trust requests that it be consulted.
- 4.8 Other matters - no concerns on heritage matters. However, it should be noted that the outward views from the canal towards the city and the listed Trinity Church building will change significantly as a result of the height, bulk and mass of the proposal, hence the requirement above for some interpretation of this in the area. Finally, request a condition for a lighting scheme covering both demolition and construction phases to ensure light spill onto the canal corridor and sky glow are minimised.
- 4.19 Civic Society - No observations on the recent proposed changes which are mainly amending the mix of housing sizes. Good to see more homes in a sustainable location, a new residential community here will hopefully attract businesses and spur

further redevelopment of an entirely activity free part of the City. The proposal represents much needed investment in the Camp Hill area and it is hoped that the new development will stimulate regeneration proposals for the derelict former Brewer and Baker Public House, the railway arches on Bedford Road and provide a suitable setting for Holy Trinity Church. Hoped that it will encourage more rail services from Bordesley Railway Station. However, there must be sufficient facilities in the area for families to thrive, including schools and healthcare provisions and essential that these are provided for through a S106 agreement / CIL. Disappointing for such a large application that a district heating scheme or a connection to one is not included. In terms of heritage the Secretary of State concluded that the benefits of the appeal scheme were collectively sufficient to outbalance the identified 'less than substantial harm' to the significance of Holy Trinity Church. However, positive aspects of the application include, 10% of the units to be wheelchair accessible, the employment/commercial space, private amenity space and pockets of public open space, 25 EV parking spaces and over 700 cycle spaces including 70 for the public and finally there would be a net gain of bio-diversity. On balance the provision of parking is sufficient, but is there mechanism to ensure spaces are allocated to those with specific need, whether key workers / emergency workers who cannot use public transport due to unsociable shift patterns, or those with disabilities that mean car use is essential? The phasing plan should be amended so that the impressive public realm is delivered at the same time as the first blocks. There is a complete absence of greenery in the area, so completing the central garden early on will replicate the success of doing so at Brindley Place as well as ensure that rental uptake is strong. The car park triangle needs to be safeguarded and later relinquished to facilitate the construction of the Camp Hill Chords so some reference should be made to that in the documents. In summary, we support the application but would encourage the above points to be addressed.

- 4.20 BCC Education – Request for total contribution of £1,435,309.73 towards provision of education services from nursery to secondary school.
- 4.21 Historic England – Whilst we have no objection to the principle of redevelopment, we are concerned regarding the less-than-substantial harm this scheme would cause to the significance of the Grade II listed Holy Trinity Church and to the Digbeth, Deritend and Bordesley High Streets Conservation Area through development within their settings.
- 4.22 We would urge the Council's expert conservation staff to explore ways in which the scale and layout of the proposed scheme could better respect the surrounding heritage assets, avoiding and minimising harm wherever possible. Such harm should only be permitted if it would be outweighed by public benefit.
- 4.23 With the site's relationship to neighbouring heritage assets in mind, we would draw your attention to the statutory duties of the local authority set out in section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and the requirements of sections 12 and 16 of the National Planning Policy Framework (NPPF).
- 4.24 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, irrespective of the level of harm. Any harm to, or loss of, significance of a designated heritage asset should require clear and convincing justification. Where a

development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. Section 16 of the NPPF also calls for local authorities to look for opportunities for new development within conservation areas, and the setting of heritage assets, to enhance or better reveal their significance. Section 12 of the NPPF calls for well-designed places, ensuring that developments are sympathetic to local character and history, and establishing a strong sense of place.

- 4.25 Historic England's Position - We have no objection to the principle of the site's redevelopment. This presents a positive opportunity to bring economic, social and environmental benefits through a careful and respectful approach to development and to design, in the way national legislation and policy requires, and to which the historic environment is an integral part. Unfortunately, the current approach to the site's redevelopment would instead cause harm to the significance of surrounding heritage assets.
- 4.26 The Grade II listed Holy Trinity Church is a clear landmark, emphasised in its gothic architecture and constructed on a high point in the topography. Despite the efforts made in the proposed layout to reduce heights directly opposite the church, the proposed tower, and many of the adjacent larger blocks, would still challenge this prominence in overwhelming the church's comparatively modest scale, resulting in harm to its significance.
- 4.27 We fear this scheme would exacerbate the cumulative impact of a growing number of out-of-scale buildings within the setting of the Digbeth, Deritend and Bordesley High Streets Conservation Area. It introduces a scale more suited to the City Centre, but the location is a low-scale industrial suburb and key historic route into Birmingham.
- 4.28 In all cases we consider that this will lead to 'less than substantial harm' as referred to in the NPPF, requiring great weight to be given to the asset's conservation, irrespective of the level of harm. Any harm or loss requires clear and convincing justification. Such harm should only be permitted if it would be outweighed by public benefit.
- 4.29 Recommendation - HE has concerns regarding the application on heritage grounds. Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice. If there are any material changes to the proposals, or you would like further advice, please contact us.
- 4.30 Network Rail – No objection. The comments made with respect to the previous scheme in 2018 stand. We would remind the applicant of operational noise and asset protection issues. Network Rail would like to invite the applicant to meet with us and discuss the respective schemes.
- 4.31 Severn Trent Water - No objections to the proposals subject to conditions to (1) require the submission of drainage plans for the disposal of foul and surface water flows, and (2) ensure the agreed details are. This is to ensure that the development is provided with a satisfactory means of drainage as well as to prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution. Severn Trent

Water advise that there is an unknown sized public surface water sewer located within this site. Like to see foul sewage discharge to either the public 450mm combined sewer, or to the public 300mm foul sewer; the drainage plan shows it is proposed to discharge to the latter we have no objection to this. Surface water is proposed to discharge to the public 450mm surface water sewer with unknown proposed discharge rate. Before we would consider a connection to the public surface water sewer, we would require the use of soakaways to be investigated.

4.32 Police – Comments as follows:

- Development to be undertaken to the standards laid out in the Secured by Design 'Homes 2019' guide;
- recommend that a lighting plan for the site be produced for the wider site;
- welcome the proposals to control access into the private communal garden areas;
- strongly recommend that any boundary, including gates, that abuts a publicly accessible space, be no lower than 2.1 m in height;
- suggest that there is the potential for a shortfall of parking which could lead to parked vehicles on the surrounding public highways;
- Cycle parking would appear to be sufficient;
- recommend a planning condition to require CCTV covering all of the apartment blocks, all car and cycle parking areas, the communal public space areas, external views of all entrances to the blocks, lifts, stairwells and lobbies and internal, facial views of anyone entering the building through any access point;
- recommend that all of the green public open space areas be the subject of a clear maintenance program in line with the Design 'Homes 2019' guide to ensure that any plants / trees do not become overgrown, thus reducing visibility, creating shadowed areas where offenders can hide and adversely impacting on the CCTV coverage;
- recommend that access to the separate areas of the buildings be restricted to those that need the access, i.e. if another user doesn't need access to an area, or floor, then they should not be able to do so;
- recommend that any communal entrance area to a residential aspect of the site should be controlled by two layers of security;
- Note that all access points into all the apartment blocks have video intercom access control and that no trades buttons will be fitted and that post will be delivered to a bank of individual post boxes in the foyer;
- recommend that the retail / commercial units be fitted with an intruder alarm and be covered by CCTV;
- the children's play areas within the communal garden areas should be installed with equipment that is age appropriate to the target group;
- Any roof terraces within this site should include a suitable boundary treatment around the accessible areas to adequately prevent accidental falls over the boundary or intentional attempts to self-harm. Recommend a barrier no lower than 2.0 m in height and of a clear anti-climb design and any furniture be located so it cannot be used as a climbing aid, all of the roof area be covered by CCTV cameras, suitable signage is installed on the roof and on all the approaches to it, offering advice, support and signposting anyone considering self-harm.

- 4.33 Environment Agency – No objections. The site is located upon the solid geology of the Sidmouth Mudstone Formation, which is designated a Secondary B Aquifer by the Environment Agency. Superficial Glaciofluvial deposits are also indicated, which are designated a Secondary A Aquifer. The site is not within a groundwater Source Protection Zone. The Preliminary Environmental Risk Assessment contains a summary review of previous Phase I & Phase II investigation reports by Environ (dated 2006). We understand the site has had an extensive industrial history and was most recently occupied by Sulzer, a specialist engineering company. Groundwater was not encountered at any location. Previous investigations of the site did not detect significant concentrations of contaminants with the potential to impact controlled waters receptors. Given the relatively low sensitivity of controlled waters receptors in this location, we do not consider that further works in relation to site investigation or remediation for controlled waters purposes currently appears warranted. Recommend a condition to ensure that should any significant contamination be identified during the re-development then it is appropriately dealt with.
- 4.34 Sport England (SE) (comments made in respect of original plans with 563 units) - In the absence of an agreed section 106 contribution towards additional sporting provision, SE objects to this application. The occupiers of new development, especially residential, will generate demand for sporting provision. The existing provision within an area may not be able to accommodate this increased demand without exacerbating existing and/or predicted future deficiencies. Therefore, SE considers it should contribute towards meeting the demand that they generate through the provision of on-site facilities and/or providing additional capacity off-site. The current application proposes a greater number of dwellings in lieu of the proposed hotel.
- 4.35 Based on 563 dwellings the population of the proposed development is estimated to be 957 people. The SE Sports Facilities Calculator (SFC) indicates this would generate a demand for £185,207 towards swimming pool provision and £176,697 towards sports hall provision. SE are aware that the City Council are currently exploring the need to either refurbish or replace the swimming pool at Small Heath Leisure Centre. Notwithstanding the investment to improve the quality of the sports hall at Nechells Leisure Centre the rest of the centre is considered to be in need of modernisation, including improving the reception, changing rooms and toilets etc. The outside courts would also benefit from some improvements.
- 4.36 SE have developed a Playing Pitch Calculator which can be used to calculate projected demand for playing pitches. For the proposed development, this would potentially generate a total playing pitch contribution of £317,925. There is unlikely to be existing capacity to absorb the demand generated by the development and therefore SE wish to see a contribution secured to invest in a locally identified priority(s) in accordance with the forthcoming Playing Pitch Strategy.
- 4.37 Summary of contributions - Built Indoor Sports Facilities Sum: £361,904; Playing Pitches Sum: £317,925. SE notes that the applicant has submitted a viability appraisal seeking to make the case that the development cannot sustain any section 106 contributions to be a viable development. Notwithstanding this, given that there is a clear need for sports facilities generated by the proposal, in the event that the City Council concludes that a package of developer contributions is required, SE would

make the case that a contribution to sport should be prioritised. In the absence of an agreed section 106 contribution, Sport England wishes to object to this application.

- 4.38 Active Design - The site offers some opportunities for the provision of outside space for physical activity within the courtyard and roof terraces which are welcomed. These spaces should be large enough to cater for pop-up activities. Choice of materials, lighting, street furniture etc will be important to accommodate as broad a range of activities as possible. The development should be provided cycle storage and cycle parking in accordance with the City's. There may be opportunities to enhance accessibility to existing open space via improvements to wayfinding and other public realm enhancements, including for instance routes to Highgate Park and Farm Park.
- 4.39 Midlands Connect - Content that this revised application does not worsen the situation from a Midlands Rail Hub perspective.
- 4.40 BCC Employment Team – No objections subject to employment condition.
- 4.41 Birmingham Airport – No objections subject to the following planning conditions:
- No development shall take place until a Bird Hazard Management Plan has been submitted to and approved in writing by the Local Planning Authority in consultation with Birmingham Airport. Thereafter the scheme shall be implemented in accordance with the approved details. To reduce the potential for bird strikes at Birmingham Airport in accordance with Civil Aviation advice.
  - Construction equipment i.e., cranes should not exceed 150 metres in height (AGL) without an assessment against Birmingham Airport published Instrument Flight Procedures (IFPs).
- 4.42 West Midlands Fire Service – Requirement to meet following sections of Approved Document B, Volume 1, Dwellings 2019 pursuant to Buildings Regulations 2010. Failure to meet these requirements may result in an objection and an unsatisfactory proposal. Requirement B5: Access and facilities for the Fire Service (Section 7: Compartmentation/sprinklers – flats, Section 13 Vehicle access, Section 14: Fire Mains and Hydrants – flats, Section 15: Access to Buildings for Firefighting Personnel – flats)
- 4.43 The Moseley Society – Our interest is limited to the impact these proposals might have on the construction of the railway chords at Camp Hill. We note that Network rail have confirmed that the application is clear of any areas required for construction of the chords and the Noise and Vibration Assessment confirms that the intensification of railway movements associated with the Chords will not have an adverse impact on residents' amenity.
- 4.44 BCC Conservation – The application site itself developed in the mid-late 19<sup>th</sup> century and was occupied by terrace houses and a small number of light industries. The site is within the immediate setting of the grade II listed former Church of Holy Trinity which has been identified as the earliest surviving gothic revival church in Birmingham. Built in the early 1820's the former church occupies an elevated position with its highly distinctive roofline of four pinnacles. The widening of Camp Hill has resulted in the church now set back from the main road on Old Camp Hill.

- 4.45 Other listed and locally listed buildings are located within the vicinity of the development site include the grade II listed Clements Arms Public House on Coventry Road and the locally listed Bordesley House, no.46 Coventry Road.
- 4.46 The northern boundary to the site is adjacent to the southern boundary of the Digbeth, Deritend and Bordesley High Streets Conservation Area and therefore forms part of the setting. Whilst this part of the Conservation Area has limited historic interest within the overall context of the Conservation Area, the locally listed former Barclays Bank at 123, High Street has some inter-visibility with the site and will need consideration.
- 4.47 The application follows a previously approved application. Although the proposed scheme differs to that approved in terms of the number of blocks and alterations to the storey heights of some blocks, the amendments are considered not to be to a degree significant enough to alter my original comments on the approved application.
- 4.48 Due to the scale of the development, including the tall building element, it was identified as part of the original scheme that a number of heritage assets in close proximity to the development site would need to be considered based on the following potential indirect impacts:
- Impact on the setting of the listed church;
  - Impact on the setting of the Conservation Area; and
  - Impact on the setting of other listed and locally listed buildings.
- 4.49 The 2018 application was refused at Planning Committee although, not on heritage grounds. As a result of heritage being covered within the scope of the appeal, the Secretary of State (SoS) concluded some harm to Holy Trinity Church, but no harm was concluded to the other identified heritage assets. Based on these conclusions the Heritage Statement deals only with the potential impacts of this development on the Church and other assets are scoped out of the assessment. Whilst I understand the rationale behind this position, as the LPA identified some harm to the Digbeth, Deritend and Bordesley High Streets Conservation Area, the grade II listed Clements Arms P.H. and the locally listed No.123 High Street and No.46 Coventry Road as part of the 2018 application, it would be inconsistent not to acknowledge this harm as part of this application.
- 4.50 Impact on the setting of the listed church - The church is a prominent, landmark building which is visible in the immediate and wider townscape. The setting of church has been much altered over the years. The 2021 Heritage Statement sets out the position of the Inspector who previously noted that although views from the south and west would be unimpeded by the development, its dominance would be challenged to some extent in views on the approach from Deritend High Street to the north, moving south onto Camp Hill, and in views from the railway to the east. The overall design and layout of the appeal scheme has been modelled so as to reduce its impact on the setting of the Church and there is agreement that any harm in this regard be at the lowest end of less than substantial harm. The Inspector considered that the benefits of the appeal scheme were collectively sufficient to outbalance the identified 'less than substantial' harm to the significance of Holy Trinity Church.
- 4.51 Whilst the loss of these townhouses is regrettable, I can accept that there will be some improvement of the views of the church and some additional landscaping



benefits. I would not say this is necessarily beneficial to the overall scheme but consider it to be a neutral change on balance. I think it is reasonable to conclude that the changes to the scheme do not substantially alter the harm agreed as part of the original scheme. The changes are considered to have an overall neutral impact and therefore will sit at lowest end of 'less than substantial harm'.

- 4.52 Impact on the setting of the Conservation Area - No further assessment of impact has been made in the 2021 Heritage Statement based on the conclusions of no harm at the appeal decision. However previously I responded that the close proximity of the application site to the boundary of the Conservation Area determines that it forms part of its setting. Due to the scale of the proposed development there will be some inter-visibility between the site and the Conservation Area, and the issue here is whether the development can be considered to cause harm to its setting. The existing cleared site currently offers little in the way of a positive contribution to the setting of the Conservation Area and the regeneration of this site has the potential to provide an economic benefit to the area. The tower has a slender appearance and would introduce some activity at street level. Additionally, it has been positioned so as to allow for some public realm enhancements which are considered to be an enhancement to this area and the setting of the conservation area. Taking this into account, the level of harm caused to setting of the Conservation Area through the introduction of an uncharacteristic tall building would be at the very lowest end of less than substantial harm.
- 4.53 Impact on the setting of other listed and locally listed buildings - No further assessment of impact has been made in the 2021 Heritage Statement based on the conclusions of no harm within the appeal decision. I previously commented that due to the proposed scale of this development, particularly the blocks along Bedford Road and the tower on the corner of High Street, Camp Hill and Coventry Road, the scheme would have some impact on the low scale listed and locally listed buildings in the vicinity. There is a greater degree of inter-visibility between the proposed development and the locally listed 123, High Street particularly the tower element and the development is considered to form part of the immediate setting of this building. I do not completely agree that no harm would be caused to the setting of these buildings. The scale of the development, particularly the tall building element would introduce a much larger, city centre scale into the immediate townscape setting of these buildings, creating a dominant element which would diminish the ability to understand these buildings in their existing and generally low-scale setting, causing some harm. With regards to the grade II listed Clements Arms P.H. the harm would be 'less than substantial' at the very lowest end of the scale. To No.46 Coventry Road and No.123 High Street, both locally listed non-designated heritage assets, the degree of harm would be considered to be low.
- 4.54 Summary - The changes made to the approved scheme are not considered to substantially alter the harm agreed as part of the original scheme. The changes are considered to have an overall neutral impact on heritage significance and therefore the levels of harm concluded as part of the consented scheme remain. These levels will sit at the lowest to the very lowest end of 'less than substantial harm' and relate to the following heritage assets:
- Grade II listed Holy Trinity Church- less than substantial harm at the lowest end of the scale

- Digbeth, Deritend and Bordesley Conservation Area- less than substantial harm at the very lowest end of the scale
  - Grade II listed Clements Arms P.H.- less than substantial harm at the very lowest end of the scale
  - Locally listed Former bank, No.123 High Street- low degree of harm
  - Locally listed No. 46. Coventry Road- low degree of harm
- 4.55 The harm arises in all cases through development in their setting. As the level of harm is 'less than substantial' to three designated heritage assets then the tests of paragraph 202 of the NPPF apply and the planning case officer must be satisfied that the public benefits of the scheme outweighs this harm. As there is a low level of harm to two non-designated heritage assets then the tests of paragraph 203 of the NPPF apply and a balanced judgment made on the level of harm caused to the significance of these assets and the benefits of the scheme as a whole.
- 4.56 BCC Trees – No objection subject to a condition to require an Arboricultural Method Statement.
- 4.57 BCC Ecology – No objections subject to conditions.
- Removal of Invasive weeds on site – method statement: to refer to Japanese knotweed
  - Scheme for ecological/biodiversity/enhancement measures;
  - Bird/bat boxes;
  - Implementation of acceptable mitigation/enhancement: to refer to Preliminary Ecological Appraisal;
  - Biodiversity roof condition.
- 4.58 Grand Union Canal SLINC is less than 100m to the east; the canal corridor forms part of the City's nature network, providing habitat resources and ecological connectivity for urban wildlife. The Snow Hill-Solihull Railway, c. 50m to the east, and identified by EcoRecord as a Potential Site of Importance (PSI), performs a similar ecological function. EcoRecord holds records of a variety of protected/notable species within 1km of the site, including common pipistrelle, hedgehog, kestrel, black redstart and house sparrow.
- 4.59 As part of the Preliminary Ecological Appraisal (PEA) the site was assessed for its potential for bats and nesting birds although no features suitable for roosting bats were identified. No obvious features suitable for nesting black redstart were observed. Whilst the site provides opportunities for hedgehog (foraging/commuting/shelter) it is unsuitable for other protected/notable species. The PEA recommendations relating to ecological mitigation measures to be implemented during demolition works are no longer appropriate.
- 4.60 The buildings and trees provide suitable habitat for nesting birds. The PEA sets out details of the mitigation measures to minimise the risk of harm to nesting birds and to ensure compliance with the legal protection afforded to wild birds and their nests. The measures should be secured by condition.
- 4.61 The PEA includes precautionary measures to minimise the risk of harm to hedgehog; again, implementation of the recommended measures should be secured by

condition. The invasive species Japanese knotweed must be removed as part of the development works. A condition should secure details of an invasive species method statement. I note the results of the PEA are considered valid for three years. Therefore, if development, including site clearance/demolition, has not commenced by the beginning of December 2024, an updated survey should be completed. This requirement should be secured by condition.

4.62 The PEA refers to the proposed features which will enhance the site's ecological value:

- Soft landscaping - enhanced existing planting, rain gardens and green roofs. New planting would include ecological beneficial species – native species and/or ornamental varieties with proven ecological value (e.g. plants on RHS' Perfect for Pollinators list);
- Bird boxes – installed in trees or buildings. Integral bird bricks are preferable to externally mounted boxes; boxes should be selected which suit species recorded in the surrounding area, notably black redstart and house sparrow.
- Insect hotels;
- The Proposed Landscape Plan shows ground level planting, roof terrace gardens (Blocks B and E), green (biodiverse) roofs (blocks C and D) and areas for solar panels. At ground level, planting would include trees, hedges, ornamental shrubs and perennial planting, rain gardens and lawns. Areas of nature play, scented gardens and community forest/play are proposed for the central park / community lawn area. Introducing new green infrastructure such as this into development schemes is strongly supported; it is an essential component of the council's approach to tackling the climate emergency and delivering its City of Nature vision (as articulated in the emerging Our Future City Plan).

4.63 I am supportive of the biodiversity / green infrastructure provision proposed. The indicative planting mixes on the Landscape Proposal drawing include a good proportion of ecologically beneficial species. The detailed planting scheme continues to prioritise the selection of native species and ornamental varieties with proven ecological benefits. For areas of lawn, flowering lawns should be specified in preference to a general amenity grass mixture. Further details of ecologically beneficial planting must be secured by condition.

4.64 For the biodiverse roofs on Blocks C and D, the design must focus on creating features that will benefit invertebrates and foraging birds such as black redstart. I note areas for solar panels are identified on Blocks A, B, C, D and E. Biodiverse roofs and PV panels, both to be welcomed as sustainable design features, are not mutually exclusive. It is becoming increasingly common to establish vegetation beneath solar panel arrays (biosolar green roofs) and research shows that green roofs can boost the performance of solar panels. Biodiverse roofing should therefore be extended across areas of the roofs allocated for PV installation.

4.65 Details of the design of the biodiverse roofs for Blocks C and D and biosolar roofs for Blocks A, B, C, D and E, including an explanation of their ecological design features, should be secured by condition. The proposals include provision of a small number of bird boxes. There is scope to provide a significant number of integral bird boxes (i.e. nest boxes built into the fabric of the new buildings), suitable for species typically

associated with nesting in buildings (e.g. house sparrow, black redstart, swift). In addition, integral bat roost units should also be provided.

- 4.66 HSE Fire Safety – Raise concern regarding the proposed means of escape in Block A and fire service access and facilities to Blocks B, C and E. Any design changes to resolve these issues will affect land use planning considerations relating to design, layout and appearance of the buildings. Recommend consideration of a qualitative design review QDR for Block A to assess the implications of fire safety systems failure or foreseeable events. The outcome of the QDR may affect land use planning considerations such as layout and appearance of the development, and the number and configuration of dwellings. The spiral external staircase in Blocks C and E would not be considered suitable for people with mobility impairments. Fire safety standards state that the external staircases should be protected from adverse weather. Section 8 of the Fire Statement identifies departures from the fire safety standards relating to open plan flat layout. It is unclear from the information provided whether a Computational Fluid Dynamics (CFD) review has yet been completed in order to provide suitable justification for any departures. Floor plans for Block A (all floor levels), Block B (ground to 7th floor), Block C (ground to 7th floor) and Block E (ground to 6th floor) and Block D (Ground floor to 4th floor) all identify that there is no suitable corridor sub-division separating the two staircases. Therefore, smoke within the corridor would affect both staircases in the event of fire. All power supplies, electrical wiring and control equipment relating to the proposed photovoltaics should be provided appropriate levels of protection against fire.
- 4.67 Local Lead Flood Authority – Object to the proposed development as submitted because the proposed drainage strategy fails to meet the minimum requirements of Planning Policy TP6 and the minimum requirements of paragraphs 167 to 169 of the NPPF. It should be noted that the LLFA require that all development (greenfield & brownfield) limit surface water discharge to the equivalent site-specific greenfield runoff rate for all return periods up to the 1 in 100 year plus climate change event. (The minimum climate change allowance that could be applied to the development is 40%). Request the following information is submitted:
- Explanation of the discrepancy between the site area quoted within the Flood Risk Assessment and Drainage strategy, and the site area described within the Application form and supporting documents that could result in the under provision of drainage attenuation and invalidate any supporting calculations;
  - The Drainage Strategy has calculated a series of different return periods and corresponding greenfield discharge rate and suggests a multistage discharge. This proposed discharge rate is not supported by correspondence from Severn Trent Water confirming that they would accept this approach and surface water discharges of up to 19.2 l/s.;
  - Soakaway testing should be undertaken to determine if infiltration of surface water is viable. If soakaways are proven to be unviable and the proposed discharge outfalls to a public sewer, written confirmation to the developer, demonstrating that the proposed discharge rate and location are acceptable to Severn Trent Water is required
  - SuDS including rainwater gardens and green roofs are proposed which are excluded from the drainage design that could reduce the discharge rate further and allow the development to meet a maximum discharge rate of 7.5 l/s (QBAR). Without confirmation from Severn Trent Water that the discharge rate

and location are acceptable to them, Birmingham LLFA must object to the development;

- The LLFA actively promote and encourage the implementation of SuDS. Evidence is required demonstrating that all SuDS features have been considered along with justification of why features have been discounted; the use of below ground attenuation should only be considered if above ground attenuation is proven to be unviable;
- the drainage strategy only includes below ground attenuation, this is contrary to the proposed Landscape Strategy (which includes Permeable paving, Rain Gardens, green roofs, Tree pits and Grasscrete parking areas);
- Detailed calculations, with supporting network layout plan, to demonstrate the proposed network performance (for all events up to and including the 100yr plus 40% climate change event) are required;
- Consideration should be given to exceedance. Evidence should be provided to ensure that the surface water flood risk associated with exceedance events has been mitigated on- and off-site;
- Cross sections of SuDS and Drainage infrastructure should be included for review;
- Proposed finished floor levels should be designed to mitigate risk of flooding to people and property; and
- Consideration should be given to the Operation and Management of all proposed surface water features.

(Officer comment – The applicants have submitted a Flood Risk Assessment and Drainage addendum. The LLFA's response will be reported verbally)

4.68 BCC City Design - In chief the application remains largely in accordance with Development Plan policies concerning design. On balance the additional 35% of open space in the central courtyard is welcomed along with the improved daylight and sunlight conditions to the various blocks. Amendments and further amendments have in part addressed concerns over boundary treatment/gates, scale/form, colour of brickwork (red/orange not buff) and landscaping (simplified without complicated water features that will likely fail). The Design and Access Statement references brick cladding and modular construction. This presumably means brick slips and a system of construction where completed panels are shipped to and assembled on site. Whilst this is regrettably a direction of travel in the construction industry, there are acceptable and bad solutions available. This matter should be conditioned if this application is to be supported to ensure (1) brick pistons are used for soffits and (2) joints of the modular panels of construction are not down the centre of brick piers but integrated to windows (as there is so little modelling to forgive losing these joints). In summary the changes to the design, materiality and landscaping have followed the typical path of inevitable deterioration, but enough of the original quality design is present to ensure that the scheme does meet the tests of good design set out in the NPPF and the policies within the BDP. Conditions as per previous application:

- Materials;
- Details of reveals and soffits;
- Details of the modular system of construction to illustrate the position of the joints and how this will be mitigated;

- Details of the brick slips including bonding, which for the avoidance of doubt shall be Flemish bond, and pistol bricks to achieve soffits in the brick sections of the façade;
  - Details of windows, doors, railing, balustrades, parapets and capping;
  - Landscaping – amended plan and a commitment to delivering larger trees; and
  - Details of new controlled gates (in place of the former central route).
- 4.69 Regulatory Services – Rail noise has been identified as being significant, to the extent windows need to be closed and alternative ventilation provided to meet BS8233. Given a worst case scenario has been adopted for each façade and this is based on changes to the rail chord, I am satisfied a noise mitigation scheme based on this data can be produced prior to the construction of each block. No objections to the application subject to the following conditions:
- i. Contaminated land - Requires the submission of unexpected contamination details if found;
  - ii. Contamination Remediation Scheme;
  - iii. Contaminated Land Verification Report;
  - iv. Construction phase - Construction Site Delivery Hours;
  - v. Construction Method Statement/Management Plan;
  - vi. Commercial units - Extraction and Odour Control Details;
  - vii. Noise Levels for Plant and Machinery ;
  - viii. Limits the noise levels for Plant and Machinery;
  - ix. Noise Mitigation Scheme for each Block; and
  - x. Requires the provision of a vehicle charging points
- 4.70 No comments have been received from Transport for West Midlands, Health & Safety Executive, Inland Waterways, West Midlands Rail Executive or West Midlands Combined Authority.

## **5. Third Party Responses:**

- 5.1 The application has been publicised by press and site notices and by notifying neighbours. The following comments have been received from two neighbours:
- If the proposal were to prejudice future development of the site to facilitate rail access from Moseley into Moor Street Station on the Camp Hill Line, I would object to the application as this rail access would be of great benefit to many Moseley residents;
  - 24 hours a day 7 days a week access is required to the Church;
  - Concern at dust, noise levels, management of construction traffic, duration of works;
  - The redevelopment should not cause any major disruption to our ability to worship, carry out our community activities and our safety.
- 5.2 Councillor Shabrana Hussain – No objections
- 5.3 In respect of the previous application in 2018 a total of 46 individual letters of objection were received from neighbours in addition to objections submitted by the following community and local action groups: Confederation of Passenger Transport UK, Russell Road Residents' Association, Campaign for Better Transport, Moseley Liberal Democrats, Campaign for Rail, Balsall Heath Forum, Shakespeare Line Promotion Group and the Solihull & Leamington Rail User Group. None of these groups have responded in respect of the current application.



- 5.4 The applicants also launched local consultation exercise in November 2021 through the delivery of a community letter to 600 separate addresses around the site. No comments were received. Local ward members elected representatives that had shown an interest in the original scheme and other stakeholders who had made representations to the Council previously on the original scheme were also contacted directly. Despite reaching out to key people the applicant's agent has advised that no meaningful feedback was received.

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

### **6.1 National Planning Policy Framework (if relevant)**

Paragraph 7 - the purpose of the planning system is to contribute to the achievement of sustainable development;

Paragraph 11 - for decision-taking, this means approving development proposals that accord with an up-to-date development plan without delay;

Paragraph 47 - planning permission be determined in accordance with the Development Plan unless material considerations indicate otherwise;

Paragraph 59 - objective of boosting the supply of homes;

Paragraph 91 - planning policies and decisions should aim to achieve healthy, inclusive and safe places which promote social interaction, are safe and accessible, and enable and support healthy lifestyles;

Paragraph 109 - development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe;

Paragraph 117 - make as much use as possible of previously-developed or brownfield land;

Paragraph 122 - planning policies and decision should support development that makes efficient use of land;

Paragraph 123 - where there is an existing or anticipated shortage of land for meeting identified housing need ensure that developments make optimal use of the potential of each site.

Paragraph 127 - planning policies and decisions should ensure that developments function well and add to the overall quality of the area;

Paragraph 189 - applicants should describe the significance of any heritage assets affected, including any contribution made by their setting;

Paragraph 197 - the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining an application.

Paragraph 202 – harm to a heritage asset should be weighed against the public benefits

Paragraph 203 – the effect on the significance of a non-designated heritage asset should be taken into account.

### **6.2 Birmingham Development Plan 2017: (if relevant)**

PG1 Overall Levels of Growth

GA1 City Centre

GA1.3 (The Quarters)

TP1 (Reducing the City's Carbon Footprint)

TP2 (Adapting to Climate Change)

TP3 (Sustainable Construction)

TP4 (Low and Zero Carbon Energy Generation)

TP6 (Management of Flood Risk and Water Resources)  
 TP8 (Biodiversity and Geodiversity)  
 TP20 (Protection of Employment Land)  
 TP21 (The Network and Hierarchy of Centres)  
 TP25 (Tourism and Cultural Facilities)  
 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: (if relevant)

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

6.4 Supplementary Planning Documents & Guidance:

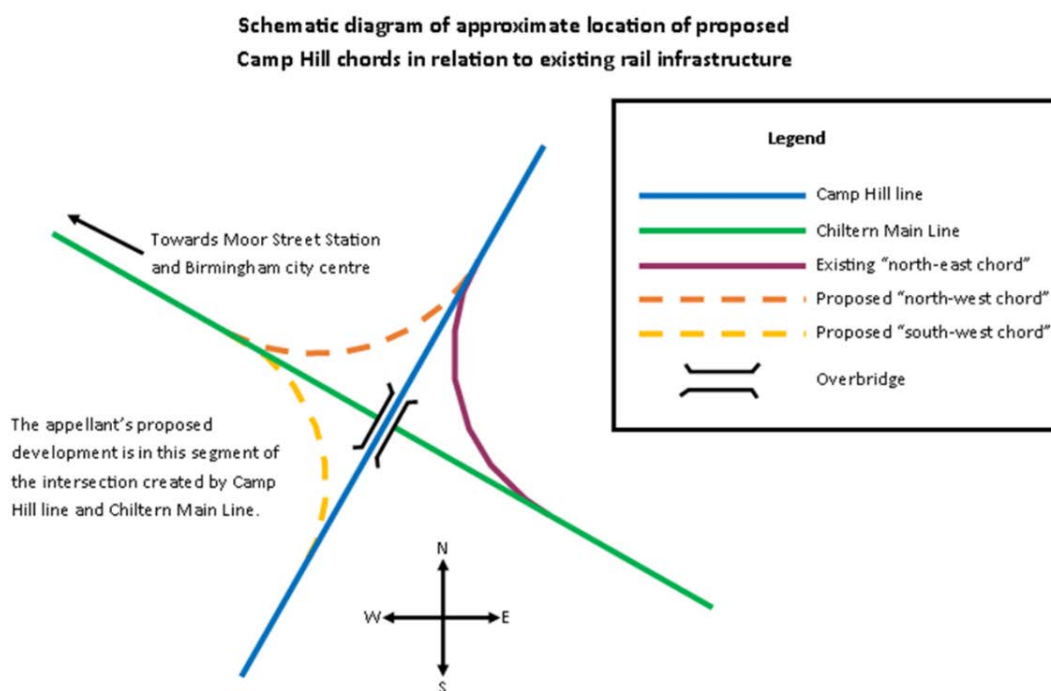
Loss of Industrial Land to Alternative Uses SPG (2003)  
 Birmingham Parking SPD (2021)  
 Lighting Places (2008)  
 Public Open Space in New Residential Development (2007)  
 Access for People with Disabilities (2006)  
 High Places (2003)  
 Affordable Housing (2001)  
 Places for All (2001)  
 Places for Living (2001)  
 Birmingham Design Guide (Draft)  
 Birmingham Curzon HS2 Masterplan (2015)  
 Curzon Investment Plan (2016)  
 Bordesley Park Area Action Plan (2020).

7 **Planning Considerations:**

*Principle of Development and Prejudice to Delivery of Camp Hill Chords*

- 7.1 Within the BDP the site lies within the City Centre growth area where Policy PA1.1 promotes additional retail, office, residential and leisure development within the context of the wider aspiration to provide a high quality environment and visitor experience. It also falls within the Digbeth Quarter where Policy GA1.3 supports a creative and cultural hub with a high quality exciting and easily accessible environment. The site is also within the boundary of the Curzon Masterplan area that seeks to maximise the regeneration and development potential of HS2 in the City Centre by promoting 4,000 new homes and 36,000 jobs. When the previous application was determined this Policy support together with strategic growth Policy PG1, that identifies a need for significant levels of housing, employment, office and retail development over the plan period, was given greater weight than Policy TP20 that seeks to protect employment land. This consideration of weighting is maintained whilst the weight given to the provision of housing is now given additional weight in the light of the Council now not having a five year land supply.

7.2 The application site lies has a frontage to the Birmingham Moor Street to London railway line and lies close to the former Midland Railway Camp Hill Line from Kings Norton to Water Orton. In summary there is the intention to connect these two existing railway lines via a north east and south west 'Chord' which collectively are known as the Camp Hill Chords. There is mention of the Camp Hill Chords in BDP Policy TR41, the Adopted Bordesley Area Action Plan and a number of documents published by different rail and transport authorities. The Camp Hill Chords are one part of the Midlands Rail Hub (MRH) project, currently being progressed by Midlands Connect and Network Rail. The MRH seeks to increase rail network capacity across the Midlands in phases between now and 2033 and was awarded £20m in 2020 to develop the scheme to outline business case. The Camp Hill Chords are one part of 20 infrastructure interventions proposed across the region to give greater access to HS2 and to provide an additional 24 passenger train services per hour at a total indicative cost of 2.02 billion pounds. The two new viaducts or Chords would create paths to the East Midlands and South West from Birmingham Moor Street allowing for greater connectivity to Cardiff, Bristol, Cheltenham and Hereford. At a local level the Chords would increase the capacity of the Camp Hill line once it is reopened, increasing the predicted 2 trains per hour via the approved new stations at Moseley, Kings Heath and Hazelwell into New Street Station, to 10 trains per hour into and out of Moor Street. At an estimated cost of £30m to £35m the development of the Chords is earmarked as one of five potential early interventions with a desired timeframe for implementation of 2024 to 2029.



Please note: this diagram is not to scale and does not accurately represent the exact layout or geometry of existing and proposed infrastructure; it is provided only for illustrative purposes to provide a general understanding of the location of the proposed chords in relation to the existing railway and the appellant's proposed development.

**Fig 3: Extract from Mott MacDonald pre-feasibility study (2010)**

7.3 When the previous application was determined WMRE and TfWM commented that it is theoretically possible that the final alignment could require a proportion of the land, particularly on the site of proposed Block E. Or, as a result of the proximity of the proposed buildings, it would be difficult to construct the Chord. WMRE, TfWM and Midlands Connect asked for the determination of the application to be deferred until after the final alignment for the South West Chord had been formally approved by Network Rail, the Local Planning Authority and Midlands Connect. Meanwhile Network Rail raised no objections acknowledging that the exact alignment of the Chord would not be known until 2023 to 2024.

7.4 Recognising that Policy TP41 did not safeguard any land for the delivery of the south west Chord and there was no certainty that the Chord, as part of the MRH, would be delivered officers recommended the previous application for approval. It was however refused by planning committee on 13th February 2020 for three following reasons, the first of which reads,

*The proposed development may prejudice the delivery, in terms of its construction and operation, the South West Camp Hill Chord; a proposal to enhance the City's rail network and part of the wider Midlands Rail Hub project. As such to approve the proposed development would be contrary to the objectives of Policies TP38 and TP41 of the Birmingham Development Plan (2017), the principles of the Adopted Bordesley Area Action Plan (2020) and paragraphs 102 and 103 of the NPPF.*

7.5 Following a six day public inquiry in October 2020 the Secretary of State allowed the appeal and granted planning consent concluding, in summary:

- There is no disagreement as to the significance of the Chords as an integral part of the Midlands Rail Hub, which seeks to improve network capacity into central Birmingham, a consideration of regional if not national importance;
- There was recognition that delivery of an efficient, comprehensive and sustainable transport system is an essential element in supporting the City's economic competitiveness, reducing CO<sub>2</sub> emissions and enabling the delivery of sustainable development;
- the issue of a development potentially prejudicing the delivery of large-scale strategic policy objectives of potentially national importance is capable of being a material consideration in this case;
- on the balance of probability any feasible cost-effective alignment is unlikely to differ materially from the routes that have been mooted to date. On that basis, and given the increased flexibility provided by the set back of the buildings at the southern end of the appeal site together with keeping the triangular parcel clear of buildings, consider that if the development proposed were to go ahead, the ability to construct the south-west Chord would not be lost;
- limited potential for prejudice to the delivery of the Chords, in particular the south-west Chord, given the scope to accommodate some variation to the general alignment of this end of the Chord;
- the potential for prejudice is limited and thus, the effect of any prejudice would be similarly limited; therefore limited weight was afforded to this matter as a material consideration in the decision-making;
- albeit limited potential for prejudice, there would be conflict with the strategic objectives reflected in policies TP38 and the Area Action Plan, however the

benefits of the scheme are of sufficient substance in this case to outweigh the limited harm as a result of the potential prejudice identified.

- 7.6 The position of the Blocks is as proposed previously and the applicants have demonstrated that a 10m construction area aligning the existing viaduct could be maintained. As such the Secretary of State's conclusions are maintained. Therefore, whilst potential prejudice to the delivery of the south west Chord is a material planning consideration it is attribute little weight in the planning balance. The consideration of the planning balance is discussed at the end of the report.

#### *Proposed Residential Units*

- 7.7 Previously it was recognised that the site is within the boundary of the City Centre Growth Area which is to be the focus for future retail, office, residential and leisure activities. It was considered that the scale of the proposed commercial uses which remains the same in terms of floorspace (GEA) was, subject to conditions, appropriate at this location whilst the proposed residential development would be acceptable in principle at this highly sustainable location with good access to public transport links. The conclusions regarding proposed residential development according to Policies GA1.1, TP27 and TP28 remain the same and the principle is supported.

#### *Housing Density and Mix*

- 7.8 The proposed scheme in comparison to the previous shows a greater proportion of 1 beds studios and apartments, fewer 2 beds but more 3 beds. As previously it is maintained that development mix proposed responds to the location of the site within the City Centre where there is a need to make the most efficient use of land and significantly boost the supply of housing to meet identified needs and address the housing shortfall. The provision of 102 units with 3 or 4 bedrooms is also welcomed to accord with Policy TP30.

	<b>Previous Scheme</b>	<b>% (rounded)</b>	<b>Current Scheme</b>	<b>% (rounded)</b>
1 bed studios	5	1%	26	8%
1 bed apartments	224	47%	250	45%
2 bed apartments	209	44%	172	31%
3 bed apartments	30	6%	96	17%
4 bed townhouses	12	3%	6	1%
Total	480		550	



Figure 4: Proposed Site Plan

- 7.9 Similarly to the previous application the six blocks are sited towards the perimeter of the site with the proposed tower (Block A) to the north of the site and the townhouses (Block F) to the south. The layout would allow daylight into the central courtyard whilst allowing it to be more sheltered from the busy road and railway line. A separate surface level car park with 38 spaces would be maintained on the 'triangle' site located on the opposite side of Bedford Road adjacent to the railway viaduct.





Figure 5: Proposed Central Courtyard

- 7.10 There are however three notable amendments to the previous layout. As previous Blocks A and B would be set back from Camp Hill to create a public plaza at the northern end of the site and providing a focal entrance for the development. However, the main entrance to the development would be via a new interconnected single storey link between Blocks A, B and C. The second amendment is the deletion of part of Block C and the removal of a row of 6 townhouses (previously labelled Block G) both of which fronted the central gated throughfare between Camp Hill and Bedford Road. This would be replaced by a larger central landscaped area for residents to use. This communal area is shown on the submitted landscape plan to be sub divided into two open lawn areas, two nature play areas, an outdoor creche play area and a central plaza. In addition, there would be roof terraces on Blocks A,



B and E. The agent has advised that the amount of landscaping has increased by 35% with the external amenity areas totalling 5,365 sqm.



Figure 6: Proposed Landscaping Plan

- 7.11 The third is the rationalisation of site levels that would result in the loss of the previous lower ground level and undercroft parking to previous Block E this, according to the agent is to reduce the quantum of under-build requiring retaining structures and to retain and reuse as much of this existing material on site. The result of this amendment is the provision of a retaining brick wall along the length of Bedford Road and to part of Trinity Terrace with parking on the new higher level. Concerns have been raised with respect to the character of the street, the blank frontage and domination of the wall to pedestrians. Revised plans have been submitted to reduce the height of the brick wall down to 2m to 2.4m plus a 1.1m railing on top, to create a stepped terrace within the wall to reduce its dominance and by adding landscape on top and with the recessed step.



(above) Figure 7: View Northwards along Bedford Road



(above) Figure 8: View South along Bedford Road



(above) Figure 9: View South along Bedford Road

- 7.12 It is regrettable that the scheme now relies upon a retaining wall, however the amendments are considered satisfactory, and it is acknowledged that the previous frontage to Bedford Road provided a blank wall of solid buildings at back of footpath.
- 7.13 The proposed layout would necessitate a canopy at ground floor and a 2m high glazed balustrade to the roof terrace to Block A and planting at the following specific locations to mitigate the impact of wind:
- 8m high tall trees along the frontage to Coventry Road with 1m to 1.5m high shrubs between;
  - 5m high trees at the north west corner of Block A;
  - to 7m and 1-1.5m tall shrubs along the east of the site to the north easter corner of Block A; and
  - to 7m high trees between Blocks C and E or 3 x 5m high deciduous trees to the east of the south east corner of Block C.
- 7.14 The proposed layout internally of the individual blocks indicate that they have been designed to meet building regulation M4(2) – (accessible and adaptable dwellings) in accordance with Policy DM10 of the Development DPD and a range of the apartments are designed to be easily adaptable to meet the needs of a wheelchair user.

#### *Proposed Design - Scale & Massing*

- 7.15 As previous the tallest element of the scheme is located at the northern edge of the site to take advantage of the most prominent part of the site and to ensure that the listed Trinity Church is not overshadowed. The tower, ranging from 24 to 26 storeys is, according to the High Places SPG, a tall building and it would be located outside of the defined City Centre ridge zone, key arrival points or other specific locations considered appropriate within the SPG. However, it was previously considered that a tower at this location could be justified as there is no policy presumption against such



a tower at this location, the quality of the design of the tower assisted by its staggered footprint providing slender facades and double height amenity floorspace at the base and the top and it responds to the wider context along the High Street.



Figure 10: CGI of the Proposed Tower at Block A and Block B

- 7.16 Beyond the tower progressing southwards the blocks step down in height to respond to the height of the listed Trinity Church, albeit that Block B would be one storey higher than approved at part 9 part 8 storeys.

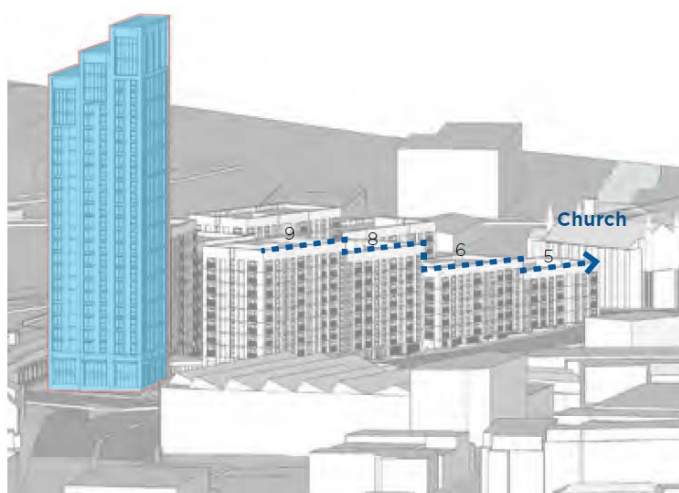


Figure 11: Illustration of the Massing of Proposed Development

### *Proposed Design - Appearance*

- 7.17 The previous, now demolished buildings fronting Camp Hill presented a strong gridded pattern with vertical brick piers and horizontal spandrels. As with the previous application the architecture of the proposed facades seeks to replicate this approach with brick facades to Blocks B and D.



Figure 12: CGI of Proposed Tower at Block A



Figure 13: East Elevation to Camp Hill

- 7.18 Along the railway of eastern side of the site, the previous buildings presented a face of corrugated metal and brick to the street, a materiality that will be replicated in the proposed scheme on Blocks C, E and Block F (townhouses) with a brick façade to the lower floors and metal cladding to the top.





Figure 13: West Elevation to Bedford Road

- 7.19 It is considered that the proposed materials and detailed design is appropriate to its context in accordance with Policies PG3 and TP27.

#### *Impact Upon Heritage Assets*

- 7.21 The matter of heritage was considered in some details at the previous appeal. Within the Inspectors report it is acknowledged that the proposed scheme would have an impact upon the significance of the following heritage assets the following heritage assets:

- Grade II listed Holy Trinity Church
- Digbeth, Deritend and Bordesley High Streets Conservation Area
- former Barclays Bank, 123 Deritend High Street (locally listed)
- Clements Arms (grade II listed)
- 46 Coventry Road (Bordesley House) (locally listed)
- Coventry Road canal bridge 93 (locally listed grade B)

- 7.22 The Inspector agreed that the dominance of the church would be challenged. However, considering the overall design and layout, with the scale of the blocks decreasing towards the Church so as to reduce their impact on the setting of the Church, any harm in this regard was considered to be at the lowest end of less than substantial harm. Furthermore the Inspector concluded that there would be no harm to the significance of the Conservation Area the locally listed Bordesley Viaduct or the locally listed former bank on the High Street. Finally with regard to the Clements Arms, No 46 Coventry Road and the canal bridge whilst the scale and height of the development proposed means that there would be some intervisibility between those assets and the site the Inspector considered there would be no harm.

- 7.23 First it is considered that whilst the previous scheme and the current proposals are not identical in terms of layout and scale they are sufficiently similar to have the same impact or harm upon the heritage assets that would be affected. Secondly whilst the Conservation Officer considers that, notwithstanding the comments made by the Inspector, there would be harm not only to the listed Church but to all the other heritage assets identified there is no reason to disagree with the Inspectors conclusions. Therefore whilst there is conflict with Policy TP12, as required by Paragraph 202 of the NPPF, the less than substantial harm (considered to be at the

lowest end of less than substantial) needs to be weighed against the public benefits of the proposals. This is undertaken at the planning balance section of the report.

### *Highways*

- 7.24 Vehicle access to the site would be from B4100 via Trinity Terrace and Bedford Road that would give access to parking areas in front of Blocks C and E and to the surface level car park on the separate triangular parcel of the site on Bedford Road. The site has a sustainable location with the benefit of close proximity to 14 bus routes. In addition, there is a proposed Midland Metro tram service station at Adderley Street would be located at a distance of approximately 400m to the north west of the application site, and the extension under construction will include a stop on High Street, Digbeth.
- 7.25 The number of car parking spaces would total 69 car parking spaces comprising 8 disabled parking spaces, 45 standard car parking spaces and 16 spaces with electric vehicle charging points (EVCP). The parking would be sited along the western side of Bedford Road and within the triangle of land to the east of Bedford Road in the southeast corner of the application site.
- 7.26 A total of 600 secure bicycle parking spaces will be provided across two locations to serve the residential units. A bike hub in Block C will provide 100 cycle spaces and a bike hub in Block E will provide 500 cycle spaces. The bike hubs are located on the ground floor level and will be accessible via the internal courtyard within the site. A further 70 cycle parking spaces will be provided at locations across the site fronting Camp Hill and Bedford Road. These facilities will be available for use by the public including those accessing the commercial facilities proposed.
- 7.27 The proposed numbers of parking and cycling spaces meets the Parking SPD (2021), however the SPD requires all parking spaces to have Electric Vehicle Charging Points (EVCP's). It is considered that this could be secured via a condition.
- 7.28 The Transport Statement indicates that the proposals would result in a net reduction in the vehicle trip generation of the site compared to the previously consented scheme.
- 7.29 It is considered that the impact upon the highway is acceptable and BCC Transportation have raised no objections subject to conditions.

### *Noise*

- 7.30 A Noise Assessment has been submitted based on previous attended monitoring data, associated with the consideration of the previous application, that pays particular attention to the likely effects from the existing railway line together with the effects of the location of additional tracks with a higher frequency of rail movements closer to the application site, should the Camp Hill Chords be implemented, resulting in services from the Camp Hill line and from Tamworth/Nuneaton running into new platforms at Moor Street station. The Assessment acknowledges that the introduction of additional tracks could be located on an extended viaduct closer to the proposed development with increased noise and vibration levels at Blocks A, C and E.

- 7.31 The assessment concludes that that suitable internal noise conditions would be achievable with suitable mitigation in the form of particular glazing and ventilation specification incorporated into the building envelope design. Ambient vibration is not considered to be perceivable and therefore no mitigation is considered necessary. Finally, noise within the outdoor amenity spaces would be below the desirable noise threshold in areas screened as a result of screening from the Blocks of development from road and rail noise.
- 7.32 The matter of noise from the existing and potential rail movements was give significant and detailed consideration previously by Regulatory Services. With respect to the previous application no objections were raised subject to conditions to control noise during the construction phase and to require a noise mitigation scheme for each Block. Such conditions are repeated. As such it is considered that the development accords with Policies DM2 and DM6 of the Development Management DPD.

#### *Air Quality*

- 7.33 The Air Quality Assessment submitted as part of the application considers air quality impacts both during construction and once the development is occupied. This confirms that while demolition and construction activity has the potential to result in dust emissions, mitigation through standard construction practices would ensure that there would be no significant impacts. A Construction Environmental Management Plan is proposed to be secured via a condition.
- 7.34 Once operational, the assessment predicts that the concentrations of all pollutants are below the relevant air quality objectives at all proposed receptors on-site. Therefore no additional mitigation measures are proposed.
- 7.35 It is considered that the proposals comply with Policies TP37 of the BDP and DM1 of the Development Management DPD.

#### *Land Contamination*

- 7.36 A condition to require the submission of a contaminated land remediation strategy was attached to the previous consent and subsequently discharged in January of this year. A replacement condition is attached to deal with any unexpected contamination, as recommended by the EA in order to accord with Policy DM3 of the Development Management DPD.

#### *Drainage*

- 7.37 The site is located in Flood Zone 1 where there is the lowest risk of flooding. Notwithstanding this, Policies TP2 and TP6 require development to manage flood risk. The submitted landscape proposals indicate the provision of SuDS in the form of permeable paving, rain gardens, green roofs, tree pits and grasscrete parking areas. The LLFA have objected to the proposals stating that Drainage Strategy fails to meet the minimum requirements of Policy TP6. In response the applicants have submitted a Flood Risk Assessment (FRA) and Drainage Addendum explaining that:
- The proposed drainage strategy has been designed so that discharge is limited to the equivalent site-specific greenfield runoff rates plus climate change events

and the Addendum states that drainage strategy is fully compliant with both DEFRA Sustainable Drainage Systems Non-Statutory Technical Standards 2015 and the BCC Sustainable Drainage Guide;

- The discrepancy between the application site area figures is due to inclusion/exclusion of the public highway;
- STW have requested a maximum discharge from the site with 30% betterment from existing and the current strategy meets this requirement;
- Sufficient attenuation is provided by the proposed attenuation tanks and lined permeable paving to reduce discharge rates to corresponding greenfield runoff rates for the equivalent return period;
- The SuDS shown on the Landscape Plan (permeable paving, rain gardens, green roofs, tree pits and grasscrete parking areas) are incorporated into the overall drainage strategy although not included in calculations to provide a conservative approach;
- An exceedance plan showing overland flood routes has been included in the FRA Addendum;
- Permeable paving details and attenuation tank details have been submitted;
- EA maps have been checked and the maximum water level for Flood Zone 2 is much lower than the proposed finished floor levels; and
- Operation and maintenance (O&M) of all surface water features and SuDS have been submitted.

- 7.38 The CRT and Severn Trent Water both refer to a surface water sewer that crosses the site. This is the Bowyer Street canal feeder that approximately along the line of Bedford Street. CRT have impressed the importance of this feeder as it provides water to the Grand Union and South Stratford canals. A condition was attached to the previous consent requiring details of a CEMP. This was submitted and acknowledged that a CCTV condition survey would be undertaken and signed off by the CRT prior to any works within a 20m exclusion zone. CRT acknowledge that the developers are now in discussion with CRT Infrastructure Services in relation to the survey of the feeder channel, its protection during construction and the proposed inspection and maintenance arrangements during and post construction. Repeat conditions from the previous consent, as requested by CRT, to require a sustainable drainage strategy plus an operation and maintenance plan are attached.

#### *Landscaping and Ecology*

- 7.39 The application has been submitted together with a Preliminary Ecological Appraisal (PEA), Tree Survey Report, an Arboricultural Impact Assessment and a Landscape Management and Maintenance Plan. Based on the results of the PEA, ecological constraints to development are limited whilst the ecological value of the site would be enhanced via significant new landscaping including rain gardens at ground floor, 700sqm total of green roof on Blocks C and D and roof terraces on Blocks B and E. The PEA also refers to the provision of bird boxes and insect hotels. Whilst the proposed landscaping is detailed on the Landscape Proposals Plan details of the green roofs together with the bird boxes and insect hotels are to be secured via conditions. Subject to these conditions it is considered that the proposals would accord with TP8 of the BDP.

- 7.40 The existing site accommodates four Category A London Plane trees that border Camp Hill that are a positive feature within the street scene. These are to be retained by condition. However there are also three groups of trees that would be removed. There are no objections by the Tree Officer to their removal as they are classed as low quality (Category C). Mitigation for the loss of the trees would also be via the planting of in excess of 70 trees at ground level that would increase the quality, diversity and resilience of the local tree stock to the benefit of the area in accordance with Policy TP8 of the BDP.

#### *Sustainable Construction and Energy*

- 7.41 Sustainable Construction Statement and Energy report have been submitted. The former explains that BREEAM preassessment has been submitted indicating that the proposed office floorspace would meet BREEAM Excellent with the proposed retail floorspace meeting BREEAM Very Good. A justification to establish why the retail floorspace cannot meet BREEAM Excellent explains that it is difficult to achieve energy performance requirements when constructing shell-only retail uses. Policy colleagues find this acceptable and therefore the proposals accord Policy TP3. Further details of the proposed PV panels Extract Air Heat Pumps (EAHP's) and Air Source Heat Pumps (ASHP's) are to be secured via conditions to meet Policy TP4.

#### *Other*

- 7.42 In response to the comments made by the Police the applicants have advised that the scheme has looked to meet all the Secured by Design recommendations in terms of good design, security features, natural surveillance and controlled access wherever possible. The entrances into the buildings will be controlled by the building management with CCTV to monitor potential intruders and pedestrian access in and around the site would be well lit and monitored by CCTV. Care has been taken in the design of the external environment to avoid the inadvertent creation of opportunities for crime and hiding places and there is a high level of overlooking from windows positioned on all edges of the site. All communal and all residential doors to the buildings would be to a security enhanced standard. Lifts would be controlled by encrypted fob control and post delivered to a bank of individual post boxes in the foyer with no master key. It is considered that it is not reasonable to secure these features via condition, as they are building management issues, it is however good to acknowledge the applicants are conscious of site security and have taken on board advice from the Police.
- 7.43 CRT have raised an issue regarding underground works required to create foundations potentially having an affect on land stability. The applicants have responded explaining that initial ground investigations to understand the condition of the ground, the most suitable foundation solutions and their potential impact on land stability have been carried out. In addition further investigations are currently being undertaken to ascertain the foundation and construction methods within the vicinity of the canal feeder channel that aligns Bedford Road. These will be developed in conjunction with CRT and submitted to them for approval. They add that since before the demolition the applicant's development team have been in regular contact with CRT with the view to arranging access to the feeder channel to carry out a condition survey and identify its exact location, and this dialogue will continue. There

have been numerous calls and meetings between the applicants and CRT, with two separate, unsuccessful attempts to access the feeder channel by a surveying company who regularly work alongside CRT. At present CRT cannot locate safe access for this to be carried out, but the applicants advise that they will continue to investigate options to access the feeder channel as soon as possible.

- 7.44 Birmingham Airport have commented that the use of green roofs could lead to an increased potential for bird strikes at Birmingham Airport and its surrounding airspace. A condition is requested to require a Bird Hazard Management Plan to be approved in consultation with Birmingham Airport. Officers are in consultation with the planning agent regarding this condition, as it was not attached to the previous consent, which also included green roofs. A request for a crane management plan is included as part of the CEMP condition.
- 7.45 The HSE have raised concern at the proposed means of escape and fire service access and facilities. Since receipt of these comments the applicants have submitted revised plans to resolve these matters. Nonetheless these matters will be reviewed again when Building Regulations approval is sought.

#### *Planning Obligations*

- 7.46 The development proposed is above the threshold for planning obligations relating to affordable housing and public open space. Policy TP31 seeks 35% affordable homes on developments of 15 dwellings or more. In accordance with Policy TP9 and the Public Open Space in New Residential Development SPD BCC Leisure Services have requested a contribution of £1,234,175. Furthermore BCC Education have requested a total contribution of £1,435,309.73, Sport England a total contribution of £679,829 and CRT seek a small contribution towards improving the accesses onto the canal towpath at Coventry Road and Lawden Road and to provide improved signage.
- 7.47 A financial viability assessment has been submitted and independently assessed. Unfortunately the proposed development cannot meet the policy requirements of TP9 and TP31, however 10% affordable housing at 20% discount on market value could be sustained in accordance with Paragraph 64 of the NPPF. Prior to the determination of the previous scheme Officers negotiated a proportion of affordable workspace in lieu of part of the affordable housing offer. Noting the location of the site which lies within the BDP City Centre Growth Area, within the boundary to the Curzon Masterplan, close to the Digbeth Creative Quarter, the loss of employment land and the demand in the area for start-up business space Officers were keen to secure a proportion of affordable workspace.
- 7.48 Therefore the offer comprises 5% of the total number of dwellings to be provided as low cost affordable housing at 80% of Market Value, and all of the commercial (1,480sqm GEA) floorspace being provided as affordable workspace at 50% of market rent.
- 7.49 This would equate to 28 affordable units (5%) of the total of 550 units. However 25% of the affordable housing is now required to be provided as First Homes at a 30% discount. If 6 First Homes are provided at 30% discount then the 28 units will reduce to 25 units to achieve an equivalent monetary discount. This would result in:



- a) 19 low cost homes at 20% discount and 6 First Homes at 30% discount to total 25 affordable units; and
  - b) and all of the commercial floorspace being provided as affordable workspace at 50% of market rent.
- 7.50 Unusually the affordable housing and workspace would be secured via planning conditions. This is because the Inspector at the previous public inquiry deemed it appropriate. It is not officers' preference as the conditions are not as precise as they could be, however there is no planning reason not to maintain the Inspector's approach.
- 7.51 Unfortunately there is insufficient profit available to provide contributions towards the remaining items requested by the other consultees above, and noting the ratio of smaller 1 and 2 bed units rather than family accommodation together with the significant proportion of open space within the development this is considered appropriate in this particular instance.

### *Planning Balance*

- 7.52 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. In the case of the previous application that was allowed at appeal the Secretary of State determined that the development plan comprises the Birmingham Development Plan 2017, the saved policies from the Birmingham Unitary Development Plan 2005 (now superseded by the Development Management DPD and the Bordesley Park Area Action Plan 2020. The NPPF was also considered as a material consideration. Plus in accordance with section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 the Secretary of State paid special regard to the desirability of preserving those listed buildings potentially affected by the proposals.
- 7.53 The Secretary of State concluded previously that whilst there is some, albeit limited, potential for prejudice, there would be conflict with the strategic objectives reflected in Policies TP38 and TP41 of the BDP and the Area Action Plan, which would therefore bring the scheme into conflict with the development plan as a whole. This limited potential conflict still arises with the current proposals as it still *"....cannot be said definitively, at this point in time on the evidence available, that the appeal scheme would or would definitely not prejudice delivery of the Chords"* (para 13, SoS decision). However, it is important to note that the Secretary of State considered that the potential for prejudicing the delivery of the Camp Hill Chords was limited and thus afforded this matter limited weight. There is no reason not to afford this potential prejudice and conflict with Policies TP38 and TP41 the same limited weight.
- 7.54 The Secretary of State thereafter identified other material considerations to weigh in the planning balance.
- The provision of residential units - was a given substantial weight in favour of the scheme due to the significant shortfall in meeting identified housing needs. Since the date of the appeal decision the City Council now cannot demonstrate a five-year supply of deliverable housing sites. Consequently, Paragraph 11d) of the NPPF is engaged and the tilted balance applies for decision taking



meaning that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. The number of units has increase from 480 to 55 and the tilted balance affords additional weight to this matter in favour of the scheme;

- The provision of affordable housing - this was given moderate weight in favour of the scheme. The current proposals would provide affordable 25 units and therefore there is no reason to come to a different conclusion with regards to weight afforded in the current scheme;
- the economic benefits through employment during construction and through a construction employment plan maximising training opportunities - were each given substantial weight in favour of the scheme due to its potential to address unemployment in Birmingham and the wider West Midlands Combined Authority Area. It is anticipated that the current proposals would support 462 jobs during construction. As such there is no reason to come to a different conclusion with regards to weight afforded in the current scheme;
- the expenditure by construction workers in the local economy – this was afforded moderate weight in favour. There is no reason to come to a different conclusion with regards to weight afforded in the current scheme;
- the economic contribution of future residents to the scheme and the Gross Value Added (GVA) benefits for Birmingham City Council and the wider region – this was afforded substantial weight. The current scheme is predicted to provide approximately 1,230 additional residents in the area contributing approximately £5.75m per year to the Birmingham economy. Therefore there is no reason to come to a different conclusion with regards to weight afforded in the current scheme;
- net biodiversity gains across the site - this was afforded moderate weight. There is no reason to come to a different conclusion with regards to weight afforded in the current scheme;
- the economic benefit due to the addition of residents to the area - this was afforded moderate weight. There is no reason to come to a different conclusion with regards to weight afforded in the current scheme;
- the jobs on site from the flexible workspace - this was afforded moderate weight. All of the 1,480sqm (GEA) of commercial floorspace would be provided as affordable workspace at 50% of market rent. The GVA generated by permanent on-site jobs supported by the proposed development is estimated to be approximately £3.2m per annum. Therefore there is no reason to come to a different conclusion with regards to weight afforded in the current scheme;
- the provision of a range of uses which will ensure vitality and activity throughout the day - this was afforded moderate weight. A range of uses is still proposed as part of the current application and therefore there is no reason to come to a different conclusion with regards to weight afforded in the current scheme;

- increased natural surveillance to the surrounding streets, enhancing safety and the visual amenity of the site - this was afforded moderate weight. There is no reason to come to a different conclusion with regards to weight afforded in the current scheme;

7.55 Finally the delivery of a new hotel was given substantial weight. This is no longer relevant to the current scheme.

## 8 **Conclusion**

8.1 The Secretary of State previously concluded that any harm to the setting of the listed Holy Trinity Church would be at the lowest end of less than substantial in terms of paragraph 202 of the NPPF. However in accordance with the Section 66 duty under the Conservation Area and Listed Buildings Act 1990, he attributed considerable weight to this harm. The proposed benefits were however deemed collectively sufficient to outbalance the identified 'less than substantial' harm to the significance of listed Holy Trinity Church. There is no reason to come to a different conclusion and the balancing exercise under paragraph 202 of the NPPF is therefore favourable to the proposal.

8.2 The site is in a highly sustainable City Centre location with access to a range of public transport services as well as local facilities and amenities. It is also located within the City Centre Growth Area, the Digbeth Quarter of the City and Curzon HS2 Masterplan area where new development is supported. The proposed scheme would redevelop this vacant site in a prominent location, making effective use of the land to create a community within a high quality environment. Previously the Secretary of State considered that the material considerations comprising the benefits of the scheme listed above indicated a decision other than in accordance with the development plan, in particular Policies TP38 and TP41. On this basis the appeal was allowed and planning permission was granted. There follows that no other decision could be robustly justified.

## 9 **Recommendation:**

9.1 The recommendation is for approval subject to:

- a) The LLFA removing their objection; and
- b) The conditions listed below (that may be amended, deleted or added to providing that the amendments do not materially alter the permission).

---

1	Whole Site - Implement within 3 years
2	Whole Site - Requires the scheme to be in accordance with the listed approved plans
3	Whole Site: Development to be undertaken in accordance with remediation strategy approved under discharge of condition application 2021/08811/PA

---

- 
- |    |  |
|----|--|
| 4  | Whole Site - Tree Protection in accordance with details approved under discharge of condition application 2021/09246/PA  |
| 5  | Whole Site - Pre Commencement: Submission of a Sustainable Drainage Scheme   |
| 6  | Whole Site - Pre Commencement: Submission of a Construction Environmental Management Plan (CEMP)   |
| 7  | Whole Site - Pre Commencement Submission of Construction Employment Plan   |
| 8  | Pre Commencement of Phase 2, Phase 5 or Phase 6: Submission of Details of Fume Extraction and Odour Control  |
| 9  | Prior to Commencement of Development: Submission of Noise Mitigation   |
| 10 | Pre Commencement of Phase 6 (Block A): Submission of Bird Hazard Management Plan   |
| 11 | Pre Commencement of any Phase: Submission of Method Statement for the Removal of Invasive Weeds  |
| 12 | Pre Commencement of Above Ground Works Within Each Phase: Submission of Architectural Details of Materials and Samples   |
| 13 | Prior to First Use or Occupation of any Phase: Submission of Affordable Housing Scheme   |
| 14 | No Occupation of any Market Residential Units Within any Phase Until Completion of Affordable Units  |
| 15 | Prior to First Occupation or Use of Phase 2, Phase 5 or Phase 6: Submission of Affordable Workspace Marketing Strategy   |
| 16 | Prior to First Occupation or Use of Phase 2, Phase 5 or Phase 6: Submission of Affordable Workspace Management Plan  |
| 17 | No Occupation of more than 75% of any Market Residential Units Within Phase 2, Phase 5 or Phase 6 Until Completion of Affordable Workspace   |
| 18 | Prior to First Use or Occupation of Any Phase: Submission of Bird and Bat Boxes  |
| 19 | Prior to First Use or Occupation of Any Residential Units within Phase 2, Phase 5 or Phase 6: Submission of Details of Noise Insulation between Ground Floor Commercial and Residential Uses |
| 20 | Prior to First Use or Occupation of any Phase: Submission of Sustainable Drainage (Operation and Management)   |
| 21 | Prior to First Use or Occupation of any Phase: Submission of Additional Landscape Details and Implementation   |
| 22 | Prior to First Occupation of use of any Phase: Submission of Verification Report   |
| 23 | Prior to First Use or Occupation of any Phase: Submission and completion of works for the S278/TRO Agreement   |
-

---

24	Prior to First Use or Occupation of Phase 1, Phase 2, Phase 4, Phase 5 and surface level car park: Provision of Visibility Splays
25	Prior to First Use or Occupation of any Phase: Submission of Car and Cycle Parking Details and Implementation of Agreed Details
26	Prior to First Use or Occupation of any Phase: Submission of Details of Photovoltaics, Extract Air Heat Pumps (EAHP's) and Air Source Heat Pumps (ASHP's) and Implementation of Agreed Details
27	Prior to First Use or Occupation of any Phase: Submission of Details of Boundary Treatment and Implementation
28	Prior to First Occupation of any Phase: Submission of Travel plan and Implementation of Agreed Details
29	Prior to Phase Reaching Roof Level - Phase 2 and Phase 4: Submission of Details of Green Roofs and Implementation of Agreed Details
30	Post Occupation of Phase 2, Phase 5 or Phase 6: Submission of BREEAM Certification
31	Unexpected Contamination/Verification Report
32	Whole site - Restriction of total retail floorspace
33	Whole Site - Restriction of largest unit of retail floorspace
34	Whole Site: Retention of Affordable Workspace
35	Whole Site: Removal of Permitted Development Rights for Changes of Use
36	Removal of Permitted Development Rights - Alterations to Approved Townhouses
37	Removal of Permitted Development Rights - Telecommunications
38	Retained Trees
39	Plant and Machinery (Cumulative Noise)
40	Hours of Operation/Deliveries Phase 2, Phase 5 and Phase 6
41	Hours of Operation Phase 2, Phase 5 and Phase 6

---

Case Officer: Julia Summerfield

## Photo(s)



View Looking West from Bedford Road Across the Site



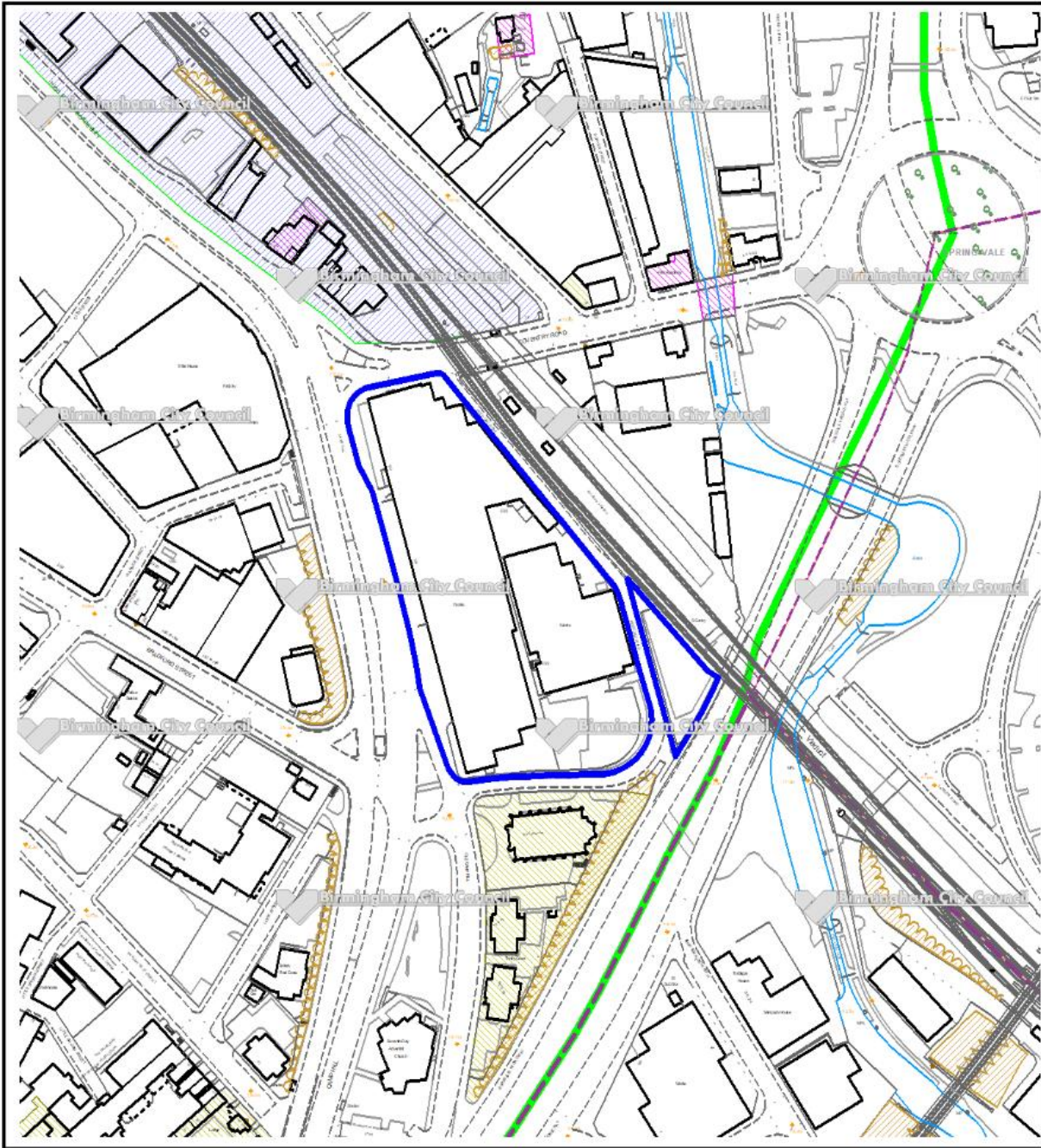
View Looking South from Bedford Road  
Across the site towards Trinity Church



View Looking North from within the Site  
Bordesley Railway Viaduct to the Right Hand Side



## Location Plan



This map is reproduced from the Ordnance Survey Material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Birmingham City Council. Licence No.100021326, 2010



# **Birmingham City Council**

## **Planning Committee**

**18 August 2022**

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Approve – Subject to 106 Legal Agreement	8	2021/08642/PA  Former MG Works, Lowhill Lane/Lickey Road Longbridge Birmingham  Outline planning application with all matters reserved for future consideration for a mixed use scheme comprising the conversion of the International Headquarters (IHQ), the Roundhouse and the Conference Centre to provide 9,980sqm of employment space, conversion of the Car Assembly Building (CAB 1) to provide up to 4,940sq.m of mixed employment uses, up to 695 new homes and integrated public open space via three accesses from Dalmuir Road, Lickey Road and Lowhill Lane and a further pedestrian and cycle access from Groveley Lane
Approve - Conditions	9	2022/03915/PA  Plot 3 - West Longbridge Land off Bristol Road South Longbridge Birmingham  Erection of employment unit for research, development and industrial purposes (Use Classes E(g)(ii), E(g)(iii) and/or B2), parking, service yard, access, drainage, landscaping and other associated infrastructure

---

Committee Date:	18/08/2022	Application Number:	2021/08642/PA
Accepted:	11/10/2021	Application Type:	Outline
Target Date:	20/08/2022		
Ward:	Longbridge & West Heath		

Former MG Works,, Lowhill Lane/Lickey Road, Longbridge, Birmingham

Outline planning application with all matters reserved for future consideration for a mixed use scheme comprising the conversion of the International Headquarters (IHQ), the Roundhouse and the Conference Centre to provide 9,980sqm of employment space, conversion of the Car Assembly Building (CAB 1) to provide up to 4,940sq.m of mixed employment uses, up to 695 new homes and integrated public open space via three accesses from Dalmuir Road, Lickey Road and Lowhill Lane and a further pedestrian and cycle access from Groveley Lane

Applicant:	St Modwen Developments Ltd Longbridge Technology Park, 2 Devon Way, Longbridge, Birmingham, B31 2TS
Agent:	Tetra Tech Ltd 3 Sovereign Square, Sovereign Street, Leeds, LS1 4ER

---

#### Recommendation

#### **Approve Subject to a Section 106 Legal Agreement**

#### **1. Proposal:**

- 1.1 Outline planning permission with all matters reserved for future consideration is sought for the development of the existing MG Motors site as a mixed-use scheme. This would comprise the conversion of the International Headquarters (IHQ), the Roundhouse and the Conference Centre to provide 9,980sqm of employment space, conversion of the Car Assembly Building (CAB 1) to provide up to 4,940sq.m of mixed employment uses, up to 695 new homes and integrated public open space via three accesses from Dalmuir Road, Lickey Road and Lowhill Lane and a further pedestrian and cycle access from Groveley Lane.
- 1.2 The indicative schedule of land use development comprises: Employment 2.12ha; Residential 13.76ha; Strategic Open Space 4.21ha; Master Developer, Spine Road 1 1.15ha; Master Developer Access Road 0.58ha; Undevelopable Land-Topography/Constraint Limit 2.66ha; and, Dalmuir Road (within the redline) 0.83ha, equating to the Sites 25.31ha size. The development would provide a mix of building types, densities, heights and layouts.
- 1.3 The proposed development would provide an indicative mix of housing tenures and designs, comprising of 1 and 2-bedroom 3-5 storey apartments; 2, 3 and 4-bedroom 2.5-3 storey townhouses; and, 2, 3, 4 and 5-bedroom 2-2.5 storey traditional housing. Up to 695 dwellings are proposed with an indicative mix as follows:
  - 1-bedroom apartments – 83 (12%)

- 2-bedroom houses – 133
- 2-bedroom apartments – 136.
- Total 2-bedroom properties – 269 (39%)
- 3-bedroom houses (2 storey) – 57
- 3-bedroom houses (2.5/3 storey) – 243
- Total 3-bedroom properties – 300 (43%)
- 4-bedroom houses – 43 (6%)

1.4 The proposed scheme would retain the International HQ building, which was previously the centre for innovation within the Austin operation and would continue to provide space for businesses to grow and develop. Internally, the building would provide managed workspace/offices with studios/workshops to the rear. Parking would be provided to the west of the building in the location of the existing parking bays and the Conference Centre and Roundhouse, which would both be redeveloped to provide office/managed workspace for Longbridge businesses. Part of the Conference Centre building would be demolished, with the entrance and L-shaped wings retained. Parking would be provided adjacent to the Conference Centre building.



Illustrative Masterplan





Roundhouse – as proposed



International HQ Building – as proposed

- 1.5 The scheme also proposes a local community hub; areas of public open space including both formal and informal areas; equipped areas of play and means of access.
- 1.6 The Community Hub would be provided in the retained structure of the existing CAB1 building. The hub would include public realm in the form of a public square to the north. The hub could provide a range of uses including community facilities, bicycle hire, play space or sports facilities, workshops or business units, a parcel delivery hub, car hire or electric vehicle charging.



CAB1, public square and community hub as proposed

- 1.7 A Linear Park is proposed centrally through the Site linking the CAB 1 building on the southern part of the Site to the northern access at Dalmuir Road Steps. This follows the assembly line of the former factory and creates a green spine through the Site. It is intended that this route would be characterised by tree planting and sustainable drainage solutions as well as children's play space and amenity open space for residents of the adjacent apartment buildings. The Site would accommodate:
- Toddler's Play Provision (LAP)- Landscaped and natural area for younger children. These would be placed across the site to meet the safe walking distance requirement from dwellings.
  - Toddler and Junior Play Provision (LEAP) - Combination of equipment and natural play to enhance social and educational skills of children. These would be provided in 3 locations across the site.
  - Toddler, Junior and Youth Play Provision (NEAP) - An active zone for children within the central linear park, which would provide various kind of activities along the length of the park.



Landscape Masterplan

- 1.8 Further open green space would run from the linear park, through the site towards the eastern boundary, connecting the spine route to the perimeter green space which would run along the eastern boundary of the site. The area would accommodate amenity space, informal sports and children's play space. The eastern end of the park would accommodate a SuDS attenuation basin. This would be a dry basin which would be usable open space for most of the year.





Linear Park with play equipment – as proposed

- 1.9 A new gateway into the development would be created on the northern boundary, connecting the site from Longbridge town centre through to Cofton Park. This would be a new landscaped space forming the primary pedestrian and cycle access into the development from Dalmuir Road. A new ramped access would be provided alongside the retained steps on the northern boundary. The surrounding slopes would be landscaped. The site has an existing tunnel system underground that was used during the Second World War. A café is indicatively proposed at the entrance to the tunnel system on the northern boundary.



Proposed new ramped access



Proposed café and tunnel entrance adjacent to retained steps at Northern boundary

- 1.10 The primary point of vehicular access would be from Dalmuir Road, along the eastern boundary of the Site. The vehicular access would connect into the primary route through the development, which would create a north-south route. A secondary access would be provided from Lickey Road, on the north western boundary of the site. This would run adjacent to Chadwick Close and would provide the primary connection to the employment areas within the development, namely, the International Headquarters (IHQ), Roundhouse and the Conference Centre.
- 1.11 It is proposed to provide a network of routes to allow pedestrians, cyclists and vehicles to access the development. Pedestrian and cycle connectivity would be achieved on the northern, southern and western sides of the site to allow access to existing communities, green spaces, local amenities and public transport facilities. The points of access include the following:
- From Lickey Road the Site will be accessible for pedestrians via an existing vehicular access route, which was the main entrance to the Site when occupied by MG. This is located to the south of the Dalmuir Road signals. This crosses a pedestrian route between Chadwick Close and Windsor Avenue, which will provide a more direct route between these residential areas, and provide an alternative route between the Site and the Town Centre;
  - From Dalmuir Road to the south of the Persimmon housing development which will connect the Site via a direct route to the Town Centre. A new pedestrian/cycle ramp will be provided to overcome level differences between the Site and Dalmuir Road;
  - From Dalmuir Road to the north eastern corner of the Site alongside the primary vehicular access route, which runs parallel to the railway line.
  - From Lowhill Lane to the south a shared use pedestrian and cycle route is proposed, connecting Cofton Park to the Site.
- 1.12 The application has been assessed as development requiring an Environmental Impact Assessment and is supported by an Environmental Statement. Also submitted in support of the application are the following documents: Planning Statement; Design and Access Statement; Statement of Community Involvement; CIL Forms and Heads of Terms S106; Archaeology and Heritage DBA; Noise Report; Air Quality Report; Employment Land Report (including marketing information); Financial



Viability Assessment; Socio-Economic Statement; Sustainability Statement; Construction Waste Strategy; Phase 1 & 2 Interpretive Report; Ground Investigation Report; Transport Assessment; Travel Plan; Flood Risk Assessment and Drainage Strategy including Sustainable Drainage Statement and Sustainable Drainage Operation and Management Plan; Ecological Appraisal; Phase 2 Ecological reports; Biodiversity Net Gain Assessment and an Arboricultural Impact Assessment.

- 1.13 Site area: 25.31Ha. 13.76 hectares are provided on site for residential development providing a density of 51 dwellings per hectare.

- 1.14 [Link to Documents](#)

## 2. **Site & Surroundings:**

- 2.1. The application site comprises of previously developed land off Lickey Road (B4120), within the built-up area of Longbridge. The Site, which originally formed part of Longbridge Motor Works (until recently leased and operated by Nanjing Automobile Corporation UK Ltd owners of the MG motorcars) is located approximately 11km south-west of Birmingham City Centre and covers an area of approximately 25.31 hectares.
- 2.2. Over the last 10 years, Nanjing have gradually vacated the site. Nanjing continue to lease land to the south of the site outside the boundaries of the red line application site, which measures approximately 5 hectares. This land will become vacant by 2038, however Nanjing can return part or all the land to St Modwen at any point before then.
- 2.3. The site is recorded as comprising open land from the earliest available mapping (1883). The site changed little until 1938 onwards, when a series of buildings and a motor test tracks associated with the development of the motor works were recorded. By 1964 the test track was no longer recorded, and the entirety of the site's footprint was occupied by buildings associated with the motor works. A small reduction in the number of buildings was recorded on the 2010 and 2014 mapping. At present, the site comprises predominantly hardstanding where former factory units were situated. Most of these factory buildings have been demolished leaving a vacant site with hardstanding. Buildings are still located largely around the boundaries and the western portion of the Site.
- 2.4. The demolition of most of the former MG buildings was completed at the end of 2020. Along with the original Dalmuir Road Steps, some of the buildings on the site have been retained to provide employment uses within the new development. The retained buildings include:
- The International Headquarters (IHQ);
  - Roundhouse,
  - Conference Centre; and,
  - CAB 1 buildings.
- 2.5. The surrounding area around the former Longbridge car plant is primarily residential. The site is bound to the south west by Lowhill Lane and the former Flight Shed site (which has been redeveloped for residential purposes), beyond which is Cofton Park. To the east the Site is bound by a thick tree line, beyond which is railway line with residential beyond. To the north and west of the Site, residential housing abuts the Site, including (Longbridge Place) a new residential estate currently under construction. Beyond this is Longbridge Town Centre. A limited level of existing industrial premises lies to the south west (the Cofton Centre) and to the north west (Birmingham Great Park).

- 2.6. The Site lies between Lowhill Lane to the south and Dalmuir Road to the north. To the west of the Site is B4120 Lickey Road, providing access to the residential properties to the west of the Site. Longbridge Train Station is located 0.5km to the north, with the railway line running north south to the east of the Site.
- 2.7. There are three junior/primary schools and one infant school located within 1km of the Site and two secondary schools within 2km of the Site. There are also four GP surgeries and other facilities within the area surrounding the Proposed Development, including retail facilities associated with Longbridge Town Centre immediately to the north of the Site.
- 2.8. [Site Location Map](#)

### 3. **Planning History:**

- 3.1. The site has extensive planning history relating to its previous use as a manufacturing car plant.
- 3.2. 23 July 2020. 2020/04662/PA. Prior Approval Required and Approved with Conditions for the Prior Notification for the proposed demolition of the Energy Centre.
- 3.3. 23 July 2020. 2020/04661/PA. Prior Approval Required and Approved with Conditions for the Prior Notification for the proposed demolition of existing buildings.
- 3.4. Adjoining sites relevant planning history:
- 3.5. 3 February 2014. 2013/06429/PA. Outline planning permission granted with all matters reserved, except access for the erection of up to 95 dwellings at Former Flight Shed Yard Corner of Lowhill Lane and Groveley Lane, Longbridge.
- 3.6. 10 January 2013. 2012/07066/PA. Planning permission granted for the erection of 19 dwellings with associated access, parking and landscaping at Former MG Rover Occupational Health Building and Adjoining Land, Lickey Road.
- 3.7. 30 July 2010. 2009/06423/PA. Planning permission granted for 115 dwellings with access and landscaping at the Former General Office Block Site, Lickey Road.

### 4. **Consultation Responses:**

- 4.1. Transportation: No objection in principle subject to conditions relating to construction management and future consideration of matters on access and layout. A Section 278 Agreement will be required for works within the highway. The application is submitted in outline with all matters reserved including access. The principle of use has been demonstrated to not have any significant effect on the highway network compared to the previous and consented uses on the site. The existing MG access needs to be modified and assessed as a standalone junction to determine how this will be designed.
- 4.2. Regulatory Services – No objection subject to conditions relating to contaminated land, lighting, noise mitigation and EV charging.
- 4.3. Severn Trent Water – No objection subject to a drainage condition.
- 4.4. Bromsgrove District Council – No objection.
- 4.5. Environment Agency – No objection subject to conditions relating to contaminated land remediation strategy and verification report.

- 4.6. Lead Local Flood Authority – No objection subject to sustainable drainage conditions.
- 4.7. Network Rail - no objection in principle to the proposal, but there are requirements which must be met as the proposal includes works within 10m of the railway boundary and an interface with the railway boundary - therefore undertaking the works with the agreement and supervision of Network Rail is required. This is to ensure that the works on site, and as a permanent arrangement, do not impact upon the safe operation and integrity of the existing operational railway and for the avoidance of doubt of both the council and the developer who may not be aware of the potential for outside party proposals to impact upon the railway.
- 4.8. Natural England – have no comments to make.
- 4.9. Archaeology – No objection. The potential for the discovery of buried archaeology pre-dating the factory is low. Ordinarily a hilltop location overlooking a river valley would be a strong contender for prehistoric archaeological activity but the flattening of the hilltop for the airfield in the early 20<sup>th</sup> century and the impact of the later factory means survival is now unlikely. The archaeological interest in the site is now limited to the recent industrial use. Of interest are the remains of the Second World War Shadow Factory in the tunnels below the hill. These are to be backfilled as part of the development and it is important that these are recorded prior their destruction as recommended in the submitted DBA. The other surviving buildings are also worthy of recording prior to their conversion and the findings are likely to be helpful in developing designs for their repurposing.
- 4.10. Conservation - The site has now been mostly cleared apart from the International Headquarters Building; the Conference Centre; part of CAB 1 and the Roundhouse. These buildings are proposed for retention and repurposed for employment uses. This is welcomed as they would be classed as non-designated heritage assets and of considerable significance to Birmingham and the history of the British motor industry. The International Headquarters building with the rear design studio and its association with Sir Alec Issigonis and the development of the 'mini' has historic significance. The Roundhouse is possibly a unique building and of considerable architectural significance.

Other structures proposed for retention include the steps to Dalmuir Road, the tanks nearby and the entrance tunnel to the underground shadow factory. These are not as significant as the buildings cited above but will help retain some of the sites historic interest through imaginative reuse.

It was inevitable following the closure of the MG Rover Works that most of the site would be cleared for redevelopment, it is regrettable that more has not been kept and the proposals here represent the 'last chance saloon' for keeping something meaningful from the site. We are fortunate that these last surviving buildings are some of the most important.

Whilst we can condition all details associated with their conversion, we also need to ensure that the buildings are not left till last whilst the developers concentrate on the new build elements. We need to ensure that the historic buildings on the Longbridge site are brought forward with the new build. I would recommend that a condition is attached whereby works to the heritage buildings is tied to the delivery of the new build housing and the number that can be occupied is limited until works have been completed or at least advanced to a point where their future is secured.

- 4.11. Local Services - The residential element of this scheme would trigger the need for a POS and play area contribution at the rate of 2 hectares per thousand population

generated in accordance with the BDP. From the mix in the application, 1650 people are being generated from the 695 residential units being provided.  $1650 \div 1000 \times 20,000 = 33,000\text{m}^2$  or 3.3 hectares of POS would therefore need to be provided. I note from the application that it is intended that a total of 4.18 hectares of strategic green space on site including a Linear park including children's play which would appear to satisfy this requirement. It will need to be established whether all the proposed strategic green space is publicly accessible. Looking at the proposed masterplan I would also need to be convinced that the linear open space running through the site is wide enough to be able to accommodate a neighbourhood type play area described in the documents. Our view is that the play provision on the site should be in one location and not spread into several smaller more difficult to maintain smaller play provision over the wider site.

- 4.12. National Highways – No objection.
- 4.13. West Midlands Fire Service – Development will need to comply with Building Regulations and Access Requirements.
- 4.14. West Midlands Police – No objection subject to conditions relating to lighting and CCTV.
- 4.15. Education – The development generates the requirement for a primary school on site and funding for secondary off-site. However, a further school is not required in this location and as such request an off-site financial contribution of £3,598,353 (based on the potential mix provided in the accompanying statements) towards the provision of nursery, primary and secondary school places in the Northfield Constituency.
- 4.16. Ecology and Trees - The outline for development here would seem to be acceptable. The landscape approach of protecting existing green assets and linking these through the proposed development looks good. There has been a reasonable level of consideration of protected species for the current proposal of outline consent. Obviously where identified, specific ecological assessments will be needed (probably on a phase by phase basis) such as consideration of bats in any remaining buildings to be demolished /renovated or trees to be removed. Badgers were noted as being active on site and we know from previous developments that there are active setts in the wooded embankments. Consideration as to direct disturbance of the setts will need to be detailed out where this may be expected.

In the ecological assessment there was a remnant of a WW2 tunnel close to the eastern boundary. This has a slightly wooded entrance and some rubble piled up in front of a palisade fenced opening. I would consider that this has a high probability of being a bat roost but perhaps more importantly it could act as a winter hibernaculum for several bat species and possibly in large numbers. This needs some serious investigation along with any other such openings of the same type. Hibernacula of this type would not be common in the region and so could be important sites for bats. I am therefore a little concerned by the statement relating to filling in of these. There will need to be specific bat roost assessment of these prior to any works to consider access and potential for winter roosting. Obviously any that have been sealed for many years will be of little value but those that have some external access points will need investigation and reports submitted prior to any development.

They should aim to provide 25% Tree canopy cover at 25 years post development or show how other features such as green roofs or walls have been incorporated and could count towards that through their functionality. There should also be reference to the BCC guide for SUDS their design management and adoption for suitable native plant mixes where these SUDS pools are to have a naturalistic feel.

Lighting within the new landscape areas should be kept as low level and low light spill to maximise the potential for bat foraging. Up lighting of trees especially those in the main bodies of the landscaped areas should be avoided altogether.

Obviously much of this will be worked up at the detailed design stage but needs to be said now to avoid delays in requesting amendments to designs that should have been considered at the outset.

## 5. **Third Party Responses:**

- 5.1. Site and press notices posted – advertised as a Departure from the Birmingham Development Plan. 237 residents, Ward Councillors, MP's for Northfield and Bromsgrove Constituencies and Resident Associations notified. 11 letters of comment/objection received including one from Gary Sambrook MP on behalf of a constituent, one from Councillor Adrian Delaney and one from MG Motor UK Limited.
- 5.2. Councillor Delaney - This is a very large planning application with the proposal to build up to 695 new homes and provide 9980sqm of employment space. Since the collapse of the former MG Rover car company we have seen a large amount of new residential homes, office accommodation, college, retail and the new town centre built on the former factory site. With an increase in the population and movement on and off the former factory site this is putting additional strain on many local services including doctors' surgeries, schools and the local road network. With this in mind if this application is approved then I would like to see a large financial contribution provided by the developer to help pay for and provide additional capacity for schools, doctors surgeries and to help repair and improve local roads in particular the Lickey Road. Not only is the Lickey Road in serious need of repair with many potholes, we also have a serious problem with flooding. If you are minded to approve this application, then funding should be made available to help increase the capacity of the drains on the Lickey Road just before the junction with Lowhill Lane on the outward-bound carriageway from the City. The flooding issue in this location has been ongoing for many years and a long-term solution needs to be found before we agree to such a large development.
- 5.3. The comments and objections are based on the following:
  - Objections to the proposals were made to the applicant following their leaflet drop but no further contact has been made.
  - Concerned about the proposed café in the tunnel fronting Dalmuir Road – loss of privacy to adjacent ground floor residents
  - Already significant parking issues locally – this will exacerbate the situation.
  - The link areas between existing development and the proposed development will create areas for anti-social behaviour to occur – it is already occurring on Dalmuir Road. Pedestrian areas need to be maintained and have a constant and correct level of security.
  - Noise during construction
  - Contractor/Vehicle parking – construction management is essential.
  - Landscaping is required on northern bank to ensure privacy of residents.
  - Where is the education and healthcare provision? Existing facilities can't cope now without a further 695 homes being built.
  - Creation of employment opportunities welcomed.
  - A community building would be beneficial along with a new school, medical practice and pharmacy.
  - In over 10 years of development on the former MG site – nothing has come forward that benefits the local community.
  - Impact on emergency services?
  - Existing fence on top of woodland bank should be replaced with a wall to prevent

- fly-tipping, protect wildlife and privacy to existing residents when the area becomes part of the site open space.
- Suitability of Dalmuir Road to be primary access into the site – road safety is already compromised in and out of the Persimmon Homes site. The road needs to be re-surfaced before development commences on this site.
- Increase in risk of flooding locally.

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

### a. National Planning Policy Framework:

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 6: Building a Strong, Competitive Economy – para 81  
 Chapter 8: Promoting healthy and safe communities – paras. 92, 98  
 Chapter 9: Promoting sustainable transport – para. 110-113  
 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, 167 and 169  
 Chapter 15: Conserving and enhancing the natural environment – paras. 174, 180, 183-188

### b. Birmingham Development Plan 2017:

The site is allocated employment land.  
 PG1 – Overall Levels of Growth  
 PG3 – Place Making  
 GA10 – Longbridge  
 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  
 TP17 – Portfolio of Employment Land and Premises  
 TP19 – Core Employment Areas  
 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 - Health  
 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

Longbridge Area Action Plan (AAP)



c. Development Management DPD:

Policy DM1 – Air Quality  
Policy DM2 – Amenity  
Policy DM3 - Land affected by contamination, instability and hazardous substances.  
Policy DM4 – Landscaping and Trees  
Policy DM5 – Light Pollution  
Policy DM6 – Noise and Vibration  
Policy DM10 - Standards for residential development  
Policy DM14 – Transport Access and Safety  
Policy DM15 – Parking and Servicing

d. Supplementary Planning Documents & Guidance:

Places for All SPG  
Places for Living SPG  
Birmingham Parking SPD  
Public Open Space in New Residential Development SPD  
Affordable Housing SPG  
Nature Conservation Strategy for Birmingham SPG  
Sustainable Management of Urban Rivers and Floodplains SPD  
Loss of Industrial Land SPG

7. **Planning Considerations:**

- 7.1. The key issues for determination are the principle of development, employment land supply, housing land supply, quantum of development and illustrative masterplan, access and issues relating to drainage, contaminated land, conservation and archaeology, noise and amenity, ecology/landscape and sustainability.

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.

Employment Land Supply

- 7.4. As the application site area is greater than 10 hectares, under Policy TP17, the site would be considered as a Best Quality employment site. The Employment Land Availability Assessment 2020 is the most recently published assessment of the employment land supply within the City. This identifies that the supply of available

Best Quality employment land is well above the 60-hectare BDP requirement due to the allocation of Peddimore (71 Hectares) and the Wheels site (16ha).

#### Principle of Development

- 7.5. The application site falls within the Longbridge Growth Area covered by policy GA10 of the Birmingham Development Plan (BDP). This policy refers to the ambitions and targets of the Longbridge Area Action Plan (AAP).
- 7.6. The site is allocated under EZ2 of the AAP for B class employment uses and is an allocated Core Employment Area in the BDP. Policy TP19 identifies that within such areas, applications for proposals not in an employment use will not be supported unless an exceptional justification exists. Paragraph 5.9 of the Loss of Industrial Land to Alternative Uses SPD provides examples of where exceptions may exist, which includes proposals where the particular site size requirements make it difficult to find sites which do not involve the loss of industrial land or where the site forms part of a large-scale mixed-use regeneration proposal which has been identified in other City Council planning documents. These policies were written before the changes to the Use Classes Order were introduced in 2020 which has resulted in B1 uses now being classified as an E class use amongst many other commercial uses.
- 7.7. The supporting Employment Land Statement identifies that the industrial and warehouse market, as it relates to the application site, has no realistic prospect of such a development of the MG works being successful. This is because the site is neither: -
- suitable for large scale industrial and warehouse premises; nor
  - viable for such a development.
- The Site is considered to be compromised particularly in terms of access and its situation, bound on three sides by housing development. For these reasons, the Statement concludes that Site is not attractive to modern industrial and warehouse operators. The brownfield nature of the Site, particularly its heavy former industrial use, also renders the development of the site to be unviable. Principally, this is due to the scale of abnormal costs necessary to prepare the Site for development.
- 7.8. The Statement goes on to identify that whilst Longbridge's attractiveness for industrial and warehouse development is receding, it has become an established and alternative office location. This is due to the strength of its all-round communications, including its regular and fast rail service, complementary uses such as Bournville College, and the amenity and diversity of facilities conferred to by the Town Centre. However, as the site is slightly removed from the Town Centre, the development proposals seek to mitigate this by promoting a mix of amenity uses in the conversion of the CAB 1 building, located near to the International Headquarters, the Roundhouse and the Conference Centre – all of which are proposed to be reused or converted for offices and associated employment uses. These elements form a strong and important core of employment floor space. They are projected to support 1,383 workforce jobs based on the most marketable re-use of the three retained buildings for employment use, the redevelopment of CAB 1 building for a mix of commercial and community uses, and the yield from those working from home on a permanent basis. In addition, under-utilised industrial buildings retained by Nanjing have the potential to support a further 207 jobs, taking the total to 1,590 for the whole MG site.
- 7.9. The Employment Land Statement concludes that it is not economically suitable or viable to redevelop the site for large scale employment uses. The submitted viability assessment is the key here. Policy TP19 requires an exceptional justification for non-employment uses in Core Employment Areas. Whilst exceptional justification isn't defined in the BDP; exceptions are described in paragraph 5.9 of the SPD. These include where there are good planning grounds for the loss. Paragraph 5.10 also

says that the overall policy approach allows for redundant industrial sites for which there is no market demand for either re-use or redevelopment. Paragraph 5.4 of the SPD also states that *“Where it is being argued that high redevelopment costs makes industrial redevelopment commercially unviable, applicants should provide a detailed analysis of redevelopment costs including investigations into land contamination issues”*.

- 7.8. Planning permission is sought for a mixed-use development which would be housing led with only 2.12 hectares of mixed employment space proposed. The submitted viability appraisal has been assessed by Lambert Smith Hampton and is considered robust. I consider that there are ‘good planning grounds’ and an exceptional justification under TP19 for the loss of most of the allocated core employment site. The employment floorspace proposed would continue to provide some employment on the site, just not at the levels proposed in the BDP allocation. Given this, I consider that the principle of the development is in accordance with policy.

#### Quantum of development and illustrative masterplan

- 7.9. The illustrative masterplan as detailed above identifies how the site could come forward for the proposed mixed-use development. As the application is made in outline form with all matters reserved; this plan is illustrative with only the quantum of development gaining approval. The development could come forward differently to that shown. The proposal, in quantum terms, seeks permission for up to 695 dwellings on approximately 13.76 hectares, 4.21 hectares for open space and 2.12 hectares for employment. The proposed indicative mix would see:
- 1-bedroom apartments – 83 (12%)
  - 2-bedroom houses – 133
  - 2-bedroom apartments – 136.
  - Total 2-bedroom properties – 269 (39%)
  - 3-bedroom houses (2 storey) – 57
  - 3-bedroom houses (2.5/3 storey) – 243
  - Total 3-bedroom properties – 300 (43%)
  - 4-bedroom houses – 43 (6%)
- 7.10. The mix of uses proposed is welcomed, as they would be complementary to what is proposed and help to meet everyday community needs, creating a more sustainable place. However, the mix of dwellings proposed will need to be secured by way of a pre-commencement safeguarding condition.
- 7.11. The site is very self-contained, disconnected from the surrounding townscape as a result of level changes, the railway and existing development. There are only three points of access illustratively proposed - from Lickey Road, Dalmuir Road and Lowhill Lane, although there could be a dedicated cycle link from Groveley Lane. A hierarchy of streets is indicatively proposed that appears reasonable. The key shortcoming is that the retained estate frustrates the ability to create a fully connected and legible site. The most disappointing aspect of this is that the indicative main ‘spine’ from the north to the south of the site, which would be a primary route, would terminate abruptly at the Conference Centre. This would make the important route from the town centre to Cofton Park unintuitive and indirect. The indicative Wider Site Masterplan shows how in the future this could be remedied through future phases resulting a more cohesive layout. The master planning of this site to take account of future phases and connections is encouraging and needs to be followed through at reserved matters stage.
- 7.12. Generally, the illustrative road layout looks intuitive and easy to navigate however the ‘estate housing’ to the south east would seem to have a disconnected layout. Superficially this looks legible and well connected however the use of disconnected private drives would prevent through traffic. Pedestrian and cycle access need to be

built in to ensure full connectivity for these users. The connection to the town centre to the north is vitally important to deliver. The illustrative masterplan shows a step / ramp route up the steep slope from Dalmuir Road and this would need to be carefully designed to avoid being over engineered. The visualisation is concerning as the concrete walls would block sightlines – it needs to be as open as possible and feel safe to use.

- 7.13. The retention and repurposing of the existing buildings is strongly welcomed and would help to establish a sense of place and link to the important history of the site. These are proposed as landmarks and destinations within the illustrative master plan. Consideration has been given to traditional separation distances within the two-storey 'estate housing' to the south east, however the taller townhouses to the north appear that they would be very closely spaced. It will be important to ensure that reserved matters layouts demonstrate a high quality of living environment with enough privacy and private amenity space for all dwellings.
- 7.14. The residential parcel to the west of the site in between the Roundhouse and International HQ seems isolated from the other housing however; this could be remedied in future if the retained estate becomes available for development. Although it is not explicit, the average density for the site would be around 51dph if 695 dwellings were delivered. This would vary over the site with apartments and townhouses to the north of the site and along the central spine leading to the neighbourhood community hub.
- 7.15. The density of development influences the amount of parking required. The way that parking will be dealt with is not set out, but it must not dominate streets or reduce areas available for tree planting and other green infrastructure. A parking strategy should be prepared for reserved matters stage. The scale of the proposed development would appear appropriate to the context, but five storeys should be the maximum height.
- 7.16. No details of design or appearance are provided as the application is in outline form with all matters reserved however, the accompanying indicative 3D visualisations suggest the use of contemporary architecture with an emphasis on the use of brick. Places for Living SPG promotes high quality contemporary design that has evolved from the local context, and so this approach would be supported. City Design raise no objection to the quantum of development but are concerned regarding the possible layout issues identified above.
- 7.17. With regards to landscape; over the longer term, the development should represent positive townscape and landscape change for the site and surrounding area. There would be a significant degree of tree removal proposed within the site, including many category B trees, which would be disappointing. There is a proportion of accessible open space indicatively proposed as part of the development ranging from an urban plaza, a 'hanging garden', wide linear green open spaces along key routes and existing woodland to the edges of the site. The indicative 'central linear park' however is less convincing, particularly to the centre of the site where the available space narrows and it becomes fragmented by paths and roads.
- 7.18. The indicative landscape master plan shows virtually all streets to be tree lined. This is required by the 2021 NPPF and welcomed in principle, however it is doubtful that this could be achieved in practice in the medium density residential streets to the south of the site. These show conventional footways of around 2m, and some shallow frontages where it would be difficult to accommodate a tree. Also, dependent on the housing density, pressure for parking could lead to hard paved frontages at reserved matters stage, and this should be avoided. A balance of hard and soft landscape treatments is required on residential frontages. Trees should be planted in

soft landscape areas wherever possible, but where proposed in hard surfacing, suitable below ground pit infrastructure will be required to ensure a sustainable rooting volume, long term survival and a meaningful legacy for the site.

- 7.19. No objection is raised by Landscape Officers to the range of plants in the plant list suggested. These include a mix of native and ornamental species with year-round interest, resilience and benefits for wildlife. Broadly there is a suitable palette for the creation of the environments indicated. The use of Oaks may need to be reviewed due to poor availability and current restrictions on importing these species.
- 7.20. The proposals for play provision are unconvincing, particularly in the case of the NEAP shown to the extreme north of the CAB1 Plaza. The size of the site means that a NEAP should be provided but this seems the wrong setting, too cramped an area for this purpose and too close to residential properties. Generally, a buffer is required between the facility and residential properties.
- 7.21. Suggested locations for sustainable drainage features are shown on the illustrative masterplan, however there are few details of the character of these and whether they would be wet or dry features. Nevertheless, they are mostly integrated positively into the site landscape. Some appear to be accessible for play. This needs to be borne out in detailed proposals rather than becoming fenced off steep sided areas with little amenity value. The use of rain gardens within the residential streets should be considered. Overall, Landscape Officers raise no objections but raise detailed layout concerns relating to future reserved matters submissions.
- 7.22. As can be seen from the consultation and neighbour responses, a number of issues have arisen from the illustrative masterplan including the location of play areas, connectivity and layouts, ensuring housing has sufficient privacy and private amenity space, parking, landscape, road widths and street trees and retention of trees on site. These have all been raised with the Agent so that they can be addressed during the future reserved matters submissions. The issue to be determined through this application is whether the illustrative masterplan indicates that the site can be appropriately brought forward for the quantum of development proposed. I consider that this site can accommodate the proposed quantum of development successfully although it is unlikely to be in the exact form of development indicated on the illustrative masterplan. A safeguarding condition is recommended below securing minimum and maximum quantum's along with those relating to landscaping and boundary treatments.

#### Access and parking

- 7.23. As already acknowledged, the proposed development is in outline only with all matters reserved, including access. The principle and quantum of the uses proposed has been demonstrated, through the submitted transport assessment, to not have any significant effect on the highway network compared to the previous and consented uses on the site. The existing MG access would need to be modified and assessed as a standalone junction to likely be in the form of a ghost right turn into the site on Lowhill Lane. Transportation raise no objection in principle subject to conditions but note the submitted illustrative access plan and indicative layout and acknowledge that these are all subject to further detailed consideration when these are submitted for analysis. The public transport, walking and cycling network are acceptable for this development but road improvements will be required.
- 7.24. I note the objections and comments received from adjacent neighbours in the residential development constructed by Persimmon Homes on the edge of the town centre. Dalmeir Road, which is currently proposed as the main entrance into this development site, remains in the ownership of the applicant and if parking is an issue and is preventing access and emergency access then this is in the power of the

applicant to fix. The adjacent residential schemes were all built in accordance with parking requirements at the time and are within walking distance of public transport – as is this application. As already noted, the proposal would not have any significant effect on the network, including any impact on emergency vehicles, sufficient to refuse planning permission. Parking requirements for each use would be assessed as part of any future reserved matters submission for the site. This also applies to the proposed café on the Dalmuir Link Road. Safeguarding conditions are recommended below relating to construction management.

#### Flooding and Drainage

- 7.25. The application is accompanied by a sustainable drainage assessment and flood risk assessment. These determine that the site is in Flood Zone 1 and that the site would need to accommodate 20,000 cubic metres of surface water run-off to achieve as close to greenfield run-off rates as possible, given the site contamination. This would be achieved using attenuation basins within the open space, swales, geocellular storage and flow control devices. The LLFA, Severn Trent Water and the Environment Agency have raised no objections to the development proposals as the proposed development would not increase the risk of flooding. Safeguarding conditions are recommended below. I consider the proposals to be in accordance with Policy.

#### Environmental Statement

- 7.26. The accompanying Environmental Statement looked at the proposed development in terms of noise and vibration, air quality, socioeconomics and land contamination. The land contamination reports identify the presence of heavy metals both in the soil and in the ground water on site. The sampling on site also identifies that the site is of moderate risk of ground gas which may require further mitigation on site. Regulatory Services have reviewed the ground assessments and recommend safeguarding conditions for further work to be undertaken. These are recommended below.
- 7.27. In terms of noise, the accompanying noise assessment concludes that any adverse impacts on health and quality of life can be mitigated within the proposed development using acoustic ventilation within residential properties, layout proposals including room locations, glazing specifications and orientation. In terms of road and rail noise, this would increase for existing occupiers once the development was occupied due to the increased use on Dalmuir Road however, the assessment concludes that due to existing background levels, this change would be minor and not significant. With regards to construction noise, the Environmental Statement classifies the effect on existing occupiers as negligible or minor, but these effects would be of a temporary nature.
- 7.28. The application is supported by an Air Quality Assessment which identifies that during the construction phase, the potential impact is to existing occupiers from dust, which without mitigation could be 'high risk' however, with mitigation measures in place, this risk would not be significant. In terms of operational development, the effect in traffic flow and therefore air quality is determined as negligible. As such, the proposed development would comply with air quality policy requirements.
- 7.29. The Socio-economics chapter identifies the proposed development's impact and found during the construction phase that construction employment would have a minor beneficial impact whilst the health impact would be neutral. Following construction, the impacts would be as follows:
- Housing – major beneficial
  - Employment – moderate beneficial
  - Open space – play (major beneficial), sports pitch provision (moderate beneficial) and open space (moderate beneficial).
  - Health Facilities – neutral impact



- Education – neutral impact.

These impacts are based on mitigation being provided in the form of play areas including teenage play, off-site financial contribution for sports pitch provision; financial contributions for health provision locally and a financial contribution to fully offset the potential impact. As many of these are not offered as part of the Section 106 Agreement (see below), I consider that the impacts would reduce from major/moderate beneficial for play and would have a minor negative impact for health facilities and as it could no longer be classed as neutral. Although I note that the community hub could accommodate some NHS facilities if they were required by the NHS.

#### Conservation and Archaeology

7.30. The application is accompanied by an Archaeological and Heritage Assessment. The site is mostly cleared apart from the International Headquarters Building; the Conference Centre; part of CAB 1 and the Roundhouse. These buildings are proposed for retention and repurposed for employment uses. This is welcomed and Conservation consider them to be non-designated heritage assets and of significance to Birmingham and the history of the British motor industry. Other structures proposed for retention include the steps to Dalmuir Road, the tanks nearby and the entrance tunnel to the underground shadow factory. These are not as significant as the buildings cited above but will help retain some of the sites historic interest through imaginative reuse. Conservation raise no objection to the proposed development and the retained building's conversion subject to safeguarding conditions including the phasing of development to ensure that the retained buildings are not left until the end while the developers concentrate on the new build elements. I concur with this approach and the relevant safeguarding conditions are recommended below.

7.31. In terms of Archaeology, no objection to the proposed development is raised subject to archaeology conditions relating to Written Schemes of Investigation as the potential for the discovery of buried archaeology pre-dating the factory is low. The archaeological interest in the site is now limited to the recent industrial use including the remains of the Second World War Shadow Factory in the tunnels below the hill.

#### Ecology

7.32. The application is accompanied by a Phase 1 Habitat Survey and Ecological Appraisal. As per the illustrative masterplan comments, until detailed proposals are brought forward, the impact on ecology is unknown. Whilst the City Ecologist has raised no objections to the proposed development due to the significant increase in biodiversity net gain of 66.75% for habitat units and 476.6% for hedgerow units, much of the impact is yet to be known and the appraisal concludes that further bat surveys are required. Relevant ecology and tree conditions are recommended below.

#### Sustainable Energy and Construction

7.33. Policy TP3 requires new developments to be constructed in ways that:

- Maximise energy efficiency and the use of low carbon energy.
- Conserve water and reduce flood risk.
- Consider the type and source of the materials used.
- Minimise waste and maximise recycling during construction and operation.
- Be flexible and adaptable to future occupier needs.
- Incorporate measures to enhance biodiversity value.

7.34. A Sustainability Statement has been submitted which addresses each of these requirements of policy TP3 to an appropriate level for an outline planning application. There are many measures identified within this statement that are proposed to be followed up at the reserved matters stage, for example exploring the potential use of Combined Heat and Power (CHP), meeting building for life standards and a commitment to exceed Building Regulations Part L minimum requirements.

Appropriate conditions are recommended below to ensure that the measures identified in the Sustainability Statement will be secured at the reserved matters stage.

- 7.35. Policy TP3 also requires new non-residential developments over 1,000 square metres to achieve BREEAM Excellent standard unless it can be demonstrated that this would make the development unviable. It is recognised that the development proposal will not involve any new non-residential buildings and so the requirement for BREEAM Excellent standard cannot be required.
- 7.36. Policy TP4 requires new developments to incorporate the provision of low and zero carbon forms of energy generation or to connect into existing networks where they exist, unless it can be demonstrated that the cost of achieving this would make the development unviable. Combined Heat and Power (CHP) is the preferred system of energy generation for residential developments over 200 units or non-residential developments over 1,000 square metres.
- 7.37. An Energy Statement has been submitted which contains an appropriate level of information for the outline planning application. It identifies a commitment to model the potential for a CHP powered District Heat Network as part of the scheme, as well as other technologies such as ground and air source heat pumps and solar energy. A condition is recommended in order to secure the proposed measures identified in the Energy Statement.
- 7.38. Based on the above, I consider that the requirements of TP3 and TP4 have been met for a scheme in outline form.

#### Financial Viability and Section 106 Requirements

- 7.39. A Financial Viability Appraisal was submitted in support of the planning application which, has been independently assessed by Lambert Smith Hampton. As previously identified, the site is heavily contaminated and a significant 'clean' of the site is required in order to develop the site for residential purposes. A significant proportion of public funding is also being provided to the site delivery from the West Midlands Combined Authority and Homes England. Initially, the applicant stated that the scheme could not support any financial contributions or affordable housing.
- 7.40. Policy TP31 requires residential developments of 15 dwellings or more to deliver 35% of the proposed units as affordable housing, with a strong presumption in favour of on-site provision.
- 7.41. After significant negotiation, the applicant now offers the following in terms of affordable housing:
- 104 homes equating to an affordable offer of 15% comprising:
    - 9.35% Discount Open Market Value – 80% DOMV (65 homes)
    - 3.75% First Homes - 70% Discount Open Market Value (26 homes)
    - 2% Social Rent (13 homes)
- The applicant also agrees to offer a portion of the site (location and size to be agreed) to be sold to a Registered Provider for the provision of further affordable housing to the equivalent of 5%. However, this would not be secured through a Section 106 Agreement but will be secured via a separate legal agreement due to the funding criteria of Homes England.
- 7.42. In terms of education provision, the proposed development would require a primary school on site however, Education felt that a further new school was not required in this location given the new school to be provided by Bloor Homes on the former North Worcestershire Golf Course site. On this basis, Education agreed that an off-site contribution would be acceptable. Based on the breakdown of unit type in the

financial viability appraisal this would require the following off-site financial contribution:

- Nursery £75,212.59
- Primary £1,934,981.95 and
- Secondary £1,588,158.54.
- Total £3,598,353.08.

However, based on the financial viability of the site, the scheme can only provide an off-site financial contribution of £2.5m towards the provision of school places in the Northfield Constituency. Education have accepted that the sum offered is based on development viability and no increase in this sum can be secured.

- 7.43. 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. Children's play would be provided in the form of toddler play (LAP), toddler and junior play (LEAP) and a toddler, junior and youth play (NEAP) – this could provide a ball court but based on the illustrative masterplan, a ball court is not proposed. No on-site pitches are proposed. However, Cofton Park is within walking distance of the application site.
- 7.44. Local Services have confirmed that the amount of open space proposed on site would meet the requirements of the policy in relation to the number of residential units proposed but they are unsure whether the required play areas can be accommodated. However, as this is an outline application with all matters reserved, I consider the way forward on this issue is to secure the provision by way of a safeguarding condition.
- 7.45. A further £20,000 is offered following a request from Local Services to cover a Landscape Clerk of Works fee for overseeing the implementation of the POS/Green infrastructure/play elements/cycle route to ensure these are constructed to BCC standards and quality. I consider this necessary, directly related and related in scale to the proposed development and this contribution is recommended below.
- 7.46. The proposal is liable for CIL; however, as the proposed development is within a Low Value Area, the charge per sq./m is £0. Therefore, no payment would be required.

#### Planning Balance

- 7.47. 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.
- 7.48. 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 dwellings
- Greater utilisation of local shops and services by residents
- House building supports economic growth

#### *Social*

- Supply of affordable accommodation which is in short supply
- Provision of a mixture of affordable housing types
- Provision of public open space and children's play
- Financial support for provision of school places

#### *Environmental*

- Ecological enhancements through new planting, biodiversity net gain
- Redevelopment of brownfield sites

7.49. With regards to the potential **harm** arising from the development these are:

- Environmental effects of noise, disturbance, dust etc. during construction phase (this would be controlled through a condition for a CMS)
- Insufficient affordable housing and financial contribution for education leading to lack of provision for the site occupants.
- Potential minor negative impact on health provision – albeit that this sits outside of the planning system and the system is unable to provide facilities for Doctor/Dentist NHS Services.

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

7.51. 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 employment development would continue to expand the range of employment opportunities and services available within the Longbridge AAP area in accordance with policy requirements.

8.2. 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 and affordable housing. The proposed development would continue to expand the mix and tenure of residential properties within the Longbridge AAP area in accordance with policy requirements. There would be no adverse impact on the amenity of neighbouring occupiers and the proposed development would have a beneficial impact on ecology and landscape locally. The quantum of development proposed can be accommodated on the site and the development would see a significant net biodiversity gain on the site through new landscape and SuDS. On this basis, I have concluded that the proposal is sustainable development.

8.3. The financial viability of the site is challenging however the proposed development would provide the best outcome for moving this site forward in accordance with the aims and vision of the Longbridge AAP whilst creating a sustainable community on site.

## 9. **Recommendation:**

9.1. That application 2021/08642/PA be APPROVED subject to the prior completion of a Section 106 Legal Agreement to secure the following:

- a) The provision of 15% affordable housing split as 9.35% low cost home ownership at 80% of open market value, 3.75% First Homes at 70% of open market value and 2% social rent in perpetuity with mix to be agreed.
  - b) The provision of £2,500,000 for off-site provision of school places through the expansion/upgrade of schools within the Northfield Constituency.
  - c) The provision of a minimum of 4.21Ha of Public Open Space (POS) and £20,000 to cover a Landscape Clerk of Works fee for overseeing the implementation of the POS/Green infrastructure /play elements/cycle route to ensure these are constructed to BCC standards and quality.
  - d) A financial review mechanism at each Reserved Matters Submission in order to secure additional affordable housing where possible.
  - e) Payment of a monitoring and administration fee associated with the legal agreement of £10,000.
- 9.2. A further, separate legal agreement requiring the sale of part of the site to a Registered Provider for the provision of further affordable housing on a site and site area to be agreed. Should a transfer to a Registered Provider not be secured within three years of commencement a financial viability review shall take place to determine whether additional affordable housing shall be provided on site by the developer.
- 9.3. In the absence of a suitable legal agreement being completed to the satisfaction of the Local Planning Authority by the 18 November 2022, or such later date as may be authorised by officers under delegated powers, planning permission be refused for the following reasons: -
- In the absence of a legal agreement to secure any on-site affordable dwellings for low cost home ownership, First Homes and social rent, the proposal conflicts with Policy TP31 of the Birmingham Development Plan, Proposal H1 of the Longbridge AAP and the National Planning Policy Framework.
  - In the absence of a legal agreement to secure a financial contribution towards the provision of off-site school places, the proposal conflicts with Policy TP36 of the Birmingham Development Plan and the National Planning Policy Framework.
  - In the absence of a legal agreement to secure contributions to cover a Landscape Clerk of Works fee for overseeing the implementation of the POS/Green infrastructure /play elements/cycle route, the proposal conflicts with Policies PG3, TP7, TP9, TP38, TP39 and TP40 of the Birmingham Development Plan and the National Planning Policy Framework.
- 9.4. That the City Solicitor be authorised to prepare, complete and seal an appropriate agreement under Section 106 of the Town and Country Planning Act.
- 9.5. That in the event of the planning obligation being completed to the satisfaction of the Local Planning Authority by 18 November 2022, or such later date as may be authorised by officers under delegated powers, planning permission for application 2021/08642/PA be APPROVED, subject to the conditions listed below:-

- 
- |   |   |
|---|---|
| 1 | Implement within 3 years (outline)  |
| 2 | Requires the submission of reserved matter details following an outline approval    |
| 3 | Requires the scheme to be in accordance with the listed approved plans              |
| 4 | Requires the prior submission of a programme of archaeological work                 |
| 5 | Requires the prior submission of contamination remediation scheme on a phased basis |
-

---

6	Requires the submission of a contaminated land verification report
7	Requires the prior submission of a sustainable drainage scheme in a phased manner
8	Requires the submission of a Sustainable Drainage Operation and Maintenance Plan
9	Requires the prior submission of a drainage scheme
10	Requires the prior submission of an additional bat survey - WW2 Tunnel entrances and network
11	Requires submission of a construction ecological management plan
12	Requires the submission of a scheme for ecological/biodiversity/enhancement measures on a phased basis
13	Requires the prior submission of details of bird/bat boxes
14	Requires the prior submission of a habitat/nature conservation management plan
15	Requires the submission of extraction and odour control details on a phased basis
16	Limits the noise levels for Plant and Machinery
17	Secures noise and vibration levels for habitable rooms
18	Requires the submission of details of a communal satellite dish
19	Limits the maximum number of dwellings
20	Requires prior submission of housing mix.
21	Limits the maximum number of storeys
22	Requires the submission of hard and/or soft landscape details
23	Requires the submission of hard surfacing materials
24	Requires the prior submission of earthworks details in a phased manner
25	Requires the submission of boundary treatment details in a phased manner
26	Requires the submission of a landscape management plan
27	Requires the submission of a lighting scheme in a phased manner
28	Requires the prior submission of a construction method statement/management plan
29	Requires the submission of sample materials in a phased manner
30	Requires the prior submission level details on a phased manner
31	Requires the scheme to be in accordance design and access statement
32	Requires the scheme to be in accordance with the environmental statement
33	Requires the submission of a CCTV scheme

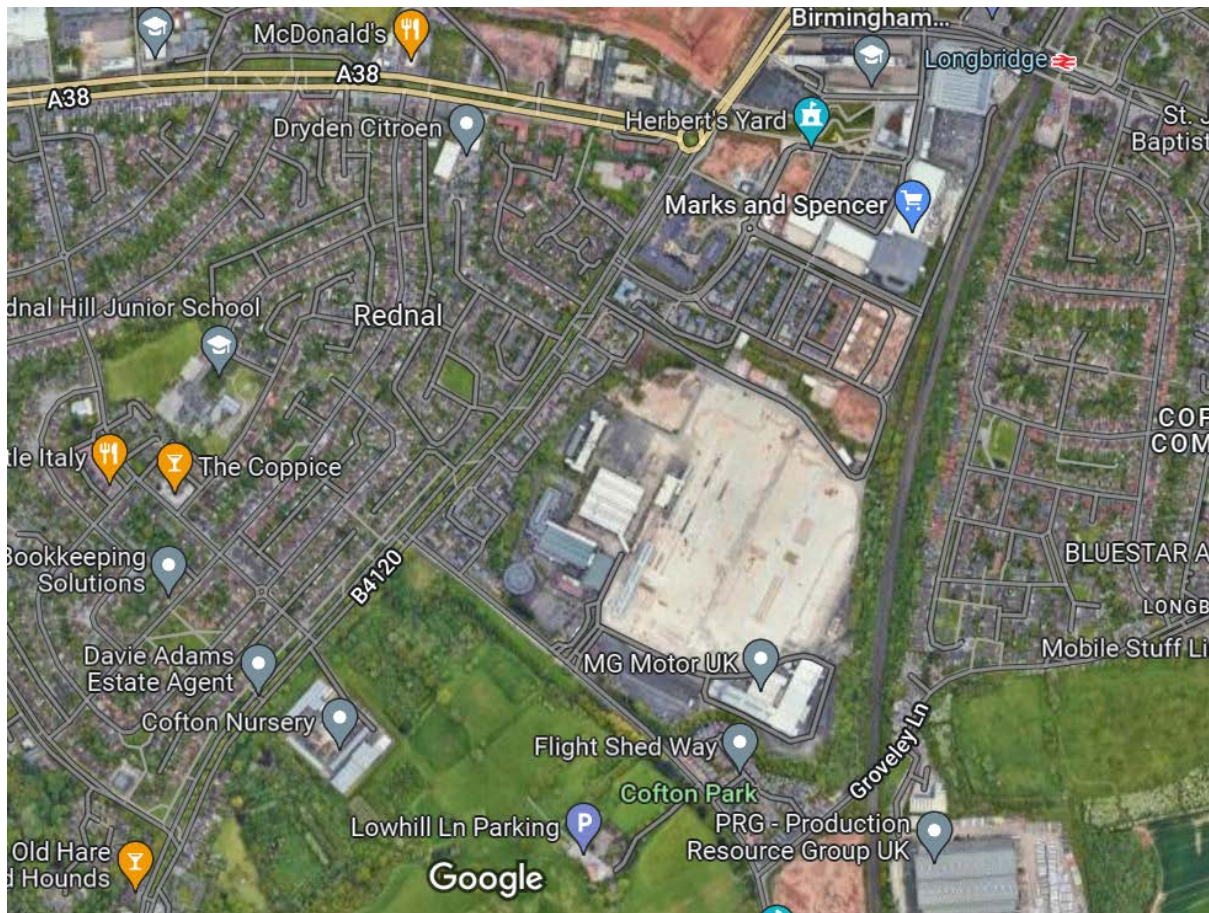
---



- 
- 34 Requires the prior submission of a phasing plan
  - 35 Requires the submission of play area details
  - 36 Requires the submission of ramp and step details to/from Dalmuir Road
  - 37 Requires the prior submission of a masterplan
  - 38 Requires the submission of details of refuse storage
  - 39 Minimum quantum of development for Public Open Space and Employment Land
  - 40 Requires the submission of an open space strategy
  - 41 Requires the prior submission of a construction employment plan.
  - 42 Approved Use Classes
  - 43 Removes PD rights for telecom equipment
  - 44 Requires the submission of detailed sustainable construction and energy statements for each phase of development
  - 45 To ensure information on the proposed low/zero carbon energy technology is submitted on a phased basis
  - 46 Requires the submission of pedestrian and cycle route details
  - 47 Prevents occupation until the service road has been constructed
  - 48 Requires the submission of a parking management strategy
  - 49 Requires the submission of details of parking
  - 50 Requires the submission of a residential travel plan
  - 51 Requires the submission of cycle storage details in a phased manner
  - 52 Requires the applicants to sign-up to the Birmingham Connected Business Travel Network
  - 53 Requires the provision of a vehicle charging point
  - 54 Tree Survey and Arboricultural Implication Assessment Submission Required (Outline Application)
  - 55 Arboricultural Method Statement - Submission Required
  - 56 Requires the implementation of tree protection
  - 57 Requirements within pre-defined tree protection areas
- 

Case Officer: Pam Brennan

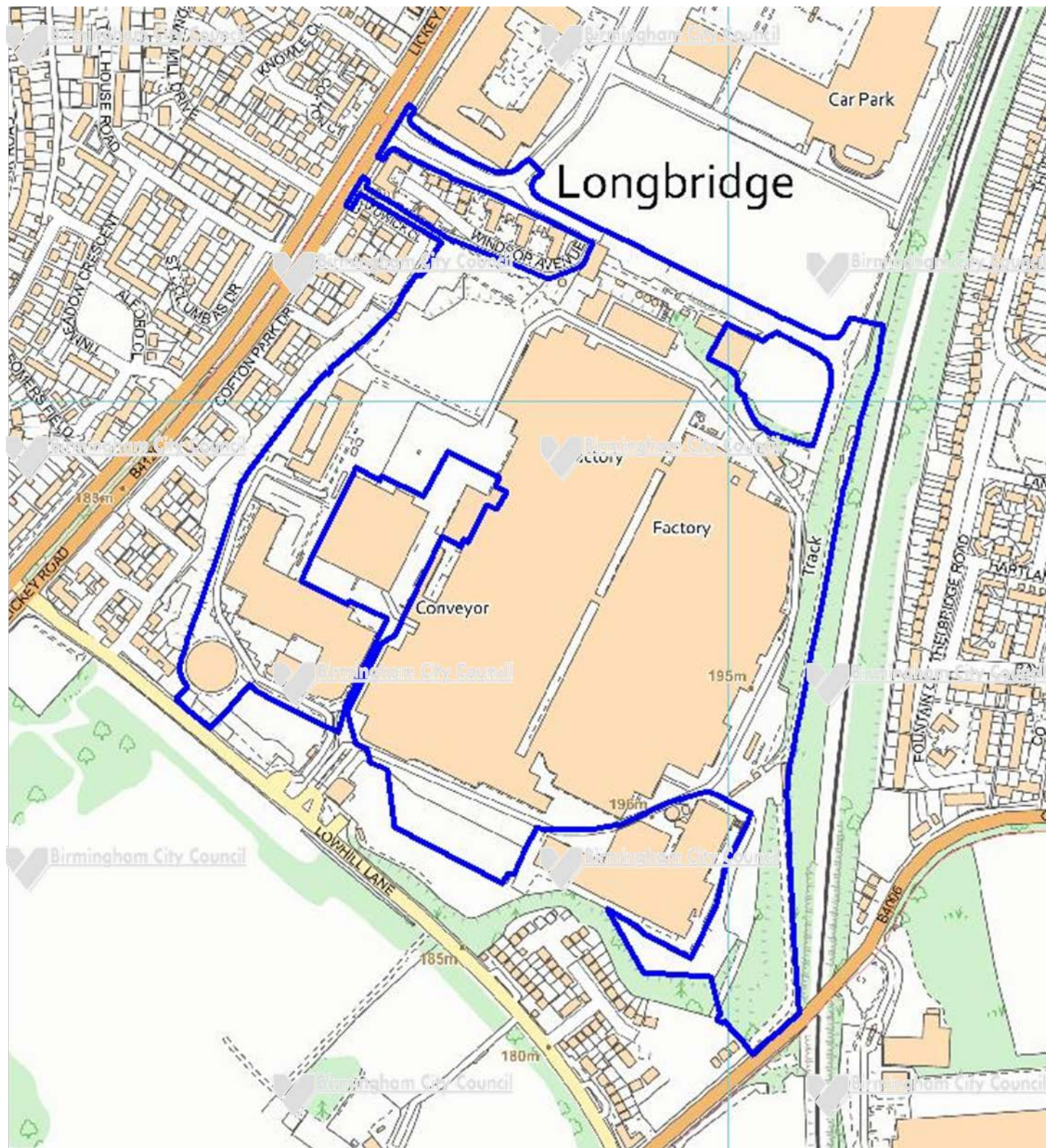
## Photo(s)



Aerial View of Site



## Location Plan



**This map is reproduced from the Ordnance Survey Material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Birmingham City Council. Licence No.100021326, 2010**

---

Committee Date:	18/08/2022	Application Number:	2022/03915/PA
Accepted:	13/05/2022	Application Type:	Full Planning
Target Date:	19/08/2022		
Ward:	Northfield		

Plot 3 - West Longbridge, Land off Bristol Road South, Longbridge, Birmingham,

Erection of employment unit for research, development and industrial purposes (Use Classes E(g)(ii), E(g)(iii) and/or B2), parking, service yard, access, drainage, landscaping and other associated infrastructure

Applicant:	St Modwen Developments Ltd
	C/o Agent
Agent:	Planning Prospects Ltd
	4 Mill Pool, Nash Lane, Belbroughton, DY9 9AF

---

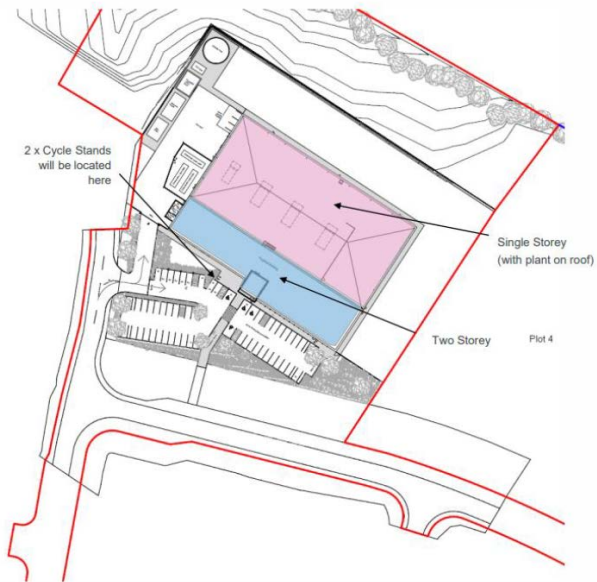
Recommendation

**Approve subject to Conditions**

**1. Proposal:**

- 1.1 The development proposals comprise the construction of an employment unit for research, development, and industrial processes together with parking, service yard, access, drainage, landscaping, and other associated infrastructure, which would be split over two floors.
- 1.2 The employment unit is proposed for research, development, and industrial processes (use classes E(g)(ii), E(g)(iii), and/or B2 uses). The proposed building is bespoke and has been designed to meet the operational requirements of the occupier, Waters Corporation. Waters Corporation are a world leading specialty measurement company who are currently based in Shirley, Solihull. The proposed development would provide the company with a modern, high-tech manufacturing facility which would assist with the efficiency of their operations and provide the potential for their future expansion.
- 1.3 The proposed main building would have a gross internal area of 5,515sq.m which would be split over two levels: 4,201sq.m on the ground floor and 1,228sq.m on the first floor. The two-storey element would be focused on the southern part of the building with single storey to the rear. The ground floor would comprise the high precision machinery with various "cell" areas for different operations as well as a loading area, storage areas and locker areas with shower facilities. The first floor would include a mezzanine workshop with plant equipment, office space, meeting rooms and ancillary facilities. Plant would be situated on the roof of the single storey element to the rear.
- 1.4 The tallest section of the two-storey element (at the entrance) would be approximately 12.8m with the single storey workshop approximately 8.25m in height. The building would be approximately 79m in width and 56m in depth.





Proposed site layout



Proposed view of car park and building



Proposed front elevation



- 1.5 Proposed materials include black vertical sinusoidal steel cladding, white flat cladding, perforated metal panels, curtain walling and grey horizontal sinusoidal steel cladding.
- 1.6 The facility would operate twenty-four hours a day, with a proposed 60 employees working across three shift patterns.
- 1.7 Access to the proposed development would be provided by the new spine road for the West Longbridge site which is currently being constructed (planning permission 2017/10775/PA). This would provide direct vehicular, pedestrian and cycle access from the A38 Bristol Road South. Vehicular access would be provided to the west and pedestrian access to the south. Pedestrian and cycle access to the site would be further enhanced by the new cycle route (proposed under planning permission reference 2021/06547/PA).
- 1.8 A car parking area would be located to the south of the proposed building. This would provide a total of 60 parking spaces including 4 disability spaces, 8 electric vehicle charging spaces, 3 car sharing spaces as well as motorcycle and cycle parking spaces (internal and external). A service yard would be located to the west of the building. This would provide parking for up to 3 delivery vehicles with enough space for them to manoeuvre in and out. The service yard would also include a plant area with enclosed chillers, electricity substation, skips and drum, liquid store, fire pump and sprinkler tank. Access to the service yard would be restricted to authorised personnel only.
- 1.9 The areas to the immediate north and east of the proposed building would be reserved for potential future expansion of the building. For the meantime, these areas would comprise mown areas of grass.
- 1.10 The proposed landscaped areas would include woodland, grass and perennial mix planting on the bank to the rear of the application site, together with more structural tree and shrub planting within the parking area to the south. Appropriate plant species would also be incorporated within the drainage attenuation basins along the spine road.
- 1.11 The application is accompanied by a Planning Statement; Statement of Community Involvement; Design and Access Statement including Sustainable Construction and Energy Statement; Transport Statement; Flood Risk Assessment and Drainage Strategy including Management and Maintenance Plan; Desk Study, Land Contamination Technical Note and Remediation Strategy; Noise Impact Assessment; and Ecology Statement.
- 1.12 Site area: 3.351ha. The red line extends to include all land up to the public highway.
- 1.13 [Link to Documents](#)

## **2. Site & Surroundings:**

- 2.1. The West Longbridge site is situated approximately 8 miles to the south west of Birmingham City Centre. It lies within the administrative boundaries of Birmingham City Council and forms a key regeneration site, close to Longbridge Town centre, but also providing links to and siting adjacent to Rubery and Rednal. The site extends both west and north of the A38 Bristol Road South, which is a main arterial route into the City Centre and M5 Motorway to the west. It covers an area of 15.3 ha.
- 2.2. The West Longbridge site formed part of the wider MG Rover car plant which closed in 2005. It was utilised for automotive manufacturing and formerly contained

substantial, large scale manufacturing and other buildings associated with its former use. All buildings were demolished over 10 years ago and the site has since been subject to remedial and re-profiling works in readiness for its redevelopment. Much of the site is therefore cleared remediated land, with temporary levels formed by remediated materials as well as a temporary attenuation feature. The site slopes down to the line of the River Rea generally, with the employment buildings to the north and north west elevated at a higher level above a high embankment.

- 2.3. The site includes and is traversed by the River Rea, a tributary of the River Tame. The River flows in a west to east direction and is an important landscape and ecological feature of the site. It enters the application site at Rubery Lane in an open channel and continues eastwards where it enters a culvert beneath the A38 Bristol Road South. Works to the River corridor have been undertaken as part of the wider Longbridge redevelopment proposals to see much of its former industrial context removed and it returned to a naturalised channel with consequential environmental and biodiversity gains. Further river enhancement works are currently on-going.
- 2.4. Major new highway improvement works have been undertaken in the vicinity of the site in recent years to support the regeneration of the area. These works have included extensive new signalisation of the A38/Longbridge Lane junction, wider works along Longbridge Lane and other improvements in the wider area including the A38 roundabout. For West Longbridge these works have provided a new access to the site from the A38 – an important piece of development infrastructure to support to the site's delivery.
- 2.5. Longbridge Town Centre is located a relative short distance to the east across the A38, as are wider public transport connections, bus services and Longbridge Railway Station. These are connected to the site by existing and proposed pedestrian and cycle linkages.
- 2.6. Other uses and facilities in the wider area include mixed industrial / commercial uses to the west and north west, playing pitches and allotments, leisure uses at Great Park as well as Colmers School and Sixth Form College which are within a short walk from the site. Much of the surrounding area to the north predominately comprises existing housing.

2.7. [Site Location](#)

3. **Planning History:**

- 3.1. The site has extensive planning history from its former use. Recent relevant history is as follows:
- 3.2. 30 June 2022. 2021/06547/PA. Outline planning permission granted with all matters reserved except access for a residential development of up to 350 dwellings, access, landscaping, public open space and associated development infrastructure. Permission subject to Section 106 Agreement securing:
  - a) The provision of 20% affordable housing split as 13% low-cost home ownership at 80% of open market value, 5% First homes at 30% of open market value and 2% social rent in perpetuity with mix to be agreed.
  - b) The provision of £999,000 for off-site Social Rent affordable housing provided by Birmingham Housing Municipal Trust within the Northfield Constituency.
  - c) The provision of £20,000 to cover a Landscape Clerk of Works fee for overseeing the implementation of the POS/Green infrastructure /play elements/cycle route to ensure these are constructed to BCC standards and quality.
  - d) Payment of a monitoring and administration fee associated with the legal agreement to a maximum £10,000.

- 3.3. 26 November 2021. 2021/07145/PA. Planning permission granted for the erection of Multi-Disciplinary Veterinary Referral and Research Centre (Sui Generis) with access, parking, landscaping and associated infrastructure.
- 3.4. 14 September 2018. 2018/02549/PA. Planning permission granted for the erection of 4 employment units (Uses Classes B1b, B1c and/or B2), parking, access, drainage and other associated infrastructure and landscaping at land at West Works.
- 3.5. 25 October 2018. 2017/10775/PA. Planning permission granted for reprofiling of levels, river (including new floodplain) works, vehicular bridge, highways, pedestrian/cycle and associated infrastructure at land at Longbridge West.
- 3.6. 9 July 2015. 2015/03066/PA. Planning permission granted for river infrastructure works, reprofiling of riverbanks, footpath/cycleway including bridge and landscaping (Including temporary river realignment) at land at Longbridge West.

#### 4. **Consultation Responses:**

- 4.1. Transportation – No objection subject to conditions relating to construction of site access road, cycle parking and pedestrian visibility splay. The site is part of the wider MG Rover redevelopment at Longbridge and the use fits with the previous outline, masterplan and LAAP approvals. The site provides a suitable level of parking for cycles, disabled users, EVCP and general car parking in line with the Parking SPD.
- 4.2. West Midlands Fire Service – Development will need to comply with Building Regulations.
- 4.3. Lead Local Flood Authority – No objection subject to sustainable drainage conditions.
- 4.4. Ecology – No objections subject to landscape and bird/bat box conditions. The site is now highly disturbed, so the ecological value has been degraded to nil – being pretty much bare earth. As such there are no ecological matters to deal with on this front. The proposed plans for landscape show there will be significant net gain for biodiversity.
- 4.5. National Highways – No objection.
- 4.6. West Midlands Police – No objection subject to conditions relating to CCTV and alarm system; lighting; landscaping and boundary treatment.
- 4.7. Severn Trent Water – No objection subject to a drainage condition.
- 4.8. Regulatory Services – No objections subject to conditions relating to contaminated land, construction management and noise levels for plant and machinery. The location of the site is the former MG works and has already undergone significant remediation to address contamination. The application is accompanied by RLL Technical Note ref: 15093-RLL-21-XX-RP-O-0034 and dated April 2022 proposes a scheme which would be acceptable. It is noted that the application specifies provision for EV charging spaces which would exceed our minimum requirement. The additional noise report has addressed concerns.
- 4.9. Environment Agency – No objections subject to a contaminated land condition.

#### 5. **Third Party Responses:**

- 5.1. 58 Local Residents/Business Premises, Ward Councillors including adjoining wards, MP and Resident Associations notified. Site and Press Notice posted. No responses have been received.

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

a. National Planning Policy Framework (if relevant)

Paragraphs 8 and 11 – Sustainable Development  
Paragraph 81 – Building a Strong, Competitive Economy  
Paragraphs 110-113 – Promoting Sustainable Transport  
Paragraphs 130 and 131 – Achieving Well Designed Places  
Paragraphs 167 and 169 – Planning and Flood Risk  
Paragraphs 183-188 – Ground Conditions and Pollution

b. Birmingham Development Plan 2017: (if relevant)

PG1 – Overall Levels of Growth  
PG3 – Place Making  
GA10 – Longbridge  
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  
TP17 – Portfolio of Employment Land and Premises  
TP18 – Regional Investment Sites  
TP19 – Core Employment Areas  
TP26 – Local Employment  
TP38 – A Sustainable Transport Network  
TP39 – Walking  
TP40 – Cycling

Longbridge Area Action Plan (AAP)  
Proposal RIS1: Regional Investment Site (RIS) - on part of North works car park and majority of West works.

c. Development Management DPD: (if relevant)

Policy DM2 – Amenity  
Policy DM3 - Land affected by contamination, instability and hazardous substances.  
Policy DM4 – Landscaping and Trees  
Policy DM5 – Light Pollution  
Policy DM6 – Noise and Vibration  
Policy DM14 – Transport Access and Safety  
Policy DM15 – Parking and Servicing

d. Supplementary Planning Documents & Guidance:

Birmingham Parking SPD  
Nature Conservation Strategy for Birmingham SPG  
Sustainable Management of Urban Rivers and Floodplains SPD

7. **Planning Considerations:**

- 7.1. The key considerations in the determination of this application relate to the principle of development, design and layout, landscape and ecology, parking and access, surface water drainage; noise/amenity and sustainable energy and construction.

Principle

- 7.2. The application site falls within the Longbridge Growth Area which is covered by policy GA10 of the Birmingham Development Plan (BDP). This policy refers to the ambitions and targets of the Longbridge Area Action Plan (AAP).
- 7.3. The application site is an allocated core employment site and an allocated Regional Investment Site (RIS). The most relevant policy within the AAP is RIS1 which requires new development to be of B1b/B1c or B2 use class, with a target to achieve at least 100,000 square metres of these uses on the site. Policy TP18 of the BDP also relates to development on allocated RIS and reiterates that development proposals should be in a B1 or B2 use. Policy TP19 of the BDP is also relevant due to the core employment designation which states that core employment areas will be retained in B class employment use and will be the focus of economic regeneration activities likely to come forward during the plan period, but that other uses appropriate for industrial areas may also be considered appropriate.
- 7.4. These policies were written before the changes to the Use Classes Order were introduced in 2020 which has resulted in B1 uses now being classified as an E class use amongst many other commercial uses. However as sub-classes E(g)(ii) and (iii) uses equate to the former B1(b) and B1(c) uses they can be considered as appropriate in this location. As such, I consider that the principle of development in this location for the uses proposed is acceptable and in accordance with policy.

Design and Layout

- 7.5. The proposed building would be part single and part two storey with the two-storey element focused on the southern part of the building with single storey to the rear.
- 7.6. The main concern raised by City Design is that of the building's orientation to the spine road. Instead of being parallel to the street it is set at an angle, presumably relating more to the site boundary and topography than the street. The agent has advised that the orientation of the building is the same as shown on the wider site illustrative master plan and responds to the orientation of the site boundary and topography of the site. The layout optimises the site to form regular shaped zones to allow for service yards and possible future expansion for the building with the car park and landscape design taking up the irregular area to the front of the site. The main entrance to the building is in a prominent legible position facing the new street and spine road, which is directly connected through the landscape via a pedestrian and cycle path.





Wider site illustrative masterplan

- 7.7. The wider site illustrative masterplan shows all buildings are set back from the street rather than at back of pavement. This is intended to form a key characteristic of the Longbridge West Business Park development with the main spine road providing a distinctive character, with generous frontage landscaping to each plot serving a positive landscape setting and route through the Park. This is linked to the integrated approach to drainage systems such as swales, planting to increase biodiversity to the site and an avenue of tree planting aligning to the street frontage.
- 7.8. Taking the agent's comments into consideration, I consider that the building and its parking is in the most appropriate location and positively, the front door of the building is in a prominent position facing the street, legible and providing activity and overlooking the car park and public realm. The offices are also well located, facing onto the street and car park with the service yard located to the side of the building to reduce its visual impact.
- 7.9. In terms of design, the architecture offsets the building's scale by expressing the various functions within the building separately by articulating them as separate volumes - using pattern, texture and material; white flush cladding for the office element, black sinusoidal cladding for the workshop and plant, and a metal screen over the glazed entrance. Four contrasting cladding systems have been chosen to offset one another and distinguish the functions in the building to make it more legible. This approach is welcomed; expressing the scale of the operation whilst breaking it down into a more human scale at the entrance. This approach is welcomed. I consider the building's scale to be appropriate and acceptable for its setting and in accordance with the policies listed above.

#### Landscape and Ecology

- 7.10. The application is supported by landscaping plans and an ecology statement. The landscape proposals set out parameters for a visually distinctive scheme using structure, colour and seasonal interest. The scheme proposes to use species which have been planted in other local schemes, to build on the emerging identity for Longbridge. Attenuation ponds (which would only hold water in exceptional circumstances) are proposed to back of footway in a generous area of shrub and perennial planting; the width of this sustainable drainage feature means that the slopes involved are relatively shallow and should have a natural rather than engineered appearance. The Landscape Officer considers the landscape proposals

acceptable subject to a detailed landscape scheme being secured via condition to include plant plans and schedules, boundary treatments and hard landscape finishes. I agree that the landscape proposals submitted are acceptable subject to further detail and the relevant conditions to secure this are recommended below.

- 7.11. In terms of Ecology, the supporting assessment identifies that the site is of no ecological value having been significantly disturbed for decontamination works alongside river and road works. The City Ecologist concurs with this view and considers that the proposed landscape plans show a significant bio-diversity net gain. They raise no objections subject to detailed landscape plans being submitted and a condition relating to bird/bat boxes. I agree with this approach and the relevant conditions are recommended below. I consider that the proposed development accords with Policy.

#### Parking and Access

- 7.12. A Transport Statement is submitted in support of the application. This identifies that the site is within walking and cycling distance (a maximum of 2km) of local residential areas, Longbridge Town Centre (providing shops, gym, banking and food outlets) and public transport (including train services on the Cross City Line every 10 minutes and 13 bus routes linking the site to Maypole, Frankley, Woodgate, Birmingham City Centre, Solihull, Northfield, Worcester, Droitwich and Sheldon). The Statement concludes that the application site is in a highly accessible and sustainable location. I concur with this conclusion.
- 7.13. 60 parking spaces including 4 disability spaces, 8 electric vehicle charging spaces, 3 car sharing spaces as well as motorcycle and cycle parking spaces (internal and external) are proposed. A service yard to the west of the building would provide parking for up to 3 delivery vehicles with enough space for them to manoeuvre in and out. All vehicles would access the site via the West Longbridge spine road, which is currently under construction. A toucan crossing would link the application site allowing pedestrian access from a separate access point.
- 7.14. The site is located within Zone B of the Car Parking Standards SPD requiring 1 car parking space per 60sq.m (maximum); minimum of 1 electric charging point and provision for 1 in every 5 bays; 6% of the provision to be provided as accessible spaces and cycle parking provided at 1 space per 10 staff and 1 space per 400sq.m for visitors. This would equate to a maximum 91 car parking spaces, 3.6 accessible spaces and 6 cycle spaces. On this basis, given the level of provision to be provided, I consider the proposed development to accord with parking and access policy.
- 7.15. In terms of trip generation, the Statement identifies that the weekday AM peak would lead to 22 vehicle movements (20 arriving and 2 departing) whilst the PM peak would see 18 vehicle movements (2 arriving and 16 departing). This would equate to one additional vehicle movement every 2 to 3 minutes on the local highway network.
- 7.16. Transportation raise no objection to the proposed development subject to conditions relating to construction of site access road, cycle parking and pedestrian visibility splay. The site is part of the wider MG Rover redevelopment at Longbridge and the use fits with the previous outline, masterplan and LAAP approvals. The site provides a suitable level of parking for cycles, disabled users, EVCP and general car parking in line with the Parking SPD. I concur with this view and the conditions sought are recommended below. The proposed development complies with Policy.

#### Surface Water Drainage

- 7.17. The application is accompanied by a Flood Risk Assessment and Drainage Strategy including Management and Maintenance Plan. This identifies that the site is in Flood Zone 1 and at a low risk of river flooding. A site wide drainage system for the wider

Longbridge West site has been installed under a previous enabling works planning permission. This system was designed to accommodate surface water run-off from plot drainage including the application site. The limited flooding predicted from a 1 in 100 plus 40% event would be entirely retained within the above ground landscaping attenuation basin and below ground drainage and attenuation features, or within parking/service yard areas. Foul drainage is proposed to connect to the existing foul drainage system.

- 7.18. Based on the submitted flood and drainage information, I consider that the proposed development is acceptable.
- 7.19. The LLFA, Environment Agency and Severn Trent Water have raised no objections to the proposed development subject to drainage conditions. I concur with this approach and the recommended conditions are listed below. I consider that the proposed development would accord with the requirements of Policy.

#### Noise/amenity

- 7.20. The application site sits adjacent to (with a separation distance of approximately 50m) residential properties in The Roundabout. These properties are generally side onto the boundary rather than backing onto the boundary. These are the nearest noise sensitive receptors that would be impacted from the proposed development operating 24 hours a day, 7 days a week. A noise assessment was submitted in support of the application which concludes that the noise climate for the site is attributable to road traffic noise together with residual noise from surrounding commercial and industrial sites. The Assessment concludes that the proposed development would not have noise levels enough to create a noise disturbance inside the nearest residential properties when the windows are open. The predicted noise levels at the nearest dwellings would be significantly below the existing ambient and background noise climate and consequently unlikely to be noticeable at the dwellings.
- 7.21. Regulatory Services determined that the assessment was insufficient as the report goes into detail about the individual sources of noise, e.g. HGV movements, reversing alarms, etc. but does not provide a calculation of the noise impacts of the individual commercial components of the proposed development as a whole. A revised noise assessment was submitted. Regulatory Services now raise no objection subject to conditions relating to construction management and plant noise levels. I concur with this view and the conditions are recommended below along with additional restrictive conditions that the noise assessment identifies as necessary. On this basis, I consider that the proposed development complies with the requirements of Policy and would not have an adverse impact on adjacent residential properties.

#### Sustainable Energy and Construction

- 7.22. Policy TP3 requires new developments to be constructed in ways that:
- Maximise energy efficiency and the use of low carbon energy.
  - Conserve water and reduce flood risk.
  - Consider the type and source of the materials used.
  - Minimise waste and maximise recycling during construction and operation.
  - Be flexible and adaptable to future occupier needs.
  - Incorporate measures to enhance biodiversity value.
- 7.23. The submitted Design and Access Statement includes some information which is relevant to the requirements of policy TP3, but this does not contain enough detail to enable a judgement to be made on the accordance of the proposal against this policy. It does however identify that the general construction design standards would exceed the requirements of the 2013 Part L Building Regulations. Part L of the

Building Regulations was updated last month. The Agent has confirmed that the proposal would still meet the requirements but only some elements would now exceed it.

- 7.24. Policy TP3 also requires non-residential development proposals over 1,000 square metres floorspace to aim to achieve BREEAM excellent standard, but no information has been submitted on this. The submission of a BREEAM pre-assessment report that can demonstrate that Excellent standard has been targeted was requested but not submitted. Further clarification has been sought and whilst not submitted, the Agent has confirmed that the development is targeting BREEAM Very Good.
- 7.25. A Sustainable Construction and Energy Note along with a BREEAM Pre-assessment have subsequently been submitted to address the requirements of TP3. I acknowledge that this has been difficult given that the construction of the building would be to shell only. The submitted note responds to each of the individual requirements listed under policy TP3 whilst the BREEAM pre-assessment report identifies that a BREEAM Very Good standard can be achieved – a typical outcome for a shell only development.
- 7.26. Policy TP4 requires new developments to incorporate the provision of low and zero carbon forms of energy generation or to connect into existing networks where they exist. For non-residential developments over 1,000 square metres the policy states that first consideration should be given to the inclusion of Combined Heat and Power (CHP) generation or a network connection to an existing CHP facility. The use of other technologies is also acceptable where they will have the same or similar benefits, there is no adverse impact on amenity and any environmental risks can be adequately managed.
- 7.27. The Sustainable Construction and Energy Note also considers the potential for low zero carbon energy generation technologies as required by policy TP4 and identifies that there is potential to include air source heat pumps and solar photovoltaic panels, although there is only a commitment to investigate these further ‘after applying the fabric-first approach and other energy efficiency measures’ However, the accompanying design and access statement and a further submitted Energy Statement identifies that the development would include a high efficiency heat recovery ventilation system with an automatic control strategy; zoning of mechanical ventilation systems; high efficiency low energy motors to drive mechanical ventilation systems; variable speed pumps and fans to promote lower operating costs and energy usage and occupancy sensing for lighting operation in office and toilet areas.
- 7.28. Based on the above, I consider that the requirements of TP3 and TP4 have been met. Appropriately worded safeguarding conditions to ensure delivery of these technologies and the required BREEAM rating are recommended below.

## **8. Conclusion**

- 8.1. The proposed development would continue to expand the range of employment opportunities and services available within the Longbridge AAP area in accordance with policy requirements. The proposed employment unit for research, development, and industrial processes (use classes E(g)(ii), E(g)(iii), and/or B2 uses) would comply with Plan policy for the RIS and would encourage further RIS development on site whilst supporting the wider employment generation aims of the AAP and BDP.
- 8.2. The proposals would be a positive inward investment into the West Longbridge site and an opportunity to continue the expansion of the Regional Investment Site with a high-tech manufacturing facility for the Waters Corporation. It would support the

expansion of an existing business within the West Midlands and provide high-quality employment opportunities.

- 8.2. The siting, scale and appearance of the proposed development would be acceptable and would sit comfortably in the street scene. There would be no adverse impact on the amenity of neighbouring occupiers and the proposed development would have a beneficial impact on ecology and landscape locally. As such, I therefore consider the proposal would constitute sustainable development and I recommend that planning permission is granted.

9. **Recommendation:**

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

- 
- |    |  |
|----|--|
| 1  | Requires the scheme to be in accordance with the listed approved plans                         |
| 2  | Requires the agreed mobility access to be maintained   |
| 3  | Requires the prior submission of a contamination remediation scheme                            |
| 4  | Requires the submission of a contaminated land verification report                             |
| 5  | Requires the prior submission of a drainage scheme   |
| 6  | Requires the prior submission of a Sustainable Drainage Scheme/Assessment                      |
| 7  | Requires the prior submission of a Sustainable Drainage Operation and Maintenance Plan         |
| 8  | Requires the submission of a scheme for ecological/biodiversity/enhancement measures           |
| 9  | Requires the prior submission of details of bird/bat boxes                                     |
| 10 | Limits the noise levels for Plant and Machinery  |
| 11 | Requires the prior submission of a goods delivery strategy                                     |
| 12 | Requires the submission prior to occupation of hard and soft landscape details                 |
| 13 | Requires the submission of boundary treatment details  |
| 14 | Requires the submission of a landscape management plan   |
| 15 | Requires the submission of a lighting scheme   |
| 16 | Requires the prior submission of a construction method statement/management plan               |
| 17 | Requires the submission of sample materials  |
| 18 | Requires the submission of a CCTV and alarm scheme   |
| 19 | Requires the submission of sustainable construction and sustainable energy consumption details |
| 20 | To ensure energy and sustainability measures are delivered in accordance with statement        |
-



- 
- 21 To ensure that the development achieves BREEAM rating level
  - 22 Requires Submission of Low and Zero Form of Energy Generation Details
  - 23 Requires the provision of a vehicle charging point
  - 24 Prevents occupation until the service road has been constructed
  - 25 Requires the provision of cycle parking prior to occupation
  - 26 Requires the delivery and service area prior to occupation
  - 27 Requires the parking area to be laid out prior to use
  - 28 Requires pedestrian visibility splays to be provided
  - 29 Requires the applicants to sign-up to the Birmingham Connected Business Travel Network
  - 30 Implement within 3 years (Full)
- 

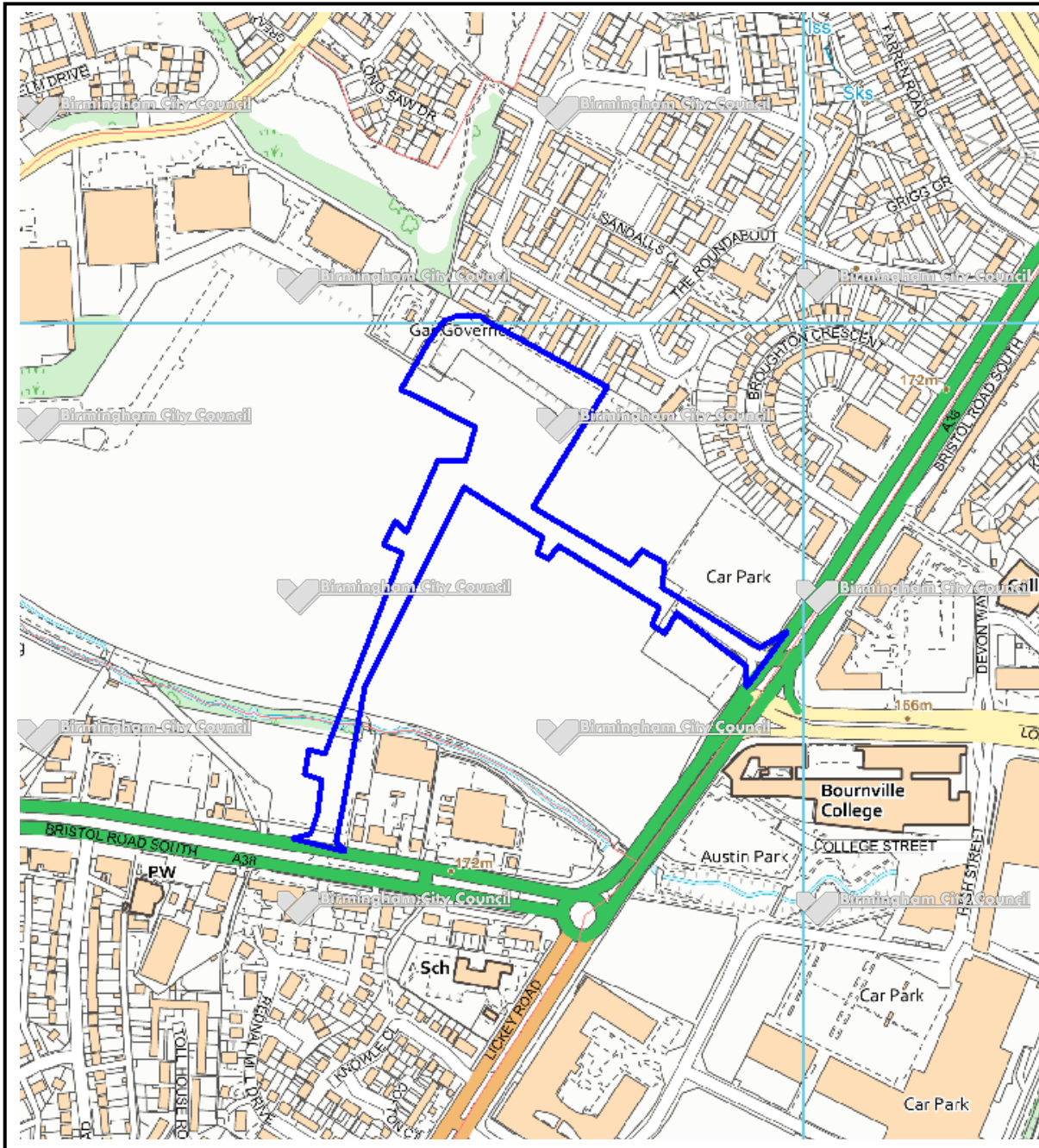
Case Officer: Pam Brennan

## **Photo(s)**



Photograph 1 – Aerial view of West Works site – including residential allocation and Regional Investment Site

## Location Plan



This map is reproduced from the Ordnance Survey Material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Birmingham City Council. Licence No.100021326, 2010

# **Birmingham City Council**

## **Planning Committee**

**18 August 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>
Approve – Subject to 106 Legal Agreement	10	2021/06275/PA  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
Approve – Conditions	11	2021/10195/PA  Erdington Industrial Park Chester Road Erdington Birmingham B24 0RD  Proposed development for industrial purposes (Use Classes E(g)(ii) (research and development), E(g)(iii) (industrial processes), B2 (general industrial) and B8 (storage and distribution), with ancillary offices, landscaping, car and cycle parking, pedestrian and vehicular accesses

---

Committee Date:	18/08/2022	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.

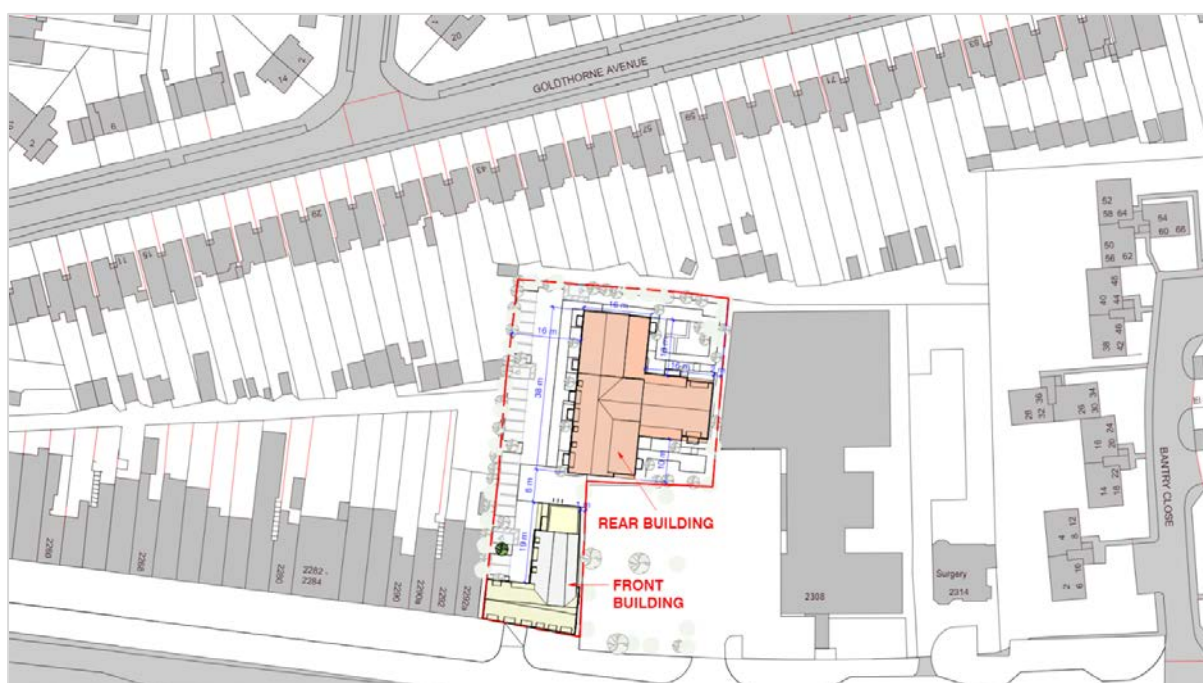


Figure 1: Proposed Site Layout

- 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 four affordable apartments (8%) would be provided, two low-cost home ownership at 20% discount on market value and two First Homes at 30% discount on market value. 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 8% 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 two discount market affordable apartments and two affordable First Homes
- 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:
- Four affordable apartments (8%), two for low-cost home ownership at 20% discount on market value and two for First Homes at 30% discount on market value.
- 9.3 In the absence of a suitable legal agreement being completed to the satisfaction of the Local Planning Authority on or before 18th November 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 18th November 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:

- 
- 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
  - 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





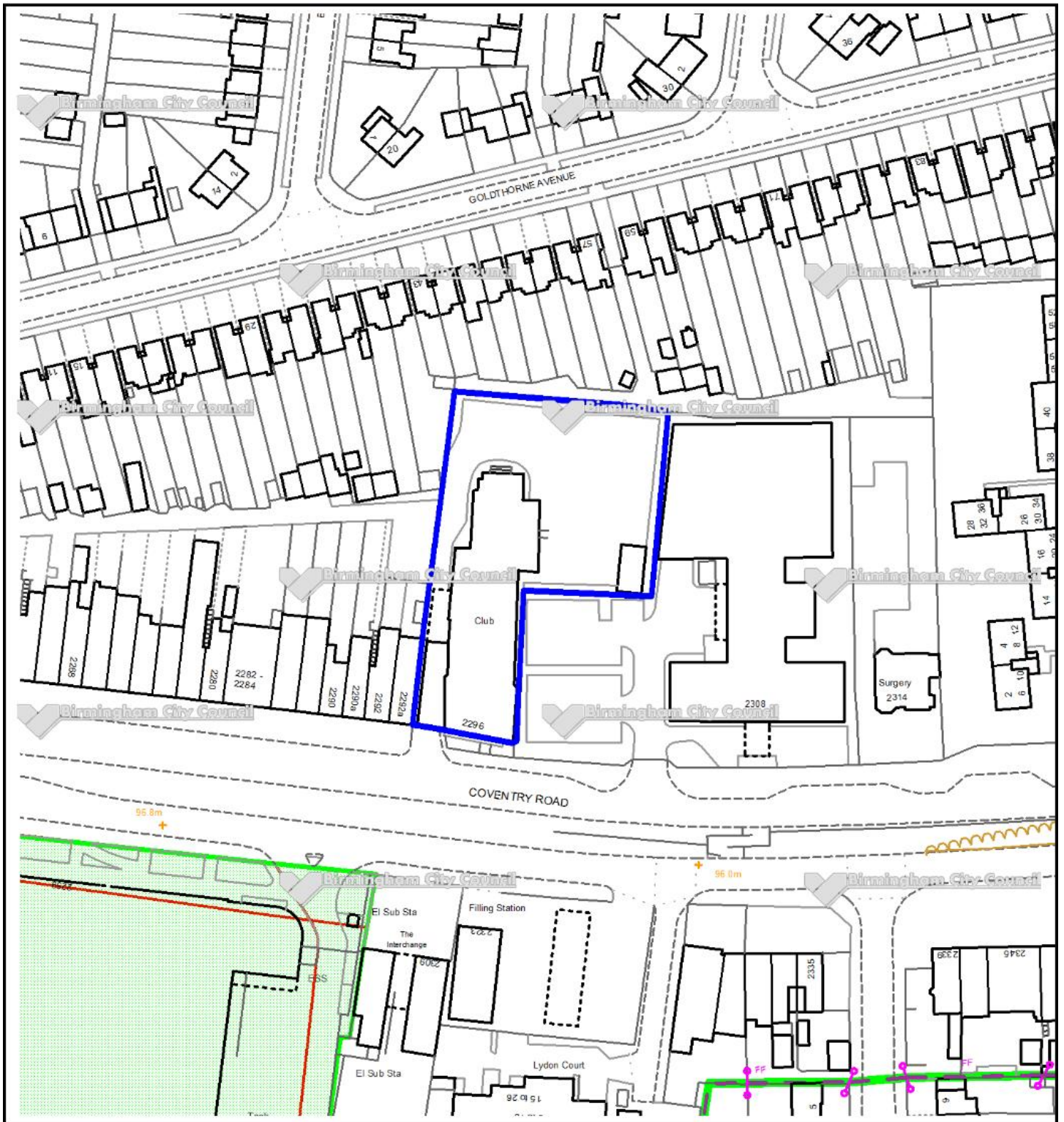
Photo 5: War Memorial



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



## Location Plan



This map is reproduced from the Ordnance Survey Material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Birmingham City Council. Licence No.100021326, 2010



---

Committee Date:	18/08/2022	Application Number:	2021/10195/PA
Accepted:	05/05/2022	Application Type:	Full Planning
Target Date:	09/09/2022		
Ward:	Pype Hayes		

**Erdington Industrial Park, Chester Road, Erdington, Birmingham, B24 0RD**

Proposed development for industrial purposes (Use Classes E(g)(ii) (research and development), E(g)(iii) (industrial processes), B2 (general industrial) and B8 (storage and distribution), with ancillary offices, landscaping, car and cycle parking, pedestrian and vehicular accesses

Applicant:	HPut A Ltd & HPut B Ltd C/o Hermes Investment Management, 150 Cheapside, London, EC2V 6ET
Agent:	Chart Plan (2004) Ltd Suite 21 High Cedars, 20 Wray Park Road, Reigate, Surrey, RH2 0DD

---

Recommendation

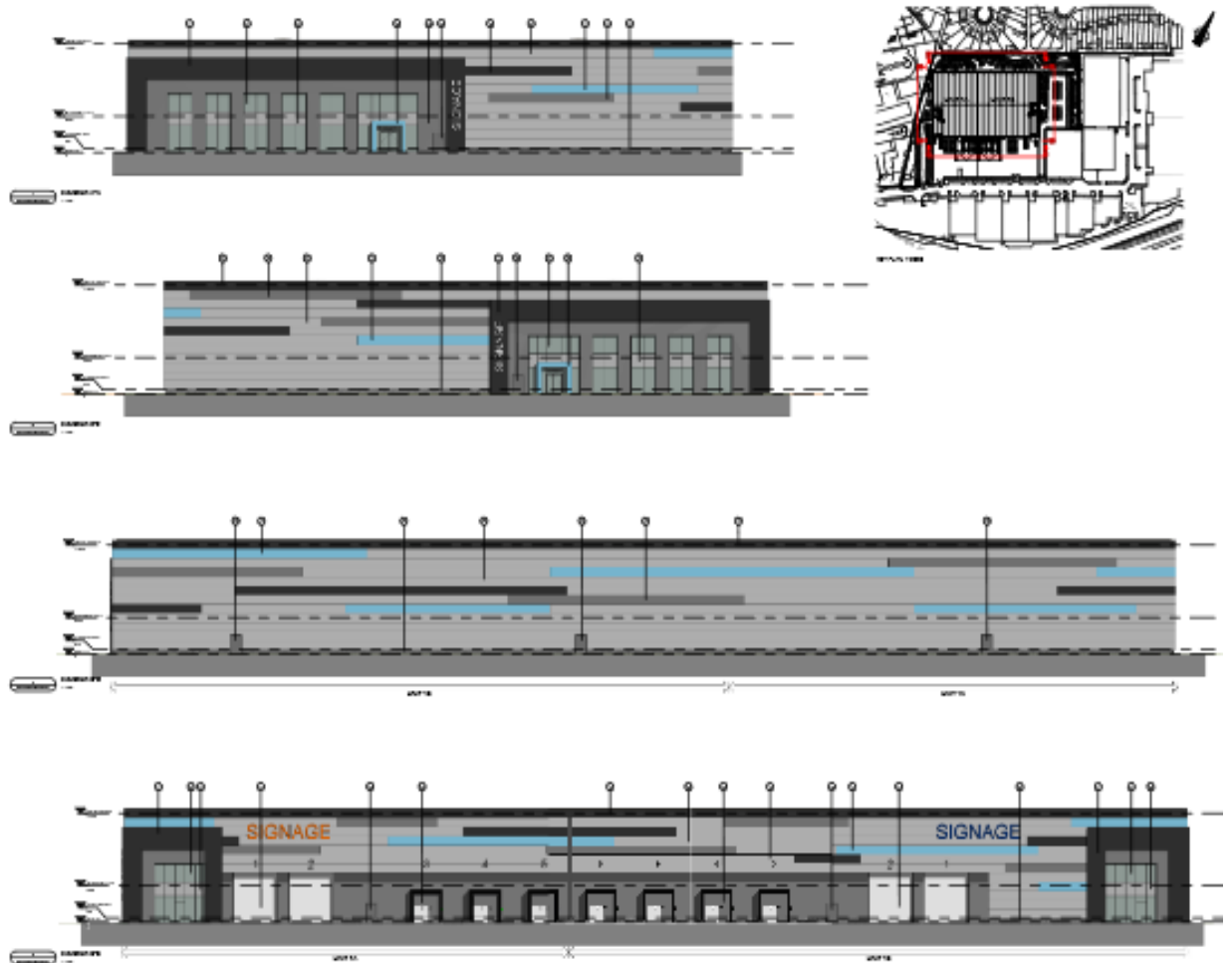
**Approve subject to Conditions**

**1. Proposal:**

- 1.1 The proposed development comprises a new industrial building (Use Classes E(g)(ii) (research and development), E(g)(iii) (industrial processes), B2 (general industrial) and B8 (storage and distribution). The proposed building would comprise two units; one of which would have 3,717 sq.m. floor space and the other unit having 5,110 sq.m. floor space. The building would be pitched roofed, 12.5m high to ridge level and 10m high to eaves level.
- 1.2 A service yard is proposed to the front of the building, providing both level access and sunken loading docks. A 45-space parking area is to be created on the western side of the building to serve one of the units, the other unit being served on the eastern side by a 70-space parking area. The service yards and parking areas would be accessed from four access points off the estate's access road, three of which are existing.
- 1.3 A landscaped buffer is to be created along the northern boundary, with new tree planting also proposed along the side boundaries.
- 1.4 The development would create up to 80 new jobs.



SITE LAYOUT PLAN



ELEVATIONS

1.5 The application is accompanied by the following reports/surveys:

- Heritage desk-based assessment;
- Air quality assessment;
- Flood risk assessment;
- Noise impact assessment;
- Transport statement;
- Travel plan
- Energy statement;
- BREEAM pre-assessment report;
- Geo-Environmental desk study

1.6 Under the Scheme of Delegation the application must be determined by Planning Committee as the floor space of the proposed building exceeds 5,000 sq. metres.

1.7 [Link to Documents](#)

## 2. **Site & Surroundings:**

2.1 The site lies within Erdington Industrial Park, a designated Core Employment Area. Until 2012, there was a factory/warehousing unit on the site. This was demolished and consent granted for temporary vehicle parking purposes (see History section below). The site was used for staff car parking for JLR. More recently however, alternative staff car parking has been provided within a new multi-story car park located 800m south-west on Kingsbury Road.

2.2 The site is largely comprised of tarmac/concrete hard standing with several areas of soft landscaping including a small grassed bank at the northern end, two narrow grassed verges with trees in the east and a landscaped strip along the western boundary which is partly planted with a mix of conifers and deciduous trees. The northern boundary of the site is formed by a 1.8m – 2.6m high wall which separates it from residential properties. The remainder of the site is bounded by existing industrial units within the estate to the east, the estate access road to the south, and commercial units to the west on Chester Road.

[Site Location](#)

## 3. **Planning History:**

3.1 2019/04038/PA - Proposed development for Use Classes B1 (Business), B2 (General Industry) and B8 (Storage or Distribution) purposes with ancillary office floorspace, landscaping, car and cycle parking, pedestrian and vehicular access, approved with conditions - September 2019 (permission not implemented).

3.2 2018/02460/PA - Continued planning permission for five years to use Cyclone site as Jaguar Land Rover employees car park (up to 1,000 spaces), approved with conditions - May 2018.

3.3 2018/01428/PA - Erection of building for Use Classes B1, B2 and B8 use with ancillary offices alongside landscaping, car and cycle parking, pedestrian and vehicular accesses, approved with conditions - June 2018 (permission not implemented)

3.4 2013/03386/PA - Temporary planning permission for five years to use part of the Cyclone site for trailer parking (30 spaces) including the erection of security hut, lighting and associated ancillary works, approved - June 2013.

- 3.5 2012/08341/PA - Temporary five year planning permission for employee car parking and ancillary works, approved - February 2013.
- 3.6 30.11.2012 - 2012/07529/PA - Application for prior notification of proposed demolition – Prior approval required and approved subject to conditions - November 2012.

4. **Consultation Responses:**

- 4.1 Environmental Pollution Control – Recommend conditions limiting noise levels for plant and machinery and submission of a code of best practice for deliveries, noise management plan and construction method statement/management plan.

Ecology Officer – Recommends conditions requiring the submission of details of ecological/biodiversity enhancement measures, landscape and ecological management plan, and method statement for site clearance and vegetation removal.

Transportation Development – Requested revisions to the layout of the existing parking area to the front of the site on the estate road, to ensure appropriate vehicle visibility upon exit from the site.

Lead Local Flood Authority – No objection, subject to conditions.

Severn Trent Water – Request a condition requiring submission of drainage details.

Canal & Rivers Trust – Request a condition requiring details of surface water drainage during construction.

5. **Third Party Responses:**

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

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

- 6.1 National Planning Policy Framework  
Paragraph 81

Birmingham Development Plan 2017

Policy PG3 (Place Making)

Policy TP3 (Sustainable Construction)

Policy TP4 (Low and Zero Carbon Energy Generation)

Policy TP6 (Management of Flood Risk and Water Resources)

Policy TP8 (Biodiversity and Geodiversity)

Policy TP19 (Core Employment Areas)

Development Management in Birmingham DPD

Policy DM1 (Air Quality)

Policy DM4 (Landscaping and Trees)

Policy DM6 (Noise and Vibration)

Policy DM14 (Transport Access and Safety)

Policy DM15 (Parking and Servicing)

7. **Planning Considerations:**

7.1 The main material considerations are:

- Principle;
- Design;
- Landscaping;
- Residential Amenity;
- Access/Parking;
- Sustainability;
- Drainage/Flood Risk;
- Ecology;
- Air Quality

Principle

- 7.2 NPPF paragraph 81 advises that planning decisions should help create conditions in which businesses can invest, expand and adapt and that significant weight should be placed on the need to support economic growth and productivity. The proposed development is consistent in principle with BDP policies which encourage economic regeneration and additional development opportunities, in particular Policy TP19 which advises that industrial and warehouse developments are appropriate employment uses in Core Employment Areas.

Design

- 7.3 The scale and design of the proposed building are appropriate within the context of the wider industrial estate. The building would have a simple, yet contemporary appearance which would improve the existing appearance of the estate in accordance with BDP Policy TP19 which supports measures that improve the quality and attractiveness of Core Employment Areas.

Landscaping

- 7.4 The proposed landscaped 'buffer' to the rear of the building would incorporate a significant area of new shrub and tree planting which, in addition to the proposed tree planting along the east and west boundaries, would enhance the overall appearance of the development and contribute towards improving the City's green infrastructure network. In this respect the proposal complies with DMB DPD Policy DM4.

Residential Amenity

- 7.5 The proposed building would be sited approximately 32m from the nearest residential property to the north. In combination with the proposed tree planting, this distance separation would ensure that the development would have no adverse impact on existing outlook. The conditions recommended by Environmental Pollution Control have been attached in accordance with the requirements of DMB DPD Policy DM2 to safeguard residents from potential noise disturbance.

Access/Parking

- 7.6 With regard to the comments of Transportation Development only one of the access points to the development would be new, this being at sufficient distance from the existing parking spaces on the estate road to ensure that driver visibility would not be impeded. Given that the existing use of the site is as a parking area it is not considered that the access arrangements for the development would be unsafe in comparison. Parking provision complies with the requirements of the Birmingham



Parking SPD.

- 7.7 In view of the above, it is considered that the development would not have any adverse impact on highway safety and therefore complies with DMB DPD Policies DM14 and DM15.

#### Sustainability

- 7.8 BDP Policy TP3 seeks to ensure that new buildings within the City meet high standards of sustainable design and construction. The BREEAM Pre-Assessment Report demonstrates that 'Very Good' standard is achievable, which is a level below the 'Excellent' standard that the Policy advises development should aim to achieve. It should be noted that this is an aspiration of the Policy only, and not a requirement, and as such 'Very Good' is acceptable in this instance. Condition 9 requires submission of a final certificate to verify that this standard has been met.
- 7.9 BDP Policy TP4 requires new developments to incorporate the provision of low and zero carbon forms of energy generation or to connect into existing networks where they exist. The submitted Energy Statement identifies that air source heat pumps and solar photovoltaic panels are to be used in accordance with this policy requirement.

#### Drainage/Flood Risk

- 7.10 The site falls within Flood Zone 1. The proposal includes the provision of swales within the landscaped area to the rear of the building, as well as other sustainable drainage systems set out in the submitted flood risk assessment. Condition 13 requires that the development takes place in accordance with the FRA to ensure that it is appropriately flood resistant and resilient and incorporates the drainage systems, in accordance with the requirements of BDP Policy TP6.

#### Ecology

- 7.11 BDP Policy TP8 requires that developments mitigate any potentially harmful impacts on wildlife habitats and, if possible, support the enhancement of the natural environment. This will be achieved by the introduction of the large areas of new soft landscaping within the site and Conditions 5 and 6 recommended by the Ecology Officer.

#### Air Quality

- 7.10 DMB DPD Policy DM1 requires that development proposals consider air quality and are accompanied by an appropriate scheme of mitigation. The submitted Air Quality Assessment proposes mitigation measures to reduce construction and transport related emissions. Condition 16 is necessary to ensure that these measures take place. The condition recommended by Environmental Pollution Control relating to construction management has also been attached accordingly.

### **8. Conclusion**

- 8.1 The proposal is consistent with the aims of the policy documentation referred to above, in that it constitutes an appropriate use and form of development which would have a positive effect on the Core Employment Area.

### **9. Recommendation:**

- 9.1 Approve with conditions

---

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 level details
5	Requires the submission of a scheme for ecological/biodiversity/enhancement measures
6	Ecological Management Plan
7	Wildlife species protection
8	Drainage details
9	BREEAM certificate
10	Construction Management Plan
11	Limits the noise levels for Plant and Machinery
12	Electric vehicle charging points
13	Flood risk management
14	BREEAM measures
15	Energy measures
16	Air quality measures
17	Requires the submission of boundary treatment details
18	Requires the prior installation of means of access
19	Requires the parking area to be laid out prior to use
20	Requires the prior submission of a sustainable drainage scheme
21	Requires the prior submission of a Sustainable Drainage Operation and Maintenance Plan
22	Cycle storage
23	Travel Plan
24	Restriction on uses
25	Noise Levels for Plant and Machinery
26	Code of Best Practice for deliveries
27	Noise limitation measures

---

Case Officer: Faisal Agha

## Photo(s)



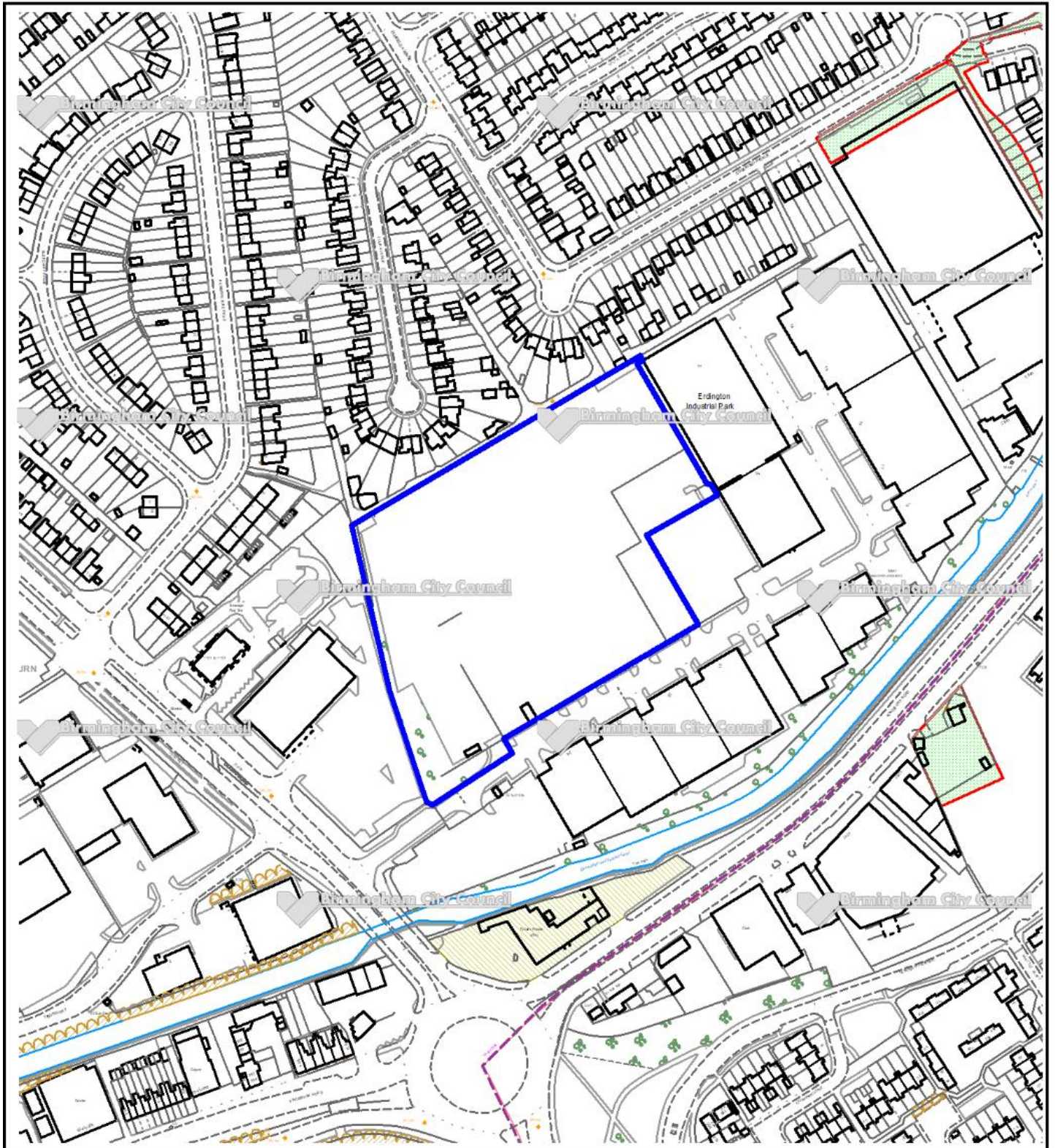
Photo 1 – Google street view of site prior to demolition of buildings



Photo 2 – Google aerial view of site post demolition of buildings



## Location Plan



This map is reproduced from the Ordnance Survey Material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Birmingham City Council. Licence No.100021326, 2010



# **Birmingham City Council**

## **Planning Committee**

**18 August 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 – Conditions	12	2022/04350/PA  Former BCU City North Campus Franchise Street Perry Barr Birmingham B42 2SU  Section 73 application to vary Condition Nos. 4, 5, 6, 8, 9, 10, 11, 12, 13, 14, 16, 21, 22, 25, 26, 34, 35, 37, 40, 42, 43, 44, 46, 48, 49 and 50 and the removal of Condition Nos. 17 and 24 attached to approval 2019/10558/PA to reflect various design changes to the scheme.

---

Committee Date:	18/08/2022	Application Number:	2022/04350/PA
Accepted:	30/05/2022	Application Type:	Variation of Condition
Target Date:	29/08/2022		
Ward:	Perry Barr		

Former BCU City North Campus, Franchise Street, Perry Barr, Birmingham, B42 2SU

Section 73 application to vary Condition Nos. 4, 5, 6, 8, 9, 10, 11, 12, 13, 14, 16, 21, 22, 25, 26, 34, 35, 37, 40, 42, 43, 44, 46, 48, 49 and 50 and the removal of Condition Nos. 17 and 24 attached to approval 2019/10558/PA to reflect various design changes to the scheme.

Applicant:	Birmingham City Council C/o Agent
Agent:	Turley 9 Colmore Row, Birmingham, B3 2BJ

---

Recommendation

**Approve subject to Conditions**

1. **Proposal:**

- 1.1 The proposal is made under Section 73 of the Town and Country Planning Act 1990 to vary conditions attached to the full planning permission 2019/10558/PA for the Perry Barr Residential Scheme.
- 1.2 Full planning permission for the *Erection of a mixed use residential led development to first serve as the commonwealth games athletes village, and later converted to 1,146 residential units (Use Class C3), 268 extra care apartments (Use Class C2), 1,237sqm commercial floorspace (Use Class A1 - A3), and a community centre (Use Class D2) with associated parking, landscaping and infrastructure* was originally granted under reference 2018/06313/PA.
- 1.3 Since then, the full planning permission has been subject to a variation of condition application approved under 2019/10558/PA. The permission reflected the design evolution of the scheme, enabled the delivery of each of the development plots pre-Games, and to clarify/rationalise the wording of conditions.
- 1.4 Further to this, permission under application 2022/01958/PA enabled the description of development as originally approved to be amended to reflect the fact that the development will no longer *'first serve as the Commonwealth Games Athletes Village'* and that the residential phases would be coming forward directly.
- 1.5 The Section 73 application subject of this Report now seeks the approval of minor changes to the wording of conditions attached to the operative full planning permission 2019/10558/PA or deletion of redundant conditions. The main amendments to the wording are as follows:

- Amendments to the wording of conditions to remove references to 'Games Mode' and 'Legacy Mode,' reflecting the updated description of development, and removal of conditions which are no longer relevant to the permission as the site is no longer to be used to house athletes for the Commonwealth Games (Condition 39 'Event Management Plan' and Condition 51 'Define Games and Legacy Mode');
- Introduction of appropriate phasing to enable delivery of the scheme;
- Amendments to Conditions 28 and 31 to reflect the Use Class Order Amendment Regulations 2020; and
- Updates to the permission to reflect conditions which have been discharged (in full or in part). Where conditions are currently pending determination, their status will be reviewed at the point of the determination of this application to enable their current position to be reflected within the permission.

1.6 The proposed description of development is the *"Variation of conditions attached to planning permission reference 2019/10558/PA including: amendments to the wording of Conditions 1, 2, 3, 4, 6, 7, 8, 9, 10, 11, 12, 13, 14-16, 18, 19, 22, 23, 24, 25, 28, 29, 31, 34, 35, 37, 38, 40, 43, 44, 45, 47, and 53 to enable phasing, reflect the approved description of development, reflect the Use Classes Order 2020 and the removal of Conditions 33, 39 and 51."*

1.7 For clarity, the application does not seek to review or change the use or quantum of residential units / mix proposed on the site, these will remain the same; nor do the proposals change the fundamental principle of the approved scheme. The proposed amendments reflect the latest position in terms of its function, conditions discharged to date, and the Use Classes approved against the latest Use Class Order updates.

1.8 [Link to Documents](#)

## 2. **Site & Surroundings:**

2.1 The site is approx 9.75 hectares and comprises of the former BCU North Campus and land to the west of the A453 Aldridge Road previously occupied by Trucks Direct UK and known as Gailey Park. It is situated to the North West of the City Centre and close to the southern boundary of Perry Barr Constituency. The site has been cleared except for the retained trees and works have started on the site with a number of plots under construction or near completion.

2.2 The southern boundary of the site is adjacent to a railway line, with all other site boundaries being to road including Wellhead Lane, Walsall Road and the Aldridge Road. Vehicular access to the eastern part of the site is currently via Franchise Street, with access to Gailey Park from the north off Aldridge Road. There is a mix of residential, industrial and commercial uses including Perry Barr Greyhound Stadium to the north, in the immediate vicinity and the existing adjacent highway network is a dominant feature. The site is opposite the new Perry Barr train station and Perry Barr Bus interchange.

2.3 The nearest listed building is the Grade II Gatehouse Building on Wellhead Lane, immediately opposite Franchise Street. The former Wellhead Tavern public house is locally listed building Grade B and is located within the site. The nearest conservation area, Aston Hall and Church Conservation Area, is over 950m to the south east.

## 3. **Planning History:**

2018/06313/PA – *Erection of a mixed use residential led development to first serve as the commonwealth games athletes village, and later converted to 1,146 residential*

*units (Use Class C3), 268 extra care apartments (Use Class C2), 1,237sqm commercial floorspace (Use Class A1 - A3), and a community centre (Use Class D2) with associated parking, landscaping and infrastructure – Approved w/conditions*

*2019/10558/PA – Section 73 application to vary Condition Nos. 4, 5, 6, 8, 9, 10, 11, 12, 13, 14, 16, 21, 22, 25, 26, 34, 35, 37, 40, 42, 43, 44, 46, 48, 49 and 50 and the removal of Condition Nos. 17 and 24 attached to approval 2018/06313/PA to reflect design changes to the scheme – Approved w/conditions.*

*2022/01958/PA – Application for a non-material amendment to planning approval 2018/06313/PA to amend the description of development to remove reference to "the Commonwealth Games Athletes Village" and to reflect the Use Classes Order (2020) – Approved w/conditions*

4. **Consultation Responses:**

No comments received.

5. **Third Party Responses:**

5.1 Public consultation included the displaying of a Site Notice. The appropriate five Ward Members and local MP were notified in writing. A total of 396 adjoining local properties, and Perry Hall Community Association were consulted by notification letter.

5.2 No comments have been received at the time of writing.

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

a. **National Planning Policy Framework (if relevant)**

Although read as a whole, the following sections and paragraphs are particularly relevant:

Section 2: Achieving sustainable development  
Section 5: Delivering a sufficient supply of homes  
Section 8: Promoting healthy and safe communities - Paragraph 91-92  
Section 9: Promoting sustainable transport - Paragraph 104, 110-113  
Section 11: Making effective use of land - Paragraph 118  
Section 12: Achieving well-designed places - Paragraph 124-132  
Section 15: Conserving and enhancing the natural environment  
Section 16: Conserving and enhancing the historic environment – Paragraph 189-202

Planning conditions and obligations – Paragraphs 55 – 58.

Paragraph 135 – *Local planning authorities should also seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme.*

b. **Birmingham Development Plan 2017: (if relevant)**

Policy PG3: Place making

Policy GA3: Aston, Newtown and Lozells  
Policy TP1: Reducing the Cities Carbon Footprint  
Policy TP2: Adapting to climate change  
Policy TP3: Sustainable construction

Policy TP6: Management of flood risk and water resources  
 Policy TP7: Green Infrastructure  
 Policy TP8: Biodiversity and Geodiversity  
 Policy TP9: Open space, playing fields and allotments  
 Policy TP27: Sustainable neighbourhoods  
 Policy TP30: The type, size and density of new housing  
 Policy TP31: Affordable housing  
 Policy TP38: A sustainable transport network  
 Policy TP39: Walking  
 Policy TP40: Cycling  
 Policy TP44: Traffic and congestion management  
 Policy TP45: Accessibility standards for new development

c. Development Management DPD:

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

d. Supplementary Planning Documents and Guidance

Affordable Housing  
 Lighting Places  
 Nature Conservation Strategy for Birmingham  
 Places for All  
 Public Open Space in New Residential Developments  
 Regeneration through Conservation  
 Shop Front Design Guide  
 Sustainable Management of Urban Rivers and Floodplains

7. **Planning Considerations:**

- 7.1 Section 73 of the Town and Country Planning Act 1990 enables an applicant to apply to amend or remove conditions attached to an extant planning permission. It is mainly intended to allow flexibility in the planning system by allowing conditions to a planning permission to be changed without risking the entirety of the consented scheme. The principle of the development is established and it is the changes sought that can be considered only.
- 7.2 The amendments to conditions under this proposal fall under three categories –
- Update to reflect the details required by the condition have been agreed
  - Update to reflect the status, now no longer having a Commonwealth Games use and after Covid, changed the phasing
  - Increase clarity and precision post development commencing and further to post Permission further applications.
- 7.3 Conditions 1, 23, 25 and 29 are to be amended to reflect details required for approval under those conditions which have now been approved. These relate to site wide details, and the conditions will be reworded as compliance conditions referencing the approved details and relevant *Discharge of Application* number as appropriate.



- 7.4 Conditions 2, 3, 9, 12, 19, 34, 35, 37, 38, 40, 45, 47 and 50 are all to be amended to remove reference to the Commonwealth Games and or 'legacy mode'. This reflects both the moment in time and the fact some of the conditions relate to the originally intended use of the development as an athlete's village to house and accommodate athletes, then post Games, reverting to general housing stock – the 'legacy mode'.
- 7.5 Conditions 4, 6, 7, 10, 11, 13, 22, 24, 41 and 44 are to be amended and updated to reflect details are required for approval under those conditions, however the details have now been approved with regards plots 6, 7, 8 and 9. The conditions will be reworded as compliance conditions for plots 6 – 9, referencing the approved details and relevant DoC application number and dates and remain as originally worded with reference to the other plots, namely 1 – 5 and 10.
- 7.6 Conditions 14, 15, 16, 18, 28, 31, 39, 51 and 53 involve amendments reflecting amended plans, changes to the Use Class Order, or their removal. Given these changes are more substantive, each is explained and assessed in turn –
- 7.7 Condition 14, 15, 16 (Development in accordance with approved plans) and Condition 53 (balcony details) are amended and updated to reflect amended plans approved under application reference 2019/10558/PA for Plots 3, 4 and 5, and include Drawing No. 260583-CWA-08X-XX-DC-A-06-9004 (P-00) as an approved plan for Plot 8 balconies, from application reference 2020/08326/PA.
- 7.8 Condition 18 as it is currently imposed requires the approval and implementation of a scheme of noise mitigation in relation to the overall development site. The scheme is required to mitigate the plant noise from the adjacent commercial unit, currently known as Tufnol's, a commercial unit located to the south-east of the application site on Wellhead Lane and separated from the site by a railway line. The proposed amendment requests Plots 8 and 9 are excluded from the requirements of the condition.
- 7.9 As noted within the Officer Report for the original full planning permission (2018/06313/PA), the associated Noise Report identified that the *'Tufnol works generates significant noise levels which would have an adverse impact on future occupiers (primarily Plot 5). However, the applicant has confirmed that they are liaising directly with Tufnol's to develop a solution to the plant noise at source by relocation to the ground'*.
- 7.10 The Noise Assessment also specifically refers to the 'the south east corner of the site is affected by plant noise from the adjacent Tufnol works.' With regards to Plots 8 and 9, these are located on the A453 Aldridge Road, dispersed from Tufnol's through the railway line, Plot 6 (currently under construction), the central public realm, and the emerging Plots 4, 5 and 11, with Plots 8 and 9 also currently reaching a substantial stage in their completion. Therefore, given the location of Plots 8 and 9 being at a sufficient distance from the Tufnols commercial unit (i.e. not in the south-east corner of the site), and the findings of noise assessments carried out to date (including those submitted with the application and subsequent Condition 29 (2020/00497/PA), it is considered that the submission, agreement and implementation of a scheme to mitigate the plant noise does not need to preclude the occupation of Plots 8 and 9. Consequently, the wording of Condition 18 (Noise Mitigation) can be amended to exclude Plots 8 and 9 to enable their delivery and occupation.
- 7.11 Condition 28 and 31 are updated to now reference Use Classes F.2, E(a), (b), (c), which supersede the previous referenced A class uses following changes and updates to the Use Classes Order on 1 September 2020.

- 7.12 For reference, Use Class F.2 encompasses local community uses, Use Class E(a) shops other than for the sale of hot food; E(b) food and drink which is mostly consumed on the premises, and E(c) financial services, professional services (other than medical), and any other service which it is appropriate to provide in a commercial, business or service locality.
- 7.13 Condition 33 is to be removed as it duplicates highway legislation and is a condition no longer used on Decision Notices due to this reason. The condition fails to meet paragraph 57 of the NPPF and the 'six tests' set out under Government guidance on the use of planning conditions.
- 7.14 Condition 39 is to be removed. It required an Event Management Plan with regards traffic volumes associated with the athlete's village during the Commonwealth Games. As the development is not being used to accommodate athletes, the condition is redundant and can be removed. Similarly, Condition 51 is to be removed. It defined the 'Games' and 'Legacy mode' and for the reasons already referenced, is redundant.
- 7.15 Finally, as a matter of course and clarity, Condition 32, which required the development to commence within three years from the date of the original permission, has also been removed by Officers. Given the original permission has commenced this condition is redundant.

## **8. Conclusion**

- 8.1 The proposed amendments do not alter or change the previously approved use or quantum of residential units / mix on the site, which remain the same; nor do the proposals change the fundamental principle of the approved scheme. The proposed amendments reflect the latest position in terms of its function, conditions discharged to date, and the Use Classes approved against the latest Use Class Order update.
- 8.3 The alterations proposed as part of this Section 73 application would reflect necessary delivery evolution and are critical to the successful delivery of this strategically important scheme in accordance with policy.
- 8.2 On this basis the amendments are acceptable and bring clarity and precision to the development and planning permission and should be approved.

## **9. Recommendation:**

Subject to the conditions listed below, approval is recommended.

- 
- 1 Requires the prior submission of a contamination remediation scheme
  - 2 Requires the submission of a contaminated land verification report
  - 3 Sets a minimum age of residents for plot 6
  - 4 Requires the submission of sample materials in a phased manner
  - 5 Secures a construction method statement/management plan
  - 6 Requires the submission of details of green/brown roofs
  - 7 Requires the submission of a lighting scheme in a phased manner
  - 8 Requires the submission of a landscape management plan
-

- 
- 9 Requires the submission of boundary treatment details
  - 10 Requires the submission of hard and/or soft landscape details
  - 11 Requires the prior submission of details of bird/bat boxes
  - 12 Requires the prior submission of a habitat/nature conservation management plan
  - 13 Requires the submission of shop front design details
  - 14 Requires the scheme to be in accordance with the listed approved plans
  - 15 Requires the scheme to be in accordance with the listed approved plans (continued)
  - 16 Requires the scheme to be in accordance with the listed approved plans (continued)
  - 17 Restricts display of vinyls.
  - 18 Requires scheme of noise mitigation in relation to adjacent site
  - 19 Requires provision of affordable housing
  - 20 Requires vibration mitigation
  - 21 Grants a personal permission to Birmingham City Council
  - 22 Requires the submission of a CCTV scheme
  - 23 Requires the prior submission of level details in a phased manner
  - 24 Requires the submission a Noise Insulation Scheme to establish residential acoustic protection
  - 25 Requires a further air quality assessment
  - 26 Requires employment construction plan to be implemented
  - 27 Limits the noise levels for Plant and Machinery
  - 28 Limits delivery time of goods to or from the commercial units (F.2, E(a), (b), (c))(0700-1900).
  - 29 Requires a further noise and vibration assessment
  - 30 Requires the submission of extraction and odour control details
  - 31 Limits the hours of use 0700-2300 (commercial units)
  - 32 Requires the provision of a vehicle charging point
  - 33 Requires vehicular visibility splays to be provided
  - 34 Requires pedestrian visibility splays to be provided
  - 35 Requires Residents Parking Zone
-

- 
- 36 Requires Travel Plan.
  - 37 Requires the provision of on site public open space
  - 38 Arboricultural Method Statement and Tree Protection Plan - Implementation
  - 39 Requirements within pre-defined tree protection areas
  - 40 Requires the implementation of the submitted mitigation/enhancement plan
  - 41 Requires the submission of a scheme for ecological/biodiversity/enhancement measures
  - 42 Requires the provision of cycle parking prior to occupation
  - 43 Secures drainage scheme
  - 44 Requires detail of management company
  - 45 Secures site-specific infiltration testing
  - 46 Requires the prior submission of a sustainable drainage scheme
  - 47 Submission of a Sustainable Drainage Operation & Maintenance Plan
  - 48 Requires amended plans for end unit on Plot 2
  - 49 Secures balcony detail on plot 8
- 

Case Officer: Carl Brace

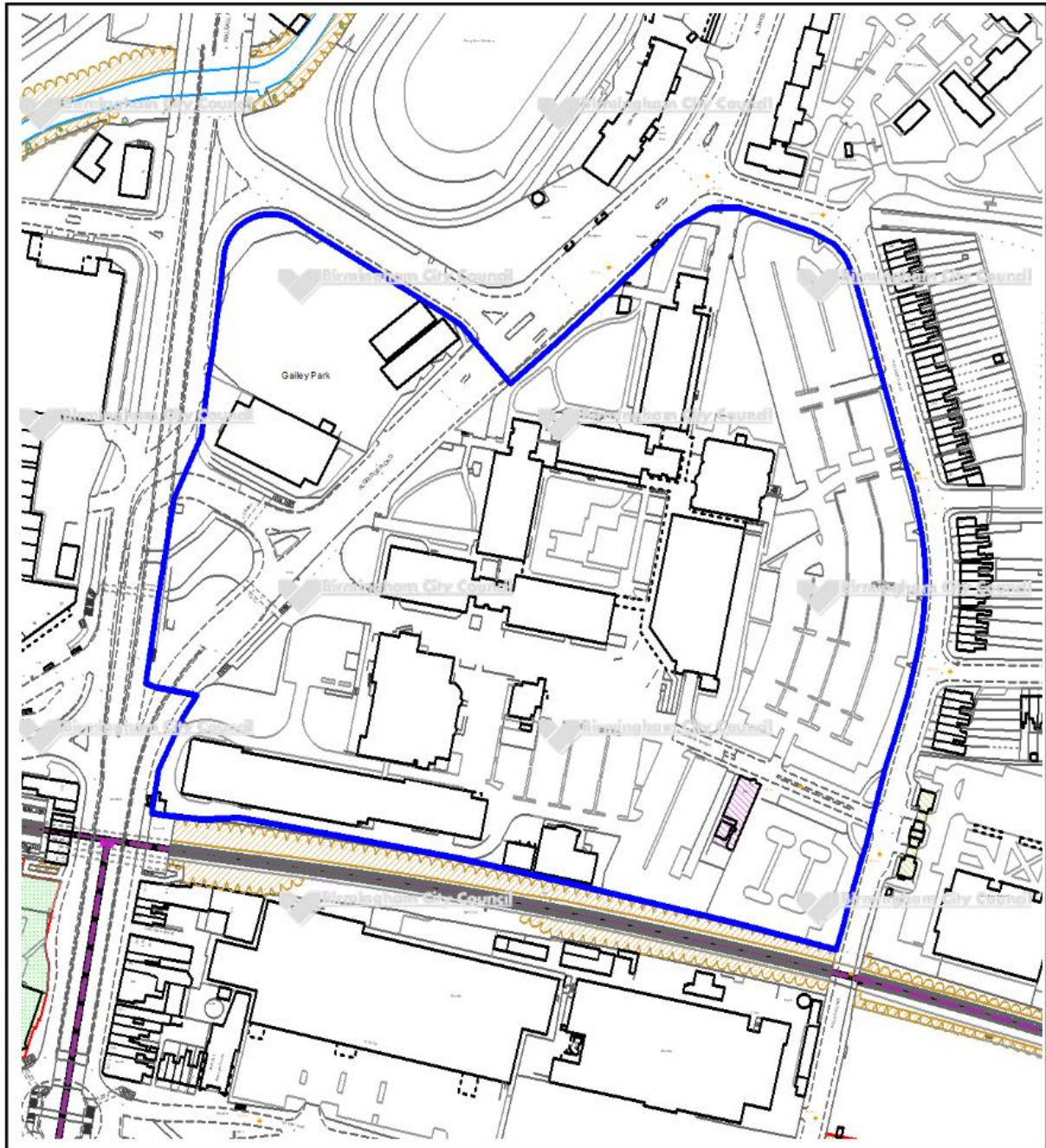
## Photo(s)



Top – View South over application site  
Bottom – View East over application site



## Location Plan



This map is reproduced from the Ordnance Survey Material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Birmingham City Council. Licence No.100021326, 2010

## **REPORT OF THE DIRECTOR FOR PLANNING, TRANSPORT & SUSTAINABILITY**

To : Planning Committee

Date : 18<sup>th</sup> August 2022

Subject : Acivico (Building Consultancy) Ltd - Annual Performance Overview

Period : Financial Year (1<sup>st</sup> April 2021 – 31<sup>st</sup> March 2022 *inclusive*)

### **Background**

Acivico (Building Consultancy) Ltd was established as a wholly owned company by Birmingham City Council in April 2012. This report focusses on Building Consultancy performance for the previous financial year April 2020 to March 2021 (inclusive).

Contractual obligations between the Council and Building Consultancy require that performance is monitored and reported on a quarterly basis to an independent Performance Management and Monitoring Board (PMMB). This is chaired by the Council's Statutory Functions Officer (CSFO) with support from the Contract Management and Performance Team (CMaP). A key outcome from these meetings is to ensure that this performance is shared with the Planning Committee on an annual basis.

### **Performance Context**

The services provided by Building Consultancy are statutory and therefore delivered on behalf of the City Council. One consequence of this is that any formal notices issued during the execution of functions must be in the Council's name and duly authorised by a nominated officer (CSFO).

Acivico Building Consultancy has a longstanding reputation for the provision of high-quality public facing services and contractual measures are therefore in place to ensure that its Customer Service Excellence (CSE) and ISO9001:2015 certifications are maintained. Both are widely regarded as national benchmarks and are independently assessed by licensed external bodies on an annual basis.

The Customer Service Excellence assessment was completed in November 2021 and in keeping with previous years confirmed full compliance along with a number of aspects of compliance plus (service excellence). The ISO9001:2015 assessment was completed in January 2021 and also concluded that the service's operational and management systems were fully compliant with its exacting requirements.

### **Key Performance Indicators (KPIs)**

KPIs are agreed on an annual basis in conjunction with the Performance Monitoring and Management Board and are subject to robust challenge/review with any subsequent adjustments reflected in the contract. For the year in review (2021-2022) four primary measures were agreed to enable a targeted focus of the most critical functions.

### **Building Regulation Applications**

Almost all construction projects from a residential kitchen extension to a multi-storey mixed-use commercial building require a Building Regulations input to ensure that they meet the minimum technical standards for construction. This is most commonly discharged through two linked processes, firstly initial assessment of design stage plans/details followed by on-going site verification inspections during the construction phase.

## **Decision Speed**

There is a statutory requirement to issue a decision on a Building Regulation application (design stage appraisal) within twenty five working days of submission.

Target 100%	Actual 100%
-------------	-------------

Trend Analysis over the previous five years.

2016/2017	2017/2018	2018/2019	2019/2020	2020/2021
100%	100%	100%	100%	99%

*N.B. The minor decline in performance for the year 2020-2021 was a direct consequence of COVID19 upon resources and operational systems.*

## **Decisions Approval Rate**

Building Consultancy has a performance objective to ensure that an appropriate percentage of decisions are either approved or conditionally approved first time. The certainty that this generates is something that is valued by regular volume submitters. However, the capacity to 'approve' is dependent upon the technical quality of submitted plans along with a number of associated legislative constraints including input from third parties consultees such as West Midlands Fire Service.

Target 95%	Actual 95%
------------	------------

Trend Analysis (Previous year end performance)

2016/2017	2017/2018	2018/2019	2019/2020	2020/2021
97%	97%	97%	96%	96%

## **Dangerous Structures (Response Times)**

Dangerous structures are reported from a variety of sources including, councillors, officers, emergency services and the public. Incidents are assessed for their severity from the information available to determine a target level of deployment for an officer. There are three contractual levels of response (working hours) are as follows;

**Category A** (immediate danger) – arrival on site **within 2 hours**

**Category B** (moderate danger) – arrival on site within 6 hours

**Category C** (low risk) – arrival on site by the close of the next working day.

Building Consultancy also support the Council's resilience team through a 24/7 365 day a year response service via the corporate emergency contact centre. Due to their nature requests through this channel are automatically categorised as category A incidents.

Category A - Target 100%	Actual 100%
--------------------------	-------------

2016/2017	2017/2018	2018/2019	2019/2020	2020/2021
98%	100%	100%	100%	100%

Categories B and C do not form part of the formal KPI but are closely monitored due to the public safety nature of the service delivered.

Category B+C - Target 95%	Actual 95%
---------------------------	------------

*N.B. All of the contributing incidents to the above were categorised as low public risk and inspected within twenty four hours of the published target. Due to the low numbers involved the statistical impact of a breach in percentage terms is disproportionately high.*

### **Complaint Response Times**

Building Consultancy mirrors the Council's corporate complaints process and as such ensure expressions of dissatisfaction are appropriately investigated and responded to within fifteen working days. This also forms an integral element of both the CSE and ISO9001:2015 standards.

Target 100%	Actual 100%
-------------	-------------

Trend Analysis (Previous year end performance)

2017/2018	2018/2019	2019/2020	2020/2021
100%	100%	100%	100%

### **Additional activities**

Building Consultancy continues to deliver a number of specialist technical roles to support the Council in the discharge of its statutory responsibilities under the Building Act and allied legislation. Many of these are not formally represented by KPIs but remain subject to robust scrutiny and quarterly oversight using a comprehensive suite of contract management indicators (CMI) which are reported at each quarterly PMMB.

### **Independent Review of Building Regulations & Fire safety : The Hackitt Review**

This matter has previously been reported and continues to be an area of evolving governmental policy. The most significant adjustment to emerge is the formation of an independent Building Safety Regulator to provide an additional scrutiny to in scope buildings (High Rise Residential). This will be delivered by an arm of the Health and Safety Executive in conjunction with existing public and private sector Building Regulation providers. Further measures include a proposal for a register of licensed building inspectors who will need to demonstrate competence (either through qualification or experience) in order to 'sign off' in scope works. Both proposals are welcomed and bring much needed scrutiny and transparency to the sector. Building Consultancy continues to be in a strong position to implement these adjustments once they become operational in 2023.

### **Implications for Priorities**

#### **A Modern and Successful City**

An effective Building Control service is integral to the development process ensuring that buildings achieve the required standards of health, safety and welfare for those who own, work in or use them.

#### **Recommendation**

That this report be noted.

Ian Macleod  
Director of Planning, Transport & Sustainability

Contact Officer: Mrs Jaswinder Gandham The Council's Statutory Functions Officer  
Tel. No: 0121 675 4231  
E-Mail: jaswinder.gandham@birmingham.gov.uk

Contact Officer Mr U Aziz Business Manager Acivico (Building Consultancy) Ltd  
Tel. No. 0121-274-3449  
Email: umar.aziz@acivico.co.uk