

Birmingham City Council

Planning Committee

17 January 2019

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Approve-Conditions	9	2018/02361/PA Land off Lench's Close Moseley Birmingham B13 9EY Formation of proposed access road and car park
Approve-Conditions	10	2018/04658/PA Corner of Bells Lane and Bells Court Druids Heath Birmingham B14 5YS Erection of 12 self-contained single bedrooms with communal living, dining and kitchen facilities to provide supported living for those with learning difficulties or mental health problems with associated parking and external works (sui generis).
Determine	11	2018/07962/PA Land to the rear of 16-26 Springcroft Road & 11-23 Lyncroft Road Hall Green Birmingham B11 3EL Retention/remedial works for 12 single storey storage buildings.

Approve-Conditions

12

2018/09130/PA

The Pavilion
Boundary View
Selly Oak
Birmingham
B29 6TY

Reserved Matter application seeking
permission for the appearance of the cricket
pavilion following outline approval
2012/02303/PA.

Committee Date: 17/01/2019 Application Number: 2018/02361/PA

Accepted: 04/06/2018 Application Type: Full Planning

Target Date: 30/07/2018

Ward: Moseley

Land off Lench's Close, Moseley, Birmingham, B13 9EY

Formation of proposed access road and car park

Applicant: Lench's Trust
 Lench Close, Moseley, Birmingham, B13 9EY
 Agent: TDF Design Associates
 202 Spies Lane, Halesowen, West Midlands, B62 9SW

Recommendation

Approve subject to Conditions

1. Proposal

1.1. [Link to Documents](#)

1.2. The application proposes the formation of an access road and car park extension at the Lench's Trust sheltered housing complex at Lench's Close, off Wake Green Road, Moseley. Access would be formed off the existing frontage car park, running to the side and rear of existing accommodation and offices at the site, and adjacent to the adjoining offices at 8 Wake Green Road. It would then serve a car park located on informal garden land sited to the rear of the now separated 8 and 8a Wake Green Road.

1.3. Lench's Trust is an almshouse charity providing sheltered accommodation in Moseley and Sutton Coldfield, and 'extra care' in Quinton. Trustees appoint beneficiaries to the charity who are those over 55 most in need, especially in financial terms. Residents live in their schemes with a licence. The applicants advise that additional parking is required to meet the needs of younger residents and reflects increasing car ownership among its tenants. The proposal seeks to manage this existing raised demand more effectively as current pressures give rise to overspill parking onto nearby roads by residents, visitors and carers. It will enable improved parking management across the whole complex for residents, visitors, carers and staff (usually 1-2 at any one time), and avoid occasional conflict and access difficulties to emergency vehicles.

1.4. During the life of the application amended plans have been received which reduce parking provision across the whole of the site to 32 spaces to accord with BCC Car Parking Guidelines, add a passing space on the access way, remove lighting from the accessway, and add secure cycle parking provision within the main frontage car park. The existing frontage parking area reduces to 10 spaces from 18/20 by virtue of spaces removed to reduce overall provision to 32, plus those lost to the access way creation and new cycle parking area. Several iterations of the Tree Report/plans have also been submitted to address queries from the Arboricultural Officer.

2. Site & Surroundings

- 2.1. Lench's Close is a cul de sac located on the southern side of Wake Green Road. The private road consists of a sheltered housing scheme with 64 properties with a mix of single residents and couples plus communal facilities and a Management Office. The rest of the properties are in residential use. All the properties are generally terraced and 1.5 storey in height. The area is predominately residential in character.
- 2.2. The site is covered by a Tree Preservation Order, as is the adjoining site 8-12 Wake Green Road. The adjoining No. 8 Wake Green Road is also Grade II listed, as is 10-12 Wake Green Road separately.

3. Planning History

- 3.1. 20/09/2011 - 2011/05585/PA - Non Material Minor amendment attached to planning approval 2011/02939/PA omitting the first floor dormer window and lift and ground floor amended to incorporate a Manager's Office – Approve
- 3.2. 18/07/2011 - 2011/02939/PA - Erection of two single storey extensions to existing communal areas, and installation of dormer and rooflight - Approve subject to conditions
- 3.3. 12/08/1999 - 1999/01644/PA - Alterations and extensions to existing sheltered housing for the elderly to provide assistant warden's accommodation, amenities facility and guest suite - Approve subject to conditions
- 3.4. 07/03/1996 - 1995/03535/PA – Erection of fencing along road frontage and side boundary - Approve subject to conditions
- 3.5. 16/02/1978 – 16920003 – Residential Development – Approve
- 3.6. 01/06/1972 – 16920002 – Storage of motor vehicles – Refuse
- 3.7. 26/03/1970 – 16920001 – Erection of block of 2 or 3 storey residential flats – Approve

4. Consultation/PP Responses

- 4.1. Local Ward Members, Residents Association and local residents consulted, and Press Notice and Site Notice(s) posted.
- 4.2. 6 neighbour objections on the following grounds:-
 - Additional residential development pressure
 - Loss of trees and boundary treatment, TPO implications
 - Change in character of the application site and loss of privacy and screening
 - Anti-social behaviour/fly tipping and loss of security/increasing crime
 - Loss of wildlife and habitat
 - Loss of rear gardens
 - Noise and pollution, and health and well-being implications

- Health implications to pupils at nursery at 8 Wake Green Road
- 4.3. Isobel Knowles (on behalf of Moseley Lib Dems) – expresses resident's concerns at loss of adjacent private gardens, loss of site security, TPO implications, but also other resident's need for additional parking and disabled parking provision and lack of prior consultation from the landlord.
- 4.4. Moseley Society – seek clarification on need for the additional spaces, and whether shared vehicle(s) for residents could be used/provided, and express concern regarding cumulative parking implications along Wake Green Road and on-street parking congestion, proposed loss of rear gardens for adjacent Lench's Close occupiers and communal gardens to the rear of 8 Wake Green Road, and loss of existing parking spaces within the current car park to facilitate the proposed access way.
- 4.5. Councillor Kerry Jenkins (formerly Councillor for Hall Green, now Councillor for Moseley) – "I am concerned about this application and the negative effects on amenity for residents living in the sheltered accommodation that is set within the landscaped grounds particularly due to noise; disturbance; loss of privacy and nuisance. Apart from a significant increase in noise and air pollution for residents, because of the close proximity to the boundaries, if allowed to go ahead, it will also result in the loss of rear gardens for Nos 1-19 Lench's Close, as well as a significant reduction in the size of the communal garden at the rear of 8 Wake Green Road. The addition of an extra 22 car parking spaces will also be impossible without the loss of trees and hedges, and the extent of this loss will depend on which design is put forward but in both options there will be 5 mature trees lost. I can see no reason for this additional car park at the current time and therefore ask the committee to refuse."
- 4.6. Transportation – Initial concerns have been addressed with the provision of a passing bay within the accessway and reduction in overall site parking provision to not exceed the requirements as set out in the Car Parking Guidelines SPD (namely 32 spaces). Secure cycle parking provision to be made available within the site to cater for alternative transport modes (amended plans have added this to the existing car park).
- 4.7. Regulatory Services – query commercial or residential use and frequency of use, and concern at proximity to adjoining residential properties and gardens.

5. Policy Context

- 5.1. The following local policies are applicable:

Birmingham Development Plan (BDP) 2031
 Birmingham Unitary Development Plan (UDP) Saved Policies 2005
 Places for Living SPG
 Places for All SPG
 Regeneration through Conservation: Birmingham Conservation Strategy
 Car Parking Guidelines SPD

- 5.2. The following national policies are applicable:

National Planning Policy Framework (NPPF)

6. Planning Considerations

- 6.1. Birmingham Development Plan policy PG3 states that all new development will be expected to demonstrate high design quality, contributing to a strong sense of place. New development should reinforce or create local distinctiveness with design that responds to local context and heritage assets, creates safe environments, encourages cycling and walking, creates external spaces which are attractive and inclusive, encourages sustainable characteristics such as using green infrastructure, supports the creation of sustainable neighbourhoods, and makes best use of existing buildings and efficient use of land. Policy TP3 relates to sustainable construction and encourages energy efficiency and the use of low carbon energy, reduces flood risk, provides adaptable development and enhances biodiversity. Policy TP7 also encourages the green infrastructure network and TP8 maintenance and enhancement of biodiversity. Finally, policies TP12 and TP44 address the historic environment and the delivery of optimum traffic and congestion management respectively.
- 6.2. The main considerations in the determination of this application are the impact of the proposal on highway safety, residential amenity, local character and appearance and Heritage Assets, and protected trees.
- 6.3. Highway safety
- 6.4. The proposal has undergone amendment during the course of the application's life which has reduced total site/scheme parking levels to 32 so as not to exceed Car Parking Guidelines for this form of development and the local area. This incorporates a reduced level of frontage parking in part to facilitate entry into the proposed accessway to the car park extension itself. A passing bay within the access road has also been added, as has secure cycle parking within the existing frontage car park to improve accessibility by a wider range of transport modes. Given these amendments Transportation colleagues are now satisfied that the proposal is acceptable from a highway safety and traffic generation perspective and would not give rise to highway reasons for refusal. Accordingly the development is considered to accord with the requirements of BDP policy TP44.
- 6.5. Residential amenity
- 6.6. The proposal involves the creation of an access way in between existing offices at 8 Wake Green Road and the closest accommodation units within the Trust's own scheme at Lench's Close. The loss of amenity space adjacent to these closest Lench's Close properties is noted however it forms part of the overall communal amenity land for the complex within The Lench's Trust's control as landlord rather than forming private gardens. Neighbour comments and queries from Regulatory Services in this point are noted. The car park and access way would involve a loss of an area of informal communal green space (approximately 1,100 sqm in total) but also enable the retention of a sizable area of communal gardens for the complex as a whole to the immediate south of the proposed car park extension; this measures approximately 1,800 sqm and would be retained for use by all residents. The car park extension would be used in addition to existing frontage parking, with on-site staff (usually 1 or 2 staff members) utilising the frontage car park.
- 6.7. It is acknowledged that noise and disturbance levels to closest residents at Lench's Close and offices adjoining at 8 Wake Green Road might increase beyond current

levels however comings and goings would be spread through the day and night to accord with normal residential usage levels, as the existing car park currently operates. The configuration of the access road is also narrow, dog-legged and lightly engineered, as with Lench's Close itself, and does not promote fast vehicle speeds or greatly additional vehicle noise. Initially proposed lighting within the access road has been deleted in the interests of reducing residential amenity impact, and lighting within the car park extension can be controlled by a condition for full details in this interest. In conjunction with this landscaping, replacement boundary hedging and hard boundary treatment details can be required to provide additional mitigation to adjoining users (both offices and a day nursery at 8/8a Wake Green Road, and flats at 10 Wake Green Road) in terms of avoiding undue overlooking, loss of privacy, and noise and disturbance. These measures will also be of the wider benefit to the visual amenity of the area.

- 6.8. Character and appearance and impact on heritage assets
- 6.9. The proposal as noted above involves the loss of amenity space for the Lench's Trust scheme at this location, both adjacent to specific units and more communally to the rear of 8/8a Wake Green Road. The proposed car park land in question however has already been severed from the adjoining listed building (8 Wake Green Road) and is separated by existing tree and boundary treatments. My Conservation Officer has assessed the proposed works and concludes they will not have a detrimental impact on the setting of either of the Grade II Listed Buildings, numbers 8 and 10 Wake Green Road. They also note the proposed works will be an enhancement to access and a much needed highways improvement. Accordingly the proposal is considered acceptable in relation to the BDP Policy TP12 and the NPPF. As noted above tree protection, landscaping and boundary treatment measures will also ameliorate impact on localised visual amenity.
- 6.10. Trees and Ecology
- 6.11. The site is covered by Tree Preservation Orders and at the request of your Arboricultural Officer further investigative work has been undertaken to assess the proposal in relation to these constraints. An Arboricultural Impact Assessment (AIA) has been carried out which has identified two options for implementing the car park and access. Option two is the current proposal and this retains the B category O1 (yew). T31 and T33 of TPO 870 are also retained in option 2 (T6 and T7 in the survey). The most significant tree in the area is the A category Welintonia which is T3 in the survey and T8 of TPO 275. This tree is retained and is clear of the immediate works. T5 (a Western Red Cedar) is proposed for removal (also T30 of TPO 870) and is the only protected tree (category C) that option 2 removes. T1 and T5 are not protected and are removed.
- 6.12. Overall, the most impact in terms of amenity is the removal of a section of the hedge but this would not be suitable grounds for refusal or a new TPO. Accordingly the Arboricultural Officer advises that the proposal is acceptable. He does however feel that the AIA contains too many variables/options to be a final Tree Protection Plan and therefore recommends an appropriate tree works condition. It is accepted that the scheme will give rise to reduced tree and hedge cover than currently existing along those boundaries but the scheme does allow for the most important protected trees to be retained. Landscaping and boundary treatment conditions can be used to mitigate character and residential amenity impacts as far as possible.
- 6.13. The City Ecologist recommends an advisory to avoid trees being removed within the bird nesting season given the potential for birds nesting within those trees. These

trees are not suitable for bat roosts however the use of low level/ low light-spill lighting design within the car park is also recommended given any potential for use of the site as part of a wider bat foraging or commuting corridor. Such a condition is already recommended in the interests of controlling impact on residential amenity, and it would accordingly also meet the policy requirements of BDP policies TP7 and TP8.

6.14. Other

6.15. It is not considered that the proposal will give rise to additional crime levels or anti-social behaviour than the existing frontage parking, and suitable boundary treatment and lighting provision can be secured in this interest. Advice on crime prevention measures and management arrangements can be sought from West Midlands Police in accordance with Policy PG3.

6.16. The proposal in itself is for additional car parking to meet the needs of residents currently living at the complex. In relation to other neighbour objections received the proposal does not serve additional residential development.

7. Conclusion

7.1. The application endeavours to strike a balance between the competing needs of residents for additional parking whilst maintaining adequate security, protected tree retention and amenity space for the social housing complex. Impacts on amenity and heritage assets are mitigated to acceptable levels subject to conditional details, and given the reduction in additional parking initially proposed the proposal now accords with local policy for the area. Subject to appropriate conditions for construction, tree works, landscaping, hedge replacement and boundary treatment, levels and lighting details, the scheme is considered acceptable.

8. Recommendation

8.1. Approve subject to conditions.

1	Requires the scheme to be in accordance with the listed approved plans
2	Requires the submission of hard and/or soft landscape details and replacement boundary hedging
3	Requires the submission of hard surfacing materials
4	Requires the submission of boundary treatment details
5	Limits agreed trees works to 2 years
6	Requires the submission of a lighting scheme
7	Requires the prior submission of level details
8	Prevents occupation until the accessway with passing space, parking area and secure cycle parking facilities have been constructed in accordance with the approved plans

and thereafter retained.

9 Implement within 3 years (Full)

Case Officer: Tracy Humphreys

Photo(s)



Location of proposed entrance off existing frontage car park



Current area (part) of the proposed access road

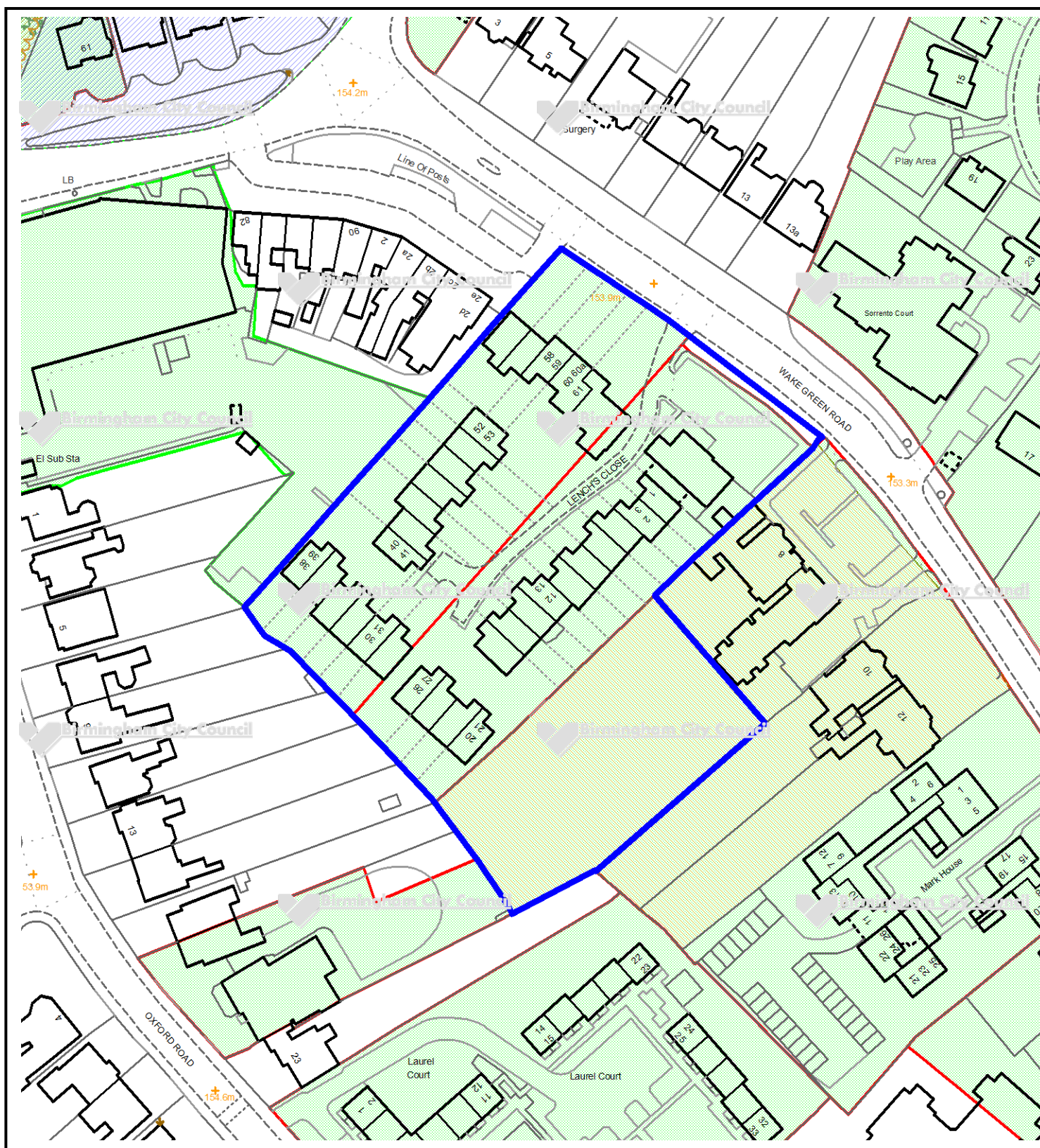


Amenity area adjacent to Lench's Close for remainder of proposed access road



Site area of proposed car park

Location Plan



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Committee Date:	17/01/2019	Application Number:	2018/04658/PA
Accepted:	10/08/2018	Application Type:	Full Planning
Target Date:	18/01/2019		
Ward:	Druids Heath & Monyhull		

Corner of Bells Lane and Bells Court, Druids Heath, Birmingham, B14 5YS

Erection of 12 self-contained single bedrooms with communal living, dining and kitchen facilities to provide supported living for those with learning difficulties or mental health problems with associated parking and external works (sui generis).

Applicant:	CMH Capital Aquinas House, 63 Warstone Lane, Jewellery Quarter, Birmingham, B18 6NG
Agent:	Stephen George and Partners Innovation Centre, 1 Devon Way, Longbridge Technology Park, Birmingham, B31 2TS

Recommendation

Approve subject to Conditions

1. Proposal
 - 1.1. Permission is sought to erect a building containing 12 self-contained single bedrooms with communal living, dining and kitchen facilities. The accommodation would provide supported living for adults with learning difficulties or mental health issues.
 - 1.2. A 2 storey building is proposed which is set back 6m from Bells Lane pavement at the nearest point. The building is of traditional red brick construction with some areas rendered white and has a tiled pitch roof. Headers and footers are provided around the majority of windows. Three projecting gable features have been inserted within the roof on the front elevation.
 - 1.3. The scheme includes 6 parking spaces which are provided for both occupiers and carers. Four of the parking spaces are located at the front of the site with 2 provided at the rear.
 - 1.4. The scheme would be managed by 'Care Through the Millennium' who are a Birmingham based extra care provider who also operate 2 further sites on Bells Lane. The applicant has explained that the potential occupiers are referred to the care provider via either the NHS or social services and the potential residents are only accepted where they are capable of living in the community. Residents would have mental health problems, learning disabilities or autistic spectrum disorders. Each resident would have a tailored package of care to suit their specific needs enabling them to live independently within the community. The applicant owns 2 adjacent properties, No's 225 and 231 Bells Lane which provides a base for the

carers and support workers who would be available 24hours a day, 7 days a week as required by the residents.

- 1.5. The proposal has been amended since submission, with design and layout changes which reduces the impact on nearby dwellings and improves the appearance of the development.
- 1.6. A conifer hedgerow would be removed which are in a fairly central location within the site. Aside from landscaped areas to the site frontage, a rear amenity space of 104sqm would be provided. An enclosed refuse store is shown at the eastern end of the proposed development.
- 1.7. A Tree Report, Design and Access Statement, Transport Statement and Phase 1 Site Appraisal have been submitted in support of this application.
- 1.8. [Link to Documents](#)
2. Site & Surroundings
 - 2.1. The application site sits within a residential area in Druids Heath on the corner of Bells Lane and Bells Court. A petrol filling station used to be located on this site and adjacent land but was demolished a number of years ago. There are existing vehicular accesses off both Bells Lane and Bells Court. The application site is surrounded by 2 storey dwellings. The application site is 1.5km west of Maypole Local Neighbourhood Centre and 1.6km east of Kings Norton Local Neighbourhood Centre.
3. Planning History
 - 3.1. 26/09/2018 – 2013/05344/PA. Erection of 4 No. 3 bedroom dwellings. Approved. (No's 219 – 225 Bells Lane)
4. Consultation/PP Responses
 - 4.1. Severn Trent – No objection subject to a condition regarding the submission of drainage details.
 - 4.2. Lead Local Flood Authority – No objection subject to condition requiring the submission of Sustainable Drainage Operation and Maintenance Plan
 - 4.3. Police – No objection subject to conditions requiring the provision of an access control system and CCTV.
 - 4.4. Transportation – No objection subject to conditions regarding pedestrian visibility splay, Section 278 agreement and the provision of cycle storage.
 - 4.5. Regulatory Services – No objection subject to conditions regarding contamination and noise insulation.
 - 4.6. Local occupiers, Ward Councillors, MP and resident associations were notified. Two site notices and a press notice have been displayed, with 7 letters of objection received. The following concerns have been raised:
 - Insufficient space for parking;
 - Too close to Primary School for intended use;

- Use would have undue impact on local residents;
 - Loss of green space;
 - Already sufficient specialist accommodation in the area;
 - Loss of privacy; and
 - Increased safety concerns
- 4.6 Two further comments have been received highlighting that it is a good use of an overgrown site.
- 4.7 A response has also been received by Councillor Pritchard. He highlights that he has received correspondence from a number of residents, some who are supportive and others who are objecting to the scheme. Providing that sufficient information is provided regarding the types of people that are likely to reside within the development he raises no objection.
5. Policy Context
- 5.1. The following local policies are applicable:
- Birmingham Development Plan (BDP) 2031
 - Birmingham Unitary Development Plan (UDP) Saved Policies 2005
 - Places for Living SPG
 - Car Parking Guidelines SPD
 - 45 Degree Code
- 5.2 The following national policies are applicable:
- National Planning Policy Framework (NPPF)
6. Planning Considerations
- 6.1. I consider the key planning issues to be considered are: the principle of the proposed development; the design and scale of the proposed development; the impact on residential amenity, the impacts on traffic and highway safety and the impact on trees.
- 6.2. The principle of the proposed development
- 6.3. The National Planning Policy Framework seeks to ensure the provision of sustainable development, of good quality, in appropriate locations and sets out principles for developing sustainable communities. It promotes high quality design and a good standard of amenity for all existing and future occupants of land and buildings. It encourages the effective use of land by utilising brownfield sites and focusing development in locations that are sustainable and can make the fullest use of public transport, walking and cycling. The NPPF also seeks to provide a wide mix of housing including specialist accommodation for those with disabilities to create sustainable, inclusive and mixed communities.
- 6.4. Policy TP27 of the Birmingham Development Plan also states that new housing in Birmingham is expected to contribute to making sustainable places..."All new development will need to demonstrate that it is meeting the requirements of creating sustainable neighbourhoods". Policy TP28 of the plan sets out the proposed policy for housing location in the city, noting that proposals should be accessible to jobs, shops and services by modes of transport other than the car.

- 6.5. The site has been vacant for over a decade although 4 dwellings were built on the western side of the wider site under reference 2013/05344/PA. The principle of redeveloping the site for supported living accommodation would provide housing for those with specialist needs and would be a positive step in line with national and local policy. Concerns have been raised over the specific use however if managed well there is no reason to suggest there would be an undue impact on local residents. The site is within an established residential area, close to public transport links and within easy reach of Maypole and Kings Norton Local Centres. The proposed development would deliver 12 units which would significantly boost the supply of specialist accommodation in the locality.
- 6.6. The site makes excellent use of an unused brownfield site to boost the supply of specialist accommodation in a sustainable location. The principle of the development is considered to be acceptable subject to the detailed considerations below.
- 6.7. Design
- 6.8. Policy PG3 of the BDP explains that “All new development will be expected to demonstrate high design quality, contributing to a strong sense of place.” It goes on to explain that new development should: reinforce or create a positive sense of place and local distinctiveness; create safe environments that design out crime and make provision for people with disabilities; provide attractive environments that encourage people to move around by cycling and walking; ensure that private external spaces, streets and public spaces are attractive, functional, inclusive and able to be managed for the long term; take opportunities to make sustainable design integral to development; and make best use of existing buildings and efficient use of land.
- 6.9. The surrounding area is primarily residential with Bells Lane and the adjoining streets consisting of 2 storey properties. These properties are a mix of terraced and semi-detached dwellings that were constructed in the 1960s and 1970s with the exception of the 4 dwellings recently built which are directly west of the application site. The dwellings are of traditional brick construction but also include elements of render and cladding.
- 6.10. The proposed building is of traditional red brick construction with a tiled pitch roof. White render is also used on the front, side and rear elevations. The proposal includes 3 projecting gable features within the roof and includes some large windows on the front elevation that extend to ground level. The inclusion of these features creates a good rhythm to the development which gives the impression of a row of terraces rather than a single apartment building. The building is two storeys high ensuring that its scale is comparable to surrounding properties. The building is set further forward than the adjacent dwellings on Bells Lane however there is sufficient separation from Bells Lane to ensure that the development does not appear unduly prominent within the street scene.
- 6.11. It is considered that the overall design and scale of the proposed scheme would be acceptable and in keeping with the character of the local area.
- 6.12. Residential Amenity
- 6.13. The Places for Living SPG sets out a number of numerical standards which help to ensure that acceptable amenity standards are provided for the occupiers of new dwellings and retained for the occupiers of adjacent properties.

- 6.14. The closest property to the proposed dwelling is No. 225 Bells Lane to the west of the site. As the proposed building is located adjacent to its side elevation there would be no undue impact. No. 225 has main habitable windows on its front and rear elevation which would be unaffected. It is acknowledged that there is a first floor window on the side elevation serving a bedroom however this is a secondary window. A number of properties are located directly to the north of the proposed development, namely No's 14 – 20 Southwood Covert (evens). At its nearest points the proposed building retains a distance of 20m from the rear elevation of No's 18 and 20 and 17m from the rear of No's 14 and 16. Importantly the rear elevation of the proposed development contains only one habitable window at first floor level which due to its positioning does not overlook adjacent properties. 2 of the 4 windows on the rear elevation at 1st floor level are just 7m from the shared boundary with No's 18 and 20 Southwood Covert but as these windows serve the communal corridor they can be obscurely glazed to prevent overlooking.
- 6.15. Concerns have been raised over the impact of the use on adjoining occupiers and the potential for increased crime. The applicant has explained that the potential occupiers are referred to the care provided via either the NHS or social services and the potential residents are only accepted where they are capable of living in the community. The applicant owns 2 adjacent properties, No's 225 and 231 Bells Lane which provides a base for the carers and support workers 24hours a day, 7 days a week in close proximity to the site. This ensures that if any issues arise they can be responded to immediately. Importantly West Midlands Police raise no objection to the proposal. They indicate that this particular care provider runs 2 similar facilities on Bells Lane and there have been no calls to the police about these sites. There is therefore no evidence to suggest that the introduction of the facility will result in an increased likelihood of crime or general disorder for local residents.
- 6.16. It is also necessary to consider the living environment created for the proposed occupiers. All 12 bedrooms have good access to natural light and are provided with en-suite facilities with room sizes ranging between 11.7 and 16sqm. These room sizes for single rooms comfortably exceed the Council's minimum standards. A communal living area including a kitchen is provided on each floor. It is considered that a communal area of 26sqm for 6 residents is of sufficient size. A private amenity space of 120sqm has been provided for the occupiers of the 12 bedrooms which is also acceptable.
- 6.17. In summary, the proposal does not have an undue amenity impact on the occupiers of adjacent properties and creates an acceptable living environment for the proposed occupiers.
- 6.18. Traffic and Highway Safety
- 6.19. Policy TP38 of the BDP states that "The development of a sustainable, high quality, integrated transport system, where the most sustainable mode choices also offer the most convenient means of travel, will be supported." One of the criteria listed in order to deliver a sustainable transport network is ensuring that that land use planning decisions support and promote sustainable travel. Policy TP44 of BDP is concerned with traffic and congestion management. It seeks to ensure amongst other things that the planning and location of new development supports the delivery of a sustainable transport network and development agenda.
- 6.20. The site is in a sustainable location with regular bus services available on Bells Lane providing access to Maypole and Kings Norton Centres. Only 6 parking spaces

have been provided for the 12 units however Transportation acknowledge that the demand for parking is usually low in specialist accommodation of this nature. Transportation have raised no objection to the scheme subject to conditions and consequently it is considered that the proposal will not have an adverse impact on the highway network.

6.21. Landscape and Trees

- 6.22. A row of conifer trees will be removed from the centre of the site. The Tree Officer raises no objection to the loss of these trees. A condition requiring the provision of a landscaping scheme will ensure that suitable replacements can be provided. Consequently with the implementation of an appropriate landscaping scheme the proposal will not unduly impact on the natural environment.

7. Conclusion

- 7.1. The proposed development would be in accordance with, and would meet policy objectives and criteria set out in, the BDP and the NPPF. The scheme is acceptable in terms of its design, amenity, highways and landscape considerations. Therefore the proposal would constitute sustainable development and it is recommended that planning permission is granted.

8. Recommendation

- 8.1. Approval subject to conditions.

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- | | |
|----|--|
| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Requires the submission of sample materials |
| 3 | Requires the submission of a CCTV scheme |
| 4 | Provision of a scheme for an access control system |
| 5 | Requires the submission and completion of works for the S278/TRO Agreement |
| 6 | Requires the submission of cycle storage details |
| 7 | Requires pedestrian visibility splays to be provided |
| 8 | Requires the prior submission of a sustainable drainage scheme |
| 9 | Requires the prior submission of a drainage scheme |
| 10 | Requires the submission prior to occupation of the properties of a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan |
| 11 | Requires the submission of hard and/or soft landscape details |
| 12 | Requires the prior submission of a contamination remediation scheme |
| 13 | Requires the submission of a contaminated land verification report |
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- 14 Requires the prior submission of details of bird/bat boxes
 - 15 Requires the submission details obscure glazing for specific areas of the approved building
 - 16 Implement within 3 years (Full)
-

Case Officer: Andrew Fulford

Photo(s)

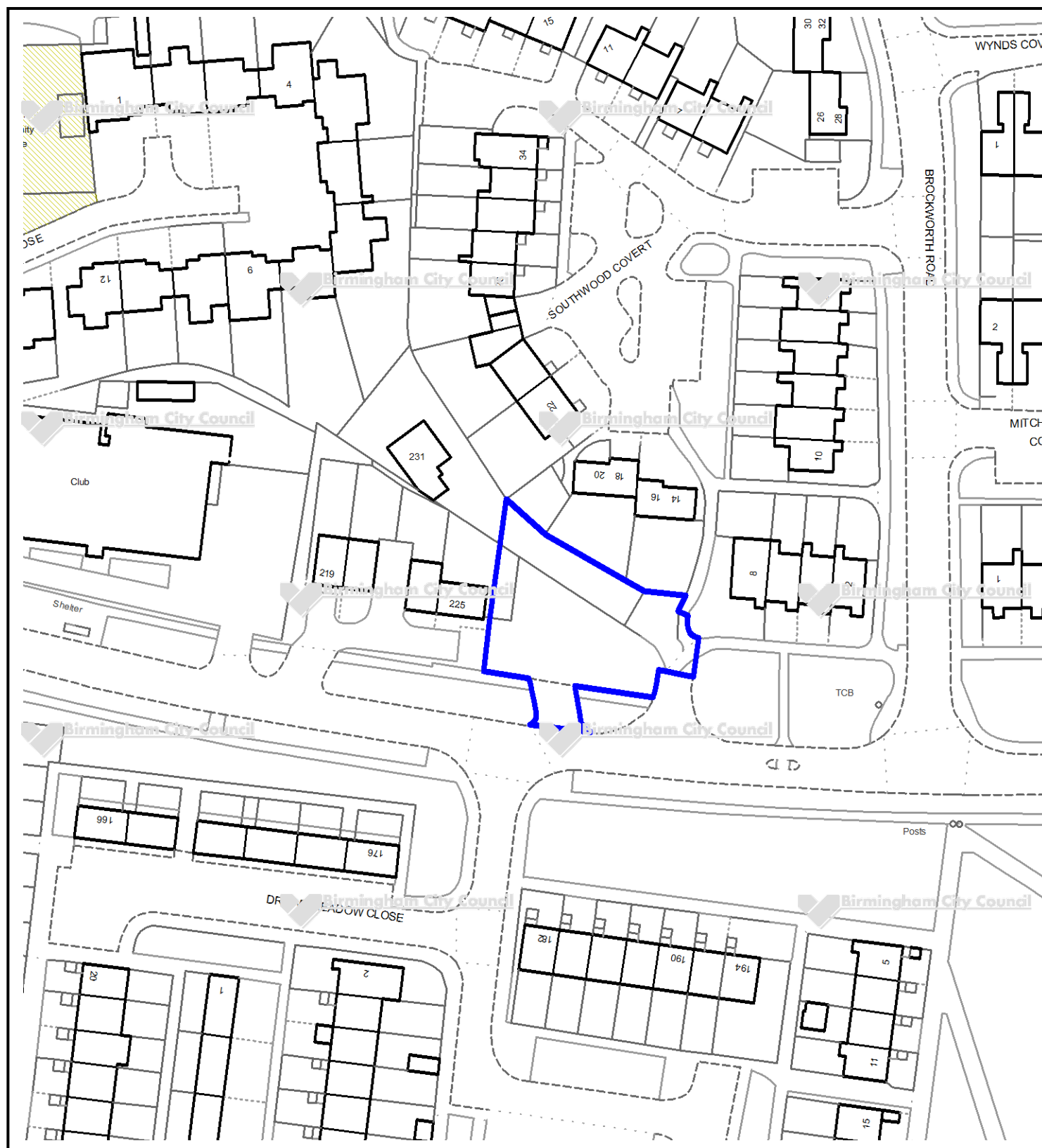


Photo 1: View North from Bells Lane showing No's 219-225 Bells Lane (odds) and the western half of the application site



Photo 2: View north from Bells Lane showing application site and No. 14 Southwood Covert at rear

Location Plan



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Committee Date:	17/01/2019	Application Number:	2018/07962/PA
Accepted:	01/10/2018	Application Type:	Full Planning
Target Date:	26/11/2018		
Ward:	Hall Green North		

Land to the rear of, 16-26 Springcroft Road & 11-23 Lyncroft Road, Hall Green, Birmingham, B11 3EL

Retention/remedial works for 12 single storey storage buildings.

Applicant:	Mr M R Khan 23 Billesley Lane, Birmingham, B11 9QT
Agent:	Planning, Design & Build Ltd 864 Washwood Heath Road, Ward End, Birmingham, B8 2NG

Recommendation

Determine

1. Report Back

- 1.1. Members will recall that the above application was reported to Planning Committee on 6th December 2018. Members considered that although conditions had been recommended to the planning application they raised concern given the historical background and planning history and enforcement of the site. Members resolved to defer the application, minded to refuse on the grounds of loss of residential amenity and the development being out of character with the area.
- 1.2. Members concerns regarding how the site could be monitored if planning consent were to be granted have been discussed with Enforcement colleagues. They have confirmed that they would monitor the site over the coming months with an update provided in 6 months' time, in line with the planning conditions. This would enable Condition 3, which requires the remedial works to be undertaken in 6 months after consent, to be checked and verified. Members are again requested to endorse the original recommendation subject to that assurance regarding condition monitoring.
- 1.3. Nonetheless, if Members are still minded to refuse, the following reason is suggested;

"The proposed outbuildings by virtue of their siting and scale would adversely affect the residential amenity of occupiers and would be harmful to the local character of the area. The proposal is therefore contrary to Saved Policy 3.14 of the Birmingham Unitary Development Plan (2005), Policy PG3 of the Birmingham Development Plan 2017 and guidance contained within "Places for Living" SPG (2001); the NPPF (2018)".
- 1.4. Members are however advised that this reason may be difficult to defend at appeal if the refused outbuildings are used for ancillary residential purposes as recommended condition 2 requires.

- 1.5. Since the last Committee meeting, a comment from a neighbouring occupier has been received which states that they have no issues in regards to the outbuildings being used as storage for residents however do query the proposed windows within the outbuildings.

Proposal

- 1.1. This application seeks planning consent for the retention of six outbuildings located in the rear of 16 – 26 Springcroft Road and six outbuildings located in the rear of 11 – 23 Lyncroft Road, Hall Green.
- 1.2. The outbuildings will measure 5.7m in length and 5.1m in width with a sloping roof measuring 3.0m to eaves and 4.0m to highest point and would be rendered and painted with windows and doors constructed of white uVPC glazing upon completion.
- 1.3. Remedial works would include: the sub-division of the outbuildings, with walls rendered, roofs tiled and windows and doors inserted to create 12 completed outbuildings, only accessible from the main dwellings.
- 1.4. The outbuildings would be used as storage for the adjacent dwelling.

2. Background to proposal

- 2.1. Planning permission was granted under 2004/07739/PA on 24/02/2005 for the demolition of a factory premises and redevelopment of the site to provide a residential development comprising 10 x 2.5-storey five bedroom dwellings and 2 x 2.5-storey six bedroom dwellings, together with car parking provision and landscaping works. The dwellings would front onto both Springcroft Road and Lyncroft Road.
- 2.2. 2011/1209/ENF – Enforcement complaint received relating to the development not being in accordance with the 2004/07739/PA application as houses were being converted into flats. Findings established that the development of 12 no. dwellings approved under 2004/07739/PA was being converted to flats and HMO's. This enforcement case closed on 25.01.2014 as it was found that although each house (apart from 23 Lyncroft Rd) was physically subdivided into smaller units, the lack of cookers/hobs in each unit made it difficult to conclude that each unit was truly self-contained. It was therefore considered that the units (apart from No. 23 Lyncroft) were in use as HMO's falling within Class C4 and a change from C3 to C4 was permitted under the General Permitted Development Order.
- 2.3. 2017/0865/ENF – Enforcement complaint received relating to unauthorised detached buildings erected in the rear gardens of the application site. Enforcement officer site visit on 16.08.17 established the erection of a substantial block built, cavity wall building in the rear gardens between the properties. The buildings had a footprint of 33.5m x 11.5m and a maximum height of 2.6m. The owner of the site explained that he intended the building to provide Class E type facilities (gym and shower room or store) for each of the properties on Springcroft Road and Lyncroft Road. However, upon inspection the buildings had water and electricity connections and wc connections, insulated floors, wall insulation, plastered walls and double glazed windows and doors. Following a site visit on 12.09.17, the Building Control officer confirmed that the buildings are to be used to provide living accommodation although no Building Regulations application had been submitted.

- 2.4. 21.05.2018 - Various applications were submitted for the retention of the single storey detached buildings at the application site to be used as a proposed gym and storage space. These applications were refused on the following grounds: inadequate private amenity space proposed, the siting and design would be harmful to the character of the area, inadequate separation distances to existing residential units leading to a loss of privacy and loss of light and inadequate living conditions by virtue of size and layout.
- 2.5. 04.09.18 – Visit from Enforcement Officer found that there were two completed outbuildings on the site and the remainder were concrete shells. All services had been removed from the completed outbuildings and the fencing had been restored so that each outbuilding was only accessible from the relevant main dwelling.

[Link to Documents](#)

3. Site & Surroundings

- 3.1. The application site relates to the rear gardens of six dwellings at 16 – 26 Springcroft Road and six dwellings at 11 – 23 Lyncroft Road. The site consists of a terraced row of two storey dwellings with front dormer windows and two storey bay column features.
- 3.2. The surrounding area is predominately residential with residential dwellings situated to the south, east and west of the application site. A manufacturing unit is located to the north of the site

[Site Location](#)

4. Planning History

- 4.1. 24/02/2005 - 2004/07739/PA - Demolition of factory premises and redevelopment of site to provide a residential development comprising 10 x 2.5-storey five bedroom dwellings and 2 x 2.5-storey six bedroom dwellings, together with car parking provision and landscaping works – Approved.
- 4.2. 21/05/2018 - 2017/10891/PA - Retention of single storey detached outbuilding to rear of 18 Springcroft Road - Refused.
- 4.3. 21/05/2018 - 2017/10896/PA - Retention of single storey detached outbuilding to rear of 26 Springcroft Road - Refused.
- 4.4. 21/05/2018 - 2017/10893/PA - Retention of single storey detached outbuilding to rear of 22 Springcroft Road - Refused.
- 4.5. 21/05/2018 - 2017/10892/PA - Retention of single storey detached outbuilding to rear of 20 Springcroft Road - Refused.
- 4.6. 21/05/2018 - 2017/10895/PA - Retention of single storey detached outbuilding to rear of 24 Springcroft Road - Refused.
- 4.7. 21/05/2018 - 2017/10899/PA - Retention of single storey detached outbuilding to rear of 11 Lyncroft Road - Refused.

- 4.8. 21/05/2018 - 2017/10902/PA - Retention of single storey detached outbuilding to rear of 15 Lyncroft Road - Refused.
- 4.9. 21/05/2018 - 2017/10905/PA - Retention of single storey detached outbuilding to rear of 21 Lyncroft Road - Refused.
- 4.10. 21/05/2018 - 2017/10900/PA - Retention of single storey detached outbuilding to rear of 23 Lyncroft Road - Refused.
- 4.11. 21/05/2018 - 2017/10903/PA - Retention of single storey detached outbuilding to rear of 17 Lyncroft Road - Refused.
- 4.12. 21/05/2018 - 2017/10904/PA - Retention of single storey detached outbuilding to rear of 19 Lyncroft Road – Refused.

5. Consultation/PP Responses

- 5.1. Neighbours, local Ward Councillors, MP, and residents associations have been notified and a Site Notice has been displayed. No responses received.
- 5.2. Transportation Development – No objection.
- 5.3. Regulatory Services – No objection subject to condition restricting use of outbuildings to storage only.

6. Policy Context

- 6.1. The following local policies are applicable:
- Birmingham Development Plan (2017)
 - Birmingham Unitary Development Plan 2005 (saved policies 3.14-3.14D & Chapter 8).
 - Places For Living SPG (2001).
 - Extending Your Home SPD (2007).
 - The 45 Degree Code
- 6.2. The following national policies are applicable:
- The National Planning Policy Framework (2018).

7. Planning Considerations

- 7.1. The National Planning Policy Framework (NPPF) 2018 seeks to ensure the provision of sustainable development, of good quality, in appropriate locations and sets out principles for developing sustainable communities. It promotes high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
- 7.2. Policy PG3 of the BDP states that all new development will be expected to demonstrate high design quality, contributing to a strong sense of place. New development should reinforce or create a positive sense of place and local

distinctiveness, with design that responds to site conditions and the local area context.

- 7.3. The main planning issues for consideration in this application are the principle of the development, the siting, scale and design, the impact on residential amenity and the impact on highway safety and parking.

Principle of Development

- 7.4. Given that the outbuildings are only accessible via the main dwelling and all services have been removed, I consider that the outbuildings being used for storage would now be considered to be incidental to the enjoyment of each dwelling and as such the principle of development is acceptable. The layout and use of the outbuildings would be compatible with the residential development of the site approved in 2005.

Siting, scale and design

- 7.5. The scale, mass and design of the outbuildings are acceptable. I consider that the outbuildings would be of domestic proportions and as such would not compromise the existing character or architectural appearance of the host property. The proposal has no visual impact on the street scene and therefore complies with the objectives of 'Extending Your Home' Design Guide and 'Places for Living' SPG.
- 7.6. To secure satisfactory completion of the site a condition has been attached to require the remedial works to be carried out in accordance with the approved plans within 6 months of the decision date.
- 7.7. The erected outbuildings result in 53 sq.m of private amenity space remaining per dwelling. The surrounding area is characterised by dwellings with rear gardens of a similar length with outbuildings also located in the rear garden. I therefore consider that sufficient amenity space remains to accord with local character. As such the outbuildings would not be out of context with the local area.

Impact on Residential Amenity

- 7.8. The outbuildings comply with the 45 Degree Code and separation distance guidelines as outlined within the Councils 'Places for Living' SPG. As such, I consider that the outbuildings would not have a detrimental impact on neighbours light, outlook or amenity. I note that there are no windows proposed in the rear or side elevation of the proposed outbuilding. As there would be no overlooking to the surrounding rear gardens, I consider that the proposed outbuildings would not have an adverse impact on neighbour's privacy.
- 7.9. Regulatory Services raise no objection to the proposal subject to a condition restricting the outbuilding to be used for storage only. A condition has been attached which restricts the outbuilding to be used only for purposes incidental to the main dwelling.

Impact on Highway Safety and Parking

- 7.10 Transportation Development have raised no concerns in terms of impact upon highway safety and parking issues and I would concur with this view. The outbuildings are located at the rear of the properties and would therefore have no impact upon the existing parking arrangements.

8. Conclusion

8.1. The proposed development meets the objectives of the policies outlined above and is a satisfactory outcome to a long-standing enforcement matter. As such the development would not cause sufficient detriment to warrant a refusal of the application.

9. Recommendation

9.1. Approve subject to conditions:

-
- | | |
|---|--|
| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Limits the use to being incidental to the dwelling |
| 3 | Requires the outbuildings to be sub-divided, finished in render, roofs tiled, windows and doors inserted and fully completed in accordance with the approved plans within 6 months |
| 4 | Implement within 3 years (Full) |
-

Case Officer: Laura Reid

Photo(s)



16 – 26 Springcroft Road



11 – 23 Lyncroft Road



Outbuilding

Location Plan



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Committee Date:	17/01/2019	Application Number:	2018/09130/PA
Accepted:	09/11/2018	Application Type:	Reserved Matters Development
Target Date:	18/01/2019		
Ward:	Bournville & Cotteridge		

The Pavilion, Boundary View, Selly Oak, Birmingham, B29 6TY

Reserved Matter application seeking permission for the appearance of the cricket pavilion following outline approval 2012/02303/PA.

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

Agent:

Recommendation

Approve subject to Conditions

1. Proposal

- 1.1. This application is a reserved matters submission for a cricket pavilion which is sited within phase 1 of the redevelopment of the Selly Oak Hospital site. An outline application (ref 2012/02303/PA) for demolition of existing structures and construction of a maximum of 650 dwellings, in addition to A1, A2, A3, A4, B1(a) and D1 uses on the hospital site was approved on 14th October 2013. The application included consideration of access, with all other matters reserved. The submission included a series of parameter plans, which established a number of principles for development, including land use, residential densities, scale/massing, access/movement strategy and building retention.
- 1.2. This proposal relates solely to a small parcel of land within phase 1 which is directly to the west of the cricket pitch. The cricket pavilion is a single storey brick built structure which is 'T shaped' and has a tiled roof. The building will include changing facilities, toilets, a club room and kitchen. The building is 5.46m high, 19.2m wide and 14.6m deep.
- 1.3. A cricket pavilion was approved as part of phase 1 (2015/00535/PA) however it is now apparent that there is a substantial drop in levels from the pavilion down to the cricket outfield. To satisfactorily address this matter the applicant is proposing to insert retaining walls to the front and side of the building and steps to the front. In all other aspects the building has not changed from that previously approved.
- 1.4. Importantly, under application 2015/01493/PA condition 34 of outline application 2012/02303/PA was discharged thereby approving the finished levels across phase 1. This plan clearly indicates a substantial change in levels between the pavilion building and adjacent pitch.
- 1.5. [Link to Documents](#)

2. Site & Surroundings

- 2.1. This current application relates to part of the wider development site at Selly Oak Hospital. The hospital site is located approximately 3.5 km south-west of Birmingham City Centre and just to the south of the A38 (Bristol Road). The hospital site lies at the southern end of Selly Oak, abutting the northern edge of Bournville Village Conservation Area. To the east the site is bordered by the Worcester and Birmingham Canal and the Cross City Rail Line. To the west are The Acorns Hospice and Selly Oak School. Raddlebarn Road bisects the site and provides all existing vehicular access to it. There is established housing to the north and west, and development sites to the north on Elliott Road. Raddlebarn Road forms the boundary between Selly Oak and Bournville Wards.
- 2.2. The wider hospital site extends to 17.4 ha overall, the majority (11.3 ha) of which lies to the north of Raddlebarn Road which was, for the most part, developed with a range of buildings used for hospital related activities.
- 2.3. The application site relates to a small area south of Raddlebarn Road thereby falling within Phase 1 of the redevelopment. All of the houses within Phase 1 have been completed and construction of the pavilion is already underway. Residential development (street address known as 'Boundary View') is located directly to the west of the application site.

3. Planning History

- 3.1. 14th October 2013. PA No. 2012/02303/PA. Outline application for demolition and construction of a maximum of 650 dwellings and construction of up to 1000m² (maximum) Use Class A1 (Shops); 500m² (maximum) Use Class A3 (restaurants and cafes) and Use Class A4 (drinking establishments); 1500m² (maximum) Use Class B1(a) (offices)/Use Class A2 (financial & professional services) and Use Class D1 (non-residential institution); together with access, associated public open space, roads, car parking and landscaping. Approved subject to a legal agreement.
- 3.2. 30th April 2015. PA No. 2015/00535/PA. Reserved matters submission for consideration of details of appearance, landscaping, layout and scale relating to Phase 1 of outline approval (ref 2012/02303/PA) for 96 new build dwellings (Use Class C3), provision of open space (incorporating cricket pitch and pavilion), associated parking and external works. Approved.
- 3.3. 14th October 2015. PA No. 2015/01493/PA. Application to determine the details for Condition Nos. 12 (sample materials), 13 (boundary treatments), 15 (drainage), 22 (delivery vehicle management scheme), 24 (cycle storage), 34 (levels) and 35 (construction method statement/management plan) attached to approval 2012/02303/PA. Approved
- 3.4. 29th September 2018. 20181408/ENF. Construction of cricket pavilion alleged to be not in accordance with approved plans. Under investigation.

4. Consultation/PP Responses

- 4.1. Local occupiers, residents' associations, Councillors and MP notified, advertised by a Site Notice. 6 representations were initially received raising concerns over the following matters:

- Landscaped area in front of the building will receive insufficient sunlight and grass will not grow;
 - Area enclosed between the wall and steps will become a litter trap;
 - The path around the edge of the cricket pitch would be blocked preventing direct access for the disabled and those with pushchairs;
 - Loss of view;
 - Clock shown on the front elevation of the originally approved plan needs to be re-instated;
 - Proposals are unattractive; and
 - Unclear where rubbish would be stored
- 4.2. Following the receipt of amended plans a 2 week re-consultation was undertaken with local occupiers. 3 further objections were received. These objections reiterated previously raised concerns and the following additional points:
- Small encroachment onto cricket pitch is unacceptable;
 - Loss of light; and
 - Unlikely that developer would actually relocate footpath

5. Policy Context

- 5.1. The following local policies are applicable:
- Birmingham Unitary Development Plan 2005 (Saved Policies)
 - Birmingham Development Plan (2017)
 - Places for Living (Adopted Supplementary Planning Guidance 2001)
 - The 45 Degree Code (Adopted Supplementary Planning Guidance 1996)
 - Wider Selly Oak SPD (2015)
- 5.2. The following national policy is applicable:
- NPPF – National Planning Policy Framework (2018)

6. Planning Considerations

- 6.1. I consider the key planning issues to be considered are: the principle of the proposed development; the design and scale of the proposed development and the impact on residential amenity.
- 6.2. Principle of Development
- 6.3. The inclusion of a cricket pavilion within the wider hospital redevelopment was secured through outline application 2012/02303/PA and the detail agreed through reserved matters application 2015/00535/PA. The principle of a cricket pavilion in this location is therefore acceptable subject to detailed design and amenity considerations.
- 6.4. Layout and Appearance
- 6.5. Policy PG3 of the BDP explains that “All new development will be expected to demonstrate high design quality, contributing to a strong sense of place.” It goes on to explain that new development should: reinforce or create a positive sense of place and local distinctiveness; create safe environments that design out crime and make provision for people with disabilities; provide attractive environments that encourage people to move around by cycling and walking; ensure that private external spaces, streets and public spaces are attractive, functional, inclusive and able to be managed for the long term; take opportunities to make sustainable design

integral to development; and make best use of existing buildings and efficient use of land.

- 6.6. The footprint and design of the building itself has not changed since the previous approval. Initially plans were provided which did not show a clock face on the front elevation however amended plans have been provided to show this reinstated. The addition of the retaining wall and steps does add bulk to this single storey building. This would be most obvious when viewed from the front, particularly for those utilising the cricket facilities.
- 6.7. Phase 1 appears to have been developed in accordance with approved levels plan which necessitates the introduction of retaining walls and steps. The introduction of these features does create a more dominant structure overall however they are essential to providing a direct access from the pitch. On balance, the proposal would not have a harmful impact on the appearance of the pavilion within the street scene.
- 6.8. Residential Amenity
- 6.9. The Places for Living SPG sets out a number of numerical standards which help to ensure that acceptable amenity standards are retained for the occupiers of adjacent properties.
- 6.10. At the nearest point the pavilion would be 13.8m from the front elevation of No. 26 Boundary View. Taking into account the single storey nature of the building and the fact that there are no substantial changes in levels between the rear of the pavilion building and No. 26 Boundary View it is not considered that the building would appear unduly overbearing. I note concerns have been raised over the loss of a view however this is not a material planning consideration.
- 6.11. Concerns have been received regarding the impact of the proposal on the path around the pitch. The steps previously encroached into the path meaning that users of the path would have had to walk up and down the steps to continue on their route around the boundary of the pitch. However, amended plans have been provided showing that the position of the path has been moved further east. This means that all pedestrians including wheelchair users and parents with pushchairs have a direct route around the edge of the outfield. This provides a satisfactory solution to the concerns raised.
- 6.12. In summary, the proposal raises no significant residential amenity concerns for nearby dwellings and acceptable access arrangements are provided.
- 6.13. Other Considerations
- 6.14. Concerns have been raised regarding the landscaping proposals and for the potential for litter to gather around the building. The laid grass on the slopes around the building will provide an attractive setting for the building. It is considered that there would sufficient natural light for grass to grow in this position. There is no reason to suggest that litter would gather more around this building than any other in the locality. It would be for the future occupier to ensure that the land around the pavilion is maintained satisfactorily.
- 6.15. Concerns have been raised regarding the storage of refuse. The plans do not specifically show a refuse storage area however the building contains store rooms that could be utilised for this purpose. The layout as presented is identical to that approved previously.

7. Conclusion

- 7.1. The proposed development would be in accordance with, and would meet policy objectives and criteria set out in, the BDP and the NPPF. The scheme is considered to be acceptable in terms of design and amenity considerations. Therefore the proposal would constitute sustainable development and it is recommended that planning permission is granted.

8. Recommendation

- 8.1. Approval subject to conditions

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

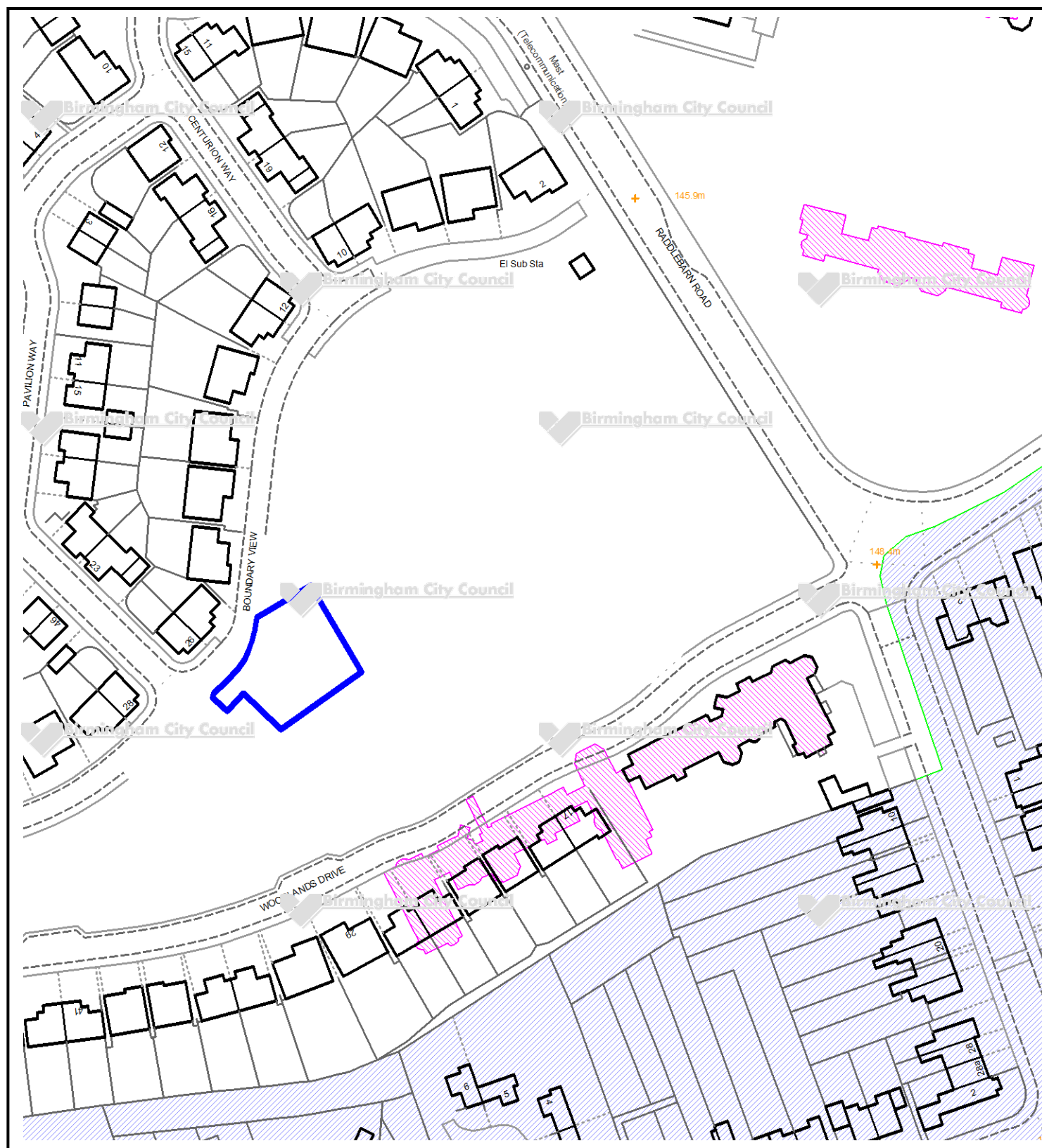
2 Re-alignment of footpath to be completed within 4 months

Case Officer: Andrew Fulford

Photo(s)



Location Plan



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Birmingham City Council

Planning Committee

17 January 2019

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>
No Prior Approval Required	13	2018/09789/PA Burcot Road Council Depot Burcote Road Erdington Birmingham B24 0RN Application for Prior Notification for the proposed demolition of former Council depot buildings

Committee Date:	17/01/2019	Application Number:	2018/09789/PA
Accepted:	30/11/2018	Application Type:	Demolition Determination
Target Date:	28/12/2018		
Ward:	Pype Hayes		

Burcot Road Council Depot, Burcote Road, Erdington, Birmingham, B24 0RN

Application for Prior Notification for the proposed demolition of former Council depot buildings

Applicant:	Birmingham City Council Clearance Team, Level 2, Zone 11, PO Box 16579, 1 Lancaster Circus Queensway, Birmingham, B4 7DY
Agent:	Acivico Ltd (Building Consultancy) Louisa House, PO Box 17212, 92-93 Edward Street, Birmingham, B2 2AQ

Recommendation

No Prior Approval Required

1. Proposal

1.1. This application, made under Schedule 2, Part 11 of the Town and Country Planning (General Permitted Development) (England) Order 2015, is to determine whether Birmingham City Council requires prior approval for the method of demolition, or site remediation following demolition works, for former Burcote Road Council Depot buildings.

1.2. It is proposed to demolish the former Burcote Road Council Depot buildings in preparation for the construction of residential dwellings for Birmingham Municipal Housing Trust (subject to further planning application). This application is accompanied by Demolition Method Statement. The method of demolition is to be primarily mechanical, with demolition using hand tools adjoining site boundary. In order to secure the site following demolition, a 1.8m high fence is proposed around the perimeter of the site.

1.3. [Link to Documents](#)

2. Site & Surroundings

2.1. The application site relates to two vacant structures with extensive hard standing located within the site. The application site is bounded by a row of residential dwellings along Burcote Road to the west, abuts Birmingham and Fazeley Canal, a wildlife corridor, a Site of Special Scientific Interest and a SLINC Area to the south and east and residential dwellings along Apollo Croft to the north.

2.2. The wider locality contains a mixture of uses. Whilst the area has a historic commercial/industrial character, there have been a high number of residential

properties recently developed within the area. There is no significant vegetation at the site.

[Site Location Map](#)

3. [Planning History](#)

- 3.1. There is no relevant planning application associated with this application site.

4. [Consultation/PP Responses](#)

- 4.1. Regulatory Services – No objections.
- 4.2. Transportation Development – No objections.
- 4.3. Adjoining neighbours and Councillors were notified. No responses were received.

5. [Policy Context](#)

- 5.1. The Town and Country General Permitted Development (England) Order 2015 as amended Schedule 2, Part 11 and Class B.

6. [Planning Considerations](#)

- 6.1. Schedule 2, Part 11, Class B of the General Permitted Development Order 2015 states that any building operation consisting of the demolition of a building is permitted development subject to a number of criteria, including the submission of a prior notification application in order to give local planning authorities the opportunity to assess the details of demolition and site restoration only, to minimise the impact on the local amenity. This application seeks determination as to whether prior approval is required for the demolition of former Burcote Road Council Depot buildings.
- 6.2. The developer has provided details of how this work will be advanced using a combination of mechanical demolition and demolition by hand adjoining the site boundary. The buildings are not listed nor a schedule monument or in a conservation area. Therefore, I raise no objection to the principle of the demolition of these buildings, using the methods identified.
- 6.3. The proposed method of demolition is consistent with demolition applications approved elsewhere in the City. The demolition method statement states that prior to demolition, all furnishings and loose fittings within the buildings would be stripped out and all asbestos removed. Also, the perimeter of the site would be made secure to prevent any unauthorised access using 1.8m high fencing.
- 6.4. Transportation Development raised no objections to the application. They note that the supporting statement states that the existing access points from Burcote Road would be used and consider that the proposal would not result in any material negative impact on adjoining highways. I concur with this and consider the proposal would not result in any significant adverse impact on highways safety.
- 6.5. Regulatory Service raised no objections to the application but advised on hours of operation when noisy works should be done as Monday to Friday 08:00 – 18:00 and Saturday 08:00 – 13:00. The hours of operation/ noise controls for demolition works

is not normally controlled through the planning process as they are governed by other legislation.

6.6. City Ecologist – No objections.

6.7. Therefore, I consider the principle of the proposed demolition works, site security and method of site restoration measures are acceptable.

7. Conclusion

7.1. Given the level of detail and supporting information provided, I consider the detail provided satisfies the provisions of Schedule 2, Part 11, Class B of the General Permitted Development Order, 2015.

8. Recommendation

That prior approval is not required.

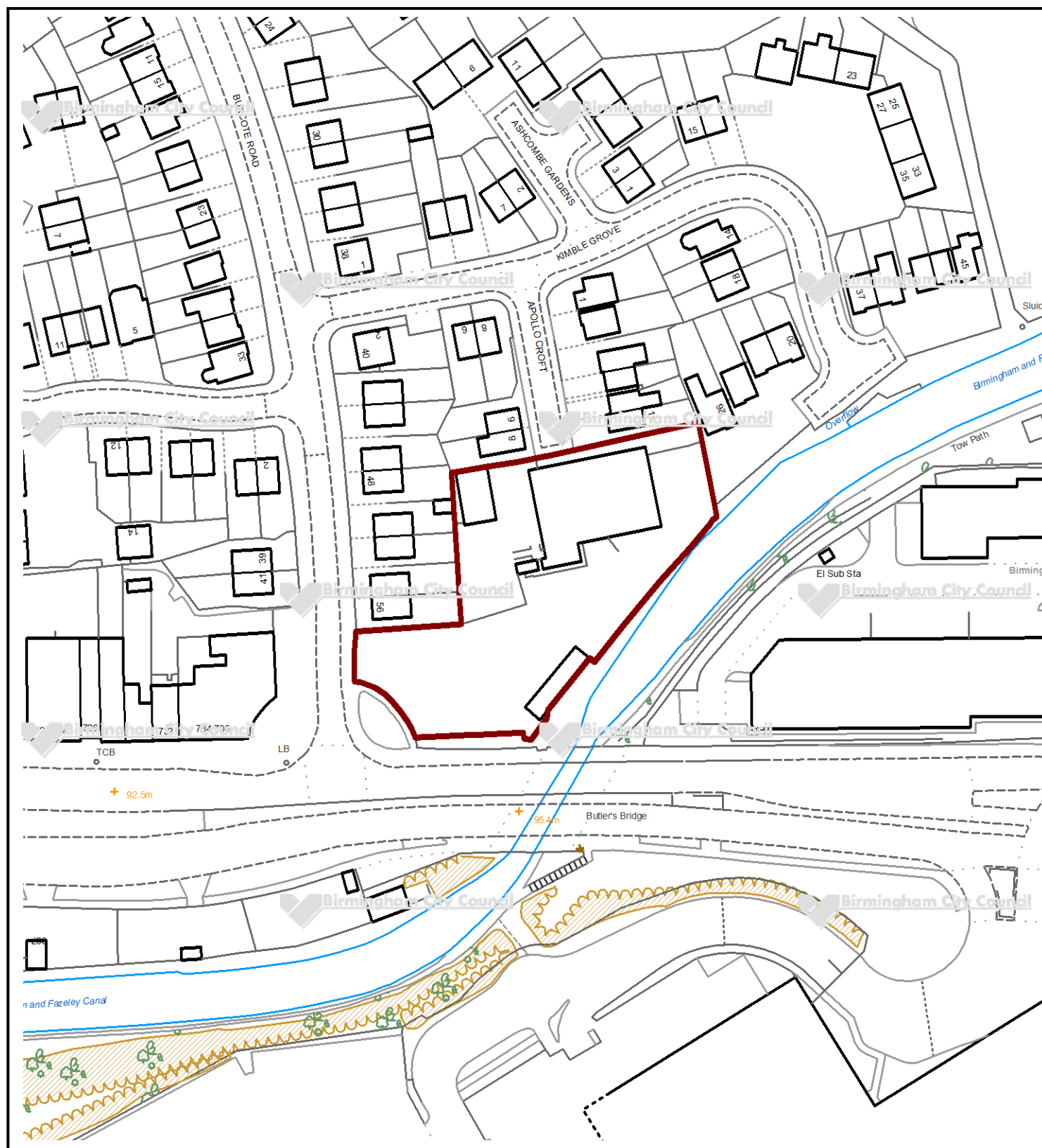
Case Officer: Obafemi Okusipe

Photo(s)





Location Plan



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Birmingham City Council

Planning Committee

17 January 2019

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Approve – Conditions	14	2018/07426/PA 3-7 Farncote Drive Sutton Coldfield Birmingham B74 4QS Demolition of existing offices and store and erection of 4 no. town houses and ancillary site works to provide parking and private rear yards
Approve – Conditions	15	2018/08051/PA Land adjacent 49 Heaton Street Hockley Birmingham B18 5BB Erection of a two storey modular house and associated works.
Approve – Conditions	16	2018/06058/PA Crystal Court Aston Cross Business Village Rocky Lane Aston Birmingham B6 5RQ Change of use from offices (Use Class B1a) and an adult day care centre (Use Class D1) to a higher education facility (Use Class D1)

Committee Date:	17/01/2019	Application Number:	2018/07426/PA
Accepted:	11/09/2018	Application Type:	Full Planning
Target Date:	21/12/2018		
Ward:	Sutton Four Oaks		

3-7 Farncote Drive, Sutton Coldfield, Birmingham, B74 4QS

Demolition of existing offices and store and erection of 4 no. town houses and ancillary site works to provide parking and private rear yards

Applicant:	Wyndley Homes Cornerways, Mill Lane, Rowington, CV35 7DQ
Agent:	Gould Singleton Architects Earls Way, Halesowen, B63 3HR

Recommendation

Approve subject to Conditions

1. Proposal

- 1.1. The current application is for demolition of the existing single-storey office building on the site and its replacement with a terrace of 4 no. two-storey 2-bedroom townhouses, along with all ancillary site works to create off-street parking and front and rear gardens for the dwellings.
- 1.2. The proposed houses are two-storey with open canopies over the front doors. The terrace has a pitched roof with hips at each end and two chimney stacks. The proposed materials comprise facing brick, interlocking concrete roof tiles, uPVC windows and composite aluminium front doors. The proposed building has an eaves height of 5.4 metres and a ridge height of 8 metres.
- 1.3. The terrace is situated parallel to Farncote Drive, with the front elevation set-back 2.4 to 2.6 metres from the adjacent footpath – which is slightly (0.3 metres) closer than the existing building. The layout includes small front gardens and rear private gardens to each house, with two shared parking areas – one either side of the terrace. Two parking spaces are provided per dwelling, located one behind the other in tandem fashion. Four spaces are provided to the northeast of the terrace and four to the southwest.
- 1.4. The internal floor area of the houses measures approximately 90 sq.m. In terms of accommodation, the houses comprise living, kitchen and dining areas at ground floor level, along with a downstairs toilet and two bedrooms (one with en-suite), a separate bathroom and study room at first floor level. The master bedrooms measure around 12.5 sq.m., the second bedrooms 9.4 sq.m. and the study rooms 5.7 sq.m.
- 1.5. The rear gardens are the full width of each house and vary from 8.3 to around 10.5 metres in length – providing regular shaped areas of circa 70 to 80 sq.m.
- 1.6. Refuse storage is provided in designated fenced-off enclosures located to the rear of the parking areas (3 no. bins per house).

- 1.7. The revised site layout plan includes details of proposed boundary treatments, which comprise 1 metre high open-boarded timber fencing to the front of the site; 1.8 metre high close-boarded timber fencing to the front of the bin stores and to the sides of and in between the rear gardens; and retention of the existing brick boundary wall to the rear and sides of the site.
- 1.8. Both surface and foul water is proposed to be discharged from the site via mains sewer.
- 1.9. [Link to Documents](#)
2. Site & Surroundings
 - 2.1. The site measures 860 sq.m. and is situated on the north side of Farncote Drive, around 50 metres from its junction with Walsall Road. The site currently contains a single storey office / store building with a floor area of 234 sq.m. which is divided into 3 no. units; only one of which is currently in use.
 - 2.2. The immediate area is primarily a mix of single and two-storey residential buildings. In this respect, to the rear of the site is Tudor Park Court, a substantial two-storey red brick building containing 12 no. flats, the side gable of which addresses the site. To the southwest, on the northern corner of Walsall Road, is a single-storey dwelling and on the other side, on the southern corner of Walsall Road and Farncote Drive, is a new detached two-storey replacement dwelling. Directly opposite the site, on Farncote Drive, is number 4 - a 1960 / 70's two-storey detached dwelling, beyond which, to its northeast, is number 6 – a detached bungalow.
 - 2.3. To the southwest, the site is bounded by the access drive to Tudor Park Court. Adjoining the site to the northeast are the rear gardens of a pair of two-storey semi-detached houses (numbers 30 – 32 Heathfield Road). Whilst those properties technically front Heathfield Road they are, due to their irregular positioning, highly visible from and form part of the streetscape of Farncote Drive. To the east of those properties and number 6 Farncote Drive, the rest of the dwellings on the road comprise detached bungalows.
 - 2.4. [Site Location](#)
3. Planning History
 - 3.1. 2018/03191/PA – Application for demolition of existing offices and store and erection of 4 no. town houses and ancillary site works to provide parking and private rear yards. Withdrawn.
4. Consultation/PP Responses
 - 4.1. Transportation Development – No objection subject to conditions relating to visibility splays, new footway crossings, cycle storage, parking provision, location of refuse storage and a construction management plan.
 - 4.2. Regulatory Services – No objection subject to conditions requiring prior submission of a Noise Insulation Scheme; a Construction Method Statement / Management Plan; a Contaminated Land Verification Report; and Contamination Remediation Scheme.

- 4.3. Severn Trent Water – No objection and no conditions requested.
- 4.4. West Midlands Police – No objection.
- 4.5. Local residents, residents groups, Ward Councillors and MP consulted with a site notice posted. 7 letters of representation have been received. Whilst four of the letters state support re-development of the site in principle, the letters raise the following issues / concerns:
- (1) Inadequate parking for the proposed development
 - (2) The impracticable nature of the proposed tandem parking arrangements
 - (3) The narrow nature of Farncote Drive adjacent to the site and the implications for vehicles accessing the rest of the road / reversing from driveways if cars are parked on the road in front of the site
 - (4) Request made that parking restrictions be put in place along the road
 - (5) Request made that access arrangements be put in place to facilitate maintenance of the building at Tudor Park Court
 - (6) Concern raised regarding loss of privacy / overlooking of an adjacent residential property
 - (7) Two-storey proposal out of character with the area / single-storey would be more appropriate
 - (8) Two dwellings on the site would be more appropriate with their own drive
 - (9) Concern regarding potential damage to the gate posts and boundary wall to Tudor Park Court during the course of construction
 - (10) Concern regarding general noise and disturbance during the course of construction
 - (11) Objection to the proposed trees in the rear gardens of the houses on the basis that they will impede access to maintain the gable wall of the building at on Tudor Park Court; cause potential structural damage to the building; and result in loss of light to Flats 4 and 5 (and potentially Flats 10 and 11).

5. Policy Context

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

6. Planning Considerations

- 6.1. The main considerations are whether the proposed development is acceptable in principle and whether it would result in a detrimental impact on the character of the area, residential amenities and highway safety.

Principle of development

- 6.2. The National Planning Policy Framework (NPPF) states that ‘to support the Government’s objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed’. It also states that in principle ‘planning policies and decisions should support development that makes efficient use of land’ (paragraph 122).

- 6.3. Policy PG1 of the Birmingham Development Plan 2017 (BDP) sets the overall level of growth for the Council area, including affordable housing. Policy PG3 states that all new development is expected to demonstrate high quality design, contribute to a strong sense of place and ‘make best use of existing buildings and efficient use of land in support of the overall development strategy’.
- 6.4. Policy TP20 states that ‘outside Regional Investment Sites and Core Employment Areas there may be occasions where employment land has become obsolete and can no longer make a contribution towards the portfolio of employment land. In such cases change of use proposals from employment land to other uses will be permitted where it can be demonstrated that either: ... the site is considered a non-conforming use ...’. Other key policies include Policy TP27, which requires new housing to contribute to making sustainable places; Policy TP28, which sets out criteria for the location of new housing; Policy TP30, which supports the creation of mixed, balanced and sustainable neighbourhoods; and Policy TP31, which sets a target of 35% affordable housing for all sites of 15 or more dwellings.
- 6.5. The site is not located within a Regional Investment Site or Core Employment Area and constitutes previously developed land situated in a sustainable location.
- 6.6. Whilst the site is not obsolete, it is noted that only one of the three units are currently occupied and that at the time of the site visit there was no activity on site and the entrance gates were locked. The condition of the roadside boundary, which has partially fallen in, is also indicative of the under-utilised nature of the site. Given this and the location of the site within a residential area, it is considered that the existing use constitutes a non-confirming use and that a more efficient use of the site would be residential. In this respect, it is noted that the proposal is for 4 no. dwellings, which it is considered would be a more efficient use of land than the existing use. In addition, the proposal would deliver 4 no. smaller terraced dwellings, which would not only contribute to the City’s overall housing supply but contribute to the housing mix in the area, which is currently characterised by larger detached and semi-detached dwellings.
- 6.7. On the basis of all of the above, it is considered that the proposed re-development of the site for housing is acceptable in principle.

Impact on character

- 6.8. As outlined above, the immediate vicinity of the site is characterised by a variety of single and two-storey residential buildings. In this respect and, in particular, taking into account the higher and more bulky two-storey building to the rear of the site (along with the two-storey dwellings opposite, to the northeast and on the corner of Walsall Road), the two-storey nature of the proposal is considered acceptable in principle.
- 6.9. The proposed streetscape and cross-sections indicate that the proposed building will be both lower and less bulky than that to its north (Tudor Park Court). Whilst the proposed building is slightly higher, both in terms of eaves and ridge height, than the two-storey house opposite the site (number 4), the difference in scale and distance between the two buildings is such that the difference in scale will not be noticeable.

In addition, by being slightly higher than number 4, the proposed terrace represents a stepping-down in scale between the buildings either side.

- 6.10. The proposed materials of brick and concrete roof tiles are found elsewhere in the immediate vicinity and are considered good quality, durable materials appropriate to this location.
- 6.11. The proposed development addresses and will provide an active frontage to the street, which is a marked improvement on the existing situation, whereby the front of the site is bounded by a high fence. Some local residents stated that two larger dwellings on the site would be more appropriate, however, it is considered that the provision of 4 no. smaller terraced dwellings on the site will contribute to the mix of housing in the area, which is currently characterised by larger detached and semi-detached dwellings. The provision of 4 no. residential units also makes better use of the site, in accordance with national policy set out in the NPPF.
- 6.12. The Council's Design Team raise no objection to the proposals. The Tree Officer raises no objection but notes that the creation of front gardens provides an opportunity to improve amenity through the provision of new appropriate tree planting, which may be secured by way of a landscaping scheme. To address these issues a hard and soft landscaping condition is proposed. With regard to boundary treatments, the level of information submitted is considered adequate and the proposed details acceptable, on this basis, no boundary treatment condition is proposed.

Residential amenities

- 6.13. The proposed dwellings meet the internal space standards for two-storey two-bedroom dwellings, as set out in the Technical housing standards – nationally described space standard (2015), in terms of overall floor area and the size of the main (double) bedroom. All of the dwellings are also provided with adequate usable outdoor amenity space, with all of the rear gardens meeting the minimum requirement of 70sqm for family accommodation (52sqm for 2 bed houses) as set out in the Places for Living SPG.
- 6.14. On the basis of the above, it is considered that the amenities of the future occupiers of the proposed dwellings are satisfactory.
- 6.15. The Appendix to the Places for Living SPG sets out numerical standards for separation distances between existing and proposed dwellings. Those that apply in this instance are: 21 metre separation between building faces for two-storey dwellings; and 12.5 metre separation between windowed elevations and opposing single and two-storey flank walls.
- 6.16. The rear elevations of two of the proposed dwellings – those in the middle of the terrace, face the side elevation of the two-storey apartment building to the rear of the site, which contains 2 kitchen windows per floor. The ground floor kitchen windows are obscured by the existing brick boundary wall that will be retained. The separation distance provided between the rear wall of the proposed dwellings and that side elevation wall would be some 12 metres. The first floor windows in the

proposed middle terrace houses immediately facing these existing kitchen windows do not serve habitable rooms but serve en-suite shower rooms and stairways / landings. The closest first floor windows in the proposed dwellings that serve habitable rooms are those that serve the rear bedrooms in Plots 2 and 3, which are located at an oblique angle to those in the flats and at a distance of approximately 13 metres. Whilst this arrangement is far from ideal, particularly in relation to potential loss of privacy and overlooking from these existing kitchen windows into the rear gardens of the proposed middle terrace houses, it is considered that a strict application of these separation distances would make the redevelopment of the site very difficult and unlikely to be done in an efficient manner. Furthermore, the existing residents of the adjacent flats with the first floor kitchen windows facing the application site has an existing situation with a commercial site and arguably the proposal would actually represent an overall improvement on existing neighbour amenity. Therefore, considering all these factors, on balance this arrangement is acceptable.

- 6.17. With regard to facing windows to the front, the proposed dwellings are situated 21 metres from the dwelling opposite (number 4) at the closest point, which again, is considered acceptable.
- 6.18. No first floor windows are proposed on the northeast elevation of the building, however, a condition is proposed ensuring that none are retrospectively installed – to protect the amenities of the adjoining properties. The first floor window on the southwestern elevation of the terrace is considered at a sufficient distance to the rear gardens of the houses fronting Walsall Road to maintain adequate levels of privacy.
- 6.19. Regulatory Services have requested conditions requiring prior submission of a Noise Insulation Scheme and a Construction Method Statement / Management Plan. Given the proximity of the site Walsall Road, which is a classified ‘A’ road, the condition relating to noise insulation is considered necessary and reasonable. Similarly, given the residential character of the area, the condition requiring the submission of a Construction Method Statement / Management Plan is also considered necessary and reasonable.
- 6.20. On the basis of the above and subject to the conditions proposed, it is considered that the proposed development would not result in an adverse impact on the amenities of any existing occupiers that could support a reason for refusal. It is therefore considered that the proposed development would retain a good standard of amenity for existing residents, in accordance with Policy PG3 of the BDP and the NPPF.

Parking and highway safety

- 6.21. Birmingham Council Car Parking Guidelines SPD set maximum parking standards of 2 spaces per dwelling in locations such as this. The proposal meets this standard, providing 2 space per dwelling in a tandem layout.
- 6.22. Local residents have raised concern regarding the highway impacts of the development, stating that the level of parking proposed is inadequate and the

tandem layout impracticable, which will result in on-street parking that will impede the flow of traffic along Farncombe Drive and access to nearby driveways. However, Transportation Development have assessed the proposals and have raised no objection subject to conditions.

- 6.23. Recommended conditions relating to visibility splays, new footway crossing, provision of parking spaces and a Construction Management Plan are considered reasonable and necessary. However, conditions relating to cycle storage (which the individual gardens could accommodate), size of parking spaces and location refuse stores (which are acceptable as shown on the submitted plans) are not considered appropriate.
- 6.24. Many of the letters of representation call for parking restrictions to be put in place along Farncombe Drive to prevent on street parking and the associated issues for access along the road, however, the proposal provides adequate off-street parking and there is no justification for this on the back of this proposal.

Other issues

- 6.25. The scheme is CIL liable and equates to a CIL payment of £28,688.
- 6.26. Regulatory Services have recommended the imposition of conditions relating to contamination; given the brownfield nature of the site these are considered reasonable and are proposed.
- 6.27. It is noted that residents of Tudor Park Court have requested that access arrangements be put in place to facilitate maintenance of the building at Tudor Park Court. This is a private matter and cannot be dealt with through the planning system.
- 6.28. The objections relating to the potential impact of trees proposed in the rear gardens of the new houses in relation to the building at Tudor Park Court are noted and a condition is proposed requiring a landscaping scheme to be submitted for approval. It is further noted however, that once the houses have been occupied residents may undertake additional planting that cannot be controlled through the planning system.

7. Conclusion

- 7.1. It is considered that the proposed development improves the use of a previously developed site within a residential area by delivering 4 no. relatively small dwellings that will contribute to the mix of housing in the area and the City's overall housing supply.
- 7.2. The layout, scale and appearance of the proposed development is of a high quality and will not have a detrimental impact the amenities of the area, existing or future occupiers, or highway safety.
- 7.3. Accordingly, the proposal is considered to comply with policies PG1, PG3, TP20, TP27, TP28, TP30, TP31 and TP44 of the Birmingham Development Plan, saved policies 3.14-3.14D of the Unitary Development Plan (2005), Places for Living SPG (2001), Car Parking Guidelines SPD (2012), Loss of Industrial Land to Alternative Uses SPD and the National Planning Policy Framework (2018).

8. Recommendation

8.1. Approve subject to conditions.

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|----|--|
| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Requires the submission a scheme of noise insulation |
| 3 | Requires the prior submission of a construction method statement/management plan |
| 4 | Requires the submission of a contaminated land verification report |
| 5 | Requires the prior submission of a contamination remediation scheme |
| 6 | Requires vehicular visibility splays to be maintained |
| 7 | Requires pedestrian visibility splays to be provided |
| 8 | Requires the parking area to be laid out prior to use |
| 9 | Requires the installation of new footway crossings |
| 10 | Requires the prior submission of level details |
| 11 | Requires the submission of hard and soft landscape details |
| 12 | Requires the submission of sample materials |
| 13 | Removes PD rights for new windows |
| 14 | Removes PD rights for extensions |
| 15 | Implement within 3 years (Full) |
-

Case Officer: Lydia Hall

Photo(s)

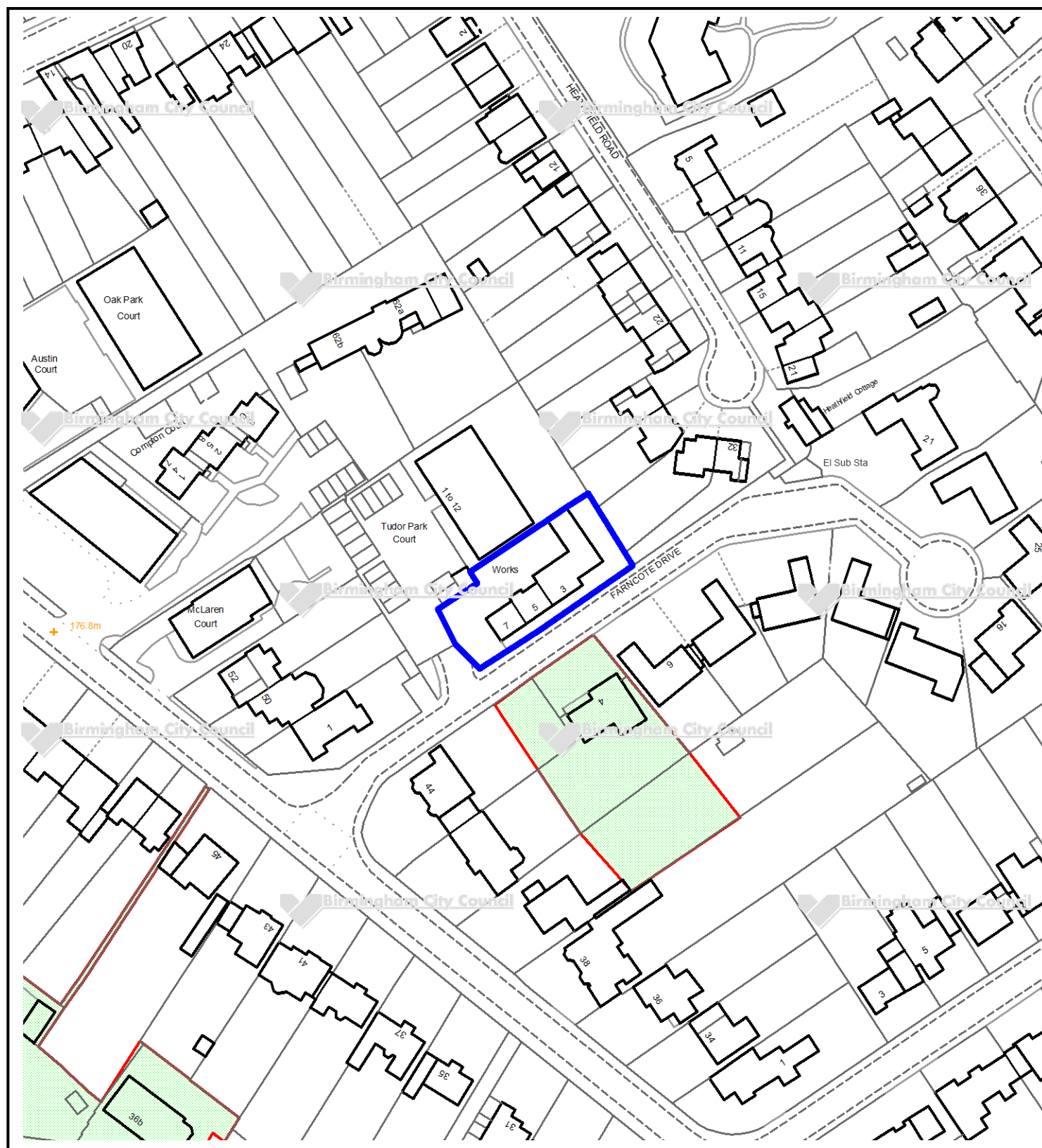


Photo 1 - Existing building and boundary treatment along Farncote Drive. To the right are the semi-detached houses at 30 – 32 Heathfield Road.



Photo 2 - Existing site access with the building at Tudor Park Court beyond.

Location Plan



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Committee Date:	17/01/2019	Application Number:	2018/08051/PA
Accepted:	04/10/2018	Application Type:	Full Planning
Target Date:	03/01/2019		
Ward:	Soho & Jewellery Quarter		

Land adjacent 49 Heaton Street, Hockley, Birmingham, B18 5BB

Erection of a two storey modular house and associated works.

Applicant:	Birmingham City Council Economy Directorate, 1 Lancaster Circus, Birmingham, B4 7DJ
Agent:	Acivico Ltd P O Box 17212, Louisa House, 92-93 Edward Street, Birmingham, B4 7DG

Recommendation

Approve subject to Conditions

1. Proposal

- 1.1 The application proposes the erection of a single, modular affordable home on a derelict plot of land in Heaton Street. It is intended that the dwelling would be the first prototype of the Birmingham modular home which is being developed by Birmingham Municipal Housing Trust (BMHT) as part of its mainstream housing development programme for social housing.
- 1.2 An introduction to the BMHT Modular Housing Programme was presented to Planning Committee at the 27 September 2018 meeting. It has been developed as a unique solution for use on small sites which would be difficult to develop with conventional housing such as former garage courtyards. The use of modular dwelling types would help ensure that such underused sites could be developed economically for affordable housing thereby helping to increase supply and preventing vacant land becoming derelict and a long term nuisance to local neighbourhoods.
- 1.3 The applicants, BMHT, intend that this new housing product would become part of their 'toolkit' for delivering affordable homes in the City. Their approach is to develop their own Birmingham modular affordable house types as the few pilot schemes under development are currently by high end developers. Birmingham would be one of the first cities to embrace modular construction for social housing and it is intended that the units would use good quality materials and high standards of contemporary design. They would be built to minimise their environmental impact not only in terms of energy efficiency but also by being located within existing communities close to public transport, walking and cycling facilities. The modular units would be manufactured using precision engineering in a factory environment using rolled steel, insulated cladding, aluminium framed windows and doors to provide a high quality product. They would be delivered to site and fixed directly onto concrete pads.
- 1.4 The modular unit proposed on the application site would be a prototype and commissioned from a specialist local contractor. It would be transported to the site

in two completed ground and first floor modules, following which the two floors would be joined together and services connected. It would be two storeys in height and measure 11.2 metres in length by 4.6 metres in width and have a mono-pitched roof with a height of 5.3 metres at its lowest point increasing to 6.4 metres. It would provide 80 square metres of accommodation in the form of living room, kitchen/dining area and WC on the ground floor with two double sized bedrooms and a bathroom on the first floor. The external materials would be dark grey brick slips or tiles at ground floor level with mid grey standing seam powder coated aluminium cladding to the upper floors and roof. There would be several feature panels on the front and side elevations using light grey/cream cement boarding with a timber effect. The window and door frames would be in black or dark grey aluminium. The unit design includes a 600mm deep two storey overhang on the front elevation which would provide a canopy over the ground floor entrance with balcony above enclosed by a glazed balustrade.

1.5 The proposed modular unit would be sited in line with an adjacent row of two storey terraced dwellings at 49-52 Heaton Street. It would have a private rear garden of approximately 55 square metres in size and large open front garden area which would be landscaped. Due to the difference in levels between the site and neighbouring development a 750mm high retaining wall is proposed adjacent to the south boundary. No dedicated parking is proposed for the dwelling but there is a communal parking area with 9 spaces at the front of the plot which was provided in conjunction with a recently developed scheme of 8 BHHT apartments on the opposite side of Heaton Street.

1.6 The prototype unit proposed is from a range of different styles under development by BMHT. They consider this unit is the most suitable style for use in this location having regard to character of the area and the recently completed BMHT scheme of houses and apartments nearby. It is intended that further iterations of the modular product will be introduced on other sites across the city designed to reflect the local character of the area in which they are proposed.

1.7 [Link to Documents](#)

2. Site & Surroundings

2.1 The application site comprises of a narrow plot of land covering 0.025ha which lies between 49 Heaton Street, the rear garden of 74 Ford Street and a run down outbuilding at the rear of existing commercial properties in Lodge Road. It was left vacant following the re-development of Cornwall Tower a high rise block which was located on the opposite site of Heaton Street. The site has recently been cleared and is enclosed with temporary fencing. The rear boundary is enclosed with an existing post and rail fence and on the side boundary is a blockwork wall.

2.2 The immediate area comprises of a mix of residential and commercial uses. The nearby residential development is predominantly two storey and of a variety of ages, styles and materials. The commercial uses comprise an industrial centre, individual workshop units and a parade of shops with living accommodation above.

2.3 [Site Location](#)

3. Planning History

- 3.1 30/10/15 - 2015/03172/PA – Planning permission granted for the erection of 7no. 2 and 3 bedroom houses and 8no. 1 & 2 bedroom flats for social rent, associated access road, car parking and landscaping works.

4 Consultation/PP Responses

- 4.1 Transportation - No objection subject to amendments to remove the parking spaces shown within the turning head from the submitted plans. Comments that although the applicant is not proposing any off-street parking provision for the proposed dwelling there are a number of parking bays along Heaton Street fronting the site.
- 4.2 Regulatory Services – No objection subject to condition being imposed requiring a remediation strategy and noise mitigation measures.
- 4.3 Severn Trent Water – No objection but comment that there may be a public sewer located within the application site which may not be built close to, directly over or be diverted without their consent.
- 4.4 West Midlands Fire Service – No objections
- 4.5 West Midlands Police – No objection requests that any work undertaken be to the standards laid out in the Secured by Design guide. Note there is no parking provision but that there appears to be some on street parking in the vicinity of this site. Supports the proposed 1.8 m close boarded fencing to the site boundaries but requests that the fencing be installed to be flush with the front building line.
- 4.6 Ward Councillors, residents associations, local residents notified of the application and site notice displayed. No comments received.

5 Policy Context

- 5.1 Birmingham Development Plan 2017, Birmingham Unitary Development Plan (saved polices), Car Parking Guidelines SPD and the NPPF.

6 Planning Considerations

- 6.1 The site currently has planning permission for a conventional two storey dwelling which was approved, as part of a larger redevelopment scheme of 7 dwellings and 8 apartments, under reference 2015/03172/PA in October 2015. Although the larger redevelopment has been carried and completed the single plot was not built out and remains vacant. However the principle of allowing a two storey dwelling on the site has already been established and therefore there is no objection to the use of the site for housing. The main consideration is whether the erection of a modular home of the form and design proposed would be acceptable and fit in with its surroundings.
- 6.2 Policy PG3 of the BDP states that all new development will be expected to be designed to the highest possible standards which reinforces or creates a positive sense of place and safe and attractive environments. Policy TP27 also has similar wording and seeks high design quality. The revised NPPF states that good design is a key aspect of sustainable development and creates better places to live and work but where proposed developments fail to take opportunities available for improving the character and quality of an area, they should be refused. Para 131 states that great weight should be given to innovative designs which promote high levels of sustainability or help raise the standard of design in the general area as long as they fit in with the overall form and layout of their surroundings.

- 6.3 The proposed modular home would have a bold contemporary design, utilising architectural features and modern materials that appear within innovative residential schemes. The surrounding housing is of variety of ages, materials and designs and the recently developed BMHT housing has already added more modern house designs to the locality and it is considered that this addition would complement the collective mix in the locality and represent a positive addition to the varied housing stock.
- 6.4 The footprint of the proposed modular home would also be different from the 2 bed dwelling previously approved as it would be slightly narrower but about 3 metres longer. It has been sited slightly further forward on the plot however the separation distance between rear windows would reduce from about 20.4 to 19.3 metres. This small reduction is considered to be acceptable as the module unit would be lower having a maximum height of 6.4 metres compared to the 9 metres previously approved. Smaller windows openings are now proposed in the rear elevation and although the design includes a first floor balcony this is on the front elevation, is inset and would look onto the street and access road. The plans also include windows in the side elevations but these would face the blank side wall of the neighbouring property and the outbuilding. The development is therefore not considered to cause any undue overlooking or loss of light to neighbouring properties.
- 6.5 No dedicated parking is proposed for the dwelling but occupants would be able to make use of the communal parking area which adjoins the site. This is acceptable to Transportation Development who note the existing parking bays along Heaton Street fronting the site. They originally raised an objection to the vehicle parking shown within the turning area but this has been addressed by the submission of an amended site layout which has also revised the position of the boundary fence and railings to address the points raised by West Midlands Police.

7 Conclusion

- 7.1 The BMHT modular home is an exciting project being developed by the City Council as part of its housing programme for increasing the supply of social housing and would be used on smaller sites which would be difficult to develop with conventional housing. It represents a step change in how smaller new homes can be delivered using high quality modular units built in a controlled factory environment. It is proposed to use the application site for the erection of the first prototype modular home so that it can be used to inform any amendments, both externally and internally, so that the next phase of production can be refined as necessary.
- 7.2 The application site already has planning permission for a 2 bed house and its use for a single modular home is considered to be appropriate. It would deliver an innovative design which would fit in with the general overall form and layout of its surroundings without any adverse impact on neighbouring development.

8 Recommendation

- 8.1 Approve subject to the following conditions:

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| 1 | Requires the prior submission of a contamination remediation scheme. |
| 2 | Requires the submission of a contaminated land verification report |
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- 3 Requires the submission of sample materials
 - 4 Requires the implementation of the landscape and boundary treatment scheme
 - 5 Requires the scheme to be in accordance with the listed approved plans
 - 6 Implement within 3 years (Full)
-

Case Officer: Lesley Sheldrake

Photo(s)



Photo 1: View of Site and its immediate surroundings



Photo 2: Wider view of site and surroundings

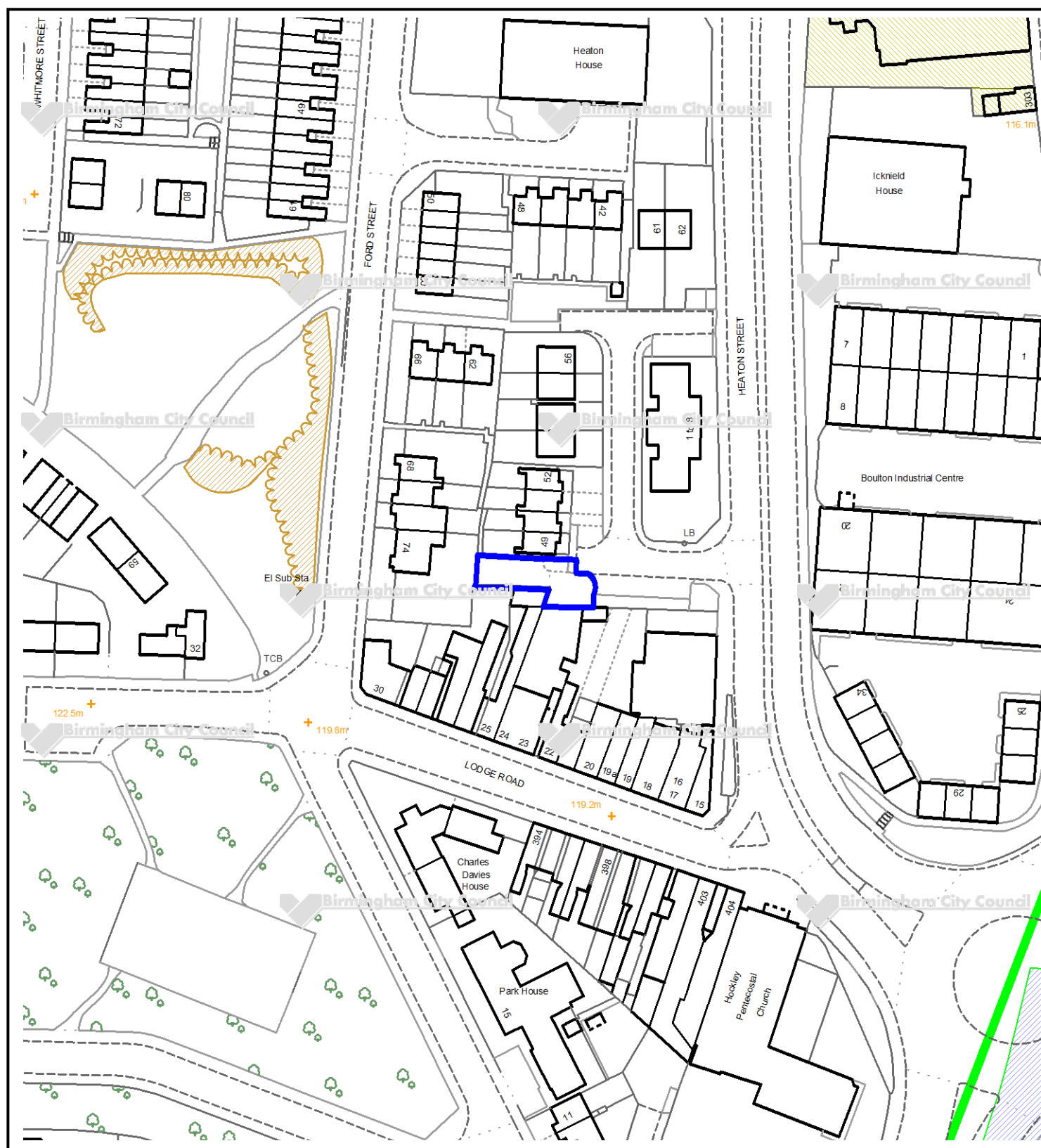


Photo 3: Wider view of Heaton Street showing location of communal car parking spaces



Photo 4: View of adjacent dwellings in Ford Street with mono pitched roof

Location Plan



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Committee Date:	17/01/2019	Application Number:	2018/06058/PA
Accepted:	24/10/2018	Application Type:	Full Planning
Target Date:	23/01/2019		
Ward:	Nechells		

Crystal Court, Aston Cross Business Village, Rocky Lane, Aston, Birmingham, B6 5RQ

Change of use from offices (Use Class B1a) and an adult day care centre (Use Class D1) to a higher education facility (Use Class D1)

Applicant: London School of Science & Technology
c/o Agent
Agent: Pegasus Group
5 The Priory, Old London Road, Canwell, Sutton Coldfield, Birmingham, B75 5SH

Recommendation

Approve subject to Conditions

1. Proposal

- 1.1. Planning permission is sought for the change of use from offices (Use Class B1a) and an adult day care centre (Use Class D1) to a higher education facility (Use Class D1) at Crystal Court, Aston Cross Business Village. No external alterations to the building or any operational development are being proposed.
- 1.2. The Crystal Court is a 3 storey building with a total gross internal floorspace of 3,822 m². At present, part of the building (approximately 636m²) is being used as an adult day care centre (Use Class D1), another part (approximately 1,909m²) is currently in existing office use (Use Class B1a) with remaining 1,272m² of floorspace being vacant for over a year.
- 1.3. The proposal would see the building being occupied by the London School of Science and Technology (LSST), which would operate an expansion of their Birmingham Campus which is currently located at 84 Bordesley Street, B5 5PN. The proposal would provide high-quality facilities for the provision of higher education courses. The facilities at Crystal Court would include:
 - cafeteria, kitchen, canteen, plant room, head office, reception and administration room, first aid room, server/IT room, 2 no. toilets, kitchen staff room and 1 no. lecture room at the ground floor;
 - IT lab, staff room, 2 no. toilets, library, lecture room and 13 no. classrooms at first floor and;
 - break out area, office, staff room, 2 no. toilets and 18 no. classrooms at second floor

- 1.4. When fully operational, there would be 80 employees comprising of 50 academic staff and 30 non-academic staff. The higher education courses would be provided to approximately 1,100 students each year.
- 1.5. The proposed use would operate Monday–Friday (8am – 9pm) and Saturday-Sunday (8am -5pm).
- 1.6. The proposal would utilise existing vehicular access and car parking provision at the Aston Cross Business Village, which provides 180 car parking spaces, including 20 disabled car parking spaces, for Crystal Court, together with the existing 120 cycle rack facilities.
- 1.7. A Planning, Design and Access Statement, Transport Assessment and Travel Plan, Energy and Sustainable Drainage Statement and Sequential Exercise are submitted in support of the application.
- 1.8. [Link to Documents](#)
2. Site & Surroundings
 - 2.1. The Crystal Court is a 3 storey building located within the Aston Cross Business Village, Rocky Lane. Aston Cross Business Village comprises variety of modern buildings which are predominantly in office use (Use Class B1a), along with some D1 uses, a restaurant, sandwich bar, take-away and a newsagent. The existing occupiers include Birmingham City Council, the NHS, Barclays and Dollond & Aitchison. The site is bounded by Lichfield Road to the west which comprises number of light industrial and commercial uses; and Rocky Lane to the south which consist of retail units (Use Class A1) and some derelict sites.
 - 2.2. The site is located within a designated Core Employment Area.
 - 2.3. [Site Location](#)
3. Planning History
 - 3.1. 22/03/1989 (06631026) - Development of land for B1 flexible business use and associated car parking and means of vehicular access - Approved subject to Conditions.
 - 3.2. 06/07/2017 – (2016/10702/PA) - Part change of use from office (Use Class B1) to adult day centre (Use Class D1) – Approved subject to Conditions
4. Consultation/PP Responses
 - 4.1. Site and Press Notices posted and Residents' Associations; Ward Members; the MP and local occupiers consulted. No responses received.
 - 4.2. Regulatory Services – No objection.
 - 4.3. Local Flood Authority and Drainage – they had no comment to make, given that the application refers to internal works only and the proposed works are assumed not to impact on the existing surface water drainage scheme.
 - 4.4. Canal & River Trust – Comments provided in the form of informative for the applicant in relation to the potential benefits of their canalside location and use of the

towpath for staff and students to commute. Requested a financial contribution of approximately £1000 towards improving the visibility, legibility and signage at the access point onto the towpath at Rocky Lane.

- 4.5. West Midlands Police – No objection.
- 4.6. Transportation Development – No objection subject to conditions in relation to restricting the number of students and staff, the proposed D1 use to be restricted only to the proposed use within this use class, secure and coved cycle parking, the proposed use to cease if the car-parking provision ceases to be available for this use and travel plan to be finalised/completed.

5. Policy Context

- 5.1. Relevant Local planning policy:
 - Birmingham Development Plan (BDP) 2017
 - Birmingham Unitary Development Plan (UDP) 2005 (Saved Policies)
 - Places For All SPG (2001),
 - Aston, Newtown and Lozells AAP (2012)
- 5.2. Relevant National planning policy:
 - National Planning Policy Framework (NPPF) (2018)
 - National Planning Policy Guidance (NPPG)

6. Planning Considerations

Policy

- 6.1. The site falls within a Core Employment Area and the boundary of the Aston, Newtown and Lozells Area Action Plan.
- 6.2. Policy TP19 of the BDP states that Core Employment Areas will be retained in employment use. For this purpose, employment use is defined as B1b (Research and Development), B1c (Light Industrial), B2 (General Industrial) and B8 (Warehousing and Distribution) and other uses appropriate for industrial areas. The Policy further states that applications for uses outside these categories will not be supported unless an exceptional justification exists. The same 'exceptional justification' is further outlined in Policy CEA of the Aston, Newtown and Lozells AAP.
- 6.3. Policy TP21 of the BDP states that preferred location for education facilities is within the network of centres identified. The Policy further states that except for any specific allocations, proposals for main town centre uses outside the boundaries of the network of centres identified in Policy TP21 will not be permitted unless they satisfy the requirements set out in national planning policy.
- 6.4. Paragraph 86 of the NPPF states that local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available should out of centre sites be considered.
- 6.5. Policy TP26 of the BDP aims to ensure that the benefits of new development wherever possible are targeted at local people. The Policy outlines that developers

will be encouraged to sign up to targets for the recruitment and training of local people for the end use, where appropriate.

- 6.6. Policy TP36 of the BDP supports the expansion and development of the City's Universities and Higher and Further Education Colleges in accordance with the criteria set out in the Policy. The Policy further states that proposals for new education facilities would be supported where a new educational facility has safe access by cycle and walking; has safe drop-off and pick-up provision; provides outdoor facilities for sport and recreation and avoids conflict with adjoining uses.
- 6.7. Paragraph 5.1 of the Aston, Newtown and Lozells AAP sets out the main objectives that capture the long-term goals for the area. Those objectives include; ensuring that employment opportunities are accessible to all and assisting in securing the provision of employment and training opportunities for local residents (Objective 5); and supporting the transformation of educational facilities in the area and encouraging school links with local businesses and residents for the benefit of the whole community (Objective 13).

Principle of change of use

- 6.8. The application site is located within a designated Core Employment Area. As outlined in Policy TP19 of the BDP, 'applications for uses outside' Use Classes B1b, B1c, B2 and B8 'will not be supported unless an exceptional justification exists'. A Planning, Design and Access Statement has been submitted in support of this application. This identifies that the proposal would provide '*a facility for the provision of higher education courses, predominantly focused on business, health & social care and international marketing, which will make qualification/training opportunities available to residents in the local community, including those from under-represented groups, deprived areas and mature students.*' Moreover, the LSST state a commitment to widen participation, particularly including those from '*socio-economic groups III-V; people with disabilities and people from specific ethnic minorities.*' It is also stated that all courses offered would have a work placement element that would provide opportunities to create linkages and partnership with local employers and businesses. The application site has been specifically targeted by the applicant to provide '*affordable higher education facility*' in order to '*attract people from underrepresented groups from deprived areas within the local area*' in line with the objectives of the Aston, Newtown and Lozells AAP.
- 6.9. My Strategic Advisor has assessed the application and concluded that the proposal represents 'an exceptional justification' for the purpose of Policy TP19, subject to a relevant condition which would secure these benefits that have been used to justify the proposed change of use as an exception in the Core Employment Area. I concur and consider that with the implementation of a condition regarding a Training and Employment Management Plan, the proposed development represents an exceptional justification in the Core Employment Area.
- 6.10. In addition, Policy TP21 of the BDP states that preferred location for education facilities is within the network of centre identifies. As such, the applicant was required to justify by means of a 'sequential exercise' that the proposal does not conflict with Policy TP21. The sequential exercise that has been submitted by the applicant in support of this application identified that there were no suitable or available sites within the nearest District Centre (Perry Barr) that could accommodate the size and scale of the proposed development. My Strategic Advisor was consulted and accepts the conclusion of the sequential exercise undertaken. I concur with this view and I am satisfied that the applicant has

demonstrated there are no sequentially preferable sites currently available in the nearest District Centre. As such, I consider that the principle of change of use to a higher education facility (Use Class D1) at the application site is acceptable subject to other material planning considerations.

Highway issues and parking

- 6.11. A Transport Statement has been submitted in support of the application. This identifies that the site is accessible by sustainable modes of transport. The nearest bus stop is located less than 100 meters outside of the Aston Cross Business Village on Rocky Lane, and the site has nearby access to 3 sets of bus stops which serve 8A, 8C, 65 and 67 bus routes. Aston Railway Station is located approximately 1.2km north-east. The site can also be accessed from the canal walking/cycling path. Transportation Development were consulted and concluded that the proposed change of use would unlikely to increase traffic to/from the site. I concur with this view.
- 6.12. Moving onto the provision of parking spaces, Birmingham City Council current parking guidelines specify maximum parking provision of 1 space per 2 staff and 1 space per 15 students for higher education facilities. Therefore, the specified maximum parking provision for the proposal would be 113 spaces. The proposal would utilise existing vehicular access and car parking provision at the Aston Cross Business Village, which provides 180 car parking spaces (within the car-parking areas within blue line boundary), including 20 disabled car parking spaces, for Crystal Court, together with the existing 120 cycle rack facilities. Transportation Development raise no objection to the proposal subject to conditions in relation to restricting the proposed D1 use only to the proposed use within this use class, secure and coved cycle parking, the proposed use to ceased if the car-parking provision ceases to be available for this use and travel plan to be finalised/completed. I concur and the relevant conditions are attached. With regards to a condition to restrict the number of students and staff to be accommodated within the site that has been requested by Transportation Development, I consider that this condition is not necessary or enforceable and as such, cannot be imposed.

Other matters

- 6.13. Local Flood Authority and Drainage were consulted and they had no comment to make, given that the application refers to internal works only and the proposed works are assumed not to impact on the existing surface water drainage scheme.
- 6.14. An Energy and Sustainable Drainage Statement has also been submitted in support of this application. This identifies measures such as low energy installations, water monitoring devices, SMART grid technology and consideration of connection to existing CHP facilities in the area and installation of solar PV panels to improve energy and drainage arrangements at the site in accordance with policies TP1 –TP6 of the BDP.
- 6.15. West Midlands Police have assessed the proposal, raised no objections and made security recommendations. The agent has been advised accordingly.
- 6.16. Canal and River Trust were consulted and advised that the beneficial opportunities for the students and staff to use the canal as a sustainable travel route should be maximised. As such, the Canal and River Trust seek a financial contribution of approximately £1000 in a form of planning obligation towards improving the visibility, legibility and signage at the access point onto the towpath at Rocky Lane. They

requested that should planning permission be granted the informative in relation to the potential benefits of their canalside location and use of the towpath for staff and students to commute is appended to the decision notice. With regards to a financial contribution as requested by the Canal and River Trust, I consider that this financial contribution is not necessary to make the development acceptable in planning terms and as such, the request cannot be obtained through a S106 Agreement.

6.17. The proposed development does not attract a CIL contribution.

7. Conclusion

7.1. The proposed development would accord with all relevant Birmingham Development Plan policies and would not impact on highway or parking issues. As such, the proposal is supported and recommended for approval subject to conditions.

8. Recommendation

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

-
- | | |
|---|--|
| 1 | Requires the submission prior to occupation of a Training and Employment Management Plan |
| 2 | Requires the scheme to be in accordance with the listed approved plans |
| 3 | Limits the hours of operation (0800-2100 Monday - Friday & 0800-1700 Saturday - Sunday) |
| 4 | Prevents the use from changing within the use class |
| 5 | Requires the use to cease if the car parking provision ceases to be available |
| 6 | Requires a travel plan to be finalised/completed |
| 7 | Requires the provision/maintenance of cycle parking |
| 8 | Implement within 3 years (Full) |
-

Case Officer: Lucia Hamid

Photo(s)

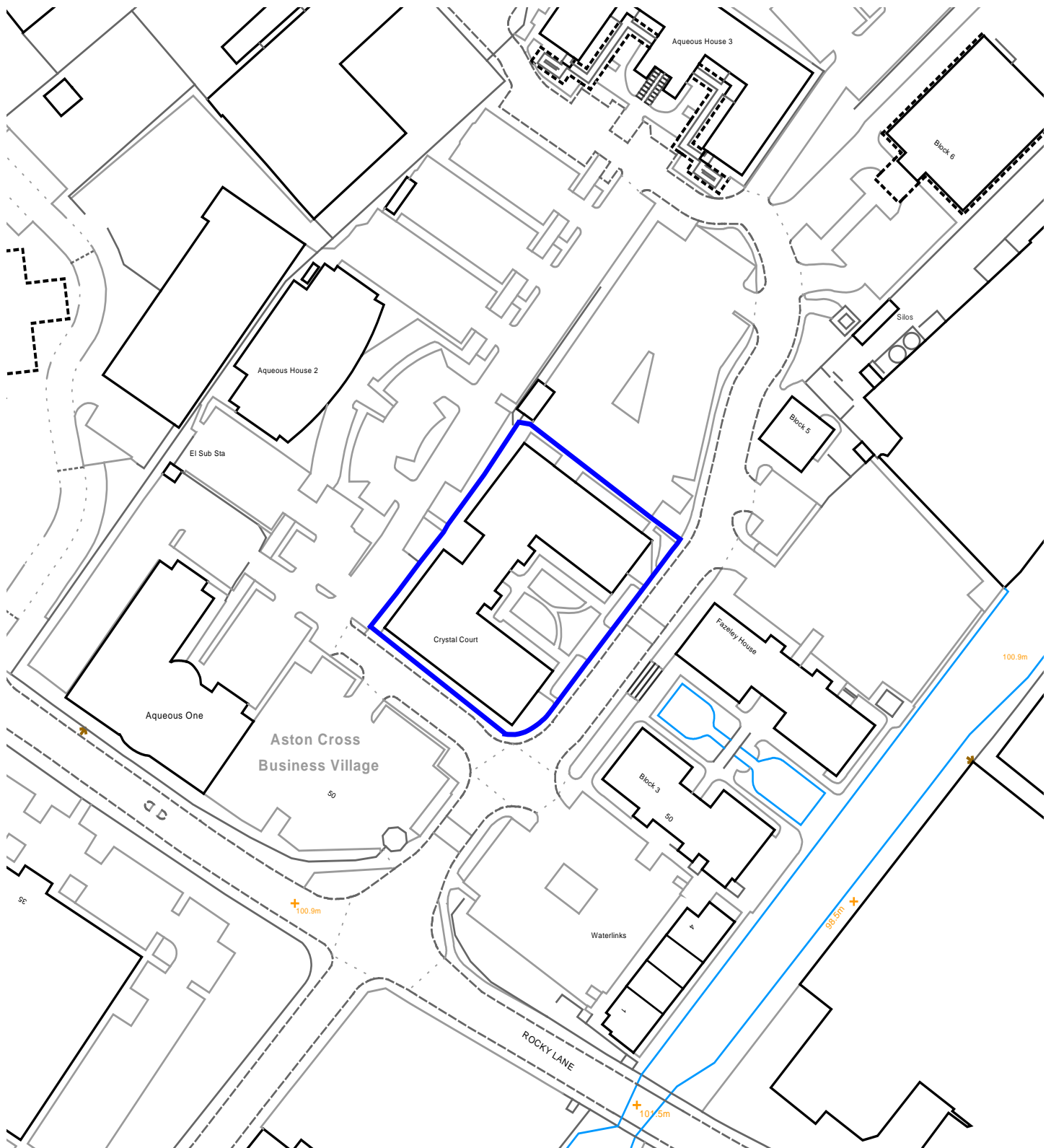


Photo 1: View from Rock Lane



Photo 2: Southwest elevation

Location Plan



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Birmingham City Council

Planning Committee

17 January 2019

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Determine	17	2016/08273/PA Connaught Square (Land bounded by High Street (Deritend), Rea Street, Bradford Street and Stone Yard) Digbeth Birmingham B12 Clearance of site and the erection of new buildings ranging from 4 storeys to 28 storeys to provide 770 residential units and 3,529 sq.m of commercial/retail/leisure and community uses (Use Classes A1, A2, A3, A4, B1, D1 and D2) together with car parking, new public square and pedestrian bridges over the River Rea, landscaping, engineering operations and site clearance and associated works

Committee Date:	17/01/2019	Application Number:	2016/08273/PA
Accepted:	21/11/2016	Application Type:	Full Planning
Target Date:	01/02/2019		
Ward:	Bordesley & Highgate		

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

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

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

Recommendation
Determine

1. **Report Back**

- 1.1. Members will recall that the above application was reported to Planning Committee on the 4th January 2019 where it was resolved to defer consideration of the application. This was to enable the supporting Financial Viability Assessment to be circulated to enable Members to be able to make a fully informed decision.
- 1.2. The only change to the original report below is to numeral IV of the proposed resolution, which has been updated in accordance with the verbal update provided on the 4th January to add in the requirement for a supervision fee for the public realm works.
- 1.3. The recommendation remains to approve subject to the completion of a suitable legal agreement, as per the following report.

Original Report

Proposal

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

Site Layout

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

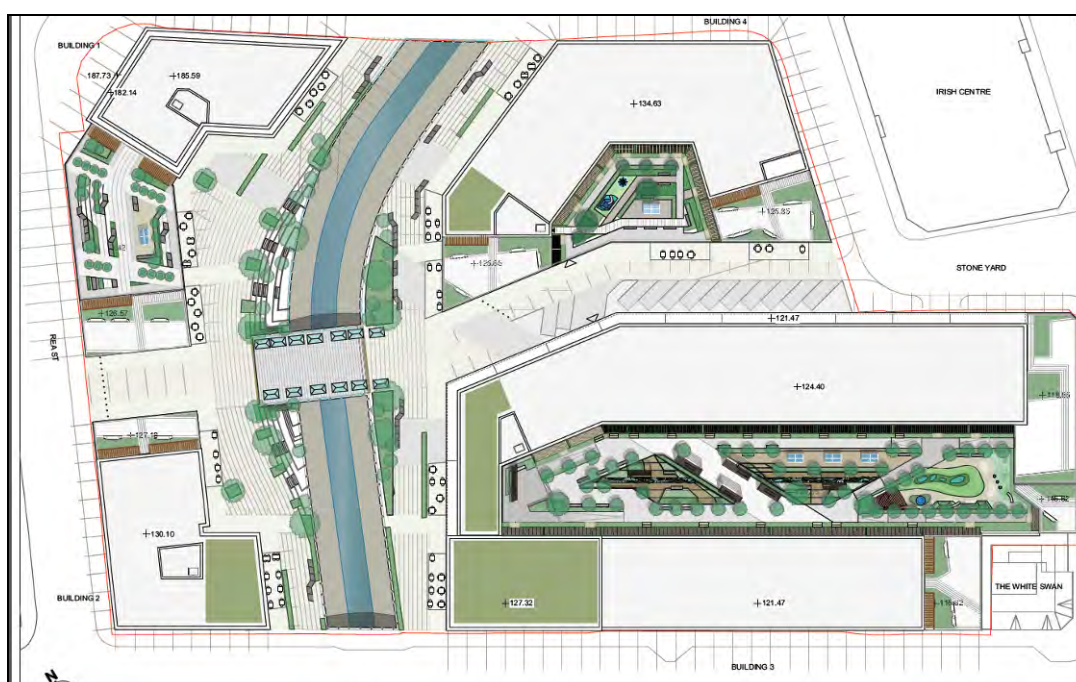


Fig. 1 – Site Layout

Scale and Massing

- 1.5. Building 1 would consist of a twenty eight storey tower and lower 'shoulder' element situated on the corner of Rea Street and High Street. The tallest element would be situated on the High Street frontage; the building would then drop in height along Rea Street firstly to ten storeys and then eight. There would be amenity areas for residents above these lower parts of the building. The building would have a cranked layout forming an 'r' shape to provide more pavement space on the corner and maximise the area of public realm behind. The space between the building and the river would provide a part of the large area of public realm associated with the scheme, including a terraced area down to the river.
- 1.6. Building 2 would be situated to the south of Building one on the corner of Rea Street and Bradford Street. This 'L' shaped building further encloses the public realm to the rear beside the river. Building 2 would rise from eight storeys to nine towards Bradford Street.

- 1.7. Building 3 would be the largest building on plan situated between the new east/west route through the scheme with Bradford Street to the south, the river to the west and Birchall Street to the east. This building would consist of a perimeter development of residential apartments with the White Swan public house completing the block. To the rear of the apartments there would be a large shared private amenity space above the car park.
- 1.8. In terms of scale, the proposals show a building that rises from four storeys to six then to eight storeys on the Bradford Street frontage. The building would drop in height to seven storeys again on the riverside elevation. The building would continue at seven storeys in height until its junction with Stone Yard / Birchall Street where it drops to five storeys before finally dropping to four stories adjacent to the White Swan.
- 1.9. The final building, Building 4, would address the High Street, the river, the east/west route and Stone Yard. Above the commercial podium the residential element would be 'U' shaped around the private amenity space. The building would be ten storeys to the High Street dropping to seven then six to the rear.

External Appearance and Materials

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



Fig. 2 – High Street Elevation

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



Fig 3 – View along the river from Floodgate Street

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

regimented pattern to window placement, window groupings are off-set along the façade.

Public Realm

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

Amount of Development

Use	Amount
Residential	770 Apartments - 367 one bed (48%) - 357 two bed (46%) - 46 three bed (6%)
Commercial / Leisure Uses A1-A4, B1, D1 and/or D2	3,529 sq.m (GIA)
Car Parking	105 Spaces
Public Realm	4,991 sq.m
Private Communal Space	3,304 sq.m

Figure 4

Supporting Information

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

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

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

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

1.20. [Link to Documents](#)

2. Site & Surroundings

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

2.2. The site is dissected north/south by the River Rea which sits in a largely open culvert. Although the river typically sits at a very low level within the concrete channel, during periods of high rainfall the depth of the water can rise within the channel considerably.

2.3. The grade II listed White Swan public house is situated on the corner of Bradford Street and Birchall Street and the grade II listed Anchor public house is situated on

the corner of Rea Street and Bradford Street, both late Victoria/early Edwardian buildings.

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

[Location Plan](#)

3. Planning History

- 3.1. 24th January 2008 - 2007/04049/PA – Approval - Erection of new floorspace to provide for residential, retail, commercial, leisure and community uses (Use Classes A1, A2, A3, A4, A5, B1, C1, C3 and D2) plus ancillary parking, servicing and amenity space. This scheme consented 667 residential units (including 36 serviced apartments) and approximately 23,630 sq.m of commercial floorspace comprising;
 - 1,577 sq.m of A1 retail floorspace
 - 2,940 sq.m of A2/B1 office floorspace at ground level
 - 2,802 sq.m of B1 office floorspace at upper level
 - 2,504 sq.m of A3, A4 and A5 retail floorspace
 - 11,339 sq.m of C1 hotel floorspace (2,349.33 sq.m of serviced apartments)
 - 884 sq.m of D2 spa complex
 - 1,584 sq.m of community facilities in the form of a rebuilt Irish Centre
- 3.2. 13th January 2011 - 2010/05820/PA - Application to replace an extant planning permission in order to extend the time limit for implementation for the erection of new floorspace to provide for residential, retail, commercial, leisure and community

uses (Use Classes A1, A2, A3, A4, A5, B1, C1, C3 and D2) plus ancillary parking, servicing and amenity space

- 3.3. 22nd June 2017 – An issues report in respect of an earlier iteration of the current scheme was presented to Planning Committee.

Notable major schemes in the vicinity

Lunar Rise – 75-80 High Street

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

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

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

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

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

4. Consultation/PP Responses

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

- 4.6. Note that a very minor part of the pavement at the corner of Birchall Street/Stone Yard would need to be stopped up as the building is at right angles whereas the footpath is splayed.
- 4.7. Regulatory Services – Following the receipt of an updated Air Quality Report raises no objection, Construction impacts will be temporary and typical mitigation measures to limit avoidable pollution such as dust are recommended. There are no modelled exceedances of air quality targets for sensitive receptors such as future occupants of the development; however the report notes that measures to reduce reliance upon private motor vehicles would help further mitigate the development's impact.
- 4.8. In relation to noise no objection is raised subject to conditions requiring the developers to prove that the acoustic and vibration standards have been met, requiring a scheme of noise insulation between ground and first floor uses, details of extraction facilities, limiting plant noise, and a condition limiting opening hours for the commercial units. In addition conditions in relation to contamination and refuse storage are recommended.
- 4.9. Lead Local Flood Authority – Following additional information supplied by the applicant, raise no objection subject to a condition requiring further details of the proposed drainage solution.
- 4.10. Children, Young People and Families – Requests a financial contribution of £2,225,429.79 towards the provision of school places within the local area due to the impact of the development.
- 4.11. Environment Agency – Following extensive discussions and hydraulic modelling of the development's impact upon the river, raise no objection subject to conditions requiring the development to be carried out in accordance with the most recent Flood Risk Assessment (including all identified mitigation measures); ground remediation strategy and associated verification report; and there is to be no infiltration of surface water drainage into the ground without the consent of the Local Planning Authority.
- 4.12. Their response notes that the modelling exercise undertaken demonstrates in the 1 in 100 year + 30% climate change scenario significant overall reductions in flood depths between 10-160mm around the neighbouring building on Bradford Street. There are decreases of up to 0.6m immediately upstream of the site between Macdonald Street and Bradford Street as a result of the removal of the existing bridge/building slab.
- 4.13. In the 1 in 100 + 50% climate change scenario the proposed development shows very minor reductions in flood extent and depth both upstream and downstream of the site, with significant reductions in the vicinity of the site. It is noted that in this scenario there is significant flooding in Digbeth, with anticipated flood depths of up to 0.94m around buildings 1 and 2. The structural integrity of the buildings would need to account for this potential event.
- 4.14. Due to the potential for past uses of the site to have caused contamination to the underlying aquifer, a condition requiring the further investigation and remediation of any contamination is requested.
- 4.15. In respect of biodiversity, the EA add that the proposed layout will provide a greener more accessible river corridor incorporating native planting, which will improve

biodiversity through the site. In addition the proposed green roofs will also provide a significant contribution to creating a greener more biodiverse city.

- 4.16. Historic England – Raise concerns that the scale of the proposed development would have an overbearing impact in the context of the Digbeth Conservation Area and the setting of multiple heritage assets. They do not consider the proposals to respond positively to the area's character and appearance not local character or distinctiveness. They recommend that these recommendations are taken into account and amendments, safeguards and further information is secured.
- 4.17. Natural England – The application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. Consider the site to be in an area that could benefit from enhanced green infrastructure provision.
- 4.18. Access Birmingham (commenting on the original proposals) – Concerned regarding the inadequate mention of proposals in the Design and Access Statement to make it an inclusive development. Make recommendations regarding the specification of surfaces, barriers, handrails etc and suggest that the applicants should be encouraged to provide a number of lifetime home standard units.
- 4.19. West Midlands Police – Recommends that various detailed safety and security measures are implemented including details of control measures for vehicles entering the site and car park; CCTV; lighting; on site management measures; access control into the units and planting management plan.
- 4.20. West Midlands Fire Service – Note that the Planning Statement addendum confirms that the proposal will exceed current Building and Fire Regulations, with safe and suitable means of escape and access for fire tender provided and that a sprinkler system will be fitted to all floors.
- 4.21. Severn Trent – No objection subject to a condition requiring further drainage details.
- 4.22. National Grid – There is gas infrastructure that is within the vicinity of the development. Provides the applicant with advice on how to proceed.
- 4.23. Site and Press Notices displayed. Ward Members, the MP and Resident's Associations consulted with the following representations received.

Digbeth Residents' Association

- 4.24. Commenting in relation to the originally submitted scheme raise the following points:
 - Commend the development of this site which is central and visible, and feel that this project will act as a catalyst for further development in Digbeth
 - Encouraged by the ratio of one bedroom units to larger units, level of bicycle spaces, and the availability of commercial space to support the creation of social infrastructure. Also like the community gym and the appearance and materials of the development. The number of outdoor spaces including green roofs and internal winter gardens is also positively received (although further children's play facilities would be encouraged).
 - Do not support the height of the development. Consider that it would dwarf surrounding buildings, is not in-keeping with local vernacular which would be

emphasised by the topography. Concerned that the height of the development could discourage use of the newly-opened River Rea. Strongly suggest that the development should be limited to seven storeys.

- Recommend that pedestrianized areas in the future Smithfield development be extended to connect with the Connaught development.

Pat Benson Boxing Academy

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

National Express

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

Local Occupiers

- 4.30. Three responses have been received from local residents. The first offers support to the proposals, whilst the second objects (although no comments have been provided). The final response offers extensive comments, which are summarised as:
- Proposal full support of the development of the city and is wholeheartedly behind the development and regeneration of Digbeth.
 - Considers that poor planning and inaccurate and misleading noise testing and evaluation of the area have resulted in loss of livelihood and poor quality living condition.

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

5. Policy Context

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

6. Planning Considerations

POLICY

Local

- 6.1. The Birmingham Development Plan sets out the areas where major growth of the City Centre will occur, with five wider areas of change identified, drawing upon the earlier Big City Plan. The BDP sets out the ambitious growth of the City Centre to the south and identifies five strategic allocations for the centre, including the Southern Gateway, with the Smithfield Masterplan acting as a centerpiece. The BDP states that new investment in office, retail, cultural and residential provision will be supported. The BDP adds, at GA1.2, that schemes within the Southern Gateway will need to address the sustainable management of the River Rea Corridor associated with flood risk and be supported by a range of infrastructure and services, employment opportunities and public spaces and improve connections to Highgate. The Southern Gateway anticipates residential development as part of the future mix of uses to help stimulate the regeneration of the wider area. GA1.3 states that in this area development should be complemented by high quality public spaces and pedestrian routes.
- 6.2. Connaught Square is identified in the BDP as an Enterprise Zone site, with the BDP stating that EZ sites would be expected to deliver a strong office/commercial element as part of mixed use proposals. This Smithfield Masterplan, building on Policy GA1.2 of the BDP articulates how the comprehensive redevelopment of 14ha of land within the city centre including the sites of the Wholesale Markets and the Indoor Markets together with neighbouring development blocks could be realised. The masterplan proposes the demolition of the majority of the existing buildings

within the boundary and their replacement with a mixed use development including leisure, retail and residential elements served by an integrated public realm and public transport provision. Connaught Square is not within the Smithfield Masterplan area; however this redevelopment coupled with the wider Southern Gateway development will result in a fundamental change to the character of this part of the city centre.

- 6.3. Policies TP3-5 provide detail on considering sustainability, with a specific requirement in TP4 that all residential developments over 200 units must consider Combined Heat and Power facilities first followed by other solar and thermal, wind, biomass or ground source heating for powering developments.
- 6.4. TP6 requires the sustainable management of both surface and river water highlighting the need for Sustainable Drainage Assessment and Flood Risk Assessments to demonstrate that the disposal of surface water from the site would not exacerbate existing flooding and that exceedance flows will be managed taking into account climate change. The policy adds that easements between development and watercourses should be provided; opportunities should be taken where possible to re-instating natural river channels; culverted water courses should be opened up where feasible; and existing open watercourses should not be culverted. The BDP recognises that large increases in impermeable areas for a site could contribute to a significant increase in surface water run-off which could in turn contribute to an increase in flood risk elsewhere.
- 6.5. TP12 sets out the City's approach to preserving and enhancing its historic environment. It states that proposals that affect heritage assets or their setting will be determined in accordance with national policy.
- 6.6. Policy TP21 seeks to protect the vitality and viability of shopping centres across the city, identifying the City Centre as a focus for significant growth. The policy adds that except for sites allocated in the plan, proposals for main centre uses outside the boundary of existing centres will be considered against national policy, with retail impact assessments for out of centre schemes providing in excess of 2,500 sq.m of retail development.
- 6.7. TP26 seeks to maximise opportunities presented by new developments for local employment. This can be both during the construction and operational phases of the development.
- 6.8. In respect of policies relating to residential uses, TP27 requires new housing to contribute to making sustainable places with a mix of housing types; access to local facilities and the public transport network; a reduced dependency on cars; a strong sense of place; environmentally sustainable, create attractive and safe public spaces and create opportunities for public stewardship where possible. TP28 adds that new development, amongst other things, should be located outside of flood zones 2 and 3a unless effective mitigation measures can be demonstrated; must be adequately served by infrastructure; and be sympathetic to historic, cultural or natural assets.
- 6.9. TP31 states that the City will seek 35% affordable homes as a developer contribution on developments of 15 dwellings or more with a presumption that this be provided on site unless off site provision would help deliver other policy objectives. The policy acknowledges that this level of provision may not be financially viable and that in such circumstances a viability assessment should be

provided by the applicant for consideration. Further details on wider developer contributions are given in TP47.

- 6.10. Policies TP38-45 set out the City's aspiration to encourage sustainable transport, prioritising the needs of pedestrians and cyclists together with public transport over the private motor car supported by the planning and location of development.
- 6.11. The saved policy 3.14 of the Birmingham UDP provides specific guidance in relation to how to achieve good urban design.
- 6.12. In addition to the above there are separate policies adopted in relation to specific issues as set out above in 5.1. Key policies include the Car parking Guidelines which set out the maximum car parking and minimum cycle parking targets. Places for Living sets key design principles for residential developments. Places for All provides more general design guidance, whilst High Places provides design guidance specifically for buildings of 16 storeys or more.

National

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

PRINCIPLE

- 6.16. The proposed development is consistent with the broad policy context outlined above. The scheme would deliver a high quality residential-led mixed use development in a sustainable city centre location. The City's Strategic Planning Officer raises no objections to the principle of the development and concludes that neither a retail impact nor sequential tests are necessary given that the proposals are consistent with Policy GA1.2 and there is a limit of 2,400 sq.m of A1 retail. Therefore, subject to more detailed considerations explored below, no objection is raised to the principle of the proposals.
- 6.17. The proposed housing mix is as follows:

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

Figure 5 – Housing Mix

- 6.18. Following officer and Member's concerns, and compared to the original proposals the overall number of 1 bedroom 1 person units has reduced by 55%, with a 36% increase in the number of 1 bedroom 2 person units. The amendments have also doubled the number of 2 bedroom 4 person units from 7% to 19%.
- 6.19. The BDP states that its objectively assessed housing need is 89,000 across the plan period (until 2031) to meet the forecast increase in Birmingham's population of 150,000. Due to constraints across the administrative area the Plan only plans to provide 51,100 homes, with 12,800 earmarked for the city centre. Considering housing mix, the BDP sets the following targets for market dwellings: 1-bedroom 13%, 2-bedroom 24%, 3-bedroom 28%, and 35% 4-bedroom. Although the housing mix figures are not ceilings, given the city's overall housing requirement, there is a need to ensure that the right type and mix is provided in the city as a whole. It is accepted that in the city centre a higher percentage of one and two bedroom apartments are going to be delivered. Although the development is more skewed toward the 1 and 2 bedroom units, given the overall housing needs of the city this is considered acceptable, particularly given the site's location.
- 6.20. The ground floor commercial and community uses will provide the development with activity throughout the day, with the surrounding streets and square providing significant commercial/community facilities for the occupants of the wider Southern Gateway area without competing with the core retail area of the city centre. The scheme also provides a (free for locals to use) community gym that will also house a local boxing academy.
- 6.21. The proposed development is consistent with the broad policy context outlined above. The scheme would deliver a residential-led mixed use scheme in a sustainable city centre location. The City's Strategic Planning Officer raises no objections and considers the scheme to be an appropriate form of regeneration for this site. The proposal would result in the redevelopment of a cleared site that is currently detrimental to the visual amenity of the area, setting of the neighbouring listed buildings and the conservation area opposite. Therefore, subject to more detailed considerations explored below, no objection is raised to the principle of the proposals.

DESIGN

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

Tall Building

- 6.29. The High Places SPG sets out the potential benefits of tall buildings as:
- ability to act as landmarks aiding legibility
 - clusters of tall buildings can signal the location of the centre of the city
 - a distinctively designed tall building or group of buildings can assist in giving the city a unique skyline that is easily recognisable in an international context
 - marking important facilities (e.g. civic buildings, universities, etc)
 - high quality tall buildings could help attract more international companies to the city

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

development should be restricted to a maximum of seven storeys is noted, however, as set out above, the scale of the currently proposal is justified and supported.

HERITAGE IMPACTS

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

and the form of the tower is now better conceived and elevated. The structure sits discretely from the conservation area and the various listed buildings on north side of the street, which itself is of generous proportions (widened in the 1950's). Whilst the tower will be visible from various aspects within the conservation area, one cannot disassociate the conservation area's relationship with the city core and views of the Rotunda and other tall buildings to the northwest. It must also be noted that there are other towers consented (committed) along the High Street (including those known as Beorma and Lunar Rise) which have a similar impact on the conservation area and must be acknowledged.

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

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

FLOODING / DRAINAGE

Background

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

Modelling & FRA

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

Policy Context

- 6.54. The NPPF sets out the national approach to planning and flood risk between paragraphs 155 and 165. The overarching requirement, set out in 155, is that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. And that where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.

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

Economic Benefits

The scheme represents a total investment of circa £172m GDV contributing over £4.7m in new homes bonus over 4 years, significant investment secured through the planning obligation, an estimated 243 jobs in the proposed retail, community and commercial units (and a further 91 jobs in the supply chain), a council tax revenue of over £1m per annum, provision of a lively mix of active uses, provision of some 770 residential units which contribute to the city's need, providing a catalyst for wider development, together with future occupier/resident expenditure.

Social Benefits

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

Environmental Benefits

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

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

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

Application of policy

- 6.61. The BDP and accompanying proposals map highlights the Southern Gateway as an allocation and this is articulated within the plan at policy GA1.2. Connaught Square is shown as an individual site within the wider Southern Gateway on plan 5 as an

Enterprise Zone where the commercial or office element would facilitate long term economic development helping to accelerate delivery of key sites.

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

further up/down stream. Their latest response advises the Local Planning Authority to satisfy itself with a) the adequacy of emergency evacuation plans, b) the structural integrity of the proposed buildings during a flood event, c) whether insurance can be gained, and d) the arrangements for handling surface water (such that off-site flood risk is not increased). In respect of a) and b) conditions are recommended. c) is a matter for the developer and, in respect of d), the surface water implications are considered below.

- 6.68. The updated Sustainable Urban Drainage Assessment recommends the use of green roofs together with below ground storage attenuation tanks and discounts other measures which are not suitable for the site. The report concludes that the mitigation measures would result in 80% betterment in terms of the rate of water discharge into the river than the existing situation. In addition the report concludes that the proposed drainage system would contain storm events, with any exceedance of surface water routed away from buildings.
- 6.69. Following the submission of additional information the Lead Local Flood Authority raises no objection subject to conditions requiring further drainage details. Matters reserved for detailed consideration at conditions stage include submission of further sustainable drainage details and provision of a sustainable drainage operation and management plan.
- 6.70. BDP Policy is set out above. The development would set buildings back from the river allowing for access to maintain the channel. It is noted that the policy states that opportunities to naturalise the river channel should be taken where possible. However, given the limited length of river channel through this site, together with the terracing and public square that will re-connect people with the river it is not consider appropriate to naturalise the channel in this location. It is noted that there are seemingly more appropriate opportunities to naturalise the channel in other locations within Digbeth linking with the Smithfield redevelopment.

Conclusion

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

RESIDENTIAL AMENITY

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

Air Quality

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

Noise

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

met. Regulatory Services recommend a condition restricting delivery times, however given the 24 hr operation of the coach station together with the city centre context of the site, this would not be reasonable in this instance.

Ground Conditions

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

HIGHWAY IMPACT

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

WIND / MICROCLIMATE

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

ECOLOGY

- 6.88. The Extended Phase 1 Habitat Survey reports that a bat roost for Common Pipistrelle bats is present under the Bradford Street bridge immediately south of the application site. Due to safety constraints the existing bridge on site could not be effectively surveyed and therefore the possibility of a further roost cannot be

discounted. The report recommends a precautionary approach to the removal of this structure.

- 6.89. The report adds that the majority of the site is of no ecological importance, consisting of loose stone and gravel. There are two mature trees in the north east of the site. In relation to birds, the report recommends that clearance works are undertaken outside of the bird breeding season or under the guidance of a suitable qualified ecologist.
- 6.90. In addition ecological enhancement measures including additional tree planting, installation of bird and bat boxes, planting areas of soft landscaping and that the lighting scheme shall be sympathetic to bats and minimising artificial lighting of the River Rea. Finally, the works within the vicinity of the southern bridge must be undertaken with consideration of the bat roost and where necessary under the guidance of a suitably qualified bat worker.
- 6.91. The City's Ecologist recognises the improvements to the overall design including the widening of the river channel and increase in green infrastructure within the public realm. To ensure that the full ecological potential of planting species is realised a condition for ecological enhancements is recommended. In addition, a condition requiring further lighting details is recommended, with particular attention to avoiding over-lighting the river channel and compromising the foraging potential for bats.
- 6.92. The recommendations of both the City's Ecologist and the supporting report are considered appropriate and the relevant conditions are recommended.

SUSTAINABILITY

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

PLANNING OBLIGATIONS / CIL

- 6.96. A Financial Appraisal (with supporting Residential Market Report) has been submitted in support of this application, which has been the subject of detailed

independent assessment. Following negotiations with officers and independent assessment by the City's advisors the following package has been secured:

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

6.97. In total the value of the works and contribution secured through the S106 agreement for the scheme would be £3.53m. These works and contributions represent a significant public benefit mitigating the impact of this large scheme and is the maximum contribution that the scheme can sustain without critically impacting upon the ability to deliver the proposals or compromising the design quality of the proposed buildings and/or public realm.

6.98. In relation to affordable housing, the NPPF states that "...the weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case..." and that "...affordable housing...is expect[ed] to be met on site unless off site provision or an appropriate financial contribution in lieu can be robustly justified...and the agreed approach contributes to the objective of creating mixed and balanced communities". Finally it adds that "...major development...(should deliver)..at least 10% of homes to be available for affordable home ownership".

6.99. No on-site affordable housing is proposed. The scheme is based upon the funding assumptions as presented in the supporting viability assessment and the applicant adds that the project could not sustain introducing on-site affordable housing at this stage without all of these funding assumptions being revisited. Primarily due to the ongoing work in respect of flooding issues, this application has been with the city for in excess of two years. It is also noted that the applicant has agreed to a shorter time period for commencing the development (2 years rather than 3) to demonstrate the deliverability of this scheme. Given these unique set of circumstances, substantial weight is attached to the delivery of the proposals in the shorter term and the significant impact the scheme will have on assisting the city to meet its identified housing need. Finally, the off-site contribution will make a significant impact towards

delivering affordable housing elsewhere in the city. It is concluded that, in these particular circumstances, this is sufficient to outweigh the NPPFs requirement for at least 10% of provision to be provided on site.

- 6.100. Given that the scheme is for primarily one and two bedroom apartments the number of families with children is likely to be low. An education contribution could not be justified in this instance.
- 6.101. Due to the site's location and proposed uses the proposed development would not generate a CIL contribution.

7. Conclusion

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

8. Recommendation

- 8.1. That consideration of application 2016/08273/PA be deferred pending the completion of a Section 106 Legal Agreement to secure the following:
- i) A financial contribution of £1,250,000 (index linked to construction costs from the date of this resolution to the date on which payment is made), towards off site affordable housing to be paid prior to first occupation of the residential element of the scheme
 - ii) Improvements to the River Rea consisting of demolition of the existing bridge structure and construction of a new bridge, retaining wall repairs, aesthetic improvements, structural works, and river dredging of a value of no less than £700,000 (index linked to construction costs from the date of this resolution to the date on which payment is made). In event that the agreed works cost less than £700,000 the difference will be provided and spent on public realm improvements on High Street Digbeth/Deritend
 - iii) Provision of a publically accessible river bank terracing of a value of no less than £300,000 (index linked to construction costs from the date of this resolution to the date on which payment is made). In event that the agreed works cost less than £300,000 the difference will be provided and spent on public realm improvements on High Street Digbeth/Deritend
 - iv) Provision of new public realm within the site of a value of no less than £1,000,000 (index linked to construction costs from the date of this resolution to the date on which payment is made). In event that the agreed works cost less than £1,000,000 the difference will be provided and spent on public realm improvements on High Street Digbeth/Deritend together with a supervision fee of £5,000

- v) A financial contribution of £250,000 (index linked to construction costs from the date of this resolution to the date on which payment is made) towards public realm improvements in Digbeth, Southside and/or Highgate
 - vi) Relocation of the JFK memorial to the application site and incorporation into the development as shown on the approved plans
 - vii) Provision of a community gym that is free for local residents to use
 - viii) a commitment to local employment and training during the construction of the development; and
 - V) a financial contribution of £10,000 for the administration and monitoring of this deed to be paid upon completion of the legal agreement
- 8.2 In the absence of a planning obligation being completed to the satisfaction of the Local Planning Authority by the 1st February 2019, planning permission be refused for the following reason:-
- i) In the absence of a legal agreement to secure a commitment to local employment / training and public realm the proposal conflicts with Policies 8.50-8.54 of the Birmingham Unitary Development Plan 2005 (saved policies); Policy TP26 and paragraph 10.3 of the Birmingham Development Plan and the National Planning Policy Framework
 - ii) In the absence of a legal agreement to secure an offsite contribution towards the provision of affordable housing the proposal conflicts with Policies 8.50-8.54 of the Birmingham Unitary Development Plan 2005 (saved policies); Policy TP31 and paragraph 10.3 of the Birmingham Development Plan and the National Planning Policy Framework
 - iii) In the absence of a legal agreement to secure a commitment for works to the River Rea the proposal conflicts with Policy TP6 of the Birmingham Development Plan and the National Planning Policy Framework
- 8.3 That the City Solicitor be authorised to prepare, complete and seal an appropriate agreement under Section 106 of the Town and Country Planning Act.
- 8.4 That in the event of the planning obligation being completed to the satisfaction of the Local Planning Authority by the 1st February 2019 favourable consideration is given to this application, subject to the conditions listed below.
- 8.5 That no objection be raised to the stopping up of part of the footway affected by the development at the corner of Chapel House Street and Stone Yard and that the Department for Transport (DfT) be requested to make an Order in accordance with the provisions of Section 247 of the Town and Country Planning Act 1990.

1	Requires the prior submission of a phasing plan
2	Requires the scheme to be carried out in accordance with the Flood Risk Assessment
3	Requires the prior submission of investigation for archaeological observation and

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

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

Case Officer: Nicholas Jackson

Photo(s)



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



Fig. 7 – Application site from Stone Yard

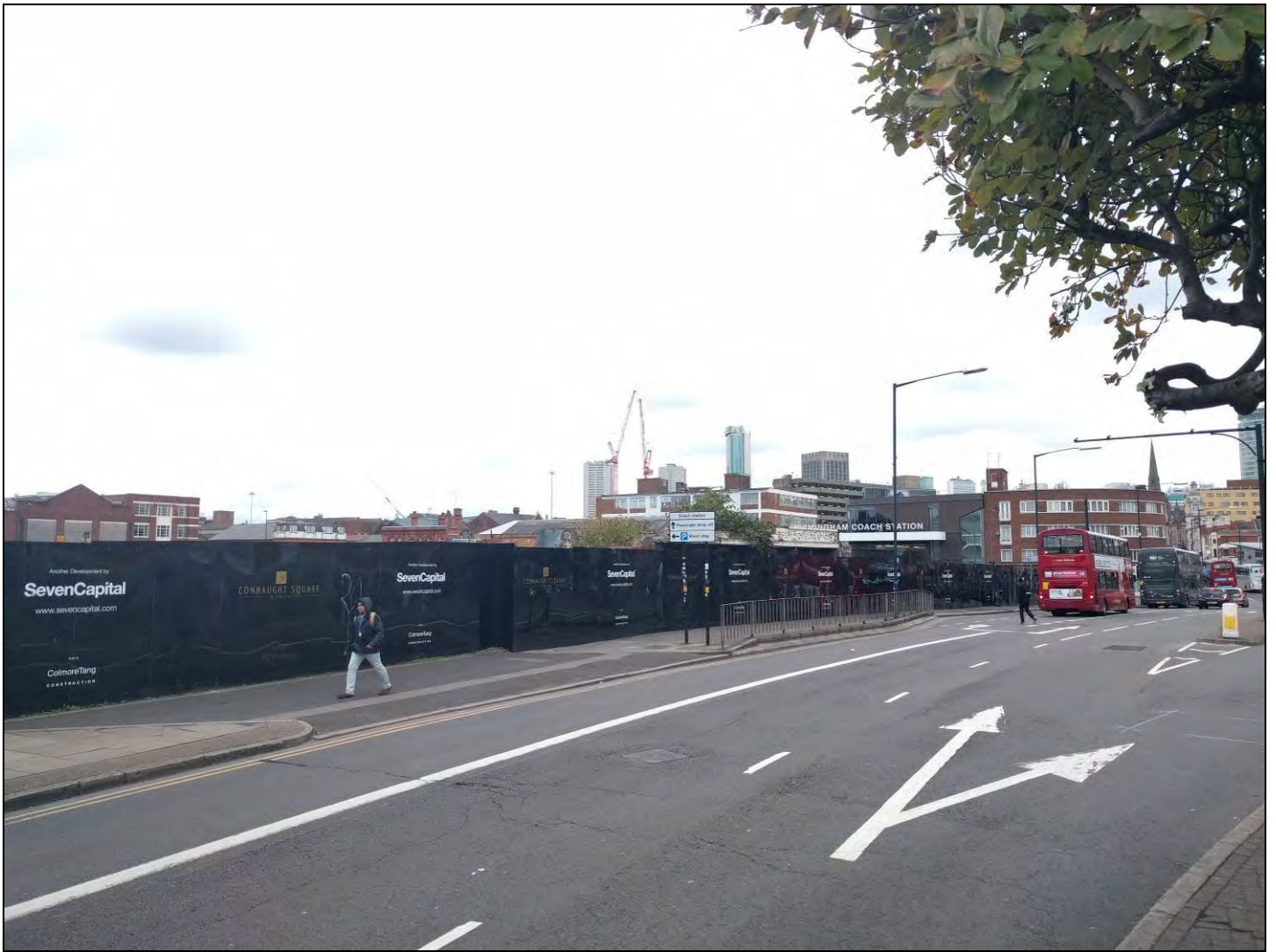


Fig. 8 – Application site from High Street



Fig. 9 – View of High Street

Location Plan



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Birmingham City Council
Planning Committee 17 January 2019

Appeal Decisions Received from the Planning Inspectorate in December
2018

<u>CATEGORY</u>	<u>ADDRESS</u>	<u>USE</u>	<u>DECISION</u>	<u>TYPE</u>	<u>PROCEDURE</u>
Householder	Fair View Farm, Bulls Lane, Wishaw, Sutton Coldfield	Erection of detached double forward garage. 2017/10439/PA	Dismissed	Delegated	Written Representations
Householder	33 Moor Pool Avenue, Harborne	Erection of single storey side and rear extension. 2018/06610/PA	Dismissed	Delegated	Written Representations
Advertisement	51 Tyburn Road, Erdington	Display of 2 internally illuminated digital advertising panels. 2017/10827/PA	Dismissed	Delegated	Written Representations
Advertisement	91 Digbeth, Digbeth	Retention of 3 no. internally illuminated portrait digital LED display panels. 2018/00046/PA	Dismissed	Delegated	Written Representations
Advertisement	Land at Dartmouth Circus/Dartmouth Middleway, Nechells	Display of 1 internally illuminated 7.5m x 5m digital advertisement structure. 2018/00578/PA	Dismissed	Delegated	Written Representations
Advertisement	Corporation Street/Newton Street, Near Junction of, City	Display of internally illuminated double sided digital advertising panel on bus shelter. 2018/01166/PA	Allowed (see note 1 attached)	Delegated	Written Representations
Advertisement	Land at Summer Hill Road, Jewellery Quarter	Display of no. 2 internally illuminated digital LED advertisement panels. 2018/03466/PA	Allowed (see note 2 attached)	Delegated	Written Representations
Residential	114 Coney Green Drive, Longbridge	Erection of two storey dwelling house with associated garage and parking. 2017/10296/PA	Dismissed	Delegated	Written Representations

Total - 8 Decisions: 6 Dismissed (75%), 2 Allowed

Cumulative total from 1 April 2018 - 82 Decisions: 64 Dismissed (78%), 18 Allowed

Notes relating to appeal decisions received in December 2018

Note 1: (Corporation Street/Newton Street)

Application refused because the proposed advertisement by reason of its illumination would detract from the character and appearance of the Steelhouse Conservation Area and setting of nearby statutory listed buildings.

Appeal allowed because the Inspector concluded that the proposal would have no material effect on the character or appearance of the surrounding area and would preserve the character and appearance of the Steelhouse Conservation Area and the setting of nearby listed buildings.

Note 2: (Summer Hill Road)

Application refused because 1) The digital advertisement hoardings would cause substantial harm by reason of their location and digital nature and would not preserve or enhance the character or appearance of the Jewellery Quarter Conservation Area. 2) The digital advertisement hoardings by reason of their location would have an adverse visual impact on the surrounding area which is undergoing regeneration.

Appeal allowed because the Inspector concluded that the proposal would have no material effect on the character or appearance of the surrounding area and would preserve the character and appearance of the Jewellery Quarter Conservation Area and the setting of a nearby listed buildings.