

Birmingham City Council

Planning Committee

05 December 2019

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Approve – Subject to 106 Legal Agreement	9	2018/09467/PA 193 Camp Hill Highgate Birmingham B12 0JJ Redevelopment of the site to provide 480 no. homes, a hotel (Use Class C1) and flexible business/commercial floorspace of 1,480sqm (Use Classes A1, A2, A3, B1, B2, B8 and D1) in 7 new blocks (A to G) ranging from 3 to 26 storeys, together with car parking, landscaping and associated works
Approve – Subject to 106 Legal Agreement	10	2019/04424/PA Land at 65, 66 & 68 Caroline Street, 60 - 70 (evens) Regent Place & 18 Regent Parade Jewellery Quarter Birmingham B1 3NJ Change of use, alterations and extensions to existing buildings to provide 37 apartments and ground floor commercial B1/A1/A3 uses with associated works including demolition of courtyard buildings, erection of replacement 3 & 4 storey buildings, additional floors to 18 Regent Parade, 68 Caroline Street and retained courtyard building
Approve – Conditions	11	2019/04682/PA 60 - 70 Regent Place, 65 - 67 Caroline Street and 14 - 16 Regent Parade Jewellery Quarter Birmingham B3 1UG Application for Listed Building Consent for change of use, alterations and extensions to existing buildings to provide 37 apartments and ground floor commercial B1/A1/A3 uses with associated works including demolition of courtyard buildings, erection of replacement 3 and 4 storey buildings, additional floors to 18 Regent Parade and retained courtyard building.

Determine	12	2018/08647/PA The Flapper Public House Kingston Row City Centre Birmingham B1 2NU Demolition and redevelopment of the Flapper Public House to create a part 3 and part 4 storey development comprising 27 residential apartments
Determine	13	2019/04239/PA Former CEAC building corner of Jennens Road & James Watt Queensway City Centre Birmingham B4 7PS Erection of one 51 storey tower and one 15/16 storey tower containing 667 dwellings (Use Class C3) with associated ancillary spaces, landscaping and associated works

Committee Date:	05/12/2019	Application Number:	2018/09467/PA
Accepted:	16/01/2019	Application Type:	Full Planning
Target Date:	19/07/2019		
Ward:	Bordesley & Highgate		

193 Camp Hill, Highgate, Birmingham, B12 0JJ

Redevelopment of the site to provide 480 no. homes, a hotel (Use Class C1) and flexible business/commercial floorspace of 1,480sqm (Use Classes A1, A2, A3, B1, B2, B8 and D1) in 7 new blocks (A to G) ranging from 3 to 26 storeys, together with car parking, landscaping and associated works

Recommendation

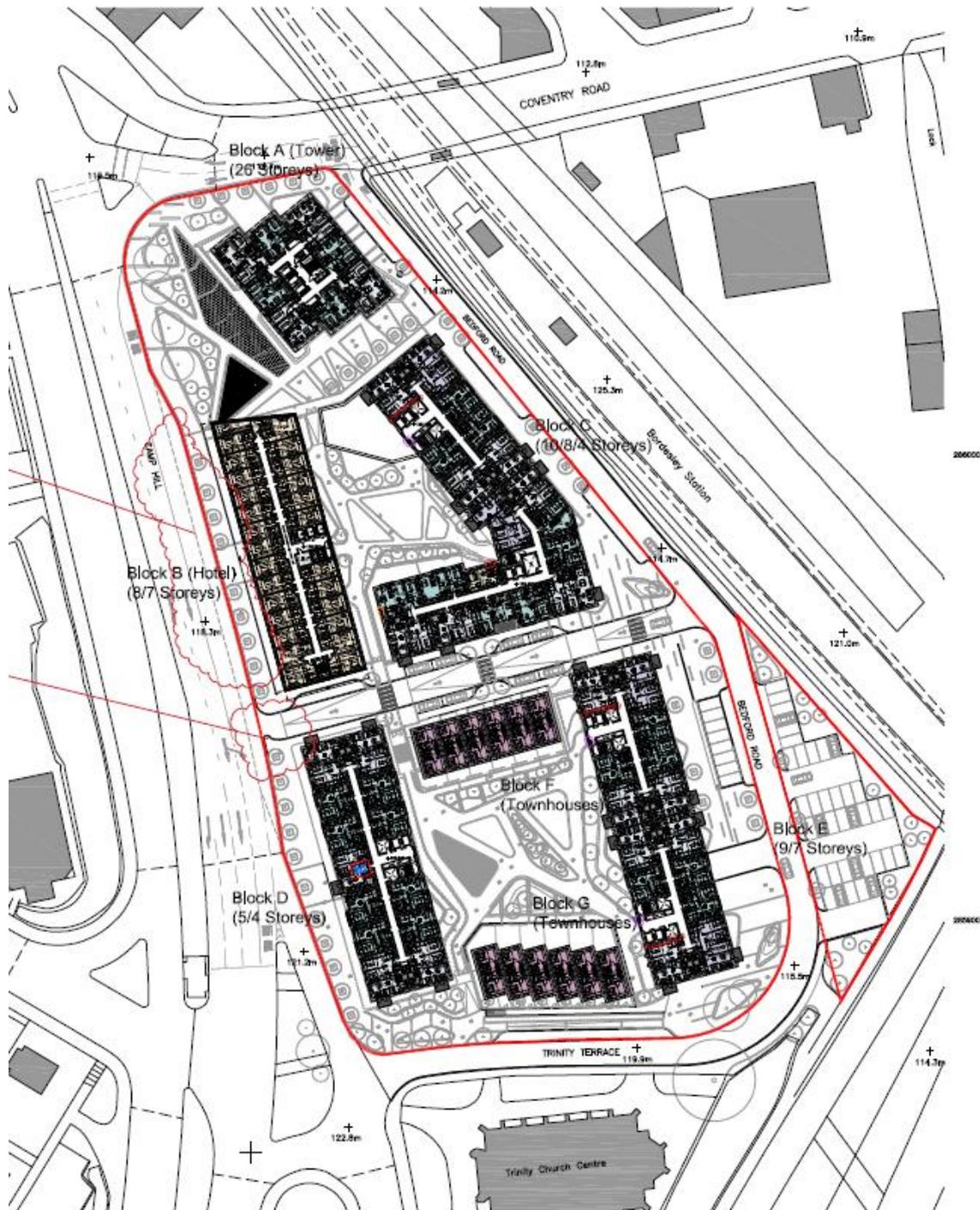
Approve Subject to a Section 106 Legal Agreement

1. Proposal

- 1.1 The application seeks planning permission to redevelop the site to provide a total of 480 residential units, a hotel and 1,480sqm GEA of flexible commercial floorspace (use classes A1 retail, A2 professional services, A3 café/restaurant, B1 office, B2 general industry, B8 warehouse / storage and D1 non-residential institutions). The accommodation would be arranged within the site to provide 7 blocks as follows:
- Block A – at the far north of the site reaching 26 storeys in total providing 262sqm commercial space at ground floor level with 183 apartments above;
 - Block B – part 8, part 7 storeys in height fronting Camp Hill to the west of the site providing a 167 room hotel;
 - Block C – with a frontage to Bedford Road and the proposed new internal road ranging from four to eight storeys in height to accommodate 877sqm commercial space at ground floor level with 131 apartments above;
 - Block D – fronting Camp Hill to the south west part of the site proposed to be part four, part five storeys providing 56 apartments;
 - Block E - positioned to the south east of the site fronting Bedford Road part 7 part 9 storeys to accommodate 174sqm commercial space at ground floor and 98 apartments above. Undercroft parking and servicing;
 - Block F - facing the proposed new internal road, six four-bedroom townhouses reaching 4 storeys in height; and
 - Block G – facing Trinity Terrace to the south of the site, six four-bedroom townhouses reaching 3 storeys in height.
- 1.2 The site comprises of two land parcels totalling 1.7 hectares. The first is rectangular and would accommodate the seven blocks of development. It is separated from the second smaller triangular parcel by Bedford Road. This would accommodate 38

parking spaces that would be in addition to the 72 undercroft parking spaces at ground floor level to Block E, the 8 spaces in front of Block E and the 8 spaces that would align the proposed central street.

- 1.3 Vehicular access to the development would be from Camp Hill (B4100) accessing a new one way vehicular road that would dissect the larger parcel of land or via Trinity Terrace and also from Bedford Road.
- 1.4 The mix of residential units would be as follows:
 - 5 x 1 bed studio flats (1%),
 - 224 x 1 bedroom flats (47%),
 - 209 x 2 bedroom flats (44%),
 - 30 x 3 bedroom flats (6%), and
 - 12 x 3 bedroom town houses (3%).



Proposed Site Layout

1.5 [Link to Documents](#)

2. [Site & Surroundings](#)

2.1 The site is bordered by Camp Hill (B4100) to the west, Coventry Road to the north and Trinity Terrace to the south with Bedford Road dissecting the site. On the opposite side of Bedford Road is the existing Moor Street to Solihull / London Marylebone railway line on a viaduct which, to the top of the parapet wall height, would be set between approximately 4.75m and 7m higher than the proposed ground

floor level of the development. Some of the existing viaduct arches are currently used as warehouses and garages.

- 2.2 Beyond the boundaries to the site the Bordesley train station is located to the north-east and the Grade II listed Trinity Church is located beyond Trinity Terrace to the south. The boundary of the Digbeth, Deritend and Bordesley High Streets Conservation Area is on the opposite side of Coventry Road to the north of the site. The Grade II listed Clements Arms Public House is located 75m to the north east of the site and the former District and Counties Bank at 123 High Street Bordesley 80m to the north.
- 2.3 The site is previously developed brownfield land and is currently occupied by Sulzer, an international company specialising in pumping solutions, rotating equipment and separation, mixing and application technology. The larger parcel of land fronting Camp Hill offers a variety of 20th Century workshop and warehousing buildings, together with parking and servicing areas. Buildings occupy the majority of the footprint of the site area, comprising single, two and three storey structures that have developed on an ad hoc basis over time using a variety of materials with a range of roof forms. The smaller parcel to the south east of Bedford Road has been cleared and comprises an area of hardstanding with advertising hoardings. Sulzer, and their predecessor Dowding and Mills, have had a presence on the site since 1912 although the company is proposing to relocate outside of the City in March 2020. An application for prior notification to demolish the buildings was approved in earlier this year in July.

3. Planning History (most recent)

- 3.1 2019/05434/PA - Application for a prior notification for the proposed demolition of existing buildings. Accepted as not needing prior approval from the Council 25/07/2019
- 3.2 2000/03945/PA – Erection of single storey extension to provide generator facility – Approved 21/11/00.
- 3.3 2000/04899/PA - Retention of palisade fencing and gate to existing car park on Bedford Road and new bar fencing to Sandy Lane Middleway – Approved 10/10/00
- 3.4 1999/03250/PA - Retention of replacement lean-to extension – Approved 15/07/99

4. Consultation/PP Responses

4.1 BCC Transportation – The Transport Assessment has undertaken analysis of the existing development and proposed impacts of new plans. The scheme would lead to a minimal level of traffic generation with an increase from 35 two way trips to 85 in the AM peak, and from 16 up to 81 in the PM peak, ie an extra 50 two way vehicle trips in the AM peak and 65 in the PM. This would not affect the adjacent network and junctions. There are various highway alterations to mitigate impacts from the development which include a TRO change for drop-off and pick-up impacts for the hotel, laybys for the other uses around the site because the carriageways are narrow, and a new road linking Camp Hill to Bedford Road to provide some parking and servicing ability.

Given the increase in pedestrian activity from the proposed development it would be beneficial to provide improvements to the surrounding pedestrian network by way of S106 monies towards these improvements. These would include Interconnect wayfinding and improvements to the pedestrian crossing facility of Coventry Road.

No objections subject to conditions to require:

- the prior submission and completion of works for the S278/TRO Agreement in order to remove the redundant footway crossings and provide new access road linking Camp Hill one way to Bedford Road, new laybys and associated footway provision;
 - the implementation of the proposed cycle storage;
 - the implementation of vehicular visibility splays;
 - the parking areas to be laid out prior to use; and
 - the prior submission of a parking management strategy
- 4.2 Regulatory Services – Content with the conclusions of the air quality assessment. Require conditions regarding glazing and ventilation to ensure that the amenity of the future residential occupiers with and without the potential development of the Camp Hill Chords is secured
- 4.3 Leisure Services – Although the development is within the City Centre it contains a small percentage of family accommodation and therefore this would also generate a play area contribution. The Public Open Space (POS) contribution would total £964,275 + £90,000 (cost of toddlers play area) = £1,054,275. This would be directed towards the provision, improvement and biodiversity enhancement of POS and the maintenance thereof at Kingston Hill and Highgate Park both in the Bordesley and Highgate Ward.
- 4.4 Canals & Rivers Trust – The site has the dual carriageway between it and the canal and therefore some of the more immediate issues or relationships are of less concern here than for other proposed developments. However, the Bowyer Street feeder does go through the development site approximately along the line of Bedford Road. This is an important feeder for the trust, as it provides water to the Grand Union and South Stratford canals. In situations such as this, the feeder is below ground and therefore owned and maintained by the land owners, not the Trust but it is required that to be maintained in functional order for the benefit of the canal network. It is therefore important that as part of any redevelopment of the site, the owners and operators are aware of its depth, location, construction type, required function and ensure that it is protected and maintained both now and in the future,

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

- a) The impact of the proposed development on Bowyer Street feeder – its current condition and how it will be protected during construction and future operation of the site is important to us. Much more detail is required. It is likely that underground works to create foundations and parking area to facilitate the proposed development could result in damage to our feed and this is why we ask that it be identified and protected during and post construction, with appropriate inspection ability. The layout shows that blocks A, C and E are all in close proximity to the feeder and the sections suggested that these would have a piled foundation and that ground levels may be reduced/removed to provide underground parking. This has the potential to cause damage to the feeder due to proximity or via ground vibration caused by the piling or by applying additional loadings. Preference is for information upfront or it could be potentially be covered by a condition. We also note that the matter would be likely to have an impact upon land stability of the site and this is a material planning consideration. The NPPF is clear that planning decisions should ensure that new development is appropriate for its location in the context of avoiding unacceptable risks from land stability and being satisfied that a site is suitable for its new use, taking account of ground conditions and land instability.

- b) The impact of the proposed development on water quality and drainage – the flood risk assessment assumes that the canal is waterproof and has no connectivity with ground water. This is a bold assumption and should be checked. It is possible that water would not seep as far as the development site from the canal but this should not be assumed. There is also no mention of the canal as a sensitive receptor, which it should be acknowledged and protected as. No drainage should discharge into the culverted feed along its stretch within the site. However there may be opportunities for the discharge of treated surface water into the main canal and this should be discussed.
- c) Planning obligation requirements of the proposed development – Policy GA1.4 indicates a desire to improve pedestrian and cycle connectivity using routes along canals. This is supported by policies TP38, TP39 and TP40. Which require good quality routes and wayfinding. The existence of these routes is not sufficient of themselves and therefore it is important that wayfinding is introduced. The planning statement suggests that connections to existing routes will be delivered but it is not clear which routes and what connections and access points these include. A small contribution is therefore sought towards improving the accesses onto the canal towpath at Coventry Road and Lawden Road and providing improved signage at both of these and the installation of some interpretation of the impact of the site on the views from the canal network in the Lawden Road area. We also support opportunities to improve pedestrian crossing opportunities across Bordesley Middleway adjacent to the site. We also seek to work with the developers to assist with their travel plan, welcome packs etc to ensure new residents and staff and hotel occupiers are aware of their travel options as well as the wider benefits of the canal network on their doorstep.
- d) Heritage matters – no concerns. However it is noted that the outward views from the canal towards the City and the listed Trinity Church building will change significantly as a result of the height, bulk and mass of the proposals, hence the requirement above for some interpretation of this area.
- e) Informative recommended to advise developers to contact the CRT Works Engineering Team and Utilities Team.

4.5 Police – Recommend the following:

- the key to the successful security of the differing aspects of these proposals will be the strict control of the interaction between the uses, ensuring that the various uses are kept apart;
- work regarding the dwelling units be undertaken to the standards laid out in the Secured by Design 'Homes 2016' guide;
- would welcome a formal Secured by Design application for the site;
- a lighting plan for the site be produced for the wider site to understand how it interacts with the surrounding public domain and also to ensure that all areas of the development are appropriately illuminated. Any scheme should follow the guidelines and standards as indicated in 'Lighting Against Crime' guide;
- welcome the proposals to control access into the private communal garden areas. All gates, including communal gates at the head of communal alleyways, should be installed so as to be as near to being flush to the front building line of the associated dwellings as possible. Recommend that any boundary, including gates, that abuts a publically accessible space, be no lower than 2.1m in height;
- The parking provision could have an adverse impact on the existing on-street parking demand, which could, in turn, lead to congestion;

- The undercroft car parking areas will be the subject of very little natural surveillance and the proposed open access will leave any vehicles in that area unnecessarily vulnerable. The proposed open access will also leave the site open for rough sleepers. Strongly recommend that the proposals be re-assessed and the appropriate gates / fencing / shutters be installed to secure the car parking. These should seek to restrict both vehicular and pedestrian access;
- 480 cycle spaces would appear to be sufficient. Block E - concerned that a large number of the cycle spaces appear to be very concealed from view,
- ask that CCTV is required via condition to cover all car parking areas, any cycle storage areas, the communal public space areas, external views of all entrances to the blocks, lifts, stairwells and lobbies and internal, facial views of anyone entering the building through any access point;
- that all of the green public open space areas should be the subject of a clear maintenance program to ensure that any plants / trees do not become overgrown, thus reducing visibility, creating shadowed areas where offenders can hide and adversely impacting on the CCTV coverage;
- access to the separate areas of the buildings be restricted to those that need the access, i.e. if another user doesn't need access to an area, or floor, then they should not be able to do so;
- any communal entrance area to a residential aspect of the site should be controlled by two layers of security, i.e. two fob controlled door sets. This will reduce the potential for an offender to tailgate into the buildings;
- ask that any work concerning the commercial / retail aspect of the development be carried out to the standards within the Secured by Design 'Commercial 2015' guide;
- intruder alarms and CCTV to the retail / commercial units;
- ask that any work be undertaken to the hotel rooms be to the standards laid out in the Secured by Design 'New Homes 2016' guide;
- The location for the reception of the hotel is well placed, in that it allows staff to have a clear line of sight to the main entrance to the hotel, and the entrance lobby area. This provides good opportunities for natural surveillance;
- ask that any work concerning the commercial aspect of the development be carried out to the standards within the Secured by Design 'Commercial 2015' guide;
- seek clarification of the proposed access control system, which should ensure that should an offender gain entry to the building, they cannot wander freely around the interior;
- Any roof terraces within this site should include a suitable boundary treatment around the accessible areas to adequately prevent accidental falls over the boundary or intentional attempts to self-harm. Recommend that consideration be given for the installation of a barrier no lower than 2.0 m in height and of a clear anti-climb design.
- any furniture installed on the roof be located so it cannot be used as a climbing aid to scale the boundary and secured in such a way that it cannot be moved to a location where it could act as a climbing aid;
- all of the roof area be covered by CCTV cameras; and
- suitable signage is installed on the roof, and on all the approaches to it, offering advice, support and signposting anyone considering self-harm.

4.6 Civic Society – No objections subject to conditions:

- The permeability of the development and commercial use to activate the ground floor is welcome. In this location there are concerns as to how successful this will be however, in terms of security and risk of anti-social behaviour that will result in low take-up of tenancies;

- The height of the tall-building is in itself not a concern, but does not appear to relate to local policy in terms of location. This is not part of the city ridge cluster nor the developing strip of tall buildings along Digbeth High Street and creates a precedent for further spread of isolated towers throughout the City Centre;
 - This area of the city is economically deprived and new development is welcome, but there is a loss of industrial use and consequent jobs which is disappointing. The D&A statement refers to the Digbeth Creative Quarter but this is rather isolated from this area;
 - There is a concern about the lack of amenity space, which in this location will need to be secure if to be used by children or the infirm. There is likely to be high levels of noise and pollution which will limit use of these spaces. There is a lack of high quality schooling and other amenities such as health care in this area;
 - The development has high aspirations for design and materials and responds well to the better qualities of the existing environment and this is to be applauded;
 - There is some impact on historic buildings, but given the level of deprivation in this area, economic investment is likely to be beneficial to these building's future sustainable use.
- 4.7 Local Lead Flood Authority – No objections subject to conditions to require details of a sustainable drainage operation and maintenance plan, and a condition to ensure adherence to the agreed plan.
- 4.8 Education - Request a contribution for £25,989.59 (Nursery); £668,629.89 (Primary); £719,642.74 (Secondary). Total contribution £1,414,262.22.
- 4.9 Fire Service – In summary:
- Access roads should have a minimum width of 3.7m between kerbs, noting that WMFS appliances require a minimum height clearance of 4.1m and a minimum carrying capacity of 15 tonnes. Water supplies for firefighting should be in accordance with national guidance. The townhouses not fitted with fire mains should allow access for a fire appliance to within 45m of all points within the house, measured on a route suitable for laying hose;
 - Where fire mains are provided in the blocks there should be access to the riser inlet for a pumping appliance to within 18 metres of each fire main inlet connection point, typically on the face of the building;
 - Buildings with a floor higher than 18m above fire and rescue service access level, or with a basement more than 10m below fire and rescue service access level, should be provided with fire-fighting shaft(s) containing fire-fighting lifts;
 - A sufficient number of fire-fighting shafts should be provided to meet the maximum hose distance set out in 50.2.2, and at least two fire-fighting shafts should be provided in buildings with a storey of 900m sq. or more in area;
 - Blocks of flats with a floor more than 30m above ground level should be fitted with a sprinkler system, throughout the building; and
 - The approval of Building Control will be required to Part B of the Building Regulations 2010.
- 4.10 Birmingham Airport – the proposals have been examined with respect to the Aerodrome Safeguarding requirements and based upon the information provided have been found to be acceptable subject to a crane management plans being agreed with the Airport prior to commencement of construction. The request for a crane management plans, is due to the height of the tallest building proposed being 205m above ordnance datum (AOD), which will mean that any cranes used during construction will be close in height to the Outer Horizontal Surface height of 242m

AOD and should therefore be assessed to ensure that they are appropriately safeguarded.

- 4.11 Severn Trent Water - no objections to the proposals subject to the inclusion of conditions to require details and the implementation of agreed drainage plans for the disposal of foul and surface water flows.
- 4.12 Environment Agency – No objections. The site has had an extensive industrial history which lead to the recommendation and completion of an intrusive site investigation in May 2006. A review the relevant BGS Geological Map Sheet (50,000 scale) shows the site lies upon solid geology of the Sidmouth Mudstone Formation, which is designated a Secondary B Aquifer by the Environment Agency. Superficial Glaciofluvial deposits are also indicated, which are designated a Secondary A Aquifer. Logs from the window sample boreholes showed natural firm to stiff clays beneath made ground in the North and Western areas of the site, this was interpreted to be weathered Sidmouth Mudstone. In the South-eastern areas, sands and gravels were observed beneath made ground , these were interpreted as Glaciofluvial deposits. Groundwater was not encountered at any location.

AECOM has undertaken a review of available BGS borehole records in the vicinity of the site. Their review has concluded that groundwater is likely located at significant depth (>20m). We note risks to controlled waters has been considered in the preliminary risk evaluation undertaken, and are considered low owing to the conjectured depth to groundwater.

Although we note that potential sources of contamination may be present, groundwater does not appear to be a receptor of concern at this site. However, we see that further intrusive investigations are recommended to characterise areas not addressed in the previous investigations undertaken by Environ in 2006. If any subsequent investigation does identify the presence of groundwater underneath the site the EA must be informed immediately.

The EA would like to refer the applicant to our groundwater position statements in 'The Environment Agency's approach to groundwater protection', available from gov.uk and the CLAIRE Definition of Waste: Development Industry Code of Practice (version 2) and the Environmental regulations page on GOV.UK. Contaminated soil that is, or must be, disposed of is waste. Therefore, its handling, transport, treatment and disposal are subject to waste management legislation.

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standard BS EN 14899:2005 'Characterization of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear.

If the total quantity of waste material to be produced at or taken off site is hazardous waste and is 500kg or greater in any 12 month period the developer will need to register with us as a hazardous waste.

- 4.13 Employment Access Team – Request a construction employment plan be required either by condition or planning obligation.
- 4.14 Midland Connect (MC) – (latest comments) - Midlands Connect is the Sub-national Transport Body for the Midlands, a partnership which includes 16 Local Transport Authorities, of which the West Midlands Combined Authority represents its

Constituent members including Birmingham City Council. The developer's updated proposals principally move Block E further away from the existing railway viaduct and further redesigning of the proposed layout of the residential properties. However, these proposed amendments do not address Midlands Connect's concerns and the revised development could still jeopardise the deliverability of the long-standing Bordesley Chords element of the Midlands Rail Hub rail enhancement proposals. Without these chords we cannot deliver the joint aspiration of Birmingham City Council, TfWM (and WMRE), Network Rail and the Department for Transport to implement the Midlands Rail Hub. The programme is already recognised in Network Rail's Control Period 6 Business Plan which commenced in April 2019.

Without the Bordesley Chords, trains from East/West Midlands will not be able to use Birmingham Moor Street station which is essential to enable more trains to flow through Birmingham. The more detailed configuration of the Chords will be advanced in the next stage of development which we are pushing to start as soon as possible, awaiting Department for Transport decision. Therefore there is call for the Committee to defer any decision to award planning permission to developments on, or adjacent to, any of the potential location of the Bordesley Chords until after the final alignment for the chords has been formally approved by Network Rail, the Planning Authority and Midlands Connect.

Whilst the amendments offered by the developer and their continued engagement with Network Rail (as asset owner) are welcomed, MC cannot in principle support this proposal on the basis that it conflicts with the following agreed policies:

- the Bordesley Area Action Plan (including the proposals plan);
- the West Midlands Local Transport Plan (both the long term "Strategic Transport Plan" and shorter term "2026 Delivery Plan"); and
- the Adopted Birmingham Plan 2017 (Policy TP41 Public Transport, Rail which supports the City's rail network including reopening the Camp Hill and Sutton Park railway lines).

In line with the previous comments made earlier this year in response to the application Midlands Connect remain concerned that the updated plans from the applicant do not provide enough assurances that these policies can be delivered. For this application to proceed, we would request for the Planning Committee, in accordance for NPPG guidance, to confirm whether there are material considerations that indicate that these policies should not be followed.

It is therefore requested that the Planning Committee reject the application and call on the developer to return to negotiation with Midlands Connect and Network Rail to consider a proposal in line with the adopted policies listed above.

- 4.15 West Midlands Rail Executive & Transport for West Midlands (TfWM) (latest comments) - note the revisions made to the Planning Application, principally in moving Block E further away from the existing railway viaduct and further redesigning of the proposed layout of the residential properties. However, these welcome amendments to the Planning Application do not address our principal concerns that:
- the Midlands Rail Hub scheme is a strategic transport project of critical local, regional and national significance;
 - at the current time it is not possible to determine, with sufficient accuracy, what the final alignment of the proposed "Bordesley South West" railway chord element of the Midlands Rail Hub scheme will be; and
 - this revised development could still jeopardise the deliverability of long-standing Bordesley Chords element of the Midlands Rail Hub rail network enhancement proposals..

WMRE and TfWM therefore continue to:

- maintain our formal objection to the revised Planning Application;
- request that, as a minimum, any decision to award planning permission to developments on, or adjacent to, any of the potential locations of the Bordesley Chords be deferred until after the final alignment for the chords has been formally approved by Network Rail, the Planning Authority and Midlands Connect
- highlight and support the concerns and objections raised in respect of this Planning Application by Network Rail, Midlands Connect and the Mayor of the West Midlands Combined Authority.

4.16 Network Rail – welcomes the changes to the proposed layout to accommodate emerging proposals for the delivery of the Bordesley Chords railway scheme.

- NR re-iterate that there is no final fixed design for the Bordesley Chords proposals and their positioning could change as the design progresses. NR has not yet selected a construction methodology and depending on how the proposed Chords are built, we may require temporary access to the applicant's land right up to their proposed buildings, to facilitate construction activities. The construction of the Chords may require a temporary or permanent closure of Bedford Road, therefore access arrangements to and within the development should be designed with suitable flexibility. NR recommends that the developer does not rely on access via Bedford Road, e.g. should the developer require access to their site from Bedford Road between blocks C and E, this is an example of an access arrangement that could be cut off if Bedford Road was closed.
- Should the Chords proposals be constructed it is likely that a maintenance easement of 3m will be required – therefore we would strongly advise that no permanent structure / enclosures are built within such a strip.
- NR's Asset Protection team must review temporary works, crane lifting plans and Risk Assessment Method Statements) for the proposals. These will need to be agreed prior to any works commencing on site.

Latest comments received November 2019:

- The alignment of the chords will be based on a number of factors, comprising the track gradient, track curvature and line speed. It is not possible to provide any level of detail on a plan at this stage;
- It is not possible to determine land requirements at this early stage, noting that there will likely be a requirement for temporary as well as permanent land-take;
- Land take for construction purposes will be determined by the final design, construction methodology and sequencing. The area of Bedford Road adjacent to the existing railway will likely be integral to the construction solution(s), and be required for the delivery of materials, demarcation of the construction zone, erection of scaffolding/hording/formwork etc, siting of construction plant and lifting plant such as cranes and concrete pumps, welfare facilities etc.;
- It is envisaged that technical work on the outline business case (OBC) will be complete by the end of 2022, with a period to follow to support assurance processes and decision making on how or whether the project should proceed to Full Business Case (FBC). This is dependent upon OBC funding being secured by January 2020, so it is possible that these dates could therefore change. The detailed design work would follow, with a defined route alignment being available circa 2023-24;
- The date of commencement of construction is not yet known, however we do not anticipate that it would start until at least CP7 (2024-2029);

- At the current level of programme maturity, the duration of the construction works is unknown at present and will be determined by the approved for construction design solution;
- The date of when the South West Chord would be operational is unknown at present and is dependent on the business case and affordability of the programme. Assuming construction could be complete in the late 2020s, the, train service patterns and operational aspects would likely be determined by the completion of dependant phases of the scheme elsewhere on the infrastructure and approved operating rules/timetable/service patterns; and
- It is currently envisaged that both the South West and North West Chords will be built and whilst it would likely be less disruptive and more efficient to build both chords simultaneously, there are options to build them separately.

4.17 Transport for West Midlands (TfWM) (previous comments to superseded plans) - A key part of Midlands Rail Hub is the construction of two chords (referred to interchangeably as the Camp Hill or Bordesley chords) in the vicinity of the development proposed allowing better access to the Snow Hill line which serves the City Centre rail terminuses, Moor Street and Snow Hill Stations. The subject planning application proposes development that impinges on or is in very close proximity to potential alignments for the south/west chord.

TfWM emphasise to the planning committee that the construction of these chords is a critical part of the future transport infrastructure required to accommodate growth in the city and the wider region. There is consensus in the rail industry that the construction of the chords represents the only realistic means of providing significant additional capacity on the classic rail network into (and through) central Birmingham over the coming decades.

It is understood that whilst there are references throughout the local plan and local transport plan (constituting material considerations), there are no specific planning safeguards in place on the land around where the chords are to be constructed which would preclude alternative development.

It is acknowledged that whilst the construction of the chords is undoubtedly a transport priority, it is not yet a committed funded scheme with detailed designs and relevant planning permissions.

TfWM encourage the planning committee to take this into due consideration when assessing the applicant's planning application in the context of evidence to be submitted by Network Rail and Midlands Connect, which will outline any potential impact that the development could have on the construction of the south chord (as well as giving further detail on the potential benefits of investment in this rail infrastructure).

TfWM request that proportional action is taken to avoid preclusion of future construction of the chord (whether this is because of direct impingement of development on the chord alignment or challenges that result from proximity) through further discussion between the planning committee and officers, Network Rail, Midlands Connect and the applicant (including agents). We encourage the committee to reflect this in their decision and any conditions that may accompany planning permission. Specifically, we endorse Midlands Connect's request for the planning committee to defer decisions relating to the triangle of land east of Bedford Road be deferred until further consideration of the Midlands Rail Hub enhancement proposals by the Department for Transport and after the final alignment for the chord has been formally approved by Network Rail, the Planning Authority and Midlands Connect.

- 4.18 West Midlands Combined Authority (WMCA) (previous comments to superseded plans) - as Mayor of the West Midlands there is objection to the current planning application. The Mayor shares the concerns of a number of local stakeholders that the proposed development would preclude future construction of the southern Camp Hill chord.

In 2016/17 Midlands Connect were awarded £5m from the Department for Transport to develop proposals for Midlands Rail Hub into a Strategic Outline Business Case. It is acknowledged that there have been some positive discussions between the Developer, Birmingham City Council and Network Rail and these efforts are welcome. However, I am concerned that there are still a number of outstanding issues that require further investigation and appropriate action before planning permission can be granted.

It is acknowledged that the developer has altered designs, in particular by moving the proposed location for the energy centre and instead constructing surface level parking on the triangular area of land to the south-east of the site. However, assurances are still to be fully given by Network Rail and Midlands Connect that the amended proposals do not prevent and/or compromise construction and/or operation of the potential future southern chord.

In addition, detail is required from Network Rail and Midlands Connect on appropriate planning conditions that should accompany planning permission to develop on the site to reduce the risk of future objections to the chord arising from the chord's proximity to development on the site, to allow access to the site for construction and operation of the chord, or any other condition that may be deemed necessary.

Network Rail and Midlands Connect are still working to identify the final alignment of the proposed southern chord. Until these designs are developed further it will be difficult to say with certainty whether any development on the site could prevent or compromise plans for the chord and what planning conditions would be required. Such certainty will only emerge once the development of the project completes the next (Outline Business Case) stage and has reached the detailed design phase.

Permission to develop on the site should not be granted until final alignment of the southern chord has been approved by Network Rail, the Planning Authority and Midlands Connect. Would welcome the Developer submitting a revised planning application in the future once designs of the Chord have been approved

- 4.19 A site notice and press notice have been displayed and neighbours notified. Forty five individual letters of objection have been received raising the following concerns:
- The land is essential to the construction of the Chord and would endanger the building of the Camp Hill Chords. Sufficient land should be protected to enable construction of the Chords
 - The development would seriously impact upon the proposed Bordesley Chord development to increase passenger services to Moseley, Kings Heath and Hazelwell into Moor Street by preventing an extra 10 trains an hour in and out of Birmingham (85,000 seats a day)
 - railway work including the Camp Hill Chords is worth up to £2bn of economic benefits through unlocking jobs and supporting economic growth and maximising transport connectivity
 - the development will stand in the way of an extra line railway line being added to the current layout at what will be Kings Heath Station. Without this extra provision the passenger line will be clogged by freight trains and the passenger service severely limited (1 train per hour has been mentioned). This will be very

poor provision for local residents travelling to and from work or getting home after an evening in town, not to mention the wisdom of increasing public transport in the area, ready for the Commonwealth Games

- Economic and environmental drivers will be severely limited if this planning application is allowed to go ahead in any form which prevents the City from installing the Camp Hill Chord.
- the provision of housing which this scheme would deliver must not be done at the expense of wider community benefits, and the delivery of sustainable transport in south Birmingham must override the more local benefits offered by this scheme.
- The development would, if granted planning permission, make the consented land too expensive to be affordable for the rail authority to buy back.
- land required for the Camp Hill line should be clearly agreed with the rail authority and freely offered for this purpose, and there should be suitable planning conditions applied to ensure that the rail development is able to proceed.
- Has the planning office had meetings with the developers to discuss these plans as they were being developed?
- The Government's inability to so far fund such infrastructure in Birmingham should not be an excuse for developers to prejudice or make difficult their future delivery
- The line of the proposed Chords may now be different, or they could be delivered 'over' the proposed site. But if that is the case that should be confirmed by the Council before the application is approved. You can easily imagine a situation where the chords are said to be poor value for money, and aren't built, because the Council has made their construction more costly by approving applications like this one.
- On behalf of the community of Moseley and Kings Heath the planning committee are asked, when considering this application, that as a very minimum sufficient land is protected to enable the construction and accommodation of an up and down south/east railway link at Bordesley from the Camp Hill railway line, known as the Camp Hill chord.
- A new passenger rail service will complement the Clean Air Zone proposals
- The planning application should be refused on the basis that it needs to take into account that 10-15 metres will be needed for the chords and supporting infrastructure.
- The plans include a massive 26 storey block of flats. Can you confirm that this area is outside the central part of the city where such tall buildings are permitted in the council's planning policies? If so, was this made clear to the developers?;
- The ten most polluted UK cities named by the World Health Organisation include Birmingham. Every effort should be made to encourage train travel. We need to make Birmingham green;
- The commitment to support the proposed Bordesley Chord is stated in the Birmingham Development Plan (PolicyTP41 and paragraph 5.76), "Movement for Growth", the Strategic Transport Plan adopted by the West Midlands Combined Authority in 2017;
- The scale of committed and potential housing expansion across the West Midlands conurbation and wider region will seriously challenge the capability of the current rail infrastructure;
- Should rail capacity not be enhanced to accommodate the expected extra demand then the regional rail network will not be able to cope. This could mean that people will be unable to use rail and will instead have to make more trips by car which will exacerbate congestion. This would mean that Policy TP38 of the BDP "A Sustainable Transport Network" would not be met;

- If this planning application prevents the future of the Camp Hill Line Chords then I hope that Birmingham City Council will reject the application in order to benefit the lives of thousands of residents who live in and around Moseley, Kings Heath, Brandwood and Stirchley;
- The Moseley community has been campaigning for the reopening of the Camphill Railway Line for passenger traffic for well over 40 years;
- The number 50 bus service is already over capacity and the air pollution on the A435 route into city is a cause for concern to many residents.
- It is therefore urged that Planning Committee refuse this application – or require it to be reduced to the point where WMRE and TfWM are content that it will not prevent the future construction of railway chords at Bordesley.

4.20 Individual responses have also been submitted by the following Councillors and groups:

- Councillors Jenkins and Straker Welds - We are keen to seek assurances that this, or any other development, does not interfere with the re-opening of the Chords, which are widely accepted as being crucial to providing essential routes between the City Centre and satellite stations and we need reassurance that this application will not compromise plans to provide 10 extra train paths/hour in/out of central Birmingham, essential to extending the rail network.

Even if the proposed development were to be proved to be merely in close proximity to the final position of the Bordesley South West Chord, this would in itself raise some significant concerns which could threaten the viability of the Midlands Rail Hub project as some of the offices and residential properties are likely to find themselves within a few metres or less of the chord.

The proximity of one or more of these proposed buildings could have a detrimental impact on the “constructability” of the chord and could also generate significant future objections to the Bordesley South West Chord element of the Midlands Rail Hub scheme from any future residents/tenants of the “193 Camp Hill” development;

- Confederation of Passenger Transport UK - It is vital that no development takes place at this site as it would imperil the proposed Midlands Rail Hub Project in the Bordesley area. As the final alignment of the Chords has not yet been formally approved by the parties concerned i.e. Network Rail, the Local Planning Authority and Midlands Connect, it would surely be premature to approve the proposed development at this time? The provision of the ten extra train paths into the City should surely take precedence over a planning application such as this?
- The Moseley Society - We appreciate that the applicant has made some alterations to the plans in order to try to allow construction of South West Bordesley Chord at a future date. However, we are aware that the West Midlands Rail Executive (WMRE) and Transport for West Midlands (TfWM) have expressed their objection to the revised plans on the grounds that the detailed plans for the chords cannot be drawn up before this application is decided. If built, the development envisaged in these plans is likely to affect both the constructability of these chords and also lead to objections from the residents and businesses that the development will introduce into the land adjoining the railway.

When the Moseley Society was formed in 1979 one of the topics on our wish list was the reopening of the Camphill Railway Line for passenger traffic. We are glad that plans and funds are now in place for that to happen. The planning applications for the new Hazelwell and Kings Heath Stations have just been submitted and we expect the application for Moseley Station by the end of the year. However, the reopening is being achieved on the original lines that take the Camphill service round by St Andrew's Junction to New Street Station. Because of the lack of capacity at New Street all that can be offered is a half-hourly service. We have been told that the only way for the large number of people living within walking distance of the Hazelwell, Kings Heath and Moseley Stations to be offered a more frequent rail connection is by building chords at Bordesley so as to take the Camphill Line into Moor Street Station.

We are therefore very alarmed to hear that this development is likely to remove that possibility permanently. The Bordesley chords are also part of the long-term plan to link east and west Midlands rail services via Moor Street Station so this is not just a matter of local interest, but one of fundamental importance to the development of improved rail services across the Midlands. We therefore hope that Planning Committee will refuse this application – or require it to be reduced to the point where WMRE and TfWM are content that it will not adversely affect the future construction of railway chords at Bordesley.

- Russell Road Residents' Association - Moseley and Kings Heath are grid-locked and polluted because of heavy traffic congestion; consequently, we urgently need alternative forms of transport to access the City-Centre. Any planning application that would compromise or delay the re-opening of this line would be disastrous for local residents, for the air-quality targets and for commuters. We would urge you to postpone any decision on this application until the rail-routes have been agreed.

(Latest comments) The objective of improving greener, more sustainable travel relies on a frequent train service into the city. Because of capacity issues, Moor Street Station is the most viable option, and that will rely on the construction of the Bordesley Chords. To permit this application would run counter to the council's policy of improving air quality, reducing car journeys and increasing long-term sustainable travel. The council's legal obligations to reduce atmospheric pollution, and the region-wide requirement for improved public transport, would be thwarted by the current plans. Whatever is built on this site must permit the construction of the Bordesley Chords and facilitate the opening of a functional rail-link into Moor Street for this busy commuter area. We urge the committee to reject this application and would ask the planners to submit revised plans that would be compatible with the council's transport and clean air objectives.

- Councillor L Turner Bromsgrove District Council - As a Bromsgrove District Councillor representing Wythall I strongly object to this application. Air quality needs to be greatly improved in the City and increased rail travel usage over car traffic is a necessary step in the right direction. I use Wythall station frequently for travel into the city and would welcome more frequent and reliable rail transport. I know we need more new housing but please be sensible not to allow such house building to prevent much needed progress in transport and in people's health.
- Moseley Liberal Democrats - There is a huge potential problem in that if this goes ahead it will put an end to the plan to build the Camp Hill Chords which are

needed to divert the Camp Hill line into Moor Street and provide a frequent commuter service. If this goes ahead it will be hugely controversial as the council were warned about it in 2013 when they sold the land. Moseley Forum objected at the time. We were told the land could be bought back in a compulsory purchase order if the chords project was to go ahead. At that time we didn't have confirmation of HS2 and the Centro Connectivity package so they probably thought it would never happen.

- Campaign for Better Transport – The proposed development must not under any circumstance be permitted to compromise or encroach the construction, establishment and maintenance of the proposed west/South Bordesley Railway Chord. The proposal to provide this is documented in the BDP and the regional transport priority list for many years. It is reference in Policy TP41 of the BDP the Bordesley Area Action Plan, the Strategic Transport Plan “Movement for Growth” adopted by the WMCA. Should capacity not be enhanced to accommodate the expected extra demand then the regional rail network will struggle to cope meaning Policy TP38 of the BDP “A Sustainable Transport Network” would not be met. The submitted Transport Assessment fails to mention the Bordesley Chords. Hope that the energy centre is relocated.
- Campaign for Rail - The long awaited Camp Hill Chord scheme and the corresponding substantial degree of socio-economic benefit, together with the critically important reduction in noxious vehicle emissions within the City, all urgently require safeguarding, rather than being unjustifiably compromised by way of the said planning application in its currently presented outline. However, despite the universally acknowledged need to safeguard a section of land for the construction of the Camp Hill Chords, the necessary critical protection would appear to have been overlooked, possibly in the unjustifiable belief that the Camp Hill Chord project would never be realised.

The current footprint encroaches in part, upon a section of land that would be required for at least the development of the Camp Hill South Chord and without that critical piece of land, the far more logical potential service route into Moor Street station, with its currently underutilised platform potential and corresponding passenger footfall growth, together with the inherent shorter journey time and close interconnectivity benefits, will most regrettably be lost.

In its current outlined form, the application should be withdrawn or withheld, pending a revised application that fully protects the land required for the vitally important Camp Hill Chord requirement.

As was the case in Manchester, honouring the City of Birmingham and West Midlands regional public transport requirement and listening to the universally concerned voices of the City and travelling public, together with concerns expressed by Midlands Connect, Transport for West Midlands, West Midlands Rail Executive and Network Rail, plus the rail franchisees and rail user groups, it is paramount that all associated stakeholders work towards achieving the ultimate attainable rail infrastructure and passenger service potential, as part of an holistically enhanced Midland Hub requirement.

- Balsall Heath Forum - We understand that the proposed development will affect an element of the Balsall Heath Neighbourhood Plan. The Neighbourhood Plan became statutory in 2015. Balsall objects to this development, in that if approved, it would inhibit the growth of the future rail service, which has the potential to contribute greatly to the economy of Balsall Heath.

- Shakespeare Line Promotion Group - The need for the construction of this chord and the proposed alignment of it which involves the south-east corner of the proposed development detailed in the application is critical to the future transport and connectivity needs and requirements of Greater Birmingham but also the more extensive West and South Midlands. The broader drivers of HS2's arrival in 2027 and the crucial need to significantly reduce vehicle emissions in Birmingham City Centre determine that rail connectivity improvements must be enabled.

The scale of committed and potential growth in housing and employment volume and distribution, as well as freight growth, will directly challenge the capability of the region's rail infrastructure given its regional role and location at the heart of the UK rail network.

- The Bordesley Chord scheme a significant element within one of five key rail service improvement points that combined amount to £151 million Gross Value Added (GVA) to the economy each year by 2032.
- Solihull & Leamington Rail User Group (SALRUA) - This development would seriously impact the proposed Bordesley Chord development to increase passenger services to Moseley, Kings Heath and Hazelwell into Moor Street, a scheme to take pressure off New Street Station and the congested local road network. If this plan goes ahead it will negate a transport solution for the centre of Birmingham, for decades. If the chords are built Bordesley Station will close due to the alignment and will not be replaced. It is vital that the alignment is protected, even if the current plan has to be reconfigured to accept the chords. The present Sulzer site is very close to the road bridge and the present plan is very intensive. SALRUA always supports regeneration, but not the detriment of infrastructure requirements first. We would therefore recommend that this proposal is rejected and a revised one drawn up. Nationally there are too many schemes that have impacted previous rail land, and leads to far higher investment costs for future generations.

- 4.21 A public exhibition to share details of the emerging proposals was held at Evolve at the Adam & Eve, Bradford Street, Digbeth on 30 October 2018. The exhibition was advertised via a leaflet drop of 3,000 leaflets to all residential and business addresses covering the area approximately 0.5 miles from the site. It was also announced on social media via Twitter on 24th and 30th October 2018. According to the applicants the exhibition was attended by 9 people, and comments were made regarding the number of affordable homes, what was happening to Sulzer, more places for locals to go for coffee and restaurants were needed, welcoming the hotel and potential for jobs, supermarket needed in the area and positivity about bringing forward regeneration and development in Birmingham instead of Manchester.

5. Policy Context

- 5.1 Birmingham Development Plan (BDP) 2017, Birmingham Unitary Development Plan 2005 (Saved Policies), Car Parking Guidelines SPD (2012), Shopping and Local Centres SPD (2012), Lighting Places SPD (2008), Public Open Space in New Residential Development SPD (2007), Access for People with Disabilities Supplementary Planning Guidance (SPG) (2006), Archaeology Strategy (2004), High Places – A Planning Policy Framework for Tall Buildings SPG (2003), Affordable Housing SPG (2001), Places for Living SPG (2001), Places for All SPG (2001), Birmingham Curzon HS2 Masterplan for Growth (2015), High Places (2003), Loss of

Industrial Land to Alternative Uses SPD (2006), Big City Plan Masterplan (2011) and the revised National Planning Policy Framework.

6. Planning Considerations

- 6.1 The proposed scheme would provide a total of 480 residential units and incorporate a maximum total of up to 1,480sqm (GEA) of flexible commercial floorspace comprising:
- Class A1: Shops;
 - Class A2: Financial and professional services;
 - Class A3: Restaurants and cafés; and
 - Class B1: Offices / Light Industrial;
 - Class B2: General Industry;
 - Class B8: Warehousing / Storage; and
 - Class D1: Non Residential Institution

- 6.2 Of this, 262sqm (GEA) of floorspace would be delivered at the ground floor of Block A, 877sqm (GEA) within Block C and 174sqm (GEA) at ground floor within Block E. The largest single unit in retail use (Use Class A1) would be 387sqm (GEA). In addition Block B would provide a hotel of 7,068sqm.

Loss of Industrial Use

- 6.3 The current occupiers of the site Sulzer are relocating from the site in March 2020 to purpose built facilities outside of the City as, according to the applicants, a result of the condition of the site and the limitations on the business. The proposed redevelopment of the site would therefore result in the loss of employment land.
- 6.4 The application site does not form part of a Core Employment Area under Policy TP19 of the BDP however Policy TP20 seeks to protect employment land and resources where it contributes to the portfolio of land needed to meet longer term requirements. The implementation of Policy is TP20 supported by the Loss of Industrial Land to Alternative Uses SPD, which provides guidance to developers on the information required by the City Council where a change of use to an alternative use is proposed.
- 6.5 According to Policy TP20 there is a general presumption against the loss of industrial land unless either the site accommodates a non-conforming use, has actively been marketed or it can be demonstrated that continuing an industrial development is not viable. The current use is not a non-conforming use and the applicants have failed to adequately demonstrate that there is marketing or viability justification to support the proposed loss of employment land. The SPD, which dates back to 2006 recognises that within the City Centre a more flexible approach towards the change of use of land is required, however the SPD should be given less weight as it is outdated in comparison to adopted BDP Policy TP20. Therefore the proposed loss of employment land is contrary to this BDP Policy any material considerations should be assessed to ascertain whether they should be given greater weight to outweigh this Policy conflict.
- 6.6 First a requirement for future growth and change in and around the City Centre is identified within the development plan. Strategic Policy PG1 identifies a need for significant levels of housing, employment, office and retail development, along with supporting infrastructure in Birmingham over the plan period. The Policy refers to a target of 51,100 additional homes although this falls short of Birmingham's objectively assessed need which is stated to be 89,000 homes

- 6.7 Whilst the site is located beyond the City Centre Retail Core it is identified within the Birmingham Development Plan Policies Map as part of the City Centre Growth Area under Policy GA1.1. Policy GA1.1 (City Centre Role and Function) indicates that the Council will continue to promote the City Centre as the focus for retail, office, residential and leisure activity within the context of the wider aspiration to provide a high quality environment and visitor experience. The site is also just beyond the border to the Southern Gateway Area of Change which has a boundary on the opposite side of Camp Hill (B4100). This area has recently seen the growth of mixed use developments along Digbeth High Street as a result of Lunar Rise, Connaught Square and Beorma.
- 6.8 Policy GA1.2 advises that in order for the City Centre to maintain and develop its position as a top visitor destination and driver of the City's economy, significant new levels of growth will be accommodated. Policy GA1.3 seeks to support seven distinctive quarters within the City Centre Growth Area. The application site falls within the Digbeth Quarter where a creative and cultural hub is supported with a high quality exciting and easily accessible environment.
- 6.9 The site is also within the boundary of the Curzon Masterplan area. This seeks to maximise the regeneration and development potential of HS2 in the City Centre. Proposals for development in the Masterplan area are identified to have potential for growth including 4,000 new homes, 36,000 net jobs and 60,000sqm hotel space. Key principles for Digbeth to deliver on the potential growth opportunity include:
- Growing the creative, media, digital and social enterprises and encouraging links with nearby universities and colleges;
 - A vibrant mixed-use neighbourhood that enlivens the area 24/7 with a range of distinctive retail and leisure uses reflecting the arts and creative industries as a tourist and visitor destination;
 - Creation of a high quality sustainable residential neighbourhood focused around the canals; and
 - A focus for cultural activities - growing the arts and live music scenes.
- 6.10 Paragraph 121 of the NPPF further states that authorities should take a positive approach to applications for the alternative use of land which is currently developed but not allocated for a specific purpose in plans, where this would help to meet identified development needs. In particular, they should support proposals to use retail and employment land for homes in areas of high housing demand, provided this would not undermine key economic sectors or sites, or the vitality and viability of town centres.
- 6.11 The application has the potential to deliver B1, B2 and B8 floorspace and local property agents have indicated a lack of suitable and affordable space to provide for demand in the area and to specifically accommodate creative start-up businesses. In addition, the majority of co-working spaces in the area have been found to be at full capacity demonstrating a need for more co-working options to be delivered in Digbeth and the wider area. The applicants have also estimated that there would be a net increase of 112 to 165 jobs arising as a result of the development once it is operational, as well as additional jobs during construction.
- 6.12 It is therefore considered that taking account of the location of the site within the identified City Centre Growth Area and the associated policy documents which promote the regeneration of the area, plus the likely job creation there is sufficient policy support and material considerations that should be given greater weight to outweigh the conflict with Policy TP20, and allow the loss of the existing employment land.

Development Plan Allocation and The Camp Hill Chords (also known as Bordesley Chords)

- 6.13 The application site lies has a frontage to the Birmingham Moor Street to London railway line and lies close to the former Midland Railway Camp Hill Line from Kings Norton to Water Orton. There is the intention to connect these two existing railway lines via a north east and south west 'Chord' which collectively are known as the Camp Hill Chords.
- 6.14 There is mention of the Camp Hill Chords in the following documents:
- Policy TP41 of the BDP;
 - the emerging Bordesley Area Action Plan;
 - West Midlands "Movement for Growth" Local Transport Plan (both the long term "Strategic Transport Plan" and shorter term "2026 Delivery Plan");
 - Network Rail's "West Midlands and Chilterns Route Study" 2017 and "London North Western Route Specification 2017";
 - West Midlands Rail Executive's "Rail Investment Strategy", 2019;
 - Midlands Connect's "Strategy" (March 2017) and "Our Routes to Growth" (July 2018); and
 - Department for Transport Vision for Rail
- 6.15 The Camp Hill Chords are one part of the Midlands Rail Hub (MRH) project, currently being progressed by Midlands Connect and Network Rail. The MRH seeks to increase rail network capacity across the Midlands in phases between now and 2033. The Camp Hill Chords are one part of 20 infrastructure interventions proposed across the region to give greater access to HS2 and to provide an additional 24 passenger train services per hour at a total indicative cost of 2.02 billion pounds. The two new viaducts or Chords would create paths to the East Midlands and South West from Birmingham Moor Street allowing for greater connectivity to Cardiff, Bristol, Cheltenham and Hereford. At a local level the Chords would increase the capacity of the Camp Hill line once it is reopened, increasing the predicted 2 trains per hour via the proposed new stations at Moseley, Kings Heath and Hazelwell into New Street Station, to 10 trains per hour into and out of Moor Street. As an aside planning applications for the provision of stations at Hazlewell and Kings Heath have been submitted and it is reported that construction of the new stations would start in 2020, with a view to opening them by the end of 2021.
- 6.16 Midlands Connect submitted the Strategic Outline Business Case (SOBC) for the Midlands Rail Hub to the Department of Transport in June 2019. The purpose of the SOBC is to seek Government funding of £25m to proceed to the next stage of the project development. The next stage is the Outline Business Case which is programmed to be completed by the end of 2022 with a Full Business Case anticipated sometime between 2023 to 2025. At an estimated cost of £30m to £35m the development of the Chords is earmarked as one of five potential early interventions with a desired timeframe for implementation of 2024 to 2029.
- 6.17 Policy TP41 (Public transport) seeks improvement of bus and coach, rail, and Midland Metro and Bus Rapid Transit networks in the City. With reference to rail provision the Policy states that proposals to enhance the delivery of the Camp Hill Chord scheme and the facilitation of services from the Camp Hill line from Tamworth/Nuneaton to run into the new platforms at Moor Street Station will be supported. The application site is outside the boundary to the emerging Bordesley Area Action Plan, however the document acknowledges that the Chords are a major transport priority and the emerging Plan contains principles and objectives that support an enhanced public transport system. In light of this in Policy recognition and

the submission of the Midlands Hub SOBC the Chords are considered to be at a sufficiently advanced stage to amount to a material consideration in the determination of the current application.

- 6.18 The many rail and transport bodies recognise the proximity of the application site to the Camp Hill Chords and the importance of the Midlands Rail Hub that is currently progressing. WMRE and TfWM have suggested in their joint consultation response that the proposed development is either on the site of, or adjacent to the proposed South West Chord. The consultees have commented that it is theoretically possible that the final alignment could require a proportion of the land, particularly on the site of proposed Block E. Or, as a result of the proximity of the proposed buildings, it would be difficult to construct the Chord. Furthermore should the Chord be completed there is a high chance that some of the commercial and residential unit occupiers would be positioned within a few metres of this new infrastructure. Concerns have been raised regarding the impact upon occupiers due to the noise of passing trains and the visual intrusion of the structure itself. Therefore WMRE, TfWM, Midlands Connect have asked for the determination of the application to be deferred until after the final alignment for the South West Chord has been formally approved by Network Rail, the Local Planning Authority and Midlands Connect.
- 6.19 The Mayor of the West Midlands on behalf of the WMCA echoes the above concerns and seeks assurance that the proposed development would not prevent and/or compromise construction and/or the operation of the South West Chord. Deferring a decision as above is requested.
- 6.20 Midlands Connect reiterate that the proposed development would jeopardise the deliverability of the Chords.
- 6.21 In response, from the outset it should be acknowledged that Network Rail have confirmed that the decision to deliver the Midlands Hub or more specifically the Camp Hill Chords has not been taken, neither has the funding for the delivery of the programme been committed. Therefore the Chords are not yet being promoted by Network Rail as a committed rail enhancement. It is not anticipated that the DfT will make a decision on whether to fund the next stage of the Midlands Hub, or the Outline Business Case, until late 2019 or even 2020. Furthermore Network Rail have acknowledged that the exact alignment of the Chord will not be known until 2023 to 2024.
- 6.22 Hence, whilst BDP Policy TP41 specifically supports the delivery of the Chords there are material considerations to consider. No land has been safeguarded within the BDP for its construction or operation and at present there is no certainty that they will be delivered. Meanwhile whilst the Camp Hill Chords are mentioned in the emerging Bordesley Area Action Plan (AAP), there is no specific Policy relating to their implementation, just a principle or objective supporting connectivity, whilst their proposed alignment is shown as indicative. Again like the BDP neither Plan rules out development due to the potential Chords scheme.
- 6.23 Acknowledging the current position the applicants have revised the application twice to reduce the likelihood of conflict with the South West Chord. First the energy centre previously proposed on the smaller triangular area of land that adjoins the existing railway viaduct has been relocated. This parcel of land is currently proposed to be kept open and used for car parking, free from physical or built obstructions. This could potentially allow the construction of the Chord above to join with the existing viaduct that is positioned approximately 5m above road level. Secondly Block E has been moved approximately 7.5m further away from the existing railway viaduct to

leave a separation distance of approximately 19.3m to 50m between the Block and the railway viaduct. Furthermore a distance of at least a minimum of approximately 11.6m would be maintained between Block C and the viaduct.

- 6.24 Network Rail (NR) have welcomed these amendments and raise no objections to the scheme. Confirming that the alignment of the Chords will be based on a number of factors comprising track gradient, track curvature and line speed they have acknowledged that there is no defined route or design and it is not possible to provide any level of detail on a plan at this stage. Furthermore despite the request for further information with respect to the reasonable assumptions regarding construction techniques Network Rail have confirmed that construction methodology will be dictated by the final design and it is not possible to determine temporary or permanent land take requirements at this early stage.
- 6.25 The rail bodies, excluding NR, have also expressed concerns at the potential living conditions for those residents that would overlook the South West Chord. In response the applicants have also additional noise and vibration studies that assess the introduction of additional tracks that have the potential to be located on an extended viaduct closer to the proposed development. The current number of train movements passing the site averages 10 movements per hour. The new rail infrastructure has the potential to double the number of train movements. With respect to noise the additional studies conclude that, as a result of the increased train movements together with the location of rail track closer to the site, the proposed residential units would require an increased glazing specification for the living rooms and bedrooms to the facades of Blocks A, C and E. The study also makes reference to a typical elevation comprising of brick or metal cladding. Following the submission of additional survey data Regulatory Services have raised no objections subject to conditions.
- 6.26 Notably the rail bodies that have raised objection (WMRE, WMCA, TfWM, Midlands Connect) are not statutory consultees. This status is held by Network Rail who the applicants have met and since attempted to reduce the potential areas of conflict on a site where there is no certainty regarding the alignment of the Chords or their delivery. To emphasise Network Rail have not objected. The above transport bodies have also referred to a number of strategic documents that support an enhanced rail system, however whilst they may be considered to be material considerations as they support the wider intent to deliver the Chords they are attributed little weight as they do not form part of the development plan.
- 6.27 There is an expectation from the rail bodies that Network Rail or Midlands Connect can provide assurance that the proposed development will not prevent or compromise the construction or operation of the South West Chord. However neither can do so as, to reiterate, the alignment of the route has not been defined and the associated land take required is unknown. There is also the request to defer a decision on this application until the alignment of the South West Chord is known. However The Camp Hill Chords are not a committed scheme, the process to deliver consent has not begun and, if it becomes a committed scheme, the definitive alignment of the Chord is unlikely to be known until 2023. The applicants have been asked for their view regarding a planning condition attached a permission that that seeks to restrict the sequencing or phasing of the development, with Blocks A, C and E, coming forwards later in the construction programme, to maximise the time available to define the alignment of the Chord. They have responded by submitting a supplementary financial viability assessment and comment, *"In this context, a scenario, whilst in our view highly unlikely, could exist where ultimately the route of the Chord sterilises Blocks A, C and E (rather than there being a possible temporary*

restriction on their construction). As long as this risk remains, which is introduced by the condition, it is therefore necessary for the updated viability assessment to consider a scenario where Blocks A, C and E are never constructed rather than simply their development coming forwards at the end of the construction period (but without any pause in that construction). The update to the viability appraisal confirms that any restrictions on the phasing secured through a condition could result in the scheme becoming unviable, as described above. Not only would such a condition be unnecessary, as Network Rail has not raised any objection with the scheme, but it would be unreasonable if its effect would be to allow for a situation where the scheme would be unviable; with an impact on the affordable housing / employment provision.” The supplementary financial viability has been independently assessed and comes to the same conclusion.

- 6.28 With no certainty regarding the route alignment, no committed funding, no land safeguarded by Policy and no further information from Network Rail regarding potential land take for construction or operating purposes, there is little evidence to indicate that the current proposals for development would definitely prejudice the delivery of the Chords. Therefore whilst there is only potential conflict with BDP Policy TP41 and the emerging objectives of the Bordesley Area Action Plan greater weight is given to those policies that support redeveloping this site as highlighted above.

Proposed Retail (A1, A2 and A3), Office Uses (B1) and Non Residential Institutions (D1)

- 6.29 Notwithstanding Policies GA1.1 and GA1.3 that support the proposed mix of uses it should be acknowledged that the site is located outside of the City Centre retail core. Policy TP21 seeks to support the vitality and viability of the existing retail centres by guiding main town centre uses such as the proposed retail, office and community facilities falling within a D1 use class (some of which are defined as main town centre uses) towards the existing hierarchy of City, district and local centres.
- 6.30 Policy TP21 requires applications for main town centre uses to satisfy the requirements set out in national policy and be subject to a retail impact assessment. However, importantly in this case, even if all of the proposed commercial floorspace were to be used for retail and/or office uses it would total 1,480sqm and would therefore be below the 2,500sqm threshold to require an impact assessment as set out at NPPF Paragraph 89. Plus Policy PG1 states that there is also a target for a minimum of 745,000sqm office floorspace to be provided in the network of centres, primarily to be focussed in the City Centre.
- 6.31 Based on the 480 homes that are proposed, the applicants estimate that there would be a residential population on site of approximately 770 people. This number would increase to approximately 800 to 1,000 people with the addition of workers plus there would be guests at the 167 room hotel. As such the applicants consider that the proposed retail provision would meet the needs of local residents workers and visitors.
- 6.32 With respect to B1 office use the applicants consider that they would provide suitable and flexible work space to meet the needs of businesses in the local area. There would be an emphasis on the creative and digital business which are a focus for Digbeth, and on providing workspace which is affordable for industrial, office or artistic based industries and businesses with both permanent, hot-desking and co-working facilities. The applicants have advised, the space is primarily anticipated to be occupied by SMEs and microbusinesses in line with the Digbeth Creative Quarter,

and there is the aspiration for this site to become a flourishing creative and cultural hub.

- 6.33 Whilst it is acknowledged that a formal sequential test for the proposed town centre uses has not been submitted the NPPG acknowledges that local planning authorities need to be realistic and flexible in applying the test. It is considered that by virtue of the scale of the proposed commercial uses they would comply with the revised NPPF and Policy TP21, insofar as they would be proportionate to serve the needs of the development and local area. They would be complementary and ancillary to the development and would not create a standalone centre that would compete with the core retail area of the City Centre. Instead, the proposals would deliver local services and facilities that would meet the day-to-day needs of local residents and workers in the area enhancing the sustainability of the development. Furthermore it is considered that the proposed commercial and community uses would promote a sense of place and contribute to the long-term vitality of the development by increasing footfall within the site, encouraging activity throughout the day and animating the ground floor facing Camp Hill, Coventry Road and Bedford Road.
- 6.35 In order to ensure that the proposed commercial uses remain ancillary the applicants have advised that the largest single unit would be 387sqm (GEA). A condition is attached to restrict the overall commercial floorspace and the largest possible single commercial unit on this basis.

Proposed Hotel Use (C1)

- 6.36 A hotel is proposed within Block B and would provide 167 rooms. Again according to the NPPF a hotel is a main town centre use that should, in Policy terms, be located within the City Centre retail core or a district or local centre.
- 6.37 In response the applicants have submitted a Hotel Demand Report that concludes that there is a need for a hotel at the edge of the City, and that the provision of a hotel would serve a growing demand from the increasing digital, TV, and arts companies and meet a gap in the current offer.
- 6.38 From a local policy perspective the site is within the City Centre Growth Area as allocated under Policy GA1. Furthermore TP25 supports proposals which reinforce and promote Birmingham's role as a centre for tourism, culture and events and as a key destination for business tourism. The Policy further states that the provision of supporting facilities such as hotels will be important and that well designed and accessible accommodation will be supported. Saved Policy 8.19 of the Birmingham UDP also encourages the provision of additional hotels in order to provide a balanced range of hotel bed spaces, subject to local planning, amenity and highway considerations. Finally The Curzon HS2 Masterplan highlights support for the provision of 60,000sqm hotel space.
- 6.39 It is therefore considered that there is sufficient reason to support a hotel at this out of centre location.

Proposed Residential Units

- 6.40 BDP Policy GA1 confirms that residential development will continue to be supported where it provides well-designed good quality living environments. The Strategic Housing Land Availability Assessment (SHLAA) (2018) also highlights the importance of windfall sites as a source of housing in Birmingham, and anticipates 4,700 homes being delivered on windfall sites over the period 2018 to 2031.

- 6.41 BDP Policies TP27 and TP28 explain where new housing development should be located in order to create sustainable places. In this case the site is in a sustainable location with good access to infrastructure and services, including by public transport, walking and cycling. The site is not within an area at risk of flooding, and the development would not be subject to any serious physical constraints. The impact upon heritage assets is discussed later in the report. Notably the reasoned justification to Policy TP28 advises that a minimum of 80% of homes are expected to be on previously developed land.
- 6.42 Referring to the list of proposed uses it is recognised that the site is within the boundary of the City Centre Growth Area which is to be the focus for future retail, office, residential and leisure activities. It is considered that the scale of the proposed commercial uses is, subject to conditions, appropriate at this location whilst the proposed residential development would be acceptable in principle at this highly sustainable location with good access to public transport links.

Housing Density and Mix

- 6.43 Policy TP30 of the BDP states that new development should seek to deliver a range of both market and affordable dwellings to meet local needs and support the creation of mixed, balanced and sustainable neighbourhoods and should take account of the SHMA, current and future demographic profiles, the locality and ability of the site to accommodate a mix of housing, and market signals and local market trends. It also identifies that high density schemes will be sought in the City Centre.
- 6.44 The proposed mix is as follows:
5 x 1 bed studios (1%);
224 x 1 bed apartments (47%);
209 x 2 bed apartments (44%);
30 x 3 bed apartments (6%);
12 x 4 bed townhouses (3%).
- 6.45 The proposed size mix would not directly replicate the aspirations noted within the BDP providing a higher proportion of one- and two-bedroom homes. However the development mix proposed responds to the location of the site within the City Centre where there is a need to make the most efficient use of land and significantly boost the supply of housing to meet identified needs and address the housing shortfall.
- 6.46 Notwithstanding this, the development would also deliver a significant element of larger homes, including townhouses, which would ensure a range of accommodation types and sizes are available on the site to provide choice.
- 6.47 Given the significant scale of housing need in Birmingham and the circumstances of the site, the development mix proposed is appropriate to the site's City Centre location, including taking account of local needs and relevant policy provisions to create a balanced and vibrant development.
- 6.48 The more recent Birmingham Housing Market Assessment Strategic Growth Study (2018) reviewed options to meet needs across the housing market area and refers to building new housing at higher densities as an important component in addressing the shortfall of housing across the housing market area. Paragraph 123 of the NPPF advises that where there is an existing shortage of land for meeting identified housing needs, it is especially important that decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site.

- 6.49 The site is within the City Centre and the proposals would result in a residential density of 282dph on the site. The minimum density according to TP30 is 100 dph within the City Centre.
- 6.50 The density of the development reflects the highly sustainable location of the site with access to a range of services and facilities together with public transport options in close proximity. The site is within easy walking distance of Digbeth High Street, as well as the City Centre and associated facilities and rail services from New Street and Moor Street Stations. There are bus stops within 100m and 300m of the site served by a variety of routes to a range of destinations, and a future extension of the Midland Metro tram is in development with a stop planned less than 400m from the site, further enhancing access. In addition the proposed homes have been designed to ensure a suitable standard of amenity for future occupiers, and all would meet the Nationally Described Space Standards. Therefore the proposed density of residential development is also considered appropriate.

Scale, Layout & Design

- 6.51 BDP Policies PG3 and TP27 expect development proposals to create sustainable neighbourhoods and demonstrate a high design quality, contributing to a strong sense of place. The existing building dominates the site's footprint and as a result, has no permeability, isolating itself from the local context. In contrast, the proposed layout comprises of perimeter blocks and a clear walking route through the site allowing connections within the site and beyond.
- 6.52 A new plaza is proposed to the north of the site with seating and soft landscaping to invite people into the development and the space. This would link through the site to the hotel in Block B, the commercial frontages to Block C and the businesses within the existing railway arches. The plaza would be strategically positioned so it is clearly visible from the Camp Hill (B4100) highway with its edges activated by commercial frontages. Permeability would also be created via a new street running west to east through the site linking Camp Hill and Bedford Road, overlooked by residential apartments and half of the proposed town houses.
- 6.53 A further area of public space is provided to the south east of Block C at the junction of the new internal street and two further areas of space are provided at the south of Blocks D and E to provide more space to the listed church on the opposite side of Trinity Terrace. In addition to these public spaces the blocks would be arranged to provide two private courtyard spaces for residents, one to the north and one to the south of the new road.
- 6.54 The applicants have indicated that the development would provide 2,524sqm of publicly accessible space (including the two courtyards). Two areas of private gardens for the town houses totalling just less than approximately 999sqm are proposed and also an internal terrace on the 23rd floor of the tower measuring 193sqm.
- 6.55 In terms of the built form the taller blocks are positioned to the north of the site, to take advantage of views across Birmingham and to allow daylight into the plaza and the private courtyards. The proposed massing generally steps down, from 26 storeys to the north (Block A), to 3 to 4 storeys (Block G) to the southern part of the site towards the listed Holy Trinity church. Variation in height is provided to reduce the massing of the development and to provide interest and distinctiveness. The layout would also reinforce Trinity Terrace as a residential street with a row of townhouses (Block G) overlooking the highway.

- 6.56 Block A – This would provide a 26 storey tower and therefore the High Places SPG (2003) is a material consideration. This SPG provides policy design guidance for buildings of over 15 storeys particularly with respect to their location, form and appearance. The policy guidance directs tall buildings towards the defined City Centre ridge zone, key arrival points or other specific locations considered appropriate within the SPG. The application site is not at any of the above locations; however it is also outside the zone of restricted height, as recognised in the Big City Plan that is a more sensitive area where heights are more carefully controlled. As such there is no policy presumption against a tall building at this site.
- 6.57 Outside of the defined locations highlighted above the High Places SPG advises that each proposal will be considered on its merits, however a tall building should be of the highest architectural quality with particular attention given to its top. In this case Block A would have a distinct character resulting from its staggered footprint that would break down its massing and providing articulated and slender façades when exiting the City and from Camp Hill. Particular attention has been paid to the crown by the addition of metal fins to distinguish it from the lower storeys and by providing double height amenity spaces at the top meaning that the structure would be a recognisable form and a positive addition to the skyline.
- 6.58 The elevations to the remainder of the block are emphasised vertically due to the regimented layout of the windows, some of which would have metal panels to the side, and protruding surrounds to provide more definition within a brick clad frame to the building. A double storey height base is proposed to the bottom of the Block under a metal canopy that would accommodate the residential lobby area and commercial floorspace.



- 6.59 Secondly, tall buildings should respond to the local context. In this case the site is opposite the Southern Gateway Wider Area of Change, as identified in the BDP where significant transformation leading out from the City Centre core is anticipated. The development of Beorma, Lunar Rise and Connaught Square are evidence of this, and they will all be identified by tall buildings. It is therefore considered that an extension to this area of transformational change is appropriate, particularly adjacent to Camp Hill (B4100) a strategic route out of the City Centre. It would also provide a landmark at the junction of Camp Hill and Coventry Road and mark the route of the existing railway line into Moor Street Station. It is therefore considered that the principle of locating a tall building on this site is an acceptable exception, and in accordance with the SPG. Further discussion with respect to the impact upon heritage assets is considered later in the report.
- 6.60 The SPG also advises that tall buildings must not have an unacceptable impact on the local microclimate. A Pedestrian Level Wind Microclimate Assessment has been submitted showing proposed mitigation measures via screens and/or planting, details of which would be required by condition. In addition a shadow, sunlight and daylight analysis shows there would be an acceptable amount of sunlight to the adjacent Blocks within the site and it is noted that there are no immediate adjacent residential occupiers outside of the site.
- 6.61 Next, the SPG advises that opportunities should be taken to create new pedestrian routes that are overlooked, and to reinforce existing routes by fronting them with a lively mix of uses accessed directly from the public realm. The proposed scheme would strongly adhere to this guidance by providing clear walking routes through the site that would be overlooked by animated commercial uses. The proposed ground floor would accommodate two commercial units in addition to the residential entrance and cycle store resulting in a ground floor layout that would be dominated by active uses
- 6.62 The SPG states that tall buildings must comply, in terms of height, with the Civil Aviation Authority's Aerodrome safeguarding criteria. The Airport has raised no objections in this respect but have however requested a crane management plan.
- 6.63 Next it is advised that the impact of tall buildings on the local transport infrastructure and particularly public transport needs to be carefully evaluated. This is discussed further in the highways paragraphs of the report.
- 6.64 In response to the policy guidance that tall buildings must be safe the applicant has advised that the design has been developed with specialist input from structural engineers and fire consultants to ensure that the proposed scheme meets the necessary requirements.
- 6.65 According to the SPG tall buildings that include residential accommodation should be good places in which to live. It is considered that the proposed layout would provide a destination in its own right offering occupiers good connections to the wider area. The provision of high quality, dual aspect units allowing far-reaching views across the City is a key element of the design of the tower with the internal and external roof terraces giving 360 degree views from these amenity spaces. Additionally the apartments would all over look existing highways, proposed amenity areas or the proposed external private amenity courtyard areas providing suitable outlook to occupiers. Finally all of the apartments would meet national space standards.
- 6.66 However there is also the internal arrangement of the building to consider and the impact upon light and outlook. Block A would have an unusual footprint whereby

three rectangular shapes are joined in a staggered formation. This eases the separation distance between Block A and Block C however there is one particular point where the separation distance reads approximately 12m. However the affected and closest window in Block C is not a principal window as it is the smallest of three windows providing light to a kitchen/diner. Plus this is a City Centre location where densities are expected to be higher to make the best use of previously developed land in sustainable locations. Whilst the distance does not meet Places for Living guidance the amount of overlooking is considered to be acceptable in this case. The separation distance then increases to approximately 14m and for the same reasons as above is considered acceptable.

- 6.67 Finally the High Places SPG indicates that proposals should be sustainable. The sustainability of the location and with regards to the construction of the buildings are discussed later.

Proposed Design of Remaining Blocks

- 6.68 The site is currently occupied with one to three storey warehouse buildings. In addition to Block A at 26 storeys there would be another six Blocks (B to G), and the massing of these remaining Blocks reduces from the north to the south of the application site.
- 6.69 Block B - on the western side of the site facing Camp Hill the existing warehouses are mostly composed of brick facades and metal windows within a strong gridded pattern with large areas of metal framed windows breaking the brick elevations. Block B, the proposed 167 room hotel reaching 8 and 7 storeys in height uses metal in its detailing, referencing the fenestration of the past buildings on the site. The main material of the building is red steel and red ceramic panels with the colour taking inspiration from some of the existing warehouses in Birmingham and the adjacent Conservation Area.
- 6.70 The north and west elevations would be recessed at the base to create a sheltered entrance and possible outdoor seating attached to the ground floor restaurant. The top floor of the southern end of the building would be one storey lower to step down the massing of the building whilst the top two floors of the southern part would be recessed to front and rear to create a terrace for a few executive rooms. As the only stand-alone hospitality building on this site, it takes on a language distinct from the other buildings.
- 6.71 Block D - again fronting Camp Hill the next building is Block D, an apartment block reaching 5 storeys in height and dropping down to 4 storeys. The lowered height at the southern end is to retain a direct view towards the listed church. The taller part would be brick clad and the smaller metal clad, again to break up the frontage and massing. The windows have been grouped together based on the flat types on each floor, which would also create a strong gridded façade pattern. Balconies are proposed to the larger windows to all facades to provide additional amenity, add interest and overlook the public and private amenity areas.
- 6.72 Along the railway and Bedford Road side of the site, the existing buildings present a face of corrugated metal and brick to the street, a character that the new buildings seek to replicate at the roofline. The height of the two Blocks facing the railway arches would vary between 10 and 7 storeys.
- 6.73 Blocks C and E – closest to the tall building is Block C reaching a height of 10 storeys, stepping down to 8 storeys before turning through 90 degrees to face the

new internal road at 4 storeys. The Block has a double storey height base to accommodate the full commercial frontage to Bedford Road and the top two storeys would be clad in metal to contrast with the lower brick storeys to break up the massing and make reference to the previous industrial use. A subtle detail is the inclusion of a small horizontal recess between the brick and metal storeys to define the upper layer.

- 6.74 Block E - very similar in design to Block C it would be part 9 part 7 storeys. Containing one unit of commercial floorspace the remainder of the ground floor would be used for parking and an energy centre. The proposed step down in height and contrast in materials would again break up the massing of the Block. Metal balconies are proposed to these two blocks to add interest.
- 6.75 Blocks F and G – these blocks comprise of two terraces of six townhouses, Block F 4 storey and Block G 3 storey. The asymmetrical roofline and metal clad top storey echoes that of the previous industrial use whilst the staggered layout of Block G would complement the buttressing of the Church opposite. It is considered that the scale of Block G combined with its position which, at its closest point, would be sited approximately 8m from the back of pavement to Trinity Terrace would provide a more open aspect to the Church.
- 6.76 The layout of the Blocks provides for generous private courtyards with a minimum separation distance between the hotel at Block B and the residential apartment at Block C of approximately 15.5m extending to approximately 34m. The proposed internal road running west to east through the site would also provide a distance of approximately 15m between facing residential units of Block C and Block F. Meanwhile the second private courtyard would provide approximately 38m and 41m between the windows of facing residential units. These distances are considered to be generous at this City Centre location.
- 6.77 It should however be acknowledged that there are 9 apartments (3 within Block D and 6 within Block E) that have bedrooms facing blank gable walls to the townhouses at distances of between approximately 5.5m and 6.5m. Whilst this is not ideal this is because of the re-siting of Block E, due to the proximity to the Camp Hill Chords, and it is a relationship that would be created between new unit to new unit, rather than creating an adverse impact upon an existing residential occupier. Notably paragraph 123 of the NPPF states that when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site, as long as the resulting scheme would provide acceptable living standards. In this case the rooms affected are bedrooms rather than living rooms or kitchens with only 9 out of 480 apartments affected. On balance it is considered acceptable in order to provide as much space as possible for the Camp Hill Chords.

Impact Upon Heritage Assets

- 6.78 BDP Policy PG3 expects development proposals to respond to site conditions and the local area, including heritage assets. Policy TP12 relates to the historic environment and the consideration of impacts arising as a consequence of development proposals. It advises that heritage assets will be valued, protected, enhanced and managed and that proposals affecting the setting of designated and non-designated heritage assets will be determined in accordance with national policy. Furthermore in accordance with Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 the local planning authority should have special regard to the desirability of preserving listed buildings and their settings.

- 6.79 The Grade II listed Holy Trinity church lies to the south of the application site and is the earliest surviving gothic revival church in Birmingham. It is in the 'Perpendicular Style' of the early gothic revival with a distinctive roofline of tall pinnacles and is a prominent, landmark building which is visible in the immediate and wider townscape. The now vacant church was deconsecrated in the 1970's, has in the past been used as a hostel and has been much altered internally.
- 6.80 The boundary of the Digbeth, Deritend and Bordesley High Streets Conservation Area encloses land to the north on the opposite side of Coventry Road, and extends north west encompassing the historic industrial area of Digbeth. The proximity of the Conservation Area allows inter-visibility between the heritage asset and the application site. Closest to the application site, the Conservation Area includes few historic buildings although it does include the former District and Counties Bank at No. 123 High Street, Bordesley, located approximately 80m to the north. This building is locally listed building (Grade B) and now forms part of The Vault Business Centre.
- 6.81 Beyond the application site and outside of the Conservation Area there is also the Clements Arms Public House, another Grade II listed building.
- 6.82 Due to the scale of the development, including the 26 storey tower, and the number of heritage assets in close proximity to the application site the consideration of the proposed development should assess the:
- Impact on the setting of the listed church;
 - Impact on the setting of the conservation area; and
 - Impact on the setting of other listed and locally listed buildings
- 6.83 Impact on the setting of the listed church - The church is a prominent, landmark building which is visible in the immediate and wider townscape. The setting of church has been much altered over the years following the clearance of adjacent housing and the introduction of new road systems and it now sits within an area of fragmented and poor quality townscape. It is clear that whilst the existing modern buildings on the application site are of limited architectural or historic interest, their low to moderate scale allows for the architectural qualities of the church to be appreciated and retain elements of setting that are significant, most notably its prominence in the surrounding townscape and sense of place determined by a number of views which clearly set the church in its immediate and wider context.
- 6.84 The Heritage Statement which accompanies this application correctly identifies the church as having a landmark function and mentions that the drama of the roof line of high pinnacles would remain unimpeded by the new development. It is accepted that this is the case in views of the church from the south and west however one of the principle aspects from which the church is experienced is on the approach from Digbeth High Street to the north moving south into Camp Hill. From a number of vantage points the church is experienced as the dominant building in this approach due to the rise in topography and its elevated position. It is apparent that this dominance would be impeded by the introduction of proposed blocks A, B and C along Camp Hill as, by way of scale, these blocks would compete with the church and, despite the stepped set back approach, there is reduced visibility of the church including a lost view of the two pinnacles to the rear elevation. The experience of the church and its prominence on this approach is therefore interrupted by the development and officers cannot agree with the applicants that this view is unimpeded. The impact on the experience of the church from these impeded views would therefore cause harm to the setting of the church.

- 6.85 Views of the church from the railway viaduct are also important and the church is a prominent building in views entering into and leaving Birmingham to the south. Whilst the church pre-dates the railway and would not have been designed to have been appreciated from this aspect it is still considered to be a firmly established historic view experienced by a large number of people travelling to and from the City. On the approach to Birmingham from the south the scale of the development adjacent to the railway is significant and would be highly visible in views of the church. Travelling out of Birmingham the church is highly visible to the west and the development would significantly impact on these views. The prominence of the church and how it is experienced would therefore be impacted on by way of the scale of the development and therefore cause harm to the setting of the listed church.
- 6.86 Whilst it is clear that harm will be caused to the setting of the church the massing strategy as identified in the Design and Access Statement shows that the height of the buildings would gradually drop towards the church. In terms of mitigating harm this is an acceptable approach, as is illustrated by siting the lower scale townhouses on Trinity Terrace. The heights of Blocks D, E and G make use of the drop in topography along Bedford Road whilst the tallest element of the scheme (Block A) would be located at the northern edge of the site, so that the church would not be over shadowed. Furthermore the tower would be set back from the street edge to establish an important viewing corridor from within the site between Blocks B and C framing the church. Plus the top two floors of Block B, the hotel, would be partially recessed to draw people's eye towards the church whilst the southern part of Block D steps down in level to enhance this view.
- 6.87 Another element of the scheme that go some way to reduce the level of harm is the reinstatement of a residential street frontage to Trinity Terrace. The townhouses at Block G would introduce a more subservient domestic scale closest to the listed church and allow for the church to retain an element of dominance in its immediate setting. Reintroducing a street frontage to Trinity Terrace also connects this part of the development to the church and provides a more purposeful relationship than currently exists. An area of public realm would be created on the corner of Trinity Terrace and Camp Hill to provide more space and separation between the church and the new development. Plus the townhouses also have some architectural and historic response to the church as the floorplates would be staggered and the plots would have pitched roofs to complement the rhythm of the buttressing of the church opposite. These details are considered to be an improvement to the existing buildings on site.
- 6.88 It is appreciated the overall design and layout of the scheme has been modelled so as to reduce the impact on the setting of the church, however the proposed scheme still has an overall harmful impact on the setting of the church caused by the loss of or reduction in the quality of a number of views of the church. Harm to the setting of the church is also derived from the scale of the development which will impinge on the ability to experience the church as a prominent building in this setting.
- 6.89 Impact on the setting of the conservation area - The close proximity of the application site to the boundary of the Digbeth, Deritend and Bordesley High Streets Conservation Area determines that it forms part of the setting of the conservation area. Due to the scale of the proposed development there will be some inter-visibility between the site and the Conservation Area and the issue here is whether the development can be considered to cause harm to setting of the Conservation Area. The setting of the Conservation Area shows a change in urban grain towards its southern boundary through the amalgamation of plots, and loss of enclosure through road widening, gap sites and car parks. The existing application site containing poor

quality 20th century industrial buildings makes no positive contribution to its existing setting and contributes little to the significance of the historic asset. For some parts of the Conservation Area the scale of the development could be considered to cause a level of harm, particularly taking account of the proposed 26 storey tower. However noting its City Centre location and associated varied city scape it is considered that the proposed tower would reflect the characteristics of a narrative of tall buildings along Digbeth High Street that are either under construction, or consented. The west side of the High Street, although outside the Conservation Area boundary, is part of the area identified in the Draft Rea Valley Urban Quarter SPD which will potentially form part of a changing and developing townscape within the setting of the Conservation Area. When considered in this context the tower would relate better to this emerging townscape and would be clearly distinguishable from the identified historic character of the Conservation Area.

- 6.90 Having considered Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 it is concluded that there would be no effect on the historic fabric or primary characteristics of the Conservation Area and acknowledging that the existing buildings on the application site offer little in the way of a positive contribution to the setting of the Conservation Area the level of harm is considered to be minimal.
- 6.91 Impact on the setting of other listed and locally listed buildings - Due to the proposed scale of this development, particularly the blocks along Bedford Road and the tower on the corner of High Street, Camp Hill and Coventry Road, the scheme would have some impact on the low scale listed and locally listed buildings located to the north of the site beyond Coventry Road. At present the buildings on Coventry Road are low scale, with the railway viaduct and church more dominant structures. Although the application site is separated from these buildings by the railway there would be a level of inter-visibility between them and therefore the proposed development could be considered to form part of the wider setting of these heritage assets. There is a greater degree of inter-visibility between the proposed development and the locally listed building at 123 High Street, particularly the tower element, and the development is considered to form part of the immediate setting of this building.
- 6.92 At present these buildings are experienced in a low scale townscape setting and therefore the introduction of a much larger scale development into the townscape setting would have an impact on these heritage assets. The Heritage Statement correctly identifies the new development as a prominent addition to the skyline above the viaduct when viewed within the context of the setting of the heritage assets on Coventry Road and High Street and suggests that the proposed development would not result in any harm to these assets. Conservation Officers disagree due to the scale of the development, particularly the 26 storey tower. That said, acknowledging that both the buildings on Coventry Road and at 123 High Street currently exist within a context of a relatively poor townscape the level of harm would be less than substantial.
- 6.93 The proposed development would cause some harm to the setting of the listed church, the setting of the Conservation Area and the setting of the other identified listed and locally listed buildings. However the applicants have sought to reduce this harm to the listed church by reducing the scale of the development towards the church and addressing the siting and design of the townhouses at Block G. Therefore taking the level of harm separately in relation to the different heritage assets and cumulatively the level of harm would be less than substantial as defined by paragraph 196 of the NPPF.

- 6.94 According to Paragraph 196 of the NPPF where a development will lead to less than substantial harm to the significance of a heritage asset, this harm should be weighed against the public benefits. In this case they are considered to be the economic benefits of bringing people and commercial floorspace to this site in the short and long term. Benefits to the public realm both directly on site via the public plaza and by activity at street level and also by providing a high quality development with a landmark tower that would deliver much needed housing at a sustainable location. As such these public benefits are considered to outweigh the less than substantial harm to the heritage assets.
- 6.95 The Archaeological Assessment forming part of the submitted Heritage Statement notes that the site does not lie within an Archaeological Priority Area although it is to the south of the known extent of medieval growth at Digbeth. It finds that the potential for prehistoric or early historic remains on the site to be nil and while any chance finds that may be present and which have survived earlier 19th and 20th Century works on the site would add to the known record, it is unlikely that in situ undisturbed remains are present. Any remains that were covered in the course of future works would be of local importance and low significance and as such, further archaeological investigation would be unwarranted.
- 6.96 Last year the proposals were presented to members of the Conservation Heritage Panel. Regarding the setting of the church, the panel members felt that it could become part of the public realm but considered that increasing height towards the north part of the site, away from the church, was a sound approach. It was suggested that the development should make more of a connection to the listed church and its relationship to the Conservation Area should be considered further. Noting changes to the Conservation Area with other tall buildings coming forward in the vicinity members considered there to be an argument for tall buildings along the High Street. The provision of public realm at the base of the tower was considered to offer an opportunity to create new space at the edge of the Conservation Area. The railway bridge was noted as the highest point in the Conservation Area and should be responded to in the proposed design. Following the review, the architects produced a series of view studies to analyse the relationship between the proposed layout and the listed Church. The findings demonstrated that the view of the church could be seen at almost every angle from the site and the reinstating of terrace houses along Trinity Terrace also helped to make the listed Church more relevant to its surroundings.

Highways

- 6.97 The BDP identifies that high quality connections by road, rail, bus, walking, cycling and digital connections are vital to the City's future prosperity and social inclusiveness, and Policy GA1.4 supports measures to improve accessibility to and within the City Centre. Policy TP38 supports the development of a sustainable, high quality, integrated transport system, and Policies TP39 and TP40 promote provision of safe and pleasant walking environments. BDP Policy TP43 also advises that adequate provision for low emission vehicle charging infrastructure is encouraged, and the Car Parking Guidelines SPD notes that the Council is seeking to work with developers to include charging points for electric vehicles in new development where appropriate.
- 6.98 The application is supported by a Transport Assessment (TA) and a Framework Travel Plan which consider how access to the development will be provided and the potential for impacts on the local transport network.

- 6.99 The proposals would provide a total of 126 car parking spaces on site, of which 12 would have an electrical charging point, 12 would be disabled parking spaces and 20 would be allocated for hotel use only. This would leave a ratio of 22% for the residential occupiers. In addition there is the provision for the internal storage of 390 bikes spread between Blocks A, C, D and E.
- 6.100 The Transport Assessment highlights that the site is in a highly sustainable location which is well served by public transport and pedestrian and cycling facilities. It is within easy walking distance of Digbeth High Street to the north, approximately 1.2km from Birmingham Moor Street and 1.5km from Birmingham New Street Stations. Whilst offering limited services Bordesley Green station is also only 150m away. In addition to rail services, there are a number of bus stops within close proximity to the site at Camp Hill (B4100), Coventry Road, Bradford Street and Broom Street. There are also plans to extend the Midland Metro tram service via Digbeth High Street with a proposed stop at Adderley Street, less than 400m to the north west of the application site.
- 6.101 The Council's Car Parking Guidelines provides guidance on maximum car parking standards, minimum disabled parking and cycle parking standards across a range of uses. For sites in Area 2, such as the application site, a maximum provision of 1.5 spaces per dwelling is specified. However, the Guidelines also acknowledge that the circumstances of a particular scheme, including the size of dwellings, proximity of local facilities, availability of on and off-street parking, width of the highway, and the availability of public transport provision should be taken into account when determining the appropriate level of car parking to be provided. It is considered that, taking the location of the site into account together with the provision proposed in terms of vehicle and cycle parking, that there scheme would provide sufficient parking facilities.
- 6.102 Furthermore the TA has analysed the trip generation associated with the proposed development and concludes that the existing junctions would operate well within capacity, with no significant impact from the development to comply with national and local policies. BCC Transportation have raised no objections subject to conditions which are attached.

Noise, Vibration and Air Quality

- 6.103 BDP Policy TP37 seeks to improve quality of life within the City by reducing noise and improving air quality. The latter is also sought within the Bordesley AAP.
- 6.104 The original Noise and Vibration Assessment submitted as part of the application considers the:
- i. baseline sound environment currently existing at receptor locations within the Site and within the surrounding area;
 - ii. likely noise and vibration effects during construction and operation of the proposed development; and
 - iii. mitigation measures required to prevent, reduce or offset any likely adverse noise and vibration effects arising as a result of the proposed development.
- 6.105 The original Noise Assessment concludes that the dominant noise sources are road and rail traffic as a result of the Camp Hill a six lane highway, including bus lanes, aligning the west of the site and the railway line to the east.
- 6.106 At the request of officers from Regulatory Services the original Assessment was supplemented by the submission of the following documents:

- Additional Noise Monitoring – undertaken in September 2019 from a second location which overlooked the existing rail lines and where there was clear line sight of the tracks;
- Acoustic Façade Assessment – providing information regarding the likely sound reduction performance of the façade treatment/building envelope to ensure acceptable internal noise levels;
- Overheating Assessment – Explains the proposed measures to mitigate the risk of overheating including layout and orientation, canopies and window reveals and building services such as mechanical ventilation; and
- Ventilation Noise Assessment – the submission demonstrates that there are typical ventilation systems and silencers available that would result in acceptable internal noise levels.

- 6.107 The subsequent submissions have given particular consideration of the likely effects from the current railway line together with the effects of location additional tracks with a higher frequency of rail movements closer to the application site,
- 6.108 Construction noise predictions indicate that sensitive receptors may experience high levels of noise, however these predictions are based on worst case scenario that are representative of high periods of construction activity where, over the course of a working day, all plant are operational at all areas of all worksites. In reality, it is likely that the worst case noise levels would only occur for limited periods of time when plant are operational close to sensitive receptors. These are identified as Trinity Church which is currently vacant and residential units on the opposite side of Camp Hill or beyond the railway line. The Assessment proposes that Noise and vibration will be managed by a Construction Environmental Management Plan (CEMP), which would propose certain practical measures such as construction hours and the fitting of sealed acoustic covers to plant.
- 6.109 The post construction/operational phase assessments and studies demonstrate that suitable internal noise conditions would be achievable with suitable mitigation in the form of enhanced glazing together with appropriate ventilation and building envelope design. Notably these conclusions also refer to a post Camp Hill Chords scenario.
- 6.110 Ambient vibration is considered would be unlikely to be perceptible in the proposed development and would be below the level at which there is a low probability of adverse comment. Therefore no mitigation is considered necessary.
- 6.111 Following the submission of supplementary monitoring data and assessment Regulatory Services are satisfied that conditions could adequately address the matter of noise and conditions with respect to a CEMP, glazing specification, façade or building envelope specification and a mechanical ventilation specification are attached.
- 6.112 The whole of Birmingham is designated as an Air Quality Management Area and Policy TP37 seeks to improve quality of life within the City, including by improving air quality.
- 6.113 The Air Quality Assessment (AQA) submitted as part of the application considers air quality impacts both during construction and once the development is occupied. This confirms that while demolition and construction activity has the potential to result in dust emissions, mitigation through standard construction practices would ensure that there would be no significant impacts. This could be controlled through a CEMP condition.

6.114 The AQA is based on the occupation of the development in 2023 and once operational it has identified that the proposed development would not result in new public exposure to elevated concentrations of nitrous oxides or particulate matter as the predicted concentrations of all pollutants are below the relevant air quality objectives at all proposed receptors on-site. Furthermore it concludes that the development would be unlikely to affect the implementation of measures described within the BCC Air Quality Action Plan, which are aimed at reducing emissions on the busiest routes through the Borough. Therefore no additional mitigation measures are proposed. Regulatory Services are content with these conclusions subject to conditions to require a CEMP and to restrict first occupation to 2023 as per the basis of the AQA results.

Flood Risk and Drainage

6.115 The Site is located in Flood Zone 1 where there is the lowest risk of flooding. Notwithstanding this, Policies TP2 and TP6 require development to manage flood risk.

6.116 The submitted Flood Risk Assessment and Surface Water Runoff Management Strategy advises that the proposed uses would be compatible with Flood Zone 1, the risk of flooding to the site is low and the proposed development would not increase the risk of flooding off site.

6.117 A Sustainable Urban Drainage Strategy (SuDS) is proposed to be delivered to manage surface water run-off from the site using a combination of flow control devices and attenuation storage including permeable paving and geocellular storage. The Local Lead Flood Authority and Severn Trent Water have raised no objections subject to conditions.

Biodiversity, Ecology and Landscaping

6.118 BDP Policy TP8 identifies that development proposals likely to affect features of habitat or biodiversity interest must be supported by information to ensure that potential impacts can be fully assessed. The application has been submitted together with a Preliminary Ecological Appraisal including an extended Phase 1 Habitat Survey and bat emergence/re-entry and activity survey, a Tree Survey Report and an Arboricultural Impact Assessment.

6.119 Whilst the adjacent railway line is identified as a 'potential site of importance' for biodiversity the Appraisal identifies that the majority of the site provides negligible ecological interest, with no suitable habitat for protected species. This is largely due to the highly disturbed and exposed nature of the site and lack of vegetation which adds to the isolation of the site from any suitable wildlife habitat in the area. There was no evidence of bat activity on the site or in the surrounding area. However, breeding birds may be present and the Appraisal recommends that demolition or vegetation clearance takes place outside of the bird breeding season and that where possible trees and shrubs are retained. There would also be a requirement to prevent the spread of invasive species during redevelopment of the site.

6.120 Whilst the development would retain the 10m London Plane trees that align Camp Hill and are a feature of the site, the development would require the removal of three tree groups and one individual tree to the south of the site, however these are low quality (category C). The loss of these trees would also be mitigated by new tree planting, including the provision of 15m trees along the frontage to Coventry Road to mitigate the impact of wind plus, wider landscaping including a green wall/planter to

the south of Block G townhouses. As such there would be an increase in the quality, diversity and resilience of the local tree stock to the benefit of the area. Details of tree protection, tree retention, planting to secure biodiversity enhancing plants, to remove the existing invasive species from site and to restrict demolition outside of March to August are proposed to be attached.

- 6.121 In addition to the planting around the site, areas of green roof are proposed on Blocks C, D and E. The Council's ecologists note however that the proposed sedum roofs are not acceptable and should be designed to include variations in substrate type, height/depth and vegetation. A condition is attached to require details of green roofing so that it would provide biodiversity benefits to black redstart. In addition a condition is attached to require biodiversity enhancements in the form of bird and bat boxes.
- 6.122 Subject to the conditions outlined above the proposals would not result in adverse impacts on ecology or biodiversity but instead offer significant opportunity that would provide for new green infrastructure within this urban area.

Ground Conditions

- 6.123 BDP Policy TP6 advises that development will not be permitted where a proposal would have a negative impact on water quality including through pollution.
- 6.124 While the site has previously been in use for industrial purposes the submitted Preliminary Environmental Risk Assessment concludes that there would not be any constraint to development as a result of contamination, however further investigation of ground conditions should be undertaken once the site has been vacated. Furthermore remediation as part of construction works would ensure that there would be no adverse impacts upon future occupiers or the environment and such investigations and remediation is to be secured by conditions.

Sustainable Construction and Maintenance

- 6.125 BDP Policy TP1 seeks a reduction in the City's carbon footprint, and Policy TP2 also advises that the impacts of extreme weather and climate change should be managed. Policy TP3 requires new developments to reduce carbon dioxide emissions and natural resource and water consumption, and Policy TP4 further indicates that development should incorporate the provision of low and zero carbon forms of energy generation or connection to low and zero carbon networks where practicable and viable. As part of this, consideration should be given to the inclusion of Combined Heat and Power facilities or connection to an existing CHP network.
- 6.126 In response to this policy guidance the applicants have indicated that an extensive area search has been undertaken but it has not been possible to identify any existing or emerging heat networks for the site to be connected to. Policy TP4 says where a connection is not possible the first consideration should be given to the inclusion of Combined Heat and Power (CHP). A communal system powered by gas CHP is likely to reduce the energy use of a site when compared to a baseline of gas boilers or electric heating. The planning application therefore includes an on-site Energy Centre which would host the CHP unit for the entire development. In addition photovoltaics panels are to be located on the roof of Blocks C, D and E and all of the proposed external cladding materials are to be BRE Green Guide Rated A.
- 6.127 It is considered that there is sufficient consideration and adherence to the BDP climate change policies.

Other

- 6.128 According to the Canals and Rivers Trust records they suspect that the Bowyer Street canal feeder lies under the site or under Bedford Road. The applicants have investigated this statement in relation to the land within their ownership, re-considered all of their survey plans and cannot find record of the canal feeder within the site, only along Bedford Road and therefore conditions regarding its protection are not considered to be reasonable or necessary.
- 6.129 As requested by the BCC Employment Access Team a condition is attached to require a construction employment plan.
- 6.130 A Screening Opinion pursuant to Regulation 5 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 has been undertaken it has been concluded that the proposed development does not need an Environmental Impact Assessment (EIA).

Planning Obligations and CIL

- 6.131 The development proposed is above the threshold for planning obligations relating to affordable housing and public open space. With regard to affordable housing, Policy TP31 seeks 35% affordable homes on developments of 15 dwellings or more. Furthermore in accordance with Policy TP9 and the Public Open Space in New Residential Development SPD BCC Leisure Services have requested a contribution of £964,275.
- 6.132 Requests for S106 contributions have also been received from BCC Transportation, BCC Education (£1,414,262) and the Canals and Rivers Trust towards improving signage and the accesses onto the canal towpath at Coventry Road and Lawden Road.
- 6.133 Where, as in this case due to the financial viability of the proposals, an applicant considers that a development cannot meet the policy requirements regarding affordable housing or public open space the application is accompanied by a financial viability assessment that is tested independently. The submitted assessment concludes that a negative profit would be produced by the scheme and therefore the applicants have offered to provide 10% affordable housing on site in accordance with Paragraph 64 of the NPPF. Noting the location of the site which lies within the BDP City Centre Growth Area, within the boundary to the Curzon Masterplan, close to the Digbeth Creative Quarter, the loss of employment land and the demand in the area for start-up business space notwithstanding this offer officers are keen to secure some affordable workspace.
- 6.134 It is therefore considered appropriate in this instance to provide 5% affordable housing on site (i.e. 24 discount market residential units on site), and re-assign the remaining funds to provide the commercial units at a reduced rent of 50%.
- 6.135 Unfortunately there is insufficient profit available to provide contributions towards the remaining items listed above, and noting the ratio of smaller 1 and 2 bed units rather than family accommodation together with the significant proportion of open space within the development this is considered appropriate.

7. Conclusion

- 7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 advises that the determination of a planning application shall be made in accordance with the development plan unless material considerations indicate otherwise. In this case there are however many strands within the development plan that pull in different directions and therefore it is necessary to consider and balance the conflicting issues.
- 7.2 First there is the loss of employment land and the conflict with Policy TP20. Next there is the less than substantial harm to surrounding heritage assets with such harm conflicting with Policy TP12 of the BDP. However consideration should also be given to those policies that promote redevelopment; PG1 supports significant levels of housing, employment, office and retail development within the BDP Plan period. PG2 promotes the City and supports development and investment that would raise the City's profile and strengthen its position nationally and internationally. Furthermore the site lies within the defined Growth Area where Policies GA1.1, GA1.2 and GA1.3 promote the re-use existing urban land through regeneration, renewal and redevelopment whilst The Curzon Masterplan also seeks to encourage growth in this part of the City.
- 7.3 The application site is a brownfield site in a sustainable location with the associated benefits of creating a community and delivering 480 new homes including a proportion of family and affordable housing in accordance with the objectives of Policies TP27, TP28 and TP30 of the BDP. The development would also provide a hotel alongside flexible affordable commercial floorspace designed to meet the needs of local businesses to accord with Policies TP24 and TP25. According to the applicants the development would add approximately 800 residents to the area contributing, approximately £4.4m per year to the Birmingham economy and a net increase in jobs once operational.
- 7.4 The scheme would also provide a development of high quality buildings with a landmark building that would make a positive addition to the skyline at this appropriate gateway to the City, provide connections through the site and beyond enhancing the public realm in accordance with Policy PG3.
- 7.5 Therefore in the planning balance the growth policies highlighted above due to the resulting public benefits would outweigh the conflict with the protection of employment land and the less than substantial harm to heritage assets.
- 7.6 However there is the emotive subject of the Camp Hill Chords and more specifically the provision of the South West Chord that could lie in close proximity to or intrude upon the application site. Policy TP41 and the emerging principles and objectives of the Bordesley Area Action plan support their delivery but there is such uncertainty regarding their delivery that whilst they are a material consideration the weight afforded to this Policy is less than the policies that support the redevelopment of the site when TP41 is considered on its own or cumulatively with the employment land and heritage protection land policies. To reiterate there is a lack of certainty regarding their implementation due to absence of committed funding, no safeguarded land within the BDP and no definitive route alignment or information relating to land take for construction or operating purposes. Hence Network Rail have not objected to the scheme. The applicants have revised the layout of the plans to potentially provide less conflict with the route if and when Chords come forward. As such there is little evidence to indicate that the current proposals for development would definitely prejudice their delivery and on this basis there is no robust reason to refuse or defer determining the current application.

7.7 Paragraph 38 of the NPPF advises that local planning authorities should approach decisions in a positive and creative way and work proactively with applicants to secure development that would improve the economic, social and environmental conditions of the area. Furthermore paragraphs 10 and 11 explain that the presumption in favour of sustainable development is at the heart of national planning policy.

8. Recommendation

8.1 That consideration of the application 2018/09467/PA be deferred pending the completion of a Section 106 Agreement to secure the following:

- a) the provision of 24 units of 20% discount on market value affordable housing on site (11 x 1 bed, 11 x 23 bed, 1 x 3 bed and 1 townhouse);
- b) a reduced rent of 50% for the commercial units in perpetuity; and
- c) payment of a monitoring and administration fee associated with the legal agreement, subject to a maximum of £10,000.

8.2 That in the event of the planning obligation being completed to the satisfaction of the Local Planning Authority on or before 10th January 2020, favourable consideration be given to this application, subject to the conditions listed below

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

8.4 That, in the event of the above legal agreement not being completed to the satisfaction of the Local Planning Authority on or before 10th January 2020, planning permission be refused for the followings reason:

8.5 In the absence of any suitable legal agreement to secure the provision of on site affordable housing and affordable commercial floorspace the proposal conflicts with Policies TP31 and TP20 of the Birmingham Development Plan, the Affordable Housing SPG and the NPPF.

-
- 1 Whole Site - Implement within 3 years (Full)
 - 2 Whole Site - Requires the scheme to be in accordance with the listed approved plans
 - 3 Whole Site - Submission of Remediation Strategy
 - 4 Whole site - Restriction of total retail floorspace (A1, A2, A3 Uses)
 - 5 Whole Site - Restriction of largest unit of retail floorspace (A1, A2, A3 Uses)
 - 6 Whole Site -No Occupation of any residential Unit until 2023 (Air Quality Mitigation)
 - 7 Whole Site - Requires the prior submission of a sustainable drainage scheme
 - 8 Whole Site - Submission of a Construction Environmental Management Plan
 - 9 Whole Site - Tree Retention
-

-
- 10 Whole Site - Requires the implementation of tree protection
 - 11 Whole Site - Submission of Construction Employment Plan
 - 12 Timing of Demolition
 - 13 Development Zones Plan - Requires the prior submission and completion of works for the S278/TRO Agreement
 - 14 Development Zones Plan - Requires the Prior Submission of a Sustainable Drainage Operation and Maintenance Plan
 - 15 Development Zones Plan - Details of Hard and Soft Landscaping
 - 16 Development Zones Plan - Details of Materials
 - 17 Development Zones Plan - Further Architectural Details
 - 18 Development Zones Plan - Details of Bird and Bat Boxes
 - 19 Development Zones Plan - Requires the submission of a contaminated land verification report
 - 20 Development Zones Plan - Requires the submission of boundary treatment details
 - 21 Development Zones Plan - Provision of Photovoltaics
 - 22 Development Zones A, D and F as shown on Development Zones Plan - Provision of Photovoltaics
 - 23 Development Zones A, B, D, F & Car Park as shown on Development Zones Plan - Requires details of vehicular visibility splays to be provided
 - 24 Development zones D, E& F as shown on Development Zones Plan - Noise Attenuation between Ground Floor Commercial and Residential Uses
 - 25 Development Zones D, E& F as shown on Development Zones Plan - restriction on delivery hours
 - 26 Development Zones D, E& F as shown on Development Zones Plan - restriction on opening hours
 - 27 Each development Zone as shown on Development Zones Plan - Requires the submission of Glazing Specification based on submitted noise reports
 - 28 Each development Zone as shown on Development Zones Plan - Requires the submission of Mechanical Ventilation Specification based on submitted noise reports
 - 29 Each development Zone as shown on Development Zones Plan - Requires the submission of Façade Specification to residential units based on submitted noise reports
 - 30 Zone D as shown on Development Zones Plan - Provision of Energy Centre
-

-
- 31 Zone D as shown on Development Zones Plan - Requires the prior submission of a parking management strategy.
 - 32 Zone D as shown on Development Zones Plan - Electric Car Charging Points in Basement
 - 33 Development Zones A, D & F - Requires the submission of details of green/brown roofs
 - 34 Each Development Zone - Requires the submission of extraction and odour control strategy
 - 35 Requires the submission of a contaminated land verification report
 - 36 Limits the noise levels for Plant and Machinery
-

Case Officer: Julia Summerfield

Photo(s)



Looking Southwards at junction of Camp Hill and Coventry Road



Looking Southwards along Camp Hill towards Trinity Church

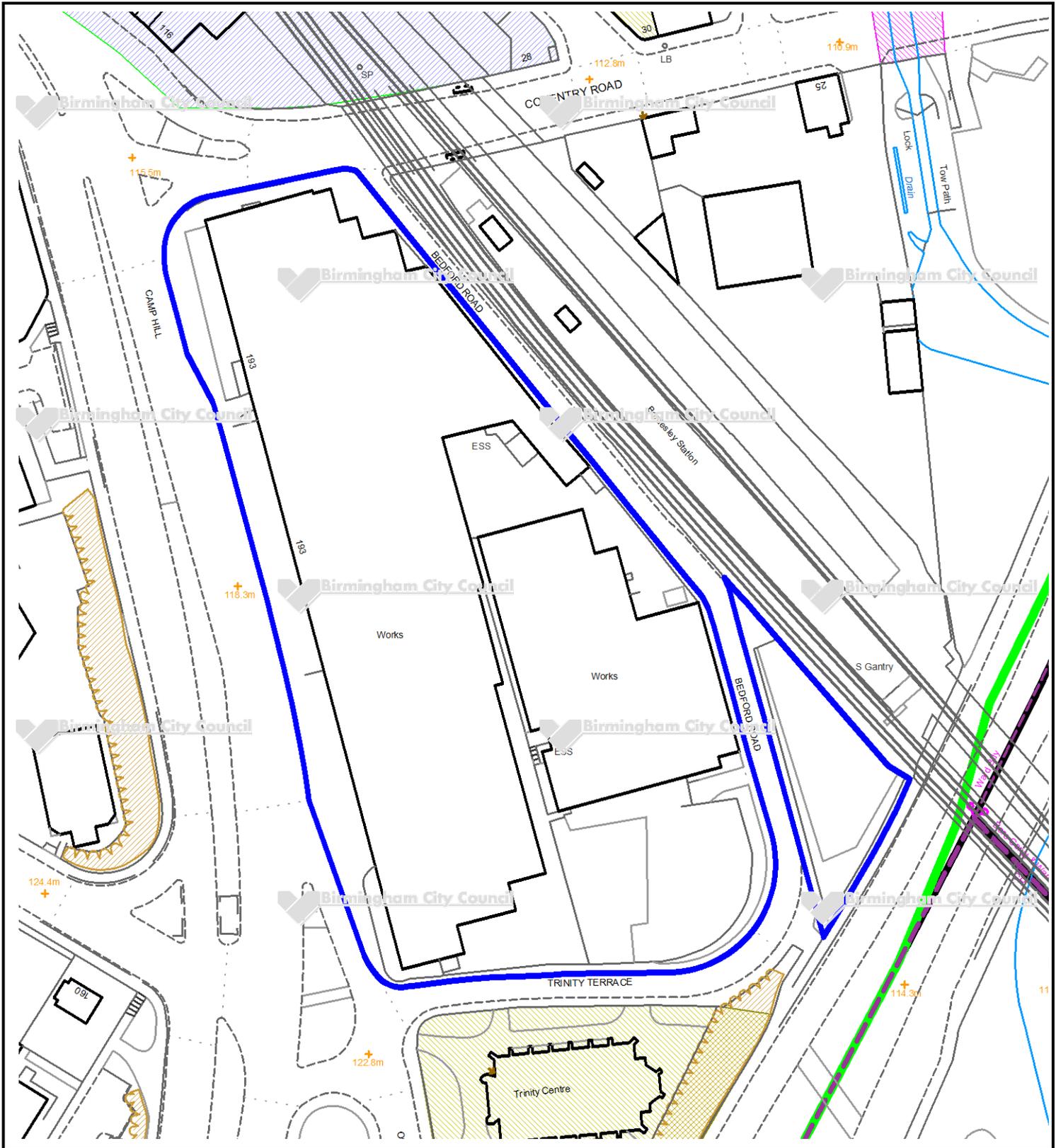


Looking Northwards where Trinity Terrace becomes Bedford Road



Northwards along Bedford Road, Existing Railway Line to Right Hand Side

Location Plan



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

Committee Date: 05/12/2019 Application Number: 2019/04424/PA
Accepted: 14/06/2019 Application Type: Full Planning
Target Date: 10/01/2020
Ward: Soho & Jewellery Quarter

Land at 65, 66 & 68 Caroline Street, 60 - 70 (evens) Regent Place & 18 Regent Parade, Jewellery Quarter, Birmingham, B1 3NJ

Change of use, alterations and extensions to existing buildings to provide 37 apartments and ground floor commercial B1/A1/A3 uses with associated works including demolition of courtyard buildings, erection of replacement 3 & 4 storey buildings, additional floors to 18 Regent Parade, 68 Caroline Street and retained courtyard building

Recommendation

Approve Subject to a Section 106 Legal Agreement

1. Proposal

- 1.1 The application relates to a site of 0.15 hectares within the Jewellery Quarter Conservation Area at the junction of Caroline Street, Regent Place and Regent Parade. The site is entirely covered with buildings and includes two Grade II listed buildings with an extensive range of outbuildings, 2 former town houses which have been significantly altered and a modern 3 storey office block. The application proposes the regeneration of the site by way of conversions, extensions and other alterations to provide 37 apartments and 6 ground floor commercial units.
- 1.2 The proposals for the site comprise 3 main elements namely retention and conversion of retained buildings, demolition of some courtyard structures and erection of new buildings/extensions as follows:-
- *Retention* - The existing buildings, on the site frontages to Caroline Street, Regent Place and Regent Parade would be retained, refurbished and restored and converted to new uses. This includes the listed building at 65 Caroline Street with its associated rear workshop wing at 18 Regent Parade and 60-70 Regent Place including part of its rear workshop range. Between these listed buildings sits Regent Court a modern 3 storey building and 67 and 68 Caroline Street a pair of former 3 storey town houses which would also be retained.
 - *Demolition* - The site has been infilled over time and most of the courtyard buildings would be removed apart from some original sections of walling. It is also proposed to remove a number of later internal fixtures and fittings from the retained buildings. The turret feature on the 1990s corner block to Caroline Street (Regent Court) and its exiting roof would also be removed.
 - *New Build* – The works proposed include adding a third floor with pitched roof to the listed workshop wing at 18 Regent Parade and also to workshop wings to the rear of 60-70 Regent Place. It is also proposed to replace some of the modern courtyard buildings with two new buildings of 3 and 4 storeys which would be located between the listed buildings and the site boundary wall. The modern office building at Regent Court would also be extended by the addition of a new taller pitched roof and the infilling of a small car parking area.

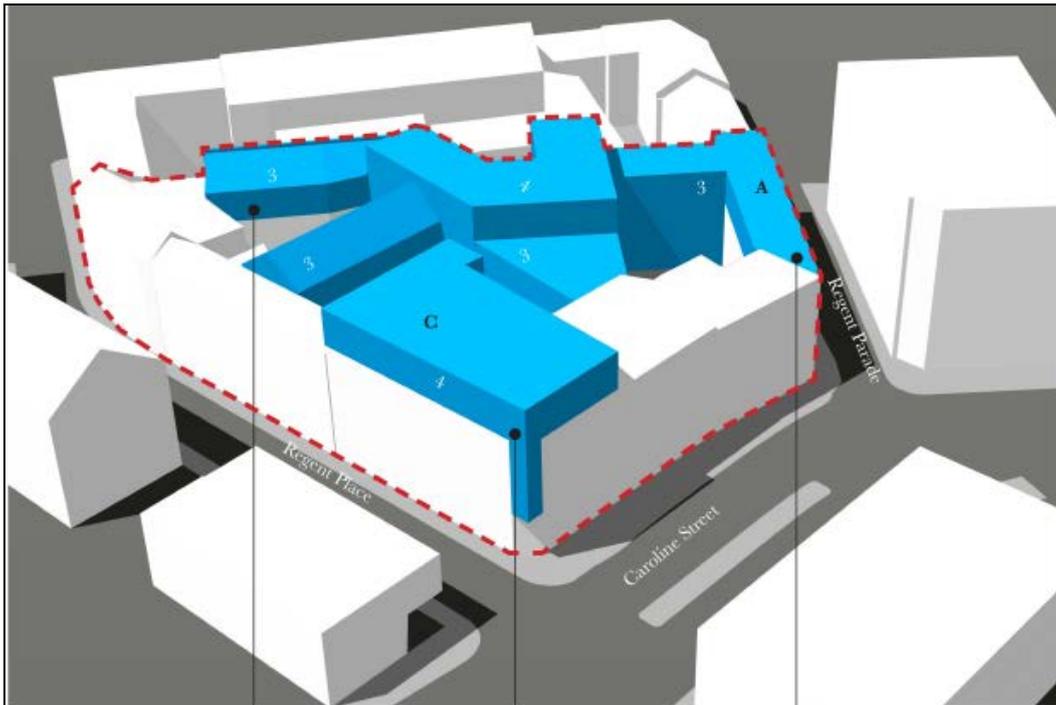


Figure 1: Diagram showing the position and heights of the extensions proposed in blue

- 1.3 The proposals also include the repair and restoration of the listed buildings to remove unsympathetic modern alterations. The most significant alteration to the listed street frontage buildings would be to the workshop wing on the Regent Parade frontage where a third floor and pitched roof area are proposed. It is also intended to reinstate the original window openings and install small paned Crittal style metal frames, the current painted finish would be removed to expose the original brickwork and the arched carriageway would be re-opened and used to provide access to the rear.

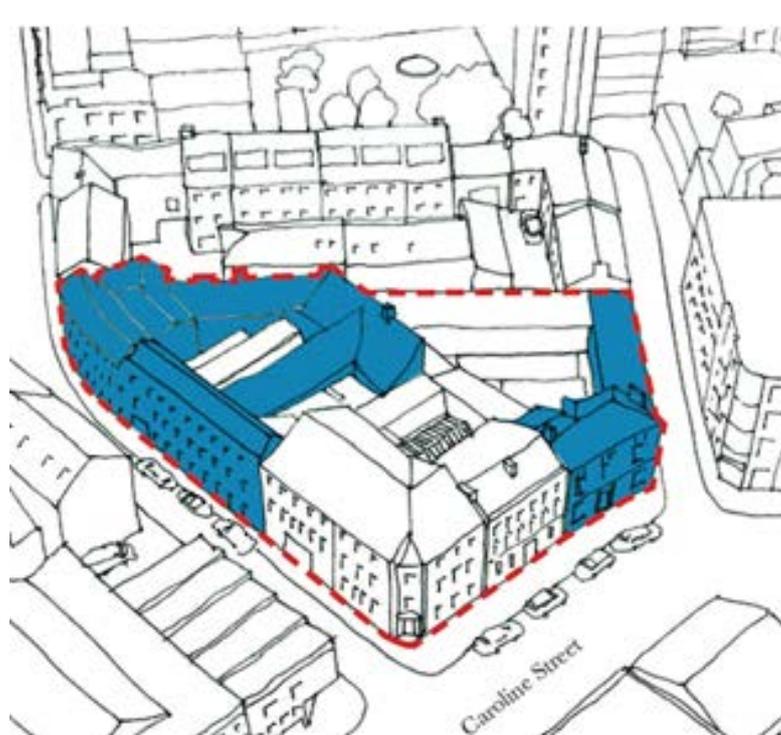


Figure 2: Illustrative 3D Sketch showing existing site layout with listed buildings in blue

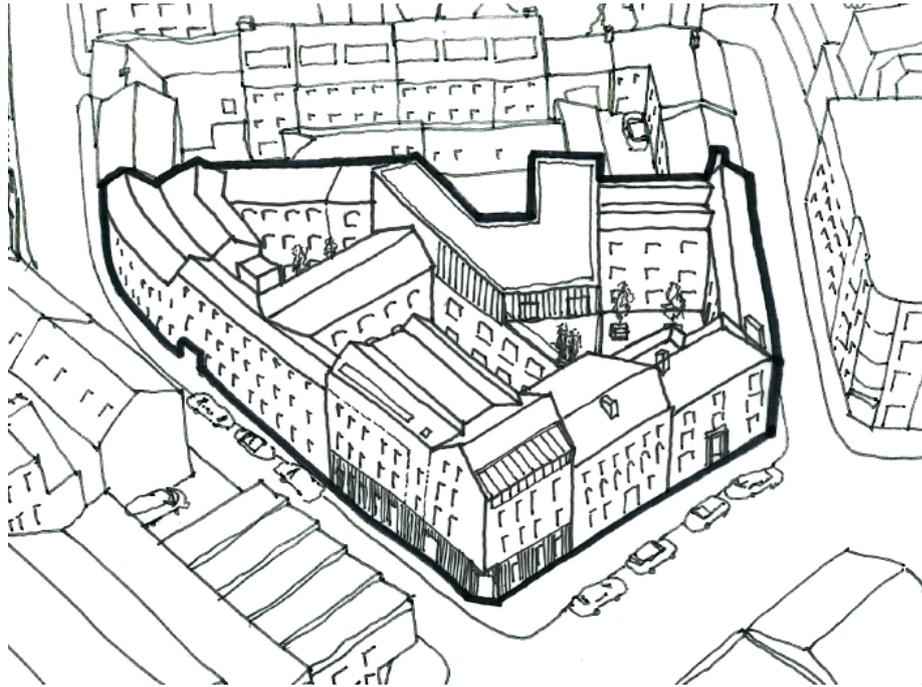


Figure 3: Illustrative 3D sketch of proposed development

- 1.4 The other major change proposed to the street frontage buildings would be to Regent Court which would be completed remodelled to include a higher pitched roof and a new skin of brickwork on the front elevations to add depth to a new pattern of windows. At ground floor level larger windows are proposed to be installed and a small parking area infilled to provide 2 commercial units.



Figure 4: Image showing proposed revised elevations to Regent Court

- 1.5 Within the rear courtyard areas a range of new and extended buildings are proposed designed to have the form and layout of shopping wings grouped around narrow yards. The new buildings would be of three and four storeys and have a strong grid of large window openings within a red or white painted brick frame. Roofs would be mainly of slate but the flat roofed section of the design also incorporates the use of expanded mesh cladding set into metal panels which would also be used to enclose

external access staircases. The additional floors to the retained courtyard buildings would be of a traditional design using brick with a slate pitched roof.

- 1.6 The development would provide 3,318 sq. m of floor space of which 2,895 sq.m (87%) be residential accommodation in the form of 37 apartment and 423 sq.m(13%) would be for B1/A1/A3 uses in the form of 6 commercial units. The 6 commercial units would occupy the ground floor of buildings fronting Caroline Street and Regent Place and vary in size between 46 -112 sq.m. The 37 apartments would provide 20 (54%) one bed and 17 (46%) two bed apartments. Using the nationally described space standard the mix would be as follows:-

- 1 bed x 1 person (40.5 - 47 sq.m) - 4 apartments
- 1 bed x 2 person (50 - 55 sq.m) – 16 apartments
- 2 bed x 3 person (60.5 – 62.5 sq.m) – 3 apartments
- 2 bed x 4 person (70 - 87 sq.m) – 14 apartments

The site has an area of 0.15ha giving a density of 246 dwellings pre ha.

- 1.7 The development would provide 4 shared courtyard spaces for residents of various sizes totalling 329 sq.m. This would be largely hard surfaced with blue pavers with a few tree/shrubs in containers. The development would not provide any car parking spaces but would provide 34 cycle parking spaces. The applicant also proposes to remove redundant footway crossings to allow an on-street servicing bay to be provided.

- 1.8 The application has been supported by an Air Quality Assessment, Construction Method Statement, Design and Access Statement, Energy Statement, Noise Impact Assessment, Preliminary Bat Roost and Ecology Assessment, Structural Report, Sustainable Drainage Assessment and Operation Maintenance Plan, Transport Assessment and Travel Plan, Heritage Statement, Historic Building Assessment, Historic Asset Schedule, Geology Report, Construction Management Plan and Planning Statement. The applicants have also provided a Financial Viability Statement which has been assessed by the Council's consultants who have negotiated that 3 (8%) of the 2 bed dwellings would be made available at a 25% discount of their market value.

- 1.9 [Link to Documents](#)

2. Site & Surroundings

- 2.1 The application site lies within the Jewellery Quarter Conservation Area and within the designated Industrial Middle locality. It forms a corner plot with frontages to Regent Place, Caroline Street and Regent Parade. It consists of a series of street frontage buildings with associated workshop ranges to the rear which have been infilled over the years so that the site is now entirely covered with buildings. The plot includes two groups of Grade II listed buildings namely 65 Caroline Street a 3 storey former town house dating from 1830 which has a range of workshops to the rear and fronting Regent Parade. The other group comprises 60-70 Regents Place a 3 storey purpose built manufactory with offices and display rooms dating from 1850 together with a range of traditional and modern workshops. The rear courtyard buildings are single and two storeys high and some contain sections of older buildings which have been heavily modified and altered, over the years.

- 2.2 Between these listed buildings lie 67 and 68 Caroline Street a 3 storey white rendered building originally built as 2 town houses but has been heavily altered and merged into one building. Completing the Block is Regent Court which lies at the

junction of Caroline Street and Regent Place and is a three storey office building dating from 1999 with an angled façade and turret roof marking the corner.

- 2.2 In recent years the buildings have been occupied for a variety of commercial uses. On the Caroline Street frontage the buildings have been in use as a Dry Cleaning and Laundry business, a café and taxi firm on the ground floor with the upper floors of mainly divided into small office suites many of which are in a poor state of repair and are vacant. On Regent Parade the two storey frontage workshop is vacant but within the courtyard buildings there are several small studios. On Regent Place the buildings have provided a range of industrial and office accommodation including industrial/workshop uses within the courtyard buildings. There is also a small Brewery/public house on this frontage. Regent Court (66 Caroline Street) was purpose built as offices in 1999, but is now empty.
- 2.3 The northern edge of the site is enclosed with a high brick wall which forms the boundary with two neighbouring developments known as Falcon Works and Beverly Hall Court. These developments comprises of two and three storey listed buildings (Beverly Hall Court) used as a commercial unit and 3 town houses and a new build mixed use scheme of 5 town houses and two duplex apartments (Falcon Works) and also includes a new office building at 10-12 Regent Place. Some of the units in Falcon Court also have accommodation within the roof space.
- 2.4 Other development nearby is predominantly commercial with a modern 4 storey office building located opposite the site on Regent Parade and a two storey office building, small car park and 3 storey live work units located opposite the site on Regent Place. On Caroline Street are offices, retail units and industrial buildings. There are also a number of Grade II listed buildings in close proximity to the site including the Squirrel Works at 32 Regent Place and No 53 Regent Place which lies opposite the site. Other listed buildings close by include No's 22-26 Regent Place, 58-61 Caroline Street and 27-32 Mary Street.

2.5 [Site Location](#)

3. [Planning History](#)

- 3.1 2019/04682/PA – Current associated application for listed building consent for change of use, alterations and extensions to existing buildings to provide 37 apartments and ground floor commercial B1/A1/A3 uses with associated works including demolition of courtyard buildings, erection of replacement 3 and 4 storey buildings, additional floors to 18 Regent Parade and retained courtyard buildings. Also reported to this planning committee meeting.
- 3.2 4/6/98 - 1997/05113/PA – Planning permission granted for the redevelopment of site to provide 3-storey offices with 6 internal parking spaces at 68 Caroline Street (Regent Court)
- 3.3 17/9/97 - 1997/03166/PA – Planning permission granted for the continued use of 65 Caroline Street as a private hire booking office

4. [Consultation/PP Responses](#)

- 4.1 Transportation – No object subject to conditions to require redundant footway crossings reinstated with full height kerb, a Traffic Regulation Order to alter the double yellow lines and provide a defined on-street loading bay, and that cycle parking is provided before the development is occupied. Comments that the

Jewellery Quarter has controlled parking on all surrounding roads and so the zero car parking provision is unlikely to lead to any noticeable problems.

- 4.2 Regulatory Services – No objection subject to conditions to require extraction and odour control details for an A3 use, to restrict noise levels for plant and machinery, to provide a noise Insulation scheme, prevent amplification equipment being used, to restrict hours of opening and deliveries to 08.00 – 22.00 Monday to Saturday and 10.00 - 16.00 on Sunday, that the commercial units are not used as a takeaway, to require a contamination remediation scheme, remediation scheme and validation report and a construction management plan.
- 4.3 Lead Local Flood Authority – Object to the application on the grounds that the drainage information provided does not meet the minimum requirements of Policy TP6 of the adopted Birmingham Local Plan, or the minimum requirements of the NPPF. In response to a revised drainage strategy has been provided and further comments from the LLFA are awaited.
- 4.4 Local Services – No objection subject to an off -site S106 contribution towards public open in accordance with BDP policy. This is calculated as £80,600 to be spent on the provision, improvement and /or maintenance of POS at Warstone Lane Cemetery within the Soho and JQ Ward.
- 4.5 Severn Trent Water – No objections subject to a drainage conditions being imposed.
- 4.6 Historic England – Have not objected to the application but comment that they cannot support the development in its current form due to the harm this current scheme would cause to the significance of two Grade II listed buildings and the distinct qualities of the conservation area. Their concerns area:-
 - The application is contrary to Birmingham City Council’s policies for use within the Industrial Middle which is safeguarded for traditional metalworking activities within the quarter.
 - The design and scale of new build elements does not meet the guidelines in the Jewellery Quarter Design Guide with regard to the scale of new development within the Quarter. The existing site is made up of buildings of a domestic scale of two to three storeys with simple detailing and narrow plan depths subservient to their host frontages. The application however seeks the construction of new build apartments of up to four storeys in height and although amendments have also been made it remains four storeys and would be the tallest building in the site. It would therefore rise above the host historic buildings along the principal road frontages and is clearly not subservient.
 - It is not clear what the implications of constructing an additional storey to the rear ranges of Nos.60-70 Regent Place would be. No detailed Heritage Assessment has been available and the Historic Building Assessment which describes a ‘broad brush’ assessment provides no detailed systematic examination of the interior spaces.
 - The amended scheme now retains the rear historic plot boundary between No.65 Caroline Street (with No.18 Regent Parade), and Nos.60-70 Regent Place, better respecting the historic development pattern. This is welcomed.
 - Given the significance of the site, we would also draw your attention to the statutory duties of the local authority set out in the Planning (Listed Buildings and Conservation Areas) Act 1990, and the requirements of the NPPF where Local Authorities are called to look for opportunities for new development within conservation areas and the setting of heritage assets to enhance or better reveal their significance (paragraph 200), and for new development to make a positive

contribution to local character and distinctiveness. Any harm or loss of significance requires clear and convincing justification.

- Whilst the amended scheme does propose some positive aspects such as the removal of later unsympathetic internal partitions, further amendments are still required to better respect and take account of the significance of the conservation area and listed buildings. This includes further reduction in height in order to better respect significance and local character and distinctiveness in the Quarter. We therefore have concerns at the impact this would have, resulting in harm that could be avoided by an alternative design for a reduced scheme which better responds to the various heritage assets.

4.7 Victorian Society - Object to this application on the following grounds:

- The proposal is for conversion to provide largely apartment accommodation, but the site is located within the Industrial Middle area of the Jewellery Quarter where the presumption is against residential development, so is inappropriate.
- It is particularly inappropriate for the grade II listed 60-70 Regent Place which was built as a gold chain manufactory and is possibly the oldest surviving purpose built jewellery factory in the Quarter.
- Do not support the proposed change in design for the corner building from the existing turreted structure to the proposed gabled building. In our view the proposed corner building does not follow the guidance for architectural emphasis for the design of a key corner building as is established in the design of the current building, and as is set out in the Jewellery Quarter Conservation Area Design Guide
- We would also have expected to see a proper heritage impact statement, which does not appear to be included with the documents provided so it is not possible to properly assess the impact of the proposals on the character and significance of the listed buildings or the conservation area.

4.8 Jewellery Quarter Development Trust – Object to the application on the following grounds:-

- Loss of existing uses on site, some of which form part of the industrial heritage of the site/area e.g. electroplaters and others which contribute positively to the resident and business amenities within the area. BDP GA1.3 - The Quarters should apply (supporting and strengthening the distinctive character of the areas surrounding the City Centre Core).
- Policy BDP TP20 Protection of Employment Land should apply. There is no evident that the existing uses on site are not viable and why they should not be accommodated within any scheme. The existing uses cannot be described as non-conforming uses and should be capable of accommodating with the scheme.
- Provision of exclusively A1/A3 uses within the scheme, does not mitigate the loss of existing uses on site or provide for the variety of business accommodation needed in the quarter.
- The dominance of residential use within the scheme, in a location where residential uses are not normally permitted. The scheme does not provide sufficient benefits to off-set the policy conflict regarding development in the Industrial Middle. The precedent established by the adjoining Beverley Court site is also of relevance here.
- Cannot support the significant provision of 1bed accommodation at about 50% of the scheme. We would expect a better overall proportion of 1/2/3 beds. We are also concerned at some of the unit sizes which are below 50m².

4.9 The Jewellery Quarter Development Trust does however support the following elements of the proposal:

- The re-use of underutilised floor space and building on site.
- The general philosophy of retaining as much existing valued structures on site as possible, re-imagining those building on site which currently contribute little to the character of the Conservation Area and re-opening of the rear of the site to provide greater breathing space for retained buildings.
- The drive to largely work within the existing massing on site, though noting the exception of the Regent Place/Caroline Street corner which in any event remains within the general 4 storey principle of the Quarter.
- The creation of varied accommodation on site, providing potentially interesting spaces inside and generating characterful (although extremely intimate) external spaces on site.
- The limited on-site parking, helping to reduce the potential vehicular and traffic impact of the proposed development but suggest the applicant considers exploring arrangements with off-street parking providers in the area.
- The provision of residential accommodation in small blocks, as opposed to large-scale regular blocks, which responds better to the fine-grained nature of the JQ.
- That private courtyards and street frontages are used as the primary means of accessing some of the units.
- The architecture and re-imagining of Regent Place/Caroline Street corner building but comment that the detail will be vital to ensuring quality and interest of the elevations is maintained.
- The retention of ground floor commercial uses wrapping Caroline Street and Regent Place, providing opportunities for active frontages.

4.10 Birmingham Civic Society – Support the application and have made the following comments:-

- This is generally a worthwhile scheme to bring into use this group of poorly maintained, historic buildings.
- The approach to the conservation appears sound, removing fabric which has a negative impact on significance and revealing the historic fabric remaining. The assessment of significance would however benefit from assessing the significance on a scale (from low to highest) of individual components/areas and presenting justification for the degree of impact upon them. Where access could not be gained, revised information could be provided as a condition once stabilization allows safe access.
- The new building at the junction of Caroline Street and Regent Place is a welcome improvement on the existing building, but in our view the design could be more contemporary in character and we would encourage the architect to 'go further' in creating a building which is of its place and respectful of the surrounding buildings, yet also of its time and reflecting its particular use.

4.11 West Midlands Police – No objection but has the following comments:-

- The work should be undertaken to the standards laid out in the Secured by Design 'Homes 2019' guide and Secured by Design 'Commercial 2015' guide.
- Recommend that a lighting plan for the site be produced to the standards set out in 'Lighting Against Crime' guide
- Concerned that the cycle storage areas have no access controls which should be provided together with CCTV which should also cover the communal public space areas, external views of all entrances to the blocks, lifts, all post rooms / areas, stairwells and lobbies and internal, facial views of anyone entering the building and the commercial units through any access point.
- Recommend that access to communal entrances be controlled by two layers of security, to reduce the potential for an offender to tailgate into the buildings.

- Requests building management controls on refuse and postal collection, I ensure and monitor the collections.
- Recommends the retail / commercial units be subject of an intruder alarms.

4.12 Ward Councillors, MP, residents associations, local residents and businesses notified of the application and site/press notices displayed. 44 letters received making the following objections:-

- The site is located right in the centre of the Jewellery Quarter Industrial Middle part of the Conservation Area which is protected from 100% residential development. Policies aim to preserve the jewellery trade and small metal work trades in the locality which should be upheld.
- The amount of housing is unacceptable and does not comply with the JQ Appraisal and Conservation Management Plan and Design Guide 2002.
- 60-70 Regent Place is the oldest surviving purpose-built workshop left in the JQ, and should be retained as such so the JQ is not just a historical name from the past.
- The development will damage the Jewellery Quarter heritage and its small independent businesses. There will soon be little heritage left.
- Scheme represent further attempt to undermine the Industrial Middle which is already subject to other residential planning applications
- 10-12 Regent Parade was refused a change of use from offices and town houses. How can this be defended if this residential scheme is approved. The area will end up being 100% residential
- Although it is claimed that the application is mixed use 6 commercial units vs. 37 residential units is hardly an adequate ratio, especially considering there are at least 8 commercial units now on site
- Object to the loss of important local business currently on site including the Rock and Roll Brewhouse, St. Pauls Cars and Lisa & Pann's Kitchen, Dry Cleaners, 2 radio stations and jewellery finishers all of which provide a service and are valued by the local to the community. All these businesses would be forced to move or close, causing financial hardship to those who depend on them for a living
- Strongly object to loss of Rock & Roll Brewhouse at 60 Regents Place which is a charismatic, fiercely independent, a unique venue in the city and a hub in the local community and should not be lost. It is a great asset to the JQ whereas more apartments are not.
- Rock and Roll Brewhouse bar is regularly used in photos to promote and attract visitors to the JQ. This is totally jeopardised by this application for even more housing in an area where thriving and socially important business should be prioritised.
- The token retail space offered does not reflect the industrial/working and historic uses of the area.
- Alternate plans should be made for the buildings that allow the existing tenants and businesses to remain in place. To remove businesses that are bringing employment and difference seems contradictory.
- The Planning Statement does not actually say how the development would fulfil national and local planning requirements
- The Heritage Statement report states that Unit 2 of 60-70 Regent Place was not inspected inside and is therefore not a proper assessment of the internal architectural features and historic interest of the site.
- Unacceptable loss of listed buildings and courtyards for yet more bland overpriced Jewellery Quarter apartments
- The development is too intense. The plans attempt to shoehorn a large number of poky shoebox flats into buildings that should be retained for commercial use.
- How can planning permission be granted for these "cells" including 1 x 47sqm,

- 1 x 44.5 sq.m and most staggering 1 x 40.5 sq.m and 1 x 40 sq.m.
- If so this is setting a remarkably tolerant and dangerous precedent and again, therefore I re-emphasise my strong objections to this badly flawed application.
- The design has zero intrinsic merit.
- None of the apartments appear to be affordable housing contrary to the Councils Affordable Housing Policy which seeks a developer contribution of 35%
- Object to the lack of any parking. The parking situation is one of the biggest complaints about the area.
- The Transport Plan submitted by the developers is inaccurate. Regent Place and Regent are too narrow for 2 vehicles to pass each other and there is no evidence to support the statement that traffic generation is the same as existing. This fails to take acknowledge that the office has its own parking and that the bar and cafe are open limited hours, mainly off-peak.
- The scale of the development will create far more traffic than the 8 businesses on the site. The whole TA is based on general national assumptions, and is inaccurate as the 2011 Census Data on Method of Travel to Work shows that well over a quarter of journeys are made by car.
- BCC parking guidelines are not being met and there are already too many extra cars trying to find car parking spaces in the JQ.
- The tenants of the buildings have received notices to quit which gives the impression that planning permission will be a formality
- The constant housing growth in the area is not being matched by more schools, health facilities, green space and parking
- The development shows no signs that sustainable measures have been included.

5 Policy Context

- 5.1 Birmingham Development Plan 2017, Birmingham Unitary Development Plan 2005 (saved policies), Places for Living SPG, The Jewellery Quarter Conservation Area Character Appraisal and Management Plan, Jewellery Quarter Conservation Area Design Guide, Conservation Through Regeneration SPD; Car Parking Guidelines SPD; Public Open Space in New Residential Development SPD; Affordable Housing SPG 2001 and National Planning Policy Framework 2019.

6 Planning Considerations

6.1 **Land Use Policy**

- 6.2 Local Planning Authorities must determine planning applications in accordance with the Statutory Development Plan, unless material considerations indicate otherwise. The Development Plan comprises Birmingham Development Plan 2031 and the saved policies of the Birmingham Unitary Development Plan 2005. Other adopted supplementary planning policies are also relevant such as the Jewellery Quarter Management Plan and Design Guide as is the National Planning Policy Framework as recently revised.

- 6.3 Policy PG1 of the Birmingham Development Plan (BDP) states that significant levels of housing, employment, office and retail growth is required to meet the needs of its growing population. The BDP identifies the application site as being within the City Centre Growth Area where the focus will primarily be upon re-using existing urban land through regeneration, renewal and development. Policy GA1.3 relating to the Quarters surrounding the city centre core states that development must support and strengthen the distinctive characteristics, communities and environmental assets of each area. For the Jewellery Quarter it seeks to create an urban village supporting

the areas unique heritage with the introduction of an appropriate mix of uses and radically improved connections to the City Centre Core.

- 6.4 Policy PG3 requires all new development to demonstrate high design quality contributing to a strong sense of place that should respond to the local area context including heritage assets. TP12 establishes that the historic environment will be valued, protected, enhanced and managed for its contribution to character, local distinctiveness and sustainability. It states that where a Conservation Area Character Appraisal or Management Plan has been prepared, it will be a material consideration in determining applications for development. Other relevant BDP policies are TP20 which seeks to protect employment land and Policy TP25 which seeks to promote the City's role as a centre for tourism including protecting and promoting its strong industrial heritage.
- 6.5 The Jewellery Quarter has a Conservation Area Character Appraisal and Management Plan SPG which divides the conservation area into eight sub areas. The application site is shown as being within the Industrial Middle characterised by industrial uses largely related to the jewellery and small metal trades with some commercial and retail uses. The document seeks to protect the industrial heart of the Jewellery Quarter from new residential development which could dilute the character of the conservation area. Thus Policy 2.2 of the JQ Management states that the Council will not normally permit new residential uses, whether by conversion of existing buildings or new build in the areas defined as the Golden Triangle and the Industrial Middle.
- 6.6 The NPPF contains a presumption in favour of sustainable development which is about positive growth making economic, environmental and social progress for this and future generations. It affirms the Government's commitment to securing economic growth in order to create jobs and prosperity. Significant weight is to be given to the need to support economic growth and productivity, taking into account, both local business needs and wider opportunities for development. The NPPF also recognises heritage assets as an irreplaceable resource, and should be conserved in a manner appropriate to their significance. It requires applicants to describe the significance of heritage assets affected by a proposal and any harm of loss of significance requires clear and convincing justification.
- 6.7 The application site has been used for employment purposes for many years and the listed buildings at 60-70 Regents Place are noted for being probably the oldest surviving purpose-built jewellery manufactory in the Quarter. Although there are still some workshops within the site the uses now include offices and retail units as well as a brewery/bar use. Much of the current floor space is however unoccupied or under used. Whilst the BDP seeks to create an urban village within the Jewellery Quarter it also seeks to support the areas unique industrial heritage. Therefore residential development is not normally supported in this part of the Conservation Area which includes conversion of existing buildings.
- 6.8 From a policy perspective the applicants comment the proposed scheme would provide ground floor commercial units and the 37 new residential units, would aid the provision of the 51,100 new homes, as proposed to be delivered in policy PG1 of the BDP. They consider the proposal also supports and strengthens the distinctive character of the site and area adheres to NPPF paragraphs 7 and 8 in that the proposal achieves sustainable development and supports economic, social and environmental objectives. The applicants also comment that the need for residential development is also demonstrated in their viability statement which demonstrates that this is required to allow the listed buildings on the site to be restored, repaired

and enhanced. The buildings are currently in a state of disrepair and the proposals would better reveal their significance and enable them to accommodate viable new uses. The proposals would also allow Regent Court to be redesigned and improved as its current appearance detracts from the conservation area.

- 6.9 Planning policies for the site give some support for the development in that the listed buildings would be restored, the street frontage buildings improved, the modern additions removed and the appearance of Regent Court would be enhanced. However it has been an important element of the Jewellery Quarter Character Appraisal and Management Plan SPG that in order to preserve the significance of this heritage asset residential development should not normally be permitted in the Industrial Middle and Golden Triangle parts of the Conservation Area.
- 6.10 It will be seen from the consultation responses that a number of concerns have been expressed regarding the reduction of employment floor space and the loss of existing businesses from the site and the impact this would have on the character and significance of the Jewellery Quarter Conservation Area. Planning permission has also been refused for residential development and upheld at appeal such as 10-12 Regent Place which abuts the site where in 2015 the inspector agreed with the Council's decision to refuse permission for the conversion of B1 floor space to residential and concluded that *"...the loss of B1 space could affect the economy of the area ...and the appeal proposal would give rise to harm to the character and appearance of the Conservation Area, a designated heritage asset, the conservation of which should be given great weight as set out in paragraph 132 of the NPPF. The harm identified to the Conservation Area is not outweighed by the public benefits identified.*
- 6.11 The applicants have commented that they are proposing to provide ground floor commercial units on all street frontages and the existing businesses within the site can be accommodated within the scheme design once the development is complete. This however would not be guaranteed and would depend on terms between both parties being agreed. Notwithstanding this, the loss of employment floor space from the site and its replacement with a largely residential development would result in a degree of harm to the Conservation Area. The site currently embodies many of the distinctive qualities of the Industrial Middle with its combination of former residential properties and purpose built jewellery manufactories used for industrial and commercial purposes. The loss of these uses would cause harm, considered to be less than significant harm, to the character of heritage assets. This will therefore need to be weighed against other material considerations and any public benefits resulting from the development which are set out in Paragraph 6.41 below.
- 6.12 **Demolition**
- 6.13 The redevelopment of the application site would require the demolition of several buildings within the rear courtyard, although the plans have been amended since originally submitted to retain more of the original walling and plot boundaries. As these are attached to the rear of the listed buildings there is a statutory requirement to have special regard to the desirability of preserving the buildings, their setting and or any features of special architectural or historic interest which they possesses. Policy TP12 of the BDP also states that great weight will be given to the conservation of the City's heritage assets and the Jewellery Quarter Conservation Area Appraisal and Management Plan states in para 1.1 that demolition of buildings will not normally be permitted. The NPPF requires the conservation of heritage assets in a manner appropriate to their significance. In considering the impact of a proposed development on the significance of a designated heritage asset great weight should

be given to the asset's conservation and local planning authorities to look for opportunities for new development within the setting of heritage assets, to enhance or better reveal their significance.

- 6.14 There have been several criticisms that the applicant's heritage appraisal has not provided an assessment of significance and the impact of the development on that significance. A revised heritage appraisal was therefore requested and has now been provided that includes this evaluation.
- 6.15 With regard to the proposed loss of several of the courtyard buildings to the rear of 60-70 Regent Place the updated Heritage Assessment finds the impact to be mostly beneficial as the buildings have been heavily modified or are mid-20th century additions. The demolition would return the space back into an original courtyard and reveal the original elevation to rear of the retained listed buildings and also make visible a number of the earlier ranges on the site. The appraisal does however conclude that there would be a moderate adverse impact due to the loss of one of the central two storey ranges as it still retains some original fenestration. This would constitute a minor loss of significance.
- 6.16 Some of the buildings to be demolished to the rear of 65 Caroline Street/18 Regent Parade represent parts of the early site development of the site (1830s) but have been the subject of fairly major, sequential phases of modification over time, such that only limited historical fabric survives. The updated heritage appraisal comments that by revealing the rear of the Grade II listed building a positive contribution to the significance of the heritage asset would be made as it allows it to be completely refurbished. It does however acknowledge that the removal of the central workshop range would cause a minor adverse impact on the heritage asset.
- 6.17 Historic England raises no objection to the proposed demolition and although they originally expressed concern regarding the removal of the loss of historic plot boundaries, this has been addressed in the amended plans. The Jewellery Quarter Development Trust has welcomed the re-opening of the rear of the site which they consider would provide greater breathing space for the retained buildings.
- 6.18 The Conservation Officer comments that the scheme proposes a significant amount of demolition to various rear courtyard buildings and the opening up of several sections of former yard areas. The majority of buildings proposed for demolition are later 20th century single storey building and have been identified as of low significance within the context of the site overall. Of more significance is the two storey rear wing to No.65 Caroline Street, the ground floor of which is likely to be contemporary to the main house. This rear wing has however been substantially altered over time with an additional storey(s) added possibly in the late 19th century and the removal of sections of ground floor walls. The Conservation Officer agrees with the analysis made in the Historic Building Assessment that although the plan and primary form of this structure is still evident there is little surviving historic fabric and its context and significance has been compromised. The scheme proposes to retain most of the significant fabric of the external ground floor wall and therefore taking account of the overall heritage benefit to the main listed building the demolition proposed can be tolerated. None the less there would be some minor harm caused to the heritage assets and as this is considered to be less than substantial harm needs to be balanced against any public benefits.
- 6.19 The development would also remove the turret feature and existing roof on the 1990s corner block to Caroline Street (Regent Court). The Victorian Society does not support the removal of the turreted structure on the grounds that the replacement

gabled building does not follow the guidance for architectural emphasis for the design of a key corner building. The Conservation Officer and Civic Society however welcome the proposals to improve the existing building and the JQ Development Trust also support the architecture and re-imaging of Regent Place/Caroline Street corner building. Officers consider the removal of the turret feature and other external alterations proposed to Regent Court would enhance the appearance of the building, the Conservation Area and the setting of the adjacent listed buildings.

6.20 Design and Layout

- 6.21 Policy PG3 of the BDP states that all new development will be expected to be designed to the highest possible standards which reinforces or creates a positive sense of place and safe and attractive environments. The NPPF in Para 124 states that good design is a key aspect of sustainable development and creates better places to live and work. The JQ Management Plan requires the design of new development to respect the scale, form and density of the historic pattern and form of the Jewellery Quarter and the Jewellery Quarter Design Guide outlines principles for good design including guidance on scale, form, grain, hierarchy and materials. New buildings are normally limited to a maximum height of 4 storeys.
- 6.22 The layout proposed has been designed around the need to keep existing buildings on the street frontages, the other sections of original fabric and the boundary walls. Within the rear courtyard areas the new buildings proposed have been designed to have the appearance of rear shopping wings grouped around courtyard spaces which is considered to be appropriate for the conservation area.
- 6.23 In terms of the design, the addition of a third floor, pitched roof, new windows, reinstatement of the carriageway entrance and removal of the paintwork to existing two storey flat roofed wing fronting Regent Parade are considered to be a significant enhancement. The appearance of this part of the listed building has been compromised in the past by a number of unsympathetic alterations and the buildings restoration would improve its appearance without causing harm to the listed building or Conservation Area. The applicant has also provided evidence to show the building originally had a third floor with a pitched roof so the resultant building would more closely reflect its original form.
- 6.24 The alterations proposed to the modern office building (Regent Court) at the junction of Caroline Street and Regent Place are also considered by officers to be an improvement compared to the existing building. Although the proposals would add a fourth floor within a higher pitched roof this is considered to be in keeping with the heights of other buildings in the immediate area such as the 4 storey office building opposite the site on Regent Parade. The other alterations to the fenestration including the new brickwork skin, use of stepped brickwork at ground floor level and new floor to ceiling windows are considered to provide an appropriate and more sympathetic design to this prominent corner.
- 6.25 A number of concerns have however been expressed regarding the height and design of the courtyard buildings which would be a mix of 3 and 4 storeys in height. Historic England comment that the existing site is made up of buildings of a domestic scale of two to three storeys with simple detailing and narrow plan depths subservient to their host frontages whereas the new build apartments proposed are clearly not subservient and rise well above their host historic buildings. Historic England further comment that the details are also not typical of the site or the Quarter. The Conservation Officer also considers the 4 storeys blocks to be too high compared to the frontage blocks.

- 6.26 The proposed courtyard buildings would consist of a mixture of retained buildings, with the addition of third floor and a new four storey block in the centre of the site. The design of the 4 storey block has been amended since originally submitted to provide a more traditional appearance in terms of window treatment and materials, the pitched roof has been removed to reduce the overall height and the fourth floor has also been set back a further 4 - 6.5 metres from the buildings on the site frontage to Caroline Street. Whilst it would have been preferable for the entire block to have been reduced to 3 storey it would be set well back from the buildings on the street frontages and provides relatively limited accommodation in the form of three one bed apartments (one of which would have an external terrace). However the impact of the additional storeys on the courtyard buildings is considered to cause some harm to the listed buildings and conservation area. The applicants heritage report considers this to be a significant change as although there are some 3 storey shopping wings in the Jewellery Quarter on this site they were and still are 2 storey and the harm therefore needs to be considered against the public benefits of the proposals.
- 6.27 The other courtyard buildings would be largely retained but with the addition of a third floor. Although Historic England have some reservations as to whether the existing structures are physically able to accommodate a further floor the revised heritage statement comments that as the buildings have been reinforced with further structures over the years they can accommodate the load of the new roof. They however acknowledges that there would be considerable restoration works required to reinstate windows, remove blocked up openings, provide new floors and pitched roofs. A condition is recommended to require further structural information.
- 6.28 Some reservations have also been expressed regarding the redesign of Regent Court but most representation support the changes including those from the Conservation Officer who considers the proposals offer an enhancement to the conservation area. Overall with the amendments made to the four storey wing and plan form to retain more of the historic relationship to 60-70 Regent Place it is considered the design of the new development are acceptable
- 6.29 **Dwelling Mix and Residential Amenity**
- 6.30 BDP policy TP30 states that proposals for new housing should deliver a range of dwellings to meet local needs and support the creation of mixed, balanced and sustainable neighbourhood and seeks high density schemes in the city centre. The development would provide The 37 apartments would provide 20 (54%) one bed and 17 (46%) two bed apartments which is an amended mix since the original proposals which were for 18 (49%) one bed and 19 (51%) two bed as a result of the loss of part of the fourth floor. The applicant advises that the viability of the scheme is marginal and larger units cannot be provided. Whilst some bigger apartments would be preferred there would be a reasonable range of unit sizes with 16 of the one beds being suitable for 2 person occupation and 14 of the 2 beds according to the nationally described space standards. Several comments have been received regarding the small size of the units as there are 4 x one bed that would be below 50 sq.m in size. These however would still comply with minimum nationally described space standards and are within the retained buildings where their existing configuration and form imposes limitations on layout.
- 6.31 The development would also provide 3 (8%) x 2 bed dwellings for low cost market sale at a 25% discount of market value. This equates to a subsidy of about £150,000 which has been negotiated by the Council's consultants following consideration of the applicants Financial Viability Assessment.

- 6.32 As the development would retain built form and provide new buildings on an existing site, which now and historically has been covered with structures, the proposed development would provide a relatively tight layout. Within the courtyard area the separation distances between windowed elevations would be 5.5 metres at the closest distance increasing to 16.3 metres as a maximum. The layouts for the apartments have been amended since originally submitted so that bedrooms and bathrooms have generally been positioned where distances between windows are low with greater separations provided between living rooms. Many of the apartments are also twin aspect with windows on more than one façade and face the street frontages where space between buildings is greater.
- 6.33 A noise report has been submitted with the application to quantify and assess existing noise sources in the area which are largely from road traffic on Caroline Street and commercial noise from the units located south west of the site. The report recommends installation of upgraded glazing and ventilation systems for the proposed apartments with appropriate insulation for the commercial units and limits on plant noise. The measures proposed in the report are considered to be acceptable by Regulatory Services who recommend that various conditions be imposed to control this.
- 6.34 Regulatory Services also recommend restriction on hours of opening and deliveries for the commercial units to 08.00 – 22.00 Monday to Saturday and 10.00 - 16.00 on Sunday. The applicant considers these hours are unduly restrictive and requests closing hours of 11.30pm in view of the proximity of the site to other commercial uses and the need to make the units attractive to potential occupants. On other recent applications for ground floor commercial uses below apartments have restricted hours of opening and deliveries to 7am -11pm Monday - Saturday and 8am - 11pm Sundays. It is therefore recommended that these hours be used here.
- 6.35 With regard to the impact of the development on neighbouring sites, most of the buildings on the site frontages will remain in their existing form and height (although renovated) so there will not be any additional impact on neighbours. The additional floor to the proposed building on Regents Parade would be opposite a four storey office building and abut a two commercial unit in Beverley Hall Court which has no windows in the side elevation. The additional height and alterations to Regent Court are not considered to have any adverse impact on these buildings or the commercial building opposite the site or those on the other side of Caroline Street.
- 6.36 Within the courtyard area however the proposed increase in height to provide buildings of 3 and 4 storeys would mean the development would be above the height of the existing boundary wall between the site and the adjacent town houses within Falcon Court and Beverly Hall Court. These neighbouring dwellings are 3 storeys high and in Falcon Court the rear elevation facing the site has a couple of small windows on the boundary as well as a row of roof lights. There would be some limited loss of light to these windows due to the increase in height of buildings proposed within the courtyard however the windows are secondary openings as the town houses have their main windows on the front elevation overlooking an internal courtyard. It is not considered the impact therefore cause an unacceptable loss of light to these properties.
- 6.37 There would also be some impact on light into the courtyard area in Beverly Hall Court which serve a commercial unit and three storey town house which have windows at right angles to the site boundary. There is however already a two storey building on the boundary and the addition of the third storey is not considered to affect light to an unacceptable degree.

6.38 Impact on Heritage Assets

- 6.39 The NPPF requires heritage assets to be conserved in a manner appropriate to their significance and any harm to that of significance requires clear and convincing justification. Where less than significant harm would be caused to a designated heritage asset it should be weighed against the public benefits of the proposal. The BDP and Jewellery Quarter SPG's also contain other guidance regarding the need for new development within the Conservation Area to pay special attention to the desirability of preserving or enhancing the character or appearance of the area and provides various criteria relating to siting, scale and design against which new development will be judged.
- 6.40 The paragraphs above relating to the proposed demolition and design of the new buildings have commented on their impact on the existing listed building within the site. It has been identified that some harm would be caused due to the loss of commercial/industrial uses and due to the increase in height of the courtyard buildings. In respect of the Conservation Area the development would comply with several of the relevant BDP policies which seek to create a vibrant and mixed use urban neighbourhood supporting the areas unique heritage. There would however also be a number of conflicts between the proposals and development plan policies in that the BDP and Jewellery Quarter Management Plan seek to support the manufacturing and commercial activities in the industrial heart of the Jewellery Quarter and would not therefore normally allow new residential development in this location. As a result the development would cause less than substantial, to heritage asset needs to be balanced against the public benefits of the proposals as required by paragraph 196 of the NPPF.
- 6.41 There would be a number of public benefits as a result of the development. These include:
- Securing new uses for the site and listed buildings that could otherwise be redundant or fall into disrepair
 - Supporting the long-term preservation of the listed buildings and restoring their significance through a programme of repair work
 - Retaining much of the existing valued structures on site including those on the existing site frontages
 - Restoring No's 67 and 68 Caroline Street which although not listed are heritage assets which contribute to the character and appearance of Conservation Area
 - Removal of the unsympathetic extensions and alterations that have been carried out to the existing buildings
 - Improving the external appearance of Regent Court by provision of a high-quality design
 - Upgrading the ground floor commercial floor space giving activity to all three street frontages and creating local employment opportunities.
 - Proving a high quality sustainable development that largely follows building heights and the fine grain of development within the Quarter
 - The retention of ground floor commercial uses wrapping Caroline Street and Regent Place, providing opportunities for active frontages
- 6.42 In addition the applicants have provided a viability report which has undertaken an analysis of the costs involved in restoring and upgrading the retained buildings on the site and the viability of providing employment/commercial uses. The applicant's consultants tested a range of options which envisage varying percentages of employment and residential uses at the site ranging from a 100% employment/commercial use to the current proposal for 13% commercial uses and

87% residential use. The options tested show that a 100% employment/commercial scheme is not viable as a developer's return for risk (profit) of approximately minus 51% is produced. Whilst the developer's return for risk increases as the commercial component of the scheme reduces and the residential element increases, a sufficient level of developer's return is not generated and even the current planning application proposals show a return of 11.3% for the current mix. The appraisal has been referred to the Council's consultants for an assessment and they confirm that the proposed residential development is required to provide a viable scheme although they consider the profit on costs to be about 20% in respect of the current proposals.

- 6.43 It is considered that the applicants have demonstrated that a significant quantum of residential floor space is required to provide a viable development on the site and they have also provided other examples in the Industrial Middle part of the Jewellery Quarter where residential development has been approved in order to secure the optimum viable use of listed buildings. It is therefore considered that the harm caused to heritage assets is outweighed by the benefits of regenerating the site and finding viable uses for the existing buildings.
- 6.44 With regard to the impact on other heritage assets the site is close to a number of other listed buildings on Regent Place including No 53 Regent Place which lies opposite the site and Beverly Hall Court at 14 -16 Regent Place, which adjoins the western boundary of the application site. As the application proposals largely restore the site frontage buildings and provide replacement buildings within the rear courtyard it is not considered that there would be an impact on the significance of these listed buildings. The applicants revised heritage assessment considers the impact to be slightly beneficial and although the works proposed adjacent to 14-16 Regent Parade will increase the existing building heights this reinstates it to its historic height and finish. The four storey addition has been restricted to the centre of the site to minimise impact.
- 6.45 **Transportation Issues**
- 6.46 Most of the existing floor space on the application site has no parking although there is a small parking area under the office building at Regent Court. The development would not provide any on-site parking for residents, which is a common situation in the Jewellery Quarter and in the wider city centre due to the close proximity to a range of facilities and frequent bus, rail and tram services. There is also an extensive footway network in the area which allows for alternative mode of travel to local facilities other than by private car. The Jewellery Quarter Development Trust supports this proposal which they consider would help to reduce the potential vehicular and traffic impact of the proposed development. A number of objections have however been received from local residents relating to the adequacy of the submitted transport statement, the lack of any parking spaces for future residents and that the development would add to parking issues in the area. Transportation Officers however raises no objections. They note the adjacent roads are covered by the Jewellery Quarter parking zone so all on-street parking is either pay and display, has limited waiting or is permit holder parking. Although there are currently no new parking permits being issued any future residents or visitors with cars would be able to use nearby public car parking facilities.
- 6.47 The development would provide 34 cycle parking spaces within two of the residents courtyard areas. Servicing activities would be from on-street as existing, but it is proposed to provide a loading bay where the existing 'gated' access for Regent Court is located which would be removed as part of the development. Transportation have no objection to this arrangement and comment that this will require a highways

agreement to secure the loading bay and replacement of the double yellow lines, which are intended to protect the existing access point. Conditions to secure this and the provision of the cycle spaces are recommended.

6.48 Other Matters

6.49 The applicant has submitted further information to address the objections raised by the Lead Local Flood Authority who have been re-consulted. The comments made by West Midlands Police are noted and conditions are recommended to require a lighting scheme, security on site measures and CCTV. With regard to the objection that the development shows no signs that sustainable measures have been included an energy statement has been submitted with the application. This advises that it is intended to improve the existing building fabric and upgrade insulation including adding internal insulation to the walls and windows, providing new upgraded glazing to Regent Court and the meeting Building Regulations requirements for new build dwellings. The intended renovations with improvements in fabric performance will reduce energy usage of the buildings along with new energy efficient domestic hot water, lighting and ventilation.

6.50 The Council's ecologist advises that the preliminary ecological report submitted identifies the site as having buildings with good potential for bat roosting and should therefore be subject to additional activity surveys. The site is also considered to be likely to hold Black Redstart during breeding season as there are over 100 records within the immediate vicinity with recent nesting on nearby sites. The protected species would require specific mitigation and working practices to avoid impact and replacement habitat and species specific boxes and suitable landscaping should be provided. Conditions are recommended to cover these matters.

6.51 CIL and Section 106 Obligations

6.52 The proposed development lies within a CIL charging area however as the buildings are and/or have been recently occupied no CIL is payable. The number of apartments proposed however means that the City Council's policies for Affordable Housing and Public Open Space in New Residential Development apply. A Viability Statement has been submitted with the application to demonstrate that the site cannot meet the full BDP requirements which has been independently assessed by the City Council's consultants. As a result it has been agreed that 3 x 2 bed low cost market dwellings will be provided on site at a 25% discount which equates to a subsidy of £150,000. This is considered to be a fair and justifiable and to meet the necessity tests set out in the CIL regulations.

6.53 Contributions have also been requested from Local Services towards off site public open space but the development would not be viable if further financial contributions were paid.

7. Conclusion

7.1 The application proposals have required a careful balancing of the objections to the development and harm caused to heritage assets against the public benefits of allowing this largely residential development within the Industrial Middle part of Jewellery Quarter Conservation Area. The proposals would allow the restoration and improvement of all the existing buildings on the site frontages including those that are not listed and would provide viable new uses including commercial floor space at ground floor level. The applicant's viability appraisal shows that in order to provide a

viable development of the site a mixed use development including apartments is required.

7.2 Although the concerns regarding the scale of the new courtyard buildings and the loss of existing businesses from the site in my judgement it has been demonstrated that the residential led nature of the development is necessary to deliver the benefits the development offers in terms restoring and finding viable uses for the existing buildings. The works proposed to the retained buildings would enhance the appearance of the conservation area and although the loss of employment floor space, loss of some historic fabric and 4 storey height of the new courtyard building would cause some harm to heritage assets this would be outweighed by the public benefits. This scheme can therefore be supported subject to the Section 106 obligation and conditions recommended below:-

8. Recommendation

8.1 That consideration of application 2019/04424/PA be deferred pending the completion of a Section 106 legal agreement to secure:

- (i) 3 x 2 bed on site low cost market dwellings at a 25% discount of market value
- (ii) The Payment of a monitoring and administration fee associated with the legal agreement of 3.5% of the affordable housing subject to a maximum of £10,000.

8.2 In the absence of a suitable legal agreement being completed to the satisfaction of the Local Planning Authority by the 10 January 2020, planning permission be refused for the following reasons:

- In the absence of a legal agreement to secure on site affordable housing the proposal conflicts with Policies TP27, TP30 and TP31 of the Birmingham Development Plan 2017, the Affordable Housing SPG and the NPPF.

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

8.4 That in the event of an appropriate legal agreement being completed to the satisfaction of the Local Planning Authority by the 10 January 2020, planning permission be APPROVED subject to the conditions listed below:-

-
- 1 Prevents demolition prior to a redevelopment contract being entered into
 - 2 Requires the prior submission of a contamination remediation scheme
 - 3 Requires the submission of a contaminated land verification report
 - 4 Requires the prior submission of a drainage scheme
 - 5 Requires the submission prior to occupation of the properties of a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan
 - 6 Requires the prior submission of Building Recording
 - 7 Requires the prior submission of a demolition method statement
 - 8 Requires the prior submission of a demolition and construction method statement and management plan.
-

-
- 9 Requires the prior submission of a construction method statement and management plan
 - 10 Requires the prior submission of a construction ecological mitigation plan
 - 11 Requires the submission of full architectural and specification details
 - 12 Requires the submission of sample brickwork and cladding
 - 13 Requires the submission of roof light details
 - 14 Requires the submission of roof materials
 - 15 Requires the submission of details of roof terrace
 - 16 Requires the submission of hard and/or soft landscape details
 - 17 Requires the submission of extraction and odour control details
 - 18 Limits the noise levels for Plant and Machinery
 - 19 Requires the implementation of a Noise Insulation Scheme
 - 20 Prevents the use of amplification equipment
 - 21 Requires the prior submission of noise insulation (variable)
 - 22 Limits the hours of operation to 7am to 11pm Monday to Saturday and 8am -11.00pm Sunday
 - 23 Limits delivery time of goods to or from the site to 7am to 11pm Monday to Saturday and 8am -11.00pm Sunday
 - 24 Requires the submission of a lighting design scheme and biodiversity. strategy The development hereby approved shall not be occupied until a detailed lighting design strategy for biodiversity has been submitted to and approved in writing by the Local Planning Authority. The detailed lighting scheme shall-
 - 25 Requires the submission of a residential travel plan
 - 26 Requires details of cycle parking prior to occupation
 - 27 Requires the submission and completion of works for the S278/TRO Agreement
 - 28 Requires the works to the listed building to take place prior to the commencement of the approved use
 - 29 Requires the submission of a scheme for ecological and biodiversity enhancement measures
 - 30 Requires the prior submission of details of bird/bat boxes
 - 31 Requires the glazing to the commercial/retail units to be clear and not obstructed.
-

-
- 32 Requires the submission of security measures
 - 33 Requires the scheme to be in accordance with the listed approved plans
 - 34 Implement within 3 years (Full)
-

Case Officer: Lesley Sheldrake

Photo(s)



Photo 1: Site frontage to Caroline Street



Photo 2: Site frontage to Regent Place

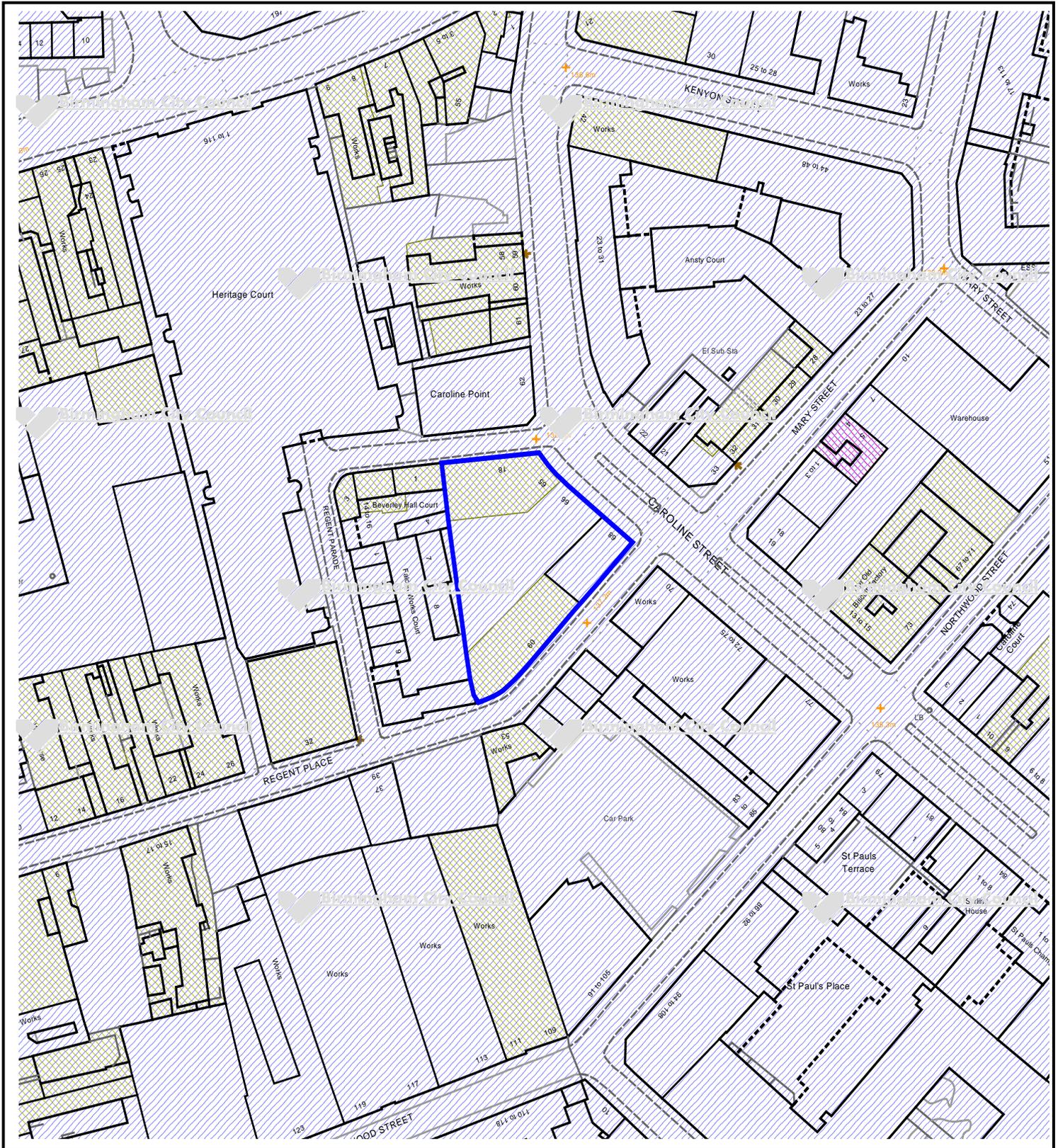


Photo 3: Site frontage to Regent Place



Photo 4: Internal courtyard view looking towards neighbouring buildings in Falcon Court

Location Plan



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

Committee Date: 05/12/2019 Application Number: 2019/04682/PA
Accepted: 14/06/2019 Application Type: Listed Building
Target Date: 10/01/2020
Ward: Soho & Jewellery Quarter

60 - 70 Regent Place, 65 - 67 Caroline Street and 14 - 16 Regent Parade, Jewellery Quarter, Birmingham, B3 1UG

Application for Listed Building Consent for change of use, alterations and extensions to existing buildings to provide 37 apartments and ground floor commercial B1/A1/A3 uses with associated works including demolition of courtyard buildings, erection of replacement 3 and 4 storey buildings, additional floors to 18 Regent Parade and retained courtyard building.

Recommendation

Approve subject to Conditions

1. Proposal

- 1.1 The application relates to a site of 0.15 hectares within the Jewellery Quarter Conservation Area at the junction of Caroline Street, Regent Place and Regent Parade. The site is entirely covered with buildings and includes two Grade II listed buildings with an extensive range of outbuildings. This application for listed building consent proposes works to the listed buildings on the site as part of a wider regeneration scheme that includes demolition, conversions, extensions and other alterations to provide 37 apartments and 6 ground floor commercial units.
- 1.2 The proposals for the site comprise 4 main elements namely retention and conversion of retained buildings, demolition of some courtyard structures, restoration of historic buildings, and erection of new buildings/extensions as follows:-
- *Retention* - The existing buildings, on the site frontages to Caroline Street, Regent Place and Regent Parade would be retained and converted to new uses. This includes the listed building fronting at 65 Caroline Street with its associated two storey rear workshop wing at 18 Regent Parade and 60-70 Regent Place and part of its rear workshop range. Abutting these listed buildings and also forming part of the site are Regent Court a 3 storey office building and 67 and 68 Caroline Street a pair of former 3 storey town houses which would also be retained.
 - *Demolition* - The site has been infilled over time and most of the courtyard buildings would be removed apart from some original sections of walling including the boundary walls. It is also proposed to remove a number of later internal fixtures and fittings from the retained buildings.
 - *Restoration*- The works proposed to the listed buildings include roof and window repairs or like for like replacement if too damaged, replacement of modern windows, reinstatement and reopening of former blocked windows, an uplift of insulation within building fabric, striping of paintwork to external walls, repairs to the external facades, the reinstatement of original rear elevations where extensions are to be removed.

- *New Build* – The works proposed include adding a third floor with pitched roof to the listed workshop wing fronting Regent Parade and adding third floors to two courtyard buildings to the rear of the listed building at 60-70 Regent Place. Within the rear courtyard two new buildings are proposed with heights of 3 and 4 storeys which would lie between adjoining the listed buildings and boundary wall.

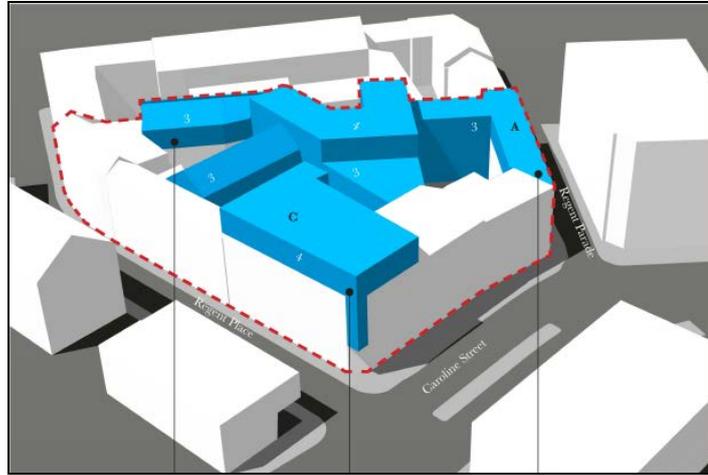


Figure 1: Diagram showing the position and height of additional storeys in blue

- 1.3 One of the more visible alterations proposed would be to the listed workshop fronting Regent Parade. It is currently 2 storeys high with a flat roof, modern windows and roller shutters and painted brickwork. It is proposed to add a third floor and pitched roof, to reinstate the original window styles and openings, remove the current painted finish to expose the original brickwork and reinstate the arched carriageway entrance.
- 1.4 With the rear courtyard areas a significant amount of demolition is proposed in order to re-provide a more traditional layout of shopping wings grouped around narrow yards. The works proposed include replacing some of the existing floor space by adding third floors to two of the retained structures and erecting 2 further new buildings one of 3 storeys and the other of 4 storeys. These new buildings would be located between the retained buildings and existing boundary wall. The new buildings would have a strong grid of large window openings within a brick frame with slate roofs. The additional third floors proposed would be provided in matching brickwork with new slate roofs and windows to follow the original external elevations.

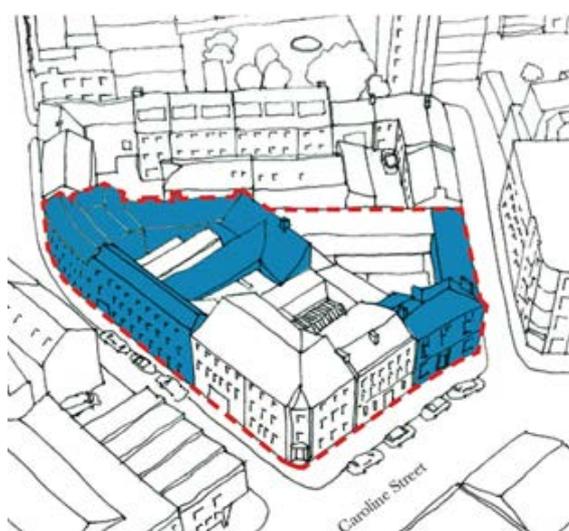


Figure 2: Illustrative 3D Sketch showing existing site layout with listed buildings in blue

- 1.5 The development as a whole, including the non-listed buildings at Regent Court and 67-68 Caroline Street, would provide 37 apartment and six commercial units for B1/A1/A3 uses. The commercial space would occupy the ground floors of the buildings and include two commercial units within the listed building at 65 Caroline Street one of 48sq.m and the other combined with the ground floor of 67-68 Caroline Street to create a larger unit of 112 sq.m. The ground floor of the listed building at 60-70 Regent Place would provide two units of 89 sq.m and 78 sq.m. All the upper floors of the listed buildings and the ground floor of 18 Regent Parade would be used as residential accommodation so that overall the development would provide 3,318 sq.m of floor space of which 2,895 sq.m (87%) would be residential accommodation and 423 sq.m (13%) would be for commercial uses.
- 1.6 The application has been supported by a Design and Access Statement, Heritage Statement, Historic Building Assessment, Historic Asset Schedule, Planning Statement and Viability Assessment.
- 1.7 [Link to Documents](#)
- 2 Site & Surroundings
- 2.1 The application site lies within the Jewellery Quarter Conservation Area and within the designated Industrial Middle locality. It is a corner plot with frontages to Regent Place, Caroline Street and Regent Parade. The existing development consists of a series of street frontage buildings with associated workshop ranges to the rear which have been infilled over the years so that the site is now entirely covered with buildings. The plot includes two groups of Grade II listed buildings one at 65 Caroline Street, a 3 storey former town house dating from 1830, and its workshop range to the rear fronting Regent Parade. The other group is at 60-70 Regents Place, a 3 storey purpose built manufactory with offices and display rooms dating from 1850. Between these listed buildings lie 67 and 68 Caroline Street, 3 storey white rendered buildings, originally built as 2 town houses which have been heavily altered and merged into one building. Completing the block is Regent Court a three storey office building dating from 1999 with a projecting turret feature at the road junction. At the rear of the street frontage buildings are a variety of single and two storey workshops some of these contain sections part of older buildings but have generally been heavily modified and altered, over the years.
- 2.2 In recent years the buildings have been occupied for a variety of commercial uses. On the Caroline Street frontage the buildings have been in use as a Dry Cleaning and Laundry business, a café and taxi firm on the ground floor with the upper floors of mainly divided into small office suites many of which are in a poor state of repair and are vacant. On Regent Parade the two storey frontage workshop is vacant but within the courtyard buildings there are several small studios. On Regent Place the buildings have provided a range of industrial and office accommodation including industrial/workshop uses within the courtyard buildings. There is also a small Brewery/public house on this frontage. Regent Court (66 Caroline Street) was purpose built as offices in 1999, but is now empty.
- 2.3 The northern edge of the site is enclosed with a high brick wall which forms the boundary with two neighbouring developments known as Falcon Works and Beverly Hall Court. These developments comprises of two and three storey listed buildings (Beverly Hall Court) used as a commercial unit and 3 town houses and a new build mixed use scheme of 5 town houses and two duplex apartments known as Falcon Works and a vacant three storey office building at 10-12 Regent Place. Some of the units in Falcon Court also have accommodation within the roof space.

2.4 Other development nearby is predominantly commercial with a modern 4 storey office building located opposite the site on Regent Parade and a two storey office building, small car park and 3 storey live work units located opposite the site on Regent Place. On Caroline Street are offices, retail units and industrial buildings. There are also a number of Grade II listed buildings in close proximity to the site including the Squirrel Works at 32 Regent Place and No 53 Regent Place which lies opposite the site. Other listed buildings close by include No's 22-26 Regent Place, 58-61 Caroline Street and 27-32 Mary Street.

2.5 [Site Location](#)

3 Planning History

3.1 2019/04482/PA – Current associated planning application for change of use, alterations and extensions to existing buildings to provide 37 apartments and ground floor commercial B1/A1/A3 uses with associated works including demolition of courtyard buildings, erection of replacement 3 and 4 storey buildings, additional floors to 18 Regent Parade and retained courtyard buildings. Reported elsewhere on this agenda

3.2 17/9/97 - 1997/03166/PA – Planning permission granted for the continued use of 65 Caroline Street as a private hire booking office.

4 Consultation/PP Responses

4.1 Historic England – Have not objected to the application but comment that they cannot support the development in its current form due to the harm this current scheme would cause to the significance of two Grade II listed buildings and the distinct qualities of the conservation area. Their concerns area:-

- The application is contrary to Birmingham City Council's policies for use within the Industrial Middle which is safeguarded for traditional metalworking activities within the quarter.
- The design and scale of new build elements does not meet the guidelines in the Jewellery Quarter Design Guide with regard to the scale of new development within the Quarter. The existing site is made up of buildings of a domestic scale of two to three storeys with simple detailing and narrow plan depths subservient to their host frontages. The application however seeks the construction of new build apartments of four storeys in height and although amendments have also been made to the proposed residential blocks in the centre of the site, partly reducing the fourth floor and removing the pitched roof it remains four storeys. This would be the tallest building in the site rising above the host historic buildings along the principal road frontages and is clearly not subservient.
- It is not clear what the implications of constructing an additional storey to the rear ranges of Nos.60-70 Regent Place would be. No detailed Heritage Assessment has been available and the Historic Building Assessment which describes a 'broad brush' assessment provides no detailed systematic examination of the interior spaces.
- The amended scheme now retains the rear historic plot boundary between No.65 Caroline Street (with No.18 Regent Parade), and Nos.60-70 Regent Place, better respecting the historic development pattern. This is welcomed.
- Given the significance of the site, we would also draw your attention to the statutory duties of the local authority set out in the Planning (Listed Buildings and Conservation Areas) Act 1990, and the requirements of the NPPF where Local

Authorities are called to look for opportunities for new development within conservation areas and the setting of heritage assets to enhance or better reveal their significance (paragraph 200), and for new development to make a positive contribution to local character and distinctiveness. Any harm or loss of significance requires clear and convincing justification.

- Whilst the amended scheme does propose some positive aspects such as the removal of later unsympathetic internal partitions, further amendments are still required to better respect and take account of the significance of the conservation area and listed buildings. This includes further reduction in height in order to better respect significance and local character and distinctiveness in the Quarter. We therefore have concerns at the impact this would have, resulting in harm that could be avoided by an alternative design for a reduced scheme which better responds to the various heritage assets.

4.2 Victorian Society - Object to this application on the following grounds:

- The proposal is for conversion to provide largely apartment accommodation, but the site is located within the Industrial Middle area of the Jewellery Quarter where the presumption is against residential development, so is inappropriate.
- The proposals are particularly inappropriate for the grade II listed 60-70 Regent Place which was built as a gold chain manufactory and is possibly the oldest surviving purpose built jewellery factory in the Quarter.
- We would also have expected to see a proper heritage impact statement, which does not appear to be included with the documents provided so it is not possible to properly assess the impact of the proposals on the character and significance of the listed buildings or the conservation area.

4.3 Jewellery Quarter Development Trust – Object to the application on the following grounds:-

- Loss of existing uses on site, some of which form part of the industrial heritage of the site/area e.g. electroplaters and others which contribute positively to the resident and business amenities within the area. BDP GA1.3 - The Quarters should apply (supporting and strengthening the distinctive character of the areas surrounding the City Centre Core).
- Provision of exclusively A1/A3 uses within the scheme, does not mitigate the loss of existing uses on site or provide for the variety of business accommodation needed in the quarter.
- The dominance of residential use within the scheme, in a location where residential uses are not normally permitted.
- The scheme does not provide sufficient benefits to off-set the policy conflict regarding development in the Industrial Middle. The precedent established by the adjoining Beverley Court site is also of relevance here.

4.4 The Jewellery Quarter Development Trust does however support the following elements of the proposal:

- The re-use of underutilised floor space and building on site.
- The general philosophy of retaining as much existing valued structures on site as possible, re-imagining those building on site which currently contribute little to the character of the Conservation Area and re-opening of the rear of the site to provide greater breathing space for retained buildings.
- The drive to largely work within the existing massing on site
- The creation of varied accommodation on site, providing potentially interesting spaces inside and generating characterful (although extremely intimate) external spaces on site.

- The provision of residential accommodation in small blocks, as opposed to large-scale regular blocks, which responds better to the fine-grained nature of the JQ.
- That private courtyards and street frontages are used as the primary means of accessing some of the units.
- The retention of ground floor commercial uses wrapping Caroline Street and Regent Place, providing opportunities for active frontages.

4.4 Birmingham Civic Society – Support the application and have made the following comments:-

- This is generally a worthwhile scheme to bring into use this group of poorly maintained, historic buildings.
- The approach to the conservation appears sound, removing fabric which has a negative impact on significance and revealing the historic fabric remaining. The assessment of significance would however benefit from assessing the significance on a scale (from low to highest) of individual components/areas and presenting justification for the degree of impact upon them. Where access could not be gained, revised information could be provided as a condition once stabilization allows safe access.

4.5 Ward Councillors, MP, residents associations, local residents and businesses notified of the application and site/press notices displayed. 8 letters received making the following objections:-

- The site is within the Industrial Middle of the Jewellery Quarter and housing is unacceptable, not appropriate for the listed buildings and does not comply with the JQ Appraisal and Conservation Management Plan or Design Guide.
- The site is located right in the centre of the Jewellery Quarter Industrial Middle part of the Conservation Area where policies aim to preserve the jewellery trade and small metal work trades in the locality which should be upheld.
- 60-70 Regent Place is the oldest surviving purpose-built workshop left in the JQ, and should be retained as such so the JQ is not just a historical name from the past. Apartments are particularly inappropriate for this grade II listed building.
- The rear structures proposed for demolition formed part of the original workshop ranges and should be protected.
- There is no proper heritage statement, which has assessed the impact of the proposals on the character and significance of the listed buildings.
- The development will damage the Jewellery Quarter heritage and its small independent businesses. There will soon be little heritage left.
- The buildings are listed and the plans remove courtyard buildings and would change a lot of the old features. It is not clear whether the facade with its beautiful curved walls and sash windows are to be kept.
- The token retail space offered does not reflect the industrial/working and historic uses of the area. The proposals would force the eviction of a number of popular independent businesses.
- The Heritage Statement report states that part of 60-70 Regent Place was not inspected inside and is therefore not a proper assessment of the internal architectural features and historic interest of the site.
- Unacceptable loss of listed buildings and courtyards for yet more bland overpriced Jewellery Quarter apartments
- The development is too intense. The plans attempt to shoehorn a large number of pokey shoebox flats into buildings that should be retained for commercial use.

5. Policy Context

5.1 Birmingham Development Plan 2017, Birmingham Unitary Development Plan 2005 (saved policies), Jewellery Quarter Conservation Area Character Appraisal and Management Plan, Jewellery Quarter Conservation Area Design Guide, Conservation Through Regeneration SPD and National Planning Policy Framework

6. Planning Considerations

6.1 **Policy/Change of use**

6.2 The application involves the change of use of listed buildings which have been used for commercial purposes for many years. 60-70 Regent Place is one of the oldest surviving purpose-built workshops left in the Jewellery Quarter and 65 Caroline Street was originally built as a dwelling for a silversmith in 1836 with an extensive yard and workshop ranges, which have been used for a variety of businesses uses. The applicants historic buildings assessment comments that the architectural interest and historical significance of the buildings lies principally in their traditional form, appearance, scale and grouping and in their combination of domestic and commercial/industrial elements embodying many of the distinctive qualities of the Industrial Middle zone of the Jewellery Quarter.

6.3 Planning (Listed Building and Conservation Areas) Act 1990 which sets out the statutory requirement for development involving listed buildings states that in considering whether to grant planning permission or permission in principle for development which affects a listed building or its setting, the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

6.4 Policy TP12 of the BDP establishes that the historic environment will be valued, protected, enhanced and managed for its contribution to character, local distinctiveness and sustainability. It states that where a Conservation Area Character Appraisal or Management Plan has been prepared, it will be a material consideration in determining applications for development. Policy TP25 which seeks to promote the City's role as a centre for tourism including protecting and promoting its strong industrial heritage.

6.5 The Jewellery Quarter has a Conservation Area Character Appraisal seeks to protect the industrial heart of the Jewellery Quarter from new residential development which could dilute the character of the conservation area. Thus Policy 2.2 of the JQ Management states that the Council will not normally permit new residential uses, whether by conversion of existing buildings or new build in the areas defined as the Golden Triangle and the Industrial Middle.

6.6 The use of the listed buildings for predominantly residential purposes is considered to cause some loss of their historical significance. Much of the floor space was originally purpose built for industrial purposes and although it is no longer used for jewellery businesses the existing commercial uses help retain the buildings historic interest. New commercial uses are proposed at ground floor level but the proposed residential uses to the upper floors would inevitably cause a change in character and some harm to the significance of the heritage assets. The harm is considered to be less than significant and therefore would need to be balanced against any public benefits of the development which are discussed further in paragraphs 6.23- 6.27 below.

6.7 **Demolition**

- 6.8 The redevelopment of the application site would require the demolition of several buildings within the rear courtyard, although the plans have been amended since originally submitted to retain more of original walling and plot boundaries. As these are attached to the rear of the listed buildings there is a statutory requirement to have special regard to the desirability of preserving the buildings, their setting and or any features of special architectural or historic interest which they possesses. Policy TP12 of the BDP also states that great weight will be given to the conservation of the City's heritage assets and the Jewellery Quarter Conservation Area Appraisal and Management Plan states in para 1.1 that demolition of buildings will not normally be permitted. The NPPF requires the conservation of heritage assets in a manner appropriate to their significance. In considering the impact of a proposed development on the significance of a designated heritage asset great weight should be given to the asset's conservation and local planning authorities to look for opportunities for new development within the setting of heritage assets, to enhance or better reveal their significance.
- 6.9 There have been several criticisms that the applicant's heritage appraisal has not provided an assessment of significance and the impact of the development on that significance. A revised heritage appraisal was therefore requested and has now been provided that includes this evaluation. With regard to the proposed loss of several of the courtyard buildings to the rear of 60-70 Regent Place the updated Heritage Assessment finds the impact to be mostly beneficial as the buildings have been heavily modified or are mid-20th century additions. The demolition would return the space back into an original courtyard and reveal the original elevation to rear of the retained listed buildings and also made visible a number of the earlier ranges on the site.
- 6.10 The appraisal does however conclude that there would be a moderate adverse impact due to the loss of one of the central two storey ranges as it still retains the original regular fenestration and marks the northern boundary of the site. It has however been heavily modified with new roof trusses and roof covering. The proposals would respect the central historical boundary and the new buildings would sit on a similar footprint. None the less this would constitute a minor loss of significance.
- 6.11 Some of the buildings to be demolished to the rear of 65 Caroline Street/18 Regent Parade represent parts of the early site development of the site (1830s) but have been the subject of fairly major, sequential phases of modification over time, such that only limited historical fabric survives. Their removal would allow the rear of 65 Caroline Street to be revealed as would the demolition of a two storey mid-20th century extension which is attached some of the to the courtyard buildings. The updated heritage appraisal comments that by revealing the rear of the Grade II listed building a positive contribution to the significance of the heritage asset would be made as it allows it is to be completely refurbished. It does however acknowledge that the removal of the central workshop range which represents part of the early development of the site (1830s) would cause a minor adverse impact on the heritage asset even though it has been the subject of fairly major, sequential phases of modification over time, such that only limited historical fabric survives.
- 6.12 Historic England raises no objection to the proposed demolition and although they originally expressed concern regarding the removal of the loss of historic plot boundaries, this has been addressed in the amended plans. The Jewellery Quarter Development Trust has welcomed the re-opening of the rear of the site which they consider would provide greater breathing space for the retained buildings.

6.13 The Conservation Officer comments that the scheme proposes a significant amount of demolition to various rear courtyard buildings and the opening up of several sections of former yard areas. The majority of buildings proposed for demolition are later 20th century single storey building and have been identified as of low significance within the context of the site overall. Of more significance is the two storey rear wing to No.65 Caroline Street, the ground floor of which is likely to be contemporary to the main house. This rear wing has however been substantially altered over time with an additional storey(s) added possibly in the late 19th century and the removal of sections of ground floor walls. The Conservation Officer agrees with the analysis made in the Historic Building Assessment that although the plan and primary form of this structure is still evident there is little surviving historic fabric and its context and significance has been compromised. The scheme proposes to retain most of the significant fabric of the external ground floor wall and therefore taking account of the overall heritage benefit to the main listed building the demolition proposed can be tolerated. None the less there would be some minor harm caused to the heritage assets and as this is considered to be less than substantial harm needs to be balanced against any public benefits.

6.14 **Proposed Restoration Works/Alterations**

6.15 The public NPPF guidance requires Local Planning Authorities to assess the particular significance of any heritage asset that may be affected by a proposal and to take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal. Account should also be taken of the desirability of sustaining heritage assets by putting them to viable uses consistent with their conservation and the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality.

6.16 In the case of the listed buildings at 60-70 Regent Place that front the street the current external and internal condition is poor and the external elevation bows out into Regent Place. The roof and trusses appear to have been damaged in the past by a fire and as the proposals are therefore to carry out a range of repairs including new utilities, renovation of retained walls, insertion of secondary glazing where necessary, roof repairs and an uplift of insulation within building fabric. The curved façade of the building and windows which are specifically referred to by an objector would be repaired and the roof and damaged roof trusses replaced. A rear addition would be demolished allowing the original rear elevation to be revealed and the arched windows reinstated. These works are assessed in the applicants heritage statement to have a minor beneficial impact on the listed buildings due to the restoration/repair work, the reforming the historic layout and by allowing the rear elevations to be viewed by removal of the courtyard coverings.

6.17 The works also involve adding further third floors to the retained listed courtyard buildings and the applicant's heritage statement acknowledges that they were evidently built as 2 storeys. These buildings have been severely altered over the years, with changes to the roof structures, removal of walls and alterations to the external facades. Historic England has raised concerns regarding the addition of third floors to these buildings and whether they structurally can accommodate a further floor. The revised heritage statement comments that as the buildings have been reinforced with further structures over the years they can accommodate the load of the new roof, but acknowledges that there would be considerable restoration works required to reinstate windows and boarded up openings, provide new floors and pitched roofs. The impact on the listed buildings is judged to range from moderately

beneficial to moderately adverse and therefore there would be some less than significant harm caused to the heritage assets.

- 6.18 With regard to the works proposed to the other group of listed buildings at No. 65 Caroline Street /No. 18 Regent Parade a mid-20th century courtyard extension would be demolished to reveal the rear of the property, reinstating the original windows and retaining the fabric to the ground floor range. The frontage building would be completely refurbished with commercial units to the ground floor and residential to the upper floors. The heritage statement considers the impact on the listed building to be beneficial. For 18 Regent Parade the proposed works involve an additional storey with a pitched roof which would reinstate the original roof form of the building which together with the installation of new windows frames, restoration of the original brickwork and arched carriageway entrance would have a positive impact on the heritage asset.
- 6.19 The application offers the opportunity to restore the listed buildings and a detailed Historic Asset Schedule of repairs has been provided with the application outlining extensive external and internal repairs to be undertaken as part of the development. Although the impact of these works would generally be beneficial to the heritage assets the additional floor to the courtyard wings would cause some minor adverse impact, which is judged to be less than substantial harm, and therefore needs to be weighed against any public benefits.

6.20 **New Build**

- 6.21 In addition to the alterations to the listed buildings themselves new buildings are proposed within the rear courtyard that would be 3 and 4 storeys in height and partly attached to the remaining listed fabric and would also have an impact on their setting. The re-opening up of the courtyards to largely follow their original form would be a positive element of the development but the building heights proposed particularly the 4 storeys in the centre of the site would be above the host historic buildings along the principal road frontages and not subservient as is the current and original form.
- 6.22 The Conservation Officer comments much of the special interest of this group of heritage assets lies in the development of the site over time and of over 200 years of use and adaptation. The scheme proposes the extensive repair and refurbishment of the two listed buildings and this would result in a significant heritage gain to both the architectural and historic interest of the buildings and to the character and appearance of the conservation area. However although this element of the proposal is fully supported objections are raised to the four storey buildings in the rear courtyard area as it is considered that this would cause less than substantial harm to the setting of the listed buildings.

6.23 **Public Benefits**

- 6.24 The NPPF requires heritage assets to be conserved in a manner appropriate to their significance and any harm to that of significance requires clear and convincing justification. As it is judged that development would cause less than substantial, to heritage assets this needs to be balanced against the public benefits of the proposals as required by paragraph 196 of the NPPF. National guidance regarding public benefits states that this could be anything that delivers economic, social or environmental objectives as described in the NPPF and should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits,

for example, works to a listed private dwelling which secure its future as a designated heritage asset could be a public benefit.

- 6.25 There would be a number of public benefits as a result of the development. These include:
- Securing new uses for the listed buildings that are underused could otherwise be redundant or fall into disrepair
 - Supporting the long-term preservation of the listed buildings and restoring their significance through a programme of repair work.
 - Retaining much of the existing valued structures on site including those on the existing site frontages
 - Restoring No's 67 and 68 Caroline Street which although not listed are heritage assets which contribute to the character, appearance and setting of the adjoining Listed buildings
 - Removal of the unsympathetic extensions and alterations that have been carried out to the existing buildings
 - Proving a high quality sustainable development that largely follows building heights and the fine grain of development within the Quarter
 - The retention and upgrading of ground floor commercial uses wrapping Caroline Street and Regent Place, providing opportunities for new active frontages
- 6.26 The Jewellery Quarter Development Trust considers that the public benefits of the development do not outweigh the conflict with policies which seek to retain buildings in commercial use in the Industrial Middle. To address this applicants have provided a viability report which has undertaken an analysis of the costs involved in restoring and upgrading the retained buildings on the site and the viability of providing employment/commercial uses. The applicant's consultants tested a range of options which envisage varying percentages of employment and residential uses at the site ranging from a 100% employment/commercial use to the current proposal for 13% commercial uses and 87% residential use. The options tested show that a 100% employment/commercial scheme is not viable as a developer's return for risk (profit) of approximately minus 51% is produced. Whilst the developer's return for risk increases as the commercial component of the scheme reduces and the residential element increases, a sufficient level of developer's return is not generated and even the current planning application proposals show a return of 11.3% for the current mix. The appraisal has been referred to the Council's consultants for an assessment and they confirm that the proposed residential development is required to provide a viable scheme although they consider a return on costs of about 20% would be provided.
- 6.27 It is considered that the applicants have demonstrated that a significant quantum of residential floor space including the additional height of the courtyard buildings is required to provide a viable development on the site. They have also pointed out a number of other examples in the Industrial Middle part of the Jewellery Quarter where residential development has been approved in order to secure the optimum viable use of listed buildings. It is therefore considered that the harm caused to heritage assets is outweighed by the benefits of regenerating the site and restoring the listed buildings and providing them with viable new uses.
- 6.28 **Other Matters**
- 6.29 The matters raised by consultees and the public relating to the proposed change of use of the listed buildings, loss of the existing buildings, adequacy of the heritage and scale of the alterations proposed are addressed in the paragraphs above. Matters relating to the loss of existing businesses and scale of the new development are dealt

with along with other issues raised by objectors in the report regarding the planning application (2019/04482/PA) which is also on the agenda for this committee.

7. **Conclusions**

7.1 The application proposals are considered to offer a number of benefits to the listed buildings on the site as their restoration and refurbishment would enhance their character and appearance and allow them to be brought back into viable new uses to ensure their ongoing conservation. The development would largely preserve those elements of heritage interest and the removal of some of the more modern extensions and alterations and reinstatement of the courtyards would better reveal their significance.

7.2 There are however some elements of the proposed development which would cause less than significant harm to these heritage assets by the demolition of some historic fabric, the loss of industrial floor space and the proposed 4 height of the courtyard buildings. The applicant's viability appraisal has established that a predominantly residential development would be required to fund the restoration work and without this, large areas of the buildings would continue to be unoccupied or fall into disrepair. This harm is on balance, is considered to be outweighed by the public benefits of the development and is recommended for approval.

8. Recommendation

8.1 That listed building consent be APPROVED subject to the following conditions:

-
- 1 Requires prior details and implementation of restoration/repair works
 - 2 Requires an inventory of retained fixtures and fittings
 - 3 Requires the prior submission of a demolition method statement
 - 4 Requires the prior submission of a construction method statement
 - 5 Requires details of protection works to retained workshop ranges
 - 6 Requires architectural details and specifications
 - 7 Requires the submission of sample materials
 - 8 Requires details of the mortar mix
 - 9 Requires a mechanical and electrical (M&E) systems strategy and water utilities strategy
 - 10 Requires the scheme to be in accordance with the listed approved plans
 - 11 Implement within 3 years (conservation/listed buildings consent)
-

Case Officer: Lesley Sheldrake

Photo(s)



Photo 1: Street view of listed building at 60-70 Regent Place

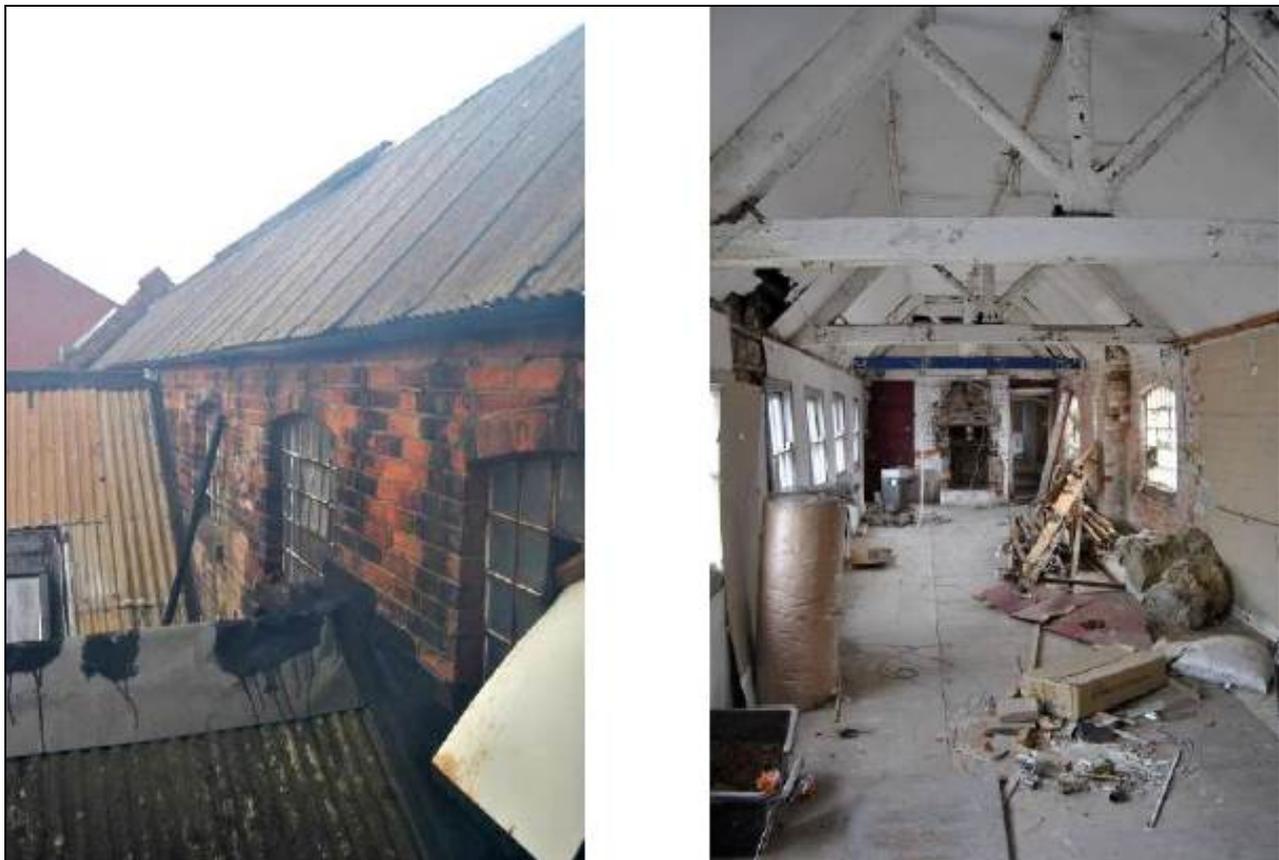


Photo 2: Rear and internal view of listed building at 60-70 Regent Place



Photo 3: Street view and entrance to of listed building at 65 Caroline Street

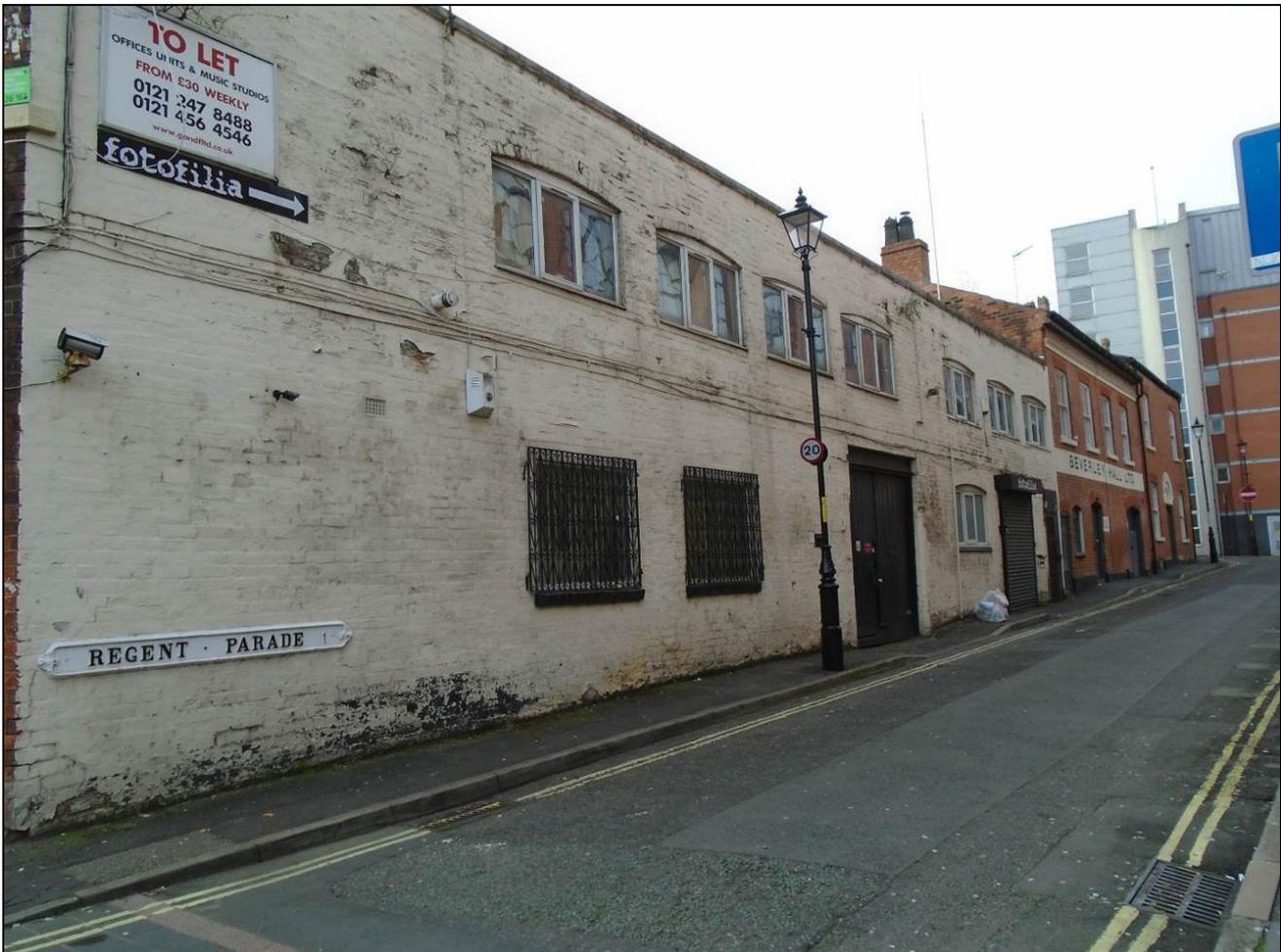


Photo 4: Street view of listed building at 18 Regent Parade

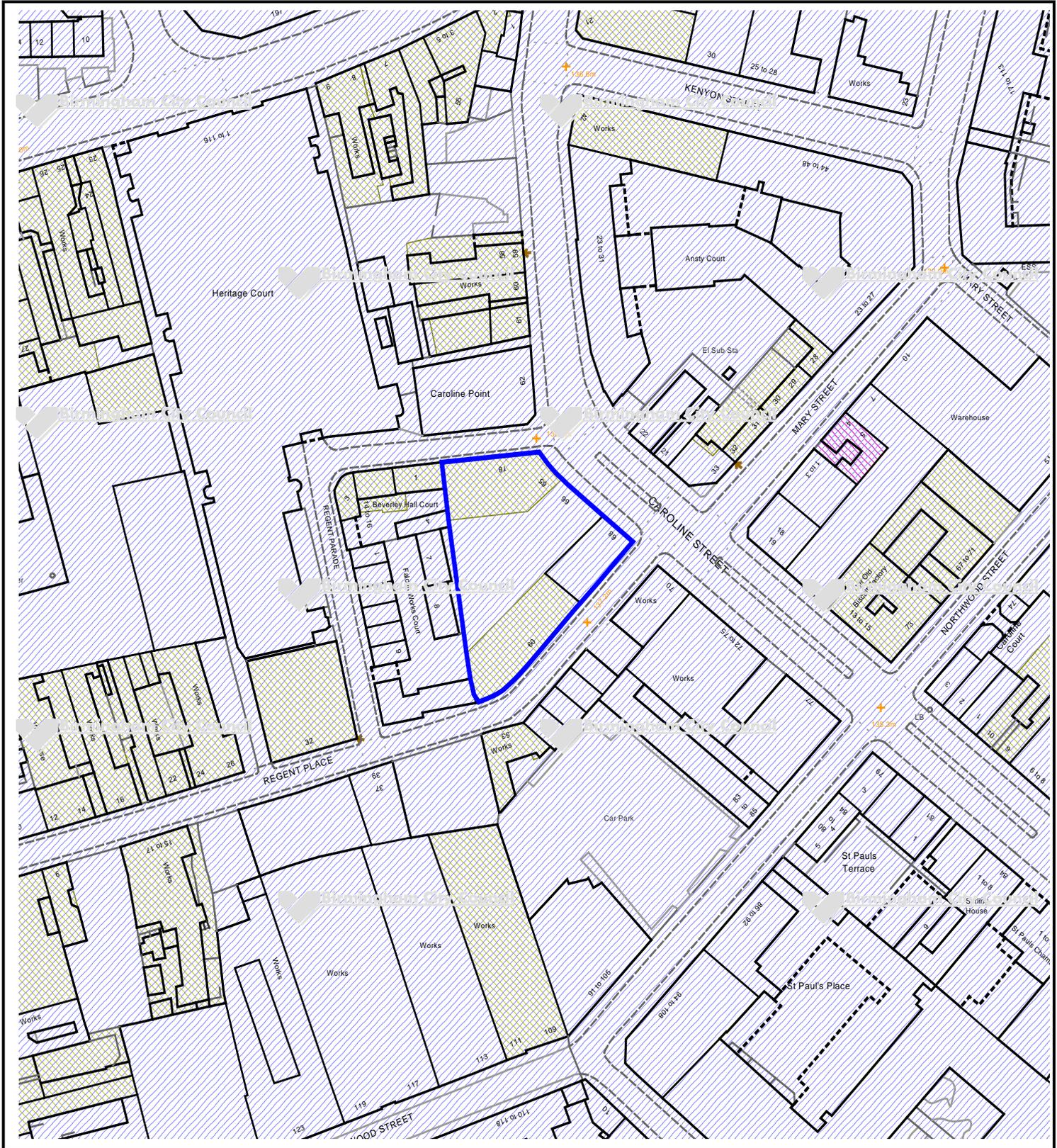


Photo 5: View of courtyard buildings to the rear of 18 Regent Place and 65 Caroline Street



Photo 6: View of courtyard buildings to the rear of 65 Caroline Street

Location Plan



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

Committee Date:	05/12/2019	Application Number:	2018/08647/PA
Accepted:	15/05/2019	Application Type:	Full Planning
Target Date:	14/08/2019		
Ward:	Ladywood		

The Flapper Public House, Kingston Row, City Centre, Birmingham, B1 2NU

Demolition and redevelopment of the Flapper Public House to create a part 3 and part 4 storey development comprising 27 residential apartments

Recommendation
Determine

REPORT BACK

- 1.1. This application was originally reported to the Planning Committee at the meeting on the 10th October 2019, when a decision was deferred for a site visit, which took place on the 31st October. The application was then reported back to Planning Committee at the meeting on the 7th November, when Members were mindful to refuse the application.
- 1.2. The applicant has indicated that they consider that none of concerns raised appear to be reasonable and they would have good grounds for a full or partial award of costs at appeal. I still consider that the application should be approved; however, should your Committee be minded to refuse the application below are suggested reasons:-
 - i. The proposed development would result in the loss of the Flapper PH, a valued community facility and small scale music venue. As such the proposal would be contrary to Policy TP24, TP25 and TP28 of the Birmingham Development Plan and Paragraph 92 of the Revised National Planning Policy Framework.
 - ii. The means of access to the site is inadequate and would be detrimental to the safety and free flow of traffic and pedestrians in the adjoining highway. As such the proposal would be contrary to Policies TP28, TP38 and TP39 of the Birmingham Development Plan.
 - iii. The demolition of the Flapper PH and redevelopment of the site would cause unjustified harm to the character and appearance of this non-designated heritage asset, including the non-designated Birmingham and Fazeley Canal and the setting of nearby heritage assets, namely the Grade II listed Cranes; the Grade II listed Kingston Row Cottages immediately west of the Site. The scheme therefore fails to accord with paragraphs 196-197 of the revised National Planning Policy Framework and Policy PG3 and TP12 of the Birmingham Development Plan 2017.

- iv. The proposed development, by virtue of its scale would have an overbearing impact on the canal basin, which would be contrary to the open character of the area. As such the proposed development would be contrary to Policy PG3 and TP28 of the Birmingham Development Plan and Revised National Planning Policy Framework.

ADDENDUM REPORT TO ITEM 21 FOR PLANNING COMMITTEE 2019

1. Comments

- 1.1 This application was reported to the Planning Committee at the meeting on the 10th October 2019, when a decision was deferred for a site visit, which took place on the 31st October.
- 1.2 The site visit was attended by members of the Planning Committee, Cllr Kath Hartley, officers from Planning and Transportation, the applicant and his planning agent and architect. In addition, the site visit was attended by 20-30 residents who raised the following issues:-
- The Flapper is a popular, valuable community facility in the heart of the City Centre. It is also one of few remaining alternative music venues in the City. There are very few grassroots music venues left and Symphony Hall/ ICC cannot meet these requirements. It is easier to keep good venues open than to find new premises.
 - The proposed new residential development will undermine people's enjoyment of the canal, the beer garden is a pleasant place to sit and its redevelopment would result in the loss of a tourist destination.
 - Although not statutorily listed the Flapper PH does have heritage value as the redevelopment of this area, one of the first canalside redevelopments in the City Centre, was given a Civic Trust Award in 1979. In addition, the cobble section of Kingston Row is historic and should be listed.
 - Whereas the proposed building would create a canyon effect along the canal, the tiered design of the Flapper, with its distinctive copper roof, adds to the open character of the area
 - Access for large vehicles is poor and there will be deliveries / emergency vehicles / taxis etc. Also how will emergency vehicles and coal deliveries gain access during construction?
 - Overshadowing of the canal will make the water stagnant and impact on solar powered canal boats.
 - Queries were also raised about the lack of notification about the site visit, height of the building, whether existing landscaping would be retained and water pressure / drainage.
- 1.3 In response the applicant noted that the site has been earmarked for development since 2011, the building fabric is deteriorating, the site offers night time entertainment only and there are plenty of other alternative facilities.
- 1.4 Following the site visit the applicant has provided further information about the condition of the building:

- The premises are old and many aspects of it are reaching the end of its practical life and if retained would require extensive refurbishment or replacement to continue functioning. We estimate that the total cost could be in the region of £450,000+
- A rent review is due from the freeholder, further increasing the burden of costs to be met by the applicant.
- These additional costs will render the continued operation of the business untenable since funding is not available to meet all these costs. The applicant has previously agreed to a reduction in rent for the operational tenant by over 20% and has held this for the past 8 years. This has enabled the tenant to continue to operate the pub/venue to date but this is not a sustainable position moving forwards. It is not an option to increase the rent paid by the tenant sufficiently to cover these costs.
- In these circumstances the Flapper will therefore close on the 7th January, irrespective of the outcome of this planning application.

2. Observations

Loss of the Flapper PH

- 2.1 Policy TP25 of the BDP advises that proposals that reinforce and promote Birmingham's role as a centre for tourism, culture and events will be supported. It adds that this will include supporting smaller scale venues that are an important element of creating a diverse offer. In addition, the revised NPPF advises at paragraph 92 that decisions should guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs.
- 2.2 Redevelopment of this site would lead to the loss of a canal side public house and small scale live music. However, given that there are a number of alternative pubs, it is not considered that loss of the Flapper would significantly diminish the diversity of offer within the City Centre, or peoples day to day needs.
- 2.3 The applicant has identified 22 alternative music venues within the City. These alternative music venues have been reviewed and as detailed in the Planning Officer report, there are six realistic alternatives, that provide a similar live music function to the Flapper, are of a similar size and similar music genre.

Heritage Assets and Building Design

- 2.4 The Flapper PH, built in the 1970's, was considered for listing in February 2018 and was not added to the list on the basis of its lack of architectural and historic interest. The City Councils Conservation Officer was consulted on the planning application and commented that:

"I raise no objection to the application. Cotswold Archaeology have authored a Heritage Statement (December 2018). The statement is sound in its conclusions, which I can broadly concur with. The existing building is of no merit and its loss can be tolerated. The proposed building has carefully considered its location, scale and form. By placing it on the wharf edge itself it takes on the typical siting of buildings along this southern side of the canal directly on the canal edge. A photograph of the building that once occupied this site is provided in the heritage statement and justifies the approach taken. The form of the building with its saw-toothed roof speaks also of canal wharf buildings and allows the structure to respectfully slope down to the listed houses in Kingston Row."

- 2.5 The design of the proposed three and four storey building (15.3m to 17.7m high), references traditional canal side warehousing. The roofline is comprised of varying pitches, arranged as gable ends facing out onto the canal. The proposed brick fabric also reflects former canal side architecture, as does the fenestration with large simple window openings in a stacked arrangement. The proposed development includes for balconies, but with a simple glass and metal design, which helps to retain a more industrial feel to the structure. Overall, I consider that subject to safeguarding conditions the proposed building is acceptable.

Access

- 2.6 As detailed in my main report at paragraph 6.42 the application seeks to provide a residential block with 27 apartments. The existing use on the site is a public house. The supporting Transport Statement notes a similar level of servicing activity which currently takes place from Kingston Row which is a narrow shared use public highway linking to King Edwards Road. The plans show two defined disabled parking spaces and a service deck including bin stores. Cycle parking is also proposed below the service deck. Once residents move in the initial higher levels of servicing for furniture deliveries would subside.
- 2.7 The low level of car parking is noted but as the site is in the City Centre all surrounding roads are subject to parking controls and the site is reasonably close to all public transport facilities. BCC Transportation have therefore raised no objections subject to safeguarding conditions. In particular, as the site is so constrained with limited access to the public highway a condition is suggested to secure a Construction Management Plan to ensure continued access to Cambrian Wharf and measures to protect the cobbles on Kingston Row.
- 2.8 Whilst I appreciate the concerns of local residents, I do not consider that refusal could be justified on grounds of limited access or inadequate car parking. Moreover, the Fire Service have raised no objections to the application.

Other Issues

- 2.9 The orientation of the proposed building is such that it would cast a shadow over the canal basin for part of the day, however, given the modest 3 and 4 storey scale of the development, I do not consider that it would unduly overshadow the canal basin the canal basin. Furthermore, as suggested by the Canal and River Trust it is proposed to make provision for an electricity supply to the canal boat moorings.

2.10 Severn Trent Water and the Local Lead Flood Authority have raised no objections subject to suitable drainage conditions.

2.11 In terms of procedure, all those who commented on the planning application were notified of the Planning Committee site visit.

3. Recommendation

3.1 I do not consider that the objections made at the site visit raise any new issues and I therefore adhere to my original recommendation to approve subject to conditions and completion of a legal agreement.

ADDENDUM REPORT TO ITEM 9 FOR PLANNING COMMITTEE 10 OCTOBER 2019

1. Comments

1.1 Since the circulation of the agenda six letters of objection have been received commenting that:

- Three minutes to speak at Planning Committee is not sufficient and request that Planning Committee visit the site so that local residents are given adequate opportunity to voice their concerns.
- The Planning Committee should not be in a position of ignoring the objections of all those listed by simple generic summaries written by one Planning Officer.
- There are over 2000 void rentable flats in central Birmingham at present and no need for more 1 & 2 bed flats in such a central position, with only 4 three bedded flats included in the scheme?
- The scheme appears financially fragile and 100% dependant on the sales of all the flats.
- The scheme does not comply with planning policy, in particular:- - 41% of the total apartments fall below the minimum statutory size, yet there is an acknowledgement of there being too many small apartments in the city? Why is the developer not being compelled to change the design to provide a higher percentage of 3 & 4 bedroom apartments? One suspects the answer lies in the fact that families do not want to live in city centres without adequate welfare and social support.
the infringement of TP25 of the BDP and at a national level, the revised NPPF para. 92
- The sad generic ignorance by BCC that this was the start of the Birmingham Canal of 1769 by James Brindley, which was further enhanced by the other giant of canal and road contractors, Thomas Telford in 1827 is a travesty.
- The complete blinkered acceptance that the traffic in this vicinity is at a standstill with BCC totally ignoring parking infringement, with no hint of enforcement in the 12 years we have lived in Kingston Row, is a public disgrace. The single lane cobbled street which will lead to the flats is so obviously unsuitable.
- The devastating ignorance by BCC Planning Department of understanding the subtle significance of musical venues with prosaic generic comments that 'there are other venues'.

- The manner of making light the twilight element of this area being improved by this development. If BCC had not been such a public vandal over the years in letting the integrity of this canal side park deteriorate but kept the area looking good, there would be no need for improvement.
- Birmingham is undergoing a huge transformation at the moment with plenty of investment coming into the city. It is vitally important to recognise the value of our cultural and musical heritage as we continue to grow and develop as a city. The Home Of Metal exhibition highlighted the cultural value of celebrating a genre of music we actually invented right here in Birmingham. Allowing a hugely important venue like the Flapper to be replaced with apartments is a travesty. We need more grassroots music venues not less.

2 Observations

Public Speaking at Planning Committee

- 2.1 The protocol for public speaking at the Planning Committee gives objectors a total of 3 minutes to speak per application. This is in total, regardless of the number of people who wish to speak. If there are several people who have indicated that they wish to speak we suggest a spokesperson is nominated.

Local opposition

- 2.2. As detailed in the Planning Officers report the previous application generated significant opposition including a petition objecting to the loss of the Flapper PH with 440 signatories and an online petition with over 12,500 signatories. In addition 480 letters of objection were received. In response to the current revised application 222 letters of objection have been received. The majority of objections relate to loss of The Flapper PH and its redevelopment for housing, with other issues including the impact on heritage assets and canal wharf, impact on residential amenity and canal users, parking and access. The objections received in response to the current planning application are summarised in the Planning Officers report. However, it should be noted that the strength or volume of local opposition is not a material planning consideration.

Need for Housing

- 2.3. By 2031 Birmingham's population will increase by 156,000 people resulting in a housing need of 89,000 additional homes. The provision of a sufficient quality and quantity of housing to meet the City's growing population is therefore a central part of the strategy of the Birmingham Development Plan (BDP). It is not possible to deliver all of this additional housing within the City boundary, reflecting limited land supply. The BDP provides for 51,100 additional homes over the plan period, with the shortfall of 37,900 homes to be met by other authorities in the Greater Birmingham and Black Country Housing Market Area through the duty to co-operate. (Policy PG1 Overall Levels of Growth). PG1 does not set a ceiling for growth. Paragraph 8.13 of the explanatory text to Policy TP29 'Housing Trajectory' states that: "Whilst the trajectory sets out annual provision rates, they are not ceilings. Housing over and above that set out in the trajectory will be facilitated wherever possible".

Planning Obligations and Community Infrastructure Levy

- 2.4. In accordance with the City Councils Planning Validation Criteria, where an applicant cannot provide the full range of Section 106 requirements (including affordable

housing), due to financial viability issues, a Financial Appraisal has been submitted. Independent consultants have been appointed to assess the financial appraisal and have concluded that the provision of 3 affordable units for Low Cost Home Ownership (11%) is the most that the scheme is able to sustain. The provision of the affordable housing units, together with refurbishment / reinstatement of the two Grade II listed Cranes and provision of an electrical power supply to the canal basin are secured through a Section 106 agreement. In addition to the above planning obligations the application attracts a CIL payment of £110,325.

Apartment Sizes

- 2.5. The City Council does not currently have adopted policies for minimum apartment sizes. However, the Technical housing standards - nationally described space standard (NDS) provides a reasonable yardstick against which to assess the proposed apartments. Although 11 of the 2 bedroom apartments do not meet these minimum guidelines, the shortfall is by no more than 2sqm and furniture layouts have been submitted to show that they can function satisfactorily. In addition, all the upper floor apartments have a balcony providing an outdoor amenity space. On balance, it is therefore considered that the size and layout of the apartments is satisfactory.

Non-Compliance with Planning Policy

- 2.6. Policy TP25 of the BDP advises that proposals that reinforce and promote Birmingham's role as a centre for tourism, culture and events will be supported. It adds that this will include supporting smaller scale venues that are an important element of creating a diverse offer. In addition, the revised NPPF advises at paragraph 92 that decisions should guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs.
- 2.7. Redevelopment of this site would lead to the loss of a canal side public house and small scale live music, which operates as a viable business. However, given that there are a number of alternative bars / live music venues, it is not considered that loss of the Flapper would significantly diminish the diversity of offer within the City Centre, or peoples day to day needs.

Heritage Assets

- 2.8. Section 66(1) of the Planning (Listed Buildings & Conservation Areas) Act 1990 states that 'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority ... shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'
- 2.9. The legislative requirement to 'preserve the setting' of a listed building is therefore in conflict with the NPPF which allows for harm (substantial or less than substantial) to occur if this is outweighed by public benefit. Case law (see particularly *E Northants DC v Secretary of State for Communities and Local Government* [2014] EWC A Civ 137) confirms that the duties imposed under the Act indicate that where harm to a listed building or conservation area or its setting is identified this a matter to which great weight and importance should be attached in the planning balance.
- 2.10. As detailed in my main report, the demolition of the Flapper PH would not result in any adverse heritage impacts. Furthermore, the Heritage Assessment has identified that the proposed development will result in a small positive effect on the significance of the Grade II listed Cranes; the Grade II listed Kingston Row Cottages immediately west of the Site; and the non-designated Birmingham and Fazeley Canal. The City

Council's Conservation Officer broadly concurs with the Heritage Statement and considers the new building to be an imaginative response to its surrounding that will positively benefit the area.

Highway Issues

- 2.11. An objector has submitted photographs along Kingston Row taken on the evening of Saturday 5th October 2019. These photographs show congestion that occurs when an event takes place at the NIA. BCC Transportation Development have raised no objections to the application subject to safeguarding conditions. The photographs have been forwarded to BCC Transportation Development and any additional comments will be reported.

Alternative Live Music Venues

- 2.12. The applicant has identified 22 alternative music venues within the City. These alternative music venues have been reviewed and as detailed in the Planning Officer report, there are six realistic alternatives, that provide a similar live music function to the Flapper, are of a similar size and similar music genre.

Integrity of the Canal side park

- 2.13 I note that the objector states that "If BCC had not been such a public vandal over the years in letting the integrity of this canal side and park deteriorate but kept the area looking good, there would be no need for improvement", however, I do not consider that this is a material planning consideration.

3 Recommendation

- 3.1. I do not consider that the further objections raise any new issues and I therefore adhere to my original recommendation to approve subject to conditions and completion of a legal agreement.

ORIGINAL REPORT

1. Proposal

- 1.1. This is a detailed planning application for demolition of the existing Flapper PH and redevelopment of the site to create a part 3 and part 4 storey development comprising 27 residential apartments. The apartments would be made up of 4no. 3 bedroom apartments (15%), 16no. 2 bedroom apartments (59%) and 7no. 1 bedroom apartments (26%). They range in size as follows:-

- 7 x 1 bedroom 2 person @ 46sqm - 49sqm
- 6 x 2 bedroom 3 person @ 59sqm - 67sqm
- 10 x 2 bedroom 4 person @ 69sqm - 84sqm
- 3 x 3 bedroom 4 person @ 76sqm
- 1 x 3 bedroom 6 person @ 110sqm

- 1.2. The proposed layout is linear to follow the canal wharf edge but is slightly irregular in shape as the building follows the plot boundaries at its eastern end, plus a cut back on the western end allowing retention of the historic canal crane as well as canal side views of the listed buildings along Kingston Row. The building arranged internally around two service cores, rising from three storeys at its western end where it is closest to the listed cottages on Kingston Row, to four storeys with mezzanine area at the eastern end.

- 1.3. The ground floor of the building is raised above the lowest level of Kingston Row to provide privacy to the ground floor street facing apartments, and to help with gaining level access to the entrance cores from the sloping street level.
- 1.4. The elevational materials are a simple palette of traditional brick, being a blue brick at ground floor level with red brick above. Windows are set within deep reveals to add depth to the façade, with thin aluminium framed windows within. To the rear street façade circulation cores are articulated as their own opening within the brickwork replaced with metal faced cladding. Simple glass and metal balconies are provided on the canalside elevation, taking advantage of the views over the canal wharf. The roof would be a metal standing seam construction.
- 1.5. To the Kingston Row side of the development the street rises significantly from east to west. At the western end it is proposed to construct a deck area at a level equal with the street which will form a turning area for service vehicles, together with providing space for a bin store and two accessible car parking spaces managed by the building management company for visitors, residents and deliveries.
- 1.6. The western end of the site closest to the canal is proposed as a residents amenity area, which will include a mixture of hard and soft landscaping, together with seating and the retention and refurbishment of the historic canal crane as a feature. In addition a bike store with 27 spaces will be provided at the basin level gated courtyard area, in a covered secure area under the service deck.
- 1.7. In support of the application the following statements have been submitted:-
 - Planning Statement
 - Alternative Facilities Report July 2017 and Addendum
 - Design and Access Statement
 - Protected Species Survey Report June 2017 and Addendum
 - Heritage Assessment December 2018
 - Phase 1 Geo-Environmental Assessment August 2017;
 - Highways Statement / Travel Plan September 2017 and Addendum
 - Noise Report Revision September 2017;
 - Statement of Community Involvement September 2017 and Addendum
 - Drainage Report December 2018
- 1.8. In addition a Viability Statement has been submitted, which seeks to demonstrate that in addition to a CIL contribution of £110,325 the scheme cannot fully support contributions toward affordable housing and public open space improvements. However, the applicant is able to provide 3 affordable units, comprising 2 x 1 beds (46sq m) and 1 x 2 bed (69sq m), as low cost home ownership at a 25% discount on open market value; £30,000 toward reinstatement / refurbishment of the two historic listed cranes; and provision of an electricity supply to the canal boat moorings.
- 1.9. [Link to Documents](#)
2. Site & Surroundings
 - 2.1. The development site (approximately 0.12 hectares) is located on the south western side of Birmingham City Centre and is accessed via Kingston Row from King Edwards Road and Cambridge Street to the south west. The site lies adjacent to

Cambrian Wharf off the Birmingham and Fazeley Canal and is currently occupied by The Flapper Public House.

- 2.2. Cambrian Wharf includes moorings for about 16 canal boats, including 4 residential moorings. In addition to the listed buildings on Kingston Row there is a listed crane within the western end of the application site, a listed toll house at the top of the lock flight on the opposite side of the canal and a listed footbridge over the top lock at the mouth of the basin. In there is a listed currently in storage that was originally located to the east of the application site.
- 2.3. The Flapper Public House is a two storey building with a shallow paved terrace overlooking the canal basin and to either side paved areas, one used for outside customer seating. The lower ground floor bar has been altered to a live music venue with boarded-up windows overlooking the canal.
- 2.4. There is no parking with the site, and vehicle access is via Kingston Row, a dead end brick surfaced single lane. This section operates as a shared surface without separate footways. Adjacent to the site, there are bollards at the start of James Brindley Walk, a pedestrian route running alongside the canal basin. Both Kingston Row and James Brindley Walk are adopted highways with parking restrictions. To the west of the site, Kingston Row bends to the south and widens to two lanes. A turning head is provided near to this point along with footways on both sides of the road.
- 2.5. The land use immediately surrounding the site to the west, south and east is residential dwellings. To the west are 2-3 storey residential dwellings on Kingston Row. To the south and east are four tall residential buildings (the nearest being Galton Tower to the south and Norton Tower to the south-east) on Civic Close and Brindley Drive, which are surrounded by large areas of landscaped open area. On the north side of the Birmingham and Fazeley Canal are a series of office buildings off Edward Street, Louisa Street and Scotland Street. The Birmingham Arena lies approximately 150 metres to the south west of the site and is screened from the site by intervening residential buildings.

[Location Plan](#)

3. Planning History

- 3.1. My records suggest that the Flapper Public House (formally the Flapper & Firkin and before that The Longboat) was constructed in the late 1960s / early 1970s. It was considered for listing in February 2018, but not added to the list on the basis of its lack of architectural and historic interest.
- 3.2. Pre 1960's the site accommodated canal side warehouses, which were demolished after the war as part of the redevelopment of the area. The remodelling included the construction of the Cambridge Street tower blocks to the south along with the nearby St. Marks Estate development as new dwellings. James Brindley Walk was also developed as a public space for local residents.
- 3.3. Cambrian Wharf was originally part of a canal arm that led into the city centre. This arm was filled in post-war and the smaller wharf now accommodates residential and visitor moorings for the Canal & River Trust.
- 3.4. More recently in November 2017 a planning application (reference 2017/09150/PA) was submitted for demolition and redevelopment of the site of The Flapper Public

House to create a part 12, part 7 and part 5 storey development comprising 66 apartments and a ground floor cafe/restaurant. This application was subsequently withdrawn from the Planning Register by the applicant in May 2018.

4. Consultation/PP Responses

4.1. Adjoining occupiers, residents associations, amenity societies, local ward councillors and M.P. notified. Site and Press Notices displayed. The previous application generated significant opposition including a petition objecting to the loss of the Flapper PH with 440 signatories and an online petition with over 12,500 signatories. In addition 480 letters of objection were received. In response to the current revised application 222 letters of objection have been received. The majority of objections relate to loss of The Flapper PH and its redevelopment for housing, with other issues including the impact on heritage assets and canal wharf, impact on residential amenity and canal users, parking and access.

a) Loss of the Flapper PH and Residential Redevelopment

- Part of the attraction of living in a city centre is access to culture, if everything that contributes to a city's culture is pushed out for developments such of these, there would be little left of the vitality and diversity of the city centre
- The proposals would lead to loss of an important independent live music venue, facility for canal users, tourists and community pub facility. The large outdoor area with a canal frontage provides a valuable external summer space in the city centre especially when so few modern flats have dedicated outdoor space. The venue should be considered for the status of asset of community value
- The Flapper PH is a viable business and the proposal would result in the loss of jobs in the local music industry
- Birmingham has lost a number of live music venues and already falls short of other major UK cities for independent music venues. There are few alternative independent small scale professionally equipped soundproofed live music venues of a similar capacity in the City Centre and the alternative live music venues suggested by applicant are either much larger, vastly different in musical style, or far less accessible from the city centre
- The Flapper PH is a long standing popular music venue, which is part of the social history of and adds to the vibrancy of Birmingham. People visit the venue from all over the midlands and its loss would have an impact on the quality of people's lives, social interaction and leisure opportunities. It would also result in the loss a social hub and outlet for creative talent
- It is not sustainable to demolish a perfectly good community facility with a prime canal side location when there are other brownfield sites to develop. The market is flooded with small apartments and in crisis, whereas what is needed is family housing. In addition there are 5 large developments nearby taking place providing better amenities

- Ladywood is one of the most deprived neighbourhoods in Birmingham and the proposal does not help the less wealthy or enhance the community. There is no affordable housing, the viability of the scheme appears fragile and the apartments are likely to be overpriced for young people. The public benefits do not therefore outweigh loss of the Flapper PH

b) Impact on Heritage Assets and Canal Wharf

- Access would be via James Brindley Walk, one of few remaining cobbled historic walkways in Birmingham, which could be damaged by heavy plant. Construction traffic could also damage the foundations of the Grade II listed cottages on Kingston Row
- Although the Flapper PH is not listed it is a good example of late 1960s / early 1970s pub building, that is designed as a low rise building set back from the canal edge with minimal visual impact on the canal basin and other smaller buildings, such as the old toll booth at the top of Farmer's Bridge Lock. The proposed building would have a significant negative visual impact, obscure / enclose the canal and totally change the attractiveness of the historic Cambrian Wharf
- Whereas the application form refers to 3 and 4 storey, the building would be 5 storeys with a distorted roofspace and the height should be restricted to that of the immediately adjacent properties to maintain the pleasant open aspect and character of the area
- The building footprint does not address the unique shape of the canal inlet. The elevation of the proposed building is ugly, with the elevation facing the listed cottages having no windows, and does not match the existing character of nearby listed buildings
- The basin is a designated site of local importance for nature conservation and the scale of the development would impact on wildlife / nature around the basin
- The crane to the east of the site has been cleared away, after having fallen through lack of repair
- 250 years ago James Brindley built his first Birmingham Canal which terminated at its southern end close to Cambrian Basin. This serviced the Industrial Revolution significantly altering the course of Birmingham's future. If this site is to be developed, it should be a worthy commemoration of Brindley's genius and not merely another block of flats

c) Impact on Residential Amenity and Canal Users

- Whereas the developer is of the view that area is unloved, unused and not especially planned, this was not the opinion of inspectors of the Civic Trust Award scheme, who in 1969, after this whole area had undergone considerable redevelopment issued an award. The current state of the area is due to lack of investment from the City Council and owner of the Flapper PH

- As the site is very constrained construction would be difficult and could cause a nuisance to nearby residents from noise, dust, traffic and damage the adjoining historic buildings. Also plans to use the adjacent open space for a site compound would result in the loss of green space during construction impacting on local residents and canal boat users
- The proposal would lead to loss of views and green space and block public access to the canal. It would also overshadow / overlook green space around Galton and Norton Towers and result in the loss of light and privacy to adjacent residential properties and canal boat moorings
- Proposed apartments would be overshadowed by Norton and Galton towers, making them a poor place to live
- The canal boats have no access to mains services and so require the use of solid fuels for heating and often rely on running their engine to charge batteries for evening lighting and entertainment. Boats are permitted to run their engines between 0800 hrs and 2000 hrs. Smoke and engine noise could annoy residents of the proposed flats. The development could therefore impact on the canal moorings, which is one of the few 14 days moorings that bring tourists in to the city
- The proposed does not enhance James Brindley Walkway as it would be adjoined by a bin store, turning facility and parking

d) Parking and Access

- Deliveries for construction materials via the narrow single track cobbled walkway would be difficult and cause a nuisance to local residents. Using the canal for construction material is also dubious
- It is unrealistic to expect every resident in the proposed development not to have a car and for the developer to provide parking vouchers in nearby car parks. If residents are to rely on cycling then more cycle parking should be provided
- Lack of parking will lead to occupants seeking to park on the narrow access road, which would cause an obstruction and block access to James Brindley Walk
- The proposed development would add to existing parking pressure on adjacent streets and further illegal parking in the area, especially when there are events at Arena Birmingham or ICC/Symphony Hall
- Access is via a narrow cobbled road with no turning facilities and it cannot be widened or altered. It would need to be used by additional vehicles, including emergency, refuse, deliveries and taxis) leading to traffic chaos. Also vehicles speed along King Edwards Road / Cambridge Street making the junction with Kingston Row dangerous
- Site plan does not show road markings and does not properly represent the movement of pedestrian and vehicles

- Site unsuitable for people with disabilities. In particular, access to the lower basin area is not convenient and not suitable for people with disabilities
- Application form refers to 4 parking spaces but Planning Statement and plans show 3 parking spaces and it is not clear whether the parking bays would be for people with disabilities

Other Matters

- Some of the supporting reports are dated 2017 and relate to the previous development for 66 apartments and are out of date. In addition, the Fleurets report is already six months old. The integrity / accuracy of the reports is also questioned
- Limited time given for residents to comment and residential moorings not consulted
- Reference is made to rainwater harvesting and potential green roof but it is not clear if the developer is committed to this
- The site notice does not reflect the true impact of the development as it does not refer to all the listed cottages in Kingston Row
- Should the application be approved then the CIL contribution should be spent locally
- There is a legal need to increase the availability of open space when permitting new apartments in the City Centre
- During discussions with the residents of Kingston Row, it was considered that the use of copper for the roof and metal panels would tie the development in with the renovation of the Arena Birmingham frontage

4.2. Bruitiful Birmingham - concerned for the future of this site is the potential to disrupt the quality of its current excellent Town Planning. Looking further down the flight of locks the danger of over development directly onto the canal banks can be seen in the tunnel/canyon effect that has been created. The site has heritage value in the number of Grade II listed buildings and machinery, and because it was the first area of the canal to be redeveloped in Birmingham, recognised by the Civic Award it received. The Flapper has unfortunately undergone a number of phases of redevelopment that have taken something away from the original design. The quality of the materials are good and it remains an interesting and carefully designed building that subtly reflects its canal side location. In our opinion it could be worthy of local listing for these reasons and because it was the first of the new purpose designed waterside pubs to be built in England.

4.3. Inland Waterways Association - the Flapper Public House provides an important community and entertainment venue for the area and adds significantly to the ambience and convenience of the canal environment. For visiting boaters ascending the Farmers Bridge locks, this area and The Flapper provide a first welcome to the city and its central canal environment. As such, it is important to display an indication of the many entertainment, eating and drinking facilities surrounding the central canal area. This application replaces such a welcome with a

purely residential environment and so diminishes the current welcome to the city centre.

- 4.4. Music Venue Trust - the proposed development would be contrary to paragraph 92 of the NPPF, which seeks to guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs. It would also be contrary to the Birmingham Development Plan – 2017 Policy TP25 which seeks to protect and promote smaller scale venues and TP24 which encourages and supports a diverse range of facilities and uses in centres. They argue that:-
- there is no evidence that the loss of The Flapper as a pub and music venue is necessary to meet the housing targets of the development plan;
 - the loss of music venues is a UK wide issue and justifying the loss of one venue on the basis that there might be others in the same city provides no justification what so ever;
 - the comparison of The Flapper with the other premises within the City ignores the diversity of premises that is needed to sustain the overall cultural contribution of music venues. Premises; and,
 - the alternative premises do not perform the same function as The Flapper due both to their sizes and capacity as well as their programming choices which are materially different to those of The Flapper, a grassroots music venue.
- 4.5. BCC Transportation – no objection subject to conditions to ensure that cycle and car parking spaces are provided prior to the building being occupied and a 'Demolition and Construction Management Plan' is provided prior to any works taking place on the site.
- 4.6. BCC Regulatory Services – the site is generally surrounded by residential uses so noise from the NIA is unlikely to be an issue. Suggest conditions to secure a scheme of noise insulation, a contamination remediation scheme and contaminated land verification report. Future residents of the proposed development could be disturbed by noise from the continuous operation of the engine of a canal boat (ie for several hours). As to mitigation they suggest making provision for an electricity supply, which would remove the need for the continuous operation of an engine or generator.
- 4.7. BCC School Organisation Team - request a contribution of £96,872.11 for the provision of places at local schools.
- 4.8. Canal and Rivers Trust – the previous application for redevelopment of this site would have had a far greater impact on the canal basin and network than the current proposal. There remain some important matters of detail, which could if necessary be conditioned, with regarding
- land stability and Construction
 - foul and surface water drainage
 - building materials
 - hard and soft landscaping
 - external lighting
 - signage / wayfinding
 - provision of an electricity supply to the canal basin

- 4.9. Historic England – do not need to be notified of the application.
- 4.10. Severn Trent Water - have no objections subject to a condition to secure drainage plans for the disposal of foul and surface water flows.
- 4.11. Local Lead Flood Authority – no objections subject to sustainable drainage conditions.
- 4.12. West Midlands Fire Service – no adverse comments.

5. Policy Context

- 5.1. Birmingham Development Plan 2017; Birmingham Unitary Development Plan (saved policies) 2005; Places for All SPG, Places for Living SPG,; Affordable Housing SPG; Public Open Space in New Residential Development SPD; Car Parking Guidelines SPD; Access for People with Disabilities SPD and National Planning Policy Framework.
- 5.2. There are also Development Control Policies – DC12 Development Involving Former Public Houses and DC17 Residential Moorings, and Environmental, Design and Landscape Guidelines - ENV3 City Centre Canal Corridor Development Framework and ENV4 Birmingham Canals Action Plan.
- 5.3. Along this section of canal, there is a listed cranes within the application site. Kingston Row to the west, listed Grade II, is a terrace of Georgian style houses, dating from 1730 to 1780 associated with the opening of the Fazeley & Birmingham Canal to the north. Other listed buildings in the vicinity include the Canal Toll Office at Farmer’s Bridge Lock, and the Roving Bridge over the Birmingham/Wolverhampton line immediately west of Fazeley Junction, both Grade II Listed.

6. Planning Considerations

Land Use Policy and Loss of the Flapper Public House

- 6.1. The application site is located in the City Centre Growth Area (BDP policy GA1) and specifically within the Westside wider area of change (GA1.2) and Westside and Ladywood Quarter (GA1.3).
- 6.2. The objectives for the Westside and Ladywood Quarter is set out in GA1.3 as: “Creating a vibrant mixed use area combining the visitor, cultural, commercial and residential offer into a dynamic well connected area, which supports development in the Greater Icknield Growth Area”. GA1.2 states commercial led mixed use developments will be supported in the Westside wider area of change. In the context of these policies. I consider the proposed residential use to be acceptable in principle, however, the proposed development would result in the loss of the Flapper Public House, a bar and live music venue.
- 6.3. Policy TP25 of the BDP advises that proposals that reinforce and promote Birmingham’s role as a centre for tourism, culture and events will be supported. It adds that this will include supporting smaller scale venues that are an important element of creating a diverse offer. Policy TP24 adds that a diverse range of uses including leisure, pubs, bars, community uses and cultural facilities will be encouraged and supported, to meet people’s day to day needs. In addition, Policy

TP28 states new residential development should be: outside flood zones 2 and 3a; adequately serviced accessible; capable of remediation; sympathetic to historic, cultural and natural assets and not conflict with any other specific policies in the BDP.

- 6.4. At a national level the revised NPPF advises at paragraph 92 that decisions should guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs.
- 6.5. As per UDP saved policy DC12 and the Planning Guidelines for Development Involving Public Houses, applicants must demonstrate that there are alternative public houses to meet the needs of the local population.
- 6.6. A report and addendum on the Provision of Alternative Public Houses and Music Venues has been submitted by the applicant. It notes that the currently adopted trading style provides for a drinker's bar at upper ground floor level with the lower ground bar used as for live rock music (with a capacity of 120 people), with performances focussed on Friday and Saturday evenings.
- 6.7. The report reviews alternative public houses, comparable to, and in the vicinity of, the Flapper and concludes "that its loss as a public house is not reasonably considered to be materially detrimental to the overall supply and choice of traditional public house amenities accessible to the local resident community" and therefore "the public house amenities enjoyed by the local community will not be materially diminished by the subject development proposal". I concur with this Report as there are several other traditional public houses in the vicinity, including canalside pubs at the Malt House, Tap and Spile, the Canal House and The Distillery.
- 6.8. In terms of the live music element, the addendum report notes that the established custom for performances is more than local and so a review has been undertaken of live music venues in and around Birmingham's City Centre and suburbs. This part of the review concludes that the live music facilities (stage and house pa) presently provided by the Flapper can be adequately provided by currently available alternative facilities. These include:-
 - Actress and Bishop, Jewellery Quarter
 - Asylum Bar, Jewellery Quarter
 - Jam House, Jewellery Quarter
 - Mama Roux's, Digbeth
 - O2 Academy, City Centre
 - Scruffy Murphy's, City Centre
 - Sunflower Lounge, City Centre
 - The 02 Institute, Digbeth
 - Victoria, City Centre,
 - Wagon & Horses, Digbeth
 - Castle & Falcon, Balsall Heath
 - Dark Horse, Moseley
 - Hare & Hounds, King's Heath
 - Prince of Wales, City Centre
- 6.9. More recently, in July 2019, the applicant reviewed the alternative and identified 8 further live music venues:-
 - Glee Club, The Arcadian

- The Mill, Digbeth
- Digbeth Arena
- Route 44, Acocks Green
- White Horse, Acocks Green
- Subside Bar, Digbeth
- Centrala, MinervaWorks, Digbeth
- Boxxed, Floodgate Street, Digbeth

- 6.10. However, the Castle & Falcon, Dark Horse, Hare & Hounds Route 44 and White Horse are all outside the City Centre; the O2 Academy, O2 Institute, Asylum, The Mill and Digbeth Arena are much larger venues (although they may have smaller rooms available); the Jam House, Prince of Wales, Glee Club, Boxxed and Centrala are a different music genre; and, the Wagon & Horses only holds a limited number of events.
- 6.11. Of the 22 venues identified, there are 6 realistic alternatives - the Actress & Bishop, Scruffy Murphy's, Sunflower Lounge, Mama Roux's, Victoria and Subside Bar. These venues are genuine alternatives as they provide a similar live music function to the Flapper, are of a similar size and similar music genre. I am therefore of the view that there are suitable alternative live music venues that would meet the diverse range of people's needs.
- 6.12. The scheme has generated significant local opposition and there is clearly substantial support for the Flapper, not only as a local community facility but also a live music venue for the wider area. Redevelopment of this site would lead to the loss of a canal side public house and small scale live music, which operates as a viable business. However, given that there are a number of alternative bars / live music venues, I do not consider that loss of the Flapper would significantly diminish the diversity of offer within the City Centre, or peoples day to day needs. I do not therefore consider that the proposal is contrary to the revised NPPF, Birmingham Development Plan or saved policy DC12 and the Planning Guidelines for Development Involving Public Houses.

Residential Need and Quality of Accommodation

- 6.13. By 2031 Birmingham's population will increase by 156,000 people resulting in a housing need of 89,000 additional homes. The provision of a sufficient quality and quantity of housing to meet the City's growing population is therefore a central part of the strategy of the Birmingham Development Plan (BDP). It is not possible to deliver all of this additional housing within the City boundary, reflecting limited land supply. The BDP provides for 51,100 additional homes over the plan period, with the shortfall of 37,900 homes to be met by other authorities in the Greater Birmingham and Black Country Housing Market Area through the duty to co-operate. (Policy PG1 Overall Levels of Growth). PG1 does not set a ceiling for growth. Paragraph 8.13 of the explanatory text to Policy TP29 'Housing Trajectory' states that: "Whilst the trajectory sets out annual provision rates, they are not ceilings. Housing over and above that set out in the trajectory will be facilitated wherever possible".
- 6.14. BDP Policy TP27 Sustainable Neighbourhoods requires that new housing development is provided in the context of creating sustainable neighbourhoods, which contain a mix of dwellings types, sizes and tenures. Policy TP30 Housing Mix states that proposals for new housing should seek to deliver a range of dwellings to meet local needs and account will be taken of the Strategic Housing Market Assessment which sets out the appropriate proportionate city-wide housing mix.

- 6.15. The BDP strategy seeks to ensure that new housing provision is made in the context of creating sustainable neighbourhoods characterised by a choice of housing, access to facilities, convenient sustainable transport options, high design quality and environmental sustainability, and attractive, safe and multifunctional public spaces. The strategy also seeks to make the most effective use of land ensuring target densities of at least 100 dwellings per hectare in the city centre.
- 6.16. When assessed against the Strategic Housing Market Assessment, which is City wide, there is a potential projected oversupply of 1 and 2 bed dwellings and an undersupply of 3 and 4 bed dwellings. This is skewed by the high percentage of apartments under construction or consented in the City Centre.
- 6.17. Whilst a high proportion of apartments can be expected in the city centre it is important that the scale of provision proposed for any individual dwelling type and size is not so great so as to impact on the ability to create sustainable communities.
- 6.18. The scheme includes a mix of apartments including, some larger 3 bedroom apartments. The larger apartments in particular will enable the scheme to make a positive contribution to addressing the identified need for comparatively larger units in the city and support the creation of mixed and balanced communities.
- 6.19. Although the City Council has not adopted the Technical housing standards - nationally described space standard (NDS) it provides a reasonable yardstick against which to assess the proposed apartments. In summary when assessed against these standards:-
- all 1 bedroom 1 person apartments comply with the minimum standard of 39sqm
 - 3 x 2 bedroom 3 person apartments comply with the minimum standard of 61sqm, but 3 apartments fall short at 59sqm
 - 2 x 2 bedroom 4 person apartments comply with the minimum standard of 70sqm but 8 apartments fall short at 69sqm
 - all 3 bedroom 4 person apartments comply with the minimum standard of 74sqm
 - the 3 bedroom 6 person apartment complies with the minimum standard of 102sqm
- 6.20. There are no studio apartments and all 1 bedroom apartments are well above the minimum guidelines. Although 11 of the 2 bedroom apartments do not meet the minimum guidelines, the shortfall is by no more than 2sqm and furniture layouts have been submitted to show that they can function satisfactorily. In addition, all the upper floor apartments have a balcony providing an outdoor amenity space. On balance, I therefore consider that the size and layout of the apartments is satisfactory.
- 6.21. Future residents of the proposed development could be disturbed by noise from the continuous operation of the engine of a canal boat (ie for several hours). Depending on the weather conditions fumes from the engine and any solid fuel device could be an issue. Within Birmingham smokeless fuel should be used in an approved combustion device – however even if this guidance is followed it is possible the residents may be disturbed by the odour (even if there is no dark smoke). It is likely that the current situation will have an adverse impact on the amenity of the local residents. As to mitigation, as suggested by the Canal and River Trust it is proposed to make provision for an electricity supply which would remove the need for the continuous operation of an engine or generator. This would need to be

secured through a S106 legal agreement. Subject to such an agreement and safeguarding conditions, I am of the view that the proposed apartments would provide a reasonable standard of living.

Building Design

- 6.22. As detailed within Places for Living, architectural responses must be informed by the character of the surrounding area, applying designs that reinforce and evolve character. Sited at Cambrian Wharf, development of the Flapper site must apply a high quality architectural form that utilises and enhances the canal side; whilst acknowledging the character of the built form enclosing the Wharf.
- 6.23. The proposed development has been designed with a number of historical led influences, focused upon canal side heritage and referencing the former canal warehousing, which once occupied the site and immediate environs.
- 6.24. Materials – the elevational materials are of traditional brick, being a blue brick at ground floor level with red brick above, whilst the roof would be a metal standing seam construction. Windows are set within deep reveals with thin aluminium framed windows within. To the rear street façade circulation cores are articulated with metal faced cladding. The simple palette of traditional building materials reflects the historic character of the area.
- 6.25. Façade – the form of the elevations is based on traditional canalside warehouse buildings, but is a contemporary interpretation of these rather than a pastiche. This is reflected in the varying height roof pitches and gables, and in the large window openings, which are stacked above one another as traditional loading bays would have been. The façade includes deep window reveals, glass and metal balconies and Juliet balconies, which add depth, variation, texture and interest to the facades.
- 6.26. Views / 360 degree – the proposed layout follows the back of the wharf edge reflecting the character of typical canal side developments. The proposed building footprint is largely linear, but is slightly irregular in shape as the building follows the plot boundaries at its eastern end, plus a cut back on the western end to ensure views are maintained from the historic listed cottages on Kingston Row over the wharf, and equally views from the wharf of the same cottages. The building rises from three storeys at its western end where it is closest to the listed cottages, to four storeys at the eastern end. The four storey element introduces a mezzanine area within the apartments to create a greater variation in height and elevational interest.
- 6.27. Animation / engagement with the canal – with the building being set parallel with the canalside, this opens up the Kingston Row street somewhat, allowing more light and a more open appearance which will result in it feeling more open and accessible. The addition of apartments and an active frontage overlooking the street will greatly improve safety along this section of Kingston Row. The ground floor of the building is raised above the lowest level of Kingston Row in order to provide privacy to the ground floor street facing apartments, and to help with gaining level access to the entrance cores from the sloping street level. Simple glass and metal balconies are provided on the canalside elevation, taking advantage of the views over the canal wharf and providing private external amenity space to residents. At the western end of the site closest to the canal is proposed as a residents amenity area, which will include a mixture of hard and soft landscaping, together with seating and the retention and refurbishment of the historic canal crane as a feature.

- 6.28. Overall, I consider that subject to safeguarding proposed building is acceptable. The design of the proposed three and four storey building, references traditional canal side warehousing. The roofline is comprised of varying pitches, arranged as gable ends facing out onto the canal. The proposed brick fabric also reflects former canal side architecture, as does the fenestration with large simple window openings in a stacked arrangement. The proposed development includes for balconies, but with a simple glass and metal design, which helps to retain a more industrial feel to the structure.

Impact on Heritage Assets

- 6.29. The BDP 2017 seek to create positive places with local distinctiveness that respond to existing characteristics and enhance the natural, social and physical environment. Policy PG3 advises that new development will be expected to demonstrate high design quality, contributing to a strong sense of place. In terms of the historic environment, Policy TP12 states that the historic environment 'will be valued, protected, enhanced and managed for its contribution to character, local distinctiveness and sustainability and the Council will seek to manage new development in ways which will make a positive contribution to its character.' It adds that 'The historic importance of canals is acknowledged, and important groups of canal buildings and features will be protected, especially where they are listed or in a Conservation Area. Where appropriate the enhancement of canals and their settings will be secured through development proposals.' Policy TP28 also requires new residential development to be sympathetic to historic, cultural or natural assets, Whilst Policy TP30 states that in assessing new residential development full consideration will need to be given to the site and its context.
- 6.30. Saved policy 3.14D of the UDP (2005) also reinforce good design principles. SPD 'Places for Living' and SPD 'Places For All' both require new development to respond to local character, and set out principles for good design.
- 6.31. At a national level the NPPF para 193, states that great weight should be given to the conservation of heritage assets. Paragraph 200 adds that Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.
- 6.32. The basin at the top of the Farmers Bridge Lock flight is Cambrian Wharf with the element at the south-eastern end sometimes separately known as Crescent Wharf. The basin is a non designated heritage asset, which has designated heritage assets around it. These a listed crane on the south bank within the western end of the application site, a listed toll house at the top of the lock flight and a listed footbridge over the top lock at the mouth of the basin, all within the visual setting of the site and the basin. The basin sits in a stretch of canal characterised by low-medium rise development of not more than four storeys, with significantly taller urban development set back from the water and thus with much less visual impact. Thus, the character of the setting of this stretch of canal is spacious and low density. The existing building on the application site is no more than three storeys and as such contributes to this low scale open character.
- 6.33. The Flapper PH, built in the 1970's, was considered for listing in February 2018 and was not added to the list on the basis of its lack of architectural and historic interest. Its demolition would not therefore result in any adverse heritage impacts. A full

setting assessment was undertaken in order to identify any potential effects on the significance of heritage assets as a result of changes to their settings. This assessment has identified that the proposed development will result in a small positive effect on the significance of:

- the Grade II listed Cranes;
- the Grade II listed Kingston Row Cottages immediately west of the Site; and
- the non-designated Birmingham and Fazeley Canal.

6.34. In each instance, it is concluded that the heritage led design measures incorporated into the designs of the proposed development would provide a small enhancement to the legibility of the former industrial heritage of the canal side in this part of the City. The City Council's Conservation Officer has reviewed the application and has commented that:-

"I raise no objection to the application. Cotswold Archaeology have authored a Heritage Statement (December 2018). The statement is sound in its conclusions, which I can broadly concur with. The existing building is of no merit and its loss can be tolerated. The proposed building has carefully considered its location, scale and form. By placing it on the wharf edge itself it takes on the typical siting of buildings along this southern side of the canal directly on the canal edge. A photograph of the building that once occupied this site is provided in the heritage statement and justifies the approach taken. The form of the building with its saw-toothed roof speaks also of canal wharf buildings and allows the structure to respectfully slope down to the listed houses in Kingston Row.

The heritage statement soundly awards values to the surrounding listed buildings and explores the extent of their setting. The statement concludes that the development contributes positively to the setting of these listed buildings and I would consider this an accurate position as currently the setting of these buildings is disparate and only has the canal itself as a sound piece of townscape forming a continuous theme tying them together. This imaginative and responsive building will positively benefit the area over the existing buildings deleterious impact."

6.35. Whilst I note the objections of Bruitiful Birmingham and local residents, I consider that the proposed development would not have a harmful impact on the setting of nearby listed buildings or the character of the historic wharf. As recommended by the Canal and River Trust, safeguarding conditions are attached. In addition, the applicant has set aside £30,000 to refurbish the existing Grade II listed crane within the application and reinstate and refurbish the Grade II listed crane located to the east of the Site. These works would be secured via the S106 legal agreement.

Impact on Adjoining Residents

6.36. Canal Boat Moorings - Places for Living sets out distance separation standards for conventional dwellings but I consider that the objective behind the standards – to protect privacy and amenity - can also apply to residential moorings. Within the canal basin there are moorings for about 16 canal boats, of which 4 are residential moorings. With the comings and goings of passers-by along the towpath, a canal boat does not afford the same level of privacy as a conventional dwelling. Furthermore the angle of view from an apartment block down into a canal boat is likely to be restricted.

- 6.37. The orientation of the proposed building is such that it would cast a shadow over the canal basin for part of the day, however, given the modest 3 and 4 storey scale of the development, I do not consider that it would unduly dominate the canal basin.
- 6.38. Kingston Row - to the west of the application site is Kingston Row, a terrace of 2 storey houses with gardens adjoining the development site. There are no windows within the west elevation end gable wall of the proposed building that would overlook Kingston Row. Furthermore windows within the north and south elevations of the proposed development would only have limited oblique views of Kingston Row. I do not therefore consider that the proposed development would overlook the listed cottages.
- 6.39. In addition, the distance separation between the rear windowed elevation of the closest property in Kingston Row to the 3 storey flank wall of the proposed building would be 16m. By comparison the existing Flapper PH is 20m from the rear of houses in Kingston Row, and 2/3 storeys. Although the proposed building would be closer and higher than the existing PH, the distance separation would comply with the minimum distance separation of 15.5m as set out in Places for Living SPG. I do not therefore consider that the proposed development would significantly adversely affect the amenities of Kingston Row by reason of loss of light or be overbearing.
- 6.40. Civic Close and Tower Blocks - Civic Close, Galton and Norton Towers are sited 20m, 23m (at it nearest point) and 38m, respectively from the proposed building. They are to the south and south east of the application site on ground about 3m higher. Given the orientation and distance between them and the proposed development I do not consider that they would be significantly adversely affected by loss of light or be overshadowed.
- 6.41. There are kitchen windows within the north facing elevation of Galton Tower at a distance of about 25m from the proposed development. However, the proposed development is offset and angled away from Galton Tower, such that I do not consider that there would be a significant loss of privacy or outlook to these kitchen windows. The main west facing windows of Norton Tower would have a full view of the proposed development, whilst the main west facing windows of Galton Tower would only have an oblique view. The distance separation between the these windows and the proposed development would be 38m and 30m (when measured at 45% to the building) respectively, which is greater than the minimum 27.5m distance separation guideline set out in Places for Living. The east / west main windowed elevations of Civic Close do not face the proposed development. I do not therefore consider that they would be adversely affected by loss of privacy or outlook.

Transportation Issues

- 6.42. The application seeks to provide a residential block with 27 apartments. The existing use on the site is a public house. The supporting Transport Statement notes a similar level of servicing activity which currently takes place from Kingston Row which is a narrow shared use public highway linking to King Edwards Road. The plans show two defined disabled parking spaces and a service deck including bin stores. Cycle parking is also proposed below the service deck. Once residents move in the initial higher levels of servicing for furniture deliveries would subside.
- 6.43. The low level of car parking is noted but as the site is in the City Centre all surrounding roads are subject to parking controls and the site is reasonably close to all public transport facilities. BCC Transportation have therefore raised no objections

subject to safeguarding conditions. In particular, as the site is so constrained with limited access to the public highway a condition is suggested to secure a Construction Management Plan to enable existing residents and servicing to continue with limited impacts as a result of the development.

- 6.44. Whilst I appreciate the concerns of local residents, I do not consider that refusal could be justified on grounds of limited access or inadequate car parking. Moreover, the Fire Service have raised no objections to the application.

Sustainability

- 6.45. The BDP supports the Council's commitment to a 60% reduction in total carbon dioxide (CO₂) emissions produced in the city by 2027 from 1990 levels (Policy TP1) and a number of policies in the plan seek to contribute to achieving this: Policy TP2 (Adapting to climate change) requires residential schemes to demonstrate ways in which overheating is minimised; Policy TP3 (Sustainable construction) sets out a number of criteria which should be considered to demonstrate sustainable construction and design; TP4 requires new development to incorporate low and zero carbon forms of energy generation, unless it is unviable to do so, and; TP6 requires a Sustainable Drainage Assessment and Operation and Maintenance Plan for all major developments.
- 6.46. The scheme seeks to achieve high levels of energy efficiency based upon a 'Fabric First' philosophy. This requires very high levels of insulation with the aim of minimizing demands on energy resources. The use of low carbon energy systems will also be investigated.
- 6.47. Modern methods of construction are being actively investigated as a means of reducing construction waste, increasing energy efficiency and the quality of the finished buildings, as well as minimising the number of deliveries during construction. Materials will be sourced locally and regionally wherever possible so as to reduce delivery miles and reinvest money into the local economy. The use of the canals is being explored as an option for the delivery of goods and materials, and removal of waste during the construction phase.
- 6.48. Turning to drainage, the Environment Agency flood maps show that the whole site is located within the Flood Zone 1; the area where there is less than a 1 in 1000 year (0.1%) chance of flooding from rivers in any one year. A Drainage Survey has been carried out which shows that storm and foul water from the site outfall into the public combined sewer to the south. Severn Trent Water and the Local Lead Flood Authority have raised no objection and conditions are attached to secure suitable drainage scheme.

Ecology

- 6.49. Whilst the protected species survey found no evidence of bats, the sites location next to the canal means that the development still holds the potential to impact on bat activity. The site sits within the Site of Local Importance for Nature Conservation (SLINC) Area: Birmingham and Fazeley Canal .Canal corridors serve as key foraging and commuting routes for bats, which are at risk of being disrupted if appropriate measures are not taken to reduce the light spillage on to the canal. A condition is therefore attached to secure a lighting strategy
- 6.50. The redevelopment of this site provides the opportunity to enhance the ecological value of the area and provide a biodiversity net gain. To achieve this, a condition is

attached to secure ecological enhancement strategy the site. An informative for nesting birds is also attached, to ensure that the site is cleared in an appropriate manner so as not to harm any nesting birds that may nest between approval and demolition.

Affordable Housing and Community Infrastructure Levy

- 6.51. Given the number of apartments the City Councils policies for Affordable Housing and Public Open Space in New Residential Development apply. The applicant is not able to provide any affordable housing or off-site public open space contribution and has submitted a financial appraisal to justify this. The Viability Statement has been independently assessed by the City Council's assessor, who considers that in addition to the CIL payment of £110,325, the scheme can sustain 3 affordable units, comprising as low cost home ownership at a 25% discount on open market value.
- 6.52. BCC Education have requested a contribution towards the school places, however, school places are funded through CIL payments.

Procedural Matters

- 6.53. To accompany the planning application various supporting documents have been submitted, some of which were prepared for the 2017 planning application. Where necessary updated reports and / or addendums have been submitted.
- 6.54. Extensive public participation has been undertaken on the planning application, over and above the minimum legal requirement. Furthermore, I consider that the site notice, which refers to the nearest listed buildings, rather than all the listed building in the locality, is sound. I therefore consider that there has been adequate consultation with local residents on the scheme.

7. Conclusion

- 7.1. Significant opposition has been generated against loss of the Flapper PH, however, the applicant has submitted information to demonstrate that there are suitable alternative venues. I do not therefore consider that loss of the Flapper would significantly diminish the diversity of offer within the City Centre, or peoples day to day needs.
- 7.2. The scheme would provide new residential development in a sustainable location. In addition, the three and four storey scale of the proposed building is acceptable and the building is well designed with references taken from traditional canal side warehousing. Moreover, I consider that the proposal will result in a small positive effect on the significance on nearby heritage assets.
- 7.3. I note the concerns of local residents about access and parking, however, BCC Transportation Development have raised no objections subject to safeguarding condition. In particular, as the site is so constrained with limited access to the public highway a condition is suggested to secure a Construction Management Plan to enable existing residents and servicing to continue with limited impacts as a result of the development. Following construction the proposed development would likely have less of an impact on residential amenity than the existing public house.
- 7.4. I therefore consider that the application is in broad conformity to national and local planning policy and acceptable subject to safeguarding conditions and a legal agreement.

8. Recommendation

8.1. That consideration of application 2018/08647/PA be deferred pending the completion of a suitable legal agreement to secure the following:-

- i. Affordable housing 3 affordable units, comprising 2 x 1 beds (46sq m) and 1 x 2 bed (69sq m), as low cost home ownership at a 25% discount on open market value;
- ii. Refurbishment of the Grade II listed Crane situated within the Site reinstatement and refurbishment of the second Grade II listed crane located to the east of the Site, up to a maximum cost of £30,000
- iii. Provision of an electrical power supply to the pontoons in the basin via the development site, and installation of such bollards to enable electric hook up to canal boats; and,
- iv. A financial contribution of £1,500 for administration and monitoring to be paid upon completion of the legal agreement

8.2. In the absence of a suitable legal agreement being completed to the satisfaction of the Local Planning Authority within 28 days of the date of this resolution planning permission be REFUSED for the following reasons:-

- i. In the absence of a suitable legal agreement to secure affordable housing the proposal would be contrary to TP31 of the Birmingham Development Plan and Revised National Planning Policy Framework;
- ii. In the absence of a suitable legal agreement to secure reinstatement and refurbishment of two Grade II listed cranes the development would be contrary to Policy TP12 of the Birmingham Development Plan and Revised National Planning Policy Framework
- iii. In the absence of a suitable legal agreement to secure an electrical power supply to the canal boat moorings the proposal would be contrary to Policy TP28 of the Birmingham Development Plan and Revised National Planning Policy Framework

8.3. That the Chief Solicitor be authorised to prepare, seal and complete the legal agreement.

8.4. That in the event of the legal agreement being completed to the satisfaction of the Local Planning Authority by within 28 days of the date of this resolution, favourable consideration be given to this application, subject to the conditions listed below.

-
- 1 Requires the prior submission of a programme of archaeological work
 - 2 Requires the prior submission of a contamination remediation scheme
 - 3 Requires the submission of a contaminated land verification report
-

-
- 4 Requires the prior submission of a sustainable drainage scheme
 - 5 Requires the prior submission of a drainage scheme
 - 6 Requires the submission prior to occupation of the properties of a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan
 - 7 Requires the submission of a scheme for ecological/biodiversity/enhancement measures
 - 8 Requires the submission a Noise Insulation Scheme to establish residential acoustic protection
 - 9 Requires the submission of boundary treatment details
 - 10 Requires the submission fo architectural details
 - 11 Requires the submission of sample materials
 - 12 Requires the submission of hard and/or soft landscape details
 - 13 Requires the submission of a lighting scheme
 - 14 Requires the submission of a landscape management plan
 - 15 Requires the prior submission of a construction method statement/management plan
 - 16 Requires the prior submission of a construction method statement/management plan to safeguard the canal basin
 - 17 Requires the submission of details of refuse storage
 - 18 Requires the submission of signage and wayfinding
 - 19 Requires the submission of cycle storage details
 - 20 Requires the scheme to be in accordance with the listed approved plans
 - 21 Implement within 3 years (Full)
-

Case Officer: David Wells

Photo(s)

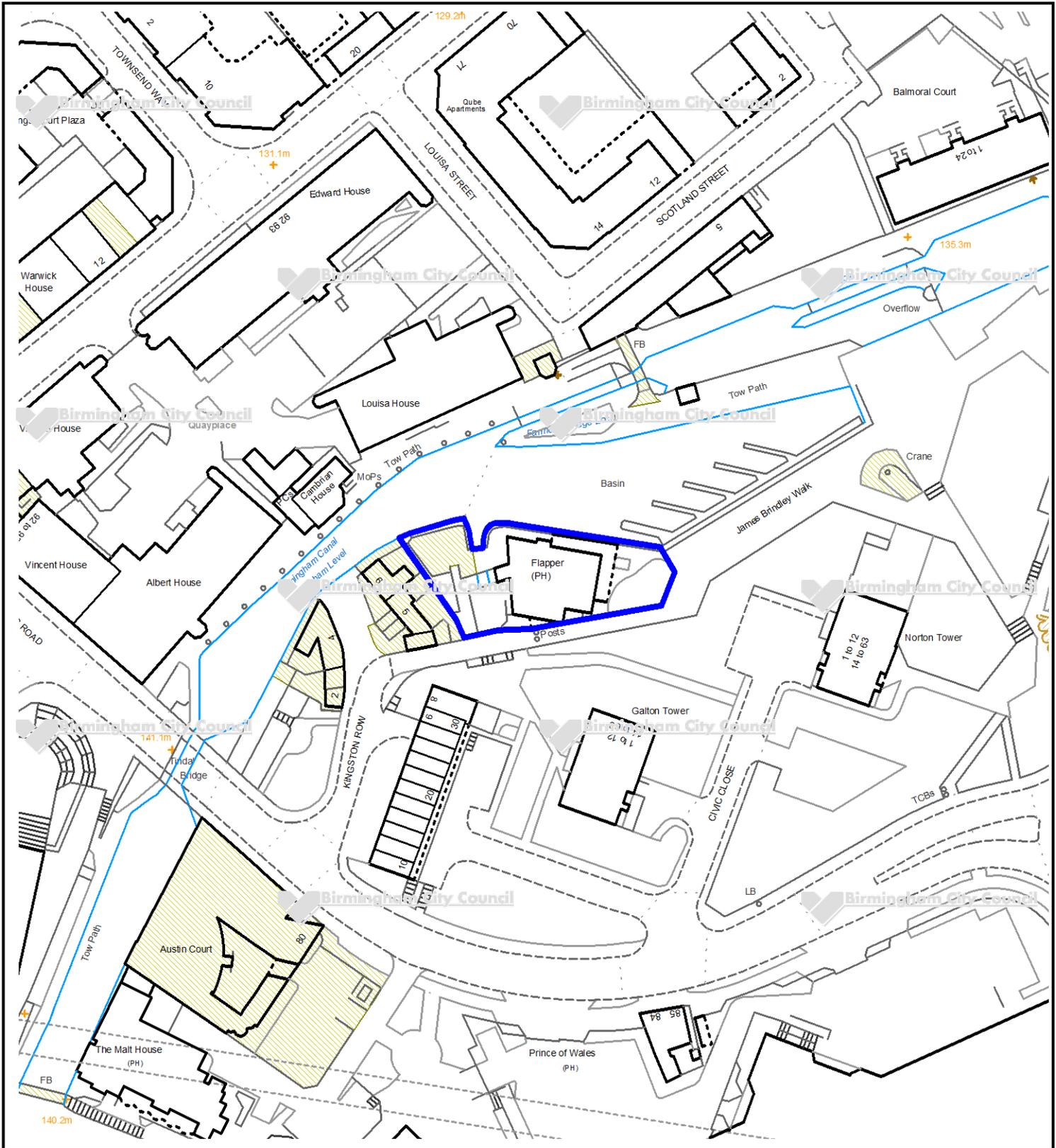


View of the Flapper PH from Cambrian Wharf



View of the Flapper PH along Kingston Row

Location Plan



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

Committee Date:	05/12/2019	Application Number:	2019/04239/PA
Accepted:	30/05/2019	Application Type:	Full Planning
Target Date:	01/11/2019		
Ward:	Nechells		

Former CEAC building, corner of Jennens Road & James Watt Queensway, City Centre, Birmingham, B4 7PS

Erection of one 51 storey tower and one 15/16 storey tower containing 667 dwellings (Use Class C3) with associated ancillary spaces, landscaping and associated works

Recommendation

Determine

Report back

- 1.1 Members will recall that they deferred this application on the 10th October for additional information with regard design, affordable housing and Birmingham airport.

Design

- 1.2 The NPPF, Planning Practice Guidance and supplementary texts such as the National Design Guide emphasise the importance of good design and this is further reflected in local policies contained within Birmingham Development Plan and specific supplementary guidance such as Places for All and High Places.
- 1.3 As noted in the original report para 6.5-6.9 the application has been supported by assessments/documents including a Design and Access Statement which includes comprehensive information on engagement and site development, and a Townscape Visual Impact Assessment. Further to this, and following your Committee's deferral of the application, the application has been presented to the Design Review Panel.
- 1.4 Design Review Panel supported the form of the tower, the shoulder building and pavilion, their concept and relationship to one another. However, whilst they considered the architectural grid was strongly emphasised through the application of expressive vertical fluting which results in a highly successful architectural concept they felt some further consideration could be given to how the horizontal member could be executed. They also considered that the 'top, middle and base' elevations could be refined and that additional information to understand the impact of the site topography on the entrance was needed.
- 1.5 Consequently the applicant has provided an additional 3D bay drawing of the horizontal member and a visual of the ground floor entrance area showing how landscaping could be incorporated. Further they confirmed that the design approach had been taken to not exaggerate or place emphasis on the horizontal geometry but to produce a simple slender profile and not seeking to give the impression of disparate elements such as a 'top, middle and a base'. The designs have therefore been further refined and the horizontal GRC band has been omitted thus benefitting the scheme's vertical emphasis allowing the crown to be defined by the activity and lighting within it and the sculpted parapet detailing the buildings fullest extent. This

additional information has been reviewed by your Officers, including the City Design Officer, and is considered to address the points raised by DRP.



Fig 1: site entrance

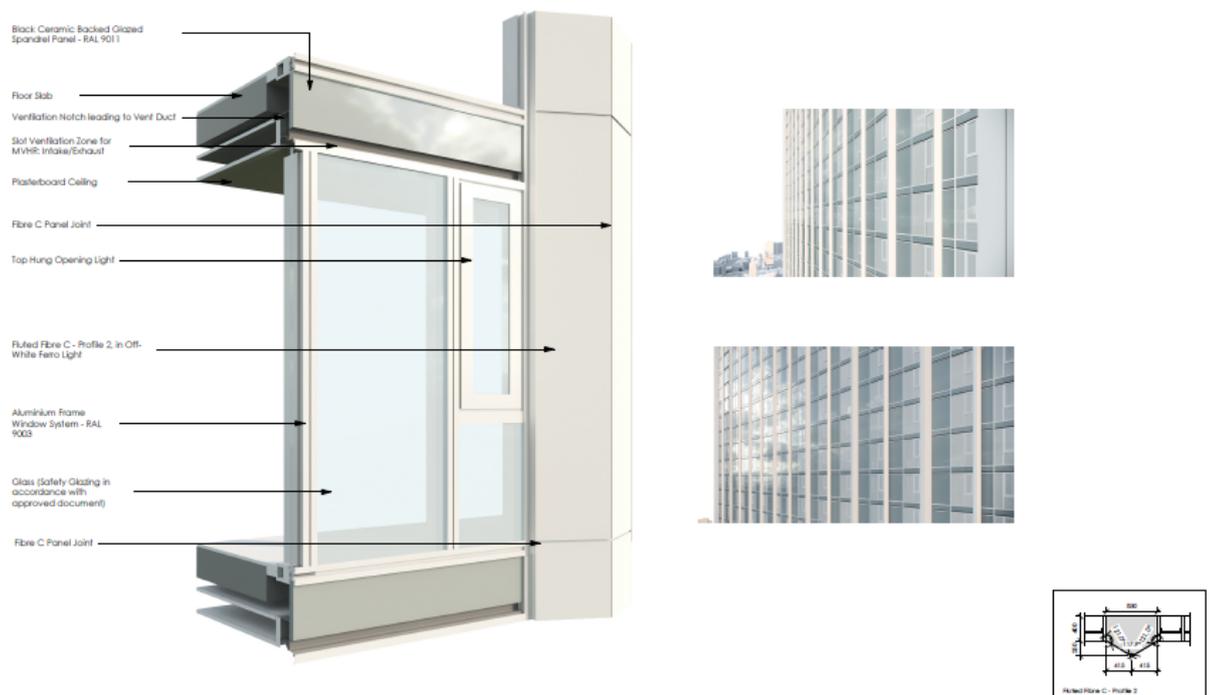


Fig 2: bay detail

- 1.6 DRP also agreed that the proposed principal external material, white GRC modular panel, was an accepted system of modern construction but that details such as the location of expansion joints should be considered. They also felt that the specific materials of the corner pavilion should be considered further, as should the detailed

design of the boundary fence. Suggested conditions 5, 19 and 20 on the original report secure these details.

- 1.7 The supplementary information provides additional comfort with regard the design integrity of this 51 storey residential building and has been reviewed and accepted by your City Design and Planning Officers. As such, subject to conditions to control the detailed materials and their application, Officer advice remains in line with that detailed in the original report that the layout, scale and design of the proposal will create a distinct landmark building and enhance the City's skyline on a strategically important site in accordance with both local and national planning policies.

Viability

- 1.8 As noted in the original report contributions towards public open space and affordable housing are required. Policy TP9 states the "Public open space should **aim** to be provided....." and Policy TP31 states that "The City Council will seek 35% affordable homes as a developer contribution on residential developments of 15 dwellings or more." However it goes on to state that "Where the applicant considers that a development proposal cannot provide affordable housing in accordance with the percentages set out above,...the viability of the proposal will be assessed using a viability assessment tool..."
- 1.9 The application is supported by a financial appraisal, which meets local and national requirements including government guidance identified within Planning Practice Guidance (PPG) and has been independently assessed. The application is also supported by an Economic Statement which identifies the quantifiable economic impacts during construction to include construction expenditure of approx. £112 million, 260 full-time equivalent (FTE) construction jobs per annum during the build period, 375 direct, indirect and induced net additional FTE across West Midlands during construction and a circa £75m uplift in productivity within the West Midlands regional economy, with operational phase impacts in addition to that.
- 1.10 The application detail has not fundamentally changed since your Committee's deferral and there is therefore no further information available to consider in respect of the scheme's viability. This development involves a single phase development, which the applicant intends to build out as soon as possible following the grant of planning permission. In addition, Members are reminded that your Officers have already secured an increased S106 offer which is currently identified for affordable housing. The scheme's viability has been extensively interrogated and is considered realistic, buildable and deliverable in the form proposed and I note that a reduction in tower height would not deliver equivalent construction saving equivalent to the loss of units per floor. As such I would draw member's attention to paragraphs 6.31 and 6.32 of the original report which confirms the robustness of the financial appraisal and the independent advisor's view that the scheme is at the limit of its viability. Therefore whilst the contributions fail to meet the policy aspirations in full, on the basis of the independent appraisal I consider the offer of 20 on-site private affordable rent units (equivalent to £887,616.00) would be the most that the proposed scheme could sensibly sustain and that it has been demonstrated that this offer would accord with policy.
- 1.11 In addition, given the applicant's intent to start on site immediately, and build in a single phase, I do not consider it would disadvantage them if the time period condition was reduced from 3 years to 2 thereby securing the development is started and brought forward under the current financial climate. Such an approach has previously been taken other city centre sites (former Ice Rink, Skinner Street and

Connaught) and I consider this would be a clear and consistent and a fair way to safeguard the applicant and the City in relation to viability on a development of this nature.

- 1.12 Finally, your committee may consider it more appropriate that a financial contribution towards public open space was made rather than affordable housing and on this basis the resolution could be amended accordingly. This additional information provides further detail as to how the architectural concept of this high quality well-designed building will successfully be achieved

Birmingham Airport

- 1.13 High Places SPG requires that Birmingham Airport are consulted on developments that would exceed 242m AOD (above ordnance datum). This building would exceed this height at 273.4m AOD and whilst Birmingham Airport raised no objection to the building height itself they raised concerns about the impact the construction cranes may have. Consequently a NATS Assessment has been undertaken which identified that the existing circling height for Category D aircraft would need to be increased slightly to ensure the construction would not have an adverse impact on airport safety. This increase has been agreed with Birmingham Airport and their air traffic controllers. Therefore subject to conditions to secure a radar assessment and a condition to prevent development above the existing agreed height of 242m AOD until the new 'circling' heights have been ratified by the CAA they raise no objection. I recommend these conditions accordingly and these can be found on p18 of this report.

Conclusion

- 1.14 Additional information has been provided in respect of design detailing and Birmingham Airport have removed their objection. This is high quality PRS (private rent) scheme which would deliver an outstanding design and help realise the Council's ambition to deliver tall buildings as part of its on-going regeneration on a strategically and highly prominent, sustainable site. Therefore, subject to the removal of resolutions 8.1 and 8.2, an amended time period for completion of the legal agreement, the additional 'airport' conditions and subject to the alteration of the 'time limit' condition from 3 to 2 years, I recommend approval as per the original report including verbal updates.

Recommendation

- 2.1 That consideration of planning application 2019/04239/PA be deferred pending the completion of a planning obligation agreement to secure the following:
- a) 20 one and two bed Affordable Private Rent units. The provision of these units shall be split 50/50 and pepper potted across the site. 50% of the units shall be provided by first occupation, with the remaining 50% provided by 75% occupancy. The rental cost of these units shall be retained at 20% below local market value in perpetuity.
 - b) A mechanism to secure a review of the financial appraisal/contribution should the development change from a PRS scheme to market sale.
 - c) Payment of a monitoring and administration fee associated with the legal agreement of £10,000.

- 2.2 In the absence of a suitable planning obligation agreement being completed to the satisfaction of the Local Planning Authority on or before 20th December 2019 the planning permission be refused for the following reason:
- a) In the absence of any suitable legal agreement to secure a financial contribution towards affordable housing the proposal would be contrary to TP31 of the Birmingham Development Plan and NPPF.
- 2.3 That the City Solicitor be authorised to prepare, seal and complete the planning obligation.
- 2.4 That in the event of the planning obligation being completed to the satisfaction of the Local Planning Authority on or before 20th December 2019, favourable consideration be given to this application subject to the conditions listed below

10th October Report (including verbal updates)

1. **Proposal**

- 1.1. Application is for the erection of one 51 storey tower, a 15/16 storey tower and a 2 storey pavilion building on land on the corner of Jennens Road and James Watt Queensway. The development would comprise of 667 one and two bed apartments along with ancillary internal and external amenity spaces. It is proposed as a PRS development and would be operated by a single operator.
- 1.2. The towers would be of a modern but simple classic grid design. Each tower would share common detailed design features such as floor to ceiling windows, deep rectangular reveals, colonnades and tapered 'crowns'. They would be constructed using a minimalist white colour palette with Tower A clad in fluted white GRC (glass re-enforced concrete) with horizontal and vertical solid black backed glass spandrel panels whilst Tower B would comprise of pure white GRC in a square buttress style along with horizontal and vertical solid black backed glass spandrel panels. Both towers would use an aluminium window system with an opening light and PV Panels would be accommodated on the roofs. The 2 storey pavilion would be constructed using a metal framed glazed system with transparent and black opaque glass, with the metal frame colonnade finished in a ceramic green gloss. The pavilion building would also support a brown roof. Specific materials would be controlled by condition.
- 1.3. The proposed development would have a total gross floor area of 52,560 sqm – the buildings would have the following dimensions;

Tower A – 49.9m x 18.5m x 155.145m
Tower B – 43.6m x 17.5m x 51m
Pavillion building – 15.5m x 13.3m



Fig 1: night view from north west



Fig 2: day view from south

- 1.4. The scheme would provide 357 one bed (54%) and 310 two bed (46%) apartments, of which 527 would be accommodated in Tower A and 140 in Tower B. The flats would range in size from 38.21 sqm to 71.36 sqm and would all exceed the national standards. Internally the units would comprise one or two bedrooms, an open plan living/kitchen/dining area, 1 or 2 bathrooms and storage area.
- 1.5. A gym, cinema room, co-work spaces, meeting rooms, lounge space, roof terrace, residents' lounge, games room and private dining/kitchen area would also be provided across the three buildings for residents' use (circ 1200sq m). In excess of 3200sqm of external amenity space would also be provided in a secure courtyard garden between the two towers.
- 1.6. No car parking would be provided on site but 132 (20%) secure covered bike spaces would be provided. A service/drop off area would be provided to the west of the site via James Watt Queensway, which would be managed by the future operator.
- 1.7. Information submitted in support of the application includes; Design and Access Statement, Planning Statement, Economic Statement, Financial Viability Statement, Sustainability Statement, City Centre Housing Needs Assessment, Transport Statement and Travel Plan, Heritage Statement, Archaeology Report, Noise Assessment, Air Quality Assessment, Preliminary Ecology Report, Townscape Visual Impact Assessment (TVIA), Drainage Strategy, Aerodrome Safeguarding Assessment, Phase 1 Geo Environmental Report, Daylight and Sunlight Assessment, TV and Telecoms Assessment and Wind Microclimate and Pedestrian Wind Comfort Assessment.
- 1.8. A screening request was considered which concluded an ES was not required.
- 1.9. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site lies on the edge of the BDP defined, city core within the inner ring road of Birmingham City Centre. The site is situated on the corner of Jennens Road and James Watt Queensway. It is in close proximity to a wide mix of uses including residential, commercial (office, retail and hotels) and educational uses.
- 2.2. The site was previously occupied by a 6 storey 1970's former teaching block which formed part of a wider university/college campus which included Aston University and parts of Birmingham Metropolitan College and Birmingham City University. The site has been vacant for some time and is currently in the process of being demolished.
- 2.3. There has been significant change in this part of the city over the past decade, in part as a result of the wider 'masshouse development' and the removal of the former 'concrete collar'. The character of this area continues to evolve as the regeneration potential of this part of the city is realised supported by opportunities such as HS2.

2.4. Site location

3. Planning History

- 3.1. 28th February 2019 – 2019/00617/PA Application for Prior Notification for the proposed demolition of existing building and surface level car park. No Prior Approval Required.

4. Consultation/PP Responses

- 4.1. Access Birmingham – Note that inclusive access will be required by building regulations.
- 4.2. Birmingham Airport – Object as the information does not assess the impact of the towers or the cranes on the safeguarding zone of the formalised flightpath.
- 4.3. Education and Skills (employment) – Employment conditions required with regard construction period.
- 4.4. Education and Skills (schools) – £1,359,440.64 contribution required towards nursery/school places.
- 4.5. Lead Local Flood Authority – No objection subject to conditions to secure specific drainage detail and sustainable drainage operation and maintenance plan.
- 4.6. Leisure Services – No objections in principle, however in line with policy an off-site contribution of £1.26m for provision, improvement and or maintenance of POS within the Nechells Ward and Eastside Park is required.
- 4.7. Network Rail – Proposal would have no impact on rail infrastructure.
- 4.8. Regulatory Services – **No objections following submission of additional information subject to additional conditions with regard proposed glazing and noise insulation.**
- 4.9. Severn Trent – No objection subject to conditions to secure appropriate drainage for foul and surface water.

- 4.10. Sport England – Proposed development will result in demand for sporting provision and on and off-site provision should be sought. However no objections subject to financial contribution of £645,628 which should be used towards IPL swimming pool and playing field investment within the City.
- 4.11. Transportation Development – No objections subject to conditions with regard servicing and delivery management plan, S278 works and a travel plan.
- 4.12. West Midlands Police – Development needs to comply with all relevant design guidance such as Secure by Design. In addition they raise various questions with regard the proposed pavilion, staffing levels and postal delivery but they also note their support for there being no residential accommodation at ground floor and the clear demarcation of public and private spaces. They raise concerns about the lack of parking provision.
- 4.13. Local residents associations', neighbours, Ward Councillors and the MP were consulted. Press and site notices were also displayed.
- 4.14. 2 letters of objection, one from a local resident and one from a land owner, have been received and raise objections on the basis that the principle of development is not acceptable (it fails to comply with High Places), the proposal would have an unacceptable impact on visual harm, it would have an adverse impact on heritage assets, its poor quality design, that it would result in poor quality urban realm with a high security fence, there would be no retail or leisure activities at base of tower, it would have an unacceptable impact on sunlight/daylight on adjacent sites, it would have an inadequate mix of homes, it would not provide any affordable housing, it would have an unknown impact on the micro-climate impact and insufficient engagement has been undertaken with local people and business. A further letter of objection from one of the above objectors has been received following the submission of additional information by the application. This letter raises no addition issues.
- 4.15 Verbal updates;**
- **1 letter of objection from Aston University – The letter raises more detailed concerns about the impact of the development on loss of light/overshadowing of student accommodation including gardens and the lakeside amenity. In particular they consider the assessment of the lakeside area is inadequate. As such they have commissioned a shadow plot assessment and they consider this shows the development will have a much greater impact and that this makes a more accurate assessment of the impact of the proposed development. As such they object to the development as they consider their assessment demonstrates that the impact of the development is significant and that the use and enjoyment of the space would be affected.**
 - **1 further letter from a landowner who has commented previously has also been received. They raise points on heritage, design, sunlight/daylight, microclimate, cycle parking and lack of information. No new planning issues are raised. They also complain that the consultation responses are not available on the web and their FOI request has not been responded to.**

- **The applicant has responded to the additional objections as follows; The University objection uses a transient shadowing analysis in March. This assessment is subjective. They also note that the month of March is not the optimal time of year to be using an area of open space in the UK, and if the transient shadowing method of analysis were carried out in June, the level of shadow caused by One Eastside would be significantly less.**

Whilst the agents emphasise that they have used the BRE overshadowing test for gardens and open spaces in March, which is considered much more appropriate and objective for this context and that this test demonstrates that 98% of the open space will receive over 2 or more hours of sunlight on 21st March and thus comfortably passes the relevant BRE test. It should also be noted that the small area of land which will be affected is already 'in shade' being under an existing tree canopy.

In addition in terms of the reference to inaccurate information the applicant has confirmed the reports were done on the basis of the scheme description and that reference to other unapproved towers were cited to highlight recent and emerging contextual changes but do not alter the context or bearing of the assessment.

5. Policy Context

- 5.1. Birmingham UDP 2005 saved policies; Birmingham Development Plan 2017; Places for Living SPG; Places for All SPG; Access for People with Disabilities SPG; Car Parking Guidelines SPD; High Places SPG; Lighting Places SPD; Public Open Space in New Residential Development SPD; Affordable Housing SPG; Planning Policy Guidance and the National Planning Policy Framework.

6. Planning Considerations

- 6.1. In January 2017 the City Council adopted the Birmingham Development Plan (BDP). The BDP is intended to provide a long term strategy for the whole of the City and replaced the UDP 2005 with the exception of the saved policies in Chapter 8 of the plan.
- 6.2. Policy PG1 advises that over the plan period significant levels of housing, employment, office and retail development will be planned for and provided along with supporting infrastructure and environmental enhancements.
- 6.3. In respect of housing need the BDP states that its objectively assessed 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.
- 6.4. The application site is located within the Eastside Quarter of the City Centre immediately adjacent a wider area of change. The site is well connected to amenities and facilities and a brownfield site. The provision of a residential development with supporting ancillary facilities would, in line with GA1.3 realise this areas "...extensive development opportunities..." and bring significant investment to this part of the City in addition to making an important contribution to the housing stock in the locality. I therefore concur with my Strategic Planning Officers who raise no objection in land use policy terms to the proposal subject to all detailed matters.

Layout, scale and design

- 6.5 Local planning policies and the revised NPPF (Feb 2019) highlight the importance of creating high quality buildings and places and that good design is a key aspect to achieving sustainable development. Policies PG3 and TP27 of the BDP state the need for all new residential development to be of the highest possible standards which reinforce and create a positive sense of place as well as a safe and attractive environment. Supplementary documents also provide further guidance for the need for good design including the City's 'High Places' SPG which provides specific advice for proposals which include elements in excess of 15 storeys. It advises that, generally, tall buildings will be accommodated within the City Centre ridge zone, it also advises that tall buildings will;
- Respond positively to the local context and be of the highest quality in architectural form, detail and materials;
 - Not have an unacceptable impact in terms of shadowing and microclimate;
 - Help people on foot move around safely and easily
 - Be sustainable
 - Consider the impact on local public transport; and
 - Be lit by a well-designed lighting scheme
- 6.6 The site layout results in a staggered form with Tower B positioned to reflect and relate to the existing adjacent buildings, the pavilion building to mark the northwest corner and Tower A positioned to re-enforce the development form along James Watt Queensway and maximise the site's prominence and site line, particularly from the south west. Site access would be via Tower A, off James Watt Queensway with additional resident's access via the courtyard garden area off Jennen's Road. The buildings, at all levels, would activate the street scene, particularly to James Watt Queensway and Jennen's Road, resulting in a significant improvement on the interaction and surveillance provided by the previous building. In addition, the two storey pavilion building now proposed as an amended corner solution to Coleshill Street/James Watt Queensway, would also provide a strong modern solution which would further activate this prominent location. The proposed gym use inside the pavilion would also further support the day and night surveillance of the street.
- 6.7 The scale of the buildings range from 2 to 51 storeys, primarily comprising of two towers. The site is to the edge of the central ridge zone and principle of towers in this part of the city is therefore acceptable. The applicant has provided comprehensive supporting information within their Design and Access Statement and a Townscape Visual Impact Assessment (TVIA) which demonstrates that the proposed towers would not have an adverse impact on the street scene or the City's longer range views. I note an objectors concern that unapproved taller buildings have been referenced within this report but do not consider this significant in the assessment of the proposal. I therefore concur with Head of City Design who considers that the scale of the development would be a positive addition to City's skyline. Further, the building's width compares favourably to the width of existing developments at Exchange Square, the McLaren building and the Masshouse development, and this coupled with the site layout and detailed design results in the mass of both towers being effectively broken down.
- 6.8 The Head of City Design has been intensely involved with this application and its detailed design has continued to be refined during the application process. As such the materials and design features such as the use of colannades, deep reveals and large floor to ceiling windows are welcomed. I also note that Tower A's GRC flutes

helps create the illusion of a symmetrical and vertical façade which would result in a crisp well-articulated façade, whilst the detailed design of Tower B successfully creates a simple block with its own identity which acknowledges the materiality and vertical emphasis of Tower A to maintain a clear relationship between the two. Finally I welcome design rational behind the proposed pavilion building which uses the former on-site pub as inspiration for its dimensions and the ceramic tile influence for the proposed colonnade frame colour. The colonnade frame also successfully references the façade and rhythm of the towers and ensures continuity across the site. As such I consider the design detail would result in a high quality landmark development.

- 6.9 Therefore subject to conditions to control the detailed materials and their application, I concur with the Head of City Design who considers the layout, scale and design of the proposal is acceptable and will create a distinct landmark building and enhance the City's skyline on a strategically important site.

Heritage

- 6.10 The site is not within a conservation area and there are no heritage assets within the site boundary. However a Heritage Statement has been submitted in support of the application which assesses the proposal in relation to a number of statutory listed buildings in the vicinity.
- 6.11 **Section 66 of the Planning (Listed Building & Conservation Area) Act 1990** and paragraphs 184-202 of the NPPF identifies the importance of heritage and how local planning authorities should deal with this matter. **Section 66 of the Act requires that 'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority ... shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'** The legislative requirement to 'preserve the setting' of a listed building is therefore in conflict with the NPPF which allows for harm (substantial or less than substantial) to occur if this is outweighed by public benefit. However, case law (see particularly *E Northants DC v Secretary of State for Communities and Local Government [2014] EWC A Civ 137*) confirms that the duties imposed under the Act indicate that where harm to a listed building or conservation area or its setting is identified this is a matter to which great weight and importance should be attached in the planning balance. My Conservation Officer has considered the report and accepts that the proposal will lead to less than substantial harm to the significance of any of the designated heritage assets and therefore, given the wider public benefits of re-developing a currently vacant, strategically important brownfield land for residential development which would outweigh the harm I consider the proposal would be acceptable and accord with local and national planning policy.

Amenity

Sunlight/Daylight

- 6.12 Objections have been raised with regard the developments impact on loss of sunlight/daylight in relation to the existing surrounding area, in particular residential accommodation under construction at Exchange Square and the public open space at Aston University.

- 6.13 The NPPF, paragraph 123, emphasises that local planning authorities should “...refuse applications which they consider fail to make efficient use of land...” and that when considering applications for residential use they should “.. take a flexible approach in applying policies or guidance relating to daylight and sunlight....(as long as the resulting scheme would provide acceptable living standards)” The BDP does not contain minimum standards of sunlight/daylight levels.
- 6.14 Notwithstanding this the applicant has submitted a Daylight, Sunlight and Overshadowing report in support of the application and this assesses the impact of the proposed development in relation to surrounding residential accommodation and public and private amenity spaces. The report is based on industry wide recognised Building Research Standards (BRE) which provides guidance on avoiding unacceptable daylight and sunlight impacts on existing and proposed development.
- 6.15 In terms of existing residential accommodation (including those under construction) it notes that whilst the vast majority of rooms do comply with BRE numerical guidelines there are isolated locations where these guidelines are not met, particularly in relation to the under construction development at Exchange Square. However even in these instances it considers light level alterations to be minimal and that good internal amenity would be achieved, particularly when the limitations of BRE assessments are also considered.
- 6.16 The publically accessible lakeside open space at Aston University is well used and is an important asset in the City’s green and open space infrastructure. Therefore as part of an amended BRE assessment an objective overshadowing test has been done which demonstrates that the proposed development would have a minimal impact on this area with 98% of the amenity space continuing to receive 2 hours of sunlight on the 21st March, significantly above the 50% identified by the BRE guidance.
- 6.17 The submitted information is comprehensive and I have no reason to contest its findings. Further I note the limitations of applying BRE guidelines to a dense urban development rather than a suburban context for which they were developed. I also note that natural lighting is only one of the many factors in site layout and design which has to be considered. Therefore, whilst there are instances where the BRE guidance is not met, in these instances the loss of sunlight/daylight or overshadowing is not likely to be so significant, and light levels would remain good, particularly for a dense urban site. Therefore, on balance, given the context of development, the wider regeneration benefits of the sites redevelopment and the positive contribution to the City’s housing need I consider the proposal would result in acceptable living standards for existing and future occupiers and that it would have acceptable impacts on public amenity. As such the proposal would be in line with local and national planning policy in this respect.

Overlooking

- 6.18 There are no policies that specify minimum separation distances between proposed residential and existing office accommodation. Therefore whilst the eastern side of Tower B would look onto the adjacent college the majority of the proposed building would be 23m away. Further, whilst there is a ‘pinch point’ where the distance is reduced to 7m the internal layout has been arranged to ensure a staircore and larger dual aspect units are positioned in this locality. Tower A and tower B are angled and are not positioned directly opposite each other. As such I consider the development would not adversely affect the amenities of future occupiers by virtue of overlooking.

Wind

- 6.19 A wind report has been submitted in support of the application which concludes that the impact of proposed development would be minimal and that the majority of the surrounding areas would meet the most rigorous criteria used within such assessments. However, even where it does not the wind levels would not be so great as to have an adverse impact on pedestrians walking or resting for a short while in these localities. Further I note these areas, such as along James Watt Queensway and Coleshill Street, would not be appropriate for activities that encourage long periods of resting. On this basis therefore, I consider the proposal would not have an adverse impact on the wind environment of the built environment.

Sustainability

- 6.20 Policies TP1-TP5 of the BDP identify the need for any new development to be 'sustainable' and whilst they do not identify specific % reduction targets or require a minimum % of low/zero carbon technologies on each development they encourage developers to consider a wide range of measures to reduce Co2 emissions, promote low + zero carbon and adapt to climate change.
- 6.21 The application is supported by an energy assessment and it considers various advantages/disadvantages of a variety of 'sustainable' measures. The proposed building is identified for a fabric first approach. The residential units would be electrically heated and amenity spaces would have heating and cooling provided by highly efficient variable refrigerant volume (VRF) air source heat pump systems. Photovoltaic panels would be provided on the tower roofs and a brown roof would be provided on the pavilion. I also note the sustainable location of the site and its car parking approach and the Energy Assessment identifies that this approach would result in an 11% improvement on building fabric and 5% improvements on the overall development when considered against the Building Regulation requirements. As such I consider the proposal would satisfy the aims and objectives of both local and national planning policy.
- 6.22 The proposal includes landscaping as part of a courtyard garden and a brown roof. My Landscape Architect, Ecologist and Tree Officer largely welcome the proposals subject to conditions to secure details such as bird/bat boxes, lighting, planting plan, management plan and an ecological enhancement plan, and consider it would enhance the biodiversity of the site. However, fencing is proposed around the entire site to provide a secure garden area for future residents. The boundary would provide clear demarcation of public and private areas whilst the landscaping would be visible in the public realm. Therefore, whilst I accept the principle of a perimeter fence I consider it needs further refinement, both in design terms and height with particular reference to the southern and eastern boundaries, to ensure it does not result in an oppressive feature which would detract from the visual appearance of the street scene. I also therefore attach a condition in this respect.

Mix and need

- 6.23 Policy TP30 states that proposals for new housing should deliver a range of dwellings to meet local needs and support the creation of mixed, balanced and sustainable neighbourhoods. It also identifies that high density schemes will be sought in the city centre. The redevelopment of the site would deliver additional housing on a brownfield within the Eastside quarter of the City Centre which sits immediately adjacent to a wider area of change and in close proximity to the anticipated HS2 station. The proposed mix would deliver only 1 and 2 bed

apartments however the application has submitted a comprehensive Housing Need Assessment in support of this application which demonstrates that the composition of the household size and future demand is markedly different to the wider strategic housing need.

- 6.24 Therefore whilst City's housing evidence base indicates that there is a need for larger properties I acknowledge this is with reference to Birmingham's strategic housing area as a whole. Further I note it does not take account of demand in more localised locations such as the City Centre where there is significantly less land available, housing densities are expected to be higher and detailed data analysis suggests demand for smaller units is more likely. I also note policy PG1 and TP29 which identify housing need/delivery and consider that this scheme would positively contribute towards the achievement of these figures. All the units comply with the National Space Standards. I therefore consider the proposal is acceptable and in line with policy in this respect.

Parking

- 6.25 Policies TP38-41 encourage development where sustainable transport networks exist and/or are enhanced. In addition to supporting sustainable transport networks the Car Parking SPD identifies the expected maximum car parking provision for each land use, dependent on the sites location, and in this instance identifies a maximum provision of 1 car parking space per dwelling.
- 6.26 The application has been supported by a Transport Assessment. A single servicing/delivery access point is identified to the west of the site. No on-site car parking is proposed. The proposed cycle parking at 20% is below the 100% provision identified within Car Parking Guidelines SPD.
- 6.27 Details have been submitted to demonstrate the acceptability of the proposed servicing arrangements. The site is a highly sustainable city centre location where sustainable transport networks already exist and the site has excellent access to tram, train, car hire and bus services in addition to access to a wide range of employment opportunities, leisure facilities and 'day to day' amenities/services, all within walking distance. I also note the proposed operator's experience of cycle parking demand at their existing PRS facilities and their commitment to review this provision and increase/improve if necessary. Finally I note that there are car parks in close proximity which future occupiers could utilise if they had a need for a car or visitors to the site travelled by car.
- 6.28 Therefore, subject to conditions to secure a servicing and delivery management plan, a S278 Agreement and a travel plan, I concur with Transportation Development who consider that that the development would be acceptable and comply with both local and national planning policy.

Planning Obligations

- 6.29 The proposed development does not attract a CIL contribution but given the level of development proposed Policy TP9, which requires new public open space to be provided in accordance with the Public Open Space in New Residential Development SPG, and Policy TP31, which requires 35% affordable housing unless it can be demonstrated that this would make the development unviable, are applicable. The NPPF also requires that 10% of any affordable housing offer should be provided on-site.

- 6.30 The application has been supported by a financial appraisal which demonstrates that the costs of the development are such that it would result in only a 10% profit on cost and a contribution towards affordable housing or public open space was not therefore proposed.
- 6.31 However, the financial appraisal has been independently appraised and whilst the City's advisor notes that the applicant's financial appraisal is largely well justified, with revenue as per the forward funding agreement and the build costs based on the appointed contactor's quotation, officers have successfully challenged a number of the assumptions made. Consequently an on-site provision of 20 affordable private rent units at 20% discount (in line with NPPF requirements), equivalent to 3%, is now proposed. The applicant has also agreed to a review mechanism being included within the S106 which would require a review of the FA, and the S106 if appropriate, should the development change from PRS to market sale scheme.
- 6.32 As a PRS scheme low yields are expected over a much longer period of time when compared to build to sell schemes and this has significant impacts on a schemes viability. Acknowledging this, and the tests that this proposal has been subjected to to ensure it is buildable and high quality landmark development on a strategically important site I concur with the independent appraiser's view that the proposed scheme would not be financially viable if a greater contribution were required. I therefore consider the offer proposed is acceptable.
- 6.33 Education have requested a financial contribution however education is identified on the CIL 123 list and it would not therefore be appropriate to request a further contribution in this instance. I also note Sport England have identified the need for a contribution, however given the schemes viability and the Council's priorities I consider it would be unreasonable to require this in this instance.

Other

- 6.34 Birmingham airport have raised an objection to the scheme due to there being insufficient information submitted to demonstrate that the cranes needed for construction would not adversely impact upon the recently formalised flightpath. The applicant continues to work with the Airport to address these concerns and have provided details of a 'saddleback' crane. Critically this would then mean the cranes would not exceed the height of the BT Tower and should not adversely impact on the safeguarding zone. Birmingham Airport **have confirmed that a NATS (National Air Traffic Services) assessment is required.** However, in order to prevent further delay to this application I consider it would be appropriate for your Committee to defer minded to approve subject to the removal of this objection. An appropriate resolution is therefore recommended.
- 6.35 Air Quality Assessment recommends that residential accommodation up to the third floor could be adversely affected by pollutants and therefore, as a precautionary approach, mitigation should be provided to include sealed units or units with purge ventilation in these locations with air filtration provided from a higher intake. The Noise Assessment submitted identifies the need for various levels of glazing but notes that this can be provided to provide satisfactory internal environments. Subject to conditions to control the mitigation proposed within these reports Regulatory Services raise no objection but they do note that plant on the roof top of the adjacent Matthew Bolton College has not been assessed. However whilst future residents above the 12th floor in Tower B would have site lines of this equipment, given the distance away I consider it unlikely that it would generate noise levels which could not be satisfactorily addressed through glazing levels. I also note this has been

raised very late in the process of this application. Therefore subject to a condition requiring an additional noise survey I consider satisfactory internal noise levels could be achieved. Land contamination conditions are also recommended.

- 6.36 The Lead Local Flood Authority and Severn Trent raise no objection subject to conditions to secure specific drainage details along with a sustainable drainage operation and management plan which I attach accordingly.
- 6.37 West Midlands Police have made comments which relate to a range of matters that would be controlled by other legislation and these details have been passed on to the applicant. However conditions with regard lighting, site management and cctv are recommended.
- 6.38 Consultation was undertaken by the applicant prior to the formal submission of the application and the local planning authority has carried out consultation in excess of the statutory minimum.

7. Conclusion

- 7.1. The proposal would provide a well-designed tower development and result in a high quality brownfield development on a prominent and sustainable City Centre location in accordance with the aims and objectives of both local and national planning policy. Issues raised by objections have been appraised, and on balance, the wider benefits of the scheme would outweigh any potential impacts. Therefore subject to the signing of the S106 agreement, the proposal should be approved.

8. Recommendation

- 8.1. That consideration of planning application 2019/04239/PA be deferred pending the removal of Birmingham Airport's objection.
- 8.2 If insufficient information is submitted to remove Birmingham Airport's objection then the application be refused for the following reason:
 - a) Insufficient information has been submitted to demonstrate that the cranes needed to construct the development would not adversely impact on aviation safety contrary to High Places SPG and NPPF.
- 8.3 That consideration of planning application 2019/04239/PA be deferred pending the completion of a planning obligation agreement to secure the following:
 - a) 20 one and two bed Affordable Private Rent units. The provision of these units shall be split 50/50 and pepper potted across the site. 50% of the units shall be provided by first occupation, with the remaining 50% provided by 75% occupancy. The rental cost of these units shall be retained at 20% below local market value in perpetuity.
 - b) A mechanism to secure a review of the financial appraisal/contribution should the development change from a PRS scheme to market sale.
 - c) Payment of a monitoring and administration fee associated with the legal agreement of £10,000.

- 8.4 In the absence of a suitable planning obligation agreement being completed to the satisfaction of the Local Planning Authority on or before 1st November 2019 the planning permission be refused for the following reason:
- a) In the absence of any suitable legal agreement to secure a financial contribution towards affordable housing the proposal would be contrary to TP31 of the Birmingham Development Plan and NPPF.
- 8.4 That the City Solicitor be authorised to prepare, seal and complete the planning obligation.
- 8.5 That in the event of the planning obligation being completed to the satisfaction of the Local Planning Authority on or before 1st November 2019, favourable consideration be given to this application subject to the conditions listed below.

-
- 1 Requires the submission of a scheme for ecological/biodiversity/enhancement measures
 - 2 Requires the prior submission of details of bird/bat boxes
 - 3 Requires the submission of details of green/brown roofs
 - 4 Requires the submission of a lighting scheme
 - 5 Requires the submission of sample materials
 - 6 Requires the submission of a landscape management plan
 - 7 Requires the submission of hard and/or soft landscape details
 - 8 Requires the prior submission of a construction method statement/management plan
 - 9 Requires the scheme to be in accordance with the listed approved plans
 - 10 Requires the submission of a CCTV scheme
 - 11 Requires air quality mitigation
 - 12 Requires noise mitigation
 - 13 Requires the provision of cycle parking prior to occupation
 - 14 Requires the submission of details of a delivery/service vehicle management scheme
 - 15 Requires the submission and completion of works for the S278/TRO Agreement
 - 16 Arboricultural Method Statement - Submission Required
 - 17 Requires tree pruning protection
 - 18 Requires the submission of hard surfacing materials
 - 19 Requires the submission of boundary treatment details
-

-
- 20 Requires the submission of Architectural details
 - 21 Requires the prior submission of a sustainable drainage scheme
 - 22 Requires the submission of a Sustainable Drainage Operation and Maintenance Plan
 - 23 Requires the prior submission of a contamination remediation scheme
 - 24 Requires the submission of a contaminated land verification report
 - 25 Requires an employment construction plan
 - 26 Requires submission of management plan
 - 27 Requires the prior submission of a programme of archaeological work
 - 28 Glazing,vents and noise barrier
 - 29 Noise insulation required
 - 30 Implement within 3 years (Full)
 - 31 Requires submission of a radar assessment
 - 32 Restricts development height
-

Case Officer: Joanne Todd

Photo(s)

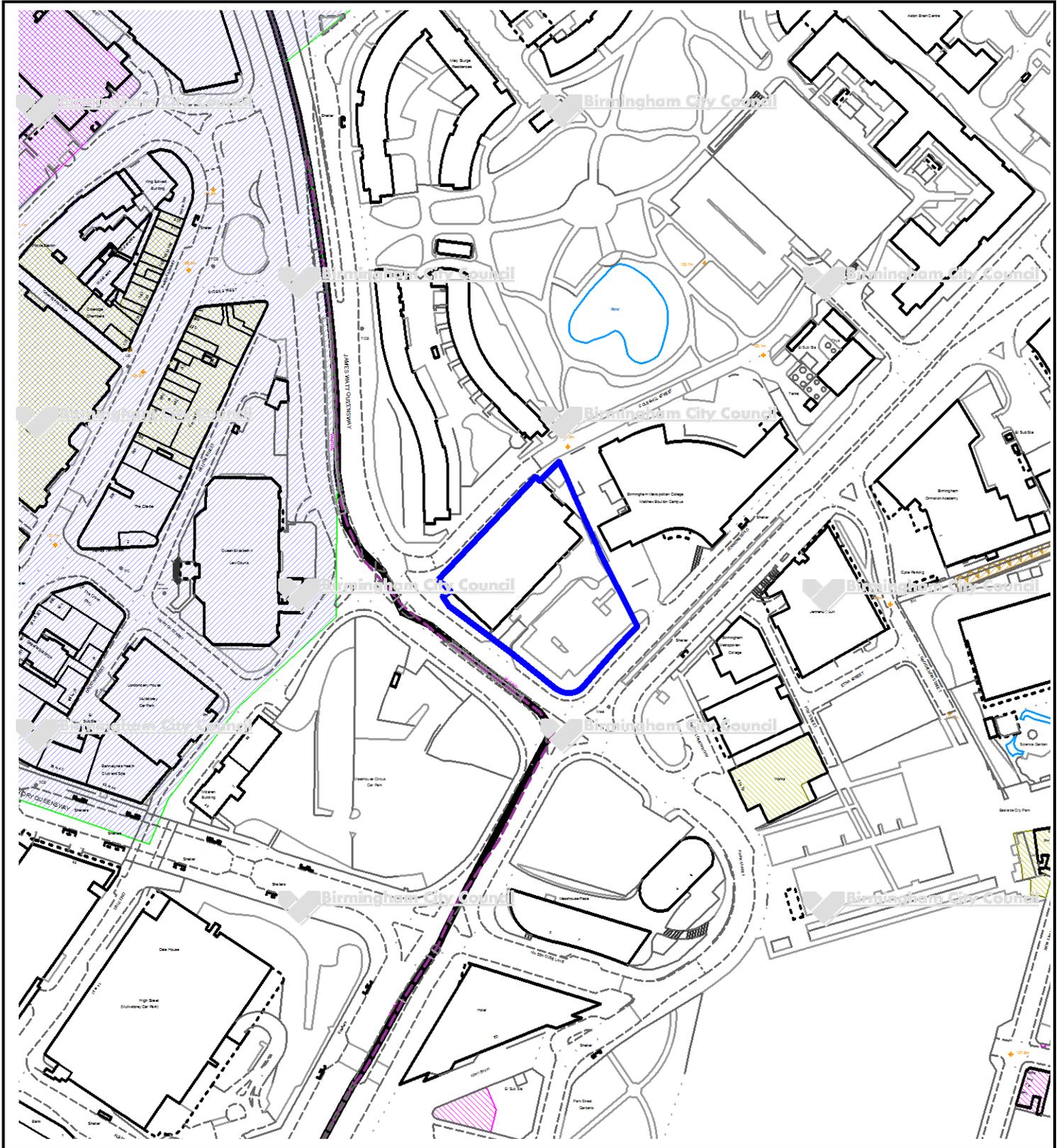


Fig 3: Site on 26th September 2019



Fig 4: Site on 27th November 2019

Location Plan



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

Birmingham City Council

Planning Committee

05 December 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 – Subject to 106 Legal Agreement	14	2019/05598/PA Pritchatts Road Car Park and Ashcroft Halls of Residence Pritchatts Road Edgbaston Birmingham B15 2QU Erection of student accommodation (496 bed spaces) and multi storey car park (482 spaces), landscaping, car parking and associated works.
Refuse	15	2019/07314/PA Land rear of 520 Bristol Road Selly Oak Birmingham B29 6BD Demolition of 3 student residential blocks and erection of 74 units of student accommodation.
Approve – Conditions	16	2019/05989/PA Monmouth Road/Della Drive/Penrith Croft Land at Bartley Green Birmingham B32 3LY Erection of 68 dwellings with associated highway works and landscaping
Approve – Conditions	17	2019/05217/PA 77-79 Cartland Road Stirchley Birmingham B30 2SD Erection of children’s day nursery with associated parking and amenity space

12 Osmaston Road
Harborne
Birmingham
B17 0TL

Demolition of an existing bungalow and
erection of two new dwellinghouses (Use
Class C3) with associated parking.

Committee Date:	05/12/2019	Application Number:	2019/05598/PA
Accepted:	07/11/2019	Application Type:	Full Planning
Target Date:	06/02/2020		
Ward:	Edgbaston		

Pritchatts Road Car Park and Ashcroft Halls of Residence, Pritchatts Road, Edgbaston, Birmingham, B15 2QU

Erection of student accommodation (496 bed spaces) and multi storey car park (482 spaces), landscaping, car parking and associated works.

Recommendation

Approve Subject to a Section 106 Legal Agreement

1. Proposal

1.1. Members will recall that a previous application for the erection of student accommodation blocks (230 bedrooms at Ashcroft Block and 302 bedrooms at Pritchatts Car Park site) and multi-storey car park (608 spaces) was refused by Committee on the 28 February 2019, following a Committee Site Visit, on the grounds of:

- a) Impact upon townscape of the design of the building and impact on the Edgbaston Conservation Area
- b) Impact of the development on the character of the existing residential area; and
- c) Impact of vehicular traffic on the adjacent highway network.

An appeal was subsequently submitted to be heard by way of a Public Inquiry scheduled for December 2019. This was withdrawn on 21 October 2019.

1.2. Planning permission is now sought for the erection of student accommodation comprising 496 bed spaces (reduction of 36 bed spaces compared to the previous application) within 11 blocks and a multi-storey car park of 482 (a reduction of 126 compared to the previous scheme) spaces (replacing existing surface level car park of 355 spaces) with vehicle access and egress from Pritchatts Road and Vincent Drive.

1.3. The site consists of two areas of land:

Site A, land adjacent to the existing Ashcroft Halls of Residence (proposing 285 bed-spaces within 4 student blocks) and

Site B, land to the rear of No's 11 & 13 Pritchatts Road and the Pritchatts Road surface car park (proposing a multi-storey car park and 211 bed-spaces within 7 student blocks).

1.4. The total floor-area of all student accommodation proposed would be 14,058sqm.

Student Accommodation blocks (at Ashcroft) SITE A

- 1.5. The student accommodation would consist of 285 bed-spaces within 4 student blocks (with 6 dedicated parking spaces). Three of the blocks would be arranged around the existing Ashcroft blocks with one being located on a north/south axis whilst the other 2 would run on an east/west axis. The final block would be located in an alignment on a north/south axis with the existing Oakley student accommodation. An extension to the existing associated hard-standing would also be proposed to link these buildings to existing buildings and the existing roadway.
- 1.6. Block A would comprise of 7 townhouses and Block B, 6 townhouses. All of them would comprise 9 bedrooms, 4 shared bathrooms, 1 en-suite and a large kitchen/dining area. Blocks C and D would comprise 9 and 5 townhouses respectively and contain 12 bedrooms in each with 6 shared bathrooms, a large kitchen/dining area and a living room. In total, the blocks would comprise 63, 54, 108 and 60 bedrooms in Blocks A to D respectively. Over 7,358sq.m of student accommodation would be provided.
- 1.7. Blocks A and B would be 3 storeys in height whilst Blocks C and D would be 4 storeys. These blocks would be of a contemporary style in a traditional form, with brick walls and pitched tiled roofs.
- 1.8. This element of the scheme has not changed significantly from the previous application, except that they have now been designed as townhouses and the number of bed spaces proposed within this element of the scheme has been increased.

Student Accommodation blocks (Pritchatts Car Park site) SITE B

- 1.9. The student accommodation would consist of 7 blocks; 5 facing onto Pritchatts Road, behind the existing row of trees and 2 blocks (Blocks A and B of Site B) behind 11 and 13 Pritchatts Road with a total of 211 bed-spaces. These blocks would be three storey in height, comprise 4 and 5; 9 bedroom townhouses respectively and would be contemporary in architectural terms, again with traditional forms and brick walls and tile roofs.
- 1.10. The townhouses within Blocks A and B would each have an individual front door accessing 9 bedrooms with dedicated living and kitchen/dining areas. Each bedroom would have an en-suite. A total of 36 bedrooms would be provided in Block A and 45 in Block B, totalling 81. Blocks C to G would be either 2 or 2.5 storey in height and comprise of 2 or 3; 5 bedroom townhouses and 2; 7 bedroom townhouses. The 5 bedroom properties would have 10 or 15 bedrooms within a block whilst the 7 bedroom properties would have 14 bedrooms within each block. In total, Block C would have 24 bedspaces; Block D, 29; Block E, 24; Block F, 29 and Block G, 24; comprising a total of 130. Over 6,699sq.m of student accommodation would be provided on Site B.
- 1.11. The design of Blocks C to G have been amended following the previous refusal to reduce the scale and massing proposed and reflect the qualities and architectural features of traditional Edgbaston villas.

Image of Pritchatts Road Street-scene – as proposed



Image of Pritchatts Road Street-scene – refused application



Multi-Storey car park

- 1.12. The multi-storey car park (MSCP) would be constructed on the remainder of the existing surface level car park of 355 spaces and would have 482 spaces over 4 levels. It would have a total floor-area of 14,994sqm. Vehicle access into the car park would be either from Pritchatts Road and along Brailsford Drive or via Vincent Drive, with egress out onto Vincent Drive via Brailsford Drive. This would replace the existing access points into the surface level parking, currently from Pritchatts Road. The car park has been reduced in numbers and height following the previous refusal.
- 1.13. The MSCP would be 6.6m in height (a reduction of 3m from the previous application) on the section fronting the rear of the proposed student accommodation fronting Pritchatts Road and would vary in height from between 4m (west elevation) and 9.6m (east elevation) on the other elevations and would be approximately 103m wide (north/south) and 36m deep (east/west). A 3m reduction in height from the previous refusal is now proposed. The car park would be faced with a perforated corten steel cladding with two elements of a green wall on the elevation to Pritchatts Road.

Ancillary buildings

- 1.14. Site B would also include two small ancillary buildings providing an Energy Centre and substation. These would be brick flat roof structures located on Site B, between the existing student accommodation, the proposed MSCP and the existing NMR building. The substation would measure 6.7m in width, 8.2m in depth and 4.2m in height whilst the energy centre would be 20m in width, 10.5m in depth and 4m in height.
- 1.15. The proposed development would result in the removal of trees. Site A would include the removal of 19 Category B, 21 Category C trees and 6 Category U. Site B

would include the removal of 39 Category B, 40 Category C trees and 2 Category U. In addition there is the partial/full removal of some smaller groups (where trees are very similar and are treated as one entity under the survey report), which have been categorised as Site A: 4 Groups (Category B) and 3 Groups on Site B (Category C). Whilst Site B would see the removal of 14 (Category B) and 28 (Category C) hornbeams; it is proposed to translocate these elsewhere on the University campus.

- 1.16. The main changes between this revised proposal and the previous refusal can be summarised as:
- Reduced height of the multi-storey car park by 3m;
 - Reduced number of parking spaces proposed on site by 126 spaces;
 - Reduced height of buildings on Pritchatts Road by approximately 2m;
 - Reduced number of student bed spaces on the Pritchatts Road site by 101 bed spaces from 302 to 211;
 - Increase in number of student bed spaces on the Ashcroft/Oakley site by 55 bed spaces from 230 to 285;
 - Reduced footprint of new buildings on Pritchatts Road;
 - Reduced massing of buildings on Pritchatts Road and increased gaps between buildings;
 - Movement of the development away from the corner of Vincent drive and Pritchatts Road;
 - Changes to the fenestration and internal accommodation arrangement to located communal rooms away from the Pritchatts Road frontage;
 - Changes to the design to reflect local character;
 - Reduced footprint of building at Ashcroft; and
 - Relocation and re-orientation of buildings at Ashcroft.
- 1.17. Site Area: 3.94ha (site A and site B combined along with access roads).
- 1.18. The application is supported by a Design and Access Statement, Drainage Strategy, Ecological Appraisal, Flood Risk Assessment, Noise Assessment, Heritage Assessment, Planning Statement, Sustainable Construction Statement, Sustainable Drainage Management Plan, Landscape Design Statement, Townscape Visual Impact Assessment, Air Quality Assessment; Transport Assessment, Site Investigation Assessment, Arboricultural Report including tree survey, tree constraints plan, impact appraisal, method statement, tree protection plan and a tree planting location plan.
- 1.19. The application has been screened for an EIA and it was determined that one was not required.
- 1.20. The plans have been amended during the course of the application to adjust the red line boundary and alter the roof line of one of the proposed blocks within the Ashcroft Site A development. A revised transport assessment and drainage statement have also been submitted.
- 1.21. [Link to Documents](#)
2. Site & Surroundings
- 2.1. The site consists of two areas of land; land adjacent to the existing Ashcroft Halls of Residence (Site A) and land to the rear of No's 11 & 13 Pritchatts Road and the Pritchatts Road surface car park (site B).

2.2. [Site Location Plan](#)

Land adjacent to the existing Ashcroft Halls of Residence (Site A)

- 2.3. This site contains a variety of uses including student accommodation, car parking and open land, accessed from either Pritchatts Road or Vincent Drive. It consists of a range of student accommodation units with blocks of varying architectural styles and scale. The site slopes down to the eastern boundary. The site presently consists of student block, car parking and access roads. The site also has substantial areas of incidental green areas and wooded areas.
- 2.4. To the east of the site is further student accommodation and student welfare facilities. To the north and west are houses that front onto Metchley Park Road and Somerset Road and, to the south, are playing fields which are rented from the City by the University on a 99 year lease until 2100 and are located to the side of the Women's Hospital.
- 2.5. The site is approximately 1.14ha in size with 0.14ha of this being located within the Edgbaston Conservation Area.

Land to the rear of No's 11 & 13 Pritchatts Road (Site B)

- 2.6. This site consists of rear gardens of houses that have been converted to student accommodation (11 and 13 Pritchatts Road) and include an existing surface level car park (with parking for 355 cars) accessed from two points from Pritchatts Road.
- 2.7. The site is mostly flat and level but the eastern boundary falls sharply at its edge by around 5m.
- 2.8. To the north of the site is 11 and 13 Pritchatts Road. To its northeast is Pritchatts Road; to the southeast is Vincent Drive and to the south west, is a University building that contains an NMR scanner used by the adjacent QE Hospital.
- 2.9. The site is approximately 1.9ha in size with 0.29ha of Site B is within the Conservation Area, being the northwest part of the site. This site contains trees to its perimeter, including a substantial group of trees that interpose between the current car park and Pritchatts Road.
- 2.10. Both sites are currently accessed by vehicles from Pritchatts Road. For Site A, access is via Brailsford Drive, with egress also via Brailsford Drive onto Vincent Drive. Site B has access and egress direct onto Pritchatts Road. Both sites have no other existing route of vehicular access.
- 2.11. The existing use of the majority of Site A is incidental green spaces associated with the Ashcroft student residences. 0.14 hectares of Site A is within the Edgbaston Conservation Area, comprising car parking associated with the University Medical Centre and Oakley student residences. The existing use of Site A is therefore student accommodation, open space and University car parking.
- 2.12. The existing use of the majority of the area of Site B is University car park, providing 355 spaces. 0.29 hectares of Site B is within the Edgbaston Conservation Area comprising part of the rear gardens of nos 11 and 13 Pritchatts Road. The permitted and current use of 11 and 13 Pritchatts Road and their curtilages is student accommodation. The balance of Site B is currently incidental green areas

associated with The Spinney student residence. The existing use of Site B is therefore University car parking and student accommodation open space.

3. Planning History

- 3.1. 2 November 2006. 2006/05462/PA. Planning permission granted until 2 November 2009 for a temporary extension to the existing surface level car park.
- 3.2. 6 December 2012. 2011/05702/PA. Application withdrawn for the erection of a new decked car park to existing Pritchatts Road car park.
- 3.3. 29 October 2012. 2012/02047/PA. Planning permission granted for the Redevelopment of elements of the University Campus buildings and infrastructure including: 1) Outline application for: a) New multi-storey car park adjacent to Gisbert Kapp building; creation of permanent car park at Grange Road (all matters reserved except access); b) Erection of student residences and sports pavilion (All matters reserved except scale and access); c) Creation of new green open space; erection of new library; library enabling works (comprising, removal of running track, new library store and ground works); creation of new running track; erection of sports pavilion; Pritchatts Road traffic management/public realm improvements; new bridge crossing (all matters reserved); d) new vehicular route (all matters reserved except access); e) New access road (all matters reserved except layout and access); 2) Full details for: e) The erection of a new sports centre; f) Improvements to pedestrian route from the sports centre to Aston Webb C block; g) External alterations to Aston Webb C block; h) Extension to Pritchatts Road surface car park; i) Construction of new pedestrian/cycle route to the Vale; 3) Demolition of a) the Gun Barrels public house and b) bungalow adjacent to the South Car Park, c) Terrace Huts, d) chemistry west building and research unit, f) main campus library, g) substation, h) Munrow sports centre, and i) ex sports pavilion; 4) associated landscaping and car parking; a) Permanent surface car park on the site of demolished terraced huts, b) landscaping to the demolished Chemistry west site, d) landscaping to the site of the demolished ex sports pavilion, and e) temporary car park north of Muirhead Tower.
- 3.4. 1 March 2019. 2018/05359/PA. Planning permission refused for the erection of student accommodation blocks (230 bedrooms at Ashcroft Block and 302 bedrooms at Pritchatts Car Park site) and multi-storey car park (608 spaces). Planning permission refused for the following reasons:
 - 1) The design and scale of the proposed new student accommodation on Pritchatts Road would not reflect the existing character of the street scene; would be out of context and unduly dominant with the surrounding properties and would not preserve or enhance the character of the Edgbaston Conservation Area. Less than substantial harm would be caused to the Conservation Area and this is not outweighed by public benefits. As such it would be contrary to Policies PG3 and TP12 of the Birmingham Development Plan 2017 and saved Paragraphs 3.14C-D of the Birmingham UDP 2005, guidance in Places for All, Edgbaston Conservation Area Character Appraisal, and Regeneration through Conservation-Birmingham Conservation Strategy adopted as Supplementary Planning Guidance and the National Planning Policy Framework.
 - 2) The proposed student accommodation and multi-storey car park would adversely affect the character of the existing residential area. As such it would be contrary to Policies PG3 and TP27 of the Birmingham Development Plan 2017, saved Paragraph 3.14C of the Birmingham UDP 2005, and the National Planning Policy Framework.
 - 3) The impact of vehicular traffic from the proposed multi storey car park would have a detrimental effect on the adjacent highway network and lead to a

cumulative impact on traffic congestion. As such this is contrary to Policies TP38 and TP44 of the Birmingham Development Plan 2017 and the National Planning Policy Framework.

An appeal was subsequently lodged by the applicant on 23 August 2019. This was due to be heard by the Planning Inspectorate by way of a Public Inquiry commencing on 3 December 2019. The appeal was withdrawn by the applicant on 21 October 2019.

4. Consultation/PP Responses

4.1. Local residents, Resident Associations, Ward Councillors and MP notified. Site and Press notice posted. 31 letters of objection to the first submitted plans, 60 letters of objection to the revised plans, raising the following points:

- Proposal will add to existing traffic congestion, made worse by changes to traffic flows on Bristol Road following the A38 cycle lane.
- Traffic is already at standstill throughout the day, especially morning and evening peaks.
- Traffic reports don't reflect reality on the roads or that students park for free locally on the roads
- Relocating Munrow parking just concentrates traffic in this residential area
- More students and pedestrians will add to the risk of injury on the roads
- Narrow canal bridge can't cope with more traffic
- Too many cars will be exiting the roundabout
- Should be reducing car parking not increasing it
- Current traffic from Munrow parking can use a number of routes into and out, this new car park concentrated the flows with a huge impact on the access routes. Will block traffic travelling down Pritchatts Road
- Increase in traffic will adversely impact on the listed house on Pritchatts Road.
- The proposal is not on campus
- Other land could be used for this, on the campus.
- Noise from traffic
- Air pollution will increase causing health impacts
- The 4 storey development on Ashcroft will lead to a loss of privacy, too close to the gardens on Metchley Park Road.
- Will change the outlook for houses on Pritchatts Road from a green tree lined view to a complete and dominant façade.
- Will be out of keeping and spoil the street scene
- Student living is not conducive to family life
- The car park should be on campus, not on the edge
- The university changing their plans twice as well as the appeal is set to confuse people
- The threatening letter from the University to residents about the appeal was unacceptable.
- Damage to trees and ecology, including potential badger setts and risk to bats roosting.
- Public benefits are questionable
- New application doesn't address the previous reasons for refusal – context, scale or public benefit
- New application talks about reductions, relocations and changes, but these are to a rejected application
- New application entails significant increases compared to now, scale of the carpark, new buildings, new massing and footprint, visual impact, 496 students off campus, more noise and disruption

- The design and scale of new build on Pritchatts Road wouldn't reflect the existing character of the street, won't preserve or enhance the Conservation Area, the harm isn't outweighed by public benefits.
 - Increase in students in this residential area will cause more noise
 - The university's incremental growth has enabled them to not address any mitigation in the area
 - Need the strategic overview of the university and hospital before approving more applications
 - Why is growth of the university a public benefit
 - Bullying tactics of university are unacceptable
 - No need for more student accommodation
- 4.2. 1 letter of support stating the application will bring much needed accommodation, with a high quality design, replacing poor quality surface parking.
- 4.3. Preet Gill MP – no real changes to the scheme. It will funnel traffic on to Pritchatts Road which is already busy. Safety concerns over the narrow canal bridge. The noise report didn't look at the impact of more students. Adverse impact on ecology. Not satisfied the external design will be sympathetic to the look and feel of the area. Development of student accommodation shouldn't be at the expense of local residents or the Conservation Area.
- 4.4. Cllr D Alden- Strongly objects. Little has changed. Too many students already on a crowded site and there is no need for more accommodation. Out of keeping with large detached houses on the road. No precedent for building on the site frontage. Ashcroft is too close to gardens, intruding on light and privacy. Loss of trees. Car park should not be shunted to the edge of the campus. Too many cars will exit near the roundabout. The reduction in parking spaces is unacceptable; we need more parking on the campus itself.
- 4.5. Calthorpe Residents Society – pleased it has modified the plans by reducing the unit numbers, size of car park and improving the street scene, but would like to see further design improvements. The concentration of traffic from Pritchatts Road from the new rat runs created as a result of the A38 cycleway, retail park, life sciences will have an intolerable effect. Concerned about the loss of mature trees due to Ashcroft, concerned during construction as to where displaced cars would go.
- 4.6. Edgbaston Residents Association – pleased to see new application is for a lower number of bed spaces, smaller car park and changes to reduce visual impact. However these don't address the primary reasons for refusal; context, scale and public benefits. The growth of the university has resulted in huge employee and student numbers, causing more traffic congestion and parking problems, damage to the Conservation Area and overwhelming the residential area. If approved, Pritchatts Park will have 1233 bed spaces, which could be higher as they are double rooms. The scale of expansion of the University has destroyed Selly Oak, degraded Selly Park and damaged Edgbaston. The incremental expansion means the University don't ever mitigate impacts. It is unacceptable for University or QE applications to be considered without the benefit of the strategic overview and masterplan. Traffic reports are unrealistic, the roads are full and students can park for free on the roads. Creating the Green heart and building on Munrow just pushes the problems into the residential area.

- 4.7. Transportation – no objection subject to conditions or 106 to secure the 360 spaces on Munroe are removed. Cycle parking to be provided and a car park management plan. Only a slight increase in am and pm peak traffic, which would not be severe.
- 4.8. Severn Trent – no objection subject to a drainage condition.
- 4.9. Environment Agency – No objection. Having reviewed the information submitted, we have assessed this as having low environmental risk.
- 4.10. Employment Access Team – no objection but request conditions or a Section 106 to secure construction and local employment strategy.
- 4.11. Network Rail – awaiting comments.
- 4.12. Design and Conservation Review Panel - The Panel felt that overall the scheme has improved and were supportive of the villas and embellishment proposed having felt positively to the proposed massing of the individual buildings along Pritchatts Road which appears more comfortable. The Panel suggested that the landscape treatment to Pritchatts Road could be treated as plots to the front to read as the individual gardens to support massing of the buildings. Furthermore access into the buildings on the front as double entrances was suggested. As regards to materials it was felt that the shiny material on the windows should be toned down, perhaps a brass look/dark metal/bronze colour anodised/gunmetal which would be more in keeping with the character and appearance of the area. It was noted that all the same materials and treatment were being used for the buildings on Pritchatts Road and that potentially more individuality could be designed on the fenestrations.

Regarding the multi storey car park, the Panel stated that it was good to see overall massing dropped and numbers reduced, however there were two concerns with the multi-storey car park and that included the materials and the treatment. The Panel felt that the carefully selected materials and detailing on façade were vital to the success of the scheme and suggested that options to be explored that relates better to the reduced massing of the building whilst emphasising the entrance cores. In addition the University logo on the façade should be removed.

Regarding the Ashcroft and Oakley blocks the architecture of the 4 storey element that currently looks very monotonous with excessive vertical emphasis, these need work to reduce massing of the block and relate better to topography of the site. It was suggested by the Panel that the blocks could be split to see views through and on the elevations these are expressed with the topography.

- 4.13. Canal and River Trust – no direct impact on Birmingham and Worcester canal, so no objection in principle. There will be an increase in footfall so a contribution will be necessary to upgrade the towpaths, accesses and wayfinding.
- 4.14. Historic England – no comments to make.
- 4.15. Regulatory Services – awaiting comments.
- 4.16. Access Birmingham – welcomes the new accommodation which includes flexible and inclusive accommodation.
- 4.17. West Midland Fire Service – no objections, approval of Building Regulations will be required.

4.18. West Midlands Police – no objection. The security strategy for entrances to the residences has been designed in accordance with the University Accommodation and Estates maintenance operational requirements for access into and around and with full visibility to the dwellings. Single point of controlled entry is provided to the townhouses, with access control points to the individual bedrooms beyond this point after entry. Restrictors of 300mm have been added to the opening vents within the communal areas. (*This is supported*). The overall design follows the outline principles of Secure By Design particularly in relation to site arrangement/ visibility and landscape to enhance the provision of natural surveillance to prevent crime within homes and commercial premises. The fact that this development falls within the UoB and its boundary is reassuring. With regards to the car park I note the following: there is access control to prevent unauthorised entry outside of the opening hours, this is supported; help-points? Will the car park be adequately lit, especially the basement levels? As the car park is for staff and visitors only, how will the students be stopped from parking there during opening hours?

4.19. Lead Local Flood Authority – No objection subject to safeguarding conditions.

5. Policy Context

5.1. Birmingham Development Plan, NPPF, NPPG, National Design Guide, Birmingham UDP (saved policies), Car Parking Guidelines SPD, Nature Conservation Strategy SPG, Places for All SPD, The Wider Selly Oak SPD, Edgbaston Conservation Area, Wildlife Corridor (Vincent Drive).

6. Planning Considerations

6.1. Policy TP27, of the BDP, requires all new development to demonstrate that it is meeting the requirement of creating sustainable neighbourhoods. This is characterised by a wide choice of housing types, access to facilities (being shops, schools, leisure and work), access to sustainable travel, a strong sense of place with a high design quality, and promoting environmental sustainability. Policy TP3, of the BDP, requires new development to be designed and constructed to sustainable standards which maximise energy efficiency, conserve water and reduce flood risk, consider the source of materials, minimise waste and maximise recycling during construction, have flexible and adaptable spaces and enhance biodiversity.

6.2. The application site is located within the Selly Oak and South Edgbaston Growth Area identified under BDP Policy GA9. Policy GA9 supports further educational and associated uses that maintain and enhance the University's facilities. The same policy seeks the delivery of over 700 new homes in the area in line with the overarching strategy for the area, which is stated as being: maximise the potential of University and hospitals, promote economic diversification and secure spin-off benefits. Policy GA9 supports, in principle, the growth and enhancement of the Universities facilities, to enable the University to maximise its potential and to secure significant additional housing. The majority of Site B (Pritchatts), including all of the proposed student accommodation development fronting Pritchatts Road and the MSCP is within the growth area in Policy GA9 of the BDP and replicated within the Wider Selly Oak SPD. However, they are not in an area within the wider GA9 boundary identified for wider areas of change. Site A (Ashcroft) is not located within the GA9 boundary.

6.3. This application raises a number of considerations including the principle of student accommodation; the principle of a multi-storey car park; transportation impacts; design consideration; impact of development on the conservation area and its

setting; impact on residential amenity; ecological considerations; arboricultural considerations; drainage impacts and crime and safety considerations. These are considered below. The applicant must also demonstrate how it has sought to address the reasons for refusal, which are a material consideration.

Principle – Student accommodation

- 6.4. Policy TP33, of the BDP, states that on campus purpose built student accommodation will be supported in principle subject to satisfying design and amenity considerations. Proposals for 'off-campus' provision will *"be considered favourably where:*
- *There is a demonstrated need for the development.*
 - *The proposed development is very well located in relation to the educational establishment that it is to serve and to the local facilities which will serve it, by means of walking, cycling and public transport.*
 - *The proposed development will not have an unacceptable impact on the local neighbourhood and residential amenity.*
 - *The scale, massing and architecture of the development if appropriate for the location.*
 - *The design and layout of the accommodation together with the associated facilities provided will create a safe, secure and welcoming living environment."*
- 6.5. The BDP recognises the importance of student accommodation which should be well designed and managed. The City wishes to ensure there is a sufficient supply of good accommodation in a suitable, sustainable location, with attractive buildings that enhance the local area.
- 6.6. The Applicant contends that there is no policy requirement to demonstrate need as the accommodation proposed is located within the University campus.
- 6.7. No policies within the BDP or supplementary documents identify a 'campus' boundary for the University. In the report to committee in respect of the previous refusal, it was acknowledged that given the geographical nature of the University and the City as a whole, the dictionary definition of campus would be difficult to meet and none of the student accommodation provided by the University would be defined as 'on-campus'.
- 6.8. No clear campus boundary is defined in policy, and accordingly it is a matter of judgement as to whether or not any given site should be considered to be on or off campus. The judgement of Officers is that the nature of the application site at present is not such that it could properly be considered to comprise part of a coherent and self-contained "campus" although the immediate surroundings do contain both existing student accommodation and some academic buildings. Accordingly, I consider that an assessment of need on the basis of an 'off-campus' development would be the most robust application of Policy TP33.
- 6.9. The University have set out their student bed-space provision Strategy. It explains that it currently manages 5,178 bed spaces across three villages in Selly Oak and Edgbaston and is primarily aimed at first year students. However, it is only able to provide for around 77% of this number for first year students at the moment as around 7,000 student bedrooms are required to house all of the first year students. The remaining students, currently 1707 (2018/19), are housed in private accommodation and private purpose built student accommodation. The applicant's

forecast modelling suggests that the total student population is likely to increase by 11% overall by 2026 which would lead to an increase in target bed spaces from 5,183 in September 2019 to 7,900 in September 2025 in order to maintain the guarantee of accommodation to first year undergraduate students and international postgraduate students. For 2019-20 the University has contracted 1,874 of private sector purpose built student accommodation bed spaces to supplement its own stock in order to meet the demands of the first year guarantee scheme. The strategy explains that increasing student accommodation is designed to reduce students travelling to the site and consequently providing a sustainable arrangement with students travelling less to attend University alongside providing for the health and well-being of first year students. The Applicant goes further to explain that the identified shortfall in the amount of existing University owned accommodation is currently filled by privately managed halls; some in Selly Oak, some in Edgbaston, but increasingly towards the City Centre. According to the submitted information, 98% want to live on or by the campus.

- 6.10. I note the Student Accommodation Needs paper that was presented to Your Committee at the previous meeting on 21 November. The paper identifies that the City's student need has been addressed through the existing, under construction and committed purpose built accommodation and existing houses in multiple occupation and any further provision would address the ongoing growth requirements of the City's universities, rectify a mismatch in the type of accommodation, respond to changing student preferences and replace existing PBSA.
- 6.11. I am satisfied that the University has clearly explained that the proposed scheme complements a wider strategy for student accommodation that seeks to consolidate accommodation close to the University reducing the need to travel. Moreover, a need has been identified for accommodation for first year undergraduates across this and the wider University sites. I also note that the accommodation sought may be occupied by other undergraduates and postgraduate students studying at the University of Birmingham. Noting the student needs paper, I am satisfied that the scheme would comply with Policy TP33 as further accommodation that is required in order to meet the University's ongoing student growth, provided that it meets design and amenity considerations, discussed in later sections. The scheme would provide high quality, student accommodation; that would be well located and provide a safe, secure and living environment.

Principle – Multi-storey Car Park

- 6.12. Policy TP38 identifies that building a sustainable transport network will require *“the facilitation of modes of transport that reduce carbon emissions and improve air quality, and ensure that land use planning decisions support and promote sustainable travel.”* Policy TP44, of the BDP, seeks for the City to make optimum use of infrastructure across all modes of transport. Managing travel through a number of measures including the availability and pricing of car parking and ensuring the delivery of sustainable transport network is critical.
- 6.13. The University has illustrated that the proposed MSCP is part of a coordinated strategy to rationalise parking into key locations to enable visitors and staff to continue on into the heart of the campus by foot. The proposed MSCP would directly replace the 355 spaces on the existing surface level car park and a further 127 spaces that would be relocated from the former Munrow sports centre site where a building for Molecular Sciences and car parking is proposed. This will need to be secured by planning obligation to ensure that those off site spaces are in fact

decommissioned. A net reduction in parking overall is proposed as 25 spaces at Site A would be replaced by 6.

- 6.14. It is considered that the multi storey car park could be supported in principle, (subject to its design and traffic impact) and I acknowledge that as per the student accommodation, the site should be considered as 'off-campus'. The principle of its development is however supported by Policy GA9 of the BDP. Whilst I note that policies TP38 and TP44 would not in principle support further car parking; I consider that levels of parking must be balanced against a desire to encourage sustainable transport modes and reduce congestion and pollution. Management of the car park for use by staff, visitors and blue badge holding students (as proposed by the applicant) and its charging regime will also need to be agreed with the City.

Transportation/Highways

- 6.15. Policy TP44, of the BDP, seeks for the City to make optimum use of infrastructure across all travel modes. Managing travel through a number of measures including the availability and pricing of car parking and ensuring the delivery of sustainable transport networks. Paragraph 109 of the NPPF identifies that development should only be refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 6.16. The application is supported by a transport assessment that has been revised following work undertaken on the now withdrawn appeal which identified that some of the modelling work undertaken was not correct. Following this, a revised version has subsequently been submitted by the Applicant.
- 6.17. The proposal is in two distinct elements. Site A would provide 285 bedrooms in blocks off Brailsford Drive (on land which is currently landscaped amenity area). 58 new cycle parking spaces are proposed which would meet BCC guidelines. There would be 6 disabled parking bays and spaces where drop-off and pick-up could occur at term start and end; this is all located some distance from the public highway. Site B would replace an existing 355 space surface car park and landscaped amenity area with 211 student bedrooms and 482 (including 26 disabled) spaces in a multi storey car park. The existing car park is pay and display for staff and visitors and students with an approved permit. There are no parking spaces proposed for the student accommodation (bar the 6 disabled bays). Both the existing 355 spaces along with 127 from the former Munrow Sports centre site would be located within the MSCP. As such, there would be no net increase in parking as a result of the proposed development and no additional vehicles on the local highway network. Parking would not be required for the student accommodation as in taking a rental agreement this includes a provision/requirement to not bring a car. The MSCP is proposed as a staff only car park, apart from disabled parking provision which can be utilised by students with a blue badge.
- 6.18. The Assessment identifies that the application site is within a 10 minute walking and cycling zone for the main University campus, Selly Oak District centre, University railway station along with Harborne (by cycle). The application site is also located within walking distance of six bus routes providing access to the City Centre, Northfield, Harborne, Bearwood and Solihull. The Assessment also analyses accident data around the application site and at the adjacent road junction at Vincent Drive/Pritchatts Road/Farquhar Road over the last five years, 5 personal injury accidents were reported, all of which were slight in severity.

- 6.19. As the development is primarily for use by staff only, the staff profile from a 2016 travel survey has been utilised to assess arrivals and departures. This indicated that over 50% of staff arrived between 0800 and 0900 hours and departures are consistent throughout the afternoon with a peak between 1600 and 1800 hours. As such, the car park is likely to reach full capacity by 1000 hours. A limited number of vehicles may arrive after this and the assessment assumes that these will be offset by vehicles departing during the same timeframe but if spaces are unavailable, the car park would have capacity to accommodate the circulating vehicles. The Assessment concludes that there would be no impact on the local highway network.
- 6.20. The accompanying trip generation assessed demonstrates that the proposed MSCP would generate 300 two-way trips during the AM peak and 80 two way trips during the PM peak. The Assessment considers that this is equal to the combined AM and PM peak hour trip generation for the existing car parking. When assessing the impact of the trip generation, the assessment indicates that the existing Pritchatts Road/Vincent Drive/Farquhar Road already operates over acceptable thresholds of capacity. The proposed development would increase the AM peak flow by 19 and the PM peak flow by 18. This equates to an increase of 0.71% at the junction during the AM peak and 0.67% during the PM peak. The Assessment concludes that this would be a negligible difference and would not result in a material (or severe) impact on the local highway network.
- 6.21. Transportation has assessed the submitted statements and raises no objection to the proposed development. They identify that the new parking will replace already consented parking and the new traffic modelling reflects this. Following refusal of the previous submission under reference 2018/05359/PA, they acknowledge that additional modelling has been carried out by the applicants following the appeal and prompting even further analysis. As part of this process BCC had appointed an independent transport consultant who provided comments on the refused application which obviously apply to this proposal. This raised queries on the junction capacity modelling and the traffic flow data. As the proposals have been revised, it is noted the additional car parking on this site is now only 127 spaces where previously it was 319 spaces. It is still the case these will all be cars relocated from the Munrow site so overall no new net parking is being provided (to be secured by S106) , but trips might be redistributed across the highway network.
- 6.22. The junction capacity assessment demonstrates the relative impacts of the proposed development with comparisons between the different scenarios. The traffic model used to source this data is judged to be robust as the BCC model being used for the area wide Green Travel District proposals. In the intervening period traffic counts have been undertaken but note this was during the exam period so confirm the BCC model flows as robust. With the revised parking numbers it notes an increase of 19 trips in the AM peak and 18 in the PM peak which is negligible given the level of traffic on the network. It is also noted this is based on 40% of traffic accessing from the north whereas if this is adjusted to 70% then there would be zero impact.
- 6.23. As such, it is considered that the new car park and student accommodation will not generate a materially greater number of vehicle trips on the nearby highway network. Some trips may be redistributed, but not to a point where an objection on highway grounds could be sustained. I note the previous reason for refusal related to impact of vehicular traffic on the adjacent highway network. Based on the junction modelling and trip generation that would occur from the proposed MSCP and the fact that there is no net increase in parking spaces, I consider that the previous reason for refusal has been addressed and that the MSCP would not have a

residual impact on the network that can be assessed as severe. As such, a refusal on this ground could not be supported as established within Paragraph 109 of the NPPF.

- 6.24. I note the objections from local residents regarding car parking for the Queen Elizabeth hospital and the University as part of a wider strategic master plan. This is an ongoing piece of work which has yet to be finalised. However, as this proposal does not seek to increase parking levels across the University and student parking is not proposed and is regulated by lease agreements, I do not consider that the requirement for the wider strategic master plan is necessary in the determination of this application.
- 6.25. Network Rail have not commented on this application but raised no objections on the previous submission. They did however raise concerns regarding the nearby railway bridge and its weight provisions and have requested a weight restriction condition is attached to any approval. This issue has also been raised by local residents. Whilst I understand their concern, the bridge already has a weight limit and a condition requiring a weight restriction of vehicles visiting the site would be unenforceable. On this basis, I do not consider a condition is appropriate, nor necessary as the bridge in question already has a weight regulation restriction.
- 6.26. Given the introduction of more student living on this part of the site, it will be important to agree a strategy for safe pedestrian routes to and from the accommodation and the learning quarter. This could involve improvements to existing pavements and highway crossing points and would be covered by condition.

Air Quality

- 6.27. I note a number of objections raised by local residents related to the issue of air quality arising/impacting from the proposed development. An air quality assessment is submitted in support of the application. This report concludes that during the construction phase of development, the risk of dust rising activities is considered to be 'high risk' and its impact towards human health are considered to be 'medium risk'. However, following implementation of the mitigation measures recommended including the implementation of a Dust Management Plan following guidelines from the Institute of Air Quality Management's Guidance on the assessment of dust from demolition and construction; the impact is reduced to 'not significant'.
- 6.28. With regards to air quality impacts following the opening of the proposed MSCP and student accommodation, these have been predicted using detailed dispersion modelling. These results indicate that the results of the proposed scheme would be 'not significant' and that future receptors would not be exposed to unacceptable air quality.
- 6.29. Neither Transportation nor Regulatory Services (on the previous application) have raised objections to the proposed development in relation to air quality impacts. The proposed student accommodation would result in a negligible impact as the lease agreements attached to the accommodation require the students not to bring a car with them and as such, would not increase vehicle movements and subsequently impact air quality within the vicinity of the site. The proposed car park would see the relocation of spaces from both the existing car park on site along with those located at the Munrow Centre, located within the campus. As both of the existing car parks are accessed by the same local road network within the vicinity of the site and the proposed development would not increase parking numbers across the campus; there would be a negligible impact on air quality locally.

- 6.30. I note the objection received in relation to the air quality impact to the Grade II listed building at 6 Pritchatts Road. Whilst the access (but not egress) for the proposed MSCP would in part, be located opposite number 6 and would, in turn, see vehicles waiting to turn right into the access from Pritchatts Road; the number of vehicles using the road would not materially change from the existing situation. As such; I consider that there would be no significant adverse air quality impact on the property resulting from the proposed development.

Design

- 6.31. Policy PG3 of the BDP seeks to create a positive sense of place with design that responds to site conditions, local context, creates safe environments, provides attractive environments; make sustainable design integral, and supports the creation of sustainable neighbourhoods. Furthermore, Policy 3.14, of the UDP (saved Policies), states that a high standard of design is essential to the continued improvement of Birmingham as a desirable place to live, work and visit. Paragraph 56 of the NPPF states that *“The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.”*
- 6.32. Following the previous refusal by Your Committee, a number of amendments have been made to the proposal to seek to overcome the previous reasons for refusal. These changes have included the reduction in height and number of car parking spaces proposed within the MSCP and a significant change in design and height of the proposed accommodation fronting Pritchatts Road opposite the Edgbaston Conservation Area. Your Committee will recall that the previous proposal was refused due to the proposal’s (primarily the Pritchatts Road element) design and impact on the Edgbaston Conservation Area and its impact on the character of the existing residential area.
- 6.33. The proposed development on Site A (Ashcroft) would comprise student accommodation of 285 bed-spaces within 4 student blocks. Three of the blocks would be arranged around the existing Ashcroft blocks with one being located on a north/south axis whilst the other 2 would run on an east/west axis. The final block would be located in an alignment on a north/south axis with the existing Oakley student accommodation. An extension to the existing associated hard-standing would also be proposed to link these buildings to existing buildings and the existing roadway. Blocks A and B would be 3 storeys in height whilst Blocks C and D would be 4 storeys. These blocks would be of a contemporary style in a traditional form, with brick walls and pitched tiled roofs and paired where available. Further amendments have been made to Block C to vary the proposed roof line in order to break up the proposed mass of the block. This amendment has been made following comments made by Design Review Panel.
- 6.34. The development of Site B (Pritchatts) would comprise student accommodation of 7 blocks; 5 facing onto Pritchatts Road and 2 blocks (Blocks A and B of Site B) behind 11 and 13 Pritchatts Road with a total of 211 bed-spaces. These blocks would be three storey in height, comprise 4 and 5; 9 bedroom townhouses respectively and be contemporary in architectural terms, again with traditional forms and brick walls and tile roofs. The design of Blocks C to G have been amended following the previous refusal to reduce the scale and massing proposed and reflect the qualities, plots and architectural features of traditional Edgbaston villas.

- 6.35. The multi-storey car park (MSCP) would be constructed on the remainder of the existing surface level car park of 355 spaces and would have 482 spaces over 4 levels. This has been reduced in numbers and height following the previous refusal. The MSCP would range in height from 7m to 10m on the section fronting the rear of the proposed student accommodation fronting Pritchatts Road and between 10m and 11m for the rear section and would be approximately 103m wide (north/south) and 36m deep (east/west). The car park would be faced with a perforated corten steel cladding with two elements of a green wall on the elevation to Pritchatts Road.
- 6.36. When the application was considered by the Design Review Panel, they considered that overall the scheme had improved since the previous refusal and were supportive of the villas fronting Pritchatts Road now having a more comfortable massing. With regards to the MSCP, the Panel agreed that the scheme now had a more appropriate massing with reduced numbers.
- 6.37. My City Design Officer considers that the proposal would better respond to the character of large detached houses (of mixed design and heritage) in large established plots with mature trees along the surrounding roads. This is a quintessential characteristic of the south-western part of the Edgbaston Conservation Area and offers up an important interface with the university campus. The development aims to respond positively to this. They consider that there has been an improvement in the fenestration detail of the Pritchatts Road elevations in addition to the reduction of the heights and the finer details which now sit more comfortably regarding design. Generally it appears that the majority of the design concerns from the previous submission have been considered and addressed.
- 6.38. With regards to the MSCP, City Design considers that the reduction in height to mitigate its overall wider townscape visibility is welcomed. The MSCP's proposed location behind the accommodation block is considered to be the best position to mask it, the design has improved by no longer depending on the green walls to mask the structure rather now delivers a sound piece of architecture. The green wall element is a feature which is made to appear distinctly from Pritchatts Road. The car park is more confident in its design whilst finding a solution to better respond to its context. The amendments negotiated resulted in the current bespoke design that comprise a series of diamond shaped corten steel panels randomly applied as cladding (on different profiles) with two sections of matching diamond green wall panels. The sections of green wall are demoted to the areas which align with the gaps between the accommodation blocks so as to soften the impact of the car park on the street and rationalise its role in the design. In conjunction with the corten, they consider that the overall design and materiality will be subtle and push the building back into its landscape.
- 6.39. I concur with the views expressed by both City Design and the Design Review Panel. This revised proposal has amended the scheme to address the previous reasons for refusal on design and as such, I now consider that the proposal would be acceptable in design and the design impact on the Edgbaston Conservation Area and would no longer have an unacceptable impact on the character of the existing residential area, sufficient to warrant a further refusal on these grounds.

Conservation

- 6.40. Policy TP12 of the BDP, states that in regard to the historic environment "*the Council will seek to manage new development in ways which will make a positive contribution to its character*". In terms of development that affects the significance of a designated or non-designated heritage asset or its setting will be determined "*in*

accordance with national policy” and for proposals including removal “will be required to provide sufficient information to demonstrate how the proposals would contribute to the asset’s conservation whilst protecting or where appropriate enhancing its setting.”

- 6.41. The NPPF states that when considering the impact of a proposal on the significance of a designated heritage asset, great weight should be given to its conservation. Any harm should require clear and convincing justification. The applicant has considered the heritage assets in their heritage statement, following guidance set out by Historic England.
- 6.42. Parts of both Site A and Site B (but not all) are within the Edgbaston Conservation area. Three of the eleven student blocks proposed are located in the Conservation Area. The remaining sections (outside the conservation area) could impact on views into and out of it and therefore its significance. As such, this proposal as a whole is considered to be located in a sensitive location where heritage impacts are an important consideration. There is a Grade II listed building at 6 and 6A Pritchatts Road, opposite the car park/Ashcroft and Oakley access.
- 6.43. The application site comprises two principal parts, a portion located to the corner of Pritchatts Road and Vincent Drive and a rear portion set away from the road incorporating The Spinney and extending through to the Ashcroft accommodation blocks. Whilst this rear part falls partly within the Edgbaston Conservation Area boundary, this area is less sensitive in terms of this heritage designation, mostly comprising modern development and being more densely established with trees. The front portion extending along Pritchatts Road sits adjacent to the conservation area and whilst comprising a large surface level car park is more sensitive to the heritage designation, by virtue of its prominent position on this principal street.
- 6.44. The conservation area in this location is characterised by large detached houses (of mixed design and heritage) in large established plots with mature trees along long wide roads. This is a quintessential characteristic of the south-western part of the conservation area and offers up an important interface with the university campus.
- 6.45. The application comprises a series of student accommodation blocks and a multi-storey car park. The scheme design has been based on the operational needs of the university and therefore both the justification for the car parking and the student accommodation has been weighed in the planning balance which is central to the case of harm as set out within the ‘Conservation and enhancing the historic environment’ section of the National Planning Policy Framework (NPPF) (2018).
- 6.46. The proposals seek to develop a series of student blocks along the Pritchatts Road frontage screening the multi-storey car park behind, with further blocks of accommodation extending through the site beyond. It is the Pritchatts Road accommodation and the multi-storey car park that is of particular interest with regards to heritage policy.
- 6.47. Planning permission was refused previously by Your Committee on the basis that *“the design and scale of the proposed new student accommodation on Pritchatts Road would not reflect the existing character of the street scene; would be out of context and unduly dominant with the surrounding properties and would not preserve or enhance the character of the Edgbaston Conservation Area. Less than substantial harm would be caused to the Conservation Area and this is not outweighed by public benefits.”*

- 6.48. This submission has revised the proposals for the student accommodation on Pritchatts Road. The proposals have now been designed to look like large Edgbaston villas with similar roof designs, window proportions, architectural detailing and have loosely addressed plot boundaries into the street scene. The proposal also now addresses the existing building line along Pritchatts Road. With regards to the MSCP, the submission has revised the height and design of the car park so that it would not be visible from Pritchatts Road and the Conservation Area. The design of these elements is discussed above and as such, only their impact on the Conservation Area is discussed below.
- 6.49. A revised heritage assessment has been submitted. The Assessment identifies the heritage assets affected as:
- Mass House, 6 and 6A Pritchatts Road (Grade II listed) (including outbuildings to the rear);
 - The locally listed building at 7 Pritchatts Road; and
 - The Edgbaston Conservation Area

These are assessed in turn below.

- Mass House, Pritchatts Road (Grade II listed) (including outbuildings to the rear)
- 6.50. The listed building is correctly identified in the Heritage Statement as dating from the late seventeenth century. A former Catholic place of worship, later a farm prior to the suburban expansion of the city during the late nineteenth century, forming the character of its setting today.
- 6.51. There is no direct impact on any listed buildings or their curtilage. The proximity of the listed buildings at the Mass House complex have been carefully assessed. There is some chance intervisibility between the listed buildings and Sites A and B through the gaps in the buildings on the western side of the street, but these views are very limited. The ad hoc and incidental views within the listed buildings setting are not harmful and have a negligible impact.
- 6.52. There will be indirect impact of the increase in vehicle movements opposite the house. The Transport Assessment identifies what those movements are, however I do not consider this to harmfully impact on the significance of the property.
- 6.53. On the basis of the above, I and my Conservation Officer consider that the requirements of Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 have been applied and satisfied, and that no harm is caused.

The locally listed building at 7 Pritchatts Road

- 6.54. The locally listed building is correctly identified in the Heritage Statement as being a 'Tudorbethan' Arts and Crafts house. It dates to the turn of the nineteenth century. The Heritage Statement sets out the Significance of the Locally listed building. It concludes that the evidential value is low due to absence of archaeological potential, whilst historic value is high, due to the site being a good typical example of the local housing stock being developed at the turn of the 20th century. Aesthetic value is also high based on its Tudorbethan style. Communal value is low due to there being no special commemorative or symbolic meaning. This follows the tests set out in the Historic England 2008 guidance document (Conservation Principles, Policies and Guidance).
- 6.55. This building is located directly adjacent to Site A. Considering that the land adjacent to the rear boundary of the locally listed building (within and around the application

site) already comprises a number of three-storey modern hall of residence buildings located in a landscape dominated by surface level parking and access, the significance of this aspect of the application site to the setting of the listed building is limited.

- 6.56. Development would be located at some distance from the locally listed building, in line with a belt of modern development to the rear of the asset and beyond an area of surface level parking and an access road. Considering also that this is a rear aspect and the scale of development is no greater than the general scale of modern development already established in this westerly aspect, the harm is considered to be minimal.

The Edgbaston Conservation Area

- 6.57. Chiefly, the principal heritage concern lies with the impact on the Edgbaston Conservation Area from the Pritchatts Road frontage which formed reason 1 of the previous refusal. The submitted Heritage Statement comprehensively sets out the methodology employed in appraising the conservation area and then seeks to undertake that appraisal, drawing conclusions on its significance.

Significance of the Conservation Area

- 6.58. Again using Historic England 2008 guidance document (Conservation Principles, Policies and Guidance) the Heritage Statement considers the values and ultimately the significance of the conservation area as a whole.

It arrives at the following:

- The evidential value of the conservation area is considered to be medium based on the Roman fort being close by and the possible route of Icknield Way not far from the application site.
- The historic value is illustrated in the growth in the fortunes of the city during the nineteenth century and the responses of the increasing number of wealthy manufacturers and business in the city, as such historic value is high.
- The aesthetic value is considered to be high, based on the range of architecture employed, and the size, form and detailing of the Georgian, Victorian and Edwardian architecture which results in an eclectic mix of styles. This is combined with the differing plot sizes and garden layouts that produce a unique and distinctive character.
- The communal value is considered to be low based on it largely comprising private housing.

- 6.59. The significance of the designation is therefore the affluent residential suburb that resulted as an expansion of the industrial city, with individual housing and spacious plots and generous planting. It has been eroded to a modest degree through conversion to institutional uses, prevailing car parking and signage.

- 6.60. It is correct and proper to understand the designation as a whole, even though the Edgbaston Conservation Area is extensive and the application only affects a limited portion of it. It is agreed that the significance of the conservation area that sits opposite the application site and as such has a direct interface it has the same significance as that of the wider area.

The area within the conservation area within Site A

- 6.61. This comprises an area of landscaped parking to the rear of No.7 Pritchatts Road (the locally listed building). It forms part of a larger area of redeveloped modern landscaping that bears no resemblance to the main aspects of the Conservation Area. The Heritage Statement states under paragraph 4.2.1 that *'the car park in itself makes no positive contribution to the character or appearance of the conservation area nor to its significance. The mature trees on its boundary make a minor positive contribution to aesthetic value'*. I and my Conservation Officer concur with this position.

The area within the conservation area within Site B

- 6.62. This comprises the rear gardens of No.11 and 13 Pitchatts Road. These substantial houses had gardens that comprised formal lawns etc towards the house with separate orchards to the rear. The full extent of these historic plots define the boundary of the conservation area. During recent years, the area that historically comprised the orchards have been developed with two and three-storey high, halls of residence. The formal garden space (consisting of lawns) forms part of the application site for development. The Heritage Statement states under paragraph 3.2.1 that *"these large rear gardens with mature vegetation are characteristic of the conservation area and make a minor positive contribution to historic and aesthetic value."* I agree that these gardens hold aesthetic and historic landscape value, but little evidential and communal value.

Contribution of setting to the significance of the Conservation Area

- 6.63. The Heritage Statement reiterates national policy and guidance, specifically that the extent of setting is not fixed and may change and that elements of a setting may make a positive or negative contribution. It should be noted that the Heritage Statement does not follow guidance adopted by Historic England for establishing setting of heritage assets and appraising development within that setting. It then goes on to appraise the two sites within the application as follows:

Site A

- 6.64. Paragraph 6.10 summarises the sites contribution to setting as being: 'As part of the setting of the conservation area the site makes a small but positive contribution to its historic and aesthetic value when viewed from Pritchatts Road'. I consider this area by virtue of its sunken topography, established trees, rear interface and scattered piecemeal modern development to have a negligible impact on the setting of the conservation area. It can only be seen from the rear aspects of properties.

Site B

- 6.65. Paragraph 6.7 summarises the sites contribution to setting as being: 'The mature trees, established hedge and grass verge to the Pritchatts Road frontage contributes to the historic, quasi-rural setting of the conservation area. The trees in particular are important in views along the road reinforcing its leafy suburban character and contributing to historic and aesthetic value. There are views across the car park to the hospital which is a negative feature detracting rather than contributing to aesthetic value.'
- 6.66. I and my Conservation Officer do not fully concur with this position. Whilst I agree with the value attached to the trees and soft landscaping, I do not consider the carpark or views towards the hospital to be negative. The car park in itself is landscaped and does not aggressively harm the setting of the conservation area,

indeed its presence is largely undetected along large stretches of Pritchatts Road (where vegetation is denser at lower levels). A change in character around the edges of a conservation area does not in itself constitute a negative feature. The hospital and views towards it are indeed different, but are a pleasant landscaped setting and later development between the hospital and the conservation area has been mindful to respond sensitively to this mature treed and open character which is neutral to the setting of the conservation area.

Impact of the development on the Conservation Area

- 6.67. This is addressed in the second part of the Heritage Assessment, where the development is assessed against local and national policy:

Site A

- 6.68. Firstly, taking the area within the conservation area (direct impact): The Heritage Statement notes that this comprises an area of just 0.03% of the entire Conservation Area. Considering the altered context of this part of the conservation area and the distance from areas of historic and aesthetic value (No. 7 Pritchatts Road) I agree fully with the conclusion in paragraph 4.2.5 of the Heritage Statement that 'the contribution of this particular site to the overall character and appearance of Pritchatts Road would remain unchanged' and therefore the proposed development would have an overall net neutral impact on heritage values and the significance of the conservation area.
- 6.69. Secondly, taking the area outside the conservation area (indirect impact): The development of this area would involve the erection of three residential blocks, with ancillary servicing, on the wooded ground near the existing student accommodation of Ashcroft. There would be two three-storey blocks and a four-storey block. The development would involve both clearing and retention of trees, reinforced by additional tree planting.
- 6.70. The heritage assessment concludes under paragraph 4.1.6 that 'the proposed development within the setting would have a neutral impact upon the heritage values of the conservation area and thus overall a neutral impact upon its significance. Accordingly, the development would achieve the policy objective of preserving the significance of the conservation area.' Considering the fall in topography, the very limited view down into this portion of the application site, the position of building and scale and form of buildings fronting onto Pritchatts Road and associated mature planting, I and my Conservation Officer concur with this position.

Site B

- 6.71. The development of the car park involves the erection of five blocks of predominantly two-storey town houses and a multi-storey car park parallel to Pritchatts Road in the setting of the Conservation Area and two further blocks behind Nos 11 and 13 within the Conservation Area.
- 6.72. Firstly, taking the area within the conservation area (direct impact): I consider that the development further extends the degree of modern development towards these historic properties, resulting in the loss of original planning garden space and encroaching much more on these original arts and crafts properties in terms of proximity, form and scale. Whilst there is a degree of harm to these properties, I note that there are other development sites at a similar distance to the rear of houses further along and that these are not significant public vantage points within

the conservation area. Very limited glimpses of these buildings would be evident from Pritchatts Road itself and therefore the degree of harm is 'less than substantial'.

- 6.73. The Heritage Statement concludes under paragraph 3.2.2 that 'the proposal is to erect two blocks of 4-storey student accommodation to the rear of the villa gardens. This would affect the setting of the villas in their very generous garden plots which would be further diminished'. The Statement goes on to note that the area comprises 0.06% of the total area of the conservation area and would have a negligible negative impact on the character and appearance of the Conservation Area and its significance, diminishing historical and aesthetic value of the gardens to a small degree.
- 6.74. As no mature trees would be lost from this aspect of the application, I concur with the Heritage statement, considering the assessment of this aspect of the application on the overall asset of the Conservation Area to be accurate.
- 6.75. Secondly, taking the area outside the conservation area (indirect impact): Five blocks of student accommodation are proposed parallel to Pritchatts Road (behind the tree line and in front of a multi-storey car park on the edge of the steeply sloping ground. The accommodation blocks are two and a half floors in height and the multi storey car park would be approximately at the eaves level of the houses. The existing mature trees and hedge boundaries to Pritchatts Road and to the rear garden of 13 Pritchatts Road would be retained.
- 6.76. Looking directly into the site from within the conservation area, there would be glimpsed views of the five blocks through the mature hedge and tree screen. Here the development would read as largely, individually-designed houses. Any glimpsed views between the gaps in the buildings would be of landscaping in front of the multi-storey car park.
- 6.77. The heritage assessment concludes in paragraph 3.1.7 that 'impact on evidential value is negligible. The aesthetic and historic values of the conservation area would be enhanced. The overall impact on significance of the conservation area would be minimal and positive.' I only partly agree with this conclusion based on some benefits of developing the site, however as I do not conclude that views across the site were harmful, I consider the development impact to be neutral as whilst the street is given some enclosure these views between building are closed down by the form of the multi-storey car park.

Conservation Conclusions

- 6.78. I consider that the conclusions of the heritage report accurately summarise the impact of the development on the conservation area: Paragraph 6.2 states that: 'Inevitably, there will be some changes both to the character and appearance of this part of the Edgbaston Conservation Area and its setting, experienced mostly in views. The view looking west directly into the Pritchatts Road car park site will be the principal one affected. Its open character will be replaced by development of a form, layout and scale typically found in the wider area. Direct views into the site are limited, but the existing development has a negative impact on the setting which in turn impacts upon the significance of the conservation area. This impact will be lessened as a result of the proposed development'. I and my Conservation Officer generally concur with this position, however I find that existing views are neutral not negative.

- 6.79. Paragraph 6.5 goes on to state that *“overall, the proposal will have a neutral impact. The proposed development would have a neutral impact on the character and appearance of the conservation area and a minimal positive impact on the contribution of setting to the significance of the Edgbaston Conservation Area.”* I consider that there would be a low negative to neutral direct impact on the conservation area and a neutral impact on the contribution of setting.
- 6.80. Overall the very low degree of harm (low end of less than substantial) must now address paragraph 196 of the NPPF through weighing this very low degree of harm against public benefits of the proposal. Public benefits could be economic, social or environmental.
- 6.81. On the previous refusal, Committee determined that the public benefits did not outweigh the less than substantial harm identified to the Edgbaston Conservation Area. The public benefits identified were the need for the proposed student accommodation in the growth of the University, in particular to satisfy the guarantee of accommodation for first year students; the required need for the MSCP as part of the wider investment alongside the investment in the University that is supported by the City for the wider benefits of educational and economic growth and international promotion of the City.
- 6.82. The public benefits outlined remain the same on this submission as per the previous refusal by Members. In this instance, with a revised scheme that is considered to have a reduced, very low degree of harm (low end of less than substantial), I consider that the public benefits, outweigh the limited degree of harm identified. The impact on heritage assets is one of many material considerations to be weighed up.

Impact on residential amenity

- 6.83. In regard to Site A, the proposed three and four storey student blocks would be adjacent to existing University owned blocks. Beyond the northwest boundary are houses that front onto Metchley Park Road. The nearest residential houses are to the north and west of Site A that front onto Metchley Park Road and Somerset Road. These houses have rear gardens that are a minimum of 25m in length. The proposed student blocks adjacent to this boundary would, at its nearest, be 20m from the boundary rising to 57m at its furthest point. These distances would meet Your Committee’s guideline of 5m per storey to the boundary. Given the long rear gardens, significant tree cover along this boundary and the 5m per storey distance to the boundary, separation distances to these houses would be in the region of 40+m and would therefore exceed Your Committee’s guideline of 27.5m for window to window elevations. On this basis, I consider that the proposed development would not lead to a significant loss of outlook or privacy to properties on Somerset and Metchley Park Road.
- 6.84. In relation to the residential amenity to the existing student accommodation; the proposed separation distances broadly comply or exceed with Your Committee’s separation distance guidelines. As such; I consider that there would be no loss of residential amenity to the existing student blocks located on Site A.
- 6.85. In regard to Site B, the proposed three storey student blocks would mostly be arranged along Pritchatts Road. Buildings would be set back from the site edge by around 25m where they are opposite existing houses but 11m on the corner and would be 55m from the nearest house on the opposite side of Pritchatts Road (no.14). Places for Living guidance provides guidance for minimum separation distances of 27m (for new 3 storey development) to prevent overlooking. This is

exceeded in this case to a substantial level. Furthermore, the group of trees, ranging from 10-23m, would be retained providing a substantial degree of screening; further reducing the impact of the proposal on the potential for a loss of privacy and over-domination. In conclusion, I am satisfied that this part of the scheme would have no impact on the local residential amenity.

- 6.86. Two further three storey blocks are proposed, on Site B, located behind 11 and 13 Pritchatts Road. The first block would have a separation distance of 28m, to the rear elevation of number 11 Pritchatts Road. The second block would have a separation distance of 36m from number 13 Pritchatts Road. Number 11 and 13 Pritchatts Road are large houses that have been converted into student accommodation in the past. These separation distances exceed Your Committee's guidelines and as such, I consider that no loss of privacy or overlooking would occur to the existing student accommodation. These new blocks would create a new sense of enclosure behind no's 11 and 13 and a new relationship to the frontage buildings. I consider this relationship to be acceptable.
- 6.87. A number of residents have raised issues about additional students in the area, and the potential increase in noise, litter and general pollution. There will clearly be an increase in activity from the 496 additional units. Access to the accommodation will mainly be via Brailsford Drive rather than Pritchatts road, with no front doors on the Pritchatts Road frontage. It is not considered that the immediate residential areas will be unbalanced in terms of their character. The new accommodation is located on university land, in a part of the site that already has university functions. Regulatory Services, whilst not commenting on this application, previously raised no objections to the proposed development in relation to the issues raised subject to a number of safeguarding conditions relating to plant and machinery noise. I concur with their view and the relevant conditions are listed below. On this basis, I consider that there would be a negligible impact on residential amenity in relation to noise and disturbance.

Ecology

- 6.88. Policy TP8, of the BDP, states that *"development which directly or indirectly causes harm to...species which are legally protected, in decline or rare within Birmingham or which are identified as national or local priorities will only be permitted if it has been clearly demonstrated that; there is a strategic need that outweighs the need to safeguard, the damage is minimised and mitigation put in place, or where appropriate compensation is secured"*.
- 6.89. A Wildlife Corridor runs to the southeast of the site along Vincent Drive. Parts of Pritchatts Park Village Potential Site of Importance (PSI) fall within the redline boundary. PSIs are identified by EcoRecord as sites that are known to contain or potentially contain biological or geological interest, but are yet to be evaluated against Birmingham and Black Country Local Site criteria and / or are yet to be formally adopted as a SINC or a SLINC. The report acknowledges that the ecological areas are highly unlikely to meet the criteria to qualify as a SINC or SLINC. A formal Local Site Assessment has not been completed however the two reports do refer to the Local Site selection criteria and assessment process in their rationale / justification for the conclusion reached. On balance, my Ecologist agrees with the conclusions reached, due to the limited floristic species and structural diversity of the woodland at Ashcroft (Site A) and tree belts at Pritchatts (Site B).
- 6.90. The application is supported by an Ecological Appraisal that was undertaken in June 2019. The appraisal identifies that the main ecological section of the site is Site A

(Ashcroft) as Site B (Pritchatts) comprises hardstanding used as car parking. As such, the site comprises broad-leaved woodland, scrub, poor semi-improved grassland and amenity grassland set amongst existing student accommodation.

- 6.91. A Phase 1 Habitat Study and protected species scoping survey was carried out on 17 June 2019. The site was assessed for its suitability to support protected species including Great Crested Newts, reptiles, birds, badgers and bats. The survey concludes that the watercourse running through the woodland on site is considered to be unsuitable for white-clawed crayfish and no evidence of their being on site was found; no evidence was also found through the survey for Great Crested Newts or reptiles. The areas of woodland, trees, scrub and grassland were considered to provide suitable nesting and foraging habitat for a range of bird species. A mature Oak tree was assessed as providing moderate bat roost suitability. However, the woodland as a whole was assessed as having low bat roosting suitability whilst the site as a whole was assessed as providing low value for foraging/commuting bats.
- 6.92. In relation to badgers, two badger setts were recorded during previous site surveys. However, both of these setts were considered to be inactive at the time of the current survey. A third sett was located on site however, this was also considered to be inactive. The site does offer suitable habitat for foraging and commuting badgers, as well as sett excavation. No evidence of badgers was recorded on site.
- 6.93. The City Ecologist has raised no objection to the proposed development providing that the impacts associated with the proposed development are mitigated and where residual impacts remain following mitigation, compensation is provided, to be secured by relevant safeguarding conditions. No objection in principle is raised to the range of compensatory and enhancement measures proposed; these include removal of non-native species (rhododendron, bamboo, sycamore), new landscaping to incorporate local species; planting of wildflower species; use of site perimeters to create artificial refuge for reptiles and enhancements including bird and bat boxes, hedgehog boxes etc. I concur with this approach and the relevant conditions are recommended below.

Trees

- 6.94. Policy TP6, of the BDP, (in regard to flood management) states that *“trees and woodland can provide significant benefits in terms of water management and flood alleviation...in addition to their wider landscape value. The provision of additional trees and woodland will therefore be encouraged”*.
- 6.95. The proposed development would see the removal of trees. Site A would include the removal of 19 Category B, 21 Category C trees and 6 Category U. Site B would include the removal of 39 Category B, 40 Category C trees and 2 Category U. In addition there is the partial/full removal of some smaller groups (where trees are very similar and are treated as one entity under the survey report), which have been categorised as Site A: 4 Groups (Category B) and 3 Groups on Site B (Category C). Whilst Site B would see the removal of 14 (category B) and 28 (Category C) hornbeams; it is proposed to relocate these elsewhere.
- 6.96. The category B trees include a Monterey cypress, 5 Oak, 7 Alder, 2 Willow, 1 Birch, 3 Scots Pine, 3 Beech, 1 London Plane, 21 Hornbeam, 1 Hawthorn, 2 Corsican Pine, 4 Lime and 7 Lombardy Poplar. The Category C trees comprise 2 Scots Pine, 1 Ash, 2 Sycamore, 4 Willow, 1 Elder, 3 Birch, 2 Holly, 5 Oak, 5 Alder, 1 Beech, 28 Hornbeam, 2 Cypress, 1 Apple, 2 Black Pine, 1 Lime, and 1 Lombardy Poplar. The Category U trees comprise 2 Apple, 2 Alder, 1 Hawthorn and 3 Black Poplar whilst

the group trees to be lost include Alder, Sycamore, Yew, Willow, Field Maple and Scots/Black Pine.

- 6.97. My Arboricultural Officer advises that the proposals will result in some significant tree losses. In making a rough calculation of the canopy loss the trees alone equate to over 4,200sqm. Whilst this level of tree loss is regrettable there would seem scope to improve and enhance the tree cover through appropriate planting. 42 hornbeam located on the car park are indicated for relocation but no proposed locations are shown. Pritchatts Road only shows the locations of the individual trees removed and not the hornbeams as mentioned or how the tree groups are going to be mitigated for. The proposed species needs to be decided on so that the potential offset of canopy coverage from these trees at maturity compared to what has been lost can be calculated.
- 6.98. On the Ashcroft site the issues are similar. The proposed tree planting locations only cover the mature individual trees identified for removal and does not compensate for the tree groups lost. The proposed tree locations are not chosen well especially if the canopy coverage is to be replaced. Several of the locations would appear to be within the retained areas of tree cover which will limit the potential for these trees to reach their full potential or at least replace those lost. Additionally replanting with heavy standards in an existing woodland situation will be very problematic as they will have to deal with the significant rooting of the established trees.
- 6.99. My Arboricultural Officer sees an opportunity for under planting but this would be as providing some mitigation for the scrub/ tree group losses and as part of an ecological enhancement strategy – use of native species such as hazel and guelder rose for example would bring significant biodiversity benefits. As with the previous application I would wish to see that there have been attempts to ensure there is no net loss of canopy coverage rather than stating that there will still be 25% coverage post development., This may be spread across the wider UOB campus as mitigation planting. The previous application indicated a potential for net gain overall - I note that there is potential for additional planting in the frontages of the villa properties on Pritchatts Road but this is limited compared to the overall loss.
- 6.100. My Arboricultural Officer requested the submission of revised details regarding replacements and the trans-location of 42 existing Hornbeam trees to be located elsewhere across the campus; but raises no objections to the proposed development. I concur with this view and consider that the requested details can be secured by condition. The relevant tree safeguarding conditions are recommended below.

Drainage

- 6.101. Policy TP3, of the BDP, states that new development should be designed and built to sustainability standards which include conserving water and minimising flood risk. Furthermore Policy TP6, of the BDP, states that developers must demonstrate how surface water drainage would not exacerbate existing flooding and seeks a minimum of 20% reduction in peak flows between the existing and proposed water flows. It is also a principle of the NPPF (paragraph 155) to take full account of flooding issues in decision making.
- 6.102. The Lead Local Flood Authority has objected to the proposed development. The application is supported by a Flood Risk Assessment, Sustainable Drainage Management Plan and a Drainage Strategy. A single SUDS management plan covers the entire site.

- 6.103. The level of information and the technical approach in these FRA and Drainage Strategy documents is the same as for the previous application where the LLFA raised no objections subject to sustainable drainage conditions. In particular:
- The FRA covers the whole site
 - Assessment is for 1 in 100 year + climate change allowance of 30%.
 - Written confirmation of acceptance of a discharge rate of 5 l/s from Severn Trent Water is attached.
 - SuDs principles are employed in the Drainage Strategy submitted, including discharge to ditch water course on the Ashcroft / Oakley Site and permeable paving.
 - Detailed calculations of network performance are set out at Appendix C of each FRA.
 - Consideration has been given to exceedance flows in the design.
 - Operation and Maintenance is set out in the SUDS Management Plan.
- 6.104. Following further correspondence with the LLFA, the applicant has amended the proposed drainage strategy to remove the proposed discharge to the watercourse and now proposes to route all run-off to the Severn Trent Water connection – for which Severn Trent Water’s agreement has already been provided. The LLFA have now removed their objection and relevant safeguarding conditions are recommended below.

Crime and Safety Considerations

- 6.105. The Police have raised no objection subject to the submission of a lighting scheme along with provisions relating to multi-storey car park including access control to prevent unauthorised entry outside of the opening hours; help-points; lighting and CCTV and car park management. In relation to access control, the car park would be secured by way of a shutter that would prevent access outside of the opening hours. I am satisfied the remaining measures can be secured by condition.

Other Issues

- 6.106. The proposed development is CIL liable and based on the floor space of student accommodation sought would see a contribution of £994,555.56.
- 6.107. The Canal and River Trust has requested a financial contribution (sum unknown) to upgrade the towpaths, accesses and wayfinding due to the increase in footfall using the canal towpath. This has been discussed with the applicant who does not agree that a commuted sum payment is appropriate or justified. The request identifies no proposed sum and no specific works. Although CRT correctly assert that the applicant has identified the potential for students to use the canal towpath as a sustainable cycle and pedestrian link, they do not consider the use of such link is necessary to make the development acceptable in planning terms and neither is there evidence that the towpath is not capable of performing that function in its current state without enhancement. As such, the Applicant considers that the request does not meet the statutory tests for S106. I concur with the Applicant’s assessment and consider that the request would not comply with the relevant statutory tests.
- 6.108. The note the objections received from local residents in relation to the University’s bullying tactics relating to resident’s letters and the now withdrawn appeal. Whilst I

understand the concerns of local residents, this is not a material planning consideration.

7. Conclusion

- 7.1. The principle of the re-development of the site for a multi-storey car park and student accommodation is considered acceptable in principle, in line with BDP policy and the NPPF.
- 7.2. The detailed design has been developed in consultation with the City and the resulting scheme is considered to be of a high quality design that would sit comfortably within its surroundings and would have no material adverse impact on adjacent residential occupiers through overlooking and loss of privacy. With regards to conservation and impact on the designated heritage asset; I consider that the public benefits of the scheme outweigh the less than substantial harm that the scheme would create.
- 7.3. The application has generated a significant level of objection, and concerns raised have been assessed. It is considered that the revisions made following the previous refusal and the mitigation conditions recommended would address those concerns. Any residual harm has to be balanced against the wider benefits of the proposal.
- 7.4. The NPPF supports the presumption in favour of sustainable development and this is identified as including the three stems of economic, social and environmental. I consider that the proposal would support the provision of further first year student accommodation and support the growth and enhancement of the University facilities, to enable the University to maximise its potential along with its associated significant economic and social benefits and would have a positive and significant environmental benefit. The proposal would also support the provision of further local employment in construction. As such, in accordance with NPPF policy in Paragraph 11 on decision making, I consider the proposal to be sustainable development, in accordance with the Development Plan and on this basis, should be approved.

8. Recommendation

- 8.1. That consideration of application number 2019/05598/PA is deferred pending the completion of a suitable legal agreement to secure the following:
 - a) Submission of a Phased Development Plan prior to commencement of development to include details of the likely timing for construction of the development and to carry out the development in accordance with the phased development plan with the overarching aim to ensure that the multi storey car park is screened from view from Pritchatts Road during and after the construction process
 - b) The use of the 127 Surrendered Parking Spaces on the former Munrow site for the purposes of car parking shall cease immediately prior to the date on which the Multi Storey Car Park opens.
 - c) The 127 Surrendered Parking Spaces on the former Munrow site shall remain open for use until the Multi Storey Car Park opens for use and if, for any reason, the Multi Storey Car Park does not open, the 127 Surrendered Parking Spaces will remain open for use and the obligation for their closure shall cease.
 - d) Payment of a monitoring and administration fee associated with the legal agreement of £1,500.
- 8.2. That the City Solicitor be authorised to prepare, seal and complete the appropriate agreement.

- 8.3. That in the event of the above legal agreement not being completed to the satisfaction of the Local Planning Authority, on or before 4 February 2020, planning permission be refused for the following reasons:
- 8.4. a) Should the MSCP not be sufficiently screened from Pritchatts Road, it would have an adverse impact on the character and appearance of the Conservation Area, causing less than substantial harm, and therefore contrary to Policy TP12 of the Birmingham Development Plan and the National Planning Policy Framework.
- b) Should the 127 car parking spaces at the former Munrow Sports Centre site be retained in combination with the MSCP, the increase in total parking spaces would lead to an adverse impact on traffic flows on the local highway network and would not support sustainable modes of transport contrary to Policies TP38 and TP44 of the Birmingham Development Plan and the National Planning Policy Framework.
- 8.5. That in the event of the above legal agreement being completed to the satisfaction of the Local Planning Authority on or before 4 February 2020, favourable consideration would be given to application 2019/05598/PA subject to the conditions listed below.

-
- 1 Requires the scheme to be in accordance with the listed approved plans
 - 2 Requires the scheme to be in accordance with the listed approved documents
 - 3 Requires the agreed mobility access to be maintained
 - 4 Requires the prior submission of a contamination remediation scheme
 - 5 Requires the submission of a contaminated land verification report
 - 6 Limits the hours of use to 0600 to 2330.
 - 7 Requires the prior submission of a sustainable drainage scheme
 - 8 Requires the prior submission of a Sustainable Drainage Operation and Maintenance Plan
 - 9 Requires the prior submission of a method statement for the removal of invasive weeds
 - 10 Requires the prior submission of a construction ecological mitigation plan
 - 11 Requires the submission of a scheme for ecological/biodiversity/enhancement measures
 - 12 Requires the prior submission of details of bird/bat boxes
 - 13 Requires the prior submission of a habitat/nature conservation management plan
 - 14 Limits the noise levels for Plant and Machinery
 - 15 Secures noise and vibration levels for habitable rooms
-

-
- 16 Requires the submission of hard and/or soft landscape details
 - 17 Requires the submission of a landscape management plan
 - 18 Requires the submission of a lighting scheme
 - 19 Requires the submission of details of green/brown roofs
 - 20 Requires the prior submission of a construction method statement/management plan
 - 21 Requires the submission of sample materials
 - 22 Requires the submission of a CCTV scheme
 - 23 Requires the submission of details of refuse storage
 - 24 Requires the submission of pedestrian and cycle access and routes details
 - 25 Requires the submission of a parking management strategy
 - 26 Requires the provision of cycle parking prior to occupation
 - 27 Requires the submission and completion of works for the S278/TRO Agreement
 - 28 Requires the provision of a vehicle charging point
 - 29 Requires submission of proposed tree planting details
 - 30 Requires submission of relocated Hornbeam tree locations
 - 31 No commencement until pre-commencement meeting held
 - 32 Requirements within pre-defined tree protection areas
 - 33 No-Dig Specification required
 - 34 Requires tree pruning protection
 - 35 Implement within 3 years (Full)
-

Case Officer: Pam Brennan

Photo(s)

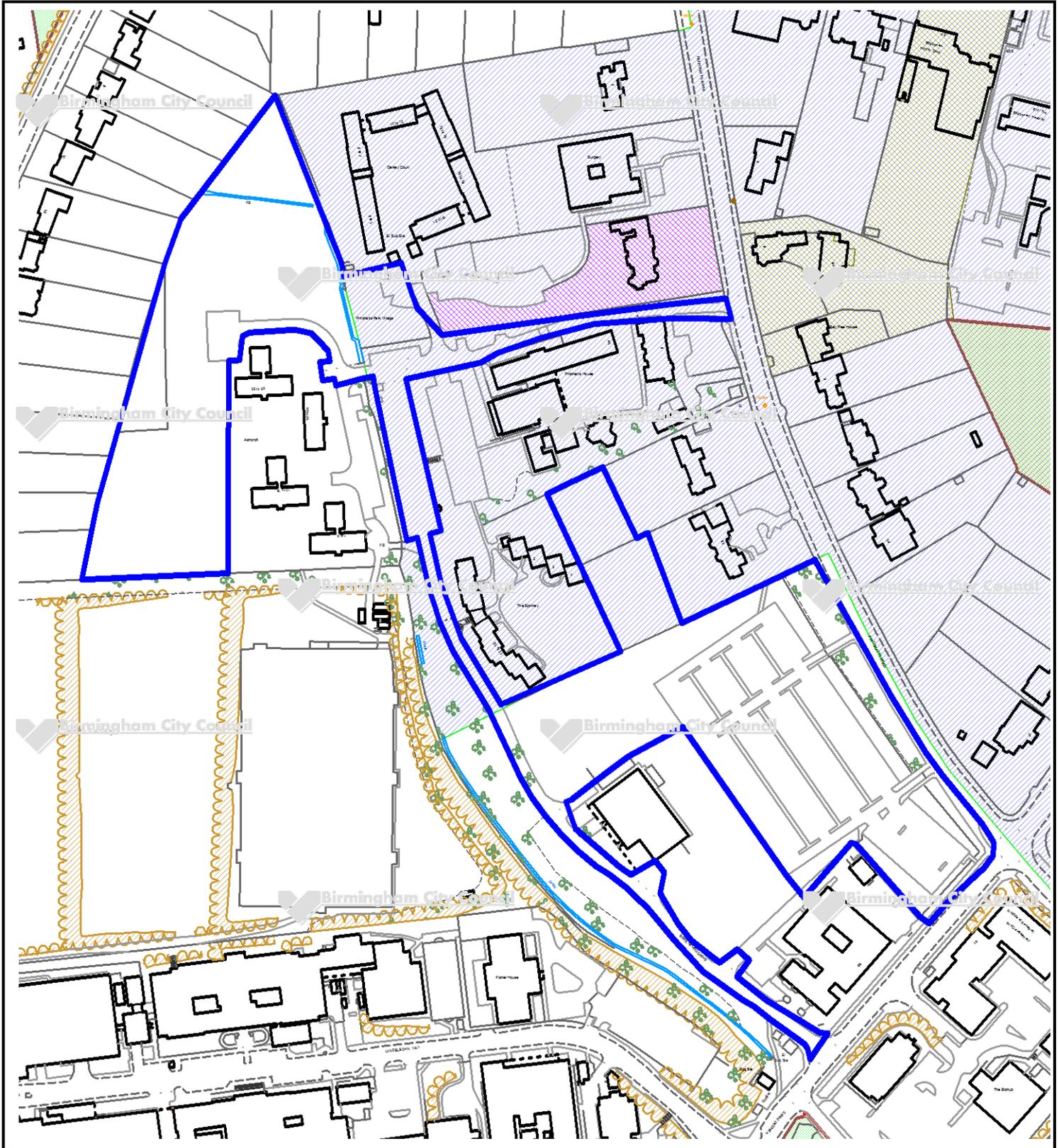


Photograph 1: Site A Ashcroft looking northeast



Photograph 2: Site B Pritchatts Road car park

Location Plan



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

Committee Date: 05/12/2019 Application Number: 2019/07314/PA
Accepted: 09/09/2019 Application Type: Full Planning
Target Date: 09/12/2019
Ward: Bournbrook & Selly Park

Land rear of 520 Bristol Road, Selly Oak, Birmingham, B29 6BD

Demolition of 3 student residential blocks and erection of 74 units of student accommodation.

Recommendation

Refuse

1. Proposal

1.1. Permission is sought to demolish 3 existing blocks of student accommodation and erect a single larger block of student accommodation that is set back from the Bristol Road behind 520 Bristol Road. The proposed block of accommodation varies between 2 and 4 storeys high with a maximum height of 12.5m and would accommodate 74 units of accommodation. The accommodation includes 44 self-contained studios that vary between 18 and 24sqm in size and 30 en-suite bedrooms which vary between 15sqm in size. The bedrooms have access to a communal lounge and kitchen areas which are shared by no more than 8 bedrooms. The proposed ground floor includes a reception, post room, study room, communal area and laundry room. A refuse area has also been incorporated into the ground floor of the building.

1.2. The building has a flat roof with the main entrance located on the north elevation facing towards the Bristol Road. The building is an unconventional shape and extends across almost the whole depth of the site with the 4 storey element concentrated closer to the Bristol Road with the scale reduced in stages so it drops to 2 storeys towards the rear. The building would be primarily built of red brick with high level metal cladding.

1.3. The proposal includes no car parking space within the site boundary but 8 spaces are identified adjacent to the site. An area for cycle storage is identified while 2 small shared gardens are proposed measuring 120sqm and 47sqm.

1.4. Design and Access Statement, Transport Statement, Planning Statement, Student Needs Survey and Drainage Statement have been submitted in support of this application.

1.5. The total site area is 1379sqm.

1.6. [Link to Documents](#)

2. Site & Surroundings

2.1. The application site sits adjacent to Selly Oak District Centre and is set back from the Bristol Road between Dawlish Road and Harrow Road. The site is currently occupied by 3 buildings that vary between 2 and 4 storeys high that in total accommodate 42 units of student accommodation. These are red brick buildings that have tiled pitched roofs and were erected in approximately 2006 following the demolition of The Brook Public House (2004/02425/PA). The units on the Bristol Road frontage are in a mix of commercial uses which are up to 4 storeys high with most containing student accommodation at upper levels. Harrow Road is located to the east of the application site and Dawlish Road is located to the west. These roads consist of traditional terraced dwellings which have been heavily extended and are generally utilised as Houses of Multiple Occupation (HMO). These are 2 storeys in height although in most cases a 3rd storey has been created within the loft space. Selly Oak train station is 550m to the southwest of the application site.

2.2. [Site Location Plan](#)

3. [Planning History](#)

3.1. 03/11/2005 - 2004/02425/PA– Demolition of public house and other outbuildings and erection of food retail unit with student accommodation over, student accommodation block to rear and 7 private dwellings – approved

3.2. 07/02/2019 – 2018/09056/PA – Demolition of 3 student blocks and erection of a single building to accommodate 82 units of student accommodation. Withdrawn

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 conditions

4.3 Police – No objection subject to conditions regarding secure control access, CCTV, secure front doors, a lighting scheme and no access to the roof other than for maintenance purposes.

4.4 Regulatory Services – No objection subject to conditions Construction Management Plan, Contamination Remediation Scheme and Contaminated Land Verification Report.

4.5 Transportation – No objection subject to condition requiring submission of construction management plan and provision of one disabled parking space.

4.6 Local occupiers, Ward Councillors, MP and resident associations were notified. Two site notices and a press notice have been displayed, with 1 letter of objection received. The following concern has been raised:

- Noise during construction

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
- Shopping and Local Centres SPD
- Wider Selly Oak SPD

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 student accommodation; the design and scale of the proposed development; the impact on residential amenity, the impacts on traffic and highway safety; the impact on ecology and Planning contributions.

6.2. It is of note that a previous application for student accommodation (2018/09056/PA) was withdrawn after concerns were raised over the design, scale, massing of the building and the amenity impact on nearby residential properties. This scheme would need to overcome these concerns.

6.3. The principle of Student Accommodation

6.4. 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 boost housing supply and provide a wide choice of accommodation to meet a range of needs including students. The aim is to create sustainable, inclusive and mixed communities.

6.5. Policy TP33 (Student Accommodation) sets out a number of criteria that need to be met before off campus provision will be considered favourably. Criteria include that there is a demonstrated need for the accommodation, the site is well located, there is no unacceptable amenity impact, the scale, massing and design is acceptable and the scheme provides an acceptable living environment for students.

6.6. The Wider Selly Oak Supplementary Planning Guidance also considers student accommodation in this area. It refers to the growth in purpose built student schemes, with the resulting pressure this has created on surrounding areas and the impact that the large student population in Selly Oak has had on the make-up of the local community. The policy identifies sites where purpose built student accommodation might be appropriate, and emphasises the importance of maintaining a balance of housing provision. The policy acknowledges the attractiveness of Selly Oak for student accommodation, but states that this “should not offer a green light for new student accommodation for educational establishments outside the area” (with reference to policy TP33 of the BDP).

6.7. The application has been supported by a Student Needs Assessment however this document is rather short consisting of just one page of text and is dated November 2018 and therefore is not considered to be up to date. The report mentions schemes that are in the pipeline but refers to the Battery Park site which is now open and a

scheme on Pritchatts Road which is the subject of a current application. There is no detailed analysis of current student numbers, no detailed breakdown of available accommodation or evidence based predicted growth figures.

- 6.8. Taking into account the current use of the site, the principle of student accommodation is acceptable however taking into account the increase in accommodation proposed a need still needs to be identified. As a robust and up to date assessment of need has not been presented the policy requirement within TP33 has not been met in this instance.
- 6.9. Design
- 6.10. 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.
- 6.11. The proposal results in the loss of three blocks of relatively modern student accommodation but these buildings are of no particular architectural merit and therefore their loss is considered acceptable. The surrounding area consists mainly of 2 storey terraced properties, although many contain a third storey within the roof space. Within the District Centre buildings are up to 4 storeys high.
- 6.12. The replacement building has a flat roof and would be constructed of red brick with copper metal cladding proposed around the top storey and roof. The building incorporates rectangular windows that extend from floor to ceiling with brick detail around the individual windows. Such an appearance is not dissimilar to other purpose built student accommodation locally. However, the incorporation of splayed windows along part of the northern elevation appears as a rather contrived attempt to address privacy issues.
- 6.13. The proposal is a mix of 2, 3 and 4 storeys in height with the higher element located towards the front part of the site with the height reducing to 2 storeys at the rear reflecting the storey heights of the existing buildings. However, the proposal substantially increases the footprint of built development on the site pushing 2, 3 and 4 storey development closer to the site boundaries, particularly the shared boundary with Avon Place and Blossom Avenue to the east. The amount of 4 storey development has also increased adding to the overall dominance of the proposal.
- 6.14. The scheme significantly increases the mass, scale and overall bulk of development which amounts to an over intensive use of the application site. This is particularly evident when the close relationship with the rear garden boundaries of small residential properties is considered. In light of the above, the proposal amounts to an over-development of the site that materially harms the character and appearance of the area.
- 6.15. Residential Amenity

- 6.16. 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.
- 6.17. It is important to remember that there are 4, 3 and 2 storey buildings on the site already however the proposed development is closer to shared boundaries on all sides. The site is surrounded by residential development with the proposed block within 3.5m of the rear boundary of No's 19-25 Harrow Road. The development is even closer to the shared boundary with the properties on Avon Place with a separation of 0.6m proposed to No's 1-4 Avon Place and a separation distance of 1m to No's 6-8. Two storey development measuring 6.4m high is also 1.1m from the shared rear boundary with No's 43-47 Harrow Road. Blank 2, 3 and 4 storey walls across the rear boundary of these properties particularly those in Avon Place and 43-47 Harrow Road are overbearing and visually intimidating for the occupiers of these properties. This materially impacts on the quality of life experienced by the occupiers of these properties particularly when they wish to utilise their private gardens.
- 6.18. To prevent overlooking of private gardens separation distances of 5m per storey are required within the Places for Living SPG. First floor windows in the north east elevation retain distances of between 5.4m and 7.6m to the shared boundaries of No's 27-35 Harrow Road (odds). Such a substantial shortfall means that a loss of privacy would occur to the users of these private gardens. It is noted that the applicant has proposed splayed windows. It is not considered that this overcomes the issue of overlooking; it simply changes the angle at which the gardens will be overlooked. There are also first floor windows in the south east elevation that's are within 2.2m and 3.8m of the shared boundary with No. 51 Harrow Road which will again cause a significant loss of privacy.
- 6.19. Concerns have been raised over noise during the construction process. However, as this only temporary the harm arising is not considered to be significant. A construction management plan can also be agreed via condition to address issues such as hours of working.
- 6.20. In summary, the scheme has a significant undue amenity impact on the occupiers of adjoining residential properties.
- 6.21. An area of shared amenity space is provided for the occupiers of the 74 units which totals approximately 167sqm. This is significantly below the 16sqm per student required with the Specific Needs Residential uses SPG which would amount to provision of 1,184sqm. 167sqm is just 14% of the required provision which further indicates the over-development of the site. This low level of open space (2.25sqm per occupier) is insufficient for this major development thereby materially impacting on amenity levels experienced by the occupiers.
- 6.22. Studio accommodation for students should exceed 12.5sqm and this been comfortably exceeded in all cases. All habitable rooms across the development are provided with a reasonable outlook and access to natural light. The scheme provides a mix of studios and clusters which provides a choice of accommodation for future occupiers. Every unit of accommodation includes an en-suite and no more than 8 bedrooms share a single communal lounge/kitchen area. A further communal area is also provided on the ground floor. It is therefore considered that an acceptable internal living environment will be provided for the proposed occupiers.

- 6.23. Traffic and Highway Safety
- 6.24. 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.
- 6.25. The site is in a sustainable location within Selly Oak District Centre and is in close proximity to bus routes that provide direct access to the City Centre. In addition the site is 550m from Selly Oak train station. Provision has been made for 22 cycle spaces and 8 car parking has been provided, although these car parking spaces are outside the red line boundary. It is unclear how these existing spaces would be secured solely for the occupiers of the proposed development. However, it is important to emphasise that the parking requirements are a maximum not a minimum. It is common place for student rooms to be let on the basis that cars are not brought to the area. It is important to remember that is a highly sustainable location and a condition can be attached to agree a strategy for the management of pick up and drop offs at the beginning and end of each term. The level of cycle parking also exceeds the requirements of 1 space per 4 beds.
- 6.26. 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.
- 6.27. Ecology, Landscape and Tree Matters
- 6.28. The site is covered in hard surfacing with no areas of soft landscaping. No ecological issues are likely to arise from the demolition of 3 modern building that do not provide opportunities for bats or birds. Consequently the scheme provides an opportunity to provide enhanced soft landscaping that deliver biodiversity benefits. The Council’s Ecologist raises no objection to the scheme subject to conditions.
- 6.29. Planning Contributions
- 6.30. In accordance with the CIL charging Schedule payment of £79.99 per sqm is required.

7. Conclusion

- 7.1. The proposal would materially harm the character of the area and cause significant harm to the amenity levels experienced by the occupiers of adjacent properties. The need for the provision of further student accommodation has also not been justified and insufficient private amenity space has been provided for the proposed occupiers. The proposed development would therefore be contrary to policies PG3 and TP33 of the BDP and the NPPF. Therefore the proposal would not constitute sustainable development and it is recommended that planning permission is refused.

8. Recommendation

- 8.1. Refusal

Reasons for Refusal

- 1 By virtue of the positioning of windows and the inadequate separation distances the proposal would lead to a loss of privacy to the private gardens of No's 27-37 and 51 Harrow Road. As such the proposal would be contrary to Policies PG3 and TP27 of the Birmingham Development Plan 2017, saved Paragraph 3.14C of the Birmingham UDP 2005, guidance in Places for Living adopted as Supplementary Planning Guidance, and the National Planning Policy Framework.
 - 2 By virtue of its scale and siting the proposal would appear overbearing and visually intimidating to the occupiers of No's 1-4 and 6-8 Avon Place thereby causing significant harm to amenity levels contrary to Policies PG3 and TP27 of the Birmingham Development Plan 2017, saved Paragraph 3.14C of the Birmingham UDP 2005, guidance in Places for Living adopted as Supplementary Planning Guidance, and the National Planning Policy Framework.
 - 3 Due to the insufficient amount of outdoor amenity space the proposals would create an unacceptable living environment for the intended occupiers contrary to Policy PG3 of the Birmingham Development Plan 2017, saved paragraph 8.24 of the Birmingham Unitary Development Plan 2005 and the National Planning Policy Framework.
 - 4 Insufficient information has been submitted to demonstrate a need for the additional student accommodation contrary to Policy TP33 of the BDP and the NPPF.
 - 5 The scale and mass of the proposal amounts to an over-development of the site that would appear unduly dominant materially harming the character and appearance of the area. As such it would be contrary to Policy PG3 of the Birmingham Development Plan 2017 and saved Paragraphs 3.14C-D of the Birmingham UDP 2005, guidance in Places for Living adopted as Supplementary Planning Guidance, and the National Planning Policy Framework.
-

Case Officer: Andrew Fulford

Photo(s)



Photo 1: front elevation of existing 4 storey block taken from Bristol Road



Photo 2: Front elevation of existing 3 storey block

Location Plan



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

Committee Date: 05/12/2019 Application Number: 2019/05989/PA
Accepted: 17/07/2019 Application Type: Full Planning
Target Date: 21/11/2019
Ward: Bartley Green

Monmouth Road/Della Drive/Penrith Croft, Land at, Bartley Green,
Birmingham, B32 3LY

Erection of 68 dwellings with associated highway works and landscaping

Recommendation

Approve subject to Conditions

1. Proposal

1.1. Full planning permission is sought for the erection of 68 dwellings with associated highway works and landscaping. The applicant is BMHT.

1.2. The site formerly comprised four 12-storey tower blocks and 8 flats-over-garages but is now largely cleared. It has two short spur roads (Penrith Croft and Della Drive) which served the original development. These would be retained and a new road running centrally along the length of the development would connect them. The proposed dwellings would front these roads with five private drives serving short culs-de-sac off the new public highway.

1.3. The 68 dwellings proposed would comprise:

- 5 bungalows
- 10 dormer bungalows
- 53 two-storey houses

Of these, 24 dwellings (35%) would be affordable (social rented) comprising:

- 15 x 2-bedroom, 3-person bungalows
- 6 x 2-bedroom, 4-person houses
- 3 x 3-bedroom, 5-person houses

1.4. 13 different housetypes are proposed with a range of 2, 3 and 4-bedroom properties and arranged as detached, semi-detached and terraced dwellings. Internal space standards meet the Technical Housing Standards guidelines. Garden sizes range between 40sqm and 223sqm.

1.5. Site area: 2.26ha Density: 34dph Parking: 144%

1.6. Trees to be removed:

- | | | |
|----|---------------|----|
| T1 | Italian Alder | C1 |
| T2 | Italian Alder | B1 |
| T3 | Italian Alder | B1 |
| T4 | Italian Alder | C1 |

T47	Common Alder	C1
T56	Common Alder	B1
T63	Silver Birch	C1
G2	Sycamore	C2
H1	Cherry/Laurel/Privet	C2

1.7. Supporting documents: Design and Access Statement, Sustainable Construction and Energy Statement, Transport Statement, Interim Travel Plan, Public Open Space Statement, Arboricultural Impact Assessment, Pre-Development Arboricultural Survey, Capital Asset Valuation of Amenity Trees, Great Crested Newt Habitat Suitability Index Assessment, Nocturnal Emergence and Dawn Re-Entry Bat Surveys, Badger Survey, Preliminary Bat Roost Assessment, Preliminary Ecological Appraisal, Reptile Survey, Flood Risk Assessment and Drainage Report.

1.8. [Link to Documents](#)

2. Site & Surroundings

2.1. The application site is bounded by Cromwell Lane to the south, Monmouth Road to the west and Senneleys Park to the north and east. Two small culs-de-sac (Penrith Croft and Della Drive) enter the application site as spur roads from Monmouth Road.

2.2. The site originally contained four 12 storey tower blocks (50 flats in each) and 4 blocks of flats (with 2 flats in each) over under-croft parking. The tower blocks were demolished about 5 years ago. The site previously contained a total of 208 dwellings.

2.3. The site slopes down from the highest point to the south on Cromwell Road to the northern boundary. There is a level difference of some 11m.

2.4. The surrounding area is predominantly residential and Senneleys Park adjoins the site to the east.

2.5. [Site location](#)

3. Planning History

3.1. 04/08/2016 - 2016/01708/PA - Outline application for the erection of 80 no. dwellings, roadway and foot paths and parking. All matters reserved apart from access and scale – Approved subject to conditions.

3.2. 11/03/2019 - 2018/06460/PA - Proposed erection of 77 dwellings, associated highway works and landscaping – Withdrawn.

4. Consultation/PP Responses

4.1. Transportation Development: No objection subject to conditions requiring pedestrian visibility splays to be incorporated into driveways, works affecting the highway to be covered by a S278 agreement and traffic regulation orders to be considered on Monmouth Road, Penrith Croft and Della Drive.

It is noted that the Transport Statement submitted in support of the application refers to a previous version of the development for 77 dwellings but this can still be considered since the now proposed number of dwellings would have a slightly lesser impact on the highway network.

The site has adequate parking provision in line with the Car Parking Guidelines SPD and on street parking should be minimal. However, the applicant is strongly advised to explore the provision of a Traffic Regulation Order to manage daytime parking generated by the Newman University as the proposed development is likely to be parked up solidly through term times.

- 4.2. Regulatory Services: No response received.
- 4.3. Birmingham Public Health: No response received.
- 4.4. Education: No objection subject to a contribution towards the provision of education of £495,361.45 to be secured through a S106 Agreement.
- 4.5. Employment Access Team: No objection subject to a Construction Employment Plan to ensure jobs are available to local people.
- 4.6. Severn Trent Water: No objection subject to a condition requiring the provision of drainage plans for the disposal of foul and surface water flows prior to commencement.
- 4.7. Lead Local Flood Authority: No objection following amendments and additional detail regarding the proposed drainage strategy. The following conditions are necessary to make the development acceptable:
 - Provision of a scheme to assess and managed overland surface water flow routes which ensures that properties vulnerable to surface water flooding have finished floor levels 150mm above the predicted floor level.
 - Provision of a surface water drainage scheme.
 - Provision of a Sustainable Drainage Operation and Maintenance Plan.
- 4.8. Leisure Services: No objection subject to compensatory public open space and play area works within the adjacent Senneleys Park totalling £234,475. This would be spent on better connectivity between the development and the park by way of new surfaced footpaths, improvements to play provision, and ensuring the development boundaries are secure but sensitively handled with existing trees along the boundary needing to be protected during construction.
- 4.9. West Midlands Police: No objection. Detailed design comments provided concerning gates, fencing and access to rear gardens through proposed car ports.
- 4.10. West Midlands Fire Service: No objection.
- 4.11. Site and press notices posted; local Councillors, Residents' Associations and the occupiers of nearby properties notified with the following responses received:
- 4.12. 2 letters from local residents making the following comments:
 - Increased traffic and parking which will exacerbate existing parking pressure in close proximity to Newman University.
 - Concern for the proximity of some parking spaces to the junction with Cromwell Lane.
 - More off-street parking spaces needed within the development.
 - More tree planting is needed.

- More streetscenes are needed of the proposal.

5. Policy Context

- 5.1. BDP 2017; UDP 2005 (saved policies); SPG Places for Living (2001); SPD Public Open Space In New Residential Development (2006); SPD Car Parking Guidelines (2012); SPG Affordable Housing (2001); TPO 1229.
- 5.2. NPPF; NPPG; National Design Guide; Technical Housing Standards – Nationally Described Space Standard.

6. Planning Considerations

Principle of development

- 6.1. The site has previously been in residential use and is sustainably located within an existing urban area. Its redevelopment for 68 new dwellings in a range of sizes and with 35% of those affordable, would contribute towards the City's provision of new dwellings and would accord with the following policies:
 - BDP policy PG3 which seeks to create a positive sense of place with design that responds to site conditions and the local area context; ensures that private external spaces, streets and public spaces are attractive, functional, inclusive and able to be managed for the long term; and support the creation of sustainable neighbourhoods.
 - BDP policy TP27 which expects new housing to contribute to making sustainable places by offering: a wide choice of housing sizes, types and tenures; access to facilities such as shops, schools, leisure and work opportunities within easy reach; convenient options to travel by foot, bicycle and public transport; a strong sense of place with high design quality; environmental sustainability and climate proofing through measures that save energy, water and non-renewable resources and the use of green infrastructure; attractive, safe and multifunctional public spaces for social activities, recreation and wildlife; and effective long-term management of buildings, public spaces, waste facilities and other infrastructure.
 - BDP policy TP30 which seeks to provide a range of dwellings to meet local needs and support the creation of mixed, balanced and sustainable neighbourhoods, with a minimum density of 40 dwellings per hectare unless the circumstances of the site indicate a lower density would be more appropriate.
 - BDP policy TP31 which seeks to provide 35% affordable homes on developments of 15 dwellings or more.
- 6.2. The proposal would also accord with the NPPF, which includes a presumption in favour of sustainable development, requiring consideration of economic, social and environmental matters and the opportunity to secure net gains across these objectives. It encourages the reuse of previously developed land, requires that full advantage should be taken of sustainable locations (with access to public transport, walking and cycling) and refers to the promotion of a wide choice of high quality homes, and the need to create well-designed places.

Layout and design

- 6.3. The site is highly constrained due to the presence of many underground services, the changing ground level and the need to retain some important trees within it.

However, the proposed layout takes account of these various features and the development would retain much of the landscaped character it has at present. Your Design Officer supports the scheme and has commented,

“The key driver has been to retain the trees and the result is a pleasing development with a strong landscape character. Full perimeter blocks, with clear definition of public and private areas, have been difficult to achieve due to site constraints, but the informal arrangement contributes to the sense of place. On street there is a good balance of hard and soft landscape, with parking on plot and front gardens provided where possible.”

- 6.4. It is noted that bungalows 50-54 back onto the main route Monmouth Road, which is not ideal from an urban design perspective but this could be accepted as it would allow the retention of some important mature trees which make a valuable contribution to street character.
- 6.5. The proposed houses would be traditionally designed but with modern fenestration and materials. The surrounding area dates predominantly from the post-war period and lacks traditional detailing seen in earlier architectural styles and a simple contemporary approach to the proposed elevations would be appropriate in this setting. A condition is attached requiring samples of the proposed materials to be submitted for approval prior to their use on site.
- 6.6. The site contains some significant trees which are prominently located and which have a high amenity value. TPO 1229 some of the trees on the site and the proposed layout has been heavily influenced by the desire to retain these and the best of the other trees. 7 trees would be removed and these are all B or C category trees, together with hedgerows H1 and group G2 which are both C category. All of the A category trees would be retained and replacement planting is shown on an initial tree planting plan.
- 6.7. Some minor amendments have been made to the layout based on your Design Officer’s comments and she is now content with it, as are your Tree and Landscape Officers subject to conditions to secure further details concerning the planting scheme, hardsurfacing materials and boundary treatment, and provision of a Tree Protection Plan and Arboricultural Method Statement; all are attached.
- 6.8. The amended proposal would accord with the principles set out in Places for Living and the recently published National Design Guide, both of which promote development which responds positively to its context and builds on local character. The detailed design also accords with para.127 of the NPPF which states that development should “function well and add to the overall quality of the area ...;[be] visually attractive as a result of good architecture, layout and appropriate and effective landscaping”.
- 6.9. A stopping up order under S247 of the Town and Country Planning Act 1990 is necessary due to the alteration of Della Drive and Penrith Croft and the insertion of a new road connecting them. The appropriate recommendation is set out below.

Ecology

- 6.10. The City Ecologist has commented that the landscape plans incorporate ecological enhancements and the measures proposed are proportionate to the scale of the development. A condition recommended by your Ecologist to secure the proposed enhancement measures is attached.

Flood risk and drainage

- 6.11. The Flood Risk Assessment and Drainage Report have been considered by the LLFA. Additional information was requested to allow for a fuller consideration of the drainage proposals. Some flooding currently takes place in the northeast corner of the site which is currently undeveloped and a more thorough assessment of the drainage implications in this area of the site was requested, amongst other details. The applicant has provided additional information and the LLFA has confirmed that the strategy to be implemented is acceptable. Conditions recommended by the LLFA are attached, including one which will ensure that those properties in the northeast corner of the site have sufficiently high finished floor levels to prevent internal flooding.

Residential amenity

- 6.12. The site has no direct boundaries with surrounding dwellings so there would be no impact in terms of overlooking or loss of light in respect of existing residents.
- 6.13. The proposed dwellings would meet the Technical Housing Standards which, although not yet adopted locally, provide a useful guide to the size of internal accommodation. With regard to garden sizes, of the 68 dwellings proposed, 12 would have gardens below the recommended sizes set out in Places for Living (52sqm for two-bed properties and 70sqm for three-beds or more). Shortfalls would be between 1 and 7sqm other than at Plot 36 where the garden would be 12sqm below the recommended 52sqm. Taking a wider view, the development as a whole would offer a range of garden sizes with the majority complying with the Places for Living guidelines, and it should be noted that the site adjoins Senneleys Park, which can be accessed immediately to the north of the application site. To ensure that the gardens which are smaller than the recommended size are retained as useable spaces and given the generosity of householder permitted development at present, a condition is attached withdrawing the right to extend on those plots where the shortfall is 5sqm or more, namely plots 11, 15, 20, 36 and 43.
- 6.14. With regard to separation distances, Places for Living recommends a minimum of 21m between two storey building faces, to be applied more strictly at the rear rather than the front. At the front, where properties face across a road or drive, the shortest distance is 16.5m and the greatest is 25m. At the rear, the range is between 18m and 21m. Where proposed windowed elevations face flank walls, there are shortfalls of between 0.2m and 2m. Although not ideal, generally these shortfalls are relatively small and would not impact significantly on the amenity offered by the affected dwellings. It should be noted that Places for Living offers numerical guidelines rather than mandatory standards and that the overall layout is considered to be satisfactory.
- 6.15. Concerning overlooking, in most cases where elevations are closer to adjoining private amenity space than is recommended in Places for Living, windows are not proposed. There are, however, three instances where first floor rear windows fall short of the recommended 10m distance to adjoining rear gardens and these are on plots 28, 30 and 31 where the distance is approx. 8m. As the proposed windows are to bedrooms it would not be appropriate to require obscure glazing. Given that this issue arises on only 3 of the 68 plots proposed and the shortfall is not significant and, on balance, this situation is considered to be acceptable.
- 6.16. Although the development would not comply with all of the numerical guidelines in Places for Living, it should be noted that previous iterations of this scheme have proposed more dwellings but with a loss of significant trees. The current layout now retains the A category trees but compromises in the size of the gardens in some

parts of the development. The trees along the Monmouth Road boundary of the site contribute significantly to the appearance of the streetscene and the shortfalls in terms of separation distances and garden sizes are considered a worthwhile compromise to achieve a layout which allows for their retention.

- 6.17. No comments have been received from Regulatory Services concerning noise and disturbance or the potential for contaminated land. With regard to noise and disturbance, local residents will undoubtedly notice more activity than there is at present however the site formerly accommodated some 208 dwellings so the 68 proposed is a significant reduction. Having previously been in residential use I consider it unlikely that contamination is present within the site, however, in the absence of any more definitive view from Regulatory Services, a condition is attached which requires investigations to be carried out in the case of unexpected contamination being found during construction.

Parking and highway safety

- 6.18. No objection has been raised by Transportation Development regarding the layout of the site or the implications for highway safety. Small amendments have been made to the detailed layout of parking spaces and pavements and the tracking for refuse vehicles has been provided as requested. Across the site, 98 parking spaces are proposed which gives a ratio of 144% and accords with the standards set out in the Car Parking SPD. Transportation Development colleagues consider the parking provision to be acceptable however, it they note that this area is already used for on-street parking in connection with Newman University and a condition is recommended requiring the applicant to consider options for traffic regulation orders (TROs) to control on-street parking. While this is something the applicant could consider, such a condition is not necessary to make this development acceptable and consequently it is not attached. Other conditions requiring pedestrian visibility splays and a package of highway works are attached, as is a condition requiring a Residential Travel Plan as the one provided requires some amendment.

Security

- 6.19. Comments from the Police are noted and the agent has confirmed that although the car ports cannot be replaced with garages, suitable boundary treatment at their rear would ensure that private gardens remain secure.

Community Infrastructure Levy (CIL)/Planning Obligations

- 6.20. CIL: The site does not fall within a charging zone so no CIL is payable.
- 6.21. Education: The contribution requested cannot be obtained through the suggested S106 Agreement and is covered by CIL on a city-wide basis.
- 6.22. Public Open Space: BDP policy TP9 requires public open space (POS) to be provided throughout Birmingham and in new residential developments provision of new POS will be required broadly in line with the standard of 2 ha per 1000 population. In most circumstances, residential schemes of 20 or more dwellings should provide on-site public open space and/or children's play provision. In this case, given the proximity of the site to Senneleys Park, Leisure Services preference is for a financial contribution towards improvements there. A commuted sum of £234,475 has been requested by Leisure Services, based on the proposed number and size of dwellings, and a condition is attached to secure it.

7. Conclusion

7.1. This proposal would see the re-use of a now vacant parcel of land for housing in a sustainable urban location and with a policy-compliant number of affordable units. It accords with the aspirations of the BDP and the NPPF in this regard and would help to meet the City's demand for housing. It is a dense scheme and there are some shortfalls in terms of separation distances and garden sizes, however conditions are attached to help maintain a good level of residential amenity and the retention of many mature trees would give a sense of green spaciousness, particularly when viewing the site from outside of its boundary.

8. Recommendation

8.1. (i) That no objection is raised to the stopping-up of Della Drive or Penrith Croft and that the Department for Transport (DFT) is requested to make an Order in accordance with the provisions of Section 247 of the Town and Country Planning Act 1990.

(ii) That planning permission is APPROVED subject to the conditions listed below.

-
- 1 Requires 24 dwellings to be for Social Rent
 - 2 Restricts implementation of the permission to BMHT
 - 3 Prior to the commencement of dwelling construction, a capital sum of £234,475 for the provision of Public Open Space shall be paid to the Local Planning Authority.
 - 4 Requires the submission of unexpected contamination details if found
 - 5 Requires the prior submission of a sustainable drainage scheme
 - 6 Requires the prior submission of a scheme to manage overland surface water flow routes
 - 7 Requires the prior submission of a Sustainable Drainage Operation and Maintenance Plan
 - 8 Requires the prior submission of level details
 - 9 Requires the submission of sample materials
 - 10 Requires the submission of boundary treatment details
 - 11 Requires the submission of a lighting scheme
 - 12 Requires the submission of hard and/or soft landscape details
 - 13 Requires the submission of hard surfacing materials
 - 14 Requires the submission of a landscape management plan
 - 15 Arboricultural Method Statement - Submission Required
 - 16 No commencement until pre-commencement meeting held
-

-
- 17 Requires the implementation of the submitted mitigation/enhancement plan
 - 18 Requires the prior submission of a construction method statement/management plan
 - 19 Requires pedestrian visibility splays to be provided
 - 20 Requires the submission and completion of works for the S278/TRO Agreement
 - 21 Requires the submission of a residential travel plan
 - 22 Submission of Construction Employment Plan
 - 23 Prevents occupation until the service road has been constructed
 - 24 Removes PD rights for extensions
 - 25 Requires the scheme to be in accordance with the listed approved plans
 - 26 Implement within 3 years (Full)
-

Case Officer: Amy Stevenson

Photo(s)



Photo 1: Looking north from junction of Monmouth Road and Cromwell Lane



Photo 2: Looking south along Monmouth Road from immediately north of the site

Location Plan



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

Committee Date:	05/12/2019	Application Number:	2019/05217/PA
Accepted:	27/06/2019	Application Type:	Full Planning
Target Date:	11/10/2019		
Ward:	Stirchley		

77-79 Cartland Road, Stirchley, Birmingham, B30 2SD

Erection of childrens day nursery with associated parking and amenity space

Recommendation

Approve subject to Conditions

1. Proposal

1.1. Planning permission is sought to erect a children's day nursery (D1) on a vacant site following the demolition of a care home. The nursery would have the capacity for 102 children and have 24 full time employees. The building has accommodation over 3 floors although the third storey is provided with the loft space. A double fronted detached property is proposed with large bay windows located either side of the main entrance. The building measures 24.6m in depth, 11.5m in width and is 9.4m high. The building would be constructed of brick and tiles. An access is proposed to the west of the building which leading to a 13 space car park at the rear of the site. An outdoor play area is also located at the rear measuring 137sqm.

1.2. Within the ground floor accommodation there are 3 separate rooms for different ages of children (one for toddlers and two for pre-school). An office and reception area also provided close to the main entrance. The first floor comprises two baby rooms and a further toddler room. The second floor comprises of a kitchen, laundry room and a staff room.

1.3. [Link to Documents](#)

2. Site & Surroundings

2.1. The application site was utilised as a care home. However, following the closure of this business the building was demolished and for the last 18 months the site has been secured with fencing. The site is surrounded by residential properties on a busy road that links Kings Heath and Stirchley. Cartland Road consists primarily of traditional semi-detached dwellings dating backing to the early twentieth century.

2.2. [Site Location Plan](#)

3. Planning History

3.1. 08/12/2017 - 2017/06998/PA - Application for prior notification of proposed demolition – approved with conditions

4. Consultation/PP Responses

- 4.1. Transportation – No objection subject to conditions requiring cycle storage and limiting the number of children to a 102.
- 4.2. Severn Trent – No objection subject to condition requiring submission of drainage details.
- 4.3. Regulatory Services – Recommend refusal in relation to noise from children and vehicles manoeuvring in the site.
- 4.4. West Midlands Police – No objection subject to the inclusion of a CCTV scheme
- 4.5. Neighbouring properties, residents groups and local ward councillors have been consulted. Five letters have been received which contain a mix of views. In support of the scheme they state:
 - Supportive of the principle of a day nursery on the site;
 - It is important that the site is redeveloped;
 - The design is sympathetic to surrounding properties;
- 4.6. In contrast the letters raised the following concerns:
 - Increased noise and disturbance;
 - Loss of privacy
 - Increased traffic and congestion on busy road;
 - Insufficient parking;
 - Access road is too narrow;
 - Safety issues arising for children due to traffic;
 - Increased surface water drainage;
 - Unclear what workshop at the rear will be used for; and
 - No more bonfires should be permitted
- 4.7. A letter has been received from Steve McCabe objecting to the scheme on the following grounds
 - Increased noise and disturbance;
 - Increased traffic and congestion on busy road;
 - Insufficient parking; and
 - A nursery is located in close proximity to the site
- 4.8. A letter of objection has been received Stirchley Neighbourhood Forum raising the following matters:
 - Increased traffic;
 - Concerns over boundary treatments;
 - Over-intensive use of the site; and
 - Increased noise and disturbance

5. Policy Context

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

The following national policy is applicable:

- NPPF – National Planning Policy Framework (2019)

6. Planning Considerations

- 6.1. I consider the key planning issues to be considered are: the principle of the proposed development; the impact on residential amenity; the design of the proposed development; the impacts on traffic and highway safety; the impact on trees; and ecology.
- 6.2. Principle of 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. The NPPF also emphasises that the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth.
- 6.4. The application site is located on a busy road which effectively links the centres of Stirchley and Kings Heath and would provide child care for local residents creating 24 full time jobs in the process.
- 6.5. The large site has historically had a commercial use as a care home (C2). In light of the above, the principle of a day nursery is therefore considered acceptable in this sustainable location.
- 6.6. Design
- 6.7. 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.
- 6.8. The proposed building is sited in a similar position to the former care home. A traditional form of architecture is proposed with design cues taken from the adjacent property, No. 75 Cartland Road. The design incorporates full height bay windows either side of the front entrance with projecting gable features extending from the roof. The height of the building is the same as adjoining properties and extends to a similar depth at the rear. The building would be of traditional brick and tile construction with the use of render on the bay windows. These are all materials found on adjoining properties. Substantial areas of the site are retained at the rear to provide parking, play area and soft landscaping so the proposal does not amount to an over-development of the site.
- 6.9. It is therefore considered that the design of the building is acceptable and does not detract from the character of the wider street scene.
- 6.10. Residential Amenity
- 6.11. The application site is in close proximity to residential dwellings either side namely, No.’s 75 and 83 Cartland Road. The building does not breach the 45 degree code

when measured from windows located on the rear of No. 83 due to the level of separation between the properties. There is a substantial breach of 10m when measured from the nearest windows on the rear of No. 75. However, the previous building breached the code to an even greater extent in this location as the care home was of greater depth. Taking into account the historic breach of the 45 degree code in this location the development causes no greater harm than what was previously experienced by the occupiers of No. 75.

- 6.12. A number of windows are located on the side of the proposed building however this was also the case with the previous care home. The side facing windows retain a distance of 6.3m to the shared boundary with No. 83 and 11m to the property itself. However, to ensure that the privacy of adjoining occupiers is secured all side facing windows above ground floor level are to be obscurely glazed. A balcony is also included at first floor level to provide additional outdoor space for the baby rooms. However, 1.8m obscure glazing panels are proposed along both sides of the balcony to prevent overlooking. It is noted that windows are located on the side elevation of No. 83 which look towards the side elevation of the proposal however this is the same relationship that existed with the former care home thereby ensuring that there is no additional harm.
- 6.13. There are also dwellings located at the rear of the site on Newlands Road. A distance of 30m is retained from the rear elevation of the proposed nursery to the rear boundary of No. 117 Newlands Road and 66m is retained between the rear elevations of the proposed building and No.117. Due to the level of separation and screening from the mature trees at the rear of the site there is no potential for overlooking with the properties on Newlands Road.
- 6.14. The nursery will accommodate up to 102 children ranging from babies to 4 year olds. This number of children has the potential to create some level of noise and disturbance particularly when utilising the outside space at the rear and also through vehicle movements at peak times during drop offs and pickups. Whilst an objection has been raised by Regulatory Services on this issue it is important to remember that the site is located on a busy route that connects Kings Heath and Stirchley and is therefore not a quiet location. In addition the site has historically been used for commercial purposes and the play area is set away from the boundary with adjoining properties. As a day nursery the use will be restricted to week days meaning that there would not be noise at evenings and weekends when most people tend to utilise their gardens. It is important to add that the car park at the rear was present when the property was used as a care home. Due to the nature of the care home use the car park would have been utilised 365 days a year. In this case the car park would only be used on week days with most use concentrated around the 2 hour periods when drop-offs and pick-ups would occur in the mornings and afternoons.
- 6.15. On balance, it is considered that the proposal would not have a significant amenity impact on the occupiers of adjoining premises.
- 6.16. Highway Considerations
- 6.17. The proposal utilises the existing access but has been widened to improve access to the parking area at the rear of the building. The site layout includes provision for 15 car parking spaces with a dedicated safe pathway provided to the front entrance. The Car Parking Standards SPG requires the provision of a maximum 1 space for every 8 children which in this case would amount to 13 spaces. The level of parking provision therefore exceeds the maximum policy requirements in this instance. The

car park has been split into 2 distinct areas; 5 spaces for staff, 9 for parents plus a disabled space. This appears to be a logical split as many staff are likely to use public transport reflecting the sustainability of the location and the level of pay associated typically with the nursery care sector. The drop off/pick up period for parents extends approximately over a two hour period, generally 07:30 - 09:30 and 16:30 – 18:30. With parents being on site for little more than 5 minutes the transportation modelling indicates that no more than 7 spaces are likely to be occupied at any one time. Even, if overspill parking did occur Cartland Road has unrestricted parking and is a particularly wide road meaning that parked cars would not be an obstruction to drivers.

- 6.18. A Travel Plan has been submitted with the application to encourage alternative modes of travel, car sharing for staff and travel information for staff and parents.
- 6.19. Transportation Officers have reviewed the Transport Statement and Travel Plan and consider that the proposal will not notably alter traffic flows in the locality. They are also supportive of the measures set out within the Travel Plan and the level of parking provided within the site. In light of this and the sustainability of the site Transportation raise no objection to the scheme subject to the provision of cycle storage and a limit on the number of children. Consequently there are no reasons to object to the scheme on highways grounds.
- 6.20. Trees
- 6.21. The site is subject to TPO 1075 and this relates to 2 x tree groups to the very back of the property where there is existing hard standing. The new building will be sufficiently far enough away to not impact on these trees and the existing hard standing is to be used for car parking.
- 6.22. An arboricultural survey and method statement were submitted with the application. The Council Tree Officer has reviewed these documents and confirmed that as long as these documents are implemented he has no objection to the scheme. The proposal will therefore have no undue impact on the protected trees.
- 6.23. Ecology
- 6.24. The local planning authority has a duty to consider the impact of proposals on protected species. The only ecological features on the site are the protected trees at the rear. These are not impacted upon by the scheme and therefore the Council's Ecologist raises no objection to the scheme. I agree that there is no reason to resist the proposal on ecological grounds.
- 6.25. Other Considerations
- 6.26. Concerns have been raised that another nursery is located in close proximity to the application site. The impact of increased competition for other local nurseries is not a material planning consideration.
- 6.27. Comments received have referenced a workshop located at the rear of the application site but this is outside the red line. If any changes are proposed to this building or its use a planning application would be required.

7. Conclusion

7.1. The erection of a day nursery in a highly sustainable location is considered to be acceptable. I am satisfied that there would be no detrimental impact to the amenities of surrounding area or occupiers. As such it is recommended that the proposal is approved, subject to relevant conditions as outlined below.

8. Recommendation

8.1. Approved subject to conditions

-
- 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 cycle storage details
 - 4 Arboricultural Method Statement and Tree Protection Plan - Implementation
 - 5 Requires obscure glazing for specific areas of the approved building
 - 6 Requires the submission of hard and/or soft landscape details
 - 7 Limits the number of children able to attend the day nursery to 102
 - 8 Limits the hours of operation to 07:30-18:30 Monday to Friday only
 - 9 Requires the prior submission of a drainage scheme
 - 10 Implement within 3 years (Full)
-

Case Officer: Andrew Fulford

Photo(s)



Photo 1: View from Cartland Road towards application site



Photo 2: View north from rear of the application site

Location Plan



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

Committee Date:	05/12/2019	Application Number:	2019/03429/PA
Accepted:	02/05/2019	Application Type:	Full Planning
Target Date:	27/06/2019		
Ward:	Harborne		

12 Osmaston Road, Harborne, Birmingham, B17 0TL

Demolition of an existing bungalow and erection of two new dwellinghouses (Use Class C3) with associated parking.

Recommendation

Approve subject to Conditions

1. Proposal

- 1.1. The application relates to the proposed erection of two new dwellings on the plot of land currently occupied by No.12 Osmaston Road, Harborne. The existing dwelling would be demolished as part of the proposed works.
- 1.2. The new properties would be a pair of semi detached dwellings with a gable end roof design. The buildings would have a width of 5.9m each and a depth of 8m. They would project forward by a further 0.7m at ground floor level which would comprise of a bay window and canopy across the frontage. The properties would have a ridge height of 7.8m and 5.4m to eaves height.
- 1.3. The accommodation at both of the properties would comprise of a living room, kitchen/dining room, WC and store on the ground floor and 3 bedrooms and a family bathroom on the first floor. The bedroom sizes would range between 11.55 square metres and 6.89 square metres.
- 1.4. There would be a private amenity space to the rear of 81.9 square metres and 77 square metres at the individual dwellings.
- 1.5. The proposed building would be constructed from red facing bricks with UPVC double glazed windows. Concrete roof tiles would be used for the roof.

1.6. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site relates to an existing detached bungalow with a hipped roof design and a flat roofed garage to the side. The frontage of the site is paved for use as a driveway with a low level brick wall defining the front boundary of the site. The existing site has an area of 382 square metres. The property is located within an established residential area. The street scene mainly comprises of two storey semi detached properties. To the rear of the property is Bourn Brook. The site is situated within Flood Zone 3.

2.2. [Site Location](#)

3. Planning History

- 3.1. 19/09/2018 – 2018/07483/PA – Pre-application enquiry for demolition of existing bungalow and erection of a two storey block comprising 5 No. two-bedroom apartments.
- 3.2. 02/04/2019 – 2018/09844/PA – Demolition of existing bungalow and erection of two storey building to provide 5 No. apartments – Withdrawn.

4. Consultation/PP Responses

- 4.1. Transportation Development – no objections raised subject to conditions being attached for the footway crossings to be extended at the applicant's expense and any new hardstanding to be a suitable permeable surface.
- 4.2. Regulatory Services – no objections such to conditions for the submission of a noise insulation scheme and the provision of a vehicle charging point.
- 4.3. West Midlands Police – no objections. Recommendation made that the development is developed to enhanced security standards initiative 'Secured by Design'.
- 4.4. Severn Trent – no objections.
- 4.5. Environment Agency – objections raised to the proposed scheme following amendments received on the grounds of the proposed dwellings being greater than the footprint of the existing building.
- 4.6. Neighbours and local ward councillors were consulted for the statutory period of 21 days. The application was advertised through a site notice. One letter of objection has been received on the grounds of the visual impact of the proposed development, parking issues and noise and disruption caused by building works.

5. Policy Context

- 5.1. The following local policies are applicable:
 - Birmingham Development Plan (BDP) 2017.
 - Birmingham Unitary Development Plan 2005 (Saved Policies).
 - Places For Living 2001.
 - 45 Degree Code SPD.
- 5.2. The following national policies are applicable:
 - National Planning Policy Framework.

6. Planning Considerations

- 6.1. This application has been assessed against the objectives of the policies as set out above.

- 6.2. The National Planning Policy Framework (NPPF) 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 boost housing supply and supports the delivery of a wide choice of high quality homes, with a mix of housing (particularly in terms of type/tenure) to create sustainable, inclusive and mixed communities.
- 6.3. 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.
- 6.4. Saved Paragraphs 3.14D and 3.14E of the UDP identify that new housing development should be designed in accordance with good urban design principles. In addition, 'Places for Living' and 'Mature Suburbs' SPG's encourages good quality accommodation in attractive environments. They contain a series of urban design principles and makes reference to minimum design and amenity guidance. Particular emphasis is given to assessing context and responding positively to local character.
- 6.5. The principle of redeveloping this site for residential purposes would be a positive step in line with national and local policy. The site is within an established, residential area, close to public transport links and with easy access to local services. The proposed development would deliver a choice of homes through the effective re-use of this site.
- 6.6. I consider the scale, mass and design of the new dwellings to be acceptable within the context of the area. The existing bungalow is an anomaly within the street and is out of keeping with the design and character of the built form within Osmaston Road. The bungalow is of no particular architectural merit and I do not consider that the demolition of the existing building would be to the detriment of the street scene.
- 6.7. The pair of semi detached dwellings which are proposed are largely reflective of the scale and design of the current buildings within the area with a similar footprint and detailing to the rest of the street scene. Amended plans have been submitted following original comments made by the Environment Agency stating that the plans need to show a finished floor level set 600mm above the 1 in 100 year plus climate change level. As a result of this there would be a minor difference in the ridge height of the new buildings in comparison to that of adjacent properties (0.15m to No.10 Osmaston Road and 0.4m to No.14 Osmaston Road). I consider this differentiation in ridge heights to be minimal and would not result in the properties being out of keeping with the appearance of the adjacent buildings. I consider the proposed dwellings to be an appropriate addition to the street scene.
- 6.8. Following the amended plans being received the Environment Agency have been re-consulted and have still raised objections on the grounds that the footprint of the new dwellings exceeds that of the existing building and is therefore considered unacceptable. The amendments which have been made to the scheme have secured the safety of future occupiers of the proposed dwellings, however, it is the issue of building in the flood plain which is an issue for the Environment Agency.

- 6.9. Paragraph 155 of the NPPF states that where development is necessary in areas at highest risk of flooding the development should be made safe for its lifetime without increasing flood risk elsewhere. Where appropriate, applications should be supported by a site specific flood risk assessment. Paragraph 163 states that it needs to be demonstrated that the development is appropriately flood resistant and resilient. I consider that the amendments which the applicant has made to the scheme by raising the floor level have addressed the main issue regarding potential flooding risk to the two new houses.
- 6.10. Whilst I note the comments which have made by the Environment Agency relating to enlarging the footprint of the building, it must also be taken into account that the footprint of the existing property could be significantly increased under permitted development rights with no requirement for planning permission. The proposed new dwellings would represent an increase in the footprint of the property of approximately 30 square metres with an increase in floor area from 64.68 square metres to 94.4 square metres. However, the potential increase in footprint under permitted development rights could almost double the footprint of the building with an increase from 64.68 square metres to 116.58 square metres. In view of the potential impact that could be created should the applicant decide to retain the existing building and exercise their permitted development rights as a fall-back position then I do not consider that it could reasonably be said that the proposed new dwellings would have any greater impact on flood risk than the existing situation.
- 6.11. The Environment Agency state that the potential PD extensions do not negate their objection to the proposed new dwellings. I understand this view but do not consider that the Environment Agency's concerns represent sustainable grounds for refusing the application or that the proposed development would represent any significant issue in terms of potential flooding in this area. The site is an existing brownfield site being redeveloped, not a greenfield site.
- 6.12. The ground floor side kitchen windows at both properties fall short of the relevant 5m separation distance as contained within 'Places For Living' to the boundaries with No.10 and No.14 Osmaston Road. These windows would be secondary windows to the respective rooms and therefore can be conditioned to be fitted with obscure glazing in order to prevent any potential overlooking issues.
- 6.13. The proposed new dwelling complies with the 45 Degree Code policy and would not have a harmful impact upon adjacent dwellings in terms of loss of light.
- 6.14. The national Technical Housing Standards are not adopted, however, they provide a useful guide in terms of sizes for new residences. The individual dwellings would have an internal floor space of 81.62 square metres. This very narrowly falls short of the recommended size of 84 square metres for a two storey, three bedroom dwelling for 4 occupants. As this shortfall is minimal I consider the accommodation which is proposed to be acceptable and would provide sufficient space for future occupants of the properties to enjoy an acceptable standard of living. I note that the proposed bedroom sizes (11.55 square metres for the main bedroom and 9.8 square metres for the second bedroom) exceed the minimum recommended floor areas of 11.5 square metres for a double bedroom and 7.5 square metres for a single room. The third bedroom falls narrowly short of the recommended 7.5m with a floor area of 6.89 square but would single provide an acceptable and usable bedroom space.

- 6.15. The proposed garden area to the rear significantly exceeds the minimum requirement of 70 square metres as contained within 'Places For Living' with a private amenity space of 77 square metres and 81.9 square metres being provided at the new dwellings. I consider that this would provide a suitable level of amenity space at these two new family dwellings.
- 6.16. Transportation have advised that they do not consider that the proposed development would raise any highways related issues and I would concur with this view. Two off street parking spaces would be offered at both of the new dwellings which would be suitable provision for these new properties.
- 6.17. Regulatory Services have raised no objections to the proposed scheme. It has been recommended that a condition be attached for a noise insulation scheme as part of the approval. In view that the site is within a quiet established residential street I do not consider that it would be reasonable to attach such a condition. The proposed development would not raise any noise related issues.
- 6.18. Severn Trent advise that the proposal would have minimal impact on the public sewerage system and as such do not object and confirm a drainage condition is not required in this instance.
- 6.19. Concerns have been raised by an objector in relation to potential noise and disruption caused by building works. Any disruption caused during the period of construction works would be for a limited period only and do not warrant grounds to resist the scheme.

7. Conclusion

- 7.1. The proposal is recommended for approval as it would be within an existing residential environment in a sustainable location and be of appropriate size, siting and design. The proposal would have an acceptable relationship to existing residential properties and have no significant adverse effect on the street scene. The proposal therefore accords with both local and national policy. The proposal constitutes sustainable development.

8. Recommendation

- 8.1. Approval subject to the following conditions:

-
- 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 hard and/or soft landscape details
 - 4 Requires the submission details obscure glazing for specific areas of the approved building
 - 5 Requires footway crossing to be constructed to City specification at the applicant's expense
-

-
- 6 Requires the submission of boundary treatment details
 - 7 Removes PD rights for extensions
 - 8 Removes PD rights for outbuildings
 - 9 Implement within 3 years (Full)
-

Case Officer: George Baker

Photo(s)



Figure 1 – Front elevation

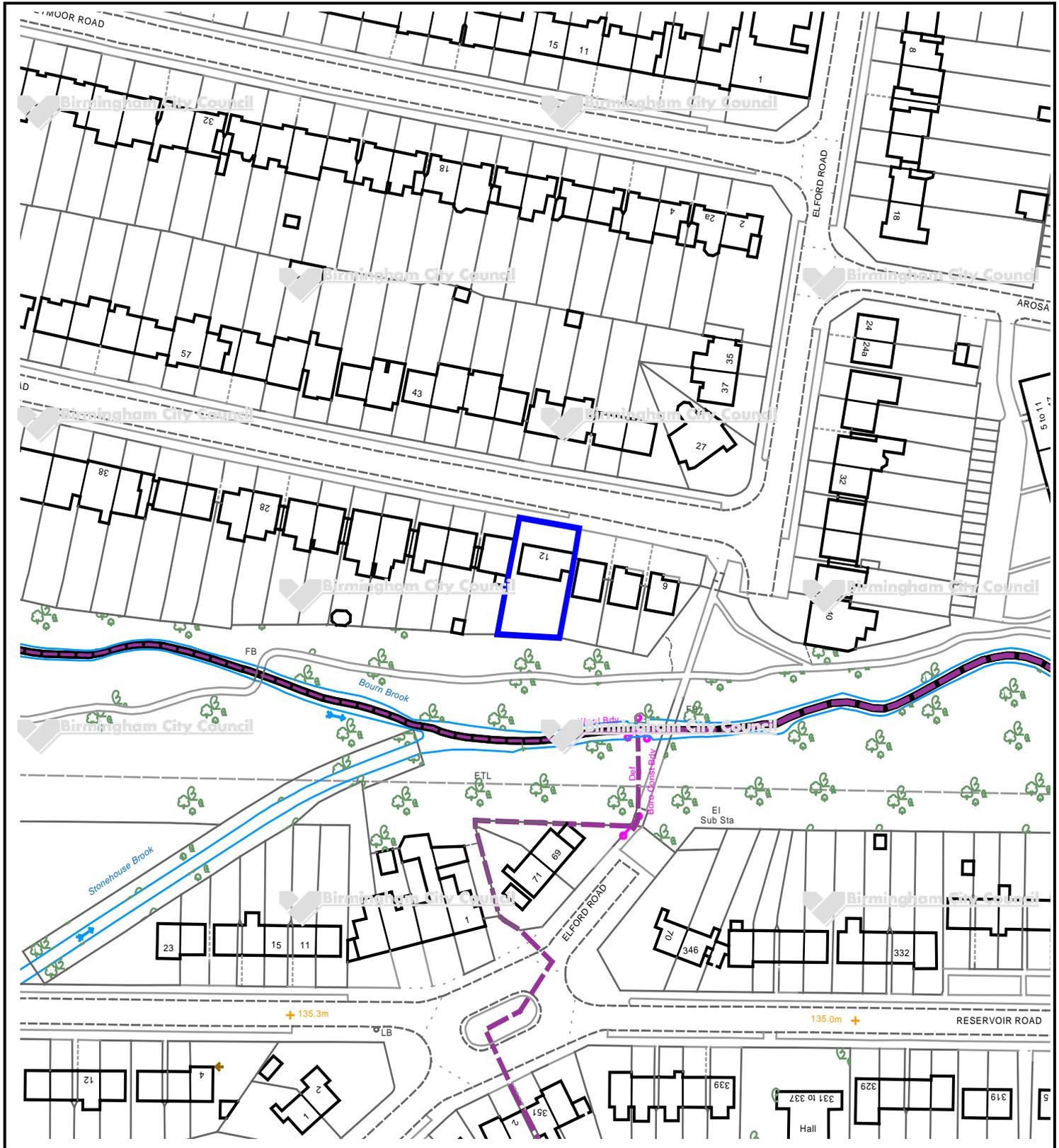


Figure 2 – View of rear elevation from Bournbrook Walkway



Figure 3 – Osmaston Road street scene

Location Plan



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

Birmingham City Council

Planning Committee

05 December 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	19	2019/06018/PA 4 Beech Hill Close Sutton Coldfield Birmingham B72 1BF Erection of two storey side and rear extension .
Approve - Conditions (site visit conducted 28.11.19)	20	2018/09223/PA 31 Station Road Sutton Coldfield Birmingham B73 5JZ Erection of first floor side and single storey rear extension.

Committee Date: 05/12/2019 Application Number: 2019/06018/PA
Accepted: 03/10/2019 Application Type: Householder
Target Date: 28/11/2019
Ward: Sutton Wylde Green

4 Beech Hill Close, Sutton Coldfield, Birmingham, B72 1BF

Erection of two storey side and rear extension .

Recommendation

Approve subject to Conditions

1. Proposal

1.1. Proposed two storey side and rear extension that would incorporate the existing detached single storey garage to the side of the property to provide an extended garage at ground floor with two new en-suite bedrooms at first floor. The extension would attach the garage to the existing house and there would be an internal link to the new bedrooms at first floor level. The proposal also includes the creation of 2 additional parking spaces to the side garden.

1.2. [Link to Documents](#)

2. Site & Surroundings

2.1. The application site consists of a modern 2 storey detached house with a hipped roof located within a newly-built cul-de-sac comprising of similar 2 storey houses. There is a small rear garden and a side garden which contains a detached garden building. The existing garage has a double width drive accessed of the development's turning head. Houses to the rear (New Hall Grange Close) are situated at a higher level.

2.2. [Site location](#)

3. Planning History

3.1. 16/01/2014 - 2013/08690/PA - Erection of detached building to side – Approve subject to conditions

3.2. 01/04/2014 - 2014/00820/PA - Erection of single storey detached garden building to side. – Approve subject to Conditions

3.3. 04/04/2014 - 2014/01106/PA - Erection of first floor rear extension – Approve subject to conditions

4. Consultation/PP Responses

4.1. Adjoining residents and local ward councillors notified.

- 4.2. Councillor Yip has made the following comments in relation to the current planning application:
- That they have received notification of the current planning application but not through the normal channels
 - building proposal is not in keeping with the neighbouring properties and is very extensive in scale/ size
 - The proposed development will unduly affect visibility around the property, and increases into and over neighbouring properties
 - the consistent height of the building is extended at its maximum across the apex which again is overly imposing creating a strong facing frontage to the property
 - The average number of bedrooms in the road set against the potential size of the currently proposed 9 bedrooms in the view of neighbours who all consider that it is inappropriate.
- 4.3. 5 local residents have objected to the proposed development on the following grounds:
- That the proposed development is totally unsuitable for a small cul-de-sac of 7 houses
 - That the proposed development would dominate and overpower the gardens and rear aspects of adjoining properties.
 - The impact of the proposed development on the quality of life of adjoining occupiers
 - The potential impact of the proposed development on the value of adjoining properties.
 - The current planning application is too extreme for the size of the plot of number 4 Beech Hill Close and the proposed development therefore has a detrimental impact upon the character of the surrounding properties
 - That the boundary lines shown on the documents are incorrect and contravene a public parking area
 - The proposed development would be imposing and have a devastating impact on adjoining properties.
 - The planned extension would put adjoining gardens in complete shade and allow overlooking
 - The proposed development would be detrimental to adjoining occupiers right to privacy and light.
 - Ongoing disturbance caused by construction works whilst the proposed development is being built
 - The proposed development will lead to a total of 9 bedrooms which if leading to more occupiers with vehicles residing in the application property could consequently exacerbate parking issues on the local highways
 - That granting planning permission for the current planning application will set a negative precedent for future development in the area

5. Policy Context

- 5.1. The following local policies are applicable:
- Birmingham Unitary Development Plan 2005 (saved policies 3.14-3.14D & Chapter 8).
 - Birmingham Development Plan (2017).
 - Places For Living 2001.
 - Extending Your Home 2007.
 - 45 Degree Code SPD.

- Car Parking Guidelines SPD (2012)

- 5.2. The following national policies are applicable:
- National Planning Policy Framework

6. Planning Considerations

- 6.1. This application has been assessed against the objectives of the policies as set out above.

Visual Amenity

- 6.2. I consider this current scheme represents an appropriate development in terms of its visual impact in that the proposed extensions would appear as subordinate to the existing house in terms of design, scale and mass. There are no adverse visual impacts identified with respect to the applicants' property or street scene. The extension would be setback to the existing house and subordinate in terms of scale and mass. Its external appearance would also reflect the existing house using matching materials. It is noted that 6 Beech Hill Close has had a similar 2 storey extension that is adjacent to the proposed extension.

- 6.3. Residential Amenity

- 6.4. In relation the loss of outlook and light, there would be no breach of the 45 Degree Code in relation to 6 Beech Hill Close caused by the proposed two storey side and rear extensions. Furthermore, the separation distances as set out in 'Places for Living' and 'Extending Your Home' design guidance have also been complied with. The impact of the 2 storey extension on the properties to the rear, would be similar to that of the extension at 6 Beech Hill Close and is further lessened by the changes in ground levels. I am therefore satisfied that the development would have an acceptable impact on neighbour amenity in terms of loss of light, outlook and privacy.

Highway safety and Parking

- 6.5. The site current offers 4 off-street parking spaces by means of a double garage and double drive. Whilst the proposal would remove the existing double drive the extended garage could accommodate 4 cars. Furthermore, the proposal also includes the provision of 2 new off-street parking spaces to the side garage. The proposal would add 2 additional bedrooms and whilst exceeding the Car Parking Guidelines maximum provision of 2 spaces, in light of the large provision of accommodation, no objection is raised to this arrangement. Transportation Development has raised no objections to the proposed development.

Other matters

- 6.6. The impact a development might have on the value of properties is not a material consideration in the determination of a planning application.
- 6.7. An amended application plan has been received which does not include any part of the private access road serving the cul-de-sac.

7. Conclusion

7.1. Whilst the extension is sizable, it is considered to be in accordance with relevant policies and guidance and planning permission should be granted.

8. Recommendation

8.1. Approve subject to conditions.

-
- 1 Requires that the materials used match the main building
 - 2 Requires the scheme to be in accordance with the listed approved plans
 - 3 Requires obscure glazing for specific areas of the approved building
 - 4 Removes PD rights for new windows
 - 5 Implement within 3 years (Full)
-

Case Officer: Sarfaraz Khan

Photo(s)

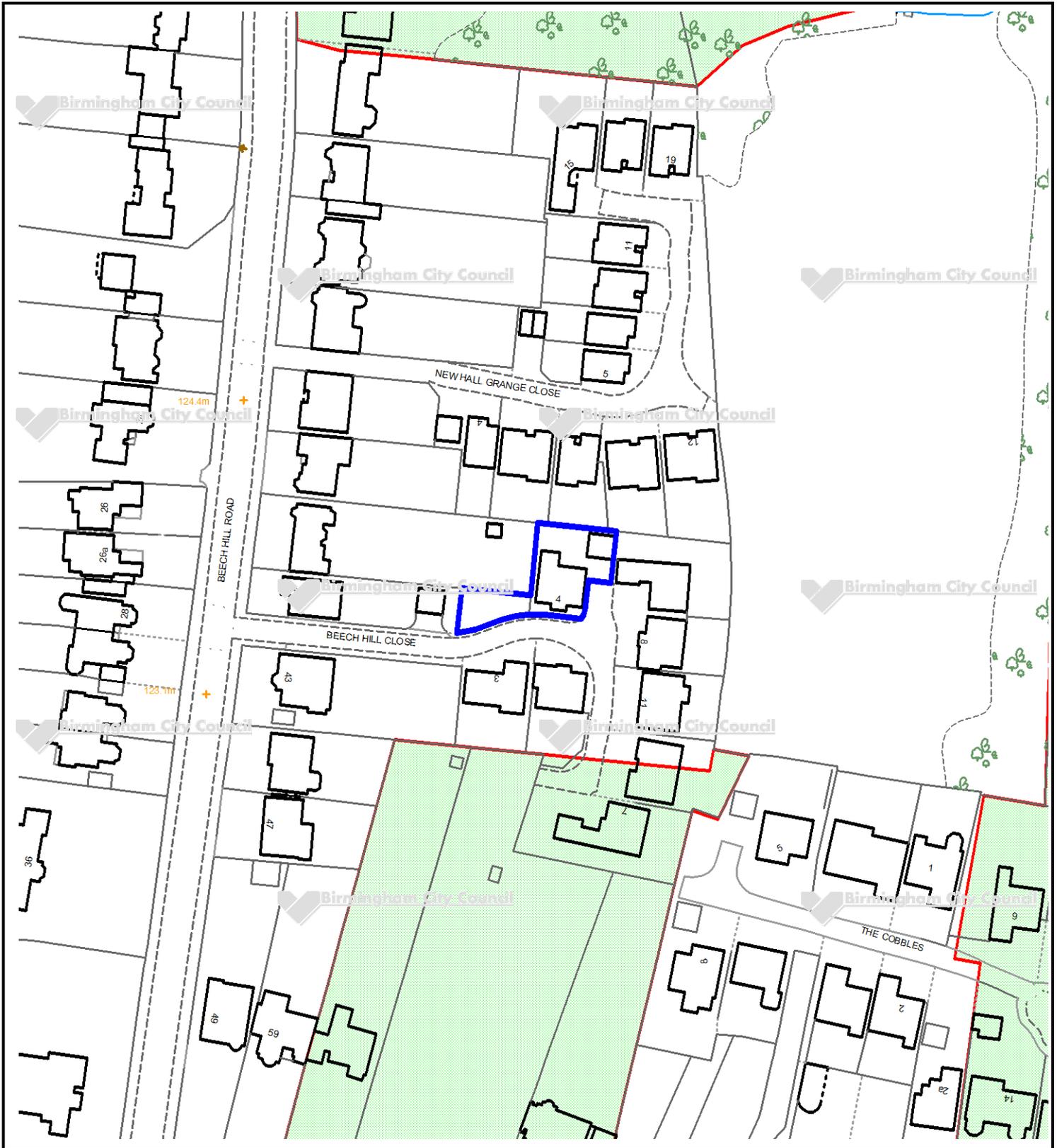


Photo 1 – View of existing garage and site of proposed extension



Photo 2 – View of properties to the north (New Hall Grange Close)

Location Plan



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

Committee Date:	21/11/2019	Application Number:	2018/09223/PA
Accepted:	07/01/2019	Application Type:	Householder
Target Date:	04/03/2019		
Ward:	Sutton Wylde Green		

31 Station Road, Sutton Coldfield, Birmingham, B73 5JZ

Erection of first floor side and single storey rear extension.

Recommendation

Approve subject to Conditions

1. Proposal

- 1.1. Planning permission is sought for the erection of first floor side extension and a single storey side/rear extension.
- 1.2. The proposed first floor side extension would serve an extended bedroom and the proposed single storey side/rear extension would serve a store room and conservatory.

1.3. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site consists of a large two storey detached dwelling with a hipped roof design. The dwelling has a double bay window, integral porch and two dormer style windows to the front. There is a single storey attached garage to the side of the dwelling. The front curtilage is open in nature with a paved driveway and there is a low level boundary wall to the front and side.
- 2.2. The dwelling has an existing single storey rear extension and the rear garden consists of a patio area and grass lawn. There are several trees and mature planting within the rear curtilage of the application site.
- 2.3. The neighbouring dwelling No.29 Station Road is of a similar building style and design to the application site.
- 2.4. The neighbouring site No.33 is known as Sunningdale Court which is a three storey block of flats. There are two windows on the side elevation of each floor, which serve a bathroom (non-habitable) and a kitchen (habitable). The windows closest to the rear elevation serve the kitchens.
- 2.5. The application site is situated within an area which is residential in nature and the street scene is comprised of two storey dwellings and blocks of flats. The street scene is varied in nature and the dwellings within the street scene have different architectural characteristics. There is evidence of extensions similar in nature on dwellings within the wider vicinity.

2.6. The boundary treatment on the west elevation consists of fencing approximately 1.8 metres high.

2.7. [Site location](#)

3. Planning History

3.1. 2012/06409/PA – Erection of two storey side and rear extension, single storey rear extension and installation of a bay window to ground floor front. Refused on the grounds that the proposal does not provide adequate separation distance to existing residential units and would lead to a loss of privacy/loss of light.

3.2. 2012/08229/PA – Erection of two storey side extension, single storey rear extension and installation of bay window to ground floor front. Refused on the grounds that the proposal does not provide adequate separation distance to existing residential units and would lead to a loss of privacy/loss of light. This application was appealed and dismissed on the grounds that the proposed extensions would create an unacceptably enclosing effect for the occupiers of the affected flats and would significantly impinge into the outlook and daylighting available to the kitchen windows. They also stated that the two storey development right up to the boundary would appear overbearing and overshadow the garden space which is situated between the application site and the neighbouring property. They stated that the proposal would conflict with the objectives of the UDP and associated SPD.

3.3. 2012/08308/PA – Application for Lawful Development Certificate for a proposed single storey rear extension. Section 191 / 192 Permission not required.

3.4. 2018/09076/PA – Erection of 8.0 metre deep single storey rear extension. Maximum height 3.6 metres, eaves height 2.6 metres. No Prior Approval Required.

4. Consultation/PP Responses

4.1. Neighbouring properties and Local Ward Councillors have been consulted and a site notice was displayed for 21 days. Multiple letters of objections from 12 local residents were received raising the following concerns:

- Out of character & not in keeping with the street scene/area – considered to be inappropriate development.
- Scale and size of the proposed development – proposal would be closer to boundary, the height, width and depth of the proposed development.
- Loss and invasion of privacy and overlooking.
- Overshadowing and sense of enclosure.
- Loss of light to habitable and non-habitable rooms.
- Right to light access
- Loss of trees (mature tree) and loss of and damage to shrubbery, planting and wildlife.
- Loss of quiet area and enjoyment of private amenity space.
- Reduction in the value of properties nearby.
- Loss of view and view of a brick wall.
- The amended plans still result in loss of light.
- Proposal would breach building regulations in reference to the boundary wall.
- The ownership of the boundary treatment and removal of existing boundary treatment.

- The planning history of the site and whether the proposal is significantly different to the planning history.
 - The amendments are not satisfactory and are unacceptable.
 - Construction and maintenance for the proposed development would result in trespassing outside of the application site boundary and will not be permitted including no footings or foundations on or underneath outside of the site boundary.
 - If the development is built internally then this would result in materials which are not in keeping with the street scene.
 - The proposed roof would extend outside of the site boundary.
- 4.2. An objection was received from Planning & Highways Committee at Royal Town Council of Sutton Coldfield raising concerns for overshadowing, loss of privacy and risk to a mature tree.
- 4.3. Letters of objection were received from Councillor Alex Yip, raising the following issues:
- The scale and size of the property
 - Overlooking
 - Right to light access
 - The history of the site indicates that the proposal is not in keeping with the local area and is inappropriate.
- 4.4. An objection was received from Andrew Mitchell MP on behalf of a local resident raising the following concerns:
- Loss of light
 - Numerical guidelines outlined in Places for Living and Extending Your Home in particular the 12.5m separation distance and 1 metre per ground floor level different.
 - Original objections submitted still apply to the amended plans received.
5. Policy Context
- 5.1. The following local planning policies are applicable:
- Birmingham Development Plan (2017)
 - Unitary Development Plan Saved Policies (2005)
 - Places for Living SPG (2001)
 - Extending Your Home SPD (2007)
 - 45 Degree Code SPG (2006)
- 5.2. The following national planning policies are applicable:
- National Planning Policy Framework (2019).
6. Planning Considerations
- 6.1. The main issues for consideration in the determination of this application are the scale, mass and design of the proposed development and the impact upon neighbour amenity, the visual amenity of the street scene and the character of the application site dwelling.
- 6.2. There are multiple entries of planning history which are relevant to this planning application. Firstly, a planning application under reference 2012/06409/PA which was for the erection of two storey side and rear extension, single storey rear

extension and installation of bay window to front was refused on the grounds that the proposal does not provide an adequate separation distance to existing residential units and would lead to loss privacy/loss of light. A further planning application under reference 2012/08229/PA was submitted for the erection of a two storey side extension, single storey rear extension and installation of bay window to ground floor front. This application was refused on the grounds of the proposed development would not provide adequate separation distance to existing residential units and would lead to a loss of privacy and loss of light. The refusal was appealed under reference (APP/P4605/D/13/2196717) which was dismissed. The planning inspectorate stated that the proposed extensions would create an unacceptable closing effect for the neighbouring occupiers of the affect flats, significantly impinging into the outlook and daylight available at the kitchen windows and that by bringing the two storey extension right up to the site boundary, the extensions would appear overbearing and have an overshadowing impact upon the narrow area of the garden space which is situated between the application site and neighbouring flats. The main difference between the previous two refusals and the current proposal relates to the removal of part of the first floor extension. Therefore, the scale and mass of the proposal has been reduced and would not be located in front of the kitchen windows at the first and second floor level but rather only visible from an oblique angle from the kitchen. It is noted the 12.5m separation distance is not applicable to non-habitable rooms which in this case is the bathroom.

- 6.3. This application is for the erection of a first floor side extension and a single storey side/rear extension. The proposed first floor side extension would be approximately 6.3m deep and 2.8m wide. The proposed single storey side/rear extension would be approximately 9m deep, approximately 3.m wide and 2.5m in height. The proposed side/rear extension would have glazing above 1.8m from the ground floor level, glazing to the roof and glazing to the rear in order to allow a degree of transparency to this unusual situation.
- 6.4. Amended plans have been received as part of the assessment of this planning application. Firstly, the depth of the proposed first floor side extension has been reduced from approximately 9.4m to approximately 6.3m. The proposed single storey side/ rear extension has been amended and the depth has been reduced from approximately 10.8m to 9m. The amendments also include glazing to the side above the existing boundary treatment, glazing to the roof and rear of the proposed single storey side and rear extension.

Scale, Mass and Design

- 6.5. The scale, mass and design of the proposed development are considered to be acceptable. I consider that the proposed development would not result in overdevelopment at the site as it is situated on a large plot of land that could accommodate the proposed development and with the amendments sought, I do not consider that the proposed development would be unduly dominate in terms of scale and design. The width of the proposed first floor side extension is considered to be of a modest size and the proposed single storey side/rear extension would be subservient in nature. Whilst, it is noted that the proposed extension would not be set down from the main roof ridge or setback from the main façade, it is considered that the proposed development would not result in the creation of a terracing effect and it would be consistent with the design of the existing dwelling. I consider that the proposed development would not detract from the architectural appearance of the application site dwelling. The numerous concerns raised by local residents in respect to the scale, size and design of the proposed development have been taken into consideration and addressed above.

- 6.6. I consider that the proposed development would not have an adverse impact upon the character or visual amenity of the street scene. The street scene is varied in nature with a mixture of two storey dwellings and blocks of flats and there is evidence of similar extensions within the wider vicinity. It is noted that the neighbouring property No.29 Station Road is of a similar design to the application site, however there is no set building style or design within the area. In addition, the proposed single storey side/rear extension would be situated towards the rear of the dwelling and would not be highly visible from the forward street scene. Notwithstanding the concerns raised, I do not consider that the proposed development would be out of keeping within the street scene nor would it set or create a precedent within the immediate street scene or wider surrounding area.

Neighbouring amenity

- 6.7. Places for Living SPG and Extending your Home SPD numerical guidelines state that there should be a 5m per storey setback for windows overlooking existing private space. The proposed single storey side/rear extension would have windows along the side elevation facing Sunningdale Court which would be visible above the existing boundary treatment. The existing boundary treatment is approximately 1.8m high. The windows along the side elevation would fail to meet the required 5m per storey setback required as the proposed development would be situated right up to the boundary. In order to mitigate any privacy or overlooking issues, a condition will be attached which requires the proposed windows along the side elevation to be non-opening and to be obscurely glazed in order to protect the privacy of the neighbouring occupiers at Sunningdale Court. The remaining windows on the proposed single storey side/rear extension facing the application site garden and neighbouring property No.29 Station Road would meet the required 5m per storey setback.
- 6.8. In addition, in order to ensure the proposed development would not result in any future impact upon the privacy of the neighbouring occupier, a condition will be attached which removes permitted development rights for any additional windows in the proposed development. Notwithstanding the concerns raised by local residents regarding loss of privacy and issues of overlooking, I do not consider that the proposed development would have an adverse impact upon neighbour amenity by way of loss privacy or overlooking.
- 6.9. Places for Living SPG and Extending your Home SPD numerical guidelines states that there should a minimum of distance of 12.5m between windowed elevations and opposing 1 and 2 storey flank walls and where a flank wall will be situated at a higher level than the windowed elevation, the separation distance should be increased by 1 metre for every 1 metre change in ground level. It is noted that objections have received in reference to the numerical standards in Places for Living and Extending Your Home and the distance separation outlined in the two policy documents. I do not consider that there are any significant differences in ground floor levels between the application site and neighbouring property Sunningdale Court.
- 6.10. Firstly, the proposed first floor side extension would result in a 1 and 2 storey flank wall partially opposite the bathroom windows on Sunningdale Court at a distance of approximately 3m. The proposed development would therefore result in part of the 2 storey flank wall being located opposite part of the bathroom window of the neighbouring flats at less than the required 12.5m separation distance. However, given that the existing property currently does not comply with the required 12.5m

distance separation and the affected window on the side elevation serves a non-habitable room (bathrooms), I do not consider that the proposed development would have an adverse impact upon neighbour amenity by way of loss of light and outlook. In addition, the depth of the proposed first floor side extension has been reduced in order to ensure that the proposed first floor extension would not be opposite the habitable kitchen windows. Therefore no element of the built form at the first floor level would be built any closer to the existing kitchen windows.

- 6.11. Secondly, the proposed single storey side/rear extension would also fail to meet the required 12.5m separation distance between a windowed elevation and a single storey flank wall to the kitchen windows of the neighbouring flats at Sunningdale Court. The single storey side/rear extension would be at a distance of approximately 3m. However, the existing dwelling does not currently meet the required 12.5m separation distance and the proposed single storey side/rear extension would have windows along the side elevation above the existing boundary treatment (approximately 1.8m high), windows to the rear and glazing to the roof. Therefore, as the proposed single storey side/rear extension would be predominantly a glazed structure, I consider that this would enable light to travel through the structure into the existing ground floor kitchen window at Sunningdale Court. As such, the proposed glazing mitigates any shortfall in the separation distance and I do not consider that the proposed development would have an adverse impact upon neighbour amenity by way of loss of light or outlook.
- 6.12. Concerns have been raised regarding loss of light, outlook and overshadowing in reference to the 45 degree code. The 45 degree code states that the code is not applied to side windows and that it is applied from the nearest front and rear windows of the properties that may be affected by the proposed development. The proposed development complies with the 45 degree code to the nearest front and rear habitable windows of both neighbouring property No.29 Station Road and Sunningdale Court. As such, I do not consider that the proposed development would have adverse impact upon neighbour amenity by virtue of loss of light or outlook.
- 6.13. In regards, to the concerns raised regarding the right of light access, in this instance the assessment of the impact upon the proposed development in reference to loss of light has been assessed in reference to the adopted 45 degree code policy and the numerical guidelines outlined in Places For Living and Extending Your Home. The right for light act falls separate to the planning system and would form a civil matter between the applicant and local residents.
- 6.14. Concerns were raised regarding the impact upon a tree within the curtilage of the application site. As part of the assessment of this application, Birmingham City Councils internal trees team were consulted and the tree officer raises no objections to the proposal. The tree officer stated the proposal would entail the loss of a garden ornamental cherry tree to the rear. However they have no objections to the loss of this tree and they stated that there is no tree protection at or nearby to the site. I concur with this viewpoint and I do not consider that the proposed development would result in an adverse impact upon any trees within a tree protection order and as the tree does not fall within a TPO, it is at the applicant's discretion for the removal of any trees.
- 6.15. In reference to the concerns raised regarding the proposed single storey side/rear extension and the impact in terms of light pollution and glare from lights being left on. I do not consider that the proposed development would have an adverse impact in terms of light pollution as the proposed development is for a residential property and it is considered that the provision of internal lights within the proposed extension

would be of a level which would be expected for a residential dwelling. As such, I consider that the proposed development would not have an adverse impact in terms of light pollution or glare from lighting.

Other matters

- 6.16. Concerns have been raised that the proposed development would have an impact upon the garden and plants of the neighbouring properties. This concern is not a material planning consideration and would be a civil matter that would need to be discussed between the applicant and local residents.
- 6.17. In reference to the concerns raised regarding the loss of wildlife to the gardens of neighbouring occupiers, the application site is not situated within a Local Nature Reserve nor is it identified as a Site of Local Importance for Nature Conservation. As such, I do not consider that the proposed development would result in a detrimental impact upon the biodiversity or wildlife in the immediate or wider vicinity.
- 6.18. Multiple concerns have been raised regarding the proposed development and the impact upon the existing boundary treatment. In addition, concerns have been raised that the roof of the proposed development would overhang the application site boundary. It has been identified from the plans provided as part of the application file that the proposed development including the roof would be contained with the site boundary. Certificate A has also been submitted as part of the application which confirms that the development would be contained with the site boundary. In addition, the concerns relating to the existing boundary treatment and that the boundary treatment could be removed due to the proposed development would be a separate matter which falls under the Party Wall Act 1996 and would not form part of the assessment of this proposal.
- 6.19. Concerns were raised that previous development at the application site has been poorly constructed and that the proposed development would not meet the requirements under building regulations. In reference to the construction of the proposed development, a condition will be attached which requires the materials to match the existing dwelling to ensure that the proposed development is in keeping with the characteristics of the dwelling. In regards, to concerns about the construction in terms of building regulations and the requirements under this, forms separate legislation outside of the planning system. The requirement for the proposed development to meet building regulations would be the applicant's responsibility.
- 6.20. The concerns raised in regards to the impact of the proposed development on the valuation of properties within the surrounding area are not a material planning consideration in the determination of this planning application.
- 6.21. A concern has been raised regarding the loss of view of gardens for local residents and the loss of a private view is not a material consideration in the determination of this planning application and the impact on loss of light and outlook has been assessed in reference to the 45 degree code and numerical guidelines in Places For Living and Extending Your Home.

7. Conclusion

- 7.1. This application has been recommended for approval subject to conditions as it is considered that the proposed development would not have an adverse impact upon neighbour amenity subject to the required conditions. It is also considered that the

proposed extension would not have a detrimental impact upon the visual appearance of the application site nor the visual amenity of the wider street scene.

8. Recommendation

8.1. Approve, subject to conditions.

-
- 1 Implement within 3 years (Full)
 - 2 Requires obscure glazing for specific areas of the approved building
 - 3 Requires the scheme to be in accordance with the listed approved plans
 - 4 Requires that the materials used match the main building
 - 5 Removes PD rights for new windows
-

Case Officer: Leah Harris

Photo(s)



Figure 1: Front of the application site property.



Figure 2: The front relationship between application site and neighbouring property.

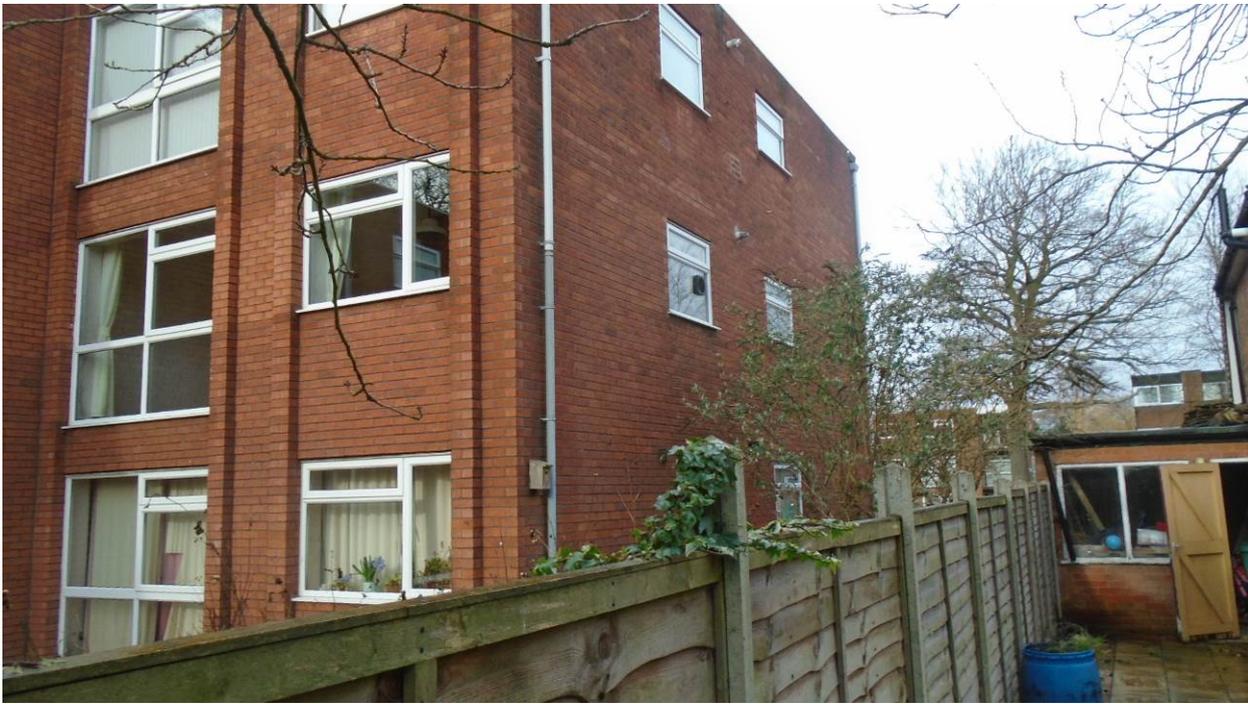
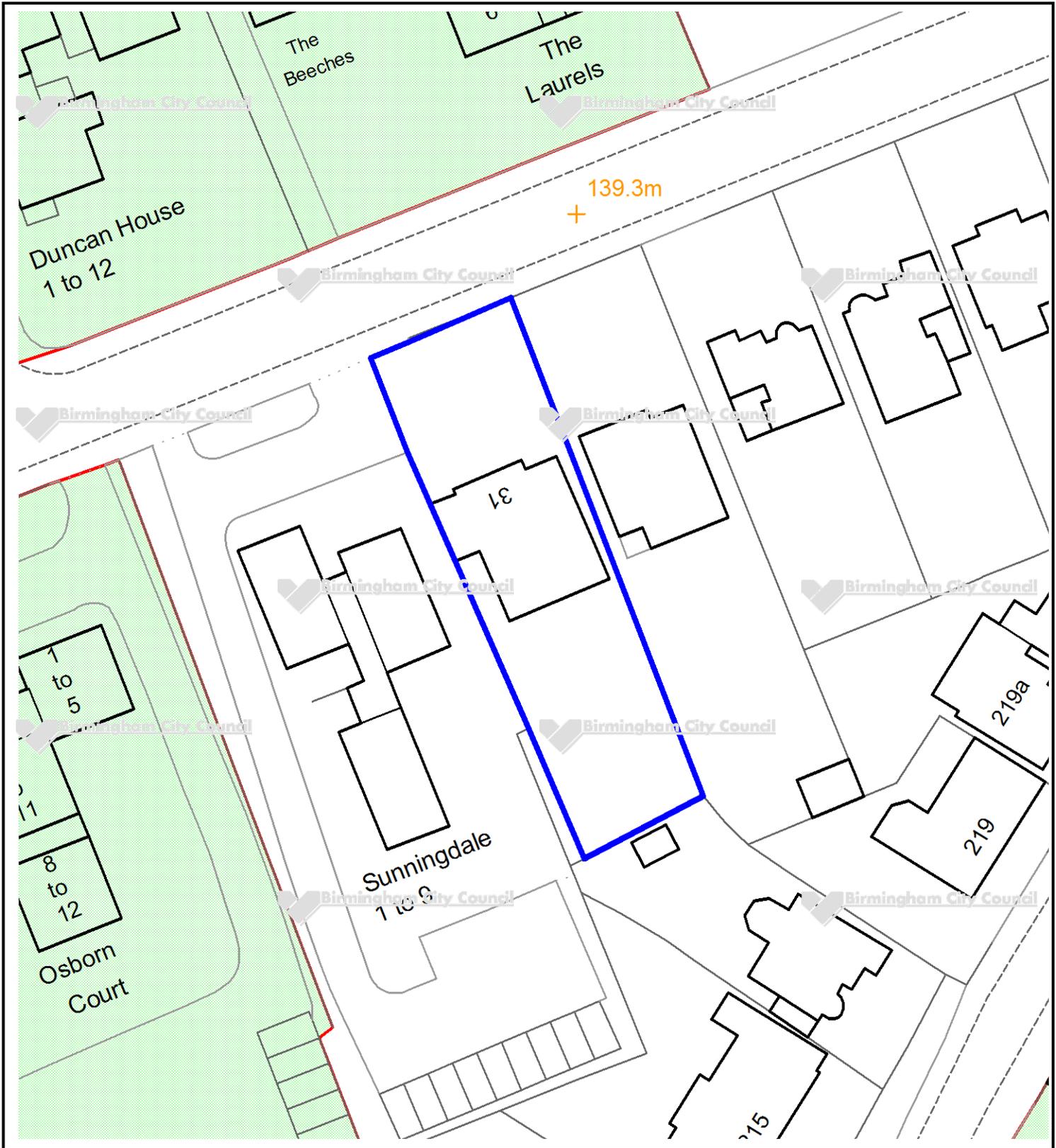


Figure 3: Rear of neighbouring property.



Figure 4: Rear of the application site property.

Location Plan



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

Birmingham City Council

Planning Committee

05 December 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>
Approve – Conditions	21	2019/05732/PA 71 Severne Road Acocks Green Birmingham B27 7HJ Erection of single storey rear extension
Approve – Conditions	22	2019/08547/PA 115 Somerville Road Bordesley Green Birmingham B10 9EX Demolition of existing outbuilding and erection of single storey rear extension
Approve – Conditions	23	2019/01037/PA Land off Lenton Croft Yardley Birmingham B26 1EJ Erection of 3no. dwellinghouses (Use Class C3) with associated landscaping and parking.
Approve – Conditions	24	2019/08009/PA 15 Charles Road Small Heath Birmingham B10 9ET Retention of raised roof of existing warehouse building

Determine

25

2019/03185/PA

1159-1185 Chester Road
Birmingham
B24 0QY

Demolition of existing buildings and bungalow and construction of a Use Class A1 food retail store with associated access, car parking, servicing and landscaping

Committee Date:	05/12/2019	Application Number:	2019/05732/PA
Accepted:	18/07/2019	Application Type:	Householder
Target Date:	04/10/2019		
Ward:	Acocks Green		

71 Severne Road, Acocks Green, Birmingham, B27 7HJ

Erection of single storey rear extension

Recommendation

Approve subject to Conditions

1. Proposal

1.1. This application seeks consent for the erection of a single storey rear extension at 71 Severne Road.

1.2. [Link to Documents](#)

2. Site & Surroundings

2.1. The application site comprises of an end-terraced property with a hipped roof design. The site is located in a residential area with varying styles of architectural designs within the street scene. The property is set back from the highway with a hardstanding driveway to the front enclosed with low brick wall boundaries to either side of the property. There is a single storey extension on the front elevation and a single storey extension on the rear/ side elevation. As the rear/ side elevation has been in situ since 2014 (i.e. over 4 years), it is now lawful development.

2.2. There is an outbuilding to the rear of the site and a canopy / verandah constructed on the rear elevation measuring 6.2m deep across half the width of the dwelling and is 2.2-2.5m in height. It is a timber framed construction with perspex roofing and part side panels. The rear boundary treatment to both sides of the application site comprises of approximately 1.8m high wooden fencing, the rear garden slopes downwards further back and subsequently the fence panels also reduce in height.

2.3. [Site Location](#)

3. Planning History

3.1. Live Enforcement Case - 2019/0596/ENF – Alleged unauthorised structure added to existing extension – Under Investigation.

4. Consultation/PP Responses

4.1. Local Ward members and neighbours have been consulted for the statutory period of 21 days.

4.2. An objection has been received on grounds of loss of light, outlook, guttering and scale, mass and design.

4.3. Councillor Roger Harmer has also raised an objection to the proposed development.

5. Policy Context

5.1. National Planning Policy Framework (2019); Birmingham Development Plan (2017) Birmingham Unitary Development Plan Saved Policies (2005); Places For Living (Adopted Supplementary Planning Guidance 2001); The 45 Degree Code (Adopted Supplementary Planning Guidance 1996); Extending Your Home (Design Guide 2007).

6. Planning Considerations

6.1. This application has been assessed against the objectives of the policies as set out above.

6.2. The application site currently has a partly built verandah/canopy to the rear of the property; this had resulted in an enforcement case being registered which has subsequently led to this application being registered.

6.3. The original proposal was for a 5m single storey extension; however upon request the agent has now provided amended plans with the following changes; reducing the depth of the proposed extension to 3m, the solid roof element has been changed to glass and the height of the brickwork on both side elevations has been reduced from 2m down to 1.8m. This proposal would replace the existing canopy/verandah within the application site and in its revised form is considered to be acceptable in principle.

6.4. The existing single storey side and rear extension was built in 2014 and whilst it is clear that this extension breached the 45 Degree Code with the adjoining neighbour at No.69 Severne Road, no objections/enquiries have been registered against this extension since the time it was built. As a result of this development being in situ for more than 4 years it is now considered to be a lawful development on site and not requiring planning consent. It is noted that the existing 3m extension and the proposed 3m 'conservatory style' extension would add a total combined depth of 6m on site; this is considered to be the maximum acceptable amount permitted for terraced properties.

6.5. Objections have been raised on grounds of the proposed extension breaching the 45 Degree Code; however the 45 Degree Code is only applied to rear facing windows and whilst it is acknowledged that there is a side window fronting the application site from No.69 Severne Road side windows are not taken into consideration when assessing the 45 Degree Code. The existing 3m extension on site already breaches the 45 Degree Code and it is not considered that the additional extension would cause no greater harm than the existing arrangement on site.

6.6. Whilst the rear garden slopes downwards the proposed extension complies with the 45 Degree Code and the minimum distance separation guidelines contained within 'Places for Living' and 'Extending Your Home'. There would be no overlooking issues, or significant adverse impact on the amenities of the occupiers of the adjacent properties by virtue of loss of light or outlook. Furthermore, the side windows within the proposed development would be obscurely glazed in order to

protect the amenities of both adjoining neighbours and a condition will be attached accordingly.

6.7. I consider that the proposed development would not significantly compromise the existing character or architectural features of the property, or have a detrimental impact on the general street scene. Therefore the proposal complies with the principles set out within 'Extending Your Home'.

6.8. The scale, mass and design of the proposed development are acceptable. The proposed conservatory would be built of partly brick and glass on the upper level which would ensure that light can still pass through to adjoining neighbours ensuring outlook is not impacted. The side elevations would only be 1.8m in height which would largely be screened by the existing 1.8m wooden fencing/boundary treatment and it is therefore considered that this extension would not cause any significant harm to the private amenities of both adjoining properties. The proposed development would be built to the rear of the site and would not be visible from the street scene; the proposed development would therefore have a limited impact on the visual amenity of the surrounding area.

7. Conclusion

7.1. The application complies with relevant planning policies and is therefore recommended for approval.

8. Recommendation

8.1. Approve Subject to Conditions

-
- | | |
|---|---|
| 1 | Requires that the materials used match the main building |
| 2 | Requires the scheme to be in accordance with the listed approved plans |
| 3 | Implement within 3 years (Full) |
| 4 | Requires the submission details obscure glazing for specific areas of the approved building |
-

Case Officer: Vajid Mahmood

Photo(s)



Photo 1: Front Elevation



Photo 2: Rear Elevation

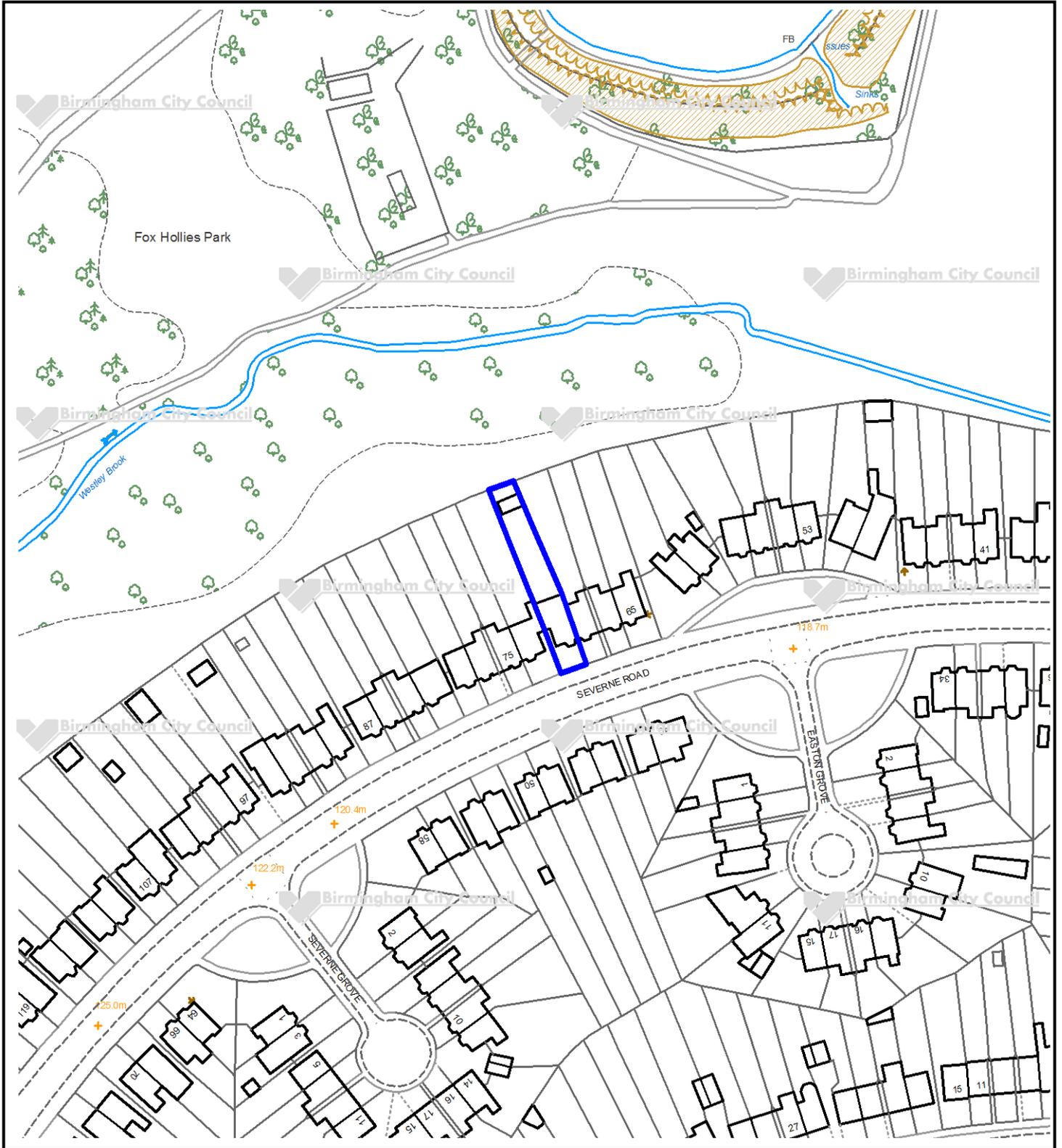


Photo 3: Adjoining occupier No.69 Severne Road



Photo 4: Adjoining occupier No.73 Severne Road

Location Plan



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

Committee Date:	05/12/2019	Application Number:	2019/08547/PA
Accepted:	16/10/2019	Application Type:	Householder
Target Date:	11/12/2019		
Ward:	Small Heath		

115 Somerville Road, Bordesley Green, Birmingham, B10 9EX

Demolition of existing outbuilding and erection of single storey rear extension

Recommendation

Approve subject to Conditions

1. Proposal

Consent is sought for the demolition of existing outbuilding and erection of single storey rear extension. The proposal would provide a bedroom and wet room for occupiers of existing dwelling.

1.1. [Link to Documents](#)

2. Site & Surroundings

2.1. The application property is a traditional terraced dwelling with a pitched roof. The rear of the property consists of a rear wing and an outbuilding; which is elevated from the main dwelling. Neighbouring property No. 117 adjoins the property at the front, however is separated from the rear by 1.8m high fencing. Neighbouring property No. 113 adjoins the application property up to the rear wing. Both neighbouring properties have existing outbuildings which are also elevated from their respective main dwellings. The existing outbuilding of the application property has a private access on the rear boundary. The surrounding street scene is comprised of properties of similar age and design.

2.2. [Site Location](#)

3. Planning History

3.1. 2018/10252/PA – Installation of passenger lift in front forecourt and associated building works. Approved subject to Conditions.

4. Consultation/PP Responses

4.1. Local ward councillors and the occupiers of neighbouring properties have been consulted. No responses received.

5. Policy Context

- 5.1. The following local policies are applicable:
- Places for Living (2001)
 - Extending your Home (2007)
 - Birmingham Development Plan (2017)
 - UDP 2005 (saved policies 3.14 – 3.14D & Chapter 8)
 - 45 Degree Code (2006)
- 5.2. The following national policies are applicable:
- NPPF: National Planning Policy Framework (2019)

6. Planning Considerations

- 6.1. The main issues for consideration are the scale of the proposal as well as the impact on neighbouring amenities.
- 6.2. The proposal looks to demolish an existing outbuilding and create a similar building which adjoins the rear wing; creating a level surface which would accommodate wheelchair access across the ground floor. Though the scale of the extension is relatively large, the existing layout of the rear garden presents a lack of amenity space in its current format. Therefore, on balance, the scale of the proposal can be supported in this particular instance; as it would not result in any further loss of private amenity space.
- 6.3. The proposed development does not contain any windows on either side elevation therefore will not overlook any private amenity space. There are wet room windows to the rear elevation, which overlooks a private access. The proposal would meet with the numerical guidelines contained within 'Places for Living' and 'Extending your Home'.
- 6.4. Given the design of the extension, I do not consider that there would be any breach of the 45 Degree Code. Furthermore, I do not consider that there would be an unacceptable impact on the neighbours existing residential amenities by way of loss of light, outlook or overlooking.

7. Conclusion

- 7.1. This application is recommended for approval with conditions, as the proposal complies with the objectives of the policies that have been set out above.

8. Recommendation

- 8.1. Approve subject to Conditions.

-
- | | |
|---|--|
| 1 | Requires that the materials used match the main building |
| 2 | Requires the scheme to be in accordance with the listed approved plans |
| 3 | Implement within 3 years (Full) |
-

Case Officer: Saifur Rahman

Photo(s)



Figure 1. Existing Outbuilding



Figure 2. Rear Elevation



Figure 3. Neighbouring Outbuilding's

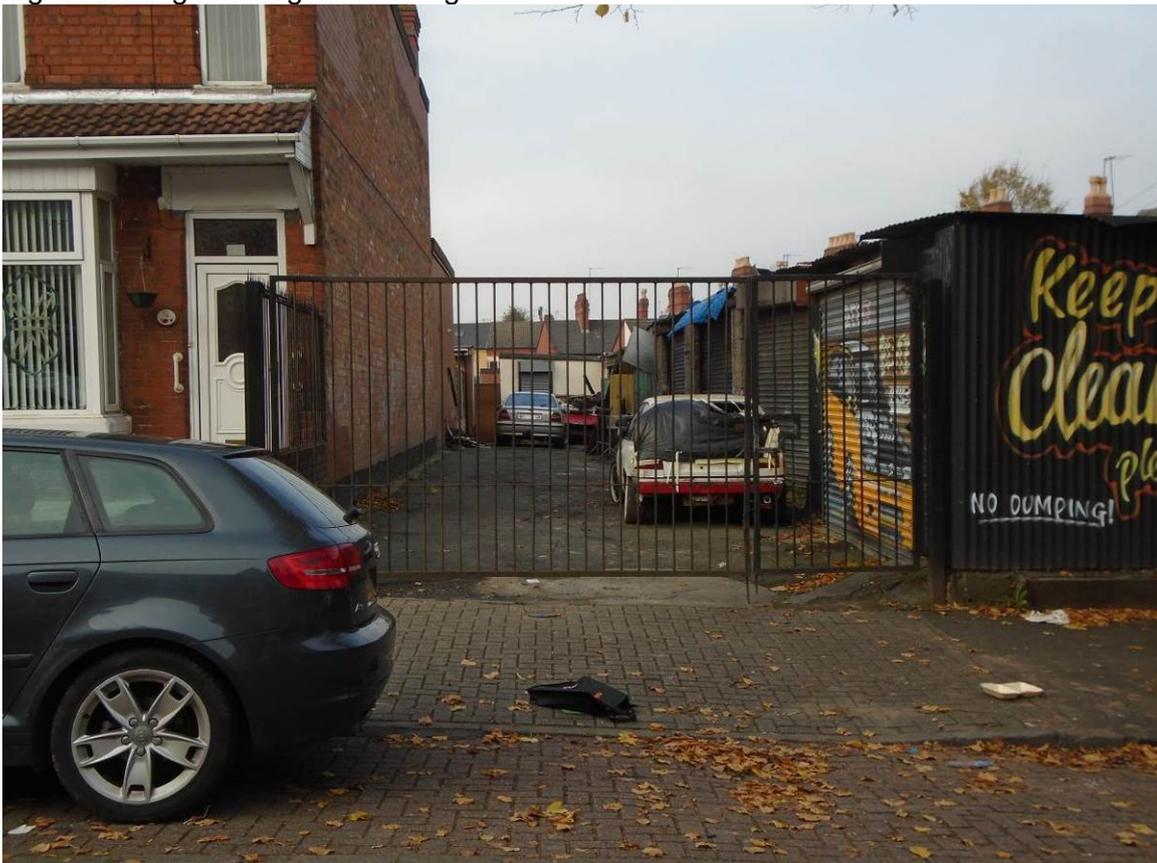


Figure 4. Private Access to Rear

Location Plan



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

Committee Date:	05/12/2019	Application Number:	2019/01037/PA
Accepted:	06/02/2019	Application Type:	Full Planning
Target Date:	22/11/2019		
Ward:	South Yardley		

Land off Lenton Croft, Yardley, Birmingham, B26 1EJ

Erection of 3no. dwellinghouses (Use Class C3) with associated landscaping and parking.

Recommendation

Approve subject to Conditions

1. Proposal

- 1.1. This application seeks planning permission for the erection of 3no. two storey dwellings, 2no. of which would be two-bedroom houses (plots 2 and 3) and 1no. of which would be a four-bedroom house (plot 1) (Use Class C3) with associated landscaping and parking located on land off Lenton Croft, Yardley, B26 1EJ.
- 1.2. Plots 2 and 3 would be semi-detached houses, whilst plot 1 would be a detached house. The proposed dwellings would be accessed via the existing road known as Lenton Croft which already curves slightly round towards the front of the site in between flats at 26-32 Lenton Croft to one side and a small row of terraced properties at 37-41 Lenton Croft to the other side.
- 1.3. The dwellings would be constructed of red brick, grey roof tiles and would have grey UPVC window frames. Plots 2 and 3 would have a total floor area of 81.2 square metres (40.6 square metres on both ground and first floors) with external amenity space ranging from approximately 68 square metres to approximately 72 square metres to the rear. The bedroom sizes for plots 2 and 3 are 14.2 metres square and 14.6 metres square. Plot 1 would have a total floor area of 121 square metres (60.5 square metres on both ground and first floors) with external amenity space of approximately 141 square metres to the rear. The bedroom sizes for plot 1 would be 12.6 metres square, 11.5 metres square, 11.5 metres square and 7.5 metres square.
- 1.4. Six vehicle parking spaces provide 200% parking provision on site.
- 1.5. Bin stores would be located in rear gardens.
- 1.6. The application is reported to Planning Committee as the scheme has been put forward by Birmingham Municipal Housing Trust (BMHT).

[Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site comprises a piece of land formerly used for garages at the end of Lenton Croft which is a cul-de-sac. The site forms a roughly rectangular shaped area which lies between flats at 26-32 Lenton Croft and a small row of terraced

houses at 37-41 Lenton Croft. The garages have been demolished and the land now lies vacant. The site is surrounded by existing residential use to three sides with an area of green space to the fourth side to the north.

- 2.2. Access into the site is provided in between flats at nos. 26-32 Lenton Croft and terraced houses at nos. 36-41 Lenton Croft, both of which adjoin the application site. The application site lies adjacent to properties on Lenton Croft but also lies adjacent to Brindle Close to the other side of the site boundary to the north-west.
- 2.3. The surrounding area is predominantly residential in character. Lenton Croft is a quiet cul-de-sac and comprises residential dwellings and flats. At the end of the cul-de-sac is an existing turning head for vehicles.
- 2.4. The application site is currently surrounded by a green metal fence approximately 1.8m in height with a gate located where the entrance to the garage block would have once been.

[Site Location](#)

3. Planning History

- 3.1. 2005/00006/PA-31/01/2005; Provision of gates and security fencing to various 'lock-up' garage sites; Approved subject to conditions

4. Consultation/PP Responses

- 4.1. Local Ward Members, Residents Association and neighbouring residents consulted. Site Notice posted. No comments received.
- 4.2. Transportation Development – requested additional information in relation to a Public Right of Way (PROW) issue and mentioned the requirement of a Traffic Regulation Order to prevent on-street parking in certain location within Lenton Croft and further to this Transportation Development holds no objections subject to conditions in relation to means of access, cycle store details and pedestrian visibility splays.
- 4.3. Severn Trent – No objections.
- 4.4. Regulatory Services – No objections subject to conditions in relation a Contamination Remediation Scheme, Contaminated Land Verification Report, Noise Insulation and provision of electric vehicle charging points.
- 4.5. West Midlands Police – No objections.

5. Policy Context

- 5.1. National Planning Policy Framework (2019); Birmingham Development Plan (2017); Unitary Development Plan (2005, Saved Policies); Places for Living SPG (2001); Car Parking Guidelines (2012); The 45 Degree Code (2006); and Technical Housing Standards – Nationally Described Space Standards (2015).

6. Planning Considerations

- 6.1. The application has been assessed against the objectives of the policies as set out above. The main issues for consideration in the determination of the application are as follows:
- 6.2. **Principle of development** – The application site is located within an existing residential area and is surrounded by residential development to three sides. The site has formerly been used for garages at one end of the cul-de-sac however these have since been demolished and the land now lies vacant. The proposal would be consistent with the guidance set out within Policy TP27 (Sustainable Neighbourhoods) and TP 28 (The location of new housing) of the BDP (2017) and would reflect the character of the existing residential area. As such, it is considered that the principle of residential development would be acceptable on the application site.
- 6.3. **Impact of Highway Safety** – The scheme is located within an existing residential area providing access to sustainable modes of transport and other residential amenities. Transportation Development initially raised concerns regarding a PROW issue and a Section 257 Stopping Up Order will be required to address the issue of the PROW claim which affects the site therefore a recommendation is made to include “that the Director of Legal Services be authorised to make an Order in accordance with the provisions of Section 257 of the Town and Country Planning Act 1990”. The applicant also submitted amended plans to address the issues raised to provide an improved vehicle/pedestrian layout. Based on the amended scheme, Transportation Development raise no objections to the proposed development subject to conditions in relation to means of access, the provision of cycle storage details and pedestrian visibility splays which are considered appropriate and have therefore been included.
- 6.4. **Design and Visual Amenity** – The design of the three dwellings proposed is considered to be acceptable. The proposed construction materials would be red brick and grey tiles the details of which will be agreed at a later stage. The proposal incorporates vehicle parking to the front and also includes rear amenity space. The location of the proposal at the end of Lenton Croft is considered acceptable and would result in an attractive residential development of high quality and sustainable design which would not result in any adverse impact on visual amenity nor to the streetscene and as such is considered acceptable.
- 6.5. **Residential Amenity**-The proposal would allow for an adequate level of residential amenity and good quality residential living environment for future residents. The scheme complies with the guidance set out in Technical Housing Standards (2015). The dwellings would also have sufficient rear amenity space which is in accordance with the minimum guidance of 50 square metres for two-bedroom houses and 70 square metres for four-bedroom houses as set out in ‘Places for Living SPG.’
- 6.6. The dwellings are located at an angled position to the existing dwellings situated on Brindle Close and lie sideways on to properties situated on Lenton Croft. The design of both house types and their orientation within the application site has ensured that there are no side windows facing existing properties therefore ensuring that there are no issues of overlooking. The two-bedroom properties are designed without side windows however the four-bedroom properties have side windows to one side only. The orientation of plot 1 is such that the windows face the proposed new dwellings only and not those of existing dwellings. It is also considered necessary to condition that the bathrooms and WC’s would have obscurely glazed windows.

- 6.7. As the site adjoins Brindle Close to the rear of plot 1 and adjoins public open space to the rear of plots 2 and 3, there is no breach of the separation distances as outlined in 'Places For Living' and are therefore considered acceptable.
- 6.8. The scheme also complies with the 45 Degree Code in terms of nearest habitable windows and would not result in the loss of light, privacy or outlook for adjoining residential dwellings. Therefore the scheme is considered acceptable in terms of residential amenity for existing and future occupiers and is in accordance with Policy PG3 of the BDP and adopted guidance set out on 'Places for Living'.
- 6.9. Regulatory Services raise no objections to the application subject to conditions in relation to a contamination remediation scheme, contaminated land verification report, noise insulation scheme and vehicle charging point for electric vehicles. It is considered appropriate to impose conditions for the contamination scheme and for the verification report. In terms of the noise insulation scheme, the site is located within a predominantly residential area, off an existing quiet cul-de-sac and therefore it is not considered necessary to impose this condition in this instance. In respect of the request for a condition for vehicle charging points, it is considered that the proposed dwellings would present the opportunity to charge vehicles by mains with a suitable power converter and therefore, imposing the condition would be unreasonable, not satisfying the six tests for imposing planning conditions as set out in National Planning Practice Guidance (NPPG).
- 6.10. **Other matters** - The Council's Ecologist raises no objections to the proposed scheme subject to a condition requiring the provision of bat and bird boxes and a condition in relation to the submission of boundary treatment details which is considered appropriate.
- 6.11. Concerns in relation to the loss of a birch tree were raised by the tree officer and after further discussion, due to ground conditions, a different species of tree has been included within an amended landscaping plan. A landscaping management plan condition is recommended to accommodate this alongside the amended landscaping plan.

7. Conclusion

- 7.1. The scheme is recommended for approval as it complies with the objectives of the policies as set out above.

8. Recommendation

- 8.1. I. That no objection be raised to the authorisation of "the Director of Legal Services to make an Order in accordance with the provisions of Section 257 of the Town and Country Planning Act 1990" in relation to the stopping up of the public right of way.
- 8.2. II. That Planning Permission be granted subject to the following conditions;

-
- 1 Requires the scheme to be in accordance with the listed approved plans
- 2 Requires the submission of sample materials
-

-
- 3 Requires the prior submission of level details
 - 4 Requires the submission of boundary treatment details
 - 5 Requires the prior installation of means of access
 - 6 Requires the submission of cycle storage details
 - 7 Requires pedestrian visibility splays to be provided
 - 8 Requires the prior submission of a contamination remediation scheme
 - 9 Requires the submission of a contaminated land verification report
 - 10 Requires the submission of a landscape management plan
 - 11 The WC and bathroom windows in plots 1, 2 and 3 shall be installed with obscurely glazed windows and thereafter retained as such.
 - 12 Requires the submission of a scheme for ecological/biodiversity/enhancement measures
 - 13 Implement within 3 years (Full)
-

Case Officer: Christina Rowlands

Photo(s)



Figure 1: Front of site with green fencing and gate boundary treatment



Figure 2: Area of development for plot 1 (Proposed two storey detached 4-bed)

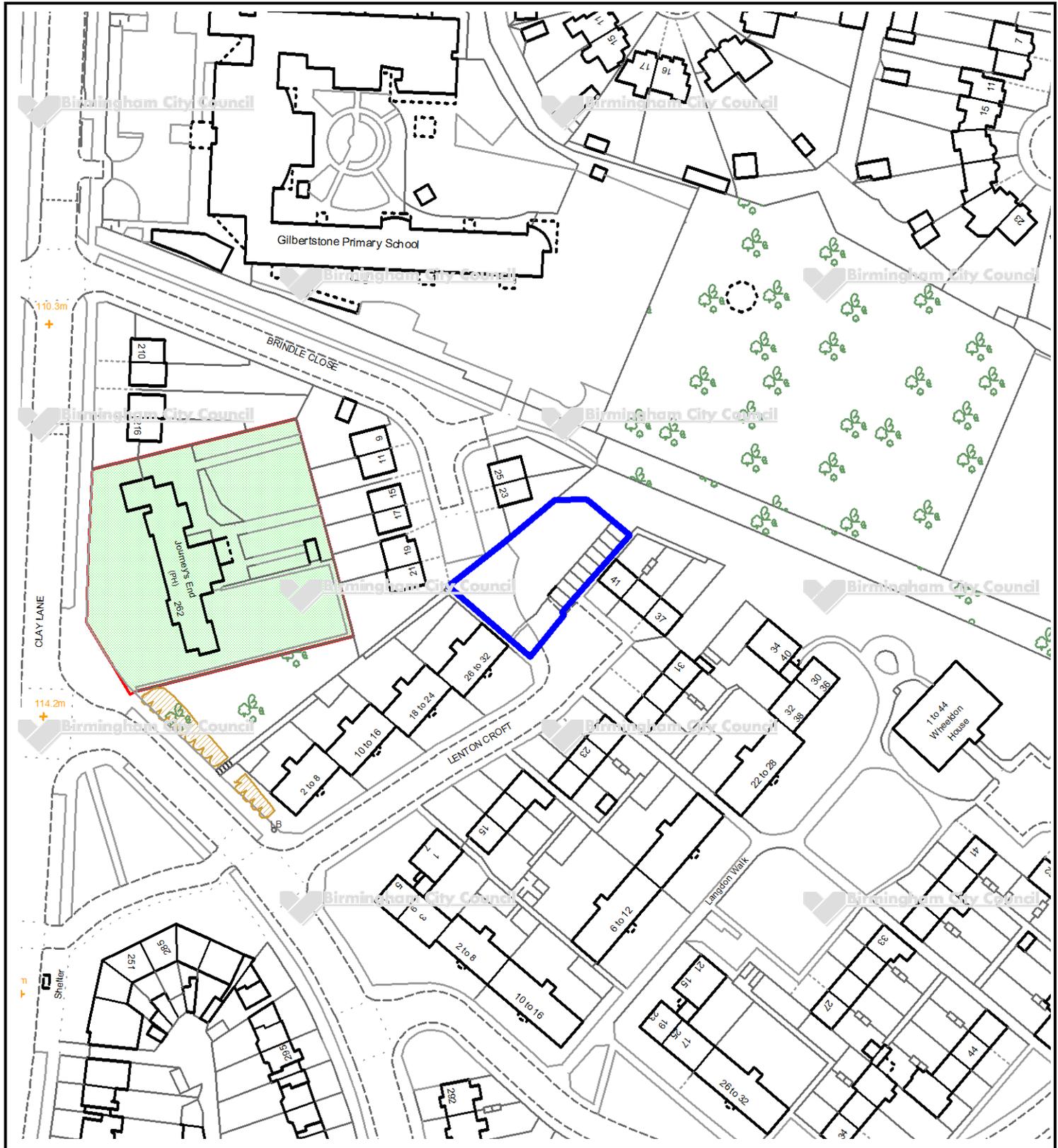


Figure 3: Area for development for plots 2 and 3 (proposed 2 x two storey 2-bed semi-detached pair)



Figure 4: Surrounding area of Lenton Croft viewed from site entrance

Location Plan



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

Committee Date:	05/12/2019	Application Number:	2019/08009/PA
Accepted:	25/09/2019	Application Type:	Full Planning
Target Date:	05/12/2019		
Ward:	Small Heath		

15 Charles Road, Small Heath, Birmingham, B10 9ET

Retention of raised roof of existing warehouse building

Recommendation

Approve subject to Conditions

1. Proposal

- 1.1. This application seeks permission for the alteration of the raised roof of an existing warehouse building on Charles Road in Small Heath.
- 1.2. The site is currently used as warehouse storage, within Use Class B8.
- 1.3. The height of the 'as built' roof ranges from 4.4m to 5.9m, and would be lowered to 3.9m to 5.6m, with the intention of consolidating and modernising the building.
- 1.4. The number of staff and the hours of operation would remain the same. Due to the altered roof affecting the vertical storage space only, there would be no change in internal floor space.
- 1.5. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The wider application site comprises a complex of industrial units. The proposal unit is constructed of traditional brickwork surmounted with a pitched metal roof. The site is located off of the north-western side of Charles Road in an area of both commercial activity within the nearby Coventry Road District Centre and residential dwellings along Charles Road and Swanage Road. Vehicular access to the site is via an independent access road from Charles Road.

2.2. [Site Location](#)

3. Planning History

- 3.1. 25/09/2019 – 2019/04414/PA – Retention of raised roof of existing warehouse building – Withdrawn.

4. Consultation/PP Responses

- 4.1. Nearby occupiers and local Ward Councillors consulted and six letters of objection received. These were in regards to:
- Loss of light, privacy and outlook;
 - Noise pollution, including late at night;
 - Damage to neighbouring properties;
 - Parking issues, with HGVs and blocking driveways;
 - Illegal and antisocial behaviour on site, including bonfires for the refuse;
 - Refuse issues, with fly-tipping occurring on Coventry Road and Charles Road.

5. Policy Context

5.1. The following local policies are applicable:

- Birmingham Unitary Development Plan 2005 (saved policies 3.14-3.14D & Chapter 8).
- Birmingham Development Plan (2017)
- Places for All SPG
- Places for Living SPG (2001)
- Car Parking Guidelines SPD

The following national policy is applicable:

- NPPF – National Planning Policy Framework (2018)

6. Planning Considerations

Policy

- 6.1. The NPPF states that the planning system should contribute to building a strong, responsive and competitive economy, and should do everything it can to support economic growth.
- 6.2. Policy TP17 of the Birmingham Development Plan 2017 relates to the portfolio of employment land and premises, setting out the City's requirements for best quality, good quality and other quality land categories.
- 6.3. Policy PG3 of the BDP relates to place making. All new development will be expected to demonstrate high design quality, contributing to a strong sense of place.

Principle

- 6.4. The application proposes to retain the raised roof of existing warehouse building. The site has a long history of industrial/warehouse use and is located within a wider industrial site. The roof would be lowered to match the height of existing warehouses in the vicinity, and bring this warehouse into operation. The principle is therefore supported, as capacity within the City's valuable Employment Land would have been increased.

Impact on Existing Occupiers

- 6.5. While located within an industrial setting, the application site is in close proximity to commercial activity in the Coventry Road District Centre, and residential properties along Charles Road, Swanage Road and Wright Street.

- 6.6. Six objections were received during the consultation period for this application, with the material planning objections relating to: a loss of light, privacy and outlook and an increase in noise pollution, parking issues and damage to neighbouring properties.
- 6.7. The nearest properties are approx. 24m away on Swanage Road and 25m away on Charles Road. The proposal lies along the boundary with properties on Swanage Road and is set back by 13m from the boundary with properties on Charles Road. This meets the separation distance of 12.5m required between the windowed elevations of these residential properties and the flank walls of the proposal. Also, the height of the roof would be approx. 0.5m lower after the alteration which would help with alleviating any impacts on nearby occupiers. I consider there to be an acceptable impact on residential amenity in regards to loss of light and outlook.
- 6.8. In relation to the damage to neighbouring properties, this was primarily due to the poor construction of the existing roof which was built without planning consent and is structurally poor. This proposal seeks to reduce the height and improve the quality of design of the roof, which should prevent further damage to neighbouring properties. Some nearby occupiers also commented on the noise pollution. The application site is in established industrial use. It is unfortunate that the site borders onto residential dwellings, however some noise pollution is to be expected in this location. Regulatory Services have raised no objection.

Impact on Highway Safety

- 6.9. The alteration to the roof would alter the vertical storage space only, and does not result in an increase in size and number of staff or hours of operation, with the access remaining unaltered. It is anticipated that improvements in quality of storage space would allow for greater holding stock, in turn reducing the number of heavy goods vehicle deliveries to the site. Transportation Development have expressed no objections on highway grounds and I concur with this view.

Design

- 6.10. The altered roof would lower the roof height to 5.6m at its highest. The materials are of the same specification as the original roof, with a slightly flatter pitch. The roof is in keeping with existing buildings in the wider industrial site in terms of appearance and materials. It is predominantly surrounded by industrial occupiers, but is visible from the public realm from gardens on Swanage Road and Charles Road.
- 6.11. The proposed new wall is constructed of brickwork, with the bottom half covered in mid-grey cladding and the top designed with exposed brick. There are no changes to the external landscaping or hard standing areas within the curtilage of the application site. I consider the building does not have an adverse visual impact.

7. Conclusion

- 7.1. The principle and the design of the proposed extension together with the layout of the site are considered to be acceptable.

8. Recommendation

- 8.1. Approve subject to the following conditions:

-
- 1 Requires the scheme to be in accordance with the listed approved plans
 - 2 Requires the submission of sample materials
 - 3 Requires that the approved scheme is incidental to the main use
 - 4 Implement within 3 years (Full)
-

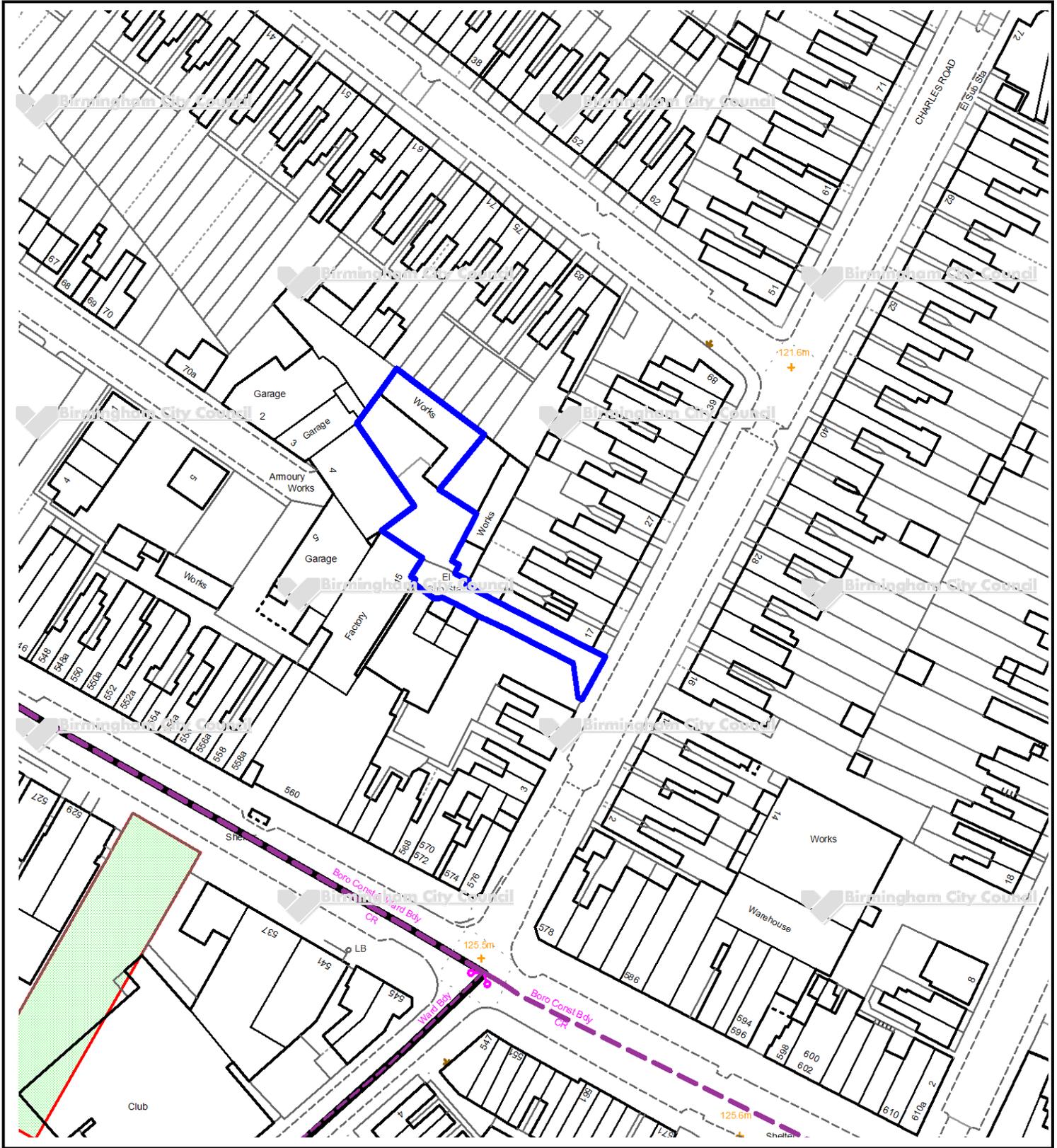
Case Officer: Luke Campbell

Photo(s)



Figures 1 & 2: Views from Swanage Road

Location Plan



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

Committee Date:	05/12/2019	Application Number:	2019/03185/PA
Accepted:	17/04/2019	Application Type:	Full Planning
Target Date:	22/11/2019		
Ward:	Pype Hayes		

1159-1185 Chester Road, Birmingham, B24 0QY

Demolition of existing buildings and bungalow and construction of a Use Class A1 food retail store with associated access, car parking, servicing and landscaping

Recommendation
Determine

Report Back

- 1.1. Members will recall that this application was presented to Planning Committee on the 7th of November with a recommendation to approve the application subject to the imposition of conditions. The application was deferred to allow opportunity to investigate mitigation measures to ensure that the proposals would not have a detrimental impact on the existing , nearby, ambulance centre.
- 1.2. Officers from both the Planning and Transportation department have met with the applicant, agents and transport consultant to address the issues.
- 1.3. Discussion were had and agreement achieved regarding the provision of a cut-through on Chester Road to allow ambulances to do a “u” turn. Officers have agreed the wording of a condition to be attached to any permission which will ensure the delivery of the access within 6 months of the store opening .Proposals will have improve the functionality of the ambulance station. In addition, the applicant has stated their intention to increase the disabled parking bays to 8 and to provide 2 no. EV Charging points and install ducting for a further 4, to allow creation in the future, as and when required.
- 1.4. The proposed conditions will read;
Ambulance turning provision
Within 6 months of store opening, the developer (Aldi Stores Ltd) will make all reasonable endeavours to implement the right turn arrangement as shown on drawing “15183-TR002” and “15183-010”, to the satisfaction of the Local Planning Authority. For the avoidance of doubt , if the applicant fails to deliver the right term arrangement, as detailed within approved plans within 6 months of the store opening, a sum of £30k shall be submitted to, and held by, the LPA for a period of 3 years or until the works are carried out.
Reason: In order to secure the satisfactory development of the application site in the interests of highway safety in accordance with Policies PG3 and TP44 of the Birmingham Development Plan 2017 and the National Planning Policy Framework.

Disabled Parking Layout

Prior to the commencement of work, the applicant shall submit a revised parking layout identifying 8 no. disabled parking bays, to the satisfaction of the Local Planning Authority

Reason: In order to secure the satisfactory development of the application site in the interests of highway safety in accordance with Policies PG3 and TP44 of the Birmingham Development Plan 2017, the Car Parking Guidelines SPD and the National Planning Policy Framework.

Vehicle EV Charging points

Prior to the commencement of works, plans shall be submitted to and approved in writing by the Local Planning Authority detailing the provision of 2.no on site EV vehicle charging points, with ducting for a further 4 no. Ev charging Points.

Reason: In order to secure the satisfactory development of the application site in accordance with Policies PG3 and TP44 of the Birmingham Development Plan 2017, the Car Parking Guidelines SPD and the National Planning Policy Framework.

2. Original Reports

- 2.1. Full Planning permission is sought for the demolition of all existing buildings and a bungalow on land between 1159-1185 Chester Road, Tyburn. The proposals also include the erection of a new Class A1 food retail store with associated access, parking, servicing area and landscaping. The proposals will create a gross external area of 1864 square metres, a gross internal area of 1786 square metres and a sales floor space of 1315 square metres. The proposals will create 40 new jobs, with 100 construction jobs during construction period. 126 vehicle spaces will be accommodated within the site.
- 2.2. The proposed building will be single storey in nature measuring approximately 8.3 metres at its highest point. The building will measure approximately 59 metres in length by 32 metres in width. The proposed building will be finished in silver/grey cladding with areas of red brickwork with expanses of glazing to the entrance and main, visible facades.
- 2.3. Access to the site is and will continue to be from the existing access to "Floors to go" building, off Chester Road to the south east but will be upgraded/ widened. The existing site falls away from the existing highway by approximately 2 metres north to south. The loading/servicing area will be located at the north east of the store. Planting will be located on all boundaries and within the site.

2.4. [Link to Documents](#)

3. Site & Surroundings

- 3.1. The application site represents previously developed land and measures approximately 0.78 hectares. The site is an "out-of-centre" location for the purposes of the definition as given in Annex 2 of the National Planning Policy Framework (NPPF). The proposed development site is located approximately 0.5 km from Castle Vale District Centre(south), 1.5 km from Kingsbury Local Centre (west), 2.4km from Wylde Green Local Centre (north west), 2.5 km from Walmley Local Centre (north) and 3.7km from Erdington District Centre (west).
- 3.2. The proposed development site does not fall within a Core Employment Area, and is not covered by any other site specific designations in the Local Development Plan.

3.3. The site has a number of existing buildings that are, and were, used for commercial and sui generis uses and are currently in a poor state of repair and do not add anything to the visual amenity of the area as there is no common architectural theme. The current application site has been expanded to include an existing residential bungalow at 1159 Chester Road.

4. Planning History

4.1. The application site has been the subject of a number of applications over the last 25 years, the most recent relating to;

- 2018/07812/PA – Demolition of existing buildings and construction of a Class A1 foodstore, with associated access, car parking, servicing and Landscaping – Application withdrawn.

4.2. The most recent uses of the site have included; retailing (restricted to bathroom furniture and associated fixtures/fittings) (2010/05420/PA); a car wash and valeting facility (in use class B1c) (2010/03365/PA); A mix use of Sui Generis and Class A2 uses in Unit 1 under various permissions; vehicle storage and vehicle display/sales from unit 2 (2004/05854/PA and 1997/04865/PA); A private hire and garage workshop for repair and maintenance (Use Class B2) within Unit 3 (1997/03596/PA).

5. Consultation/PP Responses

5.1. Neighbouring residents and Local Ward Councillors have been consulted on this Planning Application. 7 letters of representation have been received in relation to this Planning Application. The main points of objection are detailed below;

- The proposals will lead to a significant increase in traffic, which in turn could potentially have a detrimental impact on the ability of the adjacent ambulance station to operate effectively.
- There is no requirement for another food superstore. There are a number of existing stores in the immediate locale.
- The proposals will clean up the area and will be a visual improvement. The proposals will bring prosperity to the area.

5.2. Severn Trent: No objections.

5.3. West Midlands Police: No objection.

5.4. Canal and River Trust: No objection.

5.5. BCC Transportation: No objections received in relation to the proposals.

5.6. BCC Local Flood Authority and Drainage Team: No objection subject to the imposition of conditions.

5.7. BCC Employment Access Team: No objection subject to the imposition of conditions.

5.8. BCC Regulatory Services: No objections received regarding this application subject to the imposition of conditions.

5.9. BCC Ecology: No objection subject to the imposition of conditions.

6. Policy Context

1.1. Relevant Local Planning Policy:

- Birmingham Development Plan (BDP) 2017
- Birmingham Unitary Development Plan (UDP) Saved Policies 2005
- Places for Living SPG 2001
- 45 Degree Code

1.2. Relevant National Planning Policy:

- National Planning Policy Framework (NPPF) 2019

7. Planning Considerations

7.1. The main considerations of this application relate to visual impact, impact on highway safety, landscaping, impact on residential amenity, assessment in relation to the relevant National Planning Policy Framework, Local Development Plan Policy, specifically retail policy, and relevant Supplementary Planning Guidance. Part of the main assessment of the application relates to the sequential test of the site, which has been addressed in paragraphs 6.14 -6.29 detailed below.

7.2. Paragraph 7 of the NPPF explains that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 of the NPPF states that “Achieving sustainable development means that the planning system has 3 overarching objectives, which are independent and need to be pursued in mutually supportive ways, so that opportunities can be taken to secure net gains across each objective”. The three overarching objectives are; economic, to help build a strong, responsive and competitive economy; social, to support strong , vibrant and health communities; and an environmental objective to contribute to protecting and enhancing our natural built and historic environment.

7.3. Paragraph 10 of the revised NPPF confirms that “...at the heart of the framework is a presumption in favour of sustainable development”.

7.4. Paragraph 38 of the revised NPPF states that, “Local Planning Authorities should approach decisions on proposed development in a positive and creative way.....and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision takers at every level should seek to approve applications for sustainable development where possible”.

7.5. For the purposes of this application there are a number of relevant Birmingham Development Plan Policies which need to be addressed. In relation to the use of the site, the retail use and town centres policies TP21 and TP22 are fundamental. Both of the policies are considered to be compliant with Paragraph 11 of the NPPF, as

they are up to date and accord with the main aims of the retail and town centre policy provisions of the revised NPPF.

- 7.6. Policies for the City's economy and its network of centres are set out in section 7 of the BDP, particular relevance TP21 and TP22. The first part of policy TP21 of the BDP states that: "The vitality and viability of the centres within the network and hierarchy identified in the policy will be maintained and enhanced", and that: "These centres will be the preferred location for retail, office and leisure developments, and for community facilities (e.g. health centres, education and social services, and religious buildings)". Erdington is one of the district centres where the potential for growth is specifically identified in the third paragraph of policy TP21. The final paragraph of Policy TP21 states; "Except for any specific allocations in this plan, 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. An impact assessment will be required for proposals greater than 2500 square metres (gross).
- 7.7. Policy TP21 makes it clear that, outside of the network of centres, main town centre uses will not be supported unless they satisfy the requirements of the NPPF but a formal impact assessment is not required unless the proposals are over 2500 square metres.
- 7.8. Policy TP22 relates specifically to convenience retail provision and it states that: "In principle, convenience retail proposals will be supported within the centres included in the network of centres, subject to proposals being at an appropriate scale for the individual centre" and that "Proposals that are not within a centre will be considered against the tests identified in national planning policy and other relevant planning policies set at local level".
- 7.9. Policies TP21 and TP22 are considered to be consistent with the NPPF policy, but are not considered to add materially to its provisions, other than identifying the level of comparison retail and office provision that is appropriate for the centres at the various tiers of the Policy TP21 network and hierarchy of centres. The proposals which form part of the proposed development are deemed to accord with the relevant sections of the policy and is considered to accord with the sequential test and with the retail impact tests set out in the revised NPPF.
- 7.10. Section 7 of the NPPF sets out the Government's planning policies for ensuring the vitality of town centres. Paragraph 85 emphasises the need to support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation.
- 7.11. Paragraphs 86 and 87 set out the sequential test that applies to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Paragraph 86 states that "Main town centre uses should be located in main town centres, then in edge of centre locations and only if suitable sites are not available (or expected to become available in the short term), should out-of-centre sites be considered". In consideration of out-of-centre proposals Paragraph 87 states that "...preference should be given to accessible sites that are well connected to the town centre". In applying the sequential test, paragraph 87 requires applicants and Local Planning Authorities to demonstrate flexibility in relation to issues such as format and scale.
- 7.12. The application site at Chester Road, is an out of centre location for the purposes of the definition given in Annex 2 of the NPPF and is not identified for

retail purposes in an up-to-date local plan. Therefore, as a consequence, the proposals face a sequential test, as set out in national policy and in the development plan. The applicant have confirmed acceptance of this approach.

- 7.13. As part of the application submission, a Planning and retail statement was submitted and subsequently assessed by an independent retail consultant. The applicants have detailed the sequential search parameter which they follow. These parameters are; size-minimum site size is 0.6 hectares, which reflects the requirements for a store with a Gross internal Area around 1800 square metres-1900 square metres ideally with parking for 100 cars minimum; the need for single storey, unrestricted sales floor which has a level topography; the need for access to a main road network; and the need for the site to be directly visible from the road network. These parameters were accepted by both the Local Planning Authority and the nominated retail consultant.
- 7.14. The applicant is classed as a Limited Assortment Discounter. This identification was coined in the 2008 Grocery market investigation carried out by the competition commission, which identified Aldi, Lidl and Netto as being “Limited Assortment Discounters and are different in terms of their numbers or product lines compared to large grocery retailers generally”.
- 7.15. The sequential approach details 8 sites, within 4 areas, which were detailed within the submitted Planning and retail statement, appendix 3. The assessment of the proposals must focus on the suitability and availability of each of the eight sites. This assessment ultimately will determine whether the proposed site is appropriate for retail development of this type.
- 7.16. The nearest centre to the site, situated 0.4 km to the south is Castle Vale District Centre. Much of this centre is made up of a retail park, with 5 large retail units including a Sainsbury’s. It was confirmed that this site was not suitable due to the existing supermarket being the anchor store and there being only one vacant unit (now occupied) at the time of the study. It is confirmed that there are no sites within or on the edge of the centre that meet the needs, in terms of parameters set out, which are suitable.
- 7.17. Kingsbury Road local centre identified 3 sites within, and on the edge, of the area. Sites within the area are accepted as being fully utilised, not available for retail use (due to being within Core Employment Area), or too small to accommodate this type of store. The planning Authority and the consulted retail consultant concur with the agents report that there are no suitable units within this area.
- 7.18. Wylde Green Local Centre is large but linear in nature along Birmingham Road meaning that there is no realistic scope for an expansion of the centre to the east or to the west. Moreover, it is agree that the northern end of the centre gives way abruptly to residential use, with no scope for a supermarket in an edge-of-centre location. The only opportunities within Wylde Green Local Centre are a limited number of vacant units within the Lanes Shopping Centre (Site 5 in Appendix 3 of Turley’s Planning & Retail Statement). However, all of these vacant units are far too small to represent a suitable opportunity for the broad type of development being proposed by Aldi.
- 7.19. Walmley Local Centre has no realistic opportunity for development of this nature due to being restricted by residential development and protected woodland to the east. The only identified opportunity was the well-used, and in good condition,

Walmley Social Club. This site is not on the market and not available for a development of this size or nature.

- 7.20. Erdington District Centre is located on the periphery of the Primary Catchment Area of the site at Chester Road, as defined by the 5 minute off peak drive time isochrones as detailed within the applicants Planning and Retail statement. The applicant has acknowledged the proximity of a fellow store within the Local centre but has detailed that the proposed store would serve a materially different, albeit overlapping, catchment area to that which the Chester Road store would serve.
- 7.21. The applicant has detailed correspondence with Seven Capital, Godwin Developments, Councillors and the Erdington Town Centre Partnership in seeking to secure representation in Erdington. The submitted Planning & Retail Statement proceeds to identify three opportunity sites within and on the edge of Erdington District Centre, two of which have been the subject of considerable investigation and correspondence between the applicant, agent, the nominated Retail Consultants and the Local Planning Authority. The two main opportunities are the Seven Capital site (the former Colliers/Sainsbury's site), located off Sutton Road, and the Central Square Shopping Centre, located off High Street, which has been the subject of redevelopment proposals over a number of years. We discuss both of these sites in depth, but we can quickly dismiss the third site, at Gravelly Hill, as being unsuitable for retail development of the sort being proposed by Aldi. Not only is the Gravelly Hill site constrained by the presence of a group TPO (ref: TPO848), but also there would be a need for acquisition of two active businesses (a constructor of roller shutter doors and a car rental firm) that are not on the market, so that this third site is clearly not currently available, or likely to become available within a reasonable period.
- 7.22. The Seven Capital site comprises the overwhelming part of a slightly larger site previously known as the Colliers/Sainsbury's site, which was assembled for the purposes of developing a J Sainsbury food superstore of 4,658 sq.m gross, together with three individual Class A1/A2/A3 units totalling 435 sq.m. Planning consent for this wider site was granted on 12th April 2012, under ref: 2011/08251/PA. This permission was lawfully implemented, as confirmed by Lawful Development Certificate ref: 2015/06560/PA. The existence of this Lawful Development Certificate is clearly a material consideration for proposals for food retail development on any part of the wider Colliers/Sainsbury's site (which included an area of land at the corner of Edwards Road and Orphanage Road that is occupied by Council offices and which is located outside the boundary of the Seven Capital site).
- 7.23. The Local Planning Authority is aware tis site is to be split into 2 parts, each of which is subject of a current Planning Application. The first is an outline application for the demolition of existing buildings and structures and construction of up to 43 residential units with associated parking, engineering, drainage and infrastructure works (ref: 2018/10367/PA). The second is a detailed application for demolition of existing buildings and construction of a Class A1 food store, with a gross floor space of 2,125 sq.m and a sales area of 1,325 sq.m, together with associated parking and infrastructure works (ref: 2018/10371/PA). The proposed store application is approximately 20% higher than that proposed in this application but it is clear that the site would represent a suitable opportunity, in terms of size and type/range of goods. The applicant, it is considered, has made several attempts to secure representation for Aldi at the Seven Capital site, however it has been detailed that the site is in the process of being acquired by a competitor and is therefore not available.

- 7.24. The ultimate purpose of the sequential test, is to secure town centre and edge-of-centre developments first, prior to turning to out-of-centre opportunities. It is considered likely that any trade impact on Erdington as a result of an Aldi store at Chester Road is relatively low and certainly not significantly adverse. It seems clear, therefore, that the edge-of-centre opportunity at the Seven Capital site will almost certainly not be frustrated or detrimentally impacted upon, by a planning consent for a discount food store at the Chester Road application site.
- 7.25. Within the primary shopping Area of Erdington is the Central Square Shopping Centre. This Shopping Centre is considered to be in a sequentially preferable location to both the '*edge-of-centre*' Seven Capital site, and to the '*out-of-centre*' Aldi application site at Chester Road. In its current condition, Central Square represents a poor-quality indoor shopping mall of dated appearance, comprising approximately 23 retail units, half of which are vacant, together with office and nightclub uses above the ground floor. There is parking provision for around 85 spaces, in decked form, to the rear.
- 7.26. Ultimately, the applicant has tried to demonstrate how a proposed store could be accommodated within this area. Notwithstanding the ownership of the area, lapsed permissions in place to demolish and redevelop with a supermarket (2013/00977/PA), further permission for reconfiguration, changes of use (2015/10500/PA), existing leases and discussions with the owner and applicant, the site is not considered appropriate.
- 7.27. The agents for this application, detailed that any proposals would be subject to abnormal building costs/demolition costs and had detailed a notional layout which although large enough was poorly configured, with issues with regard to operational efficiency which would undermine commercial viability. The proposals would not be able to achieve compliance with the agreed parameters with poor access, off a one way system and non visible parking area (which has been demonstrated to lead to poor store performance). Moreover it is unlikely that the site will be available within a reasonable period of time unlike the application site.
- 7.28. In concluding the sequential test assessment, the only suitable opportunity for providing for the broad type of development proposed by Aldi at Chester Road, by approximate size, type and range of goods is the Seven Capital site, located at the edge of Erdington District Centre, likely to be taken up by an alternative user. It is considered that by granting a permission for a discount food store at the Chester Road site is unlikely to frustrate the fundamental purpose of the sequential test, which is to secure town centre and edge-of-centre developments first prior to turning to out-of-centre opportunities, with the submitted evidence making a case for Aldi's desire to be located both at Chester Road and in Erdington District Centre; and in the unlikely event that a consent at Chester Road was to cause the perspective occupier to seek to abandon its interest in the Seven Capital site, there is plentiful evidence to suggest that Aldi would be very keen to step in and grasp the vacated opportunity. It is therefore considered that the application by Aldi at Chester Road passes the sequential test set out in Paragraphs 86 and 87 of the revised NPPF.
- 7.29. The site does not fall within a core employment area or growth area and it has no other site specific designation or allocation. The existing uses on the site comprise of a retail unit, car valeting service, vehicle repair workshop and storage (approved under planning applications 2010/05420/PA, 2010/03365/PA, 1997/03596/PA and 1992/04865/PA respectively). BCC Policy officer had no objections to the proposals on the basis that the proposals meet the sequential test.

- 7.30. Paragraph 5.9 of the submitted Planning and Retail Statement states that as there is a residential property adjoining the site then it will constitute a non-conforming employment use. The definition of a non-conforming employment use is set out in paragraph 5.2 of the Loss of Industrial Land to Alternative Uses SPD. This states that such uses will mostly consist of small (generally less than one acre) isolated industrial sites within predominantly residential areas. As there is only one residential dwelling that adjoins the application site and the rest of the adjoining uses are predominantly industrial then it cannot be considered that the application site is in a non-conforming use.
- 7.31. In regard to the Policy TP20 requirement to market the site for employment uses, paragraph 5.12 of the submitted Planning and Retail Statement states that as the buildings on site are of a low quality and are in a poor state of repair they will only be of market interest to a limited range of potential occupiers. Paragraph 5.13 goes on to state that retaining such a small area in employment use would not be suitable or viable as it does not represent a commercially attractive site.
- 7.32. The applicant has also stated in paragraph 5.7 of the Planning and Retail Statement that Policy TP20 will not apply, as the site cannot contribute to the city's portfolio of employment land because it has not been assessed or categorised in any of the council's employment land studies. This statement is incorrect, as identification within the council's studies is not a prerequisite for a site being considered as contributing towards the portfolio of employment land. The requirements of Policy TP20 that have been outlined above will therefore apply to all employment sites such as this application site, providing that the existing uses can indeed be categorised as falling within B class use.
- 7.33. The proposals have not raised any issues from BCC regulatory services. The operating hours of Monday-Saturday 08:00 – 22:00 and Sundays 10:00-16:00 are deemed acceptable and are not considered to have a detrimental impact on the amenity of the immediate locale.
- 7.34. The proposals have detailed a total of 122 no. parking spaces, including 6no. disabled accessible spaces and 6 no. parent and child spaces. This is deemed acceptable by BCC Transportation Department. The proposed wider access to meet pedestrian and safety standards are also considered accessible and acceptable. The internal layout and the area detailed as servicing/delivery area has not attracted any objections. Objections and comments were raised regarding the potential for increased traffic generation and potential impact on the existing ambulance centre. However, the proposed measures suggested by the Local Councillor (Mike Sharpe), in the form of traffic lights and/or creating an access through the existing central reservation, were not considered warranted as the proposals were not expected to have a significant impact on the existing road network, or on the ambulance stations ability to operate in a timely manner. The issue and suggestions were discussed with both the Councillor and the Transportation Department during the determination process.
- 7.35. The proposed store would be located to the south east of the existing McDonalds drive through. The new proposed application is deemed to be orientated in an appropriate manner. The previous application proposed an alternative configuration which was not deemed appropriate. The applicant have since acquired/are in the process of acquiring the bungalow between the existing McDonalds and the previous north eastern boundary. This has allowed the reconfiguration and extension of the site resulting in a significantly better result. The store will be orientated north/south with the main glazed entrance façade facing

Chester Road. The proposed servicing and delivery area will not be visible from communal areas or Chester Road and will be located to the north/ rear of the building. The parking and circulation area will be positioned to the east of the store. The southern boundaries of the site, on the boundary with Chester Road, as well as the eastern boundary will be landscaped. The Landscape Officer comments raised no objections subject to the imposition of conditions.

7.36. The proposed building will be glazed in the south eastern corner at the access point with the majority of the first 1.5 metres, from ground level up, being red brick with the rest of the area above being finished in grey cladding. The building will have a mono pitched roof rising eastwards to its highest point. Within the area there is no established design pattern or building line. However, the proposed design and orientation is dictated by the applicant parameters and pre application design advice from the Local Planning Authority. The proposals are deemed to meet the parameters in that it is visible as is the parking area from the main road, whilst being orientated in a manner to lessen the mass and thus, visual impact on the immediate locale. Given the position of the store in relation to the residential areas, it is not considered there will be a detrimental impact to the residential amenity of the area.

8. Conclusion

8.1. In the opinion of the Planning Authority the proposed development at Chester Road is highly unlikely to cause any '*significant adverse*' impact on existing, committed and planned public and private investment in any of the district and local centres within, or beyond, its Primary Catchment Area. As a consequence, it is concluded that the Aldi application at Chester Road passes the first of the two impact tests set out in Paragraph 89 of the NPPF.

8.2. The overall conclusion is that the Aldi application at Chester Road is highly unlikely to cause any '*significant adverse*' impact on vitality and viability, including local consumer choice and trade, in any of the district and local centres within, or beyond, its Primary Catchment Area. As a consequence, we conclude that the Aldi application at Chester Road passes the second of the two impact tests set out in Paragraph 89 of the NPPF.

8.3. In relation to agreed parameters the proposed scheme is compliant in terms of; size-minimum site size is 0.6 hectares, which reflects the requirements for a store with a Gross internal Area around 1800 square metres-1900 square metres ideally with parking for 100 cars minimum; the need for single storey, unrestricted sales floor which has a level topography; the need for access to a main road network; and the need for the site to be directly visible from the road network. Therefore, in the opinion of the Local Planning Authority, it has been demonstrated that the proposals would be both visually and economically successful and would comply with relevant Local Development Plan Policies, National Policy and Supplementary Planning Guidance.

9. Recommendation

9.1. Approve subject to the conditions detailed below;

-
- 1 Requires the scheme to be in accordance with the environmental statement
 - 2 Requires the submission of sample materials
 - 3 Requires the submission of boundary treatment details
 - 4 Requires the submission of a landscape management plan
 - 5 Requires the submission of hard and/or soft landscape details
 - 6 Requires the submission of hard surfacing materials
 - 7 Limits the noise levels for Plant and Machinery
 - 8 Limits the hours of use to 8.00am-22.00pm Monday-Saturday and 10.00am-16.00pm Sunday
 - 9 Limits delivery time of goods to or from the site 08.00am - 18.00pm Monday - Saturday
 - 10 Requires the prior submission of a contamination remediation scheme
 - 11 Requires the submission of a contaminated land verification report
 - 12 Requires the prior submission of a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan
 - 13 Requires the prior submission of a construction method statement/management plan
 - 14 Requires the submission of details to prevent mud on the highway
 - 15 Requires the prior installation of means of access
 - 16 Requires the submission of details of pavement boundary
 - 17 Requires the submission of a parking management strategy
 - 18 Requires the delivery and service area prior to occupation
 - 19 Requires the parking area to be laid out prior to use
 - 20 Requires the submission of cycle storage details
 - 21 Requires the submission of details of a delivery vehicle management scheme
 - 22 Requires the applicants to join Travelwise
 - 23 Requires the submission and completion of works for the S278/TRO Agreement
 - 24 Requires the prior submission of a construction employment plan.
 - 25 Limits the sales area to 1350 square metres
 - 26 Implement within 3 years (Full)
-

Case Officer: Gavin Forrest

Photo(s)

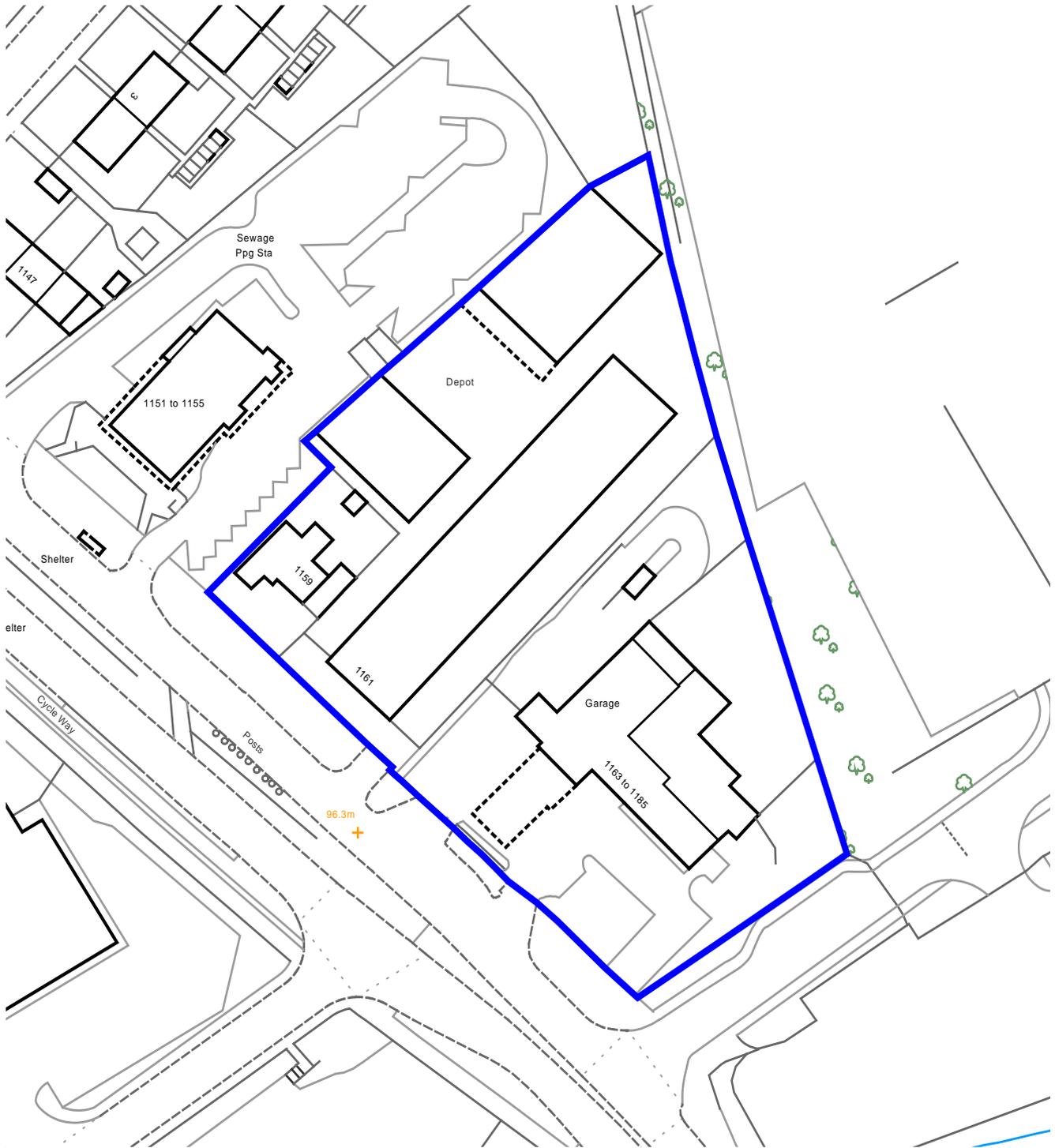


Figure 1: View north across Chester Road



Figure 2- View looking north east Across Chester Road towards the site

Location Plan



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