

## 1.4 AUTHORITIES, CONSENTS AND APPROVALS

**Regeneration of Holloway  
Head, Birmingham, to  
provide for up to 487  
residential units and retail  
floorspace**

**Holloway Head,  
Birmingham**  
**Planning Statement**

On behalf of **Panther Securities**

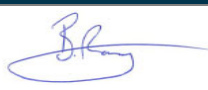


## Document Control Sheet

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# 1 Introduction

## 1.1 The Purpose of this Report

- 1.1.1 Peter Brett Associates (PBA) has prepared this Planning Statement on behalf of Panther Securities, to support a planning application for a residential Private Rented Sector proposed on two adjacent blocks at Holloway Head, Birmingham. This application is made in detailed form.
- 1.1.2 The Statement provides details of the policy context against which the planning application will be assessed. The Statement demonstrates the application complies with the relevant policies in the adopted development plan, national planning guidance and the emerging local plan.
- 1.1.3 The Planning Statement incorporates details of the CABE Review. It should be read together with the other supporting material including: a Design and Access Statement, which provides details of the development parameters and demonstrates the acceptability of development in accommodating the proposal, and the Transport Assessment and Travel Plan.
- 1.1.4 The scope of the supporting material has been agreed with Birmingham City Council (BCC) planning officers prior to the submission of the planning application.

## 1.2 Application documents

- 1.2.1 Supporting reports are submitted to confirm the suitability of the site for development and identify any particular constraints, as required by Birmingham City Council's 'local requirements for planning applications' checklist.

## 1.3 Report Structure

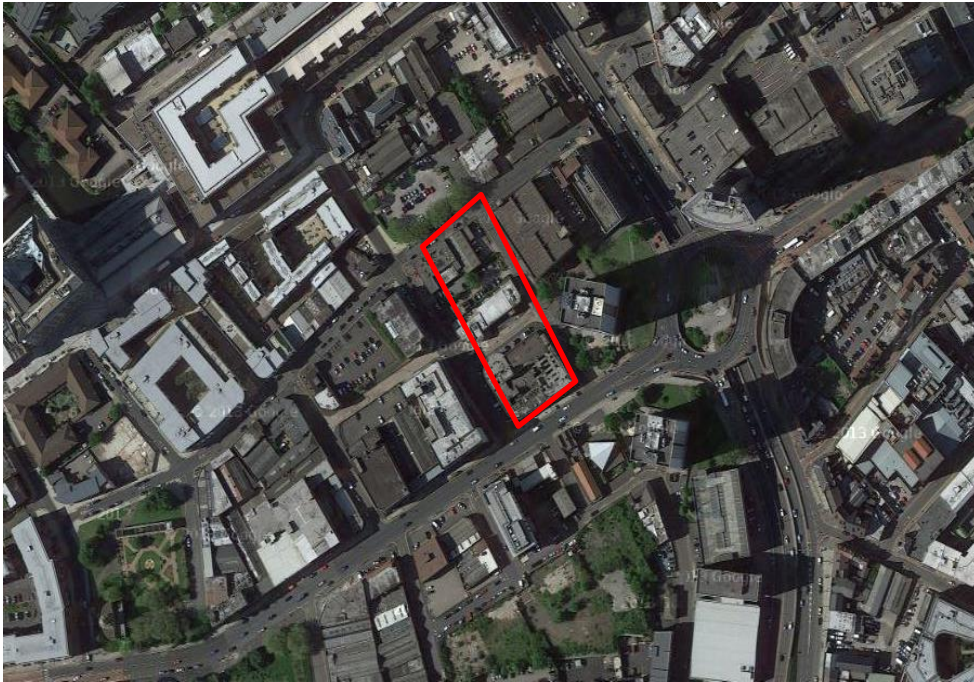
- 1.3.1 This report address the following:
  - Section 2 describes the context of the site and outlines the proposed development;
  - Section 3 addresses the planning policy context;
  - Section 4 assesses the proposals compliance with planning policy;
  - Section 5 provides an overall conclusion.

## 2 Site Context and Proposed Development

### 2.1 The Site and its Location

- 2.1.1 The application site is split into two defining sections dissected by Brownsea Drive. The southern parcel is located on Holloway Head, the B4127, strategic highway route approximately half a kilometre south of Birmingham city centre at the junction of the Birmingham Inner Ring Road (A38 Queensway) and Holloway Circus. The parcels are bound to the east and west by Ellis Street and Blucher Street. The northern parcel of land is bound to the north by Gough Street.
- 2.1.2 In close proximity to the site are three prominent landmarks. The 38 storey Beetham Tower containing the Radisson hotel, and the 31 storey Cleveland and Clydesdale residential towers which form a gateway to Holloway Head to the east.
- 2.1.3 The site is approximately 0.7 hectares in area (gross), occupying an elevated position above the city centre. There is a significant change in levels from Gough Street to Holloway Head, rising over 10 metres. A gentler incline is experienced, approximately 3.5 metres, from Ellis Street to Blucher Street.
- 2.1.4 The site is located in a prominent position on the edge of Birmingham City Centre. The site occupies a high profile location connecting the residential areas to the west to the city centre.
- 2.1.5 The site is currently occupied by a mix of building types, with the majority of properties being unoccupied and in a derelict condition. The buildings have an incongruous squat appearance and concerns are raised by neighbouring residents and the police community liaison as to the antisocial behaviour associated with the site. The application proposal intends to harmonise the area and regenerate the site to provide housing to the city.
- 2.1.6 Much of the site is currently utilised for informal pay and display parking and demolition works to the north of the site is ongoing.
- 2.1.7 The local area comprises a mixture of uses including commercial, employment, residential and community buildings. In close proximity to the site is the Mailbox, one of Birmingham's high quality mix use developments, which incorporates retail, residential, employment and leisure.
- 2.1.8 The site is identified in the Birmingham City Council, Housing Prospectus – March 2015. The prospectus sets out the major housing development opportunities across Birmingham, aiming to encourage partners in the private house building and Housing Association sectors to build out the sites with new homes. The prospectus identifies 49-51 Holloway Head to have an anticipated timescale for delivery of 5 – 10 years.
- 2.1.9 The location of the application site within the context of the surrounding area is shown in figure 1.1.

Figure 1.1 – Site Location and Surrounding Area



- 2.1.10 The existing site character and condition is shown in the photographs below. As presented in photograph 1 the site is currently overwhelmed by the neighbouring properties of superior height and density. At the time of writing, demolition is ongoing to the northern block which fronts onto Gough Street – shown in photograph 2. The southern blocks are currently vacant and in a poor state of repair – photograph 3.

Photograph 1 – Holloway Head frontage



Photograph 2 – North Block, Gough Street



Photograph 3– Blucher Street, Junction of Holloway Head.



Photograph 4 – North Block, Brownsea Drive



## 2.2 Heritage

- 2.2.1 Whilst the site does not include any statutory listed buildings and is not located within a conservation area it is within 100 m of three listed buildings. The listed buildings are to the north of the site, in close proximity to the Mailbox.
- 2.2.2 The site is within 75 m of the Blucher Street Synagogue, a Grade II\* listed building (list entry: 1075712). The Synagogue was constructed in 1856, by Yeoville Thomason, and has been altered since then. The list details the Italianate style to the building, with numerous distinctive features across the building that complement its listing.
- 2.2.3 Approximately 100 m north of the site is the Grade II listed Caretaker's House for Birmingham Athletics Institute (list entry: 1220979). The property is a rare survival of modest terrace house from 1860 in the city centre. The dwellings includes revealed glazing bar sashes among other complimentary aspects that benefit the dwelling's historic character.
- 2.2.4 To the north west of the Synagogue is the Grade II listed Athol Masonic Building (list entry: 1391675). The Masonic Hall, formerly synagogue, is a three-storey red brick property with numerous internal and external features that complement its heritage. The Athol Masonic Building is an example of a synagogue in Birmingham which became a stronghold for Judaism in England. The architecture holds firm the Greek Revival style and the internal aspects are little altered when reviewed in 2006.

## 2.3 Planning History

- 2.3.1 The table below includes details of previous planning applications relating to the site.

Table 1: Site Planning History

Application Ref.	Application Proposal	Decision
<b>49-51 Holloway Head</b>		
2013/01139/PA	Variation to condition numbers 1,3, 9 attached to planning approval 2012/07658/PA to allow details to be submitted prior to the commencement of the use	Approve subject to conditions
2012/07658/PA	Demolition of existing buildings and creation of a temporary car park	Approve Temporary
2010/06724/PA	Outline application for 41,041 sqm GIA mixed use development in 2 blocks of 7-12 storeys high consisting of girl guides facility, offices (9344sqm GIA), car showroom, A3, casino (1505 sqm GIA), hotel, residential (21,611 sqm GIA) and a maximum of 303 basement car parking spaces	Approve subject to conditions
2009/03470/PA	Mixed use development within 2 multi-storey blocks comprising car showroom, workshop, basement parking, casino, office, hotel, meeting hall and retention of the façade	Withdrawn

	of Trefoil House (all matters reserved)	
C/02512/06/FUL	change of use to retail and/or café, drinking establishment, takeaway, office, casino and health club	Approved
C/01493/02/ADV	retention of 3 x 48 sheet advertising panels	Refused/ Appeal Allowed
C/01328/91/FUL	erection of office building and private multi-storey car park rebuilding of girl guides headquarters	Approve
C/05255/98/FUL	change of use of premises for use as A1 retail and/or A3 food and drink and/or B1 offices and/or D2 casino	Approve
13383006	separate use of part of the premises as office reception area and car wash area in connection with motor vehicles	Approve
13383005	car showroom and offices	Approve
13383004	additional office accommodation	Approve
<b>Gough Street/Ellis Street</b>		
64278001	2 No. factory units (B2) on corner site	Approve
64278000	Boys Brigade HQ	Approve
<b>Blucher Street/Gough Street</b>		
2013/01144/PA	Demolition of existing buildings and formation of new temporary car park	approve temporary
01729003	erection of warehouse and offices	Approve
01729004	erection of warehouse and offices	Approve
<b>Site between Ellis Street and Blucher Street</b>		
2355900	New guide headquarters	Approve

## 2.4 The Proposed Development

- 2.4.1 This planning application seeks full planning permission for 487 residential units and 368 sq. m A1 retail provision on the site. The proposal includes the provision of 200 parking spaces for residents of the development. The application proposal is for a Private Rented Sector and as such the design and housing mix are appropriate for the location and the end user. The following housing mix is proposed for the site:
- 20 no: Studio Apartments (4%)
  - 283 no: 1 Bedroom Apartments (55.5%)
  - 207 no: 2 Bedroom Apartments (40.5%)
- 2.4.2 The submitted drawing pack illustrates how the scheme is to be accommodated on the site.
- 2.4.3 The design philosophy seeks to provide active commercial ground floor frontage along Holloway Head. Residential units are to be located above ground level across the site with resident parking lower ground and underground levels. As a full rental scheme the applicant retains the overall control of the site.
- 2.4.4 The varying topography provides for dramatic architectural design that provides changing building heights. The Holloway Head frontage is to include the tallest building, decreasing north of the site. Residential gardens are to be located within the central areas of each quadrant.
- 2.4.5 The blocks will continue to be the same building height as that previously approved by Birmingham City Council for the mixed-use development on site. The design philosophy is explained in full detail within the Design and Access statement.

Figure 2.1 – Proposed Site Layout



## 3 Planning Policy Assessment

### 3.1 National Planning Policy

#### National Planning Policy Framework (NPPF) 2012

- 3.1.1 On 27<sup>th</sup> March 2012, the Government published the National Planning Policy Framework (NPPF), which updated and replaced guidance set out in preceding Planning Policy Statements (PPS), Planning Policy Guidance (PPG), and a number of related circulars, within a single document. Following publication, this document now forms the statutory national planning policy guidance against which applications for new development must be assessed. The following paragraphs outline the key policies in the NPPF which are relevant to this application.

#### Achieving Sustainable Development

- 3.1.2 Paragraph 6 confirms that ‘the purpose of the planning system is to contribute to the achievement of sustainable development’. The NPPF defines sustainable development as three-dimensional, requiring the planning system to perform a number of roles in order to balance the economic, social and environmental development goals for growth.
- 3.1.3 Paragraph 9 states achieving sustainable development ‘involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people’s quality of life’ through a variety of means including, ‘improving the conditions in which people live, work, travel and take leisure, and widening the choice of high quality homes’.
- 3.1.4 Paragraph 10 acknowledges that different areas have their own local circumstances which will require plans and decisions to respond accordingly to different opportunities for achieving sustainable development.

#### The Presumption in Favour of Sustainable Development

- 3.1.5 Paragraph 14 states:
- 3.1.6 ‘At the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking’.
- 3.1.7 Therefore, in assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development unless material considerations indicate otherwise (Paragraph 197). Paragraph 14 goes on to specify the implications for plan-making:
- ‘Local Planning Authorities should positively seek opportunities to meet the development needs of their area, and
  - ‘Local Plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change, unless
    - Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole; or
    - Specific policies in this Framework indicate development should be restricted’.

3.1.8 And for decision-taking this means:

- 'Approving development proposals that accord with the development plan without delay, and
- 'Where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
  - Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole; or
  - Specific policies in this Framework indicate development should be restricted'.

### **Core Planning Principles**

3.1.9 Paragraph 17 of the NPPF sets out the 12 'Core Planning Principles' which should underpin both plan-making and decision-taking, of which the following are of particular relevance in respect of this application:

- 'Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth';
- 'Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings';
- 'Conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations';
- 'Promote mixed use developments, and encourage multiple benefits from the use of land in urban and rural areas, recognising that some open land can perform many functions (such as wildlife, recreation, flood risk mitigation, carbon storage, or food production)';

### **Delivering Sustainable Development**

3.1.10 The Government's proposals for delivery of sustainable development through the planning system are subsequently set out in Sections 1 to 13 of the NPPF. Of particular relevance in respect of this application are:

#### *Section 4 – Promoting sustainable transport*

3.1.11 In Paragraph 32 of the NPPF, when referring to developments that generate significant amounts of movement, states that plans and decisions should take account of whether:

- Opportunities for sustainable transport modes have been taken up;
- Safe and suitable access can be achieved; and
- Improvements can be undertaken within the transport network that limits the significant impacts of development.

#### *Section 6 – Delivering a wide choice of high quality homes*

3.1.12 Paragraphs 49 of the NPPF states that housing proposals should:

- 3.1.13 'Be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites'.
- 3.1.14 Paragraph 50 states that, to deliver high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, Local Planning Authorities should:
- Plan for a mix of housing based on current and future demographic trends; and
  - Identify the size, type, tenure and range of housing that is required in particular locations reflecting local demand.

#### *Section 7 – Requiring good design*

- 3.1.15 Paragraph 58 of the NPPF suggests that to ensure good quality development proposals should:
- Improve the overall quality of the area;
  - Establish a strong sense of place;
  - Respond to local character and history; and
  - Create safe and accessible environments; and be visually attractive.

#### **Conserving and enhancing the historic environment**

- 3.1.16** Paragraph 128 requires local planning authorities, in determining applications, to require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted. Paragraph 129 identifies local planning authorities should assess the particular significance of any heritage assets that may be affected by a proposal. The assessment will minimise conflict between the heritage asset's conservation and any aspect of the proposal.
- 3.1.17** Paragraph 134 states where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

#### **Decision-taking**

- 3.1.18 Paragraph 186 requires LPAs to approach decision-taking in a positive way to foster the delivery of sustainable development. Paragraph 187 states that:
- 3.1.19 'Local Planning Authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area'.
- 3.1.20 Paragraph 196 of the NPPF states that planning applications 'must be determined in accordance with the development plan, unless material considerations indicate otherwise'. This Framework is a material consideration in planning decisions. Therefore, 'due weight should be given to relevant policies in existing plans according to their degree of consistency

[with the NPPF]'. Paragraphs 214-215, for Local Plans adopted since the Planning & Compulsory Purchase Act 2004, there is a twelve month period from the day of publication within which full weight should be given to relevant policies, even where there is a limited degree of conflict with the NPPF.

- 3.1.21 In a similar vein, Paragraph 218 states that 'Local Planning Authorities may also continue to draw on evidence that informed the preparation of regional strategies to support Local Plan policies, supplemented as needed by up-to-date, robust local evidence'.
- 3.1.22 Paragraph 216 states that from the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to the stage of preparation, the extent to which there are unresolved objections, and the degree of consistency with policies in the NPPF.

### Planning Practice Guidance

- 3.1.23 In March 2014, the Government announced the launch of the Planning Practice Guidance (PPG) website. The PPG is intended to be read alongside the NPPF and we set out below the guidance that is most relevant to the application proposal.

#### Conserving and enhancing the historic environment

- 3.1.1 Part 18a (ID: 18a-001-20140306) identifies the appropriate conservation of heritage assets forms one of the 'Core Planning Principles' that underpin the planning system. Any decisions relating to listed buildings and their settings must address the statutory considerations of the Planning (Listed Buildings and Conservations Areas) act 1990 (ID: 18a-002-20140306).
- 3.1.2 Paragraph 003 (ID: 18a-003-20140306) states conservation is an active process of maintenance and managing change. Requiring a flexible and thoughtful approach to get the best out of assets as diverse as listed buildings in everyday use. Ensuring such heritage assets remain used and values is likely to require sympathetic changes to be made from time to time.

#### Design

- 3.1.3 Part 26, Design, identifies the importance of good design. Paragraph 001 (ID: 26-001-20140306) states good quality design is an integral part of sustainable development. As a core planning principle, plan-makers and decision takers should always seek to secure high quality design. Achieving good design is about creating place, buildings or spaces that work well for everyone, look good, last well and will adapt to the needs of future generations.
- 3.1.4 Paragraph 002 (ID 26-002-20140306) identifies good design should ensure development can deliver a wide range of planning objectives, enhance the quality of buildings and spaces, by considering their form, function, efficiency, effectiveness and their impact on well-being.
- 3.1.5 Paragraph 024 (ID: 26-024-20140306) states new development should look to respond appropriately to the existing layout of buildings, streets and spaces to ensure that adjacent buildings relate to each other, streets are connected and spaces complement one another. In general urban block layouts provide an efficient template with building fronts and entrances to public spaces and their more private backs to private spaces.

## 3.2 Local Planning Policy

- 3.2.1 The development plan comprises:
- The saved elements (2008) of the Birmingham Unitary Development Plan (2005)

- 3.2.2 Birmingham City Council are currently progressing a replacement development plan for up to 2031. The replacement plan was submitted to the Secretary of State 1<sup>st</sup> July 2014. The Planning Inspector presented their findings 5<sup>th</sup> January 2015, highlighting the need for further investigation into the housing market area. As such limited weight is to be afforded to the emerging plan.

### **Birmingham Unitary Development Plan (2005)**

- 3.2.3 The development plan comprises the Birmingham Unitary Development Plan (2005) which was adopted in 1993 and reviewed in 2005. The majority of policies within the Unitary Development Plan (UDP) were saved by a direction dated 19th September 2008, until they are eventually replaced by the new Birmingham Development Plan.
- 3.2.4 The UDP focuses on three interlinked themes:
- Economic revitalisation – modernisation of the City's economy to promote investment in new economic sectors with strong growth prospects.
  - Urban and social regeneration – continued emphasis on integrated, area-based approaches to the regeneration process combining physical with social and economic measures.
  - Environmental quality – a commitment to securing positive environmental benefits from new development, as well as steps to avoid, or at least minimise any adverse effects.
- 3.2.5 The strategy seeks to promote development that is necessary to meet the city's current needs, but ensure that this development is carefully located and planned to avoid, or at least minimise, adverse environmental impact and ensure the most efficient use of non-renewable resources. The city centre is thus a priority for action.
- 3.2.6 The application site is located within the wider city centre on the edge of the core retail area. Specific policies of relevance to this application are therefore set out below.
- 3.2.7 Chapter two considers the 'Overall Strategy', maximising activity and the potential of the city centre. It recognises the need to exploit the City Centre's strengths by consolidating Birmingham's position as a principal business centre and helping to diversify the city's employment structure. The urban regeneration emphasis of the strategy holds a strong bias toward the inner city. Paragraph 2.15A identifies a key element in the regeneration of the City is surrounding the A38 corridor which the site is in close proximity to.
- 3.2.8 Chapter three sets out the policy approach to the 'Environment', with the need to improve the quality of the built environment set as one of the most important UDP objectives. Policies include requirements for a high standard of design, considering developments within their wider context. Important considerations include local character, topography, street patterns, building lines, boundary treatments, views, skyline, scale, and massing and neighbouring uses. The policies require scale and design to respect the area's surroundings, and reinforce, and evolve local characteristics.
- 3.2.9 Higher densities and more compact layouts are also acceptable where they do not conflict with other UDP policies. The policies require the principles of sustainable development be applied, minimising the reliance on the private car and encouraging walking, cycling and use of public transport. In addition, buildings are to be built for long-life and flexibility, capable of being adapted for a variety of other uses.

- 3.2.10 Public open space will be secured through Section 106 agreements, where appropriate. Normally within the curtilage of the site but in certain circumstances off-site provision or improvements to existing local facilities, including playing fields, may be more appropriate.
- 3.2.11 Chapter five addresses 'Housing' with the key requirement that a variety of housing to meet needs throughout the city is provided, increasing the attractiveness of the City as a place to live, work and invest. New housing development should be on previously developed land and a high proportion, is expected, to be provided within the city centre creating homes close to sources of employment and existing public transport facilities. In applying the housing policies, the City Council will take into consideration the economics of developing the site in question.
- 3.2.12 In order to meet the City's overall requirement for affordable housing the City Council will seek the inclusion of an element of affordable housing on sites of 25 dwellings or more or 1 hectare of more. On all such sites the City Council will negotiate for the provision of 25% of total dwellings to be affordable, via registered social landlord or local authority, and 10% of total dwellings to be for the low cost market.
- 3.2.13 Paragraph 5.38 states the City Council's encouragement of housing densities to be at least 100 dwellings to the hectare on sites within the city centre.
- 3.2.14 Chapter six incorporates the 'Transport' policies and the strategy for ensuring accessibility at all levels and providing effective alternatives to the private car. Where necessary, and where reasonably related in scale and kind to a proposed development, contributions will be sought through planning obligations towards transport infrastructure to secure improved accessibility by all modes.
- 3.2.15 The City Council's policy is to maintain adequate provision of car parking for essential car journeys while encouraging a greater proportion of public transport, walking and cycling trips. For new developments, the City Council will expect adequate provision to be made to meet all the transport needs. In assessing the parking provision proposed in planning applications, the City Council will take into account local factors such as the availability of public transport as well as public parking facilities.
- 3.2.16 Chapter 15 details the specific needs of the Birmingham area. The city centre specific policies identify the requirement for additional new housing and the retention and improvement of the existing housing stock, in order to maintain the vitality of the city centre. The City Council is encouraging new housing throughout the city centre as part of the 'city living' strategy. Paragraph 15.52 identifies the requirement to promote environmental improvements throughout the Greater Convention Centre area of the city. 'Priority will be given to Holloway Head/Bath Row'.

### **Additional Planning Guidance**

- 3.2.17 Car Parking Guidelines, Supplementary Planning Document (SPD), aims to ensure that access needs of new development are properly provided for, and balance is met between different road users. The SPD applies where the City Council consider planning applications for new development.
- 3.2.18 Affordable Housing, Supplementary Planning Guidance (SPG) 2001, reviewed in 2006. The threshold for affordable housing was lowered to 15 units or more during the 2006 review. The scale of the contribution varies depending on the circumstances of the site. The precise mix of dwelling types varies from site to site depending on the nature of the site. Where a requirement for an element of affordable housing is appropriate, there will be a strong presumption in favour of the affordable housing being part of the site.

- 3.2.19 Lighting Places (2008) is designed to guide lighting proposals made as part of new developments and to enhance existing streets, buildings and spaces. Lighting Places has been written as a response to an increasing desire to enhance the night-time environment of the City.
- 3.2.20 Finally, Public Open Space and New Residential Development (2007) acknowledges although open space should be provided on site, there are circumstances where it may be preferable for all, or part, of the public open space requirements to be provided as an off-site monetary contribution. The City Council recognises that on sites where a high housing density has been achieved, it may not be possible to provide the full amount of public open space. In most cases financial contributions will be used to provide financial contributions for improvements to public open space in the City Centre. An element of the contributions will be used towards the maintenance of any new facilities for a period of 15 years.

### **Birmingham Big City Plan. City Centre Masterplan. July 2011.**

- 3.2.21 The Birmingham Big City Plan aims to facilitate the delivery of transformational change within the city centre by supporting sustainable growth, creating new and improved public spaces. The Big City Plan was produced as a non-statutory planning and regeneration framework for Birmingham's city centre.
- 3.2.22 The Big City Plan identifies that the city is not static and Birmingham's growing role as a global city will require a wider area to accommodate central area uses such as prime offices and shops to expand. The report defines the city centre within the Ring Road (Middleway) and key to the strategy is the expansion of central functions beyond the historic core into neighbouring areas of the city centre, and particularly into Eastside, Westside and Southside.
- 3.2.23 The application site is located within the Westside zone, alongside the southern tip of the area designated as existing city core. The site is located within the city core growth zone. Westside is a vibrant area of mixed-use development, combining business, leisure, culture, commerce and city living.

### **Emerging Planning Policy**

- 3.2.24 The Birmingham Development Plan (BDP) will replace the saved policies upon adoption. Birmingham City Council's evidence base identifies a need for an additional 150,000 residents by 2031. The Planning Inspector has requested further investigation owing to the Strategic Housing Market Assessment 2012 (revised January 2013) not fully complying with the NPPF. The Council conceded at the Hearing that the Greater Birmingham and Solihull Local Economic Partnership (GBSLEP) provided a sounder basis, because of its more up-to-date evidence.
- 3.2.25 Whilst further investigative work is required to understand the required housing numbers, it is not considered detrimental to the draft policies submitted to the Secretary of State that would be relevant to the regeneration of the brownfield site.
- 3.2.26 Draft Policy PG1: Overall Levels of Growth. Over the Plan period significant levels of housing, employment, office and retail development will be planned for along with supporting infrastructure and environmental enhancements. The Plan identifies a requirement to provide for an additional 51,100 dwellings.
- 3.2.27 Draft Policy PG3: Place Making. All new development will be expected to be designed to the highest possible standards, contributing to a strong sense of place. New development should reinforce or create a positive sense of place and local distinctiveness, with design that responds to site conditions and the local area context, including heritage assets. Safe and

attractive environments are to be encouraged. The promotion of walking and cycling and ensuring that private external spaces, streets and public spaces are attractive, functional, inclusive and able to be managed for the long term.

- 3.2.28 Draft Policy GA1: City Centre. New development should make a positive contribution to improving the vitality of the City Centre and should aim to improve the overall mix of uses. Residential development will continue to be supported in the City Centre where it provides well-designed good quality living environments. Developments will need to provide flexible and adaptable accommodation meeting a range of needs including for families.
- 3.2.29 Part GA1.2 of Draft Policy GA1 states the City Centre has the potential to accommodate in the region of 12,800 new homes.
- 3.2.30 Draft Policy TP2: Adapting to Climate Change. The City will need to adapt to the impacts of extreme weather and climate change. Measures to help manage the impacts include the management of flood risk; promoting and enhancing green infrastructure; protecting the natural environment and promoting and enhancing biodiversity; encouraging greater resilience to extreme weather conditions in the built environment and to transport, energy and other infrastructure.
- 3.2.31 New residential developments should aim to minimise the impact of overheating through demonstrating how the design of development minimises overheating and reduces reliance on air conditioning systems.
- 3.2.32 Draft Policy TP3: Sustainable construction. New development should be designed and constructed to sustainability standards which:
- Maximise energy efficiency and the use of low carbon energy.
  - Conserve water and minimise flood risk.
  - Consider the type and source of the materials used.
  - Minimise waste and maximise recycling during construction and operation.
  - Are flexible and adaptable to future occupier needs.
  - Incorporate measures to enhance biodiversity value.
- 3.2.33 From 2016 all new residential developments should aim to be zero carbon. Developers will need to demonstrate how their proposals accord with any local standards set in SPDs and if not to provide justification as to why they cannot be achieved.
- 3.2.34 Draft Policy TP4: Low and Zero Carbon Generation. Developers will be expected to incorporate the provision of low and zero carbon forms of energy generation or to connect into existing networks where they exist in proposals for new development, wherever possible. In the case of residential developments of over 200 units first consideration should be given to the inclusion of Combined Heat and Power generation, other technologies will also be accepted where it can be demonstrated that they have the same or similar benefits. On sites where low or zero carbon technologies are not feasible, developers will be expected to contribute towards equivalent off site allowable solutions.
- 3.2.35 Draft Policy TP26: Sustainable Neighbourhoods. New housing in Birmingham is expected to contribute to making sustainable places. All new residential development will need to

demonstrate that it is meeting the requirements of creating sustainable neighbourhoods. The neighbourhoods are characterised by:

- A wide choice of house size, type and tenures to ensure balanced communities are created.
- Access to facilities, including shops, schools, leisure and work.
- Convenient options to travel by foot, bicycle and public transport with reduced dependency on cars.
- A strong sense of place with high design quality.
- Environmental sustainability and climate proofing through measures that save energy, water and non-renewable resources.
- Attractive, safe and multifunctional public spaces such as squares, parks and other green spaces.
- Effective long-term management of buildings, public spaces, waste facilities and other infrastructure, with opportunities for community stewardship where appropriate.

3.2.36 Draft Policy TP27: The location of new housing. Proposals for new residential development should be located outside flood zones 2 and 3; be adequately serviced by existing infrastructure; be accessible to jobs, shops and services; be sympathetic to historic, cultural or natural assets; and not conflict with any other specific policies in the BDP.

3.2.37 Draft Policy TP28: The housing trajectory. The housing requirement will be delivered in accordance with the following indicative average annual rates:

- 1,300 dwellings per annum (2011/12 – 2013/14)
- 1,900 dwellings per annum (2014/15 – 2015/16)
- 2,500 dwellings per annum (2016/17 – 2020/21)
- 3,090 dwellings per annum (2021/22 – 2030-31)

3.2.38 Draft Policy TP29: The type, size and density of new housing. Proposals for new housing should seek to deliver a range of dwellings to meet local needs and support the creation of mixed, balanced and sustainable neighbourhoods. New housing should be provided at a target density responding to the site, its context and the housing need with densities of at least 100 dwellings per hectare within the City Centre.

3.2.39 Draft Policy TP30: Affordable housing. The City Council will seek a developer contribution of 35% towards the provision of affordable housing on residential developments of 15 dwellings or more.

3.2.40 Draft Policy TP44: Accessibility standards for new development. All major developments which are likely to generate either solely or in combination with other related developments more than 500 person-trips per day should aim to provide an appropriate level of public transport provision, good cycle access with convenient cycle stands and shelters for longer duration stays and good pedestrian access. Proposals for residential development should that they are accessible to a range of local services such as General Practitioners (GPs), Primary and Secondary Schools, local shops and open space.

## 4 Compliance with Planning Policy

### 4.1 Introduction

- 4.1.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires applications to be determined in accordance with the statutory development plan, unless material consideration indicate otherwise.
- 4.1.2 The application proposal is fully supported by national policy in the NPPF and PPG, delivering housing growth on a city centre brownfield site.

### 4.2 National Planning Policy - NPPF

#### **Achieving Sustainable Development**

- 4.2.1 The application proposal complies with this section of the NPPF, which promotes sustainable development seeking positive improvements in the quality of the built, natural and historic environment. The proposal has undertaken full engagement with the CABA review team to establish the design principle of the site.
- 4.2.2 The engagement exercise has ensured the design height, massing and locality is appropriate for the local area including the topography. This scheme provides much needed housing to the local market and as a development identified in the Birmingham Housing Prospectus is able to deliver a sustainable development in close proximity to jobs, leisure, transport and retail provision.

#### **The Presumption in Favour of Sustainable Development**

- 4.2.3 The applicant and the Project team have engaged with the local authority to ensure a brownfield site can be regenerated to improve the city centre site. The adopted Local Plan includes an out-of-date evidence base and as such the presumption in favour of sustainable development is of importance whilst decision-taking.
- 4.2.4 The application proposal includes an element of mixed use development, with ground floor retail located on the busier Holloway Head frontage of the site.

#### **Promoting Sustainable Transport**

- 4.2.5 The application site is in close proximity to local and national transport links with bus services, trains and metro in close proximity of the site. The sites location and connectivity to the city centre encourages walking with safe and suitable access proposed across the site.

#### **Delivering a wide choice of high quality homes**

- 4.2.6 At the time of writing Birmingham City Council were requested to review their housing figures for their emerging local plan. The site is identified within the housing prospectus created and circulated by Birmingham City Council and it is widely acknowledged the site can provide for suitable housing provision within a city centre location on brownfield land.

#### **Requiring Good Design**

- 4.2.7 As previously identified the applicant and their team has undertaken extensive pre-application advice and engagement with the local authority and CABA. The advice has influenced the

overall design of the site and ensured that residential units are not below ground level on the site.

- 4.2.8 The location of the site, in close proximity to the A38 and Beetham Tower, identifies the need for an iconic and timeless design to be suitable for the gateway to the city centre. The site has long been a blight on the public realm and the regeneration of the brownfield site will be a positive to the local area.

#### **Conserving and enhancing the historic environment**

- 4.2.9 The application site is located in close proximity to heritage assets. The application proposal has considered the impact on the designations. The public benefits to the local area including the improvement to the public realm, retail provision and essential housing provision to the local area outweighs any harm that may be considered on the listed buildings. The site is not in a conservation area and the improvements to the local area are substantial.

### **4.3 Local Planning Policy – Birmingham UDP (2005)**

#### **Chapter Two – Overall Strategy**

- 4.3.1 The application proposal positively proposes the regeneration of a, largely, derelict site in the city centre. As the chapter presents there is a need to exploit the city centre's strengths by regeneration of the City surrounding the A38 corridor which the site is in close proximity of.
- 4.3.2 The application proposal will help to grow and develop the city centre providing housing to aid the planned economic growth and associated new jobs creation.

#### **Chapter Three - Environment**

- 4.3.3 The application proposal complies with chapter three of the UDP through the improvement of the built environment. The existing built fabric is of low quality and the dereliction is negative to the local area.
- 4.3.4 The high standard of design by the architect and the engagement with CABI has developed a proposal that is appropriate for the local built environment landscape – including building heights, materials and massing.
- 4.3.5 Higher densities and more compact layout are stated to be compliant with the UDP where they do not conflict with other policies. On-site open space is provided which improves the environment for residents of the development.

#### **Chapter Five - Housing**

- 4.3.6 Chapter five identifies the need for new housing development to be located on previously developed land within the city centre in close proximity to jobs and public transport. The application proposal fully complies with the policy relating to housing through ensuring that appropriate housing is provided to a density which is appropriate for the local area and its close proximity to the city centre.
- 4.3.7 The high quality development will provide essential housing to those wishing to live in close proximity to local and national public transport hubs, leisure facilities and employment provision. The site is identified in Birmingham City Council's Housing Prospectus as an appropriate location for housing development.

#### **Chapter Six - Transport**

- 4.3.8 The application proposal incorporates private resident car parking on-site and adequate cycle storage on-site. The application site is located in close proximity to local and national public transport services and as such the development is located in a sustainable location.

#### **Chapter 15 – Birmingham Area**

- 4.3.9 Chapter 15 identifies the city centre specific policies including the need for additional new housing in order to maintain the vitality of the city centre. The application proposal fully accords with this policy through regenerating a brownfield site which blights the public realm to provide a high quality residential development in close proximity to the city centre and local and national public transport. Holloway Head was identified in chapter 15 as a priority area and the environmental improvements to the site comply fully with paragraph 15.52.

#### **4.4 Conclusions on Compliance with Policy**

- 4.4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the statutory development plan, unless material considerations indicate otherwise. In this case the development plan comprises the adopted the remaining 'saved policies' Unitary Development Plan (2005).
- 4.4.2 For the reasons given in this Planning Statement, and demonstrated in other supporting material accompanying the submission, the application scheme fully supports the aims and objectives and the relevant policies of the NPPF and the development plan.

## 5 Summary & Conclusion

### 5.1 Overview of Application Proposals

- 5.1.1 The planning application comprises the regeneration of Holloway Head for a mixed use scheme comprising of 487 residential units and 368 sq. m ground floor retail provision. The proposal includes the demolition and site clearance of the existing structures on the site.
- 5.1.2 The application site comprises of 0.7 hectares and is located in close proximity to heritage assets. This statement has explained how the principle of residential development is considered to accord with the development plan and national planning policy.

### 5.2 Benefits of the Application Scheme

- 5.2.1 The application proposal will result in a number of benefits for Birmingham and the local area include:
- A high quality residential development that improves the public realm.
  - The provision of necessary residential units in a sustainable location in close proximity to local and national public transport services.
  - The existing derelict nature of the site is a blight on the public realm. The improvements proposed to the application site contribute to the overall promotion of Birmingham as a 'world city' and accord with policies that specifically designed to create high quality, healthy, affordable and sustainable living.
  - The site is located in a sustainable urban area and a priority area for high-density residential accommodation.
  - The application site has an expansive planning history and the application proposal is of lower risk of crime and disturbance than that of the most recent expired application.
  - The application site is in an inherently sustainably and accessible location situated within an existing community, close to shops and services.

### 5.3 Overall Conclusion

- 5.3.1 In conclusion, the redevelopment of the site for housing as proposed would accord with the provisions of the development plan. It would help to meet the acute housing needs of the borough and create a high quality residential environment which respects the character and amenities of its surroundings. It would therefore secure social/economic and environmental benefits and constitute sustainable development of a type and form to which the presumption in favour contained within the NPPF (paragraph 14) should apply.
- 5.3.2 Accordingly, it is concluded that planning permission should be granted.

## Appendix A

**Non Material Amendment – Decision Document**

Your Ref: Grace Allen

Date: Wednesday 21st December 2022

Application Number: **2022/09134/PA**

Please quote this number whenever you contact us about this application. For more information please contact:

Email us at:

[planningandregenerationenquiries@birmingham.gov.uk](mailto:planningandregenerationenquiries@birmingham.gov.uk)

**Site:** 49-51 Holloway Head, City Centre, Birmingham, B1 1QP

**Proposal:** Non material amendment to Planning Approval 2015/05112/PA for amendment to 2no. elevations to replace fixed windows with openable windows to Girl Guides demise, and amend the condition wording of conditions 26, 27, 28, and 29 to require the trigger of these to relate to the residential element of the scheme only

I am writing to tell you that the Council has made a decision on the above and the application has been approved on 21 December 2022 subject to any details shown below.

No objections are raised to the proposed changes to Planning Approval 2015/05112/PA and NMA's 2017/10777/PA, 2018/09373/PA, 2019/04186/PA and 2021/09959/PA for amendments to:-

- " 2no. elevations to replace fixed windows with openable windows to Girl Guides demise as shown on drawings P21043-CW-CD-XX-DR-A-2101 C01 GA Elevation Block C Ellis Street (East) and P21043-CW-CD-XX-DR-A-2102 C01 GA Elevation Block D Holloway Head (South) and;
- " amend the condition wording of conditions 26, 27, 28, and 29 to require the trigger of these to relate to the residential element of the scheme only to read

#### Condition 26

Requires the prior submission and completion of works for the S278/TRO Agreement

No phase of the development, except for the Girl Guides facility, shall be occupied until for that phase a package of highway measures has been approved by the Local Planning Authority and the approved measures have been substantially completed. The package of measures shall include:-

- reinstate redundant footway crossings around all site frontages.
  - provision of new access points to car parking areas.
  - associated footway and lighting improvements where required around the sites frontages.
  - possible boundary treatment measures between the public and private realm to prevent cars parking on the forecourt areas that would mean blocking part of the footway, or unsuitable/unsafe access to the footway where this isn't permitted.
  - various Traffic Regulation Order changes to remove on-street pay and display bays around car park access, and re-provision of replacement spaces elsewhere.
- and are to be carried out at the applicants expense to Birmingham City Council specification.

#### Condition 27

Requires the prior submission of a parking management strategy

The development hereby permitted shall not be occupied, except for the Girl Guides facility, until a parking management strategy has been submitted to and approved in writing by the Local Planning Authority. The Strategy shall make provision for an electric vehicle charging point, car parking spaces for people with disabilities and explain how the parking spaces are to be allocated. The car park shall thereafter only be operated in accordance with the approved strategy.

**Condition 28**

Requires the provision of cycle parking prior to occupation

The covered bicycle/motorcycle storage spaces shown on drawing numbers Proposed Northern Building Lower Ground 14145 301 Rev A and Proposed Southern Building Level 0 14145 201 Rev A shall be provided before occupation of any dwelling/building on the site, except for the Girl Guides facility, and shall thereafter be retained.

**Condition 29**

Requires the prior submission of a residential travel plan

No dwelling shall be occupied on site, except for the Girl Guides apartment, until a residents' Travel Plan has been submitted and agreed in writing with the Local Planning Authority, which includes measures to actively promote the use of more sustainable transport choices for residents occupying the site. The Plan shall include incentives to be offered to each household upon occupation of each dwelling to encourage the use of modes of travel other than the car and information regarding public transport timetables, cycle maps, the location of local facilities such as schools, shops, education and healthcare services and walking information. The plan shall be implemented in accordance with the approved details.

There have been previous non-material amendments approved in relation to the original consent reference 2015/05112/PA. Cumulatively these amendments are still considered to amount to non-material minor amendments to the original scheme that would not result in a material change to the consent granted under application reference 2015/05112/PA

If you require any additional information the Case Officer for this application is **David Wells**, you can email directly on: david.wells@birmingham.gov.uk or telephone us on the number shown above.

Yours faithfully

**Ian J. MacLeod**

Ian MacLeod, Director of Planning, Transport and Sustainability

**INFORMATIVE NOTE(S) (if any)**

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In arriving at this decision, Birmingham City Council has endeavoured to work with the applicant in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework, paragraph 38.

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If you want to appeal this decision and to use the inquiry procedure, you now need to tell us, and the Planning Inspectorate, at least 10 working days in advance of appeal submission by emailing [inquiryappeals@planninginspectorate.gov.uk](mailto:inquiryappeals@planninginspectorate.gov.uk) and [planning.appeals@birmingham.gov.uk](mailto:planning.appeals@birmingham.gov.uk) of your intention. More information on this and a template to attach to your email can be found at <https://www.gov.uk/government/publications/notification-of-intention-to-submit-an-appeal>. Information and links to making any appeal can be found at <https://www.gov.uk/appeal-planning-decision>.

## Planning Conditions Tracker Schedule

Status (Jan 22)

Refer to project <b>P21-043 - Holloway Head, Birmingham</b> , folder <b>15.10 Planning</b> on Union Square to access all information referenced below.				
Type	Planning Reference	Description	Document Title	Date
Application Ref (C)	2015/05112/PA	Primary Application	BCC Decision Document—2015-05112-PA 231215	23rd December 2015
NMA	2017/10777/PA (Not Foudn)	LAYOUT changes	TBC	16th January 2018
Discharge of Condition (C)	2018/07686/PA	Discharge of condition 32	Condition 32 Approval—Approval Decision Notice 161018	16th October 2018
Discharge of Condition (C)	2018/07327/PA	Discharge of condition 17	Condition 17 Approval—Approval Decision Notice 291118	29th November 2018
Discharge of Condition (C)	2018/07173/PA	Discharge of condition 1, 2, 6, 7, 8, 9, 11, 12, 13, 14, 15, 16, 21, 22, 23, 25	Condition Bundle Approval—Approval Decision Notice 220119	22nd January 2019
Application Ref (C)	2018/06817/PA	Removes condition 9, renumbers conditions	Condition 9 Removal—Notice 2018-06817-PA 230119	23rd January 2019
NMA (C)	2018/09373/PA	Substitutes previous drawings from 05112	BCC Decision Document—NMA 2018-09373-PA 310119	31st January 2019
NMA (C)	2017/04186/PA	Substitutes previous drawings from 09373	BCC Decision Document—NMA 2017-04186-PA 170619	17th June 2019
NMA (C)	2021/00833/PA	Change to Slates/aluminium	BCC Decision Document—NMA 2021-00833-PA 010321	1st March 2021
Discharge of Condition (C)	2021/00834/PA	Discharge of condition 16	Condition 16 Approval—Approval Decision Notice 260321	26th March 2021
Discharge of Condition (C)	2021/04537/PA	Discharge of conditions 10, 15, and 20	BCC Decision Document—NMA 2021-09959-PA 221221	22nd December 2021
NMA	2021/09940/PA	Change to Slates/aluminium	Discharge Detail & Condition Letter /730327	23rd December 2021
Discharge of Condition (C)	2022/06567/PA	Discharge of conditions 8 and 15	Discharge Detail & Condition Letter /7509914	6th October 2022
NMA	2022/09134/PA	openable windows for GG and amendments to triggers for conditions	BCC Decision Document - NMA 2022/09134/PA	21st December 2022

Key	
Discharged	
Pre-commencement	
Pre-occupation	
Compliance	

Priority	2015/05112/PA Condition number	Requirement of Condition	Reason	Comments / Action Taken	Link to Relevant CBRE Folder	Responsibility	Date submitted	Date of Approval / Ref	WCL Comments
	1	Requires the prior submission of a contamination remediation scheme No phase of development shall take place until for that phase of development the following components of a site assessment and, if required remediation scheme to deal with the risks associated with contamination of the site for the intended use has been submitted to and approved, in writing, by the Local Planning Authority: 1) A preliminary risk assessment, which has identified: a all previous uses a potential contaminants associated with those uses a a conceptual model of the site indicating sources, pathways and receptors a potentially unacceptable risks arising from contamination of the site 2) A site investigation scheme, based on (1) to provide information for a detailed risk assessment of the risk to all receptors that may be affected, including those off site. 3) If contamination is found present and assessed as an unacceptable risk to human health safety and the environment an options appraisal and remediation strategy shall be submitted giving full details of the remediation measures required and how they are to be undertaken, timetable of works and site management procedures. 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the written consent of the Local Planning Authority, the scheme shall be implemented as approved and must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 (and subsequent legislation) in relation to the intended use of the land after remediation.	Reason: In order to secure the satisfactory development of the application site in accordance with Paragraphs 3.8 and 3.10 of the Birmingham UDP 2005 and the National Planning Policy Framework.	Document referenced on BCC decision document - BJB Consulting Desk Study Report, titled <b>Site of 49-51 Holloway Head, Birmingham Phase One Environmental Desk Study</b> (Report Ref: 1913-ED501), dated June 2015.  Report included within CBRE pack is from Applied Geology, titled <b>Report on Ground Investigation at Holloway Head, Birmingham - AG275P-17-AD40</b> , dated February 2018.  The Applied Geology Report builds on the Desk Study prepared by BJB for the original application - the 1913-ED501 reference is correct.	<a href="#">Cond 1 - Contamination Remediation</a>			<b>Doc Ref:</b> Condition Bundle Approval—Approval Decision Notice 220119 <b>Date:</b> 22/01/2019 <b>App No:</b> 2018/07173/PA	
	2	Requires the prior submission of a contaminated land verification report Prior to occupation of each phase of the development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include a long-term monitoring and maintenance plan for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.	Reason: In order to secure the satisfactory development of the application site in accordance with Paragraphs 3.8 and 3.10 of the Birmingham UDP 2005 and the National Planning Policy Framework	Document referenced on BCC decision document - BJB Consulting Desk Study Report, titled <b>Site of 49-51 Holloway Head, Birmingham Phase One Environmental Desk Study</b> (Report Ref: 1913-ED501), dated June 2015.  No Report included within CBRE pack.  The information submitted under condition 1 identifies that there is no contamination and therefore remediation works and a verification plan / report are not required - as such there is no document.	<a href="#">Cond 2 - Verification Report</a>			<b>Doc Ref:</b> Condition Bundle Approval—Approval Decision Notice 220119 <b>Date:</b> 22/01/2019 <b>App No:</b> 2018/07173/PA	
	3	Shop Front Design The commercial units hereby approved shall not be occupied until detailed plans showing the design and appearance of the shop front including fascia colour and advertisements have been submitted to and approved by the Local Planning Authority in writing. The shop front shall be installed in accordance with the approved details and thereafter maintained.	Reason: In order to secure the satisfactory development of the application site in accordance with Paragraphs 3.8, 3.10 and 7.15 of the Birmingham UDP 2005, the Shop Front Design Guide SPG and the National Planning Policy Framework.						
	4	Limits the hours of operation of the commercial units (A1: 0600 to 2400 hours). The A1 uses hereby approved shall only take place between the hours of 0600-2400.	Reason: In order to define the permission and safeguard the amenities of occupiers of premises/dwellings in the vicinity in accordance with Paragraphs 3.8 and 3.10 of the Birmingham UDP 2005 and the National Planning Policy Framework.						
	5	Limits delivery time of goods to or from the commercial units ( 07.00 to 19.00 Mondays to Saturdays, 10.00 to 16.00 Sundays). No deliveries shall be taken at or dispatched from the commercial units outside the hours of 07.00 to 19.00 Mondays to Saturdays, 10.00 to 16.00 Sundays.	Reason: In order to define the permission and safeguard the amenities of occupiers of premises/dwellings in the vicinity in accordance with paragraphs 3.8 and 3.10 of the Birmingham UDP 2005 and the National Planning Policy Framework.						
	6	Requires the prior submission of a drainage scheme No phase of development shall take place until for that phase of development a scheme for drainage of the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details and thereafter maintained	Reason: In order to secure the satisfactory development of the application site in accordance with Paragraphs 3.71-3.76 of the Birmingham UDP 2005, Sustainable Management of Urban Rivers and Floodplains SPD and the National Planning Policy Framework.	Document referenced on BCC decision document : <b>Proposed Drainage Strategy - CWA-17-181-530 (Rev P2), dated August 2018.</b>	<a href="#">Cond 6 - Drainage Scheme</a>			<b>Doc Ref:</b> Condition Bundle Approval—Approval Decision Notice 220119 <b>Date:</b> 22/01/2019 <b>App No:</b> 2018/07173/PA	
	7	Requires the prior submission of a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan No phase of development shall take place until for that phase of development a Sustainable Drainage Assessment (including drainage plans, detailed design, hydrological and hydro-geological assessment) using appropriate sustainable drainage principles and a Sustainable Drainage Operation and Maintenance Plan (including details of agreement with an adopting body and proposed inspection and maintenance actions) has been submitted to and approved in writing by the Local Planning Authority  The approved drainage system shall be implemented in accordance with the approved Sustainable Drainage Assessment prior to the use of the building within that phase commencing and maintained thereafter for the lifetime of the development in accordance with the Sustainable Drainage Operation and Maintenance Plan	Reason To ensure there is no increase in risk of flooding, improve and protect water quality, improve habitat and amenity, ensure that sustainable drainage principles are upheld in the design and implementation of the strategy and ensure the future operation and maintenance of the drainage system will be in accordance with the National Planning Policy Framework (including ministerial statement 18th December 2014), TfA of the Birmingham Development Plan, Sustainable Drainage - Birmingham City Council Guide to Design, Adoption and Maintenance and Sustainable Management of Urban Rivers and Floodplains SPD.	Documents referenced on BCC decision documents:  <b>Proposed Exceedance Flow Rules - CWA-17-181-540 (Rev P1)</b> , dated December 2018. <b>Proposed Levels Strategy - CWA-17-181-510 (Rev P1)</b> , dated October 2018 <b>Proposed Drainage Strategy Surface Level Courtyard - CWA-17-181-531 (Rev P1)</b> , dated August 2018 <b>SuDs Management Plan, North Building Storm Storage Calculations and South Building Storm Storage Calculations.</b>	<a href="#">Cond 7 - Sustainable Drainage</a>			<b>Doc Ref:</b> Condition Bundle Approval—Approval Decision Notice 220119 <b>Date:</b> 22/01/2019 <b>App No:</b> 2018/07173/PA	

8	<p>Requires the prior submission of an additional ecological survey</p> <p>No phase of development (including demolition) shall take place until for that phase of development an additional ecological survey, and a report has been submitted to and approved in writing by the Local Planning Authority. The scope of the survey shall be agreed in advance with the Local Planning Authority. The survey report shall be accompanied by a strategy, which provides full details of measures for mitigation and enhancement. The development (including demolition) shall be implemented in accordance with the approved details of the mitigation strategy unless otherwise approved in writing by the Local Planning Authority.</p>	<p>Reason: In order to safeguard any protected species present on the site in accordance with Paragraphs 3.37-3.40 of the Birmingham UDP 2005, the National Planning Policy Framework and the Nature Conservation Strategy for Birmingham SPG.</p>	<p>Phase 1 (south site) discharged in January 2019 - Document referenced on BCC decision document <b>Ecological Enhancement Plan (phase 1)</b></p> <p>Plans amended through NMA 2018/09373/PA</p> <p>CBRE suggest in document <b>DOC Cover letter condition 8</b> that phase 2 has been discharged however there is no BCC document confirming discharge for Phase 2. <b>This cover letter was prepared but not submitted as CBRE were not instructed to do so. The Ecology plans will need to be updated as they will now be time expired, and submitted to discharge phase 2.</b></p> <p>BWB carried out three black redstart surveys on site throughout April and May 2019. A single bat down re-entry survey was conducted on 1st May 2019. The assessment concludes that, with the mitigation measures suggested, no residual effects are envisaged. The Ecological Enhancement Plan (submitted also for phase 1) identifies the location of proposed bird and bat boxes on the buildings for Phase 1 and 2 (section 3.3 and 3.4 of the report), in addition to brown roofs (see condition 15). <b>This condition can therefore be discharged in relation to Phase 2.*</b></p> <p>Condition reworded through NMA 2021/09959/PA</p>	<a href="#">Cond 8 - Ecology</a>	<p><b>Doc Ref:</b> Condition Bundle Approval—Approval Decision Notice 220119 <b>Date:</b> 22/01/2019 <b>App No:</b> 2018/07173/PA</p> <p>Phase 2 discharged 06/10/2022 (2022/06567/PA)</p>
9	<p>Requires the prior submission of extraction and odour control details</p> <p>Should any hot food uses be provided within the development details of the high level vertically directed extract ventilation and odour control equipment, including details of any noise levels, noise control and external ducting has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and thereafter maintained.</p>	<p>Reason: In order to secure the satisfactory development of the application site and safeguard the amenities of occupiers of premises/dwellings in the vicinity in accordance with Paragraphs 3.8 and 3.10 of the Birmingham UDP 2005 and the NPPF.</p>			<p><b>Doc Ref:</b> BCC Decision Document—NMA 2021-09959-PA 221221 <b>Date:</b> 22/12/2021</p>
10	<p>Limits the noise levels for Plant and Machinery</p> <p>The rating levels for cumulative noise from all plant and machinery shall not exceed 5dB below the existing LA90 background levels and 10dB below the existing LAeq of any noise sensitive premises as assessed in accordance with British Standard 4142 (2014) or any subsequent guidance or legislation amending, revoking and/or re-enacting BS4142 with or without modification.</p>	<p>Reason: In order to secure the satisfactory development of the application site and safeguard the amenities of occupiers of premises/dwellings in the vicinity in accordance with Paragraphs 3.8 and 3.10 of the Birmingham UDP 2005 and the NPPF.</p>			
11	<p>Requires the prior submission of noise insulation</p> <p>No phase of development shall take place until for that phase of development a scheme of noise insulation between the residential and commercial premises has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details prior to the occupation of the building and thereafter maintained.</p>	<p>Reason: In order to secure the satisfactory development of the application site and safeguard the amenities of occupiers of premises/dwellings in the vicinity in accordance with Paragraphs 3.8 and 3.10 of the Birmingham UDP 2005 and the NPPF.</p>	<p>Document referenced on 2019 BCC decision document - <b>Noise Impact Assessment 18041-CW-SO-XX-DR-A-0310</b></p> <p>Updated noise assessment submitted.</p> <p>Document referenced on 2021 BCC decision document - <b>Noise Impact Assessment Project 0442021</b> Rev 2 dated 8 April 2021 by JPM Acoustics</p>	<a href="#">Cond 11 - Noise</a>	<p><b>Doc Ref:</b> Condition Bundle Approval—Approval Decision Notice 220119 <b>Date:</b> 22/01/2019 <b>App No:</b> 2018/07173/PA <b>superseded</b></p> <p><b>Doc Ref:</b> Discharge Condition Letter_7330327 2021 <b>Date:</b> 23/12/21 <b>App No:</b> 2021/09960/PA</p>
12	<p>Requires the prior submission of hard and/or soft landscape details</p> <p>No phase of development shall take place until for that phase of development full details of hard and/or soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include proposed finished levels or contours, means of enclosure, hard surfacing materials, minor artefact and structures, proposed and existing functional services above and below ground, fully annotated planting plans to a scale of 1:100, showing where used, locations of individually planted trees, areas of woodland, shrubs, hedges, bushes, and areas of grass. Within ornamental planting areas, plans should be sufficiently detailed to show the locations of different single species groups in relation to one another, and the locations of any individual specimen shrubs. Other information shall include planting schedules, noting species, plant sizes and proposed numbers / densities and details of the proposed planting implementation programme. All hard and/or soft landscape works shall be implemented in accordance with the approved details. The works shall be implemented prior to the occupation of that phase of the development or in accordance with the planting programme agreed with the Local Planning Authority and thereafter maintained. Any trees or shrubs which, within a period of two years from the completion of the development, die, are removed or become seriously diseased or damaged, shall be replaced in the next planting season with others of similar size and species.</p>	<p>Reason: In order to secure the satisfactory development of the application site, ensure a high quality of external environment and reinforce local landscape character in accordance with Paragraphs 3.8, 3.10, 3.14 and 3.16A of the Birmingham UDP 2005 and the National Planning Policy Framework.</p>	<p>Documents (FIRA) referenced on BCC decision document:</p> <p><b>LP2148-FIRA-GL-P-0001</b> <b>LP2148-FIRA-GL-P-0002</b> <b>Tree Schedule,</b> <b>Shrub Schedule,</b> <b>LP2148-FIRA-C1-P-5001</b> <b>LP2148-FIRA-C2-P-5002</b></p> <p>Plans amended through NMA 2018/09373/PA</p>	<a href="#">Cond 12 - Landscaping</a>	<p><b>Doc Ref:</b> Condition Bundle Approval—Approval Decision Notice 220119 <b>Date:</b> 22/01/2019 <b>App No:</b> 2018/07173/PA</p>
13	<p>Requires the prior submission of boundary treatment details</p> <p>No phase of development shall take place until for that phase of development full details of the proposed boundary treatment of the site have been submitted to and approved in writing by the Local Planning Authority. These details shall include plans showing the locations of existing, retained and proposed new boundary treatments and scaled drawings indicating the positions, height, design, materials, type and colour of proposed new boundary treatments. The approved scheme shall be implemented before occupation of the building(s)/use/dwelling (s) hereby permitted and shall be retained thereafter.</p>	<p>Reason: In order to secure the satisfactory development of the application site in accordance with Paragraphs 3.8, 3.10 and 3.16A of the Birmingham UDP 2005 and the National Planning Policy Framework.</p>	<p>Documents referenced on BCC decision document</p> <p><b>18041-0334-A,</b> <b>18041-0335-A,</b> <b>18041-0336-A,</b> <b>18041-0337-A</b> <b>18041-0338-A.</b></p> <p>Plans amended through NMA 2018/09373/PA</p>	<a href="#">Cond 13 - Boundary Treatment</a>	<p><b>Doc Ref:</b> Condition Bundle Approval—Approval Decision Notice 220119 <b>Date:</b> 22/01/2019 <b>App No:</b> 2018/07173/PA</p>
14	<p>Requires the prior submission of a lighting scheme</p> <p>No phase of development hereby approved shall be occupied until a detailed lighting scheme for that phase has been submitted to and approved in writing by the Local Planning Authority. The detailed lighting scheme shall include site annotated plans showing lighting positions for the external spaces, facades, building elevations and structures they illuminate, site plans showing horizontal and vertical overlap to include light trespass and source intensity, affecting surrounding residential premises and details of the lighting fittings including colour, watts and periods of illumination. All lighting works within that phase shall be implemented in accordance with the approved details and shall be completed prior to the occupation of that phase of the development and thereafter maintained.</p>	<p>Reason: To ensure a high quality of external environment, to complement the development proposals, and to protect and reinforce local character in accordance with Paragraphs 3.8, 3.10, 3.14 and 3.16A of the Birmingham UDP 2005, Places for All SPG, Lighting Places SPD and the National Planning Policy Framework.</p>	<p>Document referenced on BCC decision document:</p> <p><b>External lighting proposal August 2018, External lighting layout north block and external lighting layout south block.</b></p> <p>Plans amended through NMA 2018/09373/PA</p>	<a href="#">Cond 14 - Lighting Scheme</a>	<p><b>Doc Ref:</b> Condition Bundle Approval—Approval Decision Notice 220119 <b>Date:</b> 22/01/2019 <b>App No:</b> 2018/07173/PA</p>
15	<p>Requires the prior submission of details of green/brown roofs</p> <p>No phase of development shall take place until for that phase of development a scheme for the provision of green and/or brown roofs (designed with Black Redstart in mind so requiring variations in height and vegetation structure) on the flat roofs of the development, including identified biodiversity benefits, has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and thereafter maintained.</p>	<p>Reason: To improve the landscape character and biodiversity of the area in accordance with Paragraphs 3.8, 3.10, 3.14 and 3.37-3.40 of the Birmingham Unitary Development Plan 2005, the National Planning Policy Framework and the Nature Conservation Strategy for Birmingham SPG.</p>	<p>Documents referenced on BCC decision document (<b>phase 1</b>)</p> <p><b>18041-CW-NO-RF-DR-A-0300-P-00,</b> <b>18041-CW-NO-RF-DR-A-0301-P-00,</b> <b>18041-CW-NO-RF-DR-A-0302-P-00</b> <b>18041-0346-A</b></p> <p>Plans amended through NMA 2018/09373/PA</p> <p>Phase 2 to be discharged</p>	<a href="#">Cond 15 - Green Brown Roofs</a>	<p><b>Doc Ref:</b> Condition Bundle Approval—Approval Decision Notice 220119 <b>Date:</b> 22/01/2019 <b>App No:</b> 2018/07173/PA</p> <p>Phase 2 discharged 06/10/2022 (2022/06567/PA)</p>
16	<p>Requires the prior submission of a construction method statement/management plan</p> <p>No phase of development shall take place until for that phase of development, including any works of demolition, a Construction Method Statement has been submitted to, and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. The method statement shall provide for details of the following:</p> <p>*the parking of vehicles of site operatives and visitors *location of loading and unloading of plant and materials *hours of demolition/construction/delivery *site compound storage</p> <p>The development shall be implemented in accordance with the approved details.</p>	<p>Reason: In order to safeguard the amenities of occupiers of premises/dwellings in the vicinity in accordance with Paragraphs 3.8 and 3.10 of the Birmingham UDP 2005 and the National Planning Policy Framework.</p>	<p>Document referenced on 2019 BCC decision document: <b>Construction method statement</b></p> <p>Decision document reissued against latest construction method statement.</p> <p>Document referenced on 2021 BCC decision document: <b>Construction Method Statement</b> dated December 2020 by Winvic</p>	<a href="#">Cond 16 - Construction Method Statement</a>	<p><b>Doc Ref:</b> Condition Bundle Approval—Approval Decision Notice 220119 <b>Date:</b> 22/01/2019 <b>App No:</b> 2018/07173/PA <b>superseded</b></p> <p><b>Doc Ref:</b> Discharge Detail &amp; Condition Letter_7330327 <b>Date:</b> 23/12/21 <b>App No:</b> 2021/09960/PA</p>

17		Requires the prior submission of sample materials No phase of development shall take place until for that phase of development samples of the materials to be used in the construction of the external surfaces of the extension(s)/building(s)/dwelling(s)/development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.	Reason: in order to secure the satisfactory development of the application site in accordance with Paragraphs 3.8 and 3.10 of the Birmingham UDP 2005 and the National Planning Policy Framework.	2018 Decision made against material samples pre-change to stoffx and aluminium.  Documents referenced on 2021 decision document display the stoffx and aluminium design:  18041-CW-8ABB-XX-DR-A-2100-P-AN-2 18041-CW-8ABB-XX-DR-A-2101-P-AN-2 18041-CW-8ABB-XX-DR-A-2102-P-AN-2 18041-CW-8ABB-XX-DR-A-2103-P-AN-2 18041-CW-8ABB-XX-DR-A-2104-P-AN-2 18041-CW-8ABB-XX-DR-A-2105-P-AN-2 18041-CW-8ABB-XX-DR-A-2106-P-AN-2 18041-CW-8ABB-XX-DR-A-2107-P-AN-2 18041-CW-8ABB-XX-DR-A-2108-P-AN-2 18041-CW-8ABB-XX-DR-A-2109-P-AN-2 18041-CW-8ABB-XX-DR-A-2110-P-AN-2 18041-CW-8CBD-XX-DR-A-2100-P-AN-2 18041-CW-8CBD-XX-DR-A-2101-P-AN-2 18041-CW-8CBD-XX-DR-A-2102-P-AN-2 18041-CW-8CBD-XX-DR-A-2103-P-AN-2 18041-CW-8CBD-XX-DR-A-2104-P-AN-2 18041-CW-8CBD-XX-DR-A-2105-P-AN-2 18041-CW-8CBD-XX-DR-A-2106-P-AN-2 18041-CW-8CBD-XX-DR-A-2107-P-AN-2 18041-CW-8CBD-XX-DR-A-2108-P-AN-2 18041-CW-8CBD-XX-DR-A-2109-P-AN-2	<a href="#">Cond 17 - Sample Materials</a>			<b>Doc Ref:</b> Condition 17 Approval—Approval Decision Notice 1610/18 <b>Date:</b> 29/11/18 <b>App No:</b> 2018/07327/PA <i>superseded</i>  <b>Doc Ref:</b> Discharge Detail & Condition Letter, 7330327 <b>Date:</b> 23/11/21 <b>App No:</b> 2021/09960/PA
18		Requires the scheme to be in accordance with the listed approved plans The development hereby approved shall be implemented in accordance with the details submitted with the application and shown on the drawing numbers listed below (The approved plans)  100 Location Plan 101 Existing Site Plan Survey 102 Proposed Site Plan Phase 1 Including Trefoil House Rev B 103 Proposed Site Plan Phase 2 Including Trefoil House Rev B 104 Proposed Roof Plan Rev B 105 Ownership Plan 200 Proposed Southern Building Level 1 Plan Rev A 201 Proposed Southern Building Level 0 Plan Rev A 202 Proposed Southern Building Upper Ground Plan Rev B 203 Proposed Southern Building Level 1 Plan Rev A 204 Proposed Southern Building Level 2 Plan Rev A 205 Proposed Southern Building Level 3 Plan Rev A 206 Proposed Southern Building Level 4 Plan Rev A 207 Proposed Southern Building Level 6 Plan Rev A 208 Proposed Southern Building Level 7 Plan Rev A 209 Proposed Southern Building Level 8 Plan Rev A 210 Proposed Southern Building Level 9 Plan Rev A 212 Proposed Southern Building Level 10 Plan Rev A 213 Proposed Southern Building Level 11 Plan Rev A 214 Proposed Southern Building Level 12 Plan Rev A 215 Proposed Southern Building Level 13 Plan Rev A 300 Proposed Northern Building Level -1 Plan Rev A 301 Proposed Northern Building Level 0 Plan Rev A 302 Proposed Northern Building Level Upper Ground Plan Rev B 303 Proposed Northern Building Level 1 Plan Rev A 304 Proposed Northern Building Level 2 Plan Rev A 305 Proposed Northern Building Level 3 Plan Rev A 306 Proposed Northern Building Level 4 Plan Rev A 307 Proposed Northern Building Level 5 Plan Rev A 308 Proposed Northern Building Level 6 Plan Rev A 309 Proposed Northern Building Level 7 Plan Rev A	Reason: in order to define the permission in accordance with Paragraphs 3.8 and 3.10 of the Birmingham UDP 2005 and the National Planning Policy Framework.	<b>This condition to be read alongside NMA's</b>				
19		Requires the scheme to be in accordance with the listed approved plans The development hereby approved shall be implemented in accordance with the details submitted with the application and shown on the drawing numbers listed below (The approved plans)  310 Proposed Northern Building Level 8 Plan Rev A 311 Proposed Northern Building Level 9 Plan Rev A 312 Proposed Northern Building Level 10 Plan Rev A 313 Proposed Northern Building Level 11 Plan Rev A 320 Proposed Gf Guides Option Lower Ground Plan 321 Proposed Gf Guides Option Upper Ground Plan 322 Proposed Gf Guides Option Level 1 Plan 400 Existing Southern Site Contextual Elevation AA Rev A 401 Existing Southern Site Contextual Elevation BB Rev A 402 Existing Northern Site Contextual Elevation CC Rev A 403 Existing Northern Site Contextual Elevation DD Rev A 404 Existing Site Contextual Elevation EE Rev A 405 Existing Site Contextual Elevation FF Rev A 410 Proposed Southern Site Contextual Elevation AA Rev B 411 Proposed Southern Site Contextual Elevation BB Rev B 412 Proposed Northern Site Contextual Elevation CC Rev B 413 Proposed Northern Site Contextual Elevation DD Rev B 414 Proposed Site Contextual Elevation EE Rev B 415 Proposed Site Contextual Elevation FF Rev B	Reason: in order to define the permission in accordance with Paragraphs 3.8 and 3.10 of the Birmingham UDP 2005 and the National Planning Policy Framework.	<b>This condition to be read alongside NMA's</b>				
20		Requires the scheme to be in accordance with the listed approved plans The development hereby approved shall be implemented in accordance with the details submitted with the application and shown on drawing numbers listed below (The approved plans)  420 Proposed Northern Site Block A - Gough Street Elevation Rev B 421 Proposed Northern Site Block A - Blucher Street Elevation Rev B 422 Proposed Northern Site Block B1 - Ellis Street Elevation Rev B 423 Proposed Northern Site Block B2 - Brownsae Drive Rev B 424 Proposed Northern Site Block B2 - Blucher Street Elevation Rev B 425 Proposed Northern Site Block B2 - Ellis Street Elevation Rev B 426 Proposed Northern Site Block B2 - Courtyard Elevation Rev B 427 Proposed Northern Site Block C - Brownsae Drive Elevation Rev B 428 Proposed Northern Site Block C - Ellis Street Elevation Rev B 429 Proposed Northern Site Block D - Holloway Head Elevation Rev B 430 Proposed Northern Site Block C - Blucher Street Elevation Rev B 500 Existing Site Section AA Rev A 501 Existing Site Section BB Rev A 502 Existing Site Section CC Rev A 510 Proposed Site Section AA Rev A 511 Proposed Site Section BB Rev A 512 Proposed Site Section CC Rev A 520 Northern site Block A Internal Courtyard Section AA Rev A 521 Northern Site Block B Internal Courtyard Section BB Rev A 522 Southern Site Internal Courtyard Section CC Rev B 523 Southern Site Internal Courtyard Section DD Rev B	Reason: in order to define the permission in accordance with Paragraphs 3.8 and 3.10 of the Birmingham UDP 2005 and the National Planning Policy Framework.	<b>This condition to be read alongside NMA's</b>				
21		Requires the prior submission of a phasing plan No development shall take place until a phasing plan for the construction and implementation of the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved phasing plan.	Reason: in order to secure the satisfactory development of the application site in accordance with Paragraphs 3.8 and 3.10 of the Birmingham UDP 2005 and the National Planning Policy Framework.	Document referenced on BCC decision document <b>Phasing plan</b>	<a href="#">Cond 21 - Phasing Plan</a>			<b>Doc Ref:</b> Condition Bundle Approval—Approval Decision Notice 220119 <b>Date:</b> 22/01/2019 <b>App No:</b> 2018/07173/PA <i>superseded</i>  <b>Date:</b> 23/12/2021 <b>App No:</b> 2021/09960/PA
22		Requires the prior submission of a CCTV scheme No phase of development shall take place until for that phase of development a scheme for the provision of a network of closed circuit television cameras, including the proposed location of the cameras, mounting columns, proposals for the use and management of the system and proposals for its installation has been submitted to and approved in writing by the Local Planning Authority. The CCTV system shall be installed in accordance with the approved details prior to first occupation of that phase and thereafter maintained.	Reason: in order to secure the satisfactory development of the application site in accordance with Paragraphs 3.8 and 3.10 of the Birmingham UDP 2005 and the National Planning Policy Framework.	Document referenced on BCC decision document: <b>CCTV strategy report August 2018, N18031-340-P2, N18031-343-P3, N18031-342-P2, N18031-341-P3.</b>	<a href="#">Cond 22 - CCTV</a>			<b>Doc Ref:</b> Condition Bundle Approval—Approval Decision Notice 220119 <b>Date:</b> 22/01/2019 <b>App No:</b> 2018/07173/PA
23		Requires the prior submission of details of refuse storage No phase of development shall take place until for that phase of development details of facilities for the storage of refuse within the curtilage of building(s) approved under this permission have been submitted to and approved in writing by the Local Planning Authority. The refuse facilities shall be provided in accordance with the approved details before the buildings within that phase are first occupied and thereafter maintained.	Reason: in order to secure the satisfactory development of the application site in accordance with Paragraphs 3.8 and 3.10 of the Birmingham UDP 2005 and the National Planning Policy Framework.	Document referenced on BCC decision document: <b>18041-0330-A and 18041-0331-A.</b>  <i>Plans amended through NMA 2018/09373/PA</i>  <b>18041-0330-A and 18041-0331-A.</b>  <i>Plans amended through NMA 2018/09373/PA</i>	<a href="#">Cond 23 - Refuse Storage</a>			<b>Doc Ref:</b> Condition Bundle Approval—Approval Decision Notice 220119 <b>Date:</b> 22/01/2019 <b>App No:</b> 2018/07173/PA
24		Requires the scheme to be in accordance with Noise Study Prior to occupation of the development, glazing and ventilation to habitable rooms shall be installed as specified in section 3.1 of Cascade noise assessment report Project No: CC1154 (July 2015) and thereafter retained and maintained.	Reason: in order to secure the satisfactory development of the application site in accordance with Paragraphs 3.8 and 3.10 of the Birmingham UDP 2005 and the NPPF					
25		Secures an employment policy The employment policy for the construction of the development hereby approved shall be agreed in writing with the Local Planning Authority. It shall include liaison with the City Council's Employment Access Team and its partners and reflect employment protocols and initiatives at that time. It shall be updated as required and as agreed with the Local Planning Authority.	Reason: in order to secure the satisfactory development of the application site in accordance with Paragraphs 3.8 and 4.15 of the Birmingham UDP 2005 and the National Planning Policy Framework.	Document referenced on BCC decision document: <b>Construction Employment Plan</b>	<a href="#">Cond 25 - Employment Policy</a>			<b>Doc Ref:</b> Condition Bundle Approval—Approval Decision Notice 220119 <b>Date:</b> 22/01/2019 <b>App No:</b> 2018/07173/PA

26	<p>Requires the prior submission and completion of works for the S278/TRO Agreement</p> <p>No phase of the development, except for the Girl Guides facility, shall be occupied until for that phase a package of highway measures has been approved by the Local Planning Authority and the approved measures have been substantially completed. The package of measures shall include:-</p> <ul style="list-style-type: none"> <li>-reinstate redundant footway crossings around all site frontages.</li> <li>-provision of new access points to car parking areas.</li> <li>-associated footway and lighting improvements where required around the sites frontages.</li> <li>-possible boundary treatment measures between the public and private realm to prevent cars parking on the forecourt areas that would mean blocking part of the footway, or unsuitable/unsafe access to the footway where this isn't permitted.</li> <li>-various Traffic Regulation Order changes to remove on-street pay and display bays around car park access, and re-provision of replacement spaces elsewhere.</li> </ul> <p>and are to be carried out at the applicant's expense to Birmingham City Council specification.</p>	Reason: In order to secure the satisfactory development of the application site in the interests of highway safety in accordance with Paragraphs 3.8, 3.10, 6.17 and 6.39 of the Birmingham UDP 2005 and the National Planning Policy Framework.	trigger amended through NMA 2022/09134/PA					
27	<p>Requires the prior submission of a parking management strategy</p> <p>The development hereby permitted shall not be occupied, except for the Girl Guides facility, until a parking management strategy has been submitted to and approved in writing by the Local Planning Authority. The Strategy shall make provision for an electric vehicle charging point, car parking spaces for people with disabilities and explain how the parking spaces are to be allocated. The car park shall thereafter only be operated in accordance with the approved strategy.</p>	Reason: In order to secure the satisfactory development of the application site in the interests of highway safety in accordance with Paragraphs 3.8, 3.10, 6.17 and 6.39 of the Birmingham UDP 2005 and the Car Parking Guidelines.	trigger amended through NMA 2022/09134/PA					
28	<p>Requires the provision of cycle parking prior to occupation</p> <p>The covered bicycle/motorcycle storage spaces shown on drawing numbers Proposed Northern Building Lower Ground 14145 301 Rev A and Proposed Southern Building Level 0 14145 201 Rev A shall be provided before occupation of any dwelling/building, except for the Girl Guides facility, on the site and shall thereafter be retained.</p>	Reason: In order to secure the satisfactory development of the application site in the interests of highway safety in accordance with Paragraphs 3.8, 3.10, 6.17 and 6.39 of the Birmingham UDP 2005 and the National Planning Policy Framework.	trigger amended through NMA 2022/09134/PA					
29	<p>Requires the prior submission of a residential travel plan</p> <p>No dwelling shall be occupied on site, except for the Girl Guides facility, until a residents' Travel Plan has been submitted and agreed in writing with the Local Planning Authority, which includes measures to actively promote the use of more sustainable transport choices for residents occupying the site. The Plan shall include incentives to be offered to each household upon occupation of each dwelling to encourage the use of modes of travel other than the car and information regarding public transport timetables, cycle maps, the location of local facilities such as schools, shops, education and healthcare services and walking information. The plan shall be implemented in accordance with the approved details.</p>	Reason: In order to secure the satisfactory development of the application site in the interests of highway safety in accordance with Paragraphs 3.8, 3.10, 6.17 and 6.39 of the Birmingham UDP 2005 and the National Planning Policy Framework.	trigger amended through NMA 2022/09134/PA					
30	<p>Requires the parking area to be laid out prior to use</p> <p>The use/development hereby approved shall not commence or the building(s)/premises/dwellings(s) occupied until vehicle parking within that phase of the development has been constructed, surfaced and marked out in accordance with the approved details and that area shall not thereafter be used for any purpose other than parking, loading and unloading of vehicles.</p>	Reason: In order to secure the satisfactory development of the application site in the interests of highway safety in accordance with Paragraphs 3.8, 3.10, 6.17 and 6.39 of the Birmingham UDP 2005, the Car Parking Guidelines SPD and the National Planning Policy Framework.						
31	<p>Requires gates to be set back</p> <p>Any gates provided to the development access shall be set back at a distance of 5.5 metres from the edge of the carriageway of the adjoining highway and thereafter maintained.</p>	Reason: In order to secure the satisfactory development of the application site in the interests of highway safety in accordance with Paragraphs 3.8, 3.10, 6.17 and 6.39 of the Birmingham UDP 2005 and the National Planning Policy Framework.						
32	<p>Requires the prior submission of details of a delivery vehicle management scheme</p> <p>No phase of development shall take place until for that phase of development details of a delivery vehicle management scheme have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details and thereafter maintained.</p>	Reason: To prevent vehicles waiting in the public highway and causing disturbance to residential amenity in accordance with Paragraphs 3.8 and 3.10 of the Birmingham UDP 2005 and the National Planning Policy Framework.	<p>The Delivery and Service Vehicle Management Scheme received 19 September 2018 is sufficient to satisfy condition 32.</p> <p>Plans amended through NMA 2018/09373/PA</p>	<a href="#">Cond 32 - Delivery Vehicle Mgmt</a>				<p><b>Doc Ref:</b> Condition 32 Approval—Approval Decision Notice 16/10/18</p> <p><b>Date:</b> 16/10/18</p> <p><b>App No:</b> 2018/07686/PA</p>
33	<p>Limits the approval to 3 years (Full)</p> <p>The development hereby permitted shall be begun before the expiration of (3) years from the date of this permission.</p>	Reason: In order to comply with Section 91 of the Town and Country Planning Act 1990 (as amended) and the National Planning Policy Framework.	Works have commenced therefore condition is discharged.					

# DECISION DOCUMENT

**APPLICATION NUMBER: 2015/05112/PA**

## **TOWN AND COUNTRY PLANNING ACT 1990**

### **APPLICANT**

Panther Securities  
Panther House  
38 Mount Pleasant  
London  
WC1X 0AP

### **AGENT (if used)**

Corstorphine Wright Architects  
The Old Library  
Hagley Road  
Stourbridge  
West Midlands  
DY8 1QH

BIRMINGHAM CITY COUNCIL GRANT PLANNING PERMISSION SUBJECT TO CONDITIONS FOR THE FOLLOWING DEVELOPMENT IN ACCORDANCE WITH THE PLANS AND APPLICATION AS NUMBERED ABOVE:

Demolition of existing buildings and erection of multi-storey residential buildings (with either 487 apartments and relocation of the girl guides off-site, or 481 apartments and relocation of the girl guides on-site) across two adjacent blocks separated by Brownsea Drive including basement parking to both blocks and ground floor retail units (A1) to Holloway Head.

at

49-51 Holloway Head, Blucher Street, Gough Street, Ellis Street, Land bounded by, Holloway Head, City Centre, Birmingham, B1 1QP

### **Conditions that affect this development or use**

- 
- 1 Requires the prior submission of a contamination remediation scheme  
No phase of development shall take place until for that phase of development the following components of a site assessment and, if required remediation scheme to deal with the risks associated with contamination of the site for the intended use has been submitted to and approved, in writing, by the Local Planning Authority:
- 1) A preliminary risk assessment, which has identified:
    - o all previous uses
    - o potential contaminants associated with those uses
    - o a conceptual model of the site indicating sources, pathways and receptors
    - o potentially unacceptable risks arising from contamination at the site.
  - 2) A site investigation scheme, based on (1) to provide information for a detailed risk assessment of the risk to all receptors that may be affected, including those off site.
  - 3) If contamination is found present and assessed as an unacceptable risk to human health safety and the environment an options appraisal and remediation strategy shall be submitted giving full details of the remediation measures required and how they are to be undertaken, timetable of works and site management procedures.
  - 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.
- Any changes to these components require the written consent of the Local Planning Authority. The scheme shall be implemented as approved and must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 (and subsequent legislation) in relation to the intended use of the land after remediation.
- Reason: In order to secure the satisfactory development of the application site in accordance with Paragraphs 3.8 and 3.10 of the Birmingham UDP 2005 and the National Planning Policy Framework.

- 2 Requires the prior submission of a contaminated land verification report  
Prior to occupation of each phase of the development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include a long-term monitoring and maintenance plan for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.  
Reason: In order to secure the satisfactory development of the application site in accordance with Paragraphs 3.8 and 3.10 of the Birmingham UDP 2005 and the National Planning Policy Framework
- 
- 3 Shop Front Design  
The commercial units hereby approved shall not be occupied until detailed plans showing the design and appearance of the shop front including fascia colour and advertisements have been submitted to and approved by the Local Planning Authority in writing. The shop front shall be installed in accordance with the approved details and thereafter maintained.  
Reason: In order to secure the satisfactory development of the application site in accordance with Paragraphs 3.8, 3.10 and 7.15 of the Birmingham UDP 2005, the Shop Front Design Guide SPG and the National Planning Policy Framework.
- 
- 4 Limits the hours of operation of the commercial units (A1: 0600 to 2400 hours).  
The A1 uses hereby approved shall only take place between the hours of 0600-2400.  
Reason: In order to define the permission and safeguard the amenities of occupiers of premises/dwellings in the vicinity in accordance with Paragraphs 3.8 and 3.10 of the Birmingham UDP 2005 and the National Planning Policy Framework.
- 
- 5 Limits delivery time of goods to or from the commercial units ( 07.00 to 19.00 Mondays to Saturdays, 10.00 to 16.00 Sundays).  
No deliveries shall be taken at or dispatched from the commercial units outside the hours of 07.00 to 19.00 Mondays to Saturdays, 10.00 to 16.00 Sundays.  
Reason: In order to define the permission and safeguard the amenities of occupiers of premises/dwellings in the vicinity in accordance with paragraphs 3.8 and 3.10 of the Birmingham UDP 2005 and the National Planning Policy Framework.
- 
- 6 Requires the prior submission of a drainage scheme  
No phase of development shall take place until for that phase of development a scheme for drainage of the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details and thereafter maintained  
Reason: In order to secure the satisfactory development of the application site in accordance with Paragraphs 3.71-3.76 of the Birmingham UDP 2005, Sustainable Management of Urban Rivers and Floodplains SPD and the National Planning Policy Framework.

- 7 Requires the prior submission of a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan  
No phase of development shall take place until for that phase of development a Sustainable Drainage Assessment (including drainage plans, detailed design, hydrological and hydro-geological assessment) using appropriate sustainable drainage principles and a Sustainable Drainage Operation and Maintenance Plan (including details of agreement with an adopting body and proposed inspection and maintenance actions) has been submitted to and approved in writing by the Local Planning Authority
- The approved drainage system shall be implemented in accordance with the approved Sustainable Drainage Assessment prior to the use of the building within that phase commencing and maintained thereafter for the lifetime of the development in accordance with the Sustainable Drainage Operation and Maintenance Plan
- Reason  
To ensure there is no increase in risk of flooding, improve and protect water quality, improve habitat and amenity, ensure that sustainable drainage principles are upheld in the design and implementation of the strategy and ensure the future operation and maintenance of the drainage system will be in accordance with the National Planning Policy Framework (including ministerial statement 18th December 2014), TP6 of the Birmingham Development Plan, Sustainable Drainage - Birmingham City Council Guide to Design, Adoption and Maintenance and Sustainable Management of Urban Rivers and Floodplains SPD.
- 
- 8 Requires the prior submission of an additional ecological survey  
No phase of development (including demolition) shall take place until for that phase of development an additional ecological survey, and a report has been submitted to and approved in writing by the Local Planning Authority. The scope of the survey shall be agreed in advance with the Local Planning Authority. The survey report shall be accompanied by a strategy, which provides full details of measures for mitigation and enhancement. The development (including demolition) shall be implemented in accordance with the approved details of the mitigation strategy unless otherwise approved in writing by the Local Planning Authority.
- Reason: In order to safeguard any protected species present on the site in accordance with Paragraphs 3.37-3.40 of the Birmingham UDP 2005, the National Planning Policy Framework and the Nature Conservation Strategy for Birmingham SPG.
- 
- 9 Requires the prior submission of extraction and odour control details  
No phase of development shall take place until for that phase of development details of the high level vertically directed extract ventilation and odour control equipment, including details of any noise levels, noise control and external ducting has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and thereafter maintained.
- Reason: In order to secure the satisfactory development of the application site and safeguard the amenities of occupiers of premises/dwellings in the vicinity in accordance with Paragraphs 3.8 and 3.10 of the Birmingham UDP 2005 and the NPPF
- 
- 10 Limits the noise levels for Plant and Machinery  
The rating levels for cumulative noise from all plant and machinery shall not exceed 5dB below the existing LA90 background levels and 10dB below the existing LAeq at any noise sensitive premises as assessed in accordance with British Standard 4142 (2014) or any subsequent guidance or legislation amending, revoking and/or re-enacting BS4142 with or without modification.
- Reason: In order to secure the satisfactory development of the application site and safeguard the amenities of occupiers of premises/dwellings in the vicinity in accordance with Paragraphs 3.8 and 3.10 of the Birmingham UDP 2005 and the NPPF.
- 
- 11 Requires the prior submission of noise insulation  
No phase of development shall take place until for that phase of development a scheme of noise insulation between the residential and commercial premises has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details prior to the occupation of the building and thereafter maintained.
- Reason: In order to secure the satisfactory development of the application site and safeguard the amenities of occupiers of premises/dwellings in the vicinity in accordance with Paragraphs 3.8 and 3.10 of the Birmingham UDP 2005 and the NPPF.

- 12 Requires the prior submission of hard and/or soft landscape details  
No phase of development shall take place until for that phase of development full details of hard and/or soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include proposed finished levels or contours, means of enclosure, hard surfacing materials, minor artefact and structures, proposed and existing functional services above and below ground, fully annotated planting plans to a scale of 1:100, showing, where used, locations of individually planted trees, areas of woodland, shrubs, hedges, bulbs, and areas of grass. Within ornamental planting areas, plans should be sufficiently detailed to show the locations of different single species groups in relation to one another, and the locations of any individual specimen shrubs. Other information shall include planting schedules, noting species, plant sizes and proposed numbers / densities and details of the proposed planting implementation programme. All hard and/or soft landscape works shall be implemented in accordance with the approved details. The works shall be implemented prior to the occupation of that phase of the development or in accordance with the planting programme agreed with the Local Planning Authority and thereafter maintained. Any trees or shrubs which, within a period of two years from the completion of the development, die, are removed or become seriously diseased or damaged, shall be replaced in the next planting season with others of similar size and species.  
Reason: In order to secure the satisfactory development of the application site, ensure a high quality of external environment and reinforce local landscape character in accordance with Paragraphs 3.8, 3.10, 3.14 and 3.16A of the Birmingham UDP 2005 and the National Planning Policy Framework.
- 
- 13 Requires the prior submission of boundary treatment details  
No phase of development shall take place until for that phase of development full details of the proposed boundary treatment of the site have been submitted to and approved in writing by the Local Planning Authority. These details shall include plans showing the locations of existing, retained and proposed new boundary treatments and scaled drawings indicating the positions, height, design, materials, type and colour of proposed new boundary treatments. The approved scheme shall be implemented before occupation of the building(s)/use/dwelling (s) hereby permitted and shall be retained thereafter.  
Reason: In order to secure the satisfactory development of the application site in accordance with Paragraphs 3.8, 3.10 and 3.16A of the Birmingham UDP 2005 and the National Planning Policy Framework.
- 
- 14 Requires the prior submission of a lighting scheme  
No phase of development hereby approved shall be occupied until a detailed lighting scheme for that phase has been submitted to and approved in writing by the Local Planning Authority. The detailed lighting scheme shall include site annotated plans showing lighting positions for the external spaces, facades, building elevations and structures they illuminate, site plans showing horizontal and vertical overspill to include light trespass and source intensity, affecting surrounding residential premises and details of the lighting fittings including: colour, watts and periods of illumination. All lighting works within that phase shall be implemented in accordance with the approved details and shall be completed prior to the occupation of that phase of the development and thereafter maintained.  
Reason: To ensure a high quality of external environment, to complement the development proposals, and to protect and reinforce local character in accordance with Paragraphs 3.8, 3.10, 3.14 and 3.16A of the Birmingham UDP 2005, Places for All SPG, Lighting Places SPD and the National Planning Policy Framework.
- 
- 15 Requires the prior submission of details of green/brown roofs  
No phase of development shall take place until for that phase of development a scheme for the provision of green and/or brown roofs (designed with Black Redstart in mind so requiring variations in height and vegetation structure) on the flat roofs of the development, including identified biodiversity benefits, has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and thereafter maintained.  
Reason: To improve the landscape character and biodiversity of the area in accordance with Paragraphs 3.8, 3.10, 3.14, 3.16a and 3.37-3.40 of the Birmingham Unitary Development Plan 2005, the National Planning Policy Framework and the Nature Conservation Strategy for Birmingham SPG.

- 16 Requires the prior submission of a construction method statement/management plan  
No phase of development shall take place until for that phase of development, including any works of demolition, a Construction Method Statement has been submitted to, and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. The method statement shall provide for details of the following:

- \* the parking of vehicles of site operatives and visitors
- \* location of loading and unloading of plant and materials
- \* hours of demolition/construction/delivery
- \* site compound storage

The development shall be implemented in accordance with the approved details.

Reason: In order to safeguard the amenities of occupiers of premises/dwellings in the vicinity in accordance with Paragraphs 3.8 and 3.10 of the Birmingham UDP 2005 and the National Planning Policy Framework.

- 
- 17 Requires the prior submission of sample materials  
No phase of development shall take place until for that phase of development samples of the materials to be used in the construction of the external surfaces of the extension(s)/building(s)/dwelling(s)/development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: In order to secure the satisfactory development of the application site in accordance with Paragraphs 3.8 and 3.10 of the Birmingham UDP 2005 and the National Planning Policy Framework.

- 18 Requires the scheme to be in accordance with the listed approved plans  
The development hereby approved shall be implemented in accordance with the details submitted with the application and shown on the drawing numbers listed below ('the approved plans')

100 Location Plan  
101 Existing Site Plan Survey  
102 Proposed Site Plan Phase 1 Including Trefoil House Rev B  
103 Proposed Site Plan Phase 2 Including Trefoil House Rev B  
104 Proposed Roof Plan Rev B  
105 Ownership Plan  
200 Proposed Southern Building Level -1 Plan Rev A  
201 Proposed Southern Building Level 0 Plan Rev A  
202 Proposed Southern Building Upper Ground Plan Rev B  
203 Proposed Southern Building Level 1 Plan Rev A  
204 Proposed Southern Building Level 2 Plan Rev A  
205 Proposed Southern Building Level 3 Plan Rev A  
206 Proposed Southern Building Level 4 Plan Rev A  
207 Proposed Southern Building Level 6 Plan Rev A  
208 Proposed Southern Building Level 7 Plan Rev A  
209 Proposed Southern Building Level 8 Plan Rev A  
210 Proposed Southern Building Level 9 Plan Rev A  
212 Proposed Southern Building Level 10 Plan Rev A  
213 Proposed Southern Building Level 11 Plan Rev A  
214 Proposed Southern Building Level 12 Plan Rev A  
215 Proposed Southern Building Level 13 Plan Rev A  
300 Proposed Northern Building Level -1 Plan Rev A  
301 Proposed Northern Building Level 0 Plan Rev A  
302 Proposed Northern Building Level Upper Ground Plan Rev B  
303 Proposed Northern Building Level 1 Plan Rev A  
304 Proposed Northern Building Level 2 Plan Rev A  
305 Proposed Northern Building Level 3 Plan Rev A  
306 Proposed Northern Building Level 4 Plan Rev A  
307 Proposed Northern Building Level 5 Plan Rev A  
308 Proposed Northern Building Level 6 Plan Rev A  
309 Proposed Northern Building Level 7 Plan Rev A

Reason: In order to define the permission in accordance with Paragraphs 3.8 and 3.10 of the Birmingham UDP 2005 and the National Planning Policy Framework.

- 19 Requires the scheme to be in accordance with the listed approved plans  
The development hereby approved shall be implemented in accordance with the details submitted with the application and shown on the drawing numbers listed below ('the approved plans')

310 Proposed Northern Building Level 8 Plan Rev A  
311 Proposed Northern Building Level 9 Plan Rev A  
312 Proposed Northern Building Level 10 Plan Rev A  
313 Proposed Northern Building Level 11 Plan Rev A  
320 Proposed Girl Guides Option Lower Ground Plan  
321 Proposed Girl Guides Option Upper Ground Plan  
322 Proposed Girl Guides Option Level 1 Plan  
400 Existing Southern Site Contextual Elevation AA Rev A  
401 Existing Southern Site Contextual Elevation BB Rev A  
402 Existing Northern Site Contextual Elevation CC Rev A  
403 Existing Northern Site Contextual Elevation DD Rev A  
404 Existing Site Contextual Elevation EE Rev A  
405 Existing Site Contextual Elevation FF Rev A  
410 Proposed Southern Site Contextual Elevation AA Rev B  
411 Proposed Southern Site Contextual Elevation BB Rev B  
412 Proposed Northern Site Contextual Elevation CC Rev B  
413 Proposed Northern Site Contextual Elevation DD Rev B  
414 Proposed Site Contextual Elevation EE Rev B  
415 Proposed Site Contextual Elevation FF Rev B

Reason: In order to define the permission in accordance with Paragraphs 3.8 and 3.10 of the Birmingham UDP 2005 and the National Planning Policy Framework.

- 
- 20 Requires the scheme to be in accordance with the listed approved plans  
The development hereby approved shall be implemented in accordance with the details submitted with the application and shown on drawing numbers listed below ('the approved plans')

420 Proposed Northern Site Block A - Gough Street Elevation Rev B  
421 Proposed Northern Site Block A - Blucher Street Elevation Rev B  
422 Proposed Northern Site Block B1 - Ellis Street Elevation Rev B  
423 Proposed Northern Site Block B2 - Brownsea Drive Rev B  
424 Proposed Northern Site Block B2 - Blucher Street Elevation Rev B  
425 Proposed Northern Site Block B2 - Ellis Street Elevation Rev B  
426 Proposed Northern Site Block B2 - Courtyard Elevation Rev B  
427 Proposed Northern Site Block C - Brownsea Drive Elevation Rev B  
428 Proposed Northern Site Block C - Ellis Street Elevation Rev B  
429 Proposed Northern Site Block D - Holloway Head Elevation Rev B  
430 Proposed Northern Site Block D - Blucher Street Elevation Rev B  
500 Existing Site Section AA Rev A  
501 Existing Site Section BB Rev A  
502 Existing Site Section CC Rev A  
510 Proposed Site Section AA Rev A  
511 Proposed Site Section BB Rev A  
512 Proposed Site Section CC Rev A  
520 Northern site Block A Internal Courtyard Section AA Rev A  
521 Northern Site Block B Internal Courtyard Section BB Rev A  
522 Southern Site Internal Courtyard Section CC Rev B  
523 Southern Site Internal Courtyard Section DD Rev B

Reason: In order to define the permission in accordance with Paragraphs 3.8 and 3.10 of the Birmingham UDP 2005 and the National Planning Policy Framework.

- 21 Requires the prior submission of a phasing plan  
No development shall take place until a phasing plan for the construction and implementation of the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved phasing plan.  
Reason: In order to secure the satisfactory development of the application site in accordance with Paragraphs 3.8 and 3.10 of the Birmingham UDP 2005 and the National Planning Policy Framework.
- 
- 22 Requires the prior submission of a CCTV scheme  
No phase of development shall take place until for that phase of development a scheme for the provision of a network of closed circuit television cameras, including the proposed location of the cameras, mounting columns, proposals for the use and management of the system and proposals for its installation has been submitted to and approved in writing by the Local Planning Authority. The CCTV system shall be installed in accordance with the approved details prior to first occupation of that phase and thereafter maintained.  
Reason: In order to secure the satisfactory development of the application site in accordance with Paragraphs 3.8 and 3.10 of the Birmingham UDP 2005 and the National Planning Policy Framework.
- 
- 23 Requires the prior submission of details of refuse storage  
No phase of development shall take place until for that phase of development details of facilities for the storage of refuse within the curtilage of building(s) approved under this permission have been submitted to and approved in writing by the Local Planning Authority. The refuse facilities shall be provided in accordance with the approved details before the buildings within that phase are first occupied and thereafter maintained.  
Reason: In order to secure the satisfactory development of the application site in accordance with Paragraphs 3.8 and 3.10 of the Birmingham UDP 2005 and the National Planning Policy Framework.
- 
- 24 Requires the scheme to be in accordance with Noise Study  
Prior to occupation of the development, glazing and ventilation to habitable rooms shall be installed as specified in section 3.1 of Cascade noise assessment report Project No: CC1154 (July 2015) and thereafter retained and maintained.  
Reason: In order to secure the satisfactory development of the application site and safeguard the amenities of occupiers of premises/dwellings in the vicinity in accordance with Paragraphs 3.8 and 3.10 of the Birmingham UDP 2005 and the NPPF.
- 
- 25 Secures an employment policy  
The employment policy for the construction of the development hereby approved shall be agreed in writing with the Local Planning Authority. It shall include liaison with the City Council's Employment Access Team and its partners and reflect employment protocols and initiatives at that time. It shall be updated as required and as agreed with the Local Planning Authority. Reason: In order to secure the satisfactory development of the application site in accordance with Paragraphs 3.8 and 4.15 of the Birmingham UDP 2005 and the National Planning Policy Framework.
- 
- 26 Requires the prior submission and completion of works for the S278/TRO Agreement  
No phase of the development shall be occupied until for that phase a package of highway measures has been approved by the Local Planning Authority and the approved measures have been substantially completed. The package of measures shall include:-
- reinstate redundant footway crossings around all site frontages.
  - provision of new access points to car parking areas.
  - associated footway and lighting improvements where required around the sites frontages.
  - possible boundary treatment measures between the public and private realm to prevent cars parking on the forecourt areas that would mean blocking part of the footway, or unsuitable/unsafe access to the footway where this isn't permitted.
  - various Traffic Regulation Order changes to remove on-street pay and display bays around car park access, and re-provision of replacement spaces elsewhere.

and are to be carried out at the applicants expense to Birmingham City Council specification.

Reason: In order to secure the satisfactory development of the application site in the interests of highway safety in accordance with Paragraphs 3.8, 3.10, 6.17 and 6.39 of the Birmingham UDP 2005 and the National Planning Policy Framework.

- 27 Requires the prior submission of a parking management strategy  
The development hereby permitted shall not be occupied until a parking management strategy has been submitted to and approved in writing by the Local Planning Authority. The Strategy shall make provision for an electric vehicle charging point, car parking spaces for people with disabilities and explain how the parking spaces are to be allocated. The car park shall thereafter only be operated in accordance with the approved strategy. Reason: In order to secure the satisfactory development of the application site in the interests of highway safety in accordance with Paragraphs 3.8, 3.10, 6.17 and 6.39 of the Birmingham UDP 2005 and the Car Parking Guidelines.
- 
- 28 Requires the provision of cycle parking prior to occupation  
The covered bicycle/motorcycle storage spaces shown on drawing numbers Proposed Northern Building Lower Ground 14145 301 Rev A and Proposed Southern Building Level 0 14145 201 Rev A shall be provided before occupation of any dwelling/building on the site and shall thereafter be retained. Reason: In order to secure the satisfactory development of the application site in the interests of highway safety in accordance with Paragraphs 3.8, 3.10, 6.17 and 6.39 of the Birmingham UDP 2005 and the National Planning Policy Framework.
- 
- 29 Requires the prior submission of a residential travel plan  
No dwelling shall be occupied on site until a residents' Travel Plan has been submitted and agreed in writing with the Local Planning Authority, which includes measures to actively promote the use of more sustainable transport choices for residents occupying the site. The Plan shall include incentives to be offered to each household upon occupation of each dwelling to encourage the use of modes of travel other than the car and information regarding public transport timetables, cycle maps, the location of local facilities such as schools, shops, education and healthcare services and walking information. The plan shall be implemented in accordance with the approved details. Reason: In order to secure the satisfactory development of the application site in the interests of highway safety in accordance with Paragraphs 3.8, 3.10, 6.17 and 6.39 of the Birmingham UDP 2005 and the National Planning Policy Framework.
- 
- 30 Requires the parking area to be laid out prior to use  
The use/development hereby approved shall not commence or the building(s)/premises/dwellings(s) occupied until vehicle parking within that phase of the development has been constructed, surfaced and marked out in accordance with the approved details and that area shall not thereafter be used for any purpose other than parking, loading and unloading of vehicles. Reason: In order to secure the satisfactory development of the application site in the interests of highway safety in accordance with Paragraphs 3.8, 3.10, 6.17 and 6.39 of the Birmingham UDP 2005, the Car Parking Guidelines SPD and the National Planning Policy Framework.
- 
- 31 Requires gates to be set back  
Any gates provided to the development access shall be set back at a distance of 5.5 metres from the edge of the carriageway of the adjoining highway and thereafter maintained. Reason: In order to secure the satisfactory development of the application site in the interests of highway safety in accordance with Paragraphs 3.8, 3.10, 6.17 and 6.39 of the Birmingham UDP 2005 and the National Planning Policy Framework.
- 
- 32 Requires the prior submission of details of a delivery vehicle management scheme  
No phase of development shall take place until for that phase of development details of a delivery vehicle management scheme have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details and thereafter maintained. Reason: To prevent vehicles waiting in the public highway and causing disturbance to residential amenity in accordance with Paragraphs 3.8 and 3.10 of the Birmingham UDP 2005 and the National Planning Policy Framework.
- 
- 33 Limits the approval to 3 years (Full)  
The development hereby permitted shall be begun before the expiration of (3) years from the date of this permission. Reason: In order to comply with Section 91 of the Town and Country Planning Act 1990 (as amended) and the National Planning Policy Framework.



Waheed Nazir, Director of Planning and Regeneration

P.O. BOX 28, Birmingham B1 1TU

**Please note  
This is not a building regulation approval**

#### INFORMATIVE NOTE

Water supplies for fire fighting should be in accordance with the "National Guidance Document on the Provision for Fire Fighting" published by Local Government Association and WaterUK

Please ensure that you visit the following link before commencing any development:  
<http://www.water.org.uk/home/policy/publications/archive/industry-guidance/national-guidance-document/national-guidance-document-on-water-for-ffg-final.pdf>

For further information please contact the West Midlands Fire Service Water Office at  
[water.officer@wmfs.net](mailto:water.officer@wmfs.net)

In reaching this decision Birmingham City Council have made the decision in a positive way to foster the delivery of sustainable development, working proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area. The decision has been taken having regard to the impact of the development, and in particular to the policies and proposals in the adopted Development Plan, and to all relevant material considerations, including the National Planning Policy Framework, the City Council's draft Birmingham Development Plan and Supplementary Planning Documents/Guidance. The City Council have worked in a seamless and timely manner to undertake the necessary liaison and negotiation with the applicant, third parties and statutory consultees (at the application and pre-application stages) to look for solutions which seek only high quality sustainable development.

## Non Material Amendment – Decision Document

Your Ref: Grace Allen  
Date: Monday 17th June 2019

Application Number: **2019/04186/PA**  
Please quote this number whenever you contact us about this application. For more information please contact:

**planning**  
**direct**

**0121 303 1115**

Email us at:  
[planningandregenerationenquiries@birmingham.gov.uk](mailto:planningandregenerationenquiries@birmingham.gov.uk)

Dear Sir / Madam

**Site:** 49-51 Holloway Head, City Centre, Birmingham, B1 1QP

**Proposal:** Application for non-material amendments to planning approval 2015/05112/PA including relocation of car park entrance on south block, relocation of roof terrace, rationalisation of balconies, external alterations, insertion of staircase to north block B, reorganisation of girl guides layout and increase of commercial area by 35sqm.

I am writing to tell you that the Council has made a decision on the above and the application has been approved on 17 June 2019 subject to any details shown below.

The various internal and external alterations proposed are accepted as non material amendments to the original application and the following plans are therefore agreed as approved;

18041-100 Rev D  
18041-CW-SO-LG-DR-A-BCBD-2000 Rev P-12  
18041-CW-SO-MZ-DR-A-BCBD-2001 Rev P-12  
18041-CW-SO-UG-DR-A-BCBD-2002 Rev P-07  
18041-CW-SO-01-DR-A-BCBD-2003 Rev P-07  
18041-CW-SO-02-DR-A-BCBD-2004 Rev P-07  
18041-CW-SO-03-DR-A-BCBD-2005 Rev P-07  
18041-CW-SO-04-DR-A-BCBD-2005 Rev P-07  
18041-CW-SO-05-DR-A-BCBD-2007 Rev P-07  
18041-CW-SO-06-DR-A-BCBD-2008 Rev P-07  
18041-CW-SO-07-DR-A-BCBD-2009 Rev P-07  
18041-CW-SO-08-DR-A-BCBD-2010 Rev P-07  
18041-CW-SO-09-DR-A-BCBD-2011 Rev P-07  
18041-CW-SO-10-DR-A-BCBD-2012 Rev P-07  
18041-CW-SO-11-DR-A-BCBD-2013 Rev P-07  
18041-CW-SO-12-DR-A-BCBD-2014 Rev P-07  
18041-CW-SO-13-DR-A-BCBD-2015 Rev P-07  
18041-CW-SO-RF-DR-A-BCBD-2016 Rev P-07  
18041-CW-SO-UR-DR-A-BCBD-2017 Rev P-07  
18041-CW-BC-XX-SH-A-8000 Rev P-08  
18041-CW-BD-XX-SH-A-8001 Rev P-07  
18041-CW-NO-LG-DR-A-BABB-2000 Rev P-07  
18041-CW-NO-UG-DR-A-BABB-2001 Rev P-07  
18041-CW-NO-01-DR-A-BABB-2002 P-07  
18041-CW-NO-02-DR-A-BABB-2003 Rev P-07  
18041-CW-NO-03-DR-A-BABB-2004 Rev P-07  
18041-CW-NO-04-DR-A-BABB-2005 Rev P-07  
18041-CW-NO-05-DR-A-BABB-2006 Rev P-07

18041-CW-NO-06-DR-A-BABB-2007 Rev P-07  
18041-CW-NO-07-DR-A-BABB-2008 Rev P-07  
18041-CW-NO-08-DR-A-BABB-2009 Rev P-07  
18041-CW-NO-09-DR-A-BABB-2010 Rev P-07  
18041-CW-NO-10-DR-A-BABB-2011 Rev P-07  
18041-CW-NO-RF-DR-A-BABB-2012 Rev P-07  
18041-CW-NO-UR-DR-A-BABB-2013 P-07  
18041-CW-BA-XX-SH-A-8000 Rev P-07  
18041-CW-BB-XX-SH-A-8001 Rev P-07  
18041-CW-NO-XX-DR-A-2100 Rev P-04  
18041-CW-NO-XX-DR-A-2101 Rev P-04  
18041-CW-NO-XX-DR-A-2102 Rev P-04  
18041-CW-NO-XX-DR-A-2103 Rev P-04  
18041-CW-NO-XX-DR-A-2104 Rev P-04  
18041-CW-NO-XX-DR-A-2105 Rev P-04  
18041-CW-NO-XX-DR-A-2106 Rev P-04  
18041-CW-NO-XX-DR-A-2107 Rev P-04  
18041-CW-NO-XX-DR-A-2108 Rev P-04  
18041-CW-NO-XX-DR-A-2109 Rev P-04  
18041-CW-SO-XX-DR-A-2100 Rev P-05  
18041-CW-SO-XX-DR-A-2101 Rev P-05  
18041-CW-SO-XX-DR-A-2102 Rev P-05  
18041-CW-SO-XX-DR-A-2103 Rev P-05  
18041-CW-SO-XX-DR-A-2104 Rev P-05  
18041-CW-SO-XX-DR-A-2105 Rev P-05  
18041-CW-SO-XX-DR-A-2106 Rev P-05  
18041-CW-SO-XX-DR-A-2107 Rev P-05  
18041-CW-SO-XX-DR-A-2108 Rev P-05  
18041-18041-CW-XX-XX-DR-A-2100 Rev P-02  
CW-SO-XX-DR-A-2109 Rev P-05  
18041-CW-XX-XX-DR-A-2101 Rev P-02

If you require any additional information the Case Officer for this application is **Joanne Todd**, you can email directly on: [joanne.todd@birmingham.gov.uk](mailto:joanne.todd@birmingham.gov.uk) or telephone us on the number shown above.

Yours faithfully



Waheed Nazir, Director of Inclusive Growth

#### INFORMATIVE NOTE(S) (if any)

In arriving at this decision, Birmingham City Council has endeavoured to work with the applicant in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework, paragraph 38.

## WONDERFUL ON TAP

SEVERN

TRENT

Vesting issued by email to:  
[RhysCotton@winvic.co.uk](mailto:RhysCotton@winvic.co.uk)  
[gturner@cwa-eng.com](mailto:gturner@cwa-eng.com)

Severn Trent Water  
PO Box 5311  
Coventry  
CV3 9FL  
[www.stwater.co.uk/developers](http://www.stwater.co.uk/developers)  
0800 707 6600

Reference no:

**1045067**

We're here if you need us:  
Name: Chloe Griffiths  
Telephone: 07583137031  
Email : [Chloe.Griffiths@SevernTrent.co.uk](mailto:Chloe.Griffiths@SevernTrent.co.uk)

03 January 2023

Dear Sir/Madam

### **VESTING OF SEWERS AT: 49-51 Holloway Head, Birmingham, B1 1HN**

I am pleased to enclose for your information a copy of the vesting notice and declaration and pipe schedule for the sewers at the above development.

If we do not receive any objections to the vesting of the sewers included in the vesting declaration and notice the sewers will become public sewers on 30 January 2023.

Yours sincerely



Abigail Milioto  
Technical Design Manager  
Developer Services  
**Severn Trent Water Ltd**

WONDERFUL ON TAP



**SEVERN TRENT WATER LIMITED**

(Hereinafter called "the Company")

**WATER INDUSTRY ACT 1991 (as amended by the Water Act 2003) ("the Act")**

**SECTION 102**

**VESTING OF SEWERS AND LATERAL DRAINS (IF ANY)**

**NOTICE AND DECLARATION ,**

To Mr Rhys Cotton, Winvix Construction LTD, 19 Tenter Road, Moulton Park Industrial Estate, Northampton, NN3 6PZ (The Owner") and to all others whom it may concern

**WHEREAS**

1. The sewers (which term shall include lateral drains @ (49-51 Holloway Head, Birmingham, B1 1HN in the Schedule here to and for the purpose of identification only shown on the Inspectors Sketch' annexed hereto ( "the Sewers" ) are private sewers vested in the Owner.
2. The Owner has requested the Company to vest the Sewers\* as public sewers and the Company proposes to do so.
3. The Company is sewerage undertaker for the area in which the Sewers are situated by virtue of an Appointment under the provisions of the Water Act 1989.

NOW THEREFORE in pursuance of the powers conferred on the Company by Section 102 of the Act the Company HEREBY GIVES NOTICE AND DECLARES that the Sewers shall two months from the date hereof be public sewers and public lateral drains (if any) vested in the Company PROVIDED THAT no appeal has been lodged against this Notice under the provisions of Section 105 of the Act or until any appeal so lodged has been determined in such manner as to permit vesting of the Sewers.

\*Description of Sewers - See attached Schedule

Yours Sincerely

A handwritten signature in black ink, appearing to read "Abigail Milioto".

Abigail Milioto

Technical Design Manager

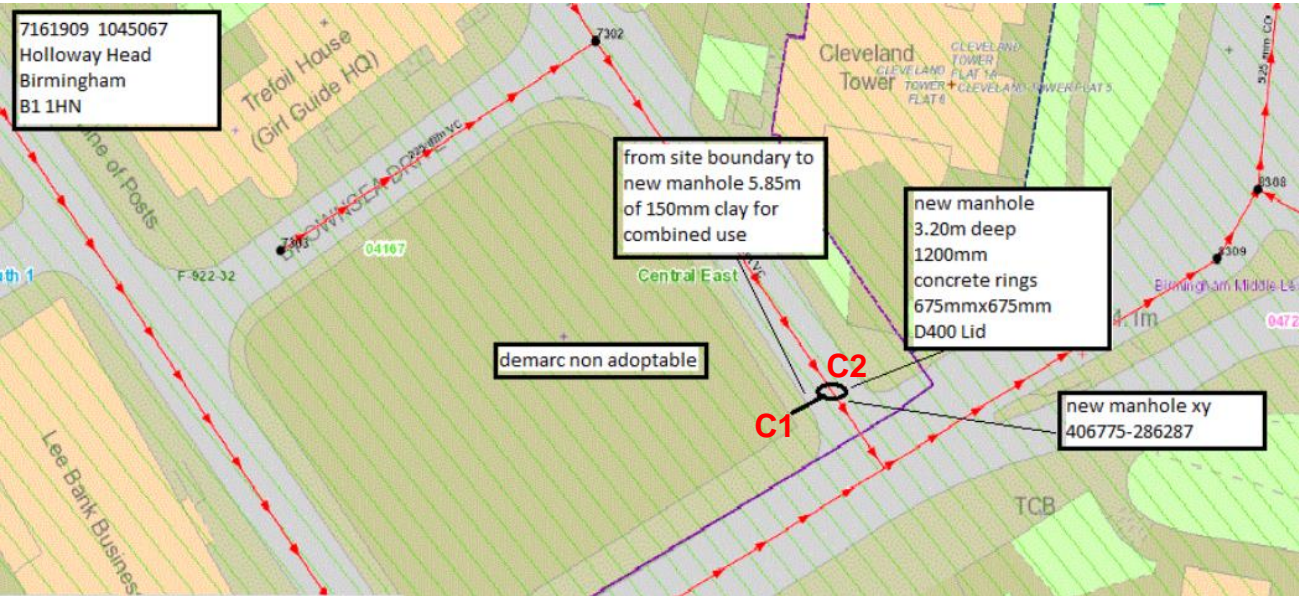
Signed on behalf of Severn Trent Water Limited

03 January 2023

WONDERFUL ON TAP



INSPECTOR'S SKETCH



THE SCHEDULE OF SEWERS

5.85m of combined water sewer. Not including demarcation chamber

Pipe Reference	Length (m)	Diameter (mm)
C1-C2	5.85m	150

Winvic Construction Ltd  
Brampton House  
19 Tenter Road  
Moulton Park  
Northampton  
NN3 6PZ

6<sup>th</sup> March 2023


**RE: Environmental Statutory Compliance, Holloway Head, Birmingham**

To Whom it May Concern.

I can confirm that the completed works under Section 1 complies with all Statutory Requirements and no notice of breach or noncompliance with any Environmental Laws has been served.

If you require any further information, please do not hesitate to contact me.

Regards,



**Ben Fowler**

**Project Manager**

For and on behalf of Winvic Construction Limited

Winvic Construction Ltd  
Brampton House  
19 Tenter Road  
Moulton Park  
Northampton  
NN3 6PZ

6<sup>th</sup> March 2023

**RE: Statutory Consents, Holloway Head, Birmingham**

To Whom it May Concern.

I can confirm that to the best of my knowledge, the completed works under Section 1 complies with all Statutory Consents that relate to the Section of works and have been discharged accordingly.

If you require any further information, please do not hesitate to contact me.

Regards,



**Ben Fowler**

**Project Manager**

For and on behalf of Winvic Construction Limited