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Committee Date:	13/06/2013	Application Number:	2013/01878/PA
Accepted:	29/05/2013	Application Type:	Full Planning
Target Date:	24/07/2013		
Ward:	Ladywood		

Block 7, The Mint, Icknield Street, Jewellery Quarter, Birmingham, B18 6RU

Erection of four storey frontage building for 9 no. residential apartments (use class C3) and ground floor commercial (use class B1)

Applicant: Mr Carlo Amendola  
7 Westhill Close, Selly Oak, Birmingham, B29 6QQ  
Agent: bpdesign  
1 Camel Cottages, Holy Cross Green, Clent, Stourbridge, DY9 0HG

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Recommendation

**Approve Subject To A Section 106 Legal Agreement**

1. Proposal

- 1.1. The applicant seeks to erect a four storey building on the frontage of the wider former Birmingham Mint development site. The site currently has consent for a three storey commercial building (2003/00394/PA). The proposal would replace this consent with ground floor commercial and 9 apartments (6, two bedroom and 3, one bedroom) on the three floors above. Due to differing floor height requirements for commercial uses, the proposed four storey building would be identical in height to the consented three storey building.
- 1.2. At ground floor level, the commercial space would be split into two units, with a shared pedestrian access off Icknield Street and access to a rear stair core for basement car parking. Each residential unit would be accessed via this stair core and a shared hallway leading from an internal street within the Mint development. Apartments would be arranged with shared kitchen/ living and dining room areas, with all two bedroom apartments having additional en suite bathrooms. All bedroom sizes would be well in excess of guidelines contained within Places for Living.
- 1.3. In terms of appearance, the proposed four storey building follows the design language of existing new build on the Mint development, with an 'M' shaped pitched roof and regular fenestration, diminishing in size higher up the building. Exposed steel channels would be used to frame groups of windows. Proposed materials are red brick, slate roof tiles, reconstituted stone banding at ground level, with stone coping at parapet level, low level blue bricks beneath ground floor windows and elements of render between first and second floor windows.
- 1.4. Side elevations would continue this design theme, with the frontage then backing onto 2 approved four storey residential wings (Block 7a), which would be constructed predominantly in render. 10 car parking spaces would be allocated to the 9 residential units and 2 commercial units (90%). Site area 0.03 ha, density 300

dwellings per hectare. Unit sizes range from 50 sq m (one bed) to 80 sq m (two bed).

## 2. Site & Surroundings

- 2.1. The application site currently consists of a steel frame, constructed as part of an approved three storey commercial building on a large mixed use commercial and residential scheme on the former Birmingham Mint site (2003/00394/PA). The site fronts the middleway (Icknield Street- A4540) and is adjacent to a 2-3 storey listed frontage building, constructed circa 1860 in an Italianate red brick style. There are new build 3-4 storey residential blocks to the rear of the application site constructed under the 2005 approval (2003/00394/PA), however the approved block immediately to the rear is under construction.
- 2.2. The application site falls within the area defined as the 'Industrial Fringe' in the Jewellery Quarter Conservation Area Character Appraisal and Management Plan. On the opposite side of Icknield Street is a large mosque currently under construction.

## 3. Planning History

- 3.1. -08/12/05- 2003/00393/PA (LBC) and 2003/00394/PA (FUL)- Listed building and planning consent for demolition of buildings, conversion of frontage buildings to commercial, new build commercial units, 180 new apartments, 6 live / work units, new access point, parking and external works at the Birmingham Mint, Icknield Street- Part implemented and planning consent approved subject to a S106 legal agreement to secure affordable housing and financial contribution towards Warstone Cemetery, public open space, children's play facilities and upgrading nearby bus stops.

## 4. Consultation/PP Responses

- 4.1. Regulatory Services- No objections subject to external windows to habitable rooms having a weighted sound reduction index (Rw + Ctr) of at least 36dB, with acoustic ventilation achieving a weighted element normalized level difference (Dne,w + Ctr) of at least 44 dB.
- 4.2. Transportation Development- No objections subject to cycle and car parking provided prior to occupation.
- 4.3. Statutory site notice posted, application advertised in press, surrounding occupiers, ward councillors, amenity societies and residents associations notified- One comment received.

-The Jewellery Quarter Development Trust- Support the principle of the use of the upper floors for residential purposes, but object to the proposal on the basis of its design and appearance. The elevational treatment has been compromised in order to squeeze in an extra floor and the design should have a better vertical expression to better reflect the adjacent listed building. Earlier elevations were more coherent and had a stronger expression of architectural style.

## 5. Policy Context

- 5.1. Adopted UDP (2005), emerging Big City Plan City Centre Masterplan (2010), draft Birmingham Development Plan (2010), NPPF, Jewellery Quarter Conservation Area

Design Guide (2005), Jewellery Quarter Conservation Area Character Appraisal and Management Plan (2002), Places for Living (2001), Places for All (2001).

## 6. Planning Considerations

### **Policy**

- 6.1. Within the National Planning Policy Framework (NPPF) paragraph 17 of the NPPF supports sustainable economic development to deliver new homes and encourages the use of brownfield land. Paragraph 19 states that significant weight is placed on economic growth within the planning system, with paragraph 50 highlighting that residential development should reflect local demand and create mixed and balanced communities.
- 6.2. The NPPF makes specific reference to 'Heritage Assets', which includes Listed Buildings and Conservation Areas. Paragraph 129 refers to a need to assess the significance of a proposal on any heritage asset, with paragraph 131 stating that local planning authorities should take into account the desirability of sustaining and enhancing heritage assets and the positive contribution that the new development would make to local character and distinctiveness. Paragraph 132 places 'great weight' on the impact of development on a heritage asset's significance and paragraph 56 attaches great importance to the design of the built environment as this is a key aspect of sustainable development. Paragraph 59 promotes the use of local design codes to deliver high quality outcomes, however these should avoid unnecessary prescription or detail and should concentrate on guiding overall scale, density, massing, height, landscape, layout and materials. Paragraph 60 notes that policies and decisions should not impose architectural styles or tastes, should not stifle innovation or originality, but should reinforce local distinctiveness.
- 6.3. Within the adopted UDP policy 3.25 notes that developments affecting a Listed Building should preserve or enhance its character, with external and internal alterations not adversely affecting its architectural or historic character. Policy 3.27 states that development which fails to preserve or enhance the character of the conservation area will be resisted and any new development should respect the character of the existing architecture, in scale, grouping and materials and should generally reflect the character and appearance of the area. Policy 3.14D concerns design and provides a set of assessment principles, including impact on local character, views, skyline, scale and massing and neighbouring uses.
- 6.4. The emerging Big City Plan City Centre Masterplan identifies the Jewellery Quarter as 'Grainy but special to our city, it is vital that its authentic character is both protected and cared for'. Places for All highlights that the design of new development should reinforce and evolve local characteristics which are considered positive. Within the management plan element of the JQCACAMP, part 2.1 states that the design of new development should '...respect the height of traditional buildings in the locality' and this 'will normally limit new development to a four storey maximum.' With elevational treatment and materials complementing the historic and architectural character of the conservation area and scale and massing respecting traditional buildings within the Quarter. The Jewellery Quarter Design Guide notes that new buildings should respond to the rhythm and proportion of surrounding buildings and that they should follow the gradient within the development site.

### **Use**

- 6.5. The principle of residential use on the wider Mint site is considered to have been established via the previously approved scheme for 180 apartments in 2005 (2003/00394/PA). This is further reinforced by the NPPF promoting the reuse of

brownfield land and local policies which support the development of the site and wider area for primarily residential uses. The retention of commercial uses at ground floor level is welcomed, providing active frontages onto the Middleway.

#### **Residential space standards and outlook**

- 6.6. In terms of residential standards included within Places for Living, all bedroom sizes would be in excess of minimum requirements and internal layouts are satisfactory. Outlooks would be either onto Icknield Street or one of the internal streets of the Mint development. Although principal windows on the side elevation would be 7m away from the side elevation of a commercial block opposite (Block 8a), this is considered to be acceptable for a high density City Centre development. These separation distances are also a characteristic of the wider Mint development.

#### **Transportation**

- 6.7. Transportation Development have raised no objections subject to conditions regarding completion of cycle and car parking prior to occupation. This condition is seen as acceptable. The level of car parking is deemed appropriate for a site within a highly sustainable City Centre location, close to rail and metro stations and both the 101 and Inner Circle bus routes off Warstone Lane. Therefore, the proposal is not considered to have any adverse impact on highway safety or free flow of vehicular traffic.

#### **Environmental**

- 6.8. Regulatory Services have raised no objections to the proposal subject to conditions in relation to all doors and windows to habitable rooms having a weighted sound reduction of 36dB or greater, with the reduction at least 44 dB for acoustic ventilation. This condition, along with a noise insulation condition for the ground floor commercial and first floor residential, is considered appropriate to ensure an appropriate living environment for potential occupants.

#### **Design and impact on conservation area**

- 6.9. The proposed scale of the building is considered to be in accordance with Jewellery Quarter design policies and is the same height as the four storey residential wings to the rear. The proposal would be at the same level as the previously approved three storey commercial building and is not considered to be overbearing on the adjacent listed building. In terms of the comparisons with the previously approved three storey scheme, the proposal follows the same design ethos, with framed, grouped windows using red brick, along with reconstituted stone banding and blue brick at lower levels. The use of diminishing proportions for fenestration is a feature of the Jewellery Quarter, as is the use of predominantly red brick and slate.
- 6.10. At roof level, the 'M' shaped valley roof design is considered in keeping with the former industrial use of the site and the design approach is seen as suitable for the Mint site. I consider that the overall design of the proposed building is in accordance with Jewellery Quarter design policies, the requirements of the Jewellery Quarter Design Guide and would enhance the character and appearance of this part of the Jewellery Quarter Conservation Area as a Heritage Asset. Both my Conservation and City Design Officers concur with this view. Conditions in relation to materials, window and door reveals, roof surfaces and brickwork and render details would ensure an appropriate finish for the development.

#### **Planning obligations**

- 6.11. The original development for 180 apartments on the Mint (2003/00394/PA) offered a planning obligation of £342,000 towards improvements to Warstone Lane Cemetery and 14% of units would be affordable. The applicant has offered a sum of £17,118

towards to Warstone Lane Cemetery improvements and a contribution of £64,285 towards affordable housing. Both sums are considered to be appropriate based on a pro-rata level of the original consent.

#### **Other issues**

- 6.12. Comments made by the Development Trust have been noted, with the comments on design and appearance considered to be subjective. The insertion of the additional floor still leaves ample headroom for a residential scheme and the agent has provided drawings to illustrate this. Therefore the scheme would not appear squeezed, especially when taking into account the 5m height of the ground floor level on the original three storey scheme. The design is a simple, regular industrial type and is considered to complement the adjacent listed buildings using a limited palette of materials.

#### **7. Conclusion**

- 7.1. The erection of a four storey building for commercial and residential purposes accords with both national and local policy and the principle of residential development has previously been agreed on the wider Mint site. The scheme is considered to be suitably designed and would not have an adverse impact on the character and appearance of the adjacent listed building or wider conservation area as heritage assets. Therefore the proposal is considered to be in accordance with the UDP, other relevant supplementary planning guidance and the aspirations of the draft Birmingham Development Plan

#### **8. Recommendation**

- 8.1. Approve subject to a Section 106 Legal Agreement

- 8.2. 1. That consideration of Application No: 2013/01878/PA be deferred pending the completion of a planning obligation under Section 106 of the Town and Country Planning Act to secure the following:-

i) An index linked contribution of £64,285 towards affordable housing within the Ladywood Ward, to be paid upon implementation of the planning consent;

ii) An index linked contribution of £17,118 towards improvements/enhancements to Warstone Lane Cemetery, to be paid upon implementation of the planning consent; and

iii) Payment of a monitoring and administration fee associated with the legal agreement subject to a contribution £2,849.

- 8.3. 2. In the absence of the completion of a suitable planning obligation to the satisfaction of the Local Planning Authority on or before the 23rd July 2013, planning permission be REFUSED for the following reasons:

i) In the absence of a suitable planning obligation to secure affordable housing on the site, the proposed development conflicts with policy 5.37 of the Birmingham Unitary Development Plan 2005

ii) In the absence of a suitable planning obligation to secure a contribution towards improvements to existing public open space in the Jewellery Quarter, the proposed development conflicts with policies 5.20B-5.20C of the Birmingham Unitary Development Plan 2005.

- 8.4. 3. That the Director of Legal and Democratic Services be authorised to prepare, complete and seal the appropriate planning obligation under Section 106 of the Town and Country Planning Act.
- 8.5. 4. That in the event of the planning obligation being completed to the satisfaction of the Local Planning Authority on or before the 23rd July 2013, favourable consideration will be given to the application subject to the conditions listed below:

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- 1 Requires the prior submission of roof materials
  - 2 Requires the prior submission of sample render panel/stonework/brickwork
  - 3 Requires the prior submission of window frame details
  - 4 Requires the prior submission of external doors
  - 5 Requires the prior submission of sample materials
  - 6 Requires the prior submission a noise study to establish residential acoustic protection
  - 7 Requires the prior submission of noise insulation (variable)
  - 8 Prevents occupation until the turning and parking area has been constructed
  - 9 Requires the provision of cycle parking prior to occupation
  - 10 Requires the scheme to be in accordance with the listed approved plans
  - 11 Limits the approval to 3 years (Full)
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Reason for Approval

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- 1 Birmingham City Council grants Planning Permission subject to the condition(s) listed below (if appropriate). The reason for granting permission is because the development is in accordance with:  
Policies 5.7 - 5.40 of the Birmingham Unitary Development Plan 2005; Places for Living (2001), which has been adopted as Supplementary Planning Guidance; and the National Planning Policy Framework.
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Case Officer: Neal Allcock

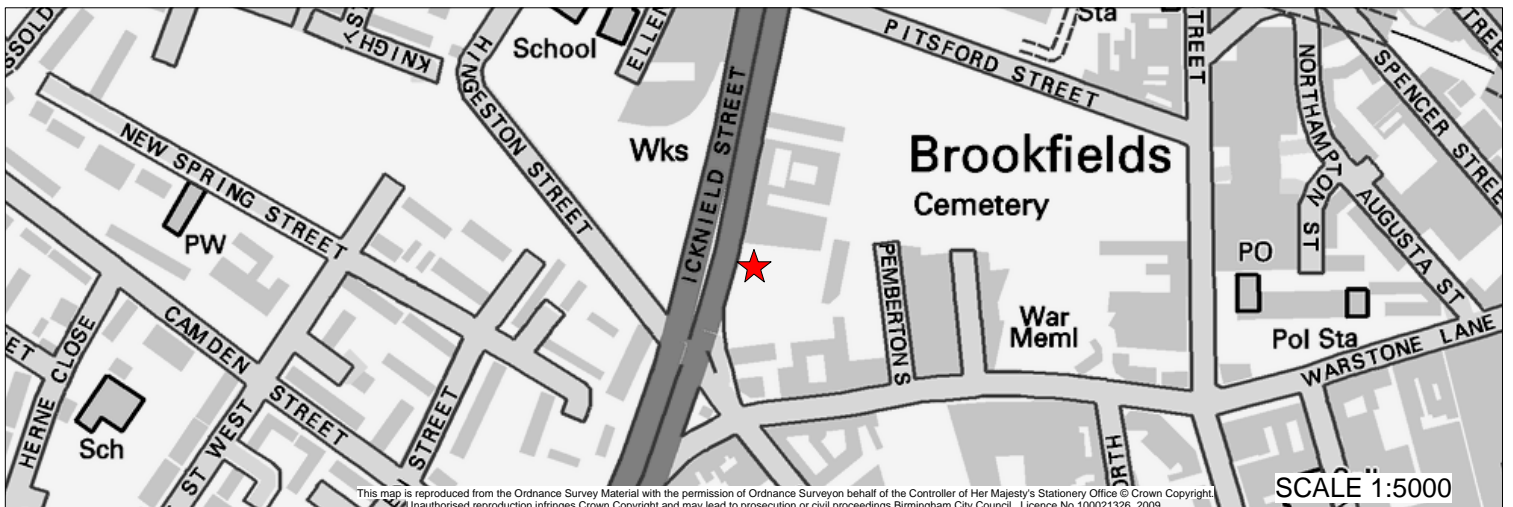






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Block 7, The Mint  
Icknield Street  
Jewellery Quarter  
Birmingham  
B18 6RU

2013/01878/PA

-  Statutory Listed Building
-  Locally Listed Buildings
-  Conservation Area
-  Neighbourhood Offices
-  Site Boundary
-  Site Location

Development Directorate  
1 Lancaster Circus  
Queensway  
Birmingham B2 2JE.



Date: 25/9/2007

