
Committee Date:	21/08/2014	Application Number:	2014/02950/PA
Accepted:	07/05/2014	Application Type:	Full Planning
Target Date:	06/08/2014		
Ward:	Nechells		

Masshouse Plot 3, Land at Masshouse Lane/Park Street, Masshouse Plaza, City Centre, Birmingham, B5

Erection of part 3 storey part 7 storey mixed use development comprising commercial/retail at ground floor (Use Classes A1-A5 and B1(a)) and 15 no. residential apartments above

Applicant: Masshouse Developments Limited
Mynhulls House, 14 Cateaton Street, Manchester, M3 1SQ
Agent:

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. The erection of a part three / part seven storey building with a commercial unit at ground floor (Use Classes A1-A5 and B1(a)) and 15 no. residential apartments above.
- 1.2. The proposals show one studio apartment, four one-bedroom and ten two-bedroom apartments.
- 1.3. This roughly triangular shaped application site accommodates a significant change in levels from the Masshouse 'plaza' level to the street level. The building is its maximum height when viewed from the street; however the building is a maximum of 5 storeys in height when viewed from the central pedestrian route through the Masshouse development.
- 1.4. Since submission the application proposals have been the subject of significant amendments in order to safeguard the amenity of existing occupiers of apartments within Blocks H/I. The footprint of the upper levels has been significantly reduced in area. The area closest to the existing block would form a private residential amenity space similar to the 'secret garden' delivered adjacent to the Hive residential block to the north.
- 1.5. A green roof would be provided above apartments 5 and 6 where the building is a maximum of three storeys in height.
- 1.6. In elevation the ground floor would consist of a largely glazed frontage to the commercial unit with black precast concrete cladding panels above. Glazing panels to residential rooms would be full height, although tinting would be applied to the lower portions to provide privacy. A blue/green pressed metal cladding panel would

provide a feature on the key park-facing elevation with a similar spandrel panels on the other elevations.

- 1.7. No additional on-site parking would be provided as part of these proposals; however the scheme adjoins an existing basement car park constructed as part of an earlier phase of the Masshouse development.
- 1.8. Full detailed plans, an Air Quality Report, a Design and Access Statement, confirmation that the findings of the previous Geotechnical and Contamination report undertaken in relation to the previous development remain relevant, a Noise Impact Assessment, a Planning Statement and a Transport Statement have been submitted in support of this application.

ELEVATION

Floor Plans

2. Site & Surroundings

- 2.1. The application site is a roughly triangular site situated to the immediate east of the existing Block H/I of the Masshouse mixed use development on what is known as Plot 3. A further mixed use building known as the Hive is north of the application site. Plot 3 of the Masshouse development is largely residential with some commercial units at ground floor level. There is a wide pedestrian route through the centre of the development (Masshouse Plaza) which connects Park Street to Moor Street Queensway.
- 2.2. The application site accommodates a significant fall in levels with a flight of steps adjacent to the site managing the transition between the Plaza level and Park Street. The site is currently vacant and remains as a 'left over' patch of land since the construction of the existing buildings on Plot 3.
- 2.3. It is envisaged that Plot 3 will be completed by the construction of a new Magistrate's court.
- 2.4. The wider surroundings include the Eastside City Park with Millennium Point to the south/east, Hotel La Tour to the west, the listed Christopher Wray building to the northeast and Masshouse Plot 7 which will become 'Exchange Place', the next phase of the Masshouse redevelopment.

LOCATION

STREET VIEW

3. Planning History

PLOT 3

- 3.1. Outline approval for the demolition of Masshouse Circus and its comprehensive redevelopment was initially granted under application 1997/00852/PA. This was followed by outline approval for the redevelopment of plots 3 and 7 (2002/00412/PA) with alterations to the master plan to result in a series of towers reducing in height from west to east. The parking provision on plot 7 was reduced to 712 spaces in 2004 (2004/5789/PA).

- 3.2. 23rd December 2004 – 2004/06556/PA – Approval - Reserved matters application regarding siting, design, external appearance, access and landscaping pursuant to outline planning permission C/00412/02/OUT for Plot 3, Blocks H & I - 16-storey building (max) including A1 (retail), A2 (Professional & Financial Services), A3 (Hot Food) uses at ground floor, 173 apartments (20 x studio, 44 x 1-bed, 117 x 2-bed) and 212 parking spaces to serve blocks H, I, M and P
- 3.3. 27th January 2006 – 2005/04345/PA – Approval - Reserved matters application with regard to landscaping (public realm and lighting for plot 3) pursuant to condition A5 of outline planning permission C/00412/02/OUT
- 3.4. 27th October 2006 – 2006/04312/PA – Approval - Reserved Matters application regarding siting, design, external appearance and access (Conditions A1, A2, A3 and A4) pursuant to outline planning permission C/00412/02/OUT, for the erection of 15 storey building (Block M) comprising retail (Class A1), financial and professional services (Class A2), restaurants & cafes (Class A3), drinking establishments (Class A4), hot food takeaways (Class A5) at ground floor plus 167 apartments (137 x 1-bed, 30 x studio)
- 3.5. 12th December 2008 – 2008/04964/PA – Approval - Reserved matters application regarding siting, scale, external appearance, design and landscaping pursuant to outline planning permission C/00412/02/OUT for Magistrates Courts, ancillary parking and public amenity area

PLOT 7

- 3.6. 19th March 2008 – 2007/01816/PA – Approval - Outline planning application (all matters reserved) for the construction of a major mixed-use development of up to 70, 907sqm (gross internal area) comprising of four buildings (22-storey, 2x16-storey, 12-storey) for retail (for use classes A1, A2, A3, A5) office (use class B1) and residential (use class C3) or hotel (use class C1) plus associated landscaping and car parking (502 spaces). Section 106 secured the provision of 9% of residential dwellings to be low cost (70% of market value) affordable units, a commitment to local employment and training and a contribution of £10,000 towards Shopmobility

4. Consultation/PP Responses

- 4.1. Transportation Development – Raises no objection subject to a condition requiring the completion of a suitable highways agreement.
- 4.2. Regulatory Services – Request further information relating to air quality (and therefore recommend refusal).
- 4.3. Severn Trent – No objection subject to a condition requiring the prior approval of drainage details.
- 4.4. Site and Press Notices posted. Ward Members, the MP, Residents' Associations and local occupiers consulted without response. Consultation in relation to the amended plans is ongoing and any further representations will be reported to your committee.

5. Policy Context

- 5.1. Birmingham Unitary Development Plan 2005 (UDP); the submission draft Birmingham Development Plan; 'Places for All' (2001) SPG; 'Places for Living'

(2001) SPG; Car Parking Guidelines (2012) SPD and the National Planning Policy Framework 2012.

6. Planning Considerations

POLICY

- 6.1. The National Planning Policy Framework establishes a presumption in favour of sustainable development and states that development that is in accordance with an up-to-date Development Plan should be approved without delay. The Framework attaches significant weight to achieving good design, which is seen as a key aspect of sustainable development.
- 6.2. Chapter 3 of the UDP requires development to achieve a high standard of design, with policy 3.14 providing detailed design guidance. Further design guidance is provided within the Places for Living, SPG. Policy 6.50 states that within the City Core priority for parking provision is for shoppers, business visitors and other short-stay visitors and that the provision of long-stay facilities within the Core will be resisted.
- 6.3. The Car Parking Guidelines SPD sets maximum parking standards for major land uses, but does not stipulate a minimum level. The SPD requires the level of parking to be delivered to take into account the circumstances of the site including the proximity of facilities such as shop and employment areas and the availability of public transport.
- 6.4. The recently released non-statutory Curzon Masterplan recognises the redevelopment opportunity presented by the Masshouse site.
- 6.5. Key considerations are the principle of the development, design, amenity and highway matters.

PRINCIPLE

- 6.6. The originally approved masterplan for Plot 3 indicated a much wider flight of stairs facing onto the new park. Since then the positioning and detail of the park has progressed and the need for such a wide entrance has been much reduced. The proposals therefore attempt to make best use of a site which has difficult proportions and a significant level change. The principle of an active use at street level is consistent with the principles of the wider Masshouse development and would bring activity onto the park-facing elevation. The principle of residential above is also consistent with the existing phases of Plot 3. I therefore raise no objection to the principle of the proposals.

AMENITY

- 6.7. Since submission, the format of the proposal has been amended to significantly reduce the footprint of the upper floors to reduce the building's impact upon the existing apartments. I raise no objection to the amended format which would not overshadow, overlook or otherwise harm the residential amenity of existing neighbours to a degree that would warrant refusal in this city centre context.
- 6.8. Turning to the amenity afforded to future residents, bedroom sizes are in accordance with Places for Living standards with double bedrooms varying in size from 10.4sq.m and 12.7sq.m. One apartment has a single bedroom of 9 sq.m and

the studio measures a total of 35 sq.m. However, given the site constraints and the overall provision I consider the internal layout would be acceptable.

AIR QUALITY

- 6.9. In relation to Air Quality, a report has been submitted in support of this application which analyses air quality data from roadside monitoring tubes within 500m of the site over the past three years. This data shows that the majority of locations exceed the annual mean nitrogen dioxide objective. Limited exceedances of the hourly objective are also noted in the data.
- 6.10. The report analyses the air quality implications of the development throughout the demolition/construction and operational phases. The report concludes that any adverse effects from dust generating activities are likely to be very short term and there will be no significant long-term impact on human or ecologically sensitive receptors subject to mitigation measures being enforced.
- 6.11. For the operational phase, the report acknowledges that the annual mean nitrogen dioxide concentrations in the vicinity of the site are likely to remain above the objective for a number of years. The report adds that the diffusion tube monitoring locations do not represent relevant exposure as most of the tubes are situated very close to the kerbs of adjacent roads. The report adds that ambient pollution concentrations typically decrease with height, with the residential use located above ground level.
- 6.12. The report concludes that the hourly objective is unlikely to be exceeded at the site of the proposed apartments.
- 6.13. In response to the annual mean exceedances, the report recommends the installation of mechanical ventilation as appropriate mitigation. This allows positioning of the air intake to be planned to deliver the highest quality air available for residents. Active carbon filtration devices could also be incorporated into ventilation strategy. In addition the design has been amended to remove balconies from the scheme. The Air Quality report recommends that windows on road-facing facades are non-opening.
- 6.14. Regulatory Services have questioned the assumptions made in relation to the decreasing concentrations of pollution with height and cited that the rate at which this drops off is dependent upon many factors including topography.
- 6.15. The applicants have since submitted a supplementary statement in response to a number of queries raised by Regulatory Services. The additional note concludes that if filters are installed as part of a mechanical ventilation system, indoor air quality would achieve the hourly and annual objectives. Regulatory Services consider that there is insufficient information to reach this conclusion.
- 6.16. I consider that on balance, taking into account the proposed mitigation measures including submission of a construction management plan and the installation of mechanical ventilation, the air quality issue does not warrant the refusal of this application. Whilst there is uncertainty over the quality of air drawn into the development, placing the intake to the rear and at height will provide the best opportunity for the cleanest air to be provided to the future residents. I note that presence of a significant number of existing apartments, many of which have extensive balconies.

6.17. I therefore raise no objection to the proposals on the grounds of air quality.

DESIGN

6.18. The application proposals have been the subject to detailed negotiations involving the City Design Team. My Design Officer considers that the form provides visual interest and the green roof is also a visual benefit. The materials will have a relationship with Hotel La Tour whilst providing a welcome contrast to the adjoining existing apartments. He concludes that the commercial unit at ground floor will create an active street. I concur with these conclusions and consider that the amended design is an appropriate response to this constrained site and would present an interesting visual marker when viewed from Eastside City Park.

HIGHWAY MATTERS

6.19. Transportation Development raises no objection and note that of the existing 52 basement parking spaces only 27 are owned and used. They note that the required level of cycle parking would be provided (14 spaces) as part of the development. I concur with these conclusions and raise no objection on highway grounds subject to a condition requiring the completion of a suitable highways agreement.

7. Conclusion

7.1. The application proposals show a visually interesting and active use of this difficult site. The scheme will provide homes whilst resolving an undeveloped plot of land within the Masshouse scheme that is visually prominent from the Eastside City Park. I therefore recommend that this scheme is supported subject to the imposition of suitable safeguarding conditions.

8. Recommendation

8.1. Approval subject to the following conditions:

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- 1 Requires the prior submission of a drainage scheme
 - 2 Requires the prior submission of a construction method statement/management plan
 - 3 Requires the prior submission of sample materials
 - 4 Requires the prior submission of details of the green roof
 - 5 Requires the prior submission of mechanical ventilation details
 - 6 Requires the prior submission and completion of works for the S278/TRO Agreement
 - 7 Requires the scheme to be in accordance with the listed approved plans
 - 8 Limits the approval to 3 years (Full)
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Case Officer: Nicholas Jackson

Photo(s)

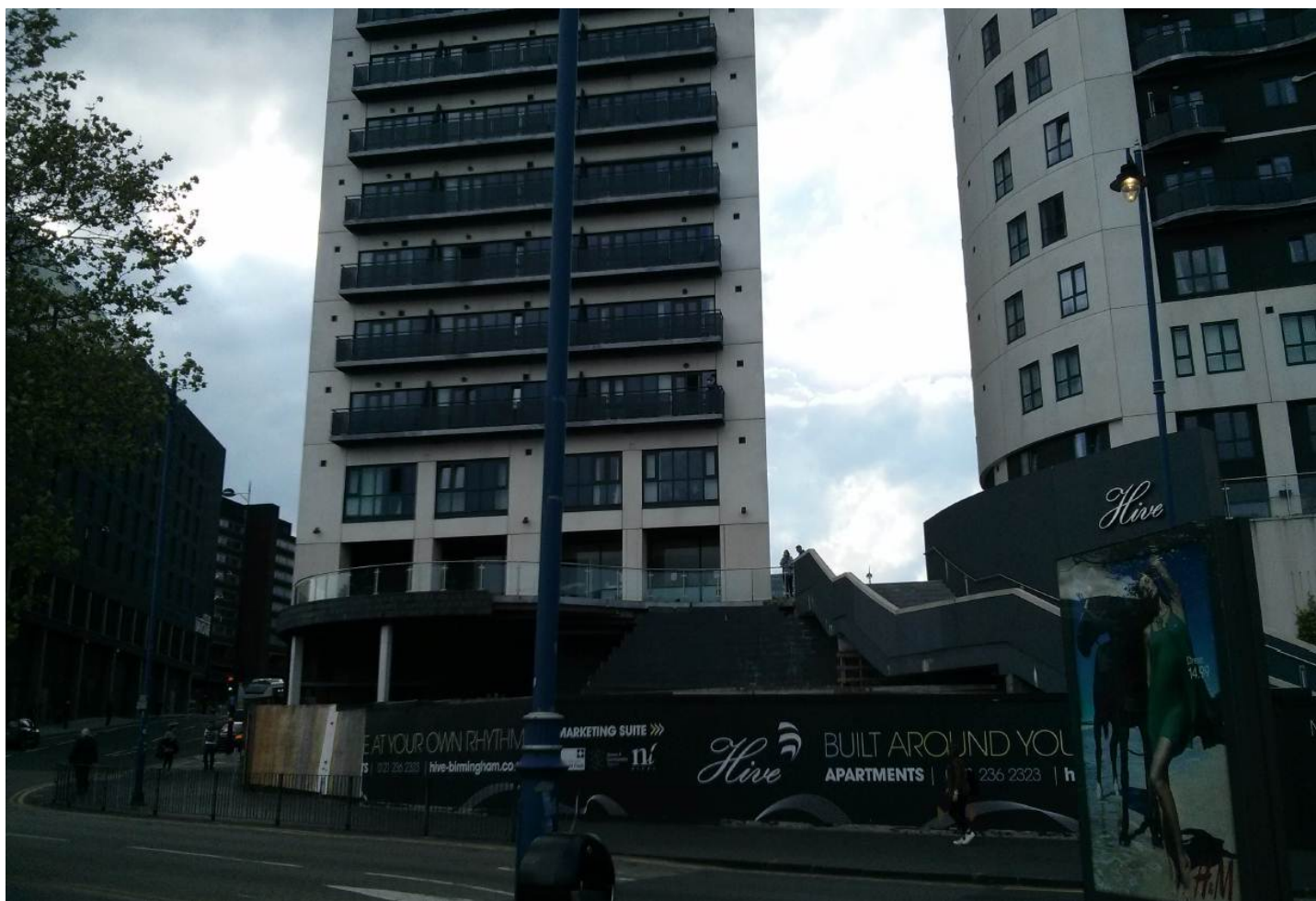
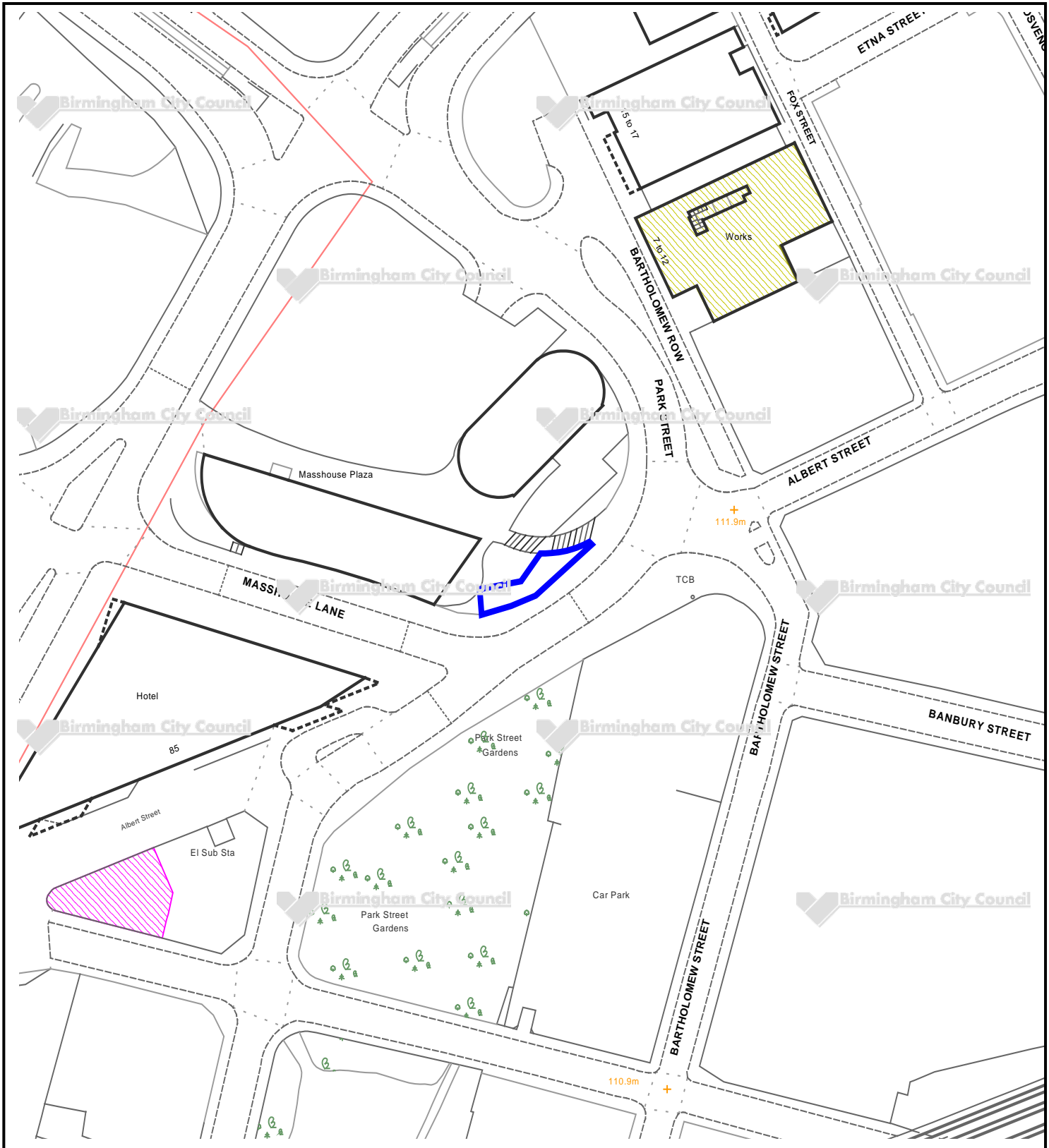


Figure 1. Application site from Eastside City Park.

Location Plan



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