Zone 8B Park Central, Spring Street, Birmingham, B15 2GD

Erection of 31 dwellings comprising 24 one and two bed apartments and 7 three bed houses with associated access, parking and landscaping.

Applicant: Crest Nicholson Regeneration Ltd
c/o The Agent
Agent: Savills
Innovation Court, 121 Edmund Street, Birmingham, B3 2HJ

Recommendation
Approve Subject To Conditions

1. **Proposal**

1.1 This application relates to one of the two remaining cleared parcels of land within the Park Central development which is a housing led regeneration scheme covering part of the former Lee Bank Estate. It is being undertaken as part of a joint venture between the applicants, the City Council and Optima Community Association. The application relates to Zone 8B which lies in the south east corner of the development adjacent to a recent development of apartments and town houses on Zone 8A.

1.2 The application proposed to erect 31 dwellings on the site in the form of 7 three bedroom terraced dwellings, a two bedroom flat above a garage block and a block of 23 one and two bedroom apartments. The buildings would be grouped around a new landscaped courtyard with access from Spring Street. The 7 town houses would be located on the west side of the courtyard backing onto an existing row on town houses in Windrush Grove and the apartment block would lie on the opposite side of the courtyard fronting Spring Street. In order to enclose the courtyard a four bay garage block is proposed between the new houses and apartments which would have a two bedroom flat above.

1.3 6 of the town houses would be of the same two storey design and be arranged as attached pairs that step down the site towards Lee Bank Middleway. The 7th property is of a corner design and would be attached to the end of the terrace and the garage block to enclose the southern end of the courtyard. At first floor level the town houses include large full height window, to overlook the shared parking courtyard and access road. In order to provide interest to elevations that would be visible from Lee Bank Middleway the corner dwelling and garage block have been designed to have a mono pitched roof to give an increased height to the Middleway which reflects the design already provided facing the ring road on Zones 8A and 12.
The main bedroom sizes for the 2 bed flat above the garage block and houses meet the guidance set out in Places for Living and all also have an en suite bathroom. The flat would be provided with a balcony overlooking the courtyard and the garden sizes for the houses range in size between 56 and 120 square metres.

1.4 The proposed apartment block would be five storeys high and has been designed as a pavilion style building similar to the four pavilion blocks already completed on Zone 8 to the north. The existing blocks are four storeys high but this fifth block would be a storey higher as it is located at a lower level and has also been designed to mark the main southern entrance into Park Central development. The block would provide 14 one bed apartments and 9 two bed apartments ranging in size from 46 – 64 square metres. All the upper floor units would have a balcony and the ground floor ones would have an enclosed terrace. The main bedroom sizes for the 2 bed types exceed the 12.6 square metres recommended in Places for Living but on 10 of the one bed types the main bedroom size is 11.2 square metres.

1.5 All the proposed dwellings would be built from the same materials used within the wider Park Central development of red brick, render and timber cladding with a reconstituted slate roof. Boundary treatments proposed are metal railings for the frontages to the town houses and apartments, close-boarded fencing between rear garden areas and brickwork with timber panels or glass blocks fronting Lee Bank Middleway. Here the boundary treatment has been set back by approximately 10 metres to allow the existing grass embankment to be retained and planted with trees. Some of this new tree planting is proposed to replace four existing trees including two large Trees of Heaven which lie on the existing Spring Hill frontage.

1.6 31 car parking spaces would be provided of which 18 would be within the courtyard, and 4 spaces would be within the garage block. 6 spaces would be located adjacent to the site access and a further 3 spaces would be provided as an undercroft area to the apartment block. This equates to 100% provision. A cycle store with space for 23 bikes is also proposed within the apartment block.

1.7 A Design and Access Statement, Planning Statement, Transport Assessment, Ground Investigation, Arboricultural Survey, Habitat Survey and Noise Assessment have been submitted with the application. The site area is 0.3 ha giving a density of 94 dwellings per ha.

Site Layout

Courtyard View

Illustrative 3D View

2.0 Site & Surroundings

2.1 The application site lies within the Park Central redevelopment area where it forms Zone 8B. It is enclosed with 2.4 metre high hoardings and is currently in use as a compound and contractors' offices. The site has been levelled and hard surfaced and contains a number of temporary buildings, a car park and a few self-seeded trees. To the north the site adjoins an access road, parking area and sub-station associated with the adjacent 4 storey apartments on Zone 8A. To the east is Spring Street and to the south Lee Bank Middleway. The western boundary lies adjacent to an existing row of recently completed town houses in Windrush Grove. On the site's Spring Hill
frontage there are two large Trees of Heaven and there is a small Cherry and Sycamore on Lee Bank Middleway frontage.

2.2 The surrounding area comprises of recently built two storey town houses and four storey apartments fronting Bell Barn Road which overlook one of the new central parks. Much of the existing development is at a higher level as there is a considerable fall in levels across the Park Central development with Zone 8B being one of the lowest plots. The wider area provides a wide range of houses and apartments as well as two parks, schools, children's nursery, convenience store, health centre offices and hotel. On the opposite side of Spring Street is a vacant plot known as Zone 11 which was originally occupied by Haddon Tower. It has since been cleared and currently has outline planning permission for a retail store, further retail/leisure units and 164 one bed and 241, two bed apartments.

Site Location
Street View

3.0 Planning History

3.1 17/1/02 – 2001/05674/PA – Outline planning permission granted for partial redevelopment and partial refurbishment of the Lee Bank Estate.

3.2 11/4/02 - 2002/00787/PA – Planning permission granted for variation of condition C2 of planning permission C/05674/01/OUT to extend the period of time within which to submit reserved matters to 10 years.

3.3 17/9/09 – 2009/03410/PA – Reserved matters approval given for erection of 106 dwellings (80 flats and 26 houses) with associated parking at Zone 8A.

3.4 16/2/2010 - 2009/06488/PA - Reserved matters approval granted for erection of a single dwelling and associated parking at Zone 8C

3.5 24/5/10 – 2010/01853/PA – Reserved matters approval granted for erection of 8 dwellings and associated parking at Zone 8D

3.6 8/7/11 - 2010/07236/PA – Planning permission granted to extend time period in which to implement planning permission 2005/02946/PA for demolition of Haddon Tower and redevelopment of site to provide a landmark mixed use development including a class A1 retail store, further retail/leisure units (Classes A1-A5), 164 one bed and 241, two bed apartments with associated access and car parking.

4.0 Consultation/PP Responses

4.1 Transportation - No objection subject to minor amendments to the layout to showing indicative footway connections and pedestrian visibility splays and requests conditions to ensure a package of highway works are carried out, provision of the cycle parking, circulation areas are kept clear and a construction management plan.

4.2 Regulatory Services – Contaminated Land Team – No objections subject to conditions to ensure gardens and landscaped areas are provided with a suitable capping layer material and requiring a remediation verification report
4.3 Regulatory Services – Pollution Control Team – No objections subject to conditions requiring the implementation of the glazing and ventilation specification set out in the submitted noise assessment.

4.4 Local Services - No objections. as they do not require public open space or contributions from this scheme.

4.5 Severn Trent Water – No objections subject to a drainage condition being imposed and also advise that there is a public sewer located within the application site which may not be built close to, directly over or be diverted without their consent.

4.6 West Midlands Fire Service – No objections and comments that that the dry riser inlet should have access for a pumping appliance and suitable water supplies for firefighting should be provided.

4.7 West Midlands Police – Secure by Design Officer – No objection in principle but recommends that a suitable defensive planting scheme be installed around the apartments and that the entrance to the basement parking spaces be secured.

4.8 MP, Local Councillors and local residents notified of the application, press and site notices displayed. Two letters have been received from local residents, one of which supports the development but asks that there is minimum disruption during the build for those who live nearby and that the site is kept reasonably quiet and tidy. The other letter expresses concerns regarding how the existing residents parking scheme is implemented and enforced and that no car parking spaces for visitors are provided.

5.0 Policy Context


6.0 Planning Considerations

6.1 A section of the application site originally formed part of Zone 11 as it was originally proposed to realign Spring Street as part of the retail and residential scheme development approved under application 2010/07236/PA. Although the outline consent on Zone 11 does not expire until July this year the applicants have decided not to implement this permission and to leave Spring Street in its current location. This has therefore allowed this reconfigured site to be brought forward for development as part of Zone 8. The main issues to be considered are whether the development complies with the planning policies, whether the design and layout is acceptable, the impact on nearby residents and parking/highway issues.

6.2 Policy

6.3 The application site lies within the area covered by the original outline planning permission for Park Central as approved under reference 2001/05674/PA which granted outline planning permission in January 2002 for the partial redevelopment of the Lee Bank estate. Although the outline permission has now expired much of the estate has been redeveloped and only the current application site and Zone 11 remain. In principle the redevelopment of the site is still considered to be acceptable and to comply with the adopted UDP which in Paragraph policy 15.51 comments that the strategy for the Lee Bank estate involves the provision of new housing of a more diverse mix and improvements to the housing stock. The emerging Birmingham
Development Plan does not specifically mention the application site but comments that the focus will be on delivering as much of the new housing that the City needs within the urban area as possible subject to maintaining the attractiveness of neighbourhoods as places to live.

6.4 Further policy guidance on the redevelopment of the estate is set out in the Central Area Estates Development Framework SPG. It shows Zone 8 as being redeveloped with new housing and supports greater building heights along the main streets. It also seeks development which has high quality design, is safe, attractive and easily accessible. A “Framework for Development” was also submitted and approved with the original outline application and shows the application site as being redeveloped with housing at a density of up to 275 dwellings per ha. Although the density proposed on the application site would be lower at 103 dwellings per ha this is considered to be appropriate and the decision to keep Spring Street in its current position would not adversely affect the future redevelopment of Zone 11.

6.5 Design/Layout

6.6 The original Framework for Development for the estate proposed that the frontage to Lee Bank Middleway and junction with Spring Street being developed with buildings between 4-6 storeys in height with buildings up to 3 storeys in height behind. The proposed layout largely follows this guidance by proposing a 5 storey block of apartments at the junction of Spring Street and Lee Bank Middleway with 2 storey development on the reminder of the site. This form of development also follows that already built on the remainder of Zone 8 and is considered to be appropriate for the site. The apartments have been designed to form a gateway building into the site but to also reflect the design of the four other apartment blocks on Zone 8 by using the same pallet of materials and pavilion style so that there are large windows and balconies on all elevations. The town houses and courtyard arrangement proposed on the reminder of the site also reflect the form of the layout, house designs and buildings heights developed elsewhere on Park Central including at Windrush Close to the west of the site.

6.7 The proposed layout does however result in the loss of the four existing trees on the site including the two Trees of Heaven which the tree survey shows as being Category B. The Council’s arboriculturalist and urban design officer object to the loss of these two trees however the applicants have advised that they are not able to retain the two trees by reason of the areas required for construction, the need for retaining structures and services requirements. In addition ground levels will need to be altered to provide for the appropriate access to the building which would result in harm to the tree roots thereby prejudicing their survival. They however acknowledge that the loss of the trees needs to be mitigated and have proposed replacement planting to include semi-mature tree specimens as part of the landscape proposals.

6.8 Although the loss of the two category B trees is regretted the replacement tree planting will help ensure that the development is provided with an appropriate landscaped setting. The proposals include the provision of a 10 metre wide landscape bank along the boundary with Lee Bank Middleway which it is proposed to plant with trees and 8 new trees are indicated. In additional further tree planting is shown on the Spring Hill frontage and within the new courtyard. Overall 14 trees are proposed to replace the 4 to be removed and conditions are recommended to ensure the replacements are of an appropriate size and species. It should also be noted that the
current approved scheme on Zone 11 would also have required the removal of the existing trees.

6.9 The building designs follow the style and materials of those built elsewhere on Park Central. The town house and garage block at the end of the courtyard have been specifically designed to provide interest to the Lee Bank Middleway frontage with the use of a high rendered parapet roof and glass bricks in the boundary wall treatments. In terms of main bedroom sizes those proposed for the town houses and the 2 bed apartments would meet the guidance In Places for Living but for 10 of the one bed apartments the main bedroom would be 11.2 square metres rather than the 12.6 metres recommended. The applicants have provided an acceptable layout for the room and have advised that this has been a conscious decision following customer feedback to enable a larger living area of 25.5 square metres to be provided. Overall the layout for these one bed apartments is considered to be acceptable.

6.10 In terms of amenity space each apartment would have either a balcony or terrace and each town house would have a private rear garden area. However for 5 of the town houses this rear garden would only be 56 square metres in area therefore below the 70 square metres recommended in Places for Living. These are the same garden sizes as those allowed elsewhere in the wider development including those in Windrush Grove which back onto the site and are considered acceptable, as residents will have use of the two large parks close by.

6.11 **Impact on residential amenity**

6.12 The proposed apartments have been designed to form one side of the courtyard yard with the town houses forming the opposite side. The separation distance between the front windows would be 24 metres which is considered to be acceptable as this is a front to front arrangement and reflects existing development in the vicinity. It will be noted that the dwellings lie close to Lee Bank Middleway and therefore traffic noise could cause disturbance to occupants This is however to be addressed through the provision of appropriate mitigation measures and by setting the buildings back from this road frontage.

6.13 In terms of the impact on existing residential properties the town houses proposed have been sited so that they would back onto the rear gardens of properties in Windrush Grove. They are at a slightly higher level up to 0.86 metres above the proposed dwellings. These existing dwellings are two storeys high and the separation distance proposed would be 21 metres thereby meeting the guidance in Places for Living. There is also an existing block of four storey apartments on Zone 8 located 12 metres from the site boundary, at a higher level and with windows looking across the application site. However due to the difference in levels and the positions of the proposed buildings the windows from the existing flats would largely look onto either the blank wall of the end town house or across the parking courtyard. It is therefore not considered that there would be any adverse impact on neighbouring properties.

6.14 A local resident has requested that the disturbance to residents during the build process is kept to a minimum. A condition requiring a construction management plan which will cover matters such as hours of working, parking of vehicles, storage of plant and materials, noise control devices, and measures to control the emission of dust and dirt during construction is recommended. The comments from the Secure by Design advisor regarding the security of the site have been passed onto the applicants and the landscape scheme can include defensive planting.

6.15 **Parking/Highway issues**
6.16 Transportation advise that they do not consider that the proposed use of the site would be likely to have a detrimental impact on the safe operation of surrounding streets and raise no objection to the proposal subject to suitable conditions. They comment that the specified maximum parking provision would be 1.5 spaces per dwelling and the 31 spaces (100%) that the applicant intends to provide is acceptable as the site has a very good level of public transport accessibility, with several frequent bus services available within easy walking distance of site. They also advise that although they would normally seek cycle provision at 1 space per unit the proposed cycle store with 23 spaces and cycle store within the garage block provides an acceptable provision. Transportation have requested some minor amendments to the plans to show indicative footway connections and pedestrian visibility splays which have been provided.

6.16 Comments have been received from a local resident expressing concern about the lack of visitor parking spaces and how the existing permit scheme implemented and enforced. Transportation consider the level of parking to be provided is acceptable and advise that there is a residents permit scheme in place which allows each household a permit subject to various criteria being met. However on Windrush Grove the Council will not be in a position to enforce the parking permits until the highway works have been completed and the roads are formally adopted. It is however understood that the applicants have appointed a private parking enforcement contractor to manage parking on the non-adopted -highway areas in the estate and the resident’s concerns have been forwarded onto them.

6.17 Other Matters

6.18 The application does not propose any affordable dwellings as the level of provision and numbers of affordable dwellings were established through the original Development Agreement. This requires the Park Central development to deliver 165 Social Housing Dwellings for Rent and 60 Affordable Housing Dwellings for Shared Ownership. The residential phases already completed have provided 237 affordable homes and an additional 84 units have also been sold to Optima for use as affordable housing, bringing the total to 321 units. The overall development has therefore already provided some 86 more affordable units than was required under the Development Agreement and therefore it is accepted that there is no requirement for the application site to provide any affordable homes.

6.19 In addition a development of more than 20 dwellings would normally be required to either provide on-site public open space or contribute towards off site facilities. Provision of public open space on the site has also been addressed by the Development Agreement which requires two new neighbourhood parks to be provided. These were delivered at an early stage at the centre of the Park Central development and therefore there is no requirement for further public open space.

7.0 Conclusion

7.1 This development is considered to accord with the original outline planning consent granted for the redevelopment of the former Lee Bank estate as well as the masterplan/development framework and other supplementary planning documents. The scheme is considered to show that an acceptable layout can be provided for the proposed town houses and apartments and the designs, scale and building heights would be consistent with the approach taken to other phases of the redevelopment of “Park Central”. Although it is regretted that the two Trees of Heaven cannot be retained the new tree planting proposed would ensure the development would still
create a high quality environment. It is considered that sufficient car and cycle parking is provided for the development.

8.0 **Recommendation**

8.1 Approve subject to the following conditions:-

1. Requires the prior submission of a contaminated land verification report
2. Requires the prior submission of a drainage scheme
3. Requires the implementation of the submitted mitigation/enhancement plan
4. Requires the prior submission of hard and/or soft landscape details
5. Requires the prior submission of a construction method statement/management plan
6. Requires the gardens and landscaped areas to have a suitable capping
7. Requires the implementation of the noise mitigation measures
8. Removes PD rights for extensions
9. Requires the provision of cycle parking prior to occupation
10. Requires vehicular visibility splays to be provided
11. Requires pedestrian visibility splays to be provided
12. Requires the prior submission and completion of works for the S278/TRO Agreement
13. Prevents occupation until the turning and parking area has been constructed
14. Requires the replacement of the existing trees.
15. Requires the scheme to be in accordance with the listed approved plans
16. Limits the approval to 3 years (Full)

**Reason for Approval**

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.

Case Officer: Lesley Sheldrake
Photo(s)

Figure 1: View from junction of Spring Street and Lee Bank Middleway

Figure 2: View of contractor’s compound currently on the site
Figure 3: View along Spring Street

Figure 4: View of site and adjacent development on Zone 8
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