

## 5.0 PLANNING POLICY FRAMEWORK

### 5.1 Introduction

This section of the Environmental Statement has been prepared by Alistair Grills Associates (AGA) - Planning Consultants and, following a brief review of the existing and proposed land uses across the site, considers the planning policy framework for the proposed development in terms of:

1. Planning Policy Context
2. National Planning Policy & Guidance;
3. Local Planning Policy; and
4. Overall Summary.

### 5.2 Planning Policy Context

The planning policy framework for amended Phases 2 & 3 of the Beorma Quarter site is established by the current hierarchy of national and local policy documents applicable to a mixed use development located within a Conservation Area; within the setting of several nationally listed buildings; and which incorporates a number of locally-listed buildings. This policy framework is set out below and examined in detailed in subsequent paragraphs:

#### **National**

- *National Planning Policy Framework 2012 as amended at the date of this application*
- *Arrangements for handling heritage applications notification to Historic England, national amenity societies and the Secretary of State (England) Direction 2015*
- *Town and Country Planning (Consultation) (England) Direction 2009*
- *Town and Country Planning (Development Management Procedure) Order 2015*
- *The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 as amended by the 2015 Regulations*

#### **Local**

- *Saved policies of the Unitary Development Plan for Birmingham incorporating Alterations (The Birmingham Plan) (2005)*
- *Pre-submission Draft Version of the Birmingham Development Plan (draft BDP) (December 2013) with Modifications incorporating Birmingham Core Strategy 2026 - Consultation Draft December 2010*

- *The Big City Plan – City Centre Masterplan – Non-Statutory Guidance Document - July 2011*
- *Eastside Masterplan December 2011*
- *Regeneration through Conservation – Birmingham Conservation Strategy (1999) (SPG)*
- *Archaeology Strategy (2003) (SPG)*
- *Historic Environment Study – Birmingham Archaeology (2005)*
- *Digbeth, Deritend, Bordesley High Street Character Appraisal and Supplementary Planning Policies (SPD) (2009)*
- *High Places: A Planning Policy Framework for Tall Buildings (2003) (SPG)*
- *Lighting Places (2008) (SPG)*
- *Shopfronts Design Guidance (1995) (SPG)*
- *Development involving Former Public Houses – Planning Guidelines (1992) (SPG)*
- *Places for All (2001) (SPG)*
- *Places for Living (2001) (SPG)*
- *Places for the Future – detailed SPD Guidance – Draft for Public Consultation February 2012*
- *Affordable Housing (2001) (SPG)*
- *Public Open Space & New Residential Development (2007) (SPD)*
- *Access for People with Disabilities (2006) (SPD)*
- *A Parking Policy for Birmingham (2010)*
- *Car Parking Guidelines (February 2012)*

### 5.3 National Planning Policy

- **General National Planning Policy**

National planning guidance is prepared by Central Government and is set out in the latest *National Planning Policy Framework* and in various circulars.

*The National Planning Policy Framework (March 2012) (NPPF)* as amended at the date of this application establishes a presumption in favour of sustainable development, noting that development that is sustainable should be allowed to go ahead without delay (paragraph 14). Paragraph 8 states:

*In order to achieve sustainable development, economic, social & environmental gain should be sought jointly and simultaneously through the planning system*

The NPPF explains that “sustainable development” meets the needs of the present without compromising the ability of future generations to meet their own needs and adopts the five guiding principles of sustainable development set out in the UK Sustainable Development Strategy.

The NPPF confirms that it does not change the statutory status of the development plan as a starting point for decision-making (paragraph 12). Therefore, development proposals that accord with an up-to-date development plan should be approved without delay and where the development plan is absent, silent or relevant policies are out-of-date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF as a whole, or specific policies in the NPPF indicate that development should be restricted.

In terms of decision-taking, paragraph 186 states that LPAs should approach decision-taking in a positive way in order to foster the delivery of sustainable development. In doing so, LPAs should look for solutions rather than problems. Decision takers at every level should seek to approve applications for sustainable development where possible.

With regard to town centres, NPPF paragraph 23 notes that planning policy should be positive, promote competitive town centre environments and set out policies for the management and growth of centres within the plan period.

Paragraph 49 of the NPPF advises that all planning applications for housing should be considered in the context of the presumption in favour of sustainable development.

In addition, good design is identified as a key aspect of sustainable development (NPPF paragraph 56).

NPPF paragraph 58 states that planning policies and decisions should aim to ensure that developments:

- Function well and add to the overall quality of the area
- Establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit
- Optimise the potential of sites, including an appropriate mix of uses
- Respond to local character and history
- Create safe and accessible environments
- Are visually attractive as a result of good architecture and appropriate landscaping

New development should also be integrated into the existing natural, built and historic environment (NPPF paragraph 61).

In terms of the Government's objectives for the promotion of healthy communities, NPPF paragraph 69 states that planning decisions should aim to achieve places that promote:

- Opportunities for meetings between members of the community who might not otherwise come into contact, including through mixed use developments
- Safe and accessible environments where crime and disorder and the fear of crime do not undermine the quality of life or community adhesion; and
- Safe and accessible developments, containing clear and legible pedestrian routes and high quality public space.

In addition, paragraph 111 advises that planning decisions and policies should encourage the effective use of land by reusing land that has been previously developed provided that it is not of high environmental value.

Regarding the conservation and enhancement of the historic environment, the NPPF includes policies which used to be covered by PPS5 – Planning for the Historic Environment. Paragraph 126 advises that LPAs should take into account the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.

NPPF paragraph 126 also states that the wider social, cultural, economic and environmental benefits that the conservation of the historic environment can achieve should be taken into account, together with the desirability of new development making a positive contribution to local character and distinctiveness. In addition, opportunities should be taken to draw on the contribution made by the historic environment to the character of places.

NPPF paragraph 128 advises LPAs that, when determining applications, they should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. However, 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 NPPF indicates that the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. In addition, where a site on which development is proposed includes heritage assets with archaeological interest, LPAs should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation. Paragraph 129 requires LPAs to take such assessments into account when determining applications.

NPPF Paragraph 132 states that, when considering the impact of the proposed development on the significance of a designated heritage asset, great weight should be given to the asset's contribution to the context area.

In terms of sustainable transport, NPPF paragraph 37 states that LPA policies should aim for a balance of land uses within their area so that encouragement is given to minimising journey lengths for employment, shopping, leisure, education and other activities. Moreover, paragraph 35 indicates that plans should protect and exploit opportunities for the use of sustainable transport modes. Consequently, development should be located and designed where practical to:

- Accommodate the efficient delivery of goods and supplies
- Give priority to pedestrian and cycle movements and have access to high quality public transport facilities
- Create safe and secure layouts which minimise conflicts between traffic and cyclists/pedestrians
- Incorporate facilities for charging plug in and other ultra-low emission vehicles
- Consider the needs of people with disabilities

In terms of noise control, paragraph 123 states that decisions should aim to:

- Avoid noise giving rise to significant adverse impacts
- Mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development
- Recognise that development will often create some noise
- Identify and protect areas of tranquillity

NPPF paragraph 110 states that, in preparing plans to meet development needs and with regard to pollution control, the aim should be to minimise pollution and other adverse effects on the local and natural environment. To prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate to its location.

Paragraph 125 states that, when encouraging good design, planning policies and decisions should limit the impact of light pollution from artificial light on local amenities, intrinsically dark landscape and nature conservation.

Finally, separate technical guidance is published alongside NPPF paragraphs 99 - 104 in respect of flood risk. The guidance retains key elements of superseded Planning Policy Statement 25,

identifying areas at risk of flooding and defining flood risk. The aims of the Sequential and Exception tests are set out and the overall aim to steer new development to areas with the lowest probability of flooding (Flood Zone 1) is re-stated.

*Arrangements for handling heritage applications notification to Historic England, national amenity societies and the Secretary of State (England) Direction 2015* provides valuable guidance on the requirements of applications involving architecturally or historically sensitive structures and advises the Secretary of State's powers of direction are still in operation. Consequently, this Direction will be used by BCC in assessing submissions.

*Town and Country Planning (Consultation) (England) Direction 2009* replaces, *inter alia*, Circular 15/93: Town and Country Planning (Shopping Development) (England and Wales) (No 2) Direction 1993 which required planning applications to be referred to the Secretary of State if the retail content exceeded 2,500sqm. The new Direction is more concerned about whether proposed development is located outside town or city centres, as set out below:

5.(1) For the purposes of this Direction, "development outside town centres" means development which consists of or includes retail, leisure or office use, and which –

- (a) is to be carried out on land which is edge-of-centre, out-of-centre or out-of-town; and
- (b) is not in accordance with one or more provisions of the development plan in force in relation to the area in which the development is to be carried out; and
- (c) consists of or includes the provision of a building or buildings where the floor space to be created by the development is:
  - (i) 5,000 square metres or more; or
  - (ii) extensions or new development of 2,500 square metres or more which, when aggregated with existing floor space, would exceed 5,000 square metres.

(2) In calculating the area of existing floor space for the purposes of development referred to in paragraph 5(1)(c)(ii) this shall include retail, leisure or office floor space situated within a 1 kilometre radius of any part of the same type of use to be comprised in the proposed development and –

- (a) is already provided;
- (b) has been substantially completed within the period of 5 years immediately preceding the date an application for development to which this Direction applies is received;
- (c) in respect of which an application for planning permission has been made but not finally determined on the date an application for development to which this Direction applies is received; or

(d) in respect of which an application for planning permission has been granted within the period of 5 years immediately preceding the date an application for development to which this Direction applies is received.

*Town and Country Planning (Development Management Procedure) Order 2015* addresses departures from policy set out in an adopted Local Plan. Articles 14 & 27 of the Order state:

*Notice of reference of applications to the Secretary of State*

*14. On referring any application to the Secretary of State under section 76A (major infrastructure projects) or 77 (reference of applications to Secretary of State) of the 1990 Act pursuant to a direction in that behalf, a local planning authority shall serve on the applicant a notice—*

- (a) setting out the terms of the direction and any reasons given by the Secretary of State for issuing it;*
- (b) stating that the application has been referred to the Secretary of State; and*
- (c) containing a statement that the Secretary of State will, if the applicant so desires, afford to the applicant an opportunity of appearing before and being heard by a person appointed by the Secretary of State for the purpose, and that the decision of the Secretary of State on the application will be final.*

*Development not in accordance with the development plan*

*27. A local planning authority may in such cases and subject to such conditions as may be prescribed by directions given by the Secretary of State under this Order grant permission for development which does not accord with the provisions of the development plan in force in the area in which the land to which the application relates is situated.*

*The Town and Country Planning (Environmental Impact Assessment) Regulations 2011*, as amended by the *2015 Regulations*, consolidate recent changes resulting from EU policy and case law and seek to make the Regulations more accessible.

Finally, in respect of the *Town and Country Planning (Environmental Impact Assessment) Regulations 2011* amended by the *2015 Regulations*, AGA submitted a Screening Opinion request to Birmingham City Council on 12.10.07 in accordance with the now superseded Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 to ascertain whether the Beorma Quarter project would require an Environmental Impact Assessment (EIA) to accompany any subsequent planning application. BCC issued its Screening Opinion on 27.11.08 confirming that, when the criteria set out in the Environmental Effect Test were considered, an EIA would be required because the proposed tall building would have a noticeable impact on the City's skyline and an impact on buildings of national

significance, including St Martins Church and the iconic Selfridges building, which would be of more than just local interest. With the introduction of The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 and the latest 2015 amendments, BCC has advised that a new Environmental Statement should accompany any application for amended Phases 2 & 3 and this has been submitted.

## 5.4 Local Planning Policy

- **General Local Planning Policy**

At the local level, planning policy is presently undergoing change with the current Unitary Development Plan for Birmingham incorporating Alterations 2005 (The Birmingham Plan), which looked forward to 2011, being replaced by the new Local Development Framework (LDF), notably the Pre-submission Version of the Birmingham Development Plan (BDP) (December 2013). The emerging BDP sets out a vision and objectives for the future of Birmingham and will be a City-wide spatial strategy. Although only in its Pre-Submission form, BCC advises draft BDP policies, whilst potentially subject to change as a result of the on-going Examination in Public process, will carry increasing weight in terms of decision making in late 2015, when the Council is expected to receive the Inspector's report, and full weight on the BDP's anticipated adoption by the Council at year end.

At present, however, with three unsaved exceptions, all policies within the Birmingham Plan that are compatible with the NPPF also remain relevant to the determination process. Consequently, both the older saved & extended Birmingham Plan policies and the newer draft BDP policies that are relevant to the amended Phase 2 & 3 proposals now being submitted are considered in further detail below.

*Unitary Development Plan for Birmingham incorporating Alterations 2005 (The Birmingham Plan)*

### Birmingham Plan - Use Policy

Whilst there are no specific use policies for the Beorma Quarter site in the Birmingham Plan, sections within Chapter 15 – City Centre refer to SPGs for the Bullring Redevelopment Area and Eastside, both of which contain further detailed policies for those specific initiatives (see SPGs below).

Paragraphs 15.33 & 15.34 of the City Centre Core section of Chapter 15 do, however, encourage lively and colourful ground floor uses, including restaurants and cafes, as well as



the use of upper floors for non-retail uses and particularly housing which, in an appropriate mix, can bring the City to life in the evening.

In addition, paragraph 15.62 within the Digbeth Millennium Quarter section of Chapter 15 notes that as the proposed redevelopment of the Bull Ring will result in the physical expansion of the regional shopping centre into the Digbeth Millennium Quarter:

*Further site-extensive bulky goods retailing, including showrooms, and office activity is appropriate adjacent to the Ring Road (Commercial Policy C4), and along Digbeth and High Street, Deritend. This would be consistent with the development of the latter road as a major arterial route into the City Centre providing direct access from the NEC and Airport (Commercial Policy C23).*

Paragraph 15.67 also concludes that residential elements must form a vital component of any major mixed use scheme throughout the area.

Paragraph 15.94A, within the section on the Bullring/Market Quarter, notes that the Digbeth and Cheapside areas contain a concentration of developing Irish businesses and community facilities and encourages the development of a distinctive Irish Quarter as a lively mixed use area including residential, commercial and cultural uses. Paragraph 15.95 further notes that industrial activity is a major employer in the area and BCC intends to provide financial support to create an improved environment and promote further industrial and commercial activity.

#### Birmingham Plan - Regeneration Area Policy

In terms of wider regeneration area policy, Fig. 15.1 entitled “Principal Areas of Development Potential” shows the Beorma Quarter site lying within the boundaries of 3 key regeneration area initiatives:

1. The Bullring Major Development Area
2. The Digbeth Millennium Quarter
3. The Eastside Initiative

The Bullring Major Development Area was designated to control the coordinated physical and economic development of the old Bullring, to lessen the physical barrier created by Moor Street/Queensway and to improve the integration of the Digbeth Millennium Quarter with the City Centre Core. Paragraph 15.27 within the City Centre Core section of Chapter 15 notes that the redevelopment of the Bullring will encourage a flow of pedestrians towards Digbeth and efforts should be made to create development that improves pedestrian linkages. Paragraph 15.36 also notes the need to improve the physical environment of the City Centre

and promote more pedestrian-friendly measures, including pavement widening. Paragraph 15.94, however, within the section on the Bullring/Market Quarter states that Digbeth will remain a primary means of access for buses and cars to the market area and City Centre car parks.

The Digbeth Millennium Quarter is physically bounded by Moor Street/ Queensway, the Ring Road and two major radial routes: Digbeth (A41) and Jennens Road (A47). Paragraph 15.54 notes the Quarter is characterised by predominantly industrial development and significant economic activity, although it does contain a good deal of obsolescence and dereliction. Paragraph 15.54B notes that parts of the Digbeth Millennium Quarter are of great architectural and historic importance and new development will be expected to respect the character of these areas. It also notes that a new conservation area has also been designated around Digbeth, Deritend and Bordesley High Street, an area which developed in the 13th and 14th centuries as Birmingham's first suburb. BCC asserts that much of the area's historic development pattern has survived and it contains important historic buildings, structures and archaeological remains.

Paragraph 15.55 notes that whilst the Digbeth Millennium Quarter has had only tenuous links with the rest of the City Centre in the recent past, e.g. public car parking adjoining Moor Street/Queensway, major developments within the Masshouse area are now changing the character of the area. Paragraph 15.59 indicates that opportunities exist for new mixed-use development within the area, which can take advantage of its good accessibility and industrial heritage.

BCC has adopted a set of Masterplan principles to guide the redevelopment of the adjoining Masshouse area (paragraph 15.60 of Chapter 15) but several of the more generic principles could equally apply to Digbeth:

- *provision of a new pedestrian and cycle-friendly network of streets and squares which are laid out in a legible manner, having regard to landmark features and topography;*
- *full integration of the new street network with the City Centre Core and Digbeth areas, including high quality connections with major developments such as the Bull Ring, Martineau Galleries and Millennium Point;*
- *development of other complementary uses, such as tourism and leisure, with lively ground floor uses on key corridor routes; and*
- *provision of public transport with high standards of convenience, attractiveness and safety;*

With regard to the Eastside Initiative, paragraph 15.54A of the Plan affirms that this regeneration project covers part of the Digbeth Millennium Quarter, as well as the Bull Ring

and the Martineau Galleries. The aims of the Initiative are defined as integrating all development within a coherent framework, extending central area functions and activities out to the Ring Road (probably to include a new City Centre Park), establishing a “Learning Quarter” within the area and significantly enhancing pedestrian linkages. The Eastside Masterplan has now been adopted (see below).

#### Birmingham Plan – Archaeological, Listed Building and Conservation Area Policy

Chapter 8 covers Additional City-wide policies including Development affecting Archaeological Remains. Paragraph 8.36 states that development proposals affecting archaeological remains will be considered in the light of the following policies:

- *an assessment of the archaeological aspects of development proposals will be required from applicants before the planning application is determined. Planning permission will not be granted in cases where the assessment of the archaeological implications is inadequate.*
- *development proposals which will have an adverse effect on scheduled ancient monuments and other nationally important archaeological remains and their settings will not be allowed.*
- *development adversely affecting other known archaeological remains will be resisted although permission may be granted if the applicant has demonstrated that particular archaeological remains will be satisfactorily preserved either in situ or, where this is not feasible, by record.*
- *where appropriate, Section 106 agreements will be negotiated to protect, enhance and interpret archaeological remains.*

More detailed policies are contained in BCC’s *Supplementary Planning Guidance (SPG) documents - Conservation Strategy (1999) and Archaeology Strategy 2003*.

Paragraph 3.25 of the Plan, within the section covering Conservation of the Built Environment, concerns development affecting listed buildings and notes that it should preserve or enhance its character, particularly with regard to:

- Securing the retention, restoration, maintenance and continued use of buildings of special architectural or historic interest
- Demonstrating that every effort has been made to preserve the structure of the building *in toto* , thus avoiding demolition or partial demolition;
- Ensuring any change of use of a listed building is appropriate in terms of the character and appearance of the building;

- Ensuring external and internal alterations or additions do not adversely affect its architectural or historic character; and
- Ensuring any adjacent new development preserves and enhances the setting of a listed building

Paragraph 3.26 makes clear that BCC will also resist the demolition of buildings or other structures on the “Local List” of buildings of local architectural, archaeological or historic interest which do not possess statutory protection. Moreover, their settings should be preserved, any alteration works should preserve features of architectural or historic interest and, if necessary, any new buildings should be of equivalent value in terms of quality and contribution to setting.

Paragraph 3.27 refers to conservation area policy and confirms that Character Appraisal and Management Plans (CAMPs) will be prepared for all conservation areas within the City.

#### Birmingham Plan - Environment and Design Policy

BCC’s Policy Statement in respect of the environment is set out in Chapter 3 and is based on two principles:

*(a) the need to protect and enhance what is good in the City’s environment, and to improve what is less good; and*

*(b) the need to recognise the key relationship between environmental quality and levels of economic activity.*

Paragraph 3.11 notes that positive action to improve the quality of the environment is also required and, to that end, works to the City Centre are a top priority. With regard to sustainability, the local Agenda 21 process, which is being facilitated by the City Council is intended to encourage, amongst other things, the emergence of initiatives to improve sustainability and this will be supported whenever it is consistent with the UDP Strategy.

Paragraph 3.14 states that the design and landscaping of new developments will be expected to contribute to the enhancement of the City’s environment. Moreover, it is noted that good design can also help to promote and secure sustainable forms of development.

Paragraph 3.14A indicates that in order to ensure a high standard of design in all new developments in accordance with the advice previously set out in PPG1 (now replaced by the NPPF) BCC has evolved a series of general good design principles covering the design of, and the relationship between, buildings, streets, squares, parks, nature conservation areas,

waterways and other spaces that make up the public domain. Not only does this include the nature and quality of the public domain itself, but also the relationship of one part of the City with other parts and the patterns of movement and activity which are thereby established.

Paragraph 3.14B notes that when submitting applications for new development, including outline applications, developers will be expected to demonstrate that the scheme has been considered as part of its context and that all development proposals should be accompanied by Design and Access Statements.

Paragraph 3.14C states that development should have regard to the development guidelines set out in “Places for All”; “Places for Living”; the Conservation Strategy; and any other relevant Supplementary Planning Guidance/ Documents.

#### Birmingham Plan – Urban Design Policy

Paragraph 3.14D indicates that applications for new development will be assessed against the following urban design principles:

- *The City Council will have particular regard towards the impact that the proposed development would have on the local character of an area, including topography, street patterns, building lines, boundary treatments, views, skyline, open spaces and landscape, scale and massing, and neighbouring uses [see, inter alia Supplementary Planning Guidance: High Places – a planning policy framework for tall buildings 2003];*
- *Local characteristics which are considered detrimental in terms of urban design and which undermine the overall character of the area should not be used as a precedent for the design of new developments; for example, buildings that back onto the public realm;*
- *The scale and design of new buildings and spaces should generally respect the area surrounding them, and should reinforce and evolve any local characteristics, including natural features such as watercourses, which are considered to be positive;*
- *People should be able to move around freely, easily and safely throughout the City: therefore in new developments, streets and routes should generally link up rather than take the form of culs-de-sac and dead ends;*
- *Mixed uses will be encouraged in centres, and in other areas where they can contribute towards meeting an identified local need;*
- *To ensure that places feel safe, pleasant and legible, the fronts and backs of buildings should be clearly defined. Windows and more active rooms should face the public realm and main entrances should open onto the public realm, whereas the backs of buildings should be private and face other backs;*

- *Landscaping should be an integral part of all major development proposals, and this should be designed to complement the new development and the surrounding area;*
- *Any existing mature trees should be retained where possible, and the planting of new trees will be required where appropriate in accordance with the policy set out in paragraph 3.16A below.*

#### Birmingham Plan - Sustainable Development Policy

Paragraph 3.14E states that development should be designed to ensure it will reduce harmful impacts and respect the principles of a sustainable environment. Consequently, applications for development will be assessed against the principles set out below and new paragraph 3.14F confirms that they will be applied throughout the City:

- *Layouts should be designed to minimise reliance on the private car and encourage walking, cycling and the use of public transport;*
- *Existing buildings should be re-used wherever possible and where re-use would contribute to environmental quality;*
- *Consideration should be given to the use of environmentally friendly materials, including the re-use of materials, where appropriate;*
- *The orientation, external and internal design of buildings, and use of landscaping, should maximise the use of natural heat and light, contribute to local biodiversity and minimise the use of non-renewable energy sources. The use of renewable energy sources will be actively encouraged;*
- *Good thermal and noise insulation should be provided;*
- *Consideration should be given to the use of higher densities and more compact layouts where they will not conflict with other Plan policies or with other good urban design principles;*
- *Consideration should be given to measures that will minimise the consumption of water, for example by the re-use of grey water and water saving devices and practices*
- *Buildings should be long-life and flexible and capable of being adapted for a variety of other uses with the minimum of disruption;*
- *Any contamination on a site should be assessed, and if necessary, remediation work carried out to ensure that the site is fit for the use for which it is intended.*

#### Birmingham Plan - Lighting Policy

Paragraph 3.14G in the Birmingham Plan seeks to ensure the image of the “City at Night”, and particularly that of the City Centre, has the highest quality in order that Birmingham can be seen as an attractive place after dark. BCC asserts that well-designed lighting helps to improve pedestrian safety, road safety and legibility. BCC further states:

*An approach combining high quality lighting of buildings, places and spaces, can enhance the quality of the environment and even change it to create a more exciting night-time character. However, the City Council wishes to limit light pollution by avoiding unnecessary uplighting. The local planning authority will encourage developers to provide imaginative lighting that enhances the night-time appearance of the scheme and the amenity of the area. In appropriate circumstances these will be secured through the use of Section 106 agreements. This will be particularly important in the case of major projects in prominent locations*

#### Birmingham Plan - Public Art Policy

In respect of public art, paragraph 3.15 confirms that:

*in order to add variety to the visual environment, the local planning authority will, in appropriate cases, encourage the provision of new works of art as part of schemes of development and will have regard to the contribution made by any such works to the appearance of the scheme and to the amenities of the area. In appropriate circumstances these will be secured through the use of Section 106 agreements. This approach will be of particular importance in the case of major projects in prominent locations.*

#### Birmingham Plan - Accessibility and Safety Policy

With regard to accessibility and safety, paragraph 3.16 in the Birmingham Plan states that:

*the design of new developments where the public are admitted (including extensions to existing buildings, changes of use, open space and places of employment) should make provision for the access and other needs of all sectors of the community, including, for example, the elderly and infirm, people with disabilities and parents with pushchairs. Everyone, including people with disabilities and parents with pushchairs, should be able to gain access to buildings and other facilities through a main entrance wherever possible. Shopmobility schemes will be encouraged in centres and may be secured through the use of Section 106 agreements where appropriate. The design of the environment influences both the actual and the perceived threat of crime - two factors which are major problems affecting the quality of life. The adoption of suitable measures at the design stage, in consultation with the police where appropriate, will be of particular importance.*

Birmingham Plan - Housing Policy

Any residential component within the Beorma Quarter Phases 2 & 3 development will touch on a number of areas of housing policy in the Plan.

With regard to “City Living”, paragraph 5.32B notes that locating residential accommodation in the City Centre is beneficial as, *inter alia*, it creates homes near where large numbers of people work, in areas well served by public transport. Consequently, the construction of new dwellings, conversion of other uses to residential, re-use of vacant residential properties and “living over the shop” will all be encouraged. Digbeth is specifically identified as a location with considerable potential for new housing. BCC officers will also seek an element of residential development in mixed-use schemes, such as that proposed for Beorma Quarter, providing:

- *It would not undermine the primary economic function of an industrial or commercial area.*
- *It would not have an adverse effect on the historic character of a Conservation Area or Listed Building;*
- *It would not create an unacceptable living environment for the occupants of the proposed housing.*

In respect of Affordable Housing, paragraph 5.37 in the Birmingham Plan states that balanced provision of affordable and market housing across the City will be sought and the issue is covered in some detail in the Affordable Housing Supplementary Planning Guidance adopted by the Council in 2001. In paragraph 5.37A, BCC defines affordable housing as comprising:

*A. Housing provided by an organisation - such as a Registered Social Landlord [RSL] or local authority - which is allocated on the basis of need. While such dwellings will normally be made available for rent they may also include subsidised low-cost home ownership, such as shared ownership, where a Registered Social Landlord or local authority retains a continuing interest.*

*And*

*B. Low cost market housing, which may help to meet the needs of first time buyers, single people, the elderly and other low income households, who cannot afford to rent or buy houses generally available on the open market.*

BCC defines “Low cost market housing” as private housing that is subsidised or discounted to the extent that it is significantly below the market purchase price or rent for a similar property



within the area. The proportion of subsidy or discount will relate to local house prices and/or rental levels and local income levels, and must be available in perpetuity to subsequent occupiers of the housing.

Paragraph 5.37B states that in order to meet the City's overall requirement for affordable housing, BCC will seek the inclusion of an element of affordable housing on housing developments on sites of 25 dwellings or more, or 1 ha or more, or such thresholds as may be set in future Government guidance and this will be secured through Section 106 Agreements. In fact, BCC has reduced the threshold which triggers an affordable housing requirement to 15 dwellings or more. On private sites, the Plan indicates that BCC will negotiate for the provision of:

- *25% of total dwellings to be affordable dwellings as defined in part A of the above definition, and*
- *10% of total dwellings to be affordable dwellings as defined in part B of the above definition.*

Paragraph 5.37C advises that the City Council will provide details of the precise affordable housing mix it is seeking when individual proposals are brought forward by developers. The scale and nature of the affordable housing sought will depend on a number of factors including:

- *Local housing needs (as defined by the Local Housing Authority)*
- *The suitability of the site and other economic constraints*
- *Accessibility to public transport and proximity to centres*
- *Other policy objectives (e.g. tenure diversification)*

In exceptional circumstances, paragraph 5.37E indicates that BCC may consider provision of the affordable housing element off-site, subject to an equivalent level of housing need being met:

*This may be either by way of the developer directly providing affordable units on the alternative site, or by making a financial contribution to enable the provision. The meeting of other policy objectives and/or the economics of housing provision could provide justification for such off-site provision.*

In this regard, discussions with officers have indicated that, in this particular instance, a financial contribution towards the provision of affordable housing elsewhere in the City, secured by way of a s106 Agreement, would be preferable.

In addition, paragraph 5.37F confirms that in Housing Priority Areas, as defined by the City Council's annual Housing Strategy Statements, BCC will support the use of Social Housing Grant to assist in the provision of appropriate affordable housing. However, developers would be expected to secure affordable housing provision without recourse to such grant within Housing Priority Areas when appropriate grant support cannot be identified by the City Council and on schemes outside the Housing Priority Areas.

With regard to Housing Densities and Types, paragraph 5.38 insists that housing densities must reflect the approach set out in the "Places for Living" SPG:

*By and large, a variety of densities are appropriate throughout the City and on particular development sites. The main concern rather is to emphasise the quality of the development and its impact on its surroundings. Higher densities should not be confused with poorer quality development. The City Council will encourage a general increase in average housing densities compared to the densities achieved on development sites in the recent past. Densities of at least 100 dwellings to the hectare will be expected on sites within the City Centre..... A wide range of dwelling sizes and types will be encouraged, to meet the needs of families and to take account of market demands. There may be occasions when these or other special circumstances would justify a lower density. Developers will be expected to provide supporting information justifying the density proposed, should it fall below those set out above.*

#### Birmingham Plan - Planning Obligations Policy

Paragraphs 8.50 – 8.54 and Figure 8.1 relate to the use of Planning Obligations made under s106 of the Town and Country Planning Act 1990 (as substituted by s12 of the Planning and Compensation Act 1991). Paragraph 8.51 notes that:

*The City Council will take all appropriate opportunities to negotiate planning obligations.....to enable development to proceed, and to secure the proper planning of the development and of the area. The City Council will also encourage developers to provide other planning benefits which are beneficial to the development and the area.*

Paragraph 8.53 continues:

*In determining the type, scale and mix of benefits, the City Council will have regard to the following:*

- *This Plan*

- *Relevant Local Action Plans, Development Briefs and other Supplementary Planning Guidance*
- *Other relevant City Council policies*
- *Government Guidance*
- *The views of the community and other consultees including Ward Sub-committees*
- *The views of the developer*
- *The type of development*
- *Any specific local needs*

*In assessing the appropriate level of benefit, the City Council will also take account of the economic viability of the scheme and any exceptional costs associated with the development.....*

*Pre-submission Version of the Birmingham Development Plan (BDP) (December 2013) with Modifications incorporating the Birmingham Core Strategy 2026 Consultation Draft – December 2010.*

As advised above, the *Pre-submission Version of the Birmingham Development Plan (BDP) with Modifications* is still undergoing its Examination in Public, with limited weight being attached to policies until the Inspector's Report is received late 2015.

Once adopted, the BDP will provide a City-wide framework for change in Birmingham and will replace the saved policies of the Birmingham Unitary Development Plan 2005, with the exception of those policies contained within Chapter 8 of that plan which will continue in force until the adoption of the Council's proposed Development Management DPD. In addition, it is considered that the city's greatest asset is the city centre, so, alongside the BDP, the City Council has prepared a more detailed (albeit non statutory) plan to guide future change in the city centre – *The Big City Plan (July 2011)*.

The draft BDP is divided into six parts, as follows:

- Section 1 - provides an introduction to the BDP.
- Section 2 - describes the key characteristics of the City and the challenges for the future to which the BDP responds.
- Section 3 - sets out the vision, objectives and strategy for how the City will develop over the period to 2031.
- Section 4 and 5 – provides detail on how and where the future growth of the City will be delivered.

- Section 6 to 9 - contains policies covering a range of topics to guide how future growth and development will be managed.
- Section 10 and 11 – covering how the policies and proposals will be implemented and monitored. These provide a clear indication of how the BDP will be implemented and the indicators that will be used to measure its success.

The Proposals Map accompanying the draft BDP confirms the Beorma Quarter site lies within a Growth Area and a Conservation Area. Section 3 - The Vision, Objectives & Strategy sets out the Council's vision for Birmingham, including eleven key objectives which will shape its future development:

- *To develop Birmingham as a City of sustainable neighbourhoods which are safe, diverse and inclusive with locally distinctive character.*
- *To make provision for a significant increase in the City's population.*
- *To create a prosperous, successful and enterprising economy with benefits felt by all.*
- *To promote Birmingham's national and international role.*
- *To provide high quality connections throughout the City and with other places including encouraging the increased use of public transport, walking and cycling.*
- *To create a more sustainable City that minimises its carbon footprint and waste while allowing the City to grow.*
- *To strengthen Birmingham's quality institutions and role as a learning city and extend the education infrastructure securing significant school places.*
- *To encourage better health and well-being through the provision of new and existing recreation, sport and leisure facilities linked to good quality public open space.*
- *To protect and enhance the City's heritage and historic environments.*
- *To conserve Birmingham's natural environments, allowing biodiversity and wildlife to flourish.*
- *To ensure that the City has the infrastructure in place to support its future growth and prosperity.*

Section 4 - Planning for Growth identifies a number of draft BDP policies which are relevant to Phases 2 & 3 of the Beorma Quarter.

Policy PG1 - Overall levels of growth confirms that, over the Plan period, significant levels of housing, employment, office and retail development will be planned for along with supporting infrastructure and environmental enhancements. This will include:

- *51,100 homes*
- *approx 270,000 sq.m. gross of comparison retail floorspace by 2026.*

- *a minimum of 745,000 sq.m. gross of office floorspace in the network of centres primarily focussed on the City Centre.*

Draft BDP Policy PG2 - Birmingham as an International City confirms that Birmingham will be promoted as an international city supporting development, investment and other initiatives that raise the City's profile and strengthen its position nationally and internationally.

In addition, draft BDP Policy PG3 - Place Making states:

*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 and appropriate use of innovation in design.*
- *Create safe environments that design out crime and make provision for people with disabilities through carefully considered site layouts, designing buildings and open spaces that promote positive social interaction and natural surveillance.*
- *Provide attractive environments that encourage people to move around by cycling and walking.*
- *Ensure that private external spaces, streets and public spaces are attractive, functional, inclusive and able to be managed for the long term.*
- *Take opportunities to make sustainable design integral to development, such as green infrastructure, sustainable drainage and energy generating features.*
- *Support the creation of sustainable neighbourhoods (Policy TP26).*
- *Make best use of existing buildings and efficient use of land in support of the overall development strategy*

With respect to the City Centre, sub-policy GA1.1 - Role and Function of draft BDP Policy GA1 advises:

**Policy GA1.1**

*The City Council will continue to promote the City Centre as the focus for retail, office, residential and leisure activity within the context of the wider aspiration to provide a high quality environment and visitor experience.*

*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.*

*The retail core, as defined on the Policies Map, will continue to be focused around The Bullring, New Street, Corporation Street, The Mailbox and Grand Central and improvements to the quality of the environment and the shopping experience within this area. Future comparison retail provision will be supported as part of wider mixed use schemes at Martineau Galleries, the redevelopment of the wholesale markets site and in conjunction with proposals for the HS2 station in Eastside. Appropriate scale retail development will continue to be supported where it complements the existing Retail Core and as part of mixed use redevelopments throughout the City Centre. New leisure uses will be promoted within and on the edge of the retail core to support the diversification of the City's offer as a top visitor destination.*

*Independent retailing will also be supported (see policy TP22)*

*The role of the City Centre as a major hub for financial, professional and business services will continue to be supported. The primary focus for additional office development will be within and around the City Centre Core including Snow Hill and Westside. The area of Brindleyplace, Eastside, along Broad Street and around Five Ways will provide further focus for these uses.*

*Residential development will continue to be supported in the City Centre where it provides well-designed high quality living environments. Developments will need to provide flexible and adaptable accommodation meeting a range of needs including for families.*

As to Sub-policy GA1.2 - Growth and Wider Areas of Change, several parts impact on the Beorma Quarter & Digbeth:

*In order for the City Centre to maintain and develop its position as a top visitor destination and driver of the City's economy, significant new levels of growth will be accommodated. The City Centre has potential to accommodate in the region of 12,800 new homes, 700,000 sq.m. gross of office floorspace and 160,000 sq.m. gross of comparison retail floorspace. The following strategic locations will be the focus of the proposed growth.*

**Eastside** - *The ongoing regeneration of this area will enable the City Centre Core to expand eastwards and will require well designed mixed use developments including office, technology, residential, learning and leisure. Any proposals for a HS2 station will need to be integrated into the area creating a world class arrival experience with enhanced connectivity to surrounding areas including Digbeth and the City Centre Core.*

***Southern Gateway*** - This area will be the focus for the expansion of the City Centre Core southwards through the comprehensive redevelopment of the wholesale markets site delivering a vibrant new destination for the City. Development will be supported that diversifies the City's offer as a retail and leisure destination including niche retail, improved markets, food and leisure space. Residential development will be supported as part of the future mix of uses with opportunities to stimulate the regeneration of the wider area. The redevelopment will require high quality public spaces and routes to be incorporated with a new public event space creating a centre piece for the area. Integral to creating a new destination will be the creation of exemplar development in terms of its architecture and sustainability credentials, the reinterpretation of the historic moat and manor house, the creation of a gateway to the Digbeth creative quarter and space for a new cultural facility. Development across the wider Southern Gateway will need to address the sustainable management of the River Rea Corridor associated with areas of flood risk and be supported by a range of infrastructure (including green infrastructure) and services, employment opportunities and public spaces and improve connections to Highgate.

Sub-policy GA1.3 - The Quarters seeks to reinforce the character of the distinct areas which make up Birmingham. Whilst located within Digbeth, the Beorma Quarter is also on the cusp, or closely connected to, several other surrounding Quarters, so their policy references are also included below:

*New development must support and strengthen the distinctive character of the areas surrounding the City Centre Core raising their overall quality, offer and accessibility. The City Centre is formed by seven Quarters with the Core at its heart. Within each Quarter varying degrees of change are proposed that relate to the overarching objectives of delivering ambitious growth whilst supporting the distinctive characteristics, communities and environmental assets of each area.*

***The City Centre Core*** - Providing an exceptional visitor and retail experience with a diverse range of uses set within a high quality environment.

***Digbeth*** - Creating a thriving creative and cultural hub with a high quality, exciting and easily accessible environment.

***Eastside*** - Maximising its role as an area for learning and technology realising its extensive development opportunities and the integration of any proposals for HS2 station.

*Southside and Highgate - Supporting the growth of the area's cultural, entertainment and residential activities and its economic role complemented by high quality public spaces and pedestrian routes.*

Draft BDP GA1 sub-policy, GA1.4 – Connectivity, advises:

*Measures to improve accessibility to and within the City Centre will be supported, including:*

- *An enhanced high quality network of pedestrian/cycle routes, public open spaces and squares.*
- *Improvements to and prioritisation of pedestrian and cycle accessibility.*
- *Integration of public transport.*

Section 6 of the draft BDP addresses Environment & Sustainability issues. Draft BDP Policy TP1 Reducing the City's Carbon Footprint relates to the Council's commitment to reducing CO<sup>2</sup> emissions by 60% by 2027. In this context, draft Policy TP2 – Adapting to Climate Change, suggests that development design should demonstrate that overheating is minimised and reliance on air conditioning systems reduced. In addition, Policy TP3 advises that from 2016 all new residential developments should aim to be zero carbon and all new non-residential built developments in excess of 1,000 sq. m. gross permitted floorspace, or being developed on a site having an area of 0.5 ha or more, should aim to meet BREEAM standard excellent (or any future national equivalent).

Innovative energy technologies are encouraged by draft BDP Policy TP4 – Low and Zero Carbon Energy Generation and TP5 Low Carbon Economy, although Central Government pronouncements in July 2015 appear to have changed the outlook for such policies.

Turning to the issue of flood risk, draft BDP Policy TP6 – Managing Flood Risk refers, *inter alia*, to the need to undertake Surface Water Drainage Assessments:

*As part of their Flood Risk Assessment (FRA) developers should demonstrate that the disposal of surface water from the site will not exacerbate existing flooding and that exceedance flows will be managed. Requirements for discharge from sites are outlined in the SFRA. This will include:*

*Restrictions to the greenfield run-off rate for:*

- *Greenfield sites.*
- *Brownfield sites at flood risk.*
- *Brownfield sites where there are run-off impacts on a community at flood risk.*



*A minimum of a 20% reduction in peak flows between the existing and developed scenarios for:*

- *All other brownfield sites.*

Draft BDP Policy TP12 - Historic Environment advises that the historic environment, consisting of archaeological remains, historic buildings, townscapes and landscapes, including locally significant assets and their settings in addition to designated and statutorily protected features, will be valued, protected, enhanced and managed for its contribution to character, local distinctiveness and sustainability. To this end, the policy identifies a number of stringent criteria for new development affecting heritage assets, including the provision of sufficient information to demonstrate how the proposals would contribute to the asset's conservation whilst protecting or, where appropriate, enhancing its significance and setting.

Draft BDP Policy TP20 – The Network and Hierarchy of Centres states:

*The vitality and viability of the centres within the network and hierarchy identified below will be maintained and enhanced. These centres will be the preferred locations for retail, office and leisure developments and for community facilities (e.g. health centres, education and social services and religious buildings). Proposals which will make a positive contribution to the diversity and vitality of these centres will be encouraged, particularly where they can help bring vacant buildings back into positive use.*

*Alongside new development, proposals will be encouraged that enhance the quality of the environment and improve access.*

*The focus for significant growth will be the City Centre, Sutton Coldfield.....*

With regard to offices, draft BDP Policy TP20 has set appropriate levels for new floor space, advising that a level of 700,000 sqm gross for new office floorspace within the City Centre in the period 2013-31 is appropriate.

In respect of convenience retail provision, draft BDP Policy TP21 establishes that such provision will be supported in principle within centres included in the network of centres, subject to proposals being at an appropriate scale for the individual centre. Proposals should deliver quality public realm and create linkages and connections with the rest of the centre and improve accessibility. In addition, draft BDP Policy TP22 states that proposals which promote and encourage independent and niche retailers across the City will be supported:

Specifically the City Council will seek to ensure that:

- *There is a range of retail premises across the City including provision of smaller units.*
- *Future development within centres consider the need for a range of unit sizes to suit all potential needs.*

Draft BDP Policy TP23 Promotion of Diversity of Uses within Centres also advises that:

*A diverse range of facilities and uses will be encouraged and supported in centres within the hierarchy, set out in Policy TP20, consistent with the scale and function of the centre, to meet people's day-to-day needs. This will include:*

- *Leisure uses.*
- *Offices.*
- *Restaurants, takeaways, pubs and bars.*
- *Community uses.*
- *Cultural facilities.*
- *Tourist-related uses (including hotels).*
- *Residential on upper floors where it provides good quality, well designed living environments.*

With regard to local employment, draft BDP Policy 25 confirms the City Council will seek to work closely with developers to identify and promote job training opportunities for local people, and encourage the use of the local supply chain to meet the needs of new developments. To this end, developers will be encouraged to sign up to targets for the recruitment and training of local people during the construction phase of development, and where appropriate for the end use. In addition, developers will also be encouraged to sign up to targets to use the local supply chain where appropriate.

Section 8 - Homes and Neighbourhoods within the draft BDP offers significant support for housing growth but notes that the type and condition of homes, together with the quality of the immediate surroundings, is one of the most important factors affecting quality of life. Draft BDP Policy TP26 Sustainable Neighbourhoods notes that new housing in Birmingham is expected to contribute to making sustainable places. Consequently:

*All new residential development will need to demonstrate that it is meeting the requirements of creating sustainable neighbourhoods. Sustainable neighbourhoods are characterised by:*

- *A wide choice of housing sizes, types and tenures to ensure balanced communities catering for all incomes and ages.*
- *Access to facilities such as shops, schools, leisure and work opportunities within easy reach.*
- *Convenient options to travel by foot, bicycle and public transport (see Policies TP38-TP40) with reduced dependency on cars and options for remote working supported by fast digital access.*
- *A strong sense of place with high design quality so that people identify with, and feel pride in, their neighbourhood.*
- *Environmental sustainability and climate proofing through measures that save energy, water and non-renewable resources and the use of green and blue infrastructure.*
- *Attractive, safe and multifunctional public spaces such as squares, parks and other green spaces for social activities, recreation and wildlife.*
- *Effective long-term management of buildings, public spaces, waste facilities and other infrastructure, with opportunities for community stewardship where appropriate.*

In addition, TP27 – The Location of New Housing requires proposals for new residential development to be:

- *Be located outside flood zones 2 and 3a (unless effective mitigation measures can be demonstrated) and 3b.*
- *Be adequately serviced by existing or new infrastructure which should be in place before the new housing is provided.*
- *Be accessible to jobs, shops and services by modes of transport other than the car.*
- *Be capable of remediation in the event of any serious physical constraints, such as contamination or instability.*
- *Be sympathetic to historic, cultural or natural assets.*
- *Not conflict with any other specific policies in the BDP, in particular the policies for protecting Core Employment Areas, open space and the revised Green Belt.*

Draft BDP Policy TP29 – The Type, Size and Density of New Housing requires proposals for new housing to deliver a range of dwellings to meet local needs and support the creation of mixed, balanced and sustainable neighbourhoods. Consequently, account will need to be taken of the:

- *Strategic Housing Market Assessment (or any subsequent revision).*
- *Detailed Local Housing Market Assessments (where applicable).*

- *Current and future demographic profiles.*
- *Locality and ability of the site to accommodate a mix of housing.*

*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 ha within the City Centre.*
- *50 dwellings per ha in areas well served by public transport.*
- *40 dwellings per ha elsewhere.*

*In assessing the suitability of new residential development full consideration will need to be given to the site and its context.....*

Draft BDP Policy TP30 underscores the City Council's commitment to provide high quality affordable housing for people who are unable to access or afford market housing. The main features of the new policy are:

- *A developer contribution of 35% towards the provision of affordable housing on residential developments of 15 dwellings or more.*
- *The level of developer subsidy to be established taking account of the above percentage and the types and sizes of dwellings proposed.*
- *Potential negotiations with the developer in order to revise the mix of affordable dwellings (for instance to secure additional larger dwellings) or to adjust the level of subsidy on individual dwellings (a higher subsidy may be required in high value areas). Where such negotiations impact on the number of affordable dwellings secured the level of developer subsidy should be unchanged.*
- *A strong presumption in favour of the affordable homes being fully integrated within the proposed development, although the Council may consider off site provision, for instance to enable other policy objectives to be met, subject to an equivalent level of developer contribution being provided. Off site provision could be either by way of the developer directly providing affordable dwellings on an alternative site, or by making a financial contribution which would enable provision either through new build on an alternative site, by bringing vacant affordable dwellings back into use or through the conversion of existing affordable dwellings to enable them to better meet priority needs.*
- *In phased housing developments, developers will be expected to provide details of the affordable housing provision in each phase, including the number and type of affordable dwellings to be provided.*
- *Where the applicant considers that a development proposal cannot provide affordable housing in accordance with the percentages set out above, for*

*example, due to abnormal costs or changing economic conditions, the viability of the proposal will be assessed using a viability assessment tool as specified by the City Council. The use of a standard assessment tool for all development proposals will ensure that viability is assessed in a transparent and consistent way. The level of provision will only be revised where viability has been assessed using the specified tool. Costs associated with assessing the viability of a proposal shall be borne by the applicant.*

Draft BDP Policy TP37 emphasises BCC's desire to create a sustainable transport network where the most sustainable mode choices also offer the most convenient means of travel. To this end, the Council will seek to ensure that land use planning decisions support and promote sustainable travel. In addition, draft BDP Policy TP38 – Walking confirms the provision of safe and pleasant walking environments throughout Birmingham will be promoted by, *inter alia*:

- *Building upon the success in improving pedestrian safety and continuation of the support for the priority of pedestrians at the top of the road user hierarchy ensuring that in centres and residential areas, the public realm environment reflects this priority.*
- *Ensuring new development incorporates high quality pedestrian routes which will promote walking as an attractive, convenient, safe and pleasant option for travel including to and from bus stops, train stations and Metro stops.*
- *Ensuring good design of pedestrian routes/areas reflecting desire lines and providing adequate way finding facilities where appropriate whilst ensuring that routes/areas are free from unnecessary clutter.*

Draft Policy TP39 Cycling also confirms this mode of transport will be encouraged through a comprehensive city-wide programme of cycling infrastructure improvements (both routes and trip end facilities) supported by a programme of cycling promotion, accessible cycling opportunities, training and travel behavioural change initiatives. This will include, *inter alia*:

- *Development of different route types e.g. improvements to major radial roads and other main roads including improved crossing facilities and creating new, quieter, parallel routes, using roads with lower speed limits and traffic flows, linking residential areas, green spaces, local centres and transport interchanges in order to encourage short trips and offer an alternative to busy A and B roads.*
- *Incorporating cycling into the 'Interconnect' on-street wayfinding totems currently being rolled out across the City Centre, and using improved direction signing.*
- *Improving cycle security with upgraded parking and trip end facilities within the City Centre and local centres.*

- *Increasing access to bicycles with cycle loan and hire opportunities.*
- *Providing enabling support to take up cycling through training and travel behaviour initiatives.*

Draft BDP Policy TP43 - Traffic and Congestion Management seeks to optimise the use of existing highway infrastructure across all modes by prioritising investment in the highway network to support the city's sustainable transport network and development agenda. Among the required measures are:

- *Ensuring that the planning and location of new development also supports the delivery of a sustainable transport network and the development agenda.*
- *The prevention or refusal of development on transport grounds where the residual cumulative impacts of development are severe.*
- *A requirement for Transport Assessments/Statements and Travel Plans as necessary in line with the relevant national guidance.*

Draft BDP Policy TP44 Accessibility Standards for New Development confirms that all major development which is 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 (in terms of frequency, journey time and ease) to main public transport interchanges at the most relevant times of day*
- *Associated public transport stop(s), with shelters and seating, within 80m of the main focal point(s) for the location - this condition may be relaxed if the location is within an established local shopping centre. In circumstances where this standard is not achievable, accessibility to bus services should be in line with Centro's accessibility standards.*
- *Real Time Information (RTI) as appropriate (e.g. in a reception area, at the main outbound public transport shelters).*
- *Good cycle access with a commensurate number of convenient cycle stands, with cycle shelters where stays are likely to be of longer duration.*
- *Good pedestrian access, with seating where relevant.*

*Proposals for residential development should demonstrate that they are accessible to a range of local services such as General Practitioners (GPs), Primary and Secondary Schools, local shops and open space.*

Although yet to be translated into a BDP policy, and therefore carrying little weight, Policy SP38 of the earlier Consultation Version of the Birmingham Core Strategy – Car Parking, also stated that the City Council would take account of the following factors in determining the appropriate level of car parking provision in new developments:

- *The need to minimise congestion and promote more sustainable patterns of travel*
- *The need to ensure that the city is not disadvantaged in respect of its ability to attract investment*
- *To ensure that the operational needs of new developments are met*
- *The likelihood that any existing on-street parking problems will be made worse*
- *The need to ensure that on-street parking remains at levels which can be accommodated within the capacity of the highway*
- *The need to ensure that the quality of the environment in residential areas is maintained*
- *The need to avoid land being unnecessarily sterilised by car parks*
- *The need to be consistent with national maximum parking standards*

*Birmingham Big City Plan (July 2011)*

The Big City Plan, launched in September 2010, will sit alongside the emerging BDP as a non-statutory document that sets out a vision and framework for how the City Centre will be transformed and its key proposals are reflected in the BDP.

The City Plan is divided into three sections:

- Key issues facing the physical development of the city in the next 20 years and the council's strategic responses
- A detailed overview of how the City Centre will develop over the Plan period
- How the Council proposes to deliver its vision

For the purposes of the master plan, the City Centre has been split into seven distinctive 'quarters'.

The Plan considers how the city centre population might grow, through the provision of new housing, including over 5,000 new homes in the areas of Transformation to attract more families to live in the City Centre. It is intended to expand the housing offer in the City Centre. The proximity of housing to where people work and educate their children will be an important feature of living in the city centre, supporting sustainable city living.

Concentrations of housing are envisaged a number of areas:

*Development of a diverse provision of housing; utilising and respecting the historic environment of Digbeth; St George and St Chad; and the Jewellery Quarter. It is the Council's intention to encourage more people to live in Digbeth recognising that those who do so will have to embrace urban living environments.*

In terms of sustainability objectives, proposals include improving public transport, promoting a network of pedestrian and cycle routes; extending the network of electric charging points for motor vehicles; supporting denser mixed-use developments including more housing; creating and improving open spaces including more green infrastructure; promoting the use of new technologies; and emphasising the role of built heritage for conversion and re-use. These, in the Council's opinion, will all contribute to creating more sustainable patterns of development.

In terms of employment, the Plan notes as one of its objectives:

*Strengthening of the potential for the Jewellery Quarter and Digbeth to provide a range of accommodation for creative industries, professional practices and start ups whilst respecting the historic environment of these areas.*

The City Core will be allowed to expand beyond its current boundaries, including to the southeast towards Southside, Highgate and Digbeth. The Digbeth Quarter Plan proposes that there will be further development of art and craft/alternative independent sectors centred on Digbeth High Street and the Jewellery Quarter and that entertainment and leisure activity will focus around Broad Street, St Paul's Square and Digbeth High Street. The Plan outlines various proposals to improve connectivity within the City Core including into and out of Digbeth with new connecting roads proposed between Digbeth High Street and Pershore Street as well as between James Watt Queensway and Digbeth.

In respect of heritage, the importance of Digbeth in terms of remnants of the medieval street pattern and the importance of archaeological remains are noted. The overall ambition for the Digbeth Quarter is to use its historic roots as a foundation for growing its established creative businesses and developing a vibrant urban community with entertainment, living and cultural opportunities. It is intended that through embracing the existing building fabric and delivering a high quality, exciting and safe public realm, Digbeth will become a flourishing, creative and cultural hub for the city.

It is noted that, in Digbeth, the fundamentals are already present to create a thriving, active and authentic part of the City Centre. With some enhancements to the physical infrastructure



of the area, the Council considers that its potential can be truly fulfilled. To facilitate this renaissance, the Council will address a number of key issues including:

- Providing safe and convenient connections into and through the Quarter
- Supporting its gritty and authentic character
- Balancing the needs of local businesses, residents, cultural and creative activities
- Responding to the opportunities and challenges that HS2, in neighbouring Eastside, will bring.

The opportunity presented by the proposal for HS2 rail service and the new station on the northern edge of the quarter is considered by the Council to offer great potential to connect Digbeth to the City Core and bring renewed focus to the north of the quarter for a mix of uses.

Part 1 of the Big City Plan (pp30-31) also contains a section on Building Heights and this effectively updates the Council's Tall Buildings SPG. The Big City Plan enlarges the existing SPG's Central Ridge Zone to create a New Height Ridge Zone within which tall buildings may be appropriate and this new Zone includes, and indeed identifies, the 2009-consented Beorma Tower.

#### *The Eastside Masterplan*

The Eastside Master Plan – Curzon District - forms part of The Big City Plan. Published in December 2011, it is intended to take the vision and concepts for the regeneration of Eastside to a higher level. The Eastside Masterplan replaces the Eastside Design and Movement Framework.

The Eastside Regeneration Area Initiative was first established by BCC to bring about the regeneration of the Eastside of Birmingham City Centre, following the decline of manufacturing industry, by focusing on 3 concepts: learning, heritage and technology. Building upon Millennium Point and the Bullring Shopping Centre, the 2001 Eastside Development Framework SPG sought to encourage city centre expansion, the creation of a new quarter and sustainable economic regeneration. The Framework identified an opportunity to widen the mix of uses within the area to include education and technology, residential, leisure, offices, workspaces, design studios and specialist retailing due to its location beside the City Centre and the number of vacant buildings and underused sites.

The Beorma Quarter site lies within a transitional area between the City Centre Core and Digbeth, where overcoming physical and visual severance through the introduction of active, connecting streets, new green spaces and visual links is considered to be key to successful regeneration. The Masterplan continues to identify Eastside as an area of Transformation and

high density urban blocks are proposed to link Eastside into the grain of the City Core and Digbeth Quarters of the City Centre.

Transforming pedestrian access into, and through, Eastside will play a key part in promoting the economic growth of the Quarter and the adjoining area of Digbeth. In this respect, it is considered that high quality pedestrian links through the HS2 station and below the line's viaduct will be vital in transforming links into the northern part of Digbeth.

A second access is proposed to the HS2 station linking east side and Digbeth. It is considered that the additional HS2 station entrance and improved connections to the northern part of Digbeth will transform the development potential of Typhoo Wharf, Warwick Wharf and other sites, with wider investment to follow. This forms part of The Big City Plan's aim to create a rich and creative cultural quarter within Digbeth.

*Regeneration through Conservation – Birmingham Conservation Strategy (SPG - 1999)*

The Birmingham Conservation Strategy makes the case for using historic buildings, traditional street patterns and urban landscapes to provide local distinctiveness. Page 2 of the SPG refers to Digbeth as a district with a wealth of older commercial and industrial buildings looking for a new future, which offer a range of conversion opportunities. In particular, the economic regeneration of Digbeth through the use of positive conservation policies and skills is identified as one of eight Priority Objectives. On page 19, the SPG emphasises that:

*[conservation area] designation does not need, however, to prevent or stultify new design and development in conservation areas where an opportunity arises. Replication or pastiche in fact rarely provides a solution.*

Pages 20-21 of the SPG sets out Digbeth's historic legacy, referring to the development of the Digbeth area, the placing of Digbeth Cold store on the Local List in 1992 (now Grade 2 on the Statutory List) and the designation of the Digbeth, Deritend and Bordesley High Street Conservation Area. The importance of below-ground archaeology is referred to, as is the intention to produce a detailed character appraisal of Digbeth to provide guidelines for new design and development. The section concludes by emphasising that re-use and historic interpretation will complement new buildings and new attractions creating a desirable area with a vibrant economy rooted in the City's beginnings.

*Archaeology Strategy (SPG - 2003)*

BCC's Archaeology Strategy provides detailed advice to developers on the archaeological implications of development schemes. It explains the practical application of Government

advice and the City Council's own policies, particularly in the light of recent cases which have demonstrated the quality of the city's archaeological remains and how they can be properly protected and managed without preventing or discouraging the regeneration which is essential to Birmingham's future. The Strategy sets out what the City Council will require from potential developers to achieve this, and the Council's own role in the process. The SPG defines the key strategic objectives as being:

- *To safeguard archaeological remains in the planning process in accordance with national and local policies and best practice.*
- *To encourage developers to discuss archaeological implications at an early stage.*
- *To develop the Sites and Monuments Record into a Historic Environment Record.*
- *To increase public awareness of the City's archaeological remains.*

The SPG also identifies a key aim as being the intention to secure service improvements by reducing the time taken to determine planning applications with archaeological implications by recommending pre-application consultation and encouraging assessment before the application is submitted.

The SPG then proceeds to list 18 policies, ranging from seeking advice to evaluation & assessment, amongst which Section 5.21 including Policy 14 is highly relevant:

#### *The City Centre*

*5.21 The present city centre (i.e. within the Middleway) includes the historic heart of Birmingham around St Martin's church and areas of residential, industrial and commercial development over several centuries. Excavations in the Bull Ring and elsewhere in the City Centre have demonstrated the extensive survival of well-preserved archaeological remains from the 12th century onwards and including industrial residues and waterlogged deposits in which organic remains survive. There are likely to be similar remains of medieval and later date along the whole of Digbeth and High Street Deritend. In north Digbeth archaeological remains of 18th and 19<sup>th</sup> century date survive. The area of archaeological significance in Digbeth and Deritend is shown on the map above. Alongside the canals in the city centre and in other parts of the city there are above and below ground remains of canalside industries.*

#### *POLICY 14 Archaeological remains in the City Centre:*

The City Council will require planning applications for development involving significant ground disturbance or alteration to historic buildings in Digbeth, Deritend and adjoining parts

of the City Centre to be accompanied by an archaeological assessment. This will depend on the extent of proposed development and the archaeological sensitivity of the location as indicated by existing information. The assessment will normally include an archaeological evaluation. If the assessment shows that archaeological remains are likely to be affected by the proposed development, the City Council will require archaeological excavation and/or building recording in advance of commencement of development if preservation of archaeological remains in situ is not feasible.

*Historic Environment Study – Birmingham Archaeology (2005)*

In January 2005, Birmingham Archaeology undertook a Historic Environment Study of a site bounded by Digbeth, Allison Street, Well Lane and Park Street in Birmingham City Centre; in other words, the Beorma Quarter site. The Summary confirms that the study area lay close to the centre of the medieval town of Birmingham and noted that:

*.....the southwestern half of the study area had been settled since the Middle Ages, probably since the foundation of the town in 1166, and that the street and property pattern is to a large extent derived from that period.*

*Digbeth formed the principal route to and from the east in the medieval period, and was probably part of the 12th-century town layout, whereas Park Street is likely to have been a 13th-century creation. Orwell Passage, began life as a service road c.1900, but probably preserves part of the line of an early watercourse that was in use during the 12th century. This watercourse, part of which has been excavated on the edge of the study area, took the form of a ditch, some 7m wide and at least 2m deep. It served to confine the 12th-century town as well as to demarcate the rear extent of the properties facing Digbeth. Although changes have occurred over the centuries, including amalgamation of plots, and a considerable amount of rebuilding, the present delimitations of these Digbeth plots and buildings probably preserve the positions of several medieval property boundaries, and hence represent continuity from the foundation of the town in the 12th century to the present day.*

*Allison Street, which borders the area to the southeast, was formed at the end of the 18th century, probably as a response to the creation of the Digbeth Branch Canal in 1790, and the opening up of this area to development. Well Lane, which forms the north-eastern side of the study area, was built c.1809 by the Inge estate. Buildings followed, including small industrial concerns at least two of which were exploiting the water supply by the mid-19th century.*

Birmingham Archaeology goes on to note that the buildings that occupy the site today range in date from the mid-19th century to the mid-20<sup>th</sup> century and several are of good architectural quality with three buildings along the Digbeth frontage being locally listed (Nos 136 – Grade A and Nos 137 and 138-9 – Grade B). In the immediate vicinity of the site there are also two Grade II listed buildings - Digbeth Coldstore (currently undergoing conversion & refurbishment) and RTP Crisps on the corner of Allison Street & Well Street (the former Umbrella or Brolly Works) and a Grade A locally-listed building Digbeth Police Station. Birmingham Archaeology concludes the summary:

*The significance of the study area is that it represents the remarkable survival of part of the medieval town plan, whereas nearly all the other property boundaries of that date have been lost. It is even more consequential in that it preserves aspects of the plan of the town founded of 1166, and therefore, along with the Church of St Martin, embodies one of the last physical reminders of that early settlement. It is recommended that in any proposed redevelopment of the area, these medieval boundaries are preserved.*

With guidance from BCC's City Archaeologist, Birmingham Archaeology have also produced an Archaeological Assessment (2008) and an Archaeological Evaluation (2008) for the applicant as part of the preparatory works for the Beorma Quarter planning application and more details are contained in the Environmental Statement accompanying this application.

*Digbeth, Deritend, Bordesley High Street Character Appraisal and Supplementary Planning Policies (SPD) (2009)*

The Digbeth, Deritend and Bordesley High Streets Character Appraisal with SPPs was published in 2009. In terms of new development in the historic environment, paragraph 32.2 states:

- *All new buildings should follow the street frontage line at back of pavement. Dominant architectural elements or features, which project beyond the building line will not be permitted.*
- *New buildings should not generally appear to be significantly higher or lower than their neighbours and should reflect the building heights characteristic of the locality or character area. This will normally limit new buildings to a maximum of six industrial/commercial storeys. Where setback storeys are employed to reduce apparent height these must be in proportion to the street frontage elevation and should be carefully designed to minimise bulk and mass.*

- *The roof forms and rooflines of new buildings must complement the roof forms and roof lines of the surrounding and/or adjoining buildings. Space for plant should be treated as integral to the design of any new building and must be included in all design statements. It should normally be provided at basement level. Where rooftop plant/service equipment is unavoidable it must be designed and sited to avoid any adverse visual impact.*
- *The plan form and architectural treatment of new development should complement the historic and architectural character of the conservation area. In particular, principal elevations must always front the street.*
- *New development should respect the proportion of solid to void found in the elevations of traditional buildings. Windows should be set within reveals of sufficient depth to add definition and interest to the façade.*
- *Local identity should be reinforced through the use of materials traditionally employed in the area. All building materials should be of high quality.*
- *Architectural detail of high quality and which contributes to scale, proportion and legibility will be encouraged. Indiscriminate, fussy and arbitrary use of applied features or detail will be resisted.*

*High Places: A Planning Policy Framework for Tall Buildings (SPG -2003)*

BCC adopted the High Places document as Supplementary Planning Guidance in March 2003, although the topic has since been revisited with the publication of the Building Heights section of The Big City Plan in July 2010 and the emergence of the draft BDP. Essentially, the SPG lays down a presumption against tall buildings (defined by BCC as buildings exceeding 15 storeys in height) outside the City's Central Ridge Zone, where most high buildings are located, but adds:

*"Unless there are exceptional reasons, tall buildings should not be located in areas where they disrupt an existing coherent townscape of merit or block important views and sightlines of key buildings and spaces; for example in a conservation area or adjacent to listed buildings".*

The SPG continues:

*"Proposals for tall buildings which do not fall within the CRZ or are located on specific sites identified as appropriate, will be considered on their merit. They will have to*

*demonstrate that they fit into and will enhance their local context and comply with Design Guidance in the Birmingham Plan, Places for All" and other appropriate SPGs."*

The SPG also includes a list of detailed studies, which must be undertaken if a tall building is included in a scheme including analysis of micro-climate, sustainability, renewable energy etc.

The SPG is updated to some extent by statements made in The Big City Plan, which has a separate section on building heights, noting that tall buildings are acceptable at the northern end of the Beorma site and an enlarged New Height Ridge Zone would provide the opportunity to manage and create an identifiable skyline, memorable for its key buildings. In recognising the value of tall buildings to the city, BCC has developed an approach, which identifies:

- Broad locations suitable for tall buildings
- Locations where clusters of taller buildings can be beneficial
- Areas where tall buildings are not appropriate

The diagrammatic plan on page 31 of The Big City Plan shows the New Height Ridge Zone where tall buildings could be appropriate. Within that Zone, the approach will be for building heights to rise up from the east towards to the western end of the city ridge to reflect and emphasise the topography of the area.

To the north-west and south-east of the City Core, two zones are identified where tall buildings will be inappropriate.

#### *Lighting Places (SPD – 2008)*

Lighting Places was published as a draft Supplementary Planning Document in 2008 following recognition by BCC that there are increasing levels of activity in a 24 hour city that should be supported by a coordinated lighting strategy that complimented guidance for the built environment generally and the city centre and local centres in particular. The Lighting Places SPD is intended to provide guidance which aims at:

*enhancing the functional and aesthetic quality of lighting in all its forms as they relate to amenity and safety in the external public places, streets and squares, and on the outside of buildings within the city centre and local centres.....It is a guidance document that should be used by developers and architects to inform the lighting element of their planning submissions. These will be submitted as part of the Design and Access Statement now required to accompany all planning applications.*

The introduction to the SPD continues:



*The city centre is made up of different areas with different uses, different architectural characteristics and qualities and different levels and types of activity at different times of the day and night. Each area needs to be considered on its merits and lighting requirements. Some areas will see no change either in the built environment or in the lighting provided. In other areas there will be considerable change and it is here that Lighting Places should have the most impact. Similarly local centres have their own character that lighting can help reinforce. Adopted policy and guidance on lighting for specific areas will encourage developers to provide imaginative lighting that helps define the character of the area, but also enhances the night-time appearance of the schemes.*

Following on from paragraph 3.14G of the Plan which deals with the City at Night, the SPD identifies the aims of Lighting Places as enhancing the functional and aesthetic quality of lighting in all its forms in order to:

- *Create an exciting and dynamic night-time city environment.*
- *Develop an iconic city skyline.*
- *Make public places safer.*
- *To give greater amenity value to public places.*

The SPD then goes on to identify 13 specific policies covering all aspects of lighting:

1. *The requirements for, and of, enhanced lighting schemes;*
2. *Sustainability measures;*
3. *The use of lighting to create local distinctiveness;*
4. *The contribution of new development;*
5. *Requirements for external lighting in new or refurbished buildings next to “address streets”;*
6. *Requirements for external lighting in new or refurbished buildings next to “access streets”;*
7. *Contribution towards enhanced lighting of canal-side development;*
8. *Contribution towards enhanced lighting of development next to the River Rea;*
9. *Use of lighting within schemes which involve water;*
10. *General requirements for the lighting of new or refurbished buildings;*
11. *Requirement of new lighting schemes to consider the aesthetic as well as the functional at an early stage of the design process;*
12. *Encouragement of developers and their architects to engage with artists and specialist designers early in the process to identify lighting opportunities and incorporate lighting equipment as an integral part of designs; and*



13. *Policy in respect of temporary lighting installations.*

*Shopfronts Design Guidance (SPG - 1995)*

BCC confirms that the guidelines set out in the City Council's Shop Fronts Design Guide, adopted as Supplementary Planning Guidance in 1995, must be followed when designing new shop fronts for an existing building or where it is intended to restore and re-use older shop fronts. The document sets out the principles of good design and is intended to act as guidance for retailers, designers and shop fitters with the aim of improving the environmental quality of traditional shopping streets, i.e. with shops facing on to a public street. Page 9 of the Guidance notes:

*The City Centre shopping area and the local shopping streets each have their own unique character.....Shopfronts and advertisements also play an important part because they are at the human pedestrian scale and are nearly always designed to attract attention. They have a vital role in contributing to the character of an area.*

BCC also emphasises the need to relate shop fronts to the design of the buildings in which they are located, i.e. the shop front should be in sympathy with the façade and date of the building. In addition, the SPG notes:

*It is the Council's intention to ensure a high standard of design relating to any refurbishment work, and to conserve or improve shopfronts where possible which are designed using the traditional elements of fascia, pilasters and stallriser.*

The SPG goes on to consider when retention and restoration of an existing shop front is preferable to replacement and looks at the details of good shop front design including each architectural element, the entrance door, materials, colour, signage, blinds and canopies. Principle 1 on page 23 of the guidance also notes that there will be a general presumption against the use of security shutters on Listed Buildings and within Conservation Areas. Principle 2 states:

*The various alternatives for achieving security for all retail or quasi-retail units throughout the City are detailed below in order of preference. In each case the applicant must satisfy the Planning Committee as to why the preceding alternatives are not suitable:*

- a. *Security glazing*
- b. *Internal window security grilles*
- c. *External window security grilles either of a removable or roller type*

- d. *Timber shutters*
- e. *Open lattice or large punched hole metal roller shutters, including Transparoll shutters*
- f. *Solid curtain metal roller shutters, perforated shutters and visiscreens are not normally acceptable.*

Other principles cover the extent and degree of recess of roller shutters; flexibility in shop front design to allow later inclusion of an appropriate shutter; and rear lighting of roller shutters until 11.30pm to maintain an attractive shop frontage and improve security.

Finally, the SPG emphasises the importance of Access for All: accommodating the needs of people with disabilities as well as carers with prams and buggies. BCC advises that alterations and refurbishment of shop fronts, as well as erection of new shop fronts, should be used as an opportunity to make it easier for people with disabilities to gain access into and through a shop.

#### *Development involving Former Public Houses – Planning Guidelines*

BCC has produced a set of Planning Guidelines for development involving former public houses. Essentially, all applications will be considered on their merits, but particular consideration will be paid to:

- *The Birmingham Plan*
- *The loss of amenities available to the local population (consideration of alternative public houses/retention of part of site for community/leisure use)*
- *Nature and proximity of adjacent land uses*
- *Highway considerations*
- *Impact on surrounding residential amenity*
- *Appropriate alternative uses if proposals relate to locally listed buildings*
- *Retention of any outdoor amenity facilities associated with the public house.*

#### *“Places for All” Supplementary Planning Guidance (SPG – 2001)*

In 2001, the City Council approved “Places for All: City Design Guide for Birmingham” as Supplementary Planning Guidance. The SPG was prepared with the specific aim of raising the overall quality of development in the City and redressing the wrongs brought about by post-war comprehensive redevelopment. BCC identified a number of key targets which it considered would help bring this about:

- *Make developments more sustainable – encourage use of walking, cycling and public transport*
- *All developments should relate to their context, be adaptable, accessible and well-insulated with quality as a main priority*
- *Use environmentally-friendly materials, consider sustainable drainage, water and waste recycling and use alternative forms of energy*

In order to achieve this step change in design quality, the City Council identified 5 main principles:

1. *creating diversity - The aim must be to create or build within places that have an accessible choice of closely mixed complementary activities.*
2. *moving around easily – Places should be linked up with short, direct public routes overlooked by frontages.*
3. *safe places, private spaces - Places must be safe and attractive with a clear division between public and private space.*
4. *building for the future - Buildings and spaces should be adaptable to enhance their long term viability and built so they harm the environment as little as possible.*
5. *build on local character - Development must consider the context and exploit and strengthen the characteristics that make an area special.*

*“Places for Living” (SPG – 2001)*

*Places for Living* was adopted as Supplementary Planning Guidance by BCC in 2001 and is intended to be both inspiring and positive in encouraging quality residential proposals. The approach focuses on 5 over-riding principles that cover a wide range of issues concerned with housing development:

1. *Places not estates - Successful developments must address wider issues than simply building houses and create distinctive places that offer a choice of housing and complementary activities nearby.*
2. *Moving around easily - Places should be linked up with short, direct public routes overlooked by frontages.*

*3. Safe places, private spaces - Places must be safe and attractive with a clear division between public and private space.*

*4. Building for the future - Buildings and spaces should be adaptable to enhance their long term viability and built so they harm the environment as little as possible.*

*5. Build on local character - Developers must consider the context and exploit and strengthen the characteristics that make an area special.*

The SPG also emphasises the value of mixed use schemes which provide shopping, leisure and work opportunities within easy of residents. Siting of residential use over other uses should be considered, as should mixing housing type and tenure, if this is feasible. The SPG also notes that focal spaces can enhance the character and the quality of the environment and can become a valuable recreational facility. Page 18 of the SPG notes that:

*whilst basement or rear courtyard parking can avoid dominating the frontage with parked cars, it should be secure, well designed and properly managed.*

Page 28 of the SPG encourages the design of attractive streets and spaces:

*New streets and public spaces should incorporate a public realm strategy in their design to make them safe, attractive and useable by many people with different needs. General aspects to consider include: local character, existing landscape features, the size and type of space, location and prominence, connections to the wider area, circulation patterns and desire lines, variety of uses surrounding the space, ratio of building height to width, design of surrounding buildings and microclimate.*

Final sections of the SPG emphasise BCC's preference for the re-use of historic buildings where possible and the need to consider sustainability in terms of layout and detailed design.

*Places for the Future – Detailed SPD Guidance - Draft for public consultation*      February  
2012

BCC has indicated only very limited weight can be given to this draft SPD as it is likely to be reviewed once the emerging BDP is adopted but, for the sake of completeness, it is considered briefly below. The draft SPD is set out in six sections as follows:

- Sustainable communities
- Green infrastructure and climate change adaptation
- Sustainable transport

- Low and zero carbon energy
- Water efficiency
- Sustainable construction and waste

Birmingham's approach to green infrastructure and climate change is to encourage development to be more resilient to the impact of climate change by providing guidance on the urban heat island and flood management. Once the BDP and the SPD are adopted, developers will need to show that they have taken on board the latest policies on climate change adaptation and sustainability.

Table 3.2 in the draft SPD sets out mandatory and 'where feasible' requirements for applicants to consider and areas where they are required to show evidence. The mandatory requirements relate to:

- *Demonstrate how design and development minimises overheating and reduces over reliance on air conditioning systems. In this respect layout and design should maximise the use of natural ventilation and cooling, minimise the use of mechanical cooling and mitigate the effects of the heat island.*
- *Demonstrate how the development integrates green infrastructure as part of the design*
- *Whether the development maintains and/or enhances existing open spaces on the site*
- *Whether the development integrates with the city's network of Green Infrastructure amongst other criteria*

Other requirements relate to Flood Risk Assessments, integrity of existing linear corridors and allowances for tree planting both in private and public domains

'Where feasible' initiatives include:

- *Accessible green and brown roofs*
- *Natural drainage of surface water*
- *Opening up of culverted streams and rivers*
- *Measures to increase wildlife and community value*
- *Biodiversity enhancement*
- *Tackling health issues through design and layout solutions that improve air quality and reduce noise*
- *Improving or providing open space, improving accessibility for cycling and walking; and*
- *Promotion of safe and adapted residential environments*

Birmingham's approach to sustainable transport is based on its ambitions to be the UK's first 'Walkable City'. All development should make this their first transport consideration. Again, mandatory and "where feasible" requirements are set out.

In the mandatory section, reference is made to evolving policy confirming that major developments that individually, or in combination, will generate 500 person trips per day will require an appropriate level of transport provision, public transport stops within 80m of the main focal point of the location and good cycle access with cycle stands and shelters plus good pedestrian access.

Chapter 5 in the draft SPD concentrates on low and zero carbon energy, noting that the Council has positioned the City of Birmingham as a leader among major cities in seeking to stimulate a low carbon economy and that the city has begun the journey towards seeking major carbon emission reductions. The Council is committed to a citywide reduction of 60% of CO<sup>2</sup> emissions by 2026.

Mandatory and "where feasible" requirements are set out in table 5.1 including, for example, in situations where combined heat and power options are not utilised, evidence must be provided to show what other energy reduction technologies are being used. Additionally, development is required to reduce CO<sup>2</sup> emissions.

Chapter 6 looks at water efficiency and, in terms of the City Council's approach, developers will be expected to show that they have considered water use in their developments and to show how they seek to reduce the amount of water being used. Reference is made to the CfSH's Minimum Standards for Water Use. The various measures that can be included in the design of buildings to reduce internal water use are set out, together with measures for reducing external water use or waste, e.g. rain-water harvesting.

Chapter 7 covers sustainable construction and waste and it is noted that construction & demolition waste currently represent around 19% of the country's total waste. It is also noted that a number of measures are to be encouraged in respect of more sustainable construction. New residential development for example must comply with design requirements set out in the CfSH and BREEAM standards and developers will need to complete a post-construction review certificate.

In terms of mandatory requirements, all new residential development is intended to meet at least CfSH Level 3; Code Level 4 by 2013; and Code Level 6 by 2016. Non-residential development over 1,000 sqm should meet BREEAM standard excellent. On-site recycling of construction and demolition waste should also be maximised

*Affordable Housing (SPG - 2001)*

Although the main policies in respect of affordable housing are considered in some detail in the section examining adopted and emerging Birmingham Plan policy (see above), it is worth reiterating that BCC adopted specific Supplementary Design Guidance in this regard in 2001. The SPG sets out the general background of, and need for, affordable housing but avoids being excessively prescriptive due to the wide range of ever-changing requirements across the City. Para 4.5 states:

*When seeking to negotiate with developers for the provision of affordable dwellings on individual sites the City Council will provide evidence of the scale and nature of housing needs in the City. The City Council's assessment of the number and types of affordable housing required as part of the development will be based on the best information available including data from waiting lists, the census of population, local surveys, RSLs, estate agents and other organisations as appropriate.*

The SPG also notes that negotiations between the City Council and the developer will produce different solutions for different sites but BCC will seek to establish likely timescales for development with developers. It further notes that the precise mix of dwelling units to be provided will vary from site to site depending on the nature of housing needs identified and the particular circumstances of the site. There will also be a strong presumption in favour of providing the units on the site, not off-site, and ensuring they are of good quality (i.e. meeting the requirements set out in the Places for Living SPD – see above, and Lifetime Homes) and fully integrated into the development as a whole.

Para 6.4 of the SPD does acknowledge that the developer's ability to provide affordable homes is reduced when development costs are excessive. However, the developer will need to make the case for any reduction in affordable housing provision in the form of a confidential Financial Appraisal setting out costs and valuations.

As to occupancy, Section 7 of the SPD underlines the role registered social landlords (RSLs) such as housing associations can play in managing the bulk of rented and shared ownership affordable housing. To this end, BCC expects that secure arrangements will be in place to deliver affordable housing, prior to the grant of planning permission. Any agreement between the developer and the City Council (and possibly the RSL) would then be written into the comprehensive s106 Agreement under the Town and Country Planning Act 1990.

*Public Open Spaces and New Residential Developments (SPD – 2007)*

BCC realises that one of the factors contributing to a high quality living environment is access to adequate, safe public open space with opportunity for both formal and informal recreation. BCC defines public open space as:

*“open space, including playing fields, owned by the City Council or to which there is a public right of access, used by the public primarily for recreation purposes. It does not include private or education playing fields nor does it include municipal or private golf courses, cemeteries, or open areas within housing estates which substitute for private gardens”.*

This Supplementary Planning Document (SPD) seeks to ensure that adequate public open space, children’s play and sports pitches are provided to serve all new residential development in the City. The purpose of this (SPD) is to give clear guidance to prospective developers on the requirements for public open space by expanding on policies within the Birmingham Plan 2005. The SPD sets out a complicated formula by which the quantum of public open space expected to be provided for a particular development can be calculated and designed into the scheme. If on-site provision of public open space is not possible, either in part or *in toto*, a financial contribution will be required from the developer towards the provision of offsite facilities. This currently works out at £800/bedroom within a development, offset by any public realm space provided.

#### *Access for People with Disabilities (SPD – 2006)*

Part 3 of the Disability Discrimination Act 2005 (DDA) gives disabled people a right of access to goods, facilities and services. This requires service providers to:

- (a) alter a barrier feature so that it no longer has effect;*
- (b) provide a reasonable means of avoiding that feature; or*
- (c) provide a reasonable alternative method of making the service available.*

Such requirements apply to all buildings where services are provided to the public and to transportation infrastructure. It is also important for developers and potential employers to take account of the latest regulations relating to Part 2 of the DDA (Employment Provision). From December 2006, the DDA 2005 required public bodies to promote equality in respect of people with disabilities. Regulations were also introduced to extend these requirements to all firms with more than one employee.



This Access for People with Disabilities Supplementary Planning Document was adopted in 2006 and aims to help achieve developments that adopt the following principles of inclusive design:

- *Developments that can be used safely and easily by as many people as possible without separate provision; including people with differing disabilities, elderly people and parents and guardians of young children.*
- *The freedom to choose and the ability to participate in a development's activities and services.*
- *Values that embrace diversity and difference.*
- *Adopts high quality design and use of appropriate materials.*
- *Achieves safe, comfortable and healthy environments.*
- *Provides for ease of use and way finding and provides information in an accessible format.*
- *Incorporates signage on the approach, outside and inside the development that is legible and meets the diverse needs of all the community.*

Crucially, Design and Access Statements which are required to be submitted with major applications must now also set out:

*a) The policy or approach adopted for access, and how policies relating to access in relevant local development documents, such as this one, have been taken into account.*

*b) What, if any, consultation has been undertaken in relation to access issues, and what account has been taken of any such consultation responses. This should normally include consultation with the Access Committee for Birmingham.*

*c) How any specific issue affecting access to the development has been addressed.*

*d) How prospective users will be able to access the development from the existing transport network and why the main points of access to the site, and the layout of access routes within the site, have been chosen.*

*e) How features ensuring access to the development will be maintained.*

*f) All access and design details in such statements should be integrated and should be dealt with within all aspects of the proposed development, e.g. the content, use, layout materials and landscaping.*

*Car Parking Guidelines SPD – Adopted February 2012*

BCC has confirmed that, although car parking policy is undergoing review, with updated car parking standards to be set out in the proposed Development Management Document, the 2012 Car Parking Guidelines SPD provides the current framework. The purpose of this document is to set out the car parking standards which the City Council will apply when considering planning applications for new development.

SPD also reflects the objectives of the City's Sustainable Communities Plan. In particular it aims to help ensure that:

- *The access needs of new developments are properly provided for.*
- *A balance is struck between the needs of different road users.*
- *The impact of new development on congestion is minimised.*
- *Birmingham continues to be an attractive place for new investment and development.*

Phases 2 & 3 of the Beorma Quarter development is located within Area 1 within the SPD, which consists of the core area of Birmingham City Centre. The area is shown on Plan (a) in Appendix 3 of the guidelines, and has been defined on the basis of a 400m radius from New St, Moor St and Snow Hill Mainline Stations, adjusted to reflect the local street pattern. The policies within the Big City Plan and the Vision for Movement aim to improve legibility and access so that all areas within 400m radius of both stations are within Area 1.

In appropriate cases, the City Council will also seek contributions from new developments through s106 Agreements or Community Infrastructure Levy (CIL), although the Council has yet to adopt the latter. Contributions secured through Section 106 Agreements are used to support the provision of services and infrastructure that are necessary to make a development acceptable in planning terms. This can include, e.g. highway schemes (public transport facilities, traffic management etc), recreational facilities, education, health and affordable housing. Any such contributions will be negotiated on an individual basis, taking account of the particular circumstances of the proposal. Contributions will be related to:

- i) An assessment of the additional burden placed by the proposed development on existing public transport networks.*
- ii) Any demonstrable need to improve and/or manage transport access to a particular site.*
- iii) Consideration of the economic viability of the scheme.*

Appendix 1 to the draft SPD sets out the applicable car parking standards within Area 1:

- Residential - 1 space per dwelling
- Restaurant/Café – 1 space/12 covers
- Comparison Retail – 1 space/40 sqm
- Convenience retail - 1 space/28 sqm
- Offices and flexible business uses – 1 space/60sqm
- Financial and Professional Services - 1 space per 60 sqm

Appendix 1 also sets out the applicable cycle parking standards within Area 1:

- Residential – 1 space/per unit
- Comparison Retail – 1 space/300 sqm
- Convenience retail - 1 space/125 sqm
- Restaurant/Cafe – 1 space/per 18 covers
- Financial and Professional Services - 1 space per 125m<sup>2</sup> for developments <1000m<sup>2</sup> and 1 space per 400m<sup>2</sup> for developments > 1000m<sup>2</sup>
- Offices – 1 space/250sqm for developments <1000sqm and 1 space/400sqm for developments >1000sqm

Appendix 1 also advises that motorcycle parking standards are the same as those for cycles.

- **Consideration of Proposal in terms of Local Planning Policy & Guidance**

Proposed Mix of Uses

With regard to the planning policies for the City Centre set out in Chapter 15 of the Birmingham Plan (saved and extended policies – 2008), the mixed use nature of the Beorma Quarter proposal with its active retail frontages, residential component and high office content ensures it is fully compliant with the use policy requirements set out in paragraphs 15.33 & 15.34 which encourage lively and colourful ground floor uses, including restaurants and cafes, plus housing and other non-retail uses on upper floors that, in an appropriate mix, can bring the City Centre to life in the evening. Amended Phases 2 & 3 also realise one of the opportunities referred to in paragraph 15.59 of the Plan whereby new mixed-use development can take advantage of the area's good accessibility and industrial heritage.

Moreover, as the revamped Phases 2 & 3 include some 223 No residential units, they fully comply with paragraph 15.67 of the Birmingham Plan, which requires major mixed-use schemes throughout the area to include a vital residential element.

In respect of paragraph 15.94A in the section on the Bullring/Market Quarter within Chapter 15 of the Plan, the proposals dovetail with BCC's vision of Digbeth as a predominantly Irish Quarter with lively mixed uses including residential, commercial and cultural uses. Beorma Quarter Phases 2 & 3 also accord with the aims set out in paragraph 15.95 which records BCC's intention to provide financial support to create an improved environment and promote further industrial and commercial activity in the area.

In addition, the development is in accordance with Paragraph 15.62 of the Digbeth Millennium Quarter section of Chapter 15 of the Plan, which states:

*further site-extensive bulky goods retailing, including showrooms, and office activity is appropriate adjacent to the Ring Road (Commercial Policy C4), and along Digbeth and High Street, Deritend. This would be consistent with the development of the latter road as a major arterial route into the City Centre providing direct access from the NEC and Airport (Commercial Policy C23).*

Turning to the emerging Birmingham Development Plan (BDP), the mix of uses contained within the latest Phase 2 & 3 proposals assist with the Council's stated objectives in draft Policy PG1 - Overall Levels of Growth for significant levels of housing, employment, office and retail development over the Plan period that seek to achieve:

- 51,100 homes
- approx 270,000 sq.m. gross of comparison retail floorspace by 2026.
- a minimum of 745,000 sq.m. gross of office floorspace in the network of centres primarily focussed on the City Centre.

The realisation of Phases 2 & 3 of the Beorma Quarter will also help to promote Birmingham as an international city; supporting development, investment and other initiatives that raise the City's profile and strengthen its position nationally and internationally - as set out in draft BDP Policy PG2 - Birmingham as an International City.

In addition, the improved mix of uses in the amended Phase 2 & 3 proposals, comprising B1a Office (23,451 sqm GIA inc. ancillary space), Live-Work units (631 sqm GIA), C3 Residential (223 units – 19,105 sqm GIA) and A1/A2/A3 Retail uses (1,505 sqm GIA) is in accordance with sub-policy GA1.1 - Role and Function of draft BDP Policy GA1, which states, *inter alia*:

*The City Council will continue to promote the City Centre as the focus for retail, office, residential and leisure activity....*

*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.*

*The retail core, as defined on the Policies Map, will continue to be focused around The Bullring, New Street, Corporation Street..... Appropriate scale retail development will continue to be supported where it complements the existing Retail Core and as part of mixed use redevelopments throughout the City Centre.*

*Independent retailing will also be supported (see policy TP22)*

*The role of the City Centre as a major hub for financial, professional and business services will continue to be supported. The primary focus for additional office development will be within and around the City Centre Core including Snow Hill and Westside.*

*Residential development will continue to be supported in the City Centre where it provides well-designed high quality living environments.*

## **5.5 Overall Summary**

Due to the location and mixed use nature of Phases 2 & 3 of the Beorma Quarter development, the latest proposals are required to address a wide range of issues in many different areas of planning policy. AGA concludes that the amended scheme is successful in meeting the majority of these policy requirements and also succeeds in achieving an appropriate balance between occasionally-competing demands.

Overall, therefore, AGA concludes that the current application largely conforms to prevailing national, regional & local policy and where it doesn't, it meets the exception criteria set out in those policies.