

Birmingham City Council

Planning Committee

12 May 2016

I submit for your consideration the attached reports for the **South** team.

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Approve - Conditions	8	2016/00613/PA 94 Sandford Road Moseley Birmingham B13 9BT Retrospective application for change of use from 4 No. flats to a small care home (Use Class C3(b))
Approve - Conditions	9	2016/01997/PA 2 Stirling Road Edgbaston Birmingham B16 9SB Detailed planning application for demolition of existing building and erection of care village (use class C2) comprising of 60 bed care home, 19 assisted living units, 99 care apartments and associated communal facilities for senior citizens, including car parking, access (principally from Stirling Road), landscaping and associated engineering works.
Approve - Conditions	10	2016/00851/PA Frankley Water Treatment Works Waterworks Drive Northfield Birmingham Construction of underground water pipeline and upgrade of Frankley Water Treatment Works to include backwash tanks, sand ballasted lamella, overflow tank, emergency return pumping station, rapid gravity filters, storage tanks and buildings, minor alterations to the existing reservoir and associated infrastructure as part of the Birmingham Resilience Project

Committee Date:	12/05/2016	Application Number:	2016/00613/PA
Accepted:	09/03/2016	Application Type:	Full Planning
Target Date:	04/05/2016		
Ward:	Moseley and Kings Heath		

94 Sandford Road, Moseley, Birmingham, B13 9BT

Retrospective application for change of use from 4 No. flats to a small care home (Use Class C3(b))

Applicant:	Aston Children Care Head Office, Dudley, DY3 1TF
Agent:	Betaplan Ltd 21 Milestone Drive, Hagley, Stourbridge, West Midlands, DY9 0LP

Recommendation

Approve Subject To Conditions

1. Proposal
 - 1.1. Retrospective consent is sought for the change of use of No.94 Sandford Road from 4 No. flats to a small care home accommodating up to six residents within Use Class C3(b).
 - 1.2. The works to convert the property from flats to a small care home have already been completed. I understand that the property was also in use as a children's care home, with Ofsted Registration, for a number of months in 2015. During my visit to the site in April 2016, the property was vacant.
 - 1.3. The submitted ground floor plans show the property has two bedrooms, two lounge/living rooms, two kitchens, a bathroom and a W.C.. On the first floor there are four bedrooms, two bathrooms, a kitchen and two storage areas. On the second floor there are two offices a kitchen and a bathroom. The bedrooms measure between 9.8m² and 16.5m². The rear garden is approximately 784m².
 - 1.4. When the Application was originally submitted, the Applicant - Aston Children's Care Ltd - intended to use the property for the care of children. An Ofsted Certificate of Registration has been submitted which states that care and accommodation for no more than 4 children including those with emotional or behavioural difficulties and/or learning difficulties may be provided. A Certificate of Registration with the Care Quality Commission (CQC) has also been submitted which states that the property is registered for 'Accommodation for persons who require nursing or personal care' for up to six persons. The Applicant has confirmed that the proposal is for the care of adults – and the Development Description has been amended accordingly – and has provided a copy of the formal registration by the CQC.
 - 1.5. The Applicant has advised that residents would have conditions such as autism, epilepsy, Attention Deficit Hyperactivity Disorder, and physical disabilities. Although each resident would have their own bedroom, they would share communal bathrooms and living areas and would share meal times. Where possible, residents

would be encouraged to help cook and complete house chores, depending on their condition or disability. The Applicant advises that any resident could attend education, depending on their care plan, but would mostly be 19 years or older so unlikely to be in education. The Applicant aims to enable opportunities for personal development and growth via active participation in community life, through support and encouragement to make decisions about everyday life, and through the provision of therapeutic activities. Residents would be referred to the property by Local Authorities, eg mostly Birmingham Social Services and Birmingham Mental Health services.

- 1.6. The Application Form states that up to 12 people would be employed at the premises. Staff would work on a 24 hour rota of daytime shifts between 7am and 10pm and night time shifts between 9.45pm and 7.15pm. I understand that although staff would be present at the property 24 hours a day, they would not actually sleep at the property.
- 1.7. The existing parking arrangements to the front of the property would remain unchanged and would allow for up to 4 vehicles to be parked.

1.8. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site includes No.94 Sandford Road and its rear garden. The site is located on the south western side of Sandford Road in between its junctions with Anderton Park Road and Mayfield Road and is within the Moseley Area of Restraint. No.94 is a detached three storey property. It is set back from the highway and has an open frontage laid out to hardstanding. The rear garden is bounded by timber fencing, is 'T' shaped, and comprises of land that was previously part of the rear gardens to Nos.92 and 96 Sandford Road. The rear garden adjoins the rear gardens of properties fronting both Sandford Road, and to the north west, Anderton Park Road. Within this stretch of Sandford Road between Anderton Park Road and Mayfield Road, it is apparent from my site visit, planning history and address information that Nos. 96, 101 and 105 are subdivided into flats.
- 2.2. There is a single storey structure in the rear garden which does not have planning consent and is the subject of current enforcement action. Although this building falls within the red line boundary of the application site the floor plans submitted do not include any use of this building as part of the proposed care use.
- 2.3. The site is located within a mature residential area. Properties fronting Sandford Road are predominantly three storey detached and semi-detached houses set within large plots.

2.4. [Site Location](#)

3. Planning History

- 3.1. 13/03/2008 – 2008/00328/PA - Outline application for the demolition of existing dwelling and erection of 2 no. buildings to provide 10 no. self-contained apartments (layout & access only). Refused for reasons of detrimental impact on character and appearance of area and amenities of surrounding occupiers.

- 3.2. 29/03/2010 – 2010/0469/PA - Erection of a three storey rear extension to increase the number of flats from 4 to 6 and engineering works to create a sunken patio. Refused for reasons of detrimental impact on character and appearance of surrounding area and on amenities of adjacent occupiers.
- 3.3. 21/09/2010 – 2010/04324/PA - Demolition of existing two storey rear wing and the erection of a three storey rear extension to increase the number of flats from 4 to 6 and engineering works to create a sunken patio. Refused for reason of unsatisfactory standard of residential amenity for future occupiers.
- 3.4. 08/08/2014 - 2014/04723/PA - Erection of a detached three bedroom dormer bungalow – Refused. Appeal Dismissed 29/09/15
- 3.5. Enforcement History
- 3.6. 2013/1228/ENF - Erection of structure to rear (outbuilding) - Case Closed.
- 3.7. 2013/1485/ENF - Outbuilding being erected over 4m in height - Case Closed.
- 3.8. 2014/0278/ENF Without planning permission, the construction of a single storey building at the rear of 96 Sandford Road. Enforcement notice served. Appeal Dismissed 14/01/16
- 3.9. 2015/1402/ENF – Alleged change of use from flats to care home – Enforcement action held in abeyance pending determination of planning application 2016/00613/PA
4. Consultation/PP Responses
 - 4.1. Transportation Development – No objection. No significant change in traffic or parking demand is expected to result from the works but may well be reduced compared to that of 4 flats. In addition to on and off street parking options there are also very good public transport links.
 - 4.2. Regulatory Services – No objection
 - 4.3. West Midlands Police – No objection.
 - 4.4. Severn Trent Water – No objection subject to conditions requiring the submission of drainage plans.
 - 4.5. Ward Members, neighbouring occupiers and resident's associations notified and site notice posted. 20 letters of objection received from Roger Godsiff M.P., Councillor Trickett, The Moseley Society and residents of Sandford Road, Mayfield Road and Anderton Park Road. A petition of objection with 91 signatures has also been received. The objections are summarised as follows:
 - Crime and anti-social behaviour, detrimental to local safety and security, unsuitable location amongst conventional family residences. We understand that the Applicant has given assurances to BCC that young offenders will not be placed at the property - how can this be assured. Children placed in the

care home will have a detrimental impact on other young people living in the area

- Front and rear of the property not secure enough to contain children, no mention any security measures required and no indication that a risk assessment has been carried out for the property. The floor plans would not meet the requirements of the Children's Homes Regulations (2015). The application form has been shoddily completed and is incomplete; this does not give confidence that the care home would pay sufficient attention to the detail required by Ofsted or the Care Quality Commission to run a care home.
- Question the suitability of these premises, owners and managers in operating a home for vulnerable people - history of poor management and unlawful behaviour. When used as a care home in 2015, staff could not control the children and numerous incidents were reported to the police
- Owners only want to maximise their financial return, there is no demand or justification for this property to be turned into a care home
- Will be an increase in traffic, parking and pollution. Sandford Road can be very busy and cars often travel above the speed limit, the location is therefore dangerous for residents of a care home
- Believe that a car park is being created, using a forged passage from Mayfield Road
- Applicant has failed to notify BCC and the local police of the change of use from flats to a care home. The fact that conversion has already taken place, ignoring planning regulations, demonstrates that the owner/operator may not comply with any consent given.
- The site includes an outbuilding which is the subject of enforcement action. Understand the enforcement action is held in abeyance pending the determination of this application, however the location cannot be deemed a safe environment for children. The outbuilding might be used as accommodation for staff for the care home.
- Moseley SPD encourages the provision of family sized accommodation, deconversion of properties from HMO back to family accommodation will be supported. There are too many other similar facilities in the surrounding area (e.g. a hostel, old people's home and HMOs) , the character of the road has changed since the care home has been in use
- A precedent has been set with the refusal of a change of use at 59 Mayfield Road (2014/07838/PA)
- The application was not advertised widely enough, this is unfair and unjust and not an inclusive consultation

5. Policy Context

- 5.1. NPPF, UDP (2005), Draft Birmingham Development Plan, Places for Living SPG, Mature Suburbs SPD, Moseley SPD, Car Parking Guidelines SPD, Area of Restraint Moseley and Sparkhill, TPO 1498

6. Planning Considerations

Policy context

- 6.1. The National Planning Policy Framework (NPPF) confirms that there is a presumption in favour of sustainable development (Paragraph 14). Paragraph 50 of the NPPF explains that in order to deliver a wide choice of high quality homes,

widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to building their own homes.

- 6.2. Paragraph 5.19B of the UDP explains that some residential areas contain properties which have been converted into flats (and other uses with multiple occupants) and that concentrations of such uses can have an adverse effect upon the essential residential character of a particular street or area. Paragraph 17.32 identifies the Moseley Area of Restraint, within which planning permission for non-family dwelling uses may be refused on the grounds that further development of such uses would adversely affect the character of the area. This paragraph also acknowledges that there is a continuing demand for the retention of large properties for family use to ensure that a balanced housing stock is retained to enable these demands to be met. Complementing this, UDP paragraph 5.28 supports the de-conversion of flats and Policy H1 of the Moseley SPD encourages the provision of family-sized accommodation in appropriate locations.
- 6.3. Use Class C3 has, within it, three parts which cover use as a dwellinghouse by:
- (a) A single person or by people to be regarded as forming a single household
 - (b) Not more than six residents living together as a single household where care is provided for residents; or
 - (c) Not more than six residents living together as a single household where no care is provided to residents
- 6.4. It is possible to change between these three elements of C3 use without the need for planning consent.
- 6.5. The issues for consideration in this case are, therefore, whether the conversion from flats to a small care home within Use Class C3(b) is appropriate in principle and the impact of the proposed use on the amenity of future occupiers, of surrounding occupiers and on highway safety and parking.

Principle of use

- 6.6. The property is located in a residential area within the Moseley Area of Restraint. Surrounding properties are generally in use as single family dwellings, but some have been divided into flats and other institution-type uses in the wider area. I consider the deconversion of this property from flats is welcomed in this location, where there is a high demand for family-sized accommodation. As set out above, the proposed C3(b) use is inter-changeable with the Class C3(a) use. It is also in accordance with the aforementioned policies of the UDP, the Moseley SPD and the Area of Restraint Moseley and Sparkhill.

Amenity of future occupiers

- 6.7. The internal alterations (de-conversion from flats) that have already been carried out at the property have provided a layout commensurate with that of a single dwelling. The bedrooms measure between 9.8m² and 16.5m², exceeding the single bedroom sizes required by the Government's 'Technical housing standards – nationally described space standard' (although not yet adopted by BCC, they are a useful

yardstick). The rear garden area measures approximately 784m², also well in excess of the 70m² required by the Places for Living SPG for family accommodation. I therefore consider the living accommodation would provide a good standard of amenity for future occupants.

Impact on amenity of surrounding occupiers

- 6.8. It is reasonable to anticipate that the conversion of a property from four flats to a small care home would result in a negligible impact on surrounding occupiers as there is likely to be a broadly similar number of people and vehicles coming and going from the property. The residents would live together as a single household, sharing communal areas and meal times. I therefore do not consider that the proposed use would result in an increase in noise and disturbance to surrounding occupiers. Regulatory Services have raised no objection to the proposal. The property is detached and suitable for this kind of use as there would be no through-wall noise and disturbance affecting immediate adjoining occupiers.
- 6.9. I note that a large number of objectors refer to incidents that occurred during the time the property was occupied as a small care home in 2015 and state that the Police attended the property on a number of occasions. West Midlands Police have, however, raised no objection to this proposal. Whilst I acknowledge that there may have been issues regarding the way the property was previously managed, this is not a reason to withhold consent. How the property is managed and by whom is not a material planning consideration in this case - it would be registered and regulated by the relevant body, and is already registered by the CQC.

Highway safety and parking

- 6.10. Transportation Development have raised no objection to the proposal noting that there is a large forecourt parking area at the property and unrestricted on street parking is available. Bus routes are also available nearby on Wake Green Road and within Moseley Neighbourhood Centre. I note that a number of objectors state that when the property was occupied in 2015 there was an increase in the number of vehicles at the property. However, a property of this size, even in use as a single family dwelling, could accommodate a similar number of private vehicles. I therefore do not consider that this is a reason to withhold consent.
- 6.11. An objector states that they believe a car park is being created using a passage from Mayfield Road. I note that there is an access road leading to the rear garden of No.94 between Nos.16a and 18 Mayfield Road. However, I have seen no evidence that a car park is being created, the access is not included within the application site and no car park is proposed as part of this planning application.

Other issues

- 6.12. There is a protected tree (TPO 1498) on the frontage of the property close to the boundary with No.92 Sandford Road which would not be affected by these proposals. My Tree Officer has confirmed tree conditions would not be required.
- 6.13. I note the comment regarding the internal layout of the property and compliance with the Childrens Homes Regulations (2015). It is not within the remit of this planning

application to consider these regulations. It is for the Applicant to separately satisfy the requirements of any other regulations pertinent to the operation of a care home.

- 6.14. One objector states that they understand enforcement action on the outbuilding is being held in abeyance pending the outcome of this application. I can confirm that this is not the case and the Council's Planning Enforcement and Legal Services are pursuing this matter.
- 6.15. A number of objectors question the suitability of the owner of the property and/or the Applicant to operate a care home. This is a matter beyond the scope of this planning application and the personal circumstances of the owner or the Applicant are not a material planning consideration. The care home would be registered with and regulated by Ofsted or the Care Quality Commission, as appropriate. It is unfortunate that the works to convert the property have already taken place and that the property was previously occupied prior to planning consent being sought. However, this is not a reason to withhold consent.
- 6.16. One objector makes reference to the recent refusal of a planning application at 59 Mayfield Road, Moseley (reference 2014/07838/PA). That planning application differs from this current proposal because it proposed a change of use from Use Class C3 to Use Class C2. Use Class C2 'Residential Institutions' covers provision of residential accommodation and care to people in need of care *other than a use within class C3 (dwellinghouses)*; i.e. generally larger care homes of six or more residents. That application was refused on the unacceptable loss of a large dwellinghouse, contrary to policies in the UDP and Moseley SPD. However, there would be no such loss of use of a large dwellinghouse under this current application.
- 6.17. Some objectors state that this planning application was not publicised widely enough. The advertisement of this planning application was in accordance with the Council's approved public participation process.
- 6.18. Severn Trent Water have raised no objection to the proposal subject to conditions requiring the submission of a drainage scheme. However, as this is an existing property I do not consider it necessary to attach such a condition.

7. Conclusion

- 7.1. The principle of converting this property from 4 No. flats back to a Class C3 use would comply with the relevant national and local planning policies and the internal alterations would provide adequate living accommodation for future occupiers. Whilst I acknowledge the high level of public opposition to the proposed care home use I consider there would be no adverse impact on the amenity of adjoining occupiers nor on highway safety or parking as a result of the proposal. I consider this proposal constitutes sustainable development and I therefore recommend planning permission is granted.

8. Recommendation

- 8.1. Approve subject to conditions

1	Requires the scheme to be in accordance with the listed approved plans
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2 Limits the approval to 3 years (Full)

Case Officer: Alexa Williams

Photo(s)



94 Sandford Road front elevation

Location Plan



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Committee Date:	12/05/2016	Application Number:	2016/01997/PA
Accepted:	09/03/2016	Application Type:	Full Planning
Target Date:	08/06/2016		
Ward:	Edgbaston		

2 Stirling Road, Edgbaston, Birmingham, B16 9SB

Detailed planning application for demolition of existing building and erection of care village (use class C2) comprising of 60 bed care home, 19 assisted living units, 99 care apartments and associated communal facilities for senior citizens, including car parking, access (principally from Stirling Road), landscaping and associated engineering works.

Applicant:	Edgbaston Care Home Ltd and BSL Strategic Ltd c/o Agent
Agent:	GVA Grimley Ltd 3 Brindleyplace, City Centre, Birmingham, B1 2JB

Recommendation

Approve Subject To Conditions

1. Proposal

1.1. This application seeks planning permission for the demolition of the existing conference building and the erection of a care village comprising of a 60 bed care home, 19 assisted living units and 99 care apartments with associated communal facilities. The scheme would also include 91 car parking spaces, with vehicular access principally from Stirling Road, and the demolition of an existing substation.

1.2. The scheme consists of a care village with three separate but connected activities, being; a care home; assisted living units; and care apartments (these types are explained in detail below).

1.3. Care Home

1.4. The Care Home would provide 60 single bedrooms (38.5 to 17.5sqm), each with en'suite. This building would be 'L-shaped', be 4 and 5 stories and be located adjacent to Hagley Road (Principally) and part of Clarendon Road. The care home would provide care to patients in individual rooms. The ground floor of the care home would include communal facilities including restaurant, cinema, library, IT suite, Gym, consulting/treatment rooms, hairdressers and cafe.

1.5. Assisted Living Apartments

1.6. There would be 19 Assisted Living apartments (ALA), consisting of 15 x one beds and 4 x two beds. These units would be connected to the care home, on the east side of the frontage building, and be internally connected. This would provide a lower level of care than that provided in the more focussed care home. The ALA units would appear as one and two bed flats, with bedrooms of 14sqm, with a

separate bathroom and a kitchenette via the living room. They would allow for some independence but would fall halfway between the service required/offered in the care home and the more independent living available in the care apartments. This would provide suites as opposed to individual rooms.

1.7. Care Apartments

- 1.8. There would be 99 care apartments, 17 one bed, 81 two beds and 1 three bed. The two bed units would be on average 64sqm (with bedrooms 8.3sqm and 14.3sqm). The one bed units would be on average 54sqm (with bedroom of 12.7sqm). These would provide the lowest level of care and the most independent form of living in the care village. These would be located to the rear of the site and alongside Stirling and Clarendon Road (Blocks A, B, C and C1). These units would provide accommodation and care to residents similar to the assisted living but in flats rather than en'suite bedrooms.
- 1.9. Occupiers of both the Assisted Living and Care Apartments would have access to the communal facilities as well as domiciliary care such as personal care (dressing/washing etc), medical care, provision of meals, security services, chiropody, hair/beauty, laundry, housekeeping, maintenance services, IT assistance, social activities and concierge.
- 1.10. The applicants consider that all three activities would fall within the C2 use class with domiciliary care services being available 24 hours a day, 7 days a week to all residents.
- 1.11. The site is generally rectilinear with buildings proposed to be arranged around the perimeter of the site addressing Stirling Road (east), Hagley Road (south) and Clarendon Road (west), with a single free-standing building also located in the centre of the site. The scheme as a whole would create a 'village' feel with a central green space (968sqm) and buildings on the edge creating an enclosure. The buildings would be set back from Clarendon Road and Stirling Road by 7m, with a greater set back from Hagley Road (of 14m) due to the presence of trees which are proposed to be retained. A further area of amenity space would be created within the woodland (amongst the majority of trees subject to TPO) and being 1682sqm. Car Parking would be located adjacent to Clarendon Road, and in four areas within the site. The principal vehicular access would be gained to the rear car parks via two access points from Stirling Road, a delivery area would be located adjacent to the care home towards the southern end of Clarendon Road and other small car parks would be accessed from Clarendon Road. Most main entrance doors face into the site.
- 1.12. In terms of design and architecture, the proposal would consist of 4 separate buildings but the majority of the proposal's scale and footprint would be within the main block, adjacent to Hagley Road and Clarendon Road. The buildings would be mostly brick with some render sections to break up the mass. The buildings would also have tiled roofs some with hipped roofs.
- 1.13. The scheme proposes the planting of 32 new semi-mature trees and the removal of 27 trees and one tree group. Of these, 11 have previously been granted consent to be removed through the previous approval (although layout was indicative at the time). Of the remaining 16 trees and one tree group now also proposed to be removed this includes 3 subject to Tree Preservation Order (consisting of 2 Limes and a London Plane all Category B). The remaining 13 trees consist of 1 Category A (Lime), 1 category B (Birch), 7 category C (consisting of Sorbus, Sycamore and

Beech) and 4 which are dead/dying/diseased (Hawthorn, Sycamore, Sorbus and Lime). The tree group consist of cypress and is a category B group.

1.14. The application has been submitted with a Design and Access Statement, Transport Statement, Planning Statement, Heritage Statement, Flood Risk Assessment, Noise Report, Tree Survey, Ecological Appraisal and Transport Statement.

1.15. Site Area 1.41ha.

1.16. [Link to Documents](#)

2. Site & Surroundings

2.1. The site currently accommodates a large four storey hall and conference facility sitting within landscaped grounds and car parking. The site has 180 marked parking spaces arranged in small pockets to the south and west of the building with a large main car park located to the north. Further parking, for approximately 70 vehicles, is available on 'grass-crete' amongst the trees in the rear of the site. There is a small woodland within the northern area of the site (Protected by a Tree Preservation Order). The site fronts onto Hagley Road with the building set back 17m from the pavement edge. This frontage is higher than adjacent land, on a raised bank and sits behind a one metre high retaining wall. There is a group of mature trees along the frontage forming a screen to the existing building on site.

2.2. The site is relatively flat, but falls away slightly to the north end of the site. The frontage is bounded by a 1m high retaining wall, with a landscaped earth mound behind, and falling down to natural ground level in front of the existing building.

2.3. The site contains 76 individual trees and four groups of trees within the rear area. The site is bounded by residential rear gardens to the north, and by Clarendon Road (to the east), Stirling Road (to the west) and Hagley Road the A456 (to the south).

2.4. Properties to the north of the site are residential in character, across Clarendon Road (to the west) is the Rainbow Casino, a two storey building with a casino/bar at ground floor and restaurant at first. Numbers 12-20 Clarendon Road are Grade II listed buildings. To the east of the site, across Stirling Road, is a Grade II listed building (215 Hagley Road) and the former St Chad's Hospital (now offices) beyond, with a middle element being Grade II listed. 10 Stirling Road opposite the site, is a 3 storey block of flats. Buildings to the south of the site, on the opposite side of Hagley Road, include the Birmingham Primary Care Trust teaching facilities. Other nearby uses, on the south side of Hagley Road, are a combination of offices and other commercial activities.

2.5. [Site Location Plan](#)

3. Planning History

3.1. 18/08/15. Pa no.2015/04036/PA. Outline planning application for demolition of existing building and new build residential development (84 dwellings). All matters reserved except scale and access. Access to be gained from Clarendon Road and Stirling Road. Approved subject to S106 to secure affordable housing, an education sum and off-site public open space sum.

3.2. 13/06/13 pa no.2013/00770/PA. Proposed demolition of the existing building and the erection of residential development consisting of 84 dwellings. All matters reserved

apart from access and scale. Refused as the applicants failed to enter into the S106 Agreement.

4. Consultation/PP Responses

4.1. Consultation Responses

4.2. Transportation - No objection subject to conditions to secure agreement for works in the highway, demolition management plan, construction management plan, Travel Plan, pedestrian visibility splay, and details of 'H' bars over access points.

4.3. Leisure - No objection, the application proposes an extra care village which would not be subject to any off site play or POS contributions.

4.4. Regulatory Services - No objections, subject to conditions to secure; glazing attenuation, contamination investigation/remediation and vehicle charging point.

4.5. Local Lead Flood Authority - No objection subject to conditions to require a sustainable drainage plan and an Operation and Maintenance Plan.

4.6. Severn Trent - No objections to the proposals subject to a condition requiring the submission of drainage plans.

4.7. West Midlands Police - No objections. They recommend that this proposal is developed to enhanced security standards set by Police Crime Reduction initiative 'Secured by Design'.

4.8. Public Participation Responses

4.9. Residents, resident Associations, Councillors, MP consulted. 4 Site Notices erected, press notice made.

4.10. Two comments received from two local residents with general comments;

- The tree survey is confused in places and the resident hopes that all tree protection measures are in place before work commences.
- Supports the proposal of a care home as the site is well located with good access to public transport and local services.

5. Policy Context

5.1. National Planning Policy Framework (2012), National Planning Policy Guidance (2014).

5.2. Birmingham UDP (2005); Draft Birmingham Development Plan; Car Parking Guidelines (2012) SPD. 45 Degree Code (SPG). Places for Living (SPG). Specific Needs (SPG). TPO 63.

6. Planning Considerations

6.1. Principle

6.2. The NPPF includes three dimensions to sustainable development, being; Economic, Environmental and Social. Recently the NPPF and appeal decisions have established that there must be very good reasons to resist development if it

otherwise constitutes sustainable development. There is also a strong emphasis on providing new development, especially at sustainable locations within urban areas. The NPPF seeks to ensure the provision of sustainable development, of good quality, in appropriate locations and sets out principles for developing sustainable communities. The NPPF promotes high quality design and a good standard of amenity for all existing and future occupants of land and buildings. It encourages the effective use of land by utilising previously developed (brown-field) sites and focusing development in locations that are sustainable and can make the fullest use of public transport, walking and cycling.

- 6.3. Paragraphs 16.16 to 16.23, of the adopted UDP, discuss Hagley Road. These paragraphs indicate that hotel, leisure and tourism will be supported adjacent to Edgbaston reservoir and that hotel uses would be supported between 213-267 (the application site being between 215 and 217 Hagley Road). Therefore, there is no specific policy support for residential use, but equally there are no policy aspirations that preclude residential use either, in any event the previous planning approval has established the principle for residential use.
- 6.4. The application is described as a C2 (residential care) use. It is noted that the scheme provides three distinct levels of care ranging from fully dependant to mostly independent. The mostly independent part consists of 99 'Care Apartments' and would provide limited care.
- 6.5. The applicants have provided evidence within the Planning Statement that all three activities would fall within the C2 use class. The applicant has identified that the site would be operated by 'Cinnamon care Homes' who are an established provider of care facilities and operate similar sites throughout the UK. They state that care would be available to all occupants of the assisted living and care apartments through a domiciliary care service and that all occupiers would have to meet a 'needs assessment' by the operator to ensure that they meet the qualifying criteria for a unit. These restrictions would also include a minimum age restriction, for the units to be made available for leasehold only and for the occupants to have a need for care. The applicant has offered for the use to be subject to conditions to restrict occupants to 55 years and above, Cinnamon have confirmed that the majority of its occupants of care homes, assisted living and care apartments are 83 years or over. The applicant has also offered that the requirements, for occupiers care needs to be assessed on entry, could be secured by condition to ensure they properly qualify for entry. The applicants have stated that the Care Village, as a whole, forms one distinct planning unit and the care home, assisted living units and care apartments offer a choice of care accommodation.
- 6.6. BCC Legal Advice, for similar activities, has considered the balance between C3 and C2 use and identified that "...for a use to fall within Class C2, LPAs generally require developers/care providers to provide a minimum number of hours of personal care per week for occupiers of extra care units, often in the region of 2 hours, It would seem that where extra care units are part of a larger retirement community, and linked to close care units and nursing homes where all residents have to be over 65 years of age and are required to pay care charges for services beyond those available to residential dwellings, they can comprise C2 accommodation." Legal advice concluded that the use of conditions to limit the use was the most appropriate approach if officers were satisfied that sufficient care would be offered.
- 6.7. In this case, the applicant has stated that the most independent units would still be subject to a specific care package, and that the details of this could be required by

condition. The applicants have also offered for the LPA to include conditions that ensure the units would be made available for leasehold only (avoiding potential open market sale to non C2 use) and that a minimum age limit of 55 be applied. I consider that the nature of the care provided and the layout of the site would create a facility that would function in a fully integrated manner. I am satisfied that the use would fall within the C2 use class, subject to the three conditions listed (minimum age, leasehold only, care package). As such I do not consider that affordable housing policy or public open space policy, associated with C3 dwellings, would be necessary in this case.

- 6.8. In terms of care home policy paragraph 8.28-8.30, of the UDP, provides policy on Hostels and Residential Homes falling within the C2 Use Class and identifies that proposals should not cause demonstrable harm to residential amenity of nearby occupiers through noise and disturbance. The policy also states that *“proposals should not prejudice the safety and free flow of traffic in the adjoining highway. The provision made for access for service and emergency vehicles and car parking facilities for staff, residents, and visitors will be taken into account, but these factors will be considered in conjunction with issues such as the retention of adequate outdoor amenity space and site features which contribute to the character and appearance of the area.”* It also requires care homes to provide a minimum of 16sqm of outdoor amenity space per resident. There are no specific policies for care villages.
- 6.9. The principle of residential use and the loss of the existing community facility has been carefully considered and accepted through the previous approval. The principle of a specialist care village is also considered acceptable as the site is well located in strategic terms, subject to detailed consideration of design, transportation, impact on existing residents, conservation, trees and ecology.
- 6.10. Design
- 6.11. In terms of design, paragraph 3.14 of the UDP identifies that a high standard of design is essential to the continued improvement of Birmingham as a desirable place to live, work and visit. It also requires developers to consider the site in context and states that to avoid problems of piecemeal and incremental development, comprehensive master plans should be prepared. Paragraph 56 of the NPPF states that “The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.”
- 6.12. The scheme consists of a perimeter block development which addresses all three adjacent roads with active elevations, providing a high level of natural surveillance and creating interest and activity around the frontages. The proposed scale raises adjacent to Hagley Road (being 4/5 stories) and recedes to 3 stories adjacent to the houses on Clarendon Road and Stirling Road. The proposed materials, focussing on brick and render, would suit the local architectural styles and help add interest and variety to the design.
- 6.13. In terms of outdoor amenity space I note that the scheme would provide 2650sqm of landscaped gardens, which amounts to 14.9sqm per resident. I am satisfied that this space is adequate for the needs of the residents as it would be well located in safe, quiet areas of the site.

- 6.14. In terms of design and architecture, the proposal would consist of 4 separate buildings but the majority of the proposal's scale and footprint would be within the main block, adjacent to Hagley Road and Clarendon Road. The buildings would be mostly brick with some render sections to break up the mass. The buildings would also have tiled roofs some with both hipped roofs. The elevation opposite the listed buildings on Clarendon Road would have gable features that would follow the rhythm and scale of the off-site architecture providing a similar but contemporary interpretation of the existing vernacular. Equally, buildings on Stirling Road would follow the scale and form of surrounding building forms with particular respect (and key features taken from) Stirling Court, a 4 storey building with a mansard roof set-back. The Hagley Road elevation would consist of 5 stories on the west (left-hand) side and this would step down to 4 stories for the rest of the frontage. This elevation includes mansard roofs and box dormers to most of the top floors. This would create a variety of roof forms and help create a multi-layered frontage, with set-back areas within the elevation and balconies at key locations.
- 6.15. Conservation
- 6.16. Policy 3.25, of the UDP, states that "any development affecting a listed building should preserve and enhance its character". This also states that the setting of a listed building will be preserved and enhanced by the exercise of appropriate control over the design of new development in their vicinity.
- 6.17. The Planning (Listed Buildings and Conservation) Act 1990 [The 1990 Act] includes the statutory instruments to guide the process of planning applications affecting listed buildings and conservation areas. Section 66, of the Act, states that "In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority ... shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses." These requirements have been carried into the Development Plan through Policies 3.25 (listed Buildings).
- 6.18. The application seeks the demolition of the Warwickshire Masonic Temple and Edgbaston Assembly Rooms, which has previously gained consent to be demolished under the previous planning approval. The identified heritage assets, adjacent to the site, are located at 12-20 Clarendon Road and 215 Hagley Road. 12-20 Clarendon Road are Grade II listed houses and are located opposite the application site on Clarendon Road. To the east of the site, across Stirling Road, is a Grade II listed building (215 Hagley Road) and the former St Chad's Hospital (now offices) beyond, with a middle element being Grade II listed. The proposed building has a strong presence, set back within its plot with austere frontages towards the adjacent roads. The proposal better address the surrounding streets in townscape terms and introduces a mass and modelling that reinforces the rhythm of the historic villas and housing in the area. I am satisfied that the proposed scheme satisfies paragraph 3.25 and S66 of the Act, and would respect the setting of the adjacent listed buildings.
- 6.19. Transportation
- 6.20. Policy 6.49B, of the UDP, seeks new development to make adequate parking provision to meet all transport needs. The NPPF states that "when setting parking levels LPA's should take into account the accessibility of the site, the type, mix and use, access to public transport, local car ownership and the overall need to reduce high emission vehicles". It is considered that the site is in a sustainable location with good access to public transport and the City Centre generally.

- 6.21. The site layout includes 91 parking spaces which is acceptable within current BCC guidelines. The site layout provides sufficient parking considering the likely needs of residents and the sustainability credentials of the site. At least 15 cycle parking spaces would be provided for staff and residents. On street parking is unrestricted on Clarendon Road and any visitor parking can also be accommodated.
- 6.22. Right turning in and out of Stirling Road is not possible due to the central reservation on Hagley Road. Stirling Road is two-way up to the bend (just before no. 12) where 'No Entry' signs are located, so that traffic coming out of the site can only turn right. Vehicles travelling from the city centre from Hagley Road would have to use Monument Road then Waterworks Road to get to Stirling Road. This is awkward but an existing situation and in itself not a reason to resist the application.
- 6.23. The Transport Statement concludes that the proposal would not have an adverse effect on the safety and operation of the highway network. Traffic generation would be of the order of 20-30 trips (two-way) at peak times. Traffic generation to the existing Clarendon Suites was variable due to the demand for conferences and functions but there is little doubt that the development would generate less traffic than activity for the lawful existing use.
- 6.24. Transportation colleagues have raised no objection to the application subject to conditions to secure to secure agreement for works in the highway, demolition management plan, construction management plan, Travel Plan, pedestrian visibility splay, and details of 'H' bars over access points. I concur with their findings.
- 6.25. Trees
- 6.26. Paragraph 3.38, of the UDP, states that "...new developments, particularly those on open land, will be expected to respect, and where possible enhance, the local environment... through the retention of existing trees and through... landscaping schemes". Policy TP7, of the draft BDP, reinforces the importance of the protection of trees and requires new development to allow for new tree planting in public and private domains.
- 6.27. The scheme proposes the removal of 27 trees and one tree group. Of these, 11 have previously been granted consent to be removed through the previous approval (although layout was indicative at the time). Of the remaining 16 trees and one tree group now also proposed to be removed this includes 3 subject to Tree Preservation Order (consisting of 2 Limes and a London Plane all Category B). The remaining 13 trees consist of 1 Category A (Lime), 1 category B (Birch), 7 category C (consisting of Sorbus, Sycamore and Beech) and 4 which are dead/dying/diseased (Hawthorn, Sycamore, Sorbus and Lime). The tree group consist of cypress and is a category B group.
- 6.28. The 3 category B trees, protected by TPO 63 are located adjacent to the rear (north) boundary within the woodland group. These are identified as trees T41, 45 and 46 respectively in the Tree Preservation Order (TPO 63). My Arboriculturalist recognises that while it is regrettable that this proposal should increase the number of tree removals, it is in an area away from general public views and he considers that the concerns are not sufficiently strong to object. Indeed, the proximity of the footprint of the outline approval to T46 suggests the reasonable need for removal, as does the apparent retention of smaller trees alongside 19 Clarendon Road, which would not have been possible in retrospect. The scheme includes the retention of

the most significant and mature trees, with over 49 trees being retained within retained landscaped gardens including within the frontage adjacent to Hagley Road.

- 6.29. The layout, in terms of relationship between the protected trees and the frontages to Hagley, Clarendon and Stirling Roads, does not differ significantly from the outline approved plans. The tree survey provided is complete and detailed with implications assessment, methods and a tree protection plan. My arboriculturalist has raised no objection subject to conditions to require tree protection and tree pruning. I concur with these comments. The scheme includes significant replacement tree planting that would off-set the identified loss with at least 32 new semi-mature trees and other planting proposed to create well landscaped grounds. I consider that the tree loss has been minimised and the replacement planting would mitigate for the loss. A detailed landscaping scheme can be secured via condition.

6.30. Ecology

- 6.31. Paragraph 3.37, of the UDP, states that the importance of safeguarding and enhancing the natural environment of the City is recognised. Paragraph 3.38 continues that "...schemes...on open land , will be expected to respect, and where possible enhance, the local environment.. with the objective of maximising wildlife value". The NPPF, at paragraph 109, requires the planning system to seek to minimise the impact of schemes on Biodiversity and halt the overall decline. The draft BDP, at Policy TP8, requires all development, where relevant, to contribute to enhancing Birmingham's natural environment.

- 6.32. The ecology report has considered the main points of interest around the site; being hedge boundaries, mature trees and undergrowth and these are generally proposed to be retained and enhanced. The current building is not considered suitable for bat roosts as it is flat roofed and there are limited access opportunities into the building cavities.

- 6.33. The site is not far from Edgbaston Reservoir Local Nature Reserve (LNR) and the current gardens of properties in Clarendon Road, Carlyle Road and Mariner Avenue provide some green space and a link to the LNR. The proposed development has the potential to extend this if it is set out as per the proposed site plan. A suitable ecological enhancement strategy, (mainly planting with some bird/ bat boxes to mature trees at the rear of the site) and low level/ directional lighting, would support this.

- 6.34. My ecologist has raised no objection to the development. Given the updated ecology survey, indicating that there has been little or no change in the site since consideration of the last approval, he has raised no objection to the demolition of the existing building provided that any trees and hedges to be retained are suitably protected during this phase as well as construction. There would be a good retention of mature trees around the front and rear of the site and opportunities for green infrastructure through the site to link these together. An ecological enhancement strategy should be produced to ensure that, where possible beneficial planting is included in the landscaping and additional features such as bird nesting boxes are included at suitable locations throughout the site. Lighting through the site should be kept to the minimum required and be of a low level/ low light spill design. I concur with the findings of my ecologists subject to conditions for ecological enhancement measures and lighting details.

6.35. Noise Impact

- 6.36. The site is adjacent to Hagley Road, part of the Strategic Highway Network, this is consequently relatively noisy and relatively busy. As such the application has been made with a Noise Impact Assessment, this concludes that noise measurements were taken on site, and as a result required glazing facing onto Hagley Road to be 35dB and for Stirling Road and Clarendon Road to achieve glazing attenuation of 25dB. The report concludes that double glazed windows would be able to achieve this level of attenuation.
- 6.37. I note that there are many examples of residential development located adjacent to Hagley Road in nearby locations, particularly in regard to apartment schemes, such as the Mansion blocks at Kenilworth Court (135m to the east). I note that Regulatory Services have raised no objection in principle to the granting of this application, based on the fact that the adjacent units are not used for industrial use. However, local roads are busy and the adjacent Hagley Road creates significant noise levels. As such I recommend a condition to require glazing attenuation to mitigate noise levels from around the site, with a greater level of attenuation required for the South block adjacent to Hagley Road. I concur with the findings of the noise assessment and am satisfied that adequate noise attenuation can be achieved subject to a condition requiring details of glazing.
- 6.38. Impact on Residential Amenity
- 6.39. The scheme would result in the replacement of a conference facility with a wholly residential use. In principle this would result in a use less harmful to adjacent residential amenity than the lawful use. This is particularly in mind of the location of the existing main car park, serving the current use, and which is located adjacent to residential rear gardens located on Clarendon Road, Stirling Road and Carlyle Road. I also note that the layout includes the retention of the woodland (behind 19 and 21 Clarendon Road) and this area is proposed to be used as amenity space to serve the scheme. I also note that some car parking would be located to the side of the care flats (in the northeast corner) and behind houses 12-18 Stirling Road. This car park would replace the larger former car park for the conference use and therefore would have a lesser disturbance. I am also confident that an appropriate buffer with landscape screening would provide additional noise mitigation on this boundary that would prevent undue noise and disturbance.
- 6.40. In terms of overlooking, the proposal would generally be set away from existing housing other than at two pinch points; adjacent to 19 Clarendon Road and adjacent to 12 Stirling Road.
- 6.41. 19 Clarendon Road is a large, detached dwelling converted into 5 flats in 1988. It is located to the north of the application site and would be adjacent to a row of a three storey row of flats (Block A). Whilst being two storey, 19 Clarendon has high ceilings and as such has a height similar to the proposed building to the south. There is currently a group of cypress trees on this boundary, which are proposed to be removed and be replaced with a building set 2m in from the boundary. The proposed block A would be deeper than no. 19 and as such the rear elevation block A would be 4.7m behind the rear elevation of no.19. This would consequently impact on a 45 degree line from the nearest window of no.19 (ground floor bedroom) and this line would hit the proposed block 1m from its rear elevation. I recognise that the proposal to remove the cypress trees would improve light to the rear elevation of no.19 and as such would improve the existing situation, despite the proximity of block A.
- 6.42. 12 Stirling Road is an end terrace converted into 6 flats. It is located to the northeast of the application site, adjacent to Block C2. This Block would be 2m from the

boundary and would be 3.7m from the side elevation of no.12. Figure 2 (below) shows the property and illustrates the four side windows (1xGF, 2xff, 1xsf) are non habitable. As such I have no objection to the location of Block C2. I also note that a car park would be located to the rear of no.12-16 Stirling Road. This would replace the existing main car park and as such the impact to residential amenity would be much less than the existing use. I recommend that a condition is applied to require details of lighting to ensure lighting is subdued and would have minimal impact.

6.43. Drainage

6.44. The submitted Drainage Assessment comments that the site is within flood zone 1 (least likely to flood), that the Edgbaston Reservoir is 400m to the north of the site and the Chad Brook 500m to the south. It suggests that soak-aways and pervious paving could be considered for use on site at the detailed design stage subject to infiltration testing. Rainwater harvesting also could be considered at the detailed design stage.

6.45. The proposed discharge rate of 5 l/s for all events up to, and including, the 100yr plus climate change (30%) event is acceptable to the Local Lead Flood Authority (LLFA). The proposed strategy of permeable paving (tanked), underground pipe network and geocellular storage is limited and as such further evidence that consideration has been given, to use of rain gardens and achieving above ground storage in landscaped areas, is required. The LLFA accept that infiltration is not viable on this development. Proposed finished floor levels (FFLs) should be designed to mitigate risk of flooding to people and property should be set to a minimum of 150mm above surrounding ground levels. Consideration should be given to the Operation and Maintenance of all proposed surface water features, including details of party responsible for the maintenance of each feature, specifications for inspection and maintenance actions and details of proposed contingency plans for failure of any part of the drainage systems that could present a hazard to people. In summary, the LLFA have raised no objection subject to conditions to require a sustainable drainage plan and an Operation and Maintenance Plan. I concur with these findings.

6.46. CIL and S106 matters

6.47. The Community Infrastructure Levy Regulations (2010) includes, at part 11 (paragraph 122), the tests for planning obligations. These require contributions to be necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development.

6.48. The Council has adopted CIL charge from 4th January 2016. The proposed care home and other care related residential components would attribute a zero charge.

7. Conclusion

7.1. The planning application proposes a care village within a residential (urban) area, with residential areas to the north, west and east, hotel and casino to the west and commercial to the south and east. It is within a sustainable location with access to public transport and which complies with the requirements of the UDP and the draft BDP.

- 7.2. The scale of development is appropriate to the local context, the design meets best design practice in terms of layout, form and appearance and satisfies the design aspirations of the UDP and the NPPF.
- 7.3. The scheme retains the majority of trees on site, is designed to retain the most important trees and offer significant compensation to off-set the limited degree of tree removal necessary to facilitate the scheme (to satisfy the UDP). The proposal also satisfies ecological requirements of the UDP and would not harm the setting of the identified adjacent listed buildings.
- 7.4. The scheme would be unlikely to have an impact on highway safety.
- 7.5. The scheme would contribute towards the City's housing supply and constitutes sustainable development.
8. Recommendation
- 8.1. That planning permission be granted subject to the following conditions;

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| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Requires the prior submission of a contamination remediation scheme |
| 3 | Requires the prior submission of a contaminated land verification report |
| 4 | Requires the prior submission of a sustainable drainage scheme |
| 5 | Requires the prior submission of a construction ecological mitigation plan |
| 6 | Requires the prior submission of a scheme for ecological/biodiversity/enhancement measures |
| 7 | Requires the prior submission of extraction and odour control details |
| 8 | Requires the prior submission of hard and/or soft landscape details |
| 9 | Requires the prior submission of boundary treatment details |
| 10 | Requires the prior submission of a lighting scheme |
| 11 | Requires the prior submission of sample materials |
| 12 | Requires the prior submission of level details |
| 13 | Requires the prior submission of a residential travel plan |
| 14 | Requires pedestrian visibility splays to be provided |
| 15 | Requires the prior submission and completion of works in the highway |
| 16 | Requires the implementation of tree protection |
| 17 | Requires tree pruning protection |
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- 18 Requires the prior submission of noise insulation details
 - 19 Requires the prior submission of entrance barrier details
 - 20 Requires the prior submission of a parking management strategy
 - 21 Requires the submission prior to occupation of the properties of a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan
 - 22 Sets a minimum age of residents
 - 23 Requires the details of the care package for each resident
 - 24 Requires the care apartments to be leasehold only
 - 25 Requires provision of charging points for electric vehicles.
 - 26 Limits the approval to 3 years (Full)
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Case Officer: Ben Plenty

Photo(s)



Fig 1. Southeast corner of site from Stirling road looking north



Fig 2. East view towards side of 12 Stirling Road



Fig 3. North view of TPO woodland rear of houses on Clarendon Road in the distance.

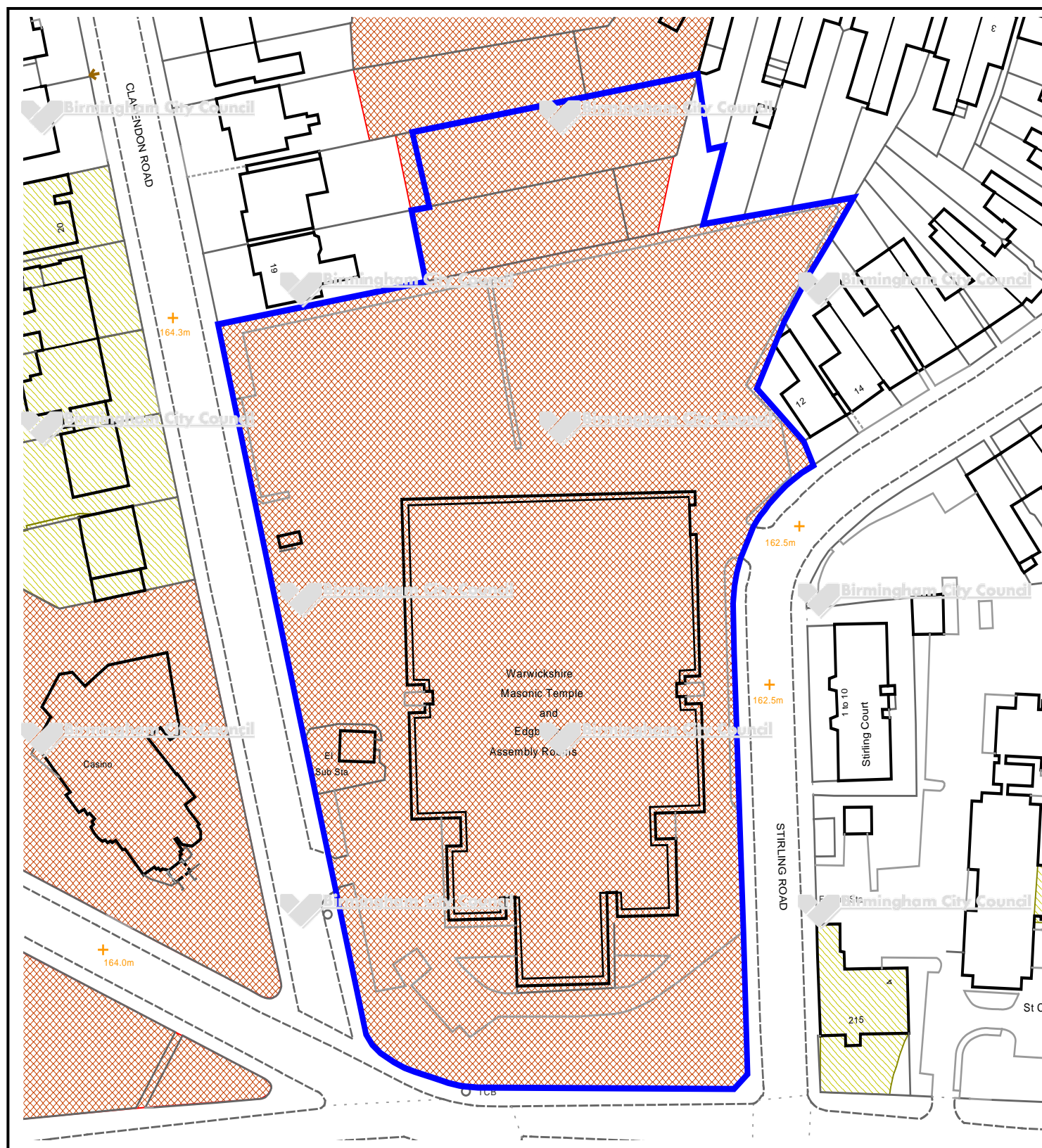


Fig 4. Looking south on Clarendon Road



Fig 5 Rear of 19 Clarendon Road

Location Plan



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Committee Date:	12/05/2016	Application Number:	2016/00851/PA
Accepted:	01/02/2016	Application Type:	Full Planning
Target Date:	01/07/2016		
Ward:	Bartley Green		

Frankley Water Treatment Works, Waterworks Drive, Northfield, Birmingham

Construction of underground water pipeline and upgrade of Frankley Water Treatment Works to include backwash tanks, sand ballasted lamella, overflow tank, emergency return pumping station, rapid gravity filters, storage tanks and buildings, minor alterations to the existing reservoir and associated infrastructure as part of the Birmingham Resilience Project

Applicant:	Severn Trent Water Ltd Severn Trent Centre, 2 St Johns Street, Coventry, CV1 2LZ
Agent:	Jacobs UK Ltd 2 Colmore Square, 38 Colmore Circus, Queensway, Birmingham, B4 6BN

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. The Applicant is proposing the development of a scheme (the Birmingham Resilience Project, BRP) at Frankley Water Treatment Works (Frankley WTW) to provide an alternative source of potable water for Birmingham. The proposal is to provide an alternative source of water from the River Severn, to enable the Elan Valley Aquaduct to be taken out of service for short periods to allow essential refurbishment and maintenance work to be carried out. The intention is for the BRP scheme to be operated for periods of around 50 days at a time, during the autumn or winter months when river levels are sufficiently high to enable abstraction without any significant environmental or social impacts.
- 1.2. The proposed new abstraction point would be at Lickhill, located between Bewdley and Stourport on Severn, Worcestershire. The abstracted water would then flow through a proposed new underground pipeline (of around 25km in length) running from Lickhill to Frankley WTW.
- 1.3. This planning application seeks upgrades and extensions to Frankley WTW to allow treatment of River Severn water, which has greater treatment requirements compared to the Elan Valley water which it currently receives. In addition to planned maintenance of the Elan Valley Aquaduct, the BRP scheme would provide resilience for Birmingham's water supply in the event of an emergency scenario. The Water Bill features a new primary duty for Ofwat, the Government's water regulatory authority, "to secure the long-term resilience of water supply and sewerage systems

against environmental pressures, population growth and changes in consumer behaviour". This reflects the high priority that the Government places on resilience.

- 1.4. Given the proposed pipeline and associated structures would run through the confines of four local authorities, planning applications for the relevant various parts of the BRP scheme have been simultaneously submitted to Wyre Forest District Council, Wychavon District Council and Bromsgrove District Council for their consideration.
- 1.5. Upon entering the boundary of Birmingham City Council at the western end of the application site, the proposed pipeline would run for a length of approximately 190m before discharging to Frankley Reservoir via a new reception chamber. The pipeline itself would comprise of a 1050mm diameter welded steel pipe with an epoxy liner, and a fibre optic cable. It would be installed at a depth below ground level of 1.2m.
- 1.6. The following development, comprising of enclosed structures/buildings and predominately open-air tanks, is proposed to be located towards the centre of the application site, adjacent to its southern boundary:
 - Sand ballasted lamella treatment tanks and sludge transfer pumping station - measuring approximately 45.2m x 52.6m. The structure itself would measure 6.2m in height. On top of this structure would be eight kiosks, the top of which would be 8.8m above ground level, and two sand silos connected by a platform, the top of which would be 14.4m above ground.
 - Rapid Gravity Filters - measuring approximately 84.5m x 58.1m. The structure itself would measure 4.8m in height. On top of this structure would be 12 kiosks, the top of which would be 8.9m above ground level.
 - Clean water backwash tanks - measuring approximately 45.5m x 40m. The structure would be largely below ground level with a kiosk, pipework and ten pumps located above ground with a maximum height of 4m.
 - Dirty backwash tanks pumping station - measuring approximately 25m x 7m with a height of 2.6m.
 - Coagulation building - measuring approximately 32.4m x 17.3m with a height of 8.2m, and associated chemical storage tanks.
 - Disinfection building - measuring approximately 25.4m x 16.3m with a height of 8.3m, and associated chemical storage tanks.
 - Emergency return pumping station, including a 17m deep by 27m diameter shaft.
 - Emergency return pumping station switchroom - measuring approximately 20.4m x 12.7m with a height of 7m.
 - CO2 plant - consisting of two 14.7m high cylindrical tanks, each with a diameter of approximately 3m, and associated equipment enclosed within a 3m high security fence covering an area of approximately 11m x 11m.
 - Surface water drainage attenuation tank - converted from existing disused tank on site.

- Motor Control Centre and blower building - measuring approximately 35.4m x 10.4m with a height of 7.5m.
 - High Voltage switchroom - measuring approximately 35.5m x 10.8m with a height of 7.4m.
 - Replacement bisulphate building - measuring approximately 19.5m x 15.6m with a height of 7.9m).
 - Associated small scale infrastructure including electrical switchrooms, kiosks, vessels, pipes and ducts, and extension to the existing generator building.
 - New internal roads/vehicular accesses
- 1.7. The large majority of the above proposed development would be enclosed by new security fencing, comprising two lines of fencing 2m apart with intruder detection devices mounted on 4m high masts and CCTV cameras mounted on 6m high masts, located between the two fence lines. The outer fence would measure 1.8m in height and the inner fence would measure 3m in height.
- 1.8. As part of the BRP scheme Frankley WTW would effectively be extended across the southern site boundary into the administrative boundary of Bromsgrove District Council, where the majority of new sludge treatment works would be located.
- 1.9. A number of temporary working areas/contractor's areas are also proposed within the application site. These include the following:
- Contractor's welfare offices, to be located close to the main construction site.
 - Temporary car park to accommodate approximately 300 personnel, to be located in the northern corner of the site - a shuttle bus service would be set up for workers to travel safely between the temporary car park and the main construction area.
 - Spoil heap storage area, to be located close to the main construction site and adjacent to the southern site boundary
- 1.10. The material palette of proposed new structures would comprise of green grey (RAL 150 40 10) profile sheet metal or similar and Staffordshire blue engineering bricks or similar. All chemical tanks/vessels would be powder coated green grey or similar. The only proposed variation from this architectural treatment would be the extension to the existing generator building, which would comprise of pale green (RAL 6021) profile sheet metal or similar and Leicester red multi-stock brick or similar to match the existing building.
- 1.11. A landscaped bund would be created immediately adjacent to, and running parallel to, a section of the southern site boundary. It would run for a length of 140m before turning north at right angles to run for a length of 95m. The proposed bund would measure 2m in height and 15m in width. It would likely be created from spoil material if suitable, and would be seeded and planted with native species of trees and shrubs.
- 1.12. Lighting would be provided in the form of 20Lux general lighting along roadways, areas between tanks, perimeter lighting around open tanks, pumping stations and washwater tank platforms. Additional lighting would be provided to ensure 50Lux illumination at specific areas of the new process units including Rapid Gravity Filters,

sand ballasted lamellas, weighbridge and wheel wash areas. Higher illumination lighting would be provided by floodlights mounted on 6.0m high poles for the road, delivery laybys and the hardstanding areas. The lighting design includes directional mounting of the luminaires with diffusers arranged to limit the spill lighting outside the treatment areas.

- 1.13. Additional operational traffic associated with the proposed upgraded works would comprise approximately 15 tanker deliveries per month, plus three sludge collection wagons per day during the 50 day periods when treating River Severn water alone.
- 1.14. The Applicant has committed to Ofwat that the BRP would be operational by March 2020. It is envisaged that the main construction works on the application site would start in July 2016 and would be completed by June 2019.
- 1.15. An Environmental Impact Assessment (EIA) has been carried out for the proposed development and deals with the BRP scheme as a whole across the four local planning authorities. As part of the EIA the Applicant has carried out a number of surveys and reports including: an Extended Phase 1 Habitat Survey; species surveys (bat, bird, badger, barn owl, reptile, Great Crested Newt, otter and water vole, dormouse); a draft Construction Environmental Management Plan (CEMP); Aquatic Ecology Assessment; Tree Survey, Archaeological Desk Based Study, Flood Risk Assessment (FRA); Transport Assessment; Air Quality Assessment and Noise Assessment. The findings of the EIA are set out in the Environmental Statement (ES) and its appendices. A Planning Statement, Design and Access Statement, Consultation Statement and Utilities Statement have also been submitted in support of this planning application.
- 1.16. The proposed development does not generate a CIL contribution.
- 1.17. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site comprises of land accommodating many buildings, enclosures, tanks and internal access roads within Frankley WTW - an operational water treatment works site located on the south western urban fringe of Birmingham – and some of the farmland/grassland around its perimeter. Frankley WTW was developed in the 1800s and in total covers an area of approximately 42ha. The application site itself is 52ha in size. Immediately surrounding the perimeter of the application site is farmland and grassland.
- 2.2. Frankley Reservoir is located at the western end of the application site and is a semi-circular reservoir which stores potable water for Birmingham. To the east of Frankley Reservoir is the main water treatment area where clarification, filtration and disinfection of the water takes place. This area consists of operational areas, office buildings and parking areas, lagoons, tanks and some roughly maintained grassland.
- 2.3. Merritt's Brook runs east-west through the centre of the site. Cutler's Rough, which is an area of semi-natural ancient woodland and a Site of Importance for Nature Conservation (SINC), is located at the north eastern end of the site.

- 2.4. The application site itself is located on generally level ground, albeit Frankley Reservoir itself sits on higher land. The application site sits within a natural dip, with land outside the site rising to the north, east and west.
- 2.5. Beyond the application site to the north is Bartley Reservoir; to the south the land rises rather steeply across open fields to housing on the edge of Northfield; to the west is arable farmland with some grazing land and a small number of residential properties, St Leonard's Church (Grade II* Listed) and Frankley Hall; and to the east the land rises to the Ley Hill housing estate.
- 2.6. There is a single vehicular access into the site, Waterworks Drive, which adjoins Merritt's Brook Lane in the eastern corner of the site. There are nine houses fronting on to Waterworks Road, eight of which are located just outside of the site boundary.
- 2.7. A public footpath runs adjacent to the southern site boundary, but falls within Bromsgrove District Council.
- 2.8. [Site Location Map](#)

3. Planning History

- 3.1. 14th November 2011 - 2011/05427/PA - Erection of 4no. single storey buildings for water treatment – Approved-conditions
- 3.2. 14th June 2013 - 2013/02813/PA - Variation of Condition No. 3 attached to planning approval 2011/05427/PA to allow for amended noise levels – Approved-conditions
- 3.3. 10th March 2014 - 2013/08976/PA - Relocation of the Hollymoor Pump Kiosk (approved under 2011/05427/PA) – Approved-conditions
- 3.4. 6th November 2014 - 2014/06464/PA - Erection of lime dosing plant and kiosks – Approved-conditions
- 3.5. 2015/10232/PA - Temporary office accommodation with associated 46 space car park – Pending decision

4. Consultation/PP Responses

- 4.1. Transportation Development – No objection – Recommend condition requiring further articulated vehicle swept path analysis at the junction of Hoggs Lane/Frankley Beeches Road to acknowledge the potential for vehicles waiting at stop lines and the need for any mitigation arising.
- 4.2. Regulatory Services – No objection – Recommend conditions restricting the rating levels for cumulative noise from all plant and machinery, submission of a contamination remediation scheme, and submission of a contaminated land verification report.
- 4.3. Natural England – No objection
- 4.4. West Midlands Fire Service – No objection

- 4.5. West Midlands Police – No objection
- 4.6. Health and Safety Executive – No objection
- 4.7. Historic England – No objection
- 4.8. Environment Agency – No objection
- 4.9. Birmingham Public Health – No response received
- 4.10. Lead Local Flood Authority – No objection – Recommend conditions requiring revised Sustainable Drainage Assessment and Sustainable Operation and Maintenance Plan
- 4.11. Birmingham and Black Country Wildlife Trust – No objection
- 4.12. Local residents, Ward Councillors, M.P.'s and Resident's Associations notified. Advertised by press and site notices. One letter of comment received from a local resident raising the following points/concerns:
 - Concerned that Frankley Waterworks may create a blot on the landscape
 - Should ensure that new structures are not built too high
 - A variety of trees should be planted
 - Wildlife in the area should be carefully monitored and sensitively catered for so as not to disturb them
 - Surroundings are used by pets and residents and this should be considered
 - Effects of long term noise and light pollution on residential amenity should be monitored and time restricted

5. Policy Context

- 5.1. The following local policies are applicable:
 - Birmingham Unitary Development Plan (UDP)
 - Draft Birmingham Development Plan (BDP)
 - Places for All SPG
 - Bartley Reservoir Green Belt
 - Archaeology Strategy SPG
 - Nature Conservation Strategy for Birmingham SPG
 - Sustainable Management of Urban Rivers and Floodplains SPD
 - Archaeological site - Reservoirs, treatment works and pumping station at Frankley Waterworks
 - Cutler's Rough SINC
 - Merritt's Brook SINC/Wildlife Corridor adjoins site
 - Hazardous Installation (Chlorine storage)
- 5.2. The following national policies are applicable:
 - National Planning Policy Framework

6. Planning Considerations

- 6.1. The Applicant has engaged with the Council, key stakeholders, consultees and local residents as part of pre-application discussions on this scheme, including Scoping for the EIA.

- 6.2. The Applicant has engaged with the Council, key stakeholders, consultees and local residents as part of pre-application discussions on this scheme, including Scoping for the EIA.
- 6.3. I consider the key planning issues to be assessed under this application are the impacts of the proposed development on the Green Belt, landscape/visual amenity of the area, heritage assets, ecology, traffic and access, trees, flood risk, noise, air quality, materials and waste, water quality and quantity, lighting, and land contamination.

Green Belt

- 6.4. The application site is located within Bartley Reservoir Green Belt. Paragraph 3.45 of the Birmingham UDP explains that proposals for new development will not be permitted in the Green Belt, except development for the purposes of agriculture, forestry, cemeteries or other uses appropriate to the character and function of the Green Belt.
- 6.5. Paragraph 87 of the NPPF states that “As with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances”. Policy TP10 of the Draft BDP sets out a similar such stance. Paragraph 88 of the NPPF continues “When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.”
- 6.6. Paragraph 89 of the NPPF sets out exceptions where the construction of new buildings would not constitute ‘inappropriate development’ in the Green Belt. I consider that the partial redevelopment of this brownfield site with new buildings would constitute ‘inappropriate development’. This is because the proposed buildings, whilst not conflicting with the purposes of including land within the Green Belt, would nonetheless have a greater (albeit rather limited relatively) impact on the openness of the Green Belt than existing development.
- 6.7. As discussed earlier the main objective of the BRP scheme is to provide resilience to the water supply of Birmingham and the 1.2 million Severn Trent Water customers using this water supply, which is currently highly dependent on the Elan Valley Aquaduct carrying water from the Elan Valley in mid Wales. To facilitate future maintenance of the Elan Valley Aquaduct it is necessary to provide an alternative source of water for the duration of the works in the form of water from the River Severn. Because of the nature of the development, there would be no suitable alternative to developing within the Green Belt at this edge of City major infrastructure site. Only a small area of the Frankley WTW site would accommodate new structures/buildings, that would be no taller in height than existing structures on the site; new structures would generally be coloured dark green/grey to blend in with surrounding fields/trees; and finally landscaped bunding would be created (to be seeded with native woodland and shrub species) to both hide views of the site and better assimilate it into the surrounding countryside.
- 6.8. Given the above, I am therefore satisfied, that in the context of Paragraphs 87 and 88 of the NPPF, the benefits of the proposed development i.e. resilience to the water supply of Birmingham, are highly significant and clearly outweigh any harm to the

Green Belt by reason of inappropriateness. Very special circumstances therefore exist to justify this development in the Green Belt.

Landscape/Visual Amenity

- 6.9. Paragraph 3.14D of the Birmingham UDP explains that “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”. It also explains that any proposed landscaping should complement the surrounding area with existing mature trees, hedgerows, and landscaping being retained where possible (also emphasised in Paragraph 3.16A of the Birmingham UDP).
- 6.10. Policy PG3 of the Draft BDP explains that all new development will be expected to be designed to the highest possible standards, contributing to a strong sense of place and should reinforce or create a positive sense of place and local distinctiveness, with design that responds to site conditions and the local area context.
- 6.11. The ES identifies the landscape and visual impacts of the proposed development, using photomontages to illustrate impacts over time from surrounding receptors. It identifies that during the construction phase there would be a ‘large adverse’ effect on Frankley Lodge Farm, Beech Tree Cottage, and the boundary public footpath, with other nearby receptors having ‘moderate adverse’ and ‘slight adverse’ effects. By the opening year of the scheme a ‘large adverse’ effect would remain with regard to views from the boundary public footpath, and there would be ‘moderate adverse’ effects on views from Frankley Lodge Farm and Beech Tree Cottage. By 2033 (Year 15) there would only be one large ‘adverse effect’ on views from the boundary public footpath, six ‘slight adverse’ effects from residential properties on the Ley Hill estate to the north east of the site, from Frankley Lodge Farm and from Beech Tree Cottage, and with the remainder of receptors reducing to neutral.
- 6.12. As identified above the greatest long term visual impact of the proposed development would be on views from the boundary public footpath, which is located within Bromsgrove District Council. Existing views from the footpath already overlook the site. However, as a result of the proposed development there would be a ‘large adverse’ effect due to close range views of the two lines of security fencing, and increased site coverage of buildings and structures, including some of the tallest elements of the proposal. To a large extent the impact of the structures is likely to be reduced by the proposed creation of a new landscape bund along the site boundary. However this would have an engineered appearance, and until any tree planting matures, would have a significant visual impact of its own.
- 6.13. The proposed new buildings/structures on the site would be utilitarian in design, reflecting their functional requirements. In terms of scale, the proposed tallest structures on site would be the sand silo on top of the sand ballasted lamella and the CO2 plant which would measure 14.4m and 14.75m in height respectively. To put these heights into context, the tallest structure on the existing site is a lime dosing plant with a height of 22.5m.
- 6.14. Given the proposed buildings/structures on the site would appear broadly similar in terms of scale and appearance to existing buildings/structures on the site and would be no taller than the tallest structure already existing on the site; the finish colour of the majority of new buildings/structures would be grey-green to blend in with the

predominantly green backdrop of the site's surroundings and recede as much as possible into the landscape from long distance views; new landscaped bunds would to some extent hide views of the new structures from the south; the application site benefits from being located in a natural basin; and there are extensive proposals for new native woodland and shrub planting, I am satisfied that the visual impact of the proposed development as a whole, particularly in the long term, would be neutral. Any more localised harm, e.g. views from the boundary public footpath would, in my opinion, be outweighed by the very significant public benefits the BRP scheme would deliver.

- 6.15. Both City Design and Landscape Officers have raised no objection to the proposed development, and I concur with the latter that conditions requiring submission of a planting scheme (including details of new trees to be planted), boundary treatment, earthworks, levels, and landscape management plan should be attached to any consent. Whilst my Landscape Officer wishes to see new bunding to the north side of the Reservoir following submission of additional photomontages as requested, I am satisfied that the proposed development would not have an adverse visual impact in views from Frankley Lane and that new tree planting could adequately mitigate any impact.

Heritage Assets

- 6.16. Paragraph 132 of the NPPF states "When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration of destruction of the heritage asset or development within its setting..."
- 6.17. Paragraph 3.31 of the Birmingham UDP confirms that archaeological sites will be protected and enhanced according to their merits. Policy TP12 of the Draft BDP explains that new development affecting a designated or non-designated heritage asset or its setting, including alterations and additions, will be expected to make a positive contribution to its character, appearance and significance.
- 6.18. Frankley Waterworks is a designated heritage asset, being a site of archaeological remains, which comprises the original Frankley Reservoir and associated valve houses and treatment facilities dating back to 1892-1906. The ES states that the construction phase of the proposed development would have a 'moderate adverse' impact on this asset. It also states that the proposed development would have a 'moderate adverse' impact on its significance, given it would be physically changed by the proposed works and the new connection inlet structure associated with the transfer pipeline. However, the ES explains that the proposed redevelopment of the existing waterworks would reinforce the function of the asset, ensuring its continued use and therefore its survival as a heritage asset.
- 6.19. The City's Conservation Officer has raised no objection to the proposed development. He concurs with the suggested mitigation measures as set out by the Applicant and recommends a condition requiring submission of a written scheme of investigation for archaeological observation and recording during development. Historic England have raised no objection to the proposed development.
- 6.20. I consider that the proposed development would have no adverse impact on the setting of the Grade II* Listed St. Leonard's Church or the Grade II Listed standing cross in its churchyard, which are both located within Bromsgrove District Council. This is because these heritage assets would be located a significant distance away

from any of the proposed development - the nearest new building on the Frankley WTW site, the proposed 8.3m tall coagulation building and chemical storage tanks, would be located 500m to the south west of these assets.

Ecology

- 6.21. Paragraph 109 of the NPPF states that the planning system should recognise the wider benefits of ecosystem services, minimise impacts on biodiversity, provide net gains in biodiversity where possible and contribute to the Government's commitment to halt the overall decline in biodiversity (including by establishing coherent ecological networks that are more resilient to current and future pressures). Planning for biodiversity at a landscape scale is encouraged and the preservation, restoration and re-creation of priority habitats, ecological networks and priority species populations is promoted (Paragraph 117).
- 6.22. Paragraph 118 of the NPPF continues "if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused...", that "opportunities to incorporate biodiversity in and around developments should be encouraged" and that "planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss.
- 6.23. Paragraphs 3.37-3.39 of the Birmingham UDP explain the importance of safeguarding and enhancing the natural environment of the City, improving the protection of existing areas of nature conservation importance and measures to improve the diversity and quality of wildlife habitats throughout the City. It states that development likely to have an adverse effect on a Site of Importance for Nature Conservation (SINC) will not be permitted unless it can be clearly demonstrated that there are reasons for the proposal which outweigh the need to safeguard the substantive nature conservation value of the site or feature.
- 6.24. Policy TP8 of the Draft BDP explains that the maintenance, enhancement and restoration of sites of national and local importance for biodiversity and geology will be promoted and supported. All development should, where relevant, contribute to enhancing Birmingham's natural environment, having regard to strategic objectives for the maintenance, restoration and creation of ecological and geological assets. Biodiversity and geodiversity enhancement measures should be appropriate to the nature and scale of the development proposed. Development proposals should clearly identify how ongoing management of biodiversity and geodiversity enhancement measures will be secured.
- 6.25. Cutler's Rough SINC, an ancient semi-natural woodland, is located in the northern section of the application site. Merritt's Brook is designated a SINC and wildlife corridor outside (east) of the application site boundary. Three Potential Sites of Importance (PSIs) – sites yet to be evaluated against the Local Site criteria and/or are yet to be formally adopted as SINC/SLINC - lie within the application site: Frankley Reservoir, Fields West of Frankley Reservoir and Merritt's Brook Valley. A further PSI – Ley Hill Meadows – is adjacent to the north-east boundary of the site.
- 6.26. The ES concludes that the key ecological impacts associated with the elements of the scheme within the application site are: 1) the temporary habitat loss (up to 1.41ha) and permanent habitat loss (up to 1.28ha), of mostly grassland habitat

within the three PSIs, and 2) the deterioration in water quality of Merritt's Brook Valley PSI (and associated impacts on aquatic wildlife present in the Brook) during construction. No significant impacts on protected or notable species (e.g. bats, breeding and overwintering birds) are anticipated. Two badger setts are present within the wider Frankley WTW site, but both are outside the 30m zone of influence for construction works.

- 6.27. Proposed ecological mitigation and enhancement measures are identified in the ES and draft Construction Environmental Management Plan (CEMP), the latter sets out the arrangements for managing and monitoring environmental risks associated with the scheme. The City's Ecologist has raised no objection to the proposed development and suggested mitigation of adverse ecological impacts during construction, as set out in the ES and CEMP. Generic good practice measures as set out in the ES/CEMP include pre-commencement surveys, habitat modification/species exclusion during non-sensitive periods, implementation of pollution control measures to minimise the risk of pollution to Merritt's Brook, and ramping/covering over of excavations at night to minimise risks to nocturnal wildlife such as badger. She recommends attaching a condition to any consent to ensure that the CEMP is reviewed, updated and supported by method statements relating to specific activities as more detailed information relating to construction of the scheme becomes available, as well as implementation of the approved CEMP/method statements.
- 6.28. The ES proposes a number of mitigation measures and enhancement of biodiversity. These include: re-instatement and enhancement of grassland using wild flower seed mix within Fields West of Frankley Reservoir PSI; native tree and shrub planting; woodland/woodland edge planting on the earthwork bund proposed along the south-east boundary and to east of the new operational facility; enhancement of unaffected grassland at Ley Hill Meadows PSI, using wild flower seed mix; installation of bat boxes, house sparrow nest boxes and swallow nest boxes on permanent structures and mature trees; small-scale habitat features for invertebrates, amphibians and reptiles to be accommodated in areas of retained/enhanced habitats; development of habitat management plans for non-operational/habitat areas within the Applicant's ownership e.g. Cutler's Rough SIN, Ley Hill Meadows PSI, Fields West of Frankley Reservoir PSI; and use of SuDS to attenuate surface water runoff from new impermeable surfaces within operational areas prior to discharge to Merritt's Brook. She recommends securing such measures by means of a condition.
- 6.29. I note that neither Natural England or the Birmingham and Black Country Wildlife Trust have raised any objections to the proposed development.

Traffic and Access

- 6.30. Paragraph 32 of the NPPF advises that "All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure; safe and suitable access to the site can be achieved for all people; and improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe."

- 6.31. The A38 and B4121, which are located to the east of the application site, are identified as forming part of the Strategic Highway Network (SHN) for Birmingham. Paragraph 6.38 of the Birmingham UDP explains that a high capacity and a free flow of traffic should be maintained on the Strategic Highway Network. Paragraph 6.39 of the Birmingham UDP continues that matters such as environmental impact, safety, access control, pedestrian and cyclist needs and the function of the road will be key factors in determining planning applications for all other roads.
- 6.32. Policy TP37 of the Draft Birmingham Development Plan states that “The development of a sustainable, high quality, integrated transport system, where the most sustainable mode choices also offer the most convenient means of travel, will be supported.” It sets out a series of measures which would require the delivery of a sustainable transport network. Policy TP43 of the Draft Birmingham Development Plan is concerned with traffic and congestion management. It states that the efficient, effective and safe use of the existing transport network will be promoted through a series of measures including targeted construction of new accesses to provide access to development/redevelopment sites, and ensuring that the planning and location of new development supports the delivery of a sustainable transport network and development agenda.
- 6.33. At Frankley WTW it is proposed that all deliveries and HGV traffic would be routed through the existing main access on Waterworks Drive and light goods vehicle (LGV) traffic (e.g. personal cars of workforce) would be routed to the temporary car park via an existing access on Frankley Lane. Traffic within the site would be managed for safety using a one-way system and shuttle bus for personnel.
- 6.34. Details of the levels of traffic expected to be generated during the construction of the scheme are provided in the Transport Assessment and summarised in the ES. It concludes that four roads would experience a 30% or more increase in HGV traffic as a result of the proposed development during the construction phase – these being Waterworks Drive, Merritt’s Brook Lane, Hoggs Lane and Frankley Beeches Road (east). However, this would be for a temporary period only and is not judged to have a significant environmental impact. Once constructed the traffic volumes associated with the proposed development would be minimal and the ES confirms that there would not be any environmental impacts. A Construction Traffic Management Plan (CTMP) has been submitted in support of the planning application and contains a number of measures to minimise or mitigate against the adverse effects of construction road traffic.
- 6.35. Transportation Development have raised no objection to the proposed development. They note that the articulated vehicle swept path analysis at the junction of Hoggs Lane/Frankley Beeches Road does not appear to acknowledge the potential for vehicles waiting at stop lines. As such they have requested that a condition be attached to any consent requiring submission of further analysis at this junction to confirm the need for any additional mitigation. I also recommend that a condition is attached to any consent that the development be implemented in accordance with the submitted CTMP in order to protect both highway safety and residential amenity.

Arboriculture

- 6.36. Paragraph 3.16A of the Birmingham UDP states that developers will be expected to give priority to the retention of trees, hedgerows and natural features on development sites, and existing landscaping should also be kept and protected where possible, and that where trees or hedgerows are lost as a result of

development, replacement trees will be required and wherever possible replacement hedgerows.

- 6.37. Policy TP7 of the Draft Birmingham Development Plan explains that Council will seek to conserve and enhance Birmingham's woodland resource and that all new development schemes should allow for tree planting in both the private and public domains.
- 6.38. An Arboricultural Survey has been submitted in support of the planning application. It proposes the removal of two Category B Ash trees, T398 and T431.
- 6.39. The City's Arboricultural Officer has raised no objection to the proposed development and removal of Trees T398 and T431. He notes that the Category B group of trees, G915 and G916, will be affected, mostly by interconnecting pipe runs. He notes that approximately 120m of hedgerow and mature hedgerow trees will be affected here. He advises that Tree T842, a Category A tree, should be protected from the use of the land around it for topsoil/site storage. He also advises it is likely that some of the group of Category A trees which form G936, located at the corner of the proposed Rapid Gravity Filters would need to be removed in order for this structure to be built.
- 6.40. Trees located in the north of the site which form part of Cutler's Rough SINC generally coincide with the Ancient Tree Inventory and would not be affected by the proposal. The City's Arboricultural Officer recommends a condition be attached to any consent requiring submission of an Arboricultural Method Statement and tree protection plan for those trees to be retained and where their root protection areas may be reduced as a result of the proposed development.

Flood Risk

- 6.41. Paragraph 100 of the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere..." Paragraph 103 advises that when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding in special circumstances.
- 6.42. Paragraphs 3.71-3.76 of the Birmingham UDP explain that proposals for new development will be expected to take account of any of any effects they might have upon water and drainage. Policy TP6 of the Birmingham Development Plan requires Flood Risk Assessments to be prepared in accordance with the requirements of national policy. Greenfield runoff rates should be achieved for greenfield sites, and a 20% reduction in run-off rates should be achieved for all other brownfield sites. SuDS should also be utilised in order to minimise flood risk.
- 6.43. The application site and surrounding land is located within Flood Zone 1 and is at low risk of flooding. The FRA and ES explain that the proposed development would involve the creation of new areas of impermeable hard standing, which would generate additional surface water runoff from the site. The FRA presents a surface water drainage scheme that would ensure that the additional volume of surface water generated would be managed in a sustainable manner and that the proposed scheme would not lead to an increase in surface water flood risk elsewhere.

- 6.44. It is proposed that runoff from certain areas of the proposed development would be considered 'contaminated' and would be attenuated and stored as part of the Applicant's wastewater treatment process. For the remainder of the surface water drainage, it is proposed to re-use existing infrastructure within the site to attenuate the surface water run-off, before discharge into Merritt's Brook at a rate equivalent to greenfield run-off. Soakaways and infiltration techniques were investigated but were found to be inappropriate given the ground conditions at the site.
- 6.45. The Environment Agency have raised no objection to the proposed development. The Lead Local Flood Authority have also raised no objection to the proposed development, although they have requested submission of some additional detailed information which they have advised could be submitted by way of condition. Therefore I recommend attaching conditions requiring submission of revised Sustainable Drainage Assessment and a Sustainable Drainage Operation and Maintenance Plan.

Noise

- 6.46. Paragraph 123 of the NPPF states that planning decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development, and that decisions should aim to mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions.
- 6.47. The ES presents the results of both noise and vibration assessments carried out to assess these impacts during construction and operation of the scheme. The Applicant has confirmed that construction activities would be restricted to between 0800-1800 hours Mondays-Fridays and 0800-1300 hours on Saturdays in order to protect residential amenity. However, they note that on occasions 24-hour working may be required, for example in the case of connections to existing infrastructure, but these would be relatively quiet operations with minimal noise emissions, and that no significant noise effects are anticipated during this evening/night-time working.
- 6.48. The ES explains that the predicted noise levels for the majority of construction scenarios and receptors would fall within acceptable noise limits. At Fir Bank and Frankley Lodge Farm, located approximately 140m to the south of the site within Bromsgrove District Council, predicted noise levels would be up to 5dB above the acceptable noise limits, indicating the potential for significant effects. However, the predicted noise levels have assumed that all plant and equipment for every activity would be in operation at the same time, in the same location, in reality it is unlikely that noise levels would reach this maximum. The ES explains that appropriate mitigation measures should be implemented to reduce noise impacts at these properties (e.g. localised screening for particular works, reducing usage of plant per day etc.). In terms of construction vibration no significant effects are expected to occur at the nearest residential properties.
- 6.49. In terms of construction road traffic noise the only significant increases in noise levels as a result of construction traffic would be for the nine properties located on Waterworks Drive, the main access into the site. Noise increases of between 6-9dB would be expected for the entire construction programme at these properties. The ES concludes that there does not appear to be any feasible mitigation options for the uplift in road traffic along this road. However it should be noted that existing traffic flows on Waterworks Drive are very low, so whilst a significant increase in noise level is predicted, the absolute levels would remain lower than currently experienced on many of the roads in the immediate vicinity (such as Merritt's Brook Lane).

Potential effects of construction road traffic noise for Merritt's Brook Lane, Church Hill and Frankley Lane were not considered to be significant.

- 6.50. The ES concludes that on completion of the construction works, the operational noise at Frankley WTW is not expected to be significant during daytime, evening and night time at the nearest residential properties of Fir Bank, Roscrowden and Beech Tree Cottage.
- 6.51. Regulatory Services have raised no objection to the proposed development and I concur that whilst there may be some temporary noise and disturbance associated with construction works experienced by the occupiers of the nearest residential premises, this would unlikely adversely affect residential amenity to such an extent as to warrant refusal of the application.

Air Quality

- 6.52. Paragraph 109 of the NPPF states that new development should be prevented from contributing to unacceptable levels of air pollution.
- 6.53. Paragraph 3.78 of the Birmingham UDP explains "When assessing planning applications, the implications of new development for air quality will be taken into account."
- 6.54. The ES confirms that no adverse impacts on air quality or odour emissions are expected once the scheme is in operation. It indicates that construction dust emissions on the application site would be at high risk of resulting dust nuisance effects. However, a number of site mitigation controls and procedures are recommended, and would be finalised within the CEMP, which I recommend be submitted by way of condition. With mitigation measures such as dust suppression, use of wheel-washing, and the erection of solid screens or barriers around dusty activities or site boundaries that are at least as high as any stockpiles on-site, the ES confirms that the risk of dust impact on the nearest residential properties would be reduced to 'low'.
- 6.55. The ES explains that the additional traffic movements associated with the proposed development would not be sufficient to result in air quality effects upon the local road network when compared to the existing situation.

Materials and Waste

- 6.56. The NPPF supports and encourages minimising waste (Paragraph 7) and the re-use of existing resources (Paragraph 17).
- 6.57. Paragraph 3.70 of the Birmingham UDP states that planning permission for proposals for major new development will not be granted, except where the proposals include a comprehensive, detailed and practical scheme for dealing with the waste that is likely to arise both at the construction phase and during the life of the development, and that the Council will encourage the provision of on-site waste management.
- 6.58. Policy TP3 of the Draft BDP explains that new development should be designed and constructed to sustainability standards which, among other things, minimise waste and maximise recycling during construction and operation. Policy TP13 goes on to explain that the Council will seek to prevent the production of waste wherever

possible, and where this is not feasible will seek to move and manage Birmingham's waste up the waste hierarchy.

- 6.59. The proposed works at Frankley WTW would comprise of the excavation of a large material stockpile and infilled below ground tanks (approximately 182,000m³). These two elements would produce a significant quantity of excess waste materials requiring management, treatment, reuse, recycling and/or disposal offsite.
- 6.60. The ES explains that during construction, mitigation measures for materials used on-site would be managed by the development of a CEMP, which would include a detailed Site Waste Management Plan (SWMP), Materials Management Plan (MMP) and Soils Management Plan (SMP). It states that the use of sustainably sourced materials and recycled or secondary materials would be considered throughout the procurement process where practicable and that consideration would also be given to sourcing recycled or secondary materials locally. The excavation of stockpile and infill materials at Frankley WTW for the upgrade construction work would also require a waste management strategy to be developed to identify the procedure and methodology for treatment and recycling of the waste onsite for potential reuse and the quantity required to be disposed offsite as excess material. It explains that materials from Frankley WTW are likely to be processed onsite (e.g. screening, crushing) for re-use. For example approximately 73,000m³ would be reused for landscaping purposes including creating new bunding. The SWMP would identify waste to landfill targets to work towards the aim of recovering at least 70% by weight of non-hazardous construction and demolition waste in order to reflect current Government policy.
- 6.61. Once operational, the ES concludes that the proposed development is not likely to require significant quantities of materials or produce significant quantities of waste.
- 6.62. Whilst no consultee has commented on this matter it appears to me that appropriate efforts would be made to maximise retention of waste materials on-site. Movements off-site would be controlled by both planning conditions and/or other regulatory legislation.

Water Quality and Quantity

- 6.63. Paragraph 109 of the NPPF requires development to contribute to and enhance the natural and local environment by preventing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution.
- 6.64. Paragraphs 3.71-3.76 of the Birmingham UDP state that new development is expected to take account of any effects it might have on water including the impact on the water table. It states that new development should avoid polluting ground and surface water, and any development involving the use of chemicals should include adequate pollution prevention measures. Where feasible, surface run-off and contaminated water should be treated at source, through the use of "natural" features.
- 6.65. The ES notes that construction impacts at Frankley WTW include the potential release of sediments and contaminants into Merritt's Brook, which is a SINC. However, it explains that this could be mitigated by implementation of best practice and requirement to de-water work areas. The CEMP would deal further with this aspect. The scheme would also include Powdered Activated Carbon (PAC) dosing prior to discharge of water into Frankley Reservoir.

- 6.66. The Environment Agency have raised no objection to the proposed development, having had comprehensive water quality discussions with the Applicant at pre-application stage.

Lighting

- 6.67. Paragraph 125 of the NPPF states that the impact of light pollution from artificial light on local amenity and intrinsically dark landscapes should be limited by encouraging good design. Frankley WTW is located on the boundary between the City and countryside and as such has a transitional character in terms of light pollution.
- 6.68. At Frankley WTW the proposed new lighting has been designed in line with the existing site lighting to ensure an average illumination of 20Lux adjacent to roadways, areas between tanks, perimeter lighting around open tanks, pumping stations and washwater tank platforms. It is proposed that this general lighting would be maintained throughout the year and automatically switched on with the existing works lighting. Further new lighting would be provided to ensure an average illumination of 50Lux at specific areas of the new process units where there would be movement of people, machines and vehicles in hazardous areas. These areas include chemical delivery bunds, delivery laybys, rapid gravity filter gallery, sand ballasted lamellas, and weighbridge and wheel wash areas. Additional fixed lighting proposed at the new structures and the inlet site have been designed to limit light spill. It is proposed that any unplanned activities outside daylight hours and during the Elan Valley Aquaduct shutdown requiring lighting above the general lighting levels would be undertaken using additional task lighting.
- 6.69. The ES states that it is anticipated that no adverse ecological or landscape/visual (including local amenity and/or dark night sky) impacts are expected as a result of the proposed new lighting. The submitted isolux drawings demonstrate that there would be no light spillage which would affect the nearest residential properties.

Land Contamination

- 6.70. Paragraph 121 of the NPPF explains that new development should be appropriate for its location taking account of ground conditions and land instability including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation including land remediation or impacts on the natural environment arising from that remediation.
- 6.71. Paragraphs 3.14E and 3.73 of the Birmingham UDP advises that any site suspected of being contaminated should be assessed and where necessary a remediation strategy will be required to ensure the site is suitable for its proposed use.
- 6.72. The proposed works at the application site would comprise of the excavation of a significant quantity of materials above (existing stockpile) and below ground (infilled treatment tanks). Limited ground investigation has been undertaken within the infilled treatment tanks and there is a potential that significant soil contaminants may be encountered during excavation of these tanks. The ES details a range of mitigation measures which would be employed to ensure that the scheme would not result in harm to the natural environment or to human health. This would include adoption of industry best practice with regards to the management of the construction phase, the adoption of an appropriate remediation strategy for any sites containing contaminated land, and the implementation of a long term ground water and ground gas monitoring programme where required to assess the associated risk

prior to construction, during construction and for a defined period post construction. Regulatory Services have recommended that conditions be attached to any consent requiring prior submission of a contaminated land assessment and a contaminated land verification report.

Other Matters

- 6.73. I consider that the proposed development would have positive effects on employment and the local economy, with an estimated peak workforce of 179 full time equivalent safeguarded employees working on the BRP scheme during its construction phase, and benefits to maintenance and service contracts for local businesses.
- 6.74. A current planning application (Planning Application 2015/10232/PA), has also been submitted by the Applicant, for temporary office accommodation with associated car parking for up to 80 staff for up to 5 years, to be sited towards the north eastern corner of the current application site. The reason for this separate planning submission, rather than including it within the current BRP application, was due to the Applicant having to find new interim premises on vacating their premises at Birmingham Business Park (close to the M42). However, the Applicant has since decided that they intend the offices to be used by staff working on the BRP, whom at the end of the five years would either have reached the end of an agreed contract period or would be relocated to another project at one of the Applicant's other sites. In any case, where relevant, for example in assessing traffic, the temporary impact of this office accommodation has been assessed under the EIA as part of the cumulative effects of the BRP scheme.

7. Conclusion

- 7.1. I consider that the benefits of the proposed development i.e. resilience to the water supply of Birmingham, would constitute very special circumstances which clearly outweigh any harm to the Green Belt by reason of inappropriateness. The proposed above-ground structures, their location, siting, materials and design have all been carefully considered in order to minimise impacts on the landscape, visual amenity and existing trees, and as such I am satisfied that there would be a neutral impact on the landscape/visual amenity of the surrounding area in the long term. I consider there would be no material adverse ecological impact as a result of the proposed development, with replacement habitat to support that lost and a range of mitigation and ecological enhancement measures proposed. There would be no adverse impact on flood risk, traffic, risk of land contamination, materials and waste, water resources or heritage assets as a result of the proposed development. Some of the potential impacts identified, i.e. noise and air quality, are associated solely with the construction period of the scheme and would therefore be temporary in nature. A range of mitigation measures are proposed to minimise construction impacts on local residents and the environment.
- 7.2. In the context of the wider scheme, accepting some individual elements may have differing effects, some harmful, I consider that the proposed development complies with the relevant planning policies and provides a sustainable balance between localised environmental disturbance and the highly significant social and economic benefits of providing a resilient water supply for the City of Birmingham. Therefore I recommend that planning permission is granted.

8. Recommendation

8.1. Approve Subject to Conditions

-
- | | |
|----|--|
| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Requires the prior submission of sample materials |
| 3 | Requires the prior submission of hard and/or soft landscape details |
| 4 | Requires the prior submission of earthworks details |
| 5 | Requires the prior submission of boundary treatment details |
| 6 | Requires the prior submission of a landscape management plan |
| 7 | Requires the prior submission of investigation for archaeological observation and recording |
| 8 | Requires the prior submission of a scheme for ecological/biodiversity/enhancement measures |
| 9 | Requires the prior submission of a habitat/nature conservation management plan |
| 10 | Requires the development to be implemented in accordance with the Construction Environmental Management Plan |
| 11 | Requires the prior submission of a contamination remediation scheme |
| 12 | Requires the prior submission of a contaminated land verification report |
| 13 | Limits the noise levels for Plant and Machinery |
| 14 | Requires the prior submission of a further articulated vehicle swept path analysis at the junction of Hoggs Lane/Frankley Beeches Road |
| 15 | Requires the development to be implemented in accordance with the Construction Traffic Management Plan |
| 16 | Arboricultural Method Statement - Submission Required |
| 17 | Requires the prior submission of a revised sustainable drainage scheme |
| 18 | Requires the prior submission of a Sustainable Drainage Operation and Maintenance Plan |
| 19 | Limits the approval to 3 years (Full) |
-

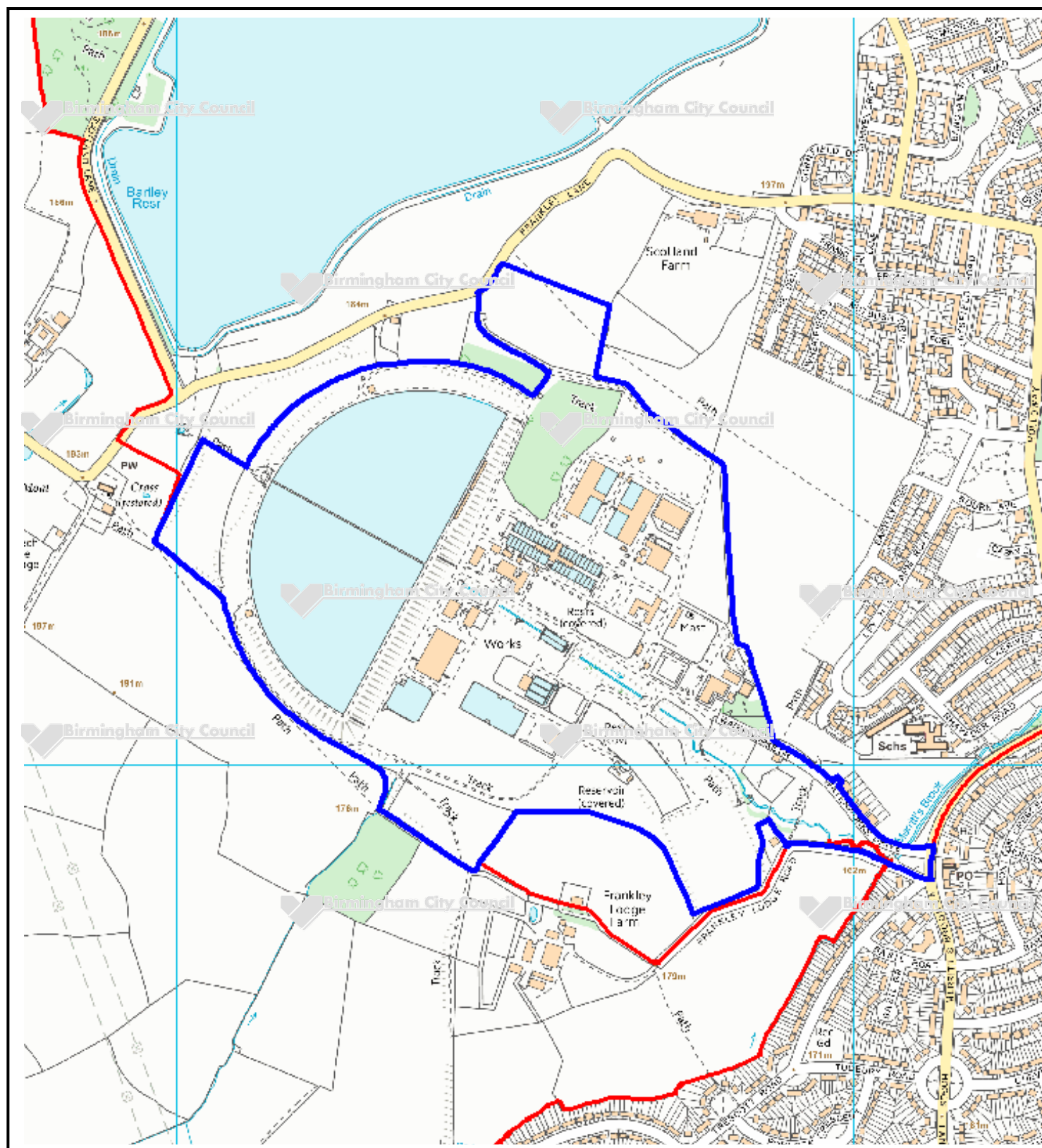
Case Officer: Andrew Conroy

Photo(s)



Figure 1 – Looking north towards site from public footpath adjacent to southern site boundary and within Bromsgrove DC

Location Plan



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Birmingham City Council

Planning Committee

12 May 2016

I submit for your consideration the attached reports for the **East** team.

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Approve - Conditions	11	2015/10543/PA Warwick Arms PH Long Street Sparkbrook Birmingham B11 1SB Change of use from public house (Use Class A4) and residential (Sui Generis) to hostel use (Sui Generis)

Committee Date:	12/05/2016	Application Number:	2015/10543/PA
Accepted:	05/04/2016	Application Type:	Full Planning
Target Date:	31/05/2016		
Ward:	Sparkbrook		

Warwick Arms PH, Long Street, Sparkbrook, Birmingham, B11 1SB

Change of use from public house (Use Class A4) and residential (Sui Generis) to hostel use (Sui Generis)

Applicant: Warwick Arms
Long Street, Sparkbrook, Birmingham, B11 1SB
Agent: Design House
580 Moseley Road, Moseley, Birmingham, B12 9AA

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. This application proposal relates to the change of use of the Warwick Arms public house from an existing vacant pub (use class A4) at ground floor level and a house in multiple occupation (use class Sui Generis) at first floor level to a hostel for homeless people (use class Sui Generis). Residential accommodation as part of the hostel is also proposed to be introduced at first floor level.
- 1.2. The proposed change of use to a hostel would comprise the following:
- Ground floor - 6 bedrooms, 2 bathrooms, 1 WC, main lounge (25.43m²), kitchen, management office;
 - First floor – 6 bedrooms, 2 bathrooms, 2 WC, small lounge (10.1m²), small kitchen;
 - Second floor – 4 bedrooms, 1 bathroom.
- 1.3. The proposals incorporate the conversion of existing loft space and the installation of roof lights to provide windows to proposed bedrooms on the second floor. No further external alterations are made as part of the proposals.
- 1.4. The proposed 16 bedrooms range in size between 9.1m² to 17.2m². The bedrooms are all proposed to be regularly shaped and indicative furniture layouts have been submitted in support of the planning application.
- 1.5. The hostel is proposed to be managed by local Birmingham homeless charity New Roots Ltd, who seeks to provide direct access accommodation for non-priority homeless vulnerable adults and strives to provide high quality general care support and supervision to its tenants. The proposed change of use incorporates a management office which would facilitate the 24 hour a day, 7 days a week staffing of the property.

- 1.6. To the rear of the property is a large external space accessed off Timbers Way which is proposed by the applicant as car parking and could accommodate a degree of external private amenity space however no details have been supplied by the applicant.

1.7. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site is an existing detached public house building. The existing building fronts on to Long Street with access doors and large windows at the ground floor and 5 large sash windows at first floor level. The rear of the building overlooks Timbers Way and the park beyond.

- 2.2. Immediate surroundings comprise Larches Green park and play area to the south and west of the application site and existing residential properties to the east and north of the application site. Immediately to the west of the application site lies a vacant overgrown plot of land which does not appear to have been in recent use.

- 2.3. The application site is located approximately 0.2 miles north and west of Sparkbrook Neighbourhood Centre which provides a range of local amenities and facilities and good public transport links between Birmingham City Centre, along the Stratford Road, and Solihull.

2.4. [Site Location](#)

3. Planning History

- 3.1. 09.12.2015 - 2015/08684/PA - Change of use from public house (A4) and residential (Sui Generis) to hostel (Sui Generis) use. Withdrawn on the grounds of the level of public objection to the application.

4. Consultation/PP Responses

- 4.1. Transportation Development – no objection subject to conditions relating to cycle parking and vehicle parking and turning details.

- 4.2. Regulatory Services – no objection.

- 4.3. West Midlands Police – objection on the grounds of likely cumulative impact of increased levels of criminal activity based on proximity of existing hostels in the area.

- 4.4. Ward Members and neighbours notified. Three objections received raising concerns regarding:

- Fear of crime;
- Anti-social behaviour;
- Impact on existing residential amenity; and
- Detrimental impact on existing recreational facilities in the vicinity.

- 4.5. A petition has also been received signed by 264 members of the local public, stating residents strongly object on the grounds that it will increase anti-social behaviour and the proposed use of the building adjacent to a children's play area will create serious safeguarding issues which will be to the detriment of the local community and residents.

5. Policy Context

- 5.1. National Planning Policy Framework (2012); Birmingham Unitary Development Plan (2005); Places for Living SPG (2006); Development involving Former Public Houses SPG (1996); Residential Uses (Specific Needs) SPG (2001); Draft Birmingham Development Plan (2013)

6. Planning Considerations

Principle of Change of Use

- 6.1. The key planning policy is set out within Birmingham UDP which sets out the criteria for hostels which needs to be met by any proposed hostel use. Paragraph 8.29 indicates that the following guidelines will apply:
- Proposals should not cause demonstrable harm to the residential amenity of occupiers of nearby properties by reasons of noise and disturbance.
 - Where a proposal relates to a site in an area which already contains premises in similar use, account will be taken of the cumulative effect of such uses upon the residential character and appearance of the area.
 - Proposals should not prejudice the safety and free flow of traffic in the adjoining highway.
 - Proposals should include outdoor amenity space to provide a satisfactory living environment for residents.
- 6.2. Residential Uses (Specific Needs) SPG builds on paragraph 8.29 of the Birmingham UDP, stating that a two room letting (living room / kitchen and separate bedroom) should achieve a minimum of 6.5m² for a room for an individual. However, the recently published Technical Housing Standards: Nationally Described Space Standard refers to a minimum 7.5m² (including at least 2.15m in width), and sets out that this is applicable to all tenures, which I would consider includes Houses in Multiple Occupation and hostels. I therefore consider it appropriate to assess the bedroom spaces on the minimum requirement of 7.5m².
- 6.3. The applicant sets out in their Design and Access Statement that the pub has seen a decline in use as the demographics of the local area has changed over a number of years, whereby a large proportion of population of the neighbourhood does not drink alcohol and therefore do not make use of the pub as a social or community recreational venue. Regard therefore must be had to the loss of the pub and the impact that this would have upon local life.
- 6.4. Development involving Former Public Houses SPG sets out that public houses were often centres of community activity and any proposed loss of a public house should also address the loss of the facility as a community use. It could be argued that a homeless hostel is a community use which would contribute to the improvement of the local area by presenting the opportunity to accommodate homeless people,

taking them off the streets and addressing the dangers that this can pose for the individual and the public in some cases. The proposed hostel would be managed and staffed on a 24/7 basis which would have considerable community benefit. I am satisfied that the loss of this public house would not undermine Council policy 'Development Involving Former Public Houses (SPG)' and is acceptable in principle.

Impact on Residential Amenity

- 6.5. The application site is a detached former public house which does not adjoin residential properties. The application site lies between an existing park and a vacant overgrown piece of land. The application proposals would therefore not generate issues of direct noise and disturbance to adjacent properties.
- 6.6. Public objections received refer to concerns regarding noise and disturbance externally to the building and from residents within the building. Whilst there would be a degree of coming and going associated with the use, I do not consider that this would be more disruptive than from the currently permitted use of the building as a public house which would frequently generate noise and disturbance late at night. Based on lawful use of the site, I do not consider that there would be an additional impact on residential amenity which would be sufficient to warrant refusal.

Design and Layout

- 6.7. The application proposals relate to the change of use of the existing public house and HMO to a hostel for homeless people. It was originally proposed to provide a 20no. bedroom hostel. Amended plans have been submitted and the proposed change of use seeks to secure 16 no. bedrooms, all of which meet the minimum spatial standards set out in Technical Housing Standards: Nationally Described Space Standards and are shown to adequately function with indicative furniture layouts. The hostel would be provided with a large main kitchen and main lounge on the ground floor, and a smaller additional kitchen and lounge on the first floor, providing an additional communal space which I consider advantageous to prospective residents.
- 6.8. The existing building is proposed to be unaltered externally, apart from the installation of roof light windows at roof level. The application site has a large external area to the rear of the existing building, which backs on to Timbers Way. The applicant proposes 5no. car parking spaces in this location to be accessed via Timbers Way. A degree of reasonable external private amenity space to the immediate rear of the property, measuring 132m², can be provided for prospective residents which would be unaffected by car parking and would be advantageous to prospective residents. This has been discussed with the applicant and plans have been provided which demonstrate the layout and function of the external amenity area which I consider acceptable.
- 6.9. I consider that the design and layout of the proposed hostel is acceptable and would not have an adverse impact on the residential amenity of future residents or appearance within the streetscene.

Cumulative Impact – Character and Appearance

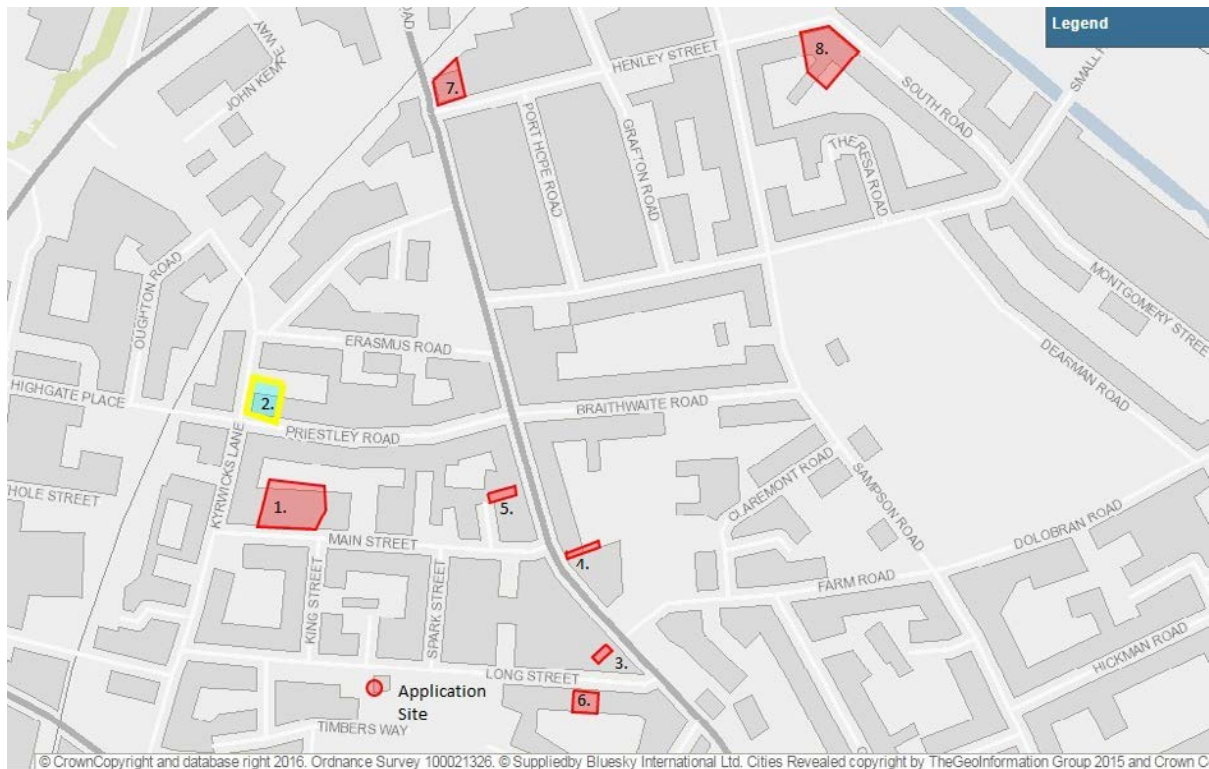
- 6.10. Other policy considerations include the cumulative effect of the proposed use upon the residential character and appearance of the area. The application site is a large detached property that has previously operated as a public house with parking provision for patrons. Further, it is understood from the applicant that the upper

floors of the property has been operating as a HMO in recent years, however no planning history has been identified for the authorisation of this use.

- 6.11. The surrounding area contains a varied mix of single occupation residential properties, house conversions into flats and HMO's and established private and local authority hostels and homes with residential care components are listed below.
- 6.12. Based upon an assessment of nearby properties and land uses it is considered that the provision of the proposed hostel would not result in an adverse cumulative impact upon the residential character and appearance of the locality given its varied nature. In addition, it is noted that the property's previous commercial use as a pub and as such would not result in the loss of private residential accommodation and the fact that the proposal does not seek to change the layout or capacity of the building, no objection is raised to the provision of a hostel in this location in terms of the character of the area.

Cumulative Impact - Fear of Crime and Anti-Social Behaviour

- 6.13. West Midlands Police object to the application on the grounds that the proposed change of use presents a potential for cumulative impact resulting in an increase in incidents of crime alongside the numerous existing hostels and premises in similar use. The following locations have been identified by West Midlands Police and / or Birmingham City Council planning records as being operated as hostels or in a similar use:
 1. 86, Main Street, Sparkbrook
 2. 86, Kyrwicks Lane, Sparkbrook
 3. 185, Stratford Road, Sparkbrook
 4. 178, Stratford Road, Sparkbrook
 5. 145, Stratford Road, Sparkbrook
 6. 123, Long Street, Sparkbrook
 7. The former Shakespeare PH, Stratford Road at Henley Street, Sparkbrook
 8. 10, South Road, Sparkbrook
- 6.14. The 8 existing hostels or premises in similar use are located within an area of 0.3km². The closest similar use to the application site is 162m to the east (123 Long Street), with the next closest premises being located 200m (86 Main Street) to the north of the application site. The locations are illustrated in the plan below, where they are numbered as per the list:



- 6.15. A petition has also been received against the application proposals signed by 264 local residents, stating concerns regarding fear of crime and the demographic of the people that would be likely to be resident in the hostel.
- 6.16. The concerns of West Midlands Police and local residents regarding fear of crime are noted. The proposed type of use of the application site often raises concern in respect of fear of crime and anti-social behaviour amongst local residents and the Police, at locations throughout Birmingham and the rest of the country. However, the proposed use relates to the accommodation of vulnerable people who require support and assistance in securing temporary shelter whilst they resolve personal issues and work towards achieving long term accommodation. Further, the premises would cater for a wide age range of residents and full time management arrangements are in place to oversee the premises.
- 6.17. Details have been provided by the prospective management company for the hostel setting out that the hostel will be managed on a 24/7 basis and that prospective residents would not be able to stay at a facility if the individual has a very serious criminal record or if they have been asked to leave a similar facility because they have been a nuisance, or caused disturbance to the residential neighbours of the property.
- 6.18. The proposed approach by the management company is considered to adequately mitigate the prospect of instances of noise, disturbance, and any criminal activity that could be undertaken by the prospective residents. I consider that as the proposed change of use would be managed by a management company, this would provide sufficient planning controls to limit instances of disturbance and deter anti-social behaviour from taking place.
- 6.19. Further, the closest premise in similar use is located 162m east of the application site, with other premises located further away. I consider that it would be unlikely

that the activities of all residents of the 8 existing premises and the application site would focus on this area of Long Street, as suggested in West Midlands Police's consultation response.

- 6.20. On balance, I do not consider the fear of cumulative impact of crime and anti-social behaviour outweighs the site being policy compliant, within sufficient management arrangements in place, and addressing a substantial need for such a use.

Highway Safety

- 6.21. Transportation Development raises no objection subject to conditions to secure cycle parking and vehicle parking and turning details. Transportation Development advise that whilst, in practice, the public house would have likely to have been a low attractor of parking demand, it is anticipated that the proposed hostel use would also be unlikely to generate a significant level of parking demand or vehicle movements. It is considered unlikely that many of the residents would be vehicle owners, with the main parking demand likely to come from staff and visiting agencies etc. Notwithstanding this, 5no. parking spaces are proposed to the rear of the property to be accessed off Timbers Way which I consider sufficient in terms of this planning application proposal.
- 6.22. As Long Street is unrestricted in terms of parking, with relatively low on-street parking demand towards its central and western extents, it is considered that any likely additional parking demand can be accommodated on-street without having a problematic impact.
- 6.23. The applicant refers to staff and visitor parking within the Design and Access Statement submitted in support of the planning application, and this is detailed within the submitted Proposed Site Plan. The proposals demonstrate that the car parking area is separate to the amenity space and would not have an adverse impact on the function of the proposed amenity scape. In order to ensure that this is maintained, I consider that the recommended condition regarding the vehicle parking and turning details is acceptable. Regarding cycle parking, adequate space to the rear of the property is available however I consider that in order to secure this position the recommended condition is reasonable and necessary.

7. Conclusion

- 7.1. The proposal complies with the objectives of the policy context as set out above and, notwithstanding the objections raised, is recommended for approval subject to the attached conditions.

8. Recommendation

- 8.1. Approve subject to conditions.

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| 1 | Requires the use to be operated in accordance with a management plan |
| 2 | Requires the prior approval of the siting/design of the access |
| 3 | Requires the prior submission of boundary treatment details |
| 4 | Requires the prior submission of cycle storage details |
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- 5 Requires that no more than 16 residents are accommodated at any one time.
 - 6 Requires that the materials used match the main building
 - 7 Requires the scheme to be in accordance with the listed approved plans
 - 8 Limits the approval to 3 years (Full)
-

Case Officer: Claudia Clemente

Photo(s)



Figure 1: Application Site

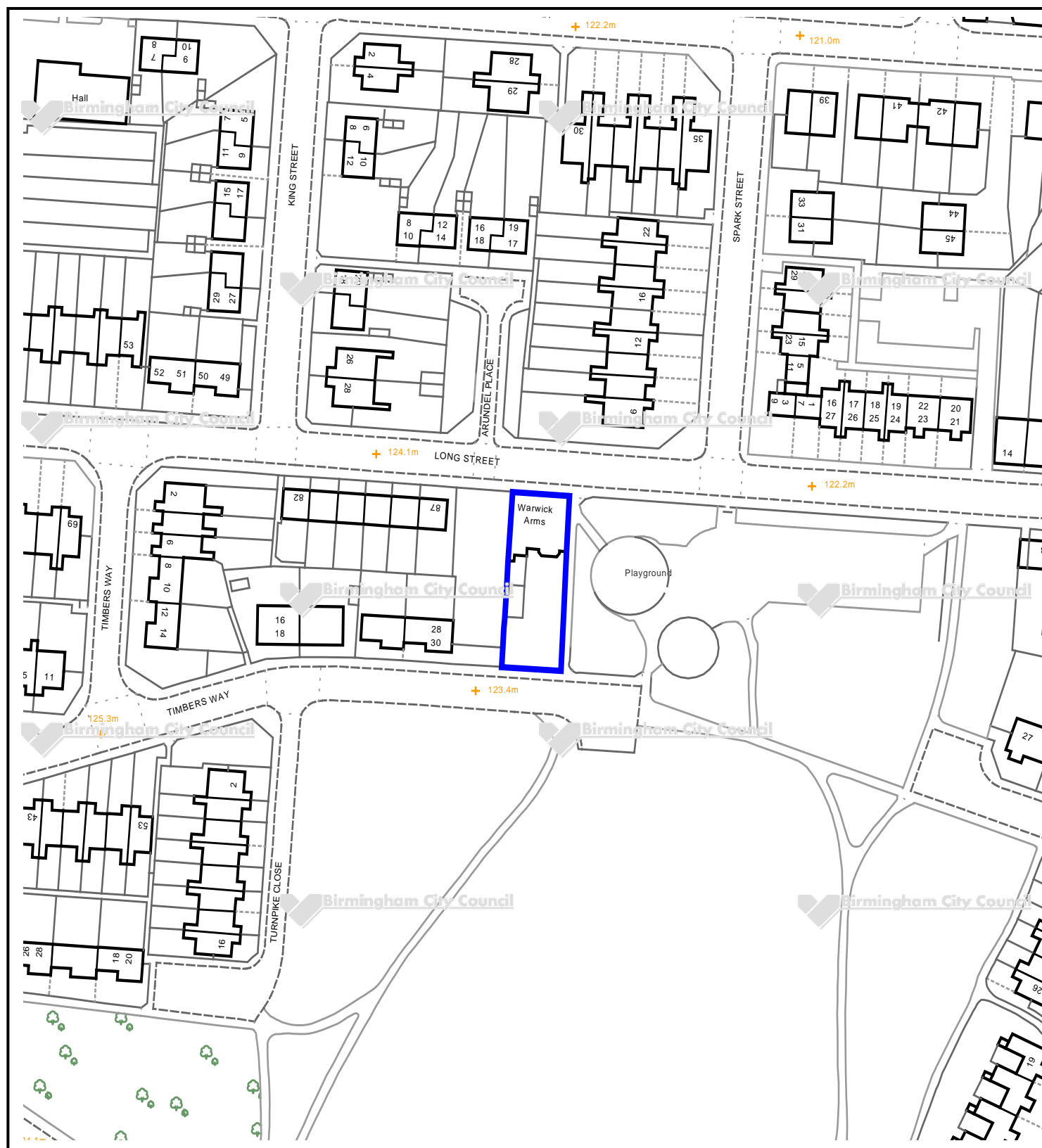


Figure 2: Rear of application site



Figure 3: Site surroundings

Location Plan



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Birmingham City Council

Planning Committee

12 May 2016

I submit for your consideration the attached reports for the **North West** team.

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Approve – Conditions	12	2016/00289/PA Aston Hotel Witton Road Aston Birmingham B6 6NS Demolition of single storey side extensions and change of use from former public house to 41 bed hostel with associated landscaping and staff car parking
Approve – Conditions	13	2015/06450/PA Land at corner of Tame Road / Witton Road Witton Birmingham B6 6HE Replacement of perimeter fencing/gates and creation of new access off Tame Road, provision of new lighting and installation of temporary security building and generator unit to existing car park. Demolition of derelict buildings to extend existing car park to create 88 additional car parking spaces and re-grading of land to provide floodplain storage area.
Approve – Temporary	14	2016/02339/PA Church Lane Handsworth Birmingham B20 2HU Display of 2 non illuminated free standing post mounted signs

Committee Date:	12/05/2016	Application Number:	2016/00289/PA
Accepted:	14/01/2016	Application Type:	Full Planning
Target Date:	12/05/2016		
Ward:	Aston		

Aston Hotel, Witton Road, Aston, Birmingham, B6 6NS

Demolition of single storey side extensions and change of use from former public house to 41 bed hostel with associated landscaping and staff car parking

Applicant: Mr Bangla Bazar
96 Whitehead Road, Aston, Birmingham, B6 6EL
Agent: BSP Design
71 Finch Rd, Handsworth, Birmingham, B19 1HP

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. This application seeks planning consent for conversion of the Aston Hotel from a public house to a 41 bedroom hostel. A single storey building to the side would be demolished as part of the works.
- 1.2. A previous application was withdrawn as a number of issues were raised, including concerns from the Police on crime and security issues (see planning history). The applicant has since met with the Police and Aston Ward Councillors and has revised their proposals to address a number of issues raised.
- 1.3. The building would comprise the following :
- 25 bedrooms on the ground floor within the main building and the separate annex,
 - Also on the ground floor, lobby, reception, office, CCTV room, sleep-off room, two kitchens (one of which contains three sets of kitchen equipment), ICT training room, leisure area, bathrooms, and w/c and store
 - 15 bedrooms, bathroom and store on first floor
- 1.4. Pedestrian access would be via the main entrance into the building at the corner of Witton Road and Witton Lane. Other existing building entrances would be blocked up to provide controlled entry and exit with a fire escape access provided onto Witton Road.
- 1.5. There are two vehicular accesses into the yard area that would be served by electronic gates. The yard area at the rear would contain 3 car parking spaces for staff and a small landscaped amenity area.

- 1.6. The premises would be equipped with a CCTV system to cover all the internal communal areas of the building and the outside yard space. The building security system would also comprise an electronic key fob entry system. Electronic fobs would be provided to residents so that only residents can access the building, with controlled entry via a lobby area adjacent to the office. All visitors would be signed in and out of the building at reception. All bedrooms would have individual locks and keys and would also have night latches so that the doors lock closed on exit for resident's security. These measures have been designed in consultation with the Police.
- 1.7. The application is accompanied by a number of supporting documents which include a design and access statement (which has been amended following discussions with the applicant), a supporting statement dated 29th December 2015, and a further supporting letter dated 10th March 2016. The latter document provides some further information and addresses some inconsistencies in the preceding supporting documents. The key details include :
- There would be an Security Industry Authority (SIA) approved security staff presence on the site on a 24 hour basis
 - The hostel would be a single sex residence
 - The hostel would cater for persons over the age of 18 only
- 1.8. The applicant has not yet entered into a contractual arrangement with any organisation, but has had discussions with a number of organisations that specialise in such accommodation. This includes discussions with 'New Roots' who have provided a letter advising that they are a Registered Social Landlord (RSL) with 20 years experience of providing placement and direct access accommodation to people in Birmingham, offering general care, support and supervision. The letter states that they are regulated by the Homes and Communities Agency which requires exacting standards, alongside their own self-regulated procedures. They state that they are confident that there will be adequate demand for such a high quality provision for those who, for whatever reason, find themselves without a home, and that they would be pleased to work with the applicant.
- 1.9. The applicant originally provided a letter of support from the three Aston Ward Councillors (Councillor Kauser, Councillor Islam and Councillor Afzal) dated 27th September 2015. As this was out of date with the current proposals, a further letter of support was submitted by the applicant dated 24th February 2016. This sets out that they would like to support the proposed application. They state that they have all personally visited the site recently and confirm that the proposals include 60 CCTV cameras, a fob system for entry and egress and SIA security personnel, and that if the plan is executed properly, this should ensure the safety of the occupiers of the hostel and the local community. They comment that they understand it to be a single sex hostel designed for the homeless and vulnerable individuals from varying backgrounds. They advise that they have known the applicant of the hostel for many years and that they are able to manage the Hostel with upmost professionalism.
- 1.10. [Link to Documents](#)
2. Site & Surroundings
- 2.1. The application site comprises the former Aston Hotel Public House located on a prominent road junction of Witton Road and Witton Lane.

- 2.2. The site is located within the boundary of Witton Neighbourhood Centre (as defined by the Shopping and Local Centres SPD) within the Primary Shopping Area and adjoins Villa Park football stadium. The site also adjoins Birmingham Settlement (a charitable organisation providing a range of community services) on Witton Road. Tesco Supermarket (open 24 hours a day) is located 70 metres north of the application site.
- 2.3. The property is an architecturally attractive two storey building constructed using red brick and stone with strong gable and bay window features, stone entrances and tall chimneys. A more recent single storey annexe is sited along the southern boundary.
- 2.4. There are existing vehicular accesses from Witton Lane and Witton Road that leads to the rear area which is laid out to hardstanding.
- 2.5. [Site location and street view](#)
3. Planning History
 - 3.1. 22/05/2015 - 2015/00212/PA - Demolition of single storey side extensions and change of use from former public house to 41 bed hostel with associated landscaping and staff car parking – withdrawn.
4. Consultation/PP Responses
 - 4.1. Site Notice erected. MP, Ward Members for Aston and Perry Barr Wards, residents associations and neighbouring occupiers notified. 12 representations of concern and objection received, including representations from Perry Aston Residents Association, Aston Voice Residents Association, Birmingham Settlement, The Parochial Church Council of the Church of England Parish of Aston and Nechells, Aston Heritage Network, Aston and Nechells Foodbank, and Turley Associates on behalf of Aston Villa FC.
 - 4.2. The representation letter from Perry Aston Residents Association is accompanied by a petition of objection from 172 signatories.
 - 4.3. The letter of objection from Aston Voice Residents Association is accompanied by a petition of objection from 121 signatories.
 - 4.4. The grounds of concern and objection can be summarised as follows :
 - There are already too many hostels of this type in Aston creating an over concentration of these types of accommodation. It would be better to be more evenly spread over the whole of Birmingham as this would promote better integration.
 - This sort of proposal is not good for Aston which needs stability, the use will serve a transient population that leads to an unstable community.
 - There is a greater need for family housing, rather than this sort of accommodation where there is a high turnover of residents
 - The owner has not engaged/involved the local community

- Lack of partnership with community organisations in the area including Birmingham Settlement, and other experts in mental health, substance abuse etc
- There would be too many residents and could lead to increased crime and security issues,
- The safety of local people cannot be guaranteed.
- There is a fear of crime amongst the community resulting from this proposal.
- There is an existing hostel close by on Witton Road where there are alleged problems of prostitution and drug abuse, and so there is more fear about what could happen by having another hostel close by.
- The existing hostel nearby has led to increases of burglary and anti-social disorder
- The occupants who suffer from drug and alcohol dependency will undertake these activities in the local area such as local parks if they are not allowed to have them inside the hostel. The 24 hour Tesco nearby provides an opportunity to purchase cheap strong alcohol.
- The area is a heavily populated neighbourhood and there will be an adverse impact on safety of local children and the elderly, the hostel is on the main walking route to Yew Tree Junior and Infant School which is only about 300 yards from the site.
- Negative impact on local businesses
- The location next to Birmingham Settlement could adversely affect their work with vulnerable clients, as they may struggle as a charity to provide services and continue if local residents are reluctant to utilise their building. They provide a children's nursery, stay and play sessions, family support, youth work, older peoples services, IT, employment and training services, money advice and a range of other community support services
- The supporting information is contradictory
- It is unclear who the client group will be, and whether or not the applicant is intending to mix vulnerable adults and vulnerable children
- The hostel is biased towards male residents only, not taking into account females that may be in need of facilities.
- The site is too conspicuous and is an inappropriate location for vulnerable women
- The letter of support from the ward members refers to the hostel providing accommodation for vulnerable women subjected to domestic violence, but this is no longer part of the proposal. It is not clear whether the ward members have been updated
- The applicant states that they have worked with Trident and Midland Heart, however these organisations state that they do not have a partnership with the applicant
- The owner seems to be seeking to make a profit out of disadvantaged people. It is not affiliated to any charity or established housing association, and so the hostel will be of a poor standard
- The applicant states that the length of stay will be between 2 weeks and 3 months which is much too short a period of time as homeless people need stability and support over a longer period of time to have a positive effect.
- There is a lack of understanding of the client group or the support needs of young people and the homeless
- The application refers to the qualifications that staff will hold in a very generic way and there is no real knowledge of the qualifications/skills required to run a hostel.

- The applicant states that individuals may come to them with issues such as mental health, behavioural and substance misuse, yet they also say that the hostel will not cater for mentally disabled individuals or those with special needs until adequate systems procedures and resources are in place. This suggests that on opening the hostel will not be adequately equipped to support its clients.
- There are concerns that the hostel will not be appropriately resourced. The proposal for 21 staff and 8 support workers is a significant amount, yet the plans does not show necessary office and supporting space for this number of people. There are no details of how staffing is to be funded or supported in what is a stressful job There are concerns that the applicant might not be able to practically support this level of staffing. There should be a planning condition to maintain a ratio of 1 member of staff to every 5 residents.
- The applicant states that occupants will be more than happy with any basic accommodation because of what they experience in their current circumstances, which is not the case for people with complex needs, much more is required than bare minimum.
- The design of the hostel does not offer any real privacy for clients eg. sharing bathrooms and kitchens.
- The application seems to be focussing on locking down the facility to allay fears regarding security, and so the proposal seems more like a prison than a hostel for the homeless.
- The residents will be subjected to too much noise from thousands of football fans attending Villa Park.
- The lack of medical facilities means extra burden on already overstretched services in the local community.
- Whilst the Police are not objecting to the application this does not mean they are supporting it. The proposal will lead to increased incidents that will take more Police time
- The hostel will put an additional resource pressure on Birmingham Settlement where demand for their services is already oversubscribed and under resourced.
- The Aston and Nechells Foodbank has a distribution centre at the Salvation Army 10 minutes walk from the site. The proposal for a hostel will increase the burden on this facility which has seen increased usage year on year and would be adversely affected
- The proposal will conflict with policy H2 and LC6 of the Aston, Newtown and Lozells AAP
- The property is opposite a grade II listed tram shed and so its frontage should not be altered
- The Aston Hotel, although not listed is an important local building, occupying a prominent position and was clearly designed to impress and dominate the shopping area, and retains many of its original features. The proposal to use white upvc windows and doors is not acceptable as a replacement for the existing timber features. The existing coloured glass windows should be retained and repaired with timber doors or equivalent to retain the character of the area.
- It would be out of keeping with the area
- It is inaccurate to say the pub has been closed for years as it was open until May 2015 when it was purchased at Auction. The closure resulted in a loss of local jobs and removed an amenity used by local people. The pub was a popular meeting place for football fans visiting Villa Park.
- Increased traffic
- Some residents were not notified

- Work has already started on the building
- 4.5. One resident expresses their support stating that they understand that people need to be housed and that they think this would be an acceptable location given that it is not within a quiet residential street, it is in a commercial location, there will be good security and staffing, and that this will provide for a valuable number of bed spaces that otherwise would need to be met elsewhere.
 - 4.6. The representation on behalf of Aston Villa FC states that whilst they do not object to the principle of providing suitable residential accommodation for those in need within the area, they have concerns that the application does not provide adequate information as to the exact nature of the proposed hostel nor its future management or operation, such that they are seeking assurance that the proposal would not impact on the operations of the Club or compromise the safety or security of its users. They comment that they feel there is inadequate information regarding the management of the hostel. They express concerns that the use of planning conditions to control operational aspects of the use may not be enforceable in practice. They consider that it is not clear how the proposal addresses the Council's policies in the UDP and the Specific needs residential uses policies. They also have concerns regarding cumulative impact. They feel the loss of the pub is contrary to the aims of the Aston, Newtown and Lozells AAP. They comment that the position of CCTV cameras should avoid causing a loss of privacy to their premises.
 - 4.7. The representation from Aston Voice Residents Association queries the letter of support from the three ward members, stating that at a meeting of the Residents Association on 10th February 2016, Councillor Kauser was asked about her position in respect of the application. The Residents Association letter states that she stated does not support the application. The Residents Association letter states that Councillor Kauser advised that she did not write the letter of support that had been submitted with the application, but that she later advised that she'd forgotten about the letter. The Residents Association expresses concern that it is apparent that the three ward Councillors had already taken a position of support, and that there was a lack of transparency, accountability and integrity.
 - 4.8. Councillor Kauser subsequently advised the Residents Association that the letter of support is genuine and comments that the letter indicates clearly that the three ward members will only support the application if the conditions set out in the letter are met. Paragraph 1.9 above sets out the representations of support from the three ward members for Aston ward.
 - 4.9. West Midlands Police – The application has been the subject of a number of meetings, emails and telephone calls as the proposal has gone through a number of stages of evolution. This has led to a number of discussions around the security measures required to address concerns they have raised. A series of measures have been identified to ensure that, if approved, any hostel on this site will be well-managed and have good operating policies to minimise the impact on the local community.

Following the submission of additional information the Police advise that they are aware of the contents of policy TP36 of the BDP and the NPPF and comment that the application has the potential to impact on both those policies. They acknowledge that a number of changes have been undertaken to the original proposals in order to address some of the concerns raised regarding crime and anti-social behaviour and the fear of crime. They advise that it is important to formalise the crime and security

measures put forward by the applicant and therefore recommend a condition is imposed to secure these measures to include limitations that the hostel be occupied by over 18's only, single sex site only, 24 hour security staff, CCTV, installation and maintenance of proposed access control measures, provision of a sleep-off room and maintenance of a register of residents.

- 4.10. Regulatory Services – No objections, recommends condition for noise insulation works.
- 4.11. Transportation Development – No objections subject to conditions relating to cycle storage, and boundary treatment to prevent illegal parking on the frontage.

5. Policy Context

- 5.1. The following local planning policies are applicable:

Adopted Birmingham UDP
Draft Birmingham Development Plan
Aston, Newtown and Lozells Area Action Plan
Shopping and Local Centres SPD
Places for Living SPD
Development Involving Public Houses SPG
Residential Use Specific Needs SPG

The following national planning policy is applicable

The National Planning Policy Framework
National Planning Policy Guidance

6. Planning Considerations

Policy considerations

- 6.1. Paragraphs 8.28-8.30 of the adopted UDP relates to Hostels and Residential Homes. Paragraph 8.29 sets out that in assessing planning applications, proposals should not cause demonstrable harm to the residential amenity of occupiers of nearby properties by reason of noise and disturbance nuisance. Hostels and residential care homes are normally most appropriately located in large detached properties set in their own grounds. Where a proposal relates to a site in an area which already contains premises in a similar use, and/or houses in multiple occupation and/or properties converted into self-contained flats, account will be taken of the cumulative effect of such uses upon the character and appearance of the area. If a site lies within an Area of Restraint, planning permission may be refused on grounds that further development of hostels, residential care homes or other similar uses would adversely affect the character and appearance of the area.
- 6.2. The policy also sets out that proposals should not prejudice the safety and free flow of traffic in the adjoining highway. The provision made for access for service and emergency vehicles and car parking facilities for staff, residents and visitors will be taken into account, but these factors will be considered in conjunction with issues such as the retention of adequate outdoor amenity space and site features which contribute to the character and appearance of the area.

- 6.3. Proposals should include within the site boundary adequate outdoor amenity space to provide a satisfactory living environment for residents. The amount and location of such space should be related to the number of residents and their particular needs.
- 6.4. Residential Uses (Specific Needs) reiterates policies 8.28 and 8.29 of the Birmingham UDP which states that proposals should not cause harm to residential amenity in terms of noise and disturbance; proposals are best located in large detached properties set within their own grounds; account will be taken of the cumulative impact of hostels, care homes, HMOs, flats and other non-residential uses on the character and appearance of the area; highway safety and free flow of traffic; and proposals should provide satisfactory outdoor amenity space.
- 6.5. Development Involving Public Houses SPG indicates that many public houses perform a valuable function as a focal point for local social/community activities. Where proposals involve the loss of a public house, consideration will be given to the impact of the loss may have on local amenity taking into account, the availability of alternative public houses to serve the needs of the local community including the number and accessibility, and also the nature of the proposed use and in particular whether the proposed use retains a leisure/community use on the site. In cases where it can be demonstrated that there are no other reasonably accessible public houses or other similar leisure/social facilities in the local area and the existing public house performs a valuable community function, proposals involving the loss of the public house are likely to be resisted on the grounds that local amenity would be adversely affected.
- 6.6. Policy LC3 of the Aston, Newtown and Lozells Area Action Plan states that the Council will continue to maintain and enhance the vitality and viability of Witton Local Centre. Policy H1 states that around 783 additional new homes will be built in the area over the plan period to 2026. Policy H2 sets out that proposals for new housing should take account of the Strategic Housing Market Assessment and detailed local housing market assessments, in particular the need for larger family accommodation. Proposals should assist in the creation of mixed, balanced and sustainable communities.
- 6.7. Policy TP20 of the draft BDP relates to the network and hierarchy of centres. Witton is identified in this policy as a Local Centre. The vitality and viability of the centres will be maintained and enhanced. These centres will be the preferred locations for retail, office and leisure developments and for community facilities. Residential development will also be supported in centres having regard to the provisions of policy TP23. 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.
- 6.8. Policy TP23 relates to the promotion of diversity of uses within centres. This provides more detail to complement policy TP20 in respect of encouraging diversity, consistent with the scale and function of the centre, to meet people's day to day needs. This will include (amongst other uses) pubs and bars, and residential uses on upper floors where it provides good quality, well designed environments. The policy includes the provision that it remains important to ensure that centres maintain their predominantly retail function and provide shops to meet day to day needs, and that there is no over concentration of non-retail uses within a centre and no dead frontages to the detriment of the retail function, attractiveness and character of the centre in question. Policy TP23 sets out that Primary Shopping Areas have been defined to help achieve this by protecting the retail function of centres.

- 6.9. Policy TP26 sets out that 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 local facilities, and a strong sense of place with high design quality so that people identify with, and feel pride in, their neighbourhood.
- 6.10. Policy TP29 re-affirms the AAP policy to require that proposals for new housing should seek to deliver a range of dwellings to meet local needs and support the creation of mixed, balanced sustainable neighbourhoods with account to be taken of the Strategic Housing Market Assessment, detailed Local Housing Market Assessments, current and future demographic profiles and locality and ability of the site to accommodate a mix of housing and market signals & local market trends.
- 6.11. Policy TP36 relates to health. This states that the City Council is committed to reducing health inequalities, increasing life expectancy and improving quality of life by (amongst other things) promoting safe residential environments and addressing the fear of crime.
- 6.12. Policy 1 of the Shopping and Local Centres SPD sets out that within Primary Shopping Areas at least 50% of all ground floor units in Neighbourhood Centres should be retained in retail use.
- 6.13. The NPPF advises that applications should be considered in the context of a presumption in favour of sustainable development except where any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
- 6.14. The social dimension of the sustainable development theme contained within the NPPF states that the planning system should support strong, vibrant and healthy communities by creating a high quality environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being.
- 6.15. The NPPF advises that planning policies should be positive, promote competitive town centre environments and set out policies for the management and growth of centres. Local Planning Authorities should recognise town centres as the heart of their communities and pursue policies to support their viability and vitality and should allocate a range of suitable sites to meet the scale and type of retail, leisure, commercial, office, tourism, cultural, community and residential development needed in town centres.
- 6.16. The NPPF advises that development should create safe and accessible environments where crime and disorder and the fear of crime do not undermine quality of life and community cohesion.
- 6.17. The NPPG advises that the prevention of crime and the enhancement of safety are matters that local planning authorities should take into consideration. Proposals should design out crime and the opportunities for crime.

Principle

- 6.18. The site complies with provisions of paragraphs 8.28-8.30 of the adopted UDP being a detached premises and is not likely to give rise to problems of noise and disturbance to the detriment of neighbouring residential properties, the closest housing to the site being situated on the opposite side of Witton Road. Taking into

account the historical use as a public house, the proposed hostel is unlikely to generate particular noise issues.

- 6.19. In respect of cumulative impacts, there are no other hostels or similar special needs residential uses within the immediate surrounding area, being predominantly characterised by a mix of uses that include a football ground, local shops, services, community uses, houses and flats. The objections received refer to there being several other hostels in Aston, including premises on Witton Road, approximately 300 metres to the south west. Notwithstanding this, it is not considered that the proposed hostel would have a detrimental impact on the character or appearance of the area.
- 6.20. The policy also requires consideration to be given to the provision of amenity space to serve the needs of the proposed residents. In this case, I do not expect that the hostel will generate a significant need for residents to have access to a private outdoor amenity space, however a small area is shown to be provided at the rear that would be laid out with some benches and planters and would be sufficient for the proposed use. The proposal therefore accords with paragraphs 8.28-8.30 of the UDP and the guidance in the special needs residential uses SPG.
- 6.21. In respect of the policies in the draft BDP, Shopping and Local Centres SPD and the NPPF regarding appropriate uses within established centres, in this case, the site is located within Witton Neighbourhood Centre and is located within the Primary Shopping Area of that centre as defined in the Shopping and Local Centres SPD.
- 6.22. As the premises were last used as a public house, the proposal does not result in the loss of a shop, so there will be a neutral impact in respect of the vitality and viability of the centre in respect of its function for local shopping. The draft BDP does encourage the development of a range of town centre uses in locations such as this, including residential uses in appropriate circumstances where an appropriate degree of residential amenity can be provided, and so in policy terms, the proposed use would be appropriate in this location. Furthermore the proposal would bring a large vacant building back into use and would make efficient use of land and is acceptable in principle in line with the Birmingham UDP and the NPPF.
- 6.23. The loss of the pub to an alternative use would not adversely affect local amenity as other public houses are located within close proximity of the application site including the Witton Arms which is located approximately 55 metres to the north. Whilst I note the objection raised that the pub was an important facility for football supporters given its close location to Villa Park, there are other pubs in the area that are frequented by fans, such that I do not consider that this amenity would be unacceptably lost as a whole from the area.
- 6.24. Representations have also been received that the proposal to create hostel accommodation would not meet the requirements of the policies in the draft BDP and the Aston, Newtown and Lozells AAP in respect of meeting local housing needs. The concern is that there is a greater need for family sized accommodation rather than a hostel. I concur with the view that there is a need for family accommodation in the area, and there are sites in the AAP that are being brought forward to provide new family housing, particularly the BMHT housing schemes in Newtown. I do not consider that the site would lend itself to providing houses, but might be suitable for conversion to flats. Nonetheless, I do not consider that there are grounds to refuse the application based upon a requirement to provide family housing, as these needs are being provided for elsewhere. The proposal accords with policies H2 of the adopted AAP and policies TP26 & TP29 of the BDP.

Crime, the fear of crime and security issues

- 6.25. This application has been subject to detailed discussions with the Police in order to address a number of arising issues they have previously raised. The applicant has proposed a package of measures to address particular matters of detail including an electronic fob entry system, CCTV, individual locks and latches to bedrooms, a 24 hour security officer and a sleep-off room. In addition, the applicant has confirmed that this will be a single sex hostel for adults only in order to address concerns the Police raised regarding the mixing of vulnerable groups. The internal layout of the hostel has been designed to provide a single point of controlled entry and exit via reception, with other pedestrian doors being closed and blocked up. This will ensure that any concerns regarding unauthorised movement of people into or out of the hostel are minimised and will ensure that the security of occupiers is addressed. With these measures the Police do not have an objection to the application. I do not consider that the siting of CCTV cameras will have any adverse impact on surrounding uses being located at the rear facing into the yard area, and towards the entrances of the building at the front. A planning condition has been recommended to ensure that the agreed security measures are provided and maintained thereafter.
- 6.26. Concerns and objections have been raised that the proposal will increase crime in an area where there are existing problems. Objectors consider that there are already many hostels in Aston that cause problems of crime and anti-social behaviour and that this will further add to instability within the community. Residents feel that the hostel will be an intimidating use, with residents having to tolerate passing the site, particularly children and elderly. The neighbouring charity (Birmingham Settlement) has concerns that the local community will be put off from using their premises due to the close proximity to the hostel. They are concerned that it could house persons with alcohol and drug dependency issues. Residents feel that their safety cannot be guaranteed. They also raise concerns that there will be an adverse impact on local businesses.
- 6.27. The impact on crime and the fear of crime can be material considerations. The extent to which those fears are likely to be realised, and for which evidence can be identified, is nevertheless the critical judgement in respect of making a case for refusal on the ground that there will be an increased potential for crime or the fear of crime. Taking into account the advice from the Police, I do not consider that a well-run hostel would give rise to an increase in crime that warrants refusal.
- 6.28. The fear of crime is normally recognised to be a separate material consideration, I recognise these concerns and understand that a hostel for the homeless can generate such fears due to the perception of the likely types of issues that the occupants are expected to be facing in their lives. The application has generated two petitions of objection where the fear of crime is one of the matters raised and so it is acknowledged that this fear exists amongst some of the local community. Nonetheless, in weighing this with the other planning issues, I do not consider that this alone would form a justifiable reason for refusal as I am not persuaded that there will be such a negative impact on the local community that this will adversely affect their amenity.
- 6.29. In respect of matters relating to anti-social behaviour, such as on-street drinking, this would be a matter for the Police to attend to if such incidents take place.

Management issues

- 6.30. Several of the issues raised by the objectors relate to the management and running of the hostel. This includes concerns that the owners have not engaged with the local community and that the proposal is motivated by profit making rather than providing a charitable service to the homeless. There are concerns that the hostel will not be appropriately resourced, staff will be inadequately trained and that the hostel will not meet the long term needs of residents.
- 6.31. The applicant advises that they have written to their adjoining neighbours Birmingham Settlement and Aston Villa FC seeking to engage with them to discuss their respective concerns. Whether the proposal is made by a charitable organisation or not, the planning judgement remains the same in respect of the consideration of the planning issues. The operation and management of the hostel is a matter for the applicant to consider with its partners, who may themselves have their own operational requirements to be met.

Residential amenity

- 6.32. The applicant proposes to provide 41 bedrooms (which includes the sleep-off room) within the hostel, each of which would be secured by a lock, and would be of sufficient size to include a single bed and some basic furniture such as a bedside table and chair. Seven of the bedrooms would have en-suites and the remainder would be served 4 bathrooms, provided with showers at a ratio of 1 per 5 residents. There would be two kitchen areas containing a total of 4 sets of kitchen equipment, a large lounge area equipped with games tables and an ICT training room. As such, I consider that a sufficient amount of facilities would be proposed and do not agree with the concerns raised that there would be a lack of privacy for residents. The provision of shared bathrooms and kitchens is not uncommon within shared accommodation such as this, and there is no policy requirement for individual facilities.

Impact on the building

- 6.33. Objections have been raised in respect of works to alter the building, including works to replace windows and doors. The building has an attractive frontage and makes a positive statement at the corner of the street. The building is neither on the statutory or local list and so would be described as a non-designated heritage asset, in respect of the NPPF guidance.
- 6.34. The application states that doors and windows will be white uPVC, where presently they are timber and metal framed with coloured glass detailing. However, the submitted plans do not indicate that there would be any substantive change to the character and appearance of the building, with the elevations showing the same fenestration pattern and doors as existing. The applicant has clarified that they propose to retain the existing windows and doors and that the details on the application regarding white upvc was an error.
- 6.35. The NPPF advises in paragraph 135 that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

- 6.36. It would be desirable to retain the existing windows and doors as they are an integral part of the character and appearance of the building. However, as consent is not required to replace these features it is not possible to prevent the removal and replacement of the doors and windows should this be proposed in the future.
- 6.37. The internal alterations include the removal of the bar fittings, and sub-division of the floorspace into smaller rooms with new stud walling. This involves new stud walling to be inserted up to the mullions of the existing bay windows to divide rooms, and is likely to mean that the stud partition will be visible from outside the building. The applicant has provided a construction detail to show how this would be achieved to minimise the impact on the existing windows. Whilst it would be preferable to avoid this arrangement, these works do not require consent as the building is not listed.

Traffic and Parking

- 6.38. The site contains a large yard area at the rear. The submitted plan indicates the provision of three car parking spaces for staff. It is not expected that residents would generate a demand for car parking given that it would cater for homeless people. Nonetheless, the yard area has capacity for more parking than the three spaces proposed in the event that additional parking is required from time to time. Given the ample parking available to the rear, I do not consider it is necessary to prevent parking on the frontage by installing bollards as recommended by Transportation.

7. Conclusion

- 7.1. The proposed hostel will accord with the relevant policies in the adopted UDP, Draft BDP, the adopted AAP, and the relevant SPD's and SPG's relating to Shopping Centres, special needs residential uses and the loss of public houses. The package of security measures that have been negotiated and agreed with the applicant address the concerns raised by the Police who have confirmed that subject to a condition to secure the provision and maintenance of these measures that they have no objections overall.

8. Recommendation

- 8.1. Approval subject to conditions.

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- | | |
|---|--|
| 1 | Crime and security measures |
| 2 | Requires the scheme to be in accordance with the listed approved plans |
| 3 | Limits the approval to 3 years (Full) |
-

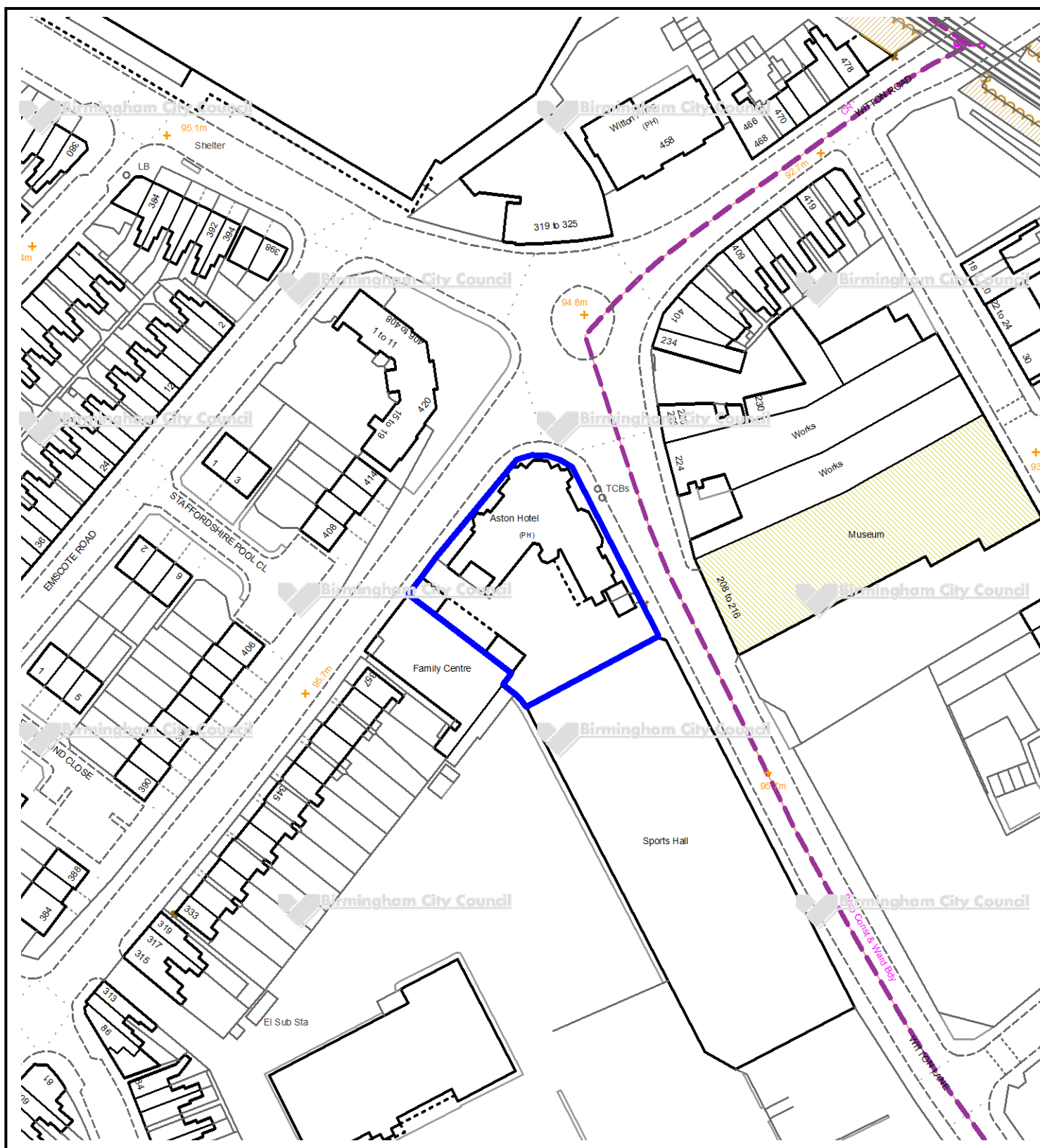
Case Officer: Stuart Morgans

Photo(s)



Figure 1 : Front elevation

Location Plan



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Committee Date:	12/05/2016	Application Number:	2015/06450/PA
Accepted:	19/02/2016	Application Type:	Full Planning
Target Date:	20/05/2016		
Ward:	Perry Barr		

Land at corner of Tame Road / Witton Road, Witton, Birmingham, B6 6HE

Replacement of perimeter fencing/gates and creation of new access off Tame Road, provision of new lighting and installation of temporary security building and generator unit to existing car park. Demolition of derelict buildings to extend existing car park to create 88 additional car parking spaces and re-grading of land to provide floodplain storage area.

Applicant:	Dana Axle Europe Ltd Birch Road, Witton, Birmingham, B6 7JR
Agent:	Hagley Building & Civils Limited 40 The Old Woodyard, Hagley Hall, Hagley, Worcestershire, DY9 9LQ

Recommendation

Approve Subject To Conditions

1. Proposal
 - 1.1. The proposal relates to the replacement of 1.8m and 2.4m high perimeter fencing/gates and creation of new access of Tame Road, the provision of new lighting with the installation of seven 4m high lamp post with LED street lights and the installation of temporary security building and generator unit to existing car park.
 - 1.2. The temporary security building and generator unit would be located in the north western part of the site and would have footprints of 3m by 3m and an overall height of 2.7m each.
 - 1.3. The application also includes the demolition of derelict buildings to extend the existing car park to create 88 additional car parking spaces and the re-grading of land to provide floodplain storage area to the rear of numbers 45 to 83 (odd) Tame Road.
 - 1.4. A Flood Risk Assessment (FRA) has been submitted in support of this application, which demonstrates the requirement for the re-grading of the land in the southern corner of the site by 600mm lower to compensate for the raising of the embankment between the existing upper car park and new rear car park to make the land level.
 - 1.5. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site is an existing car park owned by Aston Villa Football Club Ltd (AVFC) which was formerly associated with a now redundant factory. The car park for the last 10 years has only been used as a match day and stadium events car park, but is now also leased by the applicant for use by their workforce when not in use by AVFC.
- 2.2. The application site is located within a mixed use industrial and residential area. The nearest residential properties in relation to the car park are located on Tame Road immediately opposite and adjoins to the southeast.
- 2.3. The application site is located in flood zones 2 and 3.

2.4. [Site Location Map](#)

3. Planning History

- 3.1. 07/01/2016 - 2014/09485/PA - Replacement of existing boundary fencing to include pedestrian gated entrance to goods inwards yard located at the main site off Birch Road – Approved subject to conditions.

4. Consultation/PP Responses

- 4.1. Site and press notices displayed, surrounding occupiers, residents associations, local councillors and MP notified – No comments received.
- 4.2. Transportation Development - No objection subject to conditions relating to removal or relocation of any highway street furniture and appropriate visibility splays to be incorporated at site accesses.
- 4.3. Regulatory Services – No objection subject to conditions relating to a lighting scheme, noise levels for plant and machinery and the provision of a vehicle charging point.
- 4.4. Environment Agency – No objection subject to a condition relating to the development being carried out in accordance with the approved FRA.

5. Policy Context

- 5.1. Birmingham Unitary Development Plan (2005), SPG: Places for All (2001), SPD Car Parking Guidelines (2012), SPG: Floodlighting Guidance, NPPF (2012) and the Draft Birmingham Development Plan.

6. Planning Considerations

- 6.1. The consideration in the assessment of this application is the impact the proposed changes and works would have on visual and residential amenity and on highway safety.

6.2. Visual amenity

The surrounding area is a mix of industrial and residential uses and the application site car park is associated with a redundant factory. The proposed development would complement existing and similar operations and structures on the site. The proposed temporary security building and generator unit would be in keeping with other uses on the site and surrounding area. The replacement and new palisade fencing to match the existing remaining is considered to be an improvement/upgrade along the Witton Road frontage. However, it is not considered acceptable to replace the existing fencing with palisade fencing and gates along Tame Road, which is directly opposite residential properties, therefore it is considered appropriate to attach a condition requiring a more suitable alternative.

6.3. Residential amenity

Regulatory Services raise no objection to the proposed development subject to conditions relating to a lighting scheme, noise levels for plant and machinery and the provision of a vehicle charging point. I concur with this view. It is considered that the proposed generator unit would be unlikely to generate unwanted noise. However, to protect the amenity of the adjoining residents a noise level condition should be included.

6.4. Regulatory Services have recommended a condition requiring further details of the proposed lighting scheme. The position of the 7 lamp posts and their distance from the nearest residential dwellings would comply with Floodlighting Guidance SPG. I concur that a condition requiring full details is necessary.

6.5. I recognise that the extended car park area would adjoin dwellings to the east. However, consider that any noise generated from the car park extension would not be materially greater than former activities in the buildings to be demolished that were associated with an industrial use.

6.6. Highway safety

Transportation Development raise no objection to the proposed development subject to conditions relating to removal or relocation of any highway street furniture and appropriate visibility splays to be incorporated at site accesses. I concur with the requirement for visibility splays. The additional parking spaces provided would further help to alleviate on street parking generated by the applicant's staff in the immediate area.

6.7. Flooding

The application site is located in flood zones 2 and 3. The Environment Agency raise no objection to the proposed development subject to a condition relating to the development being carried out in accordance with the approved FRA, which demonstrates the requirement for the re-grading of the land in the southern corner of the site to be 600mm lower to compensate for the raising of the embankment between the existing upper car park and new rear car park. I concur with this view.

7. Conclusion

7.1. It is considered that the works proposed would not have any significant adverse impact on the visual or residential amenities of the surrounding area and would accord with policy and guidance contained within the Birmingham Unitary Development Plan and BDP. It is therefore recommended that the application is approved subject to the attached conditions.

8. Recommendation

8.1. That planning permission is granted.

-
- | | |
|----|--|
| 1 | Requires the prior submission of a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan |
| 2 | Requires the scheme to be in accordance with the listed approved plans |
| 3 | Limits the noise levels for Plant and Machinery |
| 4 | Requires the prior submission of a lighting scheme |
| 5 | Appropriate visibility splays to be incorporated at site accesses and maintained |
| 6 | Development shall be carried out in accordance with the approved FRA |
| 7 | Provision of electric vehicle charging points |
| 8 | Requires the prior submission of boundary treatment details |
| 9 | No approval is given for the palisade fencing along Tame Road and an alternative design shall be provided |
| 10 | Limits the approval to 3 years (Full) |
-

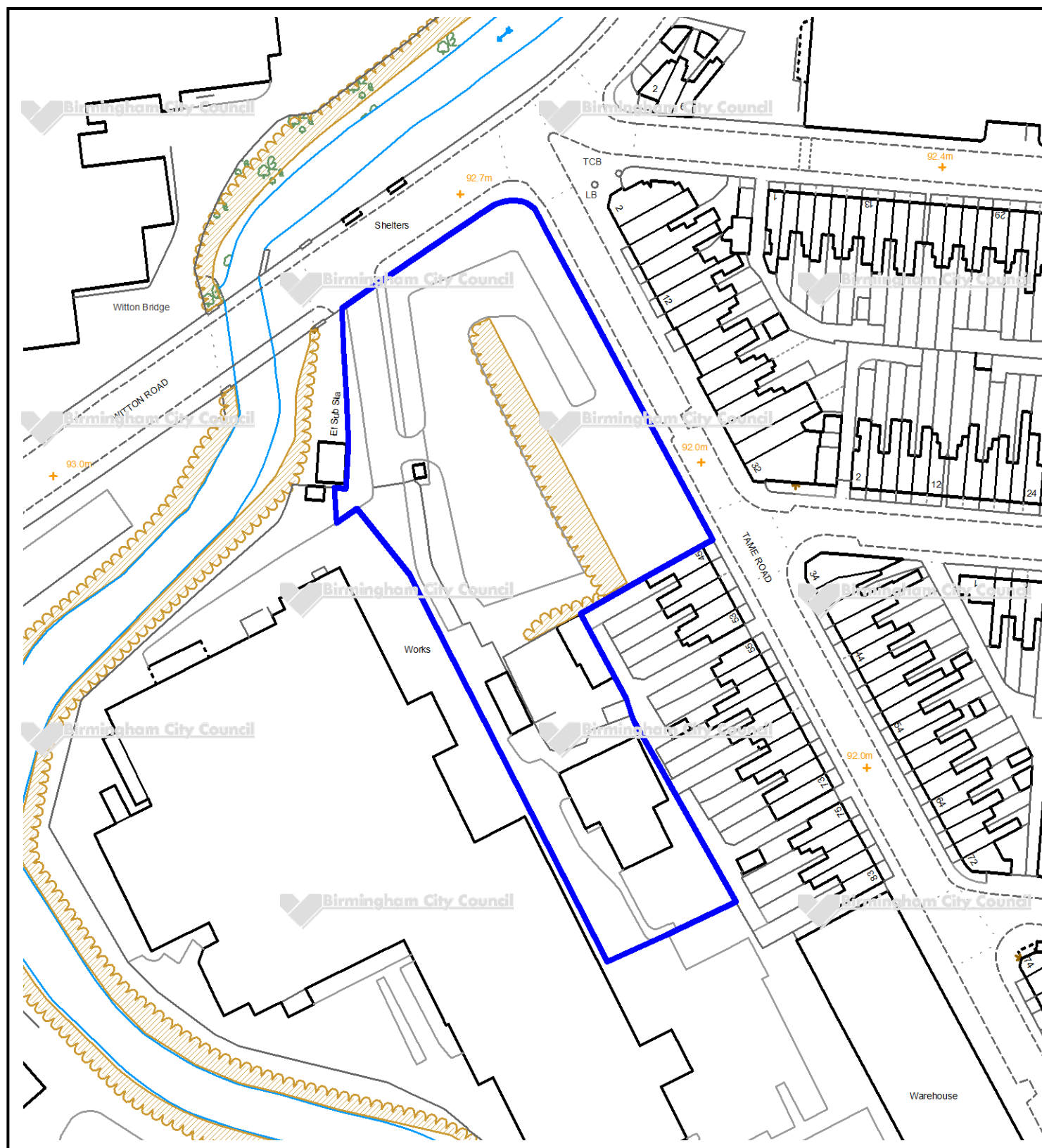
Case Officer: Stephanie Salmon

Photo(s)



Figure 1 – Application site

Location Plan



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Committee Date:	12/05/2016	Application Number:	2016/02339/PA
Accepted:	22/03/2016	Application Type:	Advertisement
Target Date:	17/05/2016		
Ward:	Handsworth Wood		

Church Lane, Handsworth, Birmingham, B20 2HU

Display of 2 non illuminated free standing post mounted signs

Applicant:	Birmingham City Council Room M49, Council House, Victoria Square, Birmingham, B1 1BB
Agent:	Immediate Solutions Dean Clough, Halifax, West Yorkshire, HX3 5AX

Recommendation

Approve Temporary

1. Proposal

- 1.1. This application proposes the installation of 2 no. non-illuminated post-mounted signs on the roundabout at College Road/Oxhill Road/Grove Lane/Church Lane. The proposed signs would be located close to the edge of the roundabout in the following locations:
- In between the junctions with College Road and Oxhill Road.
 - In between the junctions with Grove Lane and Church Lane.

- 1.2. The proposed signs would each have a width of 1m and height of 0.5m and would be mounted on posts giving an overall height of 0.65m above ground level. The signs would be made of aluminium and the posts would be steel.

1.3. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site comprises the whole of the roundabout which forms the junction between College Road, Oxhill Road, Grove Lane and Church Lane. The roundabout is predominantly planted with flowers and a young tree in the centre. Other street furniture currently located around the roundabout includes directional highway signage, road name signs and crossing lights.

- 2.2. The surrounding area contains predominantly commercial uses located closest to the roundabout and some residential uses. There is a public house to the south west of the roundabout and church with hall and nursery to the north.

2.3. [Site Location Map](#)

3. Planning History

- 3.1. 19/05/2015 - 2015/03218/PA - Pre-application advice for the display of free-standing post mounted signs – Pre application discussion finalised.

4. Consultation/PP Responses

- 4.1. No public consultation required.
- 4.2. Transportation Development – No objections.

5. Policy Context

- 5.1. National Planning Policy Framework, Birmingham Unitary Development Plan (2005), Draft Birmingham Development Plan.

6. Planning Considerations

- 6.1. The NPPF restricts Local Planning Authorities to consider only amenity and public safety when determining applications for consent to display advertisements (paragraph 67).
- 6.2. Paragraph 67 of the NPPF states that poorly placed adverts can have a negative impact on the appearance of the built environment. It adds that only those advertisements that will clearly have an appreciable impact on a building or on their surroundings should be subject to a Local Authority's detailed assessment. Finally it states that the cumulative impact of advertisements should be considered.

AMENITY

- 6.3. The proposed adverts would be situated at appropriate locations on the roundabout and, as there are no other adverts currently situated on the roundabout, I consider they would not have an adverse cumulative impact. The proposed adverts would be of a modest size, in keeping with the commercial nature of the surroundings and would not dominate the highway environment. The adverts would read as part of the highway infrastructure and are primarily aimed at motorists rather than pedestrians. I therefore do not consider that the proposals would constitute clutter within the street scene and consider the scale of the proposed advertisement signs would be acceptable. No amenity objections therefore arise.

PUBLIC SAFETY

- 6.4. Transportation Development raise no objection to the proposed signage. I concur with this view. The proposed signs would form part of the highway environment and an appropriate level of visibility would be provided in order for drivers to assimilate the contents of the advert without causing highway safety concerns. Such adverts are not an unusual feature on roundabouts and therefore would not cause an unacceptable degree of driver distraction.

7. Conclusion

- 7.1. The proposed adverts would not have an adverse impact on amenity or public safety and I therefore recommend consent is granted subject to conditions.

8. Recommendation

- 8.1. Temporary consent subject to the following conditions:

1 Requires the scheme to be in accordance with the listed approved plans

2 Limits the approval to 5 years (advert)

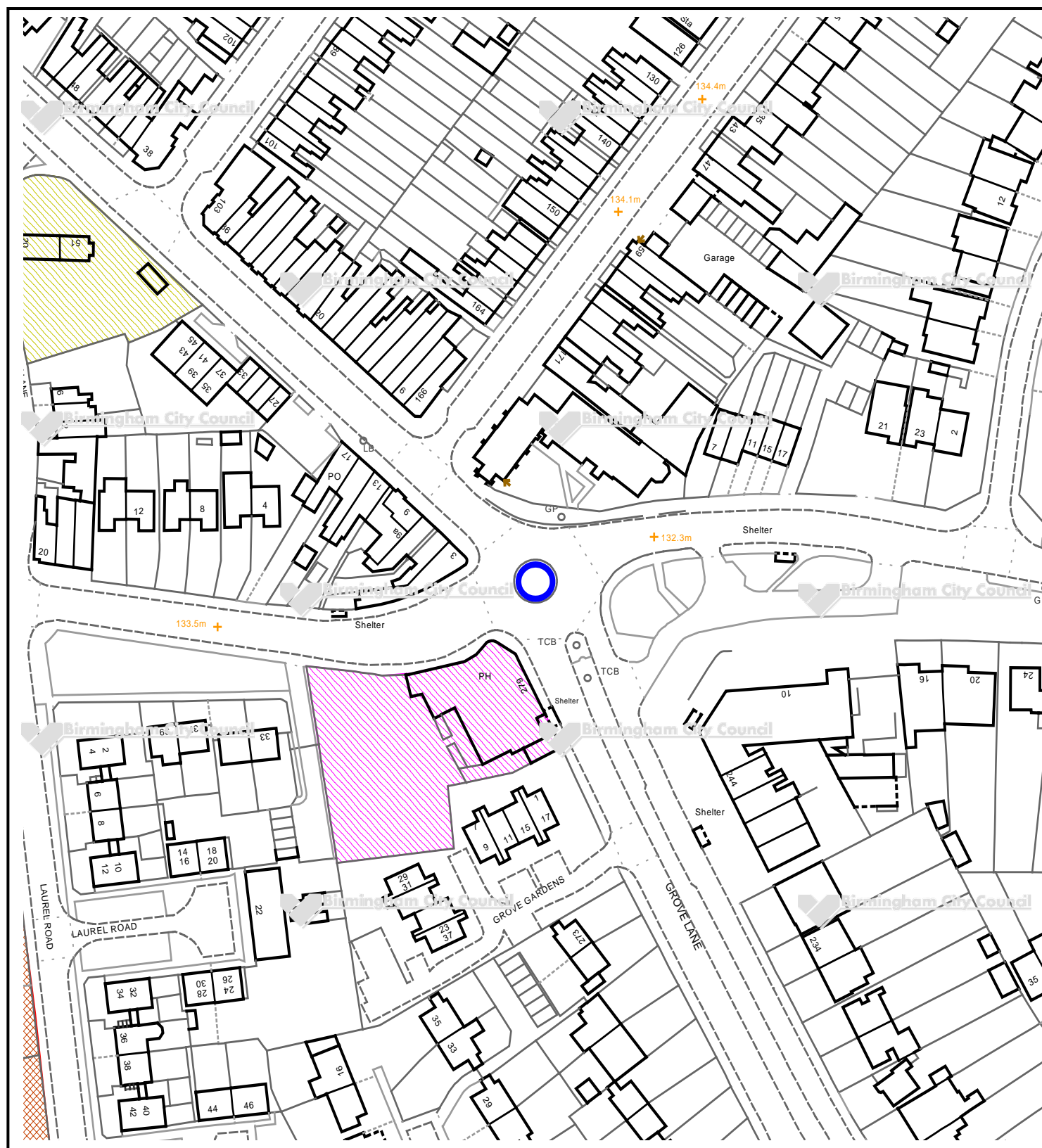
Case Officer: Stephanie Salmon

Photo(s)



Figure 1 – Application site

Location Plan



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Birmingham City Council

Planning Committee

12 May 2016

I submit for your consideration the attached reports for the **City Centre** team.

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Approve - Conditions	15	<p>2015/10464/PA</p> <p>Land at Charlotte Street, Holland Street & George Street Jewellery Quarter City Centre Birmingham</p> <p>Demolition of 21 George Street (Former Lodge Cotrell Building) and partial demolition of No's 9 Charlotte Street and 12 George Street (Former James Cond Building) to allow for the erection of University buildings (Class D1) and ancillary retail (Class A1), restaurant (Class A3), offices (Class B1), health facility (Class D1), sports hall (Class D2) uses and multi-storey car park with access from George Street, change of use of Holland Street from public highway to covered private University campus space and associated external alterations, provision of new pedestrian/cycleway between George Street and Holland Street on line of former Whitmore's Arm and external alterations to facade of McIntyre House on Holland Street and Camden House.</p>
Approve - Conditions	16	<p>2016/02326/PA</p> <p>Exchange Square Former Masshouse Plot 7 Birmingham B7 4EH</p> <p>Reserved Matters Application for approval of access, appearance, landscaping, layout and scale for Phase 2 of Exchange Square (formerly known as Masshouse Plot 7) for the erection of a mixed-use development of 17,971sqm (GIA) comprising a part 9-storey, part 16-storey building (including ground and lower ground floors) to provide 223 dwellings (use class C3) and 2,097sqm (GIA) retail use floorspace (flexible within use classes A1/A3 / A5 and B1) with associated landscaping, public realm and car parking pursuant to outline planning permission 2014/06135/PA</p>

Committee Date:	12/05/2016	Application Number:	2015/10464/PA
Accepted:	23/12/2015	Application Type:	Full Planning
Target Date:	23/03/2016		
Ward:	Ladywood		

Land at Charlotte Street, Holland Street & George Street, Jewellery Quarter, City Centre, Birmingham

Demolition of 21 George Street (Former Lodge Cotrell Building) and partial demolition of No:s 9 Charlotte Street and 12 George Street (Former James Cond Building) to allow for the erection of University buildings (Class D1) and ancillary retail (Class A1), restaurant (Class A3), offices (Class B1), health facility (Class D1), sports hall (Class D2) uses and multi-storey car park with access from George Street, change of use of Holland Street from public highway to covered private University campus space and associated external alterations, provision of new pedestrian/cycleway between George Street and Holland Street on line of former Whitmore's Arm and external alterations to facade of McIntyre House on Holland Street and Camden House.

Applicant: University College Birmingham
c/o Agent
Agent: Savills
Innovation Court, 121 Edmund Street, Birmingham, B3 2HJ

Recommendation

Approve Subject To Conditions

1. Proposal

1.1 The proposal is to provide phase 2 of the new city campus for UCB which is intended to provide new teaching, amenity spaces and car parking allowing for future growth. The development would provide 22,912sqm of new floor space within two new educational buildings (Buildings A and B) and a 234 space multi-storey car park (Building C) plus 14 surface parking spaces within the existing service yard. The site lies within the Jewellery Quarter Conservation Area and is currently occupied by a range of industrial buildings that would largely be demolished.

1.2 **Extent of Demolition**

1.3 The implementation of the proposals would require demolition of the following: - buildings:

- The James Cond Building apart from the front facade to Charlotte Street and a short return onto Holland Street and the front facade to George Street and a short return onto Holland Street.
- The Lodge Cottrell building in its entirety
- An existing 2 metre high wall enclosing the entrance to the Whitmore Arm

- Part of the facade to the McIntyre House (where it adjoins the Lodge Cottrell building) fronting on to Holland Street.

1.4 **New Buildings**

- 1.5 Building A - Would be erected on the southern side of Holland Street and be located between and incorporate the retained facades of the James Cond building onto Charlotte Street and George Street. The new building would be 4 storeys high and accommodate lecture theatres, classrooms, staff offices, IT suite and 132 cycle spaces. At ground floor level fronting Holland Street a row of individual commercial units are proposed to provide real life “skills” training for beauty, hairdressing, bakery and sport therapy within which students will be able to experience real life interaction with customers on a supervised basis. There would also be a fine dining restaurant with (60 covers) fronting George Street also serviced by students as part of their course. The main entrance into building would be from Holland Street and there would be a service/loading bay fronting to George Street. To the rear of the building and Camden House to the west, a landscaped courtyard is proposed including external seating, lighting and planting
- 1.6 Building B - Would be located on the east side of Holland Street and on the south side of George Street and would also be 4 storeys high. It would accommodate a kitchen and diner, lecture theatres, student guild, student advice centre, classrooms, and staff rooms. Part of the first floor would also accommodate a gym and changing rooms with part of the second and third floors above used as a Sports Hall. Between Building B and McIntyre House the existing landscaped courtyard would be retained. Between Building B and new Building C on George Street a new vehicle access is proposed to be used for servicing and access to courtyard parking spaces.
- 1.8 Buildings A and B and McIntyre House would be linked at roof level through the provision of a glazed canopy across Holland Street. It would have a metal work frame clad in anodised aluminium into which would be clear glazing and fixed at an angle with water draining onto the roof of Building A. The canopy would project approximately 1m above the parapet on both new buildings and be inset back from both the Charlotte Street and George Street frontages by 8 metres.
- 1.9 Building C - Would be located fronting George Street between building B and the route of Whitmore Arm. The building would predominantly be used as a multi storey car park with 234 spaces but at ground floor level active frontages would be provided in the form of office space and a student/community health facility fronting George Street and a police office fronting the Whitmore Arm. This building would be 5-storey high fronting George Street and 6-storey facing the internal courtyard although overall building heights will be below the main buildings because of the lower floor-ceiling heights required in the car park.
- 1.10 It is intended that the car park, together with a further 14 spaces proposed in the inner courtyard, would replace the 173 spaces currently on site, 54 spaces leased at Lionel House and 38 other spaces UCB have at Summer Row. Building C would also accommodate 88 cycle spaces.
- 1.11 **Appearance and Materials**
- 1.12 Buildings A and B will would be of brick with the elevations having a vertical emphasis by the use of recessed large metal framed windows set within a brick frame. The proposed windows would be spaced to give a regular glazing pattern but

the spacing between the windows would differ with those on the south elevation of Building A being narrower than the northern elevation to take account of solar glare. On the Holland Street and George Street elevations of Building B the external treatment includes vertical metal fins to improve their environmental performance. Where the sports hall occupies Building B the external treatment would be a mix of glazed window and metal panels. At ground floor level the frontages would have shop fronts with more glazing due to the active uses proposed. The roofs of Building A and B would be flat with a parapet with the space used to accommodate plant and photovoltaic panels.

- 1.13 Building C would also have a glazed active frontage at ground floor level, above which would be decorative dense screen formed from either cast iron or weathering steel. The screen would incorporate a design based on the decorative fanlight that exists above the entrance on the James Cond building. Relief to the facade would also be provided through the use of deep vertical fins to frame the panels.
- 1.14 The proposals also include the renovation of the retained facades to the James Cond building and changes to part of the façade of McIntyre House where part of the facade of the Lodge Cottrell building on site was retained on the Holland Street elevation. This has resulted in awkward junction between the two buildings and therefore it is proposed to remove the retained section of walling and replace it with new brickwork to match the rest of the McIntyre Building.
- 1.15 **Closure of Holland Street**
- 1.16 As part of the development, the applicant is seeking the stopping up of Holland Street as formally adopted highway and to change its use to a privately managed, covered, external space as part of University campus. It is intended that the line of the road would be retained but that it would be raised to pavement level and the existing cobbles would be cleaned and re-laid. Granite kerbs would be used to denote a nominal kerb space and the existing tarmac pavements would be replaced with brindle brick with blue brick details. Special glazed terracotta cobbles are proposed to be used to indicate crossing points and the entrance to buildings. Holland Street would become a private pedestrian only space during the day as decorative gates are proposed to be installed at either end of the street. New kerb lines would be installed along both the Charlotte Street and George Street junctions to emphasise that vehicles are not permitted entry.
- 1.17 It is intended that Holland Street would be gated and general public access would not be available between the hours of 08:30 and 18:30 Monday-Thursday and 08:30 and 16:30 Fridays during term time. Pedestrian access into the site would be through the McIntyre Building when the gates at each end of Holland Street are closed. Once in the site, access into Building A would be available from Holland Street and Building B from the internal courtyard. Separate accesses would be provided into the shop units created along Holland Street. The restaurant, health facility on George Street would be accessed directly from the street.
- 1.18 **Whitmore Arm**
- 1.19 A new route for pedestrians/cyclists would be made available along the UCB owned Whitmore Arm, which follows the line of a former canal between George Street and Charlotte Street. Currently part of the route from Charlotte Street is used by the applicants for deliveries. The new link would remain a private right of way and is not being offered as adopted highway. To achieve a suitable route between Charlotte Street and George Street existing levels would need to be raised and an existing

wall on the George Street frontage would be removed. It is proposed that the route be surfaced with cobbles and a ramp and steps provided at the western end to address the difference in levels. The design of Building C includes a police office and student health area to overlook the route. Vehicles (apart from occasional maintenance vehicles) would be prevented from accessing Whitmore Arm by installing removable bollards. The House of York, which has been converted to apartments, abuts the Whitmore Arm route and uneven cobbles would be used to discourage people from walking close to its ground floor windows.

1.20 **Staffing and Students**

1.21 The proposals would increase the numbers of staff on the site from approximately 55 (full and part time) to approximately 190 (full and part time) whilst the number of potential students could increase from around 2,000 to 4,500.

1.23 The application is supported by a Design and Access Statement, Planning Statement, Transport Statement, Framework Travel Plan, Ground Investigation Report, Flood Risk Assessment, Sustainable Drainage Statement, Sustainable Drainage Operation and Management Plan, Preliminary Ecology Assessment, Built Heritage Statement, Archaeology Statement and External lighting proposal. An EIA screening opinion has been carried out which concluded that an Environmental Assessment was not required.

1.24 [Link to Documents](#)

2.0 Site & Surroundings

2.1 The application site, lies within the Jewellery Quarter Conservation Area and , comprises of approximately 1.4ha of land between Charlotte Street, Holland Street and George Street and surrounds the House of York (No's 27-31 Charlotte Street) a Grade II listed building. The site is also bisected by Holland Street which is currently an adopted, cobblestoned, public highway.

2.2 The west side of the site is occupied by the James Cond building which extends along the entire Holland Street frontage with returns onto George Street to the north and Charlotte Street to the south. It was constructed in 1936-37 as a purpose built printers and is currently vacant apart from the ground floor which is used by UCB for car parking. The principal elevation of the building fronts Charlotte Street and is two storeys high with a raised basement and of red-brown brick with a neo-Classical façade unified with concrete bands above the windows at basement and first floor levels. To the rear of this façade fronting Holland Street is a long two-storey workshop range which is at a lower height due to the absence of a basement. This range is also of red brick and has a series of large recessed metal windows. On the George Street return the building dates from 1940 as was formerly a metal pressing works. It is primarily 2 storeys high, of a lighter coloured brick as has tall metal windows to the ground floor. The building has a large curved staircase projection on the corner of Holland Street which includes glass bricks giving an Art Deco appearance.

2.3 On the east side of Holland Street and north boundary fronting George Street lies the Lodge Cottrell building which is now vacant. It is two and three storey high of dark red/brown bricks and was constructed in 1929 for an electrical engineering company of the same name. The principal elevation of the building faces onto George Street and is set back from the road rather than to the back-of-pavement. The building is arranged symmetrically, reflecting a neo-Classical design. The

return range fronting Holland Street is of a similar appearance but without the entrance. Part of the Lodge Cottrell building fronting Holland Street has already been demolished to facilitate the development of phase 1 of the applicant's new campus building known as McIntyre House. An element of the original façade wall was retained to provide a continuous frontage to Holland Street and enclose a courtyard but now provides a rather awkward junction with the new building.

- 2.4 The application site also includes a cleared plot now used for car parking at 23-26 George Street and the route of the former Whitmore Arm which forms the eastern boundary of the site. This was formerly known as Miss Colmore's Canal and was a historic canal arm dating from 1809 but was infilled between 1927-1955. Currently service vehicle access is available along part of this link via a one-way system to and from Charlotte Street adjacent to the House of York. The remaining section is currently disused and is approximately 1m below street level with the George Street frontage is set behind a 2m high brick wall.
- 2.5 The surrounding area is characterised by a variety of residential and commercial buildings. Opposite the site on George Street the Newhall Works, a four storey grade II listed building that has been converted into apartments. Adjacent to this are other apartment buildings at 69-73 George Street, 50 George Street, 40-43 George Street. There is also a 2 storey building in office use at 47-49 George Street. Adjacent to the east boundary of the site are Nos. 27 and 28 George Street, grade II listed buildings used as offices and a surface car park forming part of the Perry Beeches II Academy School.
- 2.6 The southern site boundaries adjoin the UCB owned McIntyre House and wrap around the House of York, a grade II listed three storey brick building converted into apartments. On the opposite side of Charlotte Street are surface car parks, a vacant three storey building and a block of 5 storey apartments known as Casper House. The west boundary adjoins taller buildings fronting Parade including the four storeys HSBC building known as Camden House which backs on to the application site and is owned by the applicants. The rear courtyard of this building is proposed to be improved as part of the development proposals.
- 2.7 [Site Location](#)
- 3.0 [Planning History](#)
- 3.1 There is no relevant planning history on the application site but there have been applications, for adjacent land owned by the applicant on which phase 1 of the new UCB campus (McIntyre House) has been developed and on an adjacent site as detailed below:-
- 3.2 19/5/11 - 2011/00670/PA – Conservation consent granted for demolition of existing building on the corner of Charlotte Street and Holland Street, 23-26 George Street and outbuildings to the rear.
- 3.3 19/5/11 - 2011/00669/PA – Planning permission granted for erection of four-storey Learning and Resource Centre, upgrading of access road from Charlotte Street, creation of a service and delivery area and external landscaping.
- 3.4 2016/01433/PA – Current application for the erection of 6 no. townhouses with associated parking on land at 27-28 George Street
- 4.0 [Consultation/PP Responses](#)

- 4.1 Widespread public consultation has taken place with local businesses and residents, residents associations, local ward councillors and the Jewellery Quarter Development Trust. Site and press notices have also been displayed. Consultations have also been undertaken with Council departments, statutory consultees and other interested parties. The pre application proposals were reported to CHP on 14 September 2015 following a site visit and the current application proposals were considered at CHP on 8 February 2016. Pre application proposals were also presented to CABE in October 2015.
- 4.2 The applicants have undertaken a series of consultations with interested parties including to Historic England, Civic Society, Victorian Society, the Twentieth Century Society and Jewellery Quarter Development Trust. A public consultation exhibition was also held on 17 September 2015 when 363 letters advising of the event were issued to nearby residents/occupiers and an advertisement placed in the Birmingham Post.
- 4.3 **Consultees**
- 4.4 Transportation – Comments that consultation with Highways Traffic Management Services has raised concerns on the closure of the Holland Street for two reasons. Firstly this removes a choice of route that can be (and is being) utilized whilst the Paradise Circus traffic management works are being progressed, and secondly they do not want to lose this link during the current traffic management plans are in place. They have asked the road is not formally closed until autumn this year. They also note the objections received from local residents and have asked the applicants for the following information/clarification:-
- Whether the practical stopping-up of Holland Street can be delayed until after 18 December 2016
 - A more robust assessment on the traffic impacts of the proposal including a review of historic traffic count data and a capacity analysis of the impacts on traffic having to travel through Newhall Hill and Sandpits roundabout.
 - Details on the actual level of use of the existing car parks with details on am and pm peak flows from the various car parking areas.
 - Further details on the changes likely from relocating the car park access points to different parts of the network.
 - Confirmation as to when the leased 54 space Lionel Street car park will be removed
 - Amendments to the site layout plans to show the additional on-street resident permit spaces that can be provided.
 - A draft stopping-up plan showing the changes to both highway features on George Street and Charlotte Street, as well as Holland Street existing entrances that will remain as public highway.
- 4.5 Regulatory Services – No objection and note that there is significant residential occupancy in surrounding buildings, the amenity of which should not be unreasonably affected by this development should it go ahead. Requests conditions be imposed to require a site investigation and remediation/validation scheme as necessary, insulation of plant and machinery, details of any high level extraction, a limit on noise and hours for delivery vehicles, restriction of hours of opening for retail uses to 0700-1900 Monday to Friday and 0800-1800 Saturdays and on A3 restaurant to 0700-2300 Monday to Friday and 0800-2300 Saturdays. Also request no change within specified use, 10% provision of electric vehicle charging points, that commercial vehicles using the site comply with Euro emission standards, low

emission vehicle parking is provided, that any parking charges are based on vehicle emissions and that a travel plan be provided.

- 4.6 Ecology – No objection subject to conditions. Notes the intention to an “extensive green roof” on the retained sections of the James Cond building and whilst this is welcomed considers that the areas described are relatively small in comparison with the overall development and the potentially availability of rooftop areas, given the high number of Black Redstarts records in the vicinity. Requests that the area of green roof be extended and designed with Black Redstarts in mind.
- 4.7 Lead Drainage Authority - Requested further information as they consider that within the documents provided there are a number of inconsistencies, Otherwise recommend that a drainage condition be imposed requiring the prior submission of a Sustainable Drainage Operation and Maintenance Plan.
- 4.8 Severn Trent Water – No objection subject to drainage condition being imposed and advise that there may be a public sewer located within the application site and encourage the applicant to investigate this.
- 4.9 West Midlands Fire Service – No Objection
- 4.11 Historic England - Object to this application in its current form and recommend that a revised scheme is sought that reduces the quantum of demolition and makes amendments to the height and design of some elements of new build. They do not support the proposed demolition of the greater part of the very fine buildings in this section of the Jewellery Quarter and consider it will cause harm to the heritage assets. They comment that their concerns relate to the impact on the significance of the designated Conservation Area and the listed buildings as follows:-
- 4.12 *Demolition of buildings:* Consider that the amount of demolition is of concern. They comment that there are very good buildings lining George Street, Holland Street and Charlotte Street, with fine detailing and intact features, that contribute to the significance of the conservation area and their removal would represent substantial harm to this heritage asset. They consider the James Cond Building is in a classic Art Deco style and appears remarkably intact. The retention of the front section of it onto Charlotte Street is positive but they are disappointed that only the retention of the facade is proposed. They recommend that the entire front block be retained and integrated into new development. With regard to the section of the James Cond building onto George Street they also consider it is of a of very high quality and should be retained in its entirety, at least as to its external form and appearance. They consider its curved staircase bay, the three-storey entrance bay, the series of blocks with strong two-storey elevations, combine to make an architecturally-robust statement that gives a very successful corner-sited building. Only the facade is proposed for retention which they consider involves too much loss of very positive elements in the conservation area. They also recommend the retention of the 'James Cond' sign.
- 4.13 With regard to the former workshop range of the James Cond building fronting Holland Street they regret that this could not be integrated into the new development. However if a greater quantum of historic fabric retained overall they could accept the demolition of this part. In relation to the Lodge Cottrell Building they comment that this is also a positive element in the conservation area and its proposed loss is regrettable.

- 4.14 *Closure of Holland Street:* Comment that Holland Street appears on the 1810 Kempson map of Birmingham and was laid out on the regular grid that characterised the development of the new suburb of what is now the Jewellery Quarter, north and west of St Paul's Square. It is one of the few streets in the area laid with cobbles, and is a positive element in the Conservation Area and enhances its significance. Historic England does not see how the closure of it would preserve or enhance the conservation area, or better reveal its significance. The creation of a 'secure' campus should be managed within the buildings themselves and their internal spaces, whether roofed or open.
- 4.15 *Covering over Holland Street:* Comment that this represents a major change and is out of character with the Jewellery Quarter. However it does have resonances with the covering over of spaces in the courtyards/rears of manufactories in the Jewellery Quarter using lightweight metal roofs with glazing and could be a revitalising feature enhancing the conservation area and better revealing its significance. Therefore Historic England would be prepared to accept this feature but not as an argument to demolish the historic architecture along this street or to homogenise it. Both sides of the canopy would not have to be the same height and it does not also need to cover the whole length of the street. They do not find the detailed design satisfactory.
- 4.16 *New build:* Consider that that the new build proposed in the centre along Holland Street does not conform to Conservation Area's design guidance. However this might be balanced against the retention of the historic buildings and that subsidiarity might be attained through a recessive treatment of the new build, if not through size and scale. The dominance of the Newhall Works on George Street, described in 1915 as the 'largest pin factory in the world', terminating the view northwest out of Holland Street, and significant in views along George Street, should be kept in mind and the scale of any new build should not undermine this. It is a Grade II listed building and this site forms part of its setting. They consider the scale of the infill architecture is too high and domineering and given the quantum of demolition of historic architecture around it and is likely to cause harm to the Newhall Works. Historic England also considers the architecture of the new build along George Street to be too tall and likely to cause harm to the Newhall Works.
- 4.17 *Car park on George Street:* Although this is close to the listed buildings at Nos. 27 and 29 George Street Historic England do not object to its proposed scale as now revised and its proposed exterior treatment.
- 4.18 *Re-opening of the Whitmore Arm:* Note that levels are proposed to be raised, and therefore more detail is required on its junction with the listed building. If it is to be treated as a public benefit this should be based on it being open to the public.
- 4.19 *Effect on Heritage Assets:* Comment that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. The onus is therefore on the decision maker to rigorously test the necessity of any harmful works. The authority should seek to improve proposals so that they avoid or minimise harm to the significance of designated heritage assets and look for opportunities for new development to enhance or better reveal their significance. Visual appearance and the architecture of individual buildings are very important factors. If a proposal cannot be amended to avoid all harm, then if the proposal would lead to substantial harm to a heritage asset, consent should be refused, unless it can be demonstrated that the substantial harm or loss is necessary

to achieve substantial public benefits that outweigh that harm or loss. Historic England do not consider that the demolition and facade retention of elements make a positive contribution to the conservation area and to the setting of other designated heritage assets and are appropriate ways of conserving the assets. They find that the proposed scheme will neither enhance nor better reveal the significance of the conservation area and that instead it will cause substantial harm to it.

- 4.20 Victorian Society – The Victorian Society – Comment that whilst they support the general principle of the proposed scheme and the opening up of the Whitmore Arm they object to the proposals on the grounds that they are unconvinced by the need for the glazed covering of Holland Street. They comment that the street currently represents an increasingly rare example of a street paved with setts in the Jewellery Quarter, and has great historic character, which also enhances the setting of the listed buildings within the views into George Street at the north end. There are no examples of covered streets or public walkways in the Jewellery Quarter Conservation Area (unlike the arcades in the city centre, for instance), and they regard the proposed glass covering of Holland Street as unnecessarily intrusive. In their view it will have a negative impact on the character and appearance of the conservation area, and goes against the guidance on views and street hierarchy as stated in the Jewellery Quarter Conservation Area Design Guide. They are also unconvinced by the need to close the street as a public highway as proposed.
- 4.21 The Victorian Society also objects to the loss of the Lodge Cottrell Building to the corner of Holland Street and George Street. They consider that although this building is of a later period than their sphere of interest, it currently contributes positively to the historic industrial character of this part of the Jewellery Quarter Conservation Area. They therefore wish to see it retained and adapted, particularly bearing in mind the proposed treatment of the adjacent James Cond Building to retain the principal facades. They are not persuaded by the argument that the Lodge Cottrell Building should be replaced as it lies back from the street. Whilst new buildings would indeed be expected to maintain the building line in accordance with the Jewellery Quarter Conservation Area Design Guide, there are many examples of historic buildings throughout the conservation area which are set back from the street frontages for a variety of reasons.
- 4.21 Birmingham Civic Society - Support the development in principle and consider it is desirable in terms of improving the local environment and having a positive impact upon the local area. They consider the design and layout to be exciting and imaginative. Comment that consideration needs to be given to the closure of Holland Street, how will this be managed/controlled and whether it becomes private ownership. Would be concerned if this causes the loss of public right of way.
- 4.22 Jewellery Quarter Development Trust – Object to the proposals as they currently stand on the following grounds:-.
- The massing of Building B on George St hugely unbalances the street. They would like to see this lowered by one storey to avoid a detrimental effect on the streetscape. Suggest the loss of space could be re-provided toward the middle of the site (adjacent Phase 1) by adding a 5th storey, set back from George St.
 - Building B and C do not appear to line up with back of footpath according to the ground floor plan. This is not acceptable and is in direct contravention of the CA Management Plan.
 - The Jewellery Quarter Conservation Area Design Guide requires the design to consider street hierarchy, typically giving corner buildings more prominence and also to consider hierarchy within building plots. A lower building on George St gives great scope to enhance the corner on to Holland St.

- The George St elevations feel very 2-dimensional and could benefit from more depth, which would also help vary the roofline.
- The 'New James Cond' building on Holland St should relate better to the two 'bookends'.
- One of our greatest concerns is the view south-west along George St. The Multi Storey Car Park (MSCP) will be highly visible and will not be covered by future development. This elevation needs significant articulation and the JQ Design Guide should be used as inspiration.
- Although appreciate that the height of the MSCP has been reduced it would be an exception in the JQ and therefore its design should be outstanding. Consider that the cladding proposed is interesting and must not be value-engineered out.
- Consider that the approval of this scheme must be linked to the restoration or sale of UCB's derelict sites across the JQ, notably the nurses' accommodation on Ludgate Hill. It is inconceivable that these highly valued buildings are left to deteriorate further whilst new development takes place elsewhere.

4.23 However the JQ Development Trust advise that they do support the principle of the development, its uses, the proposed floor space, the use of Holland St as a "Skills St, the opening of the Whitmore Arm as a high quality public thoroughfare and the landscaping scheme. They would like to see retention of the Holland St cobbles, a commitment to installing blue brick pavers to the public footpaths and the provision of facilities and activities that the local residential and business community can benefit from such as the use of the sports facilities out of hours. In conclusion they comment that although they object to the proposals as they current stand their objections could be overcome if there was there was –

- A commitment to the sale/renovation of the nurses' accommodation on Ludgate Hill.
- Reduction in the height of Building B on George St.
- An improvement to Building B and C to better reflect the hierarchies described in the CAMP and Design Guide,
- Improve the view of the MSCP down George St.
- Building B & C were located to the back of the footpath

4.24 Conservation and Heritage Panel - The current proposals were presented to the panel at their meeting on 8 February 2016 and they made the following comments:-

- The Panel generally welcomed and were supportive of the University's aspirations and idea for the creation of a "Skills Street" for their campus.
- Concerns raised by the loss of the Lodge Cottrell building and the 20th century townscape form of this part of the Jewellery Quarter Conservation Area.
- Some Panel members expressed concerns requiring the need to close off Holland Street to the extent proposed.
- The re-opening of the Whitmore Arm as a pedestrian route (subject to the establishment of a public right of way) was seen as positive.
- Some concern was expressed with regards to the quantum of car parking however the reduction from the scheme seen in September was acknowledged as positive.
- It was also acknowledged that the covering of the street would alter the character of the area though the panel were mix about impact of this.

4.25 CABE -The pre application proposals were presented to the Design Council Design review on 5 October 2015. The panel considered that the scale and massing of the development appeared appropriate, but there were significant design issues that needed to be resolved, particularly the integration with the historical buildings retained on site and the sustainability strategy. They were not convinced about privatising Holland Street and the principle of giving up an adopted road in exchange

for one that is not adopted. They felt that if this is the only option in order to create a specific campus design within the historical urban setting, it should be progressed only with robust conditions, including a requirement that both Holland Street and Whitmore's Arm should be retained in perpetuity as public routes with a covenant determining this. The areas of concern were-

- 4.26 *Holland Street*- Privatising Holland Street is not considered advisable and it should be retained in perpetuity as public route with a covenant to preserve public access. It was not clear how visitors and students will perceive that they are entering the campus. There should be a stronger sense of arrival, such as moving the gates closer to the street ends and making them more visible when approaching the site.
- 4.27 *Whitmore's Arm* - That opening Whitmore's Arm to the public as an unadopted road would be an adequate substitute for Holland Street. Had concerns about the safety issues arising from the lack of activities and natural surveillance, exacerbated by the height of the buildings overshadowing the space and the car parks on the northern side.
- 4.28 *Canopy* - That the design of the high level canopy over Holland Street appeared overly complex and repetitive, missing the opportunity to create more of a feature for the area. Considered the configuration chosen was likely to affect the amount of daylight in Holland Street, impacting negatively on the adjoining ground floor rooms. Were concerned about how it will perform in the medium and long term, including the cleaning and maintenance strategy. Recommended performing wind tunnel testing of the canopied space to assess comfort and safety for pedestrians
- 4.29 *Building A* – Considered that retaining the two corner blocks of the James Cond building facing George Street and Charlotte Street helps preserve the character of the street, however the interface of building A with the James Cond building on Charlotte Street was not convincing. Recommend further work on the transition in height between the proposed and existing buildings and their detailing. Felt the main entrance of the building was not clearly defined and the design does not appear flexible to adapt to future learning needs. The quality of learning spaces was of particular concern, because of the environmental performance of the building, including daylight levels and the lack of fenestration onto the internal courtyard, north-facing teaching rooms and overheating on the south and west front. Suggest utilising the roof terraces.
- 4.30 *Buildings B and C* - Demolishing the Lodge Cottrell building and the historic elements along the northern side of Holland Street was regretted although the siting of Building B and C on the pavement line, reinforcing the historic street line of George Street, is positive. The amount of car parking is significant given the intended modal shift towards sustainable transport options. Its design and its metal cladding respond well to the context, but question the height of the building. Recommend reviewing the purpose of the building and ensuring the building can adapt to changing user requirements in the long term.
- 4.31 **PP Responses**
- 4.32 Letters have been received from 33 local residents/businesses some of which object to the proposals as a whole and others consider the development has some merits but object to some aspects of the proposals. The objections include the following grounds-
 - The proposals are contrary to the conservation area designation of the site.

- Strongly object to closing Holland Street to vehicles. It is critical for people wishing to get to Newhall Street in the direction of the city centre.
- George Street has seen a significant increase in traffic in recent months due to the disruptions from the Paradise redevelopment, the closure of yet another public right of way in this already congested area could be disastrous.
- Closing Holland Street inside University opening hours could be seen as minor, but it is extremely well used and is a vital thoroughfare for local residents and businesses that are already hampered by the multiple disruptions and road closures from the "Paradise" project which are set to continue for years.
- Holland Street is a public highway and not private land to be purchased.
- It is monstrous that UCB are now proposing to own Holland Street and are planning to pedestrianize it and then block the general public from using it. What is to stop UCB closing the road for longer hours or permanently?
- Holland Street should not be closed off, even during the day, to the local community. If the public right of way is removed the alternative of walking down the Parade/A457 dual carriageway potentially exposes pedestrians to risk from traffic accidents, pollution and crime.
- Holland Street should not be lost to the public. It is a rare example of a street paved with setts/cobbles and a real asset to the local area.
- The loss of on street parking spaces on Holland Street will have an adverse effect for residents, local businesses, and visitors.
- The increase in traffic and users in the area will put pressure on permits to park on Charlotte Street and surrounding streets. There is already a high demand for permits, spaces are to be lost and it is unclear where people will be able to park in the short and long term.
- Object to the canopy across Holland Street.
- Oppose the demolition of the Lodge Cottrell building which a significant building is providing an insight into the recent industrial history of Birmingham.
- The frontage of old factory buildings should be kept rather than tearing them down. Other developments have melded well with the industrial past. At larger structure could be built behind them.
- The height of the new buildings is out of character with current buildings in the Conservation Area and will dominate the remaining industrial heritage buildings.
- Object to height and location of Building B as its footprint is being brought forward closer to the Newhall Works building. The height will swamp buildings in the area, particularly the Newhall Works which is a grade 2 listed building and will be hidden from view.
- The scale and massing of the new buildings on George Street is overbearing, out of scale with its surroundings which include a number of listed buildings
- Would adversely affect the setting of adjacent listed buildings
- The design of the new buildings, their height, mass, materials lack of variation in the roof line is not in keeping with the character of the Conservation Area. Heights should be lowered to that of the existing buildings.
- Will have a significant detrimental impact on the light and outlook from neighbouring flats, cause a loss of privacy, a more claustrophobic feel and have a negative effect on the quality of life. Natural light is already being restricted for many residents occupying ground/1st floor flats.
- Loss of sun light/ outlook/privacy to adjacent residential properties and their external terraces.
- The proposed building heights are contrary to the vision for the Jewellery Quarter put forward in the Big City Plan which states that in sensitive areas heights and massing will be carefully controlled and restricted.
- The re-routing of traffic along Whitmore Arm would cause disturbance, noise and security issues to residents of York House.

- Opening Whitmore Arm would be contrary to the planning conditions imposed by the Council for Phase 1 which restrict access to occasional deliveries to safeguard the amenities of York House residents.
 - Extending the route of the Whitmore Arm will pose a serious threat to the security and privacy of the ground floor of the Broughton Works.
 - Do not see the need for a multi storey car park given the emphasis and availability of public transport, pedestrian access and cycle access.
 - Building a car park this big will only result in more traffic thus going against the councils plans to reduce traffic in the City centre.
 - There are already other car parks within walking distance of the site including the NCP car park at George Street with around 528 spaces. Adding another car park within the area is unnecessary.
 - The additional traffic trying to enter/exit George Street will cause major delays, backlogs and have a severe impact on traffic movements around the surrounding area. It would also be a safety issue for nearby Perry Beeches School. Any proposals for the site should address the current congestion and traffic issues in George Street.
 - Without a new car park, the development could be less intrusive.
 - The multi storey car park is too high and large and will dominate Broughton Works and obscure most of the aspect on its southern side.
 - Insufficient consideration has been given to the design of the side elevation of the multi storey car park and its setting adjacent to several listed buildings. The materials proposed are not suited to this sensitive infill street frontage.
 - The area has been blighted by demolitions and construction projects for over two years. Consideration should be given to the right of residents to have a relatively uninterrupted life not further excessive disruption.
 - Concerned the existing buildings contain asbestos
 - Loss of property values
 - Request that the committee view the site.
- 4.33 Some of the representations received also request conditions to ensure-
- Strict limits are imposed on working hours and to stop lorries parking outside resident's homes and causing general disturbance.
 - Access to Holland Street remains open during the construction work
 - Local residents have spaces in the car park
 - The cobblestones in Holland Street are retained.
 - That the health facility provides medical services like a doctor and nurse for the local community
 - The roof spaces are not used as external terraces.
 - That the Sports Hall offers subsidised admission for local residents to make it a community access point

5.0 Policy Context

- 5.1 National Planning Policy Framework, Birmingham Unitary Development Plan 2005, Birmingham Development Plan 2031, The Jewellery Quarter Conservation Area Character Appraisal and Management Plan, Jewellery Quarter Conservation Area Design Guide, Conservation Through Regeneration SPD; Places for All SPG, Car Parking Guidelines SPD.
- 5.2 The site is within the Jewellery Quarter Conservation Area and adjacent to a number of Grade II listed buildings including the House of York on Charlotte Street and No's 27 (Broughton Works) and 28 George Street (Globe Foundry). On the opposite side of George Street is Newhall Works which is also listed Grade II.

6.0 Planning Considerations

6.1 **Background**

6.2 The proposal is to provide phase 2 of the new city campus for UCB which is intended to have a distinct identity that integrates teaching and amenity spaces allowing for future growth. It has been designed to provide 14,500sqm of new teaching facilities, active ground floor activity to animate the area including 'Skills Street' which would create a unique learning environment for public facing services. The development also aims to create a development that enhances the city and in particular this part of the Jewellery Quarter, through improved ground floor activity and high quality, striking new buildings. The development would allow an increase the numbers of students on site to increase from around 2,000 to 4,500 and increase the staff presence from 55 to 190 (full and part time) .

6.3 At the planning meeting on 18 February 2016 consideration was given to an issues report in respect of the application proposals. Members were asked to consider 6 main issues and made the following points:-

Issue 1 – Land Use Policy

Members noted that the proposal was for educational purposes and considered that it was a good use of the land.

Issue 2 – Demolition

Councillor F Williams advised that the Conservation and Heritage Panel had expressed concern regarding the proposed demolition of the former Lodge Cottrell building and the fact that only the façade of the former James Cond building would be retained. Members noted that Historic England had also expressed concern regarding the amount of demolition proposed as more particularly referred to in paragraph 6.8 of the report.

Issue 3 – Building Heights and Design

Members, whilst not opposed to the heights of the buildings, disliked the proposed canopy between the buildings in Holland Street. It was noted that the Conservation and Heritage Panel had likened the flat roof to a 'shopping mall'. It was suggested that, if required at all rather than flat, the canopy should be arched. Members considered that the design should have character and be in keeping with the existing buildings in the area.

Issue 4 – Closure of Holland Street

Members, whilst not opposed to the closure of Holland Street to vehicles, objected to and queried the logic in restricting public access during term time. It was noted that the development would provide vocational education for students as young as 14 and therefore the closure might be for safety reasons. However, it was pointed out that restricting pedestrian access might have an adverse effect on the retail and restaurant trade in the development.

Issue 5 – Provision of the Multi Storey Car Park

Whilst the proposal to include a multi storey car park was welcomed, some concern was raised regarding the design and the fact that the proposed height was lower than the existing buildings in the area.

Issue 6 – Section 106 Offer

Members considered it appropriate to ask the applicant to undertake further public realm and provide another S106 contribution commensurate with the proposed development.

- 6.4 Since the Committee meeting the applicants were requested to give further consideration to the points raised by the committee particularly the closure of Holland Street and the canopy. The applicants have responded that both the closure of Holland Street and erection of a canopy are essential to University and to secure the safety and well-being of students. They have however agreed to reduce the length of the canopy by 22 metres by setting it back 11 metres at either end so that it is located further into Holland Street and further from the George Street and Charlotte Street frontages.
- 6.5 Officers also asked the applicant to improve the appearance of the car park building C by extending the decorative screening to the side and rear of the building and to upgrade the public realm on the site frontages. UCB has agreed that the Whitmore Arm elevation be amended so that the proposed metalwork covers the extent of the elevation. They however advise that it has not been possible to continue this treatment to the full extent of the elevation facing the internal courtyard due to cost implications but have agreed to continue the full height metal framework on the initial return of the elevation from the Whitmore Arm into the courtyard. Amended plans showing these two changes have been provided.

6.6 The Issues

- 6.7 Local Planning Authorities must determine planning applications in accordance with the Statutory Development Plan, unless material considerations indicate otherwise. The Development Plan comprises the saved policies of the Birmingham Unitary Development Plan 2005. The NPPF and the Draft Birmingham Development Plan are material considerations particularly as the Draft Birmingham Development Plan is at an advanced stage and has been found to be sound. Other adopted supplementary planning policies are relevant as are the representations received from consultees and third parties. It is considered that the proposals raise a variety of planning-related matters which are discussed below:

6.8 Land Use Policy

- 6.9 The UDP in para 4.55 recognises the need for a skilled workforce and the invaluable contribution that the city universities play in helping to achieve this. Proposals for the expansion and improvement of universities are therefore supported in principle and encouraged subject to the other policies within the plan. The specific UDP policies relating to the Jewellery Quarter propose an urban village to encourage the regeneration of the area and support the traditional industrial base. New development should be sensitive to existing uses and buildings and consistent with the requirements of the conservation area. In the submitted BDP policy GA1.3 promotes development which supports and strengthens the character of the area and for the Jewellery Quarter. The aspiration is to produce an urban village and introduce an appropriate mix of uses.
- 6.10 The Jewellery Quarter Conservation Area Character Appraisal and Management Plan (JQCACAMP) identifies this part of Holland Street/Charlotte Street as being within the "St Paul's Canal Corridor" of the Jewellery Quarter. The document states that properly directed and controlled mixed use developments can help regenerate the Quarter while supporting and protecting traditional industries.

- 6.11 The application site adjoins McIntyre House which was developed as Phase 1 of the new UCB campus as approved under application 2011/00669/PA. The phase 1 proposals were accompanied by a master plan showing the current application site would be developed to provide additional educational facilities as well as a student accommodation block and a 250 space multi storey car park. At the planning committee in May 2011 it was considered that the proposed use for educational purposes was acceptable in this location and in accordance with policy particularly as the immediate vicinity contains a mix of commercial, residential and light industrial buildings as well a number of vacant buildings and sites.
- 6.12 The principal of providing additional education facilities on the application site is still considered to be acceptable in principle. The proposals for phase 2 as now developed offer a number of facilities that would give activity to the street frontages and be available for wider public use such as the small retail and therapy units on Holland Street, the restaurant fronting George Street and the proposed health facility. These will add to the vitality of the Jewellery Quarter as well as bringing further activity and regeneration of the immediate area. The provision of a multi storey car park within the Conservation Area is questioned and will be dealt with further below however generally no objection in raised to the proposed expansion of UCB onto the application site.
- 6.13 **Demolition**
- 6.14 As the application site is in a conservation area, the statutory requirement is to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. Para 3.27 of the UDP seeks to ensure that developments preserve or enhance the character appearance of Conservation Areas and the demolition of buildings which make a positive contribution to the area will generally be resisted with consent for demolition only being granted where replacement buildings benefit the character or appearance of the area. The Policy TP 12 of the BDP states that great weight will be given to the conservation of the City's heritage assets. New development affecting a designated or non-designated heritage asset or its setting, including alterations and additions, will be expected to make a positive contribution to its character, appearance and significance.
- 6.15 The Jewellery Quarter Conservation Area Appraisal and Management plan states that demolition of buildings will not normally be permitted and there is a presumption against alterations to buildings which adversely affect their character or that of the conservation area.
- 6.16 The NPPF requires the conservation of heritage assets in a manner appropriate to their significance. In considering the impact of a proposed development on the significance of a designated heritage asset, great weight is to be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.
- 6.17 In support of the application a Built Heritage Assessment has been submitted. This comments that none of the buildings within site are either statutorily or locally listed and are considered to be of no more than localised significance to the character and appearance of the area. The report considers that the Charlotte Street frontage of the James Cond building is of the most value and that the Lodge Cottrell building is of low value. It concludes that keeping the facades of the James Cond building results

in the retention of the most important features of the building and those elements that make the most contribution to the character of the conservation area.

- 6.18 The applicant's assessment of the significance of the existing buildings on the application site is disputed by Historic England. They consider that existing buildings contribute to the significance of the conservation area and their removal would represent substantial harm to this heritage asset. Whilst they comment that the retention of the front facades of the James Cond building is positive they recommend that the entire block fronting Charlotte Street and George Street should be retained and integrated into new development. Objections to the amount of demolition proposed have also been received from the Victorian Society who considers the Lodge Cottrell building should be retained. CHP also felt that the existing buildings were of quality and part of the 20th century development of the Jewellery Quarter and should be retained including the Lodge Cottrell building as do a number of local residents.
- 6.19 With regard to the demolition our Conservation Officer agrees with the applicants Heritage assessment that the James Cond building has evidential and aesthetic value due to its completeness and its strong design. He comments that the demolition of the central section of the James Cond building will only affect Holland Street as the principal façade to Charlotte Street and the innovative circular stair case and related elevation to George Street will be retained. As such the demolition respects the value and importance associated with the hierarchy of streets as discussed in the Jewellery Quarter SPG's. Therefore whilst the loss of this building is regretted it is considered that the proposals retain the most important elements of this building.
- 6.20 With regard to the Lodge Cottrell Building the applicants Heritage Statement concludes that the building has some evidential value but is neither unique nor significant in terms of its value. The Conservation Officer only partly agrees with this conclusion and considers the building to be a good example of early utilitarian industrial architecture, but non-the-less limited in its significance. Its loss would have a greater impact on the conservation area by virtue of its comprehensive loss and principal street frontage onto George Street. However he considers this building is less well designed than either phases of the James Cond Building, being far more utilitarian and a less well considered architecturally. He therefore considers that the building has a neutral to positive value in terms of its contribution to the conservation area and that this is contained largely in the character of the building, not its scale, use or contribution to the vitality of the street scene. Its loss is considered to cause some harm to the Conservation Area.
- 6.19 The buildings to be lost are not fully used and would be difficult to adapt in such a way as to increase vitality into this corner of the Jewellery Quarter. Overall the proposed demolition is considered to cause less than substantial harm to the Conservation Area. The Paragraph 134 of the NPPF states that *'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use'*. The public benefits offered by the development are considered in more detail in para 6.58 below.

6.21 Building Heights

- 6.22 The UDP requires development in the heart of the Jewellery Quarter to be sensitive to existing uses and buildings and consistent with the requirements of the conservation area and states that buildings to be generally 2-3 storeys. Replacement

buildings are required to benefit the character or appearance of the area and generally respect the character of existing architecture, scale, materials. The setting of listed buildings should also be preserved or enhanced. The BDP requires applicants to provide sufficient information to demonstrate how the proposals would contribute to the asset's conservation whilst protecting or where appropriate enhancing its significance and setting.

- 6.23 The application site falls within the designated St. Pauls/Canal Corridor area within the JQ Conservation Area Appraisal and Management Plan. It notes the general scale of the area to be four-storeys in height and constructed in red brick, rather than the wider pallet of materials found further across the conservation area. The Management Plan requires the design of new development to respect the scale, form and density of development and states that building heights should generally respect the height of buildings within the locality and normally limited to four storeys. The Jewellery Quarter Design Guide also outlines principles for good design including guidance on scale, form, grain, hierarchy and materials.
- 6.24 There is also a statutory requirement to have special regard to the desirability of preserving listed buildings and their settings and to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas. The NPPF requires new development within conservation areas and within the setting of heritage assets to enhance or better reveal their significance. Decisions should address the integration of new development into the historic environment.
- 6.25 Proposed new buildings A and B are 4 storeys in height which follows the height established for the phase 1 UCB development at McIntyre House and are considered to be acceptable. It should be noted that the retained facades of the James Cond building are 2 storeys and 3 storeys in height and therefore new Building A set behind the retained facades would be significantly higher. However the taller elements are set back from George Street and Charlotte Street by approximately 8 metres and therefore it would be on Holland Street where the four storeys would be most apparent. Here the new building would be opposite the four storeys McIntyre House and proposed building B which would also follow the same height.
- 6.26 Historic England consider that that the new build proposed in the centre along Holland Street does not conform to Conservation Area's design guidance as it is too high and domineering for a secondary street. They also consider the architecture of the new build along George Street to be too tall and likely to cause harm to the Newhall Works. Similar concerns have been raised by the Jewellery Quarter Development Trust who consider the Building B should be lowered by one storey to avoid a detrimental effect on the streetscape and question why the building does not appear to be located to the back edge of the footway. A number of local residents also object to the height and position of Building B particularly where it fronts George Street as the existing Lodge Cottrell building on this part of the site is only 2/3 storeys high and set back by about 2 metres from the back of the footway.
- 6.27 Although the proposals would increase the height of the buildings on the site and the built height on George Street increasing from 8.5m to 19.8m, it is considered that this would not fundamentally alter the character of this element of the Conservation Area. Although the proposed buildings would be the tallest structures in this part of the Conservation Area they would not be excessive in scale and will balance the urban scale of the area better than the current Lodge Cottrell building. The site is located close to the City Fringe and has seen almost continual redevelopment during the twentieth and twenty-first centuries. The change of height would alter the character

and appearance of the Conservation Area, but it is not considered that it would cause any substantial degree of harm to its significance.

- 6.28 It is also a feature of the Jewellery Quarter that buildings are set to the back of the footway and in this instance the building would be approximately 1 metre back from the edge of the public footpath. This is because the applicants sought to achieve a balance between moving the building forward and its impact on dwellings opposite the site. A similar set back was provided with McIntyre House and visually the frontage would be paved so it appears as part of the footway. The new building would be higher by about 3 metres than the Newhall Works which whilst being a four storey building has lower floor to ceiling heights. The front to front separation distance between the 2 buildings would be approximately 13.5 metres which is common in urban locations. The increased height would help enclose the street and provide a counter to the scale of the New Hall Works but it would still remain as a dominant feature within the Conservation Area and as an obvious landmark within the streetscape of George Street and terminating the view along Holland Street. The height and position of the building are therefore considered to be acceptable.
- 6.29 Building C fronting George Street would be approximately 3.6m lower than Building B and taller to the rear to the equivalent of 4 storeys. This lower height to the George Street frontage was requested at the pre application negotiations in order to reduce the impact on the lower buildings that adjoin this part of the Conservation Area in George Street and would also help provide a varied roof line. The proposed height is considered to be appropriate and it is also noted that Historic England do not object to its proposed scale as now revised.
- 6.30 **Design**
- 6.31 All three buildings have been designed with active frontages to the ground floor facing Holland Street and George Street and the Health Centre and police office have the potential to provide activity onto the Whitmore Arm pedestrian route. Conditions would need to be imposed to prevent, security shutters, obscured glazing and vinyl's being added to these facades to ensure that the activity is kept visible on the street frontages. The space behind the retained façade on the James Cond building on Charlotte Street would be used for staff, a lecture theatre and cycle storage so would be less active but as the ground floor windows are set above a semi basement and are not at street level this is considered to be acceptable.
- 6.32 All three buildings would be of a substantial size, width and height and would not be of the finer grain and narrow plot widths generally found elsewhere within the Jewellery Quarter. This does however reflect the plot sizes of this part of the Conservation Area and the form of the James Cond and Lodge Cottrell buildings currently on the site. The designs generally follow the general design guidance for the Conservation Area with buildings A and B proposed to be of brick with large metal windows set back within brick frames. Although the heights and scales are similar, Building A would have 11 large bays and large glazed openings and as the building would be visible above retained end wings and the design now introduces 3 large matching glazed areas to reduce its impact. Building B would have narrower bays and although the elevations to George Street would be fully glazed part of the upper floors would be clad with metal panels due to the proposed sports centre use. Both designs are however considered to be of a high quality and although the impact on the conservation area would be significant by virtue of the increase in height and bulk they would have a positive impact.

- 6.33 A different treatment is proposed for Building C by virtue of its use as a multi storey car park (MSCP). Although ground to ceiling glazing is proposed on part of the George Street and Whitmore Arm elevations the ground floor also accommodates the entrances to the car park, delivery yard, cycle store and car park staircase so these spaces cannot be glazed. The main material would be a dense cast iron or weathering steel screen with decorative panels angled to model the building together with the use of deep vertical fins to frame the panels. The material is intended to reflect the use of metal in objects made in the Jewellery Quarter and the panel design would be based on the decorative fanlight that exists above the entrance on the James Cond building. The staircase tower facing the Whitmore Arm and the part of the rear elevation would be clad with flat metal panels and louvres.
- 6.34 The Conservation Officer questions the need for a multi storey car park within a conservation area but considers that the design of the cast iron/weathering steel screening is exceptional and introduces a narrative of the historic formation, design and use of metal in objects and architecture in the Jewellery Quarter. However the building would be very dominant on the approach down George Street from Newhall Street as the flank elevation will be very visible due to the open area and gap in the frontage adjacent to it and presence of the Whitmore Arm. Similar concerns have been raised by the Jewellery Quarter development Trust who comment that one of their greatest concerns is the view south-west along George Street as the MSCP will be highly visible and would not be covered by future development.
- 6.35 The applicants were therefore requested to reconsider the design for the side and rear of the car park particularly replacing the metal panels proposed on these elevations with the cast iron/weathering steel screening. As a result they have agreed to make amendments and extend the steel screening along the side and apart of the rear elevation. Although officers are disappointed that the screening cannot be extended along the entire rear elevation it is noted that the side and rear elevations may be less visible in the future as there is a current application for 6 town houses on part of the gap in the George Street frontage. Although views of the MSC would still be visible from the Whitmore Arm and entrance to the Broughton Works this compromise is accepted.
- 6.36 The application also includes the renovation of the retained facades to the James Cond building and changes to part of the façade of McIntyre House where part of the facade of the Lodge Cottrell building on site was retained on the Holland Street elevation. This has resulted in awkward junction between the two buildings and therefore it is proposed to remove the retained section of walling and replace it with new brickwork to match the rest of the McIntyre Building. These works are welcomed and would enhance the appearance of the Conservation Area.
- 6.37 **The Canopy**
- 6.37 A further aspect of the design is the proposal to erect a high level canopy across Holland Street approximately 1m above the parapet on both new buildings and McIntyre House. The canopy would be have a metal work frame clad in anodised aluminium into which would be clear glazing and fixed at an angle with water draining onto the roof of Building A. Concern about the erection of a canopy across the street has been raised by a number of local residents and the Victorian Society who point out that there are no examples of covered streets or public walkways in the Jewellery Quarter Conservation Area and they regard it as unnecessarily intrusive and would have a negative impact on the character and appearance of the conservation area contrary to guidance on views and street hierarchy.

- 6.38 Historic England also consider the canopy represents a major change and is out of character with the Jewellery Quarter, although they consider it does have resonances with the covering over of spaces in the courtyards/rears of manufactories in the Jewellery Quarter using lightweight metal roofs with glazing and could be a revitalising feature enhancing the conservation area and better revealing its significance. They question whether both sides of the canopy have to be the same height and length and do not find the detailed design satisfactory.
- 6.39 In support of the need for the canopy the applicants comment that external informal spaces are currently lacking within the campus and are required to enhance the student experience. The proposals are designed to communicate that the University is set within an exciting urban campus hence the focus around Holland Street which would act as a postcard for the University and Jewellery Quarter. The overhead cover is intended to be a signature feature of the campus and would transform Holland Street and allow for a greater utilisation of the street for student life. The canopy would also allow regular events to take place such as street fairs and markets. Following the concerns raised they have however agreed to reduce the length of the canopy from approximately 89 metres to 77 metres so that the canopy is set further back from the George Street and Charlotte Street frontages and does not overhang the retained facades of the James Cond building as originally proposed
- 6.40 The Councils Conservation Officer considers the case in support of the canopy to be weak but if considered to be necessary, it is less harmful to position it as proposed at parapet level rather than mid-way up the elevation of the buildings lining Holland Street. However whilst a high level canopy allows the architecture of the buildings to be properly read its elevated position creates a tall cathedral-like nave which is also undesirable in an historic urban street and appears very commercial and corporate.
- 6.41 Officers have questioned the need for the canopy and are not fully convinced by the reasons as to why there is a need for the street to be covered. However the reduction in its length is an improvement and it would only be visible from either end of Holland Street and not from long views up and down George Street and Charlotte Street. The new buildings and uses proposed would also represent a significant change in the appearance and architecture in Holland Street and the design of the canopy would reflect the design and rhythm of the new buildings as the principal structural rafters are expressed in the design which would canopy of a simple grid of high quality materials. On balance the structure is considered to cause less than substantial harm and in these circumstances paragraph 134 of the NPPF states the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. This is dealt with in para 6.58 below.
- 6.42 **Closure of Holland Street**
- 6.43 As part of the development, the applicant is seeking the stopping up of Holland Street as formally adopted highway for it to become a private pedestrian only space. At the pre application stage the applicants were seeking to close the road at all times but have since agreed that general public access would not be available between the hours of 08:30 and 18:30 Monday-Thursday and 08:30 and 16:30 Fridays during term time. Decorative gates would be installed at either end of the street and pedestrians would need to pass through security within the McIntyre Building when the gates are closed. The restaurant and health facility on George Street would however be accessed directly from the street.
- 6.42 The applicants are current pursuing the formal stopping up of Holland Street through a Section 247 notice. In support of the planning application the applicants advise that

as a provider of education for students below the age of 18, they are required to comply with legislation and regulations ensuring the safeguarding of children and vulnerable adults. Statutory guidance requires education providers to safeguard children and vulnerable adults and provide a safe environment in which they can learn and this includes the requirement to ensure an effective child protection policy is in place. Education provision must be in a safe environment and that institutions are assessed on whether timely and appropriate safeguarding is in place. UCB is an Ofsted rated 'outstanding' institution, consider that the best way of providing a safe and secure environment within which to teach through both regulating those who have access to the teaching facilities is by providing a secure site and regulated access. Failure to do so would result in it breach of its statutory requirements and failing to meet the standards required as part of the Ofsted assessments.

- 6.43 A number of objections have been raised to the closure on conservation grounds. Historic England, CABE and a number of local residents point out that it is one of the few cobbled streets in the area and is a positive element in the Conservation Area. They consider it is difficult to see how the closure would preserve or enhance the conservation area, or better reveal its significance. Objectors were also not convinced about the principle of giving up an adopted road in exchange for one that is not adopted.
- 6.44 The Council's Conservation Officer comments that the closure of Holland Street through the erection of gates is an unusual and an undesirable approach to the development and the continued management of the conservation area which comprises a series of open streets. The grain of the quarter is a significant aspect of the conservation areas character and the closure of the street is highly unorthodox. Whilst there are spaces within the Jewellery Quarter that are semi private and offer glimpses from the highway through into yards and courts that are not accessible these do not comprise entire streets. He therefore does not support this aspect of the proposal, but consider this to be less than substantial harm as the asset remains.
- 6.45 In addition a number of residents have commended that the closure is unacceptable as it is well used by local residents particularly due to the disruptions from the Paradise redevelopment and that UCB may seek to permanently block residents from using the street if they own it and due to the loss of on street parking spaces.
- 6.46 Transportation have commented that Highways Traffic Management Services have raised concerns regarding the closure of Holland Street as it removes a choice of route that can be (and is being) utilized whilst the Paradise Circus traffic management works are being progressed. In addition they do not want to lose this link while the current traffic management plans are in place. They have asked the road is not formally closed until after 18 December this year when the Paradise highway works are due to be complete and therefore request a planning condition that delays the practical stopping-up of the highway until this time. They have noted the comments received from local residents and asked the applicants to provide a more robust assessment on the traffic impacts of the proposal, capacity analysis of the impacts on traffic having to travel through Newhall Hill and Sandpits roundabout and further information to assess the impact of the closure on the adjacent road network. This additional information is awaited.
- 6.47 The applicants are adamant that the closure of Holland Street is fundamental to their proposals and their statutory requirement to safeguard children and vulnerable adults. They have therefore offered Whitmore Arm as a new pedestrian route although this would remain in their ownership. In addition the use of Holland Street as a pedestrian route would be available for a considerable part of the day and

outside term times, the line of the road would be retained and although it would be raised to pavement level and the existing cobbles would be cleaned and re-laid. The existing pavements would also improve by replacing the tarmac with brindle brick and blue brick details. The closure of the street also does not result in its physical loss, and its proportions would not be compromised. On balance, and subject to consideration of any further comments received from Transportation, it is considered that the closure of Holland Street can be supported subject to the closure being delayed until after 18 December 2016 and conditions being imposed to require the improvement works and to restrict the hours of closure.

6.48 Whitmore Arm

6.49 The provision of a new route for pedestrians/cyclists along the Whitmore Arm, which following the line of a former canal between George Street and Charlotte Street is generally welcomed. Although it would remain a privately owned right of way it would provide a further link between Charlotte Street and George Street and it is proposed to improve its current appearance and accessibility by resurfacing it with cobbles and providing a ramp and steps at the western end to address the difference in levels. The design of Building C includes a police office and student health area to overlook the route which would ensure it would be overlooked.

6.50 Historic England raises no objection to re-opening of the Whitmore Arm: but request that more detail is provided on its junction with adjacent the listed buildings which can be covered through conditions. The Council's conservation officer also considers that the formation of the new route offers some mitigation to the compromises made to Holland Street and the new stretch of public realm would allow for a better understanding of this lost piece of infrastructure. He therefore considers this to be a positive aspect of the scheme in terms of its impact on the conservation area. The objections raised to the new route from local residents are addressed in para 6.66 below.

6.51 Impact on the setting of listed buildings

6.52 Consideration also needs to be given to the impact of the development on the setting of adjacent heritage assets including the nearby listed buildings. The statutory test for development involving listed buildings is that the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest it possesses. The NPPF and development plan also contain similar policies. The area surrounding the application site contains a significant number of listed buildings, including the New Hall Works on George Street, Broughton Works at 27 George Street, the Globe Foundry to the rear of 29 George Street and the House of York, at 27 to 31 Charlotte Street.

6.53 Historic England considers that the development is likely to cause harm to the New Hall Works given the scale and height of the infill architecture and the quantum of demolition. The Conservation Officer has considered the impact on the development on these buildings and comments that their setting is that of a tight-knit urban industrial landscape of works, factories and housing in close proximity to one another. Whilst the landscape has changed and the setting somewhat eroded, these buildings have absorbed the changes made through successive waves of redevelopment and their setting now comprises a mix of dense hard development, much of which is modern. He considers the proposed loss of buildings from the application site does not harm the setting of any of the listed buildings subject to acceptable replacement buildings being delivered in their place.

- 6.54 It is acknowledged that the replacement buildings proposed would change the scale of the built environment that makes up the setting of these listed buildings. However all of these buildings have an industrial heritage and pedigree that sat within a dense mix of varied buildings a change in scale can be absorbed into their setting. He considers the proposed design of these new structures responds well to the setting of these listed buildings. The predominant use of brickwork across the majority of the new build using a simple modular form relates to the strong early 20th century legacy of the area and is neutral in its industrial character, therefore not competing with the listed structure, which are also modest in their form, design and use of materials.
- 6.55 The Conservation Officer considers the main concern to be the relationship of Building C and the Broughton Works at 27 George Street, as this listed building is set back from the George Street frontage overlooking the Whitmore Arm. Its setting is already partly compromised by the close boarded fence located in front of its ground floor windows however the proposals would position the multi it storey car park on the other side of the Whitmore Arm some 11 metres away giving an uncharacteristic spacing between buildings and opening up the flank. However he comments that this is unavoidable without building on the Whitmore's Arm or building in front of the listed building which would be more harmful. The rear of the car park faces toward the House of York some 13 metres away. The design of the rear elevation, although improved is poor, but its stark contrast allows for a bold contemporary intervention to be arrived they does not compete with listed building.
- 6.56 This concern has to be balanced against the new landscaping proposed to the Whitmore's Arm which would open up access, visibility and understanding of the adjacent listed buildings and create a better understanding of their historic context by visually reinstating the position of the lost water body that these building originally related to. As such these works are considered a positive steer towards the setting of the listed buildings
- 6.57 The canopy and gates to Holland Street would impact on the setting of New Hall Works, but only from the view point down Holland Street from Charlotte Street. To mitigate this impact the canopy has been elevated high up so as not to dissect the view of this listed building. Moreover, views from this building will not be down onto the roof of the canopy but will still be down into Holland Street itself and therefore despite the concerns raised regarding the canopy it is not considered that it would adversely affect the setting of this listed building.
- 6.58 **Public Benefits**
- 6.59 It will be seen from the comments above that a number of aspects of this development including the closure and covering of a street, amount of demolition and erection of a multi-storey car park are considered to be harmful to both the conservation area as well as the setting of listed buildings. Paragraph 134 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 6.60 The applicant has provided details of the public benefits which include:-
- Bringing previously developed land back into effective use
 - Retaining and integrating existing building facades into the new development to preserve the appearance of the conservation area
 - Bringing activity to the street frontages
 - Investment of £60 million to this part of the conservation area

- Providing for the educational needs of young people in a modern learning environment and attracting overseas students
- Reinstating traditional building lines and forms
- Reopening Whitmore Arm as a route

6.61 Whilst the justification for a number of these harmful impacts of the development such as the canopy are considered to be weak poor, officers consider mitigation would be delivered through the high quality design proposed for the replacement buildings and the investment that would be made in the area. The development would also bring back the site into full use and deliver a degree of vitality needed in the Jewellery Quarter. In this instance, the public benefits are found to outweigh the harm caused and on balance can be supported subject to conditions to secure a high standard of delivery and maintenance.

6.62 **Impact on residential amenity**

6.63 A number of local residents have objected to the application on the grounds that the proposals they would have a detrimental and overbearing impact on their dwellings and external terrace areas. These objections predominantly relate to the impact on the residential properties on George Street which are opposite Buildings B and C and to the impact of Building C on the House of York.

6.64 Proposed Building B would be some 11.3 metres higher than the Lodge Cottrell building and be sited about 1 metre closer to the George Street frontage. Whilst the new buildings would be taller and slightly closer, higher buildings situated opposite each other are commonly found in city centre locations. New Hall Works is a 4 storey building with a maximum height 16 metres and although proposed building B would be higher there is already a mix of building heights up to 6 storeys in height in the immediate area. With regard to the impact of Building C on the properties opposite the George Street frontage this building is 3.8 metres lower than Building B to take account of the lower building heights opposite. George Street is also a reasonably wide road providing a 13 metre front to front separation distances. Having regard to the city centre location, existing building heights and the width of George Street it is not considered that the development would have an unacceptable impact on existing dwellings. Additionally having regard to the education use the loss of any privacy would also be reduced as the building would generally only be used during the day Monday – Friday during term times.

6.65 With regard to the impact of Building C on the House of York the rear wall of the listed building is blank facing the site but there are external terraces at the rear of the building and a set of windows set back from the boundary in the gable end. These terraces/windows currently look onto the service yard/access at the rear McIntyre House and a surface car park. The car park would be replaced with a new multi storey facility but this would be sited about 14 metres from the rear of York House maintaining a reasonable space between the two buildings. It is not considered that Building C would therefore cause an undue loss of light or overbearing impact on the House of York.

6.66 In addition residents of the House of York and the owners of the Broughton Works have raised concerns regarding the provision of a pedestrian route along the Whitmore Arm and the possible loss of privacy to their ground floor windows. Part of this route is currently used by service vehicles and there is currently a close boarded fence in front of the ground floor windows to the Broughton Works and railings in front of the ground floor side windows to York House. These boundary treatments are proposed to be retained and the resurfacing of the Whitmore Arm is also proposed to

include the installation of uneven cobbles to discourage people from walking close to the ground floor windows and areas of dense planting to prevent loitering. The route itself is also approx. 7 metres wide, would be lit and have a number of windows and active ground floor uses looking onto it. It is therefore not considered that its use would unduly cause a loss of privacy, disturbance and security risk to occupants of the adjacent buildings.

6.68 Parking Issues

- 6.68 The application proposes 248 on- site parking spaces in the form of a multi storey car park of 234 spaces and 14 surface spaces. It is intended that the car parking would replace 265 existing spaces currently used by the applicants which comprises 173 spaces within the James Cond building, 54 spaces leased at Lionel House and 38 other spaces at Summer Row. The applicants point out that no net additional spaces are being provided for the proposed development reflecting the sustainable location of the site. The University also already operates a Travel Plan as part of the operation Phase 1 (McIntyre Building) and the Travel Plan submitted with the application notes the highly sustainable location of the site it being within reasonable walking distance of bus and rail facilities and the city centre and that the University is already affiliated to the Council's Travelwise scheme to encourage the use of sustainable travel modes.
- 6.69 The need for this amount of car parking has been questioned by a number of objectors given the emphasis and availability of public transport, the accessible location of the site and that there are already other car parks within walking distance. Transportation have requested further details on the use of the existing UCB car parks, when these are likely to be removed together with an assessment of the changes likely to occur on the highway network from the relocation. They have also requested amendments to the site layout to show the additional on-street resident permit spaces that can be provided through the removal of the existing spaces on Holland Street and alteration of footway crossing provision. In addition they require a plan to show the changes to both highway features on George Street and Charlotte Street, as well as Holland Street existing entrances that will remain as public highway.
- 6.70 This additional information is awaited but it is understood that Transportation do not have an objection in principle to the provision of a multi storey car park on the site. A further update will be given at committee following receipt of the additional information. Regulatory Services have requested that electric vehicle charging points be provided within the car park and a condition requiring provision to be made is recommended. Regulatory Services also request conditions that any commercial vehicles using the site comply with Euro emission standards, low emission vehicle parking be provided, that any parking charges are based on vehicle emissions. These conditions are not considered to be reasonable or enforceable.

6.71 Section 106 offer

- 6.72 When considering major planning applications for developments within the Jewellery Quarter Conservation Area contributions are normally sought towards public realm improvements or developments have included public realm improvements around the perimeter of the site by resurfacing existing footways. This is particularly so where there will be a greater use of the public footways. Although this application includes proposals to resurface the existing tarmac footways on Holland Street and to upgrade the route of the Whitmore Arm to providing cobbles, a ramp and steps these are

proposed to be private routes rather than public highway. No improvements are currently shown to the public realm on George Street or Charlotte Street.

- 6.73 The applicants have advised that with regard to the potential to improve the kerbing, a similar agreement was sought for Phase 1 - McIntyre Building but that the Council was not supportive of this. UCB is willing to include blue pavers along the Phase 2 frontages on their land between buildings and the back of the pavements but are unwilling, at this stage, to agree to repaving the complete pavements given the BCC position regarding Phase 1. Clarification regarding the issues on Phase 1 is being sought as officers consider the footways should be upgraded with blue bricks to enhance the conservation area and the setting of the adjacent buildings. This would also help to ameliorate the loss of public highway routes. With up to 2,500 extra students attracted to the area the impact on local infrastructure should be addressed.
- 6.74 Due to the mix of uses proposed, the development would not attract a CIL contribution
- 6.75 **Other Considerations.**
- 6.76 A number of other points have been raised by local residents relating to the disturbance caused to local residents by demolitions and construction projects over recent years, concern that the existing buildings contain asbestos and loss of property values. Whilst the development would result in a further construction project taking place in the area, it is intended that the development be ready for occupation by September 2018 so would be relatively short lived. Regulatory Services enforce conditions regarding hours of work etc. on construction sites but given the large scale of the development and proximity of residential properties it would be appropriate to impose conditions. Loss of property values is not a material planning consideration.
- 6.77 Some of the representations received also request conditions to ensure access to Holland Street remains open during the construction work, local residents have spaces in the car park, that the cobblestones in Holland Street are retained, that the health facility provides medical services for the local community, the roof spaces are not used as external terraces, and the Sports Hall offers subsidised admission for local residents. Conditions are recommended to ensure the retention of the cobbles on Holland Street and that the roof spaces are not used as external terraces. The applicants have advised that they are in discussion with a GP practice regarding the provision of the health centre which would be available for the wider area but this cannot be guaranteed at this stage. They also cannot currently give any assurances regarding use by local residents of the sports centre and public car park and it would not be reasonable to require that these facilities are made available for general public use.
- 6.78 The Jewellery Quarter Development Trust has commented that any approval of this scheme must be linked to the restoration or sale of UCB's derelict sites across the JQ, notably the nurses' accommodation on Ludgate Hill. The concerns regarding the poor appearance of the sites are noted but cannot be tied to approval of the current application.

7. Conclusion

- 7.1 The proposals provide further education facilities in the Jewellery Quarter including active ground floor uses are welcomed and would help revitalise this part of the Conservation Area. The amount of demolition proposed, height and scale of the new buildings, closure of Holland Street and provision of the canopy are considered to

cause some harm to both the conservation area as well as the setting of listed buildings nearby. Paragraph 134 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. It is considered that on balance the harm caused would be offset by the public benefits that would be provided by the development.

8. Recommendation

8.1 I. That no objection be raised to the stopping up of the areas of public highway within the application site after 18 December 2016 and that the Department for Communities and Local Government be requested to make an Order in accordance with Section 247 of the Town and Country Planning Act 1990

8.2 II. Approve subject to the following conditions:-

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| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Prevents any demolition prior to a redevelopment contract being entered into |
| 3 | Requires the prior submission of a demolition method statement |
| 4 | Requires the prior submission of a contamination remediation scheme |
| 5 | Requires the prior submission of a contaminated land verification report |
| 6 | Requires the prior submission of a sustainable drainage scheme |
| 7 | Requires the prior submission of a drainage scheme |
| 8 | Requires the submission of a Sustainable Drainage Operation and Maintenance Plan |
| 9 | Requires the prior submission of details of the sound insulation for plant/machinery |
| 10 | Requires the prior submission of high level extraction details |
| 11 | Limits the hours of use of the A1 and A3 units to 08:00 -23:00 |
| 12 | Limits the hours that materials can be delivered to 08:00 - 20:00 hours |
| 13 | Shop Front and Health Facility Design |
| 14 | No obstruction, displays or signage fitted to shops, office or health facility fronts. |
| 15 | Controls the design of the Health Facility and Police Office |
| 16 | Requires the prior submission of a construction ecological mitigation plan |
| 17 | Requires the prior submission of details of green/brown roofs |
| 18 | Requires the prior submission of roof materials |
| 19 | Requires the prior submission of sample panel/ of brickwork |
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- 20 Requires the prior submission of window frame details
 - 21 Requires the submission of new walls, railings & gates & gate posts/piers details
 - 22 Requires the prior submission of hard and/or soft landscape details
 - 23 Requires the prior submission of hard surfacing materials
 - 24 Requires the prior submission of boundary treatment details
 - 25 Requires the prior submission of a lighting scheme
 - 26 Requires the prior submission of a construction method statement/management plan
 - 27 Requires the prior submission of sample materials
 - 28 Requires the applicants to join Travelwise
 - 29 Requires the prior submission and completion of works for the S278/TRO Agreement
 - 30 Requires the parking area to be laid out prior to use
 - 31 Requires the provision of cycle parking prior to occupation
 - 32 Prevents closure of Holland Street before 18 December 2016.
 - 33 Requires retention of a pedestrian link between George Street and Charlotte Street.
 - 34 Requires provision of the new pedestrian route along the Whitmore Arm
 - 35 Requires the gates to Holland Street to be open outside the hours of 08.30 -18;30 Monday - Thursday. 08.30 - 16.30 Fridays and outside of term times.
 - 36 Requires details of any replacement doors and windows on the retained facades of the James Cond building.
 - 37 Requires details of building frames, structural elements, cladding and canopy.
 - 38 Requires retention and reuse of the setts/cobbles within Holland Street
 - 39 Requires details of the boundary treatment between Whitmore's Arm and the adjacent listed buildings fronting it.
 - 40 Requires the scheme to be in accordance design and access statement
 - 41 Limits the hours of construction to 8.00- 18:00 Monday to Friday and 8.00 - 13.00 Saturdays
 - 42 Requires the prior submission of a construction management and delivery strategy
 - 43 Removes PD rights for works on the roof or external terraces
 - 44 Requires the prior submission of a commercial travel plan
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- 45 Secures an employment policy
 - 46 Requires provision of charging points for electric vehicles.
 - 47 Limits the approval to 3 years (Full)
-

Case Officer: Lesley Sheldrake

Photo(s)



Figure 1: View from Charlotte Street showing McIntyre House and James Cond building beyond



Figure 2: View of James Cond building from Charlotte Street



Figure 3: View down Holland Street towards listed New Hall Works on George Street



Figure 4: View down Holland Street towards Charlotte Street



Figure 5: View of Lodge Cottrell Building on George Street



Figure 6: View down George Street showing Lodge Cottrell Building with James Cond building beyond

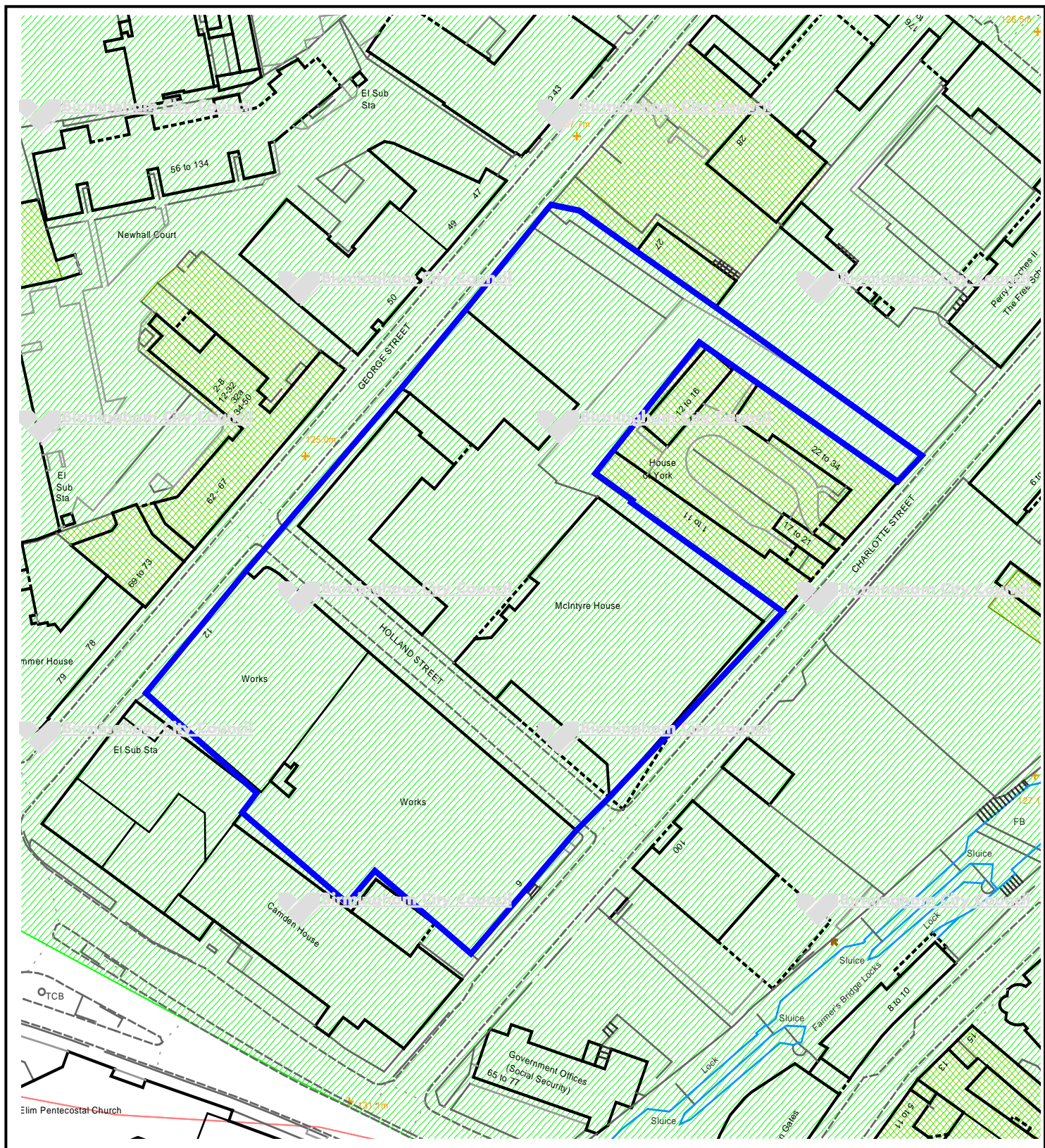


Figure 7; View down Whitmore Arm showing listed Broughton Works



Figure 8: View down Whitmore Arm showing listed House of York

Location Plan



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Committee Date:	12/05/2016	Application Number:	2016/02326/PA
Accepted:	18/03/2016	Application Type:	Reserved Matters Development
Target Date:	17/06/2016		
Ward:	Ladywood		

Exchange Square, Former Masshouse Plot 7, Birmingham, B7 4EH

Reserved Matters Application for approval of access, appearance, landscaping, layout and scale for Phase 2 of Exchange Square (formerly known as Masshouse Plot 7) for the erection of a mixed-use development of 17,971 sqm (GIA) comprising a part 9-storey, part 16-storey building (including ground and lower ground floors) to provide 223 dwellings (use class C3) and 2,097sqm (GIA) retail use floorspace (flexible within use classes A1/A3 / A5 and B1) with associated landscaping, public realm and car parking pursuant to outline planning permission 2014/06135/PA

Applicant: Masshouse Developments Ltd
c/o Agent
Agent: Savills
Innovation Court, 121 Edmund Street, Birmingham, B3 2HJ

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. This application is for the reserved matters (access, scale, appearance, layout and landscaping) associated with the erection of a mixed use residential-led building with retail frontages at lower floor level as the second part of the two phase Plot 7 Masshouse redevelopment known as Exchange Square. These proposals are accompanied by an updated masterplan showing a completed Plot 7, including the phase 1 proposals.
- 1.2. Outline consent was granted subject to certain limits for the siting and scale of the buildings together with pedestrian routes across an approved master plan. Previous consents have introduced the flexibility for this to be either an office-led or residential-led development.

AMOUNT OF DEVELOPMENT

- 1.3. The application proposals show a new public square adjacent to the McLaren tower and Priory Queensway with a new development block to the east addressing the junction of Priory Queensway and Moor Street Queensway. The scheme would also deliver the remaining half of the 8-10 m wide new route through the site connecting the Snow Hill area with Eastside.

- 1.4. The application proposes a total of 223 dwellings (15,874 sq.m GIA) and 2,097 sq.m GIA commercial/retail (flexible within uses A1-A3, A5 and B1).
- 1.5. The residential mix is as follows:
- 29 Studio apartments (37.3 – 45.84 sq.m) - 13%
 - 115 one bedroom apartments (42.29 – 61.49 sq.m) – 52%
 - 65 two bedroom apartments (59.55 – 76.1 sq.m) – 29%
 - 14 three bedroom apartments (79.67 sq.m) – 6.5%

 - 21.9% of apartments would have a dual aspect and 18.8% would benefit from balconies.
- 1.6. Maximum floorspace of the overall development, residential, office and retail use is controlled by condition of the outline consent. Noting that this applies to the whole of Plot 7, the consented overall maximum is 70,907 sq.m GIA of which 70,000 sq.m can be office or residential and a maximum of 5,000 sq.m GIA retail. The proposals, in combination with the phase 1 proposals, are comfortably within these limits at 61,297 sq.m GIA overall of which 56,529 sq.m GIA is residential, and a total of 4,882 sq.m GIA is either office or retail.
- 1.7. A total of 86 on-site car parking spaces (39% provision) and secure storage for 24 bicycles would be provided within the basement/podium level.

DESIGN

- 1.8. The proposed development block, which roughly describes an 'L' shape, is split into two principal elements. Whilst ground levels vary considerably along Priory Queensway, the building is split into two distinct blocks of a maximum of 16 and 9 stories. The larger block, located at the corner of Priory Queensway and Moor Street Queensway would accommodate two floors of commercial use with 14 floors of residential accommodation above. The lower element would incorporate two floors of commercial use fronting onto the new square with 7 floors of residential above. The single entrance point for future residents would be directly off the street on Priory Queensway.
- 1.9. In terms of its elevational treatment, the proposed building would draw some references from the proposal for Phase 1 such as the use of brick and the concept of a largely glazed podium with residential blocks above. However, the detail would give the building a distinct identity, with heavily modelled and chamfered concrete framing used to form the majority of the window openings. The chamfering reflects the irregular shape of the development block and the angled form of blocks 2 & 3 within Phase 1. Onto the square the concrete façade would be pulled away from a main brick façade behind to provide a bold architectural device.
- 1.10. A number of the apartments fronting the new route through the centre of the development would benefit from generous sized balconies with glass balustrades. An extensive area of photovoltaics is shown on the roof of the lower element of the block.
- 1.11. A key element of phase 2 is the delivery of the new public square between the proposed block 4 and the existing McLaren building. The square would be split into functional zones. These include a main open 'central square' which will accommodate events/markets/art installations, a garden zone near the boundary

with the McLaren building which will provide a green edge with opportunities for seating, restaurant spill out space together with associated buffer planting.

- 1.12. Sculptural beacons will draw on the Eastside Park design providing interest and continuity in this part of the city. Overall the layout and paving pattern is geometric reflecting the orientation of the proposed buildings and is of a similar design logic to the City Park.
- 1.13. All windows would be powder coated grey aluminium.
- 1.14. Comprehensive plans; a Planning Statement; Design and Access Statement; Technical Transport Note; Public Realm and Landscape Design Strategy; and Energy Statement have been submitted in support of this application.
- 1.15. The supporting Energy Statement states the building would utilise electric heating drawing on the proposed building, with approximately 576 sq.m of rooftop photovoltaic equipment shown. It adds that in addition to a mechanical system, residents would be able to open their windows for additional ventilation if required.

1.16. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site is some 0.4ha of cleared land bounded by Dale End and Chapel Street, Moor Street Queensway currently used as surface level car parking. The site has existing vehicular access off Chapel Street. Across the site, levels fall towards the southeast by approximately 6 metres.
- 2.2. Whilst outside of the application site, the McLaren Building (a 22-storey office tower) is also situated within this development block and would remain as part of the masterplan.
- 2.3. The surrounding area comprises a mixture of uses including:
 - The Aston University and the Birmingham Metropolitan College Campus's, to the north on the opposite side of Chapel Street;
 - Birmingham Ormiston Academy to the north east, with the NTI Birmingham City University building and the listed Christopher Wray building adjacent;
 - Plot 3 of the wider Masshouse redevelopment site, situated due east. Within this site two of the apartment blocks are now complete ('the Hive') with the cleared site with full consent for a new Magistrate's Court on it. Permission has also been granted for a smaller tower block with ground floor commercial and 15 apartments above, to the south east part of this plot.
 - Plot 4 to the south east has been developed as a hotel which is triangular in plan – Hotel La Tour;
 - A public car park and cleared site is situated to the south, which is the subject of the Martineau Galleries redevelopment proposals; and
 - A further public car park with offices above and the crown court is situated to the west / north-west.

- 2.4 It should be noted that a future phase of the Metro tramway is proposed nearby connecting the most recently constructed Birmingham City Centre Extension (BCCE) at Bull Street with High Street Digbeth. The route is likely to travel along Bull Street crossing Moor Street Queensway in front of Hotel La Tour before travelling beneath the new High Speed Two Station on New Canal Street. A further phase of Metro/Sprint is likely to require the frontage of the application site when a link to the north of the city is constructed. Therefore the frontage of the site on Moor Street Queensway has been reserved in anticipation of this project and the buildings set back.
- 2.5 The site is a designated site within the Birmingham City Centre's Enterprise Zone.

[Site Location](#)

3. Planning History

- 3.1. 11.07.2002 – 2002/00412/PA – Approval - Mixed use development to include office (including public/civic uses), residential, 6,000sqm food store, leisure, hotel and educational buildings and associated infrastructure landscape and public realm works
- 3.2. 19.03.2008 – 2007/01816/PA – Approval - Outline planning application (all matters reserved) for the construction of a major mixed-use development of up to 70,907sqm (gross internal area) comprising of four buildings (22-storey, 2x16-storey, 12-storey) for retail (for use classes A1, A2, A3, A5) office (use class B1) and residential (use class C3) or hotel (use class C1) plus associated landscaping and car parking (502 spaces)
- 3.3. 21.12.2012 – 2012/04280/PA – Approval - Variation of Conditions C4, C8, C9, C10, C21, C22 and C23 of planning permission 2007/01816/PA to introduce increased flexibility over building heights and positions, establish parameters for pedestrian routes and public spaces, re-introduction of civic uses, and deletion of Condition C14 to remove the requirement for a minimum level of parking
- 3.4. 12.12.2014 – 2014/06135/PA – Approval - Variation of condition number 29 attached to approval 2012/04280/PA to allow the total floorspace to include additional provisions of up to 70,000 sq.m Use Class C3 (Residential) and 14,409 sq.m Use Class C1 (Hotel)
- 3.5. 15.02.2016 – 2016/01100/PA – Approval - Variation to condition 33 to alter wording to allow for the proposed roof terrace outside of the maximum building height parameter
- 3.6. Current Application - 2016/01063/PA - Reserved Matters Application for approval of access, appearance, landscaping, layout and scale for Phase 1 of Exchange Square (formerly known as Masshouse Plot 7) for the erection of a mixed-use development of 43,326 sq.m (GIA) comprising three buildings (9-Storey, 16-storey and 27-storey including ground and lower ground floors) to provide 603 dwellings (Use Class C3) and 2,653 sq.m (GIA) retail and commercial floorspace (flexible within Use Classes A1-A3 and A5 and B1) with associated landscaping, public realm and car parking pursuant to outline planning permission 2014/06135/PA

4. Consultation/PP Responses

- 4.1. Transportation Development – No objection. Considers that the detail of the extent of HMPE footpath can be agreed through the S278/S38 process. Notes that the previously consented maximum level of parking is unlikely to be reached.
- 4.2. Leisure Services – No objections and note the contribution of the public square as part of Phase 2.
- 4.3. Regulatory Services – Raise no objection.
- 4.4. BCC Drainage Team – Requests that a Sustainable Drainage Assessment and Sustainable Drainage Operations and Management Plan be submitted.
- 4.5. Children, Young People and Families – As the development is for more than 20 dwellings a contribution under Section 106 of £438,565.59 is requested towards the provision of new school places.
- 4.6. Environment Agency – No objection
- 4.7. West Midlands Police – Raises no objection and makes detailed comments regarding security, lighting and CCTV.
- 4.8. Site and Press Notices posted and Ward Members, the MP, Residents' Associations and neighbouring occupiers consulted with no representations received.

5. Policy Context

- 5.1. The Birmingham Unitary Development Plan (2005); submission draft Birmingham Development Plan; Steelhouse Conservation Area Character Appraisal and Supplementary Planning Policies (2007) SPD; Places for All SPG; High Places SPG; Places for Living (2001) SPG; Car Parking Guidelines SPD (2012) and the National Planning Policy Framework 2012. Also the non-statutory Big City Plan and the Curzon Masterplan.

6. Planning Considerations

- 6.1. The remaining reserved matters for consideration are access, scale, appearance, layout and landscaping. The outline planning permission establishes parameters within which the proposed development must fall. The application proposals are largely consistent with the approved parameters.

CABE REVIEW

- 6.2. An earlier version of the Phase 2 was discussed at the CABE panel at pre-application stage as part of the consideration for the then more advanced Phase 1 proposals. Key themes identified by CABE were the residents' environment including legibility, access to daylight within corridors; and the environment created by the public and private landscaping including overshadowing.

SCALE

- 6.3. The overall floor areas proposed are wholly consistent with the parameters set by the outline planning consent. The development comprises of a significant addition to the existing residential community in this part of the City Centre, with commercial uses providing activity onto the surrounding public realm, including the new public square.

- 6.4. The scale of the proposal follows rigorous sun path/shadowing studies to ensure that an adequate living environment is provided and that the proposed public square is not overshadowed at the key lunchtime/early afternoon period.
- 6.5. Through conditions, the outline consent establishes building zones including the overall height of development across the site. This sets the maximum height of 171.500 AOD and a minimum of 153.000 AOD for buildings on this plot. At 171.200 AOD the building does not exceed the maximum height parameter. However the lower element adjacent to the square is 151.250 AOD, some 1.75m lower than the minimum height set in the outline consent.
- 6.6. In addition, in plan form the building projects beyond the permitted footprint for the building zone by between 4.75m and 5.9m to the north, on the square elevation.
- 6.7. Notwithstanding this, the scale of the proposed development relates well to its context including both neighbouring buildings and the sloping topography of the site and has a positive relationship with the Phase 1 proposals. I therefore consider the scale of the development acceptable and consistent with the outline planning permission.

APPEARANCE / LAYOUT

- 6.8. In terms of the quality of the residential environment offered, all of the studio apartments meet or exceed the Nationally Described Minimum Standards and form a small overall percentage (13%) of the overall mix. The provision of a large number of 2 and 3 bed apartments is welcomed.
- 6.9. The application proposals are the result of a refinement of the masterplan for this wider development block. The result is a scheme that is well considered, provides welcome additional pedestrian connectivity and exhibits good urban design quality. Edges of the development are as active as the site will allow, helping to animate the streets around the development.
- 6.10. Turning to architecture, the materials proposed, a combination of brick with modelled concrete, will provide interest whilst having a positive relationship with the Phase 1 proposals. The use of brickwork will unify the Plot 7 wider proposals, whilst the inclusion of precast concrete with angled piers and a projecting 'screen' on the square elevation will create an individual identity to the building whilst working within the established grid-like approach to elevations across the wider development.
- 6.11. As per Phase 1, whilst detailed plans have been provided, the applicant would like to retain flexibility over the location of access into the retail uses which will be dictated by future occupiers. I raise no objection to this in principle and a condition is recommended.
- 6.12. The proposals would enliven the street and provide a high quality development and provide a fitting conclusion to the Exchange Square project. The proposed building would have a close relationship with the Phase 1 proposals, whilst having enough design features to have architectural merit in its own right.
- 6.13. The level of detail provided in support of this application demonstrates that the design features illustrated are fully resolved and can be implemented. This commitment to detail / quality can be secured via condition. I therefore raise no objections in relation to appearance subject to safeguarding conditions.

LANDSCAPING / PUBLIC REALM

- 6.14. On site landscaping for this phase is all publically accessible surrounding the application building. The key element of public realm for the Masshouse development 'Exchange Square' would be delivered as part of these phase 2 works. The design of the square follows extensive design development, building on existing precedents. At 3,180 sq.m the square is a substantial piece of public realm. In comparison, St. Anne's Square in Manchester is 2,648 sq.m and Brindley Place is 3,600 sq.m. The arrangement into functional zones is supported and allows space for transition, spending time and organised activities within the square. Proposed soft landscaping, which includes 16 no. semi-mature trees in the square and a further 10 no. trees on the route through / around the development, will assist in softening the environment and increasing pedestrian comfort.
- 6.15. Whilst there is a significant change in levels across the boundary of wider site the proposals manage to deliver a flat square with level access from Priory Queensway. Access to the McLaren building is retained, with facilities for level access provided as a ramp along the north western boundary. The sculptural beacons are supported as they will add interest to the square and provide a reference to the Eastside City Park.
- 6.16. The zones for sitting out are well proportioned and will help to encourage 'break out' activity from the retail units onto the square. The inclusion of public seating on the north western side will take advantage of midday/early afternoon sun.
- 6.17. The proposals also include the remainder of the new pedestrian route through the scheme which would be a minimum of 8m wide (extending to 10m towards Moor Street Queensway).
- 6.18. In terms of materials, the central public route through the scheme would be formed of pavers to complement but be identifiably different to the surrounding public highway. This concept would be carried through into the new public square.
- 6.19. The repaving of the surrounding public footpath to be consistent with the recent public realm enhancements along Moor Street Queensway (granite pavers) is welcomed and will complete the development.
- 6.20. I therefore raise no objection to the proposed landscaping proposals subject to appropriate conditions securing the detail of public realm features.

SUSTAINABILITY

- 6.21. It should be noted that the minimum photo voltaic provision set at outline (150 sq.m) will be exceeded by the Phase 1 proposals; although a further 576 sq.m is proposed as part of Phase 2. In addition the minimum area for planting and rainwater harvesting (800 sq.m) will be met by the Phase 1 proposals; and the minimum requirement of 200 sq.m of extensive green roofing will also be met by Phase 1 (700 sq.m wildflower planting) with supplementary extensive green roof as part of the Phase 2 podium (square) level.
- 6.22. This robust and comprehensive approach towards addressing sustainability issues is welcome and supported. The minimum targets set in the outline consent are exceeded by a significant margin.

ECONOMIC BENEFITS

- 6.23. The proposed retail uses would be likely to generate between 89-119 jobs in addition to the 223 homes within the development above. The proposals would also deliver a further major piece of urban fabric, including a public square, within the wider Eastside area complementing the existing Eastside City Park, BCU and Eastside Locks development together with future developments, including the new High Speed 2 railway station.

ACCESS

- 6.24. The application proposals include an extension to the Phase 1 car park of 86 spaces, bringing the total parking provision across the site to 273 spaces (including 53 spaces to serve the McLaren building). This represents a 39% provision for phase 2 and 33% across the two phases. This barrier controlled car park would be accessed directly off Chapel Street providing an on-site facility for future residents/commercial units. On site servicing would be limited to small transit type vehicles, with bays provided on Dale End, Chapel Street and Moor Street Queensway for use by any larger vehicles. The supporting Transport Note states that the outline consent allowed for a maximum of 502 parking spaces, however it concludes that the provision proposed is consistent with consents elsewhere in the city centre and is sufficient to meet likely demand. The Note adds that it is apparent that throughout the residential market in the city centre the supply of car parking far outstrips the demand from tenants and cites the previous phase of the Masshouse Development (Plot 3 – 'The Hive') where 66 spaces have been provided however only 10 have been taken up by residents.
- 6.25. Whilst redevelopment is taking place a temporary access from Moor Street Queensway would be required in order to access the remaining 53 surface level parking spaces used by the McLaren Building. Details of the construction arrangements would be controlled through the appropriate highway legislation. Once phase two is completed access to this facility would be via the newly created Chapel Street entrance through the new basement car park.
- 6.26. In respect of cycle storage a total of 24 spaces are proposed within the ground level car park, which represents a total provision of 11%. Transportation Development raise no objection to this level of provision which I consider reasonable on such a large scale scheme and noting usage levels on the existing earlier phases of the Masshouse development (a maximum of three bikes at any one time).
- 6.27. Transportation development raises no objection.
- 6.28. I concur with this conclusion and note the site is readily accessible via a wide range of sustainable means and is on the doorstep of a future tramway extension and the new High Speed 2 railway station. Pedestrian permeability of the site will be greatly improved, with a high quality public realm proposed. I therefore raise no highway/access objections subject to suitable safeguarding conditions.

SECTION 106

- 6.29. The outline planning consent secures a 9% contribution towards affordable housing, with a provision to pay an off-site contribution in lieu of on-site provision. The applicant has elected to pay an off-site contribution for both Phases of Plot 7. In addition a £10,000 contribution to Shopmobility and £200,000 towards public art / realm (across the wider scheme) is secured.

- 6.30. The request by Children, Young People and Families for a financial contribution towards the provision of new school places is noted. However this application is a reserved matters application, with the principle of this amount of residential approved at outline stage. In addition, I note that during the course of examining the city's proposed CIL arrangements the examiner clarified that contributions for education purposes can only be requested on larger sites where there is a need for a new school as a result of the development. Therefore, piecemeal contributions towards education improvements can no longer be secured through the S106 regime.

CIL

- 6.31. Due to the mix of uses proposed and the site's location within a 'low value' housing market area, the development would not attract a CIL contribution.

7. Conclusion

- 7.1. The development would deliver a mixed-use residential / retail building of the highest quality at an important junction between the city core and Eastside and the future HS2 station. The building, in conjunction with phase 1, would complete the redevelopment of the former Masshouse gyratory with the exception of the site previously benefitting from consent for a Magistrate's court. The development of the shape and façades of the building is an individual piece of high quality architecture and continues the high quality established by Phase 1. The new square combined with the new public east/west route through the scheme would provide a high quality pedestrian route connecting the Snow Hill part of the city centre to Eastside and a new high quality public space.

8. Recommendation

- 8.1. Approve subject to the following conditions:

-
- | | |
|----|---|
| 1 | Requires the submission of landscape feature details |
| 2 | Allows the flexible location of building entrances for retail/commercial uses |
| 3 | No obstruction, displays or signage fitted to shop front. |
| 4 | Requires the prior removal of commercial advertisement hoardings |
| 5 | Requires the prior submission and completion of works for the S278/TRO Agreement |
| 6 | Requires the prior submission of sustainability features details (PV panels and green roof) |
| 7 | Requires the completion of the landscaping scheme prior to occupation |
| 8 | Requires a minimum of 4 no. electric vehicle charging points |
| 9 | Requires the scheme to be in accordance with the listed approved plans |
| 10 | Requires the scheme to be in accordance with the listed approved plans |
-

Case Officer: Nicholas Jackson

Photo(s)



Figure 1 – Looking north across the application site



Figure 2 – Across the application site, looking west

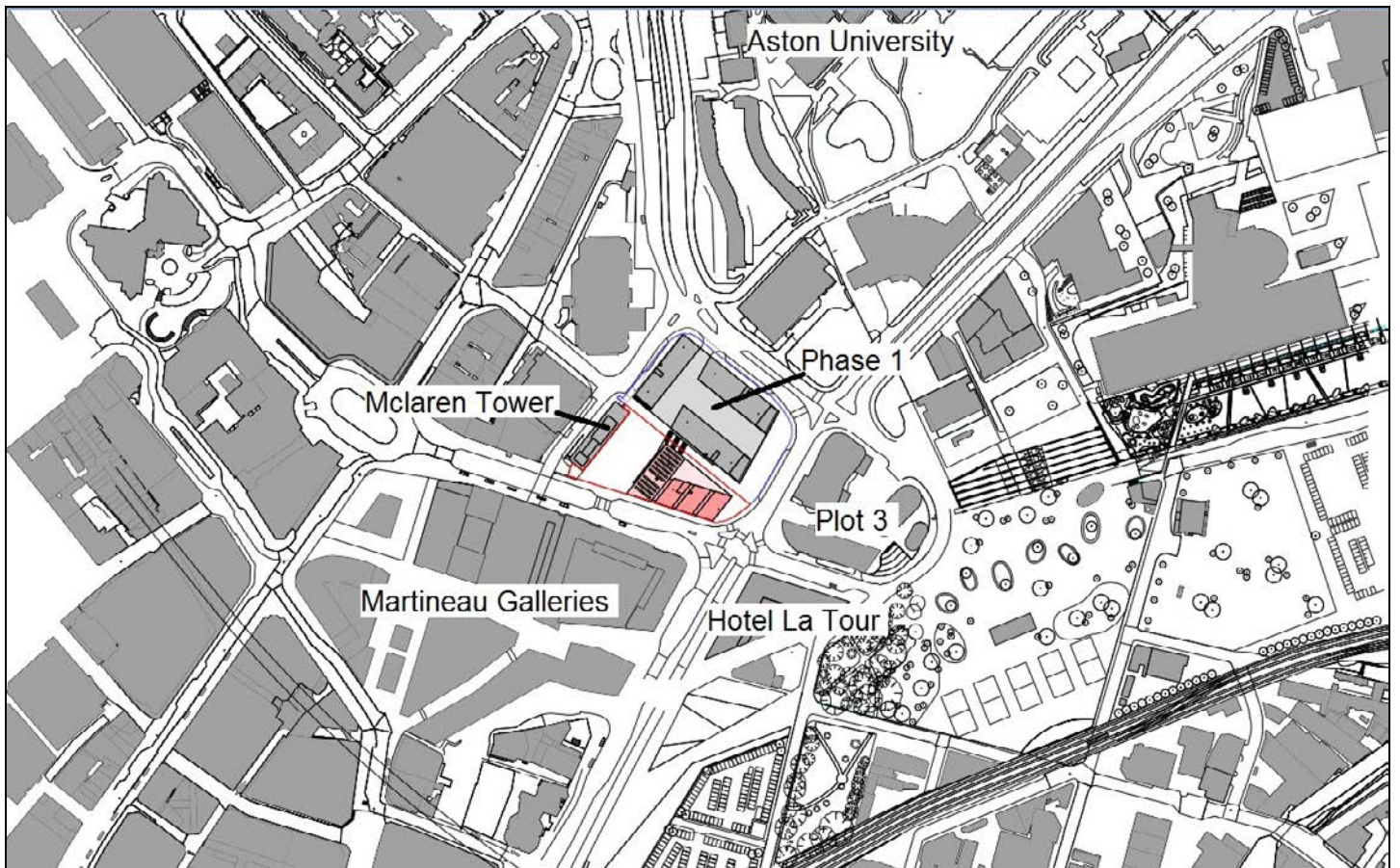
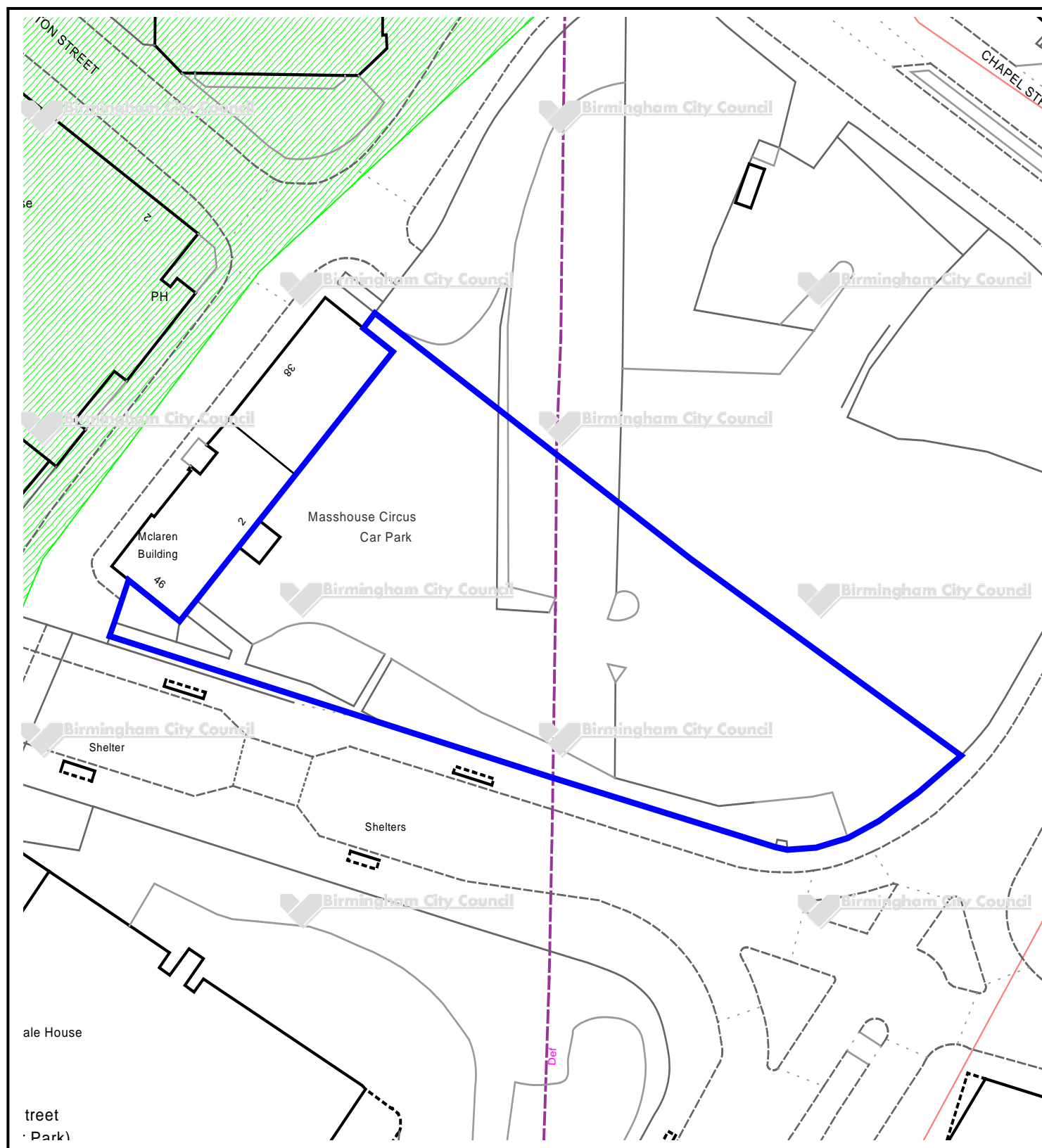


Figure 3 – The Updated Master Plan

Location Plan



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BIRMINGHAM CITY COUNCIL

REPORT OF THE DIRECTOR OF PLANNING AND REGENERATION

PLANNING COMMITTEE
WARD: ACOCKS GREEN

12 MAY 2016

**The Birmingham (45 Shirley Road, Acocks Green)
Tree Preservation Order 2015**

1. Subject And Brief Summary Of The Proposals

Consideration of the Tree Preservation Order at the above location in respect of which one objection has been received.

2. Recommendation

That the Birmingham (45 Shirley Road, Acocks Green) Tree Preservation Order 2015, be confirmed without modification.

3. Contact Officer

Richard Wood – Principal Arboricultural Officer – Planning (South)
Tel: 0121 464 0681
Email: richard.wood@birmingham.gov.uk

4. Background

- 4.1 On the 20th October 2015 the following recommendation (delegation) to authorise the making of Tree Preservation Order (TPO) 1440 was presented by my arboricultural officer :

“Planning application 2015/07480/PA has raised concerns that re-landscaping of the existing raised lawn in the front garden to provide additional parking would be likely to cause the ultimate removal of the beech tree on the frontage. The beech tree is mature, in good condition and a very prominent public visual amenity to Shirley Road and the surrounding area.”

- 4.2 The order was served on the 13th November 2015.
- 4.3 A formal objection to the order in the form of a letter was sent to Birmingham City Council on the 17th November 2015.
- 4.4 On the 1st of February 2015 my arboricultural officer met with Mr Nagra, the property owner, at 45 Shirley Road to discuss the objections and note any other factors arising in preparation for this committee report.

5. Summary of the Objections

5.1 The main points of the objection are listed below:

“The roots of the tree has caused damage to the front wall (pushing it out) and the drive of 45 Shirley Road”

“The roots have spread towards the house at 45 Shirley Road and has caused the property major structural damage.”

“The tree has also damaged my drive at 43 Shirley Road as well as pushing the Pillar on the drive at 43 Shirley Road out towards the pavement. This again is due to the roots.”

“The tree is very large and blocks out light to 41 and 43 Shirley Road (both properties that I own.)”

“The tree is generally in very close proximity to 45, 43 and 41 Shirley Road and will continue to cause structural issues to the properties and the drives. This will initiate two main hazards for public using the pavement and continued extensive damage to property with additional costs, which otherwise would not occur.”

5.2 On meeting with my arboricultural officer the above points were discussed with a particular emphasis on the structural damage to No. 45 Shirley Road.

6. Response to the Objections

6.1 The damage to No. 45 Shirley Road was considered a strong point of objection and my arboricultural officer requested evidence in keeping with the normal detail required in a tree works application when damage to property is alleged. For subsidence damage the requirement is for: “A report by an engineer or surveyor, to include a description of damage, vegetation, monitoring data, soil, roots and repair proposals. Also a report from an arboriculturalist to support the tree work proposals.”

6.2 These requirements are stringent but are in accordance with the national validation criteria and the detail is important to both the council, in protecting public amenity, and the property owner who needs to fully identify the cause of the damage for which trees are only one possible cause.

6.2 On the 21st March 2016 the owner, Mr Nagra, sent an email to my arboricultural officer with a report by Raymond Eades Associates into the damage and concluding in a brief recommendation that removal of the beech tree needs to be considered (see appendix.) The report did not satisfy the required detail. While briefly listing the structural damage and referring to the

possible mechanism of ground shrinkage it did not present any evidence of progressive vegetation related subsidence.

- 6.3 Shading is not considered a reason to prune or remove protected trees.
- 6.4 There is some damage to the wall on the frontage and railings to the side of the property and some evidence of the effects of roots in the surrounding driveways. However, the wall and the driveways have not been repaired for many years and it was the opinion of my officer that reinstatement of the driveway surfaces could be achieved with some aboricultural advice regarding the pruning of roots if that became necessary. The wall has been in a state of disrepair for many years and it was not accepted that reinstatement of the wall in the original place outweighed the strong public amenity provided by the tree. A section of the wall could simply be removed.
- 6.5 No obvious sign of structural problems were noted for the tree although it is a large specimen and the normal precaution of aboricultural inspection (typically every 5 years) was recommended. The tree has previously been reduced where it extends towards the buildings and pruning to allow clearance from the building would always be acceptable in a tree works application.

7. Financial Implications

- 7.1 None

8. Implications for policy priorities

- 8.1 Strategic Themes

None

- 8.2 Implications for Women, People with Disabilities, Black and Minority Ethnic People and Race Relations

None

9. Attachments

- 9.1 Raymond Eades Associates report no 16:03:1080
- 9.2 Plan and Schedule for The Birmingham (45 Shirley Road, Acocks Green)
Tree Preservation Order 2015



.....
Director Planning and Regeneration

Raymond Eades Associates

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Chartered Structural Engineers

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REPORT NO: 16:03:1080

**REPORT ON STRUCTURAL DAMAGE TO
PROPERTIES AT 43 & 45 SHIRLEY ROAD
ACOCKS GREEN
BIRMINGHAM
B27 7XU**

DATE OF SURVEY:

14.03.2016

CLIENT(S):

Mr T. Nagra

PROPERTY DESCRIPTION AND CONSTRUCTION:

Traditionally constructed houses, situated at the front of which there is a large mature Common Beech Tree situated within the garden next to the pavement. Circa: 1900

Roof(s):	Pitched slate
First floor:	Timber suspended
Ground floors:	Timber suspended and solid floors
Main walls:	Brickwork

ORIENTATION:

Locations where referred to, are given in relation to when the observer is facing the front of the property, except where stated otherwise in this report.

NATURE OF STRUCTURAL INSPECTION:

To report and advise upon the structural integrity and stability of the following elements of the structure:-

1. The walls and foundations due to evidence of movement in walls of both properties and the most likely cause of this, to include commenting upon the potential risks of the tree which is in close proximity to both properties, also pedestrians and highway.

This is to certify that I have appraised the above property as requested by the client(s) as stated.

That report records an opinion as to the structural condition of the stated structural elements of the property and their stability at the time of the inspection. A copy of that report is attached to, and forms technical basis of the inspection and finding.

1. **STRUCTURAL DAMAGE**

a) Property of No. 43:-

The right hand side of the front elevation wall is bulging outwards by approximately 25mm the present degree of which is considered structurally acceptable. However, any additional outward movement in this wall could mean partial re-building of this wall to ensure collapse does not occur.

b) Property at No 45:-

Internally there is evidence of extensive vertical and lateral cracking in the first floor walls and ceilings, these being mainly in the front left and bedroom. The cracks range from 6mm – 20mm and require to be properly structurally repaired and the internal rear cross wall in the front bedroom, due to lean on this, possibly requires re-building to ensure their structural stability.

2. **CONSIDERED MAIN CAUSES OF STRUCTURAL DAMAGE TO BOTH PROPERTIES**

Subsidence due to periodic ground shrinkage and desiccation of the underlying ground bearing stratum that occurs mainly during prolonged hot weather conditions and in my opinion is being greatly exacerbated by the moisture requirements of the roots of the Beech Tree, that is situated at the front of both properties and which is very close to the pedestrian pavement and Shirley Road.

3. **POTENTIAL RISKS OF THE BEECH TREE AND ROOTS**

- a) Further movement in the foundations and walls of both properties which could eventually necessitate foundation underpinning and parts of walls to require part re-construction and if not carried out the possibility of the risk of partial collapse in some walls.
- b) Due to increase in wind pressure, that is being experienced in recent years and also when taking into consideration the age and magnitude of the Beech Tree, which in places has surface and shallow roots, then in my opinion, there clearly is also a potential risk for the safety of pedestrians and vehicles passing along Shirley Road..

4. **RECOMMENDATIONS**

The removal of the Beech Tree, in my view, needs to be very carefully considered.

.....
R. G. Eades C. Eng., M.I. Struct. E..
for RAYMOND EADES ASSOCIATES

SCHEDULE 1

SPECIFICATION OF TREES

Trees Specified Individually
(encircled in black on the map)

Reference on Map	Description	Situation
T1	Beech	As shown on the attached plan

Trees Specified by Refer to an Area
(within a dotted black line on the map)

Reference on Map	Description	Situation
	None	

Groups of Trees
(within a broken black line on the map)

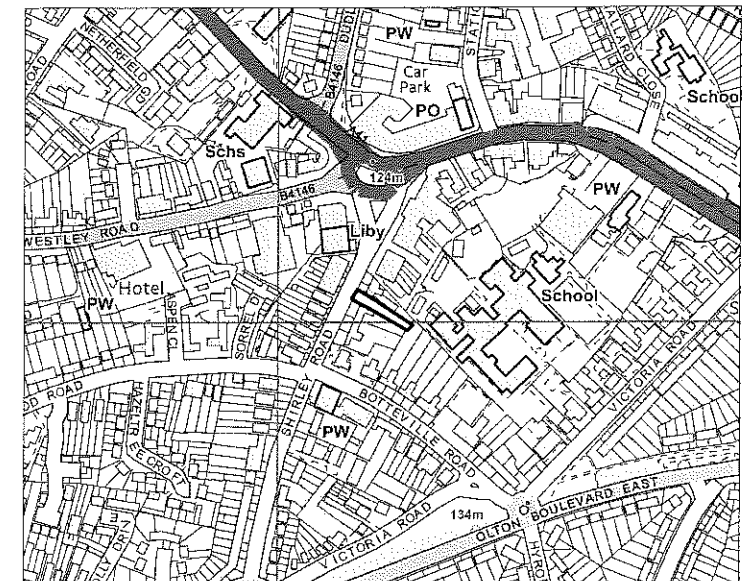
Reference on Map	Description	Situation
	None	

Woodlands
(within a continuous black line on the map)

Reference on Map	Description	Situation
	None	

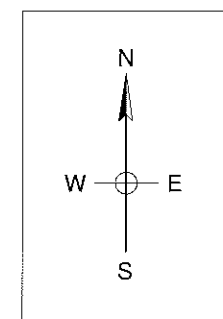
TPO1540

THE BIRMINGHAM (45 SHIRLEY ROAD, ACOCKS GREEN) TREE PRESERVATION ORDER 2015



LOCATION PLAN

SCALE 1:2500



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Drawing No. TPO 1540



SCALE 1:500