

Birmingham City Council

Planning Committee

10 May 2018

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>
Refuse	9	2018/00825/PA One Stop Shopping Centre Walsall Road Perry Barr Birmingham B42 1AA Flexible change of use to allow occupation of part of One Stop Shopping Centre for either retail (Use Class A1), financial and professional services (Use Class A2) and cafe and restaurant use (Use Class A3).
Determine	10	2017/10547/PA Twickenham Primary School Twickenham Road Kingstanding Birmingham B44 0NR Retention and erection of part-constructed fencing around existing playground boundary

Committee Date:	10/05/2018	Application Number:	2018/00825/PA
Accepted:	09/02/2018	Application Type:	Full Planning
Target Date:	11/05/2018		
Ward:	Perry Barr		

One Stop Shopping Centre, Walsall Road, Perry Barr, Birmingham, B42 1AA

Flexible change of use to allow occupation of part of One Stop Shopping Centre for either retail (Use Class A1), financial and professional services (Use Class A2) and cafe and restaurant use (Use Class A3).

Applicant:	Perry Barr SARL C/o Agent
Agent:	Cushman & Wakefield 1 Colmore Square, Birmingham, B4 6AJ

Recommendation

Refuse

1. Proposal

- 1.1. The applicant seeks planning permission in order to allow for a number of commercial units and kiosks situated within One Stop Shopping Centre to be used, if the applicant wishes to, for either retail (Use Class A1), financial and professional services (Use Class A2) and Café and restaurant use (Use Class A3) without the need for subsequent planning permission to operate within those use classes.
- 1.2. The application site includes a total of 52 units/kiosks located to the south east corner of the wider shopping centre. These comprise of 37 A1 units (71.15%); 5 A2 units (9.61%), 1 A3 (1.92%), 1 A5 (1.92%), 1 Sui Generis (1.92%), 1 A4 (1.92%) and 6 vacant units (11.53%).
- 1.3. The applicant has submitted a Flood Risk Assessment (FRA) with this application.
- 1.4. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site forms part of the One Stop Shopping Centre. The site also forms part of Perry Barr District Centre and is located within the Primary Shopping Area. The application site largely falls within Flood zone 2.
- 2.2. [Site location map](#)

3. Planning History

- 3.1. 26/03/87 – 20007068. Development to provide retail shopping centre, car park, petrol station community centre, provision of new link road and access road, bus station. Approved.

- 3.2. The site has benefited from various planning consents over the recent decades since the development of the shopping centre but none directly relevant to the proposal.

4. Consultation/PP Responses

- 4.1. Local councillors, local community group and local MP notified as well as site and press notices displayed- no responses received.
- 4.2. Transportation Development- No objections
- 4.3. Regulatory Services- No objections subject to safeguarding conditions to secure satisfactory sound insulation for plant/machinery, extraction and odour control details (cooking and preparation of food) and noise levels for plant and machinery.
- 4.4. Environment Agency- state the as the proposal falls within flood zone 2 and refer the Local Planning Authority to Flood Risk Standing Advice.

5. Policy Context

- 5.1. BDP (2017), Shopping and Local Centres SPD, Car Parking SPD and the NPPF.

6. Planning Considerations

- 6.1. The proposal has been considered in light of the following issues:-
- 6.2. Vitality and viability - The application site sits within the defined boundary of Perry Barr District Centre and its Primary Shopping Area. Policy 1 of adopted SPD Shopping and Local Centres effectively prevents the total number of A1 frontages within district centres falling below 55%.
- 6.3. Based on the most recent survey data for this centre by the City Council (no survey of the centre was provided by the applicant) which was undertaken in 2017, it has been identified that there are total of 148 units (138 active and 10 vacant) within this overall district centre. The data at hand shows that the overall use classes in this district centre comprise:-

Use class	Active	vacant	% inc.vacant
A1	99	7	71.62%
A2	13	1	9.46%
A3	7	1	5.41%
A4	2	0	1.35%
A5	7	0	4.73%
SG	9	1	6.76%
B1/D1/D2	1	0	0.68%
All uses	138	10	total 148

- 6.4. Using the above information from the latest survey of the centre, if this application were to be approved and the flexibility afforded by such a consent was implemented it could mean that all the existing A1 uses within the site boundary, which currently stand at 37 units, could be converted to a non A1 use without any further consent.
- 6.5. Even if we set aside the 2 kiosks within the application site boundary and focus just on the more traditional style retail units, this would still mean that there is a potential loss of 35 retail (Use class A1) units. As a percentage of the total number of units,

both active and vacant, within the district centre 35 units represents 23.65%. This would mean that the proposal has the potential on its own to reduce the overall number of A1 units (both active and vacant excluding the aforementioned kiosks) in the centre to 71 which would represent just under 48% of the overall number of units in the centre. Such a figure would take the overall percentage of A1 units significantly below the 55% threshold set for the Primary Shopping Area and as such the proposal would be contrary to policy 1 of adopted SPD Shopping and Local Centres. Planning Strategy concurs with this view.

- 6.6. In addition to the above conflict with policy 1, adopted SPD Shopping and Local Centres SPD sets out in policy 2 that “In considering applications for change of use from retail (Use class A1) to non shopping uses in the Primary Shopping Area, regard will also be had to the following factors:
- The need to avoid the over concentration or clustering on non retail uses such as to create a dead frontage.
 - The type and characteristics of other uses in proximity to the application site.
 - The size and type of unit. For example, the retention of larger retail units will be encouraged.
 - The impact of the proposal on the character and function of the centre including; opening hours, window displays, and footfall generated”.
- 6.7. With the above policy guidance in mind, this proposal would allow for the ability to use any of the units within the current application site for non retail (Use class A1) uses. This could mean that frontages along the entire length of parades within the application site or along long stretches of it could convert to non retail use. This could lead to an over concentration and or clustering of non retail frontages with consequential impacts with respect to reducing active frontages e.g. A3 restaurants could open at a later time than conventional retail units creating dead frontages at certain times of the day. Therefore, as a consequence if the proposal is approved, the real potential exists that the development could lead to an over concentration and or clustering of single non retail uses to the detriment of the vitality and viability of the centre which is contrary to policy 2 of adopted SPD Shopping and Local Centres SPD.
- 6.8. Furthermore, any consent of this size and nature could have significant implications on the wider District Centre and represent a constraint to any further proposal for a change of use from a retail use to a non-retail use elsewhere in the centre. It is considered that this would not assist in safeguarding/enhancing the health of the wider District Centre. Policy 3 of the adopted SPD identifies exceptional circumstances to merit the loss of a retail unit in a primary retail area even though it does not meet with the requirements of policies 1 and 2. These include unsuccessful marketing for retail purposes, no longer viable for retail purposes, no reasonable prospect of re-use and meet a local need that cannot be accommodated elsewhere in the centre. Due to the good general health of the One Stop Shopping Centre and relatively low vacancy rates, it is considered that Policy 3 does not apply.
- 6.9. Parking- Transportation Development raises no objection to the proposal. I concur with this view. The site is served with a large car park and service yard to the rear, there is also excellent public transport serving the site. It is also deemed that the majority of trips to the site will be shared with the other outlets within the shopping centre. For these reasons, it is considered high unlikely that the application will result in any increase to the existing volume of traffic movements at the shopping centre. The proposed change of use will not have any impact on the existing

parking, access or servicing arrangements at the shopping centre or result in any changes to the existing floor areas of any of the retail units. Therefore, the development is not expected to give rise to any adverse parking or highway safety issues.

- 6.10. Noise and disturbance- Regulatory Services raise no objections in principle to the proposal, subject to safeguarding conditions to secure satisfactory sound insulation for plant/machinery, extraction and odour control details (cooking and preparation of food) and noise levels for plant and machinery. I concur with this view. The proposed flexible use classes sought by the applicant are considered conforming land uses from the perspective of operating within a shopping centre. Potential environmental impacts that the A3 uses may be expected to give rise to such as odour and smell are expected to be capable of being controlled by the aforementioned conditions. It is also considered that controls on the hours of use could also help prevent/mitigate noise and disturbance arising from the proposed uses. In summary, no adverse noise and disturbance impacts are identified subject to safeguarding conditions.
- 6.11. Flood risk- The Environment Agency state that as the proposal falls within flood zone 2 they refer the Local Planning Authority to the use of their Flood Risk Standing Advice to assess the flood risk potential of the proposal. I have reviewed the applicants Flood Risk Assessment in the context of what is required to be demonstrated with respect to the standing advice set out by the Environment Agency. I can confirm that I consider it accords with standing advice guidance and satisfactorily demonstrates matters such as the proposal would not increase flooding elsewhere, that the proposal would not increase flood risk on site, that the applicant can sign up to flood alerts issued by the Environment Agency and that the applicant already has their own flood risk plan in place which includes monitoring of on site drainage and the nearby river. For these reasons, I do not raise any objection to the scheme on flood grounds.

7. Conclusion

- 7.1. The proposal would conflict with policies 1 and 2 of adopted SPD Shopping and Local Centres in that it would allow for a potential reduction in the level of A1 retail use below 55% within Perry Barr District Centre which the application site forms part of and potentially undermine the vitality and viability of the centre as a whole.

8. Recommendation

- 8.1. That the application is refused.

Reason for Refusal

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- | | |
|---|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1 | The proposal would allow for the overall percentage of use class A1 units within Perry Barr District Centre, which the application site forms part of, to a level below 55% to the detriment of its vitality and viability. It would also have the potential to result in an over concentration and/or clustering of non retail uses (Use class A1) to the detriment of the vitality and viability of the centre. Therefore, the proposal would conflict with policies TP21 and TP24 of the Birmingham Development Plan (2017), Policies 1 and 2 of the adopted SPD Shopping and Local Centres and the NPPF. |
|---|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
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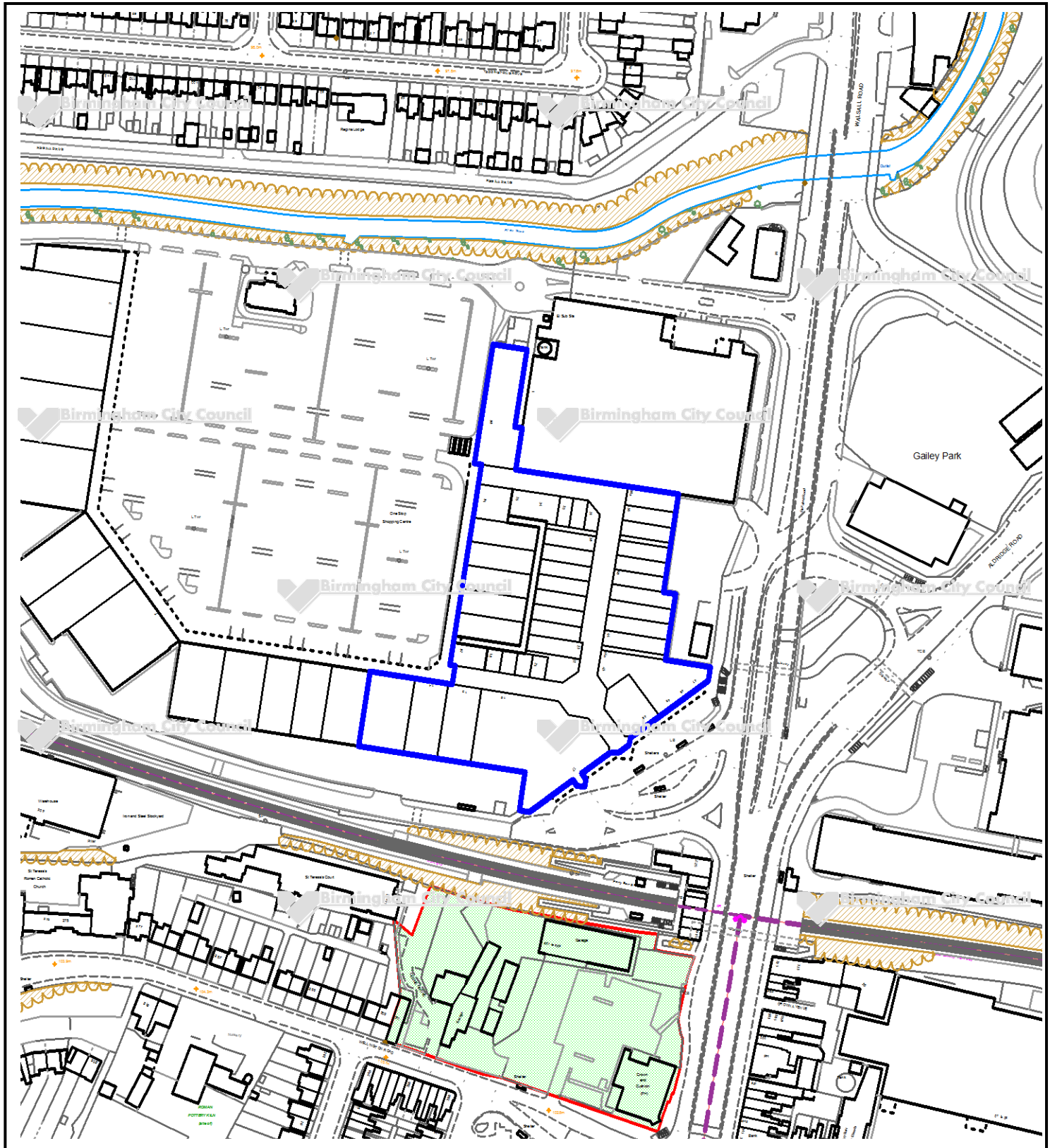
Case Officer: Wahid Gul

Photo(s)



Photo 1 – View from car park

Location Plan



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Committee Date:	10/05/2018	Application Number:	2017/10547/PA
Accepted:	19/12/2017	Application Type:	Full Planning
Target Date:	19/03/2018		
Ward:	Kingstanding		

Twickenham Primary School, Twickenham Road, Kingstanding, Birmingham, B44 0NR

Retention and erection of part-constructed fencing around existing playground boundary

Applicant:	Twickenham Primary School Twickenham Road, Kingstanding, Birmingham, B44 0NR
Agent:	HG Design Limited Sutton House, 4 Coles Lane, Sutton Coldfield, Birmingham, B72 1NE

Recommendation
Determine

Report Back

Members will recall that this application was recommended for approval at your meeting of 15 March 2018. It was determined to defer the decision, in order to explore options with the applicant to provide a more visually attractive fence.

Since that time, a meeting has been held between officers, the applicant, and West Midlands Police. This explored the suitability of other potential fence types and designs. In their initial consultation response for the application, West Midlands Police commented that a mesh fence would be the most effective means to deter crime. However, the applicant continues to consider that this would be an unsuitable option in their circumstances, as it would not limit visual interaction between the gardens beyond and the school playground – the applicant considers this essential to secure children's safety. The applicant also considers that the tipping of waste against the rear (garden side) of previous fences is likely to continue to occur, and that visible and touchable waste will be both unsightly and unsafe.

Following the meeting, West Midlands Police have now provided an updated consultation response. This reflects on the complex nature of securing the school from crime, particularly with respect to the array of existing fences at the ends of the residential gardens, and the piled rubbish adjacent to some parts of boundary. These effectively aid unauthorised access to the site, but also make it very challenging to deliver a more holistic solution to preventing crime (such as removing all of the tipped rubbish and existing fences, and providing a single replacement fence). In light of the issues, West Midlands Police have confirmed that they have no objections to the fencing size and design that has been erected, and consider it necessary from a crime prevention perspective.

Officers have also been provided with access to the full details of the police's incident log. The original report below indicated that 9 of the 39 reported incidents since January 2016 were specifically related to unauthorised access to the school ground, but a more complete analysis suggests that around 16 would have been related to issues that the fence would

address; such as 'youths on roof', 'people on grounds in balaclavas' and 'items thrown at children from house'. The serious nature of these incidents from a child safeguarding perspective is apparent.

Since the previous Planning Committee meeting, one additional representation has been received to the application, from Jack Dromey MP. This expresses strong support for the retention of the fence in its current form; referencing the unsuitability of any mesh fence design because of the tipping of rubbish against existing fences that has been taking place, and the need to take appropriate measures to protect the safety of pupils in what is one of the city's poorest wards.

On the basis of the above, the application stands to be determined as it was when previously brought before the Committee. The plans are unaltered, and it would remain the intention to paint the rear of the fence (secured by way of condition) if permission was granted.

The Committee is requested to determine the application on this basis.

Original Report

1. Proposal

- 1.1. Planning permission is sought for the retention and completion of a part-built boundary fence between Twickenham School and nine neighbouring residential gardens, on the school's side of the boundary. The fence will measure 3000mm high adjacent to five of the gardens – the height as built – and reduce to 2500mm high adjacent to the other four gardens – the section where it has not yet been completed. The fence is of a corrugated sheet metal construction, and is currently painted blue facing towards the school and is unpainted facing towards the residential gardens. The School has agreed to paint the residents' side of the fence if planning permission is granted.
- 1.2. The School wishes to erect the fence in order to provide greater security, prevent trespass on the site and prevent individuals from intimidating pupils from the gardens on the other side.

1.3. [Link to Documents](#)

2. Site & Surroundings

- 2.1. Twickenham Primary School sits in a crescent of land, bounded by Twickenham Road to the west and Rivington Close to the east. The fence subject to this application covers around a sixth of the School's boundary with the rear gardens on Rivington Crescent, towards its southern end between numbers 26 and 42.
- 2.2. Other sections of the school's boundary with gardens on Rivington Crescent have different boundary treatments, including a mixture of wooden and metal fences generally around 2000mm high. Some of the neighbouring gardens also have tree and shrub planting close to and alongside the boundary.
- 2.3. Rivington Crescent rises to a higher level than the school at its middle, to the extent that some gardens end at a higher level than the school. This is the case to varying extents along the section of boundary along which the fence has been erected. The plans submitted with the application indicate a height difference of 500mm (such that the apparent height of the fence to residents would be 2500mm for the 3000mm

high section and would be 2000mm for the unbuilt 2500mm high section). It is difficult to be more precise about the levels because of the close spacing between the fence subject to this application and other existing fences at the ends of the gardens, as well as because of the relatively extensive degree of rubbish tipping along the boundary which makes the actual ground level difficult to decipher.

- 2.4. The plans originally submitted with the application indicated that the fence would only be 2500mm high along its whole length, and that there was a change in levels of 1000mm meaning that the apparent height to residents would only be 1500mm. This was clearly not the case when viewed on site, and affected residents have been re-consulted on the amended plans now submitted.

- 2.5. [Link to site location plan and street view](#)

3. Planning History

- 3.1. None relevant to this application.

4. Consultation/PP Responses

- 4.1. Transportation – No objection.

- 4.2. Regulatory Services – No objection.

- 4.3. West Midlands Police – Full support for the introduction of a substantial boundary fence in this location, in order to help to combat significant levels of crime which have taken place within the school grounds as a result of access in this location. However, the response notes that other types of fence may be appropriate, notably metal weld mesh fencing.

- 4.4. Local ward councillors, residents associations and occupiers of neighbouring properties have been consulted. A site notice has also been posted.

- 4.5. Residents of seven neighbouring properties have objected to the fence, summarised as follows:

- The need to have an improved boundary fence in this location is accepted; however, no consideration has been given to residents' relationship with it;
- The height of the fence is unacceptable, being significantly higher than any other fences nearby;
- The submitted plans indicate that the fence is 2500mm tall and partially hidden by a change in levels, however the levels have not properly been taken into account and in any case the fence is actually 3000mm tall;
- The choice of material for the fence is unacceptable in a residential area, having a very industrial and gloomy appearance;
- The fence has given residents' gardens a very enclosed and prison-like feel;
- Other types of fence material, such as wood or metal mesh or some sort of landscaping buffer between the fence and gardens, would offer the same benefits but have a significantly better appearance;
- Because the fence has been erected immediately adjacent to existing fences, the small gap between the two will gradually fill with rubbish. The gap cannot be accessed and could become home to rats and vermin;
- Because of the choice of material, balls hitting the fence during break times create a loud rattling sound. Other material choices would be less noisy.

5. Policy Context

5.1. The following local policies are applicable:

- Places for Living (2001)
- Birmingham Development Plan (2017)
- Birmingham Unitary Development Plan (2005) – Saved policies

5.2. The following national policies are applicable:

- NPPF: National Planning Policy Framework (2012)

6. Planning Considerations

6.1. The main issues to consider with this application are the harm that the fence is causing to the amenity of the adjoining residential properties, the benefits that the fence is having from a crime prevention perspective, and the extent to which these issues balance up against one another.

6.2. **Residential amenity** – The fence is situated at a distance of between 18-20m from the rear windows of residential properties on Rivington Crescent. At this distance it would not result in any loss of light to those properties. However, the fence does reduce those properties' outlook to an extent – given that Rivington Crescent is a well-established and mature residential street, it is considered that this impact is somewhat harmful.

6.3. The main concern with the fence is its design, and the sense of enclosure it has introduced to the affected gardens. The corrugated metal material chosen is also considered somewhat alien to a residential environment, having a very industrial appearance – this is worsened by its current unpainted metal finish facing into the gardens. The School has indicated a willingness to repaint the fence in a more acceptable brown colour, and a condition could be added to any consent to require this. However, any such painting would only lessen the visual impact and incongruity of the fence – it will not eliminate it entirely.

6.4. It should be noted that plans initially submitted with the application indicated that the entire fence would be of the same height (albeit 2500mm high, despite the section that has been built being 3000mm high). Clearly the visual impact of a 2500mm fence would be less than one at 3000mm, but the School has indicated that the height of the section built cannot be reduced because of the nature of construction. Given that the school is a public organisation, the benefits of any reduction in height ought therefore to be balanced against the wider benefits of public money not having to be spent on completely removing the fence built and re-erecting another at a lower height. Moreover, it is considered that the School's unwillingness to reduce the height of the half of the fence already built by 500mm would not be sufficient to form a reason for refusal of the application.

6.5. Some residents have also cited issues around the thudding noise of balls hitting the metal fence. The sound of this was experienced during the case officer's site visit, which was undertaken during a break time, and is noticeable. However, it is not necessarily considered that other choices of material for the fence would reduce noise levels by any significant degree. Balls hitting wire mesh fences (the Police's preferred choice – see below) tend to produce a distinct metallic 'rattling' sound, and

balls hitting a wooden fence (suggested by residents) would make a similar, if potentially more muffled thudding sound.

- 6.6. The sound of balls hitting the fence will only ever be experienced as part of the general background noise of children playing, which is not unexpected in gardens which adjoin a school. Furthermore, use of the school playground for sports and breaks will only occur in a couple of hours during each day with respite in-between, and also only ever during the daytime. It is therefore not considered likely that any significant nuisance to residents will occur as a result of the choice of fence material.
- 6.7. **Crime prevention** – It is evident that Twickenham Primary School has suffered relatively extensive problems with crime and anti-social behaviour in recent years. The consultation response from West Midlands Police notes that there have been 39 police incident logs relating to the school since 1 January 2016. Of these, 9 relate to unauthorised access to the school grounds. The Police's subsequent investigations of the incidents have suggested that offenders are moving from one rear garden to another in order to access the school, exploiting any 'weak spots' they come across in the boundary.
- 6.8. The applicant began to erect the fence subject to this application as a last resort in August 2017, in response to the severity and regularity of crime taking place. It is understood from the applicant that crime levels have reduced significantly since that time. Whilst the response from West Midlands Police has identified that another break-in occurred on 13 January 2018, it is the Police's opinion that the offenders on that occasion were exploiting the fact that the fence subject to this application has not yet been completed.
- 6.9. As a result, West Midlands Police's Designing Out Crime Officer fully supports the introduction of a substantial boundary treatment in this location. However, it should be noted that they do not necessarily consider the sheet metal fence design which has been constructed to be the only means of reducing incidences of crime.
- 6.10. The Police have identified that metal weld mesh fencing would generally be the most preferable boundary treatment in cases such as these. However, it is understood that the School also wishes to limit visual interaction between the residential properties and the site, as a result of incidents where individuals have tried to intimidate pupils with inappropriate and threatening gestures. The School has also provided supporting photographs showing extensive build-ups of rubbish – around 1.5m deep – that had accumulated behind part of the fence elsewhere on the school's boundary. It therefore envisages that rubbish accumulated and trapped behind a wire mesh will be detrimental to the environment of the school, and potentially be a danger to pupils. It is considered reasonable to concur with this view.
- 6.11. A wooden fence has been suggested as a more attractive alternative by adjacent residents – this would also have the benefit of still being a 'solid' boundary that would help to keep the school private. However, a wooden fence is not supported by the Police on the basis that it would become a likely target for vandalism and/or fire given the known issues of antisocial behaviour around the site. The fence type which the school has chosen, whilst drastic, does therefore appear to be an appropriate response to the issues experienced in this particular context.
- 6.12. **Balancing the issues** – The fence as constructed clearly causes some harm to the amenity of adjoining residents. It has impacted on the outlook from their rear of their properties, and is of an oppressive design which would generally be inappropriate in

a residential environment. The School has agreed to paint the fence to improve its appearance, but this will only mitigate and not eliminate these issues.

- 6.13. It is also important to be mindful of the fact that improving the defensibility of the school boundary in this location will result in another part of the boundary becoming its weakest point. Whilst that weak spot would be less weak than the current one, it is possible that it would become a new means of access to the school grounds for anyone determined to do so illegally. As such, any boundary treatment which is judged to be acceptable now will conceivably become the School's preferred approach elsewhere around the site if further issues arise. Whilst other new sections of fence would require further planning applications and would need to be judged in their individual merits, approval in this case could set a degree of precedent.
- 6.14. However, it is clear that there is a pressing need for the school to undertake measures to protect its site. The fence subject to this application will have a number of benefits; notably reducing financial losses to the school as a result of crime, reducing social issues and other disturbances as a result of anti-social behaviour, reducing the extent to which this particular site is a drain on police resources, and most importantly safeguarding school pupils for whom going to school needs to be a safe and stimulating experience. All of these are very clearly in the public interest.

7. Conclusion

- 7.1. It is considered that the public benefits to the school and its pupils in retaining the fence and completing the remaining section should be given substantial weight in determining this application. Whilst harm to residential amenity will occur, that can be mitigated to an extent by painting the fence in a more acceptable brown colour and has also been lessened by the School proposing a reduced height of 2500mm for the fence on those sections not yet completed. It is therefore considered that the harm to residential amenity should be given moderate to substantial weight in determining this application. On balance, it is therefore considered that the proposal is acceptable.

8. Recommendation

- 8.1. That planning permission is granted, subject to conditions.

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| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Requires the painting of the rear of the fence in brown paint |
| 3 | Implement within 3 years (Full) |
-

Case Officer: Robert Webster

Photo(s)

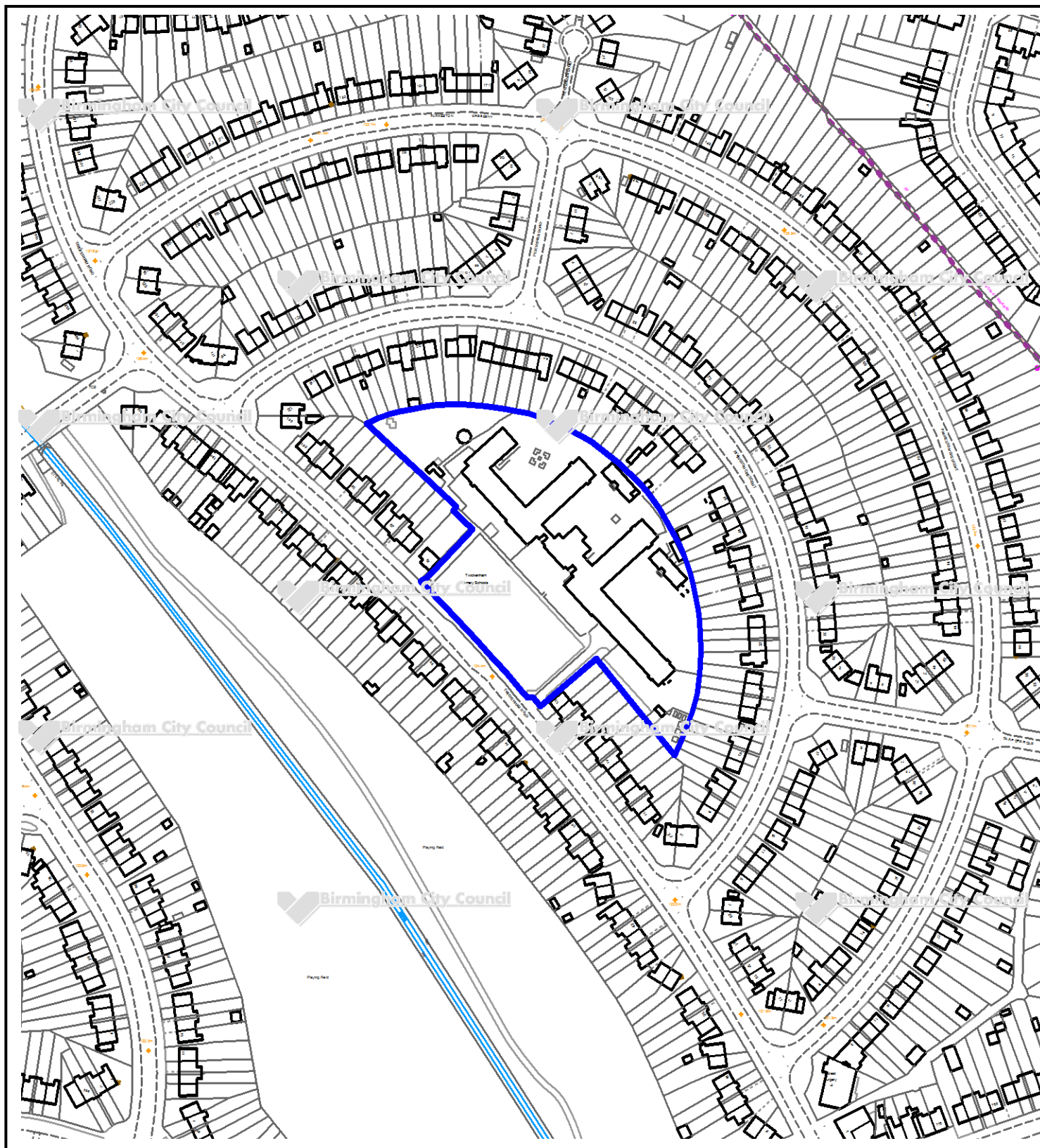


Figure 1 - Extent of fence as built, viewed from school side



Figure 2 - View of fence from gardens on Rivington Crescent

Location Plan



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Birmingham City Council

Planning Committee

10 May 2018

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	2017/09512/PA Brookmeadow 85 Old Forest Way Birmingham B34 6TW Change of use of public house to residential care home (Use Class C2) for 16 residents and installation of balconies.

Committee Date:	10/05/2018	Application Number:	2017/09512/PA
Accepted:	23/01/2018	Application Type:	Full Planning
Target Date:	20/03/2018		
Ward:	Shard End		

Brookmeadow, 85 Old Forest Way, Birmingham, B34 6TW

Change of use of public house to residential care home (Use Class C2) for 16 residents and installation of balconies.

Applicant: Mr Arshad Mahmood
12 Rea Street, Birmingham, B5 6LB
Agent:

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. This planning application seeks consent for the change of use of an existing vacant public house (A4 Use), known as the Brookmeadow at 85 Old Forest Way, B34 6TW, to a residential care home for the elderly (C2 Use) that would provide accommodation for 16 residents.
- 1.2. The internal layout of the proposed use would provide 16 en-suite bedrooms with footprints of between 16 and 31.5sqm, the care home would consist of:
 - Five en-suite bedrooms, communal lounge, lift, boiler room and staff room to the basement floor;
 - Eight en-suite bedrooms, lift, communal kitchen/diner and lounge to the ground floor; and,
 - Three en-suite bedrooms and lift to the first floor.
- 1.3. External alteration would occur, consisting of:
 - North east elevation – Four new doors and new windows to ground floor level;
 - North west elevation – Extended balcony at ground floor level, removal of doors and external staircase to ground floor level and insertion of window to basement level;
 - South east elevation – Extended balcony at ground floor level and new windows to all floors; and,
 - South west elevation – New canopy to ground floor, removal of windows and replacement with new patio doors to ground floor, new doors at basement level, new balconies to ground floor and the removal of a window.

- 1.4. The submitted external layout of the site indicates that 13 parking spaces would be provided, which includes 2 disabled bays to the south eastern edge of the site. The facility would provide 2 mini-buses, each with capability to transport seven wheelchair bound residents.
- 1.5. A large area of tarmac would be removed and approximately 540sqm of enclosed outdoor amenity space would be provided to the north western edge of site for the 16 residents, equating to approximately 34sqm per resident. The area would be enclosed by 1.8m high fencing.
- 1.6. The applicant has provided supporting information indicating that the proposed use would provide bespoke 24 hour care 7 days per week for older adults. The use would also provide respite for elderly people who need a break/holiday. The care provided would include daytime activities such as dancing, bingo and relaxation classes, whilst also providing specialist care for individuals such as physical therapy, occupational therapy, and speech/language therapy. All staff would be trained to at least NVQ level 2 in care provision.
- 1.7. The team of staff would include one care manager/matron, three staff nurses, a number of senior care assistants of NVQ level 3-4 and eight care assistants. In addition, activity coordinators, speech/language therapists, physical therapists, occupational therapists and a gardener would be provided.

[Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site is currently occupied by a former public house (known as the Brookmeadow), which has been vacant for a number of years. The building on the site is standalone and consists of a basement area with two floors above, being surrounded by a large expanse of hard standing used for vehicle parking.
- 2.2. The surrounding area is wholly residential to the north, east and south. To the west lies the 'Kingfisher Country Park', a large expanse of public space with cycle and pedestrian routes throughout.

[Location Plan](#)

3. Planning History

- 3.1. 2014/05704/PA, Conversion of the existing public house (use class A4) to a residential care home for 14 residents (Use Class C2), withdrawn.
- 3.2. 12.11.1982. A1137000, Erection of Illuminated Pole Sign Erection of Illuminated Fascia Sign Erection of Illuminated Box Sign over Doors, approved.
- 3.3. 02.08.1979. 50635000, Erection of licenced premises, approved.

4. Consultation/PP Responses

- 4.1. Regulatory Services – No objection, subject to conditions requiring noise insulation details and the provision of an electric vehicle charging point.

- 4.2. Transportation Development – No objection subject to conditions requiring an amended parking layout, pedestrian visibility splays and cycle store details.
- 4.3. Local Lead Flood Authority – No objection.
- 4.4. West Midlands Fire Services – No objections.
- 4.5. West Midlands Police – No objection.
- 4.6. Site notice posted, nearby residents, local MP and Ward Councillors notified. Five letters/emails of objection/concern received on the grounds of:
 - Concern to the boundary fencing not enclosing the full site, which could lead to a potential problem with vehicles using the area to gain access from the 'Kingfisher Country Park' to Old Forest Way,
 - The site is unsuitable for this type of care home due to the demographics of the local community,
 - Loss of property values.
 - Concerns that the proposal would be for the care of people with mental health issues and the safety of local children.
 - It is further requested that compensation be provided for local residents due to the loss of residential amenity through noise and dust.

5. Policy Context

- 5.1. Birmingham Development Plan (2017), Birmingham UDP (Saved Policies) (2005), Car Parking Guidelines (SPD), Specific Needs Residential Uses (SPG), Loss of Public House (SPG), Places for Living (SPD), and the National Planning Policy Framework (NPPF).

6. Planning Considerations

- 6.1. The main issues to take into consideration in the determination of this application are whether the proposed change of use would be acceptable in this location, the loss of the public house, whether the scheme is of a satisfactory quality, whether it would cause any harm to the surrounding area, neighbour amenity or would prejudice highway safety.
- 6.2. **Policy:** Policy PG3 (Place Making) within the Birmingham Development Plan supports the creation of sustainable neighbourhoods whilst policy TP27 (Sustainable Neighbourhoods) states that sustainable neighbourhoods are characterised by a wide choice of housing sizes and types to ensure a balanced community.
- 6.3. Saved policies 3.14-3.14D of the Birmingham UDP (in summary) seek to protect and enhance what is good in the City's environment and to improve what is less good and that proposals which would have an adverse effect on the quality of the built environment will not normally be allowed.
- 6.4. Saved policy 8.29 applies to residential care homes and states the following criteria will be referred to in determining planning applications:

- The effect of the proposal on the amenities of the surrounding area, and on adjoining premises;
 - The size and character of the property;
 - Sufficient outdoor amenity space for residents;
 - The facilities available for car parking; and,
 - The amount of provision in the locality.
- 6.5. Saved policy 8.29 also states that where a proposal relates to a site in an area which already contains premises in similar use, and/or properties converted into self-contained flats, and/or hostels and residential care homes, and/or other non-residential uses, account will be taken of the cumulative effect of such uses upon the residential character and appearance of the area. In this instance, the surrounding area is wholly residential in character, consisting of a mix of two and three storey family dwellings of differing designs.
- 6.6. **Principle of the Use:** Based upon an assessment of the characteristics and context of the site and surrounding area, it is considered that the provision of the proposed residential care home would not result in an adverse cumulative impact upon the residential character and appearance of the locality, and in conjunction with the properties previous commercial use as a public house would not result in the loss of private residential accommodation. Consequently, it is considered given the location of the premises, proposed residential accommodation and the re-introduction of a use into this redundant building that no objection is raised to the principle of the proposal.
- 6.7. **Loss of Public House:** Paragraph 17 of the NPPF sets out the 12 'core planning principles' that should underpin decision making. The final such 'principle' states that planning should "take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs." Paragraph 70 states that amongst other things, to deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should: "guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs". There are also existing policies contained within the NPPF and Birmingham Development Plan which seek to guard against the loss of local services and facilities which are important in sustaining the social life of the community. Therefore, in context of this application, it needs to be established if the now vacant former Brookmeadow Public House is a valued community facility and secondly, would the permanent loss of the public house reduce the community's ability to meet its daily needs.
- 6.8. The former Brookmeadow Public House is located on a detached site adjacent to residential properties to the north, east and south and the 'Kingfisher Country Park' to the west. The former Public House has been vacant for a number of years. A site notice and public participation letters were sent to local residents and residents associations with no objection received regarding the loss of the public house. In terms of nearby public house facilities, the Raven PH is located approximately 500m to the west on Hodge Hill Road and the Hunters on Coleshill Road/Heath Way beyond (1.4km), The Trident PH approximately 750m to the north east on Timberley

Lane/Bradley Road and, approximately 200m to the east lies the Yardley and District Rugby Football Club. Consequently, I consider that the loss of the former Public House is acceptable and justified and would comply with the Loss of Public House SPG. As such, there are no grounds to resist the loss of this public house. The premises would provide a care home for the elderly. In addition, the re-occupation of the site would be preferable to allowing the site to become further unkempt and visually detrimental.

- 6.9. **External design/alterations:** External alterations include the removal and replacement of a number of doors and windows to all elevations and, the extension and installation of balconies to the south eastern and north western elevations.
- 6.10. The existing building is currently vacant and visually detrimental to the site and surrounding street scene/area. The external alterations are not considered significant and would have a neutral effect on the visual aesthetics of the building. It is considered however that the re-introduction of a use within the building and its surrounding land would be a positive contribution to the visual aesthetics of the site and surrounding street scene.
- 6.11. **Internal and external layout:** The proposal would result in the creation of a 16 bedroom residential care home for the elderly with associated parking and outdoor amenity area.
- 6.12. Internally, the proposed accommodation is considered to provide an adequate level of residential amenity and a good quality living environment for prospective residents, with independent en-suite bedrooms with footprints of between 16 and 31.5sqm, two communal lounges, kitchen/ diner and a staff room. Consequently, it is considered that an acceptable level of residential amenity would be provided for future occupiers of the premises adhering to criteria/guidance contained within SPG Specific Needs Residential Uses.
- 6.13. **External layout:** Specific Needs Residential Uses advocated minimum external amenity area provision of 16sqm per resident. The proposal would provide an enclosed external amenity area of 34sqm per resident (540sqm total) to the north western edge of site, exceeding requirements. Consequently, it is considered an acceptable level of private outdoor amenity is provided.
- 6.14. **Impact on neighbour residential amenity:** Concern has been raised that the site is unsuitable for this type of care home due to the demographics of the local community; they are concerned that the proposal is to home people with mental health issues and loss of property values, none of which are material planning considerations. However, for clarity I advise that the proposal is for the residential care of elderly people.
- 6.15. The premises are a redundant former public house. It is considered the current situation negatively impacts upon the residential amenity of the locality in terms of visual blight, due to the unkempt nature of the site in which litter and debris is scattered around the hard standing areas. Furthermore, it is considered that the previous use as a public house would have resulted in more ambient noise levels and disturbance due to the comings and goings of patrons and vehicles to late into the evening than the proposed use as a care home for the elderly.
- 6.16. Regulatory Services have assessed the proposal and raise no objections in terms of impact on neighbour amenity, subject to conditions requiring noise insulation details

and the provision of an electric vehicle charging point. I concur with this view and accordingly attach the requested conditions.

- 6.17. **Highway/pedestrian safety:** Transportation Development have assessed the proposal and raise no objection subject to conditions, requiring an amended car park layout, pedestrian visibility splays and cycle store details. The Transportation Officer comments that whilst the site is out of centre it is located close to frequent public transport bus services and good connectivity for cycle routes are available. Available parking provision is considered acceptable and the parking layout could be reconfigured to allow Ring and Ride services and special needs public service vehicles (minibuses and ambulances), hence the request for amended parking layout. It is further considered that the use is unlikely to be significantly materially different to the existing A4 public house use in terms of parking and highway issues. I concur with the above views and accordingly attach the requested conditions.
- 6.18. **Other issues:** Concern has been raised by a near neighbour to the boundary fencing not enclosing the full site. In response, the area of land to which the neighbour highlights is outside of the application site and therefore is not assessed as part of this application.
- 6.19. The landscape officer has assessed the proposal and suggests that 1.8m wide boundaries are required for tree, shrub and hedge planting and that all public edges should be regarded as frontages and detailed accordingly. I concur with this view and attach conditions requiring the submission of a landscape management plan, boundary details and surfacing details.
- 6.20. West Midlands Police, West Midlands Fire Service and the Local Lead Flood Authority have assessed the proposal and raise no objection.

7. Conclusion

- 7.1. It is considered that the proposed change of use of this former public house to that of a care home for the elderly would be acceptable in terms of neighbour amenity and highway/pedestrian safety and would comply with policy. The proposal is therefore recommended for approval subject to the imposition of safeguarding conditions.

8. Recommendation

- 8.1. Approve subject to the following conditions:

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|---|------------------------------------------------------------------------------------------|
| 1 | Requires the prior submission a noise study to establish residential acoustic protection |
| 2 | Requires electric vehicle charging points to be provided |
| 3 | Requires the prior submission of boundary treatment details |
| 4 | Requires the prior submission of a landscape management plan |
| 5 | Requires the prior submission of hard and/or soft landscape details |
| 6 | Requires the prior submission of hard surfacing materials |
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-
- 7 Requires the prior approval of an amended car park layout
 - 8 Requires pedestrian visibility splays to be provided
 - 9 Requires the prior submission of staff cycle storage details
 - 10 Requires the scheme to be in accordance with the listed approved plans
 - 11 Implement within 3 years (Full)
-

Case Officer: Keith Mellor

Photo(s)



Brook Meadow PH 1



Brook Meadow PH 2

Location Plan



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Birmingham City Council

Planning Committee

10 May 2018

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>
Defer – Informal Approval	12	2017/10465/PA 50 Severn Street Birmingham B1 1QG Demolition of existing building and redevelopment of site with a part 10 and part 7 storey building to provide 30 residential apartments (Use Class C3) and ground floor commercial unit (Use Class B1(a)/A1/A2)
Defer – Informal Approval	13	2017/08666/PA Former Westminster Works Land at Cheapside, Alcester Street and Moseley Street Digbeth Birmingham B12 0PU Demolition of existing buildings and erection of a 6/7 storey building to provide 220 no. apartments, car parking and associated development.

Committee Date:	10/05/2018	Application Number:	2017/10465/PA
Accepted:	18/12/2017	Application Type:	Full Planning
Target Date:	11/05/2018		
Ward:	Ladywood		

50 Severn Street, Birmingham, B1 1QG

Demolition of existing building and redevelopment of site with a part 10 and part 7 storey building to provide 30 residential apartments (Use Class C3) and ground floor commercial unit (Use Class B1(a)/A1/A2)

Applicant:	Prosperity Developments Ltd
	c/o Agent
Agent:	PJPlanning
	Regent House, 156-7 Lower High Street, Stourbridge, DY8 1TS,

Recommendation

Approve Subject To A Section 106 Legal Agreement

1. Proposal

- 1.1. The proposal seeks consent to demolish the existing two storey building on site to provide a part ten part seven storey building that would accommodate a mix of commercial and residential uses. These would be arranged as follows:

Ground floor: 1no. commercial unit for B1a office, A1 or A2 retail use (127sqm GEA), cycle store for 20 cycles, plant room;

Upper Ground floor: 1 x 2 bed apartment 74sqm;

First Floor: 2 x 2 bed room apartments (62sqm – 104sqm) and 1 x 1 bed apartment (39sqm);

Second to Sixth floors: 2 x 2 bed apartment (62sqm) and 2 x 1 bed apartments (37sqm – 38sqm); and

Seventh and Eight Floors: 1 x 1 bed apartment (40sqm) and 2 x 2 bed apartments (60sqm to 66sqm).

- 1.2 This would give a total of 30 residential units, 13 x 1 beds (43%) and 17 x 2 beds (57%).
- 1.3 The proposed building would front onto Severn Street with access for residents and servicing at street level and a separate access for the commercial unit. The development would offer zero parking spaces.
- 1.4 The design of the front elevation would be divided into the base, comprising a red brick ground and upper ground floor, a black brick middle section and a top section with the top two floors reduced in width to provide a terrace. These top two floors would be clad in copper panels.

1.5 The application has been submitted together with the following supporting documents:

- Drainage Strategy;
- Air Quality Assessment;
- Design And Access Statement;
- Financial Viability Assessment;
- Phase 1 Desk Study;
- Noise Assessment;
- Built Heritage Statement;
- Regeneration Impact Assessment;
- Townscape And Design Statement; and
- Transport Statement.

1.6 [Link to Documents](#)

2. Site & Surroundings

2.1 The site is located on the southern side of Severn Street approximately 30m west of its junction with Suffolk Street Queensway. Severn Street is a one way street that rises east to west away from Suffolk Street Queensway.

2.2 The rectangular shaped site currently accommodates a dilapidated 1970's two storey flat roof red brick building which was previously used as a warehouse / office together with a vacant area of land used for external storage including stacked shipping containers previously. Beyond the site to the rear is land at a lower level and used as a private car park. The late 1970's saw the redevelopment of the corner plot at the junction of Severn Street and Suffolk Street Queensway as Queengate House. The side elevation of the Mailbox is located opposite with its side visitor entrance to the west of the application site.

2.3 There are a number of heritage assets within the block bordered by Severn Street to the north, Blucher Street to the west, Gough Street to the south and Suffolk Street to the east. Immediately adjacent to the application site is the Grade II listed Masonic Hall, whilst further to the west, again fronting Severn Street is the Caretaker's House for Birmingham Athletic Institute, another Grade II listed building. Round the corner facing Blucher Street is the Grade II* listed Singers Hill Synagogue. At the junction of Suffolk Street Queensway and Gough Street is the locally listed Christadelphian Hall.

3 Planning History

3.1 2015/10532/PA - Outline planning application for 4 no. dwellings with access, appearance, layout and scale to be determined. Withdrawn

3.2 2015/07054/PA - Outline planning application with access, appearance, layout and scale to be determined; for no: 4 dwellings. Withdrawn

3.3 2013/05474/PA - Application to extend the time of extant planning application 2010/02930/PA for the erection of a 25 storey building fronting Suffolk Street Queensway comprising 259 bedroom hotel and 9 storey building fronting Severn Street comprising 144 apartment/hotel rooms, ancillary car parking and landscaping. Approved 04/04/2014

3.4 2010/02930/PA - Erection of a 25 storey building fronting Suffolk Street Queensway comprising 259 bedroom hotel and 9 storey building fronting Severn Street

comprising 144 apartment/hotel rooms, ancillary car parking and landscaping.
Approved 19/08/2010

4 Consultation/PP Responses

4.1 BCC Transportation Development - No objection subject to conditions to reinstate an existing redundant footway and to provide the cycle storage spaces shown on the submitted ground floor plan.

4.2 BCC Regulatory Services - The main noise source is traffic noise from the Suffolk Street Queensway. There is a closed club/bar (Korma) in Queensgate House but this is not operating. The design is such that there appears to be no habitable rooms overlooking the adjoining building so the club should not be an issue if it were to reopen. The Phase 1 Desk Study report has been reviewed and identifies potential land contamination issues and recommends an intrusive investigation. The originally submitted and amended Air Quality Assessment has been reviewed. They show that some residential units in the proposed building will be affected by levels of nitrogen dioxide above the legal limit. The air quality consultants propose to mitigate the effects of this pollution by providing mechanical ventilation to the affected apartments with clear air either drawn from outside if possible or provided by incorporating NOx filtration into the ventilation system. Following much discussion it has been agreed that windows should be openable with mechanical ventilation provided with NOx filtration on the apartments affected by poor air quality. Recommend following conditions:

- i. a scheme of noise insulation shall be submitted to ensure that all windows, any other glazed areas and external doors to habitable rooms on the north facing elevation provide sufficient sound reduction;
- ii. a scheme of noise insulation between the commercial and residential premises shall be submitted;
- iii. prior submission of land remediation and verification reports; and
- iv. prior submission of a ventilation scheme.

4.3 Leisure Services - This proposed development would generate an off site POS contribution of £54,600 as it is a residential application of over 20 dwellings. The contribution would be spent on the provision, improvement and/or biodiversity enhancement of public open space, and the maintenance thereof at St Thomas Peace Garden including associated structures and improvements to Bath Row within the Ladywood Ward. The development would not generate any contribution for play because it is composed of non-family type 1 and 2 bed accommodation and located in the City Centre.

4.4 Police – Recommend the following:

- The work regarding the apartments be undertaken to the standards laid out in the Secured by Design 'Homes 2016' guide;
- Any lighting plan should follow the guidelines and standards as indicated in 'Lighting Against Crime' guide;
- A planning condition be attached to ensure that CCTV cameras be installed to cover the site including the outside of the unit, all publically accessible areas and entrances with an internal image showing anyone entering the site through any of the entrances / doors;
- the installation of a police response alarm system covering the retail unit;
- any work around the commercial unit be carried out to the standards within the Secured by Design 'Commercial 2015' guide;

- clarification as of the postal delivery proposals and the management plan behind the process of refuse collection;
 - both the external and the internal doors to the refuse store and cycle store to be to an appropriate external standard. There is the real potential for any security measures installed on the main front door to be bypassed by offenders accessing the building via the refuse store.
- 4.5 Local Lead Flood Authority - Content with the proposed drainage strategy. Given the small footprint of the proposed building which occupies the entire site area and the level of information provided, the LLFA recommends a condition to require the completion of the sustainable drainage for the development in accordance with the approved Sustainable Drainage and to require a Sustainable Drainage Operation and Maintenance Plan.
- 4.6 Severn Trent Water - No objections to the additional drainage information.
- 4.7 Education - No comments or objections from the Schools Organisation Team.
- 4.8 Birmingham City Centre Management, Birmingham Civic Society, Birmingham Public Health, Local Action Groups, Community and Neighbourhood Forums, Housing, the MP and Local Councillors have been consulted but no replies received.
- 4.9 Neighbours have been notified and a site notice and press notice posted. Two responses have been received, one in support and one objecting.
- 4.10 The letter in support explains that the proposals will enhance the streetscene and be a welcome alternative to the existing dilapidated building. The design principles are good and relate well to the Masonic Hall. There would be concern however if an A3 use were proposed and it is requested that a condition be placed on an approval to prevent this from happening.
- 4.11 The letter of objection raises concern that the positioning of the smoke vents, windows, top storey cladding and any brick piers should not compromise planned development on the adjacent site. Furthermore the applicant has no right of light or right of access for maintenance of these features.

5 Policy Context

- 5.1 Birmingham Development Plan (BDP) 2017, Birmingham Unitary Development Plan 2005 (Saved Policies), Parking Guidelines SPD, Places for Living SPG and the National Planning Policy Framework.

6 Planning Considerations

PRINCIPLE OF THE PROPOSED USES

- 6.1 The application site lies within the Growth Area, an area that encompasses the City Centre as defined within the Birmingham BDP. It is an area where Policy GA1.1 promotes development that makes a positive contribution to improving the overall mix of uses and where well designed high quality residential development is supported. According to Policy GA1.2 the site is located within the Westside quarter where mixed use development is supported. Policy PG1 plans for the provision of 51,100 additional homes over the Plan period and it is anticipated that 80% of new homes will be built on previously developed land. The City Centre Retail Core includes the

Mailbox, which lies opposite the application site. It is considered that both the principle of residential and a retail use at this site is appropriate.

- 6.2 The proposed mix of units is considered to be acceptable with a majority (57%) of two bed apartments. Furthermore all of the units would meet national space standards.

PROPOSED DESIGN AND IMPACT UPON HERITAGE ASSETS

- 6.3 The proposed design has evolved as Officers recognise that the scale and appearance of the proposed development cannot be separated from its impact upon the adjacent heritage assets.
- 6.4 The application site lies immediately adjacent to the Grade II listed Athol Masonic Lodge built as a Synagogue in 1927. Further to the west fronting Severn Street is the Caretaker's House for Birmingham Athletic Institute, another Grade II listed building. The Grade II* listed Singers Hill Synagogue is located round the corner facing Blucher Street. The applicants have also considered the impact upon the Former Jewish School located to the rear of the Synagogue and the Former Severn Street British School buildings facing Severn Street which, whilst not locally listed, are deemed worthy of non-designated heritage asset status.
- 6.5 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that the local planning authority has a duty to have special regard to the desirability of preserving heritage assets, their setting or any features of special architectural or historic interest which they possess. Policy TP12 also gives great weight to conserving the City's heritage assets whilst Paragraph 132 of the NPPF refers to any harm to the significance of a heritage asset; any harm or loss should require clear convincing justification. The NPPF explains that significance can be harmed by development within the setting of a heritage asset.
- 6.6 The proposed design of the building to provide a red brick base would, due to the rising street level, present a part two part single storey base that would vertically align with the cornice of the adjacent Masonic Hall. This would provide a clear relationship with the classical design of the listed building comprising stone clad pillars and red brickwork. The proposed middle and top sections of the proposed building would be more contemporary in design to harmonise with the upper sections of the existing building to the north, Queensgate House. The choice of materials, black brick slip cladding panels and copper panels would define the development as of a modern separate design and character.
- 6.7 It is acknowledged that any building built to a greater height than the existing three storey Masonic Hall could result in a change to the immediate setting of this listed building. However if standing at street level in front of the Masonic Hall the proposed design of the base to align with the base and cornice of the Masonic Hall is appreciated and would ease the contrast in heights. In addition the proposed development would replace an existing two storey flat roof building which is of an uninspiring design and has a largely blank brick elevation that contributes little to the frontage. It is therefore considered that the proposal would uplift the streetscene.
- 6.8 It is accepted that part of the proposed building would rise to a height of 10 storeys however the proposed height would be in the context of other tall buildings already constructed or granted planning consent. Views of the decorative front elevation of the Masonic Hall from the Suffolk Street Queensway are only glimpsed and would be framed by the Mailbox and Queensgate House both of which are taller in height. It is

therefore considered that the development would be unlikely to affect the significance of the Masonic Hall from this viewpoint.

- 6.9 From Severn Street looking downhill towards Suffolk Street Queensway there is the listed Caretaker's House for Birmingham Athletic Institute and the Masonic Lodge, both Grade II listed, plus the Former Severn Street School complex (also known as Scholar's Gate), which the applicants consider to be a non designated heritage asset. The proposed gable end of the proposed building would be seven storeys in height rising to nine storeys, with the top two storeys set back to provide a terrace facing west overlooking the Masonic Hall. Again there would be a contrast to the heights of the adjacent buildings however it is considered that the impact would be reduced in comparison to a previously approved scheme on the application site. In 2014, approval was granted for a 25 storey building fronting Suffolk Street Queensway comprising a 259 bedroom hotel and including a 9 storey building fronting Severn Street comprising 144 apartment/hotel rooms. The approved plans proposed a block of a similar height to the current scheme. However due to the larger previous application site the approved building had a far greater depth that would have been visible above the full depth of the Masonic Hall. It is therefore considered that the impact upon the heritage assets from this perspective view would be lessened. Plus it is considered that the current scheme is of a better design with the top 2 storeys set back by approximately 3.45m from the listed building. It is acknowledged that the previous hotel/apartment consent has expired, however the previous proposals were considered to be acceptable under the current guidance of the NPPF which requires consideration of the impact upon the significance of these heritage assets. The Conservation Officer acknowledges that the juxtaposition between the proposal and the listed building is substantial, but recognises that significant improvements have been secured in terms of the view of the flank of the proposed development that rises above the listed building when viewed from the west. No objections have been raised by the Conservation Officer subject to conditions.

HIGHWAYS

- 6.10 The scheme proposes a total of 30 apartments plus a commercial unit with no provision for vehicle parking but provision for the storage of 20 bicycles. It lies within part of an extensive 20mph zone which covers a large proportion of the City Centre. No waiting at anytime restrictions are in place along Severn Street. New Street Station is approximately 450m and bus stops serving 11 routes lie within 400m walking distance. There are a number of multi storey car parks within close proximity.
- 6.11 Due to the proximity to public transport links and the availability of private car parks the zero parking provision has raised no objections from BCC Transportation Development. The Parking Guidelines SPD give maximum rather than minimum parking space requirements and therefore the proposals accord with Policy.
- 6.12 The existing Traffic Regulation Order allows servicing on street before 08:00 and after 19:00; therefore the requirements of the commercial unit could be accommodated.

AIR AND NOISE QUALITY

- 6.13 Policy TP37 states that the Council is committed to reducing health inequalities, increasing life expectancy and improving quality of life. The application site is located in close proximity to Suffolk Street Queensway and within an area identified by the Council as experiencing elevated pollutant concentrations. An Air Quality

Assessment has been submitted to quantify pollution levels across the site, consider the suitability of the site for the proposed residential use and to assess the potential impacts as a result of the development.

- 6.14 The Assessment proposes mitigation in the form of incorporating mechanical ventilation into the design of the development with air inlets located above all windows fronting Severn Street. In addition, due to the levels of nitrous dioxide at the residential units on the upper ground and first floor it is proposed to incorporate nitrogen oxide filtration units into the design of the mechanical ventilation system above each window of these particular apartments. This would ensure the supply of clean air for future users. Regulatory Services consider this to be an appropriate way forward to meet policy guidance with respect to air quality. Meanwhile no concerns have been raised with respect to noise subject to conditions to require noise attenuated glazing and a scheme to protect the proposed upper floor residential users from the ground floor plant room and commercial unit. Conditions are attached to cover these matters.

OTHER

- 6.15 An adjacent occupier has raised concerns regarding the position of proposed windows and cladding. Officers are satisfied that these have been resolved or are private matters outside the control of this planning application.
- 6.16 Furthermore whilst it is acknowledged that the development would be positioned close to the site boundaries it is considered that the proposed layout would not prejudice the redevelopment of the land to the south and to the east fronting Suffolk Street Queensway.

S106 AGREEMENT AND COMMUNITY INFRASTRUCTURE LEVY

- 6.17 The site is categorised as falling within a 'High Value Area' in the City Council's Community Infrastructure Levy Charging Schedule. As such CIL would equate to a estimated payment of £159,666.
- 6.18 Given the number of proposed apartments the City Council's policies for Affordable Housing and Public Open Space in New Residential Development apply. The applicant has submitted a financial appraisal that demonstrates that the scheme cannot meet these obligations. The financial appraisal has been independently reviewed and the assessment concludes that a figure of £112,500 would be achievable.
- 6.19 The request for a contribution of £56,400 towards off site open space has been noted and therefore the remainder of £56,100 could go towards off site affordable housing.
- 6.20 As the Council owns the site it would be necessary for the applicant to complete a Section 111 agreement under the Local Government Act 1972. This would then require the applicant to enter into an Agreement under Section 106 of the Town and Country Planning Act 1990 with the Council to secure the contributions when it has acquired an interest in the land.

7 Conclusion

- 7.1 The existing City Centre site is underused and currently provides a poor frontage to Severn Street. The heritage assets within the surrounding block are acknowledged, the impact upon the streetscene considered and the harm to the heritage assets,

most notably the adjacent listed Masonic Hall and Caretakers House facing Severn Street, has been assessed. The proposed development would have less than substantial harm to the setting of the listed buildings whilst it is considered that the proposed design would appropriately fill the gap between Queensgate House and the Masonic Lodge and uplift the streetscene.

8 Recommendation

8.1 That consideration of the application be deferred pending the completion of a Section 111 of the Local Government Act 1972 legal agreement to require the applicants to enter into a Section 106 agreement to secure:

- a) A financial contribution of £56,400 (index linked from the date of this resolution) towards the improvement and/or biodiversity of public open space, and the maintenance thereof at St Thomas Peace Garden including associated structures and improvements to Bath Row within the Ladywood Ward;
- b) A financial contribution of £56,100 (index linked from the date of this resolution) toward off site affordable housing to be paid prior to first occupation; and
- c) Payment of a monitoring and administration fee associated with the legal agreement of 3.5% of the affordable housing and public open space sum, subject to a maximum of £10,000.

8.2 That, in the event of the above legal agreement not being completed to the satisfaction of the Local Planning Authority on or before 25th May 2018, planning permission be refused for the followings reasons:

- a) In the absence of any suitable legal agreement to secure a financial contribution towards off site affordable housing the proposal conflicts with Policy TP31 of the Birmingham Development Plan and the Affordable Housing SPG; and,
- b) In the absence of any suitable legal agreement to secure a financial contribution towards off site public open space the proposal conflicts with Policy TP9 of the Birmingham Development Plan and the Public Open Space in New Residential Development SPD.

8.3 That the City Solicitor be authorised to prepare, seal and complete the planning obligation.

8.4 That in the event of the planning obligation being completed to the satisfaction of the Local Planning Authority on or before 25th May 2018, favourable consideration be given to this application, subject to the conditions listed below

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| 1 | Requires the prior submission and completion of works for the S278/TRO Agreement |
| 2 | Requires the provision of cycle parking prior to occupation |
| 3 | Noise Insulation Scheme - glazed areas and external doors to habitable rooms on the |
-

	north facing elevation
4	Requires the prior submission of noise insulation between ground and upper floors
5	Requires the prior submission of a contamination remediation scheme
6	Requires the prior submission of a contaminated land verification report
7	Requires the prior submission of a ventilation scheme
8	Drainage Details
9	Requires the prior submission of sample materials
10	Requires the prior submission of window details
11	Prior Submission of Details of Means of Enclosure to External Terrace
12	Requires the scheme to be in accordance with the listed approved plans
13	Implement within 3 years (Full)

Case Officer: Julia Summerfield

Photo(s)

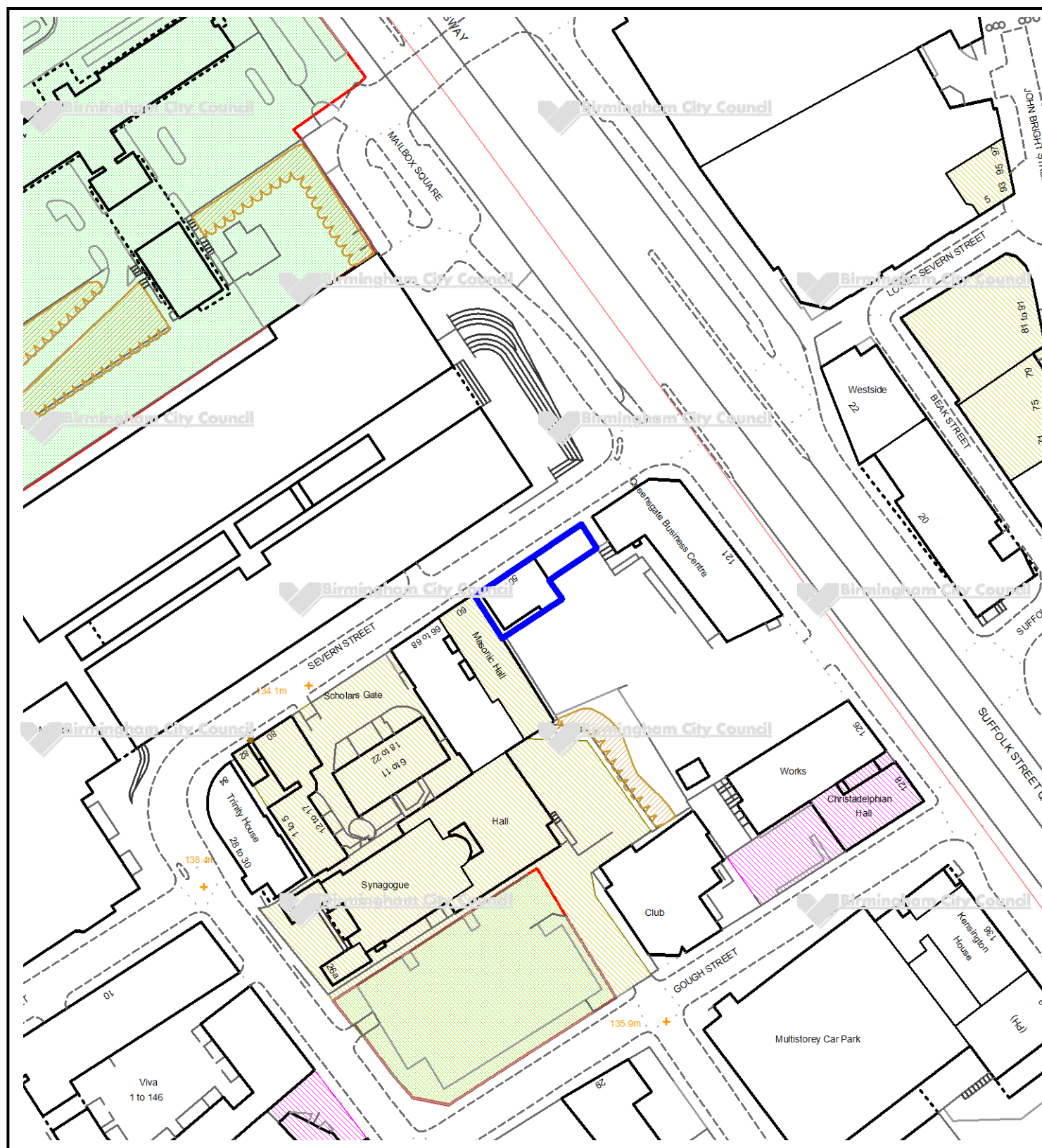


Looking down Severn Street, application site to right hand side



Application site is the flat roof building

Location Plan



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Committee Date:	10/05/2018	Application Number:	2017/08666/PA
Accepted:	16/10/2017	Application Type:	Full Planning
Target Date:	30/04/2018		
Ward:	Nechells		

Former Westminster Works, Land at Cheapside, Alcester Street and Moseley Street, Digbeth, Birmingham, B12 0PU

Demolition of existing buildings and erection of a 6/7 storey building to provide 220 no. apartments, car parking and associated development.

Applicant:	Westminster Works Ltd. C/o Arcadis, Cornerblock, 2 Cornwall Street, Birmingham, B3 2DX
Agent:	Brooke Smith Planning - An Arcadis Company Cornerblock, 2 Cornwall Street, Birmingham, B3 2DX

Recommendation

Approve Subject To A Section 106 Legal Agreement

1. Proposal

- 1.1. This application proposes the complete demolition of all buildings on the application site and the erection of a 6 - 7 storey development providing 220 no. residential apartments, car parking and associated development. Following negotiations, the Section 106 offer totals £220,000.

Demolition

- 1.2. This irregular shaped application site would see the complete demolition of the existing mid-20th Century workshops/warehousing together with the existing two storey (with dormer) hot food shop occupied by 'B My Chip'. The three storey (with industrial shed beyond) part retail / part tyre fitting / part residential building fronting Alcester Street and the large retail/apartment scheme on the corner of Cheapside / Alcester Street are not within the application site.

Overview of the Proposed Replacement Development

- 1.3. It is proposed to erect a wholly residential apartment scheme that would front Alcester Street, Moseley Street and Cheapside within a single block running along the site's eastern boundary and fronting these aforementioned streets forming a 'U' shape.
- 1.4. A total of 90 on-site parking spaces are proposed, with 57 reserved for the use by the Rowton House Hotel, as a replacement for the existing parking facilities currently on site. The proposed blocks would surround the car parking which would be over two levels (53 spaces at the lower level, 37 on the open air upper level). The parking provision for the residential element equates to 15%.
- 1.5. Overall the proposed development would provide 220 apartments with the following breakdown:

Apartment Type	Number	Percentage	Min. Size	Max. Size
1 Bedroom 1 Person	117	53%	42 sq.m	47 sq.m
1 Bedroom 2 Person	11	5%	55 sq.m	58 sq.m
2 Bedroom 3 Person	85	39%	62 sq.m	64 sq.m
2 Bedroom 4 Person	7	3%	75 sq.m	N/A

Figure 1 - Apartment mix

- 1.6. During the course of determination officers have secured amendments to the design and massing of the proposals, with the original application proposing 253 units and rising to 8 storeys.

Detailed Proposals

- 1.7. The part of the building fronting Alcester Street would be part 6 / part 7 storeys to the street frontage. This element would accommodate single aspect apartments to the front and rear, with the lowest level having apartments to the frontage only. Back of house refuse and plant room facilities would be situated behind these apartments.
- 1.8. The Cheapside elevation would comprise of 6 floors of accommodation together with a car park access immediately adjacent to the neighbouring apartment development. The wing connecting the Cheapside frontage element to the Moseley Street elevation would be six storeys in height above one level of subterranean car/cycle parking. This part of the development would be single aspect, facing into the central courtyard area. The remaining element would be part 6 / part 7 storeys with the majority of the lower floor level along Moseley Street being at least partly below street level.
- 1.9. Architecturally, the proposed building would be flat roofed and of brick construction. The plans show a grid layout framing large industrial style windows. The grid would be formed by facing brickwork, with the change to the brick at the top recessed level. The façade would also have exposed steel beams between floors. The overall aesthetic is a contemporary take on the traditional industrial warehouse. The majority of the flat roof would be covered in a green roof.
- 1.10. The building is chamfered at the corner of Alcester Street and Moseley Street. As levels rises along Moseley Street the lowest floor of the building transitions from residential accommodation to ancillary non-habitable space. As with the previously consented scheme on this site, the overall height of this part of the development has been guided by the height of the Rowton House Hotel on the opposite side of Cheapside.
- 1.11. At the heart of the development plot is a two storey car and cycle parking area which, taking advantage of prevailing ground levels, is partly subterranean. A total of 253 cycle parking spaces would be provided within the development's basement car park.
- 1.12. More broadly, access to the apartments is largely provided via four circulation cores, two ancillary ones link to the car parking levels. The principal cores have direct

access onto Alcester Street, with what is labelled as the main entrance (signalled by the omission of brickwork with this larger grid) near to the junction with Alcester Street.

- 1.13. This application is accompanied by detailed plans; a Planning Statement; Design and Access Statement; Air Quality Assessment; Noise Assessment; Heritage Statement; Transport Assessment and Interim Travel Plan; Archaeological Assessment; Drainage Strategy; Contamination Study; Phase 1 Habitat Study (and Bat Survey); Financial Viability Report; and a Complying with Building Control Report.

1.14. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site, totalling 0.42ha and currently used as a covered car park and chip shop, is an irregular shaped plot that is almost wholly covered with existing buildings. The plot has frontages to Alcester Street, Cheapside and Moseley Street and wraps around a three storey building fronting Alcester Street occupied by a car repair workshop and newsagents with what appears to be apartments above and a relatively modern 5 storey apartment scheme on the corner of Alcester Street and Cheapside. The Westminster Works that previously occupied the site was a manufacturer of steel tubes, with various industrial (varnish and brass) uses together with residential back to back properties preceding the current buildings.
- 2.2. Buildings on site largely consist of a collection of industrial buildings with corrugated roofing with the exceptions being the low-level brick buildings on Alcester Street, and the 'B My Chip' building, a two storey with dormer brick built building with an interesting ground floor commercial frontage. The two storey flat roofed building to the north of the takeaway has the appearance of a fire station, with concrete/stone window surrounds.
- 2.3. The Grade II Listed Rowton House (formerly Paragon) Hotel is situated on the opposite side of Moseley Street. This is an imposing Edwardian red-brick building that is richly detailed and a prominent local landmark. 112 Moseley Street, a Grade II listed former police barracks, is situated immediately behind the hotel and is in use as a hostel. In the wider Area the Moseley Arms is Grade II listed as is 82-84 Moseley Street. The Digbeth, Deritend and Bordesley High Street Conservation Area is situated some 300m to the north.
- 2.4. The Fountain public house is situated on the corner of Alcester Street and Cheapside on the opposite side of the road together with low-level industrial buildings, which is the principal use in the area.
- 2.5. The broader locality can be considered as an area of transition, with a broad trend of commercial and industrial uses being replaced with residential-led schemes.

2.6. [Site Location](#)

3. Planning History

Application site excluding 'B My Chip'

- 3.1. 23.03.2017 – 2016/08279/PA – Approval - Demolition of existing buildings and erection of 5-7 storey buildings to provide 141 no. residential apartments, car parking and associated development
- 3.2. 08.10.2007 – 2006/03869/PA – Approval - Development of the site to provide 134 residential dwellings 3 live/work units, 4 x A1/A2/A3/B1 units, (shops, financial and professional services, restaurant and café business) associated landscaping and car parking
- 3.3. 10.01.2011 – 2010/01475/PA – Approval - Application to extend the time limit for implementation of extant approval 2006/03869/PA for 134 residential dwellings, 3 live/work units, 4 A1/A2/A3/B1 units, associated landscaping and car parking

The Point – Corner of Cheapside / Alcester Street

- 3.4. 24.07.2006 - 2006/02932/PA – Approval - Demolition of vacant industrial building and redevelopment of the site to provide 22 residential units, retail unit and car parking

150-159 Moseley Street (adjacent)

- 3.5. 29.03.2018– 2017/10701/PA – Resolved to Approve - Demolition of existing buildings and erection of a 6 storey building providing 67 no. apartments and associated parking and landscaping

Rowton House Hotel

- 3.6. 02.02.2017 – 2016/08528/PA – Approval - Erection of four storey extensions to the north and south facing internal courtyard elevations (creating additional 99 bedrooms), creation of secondary entrance and conversion of conference rooms, bar and cloakroom to 16 additional bedrooms in association with the existing hotel (use class C1)

Cheapside / Moseley Road

- 3.7. 13.04.2017 – 2016/06827/PA - Erection of part 6 / part 7 storey 95 bed student residential building with ground floor retail unit and associated development

4. Consultation/PP Responses

- 4.1. Transportation Development – Raise no objection subject to conditions requiring a S278 agreement, that parking areas are laid out prior to use, the provision of cycle parking, provision of a construction and demolition plan, details of the car park access system and that 10% of the basement car parking spaces are provided with electric vehicle charging points.
- 4.2. Regulatory Services – Raises no objection subject to conditions requiring a further noise report; further contaminated land studies; and the provision of electric vehicle charging spaces (10% of the car park).
- 4.3. BCC Drainage Team – Raise no objection subject to conditions requiring further drainage details and a sustainable drainage operation and maintenance plan.

- 4.4. Leisure Services – No objection and request a contribution towards public open space of £479,700 (on the basis of 253 units).
- 4.5. Environment Agency – No objection and provide advice to the applicants for managing the risk of pollution to the underlying aquifer.
- 4.6. West Midlands Fire Service – Raises no objection and requests that adequate access to water supplies be provided.
- 4.7. West Midlands Police – Supports the gating of the vehicular accesses and the provision of cycle parking. Recommends that the development follows Secured by Design principles, that adequate lighting is proposed together with CCTV, refuse storage and security measures at access points.
- 4.8. Severn Trent Water – No objection subject to conditions requiring the prior approval of drainage details and that the development is carried out in accordance with any approved details.
- 4.9. Site and Press Notices posted and Residents' Associations; Ward Members; the MP and local occupiers consulted without response.
- 5. Policy Context
- 5.1. Birmingham Unitary Development Plan (saved policies) 2005; Birmingham Development Plan 2017; Places for Living SPG; Loss of Industrial Land to Alternative Uses SPD; Car Parking Guidelines SPD; and the National Planning Policy Framework 2012. Also the Big City Plan. The proposals will affect the setting of the Grade II Listed Rowton House Hotel and former Police Barracks.
- 6. Planning Considerations

POLICY

Local

- 6.1. The application site is within the Southern Gateway Area of Transformation as set out in the Big City Plan. The Southern Gateway seeks to expand the City Core southwards with the redevelopment of the wholesale markets providing the opportunity for creating a new destination in Birmingham and a catalyst for the wider redevelopment. A whole range of uses including new residential neighbourhoods are envisaged.
- 6.2. The Birmingham Development Plan sets out the ambitious growth of the City Centre and identifies five strategic allocations for the centre, including the Southern Gateway, with the Smithfield Masterplan acting as a centerpiece. The plan states that new investment in office, retail, cultural and residential provision will be supported.
- 6.3. The Big City Plan, referenced in the BDP, sets out the aspirations for development within the City Centre. The Big City Plan identifies Bradford Street, which is in close proximity to the site to the north, as a key connection within the City Centre. The BDP also sets out the city's approach to the historic environment, the scale of need (51,100 to be delivered in the city over the plan period), location and type of new

housing and connectivity issues. The approach to developer contributions is set out in Policy TP47, with Policy TP31 setting out that in developments of 15 or more dwellings a contribution of 35% of the scheme as affordable housing will be sought. Policy PG3 sets out the requirement for place making, setting out the key considerations that contribute to a successful place.

- 6.4. Relevant Saved Policies of the Birmingham UDP, comprising of Chapter 8 and Policy 3.14, emphasise the need to secure high quality design and set out the circumstances when Planning Obligations may be sought.

National

- 6.5. Sustainable Development is at the heart of the National Planning Policy Framework (NPPF), which establishes a presumption in favour of such development. Development is required to address the three key aspects of sustainability (economic, social and environmental) in order to constitute sustainable development. The NPPF breaks development down to key themes and provides guidance on each, with those key to this application explored in more detail below.
- 6.6. In particular, Policy 128 of the NPPF requires the significance of a heritage asset to be described and any impact upon that significance should be assessed. At 132 the NPPF states that significance can be harmed through development within a heritage asset's setting.
- 6.7. Chapter 6 sets out the need to deliver a wide choice of high quality homes. Chapter 7 puts good design at the heart of the definition of sustainable development.
- 6.8. Key issues for consideration are therefore the principle of the development, design, heritage implications, residential amenity, highway impact, ecological impact, drainage, and viability/S106 issues.

PRINCIPLE

- 6.9. Considering the loss of the existing industrial uses, the Loss of Industrial Land to Alternative Uses SPD (paragraph 5.6) recognises that a more flexible approach to change of use to residential is required in the City Centre in order to support regeneration initiatives. Considering the allocation of the site within the Southern Gateway, I conclude that the proposal represents such a circumstance. The site is not allocated as core employment land.
- 6.10. In respect of housing need the BDP seeks to provide 51,100 homes, with 12,800 earmarked for the city centre. Considering housing mix, the BDP sets the following targets for market dwellings: 1-bedroom 13%, 2-bedroom 24%, 3-bedroom 28%, and 35% 4-bedroom. By comparison the proposed housing mix for this 220 apartment scheme would be 58% 1-bedroom and 42% two bedroom apartments. Although the housing mix figures are not ceilings, given the city's overall housing requirement, there is a need to ensure that the right type and mix is provided in the city as a whole. It is accepted that in the city centre a higher percentage of one and two bedroom apartments are going to be delivered. I note that the previous consent comprised of 57% one bedroom units.
- 6.11. The proposed development is consistent with the broad policy context outlined above and there is a previous residential consent on the site. The scheme would deliver residential accommodation in a sustainable city centre location and

represents a continuation of other consented and completed apartment schemes within the locality. My Strategic Planning Officer raises no objections to the principle of residential use. The proposal would result in the redevelopment of buildings that are detrimental to the visual amenity of the area and setting of the listed buildings opposite. Therefore, subject to more detailed considerations explored below, I raise no objection to the principle of the proposals.

DESIGN

- 6.12. Both at pre-application stage and during the course of determination of this application Officers have secured significant changes to the scale and design of the proposed development. Massing has been redistributed to provide a more comfortable relationship both with the adjacent consented scheme and the listed buildings opposite. The top of the building is defined by a setback storey from the front façade with a ridged ordered grid defining and grouping window and door openings across all principal elevations.
- 6.13. The six storey scale to Cheapside is consistent with parts of the development on the opposite side of the road and with the previous consent. The street will be completed once the cleared site to the east is brought forward for development.
- 6.14. The part 6 / part 7 storey scale along Moseley Street respects the setting of the former police barracks together with the adjacent Rowton House Hotel, with the tower situated on the corner remaining taller than the application proposals.
- 6.15. In respect of the Alcester Street frontage, at 7 storeys this would provide an acceptable balance between street enclosure and impact. The amended design shows how a five storey element adjacent to the three storey news agent with residential above directly to the north would successfully manage the transition between these buildings.
- 6.16. As above, architecturally the scheme is simple with a strong industrial aesthetic which is appropriate in this context. The large metal windows are a defining characteristic of traditional industrial buildings within Digbeth, and the amended plans demonstrate how they can be used to good effect to produce high quality large scale residential development. Typical cross sections demonstrate that the proposed window reveals are generous, ensuring that the elevations have depth and shadow.
- 6.17. The use of brickwork as the primary facing material is supported, as this is a traditional material for this part of the city. The use of a high quality red brick opposite the Rowton House Hotel is appropriate.
- 6.18. The resultant scheme is acceptable within both its existing context, and with the scale and nature of the large-scale redevelopment envisaged by the BDP and Big City Plan as part of the Southern Gateway Area of Transformation.
- 6.19. The proposed development would not prejudice the adjacent sites being brought forward for redevelopment and has a satisfactory relationship with the consented scheme next door.
- 6.20. Subject to appropriate safeguarding conditions to ensure an appropriate design quality is secured I raise no design based objections and this conclusion is supported by the Head of City Design

HERITAGE IMPLICATIONS

- 6.21. The proposed development impacts upon the setting of the adjacent Grade II listed Rowton House Hotel together with 112 Moseley Street, situated immediately behind the Rowton is a Grade II listed former Police Barracks. Further afield 82-84 Moseley Street is Grade II listed. St Anne's Church is situated to the north, which is Grade A locally listed.
- 6.22. The Digbeth, Deritend and Bordesley High Streets Conservation Area is around 300m to the north beyond High Street Digbeth.
- 6.23. The supporting Heritage Assessment states that the development would remove buildings that make no contribution to the significance of these listed buildings and the Conservation Area. I concur with this conclusion.
- 6.24. The report adds that whilst the proposals would result in an alteration to the setting of the Rowton House Hotel and 112 Moseley Street, the impact would not affect any element identified as providing input to the significance of these buildings. I concur with my Conservation Officer's conclusions that the scheme as originally submitted was overly dominant. In relation to the amended scheme, with a reduced scale, I consider that this impact has been substantially reduced and conclude that the scale, massing, design and materials are all respectful of the setting of these buildings that are listed as being of architectural/historic significance.
- 6.25. The report also concludes that there are no impacts on any elements of significance in relation to 82-84 Moseley Street. I concur with this conclusion and note that the site is around 70m from this building. I am also satisfied that the setting of the Grade A locally listed St Anne's Church would also be preserved. There would be no material impact upon the setting of the more distant Grade II listed Moseley Arms.
- 6.26. I also concur with the report's conclusion that the proposed development, whilst of a greater scale than the existing buildings on site, would result in no change to the significance of the Conservation Area and thus would preserve its setting.
- 6.27. In conclusion, the development would see the loss of buildings that make no impact on the significance of surrounding heritage assets and their replacement with a well-considered development of an increased scale. I therefore conclude that the development would have an overall neutral impact upon the setting of the nearby listed buildings and Conservation Area and raise no heritage-based concerns.
- 6.28. I conclude that the Conservation Officer's concerns have been addressed. As recommended in the supporting Archaeological Scoping Assessment and as per the previous consent, a condition be imposed requiring an archaeological watching brief is recommended.

AMENITY

- 6.29. Following on site monitoring and a noise modelling exercise, the amended Noise Assessment submitted with this application concludes that provision of glazing specifications that relate to their respective noise environments around the building is required. The higher specification windows are required on road frontages, whilst a lower specification is needed within the rear courtyard area. Alternative means of ventilation is required throughout the development, in order to ensure that adequate

ventilation is provided when the windows are closed and the report proposes a specification for this around the building.

- 6.30. I concur with the proposed strategy and recommend a condition requiring adherence to the report's recommendations.
- 6.31. Given the provision of the revised report I do not consider that a further report as recommended by Regulatory Services necessary.
- 6.32. Further conditions in relation to contaminated land and electric vehicle parking are recommended and attached, and 5 spaces will be provided, this represents uplift from the number secured on the previous consent in line with the increased number of apartments.
- 6.33. I also recommend a condition requiring noise insulation details between the proposed development and the adjacent commercial uses, which is consistent with the previous consent.
- 6.34. Whilst there is no adopted local policy the proposed dwellings are fully in accordance with the Nationally Described Space Standards. One bedroom units would range from 42 sq.m to 58 sq.m, two bedroom units would be between 62 sq.m and 75 sq.m. I therefore raise no objection to the proposed unit sizes.
- 6.35. I am satisfied that the proposed development will have access to adequate levels of light and outlook.
- 6.36. As with the previous consent, a condition requiring the provision of a car park management plan that includes how the hotel parking will be managed is recommended.
- 6.37. The supporting Air Quality Assessment concludes that the construction impacts would not be significant and of a temporary nature, and the operational (long term) impacts are negligible and would not lead to any new exceedances of air quality targets for NO_x or particulates. The conclusion of the report is that occupants of the proposed development would not be exposed to unacceptable air quality.
- 6.38. Considering the amenity of occupiers of adjacent dwellings, the majority of the rear of the existing block on the corner of Alcester Street and Cheapside (The Point) is blank and therefore there are no loss of light issues. There is an element of the building with bedroom windows to the eastern end facing back towards Alcester Street, however I am satisfied that the amended scheme has an acceptable relationship in this City Centre context.
- 6.39. There appears to be residential use in the upper floors of 161/162 Alcester Street, although the extent and internal configuration of this property are unknown. I consider that given the City Centre context of the site, and noting the scale development previously permitted on the application site, this relationship is acceptable.
- 6.40. I therefore conclude that the development would not materially harm the residential amenity of adjoining occupiers and, subject to the aforementioned conditions, I raise no amenity-based objection.

HIGHWAY IMPACT

- 6.41. The supporting Transport Statement acknowledges that the site is well served by existing public transport. The Statement notes that the Car Parking Guidelines SPD sets a minimum of 100% cycle storage spaces and a maximum parking level of 1.5 spaces per dwelling. The Statement concludes that based upon the site's assessable location, the level of parking and cycle storage provision is appropriate. The development proposals have been amended since this report to reduce the number of apartments by 33, whilst the parking levels have remained as originally proposed. Notwithstanding this, I concur with the conclusion of the report and consider that the on-site provision of 33 parking spaces for the residential part of the development (equating to 15%) is an acceptable amount in this sustainable location with easy access to public transport connections and the city centre amenities. It is noted that there is unrestricted on-street parking within the vicinity of the site.
- 6.42. In terms of predicted traffic flows, the Statement anticipates a trip generation from the site in the region of one vehicle per minute during peak hours and concludes that this would have a negligible impact.
- 6.43. The supporting Interim Travel Plan proposes a number of measures including appointing a travel plan co-ordinator and providing a public transport travel information pack to occupiers in order to reduce the reliance upon private cars.
- 6.44. Transportation Development raises no objection subject to safeguarding conditions. I concur with this conclusion and appropriate conditions are recommended, except for the proportion of electric vehicle parking spaces which is 5 spaces as set out above, equating to 5.5% provision.

ECOLOGICAL IMPACT

- 6.45. A Nocturnal Emergence Bat Survey has been completed and no bats were observed at the site. In addition, the Extended Phase 1 Habitat Survey that supports this application concludes that the existing site has little potential for roosting bats, with a fascia board attached to one building that couldn't be fully inspected requiring a precautionary approach to its demolition. The report adds that there is potential for nesting birds. As such it is recommended that either demolition takes place outside of the nesting season, or that prior to demolition works starting the site is re-surveyed for nesting birds and a buffer installed around any active nests.
- 6.46. The City's Ecologist recommends that the fascia board identified as having limited potential for bat roosting that could not be assessed be inspected, that demolition be carried out outside of the bird breeding season (or supervised by an appropriate expert) and that ecological enhancement through rain gardens and biodiversity roofs be secured. I concur with this recommendation and appropriate conditions are recommended.
- 6.47. As with the previous scheme, I consider that the proposed building could offer bird and bat boxes/bricks to mitigate for the loss of any current bird nesting potential and provide potential bat roosting habitat and an appropriate condition is recommended.

DRAINAGE / FLOODING

- 6.48. The supporting Drainage and Flood Risk Assessment concludes that the drainage strategy is to utilise existing drainage connections for the redeveloped scheme with

a large attenuation tank to slow water from reaching mains drainage. The report also concludes that the flood risk to the site is low.

- 6.49. Severn Trent and the BCC Lead Local Flood Authority raise no objection subject to a condition requiring the prior approval of further drainage details. The Environment Agency raises no objection. I concur with these recommendations/conclusions and appropriate conditions are recommended.

WEST MIDLANDS FIRE SERVICES

- 6.50. In response to the objection received from the above the applicant has confirmed that the access to the car park deck would be suitable and that dry risers have been provided. This information has been shared with WMFS without response.

SECTION 106 / FINANCIAL VIABILITY

- 6.51. The applicant's Viability Assessment concluded that the development would not be financially viable if any affordable housing/contribution were provided. Following the detailed independent assessment of this appraisal the applicant has agreed to provide a sum of £220,000. The City's independent assessor considers this maximum that the development could sustain whilst remaining viable in the context of the scale, location and nature of the development and I consider that such a sum is consistent with CIL legislation. It is noted that on a per-unit basis this contribution represents almost double the contribution secured on the previous consent, which is representative of the continued strength of the Birmingham residential property market.
- 6.52. I consider that to meet policy objectives it is appropriate to split this sum approximately between off-site affordable housing and public realm contributions. The site lies in an area of large scale transformation, with significant residential development proposed. The existing infrastructure including public realm within the vicinity of the site, connecting to the city centre, requires improvement with particular schemes proposed for High Street Digbeth (as part of the tramway extension) and the Smithfield development.
- 6.53. I also recommend a clause that secures local employment opportunities during the construction of the development.
- 6.54. The development would not attract a CIL contribution.

7. Conclusion

- 7.1. The proposed development offers a high quality residential scheme within the Southern Gateway Area of Transformation and represents a sustainable brownfield development. The changes secured to scale and massing results in a proposal that will relate to both its existing and future contexts. Compared with the previous scheme, the inclusion of the 'B My Chip' site enables a more comprehensive development. I consider that the proposals constitute sustainable development in NPPF terms and therefore conclude that this application should be supported subject to appropriate safeguarding conditions and Section 106 Agreement.

8. Recommendation

8.1. That consideration of application 2017/08666/PA be deferred pending the completion of a Section 106 Legal Agreement to secure the following:

- i) a financial contribution of **£100,000** (index linked to construction costs from the date of this resolution to the date on which payment is made) towards the provision and/or improvement of public realm in the Southern Gateway area of change as defined by the Birmingham Development Plan 2017;
- ii) A financial contribution of **£120,000** (index linked to construction costs from the date of this resolution to the date on which payment is made), towards off site affordable housing to be paid prior to first occupation of the residential element of the scheme;
- iii) a commitment to local employment and training during the construction of the development; and
- iv) **£7,700** for the administration and monitoring of this deed to be paid upon completion of the legal agreement.

8.2 In the absence of a planning obligation being completed to the satisfaction of the Local Planning Authority on or before the 31st May 2018, planning permission be refused for the following reasons:-

- i) In the absence of a legal agreement to secure a commitment to local employment / training the proposal conflicts with policy TP26 of the Birmingham Development Plan 2017
- ii) In the absence of a legal agreement to secure a contribution towards public realm improvements the proposal conflicts with policy 3.14 of the Birmingham Unitary Development Plan (Saved Policies) 2005 and policies PG3 and TP 39 of the Birmingham Development Plan 2017
- iii) In the absence of a legal agreement to secure an offsite contribution towards the provision of affordable housing the proposal conflicts with Policies 8.50-8.54 of the Birmingham Unitary Development Plan (saved policies) 2005 and policy TP31 of the Birmingham Development Plan 2017

8.3 That the City Solicitor be authorised to prepare, complete and seal an appropriate agreement under Section 106 of the Town and Country Planning Act.

8.4 That in the event of the planning obligation being completed to the satisfaction of the Local Planning Authority on or before the 31st May 2018 favourable consideration be given to this application, subject to the conditions listed below.

-
- | | |
|---|---------------------------------------------------------------------------------------------|
| 1 | Requires the prior submission of investigation for archaeological observation and recording |
| 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 noise insulation
5	Requires the prior submission of a sustainable foul and surface water drainage scheme
6	Requires the submission prior to occupation of the properties of a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan
7	Requires the prior submission of a scheme for ecological/biodiversity/enhancement measures
8	Requires the prior submission of details of bird/bat boxes
9	Requires the prior submission of hard and/or soft landscape details
10	Requires the prior submission of a lighting scheme
11	Requires the prior submission of a construction/demolition method statement/management plan
12	Requires the prior submission of sample materials
13	Requires the prior submission of level details
14	Requires the prior submission of a CCTV scheme
15	Requires the submission of a car parking management strategy
16	Requires the prior submission and completion of works for the S278/TRO Agreement
17	Requires the prior submission of boundary treatment and railing details
18	Requires the prior submission of details of green roofs
19	Requires the development to be carried out in accordance with the ecological reports
20	Requires a minimum of 5 no. electric vehicle charging points
21	Requires the provision of cycle parking prior to occupation
22	Requires the development to be carried out in accordance with the supporting Noise Assessment
23	Requires the parking area to be laid out prior to use
24	Removes PD rights for telecom equipment
25	Requires the scheme to be in accordance with the listed approved plans
26	Implement within 3 years (Full)

Case Officer: Nicholas Jackson

Photo(s)



Figure 2 – Moseley Street (Rowton House Hotel to the left, and application site on the right of the image)

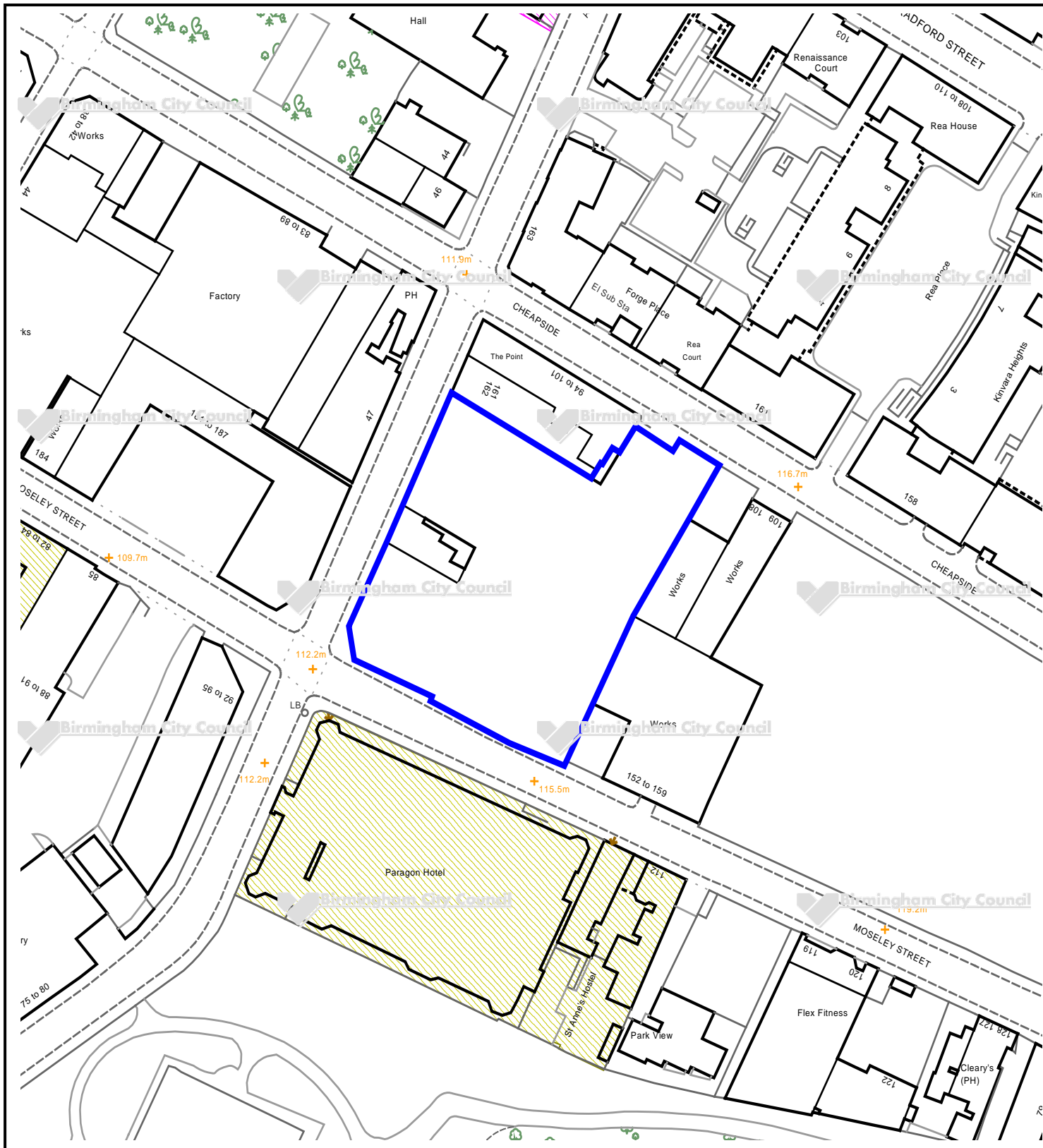


Figure 3 – Application Site – Corner of Moseley Street and Alcester Street



Figure 4 – Junction of Cheapside / Alcester Street – ‘The Point’ central to the photograph, application site to the left and right of the image

Location Plan



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