

Birmingham City Council

Planning Committee

02 February 2023

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Approve - Conditions	6	2022/08148/PA 64 Blakeland Road Perry Barr Birmingham B44 8AR Change of use from dwelling house (Use Class C3) to children care home (Use Class C2)
Approve - Conditions	7	2022/04478/PA Land located off Austin Way Near Junction with Hamstead Hill Handsworth Wood Birmingham B42 1DT Erection of 9 units to provide flexible employment floorspace (Use Classes E (g) (iii)/ B2/ B8, with ancillary office accommodation) as well as the erection of a retail pod for the sale of baked goods and associated products only (Use Class E (a)), together with related access, service roads and paths, service yards, car and cycle parking, landscaping, boundary treatment and other related works

Committee Date:	02/02/2023	Application Number:	2022/08148/PA
Accepted:	01/11/2022	Application Type:	Full Planning
Target Date:	27/12/2022		
Ward:	Kingstanding		

64 Blakeland Road, Perry Barr, Birmingham, B44 8AR

Change of use from dwelling house (Use Class C3) to children care home (Use Class C2)

Applicant:	Laurel Care Ltd 64 Blakeland Road, Perry Barr, Birmingham, B44 8AR
Agent:	Design Formula Studio Ltd 254 Lower Hillmorton Road, Rugby, CV21 4AF

Recommendation

Approve subject to Conditions

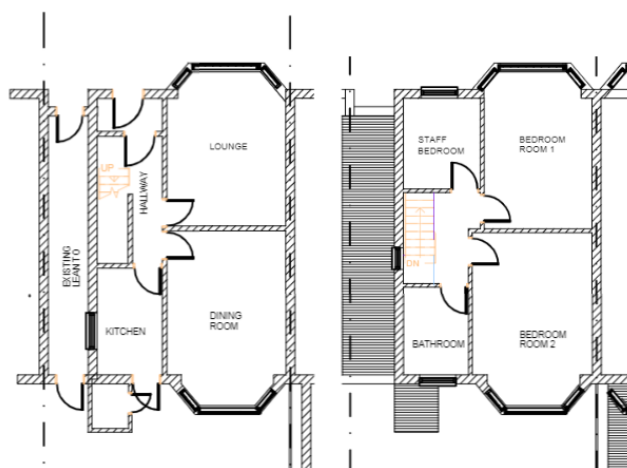
1. **Proposal:**

- 1.1 This planning application seeks consent for the proposed change of use from dwelling house (Use Class C3) to children care home (Use Class C2) for up to a maximum of two children along with two carers and one manager.
- 1.2 An additional car parking space is to be created on the front drive to facilitate parking provision for two cars.
- 1.3 Cycle storage provision and bins are to be provided at the rear of the site.
- 1.4 A supporting statement has outlined the following:
 - The change of use of the above property is from a C3 dwelling house to a children's care home to accommodate a maximum of two children aged between 7 and 17 years old.
 - Each child will have their own bedroom, with a shared bathroom at first floor level.
 - Ofsted will regulate the use.
 - The children will be looked after in accordance with (LAC) 'Looked After Children' regulations under sections 20 of The Children's Act.
 - It is proposed that this property will provide the children with a family home where there are responsible individuals 24/7 (Support Workers, who will be on a rolling rota who will look after the children and support them to live a normal family life. Those staff will be supervised by a Registered Ofsted Manager with experience in Looked After Children set up.
 - There will be a maximum of two staff on duty at the property at any one time during the day and one staff during night. The duty manager will also be on duty during the day 9am and 5pm for staff support during the day. There will be no staff living at the property, but they will be on duty 24/7 on a rolling rota.
 - The children who will be looked after at this property are children who the Local Authority would have decided that the child cannot live with their

parent(s). For various reasons it can be difficult for the child to be placed with a foster parent as the placement might have broken down, or the protection of children from abuse for their own safety or there may be the child might have no family capable to look after them and no availability places with foster parents.

- One separate bedroom has been provided for sleeping accommodation for the carers on night duty who will look after the children. The children will be looked after in this property as their home and they will be living as a single family unit, like any other family within this location. The Support workers will be supporting the children so that they live a normal life like any other children.
- The duties of the support workers are the same as duties of a parent who is living with a child. Such duties include responsibility for the children on a day-to-day basis as a parent in the house, helping them to be independent, taking them to and from school as well as taking them to social activities etc. within the county or any day trips, helping them with their homework and any other educational requirements that the children may need.
- Support workers will ensure that appointments with doctors, dentist or others are always met, with the child's health and well-being being paramount.
- Meals will be prepared for the children, with the help of the children, depending on their age.
- Whilst the proposal refers to a change of use from C3 dwelling to a children's home, the property would remain operating as a house providing a home for the two children, with staff assisting in providing them with a homely environment. The Local authority will remain monitoring the organisation through reviews of the progress of the children whilst in the home, and the Regulatory Board Ofsted monitors that there is good governance and well-being of the children through inspections and the home's monthly Report Reg 44 being conducted every month.
- Staff will be available 24/7 to ensure that the health and safety needs of the children are met. The children will get limited visitors at the property. Contact with any close family members will be by prior arrangement at this property agreed and recorded in their support plan at time of moving in.
- Social workers and other professionals will be visiting the children every 6 weeks to check on their living conditions and progression.
- All staff working with children will be highly trained and will be safely recruited as per children homes regulation 2015. Where the situation does not permit to meet at the home, the organisation will liaise with the social worker either to meet at their offices or a supervised contact centre.

1.5 [Link to Documents](#)



Proposed ground and first floors

2. **Site & Surroundings:**

- 2.1. The application refers to a two storey semi-detached dwelling with three bedrooms, along with rear garden amenity space and front driveway which is capable of parking one car. The surrounding area is residential in character, with un-restricted on street parking available along Blakeland Road.

3. **Planning History:**

- 3.1. None.

4. **Consultation Responses:**

- 4.1. Children's Commissioning/Birmingham Children Trust support the proposal and Have provided the following comments:
- This provider has engaged with Birmingham Children's Trust from an early stage to identify the needs for children in care within the city.
 - Initial intelligence has been gathered regarding the area prior to submitting their application and as part of the Ofsted registration process, they will need to complete a location risk assessment which will consider in more detail the risks and issues within the neighbourhood that may impact on the care they are able to offer the young people.
 - The provider has indicated that they have engaged with the neighbours and have shared their plans for the property.
 - The provider has also shared that they have engaged with West Midlands Police.
 - The provider has been very receptive to feedback from Birmingham Children's Trust. They have made contact with another, more experienced provider in Birmingham who is offering support through this process.
 - An experienced, qualified responsible individual has been recruited, who will be fundamental to the establishment of this home and the provider recognises the importance of finding the right manager for the home.
 - The provider will continue to work with Commissioners as the home develops. The home will provide support for two young people. This is in line with the needs of Birmingham Children's Trust to place children in small homes within Birmingham, where it is safe and in the young person's best interests to do so.
 - The layout of the home is appropriate for this purpose with adequate space for young people and staff and the location affords good transport links and access to local schools and amenities.
 - Ofsted will inspect the home and it's policies and interview the manager of the home before they will consider registering the home.
 - The home will only be registered once Ofsted are satisfied that everything is in place. Once registered, Ofsted will regularly inspect the operation of the home, the care provided to the young people, the progress being made by the young people and the management of the home.
 - Birmingham Children's Trust will not place with this provider unless they are satisfied that the home is registered with Ofsted and that there are sufficient staff on site who have the necessary training and DBS checks and all of the required policies and procedures are in place and being followed.
 - Other Local Authorities may also place young people in this property and each Local Authority is responsible for undertaking its own due diligence.
 - There are four other children's homes currently registered with Ofsted within the B44 area. These are all sufficient distance from this proposed home to

ensure that they could be managed effectively and would not give any cause for concern.

- 4.2. Regulatory Services raise no objection.
- 4.3. West Midlands Police raise concern that that the use of the site as a care home may see a potential increase in missing person/absent reports being made, putting additional pressure on police resources. West Midlands Police have queried what matters the applicant would put in place to prevent this from happening. It has also been recommended that security measures, including controlled access to the building, door and window security, fence/boundary treatment and the installation of CCTV and alarm are installed.
- 4.4. Transportation Development raise no objection subject to conditions being imposed to restrict the number of children to a maximum of two and that secure and covered cycle storage provision is installed at an appropriate location.
- 4.5. **Third party responses**
- 4.6. Neighbouring occupiers, local Councillors and MP have been consulted and a site notice has been displayed.
- 4.7. 1 letter in support of the proposal has been received who considers that this is a perfect area to raise children and more specifically vulnerable children. It is nearby to both primary and secondary schools as well as leisure centres and religious centres. It is a great location where children can get a head start in life and an ample opportunity to flourish. It is considered that a children's home on Blakeland Road would be a good deed to society, where jobs will be created and children will get the care that they deserve. The letter in support states that they would like to see more providers providing care for our most vulnerable group in society and welcome this application.
- 4.8. A petition of 95 objections has been received and referred to by Councillor Rick Payne in support of his constituents, adding his objection on the following grounds:
- Council policy for C2 residential care homes is to be located in detached properties. This is a semi-detached property and is not suitable due to the impact on neighbours and would be out of keeping within the local area.
 - Kingstanding already has too many HMO's and properties sub-divided into flats. The loss of another family home will further compromise the character of the area. Council Policy state that homes should be retained where viable.
 - The use of a semi-detached property for a C2 residential care home would lead to noise and compromise the amenity of neighbouring properties.
 - There is already parking issues on Blakeland Road and is a very busy road. Allowing a care home use will add to existing parking pressures.
 - There have been some issues with residential care uses in Erdington as a result of poor management, leading to crime, disorder, anti-social behaviour and all of which, have a detrimental impact on local residents.
- 4.9. 21 objections have been received from residential occupiers raising the following (in summary):
- De-valuation of house prices.
 - Loss of family home.
 - This proposal is not acceptable development in this location.
 - Introducing a business use in a residential area.
 - Causing emotional stress and fear to existing residents.
 - The property may be extended in the future to accommodate more children.
 - Loss of privacy.

- Noise and disturbance.
- This use should be in a detached property.
- There is a covenant preventing the building being used as a business use.
- Limited parking availability which will be made worse by this proposal.
- Increased crime and anti-social behaviour.

5. **Relevant National & Local Policy Context:**

5.1. National Planning Policy Framework 2021.

5.2. Birmingham Development Plan 2017:

- Policy PG3 - Place making.
- Policy TP27 - Sustainable neighbourhoods and
- Policy TP35 - The existing housing stock.
- Policy TP44 - Traffic and congestion management.

5.3. Development Management DPD:

- Policy DM2 – Amenity.
- Policy DM12 – Residential Conversions and Specialist Accommodation.

5.4. Supplementary Planning Documents & Guidance:

- Birmingham Design Guide
- Car Parking Guidelines SPD (2012)

6. **Planning Considerations:**

6.1. The main considerations in the determination of this application are the principle of the proposed use as a care home, standard of accommodation and quality of the living environment for future occupiers, visual amenity, impact on residential amenity, parking/highway safety and crime and anti-social behaviour.

6.2. **Principle of development**

6.3. Policy DM12 of the DPD states that residential conversions and specialist accommodation will be supported where:

- It would not lead to an unacceptable adverse impact on the amenity, character, appearance, parking, public and highway safety of the area, taking into account the cumulative effects of similar uses in the area;
- The accommodation and facilities, including outdoor amenity space and provision for safety and security, is suitable for the intended occupiers;
- It is accessible to local shops, services, public transport and facilities appropriate to meet the needs of its intended occupiers;
- The scale and intensity of the proposed use is appropriate to the size of the building;
- It would not result in the loss of an existing use that makes an important contribution to the Council's objectives, strategies and policies.

6.4. Concerns have been raised that the property is semi-detached and therefore not suitable. However, it is considered that the proposed children's care home would be located within a sufficiently sized plot, with no internal alterations and offering two separate bedrooms for the children and the third bedroom would be a staff bedroom, with shared facilities and adequate external amenity space. A condition limiting the number of children to a maximum of two has been attached. It is therefore considered that activities associated with the property would be similar to that of a three-bedroom family dwelling and as such the proposals would not cause any undue noise and disturbance to adjoining occupiers, over and above what would be

expected from the existing residential dwelling house use.

- 6.5. In terms of the cumulative impact, 2 HMOs and 0 supported exempt accommodation properties have been identified within a 100m radius of the application property (1.79%). Birmingham Children's Trust has confirmed that there are four other children's homes currently registered with Ofsted within the B44 area. Whilst no addresses have been provided to the local planning authority by Birmingham Children's Trust, they have stated that these are all located a sufficient distance away from this proposed home to ensure that they could be managed effectively and would not give any cause for concern. Birmingham Children's Trust have also confirmed that the home, siting, layout and management is suitable. As such, it is considered that the introduction of the proposed children's care home would not result in an overconcentration of intensive residential uses to the detriment on the residential character of the surrounding area.
- 6.6. Concerns have been raised that the proposal would lead to a loss of a family dwelling. Policy TP35 of the BDP states that the loss of residential accommodation would only be permitted if there are good planning justifications or an identified social need. A supporting statement has been provided identifying staff rotas and safety precautions being taken. Whilst the premises would operate as a residential institution, it would not be entirely out of keeping in that it would share some characteristics of a residential C3 use albeit accommodation for a specific group of individuals.
- 6.7. In light of the above, including comments from Birmingham Children's Trust identifying that the provider has engaged to identify the needs for children in care within the city, it is considered that there are social and planning justifications for the proposed use and the proposal would not conflict with Policy TP35 of the BDP.
- 6.8. Given the above, it is considered that the principle of change of use from residential dwellinghouse (Use Class C3) to a children's care home (Use Class C2) is acceptable, subject to other material planning considerations.
- 6.9. **Standard of accommodation**
- 6.10. The Birmingham Design Guide does not set internal space standards for care homes and the Nationally Described Space Standards provide a useful benchmark to judge the quality of accommodation and living environments for this type of development. The total internal floor space of the building is approximately 99m², the bedrooms sizes for the two children are generously sized at approximately 15.8m², 13.3m² and exceed minimum standard requirements for double bedrooms. Rear garden amenity space is approximately 130m² which exceeds minimum standard requirements. This proposal has been considered against the design guide and significant weight is attached to the fact that the existing bedrooms and rear amenity space would remain as existing and would continue to provide suitable quality living accommodation for future residents and can therefore be supported.
- 6.11 **Impact on residential amenity**
- 6.12. The application property forms one half of a semi-detached residential dwelling and the surrounding area is residential in character. As previously noted, the activities associated with this proposal as a proposed care home would result in visits from staff, professionals and relatives are unlikely to negatively impact on the residential amenity of neighbouring occupiers due to the comings and goings not being significantly different from a family dwelling. A matter which substantial weight is attached to.

- 6.13. Conditions have been attached to restrict the number of children living at the property to a maximum number of two and to restrict the use to a children's care home only and for no other use within the Use Class C2. Regulatory Services have raised no objection. However, it is considered appropriate to attach a condition regarding noise insulation between the application site and 62 Blakeland Road (the adjoining occupier) to safeguard the amenities of this occupier from potential noise generated from inside the proposed care home.

6.14. **Impact on highway safety and parking**

- 6.15. The application site benefits from off one car parking space on the front driveway, which is accessed by a shared drop-kerb. As part of this application, it is intended to remove the existing front garden area to facilitate an additional car parking space, a total of two car parking spaces on the driveway. Transportation Development raise no objection subject to conditions being imposed to restrict the number of children to a maximum of two and that secure and covered cycle storage provision is installed at an appropriate location. Conditions have been imposed to restrict the maximum number of children to two and the applicant is proposing two Sheffield cycle storage hoops at the rear of the site and therefore, a condition is not required in this instance.

- 6.16. It is considered that the proposed change of use is unlikely to significantly increase parking demand compared to the existing use. Whilst ideally the footway crossing should be extended to align with the proposed parking spaces, it is noted that most of the neighbouring properties along Blakeland Road have a similar type of access arrangement and is therefore considered to be acceptable in this instance. Furthermore, waiting is unrestricted on Blakeland Road and additional road side parking is available. The site also has a relatively good level of accessibility to public transport.

6.17. **Crime and Anti-social Behaviour**

- 6.18. Concerns have been raised in relation to anti-social behaviour and increase in crime. Crime and the fear of crime are material planning considerations, however the nature and type of people to occupy a premises is not a material planning consideration.

- 6.19. West Midlands Police raise concern that the use of the site as a care home may see a potential increase in missing person/absent reports being made, putting additional pressure on police resources. Furthermore, guidance on security measures has been recommended. In response to this, Birmingham Children's Trust have confirmed that the applicant has engaged with West Midlands Police and do not have any concerns about the provider's ability to safely run a children's home. The provider will undertake a location risk assessment to give due regard to the risks and issues with the neighbourhood that may impact on the care. The provider is actively engaged with Birmingham Children's Trust and will be registered with Ofsted and subject to annual inspections. For the reasons given, it is not considered that this proposal would give rise to potential missing person/absent reports being raised or resulting in issues of anti-social behaviour and crime.

6.20. **Other matters**

- 6.21. Devaluation of properties and a covenant are non-material planning considerations and cannot be taken into account.

7. **Conclusion**

- 7.1. This proposal would help meet an identified social need in providing a children's care home and would be acceptable in terms of standard of accommodation for the future

residents and would have no greater detrimental impact on residential amenity, highway safety or parking compared to the existing use. As such, it is considered that this proposal would comply with local and national planning policy and subject to conditions being imposed, approval is recommended.

8. **Recommendation:**

8.1. Approve subject to conditions

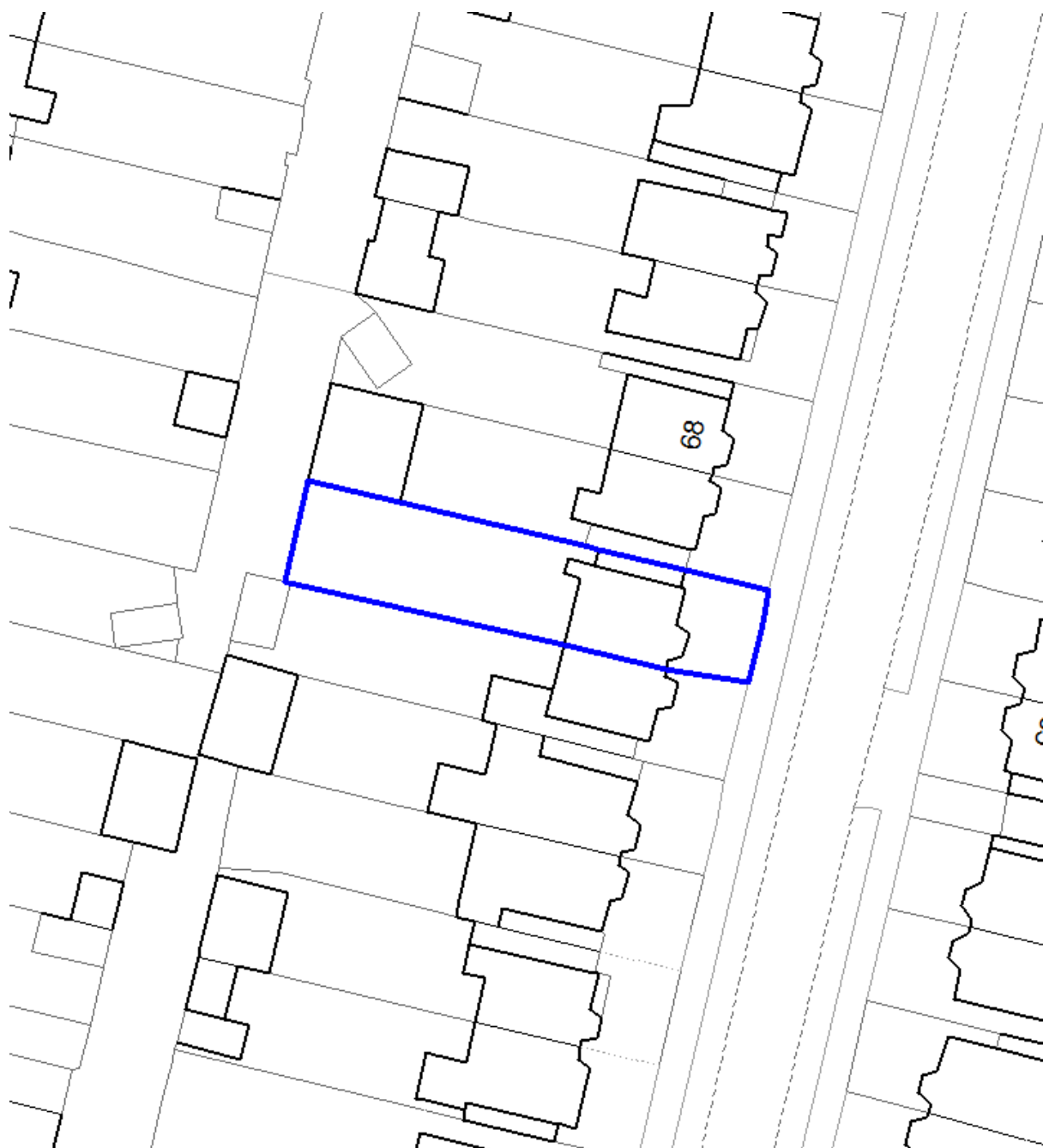
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|---|--|
| 1 | Implement within 3 years (Full) |
| 2 | Requires the scheme to be in accordance with the listed approved plans |
| 3 | Restricts the number of children living in the property to a maximum of 2. |
| 4 | Prevents the use from changing within the use class |
| 5 | Requires the prior submission of noise insulation |
-

Case Officer: Daniel Ilott

Photo(s)



Location Plan



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Committee Date:	02/02/2023	Application Number:	2022/04478/PA
Accepted:	24/06/2022	Application Type:	Full Planning
Target Date:	03/02/2023		
Ward:	Handsworth Wood		

Land located off Austin Way, Near Junction with Hamstead Hill,
Handsworth Wood, Birmingham, B42 1DT,

Erection of 9 units to provide flexible employment floorspace (Use Classes E (g) (iii)/ B2/ B8, with ancillary office accommodation) as well as the erection of a retail pod for the sale of baked goods and associated products only (Use Class E (a)), together with related access, service roads and paths, service yards, car and cycle parking, landscaping, boundary treatment and other related works

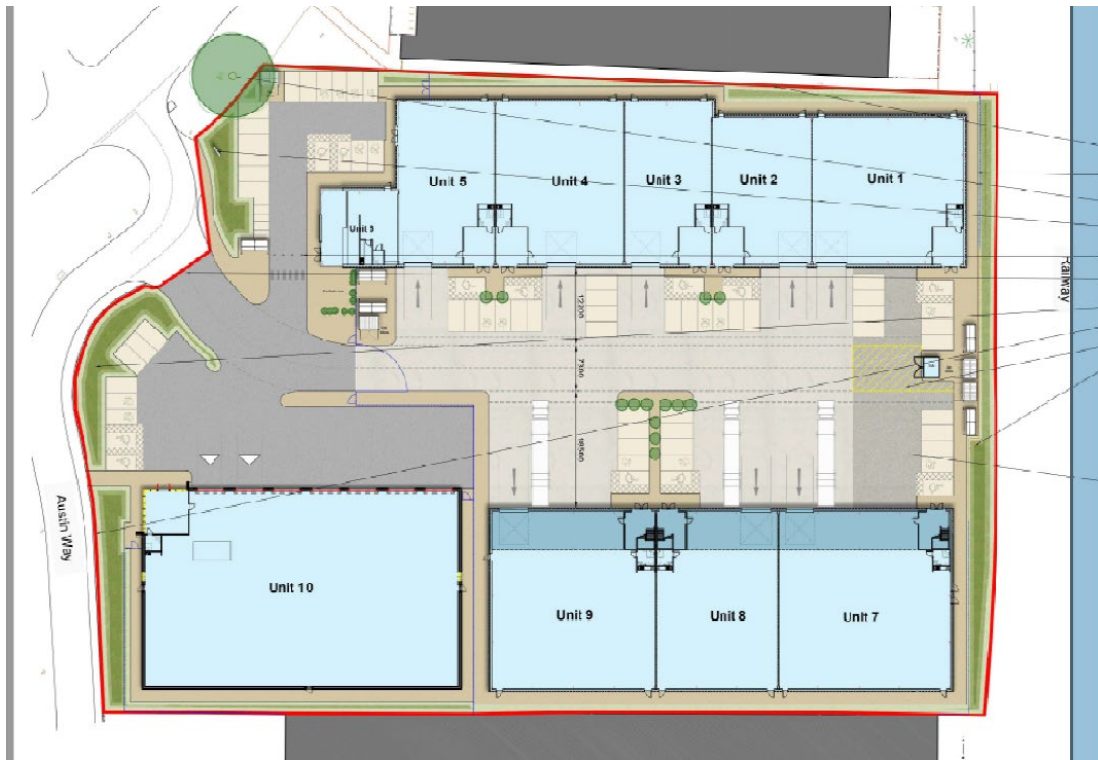
Applicant:	Legal and General Property Partners (Industrial Fund) Ltd and Legal and General Property Partners (Industrial) Nominees Limited and IPIF Storage General Partner LLP and IPIF Storage Nominee Ltd
Agent:	Montagu Evans 70 St Mary Axe, London, EC3A 8BE

Recommendation

Approve subject to Conditions

1. Proposal:

- 1.1 The applicant proposes a commercial development comprising 9 units to provide flexible employment floorspace (Use Classes E (g) (iii)/ B2/ B8, with ancillary office accommodation) as well as the erection of a retail pod for the sale of baked goods and associated products only (Use Class E (a)), together with related access, service roads and paths, service yards, car and cycle parking, landscaping, boundary treatment and other related works.
- 1.2 The external elevation of the use class Use Classes E (g) (iii)/ B2/ B8 units would incorporate glazing with doors and roller shutter whilst their exterior façade would be mainly clad using grey colour cladding. The retail pod would have a frontage which comprises a greater proportion of glazing than the other units.
- 1.3 Illustrative internal layouts for the non-retail units indicate the provision of an open plan warehouse space, office, accessible W.C and shower room and kitchenette. The retail pod would have a counter, staff kitchen, accessible W.C and office area.
- 1.4 The new buildings would be set either side of a new central access route that would link to Austin Way. Allocated parking would be provided within the curtilage of each Use Classes E (g) (iii)/ B2/ B8 unit together with access points for the loading/unloading of vehicles. The retail pod would have 16 car parking spaces. A total of 67 car parking spaces would be provided.



Proposed site layout

- 1.5 The applicant states the development would operate on an unrestricted hours basis.
- 1.6 The site area measures 1.38 hectares whilst the total floorspace to be created would measure 6377 sq.m.
- 1.7 The applicant has submitted an Archaeology summary note; Technical Noise report, Air Quality Assessment, Design Statement, Controlled waters risk assessment, technical noise report, energy and sustainability statement, BREEAM pre assessment, Flood risk assessment and drainage strategy, Geo technical and geo environmental desk top study, external lighting assessment, ecological appraisal, travel plan, planning statement, transport assessment and also an arboricultural impact assessment.
- 1.8 An EIA (Environmental Impact Assessment) screening opinion undertaken on the proposal has concluded that the proposal does not require the submission of an EIA.

1.9 [Link to Documents](#)

2. **Site & Surroundings:**

- 2.1 The applicant sets out that the site, which is now cleared, was formerly occupied by factory buildings that housed the manufacturing and processing of automotive and aerospace components. To the northeast is a railway line, to the northwest is a supermarket, to the southwest is the River Tame and southeast are commercial premises. The site falls within flood zone 2 whilst some of the southwestern part site is located within a core employment area 'Land around Hamstead'.

2.2 [Site location](#)

3. **Planning History:**

- 3.1 12.10.2016- 2016/06865/PA- (Former GKN Factory, Old Walsall Road)- Application for a Certificate of Lawfulness of existing use or development in respect of laying of services in accordance with the approved plan to constitute partial implementation of planning permission 2014/02527/PA prior to expiry of planning permission- Decision- Section 191 / 192 Permission not Require
- 3.2 08.07.2014- 2014/02527/PA- (Former GKN Factory, Old Walsall Road)- Application for variation of Condition 27 attached to planning approval 2013/01544/PA to allow for a pharmacy within the store- Approve subject to Conditions
- 3.3 09.08.2013- 2013/01544/PA- (Former GKN Factory, Old Walsall Road)- , Demolition of existing buildings and construction of new food store (5342sqm GIA) (Class A1), employment units (1674sqm GIA) (Class B1, B2, B8), new access and associated highway works, car parking, landscaping and associated works- Approve subject to Conditions

4. **Consultation Responses:**

- 4.1 Transportation Development- recommends conditions.
- 4.2 Regulatory Services- No objection subject to conditions.
- 4.3 Employment Action Team- Request a construction employment plan condition
- 4.4 LLFA- No objection subject to sustainable drainage conditions.
- 4.5 Tree officer- no objection.
- 4.6 City Ecologist- no objection subject to safeguarding conditions.
- 4.7 West Midlands Police- raise no objection but recommend conditions and provide advice on reducing risk of crime
- 4.8 Cadent- Raise no objection but request an informative note is applied.
- 4.9 Network Rail- State no objection in principle to the proposal and set out requirements which must be met as the proposal includes works within 10m of the railway boundary their response also includes recommended conditions.
- 4.10 WM Fire Service- Set out their comments in relation to Approved Document B of Building Regulations and comment that approval of Building Control will be required in relation to Part B of the Building Regulations 2010
- 4.11 Severn Trent- no objection subject to a drainage condition.
- 4.12 Environment Agency- no objection subject to a condition that would address any contamination not previously identified.

5. **Third Party Responses:**

- 5.1 Nearby occupiers, local councillors and local MP notified as well as site and press notices displayed- 1 objection received. The objection raised relate to parking and highway matters.

6. **Relevant National & Local Policy Context:**

a. National Planning Policy Framework

Chapters:- 2 (Achieving sustainable development); 4 (Decision making), 6 (Building a strong, competitive economy), 7 (Ensuring the vitality of town centres), 11 (Making effective use of land), 12 (Achieving well designed places), 14 (Meeting the challenge of climate change, flooding and coastal change) and 15 (Conserving and enhancing the natural environment).

b. Birmingham Development Plan 2017

Policies:- PG 1(Overall levels of growth), PG 3 (Place making), TP 1 (Reducing the City's carbon footprint), TP 2 (Adapting to climate change), TP 3 (Sustainable construction), TP 4 (Low and zero energy carbon energy generation), TP 5 (Low carbon economy), TP 6 (Management of flood risk and water resources), TP 8 (Biodiversity and geo diversity), TP 18 (Core employment areas), TP 20 (Protection of employment land), TP 22 (Convenience retail provision), TP 26 (Local employment) and TP 44 (Traffic and congestion management).

c. Development Management DPD

Policies:- DM 1 (Air quality), DM 2 (Amenity), DM 3 (Land affected by contamination, instability and hazardous substances), DM (Landscaping and trees), DM 6 (Noise and vibration), DM 14 (Transport access and safety) and DM 15 (Parking and servicing).

d. Supplementary Planning Documents & Guidance:

SPD Loss of industrial land to alternative uses, SPD Birmingham Design Guide and SPD Birmingham Parking Supplementary Planning Document.

7. **Planning Considerations:**

Principle

- 7.1 The proposed development would be built on land formerly occupied part of a complex of factory buildings and ancillary offices. Some of the southwestern part site is located within a core employment area 'Land around Hamstead'. Furthermore, the site is sandwiched between a railway line, a retail supermarket and another commercial site to the south-east. For these reasons, I consider the principle of establishing the industrial/warehousing uses of this development in this location is acceptable.
- 7.2 In regard to the principle of establishing a retail pod for the sale of baked goods and associated products only (Use Class E (a)) as part of this development in this location which in planning policy terms should ideally be located within an existing local centre, I can advise that as aspect of the proposal has been the subject of a sequential appraisal. That appraisal has satisfactorily demonstrated that there are no suitable in centre locations for that use and therefore I raise no objection to that aspect of the proposal.

Design and Layout

- 7.3. The proposed development would introduce a set of new buildings that would appear commercial in character, which is befitting of this locality. The main set of new industrial/ warehouse units would share a common set of architectural features such as shutter openings whilst they as well as the new retail pod would also make use of

both vertical and horizontal cladding incorporating glazed areas that establish a common identity. Unit 10, which would be largest of the units would also make use of cladding to its external façade with a greater area of glazing and use of a different colour pallet for the external materials. Despite this, and that it would appear visually larger in terms its size and height, this unit would not visually undermine the pattern of development proposed. The development would be set out in a manner so that it would have front public facing unit in the form of the bakery retail unit whilst creating a cul-de-sac development with frontages facing one another, aspects of the development which represent good urban design. No adverse visual impact identified in regard to views of the development from the existing public realm. Overall, the design and layout of the units and scheme would be a positive development from an urban design perspective.

Parking and highway matters

- 7.4 Transportation development raise no objection and advise conditions are applied. I concur with this view. Vehicle access would be in a similar location as what existed for the previous occupier of the site. The development would provide dedicated parking spaces for each of the units whilst tracking plans have been provided to show larger vehicles could turn within the development. The applicant has confirmed that the individual units and their attendant service yards will not be fenced and the external yard areas will only be allocated and not demised which enables the landlord to control the way in which the external areas are used, which helps larger vehicles to reverse within the site. The level of on-site car parking for this development is considered acceptable as is the level of servicing and parking bays for larger vehicles. In summary, I consider the applicant has demonstrated that the scheme should be able to operate satisfactorily from a parking and servicing perspective subject to safeguarding conditions.

Environmental matters

- 7.5 Regulatory Services raise no objection subject to safeguarding conditions. I concur with this view. The proposed development would see the redevelopment of previous commercial land. The nearest residential occupiers that may be affected by noise from the development are identified on Baltimore Road to the east across the railway line (further beyond other commercial premises on Baltimore Road). Mindful of this, the applicant has submitted a revised noise impact assessment undertaken and further details on noise impacts from night-time deliveries. Based on available information I note the applicant is seeking 24-hour approval for all the units on the site. The main noise concern about the development relates to night-time noise impact from HGV deliveries. A noise compliance condition should ensure there is no adverse impact to residential occupiers.
- 7.6 Matters related to contaminated land can be addressed through appropriate conditions.
- 7.7 The application is supported by an air quality assessment. My environmental advisor has also reviewed the transport assessment to put this into context and I agree with the conclusion that the development in operation will have no adverse air quality impacts. In regard to dust mitigation, I would expect this to be considered in respect of the construction phase through a construction management plan. Similarly, the installation of any external plant and equipment with external discharge or extraction can be addressed through conditions.

Sustainability

- 7.7 The applicant has provided details in relation to the environmental sustainability of the

proposal which includes a BREEAM Technical Note which incorporates a pre-assessment for the proposed development. This demonstrates that only Very Good standard is achievable and not Excellent standard, as required by policy TP3 of the adopted BDP. The reasons given for this are that the site has low accessibility, it is within a high flood risk area and that it is a shell only development.

- 7.8 It is recognised that it will not be possible to achieve higher credits due to the accessibility and flood risk constraints, but it will be possible to achieve further credits as part of the fitting out stage of the proposed development. To this end, it is recommended that a condition is attached to ensure that evidence is submitted prior to the fitting out of the units to demonstrate how these further credits can contribute toward the achievement of BREEAM Excellent standard. My Strategic Planning policy advisor concurs with this view.

Drainage

- 7.9 Both the LLFA and Severn Trent raise no objection to the scheme on drainage grounds subject to safeguarding conditions. I concur with this view. The applicant has submitted a Flood risk and drainage strategy. Following negotiations, the sustainable drainage scheme has been amended to allow for rainwater gardens. The scheme as submitted would now be expected to achieve a satisfactory level of sustainable drainage and the particular details agreed in relation to such can be conditioned. This will be followed by a condition that requires a sustainable operation and management plan to be submitted. Drainage run off for foul and surface water to the Severn Trent network can be secured through appropriate conditions. In summary, I do not consider the scheme gives rise to any concerns in regard to drainage subject to conditions.

Ecology

- 7.10 The site is dominated by bare ground and hardstanding and there is a large derelict building adjacent to the south-eastern boundary. Vegetated habitats are limited, consisting of scattered trees and scrub and rough grassland around the edges of the site and most notably adjacent to the railway embankment along the north-eastern boundary. The railway corridor is identified by ecological records as a Potential Site of Importance (PSI). PSIs potentially contain areas of important semi-natural habitat but currently fall outside of the Local Site (SINC and SLINC) system. They potentially contribute to the overall cohesion and resilience of the wider ecological network by providing a buffer to, or direct link / 'stepping-stone' between other existing important areas.
- 7.11 Based on the details in the submitted Ecological Appraisal, there are no significant ecological constraints to development of the site. The habitats present are low-negligible ecological value and offer limited opportunities for protected/notable species. The proposals will not directly impact Tame Valley SLINC, to the south of the site beyond Austin Way. The scheme should deliver a net gain for biodiversity. The proposed layout and Landscape Concept indicate there are opportunities to achieve this, considering the site's low biodiversity baseline, with the establishment of soft landscaping around the site's boundaries (low maintenance grassland and shrubs) and internal to the site (trees and shrubs).
- 7.12 In summary, no adverse ecological impact identified as a result of the proposed development subject to safeguarding conditions. My ecological advisor concurs with this view.

Loss of light/outlook and overlooking

- 7.13 No loss of light or outlook and no overlooking impact to residential occupiers identified

as a result of the development.

Other matters

- 7.14 It is noted that WM Police recommend that the units are the subject of an intruder alarm. I do not consider it is necessary to condition the requirement for such as it would be expected that such features would be installed without recourse to a condition requiring such. They also recommend that it be possible to lock all gates into the site when the site is not in use. Once again it is not considered there is a need for a condition to secure this. Comments from Network Rail have been noted and where considered appropriate their recommended conditions have been applied. Their more general response has also been included as an informative for the agent as it includes not only recommended conditions but also other expectations from the developer.

8. **Conclusion**

- 8.1 The proposed development would bring back into use a vacant site that was previously used for commercial purposes. The development is deemed to be acceptable subject to safeguarding conditions.

9. **Recommendation:**

- 9.1 Approve with conditions.

-
- 1 Requires the prior submission of a contamination remediation scheme
 - 2 Requires the submission of a contaminated land verification report
 - 3 Requires contamination not previously identified to be addressed
 - 4 Requires the prior submission of a drainage scheme
 - 5 Requires the prior submission of a sustainable drainage scheme
 - 6 Requires the prior submission of a Sustainable Drainage Operation and Maintenance Plan
 - 7 Requires the submission of sample materials
 - 8 Requires the submission of hard and/or soft landscape details
 - 9 Requires the submission of hard surfacing materials
 - 10 Requires the submission of boundary treatment details
 - 11 Requires the submission of a lighting scheme
 - 12 Requires the submission of a method statement and risk assessment
 - 13 Requires the prior submission of a demolition and construction method statement and management plan
 - 14 Requires the prior submission of level details
 - 15 Requires the submission of a CCTV scheme
-

16	Requires the submission of cycle storage details
17	Energy and Sustainability in accordance with statement
18	Requires details of further credits to achieve BREEAM excellent standard
19	Requires the submission of a scheme for ecological/biodiversity/enhancement measures
20	Requires the prior submission of details of bird/bat boxes
21	Implementation of acceptable mitigation/enhancement
22	Requires details of substation, bin storage and shelters
23	Noise Levels from site Operations
24	Plant and Equipment Extraction
25	Operational Noise Controls
26	Sound Insulation for Plant/Machinery
27	Requires the prior submission of a goods delivery strategy
28	Requires the provision of a vehicle charging point(s)
29	Requires the parking and circulation areas including 'no parking zone' to be laid out prior to use
30	Requires visibility splays to be maintained
31	Requires the prior submission of a construction employment plan.
32	Requires details of a pedestrian visibility splay
33	Prevents the enclosure of the front yards to the units within the development
34	Prevents the use from changing within the use class
35	Defines location of photovoltaic panels indicated on roof plans
36	Prevents the use from changing within the use class
37	Prevents the use from changing within the use class
38	Requires the scheme to be in accordance with the listed approved plans
39	Implement within 3 years (Full)

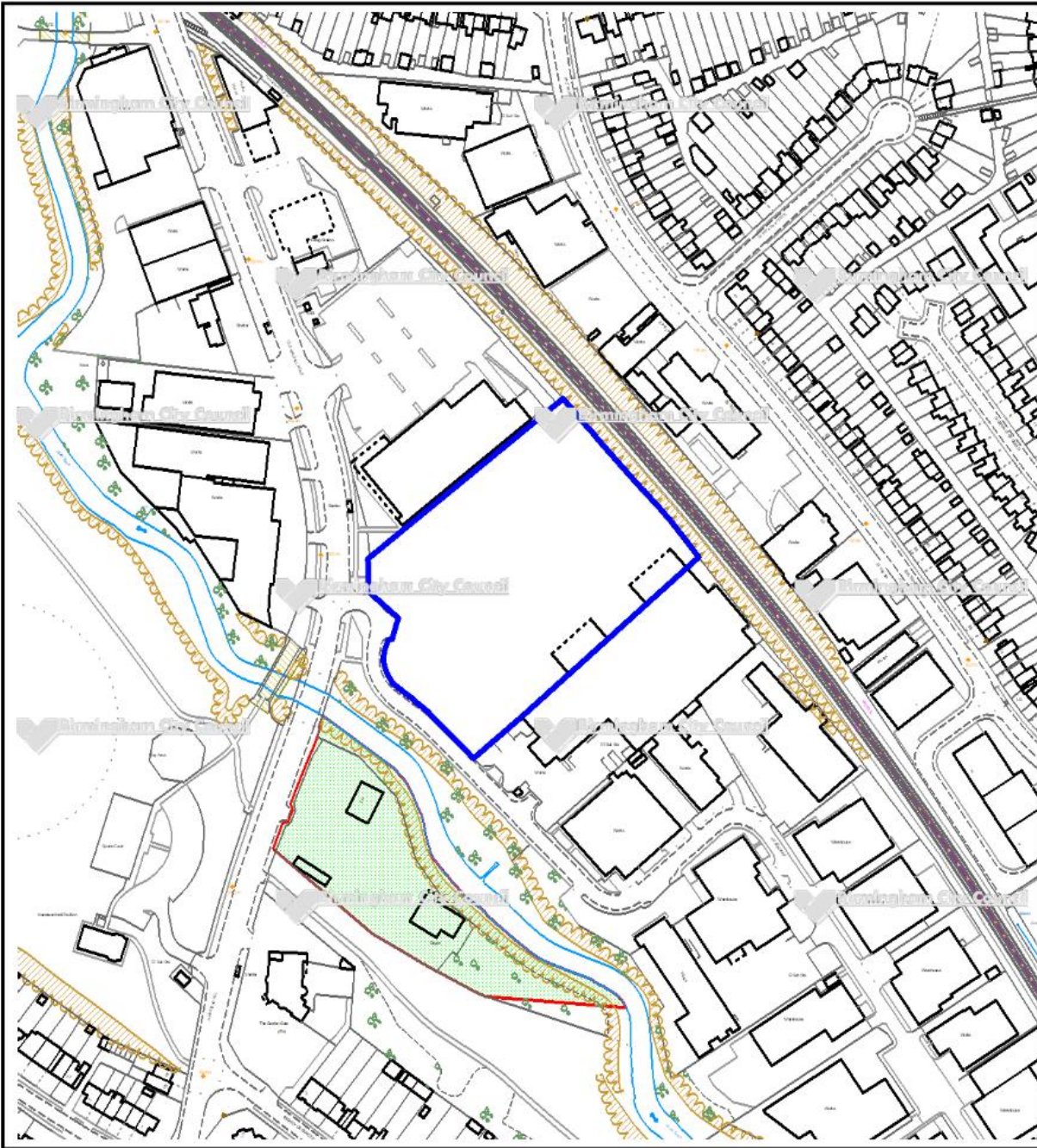
Case Officer: Wahid Gul

Photo(s)



Aerial view of the site

Location Plan



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Birmingham City Council

Planning Committee

02 February 2023

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Approve – Subject to 106 Legal Agreement	8	2022/03181/PA Summer Hill House 18-23 Summer Hill Terrace Jewellery Quarter Birmingham B1 3RA Redevelopment of site to provide a residential led mixed use development of 40 dwellings and commercial floor space for flexible Class E uses including part demolition and part conversion of existing buildings, erection of side and rear extensions and alterations to roof space of retained buildings and erection of new four storey building together with associated works and landscaping.

Committee Date:	02/02/2023	Application Number:	2022/03181/PA
Accepted:	12/05/2022	Application Type:	Full Planning
Target Date:	28/02/2023		
Ward:	Soho & Jewellery Quarter		

Summer Hill House, 18-23 Summer Hill Terrace, Jewellery Quarter, Birmingham, B1 3RA

Redevelopment of site to provide a residential led mixed use development of 40 dwellings and commercial floor space for flexible Class E uses including part demolition and part conversion of existing buildings, erection of side and rear extensions and alterations to roof space of retained buildings and erection of new four storey building together with associated works and landscaping.

Applicant:	Claremont Land and New Homes Lee Bank Business Centre, Unit 25 55 Holloway Head, Birmingham, B1 1HR
Agent:	D5 Architects LLP 71-77 Coventry Street, Birmingham, B14 7QE

Recommendation

Approve Subject to a Section 106 Legal Agreement

1. **Proposal:**

- 1.1 The application relates to a site of 0.3ha currently occupied by Summer Hill House. It comprises of two main buildings A and B built as children's homes in the early 20th Century. The application proposes to redevelop the site to provide a development of 40 dwellings and 2 Class E commercial units.

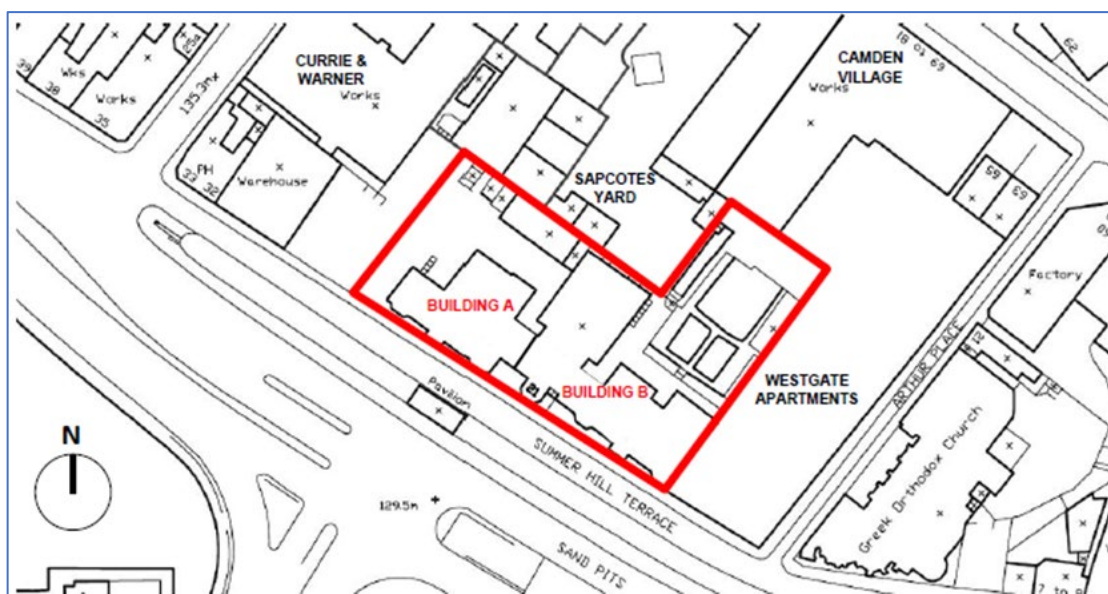


Figure 1: Plan of site showing locations of Buildings A and B

- 1.2 The original buildings would be renovated but more modern extensions to the rear would be demolished. These would be replaced with a 3-storey wing to the rear of Building A and a 4-storey wing to the rear of Building B with a further two-storey rear extension above an existing ground floor addition adjacent to the eastern boundary. The existing roof space of both buildings would also be used to create additional residential floorspace by adding dormers to the roof slope. Both buildings and the proposed extensions would be converted into 1 and 2 bed apartments.

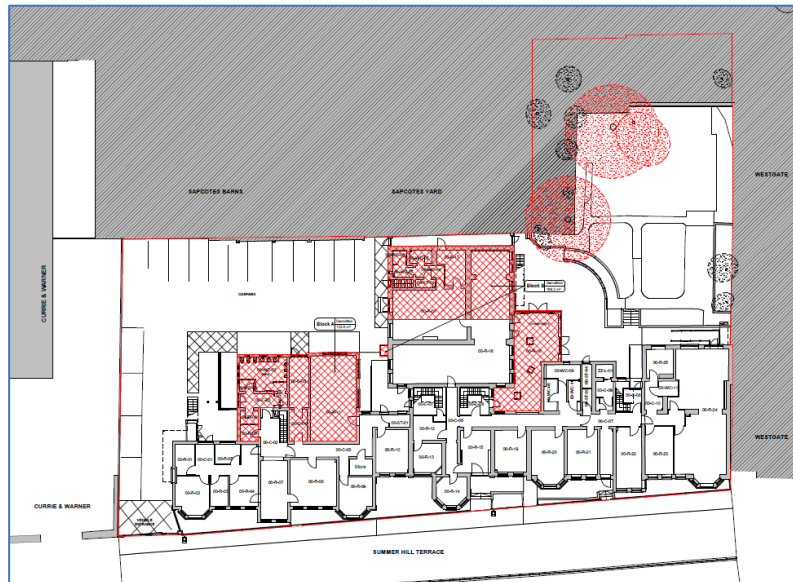


Figure 2: Plan showing buildings in red proposed for demolition

- 1.3 It is also proposed to erect a 2-storey side extension to infill the existing gap on the street frontage between Building A and the western boundary. At ground floor level this would form a covered driveway and at first floor level it would provide two commercial units for Class E uses. A further detached building is proposed to the rear of Building B within the current garden area. It would be 4 storeys high and provide a terrace of 4 x 3 bed town houses.



Figure 3: Proposed ground floor Layout

- 1.4 The design of the extensions and town houses would have a contemporary appearance using orange brickwork as the main material. The 3-storey rear extension to Buildings A would also have cladding at second floor level to reference the timber cladding on The Barns building which lies on boundary within Sapcote Yard. The 4-storey extension to Building B has been designed to incorporate a pitched roof and the design includes private balconies at first, second and third floor level. The commercial building attached to Building A has been designed to have the appearance of a coach house having a pitched roof with a gable end on the street frontage. Light to the first-floor accommodation would be provided via roof lights and glazing fronting the rear courtyard and street. The 4 town houses to be provided at the rear of the site would have a series of individual pitched roofs to be clad with black zinc and overhang a second-floor terrace on the front elevation. The lower floors would be orange brickwork with dark metal detailing and fibre cement cladding.



Figure 4: 3D Visual of proposed development

- 1.5 It is proposed that the energy demands of the development would result in a 41.4 % reduction in carbon emissions over Part L of Building Regulations 2021. This would be achieved by a combination of measures including improving the fabric insulation and of the retained buildings and constructing the new buildings and extensions with highly insulated and airtight building fabric. Throughout the development there would be low energy lighting and control systems to operate the plant and equipment as efficiently as possible.
- 1.6 It is intended that the appearance of the retained buildings would be enhanced by removing the external fire escapes, security bars and mesh and replacing the modern upvc windows with double glazed timber sashes to match the retained windows on Building B. A new main pedestrian entrance would be provided into Building B from Summer Hill Terrace by replacing two existing windows with double doors. This would allow access into the rear of the site which would laid out to provide a small car park with 6 spaces, a bin store and substation to the rear of Building A and a shared communal garden area to the rear of Block B. The four town houses would have their own private rear gardens.



Figure 5: CGI of proposed elevation to Summer Hill Terrace with new entrance

- 1.7 The development would provide 13 x 1 bed and 23 x 2 bed apartments, 4 x 3 bed town houses and two commercial units providing a total of 170 sq.m of floor space. The proposals have been amended since originally submitted which have resulted in some design amendments, minor layout changes and the loss of one dwelling.
- 1.8 The application has been supported by a Design and Access Statement, Sustainability & Energy Statement, Noise Impact Assessment, Air Quality Assessment, Ecological Impact Assessment and Bat Report, Tree Report, Sustainable Drainage Assessment and Operation Maintenance Plan, Transport Assessment and Travel Plan, Heritage Statement, Preliminary Risk Assessment and Contamination Report, Planning Statement, Sunlight and Daylight Report and Financial Viability Statement.
- 1.9 [Link to Documents](#)
2. **Site & Surroundings:**
 - 2.1 The application relates to an L shaped site fronting Summer Hill Terrace within the Jewellery Quarter Conservation Area. It comprises of two early 20th century buildings which abut each other but are not joined internally. Building A on the west side of the site is two 2 storeys in height and Building B on the east side is larger and 3 storeys in height. Both were originally built as children's homes and designed as grand institutional buildings in a neo-Georgian style and of red brindle brick with hipped slate roofs. The buildings were occupied for many years by BCC social services with Building A being offices and Building B an elderly person's convalescent home. Building A is still partly in use by the applicants as offices and Building B is in use as a residential hostel. Both buildings are set back from the edge of pavement by a narrow strip of land bounded by railings.
 - 2.2 The buildings front the northern side of Summer Hill Terrace, a narrow one-sided street elevated above the wider dual carriageway of Summer Hill Road/Sand Pits. The site is partially screened from this main city centre route by a retained embankment containing a small pavilion and mature trees, which marks the southern edge of the Jewellery Quarter Conservation Area. The front half of the site is roughly level but there is a high retaining wall 4-5 metres high along the north boundary. To the rear of Building A is a large car parking area with access from Summer Hill Terrace and to the rear of

Building B is an elevated garden area containing several trees including a large willow and beech.

- 2.3 To the north of the site lies the former Sapcote Builders Yard which is at a much higher level of between 1 and 2 storeys. It is currently vacant but on top of the boundary retaining wall is a large former woodworking building known as The Barns which has planning permission for conversion to offices. There are also several other planning permissions relating to this neighbouring site for new build and conversions to offices as well as a current application 2021/10243/PA for erection of town houses. Further east on the northern boundary is a residential development of apartments known as Camden Village. There are 2 duplex apartments very close to the boundary with windows facing over the application site.
- 2.4 Adjacent to the eastern boundary is a 5-storey block of modern apartments known as Westgate. It has blank walls on the site boundary but also an open courtyard. A few of the apartments have balconies adjacent to the site boundary. To the west of the site lies a range of industrial buildings with an open yard and roof top parking which are occupied by Currie and Warner a manufacturer of brass turned parts. The closest listed buildings to the site are No 3 Summer Hill Terrace and the Greek Orthodox Church which lie to the east of the site, the Century Works at 35-38 Summer Hill Road to the west and Nos 87, 89 and 91 Camden Street which lie on the far side of Sapcote Yard to the north.
- 2.5 <https://goo.gl/maps/TYjp9Q2is2zHMBNu6> - Site Location

3. **Planning History:**

- 3.1 22/3/12- 2012/00849/PA – Planning permission granted for a single storey conservatory and landscaping to rear garden including new ramps, steps and outbuildings.
- 3.2 11/02/10- 2010/00056/PA- Planning permission granted for replacement main entrance doors, new secondary entrance door and provision of new access ramp.
- 3.3 21/04/93- 1993/01166/PA- Planning permission granted for fire escape from 2nd floor and 1st floor & 2 storey bridge link at 1st floor and 2nd floor.

4. **Consultation Responses:**

- 4.1 **Transportation** - No objections subject to the cycle storage being provided prior to occupation.
- 4.2 **Regulatory Services** - In respect of contaminated land have no objections subject to suitable conditions to require a site investigation, remediation and verification report. For Air Quality requests another quality contour plot (now provided) covering a larger area rather than just the facade of the building. Regarding noise notes that the submitted report has carried out a thorough assessment of road traffic noise and an assessment of industrial noise from Currie and Warner. Also, that the proposals include the coach-house commercial building to provide some screening to the residential uses from industrial noise. However, considers that with open windows, even with the glazing specification provided, there would be significant adverse impacts. They would not accept a scheme based on the occupant being expected to close the windows to avoid commercial noise impacts. Therefore, recommends refusal on the basis that this development would result in harm to health and quality of life for future residents due to noise from nearby industrial premises and as the resulting residential noise climate may represent a statutory nuisance which may have an adverse impact on the operation of existing businesses and potential loss of employment activities. Additional

information has been provided and any further comments will be reported at committee.

- 4.3 Lead Local Flood Authority – Object on the grounds that the proposed drainage strategy fails to meet the minimum requirements of Planning Policy TP6 of the adopted Birmingham Development Plan and the minimum requirements of paragraphs 167 to 169 of the NPPF. Further information has been provided in response to the objections and any further response from the LLFA will be reported.
- 4.4 City Design – Comment that the proposal seeks to bring back into use a complex of disused buildings in a prominent location overlooking a key artery into the city centre. Much of the design has been improved through the amended plans, although a pair of unsightly dormer windows remain to the front, although reduced in size.
- 4.5 Conservation – Comment that the retention of Summer Hill House and its re-use as residential apartments is supported. There are some regrettable alterations, such as the loss of staircase, but it would be difficult to argue for its retention as it is outside the scope of any planning restrictions. The proposed dormers to the front roof slope are considered to be harmful to the architectural integrity of the building and to the conservation area and these should be removed. Otherwise, the proposed alterations to the existing building can be accepted. The scale, form, design, and materials of the new development are not considered to be harmful to the host building, to the conservation area or to the setting of the nearby listed buildings. No objection to this element of the proposal.
- 4.6 Ecology – Note the bat survey identified at least 3 roost locations with emergence and re-entry recorded. The proposals would remove one of these roosts due to the demolition while the other two would be lost to the alterations to the roof lines. The work would seem to impact only a few commoner species so is likely to be permitted under a low impact class bat licence. The submitted report however relied on data was out of date so a new survey was requested which has been provided. No objection is raised subject to a condition to secure and confirm a Bat Impact License and the associated supervision and mitigation that goes with that.
- 4.7 Tree Officer - Has concern that the beech tree would be lost because of the proposed townhouses. Considers that the retention of trees is considered important for character and harmony of the Jewellery Quarter Conservation Area.
- 4.8 Local Services - No objections but as the application is for over 20 dwellings it would, in accordance with the BDP policy, generate off-site POS and Play area contributions. The contribution required would be £141,675 and be directed towards the provision, improvement and/or biodiversity enhancement of public open space and the maintenance thereof at New Spring Street POS or other POS priorities within Soho and Jewellery Quarter Ward
- 4.8 Severn Trent Water – No objection subject to a drainage condition being imposed.
- 4.9 Birmingham Civic Society – Support the application and consider that it is appropriately scaled for the site and sympathetic to the historic (undesigned) historic buildings. Comment that the principle of residential use accords with the BDP and the site is close to Summer Hill Road/Sand Pits where there are frequent bus services. Notes the heritage statement concludes the proposals will have no impact on the significance of undesigned assets, on listed buildings in the vicinity, will preserve and enhance the Conservation Area. Consider a benefit of the proposals is that the unsympathetic extensions are to be removed.

- 4.10 Conservation and Heritage Panel – The original proposals were considered by Panel on members on 7 July 2022 who felt very positive about the scheme. They support it in principle, and consider it is a good example of utilising an existing building and treating it well architecturally adding to it in a sympathetic way. The following comments were made: -
- The retention of the buildings is strongly supported. The heritage statement gives appropriate significance to the building within the Jewellery Quarter.
 - It was considered that there was no impact upon the listed buildings and the impact upon the Jewellery Quarter Conservation Area was positive.
 - It would be beneficial to see more reuse of existing historical features such as the staircases of the building if possible. There are some reservations regarding the substantial size of the extension to Building A which is of a dominant form and the use of the cladding was concerning as not being in context with the rest of the development which was primarily brick and articulated.
 - The external spaces were also designed well but could be given more character.
 - The materiality could include more detailing such as a glazed brick as a contrast. The frontage of the coach house could have more attention, to make it a positive addition to the Summer Hill Terrace frontage.
 - Overall, the scheme follows principles which are supported and provide the reuse and retention of existing buildings.
- 4.11 West Midlands Police - No objections but request that consideration is given to access controls across the site, that the development meets the standards set out in Secured by Design guidance, that CCTV is installed, a lighting plan is provided and opening ground floor windows are fitted with opening restrictors.
- 4.12 West Midlands Fire Service – Advise that the development will need to comply with Building Regulations regarding access and facilities for the fire service and Building Control approval will be required.
5. **Third Party Responses:**
- 5.1 Ward Councillors, MP, residents associations, residents and businesses notified of the application and site/press notices displayed. Letters have been received on behalf of Currie and Warner and from 3 residents making the following comments:
- Currie and Warner note that the submitted noise report shows the recommended ventilation to the façade noise levels, are based on rates before the penalty for characteristics has been applied. Once the penalty for characteristics has been applied, all facades would fall into the >54 dB category meaning that mechanical ventilation with provision for cooling is recommended.
 - Wish to reiterate that the noise results show non-opening windows and mechanical ventilation would be necessary at each façade and that an additional assessment of overheating needs to be provided.
 - Conditions should be imposed to ensure necessary mitigation measures are adhered to.
 - Concerned what the new buildings will look like from the courtyard of the Westgate development and that residents will be disturbed by noise from the amenity spaces.
 - No construction work should take place at weekends and there should be a point of contact for residents.
 - If the new buildings are higher than the current ones it could restrict residents' views from The Quadrant development in Sand Pits.
 - The development could make the current problems of dampness worse between 18 Summer Hill Terrace and the Westgate apartments

6. Relevant National & Local Policy Context:

6.1 National Planning Policy Framework

Chapter 2: Achieving Sustainable Development – paras. 7, 8, 11, 13

Chapter 4: Decision-making – paras. 47, 55, 56, 57, 58

Chapter 8: Promoting healthy and safe communities – paras. 92, 98

Chapter 9: Promoting sustainable transport – para. 110

Chapter 11: Making effective use of land – paras. 120, 124, 125

Chapter 12: Achieving well-designed places – paras. 126, 127, 129, 130,

Chapter 16: Conserving and enhancing the historic environment – paras. 189, 190, 194, 195, 197, 199, 201, 202, 203, 204, 206, 208.

6.2 Birmingham Development Plan 2017:

PG1 Overall levels of growth

PG3 Place making

GA1.3 The Quarters

TP12 Historic environment

TP27 Sustainable neighbourhoods

TP28 The location of new housing

TP30 The type, size, and density of new housing

TP38 A sustainable transport network

6.3 Development Management DPD:

DM2 Amenity

DM6 Noise and vibration

DM10 Standards for residential development

6.4 Supplementary Planning Documents & Guidance:

Jewellery Quarter Conservation Area Character Appraisal and Management Plan

Jewellery Quarter Conservation Area Design Guide,

Draft Jewellery Quarter Neighbourhood Plan

Conservation Through Regeneration SPD.

Nature Conservation Strategy for Birmingham SPG.

Birmingham Parking SPD (2021)

Birmingham Design Guide SPD

7.0 Planning Considerations

- 7.1 The main material considerations are: the principle of the development, the demolition proposed, the suitability of the layout, building heights and designs, the proposed dwelling mix and standards of residential amenity and the impact on heritage assets, noise, neighbouring development and protected species.

Principle

- 7.2 The BDP identifies the application site as being within the City Centre Growth Area where the focus will primarily be upon re-using existing urban land. Policy GA1.3 relating to Jewellery Quarter it seeks to create an urban village supporting the area's unique heritage with the introduction of an appropriate mix of uses and radically improved connections to the City Centre Core. The Jewellery Quarter Conservation Area Character Appraisal and Management Plan encourages the development of vacant sites and buildings within the Conservation Area and the site is within the Industrial Fringe locality of the Jewellery Quarter where there are no restrictions in terms of new residential development.
- 7.3 The retention and re-use of the building is fully supported on sustainability and townscape grounds. The Jewellery Quarter Conservation Area is characterised by a

mix of commercial and residential uses and therefore there is no objection in principle to the site being developed with a scheme that includes two commercial units. Although the main use of the site would be residential the Draft Jewellery Quarter Neighbourhood Plan seeks to maintain the character of the conservation area as a creative mixed-use part of the city centre where business and residents co-exist successfully together. The site lies outside of the Creative District proposed in the JQ neighbourhood plan where there are more restrictions on residential development. Therefore this residential led mixed use scheme is acceptable in principle.

- 7.4 In addition, as the Council cannot demonstrate a five-year supply of deliverable housing sites policies for determining the application are considered out of date. Consequently, paragraph 11d) of the NNPF is engaged and consideration must be had as to whether the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. This gives further support to the development and subject to consideration of other relevant development plan policies the principle of a scheme of housing and two commercial units on the site is acceptable.

Demolition

- 7.5 The buildings are not listed or locally listed but as are within the conservation area. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 gives a statutory requirement to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas. Policy TP12 of the BDP states that great weight will be given to the conservation of the City's heritage assets.



Figure 6: Views showing extensions proposed for demolition

- 7.6 The proposals would require the demolition of several modern extensions added to the rear of both buildings. These include single storey extensions at each end of the site, a lift tower, a three-storey toilet block, a recently built conservatory and external fire escapes. The modern upvc windows mainly in Building A would be replaced with a timber sliding sash design to tie in with the original timber windows now to be retained within Building B. Two would however be removed on the front elevation to provide a new entrance. One of the internal staircases would also be removed and replaced with a lift and service core.
- 7.6 The conservation officer and CHP have no objection to the demolition of the modern extensions, but both would have preferred the retention of the staircase. However, as the staircase is an internal feature within a non- listed building it has no statutory protection. A condition is however recommended that the staircase is recorded before being removed. Concerns were initially raised to the original proposal to replace the original sash windows however these are now to be retained and refurbished with secondary glazing added. The city design officer also has no objection to the demolition as little of the fabric is original, it is not visible from the street or is important

in terms of the architecture. Birmingham Civic Society also consider the removal of the unsympathetic extensions to be a benefit of the proposals.

Layout

- 7.7 Policy PG3 of the BDP states that all new development will be expected to be designed to the highest possible standards which reinforces or creates a positive sense of place and safe and attractive environments. The NPPF in Para 126 states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and the development process should achieve. The JQ Management Plan requires the design of new development to respect the scale, form and density of the historic pattern and form of the Jewellery Quarte
- 7.8 City design and conservation officers, CHP and Birmingham Civic Society all support the proposals to retain and re-use of the original buildings. Whilst not listed the buildings contribute to the character and appearance of the Conservation Area and their full use and refurbishment is therefore welcomed.
- 7.9 The new residential development (other than the town houses) would be created on the approximate footprints of the demolished buildings although at a greater height. The rear extension to Building A would extend across the entire rear elevation and provide three storeys of single aspect apartments units facing the rear courtyard which has a much-reduced parking area with 6 spaces. The main extension to building B would be in approximately centre of the site and be in the form of a 4-storey wing. A smaller two storey rear extension would be provided above an existing single storey addition adjacent to the boundary with Westgate apartments. It is also proposed to provide living accommodation in the roof space which would provide 2 additional two units resulting in 36 apartments overall. The existing surface treatment within the courtyard would be replaced with blue clay pavers and planting.



Figure 7: 3D View of proposals from the rear of the site

- 7.10 The other new dwellings proposed would be in the form of a terrace of four x 3 bed town houses within the rear section of the existing garden area which is at higher level to the rear of Block B. This would require the removal of the two large trees within the garden, but replacement tree planting is to be provided. Although the tree officer considers the beech tree should be retained it cannot be readily seen from any public viewpoint and it's retention would adversely impact on the viability of the development. The tree report considers it is of a low quality and notes that its roots are sandwiched between concrete walls causing severe damage to the wall meaning that the tree is likely to become very unstable. The southern part of the garden area would be laid out to form a communal amenity space for residents.
- 7.11 The other new building to be provided is a 2-storey coach house which would be located along the full extent of the western boundary covering over the existing access and providing two commercial units on the first floor. It is intended that this building would provide a buffer between the residential accommodation and the engineering premises of Currie and Warner adjacent to the site.
- 7.12 The conservation officer comments that the general scale, form and positioning of the new buildings to the rear of the historic building appears well-thought out and would work well for an internal courtyard layout. The new builds would be reflective of previous built form on the rear of the site and of the traditional rear courtyard development of the JQ. Although CHP had some reservation regarding the size of the extension it would follow the scale of the frontage block and is acceptable. Overall the proposed layout is appropriate for the site and the wider conservation area.

Building Heights/Design

- 7.13 The Jewellery Quarter Design Guide seeks to limit the height of new development to 4 storeys and the heights of the proposed buildings at 2,3 and 4 storeys would fall within this guidance and provide variety to the roofscape. The heights of the new build would be taller than the existing 2 and 3 storey buildings on the site but as these have high pitched roofs there would not be a significant height difference. The buildings on the neighbouring Westgate development are 4/5 storeys high adjacent to the site boundaries and those to the north are at a higher level due to the landform in this part of the Jewellery Quarter.
- 7.14 The conservation officer comments that the height of two of the new blocks at 4-storeys would generally be considered too high for rear courtyard development where the principal frontage building is two and three-storeys, however the positioning of these buildings within the rear of the site means that visually they do not dominate over the main building and are not readily visible within the context of any public experience of the conservation area. Building heights are therefore considered to be appropriate.
- 7.15 The new residential extensions and townhouses have been designed to have a contemporary appearance whilst being complementary to the form of the host buildings. The rear extension to Block A would have a flat roof with hipped ends and references the steep roofed form of the barns on the Sapcote Yard site elevated above the site to the north. The City Design officer considers that this is appropriate approach as it is the utilitarian service face of the building. He comments that the flat gabled hipped profile proposed is an interesting and bold form which would utilise a traditional orange brick at ground level with an integrated cladding system above of 'corduroy fabric' cement panels reflecting the vertical timber cladding of The Barns. He considers this could be very interesting and dynamic as a surfacing material subject to suitable samples being provided and agreed.



Figure 8: CGI of proposals from rear courtyard showing extension to Building A and B1

- 7.16 The main extension to Building B would replace a rear return wing with a new structure incorporating an underpass connecting the area to the rear of Building A through to the townhouses and principal amenity space behind Building B. The city design officer supports the fresh design proposed which shows a subordinate neutral link in zinc to connect to a side facing gabled structure hard up to the rear boundary. It would help form the intimacy of courtyard spaces typical of the wider Jewellery Quarter and focuses on the dominant use of gables with recessed balconies beneath. The other smaller rear extension to Block B would be of a contemporary design using cladding and aluminium windows to tie in with the other additions proposed at the rear of the site. It would have a flat roof and include small projecting balconies at first and second floor level.



Figure 9: CGI showing rear extension to Building B and the proposed town houses

- 7.17 The town houses would form a separate group to the rear of Building B and are of the same general style as the extension to Building B but with dominant open gables featuring balconies. The city design officer considers the design is boldly modern and would appear as a horizontal brick block with a saw-tooth roof. Some of the detailing

was questioned but following the submission of amended plans which have simplified the materials and paired the windows the design is appropriate.

- 7.18 The proposed side extension Building A would cover the existing vehicular access and infill the gap to the side of the building hard up to the boundary and extend through to the rear of the site. The concept is that of a two-storey coach house form, with rooms over the carriage entrance providing two commercial units for Class E uses. Following amendments made to the façade to redesign the gates and reference the style of the host building the design is supported. The alteration to the two windows on the ground floor Building B would create a new mansion style entrance are also considered to be acceptable.

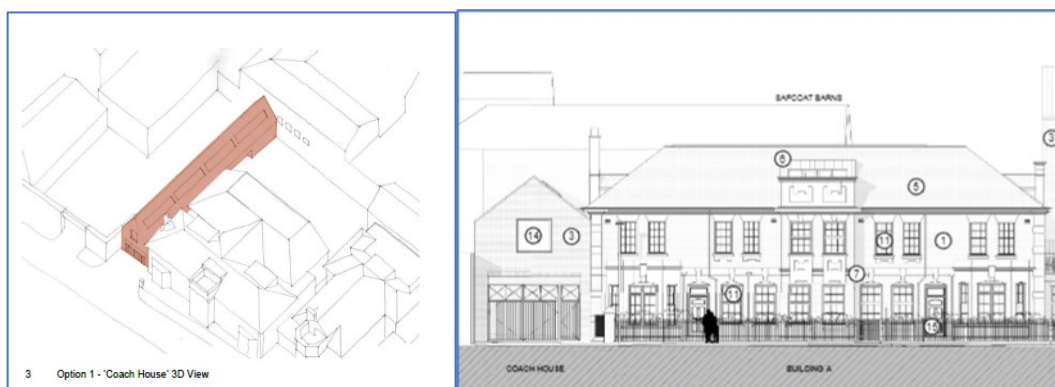


Figure 10 : Location of Coach House and its appearance from Summer Hill Terrace

- 7.19 A number of dormers are proposed within the existing roof space including two large dormers on the front elevation and four dormers on the rear roof slope to Building B. One of the rear dormers would be screened from view by the rear extension and a further rear dormer is small and has a pitched roof but the others would be more prominent. Both the city design and conservation officers object to the proposed roof dormers on the front elevation and comment that they are large structures with a strong horizontal emphasis which would have a deleterious impact on the appearance of this building as the roofs are a prominent feature. They consider the dormers in their elevated, open and prominent location, would be evident and harmful to the architectural integrity of the building and to the conservation area.



Figure 11: Elevation to Summer Hill Terrace showing dormers (with yellow line added)

- 7.20 The dormers would allow a two-bed apartment to be created in the roof space which the applicants advise is necessary to provide a viable scheme. They point out the

heritage assessment comments that the use of the roof spaces is acceptable in heritage terms and there would be virtually no sign of the loft apartments from the public realm or from ground level. The document does acknowledge that the dormers on the front elevations would have a minor determinantal effect on the original building but considers they would cause no harm to the conservation area. Since then, the dormers on the front elevation have been reduced in size which is acknowledged to be an improvement but non the less it is considered they would cause less than substantial harm to the significance of the building and the conservation area. Although this harm is at a minor level it will need to be assessed in accordance with the requirements of para's 201 and 203 of the NPPF which is dealt with in sections 7.25 - 7.28 below.

- 7.21 In terms of sustainability and energy it is anticipated that the energy demands of the development would result in a 41.4 % reduction in carbon emissions over Part L of Building Regulations 2021. The measures proposed include improving the fabric of the existing building in terms of insulation and either new doubled glazing or secondary glazing to the windows. The new buildings and extensions would be constructed with highly insulated and airtight building fabric and low energy lighting and control systems to operate the plant and equipment as efficiently as possible would be provided throughout. The development also is in a highly sustainable location within the city centre and would provide covered storage for 48 cycles. A condition is recommended to ensure that the scheme is built out in accordance with the Energy and Sustainable Construction Report to ensure compliance with BDP policies TP4 low and zero carbon energy generation and TP3 sustainable construction

Dwelling Mix/Residential Amenity

- 7.22 The development would provide 40 dwellings comprising 13 x 1 bed, 23 x 2 bed apartments and 4 x 3 bed town houses. The BDP policies seek to provide a wide choice of housing sizes, types and there is an oversupply of 1 and 2 bed apartments compared the SHMA which identifies the need for larger 3 and 4 bed family dwellings. Although apartments account of 90% of the dwellings such schemes are common in the city centre and help meet our deficiency in housing supply. The highest percentage of properties would be 2 beds at 57.5% and 4 x 3 bed family town houses (10%) would be provided so that the dwelling mix is considered to be acceptable. The apartments sizes range from 47- 82.7 sq.m for the one bed, 67 – 103. 6 sq.m for the 2 beds and 151-154 sq.m for the town houses. All would therefore be in excess of national minimum space standards, and most would be significantly larger.
- 7.23 Policy DM10 of the Development Management DPD requires at least 30% of dwellings to be accessible and adaptable homes however the development would not achieve this as it makes use of an existing building and there is a significant difference in levels across the site. It also requires that separation distances between buildings and surrounding uses should protect residents' privacy and outlook, ensure appropriate levels of daylight to internal and external living spaces. The layout would generally provide good separation distances between buildings on the site and its neighbours. There would a distance of 15 metres between the front windows of the proposed town houses and the windows at the rear of Building B which is the main area where buildings would be opposite each other. There are a few apartments proposed within retained buildings where the outlook would be restricted due to the position of the existing buildings and the rear extension to Building A. The apartments affected are generally double aspect and no windows are proposed directly opposite each other. The apartments at the rear of Building A would look towards the high retaining wall on the boundary above which sits the 2 storey Barns building. However as this is 13 metres away it would not be unduly dominant. Overall, the development would provide a suitable outlook from the apartments and appropriate levels of light and privacy.

- 7.24 Policy DM10 of the Development Management DPD also requires that all new residential development is provided with enough private useable outdoor amenity space appropriate to the scale, function and character of the development developments. Several the apartments would either have balconies or private terraces at ground floor level and the 4 town houses have terraced rear gardens. A shared area of landscaped amenity space is also to be provided to the rear of Building B and the existing overgrown area at the front of the buildings enclosed by railings would be landscaped. Overall, the development would provide a suitable amount of outdoor amenity space.

Impact on Heritage Assets

- 7.25 Planning (Listed Buildings and Conservation Areas) Act 1990 gives a statutory requirement under Sections 66 and 72 to pay special attention to the desirability of preserving or enhancing the character or appearance and setting of listed buildings and conservation areas. The NPPF requires heritage assets to be conserved in a manner appropriate to their significance and the Policy TP12 states that great weight will be given to the conservation of the City's heritage assets.
- 7.26 The paragraphs above have dealt with the impact of the development on the existing building which is a non-designated heritage asset and on the Conservation Area which is generally considered to be positive. However, the dormers proposed within the front roof space on Building B are seen as by the conservation and city design officers as causing less than substantial harm to the significance of these heritage assets by virtue of not being characteristic of these types of institutional buildings or of the conservation area. The level of harm is considered to be at the low end of less than substantial particularly as the size of the dormers has been reduced but none the less in accordance with paragraph 201 of the NPPF the less than substantial harm to the conservation area needs to be weighed against the public benefits of the development. As the building is not listed but is a non-designated heritage asset the under Para 203 of the NPPF a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 7.27 The significance of the buildings generally arises from their development as early 20th institutions as part of the story of how homeless children were accommodated in Birmingham at the beginning of the 20th Century. They are also important buildings in townscape terms lining Summer Hill Terrace with an attractive, varied, and coherent whole. However, the harm to significance would be low as the dormers would cover only a small area of the roof space and would not be readily apparent from views within the conservation area. The applicants also point out the public benefits arising from the development which are that: -
- The proposals present an opportunity for the permanent active reuse of these buildings by securing an optimum viable residential use of the site.
 - The proposals would deliver 40 new dwellings, providing a range of 1, 2 and 3 bed properties which would make an important contribution towards both the City's housing supply as well as the offer of accommodation in the Jewellery Quarter.
 - 4 affordable dwellings are proposed for market sale at a discount inperpetuity.
 - The delivery of flexible floorspace offers the opportunity to provide high quality office space tailored to meet demand.
 - Direct economic benefits would be achieved through the delivery of flexible floorspace for local businesses and the generation of employment, as well as additional housing expenditure in the Jewellery Quarter from the residential element.
 - During the construction phase, a number of jobs would be supported in the local construction industry and associated supply chain.
 - As well as establishing a permanent optimal use of the buildings and promoting a sustainable form of development, the proposals would also deliver a net gain in

biodiversity.

- 7.28 In addition the proposals would enhance the appearance of the existing buildings when seen from the conservation area by removing the external fire escapes, bars and mesh from the windows, providing replacement timber sash windows to Building A, repairing the brick and stonework and providing new landscaping to the street frontage as well as new uses for under occupied buildings. It is therefore considered that the public benefits outweigh any harm to the significance of the architectural integrity of the buildings and to the Jewellery Quarter Conservation Area that may be caused by the introduction of the roof dormers to the roof slope of Block B.
- 7.29 In terms of the impact on the setting of listed buildings in the vicinity of the site the Heritage Statement has identified the listed buildings in close proximity to the development site namely the Greek Orthodox Church, Century Buildings, 87 Camden Street and 89-91 Camden Street and assessed their significance and setting. No harm to the setting of these heritage assets is concluded and the conservation officer supports this position.

Noise

- 7.30 Policy DM6 of the Development Management in Birmingham DPD states that development should be designed, managed and operated to reduce exposure to noise and vibration. The application is accompanied by a noise report which identifies the main sources of noise and being from traffic on adjacent roads and from the operations from operations associated with the adjacent engineering business. To address these matters acoustic glazing and ventilation is proposed to habitable rooms. Where the existing windows are to be retained on the site frontage this would be in the form of secondary glazing to the existing windows. In addition, a coach house building is proposed on the western boundary of the site along the boundary with the neighbouring engineering works to act as a noise and visual buffer. It would be 2 storeys in height with a pitched roof.
- 7.31 Regulatory Services Noise consider the report has carried out a thorough assessment of road traffic noise impact primarily on the main road facing façade and an assessment of industrial noise from Currie and Warner. They also note the inclusion of the coach-house commercial building which would provide some screening to the residential use from industrial noise. However, they consider that based on the model there are several facades where the noise rating level when calculated in accordance with BS4142 would exceed background levels by more than 7dB indicating an adverse impact. The approach taken in the assessment is that this can be mitigated by building envelope treatment but based on their assessment with open windows, even with the glazing provided, there would be significant adverse impacts. They would not accept a scheme based on the occupant being expected to close the windows to avoid commercial noise impacts and would not accept sealed windows as they are unsuitable for residential amenity. They therefore recommend refusal on application due to noise from the nearby industrial premises having an adverse impact on health and quality of life for future residents and that noise climate may represent a statutory nuisance which could have an adverse impact on the operation of existing businesses and potential loss of employment activities.
- 7.32 The owners of the adjacent engineering works have commented that the noise results showed non-opening windows and mechanical ventilation would be necessary at each façade and that an additional assessment of overheating needs to be provided. They also ask that conditions should be included to ensure necessary mitigation measures are adhered to.

- 7.33 The existing buildings were built as living accommodation and although Building A has been used as offices over a number of years, Building B has a long period of use as residential accommodation including as a convalescent home and is currently being used as a hostel. The proposals would improve the existing noise environment by adding acoustic glazing and ventilation to the windows, upgrading the building fabric, and adding the coach house along the boundary the neighbouring engineering works. The noise assessment also found from on-site testing that noise from traffic was the main source of local noise rather than from the engineering works and concludes that with the recommended noise mitigation measures residents would be safeguarded. Most of the windows within the proposed apartments and town houses face north – south and would not have a direct line of sight to the engineering works. Where windows are proposed on the west elevation looking towards the engineering works the presence of the proposed coach house would largely screen any views. The windows would be openable but with suitable acoustic glazing and ventilation installed residents would be adequately protected. Conditions are therefore recommended to require this together with an overheating assessment prior to occupation. The proposals would enhance the site overall and improve its appearance and well as delivering additional dwellings. It is therefore considered that the potential harm from noise would not significantly and demonstrably be outweighed by the benefits of the development bearing in mind the Council's lack of a five-year housing land supply.

Impact on Neighbouring development

- 7.34 The erection of the coach house extension along the boundary is not considered to have any adverse impact on the adjoining engineering works and would provide screening along the boundary between the development and its delivery/service yard. On the northern boundary lies Sapcote's Barns above the retaining wall which has consent for conversion to offices. The Barns sit about 2 storeys above the height of Summer Hill House and have four windows on the rear boundary but would adjoin the proposed car parking area so light to these windows would not be adversely affected. The rear extension to Building A would be approximately 13.5 metres from the boundary providing a suitable separation distance particularly having regard to the difference in levels between the two sites. Beyond The Barns the remainder of Sapcote Yard is the subject of a current planning application under reference 2021/10243/PA. This application has not been determined to date but it is not considered that the proposals would adversely impact on each other.
- 7.35 Further along the northern boundary is the Camden Village development where there is a traditional 3 storey building within 3 metres of the application site which has been converted into two duplex apartments above a ground floor parking area. The properties have a small patio garden at the rear and several windows overlooking the application site and the current garden area. This is where the row of 4 storey town houses is proposed but because of the site levels they would be about a storey lower than the neighbouring development. There would be a gap of 14 metres between the windows of the town houses and these apartments in Camden Village and a distance of about 28 metres from the blank side wall of the extension to Building B.
- 7.36 A sunlight daylight report has been provided which assesses the impact of the application proposals on neighbouring development. With regard to the impact on the Camden Village development it concludes that the proposals would have a low impact on the light received by neighbouring properties and the windows that would fall marginally short of BRE numerical test are currently situated below overhangs which already have an impact on the light available rather than as a result of the development proposals. It is therefore not considered that light to these windows would be unduly affected and that the impact on these neighbouring properties would be unacceptable.

- 7.37 The development has been designed to reduce any impact of the development on the Westgate apartments which adjoin the eastern boundary by locating the town houses adjacent to the blank side wall of this neighbouring development in line with its front wall. Although this has projecting balconies and a roof terrace on the fourth floor it is not considered there would any loss of light to the neighbouring apartments. The two-storey rear extension to Building B above the existing ground floor addition would project about 2 metres in front of the rear windows on the adjacent apartments which are about 1.5 metres from the boundary. There would however be no breach of the 45-degree code. The extension has a projecting balcony at first and second floor level to the rear, but this is set back from the boundary and would be largely screened from the adjoining site by two yew trees which are to be retained. The treatment to the boundary is also to be enhanced with additional tree planting and by removing the existing fire escape staircase.

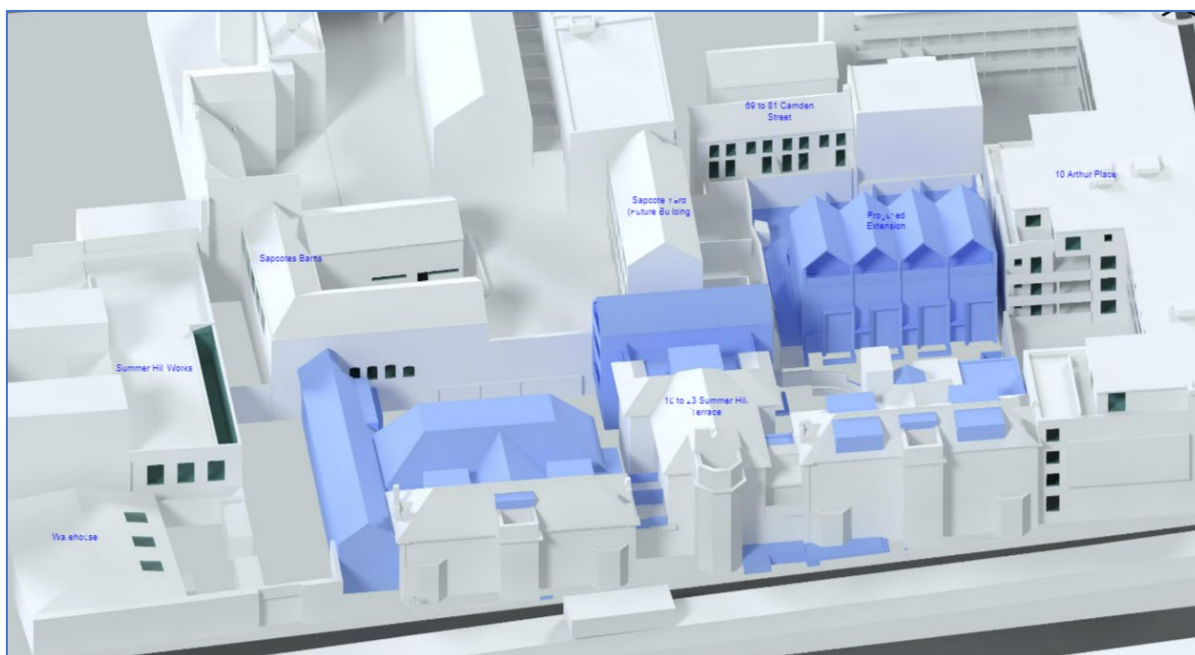


Figure 12: Model of development in relation to neighbouring properties. (New build in blue)

- 7.38 There are also comments from the neighbours of the Westgate development that residents would be disturbed by noise from the amenity spaces however the proposed shared garden area is screened by a boundary fence and planting. It also adjoins the communal courtyard space within the Westgate development and the area involved is currently laid out as a garden. A condition is recommended that requires a construction and demolition plan including hours of working. The comment regarding current problems of dampness worse between 18 Summer Hill Terrace and the Westgate apartments is a private matter but may be addressed by the new works which are to improve the fabric of the existing building. There is also a comment from a resident of the Quadrant development that the extensions could obstruct views from their apartments. However, this development is on the opposite side of Sand Pits about 65 metres away and the development will only be marginally higher than the existing buildings.

Protected Species

- 7.39 The original bat survey noted at least 3 day roost locations within the existing buildings with emergence and re-entry recorded. The demolition would result in the loss of one roost location due to the proposed demolition and the other two would be lost due to the alterations to the roof lines. The council's ecologist comments that while the work would seem to impact only a few commoner species and probably would be permitted under a low impact class bat licence report relied on old data and requested a further

bat survey be carried out. This has been provided and although the survey was not carried out at the optimum survey period the Council's ecologist notes it does not show that the roost sites and potential has deteriorated. He therefore advises that on balance the proposals can be agreed subject to conditions to secure and confirm a Bat Impact Licence and the associated supervision and mitigation that goes with that.

- 7.40 The submitted Bat Survey Reports explain that a natural England European Protected Species (EPS) Mitigation Licence will be required to enable demolition of the building to proceed. The original survey in 2020 identified three Common Pipistrelles day roosts and as the 2022 survey found no emergences of bats and low activity the report concludes that the roosts are used by a low number of common bats and the loss of these roosts would not be detrimental to the overall population of the species. It is therefore anticipated that the bat roosts would be categorised as being of low conservation status and the demolition can take place under a NE Bat Mitigation Low Impact Class Licence (BMLICL). The report proposes mitigation including:
- Provision of 2 bat boxes to be erected on the retained buildings or a suitable retained tree.
 - Phasing the works in order to ensure the new location will not be affected by any works
 - The dismantling of the roof and any internal strip out is undertaken with a watching brief by a licenced bat worker
 - Any bat found to be placed by the Bat Consultant into the new bat boxes
 - As far as possible to carry out the demolition works between September and April
 - Providing three integral bat bricks at eaves level in the new building in similar locations to the existing roosts.
 - To enhance the biodiversity gain of the development overall also provide integrated bat boxes within the development
 - That if work does not commence before April 2024 to carry out a further bat survey

- 7.41 Where the presence of a European Protected Species (EPS), in this instance common pipistrelle is confirmed, the Council, as a local planning authority, must consider the three tests in Regulation 55 of The Conservation of Habitats and Species Regulations 2017 before determining planning applications that may affect EPS (ODPM Circular 06/2005, paragraphs 99, 112 and 116). Regulations 55(2) and 55(9) define the circumstances where derogation is allowed for an affected EPS and a licence could be issued by Natural England.

- Test 1: the derogation is in the interests of preserving public health or public safety or other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment.
- Test 2: there is no satisfactory alternative.
- Test 3: the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

To comply with its statutory duty, in determining the planning application the Council needs to demonstrate that a decision has been reached in a manner that takes account of, and is consistent with, the requirements of the Regulations. This means the Council needs to consider the proposal to demolish the existing extensions and construct new additions in light of the three tests. Development that does not avoid harm to EPS and/or does not satisfy the three tests will conflict with the Regulations. If the Council fails to have regard for these issues, any planning consent granted for such a project may be in breach of the duty placed on LPAs by the Regulations.

- 7.42 With regard to Tests 1 and 2 the demolition of the modern extensions to the building would enhance its appearance and provide economic benefits by allowing the building to be extended and altered to provide a viable new development on the site. This would secure the long-term future of Summer Hill House and allow improvements to

be carried out to the existing building to enhance its appearance and that of the Conservation Area. Due to the location of the roosts within the roof space in the rear corner of Building A and in the two modern extensions to the rear of Building B there is no satisfactory alternative as the roosts could not be reasonably be retained in their current position. The extension needs to be demolished and the roof to Building A altered in order to facilitate the construction of the proposed development. Pipistrelle species are crevice dwelling species and readily adopt new roost sites, hence there can be confidence that, if designed and sited appropriately, it should be possible to accommodate the species elsewhere within the new development.

- 7.43 With regard to the third test the development should have no detrimental effect on the favourable conservation status of an EPS. The Bat Survey Results report sets out the mitigation and compensation measures required to avoid harm to bats and ensure compliance with the legal protection as already summarised above. These measures are considered to be appropriate to mitigate adverse impacts on bats and to provide compensation for loss of the roost feature of low conservation status. The measures are consistent with guidance issued by Natural England to address impacts on bat roosts of low conservation status. A condition is recommended by the Councils ecologist to ensure that renovation of roofs and internal alterations that impact on roof voids and demolition shall not commence unless the local planning authority has been provided with either:
- a) a licence issued by [the relevant licensing body] pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2010 authorizing the specified activity/development to go ahead; or
 - b) a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence.
- In addition, conditions are recommended to ensure implementation of the measures set out in the Bat Survey reports, including the position of the temporary replacement roosts and 3 integral bat bricks, to prevent lighting from illuminating the new roost locations and flight lines to the roost features and requiring a new bat survey if work has not commenced by April 2024.

- 7.44 Following the assessment of the scheme against the 3 tests it is considered that they can be met and an application for an EPS mitigation licence would probably be successful and that the action authorised would not be detrimental to the maintenance of the population of the bat species concerned at a favourable conservation status in their natural range. Therefore, it would be possible to consent the planning application in accordance with the LPA's obligations in relation to The Conservation of Habitats and Species Regulations 2017 (as amended).

Other matters

- 7.45 Drainage - The applicants have provided an updated sustainable drainage assessment and operation and maintenance plan as well as a detailed response to the objections raised by the LLFA. This includes a reply to all the points of objection raised, estimates of runoff rates, a drainage layout showing a cellular storage tank located below ground in the courtyard area. They have also provided a Drainage Operation and Management plan and a letter from Severn Trent Water agreeing in principle to the proposals. It should be noted that these retain the existing drainage arrangements for the existing buildings but provide a betterment compared to the existing site by reducing the overall surface water discharge rate. This is to be achieved by reducing the hard standing area and restricting the discharge rate on the new build town houses to 2 l/sec. The LLFA have been re-notified but have not provided any further comments, so the standard drainage conditions are recommended.

- 7.46 Transportation - Have no objection to the 6 car parking spaces provided which represent a reduction compared to the 18 spaces currently on the site. A condition is recommended to ensure the 48 cycle storage spaces are provided
- 7.47 Conditions are recommended to require CCTV and a lighting scheme as requested by West Midlands Police. The Fire Service have referred to the need for access for fire appliances to access but as this is secured via Building Regulations the developer will need to comply with this legislation separately.

CIL and Section 106 Obligations

- 7.48 The proposed development fall within the CIL charging area, and the payment is assessed to be £139,671.17. The number of apartments proposed means that the City Council's policies for Affordable Housing and Public Open Space in New Residential Development apply. In addition, the Governments policy as set out in the NPPF seeks to ensure that 25% of the affordable homes being provided are First Homes to be sold at a 30% discount on market sale values.
- 7.49 A Viability Statement has been submitted with the application to demonstrate that the site cannot meet the full BDP requirements which has been independently assessed by the City Council's consultants. The report concludes that the development could support an element of on-site affordable housing and 4 affordable dwellings haven been negotiated in the form of 1 for First Homes at 30% discount and the other 3 for discounted market sale at 20% discount representing a 10% provision. The Council's consultants advise that there is a considerable amount of value in the existing building which is in use providing assisted living accommodation and consequently viability is tight. Therefore, any further affordable units or a contribution to off-site public open space cannot be provided particularly having regard to the CIL contribution that is also required. The Section 106 offer is therefore considered to be fair and justifiable and would meet the necessity tests set out in the CIL regulations

8. Conclusion

- 8.1 Following the amendments made to the application proposals the proposals are now considered to provide a suitable layout and high-quality design for the site. It would benefit the conservation area by removing unsympathetic extensions carried out to the building and replace them with attractive new additions including a coach house style extension to enclose the street, screen the western boundary and provide two commercial units. Although there are objections to the new dormers within the roof space the less than significant harm to the building and the conservation area is outweighed by the public benefits of allowing the proposals. It is further considered that the low degree of harm would not significantly and demonstrably outweigh the benefits bearing in mind the Council's lack of a five-year housing land supply and that the development would deliver 40 dwellings.
- 8.2 Although concerns have been raised by Regulatory Services regarding the impact of adjacent commercial uses on future residents it is considered that with the imposition of the conditions to require suitable noise mitigation measures as well as a requirement that the coach house is built prior to occupation mean that impact can be mitigated to an acceptable degree.

9. Recommendation

- 9.1 That application 2022/03181//PA be APPROVED subject to the prior completion of a Section 106 Legal Agreement to secure the following:
- i) The provision of 4 affordable dwellings 1 for First Homes at 30% discount and the

other 3 for discounted sale at 20% discount.

- ii) Payment of a monitoring and administration fee associated with the legal agreement of 3.5% of the value of the affordable housing provision subject to a maximum of £10,000.

- 9.2 If a suitable legal agreement is not completed to the satisfaction of the Local Planning Authority by the 31 March 2023, or such later date as may be authorised by officers under delegated powers, planning permission be refused for the following reasons: -
- In the absence of a legal agreement to secure any on-site affordable dwellings for low-cost home ownership the proposal conflicts with Policy TP31 of the Birmingham Development Plan and the National Planning Policy Framework.
- 9.3 That the City Solicitor be authorised to prepare, complete, and seal an appropriate agreement under Section 106 of the Town and Country Planning Act.
- 9.4 That in the event of the planning obligation being completed to the satisfaction of the Local Planning Authority by 31 March 2023, or such later date as may be authorised by officers under delegated powers, planning permission for application 2022/03181/PA be APPROVED, subject to the conditions listed below: -

-
- 1 Requires the prior submission of an additional bat survey
 - 2 Requires submission of a bat licence pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2010
 - 3 Requires the prior submission of a legally protected species and habitat protection plan
 - 4 Requires the prior submission of Structural Recording
 - 5 Requires the prior submission of a demolition method statement/management plan
 - 6 Requires the prior submission of a contamination remediation scheme
 - 7 Requires the submission of a contaminated land verification report
 - 8 Requires the prior submission of a construction method statement/management plan
 - 9 Requires repair of historic fabric
 - 10 Requires the prior submission of a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan
 - 11 Requires the submission of a Sustainable Drainage Operation and Maintenance Plan prior to occupation.
 - 12 Requires submission of architectural specification details
 - 13 Requires the submission of sample materials
 - 14 Requires the submission of sample brickwork and corduroy concrete cladding panels
 - 15 Requires the submission of boundary treatments, gates, steps and any retaining structures
-

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| 16 | Requires the submission of hard and/or soft landscape details |
| 17 | Requires the submission of a scheme for ecological and biodiversity enhancement measures |
| 18 | Requires the prior submission of details of bird/bat boxes |
| 19 | Requires the submission of a lighting design for biodiversity |
| 20 | Requires protection of retained trees. |
| 21 | Requires submission of a Noise Mitigation Scheme |
| 22 | Requires the submission of details of the sound insulation for plant/machinery |
| 23 | Limits the hours of operation to 7am -11pm Monday - Saturday and 8am - 11pm Sundays. |
| 24 | Limits delivery time of goods to or from the site to 7am-11pm Monday to Saturdays and 8am -11pm Sundays. |
| 25 | Requires the prior submission of noise insulation |
| 26 | Requires detail of any Commercial Plant and Equipment Extraction |
| 27 | Requires a further noise mitigation scheme if any of the commercial floorspace is used for preparation of hot food or as a gym |
| 28 | Limits the noise levels for Plant and Machinery |
| 29 | Requires construction of the coach house prior to occupation. |
| 30 | Prevents occupation until the turning and parking area has been constructed |
| 31 | Requires the provision of cycle parking prior to occupation |
| 32 | Requires the submission of a CCTV scheme |
| 33 | Requires the prior submission of details of any roof top plant, structures, lift overruns, machinery and/or solar panels. |
| 34 | Requires that the energy and sustainability measures are delivered. |
| 35 | Requires the scheme to be in accordance with the listed approved plans |
| 36 | Implement within 3 years (Full) |
-

Case Officer: Lesley Sheldrake

Photo(s)



Photo 1: Aerial view of site and surroundings



Photo 2: View of Building A and site frontage to Summer Hill Terrace



Photo 3: View of Building B and site frontage to Summer Hill Terrace



Photo 4: View of Building B from Sand Pits



Photo 5: View of site access from Summer Hill Terrace



Photos 6 and 7: View of rear garden area within the current site and neighbouring buildings



Photos 8 and 9: View of boundaries with Currie and Warner and The Barns in Sapcote Yard

Location Plan



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Birmingham City Council

Planning Committee

02 February 2023

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	9	2022/09196/PA Erdington Industrial Park Chester Road Erdington Birmingham B24 0RD Proposed development for industrial purposes (Use Classes E(g)(ii) (research and development), E(g)(iii) (industrial processes), B2 (general industrial) and B8 (storage and distribution), with ancillary offices, landscaping, car and cycle parking, pedestrian and vehicular accesses
Approve – Conditions	10	2022/08485/PA Land at former Heartlands Park LDV and UK Mail sites bounded by Bromford Lane, Drews Lane, Warren Road and Aston Church Road Washwood Heath Birmingham Plans and Specifications for a new Maintenance Building, Network Integrated Control Centre (NICC) Building, Cleaners and Drivers Building, Gatehouse, Test Track Building, ancillary buildings, stabling area, road vehicle parks, attenuation basin, hard landscaping and site works (including earth works), transformers and fences and walls submitted under Schedule 17 paragraph 2 of the High Speed Rail (London- West Midlands Act 2017).

Committee Date:	02/02/2023	Application Number:	2022/09196/PA
Accepted:	12/12/2022	Application Type:	Full Planning
Target Date:	13/03/2023		
Ward:	Pyre Hayes		

Erdington Industrial Park, Chester Road, Erdington, Birmingham, B24 0RD

Proposed development for industrial purposes (Use Classes E(g)(ii) (research and development), E(g)(iii) (industrial processes), B2 (general industrial) and B8 (storage and distribution), with ancillary offices, landscaping, car and cycle parking, pedestrian and vehicular accesses (RESUBMISSION)

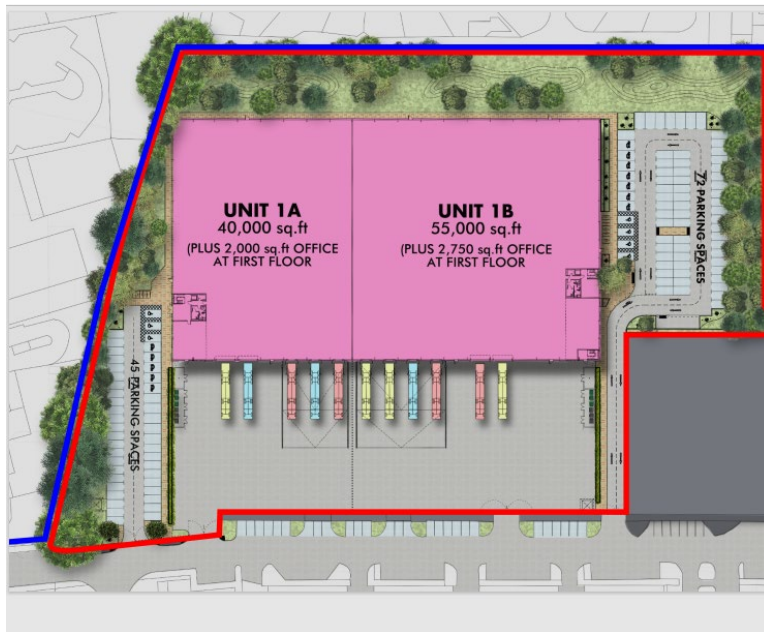
Applicant:	HPut A Ltd & HPut B Ltd C/o Hermes Investment Management, 150 Cheapside, London, EC2V 6ET
Agent:	Chart Plan (2004) Ltd Suite 21 High Cedars, 20 Wray Park Road, Reigate, Surrey, RH2 0DD

Recommendation

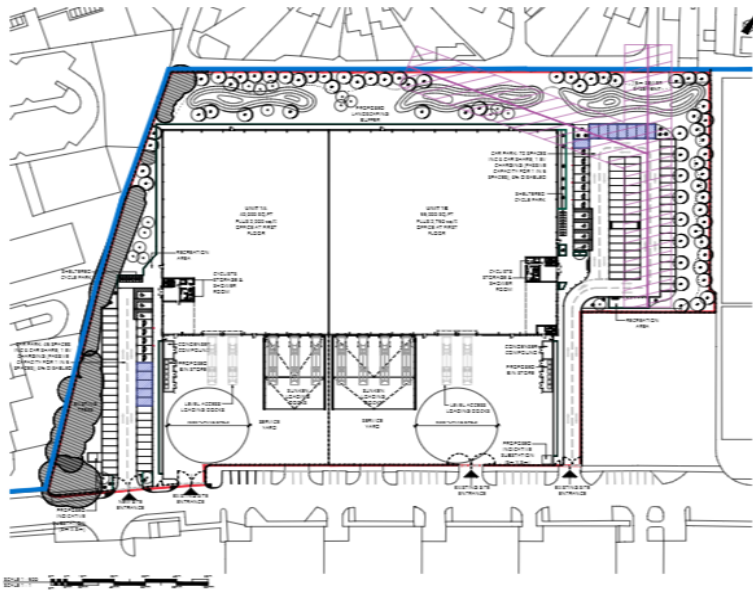
Approve subject to Conditions

1. Proposal:

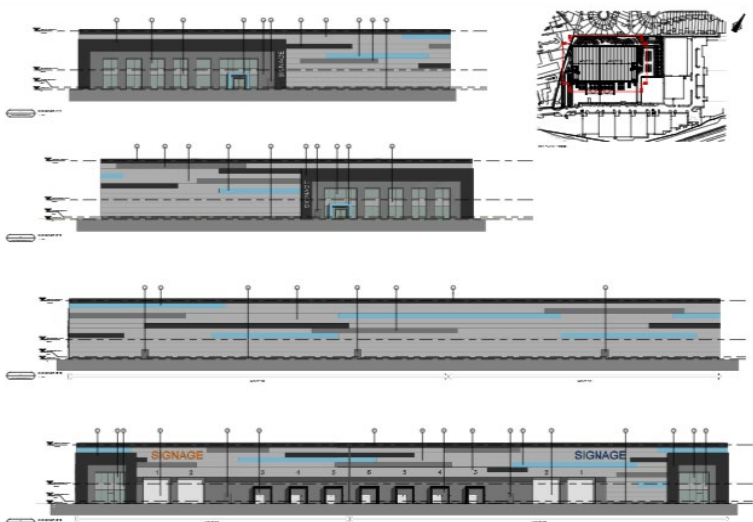
- 1.1 The proposed development comprises a new industrial building split into two units, one of which would have 3,716 sq.m. floor space and the other unit having 5,110 sq.m floor space. The uses proposed include research and development (Use Class E(g)(ii)), industrial processes (Use Class E(g)(iii)), general industrial (Use Class B2), and storage and distribution (Use Class B8). The building would be pitched roofed, 12.5m high to ridge level and 10m high to eaves level.
- 1.2 A service yard is proposed to the front of the building, providing both level access and sunken loading docks. A 45-space parking area is to be created on the western side of the building to serve one of the units, the other unit being served on the eastern side by a 70-space parking area. The service yards and parking areas would be accessed from four access points off the estate's access road, three of which are existing.
- 1.3 A landscaped buffer is to be created along the northern boundary, with new tree planting also proposed along the side boundaries.
- 1.4 The development would create up to 70 new jobs.



SITE LAYOUT PLAN



BLOCK PLAN



ELEVATIONS

1.5 The application is accompanied by the following reports/surveys:

- Heritage desk-based assessment;
- Air quality assessment;
- Flood risk assessment;
- Noise impact assessment;
- Transport statement;
- Travel plan
- Energy statement;
- BREEAM pre-assessment report;
- Geo-Environmental desk study

1.6 Under the Scheme of Delegation the application must be determined by Planning Committee as the floor space of the proposed building exceeds 5,000 sq. metres. The application is a resubmission of 2021/10195/PA (see Planning History section below) which was approved by Committee in 2022. Subsequent to the determination, it became apparent that full consultation with local residents had not taken place due to a technical error. This application has been submitted to enable the consultation process to fully take place, which has resulted in the representations referred to in paragraph 5.1 below. There has been no significant change in policy in the intervening period. The two applications are identical, except for the non-material amendments to 2021/10195/PA approved in December 2022 (see paragraph 3.1).

[Link to Documents](#)

2. **Site & Surroundings:**

- 2.1 The site lies within Erdington Industrial Park, a designated Core Employment Area. Until 2012, there was a factory/warehousing unit on the site. This was demolished and consent granted for temporary vehicle parking purposes (see History section below). The site was used for staff car parking for JLR. More recently however, alternative staff car parking has been provided within a new multi-story car park located 800m south-west on Kingsbury Road.
- 2.2 The site is largely comprised of tarmac/concrete hard standing with several areas of soft landscaping including a small grassed bank at the northern end, two narrow grassed verges with trees in the east and a landscaped strip along the western boundary which is partly planted with a mix of conifers and deciduous trees. The northern boundary of the site is formed by a 1.8m – 2.6m high wall which separates it from residential properties on Julia Avenue. The remainder of the site is bounded by existing industrial units within the estate to the east, the estate access road to the south, and commercial units to the west on Chester Road.

[Site Location](#)

3. **Planning History:**

- 3.1 2022/08412/PA – Non-material amendment to Planning Application 2021/10195/PA to include passive electric vehicle charging area, internal alterations, elevational changes, increase in building width and addition of PV panels to roof, approved December 2022.
- 3.2 2021/10195/PA - Proposed development for industrial purposes (Use Classes E(g)(ii))

(research and development), E(g)(iii) (industrial processes), B2 (general industrial) and B8 (storage and distribution), with ancillary offices, landscaping, car and cycle parking, pedestrian and vehicular accesses, approved with conditions August 2022 (permission not implemented).

- 3.3 2019/04038/PA - Proposed development for Use Classes B1 (Business), B2 (General Industry) and B8 (Storage or Distribution) purposes with ancillary office floorspace, landscaping, car and cycle parking, pedestrian and vehicular access, approved with conditions September 2019 (permission not implemented).
- 3.2 2018/02460/PA - Continued planning permission for five years to use Cyclone site as Jaguar Land Rover employees car park (up to 1,000 spaces), approved with conditions May 2018.
- 3.3 2018/01428/PA - Erection of building for Use Classes B1, B2 and B8 use with ancillary offices alongside landscaping, car and cycle parking, pedestrian and vehicular accesses, approved with conditions June 2018 (permission not implemented)
- 3.4 2013/03386/PA - Temporary planning permission for five years to use part of the Cyclone site for trailer parking (30 spaces) including the erection of security hut, lighting and associated ancillary works, approved June 2013.
- 3.5 2012/08341/PA - Temporary five year planning permission for employee car parking and ancillary works, approved February 2013.
- 3.6 30.11.2012 - 2012/07529/PA - Application for prior notification of proposed demolition – Prior approval required and approved subject to conditions November 2012.

4. **Consultation Responses:**

- 4.1 Environmental Pollution Control – Recommend conditions limiting noise levels for plant and machinery and submission of a code of best practice for deliveries, noise management plan and construction method statement/management plan.

Ecology Officer – Recommends conditions requiring the submission of details of ecological/biodiversity enhancement measures, landscape and ecological management plan, and method statement for site clearance and vegetation removal.

Transportation Development – Requested revisions to the layout of the existing parking area to the front of the site on the estate road, to ensure appropriate vehicle visibility upon exit from the site.

Lead Local Flood Authority – No objection, subject to conditions.

Severn Trent Water – Request a condition requiring submission of drainage details.

Canal & Rivers Trust – Request a condition requiring details of surface water drainage during construction.

5. **Third Party Responses:**

- 5.1 Ward Councillors and neighbouring properties were notified and a site notice was posted. One letter has been received, written on behalf of the occupants of nine properties on Julia Avenue, raising the following concerns over the proposals:

- The siting of the 70-space parking area and recreational area will result in noise and fume pollution;
- Overlooking;
- Potential for light pollution;
- The development will exacerbate existing traffic congestion and safety problems on local roads.

6. **Relevant National & Local Policy Context:**

6.1 National Planning Policy Framework Paragraph 81

Birmingham Development Plan 2017

Policy PG3 (Place Making)

Policy TP3 (Sustainable Construction)

Policy TP4 (Low and Zero Carbon Energy Generation)

Policy TP6 (Management of Flood Risk and Water Resources)

Policy TP8 (Biodiversity and Geodiversity)

Policy TP19 (Core Employment Areas)

Development Management in Birmingham DPD

Policy DM1 (Air Quality)

Policy DM4 (Landscaping and Trees)

Policy DM6 (Noise and Vibration)

Policy DM14 (Transport Access and Safety)

Policy DM15 (Parking and Servicing)

Supplementary Planning Documents & Guidance:

Birmingham Parking SPD

7. **Planning Considerations:**

7.1 The main material considerations are:

- Principle;
- Design;
- Landscaping;
- Residential Amenity;
- Access/Parking;
- Sustainability;
- Drainage/Flood Risk;
- Ecology;
- Air Quality

Principle

7.2 NPPF paragraph 81 advises that planning decisions should help create conditions in which businesses can invest, expand and adapt and that significant weight should be placed on the need to support economic growth and productivity. The proposed development is consistent in principle with BDP policies which encourage economic regeneration and additional development opportunities, in particular Policy TP19 which advises that industrial and warehouse developments are appropriate employment uses in Core Employment Areas.

Design

- 7.3 The scale and design of the proposed building are appropriate within the context of the wider industrial estate. The building would have a simple, yet contemporary appearance which would improve the existing appearance of the estate in accordance with BDP Policy TP19 which supports measures that improve the quality and attractiveness of Core Employment Areas.

Landscaping

- 7.4 The proposed landscaped 'buffer' to the rear of the building would incorporate a significant area of new shrub and tree planting which, in addition to the proposed tree planting along the east and west boundaries, would enhance the overall appearance of the development and contribute towards improving the City's green infrastructure network. In this respect the proposal complies with DMB DPD Policy DM4.

Residential Amenity

- 7.5 The proposed building would be sited approximately 32m from the nearest property to the north on Julia Avenue. In combination with the proposed tree planting, this distance separation would ensure that the development would have no adverse impact on existing outlook. No windows are proposed on the rear elevation of the building, as such existing privacy levels would be maintained.
- 7.6 The conditions recommended by Environmental Pollution Control have been attached in accordance with the requirements of DMB DPD Policy DM2 to safeguard residents from potential noise disturbance. No hours of operation have been specified by the applicant, however the imposition of the conditions will ensure that noise from activities remain at acceptable levels at all times.
- 7.7 The proposed 70-space parking area would be sufficiently distant from the properties on Julia Avenue to not result in noise disturbance or fume pollution. A recreational area for use by employees is to be provided at the southern end of the car park – given its size and location its use would not have any impacts on the existing amenities of residents.
- 7.8 Condition 28 requires the submission of lighting details in order to ensure that lighting levels are appropriate in relation to nearby residential properties.

Access/Parking

- 7.9 With regard to the comments of Transportation Development only one of the access points to the development would be new, this being at sufficient distance from the existing parking spaces on the estate road to ensure that driver visibility would not be impeded. Given that the existing use of the site is as a parking area it is not considered that the access arrangements for the development would be unsafe in comparison. Parking provision complies with the requirements of the Birmingham Parking SPD. No concerns have been identified in relation to the development potentially increasing the volume of traffic on the local highway network or having any adverse effect on highway safety.
- 7.10 In view of the above, it is considered that the development would not have any detrimental impact on highway safety and therefore complies with DMB DPD Policies DM14 and DM15.

Sustainability

- 7.11 BDP Policy TP3 seeks to ensure that new buildings within the City meet high standards of sustainable design and construction. The BREEAM Pre-Assessment Report demonstrates that 'Very Good' standard is achievable, which is a level below the 'Excellent' standard that the Policy advises development should aim to achieve. It should be noted that this is an aspiration of the Policy only, and not a requirement, and as such 'Very Good' is acceptable in this instance. Condition 9 requires submission of a final certificate to verify that this standard has been met.
- 7.12 BDP Policy TP4 requires new developments to incorporate the provision of low and zero carbon forms of energy generation or to connect into existing networks where they exist. The submitted Energy Statement identifies that air source heat pumps and solar photovoltaic panels are to be used in accordance with this policy requirement.

Drainage/Flood Risk

- 7.13 The site falls within Flood Zone 1. The proposal includes the provision of swales within the landscaped area to the rear of the building, as well as other sustainable drainage systems set out in the submitted Flood Risk Assessment. Condition 13 requires that the development takes place in accordance with the FRA to ensure that it is appropriately flood resistant and resilient and incorporates the drainage systems, in accordance with the requirements of BDP Policy TP6.

Ecology

- 7.14 BDP Policy TP8 requires that developments mitigate any potentially harmful impacts on wildlife habitats and, if possible, support the enhancement of the natural environment. This will be achieved by the introduction of the large areas of new soft landscaping within the site and Conditions 5 and 6 recommended by the Ecology Officer.

Air Quality

- 7.15 DMB DPD Policy DM1 requires that development proposals consider air quality and are accompanied by an appropriate scheme of mitigation. The submitted Air Quality Assessment proposes mitigation measures to reduce construction and transport related emissions. Condition 16 is necessary to ensure that these measures take place. The condition recommended by Environmental Pollution Control relating to construction management has also been attached accordingly.

8. Conclusion

- 8.1 The proposal is consistent with the aims of the policy documentation referred to above, in that it constitutes an appropriate use and form of development which would have a positive effect on the Core Employment Area.

9. Recommendation:

- 9.1 Approve with conditions

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- | | |
|---|--|
| 1 | Implement within 3 years (Full) |
| 2 | Requires the scheme to be in accordance with the listed approved plans |
| 3 | Requires the submission of sample materials |
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- | | |
|----|--|
| 4 | Requires the prior submission of level details |
| 5 | Requires the submission of a scheme for ecological/biodiversity/enhancement measures |
| 6 | Ecological Management Plan |
| 7 | Wildlife species protection |
| 8 | Drainage details |
| 9 | BREEAM certificate |
| 10 | Construction Management Plan |
| 11 | Limits the noise levels for Plant and Machinery |
| 12 | Electric vehicle charging points |
| 13 | Flood risk management |
| 14 | BREEAM measures |
| 15 | Energy measures |
| 16 | Air quality measures |
| 17 | Requires the submission of boundary treatment details |
| 18 | Requires the prior installation of means of access |
| 19 | Requires the parking area to be laid out prior to use |
| 20 | Requires the prior submission of a sustainable drainage scheme |
| 21 | Requires the prior submission of a Sustainable Drainage Operation and Maintenance Plan |
| 22 | Cycle storage |
| 23 | Travel Plan |
| 24 | Restriction on uses |
| 25 | Noise Levels for Plant and Machinery |
| 26 | Code of Best Practice for deliveries |
| 27 | Noise limitation measures |
| 28 | Requires the submission of a lighting scheme |
-

Case Officer: Faisal Agha

Photo(s)

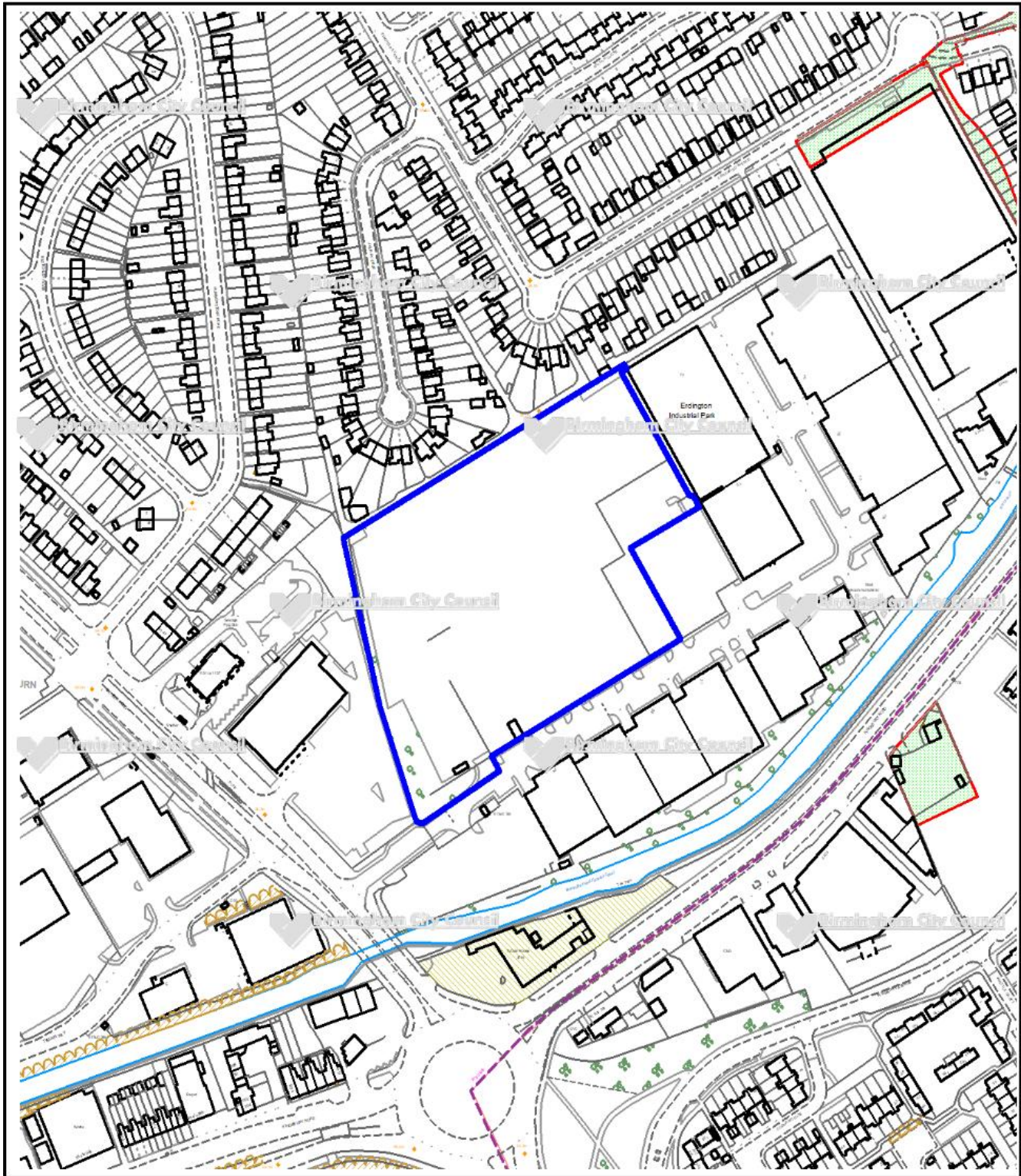


Photo 1 – Google street view of site prior to demolition of buildings



Photo 2 – Google aerial view of site post demolition of buildings

Location Plan



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Committee Date:	02/02/2023	Application Number:	2022/08485/PA
Accepted:	14/11/2022	Application Type:	High Speed Rail (London to West Midlands) Act 2017
Target Date:	03/02/2023		
Ward:	Ward End		

Land at former Heartlands Park, LDV and UK Mail sites bounded by Bromford Lane, Drews Lane, Warren Road and Aston Church Road, Washwood Heath, Birmingham

Plans and Specifications for a new Maintenance Building, Network Integrated Control Centre (NICC) Building, Cleaners and Drivers Building, Gatehouse, Test Track Building, ancillary buildings, stabling area, road vehicle parks, attenuation basin, hard landscaping and site works (including earth works), transformers and fences and walls submitted under Schedule 17 paragraph 2 of the High Speed Rail (London- West Midlands Act 2017).

Applicant: High Speed Two (HS2)
c/o Agent
Agent: Jacobs
Tony Wilson Place, First Street, Manchester, M15 4GU

Recommendation

Approve subject to Conditions

1. **Proposal:**

- 1.1 This submission relates to the construction of Washwood Heath Depot which will be the primary maintenance and stabling facility for the HS2 train fleet. Deemed planning consent has been granted for Washwood Heath Depot through the High-Speed Rail (London – West Midlands) Act 2017 (the HS2 Act) based on the impacts which were assessed and reported as part of the Environment Statement at the time that the HS2 Act was passed. The principle of the development of Washwood Heath depot is therefore agreed. Notwithstanding this the detailed design of the depot is subject to further approval by the local planning authority by the powers conferred to it through Schedule 17 (S17) of the HS2 Act.
- 1.2 This S17 submission relates solely to plans and specifications for building works, the provision of a road vehicle park, earth works, transformers and fences associated with the development of Washwood Heath Depot. The application boundary for this site is only part of the land parcel which HS2 control within this area. Further S17 submissions and Town and Country Planning Act submissions are anticipated soon relating to the wider site.

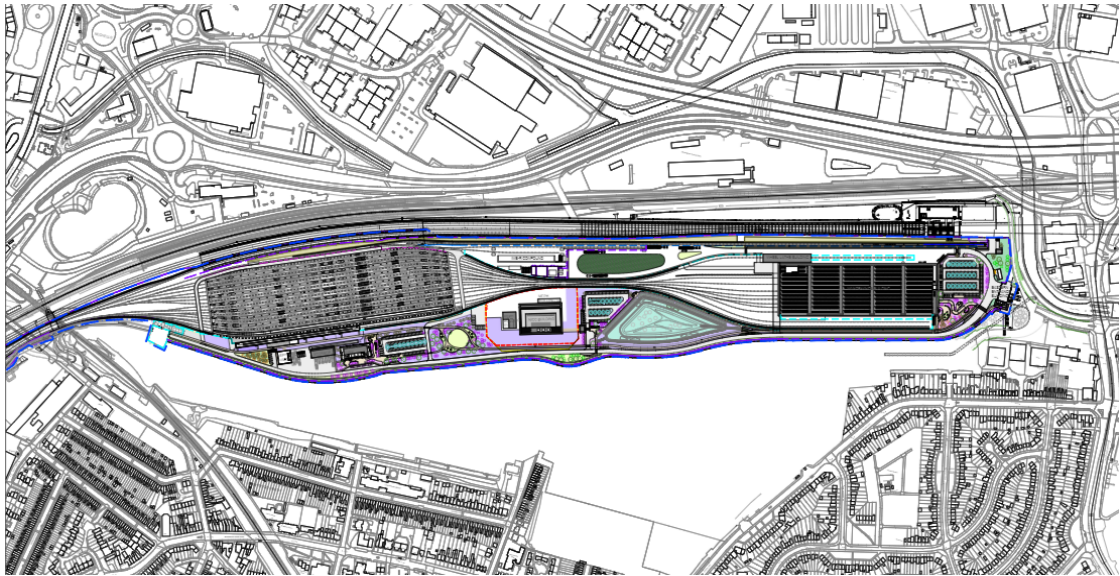


Fig 1. Location plan for main body of the site excluding access track to the east.

- 1.3 Washwood Heath Depot has a functional requirement to provide facilities that enable the maintenance and servicing of HS2 passenger trains (rolling stock) and to enable rolling stock to be stored (stabled) when not in use. The site will operate 24-hours a day, 7 days a week, with most of the work being undertaken at night. The reason for this is that all HS2 rolling stock is planned as operational during the day, returning to the Depot for overnight stabling, maintenance and cleaning after the railway stops being operational each evening. Some rolling stock is planned to return to the depot after the morning peak and return to the network. Works to be carried out at the depot range from light cleaning to heavy duty maintenance.
- 1.4 To enable the depot to meet its functional requirements a wide range of differently scaled buildings with railway sidings and large-scale apparatus are needed across the approximate 1.6km long and 0.5km wide site. This proposal seeks to bring these different buildings and built facilities together in a visually coherent way to create an identifiable sense of place. To achieve this inspiration has been taken from the many examples of campus developments across the wider city.

General Layout

- 1.5 The site has been configured principally around the westerly sidings access from the HS2 main line. From here rolling stock would pass through the proposed Carriage Wash Machine and Automatic Vehicle Inspection facilities and then move either into the proposed stabling area or onto a bypass track (road) leading to one of the other facilities on the site. The diagram below illustrates the key buildings on site and their location relative to one another as well as in the context of wider land within HS2's control.

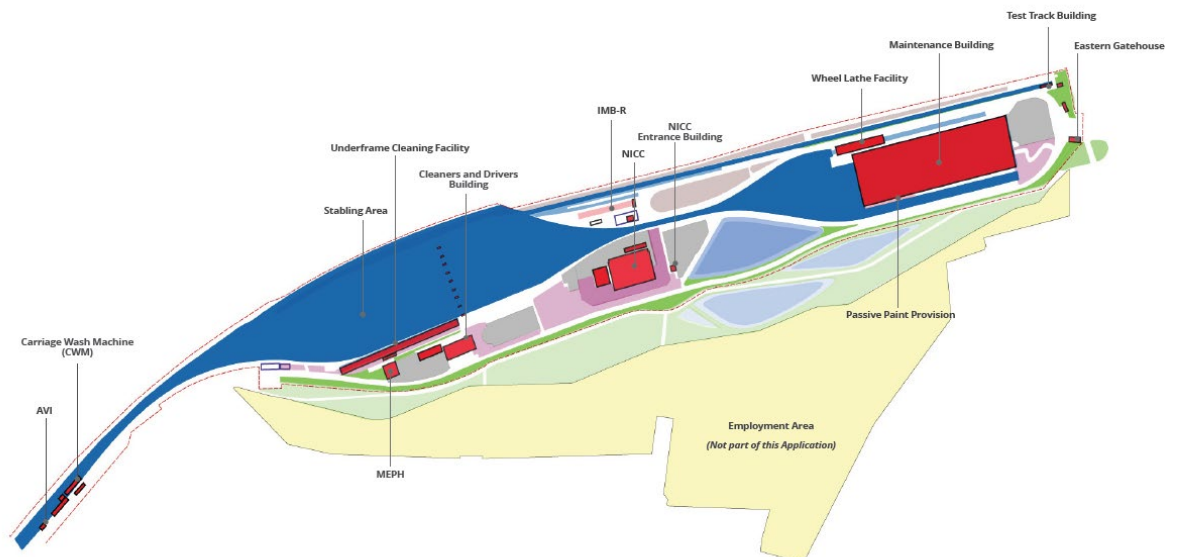


Fig 2. Washwood Heath Depot Layout with context of adjoining east-west link and employment land highlighted.

- 1.6 Train access to the depot would be both from the east and west. The western access would be used by trains approaching from Birmingham Curzon Street Station. The east access would be used by trains arriving from the Delta Junction via the east access reception road.
- 1.7 The primary vehicular road access to the depot would be from the eastern end along Wolseley Drive from the Bromford Lane turn-off. There would be a secondary western entrance from Aston Church Road via a service road which runs beneath the Network Rail Stechford and Aston Spur (SAS) rail line intersection bridge to the western gate. This access will be restricted primarily for emergency and servicing use.
- 1.8 In order to seek to bring cohesion and a sense of identity to this large scale site the depot buildings and built facilities have been architecturally sub-divided into four groups. The groupings have been chosen to guide the architectural character and structuring of the needed buildings both in terms of built form and how its location and material detailing have been specifically developed. The concept is that by applying design rules to the four groupings of buildings the idea of a Washwood Heath campus is reinforced.
- 1.9 The four groupings of buildings are the Primary Operational Buildings; Human Scale Operational Buildings; Specific Operational Buildings and Proprietary Systems. These groupings have been formed based on scale and function of the buildings and built functions needed across the site.

Primary Operations Buildings

- 1.10 The Primary Operations Buildings comprise the three largest buildings proposed on site. These are the Maintenance Building, Cleaners and Drivers Building and the Network Integration Control Centre (NICC). Each of the Primary Operational Buildings has been designed to have its main entrance approached and visible from the east with associated parking serving each building also visible from the eastern approach. The setting of these buildings has been purposefully designed so that the Maintenance Building is distinctly visible from the NICC and NICC then distinctly

visible from the Cleaners and Drivers Building. The NICC and Cleaners and Drivers Buildings have principle southern facades with a lookout onto landscaping within the depot and beyond. Aesthetically these buildings have unifying features such as strong horizontal roof line or brise soleil. For each of these buildings a projecting canopy marks the entrance. Each of these buildings is unashamedly industrial in its architectural expression. These buildings would all be unified with a consistent bold colour. Each building has a heavy weight base, lightweight middle and top and the facades of these building are the most refined within the depot. Whilst there will be consistency in architectural language between these three largest buildings, they each have an independent character relevant to the specific functional purpose of the building.

Maintenance Building

- 1.11 The Maintenance Building is the largest building proposed at the Washwood Heath depot and is designed to undertake the maintenance and commissioning activities required for the fleet of the HS2 trains. This building would be used to house equipment such as gantry cranes, access gantries, maintenance pits, heavy lifting and equipment drop facilities as well as equipment for activities such as windscreen changing. Five inspection tracks are proposed within this building which would be approximately 320m long and 100m wide. Trains would enter and depart the Maintenance Building from the western end.
- 1.12 The position of the Maintenance Building has been determined by efficiency of track layout and movement of rolling stock design, notwithstanding this the building would be located in a prime location on the depot campus acting as a principle point of orientation when navigating around the site and the focal point of arrival at the site from Wolseley Drive. Given the prominent location of the Maintenance Building the opportunity has been taken to celebrate the world class engineering present on site by allowing trains undergoing maintenance to be visible externally from the campus entrance approach. As a design concept this both seeks to contribute to the identity of this site and complement the approach taken at Curzon Station where platformed trains will be visible when stationary within the building.



Fig 3. CGI of the east facing entrance of the Maintenance Building

- 1.13 The Maintenance Building has a functional requirement that results in its significant scale. The design of the building has sought to embrace its significant length and utilises an unbroken roof edge and repetitive north roof light pattern to reinforce the linearity of the building seeking to complement the functions occurring within. Additionally, the repetition of the design quality enables a leanness in the use of materials which has both a carbon and future maintenance benefit.
- 1.14 The Maintenance Building follows the principles of having a lightweight top and middle and a heavy weight base. A roof over sail is proposed on the eastern elevation to define the main entrance and to provide passive environmental controls. All the remaining elevations would have the roof line pulled tighter against the

elevation. Consistent and repetitious corrugated zinc cladding would be used to wrap the middle and top portions of the building. The heavy base would be constructed in concrete. This would serve as a liner band grounding the building. It is proposed that the concrete base would be constructed with exposed aggregate to give a natural texture and tone.

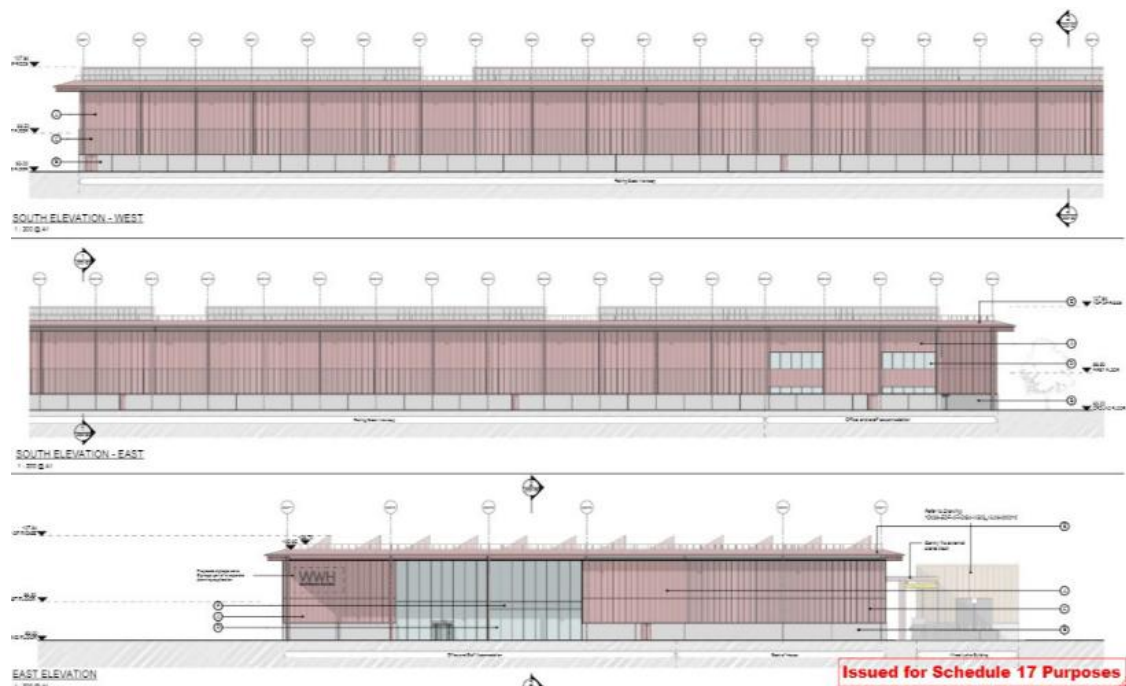


Fig 4. Detailed elevations of the Maintenance Building.

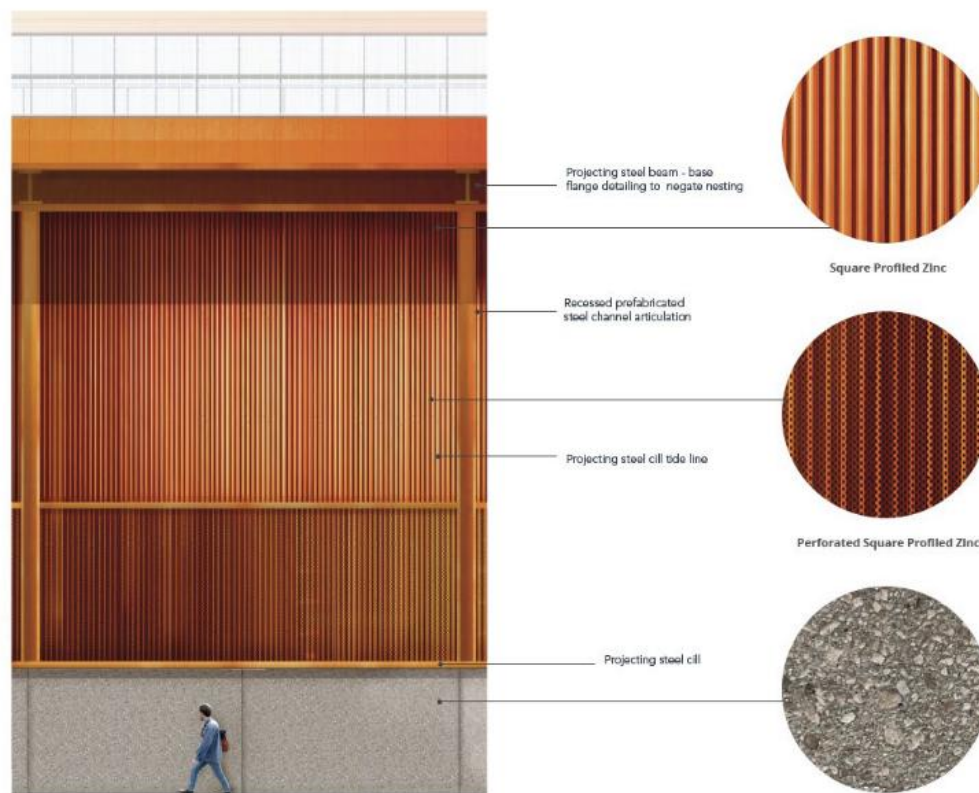


Fig 5. CGI up close imaginary of the proposed material of use on the Maintenance Building and to be used across the site.

- 1.15 The Maintenance Building would be set behind a landscaped area that seeks to address the level change from the proposed main pedestrian entrance gate up to the building.

Network Integrated Control Centre Building (NICC)

- 1.16 The NICC building is proposed in the central area of the depot site. This building provides the centralised control of the HS2 mainline railway, enabling management of normal operations, incidents and providing supporting welfare and training facilities. This building would be approximately 7,800m² in size and constructed with three discernible storeys.
- 1.17 The functionality of the NICC is very different to the other Primary Operation Buildings on site. The two key uses within the NICC are operational control along with the critical equipment needed to support it and the training facilities for the continual development of the control staff. In addition to these functions are the provision of accommodation for a team of HS2 Rapid Responders and Labs for CCS and System Integration facilities equipment testing. Across all three floors of this building the accommodation is arranged to allow a clear separation of critical and non-critical spaces both for physical security benefit and for psychological separation for staff working in a high stress environment. The layout of the building orientates the lighter function and common areas such as the gym, offices and kitchen to the south facing out onto the landscaped area and future wider landscape mitigation area outside of the site.
- 1.18 The NICC will be the tallest building within the depot campus at 17.5m high. Given its position the roof of this building proposes to offer views of the Birmingham City skyline. The NICC's architecture follows the key design principles of other Primary Operation Buildings proposed across the site however the unique operations inside the building have also resulted in some visually distinctive architecture features.
- 1.19 The NICC has a functional requirement for solid facade with a high level of ventilation. A solid architectural brise soleil has therefore purposefully been introduced to reduce the visual impact of the solid massing needed.
- 1.20 In common with the other Principal Operation Buildings the material palette is limited primarily to zinc panelling, glazing and a concrete base.



Fig 6. CGI of the NICC with associated entrance building.

- 1.21 Due to its very sensitive nature the NICC would be situated within a secured fenced compound and would be an island site within the overall campus layout. To the east of the NICC building would be an associated entrance building that provides a secure entry point but also a focal point and would announce the start of the arrival procedure for all staff and visitors. The NICC would have its own associated parking

and landscape area to the east.

Cleaners and Drivers Building

- 1.22 The Cleaners and Drivers Building is proposed at the western end of the depot. This building would house staff welfare facilities, storage, general offices, meeting rooms, break out areas, training rooms and classrooms and provision for simulators. This building would be approximately 45m long by 30m wide and 10m high with a car parking area for staff to the east.
- 1.23 The proposed building design seeks to share a common design language with the other Primary Operation Buildings. A high degree of repetition is proposed within the architecture. The building would have a concrete base and be clad in profiled zinc but would also have significant levels of glazing in the north and south facing elevations. The southern elevation would directly overlook landscaping on site and look out of the site towards the forthcoming landscaped mitigation area adjacent to the site. Associated car parking would be located direct to the east of this building.



Fig 7. CGI of Cleaners and Drivers Building

Human Scale Operational Buildings

- 1.24 This grouping of buildings are generally smaller scale buildings that fulfil a range of functions from security to rolling stock testing. These building generally serve an ancillary role relevant to the main facilities on site. This group of buildings has been designed to have facades that reference the primary building that it serves but are generally lower scale or single storey and would have a projecting canopy over the main entrance and are sited within an operational site location.
- 1.25 This building typology includes two gate houses one to the main entrance from Wolseley Drive at the eastern end of the depot and a smaller one located at the western entrance serving staff and emergency vehicle entry. These gate houses would be security controlled.

Specific Operational Buildings

- 1.26 This group of buildings encompasses a smaller quantity of buildings that perform a highly specific use and would be potted around the site. These include the Wheel Lathe Building and the Under-Frame Cleaning building. Each of these building types would have facades that reference the primary building that they serve, these buildings are generally of a medium scale and would display a horizontal banding with limited roof line projection as a downplayed version of the primary building. Each of these buildings would maintain a clear industrial expression and would be unified in a consistent bold colour.
- 1.27 The Underframe Cleaning Facility is included in this group of buildings. This building would be located at the southern edge of the stabling area with a dedicated access road approach from the east. This building would be predominantly used for the removal of biohazardous debris following incidents but will also be used for graffiti

removal and to remove heavy external contaminants.

- 1.28 The Underframe Cleaning Facility would be approximately 225m long spanning from the east to west with trains entering and departing from the eastern end of the building via a dedicated road. The width of the building is sufficient for mobile gantries to be located on both sides of the unit.
- 1.29 In terms of the design hierarchy across the campus this building would follow the visual clues created by the Primary Operational buildings but in a more understated way given its function and position on the site.



Fig 8. Underframe Cleaning Building CGI

Proprietary Systems

- 1.30 Proprietary Systems grouping includes a number of smaller scale buildings and built function facilities that carry out a very functional need often associated with track geometry or mainline requirements. This includes facilities such as the site mobile communication compound and automatic vehicle inspection and carriage wash machine facilities.

Materials and Colour

- 1.31 The architecture across the depot looks to use a standard set of details that can be applied to a wide range of situations. Materials have been specifically chosen to be lean in embodied carbon whilst meeting HS2 Technical Standards for maintenance and longevity. A common unifying material to be used across the site would be profiled zinc. The proposed corrugation in the zinc panels adds a stability to the material allowing larger panels sizes to be manufactured but also provides variation in shadow and texture across facades. Zinc can be pigmented, and pre-weather coated.
- 1.32 The colour of Zinc panels will vary across the site following a colour strategy that seeks to add to the sense of identity of this proposed campus. The three primary operation building are proposed to be colour treated in the most striking colours with the Maintenance Building and Cleaners and Drivers building in a burnt orange tone and the NICC in a deeper burgundy shade. Secondary buildings are proposed in tonally lighter colours and the ancillary buildings down played in browner or earthy tones. The theme of the colour palate seeks to relate to locally distinctive architectural reference points with the orange tones being derived from the red brick, clay and terracotta materials commonly associated with Birmingham.



Fig 9. CGI of colour strategy for the site

Stabling Area

- 1.33 In addition to the array of buildings needed across this site there will be a stabling area located to the western side of the depot which makes up an area approximately 500m from east to west.
- 1.34 The proposed stabling area comprises 16 stabling tracks (known as roads) each with associated platforms and walkways and rolling stock servicing equipment. Each road would be served on one side by a platform and a walkway at ground level on the other side.
- 1.35 The purpose of the stabling area is too “stable” rolling stock to facilitate servicing, cleaner and driver access. Staff would be based in the Cleaners and Drivers building to the south of the stabling area. The Cleaners and Drivers building is connected to the stabling area via an underpass which runs perpendicular to the stabling roads and provides a safe route for the movement of people goods and waste.



Fig 10. CGI of stabling area with position of Cleaners and Drivers building to the south.

Roads and vehicle parks

- 1.36 Each of the main buildings would have its own associated car parking area with car parking, motorcycle parking, delivery vehicle allocated drop off space, accessible bays and cycle parking at each location with the level of provision determined by the functional need of each building.

- 1.37 The primary vehicular road access to the depot will be from the eastern end, along Wolseley Drive from the Bromford Lane turnoff. There will be a secondary western entrance from Aston Church Road via a service road within runs underneath the Network Rail Stechford and Aston Line Intersection bridge to the western gate. The western entrance is restricted to staff and emergency vehicles only.
- 1.38 A southern passive entrance for pedestrian and cycle entrance from the south via Common Lane is anticipated within the design in anticipation of integrated opportunities from the employment land to the south of this site, however at this stage the southern entrance has not been included in the details of this submission given that the adjacent employment land proposals have not been worked up to any advanced stage to inform where best to locate a southern access.
- 1.39 The submitted Design and Access Statement shows clearly how pedestrian and cycle paths across the site have been considered in the layout and provision of footpaths and access roads around the site.

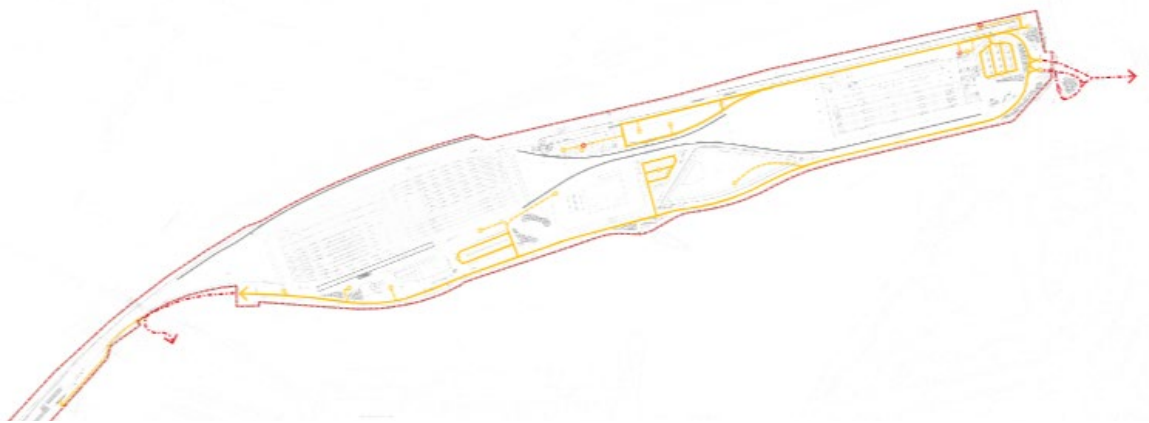


Fig 11. Showing primary road layout highlighted within the depot.

Levels/ Earthworks.

- 1.40 This S17 submission seek approval for earth works to fill 0.7m to bring the site to a level 92.3ODM. An attenuation basins would form a subtle depression in the centre of the site and the only other level change is to the east where the Maintenance Building approach gently slopes providing level access to the Eastern Gates House which is defined by existing off site highways levels.

Transformers

- 1.41 This S17 seeks approval for transformers including the Mechanical, Electrical and Public Health (MEPH) compounds within the Training and Cleaners facilities service area.

Lighting

- 1.42 Lighting details have been provided for information across the site and show the indicative location of lighting to serve the stabling areas, roads, car parks and hard landscaped areas. It is proposed that the lighting would be low glare and designed to mitigate potential light pollution and provided sparingly to illuminate tasks and to be purposeful. Whilst details have been provided of the general location and light spread across the site, insufficient information is proposed at this time for lighting to be considered as part of this application submission. A future application will be submitted to agree these details.

Fencing

- 1.43 The proposal entails a substantial number of fenced areas associated principally with depot security; NICC security or proposed for health and safety. Each has a separate requirement for access; maintenance, planted landscape adjacency and adjacent levels.
- 1.44 The fencing types include the depot boundary fence, track demarcation fence, ATO fence, Test track fence and security fence around the NICC. Only the location of fencing is for approval under S17. The design and height of fencing cannot be considered in determining this application submission.

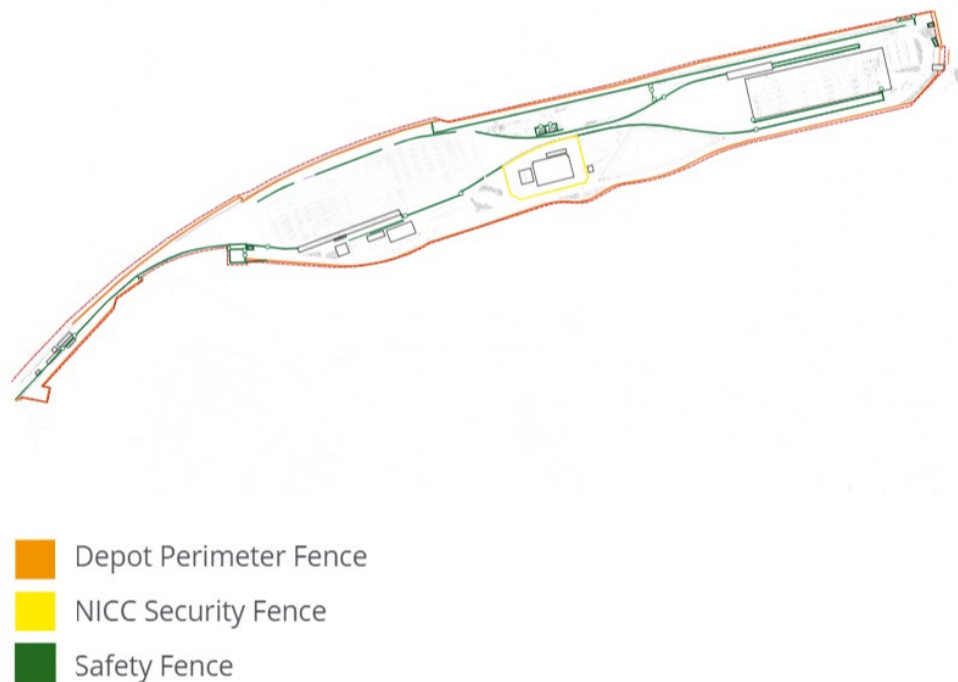


Figure 12. Location of proposed fences

Landscaping

- 1.45 A landscaping master plan has been provided in this submission although it is only the hard landscaping which includes the location of bollards, bus shelters, benches and details of the layout of roadway and car parking areas that are sought for approval here. The soft landscaping details are for information only and do not form part of this S17 request for approval. Soft landscaping would be sought for approval under a separate Bringing into Use submission also required through S17 of the Act (paragraph 9). The purpose of Bringing into Use approvals is to ensure that the nominated undertaker for the work takes reasonably practicable measures for the mitigation of the work. Bringing into use approvals are likely to be sought towards the end of the construction phases.
- 1.46 Whilst the soft landscaping strategy is only for information at this stage it has been a key component in considering the overall setting of the campus layout and has been worked up to an advanced stage. The landscape concept is to recreate a heathland. Washwood Heath was originally named for its heathland landscape which diminished over time as the site become more industrialised. The depot and surrounding site are

seen as an opportunity to reintroduce a heathland native landscape within a working environment. This concept seeks to create amenity gardens and spaces proposed between the key buildings and planting proposed along the southern boundary and within parking areas. Detailed tree planting and heathland planting strategies have been provided as well as the inclusion of a brown “roof” strip along the northern boundary of the site.

Noise and Vibration

- 1.47 A Noise and Vibration demonstration report has been submitted with this S17 submission. This report has been submitted for information purposes and sets out indicative embedded mitigation measures that seek to reduce noise on the surrounding environment as far as is reasonably practicable. This includes measures such as the use of low noise plant, enhanced acoustic louvres at the facades of building and following best practice guidelines during operation.
- 1.48 This S17 submission has been subject to extensive pre-application discussions and has been reviewed by the Independent Design Panel.
- 1.49 [Link to Documents](#)

2. Site & Surroundings:

- 2.1. The HS2 Limits of Deviation (LoD) were established in the HS2 Act and represent the physical limits within which scheduled works within the Act should be carried out. The LoD is identified in the HS2 Act both vertically and horizontally. In addition to setting the limits of deviation the HS2 Act set Limits of Land to be Acquired or Used (LLAU). The Washwood Heath depot site falls within the LoD and within a wider LLAU.
- 2.2. The site formerly housed the Alstom Works with the Leyland DAF Vans (LDV) factory to the south. The site is now cleared. The depot site is approximately 1.6km long and 0.5km wide. It is surrounded by existing Network Rail infrastructure, Heartlands Parkway (A47) and the M6 motorway to the north. To the east is the river Tame and Bromford Lane (A4040). The HS2 main line will run parallel and adjacent to the depot's northern boundary.
- 2.3. Separate requests for approval under Schedule 17 will be submitted for the Washwood Heath Retained Cut and Bromford Tunnel West portal to the north of the Washwood Heath Depot and a publicly accessible landscape and ecological mitigation planting and green corridor (east-west link) for the area immediately to the south of the proposed depot.
- 2.4. To the south of the green corridor is a further area of land within the LLAU that is currently cleared and in the process of being worked up within a master planning exercise for future employment use. This parcel of land is subject to an Undertaking and Assurance (U&A) made at the time of the passing of the HS2 Act between HS2 and Birmingham City Council seeking to bring this land back into employment use following the completion of the needed railway works through the wider site.
- 2.5. The boundary of the LLAU is more directly adjacent to residential dwellings located along Drews Lane, Warren Road and Common Lane.
- 2.6. The site falls within a Core Employment Area.
- 2.7. [Google map site location](#)

3. **Planning History:**

- 3.1. The site at Washwood Heath was selected as the preferred site for the primary maintenance depot for HS2 following a review of several locations along phase 1 of the route (London – West Midlands) that would meet the functional requirements needed. This site was selected as it is a brownfield site, near the classic network, sufficient size, near to Birmingham Curzon station and has good proximity to a local workforce. The site is listed as a schedule work within the HS2 Act and as such has deemed planning consent through the HS2 Act.
- 3.2. There have been several consents within close proximity of the site. The figures below show these spatially.
- 3.3. 18.05.2022 - 2021/04634/PA – Erection of 4 new employment units (use Class B2 and / or B8) with ancillary office space (Use Class E), new vehicular access and improvements to existing access along with servicing facilities, car parking and cycle parking, hard and soft landscaping – Approved subject to conditions



Fig 13. Layout plan for 2021/04634/PA located to the southern boundary of the employment land to the south of the Washwood Heath Depot site.

- 3.4. 28/09/2018 - 2017/04513/PA - Erection of asphalt plant with associated infrastructure to include buildings (workshop, storage, office and welfare), covered storage bays, feed hoppers, silos, weighbridge, aggregate rail offloading facility and any related engineering and other operations – Approved subject to conditions

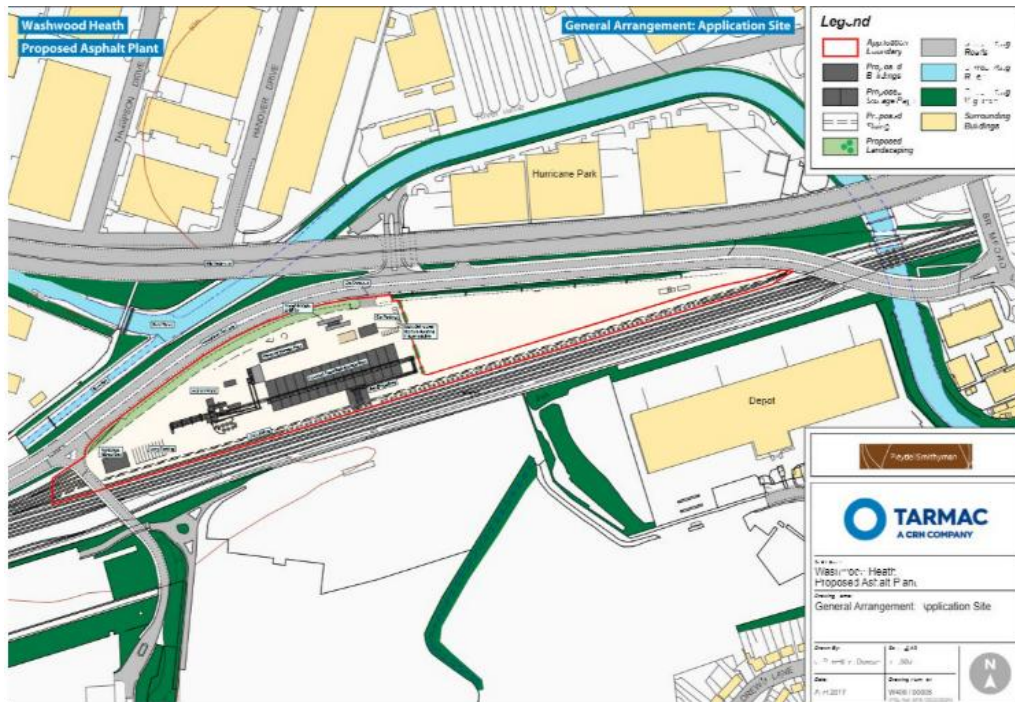


Fig 14. Layout plan for application reference 2017/04513/PA located to the north of the Network Rail tracks and the Washwood Heath Depot site.

- 3.5. 30/07/2020 - 2020/01195/PA – Erection and operation of ready-mix concrete batching plant, alterations to approved rail off-loading facility at adjoining asphalt plant site to provide for transfer of aggregate to batching plant, use of asphalt plant site access, erection of related buildings and associated engineering operations including comprehensive surface water drainage strategy for ready mix and asphalt plant site area – Approved subject to conditions.

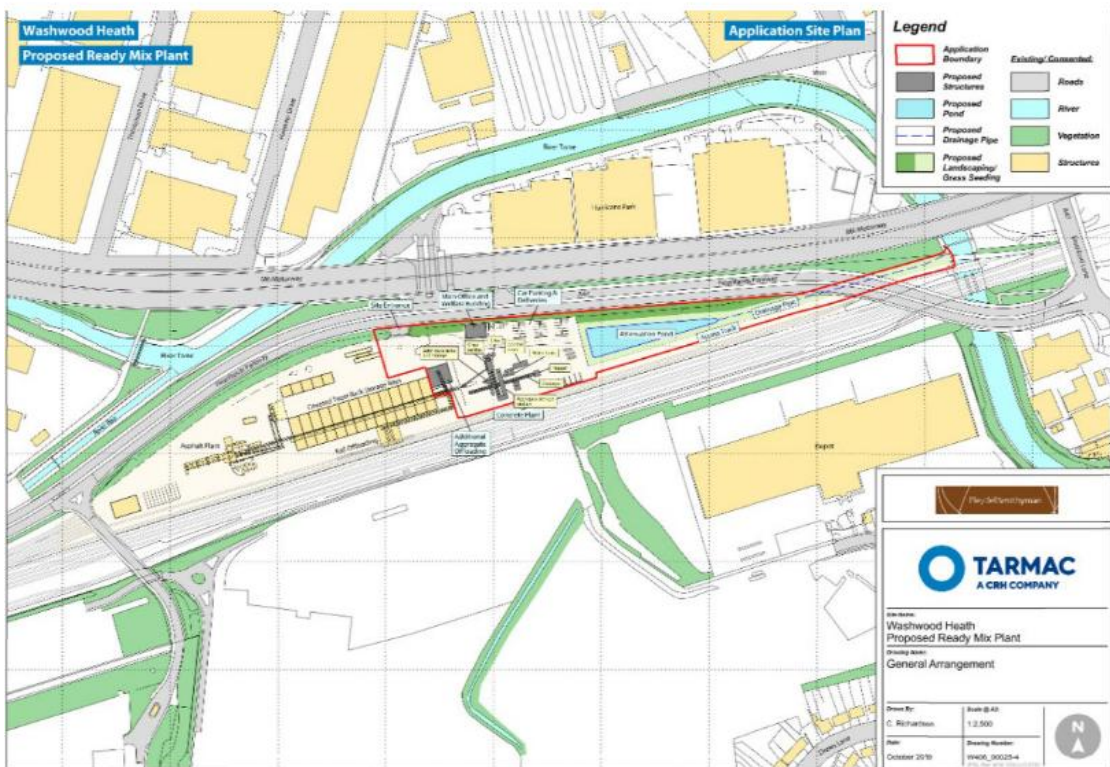


Fig 15. Layout plan for application reference 2020/01195/PA located to the north of the Network Rail tracks and the Washwood Heath Depot site and directly to the east of

4. **Consultation Responses:**

- 4.1. The HS2 Act only requires consultation on S17 submission with three consultees namely Natural England, the Environment Agency and Historic England and only then under a specific set of circumstance. Notwithstanding this ahead of making this S17 submission HS2 have undertaken community engagement and the scheme has been considered by the Independent Design Review panel. Additionally, consultation has been carried out locally in accordance with Birmingham City Councils own agreed consultation strategy regarding HS2 S17 submissions.

HS2 Community Engagement

- 4.2. During July 2022 three community information events were held within close proximity to the proposed site. The events sought to provide the community with opportunities to engage with the HS2 project team and ask questions on all aspects of design, planning process, future development of the southern employment area as well as to discuss training and employment opportunities both at the new depot and during the construction phase. Within the Design and Access Statement HS2 have noted that targeted discussion on design gained support in general for the design proposed. Some suggestions were made by those in the community that attended the event in relation to colour of the buildings and design of the roof which have been considered by the design team. In general, the main feedback related to job opportunities.

Independent Review Panel

- 4.3. The HS2 Independent Design Panel (IDP) was established in 2015 at the request of the Department for Transport to help to ensure that, through great design, HS2 delivers economic, social, and environmental benefits for the whole country. The panel plays an advisory role, providing impartial and objective advice to support the design process. At pre-application stage it is for HS2 Ltd to decide what weight to place on the panel's comments, balanced with other consideration. Once a S17 application is submitted, the panel advice may inform the local planning authority decision making process.
- 4.4. Washwood Heath Depot was subject to several IDP reviews, and the design of the scheme has sought to adopt the design concepts following each review. Following the final IDP the panel summarised that the key design changes that had been made were supported including the overall layout of the site, as well as the form, scale and massing of the main buildings. Whilst recognising that landscaping will come forward at Bringing into Use stage it was noted that the landscaping would be integral to the success of the depot and the concepts developed to date were welcomed. It was also recognised that the way the depot integrates into the wider context will also be a significant factor to its success and therefore strongly supported the development of a master plan for the wider area. The panel urged HS2 Ltd to put in robust mechanisms to maintain the quality developed to date through to construction including through a design guardian role. The full report can be read within the Design and Access Statement.

Statutory Consultees

- 4.5. Environment Agency – No comments to make.
- 4.6. Historic England – No advice to offer on this case.
- 4.7. Natural England – Based on the plans submitted the proposed depot will not have a significant adverse impact on statutorily protected sites or landscapes.

Non-statutory consultees

- 4.8 In considering this proposal consultation has also been carried out with a range of interested but non-statutory consultees. The comments received are set out below.
- 4.9 Conservation Officer - No harmful heritage implications and no objections.
- 4.10 Employment and Access Team -There is an Undertaking and Assurance in place in relation to employment opportunities.
- 4.11. Network Rail - No comments to make.
- 4.12 Police - A Threat and Vulnerability Risk Assessment (TVRA) looking at both crime and terrorism risks has been jointly carried with the Police and HS2. The security measures considered within Washwood Heath Depot are commensurate with the current risk as reviewed as part of the TVRA process.
- 4.13 Regulatory Services - Given that this scheme is submitted under S17 comments are limited due to the level of detail already predetermined by the Environmental Statement. Details of the impact of noise on public amenity areas and any proposed mitigation would have been welcomed in the report.
- 4.14 Transportation Development- No objection to this proposal.
- 4.15 Tree Officer - No significant tree issues.
- 4.16 Urban Design Officer- These proposals are supported subject to quality of development being secured through conditions and informatives. The strong concept to the design set out in the Design and Access Statement is well considered.

5. Third Party Responses:

- 5.1 There is no legal requirement to locally notify of S17 submissions. Notwithstanding this the local authority have displayed site notice and press notices, notified Ward Members both within Ward End and adjoining wards and given the scale of the site notified MPs both within the site's constituency and adjoining constituencies. In addition, letters have been sent out to occupiers within a 50m radius of the wider LLAU site. Following this exercise, the following comments have been received:
- 5.2 Comments from Liam Byrne MP:
- Design. Significant improvements have been made to the designs, but the south wall of the maintenance shed looks unanimated and results in a very long blank wall which would disfigure the landscape and contribute to a heightened sense of insecurity. Alongside the shed is a nasty looking fence which will contribute to a further reduction in aesthetic standards. As this is a landmark building which will be with us for generations, it is vital that HS2 punctuates this wall with tall, secured windows allowing the community to see into the facility and crucially, to offset the Border Wall like appearance.
 - Land hand back. HS2 undertook that land 'not required for permanent works' was handed back as reasonably practicable after completion of the Relevant Works with access to the Highway. However, although this assurance was provided almost six years ago in 2017, HS2 has not even completed the master planning of the site to be handed back nor specified a timetable for this land transfer. This is completely unacceptable. This land is the second biggest development site in Birmingham at the junction of the constituencies with the highest unemployment and highest child poverty in Britain. By failing to submit this work alongside the depot is in violation of the spirit of the Assurances provided and insults the economic plight of our local

community.

- Skills package. HS2 undertook to implement a comprehensive training and skills package. As yet there are no details of the numbers of local residents that HS2 has agreed to employ or the number of training packages which it will offer the local community. In failing to provide this HS2 is in danger of reneging on the spirit in which these Assurances were signed and agreed.

5.3 2 letters of objection received from local occupiers raising the following comments:

- Noise and vibrations are disruptive particularly when working from home.
- Works carried out to date have been a “nightmare” with lots of dust and damage to property.

6. **Relevant National & Local Policy Context:**

- 6.1. S17 of the HS2 Act sets out the conditions of deemed planning permission. The purpose of S17 is to ensure there is an appropriate level of local planning authority control over the HS2 Phase One construction works while not unduly delaying or adding to the cost of the project.
- 6.2. The grounds for determination under S17 differ depending on the works for which approval is sought. The proposed works at Washwood Heath depot fall under several categories within the plans and specifications criteria for assessment. The table below is provided for ease of reference in relation to the works being sought for approval under this submission and the relevant grounds for determination.

Development	Possible grounds for refusal of approval
Building works	<p>That the design or external appearance of the works ought to, and could reasonably, be modified—</p> <p>(a) to preserve the local environment or local amenity,</p> <p>(b) to prevent or reduce prejudicial effects on road safety or on the free flow of traffic in the local area, or</p> <p>(c) to preserve a site of archaeological or historic interest or nature conservation value.</p> <p>That the development ought to, and could reasonably, be carried out elsewhere within the development's permitted limits.</p>
A road vehicle park.	<p>That the design or external appearance of the works ought to, and could reasonably, be modified—</p> <p>(a) to preserve the local environment or local amenity,</p> <p>(b) to prevent or reduce prejudicial effects on road safety or on the free flow of traffic in the local area, or</p> <p>(c)</p>

	<p>to preserve a site of archaeological or historic interest or nature conservation value.</p> <p>That the development ought to, and could reasonably, be carried out elsewhere within the development's permitted limits.</p>
Earth Works	<p>That the design or external appearance of the works ought to, and could reasonably, be modified—</p> <p>(a) to preserve the local environment or local amenity,</p> <p>(b) to prevent or reduce prejudicial effects on road safety or on the free flow of traffic in the local area, or</p> <p>(c) to preserve a site of archaeological or historic interest or nature conservation value.</p> <p>That the development ought to, and could reasonably, be carried out elsewhere within the development's permitted limits.</p>
Transformers	<p>That the design or external appearance of the works ought to, and could reasonably, be modified to preserve the local environment or local amenity.</p> <p>That the development ought to, and could reasonably, be carried out on land elsewhere within the development's permitted limits.</p>
Fences	<p>That the development ought to, and could reasonably, be carried out elsewhere within the development's permitted limits.</p>

Table 1. Grounds for determination under S17

- 6.3. In reaching its assessment into whether the design and external appearance of the works ought to or could reasonable be modified in line with the above criteria the Council can have regard to policies adopted within the Birmingham Development Plan (BDP).
- 6.4. HS2 are contractually bound to the adherence of a suite of documents in carrying out their works these include:
- HS2 Environmental Statement (ES);
 - The High Speed Rail (London – West Midlands) Environmental Minimum Requirements (the EMRs);
 - HS2 Code of Conduct Practice (CoCP); and
 - HS2 Context Report (2017)
- 6.5. The Environmental Minimum Requirements include a suite of documents including the Planning Memorandum. Amongst other things the Planning Memorandum sets out the responsibilities of Planning Forum. Planning Forum is made up in part by the Qualifying Authorities (of which BCC is one) along the route and is tasked with helping to co-ordinate and secure the expeditious implementation of the planning provisions in the Act. To assist in this task a suite of Planning Forum Notes (PFN)

has been formulated through the agreement of the forum.

- 6.6. S17 of the HS2 Act is not limited to Plans and Specifications submission nor is it the only control over development under the Act. Further Highways consents are required pursuant to Schedules 4 and Schedule 33 controls drainage. Noise is controlled through Section 61 of the Control of Pollutions Act 1974. As such it is likely that the works proposed here will also be subject to numerous other consents.

7. **Planning Considerations:**

- 7.1. In determining this submission, the assessment is limited to the grounds set out in S17. The considerations set out below therefore focus on whether the design and external appearance of the works under each relevant category for consideration ought to, and could reasonably be modified to preserve the local environment or local amenity; to prevent or reduce prejudicial effect on road safety or on the free flow of traffic in the local area, or to preserve a site of archaeological or historic interest or nature conservation values and in making that assessment whether the proposed works ought to, and could reasonably, be carried out elsewhere within the development's permitted limits.

Preserve the local environment or local amenity ***Building works***

- 7.2. The site falls within a Core Employment Area and the context of the site is largely industrial. Preceding the clearance of this site the most recent buildings at this site were large industrial scale buildings. To the north of the existing network rail line are the large-scale buildings associated with the ready use concrete batch site which are higher than any of the buildings proposed on this site and visually more prominent from the M6 and A47 than any of the buildings proposed here would be. The character of the surrounding area is heavily influenced by the transport corridor with its associated infrastructure.
- 7.3. Considered as a whole Washwood Heath Depot has been designed with a clear hierarchy of buildings set within a campus layout. Buildings and built facilities on site serve a functional and operational purpose and this is reflected in the design of the buildings. In all cases the height and massing of proposed buildings relates to the function. The Urban Design Officer has commented that no building is larger than it needs to be, and I concur with that view.
- 7.4. Rhythm and repetition are used purposefully to create a sense of identity to buildings and there is a strong design language that would create a coherent campus style development. The Urban Design Officer strongly supports the colour strategy put forward which further unifies the architecture across the site. The overall design concept would align with the principles set out in PG3 of Birmingham Development Plan and guidance provided in the Design Guide SPD.
- 7.5. The Independent Design Review Panel have noted that the quality of built concept needs to be realised through the construction phase. The Urban Design Officer has reiterated this point and I concur that this would be key in ensuring the character and quality of the depot. Conditions have been recommended that seek to ensure the design and architectural quality across the site. The proposed conditions seek to achieved the design quality aspired to in the submitted Design and Access Statement through requiring the finer detail specifications of materials across the site.
- 7.6. I note comments from Liam Byrne MP regarding the Maintenance Building and the unanimated south facing wall and the impact this could have on public realm safety. Further comment has also been made that the blank façade in conjunction with the security fence would further reduction aesthetic standards. The Maintenance Building has undergone considerable and careful design development seeking to achieve a balance between the functional services it needs to provide to the mainline fleet as

well as its place as a workspace for hundreds of staff. Given its location to the east of the site careful consideration has been given to the adjacency of neighbouring properties and the emerging future off site southern development land.

- 7.7. The Maintenance Building has been designed with north light roofing truss which would light all railway roads internally evenly. Unlike the Cleaners and Drivers Building and the NICC there is no functional need to add windows into the southern elevation of the Maintenance Building. Adding glazing has the potential to increase light spill onto neighbouring properties and reduce the noise insulation from this building. Glazing on this elevation also has the potential to increase solar gain. Any low-level windows would not provide a view out of the building due to the internal design of the building as to meet its functional needs staff spaces are partially sunken in this part of the building and so any views into the building would also be very limited.
- 7.8. The public would not walk directly adjacent to the southern wall of the Maintenance Building. This elevation would be experienced from a distance of around 25m away and the space between the southern façade of the Maintenance Building and future publicly assessable space would contain two railway stabling roads that will intermittently stable trains with associated overhead electrical system, internal foot paths and landscaping both on the site and on the adjoining southern site.
- 7.9. It is frustrating that the land to the south of the application site has not been submitted concurrently with this S17 submission. Details of the proposed landscape mitigation on the proposed east-west link to the immediate south of the depot site would provide further clarity on how this building would be perceived in the emerging environment. Notwithstanding this I consider that the overall design on the Maintenance Building could not reasonably be modified to preserve the local environment or local amenity for the reasons given above.
- 7.10. Overall, I consider that there is a clear rationale for the scale, layout and appearance of building works across the site demonstrated through the drawings submitted and supplemented by the detailed Design and Access Statement. I do not consider that any of the building works ought to or could reasonably, be carried out elsewhere within the development's permitted limits to preserve the local environment or local amenity. I consider that there is a strong design ethos with the campus approach that has been taken in bringing together this site which will contribute to good place making and create a unique identity to this site which has clear references to Birmingham as a whole. In this regard I consider the proposed buildings works adhere to policy PG3 of the BDP.

Car Parking

- 7.11. A Transport Assessment was made at the time of the HS2 Act that detailed the traffic flows to/from the site based on estimated staff numbers. In local environment and amenity terms the areas of car parking across the depot are large in scale but necessarily so to meet the needs of each building. This application now details the exact layout and further information on staffing levels and shift patterns. It concludes the same decision as previously that the development would have no substantial impact on the Strategic Highway Network and would result in a reduction in trips by all modes due to the displacement of existing and previous business activity on the site. Previously the site accommodated a parcel distribution centre and other activities that were noted to generate two-way vehicle movements in the AM and PM peak periods of 189 and 181 respectively, with 780 movements across the day. This use assumes comparative numbers of 179 and 158 person trips which is less than the previous uses even if this is 100% by car with no trips by other modes or car sharing. It is also noted the previous site had c.420 parking spaces whilst this use has c380.

- 7.12. The main access for pedestrians, cyclists and vehicles is from Bromford Lane signal junction along Wolseley Drive that is now in the HS2 boundary. There is also an access proposed from Aston Church Road but this is an emergency access for vehicles with controlled pedestrian and cycle access. There is a dedicated route through the site for pedestrians and cyclists that should offer links to the south commercial site when it is designed and implemented.
- 7.13. Transportation Development have considered this proposal and raise no objection but note that a number of other highways consents will be required following any S17 approval. The car parking areas have been well considered and are integrated into a landscaping strategy. Given the assessment into the level of parking needed and the location of parking in relation to the overall design strategy I do not consider that there is no merit in seeking to modify the car parking and access roads to better met preserve local environment or amenity.

Earth Works

- 7.14. In local environment and amenity terms the site is relatively level and given the scale of the site minimal earth works are proposed across the site except for the provision of an attenuation basin. Levels have been shown through sections which demonstrate the relationship of this site to adjoining land which again demonstrates limited change.
- 7.15. The profile of the attenuation basin has gentle and naturalistic slopes which would be beneficial for wildlife and safer for site occupants. I do not consider that earthworks could reasonably be modified to better preserve the local environment or local amenity and on these grounds consider the proposal broadly accords with TP8 of the BDP in that the gentle slopes of the attenuation basin could be beneficial for landscaping and wildlife.

Transformers

- 7.16 There is a clear hierarchy to the all the built functions across the site which includes the siting of transformers. These would be viewed within the context of the building works on site and would not as a result be overtly prominent. I do not consider that the positioning of any transformer need be altered to better preserve local amenity or environment.

Prevent or reduce prejudicial effects on road safety or on the free flow of traffic in the local area,

Building Works

- 7.17. There is a clear rational to the siting of building works across the site which are connected by an internal road layout. I do not consider that building works ought to be modified to prevent or reduce prejudicial effects on road safety or on the free flow of traffic in the local area or that building works ought to be carried out elsewhere within the development's permitted limits

Road Works and Car parking

- 7.18. The road layout and level of car parking proposed has been considered in order to meet the functional needs of the site. Transportation Development Officers have considered this proposal and raised no objection to the layout or level of car parking.
- 7.19 The location of covered cycling provision has been shown on submitted plans and levels of EV parking indicated. The level of EV charging points is lower than we would seek in accordance with the Birmingham Parking SPD albeit all staff parking is

future proofed with 500mm space provision to allow for electric charging infrastructure. The consideration under Schedule 17 is whether there are prejudicial effects on free flow of traffic in the local area as result of the road vehicle park, that could be prevented or reduced, not betterment. I consider that the layout proposed would enable a greater level of EV provision than currently indicated and that the level of provision is likely to increase as works progress and the reality of need is realised. I have recommended an informative that sets out the Councils current policy on EV parking and seeks that HS2 continue to discuss the level of provision as works progress across this site.

- 7.20. Whilst the location of covered cycle areas has been shown on the plans for approval, the document showing the type of covered cycle provision is for information only at this time. I consider that the level of provision is acceptable, and the approval of the plans would ensure that the cycle provision is covered. I consider that it would be justifiable to require the exact detailing of the covered cycle shelters along with other indicated furniture such as park benches should be provided for approval through a discharge of condition submission. I have recommended a condition accordingly.
- 7.21. I do not consider that the layout ought to be changed to prevent or reduce prejudicial effects on road safety or on the free flow of traffic in the local area. I consider that with the inclusion of the recommended conditions that no modification is needed to prevent or reduce prejudicial effect on road safety and on this basis that the proposal broadly accords with policies TP44 of the Birmingham Development Plan.

Earth works

- 7.22. The site is relatively flat. I do not consider that the earth works ought to be modified to prevent or reduce prejudicial effects on road safety or on the free flow of traffic in the local area.

Preserve a site of archaeological or historic interest or nature conservation value

Building works

- 7.23. The site is not located on or adjacent to any site of archaeological or historic interest. The Conservation Officer has considered this proposal and raised no objection and Historic England have had no comments to raise on this proposal due to its lack of historic interest. I am therefore satisfied that no alteration is needed to better preserve archaeological or historic interest. Overall, I am satisfied that the proposal accords with policy TP12 of BDP.
- 7.24. The baseline nature conservation value of this site is low. Through future landscape mitigation there is potential to significantly increase Biodiversity across this site and the landscaping strategy has considered the heathland narrative of the area. Building works proposed have been considered in order to ensure they are set within the landscape narrative put forward. I am satisfied that no alteration need be considered to the building works to better preserve nature conservation across the site. On this basis I am satisfied that the proposal would broadly accord with policy TP8 of the BDP.

Road Works and Car parking

- 7.25. Like considerations given in relation to the building work in terms of impact on any site of archaeological or historic interest or nature conservation value I am satisfied that no alteration need be considered to the internal road layout or car parking to better preserve archaeological or historic interest or nature conservation value.

Earth works

- 7.26. For the reasons given above earth works across the site do not need to be altered to better preserve any site of archaeological or historic interest or nature conservation.

Fences

- 7.27. The only ground for determination in relation to fencing proposed as part of this scheme under the HS2 Act is that the development ought to, and could reasonably, be carried out elsewhere within the development's permitted limits. The design of the perimeter fence and its height is therefore not a matter for consideration under this submission. I note concerns raised regarding the impact of the perimeter security fence when read in conjunction with the Maintenance Building however I do not consider that it would be reasonable to require the moving of this fence given its security need to the perimeter of the site. I do however consider there is an opportunity to better integrate any security fence into the landscaping to be provided on the southern parcel of land outside of this application site. I also consider that the delivery of this landscaping could be more widely considered as part of the HS2 Arts Strategy. I have recommended an informative that directs HS2 to consider this in bringing forward the adjoining sites and in considering the wider strategy for this area.

Other Matters

- 7.28. Indicative soft landscaping details have been provided and whilst not for determination here there is an opportunity to provide comment on these in order that this can be reflected at bringing into use stage. The landscaping strategy is well considered and should be progress at bringing into use stage. An informative has been recommended in relation to landscaping.

Noise Mitigation

- 7.29. Environmental Health Officers have considered the noise mitigation in so far as it is appropriate given that Noise was a matter for consider under the Act and is not for determination at S17 stage. No noise objections are raised in relation to the overall depot proposals. There is potential for noise on the adjoining east-west link and further consideration of this needs to be had in the landscape strategy for that parcel of land and at bringing into use stage (in considering with adequate mitigation is in place).
- 7.30 I note objections from local occupiers which relate to construction noise and vibration being experienced now. HS2 are bound by the Construction Code of conduct, as such this is not a matter for consideration under this application submission. I have however referred the objections received directly to HS2 for their intervention.

Employment

- 7.31. The engagement sessions carried out during the summer relating to the depot highlighted that the main priority for the community in relation to this site were the employment opportunities that this scheme presents. HS2 are working to upskill the local community through the dedicated Skills Academy. The Main Works Civils Contractor Balfour Beatty Vinci (BBV) has developed a Skills Academy in partnership with South & City College at their Bordesley Green Campus. The Skills Academy offers hands-on training, accompanied with classroom-based learning. Students gain and develop new skills, while gaining nationally recognised qualifications that prepare them for jobs on HS2. As the project develops, HS2 and its supply chain will create at least 2,000 apprenticeship opportunities across a wide range of disciplines and specialisms. The construction and operation of the Washwood Heath Depot and Control Centre will provide new opportunities for apprentices to be part of the programme. Details of the jobs board and how to access roles were sent to local

representatives that attended the engagement sessions over the summer.

Land hand back

- 7.32. There is no remit under this S17 to refuse to approve the detailed design specifications on grounds that the master plan for the wider area is incomplete or that there is an absence of a time of a timetable for the land hand back. Work has been progressing on the masterplan for the future development of the employment land opportunities to the south of the depot site in line with the relevant Assurances given with the HS2 Act. HS2 has undertaken the 'East Birmingham Integration Study' which was completed in April 2022, and following this commenced work on the site-wide masterplan for the Washwood Heath Depot area, including the east/west corridor and commercial development land. Stage 3 of this masterplan is nearing completion and is to be issued to wider stakeholders in the coming months. With regard to the commercial development site itself (the subject of the land hand back Assurances) HS2 will work with consultants on strategies for the site throughout this year, with a view to obtaining business case approval for the land strategy in 2024 and with a target commencement of enabling works on the commercial development site in 2026.

8. Conclusion

- 8.1. I am satisfied the design and external appearance of the proposed building works, road vehicle works, earthworks and transformers are acceptable and need not be modified in accordance with the matter for consideration under Schedule 17 of the HS2 Act. I am also satisfied that the location of the proposed fences as part of this submission are reasonable and could not be carried out elsewhere within the development's permitted limits.

9. Recommendation:

- 9.1. That the plans and specifications subject of this Schedule 17 submission be approved subject to the following informatives and conditions.

Informatives:

1. Soft Landscaping

HS2 and their contractor are reminded to continue to work with the Local Planning Authority in developing soft landscaping mitigation details in seeking approval through a Bringing into Use application. There is an expectation that landscape mitigation for the depot shall be based on the soft landscaping details provided for information within this Sch17 plans and specification submission. Specifically landscape mitigation details provided within the Design and Access Statement, Landscape and urban realm planting schedule and landscape strategy, Illustrative landscape master plan, Landscape and urban realm general arrangement plans sheets 1-10, Maintenance building and arrivals landscape sections 1-3, Access Road and boundary south of maintenance building landscape sections, NICC landscape sections, Landscape and boundary sections between NICC and C&D, C&D car park, landscape and boundary sections. C&D landscape sections, Attenuation pond landscape sections 1 and 2, Western landscape boundary sections, Outline landscape materials specification, Landscape and urban realm planting schedule, Landscape and Urban Realm Typical Tree Pit Details and Soil Profiles are considered to be generally acceptable and should be pursued. In progressing landscape mitigation detail, there is an expectation that the following details would be provided:

- 1) Scaled plans at 1:200 showing where used, locations of individually planted trees, areas of woodland, hedges, shrubs, herbaceous planting, heathland, bulbs, and areas of grass.
- 2) Planting schedules noting species, plant sizes and proposed numbers/densities, and details of the proposed planting implementation programme.
- 3) Specifications, where applicable for the following:
 - tree pit design – indicating root available soil volumes and matched to species demands at mature size;
 - underground modular systems;
 - sustainable urban drainage integration;
 - surfacing within tree Root Protection Areas (RPAs).
- 4) Specifications for operations associated with plant establishment and maintenance that are compliant with best practice.

There is an expectation that once installed landscaping will be maintained by HS2 in perpetuity. Details of a maintenance schedule would be expected as part of a bringing into use submission.

2. Heathland Restoration

The local authority offers their support in developing a detailed proposal for the heathland restoration. It is noted that this would require an offsite donor site(s) to be identified and a methodology and programme for translocation, establishment, and maintenance.

3. Lighting Strategy

Lighting has been provided for information as part of this plans and specifications submission. Specific details of the design and location of light columns and bollards will need to be agreed as part of a future design and specification submission.

4. Landscaping and Public Art Strategy Opportunities

In agreeing the plans specifications for Washwood Heath Depot the Local Authority has been mindful of the limitations for consideration imposed by the HS2 Act. Regarding the details of the perimeter fence the Local Authority are limited to consider the location of the fence only, which has been agreed as being acceptable. Notwithstanding this the Local Authority consider that there is an opportunity as part of HS2's wider art strategy to enhance the landscaping and boundary treatment between Washwood Heath Depot and the adjoining East-West Link. The Local Authority encourage HS2 bring forward a strategy that would add to place making along the boundary that interfaces with the public realm.

5. Holistic Approach

HS2 and their contractors are encouraged to take a holistic place-driven approach in the design and delivery of the wider site. Consideration should be given to the east-west open space and wider employment site to the south. Collaborative working with the Local Planning Authority and adjacent landowners developers will be required.

6. Opportunity for additional access

HS2 and their contractor are asked to consider the potential future provision of a pedestrian and cycle access point along the southern boundary.

7. Signage

The proposed location of signage on the main buildings across the site has been

indicated on plans. The position of signage appears well considered as part of integrated design approach to buildings hereby approved. There is an expectation that future advertisement consent would seek to adhere to signage locations indicated on the proposed plans.

8. EV charging facilities on site

Plans submitted have indicated a lower level of EV parking bays than would currently be sought by the Local Planning Authority through adopted planning policy, albeit it is recognised that there is space within the layout to increase the overall level of provision. HS2 are encouraged to continue dialogue with the Local Planning Authority in bring forward works on this site to consider the overall level of EV charging facilities in ensuring that this is fit for purpose at the point that the depot becomes operational.

List conditions

1	Requires the scheme to be in accordance with the listed approved plans
2	Requires the submission of colour palette
3	Details and samples Zinc panels
4	Sample handrails
5	Sample glazing for curtain walling
6	Sample spandrel panel
7	Sample concrete base
8	Provision of architectural details
9	Requires the submission of hard surfacing materials
10	Specific façade details

Case Officer: Victoria Chadaway

Photo(s)



Photo 1. Taken from Drews Lane to the south of the site looking towards the existing construction compound across the wider site towards the A47.



Photo 2. Early works on site. View is taken from eastern edge of the site looking west.

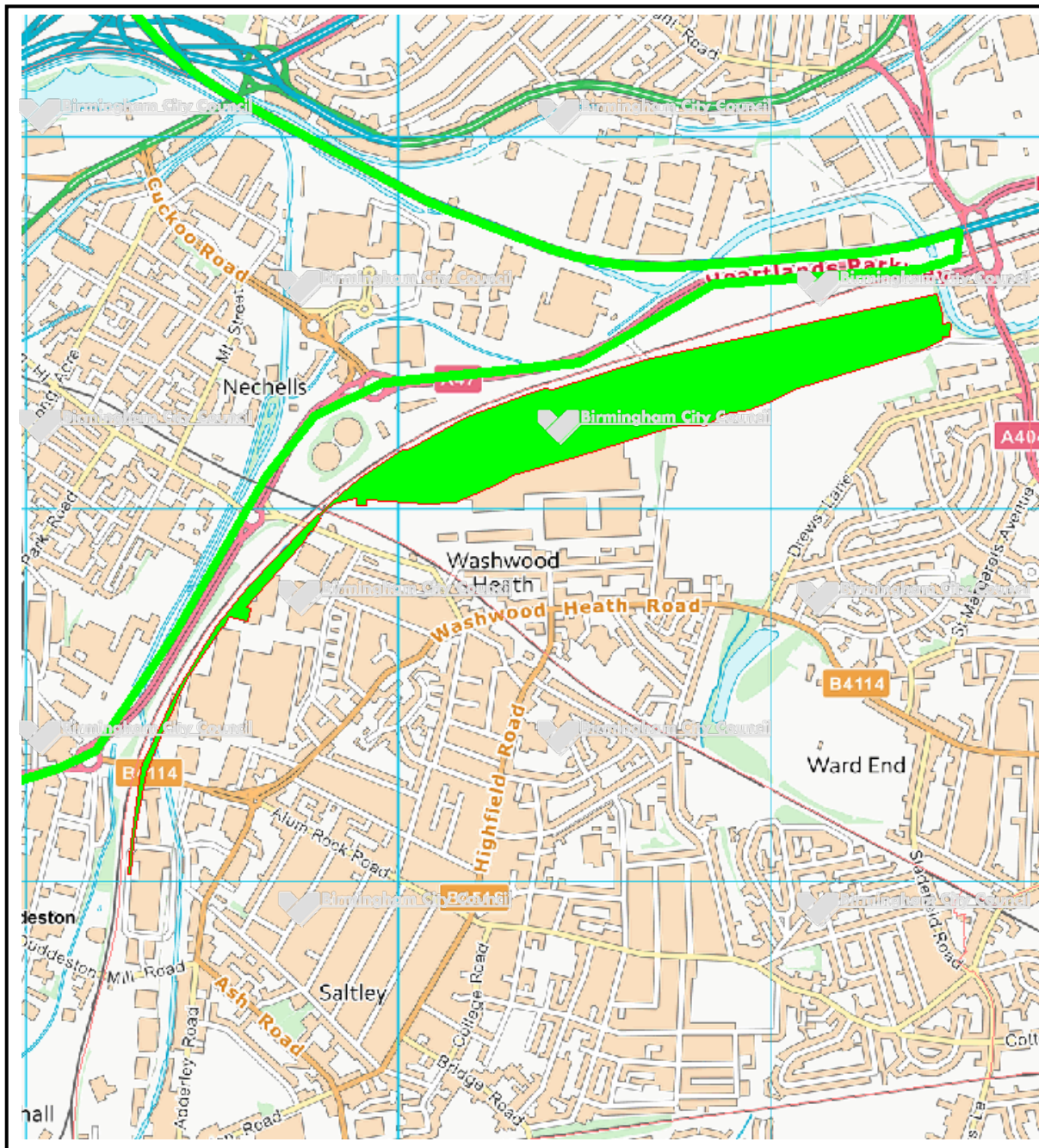


Photo 3. Google aerial photo of the site to provide context given the scale



Photo 4. View towards the site from Wolseley Drive

Location Plan



Scale 1:15000

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