

Birmingham City Council

Planning Committee

02 September 2021

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Refuse	6	2019/03339/PA Ladywood Road, Bracebridge Road, Hartopp Road, Wentworth Road and Luttrell Road Four Oaks Sutton Coldfield Birmingham B74 2SN Application for a Certificate of Lawfulness for the proposed installation of 8 no. vehicle access control gates

Committee Date:	02/09/2021	Application Number:	2019/03339/PA
Accepted:	17/04/2019	Application Type:	Proposed Lawful Use/Development
Target Date:	03/09/2021		
Ward:	Sutton Four Oaks		

Ladywood Road, Bracebridge Road, Hartopp Road,, Wentworth Road and Luttrell Road, Four Oaks, Sutton Coldfield, Birmingham, B74 2SN

Application for a Certificate of Lawfulness for the proposed installation of 8 no. vehicle access control gates

Recommendation

Section 191 / 192 Required (Certificate Refused)

1. Proposal

1.1. This application for a Lawful Development Certificate under Class A of Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) relates to the proposed erection of 8no. 1.95m high side-opening gates across several existing roads on the Four Oaks Estate: Ladywood Road, Bracebridge Road, Hartopp Road, Wentworth Road and Luttrell Road. The proposed locations are as follows:

- Location 1: Hartopp Road North entrance
- Location 2: Luttrell Road North entrance
- Location 3: Ladywood Road North entrance
- Location 4: Wentworth Road North entrance
- Location 5: Bracebridge Road East entrance
- Location 6: Wentworth Road South entrance
- Location 7: Ladywood Road South entrance
- Location 8: Hartopp Road South entrance

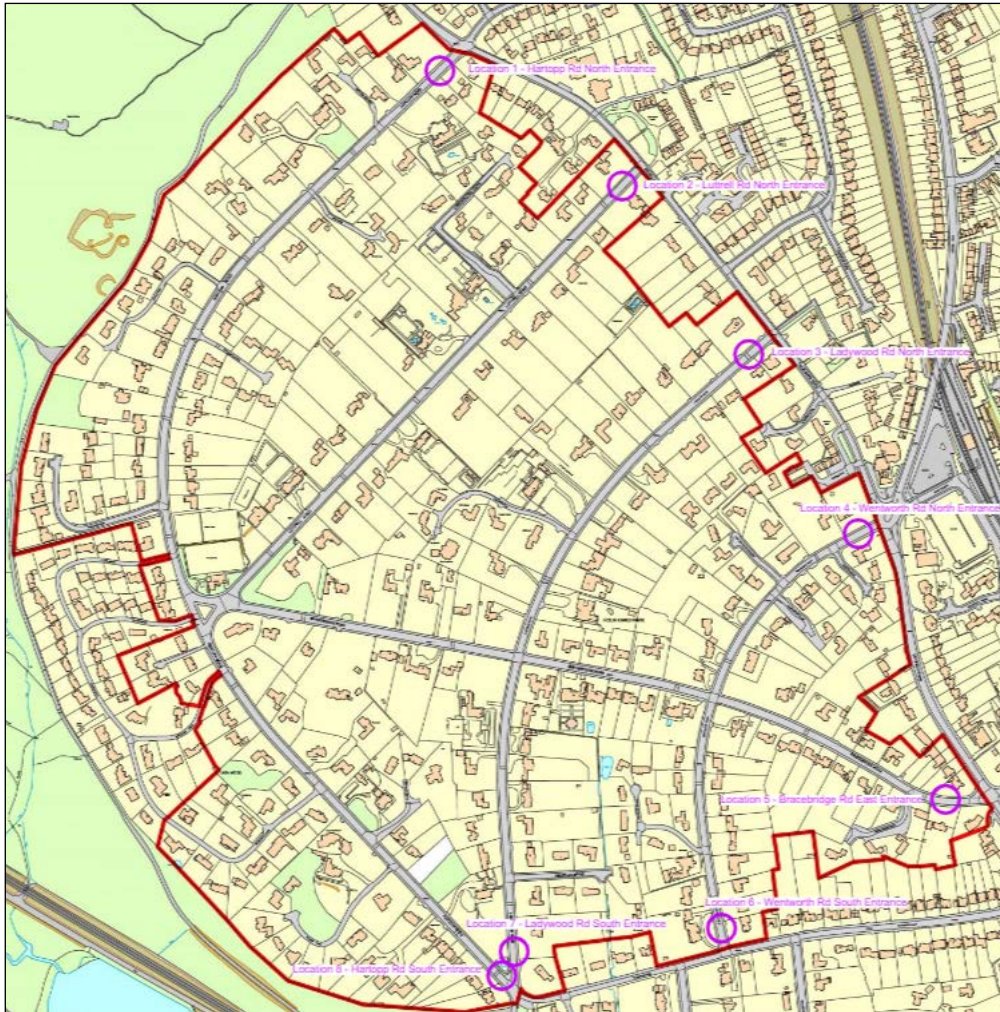


Figure 1: Site Plan

- 1.2. The gates would sit across the vehicular carriageways of the roads, would be side-hung and would only allow vehicles with authorised access to enter / exit the estate. The gates would not sit across the adjacent verges / pavements. The gates would comprise powder coated galvanised steel gates and posts, colour to be agreed. The gates would measure 1.95m high and the gates and posts would measure 7.35m wide. The gates would be automated to provide authorised vehicular access. It is understood that pedestrian access would not be restricted.

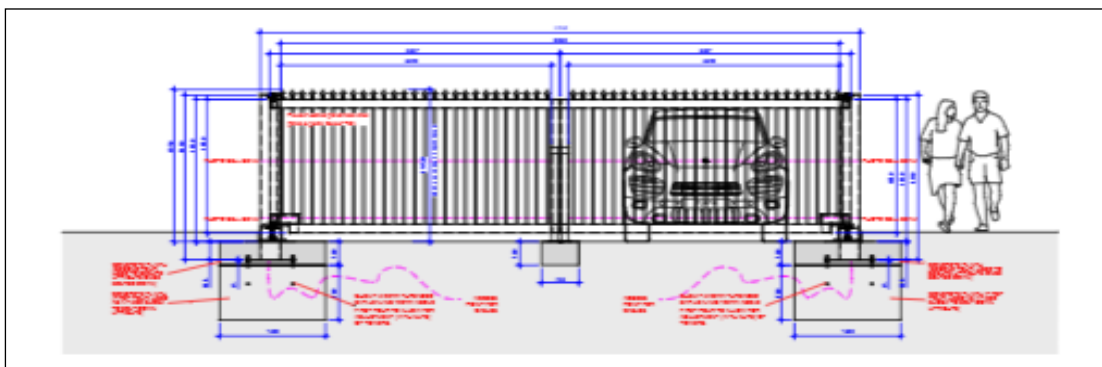


Figure 2: Proposed gate

- 1.3. The following information has been submitted in support of the application:

- A letter summarising the submitted evidence and confirming that the proposed installation of the gates is permitted development, prepared by the Tyler Parkes Partnership Ltd;
 - Legal opinion dated 20th November 2018, prepared by John de Waal QC;
 - Title deed of the Four Oaks Estate Ltd;
 - Title plan of the Four Oaks Estate Ltd;
 - Deeds of covenants pertaining to the Four Oaks Estate roads;
 - Statutory declarations; and
 - Plans showing the boundaries of the Estate and the proposed gated vehicular access control, prepared by Janes Architectural.
- 1.4. Seven statutory declarations have been submitted by the applicant in support of the application, which advise that the individual recollect signage declaring the roads and Estate as “private”, with photographic and cartographic evidence provided to support this.
- 1.5. The Four Oaks Estate Ltd was asked during the consideration of the application if it had any records relating to management or maintenance of the estate streets, they confirmed that they did not have any information dating from prior to 1988.
- 1.6. It is understood that a “farm-style” gate has been erected and installed at the junction of Wentworth Road and Bracebridge Road on 23rd April 2021. The Agent for the applicant has advised that this gate is not operational as yet. The location of the gate is within the Four Oaks Estate however is not one of the locations specified within this application for a Certificate of Lawful Proposed Use or Development. Enforcement action is being pursued as a result of the installation of this gate.
- 1.7. [Link to Documents](#)
2. Site & Surroundings
- 2.1. The application site comprises eight locations within Four Oaks Estate on Hartopp Road, Luttrell Road, Ladywood Road, Wentworth Road and Bracebridge Road. The Four Oaks Estate is predominantly characterised as residential with some elements of sports and leisure uses within the Estate (Four Oaks Tennis Club and Four Oaks Squash Club).
- 2.2. The Estate is bounded by Sutton Park to the west, which is designated Green Belt, SSSI, NNR and SLINC.
- 2.3. [Site Location](#)
3. Planning History
- 3.1. 2021/0443/ENF - Alleged unauthorised installation of gates across multiple highways – enforcement investigation ongoing.

4. Consultation/PP Responses

- 4.1. Highways Department - Based on the evidence procured through the investigation completed thus far, the streets in question are highways for all users, including motor vehicles however are not maintainable at the public expense.
- 4.2. BCC Legal Team - Based on the evidence available to date, the roads in question are highway and therefore the proposal would not qualify as permitted development.
- 4.3. Royal Sutton Coldfield Town Council – object to the application for a lawful development certificate on the grounds that the roads to their knowledge are public highway and the proposals should be subject to a planning application.
- 4.4. Whilst the application for a certificate for lawful proposed development is not required to be advertised, 245 letters of objection have been received. These letters raise the following concerns:
- Adverse impact on the appearance and character of the Four Oaks Conservation Area;
 - Road closures would move traffic on to surrounding roads, resulting in higher levels of congestion outside of the Estate;
 - Increase in traffic congestion;
 - Would have an adverse impact on community cohesion;
 - Could lead to restricted access to emergency vehicles;
 - Lack of notice / consultation to residents of Four Oaks Estate;
 - The Estate has been subject to open vehicular access throughout its existence and restricted access never implemented;
 - Queries over maintenance and operation of gates;
 - The public have enjoyed continuous unrestricted access for a period of considerably more than 20 years prior to the first notice appearing (anecdotally believed to be in the 1980's);
 - “Private roads” signage erected following more than 20 years of unrestricted road access to the public;
 - Lack of consideration of neighbours by Four Oaks Estate;
 - Vehicular access exists on to the Estate which is not restricted by prohibitive signage at Clarry Drive, Heaton Drive and Parklands;
 - Proposals would restrict access to Sutton Park – Four Oaks Gate.
- 4.5. A petition signed by 145 signatories has been submitted objecting to the application for lawful development certificate on the grounds of:
- Adverse impact on appearance and character of conservation area;
 - Access for emergency vehicles would be hindered;
 - Congestion at the site of the proposed gates, leading to tailbacks and congestion outside of the Estate;
 - Restricted access to Sutton Park via Hartopp Gate;
 - Increased congestion to Four Oaks Road and Lichfield Road;
 - Lack of advertisement of the application.
- 4.6. A further 5 letters of support to the proposals have been received, commenting that:
- Estate used as a cut-through for through traffic which has increased traffic throughout the Estate;
 - Residents of the Estate financially contribute towards the maintenance of the roads within the Estate;

- Proposed gates would not restrict access to Sutton Park at Four Oaks Gate and Hartopp Gate.
- 4.7. Councillor Mackey has commented on the application, explaining that he believes the roads concerned are public highway and access throughout should be retained.
- 4.8. Cllr Pears objects to the application, expressing the view that the roads concerned have been subject to public use throughout the existence of the Estate and the roads should therefore be classed as highways.
5. Policy Context
- 5.1. Schedule 2, Part 2, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015
6. Planning Considerations
- 6.1. This application seeks a certificate for lawful proposed use or development (CLOPUD) to be issued for the erection of 8no. automated gates restricting vehicular access at locations throughout Four Oaks Estate. The application is made under Section 192 of the Town and Country Planning Act 1990, which states that (my own emphasis added in bold):
- (1) *If any person wishes to ascertain whether—*
 (a) *any proposed use of buildings or other land; or*
 (b) *any operations proposed to be carried out in, on, over or under land, would be lawful, he may make an application for the purpose to the local planning authority specifying the land and describing the use or operations in question.*
- (2) If, on an application under this section, the local planning authority are provided with information satisfying them that the use or operations described in the application would be lawful if instituted or begun at the time of the application, they shall issue a certificate to that effect; and in any other case they shall refuse the application.**
- (3) *A certificate under this section shall—*
 (a) *specify the land to which it relates;*
 (b) *describe the use or operations in question (in the case of any use falling within one of the classes specified in an order under section 55(2)(f), identifying it by reference to that class);*
 (c) *give the reasons for determining the use or operations to be lawful;*
 and
 (d) *specify the date of the application for the certificate.*
- (4) *The lawfulness of any use or operations for which a certificate is in force under this section shall be conclusively presumed unless there is a material change, before the use is instituted or the operations are begun, in any of the matters relevant to determining such lawfulness.*
- 6.2. Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) provides that subject to provisions, planning permission is granted for classes of development described as permitted development in Schedule 2. Part 2 of Schedule 2 relates to minor operations. Class A relates to gates, fences and walls etc, which are copied below for completeness (my own emphasis added in bold):

Permitted development

A. The erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure.

Development not permitted

A.1 Development is not permitted by Class A if—

*(a) the height of any gate, fence, wall or means of enclosure erected or **constructed adjacent to a highway** used by vehicular traffic would, after the carrying out of the development, exceed—*

(i) for a school, 2 metres above ground level, provided that any part of the gate, fence, wall or means of enclosure which is more than 1 metre above ground level does not create an obstruction to the view of persons using the highway as to be likely to cause danger to such persons;

(ii) in any other case, 1 metre above ground level;

(b) the height of any other gate, fence, wall or means of enclosure erected or constructed would exceed 2 metres above ground level;

(c) the height of any gate, fence, wall or other means of enclosure maintained, improved or altered would, as a result of the development, exceed its former height or the height referred to in paragraph (a) or (b) as the height appropriate to it if erected or constructed, whichever is the greater; or

(d) it would involve development within the curtilage of, or to a gate, fence, wall or other means of enclosure surrounding, a listed building.

- 6.3. In the case of a certificate of lawful proposed use or development, the onus is on the applicant to provide evidence to demonstrate that the development would in fact be lawful. Planning Practice Guidance states the burden of proof is on the applicant to show that a lawful development certificate should be granted. The guidance also goes on to say that the applicant needs to describe the proposal with sufficient clarity and precision to enable a local planning authority to understand exactly what is involved.
- 6.4. As the applicant is seeking to erect 1.95m high gates, it is for the applicant to provide evidence that this is permitted development, as the streets are not highways. It is for the applicant to provide clarity and precision which in this case, includes clarity as to the status of the streets. In this case, the applicant has provided photographs of road signage throughout the Estate which nominally refers to the roads as “private”, “residents only” and “no access”. No commentary has been submitted which pertains to the question of whether access to the public (i.e. those that are not resident to the Estate) has been restricted or the declaration of the streets on the Estate being not highways has been enforced.
- 6.5. The submitted evidence solely relies on photographic evidence of signage and statutory declarations. It is accepted that such statutory declarations, given under oath and witnessed by a solicitor carry some weight in the assessment of Lawful Development Certificates, however regard must also be had towards other means of evidence and legal interpretation in respect of the clauses set out within the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
- 6.6. Considerable anecdotal evidence has been submitted in the form of objections to this application for a Lawful Development Certificate, with many more local residents advising that there has been public access across the Estate.

Highways Investigation

- 6.7. The Council's Highway Officer has undertaken an independent investigation on archive material associated with the status of the streets within Four Oaks Estate to seek to establish a conclusive position. This has included analysis of meeting minutes, plans, committee reports and other relevant material.
- 6.8. The investigation has identified the following materials which the Council have interpreted as evidence that historically the streets have been identified as highway and that public access has been retained across said highways:
- The Map attached to the Preliminary Statement for Sutton Coldfield Town Planning Scheme dated 23/03/1932 identifies the streets as highways.
 - The occasions when the owners of the streets approached the Council for the streets to become adopted highways so the streets would be maintainable by the Council.
 - The applications by the Post Office on at least three occasions for permission from the Council for them to install telegraph lines on the streets (it is believed this was done under s6 & s9 Telegraph Act 1863) as amended by s2 Telegraph Act 1892.
 - The request by the owners of the streets for the Council to make an application to the Ministry of Transport for the movement of vehicles to be regulated at the junction of Wentworth Road and Bracebridge Road dated 05-05-1941 and a second request for the regulation of traffic at the junction of Bracebridge Road and Ladywood Road on 10-10-1947 (it is believed that this was done under s46 Road Traffic Act 1930).
 - Electric Lighting Orders Confirmation (No.1) Act 1899 – Sutton Coldfield Electric Lighting Order 1899 (Provision 8 in the Order conferred powers to the Council to provide electric lighting in streets which were not repairable by them, but only if they were specified in the third schedule in the Order and be on land dedicated to public use. Four of the five streets on the Four Oaks Estate were listed: Bracebridge Road, Hartopp Road, Ladywood Road and Wentworth Road.
 - A request submitted to the Council by the Four Oaks Land Limited in 1923 for the Council to undertake repairs to the streets in consequence of damage being caused by traffic not visiting the estate.
 - A request submitted to the Council by the Four Oaks Estate Resident's Association in 1965 for the Council to undertake repairs to the streets in consequence of wear being caused by traffic not to do with the estate.
- 6.9. Several points arise from the documents noted above which constitute evidence that the roads are identified as highways benefitting from public access and that this application for Lawful Development Certificate should be refused:
1. That there was use of the streets by the public, who were not travelling along the streets for the purpose of visiting properties on the Four Oaks Estate.
 2. That the landowners were aware of the use of the streets by the public.
 3. That the Council was made aware of the use of the streets by the public.
 4. That the use by the public of the streets was of such a level that it had caused wear/damage to the streets.
 5. That the wear/damage to the surface of the streets would most likely have been by motor vehicles, as non-motor vehicular use would have been unlikely to cause significance wear of the surface of the street.
 6. That the Council considered the streets to have been dedicated to public use by 1899 and that in 1932 the Council publicly stated that the streets were highways.

7. That statutory undertakers held the view that the streets were highways.
 8. That on several occasions, the owners of the streets desired for the streets to become Highways Maintainable at the Public Expense (HMPE), by requesting that they be taken over by the Council.
 9. That no record has been found of a formal adoption of the streets by the Council, therefore the streets are highways which are not maintainable at the public expense.
- 6.10. From the evidence procured throughout the investigation, it is concluded that the status of the roads are highways by virtue of the historic public access to the roads and across the Estate. No applications or declarations have been made which sought to have the roads concerned formally recorded as not being highways. It is the conclusion of the Highways Officer that in the context of streets, the term 'private' only relates to the absence of a public maintenance liability. As opposed to the absence of any public rights. This is based on the definitions within the 1892, 1959 and 1980 Acts and the decisions and actions the Council made. The signs stating 'private road' and 'private estate' therefore should be interpreted as only informing people that the Council is not responsible for the maintenance of the streets. Further, no evidence has been identified that such access was physically prohibited or enforced.
- 6.11. In summary, no historic documentary evidence has been located to support the view that the land owner objected to the use of the streets by the public or took action to prevent use by the public. There was use of the streets by the public and the land owners were aware of the use of the streets by the public. The Council exercised powers concerning control over the streets in relation to granting applications for installation of statutory undertakers' equipment. On several occasions notice was given to the owners of the streets that the Council intended to use powers limited to streets that were highways; and the owners did not object to the use of these powers.
- 6.12. Based upon the available evidence, on the balance of probability it has been determined that the five streets Bracebridge Road, Hartopp Road, Ladywood Road, Luttrell Road and Wentworth Road are all purpose highways, including carriageway rights and in consequence of there being no formal adoption of the streets, they are highways not maintainable at the public expense. The roads concerned would not benefit from permitted development rights and the erection of gates at the positions identified in the proposed site plan would not be lawful.

Legal Interpretation

- 6.13. The Council's Legal Team have been consulted extensively on the application and advise on the legal definition of roads and highways as well as providing their legal interpretation of the evidence procured through the investigation undertaken by the Council's highway department.
- 6.14. A highway can be dedicated in two ways. The first is by express dedication. The second type of dedication is presumed dedication. This can happen either at common law or by statute under section 31(1) of the Highways Act 1980.
- 6.15. The common law presumption is that land has been dedicated as a highway if it has been used by the public as of right and without interruption. The land does not have to be used for a defined length of time. However, it must have been used for long enough to justify an inference that the freehold owner intended to dedicate the way

as a highway. It is possible, although unusual, that dedication at common law can be presumed on the basis of less than 20 years use.

- 6.16. Based on the findings of the Highway Officers investigation it appears that the public enjoyed continuous unrestricted use of the roads in Four Oaks Estate for a period of 20 years and the roads have been dedicated as highways.
- 6.17. The outcome of the highways investigation and advice from the Council's Legal Team is that there is sufficient evidence to conclude that the roads concerned have benefitted from unrestricted public access for more than twenty years. The Council's Legal team have advised that on the evidence currently available, there are grounds to refuse the application.

7. Conclusion

- 7.1. The evidence currently available to date indicates that the roads concerned (Ladywood Road, Bracebridge Road, Hartopp Road, Wentworth Road and Luttrell Road) constitute highway and therefore the local planning authority consider that the proposal would not qualify as permitted development set out within Schedule 2, Part 2, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 do not apply and a Certificate of lawfulness of proposed use or development is refused.

8. Recommendation

- 8.1. Section 192 Required and certificate refused.

Reason for Refusal

-
- | | |
|---|--|
| 1 | The evidence currently available to date indicates that the roads concerned (Ladywood Road, Bracebridge Road, Hartopp Road, Wentworth Road and Luttrell Road) constitute highway and therefore the local planning authority consider that the proposal would not qualify as permitted development as set out within Schedule 2, Part 2, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 and a Certificate of lawfulness of proposed use or development is refused. |
|---|--|
-

Case Officer: Claudia Clemente

Photo(s)

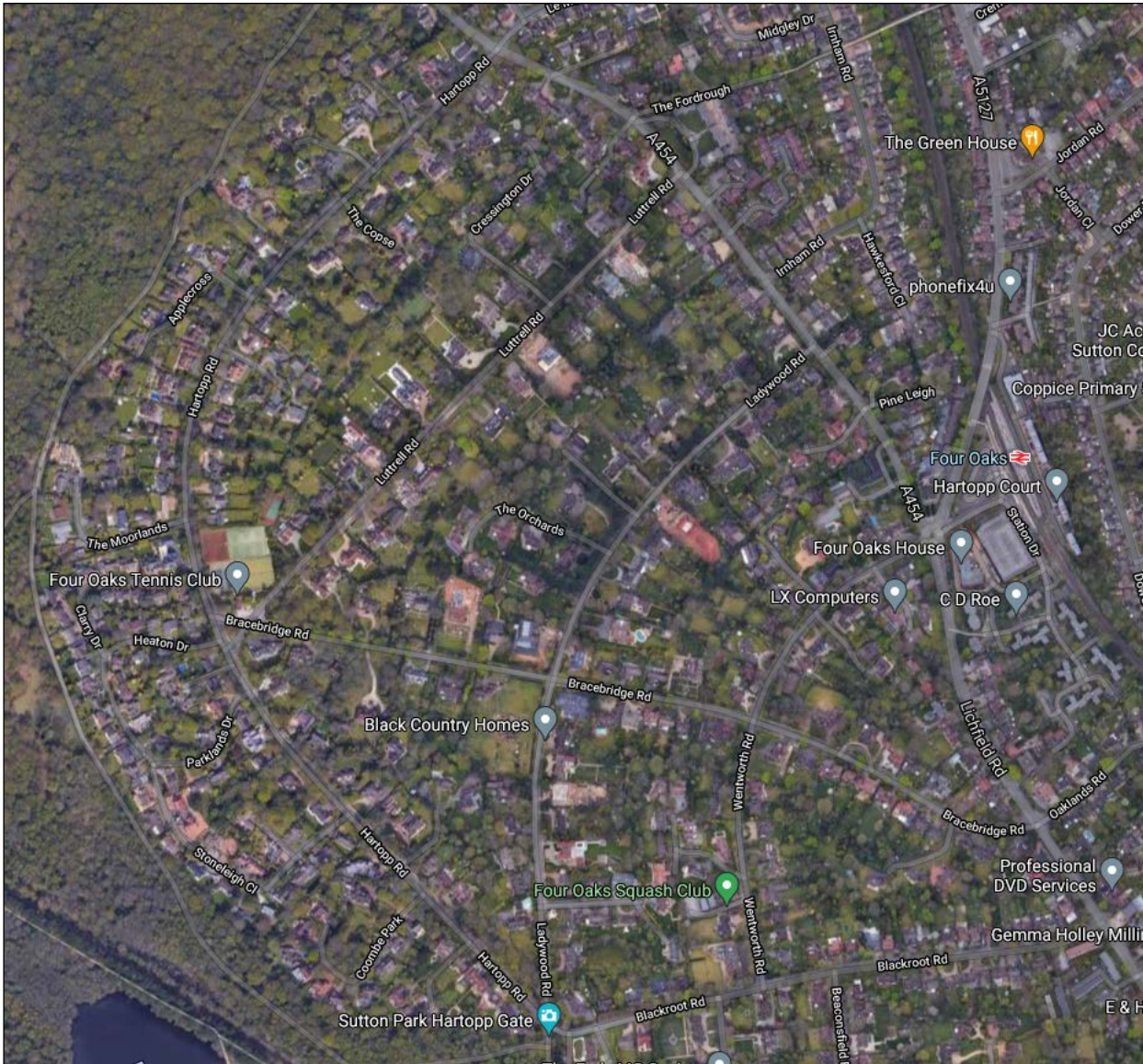
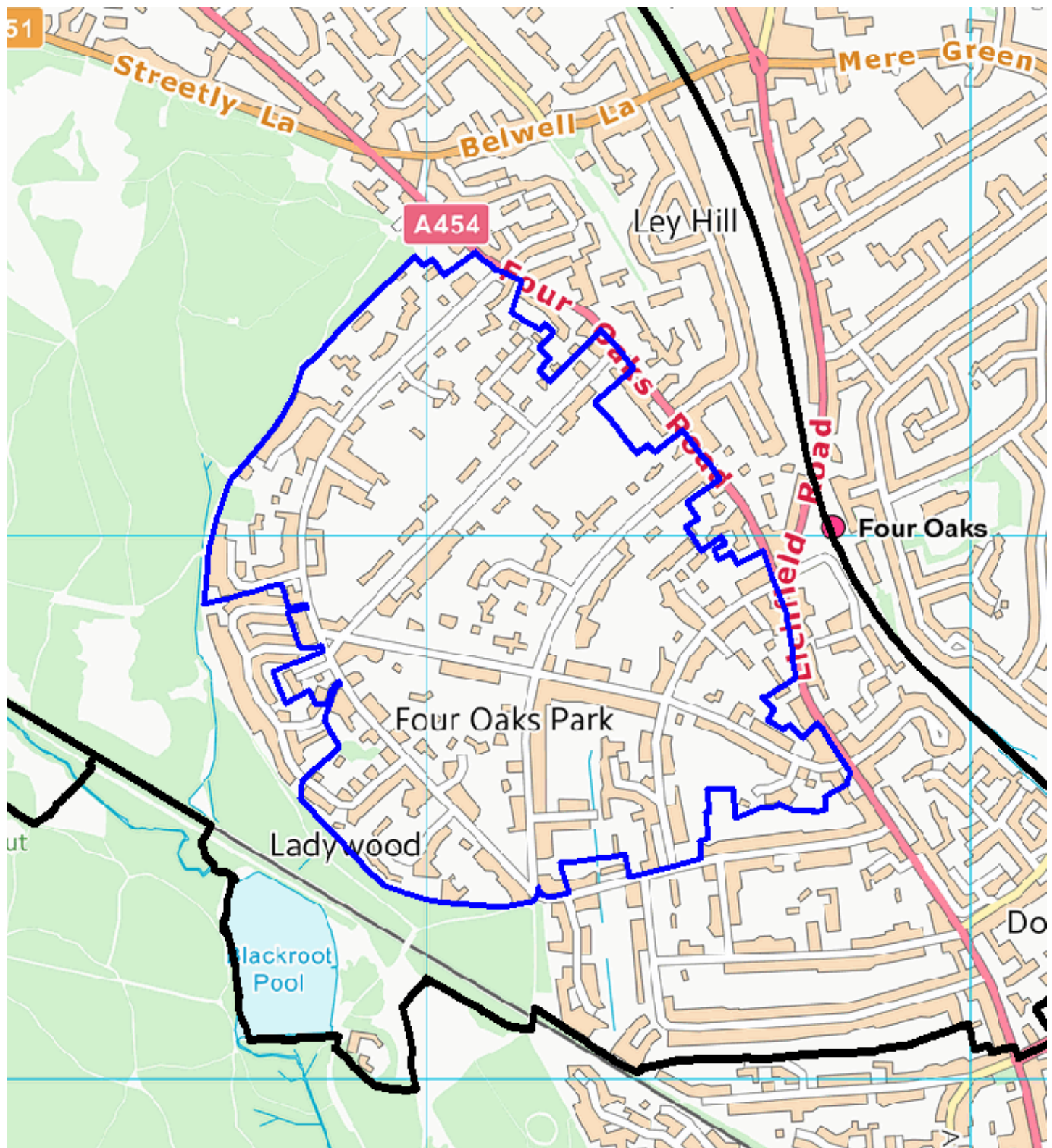


Image 1: Aerial view of Four Oaks Estate



Image 2: Location of proposed gate at Bracebridge Road

Location Plan



This map is reproduced from the Ordnance Survey Material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Birmingham City Council. Licence No.100021326, 2010

Birmingham City Council

Planning Committee

02 September 2021

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	7	2021/02916/PA Wolverley House and Smithfield House 18 and 24-28 Digbeth High Street Birmingham B5 6BJ Demolition of existing buildings and construction of two new buildings for hotel led development, including a 9 storey building to provide a 175 bed hotel (Use C1) with ancillary restaurant space at ground floor and ancillary bar at roof level and a 12 storey building to provide a 80 bed apart hotel (Use C1) and separate ground floor cafe unit (Use Class E)
Approve - Temporary 3 years	8	2020/09472/PA Rowton Hotel 145 Alcester Street Highgate Birmingham B12 0PJ Temporary use of the Rowton Hotel as initial accommodation for asylum seekers (Sui Generis) for a period of three years

Committee Date:	02/09/2021	Application Number:	2021/02916/PA
Accepted:	06/04/2021	Application Type:	Full Planning
Target Date:	23/08/2021		
Ward:	Bordesley & Highgate		

Wolverley House and Smithfield House, 18 and 24-28 Digbeth High Street, Birmingham, B5 6BJ

Demolition of existing buildings and construction of two new buildings for hotel led development, including a 9 storey building to provide a 175 bed hotel (Use C1) with ancillary restaurant space at ground floor and ancillary bar at roof level and a 12 storey building to provide a 80 bed apart hotel (Use C1) and separate ground floor cafe unit (Use Class E)

Recommendation

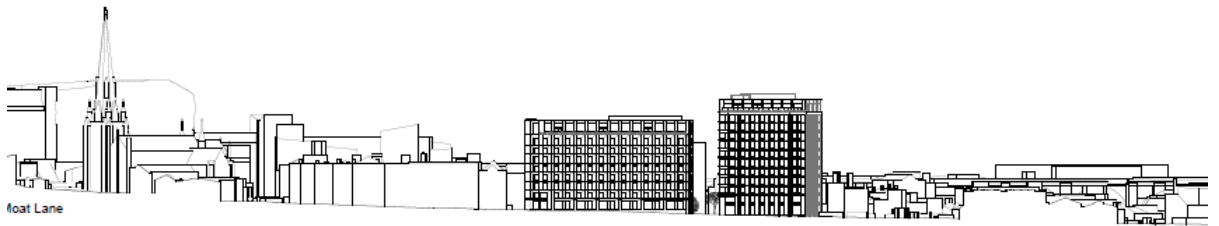
Approve Subject to a Section 106 Legal Agreement

1. Proposal

- 1.1. The site comprises of two parcels of land, separated by the pedestrianised Upper Mill Lane. Currently the parcels accommodate two buildings; Smithfield House and Wolverley House. Both are proposed to be demolished. The former would be redeveloped to provide an 80 unit apart-hotel reaching 12 storeys in height. There would be a cafe on the ground floor to serve residents and visitors and at roof level there would be a guest amenity area and terrace. Meanwhile Wolverley House would redeveloped as a 9 storey hotel with 175 rooms. There would be an ancillary restaurant on the ground floor and a roof top bar with its own independent public entrance from Digbeth.
- 1.2 The shape of the two proposed buildings would follow the footprint of the existing buildings on site retaining Upper Mill Lane, which lies outside the site. This pedestrianised rectangular space links Digbeth to Moat Lane and is proposed to be improved.



CGI of Proposed Development (High Street)



Proposed Context Elevation to Moat Lane (above)



CGI of proposed Improvements to Mill Lane

1.2. [Link to Documents](#)

2. Site & Surroundings

2.1. The 0.12ha site is located on the Digbeth/ Moat Lane gyratory to the south-west of the City Centre. The existing Smithfield House is a 6 storey 1960's office block and Wolverley House, a part 4 part 5 storey office and warehouse building constructed in The 1950's following the widening of Digbeth High Street. Both buildings have been altered. Grey panelling and mirrored windows have been added to Smithfield House that looks to date from the 1980's whilst much of the Moat Lane elevation to Wolverley House has been altered. It is clear that the two buildings are of a different age, however they share a common language in their appearance. A red/brown brick is used across both buildings with concrete reveals and cills and crittall windows painted in cream.

2.2 There is a difference of approximately 2m in ground level between Moat Lane to the south and Digbeth to the north.



Aerial Photo Highlighting Application Site

2.3 The application site sits on the edge of the Birmingham Smithfield Masterplan area, to the east of the now demolished wholesale markets site. It also lies opposite the Digbeth, Deritend and Bordesley High Streets Conservation Area and the Beorma Quarter development that lies therein. This approved Beorma scheme includes the construction of three new blocks including a 30 storey tower. The grade II* listed Parish Church of St. Martin in the Bull Ring and the Monument to Lord Nelson, also II* listed are located to the north west with the City's retail core beyond. The grade II listed ice factory and cold store is located on the opposite side of Digbeth along with a number of other locally listed buildings, namely Nos. 109, 115 (Police station), 135 and 136, 137 and 138, and 139 Digbeth. To the south-east of the site is the area encompassed by the Rea Valley Urban Quarter with the grade II listed White Swan public house and the Anchor public house on Bradford Street.

2.4 A series of four storey rectilinear brick buildings make up the remainder of this wider island site within the Digbeth/Moat Lane gyratory. The former and soon to be demolished Moat Lane car park lies to the south west. The site is located within the Southern Gateway Wider Area of Change and is one of the City Centre Enterprise Zone sites.

3. Planning History

Smithfield House (most recent)

3.1. 2019/04912/PA – Change of use of ground floor from non-residential institutions (Use class D1) to buffet and cafe facility (Use class A3 & A5) Approved 02/09/2019

- 3.2. 2012/02654/PA - Display of 1 no. internally illuminated LED display hoarding. Approved temporary 02/06/2012
 - 3.3. 2011/01987/PA - Retrospective application for change of use of first and fourth floors to a college (Use Class D1). Approved 05/06/2011.
 - 3.4. 2003/07198/PA - Continued use as private hire car booking office. Approved 23/01/2004
- Wolverley House (most recent)
- 3.5. 2016/00091/PA - Change of use of ground floor to advice centre for young people with mental health issues (use class D1). Approved 09/03/2016
 - 3.6. 2015/04746/PA - Change of use from educational use (D1) to place of worship and day nursery (D1). Approved 02/09/2015
 - 3.7. 2010/03780/PA - Change of use of ground floor and upper ground floor from financial services (use class A2) to non residential institution (use class D1). Approved 06/09/2010
 - 3.8. 2010/00797/PA - Change of use of 1st and 2nd floors from office use (Class B1) to non-residential institution (Class D1). Approved 28/04/2010
 - 3.9. 2008/06043/PA - Change of use of first floor suites 3 & 4 from B1 (offices) to D1 use (Place of Worship), associated with the existing church use in suite 2. Approved 14/01/2009

Other Surrounding Sites

- 3.10. Irish Club - Minstrel Music, 14-20 High Street, Digbeth - 2020/05247/PA – Full planning application for demolition of The Irish Centre at 14-20 High Street and the erection of 1no. 48 storey building providing 454 new residential apartments (Use Class C3), associated internal amenity space and ancillary cycle parking. Approved 01/03/2021
- 3.11. Connaught Square - 2016/08273/PA - Clearance of site and the erection of new buildings ranging from 4 storeys to 28 storeys to provide 770 residential units and 3,529sqm of commercial/retail/leisure and community uses (Use Classes A1, A2, A3, A4, B1, D1 and D2) together with car parking, new public square and pedestrian bridges over the River Rea, landscaping, engineering operations and site clearance and associated works. Resolution 18 July 2019 to grant planning consent subject to a legal agreement.
- 3.12. 2018/04391/PA – Beorma - Variation of conditions attached to approval 2015/06678/PA to clarify the works required to trigger the pre-commencement conditions and to allow for alternative phasing of the development. Approved 26/09/2018 (2015/06678/PA - Proposed mixed use development comprising demolition, retention of 135-136 & 137 Digbeth and facade of 138-139 Digbeth and construction of three new blocks including a 30 storey tower to provide retail (Class A1,A2 & A3), business space (Class B1a), 194 residential apartments (Class C3) and 4 live and work units, together with ground source and other energy systems, surface level servicing and new landscape areas (proposed amendments to part of

full planning approval 2009/00295/PA as extended by 2012/02937/PA and 2009/00297/PA))

4. Consultation/PP Responses

- 4.1. BCC Transportation: The updated details have provided a plan that extends the existing layby on Digbeth to provide space for a servicing vehicle to access the site in close proximity. No objections subject to conditions to:
- prevent occupation until the highway works are carried out;
 - require that the cycle parking is provided before the development is occupied; and to
 - require the submission and agreement of a construction management plan before any works commence on site, including demolition, to assess any highway impacts.
- 4.2 BCC Regulatory Services - The effect of noise on a hotel and aparthotel is primarily a commercial decision and its siting within an area that has a number of industrial and night time entertainment with significant traffic noise is not something that Officers would condition. No objections subject to conditions to require the prior approval of a:
- construction method statement/management plan;
 - contamination remediation scheme; and
 - contaminated land verification report.
- 4.3 Historic England (HE) - Serious concern at the harmful impact this scheme would have on what is one of Birmingham's most iconic viewpoints, and one of its most important buildings. St Martin's is a heritage asset of the highest significance, representing the City's very origins and identity. HE urges amendments to reduce the height of the proposed development to ensure this dramatic framed view of the Grade II* listed St Martin's is not damaged. The visuals indicate that the scheme would need to be reduced by at least approximately two storeys in order not to impinge on this important view.
- 4.4 Birmingham's first industrial suburbs developed along Digbeth High Street during the medieval period, taking advantage of the River Rea. This is a fundamental part of the significance of the adjacent Digbeth, Deritend and Bordesley Conservation Area. The site occupies a prominent position at the head of the High Street at the entrance into the City from the south east. A number of key buildings contribute to the Conservation Area's varied historic streetscape. This includes the Grade II listed Former Ice Factory and Cold store, and the locally listed Digbeth Police Station directly opposite the application site.
- 4.5 Impact of the Proposals - Despite the reduction in height from the pre application submission (due to a change in proposed use allowing for lesser floor-to-ceiling heights), the scheme still remains intrusive in this important view. The drama of this view of St Martin's is made possible by the significant changes in topography, looking down to the Church from the high point at the Bull Ring. The High Street descends into the valley of the River Rea, and gradually rises to a ridge line which forms the distant backdrop. This allows for an appreciation of where Birmingham is sited in the wider topography, and how the settlement developed from this focal point. This silhouette of St Martin's Church has been the subject of a number of historic

illustrations and images over the centuries. When the Bull Ring was redeveloped in 2001-3 the framing of this view was very carefully considered. This design feature has served to emphasise the significance of Birmingham's medieval parish church which makes a positive contribution to its setting today.

- 4.6 Legislation & Policy Considerations - When considering this application we would draw your attention to the statutory duties of the local authority set out in the Planning (Listed Buildings and Conservation Areas) Act 1990. It imposes a statutory duty on local authorities to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess. In respect of the NPPF reference is also made to Section 18 and in particular paragraphs 184: heritage assets as 'an irreplaceable resource' that should be conserved in a manner appropriate to their significance, for existing and future generations to enjoy, paragraph 193: great weight should be given to the asset's conservation, irrespective of the level of harm. The more important the asset, the greater the weight should be; paragraph 196: Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use; paragraph 200: local authorities to look for opportunities for new development within conservation areas, and the setting of heritage assets, to enhance or better reveal their significance. Section 12 calls for well-designed places, ensuring that developments are sympathetic to local character and history, and establishing a strong sense of place. (paragraph 127(c) and (d)).
- 4.7 The Victorian Society - We defer to the Twentieth Century Society for comment on the loss of the existing buildings, but the site is within important views from the Digbeth Area towards the City Centre of the grade II* St Martin's Church. Whilst the present church is of medieval origins, the building dates largely from 1872-5, designed by noted Birmingham architect, J.A.Chatwin. The site is also across the road from the Digbeth Deritend and Bordesley High Streets Conservation Area, with numerous historic buildings including the locally listed Digbeth Police Station of 1911 by Henry Stilgoe. The proposed development is both of too large a scale, and of a poor quality design, for such a prominent position, where it will impact negatively on the significant views westwards from Digbeth towards the grade II* listed St Martin's Church, as well as on views from and towards the Conservation Area. We therefore object to this application as is currently presented.
- 4.8 Severn Trent Water – No objections subject to conditions to secure the prior agreement and implementation of a drainage plan for the disposal of foul and surface water flows.
- 4.9 Police - The site is policed by the City Centre neighbourhood team and calls to Service are high, the top four recorded crimes for this area are currently violence, public order, anti-social behaviour and criminal damage. Note the two disabled parking spaces to be taken from the existing loading bay on Moat Lane but cannot see how these can be secured for hotel users only. What is the provision for guests checking in and dropping off luggage and for service vehicles and deliveries? Are they all to use the loading bay on the opposite side of Moat Lane? Note the cycle spaces provided and expect that they will be taken up by staff as opposed to hotel guests. Will there be reception staff available 24 hours? Will the internal corridors/lifts/stairwells be subject of access control to prevent 'tail-gating'? Ask that a suitable boundary treatment is installed around the roof terraces on both buildings to adequately prevent accidental falls over the boundary or intentional attempts to self-harm. Ask that any furniture that is installed on each terrace is suitably located

and secured so it cannot be used as a climbing aid to scale the boundary. Note there is a dedicated lift that goes to the bar/terrace, will all guests be expected to use this route so as the need to enter via the hotel is negated?

- 4.10 No formal objection but recommend that there should be a CCTV scheme and that The perimeter of the buildings, entrance and egress and the 'pocket park' between the two should be appropriately lit and should complement the CCTV scheme. Recommend that the applicant applies the principles adopted by the Police Crime Reduction Initiative 'Secure by Design'
- 4.11 Civic Society – The site is within the Smithfield Masterplan area. The Masterplan indicates that the site is suitable for mixed use development of up to 12 floors. Welcome the target to be BREEAM standard Excellent and a green roof on Wolverley House. The Conservation Area is immediately adjacent to the site as are the Grade* II Listed St Martin's Church, Grade II listed Digbeth Ice Store and the locally listed Digbeth Police Station. The Heritage Assessment concludes that the settings would be either preserved or enhanced and the significance preserved. Attention should be paid to the space between the two buildings, along Upper Mill Lane. The submission mentions that it could have raised planters and seating areas. The plans should be more ambitious and a greater attempt made to engage in the public realm general. Well located by public transport. Feel this was a missed opportunity to improve what should be a key site on entering the City Centre; the materials and elevation treatment are not of sufficient quality, especially given its proximity to the development Smithfield development. It would set an inappropriate benchmark for the future.
- 4.12 BCC Employment Team – No objections subject to the requirement for a construction employment plan.
- 4.13 Local Lead Flood Authority – Objection. 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 163 and 165 of the (former) NPPF. All major planning applications require submission of a Sustainable Drainage Assessment and Operation & Maintenance Plan and this document should address the following (in summary):
- surface water discharge to the equivalent site-specific greenfield runoff rate for all return periods up to the 1 in 100 year plus climate change event;
 - evidence of the use of sustainable drainage principles and exploration of suitable SuDS to achieve the three key principles of SuDS - Quantity Control, Quality Control and Biodiversity & Amenity Value. Whilst we welcome the inclusion of a green roof and the proposed 3 l/s discharge rate it would be dependent on Severn Trent Water accepting the proposed discharges to their network. The in-principle agreement from Severn Trent Water is out of date, dating back to 2018;
 - Consideration of exceedance flows (greater than 1 in 100 year plus climate change rainfall events) and evidence to ensure that the surface water flood risk associated with exceedance events has been mitigated on- and off-site;
 - Cross sections of SuDS and drainage infrastructure for review. There is only a simplistic cross section of a green roof; and

- The drainage strategy fails to consider surface water flood risk and only has included an assessment of fluvial flood risk.

4.14 The application has been advertised in the press, site notices posted on site and neighbours notified. Five objections have been received and are summarised below:

- The Smithfield Masterplan is underpinned by five 'Big Moves' and advocates a joined-up approach to the redevelopment of the area. The selection of Lendlease as the preferred bidder for Birmingham Smithfield was with the stated intention of the comprehensive redevelopment of the area and the benefits this joined up approach would bring. The piecemeal development of the area is likely to result in the potential of such a large development opportunity being under-realised;
- While the Masterplan sets out a vision for how the area could be developed, it is clear that there is a benefit to further review of the layout of buildings and spaces within it and allowing developments such as this could severely curtail the scope of this exercise;
- The proposals follow the existing plot lines, rather than the wider plot lines identified in the Masterplan. This could have knock-on effects to the layout of other spaces and plots and could also impact the network of routes in the Birmingham Smithfield area;
- Seek clarity on the extent to which the Applicant has co-ordinated with BCC transport and highways and the Metro with regarding to facilitating and not incumbering the Eastside Metro extensions;
- The proposals also include significant hotel development in an area identified predominantly for office use as part of mixed-use schemes. This is not in accordance with the adopted Masterplan and could have an impact on the balance of uses within the Smithfield Area. It also potentially jeopardises the potential to deliver a landmark hotel fronting the Festival Square as envisioned in the Masterplan. This is likely to be to the detriment of activation of the Square if an office building is provided in its place;
- There is no submitted assessment of the overshadowing or wind impact of the development that will have a bearing on development that can come forward on the adjacent plots within the Smithfield site;
- Consider that it is in the interest of proper planning for this planning application to be withdrawn and for further engagement to take place on the development of Birmingham Smithfield as a whole, to ensure its potential is fully realised. While the impact of this planning application is unknown, consider that it cannot be supported;
- The development is of low architectural standard and does not justify the demolition of the characterful existing 1950's buildings;
- The development is also overly massive in comparison to the existing street pattern in Digbeth;
- the design of the building is highly dull, uninspiring, characterless and lifeless;
- The location of Smithfield House is in real need of redevelopment however, it does not mean that developers should submit an extremely poorly designed building especially in an area of high foot/vehicle traffic that acts as a gateway

to visitors of the City;

- This is quite a drab proposal and it would be a shame to lose Wolverley House, an attractive, characterful and appropriately scaled 1950's building within the Smithfield Masterplan that will lack any historic buildings;
- It fails to live up to any of the sustainability and placemaking ambitions of the Smithfield Masterplan or Our Future City Plan;
- It shows no sensitivity to what is planned for its immediate surroundings;
- The proposed Transport Plan is already out of date, recommending the use of Moat Lane for loading and drop off, a road that will be closed and pedestrianised as part of plans for Smithfield;
- Preliminary designs by the architects for the new markets show urban farming planned for the roof so it is possible that the height of this proposal may adversely affect the amount of light that reaches the market in the morning, not only when vendors will be setting up but also to aid the growth of the rooftop gardens;
- The market, and indeed the entire Smithfield site is supposed to typify a healthy and sustainable future and this building does not live up to that. It will likely leave the Smithfield Market, which will be an iconic centre piece of the wider development, in darkness and overshadowed by drabness;
- It negatively impacts the view of St Martins from the Bullring, sticking up behind it as an ungainly mass;
- Would like to see a revised proposal that retains Wolverley House, includes far more extensive landscaping proposals with both better quality architectural design and better interface with the soon to be public realm on Moat Lane and Digbeth High Street;
- The amendments have made no material difference to improving the quality and sustainability of this scheme and I hope it is rejected for the reasons stated previously;
- The proposals do not consider the night time effects. The noise at night could mean we lose 44% of our business as we shall have to isolate the apartments facing the proposed buildings to ensure our guests and long term residents are not disturbed;
- There is also a clear issue concerning the ground the building lies on as it states there is an element of risk associated with the softness of the soil and clay that could cause issues to the surrounding area, including our property;
- The risk assessment states that there is some concern for potential of harmful gas being released from the development of the site posing a further risk to all employees and guests within the business;
- There may be isolation of energy services, which can have an impact on the property where power failures and water cuts can occur. This will have a major impact on our operations as well as posing a health and safety risk to our employees and guests.

5 Policy Context

- 5.1 Birmingham Unitary Development Plan (Saved Policies) 2005; Birmingham Development Plan 2017; Development Management DPD (Draft 2020); High Places SPG; Car Parking Guidelines SPD; Car Parking Guidelines – Supplementary Planning Document' (Consultation Draft, November 2019), Lighting Places SPD; Rea Valley Urban Quarter SPD, City Centre Retail Strategy (2015), Shopping and Local Centres Supplementary Planning Document (2012), Digbeth, Deritend and Bordesley High Streets Conservation Area – Character Appraisal and Supplementary Planning Policies (2009) and the revised National Planning Policy Framework.

6 Planning Considerations

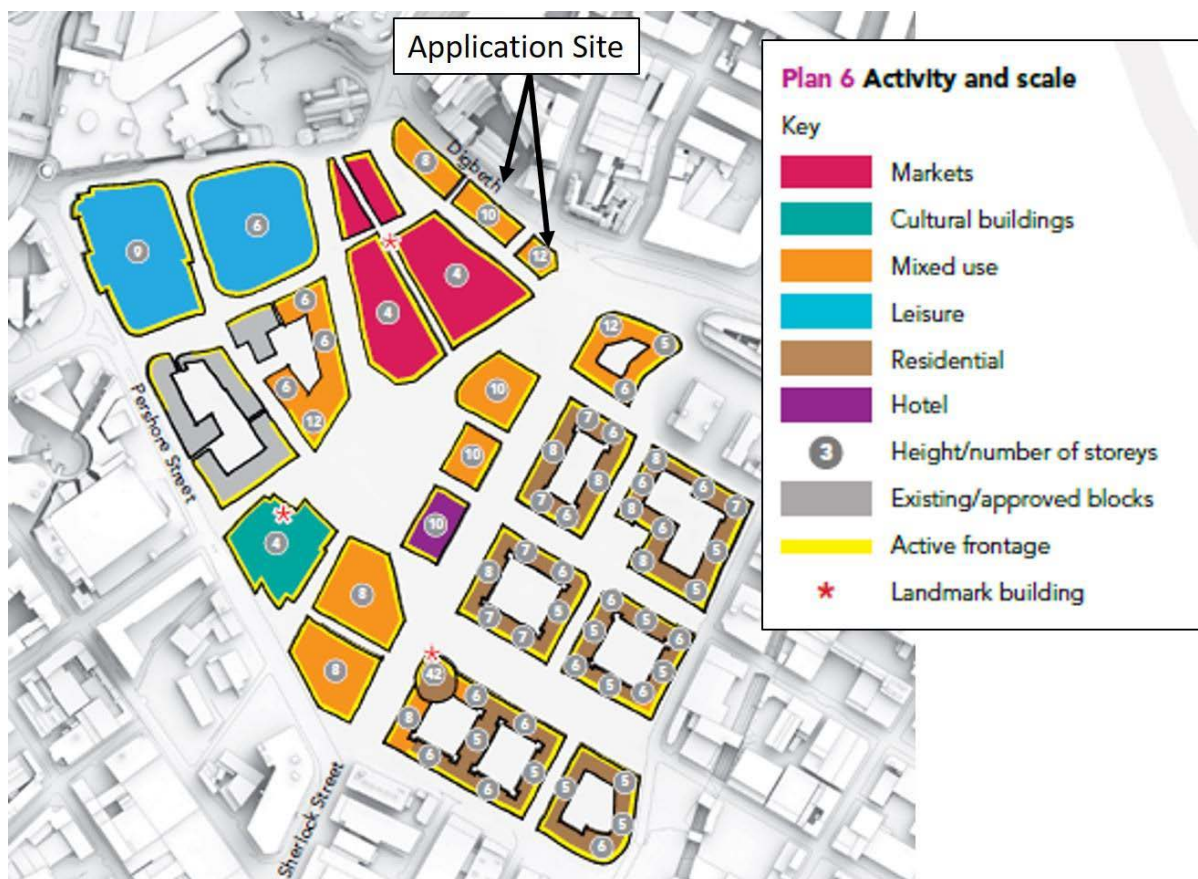
Principle of Proposed Redevelopment and Proposed Uses

- 6.1 The site lies within the City Centre Growth Area under Policy GA1.1 and the Southern Gateway Growth and Wider Area of Change defined by Policy GA1.2. The former promotes the City Centre as the focus for retail, office, residential and leisure activity and advises that new development should make a positive contribution to improving the vitality of the City Centre and the overall mix of uses. Meanwhile Policy GA1.2 advocates the expansion of the City Centre southwards supporting development that would diversify the City's offer as a retail and leisure destination. It is considered that the proposed hotel and aparthotel would accord with these policies that promote a range of uses and they would support this location as a destination.
- 6.2 Policy GA1.2 also recognises the comprehensive redevelopment of the wholesale markets area that is captured by the Birmingham Smithfield Markets Masterplan (the Masterplan). This sets out the vision for the area including new retail markets, leisure uses, cultural buildings, homes, public squares and transport facilities, "*Delivering 300,000sqm of new floorspace, 2,000 new houses and an investment value of over £500 million.*" The Masterplan defines the big moves and principles that will deliver the highest quality sustainable place for the future with its location benefitting from being close to Southside, the retail core, Digbeth and the Irish Quarter.
- 6.3 The Masterplan sets out the big moves that underpin the key development principles. These would provide:
- vibrant markets and leisure uses;
 - Festival Square;
 - a wide pedestrian boulevard into the site;
 - an integrated public transport system; and
 - a residential neighbourhood.



Extract from Birmingham Smithfield Masterplan with the application site highlighted

- 6.4 The application site is located on the northern edge of the Smithfield Masterplan. There is a schematic plan setting out the location of these big moves and it is considered that the proposals would not prejudice their delivery. The Masterplan also provides three site wide development principles: activity, design and connectivity. With respect to activity the following plan from the Masterplan indicates the application site blocks for mixed use purposes.



Extract from Birmingham Smithfield Masterplan showing Proposed Uses

- 6.5 The proposed hotel and aparthotel are considered to accord with the uses for these plots within the Masterplan. It is acknowledged that there is the possibility that the provision of a hotel at Wolverley House could prejudice the delivery of a hotel fronting Festival Square however this is a commercial matter, not a planning reason to refuse the proposals. Furthermore the applicants consider that a landmark hotel fronting Festival Square would serve a different sector of the visitor market.
- 6.6 Whilst the NPPF encourages development within town centres the application site lies beyond the retail core by approximately 50m and therefore it is defined as an edge of centre site. As explained in the NPPF main town centre uses should be located in town centres, in this case the retail core, then edge of centre locations. However tourist related uses are supported by BDP Policies TP24 and TP25 whilst saved Policy 8.19 of the Birmingham UDP also encourages the provision of additional hotels in order to provide a balanced range of hotel bed spaces, subject to local planning, amenity and highway considerations. It is considered that the demand for hotels in this location is likely to remain strong in the coming years and there is sufficient support from Policies GA1.1, GA1.2, TP24, TP25 and saved Policy 8.19 to support a hotel at this edge of centre location.
- 6.7 Objections have been raised with respect to the demolition of the existing buildings. The applicants submitted an explanation as to why they are proposing to redevelop rather than convert the existing buildings indicating that it has become difficult to find office tenants to occupy the buildings, as neither meet modern occupier requirements. This is particularly the case for Smithfield House which has tended to either be only partially occupied or let on short term leases to adult education colleges at low rents in order to keep the building occupied. It is also advised that

Smithfield House has a lack of active frontage to Digbeth and Moat Lane, its main entrance is not easily visible, welcoming or well lit, the building is unsuitable to meet modern office requirements and there would be insufficient lift capacity for an aparthotel use. Meanwhile the existing shopfronts to Wolverley House are small and of poor quality, the internal level changes would complicate a hotel layout, there is an inefficient lift capacity for a hotel use and although built as an office, it is unsuitable to meet modern office requirements. The existing buildings are not shown for retention within the Smithfield Masterplan and, as they are considered not to be nondesignated heritage assets, there is no policy reason to insist on their retention.

Proposed Design

- 6.8 The second site wide development principle within the Smithfield Masterplan is design. It indicates that the design of the new buildings and spaces will need to focus on the delivery of the highest quality place set within a network of green Infrastructure and the most sustainable form of development. It encourages active frontages and providing amenities for guests and locals.
- 6.9 The proposed buildings accord with the indicative storey heights given in the Masterplan. As a result of compressing the floor heights and removing a storey from the new Wolverley House the proposed blocks have been reduced in height since pre application discussions. The taller and slimmer 12 storey building proposed at the end of the block, currently where Smithfield House sits, would present a focal point at the junction of Digbeth, Moat Lane and Bradford Street. The wider adjacent hotel building, where Wolverley House currently sits, would step down to 9 storeys towards St Martin's Church, reducing its prominence in views from the Bull Ring. A Townscape Visual Appraisal (TVA) has been submitted. The City Design Manager is content that it is broadly acceptable in its methodology and, solely referring to the height of the blocks, that the site and surrounding townscape would be able to accommodate the scale of the proposed development with limited impact.
- 6.10 To activate the streets and provide more interaction with pedestrians, the majority of the ground floor would be occupied by public uses. The hotel would have an entrance facing Moat Lane with a separate entrance to the roof top bar facing Digbeth. The proposed café to Smithfield House would wrap around the front 'nose' of the building to provide an active frontage when approaching the site from the south east towards the Bull Ring. The overall animation of the ground floor is welcomed by the City Design Manager.
- 6.11 It is also proposed to improve the public realm between the two buildings by turning Upper Mill Lane into a pocket park; providing new surfacing and planting to soften this area. The proposed ground floor of both buildings has been arranged to provide active frontages to overlook the space and thereby increase passive surveillance. Whilst this area is outside of the application site the applicants have offered to contribute to its upgrading via a Section 106 Agreement. This would then ensure that its treatment would tie in with improvements to the public realm within the wider Smithfield Masterplan area.
- 6.12 On the top floor to both buildings an external terrace area would be created serving the proposed bar atop the new Wolverley House and the proposed bar, lounge, café atop the new Smithfield House. The terraces would both be south facing overlooking the proposed markets area. The proposed terraces would also provide a set back at roof level breaking down the perceived massing of the blocks.
- 6.13 The facades of both buildings take inspiration from the local Digbeth vernacular

architecture, such as use of red brickwork, strong horizontal banding, a regular grid pattern, vertical window distribution and stone detailing around the windows. Following discussions the detailed design of the new buildings has been amended. The reveals to the windows on both buildings has been increased to 1.5 bricks, and the proposed roof top balustrade height increased and set back to provide a planting area to soften the building edge. The facades to the new Smithfield House now display greater use of brick rather than reconstituted stone, notably to the entrance to the aparthotel, the café frontage, around the windows and to the top storey. The revised design for the top floor also proposes larger window openings to reflect the change in function in contrast to the apartment floors below. A chamfered corner has also been added to the new Smithfield House that draws upon a feature of existing buildings along Bradford Street.

- 6.14 The revised details also demonstrate that the soffits to the windows would be matching brick whilst the windows to the buildings would be delivered as single large units of glass with slim frames without transoms and mullions. These finer details would be secured via conditions.
- 6.15 The City Design Officer raises concern at site levels. It is acknowledged that the blocks would need to tie in with street levels associated within the redevelopment of the wider Smithfield Masterplan, the provision of the Midland Metro and the route of the proposed Sprint, however such detail is not known at this stage and, whilst works have started on the extension to the Metro along Digbeth the Metro Alliance have not responded via the application consultation process. Therefore a levels condition is attached to ensure that blocks adequately tie in with the surrounding proposals.
- 6.16 Both of the existing buildings are considered to be good post war buildings of interest and therefore, their loss must be carefully considered and managed if new buildings are to be supported. A number of objections have been received commenting that the proposed buildings appear drab and uninteresting. However Officers do not agree, and contend that the amendments have clarified and strengthened their architectural detail, providing a simple but effective design and, subject to securing the details via conditions, a design that can be supported that is considered to accord with Policy PG3 and the Smithfield Masterplan

Impact upon Heritage Assets

- 6.17 The applicants have submitted a Heritage Statement (HS) and a Townscape and Visual Appraisal (TVA). The HS identifies those assets likely to be affected by the proposed development and, according to the Conservation Officer, uses a sound methodology to assess the significance of the assets, an understanding of their setting and how it contributes to significance. It also considers the effects of the proposed development on both their setting and significance. The HS identifies the following heritage assets for assessment:
- Parish Church of St. Martin- grade II*;
 - Monument to Lord Nelson- grade II*;
 - Former Ice Factory and Cold Store - grade II;
 - 109 Digbeth, 115 Digbeth (Police Station), 135 & 136 Digbeth, 137 Digbeth and 138 & 139 Digbeth - Locally Listed Buildings; and
 - Digbeth, Deritend and Bordesley High Streets Conservation Area) and other heritage assets within.
- 6.18 The HS also identifies but scopes out the grade II listed White Swan P.H. on Bradford

Street and The Anchor P.H. on Upper Dean Street as the potential change to setting is considered low and therefore preserved. The Conservation Officer agrees.

- 6.19 Former Ice Factory and Cold Store- grade II: Located directly opposite the application site the four storey building was constructed in 1900 and is recognised in the Conservation Character Appraisal as a key landmark building. Its original setting has changed due to a number of modern developments that do not contribute to its significance, and its setting is less sensitive to change as a result of existing and emerging developments of scale. Whilst there is direct inter-visibility between the site and the listed building neither Smithfield House nor Wolverley House contribute to the significance of the Ice Factory and the impact is considered to be neutral. The Conservation Officer agrees that the proposals would cause no harm.

6.20 135 & 136, 137 & 138 and 139 Digbeth - locally listed: Next to the Ice Factory this early to mid-20th century group of buildings continue the building line along Digbeth.

The HS notes their historic and group value with each other and with the listed Ice Factory and the contribution made to each other's significance and setting, and to that of the Conservation Area. As per the Ice Factory whilst there is direct intervisibility between the site and the locally listed buildings neither Smithfield House nor Wolverley House contribute to their significance and the impact is considered to be neutral. The Conservation Officer agrees that the proposals would cause no harm.

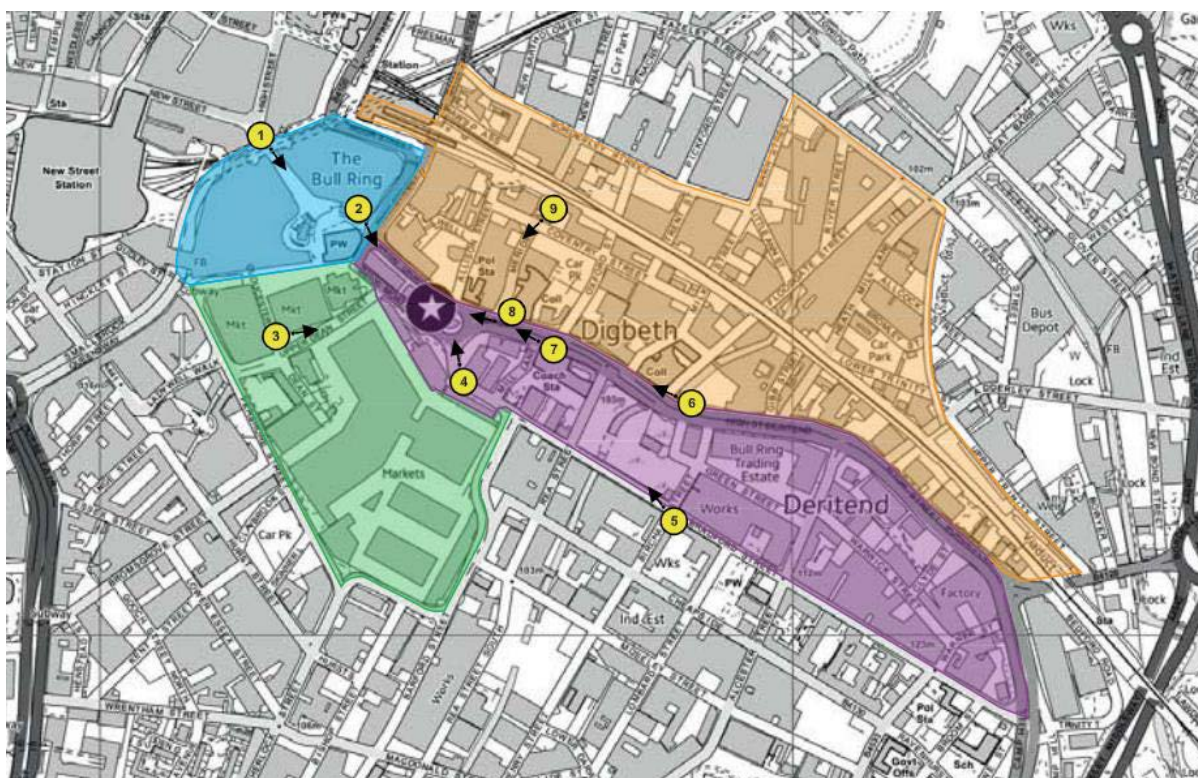
- 6.20 Police Station (115 Digbeth) and 109 Digbeth - locally listed: Architectural interest lies in the Station's baroque style and characteristic corner turret which acts as an important focal point at the junction of Allison Street and Digbeth, and it is recognised in the Conservation Area Character Appraisal as a local landmark. No. 109 Digbeth is identified in the HS as the former Castle and Falcon P.H. and despite a poor quality shop front and signage the building is acknowledged as holding architectural and historic significance. Again whilst there is direct inter-visibility between the application site and the locally listed buildings neither Smithfield House nor Wolverley House contribute to their significance and the impact is considered to be neutral. The Conservation Officer agrees that the proposals would cause no harm.

- 6.20 Digbeth, Deritend and Bordesley High Streets Conservation Area: The HS notes that there has been much redevelopment within and surrounding the Conservation Area and the historic medieval street pattern has been lost. However, some important elements remain that contribute to its significance collectively attested to by the 19th and 20th Century development of the area as an industrial quarter. The HS acknowledges that any assessment of effects would be regarding its setting and that due to the direct visibility and proximity to the proposed development, the greatest effect on the Conservation Area would be on the part directly opposite the application site where there are separately identified listed and locally listed buildings. The HS considers that the emerging character of the setting is one of increasingly contemporary and taller development. The proposed development would retain the existing building footprints and site layout and whilst there would be an increase in height, the proposed scale, massing and materials are considered would be comfortably accommodated within the setting of the Conservation Area, the listed and locally listed buildings.

- 6.21 The Conservation Officer considers that the proposals would appear as a sympathetic, contemporary addition to its setting, referencing the historic character of the Conservation Area and buildings within. The increase in height would not change the character of the area as evidenced by the Accurate Visual Representations (AVR's) in the Townscape and Visual Appraisal (TVA) and the illustrative kinetic

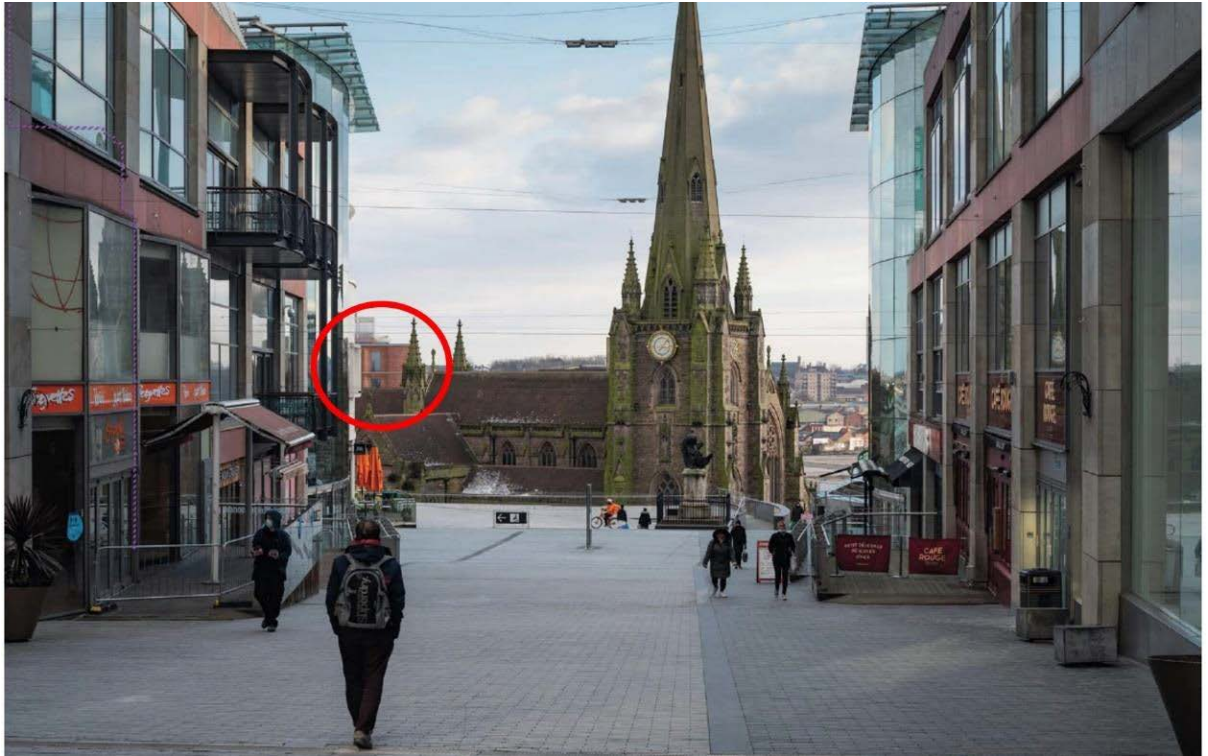
views in the Design and Access Statement showing the proposed height to be largely consistent with surrounding buildings.

- 6.22 The Conservation Officer is not completely convinced neither by the argument submitted that development would have a positive effect on the immediate setting of the Conservation Area and on that of the listed and locally listed buildings; nor that the proposals would be an enhancement to the existing site. The detracting features of the existing buildings could easily be removed and the buildings restored. However, having considered the HS and reviewed the viewpoints in the TVA the Conservation Officer concludes that the increase in scale of the proposed development, taking account of the proposed design and materials, would have a neutral effect on the significance of the setting of the Conservation Area.
- 6.23 Monument to Lord Nelson, grade II* - The HS identifies the asset as a bronze statue erected in 1809, noting that its significance lies in its artistic, historic and architectural significance that holds further communal value as a historic statue in the public realm. Located in a central location to the north west of St. Martin's Church the statue acts as a focal point at the entrance to the Bull Ring however its setting has been heavily altered and is dominated by a range of mixed modern development. The wider setting of the monument is considered by the HS not to materially contribute to its significance and that the proposed development would have a limited effect on the setting of the monument because direct views are heavily screened by the Church. The HS concludes that the overall setting, significance and special interest of the monument is preserved. The Conservation Officer considers this to be a fair assessment.
- 6.24 Parish Church of St. Martin, grade II* - The Church dating back to the 13th Century holds historic illustrative value as a prominent remnant of the medieval core of Birmingham and has communal value as a place of worship. The HS describes the setting of the church as sited on an island site within a developed urban setting and that its original medieval setting has been altered beyond recognition, as has much of its Victorian setting. The Church is dominated by the busy road network and a variety of mixed and primarily modern development from the 20th century onwards, including the Bullring Shopping Centre that forms the most prominent feature within its setting. The HS acknowledges that the wider setting includes the application site and several taller buildings, including the grade II listed Rotunda and the Beorma scheme that has consent to accommodate a 30 storey tower.
- 6.24 The HS considers that in general the prominence of the church in surrounding views contributes to its significance particularly from Digbeth and Digbeth High Street to the south east and from the pedestrianised Bull Ring walkway to the west that reflects the historically available views towards the Church, albeit that the context has now changed. The application site is located to the southeast of the Church and there is inter-visibility between the two. Wolverley House and Smithfield House feature in views to the Church from the west however as a result of their age and design they do not contribute to its significance. The Conservation Officer agrees that this is a fair assessment of significance and setting.
- 6.25 The TVA includes nine Accurate Visual Representations (AVR's), the first of which is from near the Rotunda looking towards the Church and the monument to Lord Nelson with the application site beyond.



Locations of the Accurate Visual Representations (Nos.1-9) and Townscape Character Areas within the Visual Appraisal
Application site marked with asterisk

- 6.26 View No.1 from the Rotunda is enclosed by the Bull Ring Shopping Centre. As set out at 4.3 Historic England have serious concern regarding the harmful impact of the development from this vantage point and request a reduction in scale of 2 storeys. From this viewpoint the upper part of the proposed buildings would be visible above the east part of the chancel from the Bull Ring walkway. This is not a protected viewpoint but the alignment of the walkway has been clearly designed to focus on the Church and HE describe the view as iconic. In existing views from this viewpoint its architectural form, distinctive features and details are readily appreciable in their entirety. The proposed development would bring larger development closer to this visual setting and start to intrude on the distinctive pinnacles to the east. Whilst this may be considered to be a minor addition to its setting the Conservation Officer advises that the addition would diminish an element of the overall architectural form of the Church and the ability to appreciate and experience this element of the Church's significance. From this vantage point the architectural significance and visual setting of the church would not be fully preserved therefore some harm should be acknowledged. The applicants contend that the view has substantially changed over the past few hundred years and it is noted that tall and/or modern buildings already feature in views of the Church; a building is currently seen projecting above the main roofline. Nonetheless it is considered that the proposals would cause less than substantial harm to the significance of the Church through development within its setting.



AVR View No.1 – Proposed View from Rotunda through the Bull Ring Shopping Centre (proposed development circled)

- 6.27 AVR's nos. 6, 7, and 8 consider the impact of the view of the Church from short and longer range along Digbeth and High Street Deritend. The alteration to the view from No.6, at approximately 300m from the application site to the south east is considered to appear relatively neutral. In view no. 7 from Digbeth Coach Station the proposed development would appear much more pronounced and would start to encroach on the space around the Church, beginning to compete with its prominence or at least the ability to appreciate this prominence. As such it is considered to cause less than substantial harm to the significance of the Church through development within its setting.



AVR No.7 – View from Digbeth Coach Station (proposed development outlined to lhs, and consented Beorma scheme outlined in purple)

- 6.28 View no. 8, closer still to the Church, is identified as a significant view in the Conservation Area Character Appraisal and views from this area have been identified as important by the Victorian Society. There would be a perceptible change in scale moving up towards the church, however despite this the Conservation Officer considers the proposals would introduce a more cohesive built form to the street and a consistent materiality that would draw the eye up to the Church and would better frame this view. From this important vantage point it is considered that the proposed development would not have a significant impact on the prominence of the Church or the ability to appreciate its prominence. Therefore, the significance of its setting would be preserved.



AVR No.8 – Proposed View from Digbeth with the Proposed Development (superseded design) to the lhs, St Martin's Church in the middle and consented Beorma scheme outlined in purple

- 6.29 Having considered all of the documentation submitted the Conservation Officer considers that the proposed development would preserve the significance and significance of setting of the Digbeth, Deritend and Bordesley High Street Conservation Area, the listed Ice Factory, the listed Monument to Lord Nelson and the identified locally listed buildings on Digbeth. However there would be some impact on the architectural significance and historic prominence of the listed Parish Church of St. Martin. As such the proposed development would cause less than substantial harm to the significance of the Church. This harm is contrary to Policy TP12 of the BDP.
- 6.30 The Council's Archaeologist concurs with the archaeological desk-based assessment that has been submitted that concludes that the site has a high potential for archaeological remains dating from the medieval period. It is therefore recommended that a programme of archaeological work is undertaken post demolition to street level but before any grubbing out of foundations or demolition of the basements takes place. The initial evaluation phase should then be followed by a mitigation phase, likely to consist of an excavation of the deposits. This process would be secured via a condition.
- 6.31 In accordance with Paragraph 202 of the revised NPPF where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, as in this case, this harm should be weighed against the public benefits of the proposals, including where appropriate, securing its optimum viable use. This harm needs to be weighed against the considerable importance and weight to be applied to the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990. This weighing exercise or planning balance is

considered within the conclusions to this committee report.

Ecology

- 6.32 Following an investigation in the potential to affect protected species there is no objection by the Council's ecologist to the demolition of the two buildings.
- 6.33 A sedum green roof system is proposed on the roof of both buildings. These green roofs would provide a natural habitat for the local ecology, in which vegetation would establish and provide a home for smaller elements of wildlife boosting a wider spread of species in the area. Whilst agreeing in principle to the provision of the two roofs the Council's ecologist would not support a generic pure sedum roof as it would not provide the same biodiversity value as a diverse wildflower mix. Therefore a condition to require such details is attached.
- 6.34 It is also suggested that a landscaping condition is attached regarding the upgrading of Upper Mill Lane. However as the lane is outside of the applicants control this is not possible. The improvements would however be within the control of the City Council by virtue of the proposed Section 106 Agreement to secure a contribution.
- 6.35 The provision of the green roofs is considered to accord with Policy TP8 of the BDP and Policy DM4 of the emerging Development Management DPD.

Transportation

- 6.36 The third overriding development principle within Smithfield Masterplan is connectivity. It states that development will deliver radical improvements to accessibility and reconnect the site to the wider city. The enhancement of walking, cycling and public transport, and the creation of a consistent, high-quality public realm, that incorporates trees and other natural features will be central to the transformation of the area and the realisation of its huge potential. The application site alongside the remainder of the Masterplan area has the benefit of the Midland Metro Eastside Extension that is currently being implemented along Digbeth and a separate proposed metro route that will run through the centre of the Masterplan Area. Part of the sprint network is also proposed adjacent to the site and it is located within a short walk to New Street Station, Moor Street station and HS2 Curzon Station. Therefore whilst no on site parking is proposed Transportation officers have raised no objections as it is highly accessible by public transport.
- 6.37 The submitted TA and Transport Officers acknowledge that the highway routes in and around the Smithfield area are subject to a number of changes however the details are not known at this stage. The latest plans submitted indicate how the buildings could be serviced from Digbeth and disabled parking could be accommodated within Moat Lane. Such details are considered satisfactory subject to conditions, and as such the proposals are considered to accord with Policies TP38, TP39, TP40 TP41 and TP44 of the BDP and Policies DM14 and DM15 of the emerging Development Management DPD.

Sustainability

- 6.38 The applicant has submitted an Energy Statement that responds to the Council's commitment to a 60% reduction in total carbon dioxide (CO₂) emissions produced in the City by 2027 from 1990 levels. The Statement concludes that it is targeting BREEAM standard Excellent and the proposed development has been designed to meet energy policies set out in the BDP to ensure a 57% reduction in CO₂ emissions

against a Building Regulations Part L 2013 compliant scheme. In terms of future proofing, the Statement also proposes that the scheme would incorporate additional space in the plant rooms to allow for connection to a district heating network should it become available. It is considered that the proposals accord with Policies TP1, TP2, TP3 and TP4 of the BDP.

Drainage

- 6.38 The applicants are aware of the objection by the Local Lead Flood Authority (LLFA) and are currently addressing the concerns raised. Confirmation that STW are content with discharge rates is awaited and further information relating to exceedance flows, SuDS infrastructure and surface water flood risk is to be submitted prior to the Committee date. A verbal update will be given at the meeting.

Other

- 6.39 A series of risers for the future ventilation and extraction are proposed within the buildings to discharge vertically at roof level from within the enclosed plant areas. This high level point of discharge would assist odour dispersion and minimise noise impact. Addressing this matter at this stage also helps to secure the appearance of the roof.
- 6.40 An objection has been raised due to the lack of an overshadowing and wind impact assessment. The Smithfield Masterplan indicates a mixed use development for the remaining block within this plot rather than sole a residential use and there is no undue concern, due to the proposed use of the future building and its orientation with regards to adequate light to this remaining block. Furthermore the proposed blocks do not reach the threshold of a tall building as recognised within the High Places SPD where such assessments are required. The site is to the east of the proposed markets area and therefore it is not anticipated that there would a significant loss of light to this area within the Masterplan.
- 6.41 The proposed restaurant space and rooftop bar would be ancillary to the main hotel use. The applicants have commented that it would therefore be both in the interest and the control of the hotel operator to ensure that these areas are well managed and do not cause noise or disturbance to neighbours or hotel guests. It is considered that the proposals would accord with Policy DM6 of the emerging Development Management DPD.
- 6.42 Construction risks would be mitigated and managed through adherence to the Construction Method Statement and Management Plan to be submitted and approved prior to the commencement of development. Disturbance to existing premises would be temporary. It is considered that noise from the proposed development in this City Centre location would not significantly affect adjacent commercial premises. Contamination and the possible release of harmful gas would be mitigated by an agreed remediation strategy in accordance with Policy DM3 of the emerging Development Management DPD.

Planning Obligations / CIL

- 6.43 The proposed development is CIL liable for the proposed hotel, calculated to total £174,777.
- 6.44 A Section 106 Agreement is also proposed to secure a contribution towards upgrading Upper Mill Lane with tree planting, resurfacing, raised beds and releveling

that would tie in with the redevelopment of the wider Smithfield Masterplan Area. Such an Agreement is considered to be reasonable, relevant and directly related to the proposals and would accord with Policy DM4 of the emerging Development Management DPD. A quantity surveyors report has been submitted calculating the cost of the works to be £107,000.

7 Conclusion

- 7.1 This application has been submitted prior to the submission of detailed proposals for the remainder of the Birmingham Smithfield Masterplan area. However, the proposals are in general conformity with the Birmingham Smithfield Masterplan including plot layout, and therefore it is considered there is no planning reason to refuse the application for this reason. It is considered that the proposed development would not prejudice the implementation of the overriding key principles of the Masterplan. The applicants go further by commenting that the proposals, *“would deliver public benefits and investment in this part of the City at an earlier date, helping to improve the attractiveness and safety of the area and complement the early phase of the Lendlease scheme.”* Furthermore the proposed use of the buildings would sit comfortably with Policies GA1.2 and GA1.3 of the BDP.
- 7.2 It is acknowledged that the height of the two blocks would be higher than the existing buildings, however considering the City Centre location, the scale of surrounding development and the storey heights proposed within the Smithfield Masterplan it is considered that, contrary to comments received, they are appropriate.
- 7.3 There is objection to the demolition of the existing buildings however they are considered not to be non-designated heritage assets whilst the applicants have provided sufficient justification as to why they are not viable for reuse.
- 7.4 Concerns have also been received regarding the proposed design, however contrary to the comments that the buildings would appear uninteresting it is concluded that they would deliver clean and simple elevations with the proposed detailing and materiality drawing from surrounding buildings and providing an active frontage to both Digbeth and Moat Lane and the future Masterplan Area beyond
- 7.5 The proposed development would have an impact upon the setting of the Grade II* listed St Martin’s in the Parish Church, and the Conservation Officer considers that it would cause less than substantial harm to its significance. This harm to and subsequent conflict with Policy TP12 triggers the application of the test found at Paragraph 202 of the revised NPPF, and it is necessary to consider whether the public benefits of the scheme outweigh the harm to these heritage assets. These public benefits are considered to be as follows:

Social Benefits:

- new hotel and food and beverage opportunities accessible to the public;
- public rooftop uses providing access and views;
- placemaking benefits including provision of active frontages to Digbeth, Moat Lane and Upper Mill Lane providing improved surveillance and safety in public areas around the development;
- a financial contribution towards future public realm enhancements;

Economic Benefits:

- hotel rooms to generate 104,700 guests per annum spending an estimated £8.7 m per annum in the City's visitor economy;
- the completed scheme will deliver approximately 100 FTE jobs on-site (compared with the c. 18 employees in the existing buildings prior to the pandemic);
- an estimated £38.5 million in construction investment to contribute to the sustainable regeneration of this part of the City;
- the generation of 260 (full time equivalent) jobs per annum during the construction period (assuming 2-year construction);
- the Community Infrastructure Levy - estimated at £174,777 towards local infrastructure (based on 2021 indexation);
- the provision of a new meeting space for businesses in the City;

Environmental Benefits:

- high quality design and use of materials;
- provision of 43 secure cycle parking spaces;
- sustainable design and construction targeting BREEAM Excellent;
- proposed 54% reduction in on-site regulated carbon emissions;
- a sustainable urban drainage scheme that would achieve a full containment up to the 1 in 100 +40% climate change event;
- upgrading Upper Mill Lane to become a high quality public space and thoroughfare;
- ecological enhancements through provision of green roofs;

- 7.6 In my view, applying the relevant statutory tests as set out in Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the policy test of paragraph 202 of the revised NPPF and the conflict with Policy TP12, whilst attaching great weight and importance to the less than substantial harm that the development would cause to the significance of the heritage asset, it is concluded that the public benefits of the development identified above outweigh such harm.
- 7.7 Consideration has been given to biodiversity, flooding, drainage, energy, sustainability, contamination, noise and transportation and it is considered that, subject to conditions, the proposals comply with Policies PG3, TP3, TP4, TP6, TP7, TP8, TP44 and TP45 of the BDP, emerging Policies DM3 and DM4 of the Development Management DPD and the revised NPPF

8 Recommendation

- 8.1 That application 2021/02916/PA be APPROVED subject
- a) the removal of current objection from the Local Lead Flood Authority ((LLFA);
 - b) the conditions at the end of the report; and
 - c) the prior suitable Legal Agreement to secure a contribution of £107,000 towards the implementation of public realm improvements within Upper Mill Lane. Such improvements to include resurfacing, re-levelling, tree planting and raised beds plus the maintenance thereof.
 - d) payment of a monitoring and administration fee associated with the legal agreement of £3,745

- 8.2 In the absence of the removal of the objection by the LLFA or a suitable legal agreement being completed to the satisfaction of the Local Planning Authority on or before 31st October 2021 or such later date as may be authorised by officers under delegated powers, planning permission be refused for the following reasons:
- 8.3 The submitted drainage strategy fails to adequately demonstrate that there would not be adverse flood risk due to exceedance flows or surface water flooding. Therefore to approve the development would be contrary to Policy TP6 of the Birmingham Development Plan and the minimum requirements of paragraphs 167 and 169 of the revised NPPF.
- 8.4 In the absence of any legal agreement to secure the additions and improvements to the public realm as described in points (a) to (c) above the development is contrary to Policies PG3, GA1.1, GA1.3, TP12 and TP47 of the Birmingham Development Plan and the National Planning Policy Framework.
- 8.5 That the City Solicitor be authorised to prepare, complete and seal an appropriate legal agreement and any necessary supplemental agreements under Section 106 of the Town and Country Planning Act.
- 8.6 That in the event of the LLFA removing their objection and a suitable legal agreement being completed to the satisfaction of the Local Planning Authority on or before 31st October 2021, or such later date as may be authorised by officers under delegated powers, planning permission for application 2021/02916/PA be APPROVED, subject to the conditions listed below (that may be amended, deleted or added to providing that the amendments do not materially alter the permission)

-
- | | |
|----|---|
| 1 | Prior to Demolition: Submission of a Redevelopment Contract |
| 2 | Pre - Demolition: Submission of Construction Method Statement/Management Plan |
| 3 | Pre - Demolition: Submission of a Programme of Archaeological Work |
| 4 | Prior to Commencement of Development (excluding demolition): Submission of a Contamination Remediation Scheme |
| 5 | Prior to Commencement of Development (excluding demolition): Submission of Sustainable Drainage Scheme |
| 6 | Prior to Commencement of Development (excluding demolition): Submission of a Construction Employment Plan. |
| 7 | Prior to Above Ground Works: Submission of Materials |
| 8 | Prior to Above Ground Works: Submission of Details of Green Roofs |
| 9 | Prior to Above Ground Works: Submission of Proposed Low and Zero Energy Generation |
| 10 | Prior to Above Ground Works: Submission of Ground Level Details |
| 11 | Prior to Above Ground Works: Submission of Proposed Servicing Arrangement |
-

-
- 12 Prior to Occupation of each Building: Submission of a Contaminated Land Verification Report
 - 13 Prior to Occupation of each Building: Submission of Extraction and Odour Control Details
 - 14 Prior to Occupation of each Building: Submission of a Sustainable Drainage Operation and Maintenance Plan
 - 15 Prior to Occupation of each Building: Implementation of Cycle Parking
 - 16 Prior to Occupation of Smithfield House as Aparthotel: Submission of Details
 - 17 Post Occupation of Each Building: Submission of BREEAM Final Certificate
 - 18 Rating Levels for cumulative noise from all plant and machinery
 - 19 Implementation within 3 years (Full)
 - 20 Implementation in accordance with Approved Plans
-

Case Officer: Julia Summerfield

Photo(s)



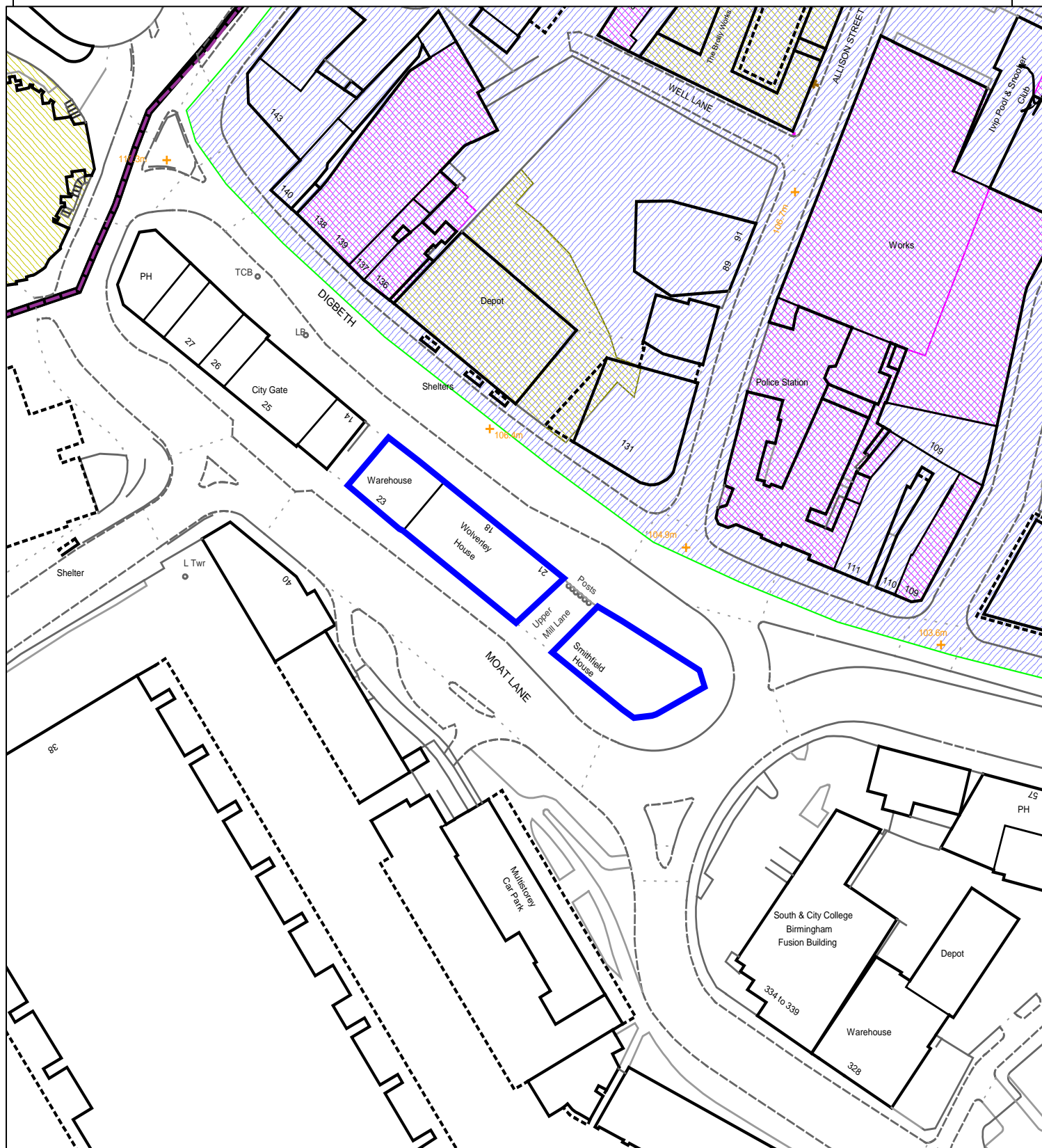
From Digbeth: Smithfield House in the Foreground and Wolverley House in the Background



From Moat Lane: Smithfield House in the foreground and Wolverley House in the background

Location Plan

This map is reproduced from the Ordnance Survey Material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Birmingham City Council. Licence No.100021326, 2010



Committee Date:	02/09/2021	Application Number:	2020/09472/PA
Accepted:	27/11/2020	Application Type:	Full Planning
Target Date:	07/09/2021		
Ward:	Bordesley & Highgate		

Rowton Hotel, 145 Alcester Street, Highgate, Birmingham, B12 0PJ

Temporary use of the Rowton Hotel as initial accommodation for asylum seekers (Sui Generis) for a period of three years

Recommendation

Approve Temporary

1. Proposal

- 1.1. This application seeks planning consent for a temporary change of use of the Rowton Hotel as initial accommodation for asylum seekers (AS) (Sui Generis) for a temporary period of three years. In a response to an increase of asylum applications October 2019 use of the premises took place with continued use for over a year. This application was therefore seeking retrospective consent, however, during the application process the building was vacated (January 2021) and is currently unoccupied.
- 1.2. When the hotel (formerly known as the Paragon) was previously occupied it was being used as contingency (temporary/overspill) AS accommodation. Initial and contingency are considered as two different types of accommodation under the Home Office contracts. Initial is for asylum seekers who need accommodation urgently before their support applications have been fully assessed for longer term accommodation can be arranged. According to 'A Home Office Guide to Living in Asylum Accommodation' the amount of time people stay in initial accommodation can vary but around 3-4 weeks is typical before moving onto dispersal accommodation. The Rowton Hotel has only ever been used as contingency.
- 1.3. The application looks to provide initial accommodation for 327 asylum seekers across the whole building. The proposed initial accommodation for asylum seekers (IAAS) would be for adults only and mixed in terms of gender. It would be run-in accordance with the requirements set out in the Home Office Asylum Accommodation and Support Contract and other relevant national and local regulations.
- 1.4. At national level, the operation of initial accommodation in the UK is strictly governed by the Home Office Asylum Accommodation and Support Contracts. Only seven contracts have been awarded (to Serco) by the Home Office and are currently operational in the UK. The initial accommodation can only be opened and run by a provider (which has been awarded a contract). The provider of accommodation (being Serco) is also required to conform to all relevant statutory and mandatory requirements (stated within Schedule 2 of the Statutory Requirements) as well as the local authorities' (BCCs) rules, guidance, instructions, and policies.
- 1.5. The site seeks to provide fully catered accommodation with large communal spaces; 233 bedrooms are proposed, 139 of which single rooms/one person (shown as

yellow on the floor plans) and 94 double/two persons. All but 8 bedrooms provide a WC, shower, hand basin, bed, bedside table tv, kettle and clothes storage. The remaining 8 (10 persons) will share 2 x shower rooms and 3 x WCs/hand basins. The ground floor would provide communal facilities, such as a dining room, TV room and games area as well as a reception area and admin office. Five laundry rooms will be provided (one on each floor from 1st to 5th floor levels) and will include both washing and drying facilities; with the 5th floor providing 5 staff rooms and storage areas. It is expected that a total of 19 staff would be employed. The sharing of rooms in the IAAS would be regulated by Annex C of Schedule 2 of the Asylum Accommodation and Support Contract (AASC) with the Home Office.

- 1.6. Secure cycle parking stands are also proposed outside and to the side of the building.
- 1.7. The site will be managed with responsibilities split between IAAS management owners of the site in accordance with the Management Plan that forms part of the submission. The provider (contract holder) will be responsible for the daily operations/allocation of asylum seekers and owner of the site responsible for the management of the site. Further detail is presented in the submitted Management Plan.
- 1.8. No internal or external alterations are proposed to the building apart from general repair and maintenance.

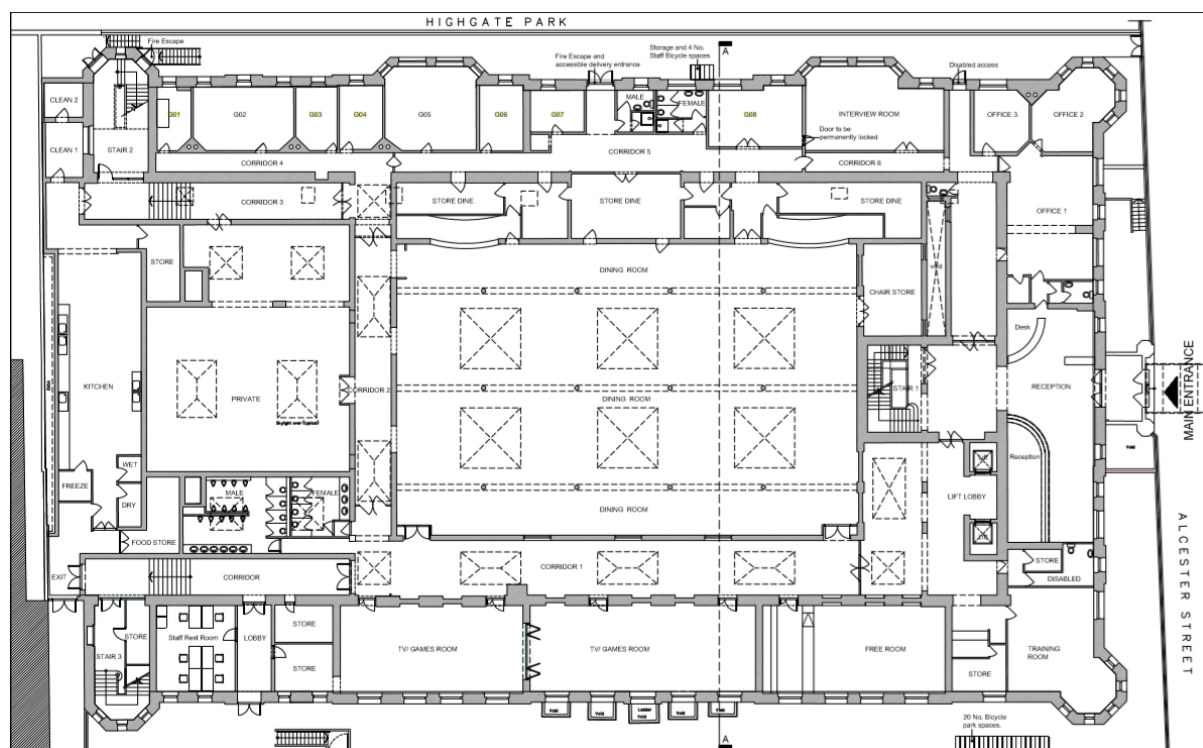


Figure 1. Proposed Ground Floor Plan

AMENDED STATEMENT

- 1.9. More recently an amended statement was submitted to address some of the concerns and queries raised by both the case officer and consultees. Furthermore, the cycle racks have been relocated to the side of the building, single rooms annotated, and plans amended to reflect the revision. Confirmation was also sought

regarding Serco's 3-year temporary interest in the Rowton (as stated by the agent) as well as discussions with the applicant however no written confirmation was submitted.

- 1.10. It is important to note that whilst an HMO application licence has been submitted and is pending consideration, the proposed use is categorised as exempt and as specialist accommodation.
- 1.11. Submitted with the application are the following documents:
- 1.12. Cover Letter, Management Plan, Design & Access and Heritage Statement, Report on Standard of Accommodation Requirements (Glazebrook Associated Ltd) and Transport Statement.

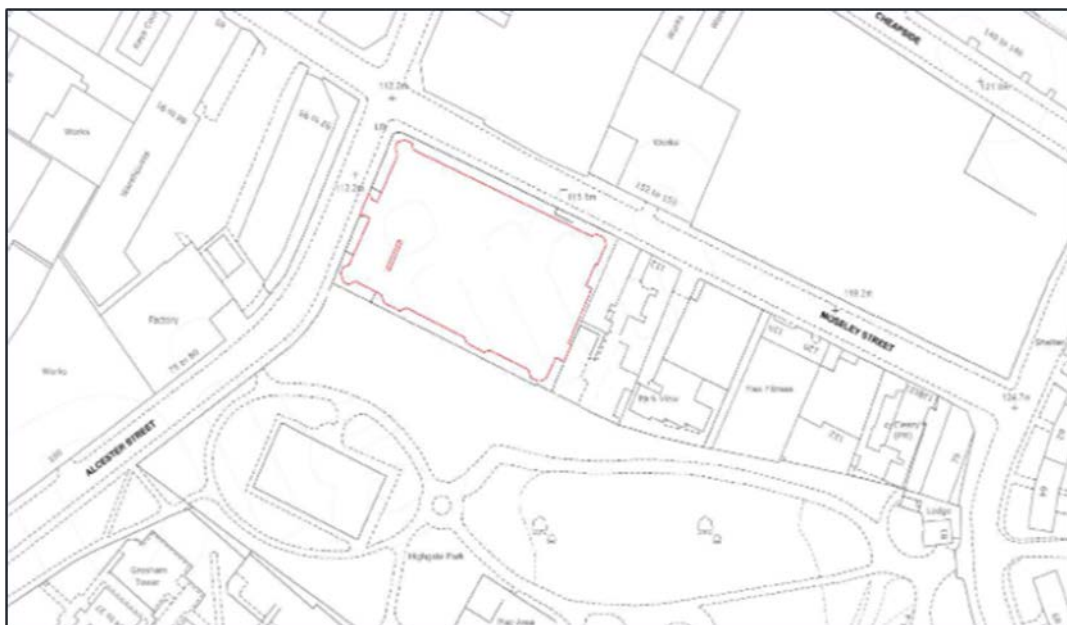
1.1. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The Rowton, formerly the Paragon Hotel, is a grade II listed building constructed in 1903-1904 as the Rowton House Hostel. The building was intended to provide temporary accommodation for men seeking permanent employment within Birmingham. The building was converted into the Chamberlain Hotel in the early 1990s and had a number of alterations to the internal fabric including installation of partition walls, a new reception and entrance canopy and a refit of ground floor rooms and entrance stairs.
- 2.2. It is a prominent building of red brick and slate roof with feature stone banding and, for the age of the building, a significant number of timber, sliding sash, and windows. It is 6 storeys in height with feature turrets on the corners and a grand, stone, entrance onto Alcester Street. It is located at the corner of Alcester and Moseley Street approximately 1km south east of the city centre. The surrounding area is made up of a number of industrial buildings, Highgate Park directly to the south and the grade II listed police barracks to the east which currently operates as a hostel.
- 2.3. Immediately close by and to the east locates St Anne's Hostel and Park View (apartment and hostel block). To the north and across Moseley Street are two sites currently undergoing redevelopment that has consent for 220 residential apartments (2017/08666/PA) and a mixture of residential, live/work, office, retail and restaurant floor space (2004/01952/PA). To the north west full planning permission also exists to demolish existing buildings and construct part 6 and 7 storey building to provide 131 apartments (2019/10360/PA).



Photo of the Rowton Hotel (within the red line)



Location of the Rowton Hotel (within the red line)

3. Planning History

- 3.1. Lengthy planning history across the original hostel use, conversion to hotel, minor internal and external additions and alterations, flag poles, advertisements etc.
- 3.2. A planning application was submitted in 2020 to seek consent for both hotel and asylum seeker contingency use; however, this was then withdrawn to allow for submission and consideration for this application. Most recently planning and listed building consent is being sought to extend the Rowton and be used as a hotel only. This application hasn't yet been determined and is waiting on outstanding information to response to heritage related queries.
- 3.3. The main and recent planning and listed building applications are:

- 3.4. 2020/00635/PA – Retention of use as 143 bedroom hotel (Use Class C1) and a 107 bedroom asylum seekers hostel (Sui Generis use) for a temporary three year period – withdrawn 25/11/2020.
- 3.5. 2019/1550/ENF – Unauthorised use as asylum accommodation – under investigation
- 3.6. 2016/08528/PA – Erection of four storey extensions to the north and south facing internal courtyard elevations (creating 99 additional bedrooms), creation of secondary entrance and conversion of conference rooms, bar and cloakroom to 16 additional bedrooms – approved subject to conditions 03/02/2017
- 3.7. 2016/08558/PA – Listed building consent for the erection of four storey extensions to the north and south facing internal courtyard elevations (creating 99 additional bedrooms), creation of secondary entrance and conversion of conference rooms, bar and cloakroom to 16 additional bedrooms – approved subject to conditions 03/02/2017
- 3.8. 2015/1348/ENF – Unauthorised change of use from hotel to temporary accommodation for asylum seekers – closed as use ceased.
- 3.9. 2013/08784/PA – Listed building consent for internal alterations to include refurbishment of reception area and stair lobby – approved subject to conditions 21/01/2014
- 3.10. 1993/00082/PA – Restoration, upgrading and fitting out of former hostel as hotel with public rooms and demolition of outbuildings – approved subject to conditions 20/05/1993
4. Consultation/PP Responses
 - 4.1. Councillor John Cotton is objecting to this application. He raises concerns about:
 - Total procured initial accommodation bed spaces in the city
 - Relevance of application given zero asylum occupancy
 - Quality of service provision in and around the Rowton
 - Social problems in the community, the conditions for the residents of the asylum seekers accommodation and the hotel, the friction between the hotel use and asylum seekers use and the wider community is opposed to the use. The letter also states that officers at Birmingham City Council have been updated by Serco that the Rowton Hotel is no longer being used as contingency asylum accommodation as of Monday 11th January. The hotel was emptied over the week commencing 7th January 2021 with residents either dispersed into dispersal accommodation or moved to another initial accommodation or contingency location within the asylum estate. After 15 months of continued contingency use Serco has ended its use of the Rowton Hotel. There is no longer a commercial demand for use of the Rowton Hotel to house asylum seekers by Serco. Concerns about the asylum dispersal policy for the West Midlands and lack of support from Central Government is further expanded and discussed in para 6.22.
 - 4.2. BCC Transportation – No objection and no conditions recommended.
 - 4.3. Severn Trent Water – No objections and no conditions recommended.
 - 4.4. BCC Regulatory Services – No objections and no conditions recommended.

- 4.5. Planning and Growth Strategy – stated the use could be acceptable depending on no. of similar uses, residential amenity (surrounding and proposed), transport and heritage
- 4.6. West Midland Police – No objections subject to a CCTV scheme condition. WMP further state in their comments that the neighbourhood policing team have had a good relationship with this site and would expect such to continue if the application is approved.
- 4.7. The application has been advertised in the local press, site notices posted on site and neighbours notified by letter: -
- 4.8. 4 Neighbouring objections have been received raising the following concerns:
 - Potential crime/ anti-social behaviour
 - Could put demands on neighbouring Hostel (St Anne's)
 - The impact on the Council's aspirations for regeneration in this area
 - Not in keeping with improving character
 - Would detract from this desire to create a high-quality residential area and undermine the faith and commitment developers have in the area attempting to transform it from its current tired predominantly industrial usage into a desirable residential area.
- 4.9. The anti-social behaviour reason of objection was made about said nuisance/threatening behaviour made towards a female engineer who was working on the site adjacent. Carrier bags of excrement were said to be thrown from windows into the site and to have been general loitering around the site. I contacted the objector for more information and for a crime number however there was no response despite my two attempts. Such matter was raised with the West Midlands Police who have no record of the stated incident and therefore have raised no objection subject to installing and operating a CCTV scheme in which the agent has agreed to.

5. Policy Context

- 5.1. Birmingham Development Plan 2017, Birmingham Unitary Development Plan (saved policies), Specific Needs Residential Uses SPG, Places for All SPD, Places for Living SPG, Revised National Planning Policy Framework 2021, Draft Development in Birmingham Development Management Document (DPD) DM12, 2013 Strategic Housing Market Assessment.

6. Planning Considerations

Principle of Proposed Use

- 6.1. As defined by Policy GA.1 of the BDP the Rowton Hotel is located within the City Centre Growth Area. This strategic policy aims to provide high-quality environments and visitor experiences, stating new development should make a positive contribution to improving the vitality of the City Centre and improving the overall mix of uses. Policy GA1 also supports the growth of residential activities where it provides well-designed high-quality living environments. The BDP also directs ambitious growth of the City Centre via five strategic allocations, one of which being the Southern Gateway. The plan states that new investment in office, retail, cultural and residential provision will be supported and identifies this site being part of that transformation area.
- 6.2. Page 27 of the non-statutory Big City Plan (as referenced in the BDP) echoes these aspirations and the sites location. The plans seek to expand this part of the city Core

southwards providing further opportunities for creating another new destination in Birmingham and a catalyst for wider redevelopment. It states Southside and Highgate has the potential to become one of the most exciting and liveable areas of the City Centre, however there are key issues that require addressing to fulfil its potential i.e. the creation of good active streets and better connections, supporting development of distinctive cultural and entertainment assets, supporting and creating strong vibrant community's by dealing with vacant and underused land and buildings. As well as keeping the best of Southside's character and heritage and considering the future of industrial land and activity.

- 6.3. The site is a hotel use, C1 class use, as defined by the Town and Country Planning (Use Classes) Order. The asylum seekers accommodation is a Sui Generis use and is defined as Specialist residential accommodation. This is a generic description used to describe housing that meets the needs of specific groups of people. This can comprise of hostels, shared housing, care homes and supported accommodation for older people and people with mental health, learning disabilities, dementia, physical and sensory impairment, ex-offenders and drugs and alcohol dependency. It does not include age-restricted general market housing, retirement living or sheltered housing. The proposed use is for a specific group in that it is for asylum seekers.
- 6.4. Asylum seekers accommodation is a different use to any other. Whilst I acknowledge that other forms of hostels and HMOs provide similar forms of accommodation, the operation of the asylum seekers accommodation is definably different. Firstly, other hostels and HMOs are occupied by residents with a right to live in the UK, who pay rent and who can remain in the premises for as long as they, or the premises owners, desire. Asylum seekers accommodation is used by those seeking asylum within the UK. Normally new to the country but can also include visitors who have stayed beyond their visa period. The people staying at the premises are not residents, they are required to move out when they are granted asylum (or not).
- 6.5. Whilst the BDP contains no policies directly relating to the proposed use for asylum seeker accommodation, policies TP27, TP28 and TP30 of the BDP do apply when considering this proposal. These policies set out the principles for residential development, in particular assisting to create mixed, balanced and sustainable communities; consideration of the locality and the ability of the site to accommodate a mix of housing including, ensuring that residents have access to facilities such as shops, schools, leisure and work opportunities; that the development should be adequately serviced by existing or new infrastructure, have less dependency on travel by car; have high quality design, be sympathetic to historic, cultural and natural assets, be environmentally sustainable and incorporate climate proofing measures; have attractive, safe and multifunctional public spaces, and ensure effective long-term management of buildings and associated infrastructure.
- 6.6. Paragraphs 8.28 to 8.30 of the saved UDP policies are also relevant and require consideration on the effect the proposal will have on the residential amenity of nearby properties by reason of noise and disturbance and the cumulative effect of similar non-family residential uses in the surrounding area. There also needs to be consideration of the provision of vehicular access, servicing, and car parking, and that there will be sufficient provision of adequate outdoor amenity space for the residents, constituting a minimum of 16 square metres per resident.
- 6.7. The Specific Needs Residential Uses SPG further advises that premises such as hostels, which are developed with the needs of specific groups, have a role to play in meeting the housing needs of the city. It further refers to criteria that planning applications for this kind of accommodation should comply with.

- 6.8. Additionally, policy DM12 of the Draft Development Management in Birmingham DPD is also applicable. This draft policy supports residential conversions and specialist accommodation providing the proposal meets the criteria set out. The policy seeks acceptable impacts on amenity, suitable accommodation, and facilities, being accessible to local services and is of an appropriate scale. It also requires that the proposal does not result in the loss of an existing use that makes an important contribution to the Councils objective, strategies, and policies.
- 6.9. The most up to date housing needs assessment is the 2013 Strategic Housing Market Assessment. Work is currently underway on a new Housing and Economic Needs Assessment however is not completed. Having reviewed the 2013 edition, I note the report is not specific to asylum seekers accommodation need.

Use

- 6.10. The use to provide asylum seekers accommodation is largely acceptable in principle when considered alongside the Councils housing policies, however by means of location would fail to conform to some of the Strategic Objectives within the BDP and Big City Plan.
- 6.11. This site is annotated within the Big City Plan (page 28) as a block for transformation, as are the other sites opposite that have obtained planning consent for development. That said the site is a vacant Grade II listed building whereby temporary consent is sought; and whilst the use proposed would not fully meet the aims of policy GA.1/ the Big City Plan this would be consented for a temporary 3 year period. And should the use not be supported the building could potentially sit empty as opposed to providing specialist accommodation that would bring some economic benefits being the employment of individuals to repair and service the building, to cook, clean, manage and general running's and management of the site.

Location

- 6.12. The building is detached and substantial in scale and is sustainably located with access to public transport, services, facilities, and green space. Local services and facilities include shops, bus stops and a public park.
- 6.13. With regards to its location a neighbour objection queries the impact the proposal would have on the St Anne's Hostel and is concerned a similar use within the area would impact on the Hostel and surrounding area. With paragraphs 8.28 – 8.30 of the Council UDPs saved policies in mind the number of other similar uses have been considered and counted for and I can clarify there are no other AASA (specialist accommodation) type uses located nearby.
- 6.14. There are a small number of HMOs/Hostels located nearby, which aren't defined as 'similar' to asylum seekers accommodation. With regards to HMOs, policy DM11 permits providing they do not result in this type of accommodation (HMOs and Hostels) forming over 10% of the number of residential properties within a 100-metre radius of the application site.
- 6.15. DM12 does not stipulate this measurement exercise or relate to HMOs/Hostels as briefly explained. That said I thought it'd be useful as a guide to calculate the number of HMOs within 100m of the application site. This was done and resulted in a very low figure of 0.4%. With this in mind and no other asylum seekers accommodation close by I do not believe the application represents an over-concentration of similar uses in the area, although the large scale of the proposal is acknowledged.

Management and Standard of Accommodation

- 6.16. Initial accommodation for asylum seekers is regulated by provisions of the Asylum Accommodation and Support Contract (AASC) with the Home Office. Whereby the provider of accommodation (being SERCO) is required conform to all relevant statutory and mandatory requirements (stated within Schedule 2 of the Statutory Requirements) as well as the local authorities' (BCCs) rules, guidance, instructions, and policies.
- 6.17. Some of these requirements include the provider to source all premises, equipment, and facilities to deliver the service such are suitable for their purpose. It covers health and safety, security/movement, medical requirements, food services and transport etc. Additionally, the provider is required to comply with the duties imposed on them by Section 55 of the Border, Citizenship and Immigration Act 2009.
- 6.18. The site is to be managed with responsibilities split between IAAS management owners of the site in accordance with the Management Plan that forms part of the submission. The provider (contract holder) will be responsible for the daily operations/allocation of asylum seekers and owner of the site responsible for the management of the site.
- 6.19. With regards to security management, this falls within the daily operational arrangements for IAAS whereby access to IAAS is from the main entrance to the building. The entrance to individual rooms will be operated using key fobs and a member of IAAS staff will always be present on reception desk to monitor comings and goings in and out of the Rowton Hotel. Security of the site will also be monitored and enforced by security staff 24/7.
- 6.20. At this moment in time a contract has not been awarded to a provider neither have discussions with the authority taken place to set this up as Initial Accommodation. And despite the applicant stating that Serco (the home offices accommodation and support services provider) are to be the provider no evidence in writing (despite case officer requests) has been submitted. That said such is a separate process to planning policy and law and one which lies outside the remits of planning, and as such cannot be used as material consideration in the planning balance here. In other words, should the recommendation to approve this application be supported other agreements outside of planning would need to be had for a consent of this kind to be implemented. Therefore, the following paragraphs will discuss the standard of accommodation as presented on plan and as viewed on my site visit.
- 6.21. Provision for asylum seekers accommodation is currently provided at three other sites within Birmingham City, these being:
- 6.22. -Stone Road Edgbaston that provides initial accommodation (due to expire soon)
-Kensington, Selly Park originally contingency but changed to initial accommodation
-Britannia Hotel, New Street that provides contingency
- 6.23. An objection letter from Councillor Cotton states that Birmingham hosts two official initial accommodation units: Stone Road Hostel and The Kensington Hotel. He states that these units have a combined 393 spaces at full occupancy, which is 23% of the UK's official initial accommodation capacity (estimated as 1,700 as of June 2020). He further states Birmingham has been hosting two contingency units in The Rowton and The Britannia hotels – another 443 beds combined. This he says creates undue pressures on the local authority's resources and those of other statutory partners. After 15 months of continued contingency use (at the Rowton)

Serco ended its use of the Rowton Hotel, rendering his concerns about the asylum dispersal policy for the West Midlands and lack of support from Central Government.

- 6.24. Whilst these concerns are noted, local or national planning are silent and do not limit, guide or direct the capacity of such accommodation. These matters that are controlled by the Home Office/National Government and are not matters which the Planning Department can resolve or query. Such lie outside of the planning remit and are non-material considerations.

Standard of accommodation

- 6.25. With regards to the quality of accommodation the case officer visited the site with the submitted plans in mind and considered the hotel to be of good standard.
- 6.26. A significant large proportion of bedrooms would exceed the minimum floorspace standards of 6.5sqm for bedrooms, as specified in the 'Specific Needs Residential Uses' SPG. The 3 which fall short are 4.8sqm, 5.8sqm and 5.9sqm. The largest room is 15sqm. However, I should note the SPG relates to HMOs and the current application is for asylum seekers, therefore whilst the SPG is useful guidance it should not be used as a reason to refuse this application on the size of the rooms. The Nationally Described Space Standards apply to self-contained accommodation and therefore are not considered to be relevant to this proposal. As from my visit the rooms are large enough to accommodate people staying for short periods of time/for asylum seekers accommodation and on inspection are in good condition. Each room provides heaters, a bed, curtains/carpet, a bed side table, a wardrobe, a toilet and shower and window.
- 6.27. Additionally, space for dining, watching tv, playing games/socialising is provided on the ground floor which equates to 900m² of communal space. Laundry's with washing and drying facilities provided are on each floor (as detailed in paragraph 15 of the submitted Management Plan). That said no onsite outside amenity space is being provided.
- 6.28. The application is accompanied by an independent report conducted by Environmental Health and Housing Associates - Glazebrook Associates LTD. This report advises on the suitability of the property and concludes the proposal (albeit general repair works) meets the requirement of the prescribed standards as set out in Schedule 3 of the Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006.
- 6.29. In light of the above, I am satisfied that the Rowton Hotel would provide an acceptable standard of accommodation for future occupiers.

Amenity (proposed and existing)

- 6.30. 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 as well as safe and attractive environments. Paragraph 124 of the NPPF states that good design is a key aspect of sustainable development and creates better places to live and work.
- 6.31. In terms of immediate environment, the opposite side of Moseley Street (the former Westminster Works) has planning consent for erection of a 6/7 storey building to provide 220 no. apartments. This development has commenced and as such the occupants of this development will become the nearest neighbouring residential properties to the Rowton Hotel. The nearby development of The Fountain has also

commenced with the modern buildings having been demolished and 150-159 Moseley street is up to a frame.

- 6.32. The development on the opposite side of Moseley Street was approved in the context of the application site/ the Rowton being in use as a hotel. The windows in the application premises are all existing and no new windows are proposed. The asylum seekers accommodation use will not alter the impact from overlooking or loss of light and as noted already within this report, although concerns have been raised about security and anti-social behaviour (see paragraph 4.8), the Police have no objections and do not consider that the asylum seeker accommodation use is a constraint on police resources.
- 6.33. The 'Specific Needs Residential Uses' SPG recommends that 16sqm of outdoor, communal, amenity space should be provided per resident, and this would equate to of 5,232sqm. The site provides zero communal space. That said the site is opposite Highgate Park, which can provide outdoor recreation and amenity space for the residents of this property, albeit across the road. Whilst this can provide outdoor space the lack of private enclosed space is not ideal, particularly given the number of residents that would potentially occupy the site and their transient nature of occupancy. The building's Listed Building status limits the opportunity to provide on-site external amenity space, however whilst this is considered, I do not believe the lack to be wholly unacceptable.
- 6.34. I acknowledge that the number of residents occupying the building all at one time could fluctuate by means of demand/those seeking asylum and those asylum seekers being moved on however such is a matter of uncertainty. Therefore, the level of amenity space should be considered with the 233 bedrooms/327 persons in mind.
- 6.35. Furthermore, supporting text to Policy DM12 similarly says specialist accommodation is normally most appropriately located in large detached properties set in their own grounds. It goes on to say proposals should include within the site boundary adequate outdoor amenity space to provide a satisfactory living environment for residents. The amount and location of such space should be related to the proposed number of residents and their needs. This should normally be a minimum of 16 sq.m of space per resident. Details of the management arrangements of such developments should be submitted with an application. Quality amenity space contributes to a good standard of living and there has been no attempt with provision here.
- 6.36. It is reasonable to rely on the adjacent park, but in my view and in this case to make up for the lack of amenity space for informal play/ recreation alone is unacceptable and conflicts somewhat with policy PG3, DM12 and the Specific Needs Residential Uses SPG.
- 6.37. Notwithstanding the lack of onsite external space there are no other specialist types of accommodation within this locality and the proposal will not adversely impact on the residential character or appearance of the area. Regulatory Services consider the use as asylum seekers accommodation to not have any greater impact on the amenities of neighbouring premises/ properties than the extant hotel use and therefore have no objections. Additionally, West Midlands Police have no objections.
- 6.38. Therefore, whilst there is some conflict with policy here, I do not consider the proposed, on balance would adversely impact on the amenity of future occupiers or nearby residents.

Access, parking and highway impact

- 6.39. The Rowton Hotel has no dedicated car parking on site, the footprint of the building almost fills the site (with a small area for bin storage). No off-street parking is currently available, and none is proposed with the application. On-street parking is currently available on Alcester Street and Moseley Street. Public car parking is available within the city centre (1km away) and Bordesley train station is 0.5m (10 min walk) away. Transportation Development have no objection on the basis that the use has not created any noted highway or transport impacts.

Impact on Grade II Listed building

- 6.40. The submitted Design and Access Statement notes that the building is Grade II* listed and provides a short history, description, and heritage statement (within the DAS). It also confirms that the application is for change of use only. The agent has clarified that no works have been, or will be, carried out to the listed building therefore no application for Listed Building Consent is required.
- 6.41. Section 66 of the Town and Country Planning (Listed Building and Conservation Area) Act 1990 requires the Local Planning Authority to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 6.42. Paragraph 197 of the revised NPPF encourages local planning authorities to take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation. Paragraph 199 also states that where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. The NPPF also supports developments which put heritage assets to viable use and the desirability of development making a positive contribution to local character and distinctiveness. Great weight should be given to the conservation of heritage assets. Any harm to the asset requires justification.
- 6.43. TP12 of the Birmingham Development Plan (BDP) states that the historic environment will be valued, protected, enhanced and managed for its contribution to the character, local distinctiveness and sustainability. Policy PG3 of the BDP also states that development should make best use of existing buildings and efficient use of land in support of the overall development strategy.
- 6.44. My Conservation Officer and City Design Officer both have no objections. My Conservation Officer has recently considered a further re-location of the cycle stands and finds the most recent revisions acceptable. Furthermore, the continued use of this Listed Building would be in the public interest as opposed to it sitting empty left to deteriorate, therefore supporting such would conform to Section 66 and local and national policy.
- 6.45. With the above in mind the proposed scheme would bring this building back into life and preserve the existing character of the Listed Building without causing any harm to its significance or to any other heritage assets nearby. The proposed therefore accords with Policy TP12 of the BDP and Government guidance within the NPPF.

Public Sector Equality Duty

- 6.46. The Equality Act 2010 introduced a new public sector equality duty. In summary the Council must, in the exercise of its functions have due regard to the need to:

-eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
-advance equality of opportunity between people who share a protected characteristic and those who do not;
-foster good relations between people who share a protected characteristic and persons who do not share it.

- 6.47. It remains as a priority for the Council to provide safe environments which facilitate independent living for vulnerable residents in Birmingham This application has been considered for specialist housing with the Councils latest housing needs and strategies in mind.

Other Matters

- 6.48. Drainage

- 6.49. The Drainage Strategy notes that the site is flood zone 1 and there is no risk of flooding. The existing building is connected to mains foul and surface water systems and there are no additional buildings or hard standing proposed. Severn Trent states the proposal will have minimal impact on the sewerage system and therefore have no objections and recommend no condition.

- 6.50. Security

- 6.51. West Midlands Police raised no objection subject to CCTV.

7. Conclusion

- 7.1. A temporary change of use of the Rowton Hotel as accommodation for asylum seekers (AS) (Sui Generis) would conflict with the strategic aims for this part of the City Centre. The proposed considerably undermines the Councils aspirations and desires to improve and create a high-quality destination, failing to comply with GA.1 of the BDP. That said the proposed would not permanently stifle future opportunities for regeneration by reason of the temporary consent being sought; therefore, I afford less than considerable weight to this conflict.
- 7.2. Whilst the proposal would not conform with the aims of GA1 it would contribute positively by way employing staff to run and repair the site and making use of a vacant Listed Building. The change of use would see a good standard of specialist accommodation provided within a large detached building, sustainably located near to services and facilities in accordance with PG3, TP27, TP28 and TP30 of the BDP. With regard to DM12 the proposal would result in the loss of an existing use that could make an important contribution to the Councils objective, strategies, and policies, that said the loss is for a temporary time frame. It would not see an over concentration of uses in line with the BDP and DPD and would not be detriment to the amenity or character of the area.
- 7.3. No provision for outdoor amenity space is to be provided however given the generous internal communal space, the adjacent Highgate park and temporary 3-year period sought, limited weight to this conflict is attributed here.
- 7.4. The proposed would make good use of a grade II Listed Building that has been vacant for some time, conforming to the aims of TP12 of the BDP and Section 66 of the Town and Country Planning (Listed Building and Conservation Area) Act 1990. No adverse harm by means of noise and disturbance is likely to affect nearby residents or the amenity of the area. Therefore, on balance I believe the proposal should be supported subject to appropriate planning conditions.

8. Recommendation

8.1. Approve subject to conditions

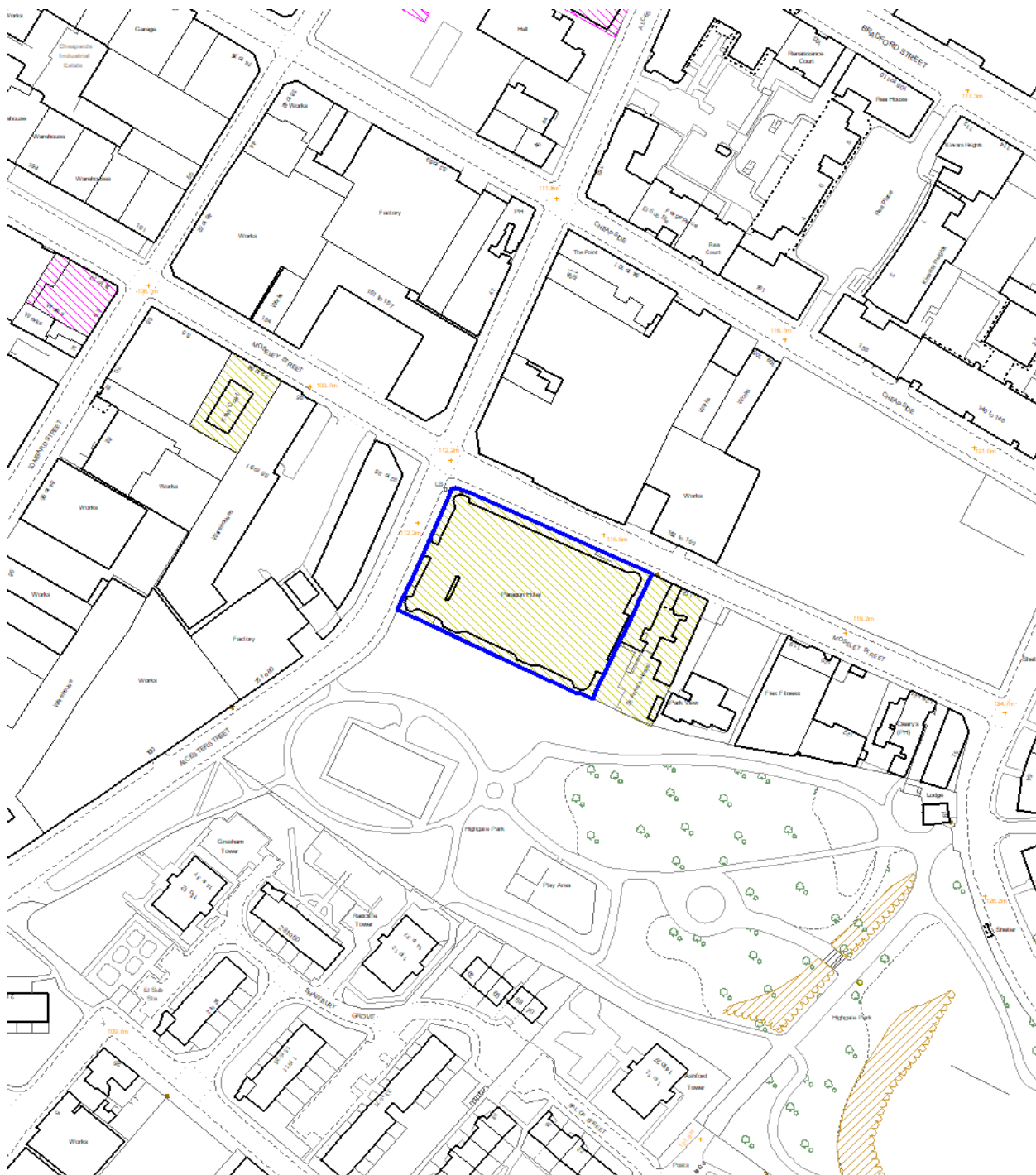
-
- 1 Implement within 3 years (Full)
 - 2 Requires the scheme to be in accordance with the listed approved plans:
 - 3 Requires the submission of a CCTV scheme
 - 4 Maximum Occupation Condition
-

Case Officer: Sarah Plant

A street view of Alcester, showing a red brick building with a conical roof, a large tree, and a silver car parked on the street. The street is paved and has a white line marking. The building is made of red brick and has a conical roof. There are several cars parked along the street. A large tree is on the right side of the street. The sky is blue with some clouds.



Location Plan



This map is reproduced from the Ordnance Survey Material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Birmingham City Council. Licence No.100021326, 2010