

# **Birmingham City Council**

## **Planning Committee**

**08 November 2018**

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Approve – Conditions	9	2018/04965/PA  Sherborne Wharf Land to the South of Birmingham Canal old line Birmingham  Erection of single storey amenity building to serve canal side moorings
Refuse	10	2018/04410/PA  6-9 Ernest Street Birmingham B1 1NS  Outline application for the erection of a 9/10 storey building comprising 118 apartments (Use Class C3), car parking and commercial unit (Use Class A1-A3 & B1(a)). Application seeks access, layout and scale with appearance and landscape reserved
Approve – Subject to 106 Legal Agreement	11	2018/04626/PA  23-34 Cliveland Street City Centre Birmingham B19 3SH  Demolition of existing building and erection of a 6 storey building to provide 52 apartments and associated parking and landscaping.
Approve – Conditions	12	2018/04369/PA  65-77 Summer Row Birmingham B3 1LB  Change of use from job centre (Use Class A2) to education use for University College Birmingham (Use Class D1)

301 Broad Street  
Former Birmingham Municipal Bank  
City Centre  
Birmingham  
B1 2DR

Refurbishment and change of use of the former Municipal Bank from B1 and A2 uses to a mixed use scheme, comprising University use including exhibition halls (Use Class D1), food and beverage uses (Use Classes A3 and A4), community uses (Use Classes D1, D2 and Sui Generis) and co-working use (Use Class B1). Demolition and alteration to the rear elevation, removal of existing glazed roof light, and erection of new raised roof light above existing roof level. Extension of basement level ancillary space to the south beneath new landscaped steps and ramp opening the south elevation to Bank Court, and associated works.

301 Broad Street  
Former Birmingham Municipal Bank  
City Centre  
Birmingham  
B1 2DR

Listed Building Consent for removal of south elevation and single storey 'lean to' and erection of new south extension and roof canopy incorporating new south facing, second floor roof terraces and roof level plant enclosures, removal of existing glazed roof light and erection of new raised roof light above existing roof level, forming new parapet wall to existing east facing roof terrace. Extension of basement level ancillary space to the south beneath new landscaped steps and ramp opening the south elevation to Bank Court, demolition and extension of the subterranean south wall to the existing south basement to connect to the basement parking and service entrance below Bank Court and erection of two new lifts to the southern perimeter of the building aligned to the existing stair cores

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Committee Date:	08/11/2018	Application Number:	2018/04965/PA
Accepted:	20/06/2018	Application Type:	Full Planning
Target Date:	25/10/2018		
Ward:	Ladywood		

Sherborne Wharf, Land to the South of Birmingham Canal old line,  
Birmingham

Erection of single storey amenity building to serve canal side moorings

Applicant:	Inland Homes C/O Agent
Agent:	Nexus Planning Unit 3 Weybridge Business Park, Addlestone Road, Addlestone, KT15 2BW

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Recommendation

**Approve subject to Conditions**

1. Proposal

- 1.1. This application seeks planning permission for a single storey building at land to the south of the Birmingham Canal old Line, Sherborne Wharf.
- 1.2. The proposal is for a single storey building measuring approximately 9.6m x 2.9m x 3.4m to the top of the flat roof made of perforated brick, projecting feature brick work, dark engineering brick work with dark grey solid panel double doors, dark grey louvred door on the north west elevation, dark grey solid door on the north east elevation and dark grey solid panel sliding doors on the south east elevation. The building would replace an existing amenity building within the Sherborne Wharf development site which would be key controlled. It would be used to serve boat owners and users associated with Sherborne Wharf Ltd comprising of storage, refuse store, communal WC, Elsan disposal. Bins would be emptied from the Sherborne Wharf site where there would be vehicular access for bin lorries. The Canal River Trust requires the building to be located on the towpath to be situated on land that both they and Sherborne Wharf Ltd have retained control of.

1.3. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site relates to the towpath south of the Birmingham Canal. To the south east are Sherborne Lofts apartments. To the west, over 230 apartments have been approved and are in the process of being implemented.

[Site Location](#)

3. Planning History

- 3.1. 07/06/2017 - 2016/10683/PA - Clearance of the site and erection of buildings containing 148 apartments, car parking, landscaping, access and ancillary works – approved subject to S106 and conditions.

- 3.2. 11/05/2018 - 2017/08095/PA - Demolition of existing buildings (except for Psonex House), erection of buildings between 3 and 10 storeys and change of use of Psonex House providing a total of 87 apartments (C3) with associated car parking, landscaping, access and ancillary works – Approve Subject to Conditions

Sherborne Street, Former Council Depot

- 3.3. 07/06/2017 - 2016/10683/PA - Clearance of the site and erection of buildings containing 146 apartments, car parking, landscaping, access and ancillary works – Approve Subject to Conditions

4. Consultation/PP Responses

- 4.1. Local Councillors, Birmingham City Centre Management, residents associations and nearby occupiers notified. Site notice posted. Prior to the submission of the amended plans, both Councillor Kath Hartley and Sir Albert Bore raised concerns that the proposed amenity building would have an impact on canal towpath users and therefore cannot support the proposal. 6 objections were also received, objecting on the following grounds (in summary):

\*proposal is to build directly adjoining Sherborne Lofts retaining wall

\*NE face of the basin will be 1.6 m. When you add in the restrictions caused by the mooring rings, ropes and the gang planks the tow path becomes dangerously narrow

\*plans submitted are in part in error as they show the area in red includes part of Sherborne Lofts land.

\*towpath is not well lit, this would become very hazardous for someone walking between the Wharf and Sherborne Lofts

\*the application for an amenity building on the towpath is a poor after thought

\*ornamental railing requires access to both sides to maintain it

\*drainage may be an issue

Following the submission of amended plans, 4 objections were received, objecting on the following grounds (in summary):

\*building is too large

\*towpath currently has many electrical hook up points, gang planks and mooring rings

\*the towpath is usually hazardous to navigate and care has to be taken so as not to trip over any obstacles particularly for wheelchair users

\*internal turning circle reduced

\*space between the proposed building and line indicating obstacle is not 1.6m is unsafe, should be at least 2.5m

\*towpath restricted if door to the electrical cupboard is fully open

- 4.2. Canal and River Trust – Request amended plans to ensure that there is no opportunity for fly tipping/anti-social behaviour between the block and the southern site boundary

- 4.3. Regulatory Services – No objections subject to condition relating to refuse collections/servicing
- 4.4. Transportation Development – No objections.
- 5. Policy Context
- 5.1. Birmingham Development Plan 2017 (BDP), Sherborne Street Development Brief (2000) and National Planning Policy Framework.
- 6. Planning Considerations
- 6.1. The Birmingham Development Plan supports the use of canal towpaths for walking and cycling routes.
- 6.2. The Sherborne Street Development Brief emphasises the need for views of and access to the canal. A public towpath is to be constructed on the Sherborne Street side of the canal loop which will link to Sheepcote Street via the potential new bridge over the canal.
- 6.3. Following the development of Sherborne Wharf for 146 apartments, an existing decaying amenity building on the site used by the nearby canal moorings was required to be replaced and relocated on land that both Canal and River Trust and Sherborne Wharf Ltd have retained control of to ensure its future maintenance.
- 6.4. Concerns with the original submission were raised and amended plans have been received. The objections raised from nearby residents regarding the size of the building, the towpath having existing electrical hook up points, gang planks and mooring rings and restricted access on the towpath if doors are open have been noted. The proposal would now be for a rectangular building allowing the full width of the towpath along the existing retaining wall to be retained, the building would be set back 2m from the canal brick edge ensuring a 2m wide towpath, the doors fronting the canal have been replaced with sliding doors to ensure that they don't open out restricting the width of the towpath, the height of the building has been reduced by 0.1m and the electricity hook up points would also be removed from the site, further removing any obstructions on the towpath. It is considered that the proposed design and location of the building would provide sufficient towpath width.
- 6.5. Regulatory Services have raised no objections to the proposal subject to a condition restricting refuse collection and servicing to 0700-1800 Monday to Friday, I concur with this view and have attached the recommended condition to safeguard the amenities of nearby occupiers.
- 6.6. Transportation Development have also raised no objections. I concur with this view.
- 7. Conclusion
- 7.1. The proposal has addressed the concerns previously raised and is now considered to be acceptable in this location.
- 8. Recommendation
- 8.1. Approve Subject to Conditions

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- 1 Requires the submission of sample materials
  - 2 Limits the hours of refuse collection and servicing
  - 3 Requires the scheme to be in accordance with the listed approved plans
  - 4 Implement within 3 years (Full)
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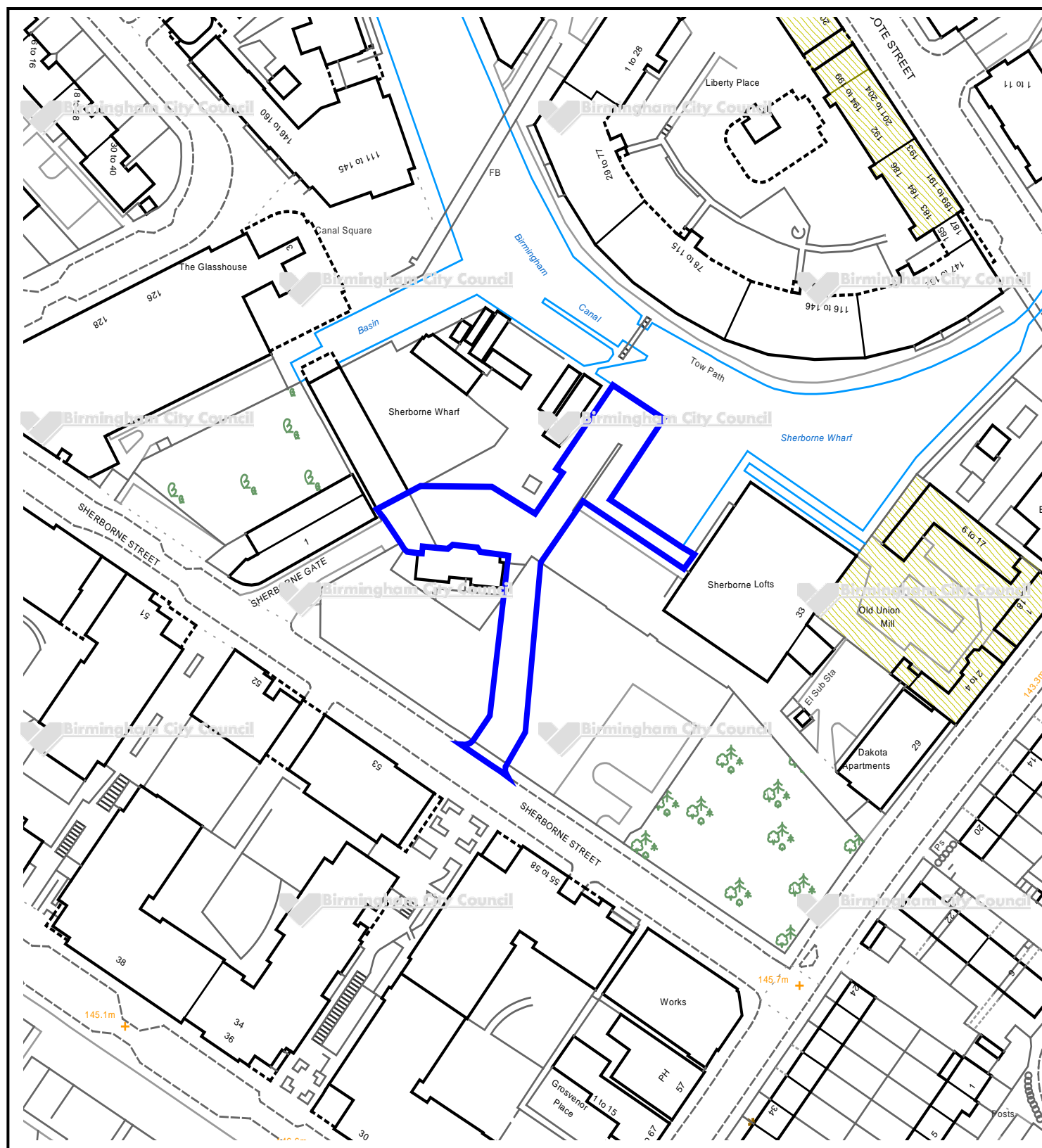
Case Officer: Anh Do







## Location Plan



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Committee Date:	08/11/2018	Application Number:	2018/04410/PA
Accepted:	15/08/2018	Application Type:	Outline
Target Date:	14/11/2018		
Ward:	Ladywood		

6-9 Ernest Street, Birmingham, B1 1NS

Outline application for the erection of a 9/10 storey building comprising 118 apartments (Use Class C3), car parking and commercial unit (Use Class A1-A3 & B1(a)). Application seeks access, layout and scale with appearance and landscape reserved

Applicant:	Hamptons Development Ltd Frederick Road, Edgbaston, Birmingham, B15 1JD
Agent:	Mike Lapworth Burnhill, Lineholt Lane, Ombersley, Droitwich, WR9 0JU

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Recommendation

**Refuse**

1. Proposal

- 1.1. Outline application for the erection of a 9/10 storey building comprising 118 apartments (C3), car parking and commercial unit (A1-A3 & B1(a)). Application seeks consent for access, layout and scale only.
- 1.2. The proposed building would be positioned to the back of pavement and form a 'C' shaped development with a small internal courtyard to the rear. It would be 9/10 storeys in height with matters of appearance and landscape reserved for future consideration.
- 1.3. 21 car parking spaces would be accommodated at ground floor to the rear of the proposed commercial unit and 42 car parking spaces would be provided within a basement. Access would be off the currently unnamed, blocked off road between Florence Street and Ernest Street. 20 Cycle spaces and 10 motorcycle spaces are also proposed.
- 1.4. The commercial unit would be 270 sqm and located to front onto Ernest Street. There is currently no end user and a speculative consent for A1-A3 or B1(a) use is sought.
- 1.5. The residential accommodation would consist of 88 one bed apartments (75%) and 30 two bed apartments (25%). Each unit would comprise of an open plan kitchen/dining/living area, bathroom and one or two bedrooms. The accommodation would comply with the national space standards.

1.6. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site is to the rear of buildings fronting Holloway Head between Florence Street and Ernest Street. The existing building fronts onto Ernest Street with the car park dominating the rest of the site. The surrounding area accommodates a wide range of uses including a hotel, car repair garage, gym and retail. There are also a number of new residential developments recently occupied, currently under construction or recently permitted, including the adjacent site at 76 Holloway Head and the site immediately to the south.
- 2.2. Topographically the site slopes upwards from east to west and from north to south.
- 2.3. [Site location](#)
- 3. Planning History
  - 3.1. 16<sup>th</sup> March 2007 – 2006/06515/PA Erection of 61 residential apartments with associated car parking spaces and means of access, cycle and motorcycle storage space. Approved subject to legal agreement and conditions.
  - 3.2. 14<sup>th</sup> May 2013 - 2013/01685/PA Change of use of part of ground floor from general industry (B2) to a restaurant and café use with ancillary hot food takeaway sales (A3). Approved.
  - 3.3. 2016/02788/PA Outline planning application for 108 apartments, commercial unit at ground floor (A1-A4 + B1(a)) and associated car parking. Approval sought for access, layout and scale and all other matters reserved. Withdrawn.
  - 3.4. 2017/10881/PA Outline application for the erection of a 10/11 storey building comprising 126 apartments (C3) car parking and commercial units (A1-A4 + B1(a)), application sought access only with all other matters reserved. Withdrawn.

#### 76 Holloway Head

- 3.5 12<sup>th</sup> September 2018 – 2018/03005/PA Demolition of existing building and redevelopment of site with 9 storey building to provide 34 residential apartments (C3) and 1 ground floor retail unit (A1/A2). Approved subject to S106 and conditions.
- 4. Consultation/PP Responses
  - 4.1. Education - £158, 431.17 required
  - 4.2. Lead Local Flood Agency – Object, insufficient Sustainable Urban Drainage information submitted.
  - 4.3. Leisure Services – Based on 148 persons an off-site financial contribution of £192,400 would be required to be spent on footpath reconfiguration, and the maintenance at Chamberlain Gardens.
  - 4.4. NHS – A financial contribution of £4,791.00 is required to provide additional services and capacity to meet additional patient demand as a result of this development.
  - 4.5. Regulatory Services – No objection subject to conditions with regard extraction and odour control, noise insulation to commercial unit, vehicle charging point, travel plan, updated noise assessment, noise levels for plant and machinery and land contamination conditions.

- 4.6. Transportation Development – No objections subject to conditions with regard a construction management plan, S278 Agreement, car parking management plan, details of gate opening mechanism, visibility splay, gradient details and secure cycle storage.
- 4.7. West Midlands Police – Application should comply with Secure by Design Homes 2016 and Secured by Design Commercial 2015.

5. Policy Context

- 5.1. Birmingham UDP 2005 saved policies; Birmingham Development Plan 2017; Places for Living SPG; Places for All SPG; Access for People with Disabilities SPD; Car Parking Guidelines SPD; Lighting Places SPD; Public Open Space in new residential Development SPG; Affordable Housing SPG, 45 Degree Code SPG and the National Planning Policy Framework.

6. Planning Considerations

Principle

- 6.1. The application site lies within the City Centre Growth Area, as identified within the BDP. It is acknowledged that alongside its important economic and visitor role the City Centre is home to a growing residential population which will continue to expand in the future. Over the plan period of 2011 to 2031 51,100 homes are planned to be delivered within the City as a whole with a focus on delivering as much of the new housing that the City needs within the urban area as possible. Residential development has previously been approved on the site, in addition to sites in the immediate vicinity. I therefore consider the residential redevelopment of this site is acceptable in principle.

Scale and layout

- 6.2. The revised NPPF emphasises the importance of good design as a key aspect of sustainable development and local policies, including PG3, reinforce this objective and seek to ensure that all new development demonstrate a high design quality contributing to a strong sense of place.
- 6.3. This application is outline but it seeks detailed consent for scale and layout and plans therefore show how the development would be accommodated on site as a 'C' shaped development to the back of pavement at between 9 and 10 storeys high. Whilst the layout would serve to positively enclose the street with active frontages its scale would dominate the surrounding developments rising above the recently approved adjacent development (76 Holloway Head) which fronts a primary route, and it would dominate and have a poor relationship with the development to the south (Windmill Street) thereby resulting in a development out of scale and character with the surrounding urban form.
- 6.4. The proposed block would be between 11 and 17m deep and extend along the majority of the sites boundaries. As a result, the internal layout comprises of a series of unsatisfactory single aspect apartments with limited natural light sources including some apartments having habitable rooms of up to 9m deep with only a single light source. In addition, none of the ground floor units are shown to have any defensible space and with less than 10m to the rear boundary there are significant overlooking opportunities. Also, the extent of the development along the northwest boundary

(17m) would, through position and scale adversely impact the adjacent approved development, resulting in a loss of light and amenity to internal living areas and their communal external space.

- 6.5 There would also only be 157 sqm of communal amenity space for 118 one and two bed apartments. Whilst the site's locality means a minimum level of amenity provision is not required, the proposed size of the amenity space, the extent of development around it and its location to the north result in an unacceptable amenity provision indicative of overdevelopment of the site which would also serve to further compromise future occupiers amenity.
- 6.6 TP30 also states that proposals for new housing should deliver a range of dwellings to meet local needs and support the creation of mixed, balanced and sustainable neighbourhood. It also identifies that high density schemes will be sought in the city centre. However, whilst the redevelopment of the site would deliver additional housing on a brownfield site close to the city centre core the proposed mix would deliver a significantly higher proportion of 1 bed units than 2 without justification and therefore fails to satisfactorily address TP30 or the City's need (TP31).
- 6.7 I therefore consider that the scale and layout of the proposed development would have an adverse impact and would not result in good quality environment for existing or future occupiers contrary to policy.

#### Planning Obligations

- 6.8 Given the nature of the proposal affordable housing and POS would be required in accordance with policies TP9 and TP31, unless it can be demonstrated this would comprise the viability and deliverability of the scheme. The financial appraisal has been independently assessed. However, the financial appraisal relies on a number of assumptions which the Council does not accept and shows that the scheme, even without any contribution, would produce a negative land value of in excess of £5 million. Consequently, the proposal offers no affordable housing or public open space contribution and the development therefore fails to provide planning benefits which are necessary to support and serve the development, contrary to policy.
- 6.9 The City's Employment Team have requested an employment condition however given the unacceptability of the proposal this has not been sought. Further, as there is no offer the consideration of the requests from education and the NHS are not necessary.
- 6.10 The site is within the high residential market value area and the development would be liable for a CIL payment of approx £480,000.

#### Transportation

- 6.11 Policies TP38-41 encourage developments where sustainable transport networks exist and/or are enhanced. In addition to supporting sustainable transport networks the Car Parking SPG identifies a maximum car parking provision of 1 car parking space per dwelling.
- 6.12 The site is located within the City Centre with good accessibility to public transport. There are bus stops along Holloway Head, Bristol Street and Suffolk Street Queensway all within 400m. The site also lies within 500m of New Street Railway Station and within walking distance of a wide range of facilities. In addition, the application proposes 63 car parking spaces and some cycle parking (20 spaces) and

I note the car parking provision, at 47%, is higher than the level approved at a number of sites in the vicinity. There is therefore scope to reduce car parking provision to increase the level of cycle parking to the level required by policy. I therefore concur with Transportation Development who raise no objection, subject to conditions, to the proposal in this respect.

Other

- 6.13 Regulatory Services have raised no objection to the proposal. I also note that the residential redevelopment of the site would remove an existing noise generating leisure/entertainment use.
- 6.14 Although the site is considered to have limited existing ecological habitat a preliminary assessment would be required to ensure that no breach of statutory legislation occurs which has not been submitted. However, this is not a reason for refusal.
- 6.15 The LLFA currently recommend refusal due to insufficient information and a refusal reason is recommended accordingly.

## 7. Conclusion

- 7.1. Whilst residential redevelopment of this site is acceptable in land use terms the overall scale and mass of the proposal would adversely affect the character and appearance of the area. In addition, the lack of a financial contribution would also fail to mitigate the developments impact. Consequently the proposal would be contrary to policy and should be refused.

## 8. Recommendation

- 8.1. Refuse

## Reasons for Refusal

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- 1 The proposed layout would result in an unsatisfactory and overintensive development which would adversely affect the amenities of existing and future occupiers contrary to policy PG3, TP27 and TP30 of the Birmingham Development Plan, Places for Living SPG, 45 Degree Code SPG and the NPPF.
  - 2 The excessive scale of the proposed development would result in an out of character development to the detriment of the visual and urban form of the area contrary to policy PG3 of the Birmingham Development Plan, Places for Living SPG, 45 Degree Code SPG and the NPPF.
  - 3 The proposal offers no contribution towards public open space or affordable housing contrary to policy TP9, TP31 and TP47 of the Birmingham Development Plan, Public Open Space in New Residential Development SPD, Affordable Housing SPG and the NPPF.
  - 4 Insufficient information with regard Sustainable Urban Drainage including details such as proposed discharge rate and location, drainage plans, SuDs features and drainage calculations has been submitted and the proposal is therefore contrary to TP6, TP27 and PG3 of the Birmingham Unitary Development Plan and the NPPF.
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Case Officer: Joanne Todd

## Photo(s)

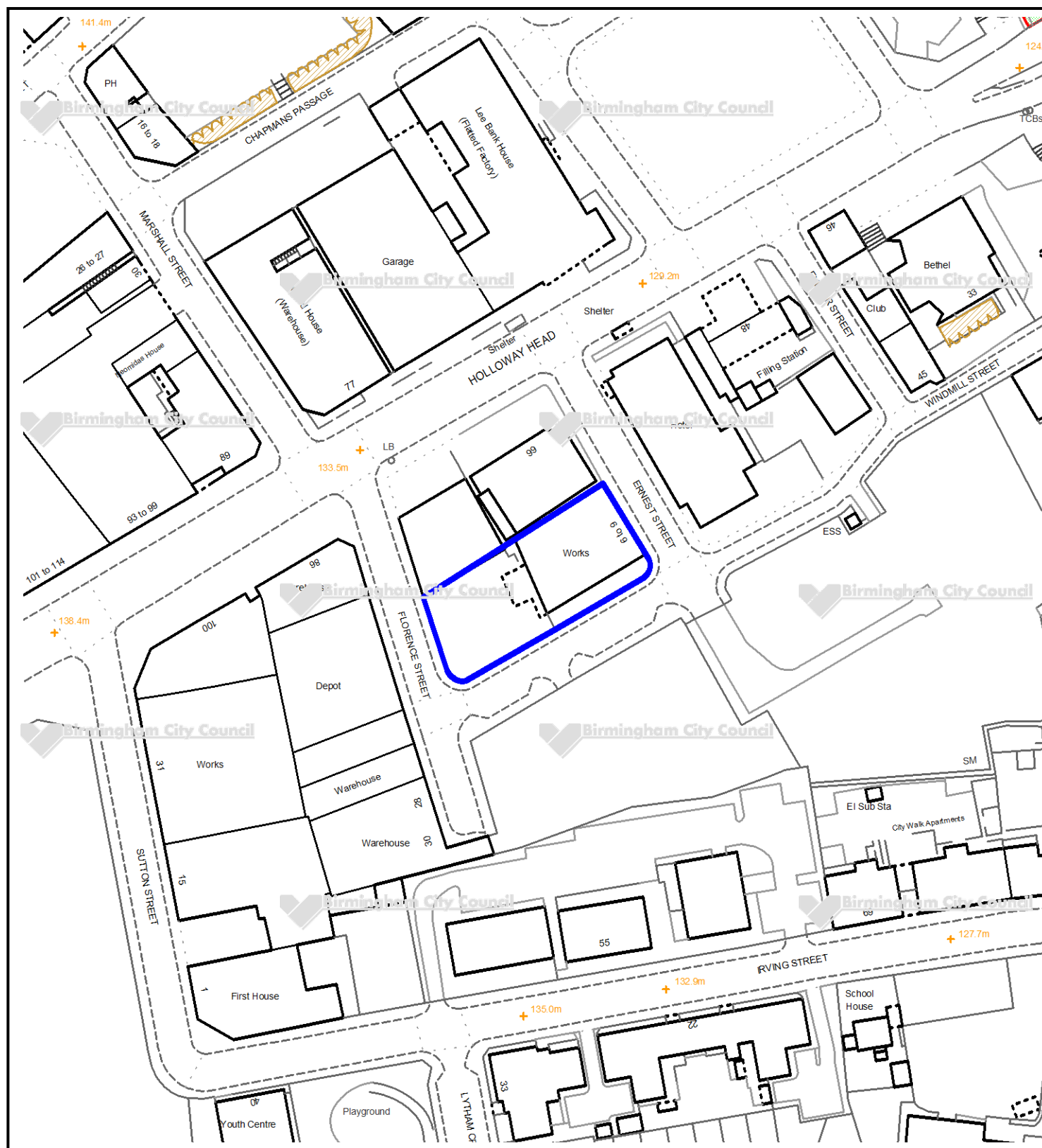


Photo 1: From Ernest Street



Photo 2: From Florence Street

## Location Plan



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Committee Date:	08/11/2018	Application Number:	2018/04626/PA
Accepted:	07/06/2018	Application Type:	Full Planning
Target Date:	30/11/2018		
Ward:	Newtown		

23-34 Cliveland Street, City Centre, Birmingham, B19 3SH

Demolition of existing building and erection of a 6 storey building to provide 52 apartments and associated parking and landscaping.

Applicant:	Cliveland Street (Birmingham) Ltd c/o Agent
Agent:	PJ Planning Regent House, 156-7 Lower High Street, Stourbridge, West Midlands, DY8 1TS

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Recommendation

**Approve Subject to a Section 106 Legal Agreement**

1. Proposal

- 1.1 The application proposes the demolition of an existing two storey industrial building that occupies the entire site and its replacement with a scheme of 52 one and two bed apartments. The replacement building would be predominantly six storeys high and erected to the back of the existing footway on Cliveland Street. It would have a wing at the rear which would also be 6 storeys in height and extend back into the site adjacent to the boundary with the canal. Where the site adjoins an existing commercial building on its west boundary it would reduce in height to 3 storeys.
- 1.2 The proposed building would have a flat roof and the main section would be constructed from red/brown brickwork with the top floor built in protruding brickwork pattern. There would also be several rows of protruding brickwork within the lower facades of the building in a decreasing frequency, which the architect describes as creating a kinetic effect to represent falling lead to reference the shot-production process that was carried out in the adjacent locally listed shot tower. The lower 3 storey section would be of a darker black/grey brick. The entire building would have floor to ceiling height windows set within a full-brick depth reveal to create depth to the façade. On the ground larger format windows are proposed to provide a double height base to the building which would allow duplex units to be provided including a mezzanine level.
- 1.3 The development would provide a mix of apartments comprising 21 x 1 bed units (40%) and 31 x 2 bed units (60%). The 1 bed units would all provide 2 person accommodation according to nationally described space standards, ranging in size from 50-59 square metres. The 2 bed units would range in size from 61-67 square metres and therefore be suitable for 3 persons. It is intended that the apartments would all be for sale and following the submission of a financial appraisal the applicants have agreed 5 (9.6%) low cost units for sale at 75% of open market value.
- 1.4 Vehicle access to the site would be provided from the Cliveland Street frontage to serve a small a car park with 9 spaces (17% provision) which would be partly under

the proposed rear wing. The remainder of the site would be laid out to provide a terraced courtyard garden and would also accommodate a cycle store with 28 spaces. The rear of the site is about 2 metres below the level of the adjacent canal footpath/vegetation and the boundary would need to be secured with a retaining wall upon which 1.8 metre high railings would be provided.

- 1.5 The site has an area of 0.11 ha giving a density of 472 dwellings per ha. The application is supported by a Design and Access Statement, Heritage Statement, Transport Statement/Travel Plan, Ground Investigation, Noise Assessment, SUDs Assessment, Planning Statement, Viability Assessment Ecological Appraisal and Townscape and Design Assessment.

- 1.6 [Link to Documents](#)

- 2 Site & Surroundings

- 2.1 The application site covers an area of 0.11 ha and lies within the Gun Quarter. It fronts the south side of Cliveland Street and at the rear adjoins vegetation and the towpath associated with the Birmingham and Fazeley Canal. The site is currently entirely occupied by a two storey commercial building which dates from the inter war period and is composed of two parallel sheds. The building is of traditional red brick construction and incorporates loading bays and access onto Cliveland Street via pedestrian and vehicular roller shutters and doors. The premises were last used by a clothing supplier for embroidery and textile printing.

- 2.2 The north east boundary of the site adjoins the former Globe Works where a scheme of student accommodation is currently under construction. This development rises from 4 storeys adjacent to the site, to up to 10 storeys on the corner of Cliveland Street and Newtown Row. The south western boundary adjoins an existing 5 storey commercial building occupied by a company which stores and manufactures textiles, clothing and footwear. The building incorporates a Shot Tower at the rear adjacent to the canal towpath which is locally listed and was used to manufacture small diameter shot balls for use in shotguns.

- 2.3 On the opposite side of Cliveland Street is a two/three storey building used as a music recording studio with rehearsal space, stage and equipment for hire. In the general area there is a mixture of office, warehouse and industrial buildings.

- 2.4 [Site Location](#)

- 3 Planning History

- 3.1 There is no relevant planning history for the site.

- 3.2 Adjacent Globe Works site

- 3.3 23/12/15 - 2015/06907/PA – Planning permission granted for demolition of existing buildings and erection of a 4 to 10-storey student residential building accommodating 520 student bedrooms with ancillary facilities, cycle parking and landscaping.

- 3.4 29/3/17 - 2016/10633/PA - Planning permission granted for variation of condition 14 attached to application 2015/06907/PA to allow amendments to approved plans including additional storey to central wing in courtyard, squaring off tower, reduced footprint by 5%, ground floor layout alterations, enclosure of rear staircases and revisions to landscaping, elevational treatment and design.



#### 4 Consultation/PP Responses

- 4.1 Transportation – No objection subject to conditions requiring the reinstatement of the redundant footway crossings fronting the site, that the cycle and car parking is provided prior to occupation and that at least one car parking space is provided with equipment to charge electric vehicles.
- 4.2 Regulatory Services - Recommends refusal on the grounds that on the grounds that the development would lead to harm to health and quality of life for future residents due to noise from nearby industrial/commercial uses. They consider it would introduce a noise sensitive use in an existing industrial and commercial area where the noise climate may represent a statutory nuisance which could have an adverse impact on the operation of existing businesses and potential loss of employment activities. No objection is raised subject to conditions in respect of contamination issues.
- 4.3 Employment Team - Request employment obligations within any planning approval either through a Section 106 agreement or as conditions to require a construction employment plan providing a minimum total of 60 person weeks of employment per £1million spend on the construction of the site for New Entrants whose main residence is in the Local Impact Area.
- 4.4 Local Services – No objections but as the scheme is for over 20 dwellings there is a need for an off-site POS contribution in accordance with the BDP. Bases on the current mix this would be £113,100 which would be spent on the provision, improvement and/or biodiversity enhancement of public open space, and the maintenance thereof at St Georges Park, Tower Street Recreation Ground and Newtown POS all within the Newtown Ward.
- 4.5 Lead Local Flood Authority - No objection subject to conditions requiring the prior submission of a detailed Sustainable Drainage Scheme and Sustainable Drainage Operation and Maintenance Plan.
- 4.6 Severn Trent Water - No objection subject to a drainage conditions being imposed.
- 4.7 Canal and Rivers Trust - Has made the following comments:-
- The land level on the application site is significantly lower than the towpath adjacent to the southern boundary. To ensure that no harm is caused to the structural integrity of the towpath and canal, information is required to demonstrate what retaining structure is to be used and how it will be constructed in order to demonstrate no harm would occur to the water environment.
  - The preliminary ground investigation should identify the potential impacts on the canal environment, including a full ground survey, detailed pollution pathways and potential hydraulic continuity.
- Subject to satisfactory additional information being provided the Canal and Rivers Trust request that conditions are imposed requiring a construction environmental management plan, details of construction works to ensure the structural integrity of the canal structures is safeguarded, requiring an external lighting scheme to ensure there is no unnecessary glare and light pollution, that measures are included to protect the canal environment from vehicle fumes and pollution and that the landscaping scheme that incorporates measures to enhance biodiversity value of the site. They also request a financial contribution to fund lighting along the stretch of towpath between Barker Bridge and New Town Row (Lancaster Street) along with a

mechanism for the ownership and future maintenance to encourage greater use of the towpath.

- 4.8 West Midlands Fire Service - No objection subject to water supplies for firefighting being provided in accordance with National Guidance on the Provision for Fire Fighting.
- 4.9 West Midlands Police – Express concern that access to the apartments is via an insecure ‘tunnel’ over which one of the first floor flats sits and that there appears to be no security proposed to protect the rear of the building or the main communal entrances. As the entrance is also set back from the building line and below the height of the pavement, it reduces the amount of natural surveillance of the area immediately outside the doorway and with only one layer of security it leaves the building vulnerable. Recommends that this is addressed also and makes the following additional comments:-
- The development should comply with the standards laid out in the Secured by Design 'New Homes 2016' guide.
  - The access point should be secured by both a vehicle and a pedestrian gate no lower than 1.8 m in height and with an appropriate locking mechanism.
  - A lighting scheme for the site, specifically to cover the rear and undercroft parking areas, communal lobby areas and the ‘tunnel’.
  - A secure system is required for deliveries to the building such as the post and refuse collection.
  - The location of cycle storage area is remote in nature and subject of minimal natural surveillance and needs additional security measures, such as the gating and CCTV coverage or it will be very vulnerable to crime.
  - The boundary treatment to the canal should be visually porous and of a suitable height to aid surveillance and protection of the site
  - A suitable CCTV system should be installed to cover the site and the frontage to the canal.
- 4.10 Heart of England Foundation Trust – Request a contribution of £3,220.00 to be used to provide additional health care services and capacity to meet patient demand.
- 4.11 Ward Councillors, MP, residents associations, local residents and businesses notified of the application and site/press notices displayed. One letter has been received which comments that application site has the wrong address and that the development will affect light and privacy to the windows running on the side of their building.

## 5 Policy Context

- 5.1 Birmingham Unitary Development Plan (Saved Policies) 2005, Birmingham Development Plan 2017, Big City Plan, Places for Living SPG; Car Parking Guidelines SPD; Public Open Space in New Residential Development SPD; Lighting Places SPD; Loss of Industrial Land to Alternative Uses SPD, City Centre Canal Corridor Development Framework 2002, Affordable Housing SPG 2001 and National Planning Policy Framework 2018.

## 6.0 Planning Considerations

### 6.1 **The Issues**

- 6.2 Local Planning Authorities must determine planning applications in accordance with the Statutory Development Plan, unless material considerations indicate otherwise. The Development Plan comprises Birmingham Development Plan and the saved policies of the Birmingham Unitary Development Plan 2005. Other adopted supplementary planning policies are also relevant as is the National Planning Policy Framework. Also to be considered are the representations received from consultees and third parties. It is considered that the proposals raise a variety of planning-related issues which are discussed below.
- 6.3 **Land Use Policy**
- 6.4 The Birmingham Development Plan (BDP) sets out a number of objectives for the City until 2031 including the need to make provision for a significant increase in population. Policy PG1 quantifies this as the provision of 51,000 additional homes within the built up area of the City which should demonstrate high design quality, a strong sense of place, local distinctiveness and that creates a safe and attractive environments. Policy GA1 promotes the City Centre as the focus for a growing population and states that residential development will be continued to be supported where it provides well designed high quality environments. The majority of new housing is expected to be delivered on brown field sites within the existing urban area.
- 6.5 The Birmingham Development Plan (BDP) identifies the application site as being within the City Centre Growth Area where the focus will primarily be upon re-using existing urban land through regeneration, renewal and development. Policy GA1.3 relating to the Quarters surrounding the city centre core states that development must support and strengthen the distinctive characteristics, communities and environmental assets of each area. The site is within the Gun Quarter where the aim is to maintain the area's important employment role but also to complement this with a mix of uses around the canal and improved connections to neighbouring areas.
- 6.6 A development framework for the City Centre Canal Corridor was prepared in 2002 which seeks to realise the full potential of the canal as a focus for regeneration and positive development. It particularly notes that there are sections of the canal within the Gun Quarter where there is a poor mix of uses, design and layout of buildings which discourages the full potential of the network and states that a key objective of the framework is to remedy this position. It notes The Gun Quarter retains much of its fine urban grain with many small workshops and states that these represent an important opportunity, should existing operations cease, to introduce new uses which respect this historic street pattern and enhance the environmental quality of the area..
- 6.7 The redevelopment of the application site therefore offers an opportunity to deliver additional housing on a brown field site close to the City Centre core and also to contribute to the transformation of this part of the canal corridor. This process is already underway on the adjoining former Globe Works site where a scheme of student housing is under construction.
- 6.8 The site is currently being used for employment purposes being used by Pinnacle Embroidery & Print Ltd for customising leisure clothing. Policy TP20 of the BDP relating to the protection of employment land is relevant and states that as employment land and premises are a valuable resource to the Birmingham economy and will be protected. The policy states that that outside Core Employment Areas there may be occasions where employment land has become obsolete and can no longer make a contribution towards the portfolio of employment land. In such cases change of use proposals from employment land to other uses will be permitted where

it can be demonstrated that either the site is considered a non-conforming use or the site is no longer attractive for employment development having been actively marketed, normally for a minimum of two years.

- 6.9 More guidance regarding the loss of employment land is set out in the “Loss of Industrial Land to Alternative Uses” SPD 2006 which sets out the information required to justify the loss of industrial land but also states that within the City Centre it is recognised that a more flexible approach towards change of use from industrial to residential is required to support regeneration initiatives. Proposals involving the loss of industrial land will however be supported, where they lie in areas which have been identified in other planning policy documents that have been approved by Birmingham City Council, as having potential for alternative uses.
- 6.10 Although the site has not been marketed as an employment site it is converted by the Canal Corridor Development Framework. The document comments that there are opportunities for conversion and/or redevelopment of premises in the Gun Quarter including those fronting Cliveland Street should existing business operations cease and the City Council will particularly encourage new housing, small scale workshops, offices or facilities such as pub or restaurants making use of the canal side setting. As the site therefore lies in an area where a development framework identifies its suitability for redevelopment it is considered that it falls within the exceptions allowed for by the “Loss of Industrial Land to Alternative Uses” SPG. This is reinforced in the Big City Plan which sets out a role for the Gun Quarter which is to support employment activities but also to create opportunities to enhance its appeal as a place to live and relax particularly utilising assets such as the canal corridor to deliver mixed and a vibrant range of activities. The site is therefore considered to be suitable for residential development and would provide an opportunity to regenerate this underused brown field site, enhance the canal frontage and add to the mix of uses in the area.
- 6.11 **Demolition**
- 6.12 The redevelopment of the application site will require the demolition of the existing 2 storey warehouse type building which fills the plot. The building appears to date from the inter war period and comprises of two linked sheds with brick facades which have been altered by the addition of new plastic windows at first floor level and roller shutter doors. Although the building is typical of Birmingham’s small engineering and manufacturing heritage it is not listed or within a conservation area and no objection is therefore raised to its demolition.
- 6.13 **Design and Layout**
- 6.14 Policy PG3 of the BDP states that all new development will be expected to be designed to the highest possible standards which reinforces or creates a positive sense of place and safe and attractive environments. Policy TP27 also has similar wording and seeks high design quality. The revised NPPF - Para 124 states that good design is a key aspect of sustainable development and creates better places to live and work. Where proposed developments fail to take opportunities available for improving the character and quality of an area, they should be refused.
- 6.15 The application has been amended since originally submitted to remove a seventh floor, to provide separate entrances for pedestrians from Cliveland Street, to provide additional windows overlooking the vehicle entrance, to add security gates, to provide a terraced gardens adjacent to the canal, to amended the materials and add details

of proposed boundary treatments and a bike store. The changes have reduced the number of apartments proposed from 54 to 52.

- 6.16 Although the proposed building has been reduced in height to 6 storeys and the design amended some concerns have still be raised that the building appears too tall and that the cladding used to disguise the sixth floor is inappropriate. In terms of building height the Canal Corridor Development Framework states that any future proposals should seek to retain the pattern of 2-4 storey development in the area however since the document was agreed in 2002 much taller building heights have been allowed adjacent to the canal including on the adjacent Globe Works site where the approved development is between 4 – 10 storeys. The development would be located between a 4 storey section of the new Globe Works development and an existing 5 storey building but because of the lower residential floor to ceiling heights it would be no higher than the latter building. Although the character of Cliveland Street was predominantly 2/3 storey industrial buildings this is changing and it likely to alter further in the future if the redevelopment envisaged in the development framework takes place. It is considered that a predominantly 6 storey building would therefore be acceptable.
- 6.17 In terms of the design the materials proposed have been amended to a more simple pallet of red/brown bricks apart from the lower 3 storey section adjacent to the neighbouring building which would be of a black/grey brick. To address the concerns raised about the cladding originally used on the sixth floor additional information has been provided to show that the material is the same red/brown bricks as the rest of the building but with brick projections which would give a suitable top to the building.
- 6.18 The Canal Corridor Development Framework states any proposals should seek to retain the strong building line established at back of the pavement and the layout for the site follows this guidance. Generally the site layout is much improved as a result of the amendments made and now provides an area of private amenity space for residents adjacent to the canal. This would be overlooked by the proposed apartments at the rear of the site.
- 6.19 Although the number of car parking spaces has been reduced this would significantly enhance the appearance of the development when seen from the canal towpath as well as providing a more appropriate and attractive environment for future residents. It also follows the layout of the student development under construction adjacent to the site. The boundary treatment to the canal would be 1.8 metre high railings which would tie in with that approved on the neighbouring site. Some consultees have expressed concern about the visual impact of any car parking on the site however the proposals seek to balance the applicant's desire for some residents parking against the need to enhance the appearance of the site from the canal. In addition the car parking would be below the tow path level and partially screened by the existing planting and so would not generally be visible from the canal.
- 6.20 The site security and activity to Cliveland Street has also been improved as requested by West Midlands Police by adding separate entrances to the duplex apartments fronting the street as well as a further communal entrance. Glazing has been added to overlook the vehicle entrance and car parking and gates provided to vehicle entrance. The applicants have also confirmed that CCTV can be provided and a condition requiring this is recommended.
- 6.21 **Dwelling Mix and Residential Amenity**



- 6.22 BDP policy TP30 states that proposals for new housing should deliver a range of dwellings to meet local needs and support the creation of mixed, balanced and sustainable neighbourhood and seeks high density schemes in the city centre. The mix has been amended following negotiations and now proposes 5 low cost units (9.6%) comprising 3 x 1 bed apartments and 2 x 2 bed which will be sold at 75% of open market value. The overall mix would provide 21 x 1 bed units (40%) units and 31 x 2 bed units (60%) which, with the emphasis on 2 bed properties, is considered to be acceptable. The dwellings sizes accord with nationally described space standards with the 1 beds ranging in size from 50-59 square metres and the 2 bed units being 61-67 square metres. Although the proposed dwellings do not have private amenity space a communal garden of 160 square metres is being provided adjacent to the canal frontage.
- 6.23 A Noise Assessment has been provided with the application which found the site was affected by road traffic noise on Newtown Row and from occasional music noise break-out from the nearby recording studios. It recommends a noise and ventilation strategy for the site with the highest specification proposed for the habitable rooms which overlook Cliveland Street. Regulatory Services raise concerns that the noise survey has not adequately addressed noise from the music studios on the opposite side of Cliveland Street and considers that this would amount to a statutory nuisance if there were residential uses as proposed. The agent has responded that they carried out a survey over several days including a weekend and it was noted that the studios were in use during each site visit and they only found limited noise break out. Even if there are significantly higher noise levels than they found the agent considers there is sufficient head-room in the mitigation design.
- 6.24 As the application site lies within an area seen as being suitable for redevelopment and new student accommodation and housing is being provided nearby it is considered that the presence of the music studios and other industrial units nearby should not preclude further regeneration taking place. The new apartments would be provided with noise mitigation measures and the music studios currently advertise their opening hours as being no later than 11pm on weekends and no later than 10pm at weekends. Despite the objections from Regulatory Services it is considered that with the noise mitigation measures proposed satisfactory living conditions would be provided for future occupants.
- 6.25 **Impact on neighbouring development**
- 6.26 Objections have been received from the occupier of the adjacent business premises to the development on the grounds that it would cause a loss of light and privacy to the side windows of his building. This neighbouring commercial building has its main windows fronting Cliveland Street but also has a number of windows at the rear and on the side elevation at third, fourth and fifth floor levels. In order to reduce any impact on this neighbouring building the height of the frontage block is 3 storeys where it abuts the boundary but then increases to 6 storeys about 5.5 metres from the shared boundary. It is acknowledged that would be some loss of light to these side windows as a result of the development but as the building has a considerable amount of glazing on the front elevation and other windows at the rear it is not considered the loss of light would be sufficient to warrant refusal of the application. The rear wing has been located in the centre of the plot some 17 metres away from the boundary and the neighbours windows. This is considered to be sufficient distance to ensure there would be no undue loss of light or overlooking caused by this part of the development.

6.27 On the other boundary of the site with the former Globe Works, new student accommodation is under construction. The development has a 4 storey rear wing with windows overlooking the application site and the existing 2 storeys high building which extends up to the boundary. Although the replacement building is higher it is located further from the boundary which would increase the separation distance from about 6 to 13 metres. It is considered that this would provide an acceptable relationship. The new student building also has windows in the rear elevation adjacent to the boundary but these serve only a corridor area and the loss of the existing building would improve the outlook.

#### **6.28 Impact on Heritage Assets**

6.29 Consideration also needs to be given to the impact of the development on the setting of adjacent heritage assets which includes the locally listed shot tower adjacent to the site and the canal which although not listed or locally listed has some historic significance. Slightly further from the site is the Grade II listed Baker Bridge over the canal and Grade II listed buildings at 37 & 38 Princip Street which back onto the opposite side of the canal.

6.30 Policy TP12 of the BDP states that great weight will be given to the conservation of the City's heritage assets and that development affecting a designated or non-designated heritage asset or its setting, will be expected to make a positive contribution to its character, appearance and significance. The NPPF requires these assets to be conserved in a manner appropriate to their significance and requires an applicant to describe the significance of any heritage assets affected and to assess how that significance may be affected by a proposal.

6.31 A Heritage Statement has been submitted with the application that concludes that the application scheme alters the setting of a number of heritage assets, including the Shot Tower, however any visual impacts which will result from the scheme are either neutral and of no significance or are slightly beneficial. The Conservation Officer has however expressed some concerns in respect of the relationship with the adjacent locally listed building and would have preferred to see a gap in the Cliveland Street frontage to open up views of the shot tower and the height of the new building reduced.

6.32 Although the Conservation Officers comments are noted the independent assessment carried out of the applicants financial appraisal shows that with the 5 low cost dwellings the developers profit on GDV would be slightly below the target rate of return and therefore the development could not support the loss of further units. The building heights proposed are considered to be acceptable as set out in paragraph 6.16 and as the existing building currently fills the full width of the plot the development reflects the current built form on the Cliveland Street frontage. The Shot Tower is presently largely concealed from view by being located between two existing buildings whereas the proposals would create amenity space around the base of the tower. The scheme therefore offers some benefits to this locally listed building by revealing its full height and form to users of the canal thereby by enhancing its setting.

#### **6.33 Transportation Issues**

6.34 Although the amended proposals have reduced the amount of on-site parking Transportation raise no objections subject to conditions including securing the parking and cycle spaces. They comment that the proposal is to demolish a vacant industrial building with no on- site parking and replace with a block of 52 apartments

with 9 spaces. The site is close to the City centre and there are some parking restrictions on local roads, but some parking is unrestricted. They also recommend one space is equipped with facilities for charging electric vehicles.

#### **6.35 Other Matters**

- 6.36 The amended plans have addressed the issues raised by West Midlands Police in terms of site security and conditions are recommended to require a lighting scheme and CCTV. The requests made by the Canal and River Trust for additional details of the retaining structure adjacent to the towpath and a further ground investigation to identify potential impacts on the canal, are also matters that can be dealt with by conditions. The various conditions they have requested requiring a construction environmental management plan, details of construction works adjacent to the canal, an external lighting scheme and landscaping scheme to enhance the biodiversity value of the site are recommended. It is however not considered to be appropriate to require submission of a scheme to protect the canal from vehicle fumes and emissions having regard to the small number of car parking spaces provided which are also sited below the towpath level behind a retaining wall. The objection from the neighbour with regard to the site address has resulted in amendments being made which accord with the details shown on the official land registry title plans.

#### **6.37 CIL and Section 106 Obligations**

- 6.38 The proposed development does not attract a CIL contribution but given the number of proposed apartments the City Council's policies for Affordable Housing and Public Open Space in New Residential Development apply. The applicant is not able to meet in full the affordable housing or off-site public open space requirements and has submitted a Viability Statement with the application to justify this. This has been independently assessed by the City Council's consultants and it has been agreed that 5 x discounted market sale dwellings will be provided on site. This is considered to be a fair and justifiable and meets the necessity tests set out in the CIL regulations.
- 6.39 Requests have also been received from financial contributions for off-site public open space, towards additional health care services and towards the provision of lighting on the canal the towpath. The viability appraisal however shows that the development would not be viable if these additional contributions are paid and it is considered the priority is to provide the on-site discount sale units. The request for contributions towards health care facilities is also not considered to meet the tests for such Section 106 contributions, in particular the necessity test (Regulation 122. (2)(A) necessary to make the development acceptable in planning terms). The applicant has also agreed that that construction employment plan can be provided and a condition to secure this is recommended.

#### **7. Conclusion**

- 7.1. The BDP encourages residential development in the City Centre where it provides well-designed high quality living environments and the City Centre Canal corridor is identified as a focus for regeneration and improvements. The proposed development would assist in this regeneration and provide further sustainable and much needed housing in the city centre as well as improving the site frontage to the canal.
- 7.2. The design, layout and buildings heights proposed are acceptable and it is not considered that they would be any undue loss of amenity to neighbouring developments. The objections from Regulatory Services are noted but it is

considered that with the noise mitigation measures proposed future residents would be provided with an acceptable residential environment. The impacts on the heritage assets in the vicinity of the site would be either neutral, of no significance or slightly beneficial. It is therefore considered that the application is acceptable subject to securing the off-site contributions via legal agreements as below:-.

## 8. Recommendation

8.1. That consideration of application 2018/04626/PA be deferred pending the completion of a Section 106 legal agreement to secure:

- a) The provision of 5 on site low cost apartments comprising 3 x 1 bed and 2 X 2 to be sold at a discount of not less than 25% of market value in perpetuity.
- b) Payment of a monitoring and administration fee associated with the legal agreement subject to a maximum of £10,000.

8.2. In the absence of a suitable legal agreement being completed to the satisfaction of the Local Planning Authority by 30 November 2018, planning permission be refused for the following reason:

- In the absence of a legal agreement to secure on site affordable housing, the proposal conflicts with Policy TP31 Affordable Housing of the Birmingham Development Plan 2017, the Affordable Housing SPG and the NPPF

8.3 That the City Solicitor be authorised to prepare, seal and complete the appropriate legal agreement.

8.4. That in the event of an appropriate legal agreement being completed to the satisfaction of the Local Planning Authority by 30 November 2018, planning permission be APPROVED subject to the conditions listed below:-

- 
- |    |  |
|----|--|
| 1  | Requires the prior submission of a construction method statement/management plan   |
| 2  | Requires the prior submission of a contamination remediation scheme  |
| 3  | Requires the prior submission of a method statement for demolition and construction works adjacent to the canal towpath. |
| 4  | Requires the prior submission of a sustainable drainage scheme   |
| 5  | Requires the prior submission of a construction employment plan.   |
| 6  | Requires the submission of details of any retaining walls and features.  |
| 7  | Requires the submission of sample materials  |
| 8  | Requires the submission of sample brickwork panel.   |
| 9  | Requires the submission of window frame details and samples  |
| 10 | Requires the submission of boundary treatment and gate details   |
| 11 | Requires the submission of hard and/or soft landscape details  |
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- 12 Requires the submission of a lighting scheme.
  - 13 Requires the submission of a scheme for ecological and biodiversity enhancement measures
  - 14 Requires the submission of details of bird/bat boxes
  - 15 Requires the submission of details of green/brown roofs
  - 16 Requires the submission of a CCTV scheme
  - 17 Requires the reinstatement of the footway and removal of redundant crossing points.
  - 18 Prevents occupation until the turning and parking area has been constructed
  - 19 Requires the provision of cycle parking prior to occupation
  - 20 Requires the provision of a vehicle charging point
  - 21 Requires the submission of a contaminated land verification report
  - 22 Requires the submission prior to occupation of the properties of a Sustainable Drainage Operation and Maintenance Plan
  - 23 Requires the implementation of the noise insulation and ventilation measures
  - 24 Requires the ground floor glazing to the duplex units to be clear and not obscured without consent.
  - 25 Requires the scheme to be in accordance with the listed approved plans
  - 26 Implement within 3 years (Full)
- 

Case Officer: Lesley Sheldrake



## Photo(s)



Figure 1: View of existing building from Cliveland Street



Figure 2: View down Cliveland Street showing site context



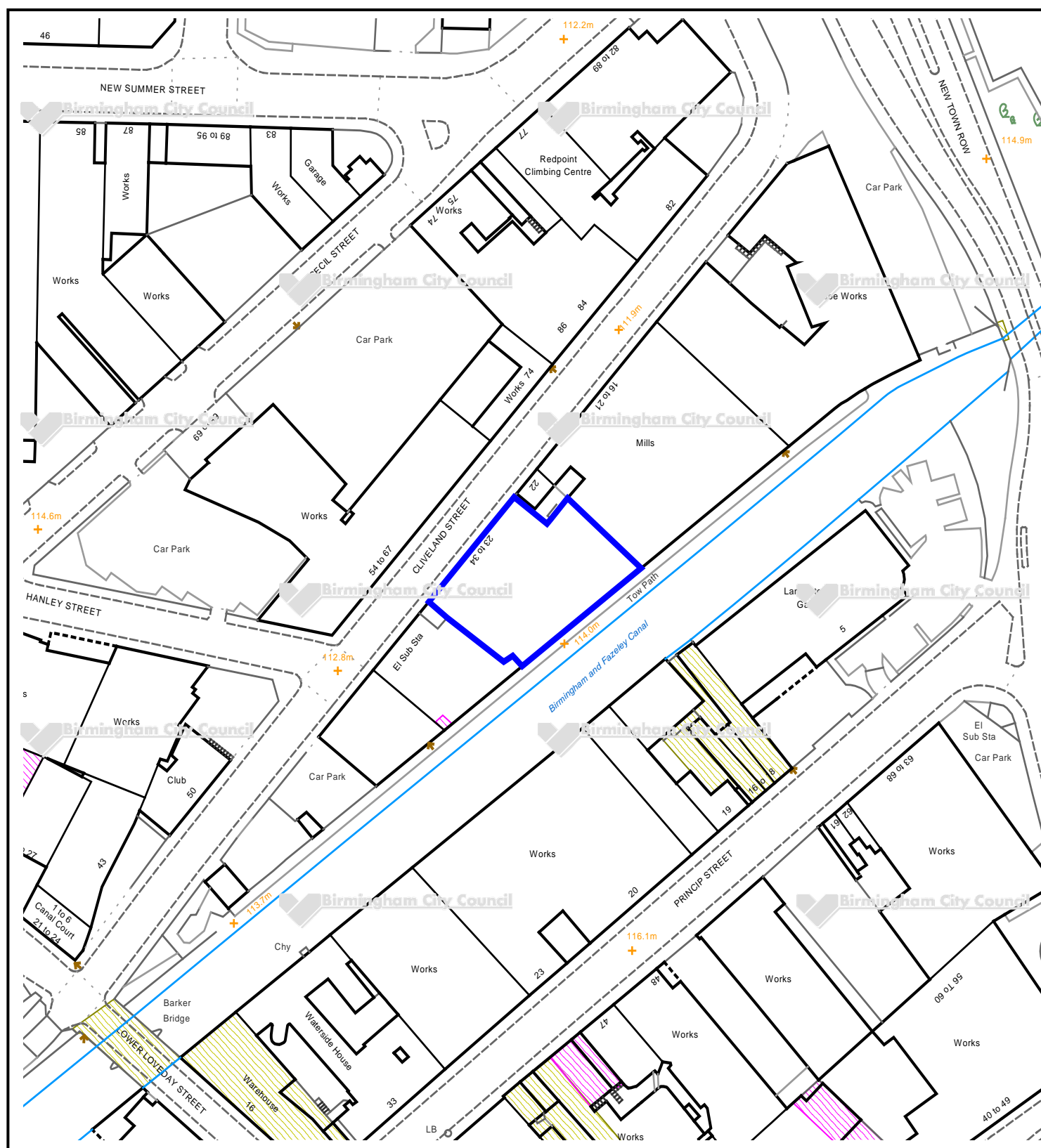


Figure 3: View of site and locally listed Shot Tower from the canal



Figure 4: Wider view of site and surroundings from the canal

## Location Plan



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Committee Date:	08/11/2018	Application Number:	2018/04369/PA
Accepted:	28/06/2018	Application Type:	Full Planning
Target Date:	08/10/2018		
Ward:	Soho & Jewellery Quarter		

65-77 Summer Row, Birmingham, B3 1LB

Change of use from job centre (Use Class A2) to education use for University College Birmingham (Use Class D1)

Applicant:	University College Birmingham Summer Row, Birmingham, B3 1LB
Agent:	Lucas Architects Ltd 3 The Hawthorns, Moseley, Birmingham, B13 9DY

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## Recommendation

### **Approve subject to Conditions**

1. Proposal
  - 1.1. This application seeks permission for a change of use from a job centre (use class A2) to an education use for University College Birmingham (Use Class D1) at 65-77 Summer Row.
  - 1.2. The change of use relates to 4500 sqm of floor space over 8 floors and would provide additional staff and student facilities.
  - 1.3. The lower ground floor would be used as a lobby, plant room, marketing store, paper store, post room, coursework drop off area, store room, reprographics and IT lab. The ground floor would be used as a lobby, WC, electrical cupboard, security desk, tea point, social space, store room, meeting room and area for student services. The first floor would comprise of a lobby, IT store room, reception, tea point and cash office and finance area. The second floor would be occupied by marketing, admissions and international office. The third floor would be used by Academic Registry. The fourth and fifth floors would comprise of a resource centre and library with study booths and PC and desk spaces. The sixth floor would be used as a study waiting area, meeting rooms, teaching lab and quiet working area. It is also proposed that the centre would be available 24 hours a day for staff and student use.
  - 1.4. The proposal is for internal refurbishment only to change the use of the building and no external alterations are proposed to the building. The existing car park to the rear of the building with its 46 spaces would be retained.
  - 1.5. A Transport Statement has been submitted in support of the application.
  - 1.6. [Link to Documents](#)
2. Site & Surroundings

- 2.1. The application site relates to an 8 storey building currently occupied by the Job Centre. Adjacent to the site is the Birmingham and Fazeley Canal. To the north west of the site is McIntyre House occupied by University College Birmingham and their Phase 2 development is currently under construction. To the west are offices. Opposite the site to the south is an apartment block. To the east are restaurants. The site falls within the Jewellery Quarter Conservation Area.

2.2. [Site Location](#)

3. [Planning History](#)

- 3.1. 30/01/2004 - 2003/06729/PA - External alterations, creation of 5 new openings at lower ground floor level, and installation of platforms and ramps with associated railings – Approve Subject to Conditions
- 3.2. 28/02/2006 - 2005/06982/PA - Alterations to front elevation, incorporating new entrance vestibule – Approve Subject to Conditions

[Land at corner of Holland Street/Charlotte Street](#)

- 3.3. 19/5/2011 - 2011/00669/PA – Planning permission granted for erection of four-storey Learning and Resource Centre, upgrading of access road from Charlotte Street, creation of a service and delivery area and external landscaping – Approved Subject to Conditions
- 3.4. 19/5/2011 - 2011/00670/PA – Conservation consent granted for demolition of existing building on the corner of Charlotte Street and Holland Street, 23-26 George Street and outbuildings to the rear – Approved Subject to Conditions

[Land fronting George Street and Holland Street](#)

- 3.5. 25/05/2017 - 2017/01760/PA - Demolition of 21 George Street and redevelopment of site to comprise the erection of a new four storey University building (Use Class D1) with ancillary uses: offices (Use Class B1), health facility (Use Class D1), exhibition space (Use Class D1) and gym (Use Class D1) together with a 158 space multi-storey car park and access, surface parking, landscaping and external alterations to McIntyre House – Approved Subject to Conditions

4. [Consultation/PP Responses](#)

- 4.1. MP, Local Councillors, Birmingham City Centre Management, Jewellery Quarter Business Improvement District, Jewellery Quarter Development Trust, residents associations and nearby occupiers notified. Press and site notice posted. 1 letter has been received from a nearby occupier regarding the level of construction work and that the University tends to attract students that litter rubbish and are noisy with little respect for nearby residential homes.
- 4.2. Canal and River Trust – Requests condition for a survey inspection of the retaining structure on the canalside boundary and any necessary repair/mitigation work identified to be completed before the new use commences, details of external lighting and an informative to maximise benefits of the canal
- 4.3. West Midlands Police – Works to be carried out to standards laid out in the Secured by Design 'New Schools 2014', installation of alarm and CCTV to include the canal side of the building, a lighting plan, securing the car park to the rear, a suitable and

access control system to be installed, an override button to be installed on either the exterior or internal door to allow security to secure access

4.4. Regulatory Services – No objections subject to a condition restricting noise levels for plant and machinery

4.5. Transportation Development – No objections subject to condition for cycle storage.

5. Policy Context

5.1. The Birmingham Development Plan 2017, Jewellery Quarter Conservation Area Character Appraisal and Management Plan, National Planning Policy Framework

6. Planning Considerations

6.1. Policy PG3 of the Birmingham Development Plan states that new development should make best use of existing buildings and efficient use of land in support of the overall development strategy.

6.2. The Jewellery Quarter Conservation Area Character Appraisal and Management Plan identifies this part of Summer Row as being within the 'St Paul's Canal Corridor' of the Jewellery Quarter. The document states that properly directed and controlled mixed use developments can help regenerate the Quarter while supporting and protecting tradition industries. The application site is located within a relatively mixed area of the City Centre where there are other university uses within the vicinity. In addition, no external alterations are proposed. I therefore consider the proposal would be acceptable in principle and would not have an impact on the character, appearance or significance of the Jewellery Quarter Conservation Area it is set within.

6.3. West Midlands Police have recommended conditions for works to be carried out to standards laid out in the Secured by Design 'New Schools 2014', installation of alarm, CCTV, lighting plan, new/additional boundary treatments to control unwanted vehicular and pedestrian access into the parking area. The conditions have been noted, however, I consider these to be management issues and as the application is solely for a change of use, conditions have not been attached. They have been attached as informatives to make the applicant aware.

6.4. The Canal and River Trust have raised concerns to the stability of the wall which retains the building away from the towpath and canal water space. They have requested conditions for a survey inspection of the retaining structure and any necessary repair/mitigation work identified to be completed before the new use commences and details of external lighting. It has also been recommended that an informative is attached to make the applicant aware of the potential benefits of the canal side location, the Canal and River Trust have also offered to work with the applicant to maximise those benefits. The proposal is for a change of use where all refurbishment would be carried out within the building, given that no works are being carried out to the external building or to the wall and no external lighting is proposed, it is considered unreasonable to attach these as conditions. Informatives have been attached to make the applicant aware.

6.5. Regulatory Services have raised no conditions subject to a condition to restrict noise levels for plant and machinery, if these were to be installed. The agent has confirmed that no external plant is proposed and should these be required in the future, planning permission would be required. In addition, the site is located on a

busy road and is not located adjoining residents. A condition has therefore not been attached.

- 6.6. The site includes 46 car parking spaces that are located to the rear of the site. The existing services area and arrangements within the car park would continue to be used. Transportation Development have noted that the submitted Transport Statement seeks to use existing cycle parking provision in nearby UCB facilities. However, it is considered that additional cycle parking should be provided on the basis that our guidelines state that it should not be more than 30m from the building entrance. Transportation would be content with a cycle store that would provide 10 spaces and therefore a condition has been recommended for a cycle store to be located within the site boundary. A condition has also been attached to restrict the D1 use to ensure the site does not change to an unsuitable D1 use that may significantly change the trip patterns which would have an impact on the adjacent transport network.

7. Conclusion

- 7.1. The proposed change of use in this Jewellery Quarter location to provide further education facilities is considered to be acceptable.

8. Recommendation

- 8.1. Approve Subject to Conditions

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|---|--|
| 1 | Prevents the use from changing within the use class                    |
| 2 | Requires the submission of cycle storage details                       |
| 3 | Requires the scheme to be in accordance with the listed approved plans |
| 4 | Implement within 3 years (Full)  |
- 

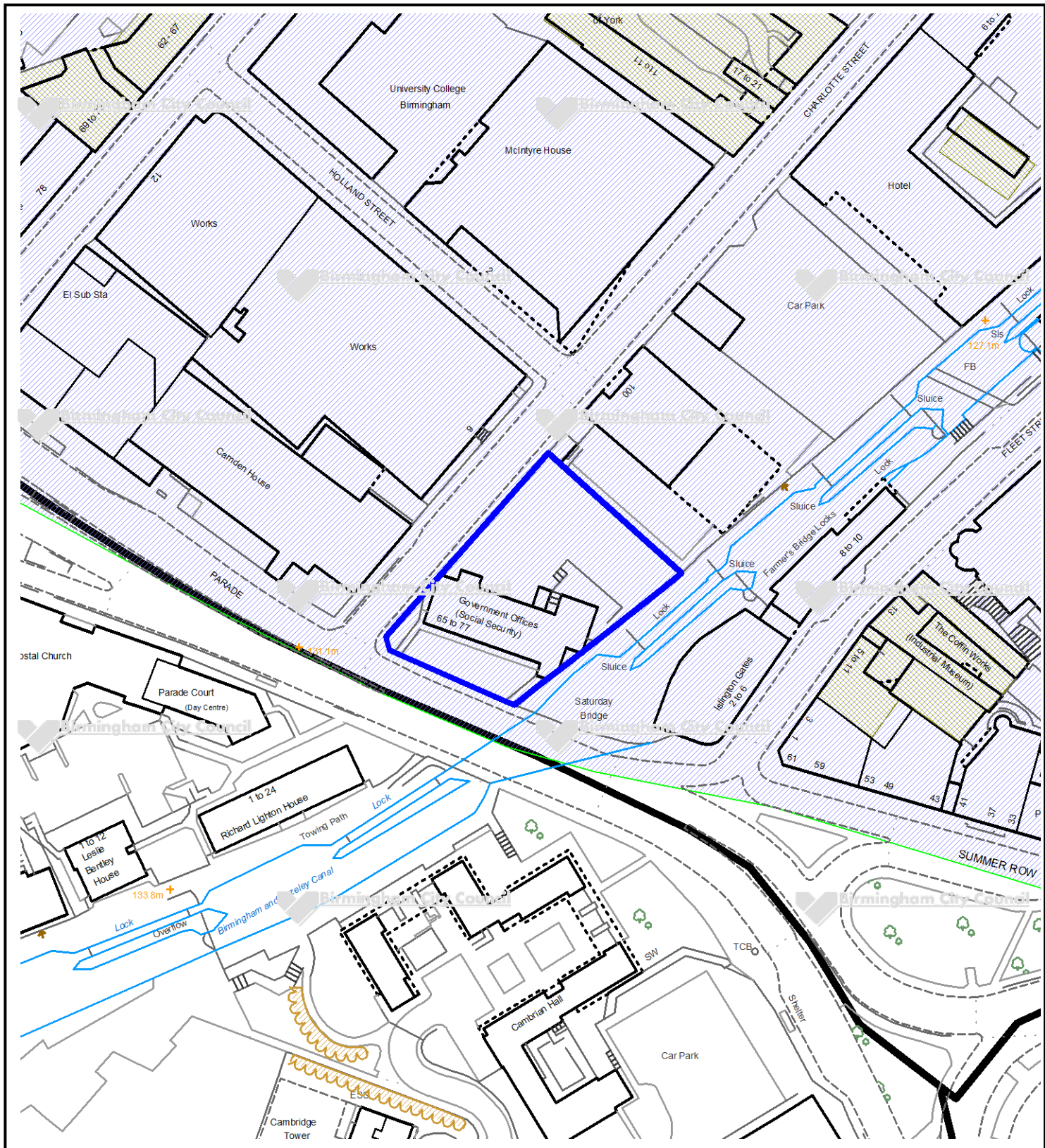
Case Officer: Anh Do



**Photo(s)**



## Location Plan



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Committee Date:	08/11/2018	Application Number:	2018/06605/PA
Accepted:	22/08/2018	Application Type:	Full Planning
Target Date:	21/11/2018		
Ward:	Ladywood		

301 Broad Street, Former Birmingham Municipal Bank, City Centre, Birmingham, B1 2DR

Refurbishment and change of use of the former Municipal Bank from B1 and A2 uses to a mixed use scheme, comprising University use including exhibition halls (Use Class D1), food and beverage uses (Use Classes A3 and A4), community uses (Use Classes D1, D2 and Sui Generis) and co-working use (Use Class B1). Demolition and alteration to the rear elevation, removal of existing glazed roof light, and erection of new raised roof light above existing roof level. Extension of basement level ancillary space to the south beneath new landscaped steps and ramp opening the south elevation to Bank Court, and associated works.

Applicant:	University of Birmingham Estates West, Edgbaston, Birmingham, B15 2TT
Agent:	Make Architects 32 Cleveland Street, London, W1T 4JY

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#### Recommendation

#### **Approve Subject To Conditions**

##### 1. Proposal

- 1.1. The proposal is for the refurbishment and change of use for the University of Birmingham of the former Municipal Bank at 301 Broad Street, Birmingham. The resultant building would measure approximately 5,066 square metres (GEA).
- 1.2. The University of Birmingham obtained a long-term leasehold of the building from Birmingham City Council in 2017, to create a new gateway for the university. The proposal envisions the building would be a '*civic laboratory where great ideas and conversations inform research, and inspires action that changes lives and communities for the better*'.
- 1.3. The building would accommodate a number of uses, these include:
  - Basement – vaults, store, studio/gallery, kitchen, storage, toilets and changing facilities;
  - Ground floor – café/bar, student incubator space, meeting rooms, breakout space, security room, toilets and changing facilities;

- First floor, project rooms, working and breakout space, kitchen, store, and toilets;
  - Second floor – assembly hall, breakout space, stores, kitchen and pantry, boardroom toilets and external terrace;
  - Roof level – external plant zone
- 1.4. The proposal includes the removal of the south elevation and single storey 'lean to,' and erection of new south extension and roof canopy, incorporating new south facing, second floor roof terraces and roof level plant enclosures. It also includes the removal of existing glazed roof light, and erection of new raised roof light above existing roof level, forming new parapet wall to existing east facing roof terrace. The proposal includes the extension of basement level ancillary space to the south beneath new landscaped steps and ramp opening the south elevation to bank court. Demolition and extension of the subterranean south wall to the existing south basement to connect to the basement parking and service entrance below Bank Court, and erection of two new lifts to the southern perimeter of the building aligned to the existing stair cores.
- 1.5. Further details of the proposed works are set out in the accompanying report for listed building consent, which appears elsewhere on your Committee's agenda.
- 1.6. The University advises they are in the process of securing two car parking spaces at the nearby Arena Central Car Park. The site would be serviced for day-to-day activities via the Arena Central basements, to keep deliveries and refuse away from the public realm. Deliveries could also be carried across the public square from the Bridge Street lay-by. For occasional large deliveries, a lorry would access Bank Court.
- 1.7. Steps and ramp to the rear of the building would lead onto Bank Court, which is being delivered as part of the Arena Central Masterplan.
- 1.8. Opening hours and the number of staff to be employed have not been provided at this stage.
- 1.9. The application is accompanied by a Planning Statement, Design and Access Statement, Heritage Building Report, Building Condition Survey, Structural Condition Statement, Archaeological Assessment, Flood Risk and Drainage Report, Travel Plan and Transport Statement, Noise Assessment, Fume Extraction Strategy, Land and Contamination Desktop Study, Energy Statement and Sustainable Construction Statement.
- 1.10. [Link to Documents](#)
2. Site & Surroundings
- 2.1. The application site relates to a vacant building fronting onto Broad Street. The immediate surrounding area is currently being developed as part of Arena Central, an office-led mixed use development. Opposite is Centenary Square and beyond is the Library of Birmingham. The surrounding area is predominantly commercial. The building is a Grade II Listed Building designed by architect T. Cecil Howitt designed in the Monumental Classical architectural style.

- 2.2. Within the wider Arena Central site is 2 Arena Central, home to HSBC, 3 Arena Central, which is currently under construction, and Bank Court to the south of the application site. The Crowne Plaza Hotel sits to the east, and the recently constructed Holiday Inn Express fronts Holliday Street to the west. Alpha Tower, a Grade II listed building, is to the east of the site.
- 2.3. Arena Central lies to the south of Centenary Square, a 1.55ha public square and the primary event space within the City Centre. The square accommodates the Grade I Listed Hall of Memory, and is bordered by the Library of Birmingham, the REP Theatre and the Grade II listed Baskerville House to the north, Paradise Circus Queensway to the east and the International Convention Centre and Symphony Hall to the west. Centenary Square accommodates a wide range of events throughout the year including part of the Christmas Frankfurt Market, the ice rink and big wheel, the Remembrance Day procession together with smaller ad hoc events. The Birmingham Westside Metro extension will deliver a metro stop at Centenary Square.
- 2.4. [Site Location](#)
3. Planning History
- 3.1. Relevant planning applications for the wider Arena Central development are set out below:
- 1 Arena Central - 08/07/14 - 2014/02475/PA - Variation of condition no. 14 (Section 278 highway works) attached to planning application 2010/06462/PA to include the re-phasing and scope of works/payments – approve subject to conditions.
  - 1 Arena Central - 08/8/14 - 2014/04004/PA - Reserved matters application for the erection of a 7/8 storey office building (Use Class B1a) with ancillary retail/restaurant (Use Classes A1, A2, A3) and associated parking, servicing and public realm – approve subject to conditions.
  - 1 Arena Central - 08/8/14 - 2014/04345/PA - Reserved Matters application for landscaping works to form a linear park/pedestrian walkway for plots E1 and E2 and surroundings and associated infrastructure - approve subject to conditions.
  - 2 Arena Central - 01/05/15 - 2015/01113/PA - Reserved Matters Application for a 27,000 sqm office (Use Class B1) and ancillary retail/commercial floorspace [Use Class A1 (Retail), Use Class A2 (Financial and Professional Services) and Use Class A3 (Restaurants/Cafes)] with associated access, car – approve subject to conditions.
  - 3 Arena Central - 19/12/16 - 2016/07978/PA - Full planning permission for the erection of a 14 storey office development (Use Class B1) and ancillary retail/commercial (Use Classes A1/A2/A3) with associated landscaping and public realm, access, car parking and servicing proposals – approve subject to conditions.
  - Around whole Arena Central site - 08/06/17 - 2017/03138/PA - Erection of hostile vehicle protection measures (including bollards), with associated landscape and infrastructure works – approve subject to conditions.
- 3.2. Metro Extension – 4<sup>th</sup> July 2005 – Transport and Works Act Order granted – City Centre Extension of the Midland Metro from Snow Hill to Hagley Road via Broad Street. The Centenary Square Extension to the tramway from New Street Station to Centenary Square is currently under construction and is due for completion in 2019. The final phase of this extension to Hagley Road is due to be complete by 2021.

- 3.3. 19/08/16 - 2016/04486/PA - Remodelling and resurfacing of Centenary Square to provide a new civic space including hard and soft landscaping, reflecting pool, fountains, feature lighting poles and associated development – approve subject to conditions.
- 3.4. 2018/06627/PA – Listed Building Consent for removal of south elevation and single storey 'lean to' and erection of new south extension and roof canopy incorporating new south facing, second floor roof terraces and roof level plant enclosures, removal of existing glazed roof light and erection of new raised roof light above existing roof level, forming new parapet wall to existing east facing roof terrace. extension of basement level ancillary space to the south beneath new landscaped steps and ramp opening the south elevation to Bank Court, demolition and extension of the subterranean south wall to the existing south basement to connect to the basement parking and service entrance below Bank Court and erection of two new lifts to the southern perimeter of the building aligned to the existing stair cores – A report about this application appears elsewhere on your committee's agenda.
4. Consultation/PP Responses
- 4.1. At the pre-application stage, the applicants undertook their own consultation. They hosted an open house event where neighbours, local businesses, regional and political groups, cultural partners, community and heritage groups were invited to tour the building. They also displayed several A1 boards at the Library of Birmingham for five days in September. On one of the days, members of staff from the University, the architects, and project managers were available to answer questions. The feedback was generally positive, but members of the public wanted to make sure heritage assets were protected.
- 4.2. In terms of the formal consultation process, adjoining occupiers, residents associations, amenity societies, Westside BID, local ward councillors and MP notified. Site and press notice displayed. No comments received.
- 4.3. BCC Regulatory Services – no objection subject to condition that restricts noise from any plant or machinery. There are no contaminated land issues. There are no sensitive receptors near the development site; they therefore have no significant concerns. As the development will include commercial kitchens and extract system should discharge at a high level to prevent any build-up of odour.
- 4.4. BCC Transportation – no objection in principle but further details of cycle parking facilities are required. It is also necessary to have conditions to secure the cycle parking facilities together with the travel plan.
- 4.5. Severn Trent Water - no objections to the proposals subject to a condition to secure drainage plans for the disposal of foul and surface water flows. They also advise that there may be a public sewer located within the application site.
- 4.6. Local Lead Flood Authority – no adverse comments as this application is for a proposed change of use with minimal alterations to the external development.
- 4.7. Birmingham Property Services – fully supportive of the proposal. The building was recently disposed by Property Services to the current owner following Cabinet Approval granted during November 2016.

- 4.8. West Midlands Metro - the works may impact on the current Centenary Square Extension for Metro. Therefore consultation with the Midland Metro Alliance may be required.
- 4.9. Midland Metro Alliance – no objection, as the work does not impede on the Metro works area.
- 4.10. Canal and Rivers Trust – no objection but would encourage sustainable travel linkages along the canal between the proposed site and the main Edgbaston campus are publicised in any travel plans and associated travel information available to staff and students. They would also encourage a holistic view of green infrastructure is taken, to facilitate the creation of green corridors within existing infrastructure.
- 4.11. Network Rail – requires the applicant to complete an asset protection form and enter into a Basic Asset Protection Agreement (BAPA) with Network Rail. Network Rail will need to review and agree: excavation/earthworks, piling works, drainage works, loading and crane working, and RAMS.
- 4.12. Access Birmingham –
- recommend early implementation of a front entrance access ramp of similar design to that at Baskerville House. If not, the inclusive accessible entrance should be clearly signposted from the front;
  - the internal layout should represent best practise including RNIB standard for signage;
  - the changing places toilet will require active management, and should be registered with the national registration scheme; and,
  - to be a fully inclusive public building it should include parent and child change facilities, and WUDU (a ritual washing to be performed in preparation for prayer and worship) facilities as provided by the Library of Birmingham.
- 4.13. Historic England - no objection but emphasise that the success of the scheme will greatly depend upon a very close attention to detail and the use of good quality and appropriate materials. They recommend that these matters and matters concerning the removal, reuse and relocation of multiple fixtures and fittings associated with the bank, be carefully monitored by the local authority's expert conservation advisers.
- 4.14. BCC Conservation Heritage Panel - the panel were supportive of the proposed design approach, including the proposed rear extension and opening of the ceiling coffers. The Panel advised that the other developments in Arena Central are taken into account when determining the materiality of the rear extension and that further attention is given to the relationship of the rear elevation with the wider public realm including the design of the stairs/ramp. The Panel suggested that the quality and materiality of the proposed signage could be improved, potentially with the use of brass or bronze. A discussion about the relocation of the four safety deposit boxes determined that the most suitable location would be in the banking hall.
- 4.15. Twentieth Century Society - recommend a more delicate approach to the glazed entrance to the south façade, as the expanse of glazing and the protruding scale of the new entrance is not in-keeping with the character of the listed building. They are not opposed to the proposed cladding of the southern façade in stone matching the other façade, however the new entrance to the rear of the building should not overshadow the strong composition of the main entrance to the north.



4.16. West Midlands Police –

- recommend that a lighting scheme be produced and an intruder alarm and CCTV system be installed, and appropriate signage be displayed;
- any work carried out to the standards within the Secured by Design 'Commercial 2015' guide;
- if there is not a 24 / 7 staff presence, clarification is required as to what will be the first response plan for any incidents on site during the unstaffed times;
- the wider Arena Central site should be subject to a hostile vehicle mitigation scheme;
- the alleyway between this plot and 2 Arena Central will be the subject of very little natural surveillance and should be removed;
- any flat surface of the building, or any flat feature of the publically accessible open space around the building should be treated with an anti-graffiti product; and,
- consideration should be given for the measures to be incorporated into the overall street furniture plan to reduce areas where people could gather and commit acts of anti-social behaviour, such as skateboarding, which may cause damage to the public open space installations.

4.17. West Midlands Fire Service – no objection, but notes that water supplies for firefighting should be in accordance with the 'National Guidance Document on the Provision for Fire Fighting'. The approval of Building Control will be required with regard to Part B of the Building Regulations 2010.

5. Policy Context

5.1. The Birmingham Unitary Development Plan 2005 (saved policies), Birmingham Development Plan (BDP) 2017; Conservation through Regeneration SPG; Places for All SPG; Access for People with Disabilities SPD; Lighting places SPD; Parking Guidelines SPD, and the revised National Planning Policy Framework.

5.2. The building is Grade II listed.

6. Planning Considerations

Land Use Policies

6.1. The revised NPPF notes in paragraph 117 that planning decisions should promote an effective use of land. It makes specific reference to 'Heritage Assets', which includes conservation areas and listed buildings. Paragraph 189 refers to a need to assess the significance of a proposal on any heritage asset. Paragraph 192 states that local planning authorities should take into account the desirability of sustaining and enhancing heritage assets.

6.2. The Listed Building and Conservation Areas Act (1990) paragraph 66 outlines that when assessing an application, the local planning authority has special regard to the desirability of preserving the building, its setting, or any features of special architectural or historic interest which it possesses.

6.3. The application site is located in the City Centre Growth Area (BDP policy GA1) and specifically within the Westside wider area of change (GA1.2) and Westside and Ladywood Quarter (GA1.3). The objectives for the Westside and Ladywood Quarter is set out in GA1.3 as: '*Creating a vibrant mixed use area combining the visitor,*

*cultural, commercial and residential offer into a dynamic well connected area, which supports development in the Greater Icknield Growth Area'. GA1.2 states commercial led, mixed use developments will be supported in the Westside wider area of change.*

- 6.4. Policy TP36 of the BDP states that the development and expansion of the City's Universities and the City's higher and further education colleges will be supported. Links between the Universities and other research and development establishments will also be promoted'. Paragraph 3.18 of the BDP states that the role of Universities, education establishments and other providers will be central to ensuring the workforce is equipped to drive the economy. Policy TP12 of the BDP states that the historic environment will be valued, protected, enhanced and managed for its contribution to the character, local distinctiveness, and sustainability.
- 6.5. The site is currently vacant, and considering its construction for a bespoke purpose, has been difficult to repurpose. The proposal to create a multi-purpose, public-private site that gives the University of Birmingham a city centre presence, and has been welcomed throughout the pre-application process. The sequence of public dining, entertaining, performance, exhibition, and meeting space, balanced against the administrative, meeting, working, and entertaining space of the University, makes this an exceptional scheme. This application site is part of the wider Arena Central site, which is identified as an Enterprise Zone. The proposed use would complement the adjacent office developments.
- 6.6. The scheme also includes ancillary café/restaurant/bar. This use would be consistent with Policies 8.6 and 8.7 of the Birmingham UDP saved policies. Given the nature and city centre location of the proposed use, I do not consider it would harm the vitality and viability of the area. Instead, it would bring a vacant unit back into use. The nearest residential units would be located on Plot G (between the Crown Plaza and Suffolk Street Queensway), I do not consider that there would be an adverse cumulative impact upon nearby residents.
- 6.7. The proposed use is suitable for the listed building, it is a highly sustainable location with excellent transport connections, and would therefore be acceptable in principle.

#### Heritage and Design

- 6.8. The agents have undertaken extensive discussion with Heritage England and the City Centre Design Manager. Overall, the scheme was supported by both and positive comments were made at the Conservation Heritage Panel at BCC.
- 6.9. Although the Twentieth Century Society has concerns with regard to the appearance of the new rear elevation, Historic England and the BCC City Design Manager consider the design to be satisfactory. Conditions have been attached to the listed building consent application, these secure further details to safeguard the special architectural character, and historic significance of the Grade II listed building. The listed building report elsewhere on this agenda also provides a more detailed assessment of the impact of the proposals on the listed building.
- 6.10. The proposed public realm works have been designed to integrate with Bank Court, a new public open space at the heart of the Arena Central development.
- 6.11. With regard to the West Midlands Police comments, the access to the east between 2 Arena Central and the application site is not publically accessible. Furthermore,

hostile vehicle mitigation measures for the wider Arena Central development have been secured through planning application 2017/03138/PA. Details for the lighting and CCTV have been conditioned, and the remaining comments are considered management issues, these have been forwarded to the University. It is not considered that anti-graffiti treatment is necessary as the building sits within the wider Arena Central site which will be privately managed. Furthermore, it has the potential to harm the listed building.

#### Access and Parking

- 6.12. The application site is in a highly sustainable location with excellent transport links. The University advises they are in the process of securing two car parking spaces at the nearby Arena Central Car Park.
- 6.13. BCC Transportation raised no objections in principle, but requested further details of cycle parking facilities. A condition has been attached.
- 6.14. The Canal and Rivers Trust suggested that sustainable travel linkages along the canal be publicised in travel plans and associated travel information available to staff and students. The wider Arena Central Masterplan includes an east to west route that will link Alpha Plaza to Gas Street Basin via Bank Court. This will provide a direct route through the site to the canal. The travel plan highlights the canal as a safe, traffic-free, direct route to the main campus.
- 6.15. Access Birmingham recommended that a fully inclusive public building should include parent and child change facilities, and WUDU facilities. The scheme provides two parent and child feeding facilities. The University have not included WUDU facilities in the scheme, owing to the limited space available, and have instead, arranged to use the Library of Birmingham's WUDU facilities. This is considered to be acceptable. Access Birmingham also recommended early implementation of a front entrance access ramp. Ramps are proposed to both the front and rear elevation. Other issues regarding RNIB standards for signage, and the management and registration of the changing places toilet are considered management issues and have been forwarded to the applicant.

#### Other Issues

- 6.16. Conditions requested by BCC Regulatory Services that restricts noise from any plant or machinery, and ensures cooking fumes extract to a high level have been added. A condition requested by Severn Trent Water has also been attached; this secures drainage plans for the disposal of foul and surface water flows. The comments received from Network Rails have been forwarded to the agent.

#### 7. Conclusion

- 7.1. The proposal complies with national and local land use policies and complements the Enterprise Zone, Arena Central site. It is therefore considered the application is acceptable subject to safeguarding conditions. This scheme would create a gateway development, and provide a multi-purpose space that serves the University staff and students, and is open to the general public. It provides an innovative design to the rear elevation that is sensitive to the heritage asset, and would create activity at Bank Court. The alterations would help bring this vacant building back into use, and contribute towards Birmingham growth agenda.

#### 8. Recommendation

8.1. Approve subject to conditions.

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|----|--|
| 1  | Requires the prior submission of a drainage scheme                     |
| 2  | Requires the submission of extraction and odour control details        |
| 3  | Limits the noise levels for Plant and Machinery                        |
| 4  | Requires the submission of hard surfacing materials                    |
| 5  | Requires the submission of a lighting scheme                           |
| 6  | Requires the submission of sample materials                            |
| 7  | Requires the submission of a CCTV scheme                               |
| 8  | Requires the submission of a commercial travel plan                    |
| 9  | Requires the submission of cycle storage details                       |
| 10 | Requires the scheme to be in accordance with the listed approved plans |
| 11 | Implement within 3 years (Full)  |
- 

Case Officer: Alice Jones

## Photo(s)



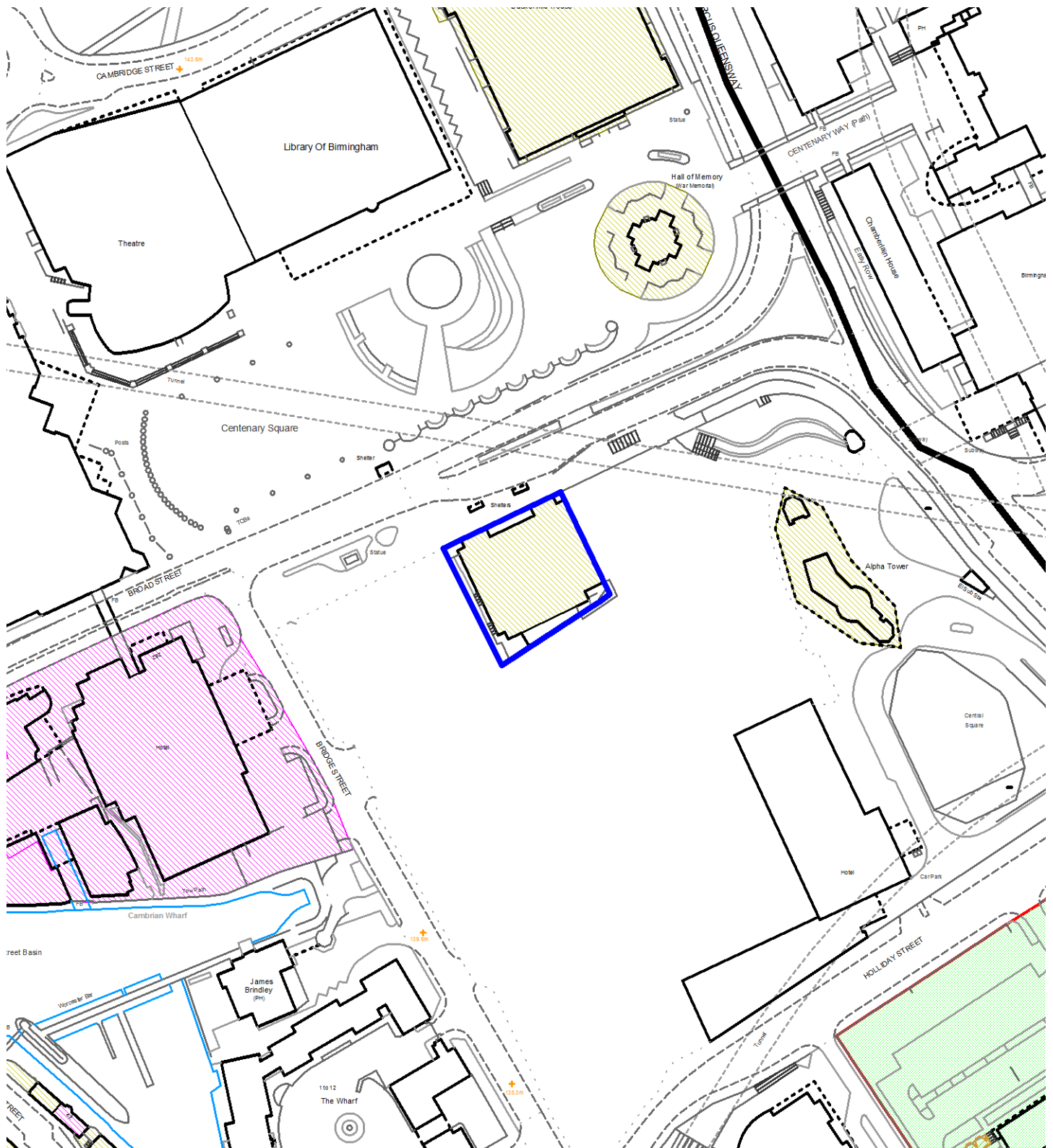
Figure 1: Existing view of North elevation





Figure 2: Computer-generated image of proposed North elevation

## Location Plan



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Committee Date:	08/11/2018	Application Number:	2018/06627/PA
Accepted:	22/08/2018	Application Type:	Listed Building
Target Date:	17/10/2018		
Ward:	Ladywood		

301 Broad Street, Former Birmingham Municipal Bank, City Centre, Birmingham, B1 2DR

Listed Building Consent for removal of south elevation and single storey 'lean to' and erection of new south extension and roof canopy incorporating new south facing, second floor roof terraces and roof level plant enclosures, removal of existing glazed roof light and erection of new raised roof light above existing roof level, forming new parapet wall to existing east facing roof terrace. Extension of basement level ancillary space to the south beneath new landscaped steps and ramp opening the south elevation to Bank Court, demolition and extension of the subterranean south wall to the existing south basement to connect to the basement parking and service entrance below Bank Court and erection of two new lifts to the southern perimeter of the building aligned to the existing stair cores

Applicant:	University of Birmingham Estates West, Edgbaston, Birmingham, B15 2TT
Agent:	Make Architects 32 Cleveland Street, London, W1T 4JY

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Recommendation

**Approve Subject To Conditions**

1. Proposal

1.1. This listed building consent application is for internal and external works in connection with change of use from a bank to new City Centre gateway for the University of Birmingham. Details of the proposed use are set out in the report for the accompanying planning application, which appears elsewhere on your Committee's agenda.

1.2. The work would comprise the following:

- Portico entrance - reconfiguration of the entrance steps to create a ramped accessible threshold
- New South elevation/entrance to Bank Court constructed of Portland stone and glazing - removal of existing single storey extension, rear façade in part, rear back of house rooms, central staircase and goods lift (serving lower levels) to accommodate new southern glazed entrance behind modern portico. Ground floor reception space to include new service risers and central



service/goods lift (non-passenger lift) connecting basement kitchen to new central island servery.

- North and South cores (all levels) - refurbishment and alterations of northern cores, adjacent interview rooms, and octagonal lobbies, to include a new lift within the existing shaft. As well as new toilet facilities, ancillary accommodation, new plant and servicing spaces
- South core terraces (second floor) - creation of accessible roof terraces over the altered southern cores to provide external south facing amenity off second floor conference facilities.
- Sub-basement - alteration and partial demolition to allow new staircase access from basement level and new service lift. Partial demolition of rear wall and extension to create service access to basement car park beneath Bank Court, part of the Arena Central development. Creation of service risers, plant space and amenities for refuse and recycle storage.
- Basement - alteration, partial demolition and extension to provide new riser, plant and service spaces as well as kitchen, staff and ancillary accommodation. Includes the removal of the central staircase and service lift to the rear and the extension and alteration of service and plant facilities and access to southern and eastern elevations.
- Central safe deposit room (basement level) - refurbish, alteration and relocation of four of the existing deposit boxes to facilitate change of use.
- Banking hall and adjacent ground floor north, east and west lobbies/corridors - refurbishment and alteration in part to create a new mixed use heart space, accessible to the public to accommodate change of use.
- Roof light above banking hall - demolition of existing 'modern' infill ceiling and existing lay-lights (circa 1970's), refurbishment of existing coffers and detailing, removal of plant and existing roof light above and creation of new roof light and associated structure at roof level to raise the banking hall into a three storey space. Creation of additional second floor spaces above the enclosed coffers north and south of the banking hall including access for cleaning and maintenance of new roof light, lighting and services.
- First floor (rear back of house rooms) - removal of rear back of house rooms, central staircase and goods lift (serving lower levels) to facilitate new extension including new service risers, and a new southern glazed elevation behind modern portico.
- Second floor (committee room and terrace) - Refurbishment and alteration to provide access to adjacent roof terrace for change of use conference and meeting facilities.
- Second floor (caretaker's flat) - demolition and alteration to provide alternative 'back of house' facilities supporting change of use conference and meeting facilities to the second floor. The creation of a finishing kitchen and associated stores and facilities also to incorporate the new service lift.
- Second floor (staff kitchen and stores) - removal of rear back of house rooms to facilitate new reception space in extension, including new service risers and entrances to the new second floor roof terraces.
- Roof plant level - removal of rear back of house roof to accommodate new plant-well behind roof parapet, accessed via extended south-eastern core and service lift.
- South of Bank Court entrance - landscape steps incorporating accessible ramp and south-facing seating.
- East passage – alterations to basement and plant access.
- West passage – minor alterations to access and ventilation.

### 1.3. [Link to Documents](#)

## 2. Site & Surroundings

- 2.1. The application site relates to a vacant building fronting onto Broad Street. The immediate surrounding area is currently being developed as part of Arena Central, an office-led, mixed use development. Opposite is Centenary Square and beyond is the Library of Birmingham. The surrounding area is predominantly commercial. The building is a Grade II Listed Building designed by architect T. Cecil Howitt designed in the Monumental Classical architectural style.
- 2.2. Within the wider Arena Central site is 2 Arena Central, home to HSBC, 3 Arena Central, which is currently under construction, and Bank Court to the south of the application site. The Crowne Plaza Hotel sits to the east, and the recently constructed Holiday Inn Express fronts Holliday Street to the west. Alpha Tower, a Grade II listed building, is to the east of the site.
- 2.3. Arena Central lies to the south of Centenary Square, a 1.55ha public square and the primary event space within the City Centre. The square accommodates the Grade I Listed Hall of Memory, and is bordered by the Library of Birmingham, the REP Theatre and the Grade II listed Baskerville House to the north, Paradise Circus Queensway to the east and the International Convention Centre and Symphony Hall to the west. Centenary Square accommodates a wide range of events throughout the year including part of the Christmas Frankfurt Market, the ice rink and big wheel, the Remembrance Day procession together with smaller ad hoc events. The Birmingham Westside Metro extension will deliver a metro stop at Centenary Square.
- 2.4. [Site location](#)

## 3. Planning History

- 3.1. Recent listed building consent application are set out below:
  - 29/09/2015 - 2015/06451/PA - Listed building consent for removal, repair and replacement of existing railings adjoining listed building – Approve subject to conditions.
  - 19/04/2017 - 2017/01957/PA - Listed Building Consent for alteration/replacement of existing gates and railings - Approve subject to conditions.
  - 05/07/2018 – 2018/03601/PA - Listed building consent for the cleaning of the north and west façade – Approve subject to conditions.
  - 13/09/2018 - 2018/05488/PA - Listed building consent for internal works to include soft strip and removal of asbestos – approve subject to conditions.
- 3.2. 2018/06605/PA - Refurbishment and change of use of the former Municipal Bank from B1 and A2 uses to a mixed use scheme, comprising University use including exhibition halls (Use Class D1), food and beverage uses (Use Classes A3 and A4), community uses (Use Classes D1, D2 and Sui Generis) and co-working use (Use Class B1), removal of south elevation and single storey 'lean to' and erection of new south extension and roof canopy incorporating new south facing, second floor roof terraces and roof level plant enclosures, removal of existing glazed roof light and erection of new raised roof light above existing roof level, forming new parapet wall to existing east facing roof terrace. Extension of basement level ancillary space to the south beneath new landscaped steps and ramp opening the south elevation to

Bank Court, demolition and extension of the subterranean south wall to the existing south basement to connect to the basement parking and service entrance below Bank Court and erection of two new lifts to the southern perimeter of the building aligned to the existing stair cores – A report about this application appears elsewhere on your committee's agenda.

#### 4. Consultation/PP Responses

- 4.1. At the pre-application stage, the applicants undertook their own consultation. They hosted an open house event where neighbours, local businesses, regional and political groups, cultural partners, community and heritage groups were invited to tour the building. They also displayed several A1 boards at the Library of Birmingham for five days in September. On one of the days, members of staff from the University, the architects, and project managers were available to answer questions. The feedback was generally positive, but members of the public wanted to make sure heritage assets were protected.
- 4.2. In terms of the formal consultation process, adjoining occupiers, residents associations, amenity societies, Westside BID, local ward councillors and MP notified. Site and press notice displayed. No comments received.
- 4.3. Historic England - no objection but emphasise that the success of the scheme will greatly depend upon a very close attention to detail and the use of good quality and appropriate materials. They recommend that these matters and matters concerning the removal, reuse and relocation of multiple fixtures and fittings associated with the bank, be carefully monitored by the local authority's expert conservation advisers.
- 4.4. BCC Conservation Heritage Panel - the panel were supportive of the proposed design approach, including the proposed rear extension and opening of the ceiling coffers. The Panel advised that the other developments in Arena Central are taken into account when determining the materiality of the rear extension and that further attention is given to the relationship of the rear elevation with the wider public realm including the design of the stairs/ramp. The Panel suggested that the quality and materiality of the proposed signage could be improved, potentially with the use of brass or bronze. A discussion about the relocation of the four safety deposit boxes determined that the most suitable location would be in the banking hall.
- 4.5. Twentieth Century Society – recommend a more delicate approach to the glazed entrance to the south façade, as the expanse of glazing and the protruding scale of the new entrance is not in-keeping with the character of the listed building. They are not opposed to the proposed cladding of the southern façade in stone matching the other façade, however the new entrance to the rear of the building should not overshadow the strong composition of the main entrance to the north.

#### 5. Policy Context

- 5.1. The Birmingham Unitary Development Plan 2005 (saved policies), Birmingham Development Plan 2017; Conservation through Regeneration SPG; Places for All SPG; Access for People with Disabilities SPD; Lighting places SPD; Parking Guidelines SPD, and the revised National Planning Policy Framework.
- 5.2. The building is Grade II listed.

#### 6. Planning Considerations

- 6.1. Elsewhere on your Committee's agenda is a report for the accompanying planning application, which addresses the principle of the use, access and other issues. This report for the Listed Building Consent application deals specifically with the impact of the proposals on the listed building and its setting.
- 6.2. The Listed Building and Conservation Areas Act (1990) paragraph 66 outlines that when assessing an application, the local planning authority should have special regard to the desirability of preserving the building, its setting, or any features of special architectural or historic interest which it possesses.
- 6.3. The aim of the revised NPPF with regards to the conservation and enhancement of the historic environment remains the same as that of the 2012 NPPF. Paragraph 192 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 196 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.
- 6.4. 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.
- 6.5. The City Council's City Design Manager has visited the site on numerous occasions and has reviewed the evolving proposals with the architects (Make) and the Heritage advisors (Donald Insall) and is fully satisfied with the solution proposed.
- 6.6. The building is a Grade II listed former bank, dating to 1933 by Nottingham architect Thomas Cecil Howitt. It sits monumentally on Centenary Square in the stripped classical tradition. This style is also used in Baskerville House (opposite the site), and the Hall of Memory, both of which are also constructed in Portland Stone. The significance of this build lies in both its civic architectural properties proceeding over a major public square, and the survival of original early 20<sup>th</sup> century banking features, such as the grand banking hall, and the unique basement vaults. The site is currently vacant, and considering its construction for a bespoke purpose, has been difficult to repurpose. The proposal to create a multi-purpose, public-private site that gives the University of Birmingham a city centre presence, and has been welcomed throughout the pre-application process. The sequence of public dining, entertaining, performance, exhibition, and meeting space, balanced against the administrative, meeting, working, and entertaining space of the University, makes this an exceptional scheme. The proposals respond well to the significance of the building.
- 6.7. The proposal can be seen as a number of physical interventions:
  1. New central axis and meeting space - the proposal seeks to reuse the main banking hall as a new central café space where performance, exhibitions, and events could be facilitated. Access would be through the main Broad Street entrance, and would run through to the rear of the building. Public access into this space is greatly welcomed, and is a major benefit to the scheme. The coffered glazed ceiling would be opened, leaving the structural sections in place, and a glass roof would be installed. This would introduce natural

light to the space, and cause the least amount of disruption to the composition of this space.

2. New rear elevation - the existing rear elevation is common stock brick, not Portland Stone (like the front and west facing elevations), which were intended to be viewed. The rear elevation will become more prominent as a result of the master planning of the surrounding area (known as Arena Central). The proposal seeks to create a simple form that builds on the historic composition of the architecture of the building. With a large glazed central opening composed within a colonnade of bronze-coloured vertical members, flanked by solid masonry walls which would match the Portland Stone. The new elevation allows the function of the central space to flow through to the rear elevation and offer activity over Bank Court.
3. New public realm - the options around the access and apron to the rear of the building has been the subject of debate. Originally this was dominated by a large ramp arrangement that created a degree of unacceptable asymmetry over the otherwise symmetrical elevation. This has been revised so as to integrate steps and a ramp and is now an attractive solution.
4. New meeting rooms and workspace - the interventions required to facilitate the numerous uses the University require throughout the remaining building have been well considered and sensitive. Few walls are lost and the plan of the building largely survives.
5. The vaults - this subterranean space is unique in the city; it affords a degree of opulence not formally associated with such utilitarian areas of a building. It comprises a room of safety deposit boxes, electrically lit columns and a frieze. The applicant has evidenced that central banks of eight safety deposit boxes were added later, and that originally only those around the periphery were present. The reuse of this space is challenging with the centrally positioned safety deposit boxes. It has therefore been agreed that four will be relocated elsewhere in the building, potentially into more public spaces. This will give flexibility for the vault to be used for a variety of functions.
6. New street presence - the principal Broad Street elevation will not change significantly, although has separately been consented for stone cleaning. Some signage and lighting is inevitable, and will be the subject of separate consents.

- 6.8. I note the concerns of the Twentieth Century Society regarding the design of the rear elevation. However, Historic England and the City Centre Design Manager consider the rear elevation to be acceptable. As recommended by Historic England and the City Council's Design Manager, conditions are attached to secure further details in order to safeguard the special architectural character and historic significance of the Grade II listed building.

## 7. Conclusion

- 7.1. Bringing this listed building back into use is fully supported, and will be an asset to the city centre. The less than substantial harm caused to this listed building through demolition and alterations to the historic fabric is offset by the public benefits of improving the rear elevation, and the creation of a vibrant, productive new space. It is therefore considered acceptable, subject to conditions.

8. Recommendation

8.1. Approve subject to conditions.

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|----|--|
| 1  | Requires the prior submission of building recording                                  |
| 2  | Requires the prior submission of a demolition method statement                       |
| 3  | Requires the prior submission of details for the protection of architectural details |
| 4  | Requires the submission of details   |
| 5  | Requires the submission of mechanical and extraction details                         |
| 6  | Requires the submission of materials   |
| 7  | Requires the submission of details for the relocation of four safety deposit boxes   |
| 8  | Requires any damage to the listed building to be made good                           |
| 9  | Requires the scheme to be in accordance with the listed approved plans               |
| 10 | Implement within 3 years (conservation/listed buildings consent)                     |
- 

Case Officer: Alice Jones



**Photo(s)**



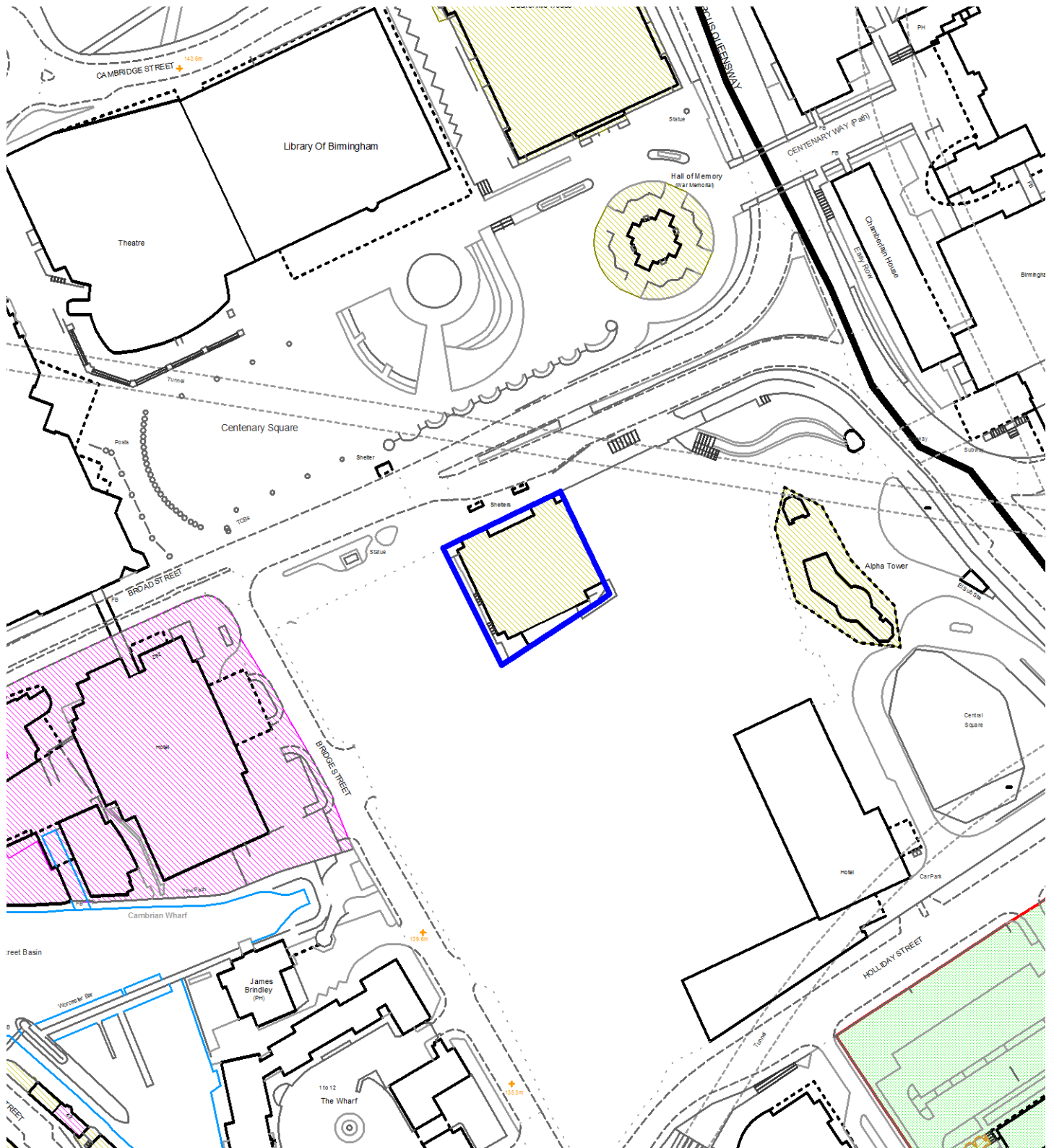
Figure 1: Image of existing vaults in the basement



Figure 2: Computer-generated image of proposed banking hall



## Location Plan



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# Birmingham City Council

Planning Committee

08 November 2018

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Approve – Conditions	15	2018/06399/PA  Cheston Road Energy Centre 125 Cheston Road Birmingham B7 5EA  Installation of a backup electrical generation facility together with 3x 2MW generators, gas kiosk, transformers, substations, security fencing, associated equipment and upgraded access track.

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Committee Date:	08/11/2018	Application Number:	2018/06399/PA
Accepted:	03/08/2018	Application Type:	Full Planning
Target Date:	08/11/2018		
Ward:	Nechells		

Cheston Road Energy Centre, 125 Cheston Road, Birmingham, B7 5EA

Installation of a backup electrical generation facility together with 3x 2MW generators, gas kiosk, transformers, substations, security fencing, associated equipment and upgraded access track.

Applicant:	Suncredit Project Holdings Limited C/o Agent
Agent:	Pegasus Planning Group Ltd First Floor South Wing, Equinox North, Great Park Road, Almondsbury, Bristol, BS32 4QL

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Recommendation

**Approve subject to Conditions**

1. Proposal

- 1.1. Consent is sought to divide an existing scrappers yard and to install a backup electrical generation facility together with gas kiosk, transformers, substations, security fencing and associated equipment at 125 Cheston Road. The proposal would include:
  - ☐ 3 x 2MW Generators (measuring 3.1m width x 12.2m depth). Each generator would include an exhaust stack above totalling 8 metres. These are proposed to be set on the north-west boundary.
  - ☐ 1 Gas Kiosk with attached DNO substation (measuring approximately 5m width x 4m depth x 2.5m height) located in the south-east corner of the divided element of the site.
  - ☐ 1 low level transformer cabinet
  - ☐ 1 client building (measuring 2.4m width x 6m depth x 2.4m height)
- 1.2. The remainder of the site would continue to operate as a scrap metal merchant.
- 1.3. The proposals would be installed on the western side of the existing site and enclosed by 2.4 metre high security fencing with CCTV columns. An upgraded access track and ancillary infrastructure is also proposed.
- 1.4. The proposed backup electricity generation facility would be connected to the national grid and is needed to help to secure a continuous supply to the local DNO in times of system stress or a capacity shortage. It is intended to respond to National Grid instruction to deliver electricity when the national and local grid is experiencing a shortage.
- 1.5. The application is supported by:

- Noise Impact Assessment
- Townscape Statement
- Planning Statement
- Air Quality Assessment

1.6. [Link to Documents](#)

2. Site & Surroundings

2.1. The application site forms part of a site currently used as a scrap metal yard (sui generis) located to the rear of existing industrial units that front onto Cheston Road. The scrapyard is accessed by a drive way off Cheston Road with the north eastern side currently used for the breaking and storage of scrap metal and the western side is used for the storage of motor vehicles. It is on this western side that the proposed development would be installed. A Grade B locally listed building is located within the rear of the north eastern element of the scrapyard (not part of the application site).

2.2. The surrounding properties on Cheston Road are predominantly industrial in nature with varied commercial uses. Directly to the rear of the site is a canal. Across the canal to the north of the site is a business park that consists of purpose built office space. The nearest residential premises are located over 200 metres away to the south on Rupert Street.

2.3. The front of the existing scrapyard is enclosed by 2m high palisade fencing/gates. The rear of the scrapyard which abuts a canal tow path is secured by a 3m high wall, a tow path also rises directly to the rear of the site.

2.4. [Site Location](#)

3. Planning History

3.1. There is no relevant planning history for this property.

4. Consultation/PP Responses

4.1. Transportation Development – Concern has been raised in respect of the displacement of on-site parking and HGV manoeuvring being limited following the development.

4.2. Regulatory Services – No objection subject to conditions in relation to noise levels

4.3. Environment agency – No objections but recommend that the LPS consults the LLFA with regard to the fencing as the Hockley Brook, which is an Ordinary Watercourse, runs in culvert across the access road located within the red line boundary of the site.

4.4. LLFA – No comment's forthcoming

4.5. Canals and Rivers Trust – Detailed objections have been made over the environmental and visual impact on the canal by way of noise, air quality and impact on heritage assets.

4.6. Neighbouring properties, Councillors & Resident's Associations consulted as well as a site notice posted. No comments received.

5. Policy Context

5.1. The following local policies are applicable:

- Birmingham Development Plan (BDP) 2017
- Birmingham Unitary Development Plan 2005 (Saved Policies)

5.2. The following national planning policies are applicable:

- National Planning Policy Framework (2018).

6. Planning Considerations

6.1. I consider that the main considerations are whether the proposed development would be acceptable in principle, and if so, whether the development would have a detrimental impact on both neighbouring designated and non-designated heritage assets, visual amenity, on the environment, residential amenity and on highway safety.

**Policy**

6.2. The National Planning Policy Framework (2018) seeks a presumption in favour of sustainable development. One of the core planning principles set out in the NPPF is that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

6.3. The NPPF also states that the planning system should contribute to building a strong, responsive and competitive economy, and should do everything it can to support sustainable economic growth.

6.4. Policy PG3 of the Birmingham Development Plan (BDP), states 'all new development will be expected to demonstrate high design quality, contributing to a strong sense of place' and 'make best use of existing buildings and efficient use of land in support of the overall development strategy'.

**Principle**

6.5. Turning to the principle of a backup electrical generation facility together with gas kiosk, transformers, substations, security fencing and associated equipment in this location. Given the established industrial context of the surrounding area and mixed character of the buildings in the street scene I consider that the proposal would be acceptable in principle subject to the impact on residential amenity, historic assets and highway safety.

6.6. A screening opinion was carried out by the applicant prior to submission of the application which concluded that the development did not require an Environmental Impact Assessment.

**Scale and Design**

6.7. With respect to the scale and design of the proposal, the proposed development is located to the rear of existing industrial buildings and would not be highly visible when viewed from Cheston Road. Whilst the proposed exhaust stacks would be



sizeable these are of a smaller scale than a number of the neighbouring buildings fronting on to Cheston Road.

- 6.8. My Conservation Officer has raised no objection in respect of any impact the proposal would have on the nearby grade B locally listed building. It is considered that the designated heritage asset is positioned within a mixed industrial context consisting of varied building uses and the proposal would have no further impact.
- 6.9. Whilst the exhaust stacks would be visible from the adjacent canal, due to the level changes to the rear these would be partly screened by the existing walls along the tow path. Furthermore these would be in keeping with the industrial buildings and activities that also back onto this section of the canal.
- 6.10. The scale of the proposed security fencing is acceptable and in keeping with the heights of other boundary treatments in the locality. A sample material condition can secure actual details of the fencing, as with all other materials.
- 6.11. I do not consider that the scale and design of the proposals are detrimental to the character of the locality or on either the neighbouring designated heritage assets or non-designated heritage assets (the adjoining canal).

#### **Impact on Residential Amenity**

- 6.12. Given that the nearest residential properties are located 200m from the site I do not consider that the proposal would impact on residential amenity by way of noise.
- 6.13. Regulatory Services raise no objection subject to conditions in relation to limiting external plant noise levels. I concur with this view.

#### **Other matters**

- 6.14. Comments received from the Canals & Rivers trust have raised detailed objections that the proposed use would lead to a detrimental impact on the environmental and visual character of the adjoining canal by way of noise, air quality and impact on heritage assets. The agents have provided a detailed statement with respect to each of these concerns.
- 6.15. Air quality – the agent has explained that taking the guidance and objectives contained in Local Air Quality Management Technical Guidance published by DEFRA, air quality would not be exceeded. The air quality objectives apply at locations where members of the public are likely to be regularly present and are likely to be exposed over the averaging period of the objective. The annual mean objectives are considered to apply at the façades of residential properties, schools, hospitals etc. The 1 hour mean objective for nitrogen dioxide advised in the above mentioned Local Air Quality Management Technical Guidance applies wherever members of the public might regularly spend 1 hour or more, including outdoor eating locations and pavements of busy shopping streets.
- 6.16. Based on the above, the annual mean objective would not apply at the canal, other than in instances where there is a permanently moored residential houseboat. There are no such moorings in close proximity to the proposed development, thus the annual mean objective would not apply to the canal in the immediate vicinity of the proposed development.
- 6.17. Concerns over air quality have not been raised by Regulatory Services.

- 6.18. Noise – The noise climate on the tow path immediately behind the site proposal is entirely dominated by plant noise and fan noise from the rolled metal product suppliers on the opposite tow path, the proposal is unlikely to have a further significant impact on the existing situation.
- 6.19. As discussed above, regulatory services have requested a condition be attached which limits the noise levels of plant machinery. I am satisfied that this condition would overcome the concerns raised in respect of this matter.
- 6.20. Visual amenity & impact on heritage assets – this issue has been discussed with City Council Conservation Officers and no concerns have been raised in respect of a detrimental impact on the surrounding designated or non-designated heritage assets. I do not consider that the scheme could be resisted based on design factors.

7. Conclusion

- 7.1. Notwithstanding the objections received from the Canals and Rivers Trust, I consider that the proposed development would be in accordance with policies contained within the Birmingham Development Plan and the NPPF. The proposed development is considered to be acceptable and is therefore recommended for approval. Appropriate conditions will be attached.

8. Recommendation

- 8.1. Approve with Conditions

- 
- |   |  |
|---|--|
| 1 | Requires the submission of sample materials and colour finishes.       |
| 2 | Requires the scheme to be in accordance with the listed approved plans |
| 3 | Limits the noise levels for Plant and Machinery                        |
| 4 | Requires the submission of boundary treatment details                  |
| 5 | Implement within 3 years (Full)  |
- 

Case Officer: Philip Whittaker

## Photo(s)



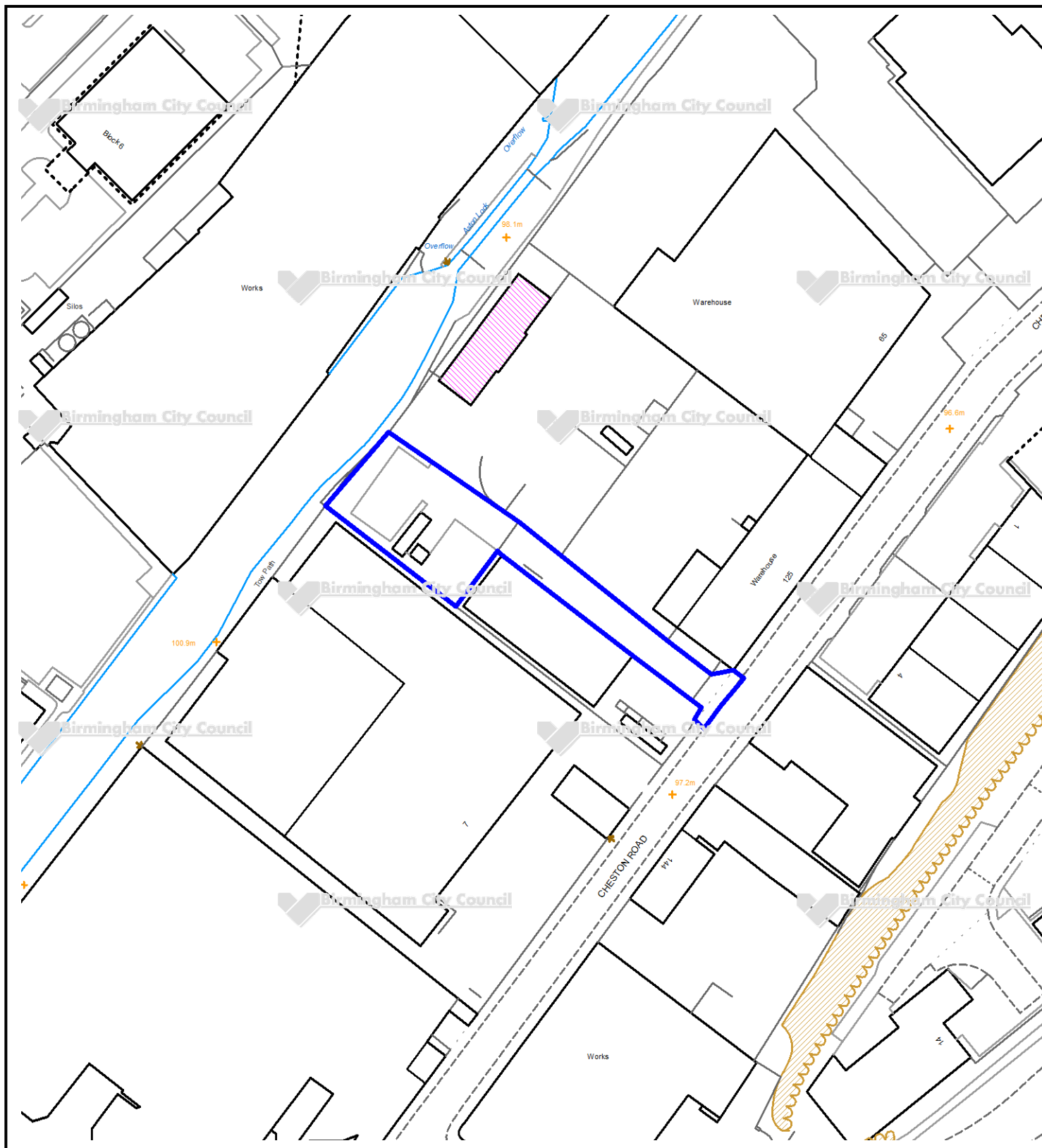
Photo 1: View from Cheston Road



Photo 2: View from canal to rear



## Location Plan



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# **Birmingham City Council**

## **Planning Committee**

**08 November 2018**

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Refuse	16	2018/05364/PA  The Clock Tower Building Former Martineau Centre Balden Road Harborne Birmingham B32 2EH  Change of use from offices (Use Class B1a) to 7 no. residential townhouse dwellings (Use Class C3) and associated external alterations, infrastructure, landscaping and parking.
Approve - Conditions	17	2018/05524/PA  Pickwick Cricket Club Windermere Road Moseley Birmingham B13 9QD  Erection of single storey extension to create changing rooms and function room and alterations to existing facilities
Approve - Conditions	18	2018/07596/PA  580 Bristol Road Selly Oak Birmingham B29 6AF  Variation of condition number 2 attached to planning application 2014/06178/PA to change opening hours from 07:00 - 22:00 daily to 10:00 - 03:00 daily.



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Committee Date:	08/11/2018	Application Number:	2018/05364/PA
Accepted:	16/07/2018	Application Type:	Full Planning
Target Date:	10/09/2018		
Ward:	Quinton		

The Clock Tower Building, Former Martineau Centre, Balden Road, Harborne, Birmingham, B32 2EH

Change of use from offices (Use Class B1a) to 7 no. residential townhouse dwellings (Use Class C3) and associated external alterations, infrastructure, landscaping and parking.

Applicant:	Luxury Design (Harborne) Ltd
	C/o Agent
Agent:	Harris Lamb
	Grosvenor House,, 75-76 Francis Road, Edgbaston, Birmingham, B16 8SP

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Recommendation  
**Refuse**

1. Proposal

- 1.1. This application seeks planning permission for the conversion of around 75% of the floorspace of a building from former offices/education use to 7 dwellings.
- 1.2. The scheme would consist of 7 three storey town houses (5 x 4 beds and 2 x 3 bed).
- 1.3. All dwellings exceed the non-adopted National Space Standards size requirement in terms of bedroom sizes. Each dwelling would have a separate private garden to the rear and would overlook an area of public open space to the front. Garden sizes for the units range from 41 to 60sqm.
- 1.4. The scheme includes some minor physical changes to the retained building, including the creation of new front doors (dropping existing window frames) and rendering the majority of the rear elevation, to repair the part of the building that connected to now demolished rear wings of the former quadrangle. The scheme includes the replacement of non-original windows with traditional style timber windows. Rooflights are also proposed, to the front and rear plane of the roofs, to create accommodation in the roof-space.
- 1.5. 14 parking spaces would be provided; a provision of 200%, arranged mostly in a rear courtyard, and with 4 parking spaces in front of the building (in the existing cul-de-sac head).
- 1.6. The application is supported with a Design and Access Statement, Transport Statement, Planning Statement, Drainage Strategy, Bat Survey and Tree Survey.

- 1.7. Site area 0.18ha. The redlined site includes the 2/3rds of the building's footprint, with 1/3<sup>rd</sup> of the footprint excluded from the application site, included instead in a blue line (being land under the applicant's ownership but not part of the application). This 1/3<sup>rd</sup> is the section of the building previously approved to be used as a community facility.
- 1.8. [Link to Documents](#)
2. Site & Surroundings
- 2.1. The building is the retained part of a quadrangle building, originally part of a 'reform'-type 'correctional' school for boys. The rest of the site was demolished to make way for a new residential estate. The surrounding residential estate is largely occupied, having been recently completed.
- 2.2. [Site location plan](#)
3. Planning History
- 3.1. 19/05/12. Pa no. 2011/08749/PA - hybrid application (part outline, part full application) for outline planning permission for residential development (new build houses) and full planning permission for the partial retention and conversion of part of the original quadrangle building for use as 6 flats and a community room. Withdrawn following committee site visit and concern expressed by Planning Committee.
- 3.2. 05/09/13. Pa no. 2012/07879/PA Demolition of the majority of the existing buildings on site and residential development of 122 dwellings and associated works. Change of use of clock tower building from office (Use Class B1a) to 6 no. residential dwellings (Use Class C3) and community floor space (Use Class D1), addition of associated landscaping and two access points onto Balden Road. Refused on the basis of; loss of playing fields, inadequate S106 package, the loss of 9 TPO trees, and the loss of a community facility.
- 3.3. 24/09/14. Pa no. 2014/05096/PA for Demolition of the majority of the existing buildings on site and residential development of 121 dwellings and associated works. Change of use of clock tower building from office (Use Class B1a) to 6 residential dwellings (Use Class C3) and community floor space (Use Class D1), addition of associated landscaping and two access points onto Balden Road (revised scheme). Approved with S106 to secure;
- a) Affordable housing at 22.3% (27units) of new build dwellings.
  - b) Loss of Playing Field compensation of £830,000
  - c) Education contribution of £330,236.91
  - d) Public Open Space contribution of £175,520
- 3.4. 26/05/16, Pa no. 2016/00346/PA Reconfigure and raise the density of Phase Two to replace 47 dwellings with 60 dwellings. Approved with S106 to secure the following; 4 further affordable housing units, £45,600 for off-site public open space improvements and £44,582 for education provision.
- 3.5. 05/07/18 2018/02294/PA conversion of a building from former offices to 10 dwellings consisting of; 7 three storey town houses (6 x 4 beds and 1 x 3 bed) 3 two storey town houses (3 x 2 bed). Refused on the basis of;

- 1) The proposal would result in the loss of a part of the site identified as a community room in the approved Masterplan of 2014, approved as part of a coordinated range of community benefits in association with the residential development. The loss of the allocated space for a community room would be contrary to the objectives of the NPPF; by failing to deliver the agreed social benefits of the scheme with insufficient community and cultural facilities and services to meet local needs. The scheme would also eliminate space which could contribute towards informal sporting activity and would fail to provide an otherwise useful contribution towards the recreational and leisure requirements of the City. As such, the proposal is contrary to Policy TP11 of the BDP and Paragraphs 7, 17 and 70 of the NPPF.
- 2) The scheme includes the provision of 3 and 4 bedroom dwellings that have inadequate provision of private amenity space. The scheme is therefore contrary to Policies PG3 and TP27 of the Birmingham Development Plan 2017, saved Paragraph 3.14C of the Birmingham UDP 2005, guidance in 'Places for Living' adopted as Supplementary Planning Guidance, and the National Planning Policy Framework.

3.6 An appeal lodged against application 2018/02294/PA.

#### 4. Consultation/PP Responses

4.1. Resident, resident Associations, Councillors and MP consulted. Site notice erected.

##### PP Responses

4.2. Preet Gill MP – Objects and request that the community room be provided.

4.3. Cllr Kate Booth - I am shocked and dismayed at this further planning application which appears to be contrived to subvert the unanimous decision of the Planning Committee to refuse the previous application (2018/02294/PA). The incorporation of a Community Room facility was key to the committee supporting the original development. The scheme would also bring congestion. The historic map for the area shows showing the historic amenity and public interest in the neighbourhood which has also lost the Balden Road Playing Field which served the community prior to the development of Beech Lanes Farm and the densification of residential accommodation.

4.4. Cllr John Clancy - I repeat all of the comments which I made in relation to the previous application requiring the community use to be provided. I trust the officer's advice will remain the same and that is to recommend for refusal.

4.5. 25 objections made, with concerns in regard to;

- request that the community room be provided
- lack of adequate publicity of the planning application
- traffic impact
- the location of the access to the car park which should instead be via Balden Road directly due to safety concerns.
- intensification of the use

4.6. 3 letters of support stating that;

- No need for a community room as such content for the scheme to only include residential use.
- object to a community centre being located in the building due to concerns relating to noise, disturbance, overlooking & loss of privacy, nuisance, anti-social behaviour and Shading / loss of daylight, traffic and parking.
- Residents were disappointed that the planning application (2018/02294/PA) to turn the entire site into town houses was refused. There is a hall at the St Faith and St Laurence Church over the road that can be used by the community.

4.7. Consultation Responses

4.8. Transportation – No objection.

4.9. Regulatory Services - No objection, subject to conditions to secure a noise and vibration assessment and attenuation, contamination assessment and mitigation, and vehicle charging points.

4.10. Severn Trent - No objection.

4.11. West Midlands Police – No objection provided that a gate and adequate lighting is provided for the rear car park. The Police also recommend that the applicant meets their Secure by Design standards.

5. Policy Context

5.1. National Planning Policy Framework, National Planning Policy Guidance.

5.2. Birmingham Development Plan (2017); Birmingham UDP- saved policies (2005). Places for Living SPG. Car Parking Standards SPD.

6. Planning Considerations

6.1. Background

6.2. Members will recall that this application was on the agenda for 27<sup>th</sup> September Planning Committee but was removed by officers as the applicant has raised objection and questioned the lawfulness of a condition which required the community room to be brought into active use prior to the occupation of the first dwelling. Legal advice, from your solicitor, confirmed that such a condition could be considered unlawful if it were challenged. This application is therefore now considered without the benefit of such a condition.

6.3. The current application seeks to address the previous refused application by excluding the conversion of the approved community room to 3 dwellings and instead focus on the conversion of the rest of the building to 7 dwellings. By eliminating the community room, from the current application, the applicant anticipates that the main issue of contention has been removed. The applicant has drawn attention to the fact that the building gained consent in 2014 for 6 dwellings and a community room; establishing the principle of residential use. However, I am

concerned that the community room part of the building, excluded from the current application, could remain inactive and 'mothballed' in perpetuity. On this basis the applicant has failed to address the concerns raised by the previous application and therefore this second application also fails to satisfy the expectations of the approved Masterplan in principle as it fails to address the full functionality of the whole building.

- 6.4. The previous application was refused as it was considered that the scheme would result in the loss of a community room which would be contrary to the approved Masterplan for the entire site.
- 6.5. The application consists of the final parcel of land not yet redeveloped at the former Martineau Centre site, instigated by a planning approval of 2014. The wider site was previously owned by the City and was available to the community for educational uses, sports, swimming and social and community events. The centre was closed in 2012 as part of a rationalisation of the City's land holdings. The clock tower building was to be retained for community use and conversion to six flats.
- 6.6. As the planning history illustrates, Members were initially concerned in regard to a number of issues and following the withdrawn 2011 application and refused application of 2012, the proposal was adjusted to an extent that satisfied Members that the scheme could be supported and approved in 2014.
- 6.7. One such adjustment, and pertinent to this application, related to the creation/retention of some community space within the retained clock tower building. At the time the officer report stated;
- 6.8. *"...the applicants have responded to the concerns raised by local residents and have offered the retention of part of the Martineau Centre for community use. I consider that the provision of a dedicated community facility, within a retained part of the original Quadrangle school hall, would provide a useful local resource and could meet some identified local demand referred to by residents. This room would be able to accommodate 30-40 people for meetings and be used for coffee mornings or a wide range of other local functions and services. The former school hall is 143sqm, which is shown to include a small store and WC. It is recommended that a condition be attached to secure a Community Access Agreement that would set access times and associated costs for its use. It is hoped that residents make good use of this room and that enough revenue is collected to cover the ongoing costs of providing this facility. It may be such a success that the local resident group form a board and ask to purchase the space from the developer. Alternatively, if the facility is infrequently used the developer may decide that it is not covering costs and they may then apply to the Local Planning Authority to change the use to residential accommodation. It should be noted that the LPA would expect to see at least three years 'trading' before considering such a request".*
- 6.9. This scheme was approved with condition 21 requiring a community access agreement, condition 35 requiring details of the internal layout of the retained building and condition 37 required the scheme to be built in accordance with the approved plans (including Site Plan P.0797\_05-1W showing the allocation of a community room). At the time it was assumed that Persimmon would undertake the work to the retained building and make the community use available in conjunction with the rest of the scheme coming forward. Instead, Persimmon disposed of it on the open market.



- 6.10. The applicants have stated that they took ownership of the site in 2017. They state that there was no planning policy reason for providing the community room and that the community room was proposed by Persimmon as a goodwill gesture. The Applicants refer to a clause in the sales contract, considering the Council's Property Service having some form of obligation to oversee bringing the building into community use. Whatever the contents of the sales clause, that is separate to the planning consent. The key question is whether the planning consent has been complied with.
- 6.11. I do not consider the planning position is resolved. The original planning approval was given on the basis that a room (the hall) would be retained as a community resource and would be offered to the community for at least 3 years. There is no evidence that this has happened. As such, the planning balance must consider whether planning approval would have been given in 2014 *without* the community room. It seems that would not have happened. Indeed, the community room was an integral part of the approved scheme and to allow dwellings instead would be entirely contrary to the original consent.
- 6.12. Therefore, it is concluded that it would be inappropriate to exclude this part of the building and to do so would be at odds with the original approval for the whole estate (which included a substantial community benefit of on-site POS, off-site contributions to POS, education and an artificial pitch and the on-site community room). The package, as a whole, satisfied Members that the scheme would deliver significant social benefits as well as new housing.
- 6.13. The NPPF, at paragraph 7, states that the purpose of the planning system is to deliver sustainable development and that this consists of three dimensions; economic, social and environmental. The social role seeks to create vibrant communities and provide the required infrastructure to deliver this. Paragraph 17, of the NPPF, requires development to "deliver sufficient community and cultural facilities and services to meet local needs". Paragraph 70, of the NPPF, reinforces this point and requires the delivery of social, recreational, and cultural facilities and should service the community needs should plan positivity for such facilities and guard against the unnecessary loss. Furthermore, Policy TP11 of the adopted BDP, principally in regard to 'sport facilities' states that "The provision and availability of facilities for people to take part in formal and informal activity, that contributes to healthier lifestyles and can provide a 'stepping stone' into more formal sport, will be supported and promoted". This Policy also states that "Facilities, within the City's educational establishments that can be used by the community provide a useful contribution towards the recreational and leisure requirements of the City and this will be encouraged." The room could be used for physical activity purposes as well as cultural activities.
- 6.14. On this basis, the divergence from the approved 2014 Masterplan cannot be supported due to the lack of provision of the approved community room and it being eliminated from the current application fails to provide the comfort that it would be delivered. The scheme is consequently recommended for refusal being contrary to the Masterplan, the NPPF and Policy TP11.
- 6.15. Design and conservation
- 6.16. In terms of design and conservation, the retained building is considered to be a non-designated heritage asset. It was retained through negotiation in 2014 and originally envisaged to be converted into 6 flats and a community room. Car parking was shown to the rear and the frontage would be laid out with new Public Open Space.

The rear area would have also included an area of communal amenity space for the residents.

- 6.17. The revised details show the car parking area as agreed in the Masterplan, but with the communal amenity space split into separate gardens. The resultant rear gardens for the 7 town houses, would be small and the 3 and 4 bed units would have gardens that range from 41sqm to 60sqm. Places for Living guidance requires gardens, for 3 bed plus units to be a minimum of 70sqm and 2 bed units to be 52sqm. The scheme consequently fails to meet the expectation for gardens for larger family units.
- 6.18. I recognise that the version of the report for this application, removed from the agenda of 27<sup>th</sup> September, recommended approval saying that the small gardens were acceptable. That report suggested that with a condition requiring the provision of community use, enabled a balanced approach could be applied in regard to small gardens, as the condition would have allowed for the whole building to be brought back into active use. Now, without the benefit of that condition, it is considered that the planning balance is different and it is considered that the small gardens are unacceptable due to their size.
- 6.19. In terms of separation distances for facing elevations, the building would include second floor occupation, in the roof-space, a distance of at least 30m exists between the rear elevation of the building and the rear of houses facing onto Martineau Drive. Places for Living separation guidelines seek a minimum distance of 27.5m for three storey development. Your guidance also seeks at least 5m per storey as a guideline to prevent overlooking from proposed windows to neighbours' gardens, this is also complied with. Also, the scheme would meet the Technical Housing Standards for internal spaces. I am satisfied that the development would provide adequate internal space to provide a decent standard of living accommodation.
- 6.20. It is also recognised that the proposed works to the building are considered sensitive to the architectural heritage and that the scheme would bring most of the building back into active use.
- 6.21. Transportation
- 6.22. The scheme would provide 14 parking spaces; being 200%, arranged mostly in a rear courtyard, with 4 parking in front of the building (in the existing cul-de-sac head).
- 6.23. I note that some local objection has been made to the use of the access in front of Martineau Drive. This short road (currently serving 7 dwellings) is admittedly relatively narrow, but is designed as a shared driveway, with pedestrians being able to walk in the carriageway, and was approved in the 2014 master-plan as the access for the rear car park behind the application site building.
- 6.24. Transportation colleagues conclude that the proposal would not have a detrimental effect on the immediate highway network. I concur with this view.
- 6.25. Transportation colleagues have asked for a condition that requires the dropped kerb on Balden Road to be reinstated, however such a condition would not be considered reasonable in this case.
- 6.26. Trees

- 6.27. The current frontage to the building consists of hard-standing and mature trees. The 2014 master-plan and the current application show the frontage being returned to soft landscaping and the introduction of footpaths. A footpath would run across the centre of the new public open space and a spur footpath would separate from this and connect to new pathways leading to the new front doors of the building. The scheme includes small front garden areas with defensive hedging to create pockets of enclosure to separate this from the main area of Public Open Space.
- 6.28. Whilst awaiting tree comments in regard to the current application, my tree officer has previously noted that the proposal plan returns the area around the frontage trees to soft landscape and the small changes to the existing kerb to new path edge would be unlikely to cause significant or insurmountable problems for the trees or implementation of the path. He recommends a condition that requires the scheme to be implemented in accordance with the arboricultural method statement. I concur with this view.
- 6.29. Ecology
- 6.30. The submitted bat survey found no evidence of bats within the roof-space. The two nocturnal surveys did not record any evidence of bats emerging from, or returning to, the buildings. On the basis of these results, there is no evidence to suggest that bats are currently using the buildings for roosting and so bats do not currently present a constraint to development.
- 6.31. However, bats are active in the local area and the proposed conversion and refurbishment would reduce the availability of opportunities for roosting bats, my ecologist therefore recommends that a condition is included for the addition of roosting opportunities in the form of integral bat roost features, such as roof / ridge access tiles or bat tubes. Also, bats' use of roost locations is dynamic, so although the recent surveys found no evidence of roosting, this situation could change over a period of time. A condition would have been recommended, if approval was proposed, to require further bat survey work if development has not commenced within 12 months. My ecologist concludes that she has no objection to the scheme subject to the above two conditions.
- 6.32. Response to Regulatory Services
- 6.33. I note that colleagues in Regulatory Services have request contamination and noise assessment conditions. I consider that neither of these conditions are appropriate or reasonable as the scheme relates to a reuse of an existing building which is unable to accommodate contamination or vibration management. In terms of a vehicle charging point, this is considered appropriate and could have been included as a condition if approval was recommended.
- 6.34. Response to Police comments
- 6.35. West Midlands Police seek accordance with Secure by Design guidelines, for the rear access parking area to be gated (flush to the adjacent building line) and to be illuminated.
- 6.36. The applicant has previously responded that all the windows and doors would meet the required building regulation standard for security and they would work with the standards in Secure by Design Homes 2016. The applicant is also willing to provide a car park gate as requested. I am satisfied that details of the gate and lighting could have been adequately secured by condition if approval was recommended.

7. Conclusion

- 7.1. The scheme fails to provide for the community use which was an integral part of the 2014 planning consent. No evidence has been provided to determine what community use of the building could take place, amongst existing and new residents. As such, it would be premature and contrary to the spirit of the 2014 master-plan to fail to secure the use of the community facility. As such, the scheme does not constitute sustainable development. Whilst it is recognised that the scheme would bring a vacant building back into use, and for housing, this is not, on balance, of sufficient weight to set aside the identified objections.

8. Recommendation

- 8.1. That the application be refused for the following reasons;

Reasons for Refusal

- 
- 1 The proposal fails to deliver the community room identified in the approved Masterplan of 2014, approved as part of a coordinated range of community benefits in association with the residential development. This would be contrary to the objectives of the NPPF; by failing to deliver the agreed social benefits of the scheme with insufficient community and cultural facilities and services to meet local needs. The scheme would fail to provide the community space which could contribute towards informal sporting activity and would fail to provide an otherwise useful contribution towards the recreational and leisure requirements of the City. As such, the proposal is contrary to Policy TP11 of the BDP and Paragraphs 7, 17 and 70 of the NPPF.
- 2 The scheme includes the provision of 3 and 4 bedroom dwellings that have inadequate provision of private amenity space. The scheme is therefore contrary to Policies PG3 and TP27 of the Birmingham Development Plan 2017, saved Paragraph 3.14C of the Birmingham UDP 2005, guidance in 'Places for Living' adopted as Supplementary Planning Guidance, and the National Planning Policy Framework
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Case Officer: Ben Plenty

## Photo(s)



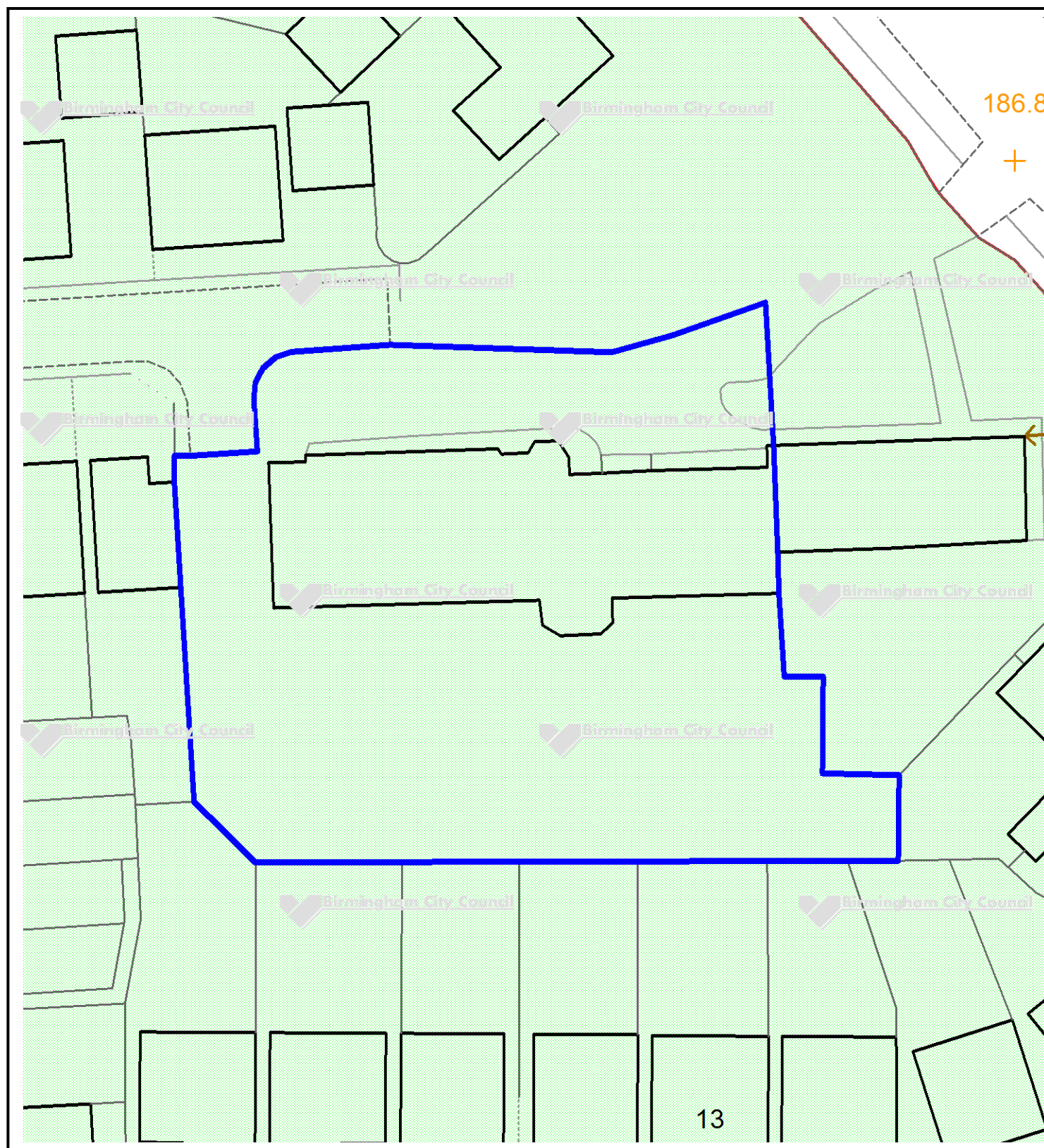
Fig 1 view of front of the clock tower, looking southwest



Fig 2 view of rear of the clock tower building, looking west



## Location Plan



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Committee Date:	08/11/2018	Application Number:	2018/05524/PA
Accepted:	09/07/2018	Application Type:	Full Planning
Target Date:	03/09/2018		
Ward:	Moseley		

Pickwick Cricket Club, Windermere Road, Moseley, Birmingham, B13 9QD

Erection of single storey extension to create changing rooms and function room and alterations to existing facilities

Applicant:	Pickwick Cricket Club Windermere Road, Moseley, Birmingham, B13 9QD
Agent:	ZS Partnership Ltd 469 Coventry Road, Small Heath, Birmingham, B10 0TJ

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#### Recommendation

#### **Approve subject to Conditions**

1. Proposal
  - 1.1. This application seeks planning consent for erection of single storey extension to create changing rooms and function room and alterations to existing facilities at Pickwick Cricket Club, Moseley.
  - 1.2. The proposed extension would be situated to the eastern side of the existing portacabin and would measure 2.9m in length to the west, 10m in width to the south, 6.1m in length to the east and a slayed corner against the boundary of the site measuring 9.4m in length. The proposed extension would be fitted with a pitched roof with a height of 2.8m to the eaves and 4.2m to the highest pitch.
  - 1.3. The proposed extension would provide additional facilities to the existing changing rooms, separate WC's and a new space to be used as a function room for players to have refreshments and local communities to hold meetings. Under the proposal the existing facilities would be enhanced with various repair works carried out, including the replacement of the existing flat roof with a titled hipped roof
  - 1.4. Currently, four teams play on a Saturday and two teams play on a Sunday, the Cricket Club's aim is to have four teams play on both days as the demand for cricket has grown. The purpose of the extension is to improve the changing facilities as the current facilities are no longer large enough due to the growth in demand. The function room would be used by players of visiting teams for refreshments before and after cricket games.
  - 1.5. The Applicant has stated that the Cricket Club has been awarded funding from Sports England under the Community Asset Programme to encourage more people into sports. Hall Green School currently uses the Cricket Club and the intention is to expand the usage to other local schools to encourage more young children to participate in sports.

- 1.6. The changing room facilities and function room would be available between the hours of 10:00 – 20:00 daily. Outside of cricket matches and tournaments, the function room would be available for community groups to hold meetings.
- 1.7. A Design and Access statement has been submitted with the application.

[Link to Documents](#)

## 2. Site & Surroundings

- 2.1. The application site is Pickwick Cricket Club accessed off Windermere Road with a strip of hardstand sited along the western boundary of the site, providing vehicular access and parking. On the site, there is an existing single storey brick built club pavilion and a portacabin in the very southern corner of the site. The site is immediately bounded by Wake Green Playing Fields to the east and residential properties to the north.

[Site Location](#)

## 3. Planning History

- 3.1. 20/06/1996 – 1996/01185/PA – Erection of club house (Class D2 – Assembly and Leisure) – Approved subject to conditions.
- 3.2. 13/12/2005 – 2005/06508/PA – Installation of 2.4m high fencing and gates at Windermere Road entrance – Approved subject to conditions.
- 3.3. 03/06/2008 – 2008/01691/PA – Erection of 2 portacabins for use in conjunction with athletic club - Approve Temporary.

## 4. Consultation/PP Responses

- 4.1. Transportation Development – No objection subject to cycle provision.
- 4.2. Regulatory Services – No objection subject to: restriction of hours of use of the building, restriction of hours of use of the car park, no floodlighting, no entertainment activities, no amplified music, no weddings, no fireworks, no consumption of food or drink or hot food preparation and no kitchen extraction.
- 4.3. Neighbouring occupiers, Ward Councillors and Residents Associations notified and a Site Notice displayed for 21 days. 6 objections received from neighbouring occupiers, raising concerns regarding:
  - Existing and future use of the site
  - Increase in traffic
  - Increase in noise
  - Extension of temporary structure
  - Damage from cricket balls
  - Increase in litter
  - Impact on car parking

- Loss of trees
  - Sports England funding
  - Management of the Cricket Club
- 4.4. 5 comments have also been received from neighbouring occupiers and the Moseley Society mentioning the following:
- Lack of site maintenance
  - Overgrown hedging
  - Availability of parking provision
  - Request for conditions to control hours of use
- 4.5. 2 comments have been received supporting the application for future cricket use and the intention to encourage young people to use the club.
5. Policy Context
- 5.1. The following local policies are relevant:
- Birmingham Development Plan (BDP) 2017
  - Birmingham Unitary Development Plan (UDP) 2005 (Saved Policies)
  - Places for All SPG 2001
  - Car Parking Guidelines SPD 2012
- 5.2. The following national policies are relevant:
- The National Planning Policy (NPPF) 2018.
6. Planning Considerations
- 6.1. Paragraph 8 of the National Planning Policy Framework highlights the need to enable and support healthy lifestyles and provide social, recreational and cultural facilities that the local community needs. This is further reinforced by Policy TP11 of the Birmingham Development Plan that states that ‘the provision and availability of facilities for people to take part in formal and informal activity that contributes to healthier lifestyles and can provide a stepping stone more formal sport will be supported and promoted’ and ‘community sport and leisure facilities should be located in easily accessible sites’
- 6.2. Policy PG3 of the Birmingham Development Plan (BDP), states ‘all new development will be expected to demonstrate high design quality, contributing to a strong sense of place’ and ‘make best use of existing buildings and efficient use of land in support of the overall development strategy’.
- 6.3. The main considerations in the assessment of this proposal are the principle of development, the impact on visual and residential amenity, the impact on parking and highway safety and the impact on Trees.

### **Principle of Development**

- 6.4. The application site is a cricket club, with a large playing field, club pavilion and portacabin used for changing facilities. The existing portacabin was granted under a temporary consent in June 2008, to be removed by June 2010. However, this portacabin was not removed and there were no enforcement complaints relating to the portacabin raised during this period. As such, the portacabin is immune from enforcement action as the four year period has passed.
- 6.5. The site is located near a residential community and accessible via both pedestrian and vehicle access and is well served by public transport links. The existing cricket pitches would not be affected by the proposal; as such there would no loss of playfield. I therefore consider the principle of development to be acceptable in this location.

#### **Impact on Visual Amenity**

- 6.6. The proposed alterations to the existing club house include the replacement of the existing flat roof with a pitched roof with tiles to match the roof of the proposed extension. I welcome these alterations as they would improve the appearance of the existing portacabin.
- 6.7. The proposed extension would be located to the side of the existing portacabin building. Whilst the extension would be visible from Wake Green Playing Fields, I consider the scale, mass and design of the extension to be acceptable and consistent with the style and appearance of buildings typically present within a sports ground. Subject to appropriate materials, I deem that the proposed extension would not have an adverse impact on the overall appearance of the site and the visual amenity of the surrounding area.

#### **Impact on Residential Amenity**

- 6.8. By virtue of its location, the proposed building would comply with the 45 Degree Code and the numerical guidelines contained with 'Places for Living' SPG. As such there would be no overlooking issue, or adverse impact on the amenities of the occupiers of the adjacent properties by virtue of loss of light or outlook.
- 6.9. Environmental Services have been consulted on the application and raise no objection to the proposal subject to restriction of hours of use of the building, restriction of hours of use of the car park, no flood lighting, no entertainment activities, no amplified music, no weddings, no fireworks, no consumption of food or drink or hot food preparation and no kitchen extraction. I acknowledge that there is a need to protect the residential amenity of nearby occupiers and consider the recommendation of conditions restricting the hours of use between 10am – 8pm and restriction of amplified music to be appropriate and necessary, and attach such conditions accordingly. However, I consider that the remainder of the recommended conditions (restricting the hours of use of the car park, no flood lighting, no entertainment activities, no weddings, no fireworks, no consumption of food or drink or hot food preparation and no kitchen extraction) are above and beyond the scope of this application. The Applicant has submitted information relating to the proposed use of the function room and has stated that it will be used by visiting teams before and after matches and outside of match days, the function room would be used by local community groups who wish to hold meetings. I am therefore satisfied this is a low-level use and does not require such restrictions.

- 6.10. I note comments from neighbouring occupiers that the existing cricket clubhouse is being used for social events and concerns have been raised that the proposed extension may be used for similar purposes. The application relates to an extension to the existing portacabin building; the use of the clubhouse is not a material planning consideration in the assessment of this proposal. I am satisfied that the proposed extension shall be used for purposes incidental to the main cricket use of the sports ground, and whilst the function room may be used by local community groups, given that there would be a condition to limit the hours of use between 10:00 – 20:00 daily, I am satisfied that the proposed development would not have an unacceptable impact on the residential amenity of nearby occupiers.

6.11. **Impact on Parking and Highway Safety**

Transportation Development have been consulted on the application and following the submission of a car parking layout, raise no objection to the proposal subject to provision of secure cycle storage. I concur with this view and attach such condition accordingly. Whilst demand in cricket matches may grow, with a rise in teams visiting the site, Transportation Development are satisfied that the site has enough parking provision (40 car parking spaces) to accommodate this growth, and the site is well-accessed by public transport with regular bus services serving Wake Green Road, which is in walking distance to the site. Overall, in line with Transportation Developments recommendation, I consider that the proposed development would not result in a significant adverse impact upon highway safety

**Impact on Trees**

- 6.12. Concerns have been raised regarding the removal of trees and hedgerow along the southern edge of the application site to create space for the proposed extension. As the proposed development is on Council land, any removal of trees or hedgerow would require permission from the Council's Parks Team. As there is no statutory Tree Protection over the site, in this case, removal of trees would not be a material planning consideration. Nonetheless, the City's Tree Officer has been consulted on the application and raises no objection. However, due to the public concern, the City's Tree Officer has recommended that conditions are attached to require permission to be sought for the pruning or removal of trees, to prevent the loss of any further trees.

**Other Matters**

- 6.13. I note comments received raising concerns regarding damage from cricket balls and the management of the Cricket Club in respect of the relationship with the local community. These issues are a civil matter and cannot be considered in the assessment of this proposal. In addition to this, I note local residents are concerned about the lack of site maintenance; this is the responsibility of the Cricket Club and cannot be enforced under Planning.
- 6.14. In regards to the concerns raised regarding litter, as the proposal is for the extension to the existing facilities, I do not consider that the proposed use would result in a significant increase in litter.

7. **Conclusion**

- 7.1. The provision of the proposed extension would enhance the quality of the existing sports facilities at the site by providing new changing facilities and a function room



for the expanding teams and local community groups. I consider the proposed development would comply with relevant national and local policy and would constitute sustainable development. I recommend that the application is approved subject to conditions.

8. Recommendation

8.1. Approve subject to the following conditions:

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- |   |  |
|---|--|
| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Requires the submission of sample materials                            |
| 3 | Limits the hours of use between 10am - 8pm daily.                      |
| 4 | Requires the submission of cycle storage details                       |
| 5 | Arboricultural Method Statement - Submission Required                  |
| 6 | Requires tree pruning protection                                       |
| 7 | Prevents the use of amplification equipment                            |
| 8 | Implement within 3 years (Full)  |
- 

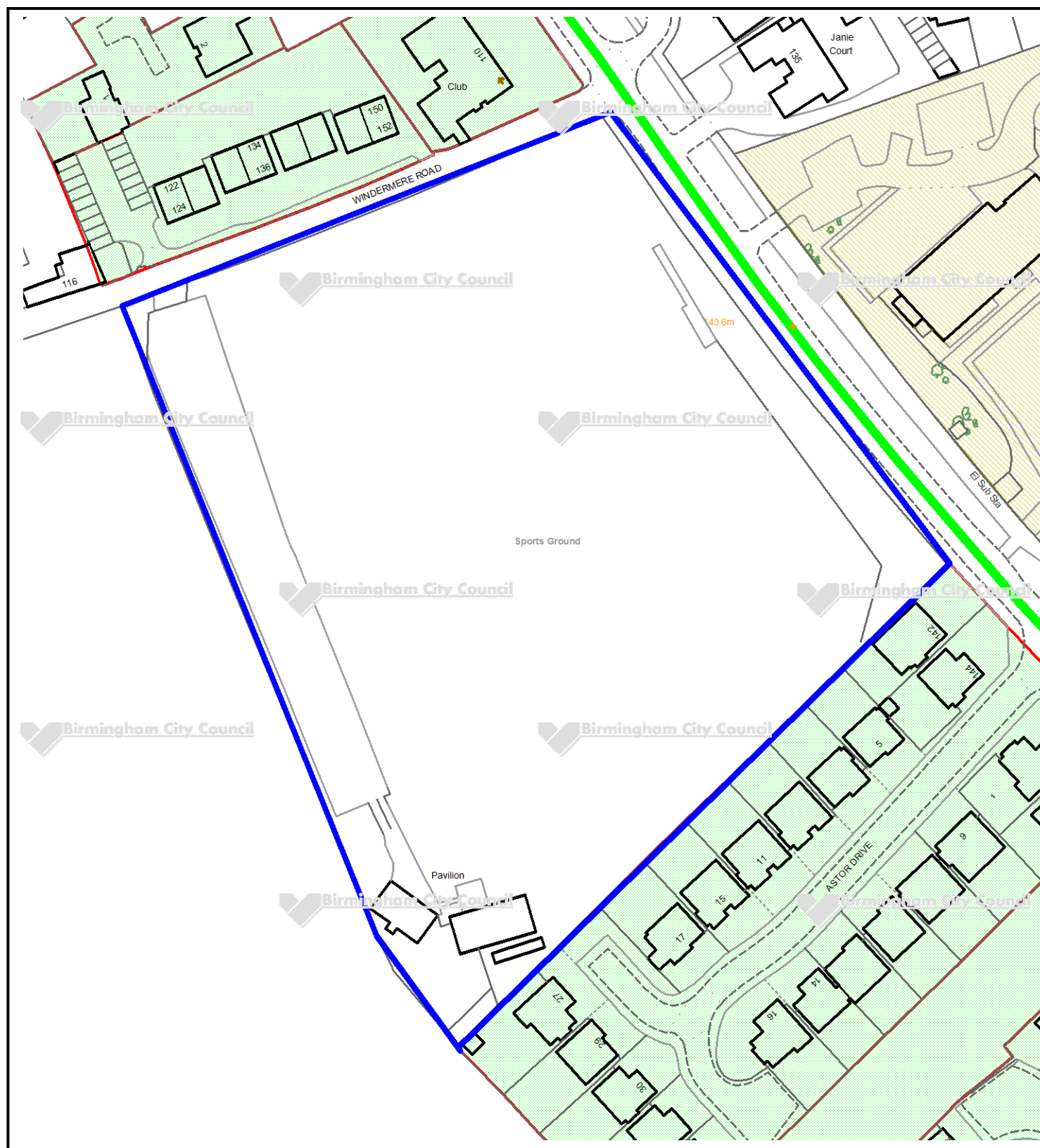
Case Officer:        Laura Reid

**Photo(s)**



Proposed location of single storey extension

## Location Plan



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Committee Date:	08/11/2018	Application Number:	2018/07596/PA
Accepted:	17/09/2018	Application Type:	Variation of Condition
Target Date:	12/11/2018		
Ward:	Bournbrook & Selly Park		

580 Bristol Road, Selly Oak, Birmingham, B29 6AF

Variation of condition number 2 attached to planning application 2014/06178/PA to change opening hours from 07:00 - 22:00 daily to 10:00 - 03:00 daily.

Applicant:	Mr Chandra Mohan
	580 Bristol Road, Selly Oak, Birmingham, B29 6AF
Agent:	Anbenedict Ndu (DA) Ltd
	2b Belle Walk, Moseley, Birmingham, B13 9DF

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Recommendation

**Approve subject to Conditions**

1. Proposal

1.1. The proposal is the change of hours from 07:00 - 22:00 daily as per Condition 2 of 2014/06178/PA to 10:00 - 03:00 daily, in relation to the existing hot food takeaway.

1.2. [Link to Documents](#)

2. Site & Surroundings

2.1. The site is principally a retail use (Class A1) with an attached hot food takeaway function (Class A5) that operates inside of the retail unit. The retail function is currently open for 24 hours, and is licensed to sell alcohol until 04:00. There is an additional side entrance on Tiverton Road which the plans from 2014/06178/PA indicate that this is the goods entrance for the unit, however, it has licensing approval to be used as an entrance until 23:00.

2.2. The property is located within the Selly Oak Local Centre which is predominantly commercial in character.

2.3. On the first and second floors and part of the ground floor is a private snooker club/bar which is open 18:00-01:00 Monday to Thursday, 18:00-03:00 Friday and Saturday, and 18:00-00:00 Sunday.

2.4. At 578 Bristol Road there is a dessert parlour, and at 584 Bristol Road there is a sandwich shop. Both units have flats above.

2.5. At the rear is purpose built student accommodation, and along the side elevation there are two houses of multiple occupation.

### 3. Planning History

- 3.1. 1991/01977/PA – Temporary approval for the change of use to private members snooker club on the first, second and part of the ground floor.
- 3.2. 1996/03896/PA – Approval for the continued use as private members snooker club.
- 3.3. 2001/02687/PA – Approval for alterations to form covered passageway to side entrance of shop.
- 3.4. 2005/05383/PA – Approval for the part change of use to incorporate A5 hot food takeaway within the existing retail supermarket.
- 3.5. 2006/01866/PA – Refusal for the variation of condition C2 of application 1996/03896/PA to extend opening hours to 1am Sundays-Thursdays and 3am Fridays to Saturdays; appealed and allowed with conditions.
- 3.6. 2008/01935/PA – Withdrawn application for the change of use of first floor from snooker hall to private club and nightclub, opening 1900-0400hrs Monday to Sunday, and installation of new external fire-escape.
- 3.7. 2008/05845/PA – Approval for the continuation of use of premises as a private members snooker club, without compliance with condition C2 previously imposed on planning permission granted on the 15th January 1997, under Planning Application reference 1996/03896/PA.
- 3.8. 2014/06178/PA – Approval for the incorporation of restaurant/cafe (Use Class A3) into existing retail/take-away (Use Class A1/A5) premises.

### 4. Consultation/PP Responses

- 4.1. Neighbours and local Ward Councillors were notified.
- 4.2. 7 Objections from residents and the Alcester Grammar School have been received on the grounds of public health and how it will likely attract crime.
- 4.3. Transportation - no objections.
- 4.4. Regulatory Services - no objections provided that a condition is attached prohibiting the side access on Tiverton Road for use by customers, including smoking, with exception as an emergency exit.
- 4.5. West Midlands Police have objected on the grounds that there is no Door Supervisor which is a Committee Condition required by the license for sale of alcohol in the retail portion of the unit, and that there have been 17 incidents that have happened since January 2017, 12 of which occurred after 22:00.

### 5. Policy Context

- 5.1. The following local policies are applicable:
  - Birmingham Development Plan (BDP) 2017.
  - Birmingham Unitary Development Plan 2005 (Saved Policies).



- 5.2. The following national policies are applicable:
- National Planning Policy Framework.

6. Planning Considerations

- 6.1. This application has been assessed against the objectives of the policies as set out above.
- 6.2. The existing A5 use was approved in 2005 to be incorporated into an existing A1 use, with Condition 1 limiting opening hours to 07:00 to 22:00 daily, and Condition 3 requiring the A5 use to be operated in conjunction with the A1 use. In 2014 an application was submitted incorporating an A3 use within the A5 use which also conditioned the 07:00 to 22:00 opening hours.
- 6.3. Presently, the A1 retail use is open 24 hours, and the private snooker club/nightclub on the first, second and part of the ground floor operating until as late as 03:00 on weekends.
- 6.4. Regulatory Services only concern is that the side entrance on Tiverton Road should be restricted from use by customers, including as use as a smoking area, with exception as use as an emergency exit. This can be controlled by condition.
- 6.5. West Midlands Police have raised objections due to 17 reported incidents since January 2017, 12 of which happened after 22:00. After discussion with the West Midlands Police, this includes several incidences of shoplifting which would be unaffected by extension of the takeaway hours. However, the majority of the incidents relate to fighting and anti-social behaviour though it is difficult to ascertain which incidents relate to the takeaway/restaurant portion or the retail portion of the unit.
- 6.6. Additionally, West Midlands Police have raised objections on grounds of the lack of a door supervisor which is required by the current license. However, since this is a licensing issue rather than a planning issue, this should be handled by Licensing.
- 6.7. The local character is now more intensive and activity extends later into the evening than in 2005, when the Local Planning Authority deemed 22:00 was still an appropriate closing time. The site is within an established busy centre, with many other takeaways and other night time establishments operating as late as 04:30. Bearing in mind the range of uses now open late at the site, I do not consider that the proposed change of hours would have any detrimental impact on the amenities of surrounding residents over and above that already taking place.

7. Conclusion

- 7.1. I consider the area has significantly changed since the decision in 2005. There is now a thriving night time economy and, given the commercial location of the premises within a defined district centre, I consider that, on balance, the proposed increase in opening hours is unlikely to adversely affect the amenities of occupiers of dwellings and premises in the vicinity by reason of increased noise and disturbance. I therefore recommend that the application be approved subject to condition.

8. Recommendation

8.1. Approve Subject to Condition.

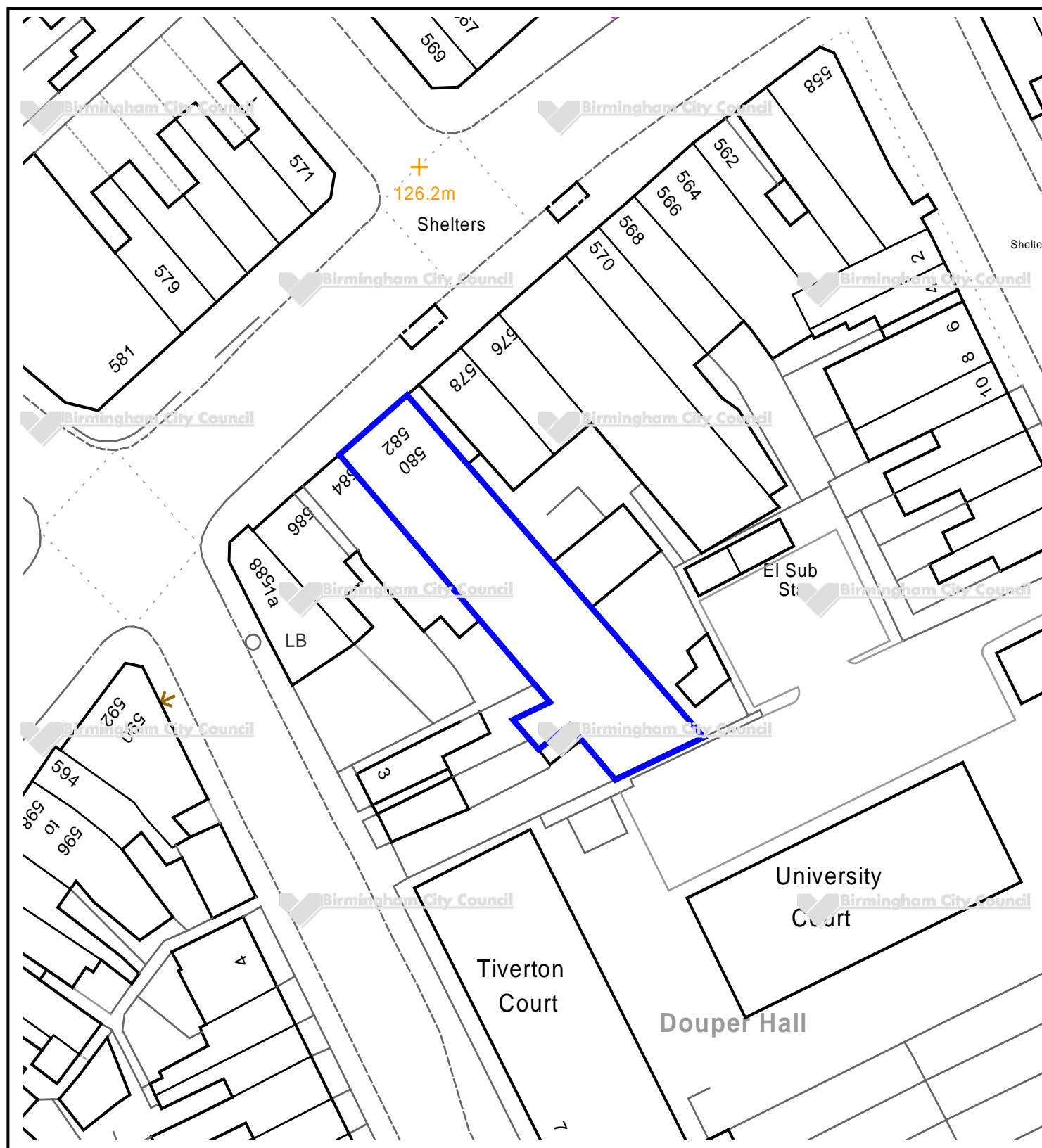
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- |   |  |
|---|--|
| 1 | Limits the hours of use (10:00-03:00)                                  |
| 2 | Requires the scheme to be in accordance with the listed approved plans |
| 3 | No rear / side access  |
- 

Case Officer: Steven Thetford

## Photo(s)



## Location Plan



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