

# **Birmingham City Council**

## **Planning Committee**

**06 July 2017**

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Defer – Informal Approval	8	<p>2016/08285/PA</p> <p>Rookery House, The Lodge and adjoining depot sites 392 Kingsbury Road Erdington Birmingham B24 9SE</p> <p>Demolition of existing extension and stable block, repair and restoration works to Rookery House to convert to 15 no. one &amp; two-bed apartments with cafe/community space. Residential development comprising 40 no. residential dwellinghouses on adjoining depot sites to include demolition of existing structures and any associated infrastructure works. Repair and refurbishment of Entrance Lodge building.</p>
Refer to DCLG	9	<p>2016/08352/PA</p> <p>Rookery House, The Lodge and adjoining depot sites 392 Kingsbury Road Erdington Birmingham B24 9SE</p> <p>Listed Building Consent for the demolition of existing single storey extension, chimney stack, stable block and repair and restoration works to include alterations to convert Rookery House to 15 no. self-contained residential apartments and community / cafe use - (Amended description)</p>
Approve - Conditions	10	<p>2017/04018/PA</p> <p>57 Stoney Lane Yardley Birmingham B25 8RE</p> <p>Change of use of the first floor of the public house and rear detached workshop building to 18 guest bedrooms with external alterations and parking</p>

Approve - Conditions	11	<p>2017/03915/PA</p> <p>262 High Street Erdington Birmingham B23 6SN</p> <p>Change of use of ground floor retail unit (Use class A1) to hot food takeaway (Use Class A5) and installation of extraction flue to rear</p>
Approve - Conditions	12	<p>2017/03810/PA</p> <p>54 Kitsland Road Shard End Birmingham B34 7NA</p> <p>Change of use from A1 retail unit to A5 hot food takeaway and installation of extractor flue to side</p>
Approve - Conditions	13	<p>2017/02934/PA</p> <p>Stechford Retail Park Flaxley Parkway Birmingham B33 9AN</p> <p>Reconfiguration of existing car parking layout, totem structures and landscaping.</p>

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Committee Date:	06/07/2017	Application Number:	2016/08285/pa
Accepted:	12/01/2017	Application Type:	Full Planning
Target Date:	13/04/2017		
Ward:	Erdington		

Rookery House, The Lodge and adjoining depot sites, 392 Kingsbury Road, Erdington, Birmingham, B24 9SE

Demolition of existing extension and stable block, repair and restoration works to Rookery House to convert to 15 no. one & two-bed apartments with cafe/community space. Residential development comprising 40 no. residential dwellinghouses on adjoining depot sites to include demolition of existing structures and any associated infrastructure works. Repair and refurbishment of Entrance Lodge building.

Applicant:	Cameron Homes St Jude's House, High Street, Chasetown, WS7 3XQ
Agent:	BHB Architects Georgian House, 24 Bird Street, Lichfield, WS13 6PT

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Recommendation

**Approve Subject To A Section 106 Legal Agreement**

- **and subject to the DCLG not calling-in the associated Listed Building application for decision**

1. Proposal

- 1.1. Consent is sought for the demolition of existing extension/ stable block/ structures, repair and restoration works at Rookery House (a Grade II Listed Building) to convert to 15no. one & two-bed apartments with café/ community space and residential development comprising 40 no. residential dwellinghouses on adjoining depot sites with associated works. In addition, repair and refurbishment works to the Entrance Lodge Building. This application is accompanied by a separate Listed Building Consent ref: 2016/08352/PA for the demolition of existing single storey extension, chimney stack, stable block and repair and restoration works to include alterations to convert Rookery House to residential apartments and community / cafe use.
- 1.2. Restoration/ conversion of Rookery House
- 1.3. The proposal would result in the demolition of an existing single-storey rear extension and stable block associated with Rookery House a Grade II Listed Building. The proposal would involve repair and restoration works to convert the majority of Rookery House to provide 15 no. apartments (14 no. one-bed apartments and 1no. two-bed apartment). Internal floor area for one-bed apartments would range from 39 sq. metres to 67 sq. metres and 98 sq. metres for two-bed apartment.

Bedroom sizes would range from 10.3 sq. metres to 22 sq. metres). Communal courtyard/ amenity space to the northeast elevation of the building adjacent to the proposed car park would be approximately 140 sq. metres.

- 1.4. The remaining part of the ground and first floor of Rookery House would be converted to provide community and café space. The demolition of a single-storey extension, chimney stack and stable block to the north-west and north-east elevations would allow new double access doors to the community/ cafe use, separate to the proposed residential use. The community/ cafe use would have an external courtyard area that would provide outdoor seating for up to 40 covers. Internal layout comprises an open plan area that can be used for community use or seating area for up to 24 customer covers, kitchen and two w/c areas (one disabled w/c) on the ground floor with overspill community room at first floor level. The ground floor would operate as a café but the applicants seek flexibility to operate as a community room to enable the room to be rented out for functions and meetings if and when required. The proposed operating hours for the community rooms would be 1000-2200 hours Monday to Saturday and 1000-1630 on Sundays and Bank Holidays. The operating hours for the café would be restricted from 1000-1800 hours Monday to Saturday and 1000-1630 hours on Sundays and Bank Holidays but the applicants have indicated that the operating hours are likely to be reduced within the winter months. Supporting statements confirm that the community/ café use would be managed by the Hollyfields Centre (based on Holly Lane, Erdington), which is also known as Gas Club. Supporting statements also confirmed that the planned use for the community rooms would range amongst others to include toddlers club, day nursery, workshop for the retired/ elderly in painting, computer classes etc.

#### Residential development on depot sites

- 1.5. There would be a total of four structures and walls to be demolished within the depot sites that includes the sub-station building to the rear of adjoining property no. 2R Spring Lane.
- 1.6. The proposed redevelopment of these sites would involve the erection of 40 dwellinghouses on two depot sites that are be situated to the south of Western Road and west of Spring Lane. The proposed breakdown of accommodation as follows:
  - 28 no. three-bed four person or five person dwellings (Each unit ranging from 79 sq. metres to 120 sq. metres). Bedroom sizes ranging from 11.5 sq. metres for the first double, 10.24 sq. metres for second double and 6.56 sq. metres for single.
  - 12no. four bed five/ six or seven person dwellings (Each unit ranging from 99 sq. metres to 124 sq. metres in size). Bedroom sizes ranging from 19 sq. metres for first double, 10.3 sq. metres and 9.6 sq. metres for second and third double and 6.6 sq. metres for single.
- 1.7. The design of the dwellings would vary across the two depot sites. They would all be two-storey in height and built from a multi red brick or render elements above with grey or brown roof tiles, with generously sized windows. The proposal would incorporate a number of design features to create interest including bay windows, a mixture of hipped and gable roofs, entrance canopies, sills, lintels and brick on edge arches. Multiple dual aspect dwellings have been designed to help the scheme address corners. The private amenity area sizes for all of the three and four bed family dwellings would range from approximately 70 sq. metres to 100 for smaller unit and 90 sq. metres to 185 metres for larger units.

#### The Entrance Lodge and other works

- 1.9 The Entrance Lodge would be refurbished and works include replacement of timber windows and doors, eaves height raised to the rear single-storey wing and any other repair to any other exterior elements. Internally, there would be two chimneys removed and an existing wall demolished to create an enlarged kitchen and breakfast room.
- 1.10 Amended plans have been submitted with the refuse storage building re-sited adjacent to the secondary access road that leads to the existing car park. The building would be single-storey brick built with hipped end roof with total floor area of approximately 28 sq. metres.
- 1.11 Other works include relocation of the sub-station adjoining to the rear of no. 2R Spring Road to the south side of the proposed primary access road into the application site from Spring Lane.

#### On-site traffic circulation and parking

- 1.12 The proposed new vehicular access point from Spring Lane would provide access arrangements to the majority of the proposed dwellings, apartments and community/ café use. A total of 9no. dwellings would front onto (and would have direct access) from Spring Lane and Western Road. A further 5no. dwellings would be served by a new private driveway accessed from Western Road frontage. The proposal also includes works to the existing access road to the east of the Entrance Lodge that would involve replacement of existing bollards and hard surfacing areas. The access arrangements from Kingsbury Road would remain for pedestrians and cyclists.
- 1.13 All dwellings would either have parking bays to the front or to the side of the property. A total number of 103 car parking spaces are proposed across the depot site for the proposed residential dwellings. The proposed 4-bed dwellings would have 300% (3 spaces to include garage) parking provision with exception of plot 34 that would have 200% parking provision. The parking provision for all 3-bed dwellings would range between 300% (including garages) to 200% (2 spaces some including garages). Amended plans have been provided which have removed the “square” right angle opposite side Plot 8 in order to deter inconsiderate parking within the proposed access road and increase parking provision for Rookery House. As part of this development, it is proposed to provide a secondary access road to the existing communal car park to the southeast of Rookery House. A total of 25 spaces would be provided within two parking courtyards associated with the apartments and community use within Rookery House.

#### Landscaping and boundary

- 1.14 The proposal would result in the loss of 28 existing trees across the overall site. There would a buffer of trees retained that includes trees protected under Tree Preservation Order to the north of existing carriageway and east of Rookery House. Detailed landscaping plans have been submitted that includes 45 replacement trees across the entire site. The plans also show new planting beds to all sides of Rookery House with the exception at the northwest elevation, where there would be two external courtyards (outdoor seating or communal amenity area) associated either with the community/ café use or residents.
- 1.15 Detailed plans have also been submitted that show a range of boundary treatments proposed for residential dwellings including walls around corner properties, fencing, railings etc. There would also be replacement bollards and wall with railings and brick

piers on either side of the existing carriageway adjacent to the Entrance Lodge that forms pedestrian/ cyclist access to Rookery Park. Other works include removal of wall and hedge to the southern side of access road with 1.2 metre high railings (Spring Lane Highway depot) and 1.8 metre high open trellises adjacent to south-east elevation of Rookery House.

1.16 Total Site area: 1.67 Hectares. Density: 46 dwellings per hectare.

1.17 The following documents have been submitted in support of the proposal:

- Design and Access Statement
- Planning Statement
- Statement of Community Involvement
- Updated Heritage Assessment
- Archaeological Assessment
- Schedule of works for Rookery House
- Flood Risk Assessment
- Structural Condition Survey for Rookery House
- Phase I and II Land Contamination Assessment
- Transport Statement
- Operational Statement for café/ community use
- Preliminary Ecological Appraisal including Preliminary Roost Assessment for Bats
- Tree Survey Report/ Plan

1.8. The supporting statements confirm that the key requirements for the Council to include neighbouring depot sites within the disposal is to fund, repair and restore Rookery House (Grade II Listed Building). This would ensure long term preservation together with sustainable beneficial occupation of Rookery House. A Financial Viability Assessment has been submitted as part of the supporting statement on the application.

[Link to Documents](#)

## 2. Site & Surroundings

2.1. The application site includes the Grade II Listed Building (Rookery House), two highways and parkland depots and The Entrance Lodge, which are in the process of being sold as they are surplus to Council requirements. Total site area is 1.67 hectares comprising Rookery House (0.38 hectares), Western Road Parkland Depot (0.42 hectare) and Spring Lane Highways depot (0.87 hectare).

2.2. Rookery House was built around 1724/5 and is a white three-storied Georgian mansion with a slated roof sitting within a parkland setting. There are some Victorian additions that include a number of stable outbuildings and a 20<sup>th</sup> Century extension. The stable block lies immediately adjacent to the north-east wing of the original house. Rookery House is situated within the grounds of Rookery Park and is accessed from Kingsbury Road frontage at the junction of Spring Lane. The building is set well back from the highway and is largely screened by trees, vegetation and boundary walls. The building is orientated southeast, where it overlooks the carriageway, with a second principal elevation to the south-west, overlooking formal parterre garden within the park. Rookery House is currently vacant; it is extremely dilapidated and boarded-up and in need of substantial refurbishment works. It was most recently used for Council offices for Social Services until 2008. There is an existing car park to the east of the building. Rookery House and Birches Green to

the south on the opposite side of the internal carriageway within Rookery Park are known archaeological sites.

- 2.3. The two vacant depots are situated to the north of Rookery House. The larger vacant former lighting depot site (known as Spring Lane depot) is situated to the north of Rookery House and west of Spring Lane. It has been a corporation yard since early 1900. It is a largely cleared site that was previously developed with industrial/ storage buildings and measures approximately 0.87 hectares. The site is relatively flat and was declared surplus in 2007. The smaller parkland depot includes a woodland area and is situated to the north west of the site, fronting onto a car park and is adjacent to the car park with associated Rookery Park. The parkland depot is approximately 0.4 hectares and provides equipment for the parks maintenance, where there was a park keeper, and various structures.
- 2.4. The Entrance Lodge building is a 19<sup>th</sup> Century non-designated heritage asset and is situated to the south east of the site adjacent to the main access from the Kingsbury Road frontage. Currently, the Lodge building is occupied and within residential use.
- 2.5. The surrounding area is predominantly residential in character. Ardenleigh Hospital is situated to the south of the application site on the opposite side of Kingsbury Road.

#### [Location Map](#)

### 3. Planning History

#### Rookery House

- 3.1. 24-04-1996 – 1995/01608/PA – Repairs and alterations to external façade and repairs to structural floor – Approved subject to conditions
- 3.2. 17-04-1997 – 1996/01133/PA - Change of use to community uses and further education with ancillary offices – Approved subject to conditions.
- 3.3. 27-11-2013 - 2013/04424/PA - Listed Building Consent for the removal of existing timber emergency fire escape and installation of a steel emergency fire escape – Approved subject to conditions.
- 3.4. 27-11-2013 - 2013/04833/PA - Removal of existing wooden steps and installation of metal steps to first floor level – Approved subject to conditions.

#### The Entrance Lodge

- 3.5. 24-09-1990 – 1990/00687/PA – Demolition and subsequent rebuilding of part of boundary wall – Approved subject to conditions.
- 3.6. 24-09-1990 – 1990/00688/PA – Change of use of park Lodge from house to office – Approved subject to conditions.

#### Vacant Spring Lane Depot

- 3.7. 03-01-1980 – 165620 – Erection of six portakabins for use as mess rooms, stores and offices – Approved subject to conditions.

- 3.8. 30-06-1983 00890016 – Erection of storage building – Approved subject to conditions.

Public Open Space (Parkland depot site)

- 3.9. No relevant planning history

4. Consultation/PP Responses

- 4.1. Press and site notices displayed. Adjoining neighbours, Resident Association, Ward Councillors and MP consulted. There has been 12 letters of representation received on the application. Four letters of support received from residents on the following grounds:

- This is a great proposal for the conversion as Rookery House and stable block, which have long been left to rot.
- The proposed apartments and housing on the old depot sites will enhance the area.
- Full agreement with the use of depot and nursery site for residential purposes and with the enabling development of part of the Rookery House site for residential purposes.
- Welcome that almost all of the proposed dwellings are detached and of substantial size.

- 4.2. Friends of Rookery Park and House are pleased that the planning application description/ plans have been amended to include a café within the community facility as this would be a welcome addition for park users. The six letters of representation outline following concerns/ questions/ suggestions that include some points that are highlighted within support letters and from the Friends of Rookery House:

Design and Density

- The new build residential aspect of the proposal on depot sites represents a very dense form of development.
- The proximity of plots to the boundary of Rookery Park, most notably in the vicinity of the privet hedge and footpath (Plots no. 25-29), will appear overly dominant and have an adverse impact on the parkland setting.
- The absence of any open space retained within the depot sites (siting of new dwelling) will exacerbate the above issue and potential for additional landscaping to screen the development is limited.
- Suggest that Plot 26 should be removed as a minimum as the elevations of the house would be too close to the park and appear intrusive. Residential amenity would also be compromised to this dwelling by lack of privacy and noise from users of the park using the adjoining footpath.
- Concerns raised to the removal of timber windows and replaced by unsympathetic UPVC glazing at the Entrance Lodge. Suggest that the UPVC windows are replaced with hardwood versions which replicate the original and increase the Entrance lodge's value as a heritage asset.
- Suggestion that 50% roof types of the proposed dwellings would benefit from the addition of chimney stacks, in order to break up the massing of the development and introduce visual interest

Affordable Housing

- To the type of properties proposed, almost all of the proposed dwellings are detached and of substantial size; this does little to address the housing needs of



Erdington. Expectation that any associated planning agreement to include either a significant number of affordable houses on site or a substantial commuted sum for affordable housing purposes in the district.

#### Trees

- The Tree Protection Plan and Tree Survey Report seem to contradict some of the trees to be removed/ retained. Seek clarity if the London Plane and Cedar trees to the north-west and mature magnolia on the southern elevation are retained as they contribute to the setting of the listed building.
- Concerns raised to the categorisation that the arboriculturalist applied to some of the trees in particular to the removal of Horse chestnut tree situated to the north of the carriageway and Rookery House as it contributes to setting and should be retained.
- Concerns raised to the reduction of mature lime trees that exist along the footpath around the perimeter of the children's play area, which are not required and do not need to be managed in the same way as trees along a public highway. Clarity is required as the park is not within the application site boundary and therefore any works to its trees could not be captured through the imposition of standard planning conditions.
- Concerns raised to the removal of several trees, part of the gardens and a much used path that forms part of the children's play area as the cafeteria seating area extends beyond the boundary of the house into the park.

#### Community and Parkland Depot

- Concerns raised to the community use and suggest options to create a cafe rather than just a "space" for the community, which would be used much more and would be a positive benefit to the local community. The café/ community use made available open throughout the day and open to public at all times.
- Community access agreement for the use of cafe to include a child friendly area and access/ provision made available to toilets open to the public and disabled users.
- Café, kitchen and toilet facilities Suggest that Rookery House, Lodge and nursery should remain part of the park and a group (e.g. Friends of Rookery House and should be allowed to run the house/ café/ community/ heritage museum include providing toilets, lighting and security for benefit of the community.
- Concerns that if the community space is not used to its full capacity potential, then the owners would have the ability to disregard the community element of the building.
- Concerns raised to the potential of reduced access to the community space as there could be competing demands which could cause contention between park users and residents of the flats proposed in the house. Suggest that proper consideration needs to be taken to the sound proofing between the community use and residential areas.
- Expectation that the community use in this development allows for at least two of the major rooms on the ground floor (plus the room on the first floor) to be made available. Suggest that the community spaces are accessible, open and staffed and local groups /community can book at reduced rates for any a permanent exhibition of local history and anti-slavery campaigns.
- Suggestion that the community centre/ cafe would provide a service to park users/ community and help to provide income for the upkeep of the park.
- Question - whether kitchen and café has any facilities or extraction fitted. Suggest that the kitchen needs to be fully fitted and ventilated and comply with any regulations for public access.

- Quote from Public parks (2016) document that local authority leadership should 'consider the use of parks and green spaces and to guide investment, funding, staffing, skills, community engagement' and not to sell off the only usable buildings and enforce rules on visitors.
- The community centre would provide patrons for the cafe and help to provide income for the upkeep of the park and the building's rooms could be 'hired' to provide educational/business/community opportunities to diversify it's funding and promoting 'active partnerships', such as those involved with health.
- Community room at first floor does not appear to have disabled access
- The rooms adjacent to the houses formal garden were originally used as a ballroom and it would be much better used as community room or as part of café rather than converted to apartment.
- Critical of the proposal "at a time when park budgets are decreasing the natural future is to have self-funding parks this dash to sell off all the buildings before further cuts stinks". Question "whether this is where I get to use Cameron's Localities Act (2011)".

#### Parkland depot

- The proposal includes demolition of park keepers storage for tools and equipment with no alternative options proposed for future maintenance of the park or growth and effectiveness of the Friends Group.
- No mention of any contribution to the range of equipment and quality of landscaping in the Park itself. Expectation that some contribution to improvements is offered here, including the provision of secure space for Park maintenance personnel.
- If the park keeper does not have a base then we may be at risk of losing this valuable member of staff who maintains the park
- Critical of park and Council services as "they already have a building that contains staff toilets while the park patrons are expected to defecate and urinate anywhere where they can find privacy".
- Critical of park and Council Services as current problems within the park such dog mess.

#### Rookery House/ Rookery Park

- Concerns raised to the restoration of the House to ensure that is done to the best quality. Suggestion that the conservation officers of the Council to be fully involved in overseeing the design and construction work relating to the House and its surrounds.
- It is unclear what the future maintenance of Rookery House and communal/ community areas will be following the development.
- Question - if Rookery House in Rookery Park is going to be 15 apartments, does this mean part of Rookery Park will change and be used as private area for those residents?
- Question - whether part of Rookery Park will become a private area and not part of a Public Park as Rookery House is being converted to 15 residential apartments.

#### Crime and public safety

- No objection to the application but considers that Rookery House together with park could lead to increased litter and potential social problems dependent on opening hours.

#### Highways

- Concerns raised to the access to the main housing development from Spring Lane upon highway and pedestrian safety, with potential of 80+ vehicles access/ egress the site at the same time, traffic congestion during busy times as it is situated close proximity to the Kingsbury Road junction with two schools within the immediate vicinity. Suggest that the access onto Western Road would be both safer and would ease traffic flows exiting the site.
- Disappointed to see that there are no plans to re-surface the proposed community car park off Western Road.

#### Ecology

- Question - What will happen to the colony of Bats living at Rookery House?

#### Other issues

- One representation was received from residents living within the Entrance Lodge to discuss options of purchasing the property as they already lived there and are protecting it from vandalism and falling into disrepair. They have also carried out substantial works internally to make it liveable.

- 4.3 Severn Trent – No objection subject to drainage condition for the disposal of foul waste and surface water flows.
- 4.4 Environment Agency – No objections subject to a modified land contamination condition in order to protect controlled waters at all times, notably the underlying Secondary “A” aquifers.
- 4.5 West Midlands Police - No objections subject to access to the proposed flats and community room is controlled with Police approved access controlled systems and Secure by Design Police Crime Reduction initiatives.
- 4.6 Education & Skills Infrastructure – Awaiting comments
- 4.7 BCC Local Lead Flood Authority – initially raised objection to the proposal as the Flood Risk Assessment and Drainage Strategy provided did not meet the requirements of the LLFA with regards to surface water flooding, greenfield/ brownfield runoff rates for all return periods up to the 1 in 100 year plus climate change event, and the proposed finished floor levels, and the Operation and Maintenance of the proposed SuDS features etc. Further supporting information was submitted and the LLFA are now content with the current proposals subject to a modified condition for the completion of sustainable drainage and a drainage system operated in accordance with the approved sustainable drainage operation and maintenance plan.
- 4.8 Leisure Services – Supportive of the proposal subject to the following:
  - There is no proposed development on the land to the north and east of the existing access drive to Rookery House and therefore this should be excluded from the site boundary otherwise the open space may be used for a contractor's compound which would not be supported. It is noted that this will continue to form a main pedestrian/ cyclist access to the park and will not be fenced off.
  - The public open space land to the north and east of the drive will not be lost and therefore will retain its function as public open space.
  - The Parkland depot incorporating the wooded area adjacent to Western Road is historically integral to the Rookery Park estate and formed a function in the running of the park. It is irrelevant that the Parks Service has declared it surplus to its function as POS and this loss of POS land should therefore be adequately

compensated for under the policy. They have requested financial contribution figure of £171,400. The financial contribution for the loss of parkland depot should be spent on the provision, improvement and /or maintenance of POS and play at Rookery Park.

- Off-site financial contribution based on number of dwellings to serve the new residents would be £149,000 (£90,000 cost of junior play area and £59,000 POS). The financial contribution should be spent on the provision, improvement and /or maintenance of POS and play at Rookery Park.

4.9 City Ecologist – The preliminary ecological assessment identifies two of the five buildings as having good potential to hold bat roosts and the remainder of the site holds good potential for bird nesting and foraging. The Bat Roost Characterisation Survey in relation to the stable building has identified previously it did not hold any roosting bats, which was mainly due to the condition of the building deteriorated to an extent that it is no longer favoured. No objections to the proposal subject to conditions that take into consideration the following:

- Submission of Ecological mitigation plan for construction amongst other things to include “Wildlife Protection Zones” where construction activities are restricted, timetable to show phasing of construction activities, details of protective measures, where EPS licence is required and what operation etc.
- Submission of Bird/ bat boxes to be integral boxes built into the fabric of the buildings
- Lighting scheme to ensure use low lux/ directional lighting.
- Ecological/ biodiversity enhancement measures to ensure planting schemes should seek to incorporate species listed on the RHS “Perfect for Pollinators” list, Internal close boarded fencing to gardens should provide a gap of 150mm by 150mm allow for hedgehog access to and from and between gardens.

4.10 Sport England – No objections as the proposed development does not fall within statutory or non-statutory remit as it does not involve loss of or new any sports facility and would not provide over 300 additional homes.

4.11 Historic England – They recognises the good opportunity this application provides to deliver a number of demonstrable public benefits, including securing a long term sustainable use for the Grade II listed Rookery House. They remain of the view that they do not concur with the conclusions reached within the Desk Based Assessment that the proposed development of 40 residential dwellings would enhance the setting of the Grade II listed house. They maintain of the view that due to its close proximity there is potential for harm to be caused to the setting of Rookery House. The extent of this impact will be greatly dependent upon the introduction of further natural screening. If the principle of development here is considered acceptable by the local authority then careful attention should be given to mitigating and reducing this impact.

Concerns have been raised to the intended installation of a standard steel square section fence or trellis as practical solution. The treatment of the boundary to the south west will affect a principle elevation of Rookery House facing the formal gardens. They recommend that condition be imposed to require for an alternative, more sympathetic boundary treatment.

4.12 Conservation and Heritage Panel - Concerns were raised over the loss of trees and immediate relationship of the Listed Building with the new housing on site.

4.13 West Midlands Fire Services – No objections.

- 4.14 Regulatory Services – No objections subject to including land contamination investigations/ mitigations, provision of an electric charging point, extraction/ ventilation details, restricting noise levels from plant and machinery and noise insulation scheme between commercial and residential premises.
- 4.15 Transportation Development – Initially requested amendments to the design of the highway to the west of Unit 7 and south of unit 9 with the removal of “square” feature that featured right angles that would provide opportunities for inconsiderate parking in close proximity to vehicular access to Rookery House and reduced visibility splays. The road would also be unsuitable for adoption by the Council. Suggestions to amend were:
- To reduce carriageway width and increase parking/ circulation within Rookery House.
  - Increase cycle storage for Rookery House. Minimum requirement applies of 1 space per residential unit, in a conveniently located, fully secure and covered facility, plus additional visitor provision for the community use.
  - A footway link to be provided on the south side of the main access road from Spring Lane.
  - Submission should clarify how Rookery House parking would be allocated / managed between residential and community / café uses, and how public parking demand for Rookery Park would be addressed or deterred.
- 4.16 Further supporting documents/ plans submitted to address the above concerns. Transportation Development have raised no objections subject to conditions to include construction management/ method statement, siting/ design of means of access, pavement boundary details, parking management strategy, pedestrian visibility splays, S.278 highway works, delivery vehicle management scheme, cycle storage and parking areas to be laid out prior to use.

## 5 Policy Context

- 5.1 NPPF (2012), NPPG (2014), Birmingham UDP (Saved Policies) (2005), Birmingham Development Plan (2017), Places for Living SPG (2001), Places for All (2001), Car Parking Guidelines (2012), Affordable Housing SPG (2006), Public Open Space and New Residential Development SPD (2007), Regeneration through conservation: Birmingham Conservation Strategy (1999), Sustainable Management of Urban Rivers and Floodplains SPD (2007), Access for people with disabilities SPD (2006): Archaeology Strategy SPD (2004), DCLG – Technical Housing Standards – Nationally Described Space Standards (2015)

## 6 Planning Considerations

- 6.1 The main considerations within the determination of this application are:
- 6.2 **Background/ Planning Policy** – A Cabinet Report was approved with the application site to be disposed by the Council in 2013 as it was declared surplus to requirements. The Council's overall objective to include the adjoining depots was to bring forward a comprehensive development opportunity with the intention of securing sustainable beneficial occupation and future use for Rookery House (heritage deficit) without generating a revenue shortfall that the Council would be expected to fund.
- 6.3 Paragraph 7 and 14 of the National Planning Policy Framework (NPPF) sets out that the presumption in favour of sustainable development in its triple economic, social and environmental roles. Paragraph 17 supports sustainable economic development to

deliver new homes and encourage the effective use of land by re-using land that has been previously developed (brownfield land). Paragraph 19 states that significant weight is placed on economic growth within the planning system, with paragraph 47-50 highlighting that windfall sites may consistently become available and will continue to provide a reliable source of housing land supply. Local planning authorities should deliver a wide choice of high quality homes and residential development should reflect local demand and create mixed and balanced communities.

- 6.4 Chapter 12 of National Planning Policy Framework deals with Historic Environment and directs local planning authorities to give great weight to the conservation of heritage asset and to refuse development that would lead to substantial harm or total loss. Paragraph 128 requires the applicant to describe the significance of any heritage asset affected, including any contribution made by their setting. Paragraph 132 states that, when considering the impact of development on the significance of a designated heritage asset, great weight should be given to its conservation. Paragraph 134 then states that where the harm would be less than substantial the harm should be weighed against the public benefits of the proposal, including securing the optimum viable use.
- 6.5 At the time the planning application was submitted, Policy 11.20A of the superseded UDP was relevant and states that *“Land at Spring Lane Depot and the adjacent nursery and parks depot may become available for new housing development (H44A). Details of this and appropriate future uses for the adjacent Rookery House are set out in a development brief”*. Since then, the Council has adopted a new local plan, the Birmingham Development Plan on 10<sup>th</sup> January 2017, which replaces the UDP (2005) with exception of the Saved Policies contained within Chapter 8 and paragraphs 3.14 to 3.14D, which will remain until the adoption of a Development Management DPD.
- 6.6 Policy PG3, TP27, TP30 and TP31 of the BDP seeks to provide an appropriate environment and identify sites for allocation using a sequential approach with the re-use of previously developed land and buildings and reinforce positive sense of place and local distinctiveness that includes heritage assets and appropriate use of innovation in design. One of the ways this will be achieved is through a variety of housing to meet the full range of needs throughout the City. A suitable housing density and mix as encouraged and a full range of housing types and sizes to include affordable housing.
- 6.7 Policy TP26 and TP27 of the BDP states that the location of new housing should be accessible to jobs, shops and services by other modes of transport, sympathetic to historic, cultural and natural assets and not conflict with other development policies in relation to employment land, green belt and open space. Policy PG1 of the BDP also identifies that within the urban area there is capacity for some 51,100 homes including bringing vacant property back into active use and utilising some open space that no longer performs its original function. Policy TP30 of the BDP identifies that densities of at least 50 dwellings per hectare will be expected in local centres and corridors well served by public transport with 40 dwellings per hectare elsewhere. The NPPF, saved policies within the Adopted UDP and the Birmingham Development Plan are material considerations.
- 6.8 Policy TP12 of the Birmingham Development Plan, states that applications for development affecting the significance a designated heritage asset will be required to provide sufficient information to demonstrate how the proposals would contribute to the asset's conservation whilst protecting or where appropriate enhancing its significance and setting.

- 6.9 **Principle of Use** – As specified above, the two depot sites were allocated within the superseded UDP as potential housing development. However, Rookery House and adjoining depots remain unallocated in the adopted BDP. Although Rookery House is vacant and in declining condition, it should also be noted it is a significant heritage asset, and in order to ensure the upkeep of the building it is important that it is bought back into active use and continued to be kept in use. In assessing the merits of a re-use of a building the impact on that heritage asset is also material to the decision on the application. The impact on the setting of the heritage asset is considered below. However, subject to the proposal having an acceptable impact on the listed building and its setting given that it has remained in dilapidated condition for a number of years it is considered that the proposed conversion to residential with community/ cafe use would be appropriate for this building.
- 6.10 Although the application site; including Rookery House, falls outside the Strategic Housing Land Availability Assessment (SHLAA). The adjoining Spring Lane Highways Depot is previously developed (brownfield land) that contained a number of industrial and storage, which the NPPF and BDP encourages the re-use for redevelopment within urban areas. The Western Road Parkland depot is a windfall site as defined by the NPPF. The redevelopment of both sites and would make a valuable contribution to identified housing need for the Birmingham area for present and future generations. The depot sites, Rookery House and the Entrance Lodge Building are all in a sustainable location and lie within an established residential area, close to transport corridors that have good public transport links. The application site also has a range of local services within walking distance of the site with Kingsbury Road neighbourhood centre and Erdington District Centre within approximately 750 metres of application site. The proposed community/ café use within Rookery Park would be an improvement to community/ social facilities within the immediate area. Consequently, it is considered that the residential development together with community/ café use would comply with aspirations laid within BDP and NPPF and is acceptable in principle.
- 6.11 It is noted that alternative uses for the building (Rookery House) have been suggested by neighbours such as community use for the entire building or more rooms within the building. However, this application has to be considered on the basis of the proposal as submitted.
- 6.12 **Restoration of Listed Building** – As specified above, Rookery House is in a dilapidated state and urgent need of repairs. The adjoining depots have been included as part of sale agreement together with Rookery House, where the residual profit from which would be used to cross-subsidise the repair and restoration of Rookery House. The costing submitted as part of the financial viability appraisal report for the repair and restoration of Rookery House would be substantially more than the end economic value and Rookery House cannot be considered in isolation. The Council's position in relation to the viability appraisal is set out in detail below within the Planning Obligation section.
- 6.13 **Loss of heritage asset (demolition)** - The proposal would include the demolition of single-storey extension, chimney and stable block to Rookery House, where detail of works to the buildings has been considered in assessing the listed building consent application. In terms of the alterations to Rookery House itself, I consider that the proposal represents the best attainable option for protecting the building and would ensure high quality design is achieved. The proposal to return the vacant building into self-contained flats is to be welcomed with a sympathetic conversion retaining the character of the property and some period features. The proposal would result in some beneficial changes such as new access doors to the café/ community rooms,

which is regarded as an impressive space within the building. The City Conservation Officer and Historic England consider that the demolition to include stable block are of limited significance together with some alterations would cause less than substantial harm that would be outweighed by wider public benefits offered by the development, including repair and upkeep of the building.

- 6.14 **Impact on the setting of the Listed Building by the new-built residential development** – An updated Heritage Assessment/ Statement of Significance have been submitted as part of supporting documents, prepared in line with Historic England's *"The setting of Heritage Assets – Historic Environment Good Practice Advice in Planning"*:3. Paragraph 4 of the GPA states that *"the setting of a heritage asset is the surrounding in which it is experienced"*. The setting of Rookery House has changed as its surrounding have evolved from its early use as farmhouse in 18<sup>th</sup> Century, then a gentleman's house set in a park and associated gardens, up to Council office use until 2008. Currently, Rookery House has two quite distinct and different settings as follows:
- To the south of the park including natural vegetation in particular a formal sunken garden that makes a positive contribution to the setting and significance of the house.
  - To the north two areas that comprise waste land were a former highways depot (Spring Lane) and parkland maintenance depot (Western Road) which makes a negative contribution to its setting and significance.
- 6.15 Currently, there are restricted views of Rookery House from the public realm. The only public views of the rear of Rookery House arise from the vehicle access arrangement to the Spring Lane depot. The proposed development will have an impact on the setting of the listed building through two elements. The most significant impact would be from the new residential development on Spring Lane and Western Road depot sites. In addition to this, there also proposed changes to the layout of the site where there is a new road and car park proposed which will also impact on the setting.
- 6.16 The proposed siting of new housing to the north and northeast (depot sites) of Rookery House was considered to be the "service" part of the property, providing outbuildings, glasshouses etc. The new residential development on both depot sites will replace existing structures and hard standing areas to the north and northeast of the building. Both of the depots lies outside of the historic curtilage of the building, the boundary of which appears to have formed by the wall that currently separates the "stables" from Rookery House. Rookery Park is not on the Historic Park and Garden Register. To the north-west and west, the main aspects of Rookery House to its grounds historically were parkland (and are now the public park) and to the south-west (side) and south-east (front) elevations of the house, where the grounds were formal and informal garden areas. The removal of existing walls and the proposed residential would block views of the current view of the lower part of Rookery House although its upper levels and roofline will partially remain visible above the proposed dwellings. However, this view is recent as it has only been available since the removal of the former Council depot buildings in 2008. The removal of the derelict stable buildings would increase views of Rookery House to being fully visible from where the new access road enters the site. The surrounding area is also fully urbanised with modern housing adjoining and on the opposite side of Spring Lane.
- 6.17 Within context of views of Rookery House from the park, the new residential development would be visible behind it and partly screened by the wall and trees to the north of Rookery House. Although there would be removal of a few trees that



currently affect structural integrity of the building, similar views would largely be retained from the Italian formal sunken gardens to the south-west of the site. Similar views would also be retained from the driveway from Kingsbury Road frontage, which is heavily screened by a wall and retained trees, and the new dwellings are unlikely to be visible. There are views of existing housing on Spring Lane that can be seen over the wall from Rookery Park, but the new build element on depot sites would be situated in close proximity and more prominent as the walls would be reduced to plinth level with railings on top which will reduce the screening effect. Further amendments have been provided which improve the setting of Rookery Park by retaining some trees, removal of cycle storage building within courtyard area and re-siting of the bin storage building from the car park to the secondary access road.

6.18 In addition to the new build element it is also proposed to include a number of interventions into the historic curtilage of the property. This includes additional car parking to the northeast of Rookery House, a new access road and existing car park to the southeast of Rookery House. It is noted that works to the southeast of the building do replace hardstanding areas to the existing car park and carriageway from Kingsbury Road frontage. Although the parking and access road to the northeast of Rookery House and new built are new elements, which will have some impact on the setting, I agree with the supporting statement that the current depots make a negative contribution and their redevelopment would be of beneficial significance to Rookery House. Historic England and my Conservation Officers have raised concerns at the proximity of new build elements and potential harm to the setting of Rookery House, but advise that the extent of this impact will be greatly dependent upon the introduction of further natural screening. The Landscape Officer is content with the amended landscaping proposals that show additional planting to include trees and hedging, which would reduce some impact on the setting of the heritage asset. Concerns were also raised by Historic England with regards to the open trellis on south-east elevation and impact it would have on principle elevation of Rookery House overlooking onto formal sunken garden. As such a condition would be imposed to require for an alternative, more sympathetic boundary treatment. Further amendments have been provided, where the applicants have taken on board the Tree Officer's advice and retained a number of significant trees to the north and northeast elevation of Rookery House. Consequently, the proposal as amended is considered to comply with national and planning policies in respect of the historic environment.

6.19 **Loss of open space** – NPPF paragraph 74 identifies that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- An assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- The development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.

6.20 Policy TP9 of the adopted BDP sets out open space will be protected and will only be considered for development where it is either shown that it is surplus for open space use, taking account of the minimum standard of 2 hectares per 1000 population, through a robust and up to date assessment and are not required to meet other open space deficiencies, or alternative provision is provided which is of equivalent quality,

accessibility and size. It goes further on to state that “*where an area of open space is underused, as it has inherent problems such as poor site surveillance, physical quality or layout.....proposals that would result in the loss of a small part of larger area of open space will be considered if compensation measures would result in significant improvements to the quality and recreational value of the remaining area*”.

- 6.21 Concerns have been raised by Leisure Services, Friends of Rookery Park and residents with regards to the loss of parkland depot and future maintenance of Rookery Park. The proposal would result in loss of parkland depot that includes a wooded area fronting onto Western Road, which is historically integral and incidental to Rookery Park. It contains structures, portacabins, containers that are transitory facilities for the park keepers’ office and essential equipment for the parks maintenance. The decision to dispose of this parkland depot was made by the Council to help fund restoration works to Rookery House and the BDP recognises and can potentially allow this in principle, where the balance of the site is improved. There will need to be a justification for the loss and financial contribution to satisfy policy requirements as the Ward provision is 1.65 hectares, which is well below target 2 hectares per 1,000 populations. The proposal would provide a well-laid out residential development on the parkland depot that would provide a qualitative improvement to the park through improved site surveillance. It would make an open space a safer and more welcoming place and encourage good recreational use, which can also benefit health. Public Open Space with regard to Planning Obligations is discussed later in this report. Consequently, I consider that the benefits of the current proposal through site surveillance, heritage asset terms and wider housing delivery aims would demonstrably outweigh this loss of public open space. The adverse financial viability of the scheme is also discussed later in this report.
- 6.22 Leisure Services have raised concerns to the parcel of land to the north and east of the existing carriageway to Rookery House that is included within the application site and may be used as contractors’ compound. A number of trees within this parcel of land are protected under Tree Preservation Orders. I consider that it is reasonable to impose a condition for construction method statement and management plan to require details of construction/ contractor parking areas/ vehicle routing to ensure protection of trees and this parcel of public open space area within the application site.
- 6.23 **Balancing Exercise** – The proposal for new build on the depot sites adjacent to Rookery House has to be balanced against the public benefit of the development. As stated above there is clearly a benefit in the repair, refurbishment and continued occupation of the listed building, and the sensitive conversion to residential will facilitate the continuing and long term maintenance of the building. Whilst it is unfortunate that it is not possible to retain the stable block, the condition of which has deteriorated substantially over the years and is now of limited significance, it would provide public benefit by allowing communal private amenity area to the future residents together with a new access point to be created to a community and café use within Rookery House. The proposal would also provide a mix and balance of additional housing in a sustainable location, which would contribute positively to meeting the city’s housing targets. The new residential would also provide a qualitative improvement to the Park through improved site surveillance.
- 6.24 **Design and character of the new residential development** – Paragraph 56 of NPPF attaches great importance to the design of the built environment, emphasising that good design which is a key aspect of sustainable development is indivisible from good planning and should contribute positively to making places better for people. Paragraphs 58 of the NPPF states that developments should function well and add to

the overall quality of an area, establish a strong sense of place, optimise the potential of the site to accommodate development, respond to local character and history, create safe and accessible environments and be visually attractive as a result of good architecture and appropriate landscaping. The design policies of the Adopted BDP, saved policies within UDP and SPD reiterate these requirements.

- 6.25 There would be demolition of existing structures and a sub-station on depot site, which are not considered to be of significant interest architecturally. The overall appearance of the Spring Lane highways depot site is largely hardstanding following demolition of all building/ structures in 2008. There is limited landscaping and there is an opportunity to improve the overall character of this and adjoining parkland depot sites. There is a wooded area within the Parkland depot site and existing walls around both depots that include adjoining footpath to the children's play area and car park associated to the park that turns its back on Rookery House and Rookery Park. Given the limited contribution that the existing buildings have to the character and appearance of the area, I have no objection to the demolition of these buildings. The buildings/ structures/ walls within both depot sites are not statutorily or locally listed and no objection is therefore raised to their demolition. I consider that the redevelopment of this site would improve the appearance of street scene, tidy up this area and contribute to the enhancement of the wider environment.
- 6.26 There have been significant negotiations on the detailed design of the proposed in order to achieve the current iteration of the scheme. There have been concerns about ground levels to proposed dwellings on the Spring Lane frontage, changes to house types, installation of chimneys to certain properties and the mixture of materials proposed conflicting with the appearance of the listed building. Further clarifications were required to the location and height of proposed retaining structures/ walls for part of the dwellings/ garages, etc. within the depot site, which are discussed below.
- 6.27 The palette of materials has been modified to reflect the tone and appearance of the listed building and adjoining properties, without seeking to copy or pastiche it. While the quality of the finished scheme will depend on the quality of the detailing, it is considered that this quality can be achieved through appropriate conditions.
- 6.28 The proposed layout is mainly informed by the proposed access road from Spring Lane frontage and the relationship with adjoining residential properties is considered acceptable. The location, size and shape of the depot sites together with the number of units proposed imposes some constraints upon the potential layout of the development with regards to Rookery House (Listed Building), good natural surveillance of Rookery Park and adjoining dwellings on Western Road and Spring Lane. All of the dwellings would be two-storey in height. There is a range of building heights in the local area from modern semi-detached/ terrace to large bungalows and I do not consider that the height of the proposed dwellings would be harmful to the overall character of the area or adjoining Listed Building. I consider that the amended design effectively breaks up elevations and create some visual interest. The rear secondary access roads to include one from the Western Road frontage have been designed to ensure that all dwellings to include corner turning dwellings have habitable windows that address street/ park frontages and provide good natural surveillance.
- 6.29 I note concerns have been raised by representation received to the proximity of plots to the boundary of Rookery Park. I have specified within the impact on setting of listed building section that this view from the park is recent as it has only been available since the removal of the former Council depot buildings in 2008. I

acknowledge that the development on these depot sites will inevitably alter its existing character and relationship with the park, but the BDP, Saved Policies within UDP and SPG's aim is to create a development that overlooks the park to improve surveillance/ security rather than turning its back on it (as with existing development). There have been amendments that have changed the house type for Plot 26 to a smaller unit, which enables a greater, set back from adjoining park boundary to be achieved. There are existing trees along this boundary within the Rookery Park adjacent to footpath/ children's play area that would be retained coupled with high quality boundary treatment would help achieve this, whilst achieving an element of screening between the Rookery House and the depot sites.

- 6.30 The efficient use of land is integral to creating sustainable patterns of development and this is central to the focus on sustainable development in the NPPF. The NPPF does allow Local Planning Authorities to set their own approach to housing density to reflect local circumstances. Policy TP30 of the BDP sets a minimum development density of 50 dwellings per hectare. The proposal would equate to 46 dwellings per hectare that includes apartments within Rookery House and would comply with Policy TP30 of the BDP. Concerns have been raised to the dense nature of the development. I acknowledge that the new development is more akin to the modern development at Spring Lane/ Brueton Drive than the wider vernacular post war houses. However, this approach supports the BDP density range, which is comparable to other elements of prevailing character of the area and makes more efficient use of the site plus the fact that there is adequate space, parking (away from street) and separation distance between existing and proposed dwellings on site. The scheme represents an appropriate response to the constrained nature of the depot and Rookery House sites and surroundings. I am satisfied that the development achieves appropriate layout, provides a mix of housing generally meeting NPPF objectives and BDP and UDP policies.
- 6.31 The refurbishment of the non-designated heritage asset to include replacement of UPVC with timber windows to the Entrance Lodge building is considered to be acceptable and addressed concerns raised by City Conservation Officer and within public participation process.
- 6.32 **Impact on residential amenity** - Paragraph 56-58 of NPPF, saved policies within the UDP, PG3 and TP27-28 of the BDP seeks to create good design and quality living accommodation, which contribute positively to making places better for people. *Places for Living* SPG provides guidance on how to achieve high quality living accommodation. The "*Nationally Described Spacing Standards*" provides guidance on the provision of internal space that is considered to be acceptable for residential occupancy. However, it must also be recognised that the conversion of a listed building has to work with the existing fabric of the building and this does not always convert to modern space requirements.
- 6.33 The proposal would bring forward a mix of 14no. one-bed and 1no. two-bed flats within Rookery House and 3 and 4 bedroom dwellings on the Highway and Parkland Depot sites. The plans provided shows all of the house types within the depot sites would comply with Nationally Described Spacing Standards. All internal double (minimum of 11.5 sq. metres) and single bedrooms (minimum of 7 sq. metres) to the proposed dwellings would achieve adequate size provision contained within the *Nationally Described Spacing Standards*. Besides internal alterations, repair and refurbishment of the entrance Lodge building, it would continue to remain in residential use.

- 6.34 With regards to apartments within Rookery House, the majority would comply with the exception of five apartments (Units 5, 6, 10, 11 and 15), which would fall short of the minimum gross floor area guidelines by either approximately 2 sq. metres for either one-bed one person or 5 sq. metres for one-bed two person flats. The bedroom sizes within a number of apartments (Units 3, 4, 6, 10, 11 and 14) within Rookery House would fall short of the minimum standard of 11.5 sq. metres by approximately 1 to 2 sq. metres. It is acknowledged that the layout of all of the flats takes into account of the constrained nature of the building. The internal works with agreement of the City Conservation Officer would have minimal impact as the character or appearance of Rookery House (Listed Building). I also do not consider that there are sustainable reasons to refuse the application on these guidelines as internal furniture layout plans have been provided that ensures that a good standard of accommodation is being provided for future residential occupiers on site. All habitable rooms would also be served by a window.
- 6.35 In terms of existing residents in the area, it should be noted that the changes to Rookery House or The Entrance Lodge would have no impact on neighbours to the site in terms of visual amenity or loss of light due to separation distance and their setting within Rookery Park.
- 6.36 In terms of impact on privacy, a distance of 21 metres as set out within SPG Places for Living has been accepted as a reasonable distance to achieve an acceptable level of privacy between windows of habitable rooms, although this has to be adjusted for significant changes in levels. There have been amended plans to address City Design and Landscaping Officer's comments that include cross sectional plans that demonstrate how the proposal would respond to level changes through particular areas of the site, along Spring Lane and from new highways such as Plots 1-7, Plots 8-12 and Plot 21-25. As there are different land levels within the Spring Lane depot site in the context of proposed and existing residential properties, it is considered reasonable to impose earthworks and site level conditions in order to protect the privacy of adjoining residents.
- 6.37 The proposal with regards to existing dwellings on Western Road and Spring would largely exceed the minimum 21 metre separation distance as recommended in SPG "Places for Living". The closest relationship to the new build element (Plot 12) to the existing residential property no. 2P Spring Lane is approximately 18 metres. However, due to orientation to the existing and proposed dwelling (Unit 12), any overlooking from an obscure angle would be minimal to the rear habitable windows of the existing and proposed dwellings. The proposal would also make improvements in terms of light/ outlook to the rear of existing property no. 2P Spring Lane by removing the existing sub-station that is currently situated on higher ground. Internal site separation distances to all other proposed dwellings within the site would also meet SPG Places for Living guidelines.
- 6.38 There are non-habitable windows within the side elevation of Plots 12, 18 and 24, which are situated approximately 2 to 4 metres from the adjoining residential boundaries. There are also ground level differences between Plots 1-2 and 12. A condition is therefore recommended requiring that the side window to the first floor of Unit 12 is obscurely glazed in order to safeguard privacy to the gardens of the adjoining residential dwellings.
- 6.39 The private amenity areas within the proposed dwellings on both depot sites would largely exceed the minimum 70 sq. metres for family dwellings as recommended within SPG "Places for Living". The private amenity area within the plots would average 10 metres in depth and are considered appropriate. A condition would

however be attached removing permitted development rights for extensions and outbuildings to all residential dwellings preventing the loss of rear garden space.

- 6.40 There would be communal amenity area proposed for the apartments to the side of Rookery House that would equate to approximately 140 sq. metres. Although this is a shortfall in communal amenity space provision, flexibility can be applied in this instance as Rookery House is situated within a 6.8 hectare public park that would ensure good level of public amenity areas is provided to future occupiers of Rookery House and proposed dwellings on the depot sites. The proposal would also provide a qualitative improvement to the park through site surveillance. The site is also in a sustainable location close to neighbourhood centres and shopping parades.
- 6.41 **Impact on highway safety** – The advice contained within paragraph 32 of the NPPF states that, amongst other matters, plans and decisions should take account of *“whether the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site”*. It goes on further to state that *“development should only be provided or refused on transport grounds where the residual cumulative impact of the development are severe”*. Policy TP38 and TP44 of the BDP and SPD Car Parking Guidelines requires that all new development supports the delivery of a sustainable transport network and development agenda.
- 6.42 There have been extensive pre-application discussions that have addressed a number of concerns such as the removal of vehicular access from the Kingsbury Road frontage on safety grounds. Amended plans have been submitted that have removed the square feature within the proposed primary access road adjacent to Plot 8 and increased parking provision for community and residential use at Rookery House. Transportation Development have reviewed the proposal together with subsequent amendments and are satisfied with the suitability of access positions and parking provision (ranging from 200-300%) on site for the proposed dwellings. The access drives that would serve Units 26-30 and 31-35 are considered acceptable given the low number of dwellings that the access drive would serve. A total of 25 parking spaces (including 2no. disabled bays) would serve the café/ community use and apartments at Rookery House. There is adequate cycle storage provision for the residential units and visitors for the community/ café use at Rookery House. Transportation Development have raised a number of concerns and recommended a number of conditions with regards to usage/ management of parking areas for Rookery House, and pedestrian visibility splays at some of the access points etc. The application site is situated within sustainable location with public transport available on Kingsbury Road and Erdington train station within 500 metres from the application site. Consequently, the proposal, subject to conditions, is unlikely to have an adverse impact on highway safety within the immediate vicinity of the site.
- 6.43 **Noise, land contamination and emissions** – There is a café and community use proposed alongside residential apartments within Rookery House. Regulatory Services have raised no objections subject to a number of conditions in relation to extraction/ ventilation, noise levels from plant and machinery and noise insulation scheme between residential and commercial uses in order to achieve a reasonable level of noise amenity and odour protection to all units within Rookery House. I concur with this view as it would coincide with concerns raised by City Conservation Officer to the siting of extraction ducting/ flue within existing chimneys and impose such a condition accordingly.
- 6.44 Paragraph 121 of the NPPF states that planning decisions should ensure that the proposed site is suitable for its new use taking account of ground conditions, including pollution arising from previous uses and proposals for mitigation including

land remediation or impacts on the natural environment arising from that remediation. Regulatory Services have reviewed the submitted Phase 1 and 2 land contamination reports, where they have concluded that contamination is present and remediation is required. They have also confirmed that there is no information provided for full remediation or a mitigation plan. Consequently, they have recommended that land contamination conditions be imposed as further investigations need to be undertaken post demolition of the buildings to assess the risk of potential on-site contamination. The Environment Agency have also reviewed the report and raise no objections subject to the imposition of a modified land contamination condition to ensure that the development protects all controlled waters. I concur with this view.

- 6.45 Policies TP1 and TP43 within the Birmingham Development Plan, seeks to assist in reducing the City's carbon footprint and improve air quality. Regulatory Services have recommended imposing a condition in relation to electric vehicle charging points on site. This condition would be imposed in relation to proposed communal parking forecourts for the apartments and café/ community use at Rookery House. Consequently, the proposal would allow the potential to reduce vehicle emissions and improve air quality associated with the development.
- 6.46 **Impact on landscaping, trees and ecology** – Amended plans have been received with the internal service road linking the two communal car parks to Rookery House re-sited further east to address Tree Officer concerns in relation to the ground levels and root protection areas of trees to the southeast of Rookery House. One representation has raised concerns to the removal of horse chestnut tree (T88). Whilst it is unfortunate that the horse chestnut tree would be removed, the justification for re-siting the secondary access road would allow better quality trees to be retained adjacent to Rookery House and made provision for SuDS storage area rather than siting it nearer to other retained trees which could also be risk potential damage.
- 6.47 The City Tree Officer states that the group of trees on the southern section of proposed access road from Spring Lane up to the Kingsbury Road junction would have good public visibility and a number are in good condition and of good form. There are a number of trees protected under a Tree Preservation Order that would continue to remain part of the park but in private ownership. There is also a London Plane (T30) protected under Tree Preservation Order that is adjacent to the courtyard area to the north of Rookery House.
- 6.48 Concern has been raised by a neighbour with regards to the removal of trees outside the site boundary, adjacent to Rookery House and the adjoining footpath within Rookery Park. This would remain part of Rookery Park in Council ownership and would fall outside the application boundary.
- 6.49 The proposal shows removal of 28 trees and hedging on site to accommodate the residential development, with opportunity for 45 replacement trees together with shrub planting as a form of mitigation throughout the site. It is regrettable that the proposal would result in loss of existing trees and hedge, particularly those on the Parkland Depot and around Rookery House, but it is acknowledged that these trees are not protected and some affect the structural integrity of the Listed Building. Through negotiation amended plans have been provided and the opportunity to retain some and provide replacement planting within the front, rear gardens of the proposed dwellings and along access road has been taken. The landscaping plans also show significant amendments to include planting strips to the ground floor apartments and to the proposed car parking area adjacent to the primary access road in order to soften the impact to the listed building and provide adequate screening,



safety and security to the future occupiers of Rookery House. On balance the benefits of bringing the depot sites forward for redevelopment to repair, restore and provide public benefits to heritage asset (Rookery House) together with planting scheme is considered to outweigh the loss of some trees.

- 6.50 Updated landscaping plans have provided and been reviewed by my Landscape Officer and concerns have been addressed regarding levels, houses/ garden pulled back to free up more space for the paths, and lack of variety of mixed tree, shrub and hedge planting on site. The Landscape Officer recommends that conditions be imposed to include landscaped implementation of the agreed plans, site levels, etc. that would ensure that the proposal makes a substantial contribution to the site and overall area in amenity and biodiversity terms.
- 6.51 An Preliminary Ecological Appraisal that includes preliminary roost assessment for bats together with a Bat Roost Characterisation Survey have been submitted, which identify key habitats on site such as the buildings and trees on site. The preliminary ecological assessment identifies two of the five buildings as having good potential to hold bat roosts and the remainder of the site holds good potential for bird nesting and foraging. There was also potential for hedgehogs to be present within the scrubs and heavily vegetated areas. The City Ecologist has reviewed the surveys and the Bat Roost Characterisation Survey in relation to the stable building, which was identified previously as having potential to contain bat roosts. However due to the condition of the building having deteriorated to an extent that it is no longer favoured by bats, none are present. The Ecologist has raised no objections subject to a number of conditions to include construction ecological mitigation plan in line with the bat survey that shows Rookery House does holds roosts in two separate locations, and where a European Protected Species (EPS) mitigation licence and method statement will be required. The Ecologist notes that recommendations were made in the surveys to include inclusion of bat and bird boxes on site, which need to be integral boxes built into the fabric of the buildings. Other specific recommendations include a planting scheme that incorporates pollinator species, provide 150mm by 150mm gap to be left within close boarded fencing for hedgehogs between residential plots and low lux/ directional lighting to ensure that there is no overspill onto adjoining gardens and the open space area. I concur with this view and conditions would be imposed accordingly.
- 6.52 **Impact on archaeology** – Archaeology policies within the NPPF and BDP require archaeological investigations for development affecting sites of archaeological importance. The Historic Environment Records show that the site is located within an area, or is in close proximity to, an area of some archaeological importance - Rookery House and Birches Green. Birches Green itself was an open area immediately to the south of Rookery House, which falls outside the application boundary. The desk-based investigations conclude low potential for archaeological remains and uncertain reference to possible medieval occupation at Birches Green and Rookery House. The proposal would involve demolition of a single-storey extension and redundant derelict stable block associated with Rookery House and excavation works on depot sites including removal of foundations, topsoil and preparatory ground works to formation depths required for roads etc. These may have potential to damage any underlying remains. The supporting documents conclude that a further field evaluation needs to be undertaken to provide the Local Authority with required information as to the presence, character, state of preservation and significance of any remains that are present. My Conservation Officer agrees with the recommendations and a condition would be imposed requiring submission of archaeological investigation for observation and recording to safeguard any potential archaeology at the site.



- 6.53 **Impact on flooding and drainage** - A Flood Risk Assessment and Drainage Strategy has been submitted as part of supporting documents as the site covers an area of approximately 1.67 hectares. It identifies the site as being entirely within Flood Zone 1 and therefore the site is at low risk of flooding. The Environment Agency have raised no objections to the proposal. The Lead Local Flooding Authority has also recommended a modified condition which requires the completion of Sustainable Drainage to be operated and maintained in accordance with the Drainage Operation and Maintenance Plan. I concur with this view.
- 6.54 **Other matters** – Concerns raised with regards to crime and anti-social behaviour, the proposal would bring back a vacant building into active use and reduce the height of boundaries to provide surveillance of the site and the adjoining park and highways. As part of the Listed Building Consent, there would be security measures conditions imposed that would take into consideration vulnerable areas of the site around Rookery House. West Midlands Police have raised no objections to the proposal.
- 6.55 Concerns have been raised by a neighbour that the first floor community room would not provide disabled access and a w/c facility. The supporting statements have confirmed that the ground floor of the Community space/ cafe would be fully accessible with a level access provided to the main entrance and a new disabled WC facility. There would be no facilities provided on the first floor as it would be an overspill space that would be managed by the tenant, and has access/ capacity constraints.
- 6.56 **Planning Obligations** – The application is currently a City Council-owned site and the Council cannot enter into a S106 with itself. The alternative, appropriate mechanism in these circumstances would be for the use of a S.111 agreement, which commits the applicant to enter into a S106 agreement upon the sale of the application site.
- 6.57 **Listed Building** – The Council's overall objective reflecting in the sale price was to include the adjoining depots and bring forward comprehensive development opportunity with the intention to fund restoration and long term preservation and to ensure sustainable beneficial occupation and use of the listed Rookery House.
- 6.58 The financial viability appraisal has been accompanied with a Condition Schedule and cost appraisal that includes the purchase price of the site, development for repair/ restoration of Rookery House and residential new build external costs etc. together with revenue from sale values of residential new build and conversion units. Independent Valuers have confirmed that the appraisal for repair/ restoration/ conversion costs appears sensible and realistic. The financial viability appraisal calculated a substantial negative Gross Development Value Profit margin for Rookery House as a standalone development. It should be noted that the adjoining depots included for residential element calculate an appropriate level of return for a developer to ensure that the scheme is deliverable on site.
- 6.59 The proposal would be supported from a heritage perspective subject to the requirement within the legal agreement to split the development into phases with the occupation of the respective dwellings only being permitted once the works on that phase have been completed. In particular, the focus is to ensure that the restoration and repair of Rookery House (demolition and complete repair of external fabric of the building) is substantially complete prior to the occupancy of 50% of the new dwellings. This will then assist in the funding of the remaining works on the site. The second part of phasing would then ensure that all restoration and repair works are

completed prior to occupation of 90% of the new dwellings on the adjoining depot sites.

- 6.60 A community use agreement/ management plan would also be a requirement within the legal agreement for community / café use within Rookery House to include maintenance, management and public access.
- 6.61 **Affordable Housing** - Policy TP31 of the Birmingham Development Plan, and the Council's Affordable Housing SPG, requires that 35% of the total residential accommodation provided on site to be affordable. Paragraph 50 of the NPPF explains that *"where LPAs have identified that affordable housing is needed, they should set policies of meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified... such policies should be sufficiently flexible to take account of changing market conditions over time"*.
- 6.62 The applicant has appended two financial development appraisals with the first referring to the guidance on "Vacant Building Credit" contained within the National Planning Practice Guidance (NPPG) with no S.106 contributions, and the second as nil affordable housing and no S.106 contributions. Both the appraisals use the submitted scheme of 56 residential dwellings (15 apartments, 40 new and 1 refurbished dwelling). The first appraisal highlights guidance indicating that a credit against potential affordable housing contributions should be given for all vacant floor areas to be brought back into use, or demolished and replaced by a new building. In the case of first appraisal, accordingly to the methodology, a 26.8% (equivalent to 5 dwellings) reduction of the normal affordable housing contribution with nil S.106 contribution is identified. The applicant's financial viability appraisals confirm that the development proposal would not be able to fund any further contributions or provide affordable housing on site.
- 6.63 A suggestion has been made by my Housing colleagues that an appropriate contributions 'overage' clause be entered into should the viability of the scheme have improved at implementation stage and during construction as there is no affordable housing provided on site. In light of applicant's evidence through the financial viability appraisal, however it would be unreasonable to impose such an overage clause as it would be contrary to the overall approach of NPPF and NPPG to unlock redundant and brownfield/ windfall development sites and facilitate restoration works to convert the listed building. The use of an overage clause on could also potentially undermine the basis of competitive return to enable the development to be deliverable as envisaged by the NPPF by introducing uncertainty and funding gaps to the scheme.
- 6.64 **Public Open Space requirements arising from new residential development** - The proposal exceed the 20 residential unit thresholds in relation to public open space provision. Public Open Space in New Residential Development SPD seeks, where practical to do so, that new public open space is provided on site. In addition, there are circumstances where it may be preferable for the public open space to be provided as an off-site monetary contribution. Leisure Services have requested an off-site public open space monetary contribution of £149,000, which is based on number of dwellings proposed on site.
- 6.65 **Loss of open space** – As discussed in paragraph 6.21 above, the proposal would result in the loss of parkland depot that includes a wooded area. Leisure Services are seeking a monetary contribution figure of £171,400 for its loss.

- 6.66 Leisure Services together with representation from a neighbour have raised concerns to the parcel of land to the north and east of the existing access road from Kingsbury Road carriageway to Rookery House being included within the application site on grounds that it forms part of the park and pedestrian/ cyclist access to the park. This parcel of land although forthcoming in private ownership but would continue to remain part of the park and it is reasonable as part of S.106 Agreement to require community use agreement/ management plan and ensure that this public open space area remain open, public accessible, managed and maintained in perpetuity.
- 6.67 **Education** - No comments have been received however any Education funding via the planning system is now derived from city-wide CIL monies (Community Infrastructure Levy).
- 6.68 **S.106 Summary** – Paragraph 173 of the NPPF places significant emphasis on ensuring viability and deliverability, adding that the costs of any requirements likely to be applied to development when taking account of the normal cost of development and mitigation provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.
- 6.69 Whilst the provision of affordable housing and any off-site public open space contribution are a strong material consideration for development of this scale, the overriding benefits of this development towards repair, restoration and preservation to provide long term sustainable use of the listed building (Rookery House) are considered sufficient justification for departing from these requirements in full. As specified above, Leisure Services have requested monetary contribution towards loss of parkland depot and off-site public open space. However, the applicants' financial viability appraisals have been independently assessed, where it has been accepted by the Council's Independent Valuer a figure of £80,000 is deliverable in this instance. The independently assessed financial viability appraisal supports findings that the scheme would not be able to fund any further financial contributions or to provide affordable housing on site. The agreed sum of money is recommended to be allocated to off-site public open space arising from the new dwelling proposal in accordance with local policy TP9 of the BDP with the suggested recipient being for the provision, improvement and/ or maintenance of the adjoining Rookery Park. It would be necessary to ensure that these requirements are delivered through an appropriate S.106 (Planning Obligations) / S.111 agreement.

## 7 Conclusion

- 7.1 The proposal would result in the erection of 40 dwellings on adjoining brownfield/ windfall depot sites, which would also facilitate the repair/ restoration/ conversion of the existing listed building to 15no. apartments and community/ cafe use within a sustainable residential location. The land sales has been designed to deliver this comprehensive form of development to deliver the twin aims of providing for housing needs and heritage restoration. It is considered that the principle of residential with community/ café use would also provide public benefits to the residents of Erdington and users of Rookery Park. The residential with community/ café uses would also deliver significant qualitative benefits to the park through increased site surveillance making the Park a safer and more welcoming place and encouraging good recreational use, which can benefit public health. The design and layout of the proposals has been subject to significant negotiations that have addressed a number of concerns. The proposed scheme is well-designed; scale, massing and appearance is considered acceptable and would accord with the general character and appearance of the surrounding area. The housing offers a good choice of house

types with good size private amenity areas that would meet recognised need. The proposal is considered acceptable in highway safety and residential amenity terms.

- 7.2 The applicants' financial viability appraisals have been assessed by Council's Independent Valuer and concluded that as the proposal would fund the repair, restoration and conversion of the Listed Building a contribution figure of £80,000 is deliverable in this instance.
- 7.3 I therefore consider that the application is acceptable subject to conditions and subject to the satisfactory completion of a Section 111 Agreement with a draft 106 Legal Agreement to secure repair, restoration and conversion of listed building and £80,000 for off-site public open space allocated towards the provision, improvement and/ or maintenance of public open space, recreational and children's facilities at Rookery Park.

## 8 Recommendation

### 8.1 Deferral

1. Pending no call-in for decision by the DCLG for the associated listed building consent application (2016/08352/PA), and,
2. That consideration of Application No. 2016/08285/PA be deferred pending the completion of a suitable Legal Agreement under Section 111 of the Local Government Act 1972 which requires the applicants to complete a Section 106 Planning Obligation simultaneously with the completion of the land sale. The Section 106 Agreement shall require:
  - i) Rookery House (listed Building) is substantially repaired and restored (demolition and complete repair of external envelope) prior to the occupation of 50% of the new dwelling on adjoining depot sites in accordance with Listed Building Consent ref: 2016/08352/PA.
  - ii) All repairs, restoration and conversion works to Rookery House (Listed Building) must be completed prior to occupation of 90% new dwellings on adjoining depot sites in accordance with Listed Building Consent ref: 2016/08352/PA.
  - iii) The payment of £80,000 (index linked to construction costs from the date of this resolution to the date on which payment is made) towards the provision, improvement and/ or maintenance of public open space, recreational and/ or children facilities at Rookery Park within the Erdington Ward that shall be agreed in writing between the Council and the party responsible for paying the sum provided that any alternative spend purpose has been agreed by the Council's Planning Committee.
  - iv) Management plan and community use agreement for community / café use within Rookery House to include maintenance, management and public access and to be maintained in perpetuity.
  - v) Management plan and community access agreement for open areas to include the existing access road from the Kingsbury Road frontage as highlighted in green on Drawing No: 2137/03 Rev. M (Proposed Site Layout) to remain as public open space and be publicly accessible, managed and maintained in perpetuity.
  - vi) Payment of a monitoring and administration fee associated with the legal agreement of £2,800. To be paid prior to the completion of the S.106 Agreement.

3. In the event of the above Section 111 Agreement not being completed to the satisfaction of the Local Planning Authority on or before 6<sup>th</sup> September 2017 planning permission be REFUSED for the following reason:

- i) In the absence of a suitable planning obligation to secure repair and restoration works to listed building and a financial contribution towards public open space, the proposed development conflicts with policy TP9 and TP12 of the Birmingham Development Plan 2017, with policy 3.14 of the Birmingham Unitary Development Plan (Saved Policies) 2005, with policy 74, 132 and 134 of the National Planning Policy Framework (2012) and Public Open Space in New Residential Development SPD.

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

That in the event of the planning obligation being completed to the satisfaction of the Local Planning Authority on or before the 6<sup>th</sup> September 2017, favourable consideration will be given to the application 2016/08285/PA subject to the conditions listed below:

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|----|--|
| 1  | Requires the prior submission of a phasing plan  |
| 2  | Requires the prior submission of sample materials for each phase of the development.                                       |
| 3  | Requires the prior submission of investigation for archaeological observation and recording for each phase of development. |
| 4  | Requires the prior submission of a contamination remediation scheme for each phase of the development                      |
| 5  | Requires the prior submission of a contaminated land verification report   |
| 6  | Requires the prior submission of a Sustainable Drainage Operation and Maintenance Plan                                     |
| 7  | Requires the prior submission of a drainage scheme   |
| 8  | Requires the prior submission of a scheme for ecological/biodiversity/enhancement measures for each phase of development.  |
| 9  | Requires the prior submission of details of bird/bat boxes for each phase of development.                                  |
| 10 | Requires the prior submission of a lighting scheme for each phase of development.  |
| 11 | Requires the prior submission of a construction method statement/management plan for each phase of the development         |
| 12 | Requires the prior submission of a construction ecological mitigation plan for each phase of the development.              |
| 13 | Requires the prior submission of a parking management strategy for Rookery House.  |
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- 14 Requires the prior approval of the siting/design of the access for each phase of the development.
  - 15 Requires pedestrian visibility splays to be provided to residential units on depot sites.
  - 16 Requires the prior submission of details of a delivery vehicle management scheme for Rookery House.
  - 17 Requires the parking area to be laid out prior to use for each phase of the development.
  - 18 Requires the prior submission of details of pavement boundary for each phase of the development.
  - 19 Requires the prior submission and completion of works for the S278/TRO Agreement
  - 20 Requires the prior submission of cycle storage details for each phase of the development.
  - 21 Requires the scheme to be in accordance with the approved landscape details
  - 22 Requires the prior submission of boundary treatment details for each phase of the development.
  - 23 Requires the scheme to be implemented in accordance with approved hard surfacing materials for each phase of development.
  - 24 Requires the prior submission of earthworks details for each phase of new residential development on depot sites.
  - 25 Requires the prior submission of level details for each phase of new residential development on depot sites
  - 26 Requires the prior submission details obscure glazing for specific areas of the approved building (Plots 12, 18 and 24)
  - 27 Requires the scheme to be in accordance with the listed approved plans
  - 28 Removes PD rights for new windows
  - 29 Removes PD rights for extensions for new residential development.
  - 30 Limits the hours of operation for community/ cafe uses (1000-2200 hours Monday to Saturday & 1000-1800 hours Sundays & Bank Holidays)
  - 31 Requires the prior submission of noise insulation for Rookery House
  - 32 Requires the prior submission of extraction and odour control details for community/ cafe use.
  - 33 Limits the noise levels for Plant and Machinery.
  - 34 Provision of designated electric vehicle charging point(s) within communal car park(s) of Rookery House.
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35 Prevents the use from changing within the use class (Community/ cafe use)

36 Implement within 3 years (Full)

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Case Officer: Mohammed Akram



## Photo(s)



Figure 1: Rookery House (View from existing car park)



Figure 1: Rookery House (View from footpath adjacent to Italian sunken garden)





Figure : View from Rookery Park (Footpath adjoining children's play area)



Figure 2: View from Spring Lane (Highways depot)





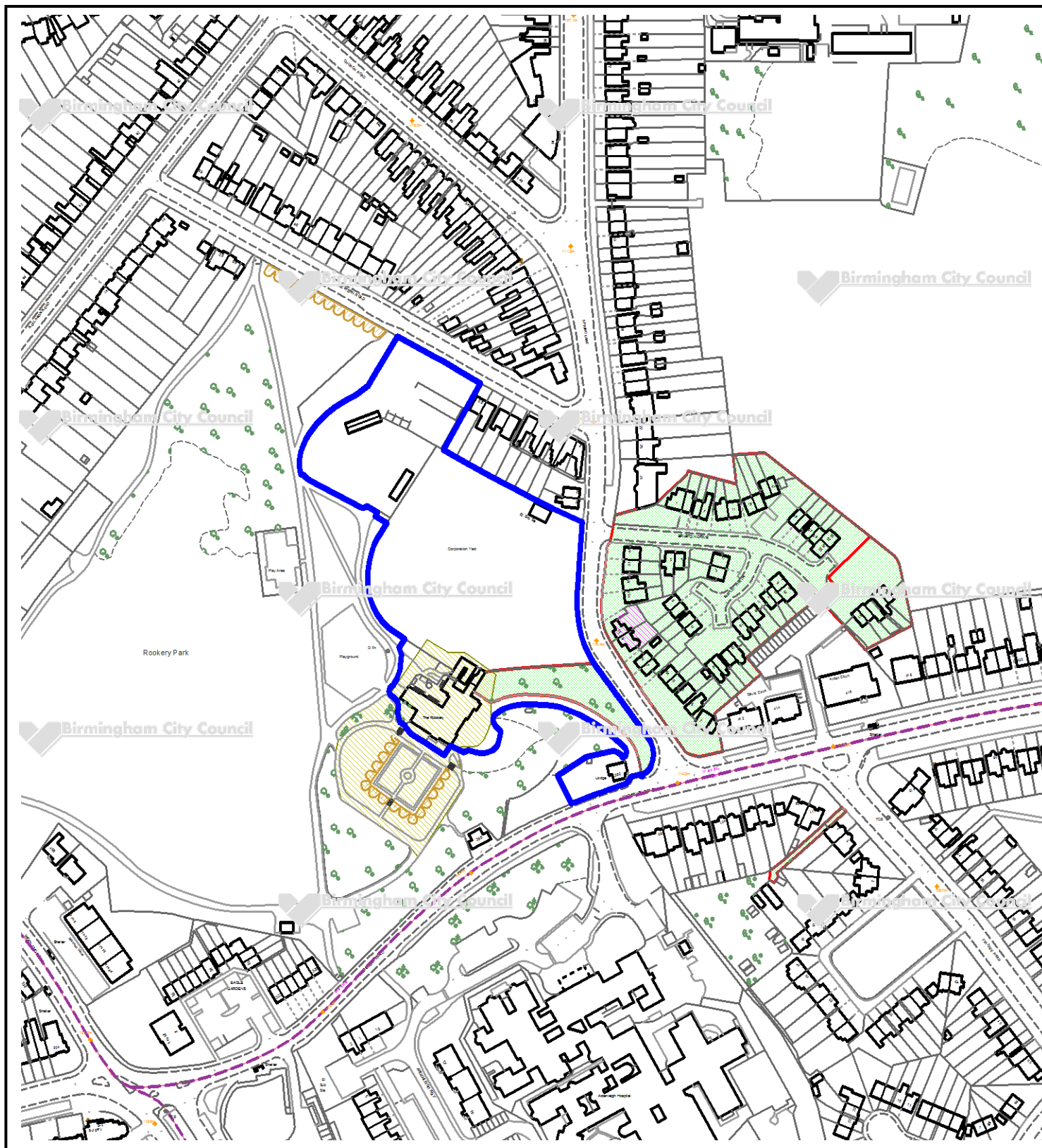
Figure 3: View from Western Road (Parkland depot)



Figure: Entrance Lodge Building



## Location Plan



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Committee Date:	06/07/2017	Application Number:	2016/08352/PA
Accepted:	12/01/2017	Application Type:	Listed Building
Target Date:	09/03/2017		
Ward:	Erdington		

Rookery House, The Lodge and adjoining depot sites, 392 Kingsbury Road, Erdington, Birmingham, B24 9SE

Listed Building Consent for the demolition of existing single storey extension, chimney stack, stable block and repair and restoration works to include alterations to convert Rookery House to 15 no. self-contained residential apartments and community / cafe use - (Amended description)

Applicant:	Cameron Homes St Jude's House, High Street, Chasetown, WS7 3XQ
Agent:	BHB Architects Georgian House, 24 Bird Street, Lichfield, WS13 6PT

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Recommendation  
**Refer To The Dclg**

1. Proposal

- 1.1. The application for listed building consent relates to the demolition of an existing rear extension and stable block with restoration/ refurbishment works to convert this Grade II Listed building (Rookery House) to 15no. apartments and community/ café uses.
- 1.2. The proposed demolition and external alterations amongst other include the following:
  - Removal of an existing single-storey modern extension, chimney stack and stable block to the south and east elevations of Rookery House. Enlarge existing internal opening together with installation of glass/ aluminium canopy over new external access with an aluminium door surround with glazed access doors to form new external access to the proposed ground floor community/ cafe use. Following the removal of the stable block/ extension/ chimney stack, it would also allow two courtyards to be created for an outdoor seating area/ communal space associated to the café/ community use and communal amenity area, access to car park, cycle storage facility and landscaping.
  - The walls of the demolished extension, chimney stack and stable block to the south and east elevations would be retained to a height of 450mm with railings installed on top. Any internal exposed walls would be rendered to match the external walls;
  - Repair and restoration works to the external fabric of the building to include removal, repair and replacement to walls, roof, plumbing, electrical, drainage, damp proofing, etc.

- Removal of any external staircases to include one at first floor level and infill of three basement(s).
  - Modify, remove or reduce sizes, or reinstatement of windows/ doors on the east elevation (Unit 4) with materials to match existing, or smaller casement windows openings with profile to match existing
  - Repair/ removal/ replacement of modern or original windows with new sash windows to match the original profile, repair and install secondary glazing to all windows
  - Installation of boiler flues, extract grills and roof vent tiles
- 1.3. Internal alterations as necessary to allow the conversion, including:
- Removal of internal partition walls / cupboard partitions/ modern screens/ doors and replacement with new partitions to sub-divide areas/ enlargement of existing areas, formation of door openings within individual residential units and creation of community/ café use;
  - Removal/ installation of doorways and infill openings with use of matching materials. All original door linings would be retained;
  - Upgrade certain ceilings and walls to improve thermal, acoustic and fire performance.
  - Repair/ upgrade ceilings, cornices, skirting, original doors, walls, flooring etc.
- 1.4. This application is accompanied by a separate full planning application ref: 2016/08285/PA for the demolition of existing extension and stable block, refurbishment and restoration works of Rookery House to convert to 15 no. one & two-bed apartments with community space/cafe. Redevelopment of two depot sites for residential comprising 40 no. residential dwellinghouses on adjoining depot sites with demolition of existing structures and any associated infrastructure works. Other works include repair and restoration of Entrance Lodge building.

[Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site comprises Grade II Listed Building (Rookery House) that sits within parkland setting. Rookery House was built around 1724/5 and is a white three-storied Georgian mansion with a slate roof. There are some Victorian additions that include a number of outbuildings such as stables and 20<sup>th</sup> Century single-storey extension. The stable buildings lie immediately adjacent to the north-east wing of the original house. The 20<sup>th</sup> Century single-storey extension is attached to the north-west wing of the original house. The building is orientated southeast, where it overlooks onto the carriageway to the south-east, with a second principal elevation to the south-west, overlooking a formal parterre garden within Rookery Park. The formal parterre garden also forms part of curtilage of the Grade II Listed Building. Rookery House and is situated within the grounds of Rookery Park accessed from Kingsbury Road frontage at the junction of Spring Lane. The internal carriageway from Kingsbury does not form part of the curtilage of the Listing Building. The building is set well back from the highway and is largely screened by trees, vegetation and boundary walls/ railings. There is an existing car park to the east of the building. Rookery House and Birches Green to the south on the opposite side of internal carriageway within Rookery Park are known archaeological sites.
- 2.2. Rookery House is currently vacant; it is extremely dilapidated and boarded-up and in need of substantial refurbishment works. It was most recently used for Council offices for its Social Service Department up until 2008. There is a car park to the

east of the building. Rookery House and Birches Green to the south on the opposite side of internal carriageway within Rookery Park are known archaeological sites.

- 2.3. The two vacant depots situated to the north of Rookery House also do not form part of the curtilage of the Grade II Listed Building. The Entrance Lodge building is a 19<sup>th</sup> Century non-designated heritage asset is situated to the south east of the site adjacent to the main access from Kingsbury Road frontage. The Entrance Lodge building also does not form part of the curtilage structure of the Grade II Listed Building nor is it separately listed. Currently, the Entrance Lodge building is in residential use.
- 2.4. The surrounding area is predominantly residential in character. Ardenleigh Hospital is situated to the south of the application site on the opposite side of Kingsbury Road.

### [Location Map](#)

### 3. [Planning History](#)

- 3.1. 24-04-1996 – 1995/01608/PA – Repairs and alterations to external façade and repairs to structural floor – Approved subject to conditions
- 3.2. 27-11-2013 - 2013/04424/PA - Listed Building Consent for the removal of existing timber emergency fire escape and installation of a steel emergency fire escape – Approved subject to conditions.
- 3.3. 27-11-2013 - 2013/04833/PA - Removal of existing wooden steps and installation of metal steps to first floor level – Approved subject to conditions.

### 4. [Consultation/PP Responses](#)

- 4.1. Site and press notices displayed. Resident Association, Ward Members and MP consulted – Collective response amongst other issues received from a resident as part of the full planning application. Concerns were raised to the quality of restoration works to Rookery House and expectation that City Conservation Officers would be fully involved in overseeing the design and construction works relating to the house and its surroundings.
- 4.2. Conservation and Heritage Panel – The pre-application proposals were considered at the Conservation and Heritage Panel meeting on 8<sup>th</sup> August 2016, where the proposed development was similar to the current proposal as submitted for the restoration/ conversion of Rookery House to provide residential apartments and community/ cafe use and adjoining depot sites for residential dwellings.

The Panel welcomed and fully supported the proposals, considering the near loss of the building over a number of years. Questions were raised to the strategy of repair/ replacement of windows but it was considered beneficial as most of the windows would remain within the building.

Some concerns were raised over the loss of trees and the immediate relationship of the Listed Building to the new housing on site (this is considered within the separate planning application). The Panel asked that prior to conversion the building is properly recorded; the applicant informed the Panel that detailed photograph records had already been undertaken but this would be developed and archived by the Local Authority on the listed building file for the site.

- 4.3. **Historic England** – Initially raised concerns to the proposed sub-division of Unit 1 (apartment) on the ground floor, inserting a second bedroom within this impressive space within the building. Concern was also raised to the panelled architrave and reveal exhibiting a number of good moulding details that are currently proposed to be concealed through the blocking of the opening into the community room. These features contribute to the significance of the space and therefore any intervention should ensure that this feature remains visible within the principal room.
- 4.4. They note that the condition schedule makes reference to some of the works to include necessary sound attenuation, fire protection and separation between units, including reference to the over-boarding of ceilings. They also make reference to the site meeting which noted that many of the principal rooms have decorative cornices and ceilings and therefore would be both unsuitable and impractical to implement through the building. They suggest that these works could be best implemented from the rooms or spaces above and recommend that all sound attenuation, fire protection and separation be considered by Conservation advisors.
- 4.5. Rookery House with its parkland setting lies adjacent to a number of existing public spaces and footpaths within the public park. The site boundary plan is drawn very closely around Rookery House, although proposed partly for private residential use, remains very much part of the public park. Any subsequent security measures, signage, lighting, boundary treatment and landscaping will require careful consideration regarding the impact they will have on the building's relationship with its park setting. Concerns have been raised to the intended installation of a standard steel square section fence or trellis as a practical solution. The treatment of the boundary to the south west will affect a principal elevation of Rookery House facing the formal gardens. They recommend that conditions be imposed to require an alternative, more sympathetic boundary treatment.
- 4.6. There has been no justification or subsequent impact justification for demolition as required under paragraphs 128 and 132 of the NPPF in relation to the demolition of the historic stable block.
- 4.7. Concerns were also raised and Historic England is not in agreement with the conclusion of the desk based assessment in relation to the construction of 40 dwellings within the depot sites as enhancing the setting of the Grade II Listed Building. If the principle of development is considered acceptable by the local planning authority, the introduction of further screening can be achieved through the landscaping scheme.
- 4.8. An updated Heritage Statement/ Statement of Significance was submitted by the agent. Historic England recognise the good opportunity this application provides to deliver a number of demonstrable public benefits, including securing a long term sustainable use for the Grade II listed Rookery House. They are pleased to note the amendments to the proposed internal layout now address the specific concerns raised regarding the approach to subdivision of principal rooms. Additional clarifications have been provided within the Statement of Significance and they accept that due to the loss of original features, unsympathetic alterations, and long term lack of maintenance the former stables could now be considered to be of limited significance.

They remain of the view that they do not concur with the conclusions reached within the Desk Based Assessment that the proposed development of 40 residential dwellings would enhance the setting of the Grade II listed house. They remain of the

view that due to its close proximity there is potential for harm to be caused to the setting of Rookery House. The extent of this impact will be greatly dependent upon the introduction of further natural screening. If the principle of development here is considered acceptable by the local authority then careful attention should be given to mitigating and reducing this impact.

For any conversion to be successful it is vital that the significance of the internal spaces is respected and work undertaken to the highest standard. As highlighted in detail in our previous correspondence we therefore recommend that all finer details of partitioning, servicing, sound attenuation and fire protection be considered closely by your expert conservation advisers, and that this detailed information be submitted for your consideration prior to the applications being determined.

4.9. Georgian Group – Awaiting comments.

4.10. Birmingham Civic Society – Awaiting comments.

4.11. Council for British Archaeology – Awaiting comments.

5. Policy Context

5.1. National Planning Policy Framework (2012); Birmingham UDP Saved Policies (2005); Birmingham Development Plan (2017); Places for Living SPG (2001); Conservation Through Regeneration SPG (2001); Access for All SPD; Grade II listed building (Rookery House)

6. Planning Considerations

6.1. The main considerations within the determination of this application are:

6.2. **Policy Context** - Section 16 and 66 of the Planning (Listed Building and Conservation Areas) Act 1990 requires local planning authorities to have special regard to the desirability of preserving a listed building, its setting or any feature of special architectural or historic interest when considering whether to grant listed building consent. The LPA is also required under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

6.3. Chapter 12 of National Planning Policy Framework deals with the Historic Environment and directs local planning authorities to give great weight to the conservation of heritage assets and to refuse development that would lead to substantial harm or total loss. Paragraph 128 requires the applicant to describe the significance of any heritage asset affected, including any contribution made by their setting. Paragraph 132 states that, when considering the impact of development on the significance of a designated heritage asset, great weight should be given to its conservation. Paragraph 134 then states that where the harm would be less than substantial the harm should be weighed against the public benefits of the proposal, including securing the optimum viable use.

6.4. Policy TP12 of the Birmingham Development Plan, states that applications for development affecting the significance of a designated heritage asset will be required to provide sufficient information to demonstrate how the proposals would contribute to the asset's conservation whilst protecting or where appropriate enhancing its significance and setting.



- 6.5. **Demolition/ Restoration and conversion of the Listed Building (Rookery House)** - The application has been submitted after extensive discussions with the Local Planning Authority and my Conservation Officer including pre-application enquiries, various site visits and meetings etc. after which a number of amendments were made prior to the submission of this application. The condition of the building, the significant adaptations that have taken place throughout its history and the location of the building within Public Park have all contributed significantly to the design and internal layout of the building (Rookery House).
- 6.6. Rookery House has been disused and in a dilapidated and vulnerable condition since the Council moved out in 2008. The proposal would involve significant works to this vacant and vulnerable Grade II Listed building, including demolition of Victorian additions, to secure a sustainable long term residential and community/ café use. Rookery House is situated within Rookery Park which is not on the Historic Park and Gardens Register and the site is not within or abutting a Conservation Area.
- 6.7. Internally within the building, the configuration of the apartments has evolved since initial pre-application enquiries, the need for a lift removed and concerns over the removal of some walls now overcome by a different layout of the individual residential units. The lowering of modern roofing to restore the staircase window is supported with the stair space better managed. The historic plan of the building is largely retained and historic joinery and detailing left in situ. Amended plans have also been provided for the proposed internal layout to Unit 1 (G14) that now addresses the specific concerns regarding the approach to subdivision of principal rooms. The strategy for re-using the building is to leave as much of the substantial historic fabric intact and this approach are fully supported by Historic England and my Conservation Officer.
- 6.8. The proposal would result in demolition of an existing modern single-storey extension (room G17) and stable buildings. There has been no objection raised by Historic England and my Conservation Officer to the modern extension demolished as it has no historic significance and is in relatively poor condition. There were a number of concerns raised by Historic England and my Conservation Officer to the original submission of supporting documents/ plans such as the failure to address the loss of stable buildings.
- 6.9. An Updated Heritage Statement including a Statement of Significance was submitted and Historic England and my Conservation Officer now agree with the arguments that have been put forward by the applicant that due to the loss of original features, unsympathetic alterations, and long term lack of maintenance of the former disused stable buildings they could be considered to be of limited significance. The removal of a number of these later Victorian additions to the property such as stable block and 20<sup>th</sup> Century extension (room G17) would allow a new access/ entrance canopy to the café/ community use (room G16) and the formation of a new entrance in the external angle between these two rooms, which my Conservation Officer needing to agree details such as materials, to be conditioned accordingly. Historic England and Conservation Officer have welcomed this as these spaces are the most impressive architectural areas within the building. The Conservation Officer has recommended that conditions are imposed to secure a Building Record Report for the demolition of the stable block.
- 6.10. Historic England and my Conservation Officer consider that the harm to the heritage asset (Rookery House – Grade II listed Building) would be less than substantial and

in accordance with paragraph 134 of the NPPF less than substantial harm should be weighed against the public benefits of the proposal. The NPPG advises that public benefits could be anything that deliver economic, social and environmental progress as described in the National Planning Policy Framework (paragraph 7). The proposed development would be compatible and provide residential and community/ café uses in a sustainable city location, bringing forward a vacant and vulnerable building into active use and ensuring the building's future maintenance. Furthermore, it would also deliver significant public qualitative benefits to the park through improved site surveillance. This can make an open space a safer and more welcoming place and encourage good recreational use, which can also benefit health. Historic England and my Conservation Officers consider that these benefits are sufficient to outweigh the demolition of extension and stable block. Consequently, the proposal complies with national and planning policies in respect of the historic environment.

- 6.11. Other external alterations to the fabric of the building include installation of boiler flues and extract grills. There have been discussions between the agent and my Conservation Officer with options such as installations of flues/ ducting into the chimneys and out through the roof needing to be explored further by the applicant; a condition would be imposed accordingly. My Conservation Officer has also recommended that fine historic ceilings such as room G14 (residential Unit 1) cannot be covered and separation should be secured from above. As recommended by my Conservation Officer conditions are imposed to secure a Building Recording report, a condition survey, method statement, full architectural and specification details, sample of materials and mortar specification, mechanical and electrical system strategy, sound insulation and water utilities strategy, signage details, external lighting strategy and design of security measures. Consequently, I consider that the proposal, subject to conditions, would adequately repair and restore the historic character of the building and achieve a sustainable future for this listed building.
- 6.12. Others matters such as impact on the setting of the listed building, boundary treatment, landscaping and trees are considered as part of the related full planning application.

## 7. Conclusion

- 7.1. The proposal is welcomed as it would lead to significant investment and bringing back into use of a historic building in Erdington. The provision of 15no. self-contained residential units and community/ café use would secure the long-term use of the listed building. All alterations have been carefully considered in order to preserve, enhance and complement the existing historic fabric. The proposal would address a listed building in poor condition and deliver significant public benefits such as surveillance to the park and a reduced threat of crime to a valued heritage asset. It would result in removal of a 20<sup>th</sup> century single-storey extension which harms the building's appearance. The proposal does generate some harm as it would result in loss of stable outbuildings, although this is a less than substantial harm to heritage assets when balanced against the public benefits of the proposal. Therefore, I consider that the scheme is consistent with national and local planning policies relating to listed buildings and is acceptable subject to safeguarding conditions.

## 8. Recommendation

- 8.1. That authority be given to refer application 2016/08352/PA to the Department for Communities and Local Government and that they be advised that your Committee are minded to approved the application, subject to the conditions listed below.

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1	Requires the prior submission of a phasing plan
2	Requires the scheme to be in accordance with the listed approved plans
3	Requires the prior submission of Building Recording Report for each phase of development.
4	Requires prior submission of a condition survey for each phase of the development.
5	Requires prior submission of a Method Statement for each phase of development.
6	Requires the prior submission of full architectural and specification details for each phase of development.
7	Requires prior submission of mechanical, electrical and water utilities systems strategy for each phase of the development.
8	Requires prior submission of sample materials for each phase of the development.
9	Requires the prior submission of mortar mix for external masonry work details for each phase of the development.
10	Requires prior submission of all security details for each phase of the development.
11	Requires the prior submission of a lighting scheme for the building for each phase of the development.
12	Implement within 3 years (conservation/listed buildings consent)

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Case Officer:           Mohammed Akram

## Photo(s)

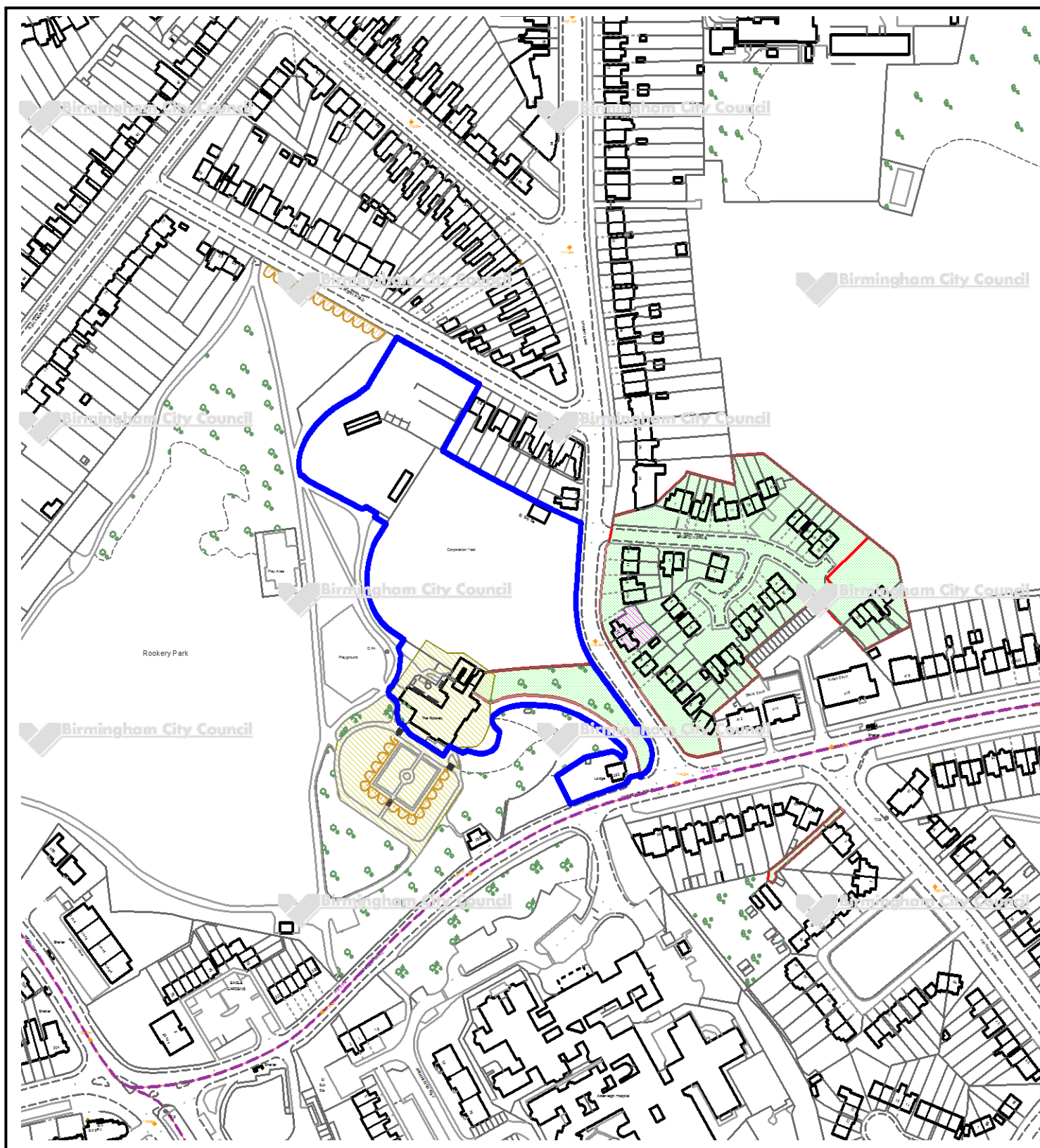


Figure 1: Rookery House (View from existing car park)





## Location Plan



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Committee Date:	06/07/2017	Application Number:	2017/04018/PA
Accepted:	12/05/2017	Application Type:	Full Planning
Target Date:	07/07/2017		
Ward:	South Yardley		

57 Stoney Lane, Yardley, Birmingham, B25 8RE

Change of use of the first floor of the public house and rear detached workshop building to 18 guest bedrooms with external alterations and parking

Applicant:	Orton Estates Ltd 57, Stoney Lane, Yardley, Birmingham, B25 8RE
Agent:	K4 Architects 122 Fazeley Street, Warwick Bar, Birmingham, B5 5RS

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#### Recommendation

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

1. Proposal
  - 1.1. Proposal for the conversion of the first floor of the existing O'Mahoney's Bar to provide 6 guest bedrooms as well as an office and cleaner's store. The ground floor would be retained as a public house with dining areas. The existing single storey workshop to the rear of the site would also be converted to provide 8 guest bedrooms to the ground floor and 4 guest bedrooms within the roof space. The applicant has advised that the facilities would be typically used by business users during the week and wedding guests at weekends.
  - 1.2. External works are also proposed, including the creation of new glazed entrances to the front elevation of the existing public house building, as well as 3 windows at first floor level to its rear elevation. The workshop would see new openings to the front and rear elevations at ground floor and 3 new dormers, in addition to the existing dormer, to the front (east) and roof lights to the rear. The proposed works would also give the workshop a contemporary appearance using timber/millwood cladding next to the full height ground floor windows to the front elevation and lead lookalike GRP to a new enclosed staircase to the north elevation and around the dormers. A new open metal escape staircase would be located to the building's south elevation.
  - 1.3. A reconfigured car park would be provided to the front of the existing public house as well as within the open space between the rear of the public house and the front of the workshop building creating a total of 19 off-street spaces. Access would remain off Stoney Lane.
  - 1.4. [Link to Documents](#)
2. Site & Surroundings

- 2.1. The application premises are a detached 2-storey building, originally used as a contractor's yard and previously used as a restaurant and now as a public house. The site has off-street parking to the forecourt as well as a rear access that leads to further off-street parking, the beer garden and a detached single storey workshop used by a construction firm.
- 2.2. The site is located on the northern edge of the designated Yew Tree Neighbourhood Centre, outside of the Primary Shopping Area. To the immediate south is a commercial parade containing retail units and a plumbing merchant with residential accommodation to the first floor. To the immediate north are residential properties on Stoney Lane and Rockingham Road. To the west is a cleared former Hob Moor School site, with detailed planning permission for residential development and residential properties to the east, on the opposite side of Stoney Lane. There are parking restrictions, in the form of double yellow lanes, fronting the application site along Stoney Lane.
- 2.3. [Site Location](#)
3. [Planning History](#)
  - 3.1. 08/12/05 – 2005/05591/PA. Change of use from a contractors yard and ancillary offices to restaurant (use class A3). Approved.
  - 3.2. 07/09/06 – 2006/00183/PA. Removal of C10 to PA 2005/05591/PA to allow takeaway use. Temporary Approval.
  - 3.3. 14/05/09 – 2008/00998/PA. Change of use of first floor as ancillary function room and installation of external fire escape stairway. Approved.
  - 3.4. 31/10/13 – 2013/06346/PA. Variation of condition 9 attached to previous planning application 2005/05591/PA to change the opening hours to Monday - Thursday 0800 hrs to 1200 (midnight) hrs, Friday - Saturday 0800 hrs to 0100 hrs and Sunday 1000 hrs to 2230 hrs. Temporary approval (12 months).
  - 3.5. 19/03/15 – 2015/00636/PA. Retention of change of use from restaurant (A3) to drinking establishment (A4). Approved.
4. [Consultation/PP Responses](#)
  - 4.1. Transportation Development – Comments to be reported.
  - 4.2. Regulatory Services – No objection.
  - 4.3. West Midlands Police – No objection.
  - 4.4. Neighbouring premises, local residents groups and Councillors with site notice posted.
  - 4.5. 10 representation have been received from local residents raising the following objections:
    - Over-development of the site.
    - No need for additional guest house accommodation in the locality.

- It might be turned into a drop-in centre from drug use and alcoholics and create long term problems and violence.
- Insufficient consultation period.
- Public House already creates noise and disturbance with criminal and anti-social behaviour and proposal would increase this.
- There is already broken glass and litter and the proposal would increase this.
- Decision has already been made.
- Add to existing congestion and parking problems.
- Loss of property values.
- Loss of privacy and light.
- Disturbance during construction.
- Impact on community and facilities are not known.
- Breach of Human Rights.
- Inappropriate within a residential area.
- Undermine the security of properties.
- Intended occupiers are unknown.

4.6. A petition containing 24 signatures has also been submitted objecting to the application on the following grounds:

- Existing problems of noise and disturbance at the premises and the proposal will add to these.
- Affect privacy.
- Over-intensive use.
- Inadequate parking.

## 5. Policy Context

5.1. Birmingham Development Plan 2017, Birmingham UDP 2005 (Saved Policies), Places for All SPG, Car Parking Guidelines SPD, Shopping and Local Centres SPD and the NPPF 2012.

## 6. Planning Considerations

6.1. Local Planning Authorities must determine planning applications in accordance with the Statutory Development Plan, unless material considerations indicate otherwise. If the Development Plan contains material policies or proposals and there are no other material considerations, the application should be determined in accordance with the Development Plan. Where there are other material considerations, the Development Plan should be the starting point, and other material considerations should be taken into account in reaching a decision. The Development Plan comprises the saved policies of the Birmingham Unitary Development Plan 2005 and the Birmingham Development Plan 2017. The NPPF is also a material consideration.

6.2. Principle:

6.3. Policy TP21 of the BDP 2017 highlights that the vitality and viability of the City's network and hierarchy of centres will be maintained and enhanced. These centres are the preferred locations for retail, office and leisure developments and for community facilities. The policy also seeks enhancement to the quality of the environment and improve access as part of these new developments.



- 6.4. The application site is located within Yew Tree Neighbourhood Centre, as designated in the BDP 2017 and Shopping and Local Centres SPD. Yew Tree Neighbourhood Centre is a local centre focussed around the junction between Church Road, Stoney Lane, Hob Moor Road and Yew Tree Lane and is well served by bus routes. It consists of a variety of small and medium-sized retail operators as well as other town centre uses such as a bank and other professional services, cafes/restaurants, takeaways, betting shops, public houses and a funeral director.
- 6.5. Saved Policy 8.20 of the Birmingham UDP 2005 relates to the provision of new small hotel and guest houses and seeks, amongst others, their location on sections of major traffic routes with a predominantly commercial nature, well served by public transport, with no adverse impact on residential amenity and adequate car parking.
- 6.6. Hotel/guest bedroom accommodation is classed as a main town centre use within the NPPF, and the proposal would be located within the boundary of the Yew Tree Neighbourhood Centre. The close proximity of the site to the A45 Coventry Road with its links to Birmingham International Airport and Birmingham City Centre are noted. It is considered that the proposed use is appropriate to the scale and function of Yew Tree Neighbourhood Centre and in accordance with BDP 2017 policies and the Shopping and Local Centres SPD.
- 6.7. Residential amenity:
- 6.8. It is noted that a number of residents have made observations in relation to noise and disturbance from the existing public house and the provision of guest bedroom accommodation would worsen the situation. The public house element and associated beer garden are existing and the former would be reduced in floorspace as a result of the proposal, leaving the public house element on the ground floor of the frontage building only. This reduction could result in a reduction in the total number of customers at the public house premises at any one time. There is also the potential that there might be an increase in custom within the lounge and bar areas of the public house due to the on-site guest bedrooms but at an established public house within a local centre this could not sustain a reason for refusal on the ground of noise and disturbance. Furthermore, the guest bedroom accommodation is not inherently noisy and again in light of its location adjacent to an established public house and within a local centre, this would also not represent a reason for refusal. Regulatory Services have raised no objection to the proposal.
- 6.9. Bedroom windows would be located to the front and rear elevations of the existing public house and workshop buildings looking out at Stoney Lane, the beer garden car park and the rear boundary of the site (at ground floor only). These would not directly overlook neighbouring residential gardens and would not have an adverse impact on neighbouring residential amenity that could be defended as a reason for refusal. The new staircase to the north elevation of the workshop adjacent to neighbouring gardens would be enclosed preventing any loss of privacy and the open staircase to the south elevation would overlook an adjoining service yard and is also the escape staircase. A condition is recommended that seeks an amendment to the design of this new enclosed staircase to reduce its scale and massing.
- 6.10. Reference has also been made to breaches of human rights but it should be noted that the rights of the objectors need to be balanced with the rights of the applicant. This consideration is in essence an extension of the planning balancing exercise which already forms the heart of the UK planning system's approach to decision-making.

- 6.11. Whilst the majority of the proposed guest bedrooms would have an open outlook, 4 bedrooms located to the rear of the workshop at ground floor would have a direct outlook of a neighbouring fence at a distance of around 1m. These are not ideal but in light of the short-stay duration of guest bedrooms it is considered that it could not sustain a reason for refusal.
- 6.12. Visual amenity:
- 6.13. The proposed external alterations are modest but would give a more contemporary appearance and would enhance the character and quality of the area. A condition is recommended that seeks amendments to the ground floor of the front (Stoney Lane) elevation of the public house to make it read better as the entrance to the premises and enhance the site's appearance. A further condition has also been recommended that seeks amendments to the parking arrangement to the site's frontage to Stoney Lane. Not only would it make the parking spaces more practical, consideration would also need to be given to incorporating landscaping to the currently hard surfaced frontage.
- 6.14. Highway safety:
- 6.15. The proposal would increase off-street parking from the current provision of 6 spaces to 19 spaces. There is also scope for some additional informal parking which would not impact on the marked out spaces. Applying the standards given in Car Parking Guidelines SPD, the existing public house and proposed guest bedrooms would generate a maximum of 33 spaces. Whilst the proposal has a shortfall of 14 spaces, this is a maximum standard and it is noted that the site is within a local centre with good public transport links. There are parking restrictions in the form of double yellow lines outside the application site but there is unrestricted on-street parking to the opposite side of Stoney Lane and along Rockingham Road. Representations made by local residents are noted in relation to parking problems in the locality but it is considered that the proposed on-site provision within a defined local centre, as well as some on-street parking available in nearby streets, is appropriate and could not support a reason for refusal. Transportation Development's comments will be reported at the meeting.
- 6.16. Other matters:
- 6.17. To accord with Policy TP43 of the Birmingham Development Plan 2017 as well as other wider policies/strategies to reduce the City's Carbon footprint and improve air quality, a condition is attached requiring the provision of electric vehicle charging points in the car park.
- 6.18. Concerns have been raised over anti-social behaviour, safety and security. The existing public house and rear bear garden have limited views of the existing car park and the introduction of guest bedrooms at first floor and within the rear workshop overlooking the car park would improve natural surveillance and security of the area including boundaries to adjoining gardens. West Midlands Police raise no objection to the application.
- 6.1. Reference has also been made to the premises being used for other uses than guest bedrooms, precluding its use akin to a hostel. A hostel use is a sui generis use and such a proposal would require planning permission to change from the current proposal and would be considered under its own merit. Policy and guidance relating to hostels are not relevant to the determination of this current application.

6.2. Concern over the impact the development may have on property values has also been expressed but this is not a material consideration in the determination of a planning application.

7. Conclusion

7.1. The proposal would introduce a new main town centre use within Yew Tree Neighbourhood Centre which has good public transport links and in close proximity to the A45 Coventry Road. The proposal would not have an adverse impact on visual amenity, neighbour amenity or highway safety and is in accordance with relevant policy and guidance and as such planning permission should be granted.

8. Recommendation

8.1. Approve subject to conditions.

- 
- 1 Requires the prior submission of an amended elevation plan for the front (Stoney Lane) elevation to the public house building.
  - 2 Requires the prior submission of an amended elevation plan for the new stair enclosure to the rear detached workshop building
  - 3 Requires the prior submission of hard and/or soft landscape details
  - 4 Requires the prior submission of hard surfacing materials
  - 5 Requires the prior submission of boundary treatment details
  - 6 Requires the prior submission of a lighting scheme
  - 7 Requires the prior submission of sample materials
  - 8 Requires the prior submission of an amended car park layout to the front (Stoney Lane) of the public house building
  - 9 Requires the prior submission of cycle storage details
  - 10 Requires the prior submission of a car park management plan for disabled spaces
  - 11 Provision of designated electric vehicle charging points
  - 12 Requires the scheme to be in accordance with the listed approved plans
  - 13 Implement within 3 years (Full)
- 

Case Officer: Peter Barton

## Photo(s)



Figure 1 – Stoney Lane frontage of the existing public house

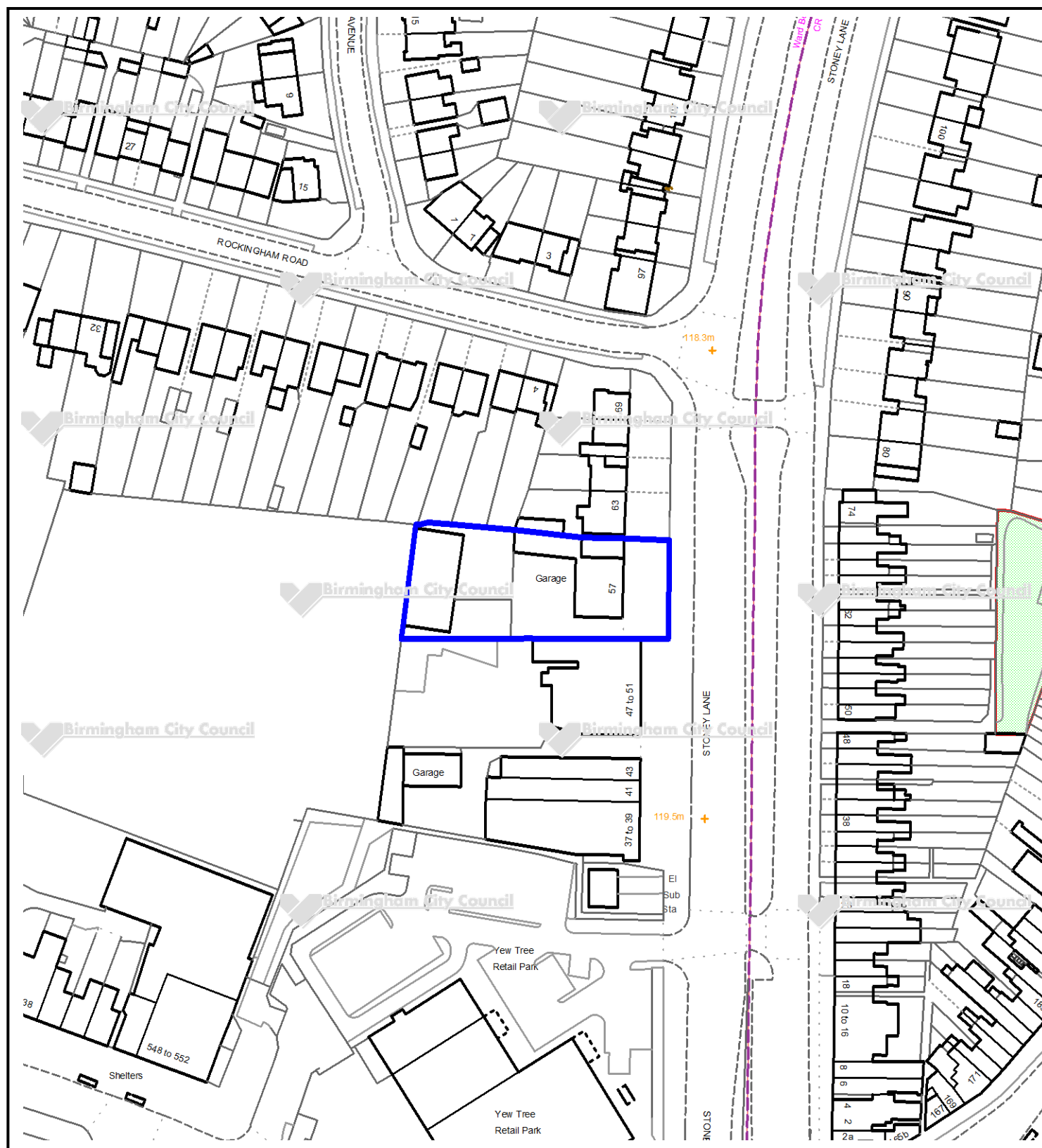


Figure 2 – Rear car park/yard looking east towards the rear elevation of the existing public house



Figure 3 - Looking west from the existing car park towards the front elevation of the workshop

## Location Plan



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Committee Date:	06/07/2017	Application Number:	2017/03915/PA
Accepted:	15/05/2017	Application Type:	Full Planning
Target Date:	10/07/2017		
Ward:	Erdington		

262 High Street, Erdington, Birmingham, B23 6SN

Change of use of ground floor retail unit (Use class A1) to hot food takeaway (Use Class A5) and installation of extraction flue to rear

Applicant:	Mr J Singh 262 High Street, Erdington, Birmingham, B23 6SN
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 proposal seeks consent for a change of use of property 262 High Street from a retail (Use Class A1) unit to that of a hot food takeaway (Use Class A5) and the installation of an extraction flue to the rear elevation.
- 1.2. Internally the unit would comprise of a food preparation area, kitchen, serving counter and seating area with 9 customer covers.
- 1.3. The proposed extraction flue would be located to the rear elevation, measuring 5.5 metres in height x 640mm in diameter to the bottom, 550mm diameter to the top, finishing 600mm above the roof height of the main building..
- 1.4. Proposed opening hours are 1000 to 2300 seven days per week. The use would employ 2 full-time and 2 part-time members of staff.
- 1.5. No off road parking provision is provided.

[Link to Documents](#)

1. Site & Surroundings

- 1.1. The application site comprises a two storey property with commercial use to the ground floor and independent office/storage to the first floor area. The ground floor commercial aspect of the site was previously two units incorporating 260 and 262 High Street, which operated as one single unit. The site has since been sub-divided under application reference 2016/06039/PA to allow for the formation of two separate commercial units. The application site fronts onto the High Street, where restricted on-street vehicle parking is located.
- 1.2. The surrounding area is commercial in character with predominantly retail uses at the ground floor level and offices/storage/residential on the upper floors. The

application site is situated within the Primary Shopping Area of the Erdington District Centre.

[Location plan](#)

2. Planning History

- 2.1. 16.09.2016. 2016/06039/PA, Installation of replacement shop front, approved
- 3.2. 31.07.2006. 2006/03294/PA, Erection of second floor to provide three one-bedroom flats above existing retail units, refused

3. Consultation/PP Responses

- 3.1. Regulatory Services – No objection, subject to conditions requiring extraction/odour control details, noise insulation details, hours of operation restriction and bin storage details.
- 4.2. Transportation Development – No objections.
- 4.3. West Midlands Police – No objection, recommending that CCTV coverage is installed.
- 4.4. Nearby residents/occupiers, residents associations and Ward Councillors notified, with the following response:
- Ward Councillor Gareth Moore has requested the application be presented at planning committee due to potential litter pollution, anti-social behaviour and an exacerbation of such uses within the area.

4. Policy Context

- 4.1. Birmingham Development Plan (2017) and Birmingham Unitary Development Plan (2005 (Saved Policies)); Car Parking Guidelines (2012) and Shopping and Local Centres (2012) SPD; Places for All (2001) and Shop Front Design Guide (1995) SPG; NPPF (2012).

5. Planning Considerations

- 5.1. The main considerations in the determination of this application are the principle of the use, the impact on vitality and viability, neighbour amenity, potential impacts on crime and highway implications.
- 6.2. **Policy:** Saved UDP Policy 8.7 states that, due to the amenity issues and impact on traffic generation, hot food takeaways, restaurants/cafes should generally be confined to shopping areas or areas of mixed commercial development. The policy seeks to ensure that they do not cause demonstrable harm for the occupiers of nearby dwellings by giving rise to additional problems of noise and disturbance. Where a proposal involves evening opening, account will be taken of the proximity and extent of any nearby residential accommodation and ambient noise levels.
- 6.3. **Principle of the use:** The premises are located within a parade/area of 31 commercial units, which takes in the western end of High Street wrapping around into Wood End Road, which includes a mix of commercial uses. The site is located within the Primary Shopping Area of the Erdington District Centre, in which a variety of



large and small scale commercial uses exist. The proposed opening times of the business are within usual daytime/evening opening hours, opening at 1000 and closing at 2300, seven days per week, which is considered reasonable for a district centre location, furthermore this type of use is to be expected within established centres. Therefore I consider that the principle of the use is acceptable subject to vitality and viability assessment.

- 6.4. **Vitality and Viability:** Objection has been received from a Ward Councillor regarding a proliferation of similar uses within the surrounding area. The site is located within the primary shopping area of the Erdington District Centre as identified within the Shopping and Local Centres SPD (2012). The current lawful use of the premises is a commercial A1 unit; therefore consent is required for the change of use to that of a hot food takeaway (A5). The premises are located within a parade of 31 units between Newman Road off High Street to the north east of the site and wrapping around into Wood End Road, within the parade lies a mix of commercial uses, which includes 3 further hot food takeaway (A5) uses and 3 A3 Cafes/restaurants.
- 6.5. Policy 4 of the Shopping and Local Centres SPD states that in order to avoid an overconcentration of hot food takeaways, no more than 10% provision of the units within the centre should consist of hot food takeaways. A recent site survey was conducted in June 2017 of use types for the Erdington District Centre, which found that of the 236 units located within the centre, 9 units (3.8%) are within A5 use within the Primary Shopping Area and 14 units (5.9%) within the centre boundary. The vacancy level across the whole centre is approximately 12% (28 units) according to the 2015-16 shopping survey. Four further A3/A5 units have gained consent which to date have not been implemented within Central Square, if these 4 units were to be occupied by A5 uses then 5.5% would be located within the Primary Shopping Area, 7.6% centre wide. This application proposal for the change of use from retail to hot food takeaway (A5) would increase this to 5.9% within the Primary Shopping Area and 8.1% within the centre as a whole. Neither scenario will therefore exceed the 10% threshold.
- 6.6. With regards to the loss of a retail unit, Policy 1 of the Shopping and Local Centres SPD states that at least 55% of all ground floor units in Town and District Centres should be retained in retail (Class A1 use). The 2015/16 survey of the Erdington District Centre highlighted that 64% of units are within retail A1 usage, the change of use of this property from A1 usage would reduce this to approximately 63.5%, exceeding requirements.
- 6.7. Consequently, I consider that the proposed change of use of this unit to that of a A5 hot food takeaway would provide greater consumer choice and contribute to increased footfall and improve the vitality and viability of Erdington District Centre, without undermining the overall retail focus.
- 6.8. **Residential amenity:** The application site is located within the Erdington District Centre. Concern has been raised regarding potential litter pollution from a Ward Councillor. In response, in this instance I consider it reasonable to impose a condition requiring the provision of a litter bin. Office and storage use is located above the proposal site, whilst residential flats are located above a number of ground floor commercial units within the centre; the nearest residential dwellings are located approximately 75 metres to west on Reservoir Road beyond two very busy roads and the Six Ways traffic island, and approximately 60 metres to the rear on Newman Road and Wood End Road. Regulatory Services have assessed the proposal and raise no objections, subject to restrictive conditions regarding opening hours, noise insulation details between the commercial and first floor residential use, the provision

of a litter bin and extraction and odour control details. In response, I consider the requested conditions regarding the provision of a litter bin, extraction and odour control details and restrictive opening hours acceptable and accordingly attach them. However, in regards to noise insulation, to the first floor lies a storage/office use rather than residential, consequently I consider this condition is unnecessary and would be unreasonable in this instance.

- 6.9. **Highway/pedestrian safety:** The site is located within the Erdington District Centre, where such a use would be expected and parking is available on-street and within nearby car parks. Transportation Development have assessed the proposal and raise no objections, commenting that fronting the site and opposite are TRO controlled limited (1 hour Monday to Saturday 0745-1845) stay car parking bays. While these spaces are highly subscribed they offer potential for operational parking in safe and legitimate positions in the locality of the site. The site is also located within convenient walking distance for public transport bus routes and large residential catchment area. Consequently, it is not considered that a recommendation of refusal on parking matters could be robustly defended. I concur with this view.
- 6.10. **Crime and anti-social behaviour:** Concern has been raised by a Ward Councillor regarding potential anti-social behaviour issues. West Midlands Police have assessed the proposal and raise no objection, subject to condition requiring the installation of CCTV coverage, commenting that any premises operating as a late night hot food takeaway has increased potential to have incidents of crime and anti-social behaviour. In response, it is considered that this request is unreasonable in this instance as the site is located within a vibrant district centre in an area with an acceptable and good level of natural surveillance.
- 6.11. **Visual amenity:** The proposed extraction flue would be located to the rear of the site out of view of the main public domain, it is therefore considered that no impact would occur on visual amenity above or beyond the existing situation.

### Conclusion

- 7.1. The proposed change of use to a hot food takeaway (A5) would not detrimentally affect the vitality or viability of the Erdington District Centre and, no additional significant harm arises to either neighbour or visual amenity, crime or highway safety.

### 8. Recommendation

- 8.1. Approve subject to the following conditions.

- 
- |   |  |
|---|--|
| 1 | Requires the prior submission of extraction and odour control details  |
| 2 | Limits the hours of use to between 1000-2300                           |
| 3 | Requires the prior submission of a litter bin                          |
| 4 | Requires the scheme to be in accordance with the listed approved plans |
| 5 | Implement within 3 years (Full)  |
-

Case Officer: Keith Mellor

**Photo(s)**



Application site 1

## Location Plan



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Committee Date:	06/07/2017	Application Number:	2017/03810/PA
Accepted:	17/05/2017	Application Type:	Full Planning
Target Date:	12/07/2017		
Ward:	Shard End		

54 Kitsland Road, Shard End, Birmingham, B34 7NA

Change of use from A1 retail unit to A5 hot food takeaway and installation of extractor flue to side

Applicant: Mr W Akram  
54, Kitsland Road, Shard End, Birmingham, B34 7NA  
Agent: Mr S Khan  
248 Washwood Heath Road, Washwood Heath, Birmingham, B8 1RJ

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Recommendation

**Approve Subject To Conditions**

1. Proposal

- 1.1. This proposal seeks consent for a change of use of commercial unit 54 Kitsland Road from a retail shop (Use Class A1) to a hot food takeaway (Use Class A5) and the installation of an extraction flue to the north eastern side elevation.
- 1.2. Internally the unit would comprise of a staff W.C, store, kitchen/preparation area, service and customer counter. No customer seating is proposed.
- 1.3. The proposed extraction flue would be located to the north eastern side elevation of the premises, measuring 4.9 metres in height x 450mm in diameter at its widest point, 300mm at its narrowest, finishing 1 metre above roof height. The extraction flue would be encased in cladding and brickwork to resemble a chimney stack.
- 1.4. Proposed opening hours are 1100 to 2330 Monday to Saturday and 1100-2230 Sundays and Bank Holidays. The use would employ 4 full-time and 2 part-time members of staff.
- 1.5. No off road parking provision details are provided.
- 1.6. The appointed agent has provided supporting information, commenting that the property has been marketed for the past 24 months through the erection of marketing boards, details sent to local occupiers and agents and advertisements on the internet. To date numerous enquiries have been received but no firm rental offers, it is considered that to market the property with A5 consent would increase interest and bring this currently vacant site back into use.

[Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site comprises a commercial ground floor unit within a small parade of 7 similarly sized commercial units, consisting of the currently vacant application unit, a Costcutter convenience store which occupies three of the units with opening hours of 0700-2300 seven days per week, a barbers shop and two vacant units. Above the commercial units lies two stories of residential flats. Access to the rear is via a gated entrance off Berrowside Road, and a hard standing area which is used for vehicle parking. No TRO restrictions apply to the surrounding highway.
- 2.2. The surrounding area is predominantly residential in character, with the Guardian Angels Catholic Primary School located close by to the north.

[Location plan](#)

3. Planning History

- 3.1. 24.04.2007. 2007/00856/PA, Change of use of ground floor area of 42 Kitsland Road from retail (A1) to hot food takeaway (A5), refused
- 3.2. 07.12.2006. 2006/06316/PA, Display of internally illuminated ATM surround at 46-52 Kitsland Road, refused
- 3.3. 05.12.2006. 2006/06006/PA, Installation of ATM through external wall of retail premises 46 Kitsland Road, refused
- 3.4. 08.12.1977. 04325575, Change of use to hot food takeaway, refused
- 3.5. 23.06.1977. 04325566, Change of use from shop to fish & chip shop, refused
- 3.6. 22.01.1976. 04325546, Change of use to café, refused

4. Consultation/PP Responses

- 4.1. Regulatory Services – No objection, subject to conditions requiring restrictive noise levels for plant and machinery, noise insulation details between commercial use and residential premises above and restrictive operating hours of 1100-2230
- 4.2. Transportation Development – No objection
- 4.3. Site notice posted, nearby residents and Ward Councillors notified, with the following responses received: -
- 4.4. West Midlands Police – Object on the grounds of exacerbation of A5 uses within the area and anti-social behaviour issues.
- 4.5. Ward Councillor Marje Bridle objects, making the following comments:
  - Ward Councillor John Cotton and I were meeting regularly with local residents about anti-social behaviour at this location. This location has experienced ongoing problems with anti-social behaviour, in particular as a result of groups of youths gathering in the vicinity of the shops and behaving in a manner intimidating to residents. There has been significant work by the police and the City Council to address these issues over the last eighteen months, which has led to a reduction in the number of incidents reported.

- The opening of a hot food takeaway will undermine the progress that has been made and will attract groups of youths, encourage loitering and anti-social behaviour and also generate increased volumes of litter. The locality is already well served by a number of other takeaway outlets.
- 4.6. The Place Manager for the Shard End Ward comments that the locality of the premises is within one of our Anti-social behaviour hotspots which experiences issues with youths congregating, drug use and nuisance caused by persons buying and using alcohol in the vicinity. There have been numerous complaints from local residents and as a consequence of this the Police and ourselves have sited CCTV in the vicinity and carried out both intervention and enforcement work with a number of key local individuals. The local Elected Members and Kitsland Road resident group have been very supportive and we have invested a considerable amount of funding to improve the shop fronts. This work has also included test purchases at the local retail outlets, who have been involved in allowing or supplying alcohol to young people and individuals with alcohol dependency, which has caused increased levels of ASB and heightened the Fear of Crime amongst the local community. The opening of a fast food outlet would lead to young people congregating in the locality leading to increased levels of ASB and environmental crime.
  - 4.7. Representative of Yorkswood Residents Association raise concern to anti-social behaviour which the Association has been working with the Police and Ward Councillors to address and the addition of a hot food takeaway would undermine the achievements made to date. It is also noted that proposed opening hours would be until 2330 which is unacceptable to residents. The proposal would lead to litter/refuse issues and odour pollution. It is also noted that sufficient hot food takeaways are located in close proximity.
  - 4.8. One objection from a local resident who raises concern to increased noise pollution, anti-social behaviour, odour pollution and litter
5. Policy Context
    - 5.1. Birmingham Development Plan 2017 and Birmingham Unitary Development Plan 2005 (Saved Policies); Car Parking Guidelines 2012 and Shopping and Local Centres 2012 SPD; Places for All 2001 and Shop Front Design Guide 1995 SPG; NPPF 2012.
6. Planning Considerations
    - 6.1. The main considerations in the determination of this application are the principle of the use, the impact on vitality and viability, neighbour amenity, potential impacts on crime and highway implications.
    - 6.2. **Policy:** In accordance with the NPPF this proposal should be considered in terms of whether it achieves the social, economic and environmental objectives of sustainable development.
    - 6.3. Policy TP21 (The network and hierarchy of centres) of the Birmingham Development Plan 2017 states that proposals which will make a positive contribution to diversity and viability will be encouraged, particularly where they can help bring vacant buildings back into positive use.
    - 6.4. Saved UDP Policy 8.7 states that, due to the amenity issues and impact on traffic generation, hot food takeaways, restaurants/cafes should generally be confined to



shopping areas or areas of mixed commercial development. The policy seeks to ensure that they do not cause demonstrable harm for the occupiers of nearby dwellings by giving rise to additional problems of noise and disturbance. Where a proposal involves evening opening, account will be taken of the proximity and extent of any nearby residential accommodation and ambient noise levels.

- 6.5. **Background to previous consent:** There has been planning consent was refused under application ref: 2007/00856/PA for the change of use of 42 Kitsland Road to hot food takeaway on out of centre and residential amenity from cumulative impact from the Public House and proposed hot food takeaway use. Since then, the public house (The Two Hands) at the junction of Berrowside Road and Kitsland Road has been demolished and replaced with residential flats. There has also been material change with the adoption of the Birmingham Development Plan 2017 and SPD Shopping and Local Centres 2012, where policy 6 of the latter allows up to one hot food takeaway to be situated within retail parade outside any neighbourhood or district centre.
- 6.6. **Principle of the use:** The premises are located within a small local parade of 7 commercial units with two stories of residential flats above. The existing 7 units include 3 vacant units, a convenience store with opening hours of 0700-2300 and barbers. The proposed opening times of the business are 1100 to 2330 Monday to Saturday and 1100 to 2230 Sundays and Bank Holidays. Uses such as that proposed are directed towards commercial areas/parades and is what would be expected to be located within such areas. Therefore, I consider that the principle of the use is acceptable subject to an acceptable impact of the proposal on vitality and viability, residential amenity, crime and highway safety.
- 6.7. **Vitality and viability:** Objection has been raised regarding an exacerbation of such uses in the area. In response, Policy 6 of the Shopping and Local Centres SPD states that in order to avoid an over concentration of hot food takeaways (A5), no more than 10% of units within a frontage shall consist of hot food takeaways. Applications for a change of use to A5 will normally be refused where this figure has of will be exceeded. The parade incorporates 7 commercial units with no other A5 uses present, therefore adding one would increase this to 14.2%, exceeding the 10% Shopping and Local Centres (SPD) threshold. However, Shopping and Local Centres footnote 4 states that in parades or frontages which have fewer than 10 units, one A5 use may be permitted subject to meeting other policy considerations such as no adverse impact on the amenity of residents.
- 6.8. Consequently, the proposal is considered acceptable in terms of the vitality and viability of the parade, subject to acceptable impacts upon neighbour amenity. The proposal would bring back into use a unit which has been vacant and marketed for over 2 years with no successful letting, and which detracts from the overall appearance and quality of the parade. It is considered that the introduction of an A5 use into the vacant unit would improve the provision of the range of services available and would improve the character and vitality and viability of the parade. The marketing evidence and lack of interest for use as a retail shop further demonstrates that the proposed use has the potential to make this contribution to the vitality and viability of the parade and surrounding area.
- 6.9. **Residential amenity:** The application site is located within a well-established small commercial parade with residential flats above and residential dwellings located directly opposite. Proposed opening times are 1100 to 2330 Monday to Saturday and 1100 to 2230 Sunday and Bank Holidays. Objection has been received regarding potential noise issues, litter/refuse issues, odour pollution and the proposed opening

hours to 2330. Regulatory Services have assessed the proposal and raise no objections, subject to restrictive conditions regarding noise levels for plant and machinery, noise insulation details between commercial use and residential premises above and restrictive operating hours of 1100-2230. In response, it is noted that the adjoining Costcutter convenience store has opening times of 0700 to 2300 seven days per week, I consider the requested restriction of opening hours to 1100 to 2230 replacing the proposed 1100 to 2330 appropriate in this predominantly residential location, mitigating concerns and ensuring the proposal does not open beyond the closure of the convenience store at a time when residents would expect a relatively quieter environment. The appointed agent has agreed to this amendment. The conditions requiring noise insulation and restrictive limits for plant and machinery are considered acceptable and accordingly attached.

- 6.10. **Crime and anti-social behaviour:** Objections from Ward Councillors, the Place Manager for the Shard End Ward, a representative of Yorkswood Residents Association and a local resident have been received, raising concern to anti-social behaviour issues, in an area where the problem has been prevalent but is now declining due to intervention.
- 6.11. West Midlands Police have assessed the proposal and raise objection, as the area is predominantly residential in character and planning history for the parade includes a number of refused proposals for the introduction of a A3/A5 uses. It is further commented that this use should be directed towards established nearby centres and that this use is well allocated locally without the need for a further A5 use. On visiting the site West Midlands Police noted that the area was untidy and strewn with litter and people drinking outside the parade, these issues and anti-social behaviour has been a problem at this location, which is considered an anti-social behaviour hotspot.
- 6.12. In response, whilst the above concerns are noted, it is considered that the unit is located in a commercial setting in which the type of use proposed is directed to be located by current policy and is what would be expected within such a location. Three of the units, including the application premises have been long term vacant, and the adjoining unit occupied by Costcutter opens until 2300 seven days per week. The parade is also covered by CCTV. It is considered the introduction of a commercial use into the parade would be beneficial, aiding natural surveillance and reducing the unwelcoming atmosphere surrounding the site, reducing the detrimental effect of vacant units.
- 6.13. **Highway/pedestrian safety:** Transportation Development have assessed the proposal and raise no objection, commenting that a likely increase in demand for short stay parking would occur on street around lunchtimes and evening peak traffic hours. An area of hardstanding at the junction of Kitsland Road/Berrowside Road is used for parking from which the development would benefit. There are no TRO parking controls on Kitsland Road or Berrowside Road fronting the site, and the site is located within walking distance of public transport/bus routes.
- 6.14. **Visual amenity:** The proposed extraction flue would be located within view on the side elevation of the premises. However it would be enclosed with cladding and brickwork to resemble a chimney and is considered visually acceptable on this basis.

## 7. Conclusion

- 7.1. The proposed change of use to a hot food takeaway (A5) would introduce a use to a unit which has been vacant and marketed for 2 years. It is considered the introduction of the use would improve the vitality and viability of the parade and no

additional significant harm would arise to either neighbour or visual amenity, crime or highway safety to warrant refusal.

8. Recommendation

8.1. Approve subject to the following conditions.

- 
- |   |  |
|---|--|
| 1 | Limits the noise levels for Plant and Machinery                        |
| 2 | Requires the prior submission of noise insulation (variable)           |
| 3 | Limits the hours of use to 1100-2230                                   |
| 4 | Requires the prior submission of extraction and odour control details  |
| 5 | Requires the prior submission of a litter bin                          |
| 6 | Requires the scheme to be in accordance with the listed approved plans |
| 7 | Implement within 3 years (Full)  |
- 

Case Officer: Keith Mellor

## Photo(s)



Side elevation 1



54 Kitsland Road 1

## Location Plan



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Committee Date:	06/07/2017	Application Number:	2017/02934/PA
Accepted:	03/04/2017	Application Type:	Full Planning
Target Date:	29/05/2017		
Ward:	Stechford and Yardley North		

Stechford Retail Park, Flaxley Parkway, Stechford, Birmingham, B33 9AN

Reconfiguration of existing car parking layout, totem structures and landscaping.

Applicant: Birmingham City Council  
Economy Directorate, 1 Lancaster Circus Queensway, Birmingham, B4 7DJ

Agent:

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Recommendation

**Approve Subject To Conditions**

1. Proposal

1.1. This planning application seeks consent for the provision of an amended vehicular and pedestrian access into Stechford Retail Park along with the reconfiguration of the retail parks existing eastern and western car parks and existing totem structures and landscaping.

1.2. The proposed car park reconfiguration would see the access into the western car park moved further south into the retail park along Flaxley Parkway and the provision of an additional 65 no. parking spaces and associated soft and hard landscaping split between the eastern and western car parks alongside Flaxley Parkway and around the boundary of the retail park whilst the existing totem signage would be reoriented so that they relate to the revised access arrangements.

1.3. [Link to Documents](#)

2. Site & Surroundings

2.1. The application site comprises of the existing retail park, known as Stechford Retail Park, which itself comprises of a variety of modern retail units centre around two distinct surface level car parks with Flaxley Parkway located centrally within the site.

2.2. Flaxley Parkway provides access from the existing Iron Lane/Station Road/Flaxley Road gyratory into the retail park and which forms a central access through the retail park to other industrial units in Stechford, east Birmingham.

2.3. To the north of the retail park lies Flaxley Road and the gyratory, beyond which are commercial units and residential properties, to the south a railway line, to the east



further residential development (Old Farm Road) and to the west Station Road with ribbon commercial uses.

2.4. [Site Location](#)

3. [Planning History](#)

- 3.1. Various applications relating to the original outline and reserved matters applications as well as a number of variation of condition/S73 applications.

4. [Consultation/PP Responses](#)

- 4.1. Press Notice and Site Notice Published. Local MP, Local Ward Members, resident associations and local residents notified with no comments received.

- 4.2. Regulatory Services – No objection.

- 4.3. Transportation Development – Acknowledge the over provision of parking spaces on site against maximum parking standards without a clear rationale and suggest that conditions securing additional levels of cycle storage and designated parent/child parking be secured and that provision of electric vehicle charging points be investigated.

- 4.4. Network Rail – Following comments received;

- It appears that the developer has included Network Rail land within their application. However, no Article 13 notification has been made and the applicant is advised that no works are to take place on Network Rail land.
- The developer must ensure that their proposal, both during construction and as a permanent arrangement, does not affect the safety, operation or integrity of the existing operational railway / Network Rail land.
- The applicant should liaise with Network Rail Asset Protection.

5. [Policy Context](#)

- 5.1. Birmingham Development Plan (2017), Birmingham UDP (Saved Policies), Places for All SPG, Car Parking Guidelines SPD, NPPF.

6. [Planning Considerations](#)

*Background to Proposal*

- 6.1. The current planning application for the amendments to Stechford Retail Park's access and car park reconfiguration has arisen as a result of a package of planned highway improvement works to improve journey times throughout the wider area and to increase vehicle capacity on the local road network.

- 6.2. The wider highway works would see the removal of an existing gyratory system that feeds into the retail park and which would be replaced with two new roundabout junctions along with the widening of Station Road (between Burney Lane and Flaxley Road) to dual carriageway, a new road bridge structure over the River Cole and the provision of a dual carriageway section between Burney Lane Roundabout and new roundabout junction of Flaxley Road/Iron Lane/Station Road in front of the retail park access.

- 6.3. The overall highway improvement scheme, within which the proposed access arrangements to the retail park are contained within, forms part of a £13 million (approx.) scheme which is being funded by the City Council and the Greater Birmingham and Solihull Local Enterprise Partnership (GBSLEP) in order to unlock economic growth in the area by reducing congestion through improved infrastructure.
- 6.4. It is understood that should planning permission be granted that the applicant will then be able to move forward with the Compulsory Purchase Order (CPO) process in order to acquire the required land to move the project forward (planning permission being a requirement to initiate that process) and that the scheme layout has been designed in agreement with the landowner of the retail park (Stechford Retail Park) in order to minimise any potential objections to the CPO process at a later date.
- 6.5. The retail park access amendments and car park reconfiguration are put forward as a result of the revised highway line for the provision of the dual carriageway and the provision of the two no. new roundabouts at the junction of Iron Lane/Station Road/Flaxley Parkway.

#### *Principle of Development*

- 6.6. Whilst not designated as a defined centre in the Shopping and Local Centres SPD, the application site is located within an established out-of-centre retail park, namely Stechford Retail Park.
- 6.7. The proposed access amendments and car park reconfiguration would not result in an increase in retail floorspace and would therefore not adversely impact upon the viability or vitality of nearby designated centres.
- 6.8. It is noted that the proposal has been put forward as part of a package of highway improvement measures in order to reduce congestion on the wider Stechford area and to improve capacity on the local road network. The proposal is considered to be a key component to the overall road improvement scheme which would enhance the local environment and improve the highway network in Stechford. On this basis, the proposal is considered acceptable in principle subject to an assessment of highway safety and visual amenity.

#### *Visual Impact*

- 6.9. The proposed access and car park reconfiguration requires the removal of existing vegetation planting and the relocation of existing hard landscaping, including fencing/railings and entrance features (existing totem structures) that forms part of the existing retail park environment.
- 6.10. However, the applicant has submitted a landscaping scheme which has outlined replacement planting along the retail park's revised boundary with the new road arrangements and boundary treatments related to hard landscaping which has been assessed by the city's landscape officer.
- 6.11. The scheme seeks to provide new tree and hedge planting along the site's revised perimeter boundaries along Station Road and Flaxley Road. In addition, a continuation of tree and hedge planting along Flaxley Parkway is proposed until it meets existing landscaping within the main body of the retail park with tree species

of Lime and Cherry proposed which will integrate with existing planting within the retail park and also within the wider landscaping scheme proposed for the wider road improvement scheme.

- 6.12. Also, the scheme proposes to reuse the retail parks existing boundary fencing/railing which are of a distinct design and were installed when the retail park was originally constructed along with the retention and reorientation of existing totem structures so as to face the revised access arrangements, which are also of a distinct design and complement the existing railing, which is welcomed.
- 6.13. The city's landscape officer has been consulted on the proposed landscaping scheme and has raised no objections following revisions to the scheme taking on board initial comments previously made. I concur with this viewpoint and consider the proposal appropriate in this regard.

#### *Parking and Highway Safety*

- 6.14. The proposed car park and access road reconfiguration would result in the provision of an additional 65 no. parking spaces within the retail park, the majority of which would be located within the extended western car park, adjacent to the McDonalds restaurant and which is a result of the provision of additional land being acquired and reconfigured to provide a more usable site shape to accommodate the revised access road (Flaxley Parkway).
- 6.15. The BCC car parking standards SPD stipulates maximum parking provision levels for retail uses and is based upon the floor space of the retail units in question and their location in relation to public transport options. In this case the application site is deemed to be in Area 2 as it is within 500m of Stechford Railway Station (approx. 350m) and therefore parking provision is based upon 1 no. space per 21sqm for A1 convenience and 1 no. space per 30sqm for A1 comparison retail.
- 6.16. Whilst the applicant has not provided the gross floor area for the retail units an officer assessment has been undertaken and which has ascertained that approximately 9700sqm of retail floorspace (with maximum of 2500sqm convenience A1 retail and the rest comparison A1) is found on site and which equates to a maximum standard of approximately 360 no. spaces.
- 6.17. The submitted application has indicated that the site currently has 491 no. existing spaces which already exceeds the maximum parking standards outlined within the SPD. However, the site was constructed prior to the policy's introduction in 2012.
- 6.18. The scheme does seek to provide an additional 65 no. parking spaces which would result in additional provision over and above the maximum policy threshold stipulated within the SPD although as a result of additional land and the reconfiguration of the car park and access road realignment it provides a more usable site layout. The proposal is therefore contrary to policy in this regard. It is noted that the site's existing parking provision, observed over a number of visits (site visits undertaken associated with the current application and others in the locality), that the existing parking provision is not fully utilised and remains largely empty for a significant portion of time.
- 6.19. Therefore, whilst the proposal does not accord with the maximum parking standards outlined within the SPD, I am of the view that this should be balanced against other materials considerations when determining the application.

- 6.20. The proposal has been put forward as part of a package of highway improvement measures in order to reduce congestion within the wider Stechford area and to improve capacity in the local road network which also forms part of the cities 'Outer Ring Road' (A4040).
- 6.21. In addition, the proposal is considered to be a key component to the overall road improvement scheme which would enhance the local environment through a decrease in traffic congestion and therefore pollution, whilst also positively impacting upon Stechford as a growth area within east Birmingham. Furthermore, the provision of associated landscaping that ties into a wider landscaping strategy as a result of the proposal are all considered to be positive aspects of the current proposals, which form part of a wider road improvement scheme.
- 6.22. Should planning permission be granted then the Compulsory Purchase Order (CPO) process would begin immediately in order to acquire the required land to move the project forward towards a start date on site which is anticipated as being late 2017/early 2018. The applicant has indicated that the scheme put forward for consideration within the current planning application has been designed and negotiated with Stechford Retail Park as landowners to secure their operational requirements to reduce the potential of the landowner objecting to the land the required land acquisition during the CPO process and therefore delaying the overall scheme provision.
- 6.23. Transportation Development has been consulted on the proposal and has engaged in discussions with the applicant and the planning officer and has noted the provision of additional parking over and above maximum parking standards policy discussed within this report. Following on from these discussions, they are of the view that such over provision should only be provided in conjunction with an increase in cycle storage and parent and child parking bays.
- 6.24. Furthermore, it is noted that the provision of additional vehicle parking in itself does not promote sustainable travel to the retail park and could result in an increase in vehicle trips to the site as parking provision would be more freely available which in turn may result in an increase in vehicle emissions adversely impacting upon air quality. I therefore consider that the provision of electric vehicle charging points are necessary to encourage those who visit the site to do so in an environmentally friendly manner (on conjunction with other sustainable transport modes, e.g. train, bus, walk and cycle) and that the imposition of a condition securing such provision is reasonable in this case.
- 6.25. On this basis it is considered that the large scale benefits to the Stechford highway improvement scheme, as a result of the current planning application, along with the suggested planning conditions are of sufficient outweighing benefit to set aside the policy conflict related to maximum parking standards and is therefore on balance deemed to be acceptable in this regard.

#### *Other Matters*

- 6.26. Network Rail have commented upon the proposal and have raised an objection on the basis that they consider themselves to be the landowner of small parcel of land along Station Road. They contend that insufficient notification of the planning application has been provided to them by the applicant. This point has been raised with the applicant who has stated that they are the landowner and that the correct certificates and notices have been served and that Network Rail are incorrect in this regard.

- 6.27. Network Rail have also stated that the developer must ensure that their proposal, both during construction and as a permanent arrangement, does not affect the safety, operation or integrity of the existing operational railway / Network Rail land and that they should liaise with Network Rail Asset Protection accordingly.

7. Conclusion

- 7.1. Whilst not designated as a defined centre in the Shopping and Local Centres SPD, the application site is located within an established out-of-centre retail park, namely Stechford Retail Park and the proposal would not result in an increase in retail floorspace and therefore not adversely impact upon the viability or vitality of nearby designated centres.
- 7.2. The proposed landscaping scheme proposes to reuse existing boundary fencing/railing which are of a distinct design and were installed when the retail park was originally constructed whilst also providing sufficient new planting in the form of trees and hedging that are appropriate to the existing retail park landscaping and the wider landscaping strategy associated with the highway improvement scheme.
- 7.3. Whilst not in accordance with the maximum parking standards SPD it is considered that the large scale benefits to the Stechford highway improvement scheme, including the current planning application which is a key component of it, are of sufficient weight to set aside this policy conflict and is therefore on balance deemed to be acceptable in this regard.

8. Recommendation

- 8.1 Approve, subject to conditions.

- 
- |   |   |
|---|---|
| 1 | Requires the scheme to be in accordance with the listed approved plans  |
| 2 | Provision of hard and/or soft landscape details   |
| 3 | Provision of boundary treatment details   |
| 4 | Requires the submission of cycle storage details within 6 months of approval                                  |
| 5 | Requires the submission of a car park management plan for parent and child spaces within 6 months of approval |
| 6 | Provision of designated electric vehicle charging points  |
| 7 | Implement within 3 years (Full)   |
- 

Case Officer: Mohammed Nasser



## Photo(s)

**Fig 1 – View into Retail Park along Flaxley Parkway.**

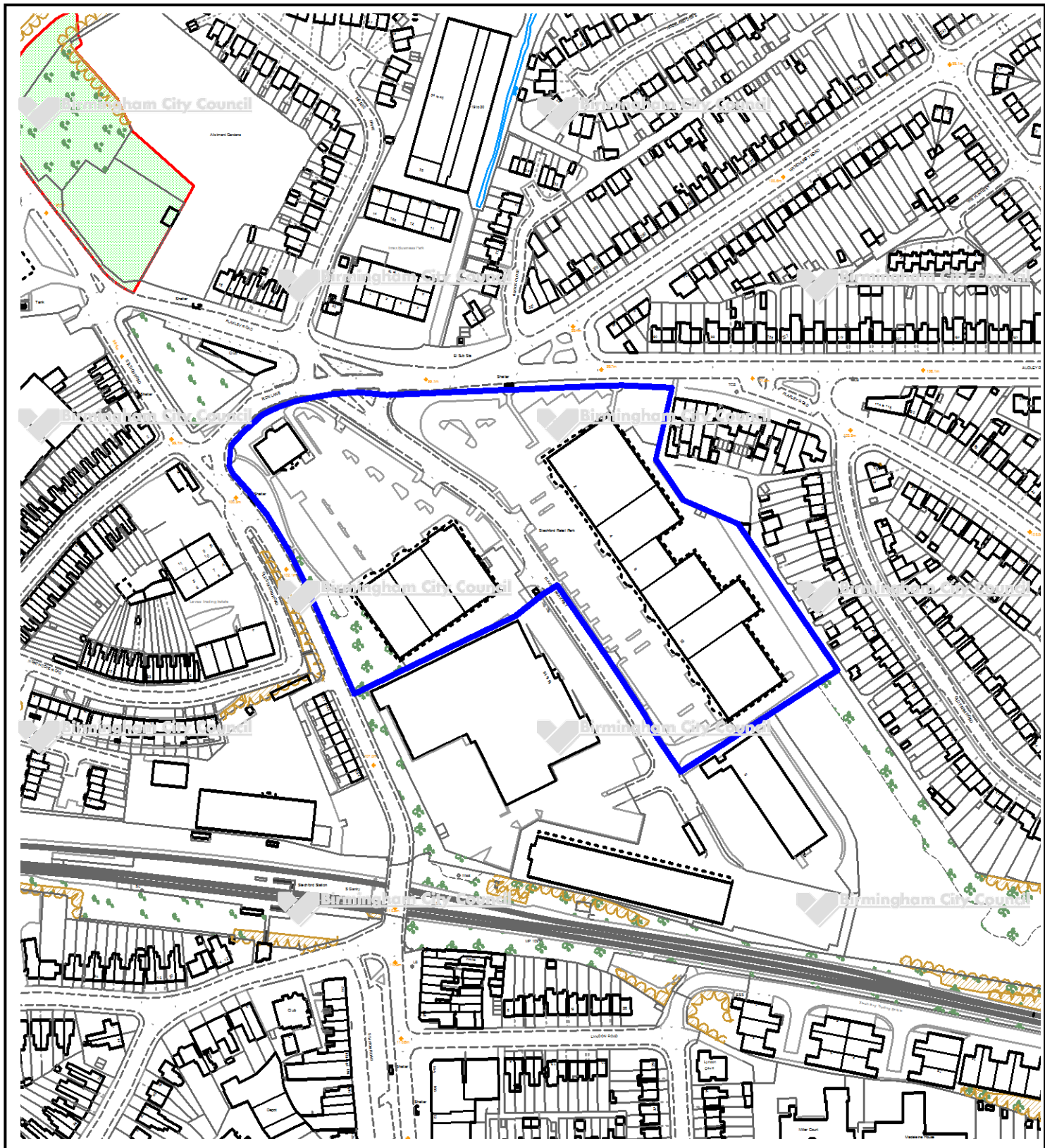


**Fig 2 – Western Car Park and Drive Thru Access (McDonalds).**





## Location Plan



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# **Birmingham City Council**

## **Planning Committee**

**06 July 2017**

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Approve - Conditions	14	2017/02895/PA  261 Vicarage Road Kings Heath Birmingham B14 7NE  Change of use from residential dwelling (Use Class C3) to a 9- bedroom House in Multiple Occupation (HM) (Sui Generis), erection of single storey rear extension, alterations to front elevation and removal of advert hoarding
Approve - Conditions	15	2017/03562/PA  49 High Street Harborne Birmingham B17 9NT  Change of use from retail shop (Use Class A1) to hot food take-away (Use Class A5) and installation of extraction flue to rear

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Committee Date:	06/07/2017	Application Number:	2017/02895/PA
Accepted:	31/03/2017	Application Type:	Full Planning
Target Date:	26/05/2017		
Ward:	Brandwood		

261 Vicarage Road, Kings Heath, Birmingham, B14 7NE

Change of use from residential dwelling (Use Class C3) to a 9- bedroom House in Multiple Occupation (HM) (Sui Generis), erection of single storey rear extension, alterations to front elevation and removal of advert hoarding

Applicant:	KMLT Partnerships Ltd 15 Birches Close, Moseley, Birmingham, B13 9TR
Agent:	A P Architecture Ltd E-Innovation Centre, Suite SE 219, Telford Campus, Priorslee, Telford, Shropshire, TF2 9FT

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Recommendation

**Approve Subject To Conditions**

1. Proposal

- 1.1. Planning permission is sought for the change of use from residential dwelling (Use Class C3) to a 9 bedroom HMO (Sui Generis), erection of single storey rear extension, alterations to front elevation and removal of advert hoarding. The application has been amended since submission at the request of officers, the principal changes being: \* the replacement of the tenth bedroom with a communal living room; \* indicative furniture layouts provided, and; \* a minor enlargement of the extension to allow slighter bigger sizes to some of the ground floor bedrooms.
- 1.2. The proposed HMO would advertise rooms on the open market aimed at young working professionals and transient workers on a long-term rent basis.
- 1.3. The existing property is a 5 bedroom dwelling with two home office rooms, a front and rear reception, conservatory, dining room, 2 kitchens and a bathroom. Minor internal alterations are proposed. However, the general position and size of the rooms would remain similar to existing.
- 1.4. The proposed HMO would have a kitchen, dining room, living room, office, and 5 en-suite bedrooms at ground floor. At first floor there would be a further 4 en-suite bedrooms. The proposed bedrooms would measure between 10.5sq.m.- 14.2sq.m.
- 1.5. The proposed HMO would provide a garden of 150sq.m.
- 1.6. The proposed extension would be single storey and attached to the end of the existing rear extensions. It would measure a maximum of 7.1m in width x 5.8m in length x 3.6m in height. The proposed extension would have a mono- pitched roof

and would be constructed of brick with cream render, grey concrete tiles and brown Upvc windows to match existing.

- 1.7. The front elevation of the application property would be altered to remove one of the existing front doors (there are currently two existing front doors serving the same property) and replace it with extended porch and new window. The proposed alterations would be constructed with cream render, grey concrete tiles and brown Upvc windows to match existing. In addition, an existing advertisement hoarding would be removed from the side elevation of the property.
- 1.8. The existing access off Vicarage Road to the frontage would be retained and the existing access to a garage at the rear located off Hambury Drive would be retained. There are 4 parking spaces (plus the garage) which are proposed to be retained within the scheme. The Applicant proposes to remove the advert hoarding on the gable end (south-west) elevation of the property.
- 1.9. The proposed scheme would not attract a CIL contribution.
- 1.10. [Link to Documents](#)

## 2. Site & Surroundings

- 2.1. 261 Vicarage Road is a detached property on the corner of Vicarage Road and Hambury Drive. The property has had significant extensions to the rear in the 1990s and a shopfront added to the western half of the frontage in the 1960s.
- 2.2. The western boundary of the site abuts Hambury Drive and has a grassed bank with a number of trees to the public highway.
- 2.3. Vicarage Road is one of the main East- West linking roads in the south of Birmingham, forming the northern border of Brandwood Ward. The road links the Allens Croft estates and Stirchley to Kings Heath and Alcester Road. The application premises is sited to the east of a small group of shops to both sides of the road extending down to Priory Road. The shops on the north side of Vicarage Road have some forecourt parking. There is a bus stop for the No 11c and 35 routes outside the neighbouring property (No 259)
- 2.4. The surrounding area is largely residential apart from the aforementioned shops. On the adjacent corner of Vicarage Road and Hambury Drive is a flatted development and care home for people with learning disabilities.
- 2.5. [Site Location Plan](#)

## 3. Planning History

- 3.1. 11/12/1992- 1992/05055/PA- erection of lounge and bedroom extension- Approved subject to conditions.
- 3.2. 17/10/2016- 2016/08527/PA- Change of use from residential dwelling (Use Class C3) to day nursery (Use Class D1), and erection of different single and two storey extension- Refused due to negative impact to residential amenity, loss of residential dwelling, noise and disturbance, visual amenity of single storey and two storey extension, parking and access and removal of trees.

#### 4. Consultation/PP Responses

- 4.1. Transportation Development- No objection subject to condition for secure and sheltered cycle storage to be installed in line with BCC minimum standards.
- 4.2. Regulatory Services- No objection subject to condition for new or replaced windows to have a noise insulation scheme submitted.
- 4.3. West Midlands Police- No objection subject to conditions for all interior bedroom doors and communal front door to be to PAS 24 Standard and that there is an access control system to the front or commercial doors.
- 4.4. Neighbouring Occupiers, Residents Associations and Local Ward Members notified and a Site Notice displayed. Four objections and one comment received from neighbouring residents outlining the following concerns:
- Lack of parking and congestion issues,
  - Loss of family dwelling,
  - There is no fire escape within the scheme,
  - There has been no public notice displayed,
  - Impacts of additional sewage,
  - Flooding issues,
  - Crime and anti-social behaviour from potential future occupiers
  - Cooking in each room which would lead to fire hazard and odour issues,
  - Noise and disturbance issues,
  - Addition of another HMO in close proximity to existing at no. 262 Vicarage Road.
  - Poor living conditions for future residents.
  - Not enough public participation on the application.
- 4.5. Councillor Henley requested that the application be determined by the Planning Committee.

#### 5. Policy Context

##### 5.1. National Policy

- National Planning Policy Framework (NPPF) 2012

##### Local Policy

- Birmingham Development Plan (BDP) 2031,
- Places for Living SPG (2001),
- Specific Needs Residential Uses SPG (1992),
- Saved Policies Birmingham UDP (2005),
- Car Parking Guidelines SPD,
- Places for All SPG (2001).

#### 6. Planning Considerations

- 6.1. The main considerations in the assessment of this application are the principle of the development, impacts on visual amenity and local character, impact on residential amenity, living conditions of future occupiers, and highways safety and parking.

*The Principle of Development*

- 6.2. The NPPF sets out core planning principles, stating that LPA's 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. Specific Needs SPG and saved UDP Policy 8.24 requires account to be taken of the effect of the proposal on the amenities of the surrounding area and adjoining premises; the size and character of the property; the floorspace standards of the accommodation and the availability of car parking.
- 6.4. Saved UDP policy 8.25 states that the use of small terraced and semi-detached houses for HMO's will cause disturbance to the adjoining house(s), and will be resisted and that the impact of such a use will depend on the existing use of adjoining properties and on ambient noise levels in the immediate area.
- 6.5. The application property is a large, extended detached property set within a large plot on the corner of Vicarage Road and Hambury Drive. The surrounding area has a mixed residential and commercial character, the former consisting of mainly family dwellinghouses, interspersed with other institutional type residential uses. This includes a block of flats and a care home opposite on Hambury Drive, a HMO opposite on Vicarage Road at no. 262. Given that the majority of the area is still family housing, the loss of one single family dwelling would not be detrimental to the character of the area and single family dwellings would remain the predominant use of the area. The site is not located within an area identified as an Area of Restraint for HMOs. As such I do not consider that there would be any significant cumulative impacts of the change of use from a large residential dwelling to HMO and in principle the change of use is acceptable.

*Visual Amenity*

- 6.6. The proposed external alterations would include the removal of one of the existing front entrances and the removal of the existing advert hoarding on the side elevation of the property. I consider that both of these changes would be beneficial to the appearance of the property which would be more in keeping with the residential character of the surrounding area. As such, I consider that the proposed scheme would have a positive impact on the street scene.
- 6.7. I consider the proposed single storey rear extension would be of a siting, scale and appearance in keeping with the host property and would not have a detrimental impact on the visual amenity of the surrounding area.

*Residential Amenity*

- 6.8. In relation to potential noise and disturbance, Regulatory Services have raised no objection subject to a condition for new or replaced windows to have appropriate noise insulation to protect future occupiers from road traffic noise. I consider that such a condition should be attached to any consent granted.
- 6.9. In relation to potential noise and disturbance to neighbouring residents, the proposed HMO is a large detached property which would already cater for a large



family. As such, I do not consider that the proposed change of use would result in a significant increase in noise and disturbance to neighbouring properties.

- 6.10. In relation to the proposed extension, it is a minor single storey addition to the rear which would extend the existing extension by 5.8m along the elevation facing onto Hambury Drive. There are no rear facing windows on the rear elevation of no. 259 Vicarage Road and as such there would be no breach of the Council's 45 Degree code. There are habitable room windows along the side elevation of the wing extension at no. 259 Vicarage Road which face toward the application property. However, there are no new windows proposed along the north eastern elevation of the proposed extension and as such there would be no issues in relation to privacy. I do not consider that the minor single storey extension would result in a loss of light or outlook to the neighbouring residents at no. 259 Vicarage Road.
- 6.11. The proposed extension would be located 10.4m from the rear boundary shared with no. 5 Hambury Drive. As such, the proposed extension would comply with the 5m separation distance as set out in the Council's Places for Living SPG.

#### *Living Conditions*

- 6.12. The 9 bedrooms measure between 10.5sq.m.- 14.2sq.m and all of the bedrooms are single bedrooms with their own en-suite facilities. There is a communal kitchen measuring 16.9sq.m., communal dining room measuring 20.2sq.m., a communal living room measuring 18.5sq.m. and office provided within the scheme. The Council's Specific Needs Residential Uses SPG specifies that a single room with separate kitchen/ living room facilities should provide 6.5sq.m. of floor space. As such, all the proposed bedrooms would meet this requirement. Furthermore, the proportions and location of the existing rooms are not proposed to differ significantly and therefore the internal layout as proposed would allow for conversion back into a large family dwelling, should the opportunity arise in the future.
- 6.13. The total communal space (including living room, kitchen and dining room) measures 55.6sq.m which provides an adequate amount of communal space and indicative furniture plans show how this space would be utilised to accommodate for 9 people.
- 6.14. A rear garden of approximately 150sq.m. is provided within the scheme which is considered an acceptable size of garden to accommodate the proposed change of use.

#### *Highways Safety and Parking*

- 6.15. Transportation Development have raised no objection to the proposed change of use and recommended a condition for secure and sheltered cycle storage to be installed in line with BCC minimum standards.
- 6.16. I note neighbouring objectors in relation to parking and congestions issues. However, the proposed scheme is retaining all 4 existing parking spaces in addition to the existing garage to the rear of the property which would provide a sufficient level of parking provision in line with the Council's Car Parking Guidelines SPD. In addition, parking on street along this stretch of Vicarage Road and Hambury Drive is unrestricted and regular buses serve this location throughout the day. With the addition of the secure and sheltered cycle storage which can be attached as condition, I consider that the proposed change of use would not result in a detrimental impact on parking or congestion.

### *Other Matters*

- 6.17. I note neighbouring concerns in relation to the increased sewage as a result of the proposed scheme. Severn Trent Water were not consulted on this application. I have attached a condition in order to require the submission of drainage details in order to ensure adequate drainage for the additional bathrooms created within the scheme.
- 6.18. In relation to anti- social behaviour and crime, West Midlands Police have raised no objection to the proposed scheme subject to conditions for all interior bedroom doors and communal front door to be to PAS 24 Standard (minimum British standards) and that there is an access control system to the front or communal doors. However, these conditions relate to the internal arrangement within the house which cannot be subject to a planning conditions and as such these conditions have not been attached.
- 6.19. I note neighbour concerns in relation to the type of future occupiers of the house. However, this is not a planning consideration which can be given weight in the determination of this application. One objection comments states there has not been enough public notification of the application. I note that surrounding occupiers have been notified, and a site notice displayed, in accordance with our guidelines.

### 7. Conclusion

- 7.1. The proposed change of use would not result in any harm to visual or residential amenity or highway safety and parking. The proposal would accord with guidance contained within the Birmingham Development Plan, UDP Saved Policies and National Planning Policy Framework providing an alternative residential accommodation in a highly sustainable location and therefore is considered acceptable. The proposal constitutes sustainable development.

### 8. Recommendation

- 8.1. Approve subject to conditions.

- 
- |   |  |
|---|--|
| 1 | Requires the scheme to be in accordance with the listed approved plans                         |
| 2 | Requires the prior submission of cycle storage details   |
| 3 | Requires the prior submission of a drainage scheme   |
| 4 | Requires that the materials used match the main building                                       |
| 5 | Prior submission of noise study to establish residential acoustic protection (front elevation) |
| 6 | Limit occupancy to nine persons  |
| 7 | Prior submission of internal acoustic wall insulation to Bedrooms 3, 4, 5.                     |
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8 Requires the removal of the advert hoarding

9 Implement within 3 years (Full)

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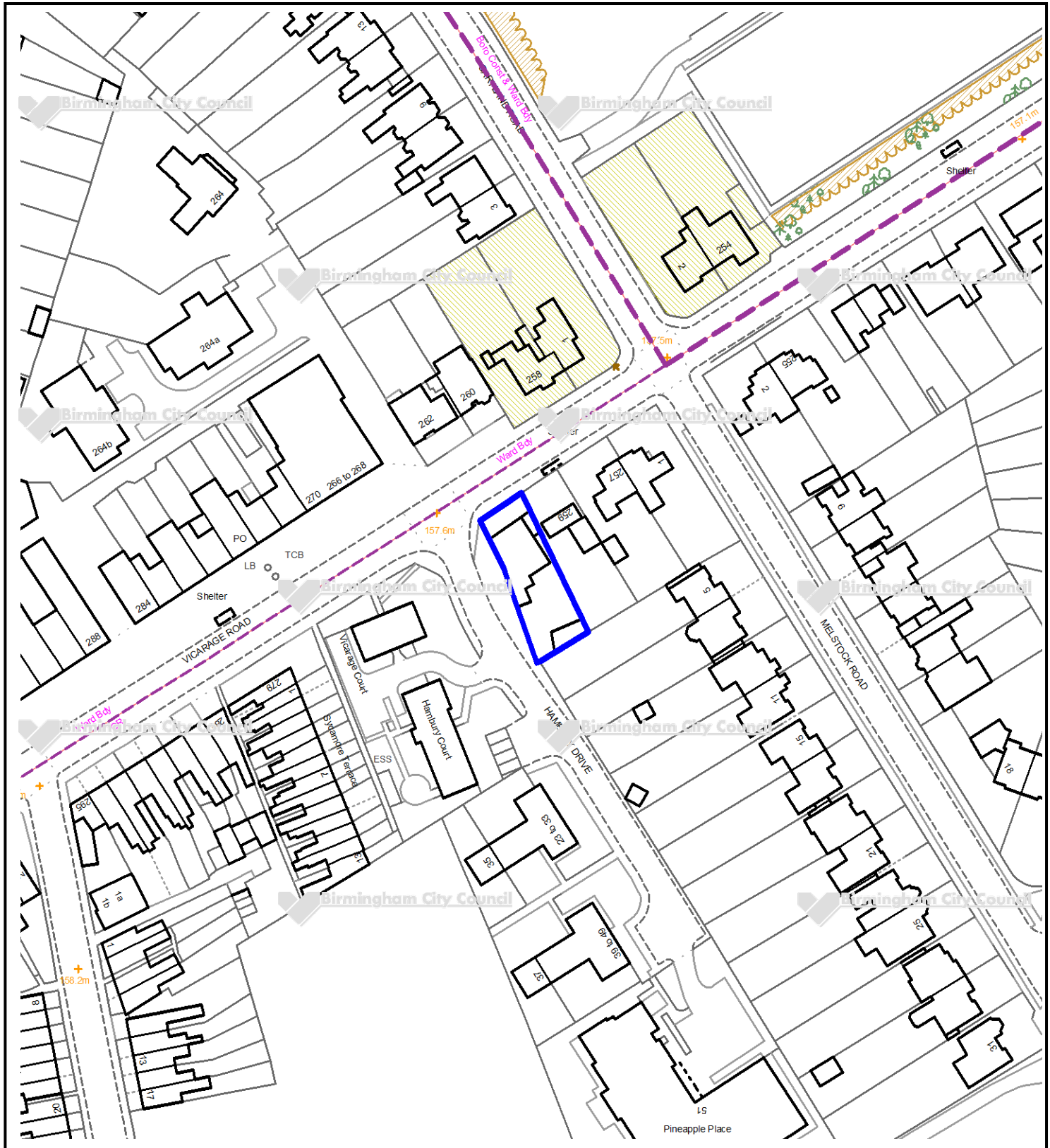
Case Officer: Sophie Long

**Photo(s)**



**Figure 1- Front Elevation of Application Property no. 261 Vicarage Road**

## Location Plan



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Committee Date:	06/07/2017	Application Number:	2017/03562/PA
Accepted:	24/04/2017	Application Type:	Full Planning
Target Date:	19/06/2017		
Ward:	Harborne		

49 High Street, Harborne, Birmingham, B17 9NT

Change of use from retail shop (Use Class A1) to hot food take-away (Use Class A5) and installation of extraction flue to rear

Applicant: Mr Amed Rabjabi  
49 High Street, Harborne, Birmingham, B17 9NT  
Agent: Lapworth Architects  
Crown House, 123 Hagley Road, Edgbaston, Birmingham, B16 8LD

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Recommendation

**Approve Subject To Conditions**

1.1. Proposal

- 1.2. The proposal is for the change of use of a sandwich bar (Use Class A1) to a Hot Food Takeaway (Use Class A5) at 49 High Street Harborne. The proposal includes the installation of an external extraction flue to the rear elevation of the property.
- 1.3. The terraced building has an angled rear wing that follows the path of North Road partly obscuring the rear of the building. The proposed 0.42m diameter flue would exit the rear of the main terrace at a height of 2.2m and extend 6m up the rear of the building to terminate in a cowl 1.5m above the eaves line.
- 1.4. The proposal does not include any changes to the area of the sales floor which is retained at 19m<sup>2</sup>. The proposed opening hours are 09:00 to 23:00 Monday to Friday, 10:00 to 23:00 Saturday and 10:00 to 16:00 Sundays and Bank Holidays.
- 1.5. The upper floor is occupied by the Applicant as a flat. The use would employ a stated one person full-time.

1.6. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application property is one of a terrace of six properties with retail / commercial uses on the ground floor and some residential above. It lies within the Primary Shopping Area of Harborne District Centre
- 2.2. The application property is close to the North Road end of the terrace with residential properties to the rear (off North Road), and further along the High Street at Nos 29 to 35.

2.3. [Site Location Plan](#)



### 3. Planning History

3.1. 28/02/07 2007/0327/ENF Shop has A1 use, appears to be fitting out as take-away. Case closed no planning issue, the new use still retained the characteristics of an A1 use with only ancillary A5 use.

3.2. 2008/1030/ENF Use of premises as take-away. Case closed, as above.

### 4. Consultation/PP Responses

4.1. Local residents / properties, the Blue Coat School, local councillors notified and site notice displayed. Two comments received.

4.2. One objection from the Harborne Society stating that the application is contrary to policy 4 of the Shopping And Local Centres SPD due to the proximity of dwellings. They also question the current use class of the premises.

4.3. Councillor James McKay objects that the scheme would continue “the progressive loss of retail on the High Street” and has asked for the item to be reported to Planning Committee.

4.4. Transportation Development - No objection

4.5. Regulatory Services - no comment received.

4.6. Birmingham Public Health – no comment received

4.7. West Midlands Police - No objection, but recommend that CCTV (to a suitable specification) and an alarm system be installed.

### 5. Policy Context

#### 5.1. National Policy

- National Planning Policy Framework

#### 5.2. Local Policy

- Birmingham Development Plan (BDP) 2017
- Birmingham Unitary Development Plan (UDP) 2005 (Saved Policies)
- Shopping and Local Centres SPD

### 6. Planning Considerations

6.1. The NPPF confirms there is a presumption in favour of sustainable development and one of the core planning principles is to always seek a good standard of amenity for all existing and future occupants of land. Paragraph 8.7 of the UDP retained provides general advice on the acceptable locations for new hot food shops. It states that hot food shops should generally be confined to shopping areas or areas of mixed commercial development but that within such areas the cumulative impact of hot food shops will be taken account of, particularly in terms of impact on the amenity of the area and traffic generation. In addition, Policy TP24 of the BDP encourages applications for new A5 uses in District Centres subject to compliance numerical thresholds for A1 uses in Primary Shopping Areas and A5 uses in District Centres. Policy 2 of the Shopping and Local Centres SPD further considers the impacts of size of units and the clustering of non- A1 uses.

- 6.2. The application site is located within the primary shopping area of Harborne District Centre and so the principle of A5 use can be considered acceptable. The key issues for consideration in this case, are, therefore whether the proposed A5 use would comply with the numerical thresholds set out in policy TP24 of the BDP and the impact of the proposal on residential amenity and highway safety and parking.
- 6.3. Principle of Use
- 6.4. TP24 states that 55% of all ground floor units within the Primary Shopping Areas of District Centres should be retained in retail. The latest monitoring of the Primary Shopping Area in Harborne shows 59% of units are in A1 retail use. The loss of this unit to another use would reduce this to 56%, meaning the 55% level required by TP24 would still be maintained and the vitality and viability of the Centre would not be adversely affected.
- 6.5. TP24 goes on to state that in order to avoid an over-concentration of hot food takeaways within a District Centre no more than 10% of units shall consist of hot food takeaways. The latest monitoring for Harborne shows that 2.4% of units are in A5 use. An additional A5 use in this centre would increase this to 3.2%; meaning it would remain below the policy threshold. TP24 also states that in order to avoid an over-concentration of hot food takeaways within a Centre's frontage no more than 10% of units shall consist of hot food takeaways. In this case, I have taken the frontage to be between St John's Road and Nursery Road. Of the 26 units here, none are in A5 use, so the proposed unit would again satisfy this policy requirement. The small size of the unit and the proposed daytime opening hours comply with Policy 2 of the Shopping and Local Centres SPD.
- 6.6. Residential Amenity
- 6.7. I note the Harborne Society's objection on the grounds that the proposal would be contrary to Policy 4 of The Shopping and Local Centres SPD (now within TP24 of the BDP) and that it would impact residential amenity. However, I consider the impacts to be minimal given the location of the property on a busy High Street. The *proposed* opening hours are much less than allowed in the Saved UDP policy, which is 2330 hours all week but, given the high street location, I propose to grant hours in line with our policy. The proposed extraction flue would not be seen from surrounding residential properties due to the masking effect of the rear wings of this (and neighbouring properties) and the surrounding built form. The upper floor of the neighbouring property, No 47, is used as storage space for the shop below whilst the Applicant lives above the application site (see figure 2) and therefore any visual impact for the resident of this flat is of lesser consideration.
- 6.8. Highway safety/car parking
- 6.9. The proposal has no dedicated parking but there is on street parking marked out in dedicated bays, with a "one hour/no return' parking restriction. This means that there would be regular parking opportunities available in front of the site and parking availability would be especially high in the evenings when the majority of shops would be closed. Transportation Development has raised no objection considering the location in a busy District Centre with good public transport links and with sufficient car parking within the centre. They consider that the proposal would primarily provide a service for existing customers of the local centre rather than attract additional traffic and I concur with this view.

6.10. Smell/Noise Nuisance

- 6.11. I note that Regulatory Services have not commented on this application. However I consider as the application does not include full detail on the extraction system and that the external flue specified is suitable in basic terms i.e. visual amenity and exhaust height and that the use of standard conditions to secure details, regulate noise and control opening hours should suffice at this time.

7. Conclusion

- 7.1. The proposed change of use from A1 to A5 complies with the numerical thresholds set out in policies in the BDP and policy within the Shopping and Local Centres SPD and would not result in an over concentration of A5 uses in the District Centre nor would it have an adverse impact on residential amenity or highway safety and parking. I am also satisfied that the proposed flue would not be detrimental to the visual amenity of the surrounding area. I therefore consider the proposal constitutes sustainable development and recommend planning permission is granted subject to conditions.

8. Recommendation

- 8.1. That Planning Permission be granted with the following conditions;

- 
- |   |  |
|---|--|
| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Requires the prior submission of extraction and odour control details  |
| 3 | Limits the noise levels for Plant and Machinery                        |
| 4 | Limits the hours of use to 0900-2330                                   |
| 5 | Implement within 3 years (Full)  |
- 

Case Officer: John Richardson

## Photo(s)

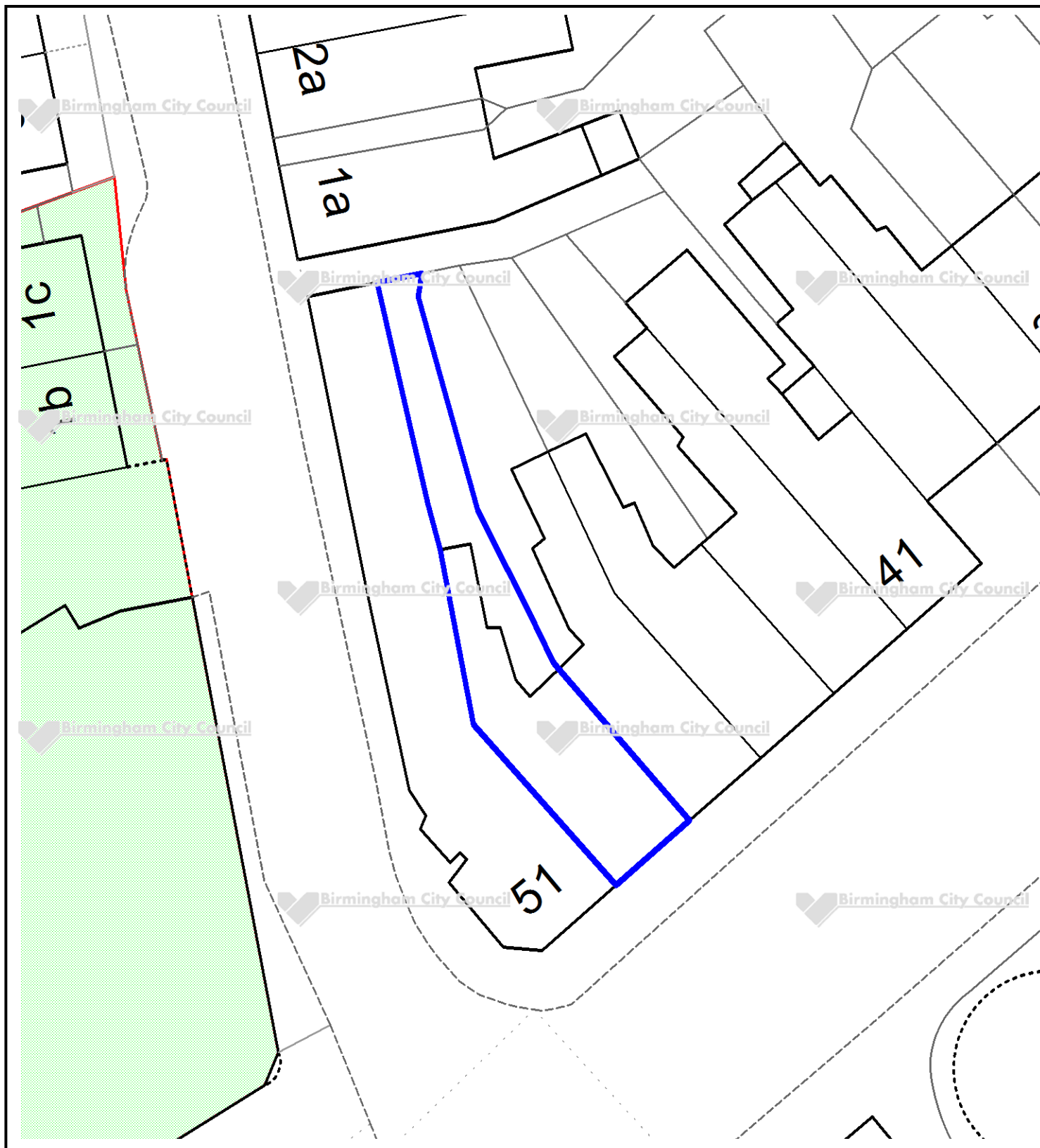


Fig 1 frontage of site ('Pink' being no.49)



Fig 2 Rear of application site (right hand side)

## Location Plan



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# **Birmingham City Council**

## **Planning Committee**

**06 July 2017**

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	16	2017/02927/PA  Curzon Street Station New Canal Street Digbeth Birmingham B5 5LG  Conversion of vacant building to provide visitor centre, exhibition space, cafe and offices and alterations to exterior to provide new paving, landscaping, car parking and external drinking area
Approve - Conditions	17	2017/03033/PA  Curzon Street Station New Canal Street Digbeth Birmingham B5 5LG  Listed Building Consent for alterations in connection with the conversion to visitor centre, exhibition space, cafe and offices
Defer – Informal Approval	18	2017/03356/PA  Land bounded by Paradise Circus Queensway and surroundings including Chamberlain Square, and Paradise Street City Centre Birmingham B3 3HJ  Variation of conditions 40, 43 and 44 to allow for changes to the approved plans and design protocol, variation of condition 56 to allow for a reduction in the minimum distance between the hotel and building F, variation of condition 41 to allow for an increase in the number of hotel bedrooms and the removal of condition 53 to remove the requirement for the replacement of the Adrian Boulton Hall of application 2014/05319/PA



Defer – Informal Approval	19	<p>2017/00002/PA</p> <p>Land at Sloane Street, Camden Street, Camden Drive, Camden Grove &amp; Legge Lane Jewellery Quarter Birmingham B1 3BX</p> <p>Redevelopment of site to include selective demolition of existing buildings, refurbishment and alterations to retained buildings, erection of new build to provide 139 dwellings and associated works.</p>
Approve - Conditions	20	<p>2017/00012/PA</p> <p>Sloane House Sloane Street Jewellery Quarter Birmingham B1 3BX</p> <p>Listed Building Consent for alterations including selective demolition, extensions and refurbishment of Listed Building to provide 17 no. dwellings comprising of 9 no. apartments and 8 no. town houses and associated works.</p>
Approve - Conditions	21	<p>2017/03225/PA</p> <p>Land fronting Carver Street and 120 Pope Street Jewellery Quarter Birmingham B1 3EG</p> <p>Erection of a part three/four and five storey development to provide 30 one, two and three bed apartments with associated parking, infrastructure and landscaping</p>
Approve - Temporary	22	<p>2017/04279/PA</p> <p>Edgbaston Street (Outside Markets) City Centre Birmingham</p> <p>Installation of double-sided digital advertising totem</p>

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Committee Date:	06/07/2017	Application Number:	2017/02927/PA
Accepted:	25/04/2017	Application Type:	Full Planning
Target Date:	25/07/2017		
Ward:	Nechells		

Curzon Street Station, New Canal Street, Digbeth, Birmingham, B5 5LG

Conversion of vacant building to provide visitor centre, exhibition space, cafe and offices and alterations to exterior to provide new paving, landscaping, car parking and external drinking area

Applicant: High Speed Two (HS2) Limited  
2 Snow Hill, Birmingham, B4 6GA

Agent:

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Recommendation

**Approve Subject To Conditions**

1. Proposal

- 1.1. This application proposes the change of use and associated development from B1(a) offices to provide a visitor centre, exhibition space, café, and offices. The majority of the physical works are internal and considered in the accompanying application for Listed Building Consent. However, the proposals also show:
- Provision of two new windows at ground floor level on the north facing façade
  - Changes to the car parking areas including resurfacing and provision of new lighting
- 1.2. The ground floor will provide exhibition spaces, a small café, a meeting room and lavatories. Two windows on the northern elevation would be reinstated within historic openings.
- 1.3. At first floor spaces have been designed to accommodate Birmingham City University's 'STEAMhouse' project with two office/business incubation spaces together with a meeting room, toilets and a kitchenette area.
- 1.4. The second floor level is proposed to form B1(a) offices with meeting room and ancillary toilet and kitchenette facilities.
- 1.5. The existing area of hard standing to the north of the building would be re-landscaped with new paving and lighting. This would provide a small break out area for the café, 6 no. on-site parking spaces (three of which are shown as disabled spaces) and cycle parking. The historic wall around the site frontage will be retained and no works are currently proposed to the existing trees. However, this is currently being reviewed with Historic England to explore whether any tree pruning or removal would benefit the retention of the historic wall.

1.6. Detailed plans, an Ecological Impact Assessment; Heritage Statement; Design and Access Statement; Transport Statement; Façade Condition Reports; Drainage Statement and a Planning Statement have been submitted in support of this application.

1.7. [Link to Documents](#)

## 2. Site & Surroundings

2.1. Curzon Street station is a three storey (plus basement) building that was the original terminus for the London to Birmingham railway and is a counterpart to the now demolished Euston Arch. It is built in imposing Ionic style with columns to the frontage, a flat roof and sliding timber sash windows. It is the oldest railway passenger terminus building in the world that is still in situ and opened in 1838. Following the extension of the line to New Street the station became a goods depot in 1893 until 1964. The station was finally closed in 1966. The Station is Grade I Listed, and the Woodman Public House opposite is Grade II Listed.

2.2. The application site has boundaries with Curzon Street to the north and has direct pedestrian access off New Canal Street to the west. The site backs onto a large cleared site (former Parcelforce) currently used for open parking. The site has a small hard standing area used for parking accessed directly off Curzon Street.

2.3. The site is situated at the heart of Eastside which is an area of the city that is currently undergoing significant change to the built environment. Early developments include Eastside Park and the Birmingham City University Campus developments. The setting of the building will change significantly with the delivery of the High Speed 2 railway station running directly to the south.

2.4. An application has been made by Transport for West Midlands to the Department for Transport for the construction and operation of a further extension to the tramway along New Canal Street directly in front of the application site.

2.5. [Site Location](#)

## 3. Planning History

3.1. 12.01.1978 – 11073/017 – Demolition of part of listed building (hotel extension) - Approved

3.2. 13.02.2004 – 2003/04901/PA & 2003/04902/PA – Listed Building Consent and Planning Applications - Change of use from offices (use class B1) to use by Royal College of Organists for education and performance space, associated facilities and archive space plus internal alterations, removal of roof to enable addition of a 3rd storey with flat roof and side extension to form a recital hall – Approved

3.3. 03.09.2012 – 2012/04864/PA – Listed Building Consent for alterations in connection with conversion to exhibition hall including floor strengthening and insertion of lift.

3.4. 03.09.2012 - 2017/02927/PA - Change of use to exhibition galleries (D1), ancillary cafe and associated internal alterations and landscaping works

- 3.5. Current application – 2017/03033/PA - Listed Building Consent for alterations in connection with the conversion to visitor centre, exhibition space, cafe and offices

Adjacent site 'Curzon Park' (directly impacted by HS2 proposals)

- 3.6. 06.06.2008 – 2007/04646/PA - Outline planning application (all matters reserved except for access) for a mixed-use development of up to 130,000sqm (GEA) comprising offices (use class B1), residential (use class C3), Hotel (use class C1), retail (use classes A1, A2, A3, A4), medical centre (use class D1), and leisure use (use class D2) with associated car parking, servicing, and public realm - Approved
- 3.7. 23.02.2017 – Royal Assent granted for the construction of a new high speed rail link connecting the West Midlands to London.

4. Consultation/PP Responses

- 4.1. Transportation Development – No objection subject to conditions requiring the parking and circulation areas to be provided prior to the building's first use.
- 4.2. Regulatory Services – Raise no objection but recommend conditions requiring the adequate refuse storage facilities be provided, that noise from plant and machinery shall be below background levels and, should hot food be provided in the café, a condition requiring extraction details should be imposed.
- 4.3. Access Birmingham – Welcomes the proposals and makes specific suggestions for further improvements to the accessibility of the building.
- 4.4. Lead Local Flood Authority – No objection subject to a condition requiring the prior approval of a detailed drainage scheme.
- 4.5. Severn Trent Water – No objection subject to a condition requiring the prior approval of foul and surface water drainage details.
- 4.6. West Midlands Fire Service – No objection.
- 4.7. West Midlands Police Service – No objection but make specific recommendations about building and site security including lighting, CCTV and access control.
- 4.8. Site and Press Notices Displayed. Local occupiers, Resident's Associations', Ward Members, the MP and selected National Amenity Societies consulted, no comments received.

5. Policy Context

- 5.1. Birmingham Development Plan 2017; Unitary Development Plan 2005 (saved policies); Car Parking Guidelines SPD; Regeneration Through Conservation SPG; National Planning Policy Framework 2012. Also the Curzon HS2 Masterplan 2014.

6. Planning Considerations

POLICY / PRINCIPLE

- 6.1. PG3 of the BDP requires new development to reinforce a positive sense of place. TP12 provides policies in relation to the historic environment. The policy requires great weight to be given to the conservation of the city's heritage assets.
- 6.2. The National Planning Policy Framework provides over-arching guidance. Being statutory listed the building would constitute a designated heritage asset. The framework states that in considering the impact of a proposal on any heritage asset, Local Planning Authorities should take into account the particular nature of the significance of the heritage asset and great weight should be given to the asset's conservation.
- 6.3. Curzon Street Station has been vacant for a number of years save for a number of temporary art events. The current permitted use of the property is as B1 offices. Neither the Ikon Gallery nor the Royal College of Organists schemes previously consented were ever implemented.
- 6.4. The proposed use of the station would ensure the ongoing maintenance and upkeep of this historically significant building whilst adding to the mixture of vibrant uses within Eastside. The detailed implications of the proposed uses for the listed building are considered in the accompanying application; however the proposals entail a relatively small amount of physical intervention. I therefore raise no objection in principle to the proposed uses.

#### DESIGN / HERITAGE IMPLICATIONS

- 6.5. The proposals show very limited physical alterations to the external appearance of the building. In addition to minor repair works not requiring consent, the proposals would include the re-introduction of two new windows at ground floor in the north elevation. This is visually acceptable and is also supportable from a conservation perspective. The details of this feature are considered in the accompanying application for Listed Building Consent.
- 6.6. In addition the car park will be re-landscaped and set out to provide parking, cycle storage and café seating areas. Subject to safeguarding conditions in relation to materials, lighting, electric vehicle charging points etc. I raise no objection to these proposals.
- 6.7. Comments received from the police are noted and suitable conditions in relation to CCTV, external gates and lighting are attached.

#### AMENITY

- 6.8. Regulatory Services raise no objections subject to conditions. I concur with the recommended conditions relating to refuse storage and noise from plant (although I note that given the significant level of change envisaged in this area background noise levels will rise). As no significant level of hot food will be served in the café I do not consider that a condition requiring approval of extraction equipment is necessary.

#### DRAINAGE

- 6.9. The Lead Local Flood Authority (BCC) and Severn Trent raise no objection subject to a condition requiring further drainage details. I concur with this conclusion and appropriate conditions are recommended.

## ECOLOGY / TREES

- 6.10. Whilst no evidence of bats has been found, the supporting Ecological Assessment concludes that three bat boxes will be provided within trees on the application site to provide compensatory facilities for any bats currently utilising the building.
- 6.11. The Assessment adds that the site provides potential habitat for black redstarts, although due to the timing of the survey their presence on the site cannot be confirmed. Therefore the report commits to further surveys during the breeding season to inform working practices to ensure that any nesting birds are not disturbed. In addition the report commits to the provision of two nesting boxes, regardless of whether nesting birds are found as mitigation.
- 6.12. The City Ecologist considers that the supporting statement adequately sets out good working practices to mitigate the effects of the development and understands that bat and bird boxes may not be appropriate in the context of a listed building. He encourages the provision of such features on nearby buildings/viaducts.
- 6.13. I concur with the Conservation Officer's advice that the provision of bird and bat boxes on this building is not appropriate. I recommend that opportunities for ecological enhancement are secured when adjacent developments, including the new Curzon Station, are delivered.
- 6.14. In respect of trees, I note no work is currently proposed and recommend a condition requiring the prior approval of any works to these trees.

## HIGHWAY MATTERS

- 6.15. The application site would provide 6 no. on site spaces. In the relative short term the site will be in close proximity to the HS2 station construction site and therefore access to the building will need to be coordinated with the ongoing works. In the longer term the application will be very well connected to public transport with bus, tram and train connections in very close proximity.
- 6.16. The Transport Statement acknowledges the close proximity of the Millennium Point multi-storey car park. It adds that servicing the building would require a maximum of three deliveries per day, although on average this will likely to be one per day. Service vehicles would use the proposed car park. The report concludes that there is a choice of high quality local sustainable travel options, with the local multi-storey car park providing an alternative for those with no option but to travel by private vehicle. It adds that the prospective tenants are relocation from elsewhere in the City Centre.
- 6.17. Transportation Development raises no objection subject to a condition requiring the parking and circulation areas to be provided prior to their first use. I concur with this recommendation and an appropriate condition is recommended.

## 7. Conclusion

- 7.1. The proposed uses are acceptable and complement existing uses within the Eastside area. The detailed proposals are sensitive to the historical significance of the building and represent the minimum intervention to the fabric of the listed building in order to secure its reuse.



7.2. I therefore conclude that this application should be supported subject to the safeguarding conditions recommended.

8. Recommendation

8.1. That the application be approved subject to the following conditions:

- 
- |   |   |
|---|---|
| 1 | Requires the prior submission of a sustainable drainage scheme                  |
| 2 | Requires the prior submission of a foul drainage scheme                         |
| 3 | Requires the prior submission of external fixtures, fittings and paving details |
| 4 | Requires the prior submission of details of refuse storage                      |
| 5 | Requires the prior approval of any works to trees                               |
| 6 | Limits the noise levels for Plant and Machinery                                 |
| 7 | Requires the parking area to be laid out prior to use                           |
| 8 | Requires the scheme to be in accordance with the listed approved plans          |
| 9 | Implement within 3 years (Full)   |
- 

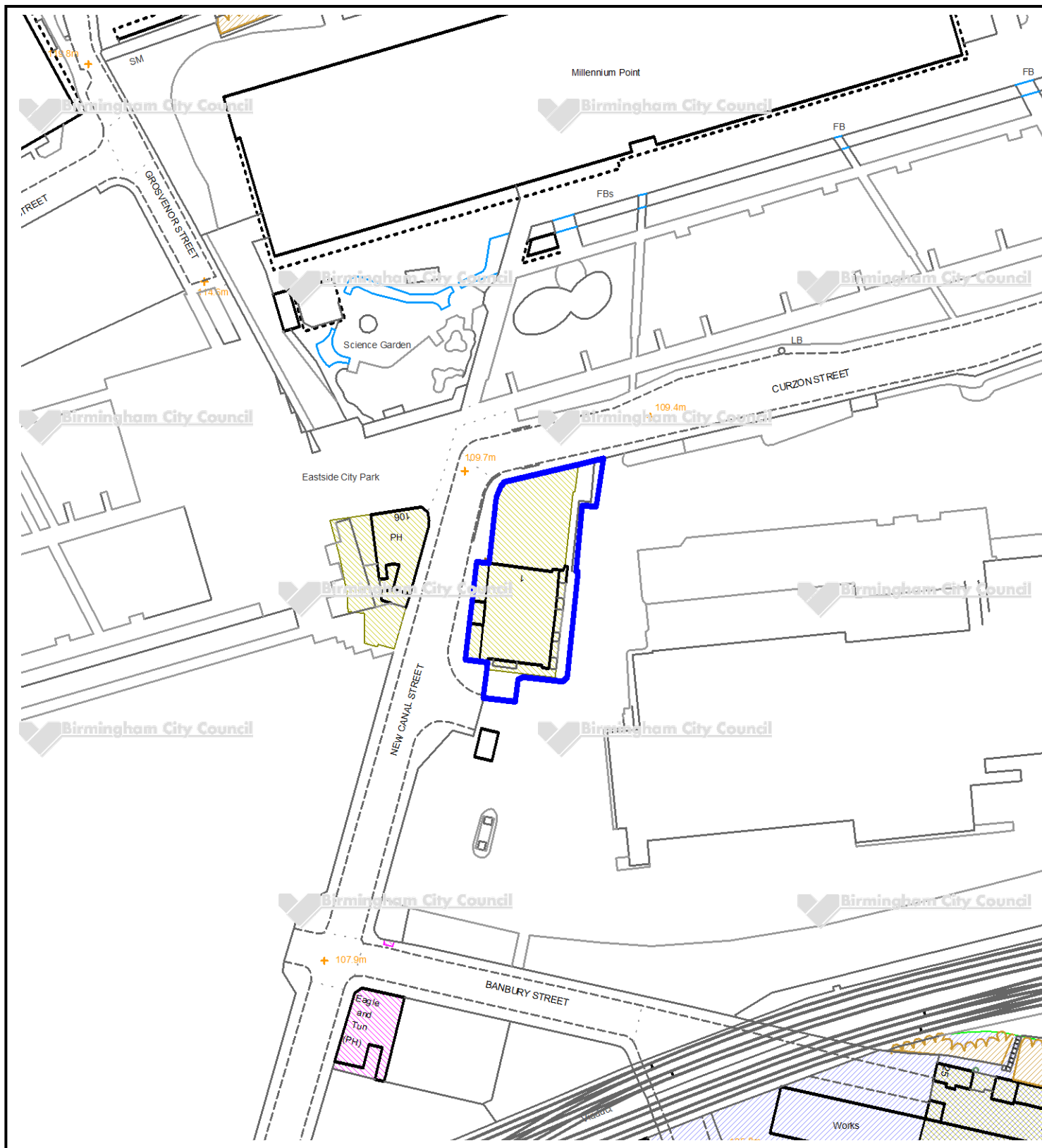
Case Officer:        Nicholas Jackson

## Photo(s)



Figure 1 – Curzon Street Station

## Location Plan



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Committee Date:	06/07/2017	Application Number:	2017/03033/PA
Accepted:	25/04/2017	Application Type:	Listed Building (LA)
Target Date:	25/07/2017		
Ward:	Nechells		

Curzon Street Station, New Canal Street, Digbeth, Birmingham, B5 5LG

Listed Building Consent for alterations in connection with the conversion to visitor centre, exhibition space, cafe and offices

Applicant: High Speed Two (HS2) Limited  
2 Snow Hill, Birmingham, B4 6GA

Agent:

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Recommendation

**Approve Subject To Conditions**

1. Proposal

- 1.1. This application is for works associated with the change of use and associated development of Curzon Street Station from B1(a) offices to provide a visitor centre, exhibition space, café, and offices. This application for Listed Building Consent is supported by an application for planning consent for the change of use and associated development.
- 1.2. The ground floor will provide exhibition spaces, a small café, a meeting room and lavatories. Two windows on the northern elevation would be reinstated within historic openings.
- 1.3. At first floor spaces have been designed to accommodate Birmingham City University's 'STEAMhouse' project with two office/business incubation spaces together with a meeting room, toilets and a kitchenette area.
- 1.4. The second floor level is proposed to form B1(a) offices with meeting room and ancillary toilet and kitchenette facilities.
- 1.5. The key works proposed to the building are as follows:
  - Provision of two new windows at ground floor level on the north facing façade. The proposed windows would be single glazed to match the existing windows.
  - Apply secondary glazing to existing windows throughout
  - Works to the balustrade of the principal staircase due to non-compliance with Building Regulations
  - Insertion of lift and new lavatories

- Insertion of additional doorways
  - Removal of partition walling
  - Alteration to cornices due to the provision of new service stacks
  - Removal of the internal entrance lobby and reception structure
  - Removal of basement to ground floor staircase
- 1.6. In addition to the above a number of minor works are proposed to facilitate the reuse of the building.
- 1.7. The gross internal area of the building is 1,239 sq.m.
- 1.8. Whilst considered within the application for Planning Permission, the existing area of hard standing to the north of the building would be re-landscaped with new paving and lighting. This would provide a small break out area for the café, 6 no. on-site parking spaces (three of which are shown as disabled spaces) and cycle parking. The historic wall around the site frontage will be retained and no works are proposed to the existing trees as part of this application.
- 1.9. In addition to detailed plans, the following supporting statements have been provided that are relevant to this application; Heritage Statement; Façade Condition Reports; Design and Access Statement; and a Planning Statement.
- 1.10. [Link to Documents](#)
2. Site & Surroundings
- 2.1. Curzon Street station is a three storey (plus basement) building that was the original terminus for the London to Birmingham railway and is a counterpart to the now demolished Euston Arch. It is built in imposing Ionic style with columns to the frontage, a flat roof and sliding timber sash windows. It is the oldest railway passenger terminus building in the world that is still in situ and opened in 1838. Following the extension of the line to New Street the station became a goods depot in 1893 until 1964. The station was finally closed in 1966. The Station is Grade I Listed, and the Woodman Public House opposite is Grade II Listed.
- 2.2. The application site has boundaries with Curzon Street to the north and has direct pedestrian access off New Canal Street to the west. The site backs onto a large cleared site (former Parcelforce) currently used for open parking. The site has a small hard standing area used for parking accessed directly off Curzon Street.
- 2.3. The site is situated at the heart of Eastside which is an area of the city that is currently undergoing significant change to the built environment. Early developments include Eastside Park and the Birmingham City University Campus developments. The setting of the building will change significantly with the delivery of the High Speed 2 railway station running directly to the south.
- 2.4. An application has been made by Transport for West Midlands to the Department for Transport for the construction and operation of a further extension to the tramway along New Canal Street directly in front of the application site.

2.5. [Site Location](#)

3. [Planning History](#)

- 3.1. 12.01.1978 – 11073/017 – Demolition of part of listed building (hotel extension) - Approved
- 3.2. 13.02.2004 – 2003/04901/PA & 2003/04902/PA – Listed Building Consent and Planning Applications - Change of use from offices (use class B1) to use by Royal College of Organists for education and performance space, associated facilities and archive space plus internal alterations, removal of roof to enable addition of a 3rd storey with flat roof and side extension to form a recital hall – Approved
- 3.3. 03.09.2012 – 2012/04864/PA – Listed Building Consent for alterations in connection with conversion to exhibition hall including floor strengthening and insertion of lift.
- 3.4. 03.09.2012 - 2017/03033/PA - Change of use to exhibition galleries (D1), ancillary cafe and associated internal alterations and landscaping works
- 3.5. Current application – 2017/02927/PA - Conversion of vacant building to provide visitor centre, exhibition space, cafe and offices and alterations to exterior to provide new paving, landscaping, car parking and external drinking area

Adjacent site 'Curzon Park' (directly impacted by HS2 proposals)

- 3.6. 06.06.2008 – 2007/04646/PA - Outline planning application (all matters reserved except for access) for a mixed-use development of up to 130,000sqm (GEA) comprising offices (use class B1), residential (use class C3), Hotel (use class C1), retail (use classes A1, A2, A3, A4), medical centre (use class D1), and leisure use (use class D2) with associated car parking, servicing, and public realm - Approved
- 3.7. 23.02.2017 – Royal Assent granted for the construction of a new high speed rail link connecting the West Midlands to London.

4. [Consultation/PP Responses](#)

- 4.1. Historic England – Supports the application subject to conditions requiring further details of the proposed gates, street furniture and paving, changes to the staircase, secondary glazing, steel columns and beams, and repairs to external masonry.
- 4.2. Site and Press Notices Displayed. Local occupiers, Resident's Associations', Ward Members, the MP and selected National Amenity Societies consulted without response.

5. [Policy Context](#)

- 5.1. Birmingham Development Plan 2017; Unitary Development Plan 2005 (saved policies); Regeneration through Conservation SPG; National Planning Policy Framework 2012. Also the Curzon HS2 Masterplan 2014.



6. Planning Considerations

- 6.1. The land use planning implications of the proposal are considered in the report for the application for planning permission elsewhere on your committee's agenda.

HERITAGE IMPLICATIONS

- 6.2. The NPPF requires applications for works to Listed Buildings to describe the significance of the heritage asset. The impact of the proposals to that significance must be considered, taking into account available evidence and necessary expertise. Particular account should be given to the:
- desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation
  - the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
  - the desirability of new development making a positive contribution to local character and distinctiveness.
- 6.3. Great weight should be given to the asset's conservation and any harm or loss should require clear and convincing justification. Where a development proposal will lead to less than substantial harm to the significance of a designated asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 6.4. As a Grade I listed building, particular weight should be given to safeguarding the historic significance of the building, with only 2.5% of listed buildings (nationally) being Grade I.
- 6.5. The application is supported by a detailed Heritage Assessment that sets out the significance of the asset and the impact of the proposals to each element of the building. The statement demonstrates that the changes proposed are well considered and guided by expert advice, including from the city's Conservation Officer. Where changes to original/historic fabric are proposed the interventions are restricted to the minimum changes necessary and sufficient justification for the proposals is provided.
- 6.6. My Conservation Officer raises no objection and considers that the proposals are in line with his advice. Conditions are recommended in relation to specific details such as the balustrade and secondary glazing, which are in accordance with Historic England's advice.
- 6.7. In conclusion I consider that the proposals do not amount to substantial harm and a clear and convincing justification for the proposals has been provided. The proposed uses would be viable and consistent with the longer term preservation of this important heritage asset. There would be significant public benefit attached to the proposals, with regular public access to the building being restored after over 50 years of interim uses and vacancy.
- 6.8. I therefore raise no heritage-based objections to the proposal and consider that the works would preserve the character of this listed building.

7. Conclusion

- 7.1. The proposed works are well considered and consistent with the restoration and preservation of this important heritage asset. Overall the loss of historic fabric is minimal and more than justified by the public benefits of the building being back in viable economic use.

8. Recommendation

- 8.1. That the application be approved subject to the following conditions:

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- |   |  |
|---|--|
| 1 | Requires the prior submission of structural details                                    |
| 2 | Requires the prior submission of further fire separation details                       |
| 3 | Requires the prior submission of further details and a sample of the secondary glazing |
| 4 | Requires the prior submission of stonework repair details                              |
| 5 | Requires the prior submission of internal handrail details                             |
| 6 | Requires the scheme to be in accordance with the listed approved plans                 |
| 7 | Implement within 3 years (conservation/listed buildings consent)                       |
- 

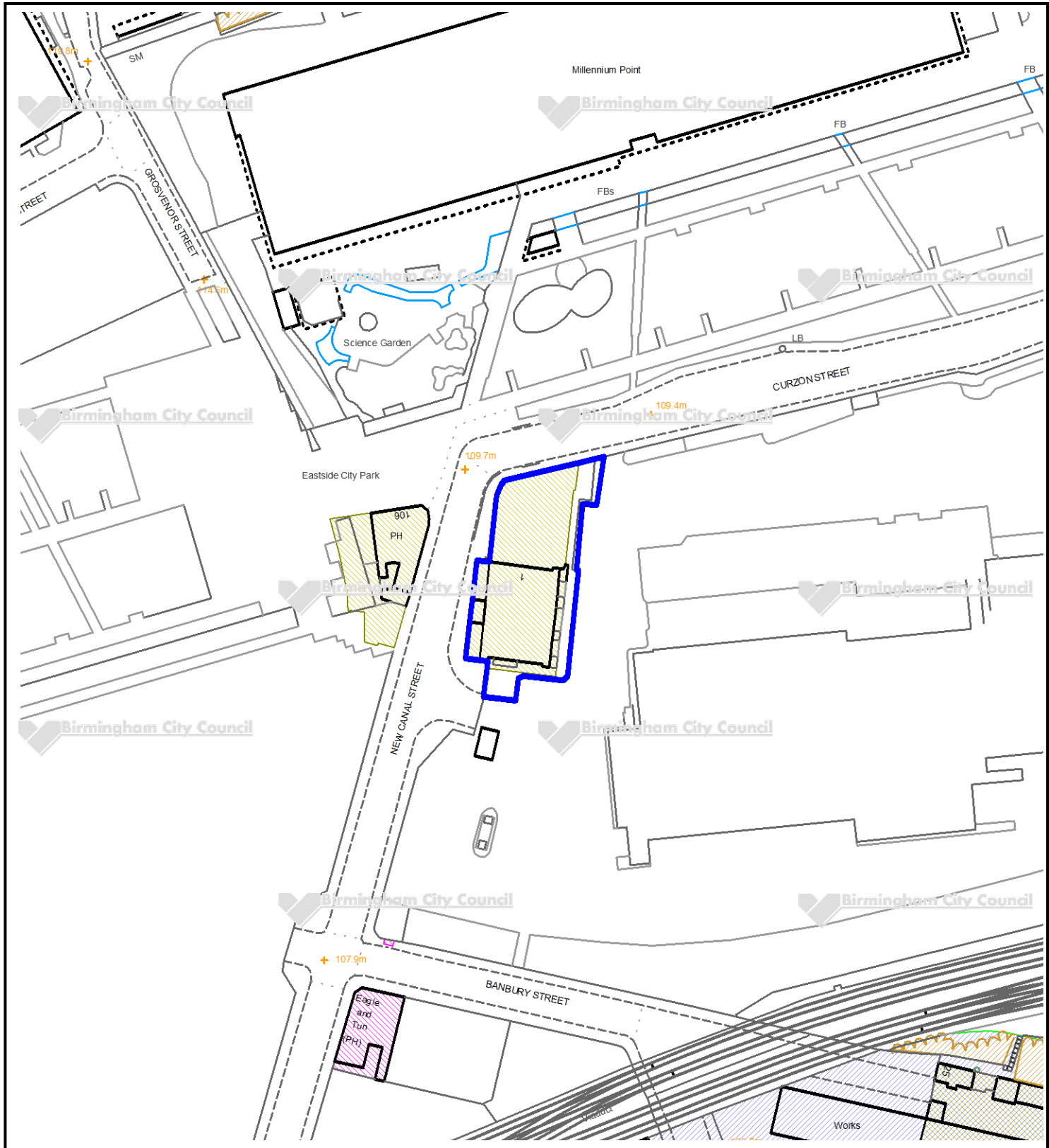
Case Officer:        Nicholas Jackson

## Photo(s)



Figure 1 – Curzon Street Station

## Location Plan



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Committee Date:	06/07/2017	Application Number:	2017/03356/PA
Accepted:	13/04/2017	Application Type:	Variation of Condition
Target Date:	13/07/2017		
Ward:	Ladywood		

Land bounded by Paradise Circus Queensway and surroundings including Chamberlain Square, and Paradise Street, City Centre,, Birmingham, B3 3HJ

Variation of conditions 40, 43 and 44 to allow for changes to the approved plans and design protocol, variation of condition 56 to allow for a reduction in the minimum distance between the hotel and building F, variation of condition 41 to allow for an increase in the number of hotel bedrooms and the removal of condition 53 to remove the requirement for the replacement of the Adrian Boulton Hall of application 2014/05319/PA

Applicant:	Paradise Circus Ltd Partnership c/o Agent
Agent:	Turley 9 Colmore Row, Birmingham, B3 2BJ

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#### Recommendation

#### **Approve Subject To A Section 106 Legal Agreement**

#### 1. Proposal

- 1.1. This application seeks the variation (and removal) of conditions to support the ongoing Paradise Circus redevelopment (Phase Two).
- 1.2. The proposed changes primarily relate to the variation of building height and width parameters for Building G (One Centenary Way) and the Hotel as a result of progression of the detailed design of these buildings. The changes to conditions 40, 41, 43, 44 and 56 would allow:
  - the addition of a basement to the hotel building and a service corridor to connect the hotel basement to the basement car park and allow for its potential extension to Plot F
  - an increase in the maximum height parameter for the hotel and One Centenary Way
  - an increase in the maximum number of hotel bedrooms from 250 to 285
  - changes in building footprint parameters to One Centenary Way and Building H to align the buildings with the pedestrian bridge across to Centenary Square
  - an eastwards shift in the location of the hotel to account for the confirmed location of the A38 tunnel below

- 1.3. In addition it is proposed to remove condition 53 requiring the re-provision of the Adrian Boulton Hall.
- 1.4. Substitute parameter plans; swept paths for the hotel taxi turning area; Planning Statement; revised Parameter Plans; revised Design Protocol; Townscape and Visual Impact Assessment; Heritage Impact Statement; Wind and Microclimate Technical Note; Sunlight, Daylight and Shadowing Study; Ground Conditions Technical Note; Archaeology Technical Note; Water Resources Technical Note; Noise and Vibration Technical Note; and Highway Technical Notes have been submitted in support of this application.
- 1.5. The original outline application and this S73 application are supported by the provision of an Environmental Impact Assessment. This has been fully reviewed in light of the proposed changes (taking into account changes in policy and the site and surroundings since the original statement) and the applicant has concluded that there are no changes to the findings of the original Environmental Statement, with the above technical notes submitted to demonstrate this conclusion. We concur with this conclusion.
- 1.6. [Link to Documents](#)
2. Site & Surroundings
  - 2.1. This 7 hectare site is located between Centenary Square and Chamberlain Square. It was previously surrounded by the Paradise Circus Queensway gyratory system with the A38 tunnel below. The site included a number of existing uses including the Central Library complex, Birmingham Conservatoire, office uses, retail and Copthorne Hotel.
  - 2.2. Phase One is currently on site. This phase consists of the first two buildings and the remodelled Chamberlain Square. The works are well progressed with the Central Library and adjacent office building demolished and a part of the basement car park, podium and part of the structure of the first building constructed.
  - 2.3. The site is on a number of different levels and sections and is crossed by a series of private pedestrian walkways, steps and passages.
  - 2.4. To the west of the site, across the Queensway is Centenary Square which includes the Grade I Listed Hall of Memory, Grade II Listed 301 Broad Street (former TSB bank) the Grade II Listed Baskerville House and the new Library of Birmingham. To the south west is the Grade II Listed Alpha Tower and the wider Arena Central development site. To the north across Summer Row are commercial properties and UCB and the wider Jewellery Quarter Conservation Area. To the east of the site are a large number of civic buildings, many listed and within the Colmore Row Conservation Area, including the Council House, Museum and Art Gallery and Town Hall. To the south of the site across Paradise Street is a mixture of commercial and residential premises including the Grade II Listed Queens College Chambers.
  - 2.5. The site is identified as one of the Enterprise Zone sites in the City Centre.
- 2.6. [Site Location](#)



### 3. Planning History

- 3.1. 11.01.2011- Certificate of Immunity from Listing issued for the Central Library for 5 years.
- 3.2. 21.12.2012 - 2012/05118/PA – Approval – Application for Listed Building Consent for the demolition of Congreve House (the two-storey bridging structure between the Paradise Circus complex and the Grade II\* Council House Extension), and restoration works to the first and second floor facade of the Council House Extension.
- 3.3. 08.02.2013 – 2012/05116/PA – Approval - Outline planning application (all matters reserved save for access) for demolition of all buildings on the site (save for the Joseph Chamberlain Memorial) and commercial led mixed use redevelopment of up to 170,012 square metres gross internal floorspace, comprising offices (Use Class B1a), retail and leisure units (Use Classes A1/A2/A3/A4/A5/D1/D2), concert hall (D2), energy centre (Sui Generis), together with a hotel of up to 250 bedrooms (Use Class C1), car parking, highways works (to include the closure of eastern arm of Paradise Circus gyratory), public realm improvements and associated works including alterations to public rights of way.
- 3.4. 10.10.2014 – 2014/05319/PA – Approval - Variation of Conditions 2, 5, 6, 7, 10 , 11, 12, 13, 15, 16, 18, 22, 24, 25, 26, 27, 29, 30, 32, 36 and 55 attached to planning permission 2012/05116/PA to reflect the proposed phasing of development

Land at Jennens Road, Adjacent to Millennium Point

- 3.5. 24.02.2015 – 2014/08615/PA - Erection of a building to house The Birmingham Conservatoire and associated works

### 4. Consultation/PP Responses

- 4.1. Transportation Development – Raise no objection and notes that the supporting Technical Note shows a negligible impact.
- 4.2. Regulatory Services – Raise no objection.
- 4.3. Historic England – The proposals involve relatively minor changes to the existing permission and are content that from a heritage perspective the amendments should be supported.
- 4.4. Severn Trent Water – No objection subject to a condition requiring the prior approval of foul and surface water drainage details.
- 4.5. West Midlands Fire Service – Raise no objection.
- 4.6. West Midlands Police Service – Raise no objection.
- 4.7. Site and Press Notices Displayed. Local occupiers, Resident's Associations', Ward Members, the MP and National Amenity Societies consulted without response

### 5. Policy Context

- 5.1. Birmingham Development Plan 2017; Unitary Development Plan 2005 (saved policies); Colmore Row and Environs Conservation Area Character Appraisal – SPG; Jewellery Quarter Conservation Area Character Appraisal and Management Plan SPG; Places for All SPG; High Places SPG; Car Parking Guidelines SPD and the National Planning Policy Framework 2012. Also the Big City Plan.

6. Planning Considerations

- 6.1. There have been no substantial policy changes since the previous grant of S73 consent except for the adoption of the BDP. There were no substantial changes to the document that would materially affect the issues under consideration since the draft version under which the previous application was determined. I concur with the conclusion in the Planning Statement that an Environmental Statement addendum is not required. I consider that the supporting technical notes are sufficient to fully consider the environmental impact of the proposed changes, which are relatively minor in the context of the scale of the overall scheme.

POLICY

Local

- 6.2. The application site sits at the civic heart of the city and is identified as an area of transformation in the Big City Plan. This document envisages significant mixed use office-led redevelopment that enhances the setting of the Town Hall and Council House, restoring key views and enhancing legibility drawing visitors along the main pedestrian routes.
- 6.3. The Birmingham Development Plan sets an ambitious growth agenda for the City Centre and identifies five strategic allocations for the centre, including Westside. The Plan states that commercial led mixed-use developments will be supported in this area. It adds that the Paradise Circus redevelopment will require new public spaces, improved pedestrian connections to the Jewellery Quarter, restoration of key views, active frontages, and the enhancement of the setting of listed buildings.
- 6.4. Policy PG3 sets out the requirements for place making, setting out the key considerations that contribute to a successful place.
- 6.5. Relevant Saved Policies of the Birmingham UDP, comprising of Chapter 8 and policy 3.14, emphasise the need to secure high quality design and set out the circumstances when planning obligations may be sought.
- 6.6. The High Places SPG provides a framework for the location and design parameters for tall buildings within the city. The Big City Plan extends the appropriate locations for tall buildings within the City Centre. The SPG defines a tall building as above 15 storeys.

National

- 6.7. Sustainable Development is at the heart of the National Planning Policy Framework (NPPF), which establishes a presumption in favour of such development. Development is required to address the three key aspects of sustainability (economic, social and environmental) in order to constitute sustainable development. The NPPF breaks development down to key themes and provides guidance on each, with those key to this application explored in more detail below.

- 6.8. Chapter 6 sets out the need to deliver a wide choice of high quality homes. Chapter 7 puts good design at the heart of the definition of sustainable development. Policy 128 of the NPPF requires the significance of a heritage asset to be described and any impact upon that significance to be assessed.

## BUILDING PARAMETERS

### Hotel

- 6.9. The provision of a basement to provide more space for back of house/servicing functions is supported. This would allow for a more efficient use of the ground floor. The introduction of a service tunnel connecting this basement to the main car park (and possibly through to building F) is also encouraged as this would remove service vehicles from street level.
- 6.10. The Archaeology Technical Note confirms that the basement and tunnel are located in areas of backfill material that was put in place in the 1970's as part of the Conservatoire development and therefore is likely to have little/no archaeological interest. This is consistent with the conclusions reached in the original Environmental Statement.
- 6.11. The Ground Conditions Technical Note and Water Resources Technical Note confirm that the construction of the basement and service tunnels will not result in any changes to the findings of the Environmental Statement.
- 6.12. I consider that the slight relocation of the hotel by 1.25m to the east would have no material impact and note that this is a requirement to avoid the A38 Queensway tunnel. A consequential change is required to condition 56 that requires a minimum of a 9m gap between the hotel and Building F. This condition was to ensure that taxis dropping off to the hotel could adequately turn around. In support of this application detailed tracking plans and a Highway Technical Note have been provided to demonstrate that adequate space would remain with this distance reduced to 7m.
- 6.13. Consent is also sought to increase the maximum height of the proposed hotel from 218.5 AOD to 222.625 AOD, an increase of 4.125m and an increase in the number of bedrooms by 35, which is the equivalent of two additional floors of bedroom accommodation. The supporting Highway Technical Note confirms that there would be no material impact upon the highway from the minor increase in trips to and from the site. The supporting Townscape and Visual Impact Assessment demonstrates that there is limited impact of this increase on key views. The change would preserve the setting of listed buildings and views to and from the adjacent conservation areas. This is demonstrated in the accompanying Heritage Impact Statement. Therefore there would be a neutral impact to the significance of heritage assets within the vicinity.
- 6.14. The Sunlight, Daylight and Shadowing Study and Wind and Microclimate Technical Note confirm that, in terms of sunlight, the changes would not impact upon the Southern Square and that there are no additional impacts on the microclimate from those identified in the Environmental Statement.

### One Centenary Way (Building G)

- 6.15. Following further design work this application seeks to adjust the maximum parameters to enable this building to align with the pedestrian bridge across to

Centenary Square. The aim is to improve the pedestrian experience of pedestrians using this new east/west route through the site ('Centenary Way') and to integrate the bridge better into the masterplan. In order to reinforce this, the maximum deviation for Building H to the north of Centenary Way would be reduced to align with the other side of the bridge.

- 6.16. I consider that this is an appropriate design response. A key design requirement for this scheme was to protect views from the bridge towards the clock tower of the Museum and Art Gallery and the return view towards the (off set) Hall of Memory. Views are provided in support of this submission demonstrating that adequate visibility will remain, ensuring that there is no material impact upon the setting of these heritage assets and that the pedestrian legibility gains secured by the outline consent remain.
- 6.17. In response to market demands, and in light of the building's location providing an important focal point from Broad Street, it is proposed to increase the net internal area of this building to 300,000sq.ft (27,870 sq.m) through an increase to the maximum height parameter of this building from 204.25 AOD to 214.75 AOD, an increase of 10.5m. The supporting key views and visuals demonstrate that there is a limited impact, with the scale of the building helping to provide a sense of enclosure to the eastern edge of Centenary Square. The change would preserve the setting of listed buildings and views to and from the adjacent Conservation Areas. Therefore there would be no harm to the significance of heritage assets within the vicinity.
- 6.18. The changes to both the horizontal alignment and increase in height are tested in the supporting Townscape and Visual Impact Assessment which confirms that there will be no impact over and above the originally consented development. The Heritage Impact Statement concludes that there would be a neutral impact upon the setting of the Hall of Memory. A Sunlight, Daylight and Shadowing Study and Wind and Microclimate Technical Note both confirm that the proposed changes would not lead to any significant impacts on the environment to those identified in the original Environmental Statement.
- 6.19. All changes to the overall scheme are reflected in a fully revised Design Protocol which has been brought up to date to fully capture all changes to the scheme since the original grant of consent in 2013.
- 6.20. My Conservation Officer raises no objection to the proposals, and Historic England also have no objections.

#### Removal of Condition 53 – Adrian Boulton Hall

- 6.21. When originally granted, the outline consent required that the scheme re-provide the Adrian Boulton Hall. At that time the location for the replacement Conservatoire was unknown and therefore the condition was required to ensure that this public facility was not lost.
- 6.22. Since the grant of outline consent detailed permission has been granted for a new Conservatoire which is nearing completion on Jennens Road behind Millennium Point. I am therefore satisfied that the new facility is sufficiently advanced to enable this condition to be removed.

#### Section 106

- 6.23. The outline planning consent secures a significant package of planning obligations including £1,100,000 towards the metro scheme; £400,000 towards public transport (bus shelters etc.) and wayfinding; £1,000,000 towards the provision of a new northern square amenity area and strategy for statue removal and reinstalling; £20,000 Shopmobility contribution; local employment contribution; £150,000 towards Easy Row subway enhancements in addition to the provision of the remodelled Chamberlain Square and Town Hall public realm (£1,650,000).
- 6.24. This application would have no impact upon this package of planning obligation secured at outline stage. However, as this application would in effect grant fresh outline permission a Deed of Variation linking the obligations to this approval will be required.

## 7. Conclusion

- 7.1. The proposed changes are acceptable and would assist in the delivery of a development of the highest quality. The changes are well considered and thoroughly tested through the various supporting statements demonstrating either a positive or neutral impact when compared to the consented development. Detailed proposals for each of the buildings in Phase Two will follow as Reserved Matters applications later in the year.
- 7.2. I therefore conclude that this application should be supported.

## 8. Recommendation

- 8.1. (i) That consideration of 2017/03356/PA be deferred pending the completion of a Deed of Variation to secure the following:
- a) Works to facilitate the delivery of the Centenary Square Extension of the Metro tramway including infrastructure works on Paradise Street to a value of £600,000 (index linked to construction costs from 20<sup>th</sup> December 2012 to the date on which payment is made)
  - b) A financial contribution of £100,000 (index linked to construction costs from 20<sup>th</sup> December 2012 to the date on which payment is made) towards securing a Transport and Works Act Modification Order necessary for the delivery of the Centenary Square Extension of the Metro tramway.
  - c) Improvements to the public realm including Chamberlain Square and the area immediately surrounding the Town Hall of a value of no less than £1,650,000 (index linked to construction costs from 20<sup>th</sup> December 2012 to the date on which payment is made).
  - d) The payment of £20,000 (index linked to construction costs from 20<sup>th</sup> December 2012 to the date on which payment is made) towards the delivery of Shopmobility within the City Centre.
  - e) A scheme for improving the existing subway at Easy Row and Western Terrace, including lighting, walling and surface materials to a value of £150,000
  - f) The payment of £400,000 (index linked to construction costs from 20<sup>th</sup> December 2012 to the date on which payment is made) towards the delivery of the Centenary Square Extension of the Metro tramway.

- g) The payment of £400,000 (index linked to construction costs from 20<sup>th</sup> December 2012 to the date on which payment is made) spent on improved bus infrastructure and wayfinding in the City Centre.
  - h) The provision of new public art and the removal, storage and reinstalling the 3 existing statues on site to a value of £1,000,000
  - i) The payment and/or procurement of supervision works for the quality of delivery of both the Easy Row / Western Terrace and the Chamberlain Square public realm works to a minimum value of £25,000
  - j) Commitment by the developer to secure local employment opportunities
  - k) Payment of a monitoring and administration fee associated with the legal agreement subject to a maximum contribution of £1,500 which is due at the point of completion of the agreement.
- (ii) In the event that the Section 106 obligation is not completed by 11<sup>th</sup> July 2017, planning permission shall be refused for the following reason:

In the absence of a Section 106 legal agreement to secure a financial contribution towards improvements to public transport, public realm, Shopmobility and a commitment to local employment opportunities and the provision of public art and the removal, storage and reinstatement of the three existing status on site, the proposed development conflicts with Policy 8.51 of the Birmingham UDP 2005 (saved policies); Policies PG3 and TP47 of the Birmingham Development Plan 2017 and the NPPF.

- 8.2 That the City Solicitor be authorised to prepare, complete and seal an appropriate agreement under Section 106 of the Town and Country Planning Act.
- 8.3 That in the event of the Section 106 legal agreement being completed to the satisfaction of the Local Planning Authority by 11<sup>th</sup> July 2017, favourable consideration would be given to the application, subject to the conditions listed below;

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1	Requires the compliance with the approved remediation phasing
2	Requires the prior submission of a construction method statement/management plan
3	Requires the prior submission of a Site Waste Management Plan
4	Requires the submission of a Demolition Method Statement
5	Requires the development to be carried out in accordance with the scheme for the protection of the Chamberlain Fountain
6	Requires the scheme to be carried out in accordance with the approved programme of archaeological and architectural recording work
7	Requires the scheme to be implemented in accordance with an approved phasing plan

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- 8 Prevents clearing/demolition of potential bird nesting habitat in the bird breeding season without the prior approval of the Local Planning Authority
  - 9 Requires the prior submission of levels details on a phased manner
  - 10 Requires the submission of detailed highway structure plans
  - 11 Requires the submission of details of landscaping in and around highway works
  - 12 Requires the prior submission of a public art strategy
  - 13 Requires the prior submission of details of new public realm
  - 14 Requires the prior submission of contamination remediation scheme on a phased basis
  - 15 Requires the prior submission of a mobility access scheme
  - 16 Requires the prior submission of a sustainable drainage scheme in a phased manner
  - 17 Requires compliance with the approved replacement tree strategy
  - 18 Requires the development to be carried out in accordance with the approved temporary use strategy
  - 19 Requires the adherence to the approved ecological / biodiversity / enhancement measures
  - 20 Requires the prior submission of details of green/brown roofs
  - 21 Requires the prior submission of details of the energy centre including any associated plant and flues
  - 22 Requires the prior submission of green infrastructure details
  - 23 Requires the prior submission of a parking management strategy
  - 24 Requires the prior submission of details of parking
  - 25 Requires the prior submission of cycle storage details in a phased manner
  - 26 Requires the prior approval of a delivery vehicle management scheme
  - 27 Requires the prior approval of wind mitigation measures
  - 28 Non Requires the prior approval of an Advertisement Strategy
  - 29 Requires the prior approval of the siting and design of external plant
  - 30 Requires the prior approval of refuse storage details
  - 31 Requires the prior submission of a contaminated land verification report on a phased basis
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- 32 Requires the provision of the highway and public spaces prior to occupation of the first building
  - 33 Requires the prior submission and completion of works for the S278/TRO Agreement
  - 34 Requires the prior submission of a lighting scheme in a phased manner
  - 35 Requires the prior submission of extraction and odour control details in a phased manner
  - 36 Requires the prior submission of a commercial travel plan
  - 37 Requires the delivery and service area prior to occupation on a phased basis
  - 38 Requires the implementation of the Flood Risk Assessment in a phased manner
  - 39 Requires the submission of reserved matter details following an outline approval
  - 40 Requires the scheme to be in accordance with the listed approved plans
  - 41 Limits the maximum gross floorspaces of the approved uses and the overall development
  - 42 Requires a Masterplan to be maintained throughout the redevelopment of the site
  - 43 Requires the development to be in accordance with the submitted Parameters Plan
  - 44 Requires the development to be carried out in accordance with the Design Protocol
  - 45 Protects retained trees from removal
  - 46 Limits delivery time of goods to or from the site
  - 47 Limits the noise levels for Plant and Machinery
  - 48 Removes PD rights for telecom equipment
  - 49 Restricts the development to the Use Classes as proposed
  - 50 Limits the maximum number of parking spaces to 550
  - 51 Requires pedestrian routes to be available for public use at all times
  - 52 Requires the provision of a post occupancy employment strategy
  - 53 Requires prior approval of hotel taxi drop off facilities
  - 54 Requires the prior approval of a delivery vehicle strategy for the Town Hall
  - 55 Requires a minimum distance between the ground floor of the Hotel and Block F to provide a taxi turning area
  - 56 Limits the approval to 12 years (from the original approval)
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Case Officer: Nicholas Jackson

## Photo(s)

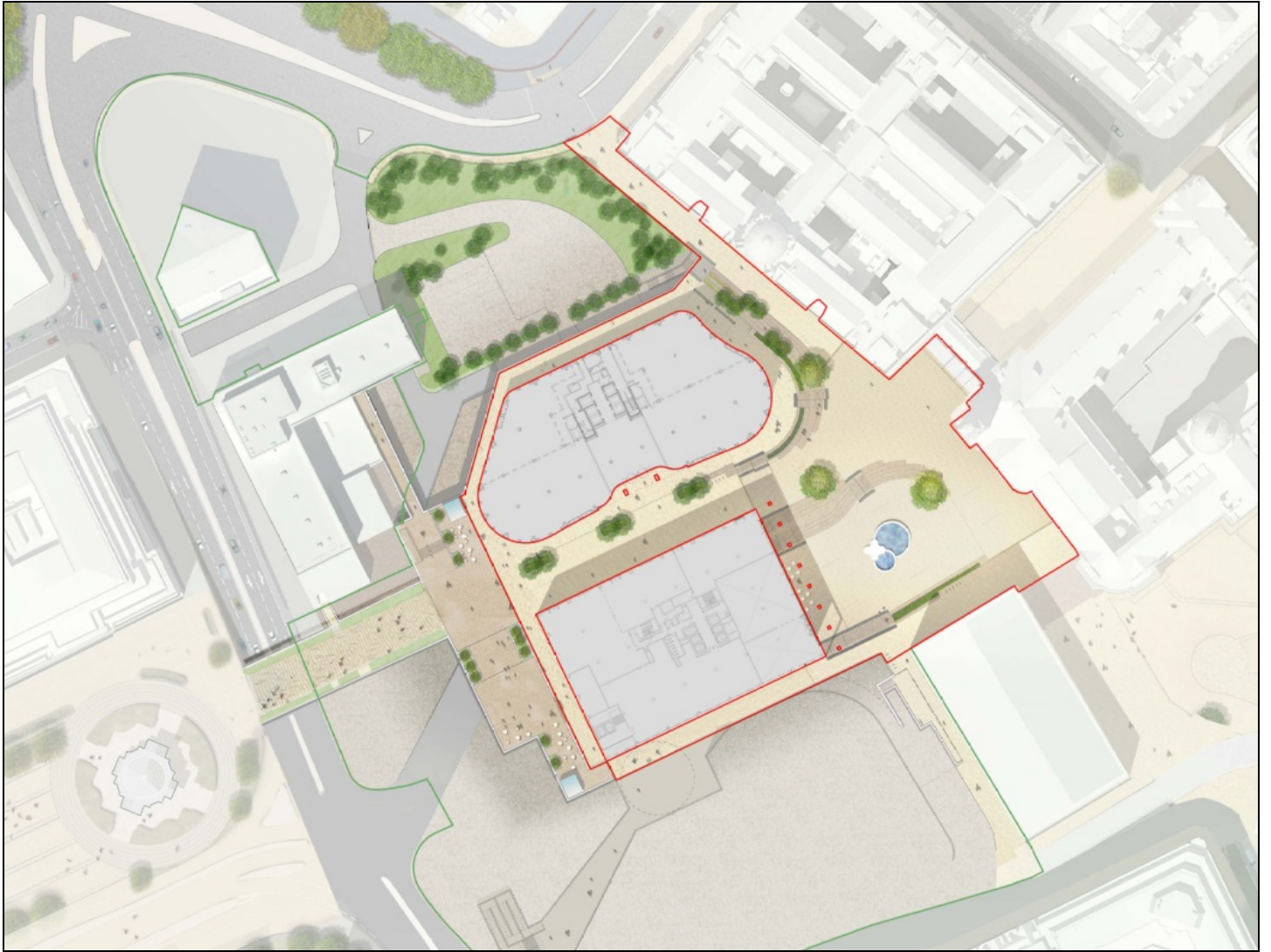


Fig. 1 – Extent of Phase One

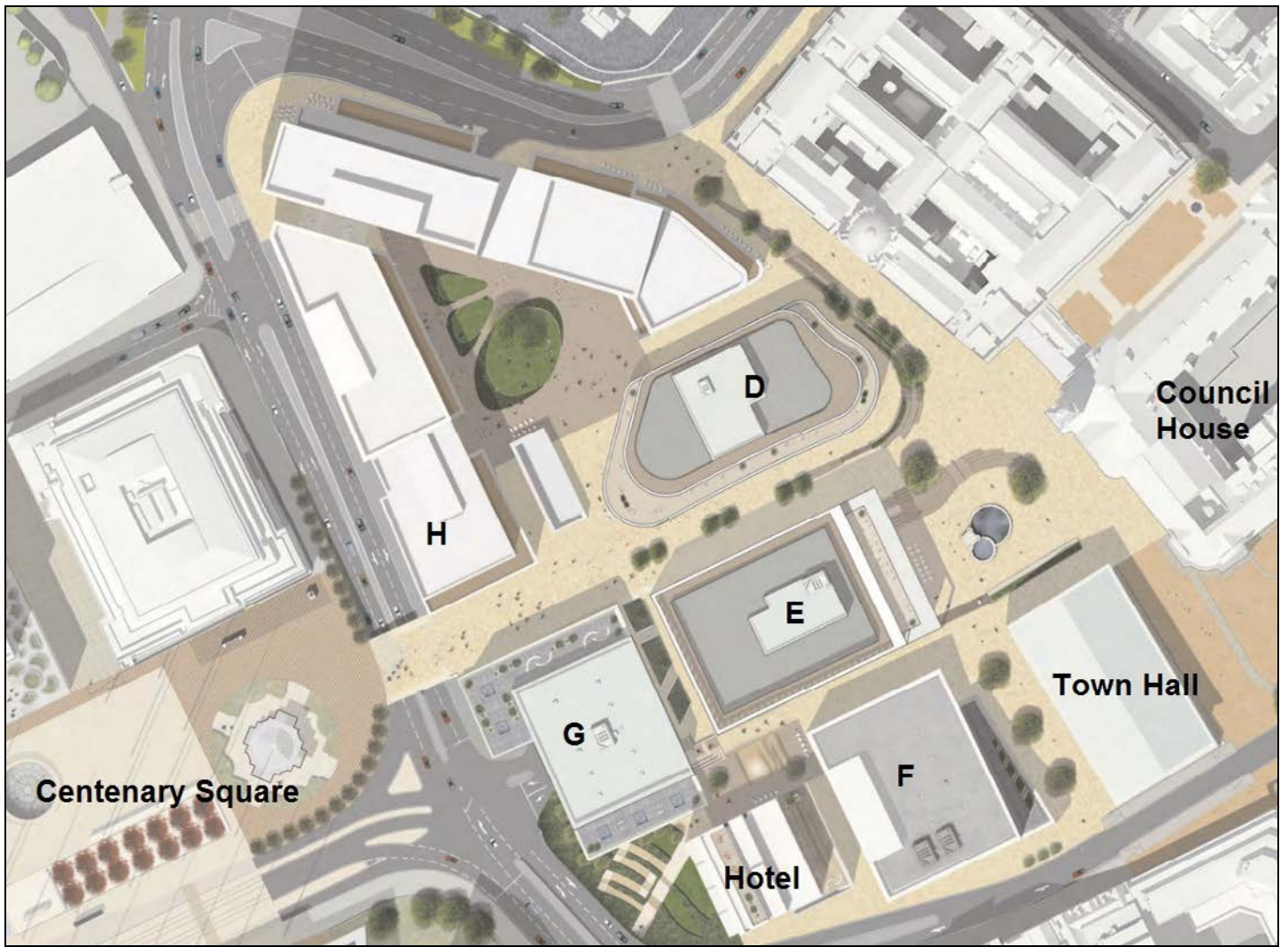


Fig. 2 – Updated Masterplan



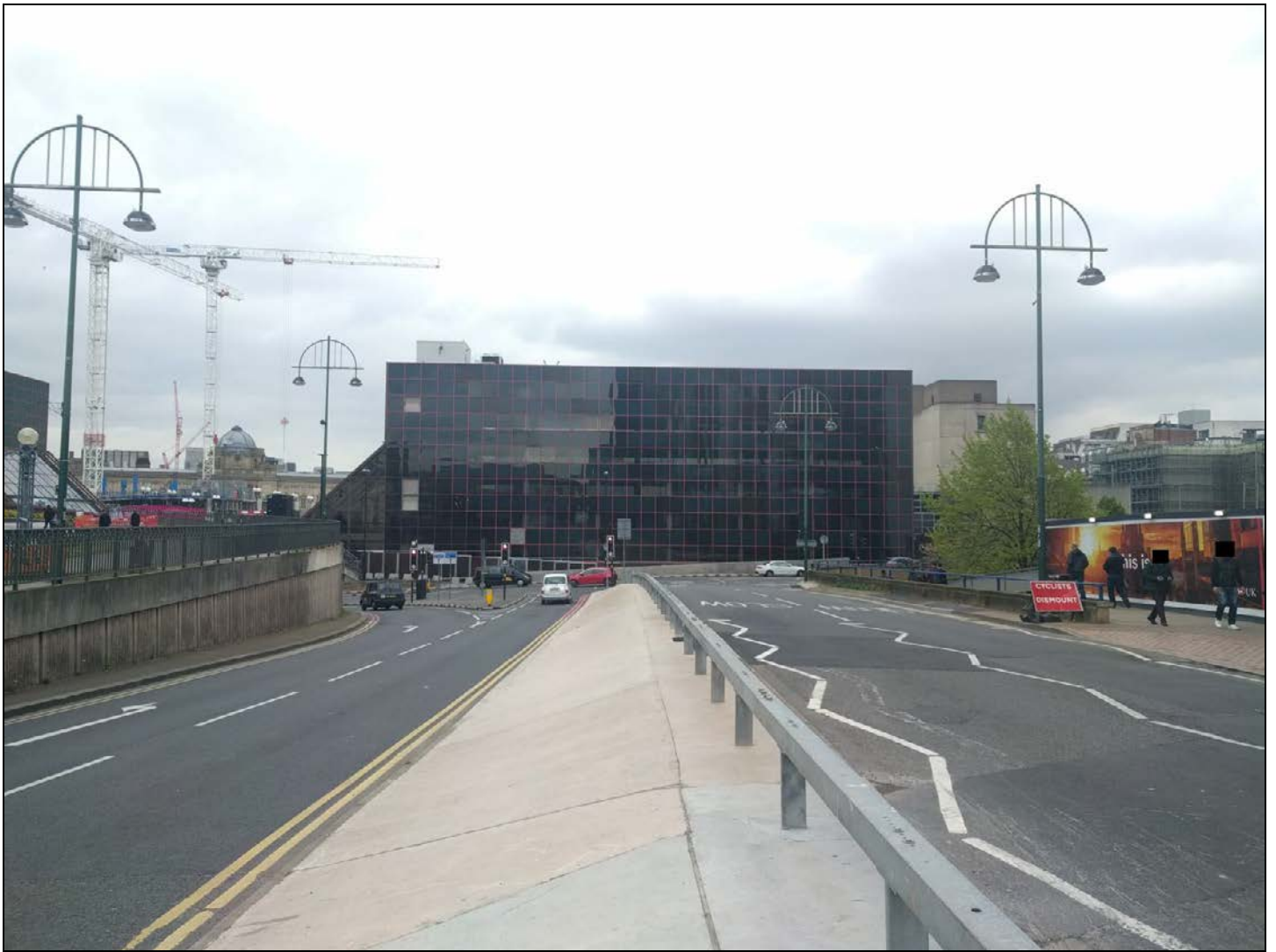


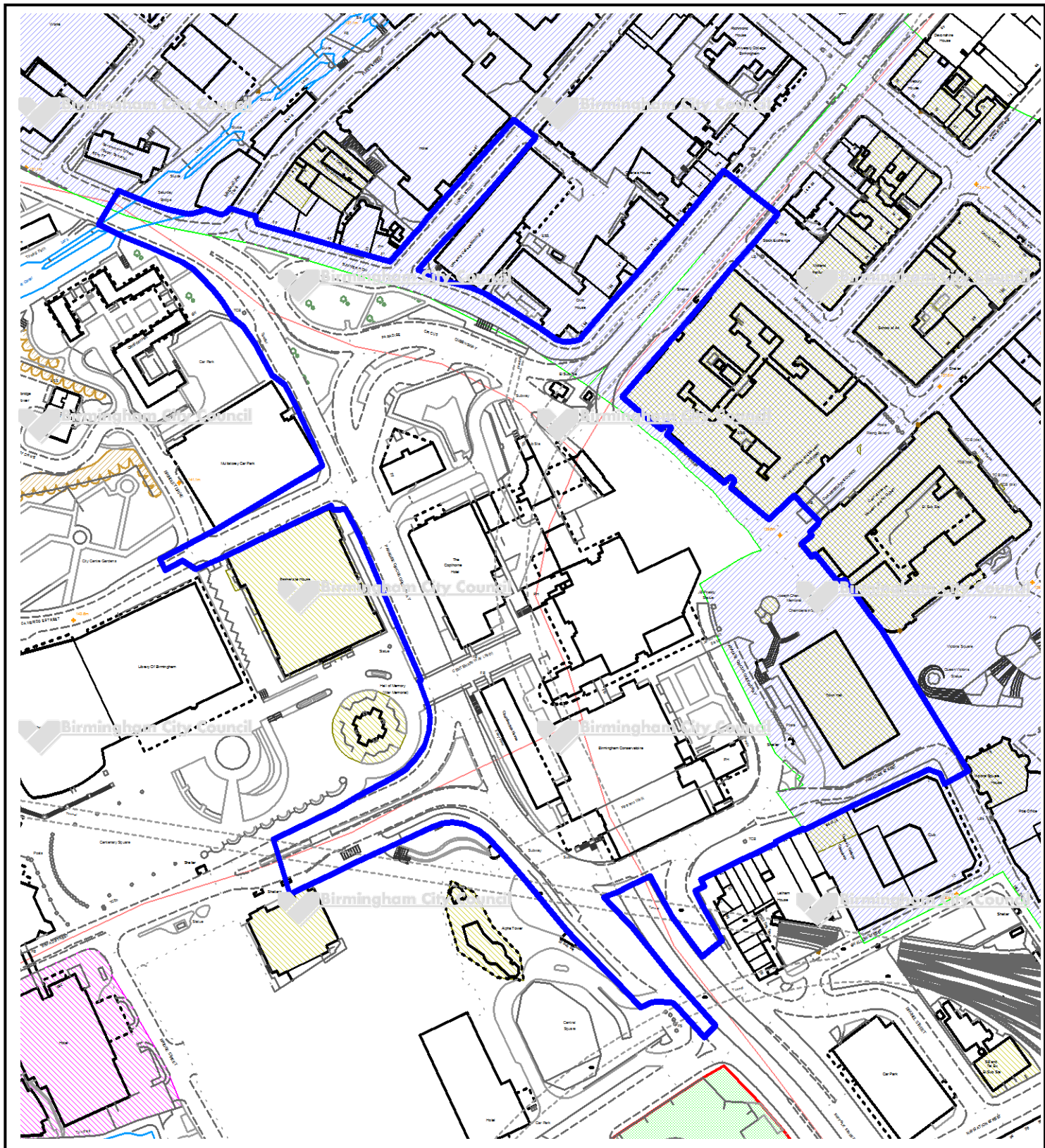
Fig. 3 – View of Site from Broad Street



Fig. 4 – View of site from Suffolk Street / Holliday Street



## Location Plan



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Committee Date:	06/07/2017	Application Number:	2017/00002/PA
Accepted:	14/03/2017	Application Type:	Full Planning
Target Date:	14/07/2017		
Ward:	Ladywood		

Land at Sloane Street, Camden Street, Camden Drive,, Camden Grove & Legge Lane, Jewellery Quarter, Birmingham, B1 3BX

Redevelopment of site to include selective demolition of existing buildings, refurbishment and alterations to retained buildings, erection of new build to provide 139 dwellings and associated works.

Applicant:	Property Solutions c/o The Agent
Agent:	PADD Limited 20-22 Wenlock Road, London, N1 7GU

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Recommendation

**Approve Subject To A Section 106 Legal Agreement**

1. Proposal

1.1. The application proposes the comprehensive redevelopment of three adjacent parcels of land within the Jewellery Quarter Conservation Area which are either occupied by vacant industrial/commercial buildings or are overgrown. The scheme proposes a combination of demolition, restoration and conversion of existing buildings retained buildings and redevelopment to provide 12 town houses and 127 apartments.

1.2 **Extent of Demolition**

1.3 The proposals seek to retain Sloane House a Grade 2 listed building and two unlisted buildings namely 48 Camden Street and 45-46 Sloane Street. All the other buildings on the site would be demolished including the following:-

- A single storey brick workshop fronting Camden Drive
- Two brick warehouse type buildings with access from Camden Street which are set back from the road frontage behind forecourt area now overgrown
- A number of modern extensions and additions to the listed Sloane House
- Trinity House, former two storey Communication Workers Union offices attached to the east side of the listed building fronting Sloane Street and its boundary wall
- A group of modern 20<sup>th</sup> century sheds and offices at the eastern end of Sloane Street known as Wire Works.
- The industrial workshops/offices on the south side of Sloane Street and to the rear of the former cottages at 45-46 Sloane Street known as the Pyramid Works.

1.4 The application site also includes the site of the former St Paul's School House building which fronted Legge Lane and Camden Grove. The building was recently demolished as it was in a poor state of repair and considered to be a dangerous structure. Its boundary walls to Camden Grove currently remain but would be demolished as part of the development.

## **1.5 New Buildings/Conversion Proposals**

- 1.6 The application site is split into three parcels of land referred to as Sites A, B and C which lie between Legge Lane to the north and Sloane Street to the south. The proposals for these sites are as follows:-

### **Site A**

- 1.7. This is located between Legge Lane to the north and Camden Drive to the south and also has a frontage to Camden Grove. It covers 0.07ha and was occupied by the former St Paul's school house now demolished. The application proposes the erection of a replacement building of a similar scale, footprint and design resembling a chapel which would have a steep pitched roof with the gable end fronting Legge Lane. The building would provide 12 one, two and three bed apartments on four floors with the top two floors providing duplex apartments within a steep pitched roof lit by roof lights. The site is steeply sloping and a partial basement is proposed to accommodate bin and bike stores.
- 1.8. At the southern end of the plot, which is vacant, a new part four storey and part three storey building is proposed which would face Camden Grove and step down the site to also front Camden Drive. The new building would provide 10 one and two bed apartments. A courtyard would be provided between the two new buildings to provide private amenity space for residents which would be enclosed with replacement brick walls.

### **Site B**

- 1.9. This is the largest of the three parcels of land and lies between Camden Drive to the north, Sloane Street to the south and Camden Street to the west. It covers approximately 0.3 ha and is occupied by two of the existing buildings proposed for retention. These comprise the grade II listed Sloane House dating from around 1840-1859 and 48 Camden Drive which dates from 1916 and has townscape value.
- 1.10 The listed Sloane House comprises of a principal 3 storey brick building with basement fronting Sloane Street and has a series of traditional and modern workshops to the rear extending to Camden Drive. The principal section of the building would be refurbished and converted into 1 town house and 5 apartments with the basement used as storage. The traditional brick workshops to the rear would also be repaired, restored and refurbished to provide a mix of 6 townhouses and 4 apartments.
- 1.11 On the eastern side of the listed building the existing buildings would be demolished and replaced with a three storey extension to Sloane House and a detached 2/3 storey building. Together these would accommodate bin/cycle storage and provide 15 apartments. Between these new buildings two communal courtyards are proposed to provide shared amenity areas and separation space between the buildings.
- 1.12 On the west side of the listed building fronting Sloane House a further new 3 storey building is proposed to infill the gap in the existing street frontage. The new building is of an irregular shape and would extend through onto the Camden Drive frontage to reinstate the original building line to the back of the pavement. On this frontage a height of 4 storeys is proposed and this building would provide 2 town houses and 27 apartments set around a further communal courtyard space. This building would

abut 48 Camden Street, a two storey non listed building with basement that would be restored and converted into a single town house and 4 apartments.

- 1.13 Elsewhere on Site B a further new building is proposed fronting Camden Drive which would abut the adjacent listed workshops and replace an existing workshop proposed for demolition. The new building would be predominantly 3 storeys in height but due to the difference in levels across the site would also be partly 4 storeys. Between the listed workshops and new buildings a new pedestrian access from Camden Drive would be provided into the site which would be stepped to address the site levels. The new building would provide 3 town houses and 3 apartments.

### **Site C**

- 1.14 This parcel of land lies on the south side of Sloane Street and covers 0.19 ha. It contains two former cottages fronting the street that would be retained with the rest of the site redeveloped with a new building, 2 to 4 storeys in height. This would wrap around the boundary of the site with a central wing dividing a new communal courtyard space. The proposals would provide 44 apartments.

### **Appearance and Materials**

- 1.15 The new buildings would use red bricks for the main elevations but also include features such as different bonding, blue feature brickwork, concrete and stone banding, copper and zinc. Large metal or timber framed windows are proposed throughout with some buildings having openings of diminishing proportions and other having large multi paned windows throughout to give a more industrial appearance and provide variety. A variety of roof heights is proposed including flat and pitched roofs, gables to the street which would be clad with dark grey slates.
- 1.16 The external appearance of each new building has also been developed to reflect the layout and hierarchy based on their location within the site with larger more industrial style buildings being more simplistic in elevation and other having a more domestic appearance. A number of private inner courtyards are proposed and where the scheme borders adjacent sites side elevations have been kept plain or blank in order not to affect their future potential for regeneration.

### **Dwelling Mix**

- 1.17 The overall dwelling mix would comprise:
- 18 x one bed single person apartments with floor areas ranging from 40 to 45 square metres
  - 36 x one bed two person apartments with floor areas ranging from 50 to 62 square metres
  - 68 x two bed apartments with floor areas ranging from 61 to 100 square metres
  - 3 x three bed apartments with floor areas of 96, 109 and 116 square metres
  - 2 x one bed town houses with floor areas of 58 and 68 square metres
  - 7 x two bed town houses with floor areas ranging from 71 to 121 square metres
  - 4 x three bed town houses with floor areas of 102 to 143 square metres
  - 1 x four bed town house with a floor area of 135 square metres
- 1.18 The development density is 236 dwellings per hectare for the entire site (221 dwellings per ha excluding Camden Drive).

### **Transportation**



- 1.19 The development would be car free as no parking is provided as part of the development proposals. This is driven primarily by the implications of the heritage buildings, but also partly due to the proximity of the site to the city centre and alternative parking facilities. 180 cycle spaces would be provided within covered areas within the various new buildings. The application proposals also include works to the southern part of Camden Drive to replace the existing tarmac surface with granite setts to complete the enhancement of this highway. The northern section of this drive is currently being upgraded in connection with an apartment scheme currently under construction on an adjacent site.

### **Supporting information**

- 1.20. A number of supporting documents have been submitted with the application including a Planning, Design and Access Statement, Ecological Assessment, Heritage Statement, Noise Assessment, Financial Appraisal, Structural Survey, Sustainable Drainage Scheme, Transport Statement and Bike and Refuse Strategy. The financial appraisal concludes that as the site is in a CIL chargeable area which would require a payment of approximately £829,847 and the development involves the restoration of existing buildings and highway improvements to Camden Drive the development would not be viable if affordable housing and public open space were required.

- 1.24 [Link to Documents](#)

### **2. Site & Surroundings**

- 2.1 The application relates to a site of approximately 0.59 ha which is located within the Jewellery Quarter Conservation Area and within the designated Industrial Fringe locality as identified in the Jewellery Quarter Conservation Area Character Appraisal and Management Plan. It lies between Legge Lane to the north and Sloane Street to the south and is split into three parcels of land sites A, B and C.
- 2.2 Site A, is the northernmost plot and consists of a relatively thin strip of land roughly 70m long by 10m wide which drops approximately 6.75m from north to south. It fronts Legge Lane to the north, the narrow cobbled lane known as Camden Grove to the west and fronts Camden Drive to the south. To the east lies a large derelict site which has planning permission for a scheme of 100 apartments as approved in December 2015. On the opposite site of Camden Grove is a 2 storey button manufacturing factory and the Gwenda Works a 4 storey Grade 2\* listed building converted into apartments. Until earlier this year the site accommodated the former St Paul's schoolhouse which had a chapel like appearance including a steep traditional hammer-beam style roof with the gable end fronting Legge Lane. The building had been in a poor structural condition for many years and had become in danger of collapse so became the subject of a demolition order which led to its recent removal. The remainder of the site is overgrown and has a brick wall along part of its frontage to Camden Grove.
- 2.3 Site B, which is the largest parcel of land and includes part of Camden Drive which forms its northern boundary, Sloane Street forms the southern boundary and Camden Street the western boundary. The eastern boundary abuts former industrial buildings known as Wire Works which are now vacant but last used a gym. The site is largely occupied by historic dilapidated buildings including the Grade II Listed Sloane House which fronts Sloane Street but also connects with Camden Drive to the north and to 48 Camden Street. Other buildings on this site are more recent industrial

workshops, offices and modern extensions of little historic or architectural merit. The site continues to drop to the south, with the difference between Camden Drive and Sloane Street being roughly 5 metres.

- 2.4 Site B adjoins land/buildings in third party ownership on the corner of Sloane Street and Camden Street (on which planning permission has been granted for a 4 storey dwelling), on Camden Drive and at the head of Sloane Street. Adjoining the northern part of the eastern boundary at 29 Legge Lane a development of 4/5 storey apartments is under construction. This scheme includes works to upgrade the northern half of Camden Drive and this application has been amended to include the southern section of Camden Drive to enable the delivery of further improvement works.
- 2.5 Site C lies on the southern side of Sloane Street and is occupied by more modern industrial buildings, which originally formed part of the Pyramid Works and a pair of fire damaged former cottages. This site is roughly level and adjoins an open site used by BMW for car parking and valeting including a car wash. Residential apartments fronting Newhall Hill and offices lie to the east.
- 2.6 The surrounding area contains a broad mix of uses including residential apartments, offices, car parking, industrial buildings and a BMW garage.

2.7 [Site Location](#)

3 [Planning History](#)

**Application Site**

- 3.1 5/12/12 - 2012/00952/PA – Planning permission granted for redevelopment consisting of new build, refurbishment and selective demolition to provide 25 townhouses and 77 apartments and associated development.
- 3.2 5/10/12 - 2012/00954/PA - Conservation Area Consent granted for demolition works in association with redevelopment of site to provide 25 townhouses and 77 apartments.
- 3.3 5/10/12 - 2012/01001/PA - Listed building consent granted for restorative work to exterior of 1-7 Sloane Street, renovation and restorative internal works, removal of internal partition walls to Sloane House and creation of internal walls to form 4 town houses. Demolition of 2 storey rear lean-to at 1-7 Sloane Street, selective demolition of buildings within curtilage and erection of replacement 2 storey extension.
- 3.4 2017/00012/PA – Listed building consent for alterations including selective demolition, extensions and refurbishment of Listed Building to provide 17 no. dwellings comprising of 9 no. apartments and 8 no. town houses and associated works. Current application reported elsewhere on this agenda.

**Adjacent Sites**

- 3.4 23/12/15 - 2015/07814/PA – Planning permission granted for part restoration and part demolition of existing buildings and erection of new buildings to provide 100 one and two bed apartments with associated infrastructure and landscaping on land at 25 Legge Lane.

3.5 19/6/15 - 2015/03235/PA – Planning permission granted for the erection of a four storey dwelling on land at the corner of Camden Street and Sloane Street.

3.5 12/6/13 - 2013/01795/PA - Application for planning permission to extend the time limit for the implementation of extant planning permission 2010/02208/PA for the demolition of the existing building and redevelopment to provide 78 apartments, car parking and access on land at 29 Legge Lane.

#### 4 Consultation/PP Responses

4.1 The application has been amended since originally submitted and re-consultations have been carried out. The comments below relate to the initial application proposals and are updated where responses have been received to the amended plans and additional information received.

##### **Original comments**

4.2 Transportation - No objection subject to conditions to require a Section 278 Agreement for the various highway works to remove redundant footway crossings, reinstate the footway and permit some additional on-street parking bays and to secure provision of the cycle spaces prior to occupation of each phase and a construction management plan. Comments that the existing buildings do not currently offer any off-street car parking provision and notes that in this area the roads are now subject to a series of Traffic Regulation Orders as part of the Jewellery Quarter's Controlled Parking Zone which provides a mixture of resident's parking spaces, pay and display parking spaces and free on-street parking. Advises that the zone is well patrolled and parking breaches enforced and the difference between the extant uses and proposed residential use leads to a minimal increase in parking demand.

4.3 Lead Local Flood Authority – Object to the development on the basis that the information submitted does not meet their requirements.

4.4 Severn Trent Water – No objection subject to a drainage condition being imposed to require drainage plans for the disposal of foul and surface water.

4.5 Regulatory Services – Request a further noise assessment to consider that impact of noise on the development from car wash that adjoins Site C and from the electrical substation noise affects the plot areas by the corner of Camden Drive and Camden Grove on site B.

4.6 Local Services – Note that a viability assessment has been submitted which asserts that the development would not be viable with off-site S106 contributions but points out that, in accordance with BDP policy, this development is liable for an off -site POS contribution of £300,300 which would be spent on the provision, improvement and/or maintenance of POS in the Jewellery Quarter Cemeteries and elsewhere within the Ladywood Ward.

4.7 Ecology – Recommend conditions to require a construction Ecological Management Plan and that an appropriate biodiversity roof seed mix is provided on the flat roofs within the development to offset the potential loss of habitat.

4.8 Historic England – No objection on heritage grounds but comment that they regret the loss of St Paul's School, whose large gable and mass was a dominant feature of Dayus Square. Request that the careful retention and repair of the sash windows on



the listed building in Sloane Street is required as many contain fine historic glass. There are also some original joinery items in the listed building including panelled doors, and at least one decorative cornice which should be retained as well as the original cast-iron metal windows in the workshop wings and request that a schedule retaining these features is sought. Have no objection to the design of the new blocks, the detailing thereof and the spaces between which they consider should be guided by your expert conservation, design, landscape and planning staff. Consider that there is much scope here to enhance the listed buildings, the undesignated heritage assets and the conservation area.

- 4.9 Victorian Society – Comment that whilst they are pleased to note the retention of historic structures, we are opposed to the substantial demolitions to the rear of the grade II listed 7 Sloane Street and the proposed large extensions particularly to the roof of 48 Camden Street. This will neither preserve nor enhance the character of the conservation area, and in our view is not in accordance with the guidance on scale as expressed in the Jewellery Quarter Design Guide. They are also disappointed to learn of the demolition of the former St Paul's School in Legge Lane. Overall they consider that the proposals are not of the quality expected within this important conservation area. They therefore object to the proposals as presented and should Birmingham City Council approve the application for Newhall Square in its current form, it should be referred to the Secretary of State under the arrangements for handling heritage applications.
- 4.10 West Midlands Police - No objections and has the following observations:
- Supports the proposals to provide secure cycle parking areas contained within the buildings.
  - Requests the dwellings are undertaken in accordance with the standards laid out in the Secured by Design 'Homes 2016' guide.
  - Recommend that a lighting plan for the site be produced, particularly for the courtyard areas and that CCTV cameras are installed.
  - Requests clarification about the process of refuse collection to ensure access control points are secured.
  - Requests access controls to address unwanted intrusion into the courtyard areas and that suitable boundary treatments, including gates, are installed.
- 4.11 West Midlands Fire Service – No objections
- 4.12 The proposals were considered the Conservation and Heritage Panel on 13 March 2017 and panel members considered that the development did not demonstrate a rigorous understanding of the character and appearance of the Jewellery Quarter. Whilst a previous application had been approved (which this application is based on) it is felt that that scheme should not prejudice this new design. It was felt that the scheme compressed 'site-cramming' and was too tall, dominant and of unacceptably large massing. Concerns were voiced over the condition of 48 Camden Street and the provision of an additional floor to this building was not supported. The replacement building to the now demolished school house was noted, but neither supported nor resisted. Landscaping was also considered to be particularly important particularly considering the cramped nature and aspect of many of the proposed residential units.
- 4.13 Site and Press Notices displayed, Jewellery Quarter Development Trust, neighbouring occupiers, Residents' Associations, Ward Members and MP notified and 7 letters received from occupiers of the Gwenda Works on Legge Lane which include the following objections:-

- It is unfortunate and a source of great regret that the developers have demolished the former St Paul's School, an interesting and historic building which could have been saved and restored
- As the replacement building is much larger than the Old School House and our flat receives all its light from the front of the building we will lose almost all light creating a severely bleak and dark environment.
- The replacement building for the Old School House includes significantly greater fenestration at various levels directly overlooking the Gwenda Works than was historically the case and causing a severe loss of privacy.
- The replacement building is unacceptably close to the Gwenda Works and the side windows will look directly into those of the dwellings across Camden Grove, a distance of no more than 4 - 6m contrary to the Council's guidance of a minimum of 21/22m between mutually overlooking dwelling windows.
- Unacceptable overlooking and loss of privacy to living rooms and bedrooms within the Gwenda Works
- Request that all new windows in the site elevation opposite the Gwenda Works be reduced in size and obscuring glazed.
- The development will create noise and disturbance for residents of existing and proposed buildings due to the much increased use of Camden Grove which is a narrow public cobbled highway
- Light and noise interruptions caused to new residents from cars leaving and entering the Gwenda Works car park on Camden Grove.
- Concerns that the number of units proposed is even higher than the original application. The proposals do not recognise the limitations of the infrastructure in the area – the very narrow streets and limited parking and together with other approved plans for a further 177 units in the area, will have a detrimental effect on its character.
- The development would have a detrimental impact on the setting of the Gwenda Works a Grade 2\* listed building.
- The Design & Accessibility Statement only recognises Camden Grove as a pedestrian route whereas it is a public highway and the only route to and from the Gwenda Works car park. There are serious concern for safety of the public in this confined corridor where vehicular and pedestrian traffic is mixed in a narrow space with limited visibility.
- As Camden Grove is a narrow roadway cars entering and exiting the car park will pass very close to the wall of the new building so having windows opening out into Camden Grove would be dangerous. Request that windows are inward opening.
- Concerned about position of the bin stores which could cause potential problems of flies/odours and an increase in traffic on bin collection days.
- The lack of on-site parking militates against family occupation
- Considers the surrounding roads cannot accommodate an increase in the number of cars from new residents and visitors and that there is currently a 2 year waiting list for Jewellery Quarter parking permits.
- How would access by emergency vehicles be obtained?
- The new buildings do not appear to be accessible for persons with mobility issues or have any disabled access or parking provision for potential disabled residents, contrary to the Equality Act.
- Concerns about access, noise, hours of working, inconvenience damage to property, health and safety issues during construction period to occupants of the Gwenda Works particularly as these issues all arose during the demolition work.
- Loss of property values

- 4.14 A letter of comment has also been received from a local business on Camden Street requesting delivery hours on Camden Street are restricted to outside the hours 8.00am to 1.00pm and 4.00pm to 5.00pm when their warehouse receives and despatches goods as this is crucial to their business. Also ask if replacement on street parking bays can be provided.

#### **Comments on Amended plans**

- 4.15 Transportation – Comments remain unchanged
- 4.16 Lead Local Flood Authority- Now accept the principles of the SuDS Strategy and approve of the proposed development subject to conditions to progress to the next stage of design and requiring the submission of a Sustainable Drainage Operation & Maintenance Plan.
- 4.17 Regulatory Services – Agrees that noise from the sub-station is likely to fall within BCC criterion and due to its audibility at the site however as it is currently an open facility recommends future enclosure if possible With regard to the car wash notes that the elevations facing this are blank and points out that it may be necessary for occupants to close windows facing the internal courtyard to achieve suitable internal noise levels. Whilst the car wash operation increases ambient noise levels at the site by 1 dB over a 1 hour averaging period notes that the non-car wash noise level is likely to vary in time and therefore the perceptibility and is likely to include periods of imperceptibility.
- 4.18 Local Services – The amended proposals slightly change my calculation of the POS contribution which would now be £299,000.
- 4.19 Victorian Society - The proposals have now been amended and appear to take into account our concerns regarding the inappropriate large rooftop structure at 48 Camden Street and the replacement building on the site of the former St Paul's School. The success of what is now proposed for this latter site will of course be reliant on good execution of the details, which we assume will be done through conditions.
- 4.20 Third Parties – Two further letters received. One letter is from the occupier of the Gwenda Works commenting that the amended plans do not overcome their objections regarding the proximity of the new building to their windows contrary to BCC guidelines on separation distances, loss of privacy and overlooking and requests that the glazing on the new building be frosted, the windows reduced in size and/ or altered to sky lights. The other letter is on behalf of the owner of a neighbouring property at 10 Sloane Street which supports the new courtyard adjacent to their building but is concerned that access to it is reliant upon entry through the property belonging to 10 Sloane Street which would not be acceptable, Objects to any windows in the building on Site C that bounds 10 Sloane Street and could affect its future redevelopment.

#### **5. Policy Context**

- 5.1 National Planning Policy Framework, Birmingham Development Plan 2031, Birmingham Unitary Development Plan 2005 (saved policies), The Jewellery Quarter Conservation Area Character Appraisal and Management Plan, Jewellery Quarter Conservation Area Design Guide, Conservation Through Regeneration SPD; Places for All SPG, Places for Living SPG, Car Parking Guidelines SPD.

5.2 The site lies within the Jewellery Quarter Conservation Area and includes Sloane House a Grade II listed building. There are also several other listed buildings close to the site including the Grade 2\* Gwenda Works at 18 Legge Lane/Camden Grove and No's 9-11 Legge Lane which are listed Grade 2 and lie on opposite side of Legge Lane.

## 6.0 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 2031 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.

### 6.2 **Land Use Policy**

6.4 The BDP aims to provide for significant new growth in the most sustainable way, ensuring that the development of new homes is matched by the provision of opportunities for new employment, accessible local services and a high quality environment. Sustainable growth in housing, retail and employment development is to be supported including a continuation of new development accommodated through the regeneration, redevelopment and renewal of its urban areas. 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 each area. For the Jewellery Quarter it seeks to create an urban village supporting the areas unique heritage with the introduction of an appropriate mix of uses.

6.5 The NPPF also contains a presumption in favour of sustainable development and underlines the Government's commitment to securing economic growth and job creation together with high quality design. Paragraph 17 of the NPPF supports sustainable economic development to deliver new homes and encourages the use of brownfield land. Paragraph 19 states that significant weight is placed on economic growth within the planning system with paragraph 50 highlighting that residential development should reflect local demand and create mixed and balanced communities.

6.6 The application site is located in the Industrial Fringe designation in the Jewellery Quarter Conservation Area Character Appraisal and Management Plan (CAAMP) where residential uses are considered acceptable. The plan notes this area as the greatest concentration of vacant buildings and that there are a number of major sites available for re-use including property on Camden Street. The plan encourages the re-use of vacant premises as the best means of ensuring the long term upkeep of buildings of architectural merit.

6.7 The site is occupied by buildings previously used for industrial purposes, however they have been derelict and vacant for many years. The site has previously had planning permission in 2012 for redevelopment to provide 102 dwellings (25 townhouses and 77 apartments) The CAAMP places no restriction on residential development within this part of the Quarter and there are recent precedents for

similar residential schemes in the immediate vicinity. As such the broad principle of a residential led redevelopment scheme in this location is acceptable.

## **6.8 Demolition**

- 6.9 The application proposals include the demolition of a number of vacant industrial buildings and extensions. As the application site is in a conservation area, there is a statutory requirement to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. Policy TP12 of the BDP states that great weight will be given to the conservation of the City's heritage assets. New development affecting a designated or non-designated heritage asset or its setting, will be expected to make a positive contribution to its character, appearance and significance and demonstrate how the proposals would contribute to the asset's conservation whilst protecting or enhancing its significance and setting. It also states that the City Council will support development that conserves the significance of non-designated heritage assets.
- 6.10 The Jewellery Quarter Conservation Area Appraisal and Management Plan states that demolition of buildings will not normally be permitted and there is a presumption against alterations to buildings which adversely affect their character or that of the conservation area.
- 6.11 The NPPF requires the conservation of heritage assets in a manner appropriate to their significance. In considering the impact of a proposed development on the significance of a designated heritage asset, great weight is to be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.
- 6.12 A Heritage Appraisal has been submitted with makes an assessment of the historical significance of all the existing buildings on the site and confirms that of greatest significance are the offices and workshops of the Grade II listed Sloane House. The façade of the office building at 48 Camden Street is considered to have great townscape potential although it is in a poor condition and the former dwellings at 45-46 Sloane Street are considered to have some value as examples of early small scale manufactories although they are fire damaged and have lost much of their historical form. The heritage significance of the other buildings proposed for demolition is considered to be negligible or negative. The Conservation Officer accepts the findings of the Heritage Appraisal which he considers to be very thorough and no objections have been raised from Historical England to the demolition proposed.
- 6.13 The Conservation Officer, Historic England and some local residents express concern about the loss of the former St Paul's School House. The previous approval in 2012 proposed the same scale of demolition as currently proposed but retained the former School House for conversion to apartments. The original Heritage Appraisal also found the building to be in a very poor structural condition and subsequently it was found that there had been significant movement on the Camden Grove side of the building, which has resulted in a serious crack down the façade and the collapse of the first floor. The building was inspected by Acivico who found to be it a dangerous condition and required its demolition which took place in March 2017.

## **6.14 Impact on Conservation Area**

- 6.15 Policy TP12 of the BDP states that where a Conservation Area Character Appraisal or Management Plan has been prepared, it will be a material consideration in determining applications for development, and will be used to support and guide enhancement. The application site falls within the designated Industrial Fringe area within the JQ Conservation Area Appraisal and Management Plan. It notes that Camden Street was originally lined with houses and detached villas and later courts of workers houses which were demolished and replaced with later industrial premises. The Management Plan requires the design of new development to respect the scale, form and density of development and states that building heights should generally respect the height of buildings within the locality and normally limited to four storeys. The Jewellery Quarter Design Guide also outlines principles for good design including guidance on scale, form, grain, hierarchy and materials.
- 6.16 There is also a statutory requirement to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas. The NPPF requires new development within conservation areas and within the setting of heritage assets to enhance or better reveal their significance. Decisions should address the integration of new development into the historic environment.
- 6.17 The application proposals have been the subject of detailed negotiations and amendments over a six month period. The amendments have sought to address the issues raised by consultees, local residents and the Conservation and Heritage Panel and provide a scheme that better reflects the character and appearance of the Jewellery Quarter. The roof extension to 48 Camden Street has also been removed. The resultant scheme, in terms of detail and scale, responds to the existing context and where this has been lost the proposals seeks to reinstate and draw upon both historic precedent for this site and its surrounding and the Jewellery Quarter Design Guide.
- 6.18 **Site A**
- 6.19 On this site the development proposed would provide a very similar form of development to that previously approved in 2012 comprising one building fronting the Legge Lane and the other Camden Drive with communal courtyard spaces between the two and both buildings designed to step down Camden Grove. Although the former St Paul's School House was to be retained the current application proposals, as now amended, provide a replacement building to infill the street frontage of a similar form, scale, height and appearance and with a tall gable end facing the street. The detailing includes arches to the windows and roof lights within the large roof slope and would re-provide the boundary wall on Camden Grove. The lower building would be of a more modern design and step down the site and have a varied roof line which would include pitched slate roofs with a gable end to Camden Drive which would contrast with the flat roof four storey building approved on the adjoining site. No windows are proposed on the east-facing elevations in order not to prejudice the redevelopment or overlook the adjacent vacant site. Access to the courtyard area and the lower block access would be off Camden Grove the adjacent cobbled road.
- 6.20 **Site B**
- 6.21. Within Site B, which accommodates the listed Sloane House, a historic courtyard style layout would be introduced and existing gaps in the street frontages would be infilled with new buildings of heights ranging from 2-4 storeys. Whilst a portion of the Camden Street and Camden Drive frontages are outside of the applicant's control, the new buildings have no windows on the side elevations to avoid prejudicing their development in the future.



- 6.22 The proposals include conversion and refurbishment of the listed offices and workshop range including new three storey wings either side of the listed building fronting Sloane Street. The Sloane Street frontage would however continue to be dominated by the listed Sloane House as the new buildings either side would be of a lesser scale, and have less decorative and more domestic detailing. The existing cart way entrance within the listed building would be utilised as a pedestrian entrance into the central courtyard, with additional entrances to two new courtyards within the new build elements to either side. The detached replacement building proposed at the rear and side of Sloane House would be 2 and 3 storeys in height, of brick with pitched roofs. Again no windows are proposed in the rear elevation to avoid overlooking the apartments under construction on the neighbouring site.
- 6.23. The Camden Street frontage has been designed to reflect the more important hierarchy of this street and provided 4 storey buildings with a variety in architectural detail and roof heights. The adjoining 48 Camden Drive is to be retained and refurbished. Buildings on the Camden Drive frontage would be of a lower height consisting of the 2 storey side elevation of 48 Camden Street, the retained two storey workshop section of the listed building and a new 3 storey building which would infill the gap between the workshops and four storey apartments under construction at 29 Legge Lane. The design of the new infill building has a more domestic appearance with front doors onto the street.
- 6.24 **Site C**
- 6.25. On Site C, the former dwellings at 45 and 46 Sloane Street would be refurbished and all the other buildings would be replaced with a new part three and part four storey building. Where the new building fronts Sloane Street its scale and design responds to the retained cottages and Sloane House opposite and has a more domestic appearance. The remainder of the block would be arranged around a central courtyard and have a traditional warehouse aesthetic with details such as large windows set within a brick frame. Most of the side and rear elevations to neighbouring sites would be blank but it is proposed to provide bricks piers and painted signage to add interest.
- 6.26. Overall the development would follow the traditional courtyard layout established through the 2012 consent and provides an appropriate response to the Jewellery Quarter character which would enhance its appearance. The submitted heritage statement comments that the historic character of the buildings on the site is established through the use of red brick construction, two and three storeys, pitched slate roofs, rectangular windows with brick or shallow arched lintels and sills formed by brick on edge, steel framed or timber sash windows with multiple small panes, painted sandstone or concrete dressings and architectural detail to street elevations and buildings structures around a central courtyard with access through car passages integrated into the street buildings. The building design and layouts have followed this character in order to ensure that the new development would integrate with its historical environment.
- 6.27. The Conservation Officer comments that the position we have now arrived at to be a significant improvement from when the application was originally submitted and from the previous approval. He considers the detailing of the buildings on site A could still be improved and that the handling of the expressed concrete floor plate is important and should not be applied render. He considers the buildings on site B are now of a much better design but the detailing will need to be carefully conditioned. The building proposed on site C has been significantly improved with regard to the

courtyard and handling of the street elevation. He raises no objection to the proposal subject to conditions securing details of all architectural aspects of the external appearance of the works.

**6.28 Impact on the setting of listed buildings**

6.29 Consideration also needs to be given to the impact of the development on the setting of the listed buildings both on and adjacent to the site. The statutory test for development involving listed buildings is that the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest it possesses and the NPPF contains similar requirements.

6.30 In terms of the Grade 2 listed building on the site the development would bring the building back into use, restore it and require only minimal alterations to its historical fabric to accommodate the proposed uses. The 20<sup>th</sup> century modern extensions to the listed building which are to be demolished currently have a negative impact on the significance of the building and although there would be a loss of part of the architectural historic of the site their removal would enhance the Sloane House works complex and would help to restore its original historic form and layout and better reveal its significance.

6.31 The replacement buildings that would be attached to the listed building would be built in a style and of a height consistent with the surrounding area and are of a scale that echo's the current built environment. The development would improve the setting of Sloane House by removing the modern structures that detract from key views of the listed building and the new buildings would create a new street scape in keeping with the historic environment.

6.32 There are also a number of other listed buildings nearby the majority of which are screened from the site by intervening development or are some distance away from the site. The development would however have an impact on the Gwenda Works a grade II\* listed building which lies adjacent to site A and fronts the opposite corner of Legge Lane and Camden Grove. Also, to a lesser extent No's 3-5, 6, 9, 10 and 11 Legge Lane which lie on the opposite side of the street. The former St Paul's School House that previously occupied this site had a negative impact on the setting of these buildings due to its poor dilapidated condition and the unsympathetic alterations that had been carried out to its front façade and its removal now results in an uncharacteristic gap in the street frontage.

6.33 The proposals would provide a replacement building of a similar footprint, height and scale to the former school house maintaining the roof pitch, using red brick as the principle building material and recreating the three gothic arches on the front elevation and side windows. Although the new building would not have the historic character of the former school building it is considered that it would have a positive overall effect on the setting of the listed buildings by maintain the massing, grain and materials and reinstating the urban street scape. The Old School House also provided a focal point to Dayus Square and the re-provision of a similar building in this location would also enhance the wider setting of these listed buildings.

**6.34 Residential Amenity**

6.35 The proposed development would provide a mix of apartments and town houses of varying sizes. 56 units (40%) would be 1 bed properties of between 40 and 62 square in size compared to the minimum nationally described space standards of between

39-50 square metres depending on occupancy. 18 of the one bed units (13%) would be less than 50 square and therefore be 1 person units but the other 38 would meet or exceed the minimum standards for a 2 person unit.. Several of the smaller units are within the retained buildings where there are more limitations on layout. 75 (54%) of the units would provide 2 bedrooms and vary in size between 61 and 121 square metres and would all meet or exceed the national standards which seek 61-70 square metres for a 2 bed apartment and 70-79 square metres for a 2 bed house. The other 8 units (6%) would have 3 or more bedrooms and floor areas of between 102 to 143 square metres well in excess of the national standards. Overall the dwelling sizes are of an acceptable size and although 18 of the 1 bed apartments are below 50 square metres, they exceed the minimum size of 39 square metres and are therefore suitable for single occupancy. The development also includes a good mix of dwelling size including 12 town houses and a number of duplex apartments town houses which will add to range the properties available in the Jewellery Quarter.

- 6.36 Objections have been received on the grounds that that the number of units proposed is even higher than the original application which was for 102 dwellings and that the proposals do not recognise the limitations of the infrastructure in the area, the narrow streets, limited parking and that there are already approved plans for a further 177 units in the immediate area. Although the number of dwellings is greater than that previously approved, the site is slightly larger and it is considered that they can be satisfactorily accommodated on the site. The development would be on previously developed land within the city centre and in a sustainable location where an urban village is proposed. The BDP also makes it clear that the majority of new housing provision within Birmingham will be located on previously developed land within the existing urban area. None of the building heights are considered to be excessive and do not exceed 4 storeys.
- 6.37 With regard to separation distances between the proposed dwellings there a few instances where there are about 8 metres although generally distances are between 9 - 20 metres. Although these would not be compliant with Places for Living guidelines it is considered that these distances are appropriate and in context with the character and tight grain of the Jewellery Quarter and retention of existing buildings. Residents would benefit from semi private courtyard areas and in total, around 1,900 square metres is proposed as amenity space.
- 6.38. This application is supported by a Noise Report that concludes that with adequate ventilation and glazing specification the proposed development would offer suitable living accommodation. Regulatory Services did not initially consider that this report was adequate and this has been amended such that they raise no objection to the proposals subject to conditions. The applicants have also advised that as part of the project implementation they anticipate being in a position to upgrade the sub-station as part of the new supplies required, and will seek to enhance the appearance of the sub-station, which would reduce noise as well as improve its visual appearance.
- 6.39. In terms of the amenity of existing occupiers of residential properties a number of objections have been received from occupants of the Gwenda Works on the grounds of loss of light and privacy, overlooking and overshadowing from the new building proposed to replace the Old School House. Originally the submitted plans showed a taller replacement building on this site and with additional and larger windows in the side elevation facing towards the Gwenda Works. The plans have been amended to show a building of the same height and general form of the original school house and with smaller side windows at only ground and first floor level so that the impact on the neighbours would be as previously approved in 2012 which allowed the existing building to be converted to apartments. This would still result in a number of the side-

facing windows within the new building being some 5 metres from the Gwenda Works but was previously to be the case. A number of the apartment windows on the Gwenda Works have traditionally looked onto the side elevation of a building in this location and it is considered important to the character and appearance of the Conservation Area that a similar replacement building is provided.

- 6.40 The accommodation proposed in the roof space of the replacement building would be lit by roof lights as before to avoid direct overlooking. Although it has been requested that the side windows be glazed with obscured glass this is not considered to be a suitable treatment for living and bedroom windows. There are no opportunities for additional east facing windows as this would prejudice the future development of the adjacent site where buildings are to be development on the site boundaries. Although the development would result in residential windows on either side of Camden Grove this tight grain of development reflects the character of the conservation area and the position of buildings that have traditionally occupied this site.
- 6.41 The development would also adjoin the boundaries with other residential apartments within the four storey blocks at no's 46-48 Newhall Hill to the east. Here the rear wall of the new building proposed on site C would be blank in order to safeguard privacy, although a brick detail with piers is shown to provide interest. The former Wire Works adjoins this part of the site and although the replacement building would be taller at 3 rather than 2 storeys it is not considered to result in undue loss of light or overshadowing. At its closest point this block would be some 11.8m from the rear of the neighbouring apartments although this varies up to 19m at the northern boundary
- 6.42. The new buildings proposed on Site B would adjoin the boundary with the new apartments under construction at 29 Legge Lane and the single dwelling approved on the corner of Sloane Street and Camden Street. No windows are proposed in the rear/side elevations facing these neighbouring developments. Overall it is not considered that the proposal would overlook, overshadow or cause a loss of outlook for residential properties within the vicinity to such a degree as to warrant the refusal of this application.
- 6.43. **Highway Issues**
- 6.44. The proposed development would be car free with no on-site parking proposed. This was the case with the previous application as approved in 2012 and is also the position with the development of the adjoining site at 25 Legge Lane. Transportation Development raises no objections to this on the grounds that the existing buildings do not currently offer any off-street car parking provision. They also note that in this area the roads are now subject to a series of Traffic Regulation Orders as part of the Jewellery Quarter's Controlled Parking Zone which provides a mixture of resident's parking spaces, pay and display parking spaces and free on-street parking and that the zone is well patrolled and parking breaches enforced. Whilst the difference between the extant uses and proposed residential use could lead to a minimal increase in parking demand, the car ownership within this part of the city is lower and there is a small difference between existing and proposed on-site parking provision.
- 6.45. The application site is also situated within the City Centre and is highly accessible via a range of modes of public transport and the development would provide ample provision for cycle storage Further, the design and heritage implications of introducing parking into the scheme would be significant and be detrimental to the character of the Conservation Area and setting of the listed building. The NPPF states that there should be a balance of land uses in order to minimise journey lengths for employment, shopping, leisure and education and that development

should only be refused on transport grounds where the residual cumulative impacts of development are severe and in this case it is not considered that there would be sufficient concern to warrant the refusal of this scheme.

- 6.46 Local residents have also raised a number of highway concerns regarding the use of Camden Grove, potential conflict of vehicular and pedestrian traffic, risk to opening windows overhanging Camden Grove, increase in traffic on bin collection days, the lack of on-site parking, that surrounding roads cannot accommodate an increase in traffic, there is a waiting list parking permits and how would access by emergency vehicles be obtained. These objections relate primarily to the use of Camden Grove which adjoins Site A and has a steep gradient, in a north-south direction, variable width between 4m and 2.8m and is paved with cobbles and has no street lighting.
- 6.47 The wider top section of Camden Grove is used to provide access to the car park serving the Gwenda Works however no parking is proposed for vehicles other than cycles on Site A and therefore there is unlikely to be a material increase in cars using this lane. Pedestrian access to the apartments within the replacement building would be from Legge Lane and although there could be additional pedestrian cycle movements in connection with use of the cycle and bin stores these are likely to be small for a development of 12 apartments. Any conflict with vehicles entering or leaving the Gwenda Works car park or with opening windows is also unlikely to be significant or cause a highway danger given the low vehicle speeds and the character and location of Camden Grove. The submitted plans include a Fire Service Strategy and no objection has been raised by West Midlands Police or Fire Service. The applicants also advise that it is proposed that a management company for the residential units will wheel the refuse/recycling bins from the bin storage areas onto the public highway for its collection.
- 6.48 In terms of the wider highway issues raised there are on street and public car parks available nearby and a car club operates in the Jewellery Quarter. There are public transport facilities in the form of bus stops, two railway stations and a Midland Metro station. A travel plan has also been submitted with the application which would encourage travel by sustainable mode and space for 180 cycle spaces will be provided on six safe cycle storage facilities which will be installed inside different buildings throughout the sites. It is however recommended that part of the Section 2016 financial contribution being offered should be used towards a car club and/or public realm improvements to help reduce reliance on private cars.
- 6.49 **Other Considerations.**
- 6.50 A number of other points have been raised by local residents relating to the disturbance caused during the demolition and construction work. The work would be relatively short lived and Regulatory Services can enforce hours of work on construction sites if work is taking place outside standard hours however submission of a construction management plan is recommended. This would also cover delivery hours although it is not considered reasonable to prevent deliveries from occurring between 8.00am and 1.00pm and 4.00pm to 5.00pm as requested by a local business as this would be unduly restrictive. In response to the comment that the new buildings do not appear to be accessible for persons with mobility issues the applicants have advised that scheme has been designed to comply with document M building regulations standards, and DDA legislation.
- 6.51 The applicants have advised that CCTV is to be installed as requested by West Midlands Police and a lighting plan for the site is to be developed. Rubble/green roofs are to be provided on the new flat roofs within the development as requested by the

Council's ecologist. The objection relating to loss of property values is not considered to be a planning matter and as the bin stores are enclosed and are incorporated within the new building designs it is not considered that there is likely to be problems of flies/odours or any significant increase in traffic on bin collection days. With regard to the issues raised about the use of third party land the applicants have confirmed that they do not need to use any third party land and that access to the courtyard referred to is via a side entrance from building they also advise that they have set the building just over 1 metre from the adjacent building to facilitate any future access.

**6.52 Section 106/CIL**

6.53 As the application is for 139 dwellings policies require 35% affordable housing to be provided and on site public open space or off site contributions. The site also lies in an area where CIL is payable. No on site affordable housing or public open space is proposed although the development does include public realm improvements to improve Camden Drive

6.54 The applicants originally submitted a financial appraisal which concluded that due to the CIL requirements the development could not provide any further financial contributions. However following negotiations they have now agreed a Section 106 contribution/commuted sum payment of £471,147 together with the CIL payment of £829,847. It is considered that £400,000 should be used as a contribution towards affordable housing within the remaining £71,147 used towards a car club and/or public realm improvements in the Jewellery Quarter.

6.55 The Section 106 Agreement attached to the previous approval on the site also sought to ensure that the new build elements are not brought forward in isolation of the works to the retained buildings and required the listed building works be completed prior to the occupation of any of the apartments within site B and development on site A to be commenced prior to occupation of any properties within site C and then completed prior to 90% occupation of site C. At that time the Old School House was to be retained but site A would now provide all new build accommodation so it is recommended that the Section 106 Agreement be modified to allow the development to be undertaken in phases but that the restoration and repair of the listed Sloane House to be substantially complete and available for occupation prior to the occupancy of 50% of the new build dwellings on sites A, B or C. This will then assist in the funding of the remaining works on the site. A second part to the phasing requirement is also recommended to ensure that all restoration and repair works to the retained buildings is completed prior to occupation of 90% of the new build dwellings on the entire application site.

**7. Conclusion**

7.1. The proposal respects the site's historical context whilst proposing a sensitive redevelopment scheme. The scheme would remove a significant proportion of derelict property within the Jewellery Quarter and the additional elements would replicate the design and format of development that is typical of the quarter. The existing historic buildings on site would be refurbished and safeguarded through their economic reuse. Although objections have been received made through the public participation process are noted; it is not considered that any of the issues raised warrant the refusal of this application. It is therefore recommended that subject to a Section 106 planning obligation being completed and suitable conditions to allow the development to be undertaken in phase's permission be granted.

**8. Recommendation**



- 8.1 That consideration of planning application 2017/00002/PA be deferred pending the completion of a suitable Section 106 legal agreement to secure the following:
- i) That the works to Sloane House as detailed in application number 2017/00012/PA be completed prior to the occupation of no more than 50% of the new build apartments within any of sites A, B or C.
  - ii) That the works to restore and repair the other retained buildings is completed prior to occupation of 90% of the new build apartments on the entire application site
  - iii) A financial contribution of £400,000 (index linked from the date of resolution) towards provision of off- site affordable housing in the city
  - iv) A financial contribution of remaining £71,147 (index linked from the date of resolution) to be used towards a car club to be available to residents of the site and/or the improvement of the public realm the Jewellery Quarter.
  - v) The payment of a monitoring and administration fee associated with the legal agreement of 3.5% of the financial contribution sum, subject to a maximum of £10,000.
- 8.2 In the absence of the suitable planning obligation agreement being completed to the satisfaction of the Local Planning Authority on or before 14 July 2017 then planning permission be refused for the following reasons:-
- 1. In the absence of a suitable planning obligation to secure repair and restoration works to listed building and other retained buildings on the site proposed development conflicts with policy TP12 of Birmingham Development Plan and the National Planning Policy Framework
  - 2. In the absence of a legal agreement to secure contributions towards affordable housing the proposal conflicts with policy TP31 of Birmingham Development Plan and the National Planning Policy Framework.
  - 3 In the absence of a legal agreement to secure contributions towards a car club or improvements to the public realm in the Jewellery Quarter the proposal conflicts with Policies TP38 and TP39 of the Birmingham Development Plan and the National Planning Policy Framework.
- 8.3 That the City Solicitor be authorised to prepare, seal and complete the planning obligation.
- 8.4 That in the event of the planning obligation being completed to the satisfaction of the Local Planning Authority on or before by 14 July 2017, favourable consideration be given to this application, subject to the conditions listed below.

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- 1 Requires the prior submission of a phasing plan
  - 2 Prevents demolition prior to a redevelopment contract being entered into
  - 3 Requires the prior submission of a demolition method statement
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- 4 Requires the prior submission of Structural Recording
  - 5 Requires the prior submission of a construction ecological mitigation plan on a phased basis
  - 6 Requires the prior submission of a construction method statement/management plan
  - 7 Requires the prior submission of contamination remediation scheme on a phased basis
  - 8 Requires the prior submission of a contaminated land verification report
  - 9 Requires the prior submission of a sustainable drainage scheme in a phased manner
  - 10 Requires the submission prior to occupation of the properties of each phase of development a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan
  - 11 Requires the phased submission of roof materials
  - 12 Requires the prior submission of sample brickwork for each phase
  - 13 Requires the prior submission of roof light details on Building B6
  - 14 Requires the prior submission of sample window frame details on each phase.
  - 15 Requires the prior submission of external doors for each phase
  - 16 Requires the prior submission of new walls, railings & gates & gate posts/piers details for each phase
  - 17 Requires the phased submission of steps/ramps details
  - 18 Requires the prior submission of boundary treatment details in a phased manner
  - 19 Requires the implementation of residential acoustic protection measures
  - 20 Requires the phased submission of hard and/or soft landscape details
  - 21 Requires the phased submission of hard surfacing materials
  - 22 Requires the submission of a scheme for ecological and biodiversity enhancement measures on a phased basis
  - 23 Requires the phased submission of details of green/brown roofs
  - 24 Requires the prior submission of a lighting scheme in a phased manner
  - 25 Requires the provision of cycle parking prior to occupation
  - 26 Requires the submission of a residential travel plan
  - 27 Requires the prior submission and phased completion of works for the S278/TRO
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Agreement

- 28 Requires the prior submission of structural repairs to 48 Camden Street and 45-46 Sloane.
  - 29 Requires the submission of the signage design on site C
  - 30 Removes PD rights for extensions and additional windows
  - 31 Requires the scheme to be in accordance with the listed approved plans
  - 32 Implement within 3 years (Full)
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Case Officer: Lesley Sheldrake

## Photo(s)



Figure 1: View of Old School House prior to its demolition and relationship to Gwenda Works



Figure 2: View down Camden Drive showing listed workshops



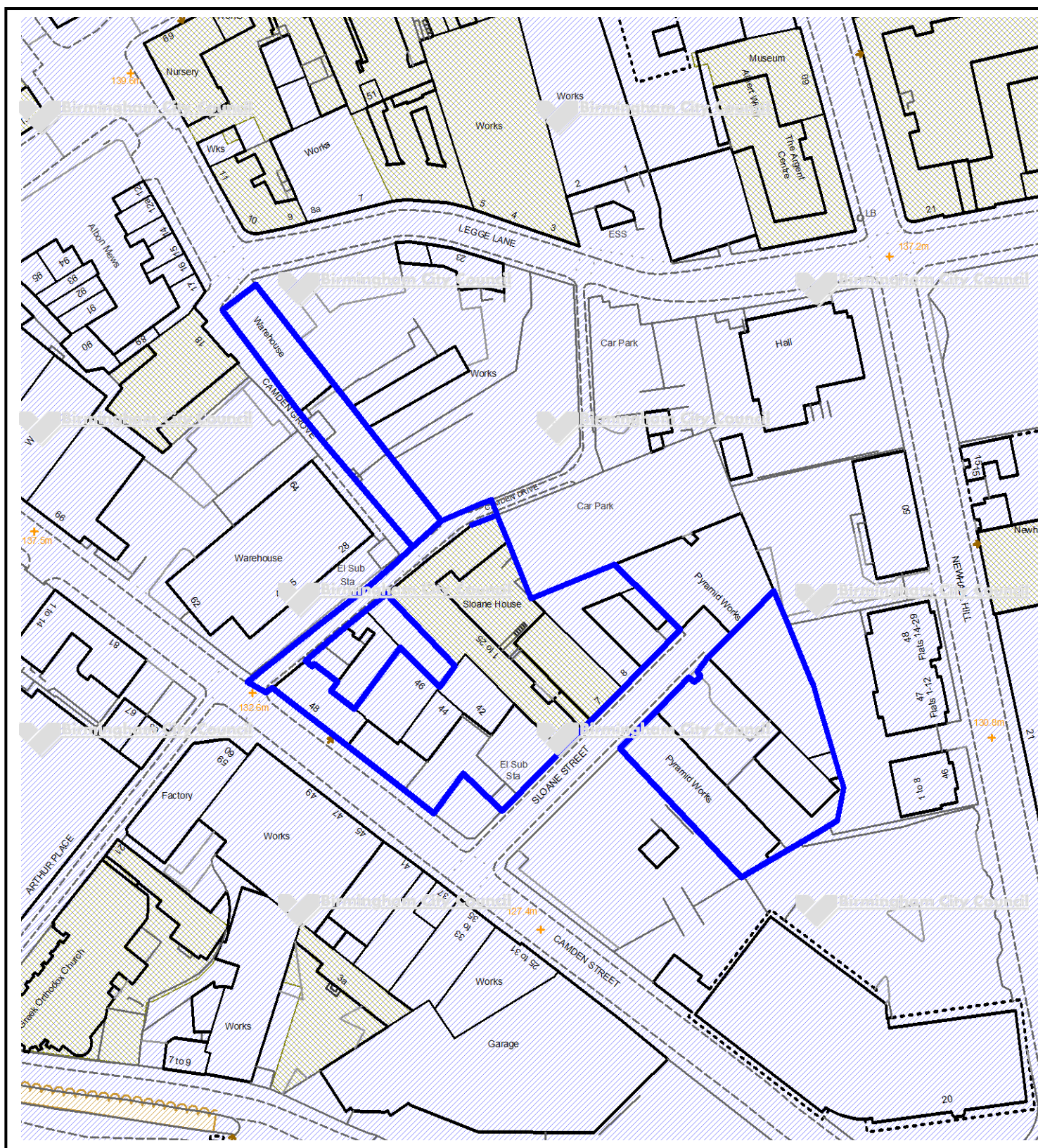


**Figure 3: View at corner of Camden Street/Camden Drive and of 48 Camden Street proposed for retention**



**Figure 4: View down Sloane Street showing Sloane House and No's 45- 46 Sloane Street**

## Location Plan



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Committee Date:	06/07/2017	Application Number:	2017/00012/PA
Accepted:	24/02/2017	Application Type:	Listed Building
Target Date:	14/07/2017		
Ward:	Ladywood		

Sloane House, Sloane Street, Jewellery Quarter, Birmingham, B1 3BX

Listed Building Consent for alterations including selective demolition, extensions and refurbishment of Listed Building to provide 17 no. dwellings comprising of 9 no. apartments and 8 no. town houses and associated works.

Applicant:	Property Solutions c/o Agent
Agent:	PADD Limited 20-22 Wenlock Road, London, N1 7GU

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#### Recommendation

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

##### 1. Proposal

- 1.1 The application relates to Sloane House a Grade II listed building situated in a narrow plot between Sloane Street and Camden Drive. It comprises of a group of eight structures grouped around a central courtyard which form a largely intact complex of mid-19<sup>th</sup> century office and workshop buildings dating from 1854 and originally built as a brass manufactory. Listed building consent is sought to demolish some of the modern extensions attached to the building and to convert the retained office and workshops into 9 apartments and 8 town houses. An associated planning application for redevelopment of a wider site including Sloane House site to include selective demolition of existing buildings, refurbishment and alterations to retained buildings, erection of new build to provide 139 dwellings and associated works has been submitted under ref 2017/00002/PA. The planning application is also reported to this committee meeting.
- 1.2 The main alterations required to the listed building to allow the proposed include -
- Demolition of three extension/alterations one to the rear of the main building fronting Sloane Street, the second within the internal courtyard and the third facing Camden Drive.
  - The existing cart way entrance into the courtyard from Sloane Street to be made good and the modern surfacing to be removed and replaced with blue bricks
  - The reinstatement of original blocked or altered openings on the workshop wings and restoration with matching brickwork and new windows and doors.
  - New roof lights provided to replace existing
  - Roller shutter door on the Camden Street elevation and doorways restored
  - All original fenestration repaired and restored as far as possible.
  - Provision of new internal staircases and internal partitions
  - Removal of internal partitions and an internal staircase.
- Otherwise the works proposed involve primarily repairs to the building, stripping out modern fixtures and fittings and cleaning of the existing fabric.

- 1.3 The conversion works would allow the retained buildings to be converted into 17 dwellings. In the main 3 storey office section of the building 5 apartments and one town house would be provided with access from the 3 existing entrances which are being retained and a new communal staircase is proposed to provide access to the first and second floor. In the workshop wings 6 townhouses and 4 apartments proposed over three floors including part of the roof space where light is to be provided via replacement roof lights. The development also includes the reinstatement of the central courtyard around the listed building which would be resurfacing and landscaped and a new pedestrian route would be provided via steps onto Camden Drive.
- 1.4 The application is accompanied by a Heritage Appraisal and Structural Inspection and Assessment Report.
- 1.5 [Link to Documents](#)
- 2 Site & Surroundings
- 2.1 The application site comprises of Grade 2 three storey listed building with frontages to Camden Drive to the north and Sloane Street to the south. It dates from around 1854, with additions of 1887 and later 20<sup>th</sup> century alterations. It was built by David Malins, brass founder, upholsterer and ironmonger. The main office section fronting Sloane Street is of red brick with painted stone dressings and has a slate roof covering. It has timber sash window, panelled doors and a wide central vehicular entrance. The building occupies a courtyard plan on deep rectangular plot with 3 storey brick workshop ranges extending to the rear through to Camden Drive. The listed building description describes the building as a mid-C19 brass foundry site, with a little-altered street frontage range and surviving rear ranges. It represents a significant branch of the metal working industries in a manufacturing quarter of Birmingham.
- 2.2 The buildings have been vacant for several decades and are in a poor condition structural condition due to being unoccupied and suffering from water ingress and have significant issues affecting the roof and floor construction. However the main elevations to Sloane Street are in a better state of repair and would require more minimal repairs.
- 2.3 Surrounding the listed building and forming part of the larger redevelopment site are a range of vacant industrial buildings and offices of varied ages including the former offices of the Communication Workers Union known as Trinity House offices which are attached to the eastern side of the listed building fronting Sloane Street. The listed building also abuts two dilapidated brick workshops fronting Camden Drive which are in separate ownership. Adjoining the eastern boundary at 29 Legge Lane a development of 4/5 storey apartments is under construction. The wider area comprises of a broad mix of uses including residential apartments, offices, car parking, industrial buildings and a BMW garage.
- 2.4 [Site Location](#)
- 3 Planning History
- 3.1 5/12/12 - 2012/00952/PA – Planning permission granted for redevelopment consisting of new build, refurbishment and selective demolition to provide 25 townhouses and 77 apartments and associated development.

- 3.2 5/10/12 - 2012/00954/PA - Conservation Area Consent granted for demolition works in association with redevelopment of site to provide 25 townhouses and 77 apartments.
- 3.3 5/10/12 - 2012/01001/PA - Listed building consent granted for restorative work to exterior of 1-7 Sloane Street, renovation and restorative internal works, removal of internal partition walls to Sloane House and creation of internal walls to form 4 town houses. Demolition of 2 storey rear lean-to at 1-7 Sloane Street, selective demolition of buildings within curtilage and erection of replacement 2 storey extension.
- 3.4 2001/00002/PA - Redevelopment of site to include selective demolition of existing buildings, refurbishment and alterations to retained buildings, erection of new build to provide 139 dwellings and associated works. Current application reported elsewhere on this agenda

#### 4 Consultation/PP Responses

- 4.1 Historic England – Comment that they do not object to the principle of the conversion of the building and the workshops into apartments. However they considered that there is still inadequate description of the works proposed to this Grade II listed building and there would appear to be wholesale demolition of many historic features. They therefore cannot yet support this application. Notwithstanding the poor condition of the building and the further information provided they still are still concerned about the accuracy of the plans and that the insertion of new staircases will lead to the demolition of the floor structure that may be original. They also note that there are some original joinery items in the listed building including panelled doors, at least one decorative cornice and original cast-iron metal windows in the red brick workshop and recommended these be retained and repaired, not replaced. They recommend a schedule is sought retaining these features and included in the application together with methods of extraction and ventilation for all the bathrooms. Therefore at present they cannot advise whether if these will cause harm or not to the significance of the listed building and consider there is insufficient detail here to fulfil paragraphs 128 and 132 of the NPPF
- 4.2 Victorian Society – Originally commented that whilst they were pleased to note the retention of historic structures, they were opposed to the substantial demolitions to the rear of the grade II listed 7 Sloane Street and felt that overall the proposals were not of the quality expected within this important conservation area. They therefore objected to the proposals and that should the City Council approve the application in its current form, it should be referred to the Secretary of State. Following the submission of additional information and amended plans they have advised that the proposals now appear to have largely taken their concerns into account but they still feel the alterations proposed to the listed building may result in the loss of historic fabric through the insertion of staircases, replacement of windows and installation of services. They would like to see as much historic fabric retained as possible such as roof structures, floors, doors, windows, cornices and skirting's and seek assurances that as many features as possible will be retained and re-used.
- 4.3 Birmingham Civic Society - Commented on the original plans that they considered that the information submitted to support the application is unclear and lacking in details regarding the proposed development. The majority of the information appears to relate to the wider development and whilst this is useful they consider further information is required in order to be able to assess the proposed

development relating to the existing listed building. They were therefore unable to support this application.

- 4.4 Site and Press Notices displayed, Jewellery Quarter Development Trust, neighbouring occupiers, Residents' Associations, Ward Members and MP notified of the application. No comments received.

## 5 Policy Context

- 5.1 Birmingham Development Plan 2031, National Planning Policy Framework, Birmingham Unitary Development Plan 2005 saved policies, The Jewellery Quarter Conservation Area Character Appraisal and Management Plan, Jewellery Quarter Conservation Area Design Guide, Conservation through Regeneration SPD

## 6 Planning Considerations

- 6.1 The Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in considering whether to grant listed building consent for any works the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. National Planning Policy as set out in the NPPF is that in determining planning applications, local planning authorities should take account of:
- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
  - the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
  - the desirability of new development making a positive contribution to local character and distinctiveness.
- It also requires that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
- 6.2 Policy TP12 of the BDP states that great weight will be given to the conservation of the City's heritage and that proposals for new development will be determined in accordance with national policy. It requires that applications for development affecting the significance of a designated or non-designated heritage asset provide sufficient information to demonstrate how the proposals would contribute to the asset's conservation whilst protecting or where appropriate enhancing its significance and setting.
- 6.3 The applicants have submitted a heritage statement and structural report with the application. In respect of the demolition of the modern extension attached to the listed building these comprise:-
- A workshop which is single storey and of brick facing Camden Drive and two storeys high with a flat roof and of corrugated asbestos panels facing the internal courtyard.
  - A two storey brick lean to attached to the rear of the workshops facing the internal courtyard which dates from around 1955
  - A single storey steel framed structure attached to the rear of the main building which dates from between 1918-1955.
- 6.4 The applicant's heritage assessment considers that these extensions are of negligible significance and block views of the more significant structures around them. Although the workshop fronting Camden Drive is a continuation of the original street frontage the report concludes that the 20<sup>th</sup> century alterations undertaken have

a significantly negative impact on the significance of the building. Listed building consent has previously been granted for their removal under application 2012/01001/PA in 2012. Since then the extensions have not been altered and have deteriorating further since then. No objection is therefore raised to the proposed demolition.

- 6.5 With regard to the retained parts of the listed building the conversion works proposes similar floor plans and layouts to the scheme previously approved under application 2012/01001/PA. The applicants have however sought to improve upon the previous conversion plans and provided further drawings and a detailed structural report. This confirms that the condition of the listed building is deteriorating at a significant rate however the buildings can still be saved and are suitable for conversion to residential use. The amendments proposed include reducing the number of new staircases than were previously proposed and improvements to the fenestration.
- 6.6 The applicant has also responded to the comments made by Historic England and the Victorian Society that as much as possible of the historic fabric will be retained and they suggest suitable conditions are imposed to require this. They comment that the poor condition of the buildings means that some areas are currently difficult to assess and that further investigations and recording would be carried once the building has been made safe. They intend to keep the original cast iron windows as far as possible and internally very few of the historic fixtures and fittings remain but as much as possible would be kept. They accept the findings of the structural reports that further archaeological recording takes place prior to development including detailed photographic survey, detailed measured floor plans, sections and elevations commensurate with English Heritage Level 3 survey. Updated drawings have however been provided to show existing columns and walls with confirmation that the columns are to be retained, that the metal windows in the workshops are to be retained/replaced with new to match if necessary, to add vents to elevations and notes to the plans about fixtures, fittings and surveys. They also point out that they have reduced the number of new stairs and therefore are keeping more historic fabric than previously approved.
- 6.7 The Council's Conservation Officer comments that he has reviewed the application many times and considers the position now arrived at to be a significant improvement from when the application was originally submitted and certainly from the previous approval. The internal organisation has changed from the approved plan and will involve one less stair core which was relocated forwards against a window but has now been amended. He raises no objection to the listed building application subject to conditions requiring details of all architectural aspects of the external appearance of the works.
- 6.8 Although Historic England, The Victorian Society and Civic Society have concerns about the detailed conversion works and how much historic fabric can be retained the listed building is in a very poor condition and the proposals provide the opportunity to ensure it can be retained and given a viable new use. The applicant has made a number of changes to the application during an extensive period of negotiations and provided more information and floor plans to demonstrate that as much of possible of the historic fabric would be retained and repaired/restored but where this is not possible would provide like for like replacements. Conditions can also be imposed to ensure that further survey work and a schedule of works is provided to ensure that approval is required for the removal of any historic fabric/ fixtures or fittings.

7. Conclusion

7.1 The proposed works to listed building are considered to be acceptable and the reuse and restoration would have a positive contribution on the significance of this heritage asset and on its local character and distinctiveness.

8. Recommendation

8.1 Approve subject to the following conditions:-

- 
- 1 Requires the prior submission of a phasing plan
  - 2 Requires the prior submission of Structural Recording
  - 3 Requires the prior submission of further inspections and investigations
  - 4 Requires the prior submission of a full and accurate dimensional survey
  - 5 Requires the prior submission of a schedule of Structural Repairs
  - 6 Requires steps to be taken to protection of historical features
  - 7 Requires any damage to the listed building to be made good
  - 8 Requires the prior submission of a demolition method statement
  - 9 Requires the prior submission of samples of new brickwork
  - 10 Requires the prior submission of window frame details
  - 11 Requires the prior submission of fixtures and fittings details
  - 12 Requires the prior submission of a schedule of existing and new internal joinery details
  - 13 Requires the scheme to be in accordance with the listed approved plans
  - 14 Implement within 3 years (conservation/listed buildings consent)
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Case Officer: Lesley Sheldrake



**Photo(s)**



**Figure 1: View of main façade of listed building from Sloane Street**



**Figure 2: View from cart way entrance into courtyard from Sloane Street**





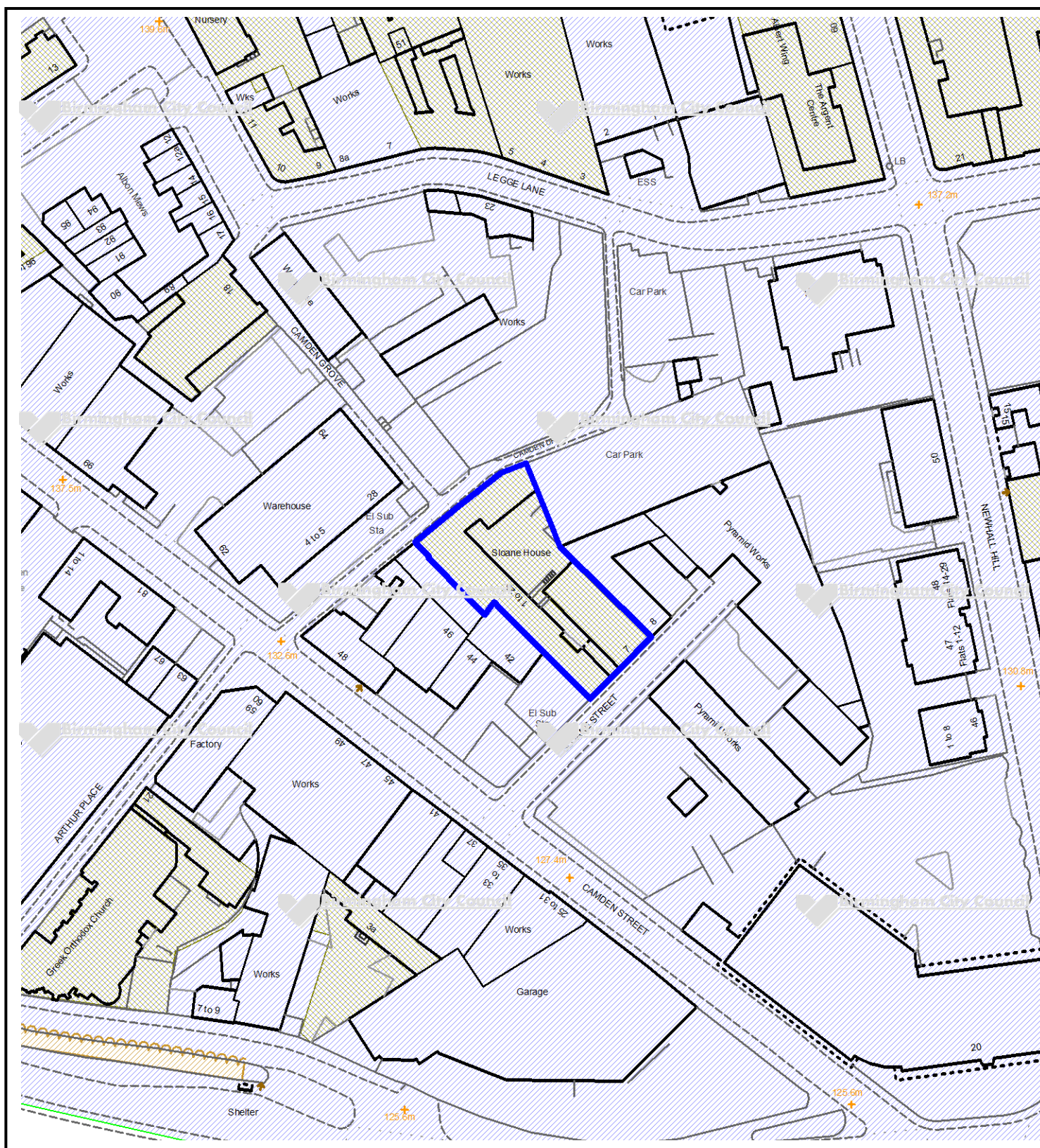
**Figure 3: View of buildings into courtyard towards Camden Drive**



**Figure 4: View of listed buildings from Camden Drive**



## Location Plan



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Committee Date:	06/07/2017	Application Number:	2017/03225/PA
Accepted:	13/04/2017	Application Type:	Full Planning
Target Date:	13/07/2017		
Ward:	Ladywood		

Land fronting Carver Street and 120 Pope Street, Jewellery Quarter, Birmingham, B1 3EG

Erection of a part three/four and five storey development to provide 30 one, two and three bed apartments with associated parking, infrastructure and landscaping

Applicant:	Complex Development Projects 1 Harnall Row, Coventry, CV1 5DR
Agent:	D5 Architects LLP 71-77 Coventry Street, Digbeth, Birmingham, B5 5NH

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#### Recommendation

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

##### 1. Proposal

- 1.1 The application proposes the erection of a block of 30 apartments on an irregular shaped plot of land which has frontages to Carver Street to the north and Pope Street to the south and lies to the rear of a grade 2 listed public house. The site is currently overgrown but contains former construction work that was undertaken to form a basement in conjunction with a previous planning permission for a hotel which was later abandoned. The site lies within the Jewellery Quarter Conservation Area and in the designated Industrial Fringe Area.
- 1.2 It is intended that the proposed building would deliver 30 one, two and 3 beds and the mix would comprise:
  - 7 x one bed apartments with floor areas ranging from 39.6 to 57.6 square metres
  - 19 x two bed apartments with floor areas ranging from 64.5 to 97.3 square metres
  - 4 x three bed apartments with floor areas of 101 and 148.2 square metres
 The mix includes 9 duplex units and all the main bedroom sizes meet or exceed the 12.6 square metres recommended in Places for Living.
- 1.3 The proposed building has been designed in the form of two blocks sited to the back of the pavement to address both road frontages. They would be arranged around a central courtyard space which would also contain a further block to link the two frontage buildings. Each frontage block has been designed to respond to the tight grain of the Jewellery Quarter and its narrow plot sizes and would provide variety to the fenestration, massing and roof heights. The development would step up away from the pub, starting at 3 storeys and rising to 5 storeys with buildings which then step down the natural gradient of the site.
- 1.4 The block proposed on the Carver Street frontage has been designed to have the appearance of 4 individual buildings with a 3-storey building adjacent to the listed public house referencing a 19<sup>th</sup> century town house and having a pitched slate

which would adjoin a further 4-storey building with a pitched roof also referencing a 19<sup>th</sup> century town house. The pitched roofs would be used for living accommodation lit by roof lights on the front elevations. The next building, would be 5 storeys in height with a flat roof, has been designed to reference early 20<sup>th</sup> century industrial units with a vertical arrangements of recessed brickwork and windows between brick pilasters. Pressed metal panels are proposed to widen the windows appearance between each brick pilaster. The final building in the row would also be 5 storeys high although with a lower flat roofline and reference mid-20<sup>th</sup> century industrial units with horizontal window bands and smaller windows with pressed metal panels between to unify their appearance. The window bands would also be framed with a projecting pressed metal reveal to sides, head and cills.

- 1.5 On the shorter Pope Street frontage the proposed block would have the appearance of 3 buildings with a 3 storey building adjacent to the public house having a pitched roof and the features of a 19<sup>th</sup> Century town house. This would be attached to a similar 4-storey building also having a town house appearance. Here the pitched roofs would be lit by roof lights on the front elevations. The third building would be 5-storeys high with a flat roof and designed to appear similar to a mid-20<sup>th</sup> Century industrial building and feature horizontal bands of window and pressed metal panels. A change in fenestration would define the top floor to give the appearance of a loft storey/top shop.
- 1.6 The courtyard elevations would be simpler and contain a single circulation core with lift and stairs joining the accommodation on each street. Brickwork would be used to create recessed panels above and below courtyard windows to add either vertical (to the rear of the C19 influenced buildings) or horizontal (to the rear of the C20 buildings). The rear of the blocks closest to the listed public house would use the same brickwork on their street facing elevation and side gables.
- 1.7 Materials proposed for the street elevations include red/brown/multi bricks with each block in a differing brick, pressed metal panels in dark grey to accentuate window openings, grey metals windows and slate tiles to pitched roofs. On the courtyard elevations the materials proposed are white render to upper storeys to maximise light reflectance to the courtyards, with white/grey bricks to ground floors. The elevations would also incorporate pressed metal panels, use metals windows and slate tiles to pitched roofs.
- 1.8 The rear windows would face onto a small landscaped courtyard which would be surfaced blue brick pavers and include raised brick planting beds with integrated seating and two small specimen trees. The apartments would generally be single aspect facing out onto Carver and Pope St but the upper duplex apartments are double aspect and most would have private terraces at the rear. A small car parking area is proposed accommodating 5 car parking spaces, a 16.6% provision, within a covered garage with access from Carver Street together with 30 cycle spaces.
- 1.9 A number of supporting documents have been submitted with the application including a Planning, Design and Access Statement, Noise Assessment, Financial Appraisal, Structural Survey, Sustainable Drainage Scheme, Transport Statement and Site investigation. The financial appraisal concludes that as the site is in a CIL chargeable area which would require a payment in excess of £200,000 and requires a grant to make it viable no contributions can be paid towards affordable housing and public open space
- 1.10 [Link to Documents](#)



## 2. Site & Surroundings

- 2.1 The application site which covers 0.1ha is located within the Jewellery Quarter Conservation Area. It is positioned between Carver Street to the north and Pope Street to the south and both streets are inclined being higher at the eastern end adjacent to the George and Dragon Public House and descending down towards Icknield Street to west. The site is currently derelict and was occupied by industrial buildings which were demolished in 2009. Development of a previously approved hotel commenced on site several years ago but construction stalled and was then abandoned. The work undertaken included construction of a deep basement and retaining walls which are now overgrown. The site remains enclosed by construction hoardings.
- 2.2 The western boundary of the site adjoins a sub-station beyond which are two storey industrial buildings and the construction site known as St Georges Urban Village where a development of 302 dwellings and 8 commercial units is under construction.
- 2.3 Opposite the site on the Carver Street frontage is The Orb and Wexler Lofts a 5 storey and part 6-storey residential apartment development with ground floor commercial units. On the opposite the site on Pope Street frontage is a large 4-storey building occupied by Perry Beeches IV School. Joining the end of Carver Street and Pope Street and forming the east boundary to the site, is the George and Dragon Public House currently operating as the Pig and Tail restaurant/bar on the ground floor with three residential apartments on the upper floors. The pub which is listed grade 2 also fronts Albion Street and Dayus Square.
- 2.4 There are also several other listed buildings in the vicinity of the site including No's 97-100 Albion Street, the Old Fire Station and 66-69 Albion Street which are grade II listed and No's 9,10 and 11 Legge Lane which are listed Grade II\*. The immediate area comprises of a mix of commercial uses, a school, nursery and residential apartments.
- 2.5 [Site Location](#)

## 3. Planning History

### **Application Site**

- 3.1 1/11/13 - 2013/06076/PA – Planning permission granted for erection of a 5-storey building to provide an 82 bedroom hotel with associated works and basement.
- 3.2 2/10/09 - 2009/02209/PA – Planning permission granted for erection of five storey building to provide an 84 bedroom hotel with 21 basement car parking spaces.
- 3.3 12/11/07 - 2007/04390/PA – Planning permission granted for erection of 4-storey building, containing 6 commercial units with 30 residential apartments above.
- 3.4 12/11/07 - 2007/04392/PA - Demolition of all buildings to provide for the erection of 4 storey building containing 6 commercial units with 30 residential units above

### **Neighbouring site**

- 3.5 18/12/15 - 2015/00775/PA - Demolition of existing buildings/structures on site and redevelopment for 8 commercial units (A1-A3, B1, D1-D2), 302 residential 1, 2, 3 and



4 bed apartments and townhouses, parking, landscaping and associated works on land bound by Moreton Street, Pope Street & Carver Street.

4. Consultation/PP Responses

- 4.1 Transportation - No objection subject to pedestrian visibility splay being provided at the site car park access and the redundant footway crossings being reinstated and site car park access provided to BCC specification at the applicant's expense and in place prior to occupation of the development. Comments that the site has a previous consent for a similar sized apartment block and a 84 bed hotel and the level of parking is similar to previous schemes and developments in the area, and parking is all controlled on the local roads.
- 4.2 Regulatory Services – No objection subject to conditions to require a site investigation and scheme for dealing with any remediation, to provide a scheme of noise insulation and vehicular charging point.
- 4.3 Lead Local Flood Authority – Object to the proposals on the grounds that insufficient information has been to meet their requirements. Additional information has been provided and a response to this is awaited.
- 4.4 Leisure Services – Request an off- site POS contribution of £87,100 as the application is for over 20 dwellings which would be spend on the Jewellery Quarter Cemeteries, POS or other priorities within the Ladywood Ward.
- 4.5 Severn Trent Water – Comments awaited.
- 4.6 Historic England – Do not wish to offer any comments and suggest that the views of BCC specialist conservation and archaeological advisers are sought.
- 4.7 West Midlands Police – Requests that the application be undertaken to the standards laid out in the Secured by Design 'Homes 2016' guide and that the cycle store be secured with a visually porous gate. Recommend that a suitable CCTV system be installed and a lighting plan for the site be produced.
- 4.8 The proposals were considered the Conservation and Heritage Panel on 10 April 2017. The panel members considered that the schemes massing was unwieldy, overbearing and there was no formal logic as to how the forms relate to the site. They considered it was excessive, inconsistent and that the architecture was an incoherent mix of decades with no common thread through the plots which would be to the detriment of the Jewellery Quarter. The panel commented that in order to address the grain the elevations have elements of artifice and were forced to look like separate buildings which were probably not historic divisions of the plot. The panel also felt that the proposed scheme overwhelmed the adjacent public house and had no relationship with it. They expressed concern about the ground floor and felt that in order to boost activity commercial uses would be welcomed.
- 4.9 Site and Press Notices displayed. Jewellery Quarter Development Trust, neighbouring occupiers, Residents' Associations, Ward Members and MP notified of and 9 letters received which include the following comments/objections:-
- Please stop any further development. The destruction of this beautiful area is heart breaking. The recent developments have been poorly constructed, are visually awful and way out of the price range of many long-time residents. If development continues it will become a fractious, soulless zone.

- Whilst the design of this development looks more appealing the quality of the built development is generally woeful within the area.
- Request that the 5<sup>th</sup> floor is set back and block A4 is reduced to 4 storeys to fit in with the adjoining 2 storey buildings and reduce the loss of sunlight.
- The height of the proposed development and proximity to the adjacent residential buildings would significantly reduce the amount of daylight entering the Wexler Loft and Orb apartments and cause loss of privacy.
- The apartments in the Orb all have floor to ceiling windows in the bedrooms overlooking the development and will suffer issues with bright lights shining directly into bedrooms as has happened before.
- The height of the building is higher than the historical properties in the area and could set a precedent and for higher developments. It should be no more than 2 storey's high in line with the Pig and Tail and the neighbouring buildings.
- The development is only 10 metres from the Orb and Wexler Lofts and will restrict light to frontage windows which provide the only source of light.
- The floors and windows in the proposed development appear to align quite clearly with existing residences in the Orb and Amazon residential blocks and will overlook these properties.
- The height of the new building and would overshadow the rear courtyard of the Pig and Tail and remove the limited natural light already available.
- Insufficient parking is proposed and there is no spare on street parking available
- The other new developments taking place provide limited parking and there will be insufficient parking places for all these new residents and their visitors.
- There are already a large number of residential developments taking place in the area which causes considerable disturbance to existing residents due to long hours of working, noise 6 days a week, indiscriminate parking of construction vehicles, damage to cars and the highway and it is no longer possible to open doors or windows or work from home. A further development will make this worse.
- There has been a lot of new development but no shops, amenities public space, park or trees. These would make the area more sustainable and more appealing to live in rather than another 30 units. Local services are already stretched.
- The development should include including a small convenience store, cafe, sports facility or green public space for use by residents
- Concerned that the windows on the Pope Street face directly into the windows of a school, causing potential child protection issues.
- Loss of property values and quality of life for existing residents

## 5. Policy Context

- 5.1 National Planning Policy Framework, Birmingham Development Plan 2031, Birmingham Unitary Development Plan 2005 (saved policies), The Jewellery Quarter Conservation Area Character Appraisal and Management Plan, Jewellery Quarter Conservation Area Design Guide, Conservation Through Regeneration SPD; Places for All SPG, Places for Living SPG, Car Parking Guidelines SPD.

## 6. 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 BDP aims to develop Birmingham as a city of sustainable neighbourhoods which are safe, diverse and inclusive with local distinctive character. Sustainable growth in housing, retail and employment development is to be supported including a continuation of new development accommodated through the regeneration, redevelopment and renewal of its urban areas. The majority of new housing provision is therefore will be located on previously developed land within the existing urban area. 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 each area. For the Jewellery Quarter it seeks to create an urban village supporting the areas unique heritage with the introduction of an appropriate mix of uses.
- 6.5 The NPPF also contains a presumption in favour of sustainable development and underlines the Government's commitment to securing economic growth and job creation together with high quality design. Paragraph 17 of the NPPF supports sustainable economic development to deliver new homes and encourages the use of brownfield land. Paragraph 19 states that significant weight is placed on economic growth within the planning system with paragraph 50 highlighting that residential development should reflect local demand and create mixed and balanced communities.
- 6.6. The application site is located in the Industrial Fringe designation in the Jewellery Quarter Conservation Area Character Appraisal and Management Plan (CAAMP) where residential uses are considered acceptable. The plan notes this area as the greatest concentration of vacant buildings and that there are a number of major sites available for re-use including the block contained by Camden and Pope Streets.
- 6.7 The site was previously occupied by buildings last used for industrial purposes, which were demolished in 2009. Since then the site has been hoarded off and now contains the overgrown remnants of a deep basement and retaining walls built in connection with the now abandoned hotel works. The site previously has had the benefit of planning permission for a 4 storey buildings to provide 6 commercial units and two alternative designs for a 5 storey hotel with basement parking. The CAAMP places no restriction on residential development within this part of the Quarter and there are recent precedents for similar residential schemes in the immediate vicinity. As such the broad principle of a residential redevelopment scheme in this location is considered to be acceptable.
- 6.8 A number of the representations made in respect of the application have commented that no further residential development should be built in the area and the site used for commercial uses, additional public amenities, sports facilities and/or open space, to make the area more sustainable and more appealing to live in. The Conservation and Heritage Panel also recommended commercial uses at ground floor level to provide more activity to the street. Whilst there would be no objection to the development including commercial uses which were included in the scheme previously approved on the site for 30 apartments the applicants advise that this would not be viable as the site already presents a number of challenges to deal with the on-site complex of piling and retaining structures which will need to be removed and replaced with new piling to suit the revised scheme. Also that there are abnormal costs associated with the site constraints and the development is liable for a CIL

payment of about £200,000. The development is only viable with a grant which has been sought in connection with the the LEP's Unlocking Stalled Housing Sites Fund and would not be developed if other uses were included.

- 6.9 Whilst it would have been preferable for the scheme to have included ground floor commercial uses the applicant had made some amendments to fenestration to provide more activity to the street. This includes a recessed 'Street Art Canvas' to the side of car park entrance which the applicants advises will be commissioned from local and national artists and changed over time. The site also adjoins a public house/restaurant and there are a number of other commercial uses opposite the site frontages. It is therefore considered that an entirely residential scheme on the site is acceptable and would be more beneficial to the Conservation Area than its current derelict appearance.

#### **6.10 Building Heights**

- 6.11 Policy TP12 of the BDP states that where a Conservation Area Character Appraisal or Management Plan has been prepared, it will be a material consideration in determining applications for development, and will be used to support and guide enhancement. The application site falls within the designated Industrial Fringe which contains a variety of building types and heights and the Management Plan requires the design of new development to respect the scale, form and density of development. It states that building heights should generally respect the height of buildings within the locality and normally limited to four storeys.

- 6.12 A number of objections to the development have been received on the grounds that the new development is too high and should be significantly reduced in height. The proposed development would provide a mix of building heights from 3 storeys with a pitched roof adjacent to the listed public house up to 5 storeys with a flat roof and infill a gap in the street frontages between existing 2/3 storey buildings. Although the new building would generally be higher than its neighbours the site has twice previously had planning permission for a 5 storey hotel. In addition opposite the site on Carver Street is The Orb and Wexler Lofts which is a 5/6 storey residential apartment scheme and opposite the site on Pope Street is the large 4storey Perry Beeches School buildings. The St Georges Urban Village which is being constructed nearby is also 5 storeys in height.

- 6.13 The Council's Conservation Officer notes that the scheme is a floor higher than that advocated in JQ policy, but due to its broken massing, he considers this can be tolerated and has also regard to the design of surrounding schemes implemented, under construction and consented. Therefore the principle of building a 5 storey building on the site is considered to be acceptable and would fit in with prevailing building heights.

#### **6.14 Design and Impact on the Conservation Area**

- 6.15 Policy PG3 of the BDP states that all new development will be expected to demonstrate high standards of quality contributing to a strong sense of place. New development should reinforce local distinctiveness with designs that respond to site conditions and the local area and have regard to local design guidance The Jewellery Quarter Design Guide also outlines principles for good design including guidance on scale, form, grain, hierarchy and materials. There is also a statutory requirement to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas. The NPPF requires new development within conservation areas and within the setting of heritage assets to enhance or better

reveal their significance. Decisions should address the integration of new development into the historic environment.

- 6.16 A Heritage Assessment has been submitted with the application which considers the impact of the development on the Conservation Area and concludes that the scale and massing of the scheme is appropriate for the site and neighbouring buildings and that it acknowledges the characteristics of the 'industrial fringe'. Also that it deals with the topography of the site and would fit into the wider Jewellery Quarter townscape, bearing in mind its 'infill' nature, prominence and relationship to the listed George and Dragon pub. It notes that there has been a rationalisation of materials during design development and considers the larger windows, with dark grey frames and the revised fenestration of the smaller blocks, are such that the scheme is reminiscent of earlier periods of Jewellery Quarter development without being a pastiche. It acknowledges that the courtyard elevations are more contemporary, due to the white wall finishes and large areas of glazing but that this is redolent of later industrial developments. It concludes that the greatest contribution that the development will be to resolve a difficult, long vacant gap site and 'stitch together' the built fabric in a way that can only enhance the enjoyment of this tightknit urban environment.
- 6.17 The design of the new building has been developed over a number of months with officers. The applicants also had a meeting with the Jewellery Quarter Development Trust in March 2017 who strongly supported the principle of the development of the site, its proposed residential use and the mix of property sizes and felt the principle of differing but related architectural styles and variety of details to be an interesting starting point. The applicants have made a number of amendments to the design since this meeting to refine the elevations as well as include an area to display public art at ground floor level fronting Carver Street..
- 6.18 The design approach has however been criticised by The Conservation and Heritage Panel. The Council's Conservation Officer however considers that the stepped form and provision of a number of different buildings (scale, size and architecture) successfully deconstructs this site. Although he accepts that the street fronting elevations are a slight mockery of past architectural periods, he considers they can be accepted. He requests some small changes to strengthen the external arrangement of windows and ground floor arrangement and amendments to the elevations to address this have since been made.
- 6.19 A request has also been received that the 5th floor of the development be set back to reduce the impact on the apartments on the opposite side of Carver Street. Previous approvals did include a slightly set back fifth floor within a metal clad mansard type flat roof. However on this development the fifth floor is on the same plane as the remainder of the building below and of brick with a flat roof. The current design is considered to be more sympathetic to the character and appearance of the conservation area. The Jewellery Quarter Design guide states that set back storeys should be avoided as they introduce a horizontal element uncharacteristic of the area which includes on the historic rooflines and the local street scene and therefore is not considered to be appropriate.
- 6.20 **Impact on the setting of listed buildings**
- 6.21 Consideration also needs to be given to the impact of the development on the setting of the listed buildings both on and adjacent to the site. The statutory test for development involving listed buildings is that the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any

features of special architectural or historic interest it possesses and the NPPF contains similar requirements.

- 6.22 The applicants Heritage Assessment contains an assessment of the impact of the development on the George and Dragon Public House ((now known as the Pig & Tail) which adjoins the southern boundary of the site and is listed grade II and also on other listed grade II and grade II\* listed buildings they could potentially be affected by the proposed development namely 97-100 Albion Street (now re-numbered 103-106 Albion Street), the former Fire Station, Legge Lane and No's 9, 10 & 11 Legge Lane (Alabaster & Wilson). It concludes that the impact of the development on the significance of the pub will be positive, stitching the building back into its historic context at the apex of Carver Street and Pope Street. The impact on the other neighbouring designated assets is considered to be minimal, as the proposals will have no direct visual relationship with them. The report also considers the role of the proposals site in the context of Dayus Square and the setting of the listed buildings that contribute to the Area's significance. It acknowledges that any building over two storeys on this corner will be very visible on account of its relationship to the single storey extension of the pub and that any new building should not 'compete' with the listed pub. However the proposals would re-connect the George and Dragon to its urban block and reinstate the 'urban grain' of the Jewellery Quarter through developing a series of separate blocks of historic plot widths and varied frontages, stepping down the slope of the streets, and the creation of an inner courtyard.
- 6.23 Where the new development adjoins the listed public house on both the Carver Street and Pope Street frontages the building heights proposed are 3 storeys with a pitched roof whereas the previous approved scheme was for 4 storeys with a flat roof. On the Carver Street elevation the side wall of both the previously approved buildings and as now proposed would be very prominent on the approach into Dayus Square. However by including a pitched gable roof on this new scheme the building has been designed so the roof slopes back from the street to reduce its impact and proposes that the large brick gable will be animated with painted signage. Although this would be visible above the listed corner pub it would act as a foil to the George and Dragon and allows the listed building to continue to bookend the development. On the Pope Street elevation the listed building is 3 storeys high and the new building would abut it at a lower height so the George and Dragon remain the focal point in the street scene. The conservation officer considers the scale of the proposals responds well to that of the modest public house and the development would not harm the significance of this or other heritage asset in the vicinity.
- 6.24 **Residential Amenity**
- 6.25 The proposed development would provide a mix of one, two and three bed apartments of varying sizes. There are 7 x 1 bed properties which would vary in floor space between 39.6 - 57.6 square metres compared to the compared to the nationally described space standards of 39-50 square metres. 3 of the 1 bed properties are less than 50 square metres and are shown as being one person units. As this is only a small percentage of the number of dwellings proposed it is considered to be acceptable. Most of the apartments would have 2 bedrooms (19 units) with floor areas ranging from 64.5 to 97.3 square metres which would exceed the national standards which seeks 61-70 square metres for a 2 bed apartment. The application also includes 4 x three bed apartments with floor areas of 101 and 148.2 square metres which also exceed the national space standards which are 74 – 95 for a 3 bed apartments. All apartments would have bedrooms that meet or exceed the 12.6 square metres recommended in Places for Living.



- 6.26 Two of the ground floor apartments would have a small private courtyard space and eight of the upper floor apartments would have a small terrace which all face onto a larger shared internal courtyard area. The layout has been designed so that windows to habitable rooms generally face the street and where they look onto the courtyard they have been located to either face circulation space or are at an angle to each other to maintain privacy. Overall the development proposes a suitable mix of dwelling types and sizes and sufficient levels of privacy for future occupants. Conditions are recommended to provide a suitable noise mitigation measures as necessary. This application is supported by a Noise Report that concludes that with adequate ventilation and glazing specification the proposed development would offer suitable living accommodation
- 6.27. In terms of the amenity of occupiers of neighbouring properties objections have been received from residents of The Orb and Wexler Lofts apartments which lie opposite the site on the Carver Street frontage. The separation distance between the proposed building and the existing apartments is approximately 15 metres. Although several residents consider the proposed development would cause loss of light, privacy, overlooking and overshadowing, planning permission has previously been granted for four and five storeys developments on the application site which provided either apartment or hotel windows facing towards these apartments schemes. The separation distances are common in the Jewellery Quarter where buildings lie opposite each other across a street and it is not considered would result in undue loss of light and overlooking.
- 6.28 Concerns have also been regarding the impact of the height of the new building on natural light into the rear courtyard of the adjacent Pig and Tail (George and Dragon) which is used in association with the pub/restaurant. The courtyard lies on the southern boundary of the site at the rear of the public house and the proposed development would result in a three storey building with a pitched roof extending along most of the boundary adjacent to the rear courtyard. Although there is likely to be some loss of sunlight into the courtyard area the building heights now proposed on the boundary are similar to those agreed on previous permissions. The Jewellery Quarter has a tight urban grain with buildings and rear courtyards in close proximity to each other so that the proposed arrangement is not considered to be out of keeping or to warrant refusal of the application.
- 6.29 There are 3 apartments above the public house at first and second floor level and associated with his living accommodation area several windows facing towards the application site. The main windows to the living accommodation front the street but there windows at the rear provide a secondary source of light to kitchen areas and to the communal staircase. Most of the windows are set back from the shared boundary overlooking the pub house courtyard and would also look over the new courtyard proposed on the application site. Although there would be some loss of light to the rear windows it is not considered to significantly reduce the amenities of occupiers of the apartments having regard to the large windows on the front elevations already serving the living accommodation.
- 6.30 A local residents has also expressed concern that there could be overlooking from the proposed development of Perry Beeches School windows facing Pope Street causing potential child protection issues. No objections to the development have been received from the School and no evidence has been provided to demonstrate that this could be an issue. It is therefore that this objection can be given weight and planning permission refused on these grounds
- 6.31. **Highway Issues**

6.32 The proposed development would provide 5 car parking spaces, a provision of 16.6%. Although several local residents raise objections on the grounds that this provision is inadequate Transportation raise no objections to the application which also includes the provision of 30 cycle spaces and comment that the level of parking is similar to previous schemes and developments in the area. It would not be possible to increase the amount of parking on the site without adversely affecting the layout and private amenity space available for residents. Transportation also originally requested that pedestrian visibility splay be provided at the site car park but have since agreed with the applicant that they can use an auto flashing beacon either side of the entrance triggered by a cars movement to give further warning to pedestrians.

**6.33 Other Considerations.**

6.34 A number of other points have been raised by local residents relating to the disturbance caused during the building works particularly as there are a number of other development under construction in the immediate area. Construction work is relatively short lived but in the longer term will help to regenerate this part of the Jewellery Quarter and improve the appearance of this derelict site. Regulatory Services can enforce hours of work on construction sites if work is taking place outside standard hours. The objection relating to loss of property values is not considered to be a planning matter

6.35 The applicants have advised that CCTV is to be installed as requested by West Midlands Police and a lighting plan for the site is to be developed. An additional door has been provided to the cycle store to improve its security. Additional information has been submitted to address the drainage issues raised by the Lead Local Flood Authority and their response will be reported at committee.

**6.36 Section 106/CIL**

6.37 As the application is for 30 dwellings policies require 35% affordable housing to be provided and on site public open space or off site contributions. The site also lies in an area where CIL is payable. No on site affordable housing or public open space is proposed as part of the development.

6.38 The applicants have submitted a viability report with the application which explains that due to the abnormal costs associated with the site constraints and as the development is liable for a CIL payment of about £200,000 it is not viable. The project is subject to a grant application under the LEP's "Unlocking Stalled Housing Sites Fund" (USHSF). Confirmation has been received from the agent acting for the LEP that the developers claim that the profit level of the scheme is below normal commercial criteria has been investigated and the Programme Board commissioned an independent assessment of the overall viability of the scheme. As a result a grant has been offered. It is therefore accepted that the scheme would not be viable if further Section 106 contributions were sought.

**7. Conclusion**

7.1. The proposals for this site respect the site's historical context whilst proposing a sensitive redevelopment scheme. Their construction would resolve a difficult, long vacant gap site and stitch back together the built fabric thereby enhancing the Jewellery Quarter Conservation Area and the other heritage assets in the vicinity. The objections made through the public participation process are noted; however it is not considered that any of the issues raised warrant the refusal of this application.

8. Recommendation

8.1 Approve subject the following conditions

- 
- |    |  |
|----|--|
| 1  | Requires the prior submission of a contamination remediation scheme  |
| 2  | Requires the prior submission of a contaminated land verification report   |
| 3  | Requires the prior submission of a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan |
| 4  | Requires the prior submission of sample materials  |
| 5  | Requires the prior submission of sample brickwork panels   |
| 6  | Requires the prior submission of hard surfacing materials  |
| 7  | Requires the prior submission of sample windows  |
| 8  | Requires the prior submission of roof light details  |
| 9  | Requires the prior submission of external doors  |
| 10 | Requires the prior submission of new walls, railings & gates & gate posts/piers details                                    |
| 11 | Requires the submission a noise study to establish residential acoustic protection   |
| 12 | Requires the prior submission and completion of works for the S278/TRO Agreement   |
| 13 | Requires the parking area to be laid out prior to use  |
| 14 | Requires pedestrian warnings to be provided  |
| 15 | Requires the provision of cycle parking prior to occupation  |
| 16 | Requires the provision of a vehicle charging point   |
| 17 | Requires the prior submission of a residential travel plan   |
| 18 | Requires the prior submission of details of public art   |
| 19 | Requires the prior submission of a CCTV scheme   |
| 20 | Requires prior details of any signage  |
| 21 | Requires the scheme to be in accordance with the listed approved plans   |
| 22 | Implement within 3 years (Full)  |
- 

Case Officer: Lesley Sheldrake

## Photo(s)



Figure 1: View of Carver Street frontage and of rear of listed public house

Figure 2: Wider view from Carver Street towards Pope Street





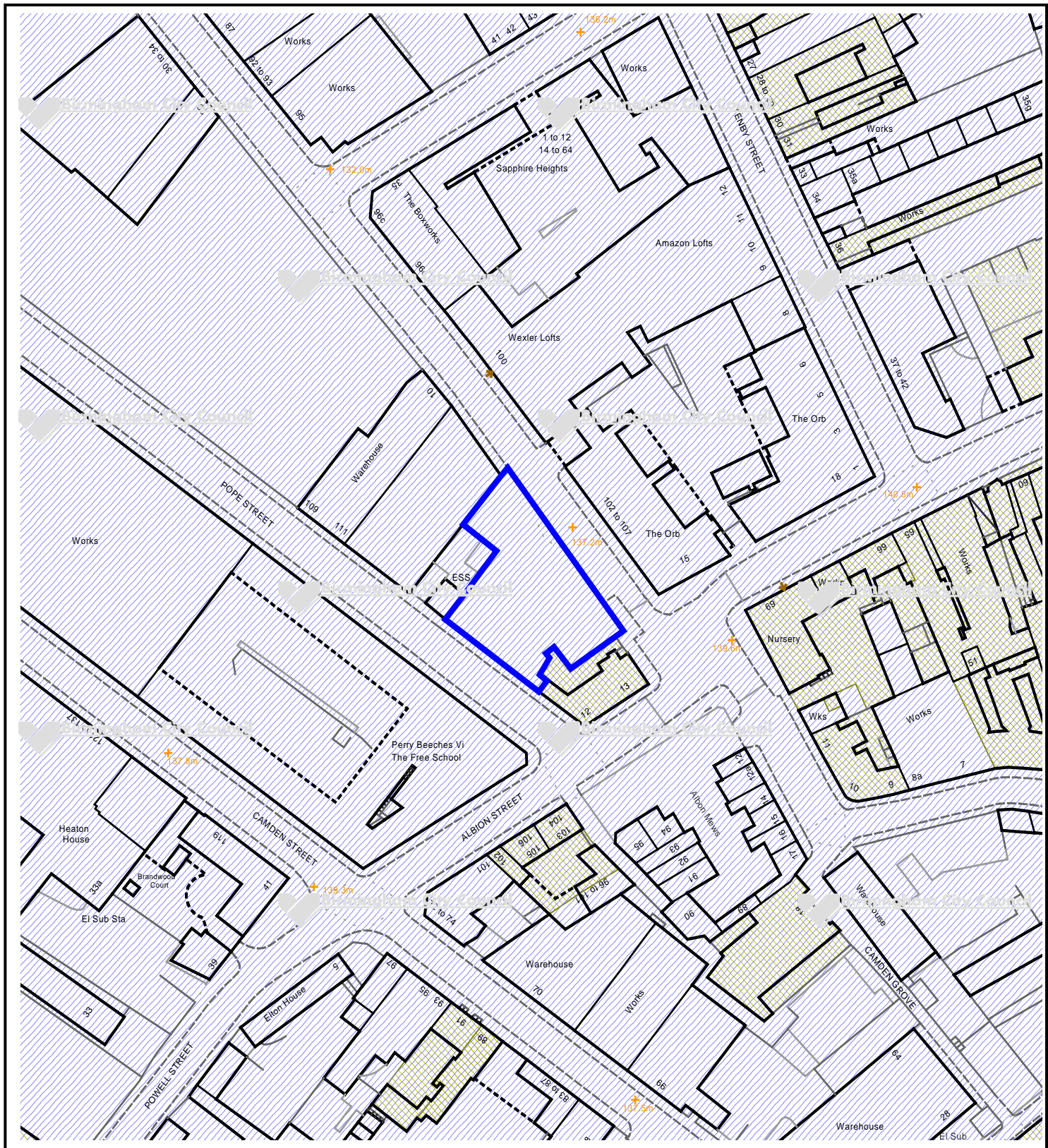


Figure 3: View from Pope Street frontage



Figure 4: Wider view across the site towards Carver Street

## Location Plan



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Committee Date:	06/07/2017	Application Number:	2017/04279/PA
Accepted:	12/05/2017	Application Type:	Advertisement
Target Date:	07/07/2017		
Ward:	Nechells		

Edgbaston Street (Outside Markets), City Centre, Birmingham

Installation of double-sided digital advertising totem

Applicant: Signature Outdoor Ltd  
 1st Floor, 2 Snowhill, Snowhill Queensway, Birmingham, B4 6GA  
 Agent:

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Recommendation

**Approve Temporary**

1. Proposal

- 1.1. This application seeks advertisement consent for the installation of 1 no. double sided digital advertising totem on Edgbaston Street.
- 1.2. The advertisement totem would measure 2.2m (h) x 1.2m (w) x 0.2m (d). The advertisement area would be set 0.4m above the ground. The unit would be made of stainless steel and glass and would be internally illuminated at 300cd/m. The design of the advertisement is the same as the Interconnect totems that are displayed within the City Centre.
- 1.3. The proposed advert unit is part of a contract with the City.
- 1.4. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site relates to pedestrianised part of Edgbaston Street outside of St Martin's Market where there is an existing advertising column. To the north of the site is a War Memorial and beyond is The Bullring shopping centre. To the north east is St Martin's Church, a Grade II\* Listed Building. To the south east is the outdoor market. The surrounding area is predominantly commercial. Other street furniture in close proximity include cycle rack and lamp post.

2.2. [Site Location](#)

3. Planning History

- 3.1. 10/11/2011 - 2011/04452/PA - Display and erection of a freestanding 12 sheet advertisement column on public highway – Approve Temporary

4. Consultation/PP Responses

- 4.1. Birmingham City Centre Management and Retail Birmingham Business Improvement District notified. No response received.
- 4.2. Transportation Development – No objections subject to conditions that the advert shall not display messages, emit noise, sound, smoke, smell or odours, default mechanism, not include interactive messages, the advert should include a dimmer control and photo cell to constantly monitor ambient light conditions and adjust sign brightness and illumination shall be no greater than 300 candelas and a scheme to control maximum luminance of the display to be submitted.

5. Policy Context

- 5.1. Birmingham Development Plan 2017, National Planning Policy Framework

6. Planning Considerations

- 6.1. The National Planning Policy Framework states that advertisements should be subject to control only in the interests of amenity and public safety.

AMENITY

- 6.2. The proposed advertisement would be located within a largely commercial city centre context. The proposed totem would replace an existing advertising column which measures 6.2m (h) x 2.3m at the widest point. It is therefore considered the proposal would have less of an impact to the amenity of the surrounding area and would be in scale with the surrounding buildings and structures. Although a digital sign has recently been approved approximately 55m to the west of the site it is considered the proposal would not result in a concentration of advertisements within the surrounding area given its commercial context. St Martin's Church is approximately 25m to the north east, however, it is considered the proposed totem would not have a detrimental impact to the setting of this Grade II\* Listed Building given the modern setting of the surrounding markets and shopping centre. On balance, it is considered the advertisement in relation to the existing street furniture would not result in unacceptable clutter and would be acceptable in this location.

HIGHWAY SAFETY

- 6.3. Transportation Development have noted that the proposed advertising totem would not be on the Highway Maintainable at Public Expense but on Birmingham City Council land. No objections have been raised to the proposal subject to conditions. I concur with this view and consider the proposal would not have a detrimental impact to highway safety. Conditions have been attached accordingly.

7. Conclusion

- 7.1. I consider the proposal to be acceptable.

8. Recommendation

- 8.1. Approve Temporary

- 
- 1 Limits the use of advert
  - 2 Limits length of the display of advert
  - 3 Limits the control of the intensity of the illumination
  - 4 Power Supply and Making Good of Damage
  - 5 Requires the scheme to be in accordance with the listed approved plans
  - 6 Limits the approval to 5 years (advert)
- 

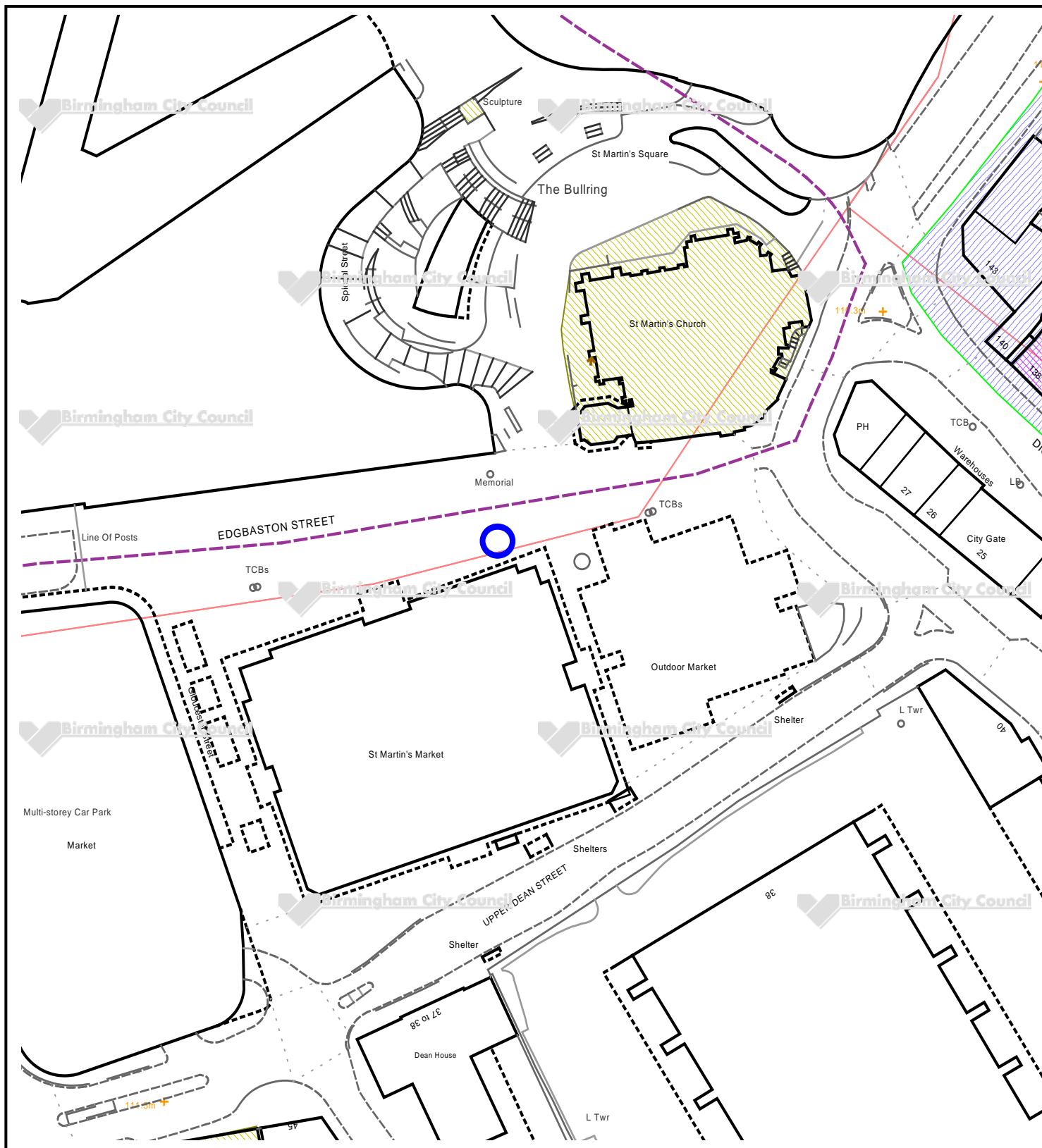
Case Officer: Anh Do

## Photo(s)



Figure 1 View East

## Location Plan



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