

Birmingham City Council

Planning Committee

04 August 2016

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	8	2016/04427/PA Northfield Pool and Fitness Centre Bristol Road South Northfield Birmingham B31 2P Demolition of Northfield Pool and Leisure Centre and erection of new leisure centre, including 6 lane, 25 metre main swimming and learner pools, fitness and dance studios with car parking and landscaping
Approve - Conditions	9	2016/01708/PA Land at Monmouth Road, Della Drive and Penrith Croft Bartley Green Birmingham B32 3NJ Outline application for the erection of 80 no. dwellings, roadway and foot paths and parking. All matters reserved apart from access and scale.
Approve - Temporary 1 year	10	2016/04042/PA 93 Alcester Road Moseley Birmingham B13 8DD Variation of Condition 1 attached to planning approval 2006/01321/PA to allow opening hours from 09:00am on Fridays until 01:00am on Saturdays, and from 09:00am on Saturdays until 01:00am on Sundays

No Prior Approval Required

11

2016/04862/PA

The Highbury PH
Dad's Lane
Moseley
Birmingham
B13 8PQ

Application for Prior Notification for
replacement of existing pole mounted
antennae and equipment cabinet with new
pole mounted antennae and equipment
cabinet

Committee Date:	04/08/2016	Application Number:	2016/04427/PA
Accepted:	13/06/2016	Application Type:	Full Planning
Target Date:	12/09/2016		
Ward:	Northfield		

Northfield Pool and Fitness Centre, Bristol Road South, Northfield, Birmingham, B31 2PD

Demolition of Northfield Pool and Leisure Centre and erection of new leisure centre, including 6 lane, 25 metre main swimming and learner pools, fitness and dance studios with car parking and landscaping.

Applicant: Serco Group PLC
Serco House, 16 Bartley Wood Business Park, Bartley Way, Hook, RG27 9UY

Agent: PJ Planning
Regent House, 156-7 Lower High Street, Stourbridge, DY8 1TS

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. Planning permission is sought for the erection of a new leisure centre including a 6 lane 25 metres swimming pool and smaller learner pool and a fitness and dance studio with associated car parking and landscaping. The proposed building would be located on the existing Northfield Pool and Fitness centre site in Northfield, which would be demolished.
- 1.2. The new building would be primarily two-storeys in height and contemporary in design, providing 2,613.6sqm (gross external area) of floor space to provide new sports and community facilities. The main facade of the building would front onto Bristol Road South, with a main entrance located in the middle of the proposed frontage (as it is on the current building) with a level access (unlike the current building which is accessed via ramp and steps). The building footprint would be located in the same position on the application site as the current leisure centre and would measure a maximum of 50.7 metres in depth, 33.4 metres in width and would be 9.5 metres in height to flat roof on the frontage to Bristol Road South, 11.8m at the corner of the building in the car park and would drop down to 10.3m at the rear eastern boundary adjacent to 18 Great Stone Road.
- 1.3. The proposed leisure centre would provide:
 - A 6 lane community swimming pool;
 - Learner swimming pool;
 - Changing facilities;
 - Viewing area;
 - 80 station health and fitness suite;
 - 36 person dance studio; and,

- Community meeting room.
- 1.4. The ground floor would comprise the entrance foyer and reception area, operational office and ancillary spaces, main 25m pool, learner pool, first aid room, pool store and wet changing area. The first floor would comprise a foyer/waiting area, health and fitness suite, dry changing area and dance studio. The lower ground floor would have a plant room and chemical store along with an external refuse and delivery area.
 - 1.5. The design of the building has been tailored to provide facilities for all user groups when compared to the existing centre. This includes the use of automatic doors, lifts, wide corridors, baby changing facilities, disabled facilities and larger changing cubicles and facilities.
 - 1.6. The two storey building has a stepped design to respond to the topography of the site and minimise massing and impact on neighbouring properties to the eastern boundary of the site. The two storey element of the building is positioned along the main frontage on Bristol Road South and the pedestrian link to the bus stop allowing active frontages to both principle elevations. The plant accommodation would be located to the rear and would be partly subterranean allowing a height and footprint reduction.
 - 1.7. The new centre has been conceived as an open glazed clad building which sits on a brick base with a cantilevered corner for the fitness suite. Glazing would be incorporated at both high level and street level to the dance studio, main pool and pool viewing areas. The facades would be characterised by a black/blue brick podium that wraps around the building with lightweight cladding panels which sit above. White cladding panels would be laid in horizontal bands that would envelope the façade along Great Stone Road and around the prominent corner. At first floor above the main entrance on Bristol Road South, the cladding panels would be a copper blue/green and would be laid vertically. This is broken by vertical glazing strips, feature punched and projecting openings and also areas of curtain walling to the main frontage on Bristol Road South, which visually help reduce the appearance of the building in terms of massing.
 - 1.8. The site would provide 48 parking spaces including 5 disabled parking bays within a parking area accessed off Great Stone Road, 20 cycle spaces and a bus/coach layby to the front of the site within the adopted highway as existing. Pedestrian access would be at grade to the frontage whilst a winding graded path and steps would be provided from the lower car parking area.
 - 1.9. The proposed opening hours would be 0600-2200 hours, seven days a week. The centre would employ the full time equivalent of 50 members of staff (currently 40).
 - 1.10. The proposal would see the retention of three category C trees comprising Ash (x2) and a Norway Maple, which are located on the northern site boundary. 31 new trees are proposed as part of the landscaping scheme.
 - 1.11. The application is supported by a Design and Access Statement, Planning Statement including a Statement of Community Involvement, Acoustic Design Report, Preliminary Ecological Assessment, Bat Survey, Ground Investigation Report, Sustainable Urban Drainage Statement, Topographical Survey, Transport Assessment, Travel Plan and Tree Survey.

1.12. The replacement of the existing leisure centre is part of a wider redevelopment programme by the City Council that includes a further four new pools to be built within Birmingham at Sparkhill, Stechford, Erdington and Icknield Port Loop. Extensive pre-application consultations have taken place, in which the development in principle was deemed acceptable, with a focus on the design of the building. A statement of community involvement has been submitted, in which it is stated that consultation with the local community was carried out through the Ward Committee and through exhibitions for public viewing. The purpose of the centre is two-fold; it aims to act as a focus to increase overall participation in sport and leisure in the community, while also fulfilling its function as a community hub.

1.13. Site area: 0.52Ha.

1.14. [Link to Documents](#)

2. Site & Surroundings

2.1. The application site is located on the corner of Bristol Road South and Great Stone Road within the identified District Centre boundary of Northfield. The existing car park to the leisure centre is accessed from Great Stone Road. The site slopes gently to the rear by approximately 2-3m down towards the houses behind. The site is bounded by houses; and a retail unit to the north. The majority of the neighbourhood surrounding the site is a mix of two/three storey properties, some of which have an element of retail at ground floor along with a large Sainsbury's store and JDWetherspoons public house located opposite the site, which is Grade II* listed.

2.2. [Site Location Map](#)

3. Planning History

3.1. 7 May 1976. 20722003. Planning permission granted for the replacement of 2 delapidated lantern lights over swim hall by double thickness GRP units.

3.2. 30 September 1976. 2072204. Planning permission granted for the refurbishment of existing swimming baths.

3.3. 31 May 2002. 2002/01104/PA. Planning permission granted for a new access approach including disabled access ramp and glazed doors and screens to entrance.

3.4. 14 October 2002. 2002/04242/PA. Planning permission granted for the erection of four air handling units on existing roof of swimming pool.

3.5. 21 September 2007. 2007/04001/PA. Planning permission granted for the Installation of new service gantry at roof level to service air handling units.

4. Consultation/PP Responses

4.1. Local residents, Ward Councillors, MP and resident associations notified. Site and press notice posted. A petition of 169 signatures requesting the replacement of the sauna and steam room facility within the new leisure centre has been submitted

along with seven letters of comment/objection received from local residents. Comments include:

- External design lacks originality – this is a gateway to Northfield.
- The new centre should have ample free parking and sessions allocated for the over 50's with concessions.
- Plans show about 20 parking spaces – where on earth will people park?
- Why does Birmingham have to demolish all its lovely old buildings? Object to the demolition of the façade.
- Access facilities – including poolside hoists etc?
- Request that a sauna and steam room be replaced in the new facility as they will be lost from the existing facility.

4.2. West Midlands Fire Service – no objection.

4.3. Local Services – have no comments to make.

4.4. Regulatory Services – awaiting response.

4.5. Environment Agency – no objection subject to contaminated land/groundwater safeguarding condition.

4.6. Sport England – The proposal to erect a new leisure centre on the site of an ageing swimming pool will **enhance** built sports provision in the City and as such accords with our objectives. The proposal is a recommended outcome of some strategic swimming review work undertaken in partnership between the Council and Sport England. Sport England is supporting the project through a grant award. Sport England, therefore, considers this proposal addresses an identified need for this facility type and has the potential to be of benefit to the development of swimming and sports activity in Northfield. We would wish to see this accorded an appropriate weight in the decision that is reached on this application.

4.7. Severn Trent Water – no objection subject to a drainage condition.

4.8. West Midlands Police – no objection.

4.9. Local Lead Flood Authority – recommend sustainable drainage condition.

4.10. Transportation – no objection subject to safeguarding conditions relating to pavement boundary treatment, travel plan, parking management, cycle storage, service area completion and a Section 278 Agreement.

5. Policy Context

5.1. National Planning Policy Framework (NPPF), Unitary Development Plan (UDP) (2005), Pre-submission Birmingham Development Plan 2031 (BDP), Places for All SPD, Car Parking Guidelines SPD, Northfield Regeneration Framework and Shopping and Local Centres SPD.

6. Planning Considerations

6.1. Planning permission is sought for the erection of a new leisure centre including a 6 lane 25 metres swimming pool and smaller learner pool and a fitness and dance studio with associated car parking and landscaping. The proposed building would be located on the existing Northfield Pool and Fitness centre site in Northfield. The site

is located within the Northfield District Centre boundary as identified in the Shopping and Local Centres SPD.

Policy and Principle

- 6.2. The National Planning Policy Framework (NPPF) emphasises that planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 6.3. Paragraphs 7 and 8 of the NPPF explain that there are three dimensions to sustainable development – economic, social and environmental – and that these are mutually dependant, so that gains in each should be sought jointly and simultaneously. Under the heading of *‘the presumption in favour of sustainable development’*, Paragraph 12 confirms that the NPPF *‘...does not change the statutory status of the development plan as the starting point for decision making’*. Thus, Paragraph 12 states that: *‘...development that accords with an up-to-date local plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise’*.
- 6.4. Paragraphs 23 to 27 of the NPPF deal with the need to promote the vitality of town centres and are particularly relevant to this proposal. Paragraph 23 states that planning policies should promote competitive town centre environments and should define sites to *“meet the scale and type of retail, leisure, commercial, office, tourism, cultural, community and residential development needed in town centres.”*
- 6.5. Paragraphs 69 and 70 of the NPPF (Promoting healthy communities) both promote the development of and guards against the loss of social, recreational and cultural establishments to meet the needs of the existing and new communities.
- 6.6. Policy 3.63A of the UDP identifies that public swimming provision is important and that a chain of leisure and traditional pools will be maintained across the city.
- 6.7. The UDP advises at paragraph 7.23A that centres provide the opportunity for a wide range of local services that are accessible by a choice of means of transport. Paragraph 7.24 states that leisure and community uses *“will be encouraged as complementary to the retail function of the centres.”* This is further supported in paragraph 7.32 which states *“the City Council is keen to encourage diversity of uses within centres, and recognises the important role which leisure and entertainment uses can play in achieving this. Leisure and entertainment uses will therefore be encourage to locate in existing centres.”*
- 6.8. The Pre-Submission Birmingham Development Plan was published for consultation in December 2013 and was subject to examination in Autumn 2014. Policy TP20 of the Submission Plan seeks to establish a network and hierarchy of centres. The City Centre is at the top of the hierarchy, followed by Sutton Coldfield Town Centre and then the three District Growth Centres at Perry Barr, Selly Oak and Meadway. Below these centres is a network of 70 District and Local Centres that includes Northfield.
- 6.9. Paragraph 3.5 of the BDP (objectives) aims to deliver the vision and ensure that future developments meet the aspirations for the city in encouraging better health and well-being through the provision of new and existing recreation, sport and leisure facilities that are linked to good quality public open space.
- 6.10. Policy TP11 (Sports Facilities) states that *“The provision and availability of facilities for people to take part in informal activity, that contribute to healthier lifestyles and*

can provide a 'stepping stone' into more formal sport will be supported and promoted. The City Council will keep the provision of sports facilities within the City under review in the light of changing demands and preferences, and where deficiencies are identified will aim to work with partners to address this. It is important that community sport and leisure facilities should be located in easily accessible sites, with safe pedestrian and cycle access as well as being close to local public transport routes. Proposals for new facilities or the expansion and/or enhancement of existing facilities will be supported subject to compliance with other relevant planning policies."

- 6.11. Policy TP20 states that *"the vitality and viability of the centres within the network and hierarchy identified below will be maintained and enhanced. These centres will be the preferred locations for retail, office and leisure developments and for community facilities (e.g. health centres, education and social services and religious buildings). Proposals which will make a positive contribution to the diversity and vitality of these centres will be encouraged."*
- 6.12. As the development proposed would see a new sports and leisure centre with new swimming facilities replacing the existing centre that is ageing and uneconomical within the centre boundary, I consider that the proposed development is in accordance with policy and the principle of development of this nature on this site is accepted. The provision of improved sporting facilities at this location wholly accords with national and local planning policy. Sport England fully supports the proposal.

Design

- 6.8. The proposed development has been subject to extensive pre-application discussions with your Planning and City Design Officers, and the design of the building has been carefully evolved to complement local character, protect the amenity of existing residents and meet the operational requirements of a modern swimming pool and leisure centre. The layout of the building, the relationship between various functions and spaces, the manner in which internal functions are accessed and consideration of neighbouring properties are all key aspects of the design and as such have been carefully considered. The building is designed to be approached from Bristol Road South (its primary frontage and where the existing entrance is located) where the main aspect is most visible. A defined corner to Great Stone Road has been incorporated and the building would act as a Gateway to Northfield when travelling north on the A38 from Longbridge and the M5 motorway. Once inside the proposed leisure centre, internal arrangements are clear with both pools and their associated wet changing facilities located at ground floor level with the fitness suite and dance studio with their associated dry changing facilities located on the upper level. Both floors would be accessible to all via stairs and lift facilities to be located in the secure reception area.
- 6.9. Key design features that have been incorporated include significant glazing and activity to the main street frontage along Bristol Road South and its junction with Great Stone Road; a strong building presence and prominent entrance facing Bristol Road South and the entrance to the district centre; overlooking of car park from the building; tree planting to soften Bristol Road South elevation; building massing that complements the local area and existing housing; and contemporary architecture befitting a modern public building, with visual interest provided by building proportions, projecting and recessed elements, glazing and cladding materials.
- 6.11. I note concerns have been raised by local residents who regard the exterior of the building to be unsympathetic to the local surroundings, lacking originality and the loss

of the existing building façade. The proposed building would be contemporary in design, incorporating a mix of materials to include black/blue brickwork to the lower ground level, vertical and horizontal lightweight cladding panels, vertical glazing strips, feature punched openings and areas of curtain walling and strategically placed openings as focal points, which would be further enhanced with differing materials in the recesses. Whilst the materials to be used differ from those on surrounding buildings in the immediate surrounding area it is considered that the introduction of a modern contemporary structure in this location would improve the appearance of the site, creating a prominent gateway building, which has visual interest and a strong building presence located opposite the other gateway building at this end of the centre (the Grade II* listed Black Horse public house). With regards to demolition of the existing centre, the building is not statutory or locally listed and your conservation officers have reviewed the building alongside Historic England and determined that they would not oppose demolition. Given the nature of the building and its accessibility issues that have led to significant and overbearing ramps to the frontage and the need to provide modern, purpose built facilities that are sustainable and economical to run; I consider that demolition and replacement with the proposed modern and accessible facility to be the most appropriate form of action in this instance. Façade retention would result in an incoherent and confused building.

- 6.12. In terms of the overall scale and massing of the proposed building, the topography of the site slopes downwards from Bristol Road South by approximately 2-3 metres. The proposed building would be stepped in design to mitigate this topographical feature with the Great Stone Road frontage being to a height of 11.8 metres and the rear of the building at 10.3 metres in height, adjacent to 18 Great Stone Road. The overall scale of the building has been broken up through the use of differing materials and has been designed to have interesting facades through the use of different materials in the elevations. The scale and massing of the proposal is therefore considered acceptable. My City Design officer concurs.

Residential Amenity

- 6.13. The proposed footprint of the building remains the same as the existing pool and fitness centre however, the plant areas have been relocated within the proposed development so as to minimise impact on the adjacent neighbouring property. Plant areas are partially subterranean in their location to the rear of the building utilising the site levels and providing the building with a lower ground floor.
- 6.14. In regards to traffic/parking noise and disturbance, the proposal offers 48 parking spaces, which is the same as the current leisure centre and they would be located and accessed as existing. On this basis, I consider that the status quo would remain in the long term and the proposed development would not have a significant adverse impact in relation to noise and disturbance. Regulatory Services comments are awaited however a plant and machinery noise condition is recommended as a safeguard in this instance given the plant and machinery location adjacent to the boundary with 18 Great Stone Road.

Highway Issues

- 6.15. As previously stated 48 car parking spaces would be provided on site along with 20 cycle spaces. The car parking provision would be the same as existing for the current leisure centre and it would be located in the same position and be accessed from Great Stone Road as at present. Coach drop off would continue to occur in the layby on Bristol Road South to the front of the site. The transport assessment considers that any uplift in traffic generation would be minimal when compared to the existing

centre and the site is well served by public transport. As such, Transportation Development has assessed the proposed scheme and raises no objections subject to a number of safeguarding conditions which are recommended below.

Trees, Ecology and Landscaping

- 6.16. The application site currently comprises the existing leisure centre, car park and some landscaped areas with trees. The submitted tree survey dates back to September 2014 and since the survey was undertaken the majority of trees on site have been removed. As such, the remaining trees on site are proposed to be kept as part of the proposed development. My Tree Officer has assessed the proposals together with the submitted supporting tree survey and supports the removal of the Category C trees but would have sought the retention of the Category B Lime trees. As such, my Arboricultural Officer raises no objection with regards to trees and I concur with this view. 31 New trees are proposed as part of the landscape works.
- 6.21. My Landscape Officer raises no objection subject to the imposition of conditions requiring details of planting, hardworks, boundaries, levels and a landscape management/maintenance plan, I concur with this view and the conditions are recommended below.
- 6.22. The submitted ecological assessment identifies that the existing leisure centre buildings and associated car parking/hardstanding occupy the majority of the site. Small areas of mown, amenity grassland and flower beds are present around site boundaries, together with scattered trees. The site is subject to a high level of disturbance due to its location on a busy, lit road, and its use by the public.
- 6.23. The buildings were subject to an internal and external inspection by a Natural England bat licence holder. No evidence of bats was found, but the external inspection recorded a small number of gaps beneath tiles and lead flashing, which could provide roosting sites for bats; additionally, access to internal roof voids was not possible. Due to these limitations with the daytime inspection, two evening emergence surveys were also completed, to confirm the presence/absence of roosting bats (in buildings and trees) and to determine the extent to which bats use the site. No bats were recorded emerging from the buildings or any trees on site during either of the evening surveys. Low numbers of common pipistrelle bats were recorded foraging within the landscaped grounds to the east of the leisure centre and in neighbouring residential gardens to the east and north-east.
- 6.24. The results of the ecological appraisal and bat survey indicate the site has limited value to wildlife, and there are no ecological constraints to development. The trees along the eastern boundary are of greatest value as they provide a foraging resource for common pipistrelle bats, in association with neighbouring residential gardens. The ecology report recommends that these trees should be retained if possible. The buildings are generally well-maintained and in good condition, with few features suitable for roosting bats. As such, the City Ecologist considers that no update to the bat survey or specific mitigation in relation to bats is required.
- 6.25. The City Ecologist raises no objection subject to the imposition of conditions for green/brown roof details/details of bat/bird boxes/ecological enhancement strategy. I concur with this view and the relevant conditions are recommended below.

Flooding and Drainage

- 6.26. Severn Trent Water has assessed the proposal and raises no objections subject to a condition requiring drainage details. The Council as Lead Local Flood Authority have also assessed the proposals and raise no objection subject to a condition requiring a pre-commencement drainage assessment. The Environment Agency also raises no objections to the proposal subject to a contaminated land/groundwater condition. All requested conditions are recommended below.

Other Issues

- 6.25. I note comments received during the public participation process relating to access facilities for disabled people and the provision of sessions for the over 50's. An access condition is recommended below that would address the comments raised, however, the provision of poolside hoists within the facility would fall outside the scope of the planning system as would the provision to secure sessions for the over 50's. However, I am advised by Local Services that the new centre will have a pool hoist as although it is not part of the construction brief, it is part of the equipment fit out by Serco Leisure. With regards to sessions for the over 50's; this would solely be up to the centre operator and the agreement between the City Council and the operator. I note the request for the re-provision of the sauna and steam room. This is not proposed as part of the new facility and it is not for the planning system to insist on its replacement. The planning agent has confirmed that the operator did not promise the replacement of all facilities from the old centre to the new facility.

Community Infrastructure Levy

- 6.24. The proposed development does not attract a CIL contribution.

7. Conclusion

- 7.1. The proposed development would be in accordance with and would meet policy objectives and criteria set out in the Birmingham UDP, Pre-submission BDP and the NPPF. The scheme is considered acceptable in design, scale, layout, access and landscaping along with car parking provision on site. Whilst the loss of trees is unfortunate and the majority have already been removed, the wider benefits of a new leisure centre in this location on the existing site outweigh their loss. It represents an economic investment into Northfield District Centre and will further the regeneration objectives for this area of the City.

- 7.2. I note that the key principle in the NPPF is the presumption in favour of sustainable development and this is identified as having three stems of economic, social and environmental. As the proposal would continue to provide economic and social benefits; would provide new employment opportunities within the District Centre and does not have an environmental impact that could be regarded as significant; I consider the proposal to be sustainable development and on this basis, should be approved.

8. Recommendation

- 8.1. That planning permission is granted subject to the conditions listed below.

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| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Requires the agreed mobility access to be maintained |
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- 3 Requires the submission of unexpected contamination details if found
 - 4 Requires the prior submission of a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan
 - 5 Requires the prior submission of a scheme for ecological/biodiversity/enhancement measures
 - 6 Requires the prior submission of details of bird/bat boxes
 - 7 Limits the noise levels for Plant and Machinery
 - 8 Requires the prior submission of hard and/or soft landscape details
 - 9 Requires the prior submission of hard surfacing materials
 - 10 Requires the prior submission of earthworks details
 - 11 Requires the prior submission of boundary treatment details
 - 12 Requires the prior submission of a landscape management plan
 - 13 Requires the prior submission of a construction method statement/management plan
 - 14 Requires the prior submission of sample materials
 - 15 Requires the prior approval of details to prevent mud on the highway
 - 16 Requires the prior submission of details of pavement boundary
 - 17 Requires the prior submission of a parking management strategy
 - 18 Requires the review of the commercial travel plan
 - 19 Requires the delivery and service area prior to occupation
 - 20 Requires the parking area to be laid out prior to use
 - 21 Requires the prior submission of cycle storage details
 - 22 Requires the prior submission of a car park management plan for disabled spaces
 - 23 Requires the applicants to join Travelwise
 - 24 Requires the prior submission and completion of works for the S278/TRO Agreement
 - 25 Arboricultural Method Statement - Submission Required
 - 26 Limits the approval to 3 years (Full)
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Case Officer: Pam Brennan

Photo(s)



Photograph 1: Frontage and site levels.

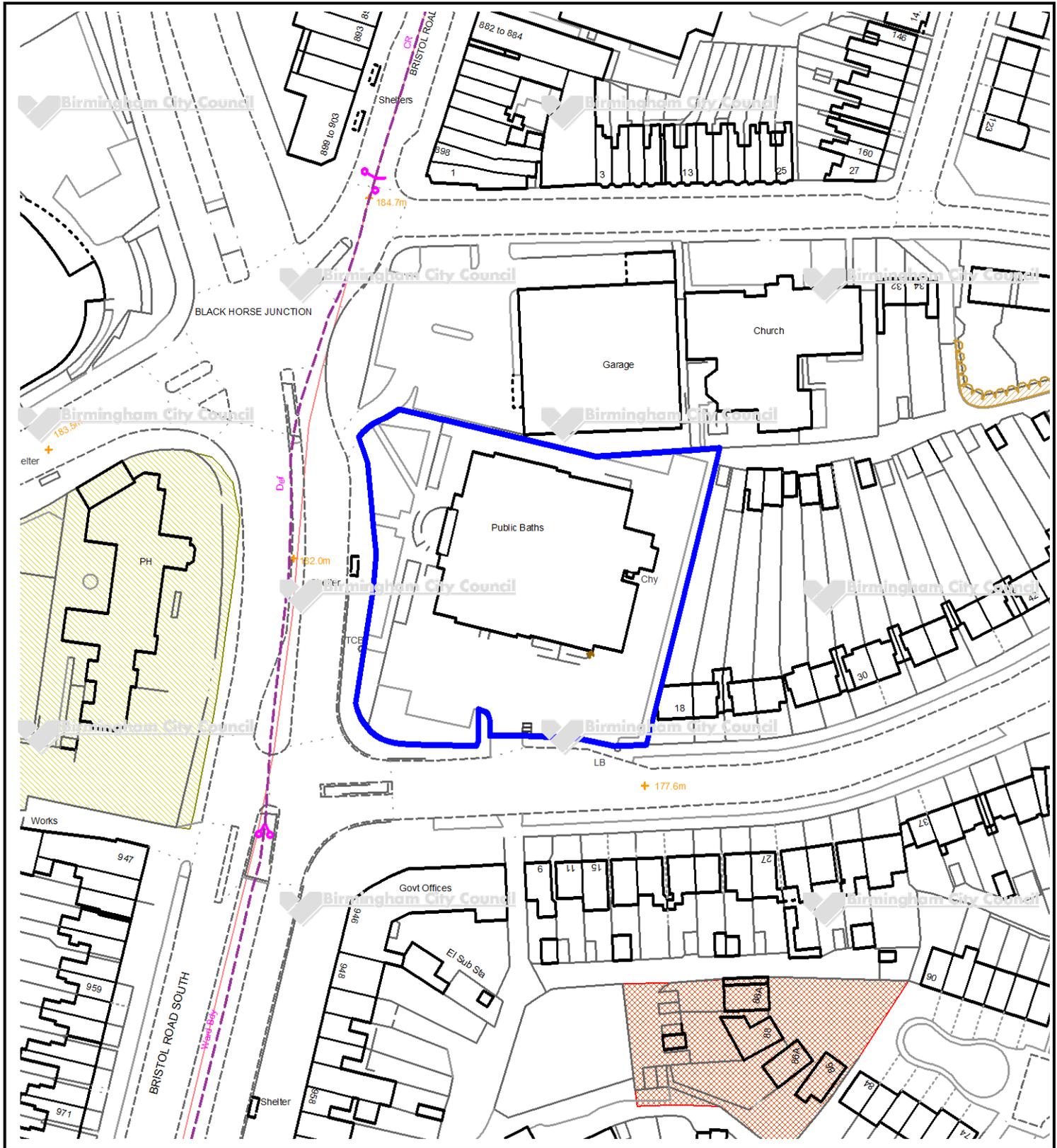


Photograph 2: Existing frontage and access ramp and steps



Photograph 3: Great Stone Road Elevation as existing, Car Park and adjacent residential at 18 Great Stone Road.

Location Plan



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Committee Date:	04/08/2016	Application Number:	2016/01708/PA
Accepted:	06/05/2016	Application Type:	Outline
Target Date:	05/08/2016		
Ward:	Bartley Green		

Land at Monmouth Road, Della Drive and Penrith Croft, Bartley Green, Birmingham, B32 3NJ

Outline application for the erection of 80 no. dwellings, roadway and foot paths and parking. All matters reserved apart from access and scale.

Applicant:	Birmingham City Council Housing Regeneration & Development, 1 Lancaster Circus, PO Box 16572, Birmingham, B2 2GL,
Agent:	Axis Design Architects Ltd Crosby Court, 28 George Street, Hockley, Birmingham, B3 1QG,

Recommendation

Approve Subject To Conditions

1. Proposal
 - 1.1. This application seeks outline planning permission to redevelopment an existing residential block, which has been mostly cleared, to enable the construction of 80 dwellings. All matters are reserved apart from access and scale.
 - 1.2. Access is proposed to use Monmouth Road via the two existing culs-de-sac of Penrith croft and Della Drive.
 - 1.3. The indicative layout plan shows the retention of the 8 FoGs (Flats over Garages) with each consisting of 2 flats and 6 garages underneath. The indicative layout also shows new blocks of flats (with a total of 24 flats) and 56 houses, the majority of the houses being semi-detached.
 - 1.4. The application site is rectangular, being longest through its north/south axis. The FoGs are located also in a north/south axis with four cleared sites beyond these, to the east, that mark the location of 4 demolished tower blocks.
 - 1.5. The layout extends the existing culs-de-sac of Penrith croft and Della Drive, and create a scheme that would provide houses that look onto public space and arranges many rear gardens adjacent to other rear gardens.
 - 1.6. Scale is mostly shown as being two storey, there are 3 three storey buildings, in the form of two blocks of flats; one on the corner of Monmouth Road and Cromwell Lane, the second at the northern most point, adjacent to Monmouth Road and the third on Cromwell Lane adjacent to Sennelys Park.
 - 1.7. The site has 68 trees across the site (19 of which are protected by a Tree Preservation Order). The indicative layout would result in the loss of 3 individual

trees and a tree group. One of these trees, a category B Birch (T67), is protected by a Tree Preservation Order and is located adjacent to the Della Drive junction. The two other individual trees are a Norway Maple (T57 category B) and a silver birch (T63 category C). Finally, the scheme would also result in the loss of a group of sycamore trees (category C). Four new trees are shown within the centre of the site, in a new public square.

- 1.8. The application is supported by a Design and Access Statement, Arboricultural Survey, Ecological Assessment, Transport Statement, Travel Plan, Drainage Layout, and draft heads of terms.
- 1.9. The applicant has offered the following heads of terms;
 - Off-site Public Open contribution based on the Open Space SPD.
 - 35% Affordable Housing.
- 1.10. Site Area 2.07ha, density 38.6dph.
- 1.11. [Link to Documents](#)
2. Site & Surroundings
 - 2.1. The application site is bounded by Cromwell Lane (to the south), Monmouth Road (to the west) and Sennelys Park to the north and east.
 - 2.2. The site has two small culs-de-sac (Penrith Croft and Della Drive) coming in to the application site as spur roads from Monmouth Road.
 - 2.3. The site originally contained four 12 storey tower blocks (50 flats in each) and 4 blocks of flats (with 2 flats in each) over under-croft parking. The tower blocks were demolished about 5 years ago. The site has previously contained 208 dwellings.
 - 2.4. The site slopes from the highest point to the south, on Cromwell Road, at 177 AOD (Above Ordinance Datum) down to the northern boundary at 167 AOD. The retained FoGs fit into the gradient two of which including cut and fill terraces.
 - 2.5. [Site Location Plan](#)
3. Planning History
 - 3.1. None relevant.
4. Consultation/PP Responses
 - 4.1. Consultations
 - 4.2. Transportation – No objection.
 - 4.3. Regulatory Services - No objection subject to a condition that requires an electric car charging point for each dwelling.
 - 4.4. Leisure Services - No objection. However this scheme of over 20 dwellings and therefore would be subject to both off site POS and play area contributions in accordance with the UDP. Based on the current residential mix this would require a

total contribution of £196,400. This would be likely to be spent on the provision, improvement and or maintenance of POS and Play facilities at Senneleys Park within the Bartley Green Ward that is adjacent to the application site. In this respect the boundary treatment with the park should be sensitively handled with existing trees along the boundary needing to be protected during construction.

- 4.5. Lead Local Flood Authority – Given the level of information provided and that this is an outline application, they have raised no objection subject to a condition to require details of a sustainable drainage scheme.
- 4.6. Severn Trent - No objections to a condition requiring drainage plans for the disposal of foul and surface water flows.
- 4.7. Public Participation
- 4.8. Residents, Resident Associations, Councillors and MP consulted. Site Notices erected and Press Notice made.
- 4.9. One comment received from a local resident who comments that;
 - The current site is within a quiet area. The proposed Council housing would create more noise and increase the fear of crime.

5. Policy Context

- 5.1. NPPF 2012, NPPG 2014
- 5.2. Birmingham UDP (2005); Draft Birmingham Development Plan (2013); Places for Living (2001) SPG; Public Open Space In New Residential Development (2006) SPD; Car Parking Guidelines (2012) SPD, Affordable Housing (2001) SPG, Mature Suburbs (2008) SPD. TPO 1229.

6. Planning Considerations

6.1. **Principle**

- 6.2. The NPPF includes three dimensions to sustainable development, being; Economic, Environmental and Social. Recently the NPPF and appeal decisions have established that there must be very good reasons to resist development if it otherwise constitutes sustainable development. There is also a strong emphasis on providing new housing, especially at sustainable locations within urban areas. The NPPF seeks to ensure the provision of sustainable development, of good quality, in appropriate locations and sets out principles for developing sustainable communities. The NPPF promotes high quality design and a good standard of amenity for all existing and future occupants of land and buildings. It encourages the effective use of land by utilising brown-field sites and focusing development in locations that are sustainable and can make the fullest use of public transport, walking and cycling. The NPPF seeks to boost housing supply and supports the delivery of a wide choice of high quality homes, with a mix of housing (particularly in terms of type/tenure) to create sustainable, inclusive and mixed communities. The scheme seeks to place residential development on a former residential site, within an established residential area. As such there is no objection in principle to residential use.

6.3. **Design**

- 6.4. Design guidance within Places for Living (SPG) encourages good quality accommodation in attractive environments. It contains a series of urban design principles with emphasis to assessing context and responding positively to local character.
- 6.5. Mature Suburbs (SPD) states that new housing can have a significant impact on local distinctiveness on the character of an area and that new development must be of 'good design' resulting from a good understanding of the local character and circumstances. It states that design should determine density and not vice versa. It concludes that proposals that undermine and harm the positive characteristics of a mature suburb will be resisted.
- 6.6. The majority of design matters are reserved with only scale for consideration here. However, matters of layout, footprint and boundaries partly inform matters of scale and access.
- 6.7. The indicative layout plan shows that the scheme would deliver a 'perimeter block' arrangement of houses with back gardens mostly adjacent to other back gardens and with front elevations of new houses mostly facing onto new roads and the proposed new open space. A small area of open space would be created in the northern section of the layout with new houses looking into an open central space. The layout shows three blocks of flats and the majority of the remaining dwellings as semi-detached properties. The layout is slightly compromised by identified constraints such as the shape of the site, the change in levels (of 8m from south down-hill to the north), the retention of the 4 blocks of FoGs, a retained sub-station and underground utilities.
- 6.8. One key constraint is created by the FoGs, by retaining these (and the car parking areas behind), the layout is compromised and creates some awkward relationships. At the southernmost part of the site no. 3 and 5 Penrith Croft FoG would be on the same level as new gardens behind, for rear gardens of plots 65 to 68, and would overlook these with a 9m separation distance, the house for plot 65 would also place a gable end 10.4m from the rear looking elevation of the existing first floor flats.
- 6.9. Further north, no. 2 and 4 Penrith Croft FoG has a retaining wall 2m high at the end of its car park. Behind the block and the car park (to the north) there is a gable end of plot 73 that would be 10.4m from first floor rear windows of the FoG, however due to the land level change this relationship is acceptable. Also again beyond the car park, north of no. 2 and 4 Penrith Croft, there would be rear gardens serving plots 69-73. These would be overlooked from the car park due it being on the retaining wall. Also a separation distance of 23m would be created between rear elevation and rear elevation.
- 6.10. The third FoG to the north is 3 and 5 Della Drive. This block also has a rear (north) car park with a 2m retaining wall providing level access to the car park and under-croft garages. Beyond the car park, to the further north would be 4 houses (plots 77-80) these would be arranged in a row to present a frontage onto Monmouth Road and Della Drive. These gardens would be overlooked by the car park and from first floor windows of the FoG, the gardens would be 10m from the rear elevation of the FoG and create a separation distance of 19.6m (rear elevation to rear elevation).
- 6.11. The fourth FoG, 2 and 4 Della Drive, is level with land beyond the car park at the rear (north). It is proposed to place rear gardens beyond this car park, the overlooking distance from the rear first floor flats would be 9.2m. This is slightly short

of the 10m overlooking distance advised by Places for Living but I am satisfied that this could be managed by landscaping. The gable end of plot 7 would be 11.3m from the rear elevation of this FoG, but as the existing residential use is at first floor I am comfortable with this relationship.

- 6.12. Some overlooking could occur in the above described relationships and careful landscaping and design would be required at the reserved matters stage to avoid overlooking problems. In mind of the constraints and good design aspirations the layout shows an arrangement that would meet design expectations. The proposed house would have access to amenity space that would satisfy Places for Living.
- 6.13. Access would be gained by extending the two existing culs-de-sac, of Penrith Croft and Della Drive, both of which gain access from Monmouth Road. A pedestrian access is also shown from the site onto Cromwell Lane (to the south).
- 6.14. The proposed scale is mostly 2 storeys with 3 storeys elements (in the form of blocks of flats) on the corner of Cromwell Lane and Della Drive.
- 6.15. I consider that the scale and access are acceptable for this context. The indicative layout shows how 80 dwellings could be arranged on site, in mind of the constraints to achieve a satisfactory design solution.

6.16. Impact on residential amenity

- 6.17. As layout is reserved the layout proposed is indicative only. However, the site has Sennellys Park to the north and east and Cromwell Road to the south and Monmouth Road to the west, as such the site is away from surrounding residential gardens and properties and as such no impact would be evident. The FoGs identified above are outside of the application site, but surrounded by proposed new development. The FoGs only have active residential use at first floor and therefore these would not be affected by the proposal, due to their raised elevation.
- 6.18. The proposed scale of 2 and 3 storeys is acceptable in this context and would not, in itself, have an adverse impact on the local area or affect resident's amenity. This is also mindful of the scale of the previous buildings on site which were 12 storey tower blocks and the fact that the site previously contained 208 dwellings and this scheme is less intensive; at 80 dwellings.

6.19. Transportation

- 6.20. Policy TP37 of the draft BDP requires development proposals support and promote sustainable travel and TP43 requires new development to support the delivery of a sustainable transport network.
- 6.21. This Outline application is to consider access and scale only. The outline application shows parking for individual houses (200%) and some communal parking for the flats (100%).
- 6.22. Transportation officers have raised no objection in principle to this indicative layout.
- 6.23. However, Transportation has identified that there would be some concerns if the current proposed road layout was proposed for formal adoption with some internal roads wider than they should be, the turning heads would need to be tested with tracking plans for refuse trucks, some roads are too narrow, at 5m, and should be

5.5m, and the existing access points onto Monmouth Road are too wide and would encourage fast exit speeds.

- 6.24. However, whilst I note the comments, I am reminded that only 'access' is being proposed for consideration and the access points from Monmouth Road are not proposed to be changed. I also recognise that these would have served a greater number of dwellings and approximately 72 parking spaces, than currently proposed. As such I do not consider that the access requires alteration.

6.25. Trees

- 6.26. Policy TP6, of the BDP (in regard to flood management) states that "trees and woodland can provide significant benefits in terms of water management and flood alleviation...in addition to their wider landscape value. The provision of additional trees and woodland will therefore be encouraged".

- 6.27. The site has 68 trees across the site (19 of which are protected by a Tree Preservation Order (TPO 1229). The indicative layout would result in the loss of 3 individual trees and a tree group. One of these trees, a category B Birch (T67), is subject to a Tree Preservation Order and is located adjacent to the Della Drive junction. Its removal is necessary to create a satisfactory design solution at the junction to allow adjacent dwellings to present a good landmark feature at the entrance to the site. The two other individual trees are a Norway Maple (category B) and a silver birch (category C). Finally, the scheme would also result in the loss of a group of sycamore trees (category C). Four new trees are shown within the centre of the site, in a new public square. The proposed tree removals are acceptable due to the constraints of the site and desired design outcome, I am also satisfied that replacement trees can be secured within the new pockets of green space to adequately compensate for the loss.

- 6.28. The layout has been amended to satisfy initial concerns raised by my arboriculturalist. This has resulted in a 2m clearance provided around the nearest trees and a redesign has adjusted other areas to better protect the important trees.

6.29. Ecology

- 6.30. Policy TP8, of the draft BDP, states that "development which directly or indirectly causes harm to...species which are legally protected, in decline or rare within Birmingham or which are identified as national or local priorities will only be permitted if it has been clearly demonstrated that; there is a strategic need that outweighs the need to safeguard, the damage is minimised and mitigation put in place, or where appropriate compensation is secured". This is also reinforced at paragraph 118 of the NPPF.

- 6.31. The site is located within Bartley Green and borders Senneleys Park. It was formerly the site of 4 tower blocks that were demolished a number of years ago and still holds a number of blocks of Flats over Garages (FOGS). There are a considerable number of mature trees on site which are protected by TPO's and a mix of regularly maintained amenity grassland and areas of unimproved grassland and developing scrub, this latter habitat has developed on the previous developed areas of the tower blocks. Where Senneleys Park adjoins the site there are a number of woodland belts that provide valuable forage for Bats and Birds, nesting habitat for birds and larger trees (both within the development site and within the park) may provide roosting features for bats.

- 6.32. The site is of relatively limited value for wildlife as a broader and more diverse range of habitats are to be found in the adjoining parkland. The trees are perhaps the most valuable feature (TPO'd) and are mostly identified for retention in the site layout. The semi improved grassland is fairly species poor having developed from the former amenity grass land that surrounded the tower blocks, this habitat though does have some value for a range small mammals and butterfly species.
- 6.33. In the ecological survey a mammal hole was identified in the dry ditch (within Senneleys park), the habitat surrounding it is suitable for Badgers although no obvious evidence of badger activity was recorded. There are a number of badger records within a reasonable distance of this site and these are connected by suitable open habitat so their presence on or adjoining the site is possible but unlikely. As the tunnels from setts can extend up to 30m it is recommended that a survey of the adjoining land (where this falls within 30m of development) is undertaken.
- 6.34. As there will be some loss of habitat through development an enhancement strategy based upon the applicant's recommendation should be put in place and used to guide the development of a landscape plan. This should include beneficial plant species and bat / bird boxes at suitable locations.
- 6.35. The bat foraging value of the site and the adjoining park would be affected by high lighting levels therefore a suitable lighting strategy should be drawn up using low light spill/ directional lighting and no light spill onto the adjoining park and its habitats.
- 6.36. My ecologist has raised no objection based on conditions to require an enhancement strategy, badger survey on adjoining land (within 30m of the site) and lighting scheme.
- 6.37. Drainage**
- 6.38. Policy TP3, of the draft BDP, states that new development should be designed and built to sustainability standards which include conserving water and minimising flood risk. Furthermore Policy TP6, of the draft BDP, states that developers must demonstrate how surface water drainage would not exacerbate existing flooding and seeks a minimum of 20% reduction in peak flows between the existing and proposed water flows. It is also a core principle of the NPPF (paragraph 7) to take full account of flooding issues in decision making.
- 6.39. The Lead Local Flood Authority (LLFA) accept, in principle, a discharge rate of 5l/s for each phase of this development for all return periods up to the 1 in 100 year plus climate change event (30% allowance required. The LLFA accept, in principle, the use of the vehicular island as a green/traditional Sustainable Urban Drainage Strategy (SuDS) feature, permeable paving and rain gardens supplement with pipe network where required.
- 6.40. It is noted that this is an outline application therefore the following considerations should be made during the next stage of design and should be provided at Reserved Matters Stage require evidence of the use of sustainable drainage principles and exploration of suitable SuDS. The LLFA recommend use of various green/traditional SuDS to achieve these principles and will require evidence that these have been implemented as far as reasonably practicable. Final drainage layout plans, including proposed attenuation volumes, SuDS features and discharge locations, and typical cross-sections and details of the proposed SuDS features are required. Finally, consideration should be given to the Operation and Maintenance of all proposed

surface water features, including details of party responsible for the maintenance of each feature and site-specific specifications for inspection and maintenance actions.

6.41. CIL Calculation and Heads of Terms

6.42. This site is within the low residential value, as identified in the Community Infrastructure Levy (CIL) calculation and as such no CIL payment would be required.

6.43. In terms of planning obligations, the applicants have offered to satisfy Open Space policy and will make a contribution to be spent on the provision and/or improvement to POS within the Bartley Green Ward, targeted at Senneleys Park, adjacent to the site. Affordable housing of 35% would also be offered. Both of these provisions can be delivered through a S106 Agreement.

6.44. As the site is within City Ownership, the planning obligations cannot be secured by the Section 106. The City cannot enter into a Section 106 Agreement with itself, i.e. as Local Planning Authority and Land Owner. To ensure that the eventual developer of the site is aware of this planning obligation, and also to ensure that the Developer enters into the Agreement, as part of the property deal there will be an obligation upon the purchaser (developer) to enter into the Section 106 Agreement as part of the terms of the land sale. As part of the contract a draft Section 106 Agreement will be annexed to the contractual documentation and as a consequence its completion will be a contractual precondition requiring the completion of the Section 106 Agreement simultaneously with the completion of the land deal; at that point the purchaser will have land ownership and can enter into the Section 106 Agreement legally. I have attached a condition requiring the developer to submit details of the Section 106 agreement entered into by the eventual developer to be submitted to the Local Planning Authority prior to commencement on site.

6.45. Other Matters

6.46. Regulatory Services have requested a vehicle charging point for each dwelling. This is not considered appropriate for the houses. However, it would be possible to explore inclusion of charging points for the flats by way of condition.

7. Conclusion

7.1. The proposed scheme, for 80 dwellings, would deliver new housing in an area with good access to public transport.

7.2. The proposal would provide sustainable development in an existing residential area with access to public transport and within close proximity to the city centre.

7.3. The proposal would not affect residential amenity.

7.4. The badger habitat and wider wildlife interests would be enhanced through the proposed mitigation measures and would not be compromised by the development.

8. Recommendation

8.1. I. That Planning Committee endorse that Application No. 2016/01708/PA be approved subject a condition that requires the purchaser of the site to enter into a Section 106 Legal Agreement to secure:

a) 35% Affordable housing (28 dwellings).

b) An off-site Public Open Space contribution, based on a pro-rata calculation as defined in the adopted Open Space SPD.

e) Payment of a monitoring and administration fee associated with the legal agreement of £1,500.

8.2. II. Such obligations, as detailed above, being secured by the inclusion of a contractual prerequisite in any property-related documents for the sale of the land for the completion of a Section 106 Agreement simultaneously with the completion of the land transaction between Birmingham City Council and the purchaser of the land, being the land edged in red and referred to as the "Development Land" pursuant to application 2016/01780/PA.

8.3. III. That the application be approved with the following conditions;

-
- 1 Requires the prior submission of a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan
 - 2 Requires the prior submission of an additional ecological badger survey
 - 3 Requires the prior submission of a scheme for ecological/biodiversity/enhancement measures
 - 4 Limits the maximum number of dwellings to 80
 - 5 Requires the prior submission of hard and/or soft landscape details
 - 6 Requires the prior submission of level details
 - 7 Requires the prior submission of sample materials
 - 8 Requires the prior submission of a lighting scheme
 - 9 Limits the layout plans to being indicative only
 - 10 Requires the prior submission of boundary treatment details
 - 11 Prevents occupation until the service road has been constructed
 - 12 Prevents occupation until the turning and parking area has been constructed
 - 13 Tree Survey and Arboricultural Implication Assessment
 - 14 Requires the prior submission and completion of a S106 legal agreement.
 - 15 Requires provision of charging points for electric vehicles for the flats.
 - 16 Requires the scheme to be in accordance with the listed approved plans
 - 17 Requires the submission of reserved matter details following an outline approval
 - 18 Limits the approval to 3 years (outline)
-

Case Officer: Ben Plenty

Photo(s)



Fig 1 Top of site from Cromwell Lane looking north



Fig 2 Rear of Penrith Croft, looking southeast

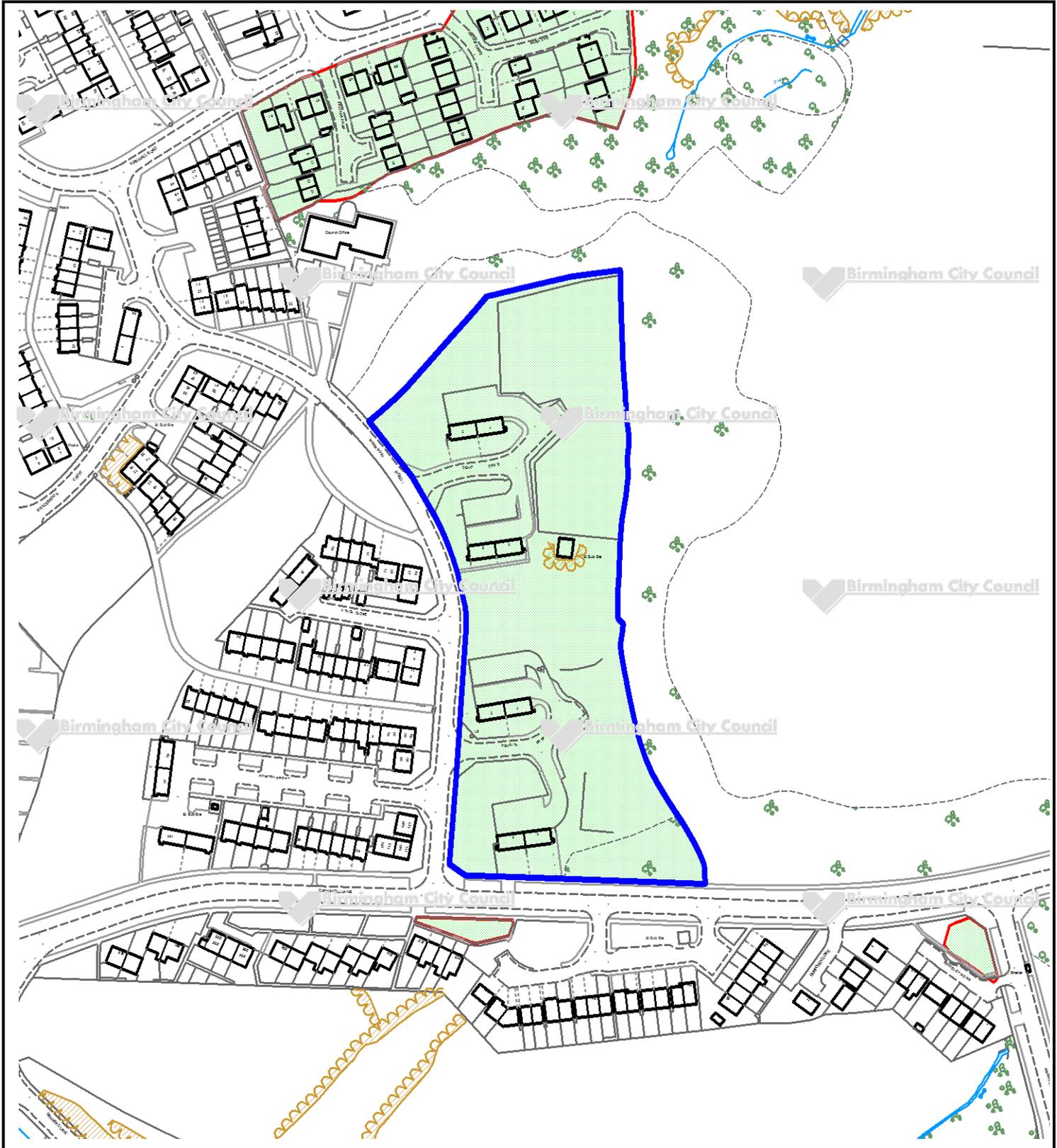


Fig 3 Rear of 2 and 4 Della Drive, looking east



Fig 4. 3 and 5 Della Drive, looking south on Monmouth Road

Location Plan



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Committee Date: 04/08/2016 Application Number: 2016/04042/PA
Accepted: 13/05/2016 Application Type: Variation of Condition
Target Date: 08/07/2016
Ward: Moseley and Kings Heath

93 Alcester Road, Moseley, Birmingham, B13 8DD

Variation of Condition 1 attached to planning approval 2006/01321/PA to allow opening hours from 09:00am on Fridays until 01:00am on Saturdays, and from 09:00am on Saturdays until 01:00am on Sundays

Applicant: Mitchells and Butlers Leisure Retail Ltd
93 Alcester Road, Moseley, Birmingham, B13 8DD
Agent: Colliers International (Bristol)
Templeback, 10 Temple Back, Redcliffe, Bristol, BS1 6FL

Recommendation
Approve Temporary

1. Proposal

- 1.1. Planning consent is sought for the variation of Condition 1 attached to Planning Permission 2006/01321/PA to allow opening hours from 9am on Fridays until 1am on Saturdays, and from 9am on Saturdays until 1am on Sundays.
- 1.2. Condition 1 of Planning Permission 2006/01321/PA currently restricts opening hours at the premises from 9am until 11.30pm Mondays to Saturdays and 9am until 11am on Sundays.
- 1.3. In effect the proposal would result in extended evening opening of one and a half hours on a Friday and Saturday night.
- 1.4. The Applicant requested that the description of development be varied soon after submission of this planning application to seek consent for extended evening opening hours on Fridays and Saturdays only, rather than for seven days a week as originally proposed.
- 1.5. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application premises is a two and three storey public house (Use Class A4) which faces on to Alcester Road, and has a long single storey element to the rear beyond which is a small, enclosed external seating area. The main access to the building is from Alcester Road.
- 2.2. The application premises are located on the western side of Alcester Road near its junction with Chantry Road. The site lies within the Primary Shopping Area of

Moseley Neighbourhood Centre. It is also located within Moseley Conservation Area.

2.3. There are commercial premises immediately adjoining to the north (No. 91a is a restaurant), to the south (No. 93a is currently vacant but has recently had consent for a restaurant) and opposite. Immediately adjoining to the west of the site is Moseley Park, and to the north west the rear garden of No. 64 Chantry Road, which is a residential road.

2.4. [Site Location Map](#)

3. Planning History

3.1. 16th September 1997 - 1996/04461/PA - Proposed change of use from A1 (furniture store) to A3 (public house) including an extension to the rear installation of replacement shop front and other internal/general alterations. Approved-conditions

3.2. 8th November 2003 - 2003/05908/PA - Variation of condition C4 of planning permission S/04461/96/FUL to permit the opening times until 12 midnight on Thursdays to Saturdays. Refused (on grounds of noise and disturbance to occupiers in vicinity)

3.3. 23rd February 2005 - 2005/00122/PA - Variation of condition C4 attached to planning permission S/04461/96/FUL to extend opening hours to 0900 - midnight Mondays to Wednesdays, 0900 - 0100 Thursdays - Saturdays, and 0900 - midnight on Sundays. Refused (on grounds of noise and disturbance to occupiers in vicinity)

3.4. 21st April 2005 - 2005/01537/PA - Variation of condition C4 attached to application S/04461/96/FUL to extend opening hours to 2330 Mondays-Saturdays and 2300 on Sundays. Approved-Temporary (for one year)

3.5. 27th April 2006 - 2006/01321/PA - Planning consent is sought for the variation of condition C1 attached to application S/01537/05/FUL to allow opening hours to 2330 Mondays-Saturdays and 2300 on Sundays permanently – Approved-conditions

4. Consultation/PP Responses

4.1. Transportation Development – No objection

4.2. Regulatory Services - Concerned that there is a neighbouring residential flat that may be affected by intrusive noise if the application is given consent. Understand that there is already a restriction upon the rear beer garden area to be shut and cleared by 11pm. On that basis, advise that the application is given a year temporary permission in order to assess the situation.

4.3. West Midlands Police – No objection

4.4. Local residents, Ward Councillors and Residents/Business Associations notified – 28 letters of objection received from local residents, a letter of objection received from the Moseley Society, a letter of objection received from Moseley Regeneration Group, and a letter of objection received from Russell Road Residents Association. The following relevant concerns were raised as summarised:

- Increased noise and disturbance for residents from patrons coming/going to premises and from music/use of beer garden at premises
- Increase in drunken/anti-social behaviour
- Would set precedent for other businesses to open late – cumulative adverse impact on residential amenity
- No business need for extended hours – scope for business to develop its daytime offering
- Threatens character and charm of Moseley Village – balance between residential and vibrant evening economy needs to be maintained
- Weekend inconveniences are acceptable trade-off for good quality of life of Moseley residents
- Increase in crime
- Increase in litter
- Parking by patrons on residential roads is an issue which would be exacerbated further

4.5. Councillor Spencer – Objects - The majority of the pubs and bars in Moseley have planning conditions restricting their opening hours, and I would not like to see this become the baseline across all of the night time venues, all week. Residents living in close proximity to the centre of Moseley accept that it is a popular nightspot on Friday and Saturday nights, and can accommodate a livelier setting for their home life quite comfortably. I do not think this would be the case if multiple venues were staying open until 1am every night. The recently consented restaurants on either side both have planning conditions requiring closure by 23.30. If the pub between were to be allowed to trade until 01.00 daily those decisions would be undermined.

5. Policy Context

5.1. The following local policies are applicable:

- Birmingham UDP
- Pre-Submission Birmingham Development Plan 2031
- Moseley SPD
- Shopping and Local Centres SPD
- Moseley Conservation Area Character Appraisal SPG

5.2. The following national policies are applicable:

- National Planning Policy Framework (NPPF)

6. Planning Considerations

6.1. The NPPF contains a presumption in favour of sustainable development. It seeks to promote competitive town centre environments that provide customer choice and a diverse retail offer which reflects the individuality of town centres. One of the NPPF's core planning principles is that planning should "always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings" (Paragraph 17).

6.2. Paragraphs 8.6 and 8.7 of the Birmingham UDP set out general guidance as to where A3 uses can be acceptably located and seeks to ensure that they are located in commercial areas where any potential adverse impact on residents, on highway safety and on the vitality and viability of the shopping parade can be minimised. It states that conditions may be attached restricted evening opening hours, normally

requiring the premises to be closed and cleared of customers by 11.30pm. Further to this, Policy 5 of the Shopping and Local Centres SPD and TP23 of the Pre-Submission BDP encourages applications for new A3, A4 and A5 uses in Local Centres, subject to avoiding an over concentration or clustering of these uses that would lead to an adverse impact on residential amenity. Policy EA7 of the Moseley SPD states that where planning permission is required for the A3/A4/A5 uses, Applicants will need to demonstrate that the proposals will have no significant adverse impact on residential amenity and that any parking implications have been considered. Whilst all the above policies relate to new A3/A4/A5 uses, rather than an extension of opening hours of an existing A4 use, they are nonetheless useful in reinforcing that the key consideration of any application to extend opening hours should be the impact on residential amenity from any noise and disturbance.

- 6.3. Paragraph 1.3.3 of the Moseley SPD acknowledges that one of the special characteristics of Moseley is “it is one of the region’s leading destinations for a night out, with a collection of well renowned bars, pubs and restaurants.” Paragraph 1.3.9 also explains that “There is a cluster of pubs, bars, restaurants and fast food outlets in the centre. This attracts many people from outside the area on weekend evenings and makes for a buoyant night-time economy. There is potential to build on this success, to further diversify the evening economy and to develop complementary daytime activity.” Paragraph 1.3.4 recognises the difficulty of striking the right balance between attracting new investment, whilst retaining the area’s character and quality of life.
- 6.4. Since planning permission was granted for an A4 use at the premises in 1997, there have been a number of subsequent planning applications/variation of condition applications to extend evening opening hours until the current time of 11.30pm Mondays to Saturdays and 11pm on Sundays (as restricted by Condition C1 2006/01321/PA).
- 6.5. I consider it useful in assessing this application to understand what planning restrictions there currently are on other public houses in Moseley, and the immediately adjoining premises, in relation to opening hours and set these out below accordingly:

- | | |
|--|--|
| • Application Premises | 0900-2330 Mon-Sat
0900-2300 Sun
2300 external Mon-Sat
2230 external Sun |
| • No. 91A Alcester Rd (Prezzo) | 0700-2330 |
| • No. 93A Alcester Rd (proposed Pizza Express) | 0700-2330 |
| • No. 145-147 Alcester Rd (The Dark Horse) | 1000-2330 Sun-Thurs
1000-0030 Fri/Sat
1000-2300 forecourt |
| • No. 12 St. Mary’s Row (Elizabeth of York) | 0700-2330 Sun-Thurs
0700-0030 Fri/Sat |
| • No. 97-99 Alcester Rd (proposed Dares) | 1000-2330 Mon-Thurs
0930-0100 Fri/Sat
0930-2330 Sun/BH
2000 rear external daily |
| • The Bulls Head, St. Mary’s Row | No restrictions |
| • The Patrick Kavanagh, Woodbridge Rd | No restrictions |
| • The Prince of Wales, Alcester Rd | No restrictions |
| • Bohemian, Alcester Rd | No restrictions |

- The Fighting Cocks, St. Mary's Row

No restrictions

- 6.6. Whilst acknowledging that there are currently no planning consents allowing A4 uses to operate until 1am, both The Dark Horse and Elizabeth of York are consented to operate until 12.30am on Friday/Saturdays evenings, an hour longer than is currently the case at the application premises. In addition, I note that The Bull's Head, The Dark Horse and Bohemian (which do not have any planning restrictions) are licensed to sell alcohol until 2am Friday/Saturday evenings, and The Patrick Kavanagh, Prince of Wales and Elizabeth of York are licensed to sell alcohol until 12.30am Friday/Saturday evenings. Many of these public houses also have operating hours consented by Licensing which extend beyond the hours in which they are allowed to sell alcohol, in effect giving staff/patrons time to drink up/leave the premises after last orders.
- 6.7. The Applicant is arguably currently disadvantaged by their opening hours on Friday/Saturday evenings because most of the other public houses in Moseley are already open/or have the ability to open later as can be seen above. Given the Applicant is proposing to stay open until 1am - half an hour longer than some of the public houses, but an hour less than other public houses - I consider the proposed extended opening hours would appear to be a reasonable time that is generally consistent with the current opening hours of other public houses in Moseley. I note that the Applicant would still require changes to their current license to allow for extended evening opening hours, and further consideration would be given to the impact of extended opening hours on residential amenity under any license application.
- 6.8. Whilst noting the large number of objections received from local residents and amenity societies, mainly on the grounds of increased noise and disturbance, the majority of these objections relate to the originally proposed seven day a week extended evening opening until 1am. Many objectors noted that they accepted, and lived with, noise and disturbance at weekends, often as a trade-off for living close to a vibrant area and on balance enjoying a good quality of life.
- 6.9. Regulatory Services have advised of their concerns with regard to the effect of any extended opening on nearby residential flats. I note that there are no flats immediately adjoining on either side of the application premises (at Nos. 91a and 93a) or opposite (the Co-operative), but there are some flats above shops on Alcester Road in the vicinity of the site. As such Regulatory Services recommend that the application be given a one year temporary permission in order to ascertain whether extended evening opening hours result in any noise complaints.
- 6.10. Local objectors have noted opening hour restrictions until 11.30pm have been attached to the recent 2015 planning permissions for restaurant/bar uses at Nos. 93A and 91A, which immediately adjoin the site on either side. However, these were the opening hours requested by the respective operators and they did not apply to stay open later.
- 6.11. I note the concerns of adjoining occupiers in respect of increased noise/music emanating from the rear beer garden. However, the use of this external area is still restricted (under Condition C2 of 2006/01321/PA) to 11pm Mondays to Saturdays and 10.30pm on Sundays. The Applicant is not applying to vary this condition.
- 6.12. I note concerns raised by local objectors in respect of parking by patrons on residential roads being an issue that would be further exacerbated by the proposal.

However, Transportation Development have raised no objection to the proposal (noting that there are parking bays situated on Alcester Road which allow unrestricted parking into the evening and overnight) and I do not consider that the proposal would have a material adverse impact on parking or highway safety on the nearest residential roads during night time hours.

- 6.13. West Midlands Police have raised no objection to the proposal and I do not consider that the proposed extension in evening opening hours of an hour and half on Friday/Saturday evenings could be attributed with any certainty to any increase in anti-social behaviour or criminal behaviour.
- 6.14. I note the concerns of local objectors in respect of the proposal threatening the character and charm of Moseley Village. However, the Moseley SPD recognises that part of the character of the Village is its vibrant evening economy at weekends.
- 6.15. I note concerns raised in regard to increased litter. However, the application premises does not offer food/drink for consumption off the premises.

7. Conclusion

- 7.1. I consider that the proposed extension of evening opening hours at the application premises would maintain a buoyant weekend night-time economy and would unlikely cause demonstrable harm to the residential amenities of nearby occupiers. However, given that there are residential premises in the vicinity of the application site I recommend a one year temporary consent is granted in order to monitor the situation.

8. Recommendation

- 8.1. Approve Temporary

-
- 1 Limits the hours of use to 0900-2330 hours Mondays to Thursdays, 0900-0100 hours Fridays/Saturday mornings and Saturdays/Sunday mornings, and 0900-1100 hours Sundays and Bank Holidays
 - 2 Requires external areas to be cleared of customers by 2300 hours Monday to Saturday and by 2230 hours Sundays.
 - 3 Requires the hours of use to discontinue on or before 4th August 2017
-

Case Officer: Andrew Conroy

Photo(s)

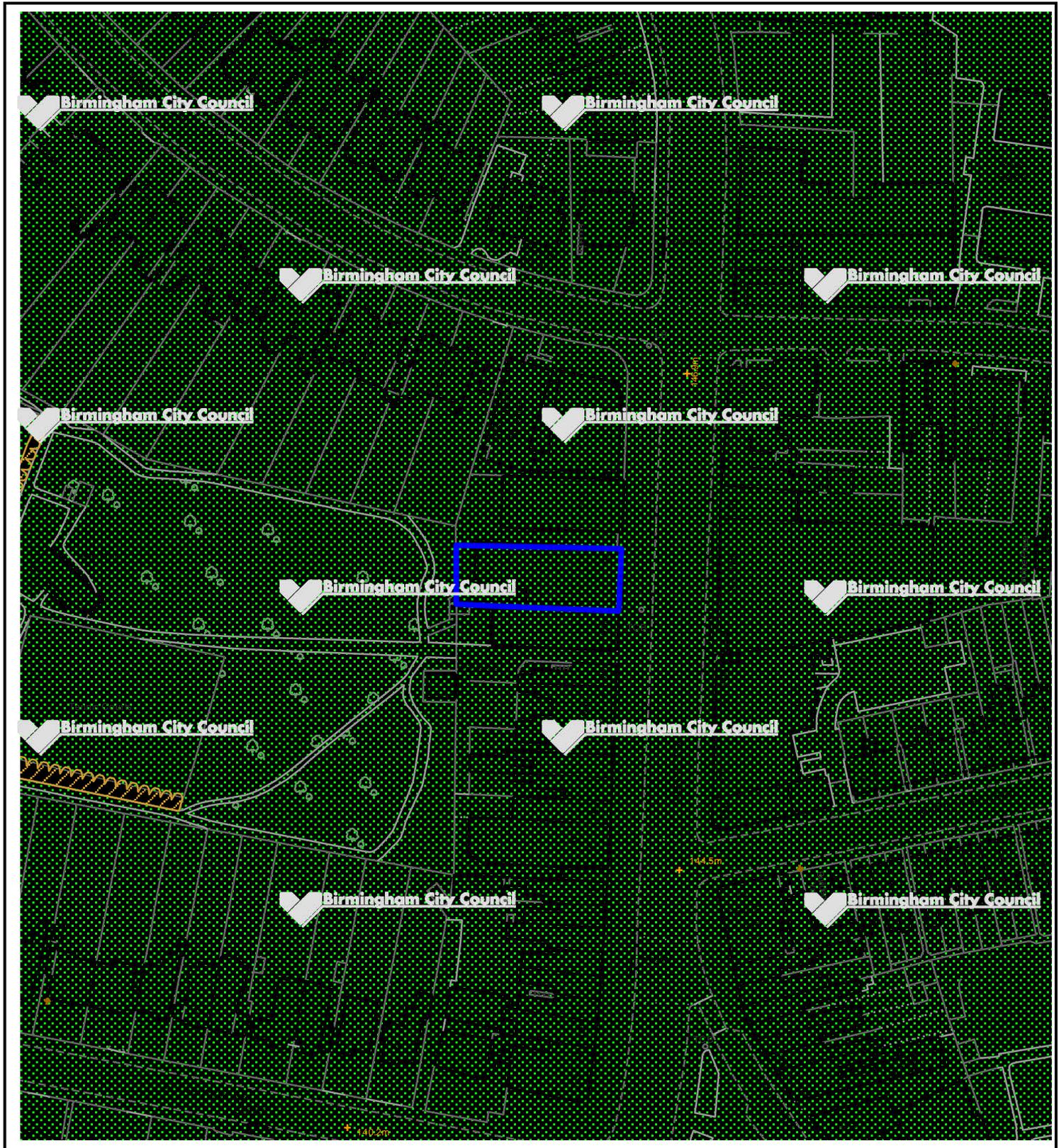


Figure 1 - Front elevation of application premises (right) with No. 93a (left)



Figure 2 – Rear beer garden

Location Plan



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Committee Date:	04/08/2016	Application Number:	2016/04862/PA
Accepted:	10/06/2016	Application Type:	Telecommunications Determination
Target Date:	04/08/2016		
Ward:	Moseley and Kings Heath		

The Highbury PH, Dad's Lane, Moseley, Birmingham, B13 8PQ

Application for Prior Notification for replacement of existing pole mounted antennae and equipment cabinet with new pole mounted antennae and equipment cabinet

Applicant: H3G UK Limited
Star House, 20 Grenfell Road, Maidenhead, Berkshire, SL6 1EH
Agent: Bilfinger GVA
Norfolk House, 7 Norfolk Street, Manchester, M2 1DW

Recommendation

No Prior Approval Required

1. Proposal

1.1. This is a Prior Notification application for the installation of a new telecommunications pole mounted antennae and associated telecommunications equipment cabinet on the roof of The Highbury Public House on Dad's Lane.

1.2. The pole mounted antennae would replace an existing pole mounted antennae and would be wall mounted to the west side of a chimney at the rear of The Highbury. This pole mounted antenna would be slightly taller than the existing one at 15.7m above ground level, whilst the existing pole mounted antennae is 14.2m above ground level and is mounted on the north side of the chimney. The proposed pole would have a diameter of 0.324m and individual height of 6m. It have a white colour finish.

1.3. The replacement cabinet would be mounted on a flat roof at the base of the chimney. It would measure 2.2m high x 1.19m wide x 0.75m deep and would replace a slightly smaller cabinet of 1.7m high x 1.2m wide x 0.7m deep.

1.4. The proposed development is for the upgrade of the existing equipment provided by Hutchison 3G UK Limited (H3G). As such no alternative sites have been investigated.

1.5. The Agent has submitted a declaration that the proposal would meet the ICNIRP requirements

1.6. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The Highbury Public House is located at the junction of Dad's Lane and Moor Green Lane. This large brick built public house fronts Dad's Lane and turns the corner to Moor Green Lane forming a v-shaped building pointing towards Dogpool Lane.
- 2.2. The surrounding area is predominantly residential, apart from the opposite side of Moor Green Lane to the north which fronts a former housing site, now open space to the side of Brockley Grove.

[Site Location Map](#)

3. Planning History

- 3.1. 19/09/2002 - 2002/06897/PA- Installation of telecommunications apparatus – Permitted Development

09/02/2002 - 2002/06881/PA Installation 3x antennas, 2x 0.6 microwave dish (on separate chimney) - Permitted Development

31/08/2012 - 2012/05936/PA - Telecomms License Application for the replacement of existing 300mm dish with new 600mm dish – Permitted Development

17/03/2015- 2015/01703/PA - Telecomms license application for the installation of 1no SAMO cabinet, replacement of existing tri-sector flagpole antenna and installation of additional mast head amplifiers with associated development – Permitted Development

4. Consultation/PP Responses

- 4.1. Local MP, Councillors, Residents' Associations and the occupiers of nearby properties notified of the application. A site and press notice has also been displayed. One response has been received from the Moseley Society who have raised no objection.
- 4.2. Regulatory Services – No objection

5. Policy Context

- 5.1. The following local policies are relevant:
 - The Birmingham Unitary Development Plan (UDP) (2005).
 - Pre-Submission Birmingham Development Plan 2031 (BDP)
 - SPD Telecommunications Development: Mobile Phone Infrastructure (2008).

The following national policy is relevant:

- National Planning Policy Framework (NPPF) (2012).

6. Planning Considerations

Policy Context

- 6.1. The NPPF contains a presumption in favour of sustainable development. It advises that advanced, high quality communications infrastructure is essential for sustainable economic growth. The development of high speed broadband technology and other communications networks also plays a vital role in enhancing the provision of local community facilities and services.
- 6.2. Policy 8.55 of the Birmingham UDP recognises that modern and comprehensive telecommunications systems are an essential element of life of the local community and the economy of the City. In assessing applications for telecommunications equipment, account will be taken of the impact of radio masts, antennae and ancillary structures on existing landscape features, buildings, and the outlook from neighbouring properties.
- 6.3. Policy 8.55A states that the Council will seek to encourage telecommunications operators to locate new equipment away from residential areas and, where they are of high quality, areas of open space, wherever possible; and outlines that the equipment should be designed to minimise its impact on the visual amenity of the area.
- 6.4. Policy 8.55B states that operators would be expected to share masts and sites wherever this desirable. Ground based equipment should be sited to take maximum advantage of backdrops to buildings and other screening opportunities. In assessing visual obtrusiveness, views from neighbouring properties and the street would be considered.
- 6.5. Policy TP45 of the Pre-Submission BDP explains that “Technology developments and access to digital services such as the internet are critical to Birmingham’s economic, environmental and social development...”
- 6.6. As this is a prior notification application, in accordance with Schedule 2, Part 16 of the Town and Country Planning (General Permitted Development Order) 2015, the only issues that can be considered are the siting and appearance of the proposed antennae and associated cabinet.

Siting and Appearance

- 6.7. The proposed pole mounted antennae would be mounted on a chimney to the rear of the building and so like the existing pole mounted antennae it would only be visible in some long distance views and not close up. It would only be 0.5m taller and 0.17m thicker in diameter than the existing, and so would have only a marginally greater visual impact than existing. Its proposed relocation to the west face of the chimney would in fact render it less visible from Dad’s Lane as it would be partly hidden by the chimney. Although the proposed telecommunications cabinet would be slightly larger than the one it would replace, it would not be visible from ground level or from neighbouring properties. I do not consider that the proposed changes would have a material effect on the visual amenity of the area.

Health

- 6.8. Paragraph 46 of the NPPF advises that the Local Planning Authority must determine applications on planning grounds. They should seek to prevent competition between different operators, question the need for the telecommunications system, or determine health safeguards if the proposal meets International Commission guidelines for public exposure. The Applicant has submitted a fully compliant

ICNIRP certificate and as such no further consideration can be given with regard to health issues.

7. Conclusion

- 7.1. I consider that the siting and appearance of the proposed pole mounted antennae and its associated equipment cabinet would be acceptable and would not have an adverse impact on the visual amenity of the surrounding area, in accordance with the adopted UDP, Pre-Submission BDP and the NPPF.

8. Recommendation

- 8.1. That no prior approval is required

Case Officer: John Richardson

Photo(s)

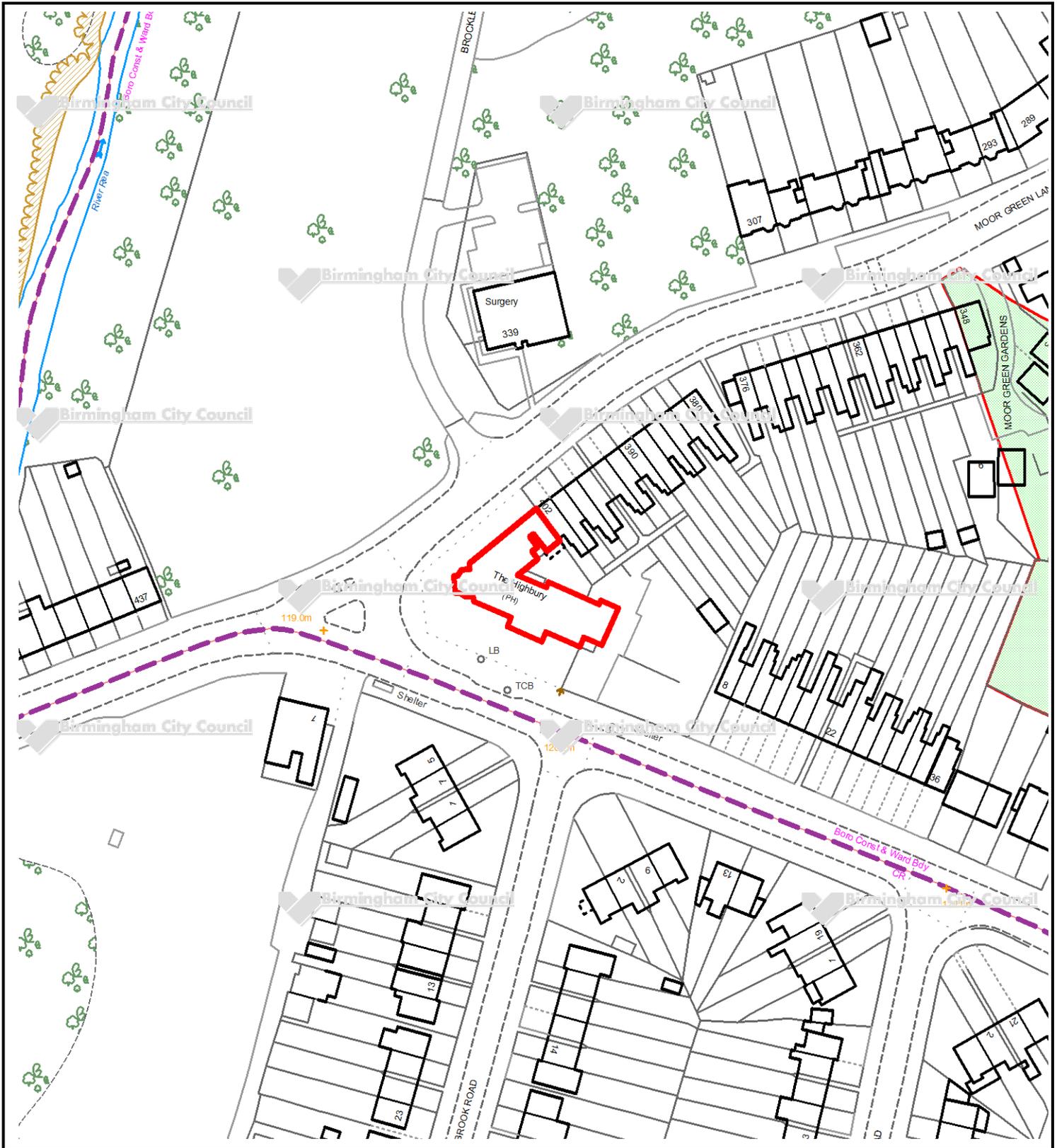


Figure 1: Dad's Lane Frontage



Figure 2: View from the East - along Dad's Lane

Location Plan



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Birmingham City Council

Planning Committee

04 August 2016

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Approve - Conditions	12	2016/03527/PA 2220 Coventry Road Sheldon Birmingham B26 3JH Change of use of ground floor from retail (Use class A1) to hot food takeaway (Use class A5), first floor from store rooms (Use class A1) to residential dwelling (Use class C3) and installation of dormer window to rear
Approve - Conditions	13	2016/05014/PA 30 Alum Rock Road Saltley Birmingham B8 1JB Change of use from ground floor retail (A1) to restaurant (A3) and ancillary hot food take away (A5) use.
Approve - Temporary	14	2016/04942/PA R19 Fort Parkway Erdington Birmingham B24 9HE Display of 4 no. freestanding non illuminated signs
No Prior Approval Required	15	2016/05059/PA Caffrey & Co Solicitors 796 Washwood Heath Road Saltley Birmingham B8 2JL Prior Notification for proposed rooftop telecommunications installation upgrade and associated works

Committee Date:	04/08/2016	Application Number:	2016/03527/PA
Accepted:	29/04/2016	Application Type:	Full Planning
Target Date:	24/06/2016		
Ward:	Sheldon		

2220 Coventry Road, Sheldon, Birmingham, B26 3JH

Change of use of ground floor from retail (Use class A1) to hot food takeaway (Use class A5), first floor from store rooms (Use class A1) to residential dwelling (Use class C3) and installation of dormer window to rear

Applicant: Mr Moazim Ali
2220 Coventry Road, Sheldon, Birmingham, B26 3JH
Agent: Planning, Design & Build Ltd
864 Washwood Heath Road, Ward End, Birmingham, B8 2NG

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. This planning application seeks consent for the change of use from a vacant retail shop (Use Class A1) to a hot food takeaway (Use Class A5) at ground floor level with the conversion of the ancillary storage area at first floor level to residential accommodation, in the form of a one bedroom apartment, including the creation of additional living accommodation within the roof space (second floor) and the provision of a rear dormer window.
- 1.2. The internal floor plans show a shop floor area with a serving counter, rear food preparation and storage area to the rear along with a W/C at ground floor level. The total floor area would be approximately 136sq.m (5.5m width x 25.5m depth maximum).
- 1.3. The proposed residential accommodation at first floor level would be accessed internally via staircase from the ground floor shop floor area and would provide a kitchen, living room, bathroom and circulation space leading to an additional staircase leading to the second floor which would provide a bedroom and an en-suite bathroom along with a new dormer window to the rear of the property providing two windows, one to the bedroom and one to the bathroom.
- 1.4. The total residential floor space proposed would be approximately 90sq.m with the proposed bedroom measuring approximately 29sq.m with a maximum width of 6.5m.
- 1.5. The proposed use would seek to operate between the hours of 11:00 to 23:30 hours daily with up to three full-time employees and two part time employees employed at the site.
- 1.6. The applicant has not submitted any existing or proposed parking details.

1.7. Whilst the applicant has indicated that the provision of an extraction system is proposed, no details related to extraction and odour control have been submitted.

1.8. [Link to Documents](#)

2. Site & Surroundings

2.1. The application site comprises of a two-storey mid-terrace property which has operated as a retail unit on the ground floor (Use Class A1) with ancillary storage related to the A1 use at first floor level accessed internally from the shop of the floor.

2.2. The access arrangement to the respective unit is from the front of the property from the Coventry Road (A45) frontage. There is a Traffic Regulation Order in place in the form of a red route which restricts any form of stopping on the public highway along this section of the Coventry Road other than in prescribed parking bays along the Coventry Road frontage which limits parking between the hours of 07:00 to 19:00 to 1 hour only with no return within 1 hour. There is also a shared rear service yard off Coalway Avenue.

2.3. The application premises are located within a parade of 23 no. units, with a variety of uses, from a retail outlet at the western end of the parade at the junction with Sheaf Lane to a restaurant at the eastern end of the parade at the junction of Coalway Avenue.

2.4. The surrounding area is mixed with both commercial and residential activities undertaken along Coventry Road, a main arterial route in the east of Birmingham. The application site is located within the Primary Shopping Area of the Sheldon District Centre as defined within Birmingham City Council's Shopping and Local Centres SPD and forms part of a large linear centre that stretches along the Coventry Road for approximately 1.2km within which the application site is located.

2.5. The nearest school to the application site is Lyndon School which is situated approximately 900m away from application site in a south westerly direction and is located outside of the Sheldon District Centre and within Solihull District.

2.6. [Site Location](#)

3. Planning History

3.1. None relevant.

4. Consultation/PP Responses

4.1. Adjoining neighbours, Neighbourhood Forum and Ward Councillors have been consulted with the following responses received.

4.2. 5 no. letters of objection from local residents/business owners on the following points;

- There is already a high level of hot food takeaway outlets in the area.
- Existing vermin problems in the locality likely to be exacerbated by the proposed hot food takeaway use.

- The existing food outlets result in odour issues that affect local residents and the provision of an additional food outlet will likely exacerbate this issue.
 - The ground floor proposal would result in increased litter.
 - The proposed ground floor use would add to existing noise levels.
 - The inclusion of a dormer window to the rear will present overlooking/loss of privacy issues.
 - The rear service road between residential properties and the application site is subject to heavy use and inconsiderate parking which is likely to intensify should he use go ahead.
 - There are already existing parking and congestion issues and no additional parking is proposed.
 - The proposed A5 use would reduce the retail offering in the area.
- 4.3. Jess Phillips MP – “I have had a complaint from a resident regarding this proposal. They note that there are already many food outlets in this immediate vicinity and say that another one is totally unacceptable. They comment on the recurring rat problem for local residents because food waste is not always dealt with properly. Further, they note that the smell and air pollution from local food outlets already affects their amenity by requiring them to keep their windows closed. Further, they note that the inclusion of a dormer window to the rear will mean that their property will be overlooked. Further, they are concerned about the lack of parking for the proposed residential unit”.
- 4.4. Cllr Mike Ward – “I would prefer to see this unit remain for A1 use. Yet another hot food takeaway would be unfortunate. I would prefer efforts to be made to secure continuing A1 retail use”.
- 4.5. Cllr Paul Tilsley M.B.E – “Could you please note my opposition to this application. We have now reached more than the 10% of fast food and takeaways on the Coventry Road. We need to encourage a better mix of retail outlets that are open during the day”.
- 4.6. Transportation Development – Comments and recommended planning conditions outlined below;
- Whilst there are concerns with respect to the intensification of activity in terms of short stay parking demand upon the lay-by fronting the site, it is not considered to be of a level sufficient to refuse planning permission.
 - Recommend planning condition prohibiting delivery service from the site.
- 4.7. Regulatory Services – No objection, subject to the suggested conditions;
- Submission and implementation of extraction/odour infrastructure.
 - Submission of noise level details for plant and machinery on site.
 - Submission and implementation of noise insulation scheme.
5. Policy Context
- 5.1. National Planning Policy Framework (2012), Birmingham Unitary Development Plan (2005), Draft Birmingham Development Plan (2013), Supplementary Planning Document for Shopping and Local Centres (2012), Supplementary Planning Document on Car Parking Guidelines (2012).
6. Planning Considerations

Principle of Development

- 6.1. The 'Shopping and Local Centre' SPD defines existing Local Centres within Birmingham. The site falls within the Primary Shopping Area of the Sheldon District Centre. The surrounding area is mixed use in character. Consequently, I consider that the proposed use at this location is acceptable in principle.
- 6.2. Policy 1 within the Shopping and Local Centres SPD states that at least 55% of all ground floor units within the primary shopping area of a district centre should be retained as A1 retail use. The most recent survey of the centre (June 2016) identifies that 63% of existing A1 retail uses exist within the primary shopping area. The proposal would reduce this to 62.18% and not result in a fall below the 55% threshold.
- 6.3. Policy 4, of the 'Shopping and Local Centre' SPD, seeks no more than 10% of units within the centre or frontage shall consist of hot food takeaways (use class A5) in order to avoid an over concentration of units with an A5 use class. At present there is 8.18% of A5 units within the District Centre and the proposal would increase this to 9.09%, thus not exceeding the 10% threshold for the District Centre. Regarding the extent of the frontage the application site falls within, consideration is given to significant physical barriers as well as connectivity between buildings and parades. It is considered that in this case the frontage runs from 2198 Coventry Road (including 1-11 Sheaf Lane) to 2296 Coventry Road, which consists of 49 units including 4 no. existing hot food takeaways (Use Class A5) representing 8.16% of the units. It should be noted that this does not include 2256 Coventry Road, which is a mixed A3 restaurant / A5 takeaway use and cannot be treated as a purely A5 use. The proposal would increase the A5 presence on the frontage to 10.2% and, whilst 0.2% over the 10% threshold, is considered acceptable and in accordance with Policy 1 and 4 of the 'Shopping and Local Centres' SPD.

Residential and Visual Amenity.

- 6.4. The proposed uses would be located within a designated district centre whereby a variety of retail, commercial and service uses along with residential uses are located. A number of concerns have been raised by local residents regarding the provision of the A5 use at ground floor level specifically related to the litter and vermin issues.
- 6.5. Whilst it is acknowledged that the proposal would have the ability to generate litter from customers frequenting the business, there are existing litter bins along the frontage. The issues of vermin problems are also mentioned and refuse waste facilities could also be secured via planning condition and poor hygiene practices of the proposal (and those elsewhere in the locality) would be managed by Environmental Health under separate legislation.
- 6.6. Regulatory Services have raised no objections to the proposal but have requested a number of planning conditions seeking the provision of details for extraction and ventilation and their implementation, restrictions on noise impacts from plant and machinery and the provision and implementation of a noise insulation scheme to the residential accommodation to the upper floor levels.
- 6.7. I concur with Regulatory Services viewpoint and consider that subject to the imposition of necessary planning conditions the proposal is unlikely to have an

adverse impact upon the amenity of residential occupiers and other commercial uses within the immediate vicinity of the site.

- 6.8. The proposed residential accommodation meets the minimum size thresholds for both total internal living space and minimum bedroom size as stipulated within the Nationally Described Space Standards document and as such offers suitable residential accommodation for future occupiers.
- 6.9. The applicant has not indicated that any external changes to the front elevation would occur. However, they have indicated that an external extraction system would be installed which would be visible when placed externally upon the building.
- 6.10. However, a condition requiring further technical and design details' regarding the proposed extraction system is recommended that would ensure that a suitable system is implemented.
- 6.11. It is noted that the proposed residential accommodation at second floor level (within the roof space) would seek to provide a dormer window which would provide 2 no. glazed window units, providing natural light and outlook to the bedroom and bathroom.
- 6.12. Concerns have been raised by local residents and the local MP that the proposed dormer windows would provide new opportunities for overlooking which would result in loss of privacy and overlooking onto adjacent residential properties and gardens.
- 6.13. However, the proposed dormer window would be positioned in the original building's roof space to the front of the site and would be located approximately 26m away from neighbouring residential garden land, separated by an existing building extension and a rear service road and rear garage buildings to the rear of residential properties of Corville Gardens.
- 6.14. Given the distance involved and intervening buildings and land uses it is considered that the proposal would not result in levels of overlooking and loss of privacy that would adversely impact upon nearby residents enjoyment of their property.

Highway Safety.

- 6.15. Transportation Development has been consulted on the proposal and stated that whilst they have concerns as to the intensification of activity in terms of short stay parking demand upon the lay-by fronting the site it is not in itself considered to be of a level sufficient to refuse planning permission.
- 6.16. They have however, suggested that should planning consent be granted that a condition prohibiting the offering of a delivery service be attached given that the site is not capable of providing any onsite parking provision for the storage of a delivery vehicle and that the frontage being located in an area that is subject to limited on street parking that is restricted to 1 hour per stay (no return within 1 hour) and which is the subject of high demand with no loading bays along this stretch of Coventry Road.
- 6.17. Concerns have been raised by local residents regarding the lack of parking provision for customers of the A5 use. However, the proposal is located within a designated district centre which offers a variety of services within walking distance along with a variety of bus routes whilst the frontage does offer limited short term parking provision for users of the A5 use with a variety of car parks within walking distance

to the unit. It is also noted that the parking to Coventry Road is not limited to 1 hour only between the hours of 1900-0700 when the demand for the delivery service is likely to be higher.

6.18. Consequently, it is considered that the proposal would be acceptable in highway safety terms.

7. Conclusion

7.1. The NPPF, adopted UDP and Shopping and Local Centres SPD seeks to prevent an over concentration of takeaways within both a retail frontage and district centre.

7.2. The proposed hot food takeaway would not exceed the maximum allowance of 10% for hot food takeaways within a centre or frontage, and as such would not adversely affect the vitality and viability of this district centre. Furthermore the proposal would have no adverse impact on neighbour amenity or highway safety and as such is in accordance with relevant policy and guidance and planning permission should be granted.

8. Recommendation

8.1. Approve subject to conditions.

-
- 1 Requires the prior submission of extraction and odour control details
 - 2 Limits the noise levels for Plant and Machinery
 - 3 Requires the prior submission a scheme of noise insulation
 - 4 Requires the scheme to be in accordance with the listed approved plans
 - 5 Limits the approval to 3 years (Full)
-

Case Officer: Harjap Rajwanshi

Photo(s)

Fig 1 – Front Elevation of Property.



Fig 2 – Immediate Frontage along Coventry Road.



Location Plan



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Committee Date: 04/08/2016 Application Number: 2016/05014/PA
Accepted: 21/06/2016 Application Type: Full Planning
Target Date: 16/08/2016
Ward: Washwood Heath

30 Alum Rock Road, Saltley, Birmingham, B8 1JB

Change of use from ground floor retail (A1) to restaurant (A3) and ancillary hot food take away use with the installation of a flue to the rear.

Applicant: Mrs Sajda Saghir
30, Alum Rock Road, Saltley, Birmingham, B8 1JB
Agent: Planning, Design & Build Ltd
864 Washwood Heath Road, Ward End, Birmingham, B8 2NG

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. This application proposal relates to the change of use from an existing retail unit (A1 use class) to a restaurant (A3 use class) with ancillary hot food takeaway facility.
- 1.2. The proposed restaurant would accommodate 28 covers with the kitchen located to the rear of the building with flue and extraction to the rear of the double storey element of the existing building. A waste storage area is proposed to the rear of the single storey element of the building to be accessed via the existing alleyway.
- 1.3. No parking provision is proposed as part of the application proposals. The proposed change of use would provide employment for 3 full time equivalent staff.
- 1.4. No external alterations or extensions are proposed to the application site. Any proposals for new signage or shopfront alterations would be addressed through separate planning and advertisement applications.

1.5. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site comprises an existing two storey terraced building comprising a retail unit at ground floor with storage above which has been most recently operated as a newsagent. The site is located within the Primary Shopping Area of Alum Rock District Centre, with a hot food takeaway located to the east and a retail unit located to the west.

[Site Location](#)

3. Planning History

- 3.1. 07.03.2006 - 2006/00134/PA - Erection of single storey rear extension. Approved subject to conditions.

4. Consultation/PP Responses

- 4.1. Transportation Development – raise concern in respect of highway conditions in the area and the impact that the change of use would have on such conditions. However, they are unable to recommend refusal as the application site is situated within a District Centre.
- 4.2. Regulatory Services – no objection.
- 4.3. West Midlands Police – no objection.
- 4.4. Site notice erected. Ward members and neighbours notified. One letter of objection received from the neighbouring hot food takeaway raising concerns regarding competition.
- 4.5. A petition objecting to the application has been received, signed by 19 local residents and business owners with the reasons for the petition being identified as follows:
- Large number of existing food premises in the area – concerns regarding clustering of uses and consequences of such; and
 - Environmental Health concerns – school nearby and pest problem.

5. Policy Context

- 5.1. National Planning Policy Framework (2012); Birmingham Unitary Development Plan (2005); Shopping and Local Centres SPD (2012); Car Parking Standards SPD (2012); Pre-Submission Birmingham Development Plan 2031 (2013)

6. Planning Considerations

- 6.1. **Principle of Change of Use** - The 'Shopping and Local Centres' SPD defines existing Local District and Neighbourhood Centres within Birmingham. The site falls within the Alum Rock District Centre. The surrounding area is mixed use in character. Consequently, I consider that the proposed use at this location is acceptable in principle.
- 6.2. **Impact on Vitality and Viability** – Whilst I acknowledge the petition submitted which objects to the application proposals on the grounds that there are too many restaurant and hot food takeaway uses in the area, the proposal requires assessment in terms of Policy 1 of the 'Shopping and Local Centres' SPD, which seeks no less than 55% of the District Centre to be within retail use.
- 6.3. The 2014 Local Centre Survey Data has been reviewed and updated based on permissions granted in Alum Rock District Centre since the date of the survey. The entirety of the Local Centre amounts to 70.5% within A1 retail use. The frontage that the application site is located within has been identified as the junction of Alum Rock Road and Washwood Heath Road to the junction of Alum Rock Road and Wright

Road, with a total of 53 units. Within the frontage, 85% of units are in retail use, with the remaining in A2 financial and professional services, A3 café / restaurant or A5 hot food takeaway use. The application proposals are therefore acceptable in respect of Policy 1 of the SPD.

- 6.4. Policy 5 of the Shopping and Local Centres SPD relates to A3, A4 and A5 uses being acceptable within centre boundaries, subject to avoiding the clustering of such uses which would lead to an adverse impact on residential amenity. The application site is located adjacent to an existing hot food takeaway which has been in operation since 1979. Whilst this does represent two similar uses within close proximity, I do not consider that this would have an adverse impact on residential amenity due to the presence of storage at first floor level of the buildings and the closest residential premises located at the upper floor of a building on the opposite side of the alleyway to the west of the application site. The nearest residential properties are located 47m to the north of the application site, on Havelock Road.
- 6.5. As the application proposal relates to a change of use to a restaurant (A3 use class) with ancillary hot food takeaway, I consider that the majority of the activity at the premises would be associated with the restaurant use and the proposed layout reflects this element indicating 28 covers. I therefore do not consider it appropriate to assess the application in respect of Policy 4 of the Shopping and Local Centres SPD which refers to no more than 10% of units within a Local Centre or frontage should be in use class A5 (hot food takeaway). Notwithstanding this, I have recommended a condition which states that the ancillary takeaway is incidental to the main permitted use of the premises as a restaurant (use class A3).
- 6.6. On this basis, I consider that the application proposals are acceptable in terms of the impact on vitality and viability of the local centre.
- 6.7. **Residential Amenity** – The application proposals do not comprise any external alterations or extensions. The proposals therefore have no adverse impact in respect of the 45 Degree Code or any concerns regarding overlooking and loss of privacy.
- 6.8. With regard to the flue and extraction proposed as part of the change of use, Regulatory Services raise no objection. The nearest residential properties are located 47m to the north of the application site, on Havelock Road. The upper floor of 26 Alum Rock Road is in residential use however I would not consider that the proposed change of use would have an adverse impact on the residential amenity of this property given its orientation from the application site.
- 6.9. The proposed operating hours would be between 11am and 11:30pm. These are considered appropriate within the context of a Local Centre, seeking to limit instances of a dead frontage, and the proposed operating hours are to be restricted through planning condition.
- 6.10. **Impact on Environmental Health** - The comments relating to environmental health concerns in the submitted petition is acknowledged. I consider that these concerns, whilst valid, would be adequately addressed through the provision of a bin store to the rear of the building and accessed via an alleyway. Further, Regulatory Services raise no objection to the proposals.
- 6.11. **Highway Safety** – Transportation Development raise concerns in respect of the highway conditions in the area and the impact that the change of use would have on such conditions. Transportation Development consider that while access by public

transport and the option for sustainable access by virtue of proximity to the local centre are positive aspects of the sites accessibility, there is a prospective detriment to the safety of users and the free flow of traffic on the public highway which has the potential to be exacerbated by the proposed change of use. Whilst I acknowledge Transportation Development's concerns, I consider that the main use of the unit as a restaurant would require customers to park more considerably within the local centre, making use of on street parking and car parks due to the long stay nature of such a visit.

- 6.12. The key concern raised is in respect of the delivery element of the ancillary hot food takeaway and recommends that this element is subject to a restrictive condition. Given the level of congestion and parking demand in the area, I concur with this view and recommend that a condition to restrict the application site to collections only in terms of the takeaway should be attached to any grant of planning permission.

7. Conclusion

- 7.1. The application proposal relates to the change of use of an A1 use class retail unit to an A3 use class restaurant with ancillary hot food takeaway. The application site is located within the Primary Shopping Area of Alum Rock District Centre.
- 7.2. The proposed change of use is considered acceptable in respect of the impact on vitality and viability of the local centre and conditions are recommended to mitigate the impact of the proposals on highway safety.
- 7.3. For the reasons set out above, I recommend that the application is approved subject to conditions.

8. Recommendation

- 8.1. Approve subject to conditions.

-
- | | |
|---|--|
| 1 | Requires the prior submission of extraction and odour control details |
| 2 | Limits the hours of operation to 11am - 11:30pm daily |
| 3 | Prevents home deliveries of the takeaway |
| 4 | Requires that the hot food takaway is incidental to the main use as a restaurant |
| 5 | Requires the scheme to be in accordance with the listed approved plans |
| 6 | Limits the approval to 3 years (Full) |
-

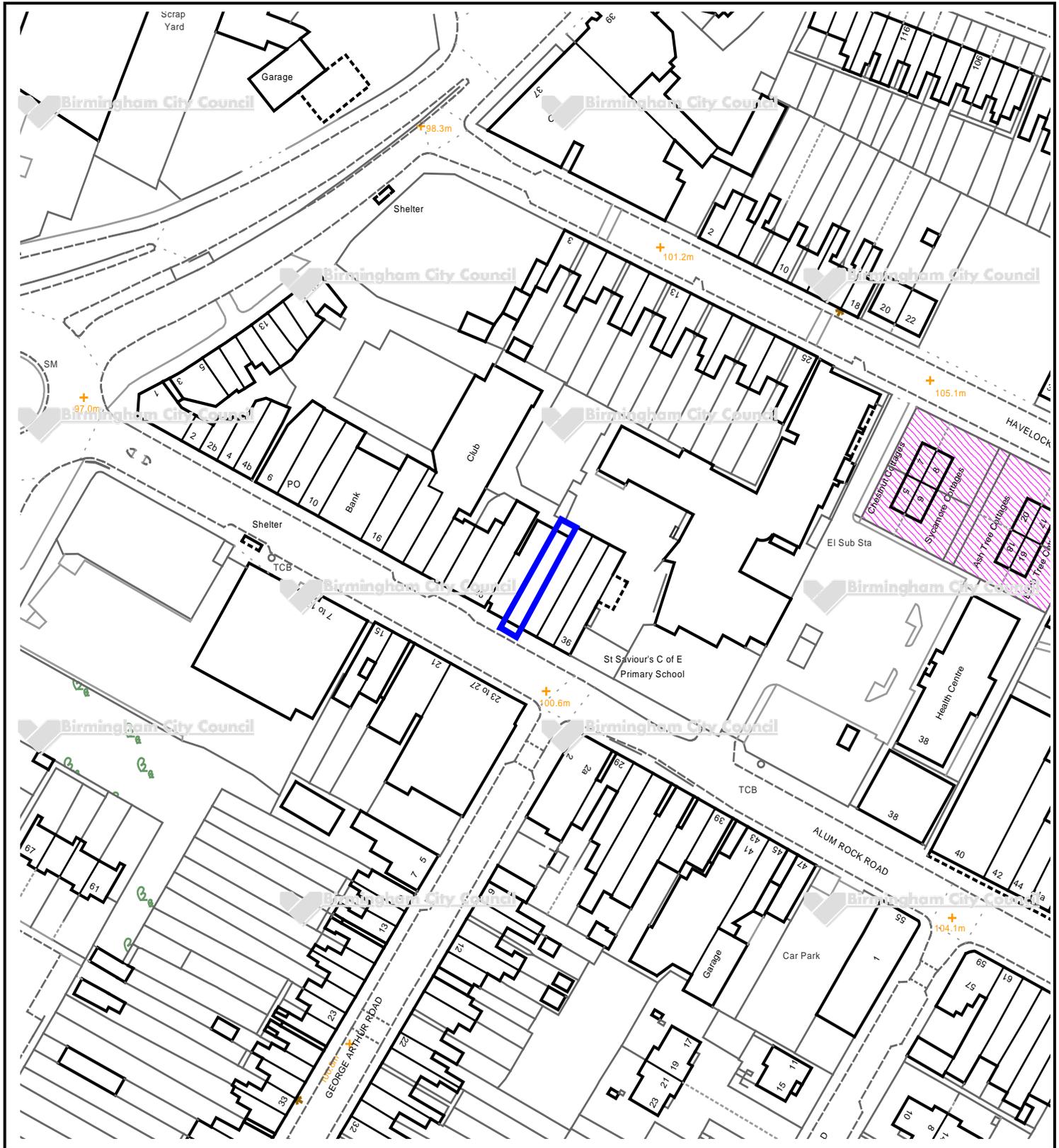
Case Officer: Claudia Clemente

Photo(s)



Figure 1: Application Site

Location Plan



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Committee Date: 04/08/2016 Application Number: 2016/04942/PA
Accepted: 09/06/2016 Application Type: Advertisement
Target Date: 04/08/2016
Ward: Tyburn

R19 Fort Parkway, Erdington, Birmingham, B24 9HE

Display of 4 no. freestanding non illuminated signs

Applicant: Birmingham City Council
Procurement, 10 Woodcock Street, Aston, Birmingham, B7 4GB
Agent: Immediate Solutions
D221 D Mill, Dean Clough, Halifax, HX3 5AX,

Recommendation

Approve Temporary

1. Proposal

- 1.1. Consent is sought for the display of 4 freestanding post mounted non-illuminated signs to be sited within the Fort Parkway roundabout, Erdington, serving Fort Shopping Park and Wingfoot Way.
- 1.2. The proposed signs would be sited approximately 2m away from the edge of the roundabout. The freestanding signs would be constructed of aluminium composite panels with 3M non-reflective film. Each sign would measure 0.5m in height and would be 1.8m wide. The signs would be post mounted, with a maximum height of 1.55m from carriage way to top of proposed signage.
- 1.3. *The proposed development does not attract a CIL contribution.*

[Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site is a roundabout located on Fort Parkway which serves access and egress to the Fort Shopping Park and Wingfoot Way. The application site features landscaping and existing directional signage in-situ. The surround area in commercial in character.

[Site Location](#)

3. Planning History

- 3.1. 24.10.1995. 1995/03629/PA, Construction of roundabout to provide access to/egress from Heartlands spine road – Approve subject to conditions

4. Consultation/PP Responses

- 4.1. Transportation Development: No objections.

5. Policy Context

- 5.1. Draft Birmingham Development Plan (2013), National Planning Policy Framework (2012), Unitary Development Plan (2005).

6. Planning Considerations

- 6.1. The main considerations to be assessed are the impact of the proposal on visual amenity and public safety.

Visual Amenity

- 6.2. The 4 freestanding signs would be sited within the existing roundabout and would be constructed of aluminium composite panels with 3M non-reflective film. Each sign would measure 0.5m in height and would be 1.8m wide. The signs would be post mounted, with a maximum height of 1.5m from carriage way to top of proposed signage. The application site is located within a commercial area. Consequently, I consider that the size, scale and position of the signage would be acceptable on the grounds of visual amenity.

Public Safety

- 6.3. The proposed signage would be set 2m back from the carriageway, well within the application site area. Transportation Development raise no objections to the proposed signage.

7. Conclusion

- 7.1. I consider that the proposed signs are acceptable and would not undermine the visual amenity or public safety of the surrounding area. The proposed scheme is in accordance with relevant national and local planning policies and is recommended for approval on a temporary basis, subject to the attached conditions.

8. Recommendation

- 8.1. Approve temporary

1 Requires the scheme to be in accordance with the listed approved plans

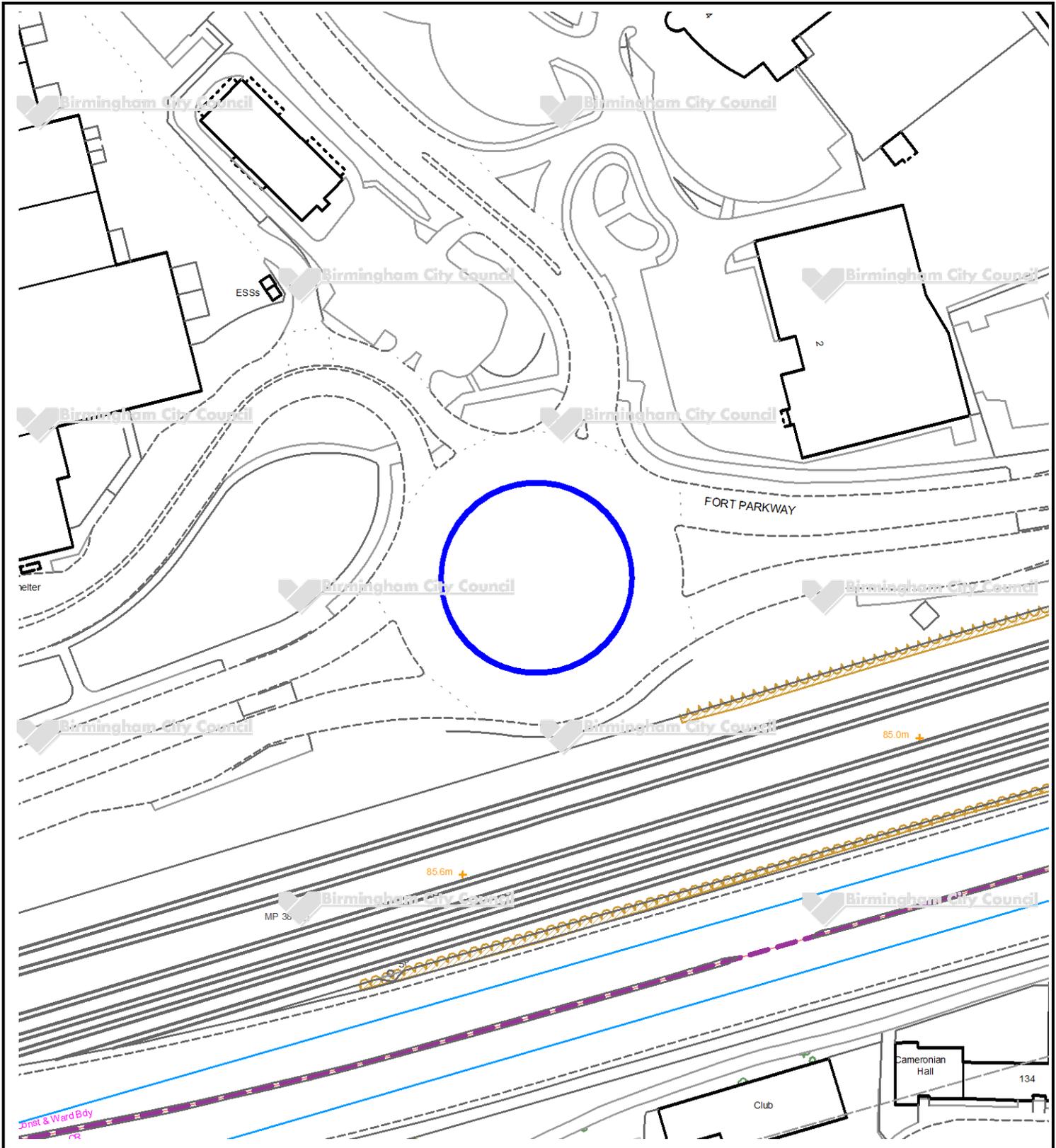
2 Limits the approval to 5 years (advert)

Case Officer: John Dixon

Photo(s)



Location Plan



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Committee Date:	04/08/2016	Application Number:	2016/05059/PA
Accepted:	13/06/2016	Application Type:	Telecommunications Determination
Target Date:	05/08/2016		
Ward:	Hodge Hill		

Caffrey & Co Solicitors, 796 Washwood Heath Road, Saltley,
Birmingham, B8 2JL

Prior Notification for proposed rooftop telecommunications installation
upgrade and associated works

Applicant: EE Ltd & Hutchinson 3G UK Ltd
c/o Agent
Agent: WHP Wilkinson Helsby
The Ponderosa, Scotland Lane, Horsforth, Leeds, LS18 5SF

Recommendation

No Prior Approval Required

1. Proposal

- 1.1. This is a Prior Notification application for the installation of a new 12.5 metre high telecommunications mast with antennae and installation of associated telecommunications cabinet and equipment on an existing building at 796 Washwood Heath Road.
- 1.2. The mast would be overall 12.5 metres in height, and would be an antenna mounted on to a new replica flagpole centrally positioned on the gable end of the building, to reflect the existing antenna flagpole which would be retained. The proposed antenna would not exceed the height of the existing antenna. The new equipment is proposed to upgrade and increase the coverage provided by the existing equipment, which is also proposed to be retained.
- 1.3. The cabinet would be 1.9m wide, 0.8m in depth, and would be 1.6m high. It would be located 4m to the rear of the existing building.
- 1.4. The proposed development is for the upgrade of the existing equipment for fourth generation (4G) mobile provided by EE Limited and Hutchison 3G UK Limited (H3G) and as such no alternative sites have been investigated.
- 1.5. The agent has submitted a declaration that the proposal would meet the ICNIRP requirements.
- 1.6. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site comprises an existing large three storey detached period building which is currently in commercial use. The building currently accommodates a 12.5m high flagpole antenna on the building and 2 associated base cabinets.
- 2.2. The application site is enclosed by railings and accessed via gates. An area of hardstanding is located to the front of the site with a marked out car park located to the rear.
- 2.3. The surrounding area comprises of mostly residential premises however a small retail parade is located opposite the application site.

Site Location

3. Planning History

- 3.1. 19.05.2014 - 2014/03142/PA - Telecoms License Advisory for the installation of 1no. equipment cabinet and 1 tri-sectorantenna. - Seen and noted by the Authority.
- 3.2. 10.09.2012 - 2012/06126/PA - Telecoms Licence Application for the installation of 1 no. telecommunications BTS cabinet. - Seen and noted by the Authority.
- 3.3. 28.07.2004 - 2004/08367/PA - Installation of 1flagpole antenna and 2 equipment cabinets. - Seen and noted by the Authority.
- 3.4. 16.07.2004 - 2004/08363/PA - Installation of 3 antennae and 2 equipment cabinets. - Seen and noted by the Authority.

4. Consultation/PP Responses

- 4.1. Regulatory Services – no objection.
- 4.2. Site notice erected. Ward members and neighbours notified. One letter of objection received from the landowner raising the following concerns:
 - Structural stability of the building in terms of the installation of the new aerial;
 - The cumulative impact that the two aerials would have on radiation; and
 - No consent provided to any installation proposed to be undertaken.

5. Policy Context

- 5.1. National Planning Policy Framework (2012); Birmingham Unitary Development Plan (2005); SPD Telecommunications Development: Mobile Phone Infrastructure (2008); Pre-Submission Birmingham Development Plan 2031 (2013)

6. Planning Considerations

Policy Context

- 6.1. The proposal should be assessed against the objectives of the policy context set out above. Given that this is a prior notification application the only issues that can be considered when assessing this application are the siting and appearance of the proposed mast.
- 6.2. The National Planning Policy Framework states that advanced high quality communications infrastructure is essential for sustainable economic growth. Communication networks play a vital role in enhancing the provision of local community facilities and services. Local planning authorities should support the expansion of electronic communications networks. The aim should be to keep the numbers of masts and sites for such installations to a minimum consistent with the efficient operation of the network. Where new sites are required, equipment should be sympathetically designed and camouflaged where appropriate.
- 6.3. UDP Policy 8.55 recognises that modern and comprehensive telecommunications systems are an essential element of life of the local community and the economy of the City. In assessing applications for telecommunications equipment, account will be taken of the impact of radio masts, antennae and ancillary structures on existing landscape features, buildings and the outlook from neighbouring properties.
- 6.4. UDP Policy 8.55A states that within the City, there are locations that are considered to be more sensitive than others for the siting of telecommunications equipment which includes Conservation Areas and education institutions. Telecommunications equipment will only be acceptable in sensitive areas if the applicants are able to demonstrate that there is no other suitable location. In all cases equipment should be designed to minimise its impact on the visual amenity of the area.
- 6.5. UDP Policy 8.55B states that operators will be expected to share masts and sites wherever this is desirable. Ground based equipment should be sited to take maximum advantage of backdrops to buildings and other screening opportunities. In assessing visual obtrusiveness, views from neighbouring properties and the street will be considered.

Siting and Appearance

- 6.6. I consider that there would not be a significant change in the general appearance of the street scene as a result of the installation of a new antenna. It would not exceed the height of the existing antenna of 12.5m and would have the appearance of a replica flagpole which is considered to be a fairly common feature of such properties. The replacement mast would be viewed against the backdrop of the building. The proposed equipment cabinet would appear as part of the existing furniture within the rear car park and would not appear obtrusive or isolated.

Impact on Health

- 6.7. Whilst I note the objection received on this matter, paragraph 46 of the NPPF advises that the Local Planning Authority must determine applications on planning grounds. They should seek to prevent competition between different operators, question the need for the telecommunications system, or determine health safeguards if the proposal meets International Commission guidelines for public exposure. The application has submitted the required information including an ICNIRP Declaration and as such no further consideration can be given with regard to health issues.

7. Conclusion

- 7.1. I consider that the siting and appearance of the proposed mast would not be detrimental to the visual amenity of the area, given its setting, distance from nearest residential properties and the precedent set by the existing telecommunications mast. I do not consider that the proposed antenna would be inappropriate in respect of the additional equipment that would be installed to the building. I consider that the chosen site is suitable and in accordance with advice in the NPPF, the UDP and adopted SPD.

8. Recommendation

- 8.1. No prior approval required.

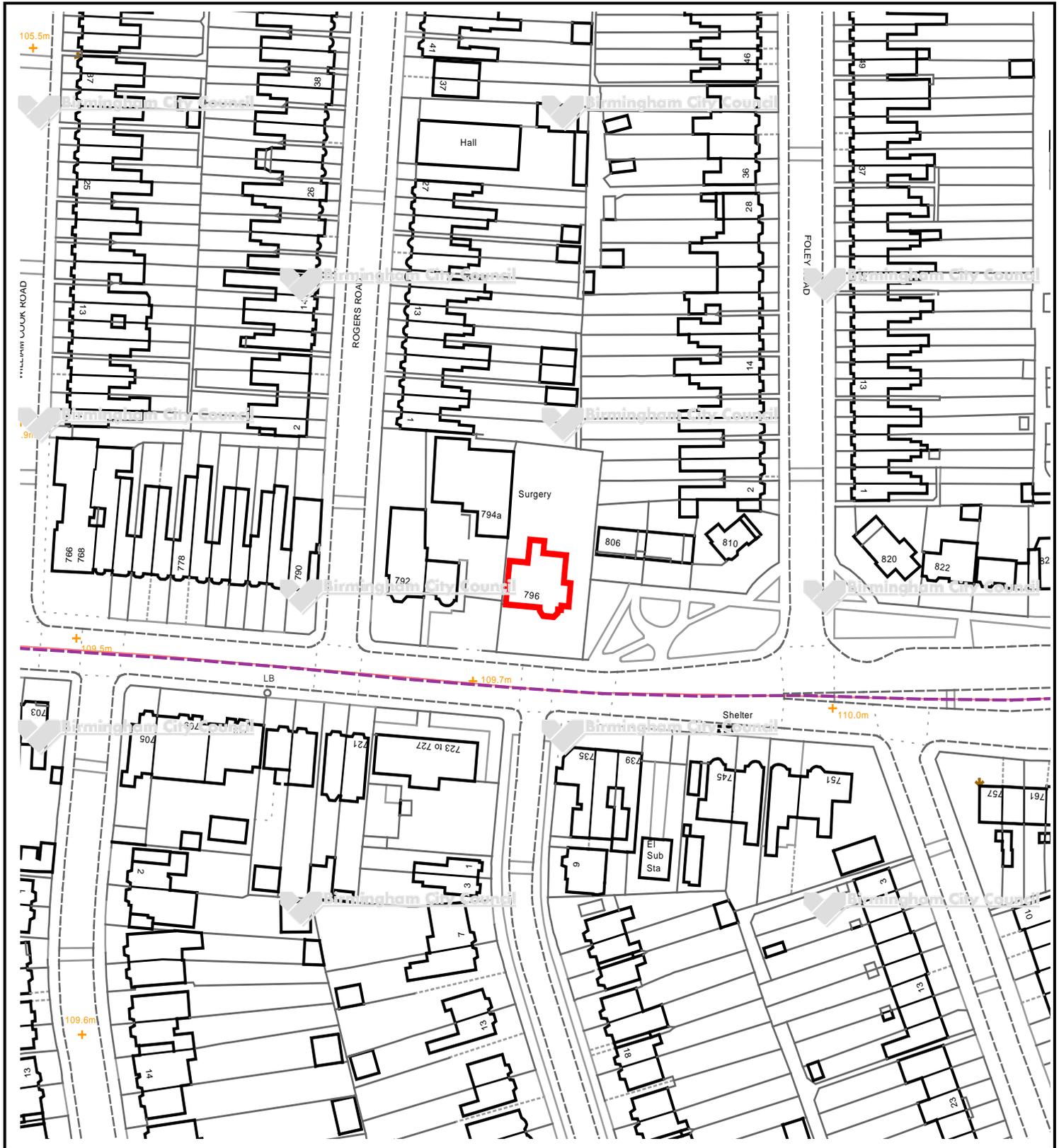
Case Officer: Claudia Clemente

Photo(s)



Figure 1: Application Site

Location Plan



6

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Birmingham City Council

Planning Committee

04 August 2016

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	2016/04486/PA Centenary Square Broad Street City Centre Birmingham B1 2ND Remodelling and resurfacing of Centenary Square to provide a new civic space including hard and soft landscaping, reflecting pool, fountains, feature lighting poles and associated development
Refer to DCLG	17	2016/04549/PA Hall of Memory Centenary Square Broad Street City Centre Birmingham B1 2ND Listed Building Consent for works to plinth including resurfacing and creation of access ramps over existing staircases
Approve - Conditions	18	2015/10427/PA Louisa Ryland House 44 Newhall Street City Centre Birmingham B3 3PL Demolition of existing mansard roof, erection of two storey replacement roof with plant room above, alterations to and extension to rear courtyard elevations including external terrace, provision of two ground floor commercial units (for A2/A3/A4 use from B1), creation of basement car park, together with associated internal and external alterations to provide refurbished and additional B1 office floorspace.

Louisa Ryland House
44 Newhall Street
City Centre
Birmingham
B3 3PL

Listed Building Consent for demolition of existing mansard roof, erection of two storey replacement roof with plant room above, external alterations to rear courtyard elevations including extensions and external terrace, creation of basement car park, together with internal alterations to provide refurbished and additional office floorspace and two ground floor commercial units.

Committee Date:	04/08/2016	Application Number:	2016/04486/PA
Accepted:	25/05/2016	Application Type:	Full Planning
Target Date:	24/08/2016		
Ward:	Ladywood		

Centenary Square, Broad Street, City Centre, Birmingham, B1 2ND

Remodelling and resurfacing of Centenary Square to provide a new civic space including hard and soft landscaping, reflecting pool, fountains, feature lighting poles and associated development

Applicant: Birmingham City Council
Planning and Regeneration, PO Box 28, 2nd Floor Lancaster Circus,
Birmingham, B1 1TU
Agent: Graeme Massie Architects
9-10 St Andrew's Square, Edinburgh, EH2 2AF

Recommendation

Approve Subject To Conditions

1. Proposal

1.1. This full planning application seeks consent for the remodelling of Centenary Square to provide a new civic event space at the heart of the City Centre. The proposals follow an international design competition attracting 185 entries, with the current architects chosen following shortlisting, a public exhibition and consideration by a panel. The brief was for the proposals to promote a positive cultural transformation of the square, making it a world class space and popular destination and a catalyst for bringing people into the area to stop and relax, promote interaction on a smaller scale and informal level. The enhanced square should provide an enhanced setting for existing and new developments such as the Library of Birmingham, Paradise, Arena Central and the International Convention Centre.

Key Elements of the proposals:

- A grid of 43 no. 25m tall columns across the square, including a row on the south side of Broad Street. The columns would include a point light at their pinnacle, lower level functional lighting, connections for power for events and future provision for sound equipment.
- Re-grading the site to facilitate easier movement through the square, with level access across the entire square.
- A reflecting pool, a very shallow pool area with fountain jets. When the fountain is switched off and the pool is drained this area forms part of the main events space.
- Resurfacing of the entire square with a central lighter element with flanking darker red granite around the perimeter above a concrete sub base. The Hall of Memory plinth would be resurfaced with Yorkstone. The library amphitheatre seating would be re-clad with white granite.

- Three areas of tree planting. A stand of 12 no. cherry trees would be situated in front of the ICC. An area of 14 no. red Maple tree planting would be set within an area of low level planting beds with gravel paths to the south west of the Hall of Memory. A further 12 no. Gingko trees would be situated within a further low level planting bed with gravel paths at the front of the REP/Library of Birmingham.
 - 21 no. trees along the boundary of the square with the adjacent Queensway to the east.
 - Reconfigured 'break out' external seating opportunities for both the REP Theatre and the Library of Birmingham.
 - Reconfigured planting and benches around the Hall of Memory.
- 1.2. The proposal sees the retention of all existing statues within the square. The King Edward VII and 'Industry and Genius' statues will remain in their current locations. The Boulton, Murdoch and Watt statue and plinth will be relocated as part of the tramway works adjacent to the new trees on the western side of the square overlooking Broad Street. 'A Real Birmingham Family' will be situated adjacent to the planter with Gingko Trees in front of the Reparatory Theatre.
 - 1.3. The application proposals are adjoined by Centro's area of work on Broad Street associated with the next extension of the Midland Metro tramway extension between Birmingham New Street and Centenary Square. The works comprise of the widening and re-alignment of Broad Street to accommodate the tramway and associated infrastructure and resurfacing including pavements with a granite finish together with a new tram stop, which will form the terminus until the subsequent extension along Broad Street to Hagley Road is constructed.
 - 1.4. The square would be closed to all vehicular traffic except maintenance and emergency vehicles. It should be noted that the Centro proposals would result in the part of Broad Street adjoining the square being used by public transport only, with general traffic directed along Bridge Street. The future proposals to extend the tramway to Hagley Road would result in further restrictions to general traffic along Broad Street.
 - 1.5. Detailed plans, a Design, Access and Planning Statement; Arboricultural Impact Assessment; Heritage Statement; Ecological Impact Assessment; Archaeological Desk Based Assessment; Flood Risk Assessment; Land Contamination Desk Study; and a Sustainable Drainage Assessment have been submitted in support of this application.
 - 1.6. [Link to Documents](#)
2. Site & Surroundings
 - 2.1. Centenary Square is a 1.55ha public square and is the primary event space within the City Centre. The current square design largely consists of the 1989 remodelling that included resurfacing of the square and the creation of the bridge link between the Hall of Memory and Chamberlain Square.
 - 2.2. The square houses the Grade I Listed Hall of Memory, a neo-classical circular building with associated plinth. There is a circular sunken amphitheatre near the

centre of the square associated with the new Library of Birmingham, with part of the Library's basement beneath the square. A large clear area is situated immediately in front of the Repertory Theatre (REP) and Symphony Hall with a Persian Rug design to the block work paving.

- 2.3. In addition a statue of Edward VII, Baskerville Font and the 'Industry and Genius' free standing columns as a monument to John Baskerville are situated in front of Baskerville House. A gilded statue of Matthew Boulton, James Watt and William Murdoch is situated to the south of Broad Street. The recently unveiled 'A Real Birmingham Family' statue is situated adjacent to the sunken amphitheatre.
- 2.4. The square is bounded by the Library of Birmingham, the REP Theatre and the Grade II listed Baskerville House to the north, Paradise Circus Queensway to the east, Broad Street (and the Arena Central development including the ongoing HSBC development and the Grade II listed former Municipal Bank) to the south and the Hyatt Hotel, International Convention Centre and Symphony Hall to the west.

2.5. [Site Location](#)

3. [Planning History](#)

- 3.1. Current application – 2016/04549/PA - Listed Building Consent for works to the plinth of the Hall of memory including resurfacing and creation of access ramps over existing staircases

4. [Consultation/PP Responses](#)

- 4.1. Conservation Heritage Panel - The panel welcomed and supported the proposals.
- 4.2. Transportation Development – No objection subject to conditions requiring a construction management plan, S278 highways agreement and that the public pedestrian and cycle links are maintained during the redevelopment works.
- 4.3. Regulatory Services – No objection
- 4.4. Leisure Services – No objection
- 4.5. BCC Lead Local Flood Authority – Raise no objection subject to the imposition of a condition requiring further drainage details.
- 4.6. Environment Agency – No objection subject to the imposition of a condition requiring a further ground contamination study in order to protect the underlying aquifer.
- 4.7. West Midlands Police – No objection. Comments that they have been working with the architects and that the advice given has been followed, including hostile vehicle mitigation measures.
- 4.8. Historic England - whilst generally supportive of the overall scheme, have objected on a number of specific grounds. These are the impact of the new bench; alteration in ground levels; location of the Victoria Cross monuments; covering of the two flights of stairs on the Hall of Memory plinth and the planting proposals around the Hall of Memory.
- 4.9. Twentieth Century Society – Welcome the proposals and consider them to go some way towards reinstating the original relationship of the memorial to the square and

de-clutter this public space. Their only concerns, in relation to the wider scheme, are the area of soft planting to the south-west of the Hall of Memory could obscure the line of vision towards the memorial from the west and that the existing 'Tess Jaray' paving be retained or documented. They suggest reducing the number of trees proposed and moving them to be in line with the planted screen that will face Paradise Circus Queensway and Broad Street. In relation to the paving, they suggest that its retention should be considered, or it is fully documented prior to any works taking place.

- 4.10 Natural England – Have no comments to make on this application.
- 4.11 National Grid – Note that gas supplies run through the square.
- 4.12 Severn Trent – Raises no objection subject to a condition requiring the prior approval of foul and surface water drainage details.
- 4.13 Site and Press Notices posted. Ward Members, the MP, neighbouring occupiers/land owners and Residents' Associations consulted without response.

5 Policy Context

- 5.1 Birmingham Unitary Development Plan 2005 (Saved Policies); the Birmingham Development Plan (submission plan including modifications); Regeneration Through Conservation SPG; Lighting Places (2008) SPD; The Big City Plan; and the National Planning Policy Framework 2012. The Hall of Memory is Grade I Listed and the nearby Baskerville House, Alpha Tower and 301 Broad Street are all Grade II Listed.

6 Planning Considerations

POLICY

- 6.1 The Unitary Development Plan requires development within the City Centre to be highly accessible, attractive and a safe environment (Policy 15.5). Policy 2.25 recognises the need to improve the quality of the pedestrian experience in the city.
- 6.2 The Birmingham Development Plan is at an advanced stage, close to formal adoption. Policy GA1.2 states that improvements to connectivity within the Westside area will be supported and that the redesign of Centenary Square will need to provide improved public transport accessibility and significantly enhanced pedestrian environment alongside a useable events space.
- 6.3 The non-statutory Big City Plan sets out the aspiration to extend the square across Broad Street, reinforcing the City Centre's cultural activities helping to create a distinctive sense of place. The Plan identifies the contribution Centenary Square makes to the pedestrian experience in the City Centre, as part of a series of distinctive public spaces and squares. The Plan sees the square as the most important outdoor space for events and public activity in the city, building on the success of the Library of Birmingham.
- 6.4 Lighting Places sets the lighting strategy for the city centre and local centres of Birmingham. The document recognises the positive impact imaginative lighting can have on the quality of the public realm, and squares in particular. It requires lighting to be an integral part of new public squares. The strategy also recognises the benefit that illuminated fountains and pools can have on the night-time environment.

- 6.5 The NPPF emphasises the need to exploit opportunities for sustainable transport with priority given to pedestrian, cycles and public transport. It attached great weight to achieving good design. Policy 8.69 encourages the creation of high quality public space.

PRINCIPLE

- 6.6 The principle of the remodelling and upgrade of Centenary Square is a well-established aspiration of the city. The existing square does not facilitate pedestrian connectivity as well as it could, lacks a sense of enclosure (due, in part, to limited tree planting) and is a poor setting for the surrounding heritage assets. The chance to enhance the square in a way that provides a comprehensive approach to both the square and the tramway corridor presents an important opportunity to maximise the benefits of both schemes. I therefore raise no objection to the principle of the proposals.

DESIGN

- 6.7 The overall design concept as proposed would address current issues with the square whilst providing a distinctive civic event space. The current square incorporates pavers that are starting to look dated and have lifted/sunk at numerous places. There is also a feeling of a lack of activity when there is no event taking place, with limited 'spilling' out of existing uses around the square. Much of the square is very open with limited tree planting, which although the library garden has attempted to address, remains an issue with the current space.
- 6.8 The large feature poles, reflecting pool and ordered tree planting will combine to provide a distinctive space that will be immediately recognisable. This would complement the Library of Birmingham and act as a landmark composition at an international level.
- 6.9 Altered and rationalised levels would create and capitalise opportunities for uses such as the Library Café, the REP and the ICC/Symphony Hall to spill out into the square with seating etc. This would add life into the square when large-scale events are not taking place.
- 6.10 The scheme would result in the creation of a further high quality public space within the city centre, building on the success of the creation of the new Eastside City Park.
- 6.11 I therefore raise no design based objections subject to suitable safeguarding conditions.

TREES

- 6.12 The Arboricultural Impact Assessment categorises the value and likely longevity of the existing trees within the square, with a total of 25 assessed. Of these 25 a total of 3 are the highest Category A, 7 are Category B, 13 Category C and 2 'U' (recommend removal) Category. Therefore 15 of the 25 are either low quality or recommended for removal.
- 6.13 All of the 25 trees would be removed as a consequence of a combination of the square and tramway works.
- 6.14 Two of the A category trees are situated broadly in between the Hall of Memory and Baskerville House and are required to be removed due to the change in levels on this

part of the square. Without this change the existing retaining walls could not be removed and the benefits of increased pedestrian connectivity could not be secured.

- 6.15 A further three Category B trees would be lost as a consequence of the tram works (along Broad Street). The remaining 3 B Category Trees to the east of the square would be replaced with new mature trees as part of the new continuous planting providing a buffer to the Queensway.
- 6.16 My Tree Officer raises no objection and comments that adequate rooting volume must be engineered into the scheme in order to ensure that the new tree planting thrives in the long term.
- 6.17 The proposal would provide a total of 59 replacement trees. Subject to conditions securing the long term impact of the proposed new trees I consider that the proposal provides a significant contribution towards additional tree planting within the city centre and more than adequate compensation for those lost as a consequence of the remodelling works.

HERITAGE IMPACTS

- 6.18 In terms of heritage implications, the key for this full application is the impact upon the setting of the surrounding heritage assets. The impacts of the proposals upon the fabric of the plinth of the Hall of Memory are considered in the accompanying application for Listed Building Consent. It should be noted that no physical changes are proposed to the Hall of Memory structure itself, only the relatively minor works to the surrounding plinth consisting of the covering of two flights of stairs with ramps and the replacement of the defective Yorkstone paving with new on the podium, which are considered within the application for Listed Building Consent.
- 6.19 I also consider the use of banded red/blue pavers around the Hall of Memory historically inappropriate and harmful to the setting of this Portland Stone structure, and welcome their replacement with granite. The renewal of the Yorkstone pavers on the plinth are considered in detail as part of the application for Listed Building Consent, however I note that the existing material is in a poor state of repair.
- 6.20 Historic England's objection is noted. Considering each point raised in turn:

Alteration of levels to the west/southwest of the Hall of Memory

- 6.21 The proposals would alter the levels throughout large parts of the square removing the need for many of the retaining walls and steps along its northern side. The levels around Baskerville House would remain unaltered, although the junction between Baskerville Walk and the square would be slightly remodelled to provide direct access (via a feathered flight of stairs) into the square.
- 6.22 The amphitheatre and surrounding landscaping present a visual and levels constraint on the design. The scheme would remove the hedge planting around the amphitheatre and grassed area opening up views across the square to the Hall of Memory. There would therefore be both a visual and physical link across the entire square. The proposed columns would reinforce this link across the square.
- 6.23 In order to resolve levels across the square, and working with the constraint of the existing basement, the levels around the western side of the Hall of Memory's plinth will be raised and the steps covered over with ramps. Following the alterations carried out in the early 1990's associated with the reconfiguration of the square and

bridging the Queensway, the sense of the Hall of Memory and plinth being a raised feature has been lost when viewed from the east.

- 6.24 I consider that the alterations to the setting of the structure that have taken place are such that the setting is far removed from the original design which had a raised plinth to all sides, a large grassed area to the west which was terminated by a colonnade structure that is now located in the peace garden (relocated in 1989). The raised levels along the square's northern end removes much of the remaining impact that the plinth has in terms of being raised up. All sense of the structure being raised from the eastern approach has been lost. Mid-length views from the west are interrupted by both landscaping and the level of the library's basement. The only sense of the building being raised up is gained from close views on the southern/western side.
- 6.25 The supporting Heritage Statement attributes the impact of the existing setting on the heritage value as low given the level of alterations that have taken place since the original configuration. I concur and consider the setting to be compromised, with many aspects having a negative impact upon the significance of this designated heritage asset.
- 6.26 The change in levels to the west would result in less of a feeling of the structure being raised when viewed in close proximity (although the plinth would remain). However midrange and long range views across the square would be improved.
- 6.27 It has been agreed that the soil level within the planters would slope towards the Hall to ensure that the plinth is not obscured on the western side, with more revealed on the eastern end.
- 6.28 I therefore consider that overall the proposals would have a positive impact upon the setting of this heritage asset.

Impact of the proposed bench around the Hall of Memory

- 6.29 The new outer perimeter of seating, which will contain new low level planting behind, will reinforce the symmetry of the Hall of Memory, with the additional visual threshold helping to provide a sense of elevation of significance for this monument. The benches would provide a sense of the historic walling that previously existing to three sides of the Hall of Memory all-be-it closer to the Hall of Memory than the historic situation.
- 6.30 Historic England have queried the dimensions of the proposed seating area, saying that it is much wider than the existing parapet coping. The dimensions of the seating area are taken from the coping stones of the existing plinth to the sides of the existing steps/ramps..
- 6.31 I do not consider that the seating area would materially conceal the base of the Hall of Memory as noted by Historic England, nor that it is overly dominant. I consider that the seating area is consistent with the proportions and architectural language of the Hall of Memory and plinth and does not dominate what is a very robust structure.

Impact of tree planting

- 6.32 Tree planting would define the square's eastern edge and provide some protection from the Queensway below. Whilst this would change the setting of the Hall of Memory, I consider this impact to be a neutral one in heritage impact terms. Whilst historically there was a visual link between the area around the bottom of Paradise

Street/Suffolk Street Queensway the construction of the Queensway including the significant change in levels has completely changed this relationship, and I do not consider this to be a key view. From this view there is no sense of the Hall of Memory being part of a wider civic square. I consider that the planting would provide some screening reinforcing that the area around the Hall of Memory is more contemplative.

- 6.33 I therefore conclude that any harm generated by the interruption of view of the Hall of Memory from this aspect is outweighed by the benefits of the environment created around the structure and the positive impact this will have on the ability to appreciate the asset. Some weight in the planning balance must also be given to benefits associated with the planting of further trees, which is often difficult to achieve in a city centre context.

Location of the Victoria Cross Memorials

- 6.34 Historic England objects to the placement of these memorials, currently situated within the planter to the eastern side of the Hall of Memory, on the entrance ramps to the plinth as it would change the commemorative meaning of the building. I concur with Historic England that the meaning of the Hall is a monument to all people who died or were injured in the war and does not single out any particular person or regiment. The current placement of the memorial slabs strikes a balance between having a relationship with the Hall without impacting upon its meaning.
- 6.35 I agree that by placing the slabs upon the entrance ramps this relationship is more direct and tips the balance to the point where the overall meaning of the Hall is affected. I therefore recommend a condition that requires an alternative location within the square to be agreed. This will allow for the ongoing discussions with the families of those commemorated and Historic England to continue.
- 6.36 In summary I consider the additional planting to provide a contemplative space around the Hall of Memory; the change to granite as the surrounding paving material; the revealing of more of the plinth from the eastern side via the sloping of the planting bed and the reinstatement of mid and long distance views bringing the structure back into the wider square would all have a positive impact upon the setting of this heritage asset.
- 6.37 I note that all of the proposed changes to the Hall of Memory's plinth would be reversible.
- 6.38 Considering the wider impacts, the former Midland Bank (301 Broad Street), whilst part of the early grand civic proposals, is currently divorced from the square due to the presence of Broad Street and the large railings and planting running along Broad Street's northern edge. I consider that the removal of the railings and carrying surface material across (as part of the Metro proposals), together with the new feature columns will help bring the building, to a small extent, into the square. I acknowledge that the proposed tree planting within the new square will reduce some visibility of the building from within parts of the square. However, I balance I consider that the proposals (both in isolation and in combination with the tramway proposals) would have an overall neutral effect on the setting of this listed building.
- 6.39 The rationalisation of levels around the front of Baskerville House and the replacement of surfacing materials will improve the setting of this grand listed building. The slight relocation of the Industry and Genius public art centred on Baskerville House will help to provide a more coherent space around the front of this

building. The feathered steps and simplification of access along Baskerville Walk are also minor benefits to the setting of this building.

- 6.40 My Conservation Officer notes that the applicant has identified and assessed the impact of the proposals upon the potentially affected heritage assets, and agrees with the assessments' conclusions and considers the proposals acceptable.
- 6.41 The comments of the Twentieth Century Society in relation to the existing patterned paving are noted. However, whilst this may be of some local interest, and in consultation with my Conservation Officer, I do not consider this paving of historic interest. The paving is in poor condition and its replacement is fully justified by the application proposals.
- 6.42 Finally I also note that the proposed design indicates a lesser degree of change around the Hall of Memory compared to other finalists' schemes. Several proposed water features around the Hall, to which Historic England objected.
- 6.43 I therefore concur with my Conservation Officer and consider that the impact of the proposed development of heritage assets is acceptable subject to suitable safeguarding conditions.

EVENTS

- 6.44 Centenary Square accommodates a wide range of events throughout the year including the Christmas Craft Market, the ice rink and big wheel, the Remembrance Day procession together with smaller ad hoc events. A key element of the brief is that the square can continue to host such events.
- 6.45 The Design and Access Statement states that discussions with the organisers of the key events held in the square have taken place, with confirmation received that the events could continue to take place with the new design.
- 6.46 The use of the square and the Hall of Memory for the Remembrance Day ceremony is an important design requirement. Discussions have been held with an armed forces representative, the British Legion and the Lord Mayor's Office to confirm how the event takes place, including the procession. The proposed square design allows for the procession to take place as it currently does along Broad Street, with the reflecting pool (when drained) re-providing a large event space. The clear area closest to the Hall of Memory will be larger than the space currently available and there would be a visual and physical link between the Hall of Memory, the area adjacent to the hall and the larger event space at the western end of the square. The proposals should therefore offer greater flexibility for the event organisers.
- 6.47 There will be a temporary impact whilst the works are carried out. The intention is to commence work on site in January 2017 with the works complete by Summer 2018 in advance of the (centennial) Remembrance Day ceremony. Discussions with Centro are also taking place to coordinate with their works to Broad Street to ensure that adequate provision for pedestrian circulation and access to the neighbouring properties is maintained for the duration of the works – noting the changes to pedestrian routing that will result from the ongoing Paradise Circus redevelopment.
- 6.48 I am therefore satisfied that the proposals meet the policy requirement for Centenary Square to remain the city's principal event space within the city centre. I note the ongoing discussions with stakeholders regarding coordination of developments within the part of the city with the aim of minimising disruption.

ECOLOGICAL IMPACTS

- 6.49 The City Ecologist notes that the square is of limited ecological value, with the trees and soft landscaping providing some nesting opportunities for small birds. Therefore the timing of the removal of this hedging should be kept to times outside of the bird breeding season or a suitably experienced person checks the site prior to commencement of development.
- 6.50 My Ecologist also recommends that a proportion of the proposed soft landscaping is aimed at pollinating species as an ecological enhancement of the square. I concur with this recommendation and an appropriate condition is recommended.
- 6.51 A large London Plane on the Broad Street frontage would be removed as part of the works associated with the tram and not the Centenary Square works as the kerb line for Broad Street is realigned to the north. Comprehensive negotiations with Centro have taken place regarding the feasibility of retaining this tree, unfortunately it would not survive the physical works in very close proximity and even if it could be retained it would present a safety concern as it would significantly impact upon the visibility of pedestrians crossing the road.

HIGHWAY MATTERS

- 6.52 The square provides an important pedestrian link between the city core and Westside. The application proposals, as required by the policy context, greatly improve pedestrian connectivity across the square. This is largely achieved through the rationalisation of the multiple levels across the site and the removal of retaining walls.
- 6.53 Vehicular access to the square is limited to limited disabled parking at King Alfred's Place adjacent to the ICC and coaches dropping off in front of the Symphony Hall. Vehicles can access via a barrier controlled entrance from Cambridge Street, which also provides servicing access to the side of the REP theatre.
- 6.54 The application proposals would remove the ability for coaches to drop off on the square, and the current arrangement where some coaches drop off adjacent to the square at Cambridge Street / King Alfred's Place would become the future provision.
- 6.55 Disabled parking would remain and would not be affected by the proposals. Maintenance vehicles would be able to access the square. In addition rising bollards would provide an emergency exit onto the reconfigured (as part of Centro works) bridge Street/Broad Street junction.
- 6.56 Transportation Development raises no objection subject to conditions, which are recommended. The continued public access through and around the square during the works is important and will be secured by condition.

7 Conclusion

- 7.1 The application proposals will deliver a transformational change to this key civic event space at the heart of the city delivering the city's brief. The reimaged square design will improve accessibility, provide a high quality public realm giving people a greater reason to dwell and enjoy the square and have a better relationship with both existing and proposed buildings around the square – encouraging activity to spill out and enliven the space.

- 7.2 The scheme will enhance the setting of the existing designated heritage assets and has been designed in partnership with key stakeholders, including Centro who will be delivering the new tramway extension on Broad Street.
- 7.3 The hall of columns will be a distinct design feature that gives the square a character and identity that will be immediately identifiable, building upon the transportation impact of the award winning Library of Birmingham.
- 7.4 I therefore recommend that this application is approved, subject to appropriate safeguarding conditions.

8 Recommendation

8.1 Approve subject to the following conditions:

-
- 1 Requires the prior submission of a construction method statement/management plan
 - 2 Requires the prior submission of details for the protection of architectural details/public art
 - 3 Requires the prior submission of hard and/or soft landscape details
 - 4 Requires the prior submission of street furniture details
 - 5 Requires the prior submission of a scheme of landscape planting that includes ecological/biodiversity/enhancement measures
 - 6 Requires the prior submission of tree pit details
 - 7 Requires the provision and agreement of a sample panel of building materials
 - 8 Requires the prior submission and completion of works for the S278/TRO Agreement
 - 9 Requires the approval of the new location for the Victoria Cross memorials.
 - 10 Requires pedestrian and cycle routes to be available for public use at all times during the course of redevelopment
 - 11 Requires the scheme to be in accordance with the listed approved plans
 - 12 Requires the scheme to be in accordance with the listed approved plans
 - 13 Limits the approval to 3 years (Full)
-

Case Officer: Nicholas Jackson

Photo(s)



Figure 1 – Centenary Square – Panoramic View

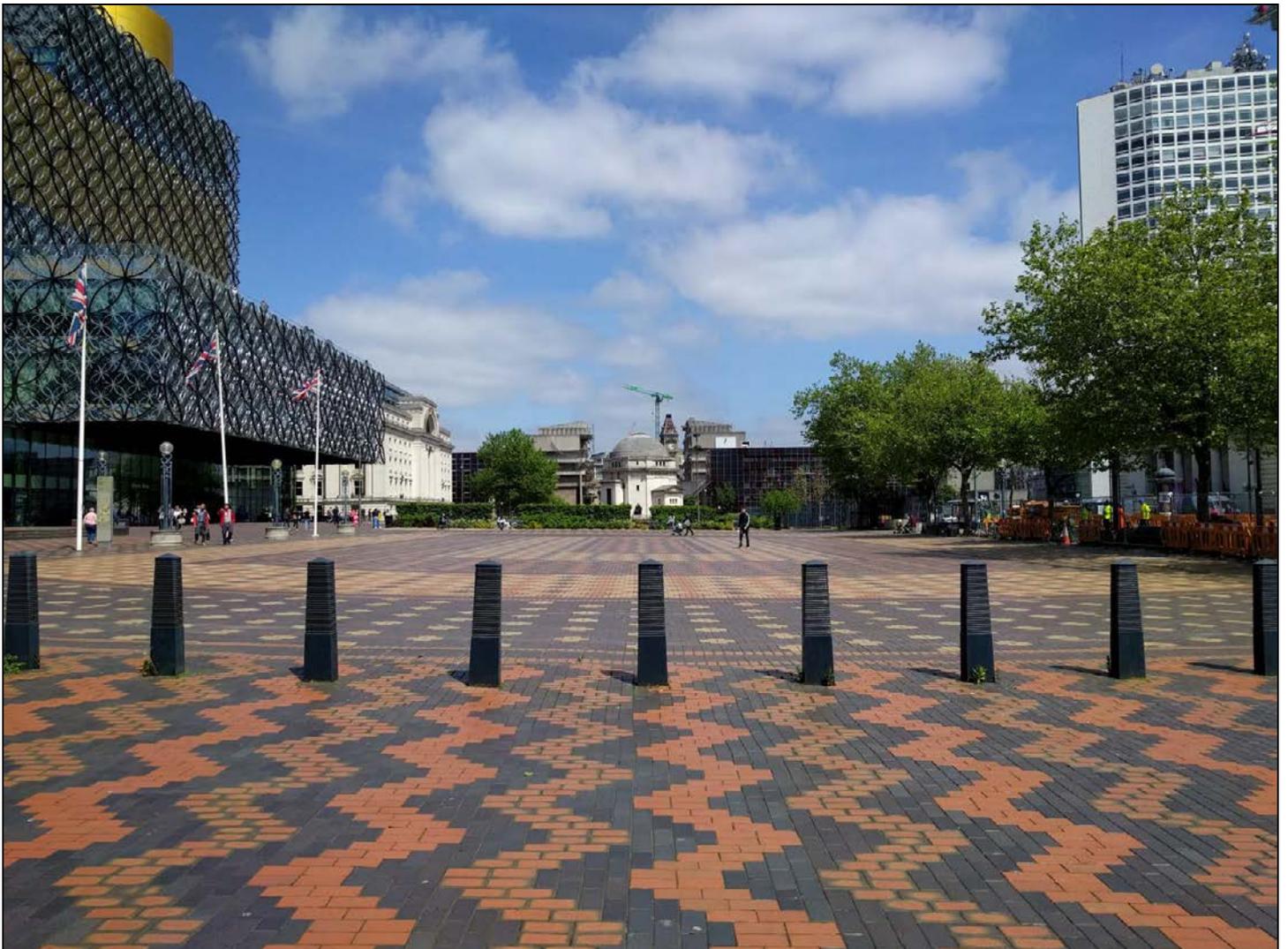


Figure 2 – Looking east from the ICC

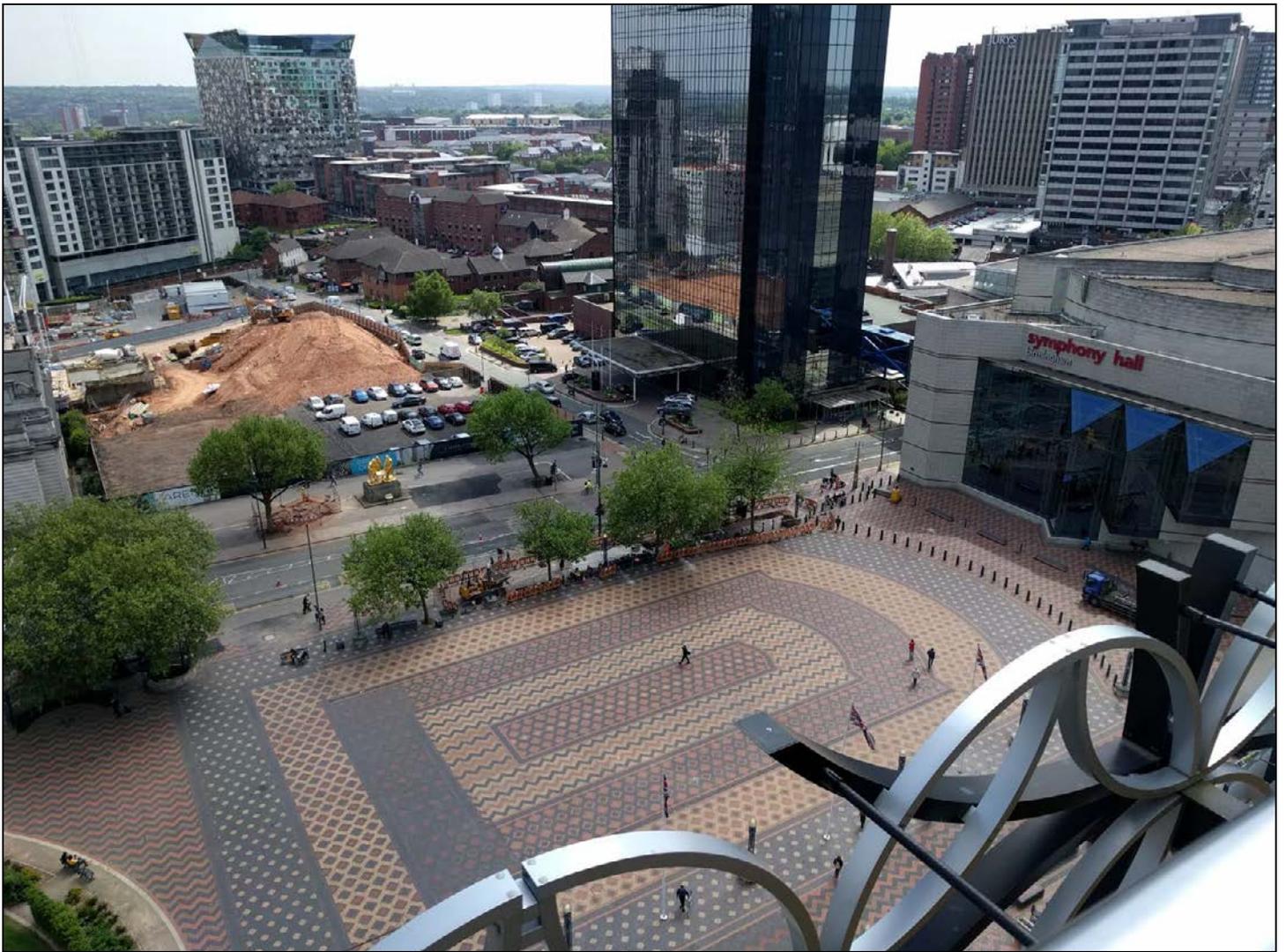
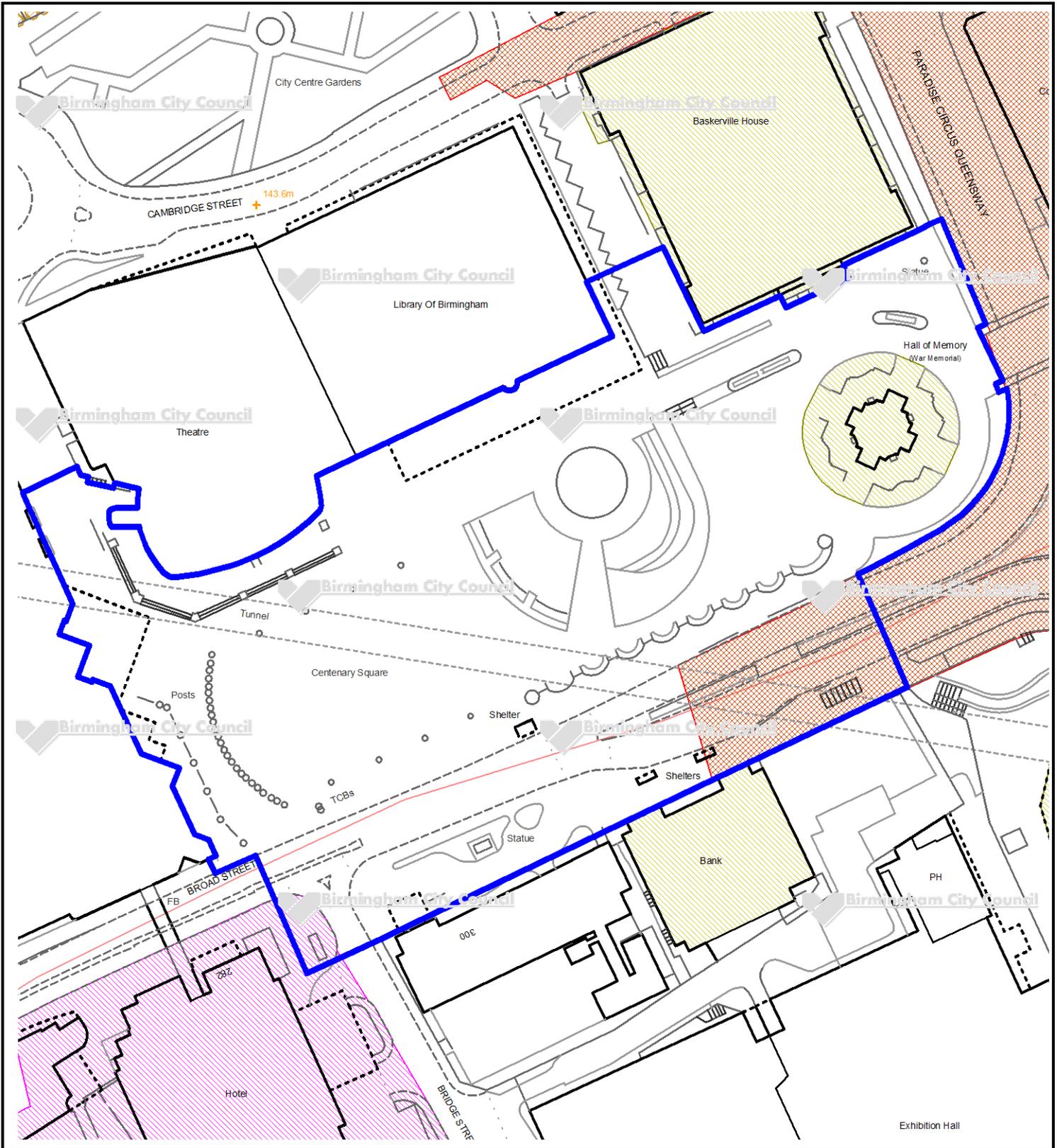


Figure 3 – The principal event space to the front of the ICC



Figure 4 – The Hall of Memory with the Paradise redevelopment beyond

Location Plan



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Committee Date:	04/08/2016	Application Number:	2016/04549/PA
Accepted:	25/05/2016	Application Type:	Listed Building
Target Date:	24/08/2016		
Ward:	Ladywood		

Hall of Memory, Centenary Square, Broad Street, City Centre, Birmingham, B1 2ND

Listed Building Consent for works to plinth including resurfacing and creation of access ramps over existing staircases

Applicant: Birmingham City Council
Planning and Regeneration, PO Box 28, 2nd Floor Lancaster Circus, Birmingham, B1 1TU

Agent: Graeme Massie Architects
9-10 St Andrew's Square, Edinburgh, EH2 2AF

Recommendation
Refer To The Dclg

- 1.1. This application for Listed Building Consent is for the repaving of the podium area and covering over of steps with ramps of the Grade I listed Hall of Memory.
- 1.2. The application accompanies an application for full planning consent for the remodelling of Centenary Square to provide a new civic event space at the heart of the City Centre. The proposals follow an international design competition attracting 185 entries, with the current architects chosen following shortlisting, a public exhibition and consideration by a panel.

Repaving of the plinth
- 1.3. The existing plinth is surfaced with Yorkstone which is in a poor state of repair and is not original to the structure. It is proposed to resurface this with new Yorkstone flagstones

Covering over of steps
- 1.4. The existing steps would be covered over (with the original fabric left in situ) with ramps to provide level access on all sides of the plinth. The sloping access would be clad in Yorkstone.
- 1.5. Whilst not requiring Listed Building Consent the wider square works include the construction of a seating area around the plinth with planters behind. Levels within the vicinity of the Hall of Memory to the west will be raised in order to provide level access across the square.
- 1.6. Detailed plans, a Design, Access and Planning Statement; Archaeological Desk Based Assessment and Heritage Statement have been submitted in support of this application.

1.7. [Link to Documents](#)

2. [Site & Surroundings](#)

- 2.1. Centenary Square is a 1.55ha public square and is the primary event space within the City Centre. The current square design largely consists of the 1989 remodelling that included resurfacing of the square and the creation of the bridge link between the Hall of Memory and Chamberlain Square.
- 2.2. The square houses the Grade I Listed Hall of Memory, a neo-classical circular building with associated plinth. There is a circular sunken amphitheatre near the centre of the square associated with the new Library of Birmingham, with part of the Library's basement beneath the square.
- 2.3. A large clear area is situated immediately in front of the Repertory Theatre (REP) and Symphony Hall with a Persian Rug design to the block work paving.
- 2.4. In addition a statue of Edward VII and the 'Industry and Genius' free standing columns as a monument to John Baskerville are situated in front of Baskerville House. A gilded statue of Matthew Boulton, James Watt and William Murdoch is situated to the south of Broad Street. The recently unveiled 'A Real Birmingham Family' statue is situated adjacent to the sunken amphitheatre.
- 2.5. The square is bounded by the Library of Birmingham, the REP Theatre and the Grade II listed Baskerville House to the north, Paradise Circus Queensway to the east, Broad Street (and the Arena Central development including the ongoing HSBC development and the Grade II listed former Municipal Bank) to the south and the Hyatt Hotel, International Convention Centre and Symphony Hall to the west.

2.6. [Site Location](#)

3. [Planning History](#)

- 3.1. Current application – 2016/04486/PA - Remodelling and resurfacing of Centenary Square to provide a new civic space including hard and soft landscaping, reflecting pool, fountains, feature poles and associated development

4. [Consultation/PP Responses](#)

- 4.1. Conservation Heritage Panel – The panel welcomed and supported the proposals.
- 4.1. Historic England - whilst generally supportive of the overall scheme, have objected on a number of specific grounds. These are the impact of the new bench; alteration in ground levels; location of the Victoria Cross monuments; covering of the two flights of stairs on the Hall of Memory plinth and the planting proposals around the Hall of Memory.
- 4.2. Site and Press Notices posted. Ward Members, the MP, Resident Associations and amenity societies consulted with the following representations received.
- 4.3. Twentieth Century Society – Welcome the proposals and consider them to go some way towards reinstating the original relationship of the memorial to the square and de-clutter this public space. Their only concerns, in relation to the wider scheme, are the area of soft planting to the south-west of the Hall of Memory could obscure the line of vision towards the memorial from the west and that the existing 'Tess Jaray'

paving be retained or documented. They suggest reducing the number of trees proposed and moving them to be in line with the planted screen that will face Paradise Circus Queensway and Broad Street. In relation to the paving, they suggest that its retention should be considered, or it is fully documented prior to any works taking place.

5. Policy Context

- 5.1. Birmingham Unitary Development Plan 2005 (Saved Policies); the Birmingham Development Plan (pre-submission draft); Regeneration Through Conservation SPG; The Big City Plan; and the National Planning Policy Framework 2012. The Hall of Memory is Grade I Listed and the nearby Baskerville House, Alpha Tower and 301 Broad Street are all Grade II Listed.

6. Planning Considerations

POLICY

- 6.1. The NPPF makes specific reference to 'Heritage Assets', which includes conservation areas and listed buildings. Paragraph 129 refers to a need to assess the significance of a proposal on any heritage asset, with paragraph 131 stating that local planning authorities should take into account the desirability of sustaining and enhancing heritage assets and the positive contribution that the new development would make to local character and distinctiveness. Paragraph 132 places 'great weight' on the impact of development on a heritage asset's significance and 133 refers to developments causing substantial harm to a heritage asset, outlining key points that the applicant should be able to demonstrate in order to justify this harm.
- 6.2. Within the adopted UDP policy 3.25 refers to the setting of listed buildings and states that appropriate control will be exercised over the design of new development in their vicinity. Policy 3.10 notes that proposals which would have an adverse effect on the quality of the built environment will not normally be allowed and policy 3.8 refers to the City's environmental strategy which is based on protecting and enhancing what is good and improving what is less good in the City's environment, along with recognising the key relationship between environmental quality and levels of economic activity. Policy 3.14D concerns design and provides a set of assessment principles, including impact on local character, views, skyline, scale, and massing and neighbouring uses.
- 6.3. The pre-submission draft Development Plan, at policy TP12, recognises the value of heritage assets and requires new development to make a positive contribution to the asset's character, appearance and significance.

PRINCIPLE / HERITAGE IMPLICATIONS

- 6.4. The principle of replacing the Yorkstone is acceptable subject to a suitable safeguarding condition requiring the prior approval of the material. I note that the existing paving is in a poor state of repair and is not original fabric.
- 6.5. The covering of the steps, which consists of 2 no. flights of 5 steps on the south and west of the plinth, is reversible as the existing steps would be retained and protected beneath the new Yorkstone paved ramps.
- 6.6. My Conservation Officer notes that the applicant has provided sufficient information to understand the impact of the proposals upon the significance of this listed

building. Although the scheme will see the covering over of the two remaining set of steps he considers that a clear and convincing justification has been made for the proposals and that any harm caused is outweighed by the public benefit of the scheme. He recommends that conditions are imposed requiring prior approval of details, materials and finishes.

- 6.7. The Twentieth Century Society's comments are noted. Whilst a matter for the wider application, the proposed trees placement is such that they are designed to act as a wind break to assist in creating a more favourable micro climate around the Hall of Memory. This would help to provide a more contemplative space and encourage people to spend time rather than transition through this space. In addition one of the overall aspirations of the project is to significantly increase the number of trees in the square, which would have microclimate and biodiversity implications. The perimeter wall around the tree pit is part of the hostile vehicle mitigation strategy, helping to provide a safe environment. I consider that these benefits outweigh the relatively minor impact upon views from the southwest. In relation to the patterned paving, which was inspired by Moroccan Carpets, the pavers have passed their life expectancy and have broken, perished and sunk in several locations. The retention of the paving was considered however due to its condition the wider proposals show the resurfacing and replacement of the substructure. In consultation with my Conservation Officer, I do not consider this paving of historic interest. The paving is in poor condition and its replacement is fully justified by the application proposals.

HISTORIC ENGLAND

- 6.8. Historic England whilst generally supportive of the overall scheme, have objected on a number of specific grounds. The impact of the new bench, alteration in ground levels, location of the Victoria Cross monuments and planting proposals are considered in the application for full planning consent elsewhere on your committee's agenda. The covering of the steps with new ramps on the western side of the plinth is the only element requiring listed building consent to which Historic England object.
- 6.9. As stated above, the covering of the steps is a reversible and would restore symmetry to the structure, which has been lost over time. The increased level of accessibility to all sides of the plinth easily by people with mobility issues is also a benefit. I therefore consider that any harm to the significance of the structure through the burial of these steps is less than substantial and outweighed by the benefits of the proposal.
- 6.10. There are no changes proposed to the principal Hall of Memory structure.
- 6.11. The impacts upon the setting of the Hall of Memory by the wider square proposals, including the new planters/benches are considered within the application for full planning permission. The implications for events, including the Remembrance Day procession, are also considered in relation to the full planning application.

7. Conclusion

- 7.1. The wider application proposals will deliver a transformational change to this key civic event space at the heart of the city. The reimaged square design will improve accessibility, provide a high quality public realm giving people a greater reason to dwell and enjoy the square and have a better relationship with both existing and proposed buildings around the square – encouraging activity to spill out and enliven the space.

- 7.2. The scheme will enhance the setting of the existing designated heritage assets and has been designed in partnership with key stakeholders, including Centro who will be delivering the new tramway extension on Broad Street.
- 7.3. The detailed works to the listed fabric are minor and limited to the replacement paving and the covering over of the steps. These would have a limited impact upon the significance of the heritage asset and would be reversible.
- 7.4. I therefore recommend that this application is approved, subject to appropriate safeguarding conditions. However, due to the outstanding objection from Historic England this application requires referral to the Secretary of State.

8. Recommendation

- 8.1. I) That the application is referred to the Secretary of State in accordance with the 'Arrangements for Handling Heritage Applications Direction 2015 & the Town and Country Planning (Development Management Procedure) (England) Order 2015'; and

II) That in the event of the Secretary of State not intervening Listed Building Consent is granted subject to the following conditions:

-
- 1 Requires the prior submission of sample Yorkstone paving
 - 2 Requires the submission of details of cleaning of the Hall of Memory
 - 3 Requires the scheme to be in accordance with the listed approved plans
 - 4 Limits the approval to 3 years (conservation/listed buildings consent)
-

Case Officer: Nicholas Jackson

Photo(s)



Figure 1 – Centenary Square – Panoramic View

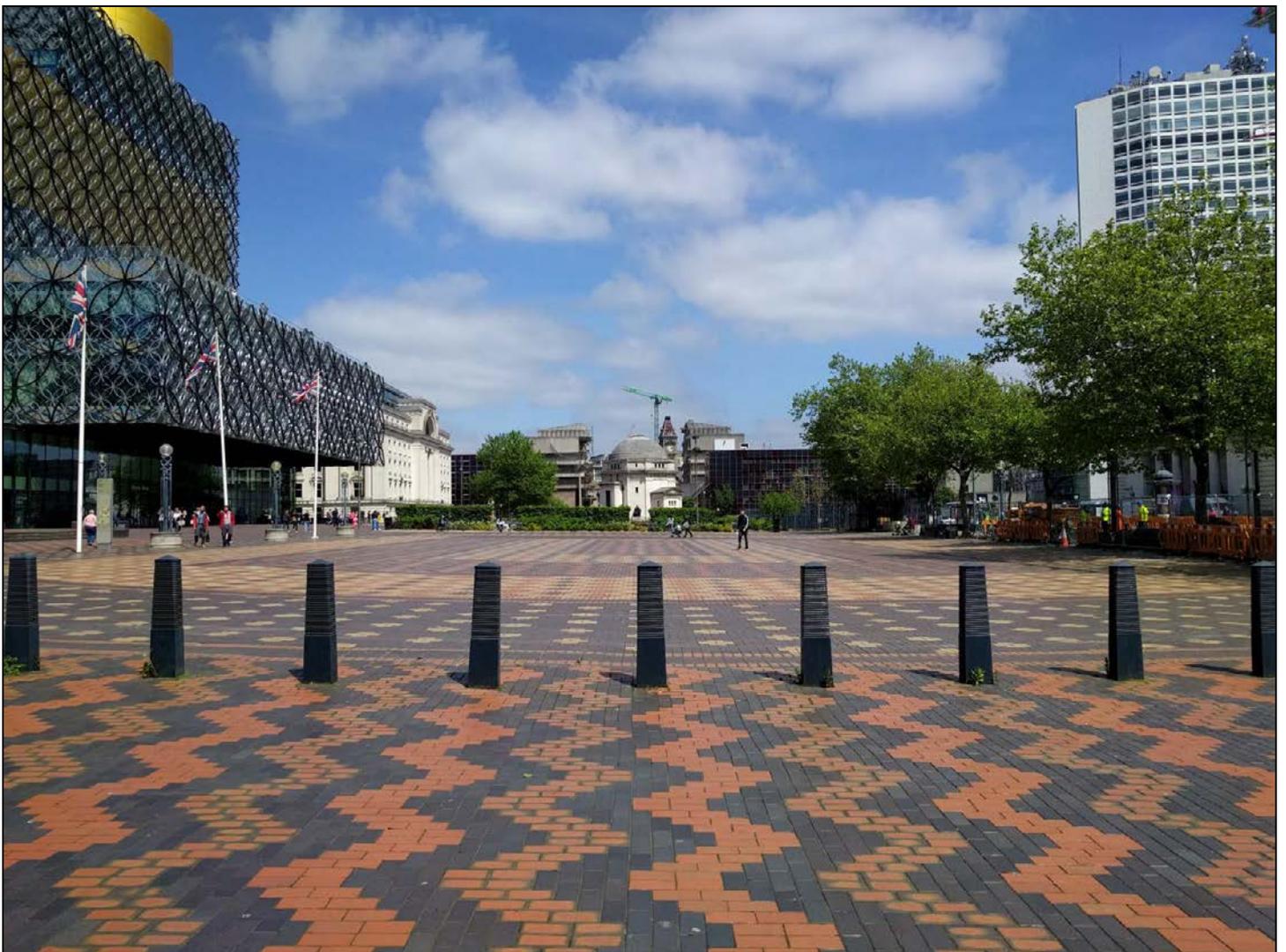


Figure 2 – Looking east from the ICC

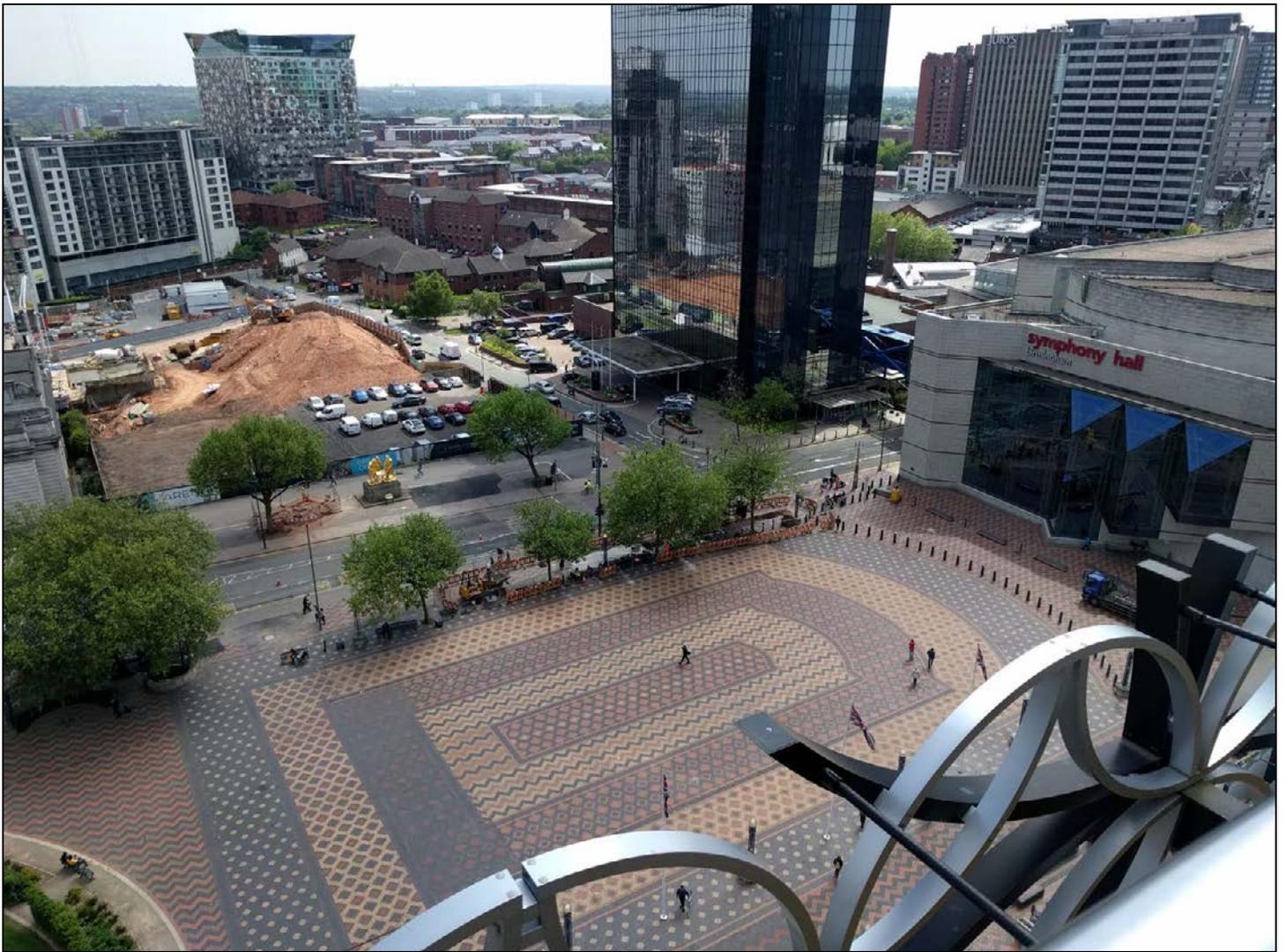
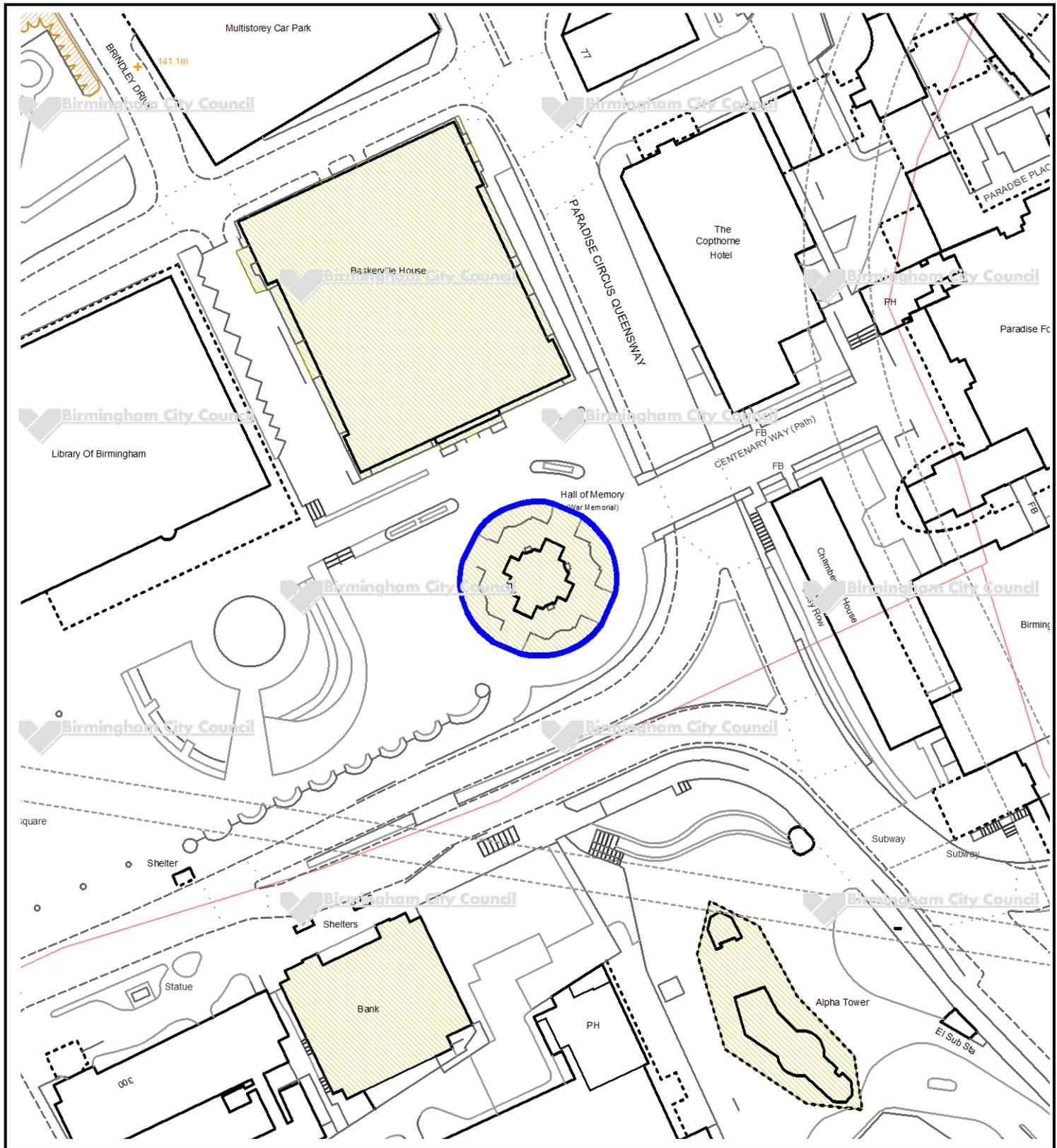


Figure 3 – The principal event space to the front of the ICC



Figure 4 – The Hall of Memory with the Paradise redevelopment beyond

Location Plan



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Committee Date:	04/08/2016	Application Number:	2015/10427/PA
Accepted:	18/01/2016	Application Type:	Full Planning
Target Date:	18/04/2016		
Ward:	Ladywood		

Louisa Ryland House, 44 Newhall Street, City Centre, Birmingham, B3 3PL

Demolition of existing mansard roof, erection of two storey replacement roof with plant room above, alterations to and extension to rear courtyard elevations including external terrace, provision of two ground floor commercial units (for A2/A3/A4 use from B1), creation of basement car park, together with associated internal and external alterations to provide refurbished and additional B1 office floorspace.

Applicant: Euro Property Investments Ltd
c/o Agent
Agent: Turley
9 Colmore Row, Birmingham, B3 2BJ

Recommendation

Approve Subject To Conditions

1. Proposal

1.1 Applications for planning and listed building consent have been submitted for works to Louisa Ryland House to provide upgraded office accommodation, two commercial units and associated extensions and alterations. Louisa Ryland House was formerly used as BCC offices but was originally built as three buildings, 96 Edmund Street which is listed grade II, 98 Edmund Street which is listed grade II* - (The Edmund Street buildings) and No's 100/102 Edmund Street, 44/46 Newhall Street and 78 Cornwall Street listed grade II – (The Newhall Street buildings). The site also lies within Colmore Row and Environs Conservation Area.

1.2 The buildings underwent extensive alterations in the 1980's. These proposals propose to remove much of the work undertaken at that time as well as to carry out other alterations to provide modernised Grade A office space and two commercial units for A2/A3/A4 uses together with basement parking. The works proposed include the following:-

1.3 **Demolition**

- Removal of the existing single storey mansard roof and associated plant/lift enclosures above the Newhall Street buildings
- Removal of internal circulation/service areas including staircases, lifts and toilets and internal partitions
- Removal of retaining walls in the rear courtyard area and part of the ground floor rear wall to the Edmund Street range of buildings to allow creation of a vehicle access and entrances into the basement area for use as car parking

1.4 External Alterations

- Erection of a replacement two storey mansard roof above the Newhall Street buildings to provide a fourth and fifth floor of office accommodation with a plant area above. The roof profile and pitch has been modelled at 70 degrees and would follow adjacent roof lines. Large floor to ceiling recessed windows are proposed and as the pitch height increases the reveals to the fifth floor would be deeper with the glazing set further back. The window positions have been designed to align with the fenestration of the main building below and there would be five projecting central bay windows at fourth floor on Newhall Street to reinforce the primary elevation. The roof material would be a grey engineered metal rain-screen
- Provision of a new entrance on the Newhall Street frontage to be formed by adapting three central ground floor windows to form entrance doors. The existing double doors on Newhall Street would be replaced with glazing.
- Erection of a 5 storey infill extension to the rear of the Newhall Street buildings as part of a new circulation and toilet area. At fifth floor level this would be recessed to create an external balcony overlooking the courtyard. The rear extension would be of brick with the top roof level section being of cladding.
- Alterations to the rear of the Edmund Street buildings facing the courtyard to provide 2 projecting four storey bays and 1 three storey projecting bay. These would be fully glazed. It is also proposed to provide a single storey extension projecting into the courtyard to provide back of house facilities for one of the commercial units with an external terrace above.
- The rear of the Edmund Street buildings would also have replacement windows and a new white rendered finish.
- The external courtyard would be resurfaced and the existing vehicle access from Cornwall Street widened and lengthened to allow servicing to the rear of the Edmund Street buildings as well as access to ground and basement parking areas. A ramp and car lift would also be provided together with one small parking space for a city car.

1.5 Internal alterations

- Use of the basement of the Newhall Street building as a parking area with 25 spaces for cars and 20 spaces for bikes accessed from Cornwall Street and the proposed car lift.
- Use of part of the ground floor of No 98 Edmund Street as a car park with 9 spaces for cars and 8 spaces for bikes.
- Use of the ground and first floor of 96 Edmund Street as a commercial unit for A2/A3/A4 uses with the main entrance being at first floor level.
- Use of the remaining floor space of the Edmund Street buildings as self-contained offices using the existing first floor entrance at 98 Edmund Street.
- Use of the ground floor space at the corner of Newhall Street and Cornwall Street as a commercial unit for A2/A3/A4 with entrance to Newhall Street and Cornwall Street.
- Use of remainder of the Newhall Street buildings as offices with a new main entrance into a double height reception area where a new internal circulation area with lifts, stairs and toilets would be provided.

1.6 Louisa Ryland House previously provided 8,682 square metres of office space with no car parking facilities. The new proposals would provide 8,839 square metres of offices, 657 square metres of A2/A3/A4 floor space and 35 car parking spaces.

1.7 The application is supported by a Design and Access Statement, Transport Statement, Heritage Statement, Bat Survey, Economic Impact Statement, Planning Statement and Townscape and Visual Impact Assessment.

1.8 [Link to Documents](#)

2 Site & Surroundings

2.1 The application site comprises of Louisa Ryland House the name now given to a group of three buildings that occupy a site of 0.2 ha with frontages to Edmund Street, Newhall Street and Cornwall Street. The three buildings comprise: - :

- Empire House, former Medical Institute at 96 Edmund House – built 1879 - listed grade II
- Former School Board Offices at 98 Edmund Street – built 1881/3- listed grade II*
- Former Parish Offices and Board of Guardians Building at 100/102 Edmund Street, 44/46 Newhall Street and 78 Cornwall Street – built 1882/4 – listed grade II

2.2 The buildings are of distinctive designs with 96 Edmund Street being 3 storeys high with a basement and of a Victorian classical style in red brick and matching terracotta. 98 Edmund Street is of 4 storeys with a basement and built of red brick, terracotta and stone in a Gothic style and the Newhall Street range of buildings is of a classical French Renaissance style constructed of stone and comprises a three-storey building over a deep basement. This building originally had a highly decorative roof of mansard pavilions, ventilators, iron ridging pediment capping and a central clock tower and cupola over the entrance on Edmund Street

2.3 All three buildings were significantly damaged during WW II, causing the loss of the clock tower and cupola. The Newhall Street buildings also suffered further damage during an IRA attack in 1974 and were subject to further decline during the late 1970's. Subsequently the premises were amalgamated into one building during the early 1980's and underwent extensive alterations removing the roof, floors, rear and flank walls and retaining only the facades. New concrete frames were inserted, walls and floors rebuilt and new roofs provided. The buildings have now been unoccupied since they were vacated by the City Council in 2012

2.4 The three listed buildings form 50% of an urban block in the city centre, with the rest of the block being occupied by the Grade I listed Birmingham School of Art erected in 1881-5. It is built in the Ruskin Gothic tradition and is one of Birmingham's most exceptional buildings. At the rear of the site the buildings surround a small courtyard area and on the application site this is enclosed by retaining walls which separate it from a similar yard at the School Of Art which is at a higher level. The overall block makes an important contribution to the character and appearance of the Colmore Row Environs Conservation Area.

2.5 Other than 35 Newhall Street and buildings on the opposite side of Edmund Street, the site is completely surrounded by Grade I, II* and II listed buildings. These all range in age and style and represent an intense period of civic redevelopment in Birmingham. The site also lies in the Colmore Business District and surrounding uses in the area are predominantly office led with active ground floor uses such as café's, restaurants and bars.

2.6 [Site Location](#)

3 Planning History

- 3.1 14/11/79 - 52521000 – Planning permission granted for partial demolition of buildings
- 3.2 12/8/81 - 52521002 – Planning permission granted for retention of existing facades, staircase and arcaded corridor and erection of offices with basement.
- 3.3 2015/10484/PA - Listed Building Consent for demolition of existing mansard roof, erection of two storey replacement roof with plant room above, external alterations to rear courtyard elevations including extensions and external terrace, creation of basement car park, together with internal alterations to provide refurbished and additional office floor space and two ground floor commercial units. Current application reported on this agenda.
- 4 Consultation/PP Responses
- 4.1 Transportation – No objection subject to conditions to require car park management plan, provision of cycle parking, that the car park and lift system are operational prior to occupation and travel plan is provided. Also comments that the application includes a proposal to move an existing bus stop on Newhall Street 65 metres further north to avoid conflict with the new office entrance. Considers this cannot be supported due to the highway alterations required to achieve this including relocating parking bays, bus shelter and information signage, possible loss of on street parking and the need to change footway materials.
- 4.2 Regulatory Services – No objection subject to conditions to require noise insulation to A3/A4 uses, limits on the noise from plant and machinery and that details of any extraction be provided
- 4.3 Lead Local Drainage Authority – No objection
- 4.4 Severn Trent Water – No objection subject to conditions requiring drainage scheme.
- 4.5 West Midlands Fire Service – No objection
- 4.6 West Midlands Police – No objections and request that a full CCTV system be installed, a lighting scheme be provided and the commercial units have an intruder alarm. Supports the improved entrance layout to the main offices on Newhall Street.
- 4.7 Historic England – Recommend that permission is refused for the scheme in its current configuration and that alternative proposals are sought. They do not consider that the proposed roof extension will enhance the listed building or the neighbouring heritage assets and that it could cause harm to them. They do not consider there is clear and convincing justification for this harm in the application. Neither do they support the demolition of the staircase balustrade which would appear to be a feature of special interest.
- 4.8 Historic England detailed comments are as follows:-
- New two-storey roof - We find the proposed new extension to be too large and dominant on the building itself, the configuration of the windows too heavy for the fine grain of the architectural context and that the rake proposed serves to emphasise the new mass rather than mitigate it. We are also concerned about the bulky appearance of the new extension in shared views with the School of Art and do not consider the junction of the new roof with the roof of the latter acceptable.

- New entrances onto Newhall Street: Find the treatment of the new entrances and loss of some historic fabric to facilitate entrances acceptable. However the vestibule proposed behind will be off-centre which when lit at night will unbalance the façade. They consider this would be unfortunate and urge that there is mitigation for this.
- Staircase: The heritage statement implies that the staircase balustrade is original and is from the '*splendid staircase with scroll balustrades of unusual design*' of the list description. While we accept the evidence that the staircase itself is a modern reconstruction there is no justification for the demolition of the balustrade. We object to this aspect based on the current information.
- Rear elevations: The rear elevations and courtyard facing the Grade I listed School of Art are crucial and any changes here need to carefully consider the impact on this building. They do not find this presented in the application and we are concerned about the degree to which the three glazed extensions project into the courtyard and their risk of being overly dominant.

- 4.9 Victorian Society – Object to the proposals as presented and urge the Council to refuse consent. Whilst they have no objection to the principle of rebuilding the 1980s works, they consider the two significant storeys proposed above the listed facades together with the proposed additional plant rooms, will significantly alter the proportions of the exterior of the buildings. In their view it will have a negative impact on their character and appearance. In addition they consider the additional storey will also have an overwhelming and negative impact on the character and appearance of the adjacent School of Art, the last and finest work by J. H. Chamberlain.
- 4.10 The Victorian Society refer to the Character Appraisal and Management Plan for the Colmore Row and Environs Conservation Area, adopted as an SPD in 2006 which states that that new buildings must not appear to be significantly higher or lower than their neighbours and that where setback storeys are employed they must be in proportion to the street frontage elevation and should be carefully designed to minimise bulk and mass. Roof forms and rooflines of new buildings are required to complement those of adjoining and/or surrounding buildings, preserving or, where appropriate, enhance vertical emphasis. Additionally space for plant should be treated as integral to the design of any new building and should normally be provided at basement level. Where rooftop plant/service equipment is unavoidable it must be designed and sited to minimise any adverse visual impact. The SPD states that In order to preserve the integrity of the historic roofscape the Council will not permit additional storeys on existing buildings where these would prove detrimental to the character of the immediate and/or surrounding roof forms and rooflines. In their view the development is contrary to these policies.
- 4.11 Birmingham Civic Society - Supports this development in principle and considers that the redevelopment of this site is long overdue and desirable in improving the local environment. They raise no objection to proposed mansard roof as there are others on similar buildings in the area but comment careful consideration is needed regarding the treatment on Edmund Street as it appears heavy-handed especially looking at the perspectives on Cornwall Street where actually there is more street space to view. They consider the design of the proposed roof should ensure that it is not 'brutalist' in design or use of finishes. They consider the overall impression is it looks 'cheap'. The quality of materials and detailing are essential in making sure this is a high quality development.

- 4.12 Conservation and Heritage Panel – The proposals were considered by the Panel at their meeting on 14 December 2015 and members considered that as the original roof had been lost there was general support for the creation of a new roof. Some comments were raised regarding the bulk of the roof and its relationship with the School of Art specifically views along Cornwall Street. There was a request to understand how the roof would look when viewed from taller buildings with regard to plant and lift overruns. Consideration was given to the new entrances onto Newhall Street but overall support was given to bringing this important and prominent building in the commercial district back into use.
- 4.13 Neighbouring properties, businesses, ward councillors; have been notified of the application, press and site notices displayed. One letter has been received commenting that the roof extension looks totally out of place and should not be allowed.
- 4.14 The comments above relate to the proposals as originally submitted. The design of the two storey roof extension has been the subject of extensive discussions and negotiations and the current proposals are a recent submission. Interested parties have been notified of the amended plans and new site notices have been displayed. Any further comments received will be reported at committee.

5 Policy Context

- 5.1 The Birmingham Unitary Development Plan 2005, emerging Birmingham Development Plan 2031; Colmore Row and Environs Conservation Area Character Appraisal and Supplementary Planning Policy SDP 2006, Snow Hill Master Plan Car Parking Guidelines SPD 2012, Places for All SPG 2001, NPPF 2012.

6 Planning Considerations

6.1 **Land Use Policy**

- 6.2 The adopted UDP in its strategy in para 2.15 encourages new development and investment within the built up area with a strong bias towards the inner city and states that the return into beneficial use of derelict and vacant land and buildings will be one of the most important ways in which regeneration will be achieved. Para 4.33 supports office activity and growth, particularly in the City Centre although Para 4.35 states that that in order to accommodate required office growth urban design, conservation and environmental enhancement policies will not be compromised.
- 6.3 The emerging BDP supports the continued renaissance of Birmingham which will see the City plan for significant new development to meet the needs of its growing population and ensure that it builds a prosperous economy for the future. Policy PG1 sets out the level of development to be provided in Birmingham to 2031 which includes the provision of a minimum of 745,000m² of office floor space, delivery being focussing primarily in the city centre. Policy GA1.1 confirms that the Council will continue to promote the City Centre as the focus for retail, office, residential and leisure activities and confirms support for the City Centre as a major hub for financial, professional and business services. The NPPF also encourages Local Authorities to recognise that town centres are at the heart of communities and that policies should support their vitality and viability.
- 6.4 The Colmore Row and Environs Conservation Area Character Appraisal and Supplementary Planning Policy SDP states that the Council will actively encourage

beneficial and creative new uses for vacant buildings, where these respect the character of the building and the conservation area. The site is also within the area covered by the Snow Hill Masterplan adopted as a non-statutory planning document in October 2015. It specifically identifies the application site as a significant development opportunity at the heart of the Conservation Area and states that these fine listed buildings are suitable for a sensitive conversion scheme to deliver a mixture of uses potentially including residential, hotel and office alongside ancillary retail and food and drink units.

6.5 The application buildings have been used as offices for many years and the site lies within the Central Business area of the city which is characterised by office developments. Therefore the continued use and upgrading of the application buildings to provide improved office accommodation is considered to be acceptable in principal and appropriate. Although the proposals would provide only a small increase in office floor space this would be to modern day standards and would also provide two commercial units at ground/first floor level with entrances on all three site frontages. These frontages currently lack activity whereas many adjacent buildings provide commercial A2/A3/A4 uses at ground floor level which add vitality to the area and give interest activity at street level. Regulatory Services have recommended conditions to control noise from plant but not to restrict hours of opening bearing in mind the city centre location. The commercial uses may require extraction dependant on the eventual use which could be accommodated at the rear of the building. The addition of commercial units is welcomed and accords with national and local planning policies which policies support the vitality and viability of city centres.

6.6 Demolition

6.7 The application site contains listed buildings and therefore the statutory requirement is to have special regard to the desirability of preserving the building or its setting or any features of special character it possesses. The buildings are also located within a conservation area, where the statutory requirement is to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. The NPPF guidance on conserving and enhancing the historic environment also requires Local Planning Authorities to conserve heritage assets in a manner appropriate to their significance and to take into account of the desirability of sustaining and enhancing the significance of the asset and putting them to a viable use.

6.8 Much of the demolition proposed is internal and therefore requires listed buildings consent rather than planning permission; however the removal of the roof above the Newhall Street buildings also requires planning approval. As this roof is not original to the building, dates from the 1980's and was of a much reduced complexity that the original design no objection is raised to its removal. The conservation officer confirms that the removal of the 1980 roof is not resisted as it is based on an inaccurate and crude interpretation of the former French Renaissance roof that has been lost. Also that the nature of classical architecture allows the building to look entirely acceptable without a visible roof from the street. Its removal is therefore not considered to affect the significance of the buildings, the conservation area or adjacent heritage assets.

6.9 New Roof

6.10 Paragraph 3.22 of the UDP states that proposals which would adversely affect buildings or areas of architectural interest will not normally be allowed and para

3.25 states that any external or internal alteration or addition to a listed building should not adversely affect its architectural or historic character. The emerging BDP also attaches great weight to the conservation of the City's heritage assets and states that any development which would affect the significance of a heritage asset or its setting, including alterations and additions, will be expected to make a positive contribution to its character, appearance and significance. The Colmore Row and Environs Conservation Area Character Appraisal and Supplementary Planning Policies SPD notes that in order to preserve the integrity of the historic roofscape the Council will not permit additional storeys on existing buildings where these would prove detrimental to the character of the immediate and/or surrounding roof forms and rooflines.

- 6.11 The NPPF also states that that great weight should be given to a heritage asset's conservation and the more important the asset, the greater that weight should be. Significance can be harmed or lost through alteration or destruction of a heritage asset or development within its setting. Para's 133 and 134 of the NPPF deal with the issue of 'harm' and state that in cases of 'substantial harm' local planning authorities should refuse consent, unless it can be demonstrated that the harm or loss is necessary to achieve substantial benefits or that a range of criteria can be met. Where a proposal will lead to 'less than substantial harm', this harm should be weighed against the public benefits of the proposal.
- 6.11 It will be seen from the representations received that Historic England considers the new roof extension to be too large and dominant on the building and the windows to be too heavy for its context. They are also concerned about the bulky appearance of the new extension on views with the School of Art and the junction between the new roof and its grade 1 listed neighbour. The Victorian Society have made similar comments and consider the roof extension would significantly alter the proportions of the exterior of the buildings and have a negative impact on their character and appearance. Reservations about the design have also been received from the Civic Society, a resident and the Conservation and Heritage Panel.
- 6.11 The comments received relate to the design of the roof top extension as originally proposed. Since then officers therefore have spent many months discussing the design with the applicants which has resulted in amended plans being received which have sought to address some of the issues raised. The amendments have revised the massing and set the roof at an angle to align with the adjacent roof lines including that with the School of Art, the articulation of the facade has been simplified and projections removed from the Edmund and Cornwall Street elevations, the windows are now set back further into the roof, a simple curve has now been applied to the junctions of the mansard corners to create a rounded profile and the centre point of each corner now sits to the centre of the facade, between the two pilasters on the existing elevation below. The roof cladding has also been simplified to one panel size and would be a neutral lead colour.
- 6.12 Whilst officers consider the revised plans are an improvement and any further comments from consultees are awaited, it is still considered that the development would cause some harm to heritage assets. The Council's conservation officer has some reservations about adding a large roof to the building due to the impact on the principle elevations. He considers that on a classical building, the main body of the elevation should be the largest element of a façade, with a more subservient base and top/roof. He however acknowledges that as the pitch has been further regressed and the sections of roofing brought forwards in line with the structural framing, the design has been improved but it remains a two storey addition which

would still have a minor adverse impact on the proportions of the building and appreciations of the elevations.

- 6.13 The applicants have submitted a Heritage Statement with the application that also concludes that the roof extension would have a minor adverse impact on the listed building at a very low scale of harm however this harm should be weighed against the benefits of securing a sustainable long term use for three listed buildings, which are currently vacant. The NPPF requires in para 134 that where the level of harm identified is less than substantial harm the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 6.14 The applicants claim the benefits include bringing the vacant listed buildings back into use, providing modernised office space and reinforcing the internal separation of the three building which was eroded when the buildings were amalgamated. The development would also provide new employment opportunities, investment of around £17 million, provide around £870,000 in additional business rate revenue per annum as well as enabling more active uses at ground floor level. The applicants has also advised that a two storey extension is required to offset the considerable costs involved in restoring the building and upgrading it to Grade A standards to meet the City's demand for top quality office accommodation. The costs include removing the unsympathetic alterations carried out to the building in the 1980's and providing a new central circulation area rather than the poor internal arrangements with three service cores that currently exist.
- 6.15 Having regard to the public benefits that would be provided as a result of the development, that the works would bring listed buildings back into active uses and that they have previously been radically altered in the past it is considered that, on balance, the roof top extension is acceptable, There would also be no direct impact of the new roof on the historic fabric of the buildings and this type of roof top extensions has also been allowed in similar circumstances elsewhere in the Conservation Area such as on Colmore Row.
- 6.16 The Victorian Society have also expressed concern regarding the proposed additional plant rooms proposed and point out that the SPD for the Conservation Area states that plant should normally be provided at basement level. The proposed plant room would be in the form of a flat roofed addition on top of the proposed mansard roof measuring about 14.2 metres by 9.5 metres with a height of 2.6 metres It would be clad with the same roofing material as the main extension. It would be located at the rear of the new roof approximately 15 metres from the Newhall Street facade, 13 metres from Edmund Street and 16 metres from Cornwall Street. It is considered that it has been designed and sited to minimise any adverse visual impact and is acceptable.

6.17 Alterations to Courtyard Elevations

- 6.18 The alterations to the external courtyard include the erection of a 5 storey infill extension to the rear of the Newhall Street buildings as part of a new circulation core, The addition of 3 projecting full height bay windows to the rear of the Edmund Street buildings, as well as a single storey extension projecting 8.5 metres into the courtyard to provide back of house facilities for one of the commercial units with an external terrace above. It is also proposed that rear of the Edmund Street buildings would also have replacement windows and a new white rendered finish.
- 6.19 Historic England are concerned about the degree to which the three glazed extensions project into the courtyard and their risk of being overly dominant

particularly as the rear elevations and courtyard face the Grade I listed School of Art. The glazed bays would project 2.5 metres from the rear of the wall of the building and would be about 7.5 metres from the rear of the School of Art which already has a modern spiral staircase enclosed with glass blocks within its courtyard.

- 6.20 The applicant's heritage assessment points out that the rear elevations were rebuilt in the 1980's and that the oriel windows would relive the existing elevation and continue the evolution of the courtyard complimenting the modern staircase to the rear of the School of Art. The report concludes that the alterations proposed would have a minor beneficial impact on significance of the heritage asset. The Council's conservation officer raises no objection to these alterations and comments that the rear extension is over the 1980 rear elevation which is constructed in crude red brick and is of no architectural merit or significance to the building. Also that the rendered reworking of this the Edmund Street elevation is a more honest interpretation of this phase of development and intervention and has a neutral impact.
- 6.21 The application also includes alterations to allow vehicle access and servicing to the rear of the building which would include a car lift enclosed in a single storey extension and the resurfacing, widening and landscaping of the courtyard. These elements have not been fully worked up and conditions are recommended to require more details. Overall the works proposed to the rear elevations including the extensions are considered to be acceptable. .

6.22 New entrances to Newhall Street

- 6.23 The main entrance is proposed to be relocated from the original position on Edmund Street onto Newhall Street. The gradient of the site allowed the existing entrance to be elevated above the street at ground level however the proposed new location in the centre of Newhall Street would be into the exposed base of the building and require 3 central basement windows to be cut down to form new openings. The conservation officer and Historic England express some concerns regarding this proposal as the new entrances are considered to be poorly proportioned in what is otherwise a dominant façade of civic scale. The vestibule proposed behind would also be off-centre which could unbalance the façade. They consider this would be unfortunate.
- 6.24 The conservation officer however accepts that the loss of historic fabric is limited and the applicant has explained that the approach taken has been designed to minimise the impact of providing a DDA complaint entrance. Therefore on balance this can be supported.

6.25 Impact on adjacent Listed Buildings

- 6.26 The proposed works would have an impact on the setting of the Grade 1 listed Birmingham School of Art in Margaret Street. This is a significant listed buildings in the city delivered in the High Victorian Gothic style. Initially officers were concerned that the roof extension was steeper and longer in pitch than those of its neighbours including the grade 2* building on the application site at 98 Edmund Street and would compete with the presence of the existing roofs. Similar concerns were also raised by Historic England and the Victorian Society. However the amended plans submitted have addressed these concerns by changing the degree of the pitch and setting the roof back from these adjoining buildings and it is now considered to provide an acceptable relationship.

- 6.27 The alterations to the rear elevations of the application site and courtyard also offer the opportunity to improve the setting to the rear of the School of Art as it is currently a rather neglected and under used space.
- 6.28 The amendments to the roof design are also considered to reduce the possibility of there being a conflict with the highly decorative roof forms of adjacent grade II listed buildings at No's 50-52, 54 and 56, 58 and 60 Newhall Street. This group of listed buildings sit to the north of the application site and form the foreground of the approach along Newhall Street from Great Charles Street. The listed buildings along Margaret Street, on the east side of Newhall Street and the north side of Cornwall Street all have an interface with the application site, however, being on the opposite side of the street the increase in scale on the application site by providing a two-storey roof would not harm their setting, as the impact is negligible.
- 6.29 **Impact on the Conservation Area**
- 6.30 Many of the alterations proposed are considered to be beneficial to the conservation area by bringing vacant listed buildings back into use, providing two commercial units and a new entrance on to Newhall Street which would add vitality and interest to the street scene. Whilst the new roof would be higher than the existing roof on the Newhall Street buildings it is not considered that it would adversely affect the character and appearance of the conservation area but would have a neutral impact.
- 6.31 **Highway Issues.**
- 6.32 Transportation have no objection and comment that the existing vehicle access point on Cornwall Street will be reused with an existing service bay and small area for parking extended to provide a ground level car park with 9 standard spaces and space for a smart car along with a car lift system down to a new basement parking area with 25 spaces. The access to the car parking area is to be widened to allow waiting space for two cars to hold their position if the car lift is operational. The supporting Transport Assessment notes the car park will be managed so only those with passes will be allowed access and usual traffic movements associated with offices will mean the majority of drivers arriving in the morning and leaving in the evening limiting the potential for conflict with this arrangement. A condition is sought to provide a management plan and lighting system within the car park to assist further with this operation. Any cars waiting to enter the site if a car is leaving will have enough space within Cornwall Street to wait for a short period of time whilst this takes place, without disrupting the fairly light traffic flow on this road.
- 6.33 Transportation note that 28 cycle stands would be provided with associated shower rooms, changing rooms and storage. Servicing the offices would continue from on street where parking restrictions allow this to take place. There would also be direct access to the refuse stores and commercial units and servicing space on Edmund Street and Cornwall Street.
- 6.34 The provision of on-site car parking is considered to be acceptable subject to conditions requiring a car park management plan to define the use of parking spaces, means of control on car park gates, and a system of internal lights to advise drivers when other vehicles are accessing or egressing the car parks. The applicant is aware of the other comments from Transportation regarding the difficulties in relocating the bus stop on the Newhall Street frontage and is addressing the issues raised.

7 Conclusion

7.1 The proposal to bring these listed buildings back into use and to upgrade the accommodation to provide Grade A offices and 2 commercial units is welcomed. The most significant change would be the removal of the existing single storey roof and associated plant rooms from the Newhall Street buildings and the erection of a two storey replacement roof extension to add a fifth floor of office accommodation. The revised design of the roof extension is considered to provide a better solution and although this would still cause some minor harm to the significance on the heritage asset it is considered on balance to be acceptable having regard to the benefits in bringing the listed building back into use.

8. Recommendation

8.1 Approve subject to the following conditions:-

-
- 1 Requires the prior submission of a drainage scheme
 - 2 Limits the noise levels for Plant and Machinery
 - 3 Requires the prior submission of noise insulation (variable)
 - 4 Requires the prior submission of extraction and odour control details
 - 5 Requires the prior submission of sample materials
 - 6 Requires the prior submission of hard surfacing materials
 - 7 Requires the prior submission of hard and/or soft landscape details
 - 8 Requires the prior submission of a lighting scheme
 - 9 Prevents outside storage except in authorised area
 - 10 Requires the prior submission of details of refuse storage
 - 11 Removes PD rights for roof plant and equipment
 - 12 Requires the submission of a car park management plan
 - 13 Requires the car parking spaces and lift system to be in place and operational prior to the building being occupied
 - 14 Requires the submission of a commercial travel plan
 - 15 Requires the provision of a charging point for electric vehicles
 - 16 Requires the provision of cycle parking prior to occupation
 - 17 Requires details of the car lift.
 - 18 Requires approval of any signage.
 - 19 No obstruction, displays or signage fitted to commercial units.
-

20 Requires the scheme to be in accordance with the listed approved plans

21 Limits the approval to 3 years (Full)

Case Officer: Lesley Sheldrake

Photo(s)



Figure 1: View of listed buildings from Edmund Street



Figure 2: View of listed building from Newhall Street



Figure 3: View of listed building from Cornwall Street

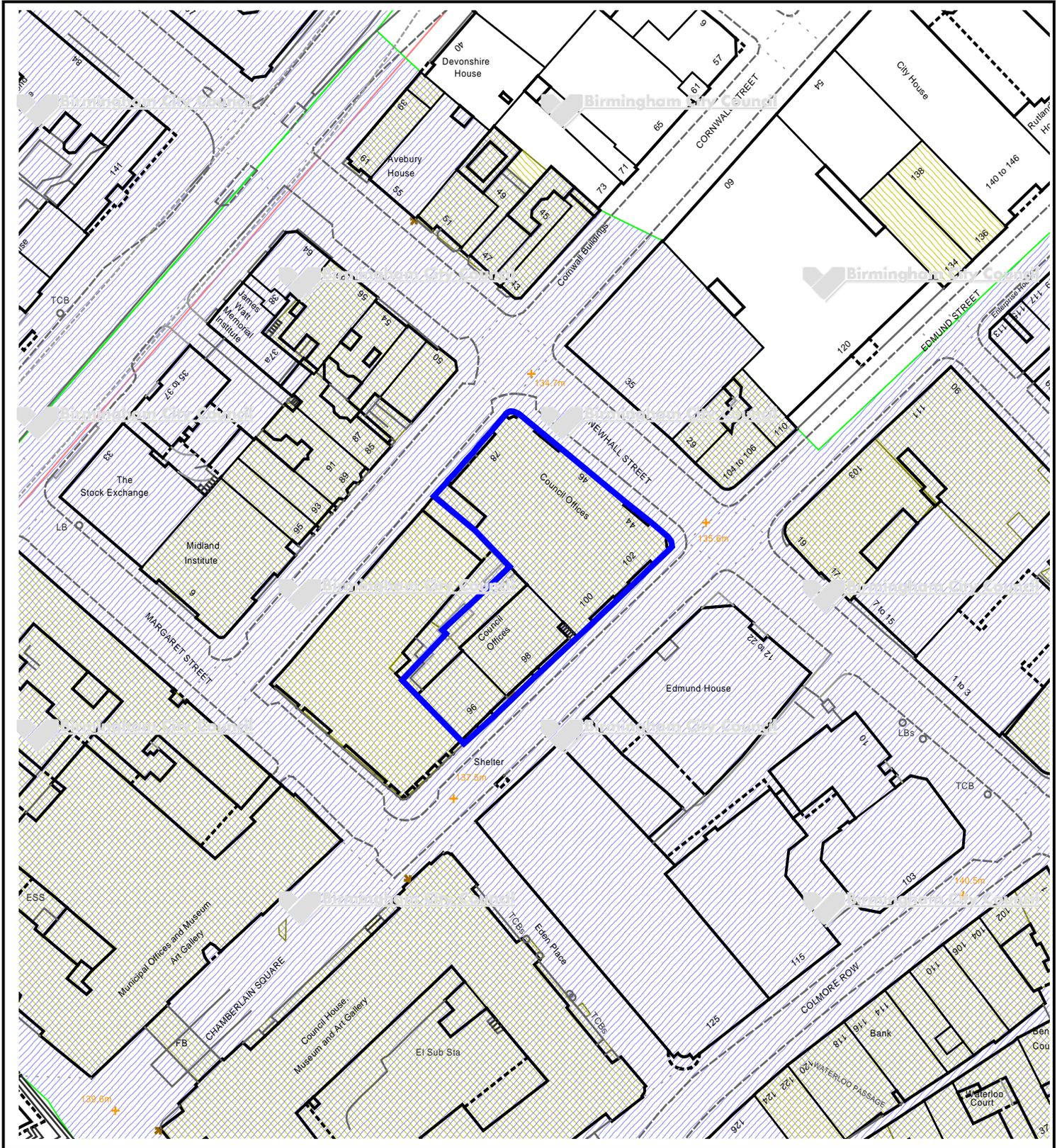


Figure 4: View of listed building from Newhall Street



Figure 5 : Internal courtyard view

Location Plan



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Committee Date:	04/08/2016	Application Number:	2015/10484/PA
Accepted:	18/01/2016	Application Type:	Listed Building
Target Date:	14/03/2016		
Ward:	Ladywood		

Louisa Ryland House, 44 Newhall Street, City Centre, Birmingham, B3 3PL

Listed Building Consent for demolition of existing mansard roof, erection of two storey replacement roof with plant room above, external alterations to rear courtyard elevations including extensions and external terrace, creation of basement car park, together with internal alterations to provide refurbished and additional office floorspace and two ground floor commercial units.

Applicant: Euro Property Investments Ltd
c/o Agent
Agent: Turley
9 Colmore Row, Birmingham, B3 2BJ

Recommendation

Approve Subject To Conditions

1. Proposal

1.1 Applications for planning and listed building consent have been submitted for works to Louisa Ryland House to provide upgraded office accommodation, two commercial units and associated extensions and alterations. Louisa Ryland House was formerly used as BCC offices but was originally built as three buildings, 96 Edmund Street which is listed grade II, 98 Edmund Street which is listed grade II* - (The Edmund Street buildings) and No's 100/102 Edmund Street, 44/46 Newhall Street and 78 Cornwall Street listed grade II – (The Newhall Street buildings). The site also lies within Colmore Row and Environs Conservation Area.

1.2 The buildings underwent extensive alterations in the 1980's. These proposals propose to remove much of the work undertaken and that time as well as to carry out other alterations to provide modernised Grade A office space and two commercial units for A2/A3/A4 uses together with basement parking. The works proposed include the following:-

1.3 **Demolition**

- Removal of the existing single storey mansard roof and associated plant/lift enclosures above the Newhall Street buildings
- Removal of internal circulation/service areas including staircases, lifts and toilets and internal partitions
- Removal of retaining walls in the rear courtyard area and part of the ground floor rear wall to the Edmund Street range of buildings to allow creation of a vehicle access and entrances into the basement area for use as car parking

1.4 **External Alterations**

- Erection of a replacement two storey mansard roof above the Newhall Street buildings to provide a fourth and fifth floor of office accommodation with a plant area above. The roof profile and pitch has been modelled at 70 degrees and would follow adjacent roof lines. Large floor to ceiling recessed windows are proposed and as the pitch height increases the reveals to the fifth floor would be deeper with the glazing set further back. The window positions have been designed to align with the fenestration of the main building below and there would be five projecting central bay windows at fourth floor on Newhall Street to reinforce the primary elevation. The roof material would be a grey engineered metal rain-screen
- Provision of a new entrance on the Newhall Street frontage to be formed by adapting three central ground floor windows to form entrance doors. The existing double doors on Newhall Street would be replaced with glazing.
- Erection of a 5 storey infill extension to the rear of the Newhall Street buildings as part of a new circulation and toilet area. At fifth floor level this would be recessed to create an external balcony overlooking the courtyard. The rear extension would be of brick with the top roof level section being of cladding.
- Alterations to the rear of the Edmund Street buildings facing the courtyard to provide 2 projecting four storey bays and 1 three storey projecting bay. These would be fully glazed. It is also proposed to provide a single storey extension projecting into the courtyard to provide back of house facilities for one of the commercial units with an external terrace above.
- The rear of the Edmund Street buildings would also have replacement windows and a new white rendered finish.
- The external courtyard would be resurfaced and the existing vehicle access from Cornwall Street widened and lengthened to allow servicing to the rear of the Edmund Street buildings as well as access to ground and basement parking areas. A ramp and car lift would also be provided together with one small parking space for a city car.

1.5 **Internal alterations**

- Use of the basement of the Newhall Street building as a parking area with 25 spaces for cars and 20 spaces for bikes accessed from Cornwall Street and the proposed car lift.
- Use of part of the ground floor of No 98 Edmund Street as a car park with 9 spaces for cars and 8 spaces for bikes.
- Use of the ground and first floor of 96 Edmund Street as a commercial unit for A2/A3/A4 uses with the main entrance being at first floor level.
- Use of the remaining floor space of the Edmund Street buildings as self-contained offices using the existing first floor entrance at 98 Edmund Street.
- Use of the ground floor space at the corner of Newhall Street and Cornwall Street as a commercial unit for A2/A3/A4 with entrance to Newhall Street and Cornwall Street.
- Use of remainder of the Newhall Street buildings as offices with a new main entrance into a double height reception area where a new internal circulation area with lifts, stairs and toilets would be provided.

1.6 Louisa Ryland House previously provided 8,682 square metres of office space with no car parking facilities. The new proposals would provide 8,839 square metres of offices, 657 square metres of A2/A3/A4 floor space and 35 car parking spaces.

- 1.7 The listed building application is supported by a Design and Access Statement, Heritage Statement, Economic Impact Statement, Planning Statement and Townscape and Visual Impact Assessment.
- 1.8 [Link to Documents](#)
- 2 [Site & Surroundings](#)
- 2.1 The application site comprises of Louisa Ryland House the name now given to a group of three buildings that occupy a site of 0.2 ha with frontages to Edmund Street, Newhall Street and Cornwall Street. The three buildings comprise: - :
- Empire House, former Medical Institute at 96 Edmund House – built 1879 - listed grade II
 - Former School Board Offices at 98 Edmund Street – built 1881/3- listed grade II*
 - Former Parish Offices and Board of Guardians Building at 100/102 Edmund Street, 44/46 Newhall Street and 78 Cornwall Street – built 1882/4 – listed grade II
- 2.2 The buildings are of distinctive designs with 96 Edmund Street being 3 storeys high with a basement and of a Victorian classical style in red brick and matching terracotta. 98 Edmund Street is of 4 storeys with a basement and built of red brick, terracotta and stone in a Gothic style and the Newhall Street range of buildings is of a classical French Renaissance style constructed of stone and comprises a three-storey building over a deep basement. This building originally had a highly decorative roof of mansard pavilions, ventilators, iron ridging pediment capping and a central clock tower and cupola over the entrance on Edmund Street
- 2.3 All three buildings were significantly damaged during WW II, causing the loss of the clock tower and cupola. The Newhall Street buildings also suffered further damage during an IRA attack in 1974 and were subject to further decline during the late 1970's. Subsequently the premises were amalgamated into one building during the early 1980's and underwent extensive alterations removing the roof, floors, rear and flank walls and retaining only the facades. New concrete frames were inserted, walls and floors rebuilt and new roofs provided. The buildings have now been unoccupied since they were vacated by the City Council in 2012
- 2.4 The three listed buildings form 50% of an urban block in the city centre, with the rest of the block being occupied by the Grade I listed Birmingham School of Art erected in 1881-5. It is built in the Ruskin Gothic tradition and is one of Birmingham's most exceptional buildings. At the rear of the site the buildings surround a small courtyard area and on the application site this is enclosed by retaining walls which separate it from a similar yard at the School Of Art which is at a higher level. The overall block makes an important contribution to the character and appearance of the Colmore Row Environs Conservation Area.
- 2.5 Other than 35 Newhall Street and buildings on the opposite side of Edmund Street, the site is completely surrounded by Grade I, II* and II listed buildings. These all range in age and style and represent an intense period of civic redevelopment in Birmingham. The site also lies in the Colmore Business District and surrounding uses in the area are predominantly office led with active ground floor uses such as café's, restaurants and bars.
- 2.6 [Site Location](#)

3 Planning History

- 3.1 14/11/79 - 52521000 – Planning permission granted for partial demolition of buildings
- 3.2 12/8/81 - 52521002 – Planning permission granted for retention of existing facades, staircase and arcaded corridor and erection of offices with basement.
- 3.3 2015/10427/PA – Demolition of existing mansard roof, erection of two storey replacement roof with plant room above, external alterations to rear courtyard elevations including extensions and external terrace, creation of basement car park, together with internal alterations to provide refurbished and additional office floor space and two ground floor commercial units. Current planning application reported on this agenda.

4 Consultation/PP Responses

- 4.1 Historic England – Recommend that permission is refused for the scheme in its current configuration and that alternative proposals are sought. They do not consider that the proposed roof extension will enhance the listed building or the neighbouring heritage assets and that it could cause harm to them. They do not consider there is clear and convincing justification for this harm in the application. Neither do they support the demolition of the staircase balustrade which would appear to be a feature of special interest.
- 4.2 Historic England detailed comments are as follows:-
- New two-storey roof - We find the proposed new extension to be too large and dominant on the building itself, the configuration of the windows too heavy for the fine grain of the architectural context and that the rake proposed serves to emphasise the new mass rather than mitigate it. We are also concerned about the bulky appearance of the new extension in shared views with the School of Art and do not consider the junction of the new roof with the roof of the latter acceptable.
 - New entrances onto Newhall Street: Find the treatment of the new entrances and loss of some historic fabric to facilitate entrances acceptable. However the vestibule proposed behind will be off-centre which when lit at night will unbalance the façade. They consider this would be unfortunate and urge that there is mitigation for this.
 - Staircase: The heritage statement implies that the staircase balustrade is original and is from the '*splendid staircase with scroll balustrades of unusual design*' of the list description. While we accept the evidence that the staircase itself is a modern reconstruction there is no justification for the demolition of the balustrade. We object to this aspect based on the current information.
 - Rear elevations: The rear elevations and courtyard facing the Grade I listed School of Art are crucial and any changes here need to carefully consider the impact on this building. They do not find this presented in the application and we are concerned about the degree to which the three glazed extensions project into the courtyard and their risk of being overly dominant.
- 4.3 Victorian Society –. Object to the proposals as presented and urge the Council to refuse consent. Whilst they have no objection to the principle of rebuilding the 1980s works, they consider the two significant storeys proposed above the listed facades together with the proposed additional plant rooms, will significantly alter the proportions of the exterior of the buildings. In their view it will have a negative

impact on their character and appearance. In addition they consider the additional storey will also have an overwhelming and negative impact on the character and appearance of the adjacent School of Art, the last and finest work by J. H. Chamberlain.

- 4.4 The Victorian Society refer to the Character Appraisal and Management Plan for the Colmore Row and Environs Conservation Area, adopted as an SPD in 2006 which states that that new buildings must not appear to be significantly higher or lower than their neighbours and that where setback storeys are employed they must be in proportion to the street frontage elevation and should be carefully designed to minimise bulk and mass. Roof forms and rooflines of new buildings are required to complement those of adjoining and/or surrounding buildings, preserving or, where appropriate, enhance vertical emphasis. Additionally space for plant should be treated as integral to the design of any new building and should normally be provided at basement level. Where rooftop plant/service equipment is unavoidable it must be designed and sited to minimise any adverse visual impact. The SPD states that In order to preserve the integrity of the historic roofscape the Council will not permit additional storeys on existing buildings where these would prove detrimental to the character of the immediate and/or surrounding roof forms and rooflines. In their view the development is contrary to these policies.
- 4.5 Birmingham Civic Society - Supports this development in principle and considers that the redevelopment of this site is long overdue and desirable in improving the local environment. They raise no objection to proposed mansard roof as there are others on similar buildings in the area but comment careful consideration is needed regarding the treatment on Edmund Street as it appears heavy-handed especially looking at the perspectives on Cornwall Street where actually there is more street space to view. They consider the design of the proposed roof should ensure that it is not 'brutalist' in design or use of finishes. They consider the overall impression is it looks 'cheap'. The quality of materials and detailing are essential in making sure this is a high quality development.
- 4.6 Conservation and Heritage Panel – The proposals were considered by the Panel at their meeting on 14 December 2015 and members considered that as the original roof had been lost there was general support for the creation of a new roof. Some comments were raised regarding the bulk of the roof and its relationship with the School of Art specifically views along Cornwall Street. There was a request to understand how the roof would look when viewed from taller buildings with regard to plant and lift overruns. Consideration was given to the new entrances onto Newhall Street but overall support was given to bringing this important and prominent building in the commercial district back into use.
- 4.7 Neighbouring properties, businesses, ward councillors; have been notified of the application, press and site notices displayed. One letter has been received commenting that they vehemently object to the proposals on the grounds that:-
- The changes to the roof will adversely affect the character of the building, the addition is too large and will be visible from street level and other areas of the city.
 - The design of the roof extension is monstrous and detracts from the buildings otherwise ornate and imposing façade. It appears a quick fix and a rather poorly thought through cheap addition.
 - Requests that the planning department requires the applicant to reinstate the dome and clock tower if they insist on making changes to the roof space.

- Louisa Ryland House is not only of architectural merit but also a beacon of Victorian philanthropy. It was named to commemorate a very important person in Birmingham's history, who so kindly donated many areas of land we still enjoy to this day. Although the re-development of this building must go ahead, it must not disrespect the very honour of the person it stands in honour of.
 - Any external or internal alteration or addition to a listed building should not adversely affect its architectural or historic character. Please ensure my comments are taken into serious consideration, when making your decision about one of the most culturally and historically important buildings in the city core.
- 4.8 The comments above relate to the proposals as originally submitted. The design of the two storey roof extension has been the subject of extensive discussions and negotiations and the current proposals are a recent submission. Interested parties have been notified of the amended plans and new site notices have been displayed. Any further comments received will be reported at committee.

5 Policy Context

- 5.1 The Birmingham Unitary Development Plan 2005, emerging Birmingham Development Plan 2031; Colmore Row and Environs Conservation Area Character Appraisal and Supplementary Planning Policy SDP 2006, NPPF 2012.

6 Planning Considerations

6.1 **Demolition**

- 6.2 The application site contains three listed buildings and therefore the statutory requirement is to have special regard to the desirability of preserving the building or its setting or any features of special character it possesses. The NPPF guidance on conserving and enhancing the historic environment requires Local Planning Authorities to conserve heritage assets in a manner appropriate to their significance and to take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation. New development should make a positive contribution to local character and distinctiveness. When 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.
- 6.3 Much of the demolition proposed is internal and largely affects the unsympathetic works and subdivision of rooms that were carried out to the buildings in the 1980's. The more significant changes are the removal of the roof above the Newhall Street buildings and the loss of some internal features that may have been retained from the rebuilding work including the staircase and balustrading.
- 6.4 With regard to the existing it is not original to the building. It dates from the 1980's and was of a much reduced complexity that the original design. Although the design includes corner features to respond to the bays of the elevations it is a poor recreation of the original French pavilion style roof. The conservation officer confirms that the removal of the 1980 roof is not resisted as it is based on an inaccurate and crude interpretation of the former French Renaissance roof that has been lost. He also advises that the nature of classical architecture allows the building to look entirely acceptable without a visible roof from the street. Its removal is therefore acceptable and it is not considered to affect the significance of the listed building.

- 6.5 It will be noted that Historic England object to the demolition of the staircase balustrade although they accept that the evidence that the staircase itself is a modern reconstruction. The applicant's heritage statement addressed the significance of the staircase which is located towards the Edmund Street frontage, and rises from the upper ground floor to a roof-top lantern. Although the list description refers to a "splendid staircase with scroll balustrades of unusual design" this post-dates the listing. An inspection of the staircase has found it to be a poorly detailed reconstruction with treads and risers of concrete, with the metal balustrades crudely fixed and having modern newel post inconsistent with the original date of the building. 1957 survey drawings of the building also show the staircase in a slightly different location and indicate that the existing staircase is approximately 2 metres from the original position. Although it appears that considerable efforts were made to incorporate the staircase and create a top-lit vertical space within the 1980s façade retention scheme the quality and proportions of the resulting space are limited.
- 6.6 The proposals would remove the entire staircase and provide a new circulation core in a more central location responding to the location of the new entrance and reception area proposed from Newhall Street. Access to the upper floors of the building would predominantly be via lifts and although staircases will remain within the building they are secondary forms of access and it would not be desirable or practicable to reuse the balustrading. The Council's conservation officer doubts that the balustrading is original and although it is decorative considers it is more likely to be a modern replacement. He raises no objections to its removal. I concur with this view and do not consider that an objection should be raised to the loss of the balustrading.
- 6.7 A small section of timber panelling, possibly from the original board room, was also retained during the 1980s reconstruction. It is entirely divorced from its original context being located in a circulation space behind the Cornwall Street elevation. Although it contributes little to the significance of the building as a designated heritage asset the heritage statement considers the retention of the panelling as a reference to the quality of the original interior would be desirable and a condition requiring this is recommended.
- 6.8 The other demolition works involve the removal of modern internal partitions to create basement car parking. The basements were reconstructed during the 1980s and do not incorporate any architectural features of special interest. Their use for car parking is not considered to impact on the heritage significance of the buildings.
- 6.8 **New Roof**
- 6.9 Paragraph 3.22 of the UDP states that proposals which would adversely affect buildings or areas of architectural interest will not normally be allowed and para 3.25 states that any external or internal alteration or addition to a listed building should not adversely affect its architectural or historic character. The emerging BDP also attaches great weight to the conservation of the City's heritage assets and states that any development which would affect the significance of a heritage asset or its setting, including alterations and additions, will be expected to make a positive contribution to its character, appearance and significance. The Colmore Row and Environs Conservation Area Character Appraisal and Supplementary Planning Policies SPD notes that in order to preserve the integrity of the historic roofscape the Council will not permit additional storeys on existing buildings where these would prove detrimental to the character of the immediate and/or surrounding roof forms and rooflines.

- 6.10 The NPPF also states that that great weight should be given to a heritage asset's conservation and the more important the asset, the greater that weight should be. Significance can be harmed or lost through alteration or destruction of a heritage asset or development within its setting. Para's 133 and 134 of the NPPF deal with the issue of 'harm' and state that in cases of 'substantial harm' local planning authorities should refuse consent, unless it can be demonstrated that the harm or loss is necessary to achieve substantial benefits or that a range of criteria can be met. Where a proposal will lead to 'less than substantial harm', this harm should be weighed against the public benefits of the proposal.
- 6.11 It will be seen from the representations received that Historic England considers the new roof extension to be too large and dominant on the building and the windows to be too heavy for its context. They are also concerned about the bulky appearance of the new extension on views with the School of Art and the junction between the new roof and its grade 1 listed neighbour. The Victorian Society have made similar comments and consider the roof extension would significantly alter the proportions of the exterior of the buildings and have a negative impact on their character and appearance. Strong objections to the design have also been received from a resident and the Civic Society and Conservation and Heritage Panel also expressed some concerns regarding the new roof proposals.
- 6.12 The comments received relate to the design of the roof top extension as originally proposed. Since then officers therefore have spent many months discussing the design with the applicants which has resulted in amended plans being received which have sought to address some of the issues raised. The amendments have revised the massing and set the roof at an angle to align with the adjacent roof lines including that with the School of Art, the articulation of the facade has been simplified and projections removed from the Edmund and Cornwall Street elevations, the windows are now set back further into the roof, a simple curve has now been applied to the junctions of the mansard corners to create a rounded profile and the centre point of each corner now sits to the centre of the facade, between the two pilasters on the existing elevation below. The roof cladding has also been simplified to one panel size and would be a neutral lead colour.
- 6.13 Whilst officers consider the revised plans are an improvement and any further comments from consultees are awaited, it is still considered that the development would cause some harm to heritage assets. The Council's conservation officer has some reservations about adding a large roof to the building due to the impact on the principle elevations. He considers that on a classical building, the main body of the elevation should be the largest element of a façade, with a more subservient base and top/roof. He however acknowledges that as the pitch has been further regressed and the sections of roofing brought forwards in line with the structural framing, the design has been improved but it remains a two storey addition which would still have a minor adverse impact on the proportions of the building and appreciations of the elevations.
- 6.14 The applicants have submitted a Heritage Statement with the application that also concludes that the roof extension would have a minor adverse impact on the listed building at a very low scale of harm however this harm should be weighed against the benefits of securing a sustainable long term use for three listed buildings, which are currently vacant. The NPPF requires in para 134 that where the level of harm identified is less than substantial harm the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

- 6.15 The applicants claim the benefits include bringing the vacant listed buildings back into use and reinforcing the internal separation of the three building which was eroded when the buildings were amalgamated. The development would also provide modernised office accommodation, offer new employment opportunities, investment of around £17 million, generate around £870,000 in additional business rate revenue per annum as well as providing more active uses at ground floor level. The applicants has also advised that a two storey extension is required to offset the considerable costs involved in restoring the building and upgrading it to Grade A standards to meet the City's demand for top quality office accommodation. The costs include removing the unsympathetic alterations carried out to the building in the 1980's and providing a new central circulation area rather than the poor internal arrangements with three service cores that currently exist.
- 6.16 Having regard to the public benefits that would be provided as a result of the development, that the works would bring listed buildings back into active uses and that they have previously been radically altered in the past it is considered that, on balance, the roof top extension is acceptable, There would also be no direct impact of the new roof on the historic fabric of the buildings and this type of roof top extensions has also been allowed in similar circumstances elsewhere in the Conservation Area such as on Colmore Row.
- 6.17 The Victorian Society have also expressed concern regarding the proposed additional plant rooms proposed and point out that the SPD for the Conservation Area states that plant should normally be provided at basement level. The proposed plant room would be in the form of a flat roofed addition on top of the proposed mansard roof measuring about 14.2 metres by 9.5 metres with a height of 2.6 metres It would be clad with the same roofing material as the main extension. It would be located at the rear of the new roof approximately 15 metres from the Newhall Street facade, 13 metres from Edmund Street and 16 metres from Cornwall Street. It is considered that it has been designed and sited to minimise any adverse visual impact and is acceptable.
- 6.18 It will be seen that comments have also been received from a resident requesting that the applicant be required to reinstate the dome and clock tower if they insist on making changes to the roof space. The clock tower and cupola were originally part of highly decorative French Renaissance style roof and it is not considered that it would be feasible, viable or appropriate to recreate this in any new roof design.
- 6.19 Alterations to Courtyard Elevations**
- 6.20 The alterations to the external courtyard include the erection of a 5 storey infill extension to the rear of the Newhall Street buildings as part of a new circulation core, The addition of 3 projecting full height bay windows to the rear of the Edmund Street buildings, as well as a single storey extension projecting 8.5 metres into the courtyard to provide back of house facilities for one of the commercial units with an external terrace above. It is also proposed that rear of the Edmund Street buildings would also have replacement windows and a new white rendered finish.
- 6.21 Historic England are concerned about the degree to which the three glazed extensions project into the courtyard and their risk of being overly dominant particularly as the rear elevations and courtyard face the Grade I listed School of Art. The glazed bays would project 2.5 metres from the rear of the wall of the building and would be about 7.5 metres from the rear of the School of Art which already has a modern spiral staircase enclosed with glass blocks within its courtyard.

6.22 The applicant's heritage assessment points out that the rear elevations were rebuilt in the 1980's and that the oriel windows would relieve the existing elevation and continue the evolution of the courtyard complimenting the modern staircase to the rear of the School of Art. The report concludes that the alterations proposed would have a minor beneficial impact on significance of the heritage asset. The Council's conservation officer raises no objection to these alterations and comments that the rear extension is over the 1980 rear elevation which is constructed in crude red brick and is of no architectural merit or significance to the building. Also that the rendered reworking of this the Edmund Street elevation is a more honest interpretation of this phase of development and intervention and has a neutral impact.

6.23 The application also includes alterations to allow vehicle access and servicing to the rear of the building which would include a car lift enclosed in a single storey extension and the resurfacing, widening and landscaping of the courtyard. These elements have not been fully worked up and conditions are recommended to require more details. These works would affect the modern rear elevations of the buildings and are not considered to have any adverse impact on any historic fabric or the significance of the heritage assets.

6.24 New entrances to Newhall Street

6.25 The main entrance is proposed to be relocated from the original position on Edmund Street onto Newhall Street. The gradient of the site allowed the existing entrance to be elevated above the street at ground level however the proposed new location in the centre of Newhall Street would be into the exposed base of the building and require 3 central basement windows to be cut down to form new openings. The conservation officer and Historic England express some concerns regarding this proposal as the new entrances are considered to be poorly proportioned in what is otherwise a dominant façade of civic scale. The vestibule proposed behind would also be off-centre which could unbalance the façade. They consider this would be unfortunate.

6.26 The conservation officer however accepts that the loss of historic fabric is limited and the applicant has explained that the approach taken has been designed to minimise the impact of providing a DDA complaint entrance. Therefore on balance can be supported.

7 Conclusion

7.1 The proposal to renovate these listed buildings and bring them back into use is welcomed. The most significant change would be the removal of the existing single storey roof on the Newhall Street buildings and the erection of a two storey replacement roof extension to add a fifth floor of office accommodation. The revised design of the roof extension is considered to provide a more solution but none the less would still cause some minor harm to the significance on the heritage asset. It is considered, on balance, to be acceptable having regard to the benefits in bringing the listed building back into use. The other works proposed including the loss of the main staircase are not considered to adversely affect the significance of the listed buildings.

8 Recommendation

8.1 Approve subject to the following conditions:-

-
- 1 Requires submission of a Method Statement
 - 2 Requires prior architectural details
 - 3 Requires the prior submission of materials
 - 4 Requires the prior submission of sample panels of materials
 - 5 Requires the prior submission of roof materials
 - 6 Requires the prior submission of details of balconies
 - 7 Requires the prior submission of the new entrance details
 - 8 Requires the retention of the timber panelling.
 - 9 Requires the prior submission of works to be undertaken to the courtyard
 - 10 Restricts any security measures to be provided
 - 11 Requires the submission of an external lighting strategy
 - 12 Requires the scheme to be in accordance with the listed approved plans
 - 13 Limits the approval to 3 years (conservation/listed buildings consent)
-

Case Officer: Lesley Sheldrake

Photo(s)



Figure 1: View of site from Newhall Street and Cornwall Street junction



Figure 2: View of site from Edmund Street

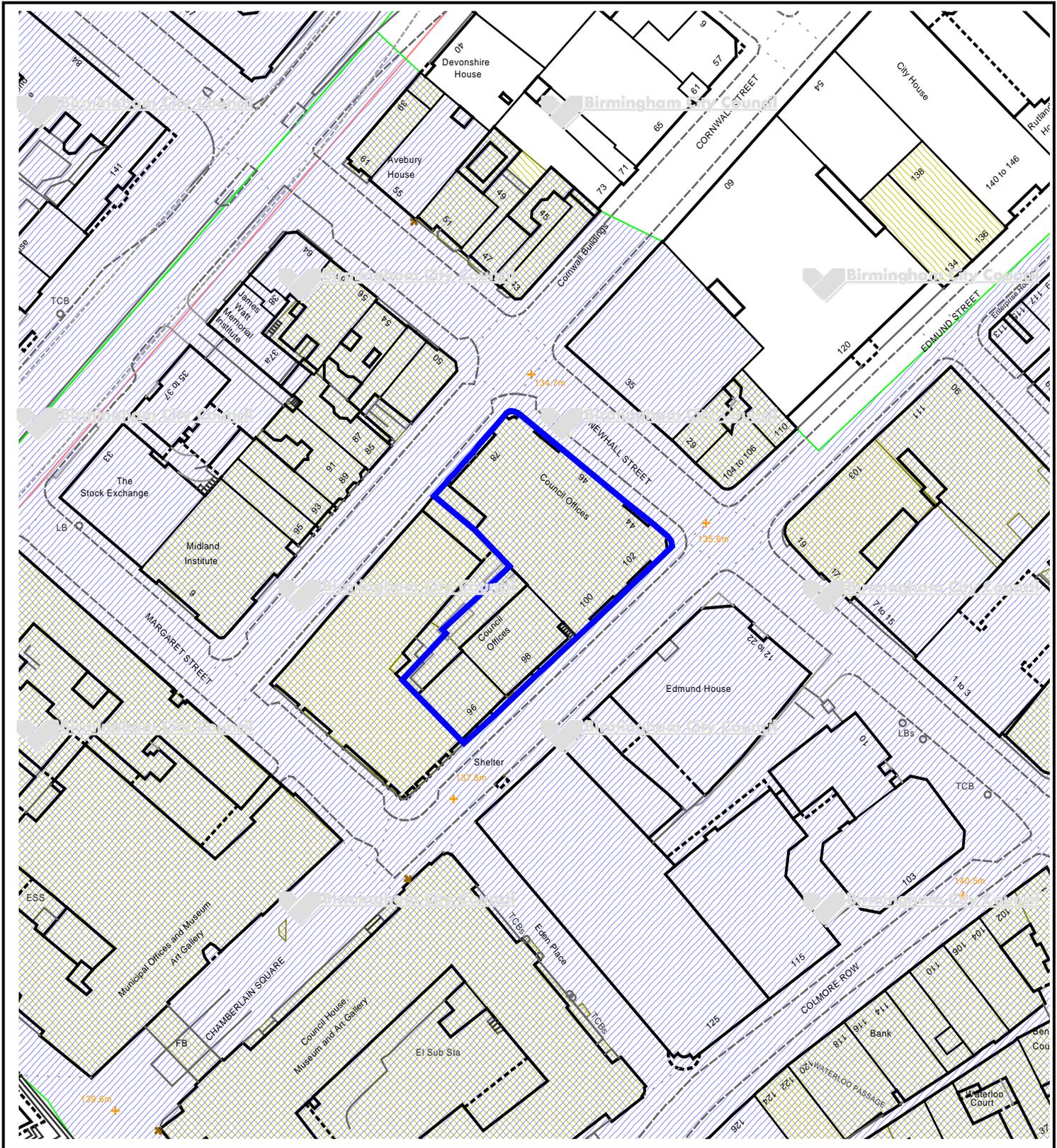


Figure 3: View to rear of Edmund Street buildings



Figure 4 ; View of courtyard and rear of the School of Art

Location Plan



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Birmingham City Council

Planning Committee

04 August 2016

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Approve – Conditions	20	2015/10147/PA 235 Victoria Road Aston Birmingham B6 5HP Erection of two storey detached building as conference/banqueting suite and restaurant with associated caretakers flat, a new boundary treatment and associated parking.
Approve – Conditions	21	2016/04110/PA Minworth Sewage Treatment Works Kingsbury Road Sutton Coldfield Birmingham B76 9DP Installation of a Thermal Hydrolysis Process (THP) Plant on existing operational land
Defer	22	2015/09330/PA 12 Bracebridge Road Four Oaks Sutton Coldfield Birmingham B74 2SL Erection of two storey and single storey rear extensions including terrace balcony
Refer to DCLG	23	2015/09470/PA 12 Bracebridge Road Four Oaks Sutton Coldfield Birmingham B74 2SL Listed Building Consent for the partial demolition of existing rear service wing and erection of two storey and single storey rear extensions with terrace balcony and internal alterations.

Committee Date:	04/08/2016	Application Number:	2015/10147/PA
Accepted:	19/05/2016	Application Type:	Full Planning
Target Date:	18/08/2016		
Ward:	Aston		

235 Victoria Road, Aston, Birmingham, B6 5HP

Erection of two storey detached building as conference/banqueting suite and restaurant with associated caretakers flat, a new boundary treatment and associated parking.

Applicant: Mr T Hussain
38 Gibson Road, Birmingham, B20 3UE
Agent: Archi-tecture Design Studio Ltd
17 Coleshill Road, Hodge Hill, Birmingham, B36 8DT

Recommendation

Approve Subject To Conditions

1. Proposal
 - 1.1. This application proposes the erection of a two storey detached building as a conference/banqueting suite and restaurant with new boundary treatment and associated parking, to be used by the local community and any professional clientele.
 - 1.2. Internally the space on the ground floor would be open plan to provide space for an A3 restaurant, with cooking and dining space for 150 people. The first floor would be fitted and designed to provide a large open plan hall to be used for various functions, with toilet and office spaces for 250 people.
 - 1.3. To ensure the site maintains sustainability, the materials used on the building would be in modern appearance with a white StoRend Flex Cote textured render. The large glazing units would be aluminium framed powder coated black RAL 9005 with double glazing. The projecting boxes around the large glazing units would be an aluminium profile powder coated in black RAL 9005. The front entrance areas would be curtain wall systems with frameless glazed entrance doors.
 - 1.4. The proposed hours of opening would be 12:00 – 2330 daily.
 - 1.5. 10 full time and 30 part time employees are proposed.
 - 1.6. Vehicular access to the site is available off Clifton road at rear of the premises with a drop kerb available as existing. 80 on-site parking spaces are proposed (including 5 disability spaces). A drop off zone has been provided by the front entrance.
 - 1.7. A new boundary wall and railings with an overall height of 1.8m are proposed around the front and rear edges of the car park on Victoria Road and off Clifton Road.

1.8. The application is accompanied by a Design & Access Statement, Transport Statement and Drainage Statement.

1.9. [Link to Documents](#)

2. Site & Surroundings

2.1. The application site is a vacant plot of land formally occupied by a social club (capable of accommodating 400 people at any one time) located in Aston. The site is situated approximately 2.5 miles north of Birmingham City Centre.

2.2. The existing social club building was in a dilapidated condition due to being fire damaged and in a poor state of repair, hence it needed to be demolished.

2.3. The area around the former building has a very large hard surfaced parking area.

2.4. The surrounding area to the site is a mix between residential and commercial uses. A GP surgery sits to one side of the site to the west and a Mosque to the east, residential is directly opposite on the other side of Victoria Road. The site is located close to the A38 Aston Expressway connecting to the M6, therefore easily reachable by car and public transport available from Victoria road leading to the city centre.

2.5. The application site is located outside any existing local centre with the nearest being Newtown Neighbourhood Centre, which is approx. 600m to the south west.

2.6. [Site Location Map](#)

3. Planning History

3.1. 11/05/2015 - 2015/02850/PA - Pre application advice for a change of use from a social club (Use Class D2) to restaurant and conference centre (Use Class A3/D1), and erection of single storey front and rear, and first floor side extensions – Pre-application discussion finalised.

4. Consultation/PP Responses

4.1. Site and press notices were posted and surrounding properties, ward members, local MP and resident associations were consulted – No responses received.

4.2. Environment Agency – No objections.

4.3. Regulatory Services – No objection subject to conditions relating to a noise assessment, extraction and odour control details, noise levels for plant and machinery, hours of use, the residential unit use and a vehicle charging point.

4.4. Lead Local Drainage Authority – Recommend condition relating to SUDs drainage assessment.

4.5. West Midlands Police – Make recommendations relating to an intruder alarm, CCTV parking and a lighting plan.

4.6. West Midlands Fire Service – No objection.

4.7. Severn Trent – No objection subject to a drainage condition.

- 4.8. Transportation Development – No objection subject to conditions relating to an amended car park/site layout, restricting the number of customers at any one time, hours of use, travel plan, parking areas laid out, car park management plan.
5. Policy Context
- 5.1. Birmingham Unitary Development Plan 2005, Places for All (2001) SPG, Shopping & Local Centres SPD, Aston, Newtown & Lozells AAP, NPPF (2012) and the Draft Birmingham Development Plan.
6. Planning Considerations
- 6.1. POLICY
UDP in paragraph 3.8 emphasises the need to protect and enhance what is good in the City's environment and improve what is less good with paragraph 3.10 advising that proposals which would have an adverse effect on the quality of the environment will not normally be allowed. Paragraphs 3.14 to 3.14F of the UDP set out policies for the design of new development including the use of good urban design principles and sustainable development. Paragraph 3.14C states that development should have regard to the development guidelines set out in "Places for All". Paragraph 3.14D states that the City Council will have particular regard towards the impact that the proposed development would have on the local character of an area, views and neighbouring uses.
- 6.2. The UDP recognises that uses which include the production of hot food can give rise to amenity issues (late night opening, noise, disturbance, smell, litter) and this, in combination with their impact on traffic generation, means that such uses should generally be confined to shopping areas or areas of mixed commercial development. The cumulative impact of such uses in terms of traffic generation, impact on amenity and the vitality/viability of the retail function of the local centre will also be important material considerations.
- 6.3. Policy MU3 of the Aston, Newtown & Lozells AAP states Victoria Road/Park Circus Gateway site is currently under-utilised and there will be a presumption in favour of a high-quality landmark development including place of worship, community, education/ training, leisure and health uses.
- 6.4. The purpose of the Shopping & Local Centres SPD is to:
- Define the boundaries of each local centre in Birmingham's hierarchy of shopping centres
 - Define the primary shopping area, where the main retail uses are concentrated
 - Set out policies to maintain the primary retail function of the centres.
- 6.5. Policy TP20 (The network and hierarchy of centres) of the Draft Birmingham Development Plan states the vitality and viability of the centres within the network and hierarchy will be maintained and enhanced. These centres will be the preferred locations for retail, office and leisure developments and for community facilities (e.g. health centres, education and social services and religious buildings). Proposals which will make a positive contribution to the diversity and vitality of these centres will be encouraged. Alongside new development, proposals will be encouraged that enhance the quality of the environment and improve access. The focus for significant growth will be the City Centre, Sutton Coldfield, Selly Oak, Perry Barr and Meadway but there is also potential for growth in several of the District centres,

notably Erdington, Mere Green and Northfield. The scale of any future developments should be appropriate to the size and function of the centre.

- 6.6. Policy TP23 (promotion of diversity of uses within centres) of the Draft Birmingham Development Plan states a diverse range of facilities and uses will be encouraged and supported in centres within the hierarchy, consistent with the scale and function of the centre, to meet people's day-to-day needs. This will include:
- Leisure uses
 - Offices
 - Restaurants and takeaways
 - Community uses
 - Cultural facilities
 - Tourist-related uses (including hotels)
 - Residential on upper floors where it provides good quality, well designed living environments

Within this context it remains important to ensure that:

- Centres can maintain their predominantly retail function and provide shops (Class A1 uses) to meet day to day needs.
- There is no over concentration of non-retail uses (Class A2, A3, A4 and A5) within a centre, and no dead frontages to the detriment of the retail function, attractiveness and character of the centre in question.

It is recognised that centres vary in terms of the mix of uses they contain and some have niche roles, for example the Balti Triangle in Sparkbrook. These niche roles will continue to be supported.

- 6.7. The National Planning Policy Framework encourages sustainable development, economic growth and job creation, good design and promotion of sustainable transportation and reducing the need to travel by car. Paragraph 64 of the NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 6.8. Paragraph 123 of the NPPF requires that planning policies and decisions should aim to; "avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development" and to "mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new developments, including through the use of conditions".
- 6.9. Further guidance on noise issues is included within the NPPG. It advises that noise needs to be considered when new developments may create additional noise and local planning authorities' decision taking should take account of the acoustic environment and consider;
- Whether or not a significant adverse effect is likely to occur or likely to occur.
 - Whether or not an adverse effect is occurring or likely to occur; and
 - Whether or not a good standard of amenity can be achieved.
- 6.10. The NPPG further advises that the subjective nature of noise means that there is not a simple relationship between noise levels and the impact on those affected. Various factors need to be taken into account including the source and level of noise together with the time of day it occurs. Some types of noise will cause a greater adverse effect at night as people tend to be more sensitive to noise at night if they are trying to sleep and there is less background noise at night.

- 6.11. The NPPG emphasises that some commercial developments can have particular impacts as their activities are at a peak in the evening and late at night and local planning authorities should bear in mind not only the noise that is generated within the premises but also noise that may be made by customers in the vicinity. It also advises that using planning conditions to restrict activities allowed on site at certain times can mitigate against the effects of noise.
- 6.12. Places for All SPG encourages the use of good urban design principles in new developments including the use of active frontages, the creation of attractive, safe public spaces and building on local character.
- 6.13. The UDP states that local circumstances should dictate parking provision and availability of public transport is an important factor.
- 6.14. Therefore the material considerations for this proposal are the principle of the uses and the proposal's impact upon the character and appearance of the building, the residential amenity of dwellings within the vicinity and highway matters.
- 6.15. **PRINCIPLE**
The application site previously accommodated a social club. The re-use of this now vacant site is to be welcomed. I therefore raise no objection to the principle of the proposed use. Whilst the application site is out of centre, the use is in accordance with the Aston, Newtown & Lozells AAP policy MU3 and that the restaurant is complementary to the banqueting/conference use. It is also considered similar to the previous use as a social club.
- 6.16. **AMENITY**
The potential impact upon residential amenity should be considered in light of the previous use of the site as a social club and related material considerations including the proximity of residential properties to the building and the proposed opening times. The application site was formally occupied by a social club (capable of accommodating 400 people at any one time). Even if the proposed uses were fully occupied at the same time, up to the same number of people would be accommodated at any one time. In addition, the opening hour proposed would be similar to those of a social club.
- 6.17. Regulatory Services raise no objection subject to conditions. I concur with this conclusion and recommend suitable conditions relating to a noise assessment, extraction and odour control details, noise levels for plant and machinery, hours of use, the residential unit use and a vehicle charging point. The proposed opening to 2330 daily is within the opening times normally permissible under UDP policy with living accommodation in the vicinity. I consider that residential amenity would not be affected. Subject to compliance with these conditions, I raise no objections.
- 6.18. **APPEARANCE/DESIGN**
The City Design Officer raises no objections to the proposed development subject to conditions relating to building facing materials, car park surfacing and protection of trees during construction. I concur with this view. The two-storey scale, massing and architecture of the new proposed building provides a presence facing Victoria Road and creates its own identity in an area with no strong existing character. The boundary wall and railings are acceptable. Amended plans were sought and submitted to overcome concerns raised with the loss of trees shown on the car park layout. Trees are now being retained on the Victoria Road frontage.

6.19. HIGHWAY MATTERS

Transportation Development raise no objection subject to conditions relating to an amended car park/site layout, restricting the number of customers at any one time, hours of use, travel plan, parking areas laid out, car park management plan. I concur with this view. A Transport Statement (TS) has been submitted for the proposal. According to TS, the proposal would be likely to increase traffic to/from the site. However, it is considered that the majority of the trips to/from the proposed restaurant and banqueting suite would likely to occur during off peak hours and arrivals & departures for the events at banqueting suite would be likely to be staggered. Therefore, it is considered that the increase in traffic would unlikely to have severe impact on surrounding highways.

6.20. BCC current parking guidelines specify maximum parking provision of 1 space per 6 covers for restaurant and 1 space per 5 seats for conference facility. Therefore, the specified maximum parking provision for the proposal would be 75 spaces. As per the submitted details, the applicant is proposing 80 spaces (including 5 disabled parking spaces), which is slightly more than the specified maximum. The TS assumes a high car occupancy rate, and so if this were to be lower this could increase parking demand with the possibility of an increase in on-street parking. However, there are no TROs on Clifton Road in the vicinity of the site and on-street parking was observed to be average with the spare capacity for some on-street parking on Clifton Road when the site was visited. A coach parking space is also proposed on the private shared drive.

6.21. OTHER MATTERS

The Environment Agency raise no objection to the proposed development. I concur with this view. The application site is not located within flood zones 2 or 3.

6.22. The Tree Officer raises no objection to the proposed development subject to a condition relating to tree protection. I concur with this view. No TPO nor conservation area trees would be affected by the proposed car parking.

7. Conclusion

7.1. The proposed use is acceptable in this location for the reasons outlined earlier in this report and is not expected to harm the vitality and viability of the area. Subject to safeguarding conditions, there would be no adverse impact on neighbour amenity. Full planning permission should be granted for the proposed development.

8. Recommendation

8.1. That planning permission is granted.

-
- 1 Requires the scheme to be in accordance with the listed approved plans
 - 2 Requires the prior submission of sample materials
 - 3 Requires the prior submission of drainage plans
 - 4 Requires the prior submission of extraction and odour control details
 - 5 Limits the noise levels for Plant and Machinery
 - 6 Limits the hours of use between the hours of 1200-2330 daily
-

-
- 7 Requires the prior submission of noise assessment
 - 8 Requires that residents are associated with a nearby premises
 - 9 Requires the provision of a vehicle charging point
 - 10 Requires the prior submission of a CCTV scheme
 - 11 Requires the prior submission of an intruder alarm details
 - 12 Requires the prior submission of a lighting scheme
 - 13 Requires the prior submission of hard and/or soft landscape details
 - 14 Requires the prior submission of hard surfacing materials
 - 15 Requires the prior submission of a landscape management plan
 - 16 Requires the implementation of tree protection
 - 17 Requires the prior approval of an amended car park layout
 - 18 Limits the maximum number of customers/covers to 400 persons
 - 19 Requires the prior submission of a commercial travel plan
 - 20 Requires the parking area to be laid out prior to use
 - 21 Requires the prior submission of a car park management plan
 - 22 Requires the prior submission of a sustainable drainage scheme
 - 23 Requires the prior submission of a Sustainable Drainage Operation and Maintenance Plan
 - 24 Limits the approval to 3 years (Full)
-

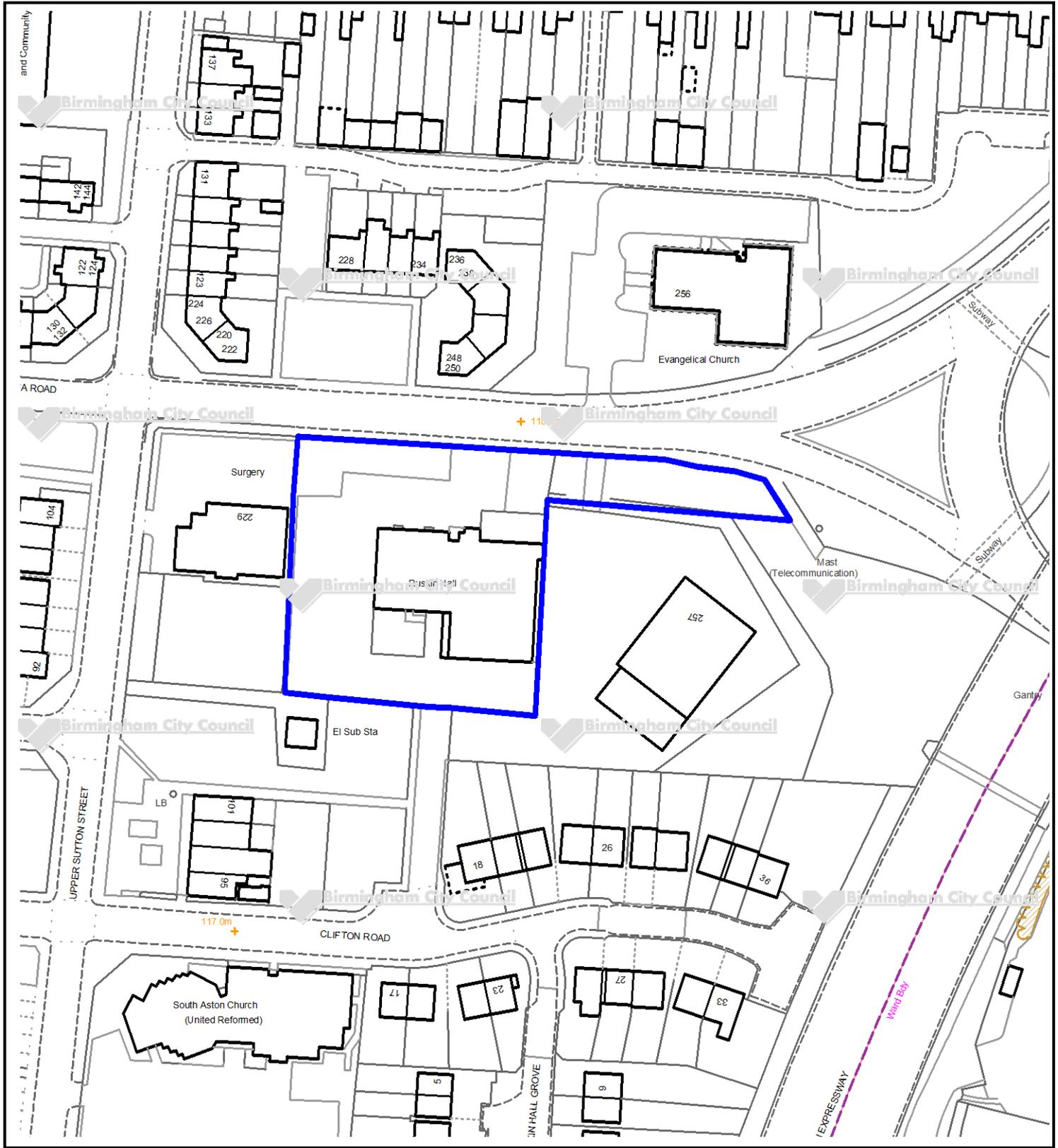
Case Officer: Stephanie Salmon

Photo(s)



Figure 1 – Application site with former social club on site

Location Plan



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Committee Date: 04/08/2016 Application Number: 2016/04110/PA
Accepted: 18/05/2016 Application Type: Full Planning
Target Date: 17/08/2016
Ward: Sutton New Hall

Minworth Sewage Treatment Works, Kingsbury Road, Sutton Coldfield, Birmingham, B76 9DP

Installation of a Thermal Hydrolysis Process (THP) Plant on existing operational land

Applicant: Severn Trent Water Limited
c/o Agent
Agent: Wardell Armstrong LLP
Sir Henry Doulton House, Forge Lane, Etruria, Stoke-on-trent, ST1 5BD

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. The proposal is for the installation of a Thermal Hydrolysis Process (THP) Plant on existing operational land within the existing Severn Trent sewage treatment works at Minworth.
- 1.2. The installation of the THP Plant would provide advanced sludge treatment improvement to the wider waste water treatment process. Currently sludge remaining from treatment activities on site is removed by tanker for off-site disposal. The proposed THP process would treat sludge using a combination of heat and pressure so it can be re-processed through the existing biological treatment on the site. The enhanced sludge is more attractive for agricultural use and a valuable by-product of the process is biogas. The biogas would be fed into the existing gas to grid plant, cleaned and exported to the national grid and turned into renewable energy. As well as playing an important role in helping turn waste to energy, the applicants expect the THP would result in a reduction of HGV movements of approximately 3000 per annum.
- 1.3. The proposed THP scheme would comprise elements requiring planning permission and also some that are permitted development on 4 areas in the south-west corner of the sewage treatment works. The elements requiring planning permission comprise:
- Recirculation Kiosk: This would be constructed of GRP in a goose wing grey (standard STW kiosk design) measuring 20m in length x 3.4m in width x 3.5m in height (Area 2).
 - THP MCC Kiosk: Standard STW kiosk design measuring 33m in length x 7m in width x 3.5m in height (Area 3).

- Anti-Foam Kiosk: Standard STW kiosk design measuring 6m in length x 4m in width x 2.88m in height (Area 2).
- Polymer Dosing Kiosk: Standard STW kiosk design measuring 6.7m in length x 4m in width x 3m in height (Area 3).
- Final Effluent Pumping Station Kiosk: Standard STW kiosk design measuring 8.5m in length x 11m in width x 2.88m in height (Area 2).
- Potable Water Pumping Station Kiosk: Standard STW kiosk design measuring 5m in length x 4.5m in width x 2.88m in height (Area 3).
- Gas Holders (x2) and Lightning Masts (x8): The proposed gas holders would have a spherical-shaped design measuring 22m in diameter x 16.5m in height. At the four corner points surrounding the two gas holders lightning conductor masts are needed to protect the gas holders against lightning strikes (Area 2).
- Centrifuge Acoustic Enclosures: 3 noise attenuated enclosures positioned in a linear row on elevated steel platforms measuring 8m on length x 2.1m in width x 2.7m in height (Area 4).
- THP Silos (x3): Each silo comprises a solid cylinder shaped tank held by a steel framed support with an overall height of 15.71m (Area 3).
- Sludge Screen Enclosure: The enclosure has a shallow pitched roof design with two access doors on the front and rear elevations with perspex side and roof windows. The GRP enclosure would measure 5.48m in length x 2.61m in width x 2.57m. The enclosure would be sited on an elevated steel framed platform 3m above ground level (Area 1).
- Boiler Building and Stack: It would be constructed of goose wing grey cladding with a gabled roof design measuring 24m in length x 14m in width x 12.2m to the ridge. A boiler stack would be located in a central position measuring 21m in height (Area 4).
- CHP Engine Enclosures: These would measure 12.2m in length x 3.6m in width x 3.1m in height (Area 4).
- HV Distribution Kiosk: Standard STW kiosk design measuring 6.3m in length x 5.8m in width x 3.8m in height (Area 4).

1.4. In addition to the above works requiring planning permission the scheme also includes elements which benefit from permitted development including: Transformer Compound Palisade Fencing, THP Odour Control Unit, Sludge Colour Assembly, Gas Booster Package, Dewatering Buffer Tank, Pumps and Acoustic Fencing, Transformers, Poly Mixing Tank & Storage Silo, Potable Water Tank and Feeds, THP Area Drainage Pumping Station, Waste Batch Burner Package Plant, Air Blowers, Gas Bag Control Panel, Final Effluent tanks, Pump and UV Plant, Final Effluent Filters, Primary Sludge Screens Odour Control Unit and Centrate Pumping Station.

1.5. The application is supported by a Planning Statement, Visual Impact Assessment, Transport Statement, Flood Risk Assessment, Preliminary Ecological Assessment, Environmental management Plan, Air Quality Assessment, Odour Assessment and Noise Assessment.

1.6. The applicant submitted an EIA screening request at pre-application stage where it was concluded that an EIA was not required as the proposed development would not have a markedly different effect on the environment than the existing use, the development is considered to be only of local importance and any environmental effects restricted to this part of Sutton Coldfield and subject to the submission of the above technical reports.

1.7. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site is split into 4 distinctive areas (1, 2, 3 & 4) located in the south-west corner of the existing Severn Trent Water sewage treatment works at Minworth. The main vehicular entrance to the site is off the Kingsbury Road and the site is wholly within designated Green Belt.
- 2.2. The site contains a variety of operational plant, machinery and buildings of varying shapes and sizes and the site is largely screened from external view points by carefully developed planting that has matured over many years. This includes a dense mature woodland to the south of the application site adjacent to Water Orton Lane and to the west adjoining Minworth Parkway.
- 2.3. The nearest residential property is Mill House, a stand-alone dwelling in Water Orton Lane to the south of the application site.

[Site Location and Street View](#)

3. Planning History

- 3.1. 21/11/2013. 2013/07287/PA. Construction of a Bio-methane Gas to Grid plant comprising Biogas Scrubbing Plant and MCC kiosk. Approved.

4. Consultation/PP Responses

- 4.1. Transportation Development – no objections.
- 4.2. Regulatory Services – no objections.
- 4.3. Environment Agency – no objections.
- 4.4. West Midlands Fire Service – comments awaited.
- 4.5. MP, Councillors, Residents Associations and nearby occupiers notified. Statutory site notice posted and application advertised in the press. No response received.

5. Policy Context

- 5.1. UDP (Adopted 2005), Draft Birmingham Development Plan, NPPF (2012).

6. Planning Considerations

- 6.1. **Policy** - The Severn Trent Sewage Treatment works at Minworth are located within the Green Belt. Paragraph 87 of the NPPF contains a presumption against inappropriate development which would harm the openness of the Green Belt and should not be approved except in very special circumstances. Paragraph 89 of the NPPF goes on to say that new buildings within the Green Belt are inappropriate with a number of exceptions. One of the exceptions is limited infilling of previously developed sites (brownfield land), whether redundant or in continuing use, which would not have a greater impact on the openness of the Green Belt and do not conflict with the purposes of including land within it than the existing development.

- 6.2. Paragraph 91 of the NPPF makes specific reference to renewable energy projects “When located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources.”
- 6.3. Paragraph 93 of the NPPF states that planning plays a key role in helping places to secure radical reductions in greenhouse gas emissions and supporting the delivery of renewable and low carbon energy and associated infrastructure. Paragraph 98 states that local planning authorities should approve applications for renewable or low carbon energy developments if its impacts are acceptable.
- 6.4. The UDP in paragraph 3.64A states that the Council will adopt a sustainable approach to waste management which seeks to ensure that adequate facilities exist for the disposal of waste within the City. Paragraph 3.65C states that when considering proposals for new or expanded waste management, treatment and processing facilities, account will be taken of the need for the facility, proximity to source of waste, impact on environment and adjoining land uses, need for pollution control measures, effectiveness of measures proposed to overcome environmental impacts and impact of traffic generated by the proposal.
- 6.5. The UDP notes that the City Council is aiming to minimise Birmingham’s energy consumption and carbon dioxide emissions and encourage the use of renewable energy resources. Paragraph 3.79C states that the development of renewable energy sources will be permitted where there would be no adverse effect on the character and appearance of the area, or on areas of ecological, cultural, historic or archaeological interest, or on the living conditions of nearby residents and other uses in the vicinity.
- 6.6. Policy PG1 of the draft Birmingham BDP recognises that new waste facilities are critical to facilitate sustainable growth, increase recycling and disposal capacity and minimise amount of waste sent directly to landfill. Policy TP1 states that the City Council is committed to reducing the City’s carbon footprint and Policy TP4 states that developers will be expected to incorporate the provision of low and zero carbon forms of energy generation.
- 6.7. Policy TP5 of the draft BDP states that the development of innovative technologies to reduce the use of fossil fuels and CO2 emissions and promotion of low carbon industries will be supported and encouraged including Bioenergy initiatives including Biogas. Policy TP13 states that the City Council will seek to prevent the production of waste wherever possible.
- 6.8. Policy TP14 of the draft BDP states that the expansion or the development of new waste management facilities will be supported, provided that the proposals satisfy the locational criteria set out in Policy TP15 which include; effect of proposal on the environment and neighbouring land uses, impact on traffic generation, need for pollution control measures, impact on residential amenity and design of the proposal.
- 6.9. **Principle** – The proposed THP Plant would be located within the existing Severn Trent sewage treatment works at Minworth and it would improve the existing sludge treatment process. It would improve the standard of water treatment, provide environmental enhancements contributing to a reduction in greenhouse gas

emissions and an increase in renewable energy production. In this respect the proposal would comply with paragraphs 3.64A, 3.65C and 3.79C of the UDP, policies TP1, TP4, TP5, TP13, TP14 and TP15 of the draft Birmingham Development Plan and the NPPF.

- 6.10. **Impact on Green Belt and Visual Impact** – The application site and the wider sewage treatment works are located within designated Green Belt. Despite the general presumption against new buildings in the Green Belt, paragraph 89 of the NPPF allows for exceptions to this including limited infilling of previously developed sites which would not have a greater impact on the openness of the Green Belt. In this instance the proposed THP Plant would be located on areas of land directly adjacent to existing operational buildings and plant within a long established sewage treatment works. I do not consider there would be any adverse impact on the openness of the Green Belt as a result of this proposal.
- 6.11. I note paragraph 91 of the NPPF states when located in Green Belt, many elements of renewable energy projects will comprise inappropriate development and developers would need to demonstrate very special circumstances if developments are to proceed. As well as the exception outlined in paragraph 6.10 above, this proposal includes significant wider environmental benefits including the increased production of energy from renewable sources, reduction in traffic movements, reduction in carbon footprint and recycling waste.
- 6.12. In conclusion on the issue of impact on the Green Belt, I consider the proposal would constitute limiting infilling within an established site and would not impact on the openness of the Green Belt. I also consider there are exceptional circumstances and wider environmental benefits to justify the proposal in policy terms and comply with the requirements of the NPPF.
- 6.13. In relation to general visual impact, the applicant has submitted a visual impact assessment of the proposal. This considers, scale, layout, design and appearance of the elements requiring planning permission. It concludes that the proposed structures are similar to those already in existence and the most prominent (biogas holders and THP silos) are located deeper into the site, situated behind existing buildings and plant. The visual impact shows that where it is possible to view the proposals from external viewpoints, the new development will be seen as an integral part of the sewage treatment works and a well-established landscape screen/woodland is already in place on the southern boundary of the site where it adjoins Water Orton Lane and on the western boundary adjoining Minworth Parkway. I do not consider the proposal would have any adverse impact on visual amenity.
- 6.14. In terms of general design, many of the buildings would be Severn Trent standard kiosk type design in goose wing grey metal cladding which is acceptable on this site. A materials schedule has been submitted with cladding details and this also refers to hard surfacing areas as being mainly concrete with gravel infilling.
- 6.15. **Environmental Issues** - The applicant has submitted technical assessments in relation to noise, odour and air quality. The nearest residential accommodation is Mill House on Water Orton Lane to the south of the site, over 110m from the nearest point of the application site on the opposite side of the woodland barrier. There are also residential dwellings on Water Orton Lane to the east over 150m from the nearest point of the application site separated from the site by woodland and Minworth Parkway.

- 6.16. The Noise Assessment assesses the the potential noise impacts associated with the proposed plant in relation to the nearest noise sensitive uses which are the residential accommodation described above. It concludes that the proposed THP would not materially change the character of the existing noise environment at the nearest noise sensitive uses. It states that during both the daytime and nighttime, the noise generated will be non-intrusive and it is not considered that noise mitigation is required. Regulatory Services concur with this view and raise no objections in respect of noise.
- 6.17. The Odour Survey considers the change to odour emissions from the sludge treatment area of the works as a result of the proposals. The survey concludes that following completion of the THP scheme the odour emission from the sludge treatment operations are predicted to decrease by approximately 15% due to the improved processes for treating the sludge. The proposed development will be fitted with odour control units and there will be a net benefit in terms of odour reduction from the sludge handling area. Regulatory Services raise no objections to the proposal in respect of odour.
- 6.18. The emissions from the boiler stack and the emissions from the CHP units in order to burn the biogas to produce heat and electricity for the wider site will be fully regulated by the Environment Agency who raise no objections to the proposal. The Air Quality Assessment concludes that there will be an overall reduction in mass emissions compared to the current operation of the existing CHP facility. Ground level concentrations of pollutants will be reduced due to the discharge from a higher flue stack and operational traffic will significantly reduce as a result of the proposal. Again, Regulatory Services consider the proposal is acceptable in terms of air quality.
- 6.19. **Highways** – The applicant has submitted a Transport Statement in support of the application. The main access point to the THP Plant would be provided via the existing main access to the site off Kingsbury Road. The most significant highway factor arising from the proposal would be the net reduction in approximately 3,000 HGV movements per annum as significantly less sludge would need to be transported to landfill sites. Transportation Development raise no objections to the proposal.
- 6.20. **Flood Risk** – The site falls within Flood Zones 2 and 3 which suggest the proposal is at high risk from fluvial flooding, however, the NPPF points out that development associated with sewage works is classified as less vulnerable development and is suitable development within these flood zones. The applicants have consulted with the Environment Agency and a Flood Risk Assessment has been prepared in support of the proposal. It confirms the proposed development areas are not within the operational (20 year) flood area and compensation will not be required. The scheme has been designed for the 100 year + 25% climate change flood event and all electrical equipment and connections would be installed a minimum of 200mm above slab level. The Flood Risk Assessment concludes that the proposed development would be flood resilient and not at material risk from flooding. The Environment Agency raises no objections to the proposal.
- 6.21. In relation to drainage the Lead Local Flood Authority acknowledge that the majority of the development will be drained to the treatment works own foul drainage network, however, they have recommended a condition requiring a Sustainable Drainage Assessment prior to commencement of development.

6.22. **Ecology and Trees** - A Preliminary Ecological Appraisal has been submitted in support of the application that confirms the proposed development would not have a detrimental impact in terms of ecology as most of the application site is previously developed land. The applicant has also submitted a Construction Environmental Management Plan in response to comments made by the Planning Ecologist. The Planning Ecologist raises no objections subject to a condition requiring ecological mitigation and enhancement measures to be implemented in accordance with the submitted details.

6.23. A small number of trees of low value located in Area 2 would need to be removed. The applicant proposes replacements within existing woodland around the perimeter of the site.

7. Conclusion

7.1. I consider that the proposal is acceptable development in the Green Belt as it involves minor infilling of a previously developed site and exceptional circumstances such as the wider environmental benefits of the scheme have been demonstrated which is in accordance with the requirements of the NPPF.

7.2. The proposal would not be visually intrusive due to its siting within an existing operational site with mature screening along the site boundaries and the proposal would not result in any significant adverse amenity impacts from odour, emissions or noise levels.

7.3. The proposal would provide a sustainable form of development through improved sludge treatments and improvements in water discharge, deliver renewable energy, provide sludge that is suitable for agricultural use and significantly reduce HGV movements.

7.4. The proposal is in accordance with policies in the UDP, the draft Birmingham Development Plan and the requirements of the NPPF.

8. Recommendation

8.1. Approve Subject To Conditions.

-
- 1 Requires the prior submission of a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan
 - 2 Requires the scheme to be in accordance with the listed approved plans
 - 3 Requires the implementation of the submitted mitigation/enhancement plan
 - 4 Limits the approval to 3 years (Full)
-

Case Officer: John Davies

Photo(s)



Figure 1 – Area 1



Figure 2 – Area 2

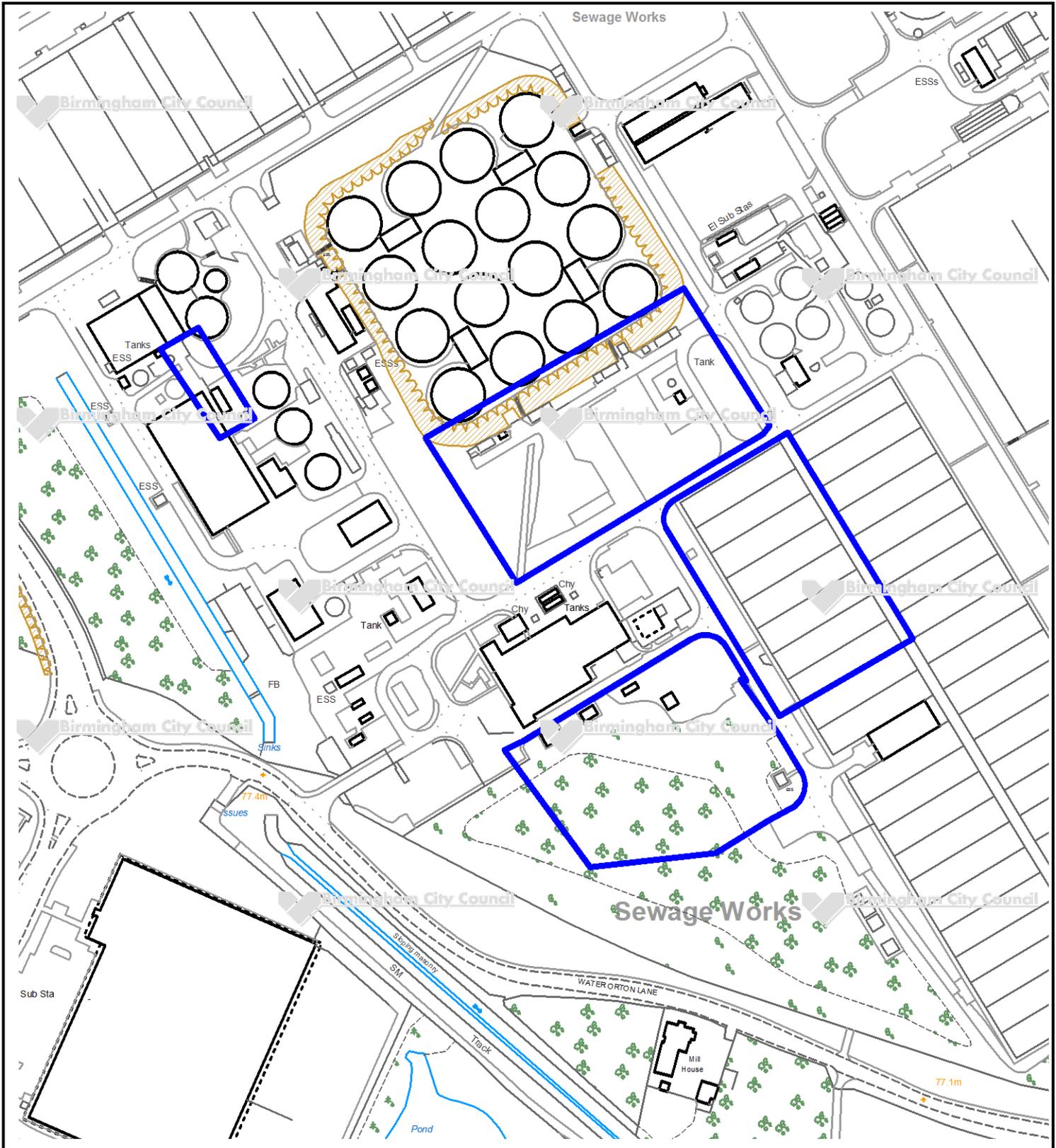


Figure 3 – Area 3



Figure 4 – Area 4

Location Plan



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Committee Date: 04/08/2016 Application Number: 2015/09330/PA
Accepted: 18/11/2015 Application Type: Householder
Target Date: 13/01/2016
Ward: Sutton Four Oaks

12 Bracebridge Road, Four Oaks, Sutton Coldfield, Birmingham, B74 2SL

Erection of two storey and single storey rear extensions including terrace balcony

Applicant: Mr & Mrs David & Amie Baldwin
16 Blackroot Road, Four Oaks, Sutton Coldfield, Birmingham, B74 2QH
Agent: Brealey Associates Limited
49 Florence Road, Wylde Green, Sutton Coldfield, Birmingham, B73 2QH

Recommendation

Defer

1. Proposal

- 1.1. Consent is sought for a two storey and single storey rear extensions including terrace balcony.
- 1.2. The proposed two storey rear extension is of a contemporary design with the majority of the extension being glass construction with a two storey glass link from the original rear elevation of the property. The extension will have a flat roof and also include facing brickwork and cladding finish.
- 1.3. The proposed ground floor rear extension would be 9.3m in width and 10.5m deep. The extension comprises of a family dining room, garden lounge and kitchen.
- 1.4. The first floor part of the two storey rear extension would comprise of a master bedroom, bathroom, storage area and first floor terrace balcony. The first floor would be 9.3m in width and 8.5m deep.
- 1.5. Design and Access Statement and Heritage Statement have been submitted in support of this application.

1.6. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site relates to a Grade II listed detached dwellinghouse located within a spacious residential plot. The dwellinghouse was constructed in 1902 and was designed by Edward Haywood-Farmer for himself and built by Isaac Langley. It

is two storeys in height with an attic and includes two storey gabled projections and an 'L' shaped service wing to the rear (north elevation). There is an existing Coach House located in the north-east corner of the site. The Coach House is listed in its own right.

- 2.2. The dwellinghouse is constructed in red sand-faced Leicester brick and includes stone and lead detail, wooden windows and roof tiles.
- 2.3. The property is well-set back from the road with a long driveway. The front and rear garden areas are predominately grassed and the site is well screened from the neighbouring boundaries with mature trees and deep hedging. A number of the trees within the site are protected by a confirmed Tree Preservation Order (TPO).
- 2.4. The application property lies within the Four Oaks Conservation Area which was designated in 1986 and is part of the Four Oaks private estate. The estate is characterised by large detached dwellings of individual designs that are set within large landscaped plots.

2.5. [Site Location](#)

3. [Planning History](#)

- 3.1. Extensive previous planning history:- most recent applications:-
- 3.2. 13/01/2015 - 2014/08303/PA - Erection of two storey and single storey rear extensions – Withdrawn.
- 3.3. 13/01/2015 - 2014/08324/PA - Listed building consent for the demolition of existing rear outbuildings and erection of two storey & single storey rear extensions and internal alterations – Withdrawn.
- 3.4. 24/02/2015 - 2014/09655/PA - Listed Building Consent for alterations and repair work to a Grade II listed building – Approved-Conditions.
- 3.5. 27/06/2016 - 2016/04495/PA – Discharge of conditions application - to determine the details of condition 1 (submission of external doors), 6 (submission of details of replacement bat roosting habitat) and 7 (prior agreement when ecological supervision is required) attached to approval 2014/09655/PA – Approved.
- 3.6. 2015/09470/PA – Listed Building Application for the partial demolition of existing service wing and erection of two storey and single storey rear extensions with terrace balcony and internal alterations – Awaiting decision – to be referred to Secretary to State – elsewhere on the agenda.

4. [Consultation/PP Responses](#)

- 4.1. Neighbouring properties and local ward members have been consulted for the statutory 21 days, with a Site & Press notice displayed – no responses received.

5. [Policy Context](#)

- 5.1. The following local policies are applicable:
 - Birmingham Unitary Development Plan

- Draft Birmingham Development Plan
- Places For Living (Adopted Supplementary Planning Guidance 2001)
- The 45 Degree Code (Adopted Supplementary Planning Guidance 1996)
- Extending your Home (Adopted Supplementary Planning Document 2007)
- Four Oaks Estate Development guidelines

5.2. The following national policies are applicable:

- NPPF: National Planning Policy Framework (2012)

6. Planning Considerations

- 6.1. The main considerations are the scale and design of the proposed development, the impact upon the character and appearance of the Grade II listed building and the wider conservation area and the impact upon the amenities of occupiers of the neighbouring dwellings.
- 6.2. The application follows previously withdrawn applications (2014/08303/PA – full planning consent & 2014/09655/PA listed building consent). These applications were withdrawn because the scale, mass and design of the proposed two storey rear extension was unacceptable and to allow for negotiation for an improved scheme. After extensive discussions involving the applicant, architect, planning officer and the City Design & Conservation Manager, this revised contemporary style scheme is now in accordance with the advice given by officers.
- 6.3. Amended plans have been received which have made the following changes to the proposed scheme:-
- Width of the proposed two storey rear extension has been reduced so that the extension is in-line with the original footprint of the rear service wing.
 - The design of the two storey rear extension has been simplified with a more square designed contemporary extension with additional glazing.
 - Use of glazing between retained stub and new bedroom kitchen block to create visual break from original elevation of house.
- 6.4. The scale, mass and design of the proposed development is acceptable. It is considered that the proposed contemporary designed two storey rear extension is more simplistic in design and would not be an excessive addition to the rear of the property. The proposed extension is to the rear of the property and would not be visible from the street scene and is also well screened from neighbouring properties. The proposed development complies with the principles contained within 'Extending Your Home'.
- 6.5. The NPPF makes specific reference to 'Heritage Assets', which includes conservation areas and listed buildings. Paragraph 132 places 'great weight' on the impact of development on a heritage asset's significance and any substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Paragraph 133 states that where a proposal will lead to substantial harm to or loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that substantial harm or loss is necessary to achieve public benefits that outweigh the harm or loss.

- 6.6. Whilst the proposal would result in the loss of the historic rear service-wing, I consider that the proposal will cause no substantial harm to the architectural character of the Grade II listed property and no significant impact upon the character and appearance of the Four Oaks Conservation Area to warrant a refusal of this application. The original rear elevation/fabric of the property would not be harmed by this proposal and elements of the original service wing have been incorporated within the proposed modern design. The Council's City Design and Conservation Manager has raised no objections to this revised scheme. The proposed extensions/modifications and re-occupation of this listed building for family residential living should be welcomed.
- 6.7. The proposed development complies with the 45 Degree Code and the numerical guidelines set out in 'Places For Living' and 'Extending Your Home' Design Guide, as a result there is no detrimental impact on neighbouring occupiers light, outlook or amenity.
- 6.8. The submitted CIL form indicates the proposal would exceed the 100sq m however the agent has indicated he would be submitting Self Build Exemption Form for extensions.

7. Conclusion

- 7.1. The development complies with the objectives of the policies outlined above and is of an acceptable design. I therefore recommend approval.

8. Recommendation

- 8.1. Defer pending the decision of the DCLG as to whether to intervene in the determination of Listed Building Consent application 2015/09470/PA. If that decision is to allow the Local Planning Authority to determine the application, this application should be approved subject to the following conditions:

-
- 1 Requires the scheme to be in accordance with the listed approved plans
 - 2 Requires the prior submission of sample materials
 - 3 Arboricultural Method Statement and Tree Protection Plan - Implementation
 - 4 Limits the approval to 3 years (Full)
-

Case Officer: Ricky Chima

Photo(s)



Figure 1 – Front Elevation



Figure 2 - Rear 'L' Shaped Service Wing

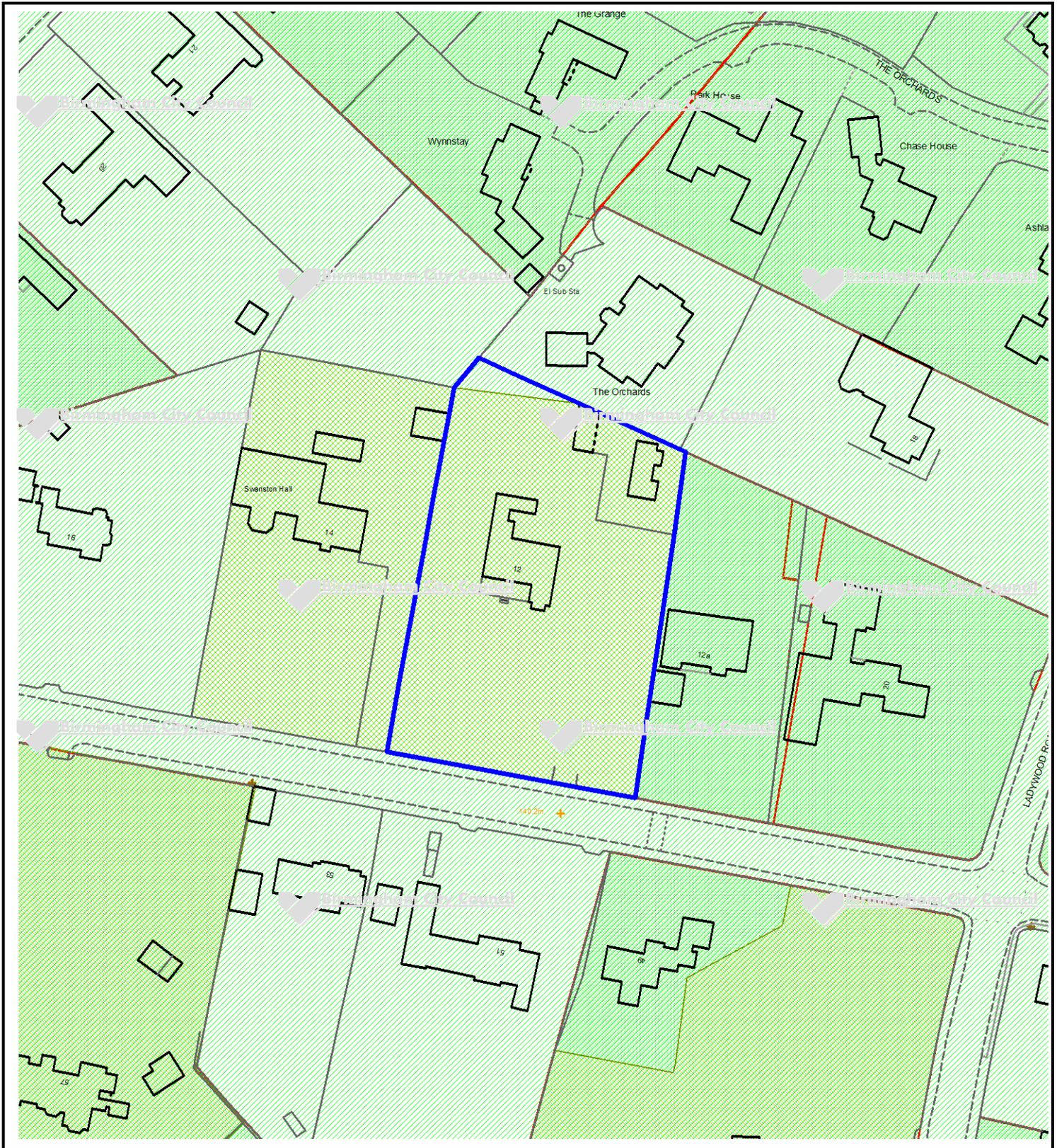


Figure 3 – Rear Elevation of House



Figure 4 – Rear Elevation View

Location Plan



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Committee Date: 04/08/2016 Application Number: 2015/09470/PA
Accepted: 18/11/2015 Application Type: Listed Building
Target Date: 13/01/2016
Ward: Sutton Four Oaks

12 Bracebridge Road, Four Oaks, Sutton Coldfield, B74 2SL

Listed Building Consent for the partial demolition of existing rear service wing and erection of two storey and single storey rear extensions with terrace balcony and internal alterations.

Applicant: Mr & Mrs David & Amie Baldwin
16 Blackroot Road, Four Oaks, Sutton Coldfield, Birmingham, B74 2QH
Agent: Brealey Associates Limited
49 Florence Road, Wylde Green, Sutton Coldfield, Birmingham, B73 5NJ

Recommendation
Refer To The Dclg

1. Proposal

- 1.1. Consent is sought for the partial demolition of existing rear service wing and erection of two storey and single storey rear extensions with a terrace balcony and internal alterations. The rear service wing will mainly be demolished with existing masonry walls to be opened up, removal of internal walls/doors and frames and existing opening flanks repaired and retained.
- 1.2. The proposed two storey rear extension is of a contemporary design with the majority of the extension being glass construction with a two storey glass link from the original rear elevation of the property. The extension will have a flat roof and also have facing brickwork and cladding/render finish.
- 1.3. The proposed ground floor rear extension would be 9.3m in width and 10.5m in length. The extension comprises of a family dining room, garden lounge and kitchen.
- 1.4. The first floor part of the two storey rear extension would comprise of a master bedroom, bathroom, storage area and first floor terrace balcony. The first floor would be 9.3m in width and 8.5m in length.
- 1.5. Design and Access Statement and Heritage Statement have been submitted in support of this application.

1.6. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site relates to a Grade II listed detached dwellinghouse located within a spacious residential plot. The dwellinghouse was constructed in 1902 and was designed by Edward Haywood-Farmer for himself and built by Isaac Langley. It is two storeys in height with an attic and includes two storey gabled projections and an 'L' shaped service wing to the rear (north elevation). There is an existing Coach House located in the north-east corner of the site. The Coach House is listed in its own right.
- 2.2. The dwellinghouse is constructed in red sand-faced Leicester brick and includes stone and lead detail, wooden windows and roof tiles.
- 2.3. The property is well-set back from the road with a long driveway. The front and rear garden areas are predominately grassed and the site is well screened from the neighbouring boundaries with mature trees and deep hedging. A number of the trees within the site are protected by a confirmed Tree Preservation Order (TPO).
- 2.4. The application property lies within the Four Oaks Conservation Area which was designated in 1986 and is part of the Four Oaks private estate. The estate is characterised by large detached dwellings of individual designs that are set within large landscaped plots.
- 2.5. [Site Location](#)
3. Planning History
 - 3.1. Extensive previous planning history:- most recent applications:-
 - 3.2. 13/01/2015 - 2014/08303/PA - Erection of two storey and single storey rear extensions – Withdrawn.
 - 3.3. 13/01/2015 - 2014/08324/PA - Listed building consent for the demolition of existing rear outbuildings and erection of two storey & single storey rear extensions and internal alterations – Withdrawn.
 - 3.4. 24/02/2015 - 2014/09655/PA - Listed Building Consent for alterations and repair work to a Grade II listed building – Approved-Conditions.
 - 3.5. 27/06/2016 - 2016/04495/PA – Discharge of conditions application - to determine the details of condition 1 (submission of external doors), 6 (submission of details of replacement bat roosting habitat) and 7 (prior agreement when ecological supervision is required) attached to approval 2014/09655/PA – Approved.
 - 3.6. 2015/09330/PA – Erection of two storey and single storey rear extensions including terrace balcony – Awaiting decision, elsewhere on the agenda.
4. Consultation/PP Responses
 - 4.1. Neighbouring properties and local ward members have been consulted for the statutory 21 days, with a Site & Press notice displayed – no responses received.
 - 4.2. Historic England have raised the following concerns:-
 - Loss of most of the rear service wing and associated courtyard. This wing is a key part of the house, and without it the house would not have functioned. Its removal as proposed would harm the overall significance of the site. It is

considered that the harm to be less than substantial but serious and not see evidence of the public benefits, as opposed to private benefits.

- New extension is too large, out of scale and design not sympathetic to the architectural character of the historic building. Not opposed to the principle of an extension here but should be more modest and subsidiary in character and appearance to the listed building.

4.3. Victorian Society – objections raised on grounds of loss of historic fabric and insensitive change in the character and appearance of the original rear elevation.

4.4. The Advisor to the Four Oaks Estate has commented that there are no objections on behalf of the Estate provided that there is no adverse effect on surrounding properties, Conservation Area and not affect the listing of the house.

5. Policy Context

5.1. The following local policies are applicable:

- Birmingham Unitary Development Plan
- Draft Birmingham Development Plan
- Places For Living (Adopted Supplementary Planning Guidance 2001)
- The 45 Degree Code (Adopted Supplementary Planning Guidance 1996)
- Extending your Home (Adopted Supplementary Planning Document 2007)
- Four Oaks Estate Development guidelines

5.2. The following national policies are applicable:

- NPPF: National Planning Policy Framework (2012)

6. Planning Considerations

6.1. The main considerations are the scale and design of the proposed development, the impact upon the character and appearance of the Grade II listed building and the wider conservation area.

6.2. The application follows previously withdrawn applications (2014/08303/PA – full planning consent & 2014/09655/PA listed building consent). These applications were withdrawn because the scale, mass and design of the proposed two storey rear extension was unacceptable and to allow for negotiation for an improved scheme. After extensive discussions involving the applicant, architect, planning officer and the City Design & Conservation Manager, this revised scheme is now in accordance with the advice given by officers.

6.3. Amended plans have been received which have made the following changes to the proposed scheme:-

- Width of the proposed two storey rear extension has been reduced so that the extension is in-line with the original footprint of the rear service wing.
- The design of the two storey rear extension has been simplified with a more square designed contemporary extension with additional glazing.

- Use of glazing between retained stub and new bedroom kitchen block to create visual break from original elevation of house.
- 6.4. The scale, mass and design of the proposed development is acceptable. It is considered that the proposed contemporary designed two storey rear extension as amended is more simplistic in design and would not be an excessive addition to the rear of the property. The extension footprint does not extend out any further than the existing original service buildings. The proposed extension is to the rear of the property and would not be visible from the street scene and is also well screened from neighbouring properties. The proposed development complies with the principles contained within 'Extending Your Home'.
 - 6.5. The NPPF makes specific reference to 'Heritage Assets', which includes conservation areas and listed buildings. Paragraph 132 places 'great weight' on the impact of development on a heritage asset's significance and any substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Paragraph 133 states that where a proposal will lead to substantial harm to or loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that substantial harm or loss is necessary to achieve public benefits that outweigh the harm or loss.
 - 6.6. Historic England's and Victorian Society's objections have been noted to this application. Historic England state in reference to paragraph 132 of the NPPF that the harm to be less than substantial but serious with the removal of the rear service wing. It is considered that the proposal will not cause substantial harm to the architectural character of the Grade II listed property or upon the character and appearance of the Four Oaks Conservation Area to warrant a refusal of this application. The original rear elevation/fabric of the property would not be harmed by this proposal and elements of the original service wing have been incorporated within the proposed modern design. The use of glazing and light-weight materials does not have a detrimental effect of the significance of the wider building. Also the glazed corridor link between the wider building and the proposed two storey extension is sensitively executed and does not cause fabric harm or scarring to the wider building. The Council's City Design and Conservation Manager raises no objections to this revised scheme.
 - 6.7. The proposed floor plan in terms of space planning is more efficient and allows the service range to be functional in terms of modern living requirements. Overall I consider the proposed extensions/modifications and re-occupation of this listed building for family residential living should be welcomed.
 - 6.8. The submitted CIL form indicates the proposal would exceed the 100sq m however the agent has indicated he would be submitting Self Build Exemption Form for extensions.
 7. Conclusion
 - 7.1. The development complies with the objectives of the policies outlined above and is of an acceptable design. I therefore recommend approval. However, due to the outstanding objection from Historic England this application requires referral to the Secretary of State.
 8. Recommendation

8.1. (I) That the application is referred to the Secretary of State in accordance with the 'Arrangements for Handling Heritage Applications Direction 2015 & T&CP (Development Management Procedure) (England) Order 2015'; and

II) That in the event of the Secretary of State not intervening listed building consent is granted subject to the following conditions:

-
- 1 Requires the scheme to be in accordance with the listed approved plans
 - 2 Requires the prior submission of sample materials
 - 3 Limits the approval to 3 years (conservation/listed buildings consent)
 - 4 Requires any damage to the listed building to be made good
 - 5 Requires the prior submission of a demolition method statement
 - 6 Requires the prior submission of Structural Recording
 - 7 Requires the prior submission of sample walling/render panel/stonework/brickwork
 - 8 Requires the prior submission of dormer window/window frame details
-

Case Officer: Ricky Chima

Photo(s)



Figure 1 – Front Elevation



Figure 2 – Rear 'L' Shaped Service Wing

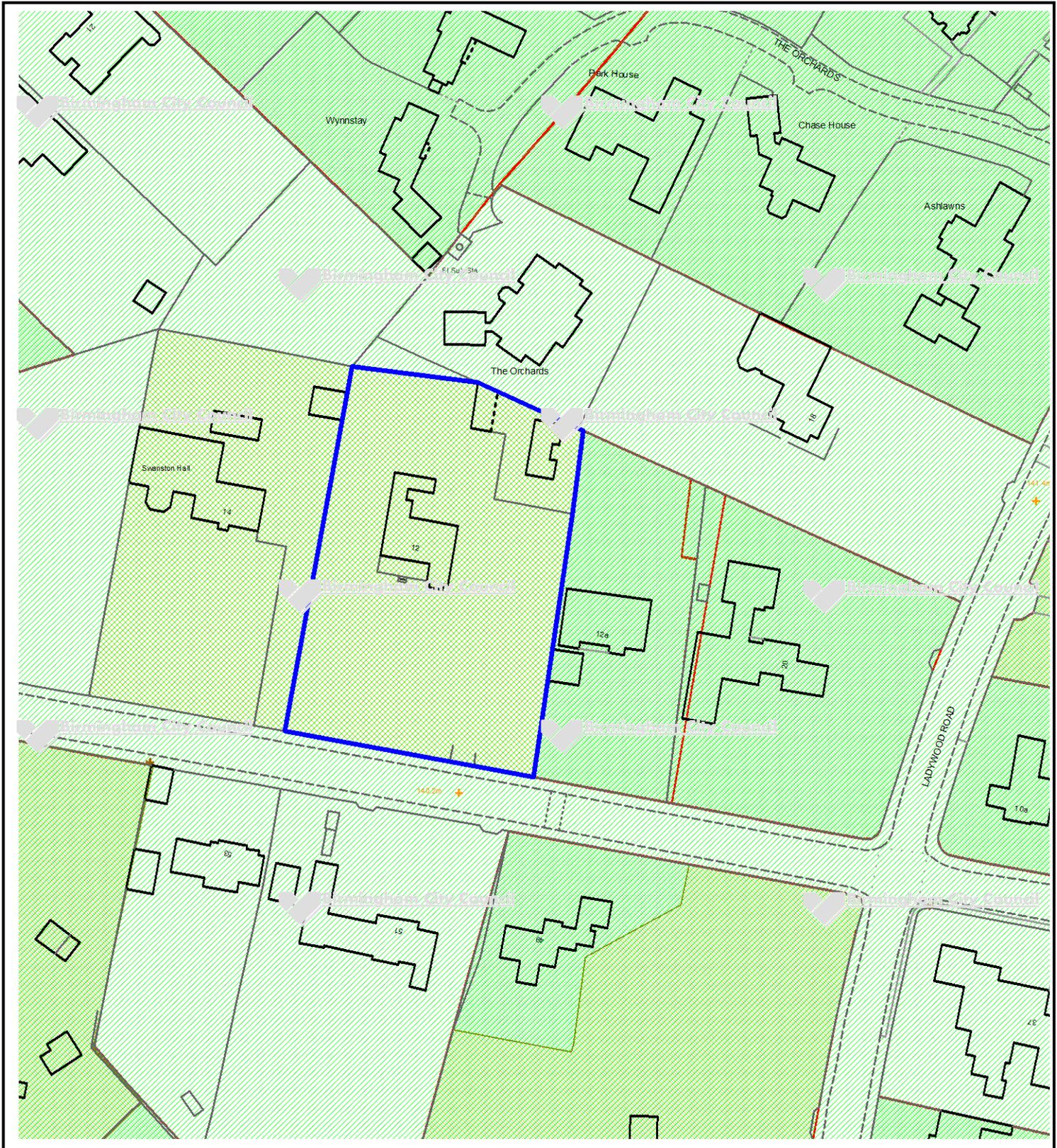


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