

# **Birmingham City Council**

**Planning Committee**

**01 September 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>
Determine	8	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

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Committee Date:	01/09/2016	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

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Recommendation  
**Determine**

**Report Back**

- 1.1 At your Committee meeting of 4th August, Officers recommended the above application for a one year Temporary Approval. A correction to the Original Report with regard to existing unchanged restricted opening hours on a Sunday being until 2300 hours (Paragraph 1.2 of the Report and Condition 1) was verbally reported to Members. In addition, it is requested should Members be minded to approve this application, that Condition 3 be amended to reflect the revised one year temporary period which would now expire on the 1<sup>st</sup> September 2017.
- 1.2 At your Committee meeting of 4<sup>th</sup> August Members requested that the application be deferred in order that the Council's Licensing Department be consulted upon the planning application, particularly having regard to the cumulative impact of extended opening hours in conjunction with other existing drinking establishments, acknowledging that Licensing have identified a Special Policy Area for Moseley.
- 1.3 Members also referred to the working relationship between Planning and Licensing under national regulations. The Government's Revised Guidance issued under Section 182 of the Licensing Act 2003 (March 2015) states at Paragraph 13.57 that a council's statement of licensing policy *"should indicate that planning permission, building control approval and licensing regimes will be properly separated to avoid duplication and inefficiency. The planning and licensing regimes involve consideration of different (albeit related) matters. Licensing committees are not bound by decisions made by a planning committee, and vice versa."*
- 1.4 Paragraph 13.58 continues: *"There are circumstances when as a condition of planning permission, a terminal hour has been set for the use of premises for commercial purposes. Where these hours are different to the licensing hours, the applicant must observe the earlier closing time. Premises operating in breach of their planning permission would be liable to prosecution under planning law."*

- 1.5 Whilst there is some overlap between Planning and Licensing, in short the key differences between the regimes are that the planning regime is a system of plan-led decision making guided by planning policy documents, whereas the licensing regime provides a system to make evidence-based determinations of appropriate actions for the promotion of the licensing objectives. The licensing objectives are: 1) the prevention of crime and disorder, 2) public safety, 3) the prevention of public nuisance, and 4) the protection of children from harm. Notwithstanding, there is some joint working between Planning and Licensing. For example, Planning has a representative that attends meetings of the Joint Licensing Task Force, where specific sites are discussed between the relevant bodies.
- 1.6 'Cumulative impact', in licensing terms, is defined at Paragraph 13.20 of the above Government Guidance *"as the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area."* The Council's Statement of Licencing Policy (June 2015) explains that the Council has decided to adopt special policies for three areas of the City where there may be such cumulative impact because of the number of drinking establishments - one of these such areas being the Special Policy Area for Moseley. The Head of Licensing has confirmed that the aims of the Special Policy Area for Moseley are no different from the aims of other Special Policy Areas in the City. In each of these Special Policy Areas the Council and the Police have adopted special measures to deal with crime and disorder and anti-social behaviour. Measures have included additional Police manpower, particularly at weekends, the introduction of CCTV, pub watch organisations involving licence holders being encouraged to improve working relationships, and to reduce competitive pricing, drinks promotions and happy hours.
- 1.7 In respect of Special Policy Areas the Council's Statement of Licencing Policy goes on to explain at Paragraph 14.9 that *"for any (licence) application in these areas the Council will expect the Applicant to demonstrate the steps it will take to promote the licensing objectives. Where relevant representations are made the Council will consider the application on its individual merits and decide whether to apply the special policy. Where it is of the view that the application is unlikely to add to the cumulative impact on the licensing objectives the application will be granted."* At Paragraph 14.10 it goes on to explain that *"Where no relevant representations are received, there is a presumption that any application received will be granted. This presumption remains, even in an area of special policy."*
- 1.8 Members queried whether there was a staggered opening hours policy in operation for the Special Policy Area for Moseley (in order to aid dispersal of patrons leaving drinking establishments). The Head of Licensing has confirmed that he is not aware of any such staggered opening hours policy. Members also queried whether the Special Policy Area meant that no further licences or extension to licensed hours could be granted. However, the Council's Statement of Licencing Policy makes clear that this is not the case, as outlined above in Paragraph 1.6.
- 1.9 As requested by Members, the Head of Licensing has now been consulted on the above planning application. He advises that he is not in a position to comment on the extended opening hours requested by the Applicant under this planning application, because they would have no effect on the premises' ability to sell alcohol. The Applicant would still be limited at present by the earlier licensable hours of the premises until 11.30pm. No application to vary the existing licence or apply for a new licence with later times has been received to date. It would be improper of Licencing to pre-determine the outcome of any such future licence application, given that they are not in receipt of any evidence from the Applicant as to how they might operate with regards to the sale of alcohol within extended evening hours, or what

representations might be made by residents or statutory bodies to the Licensing Committee.

- 1.10 Were your Committee to grant a one year temporary planning consent for extended opening hours until 1am on Friday and Saturday evenings, as recommended by Officers, this would not pre-determine any recommendation that may be made by the Licensing Committee should a licence application be submitted. I consider that Licensing, rather than Planning, are best placed to judge whether there would be any adverse cumulative impact as a result of any on or off sales of alcohol to prevent further crime and disorder and public nuisance. In terms of planning considerations there are no residential properties immediately adjoining the application premises, neither West Midlands Police nor Regulatory Services have objected to the planning application, and local residents' submissions suggest general tolerance of extended evening opening hours at weekends and resulting higher background noise levels as a trade-off for a quieter environment during the normal working week. A one year temporary planning consent is recommended in the unlikely event that an increase in noise and disturbance affecting those residents who live close to/within Moseley Centre would be directly attributable to extended opening hours at the application premises on Friday and Saturday evenings. Harm to residential amenity could be evidenced by any noise complaints received from residents to either Planning or Regulatory Services during this temporary period.
- 1.11 Therefore, in summary, there is no lack of a working relationship between Licensing and Planning, there are no particular policies for Moseley that are different to other Special Policy Areas in the City, and the planning merits of granting a temporary planning consent are clear, as set out in the Officer Report below.

## **Original Report**

### **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<br>0900-2300 Sun<br>2300 external Mon-Sat<br>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<br>1000-0030 Fri/Sat<br>1000-2300 forecourt                  |
| • No. 12 St. Mary’s Row (Elizabeth of York)    | 0700-2330 Sun-Thurs<br>0700-0030 Fri/Sat   |
| • No. 97-99 Alcester Rd (proposed Dares)       | 1000-2330 Mon-Thurs<br>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

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- 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
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Case Officer: Andrew Conroy

## Photo(s)



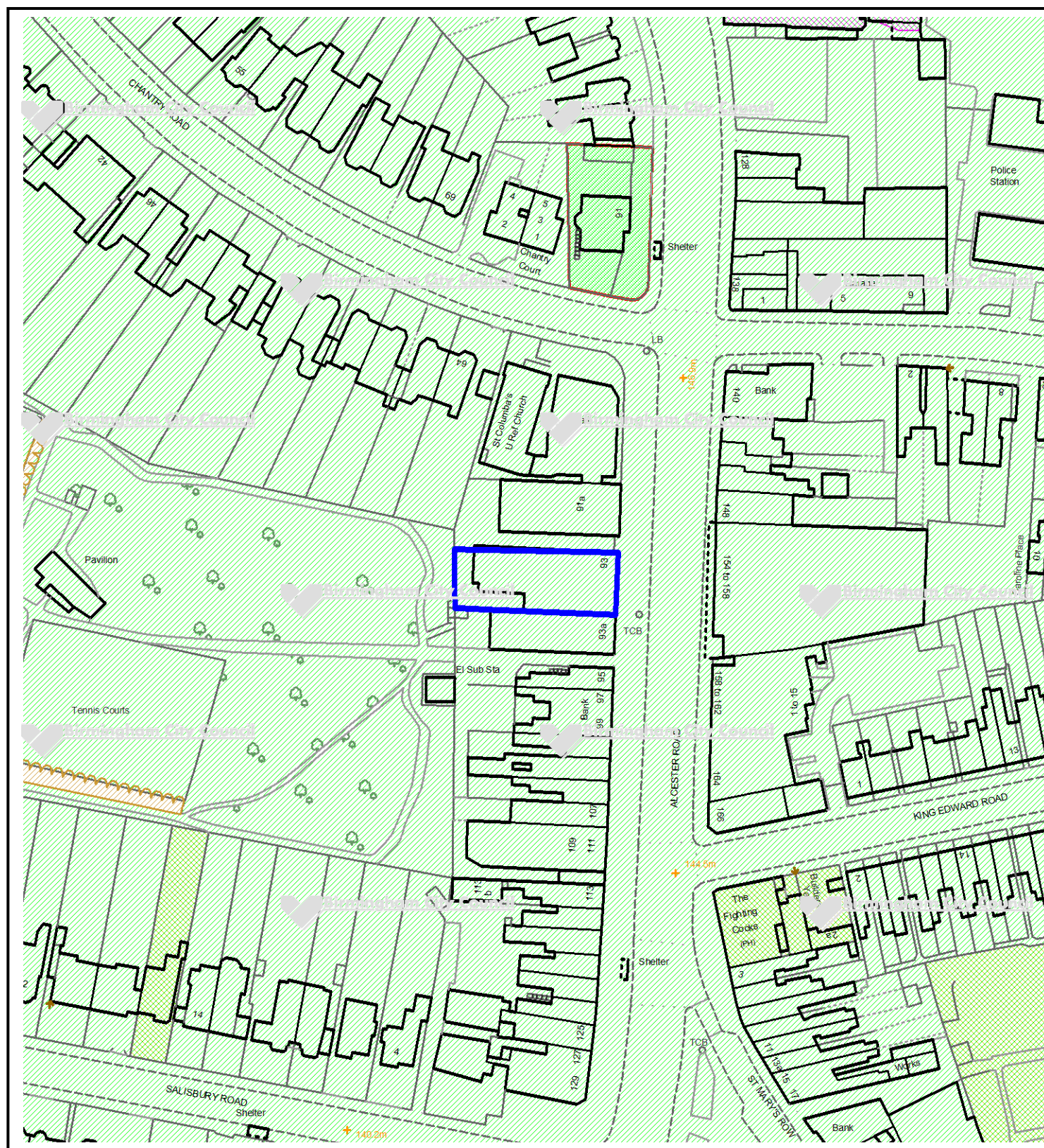
Figure 1 - Front elevation of application premises (right) with No. 93a (left)



Figure 2 – Rear beer garden



## Location Plan



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# **Birmingham City Council**

## **Planning Committee**

**01 September 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	9	2016/04685/PA  Gallan House 32-34 Hill Street City Centre Birmingham B5 4AN  Demolition of existing building and erection of a ground plus 25 storey hotel building (Use Class C1), with reception space to incorporate a cafe / restaurant (Use Class A3) at ground floor level, servicing arrangements and associated works.
Prior Approval Required – App Cond	10	2016/06762/PA  Birmingham Wholesale Markets Pershore Street Birmingham B5  Application for prior notification of proposed demolition of Birmingham wholesale markets

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Committee Date:	01/09/2016	Application Number:	2016/04685/PA
Accepted:	01/06/2016	Application Type:	Full Planning
Target Date:	20/09/2016		
Ward:	Ladywood		

Gallan House, 32-34 Hill Street, City Centre, Birmingham, B5 4AN

Demolition of existing building and erection of a ground plus 25 storey hotel building (Use Class C1), with reception space to incorporate a cafe / restaurant (Use Class A3) at ground floor level, servicing arrangements and associated works.

Applicant:	BLOC Grand Central Ltd and Gallan Developments Ltd c/o Agent
Agent:	Turley 9 Colmore Row, Birmingham, B3 2BJ

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Recommendation

**Approve Subject To Conditions**

1. Proposal

Uses and Layout

- 1.1. The proposal comprises the demolition of the existing Gallan House, a 1960's office building and the construction of a ground plus 25 storey hotel building (Use Class C1) with an associated ground floor café / restaurant (Use Class C3). The proposed hotel would accommodate 238 rooms, including 12 (5%) accessible rooms. The upper and lower floors of the building are all accessible via a centrally located lift and stair core.
- 1.2. Pedestrian access to the building would be at ground floor level on the corner of Hill Street and Station Street. The ground floor of the proposed building would accommodate the hotel reception area, staff office and housekeeping area as well as a café / restaurant with associated seating space. The proposed café / restaurant would be integrated into the reception space but run separately from the hotel; it would be open to both guests and the general public. The reception / café area would have a double height frontage with a mezzanine area located on the first floor for additional hotel lobby / café seating space.
- 1.3. Floors two to twenty-three would provide hotel accommodation with a typical floor providing 9 standard rooms and 2 apart-rooms. The central core divides the floorplate into two wings of accommodation with a window provided at the end of each corridor bringing natural into the building and providing views. A dedicated roof terrace of 75m2 would provide a guest amenity space allowing views over the Birmingham skyline.
- 1.4. The refuse service area and 6 cycle storage spaces are located to the rear of the building on the ground floor. These are both accessed directly from Station Street. Staff facilities are proposed at basement level and accessed via stairs or lift. The

remainder of the basement level would be occupied by plant. Once operational, it is anticipated that the hotel would provide approximately 40 full time equivalent jobs.

- 1.5. The hotel would be serviced via the service and delivery access points on Station Street. Servicing requirements for the hotel are likely to include a once daily (before 7.30am) linen delivery, and approximately three refuse collections per week (also before 7.30am). Other ad hoc deliveries would likely take place on a monthly basis.

#### External Appearance

- 1.6. The scheme is designed with a simple articulation of the base, middle and solid top to provide a clear and legible form.
- 1.7. The main entrance into the building is located on the primary corner, at the junction of Hill Street and Station Street, where the cantilever is at its deepest and offers a chamfered set-back to emphasise the importance of the corner. Double-height glazing runs the length of Hill Street and continues 10m along Station Street providing active frontages to both streets.
- 1.8. The middle section of the building is designed with matt black aluminium brise soleil (fins) overlaid on polished black ceramic granite rainscreen cladding. The horizontal fins wrap around the building, extending out by 300mm at 500mm centres. Windows would be dark tinted flush mounted with black spandrel panels.
- 1.9. Roof top plant is proposed surrounded by a two storey rooftop plant screen finished in matt black anodised aluminium panels with back lit gold anodised aluminium signage to act as an accent colour.

#### Party wall

- 1.10. A party wall situation exists to the south west and south east boundaries of the site. The proposed solution seeks to maintain the design approach and specification of materials to ensure that the building is read from all four sides. To achieve this, the proportion of glazed horizontal banding has been reduced to 500mm. This meets Building Regulation requirements and maintains a consistent horizontal order to each elevation.
- 1.11. The party wall condition also presents the possibility of a future development on the adjacent site being constructed up to the boundary of these two facades. In this instance affected rooms would be retro-fitted to become windowless "sleep rooms" a room type BLOC Hotels have developed and sold successfully in their existing hotels.

#### Signage Strategy

- 1.12. A signage strategy has been developed comprising low and high level level signage zones. At low level the primary signage zone would be at the main entrance to the hotel. At high level, a single logo would be applied to the rooftop plant screen on each elevation, with a larger logo facing New Street Station and 3 smaller logos, to the three other elevations. The proposed advertisements would be subject to a separate advertising consent.

#### Supporting Documents

- 1.13. The application is supported by the following statements:-



- Planning Statement (including Statement of Community Involvement);
- Design and Access Statement (including Townscape and Visual Impact Assessment);
- Transport Statement and Travel Plan;
- Shadowing Assessment (within Design and Access Statement);
- Wind and Microclimate Assessment;
- TV and Radio Reception Survey;
- Telecommunications Impact Analysis;
- Economic Impact Statement;
- Lighting Strategy;
- Desk Top Ground Conditions Survey;
- Noise Assessment;
- Preliminary Ecological Assessment; and,
- Fume Extraction Strategy.

1.14. At pre-application stage the City Council assessed the scheme and considered that an Environmental Impact Assessment was not required.

1.15. [Link to Documents](#)

## 2. Site & Surroundings

- 2.1. The application site is located on the corner of Hill Street and Station Street in the City Centre. The site lies immediately to the south of the recently redeveloped New Street Station and Grand Central Shopping Centre and is opposite the main entrance to the newly opened John Lewis department store.
- 2.2. The site measures 291 sqm in area and is currently occupied by a 6 storey building dating from the 1960s. The building is currently used as offices providing circa 1,300 sqm of floor space, of which approximately 500 sqm are currently occupied.
- 2.3. Immediately adjacent to the site, sharing the site's south eastern and south western boundary, is a surface car park which is in temporary use as a storage /stacking facility for taxis and the parking of construction vehicles associated with the redevelopment of New Street Station. This surface car park forms part of the larger NCP multi storey car park, which is accessed from St Jude's Passage to the rear of the site.
- 2.4. There are a number of existing tall buildings nearby. To the north of the site, across Station Street is the Telephone Exchange building, a 20 storey building, which is occupied by offices and telephone communications equipment. To the south of the site is Beetham Tower, a 39 storey building occupied by the Radisson Blu Hotel and residential apartments. Centre City, a 21 storey office building is located to the east of the site.
- 2.5. Other surrounding uses include leisure uses such as bars, pubs and restaurants, as well as the Old Rep Theatre and The Electric Cinema on Station Street and the New Alexander Theatre fronting on to Suffolk Street Queensway. The Grand Central Shopping Centre and John Lewis department store are directly opposite the site. A Holiday Inn Hotel is located on the corner of Hill Street and Smallbrook Queensway.

## [Site Location](#)

### 3. Planning History

- 3.1. 19 June 2013 Application 2013/03517/PA. Temporary change of use granted (20 months) for use of car park (surface level) to facilitate stacking of taxis and parking of staff motorcycles and railway vehicles at the St Jude's Passage Car Park, Hill Street (adjacent site).
- 3.2. 16 June 2015. Application 2015/03322/PA. Planning consent granted for change of use of ground floor office to pizza restaurant, installation of ramp, new shop front and extraction flue at Gallan House, 32 Hill Street.

### 4. Consultation/PP Responses

- 4.1. Adjoining occupiers, residents associations, Southside BID, Birmingham City Centre Management, local ward councillors, and M.P. notified. Site and press notices displayed. No comments received.
- 4.2. BCC Regulatory Services – have requested details of the location of the louvres and a schedule of potential cooking equipment to be provided at the café. If a commercial / restaurant kitchen is a possibility in the future then provision for installation of high level termination should be made. The site investigation report identifies potential risks to end users from ground gas and recommends further investigation and potential remediation. Notwithstanding this, they have no objections subject to conditions to limit noise from plant and machinery and land contamination.
- 4.3. BCC Transportation Development - no objections subject to conditions to secure the proposed cycle parking facilities, a delivery vehicle management scheme and construction management plan.
- 4.4. Local Lead Flood Authority – a condition to secure sustainable drainage should be applied as the information submitted does not meet their requirements.
- 4.5. Severn Trent Water - no objections subject to conditions to secure drainage plans. Also there may be a public sewer within the application site and the developer should investigate this.
- 4.6. West Midlands Fire Service – request confirmation as to whether: there is pumping appliance access within 18m and within sight of the wet riser inlet; the scheme meets minimum fire resistance of firefighting shaft; and, if there is sufficient venting of the basement.
- 4.7. West Midlands Police –
  - the scheme should be to the standards within the Secured by Design Commercial 2015 guide;
  - recommend that a lighting plan be produced and a CCTV system be installed;
  - the hotel reception is well placed to allow clear views to the main hotel entrance and lobby area. The glazed nature of the ground floor would also assist with natural surveillance of the public highway outside, and around, the site;
  - the proposed policy around refuse collection is satisfactory;



- the height of the walls / glazing around the roof terrace is appropriate; and,
  - an access control system should be installed to separate the guest lift lobby from the public café.
- 4.8. Network Rail – the developer should contact them to set up a Basic Asset Protection Agreement. For major works / large scale developments an Asset Protection Agreement would be required with further specific requirements. The developer is also to submit directly to Network Rail a Risk Assessment and Method Statement (RAMS) for all works to be undertaken within 10m of the operational railway.
- 4.9. Birmingham International Airport –no objection to the proposed development. Should during construction any cranes used exceed a height of 242m AOD.

## 5. Policy Context

- 5.1. Relevant national and local planning policies include:
- Birmingham Unitary Development Plan Saved Policies 2005;
  - Pre-Submission Birmingham Development Plan 2031;
  - High Places SPG;
  - Places for All SPG;
  - Lighting Places SPD;
  - Access for People with Disabilities SPD;
  - Car Parking Guidelines SPD; and,
  - National Planning Policy Framework
- 5.2. The application site is not within a conservation area and is not listed. Listed buildings within 250m of the site include:-
- The Old Repertory Theatre II;
  - 89 and 91, John Bright Street 81-87 John Bright Street II;
  - Geoffrey Buildings II;
  - Skin Hospital II;
  - Athol Masonic Building II;
  - The Synagogue II\*; and,
  - Town Hall I.
- 5.3. There are also three locally listed building nearby at:-
- former Futurist Cinema, John Bright Street;
  - Norfolk House, Smallbrook Queensway; and,
  - Ringway Centre, Smallbrook Queensway.

## 6. Planning Considerations

### Land Use Planning Policy

- 6.1. The adopted Birmingham UDP (2005) still forms the basis of the statutory planning framework. The Birmingham Development Plan (BDP) was submitted to the Secretary of State for examination in July 2014 with the hearings taking place in October and November 2014. The Inspectors final report was published on 11 March 2016 and concluded that, subject to a number of minor modifications, the plan is sound. However, on 26th May the Government issued a Holding Notice on

the Birmingham Development Plan. The BDP is intended to provide a long term strategy for the whole of the City and will replace the saved policies of the UDP 2005. Consequently, both the UDP and the newer draft BDP policies are relevant.

- 6.2. Whilst there are no specific use policies for this site within the UDP, Chapter 15 – City Centre – advises that the overriding aim of the plan is to welcome and encourage activity within the City Centre. Underpinning the City Centre’s ability to attract and sustain more activity are two major considerations. Firstly, the City Centre must be highly accessible and secondly people must find an attractive and safe environment within the City Centre to which they will wish to return on a regular basis. In terms of land use the UDP encourages lively ground floor uses and contains policies to support the City’s role as a major centre for business tourism including new hotel developments (policy 8.18).
- 6.3. In terms of the BDP, Policy GA1.1 advises the City Centre will continue to be the focus for retail, office residential and leisure activity within the context of the wider aspiration to provide a high quality environment and visitor experience. Policy GA1.2 adds that “Acting as the catalyst for the wider regeneration of the City Centre the redeveloped New Street Station, opening in 2015, will transform the arrival experience and create new linkages. Selective redevelopment of areas around the station will be encouraged.” The area to the south of New Street Station is therefore identified as a wider area of change. In addition, policy TP24 notes that hotels will be important and proposals for well-designed and accessible accommodation will be supported.
- 6.4. In principle, therefore, the use of the site for a hotel is acceptable. The inclusion of a restaurant is also acceptable as it would help enliven the ground floor and complies with policy 8.6 and 8.7 of the UDP. The proposed development is also consistent with the National Planning Policy Framework, which promotes sustainable development in accessible locations, such as the application site.

#### Tall Building Policy

- 6.5. The UDP advises at paragraph 15.22 that buildings heights within the City Centre should generally be more no than 8 storeys although in some special circumstances high rise development providing a landmark building of exceptional architectural quality maybe permitted.
- 6.6. More detailed advice on tall buildings is set out in City Council’s High Places, adopted as Supplementary Planning Guidance in 2003. It advises that generally tall buildings:-
- should be limited to a defined zone on the central ridge (map 2);
  - should mark the sense of arrival at key points around the City Centre or terminate a key view (map 3);
  - could be supported where they are in close proximity to major public transport interchanges; and,
  - where they aide legibility of the city’s form (map 4)
- 6.7. The proposed hotel lies outside the Central Ridge Zone (CRZ) as set out in High Places and is not located on other sites specifically identified appropriate for tall buildings. However, the applicant considers that there are exceptional reasons why the site is suitable for a tall building:-

- the proposed building would act as a 'flagship' scheme for BLOC and has been through an independent Design Review process undertaken by CABE who 'commended' the design solution presented;
  - the building is of exceptional design quality, which would create an easily recognisable landmark for the city and make a unique and valuable contribution to the city's skyline;
  - the proposed development is located directly opposite the entrance to New Street Station. This is a key opportunity site and not only would the proposal help to create a distinct sense of arrival for those travelling to the city through New Street Station, the building would also act as a landmark aiding legibility for pedestrians walking towards New Street Station;
  - historically, planning permission was granted for two large towers (30 storeys) as part of the wider regeneration of New Street Station, directly opposite the site. The planning permission was subsequently amended and the towers removed and replaced by the John Lewis department store as it is today. The two towers would have acted as a 'marker' which would help pedestrians identify the location of the New Street Station entrance, and the proposed development would provide a similar opportunity.
  - the site is located on a key pedestrian interchange which links the City Centre to Southside, an area where wider regeneration and development initiatives are encouraged by the City Council. The redevelopment of the site would help to create a more pleasant pedestrian experience and assist in encouraging further investment along the route to Southside.
- 6.8. From a distance the proposed tower would be seen in the context of a cluster of tall buildings. To the north of the site, across Station Street is the Telephone Exchange building, a 20 storey building. To the south of the site is Beetham Tower, a 39 storey building occupied by the Radisson Blu Hotel and residential apartments. Centre City, a 21 storey office building is located to the east of the site. The proposed tower would therefore relate well in height and to the range of buildings on the skyline. I therefore consider that the proposed tower would add to the overall memorable quality of the city's skyline.
- 6.9. In terms of local impacts, the Design and Access Statement shows how local views terminate at the site and offer the opportunity for the building to function as a wayfinding marker to the New Street Station Southern Gateway. They also demonstrate that there would be no significant adverse impact on local views.
- 6.10. In addition, the Design and Access Statement assesses the impact on of the proposed development on the adjacent site to the south. The study demonstrates that a tall building is most appropriately located at the junction of Hill Street and Station Street. Moreover, the proposed development would not prejudice the development of the adjoining site with the massing studies showing how the adjacent site could be developed with either an office building of up to 11 storeys, or two residential buildings of 11 and 14 storeys respectively.
- 6.11. Whilst the proposed tower does not strictly conform to locational policy set out in High Places, I consider that in principle this is an acceptable exception to the policy for the reasons set out above. The proposal therefore accords with policy because it

complies with the exceptions contained in the policy and meets the criteria set out in the policy. There is therefore no departure from the UDP or High Places.

## Design

6.12. At pre-application stage the scheme was taken through an independent Design Review process undertaken by CABE who commended the design solution and noted that:-

- the height and design proposed for the building is sound but the articulation of the building will impact on the potential for redevelopment of the adjacent site, which is currently occupied by surface car parking;
- the slender proportions of the tower make for an elegant building. However, this elegance depends on it being a tall, freestanding structure, which will eventually be compromised when the adjacent site is developed and another building attached to it;
- the cleaning gantry should be integrated in the design so as not to interfere with the sleek aesthetic of the building and the party walls should be treated with the same level of care as the main façade;
- given the limited space in the public realm the possibility of setting back and splaying the frontage at the entrance to provide a more welcoming entrance should be explored;
- the double height space is welcome and to further improve the ground floor space the lobby should be designed as a generous café with a lobby attached. Storage space and waste bins should be relocated to the basement to provide additional commercial space and help animate the long frontage on Station Street; and,
- the high quality of the architectural articulation and detailing of the facades creates an attractive building. The distinctiveness of the building, expressed in the horizontal detailing of the elevations, is apparent from distance but ways to create more visual interest at street level should be explored.

6.13. In response to these comments the scheme has been designed:-

- that if the adjoining site is developed then affected rooms could be retro-fitted to become windowless “sleep rooms” a room type BLOC Hotels have sold successfully in their existing hotels. In addition the applicant has undertaken massing studies to show how the adjacent site could be developed with offices or 2 residential buildings;
- with a two storey rooftop plant screen to give the building a clear and legible form;
- as a 360-degree building with the party walls treated the same as the main façade;
- with a double height chamfered set back entrance on the corner of Hill Street and Station Street together with double height glazing along the whole length of the Hill Street frontage and 10m along the Station Street frontage.

- with a café / restaurant to enliven the entrance lobby; and,
- to include lighting incorporated internally to the head of the window in each room.

6.14. Overall, I consider that the scheme is of the highest quality in terms of architectural form, detail and material. In particular, the façade and top of the building are well considered. Moreover, the double height entrance lobby and café restaurant would enliven the base of the building and be an attractive destination.

#### Transportation Issues

6.15. The plans seek to demolish an office building (1,312sqm GFA), and replace this with a hotel with 238 bedrooms. There is an existing BLOC hotel in Caroline Street in the Jewellery Quarter. The site is located on the corner of Hill Street and Station Street next to New Street station and Grand Central. Parking restrictions and traffic management measures have been modified in this area as a result of the redevelopment of New Street station and the site frontages are restricted by zig-zag markings for a zebra crossing on Station Street and pelican crossing on Hill Street. There are parking controls on the rest of the adjacent roads, with a single yellow line on the rest of the site frontage of Station Street and pay and display, loading and further single yellow lines on the opposite side of the road.

6.16. The offices currently have a service bay entrance on Station Street with a dropped footway crossing but this area can only accommodate a private car so deliveries are made by waiting on the single yellow TRO and trolleying goods across the footway. The TRO here allows loading if not deemed to be an obstruction; the carriageway is around 9 metres wide so if a vehicle is parked opposite and a vehicle is delivering to the hotel there is still about 4.5m to 5m width of carriageway available so two vehicles can pass. A goods vehicle may have to wait for a larger vehicle to pass but this section of road is about 20 metres from the junction with Hill Street, so the limited amount of servicing is unlikely to lead to any problems. Highway officers have visited the site and not observed any problems, and a condition on managing servicing is accepted by the applicants to manage their deliveries early in the morning.

6.17. BCC Transport Development were initially concerned about taxi drop-off and pick-up movements. There are no surveys in TRICS database of specific taxi movements related to hotels, and this is difficult to validate against different types of hotels. Given this hotel is 60 metres walk to New Street station they believe the taxi movements would be limited, and drivers would not risk parking on zig-zag restrictions that if abused leads to both a fine and points on the driving licence. The nearby Comfort hotel on Station Street was observed to have no taxis dropping off or picking up when Highway officers visited the site.

6.18. BCC Transportation Development have therefore raised no objections and as they recommended conditions are attached to secure the proposed cycle parking facilities, a delivery vehicle management scheme and construction management plan.

#### Impact on Heritage Assets

6.19. The existing building on the site, 'Gallan House,' is of low architectural and historic merit. It is not listed and it is not within a conservation area. There are however

several statutorily listed and locally listed buildings nearby. A Heritage Statement has therefore been submitted.

- 6.20. Under The Planning (Listed Buildings and Conservation Areas) Act 1990, the City Council, in determining the planning application, has a statutory duty to have special regard to the desirability of preserving the special interest and setting of the identified listed buildings.
- 6.21. Paragraph 131 of the NPPF states that in determining planning applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets, as well as the desirability of new development making 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 should be given to the asset's conservation (Paragraph 132).
- 6.22. At a local level Policy 3.25 of the UDP states that the setting of listed buildings will be preserved and enhanced. Policy TP12 of the emerging Development Plan states that new development affecting a designated or non-designated heritage asset or its setting, will be expected to make a positive contribution to its character, appearance and significance.
- 6.23. The Heritage Statement assesses the impact of the development on nearby listed building and notes that:-
- The Old Repertory Theatre (grade II) – the application site is not experienced as part of its immediate setting and does not contribute to the significance of the listed building;
  - 89 and 91, John Bright Street and 81-87 John Bright Street (grade II), Geoffrey Buildings (grade II) - the architecture of the listed buildings is experienced from John Bright Street and from Lower Severn Street, looking west towards the buildings' principal elevations. The application site is situated to the south and is not experienced as part of the setting of the listed buildings;
  - Skin Hospital (grade II) - the immediate setting of the Skin Hospital is comprised of the historic townscape along John Bright Street which is juxtaposed with 20th and 21st century towers rising behind the street frontage. The application site is not experienced as part of the setting;
  - Town Hall (grade I) - the view along Hill Street towards the application site from adjacent to the Town Hall is of low value; it comprises late 20th century blocks of varied styles, materials and quality. The application site itself is not visible. Neither the view, nor the application site, contributes to the significance of the Town Hall;
  - Former Futurist Cinema (locally listed) - the application site is situated to the east of the former cinema and the telephone exchange and is not visible from John Bright Street. The application site makes no contribution to the significance of the former cinema; and.

- Norfolk House and the Ringway Centre (both locally listed) - the application site is situated to the north and is not visible from Smallbrook Queensway. It makes no contribution to the significance of either locally listed building.

\*The report does not assess the impact of the development on the Athol Masonic Building II or The Synagogue II\* as they sit at the edge of the 250m radius of the Site, on the opposite (west) side of Suffolk Street Queensway.

- 6.24. The Heritage Statement concludes that the proposed development would not affect the significance of the identified heritage assets. I concur with this view and consider that it accords with paragraph 131 of the NPPF, Policy 3.25 of the UPD and Policy TP12 of the emerging Birmingham Development Plan.

#### Shadow Study

- 6.25. A sun path study has been undertaken, which illustrates the effect that proposed development would have during the summer and winter solstice and equinox conditions. The site experiences intermittent solar coverage throughout the day during the summer, spring and autumn months due to the overshadowing effect of the telephone exchange building and Beetham Tower. During winter months when the level of sunlight is lower, the tall buildings cluster at New Street south shades the area to the north of the site.

#### Wind and Micro Climate

- 6.26. A Wind Study has been submitted, which concludes that with the proposed development, wind conditions within the site are expected to be generally suitable, in terms of pedestrian safety, for the general public. Exceptions to this are the south and west corners of the proposed development where wind conditions are likely to be suitable, in terms of pedestrian safety, for the able bodied only. In terms of comfort, wind conditions within the site are expected to be suitable for the intended use of leisure thoroughfare / strolling and at worst, pedestrian transit / thoroughfare (A-B) in particular near the corners of the proposed development.
- 6.27. The proposed 300mm fins along the façade of the development provide a baffling effect and the Study recommends that the effectiveness of these are verified. A condition is therefore attached to secure a further Wind Study and appropriate mitigation measures.

#### Noise

- 6.28. An Environmental Noise Assessment has been carried to assess the impact of measured environmental noise on the building envelope. The report gives the required facade reduction indices that must be achieved by any glazing and vent combination. In addition a total sound power level limit has been calculated based on the M&E plant being located on the roof of the building. The noise assessment concludes the proposed development is acceptable with regard to noise.
- 6.29. BCC Regulatory Services have confirmed that they do not stipulate internal levels for hotels, but as recommended by them a condition to limit noise from plant and machinery.

#### Fume Extraction

- 6.30. The submitted Fume Extraction Strategy notes that:-

- supply and extract air would be provided by air handling plant positioned on the rooftop plantroom.
- no commercial Kitchens are to be provided within the building. A small Café may be provided at ground floor level however this would not require commercial grade ventilation and would be provided with local supply and extract ventilation via high level intake and discharge louvres
- boiler flues off the Hot Water Boilers located within the basement floor plantroom will discharge to atmosphere at high level on the ground floor. The report that notes in cold ambient temperatures this can often be significant and can cause a nuisance to local residents and building occupants. Therefore, careful consideration of the discharge position is important, as is control of system drainage.

- 6.31. BCC Regulatory Services have requested concerns about the kitchen ventilation, in particular, they advise that if a commercial / restaurant kitchen is a possibility in the future then suitable provision for installation of high level termination should be made. I share these concerns and am also concerned about the visual impact of the flues / louvres. I therefore consider it appropriate to ensure that cooking fumes are discharged to high level and a condition to secure these details is attached.

#### Ground Conditions

- 6.32. A Phase 1 Desk Study Report has been submitted with the application. It notes Made Ground as being present on site, which is considered to be a possible source of contamination. In addition, a former garage and filling station were recorded on the land immediately south. The Report considers that the site to be at risk of gaseous contamination and may require the installation of a ground gas membrane at time of construction. It therefore recommends a full Phase II investigation is completed. As recommended by BCC Regulatory Services a condition is attached to secure further details if unexpected contamination is found.
- 6.33. As recommended by the Local Lead Flood Authority and Severn Trent Water conditions are attached to secure drainage details.

#### Television, Radio and Telecommunications

- 6.34. Two reports have been submitted noting that :
- analogue television services were switched off throughout the midlands and the Central TV region during 2012, so no impacts can now occur to the reception of analogue services;
  - no interference has been identified for the reception of terrestrial digital television services (Freeview), as there are no viewers located in any areas where signal interference could occur;
  - no interference has been identified for any digital satellite television users as there are no satellite signal receive antennas (satellite dishes) in any theoretical digital satellite television signal shadow areas; and,
  - the proposed development is unlikely to have any adverse impacts or effects upon local telecommunications network operations.



- 6.35. Overall, the reports conclude that the proposed development is likely to have a neutral effect on the reception of television, radio and local telecommunications networks. As no impacts have been identified, both reports conclude that no mitigation measures are required.

#### Lighting

- 6.36. An External Lighting Statement has been submitted, which outlines the key components of the proposed lighting strategy:-
- recessed backlit signage integrated into the roof top plant screen;
  - no external lighting, instead, a recessed LED strip light would be incorporated internally to the head of the window in each room that provides a subtle glow to the surround; and,
  - the lighting to the ground floor and public realm areas at ground level would be warm white light to provide welcoming transitional areas
- 6.37. I consider that the Statement forms a sound basis for the external lighting of the building and do not consider it necessary to secure further details. However, as recommended by the Police a condition is attached to secure CCTV.

#### Ecology

- 6.38. In support of the planning application a Preliminary Ecological Assessment has been submitted. The Assessment concludes that:
- no evidence of roosting bats was recorded in the survey area;
  - all designated (statutory and non-statutory) sites in the local area were separated from the site by significant barriers to dispersal and proposals are not expected to affect the integrity of these sites.
  - a number of protected species in the local area were identified during the desk study, however the site was considered to offer limited suitability for these species.
  - the site boundary comprised of a single multi-storey office building. Adjacent habitats were noted and included a disused car park with encroaching buddleja scrub, multi-storey buildings and tarmacked roads and pavements.
  - the affected building was of negligible bat potential and no further survey work is required;
  - no evidence of previous bird nests were identified and the building (B1) was of very limited suitability for nesting bird species and no impacts are expected. Should any nearby off-site vegetation require removal during the breeding bird season (April-September), it must first be checked by a suitably qualified ecologist.
- 6.39. On this basis, subject to the recommendations in the report, I do not consider that any specific ecology conditions are necessary.

#### Community Infrastructure Levy and Other Planning Benefits

- 6.40. The City Council introduced its Community Infrastructure Levy on the 4th January 2016. CIL is payable on all hotels within the City Centre based on £27sqm, which in this instance would result in a payment of circa £130,000. In addition to this CIL payment, I consider it appropriate to secure public realm improvements around the building a commitment to local employment and training.

- 6.41. With regard to the public realm, the area on Hill Street in front of the proposed building has been repaved as part of the Section 278 Highway Works for New Street Station – the materials are of high quality granite blocks. The proposed public realm scheme for the remainder of Hill Street is funded in part by the Local Growth Fund as a strategic project, which could potentially draw from CIL as per the Regulation 123 list. Therefore seeking a S106 towards the Hill Street project would be contrary to CIL rules.
- 6.42. However, the site also has an interface with Station Street, which is markedly different in character, as this side of the street has never had any upgrade of materials and is still black-top as the building and adjoining vacant site have been awaiting redevelopment in order for the footways to be improved. The new hotel development will demand a higher-quality surrounding environment to be attractive and safe for its customers and to improve the quality of pedestrian connectivity within the area in line with BDP Policy GA1.4 Connectivity and Policy TP38 Walking. I therefore consider that that as a direct result of this development, the improvement of the footway on Station Street (for that part fronted by the application site) is appropriate. These works can be secured via a Section 278 Highways Agreement (rather than a S106 Planning Agreement) and should include improvements to the footway adjoining the new building with concrete pavers to match those on the opposite side of Station Street adjacent to the telephone exchange/theatre.
- 6.43. In addition, given the scale and nature of development I consider it reasonable to require the developer to commit to local employment and training. This is secured via a planning condition rather than a S106 Planning Agreement.

## 7. Conclusion

- 7.1. In principle, redevelopment of the existing 1960's office building with a hotel and ground floor café restaurant would be consistent with local and national land use planning policies. The proposed development would also be consistent with the City Council's aspiration to regenerate the Southside of New Street Station.
- 7.2. Although the application site falls outside the Central Ridge Zone (CRZ) as set out in High Places and is not located on other sites specifically identified appropriate for tall buildings, I consider that the applicant has put forward a strong justification as to why the site is suitable for a tall building. I therefore consider that the proposed tower meets the "exception" test in High Places.
- 7.3. The proposed building has been through an independent Design Review process undertaken by CABE who 'commended' the design solution presented. The building is of exceptional design quality, which would create an easily recognisable landmark for the city and make a unique and valuable contribution to the city's skyline. In particular, at street level, the double height reception lobby / café would welcome visitors and help enliven the street.
- 7.4. The application is supported by various technical documents, which show that subject to safeguarding conditions the proposed development would not have unacceptable impacts on the surrounding area.
- 7.5. The site is in a highly sustainable location close to New Street Station. The site is therefore easily accessible by public transport and BCC Transportation support the proposed development. To further improve the public realm around the building a condition is attached to secure footway enhancements along Station Street.

7.6. I therefore consider that subject to suitable safeguarding conditions the proposed development is acceptable and recommend that it be approved.

8. Recommendation

8.1. Approve subject to conditions.

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|----|--|
| 1  | Requires the submission of unexpected contamination details if found   |
| 2  | Requires the prior submission of a drainage scheme   |
| 3  | Requires the prior submission of a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan |
| 4  | Requires the prior submission of extraction and odour control details  |
| 5  | Limits the noise levels for Plant and Machinery  |
| 6  | Requires the prior submission of a construction method statement/management plan   |
| 7  | Requires the prior submission of sample materials  |
| 8  | Requires the scheme to be in accordance with the listed approved plans   |
| 9  | Requires the prior submission of an obstacle lighting scheme   |
| 10 | Requires the prior submission of a CCTV scheme   |
| 11 | Secures an employment policy   |
| 12 | Requires further details of wind mitigation measures   |
| 13 | Removes PD rights for telecom equipment  |
| 14 | Requires the provision of cycle parking prior to occupation  |
| 15 | Requires the prior submission of details of a delivery vehicle management scheme   |
| 16 | Requires the prior submission and completion of works for the S278/TRO Agreement   |
| 17 | Limits the approval to 3 years (Full)  |
- 

Case Officer: David Wells

## Photo(s)



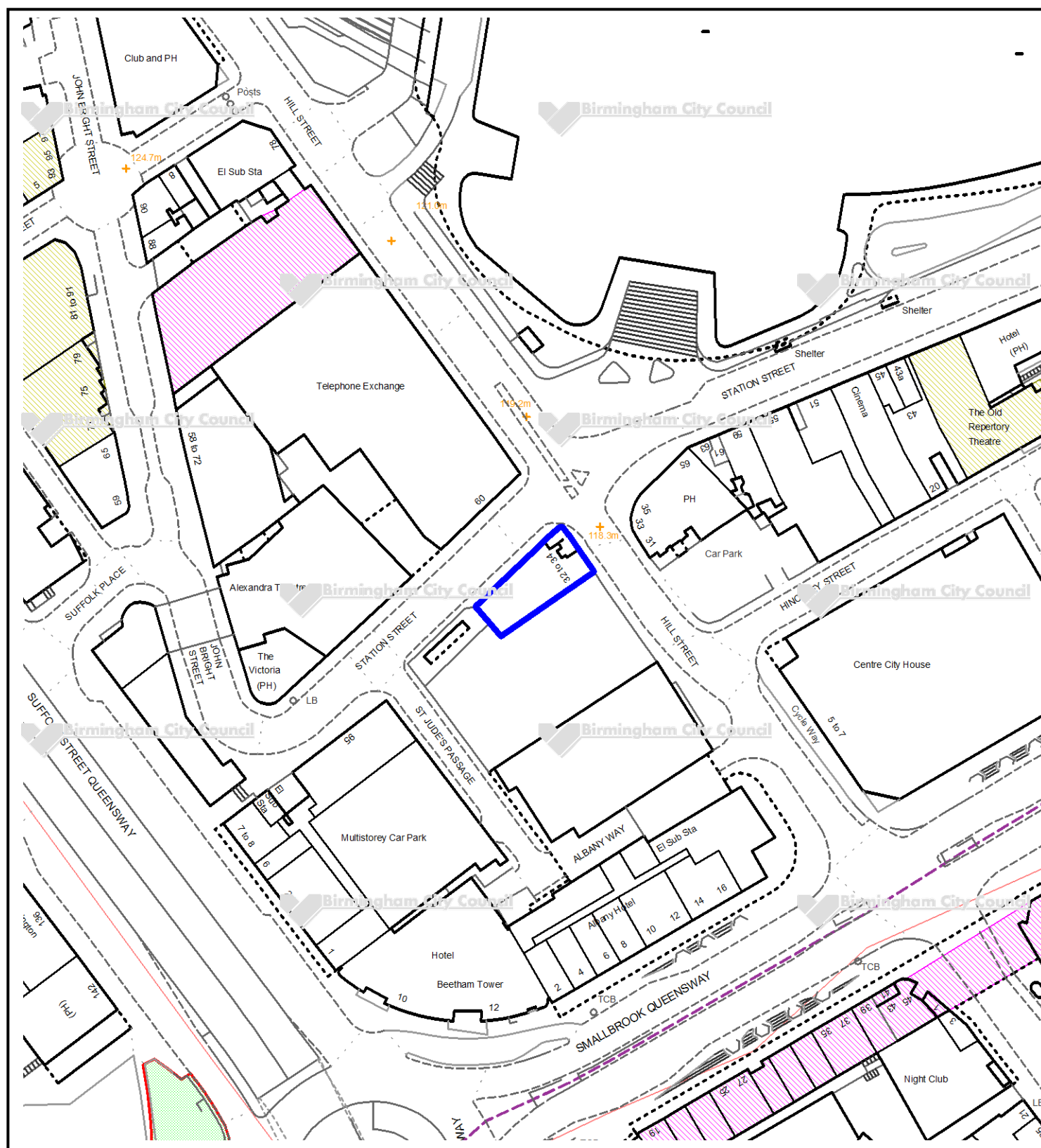
View along Hill Street





View from Southern Entrance to New Street Station

## Location Plan



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Committee Date:	01/09/2016	Application Number:	2016/06762/PA
Accepted:	09/08/2016	Application Type:	Demolition Determination
Target Date:	06/09/2016		
Ward:	Nechells		

**Birmingham Wholesale Markets, Pershore Street, Birmingham, B5**

**Application for prior notification of proposed demolition of Birmingham wholesale markets**

Applicant:	Birmingham City Council 2nd Floor, 1 Lancaster Circus, Queensway, PO Box 28, Birmingham, B1 1TU
Agent:	Acivico 1 Lancaster Circus, Queensway, Birmingham, B4 7DG

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Recommendation

**Prior Approval Required And To Approve With Conditions**

1. Proposal

- 1.1. This application, made under Part 11 of the General Permitted Development Order 2015, is to determine whether the prior approval of the method of demolition, or the site remediation following demolition works, for the demolition of the Wholesale Markets is required.
- 1.2. This submission proposes the demolition of the majority of the buildings on the wholesale market site, including the principal markets building, the meat and fish market buildings, the cold store and the warehouses flanking Barford Street on the site's southern and Bradford Street on the north-eastern edges. Smaller buildings within the site to be demolished include cafes, banks and offices together with a waste compactor area.
- 1.3. The applicant has confirmed that the method of demolition will be via progressive demolition rather than explosive means. Demolition would be down to slab level only.
- 1.4. Normal demolition working hours are between 08:00 and 18:00 Monday to Friday and 08:00 to 12:00 on Saturdays.
- 1.5. Following demolition, the site would be cleared and the existing boundary walls retained, with walls from the warehouse and cold store building that form part of the boundaries reduced in height to match the existing boundary walls.
- 1.6. Manor House is to remain operational during and after the demolition works, with a potential for allocated staff parking for up to 150 vehicles retained within the wholesale markets site access off Dean Street. Access to an underground car park used by street market traders would be retained, also access off Dean Street.
- 1.7. Demolition works are due to commence in March 2017 and last for 6 months.

1.8. The public house on the corner of Barford Street and Bradford Street (formerly the Mercat) and the two multi-storey car parks on Moat Lane and Pershore Street are not included within the scope of this submission and are not proposed to be demolished as part of these works.

1.9. A location plan together with both Bat and Black Redstart Surveys have been submitted in support of this application.

1.10. [Link to Documents](#)

## 2. Site & Surroundings

2.1. The application site consists of a number of buildings in and around the Wholesale Markets site that forms the catalyst for the redevelopment of the Birmingham Smithfield part of the city centre.

2.2. Buildings to be demolished are utilitarian in their appearance, generally consisting of brick facings with metal roofs and date from the 1970's. The markets site was constructed as a purpose built facility including many ancillary functions including a shop, cafes, a public house and banks for staff and visitors.

2.3. The site is approximately 2.5m higher than street level along Sherlock Street, Pershore Street and Bradford Street; however the site is much lower than street level at its northern end adjacent to Upper Dean Street.

2.4. The wider area is in a mixture of uses.

2.5. [Site Location](#)

## 3. Planning History

3.1. 23.03.1972 – Approval – Erection of wholesale markets

## 4. Consultation/PP Responses

4.1. Transportation Development – No objection to the demolition works subject to the provision of a suitable Demolition Method Statement.

4.2. Regulatory Services – No objection but recommend mitigation measures to control dust, noise and asbestos removal and that equipment is located on site, as far as practical, away from neighbouring residential uses.

4.3. Ward Members, the MP and Residents Associations' consulted without response. Developer has displayed the requisite notices on site. No representations received.

## 5. Policy Context

5.1. General Permitted Development Order 2015; and Birmingham Smithfield Masterplan (March 2016)

## 6. Planning Considerations

## BACKGROUND



- 6.1. The proposed demolition works comprise the first stage of the realisation of the Smithfield masterplan which would ultimately result in the comprehensive redevelopment of some 14 hectares of land in the heart of the city potentially delivering 300,000 sq.m of floorspace and 2,000 new homes with an investment value of over £500 million. Integral to this project is the relocation of the markets to a new purpose built site in Perry Barr which is under construction.

#### PRINCIPLE

- 6.2. The GPDO 2015 gives local authorities the opportunity to control the method of demolition and site remediation, with the *SAVE* judgement in 2011 extending the requirement for approval for buildings other than dwellings.
- 6.3. This building has no architectural or historic merit and there are no unusual or constrained site conditions that would result in a difficult or unusual demolition process. Asbestos would be removed in accordance with the relevant legislative requirements. The property is not listed as a community asset.
- 6.4. Neighbouring uses are varied including commercial/retail, industrial, hotel and residential (including serviced apartments). However given the city centre location of the site, the existing high ambient noise levels (including at unsociable times) and the limited period of demolition works, I do not consider there to be any material noise or dust issues that could not be controlled through a condition requiring a Demolition Method Statement. Regulatory Services concur with this conclusion and recommend that a strategy for handling asbestos and the location of equipment of site (to, as far as practical, be located away from neighbouring residential uses) is included within the method statement. I concur with this recommendation and the appropriate wording is included.
- 6.5. Ecological surveys have been submitted in support of this submission which finds that there are both nesting and feeding birds on the site (seagulls). It is unlikely that Black Redstarts will be using the site given the large gull colony nesting within the roofs on the site. The reports confirm that the buildings are unsuitable for both bat roosting and use by Black Redstarts, largely due to the colony of gulls using the site, and no further surveys or mitigation measures are recommended. The City's Ecologist concurs with the conclusions of these reports and notes that the cleared site may offer foraging habitat for the Black Redstart. He adds that as the demolition works will take place within the bird breeding season a method statement will be required to demonstrate how any nesting gulls will be managed.
- 6.6. As the development proposes demolition down to slab level only there would be no archaeological implications.
- 6.7. Transportation Development considers that due to the scale of the project a Demolition Method Statement is required. I concur with this recommendation and an appropriate condition is recommended. The detailed methodology including vehicle routings etc. will only be known once a demolition contractor is appointed.
- 6.8. I consider the principle of the demolition works and method of site restoration measures acceptable. I consider that the prior approval of the Demolition Method Statement and a Method Statement for dealing with any nesting birds should be required.

#### 7. Conclusion

7.1. The buildings proposed to be demolished have no architectural merit and the existing boundary treatment is sufficient to secure the site in the short term. I raise no objection to the proposed method of demolition or site restoration.

7.2. A method statement describing how the issue of nesting birds will be managed and the details of the demolition process is required, therefore I recommend that prior approval be required and is approved subject to appropriately worded conditions.

8. Recommendation

8.1. That prior approval be required and the application is approved.

---

1 Requires the prior submission of a demolition ecological mitigation plan (nesting birds)

2 Requires the prior submission of a demolition method statement/management plan

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Case Officer: Nicholas Jackson

**Photo(s)**



Figure 1 – Main Entrance



Figure 2 – Markets



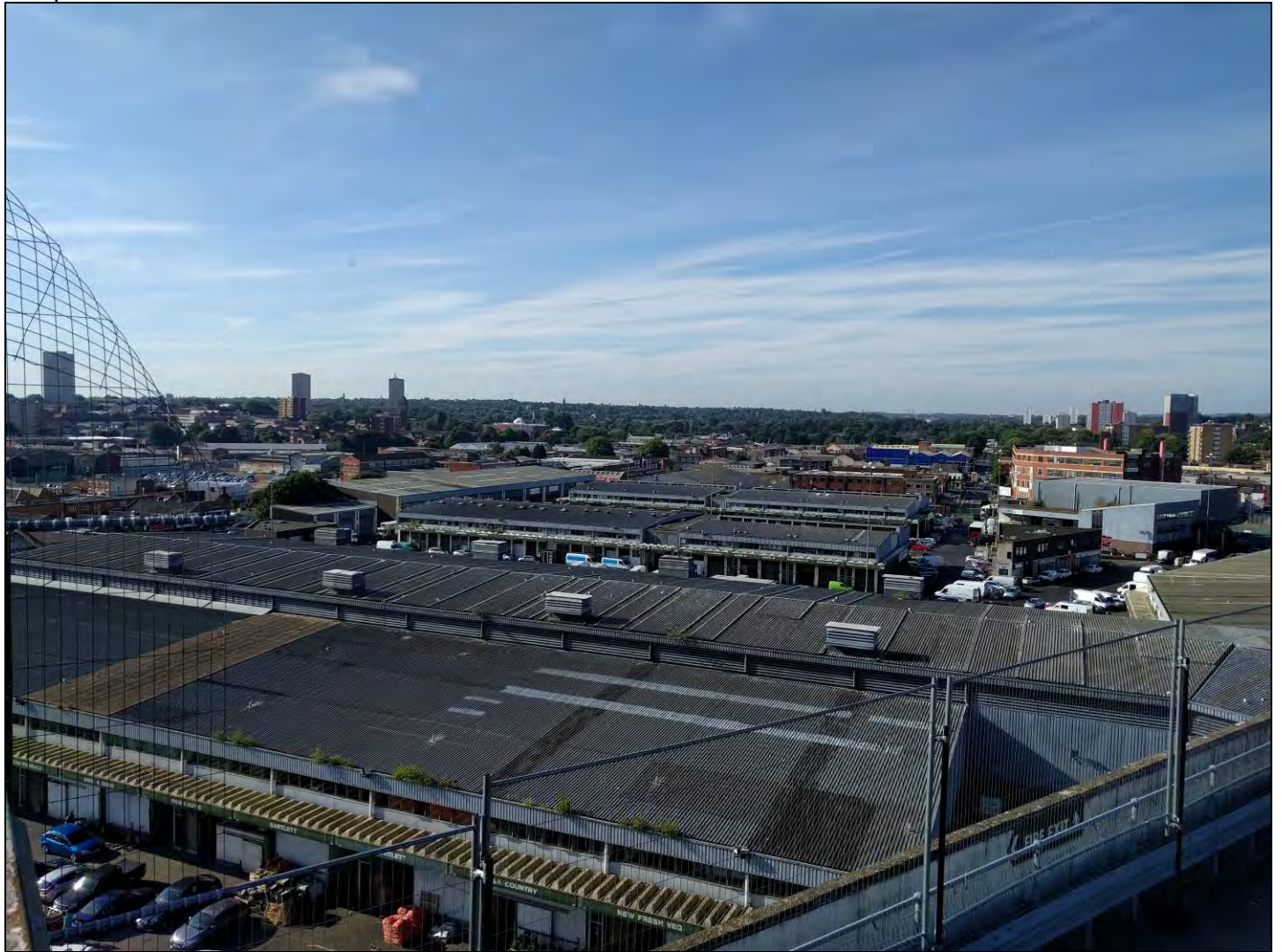
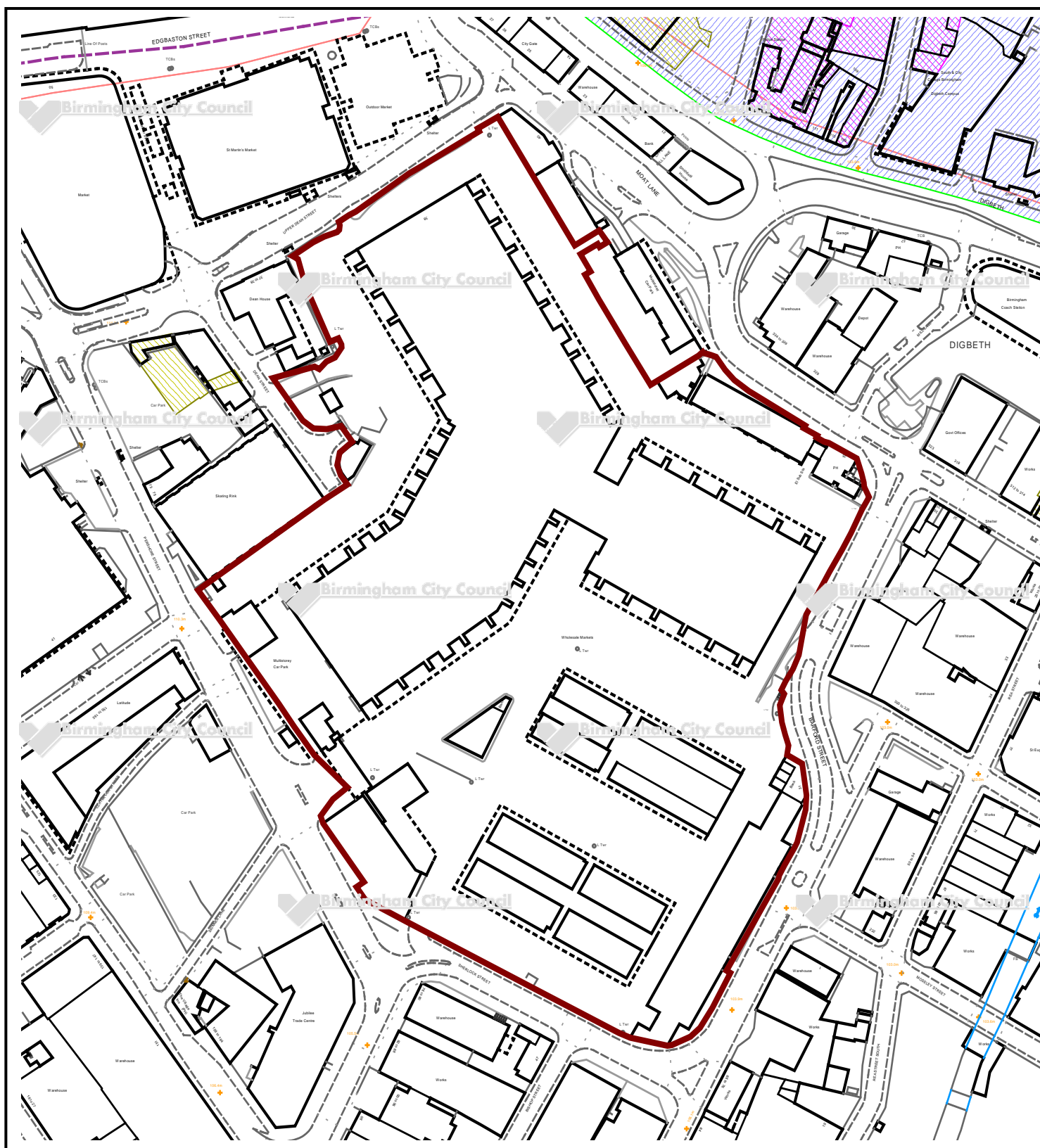


Figure 3 – Market Complex



Figure 4 – Panoramic View

## Location Plan



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# **Birmingham City Council**

## **Planning Committee**

**01 September 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	11	2016/05838/PA  567 Stratford Road Land adjacent to Sparkhill Birmingham B11 4LS  Erection of a single storey unit for use as A1 retail
Approve - Conditions	12	2016/06127/PA  British Pushtoon House 112 Hob Moor Road Bordesley Green Birmingham B10 9BU  Installation of a 20m high monopole telecommunication mast, incorporating 3no. antennas, 2no. 300mm transmission dishes and 3no. equipment cabinets and ancillary equipment
Approve - Temporary	13	2016/05961/PA  Hob Moor Road Yardley Birmingham B25 8UX  Display of 4 non illuminated free standing post mounted signs
Approve - Temporary	14	2016/05959/PA  Shirley Road Acocks Green Birmingham  Display of 3 non illuminated free standing post mounted signs



Committee Date:	01/09/2016	Application Number:	2016/05838/PA
Accepted:	11/07/2016	Application Type:	Full Planning
Target Date:	05/09/2016		
Ward:	Springfield		

567 Stratford Road, Land adjacent to, Sparkhill, Birmingham, B11 4LS

Erection of a single storey unit for use as A1 retail

Applicant:	Mr Saqib Hameed 47 Willersley Road, Birmingham, B13 0AX
Agent:	Mr Illyas Maljee 25 Tyseley Lane, Birmingham, B11 3PT

#### Recommendation

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

1. Proposal
  - 1.1. [Link to Documents](#)
  - 1.2. This planning application seeks consent for the provision of a single storey building to be used as a retail unit (A1 use class) on a corner plot of land adjacent to 567 Stratford Road at the junction of Stratford Road, Showell Green Lane and Ivor Road, in Sparkhill, Birmingham.
  - 1.3. The proposed building would provide approximately 60sq.m of internal floorspace and would provide a staff room, W.C, storage area, customer serving area and refuse store with access into the building gained from a single leaf glazed door located on the building's Stratford Road frontage.
  - 1.4. The building would have a glazed shop front with curved windows following the line of the building along the Stratford Road frontage and Showell Green Lane frontage with facing brick columns dividing the display windows with signage above each glazed display window.
  - 1.5. Whilst the building would have a flat roof this would be screened from view at ground level by a raised parapet in facing brickwork to match the rest of the proposed building and designed in a manner to match adjacent buildings in the locality.
  - 1.6. The proposed building would measure 4.8m in height from ground level to the top of the roof parapet and 4.1m to the flat roof level.
2. Site & Surroundings
  - 2.1. The application site relates to a hard surfaced vacant plot of land adjacent to 567 Stratford Road, Sparkhill which occupies a prominent corner position at the junction of Stratford Road, Ivor Road and Showell Green Lane.



- 2.2. The application site is located within the primary shopping area of the Sparkhill Neighbourhood Centre and a mixture of commercial and residential activities along a busy arterial route (Stratford Road) that serves south east Birmingham.
- 2.3. [Location of Site](#)
3. [Planning History](#)
- 3.1. 2016/04272/PA – Planning Application – Erection of a single storey unit for use as a hot food takeaway (A5 use class) at Land Adjacent to 567 Stratford Road, Sparkhill, Birmingham, B11 4LS – Withdrawn – 01/07/16.
4. [Consultation/PP Responses](#)
- 4.1. Residents Associations, local residents and ward members consulted with the following comments received.
- 4.2. 3 no. petitions with 79 no. signatures from local business owners, residents and the local community objecting to the proposal on the following points;
- The parking at the bottom of Showell Green Lane is always occupied, and the red lines along Stratford Road allow no parking and there is no available parking at the proposed site.
  - Highways Department will not approve any reduction in visibility at the junction of Showell Green Lane and Stratford Road.
  - Pedestrian safety will be in danger, especially for the elderly and mothers with young children and infants in pushchairs.
  - The planning application has incorrect information in its submission related to the existing plans and elevations as they do not show the existing side elevation with ground floor windows. The retail unit at no. 567 has inherited rights to natural light into its premises and any development cannot be allowed to restrict or block light.
  - The proposed building would ruin the outlook of the corner site and would not suit the local architectural heritage of the neighbourhood.
- 4.3. Transportation Development – No objection, subject to the following comments;
- The proposed would result in a maximum parking provision of between 4 no. and 5 no. spaces, dependent upon comparison or convenience retail end use. This is not considered likely to be significant given the in-centre location and the associated likelihood of movements to / from the retail use forming part of shared-purpose trips.
  - The doors to the proposed refuse store on the Showell Green Lane frontage appear to open outwards over public highway. This is not considered acceptable and a suitable condition should be added to any consent to secure amended door details.
  - Recommend that cycle storage is secured by condition.
- 4.4. Regulatory Services – No objection, subject to condition;
- Hours of use restricted to between 08:00 and 18:00 Monday to Saturday and 09:00 and 16:00 Sundays.
5. [Policy Context](#)

- 5.1. NPPF (2012), Adopted UDP (1995), Draft BDP (2012), SPG Places for All (2001), SPG Places For Living (2001), SPD Car Parking Guidelines (2012), Shopfronts Design Guide SPG, Shopping and Local Centres SPD.

6. Planning Considerations

*Principle of Development*

- 6.1. The proposal relates to a vacant site that is currently open to the streetscene and occupies a corner plot and is currently surrounded by other commercial and residential uses.
- 6.2. The site is also within a sustainable location and within the boundary of the Sparkhill Neighbourhood Centre. As such I consider that the principle of retail development to be acceptable in this instance and in accordance with Shopping and Local Centres SPD, Car Parking Guidelines SPD, Birmingham UDP and the Draft Birmingham Development Plan.
- 6.3. The other main considerations in the assessment of this application are the impact upon the surrounding visual and residential amenities and potential impacts upon the surrounding highway.

*Visual Amenity*

- 6.4. Places for All (2001), states that “the main access to buildings should be from the public realm with well-defined entrances at frequent levels. More entrance points encourage more life onto the street. This can make places feel more safe and secure”.
- 6.5. In addition, the document states that ‘frontages’ should be as active as possible, particularly at ground level and that main windows, such as those of shop fronts should be public facing.
- 6.6. It is considered the proposal would be acceptable in this regard with the provision of an access door from the Stratford Road frontage along with large glazed window units on the public facing frontages of Showell Green Lane and Stratford Road and as such accords with Places for All in this regard.
- 6.7. The proposal seeks to provide a single storey building on a piece of hard surfaced land that is currently vacant and occupies a prominent corner position at the junction of Stratford Road and Showell Green Lane.
- 6.8. At present no. 567 Stratford Road provides a gable end wall with a large area of blank wall with glazing above floor level that offers little in the way of good design and streetscape and instead detracts from this prominent location.
- 6.9. The applicant has previously engaged in pre-application discussions with the LPA prior to submission in order to firstly establish the principle of a building in this location and secondly, the design and detailing.
- 6.10. In the first instance when looking to provide a new building in a location such as this, i.e. at the end of a parade of two and half storey buildings, we would seek to ensure that a building of a similar scale is provided to as to provide continuity in design and scale along the parade.

- 6.11. Such an approach was initially explored by the applicant but became apparent that a two and half storey building in his location would not be possible due to the provision of a number of existing windows at first and second floor level on the buildings side (gable end) elevation that provide natural light to residential accommodation that needed to be retained.
- 6.12. As such, the option of a single storey unit was explored with pre-application advice obtained from the LPA which considered that a single storey unit could be an acceptable design solution in this instance. Whilst a single storey building is not always an ideal design solution, it is considered that the proposal which makes efficient use of the site within the context of the identified constraints would not represent a reason for refusal.
- 6.13. In this case, the proposed single storey building at a level (2.5m) below the existing first and second floor residential windows, would not adversely impact upon overlooking or outlook.
- 6.14. The building would be constructed with a flat roof that would be screened by a brickwork parapet. Whilst the proposed parapet screens the flat roof from ground level it also provides an element of design interest to the roof area and when viewed against the existing gable end wall through the provision of coping and cornice brickwork detailing which is considered to be a suitable design solution in this location.
- 6.15. The building has been designed to use all of the available site and as such is of a curved nature with the eastern edge (when viewed from Stratford Road) of the building proposing a curved glazed window element that is considered to address the corner at Showell Green Lane and Stratford Road satisfactorily whilst also providing an active frontage through the continuation of glazed windows to both roads at the junction as possible.
- 6.16. The proposal is considered to appropriately incorporate design detailing from nearby buildings through the continuation of the horizontal shop front heights of the existing parade of commercial units along with the provision of brick pillars and brickwork detailing between the glazed window units which helps to set the building in the context of existing buildings in the locality.
- 6.17. Subject to the imposition of a planning condition ensuring that appropriate materials, such as the facing brickwork, are used in its construction and that appropriate security shutters are provided in accordance within the Shopfront Design Guide SPG the proposal would positively enhance this prominent corner plot and accord with Places for All SPG.

#### *Neighbour amenity*

- 6.18. The proposal would not have a detrimental impact on the neighbouring residential units as it represents the provision of a new building at ground floor level only whilst neighbouring residential accommodation is at first and second floor levels above existing, adjoining retail space.
- 6.19. The proposed building would be located centrally within an established neighbourhood centre that provides a variety of services at all times of day and is located adjacent to a busy public highway that is an arterial route in the south of Birmingham.

- 6.20. It is noted from the plans that the elevation drawings of the existing gable end fail to display the existing side glazed shop window and single leaf access door that were evident during site visit and which have also been raised by local residents, community and business owners.
- 6.21. However, the application has been assessed with the existing gable end elevation (with the current window and doors in situ) in mind and the proposal would abut the gable end wall of no. 567 and would necessitate the removal of the ground floor side window and door, a concern voiced by the objections received. The removal of this window would still leave the building's main shop front window and door onto the Stratford Road frontage in place and would provide the ground floor accommodation of no. 567 with natural light.
- 6.22. The removal of the side window and door and the attachment of the proposed building to the gable wall of no. 567 would be the subject of a separate party wall agreement which would require further discussions and agreements between the relevant land owners and which falls outside of the remit of the planning system, and therefore this planning application.
- 6.23. Regulatory Services have raised no objection to the proposal subject to the provision of a planning condition restricting the hours of operation of the unit to between the hours of 08:00 and 18:00 Monday to Saturday and 09:00 and 16:00 Sundays.
- 6.24. However, given the site location within a densely populated area of commercial and retail units which operate to far longer hours of use (many of which are unrestricted) and the limited number of residential properties in close proximity to the site it is not considered necessary to impose an hours of use restriction in this case.
- 6.25. Therefore I do not consider that the proposal would have any detrimental impact on residential amenity

#### *Highway and Transport*

- 6.26. The application site is situated within a sustainable location and within the Springfield Neighbourhood Centre which is well served by good public transport links.
- 6.27. Concerns have been raised by objectors to the proposal that insufficient parking is proposed and that the siting of the proposal would adversely impact upon highway visibility at the junction with Showell Green Lane and Stratford Road.
- 6.28. The Car Parking Standards SPD provides maximum parking standards guidance for retail proposal and in this case would result in a maximum parking provision of between 4 no. and 5 no. spaces, dependent upon comparison or convenience retail end use.
- 6.29. However, given the site's location within an existing, established neighbourhood centre surrounded by existing retail and service units along with the availability of in centre parking provision and the likelihood of associated movements to and from the retail use forming part of shared-purpose trips, the lack of dedicated onsite parking provision is not considered to be significant issue in this case, a view shared by Transportation Development.

- 6.30. Also, the proposal would not exceed any boundary or encroach on the public highway, and therefore no footway width reduction surrounding the application site at the junction of Showell Green Lane and Stratford Road would result from the proposal. Given the left turn only and one way road system along Showell Green Lane towards and onto Stratford Road it is considered that the proposal would not adversely impact upon overall highway visibility at this junction.
- 6.31. Transportation Development have stated that they have concerns regarding the doors shown on the submitted plans for the proposed refuse store, which fronts onto the Showell Green Lane frontage and how they appear to open outwards over public highway.
- 6.32. Given the narrow footway width in this location, Transportation Development are of the view that such provision is not considered to be acceptable and that a revised door setup should be employed. As such, a suitable planning condition to secure amended door details is recommended.
- 6.33. Furthermore, they have also recommended that cycle storage is secured by planning condition. However, the provision of such storage would not be possible within the application site, given that the building encompasses the full site footprint and given the sites in-centre location the provision of such is not considered necessary to make the proposal acceptable in planning terms.

## 7. Conclusion

- 7.1. The site is also within a sustainable location and within the boundary of the Sparkhill Neighbourhood Centre and subject to the imposition of a planning condition ensuring that appropriate materials are used in its construction and that appropriate security shutters are provided in accordance within the Shopfront Design Guide SPD the proposal would positively enhance this prominent corner plot within the neighbourhood centre.

## 8. Recommendation

- 8.1. Approve, subject to conditions.

- 
- |   |   |
|---|---|
| 1 | Limits the approval to 3 years (Full)   |
| 2 | Requires the scheme to be in accordance with the listed approved plans          |
| 3 | Requires the prior submission of sample materials                               |
| 4 | Requires the prior submission of details of any roller shutters to be installed |
| 5 | Requires the prior submission of amended door details for the refuse storage    |
- 

Case Officer:            Mohammed Nasser

## Photo(s)



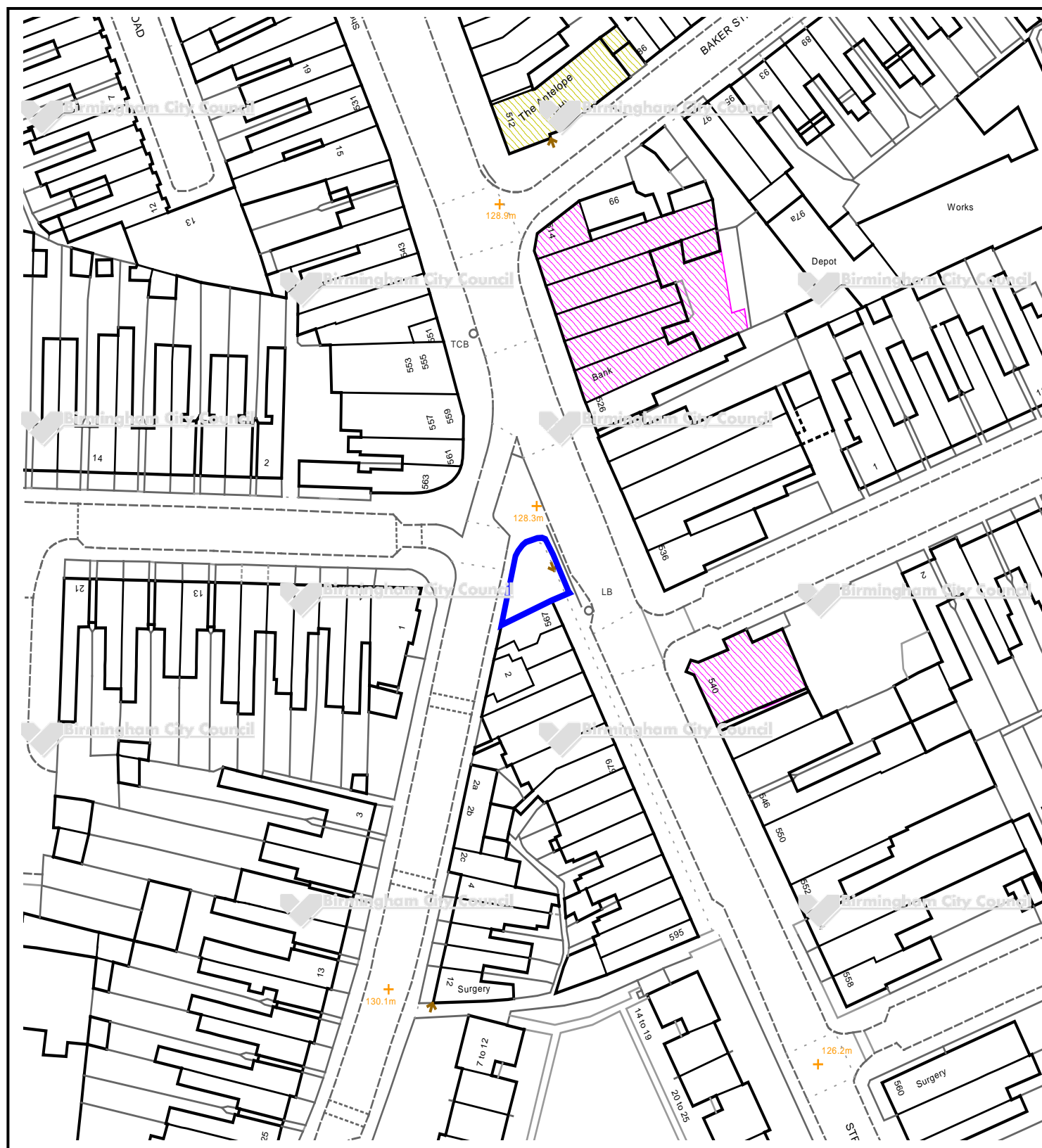
**Fig 1 – View of Site and no. 567 Stratford Road**



**Fig 2 – Side elevation of no. 567 Stratford Road**



## Location Plan



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Committee Date:	01/09/2016	Application Number:	2016/06127/PA
Accepted:	20/07/2016	Application Type:	Full Planning
Target Date:	14/09/2016		
Ward:	Bordesley Green		

British Pushtoon House, 112 Hob Moor Road, Bordesley Green, Birmingham, B10 9BU

Installation of a 20m high monopole telecommunication mast, incorporating 3no. antennas, 2no. 300mm transmission dishes and 3no. equipment cabinets and ancillary equipment

Applicant: EE Ltd  
Trident Place, Mosquito Way, Hatfield, AL10 9BW  
Agent: The Harlequin Group  
Innovation Centre, Maidstone Road, Chatham, Kent, ME5 9FD

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Recommendation

**Approve Subject To Conditions**

1. Proposal

- 1.1. This application proposes the installation of a 20m high monopole telecommunication mast, incorporating 3no. antennas, 2no. 300mm transmission dishes and 3no. equipment cabinets and ancillary equipment located to the rear and within the grounds of British Pushtoon House on Hob Moor Road.
- 1.2. The proposed development is submitted in order to maintain mobile phone network coverage to this part of Birmingham by EE Limited. The proposal has been made to replace equipment previously installed at the grounds of Waverley School, approximately 120 metres to the west of the application site. The school site is in the process of being redeveloped, and through the redevelopment a replacement mast site was required. Alternative sites have been investigated with various sites being discounted on the grounds of inappropriate siting.
- 1.3. The proposed telecommunications apparatus consists of one 20m high monopole mast containing three antennas within a GRP shroud and two 300mm transmission dishes. The 3 no. cabinets would measure 0.6m (d) x 0.6m (d) x 1.2m (h); 0.6m (d) x 0.6m (d) x 1.6m (h); and 0.6m (d) x 0.6m (d) x 1.1m (h). The cabinets would be located to the rear of the existing building.
- 1.4. The agent has submitted a declaration that the proposal would meet the ICNIRP requirements.

1.5. [Link to Documents](#)



## 2. Site & Surroundings

- 2.1. The application site is located to the rear of a former ambulance station. It is currently vacant however a current planning application (reference: 2016/02536/PA) proposes use of the site as a community centre.
- 2.2. The surroundings to the site are predominantly residential in nature, with residential located to the south and west of the site. To the immediate north of the site lies the Tamarind Centre, an NHS mental health centre. To the immediate east of the site lies the Little Bromwich Centre, an NHS dementia care centre. The nearest schools to the application site are located 120m to the north at Waverley School and 330m to the east at Starbank School.

## 2.3. Site Location

## 3. Planning History

- 3.1. Current application - 2016/02536/PA - Change of use from ambulance station (Use Class Sui Generis) to a community centre (Use Class D1).

## 4. Consultation/PP Responses

- 4.1. Regulatory Services – no objection.
- 4.2. Site notice erected. Ward members and neighbours notified. Two letters of objection have been received from local residents, citing concerns regarding health impacts of the proposed equipment.

## 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. It is considered that the proposed installation of a new monopole antenna at this location is appropriate in respect of its siting as it would be set back from the main road, approximately 75m away from the residential properties on the opposite side of Hob Moor Road, and approximately 50m away from the rear of residential properties on Hob Moor Close. The proposed location would not result in the loss of car parking associated with the British Pushtoon House.
- 6.7. The proposed monopole would be similar in appearance to a lighting column. The proposed height of 20m does exceed the height of the surrounding trees and infrastructure however it is acknowledged that the height is required to secure the telecommunications reception and reach of the mast through the existing trees and other infrastructure. The current siting proposes a less visually intrusive location than the sites identified by the applicant in the alternative sites assessment. The existing surrounding trees also provide a degree of coverage to the proposed telecommunications infrastructure to be installed, reducing the scale of the monopole further.
- 6.8. The proposed equipment cabinets would appear as part of the existing furniture within the rear car park and would not appear obtrusive or isolated.
- 6.9. On this basis, it is considered that the proposals are acceptable in respect of siting and appearance.

#### *Impact on Health*

- 6.10. Whilst I note objections received on this matter, paragraph 46 of the NPPF advises that the Local Planning Authority must determine applications on planning grounds. They should not 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.

- 6.11. The application is accompanied by a valid ICNIRP certificate. The certificate provides assurance that the equipment complies with both national and international emissions standards and that the proposed design and location allows the equipment to operate well within the parameters set by the ICNIRP standard. As such, no further consideration can be given with regard to health issues.

7. Conclusion

- 7.1. The application proposals relate to the installation of a 20m monopole and associated infrastructure to replace that located at Waverley School which is in the process of being redeveloped. The proposals are acceptable in respect of siting, appearance and health implications. For the reasons set out above, the application should be approved.

8. Recommendation

- 8.1. Approve subject to conditions.

- 
- |   |  |
|---|--|
| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Limits the approval to 3 years (Full)                                  |
- 

Case Officer: Claudia Clemente

## Photo(s)



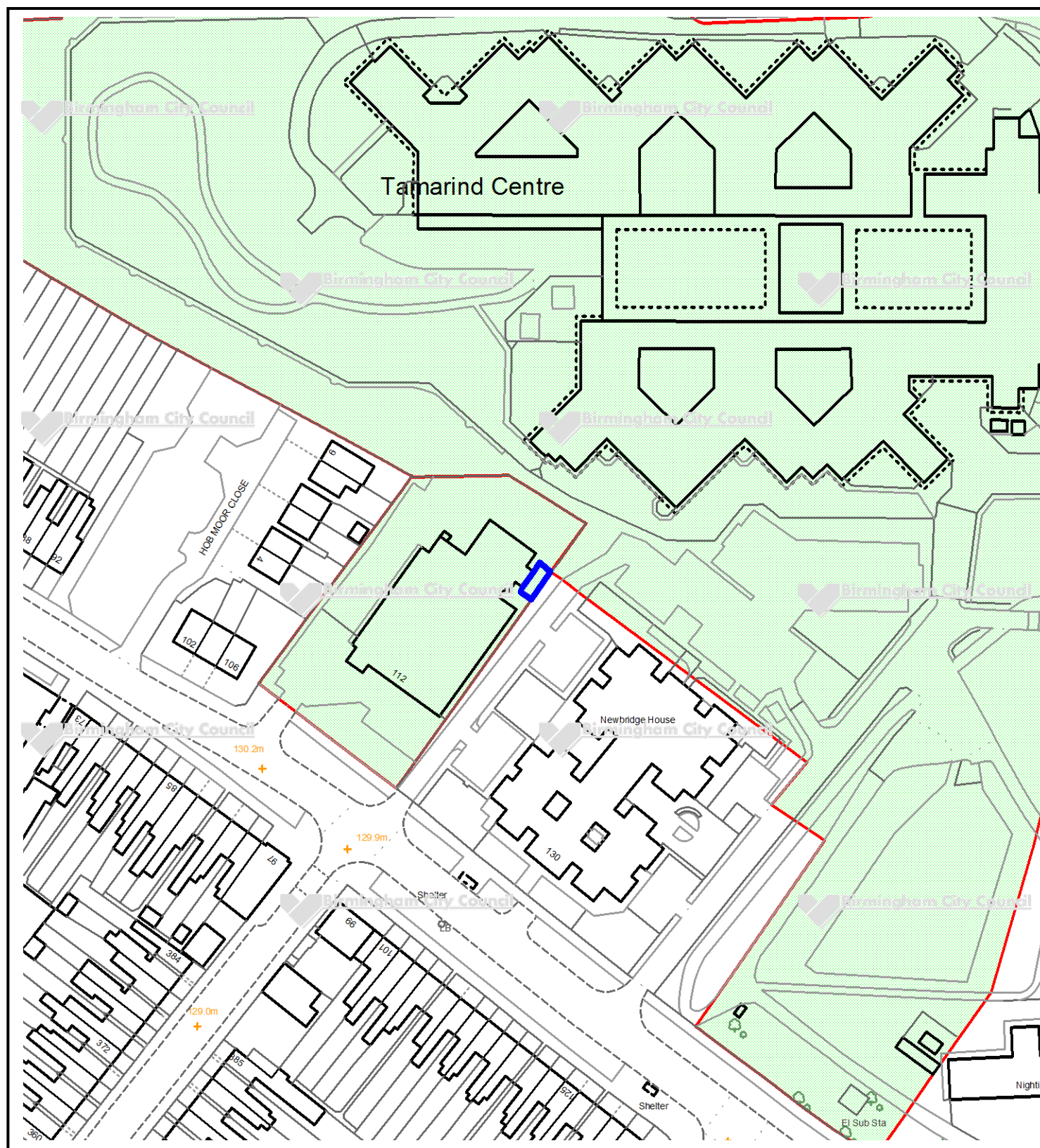
Figure 1: Application Site



Figure 2: Site Surroundings – closest residential premises



## Location Plan



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Committee Date:	01/09/2016	Application Number:	2016/05961/PA
Accepted:	14/07/2016	Application Type:	Advertisement
Target Date:	08/09/2016		
Ward:	South Yardley		

Hob Moor Road, Yardley, Birmingham, B25 8UX

Display of 4 non illuminated free standing post mounted signs

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

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#### Recommendation

#### **Approve Temporary**

#### 1. Proposal

- 1.1. Advertisement consent is sought to display four non-illuminated free-standing signs on the roundabout island at the junction of Church Road, Hob Moor Road and Stoney Lane within Yew Tree Neighbourhood Centre.
- 1.2. The proposed signs would be sited 2m from the kerb edge of the roundabout and would measure 1.5 metres in width by 0.50 metres in height and would be positioned 0.15 metres above ground level. The maximum height of the signs from carriageway level would be 1.05 metres.

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

#### 2. Site & Surroundings

- 2.1. The roundabout has a prominent setting within Yew Tree Neighbourhood Centre, consisting of mainly grass with a centrally located tree. Surrounding roads are heavily trafficked and commercial premises face the roundabout.

#### 2.2. [Site location](#)

#### 3. Planning History

- 3.1. No relevant planning history.

#### 4. Consultation/PP Responses

- 4.1. Transportation Development – No objection.

#### 5. Policy Context



- 5.1. Birmingham's adopted Unitary Development Plan (UDP) 2005, Draft Birmingham Development Plan, Planning Practice Guidance and the National Planning Policy Framework
6. Planning Considerations
- 6.1. Paragraph 67 of the NPPF states that 'Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.' Control over advertisements should be efficient, effective and simple in concept and operation.
- 6.2. The Planning Practice Guidance advises that 'amenity' is "... usually understood to mean the effect on visual and aural amenity in the immediate neighbourhood of an advertisement or site for the display of advertisements, where residents or passers-by would be aware of the advertisement".
- 6.3. Policies 3.8 and 3.10 of the adopted UDP seek to protect what is good in the City's environment and states that proposals, which would have an adverse effect on the quality of the built environment, would not normally be allowed.
- 6.4. In line with the above local and national planning policies, I consider that the main issues to be considered are the impact of the proposed advertisements on visual amenity and public safety.
- 6.5. Impact on Visual Amenity
- 6.6. The impact of the proposed signs would be modest within the context of this roundabout set within a busy commercial context. There would be four signs spread around the roundabout and would have a relatively low height. It is considered that they would not add visual clutter or have an unacceptable adverse impact on amenity.
- 6.7. Impact on Public Safety
- 6.8. The height of the signs would not exceed 1.05 metres above the carriageway level to ensure there is no conflict with vehicle visibility. Transportation Development have raised no objection to the application. It is considered that the signs would not have a detrimental impact on highway or public safety.
7. Conclusion
- 7.1. The design, scale and location of the proposed signs is acceptable and would not adversely impact on visual amenity or public safety. It is therefore considered that the proposed advertisement signs would comply with the relevant policies and guidance outlined in the adopted UDP and the NPPF.
8. Recommendation
- 8.1. Temporary approval
- 
- |   |  |
|---|--|
| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Limits the approval to 5 years (advert)                                |
-

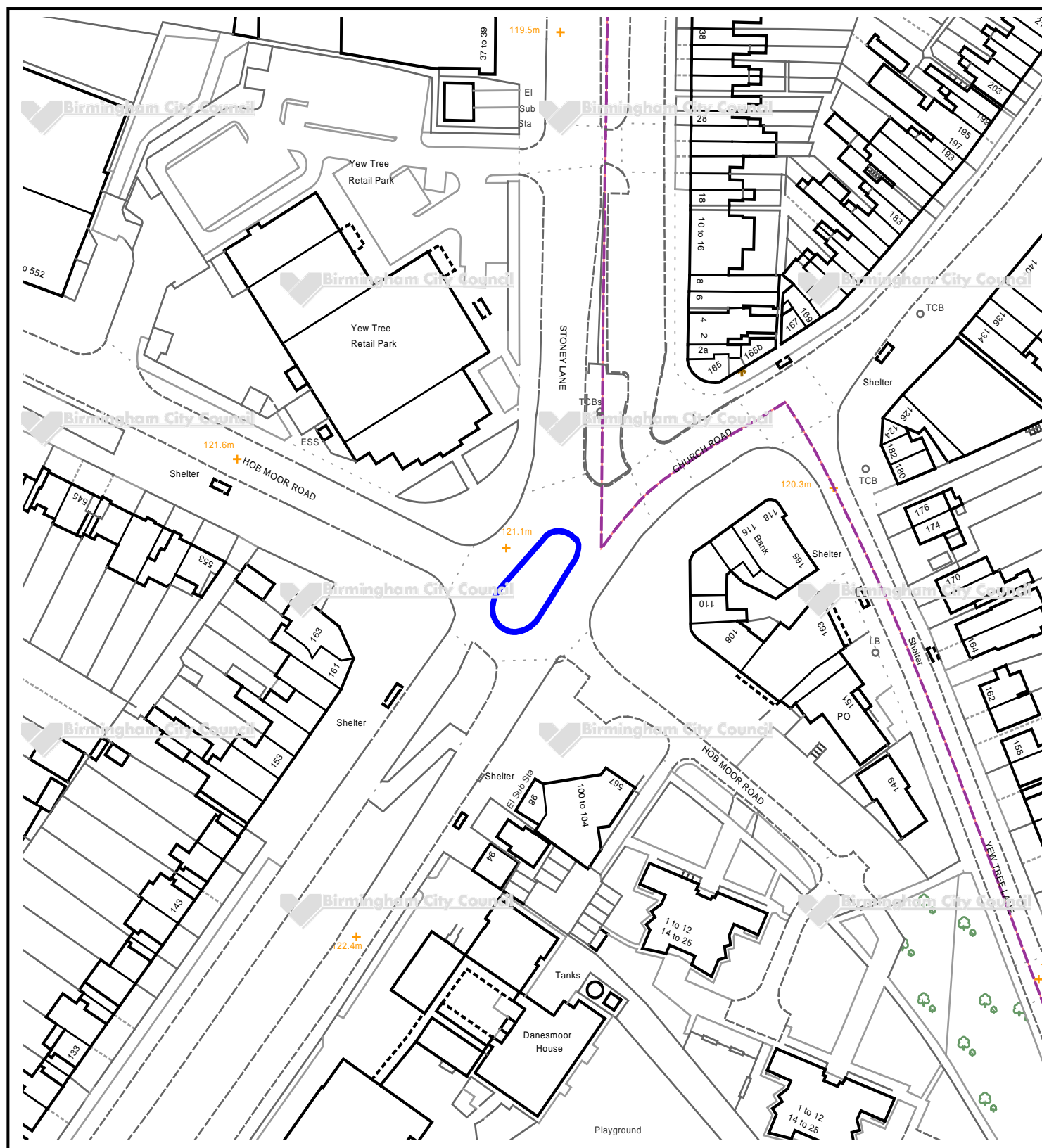
Case Officer: Peter Barton

**Photo(s)**



Figure 1 – Application site viewed from the south

# Location Plan



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Committee Date:	01/09/2016	Application Number:	2016/05959/PA
Accepted:	14/07/2016	Application Type:	Advertisement
Target Date:	08/09/2016		
Ward:	Acocks Green		

Shirley Road, Acocks Green, Birmingham

Display of 3 non illuminated free standing post mounted signs

Applicant:	Birmingham City Council
Agent:	Procurement, 10 Woodcock Street, Aston, Birmingham, B7 4GB Immediate Solutions D221, D Mill, Dean Clough, Halifax, HX3 8EE

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Recommendation

**Approve Temporary**

1. Proposal

- 1.1. Advertisement consent is sought to display three non-illuminated free-standing signs on the roundabout island at the junction of Shirley Road, Warwick Road and Westley Road within Acocks Green District Centre
- 1.2. The proposed signs would be sited 2m from the kerb edge of the roundabout and would measure 1.5 metres in width by 0.50 metres in height and would be positioned 0.15 metres above ground level. The maximum height of the signs from carriageway level would be 1.05 metres.
- 1.3. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The roundabout has a prominent setting within Acocks Green District Centre, consisting of mainly grass with some tree and shrub planting. Surrounding roads are heavily trafficked and commercial premises face the roundabout. There is a small area of public parking to the immediate south of the roundabout within the middle of Shirley Road. The Inn on the Green PH and Acocks Green Library (both Locally Listed buildings) are located to the southwest of the roundabout.

2.2. [Site location](#)

3. Planning History

- 3.1. No relevant planning history.

4. Consultation/PP Responses

- 4.1. Transportation Development – No objection.

5. Policy Context

- 5.1. Birmingham's adopted Unitary Development Plan (UDP) 2005, Draft Birmingham Development Plan, Planning Practice Guidance and the National Planning Policy Framework

6. Planning Considerations

- 6.1. Paragraph 67 of the NPPF states that 'Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.' Control over advertisements should be efficient, effective and simple in concept and operation.
- 6.2. The Planning Practice Guidance advises that 'amenity' is "... usually understood to mean the effect on visual and aural amenity in the immediate neighbourhood of an advertisement or site for the display of advertisements, where residents or passers-by would be aware of the advertisement".
- 6.3. Policies 3.8 and 3.10 of the adopted UDP seek to protect what is good in the City's environment and states that proposals, which would have an adverse effect on the quality of the built environment, would not normally be allowed.
- 6.4. In line with the above local and national planning policies, I consider that the main issues to be considered are the impact of the proposed advertisements on visual amenity and public safety.
- 6.5. Impact on Visual Amenity
- 6.6. The impact of the proposed signs would be modest within the context of this roundabout set within a busy commercial context. There would be three signs spread around the roundabout and would have a relatively low height. It is considered that they would not add visual clutter or have an unacceptable adverse impact on amenity.
- 6.7. Impact on Public Safety
- 6.8. The height of the signs would not exceed 1.05 metres above the carriageway level to ensure there is no conflict with vehicle visibility. (Transportation Development has raised no objection to the application. It is considered that the signs would not have a detrimental impact on highway or public safety.

7. Conclusion

- 7.1. The design, scale and location of the proposed signs is acceptable and would not adversely impact on visual amenity or public safety. It is therefore considered that the proposed advertisement signs would comply with the relevant policies and guidance outlined in the adopted UDP and the NPPF.

8. Recommendation

- 8.1. Temporary approval

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

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2 Limits the approval to 5 years (advert)

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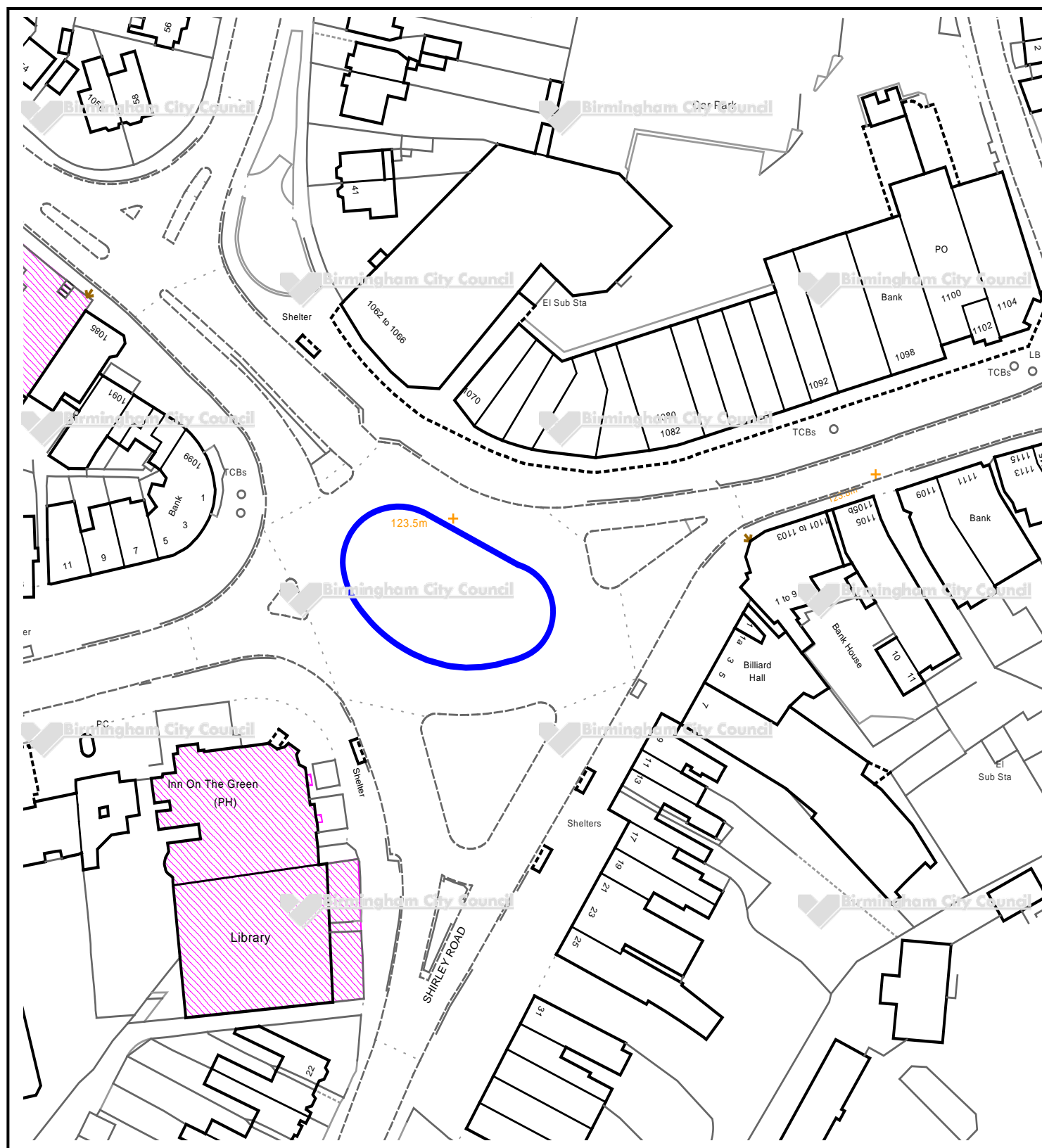
Case Officer: Peter Barton

**Photo(s)**



Figure 1 – the application site viewed from the southeast

## Location Plan



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