

# **Birmingham City Council**

**Planning Committee**

**18 February 2021**

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Approve – Conditions	6	2020/08864/PA  5 Centenary Square Broad Street City Centre Birmingham B1 1DR  Erection of a 10-storey (plus 2-storey plant) office development (Use Class E) with associated landscaping and public realm, car parking and servicing proposals

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Committee Date:	18/02/2021	Application Number:	2020/08864/PA
Accepted:	09/11/2020	Application Type:	Full Planning
Target Date:	08/03/2021		
Ward:	Ladywood		

5 Centenary Square, Broad Street, City Centre, Birmingham, B1 1DR

Erection of a 10-storey (plus 2-storey plant) office development (Use Class E) with associated landscaping and public realm, car parking and servicing proposals

Recommendation

**Approve subject to Conditions**

1. Proposal

- 1.1. Full planning permission is sought for a 10 storey (plus 2 storey plant) office development (Use Class E – Commercial, Business and Service) with associated landscaping, public realm, car parking and servicing proposals. The building comprises a ground floor reception, with lower and upper ground floor office space to the rear and 8 storeys of office floorspace above. In addition, the proposals provide details of the external landscaping and public realm works to be provided as part of the development that will connect into other infrastructure works constructed under previous planning permissions on site.
- 1.2. The proposed development will also create new landscaping and public realm to connect the development to the first phase of public realm infrastructure (north-south walkway) approved under planning permission 2014/04345/PA and the east-west link from Alpha Plaza.
- 1.3. The proposed development represents a revised scheme following the grant of full planning permission 2019/06718/PA for a B1 office development of a similar scale and character. The changes in the current application from the 2019 approval are as follows:
  - Inclusion of an additional storey of office accommodation resulting in an overall increase in height and total floor space, an increase of 3674 sq. m (GEA) to 24,545 sq. m total.
  - One additional plant storey to support more plant machinery to provide sprinkler system and to achieve BREEAM rating 'Excellent' and EPC rating 'A'.
  - Alteration to ground floor layout to create flexible working reception space. Fire access has moved to the west from Bridge Street.
  - Reduction in car parking spaces to 32 (including 2 accessible) and movement of improved cycle parking (160 spaces), shower and locker facilities to basement level.

- Minor amendments to the landscaping proposals.
- 1.4. The application site covers approximately 0.418 hectares (approx. 4,180 sq. m) and experiences a change in land level (rising south to north). The proposed building measures 60m long and 44m wide, and 48m to the top of the plant screen parapet at the southern corner. The top floor has an external terrace overlooking Centenary Square and the roof top plant room is surrounded by a plant enclosure, screened by full height cladding matching the façade below.
  - 1.5. The lower ground floor provides office floorspace to the south of the building providing active frontages facing onto Bridge Street and into the Arena Central site at the pedestrian walkway that links to Bank Court. The main entrance to the building is situated at ground floor level on the north eastern, curved corner of the building facing into Centenary Square. Access to lower and upper ground floors and Levels 1 to 8 would be from the reception area either by lift or stairs.
  - 1.6. Levels 1-8 represent the main office floorspace within the building. These typical office floors offer large open spaces, which can be subdivided into smaller tenancies if required. The floors are serviced by a central core that contains 5 no. lifts and stair core. This central core also contains the restroom facilities for the building which can be accessed from either the central core or directly from the individual floorplates. The top floor, Level 8, floorplate has been reduced to create a roof top terrace/balcony area wrapping round the northern, curved corner of the building overlooking Centenary Square.
  - 1.7. The roof would also incorporate a brown roof to soften its appearance and contribute to the development's biodiversity enhancement credentials, and the roof of the internal plant room is proposed to be finished to provide space for photovoltaics to contribute towards the sustainability of the building.

#### *External appearance*

- 1.8. The external appearance of the building remains the same as previously approved. The cladding design, alternate solid and glazed panels, seeks to create a simple, bold chequerboard pattern that emphasises the curved corner. Around the north and east elevations, the width of the panels gradually increases, with the largest panels located at the centre of the curve above the main entrance. At the top and bottom of the building, the cladding pattern accommodates openings and terraces. The rooftop plant enclosure also continues the pattern of solid panels as a screen, with louvres set back behind to conceal the plant.

#### *Landscaping*

- 1.9. The landscape proposals are coordinated with several previous applications for other phases within the Arena Central development. The design seeks to create different character areas:
  - a formal plaza setting for 5 Centenary Square that has a relationship with the adjacent Centenary Square. This plaza also acts as a gateway into the Arena Central development. The design is based on a simplified radial pattern set within the granite paving;
  - the start of the Serpentine route, a north–south green linear pedestrian route that runs through the heart of Arena Central. The pedestrian route is created

- using a buff colour resin bound surface to provide good slip resistance, a parkland aesthetic and smooth surface finish for walkability;
- an informal office breakout area, linked to 5 Centenary Square and the north–south route, that has views out over the development and Bank Court adjacent; and,
- a refreshed pavement zone along Bridge Street with access onto the north–south route and Bank Court from the western approach.

#### *Access and parking*

- 1.10. Car parking for the proposals is provided at basement level accessed via a shared vehicle ramp, off Bridge Street, to the south of the site. There are 30 car parking spaces plus 2 larger accessible parking spaces. The cycle storage provision (with space for 160 cycles) is also at basement level, accessed at street level from Bridge Street on the western elevation of the building. Shower and changing facilities adjacent to the cycle storage will be provided as part of the development.
- 1.11. Changes to the traffic layout of Bridge Street mean that servicing can be carried out from the street without a dedicated lay-by. Service vehicles would load and unload via service doors on the western elevation, utilising lift access at lower ground level to service the building.

#### *Supporting information*

- 1.12. In support of the application the following documents have been submitted:
  - Planning and Impact Statement
  - Design and Access Statement (including Landscape)
  - Heritage Statement
  - Transport Assessment
  - Framework Travel Plan
  - Car Park Management Plan
  - Energy Statement
  - BREEAM Pre-Assessment Report
  - Sustainable Construction Statement
  - SUDS Assessment and Drainage Operation and Maintenance Manual
  - Noise Impact Assessment
  - Statement of Stakeholder Engagement
  - Community Infrastructure Levy (CIL) Additional Information Form

- 1.13. [Link to Documents](#)

## **2. Site & Surroundings**

- 2.1. The proposed development site (0.418 hectares) is located in the heart of Birmingham City Centre, south west of Birmingham New Street Station and forms part of the wider Arena Central mixed use regeneration area totalling 5.63 hectares. The site is at the corner of Broad Street and Bridge Street and adjoins the Grade II listed Municipal Bank at 301 Broad Street to the east, beyond which is the new HSBC office building. To the south is a further office building (3 Arena Central), which is currently under construction and future development plots along Bridge Street.

- 2.2. Arena Central forms the southern side of Centenary Square, one of the primary civic squares in the city. The northern side of the square is formed by the Grade II listed Baskerville House, the Library of Birmingham and REP. The Grade I listed Hall of Memory sits in the centre of the east side of the square. To the west is the 1990s Symphony Hall and ICC complex. The south-west corner is marked by the mirror-clad Hyatt Hotel tower and the south-east corner by the recently listed 1970s Alpha Tower. The Paradise Circus redevelopment is located to the east side of Centenary Square.
- 2.3. Centenary Square itself has recently been transformed with a redesign of the square. Broad Street is now closed to private traffic and the metro tram system (approved under the Midland Metro Extension Transport Works Act Order 2005), links Centenary Square to New Street station and Snow Hill to the east and, in a future phase, Edgbaston to the west is under construction.
- 2.4. The wider Arena Central site comprises two pieces of land. The main portion of the site, an Enterprise Zone site, is bounded by Broad Street, Suffolk Street Queensway, Bridge Street and Holliday Street. It contains the existing Grade II listed Alpha Tower, the Crowne Plaza Hotel, the Grade II listed Former Birmingham Municipal Savings Bank and the Arena Central Car Park. The other part of the site, located to the south of Holliday Street, comprises the Centenary Plaza residential and hotel development.
- 2.5. A railway tunnel is located beneath the Broad Street / Suffolk Street corner of the wider site, below the northern edge of Alpha Tower and the former Masonic Hall fronting Broad Street. Across the Arena Central site ground levels fall by about 11m from Broad Street down to Holliday Street.
3. Planning History
  - 3.1. Extant planning permission for 5 Centenary Square granted 08/11/2019 in accordance with application 2019/06718/PA for the erection of a 20,911 sqm (GEA) office development (Use Class B1) with associated landscaping and public realm, car parking and servicing proposals. Relevant planning applications for the wider Arena Central development are set out below.
  - 3.2. Arena Central - 08/07/14 - 2014/02475/PA - Variation of condition no. 14 (Section 278 highway works) attached to planning application 2010/06462/PA to include the re-phasing and scope of works/payments approved subject to conditions.
  - 3.3. Plot A (the application site) Arena Central - 08/8/14 - 2014/04004/PA - Reserved matters approved for the erection of a 7/8 storey office building with ancillary retail/restaurant and associated parking, servicing and public realm.
  - 3.4. Plots E1 and E2 - 08/8/14 - 2014/04345/PA - Reserved Matters approved for landscaping works to form a linear park/pedestrian walkway and surroundings and associated infrastructure.
  - 3.5. Plot G Arena Central - 05/03/15 - 2014/08220/PA. Reserved matters granted for residential led mixed use development consisting of 322 residential apartments, 673sqm commercial floorspace, circa 150 car parking spaces, cycle parking spaces, landscaping & public realm improvements & plant & equipment

- 3.6. Plot C Arena Central - 01/05/15 - 2015/01113/PA - Reserved Matters approved for a 27,000 sqm office with ancillary retail/commercial floorspace and associated access, car parking
- 3.7. Plot D Arena Central - 19/12/16 - 2016/07978/PA – Planning consent granted for erection of a 14 storey office development (Use Class B1) and ancillary retail/commercial (Use Classes A1/A2/A3) with associated landscaping and public realm, access, car parking and servicing proposals.
- 3.8. 301 Broad Street – 8/11/18 applications 2018/06605/PA and 2018/06627/PA - Planning and listed building consent granted for refurbishment and change of use of the former Municipal Bank to a mixed use scheme, comprising University use including exhibition halls, food and beverage uses, community and co-working use – approve subject . Demolition and alteration to the rear elevation, removal of existing glazed roof light, and erection of new raised roof light above existing roof level. Extension of basement level ancillary space to the south beneath new landscaped steps and ramp opening the south elevation to Bank Court, and associated works.

#### 4. Consultation/PP Responses

- 4.1. Adjoining occupiers, residents associations, Westside BID, local ward Councillors and MP have been notified. Site and press notices displayed.
- 4.2. BCC Transportation Development - no objection.
- 4.3. BCC Regulatory Services – no objection.
- 4.4. BCC Employment Access Team – propose a condition to secure local employment and training obligations or the use of a s106 agreement.
- 4.5. Local Lead Flood Authority – awaiting comments.
- 4.6. Historic England – no comment.
- 4.7. Transport for West Midlands – no comments received at the time of writing this report.
- 4.8. Network Rail – no objection.
- 4.9. Canal and Rivers Trust –
  - to safeguard the amenities of canal boat moorings at Gas Street Basin a condition should be attached to secure a Construction Environmental Management Plan;
  - it is disappointing that the heritage statement does not consider the impact of the views out of the basin, although the impact might be minimal;
  - the nearby canal network provides an ideal off road sustainable travel route for commuting and the proposed development should include secure bicycle facilities and shower provision for staff, along with external cycle hoops for visitors;
  - the soft landscaping scheme does not include a link to the canal basin and as such provides a break in the city's green infrastructure; and,

- the proximity of the canal network should be publicised in travel plans and secured via a planning condition. In addition, to facilitate increased use of the canal network signage should be installed

4.10. West Midlands Fire Service – no objection.

4.11. West Midlands Police – no objection.

4.12. Severn Trent Water - no objections to the proposals subject to conditions for drainage plans for the disposal of foul and surface water flows.

## 5. Policy Context

5.1. Birmingham Development Plan 2017, the Birmingham Unitary Development Plan 2005 (saved policies), Draft Development Management in Birmingham DPD; Lighting Places SPD; Access for People with Disabilities SPD; Car Parking Guidelines; Places for All SPG; and revised National Planning Policy Framework 2019.

## 6. Planning Considerations

### *Principle of development*

6.1. Outline planning permission for the Arena Central site was granted by the Secretary of State following a called in inquiry on the 24th February 2000. This permission was subsequently renewed on 3rd February 2005 and 24th February 2010 and varied on 8th July 2014. The 2014 reserved matters application (2014/04004/PA) approved the development of a 7/8 storey office building with ancillary retail and restaurant uses. The application site is known as Plot A within the Arena Central masterplan.



*Site plan showing 5 Centenary Square within the wider Arena Central site (Dandara is now complete).*

- 6.2. The original Arena outline planning application was supported by an Environmental Impact Assessment, which set parameters for development of the wider site. Office development on this plot is consistent with that Environmental Statement and no new significant impacts are envisaged both in terms of the impact of the proposed building and cumulative effects from the wider Arena Central development.
- 6.3. The site currently already has full planning permission (2019/06718/PA) for a 20,911 sq.m B1 Office development. This application constitutes amendments to the previously approved scheme, including an increase in overall floorspace, which is the result of an additional storey. Although separate from the outline permission, the current full application provides a further update to the Masterplan that incorporates the new proposals whilst maintaining the overall design character and setting created through previous iterations of the document.
- 6.4. BDP Policy TP21 identifies a requirement for an additional 700,000sqm (gross) of office floorspace within the City Centre over the plan period. The proposed development would therefore make a meaningful contribution towards this provision in an established office location.
- 6.5. The proposed development is therefore consistent with the Birmingham Development Plan 2031 and revised NPPF and is considered an appropriate use of a brownfield site within a highly accessible city centre location.



### *Visual amenity*

- 6.6. The current application does not seek to change the aesthetics or plan/form of the building significantly, but to add one additional storey (plus one additional plant storey) to the existing 2019 approval. The Design and Access Statement sets out how the modelling was tested and a solution arrived at and no objection is raised to this additional height and scale in principle. The wider Arena Central development comprises medium city scale and the additional height would not be out of context with the emerging scale.



*Illustrative render of the building, view from Centenary Square*

- 6.7. The application proposes to create a flexible working reception area on the ground floor which improves the level of activity when viewed from the street, and has incorporated designing out crime measures following consultation with West Midlands Police. The materials used for the additional floors are proposed to continue the chequerboard effect as previously approved. My Conservation and City Design officers recommended that the arrangement of the chequerboard design of the plant floors matches that of the main building facade in order to ensure it responds well to this important site.



*Illustrative view of the recessed terrace at level 8, with the rooftop plant screen beyond.*

- 6.8. The applicant supplied a justification statement and option visuals for their design approach to the plant room panels. The proposed design of the plant room is considered on balance to be acceptable. The proposal would therefore accord with Policy PG3 of the BDP 2017 and Saved Policies 3.14C and 3.14D of the UDP 2005 relating to design standards for new development.

*Impact on listed buildings*

- 6.9. Under the National Planning Policy Framework it is a core planning principle to conserve heritage assets in a manner appropriate to their significance. 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. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. It adds that proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.
- 6.10. The application site comprises a cleared site on the southern side of Centenary Square to the west of the grade II listed former Birmingham Municipal Bank, built between 1931 and 1933 in the neo-Classical style. The grade I listed Hall of Memory and grade II listed Baskerville House are located to the north of the site and grade II listed Alpha Tower to the east.
- 6.11. The Heritage Statement identifies that due to the disposition of the proposed development, the nature of interposing urban townscape and topography, considered together with the individual significance of the approximate listed

buildings, potential effects of the development are limited to those on the significance of the Hall of Memory and the former Municipal Bank through development in their setting.

- 6.12. The Statement further assesses the impact of the development on the significance of the listed buildings, noting that the location and siting of the development is informed by the previous approval with care taken to minimise the overall visual impact of the development through design, form and materiality. The Statement concludes that the special interest of the listed buildings and ability to appreciate significance is sustained and that this is not changed through the proposed increase in height.
- 6.13. Overall, I consider that the special interest of the Former Municipal Bank and the Hall of Memory would be sustained by the proposed development and would preserve those elements of setting that contribute to the significance of these listed buildings. The proposed development would therefore accord with Policy TP12 of the BDP and Government guidance within the NPPF relating to heritage assets.

#### *Landscaping*

- 6.14. The current application proposes minor amendments to the landscaping strategy approved in the 2019 permission:
- Bridge Street Access Redesigned - The pedestrian access along the south facade has been reconfigured to allow for crane and fire tender access in the event of an emergency, to the benefit of Health & Safety and maintenance of the scheme.
  - Estate Wide Changes Coordination - The landscape works have been tweaked to coordinate with the wider development as a series of other planning proposals (2AC and 3AC) have since been progressed however the key principles and character remain.
  - Office Break Out Space/ Incidental meeting point to South/ East of 5CS Redesigned - Due to the ground floor design adjustments at the south-eastern corner of 5CS now offering a direct entrance/ exit point facing East and towards 3AC Bank Court. Revised footprint of 5CS building led to having the adjacent outdoor space trimmed with the landscape design now being reconfigured to include a raised planter with tree and soft species to soften the facade.
  - Removal Bridge Street Lay-by - Defined service lay-by omitted and will now be located on street, widening the pedestrian pathway creating a more pedestrian focussed street in general day to day operation.
- 6.15. The changes are still considered to retain the key principles and character of the masterplan. Whilst I note the comments raised by the Canals and Rivers Trust, I consider that proposed landscaping scheme would be of a high quality and complement the wider landscaping works around the Arena Central development and represents an improvement over the previous consented scheme.
- 6.16. Furthermore, the Landscape officer commented that the proposed changes tie in with the wider site and master plan. The landscaping plans have been updated with shrub details and a condition is attached to secure landscaping details.

#### *Sustainability*

- 6.17. The submitted sustainability statement incorporates the sustainable construction statement and has met all the criteria required. The preassessment identifies that the development is to target credits totalling 75.37%, which equates with BREEAM standard excellent and accords with policy TP3. Subject to a safeguarding condition for a final certificate of BREEAM standard excellent to be submitted, the proposal is considered to comply with Policy TP3.
- 6.18. The Energy Statement submitted outlines the proposed LZC technologies for the site:
- Air Source Heat Pumps for heating and hot water.
  - Heat recovery ventilation.
  - Variable speeds for fans and pumps which only supply the flow rate required to meet demand.
  - LED lighting throughout the building and lighting controls including motion sensors and adjustable light output to respond to levels of natural daylight present.
  - A building management system to control heating, ventilation, cooling and hot water plant and equipment.
- 6.19. As the end user of the building is unidentified at this point, further details on the particular equipment for the chosen LZC energy system have not been provided. A condition for these details to be submitted and approved prior to development above slab level is recommended to ensure the development accords with Policy TP4 while allowing development to commence and an end user found.

#### *Noise*

- 6.20. A Noise Report has been submitted for the development which proposes design limits for plant and equipment. The report uses a baseline noise level from prior to the COVID-19 pandemic which is considered more representative of ambient noise level. The nearest existing residential dwellings to the site are within the apartment building on the south side of Holliday Street, approximately 30m south of the boundary of the wider Arena Central site, and the Hyatt Hotel is located 30m away on the west side of Bridge Street.
- 6.21. The assessment does not include specific items of plant as the end use of the building is not yet finalised, however the report concludes that with due attention to noise mitigation, the noise generating elements of the proposed development would comply with the standard planning requirements of the City Council. Following comments from BCC Regulatory Services a safeguarding condition has been attached.

#### *Drainage*

- 6.22. A SUDS Assessment and Operation and Maintenance plan have been submitted in support of the application. The proposed sustainable drainage components include:

- A geo-cellular attenuation tank is proposed in the basement car park to collect surface water runoff from the proposed development, including roof and hardstanding, prior to discharge at a restricted rate to the existing combined sewer.
  - A filter drain is proposed upstream of the attenuation tank.
  - Hydrobrake flow control is proposed which regulates the flow of storm water in a drainage system to prevent downstream flooding.
  - An oil interceptor is proposed to remove hazardous substances from the surface water runoff anticipated from the car park prior to discharge to the proposed combined system connected to the outfall to the existing combined public sewer.
  - A Permavoid biomat is proposed to intercept and absorb hydrocarbon pollutants.
- 6.23. The report recommends maintenance schedules for all elements with the required action and recommended frequency for each. Upon occupation, the building owner will be responsible for the maintenance of all surface water features.
- 6.24. As recommended by Severn Trent Water a condition is attached to secure drainage plans and the developer has been advised that there may be a sewer under the site. The LLFA did not object to the previous 2019 planning application subject to conditions. Similar conditions to secure a sustainable drainage strategy and an operation / maintenance plan are therefore attached and any further comments from the LLFA will be reported.

*Highway safety and parking provision*

- 6.25. The proposed development is centrally located and has excellent public transport links including frequent buses along Broad Street. The sustainability of this location is enhanced with the extension of the Birmingham Metro along Broad Street which is now operational.
- 6.26. The application proposes a reduction in the number of car parking spaces from 68 to 32 (including 2 accessible spaces) in response to market feedback. The Car Parking Guidelines SPG notes a maximum 1 space per 60sqm gross. The level of car parking proposed is commensurate with other office developments in the city centre, and accords with sustainable principles where public transport provision is extremely good.
- 6.27. The 2019 permission included 64 cycle parking spaces, and the current application improves on this providing a total of 160 on the basement level, along with additional visitor cycle parking available in the public realm of Arena Central. The proposed amount of cycle parking exceeds the minimum requirements of the Car Parking Guidance SPG.
- 6.28. The removal of the lay-by on Bridge Street reflects the use class of the building as solely office development and also improves pedestrian movement with a widened footpath.
- 6.29. BCC Transportation Development have raised no objections to the proposal and raised a query regarding the removal of the servicing layby on Bridge Street. Details from the Section 278 agreement were supplied by the applicant to resolve this query. The proposal is therefore considered acceptable in regard to highways impacts subject to safeguarding conditions for vehicle charging and cycle parking details.

### *Planning obligations*

- 6.30. The most recent outline application (2014/02475/PA) for the wider Arena Central secured £5m toward public transport improvements including Birmingham Gateway. It was agreed that the transport sum would be phased £1.5m, £2m and £1.5m when gross internal floorspace in the whole Area Central Development exceeded 27,871sqm, 55,742sqm and 83,613sqm. The applicant has paid the first instalment and the second instalment is due upon commencement of development at 5 Centenary Square.
- 6.31. Plot D (3 Arena Central) was developed as a standalone application (2018/00610/PA), but £1.5m was secured to reflect the third transportation contribution as set out in the S106 legal agreement attached to the outline planning consent. However, rather than using all the money toward public transport some of the money was proposed for environmental improvements along Holliday Street including tree planting and improving the Britannia Car Park elevation. Development has commenced on Plot D (3 Arena Central) triggering these S106 obligations. Given that the City Council has already secured the previously agreed financial contributions, I do not consider it necessary to seek further financial contributions in this instance.
- 6.32. The proposed development does not attract a CIL contribution.

### 7. Conclusion

- 7.1. The development of the site for office use is considered to be consistent with local and national policy and the design principles of the reserved matters consent and outline masterplan. The proposal retains the character of the previous 2019 permission and the proposed additional storey of office accommodation and double storey plant room is acceptable in regard to visual amenity and the impact on the setting of nearby heritage assets, the Former Municipal Bank and Hall of Memory.
- 7.2. The application proposes a reduction in car parking and a significant increase in the amount of cycle parking from the 2019 permission to support the sustainability of the site. In addition, the application seeks to incorporate the use of low and zero carbon energy systems in order to achieve BREEAM rating 'Excellent'. The application is therefore recommended for approval subject to conditions.

### 8. Recommendation

- 8.1. Approve subject to conditions.

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- |   |   |
|---|---|
| 1 | Requires the scheme to be in accordance with the listed approved plans  |
| 2 | Requires the prior submission of a drainage scheme  |
| 3 | Requires implementation of the sustainable drainage scheme and further information regarding the operation and maintenance plan |
| 4 | Limits the noise levels for Plant and Machinery   |
| 5 | Requires the hard and soft landscape works to be completed prior to occupation  |
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- 6 Requires the submission of a lighting scheme
  - 7 Requires the prior submission of a construction method statement/management plan
  - 8 Requires the submission of sample materials
  - 9 Requires the submission of a CCTV scheme
  - 10 Requires the submission of details of refuse storage
  - 11 Requires the parking area to be laid out prior to use
  - 12 Requires the submission of a commercial travel plan
  - 13 Requires the submission of cycle storage details
  - 14 Requires the submission of a wayfinding scheme
  - 15 Requires the prior submission of a construction employment plan.
  - 16 Requires the developer/occupier to identify local employment opportunities for the end user.
  - 17 Requires the submission of a BREEAM certificate
  - 18 Requires the submission of L2C energy system details.
  - 19 Prevents the use from changing within the use class
  - 20 Implement within 3 years (Full)
- 

Case Officer: Sarah Willson



Photo(s)



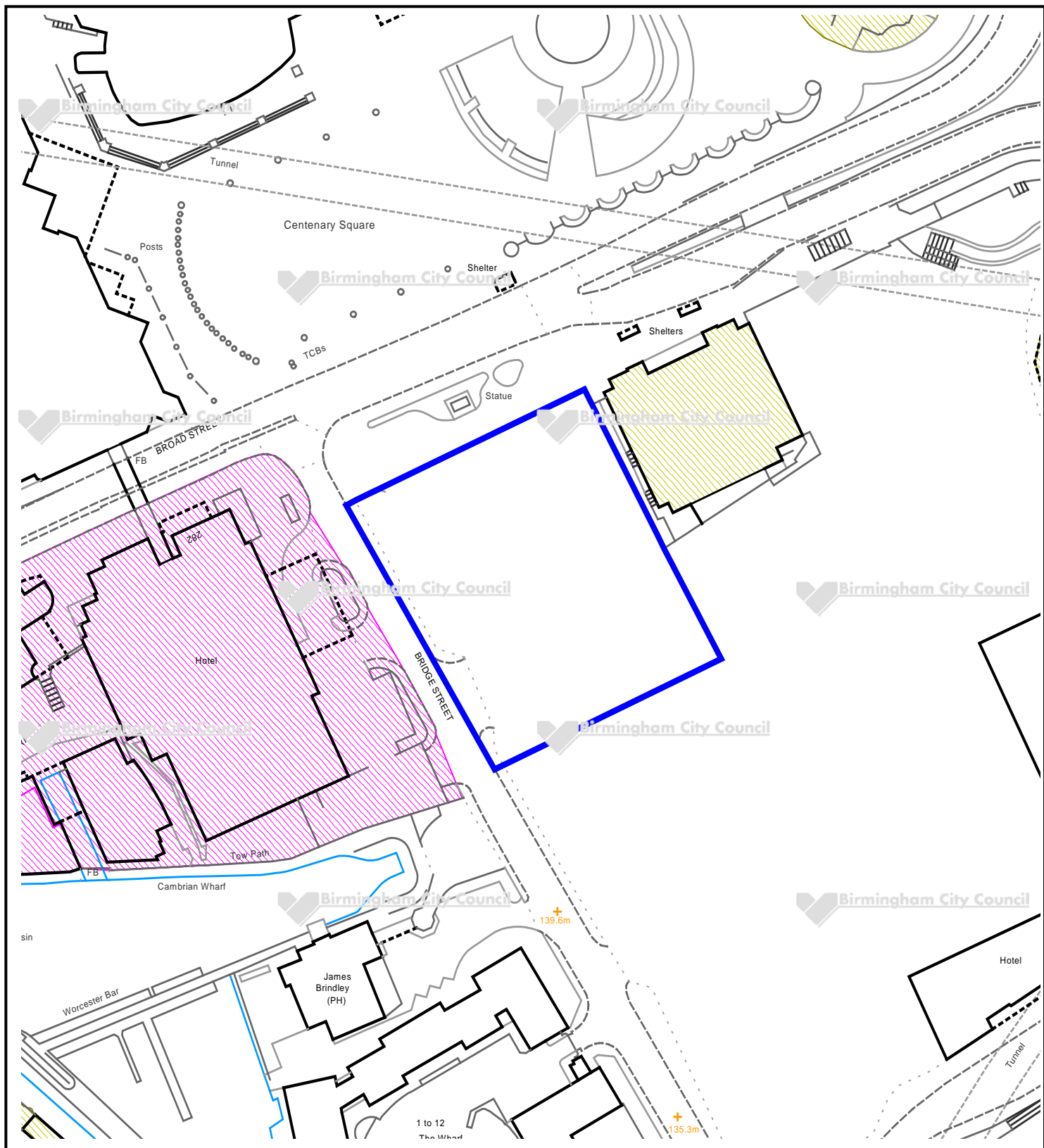
View looking east toward the Former Municipal Bank and Plot C Arena Central





View looking south-east toward Plots C and D Arena Central

## Location Plan



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# **Birmingham City Council**

## **Planning Committee**

**18 February 2021**

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Approve - Conditions	7	2020/08911/PA  NSG Group Site Eckersall Road Kings Norton Birmingham B38 8SS  Demolition of all existing buildings and construction of eight commercial buildings for research and development of products or processes (Use Class E(g)(ii)), industrial processes (Use Class E(g)(iii)), general industrial uses (Use Class B2) and storage and distribution (Use Class B8) all with ancillary office space at 5% of the total, along with provision of parking, access and circulation areas within the site and all other associated works, including necessary works within the highway
Approve - Conditions	8	2019/08544/PA  Birmingham Womens Hospital Mindelsohn Way Birmingham B15 2TG  Erection of single storey building connected to main hospital building via a corridor, alterations to parking arrangements and associated landscaping.

Demolition of all existing buildings and construction of eight commercial buildings for research and development of products or processes (Use Class E(g)(ii)), industrial processes (Use Class E(g)(iii)), general industrial uses (Use Class B2) and storage and distribution (Use Class B8) all with ancillary office space at 5% of the total, along with provision of parking, access and circulation areas within the site and all other associated works, including necessary works within the highway

**Approve subject to Conditions**

- 1.1. Full planning permission is sought for the demolition of all existing industrial buildings (Use Class B2) within the site and erection of 8 new commercial buildings. The existing main estate road through the site would be slightly re-routed allowing for the creation of 5 units to its north and 3 units to its south, all with their own servicing, lorry docking and parking areas.

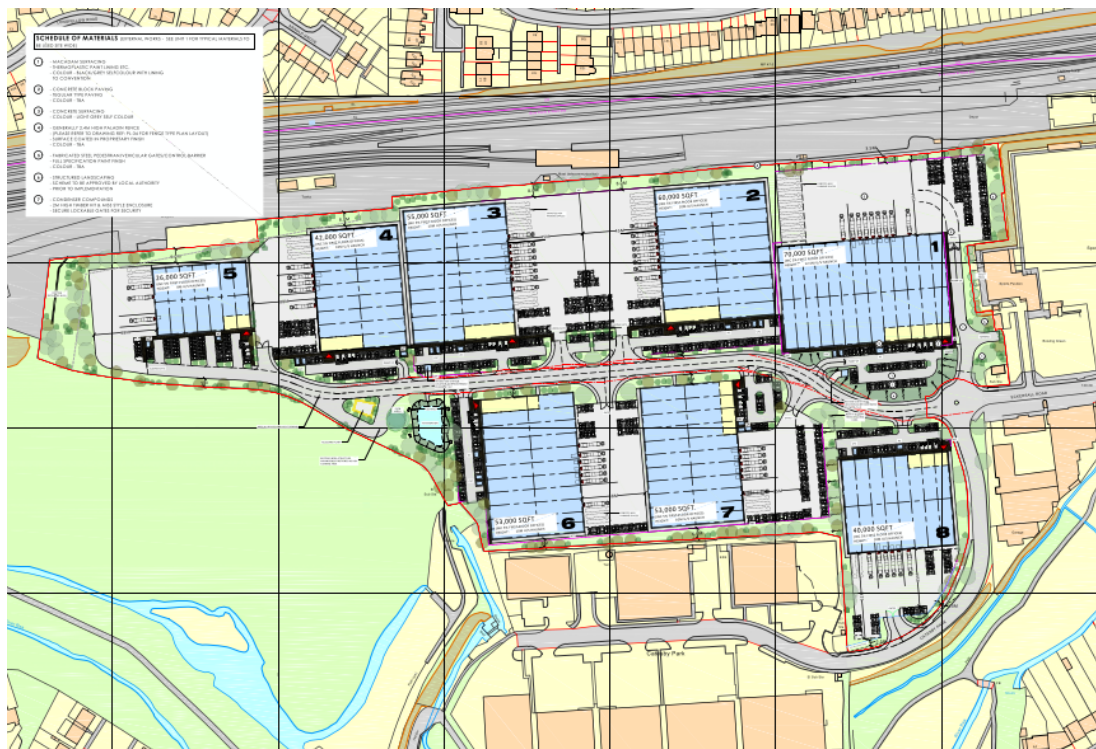
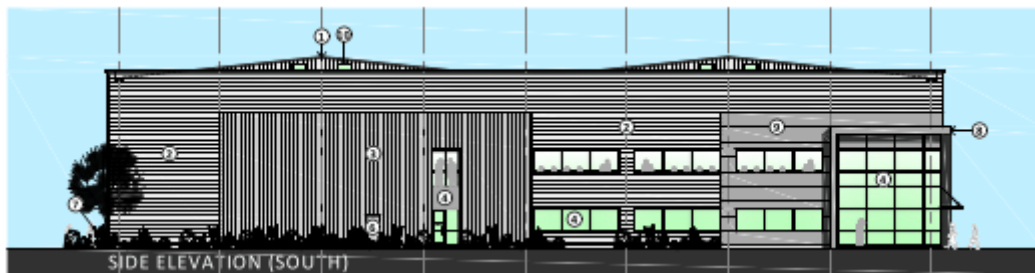


Figure 1: Proposed site plan

- 1.2. Site area: 10.5ha
- 1.3. Floorspace
  - Total existing: 51,250sqm    Total proposed: 37,107sqm    Net loss: 14,143sqm
  - Unit size would vary between 2,418sqm and 6,510sqm
  - 5% of the floorspace of each unit would be for ancillary offices (shown yellow on Figure 1).
- 1.4. External appearance
  - Principal material would be composite metal cladding in various grey/silver finishes.
  - Glazing incorporated at entrances and office space.
  - Building heights would be no more than 15.4m to the ridge and 12.5m to the haunch.



*Figure 2: Example of external appearance – Plot 6*

- 1.5. Access/parking
  - Main estate road would be a continuation of Eckersall Road but would not be offered for adoption. Pavements continued on both sides of road.
  - 649 parking spaces proposed including 15 disabled spaces and 16 electric vehicle charging points.
  - 101 cycle spaces proposed
- 1.6. Landscaping/trees
  - 56 trees on the site plus 14 groups of trees and 3 hedgerows.
  - Proposed removals: B-category: 8 x trees, 1 x group. C-category: 37 x trees, 9 x groups, 3 x hedgerows.
  - Attenuation pond to be provided to the west of Unit 6 with soft landscaping and seating.
- 1.7. Employment
 

Existing jobs: 334 FTE      Proposed jobs: 650 FTE
- 1.8. Hours of operation: 24 hours per day 7 days per week including Bank Holidays.
- 1.9. Supporting documents:

Design and Access Statement	Planning Statement (incl. Minerals Statement and Waste Strategy)
Loss of Industrial Land Statement	Sustainable Construction Statement
BREEAM Pre-Assessment	Energy Statement
Noise and Air Quality Assessment	Preliminary Ecological Appraisal Report
Bat Survey Report	Ecological Impact Assessment
Amphibian Scoping Survey	Flood Risk Assessment and Drainage Strategy
Site Investigation Report	Geotechnical Interpretive Report
Heritage Desk-Based Assessment	Transport Assessment
Framework Travel Plan	Arboricultural Impact Assessment
Townscape and Visual Impact Assessment	Landscape Biodiversity Masterplan
Landscape Management Plan	Planting Plan Overview
External Lighting Report	

1.10. Screening opinion carried out July 2020 did not identify a need for an Environmental Impact Assessment.

1.11. [Link to Documents](#)

## 2. Site & Surroundings

2.1. The application site is located approx. 800m northwest of Kings Norton centre within the Catesby Core Employment Area. The railway line between Kings Norton and Northfield stations lies immediately to the north of the site, beyond which is a residential area. To the east is a sports ground and other industrial units lie to the east and south. Wychall Reservoir adjoins the site to the west with both SINC and SLINC designations. A Potential Site of Importance Area for ecology lies between the application site and the railway.

2.2. The ground slopes down across the site from north to south with a fall of approx. 6m. The site falls within Flood Zone 1 but land to the south is in Flood Zones 2 and 3. The River Rea flows to the south of the industrial area and beyond it development is predominantly residential.

2.3. [Site location plan](#)

## 3. Planning History

3.1. 30/10/2019 – 2019/05066/PA - Installation of replacement telecommunications apparatus consisting of a 35m Lattice mast, antennas, ground-based apparatus and ancillary development – Approved subject to conditions.

## 4. Consultation/PP Responses

4.1. Transportation Development: No objection subject to conditions.

- Highway modification at/in the vicinity of the Eckersall Road/Catesby Park junction.
- No objection to parking provision.
- Cycle parking to be amended to be closer to pedestrian entrance to each unit.
- Powered 2-wheeler parking to be provided at same ratio as cycle parking.
- 10% parking spaces to have electric vehicle charging point.

4.2. Regulatory Services: No objection subject to conditions.

- Contents of the Site Investigation Factual & Interpretative Report are accepted and this will presumably be used as the basis for a scheme for dealing with contamination during construction. The report notes that the whole site has potential for the



discovery of further contamination either in localised pockets or in made ground. The presence of basement structures and the proposed use of 'cut and fill' on site may also reveal further contaminants. Asbestos has been found on the site in small quantities and more may be present. Contamination Remediation Scheme, Verification Report and Unexpected Contamination conditions recommended.

- Conclusions and recommendations of Noise and Air Quality Assessment Report are accepted. Condition recommended to control cumulative noise from all plant and machinery.
  - The wider issue of air quality is unlikely to be adversely affected by the proposed development and a comprehensive Air Quality Assessment is not required.
  - The demolition and construction phase is likely to give rise to potential adverse effects, primarily from noise and dust emissions. Condition recommended requiring construction method statement prior to commencement.
  - Proposed 2 electric vehicle charging spaces for each unit is significantly below the number recommended. Condition is recommended requiring no fewer than 10% of non-dedicated spaces to be provided with charging points.
- 4.3. Lead Local Flood Authority: No objection subject to conditions requiring a surface water drainage scheme and a Sustainable Drainage Operation and Maintenance Plan to be submitted.
- 4.4. Severn Trent Water: No objection subject to a condition requiring drainage plans for the disposal of foul and surface water.
- 4.5. Environment Agency: No objection subject to a condition requiring a remediation strategy to deal with unexpected contamination due to the proximity of the River Rea, Secondary A and B Aquifers.
- 4.6. Employment Access Team: No objection subject to condition requiring a construction employment plan.
- 4.7. West Midlands Police: No objection subject to a condition requiring the installation of CCTV.
- 4.8. Network Rail: No objection subject to the following conditions:
- Method statement and risk assessment to be submitted prior to commencement to protect safety, operational needs or integrity of the railway.
  - Trespass-proof fencing to be provided adjacent to the boundary of the site with the railway.
  - Details of scaffolding work within 10m of railway boundary to be provided.
  - Risk assessment and method statement to be provided prior to any vibro-impact works.
  - Demolition method statement to be submitted prior to demolition to protect the railway from machinery, dust and debris.
  - Details of surface water and foul water drainage to be directed away from the railway to be submitted to protect the railway from risk of flooding, soil slippage and pollution.
  - Details of ground levels, earthworks and excavations to be carried out near the railway to be submitted.
  - Details of vehicle safety protection measures along boundary with railway to be submitted to prevent accidental vehicle incursion of the railway.
- 4.9. Canal & River Trust: No objection.
- 4.10. Natural England: No objection.

- 4.11. Site and press notices posted, local MP, Councillors and Residents' Associations and the occupiers of nearby properties notified of the application; no responses received.

## 5. Policy Context

- 5.1. Birmingham Development Plan 2017 – in particular: PG3, TP1-8, TP19, TP38-41 and TP43-46.

Birmingham Unitary Development Plan 2005 (saved policies)

Loss of Industrial Land To Alternative Uses SPD 2006

Car Parking Guidelines SPD 2012

Places for All SPD 2001

Development Management in Birmingham DPD Publication Version 2019

Draft Birmingham Design Guide SPD 2020

National Planning Policy Framework; National Planning Policy Guidance; National Design Guide.

## 6. Planning Considerations

### **Principle**

- 6.1. The application site falls within the Catesby Core Employment Area (CEA) which BDP policy TP19 requires to be retained in employment use. The proposed uses B2, B8, E(g)ii (previously B1(b) and E(g)iii (formerly B1(c) accord with this requirement. Notwithstanding the net loss of floorspace proposed, the proposed industrial accommodation is likely to be significantly more attractive to employers in meeting modern building standards and providing a more functional layout. Over 300 additional jobs are expected to be created as a result of these proposed improvements to the quality of units available at the site.
- 6.2. Use class E contains a wide range of uses beyond those appropriate within a core employment area and permitted change to these should be prevented through the attached planning condition to ensure the permitted employment uses are retained.

### **Sustainability**

- 6.3. In broad terms, the proposal would redevelop a brownfield site within the urban area where there are good links via public transport and would provide new buildings meeting modern standards.
- 6.4. A Sustainable Construction Statement identifies measures which could be incorporated into the development scheme, including exceeding Part L building regulations for air permeability, LED lighting, diverting construction waste away from landfill, utilising materials that are recycled and with low VOC levels, mains water metering, and water attenuation. A BREEAM Pre-Assessment Report demonstrates that the proposed development could achieve 'Excellent' standard, in accordance with the requirements of BDP policy TP3.
- 6.5. An Energy Strategy identifies that solar photovoltaics and air source heat pumps are the most appropriate means of low/zero carbon energy generation and are achievable within this development scheme. The resulting overall CO2 emission savings over the baseline scenario is calculated at 20%. The proposed development can therefore be considered as being in accordance with BDP policy TP4. A condition is attached to secure the energy-saving measures identified.

### **Layout, scale, design**



6.6. There is no objection to the loss of the existing buildings, some of which are in a poor condition.

- Building entrances would be legible and accessible and office elements would face onto the access road, creating a sense of active frontage and overlooked public realm.
- Employee and visitor parking would be separated from servicing and in the case of buildings 1, 5 and 8 the yards would be hidden behind the bulk of the buildings.
- There would be a clear safe route for pedestrians and cyclists to building entrances from the Eckersall Road entrance.
- Seating around the attenuation pond would provide space for employees to use during break times.
- Following amendments, more space has been allocated for planting along the main estate road which would improve the appearance of the development and the experience of pedestrians and cyclists in particular.

6.7. Proposed parking spaces adjacent to the substation have been relocated elsewhere within the site allowing more space for planting around the substation to soften its effect. Proposed units on both sides of the estate road would have fully glazed entrance/office space facing the main access point to the development which would help to frame it with active frontages.



*Figure 3: Aerial view of proposed development*

6.8. The **scale** of the units is intended to reflect market conditions. They would be considerably larger than units on nearby commercial developments but the perceived massing would be less than the existing situation, where a number of large buildings join together to cover much of the site. Proposed heights (equivalent to 3-4 residential storeys) would also be more consistent across the new units than the current variation (2-12 storeys). The site is relatively self-contained and set down in the valley so views from the surrounding area are unlikely to be significantly affected, especially given the largely industrial setting. Views from the first floors of residential development to the north of the railway line are likely to be noticeably different as a result of the proposed development. Sections show the following:

- Proposed units would be taller than existing buildings, close to the northern boundary of the site, but a 12 storey tower block would be demolished as part of the scheme so overall, the view would be improved.
- Proposed units would be separated by service yards, instead of forming one large building as currently, so gaps between them would give longer views from dwellings.
- Distances between existing dwellings and proposed units range between 67m and 126m with the railway line in between.

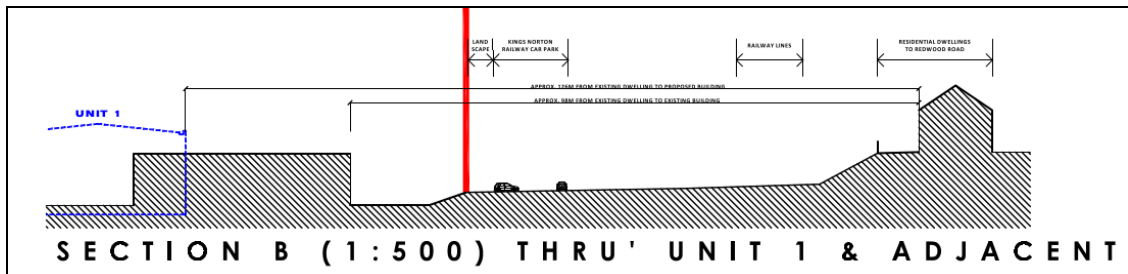


Figure 4: Section through unit 1 and nearest residential properties. Proposed unit 1 shown in blue outline.

- 6.9. The information provided demonstrates satisfactorily that while there would be a change to the outlook from residential properties, it should not be significantly adverse.
- 6.10. In respect of the **design**, large framed glazed corner features, expressing the buildings' entrances and internal stairs would add legibility and interest, and the use of micro-rib to highlight the office elements could be effective. A condition is attached requiring, among other things, material samples to be provided prior to construction of each building which would give the opportunity to review these matters.

#### **Highway safety, parking, connectivity**

- 6.11. The development would be accessed off the existing roundabout junction of Eckersall Road and Catesby Park, with the main estate road being a westward continuation of Eckersall Road. The pavement would also continue on both sides of the road facilitating safe pedestrian access. All but Unit 8 would be accessed off the private estate road; Unit 8 would be accessed off Catesby Park, which forms part of the public highway. Adequate visibility would be achieved at the access point to Unit 8, thereby protecting highway safety. Some alterations would be needed to the roundabout junction, which would be secured through a S278 agreement. Conditions and S278 informative attached as recommended by Transportation Development.

#### **Trees/landscaping**

- 6.12. Vegetation within the site is predominantly along the site boundaries to the north and south, with some isolated trees shrubs and short sections of hedgerow around internal access and parking areas. Most of this would be removed to facilitate the new site layout and a planting plan has been submitted showing significant areas of planting, both to site boundaries and within the site, which would be more appropriate to the new layout and the industrial park setting.
- 6.13. Proposed for removal are 45 individual trees (incl. 8 x B category), 7 tree groups (incl. 1 x B category), 3 x partial tree groups, and 3 x hedgerows. As a proportion of total vegetation on the site, losses would be high but the initial landscape plan indicates a total of 113 individual trees to be planted, plus a number of woodland and native structural mix areas and hedgerow amongst other landscape treatments. This would see a net gain in trees and landscape planting compared to the existing base level and the proposed tree planting species range is good.

- 6.14. Planting beds have been widened along the main estate road through the repositioning of units and would now be more generous.
- 6.15. Further information is required to ensure the quality of the development and longevity of the proposed planting. Conditions recommended by your Landscape Officer and Principal Arboriculturist are attached.

### **Ecology**

- 6.16. The site is heavily developed and opportunities for biodiversity mainly lie beyond the site boundary. An Ecological Assessment shows potential for protected species to be impacted by the development, specifically bats, badgers and breeding birds. Your Principal Ecologist notes that bat roost features were identified on existing buildings 3 and 6, and buildings 8, 10 and 11 held good potential for bat roosts. Invasive species were noted on site and a plan for their control or eradication will be required.
- 6.17. The existing site has been assessed against the biodiversity net gain metrics, with a score of 3.7 units. The proposed development, using the landscape plans, has also been assessed and provides a score of 8.03 – a net gain of 113%, which is a significant improvement. Recommended conditions are attached in order to minimise risk to local ecology during demolition and construction, and to secure the implementation of appropriate landscape interventions and their long term management.

### **Drainage**

- 6.18. The site lies entirely within Flood Zone 1, where there is the least likelihood of fluvial (river) flooding, and at a higher ground level than the River Rea, to its south. Based on ground conditions and topography, the Drainage Strategy indicates that surface water would be contained within a piped sewer system with discharge through the existing connections to the River Rea. Exceedance flows from storm water would be contained within sustainable drainage geo-cellular storage features below the service yards/car parks. In addition, a pond/infiltration basin would provide storm water attenuation and treatment for the site's highway areas. The LLFA has no objection to this proposal and conditions to secure a full drainage scheme and Sustainable Drainage Operation and Maintenance Plan are attached. A condition is also attached to secure Severn Trent Water's requested foul and surface water drainage plans.

### **Contaminated Land**

- 6.19. Reports accompanying the application indicate very limited contamination that could present a significant risk to human health, based on the proposed commercial use of the site. Conditions are attached as recommended to ensure that, should any unexpected contamination be found, work ceases until a remediation strategy has been approved, and to secure suitable remediation and validation prior to occupation of the buildings.

### **Air Quality**

- 6.20. The short term effects of dust emissions during demolition and construction could be dealt with through the attached condition requiring a method statement for these phases of the development.

### **Noise**

- 6.21. Acoustic barriers are proposed to the north boundary of the site within the service yard of Unit 1 and to the southeast boundary close to Unit 8 to protect residents in these directions. The only condition recommended would limit cumulative noise from all plant and machinery and this is attached.

### **Impact on heritage assets**

- 6.22. *The Triplex factory*: The production of safety glass for car windscreens was an important element of the early motor industry and the buildings are worthy of recording. A Written Scheme of Investigation for Level 2 Building Recording has been submitted accordingly.
- 6.23. *Settings of the Kings Norton Conservation Area (200m southeast) and St Nicholas' Church (500m southeast)*: Heritage Assessment concludes the impact on these would be very limited and the changes to the setting are not likely to be harmful to the significance of the heritage assets. The site sections submitted by the applicant show the new buildings will step down into the valley and the environment and built form will be very similar to the existing factory and industrial character. The removal of the tower block will in many ways be a benefit and will restore the primacy of the church spire as the dominant focal point of the area from the north and from the views from the railway passing the site.
- 6.24. *Archaeology*: There are no known archaeological sites within the application site but several exist in close proximity to the southern boundary. The Heritage Assessment highlights that the site has been heavily terraced by past development and basements, but that the presence of prehistoric archaeological remains cannot be completely discounted. This potential would be quite low considering past disturbance and no archaeological conditions are considered necessary.

### **Security**

- 6.25. West Midlands Police has no objection subject to a condition requiring CCTV throughout the site. In the absence of any evidence to demonstrate why CCTV is needed, the condition would not pass the tests for planning conditions set out in the NPPF (para.55).

### **Impact on railway**

- 6.26. Comments made by Network Rail are noted. The majority of the suggested conditions relate to non-planning matters. Other conditions already attached would address the relevant matters raised so further conditions are not considered necessary.

## **7. Conclusion**

- 7.1. This proposal would renew industrial accommodation within a core employment area, providing modern units in an attractive landscaped setting and facilitating the creation of some 300 additional jobs. The scheme accords with the development plan when read as a whole, it constitutes sustainable development and should be approved without delay.

## **8. Recommendation**

### **8.1. Approve subject to conditions**

- 
- |   |   |
|---|---|
| 1 | Implement within 3 years (Full)   |
| 2 | Requires the scheme to be in accordance with the listed approved plans                          |
| 3 | Requires the prior submission of a demolition and construction method statement/management plan |
-

- 
- |    |  |
|----|--|
| 4  | Requires the prior submission of an additional bat survey on a phased basis  |
| 5  | Requires the prior submission of a method statement for the removal of invasive weeds  |
| 6  | Requires the prior submission of a construction ecological mitigation plan on a phased basis   |
| 7  | Requires the prior submission of contamination remediation scheme on a phased basis  |
| 8  | Requires the prior submission of a phasing plan  |
| 9  | Requires the prior submission of a sustainable drainage scheme in a phased manner  |
| 10 | Requires the prior submission of a drainage scheme   |
| 11 | Requires the prior submission level details on a phased manner   |
| 12 | Requires prior submission of a Construction Employment Plan  |
| 13 | Requires the prior submission of details of bird/bat boxes   |
| 14 | Requires the submission prior to occupation of the properties of a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan |
| 15 | Requires the submission of a contaminated land verification report   |
| 16 | Requires the submission of an amended car park layout relocating cycle storage closer to unit entrances  |
| 17 | Requires the submission of details of pavement boundary  |
| 18 | Requires the prior installation of means of access   |
| 19 | Prevents occupation until the service road has been constructed  |
| 20 | Requires the delivery and service area prior to occupation   |
| 21 | Requires the submission of cycle storage details in a phased manner  |
| 22 | Requires the submission of a car park management plan for disabled spaces  |
| 23 | Requires the applicants to sign-up to the Birmingham Connected Business Travel Network   |
| 24 | Requires the prior submission of unexpected contamination details if found on a phased basis   |
| 25 | MISC15 - Architectural Details Required:   |
| 26 | Non-standard - secure Low/Zero Carbon Energy Generation - solar photovoltaics and air source heat pumps  |
-

- 
- 27 Requires the submission of a lighting scheme in a phased manner
  - 28 Requires the prior submission of hard and/or soft landscape details
  - 29 Requires the submission of hard surfacing materials
  - 30 Requires the submission of boundary treatment details in a phased manner
  - 31 Requires tree pruning protection
  - 32 Arboricultural Method Statement and Tree Protection Plan - Implementation
  - 33 Requires implementation of the submitted landscape management plan
  - 34 Requires the provision of a vehicle charging point
  - 35 Limits the noise levels for Plant and Machinery
  - 36 Prevents the use from changing within the use class
  - 37 Requires implementation in accordance with submitted building recording survey
- 

Case Officer: Amy Stevenson



## Photo(s)



Photo 1: View from southeast boundary of site looking towards tower block to be demolished



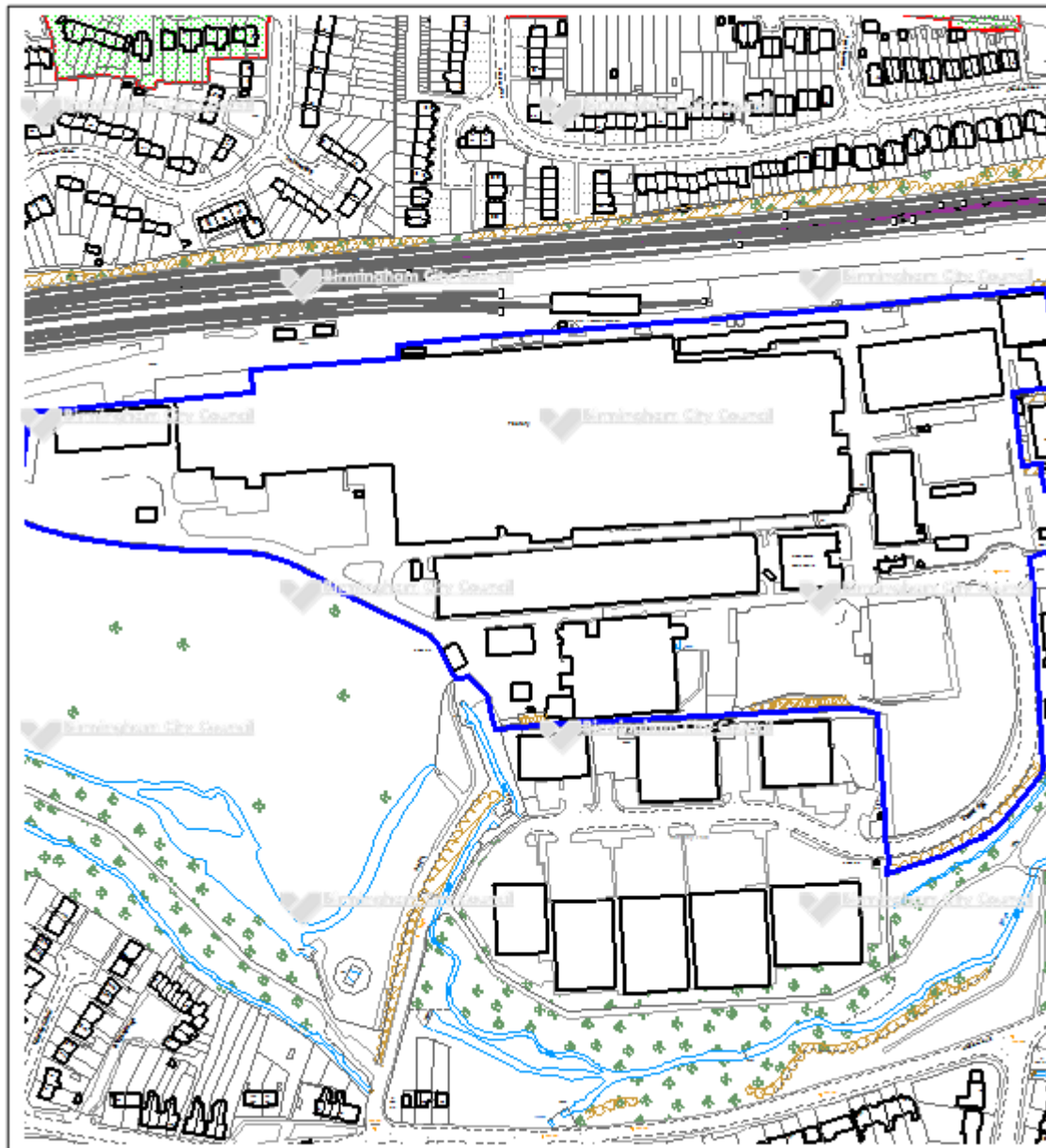
Photo 2: Existing estate road into site looking west



Photo 3: Junction of Eckersall Road and Catesby Park. Looking east towards existing substation at entrance to site



## Location Plan



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Committee Date:	18/02/2021	Application Number:	2019/08544/PA
Accepted:	16/10/2019	Application Type:	Full Planning
Target Date:	18/02/2021		
Ward:	Edgbaston		

Birmingham Womens Hospital, Mindelsohn Way, Birmingham, B15 2TG

Erection of single storey building connected to main hospital building via a corridor, alterations to parking arrangements and associated landscaping.

Recommendation

**Approve subject to Conditions**

1. Proposal
  - 1.1. Planning permission is sought for the erection of 'Woodland House': a single storey extension to Birmingham Women's Hospital.
  - 1.2. The proposal would be located to the east and north of the existing building. The extension would be connected to the northern elevation of the Women's Hospital with a corridor link providing access between the birthing and delivery suite of existing building and the proposal. There would be a main entrance directly from the car park, and the holding room and collection room would also have a direct access to the car park.
  - 1.3. The extension would provide dedicated pregnancy and baby-loss bereavement services for Birmingham Women's Hospital. Woodland House would provide a therapeutic environment, away from the clinical main hospital building, where families can receive the support they require.
  - 1.4. The extension would comprise a series of spaces arranged around a central garden area. Woodland House would have family rooms, a lounge, counselling rooms, offices, kitchens and a reception, as well as private terrace areas.
  - 1.5. The elevations would comprise vertical timber cladding with grey rainscreen infill panelling between each pod and to the link corridor. Windows and doors would be a metallic bronze aluminium, and green roofs are proposed for the majority of the extension.



EAST ELEVATION FROM MINDELSONH WAY

- 1.6. The proposal would involve the loss of 36 vehicle parking spaces. 6 of the disability parking spaces would be relocated within the site as part of the proposal. The ambulance bay to the east of the main building and to the south of Woodland House would be reduced in length.
- 1.7. Alterations to the car park layout include the re-surfacing of an area to the front of Woodland House and soft landscaping around the front and sides of the building.
- 1.8. The proposal includes the removal of 5no. trees and the pruning of 3no. trees.
  - T5, T6, T7 (Category C) and T10 (Category B) would be removed to facilitate the construction;
  - T3 (Category U) would be removed on the grounds of its poor condition; and
  - T4, T8 and T9 (Category B) would be pruned to facilitate development.
- 1.9. The application is supported by an Arboricultural Impact Assessment and Method Statement, a Design and Access Statement, a Parking Strategy, and a Draft Travel Plan.
- 1.10. This application is reported to Planning Committee at the request of Councillor Alden.
- 1.11. [Link to Documents](#)



## 2. Site & Surroundings

- 2.1. The application site relates to Birmingham Women's Hospital, located to the north west of the QE Hospital Campus and located adjacent to Mindelsohn Way and Metchley Lane. The main hospital building ranges in height between 2 and 7 storeys and has been extended several times over the years, however still remains a strong 1960s architectural style.
- 2.2. Woodland House would be located to the front and side of the main hospital building, to the north east of the site. This is currently a surface level car park. There is extensive tree cover to the north of the proposal and to the west is Norton Court.
- 2.3. The site borders Metchley Playing Fields to the north, the QE campus to the east and south and a multi-storey car park to the west. Beyond the campus, the surrounding area is predominantly residential in character.
- 2.4. Public transport is accessible from the site, as the University Railway Station is located a short walk away and there local bus services running nearby.
- 2.5. <https://goo.gl/maps/A94NmXDJZVg2M3ie6>

3. Relevant Planning History

- 3.1. 25/02/2014 - 2013/09520/PA - Alterations to car park and pedestrian entrance into Hospital, new lighting strategy and removal of existing 6 trees - Approved subject to conditions.
- 3.2. 30/04/2015 - 2014/09160/PA - Outline planning application for the demolition of existing buildings and the erection of a six storey building and refurbishment of the remaining existing accommodation. All matters reserved apart from access - Approved subject to conditions.
- 3.3. 18/06/2020 - 2019/10481/PA - Erection of a new modular parents accommodation complex and clinical genetics department – Approved for a temporary period of time: to 19/06/2025.
- 3.4. 15/10/2020 - 2020/06509/PA - Application for Prior Notification of the proposed demolition of existing residential block of flats (Norton Court) – Accepted as needing prior approval from the Council and that permission be granted with conditions.

4. Consultation/PP Responses

- 4.1. Regulatory Services – No objection subject to conditions for Contamination Remediation Scheme, Contaminated Land Verification Report, Construction Method Statement/Management Plan and Restricting Noise Levels for Plant and Machinery.
- 4.2. Transportation Development – No objection subject to conditions for the Travel Plan to be approved prior to occupation and reviewed annually, and for the amendments to the car park layout and ambulance bay be implemented prior to occupation.
- 4.3. Local Councillors and Residents' Associations consulted and site notice displayed. Amended plans were received altering the length of the ambulance bay and extending the red line boundary to include an additional 8no. standard parking spaces, proposed to be amended to 6no. disability parking spaces. Re-consultation was not carried out on this minor amendment to the proposal.
- 4.4. Councillor Deirdre Alden – Objection:
- Agree with comments made by Edgbaston Residents Association (below) and back their objections
  - Area cannot afford the loss of a single parking space
  - Parking is already inadequate
  - Unacceptable to keep adding more buildings and chipping away at parking spaces.
- 4.5. Edgbaston Residents Association – Objection:
- Growth at QE Hospitals and University of Birmingham, with only nominal consideration for negative impact on residents
  - Piecemeal developments granted consent without recognition of environmental damage and lack of infrastructure
  - Section 106 and 275 agreements to address damage are not imposed as conditions and expansion continues with impunity

- Loss of car parking spaces – concern the displaced cars would seek parking along residential roads, creating further traffic jams and pollution
- Edgbaston Residents Association has been making representations to BCC for the last 25 years about inadequate infrastructure and parking provision at the QE and University. Travel plans, surveys and assurances provided have been incorrect and misleading
- Previous BCC infrastructure and parking review not published
- Hospital and University need to take responsibility for problems
- Inappropriate for BCC to consider any further applications at the QE site or University until a comprehensive infrastructure and parking review is published. Only then can applications be properly considered in accordance with planning law and guidance.

4.6. Harborne Planning Watch – Objection:

- No issue with the need for the proposed family unit
- Object to the loss of car parking spaces
- Existing parking provision is minimal
- Plans show loss of 36 spaces not 33 spaces
- Question how displaced parking and additional parking for proposal would be dealt with
- Loss of spaces is unreasonable and not acceptable
- Reference to Planning Committee on 12<sup>th</sup> October 2017 concerning QE/University Masterplan – note Members were unhappy about shortage of parking and they wanted additional spaces. Harborne Planning Watch endorses that view
- On-street parking pressures in surrounding areas caused by inadequate provision at QE campus
- Question planning application in 2014/2015 for extension to Women's Hospital and the transfer of the Children's to the QE campus – where it would be and the level of parking.

4.7. 3 letters of objection received from local residents:

- Support Edgbaston Residents Association comments
- Loss of car parking spaces
- Concern displaced cars would seek parking on residential roads, creating further traffic jams and pollution
- Piecemeal but significant development at the Hospitals and University has a negative impact on surrounding residents, as far as the south side of Bristol Road
- Existing traffic and parking issues locally – morning and evening queues on nearby roads, stationary traffic, pollution impact on residents, traffic issues impact ambulances which have had difficulty getting to the Hospital
- Reference to application for student accommodation at Pritchatts Park and the traffic issues raised
- Well developed and appropriately equipped NHS shouldn't be at the expense of local residents
- Question whether any other applicant would be treated so generously if applications submitted for development with no on-site parking provision
- Edgbaston Residents Association has been making representations to BCC for the last 25 years about inadequate infrastructure and parking provision at

the QE and University. Travel plans, surveys and assurances provided have been incorrect and misleading

- Previous BCC infrastructure and parking review not published
- Hospital and University need to take responsibility for problems
- Inappropriate for BCC to consider any further applications at the QE site or University until a comprehensive infrastructure and parking review is published. Only then can applications be properly considered in accordance with planning law and guidance
- Application should be rejected pending comprehensive infrastructure, traffic and parking review
- Request draft SPG on car parking policies.

## 5. Policy Context

### 5.1. Relevant Local Planning Policy:

- Birmingham Development Plan (BDP) 2017
- Birmingham Unitary Development Plan (UDP) Saved Policies 2005
- The Wider Selly Oak SPD 2015
- Places for Living SPD 2001
- Car Parking Guidelines SPD 2012

### 5.2. Relevant National Planning Policy:

- National Planning Policy Framework (NPPF) 2019
- National Design Guide 2019

## 6. Planning Considerations

- 6.1. The application has been assessed against the policies outlined above. The key matters for consideration are whether the principle of development is acceptable, and the impact of the proposal on residential amenity, visual amenity, trees and landscaping and highway safety and parking arrangements.

### **Planning Policy and the Principle of Development**

- 6.2. Policy GA9 (Selly Oak and South Edgbaston) of the BDP identifies that the Queen Elizabeth Hospital campus area 'will remain a major focus for medical facilities of regional and national importance. Proposals for new hospital facilities and improvements to existing hospitals and associated facilities will be supported.'
- 6.3. Planning permission is sought for an extension to provide dedicated pregnancy and baby-loss bereavement services for Birmingham Women's Hospital. It would provide a therapeutic environment, away from the clinical main hospital building, where families can receive the support they require.
- 6.4. As policy GA9 identifies that new hospital facilities will be supported, I consider that the principle of the proposed development is in accordance with BDP policy.

### **Residential Amenity**

- 6.5. The proposal would be located over 200m from the closest residential properties on Metchley Park Road and Hintlesham Avenue. As such, the single storey extension

would not cause any issues relating to loss of light, outlook or privacy for neighbouring occupiers.

### **Visual Amenity**

- 6.6. Woodland House would comprise a series of spaces arranged around a central garden area. It has been designed around the concept of a series of pods nestled amongst trees, to provide a 'warm, comforting aesthetic' offering privacy and seclusion. The elevations would comprise vertical timber cladding with grey rainscreen infill panelling between each pod and to the link corridor. Windows and doors would be a metallic bronze aluminium, and green roofs are proposed for the majority of the extension.
- 6.7. The scale and massing of the proposal would be acceptable for the setting and surrounding context and the curved design would provide an interesting contrast to the main hospital building.
- 6.8. I consider the proposed materials would be acceptable in principle, however recommend a condition for sample materials to be submitted prior to their use.

### **Trees and Landscaping**

- 6.9. The application is supported by an Arboricultural Impact Assessment and Method Statement, and the proposal would involve the loss of 5no. trees and the pruning of 3no. trees.
- T5, T6, T7 (Category C) and T10 (Category B) would be removed to facilitate the construction;
  - T3 (Category U) would be removed on the grounds of its poor condition; and
  - T4, T8 and T9 (Category B) would be pruned to facilitate development.
- 6.10. The proposed link corridor element of the proposal would conflict with the crowns of trees T4, T5, T6, T7, T8, T9 and T10. Remedial pruning would resolve the conflict with T4, T8 and T9, whose branches already touch the existing building and would require pruning regardless of development, however T5, T6, T7 and T10 would have to be removed to facilitate development. The Arboricultural Impact Assessment and Method Statement, explains that T5, T6, T7 are coniferous in nature, and their position in the memorial garden results in suppression by more dominant adjacent species. The Tree Protection Plan shows there would be a construction exclusion zone around areas of trees and ground protective covering would be used between the corridor link and the group to the north.
- 6.11. The loss of 5 trees needed to facilitate the development would be acceptable, subject to a condition for the proposal to be carried out in accordance with the submitted Method Statement. The proposal would be acceptable on Arboricultural grounds, and the loss of the 5 trees would not harm this prominent grouping.
- 6.12. The proposed plans include the re-surfacing of an area to the front of Woodland House and soft landscaping and tree planting around the front and sides of the building. The City's Landscape Officer raises no objection subject to conditions for the submission of landscaping details, a landscape management plan, boundary treatment details and hard surfacing materials.



## **Highway Safety and Parking**

- 6.13. The plans showed the loss of 34 parking spaces, of which 6 were disability spaces. Transportation Development raised concerns about the loss of the disability spaces and the reduced length of the ambulance bay. A Parking Strategy was also requested.
- 6.14. Amended plans increased the length of the ambulance bay and extended the red line boundary to include an additional area of the car park which currently accommodates 8no. standard parking spaces to propose 6no. disability spaces in this place. The application proposes the loss of 36no. standard parking spaces, with no reduction in disability spaces.
- 6.15. A Draft Travel Plan for the Women's Hospital and Parking Strategy for the proposed development of Woodland House have been provided. The Draft Travel Plan aims to reduce single occupancy car trips by 10%, and increase walking, cycling, public transport use and car sharing.
- 6.16. The revised Parking Strategy explains there are 574 car parking spaces available across the site for the Women's Hospital and 37 visitor spaces. It explains that by targeting the Travel Plan, the Women's Hospital will look to reduce the parking requirement by 10% (57 spaces) by September 2021 which would offset the 36 spaces required for the construction of Woodland House.
- 6.17. Phase 1 would be the partial implementation of the Travel Plan, thereby achieving a reduction of 57 spaces prior to starting works on Woodland House. Phase 2 would be a 'back-up option' if the proposed Travel Plan is not fully implemented by this time (September 2021). Phase 2 would involve the use of the Norton Court site as a temporary car park following its demolition, which is planned to be completed by September 2021. This is a large site, and it is proposed that a number equal to that of the parking bays lost to facilitate Woodland House would be provided as a like-for-like offset. These bays would remain in place until the proposed Travel Plan has been fully implemented, and there is no longer a requirement for these spaces.
- 6.18. The Parking Strategy previously showed construction expected to start on Woodland House in May 2021, however this has been pushed back to September 2021.
- 6.19. Transportation Development raise no objection, subject to conditions for the Travel Plan to be approved prior to the occupation of Woodland House and for it to be reviewed annually, and for the altered car parking arrangement and ambulance bay to be provided prior to occupation of the development.
- 6.20. The loss of 36 spaces to facilitate the development would mean the materiality of the impact would not be sufficient to justify a highway reason for refusal, on the grounds of NPPF or BDP policies. I consider the proposal would comply with Paragraph 109 of the NPPF and Policy TP44 of the BDP with the recommended Transportation conditions.

## **Other Matters**

- 6.21. Regulatory Services raise no objection subject to conditions for a Contamination Remediation Scheme, Contaminated Land Verification Report, Construction Method Statement/Management Plan and Restricting Noise Levels for Plant and Machinery. The Contamination Remediation Scheme and Method Statement/Management Plan are pre-commencement conditions which the agent has agreed to.

7. Conclusion

- 7.1. The proposed development would comply with the objectives of the policies outlined above. The Woodland House extension to Birmingham's Women's Hospital would provide dedicated pregnancy and baby-loss bereavement services in a therapeutic environment away from the clinical main hospital building, where families can receive the support they require. The proposal would not harm residential amenity, visual amenity or landscaping considerations.
- 7.2. The parking, traffic and highways objections have been carefully considered. The plans have been amended to increase the length of the ambulance bay and retain the current number of disability parking space currently on site. A Draft Travel Plan has been provided which sets targets for the site, and a condition is recommended for this to be approved prior to occupation of the building and reviewed annually. The Parking Strategy provides a 'back-up option' of utilising the site of Norton Court for parking following its demolition, if the Travel Plan is not approved by this time. This approach is considered to be acceptable.
- 7.3. I therefore recommend that planning permission is granted subject to the conditions below.

8. Recommendation

- 8.1. Approve subject to conditions.

- 
- |    |  |
|----|--|
| 1  | Requires the scheme to be in accordance with the listed approved plans           |
| 2  | Requires the prior submission of a contamination remediation scheme              |
| 3  | Requires the submission of a contaminated land verification report               |
| 4  | Requires the prior submission of a construction method statement/management plan |
| 5  | Limits the noise levels for Plant and Machinery                                  |
| 6  | Requires the submission of sample materials                                      |
| 7  | Arboricultural Method Statement and Tree Protection Plan - Implementation        |
| 8  | Requires the submission of hard and/or soft landscape details                    |
| 9  | Requires the submission of a landscape management plan                           |
| 10 | Requires the submission of boundary treatment details                            |
| 11 | Requires the submission of hard surfacing materials                              |
| 12 | Requires the Travel Plan to be approved and reviewed annually                    |
| 13 | Requires alterations to the car park and ambulance bay prior to occupation       |
| 14 | Requires the implementation of the Parking Strategy                              |
| 15 | Implement within 3 years (Full)  |
-

Case Officer: Caroline Featherston

## Photo(s)



Photo 1 – Front Elevation of Birmingham Women's Hospital



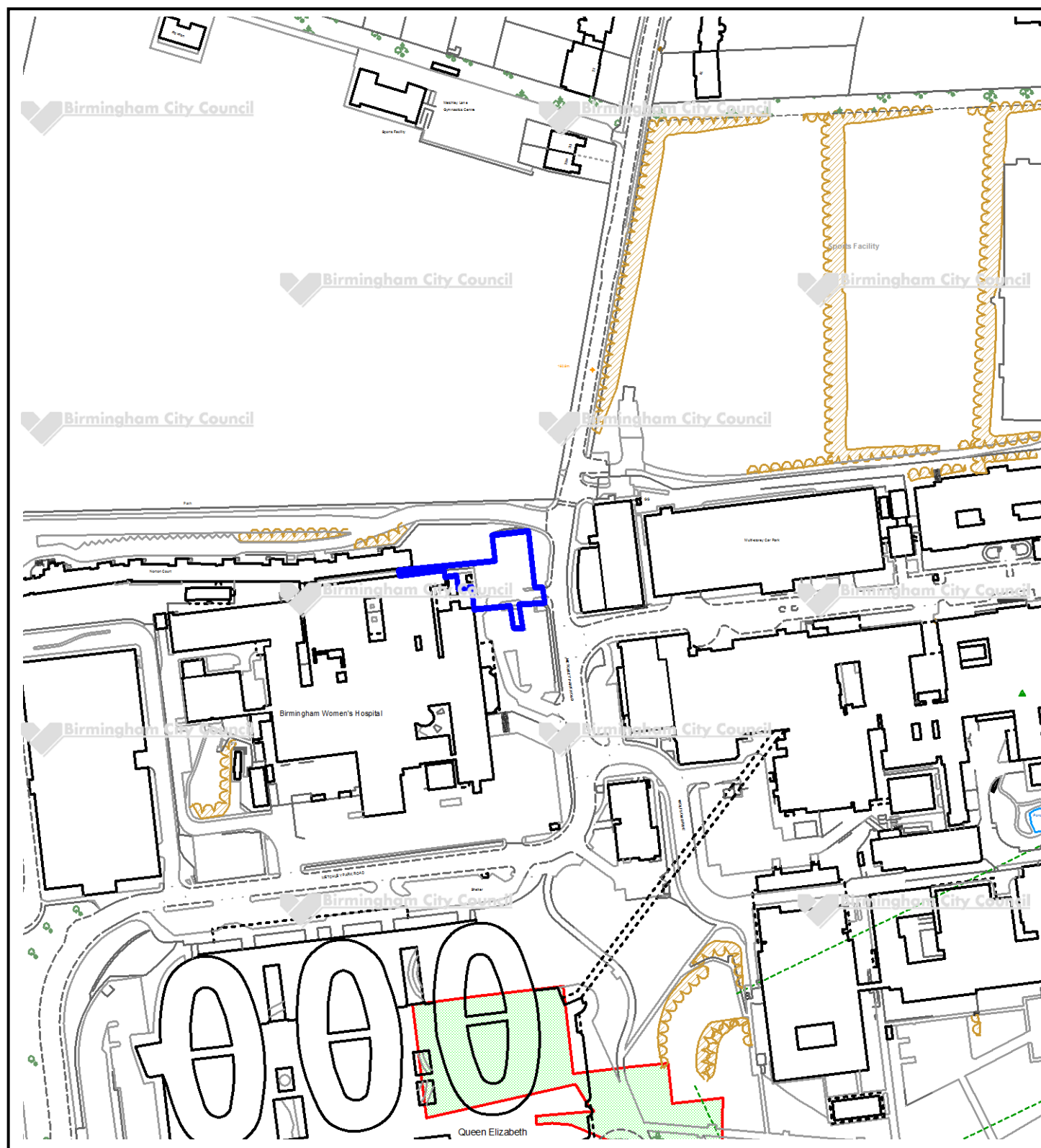
Photo 2 – Birmingham Women's Hospital with Norton Court in background





Photo 3 – Birmingham Women's Hospital and car park

## Location Plan



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# **Birmingham City Council**

## **Planning Committee**

**18 February 2021**

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 – Subject to 106 Legal Agreement	9	2019/01981/PA  332-348 Moseley Road Sparkbrook Birmingham B12 9AZ  Part demolition of existing buildings, repair and restoration works to listed buildings at 332-340 Moseley Road to provide 10no. residential units; demolition of existing buildings and erection of 2no. replacement two-storey buildings at 344-348 Moseley Road to provide 8no. residential units; and erection of 2no. part four- and five-storey buildings to provide 67no. residential units to the rear of the site; including associated access, parking, landscaping and infrastructure works
Approve – Conditions	10	2019/02005/PA  332-348 Moseley Road Sparkbrook Birmingham B12 9AZ  Listed Building Consent for part demolition of existing buildings, repair and restoration works to listed buildings at 332-340 Moseley Road to provide 10no. residential units; demolition of existing buildings and erection of 2no. two-storey buildings at 344-348 Moseley Road to provide 8no. residential units; and erection of 2no. part four- and five-storey buildings to provide 67no. residential units to the rear of the site; including associated access, parking, landscaping and infrastructure works201981/pa0000



Committee Date:	18/02/2021	Application Number:	2019/01981/PA
Accepted:	13/05/2019	Application Type:	Full Planning
Target Date:	19/02/2021		
Ward:	Balsall Heath West		

### 332-348 Moseley Road, Sparkbrook, Birmingham, B12 9AZ

Part demolition of existing buildings, repair and restoration works to listed buildings at 332-340 Moseley Road to provide 10no. residential units; demolition of existing buildings and erection of 2no. replacement two-storey buildings at 344-348 Moseley Road to provide 8no. residential units; and erection of 2no. part four- and five-storey buildings to provide 67no. residential units to the rear of the site; including associated access, parking, landscaping and infrastructure works

#### Recommendation

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

#### 1. Proposal

- 1.1. The application seeks planning permission for the part demolition of the existing buildings, repair and restoration works to listed buildings at 332-340 Moseley Road to provide 10no. residential units; demolition of existing buildings and erection of 2no. two-storey replacement buildings at 344-348 Moseley Road to provide 8no. residential units; and erection of 2no. part four- and five-storey buildings to provide 67no. residential units to the rear of the site; including associated access, parking, landscaping and infrastructure works at 332-348 Moseley Road, Sparkbrook.
- 1.2. The proposals for the site relates to 3no. main elements, namely:
  - the restoration of the Grade II Listed buildings at the front,
  - the demolition and erection of an additional 3no. non-listed buildings on the Moseley Road frontage and replacement with new buildings; and
  - demolition of rear buildings and provision of two blocks of flats.
- 1.3. The scheme would provide an overall number of 85 new residential dwellings with a split of 42no. one-bed and 43no. two-bed flats.
- 1.4. The application scheme has been reduced, from part 5 and 6-storeys to part 4- and 5-storeys, and from 97no. residential units to 85no. residential units in total. The amended scheme has been a result of detailed viability discussions and in response to urban design and conservation comments received.



**Site Location Plan**

**332-340 Moseley Road (Grade II Listed Villas):**

- 1.5. The proposal seeks to refurbish the existing Grade II Listed Georgian Villas (Blocks A-C), located at 332-340 Moseley Road using traditional materials and retaining as much of the historic fabric as possible in order to maintain the context of this part of Moseley Road. The buildings are in a very dilapidated state and elements of rebuilding would also be required, in particular as part of the internal layout and rear elevations. Nos. 332/334 (Block A) and 336/338 (Block B) Moseley Road are semi-detached buildings, whilst no. 340 Moseley Road (Block C) is a detached building and this would remain with the proposal.
- 1.6. Once restored, the Villas would be converted into residential apartments. Blocks A and B would each comprise 4no. two-bed apartments over two floors, whilst Block C would comprise 2no. two-bed apartments with their main elevated entrances from the front. The buildings would have their own 'in-and-out' access from Moseley Road with allocated parking for 7no. vehicles to the front. The flats would have a size of each between 67.5 and 76sqm.



**332-340 Moseley Road – front elevations (Refurbished Listed Buildings)**

**344-348 Moseley Road (not listed):**

- 1.7. In addition, it is proposed to demolish the dilapidated unlisted (curtilage listed) buildings at nos. 344-346 and 348 Moseley Road (Block D-E) and replace them with

2no. new villas which would be of a similar style and design to the buildings that would be replaced, following the existing building line along Moseley Road.

- 1.8. The construction would involve the use of traditional materials and roof forms, with large glazed elements and a stepped entrance to ensure the dwellings would be recognised for their original time.
- 1.9. The two new dwellings would each comprise 4no. one-bed apartments (8no. in total) over two floors and would also have their own access from Moseley Road with the provision of parking for 8no. vehicles to the front and side of the dwellings. The proposed one-bed flats would each have a size of between 53 and 56.5sqm.



**344-348 Moseley Road – Front Elevations (Replacement Villas)**

**Rear area of site:**

- 1.10. In terms of the area to the rear of the buildings along Moseley Road, it is proposed to demolish the former warehouse buildings and erect 2no. apartment buildings (Blocks F-G). The buildings would be situated within the site at an angled position with Block F being located along the rear boundary and parallel to the railway line to the north and Block G being parallel to Highgate Road to the west. The two blocks would be link-detached and would be predominantly 5-storeys in height with Block G stepping down to 4-storeys nearest to the Listed Buildings.
- 1.11. Both blocks would be of a modern design intent with the use of red contextual brick in contrast to the rendered villas at the front. The façade of both blocks would sit on a contrasting base, allowing to define the entry level with the main entrance from Block F being set back with a single-storey and lighter brick entrance feature. Block G has been designed to address the Highgate Road frontage and steps down to 4-storeys towards the Listed Buildings. It would have sunken gardens towards the Highgate Road frontage (and covering the proposed Highway Improvement Line (HIL)) area. Block F would have a different mortar to lighten the elevation. Both blocks would benefit from balconies, which would be partly recessed and partly added to the elevation to allow for variation and interest.
- 1.12. The ground floor units to the rear of Block F would benefit from their individual garden areas whilst the sunken gardens (to allow for the level change) to the north towards the Highgate Road boundary and the area between the Listed Buildings and Block G would be used as communal amenity space for the apartments.

- 1.13. Block F would comprise of 40no. residential units with a mix of 15no. two-bed and 25no. one-bed flats over the 5 storeys, whilst Block G would comprise of 27no. residential flats with a mix of 18no. two-bed and 9no. one-bed flats over the four- and five-storeys. The one-bed flats in Block F would have a size of 51.5sqm and the two-bed flats would have a size of 70sqm each. In Block G each one-bed flat would be between 52 and 54 sqm and each two-bed flat would be between 70 and 77sqm in size.



**East Elevation**



**North Elevation (View from Highgate Road)**



**West (Rear) Elevation (View from Railway Line)**



**South Elevation**

### **Associated works**

- 1.14. The main access into the rear of the site would be from the existing access on Moseley Road, centrally located between Block C (340 Moseley Road) and Block D (344 Moseley Road), the area of the former 342 Moseley Road; however this building was demolished some time ago. The access would lead to a courtyard parking area extending to the rear of the new Blocks D-E. In addition to the frontage parking (spaces 1-14), the rear would provide an additional 27no. vehicle parking spaces for Blocks F and G.
- 1.15. It is also proposed to provide 4no. electric vehicle charging points within the site. In addition, an overall provision of 91no. cycle parking spaces would be provided, distributed to the rear gardens of Block F, the provision of internal stores within the apartments buildings and one space provided within each ground floor unit of Blocks F and G.
- 1.16. There would be a main refuse store provided within an internal store in Block G as well as 4no. smaller bin enclosures to the rear of Blocks D and E. The collection points are situated within the site and as stated within the Design and Access Statement would be collected via a private refuse arrangement twice a week to allow for a smaller HGV to access and service the site.
- 1.17. The scheme is situated adjoining Highgate Road which forms part of the proposed Highway Improvement Line (HIL) including land within the application site. The scheme has taken account of the Line and has been designed with and without the implementation of the Line. This includes that Block G has been set back from the main road to allow for the proposed roadworks. The land, on an interim basis, would provide for landscaped amenity space, taking account of the change in levels. In addition, the implementation of the HIL would result in the loss of the Grade II Listed Building at 332 Moseley Road, located on the corner of Moseley Road and Highgate Road.
- 1.18. The scheme would also comprise of landscaping works, including the provision of sunken gardens along the Highgate Road (western) boundary of the site which would be removed, once the HIL would be provided. In addition, between Block G and Blocks A-C there would be rear gardens provided on a communal basis, whilst the ground floor units of Block F would have individual rear gardens. In addition, the residential flats within Block F and G would benefit from single-unit balconies. There would also be additional landscaping and vegetation provided around the parking courtyard area and along the buildings.
- 1.19. The application is accompanied by a separate Listed Building Consent application (2019/02005/PA) which is awaiting determination.

[Link to Documents](#)

## **2. Site & Surroundings**

- 2.1. The application site comprises a prominent junction corner in the Sparkbrook district of the city. To the front, the site comprises the buildings at 332-348 Moseley Road, a group of early 19<sup>th</sup> century two-storey Regency stucco rendered houses set back along the Moseley Road frontage. These houses are Grade II listed and to the south the row continues with similar yet unlisted buildings. Behind is a mid-20<sup>th</sup> century complex of sheds/ former warehouse buildings, which together with the housing have all stood derelict for a number of years and in urgent need of attention.



- 2.2. The application site is relatively level, however, Highgate Road along the northern boundary drops in level by around 2.5 metres from Moseley Road in the west towards the railway line to the east. Highgate Road forms part of the proposed Highway Improvement Line and part of the application site is located within this area.
- 2.3. The surrounding area comprises a mixture of uses. To the north, on the opposite side of Highgate Road is a builder's yard with Highgate Fire Station opposite. Adjoining the site to the south are other commercial and industrial uses. To the rear (east) is a raised railway line, beyond which are industrial premises fronting Woodfield Road. On the opposite side of Moseley Road (west) is Joseph Chamberlain Sixth Form College (fronting Haden Circus) and commercial occupiers, including manufacturing and car repair businesses.
- 2.4. There is an active bus stop to the front of 336 and 338 Moseley Road which would not be impacted on by the proposed development.

### [Location](#)

## 3. Planning History

### **332 – 348 Moseley Road**

- 3.1. 2019/02005/PA - Listed Building Consent for part demolition of existing buildings, repair and restoration works to listed buildings at 332-340 Moseley Road to provide 10no. residential units; demolition of existing buildings and erection of 2no. two-storey buildings at 344-348 Moseley Road to provide 8no. residential units; and erection of 2no. part four- and five-storey buildings to provide 67no. residential units to the rear of the site; including associated access, parking, landscaping and infrastructure works. Currently awaiting determination.

### **332 - 346 Moseley Road**

- 3.2. 25.04.2012: 2012/02416/PA – Listed Building Consent for Change of use to education facility, retention & refurbishment of existing buildings, demolition of extensions, new rear extension, together with new vehicular access, rear car park and works to forecourt – Approved, subject to conditions.
- 3.3. 2012/01154/PA- Change of use to education facility, retention & refurbishment of existing buildings, demolition of extensions, new rear extension, together with new vehicular access, rear car park and works to forecourt. Approved, subject to conditions.
- 3.4. 05/04/12 - 2012/01155/PA – Listed Building Consent for Change of use to education facility, retention & refurbishment of existing buildings, demolition of extensions, new rear extension, together with new vehicular access, rear car park and works to forecourt – Withdrawn.

### **332 & 334 Moseley Road**

- 3.5. 26/11/87 - 19974/005 - Demolition of Listed Buildings – Refused, premature prior to implementation of highway improvement line and adverse affect on the setting, character and appearance of integral group of listed buildings.
- 3.6. 26/11/87 - 19974/006 - Use of land for car parking and outside garage and erection of 2m high boundary wall with access gates – Refused, would adversely affect the settings of the listed buildings.

- 3.7. 06/04/89 - 19974/007 - Demolition of Listed Buildings – Refused and Appeal Dismissed, premature prior to implementation of highway improvement line and adverse affect on the setting, character and appearance of integral group of listed buildings.
- 3.8. 06/04/89 - 19974/008 - Use of land for car parking and outside garage and erection of 2m high boundary wall with access gates – Refused and Appeal Dismissed, undesirable demolition and adverse effect on the setting, character and appearance of integral group of listed buildings.

**Rear of 332 & 342 Moseley Road**

- 3.9. 19/01/61 – 19974/000 – New factory and offices – Approved.
- 3.10. 15/06/61 – 19974/001 – New factory and offices – Approved.
- 3.11. 26/10/62 – 19974/003 - Extension to existing factory – Approved.

**334 & 344 Moseley Road**

- 3.12. 22/07/99 - 1999/02586/PA – Replacement loading bay – Listed Building Consent Approved.
- 3.13. 22/07/99 - 1999/02587/PA – Replacement loading bay – Planning Consent Approved.

**336 & 338 Moseley Road**

- 3.14. 26/10/61 – 19974/002 - Conversion to offices – Approved.

**344 Moseley Road**

- 3.15. 24/06/66 - 10205/002 – Warehouse extension - Approved.

**4. Consultation/PP Responses**

- 4.1. Local residents, Ward Councillors, MP and Residents Associations consulted. Press and Site Notice displayed on three separate occasions (September 2019, March 2020 and January 2021). No comments received.
- 4.2. The Balsall Heath Forum and Bahru Trust both support the application.
- 4.3. Moseley Society – Support the application. Delighted to see the listed buildings being brought back into use and their frontages restored.
- 4.4. Ancient Monument Society – Pleased to see the retention of historic fabric on listed buildings but regrets the loss of the unlisted buildings at 344-348 Moseley Road.
- 4.5. Victorian Society – Object. Not supportive of the loss of the unlisted houses at 344-348 and their replacement and also consider the scale of the buildings to rear to be overly large and would over-dominate the listed buildings. No comments received on amended scheme.
- 4.6. Historic England – No objections.
- 4.7. Canal and River Trust – No objections.



- 4.8. Ecology – No objections, subject to conditions in relation to a method statement for invasive weeds, a further bat survey, scheme for ecological, biodiversity and enhancement measures, bat and bird boxes and an informative for nesting birds.
- 4.9. Education – No objection. Request for contribution of £231,511.69 as the proposed development would impact on school places.
- 4.10. Employment Access Team – No objections subject to a condition in relation to a construction employment plan.
- 4.11. Housing – No objections.
- 4.12. Lead Local Flood Authority (LLFA) – No objections subject to conditions in relation to a surface water drainage scheme and a sustainable drainage operation and maintenance plan.
- 4.13. Leisure Services – Request for off-site Public Open Space contribution of £192,875.00.
- 4.14. Network Rail – No objections subject to conditions in relation to the submission of a method statement and risk assessment; provision of a suitable trespass proof fence adjacent to the railway boundary; submission of details of scaffolding works within 10m of railway boundary; a risk assessment and method statement for use of vibro-equipment; demolition methodology statement (including mitigation measures); drainage plans for the disposal of foul and surface water directed away from the railway; full details of ground levels, earthworks and excavations to be carried out near the railway boundary; details of appropriate safety protection measures along the railway boundary
- 4.15. Regulatory Services – Considers site can be developed with suitable mitigation measures and therefore recommends conditions in relation to an additional Noise Assessment and Mitigation Scheme. In addition, conditions are recommended in relation to a Demolition Management Plan, Construction Management Plan, Contamination Remediation Scheme, Contaminated Land Verification Report, Electric Vehicle Charging Point and Air Quality Mitigation Scheme.
- 4.16. Severn Trent – No objections, subject to a condition to provide drainage plans for the disposal of foul and surface water flows.
- 4.17. Transportation – No objections subject to conditions in relation to a construction management plan, measures to prevent mud on the highway, details of means of access for construction, no occupation until service road and turning/parking area have been constructed, details of pavement boundary, entry and exit sign details, parking management strategy, residential travel plan, parking areas laid out prior to use, cycle storage details, car park management plan for disabled spaces, electric vehicle charging point, details of surface water drainage to prevent discharge onto HMPE and detail of the proposed foundation design adjoining Highgate Road.
- 4.18. West Midlands Fire Service – No objection.
- 4.19. West Midlands Police – No objections.
- 5. Policy Context

- 5.1. Birmingham Development Plan (2017); Saved Policies, Unitary Development Plan (2005); Balsall Heath Neighbourhood Development Plan (2015); Car Parking Guidelines SPD (2012); Places for Living SPG (2001); National Planning Policy Framework (2019); Technical Housing Standards – national described space standards (2015), Car Parking Guidelines SPD (2012), Affordable Housing SPG (2001),

6. Planning Considerations

- 6.1. The application has been assessed against the objectives of the policies as set out above. The main issues for consideration in the determination are as follows:

**Principle of Development**

- 6.2. The application site currently comprises of a row of listed (332-340 Moseley Road and unlisted (344-348 Moseley Road) Georgian villas, with former warehouse buildings to the rear. The most recent use of the site has been for storage purposes; however, the site has now been vacant and disused for a considerable time and all buildings on site are currently in very poor state of repair and in near derelict condition. With the construction of the Sixth Form College on the opposite site of Moseley Road, the use of the application site for industrial uses has continued to become less attractive and suitable.
- 6.3. In line with policy TP20, the site is therefore considered to be no longer attractive for employment development including its most recent use (some 20 years ago) for storage purposes. However, whilst it is acknowledged that no specific marketing exercise has been undertaken in the last few years to understand whether there would be any interest of the continued use of the site for industrial purposes, it is noted that the loss of the industrial use of the site has been previously accepted with planning permission being granted under reference 2012/01154/PA for a change of use to an education facility, being considered a non-residential institution (Use Class F.1). It is also considered that the site would represent an opportunity to achieve a viable use for the site assisting in the overall regeneration and improvement of the area in line with the principles and aims of the BHNDP as well as refurbishment of the dilapidated Listed Buildings which are in desperate need of repair works.
- 6.4. In addition, the site is listed in the 2019 Strategic Housing Land Availability Assessment as being suitable and with reasonable prospect of availability. It is noted in the Assessment that there are some constraints (which include the Listed Building to the site's frontage), but which are considered capable of being overcome.
- 6.5. It is therefore considered that the principle of residential development on this site is acceptable and would provide a beneficial re-use for the site which has been vacant for a significant amount of time.

**Impact on Listed Buildings**

- 6.6. The application seeks the repair and conversion of the Grade II Listed early 19<sup>th</sup> Century Regency stucco rendered houses at nos.332-340 Moseley Road to residential use, including the demolition and replacement of the buildings at nos. 344-348 and warehouse buildings to the rear to be replaced with two residential apartment blocks.
- 6.7. Significance of the Setting to the Listed Buildings - The NPPF requires heritage assets to be conserved in a manner appropriate to their significance and any harm to that of significance requires clear and convincing justification. Where less than

significant harm would be caused to a designated heritage asset it should be weighed against the public benefits of the proposal. Paragraph 189 of the NPPF requires an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting.

- 6.8. The application is supported by a Historic Building Report, which describes the setting, however, does not draw any conclusions in its significance to the listed buildings. It is considered that the significance of the setting of these listed buildings in the wider townscape to largely comprise views on the approached form from the north and south along Moseley Road and from the west up Highgate Road. Little significance however can be attached to the setting from the railway line or east, as the site is not prominent or orientated in this direction.
- 6.9. In terms of the setting within the site, the area that continues along the Moseley Road frontage to the south, in line with the listed buildings, would be considered significant as part of the established building line as developed in the 19<sup>th</sup> Century. The land to the rear of the Moseley Road frontage, which once formed part of the Listed Buildings curtilage would only be considered significant as a 'back drop' to the views from the front and is therefore considered to be less significant. It should be acknowledged that the area to the rear had already changed significantly (prior to listing) with the erection of the railway line and with the later addition of warehouse buildings.
- 6.10. Demolition – The submitted Historic Building Report does not identify anything of significance on the site to the rear of the principal Moseley Road frontage of the Listed Buildings. The map regression shows that this largely dates to the post war restructuring of the local economy and the loss of the railway station that was located to the rear (adjacent to the railway bridge). These sheds/warehouse buildings cause harm to the setting of the listed buildings and their loss (in the absence of redevelopment) would be positive to their setting.
- 6.11. The unlisted buildings extending to the south along the Moseley Road frontage (nos. 344-348 Moseley Road) contain some historic pedigree. These buildings have been significantly altered and compromised, but yet are positive to the setting of the listed buildings. The loss of these buildings will cause less than substantial harm to the listed buildings; however this can be mitigated through the appropriate redevelopment of the site. As such a condition seeking to ensure a contract to redevelop the site in advance of demolition is recommended.
- 6.12. Enabling Development – The redevelopment of the rear site seeks to secure residential use at a high density in order to ensure it is viable to offset the costs of restoring the Listed Buildings. During the progress of the application, the viability of the scheme has been assessed and tested with the Council's independent Surveyors to understand what the minimum number of residential units could be in order to ensure the listed buildings are saved and brought back into use.
- 6.13. Following discussions, the independent assessment now considers that the development can be justified in terms of the quantum of development reviewed against the costs and profit. Whilst still larger than typically desired in this location and suburban context, the numbers now proposed are the minimum in order to satisfy the sound delivery of the scheme without causing additional unnecessary impact. The development, as a consequence of discussions, has been reduced in the overall number of units and the reduced scale of Block G to a maximum of 4-storeys closest to the Listed Buildings is supported.

- 6.14. In terms of Block D and E, the replacement of the unlisted buildings at nos. 344-348 Moseley Road, comprises a pair of symmetrically composed structures with shallow hipped roofs, stucco elevations and paired black classical proportions. Their built form, which is a contemporary response to this local regency design, is considered to reflect the scale and form of the retained listed buildings and would extend south along the remaining Moseley Road frontage and existing building line. The new buildings seek to reflect the character of the demolished buildings and would sensitively restore the street frontage. It is not considered that the buildings would cause harm to the setting of the listed buildings, but would rather help to restore the degraded street scape in views towards the listed buildings on the approach along Moseley Road in both directions, but particularly from the south.
- 6.15. With regards to Block F and G to the rear, these are large residential blocks which are predominantly five-storeys in height and run across the back of the site and a second range that runs parallel to Highgate Road, stepping down to four-storeys towards the back of the Listed Buildings. In terms of views, whilst it is considered that glimpses of the large development to the rear would be afforded, these would not be seen on the approach along Moseley Road from the south, which is acknowledged as a significant view. Views on the opposite approach from the north will be impacted on, however, due to the development being read in conjunction with (and overlooking Highgate Road) it would not appear as backland development, but would have a proper street frontage and therefore the change in scale can be tolerated. The approach coming up Highgate Road towards the site from the west would be more significant, however, with the rising topography the perspective would be less severe, but some harm is identified here.
- 6.16. Following the course of this application, the amended plans negotiated and the independent viability testing that has been conducted, the Council's Conservation Officer is supportive of the scheme and satisfied that the level of development arrived at is the minimum necessary to ensure the redevelopment of this site which includes the bringing back into use of the listed buildings. The Conservation Officer also broadly agrees with the conclusion of the Historic Building Report, which accepts that the key impact would be the height and massing of the new buildings, which would be visible above and to the rear of the listed buildings when viewed from Moseley Road and this would impact on their setting. The harm to the setting is likely considered to be 'less than substantial'.
- 6.17. In addition, Historic England has been involved in the proposed redevelopment of the site, since first pre-application conversations commenced in 2017 and have also provided additional formal consultation responses on the planning application submission. In summary, they have raised no objections to the proposed development and welcome the retention, repair and conversion of the Grade II Listed terrace of houses to the front. Whilst it was encouraged to consider a further reduction in the prominence of the proposed buildings at the rear, it is recognised that the application refers to the potential impact this would have on the viability of the scheme. In addition, they have stressed that the success of the proposal would depend greatly on sensitive interventions and the use of good quality traditional materials and conservation techniques throughout.
- 6.18. 'Less than substantial harm' assessment - As detailed above, it has been identified that some harm would be caused due to the impact and height of the new build development at the rear on the listed buildings and as a result, the development would cause less than substantial harm to the heritage asset. Therefore, this harm, this would need to be balanced against the public benefits of the proposals as required by paragraph 196 of the NPPF.

- 6.19. There would be a number of public benefits from the proposal as a result of the development, which include: securing a new use for the site and the existing listed buildings which have been vacant for a number of years and have fallen into disrepair; supporting the long-term preservation of the listed buildings and restoring their significance through a detailed programme of repair works; retention of the existing frontage structures to the listed buildings; careful replacement using traditional materials of nos. 344-348 Moseley Road; improving the external appearance and visual impact along this part of Moseley Road resulting in an overall improvement and regeneration of the wider area; providing a high-quality, sustainable development within a sustainable location; and providing high-quality residential accommodation with a mix of one- and two-bed apartments.
- 6.20. The Victorian Society and Ancient Monument Society have been consulted on the scheme. Both raise concerns over the loss of the unlisted houses at 344-348 Moseley Road and their replacement; however welcome the proposals to reinstate and restore the dilapidated listed building. It is also considered that the scale of the buildings to rear would be overly large and over-dominate the listed buildings. However, whilst fully acknowledging their concerns, on balance and in close consultation with the Council's Conservation Officer and Historic England, it is considered that the scheme would be acceptable in terms of its impact on the Listed Buildings.
- 6.21. Conditions have been recommended by the Conservation Officer for a phasing plan and the submission of a signed contract to redevelop the site, prior to demolition of any buildings or structures, in order to ensure that works are carried out in full accordance with the application submission. In addition, materials and architectural details for the new build Blocks D-G should be submitted to ensure they would not unacceptably impact on the listed buildings. I concur with this view.
- 6.22. Overall, and noting the detailed assessment above, it is considered that on balance and subject to conditions, the scheme would cause less than substantial harm and would be acceptable in terms of its impact on the heritage assets within the site.

#### **Design and Impact on Visual Amenity**

- 6.23. Policy PG3 of the BDP states that all new development will be expected to be designed to the highest possible standards which reinforces or creates a positive sense of place and safe and attractive environments. The NPPF in Para 124 states that good design is a key aspect of sustainable development and creates better places to live and work.
- 6.24. The layout proposed has been designed around the need to retain the existing Listed Buildings along the Moseley Road frontage and minimise the impact any development at the rear would have on their setting. The proposed layout seeks to retain the Listed Buildings, replace the two unlisted Villas to the south along the Moseley Road frontage and provide two blocks of flats (Block F and G) to the rear of the Georgian Villas replacing the former warehouse buildings. Vehicle access into the main (rear) site would be between 340 and 344 Moseley Road with a courtyard parking area between 344-348 Moseley Road and Block F which would be situated along the rear (eastern) boundary and parallel to the railway line. Block G would be located at an angled position to both the listed buildings and Block F to sit parallel to Highgate Road. The new apartment building has been set back from the Highgate Road frontage to allow for the implementation of the Highway Improvement Line (HIL) proposed for Highgate Road. The area, on the interim basis, would be

provided as a stepped garden, providing communal amenity space, appropriately taking care of the change in levels. The land to the rear of the listed buildings and towards Block G would also be used for communal amenity space.

- 6.25. In terms of the design of the Listed Georgian Villas to the front, they would be refurbished, reinstated and converted into residential apartments. Their original features, in particular along their main Moseley Road frontage would be carefully documented and refurbished in line with their original appearance using traditional materials wherever possible, including float smoothed white stucco lime render, pebble grey windows and roof slates to match the existing, remaining roof. Due to their very poor state and loss of internal features, some rebuilding to the rear and internally may be required once the most recent condition of the buildings has been determined and documented.
- 6.26. With regard to the unlisted villas at 344-348 Moseley Road, considering their dilapidated and very poor state, rebuilding is understood to be the only viable option. The character and appearance of the replacement has taken into account the character and appearance of the original buildings and design and would mirror the original period style in terms of its scale, roof forms and other important external and internal features including large glazed windows and a stepped entrance. The use of materials follows the design and character of the Listed Buildings also proposing to use float smoothed white stucco lime render, pebble grey windows and roof slates. This would allow for appropriate and suitable rebuilding, improving the appearance within the streetscene and the surrounding area within the views of the Listed Buildings.
- 6.27. The overall massing and scale of the apartment buildings to the rear has been reduced during the process of the application from originally largely 6-storeys to largely 5-storeys with an element of Block G, nearest to the listed buildings stepping down to 4-storeys (formerly 5-storeys) which would assist in further reducing the overall impact and visual appearance of the apartment blocks when viewed together with the Listed Buildings at the front. The previously proposed lower ground floor towards the Highgate Road frontage has been omitted from the scheme. The main entrance into the block F as well as the link between the buildings has been set back to create some interest and detail. In addition, a mix of recessed and added balconies would be proposed to allow for additional amenity space as well as articulation and detailing.
- 6.28. The proposed apartment buildings would be constructed of red brick with a concrete base covering the ground floor area. Block F would receive a light grey mortar and Block G would be treated with a dark grey mortar to create some contrast and visual interest between the two blocks. The windows, in line with the buildings to the front would have stone grey windows and the balconies' balustrade would also have a stone grey finish. The set back above the main entrance to block F and the set back link between the two blocks would comprise of light grey/cream brick to create an additional contrast.
- 6.29. The application site is located on the prominent corner of Highgate Road and Moseley Road and would be visible when travelling along those roads via the main junction. It is considered that there would be a number of locations around the site where both the Listed Buildings and rear apartment buildings would be viewed together or where the apartment building would appear above or adjoining the Listed Buildings. However, due to the development being read in conjunction rather than on their own, it would not be viewed as backland development but would have a proper street frontage and therefore the change in scale can be accepted. In

addition, noting the set back in particular of Block F and the (lesser) set back and stepped approach of Block G, the development would not be immediately viewed together when approaching the site along Moseley Road from the south (considered to be one of the most significant views), but rather the Listed Buildings being appreciated on their own. It is therefore considered that the scheme would be acceptable in terms of the visual amenity and would not unacceptably impact on the character and appearance of the area.



**Proposed view from Highgate Road/Moseley Road junction towards site**



**Proposed Streetscene – Moseley Road**



**Proposed Streetscene – Highgate Road**

- 6.30. There is limited opportunity for landscaping within the site; however, it is considered the site had made good use of the space available and would provide a mix of communal garden areas, landscaping strips around the courtyard parking areas as well as private gardens to the ground floor units at the rear. Therefore, it would be appropriate to include conditions for details of a landscape masterplan and maintenance plan, planting strategy, boundary treatment details, hard and/or soft landscaping details, hard surfacing materials and levels. In addition, a condition would be imposed to provide details of the foundation design and depth details



along the Highgate Road frontage to ensure the implementation of works can proceed prior to any works to the HIL.

- 6.31. Concerns have been raised by the Victorian Society and Ancient History Society in relation to the overall height and massing of the apartment buildings to the rear as well as the replacement of the unlisted buildings at 344-348 Moseley Road (Block D-E). However, following discussions and a detailed assessment and review of the viability of the scheme, it is considered that the design, layout and scale of the amended scheme would be appropriate and is considered the minimum of development required to ensure the refurbishment and retention of the Listed Buildings. In addition, the replacement of the unlisted villas at 344-348 Moseley Road has been part of on-going discussions, however, noting their existing poor state of repair and acknowledgement of their original form and materials in their replacement, as well as the consideration in the light of the overall viability, it is acknowledged this would be the only appropriate option in progressing a development of the site.
- 6.32. A phasing plan would need to be provided to ensure the listed buildings are brought back into use in advance of the commencement of works to the new build elements.
- 6.33. The reinstatement and refurbishment of the Listed Buildings has been further considered as part of the accompanying Listed Building Consent application and suitable conditions would be attached to ensure the appropriate development.
- 6.34. In summary it is therefore considered, taking the above into account that the scheme is acceptable in terms of its proposed design and would not result in a detrimental impact on the visual amenity of the area.

#### **Dwelling Mix and Impact on Residential Amenity**

- 6.35. BDP policy TP30 states that proposals for new housing should deliver a range of dwellings to meet local needs and support the creation of mixed, balanced and sustainable neighbourhood and new housing should be provided at target density responding to the site, its context and housing needs with densities of at least 50 dwellings per hectares in areas well served by public transport. The development would provide 85no. dwellings on a site of 0.51 hectares. This would result in a density of approximately 167 dwellings per hectare. Considering its location on a major traffic route, within close distance to the city centre and nearby local centres, it is considered that the high density is appropriate for its location and context.
- 6.36. In terms of the dwelling mix, the scheme proposes to provide 42no. one-beds (49.4%) and 43no. two-beds (50.6%) which is an amended mix from the original proposal seeking to provide 66no. one-beds (68%) and 31no. two-beds (32%) as a result of on-going discussions seeking a greater mix as well as the loss of the 6<sup>th</sup> floor and lower ground floor. The applicant has advised that larger units could not be provided, considering the viability of the scheme is marginal. Whilst some bigger apartments would be preferred, it is noted that the two-bed units within blocks F and G would all be at least 70sqm in size and therefore able to accommodate 4persons in line with the minimum spacing standards set out in the Technical Housing Standards – nationally described space standards (2015). In addition, all other flats within the scheme would also comply with the minimum spacing guidance and are considered to provide appropriate internal living conditions.
- 6.37. The site is located within a largely commercial area and is adjoined by Highgate Road and Moseley Road to the north and west, the railway line to the east and

commercial (retail) uses to the south. On the opposite side of Moseley Road lies the Joseph Chamberlain Sixth Form College. The nearest residential dwellings are located some 90m to the south-east beyond the railway line and beyond other commercial premises. It is therefore not considered that the scheme would have an impact on existing residents living around the site by way of overlooking, loss of privacy or outlook.

- 6.38. In terms of future residents living within the application site, it is noted that bedroom 1 of the north-western corner flats and the living/kitchen/dining room on the south-western corner flats of Block G would have a window situated towards the Listed Buildings. However, noting the windows are all secondary windows, it would be appropriate to impose a condition for those windows to be obscurely glazed in order to prevent any overlooking or loss of privacy to the flats within the Listed Buildings.
- 6.39. There are an additional 10no. flats within Block G which have windows in part of their main habitable rooms falling short of the recommended 12.5m separation distance for windowed elevations with opposing blank walls. However, considering the flats are all of appropriate size, in excess of the minimum spacing standards and there are other habitable rooms within those flats and balconies that provide suitable outlook and natural light, it is considered that on balance the distance is acceptable.
- 6.40. In terms of external amenity space provision, Places for Living usually requires 30 square metres communal amenity space per dwelling which would require 2550 square metres for the 85no. apartments proposed to be provided on site. Overall, the scheme seeks to provide 1358 square metres within the scheme, being divided into external communal amenity space (898 square metres), private balconies (228sqm) and private garden areas to the rear of Block F (232sqm). Whilst it is acknowledged the provision is below the recommended guidelines, the overall benefits of the scheme in terms of regenerating the site and refurbishing the Listed Buildings, within in a sustainable location, would outweigh any harm caused by the lower provision. In addition, it is noted that all apartments exceed the national space standards and the site is within reasonable walking distance of Calthorpe Park to the east.
- 6.41. In terms of contaminated land, the application is supported by a limited phase 2 intrusive site investigation and also by an asbestos survey. The asbestos survey indicates extensive asbestos throughout the buildings including lagging to pipe work and this would require pre-demolition treatment. The main site investigation carried out a limited number of boreholes and has identified contamination with lead, hydrocarbons, asbestos and PAH. At this stage, no remediation strategy has been provided and there would need to be additional work carried out to scope the extent of the contamination further to design a suitable remediation strategy. In addition, a ground gas assessment to be carried out prior to any works below ground (including slab removal). Such details can be addressed by conditions to provide a demolition management plan, construction management plan, contamination remediation scheme and contaminated land verification report.
- 6.42. The scheme is acceptable in terms of air quality and conditions in relation to a construction management plan and air quality mitigation scheme would mitigate any potential concerns.
- 6.43. Whilst the development is supported by a Noise Assessment, it is considered that the report does not adequately characterise the existing noise environment. The site is considered to be in a poor acoustic environment being bordered by two main roads, commercial units and the railway line to the rear. The main concern is the

noise impact on outdoor amenity space and is likely to require some form of boundary mitigation to achieve an acceptable amenity standard. It is considered that the site could be developed subject to correct and adequate mitigation measures. Therefore, in the first instance, further noise monitoring would be required prior to commencement of the development to fully understand the noise impact and outline suitable mitigation measures. It is considered this can be covered by conditions.

- 6.44. In addition, a condition in relation to an electric vehicle charging point.

#### **Affordable Housing**

- 6.45. The application is accompanied by a Financial Viability Appraisal which was independently reviewed by the Council's Viability Assessor. It was confirmed, taking into account the works to reinstate and refurbish the existing Listed Buildings, that the maximum the scheme could deliver in terms of affordable housing would be the provision of 4no. affordable housing units (3no. one-beds and 1no. two-bed) as discounted market sale at 20% discount (4.7%). The Council's Housing team support the tenure of the development.

#### **Public Open Space and School Places Contribution**

- 6.46. As the application is for over 20 dwellings, it would be subject to an off-site Public Open Space contribution. Based on the current mix this would require a total Public Open Space contribution payment of £192,875.00 which would be spent on the provision, improvement and/or biodiversity enhancement of public open space.
- 6.47. In addition, the Council's School Organisation team has requested a contribution for £231,511.00.
- 6.48. The application is supported by a Viability Assessment and following independent review it was confirmed that, except the affordable housing provision and thorough refurbishment of the Listed Buildings, as detailed above, no further contribution could be sought from the development without impacting on the viability and deliverability of the proposal. Therefore, it would not be appropriate to seek the public open space and education school places contribution in this instance.

#### **Impact on Highway Safety**

- 6.49. The application site is located within a sustainable location, on the prominent corner of Moseley Road and Highgate Road. There are bus stops located just outside the application site connecting the site to the City Centre and surrounding areas. In addition, the nearest local centre (Balsall Heath Local Centre) is located within a short walking distance, approximately 200m to the south of the application site, providing a variety of retail shops, restaurants and other amenities
- 6.50. The scheme is situated adjoining Highgate Road which forms part of the proposed Highway Improvement Line (HIL) including land within the application site. The scheme has taken account of the Line and has been designed with and without the implementation of the Line. This includes that Block G has been set back from the main road to allow for the proposed roadworks. The land, on an interim basis, would provide for landscaped amenity space, taking account of the change in levels. A condition would be imposed to provide and agree details of the proposed foundation design and structure. Any required railings or fencing would be covered by a suitable boundary treatment condition.
- 6.51. Vehicular access into the application site would be provided on the location of the former 342 Moseley Road (previously demolished), in between the Listed Building at no. 340 Moseley Road and the replacement dwelling at no. 344 Moseley Road. The

access would lead to a rear courtyard area providing 27no. vehicle parking spaces including 4no. electric vehicle charging points. In addition to the rear courtyard parking area, Blocks A-C and Blocks D-E would have their own parking areas to the Moseley Road frontage, providing an additional 7no. and 6no. vehicle parking spaces respectively. The application site therefore has an overall vehicle parking provision of 41no. spaces (48% provision). Considering the sustainable location of the site with its easy access to public transport facilities as well as walking distance to Local Centres, it is considered the low provision is acceptable.

- 6.52. In addition, the scheme seeks to provide 91no. cycle parking spaces (110% provision), to be situated within the internal stores within and between Block F and G, within each ground floor units of the new apartment blocks as well as within the private rear gardens of the ground floor units of Block F. No further details have been provided at this stage and the arrangements and provision can be covered by a suitable planning condition.



#### Vehicle and Cycle Parking Provision

- 6.53. In terms of refuse storage, these would be located within the ground floor of Block G as well as the provision of 4no. smaller bin enclosures to the rear of Blocks D-E (344-348 Moseley Road). The collection points have been accommodated to be within 10m of the access road and within 30m of any front doors to the units. The Design and Access Statement acknowledges the constrained site road and turning head and therefore proposes a private refuse arrangement allowing for a smaller HGV to access and service the site with two collections per week.
- 6.54. Therefore in summary it is considered that the scheme would be acceptable in terms of highway and pedestrian safety subject to conditions.

### **Drainage/ Flooding**

- 6.55. The application site is located within Flood Zone 1 and the applicant has submitted a Flood Risk Assessment with the application. Conditions to provide details of surface water drainage and SUDS prior to commencement of works; and the submission of a Sustainable Drainage Operation and Maintenance Plan are required.
- 6.56. In addition, a condition to provide drainage plans for the disposal of foul and surface water flows is required.

### **Ecology / Trees**

- 6.57. It is considered that the existing buildings have potential for roosting bats, and whilst no bats were recorded as part of previous surveys, this was undertaken in 2019 and the building appears to have further deteriorated in the intervening period potentially creating additional opportunities for roosting bats. Therefore, it is considered that a condition for an updated bat survey would be appropriate before any demolition works commence or other building works take place.
- 6.58. In addition, noting the Japanese Knotweed within the adjoining railway line, a 'invasive weeds on site - method statement' would be required to ensure that demolition works adjacent to the eastern boundary does not disturb the stand of Japanese knotweed growing on the adjoining railway embankment. Further recommended conditions are a scheme for ecological, biodiversity and enhancement measures and bat and bird boxes to be provided within the site as well as a nesting bird informative.
- 6.59. It is noted that there are some trees and vegetation to the rear with the majority however being self set and away from public amenity views. The most important tree is situated to the Moseley Road frontage and it is acknowledged the tree would be given more space as part of the proposal than previously provided. The new access arrangement would also not impact on this tree and would introduce some new green landscaping within its rooting area. Considering there are no other constraints, the scheme is considered acceptable in terms of its impact on trees within the site.

### **Other matters**

- 6.60. Local Employment - The Council's Employment team recommend a condition to provide a construction employment plan which would include that a minimum of 60 person weeks of employment per £1million spend on the construction of the site will be provided for new entrants who live locally.
- 6.61. Community Infrastructure Levy - The proposal would not attract a Community Infrastructure Levy (CIL) contribution.
- 6.62. Energy and Sustainability – The application is supported by a Sustainable Construction Statement which confirms that the scheme has been designed to meet high standards of sustainable design throughout all stages of development, including demolition, construction and long-term management. This includes that building materials will be recycled where possible including modern methods of construction and use of low maintenance materials. For example, the walls and roofs have been designed with high levels of thermal insulation to prevent internal warmth from dissipating as well as keeping the heat out during warmer weather. In addition, the proposed drainage design seeks to retain storm water within the site through ground attenuation tanks, reducing the impact on the local drainage systems when compared to the existing rainwater runoff into the existing street drainage. On this basis it is considered that the proposed development would largely comply with the adopted policies and has considered sustainable construction measures.

- 6.63. Impact on Railway – The comments made by Network Rail are noted. The majority of suggested conditions relate however to non-planning matters. Other conditions attached would address the relevant matters raised, so it is not considered that additional conditions would be necessary.

## 7. Conclusion

- 7.1. The application seeks planning permission for the part demolition of the existing buildings, repair and restoration works to listed buildings at 332-340 Moseley Road to provide 10no. residential units; demolition of existing buildings and erection of 2no. two-storey buildings at 344-348 Moseley Road to provide 8no. residential units; and erection of 2no. part four- and five-storey buildings to provide 67no. residential units to the rear of the site; including associated access, parking, landscaping and infrastructure works at 332-348 Moseley Road, Sparkbrook. The scheme is considered to be acceptable in principle, considering its long term vacancy and the loss of employment land has been accepted previously with the permission for an educational use. In addition, whilst it is considered the provision of apartment buildings and replacement of the unlisted villas at 344-348 Moseley Road would cause less than substantial harm with regard to the existing Grade II Listed Buildings, this harm has been weighed against the public benefits of the scheme which would allow for the refurbishment of the dilapidated Listed Buildings and an appropriate redevelopment, providing a high-quality residential scheme within a sustainable location. In addition, the design, layout and scale of the proposal is acceptable and would improve the visual amenity of the area. Whilst additional noise works would be required, subject to conditions the scheme is considered to be acceptable in terms of its impact on residential amenity as well as highways safety. The scheme has also appropriately considered matters in relation to ecology, drainage and sustainability. The application is therefore recommended for approval, subject to conditions and completion of the Section 106 Agreement to secure the affordable housing provision and refurbishment works to the Listed Buildings.

## 8. Recommendation

- 8.1. That application 2019/01981/PA be approved subject to the prior completion of a S106 legal agreement to secure:
- i. A contract and timetable for the proposed works, to include refurbishment and restoration works to the listed buildings at 332-340 Moseley Road (Block A-C) together with the re-development of the remainder of the site and construction of Blocks D-G, being agreed and let prior to commencement of any works (excluding demolition).
  - ii. 332-340 Moseley Road (Listed Buildings) are substantially repaired and restored prior to occupation of 50% of the new dwellings (Blocks D-G) within the application site and in accordance with Listed Building Consent 2019/02005/PA.
  - iii. All repairs, restoration works and conversion of 332-340 Moseley Road (Listed Buildings) must be completed prior to occupation of 90% of the new dwellings (Blocks D-G) within the application site and in accordance with Listed Building Consent 2019/02005/PA.

- iv. The on-site provision of 4no. affordable dwellings (4.7%), to include 3no. one-bed and 1no. two-bed flats at discounted market sale at 20% discount.
  - v. Payment of a monitoring and administration fee associated with the legal agreement of £1,500.
- 8.2. In the absence of a suitable legal agreement being completed to the satisfaction of the Local Planning Authority by 19<sup>th</sup> March 2021 or such later date as may be authorised by officer under powers hereby delegated, planning permission be refused for the following reasons:
- i. In the absence of any suitable legal agreement to secure the repair and restoration works to the listed buildings and the provision of affordable housing the proposal would be contrary to policy TP12 and TP31 of the Birmingham Development Plan and NPPF.
- 8.3. That the City Solicitor be authorised to prepare, complete and seal the appropriate legal agreement under Section 106 of the Town and Country Planning Act.
- 8.4. That in the event of an appropriate legal agreement being completed to the satisfaction of the Local Planning Authority by 19<sup>th</sup> March 2021, planning permission be approved subject to the conditions listed below.

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|----|---|
| 1  | Requires the scheme to be in accordance with the listed approved plans                |
| 2  | Implement within 3 years (Full)   |
| 3  | Requires the prior submission of a phasing plan                                       |
| 4  | Requires the prior submission of a signed contract to redevelop the site              |
| 5  | Requires the prior submission of bay studies and detailed sections                    |
| 6  | Requires the prior submission of materials/architectural details - Block D-E          |
| 7  | Requires the prior submission of materials/architectural details - Block F-G          |
| 8  | Requires the prior submission of a method statement for the removal of invasive weeds |
| 9  | Requires the prior submission of an additional bat survey                             |
| 10 | Requires the submission of a scheme for ecological/biodiversity/enhancement measures  |
| 11 | Requires the prior submission of details of bird/bat boxes                            |
| 12 | Requires the prior submission of a Construction Employment Plan                       |
| 13 | Requires the prior submission of a landscape masterplan                               |
| 14 | Requires the submission of hard and/or soft landscape details                         |
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15	Requires the submission of hard surfacing materials
16	Requires the submission of boundary treatment details
17	Requires the prior submission of a planting strategy
18	Requires the submission of a landscape management plan
19	Requires the prior submission of a surface water drainage scheme
20	Requires the prior submission of a Sustainable Drainage Operation and Maintenance Plan
21	Requires the prior submission of a demolition method statement/ management plan
22	Requires the prior submission of drainage plans - foul and surface water
23	Requires the prior submission of ground levels, earthworks and excavation works
24	Requires the prior submission of a construction method statement/management plan
25	Requires the prior submission of a contamination remediation scheme
26	Requires the submission of a contaminated land verification report
27	Requires the provision of electric vehicle charging points
28	Requires the prior submission of an air quality mitigation scheme - Block A
29	Noise and Vibration Levels for facades
30	Requires the prior submission of further noise assessment
31	Requires the provision of obscure glazing for specific areas of the approved building
32	Requires the submission of a lighting strategy
33	Requires the submission of details to prevent mud on the highway
34	Requires the prior installation of means of access
35	Prevents occupation until the service road has been constructed
36	Prevents occupation until the turning and parking area has been constructed
37	Requires the submission of details of pavement boundary
38	Requires the submission of entry and exit sign details
39	Requires the submission of a parking management strategy
40	Requires the submission of a residential travel plan
41	Requires the parking area to be laid out prior to use

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- 42 Requires the submission of cycle storage details
  - 43 Requires the submission of a car park management plan for disabled spaces
  - 44 Requires the prior submission of the design and structural details of proposed foundation along Highgate Road
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Case Officer: Laura Pohl

## Photo(s)

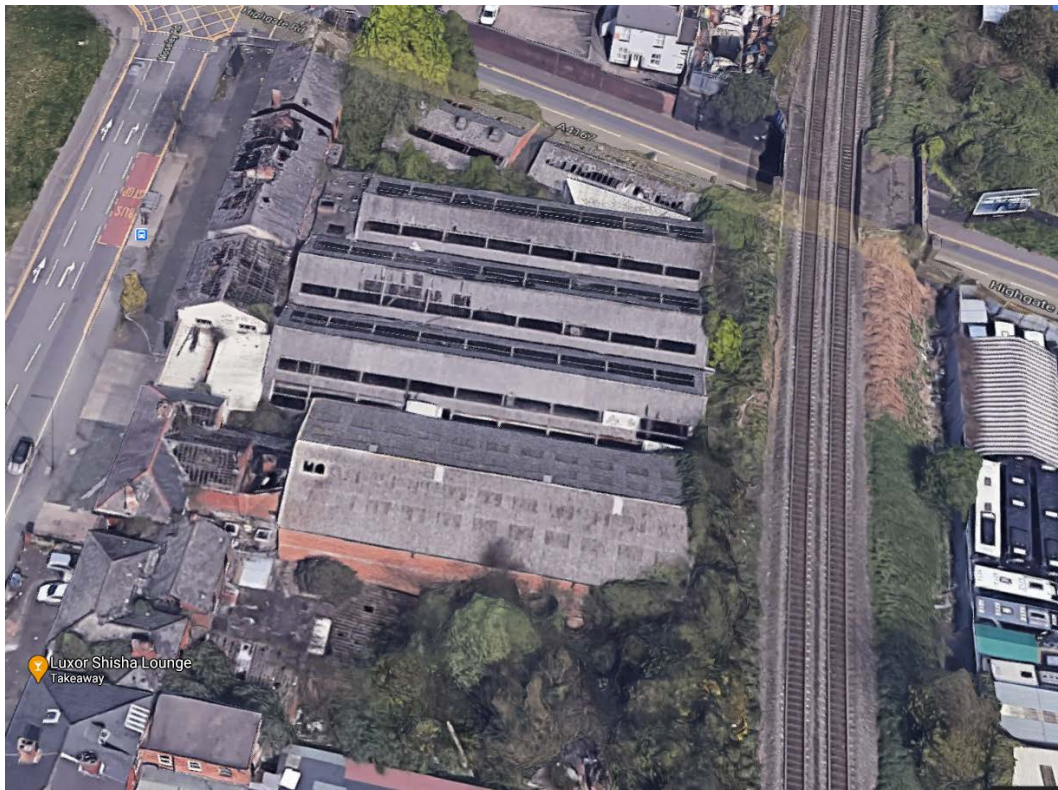


Image 1: Google Aerial View of Application Site



Image 2: View towards Listed Buildings 332-336 Moseley Road





Image 3: View towards Listed Buildings 336-340 Moseley Road

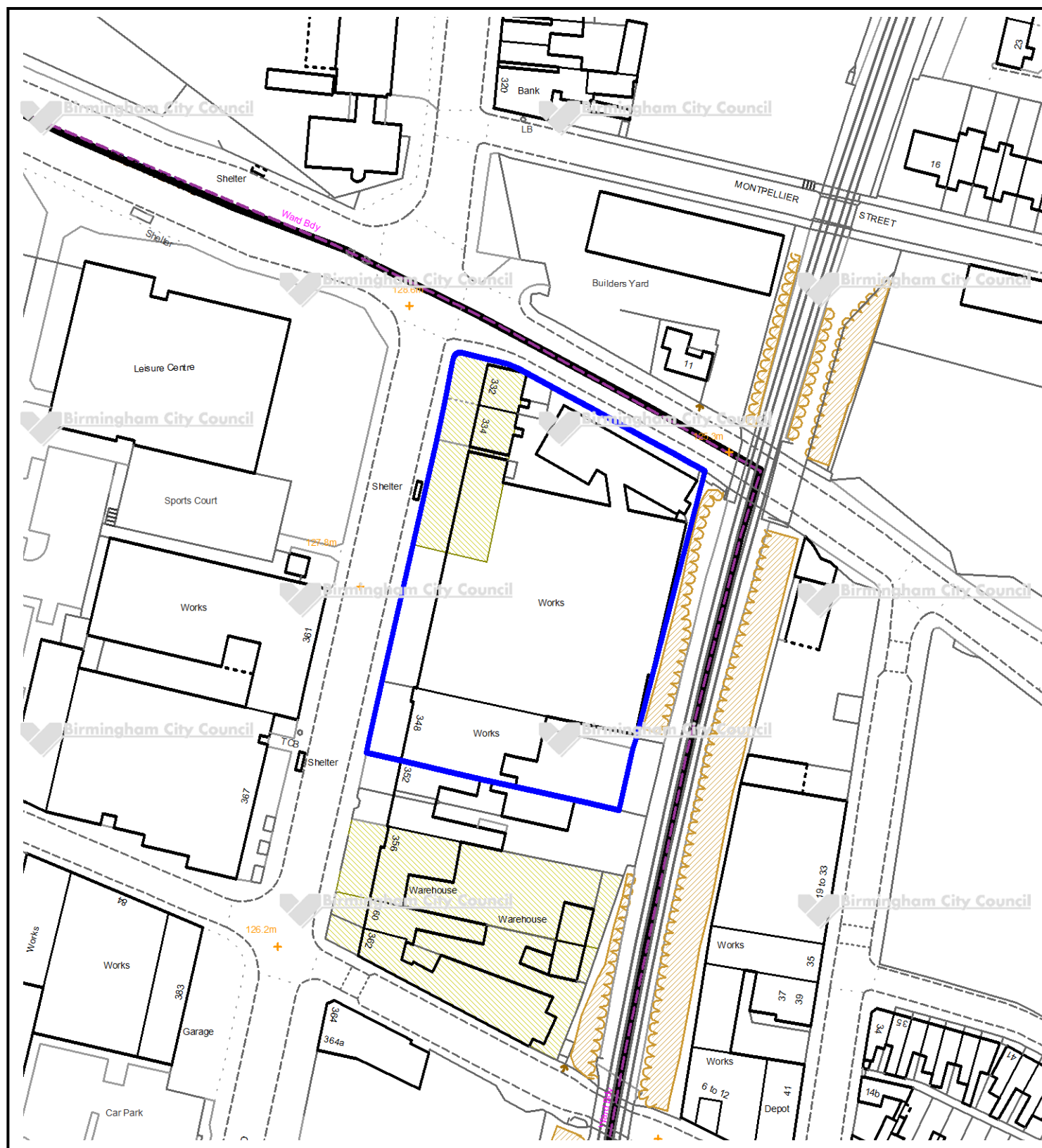


Image 4: View towards 344-348 Moseley Road (not listed)



Image 5: View along Highgate Road towards site and railway line

## Location Plan



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Committee Date:	18/02/2021	Application Number:	2019/02005/PA
Accepted:	13/05/2019	Application Type:	Listed Building
Target Date:	19/02/2021		
Ward:	Balsall Heath West		

### 332-348 Moseley Road, Sparkbrook, Birmingham, B12 9AZ

Listed Building Consent for part demolition of existing buildings, repair and restoration works to listed buildings at 332-340 Moseley Road to provide 10no. residential units; demolition of existing buildings and erection of 2no. two-storey buildings at 344-348 Moseley Road to provide 8no. residential units; and erection of 2no. part four- and five-storey buildings to provide 67no. residential units to the rear of the site; including associated access, parking, landscaping and infrastructure works

#### Recommendation

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

#### 1. Proposal

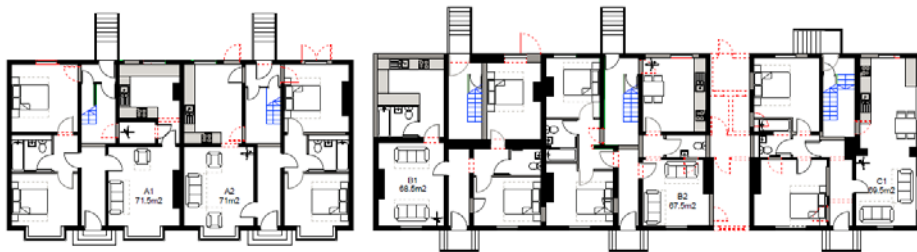
- 1.1. The application seeks Listed Building Consent for the part demolition of the existing buildings, repair and restoration works to listed buildings at 332-340 Moseley Road to provide 10no. residential units; demolition of existing buildings and erection of 2no. two-storey buildings at 344-348 Moseley Road to provide 8no. residential units; and erection of 2no. part four- and five-storey buildings to provide 67no. residential units to the rear of the site; including associated access, parking, landscaping and infrastructure works at 332-348 Moseley Road, Sparkbrook.
- 1.2. Works are proposed to the Listed Buildings (332-340 Moseley Road) within the site as part of a wider redevelopment scheme which proposes the demolition and replacement of the unlisted 344-348 Moseley Road and the demolition of the former warehouse building and erection of two new apartment blocks. Whilst the warehouse and unlisted buildings at 344-348 Moseley Road are not listed in their Own right, they are considered curtilage listed.
- 1.3. In terms of the proposed works to the Listed Buildings, the scheme seeks to restore and refurbish the Listed Buildings and re-use them as residential apartments. Blocks A and B would each comprise 4no. two-bed apartments over two floors, whilst Block C would comprise 2no. two-bed apartments with their main elevated entrances from the front. The buildings would have their own new 'in-and-out' access from Moseley Road with allocated parking for 7no. vehicles to the front. The flats would each have a size of between 67.5 and 76sqm.
- 1.4. It is proposed to retain as much of the original features and materials as possible and as part of any further works it is proposed to compile a full inventory of retention of significant internal and external features as well as building surveys and method statements before any works commence.



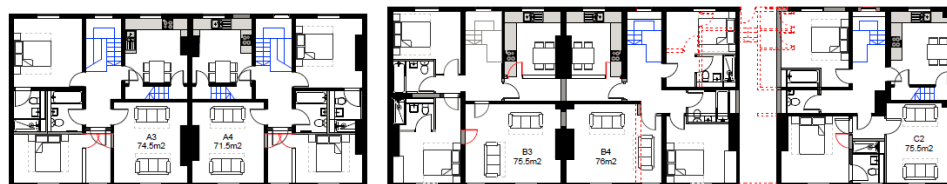
**Front Elevations – 332-340 Moseley Road**



**Rear elevations – 332-340 Moseley Road**



**Ground Floor Plans as proposed**



**First Floor Plans as proposed**

- 1.5. The proposed refurbishment would use traditional materials wherever possible including white float smoothed stucco lime render, pebble grey windows and roof slates to match the existing.
- 1.6. The application is accompanied by a separate full planning application (reference 2019/01981/PA) which is awaiting determination.

[Link to Documents](#)



## 2. Site & Surroundings

- 2.1. The application site comprises a major junction corner in the Sparkbrook district of the city. To the front, the site comprises the buildings at 332-348 Moseley Road, a group of early 19<sup>th</sup> century two-storey Regency stucco rendered houses set back along the Moseley Road frontage. These houses are Grade II listed and to the south the row continues with similar yet unlisted buildings. Behind is a mid-20<sup>th</sup> century complex of sheds/ former warehouse buildings, which together with the housing all stands derelict for some time. The site has been vacant and left unused for a number of years and in urgent need of attention.
- 2.2. The application site is relatively level, however, Highgate Road along the northern boundary drops in level by around 2.5 metres from Moseley Road in the west towards the railway line to the east. Highgate Road forms part of the proposed Highway Improvement Line and part of the application site is located within this area.
- 2.3. The surrounding area comprises a mixture of uses. To the north, on the opposite side of Highgate Road is a builder's yard with Highgate Fire Station opposite. Adjoining the site to the south are other commercial and industrial uses. To the rear (east) is a raised railway line, beyond which are industrial premises fronting Woodfield Road. On the opposite side of Moseley Road (west) is Joseph Chamberlain Sixth Form College (fronting Haden Circus) and commercial occupiers, including manufacturing and car repair businesses.
- 2.4. There is an active bus stop to the front of 336 and 338 Moseley Road which would not be impacted on by the proposed development.

### Location

## 3. Planning History

### **332 – 348 Moseley Road**

- 3.1. 2019/01981/PA - Part demolition of existing buildings, repair and restoration works to listed buildings at 332-340 Moseley Road to provide 10no. residential units; demolition of existing buildings and erection of 2no. two-storey buildings at 344-348 Moseley Road to provide 8no. residential units; and erection of 2no. part four- and five-storey buildings to provide 67no. residential units to the rear of the site; including associated access, parking, landscaping and infrastructure work. Currently awaiting determination.

### **332 - 346 Moseley Road**

- 3.2. 25.04.2012: 2012/02416/PA – Listed Building Consent for Change of use to education facility, retention & refurbishment of existing buildings, demolition of extensions, new rear extension, together with new vehicular access, rear car park and works to forecourt – Approved, subject to conditions.
- 3.3. 2012/01154/PA- Change of use to education facility, retention & refurbishment of existing buildings, demolition of extensions, new rear extension, together with new vehicular access, rear car park and works to forecourt. Approved, subject to conditions.
- 3.4. 05/04/12 - 2012/01155/PA – Listed Building Consent for Change of use to education facility, retention & refurbishment of existing buildings, demolition of extensions, new

rear extension, together with new vehicular access, rear car park and works to forecourt – Withdrawn.

### **332 & 334 Moseley Road**

- 3.5. 26/11/87 - 19974/005 - Demolition of Listed Buildings – Refused, premature prior to implementation of highway improvement line and adverse affect on the setting, character and appearance of integral group of listed buildings.
- 3.6. 26/11/87 - 19974/006 - Use of land for car parking and outside garage and erection of 2m high boundary wall with access gates – Refused, would adversely affect the settings of the listed buildings.
- 3.7. 06/04/89 - 19974/007 - Demolition of Listed Buildings – Refused and Appeal Dismissed, premature prior to implementation of highway improvement line and adverse affect on the setting, character and appearance of integral group of listed buildings.
- 3.8. 06/04/89 - 19974/008 - Use of land for car parking and outside garage and erection of 2m high boundary wall with access gates – Refused and Appeal Dismissed, undesirable demolition and adverse effect on the setting, character and appearance of integral group of listed buildings.

### **Rear of 332 & 342 Moseley Road**

- 3.9. 19/01/61 – 19974/000 – New factory and offices – Approved.
- 3.10. 15/06/61 – 19974/001 – New factory and offices – Approved.
- 3.11. 26/10/62 – 19974/003 - Extension to existing factory – Approved.

### **334 & 344 Moseley Road**

- 3.12. 22/07/99 - 1999/02586/PA – Replacement loading bay – Listed Building Consent Approved.
- 3.13. 22/07/99 - 1999/02587/PA – Replacement loading bay – Planning Consent Approved.

### **336 & 338 Moseley Road**

- 3.14. 26/10/61 – 19974/002 - Conversion to offices – Approved.

### **344 Moseley Road**

- 3.15. 24/06/66 - 10205/002 – Warehouse extension - Approved.

## **4. Consultation/PP Responses**

- 4.1. Site and press notices displayed. Resident Association, Ward Members and MP consulted. Support from Balsall Heath Forum and Bahru Trust received as part of full planning application.
- 4.2. Moseley Society - Support the application.
  - Delighted to see the listed buildings being brought back into use and their frontages restored.
  - Also look forward to seeing the results from the railway line once the Camp Hill line is brought back into passenger use and it is hoped they will be able to see

from passing trains that the Japanese knotweed has been eradicated from the area.

4.3. Historic England – No objections.

- Detailed comments provided on original scheme noting that the present scheme was subject to detailed pre-application discussions with Historic England. Within the advice given on 14 May 2018 it was observed that: “The scale of the new blocks is of concern ... however the topography of the site is favourable and would facilitate taller blocks to the rear.” With this in mind, we would continue to encourage the further reduction in the prominence of these structures and a reduction in their height. We do however, recognise that the application refers to the potential impact this would have on the viability of the scheme. The Council will therefore have to consider this as part of the overall assessment of the proposals.
- Whilst Historic England welcomes the retention, repair and conversion of the Grade II listed terrace, it was stressed that the success of this proposal will depend greatly on sensitive interventions and the use of good quality traditional materials and conservation techniques throughout. These and further details of their repair yet to be established in the application should be closely monitored by the Council’s expert Conservation Team. Recommendation: Historic England has no objection to the application on heritage grounds.

4.4. Victorian Society - Object.

- Not supportive of the loss of the unlisted houses at 344-348 and their replacement and also consider the scale of the buildings to rear to be overly large and would over-dominate the listed buildings.
- No comments received on amended scheme.

4.5. Georgian Group – Object.

- Concerned about loss of unlisted Villas and concerns raised over the scale of proposed apartment blocks.
- No comments received on amended scheme.

4.6. Ancient Monument Society – Comment.

- Pleased to see the retention of historic fabric on listed buildings but regrets the loss of the unlisted buildings at 344-348 Moseley Road.
- No comments received on amended scheme.

5. Policy Context

- 5.1. Birmingham Development Plan (BDP 2017), Saved Policies of the Unitary Development Plan (UDP, 2005), Conservation Through Regeneration SPD and National Planning Policy Framework (NPPF, 2019).

6. Planning Considerations

- 6.1. The main consideration in relation to the determination of the listed building consent application are:

**Planning Policy**

- 6.2. The application involves the restoration and re-use of the Grade II Listed buildings at 332-340 Moseley Road, including the demolition of replacement of the unlisted

buildings at 344-348 Moseley Road and demolition of rear warehouse buildings and erection of two apartment blocks. The entire site has previously been used for industrial purposes, however, the site ceased trading some time ago and has since been vacant. The buildings are all now in very poor state of repair and in urgent need of refurbishment works.

- 6.3. Planning (Listed Building and Conservation Areas) Act 1990 which sets out the statutory requirement for development involving listed buildings states that in considering whether to grant planning permission or permission in principle for development which affects a listed building or its setting, the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 6.4. Policy TP12 of the Birmingham Development Plan, states that applications for development affecting the significance a designated heritage asset will be required to provide sufficient information to demonstrate how the proposals would contribute to the asset's conservation whilst protecting or where appropriate enhancing its significance and setting.
- 6.5. NPPF, paragraph 189 states that in determining applications, LPA's should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the asset's importance and no more than is sufficient to understand the potential impact of the proposal on their significance. Paragraph 190 adds that LPA's should identify and assess the particular significance of any heritage asset that may be affected by a proposal taking account of the available evidence and any necessary expertise.

#### **Significance of Listed Buildings**

- 6.6. The Historic Building Report submitted with the application and in line with the requirements of paragraph 189 of the NPPF, sets out the significance of the Listed Buildings. It identifies that there are some of the last Georgian Houses in this reach of the city and that their front elevations are of significant architectural merit.
- 6.7. The buildings internally and externally reflect many of the typical characteristics of middle-class housing of the early to mid-19<sup>th</sup> century. Whilst most fixtures and fitting are lost, due to changing status over time and plasterwork and joinery is decayed or absent due to years of neglect and vandalism, important aspects of staircases, archways, entrances and layout survive.
- 6.8. In this instance it is noted that plan form is a significant aspect of a buildings hierarchy and the understanding of its original function. Here the plan form remains clearly detectable throughout.
- 6.9. Due to significant restructuring of the area's economy in the post war decades, the curtilages of all the buildings have been lost and the rear elevations of these buildings seriously compromised and dilapidated as a result of the erection of industrial works buildings in close proximity and connecting to them.

#### **Condition of Buildings and Extent of Demolition**

- 6.10. The original application submission was supported by a condition survey. The buildings are in a very poor condition with serious structural failing and loss of sections of the external envelope, internal walls, floors, ceilings and staircases. This is also referenced in the Historic Building Report.

- 6.11. Whilst the serious condition of these buildings is understood and weighed in the planning balance, the condition of these buildings will have further deteriorated over the course of the application including a notification about recent fire damage which has further significantly damaged the roof structures and some of the internal features.
- 6.12. At the beginning of negotiations and when the application was originally submitted it was understood that only the front elevations of the buildings could be saved, effectively resulting in façadism. This brought into question much wider conservation philosophy and best practice in the conservation of historic buildings. Moreover, if only the façade of the buildings was to be kept then it was unclear why the extensive amount of new build development would be required in order to pay for their restoration.
- 6.13. Since the original submission, detailed discussions and negotiations have taken place to secure the retention of far more historic fabric, including much of the building envelope of each building. It is still considered likely however that significant interventions will be required to make them structurally sound. Subject to these interventions not triggering the need for further Listed Building Consents it is now considered appropriate to condition a detailed structural and condition survey to inform the full scope of conservation work needed to bring these building back into use

#### **Proposed Restoration Works/ Alterations**

- 6.14. The NPPF guidance requires Local Planning Authorities to assess the particular significance of any heritage asset that may be affected by a proposal and to take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal. Account should also be taken of the desirability of sustaining heritage assets by putting them to viable uses consistent with their conservation and the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality.
- 6.15. The proposal is to convert each house back into residential use with an apartment on each floor, with the ground floor access through the front door and the first floor accessed through the rear door directly to the staircase. As these buildings were built as residences, to see them being brought back into use for residential purposes is supported.
- 6.16. The subdivided nature of the layout of each house is not orthodox for a listed building, however, considering their current plight and very poor condition, this degree of harm must be accepted in order to secure their long term survival. Moreover as floors and walls are currently collapsed, this must be factored into the degree of evidential value where weighing significance and ultimately harm.
- 6.17. The plans indicate that natural slate will be retained to the roofs, lime will be used for the stucco render and timber sash windows will either be repaired or replaced. Much of this again will be informed by the condition survey and details will be conditioned.
- 6.18. Section 4.2 of the Historic Building Report states that: 'These listed buildings have been vacant and deteriorating for many years. Their condition now is very unsound such that they are only partially accessible; they are vulnerable to arson, anti-social behaviour and collapse. Despite a number of alternative schemes having been brought forward over many years, nothing has been done and the buildings have

continued to decay... The proposals seek to retain and repair the buildings which contain the most historic fabric, and to take a pragmatic approach to the conservation of the others by demolishing areas which are of lesser significance due to having been unsympathetically altered, and historic fabric having already been removed.'

- 6.19. Whilst the works to the building would see the subdivision of the internal spaces so as to separate ground and first floor in each house, this must be considered against the very poor and vulnerable condition of these properties. As such and on balance the works proposed preserve the character of the listed buildings in accordance with Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the Conservation Officer therefore support the proposals.
- 6.20. In addition, Historic England has been involved in the proposed redevelopment of the site, since first pre-application conversations commenced in 2017 and have also provided additional formal consultation responses on the planning application submission. In summary, they have raised no objections to the proposed development and welcome the retention, repair and conversion of the Grade II Listed terrace of houses to the front. Whilst it was encouraged to consider a further reduction in the prominence of the proposed buildings at the rear, it is recognised that the application refers to the potential impact this would have on the viability of the scheme. In addition, they have stressed that the success of the proposal would depend greatly on sensitive interventions and the use of good quality traditional materials and conservation techniques throughout. Since the provision of their comments, the scheme has been further reduced in overall scale in line with their comments.
- 6.21. As detailed above, the application offers the opportunity to fully refurbish the listed buildings and Historic Building Report and Condition Survey has been provided with the application outlining repairs to be undertaken as part of the development. Although the impact of these works would generally be beneficial to the heritage assets, the proposed new build development to the rear as well as the loss and new building of the adjoining unlisted villas at 344-348 Moseley Road would cause less than substantial harm to the setting of the listed buildings and would need to be weighed against any public benefits.

#### **Public Benefits**

- 6.22. The NPPF requires heritage assets to be conserved in a manner appropriate to their significance and any harm to that of significance requires clear and convincing justification. As it is judged that development would cause less than substantial harm to heritage assets and this would need to be balanced against the public benefits of the proposals as required by paragraph 196 of the NPPF.
- 6.23. There would be a number of public benefits from the proposal as a result of the development, which include: securing a new use for the site and the existing listed buildings which have been vacant for a number of years and have fallen into disrepair; supporting the long-term preservation of the listed buildings and restoring their significance through a detailed programme of repair works; retention of the existing frontage structures to the listed buildings; careful replacement using traditional materials of nos. 344-348 Moseley Road; improving the external appearance and visual impact along this part of Moseley Road resulting in an overall improvement and regeneration of the wider area; providing a high-quality, sustainable development within a sustainable location; and providing high-quality residential accommodation with a mix of one- and two-bed apartments.

- 6.24. The Victorian Society and Ancient Monument Society raise concerns over the loss of the unlisted houses at 344-348 Moseley Road and their replacement; however welcome the proposals to reinstate and restore the dilapidated listed buildings. It is also considered that the scale of the buildings to rear would be overly large and over-dominate the listed buildings. However, whilst fully acknowledging their concerns, on balance and in close consultation with the Council's Conservation Officer and Historic England, it is considered that the scheme would be acceptable in terms of its impact on the Listed Buildings.
- 6.25. The Council's Conservation Officer has recommended a number of conditions including the provision of an inventory of retention of significant internal and external fixtures, the submission of a schedule of full scope of works to conserve and repair the listed buildings prior to any development or demolition, a scope of a building recording survey, a method statement for the implementation of proposed works, a strategy for repair of historic fabrics, architectural and specification details, a mechanical and electrical systems strategy and water utilities strategy, a full set of materials, details of proposed mortar mix, security strategy, external lighting strategy and landscaping details. I concur with this view and consider that subject to the recommended conditions, the proposed works to the listed buildings would be acceptable.

## 7. Conclusion

- 7.1. The application seeks Listed Building Consent for the works proposed to the Listed Buildings at 332-340 Moseley Road, forming part of the wider redevelopment of the site for the existing buildings, repair and restoration works to listed buildings at 332-340 Moseley Road to provide 10no. residential units; demolition of existing buildings and erection of 2no. two-storey buildings at 344-348 Moseley Road to provide 8no. residential units; and erection of 2no. part four- and five-storey buildings to provide 67no. residential units to the rear of the site.
- 7.2. The proposed restoration and refurbishment works would bring significant benefits to the Listed Buildings and would enhance their character and appearance within the local area and streetscene. It would also allow them to bring them back into a viable new use as apartments ensuring their ongoing conservation. The development would seek to preserve as much of the original historic features as possible and the details of preservation and restoration would be conditioned.
- 7.3. It is however acknowledged that the wider redevelopment of the site, in particular the demolition of the unlisted villas at 344-348 Moseley Road as well as the demolition of the former warehouse building and replacement with two large apartment blocks to the rear would cause less than substantial harm to the heritage assets. This harm, in conjunction with the detailed viability assessment, on balance is considered to be outweighed by the public benefits of the development and is therefore recommended for approval.

## 8. Recommendation

- 8.1. That Listed Building Consent be APPROVED subject to the following conditions.

- 
- |   |  |
|---|--|
| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Implement within 3 years (conservation/listed buildings consent)       |
-



- 
- 3 Requires the prior submission of inventory of retention of fixtures
  - 4 Requires the prior submission of a full scope of works to listed buildings
  - 5 Requires the prior submission of a 'building recording survey'
  - 6 Requires the prior submission of a method statement for implementation of scheme
  - 7 Requires the prior submission of a full strategy for repair of historic fabric
  - 8 Requires the prior submission of architectural and specification details
  - 9 Requires the prior submission of a mechanical and electrical (M&E) systems strategy and water utilities strategy
  - 10 Requires the prior submission of sample materials
  - 11 Requires the prior submission of mortar mix for external masonry works
  - 12 Requires the prior submission of a security strategy
  - 13 Requires the prior submission of an external lighting strategy
  - 14 Requires the prior submission of a landscaping strategy
- 

Case Officer: Laura Pohl

## Photo(s)

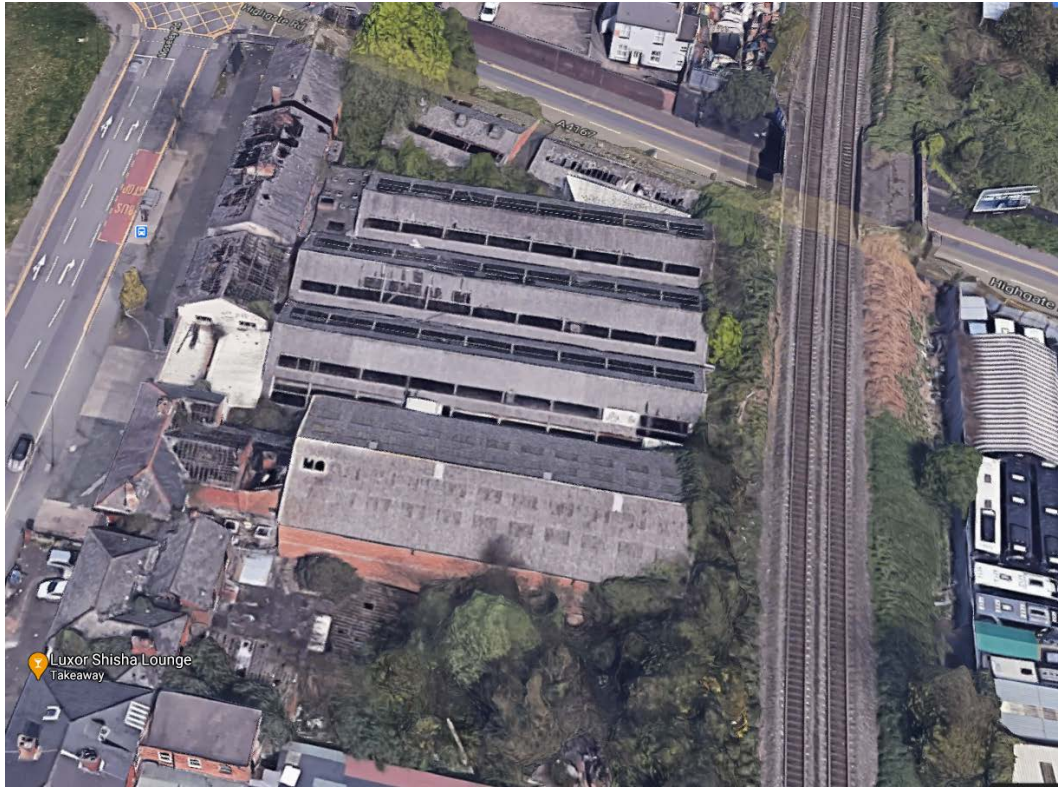


Image 1: Google Aerial View of Application Site



Image 2: View towards Listed Buildings 332-336 Moseley Road





Image 3: View towards Listed Buildings 336-340 Moseley Road

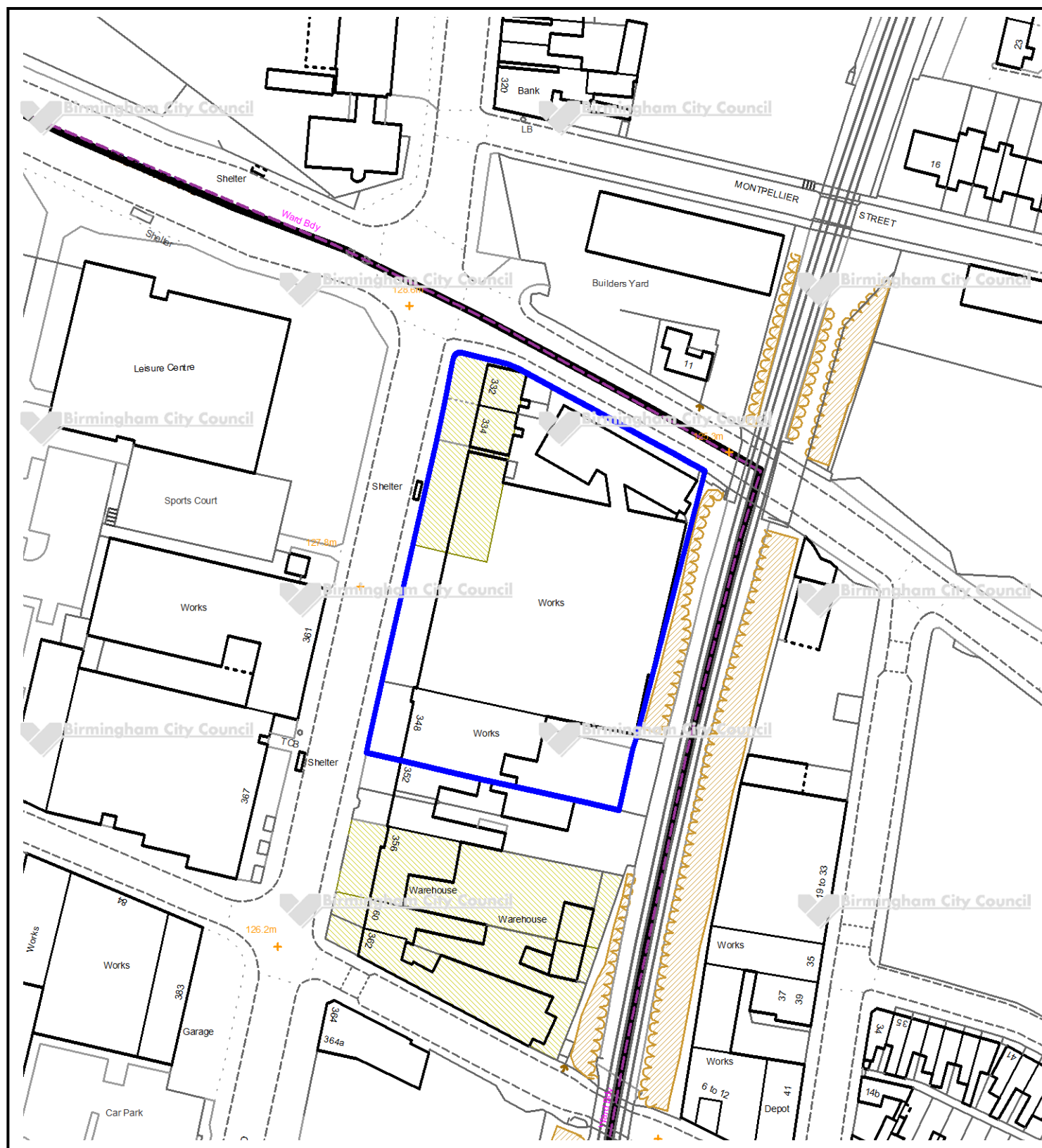


Image 4: View towards 344-348 Moseley Road (not listed)



Image 5: View along Highgate Road towards site and railway line

## Location Plan



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# **Birmingham City Council**

**Planning Committee**

**18 February 2021**

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Approve - Conditions	11	2020/05790/PA  Perry Barr Household Waste Recycling Centre and Waste Transfer Station Holford Drive Perry Barr Birmingham B42 2TU  Erection of a replacement household waste recycling centre and waste transfer station, following the phased demolition of all existing buildings and structures on site.

Committee Date:	18/02/2021	Application Number:	2020/05790/PA
Accepted:	29/07/2020	Application Type:	Full Planning
Target Date:	19/02/2021		
Ward:	Perry Barr		

Perry Barr Household Waste Recycling Centre and Waste Transfer Station, Holford Drive, Perry Barr, Birmingham, B42 2TU

Erection of a replacement household waste recycling centre and waste transfer station, following the phased demolition of all existing buildings and structures on site.

Recommendation

**Approve subject to Conditions**

1. Proposal

- 1.1. The applicant proposes the phased replacement of the existing household waste recycling centre and waste transfer station. This will entail the demolition of all existing buildings and structures on site. The development would create a widened site access/egress point for vehicles so as to separate the coming and going of waste lorries accessing the transfer station from vehicles used by members of the public to access the household recycling facility.
- 1.2. The main new buildings and structures would comprise the erection of a new waste transfer station (with attached vehicle workshop); household waste recycling facility; office and welfare buildings; cabin building; weighbridge office; fire tank and pump house; fuel station; drive through wash bay and electrical buildings comprising switch room, HV transformer, HV meter and substation.
- 1.3. Waste transfer station- This would measure 99.25 metres long; 14.15 metres high by 60.19 metres wide. It would be built out of lower level pre cast concrete panels; mid and upper section level steel wall cladding (grey). Its exterior façade would incorporate shutter doors, windows, personal doors and grilles along the top. It would be situated within the rear of the site.
- 1.4. Household waste recycling facility-This would comprise the creation of an area for households to dispose of their waste in specific skips for different types of waste. This facility would be an open air facility which would be separated from the main vehicle though routes for waste lorries.
- 1.5. Main office and welfare building- This would measure 8.43 metres high; 16.7 metres wide by 27.7 metres long. It would have blue band brickwork along the bottom and top with a red brick main façade. There would be windows and doors to each façade with associated ramped access. Internal layout would comprise changing rooms; offices; store rooms; toilets; showers; drying room; lift; meeting room; server room;



mess area (with kitchenette comprising fridges and sinks) and a kitchenette/break out area.

- 1.6. Cabin building- This would measure 9.99 metres in length; 3.182 metres in width and 3.6 metres high. It would be brick built with windows and doors. Internally it would comprise a canteen, office and WC. It would be situated near the entrance to the site.
- 1.7. Weighbridge office- it would measure 9.92 metres in length; 3.182 metres wide by 3.62 metres high. It would be a flat roof building made of red brick with windows and doors. It would comprise offices and a WC.
- 1.8. Fire tank and pump house – The tank would be cylindrical in shape and measure 9.43 metres high with a diameter of 10.7 metres. The associate pump house would measure 7.68 metres wide by 4.5 metres high by 6.9 metres deep. These would be situated adjacent the new waste transfer building in the rear of the site.
- 1.9. Drive through wash bay- This would comprise the erection of parallel steel frame supported clad walls to allow for the drive through between them of vehicles in order for them to be cleaned. The surface level would slope towards a central drainage point. The overall length of the structure would measure 18.5 metres with the walls measuring 3.23 metres high.
- 1.10. Fuel station- This would comprise a couple of tanks measuring upto 3.4 metres in height and 8.5 metres in length set on a raised surface which would be situated into the site near the transfer station.
- 1.11. Electrical buildings comprising switch room, HV transformer, HV meter and substation- These would be situated within the north west corner of the site. No elevation details of such have been provided at this stage.
- 1.12. A total of 68 car parking spaces (including two for people with disabilities and 9 electric charging spaces) are proposed together with 20 cycle spaces and 65 fleet vehicle parking spaces. The site operation would employ 256 full time staff.
- 1.13. Hours and days of operation for the household waste recycling facility would be 0800 to 1800 Mondays to Fridays and 0800 to 1630 on Saturdays and Sundays (including bank holidays). The hours and days of operation for the waste transfer station would be 24 hours a day Mondays to end of Friday and 0530 to 1830 Saturdays to Sundays (including bank holidays).
- 1.14. A screening opinion has determined that the application does not require the submission of an Environmental Impact Assessment (EIA).
- 1.15. The site area measures 3.1 hectares.
- 1.16. Supporting documents submitted include a flood risk and drainage assessment; Construction environmental management plan; Sustainable construction and energy statement; Ecological assessment report; Archaeological assessment; Travel plan; Air quality assessment; Noise assessment; Visual impact appraisal; Arboricultural assessment; Phase 1 desk study and preliminary risk assessment report; Phase 2 ground investigation report; Planning statement and a Transport Assessment. .
- 1.17. [Link to Documents](#)



## 2. Site & Surroundings

- 2.1. The application site is currently operating as a Household Waste Recycling Centre (HWRC) and Waste Transfer Station (WTS). The surrounding area is predominantly industrial in character. The nearest residential premises are numbers 94 and 96 Holford Drive which are situated next to the south western corner of the site. To the west is an allotment. To the north and east are commercial premises. The site has the potential for archaeological remains from the prehistoric and Roman period and also the remains of post-medieval Oldford Farm. A large part of the site falls within flood zone 2.

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

## 3. Planning History

- 3.1. 22.12.2016- 2016/08282/PA- Works to ablutions block to include extension as well as other external works to include reconfiguration of car park in front of site- approved with conditions.
- 3.2. 20.08.2015- 2015/06475/PA- Variation of Condition 1C attached to approval 22729005 to extend the household waste recycling centre opening hours to 0800 - 2000 hours daily from March to November- withdrawn.

## 4. Consultation/PP Responses

- 4.1. Surrounding occupiers, local councillors and local MP notified as well as site and press notices displayed- no response received.
- 4.2. Regulatory Services- no objection subject to conditions.
- 4.3. Transportation Development- no objection subject to conditions
- 4.4. Environment Agency- advice the development does not pose a significant risk to controlled waters and request a safeguarding condition to address unsuspected contamination.
- 4.5. Leisure Services- No objections however concerns have been raised by allotment colleagues in relation to the Holford Farm allotments which is adjacent to the site
- 4.6. LLFA- no objection subject to conditions.
- 4.7. Network rail- they state they have no comments.
- 4.8. Severn Trent no objections subject to the inclusion of a condition that secures details of foul and surface water flows.
- 4.9. West Midlands Police- ask that any work be carried out to the standards within the Secured by Design 'Commercial 2015' guide.
- 4.10. Historic England- state they do not wish to offer any comments.
- 4.11. Highways England-no objection.

4.12. Natural England- no objection.

5. Policy Context

5.1. Adopted Birmingham Development Plan (BDP); SPD Car Parking Guidelines; SPG Places for All and the NPPF.

6. Planning Considerations

Principle

6.1. The proposed development seeks to replace the existing buildings and structures on this well established Household Waste Recycling Centre (HWRC) and Waste Transfer Station (WTS) site with new buildings and structures providing similar functions whilst the site is set in a predominantly industrial area. For these reasons, the principle of the development is acceptable. My Strategic planning advisor concurs with this view.

Environmental matters

6.2. My regulatory services advisor has assessed the environment impact of the proposal and he is content with the information submitted to address environmental matters so as to allow them to be more fully addressed post approval under conditions. I concur with this view.

6.3. The planning statement suggests that waste volumes in both the HWRC and WTS will be slightly larger than existing volumes and HWRC opening hours are the same as currently operated. I acknowledge that the redeveloped site will see improved conditions and the proposal has been assessed against expected standards and impacts. The impacts, which based on the submitted information can be conditioned so that further information is provided post approval relate to:- control of hours that construction and demolition can occur, provision of a demolition and construction management plan, a construction method statement and management plan, controls on the cumulative noise from all plant and machinery, a site remediation scheme, site contamination remediation scheme, site contamination land verification report, provision of vehicle charging points, noise mitigation and management scheme and finally an odour management and mitigation scheme.

6.4. With regard to the need for an Odour Management Plan, this should address the odour impacts of the site and include measures as detailed in the submitted air quality assessment. My Environmental advisor advises that there should be no duplication of controls on this matter between the planning and sites environmental permit.

6.5. In summary, I consider the applicant has provided satisfactory information at this stage in relation to the potential environmental impact of the proposal to allow for more detailed matters in relation to such impacts to be conditioned. .

Parking and highway matters

- 6.6. Transportation Development raise no objection subject to amendments / conditions. I concur with this view. The proposed development would redevelop a site which has been used as a waste site for many years. The submitted TA sets out that the proposed uses traffic forecast are very similar to the existing uses forecasts given that the redevelopment will feature the same uses as currently. However, to account for growth in demand for the on-site uses (e.g. from increased population etc.) a 2% year-on-year increase (compounded growth) in processing capacity is assumed for the WTS and HWRC elements, up to a future assessment year of 2026. Therefore, the proposed redevelopment will feature the same uses as the existing site, albeit with marginally more processing capacity and an improved, rationalised and more efficient layout. The indicated parking capacity, for both cars and service lorries, to be accommodated within the site is therefore considered to be satisfactory.
- 6.7. The submitted supporting information including Transport Assessment indicates that queuing for the HWRC will not be an issue. On site circulation for vehicles will be satisfactory. Direct pedestrian access to and within the site are considered satisfactory and demonstrated by a proposed pedestrian footpath linking from the front of the site to the wider site pedestrian routes within the site.
- 6.8. The applicant has organised a Road Safety Audit, which has raised only one problem which is the likelihood of parked vehicles within the visibility splay from the proposed accesses. In order to address such, it is recommended that a Traffic Regulation Order to prohibit waiting within the visibility splays to the site be undertaken and such has been conditioned accordingly.
- 6.9. In summary, no adverse parking or highway impact is expected to arise as a result of the development subject to safeguarding conditions.

#### Drainage issues

- 6.10. The LLFA raise no objection to the proposed development on drainage grounds as submitted subject to conditions that would require the prior submission of a sustainable drainage scheme and the submission of a Sustainable Drainage Operation and Maintenance Plan. I concur with this view. It is considered that the potential scope exists, subject to satisfactory compliance with the requirements of the LLFA, to address matters related to drainage of the site in conjunction with Severn Trent (where deemed necessary).

#### Urban design matters

- 6.11. The proposed scheme would replace the existing buildings and structures with new buildings and facilities. The design and appearance of the proposed new buildings and site works would fit into this predominantly industrial setting. The main new building, the waste transfer station, would be built to the rear of the site set a distance from the main road, thereby helping reduce its visual impact. No adverse impact would arise with regard to the relative size, positioning and height of the proposed development in relation to nearby buildings or the street scene. Overall the proposed scheme would be a visual improvement to the existing situation with further enhancements added to by the incorporation of landscaping. I therefore raise no adverse issue with regard to the visual impact of the proposed development subject to conditions. My urban design advisor concurs with this view.
- 6.12. Ecological matters

- 6.13. The existing buildings and infrastructure on site are of some age and generally in poor condition. There is some limited landscape but generally this is of fairly low biodiversity value.
- 6.14. An ecological assessment of the site has been undertaken and I am generally in agreement with the findings. The site will be used by nesting birds (mainly corvids, pigeons and smaller birds such as sparrow. The existing trees have some benefit but this is limited too.
- 6.15. While the site is fully developed and of limited value for terrestrial mammals I have no doubt that Foxes may well visit the site to scavenge through household waste – during the demolition and rebuild process incursions on to the site may increase if there is less regular disturbance.
- 6.16. Issues such as nesting birds and possible entrapment of mammals in excavations will need to be considered therefore a Construction Environmental Management Plan that covers both the demolition and the rebuild should be drawn up and supplied for approval.
- 6.17. There will need to be some replacement bird nesting features, these can be incorporated in to the new build on suitable facades. Therefore this can be included in an Ecological Enhancement strategy.
- 6.18. The allotments and adjoining sites have been shown to have good value for bat foraging and I have no doubt that they commute and forage in and around the site and boundaries. Therefore to maintain this, a lighting strategy will need to be supplied that shows how light spill is being minimised.
- 6.19. In summary, the proposed development is not expected to have an adverse ecological impact subject to safeguarding conditions.

#### Archaeological matters

- 6.20. I concur with the conclusions of the archaeological desk-based assessment that has been carried out and submitted by the applicant. The site has the potential for prehistoric, Roman and post-medieval archaeological remains to survive and I would recommend that a condition for a programme of archaeological works is attached to any permission that is given. The works should consist of a programme of archaeological evaluation with trial trenches followed by a programme of mitigation if archaeological remains are revealed that will be impacted upon by the proposed development. This should be followed by appropriate post-excavation analysis and reporting. My archaeological advisor concurs with this view.

#### Overlooking/loss of light

- 6.21. The nearest part of the HWRC facility would be set approximately 4.3 metres from the rear garden of 96 Holford Drive. Given the top of that feature. Based on the submitted plans the nearest part of the HWRC to number 96 Holford Drive would appear to have a flat roof that is accessible from the main part of that feature. Given that roof would be set at a higher level than the rear garden of number 96, this could lead to overlooking. In order to address this, I recommend a condition that requires an amendment to the HWRC facility to safeguard the privacy of number 96 Holford Drive.

6.22. In respect of loss of light, no adverse impact arising from such identified.

Leisure Services comments

6.23. I note the request by the Leisure Services in respect of the allotment situated adjacent the application site that species chosen for the proposed planting around the perimeter, whilst being suitable for screening purposes, do not ultimately shade out plots adjacent to the boundary. They also believe that the scale if the proposed buildings adjacent to the boundary are also likely to shade adjacent plots. Finally, they advise that at no stage will access be given to the development site via the allotments.

6.24. In response to the above, whilst I acknowledge that the main new building on the site (transfer station) will be set closer to the allotments than the existing main building, its overall height would be lower than the building it replaces whilst it would be set off the boundary with an intervening vehicle access path and landscaping between. I also note that the new build transfer station would be situated to the east of the allotments therefore reducing its impact in terms on sunlight reaching the allotments as the sun travels from east to west. In respect to the request that the planting chosen along the perimeter whilst being suitable for screening does not shade adjacent plots, I can advise that in terms of controlling the impact of plants (on terms of shading) other plants is not a normal planning matter. With regard to the issue of not allowing access through the allotments for the development, there is no indication such will be required and if that need arises it will be for the developer to attain the authorisation of the allotment owner.

## 7. Conclusion

7.1. The proposed development would make a visual improvement to the existing situation and is acceptable development subject to safeguarding conditions.

## 8. Recommendation

8.1 That the application is approved subject to conditions.

- 
- |   |   |
|---|---|
| 1 | Requires the submission of sample materials   |
| 2 | Requires the submission of hard and/or soft landscape details                         |
| 3 | Requires the submission of a landscape management plan                                |
| 4 | Requires the submission of a lighting scheme  |
| 5 | Requires the prior submission of level details  |
| 6 | Requires the submission of a demolition and construction management plan.             |
| 7 | Requires the submission of a remediation statement or verification plan.              |
| 8 | Requires the implementation of the noise mitigation measures set out in the submitted |
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	noise report.
9	Requires the agreement of any plant and equipment to be installed.
10	Requires the submission of cycle storage details
11	Requires previously unidentified contamination to be addressed.
12	Requires the submission of a construction employment plan.
13	Requires the submission of drainage plans for foul and surface water flows.
14	Requires the submission of a Construction Ecological Management Plan.
15	Requires the submission of boundary treatment details
16	Requires the submission of a scheme for ecological/biodiversity/enhancement measures
17	Requires a written scheme of investigation for archaeological investigation.
18	Requires a written scheme of investigation for a programme of archaeological mitigation works.
19	Requires the submission of details that safeguard the privacy of 96 Holford Drive from the proposed HWRC.
20	Requires details of the proposed switch room, HV transformer, HV meter and substation to be submitted.
21	Requires the submission of full details of the proposed sheet piling.
22	Prevents storage except in authorised areas
23	Requires the submission of hard surfacing materials
24	Requires the parking area to be laid out prior to use
25	Requires the details of the proposed weighbridges.
26	Requires details of the proposed electric charging points.
27	Controls the hours of construction and demolition
28	Requires the submission of a demolition method statement and management plan
29	Requires the submission of a Construction Method Statement and Management Plan
30	Requires the provision of vehicle charging points
31	Requires the submission of a lighting scheme

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|----|--|
| 32 | Requires the submission of a Noise Mitigation and Management Scheme                            |
| 33 | Requires the submission of an Odour Mitigation and Management Scheme.                          |
| 34 | Requires the prior submission of a sustainable drainage scheme                                 |
| 35 | Requires the prior submission of a Sustainable Drainage Operation and Maintenance Plan.        |
| 36 | Requires all necessary highway works, licences and agreements to be completed and or attained. |
| 37 | Requires the submission of a Construction traffic management plan                              |
| 38 | Requires the provision of a booking system for HWRC facility                                   |
| 39 | Requires the proposed vehicle access gates to be kept open during operating hours.             |
| 40 | Requires the prior submission of a contamination remediation scheme                            |
| 41 | Requires the submission of a contaminated land verification report                             |
| 42 | Requires the submission of a commercial travel plan  |
| 43 | Requires the submission of entry and exit sign details   |
| 44 | Limits the noise levels for Plant and Machinery  |
| 45 | Limits the hours of operation  |
| 46 | Requires the scheme to be in accordance with the listed approved plans                         |
| 47 | Implement within 3 years (Full)  |
- 

Case Officer:       Wahid Gul

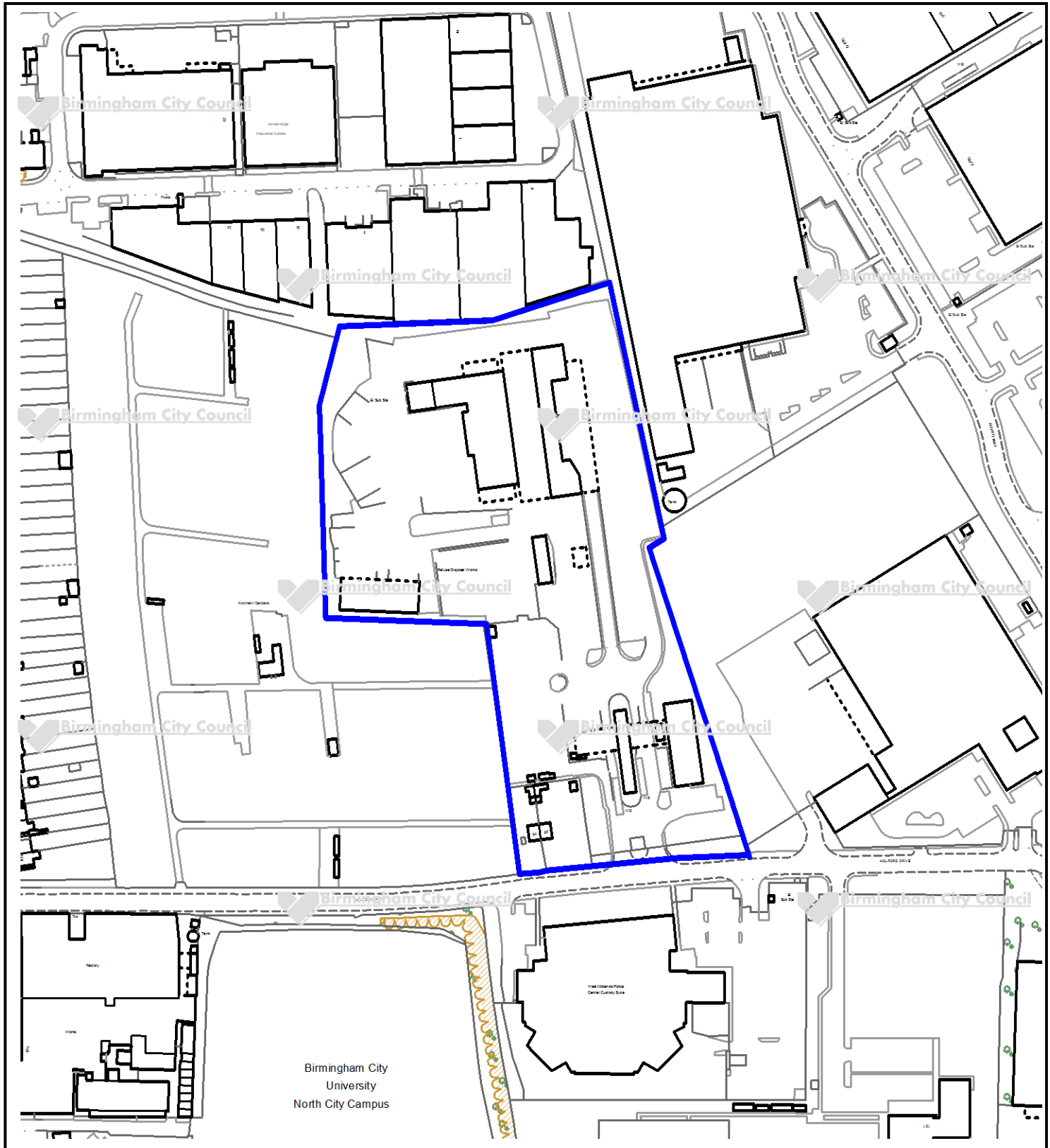


**Photo(s)**



Entrance to site

## Location Plan



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# Birmingham City Council

## Report to Planning Committee

18<sup>th</sup> February 2021

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**Subject:** Planning Application Performance 2020

**Report of:** Acting Director, Inclusive Growth

**Report author:** Sean Hannaby, Interim Assistant Director Planning

Email Address: [sean.hannaby@birmingham.gov.uk](mailto:sean.hannaby@birmingham.gov.uk)

Does the report contain confidential or exempt information? ☐ Yes ☒ No

If relevant, provide exempt information paragraph number or reason if confidential :

### 1. Executive Summary

- 1.1 To update Members of the Planning Committee about performance in relation to the determination of planning applications in 2018-19 and 2019-20 and to set out the performance during 2020 following the implementation of service improvements since February 2020.

### 2. Recommendations:

- 2.1. That the content of this report be noted and further updates reported quarterly for consideration.

### 3. Background:

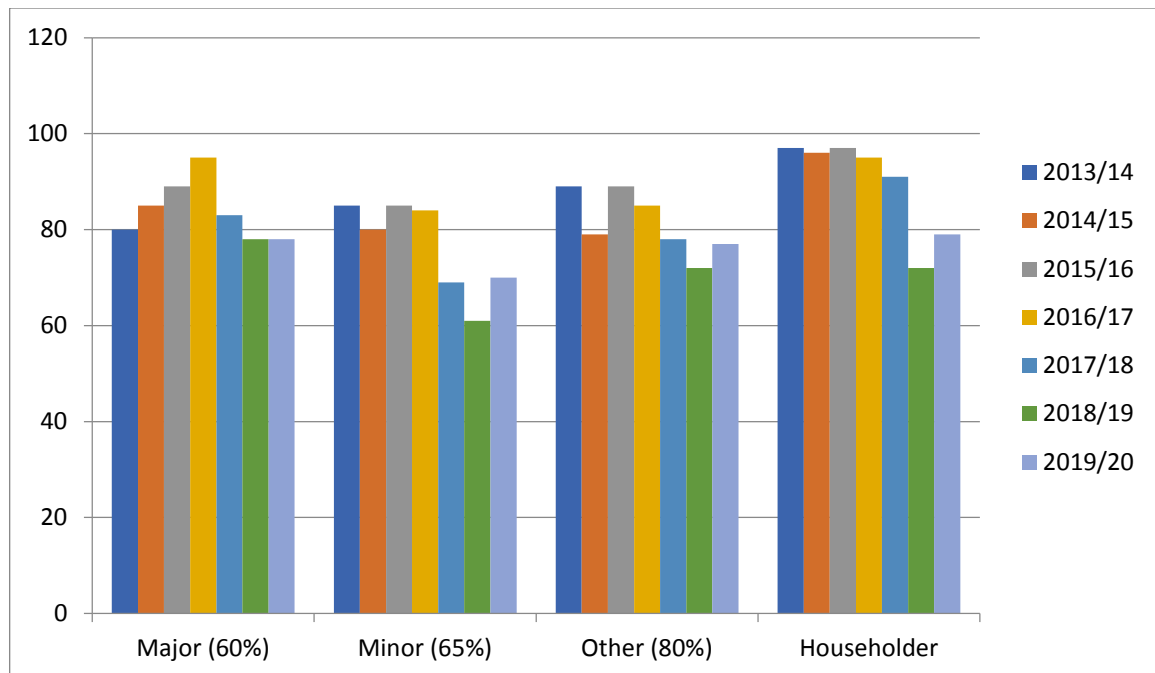
- 3.1. In November 2019 a planning improvement peer challenge was carried out, organised by the Local Government Association (LGA) in cooperation with the Planning Advisory Service (PAS). The peer challenge was carried out by trained peers who included three Local Government Directors, two Councillors who are familiar with planning services, an Improvement Manager from PAS and a Peer Challenge Manager from the LGA.
- 3.2. The main focus of the peer challenge was to review Planning Committee's role in decision making and the role of Development Management in delivering growth and regeneration. The Peer Review recognised that the Council is demonstrating positive characteristics in service delivery but also identified a number of areas of concern where we can do better. These included the performance of the Development Management Team in dealing with planning applications.

- 3.3. The Peer Review team noted that the planning service deals with a high workload and possesses highly competent and committed staff with a good skill range who adds value to development schemes when processing planning applications. However, there are national targets set for how quickly councils determine planning applications and if these targets are not met it can result in Government intervention. At the time of the Peer Review, the Team found that, whilst the service was delivering above the Government's threshold in relation to Major applications, it was worryingly close to the designation threshold for Non-Major planning applications. 'Designation' would see the Council lose its power to decide certain applications and leave decision making in the hands of others with consequential impacts on community leadership, trust and confidence, as well as the loss of planning fee income.
- 3.4. At the time of the Peer Review, performance on deciding 'major' planning applications was comfortably above the designation threshold for Major applications (60%) but performance on 'non-majors' was more erratic and closer to the Government's 70% designation threshold. The peer team did not note any sense of urgency in tackling underperformance and no strong tradition of performance management either by officers or committee members and concluded that Planning Committee was unaware of either the threat of 'designation' or the growing back log of undecided cases. They recommended that the service focuses on managing performance and tackling the growing backlog, that had risen from 50 to over 350 in 18 months.
- 3.5. Key recommendations from the report included creating a greater focus on managing performance and reviewing performance reporting arrangements to enable greater ownership by of the service's overall performance and by planning officers and Planning Committee's own performance by committee members.
- 3.6. As a result of the Peer Review it became clear that an increased focus upon planning performance was required, particularly at management level, to lead changes and improvements in service delivery. An Interim Assistant Director of Planning was appointed in February 2020 to carry out a more detailed operational review to identify additional opportunities for improvement as well as introduce an additional focus upon the quality and speed of decision making and customer service.
- 3.7. Whilst there has been a focus on improving performance since the publication of the Peer review, there have been no planning performance reports to Planning Committee for some time and therefore this report aims to provide a general update but also provide a more detailed look at performance since January 2020.
- 3.8. This report has focussed on speed of decisions as this is a major issue for the service in terms of how it is measured by the government. However, quality of decision is equally important and this aspect has also been addressed over the past 12 months to improve the quality of decisions in a number of ways; including member and officer training, heritage guidance, pre-application presentations and assessing appeal decisions to learn lessons from them.
- 3.9. The graph below shows planning application performance during 2013-2019 and demonstrates that performance was at reasonable levels until 2017-18 when it showed

signs of dropping off across the board. This was reported as being due to the loss of experienced staff and recruitment difficulties during 2017.

- 3.10. The chart shows that since 2017-18 performance has been at generally lower levels and the highest result in any category was 83% (Major applications in 2017-18) but apart from that the results have been between 60%-80%. Figures have dropped below the Government thresholds for Minor applications during 2018-19 and for Other applications during 2017-18, 2018-19 and 2019-20.

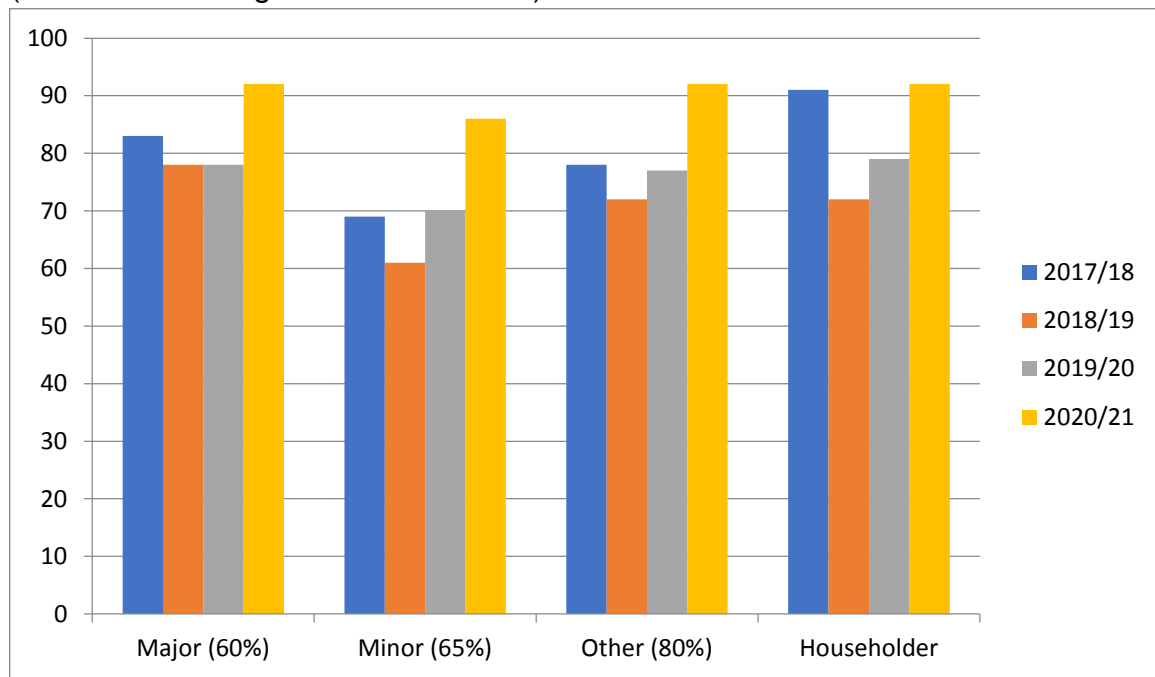
**Annual Planning Application Performance (2013-2020):**  
(Government Targets are in brackets)



- 3.11. This graph does not paint a good picture of performance from 2017-18 and since February 2020 the Interim AD has worked with the service area to identify and implement various improvements and create a focus on performance management to improve speed and quality of decision making. This has involved seeking improvements at the various stages of the process from the initial registration & validation of applications, obtaining consultee responses, the assessment process by case officers, report writing, increased delegation & increased focus on performance at every level.
- 3.12. The full year's results for 2020-21 are not yet available but the year to date results is set out below in comparison to the results since 2017-18.

### Annual Planning Application Performance (2017-2021):

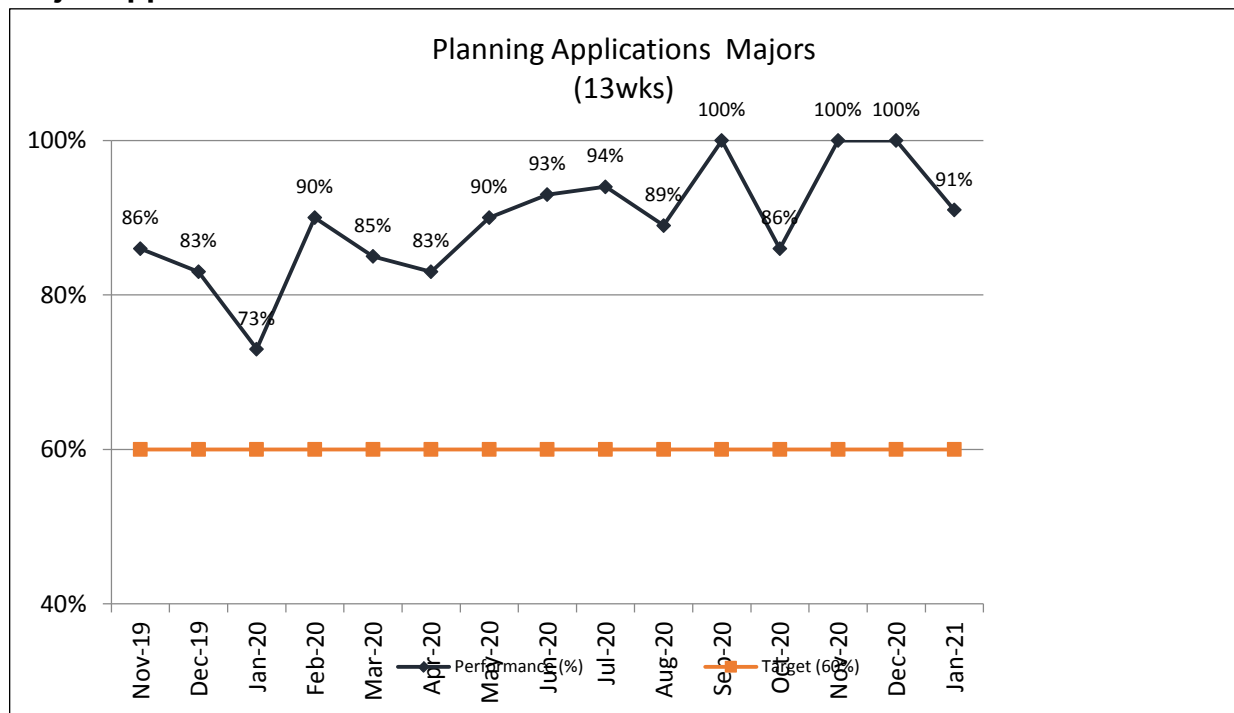
(Government Targets are in brackets)



3.13. The results show a marked improvement on previous years with figures in three out of the four categories at over 90% and all are well above Government thresholds.

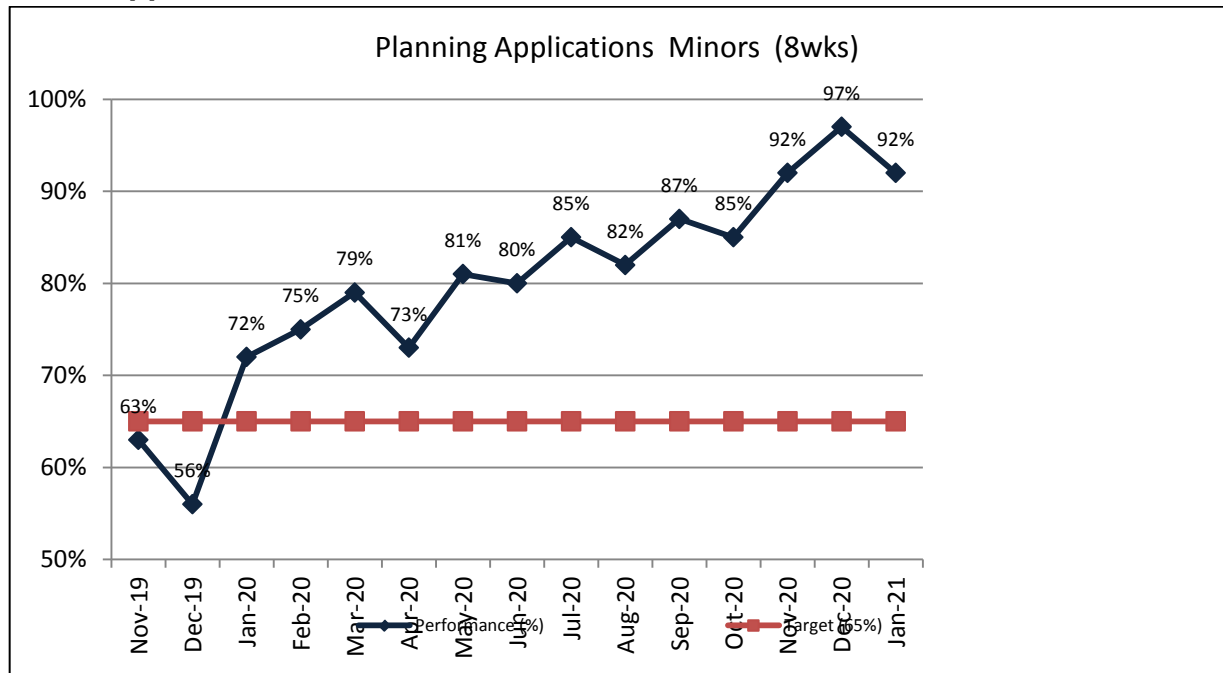
3.14. The following graphs show the monthly performance from November 2019 to the end of January 2021 for each of the categories. The red line indicates the Government threshold.

### Major Applications:



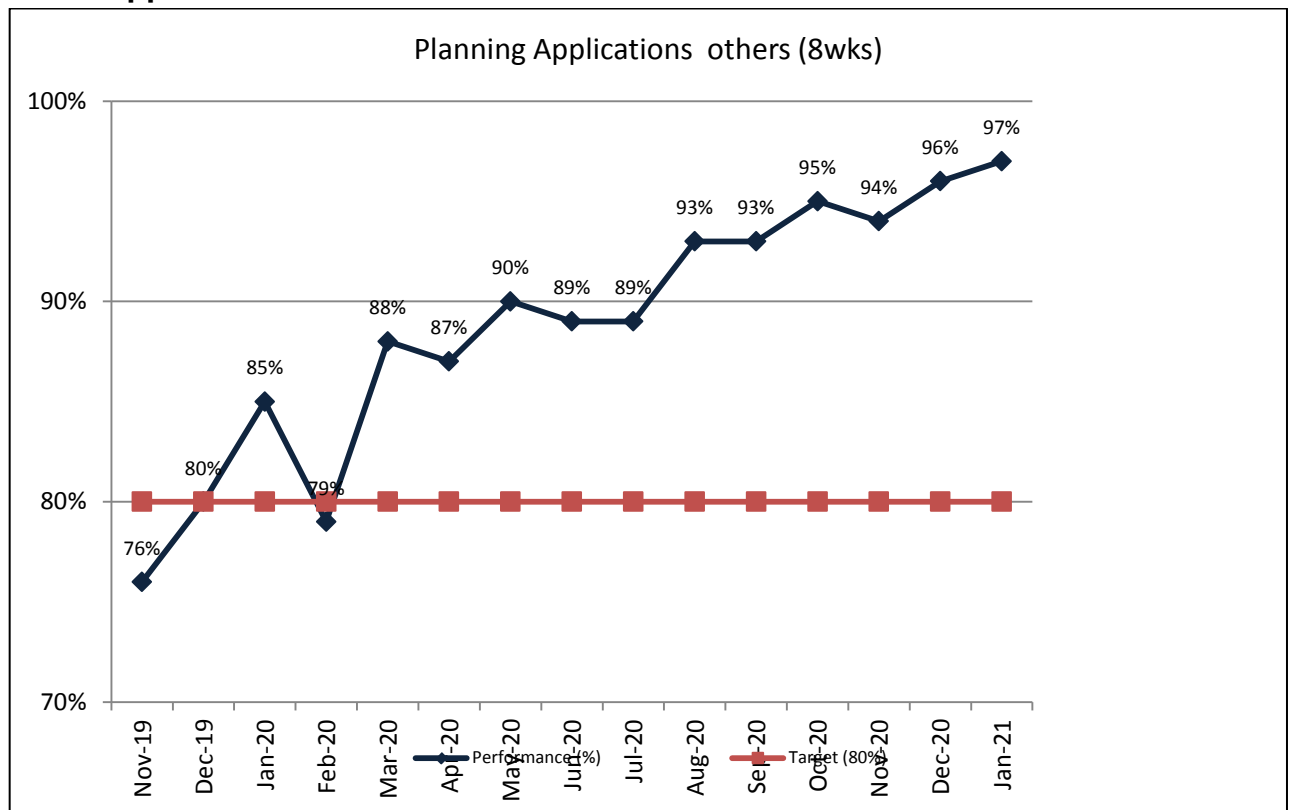
3.15. Historically the service has performed well with major applications and stayed above the threshold. Since February 2020 results have not dropped below 80% and show a steady increase overall with results being over 85% since May 2020.

### Minor Applications:



- 3.16. The improvement in dealing with Minor applications is clear to see with a steady improvement overall during 2020 since being below the threshold at the end of 2019. Results have not dropped below 80% since May 2020.

### Other Applications:



- 3.17. The improvement in dealing with Other applications is clear to see with a steady improvement overall during since being below the threshold in November 2019 and February 2020. Results have not dropped below 85% since March 2020.



- 3.18. The other aspect of performance that the Peer Team commented upon was the backlog of out of time applications that had risen from 50 to over 350 in the 18 months leading up to the Peer Review. The service management and DM teams have worked hard to reduce this number since the Peer review and the results of this effort has brought the figure steadily down.

	Out of Time Applications in 2020										
Month	Feb	March	April	May	June	July	Aug	Sept	Oct	Nov	Dec
Totals	221	238	196	190	193	160	192	196	186	122	141

- 3.19. Although the focus has been on making decisions in time rather than on focussing on dealing with out of time applications, if the DM Teams are not creating any new out of time applications, this number will continue to fall.

### Conclusion

- 3.20. Overall the speed of performance in processing planning applications is now better than it has been since at least 2013 and the number of out of time applications has been more than halved since the Peer Review, which is a testament to the hard work of the DM Planning Officers and the Area Team Managers who have collectively delivered these impressive results.
- 3.21. However, continued success can be fragile and can easily be upset by events such as a change in management, members of staff leaving, long term illnesses or other factors. The fact that there is substantial headroom above each of the thresholds should mean that the service is not vulnerable to dips in performance as long as they are effectively tackled as soon as possible.
- 3.22. It is important that Planning Committee members continue to receive regular updates on performance levels each quarter alongside those of appeals so as to maintain an up to date picture of how the service is performing. This will help to provide context for members when considering matters such as deferring applications, calling in applications or levels of officer delegation; as all these factors affect performance and the ability of the service to stay above the thresholds and continue to provide a good service.

*Ian J. MacLeod*

Ian MacLeod  
Director of Inclusive Growth (Acting)

Contact Officer: Sean Hannaby Interim Assistant Director Planning  
E-Mail: [sean.hannaby@birmingham.gov.uk](mailto:sean.hannaby@birmingham.gov.uk)

# Birmingham City Council

## Report to Planning Committee

18 February 2021

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**Subject: Planning Appeals**

**Report of: Ian MacLeod, Director (Acting), Inclusive Growth**

**Report author: James Wagstaff – Head of Enforcement, Householder & Technical Services**

Email Address: [james.wagstaff@birmingham.gov.uk](mailto:james.wagstaff@birmingham.gov.uk)

Does the report contain confidential or exempt information? ☐ Yes ☒ No

If relevant, provide exempt information paragraph number or reason if confidential :

### **1 Executive Summary**

1.1 This report advises Members of the Planning Committee of the number of appeals that have been determined over the past two calendar years and analyses the Council's performance in terms of decisions made by the Planning Inspectorate.

### **2. Recommendations:**

2.1 That the content of this report be noted and further updates reported quarterly for consideration.

### **3. Background:**

3.1 The purpose of this report is to examine how planning decisions made by the Council at both delegated and committee level stand up against appeals. A planning decision can be overturned via an appeal which is usually decided by the Planning Inspectorate. Both delegated and committee decisions can be overturned by this process.

3.2 This report provides Members with statistical data for appeal decisions made within the City during 2019 and 2020. A summary of appeal decisions, comparing the number of appeals received and the Council's performance in dealing with appeals is set down in the Appendices.

3.3 In 2019 a total of 202 appeals were determined (18 Enforcement and 184 planning applications) of which 23.5% were allowed and 76.5% were dismissed. For 2020, there

were 149 appeals determined (10 enforcement and 139 planning applications) of which 34.5% were allowed and 65.5% were dismissed.

3.4 In 2019 195 appeals were related to delegated decisions and 7 from committee decisions.

Of the allowed appeals, (47), 40 were delegated decisions and 7 were committee decisions. 40 of the 195 appeals associated with delegated decision equates to 20.5% being allowed while all 7 decisions that were made at committee to refuse resulted in 100% being allowed.

3.5 In 2020, 139 appeals were related to delegated decisions and 10 from committee decisions. Of the allowed appeals (52) 46 were delegated and 6 were committee decisions. 46 of the 139 appeals associated with delegated decisions equates to 33% being allowed while 6 out of 10 decisions that were made at Committee to refuse equates to 60% being overturned.

3.6 Of the 7 decisions in 2019 regarding committee decisions that were allowed at appeal, 3 were against officer recommendation.

3.7 In 2020 the 6 decisions that committee made that were allowed on Appeal were all against officer recommendation.

3.8 Further statistical data is attached to this report.

3.9 The Council will continue to monitor the outcome of all appeal decisions to ensure that the Council's decisions are being defended thoroughly and that appropriate and defensible decisions are being made by Committee and under delegated powers. To do otherwise may result in poor quality or inappropriate development being allowed or costs awards being made against the Council.

#### **4.0 Conclusion:**

4.1 That the Item be noted and going forward that quarterly appeal reports are laid before Committee for their attention.

*Ian J. MacLeod*

Ian MacLeod

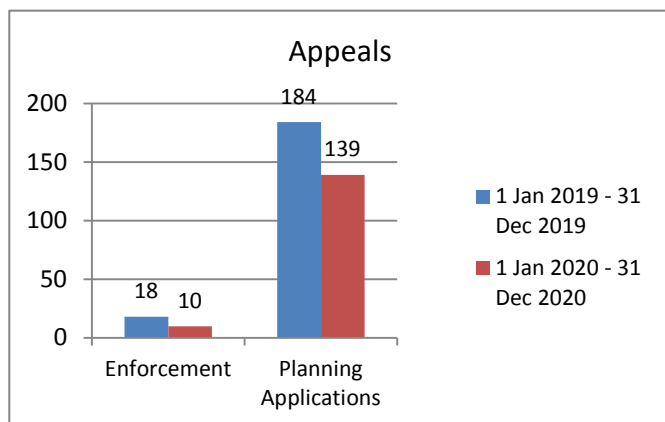
Director of Inclusive Growth (Acting)

Contact Officer: James Wagstaff

E-Mail: [James.wagstaff@birmingham.gov.uk](mailto:James.wagstaff@birmingham.gov.uk)

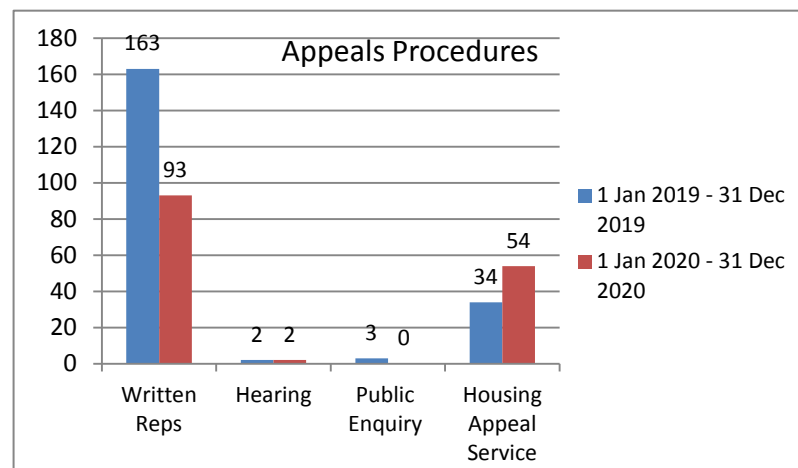
## Appeals

	Enforcement	Planning Applications	
1 Jan 2019 - 31 Dec 2019	18	184	202
1 Jan 2020 - 31 Dec 2020	10	139	149



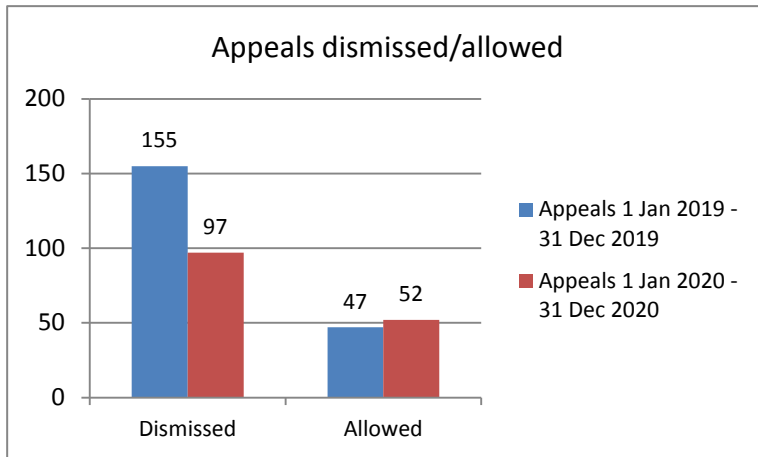
## Appeals Procedures

	Written Reps	Hearing	Public Enquiry	Housing Appeal Service	
1 Jan 2019 - 31 Dec 2019	163	2	3	34	202
1 Jan 2020 - 31 Dec 2020	93	2	0	54	149



### Appeals dismissed/allowed

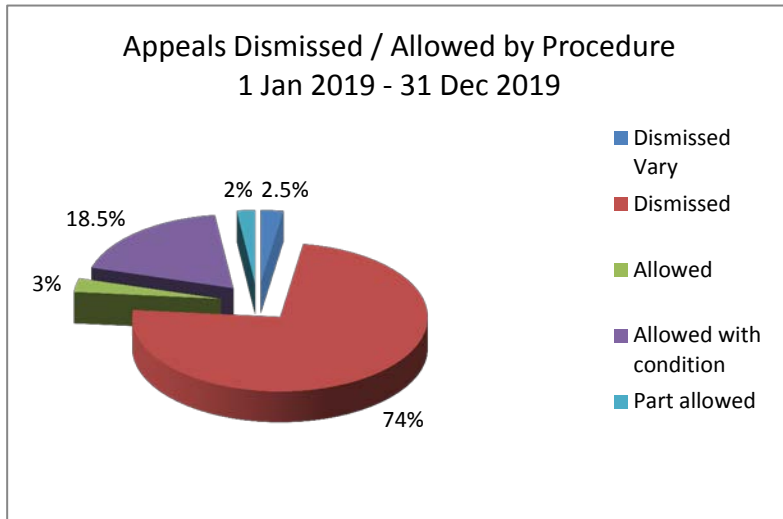
	Dismissed	Allowed	
Appeals 1 Jan 2019 - 31 Dec 2019	155	47	202
Appeals 1 Jan 2020 - 31 Dec 2020	97	52	149



### Appeals Dismissed / Allowed by Procedure

1 Jan 2019 - 31 Dec 2019

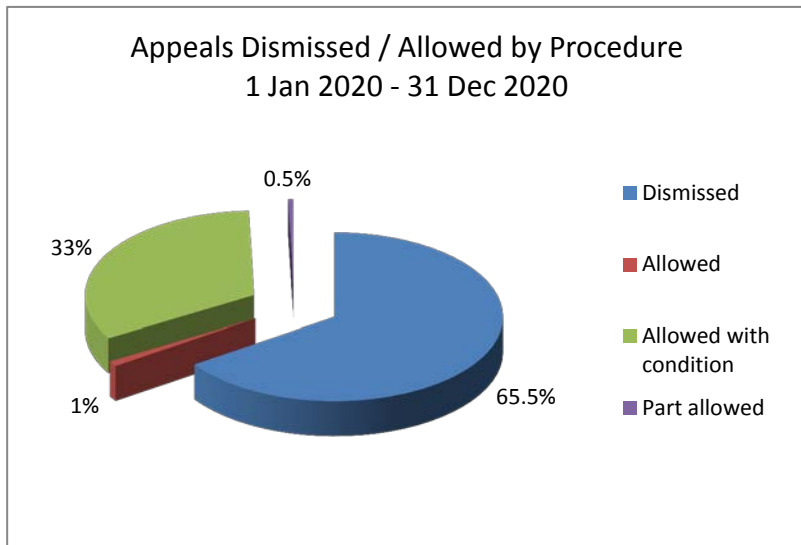
	Dismissed Vary	Dismissed	Allowed	Allowed with condition	Part allowed	
1 Jan 2019 - 31 Dec 2019	2.5%	74%	3%	18.5%	2%	100.0%



# **Appeals Dismissed / Allowed by Procedure**

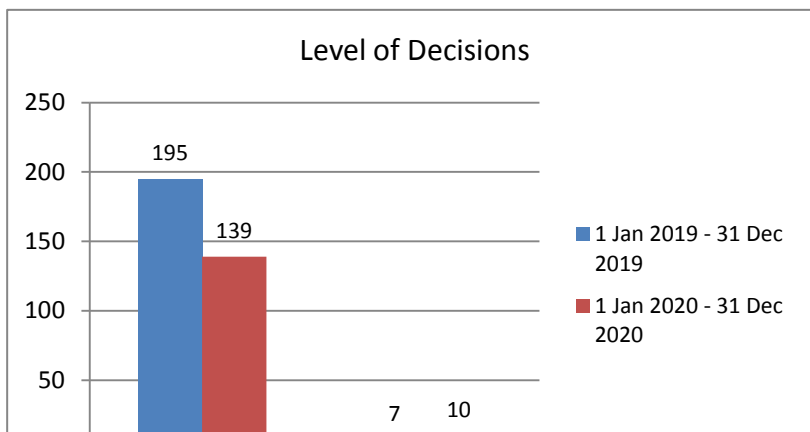
**1 Jan 2020 - 31 Dec 2020**

	Dismissed	Allowed	Allowed with condition	Part allowed	
1 Jan 2020 - 31 Dec 2020	65.5%	1%	33%	0.5%	100.0%



## **Level of Decisions**

	Delegated	Committee	
1 Jan 2019 - 31 Dec 2019	195	7	202
1 Jan 2020 - 31 Dec 2020	139	10	149





	Delegated	Committee
1 Jan 2019 - 31 Dec 2019	40	7
1 Jan 2020 - 31 Dec 2020	46	6

