
Committee Date:	15/05/2014	Application Number:	2014/01269/PA
Accepted:	21/02/2014	Application Type:	Full Planning
Target Date:	23/05/2014		
Ward:	Ladywood		

St Georges Court, 1 Albion Street, Jewellery Quarter, Birmingham, B1 3AH

Change of use of office block to a school, extensions at first, second and third floors, provision of an open deck "play area", parking and associated works

Applicant: Perry Beeches
Beeches Road, Great Barr, Birmingham, B42
Agent: Glancy Nicholls Architects
The Engine Room, 2 Newhall Square, Birmingham, B3 1RU

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. This application is for change of use and extension of an underused office and warehouse building into a `free` school (Use Class D1) under recent education legislation. The application is supported by a Planning Statement, Design and Access Statement, Heritage Statement, Land Contamination Desk Study, Flood Risk Assessment, Bat Survey, Consultation Report, Transport Statement and Travel Plan Framework.
- 1.2. The proposed school would be a mainstream non-selective secondary school for children aged 11 to 18 years old. There would be a maximum of 620 pupils of which 500 would be in years 7 to 11 (aged 11 to 16) and 120 in years 12 and 13 (aged 16 to 18). It is envisaged that there would be up to 75 full time equivalent staff. The school plans to open in September 2014, with 160 pupils consisting of 100 pupils in year 7 (aged 11 to 12) and 60 in year 12/sixth form (aged 16-17). This would grow incrementally culminating five years later when it meets their total roll of 620 pupils. The catchment area would be mainly around the Ladywood area.
- 1.3. The main core hours of opening of the school would be: 0700 hours until 18.00 hours Monday to Friday. However, the school would require the ability to open into the evening on occasion and at weekends as required.
- 1.4. The existing predominantly brick building is U shaped, and has a narrow footprint enclosing a parking courtyard with undercroft to the rear. The majority of the works involve conversion and refurbishment of the existing building, however there would be some new build elements. Part of the internal courtyard undercroft would be infilled to create various ancillary rooms, including a school hall as a double height space. The building would also be extended at upper floors along the wings fronting both Pope and Camden Streets.

- 1.5. Originally, it was proposed to build three extensions, a single storey and a two storey extension along Pope Street and a single storey extension on Camden Street. However, to address concerns raised about the scale and massing of the double height extension some of the proposed accommodation has been moved from Pope Street to Camden Street.
- 1.6. On Pope Street two extensions are now proposed. The first extension would be at second floor level linking into the existing building at the corner of Albion Street, whilst the second extension would be at first floor to link into the adjoining two storey building. The first extension would be 32m long, whilst the second extension would be 19m long. Both extensions would be 8m deep and the overall heights of the two extensions would be 14m and 12m respectively.
- 1.7. Two extensions are also proposed along the Camden Street frontage. The first would be at third floor linking into the existing building at the corner of Albion Street, whilst the second extension would be at second floor to link into an adjoining three storey building. The first extensions would be 27m long, whilst the second extension would be 19m long. Both extensions would be 8m deep and the overall heights of the two extensions would be 14m and 12m height respectively.
- 1.8. Originally, it was proposed that the extensions would have aluminium cladding, however, to address concerns raised it is now proposed to clad the street elevations in a mid-grey terracotta and render the courtyard elevations off-white. Window frames would be aluminium in a mid-dark grey colour, with opaque panels where necessary. The existing building has a floorspace (GIA) of 3,732sqm, which would be increased by 1,500sqm to 5,232sqm as a result of the extensions.
- 1.9. The main entrance for teachers and visitors is located off Albion Street through one of the two existing entrances into the building. This then leads to a reception and lobby area. Also located on the ground floor are the library, hall and staff rooms. To minimise the floor area taken up by circulation, two new stair towers would be provided in the courtyard. Classrooms would be outward looking onto the street with access corridors overlooking the courtyard.
- 1.10. A second entrance for pupils is proposed off Pope Street. This leads to the lower ground floor level where there is a fitness suite and changing rooms. To the rear of the building is a central courtyard that would be used as an outdoor recreation area. This recreation area, measuring 32m by 43m, includes two undercroft areas along Camden and Pope Streets. Above the car park a deck would be installed to create an additional recreation space of 19m by 27m. The overall recreation space is about 1765 sqm. Formal sport facilities would be off site and it is intended to use the facilities at Perry Beeches, The Academy, Perry Barr and the National Indoor Arena.
- 1.11. An existing vehicular access on Camden Street to the north of the site would be used to gain access to a parking area with space for 32 cars including 2 wider spaces for people with disabilities.
- 1.12. Originally, three air handling units were proposed, but amended plans have been received with a one air handling unit measuring 5m long x 2.5m wide x 3m high. The roof top plant would be set back from the Albion and Pope Streets by 7m and 9m respectively. Additionally, a kitchen plant flue located 7m from the Albion Street frontage and terminating 1.5 above the roof ridge is proposed.

[Proposed Ground Floor](#)

[Proposed Elevations Sheet 1](#)

[Proposed Elevations Sheet 2](#)

2. Site & Surroundings

- 2.1. The application site is located within the South West Industrial Fringe of the Jewellery Quarter to the north west of the City Centre. It comprises the southern part of the former Moulinex / Swan Factory and is bounded by Albion, Camden and Pope Streets. This part of the former factory contains the older factory buildings and although not listed are noteworthy and contribute to the special character of the Jewellery Quarter Conservation Area.
- 2.2. The buildings occupy a prominent corner site with its main four storey frontage and front door onto Albion Street, and other frontages to Pope and Camden Streets. The buildings steps down on Pope and Camden Streets from four to three storeys, reducing to two storeys at the ends of the wings. The buildings which date from between the beginning of the 1900's to the mid-1960s are constructed in red brick with stone detailing and have regular modular bays.
- 2.3. About half of the building is occupied by an array of office users with the remainder of the office and warehouse space vacant. Externally, the courtyard is used for car parking, but again this area is underutilised.
- 2.4. The site is adjoined to the north by the remainder of the Moulinex / Swan Factory, comprising of the more modern 2/3 storey buildings. To the east on the opposite side of Pope Street are post war 2 storey industrial units, a vacant site with planning consent for a hotel, and at the corner with Albion Street, the Grade II listed George and Dragon Public House. Beyond the public house is Dayus Square and the Grade II listed Old Fire Station.
- 2.5. To the south on the opposite side of Albion Street are Grade II listed buildings at numbers 102-106 and at the corner with Camden Street, a modern 3 storey commercial building. To the west on the opposite side of Camden Street are 2 and 3 storey high Grade II listed buildings at numbers 89-91, a modern 3 and 4 storey residential development known as "Altitude" and low scale post war industrial units.

[Site Location](#)

[Street View](#)

3. Planning History

- 3.1. Various historical applications for extensions and alterations to the factory buildings.
- 3.2. In 2009 planning and conservation area consents were granted in accordance with applications 2008/06508/PA and 2008/06509/PA for the partial demolition of buildings to allow for conversion of existing buildings into office and mixed use accommodation and multi storey car park, including an additional set back storey at roof level, creation of a public square and pedestrian link at the Kettle Works (adjoining the current application site).
- 3.3. In June 2012, planning and conservation area consents were granted in accordance with applications 2012/01833/PA and 2012/01834/PA to extend the time limits to implement these consents for a further 3 year period i.e. until June 2015.

4. Consultation/PP Responses

- 4.1. BCC Transportation Development – no objections subject to conditions and / or a S106 planning agreement. This new free school has the potential for impacts on the highway network such as increased pedestrian movements around the school entrance many of which would be by children. More importantly this would lead to an increase in drop-off and pick-up trips by car which would take place within a focused period that is likely to have an impact on the operation of the highway in and around the school entrance. This has been demonstrated at other new schools such as Perry Beeches 3 and 4, Nishkam secondary and Waverley secondary. As such they recommend conditions and / or a S106 contribution to secure mitigation measures which can be provided following a review of the changes in traffic patterns and movements over time as the school expands its roll. They also recommend conditions to secure a school travel plan, cycle storage and car park management plan.
- 4.2. BCC Regulatory Services – there is no clear provision for kitchen extraction and low level discharge from cooking activities (both in teaching and canteen / restaurant areas) should be avoided. If possible this information should be submitted before the application is determined. In addition conditions should be attached to control noise from plant and equipment, restrict opening hours to those applied for and secure a soil survey and land decontamination scheme.
- 4.3. West Midlands Police – any comments will be reported.
- 4.4. Conservation Heritage Panel – the Panel considered the current scheme to be acceptable in terms of use, however, the following issues were raised:
- dominance of the two additional storeys. In particular it was felt that the Pope Street required further modelling and articulation of elevations.
 - the proposed black additional storeys were too oppressive. Further work is required on the use of suitable materials, ensuring that they are line with advice from the Design Guide. Clutter should be avoided.
 - detailing should reflect the proposed use as a school.
- 4.5. English Heritage –
- the change of use to a school is acceptable in terms of the impact on the historic fabric and character of the conservation area. Also the overall approach to this site, being one of retention and extension, is acceptable;
 - whilst the scale of the Camden Street extension is acceptable, the scale of the extensions along Pope Street is too massive and overly dominant;
 - the variety of window sizes creates undue visual clutter and the applicant has not really responded to the Jewellery Quarter Design Guide where there is advice on architectural details, materials and form;
 - the existing plant on the roof is very intrusive on the Albion Street elevation and further information on this aspect should be sought;
 - the upper floors of the Albion Street building are not faring too well with the aging of the facing and the improvement of this façade would be an opportunity to enhance the conservation area. There is also an amount of

failure in the concrete across the buildings (in lintels and dressings) and they recommend that works to the brickwork, pointing, cement dressings etc. be subject to approval based on sample panels.

4.6. Last autumn the school undertook their own consultation process. A total of 41 responses were received and overall there was support for the proposed free school (88%) with the main concerns being noise, traffic parking and litter.

4.7. As part of the formal planning consultation process local occupiers, residents associations, amenity societies, local ward, councillors and M.P. have been notified. Site and press notices were also displayed. Letters have been received from the Jewellery Quarter Development Trust, Birmingham Civic Society, 3 local occupiers and Push Bikes.

4.8. Jewellery Quarter Development Trust:-

- the proposed Pope Street elevation does not follow the topography of the road levels with the 2-storey addition effectively creating a 5 storeys building, that dominates Pope Street. It could be lessened by removing the upper storey and moving it to Camden Street;
- the transport statement which notes that the “proposed development would result in an additional 4 two-way vehicle movements in the AM peak hour and an additional 10 two-way vehicle movements in the PM peak hour” is questioned;
- the new elements should either replicate the existing building or be a more modern interpretation. Also concerned about the composite metal panel cladding and not enough detail is shown and quality of this product can be variable. The Pope Street elevation should have a regular glazing pattern and the windows within the Camden Street elevation are quite small for the room size;
- noise spill at playtime from the raised recreation area could disturb future occupants of the adjacent St George’s Quarter/Kettleworks therefore acoustic screening should be considered;
- the proposals do not indicate the new use of the building. More effort could be made to make it look like an education facility, including signage on Albion Street frontage.

4.9. Observations by local residents (submitted via the Jewellery Quarter Development Trust):-

- whilst there is a need for primary school, with Perry Beeches II this would constitute an oversupply of secondary schools for an area with a small residential population. In addition, the school is not in the heart of the community it serves and threatens the prospect of a new secondary school in the Greater Icknield area;
- access to a sports field / open space is an issue given the need to address healthy lifestyles. The travel plan refers to physical education at local swimming baths but there are none locally;

- the travel plan shows a catchment outside the Middleway and across Sandpits. The pedestrian crossings for both need assessing and possibly improving;
 - concerns were raised over its proximity to a massage parlour on Powell Street which has adult uses;
 - the removal of the permit-holder parking on Albion Street was opposed.
- 4.10. The Birmingham Civic Society – the proposed development would tidy up the buildings and the area. However, the aluminium cladding does not comply with the Jewellery Quarter Design Guide and the upper floor extensions would appear over bearing, dominate the existing building and its surroundings.
- 4.11. Two letters from a resident in Albion Street:-
- school opening hours of 6am would not be suitable as bedrooms face onto Albion Street. Opening times should be limited to 7am to 7pm and cleaners etc. should access the building from the Camden Street entrance;
 - residents are concerned about increased traffic in the area already very congested. Parking is a problem and staff / visitors should be prohibited from driving down the section of Albion Street in front of the school before 7am. Also residents parking bays should not be removed;
 - the materials used for the elevations / extensions should be in red brick and signage should be in keeping with the existing character of the Conservation Area.
- 4.12. Letter of objection from an occupier of commercial premises in Pope Street:-
- the additional storeys on Pope Street would remove daylight and sunlight from offices on the opposite side of the road;
 - they are about to extend their building and the proposed school is making them question the viability of staying in this area as a school removes commercial uses and does not fit in with the Development Plan;
 - Pope Street is a commercial street with large and constant articulated lorry deliveries. It is unsuitable as a site for a school from a safety, access and parking view point. It is also not feasible for traffic calming due to the commercial nature of vehicles that use the street;
 - staff would feel intimidated by youths in a work area during the day;
 - parking is already a problem other than that via residential permit schemes which are already exhausted in the area.
- 4.13. Letter from an occupier in Warstone Lane:-
- there is no demand for a school in the Jewellery Quarter and, as yet, there are not high numbers of families with school age children and may never be. It would therefore make more sense to locate a school where there is known local demand;

- as the Jewellery Quarter, a tourist attraction for the city, has little demand itself for another school, having one already on Newhall Street, it is not appropriate to compromise the area to serve a demand that exists outside the area. The continued development of the Jewellery Quarter both as a leisure and entertainments location and for its traditional manufacturing seem ill suited to locating a school amongst it;
- predictions based on transport infrastructure and the capacity of the local streets to deal with the increase in usage may prove to be wrong as the new Assay Office relocates closer to this area and other planned schemes, including hotels, are built. As the school would require the use of external facilities for sports lesson, and this site is ill equipped to offer this, further transport congestion may emerge during the day with minibuses and coaches needing to navigate and stop within the narrow streets of the area.

4.14. Push Bikes:-

- pleased that there are 19 cycle stands planned next to the main school entrance and the School Transport Plan (STP) mentions using a pool of cycles for staff and students. However, the school should already know if pool cycles are viable, whether they would be locked to some of the cycle stands, or if there would be other secure cycle parking for the pool of cycles;
- while the STP aims to raise cycle use by 1%, the STP plans to increase the usage of the minibus by 3% in the same time period. While a minibus is more sustainable than private car use, walking and cycling are more sustainable still. It is good for a secondary school to open in the Jewellery Quarter, as long as the students at the school are drawn from the local area. However, the school should be required to set more ambitious cycling and walking targets than those currently in the STP;
- the STP suggests that there are acceptable conditions for cycling in the local area, while the Transport Statement suggests that the local area is wholly unsuitable for cycling. They believe that the Jewellery Quarter is suitable for cycling but contra-flow cycling on the one-way streets would make the area much more accessible to cycle users. The most serious issue for cycle users is crossing the main roads that divide the area up. This is not an issue that is identified in either the STP or the Transport Statement.

4.15 Revised plans have been submitted and local residents, residents associations and English Heritage have been re-consulted. In response English Heritage have commented that the proposal is acceptable in principle and that the amended proposal has resolved their main concerns relating to scale, design and materials. They recommend conditions with regard to samples of materials and a repairs schedule.

5. Policy Context

5.1. The Birmingham Unitary Development Plan; Draft Birmingham Development Plan; Car Parking Guidelines SPD; Places for All SPG, Jewellery Quarter Conservation Character Appraisal and Management Plan (JQCAMP), Jewellery Quarter Design Guide and National Planning Policy Framework (NPPF).

6. Planning Considerations

Land Use Policy

- 6.1. The NPPF states at para 72 that the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should give great weight to the need to create, expand or alter schools; and work with school promoters to identify and resolve key planning issues before applications are submitted.
- 6.2. The Birmingham Unitary Development Plan advises at para 15.68A that an urban village is proposed in the Jewellery Quarter and that health and education facilities to meet the needs of the community will be supported. In addition para 4.55 states that a skilled and motivated workforce is a pre-requisite to a successful economy and the City's education and training institutions are the key to help achieve this. Subject to other policies and proposals set out in the plan, their improvement and expansion will be encouraged. Additionally, the Draft Birmingham Development Plan states 'the upgrading and expansion of existing schools and development of new schools will be supported'.
- 6.3. The Jewellery Quarter Conservation Area Character Appraisal and Management Plan notes that this is a key site within the Quarter for new development. It adds that this large site includes buildings of interest which must be retained and new types of uses such as workshops, offices and residential would be appropriate.
- 6.4. As the current use includes warehousing the SPD for Loss of Industrial Land to Alternative Uses applies. However, the loss of industrial land for education uses is one of the exceptional circumstances. In addition the site falls outside the Industrial Middle and Golden Triangle where more stringent land use policies apply.
- 6.5. I note the concerns about the proposed use but in principle, I consider that in land use policy terms the proposed school use is acceptable. The surrounding area is mixed with industrial, commercial and residential uses. The provision of a school would therefore help support the proposed Jewellery Quarter Urban Village.

Education Matters

- 6.6. A local resident has questioned the need for a school in this location, that it would attract children from outside the area and prejudice proposals for a secondary school within the Greater Icknield area. As the proposal is for a 'free' school, it does not fall within the remit for local authority control. The school is therefore in a position to dictate its own catchment area. Nevertheless, the applicants Consultation Statement includes a letter from the then Strategic Director of Children, Young People and Families dated the 8th March 2013, supporting Perry Beeches' plans for two further Free schools in the centre of the city. It adds that although the new two new proposed schools would be surplus to requirements in the first instance, the development would remove the need for at least one of the four new schools that Birmingham would otherwise have to provide by 2019. My Head of Education Infrastructure confirms this is still the view.
- 6.7. Policy GA2 of the Draft Birmingham Development Plan and the Draft Greater Icknield Masterplan both advise that a new secondary school may be provided adjacent to the existing Nelson Junior and Infant School to help meet the increasing demand arising from the anticipated population growth within the area. Whilst these documents identify a site, there is a significant shortfall in funding. Therefore these

proposals would go some way in meeting demand for local secondary school places.

Design and Impact on the Conservation Area and Nearby Listed Buildings.

- 6.8. In determining applications the NPPF advises that it is necessary to identify and assess the particular significance of any heritage asset that may be affected by a proposal. In this instance the key heritage issues are the impact of the extensions on the character of the conservation area and the setting of nearby listed buildings. It adds that where a development leads to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. LPA's should also look for opportunities for new development within the setting of heritage asset to enhance or better reveal their significance. 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.
- 6.9. The UDP advises at para 3.27 that development should preserve and enhance the character or appearance of the conservation area. Additionally, development should respect the character of the existing architecture, scale, grouping and materials, and should generally reflect the character and appearance of the area.
- 6.10. With regard to protecting the historic environment the JQCAMP advises that the Council will not normally permit changes of use or alterations to buildings where the new use would adversely affect its character and appearance or that of the Conservation Area. Additionally, the JQCAMP advises that permission for new development will normally only be granted where it respects the scale, form, density of the historic pattern of development, where it protects views and roof space and where it preserves or enhances the character and appearance of the conservation area. With regard to this building, it advises that building levels should stagger down the hill and use regular bay modules established by typical industrial buildings in the Quarter. Furtherer detailed guidance is provided in the Jewellery Quarter Conservation Area Design Guide.
- 6.11. To address concerns raised about the impact of the original scheme on the character of the Conservation Area revised plans have been submitted. The amended plans move some of the proposed accommodation from Pope Street to Camden Street, so that only single storey additions are now proposed. In its revised form the single storey additions step down the hill from Albion Street along both Pope and Camden Streets, following the topography of the site. In principle, I am of the view that the scale and massing of the extensions is now acceptable.
- 6.12. The revised plans also address concerns raised about the variety of window sizes. The elevations now show regular window openings set back within a reveal that follows the vertical rhythm of the main building. To control heat and allow natural ventilation the window openings would have a clear glazed element and coloured panel. The use of colour helps to adds visual interest and helps announce the new use of the building.
- 6.13. In addition, originally it was proposed to clad the elevations in aluminium panels, which raised conservation concerns. The applicant is now proposing to use a mid-grey terracotta tile to the Camden and Pope Street elevations and end gable walls, with the internal courtyard elevations rendered off-white. I am of the view that the use of terracotta is more in keeping with the Jewellery Quarter Conservation Area. The internal courtyard elevations are not readily visible from the street and there are

already elements of painted brickwork, I therefore have no objections to the use of render to the courtyard.

- 6.14. As noted by English Heritage parts of the existing building are not faring too well with the aging of the facing and there is some amount of failure in the concrete across the buildings. A condition is therefore attached to secure a repairs schedule to improve the appearance of the building. There is a variety of telecommunication equipment on the roof of the building that are still in use and it is disappointing that some of this equipment cannot be removed. However, revised plans have been received with the number of proposed roof top air handling units reduced from three to one.
- 6.15. In its revised form, I consider that the proposed extensions are acceptable and, subject to conditions, use of the building as a school would help to preserve and enhance the character of the Conservation Area. Additionally, I consider any harm to be less than substantial and outweighed by benefits of securing the long term future of this currently under occupied building.

Access and Parking and Off site Highway Works

- 6.16. I note the concerns of local residents about traffic generation and car parking but BCC Transportation Development have raised no objections to the application subject to conditions and / or a S106 agreement. The school plans to open with 160 pupils in September 2014, increasing incrementally for 5 years until the total roll of 620 pupils is met. As such the initial traffic impacts are likely to be minimal but this would increase each year. Though the overall traffic generation would not be dissimilar to the consented office use, the pattern of traffic movements would be focused around the school start and finish times, i.e. within a peak 15 minute period that could compound issues.
- 6.17. In the initial opening planned for September this year with 160 pupils the potential level of trips by modes is estimated from TRICS data. This estimates with the full pupil roll a total of 84 two way vehicle movements in the AM peak and 70 in the PM peak. Recent BCC Travel Plan surveys carried out at Perry Beeches 2 and 3 Academies who have opened in the last couple of year's notes 11% travel by car which at this site could result in 68 vehicle movements to drop-off and pick-up and doesn't include staff travel. Initially the low level of additional traffic is minimal but increase year on year. As in most schools these traffic movements are then focused into a peak period of 10 to 15 minutes so would likely have a noticeable effect on parking demand around the site. To mitigate against this as recommended by BCC Transportation Development conditions are attached to secure a detailed school travel plan and a package of highway measures, which could include school warning signage, slow markings and other surface treatments on the carriageway, school keep clear markings and other measures to prevent parking in unsuitable locations.
- 6.18. In addition, I am concerned about picking up / dropping off activity associated with the school and potentially damaging footways at Dayus Square. Inappropriate parking is already a significant problem for the square which urgently needs to be addressed. Additionally, footways immediately around the development also need improvement. The City Council is upgrading all footways in the Quarter to blue brick as a measure for the enhancement of the Conservation Area and in order to improve the streets in line with the transition from manufacturing to business/residential uses. The applicant is willing to meet the costs of these improvements which can be secured via the highways agreement condition.

- 6.19. The eventual staffing numbers are noted at 75 and BCC adopted car parking guidelines advise a maximum of 1 space per 2 staff therefore equating to a maximum 37 parking spaces. I have no objections to the level of parking provided with 32 staff spaces. Any additional staff car parking demand would not likely lead to additional on-street parking pressure given the parking controls in place around the area. However, I note the concerns of local residents about parking in the area and a condition is attached to secure a car park management plan.
- 6.20. In response to comments made by Pushbikes the School Travel Plan Team have confirmed that generally a maximum of 1% of pupils travel by bike in secondary schools, although the figure is much higher in primary schools. They therefore consider that the 10% target suggested by Pushbikes is unrealistic, but they would work with the school through the travel plan review to form and establish targets.
- 6.21. In respect of wider measures the cycling ambition fund is currently in progress and looking at possible introductions of contra-flow measures on the on-way roads adjacent to the site, on Pope Street and Camden Street. In addition the 20mph zone plans are being consulted upon.

Impact on Nearby Occupiers

- 6.22. A resident in Albion Street has raised a concern about early morning noise from the coming and goings of staff to the school. There are at present no restrictions on the hours of use of the offices and they could therefore operate 24 hours a day. However, I am mindful that the area is changing with more residential accommodation coming into the Jewellery Quarter. I therefore consider it reasonable as recommended by BCC Regulatory Services to attach a condition restricting opening times from 7am to 9pm Monday to Saturday. A condition is also attached to control noise from plant and machinery.
- 6.23. BCC Regulatory Services have requested the submission of fume extraction details prior to determination of the planning application to ensure that cooking smells do not cause a nuisance to nearby occupiers. However, these details are not available at the moment and a condition is therefore attached to secure them prior to the school occupying the building. In addition the applicant has been made aware of the need to discharge cooking fumes at high level.
- 6.24. An objection has been received from an occupier of business premises in Pope Street about loss of daylight and sunlight. Right of light to commercial premises are addressed under common law and whilst the City Council has policies to protect residential amenity, there is not the same level of policy protection given to commercial premises. I do not therefore consider that planning consent could be refused on grounds that the proposal would result in loss of light to an adjoining commercial building. Nevertheless to address concerns about the scale of the double height extension on Pope Street and its impact on the Conservation Area, revised plans have been submitted to reduce the scale of extensions on this elevation.

Other Considerations

- 6.25. Given the previous industrial uses on the site there is potential for the land to be contaminated. Conditions are therefore attached to secure a site investigation, scheme of decontamination and a verification report to demonstrate the effectiveness of the remediation strategy.

- 6.26. An Initial Bat Survey submitted with the application notes that the nearest bat record is over 1km to the east, no evidence of roosting bats was found and it considers the site is of low value to roosting bats. It therefore recommends a series of holes on the north-facing wall of the courtyard area be sealed to prevent colonisation in the future; a further survey should work not commence by April 2016; and should bats be encountered on site, work should cease and a licensed bat worker should be contacted to determine the most appropriate way forward. A condition to secure these recommendations is attached.
- 6.27. It is proposed to open part of the school with 160 pupils in September 2014. However, the building work would not be complete until September 2015, when the parking and school playground would be provided. A condition is therefore attached to secure a phasing strategy to ensure suitable temporary provision is made for car parking and children's play space.

7. Conclusions

- 7.1 In principle, use of the building as a school complies with land use policy and is acceptable. To address concerns about the scale, massing, design and materials revised plans have been submitted. In its revised form I consider that the scheme would preserve and enhance the character of the Conservation Area and setting of nearby listed buildings.
- 7.2 I note concerns about highways and parking but BCC Transportation Development have raised no objections subject to appropriate conditions. Conditions are also attached to safeguard the amenities of nearby occupiers.

8. Recommendation

- 8.1. That planning consent be granted subject to safeguarding conditions

-
- 1 Limits the hours of operation 0700 - 2100 Monday to Saturday
 - 2 Requires the prior submission of a contamination remediation scheme
 - 3 Requires the prior submission of a contaminated land verification report
 - 4 Requires the prior submission of extraction and odour control details
 - 5 Limits the noise levels for Plant and Machinery
 - 6 Requires the prior submission of a lighting scheme
 - 7 Requires the prior submission of a construction method statement/management plan
 - 8 Requires the prior submission of sample materials
 - 9 Requires the scheme to be in accordance with the listed approved plans
 - 10 Requires the provision of the multi purpose school play ground prior to occupation
 - 11 Requires the submission of a school travel plan
 - 12 Requires the prior submission of a repairs schedule prior to occupation
-

-
- 13 Requires the scheme to be implemented in accordance with the recommendations set in the Bat Survey
 - 14 Prevents the use from changing within the use class
 - 15 Requires the prior submission of a parking management strategy
 - 16 Requires the provision of cycle parking prior to occupation
 - 17 Requires the parking area to be laid out prior to use
 - 18 Requires the submission and completion of works for the S278/TRO Agreement
 - 19 Requires the prior submission of phasing strategy
 - 20 Limits the approval to 3 years (Full)
-

Case Officer: David Wells

Photo(s)



View of Internal Courtyard

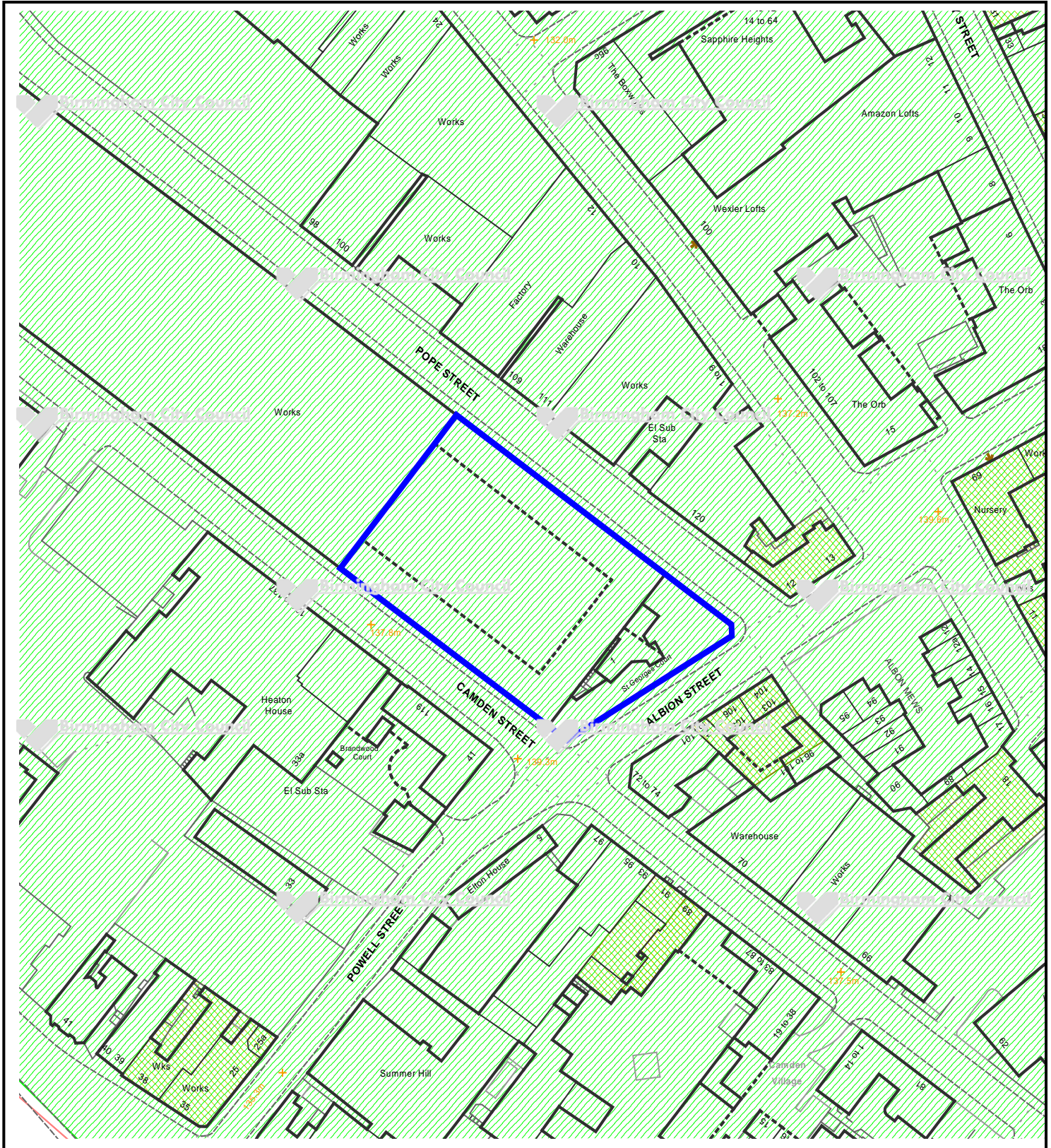


View along Camden Street



View along Albion Street and Pope Street

Location Plan



This map is reproduced from the Ordnance Survey Material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Birmingham City Council. Licence No.100021326, 2010