



Appeal Decision

Site visit made on 17 October 2024

by Elaine Moulton BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 October 2024

Appeal Ref: APP/P4605/W/24/3344730

Bradford Works, 36 Barr Street, Jewellery Quarter, Birmingham B19 3EG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Cordia UK (Bradford Works) Ltd against the decision of Birmingham City Council.
 - The application Ref is 2023/05558/PA.
 - The development proposed is removal of existing second floor/roof structure and replacement with new second and third floors alongside change of use from clothing wholesale (Use Class B8) to 54-bed HMO (Sui Generis) with ancillary communal residential accommodation/workspace and associated external alterations.
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Decision

1. The appeal is allowed and planning permission is granted for the removal of existing second floor/roof structure and replacement with new second and third floors alongside change of use from clothing wholesale (Use Class B8) to 54-bed HMO (Sui Generis) with ancillary communal residential accommodation/workspace and associated external alterations at Bradford Works, 36 Barr Street, Jewellery Quarter, Birmingham B19 3EG in accordance with the terms of the application, Ref 2023/05558/PA, subject to the conditions in the attached schedule.

Preliminary Matters

2. During the appeal process an HMO Market Demand and Needs Assessment, a Financial Viability Statement, and a Room Sizes Briefing Note have been provided by the appellant in response to the three reasons for refusal set out in the decision notice. Such additional information has been considered by the Council, and an independent review of the viability information has been sought and obtained by it.
3. This has led to the Council confirming that it is now satisfied that provision of sufficient internal floor space and external amenity to meet the needs of future occupiers could not be achieved due to the physical constraints of the site and financial viability issues. The Council is also content that the additional information demonstrates that the scheme could not support any affordable housing, due to viability concerns, and that sufficient evidence has been provided of the need for the proposed accommodation.
4. Accordingly, the Council has chosen not to defend the appeal as it has concluded that the three reasons for refusal have been addressed. Based on the evidence before me, I have no reason to disagree with that conclusion.

Main Issue

5. Given that the Council now does not wish to defend the appeal, the main issue is whether there is any other reason why the proposal would not be acceptable.

Reasons

6. The appeal site is located within the Jewellery Quarter Conservation Area (CA), within the Great Hampton Street locality as defined in the Character Appraisal and Management Plan (CAMP). The CAMP indicates that the significance of the CA lies in its long history as a centre of jewellery and small metalware production carried out in a concentration of converted houses, workshops, and manufactories. The site is also close to several listed buildings, Ashford and Sons Ltd at 16-18 Great Hampton Street, Lloyds Bank at 22A Great Hampton Street, and Great Hampton Works at 170-174 Great Hampton Row.
7. I have therefore had regard to the statutory duties to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA as set out at Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act). I have also had special regard to the desirability of preserving the setting of the listed buildings as set out at Section 66(1) of the Act.
8. The appeal site comprises an early 20th century industrial and commercial building that fronts onto Barr Street and Harford Street. It is an example of the small-scale purpose-built manufactories typical of the Jewellery Quarter. The building has undergone some alterations that are unsympathetic to its original appearance, including the painting of its brickwork, replacement of the first-floor windows and the installation of roller shutters. It is also currently vacant and is displaying signs of decline and dereliction. The building, in its current form is, therefore, detrimental to the character and appearance of the CA.
9. The proposal would involve the removal of the original mansard roof and its replacement with a two-storey upwards extension. The scale and proportions of the building would therefore increase. Nonetheless, whilst of a contrasting modern design, the extension would respect the diminishing proportions that are typical of the Jewellery Quarter, and the up-ward extension would be set back from the existing elevations in a similar manner to other developments within the same block. Furthermore, the proposal would involve the retention and restoration of the best elements of the building.
10. Overall, the appeal proposal would preserve the character and appearance of the CA. In addition, the increase in massing of the building would not harm the setting of any of the nearby listed buildings due to the degree of separation, and, for all but Ashford and Sons Ltd, the existence of intervening buildings. In reaching this conclusion I have taken into consideration that the Council, and the conservation advisor, has not raised concerns in this regard.
11. I therefore conclude that the proposal would comply with the development plan and there are no other considerations that indicate that the proposal would not be acceptable. In particular, the proposal would accord with Policy TP12 of the Birmingham Development Plan (BDP), which seeks to protect the historic environment. It would also accord with BDP Policies TP30, TP31 and TP47 and Policies DM10 and DM12 of the Development Management in Birmingham

Development Plan Document. Such policies seek to ensure new housing meets local needs, is of the appropriate standard and provides affordable housing unless it is demonstrated that it is not feasible due to physical constraints or financial viability issues.

Conditions

12. The parties have provided me with suggested conditions, which I have reviewed and amended in line with guidance and best practice, and to ensure consistency.
13. I have imposed the standard time limit condition, and, in the interests of certainty, a condition that specifies that the development is carried out in accordance with approved plans.
14. I include a condition to control demolition and construction works so that the construction process is suitably controlled in the interests of highway safety and to protect the living conditions of nearby residents. This is a pre-commencement condition to ensure that appropriate controls are in place before development commences.
15. I have imposed conditions relating to noise mitigation measures to protect the living conditions of the future occupants of the development from unacceptable noise. I have also included conditions that relate to noise from existing plant outside of the appeal site. They are to ensure that the development does not place unreasonable restrictions on existing businesses, in accordance with the 'agent of change' principle set out in paragraph 193 of the National Planning Policy Framework. The condition requiring an agreement with parties with an interest in the plant located outside of the appeal site is a pre-commencement condition to ensure that such agreement is in place prior to the start of the development.
16. To minimise risks for future occupiers and the environment, a condition is required to ensure the identification and remediation of hazardous materials within the existing building. This is a pre-commencement condition to ensure that appropriate investigation is carried out at a very early stage of the development.
17. I have imposed a condition relating to the approval and implementation of a drainage scheme to minimise the likelihood of flooding.
18. To ensure the satisfactory appearance of the proposed development, I have considered it necessary to attach conditions relating to the external materials and architectural detailing. It is also reasonable to require refuse stores to be provided within the development to ensure an appropriate level of provision. For the same reason, and to promote sustainable forms of transport, I have also imposed a condition to secure bicycle storage.
19. It is necessary to attach a condition that requires security measures to be agreed and implemented, which are needed to ensure the safety of the occupants of the proposed development.
20. In the interests of nature conservation, the implementation of a bat and bird strategy is also required.

Conclusion

21. For the reasons given above, having regard to the development plan as a whole and all relevant material considerations, I conclude that the appeal should be allowed.

Elaine Moulton

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:

22044-GNA-XX-ST-DR-A-0100 P2
22044-GNA-XX-ST-DR-A-0101 P2
22044-GNA-XX-B1-DR-A-0102 P2
22044-GNA-XX-00-DR-A-0103 P1
22044-GNA-XX-01-DR-A-0104 P1
22044-GNA-XX-02-DR-A-0105 P1
22044-GNA-XX-XX-DR-A-0106 P3
22044-GNA-XX-XX-DR-A-0107 P3
22044-GNA-XX-B1-DR-A-1100 P2
22044-GNA-XX-00-DR-A-1101 P1
22044-GNA-XX-01-DR-A-1102 P1
22044-GNA-XX-02-DR-A-1103 P1
22044-GNA-XX-B1-DR-A-1200 P3
22044-GNA-XX-00-DR-A-1201 P3
22044-GNA-XX-01-DR-A-1202 P3
22044-GNA-XX-02-DR-A-1203 P3
22044-GNA-XX-RF-DR-A-1204 P3
22044-GNA-XX-03-DR-A-1205 P3
22044-GNA-XX-ST-DR-A-1210 P2
22044-GNA-ZZ-XX-DR-A-2200 P5
22044-GNA-ZZ-XX-DR-A-2201 P5
22044-GNA-ZZ-XX-DR-A-2202 P3
22044-GNA-XX-XX-DR-A-2210 P1
22044-GNA-XX-XX-DR-A-2211 P1
22044-GNA-ZZ-XX-DR-A-2220 P6
22044-GNA-ZZ-XX-DR-A-2221 P6
22044-GNA-XX-XX-DR-A-2230 P1
22044-GNA-ZZ-XX-DR-A-3200 P2
22044-GNA-ZZ-XX-DR-A-3201 P2
22044-GNA-ZZ-XX-DR-A-3202 P2
22044-GNA-XX-XX-DR-A-4056 P2
22044-GNA-XX-XX-DR-A-4057 P1
22044-GNA-XX-XX-DR-A-4058 P1
22044-GNA-XX-XX-DR-A-4059 P1

- 3) Prior to the commencement of the development, a Demolition and Construction Environmental Management Plan shall be submitted to and approved in writing by the local planning authority. This shall include details of the following, as a minimum:
- a) Assessing and dealing with contamination and hazardous materials and risks during demolition and site preparation.
 - b) Loading and unloading of plant and materials.
 - c) Demolition and construction hours.
 - d) Noise control methodologies.
 - e) Measures to control the emission of dust and dirt during demolition and construction.
 - f) A scheme for the recycling/disposing of waste resulting from demolition works.
 - g) Temporary construction hoardings.
 - h) Measures to make good any retained elements of the building or on any adjacent site/s.
 - i) Temporary measures for the part demolished building.
 - j) Vehicle access points and details of proposed routeing of demolition and construction traffic.
 - k) A Working Plan Protocol to reduce the effects of the works upon sensitive receptors. As a minimum the Protocol will consider the prior notice of the activities, working durations each day, the potential for local vibration monitoring and potential non-occupation of the worst affected identified sensitive receptors.

Demolition and construction shall be undertaken in accordance with the approved Management Plan.

- 4) Prior to the commencement of development:
- a) a detailed specification for works to mitigate the potential noise impact from the plant noise identified in the noise assessment carried out by Sandy Brown reference 023371-R01-B dated 17 July 2023 at Gilders Yard/Venture Studios, Hartford Street, Birmingham (hereinafter referred to as the noise assessment) shall be submitted to and approved by the local planning authority; and
 - b) an agent of change agreement to secure the completion of the noise mitigation works in accordance with the agreed detailed specification, that has been entered into with the relevant parties with an interest in the site/plant identified in the noise assessment, shall be submitted to and approved in writing by the local planning authority.
- 5) Prior to the occupation of the development:
- a) the noise mitigation works identified in the noise assessment, that have been approved by the local planning authority pursuant to Condition 4, shall be implemented in accordance with the agreed detailed specification of the local planning authority; and
 - b) a commissioning test to demonstrate that the works provide the mitigation as specified in the approved scheme shall be submitted to and approved in writing by the local planning authority.

- 6) The rating level for cumulative sound from all plant and machinery shall not exceed the background sound level at any noise-sensitive premises when assessed in accordance with British Standard 4142 (2014) or any subsequent guidance or legislation amending, revoking and/or re-enacting BS4142 with or without modification.
 - 7) Before the installation of any externally mounted or sited plant or equipment and/or any air source heat pump, a noise assessment and compliant noise mitigation scheme for plant noise, shall be submitted to and approved in writing by the local planning authority. The equipment shall be designed and installed in a way that will minimise the transmission of noise and vibration, in accordance with BS6472, EPU Planning Consultation Guidance Note 1 (Noise and Vibration) and the National Planning Policy Framework.
 - 8) Prior to the commencement of construction (excluding any demolition/repair works), a scheme of noise mitigation measures based on the noise environment characterised in the noise assessment, shall be submitted to and agreed in writing by the local planning authority, and shall detail the following:
 - a) the design and specification for the proposed noise mitigation from glazing, building components, acoustic barriers and ventilation provision based on a composite noise reduction calculation in accordance with BS8233 and BS EN 12354:3, this shall ensure that the internal noise environment to habitable rooms meets:
 - The daytime and night-time internal noise level criteria requirements detailed in section 7 (and in particular Table 4) of BS8233:2014 'Guidance on sound insulation and noise reduction for buildings; and
 - The 2017 ProPG on Planning and Noise 'New residential development'; and
 - The requirements of the Birmingham City Council Planning Consultation Guidance Note on Noise and Vibration.
 - b) If proposed, the design and specification for any mechanical ventilation system to any habitable room (other than kitchen or bathroom extraction), which shall include an assessment of the combined impact of the noise break-through from the building structure (including glazing) and the noise generated by the mechanical ventilation within the habitable room. The scheme shall also address the adequacy of the ventilation system to avoid over-heating conditions and shall be supported by an overheating assessment carried out in accordance with CIBSE TM59 Design methodology for the assessment of overheating risk in homes.
- The noise mitigation shall be undertaken in accordance with the approved details and thereafter maintained for the lifetime of the development.
- 9) Prior to the commencement of the development, a report, detailing the results of a survey of the existing building to identify the presence of any hazardous materials (including asbestos or substances from previous uses that may have contaminated the site or structure) and, if required, a remediation scheme that deals with the risks associated with contamination of the site in a manner that is appropriate for the intended use, shall be submitted to and approved in writing by the local planning authority. Any remedial works shall be implemented as approved.
 - 10) Prior to the commencement of the development, full details of foul and surface water drainage shall be submitted to and approved in writing by the local

planning authority. The development shall only be implemented in accordance with the approved details.

- 11) Prior to the commencement of the construction of the part of the building/extension to which they relate, the specification of the external materials of the building facades and roofs shall be submitted to and approved in writing by the local planning authority, including materials for:
- a) Walls.
 - b) Windows, including frames, cills/headers/surrounds, soffits, spandrel panels.
 - c) External doors, porches, canopies.
 - d) Roofs.
 - e) Rainwater goods, external vents, flues and any other structures attached to the façade of the building.
 - f) Balconies.

The information submitted shall include (i) elevation drawings annotated to identify materials, (ii) a schedule of materials including colour images and product literature, and (iii) sample materials of terracotta cladding and perforated metal panels. The development hereby permitted shall be constructed in the approved materials prior to the occupation of the development.

- 12) Prior to the commencement of the construction of the part of the building/extension to which they relate, the details of the architectural treatment of the building facades and roofs shall be submitted to and approved in writing by the local planning authority, including location, positioning, size, form and design of:
- a) The building construction system and the method of application of the external facing materials- brickwork bonding/pointing and decoration, cladding materials' jointing and fixing, treatment of soffits, copings and flashing;
 - b) Windows, curtain walling systems and building entrances (including dimensions of reveals and projecting cills/headers/surrounds);
 - c) Roofs, including edges/parapets/eaves, ridges, chimneys and plant enclosures;
 - d) Rainwater goods, external vents and flues, and other structures attached to or within the external surfaces of the façade or roof of the building;
 - e) Balconies, including structural components, decking, soffits, balustrading and fixing

The information submitted shall include detailed and annotated bay studies (part elevations and cross-sections) at 1:20 scale. The development shall thereafter be implemented in accordance with the approved details.

- 13) Prior to the first occupation of the development, full details of the facilities for the storage of refuse within the curtilage of the building hereby approved, and of the refuse management and collection arrangements, shall be submitted to and approved in writing by the local planning authority, and provided in accordance with the approved details. Such facilities and arrangements shall thereafter be maintained for the lifetime of the development.
- 14) The covered bicycle storage spaces shown on drawing number 22044-GNA-XX-00-DR-A-1201 P3 shall be provided prior to first occupation and thereafter maintained for the lifetime of the development.

15) Prior to the first occupation of the development, a security strategy shall be submitted to and approved in writing by the local planning authority, which shall include the following crime prevention measures:

- a) A CCTV strategy, with CCTV covering all entrances, internal communal areas, and accessible rooftop areas.
- b) An access control system for communal entrances.

The security measures set out in the approved strategy shall be implemented prior to first occupation and thereafter retained in working order on site for the lifetime of the development.

16) The development shall be implemented in accordance with the Reasonable Avoidance Measures and Enhancement Measures in Sections 2.1-2.8 inclusive of the Bat & Bird Mitigation Strategy (Midland Ecology, November 2023) unless otherwise agreed in writing by the local planning authority. For the avoidance of doubt, the 'all other roof components due for removal' referred to in Section 2.5 Working Methods shall include the sections of lined roof supporting potential crevices referred to in section 3.2.1 of the Preliminary Ecological Appraisal (Midland Ecology, 18 July 2023).