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Birmingham Development Plan 2031 Examination.

Hearing Statement made on behalf of the Police & Crime Commissioner for West Midlands (PCCWM).

Matter M: The natural and historic environment (BDP policy TP12)

Our Ref: 8976. Matter M.

Date: 10th October 2014



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1. Introduction

Scope of this statement

- 1.1. This hearing/written statement is to be read in conjunction with the representation made on behalf of the Police and Crime Commissioner for West Midlands (PCCWM). This was made by letter to Birmingham City Council (BCC) in relation to the Birmingham Development Plan Pre-submission Consultation document (our ref: 8976 CL1 HRW). Examination refs reference: 195695.
- 1.2. Our further representations and comments are made in respect of the 'Inspector's issues and questions for discussion' set out in the document issued by the Examination Programme Officer in August 2014.
- 1.3. This document covers responses to the Inspector's questions relevant to the Police and Crime Commissioner for West Midlands (PCCWM) previous representations and concerns.
- 1.4. We also refer to any new and relevant matters that have arisen since our original representations submitted in March 2014.

2. Matter M: The natural and historic environment (BDP policy TP12)

Main issue: Does the Plan contain effective policies to protect and manage the natural and historic environment?

Question: b) Does the policy adequately reflect the Strategy for the Conservation and Enjoyment of Birmingham's Historic Environment and the Birmingham Heritage Strategy, and does it include adequate provisions in respect of Conservation Areas, buildings at risk, post-war architecture, and crime reduction?

Response

- 2.1 Planning applications must be determined in accordance with the development plan unless there are material considerations that indicate otherwise. Thus in a plan-led system it is important to ensure the development plan policies are suitably worded such that they include aspects of national policy and guidance, and having regard to local circumstances and evidence. Indeed, without such considerations a development plan would be unsound.
- 2.2 Our original representations requested an amendment to Policy BDP TP12 to include wording that would allow for alternative replacement materials to be

used where artefacts have been stolen to reduce repeat crime and the fear of crime. In so reducing crime, this will reduce the drain on police resources presently required to respond and investigate such matters.

- 2.3 The intention here is to avoid an unnecessary drain on police resources.
- 2.4 Instead of insisting in all cases on a like-for-like reinstatement of materials where they have been removed, consideration ought to be given to the use of alternative materials and /or artefacts which are less likely to be vulnerable to repeat theft.
- 2.5 BCC does not propose any Main Modifications to the wording of BDP policy TP12.
- 2.6 PCCWM considers the wording proposed by BCC in TP12 does not give sufficient flexibility for decision makers to allow consideration of crime prevention and the fear of crime in applications that relate to heritage assets and the historic environment. In consequence it is not in accordance with NPPF paragraph 8 “economic, social and environmental gains should be sought jointly and simultaneously through the planning system. The planning system should play an active role in guiding development to sustainable solutions”.
- 2.7 It must surely be the case that crime reduction, avoidance of repeated crime, and protection measures are inherent elements of both economic and social sustainability which are of equal importance to any environmental aspects.
- 2.8 It is contended that this lack of flexibility within the policy:
- Prevents consideration of the particular circumstances of the heritage environment, site context, and merits of the case. In particular whether repeat crime (such as theft of materials from a building) is highly likely.
 - Appears to ignore the potential damage to an historic asset that may result from repeated theft of existing and subsequent like-for-like replacement materials. For example metal theft (roof, gutters and down pipes) from historic churches.
 - Fails to recognise consideration ought to be given to the significance of that particular element of the building (to be re-instated in the event of theft) in terms of its contribution to the value of that particular heritage asset. For example the lead roof on one building may not be as important to the historic asset as another due to its size, aspect or prominence on the building.

Reasons

The Heritage Crime Research: the size of the problem (2012).

2.9 (<http://www.english-heritage.org.uk/content/imported-docs/f-j/researchsummary.pdf>) This research suggests that there are around 75,000 crimes affecting designated historic buildings and sites annually – around 200 a day. Offences range from damage to listed buildings and other sites, theft of artefacts, theft of metal, antisocial behaviour and damage to conservation areas.

2.10 Other statistics arising from this research includes:

Damage to listed buildings

- 18.7% of all listed buildings were physically affected by crime last year. That is over 70,000 listed buildings.
- For about 8% of listed buildings the impact from crime last year was substantial.
- Our most precious buildings are the worst affected. 22.7% of grade I and II* buildings were subject to heritage crime, compared with 18.3% of grade II buildings.
- The biggest single threat was metal theft with 6.7% and 5.2% of grade I/II* and grade II buildings respectively affected by this current problem.
- Listed churches and other religious buildings are by far the most at risk, with about 3 in 8 (37.5%) being damaged by crime last year. Metal theft from religious buildings is a particular problem with 14.3% affected.

Damage to conservation areas

- Heritage crime generally is still a significant threat in conservation areas with an incidence rate of 14.9% last year, but is lower than for listed buildings.
- Metal theft is a considerably lower threat than for listed buildings: 1.1% last year compared with 6.7% for grade I and II* listed buildings and 5.2% for grade II.

Consideration of site circumstances and heritage environment

2.11 There will be cases where to install the same material or artefact were it was stolen is likely to lead to repeat theft and the use of alternative materials is the most appropriate way of avoiding such crime. For instance if the site is open, has no defensible boundaries, is not subject to natural surveillance, poorly lit, and the design of the building offers offenders a number of potential routes up to the roof to target metal fixtures and fittings. This makes it difficult to install suitable measures to prevent access to the roof. Any defensive anti-climb measure, such as metal spikes, would potentially not be in keeping with

the historic or architectural status of the site and would certainly not be aesthetically pleasing.

2.12 The use therefore of replacement material (along with the installation of signage around the site indicating the material has been replaced by a 'no theft value' option) that proves valueless to any potential thief may be the only suitable measure, or an important part of a range of measures, to deter crime.

2.13 The principle of this approach is accepted by English Heritage (the 3rd para in Section 3 of the document 'English Heritage Guidance Note: Theft of Metal from Church Buildings' (2011)) states:

"Every case is assessed on its merits, but we appreciate that there will be instances in which a change of material will be appropriate, especially when the area of roof is not visible from ground level. After a theft, the first priority must be to provide emergency cover whilst the permanent replacement is arranged. In some situations, a durable replacement such as terne-coated stainless steel, tiles or slates, rather than lead, might be the most prudent way to repair the building".

Significance of materials/artefacts

2.14 In addition there may be cases where although desirable to have a like for like replacement of materials or artefacts, after theft, consideration ought to be given to the significance and contribution that the particular element of the building or artifact makes to the historic quality of the asset.

2.15 This aspect is touched upon in the now closed consultation undertaken by English Heritage 'Historic Environment Good Practice Advice Note 2: Decision taking in the historic environment' (Consultation draft July 2014) (www.english-heritage.org.uk/publications/guidelines-and-standards/consultations/). Para 6-8 covers this aspect to some extent, particularly para 8 which states "To accord with the NPPF, an applicant will need to undertake an assessment of significance to an extent necessary to understand the potential impact (positive or negative) of the proposal and to a level of thoroughness proportionate to the relative importance of the asset whose fabric or setting is affected. Local planning authorities will need to be careful only to ask the applicant for what is genuinely needed to satisfy the policy requirement".

Examples of practice in the PCCWM area.

2.16 Due to the age of many heritage sites, their security measures are particularly poor and they are historically difficult to retro-fit modern security measures.

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- 2.17 Lead and metal theft has reduced in the last few months since the change in scrap metal dealer legislation (cashless payment); however, it is still a problem that PCCWM faces daily.
- 2.18 There is a specific case of a recent theft of a considerable amount of lead off listed buildings in Edgbaston (which is the largest conservation area in the UK). Birmingham City Council's Conservation Officer required that 'like for like' materials must replace those stolen. This meant that the premises would be a target for repeat victimisation as the offenders would potentially return and steal the replacement lead. Some buildings which were not listed buildings also had to have replacement lead because they were within the conservation area. Consideration ought to be given to using 'replacement' materials, that still look and feel like the original metals, but are manufactured from a weatherproof composite material.
- 2.19 In recent years there has been an increase in the number and intensity of metal thefts in the region. PCCWM's response is the ongoing force-wide initiative 'Operation Steel' which aims to tackle the theft and handling of stolen metals.
- 2.20 Metal theft has been a particular problem in areas where there are numerous old and listed buildings, which are targetted specifically for their metal roof coverings.
- 2.21 In the previous 12 months incidents at a church in Solihull have resulted in 6 calls for service from West Midlands Police. These have related to both crime and anti-social behaviour committed on the site. Since May 2010 there have been 10 crimes reported to West Midlands Police relating to the site. Four of these, from May 2010 to November 2011, have directly related to the theft of metal from the site, with downpipes and guttering from a number of sections of the church.
- 2.22 Some of the metal stolen during these offences had previously been replaced as a result of previous offences.
- 2.23 In October 2012 an alternative, non-metal, solution (Glass Reinforced Plastic) was installed on the church to replace previously stolen metal. Since that date there have been no reported incidents of theft from or damage to the building.

3. Conclusion /Proposed changes to TP12.

- 3.1 The PCCWM request that proposed policy TP12 be amended so as to provide some flexibility that allows the use of crime reduction measures where appropriate including the use of 'no value' replacement materials. Such an amendment would ensure adequate provision for crime reduction in

the Birmingham area, and would be consistent with the other policies in the plan, in particular PG3.