

# **Birmingham City Council**

## **Planning Committee**

**04 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 – Subject to 106 Legal Agreement	6	2020/07829/PA  Land bounded by Moseley Street (south), Moseley Road (east) and Cheapside (north) Digbeth Birmingham B12  Erection of residential development (Use Class C3) for up to 366 units in two principal blocks of between 5 and 8 storeys with associated residents amenity areas (internal and external), access, cycle parking, landscaping, earthworks and associated works

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Committee Date:	04/02/2021	Application Number:	2020/07829/PA
Accepted:	05/10/2020	Application Type:	Full Planning
Target Date:	21/01/2021		
Ward:	Bordesley & Highgate		

Land bounded by Moseley Street (south), Moseley Road (east) and Cheapside (north), Digbeth, Birmingham, B12

Erection of residential development (Use Class C3) for up to 366 units in two principal blocks of between 5 and 8 storeys with associated residents amenity areas (internal and external), access, cycle parking, landscaping, earthworks and associated works

Recommendation

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

1. Proposal

- 1.1. This full planning application proposes 366 residential apartments in two 'U-shaped' blocks, with internal and external resident's amenity space, including private courtyards and balconies, a new pedestrianised street named "Park Lane," which would provide a route through the development between Cheapside and Moseley Street and offers landscaped areas of public realm creating opportunities for sitting and informal recreation. It would also allow for cycle access. The development is proposed to be 'car free' and proposes zero parking provision.
- 1.2. The proposed design responds to the gradient of Moseley Street, meaning the ground floor would provide accessible amenity areas (including residents lounge, concierge, bike stores and other back of house facilities).
- 1.3. Two blocks (Block A and Block B) are proposed, with a central public, pedestrian and cycle route through the site ('Park Lane'). The heights of the buildings fluctuate in a 'step-up-step-down' manner, to add visual interest to the development and to accommodate the site's topography with heights ranging from 5 to 8 storeys. The highest point of the development has been focused on the corner on Moseley Street and Moseley Road to provide a landmark feature.
- 1.4. The proposed layout seeks to enhance permeability of the area, particularly through the introduction of 'Park Lane'. Soft and hard landscaping is proposed along Park Lane to create an attractive and inviting walkway between Cheapside and Moseley Street. In line with the site's topography, the amenity areas would be on different levels each side which seeks to achieve distinction and separation between the private residential space, and the public route.
- 1.5. The scheme proposes a variety of apartment sizes across the 366 units and the mix is broken down in figure 1 below.

Unit Type	Number	Percentage
1 Bed	147	40%
2 Bed	207	57%
3 Bed	12	3%
<b>Total:</b>	<b>366</b>	<b>100%</b>

Figure 1 – Unit mix

- 1.6. The typical size of the apartments ranges from 42 - 51m<sup>2</sup> for the 1 bedroom apartments; 67m<sup>2</sup> - 71m<sup>2</sup> for the 2 bed; and 81m<sup>2</sup> - 91m<sup>2</sup> for the 3 bed, which all exceed the Nationally Described Space Standards (NDSS).
- 1.7. All apartments and amenity areas would be accessed internally via the main entrances on Moseley Street and Cheapside and would be accessible from the internal landscaped courtyards. These entrances would have an arched shape to reflect precedents elsewhere in Digbeth. The entrances are proposed to be emphasised in coloured glazed brick with additional visual interest at lower levels. Block A to the west, would have pedestrian entrances on Cheapside and Moseley Street and Block B, to the east would have three points of access for pedestrians via Moseley Street, Moseley Road and Cheapside. Lifts within both blocks provide access to all units on the upper floors.
- 1.8. The scheme includes communal cycle parking at ground floor level for both blocks. These cycle storage areas are accessed internally to ensure the cycle parking is secure and protected. A total of 388 spaces are proposed. Refuse Stores are positioned near cores and residents would be able to access them from within the courtyard and communal areas. They are positioned back from the street but accessible to refuse collection services.



Figure 2 – Ground Floor Plan



Figure 3 – Typical upper floor plan

- 1.9. The development would provide a series of indoor amenity areas in both blocks at ground floor level with a further amenity space at first floor level in Block B which is

accessed at street level from Moseley Road. Outdoor resident's amenity areas are proposed within each block, in the form of the courtyard areas with soft and hard landscaping, and seating areas which would be accessed from the ground floor. The two courtyards extend to 776sqm and 832sqm respectively, providing a total of 1,608sqm of communal space, equivalent to 4.4sqm per apartment. In addition, 'Park Lane' provides further informal amenity and recreation space, which is accessible to residents as well as the public.

- 1.10. Just over a third of the apartments also have access to private amenity space via a garden, roof terrace or balcony. This provides a further 1,026sqm of external space. Gated access from Moseley Street and Cheapside respectively is proposed at both blocks, which would provide a view through the development and contribute toward an active street frontage.
- 1.11. The ground floor apartments adjacent to the outdoor courtyards would have their own private outdoor amenity area. Balconies are proposed for the upper floors, enabling private outdoor space for some apartments. The position and number of balconies have been influenced by the need to ensure good levels of daylight are received by the apartments below. Private roof terrace areas are also provided for some of the apartments. A total of 239 sq. m of indoor amenity space is proposed at ground floor, with each block having two amenity spaces respectively. A further 48sqm of amenity space is proposed on the first floor of Block B.
- 1.12. Photovoltaic Panels and Brown Roofs are also proposed at roof level which would contribute to the sustainability and biodiversity of the development.
- 1.13. [Link to Documents](#)

## 2. Site & Surroundings

- 2.1. The application site covers an area 0.7ha and is located within Birmingham City Centre, within the Rea Valley Urban Quarter. The site is immediately bound by Cheapside to the north; Moseley Road to the east; Moseley Street to the south; and 150 to 159 Moseley Street to the west, which benefits from planning permission for residential development of 67 apartments in a 6 storey, H-shaped block (currently under construction).
- 2.2. The section of Cheapside immediately opposite the is occupied by a midrise residential development ranging from 5 to 6 storeys. Buildings opposite the site on Moseley Road are 3 storey residential flats and a 60s style office building. On the corner of Moseley Road and Ravenhurst Street is the Moseley Arms public House, a Grade II listed building.
- 2.3. Moseley Street is occupied by a range of uses including a printing business, a vehicle mechanics, Cleary's Irish Bar, 'Flex Fitness' gym, St. Anne's Hostel and the Rowton Hotel. The latter two buildings are both Grade II listed. It is also worthy to note that the mechanics that currently occupies 122 Moseley Street has recently received planning consent for a 5 storey building comprising 29 residential apartments.
- 2.4. The application site excludes a small parcel of land to the north-east on the corner of Cheapside and Moseley Street, which is in separate ownership. This site benefits from an extant planning permission for purpose built student accommodation, however, the consent expires in April 2021. This site is referred to as Leopold Works.

- 2.5. The site is wholly located within Flood Zone 1 (low risk of flooding). The site and wider city are designated an Air Quality Management Area and it also falls within the proposed clean air zone (CAZ). There are no Tree Preservation Orders within or adjacent to the site.
- 2.6. The site is previously developed brownfield land that has been cleared and is currently vacant. The topography of the site slopes downhill to the west which offers views towards the city centre.
- 2.7. The application site falls within the Highgate Park neighbourhood in the Rea Valley Urban Quarter, as defined by the Rea Valley SPD. The area has been historically developed with a dense street pattern and has been redeveloped many times; today, it is predominantly industrial with distinct local landmarks. The area is changing as industrial premises become outdated and are being replaced by new residential-led developments.
- 2.8. The character to the south remains largely industrial with low-rise warehouse buildings and surface car parks. In recent years, the area has seen an increase in residential development of up to 6 or 7 storeys in scale, reflecting trends in city-centre living and aspirations set out in the draft Rea Valley Urban Quarter SPD for high density city living.

### 3. Planning History

- 3.1. The relevant planning history for the application site is outlined below.
- 3.2. 2003/04098/PA – Mixed use development consisting of residential (Class C3), office floorspace (class B1) and retail (class A1) with car parking (including only the easternmost part of the site, plus the site now referred to a Leopold Works. Approved subject to conditions 21/07/2005. Not implemented and now expired.

### 4. Consultation/PP Responses

- 4.1. BCC Transportation – No objection subject to conditions; Cycle parking provision, A Construction Management Plan; Measures to prevent vehicles accessing the new pedestrian/cycle link.
- 4.2. BCC Ecology – No objection subject to conditions requiring the submission of a landscaping scheme, a scheme to ensure biodiversity gains within the development, the provision of bat/bird boxes and a scheme to approve/implement the proposed brown roofs.
- 4.3. BCC Lead Local Flood Authority – No objection subject to conditions requiring the submission and implementation of a sustainable drainage scheme and a drainage management plan.
- 4.4. BCC Education – Request S.106 contribution towards the provision of school places.
- 4.5. BCC Leisure Services – No objection. In accordance with the BDP this development of over 20 dwellings would be subject to an off site contribution towards POS and Play.



- 4.6. BCC Employment Access Team – No objection subject to a condition requiring the submission of an employment access plan.
- 4.7. BCC Regulatory Services – Object on the basis of an inadequate noise assessment. Assessment does not state the predicated noise levels within the apartments at the façade of Block B. Blanket application of mitigation measures approved at 122 Moseley Street should not be assumed to be appropriate in this instance. Request conditions requiring land contamination assessment and verification report.
- 4.8. Historic England – Acknowledge application and confirm it falls outside of scope for statutory consultation.
- 4.9. Environment Agency – No objection.
- 4.10. West Midlands Police – Make the following recommendations; Installation of access control measures; installation of video intercom at access points; installation of CCTV scheme; submission of a lighting scheme; submission of boundary treatments.
- 4.11. West Midland Fire Service – Water supplies for firefighting should be in accordance with “National Guidance Document on the Provision for Fire Fighting”. Where fire mains are provided in the building there should be access to the riser inlet within 18 metres and each access point should be clearly visible.
- 4.12. Severn Trent Water- No objection subject to conditions requiring the submission of foul and surface water drainage plans and their implementation.
- 4.13. Birmingham Civic Society – Object to the proposal and make the following comments.
- The D&A statement suggests that the proposed buildings have been ‘influenced from the local vernacular in Digbeth and design cues’ – but we do not feel this has been executed with flair equal to the historic buildings that make them special. The proposed buildings are of a well established recent precedent of grid like masonry bays with infill, but short of any detail which the surrounding historic buildings demonstrate. Why should the elevations echo the ‘simple industrial forms appropriate to the area’? The proposal is not an industrial building; it does not have to be monolithic or ‘robust block massing’. There are many examples of modern development within the Jewellery Quarter (for example) where the challenge of responding to an industrial, historic context has been met.
  - The proposed development seems to risk overshadowing and turning its back on the amenities on Moseley Street.
  - The landscape plan appears pleasant – although a little at odds with the Digbeth setting; a more ‘industrial’ landscape, with cobbled courtyards etc, may be more fitting.
  - There does not appear to be any car parking for residents – while car use in the city should not be encouraged, this appears impractical.
  - Overall amenity space is very limited and insufficient.
- 4.16 Site and Press Notices displayed. Neighbouring occupiers, Ward Members, Southside BID, Civic Society and Resident’s Associations consulted with the following representations received.

- 4.17 2 objections received.
- Lack of parking provision within development, limited on street parking currently and this development will exacerbate matter.
  - Lack of amenities to support existing/future residents of the area, scheme should have included shops/bars/cafes.
- 4.18 1 member of the public made a generally supportive representation, praising the scheme but observed that he would have preferred the scheme to have been 6 storeys at its highest, to have placed greater emphasis on the corner buildings and to have gone further with the architectural features and detailing. He also praised the creation of 'Park Lane' and hoped that it would connect all the way to Highgate Park in the future.
- 4.19 A further objection was received from the owner of Cleary's Irish Bar, the public house opposite the site located on Moseley Street. This objection has been supported by a representation from an acoustic consultant. The points of objection are summarised as follows:
- The noise assessment submitted to support the application is deficient as it does not take into account the worst case scenario for noise generation at the pub.
  - Contact has not been made by the applicant with the owner of Cleary's to agree a noise monitoring assessment.
  - The applicant has failed to discharge their duty as 'Agent of Change' as required by paragraph 128 of the NPPF.
  - Potential for future residents to complain about noise generated by or associated with the pub, which could jeopardise the future viability of the business.

## 5. Policy Context

- 5.1. Birmingham Development Plan (BDP) 2017, Birmingham Unitary Development Plan 2005 (Saved Policies), Places for Living SPG, Places for All SPG, Car Parking Guidelines SPD, Lighting Places SPD, Public Open Space in New Residential Development SPD (2007), Affordable Housing SPG (2001), Rea Valley Urban Quarter Masterplan SPD (2020), Development Management in Birmingham Document DPD Publication Document (2020) and the National Planning Policy Framework.

## 6. Planning Considerations

### PRINCIPLE

#### Residential Use and Unit Mix

- 6.1. The application site is located within the City Centre Growth Area defined under Policy GA1.1.
- 6.2. Policy GA1.2 identifies this part of the City Centre as the Southern Gateway; an area of wider change where residential development is supported whilst Policy GA1.3 supports residential development in this location as it falls within the Southside and Highgate Quarter.



- 6.3. The Rea Valley Urban Quarter Masterplan SPD, adopted in October 2020 focusses on connectivity and producing high quality development. Moseley Street is identified as a park link where pedestrians will be given priority in order to assist linking the Smithfield area to the River Rea corridor, Highgate Park and onto the wider green infrastructure of the City. The SPD also identifies the creation of a new pedestrian route that seeks to connect Highgate Park with Moseley Street and Cheapside.
- 6.4. Based on development plan policy it is considered that the principle of proposed residential use would be acceptable at this location.
- 6.5. Considering housing mix, the BDP sets the following targets for market dwellings: 1-bedroom 13%, 2-bedroom 24%, 3-bedroom 28%, and 35% 4-bedroom. By comparison the proposed housing mix for this 366 apartment scheme is as follows: 147 (40.1%) 1 beds, 207 (56.5%) 2 beds and 12 (3.7%) 3 bed.
- 6.6. The housing mix is influenced by a number of factors including housing needs and demands in this part of the city and affordability. It is accepted that in the city centre a higher percentage of one and two bedroom apartments are going to be delivered. This is on the basis of development land being at a premium, and the types of households that are likely to want to reside within a city centre locale. All apartments comply with or are in excess of minimum floor areas set within the Nationally Described Space Standards.
- 6.7. The development is considered to provide a good standard of living accommodation and the proposed mix is considered acceptable.

## DESIGN

### Scale and Mass

- 6.8. The plot layout follows a strong urban grain along the streets and allows for two significant courtyards for future residential amenity. The two block development reinforces the existing hierarchy of streets. The building footprint follows the street line of the surrounding area, with the development set close to the pavement line. The boundary of the new proposed pedestrian route through the site 'Park Lane' would allow for defensible space and for amenity space/landscaping to be provided.
- 6.9. The Rea Valley SPD 'Building Heights' in this location are suggested to be 6 to 10 storeys. The proposed scheme ranges in heights from 5 storeys up to 8, and as such is lower than the maximum envisaged by the SPD.
- 6.10. The taller block elements face Cheapside and the corner of Moseley Road and Moseley Street. This massing is supported from a townscape perspective and also reduces impact on the heritage assets further down Moseley Street, whilst still allowing the creation of a landmark corner at Moseley Road. Taller elements at the corners of the Park Lane entrances also identify this as a connecting route and are considered positive.



Figure 4 – CGI view from corner of Moseley Street and Moseley Road

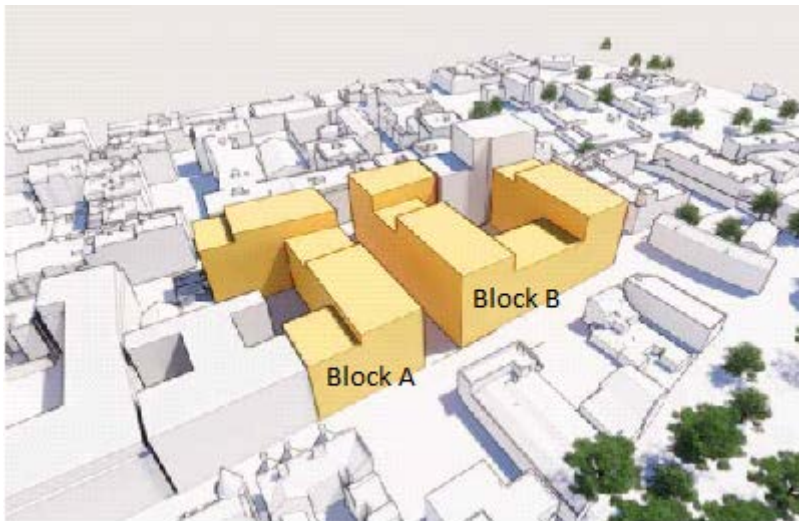


Figure 5 – Massing of development in context of emerging townscape in the context of the Rea Valley SPD.

- 6.11. The proposed heights and mass are considered appropriate. An articulation of the roofscape across the scheme gives interest across the townscape. The general architectural approach is an alternating red brick system; the corners of the development are seen as landmarks, particularly to indicate the presence of the pedestrian route through the development.
- 6.12. A Townscape and Visual Appraisal concludes that the proposed buildings would be of an appropriate height and scale for the local context and the proposed high quality of architecture and landscape design would have a beneficial effect on the

local townscape character and visual amenity of the area. I concur with this assessment.

#### Park Lane

- 6.13. The proposed development includes the provision of a new 'green route' through the application site that would connect Moseley Street to Cheapside. The new street, to be known as 'Park Lane' would run between Block A and Block B and measure 12m wide. The street would be provided over 3 levels with the central publically accessible route provided at level with the adjoining streets flanked by higher and lower private amenity areas associated with the apartments within blocks B and A respectively. A detailed landscaping scheme has been provided which specifies tree planting along the route, in addition to low level planting either side of the accessible route and within the private amenity spaces. The landscaping scheme is largely acceptable, but a condition is recommended to ensure finer details such as soil depths, protection measures and maintenance is secured.
- 6.14. The Park Lane also includes seating provision which contributes to its usability as public open space. The route would be maintained as open to public access by way of a planning condition and a further condition regarding boundary treatments would ensure appropriate measures are provided to restrict access to motor vehicles. The provision of this green route would enhance the experience of pedestrians and cyclists using the area and significantly contributes to achieving one of the key objectives of the Rea Valley Master Plan which seeks to create a new link to Highgate Park and the landscaping will support the city's wider green agenda.



Figure 6 – View from Moseley Street down 'Park Lane'

#### Detail and Materials

- 6.15. A red orange brick tone for the external facades is in keeping with the local industrial heritage. The final colour and specification of brickwork would be controlled by conditions should Members be minded to grant approval.
- 6.16. The use of glazed green brick around entrances and at landmark corners improves wayfinding.
- 6.17. The proposed residential entrances are off main access streets and are situated next to resident's lounges and communal spaces to ensure an active frontage and sense of security. They provide a focus of activity at street level whilst allowing views through to the landscaped courtyards. Entrances have been designed to be proportionate in relation to the overall design and are legible as building entrances without being visually overpowering.
- 6.18. Architecturally, entrances are emphasised in coloured glazed brick creating an additional visual interest at the low level immediately next to the building users. Entrance points into the courtyards are well defined, with artistic metal sliding gates to match the bespoke railings. The use of green glazed brick and Celtic style metal work is proposed in order to reflect the cultural heritage of this part of the city.



Figure 7 – Entrance detailing

- 6.19. The landmark corner buildings at Moseley Road/Moseley Street, and on Cheapside, either side of 'Park Lane' would be accentuated by inclusion of glazed brick and alternating courses of brickwork around the windows. These details would relate to the proposed detailing at building entrances.





Landmark corner alternative study - with glazed brick trims

6.20. Figure 8 – Landmark corner building detailing

#### Future Developments

- 6.21. As previously mentioned, the corner of the wider development plot at Moseley Road and Cheapside falls outside of the application boundary. The two sites abut one another and the proposal has been designed with a largely blank façade facing the future development site. The block fronting Moseley Road is predominantly 8 storeys, but steps down to 6 where it meets the adjoining site. This allows for private terraces and balconies at storeys 7 and 8 respectively, with the brown roof of the lower section of the building providing separation from the adjoining development site. The remaining floors on the elevation facing Cheapside do not have windows, and as such would allow a future development to sit flush against the development proposal currently under consideration.
- 6.22. As such, the proposed development would not prejudice the adjoining site at the corner of Cheapside and Moseley Road being brought forward for redevelopment.

#### HERITAGE

- 6.23. There are no heritage assets within the application site itself, therefore any impact arising from development on the identified heritage assets would arise by way of

indirect impact upon their setting. There are three Grade II listed buildings in close proximity to the application site, St. Anne's Hostel and The Rowton Hotel (formerly the Paragon Hotel), both on Moseley Street and the Moseley Arms public house on the Corner of Moseley Road and Ravenhurst Street.

- 6.24. The application is accompanied by an Archaeological and Heritage Assessment which has identified the significance of the heritage assets likely to be affected and the contribution made to that significance by its setting. The document has concluded that all but the Rowton Hotel are unlikely to experience a change in their setting that would result in harm to their significance and they are not considered further in the document.
- 6.25. The Heritage Assessment has identified that the significance of St. Anne's Hostel is derived from its architectural and historic interest as a relatively early example of an inner-city Victorian Police Station, its decorative principal elevation contributes to its artistic and aesthetic value. The document goes on to identify that the building is best appreciated from this principal elevation onto Moseley Street where it was designed to occupy a prominent position on the street front. The application site itself is opposite the Hostel is a 'weedy area of Brownfield land' which does not contribute to the significance of the building.
- 6.26. The document concludes that whilst the asset has a level of prominence on the street frontage this derives from its distinct architecture and appearance rather than its massing and scale which are dwarfed by the adjacent Rowton Hotel and modern development to the east, and that this will continue to be the case once the consented Westminster Works development is implemented. Considering these points alongside the separation of the site from the listed building the Heritage Statement does not consider that the proposed development has the potential to result in a change to the setting of the asset that would harm its significance.
- 6.27. The significance of the Rowton Hotel is also derived from its architectural, historic and artistic interest; therefore the impact of the proposed development on this significance has also been assessed. The Heritage Statement discusses the contribution made by setting and identifies that the Moseley Street, Alcester Street and Highgate Park elevations provide the best publicly available location from which to experience its significance, with the Alcester Road elevation being of greatest value as the principal façade. In addition due to its scale, massing and distinctive architectural design and treatment, to the south side of Moseley Street the building forms the dominant element of the street frontage and this prominence makes a positive contribution to its significance.
- 6.28. The grade II listed former police station (St. Anne's Hostel) to the east is identified in the statement as a survival of the historic built setting of the asset which positively contributes to its significance. The document also identifies that little of the building's original setting remains to the north following clearance of the 19th century industrial and domestic buildings and their replacement with modern buildings or left as brownfield plots concluding that these elements do not make any contribution to the significance of the asset. With regards to the contribution made to significance through setting I concur with this assessment.
- 6.29. The Heritage Statement goes on to state that the impact of the development will have no direct effect on the architectural, historic or artistic interest of the listed building and thereby this significance will be preserved. The statement acknowledges that the development will not remove the ability to experience the listed building from its best appreciable locations in Alcester Street, Moseley and

Highgate Park and will not sever or reduce any relationship between the building and the former police station and the contribution this makes to its setting. Furthermore as the development site does not currently contribute to the significance of the listed building then the principle of re-development to residential would not be harmful to significance. My Conservation officer concurs with this assessment.

- 6.30. However, architectural and historic prominence can be impacted by scale, massing, design and materials which can affect the ability to appreciate such qualities. Although the scale and massing of the proposed development complies with policy for the area in order to fully support the view of the Heritage Assessment it will be necessary to secure a quality of design detail and materiality which would complement the architectural significance of these listed building. As such, conditions requiring approval of final design details and materials are proposed to be appended to any approval Members may be minded to grant.
- 6.31. The Heritage Statement concludes that the proposed development could result in a very limited level of harm to the significance of the listed building through moderately competing with the prominence of the asset in views along Moseley Street. The level of harm is placed at the lower end of less than substantial harm in respect of the NPPF.
- 6.32. It is necessary to consider the statutory duties of the local authority. Section 66 requires that the local 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.'
- 6.33. The NPPF states that any harm to the significance of a designated heritage asset should be weighed against the public benefits of the proposal.
- 6.34. It is considered that the proposal would lead to less than substantial harm to the listed buildings. The harm is considered to be outweighed by the wider public benefits of the development given the overall need for additional housing in the City, the provision of affordable housing, the redevelopment of vacant brownfield land with a scheme of high design quality, the provision of a new pedestrian route as aspired to by the Rea Valley SPD and the economic benefits the scheme will bring to the area, both during construction and once completed. As such, I consider that the heritage impacts of the proposal are outweighed by the public benefits.
- 6.35. The site is located circa 310m to the north of the Digbeth, Deritend and Bordesley conservation area. The heritage assessment concludes that the site is at most a peripheral element in the setting of the conservation area and that the proposed development would not harm its special setting. I agree with this assessment and conclude that there are no harmful impacts to the conservation area.

## AMENITY

### Residential Amenity

- 6.36. As previously stated, residents' amenity areas would be provided in the form of shared courtyards. This equates to 4.4sqm of amenity space per dwelling and is considered to be a suitable provision. In addition, the proposed Park Lane would provide further usable outdoor space. Just over a third of the apartments also have access to private amenity space via a garden, roof terrace or balcony. This provides a further 1,026sqm of external space. The communal/private amenity space offered



to prospective residents by this proposal is considered to be generous and with appropriate landscaping and maintenance would be attractive usable places.



Figure 9 – CGI of internal amenity courtyard

- 6.37. An assessment of the provision of daylight and sunlight amenity within the proposed apartments, and the level of sun hours on ground overshadowing to amenity areas demonstrates that 88% of the habitable rooms assessed would meet the minimum recommended Average Daylight Factor (ADF) daylight criteria. In terms of sunlight, 79% of the windows relevant for assessment will meet the recommended criteria for winter sunlight and 76% for total sunlight. This represents an acceptable level of compliance, considering the dense nature of the development within an urban location.
- 6.38. Whilst there are windows/rooms which fall below the recommended BRE criteria for daylight and sunlight amenity, this is not uncommon in urban developments and full compliance is very unlikely to be achieved when allowing for other requirements of a scheme.
- 6.39. In relation to sun hours on ground overshadowing, two courtyard amenity areas within Blocks A and B would fall below the recommended BRE Guidelines on 21st March. However on 21st June when the areas are most likely to be used both courtyard amenity areas would achieve at least two hours of direct sunlight to over 50% of their areas on. Residents will, therefore, have access to sun within the communal amenity areas, particularly during the summer months.
- 6.40. Although the proposal does not achieve full compliance with the BRE Guidance the scheme is considered to be acceptable in terms of daylight, sunlight and overshadowing given its density and city centre location.

Noise

- 6.41. The application submission is supported by a noise assessment and two addendum statements produced in response to the comments received from the Regulatory Services department. The noise assessment seeks to determine whether prospective residents can enjoy a suitable level of amenity within their apartments without being subject to adverse noise conditions. It is accepted that the vast majority of units proposed would enjoy a suitable noise environment. However, 16 of the proposed apartments within Block B of the development, namely those facing 'Cleary's Irish Bar' (Cleary's) on Moseley Street require careful assessment.
- 6.42. Furthermore, as an established business the right of 'Cleary's' to continue to operate without the imposition of restrictions arising as a result of the approval of the proposed development must be ensured in accordance with paragraph 182 of the NPPF.
- 6.43. Given the application has been submitted during the covid-19 pandemic, during which entertainment venues and public houses such as 'Cleary's' have been forced to close and/or operate under restricted hours, there has not been adequate opportunity to conduct on site noise monitoring. As such, the applicant's noise assessment has been based upon data submitted in support of the recently approved application at 122 Moseley Street (ref: 2018/01177/PA) located next door to 'Cleary's'. The noise data was collected on St. Patrick's Day's 2019 and is considered to represent the 'worst case scenario' for noise generation at the pub. The data was collected during an attended visit and has been approved as accurate by officers in the Regulatory Services department.
- 6.44. The primary noise source is accepted to be at the rear of 'Cleary's' where a function room used to host live DJ's and bands spills out onto the beer garden facing Highgate Park. Moseley Street is screened from the beer garden largely by the 3 storey pub itself, and to a lesser extent by the pub's single storey side extension. It is this entertainment noise, in conjunction with the on street noise generated on Moseley Street that must be appropriately assessed to determine whether the development would be adversely affected by noise which could subsequently give rise to complaints made against the pub.
- 6.45. Figure 10 below shows the approved noise monitoring points used to assess the impact of 'Cleary's' on the proposed development at 122 Moseley Street. The data obtained from these monitoring points has been extrapolated by the applicant's noise consultant to determine the noise levels at the façade of Block B which forms part of the development considered by this report.



Figure 10 – Noise monitoring locations used for application at 122 Moseley Street

- 6.46. Monitoring position B is located at the boundary of 'Cleary's' and 122 Moseley Street. The microphone was positioned 5.5m above ground level and was approximately 10m from the patio doors. Sound levels were recorded over a two hour period during the late evening (21.26hrs to 23.35hrs).
- 6.47. The applicant contends that the data demonstrates an acceptable noise environment taking account of attenuation provided by the pub building itself, increased distance, partially open windows and internal furnishing.
- 6.48. However, Regulatory Services are of the opinion that a direct comparison between the two sites cannot be made, this is due to the orientation of each of the proposed developments, and their receptor points (windows of apartments) to the noise source. Where the blank eastern façade of the proposed development at 122 Moseley Street directly adjacent 'Cleary's' provides attenuation to the apartments within, it could potentially form a reflective surface that exacerbates noise at the façade of Block B of the proposed development. Furthermore, noise generated within the poorly insulated single storey side extension of the pub, and noise which travels from the beer garden through it, is likely to project outwards towards the proposed development opposite.
- 6.49. The applicant's calculation of noise levels within the apartments facing 'Cleary's' is based upon BS8233 which deals with the mitigation of generalised noise, and is not specific to entertainment noise. As such, Regulatory Services are not in a position to remove their objection to the application at this point in time. However, it has been confirmed that noise levels could potentially be satisfactorily mitigated, subject to an appropriate noise assessment.
- 6.50. Given the proposed development's close proximity to the recently approved scheme at 122 Moseley Street I am of the opinion that it would not be unreasonable to expect suitable mitigation could indeed be implemented at the façade of Block B to ensure a suitable level of amenity could be enjoyed by potential future occupiers. However, such mitigation would need to be informed by an appropriate bespoke noise assessment that takes account of entertainment noise generated by 'Cleary's' in the context of the current urban landscape, and the landscape in the event of the development at 122 Moseley Street being implemented.

- 6.51. The total number of units potentially subject to adverse noise is 16. The noise assessment submitted in relation to the application at 122 Moseley Street suggests mitigation in the form of high specification noise attenuating glazing is likely to be suitable in relation to this development. However, should this not be the case, it may be necessary for some or all of the 16 units to be fully sealed, dependant on the conclusion of the bespoke noise assessment.
- 6.52. While sealed apartments are not preferable, and not supported by Regulatory Services, provided suitable mechanical ventilation is installed, the apartments would constitute a satisfactory residential environment free from adverse noise. Given the potential number of sealed units is small in the context of the development as a whole, their possible inclusion is considered acceptable when weighed in the planning balance against the other aspects of the scheme that include; the city's need for housing, the on-site affordable housing provision, the high quality design and the provision of the publically accessible green route 'Park Lane'.
- 6.53. As such, I recommend conditions be appended to any approval Members may be minded to grant that requires the submission of a noise assessment methodology, a noise mitigation strategy and MVHR ventilation strategy prior to the commencement of development. In addition, I recommend conditions requiring the submission of a noise validation report and the testing of internal noise levels prior to first occupation of the development.
- 6.54. Paragraph 182 of the NPPF states that '*Where the operation of an existing business or community facility could have a significant adverse effect on new development in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed.*' Subject to the conditions recommended above, the applicant (agent of change) will have exercised their duty under this section of the NPPF.

## SUSTAINABILITY

### Energy Efficiency

- 6.55. Policy TP3 sets out a number of ways in which development should be designed and constructed. The submitted sustainability statement incorporates the sustainable construction statement and has met all the criteria required.
- 6.56. An energy statement has been submitted to accompany the application. Although the statement does not consider a variety of LZC generation sources, it does propose the installation of Solar PV panels. The development is predicted to deliver a 17.7% Co2 saving after Energy Efficiency Measures and a 19% saving after LZC Technology (Solar PV). As such the development is considered to comply with policy and is deemed acceptable in terms of sustainability and energy efficiency.

### Ecology

- 6.57. An Ecological Assessment and sets out the findings of an extended Phase I habitat survey. The habitats recorded on site primarily consist of 0.4ha of bare ground, which is of negligible ecological importance, alongside 0.01ha of scattered shrub and 0.29ha of ephemeral/short perennial and tall ruderal habitat, which, are collectively considered to be of no more than site-level ecological importance.

- 6.58. No protected species were found on site and the appraisal concluded that the development would result in a net gain for biodiversity of 10% through the landscaping of the amenity courtyards and the 'Park Lane', as well as on the building's brown roofs. To ensure these gains are delivered and maximised, my ecologist has requested conditions to ensure ecological enhancement, to provide bat/bird boxes, and to agree details of brown roofs and a landscaping scheme. Subject to the requested conditions, the proposal would comply with Policy TP7 of the BDP.

#### Flood Risk and Drainage

- 6.59. A Flood Risk Assessment demonstrates that the proposed development is not at significant flood risk, being wholly in Flood Zone 1, subject to the recommended flood mitigation strategies being implemented. The Assessment confirms that the flood risk posed from groundwater, surface water, canals, reservoirs and sewers is also considered low and that the development will not increase flood risk to the wider catchment area, subject to suitable management of surface water runoff discharging from the site.
- 6.60. The recommended mitigation measures include the raising of finished floor levels above surrounding ground levels where possible, the profiling of ground levels to encourage pluvial runoff and overland flows away from the built environment and towards the nearest drainage point, safe access and egress to and from the site and surface and foul water drainage.
- 6.61. The LLFA and Severn Trent Water raise no objection to the proposal subject to the inclusion of conditions requiring the submission of surface/foul water drainage plans and a SuDs drainage scheme and maintenance plan.

#### Air Quality

- 6.62. The site is located within the Birmingham Air Quality Management Area and lies within the emerging Clean Air Zone and, accordingly, the application is accompanied by an Air Quality Assessment. This considers the potential impacts associated with the construction and operation of the proposed development.
- 6.63. There are no exceedances of the NO<sub>2</sub>, PM<sub>10</sub> and PM<sub>2.5</sub> annual mean, the 1- hour mean NO<sub>2</sub> and the 24-hour PM<sub>10</sub> air quality objectives at the proposed receptor locations. Therefore no mitigation is required.

#### Ground Contamination

- 6.64. Some contamination issues have been identified, including a potential for historic tanks, and marginally elevated levels of carbon dioxide. There are no elevated concentrations of petrol contamination; no asbestos fibres; and no elevated groundwater contaminants.
- 6.65. Conditions requiring a contaminated land remediation strategy and a contamination verification report are recommended.

#### TRANSPORTATION

- 6.66. The application site is in a highly sustainable location in close proximity to services and facilities. Its location benefits from being fully integrated with existing pedestrian and cycle networks and has good access to regular bus and rail services.

- 6.67. The existing primary routes to the application site would be retained, with the incorporation of a new primary pedestrian and cycle only route created between Block A and Block B ('Park Lane') facilitating a significant improvement in accessibility within the site; to Highgate Park and to the city centre, and encouraging walking and cycling. This meets the aspirations of the Birmingham Development Plan, Big City Plan and Rea Valley Urban Quarter SPD.
- 6.68. The proposed development is 'car free' and includes no on-site parking provision, but does include the provision of 388 cycle spaces in accordance with the adopted Car Parking Guidelines SPG and the emerging Birmingham Parking SPD. As such, the proposal is considered to be in accordance with policies TP38, TP39, TP40, TP44 of the BDP and paragraph 109 of the NPPF).
- 6.69. The transportation officer has raised no objection subject to conditions requiring the provision of cycle parking prior to occupation of development, a construction management plan, measures to prevent vehicles entering 'Park Lane'.

## PLANNING OBLIGATIONS

- 6.70. This application is supported by a Financial Viability Statement that has been the subject of independent assessment, and the conclusions reached reference the likely residential values that could be achieved in this part of the City Centre.
- 6.71. The report concludes that the scheme is able to sustain the provision of 33 affordable apartments (9%) for low cost home ownership comprising a proportionate mix of one and two bedroom apartments, to be sold at 20% discount on Market Value in perpetuity. This is in addition to the Park Lane public realm works being undertaken at a cost of £500,000 which is broadly the equivalent of an additional 3% affordable housing contribution. The total contribution is therefore the equivalent of approximately 12%. The City's independent assessor believes that this is the most that can be sustained by the development without impacting on viability and deliverability.
- 6.72. The financial contribution towards the provision of school places would be met through the CIL process and is not appropriate to be secured by a section 106 agreement.
- 6.73. The Leisure Services department have requested a total contribution of £806,475 towards public open space. Given the conclusion of the independent viability appraisal it is clear that the full contribution cannot be met, although a considerable portion will be provided on site in the form of 'Park Lane'.
- 6.74. Having regard to the above, I am satisfied that the proposed on site provision of 33.No apartments (9%) for Low Cost Home Ownership comprising 14.No one bedroom apartments and 19.No two bedroom apartments, to be sold at 20% discount on market value in perpetuity, in addition to the public realms works estimated at a cost of £500,000, is the most that can be sustained by the development without impacting on viability and deliverability.
- 7. Conclusion
- 7.1. The application proposes 366 new residential apartments comprising a mix of 1, 2 and 3 bed units contributing to the city's identified housing need and is in

accordance with the Rea Valley Master Plan which seeks to regenerate the area, with residential proposals accepted as providing an important part of the mix of uses within this wider area. The scheme provides a good standard of accommodation, with units all meeting or surpassing the NDSS for their proposed occupancy. Good quality private amenity space is provided in the form of landscaped courtyards, gardens, balconies and a publically accessible green route through the site provides valuable public realm. The proposal also makes a contribution of 33 affordable homes, to be provided on site in this city centre location.

- 7.2. The scheme represents a high quality design and incorporates architecture and features that are distinctive and relate to the character and history of the area. The scheme has been designed sympathetically in relation to nearby heritage assets and would not result in a significant adverse effect on their setting.
- 7.3. An outstanding objection from Regulatory Services remains on the basis of an inadequate noise assessment. However, for the reasons outlined in this report I am confident that an appropriate assessment can be secured via condition, and subsequent mitigation measures could be implemented that would ensure the development is acceptable. On balance, considering the proposal accords with relevant local and national policy and for the reasons stated above, the application is recommended for approval subject to the following conditions.

8. Recommendation

- 8.1. APPROVE application number 2020/07829/PA subject to the prior completion of a Section 106 Legal Agreement to secure the following:
- i) the provision of 33 No. on-site affordable housing units (14 No. 1 bed units and 19 No. 2 bed units) to be sold at 20% discount on market value, in perpetuity.
  - ii) Payment of a monitoring and administration fee associated with the legal agreement of 3.5% of the value subject to a maximum of £10,000.

and subject to the conditions listed below.

- 8.2. In the absence of a suitable legal agreement being completed to the satisfaction of the Local Planning Authority by the 5<sup>th</sup> March 2021 or such later date as may be authorised by officers under powers hereby delegated, planning permission be refused for the following reason(s):-
- a) In the absence of a legal agreement to secure an onsite affordable housing contribution the proposal conflicts with Policies 8.50-8.54 of the Birmingham Unitary Development Plan 2005 (saved policies) and Policy TP31 and paragraph 10.3 of the Birmingham Development Plan
- 8.3. That the City Solicitor be authorised to prepare, complete and seal an appropriate agreement under Section 106 of the Town and Country Planning Act.
- 8.4. That in the event of the planning obligation being completed to the satisfaction of the Local Planning Authority by the 5<sup>th</sup> March 2021 favourable consideration is given to this application, subject to the conditions listed below.



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1	Implement within 3 years (Full)
2	Requires the scheme to be in accordance with the listed approved plans
3	Requires the submission of foul and surface water drainage plans.
4	Requires the submission of a lighting scheme
5	Requires the submission of a CCTV scheme
6	Requires the submission and approval of materials.
7	Requires the submission and approval of architectural details.
8	Requires the submission of a detailed section of the proposed brick work recess detail.
9	Requires the prior submission of sample materials
10	Requires the prior submission of sample brickwork
11	Requires the prior submission of hard and/or soft landscape details
12	Requires the prior submission of external fixtures and fittings
13	Boundary Treatment Details
14	Requires the submission of levels.
15	Requires detailed cross-sections
16	Requires the submission of external doors
17	Requires the submission of dormer window/window frame details
18	Requires the submission of details of public art
19	Requires the submission of hard and/or soft landscape details
20	Requires the submission of hard surfacing materials
21	Requires the submission of a landscape management plan
22	Requires the prior submission of a construction employment plan.
23	Requires the prior submission of a contamination remediation scheme
24	Requires the submission of a contaminated land verification report
25	Requires the provision of cycle parking prior to occupation
26	Requires the prior submission of a construction method statement/management plan

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| 27 | Requires the prior submission of a sustainable drainage scheme  |
| 28 | Requires the prior submission of a Sustainable Drainage Operation and Maintenance Plan                                      |
| 29 | Requires the submission of a scheme for ecological/biodiversity/enhancement measures  |
| 30 | Requires the prior submission of details of bird/bat boxes  |
| 31 | Requires the submission of details of green/brown roofs   |
| 32 | Pedestrian link to remain publically accessible.  |
| 33 | Requires submission of a noise asesment methodology   |
| 34 | Requires submission of a noise assessment and mitigation strategy   |
| 35 | Prior to commencement of the development details of an MVHR ventilation scheme  |
| 36 | Requires the submission of an internal noise validation report prior to the occupation of the first apartment               |
| 37 | Testing of the internal noise levels prior to the occupation of the first apartment and submission of results for agreement |
| 38 | Requires the prior submission of an overheating assessment.   |
- 

Case Officer:        Tom Evans

## Photo(s)

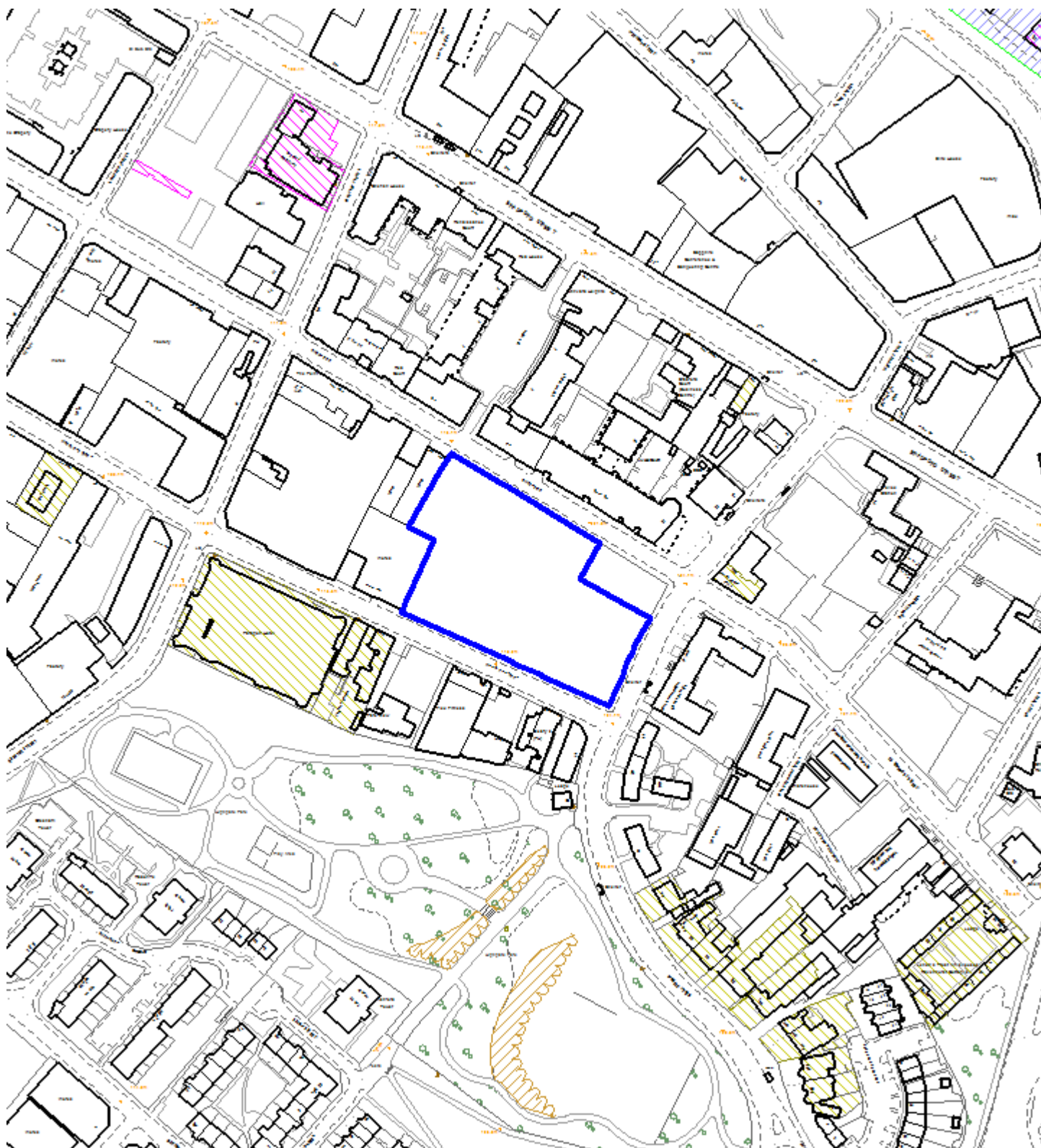


Figure 11 – View of site from Moseley Road towards city core



Figure 12 – View from Moseley Road over site towards Cleary's Irish Bar and Moseley Street

## Location Plan



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# **Birmingham City Council**

## **Planning Committee**

**04 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	7	2020/08431/PA  Former Vauxhall Gardens Education Centre Barrack Street Nechells Birmingham B7 4HA  Erection of a new secondary school building of between 1.5 and 4 storeys and associated car parking, landscaping, hard surface sports court and sub-station
Approve - Conditions	8	2020/07426/PA  Perry Barr Rail Station Birchfield Road Perry Barr Birmingham B20 3JE  Hybrid application incorporating: Full planning application for demolition of existing railway station building and construction of new station building. Including part infill of existing pedestrian subway, installation of steps and lifts to platforms. Installation of new platform shelters; cycle parking; soft and hard landscaping and other associated works. Outline planning application for the construction of a new bus interchange with all matters reserved
Approve - Temporary 2 years	9	2020/09985/PA  20A-24A Aston Lane Aston Birmingham B20 3BU  Provision of a temporary road bellmouth off Aston Lane to allow access to the new Job Centre building



Committee Date:	04/02/2021	Application Number:	2020/08431/PA
Accepted:	26/10/2020	Application Type:	Full Planning
Target Date:	05/02/2021		
Ward:	Nechells		

Former Vauxhall Gardens Education Centre, Barrack Street, Nechells, Birmingham, B7 4HA

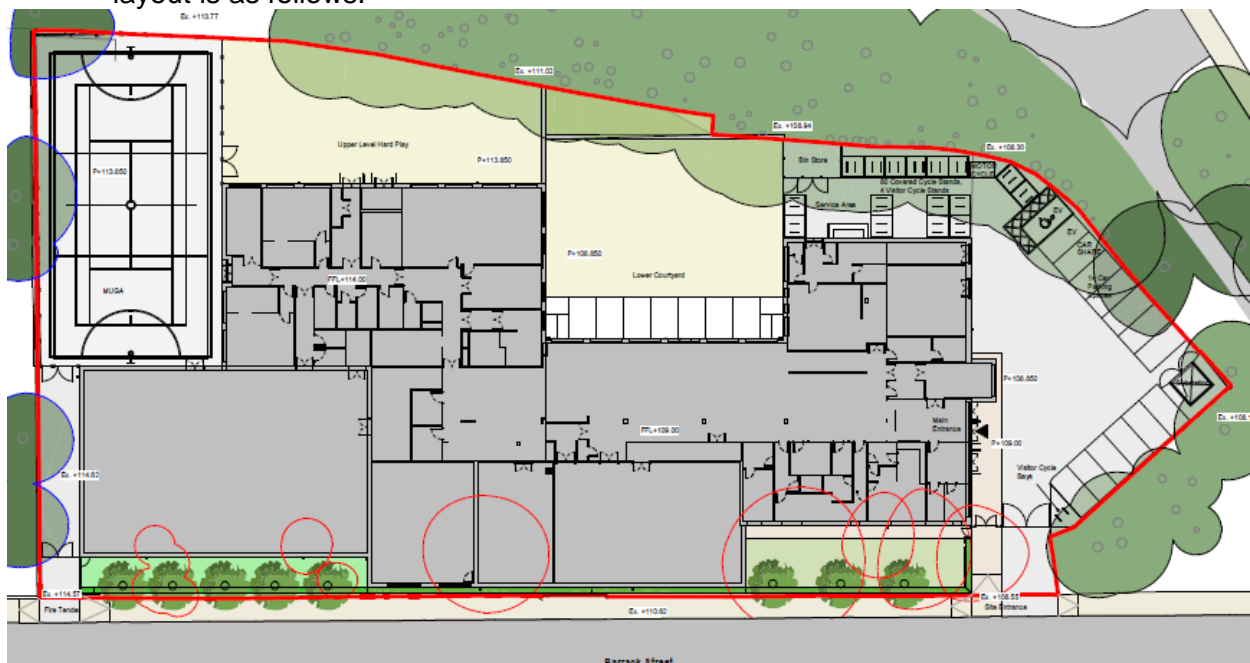
Erection of a new secondary school building of between 1.5 and 4 storeys and associated car parking, landscaping, hard surface sports court and sub-station

#### Recommendation

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

#### 1. Proposal

- 1.1. The application is for the redevelopment of the Former Vauxhall Gardens Education Centre site for a new secondary school for Birmingham Ormiston Academy (BOA) as a Digital specialism school. A separate Prior Notification application for demolition of the existing buildings on site has been approved by the Council (2020/08562/PA).
- 1.2. The new school will be for secondary and sixth form education for 900 pupils and up to 90 staff. Teaching and associated spaces would be provided across five floors. Externally the proposal will provide a small staff car park, hard surfaced recreation areas and a multi-use games area (MUGA). Landscaping, including new trees, will be provided, primarily on the boundary of the site with Barrack Street. The proposed layout is as follows:



- 1.3. The building will be built as one phase but intake will be incremental. Opening is planned for September 2022 and the school will take 120 year 7 students. Full capacity will not be reached until September 2028.
- 1.4. Information submitted in support of the application included: Planning Statement, Design & Access Statement, BREEAM report, Energy & Sustainable Construction report, Transport Assessment, Travel Plan, Flood Risk Assessment & Drainage report, Geo-environmental report, Lighting details, Noise assessment, Air Quality assessment, Ecology reports (including bat survey) and Arboricultural Impact assessment.
- 1.5. [Link to Documents](#)
2. Site & Surroundings
  - 2.1. The existing education centre is a mix of single storey and two storey, flat roofed, buildings set at a 45 degree angle to Barrack Street. The building is set within a site of 0.8ha, enclosed in palisade fencing with hard standings to front and rear, grassland and planting. The site also contains a small, two storey, residential dwelling (unoccupied caretakers house). All of the buildings and hard standings are all to be demolished and cleared from site under the approved prior notification application. The site levels change by approximately 7m from south to north.
  - 2.2. Barrack Street is north-east of Birmingham city centre. On the opposite side of Barrack Street (west) is the Ashcroft Estate which is locally listed as historically interesting and also a site of archaeological interest. The estate is pre-second world war maisonettes, built on the former Duddleston Barracks site in the 1930s. To the east is Barrack Street Recreation Ground with a wooded tree belt adjacent to the application site and groups of trees and footpaths throughout the open space. To the south is the West Midlands Fire Service facility. The site is within flood zone 1. The site is northeast of Curzon Circus on the Lawley Middleway.
  - 2.3. [Site Location](#)
3. Planning History
  - 3.1. 2020/086522/PA – Application for Prior Notification for the proposed demolition of the former education centre. Approved subject to conditions 10.12.2020.
  - 3.2. 2003/00787/PA – Installation of fencing to site boundary together with vehicle and pedestrian access gates – approved subject to conditions 27.03.2003.
4. Consultation/PP Responses
  - 4.1. Surrounding occupiers, local councillors, MP and neighbourhood forums have been notified. A site notice and press notice has also been displayed. No comments have been received as a result of this consultation.
  - 4.2. Education/ School Places – We are fully supportive of this application as it is for a free school and will support the LA to meet its sufficiency duty by providing additional school places.



- 4.3. Transportation Development – Raised concerns about the low level of on-site parking and no drop-off provision which is likely to increase on-street parking demand in an area where demand is already very high. Existing BOA site is closer to the city centre and the proposed site could be operated by another provider in the future. Recommends monitoring and mitigation if required. Also raised concerns about reliance on TROs, relocation of bus shelter and provision of pedestrian crossings which would all require separate public consultation and are therefore not guaranteed. Advised on conditions if members are minded to approve.
- 4.4. Regulatory Services – No objection. Recommends conditions relating to contaminated land, noise levels for plant and machinery, the submission of details of the extract ventilation and odour control equipment and construction method statement/ management plan.
- 4.5. Severn Trent Water – No objection subject a condition to require details of foul and surface water drainage.
- 4.6. LLFA – No objection subject to conditions to require the prior submission of a sustainable drainage scheme, a Sustainable Drainage Operation and Maintenance Plan and informatives relating to drainage.
- 4.7. West Midlands Police – No objection.
- 4.8. West Midlands Fire Service – This Authority notes the use of Building Bulletin 100: Design for fire safety in schools as a design guide which shows clearly how the requirements for life safety, contained in the Building Regulations, can be met. Provided standing advice. The development will also need to consider out of hours (OOH) access into the site and OOH contacts in the event of an emergency for the fire service.
- 4.9. Leisure Services – No objection provided the surrounding is fully protected and retained in all respects both during the construction period and afterwards.
- 4.10. Employment Access – Request conditions to ensure local employment during construction and post construction.

## 5. Policy Context

- 5.1. The following planning policies are applicable:
- Birmingham Development Plan (BDP) 2017
  - Birmingham Unitary Development Plan (UDP) 2005 (Saved Policies)
  - Places for All SPG
  - Regeneration Through Conservation
  - Car Parking Guidelines SPD
  - Access for People with Disabilities SPD
  - Nature Conservation
  - National Planning Policy Framework 2019

## 6. Planning Considerations

### *Principle of development*

- 6.1. The application has been considered against the above policies and a 2011 written Ministerial Statement which provides a commitment to the development of new schools. Policy TP35 of the BDP supports proposals to upgrade and expand existing schools and the development of new schools where additional provision is required.
- 6.2. The proposal is for a new school for 11 to 18 year old children focusing on digital subjects alongside the general curriculum. There is an identified need for new schools and the Council has grown primary school development since 2010 but these children are now of secondary school age and as such there is a significant need for more school places. The proposed BOA school will be a free school and take pupils from across the city (80% of students) and the wider West Midlands area (20%). Admissions are based on a “fair banding test” which ensures a balanced intake across abilities rather than a distance based entry system. The submission anticipates that of the 80% Birmingham students 50% of these will be from Aston, Nechells, Ladywood, Newtown, Lozells, Soho and the Jewellery Quarter.
- 6.3. The site has an established education use and is in a sustainable location close to public transport provision and the city centre. It is also close to 3 growth areas designated in the BDP and is considered to be previously developed land. The principle of building a new school on this site is acceptable. The key issues are whether the scale and design are acceptable, especially in the setting of the Ashcroft Estate; the impact on the amenities of the neighbouring residents; access, parking and wider highway impact; and the effect on ecology and trees.

### *Layout, scale and appearance*

- 6.4. As noted above the proposal is for a new school building, up to five storeys in height. The building will be 7,887sqm (gross external).
- 6.5. The layout and form of the building have developed in response to the site levels, the proximity of the 2 storey Ashcroft Estate and trees on the adjacent open space. As such the lower part of the building fronts Barrack Street and the taller elements are set back. The external student areas are to the rear of the building. The building will have a split level ground floor due to the substantial changes in the levels on site. Internally the building provides classrooms, ICT rooms, science labs, art studio, music rooms, drama and activity studios, a main hall, 3 court sports hall, library, 6<sup>th</sup> form and associated offices, storage, toilets, kitchen etc. Externally there is a hard surfaced social area & MUGA. The lower ground floor and upper ground floors are laid out as follows (noting the lower ground floor only covers part of the site):



*Lower ground floor*



*Upper ground floor*

- 6.6. The DAS suggests that the varying heights provides interest and therefore that the material palette has been kept simple using red brick with punched openings and metal cladding to the upper 2 floors. The staircases project from the main building and are proposed to be clad in grey and provide the school signage. The main entrance is on the south to provide for the majority of the students and staff arriving by public transport and is large and glazed. The design includes the use of vertical panels of recessed brickwork. The proposed elevations are as follows:



*West elevation – facing Barrack Street*



*East elevation – facing open space*



*South elevation (with main entrance)*



*North elevation*

- 6.7. My City Design Officer advises that the amount of development represents a very significant increase in building scale and massing on the site that will change its character from predominantly green to being building-dominated with a continuous 2 to 5 storeys (9-17m above street level) built edge to Barrack Street.
- 6.8. To mitigate the development's impact on Barrack Street and on residents of the Ashcroft Estate, the building has been designed as a series of connected blocks, with set-backs and steps that break up its mass. Lowest parts of the building are generally closest to Barrack Street and also respond to the slope along the street: at the northern end the street is fronted by a sports hall 9m-10.6m above street level (similar to ridge height of houses opposite) and set back 4m with planting on the frontage; the central section is a 2-storey building 6-8.8m above street level that projects forward to within 0.5m of the street, leaving space for a boundary hedgerow, with a taller 4-storey block behind (c.7m from street) that rises 13-15m above street level; this taller block extends to the southern end of the site with tree planting on the frontage, where, because of the slope of the road, it rises up to 17m above Barrack Street. The proposed scale and massing is shown on the CGI images below taken from the submitted Design and Access Statement:



- 6.9. The proposed layout, scale and massing is considered acceptable in balancing the provision of the new school with mitigating impacts on local character, particularly the Ashcroft Estate, and residential amenity.
- 6.10. The simple palette of materials works well, with the building proportions and the setbacks and steps in the facades creating a strong visual rhythm along the street. Vertical panels of recessed brickwork, contrasting headers and projecting brick detailing reference the Ashcroft Estate housing, especially the prominent chimneys, and add an additional level of visual interest to the school building.
- 6.11. Overall, although it would be preferable to reduce the scale on Barrack Street and to set it further back from the road frontage, this would have resulted in an increase in the overall massing which would have had a greater impact on the character of the wider area. As such the layout, scale and design of the building is supported and conditions are recommended to require the architectural details and materials to be submitted for approval.

#### *Heritage impact*

- 6.12. The application site is opposite the locally listed Ashcroft Estate. Built c.1930s on the site of a late 18<sup>th</sup> century Artillery Barracks. The significance of the Ashcroft Estate lies in its historic value as an example of a purpose built estate to re-house families living in unacceptable conditions and from the slum clearance of the area at the time. The Estate also derives significance from its aesthetic value of planned design form and layout; designed around its communal green areas likely to retain and promote community living. The Estate is experienced predominantly from within the immediate setting of its communal gardens and the surrounding streets, including Barrack Street.



- 6.13. Historically the current application site was also densely developed with back-to-back housing likely removed as part of the slum clearances or as a result of bomb damage in WWII. The existing buildings on the application site are mid-20<sup>th</sup> century, post-dating the Estate, and whilst of limited architectural merit the buildings are relatively low scale and sit unobtrusively in the setting of the Estate. Although there are no direct historic associations between the site and the Estate, that are considered to contribute to its significance, the Estate has historically been experienced within the context of a moderately low-scale setting and the firmly established 'green' setting of the site does offer some aesthetic contribution to the locally listed buildings.
- 6.14. The wider townscape setting of high rise residential blocks and industrial units is not considered to contribute to the historic or aesthetic significance of the Estate.
- 6.15. The scale of the new school at 1.5 to 5 storeys would introduce a greater mass and prominent built form onto Barrack Street and there would be a high degree of inter-visibility between the site and the local listed Estate due to proximity. The DAS has recognised the local designation of the Ashcroft Estate and its domestic 2-storey scale, its plan form and use of materials. The proposal has responded to this context through a stepped approach to the building with lower elements fronting Barrack Street, increasing in height further back into the site and through the use of red brick. Conservation has advised that the building still appears quite dominant in the street scene largely due to its massing and it is regrettable that a further contextual response to plan form, layout and design has not been explored, particularly considering the significance of the historic site opposite.
- 6.16. Conservation have advised that the historic and aesthetic significance of the Ashcroft estate will be sustained however a degree of harm will be caused to the significance of setting through the introduction of a large block of built form into the immediate setting of this non-designated heritage asset.
- 6.17. City Design have advised that the proposed layout, scale and massing is considered acceptable. They have also advised that the design is acceptable in balancing the provision of the new school with mitigating impacts on local character, particularly the Ashcroft Estate. The proposal will not result in the loss of the heritage asset and the harm is considered to be balanced against the benefits. The diagram below shows the proposed building in the context of the Ashcroft Estate:



*Impact on amenity*

- 6.18. The houses facing the application site are 16.4m from the two storey part of the building on Barrack Street and 22.4m from the four storey part. As such the separation distances are sufficient to not result in a significant loss of light. With regard to overlooking it should be noted that the proposal is for a school and as such the standards in Places for Living do not need to be strictly applied.
- 6.19. The closest part of the new building is the two storey high projecting section which contains the activity studio, drama room and main hall. The elevation facing towards the houses opposite have windows at the first floor level with colour backed windows at ground floor. The sports hall beyond the projecting section does not have any windows in this elevation and is broken up with recessed brickwork. The part of the building between the projecting section and the vehicle access is office spaces at ground floor and classrooms above, the classrooms are also above the projecting section. However these are set 22.4m from the front elevation of the houses opposite and with the highway between. Although this distance is less than that recommended in the SPD these are facing front elevations and, as noted above, the proposal is a school use. I therefore consider that the impact from overlooking will not be severe.
- 6.20. A noise assessment considers the potential impact of noise on the existing dwellings and also on the future use of the site. The existing noise levels were surveyed and noted to be predominately road traffic. Barrack Street is a 20mph road, however noise was noted from Vauxhall Road, Curzon Circus and the Middleway.
- 6.21. The noise report advises that plant and equipment is to be installed in an area where it would have the lowest impact on the neighbouring residents. The details of the plant and equipment is not yet known but this can be controlled by condition. The potential for noise from the outdoor spaces at the school, the recreation yard and MUGA, is screened by the proposed school building and also the distance separation of approximately 70m.
- 6.22. In considering the potential impact of road traffic noise on the school use the report notes that the nearest classroom will be 12m back from Barrack Street and therefore that standard double glazing would achieve sufficient noise levels within the rooms. The audio suite rooms in the school will require passive ventilation to enable the windows to remain closed during times when noise would be detrimental to the lesson.
- 6.23. A full lighting plan and design has been submitted. The proposal provides a mix of 6m lighting columns to the car park, bollards to walkways and building mounted lights on the perimeter of the building. All of the lights are designed with zero upward light output to limit sky glow/ light pollution and are suitable for a built up area. The surrounding trees have been modelled in the lighting software and consideration of the impact on bats has been taken into account. The lighting will provide safety, navigation during darkness and aid CCTV and are intended to operate between 06:00-08:00 & 16:30-22:30 but with photocell override when there is sufficient daylight to not require the lighting.

*Access, parking and impact on highway*

- 6.24. The Transport Assessment (TA) notes that the site is in a sustainable location, close to the city centre, Duddleston train station and bus stops. The TA suggests that most staff and pupils will travel by public transport on the basis of the travel choices of the existing BOA school.



- 6.25. A parking beat survey has been carried out which noted that parking demand increases during the day and was less during the first COVID lockdown. This has led the TA to conclude that resident parking demand is low, there is sufficient parking for residents and that the main impact is from commuter parking. As such the TA recommends the introduction of parking restrictions on Barrack Street to provide for resident parking and student drop-off/ pick-up. Improvements to pedestrian facilities, including a new pedestrian crossing on Vauxhall Road, and the introduction of “school – keep clear” markings.
- 6.26. 14 parking spaces on site for staff are proposed. The site is in area 3, as defined in the SPD, but close to both areas 1 and 2. Parking at schools does not need to include provision for student parking and the SPD parking requirements for staff would range from 22 to 45 (maximums). The existing BOA operates with 5 disabled staff parking spaces and no general parking for staff or students and the intake process for the new site will be similar to the existing BOA. As such the TA notes that 14 spaces is below the maximum levels of the SPD and also approximately 10% of staff. This provides acknowledgement that the application site is further out of the city centre than the existing BOA but also promotes public transport. The parking includes EV charging bays and a car share bay.
- 6.27. Trip generation has been assessed. A comparison has been made with the King Solomon International Business School, as requested by Transportation Development, however the TA considers that the business school is different due to different admissions processes and the level of parking available at the business school. The agent has surveyed the staff and students at the existing BOA school and their travel patterns to help understand the parking requirements for the proposed site. Most of the staff and students travel to the existing BOA by public transport, however, at the time of the survey, there were higher levels of staff using private cars due to COVID.
- 6.28. Cycle parking is also proposed and the plan shows 80 covered spaces and 4 visitor spaces close to the entrance. The nearest bus stop is less than 1 minute walk from the site on both east and west bound sides of Vauxhall Road. The Duddeston and city centre train stations are also within walking distance and the pedestrian infrastructure is well-lit and well connected.
- 6.29. The draft TP aims to reduce car use and promote bus travel, walking, cycling and other public transport. The school will have a formal TP and TP co-ordinator to monitor on-site parking and pupil drop-off. A draft of the drop-off and pick-up processes is included and guidance will be issued to parents and carers on this process. The school will be surveyed within 3 months of opening and the TP will be monitored and reviewed annually.
- 6.30. The proposal is to use the existing southern access to serve the car parking area and the existing northern access will provide for emergency and service vehicle access only. Tracking plans have been provided to show vehicle movements and servicing is intended to be within school hours.
- 6.31. The TA also details the junction assessments carried out and concludes that the proposal will have a negligible impact on the operation of the local highway network. Curzon Circus already operates at or above capacity at peak times and the proposed development will have low level of peak time traffic. As such the impact on the surrounding highway network is not severe.

- 6.32. Within the submitted Air Quality Assessment the potential impact of the proposed development and on the proposed development have both been considered. The proposal, due to the level of vehicle movements, will have negligible impact and not exceed objectives or limits. The layout of the site will ensure that the students and staff are not affected by existing air quality issues and monitoring on the site has shown that the site is below objectives for PM10 and PM2.5.
- 6.33. The site is located within 'Area 3' close to the boundary with 'Area 2' as defined within BCC current parking guidelines SPD, therefore the specified maximum parking provision for the proposal would be 30 (Area 2) to 45 (Area 3) spaces. The proposal for 14 parking spaces would likely to increase on-street parking demand significantly where this demand is very high and Transportation Development are concerned that this would result in overspill parking and the increase in on-street parking demand would likely to increase inconsiderate/ illegal parking within the area having negative impact on highway safety and traffic conditions on surrounding highways.
- 6.34. Transport Development raise concerns about the use of the mode share of the existing BOA which is closer to the city centre than the proposed site noting that the proposed site may have different numbers of staff driving to work and students being dropped off. To deal with this matter they suggest monitoring the travel plan and parking demand and to restrict the number of students after 4 or 5 years until the monitoring, and any mitigation, has been carried out. As noted in section 1, above, the school will not reach full capacity until 2028 and as such this suggestion would prevent full occupation. The submitted TA advises that, providing all of the TROs and other improvements are carried out, that parking demand at full capacity will not cause a highway issue. Furthermore, the school have committed to monitoring the parking issues and dealing with any illegal/ inconsiderate parking. As such I do not consider that restricting the number of students for what is an unknown impact and unknown mitigation is reasonable in this case. Such a condition would place unreasonable costs on the development and would also restrict the provision of the school places which are required.
- 6.35. Concern has also been raised by Transport Development about the reliance of the scheme on the need to implement TROs on Barrack Street to prevent commuter parking, to provide a pedestrian crossing and to relocate a bus stop. All of these works will require separate public consultation and may not be achieved. However, to overcome this concern the officer has recommended that all of these improvements are implemented before the school is brought into use. The applicant and DfE have requested that the TROs be implemented before the 4<sup>th</sup> year of intake. However, given the incremental intake for the school but the need for these TROs I consider that it would be more reasonable to restrict the intake to 2 years before these improvements have been carried out. As noted above these improvements are essential to make the development acceptable and as such the condition is reasonable given the low level of on-site parking. No public comments have been received, either relating to low levels of parking, on-street parking issues or the TROs. The school have committed to set up a local community group and point of contact for the local residents to raise any issues, including issues of inconsiderate/ illegal parking.
- 6.36. The concerns from Transportation Development are all noted; however the site is limited in size and the scale of the school proposal is required to provide for the number of students detailed. There is a risk that the low level of parking in the proposal will not be sufficient, but this can be mitigated through the TROs and the Travel Plan. Transportation Development are not recommending refusal but are

seeking to work with the applicant to enable the development. On balance I consider that the benefits of redeveloping this site for a new secondary school outweighs the potential impact on on-street parking and that the scheme should be supported as submitted.

*Ecological impact*

- 6.37. A Preliminary Ecological Appraisal (PEA) has been submitted and extended phase 1 habitat survey carried out. The greatest ecological interest is within the wooded area to the west of the site and there are no international, national or locally designated areas near the site. The closest is the Cross City Line rail embankment which is 0.22km to the south and Rea Valley 0.23km southeast.
- 6.38. The report notes the presence of variegated yellow archangel which is an invasive species, the existing education building is deteriorating in condition but the dwelling is in good condition. There are records of bats within 0.2km of the site and records of hedgehogs and birds.
- 6.39. A bat survey assessed both buildings and the trees for suitability for bats. During the survey there were no signs recorded of bat activity, no suitable crevices or gaps within either building and no holes, splits etc in the trees. As such none of the existing buildings or trees were considered to be suitable for roosting bats. No evidence was found of birds nesting in the buildings either.
- 6.40. The PEA and bat survey make several recommendations including lighting to avoid spillage on the boundaries, tree removal outside of nesting season, clearance of potential hedgehog hibernation areas by hand, outside of hibernation period (Sept-Mar) & installation of hedgehog hibernation box, removal of invasive plant species correctly and with prior briefing to contractors, and enhancements to the site to include native planting, insect hotels, bat and bird boxes, hedgehog gaps in fences and removal of the variegated yellow archangel.
- 6.41. The Council Ecologist initially raised concerns about the lack of ecological enhancements and the lack of space for landscaping but the constraints of the size of the site and the amount of development required in terms of the size of the school restricts the available space for landscaping and ecology. The provision of a green roof is not financially viable for the development. The Council Ecologist has advised that a comprehensive ecological enhancement plan will be required and recommended conditions.

*Arboricultural impact*

- 6.42. An Arboricultural Impact Assessment has been submitted which notes that none of the trees within or around the site are protected. There are 15 trees and 6 groups of trees within and near the site, the majority of these are off-site to the south and east, within the adjacent area of open space. 9 of the trees and 5 of the groups are classed as Category B, 5 trees and 1 group are Category B and 1 tree is Category C.
- 6.43. The development will require the removal of 7 trees (6 of which are Category C and 1 Category B (Flowering Cherry)) and 1 group (Category C made up of Ash, Cherry, Rowan, Cotoneaster, Cypress). The submitted report suggests that the removal of these trees will have localised, but not significant, landscape impact to Barrack Street boundary which is thereafter mitigated by replacement planting of 8 new trees and a new hedgerow.

- 6.44. The report also advises that crown pruning and crown lifting of trees in group G6, minor pruning to 5 trees and crown lifting to 5 is required. The new building and the MUGA will be in the root protection areas (RPAs) of 5 of the trees outside the site but these trees are on higher ground level and the existing retaining wall is likely to have restricted their growth.
- 6.45. Recommendations within the report include precautionary methods for removal of hard standings, stopping up of existing drains within the RPAs, new drainage and services outside of RPAs, excavation in RPAs using air spade or manually, tree protection barriers and ongoing monitoring during construction.
- 6.46. The Council Tree Officer has advised that the issues with the trees at the rear of the site, that overhang from the public open space, are addressed within the Arboricultural Method Statement (AMS) by lifting the levels of the hard standing and therefore avoiding impact to the RPAs. In order to develop the site it was accepted that trees on the frontage to Barrack Street would need to be removed. It is disappointing that a wider green landscape strip has not been allowed for mitigation as the proposed trees will be considerably restricted in canopy development, particularly to the left side of the frontage, although this is eased a little by the panels to the side of the sports hall being decorative rather than glazed windows. On the basis that the scale of the building is necessary for the school to function, and it being desirable to give good clearance from the public trees at the rear, then the restricted space at the front is a compromise which is accepted.

*Other matters*

- 6.47. BREEAM – The proposed development will achieve BREEAM Very Good standard and evidence has been provided to show that Excellent standard is beyond the DfE budget for this site. Furthermore, the DfE set their own standard and specification for new schools which the current proposal complies with.
- 6.48. Energy and sustainability – The proposal includes enhanced sustainable building fabric, space heating and energy efficient boilers, water heaters, ventilation and lighting. The glazing of the building will balance solar gain and daylight into the rooms. Consideration has also been given to green/ brown roofs and PV panels however these have all been discounted due to budget constraints. The district heating systems are too far from the site and there is insufficient demand or space for an on-site CHP or biomass system. The proposal is being developed as a sustainable building the justification for not providing additional energy generating schemes is sufficient.
- 6.49. Flooding and drainage – The site is within flood zone 1 and at low risk from river, canal, ground water and surface water flooding. There are no historic records of flood events on the site or within 250m of the site. As such the redevelopment of the site is not likely to increase flood risk. Foul drainage for the development is to be connected to the existing mains system. Surface water will also need to be discharged to the combined sewer in Vauxhall Road as the site is not big enough to provide on-site infiltration methods. Attenuation, in the form of tanks under the MUGA, is proposed to restrict outflow to 2 litres per second which is designed to accommodate the 100 year storm event plus climate change. The hard surfaced areas will be permeable so as to reduce surface water to the building only. STW and the LLFA both raised no objection and recommended standard conditions.
- 6.50. Contamination – The Geo-environmental report advises that there is made ground and asbestos on site and the potential for ground gases. The existing buildings will be demolished, under the approved prior notification consent, as such further

surveys will be required once demolition is completed to establish ground contamination. Regulatory Services have no objection on contaminated land grounds and recommended standard conditions.

- 6.51. Security, Fire service and employment – West Midlands Police has recommended conditions relating to CCTV, including covering the cycle storage, and co-ordinated lighting scheme, access control and landscaping details to prevent climbing, graffiti and ensure secure and safe site. The advice from West Midlands Fire Service has been passed to the agent who has confirmed that the scheme has been designed in accordance with the relevant guidance and regulations and the proposal has a detailed fire strategy in place. The Employment Team recommended condition has been added below.

## 7. Conclusion

- 7.1. The application proposes the development of this previously developed site, which has an existing education use, for a new secondary school for BOA Digital. The layout, scale and design are considered to be acceptable, providing a high quality development within the constraints of the site and taking into consideration the amount of development required. The design utilises stepping back of blocks and windows, features and materials to break up the massing. The impact on the adjacent non-designated heritage asset, Ashcroft Estate, is considered to be less than substantial and the public benefits of the new school outweigh this harm.
- 7.2. The proposed building, due to internal layout and window positions, will not result in unacceptable levels of overlooking or loss of light to the houses opposite and the position of the MUGA and social spaces are screened by the proposed building so as to limit noise impact. Ecological impact can also be mitigated by conditions and the proposed replacement tree planting will need to be detailed so as to ensure it compensates for the trees removed to enable the development.
- 7.3. Although the level of on-site parking is low this has been justified on the basis of BOA's fair banding admission policy, is based on the travel modes of the existing site but acknowledging the Barrack Street site is further from the city centre. The proposed TRO's and Travel Plan, which will be monitored regularly, will ensure that the impact on highway safety is not severe.
- 7.4. Overall the scheme is considered to comply with the requirements of the Birmingham Development Plan, the saved policies of the Unitary Development Plan, the relevant supplementary planning guidance and documents and the National Planning Policy Framework.

## 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 construction method statement/ management plan
3	Requires employment construction plan

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- 4 Requires the prior submission of a contamination remediation scheme
  - 5 Requires the submission of a contaminated land verification report
  - 6 Requires the prior submission of a drainage scheme
  - 7 Requires a Sustainable Drainage Operation and Maintenance Plan
  - 8 Requires the submission of extraction and odour control details
  - 9 Limits the noise levels for Plant and Machinery
  - 10 Requires the submission and completion of a package of highway measures
  - 11 Prevents occupation until the turning and parking area has been constructed
  - 12 Requires the provision of a vehicle charging point
  - 13 Requires the submission of a school travel plan
  - 14 Requires the provision of cycle parking prior to occupation
  - 15 Requires the submission of hard and/or soft landscape details
  - 16 Requires the submission of hard surfacing materials
  - 17 Requires the submission of boundary treatment details
  - 18 Arboricultural Method Statement - Submission Required
  - 19 Requires tree pruning protection
  - 20 Requires the submission of a scheme for ecological/ biodiversity/ enhancement measures
  - 21 Requires the submission of details of bird/bat boxes
  - 22 Requires the submission of sample materials
  - 23 Requires the submission of detailing of windows, external doors, building facades, roof and rainwater goods.
  - 24 Requires Sustainability Review to show very good BREEAM standard
  - 25 Requires community use
  - 26 Implement within 3 years (Full)
- 

Case Officer: Karen Townend



## Photo(s)



Ariel view of site



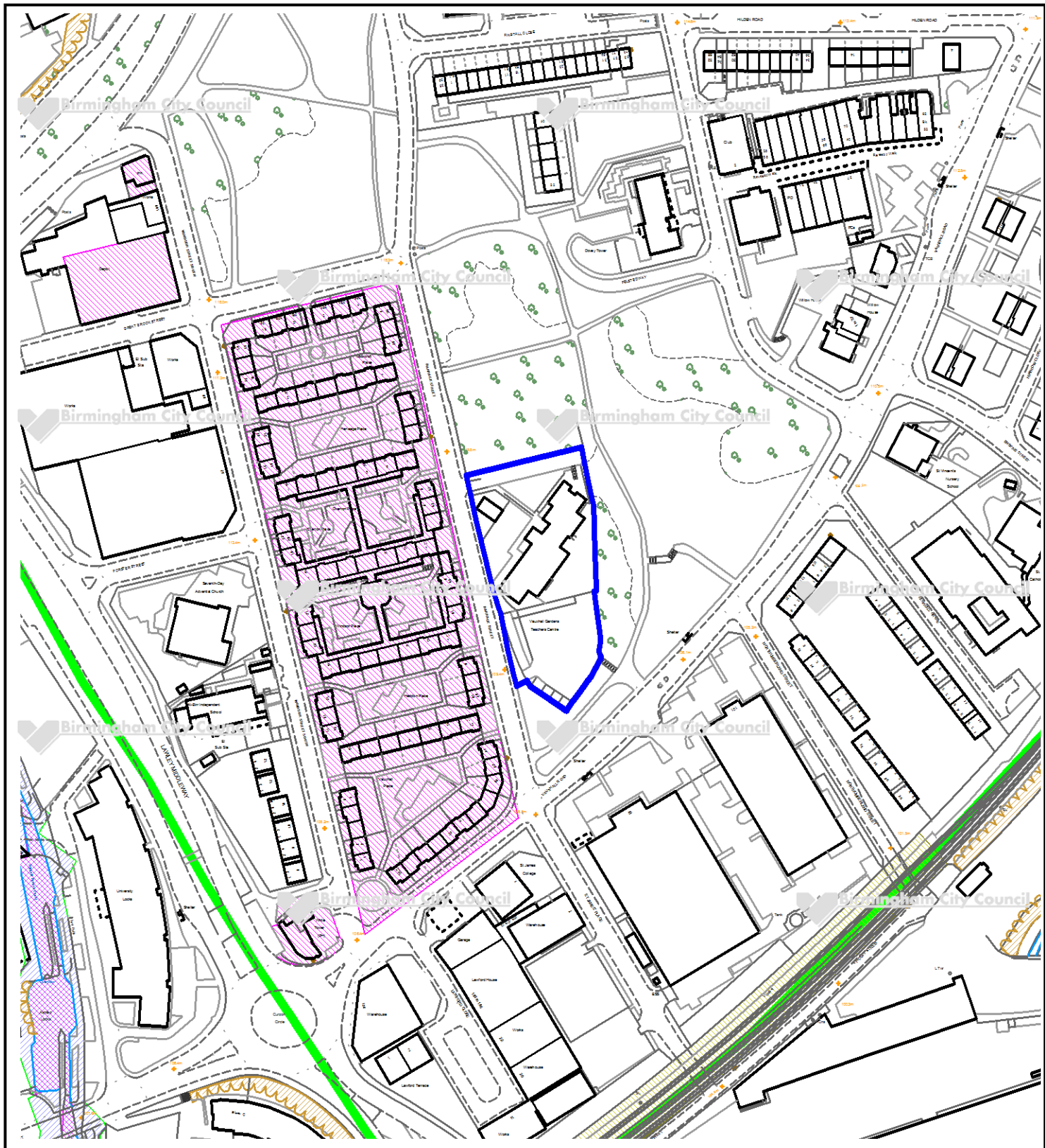
Street view from north



street view from south



## Location Plan



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Committee Date:	04/02/2021	Application Number:	2020/07426/PA
Accepted:	23/09/2020	Application Type:	Full Planning
Target Date:	05/02/2021		
Ward:	Perry Barr		

## Perry Barr Rail Station, Birchfield Road, Perry Barr, Birmingham, B20 3JE

Hybrid application incorporating: Full planning application for demolition of existing railway station building and construction of new station building. Including part infill of existing pedestrian subway, installation of steps and lifts to platforms. Installation of new platform shelters; cycle parking; soft and hard landscaping and other associated works. Outline planning application for the construction of a new bus interchange with all matters reserved

### Recommendation

### **Approve subject to Conditions**

#### 1. Proposal

- 1.1. This report relates to a hybrid planning application for Perry Barr rail station and bus interchange.
- 1.2. The application seeks full planning permission for the construction of a replacement rail station building, and associated external surfacing and landscaping, and outline planning consent for changes to the bus interchange. As such full details of the layout, scale, appearance and landscaping of the rail station has been submitted. For the bus interchange the site has been identified but no details are provided within this application. This is proposed to be dealt with under a later application for approval of reserved matters.
- 1.3. The layout is as follows with the bus interchange shown as a red dashed outline to the north of the train station site:



1.4. The amended design is as shown on the following visual:



1.5. The application has been submitted with the following supporting documents: Planning Statement, Design and Access Statement, Statement of Community Involvement, Transport Statement, Flood Risk Assessment, Ecology Appraisals, Bat Roost Assessment, Arboricultural Report, Geo-environmental Assessment, Air Quality Assessment, Noise Impact Assessment and Lighting Details.

1.6. The scheme falls under Schedule 2, 10b “Urban development projects” and 10d “Construction of Railways” of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. However, the site is previously developed land, not within an identified sensitive area, within an urban environment and less than 5ha in area. As such the Council have screened the application as not requiring an Environmental Impact Assessment on the 13<sup>th</sup> November 2019.

1.7. [Link to Documents](#)

## 2. Site and Surroundings

2.1. The application site is 0.9ha. 0.4ha for the rail station and 0.5ha for the bus interchange. The site currently contains both a rail station and bus interchange and also 6 retail units either side of the rail station entrance. The site sits within Perry Barr, south of the One Stop shopping centre, west of the A34, north of the former African Village site and southwest of the former university campus.

2.2. There has been a rail station on this site since 1837, the existing building was built in the 1960s and is built on a concrete overbridge above the tracks. 2 platforms sit below the building currently accessed by ramps and stairs.

2.3. [Site Location](#)

### 3. Planning History

- 3.1. 2020/06719/PA – Application for Prior Notification for the proposed demolition of former retail units and advertising hoarding – Prior approval required and approved with conditions 24.09.2020

#### *Adjacent site*

- 3.2. 2020/06719/PA – Application for Prior Notification for the demolition of the former African Village, garages and commercial unit – Prior approval required and approved with conditions 31.01.2020

### 4. Consultation/PP Responses

- 4.1. Adjoining occupiers, local councillors and local MP notified as well as site and press notices displayed. 10 letters of representation have been received.

- 4.2. The comments on the original submission were as follows:

- Is not a feature building – the architectural quality has been significantly reduced from the masterplan proposals
- Design looks like a drive-thru, car showroom, portakabin, 1980s prefab teaching block, grey metal box
- The design is embarrassing, unambitious, uninspiring, cheap, depressing, sad, temporary, dull, not innovative
- Does not provide a good legacy or welcoming entrance for Commonwealth Games
- Longbridge Station looks better
- Does not comply with the West Midlands Combined Authority design charter nor the SPD expectations for this site
- Designed on budget constraints
- Anti-social behaviour risk is not an excuse for poor design or cheap materials
- Would be better to repurpose the existing building
- Width of cycleway is insufficient and should be continued to Alexander Stadium
- East entrance opens directly onto a shared pavement/ cycleway with railings
- Cycle parking location and provision does not meet the applicant's design standards
- Not meeting net zero carbon targets, not sustainable development
- Removing subway worsens access to bus stops on the opposite side of the A34 – need a pedestrian crossing
- Needs adequate lighting, surface treatment and CCTV

- 4.3. Following the submission of the amended designs the following comments were received from two of the original objectors noting:

- Revised plans substantially worse for cyclists due to removal of cycle lane
- Insufficient cycle storage, WMCA guidance is 5% of passenger volume
- Footpath width too narrow and hemmed in with a fence
- Inadequate signage - lack of signage on front elevation and no sign on a pole
- Proposed landscaping will screen signage
- Developer has not responded to the public comments
- Design is still dull and uninviting

- 4.4. Sustainable Travel West Midlands (on the original submission): The design is much different in terms of aesthetics to the public consultation design. However, the

current station is dilapidated, is not fit for purpose and is one of the worst stations on the British railway network. It does not meet health and safety requirements. The proposed design is an improvement on the existing station. Recommend a mural is provided on the Birchfield Road elevation, a totem is provided with rail logos and a safe, street level, crossing is provided over the A34 for pedestrians and cyclists.

- 4.5. A34 Safety Action Group object to the design and pedestrian/ cyclist safety. The lack of either a station on the east side of the A34 or extended platforms under the A34 results in no connectivity to the development on the former university campus and beyond. Access to the building requires crossing the A34, 8 lanes, and the access road to the bus interchange. Access to the One-Stop should be removed.
- 4.6. Councillor Jon Hunt has written objecting on the basis of the design.
- 4.7. Transportation – No objection subject to plans to show the areas of highway to be stopped up, the parts of the site to be adopted has HMPE (which will also require a commuted sum for maintenance) and the works required to the existing HMPE. Also require a plan to show forward visibility into the bus interchange to ensure that the proposed raised planters do not result in conflict.
- 4.8. Environment Agency – No objections recommend a condition relating to contaminated land risk and remediation.
- 4.9. LLFA – No objection subject to conditions.
- 4.10. Severn Trent Water – No objections to the proposals subject to a condition to require the submission of foul and surface water drainage plans.
- 4.11. Regulatory Services – No objections, recommends conditions relating to contamination, demolition and construction plans, hours of demolition and construction, plant and equipment noise levels and a further air quality assessment and consideration of restricting the Birchfield Road access to One Stop for the bus interchange reserved matters application.
- 4.12. West Midland Police – Recommended that the boundary treatment and landscaping is right at the planning stage to ensure a secure site and a secure kerb line, management of the landscaping will also be required. Recommends site wide CCTV, appropriate lighting and Secured by Design Commercial.

## 5. Policy Context

- 5.1. The following policies are applicable:
  - Birmingham Development Plan 2017
  - Birmingham Unitary Development Plan (saved policies)
  - Places for All SPD
  - Urban Centres SPD
  - Perry Barr Public Realm Strategy
  - Aston, Newtown & Lozells Area Action Plan
  - Birmingham Transport Plan 2031
  - Birmingham Connected 2014
  - Revised National Planning Policy Framework 2019



6. Planning Considerations

*Policy and principle of development*

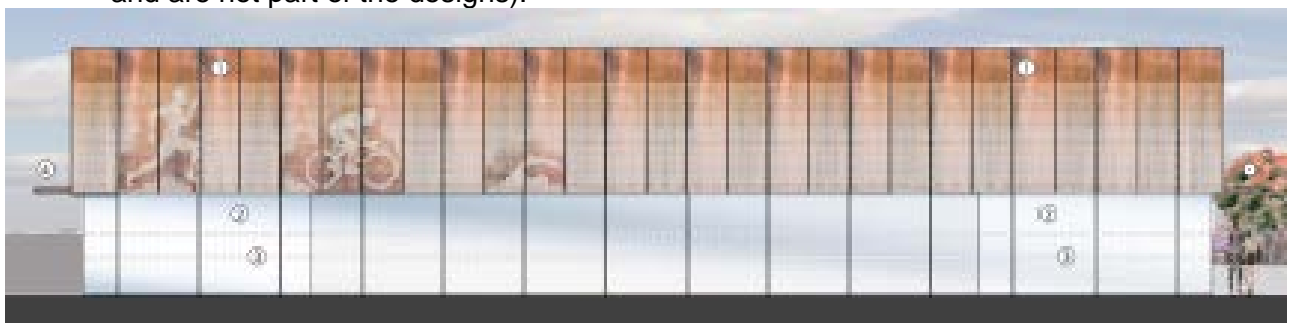
- 6.1. The application has been considered against the above planning policies with specific regard to PG3, GA3, TP38 and TP41 of the Birmingham Development Plan (BDP).
- 6.2. Policy TP41 supports enhancements and improvements to bus and rail. The Perry Barr Public Realm Strategy and the Birmingham Transport Plan also supports the principle of a rail and bus interchange at this site. The scheme is part of wider transport improvements including alterations to the A34 and the introduction of Sprint buses.
- 6.3. The existing station building was built to accommodate approximately 250,000 passengers per year. The current use is estimated to be at 690,000 passengers per year. The current building is therefore no longer fit for purpose, it requires substantial upgrading to accommodate the current passenger level and growth is anticipated with the wider regeneration of Perry Barr. Furthermore, the ramps and stairs to the platforms do not comply with current regulations.
- 6.4. Due to the existing lines running below the station site there are constraints on the size and weight of any structure which can be built. However, the proposal is to not replace the retail units and therefore to construct one single building which will serve as a rail station only. This should enable greater connectivity to the bus interchange and improved visual clarity of the station location which is currently blocked by the retail units and the road.
- 6.5. The principle of demolishing the existing rail station and retail units and the construction of a new rail station is accepted. The principle of altering the bus interchange is also acceptable, the details of the bus interchange will be the subject of a future reserved matters application. The key issues for consideration are the layout, scale and appearance of the new rail station and the highway impact, including pedestrian and cycle movements.

*Layout, scale and appearance of proposed rail station*

- 6.6. The existing station is very unwelcoming, hard to find and with poor passenger environment. The vision for Perry Barr Station is to “deliver a gateway station...fit for the Commonwealth Games and beyond”. The objective is to provide a landmark building.
- 6.7. The floor plan shows a large open station floor with a group of rooms containing the ticket office, staff room, equipment rooms, staff WC, public baby change, disabled WC and cleaner store backing onto the external footbridge:



- 6.8. The initial submission proposed a simple building designed for function rather than appearance. During the consideration of the application the design of the external appearance of the building was substantially altered following a review by a Birmingham architectural firm. The revised design is as shown in section 1 above and also on the following elevations (the circled numbers refer to material schedule and are not part of the designs):



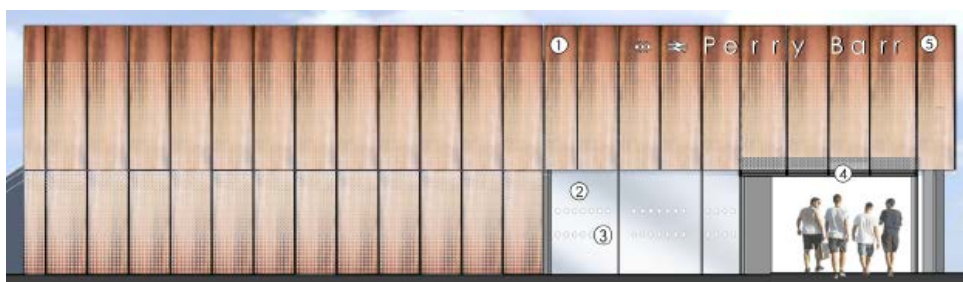
*East elevation*



*West elevation*



*North elevation*



*South elevation*

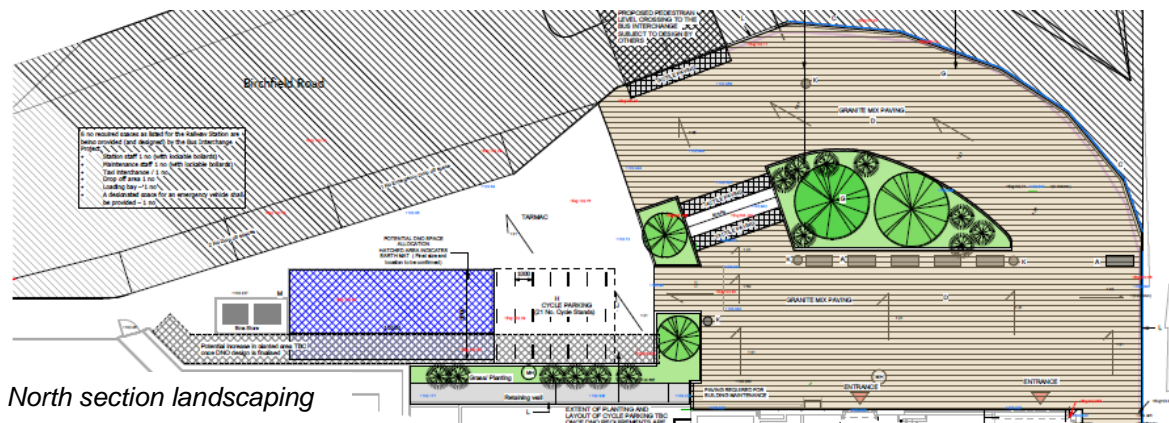
- 6.9. My City Design Officer has advised that the proposed station will be an attractive place for rail users and create a high quality landmark to support the regeneration and transformation of Perry Barr. This has been achieved by increasing the height by projecting cladding panels upwards to give it more presence, removing the eastern exit so that people no longer exit on to narrow footway and the concourse is better protected from traffic noise and fumes of Birchfield Road traffic, removing the separate cycleway, making it a more welcoming place for pedestrians, the public space to north side has been simplified and larger area of planting/ trees provided to form a more pleasant and functional space for users of the station and surrounding area and the fencing separating public realm from Birchfield Road is designed to complement the identity of the station building.
- 6.10. The most substantial change is the cladding and curtain walling which have been completely revised to provide a distinctive, coherent, modern appearance, using vertical metal screen cladding at higher levels, that incorporates sporting images, graded into clear glazing below providing excellent inter-visibility between the concourse and external public realm. The treatment of the cladding to rear elevations and to the steps down to platforms is coherent with the concourse, using same size panels in anthracite colour, to create a 'whole station' design aesthetic. The signage is also integral to building design, formed of individual laser-cut metal letters that complement cladding.
- 6.11. The out of hours access on the northern elevation remains. This door will be open when the main station building is closed and links to the bridge section behind the station to allow access to both platforms. New lifts are also proposed to replace the existing ramps. A full lighting scheme has also been designed for the station, external spaces and platforms. Roller shutters are proposed for the entrances when closed, the detail of the shutters can be controlled by condition but the applicant has submitted the following as an indicative image showing a shutter with appropriate levels of transparency:



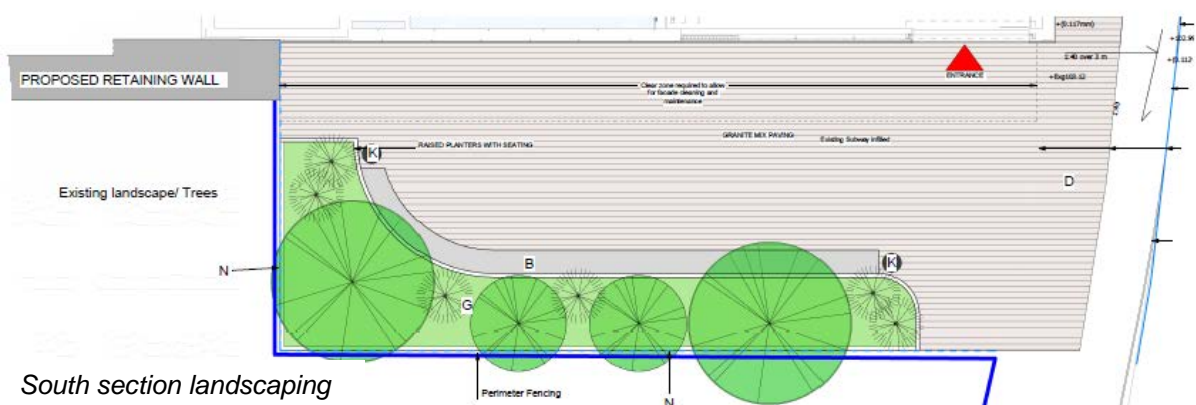
- 6.12. City Design recommended conditions to require the details of the landscaping, materials and roller shutters to be submitted. The comments of the local objectors are noted, however I consider that the revised design is much improved and will provide the gateway and landmark building that is sought by policy and will promote the regeneration of the wider area.

#### *Landscaping proposals*

- 6.13. Around the north, east and south of the building the scheme includes new paving and landscaping. Cycle storage, bin store, and substation enclosure are also to the northwest of the building. The east section is a continuation of the hard surfaced footway. The following plans show the two sections. Members should note that the kerb line on the north section will alter for the bus interchange proposal as the road alignment is to be altered. The kerb line will be brought further south but will not affect the landscaping section proposed in the centre:



*North section landscaping*



*South section landscaping*

6.14. The scheme proposes areas of granite mix paving, raised planters, raised planters with seating, separate seating and bins. Within the north area are a set of steps and a ramp from the pedestrian crossing to the bus interchange. This area has been substantially redesigned to give equal access to the station entrance from the steps and ramp. A roadside guardrail will also be provided along the full length of the site to ensure pedestrian safety and this has been redesigned to complement the station cladding.

6.15. The revised scheme is acceptable in terms of layout and design. Conditions are recommended to require the submission of the details to ensure that the external areas also provide high quality development and comply with the requirements in the Perry Barr Public Realm Strategy.

*Highway impact, access and parking*

6.16. The scheme does not include any vehicular access points, or any parking. Drop-off bays are indicated on the block plan but these are within the bus interchange site and will be provided as part of that element of the development.

6.17. The A34 is a key route between Birmingham city centre and the north of Birmingham, and junction 7 of the M6. The A453 is a primary corridor for local traffic. The two roads meet at a complex junction that includes a partial gyratory, a flyover and a grade separated roundabout with the A4040. The roads all have wide footpaths. Highway improvements are to be carried out to the A34, including the removal of the flyover, the provision of a cycle lane and pedestrian crossings and sprint. The junction of the A34, A4040 and Wellington Road, which is currently a roundabout, is proposed to be changed to signal controlled crossroads with pedestrian crossings.

6.18. The bus interchange part of this development, which as noted above is currently only outline and will need a further application for approval of reserved matters, will provide a revised layout to the existing bus interchange. The indicative details in the TA note 3 bus stops, sprint stop, signal controlled pedestrian crossings and pick-up/drop-off area for taxi's and disabled users.

6.19. Although accident data in the area for the last 5 years show 113 collisions, of which 11 were serious and 1 fatal none were associated with the train station or bus interchange. They are all on the wider highway network.

6.20. Concerns have been raised of the lack of a station or link to the existing station on the east side of the highway, therefore requiring pedestrians and cyclists to cross the A34, along with concerns regarding the amount of cycle parking. The road safety audit is required for the bus interchange part of the site and will therefore be dealt with under the reserved matters application. The crossing facilities over the A34 are part of the wider highway works, not within the remit of the train station application and although the original vision for the athletes village included a station on the east of the A34 this is not part of the proposal.

6.21. With regard to the amount of cycle parking the BCC SPD does not set a requirement for cycle parking at train stations. The Council Cycle Team have acknowledged that 21 spaces should be the minimum as this is a heavily used station but also notes that there may be restrictions on available space for cycle parking. It is therefore essential that the cycle parking is of high quality. Members should also be aware that not all passengers cycling to the station will park their bike, some will travel with

it on the train for onward cycling. The site should also be considered for cycle hire parking. As such, although the local objectors concerns are noted, the level of cycle parking provision is not at a level that would justify refusal of the scheme.

- 6.22. Transportation Development have no objection to the amended scheme. In response to the issue raised by Transportation Development relating to HMPE stopping up and dedication I recommend no objection to the stopping up of the small parts of the site which are currently HMPE, however this will be dealt with after the planning decision.

*Drainage and contamination*

- 6.23. The existing lines are within Flood Zone 2, although the station building itself is in Flood Zone 1, therefore a Flood Risk Assessment (FRA) has been submitted with the application. The railway lines are at the lowest level on the site with the station and bus interchange at road level. The site is predominately hardstanding with the exception of the vegetated steep slopes either side of the rail lines.
- 6.24. Flood data for the site shows very low risk of flooding at the lower track level but there are also no records of flooding on the site. The FRA also notes that the flooding levels will also be reduced further on completion of flood storage works which are being carried out at Sandwell Valley. The site sits within the Environment Agency flood warning area and as such if a flood was predicted the lines would be closed. The NPPF classifies rail station and bus stations as “essential infrastructure” in terms of what can and cannot be built in flood zones. The report therefore concludes that the flood risk is low, is covered by a warning system and that the development is acceptable.
- 6.25. Foul drainage is to be connected to the existing mains system. Surface water is to also be sent to the mains. Infiltration (SUDs) is not possible on this site due to the small site area, railway line and other developments. Connection to a watercourse is not possible due to distance. However, the scheme will include some on-site storage for surface water drainage to reduce the outfall and therefore reduces the amount of surface water.

*Ecological impact*

- 6.26. Three Preliminary Ecology Appraisal Reports (PEARs) have been submitted covering the train station site, bus interchange site and the land to the south (former African Village and other buildings). The reports detail the desk study and site walkover survey carried out, note the habitats on site and in the surrounding area and the proximity of statutory and non-statutory sites. Records of protected species are also referenced and include bats, birds, hedgehogs, water voles, smooth newt and black redstart.
- 6.27. The key features on all three sites are the railway embankments which are identified as part of Wolverhampton and Gravelly Hill Railway PSI, existing trees and existing buildings. The scheme should not impact on the railway PSI or the connectivity to wider area ecological habitat providing the embankments are retained.
- 6.28. Additional bat surveys were carried out on the train station site and African Village site due to the potential for buildings and trees to provide habitat for bats and historic records of bats. Dusk emergence and dawn re-entry surveys recorded no bat activity, no signs of bats or bat roosts.
- 6.29. Recommendations are made on all 3 sites. With regard to the train station site these include retaining the embankments and mature trees, keeping lighting to a



minimum, the provision of biodiversity enhancements including wildlife value planting and clearance works outside of nesting season and sensitively for badgers and hedgehogs.

- 6.30. A green roof is not possible due to the structural capacity of the overbridge and the operational and maintenance liability concerns. There does not appear to be any scope for other green infrastructure, therefore, the soft landscaping scheme must ensure the planting palette maximises the inclusion of native and ornamental trees, shrubs and ground cover plants with proven biodiversity value. The agreed list of planting does include some tree and shrubs with proven ecological benefits, and the desire to build in some climate resilience and biodiversity gains is welcome. In addition, the installation of integral bird nest boxes and bat roost units in the fabric of the new station building is required. Conditions to secure ecological enhancement measures and ecological mitigation are recommended.

*Arboricultural impact*

- 6.31. Across the three areas there are trees which are protected by an area TPO (no. 498) made up of 1 individual tree and 2 groups. The 2 individual trees, one common lime and one sycamore, are both category B trees. Of the 9 groups 5 are category B and 4 are category C and are made up of common lime, sycamore, ash, cherry, goat willow and silver birch. The report notes that all of the trees are in good physical condition and that separate consent will be required for works to the TPO trees.
- 6.32. Two groups of trees are to be removed (G2 and G4), neither are within the TPO and both groups are mixed species and category B. However, both groups are within the footprint of the proposed infrastructure or retaining structures for the development. G9, mixed species category C, will also need to be removed as this lies within the footprint of the bus interchange and road alterations.
- 6.33. Consent has been for the removal of lime trees on the edge of Area 1. Area 3 contains both protected (T2, G7) and unprotected trees (G5) which are not directly affected. These trees should be granted the usual protective fencing when development commences, and the station approach should be treated to a high-quality soft landscaping scheme.

*Other matters*

- 6.34. There are a number of designated heritage assets within the wider area with the closest being the Gatehouse at the former IMI Works which is 380m to the east. Given the distance and the intervening uses the proposed development will not have an impact on any heritage assets.
- 6.35. Contamination risk has been categorised in the submitted Geo-environmental Report as medium to low. Recommendations are made to monitor for contamination, UXO and ground gas. Standard conditions are therefore proposed.
- 6.36. A Threat and Vulnerability Risk Assessment has influenced the design approach to the kerbing and guardrail, that CCTV and lighting will be installed. Roller shutters are proposed and the design will need to be submitted for approval prior to installation. All of these matters can be controlled by a suitably worded condition.
- 6.37. In regard to air quality the scheme does not propose to increase bus or rail services and has no on-site parking, it is therefore considered that the proposal will not have an impact. Regulatory Services have requested that a further AQA is submitted with

the bus interchange reserved matters application and this can be required by condition.

- 6.38. With regard to noise road traffic was noted as the dominant noise at all of the sensitive receptors both during the day and night-time and, as there is no increase in services proposed, the scheme will not have an impact on noise during the operational phase. Concern has been raised by Regulatory Services in regard to construction noise. The submitted information notes that there will be a requirement for working between midnight and 05:00 to demolish the existing station building, install the new structure and cladding and the work required to the rail side. However, there has been no assessment of the potential impact of this noise on the nearby residential properties. As such a site specific condition has been proposed to require further information to be provided to assess night-time / weekend working.

## 7. Conclusion

- 7.1. Following a substantial redesign of the external appearance of the station building the scheme is now considered to be a high quality proposal which will enhance public transport in the Perry Barr area. The external landscaping and hard surfacing will also relate to the wider regeneration of the area and provide a pleasant external appearance with opportunities to link to other sites. Pedestrian and cycle access are appropriate and cycle parking will be provided.
- 7.2. The details of the bus interchange part of the development will need to be considered under a separate reserved matters application. Overall the scheme is considered to comply with the aims and principles of the Development Plan, relevant Supplementary Planning Documents and the National Planning Policy Framework.

## 8. Recommendation

- 8.1. That planning permission be granted subject to the conditions listed below;

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1	Requires the scheme to be in accordance with the listed approved plans (FULL)
2	Requires prior submission of demolition and construction hours (BOTH)
3	Requires the prior submission of a demolition method statement/ management plan (BOTH)
4	Requires the prior submission of a construction method statement/ management plan (BOTH)
5	Requires the prior submission of a construction environmental management plan (BOTH)
6	Requires the prior submission of contamination remediation scheme on a phased basis (BOTH)
7	Requires the submission of a contaminated land verification report (BOTH)
8	Requires the prior submission of unexpected contamination details if found on a phased basis (BOTH)

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- 9 Requires the prior submission of a drainage scheme (FULL)
  - 10 Requires the prior submission of a sustainable drainage scheme (FULL)
  - 11 Requires the prior submission of a sustainable drainage scheme (OUTLINE)
  - 12 Requires the prior submission of a Sustainable Drainage Operation and Maintenance Plan in a phased manner (BOTH)
  - 13 Requires the submission of a scheme for ecological/ biodiversity/ enhancement measures on a phased basis (BOTH)
  - 14 Requires the prior submission of details of bird/ bat boxes (BOTH)
  - 15 Ecologically guided implementation of dev (BOTH)
  - 16 Requires the submission of sample materials in a phased manner (BOTH)
  - 17 Requires the prior submission level details on a phased manner (BOTH)
  - 18 Requires the submission of hard and soft landscape details (BOTH)
  - 19 Requires the submission of boundary treatment details in a phased manner (BOTH)
  - 20 Requires the submission of a landscape management plan in a phased manner (BOTH)
  - 21 Requires the submission of a lighting scheme in a phased manner (BOTH)
  - 22 Requirements within pre-defined tree protection areas (BOTH)
  - 23 Requires the submission of a CCTV scheme (BOTH)
  - 24 Requires the submission of detailing and fixings of rainscreen cladding, curtain walling, canopies, images and signage (FULL)
  - 25 Requires the submission of cycle storage details in a phased manner (BOTH)
  - 26 Requires the submission of roller shutter details (FULL)
  - 27 Limits the noise levels for Plant and Machinery (FULL)
  - 28 Requires air quality assessment for bus interchange (OUTLINE)
  - 29 Implement within 3 years (FULL)
  - 30 Implement within 3 years (OUTLINE)
  - 31 Requires the submission of reserved matter details following an outline approval (OUTLINE)
-

Case Officer: Karen Townend

## Photo(s)



Existing station entrance



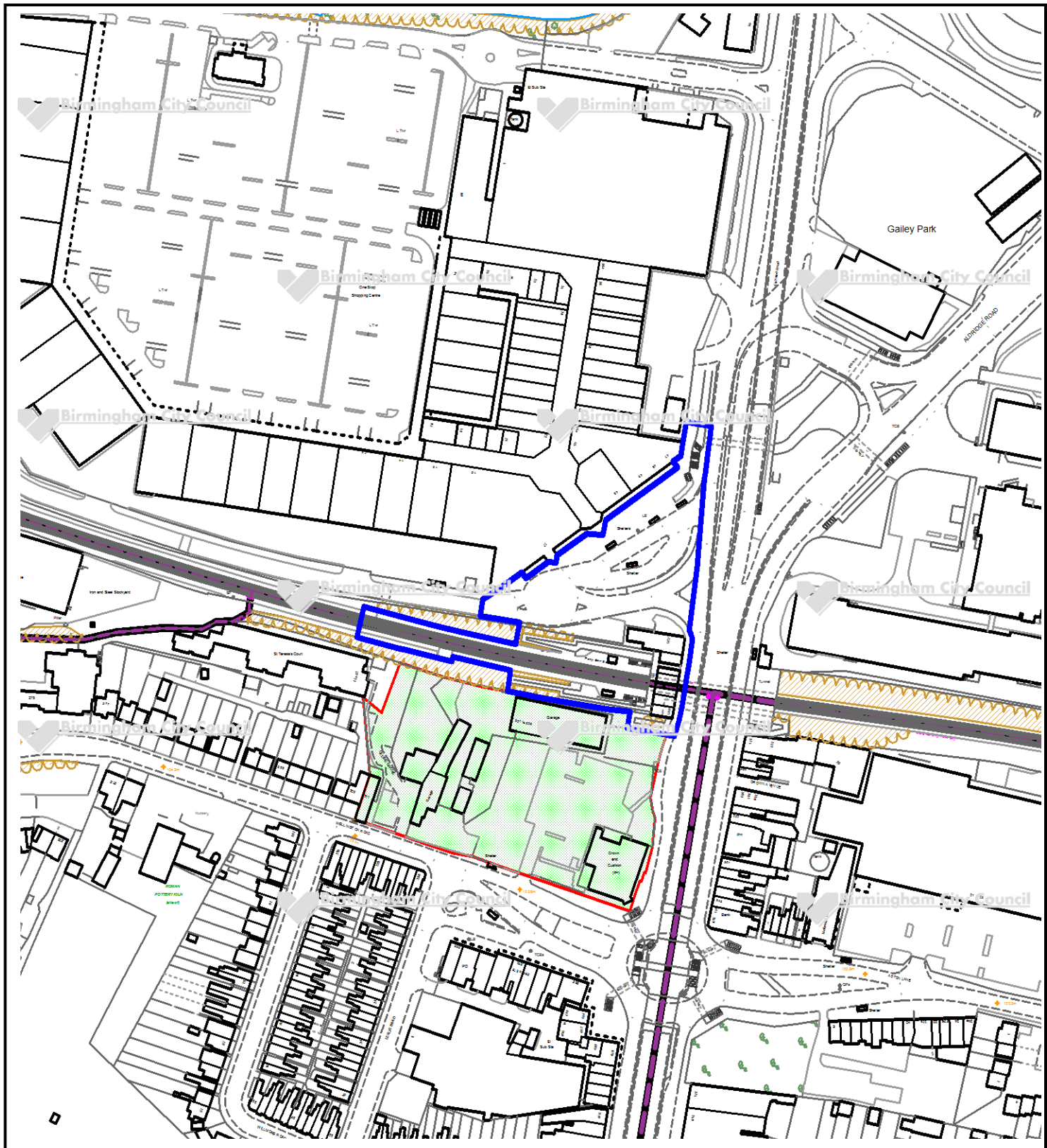
Street view of station and retail units



Street view of bus interchange



## Location Plan



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Committee Date:	04/02/2021	Application Number:	2020/09985/PA
Accepted:	16/12/2020	Application Type:	Full Planning
Target Date:	10/02/2021		
Ward:	Aston		

20A-24A Aston Lane, Aston, Birmingham, B20 3BU

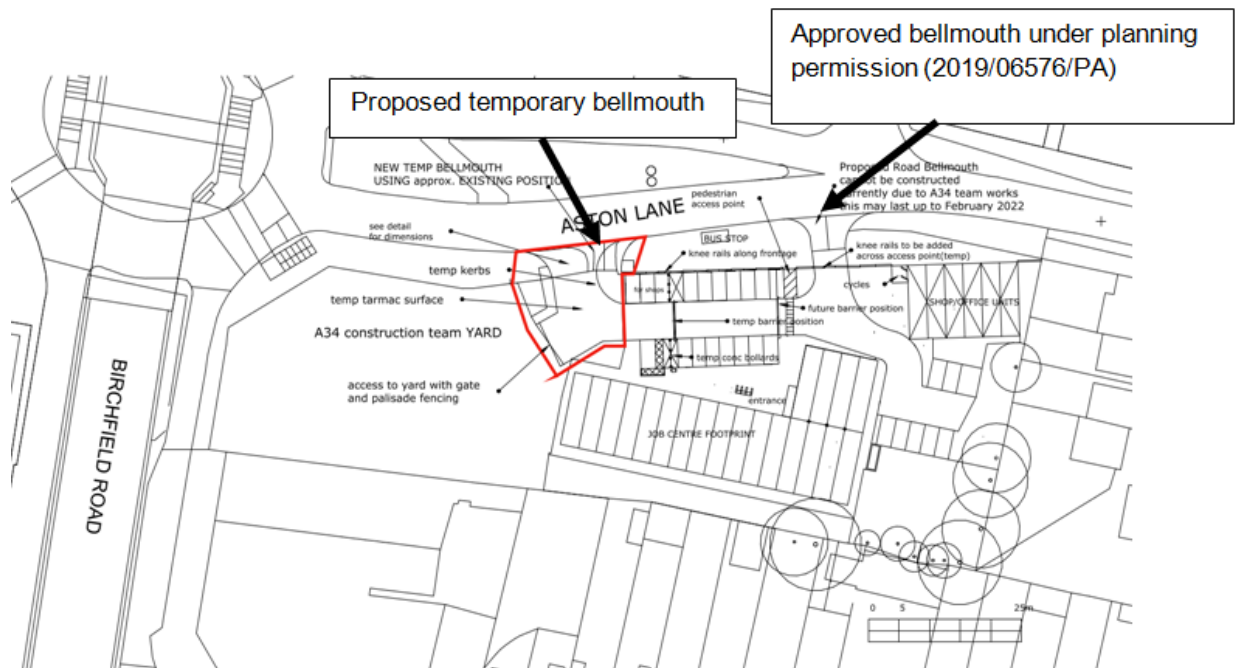
Provision of a temporary road bellmouth off Aston Lane to allow access to the new Job Centre building

Recommendation

**Approve Temporary**

1. Proposal

- 1.1. Planning permission is sought for a temporary road bellmouth off Aston Lane to allow access to the new Job Centre building at 20A-24A Aston Lane, Aston.
- 1.2. This application follows a temporary planning permission for the erection of a Job Centre building and four retail units with associated access, parking and landscaping (2019/06576/PA) granted in October 2019.
- 1.3. The wider site is in the freehold ownership of BCC and has been assembled as part of the package of measures to improve the Local Centre but also to accommodate facilities and displacement of existing uses for the Birmingham 2022 Commonwealth Games.
- 1.4. Since the previous planning permission for a temporary Job Centre; the construction works for the A34 Perry Barr highway scheme has commenced and this include changes to the A4040 Aston Lane. The previously approved bellmouth cannot be constructed as the works on A34 highway scheme are expected to last up to February 2022. In order to deliver both schemes as efficiently as possible; it is necessary to provide a temporary bellmouth off Aston Lane to allow access to the new Job Centre building.
- 1.5. Upon completion of the permanent access to the Job Centre; the temporary surfacing and temporary fencing would be removed and the permanent design installed as previously approved under the planning permission 2019/06576/PA.



1.6. [Link to Documents](#)

2. [Site & Surroundings](#)

2.1. The application site is located to the western part of the wider plot bounded by Aston Lane to the north, A34 Construction Team yard to the west, rear boundaries of residential properties located along Bragg Road to the south and along Chesterwood Gardens to the east. The wider site has now been redeveloped to provide a temporary Job Centre building together with retail units and car parking area. The site is located within a Primary Shopping Area of Perry Barr District Centre.

2.2. [Site location](#)

3. [Planning History](#)

*Relevant planning history*

3.1. 2019/06576/PA - Erection of a temporary Job Centre (Use Class A2) four retail units (Use Class A1) together with a creation of new access, parking and associated landscaping and infrastructure works – Approved Temporary 10/10/2019

4. [Consultation/PP Responses](#)

4.1. Site notice posted and Residents' Associations; Ward Members; and local occupiers consulted. No responses received.

4.2. Transportation Development – No objections subject to a condition in relation to pedestrian visibility splay.

4.3. Regulatory Services – No objections.

5. [Policy Context](#)

- 5.1. Relevant Local planning policy:
- Birmingham Development Plan (BDP) 2017
  - Birmingham Unitary Development Plan (UDP) 2005 (Saved Policies)
  - Aston, Newtown and Lozells AAP (2012)
- 5.2. Relevant National planning policy:
- National Planning Policy Framework (NPPF) (2019)
  - National Planning Policy Guidance (NPPG)
6. Planning Considerations
- 6.1. This application has been assessed against the objectives of the policies as set out above. The main issue for consideration is the impact of the proposed development on highway safety and parking.
- 6.2. The proposal is to widen the existing vehicular access off Aston Lane to the western end of the site to provide temporary vehicular access to the Job Centre building and the shops until the construction works for the A34 Perry Barr highway scheme has been completed. The temporary access would be used for approximately 15 months. The proposed works include:
- The existing bellmouth to the western end of the new Job Centre off Aston Lane would be widened to allow for safe vehicular access and egress.
  - The car park barrier would be temporarily moved to the western end of the car park to control access.
  - The small area of landscaping and fence to the western end of the car park would be temporarily hard surfaced and temporary boundary treatment installed.
- 6.3. Transportation Development raised no objections subject to a condition in relation to pedestrian visibility splay. A pedestrian access will also be located at the proposed temporary new access point, with connections to the existing footways along Aston Lane. The proposed development would have no detrimental impact on the highway safety and parking in the vicinity of the site.
7. Conclusion
- 7.1. This proposal would have no detrimental impact on highway safety and parking in the vicinity of the site. In addition, the proposal covers an important strategic site to assist with the wider Council objective of the timely and successful delivery of Birmingham 2022 Commonwealth Games and its associated infrastructure and as such is acceptable subject to conditions.
8. Recommendation
- 8.1. Approve temporary subject to Conditions.

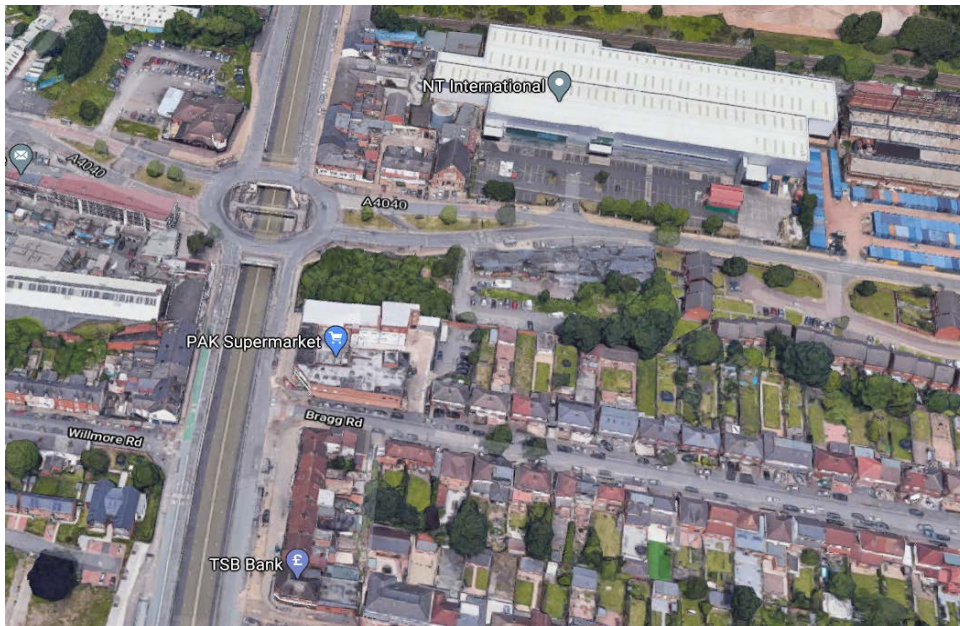
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- 1 Requires the cessation of the access to serve the temporary job centre site on or before 2 years from the date of consent
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- 
- 2 Requires the scheme to be in accordance with the listed approved plans
  - 3 Requires pedestrian visibility splays to be provided
- 

Case Officer: Lucia Hamid



## Photo(s)

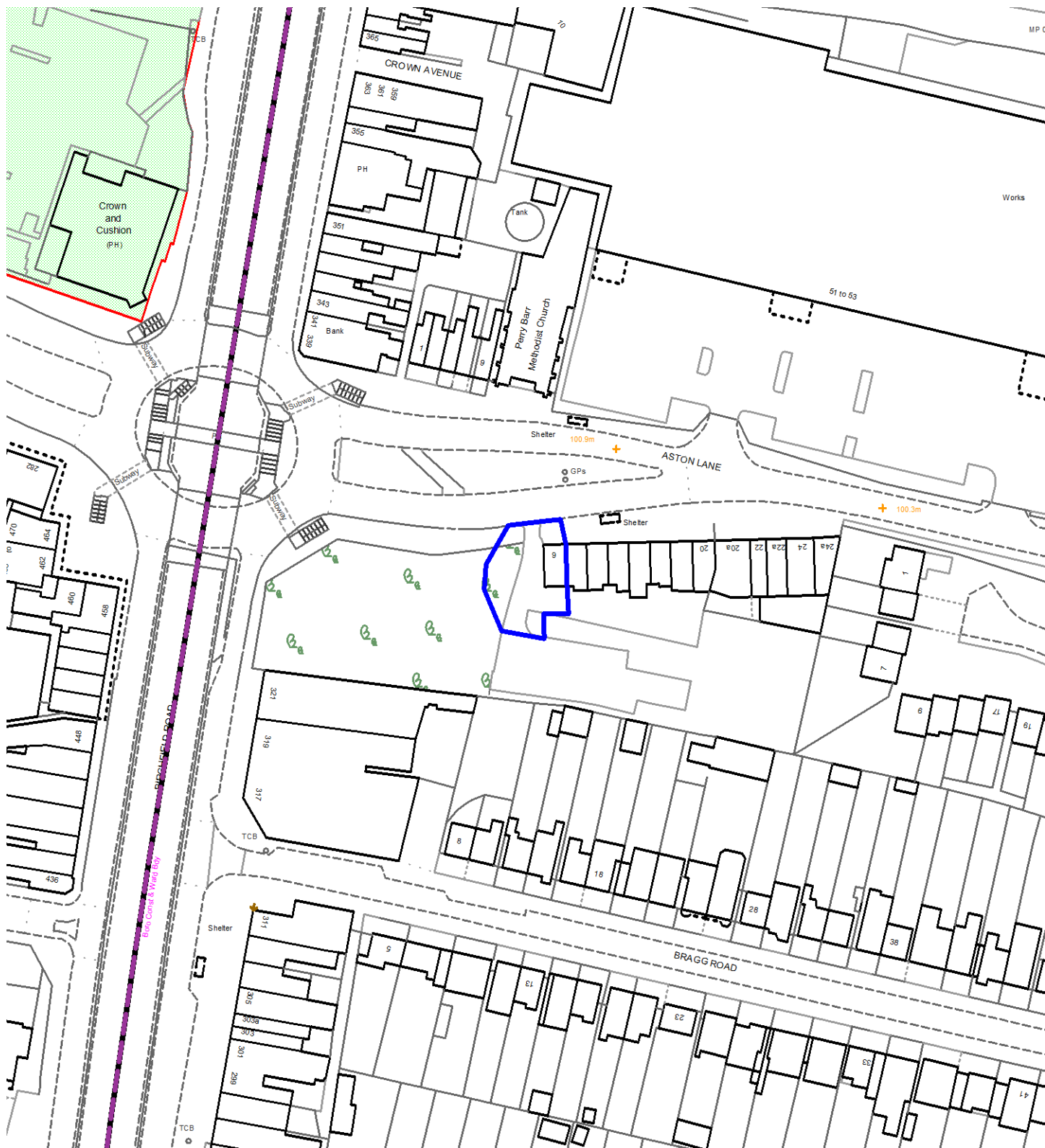


Picture 1: Aerial view of the site



Picture 2: View of the site and the bellmouth from Aston Lane

## Location Plan



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# **Birmingham City Council**

## **Planning Committee**

**04 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>
Determine	10	2020/01795/PA  Land bounded by Chapel Lane, Harborne Lane and Bristol Road Selly Oak Birmingham B29  Demolition of supermarket and erection of 1187 units of purpose built student accommodation and student communal facilities (Sui Generis), ground floor commercial and community floorspace (Use Classes B1/A1/A2/A3/D1/D2) and associated works including new hard and soft landscaping, internal site vehicular circulation route and parking with access from Chapel Lane roundabout
Approve - Temporary	11	2020/09328/PA  High Street/War Lane/Albert Road/Lordswood Road Roundabout Harborne Birmingham B17 9PY  Display of three non-illuminated post mounted signs.

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Committee Date:	04/02/2021	Application Number:	2020/01795/PA
Accepted:	04/03/2020	Application Type:	Full Planning
Target Date:	08/01/2021		
Ward:	Weoley & Selly Oak		

Land bounded by Chapel Lane, Harborne Lane and Bristol Road, Selly Oak, Birmingham, B29

Demolition of supermarket and erection of 1187 units of purpose built student accommodation and student communal facilities (Sui Generis), ground floor commercial and community floorspace (Use Classes B1/A1/A2/A3/D1/D2) and associated works including new hard and soft landscaping, internal site vehicular circulation route and parking with access from Chapel Lane roundabout

Recommendation  
**Determine**

## **2<sup>nd</sup> Report Back**

- 1.1. Members will recall that this application was presented to Planning Committee on 7th January 2021. At that Committee, Members deferred the application, minded to refuse planning permission on the grounds of;
1. Insufficient cycle parking
  2. Impact on neighbourhood by virtual of its scale
  3. No need for student accommodation.
  4. The scale and density of the development
- 1.2. Members are reminded that any reasons for refusal must be made in accordance with the Development Plan unless material considerations indicate otherwise. Failure to do this could result in an appeal and likely costs being awarded for unreasonable behaviour. Officers have sought Counsel Advice on the 4 proposed reasons for refusal in terms of both the likelihood of success at appeal and the likelihood of costs being awarded against the Council. Each of the proposed refusal reasons are discussed below.
- 1.3. In relation to cycle parking, the Council's Car Parking Guidelines SPD requires the provision of 1 cycle space for every 4 bedrooms. In this instance 321 cycle spaces are provided which comfortably exceeds the minimum requirement of 296 on this scheme of 1187 units. On this basis there is no breach of any relevant adopted national or local policy. I therefore consider that this reason for refusal would be very difficult to defend at appeal and would leave the City Council exposed for a costs claim by the applicant, which also in my view would be likely to succeed.

- 1.4. In relation to the impact on the neighbourhood by reason of the scale of the development, it will be difficult to provide clear and convincing evidence of what the actual harm would be. The Local planning Authority would need to clearly articulate which neighbourhood would be impacted on, how the scale would have a negative impact, and what the impact would be. Without that evidence I consider that reason would be difficult to defend at appeal and would also be at risk from a costs claim.
- 1.5. In relation to the need argument, the Council's own evidence identifies a need for further purpose built student accommodation in Selly Oak, more so than anywhere else in the City. In addition, the comprehensive evidence submitted by the applicant meets the requirements of TP33 in terms of demonstrating need. Members raised specific concerns over the impact of COVID-19 on the number of students requiring accommodation in the future. In a recent appeal decision at the Plumb Centre, Bath (APP/F0114/W/20/3244862), dealing with that very issue, the Inspector acknowledged it is was difficult to predict the effects of the COVID-19 pandemic on the future need for PBSA. However, he concluded that that it is necessary to consider the matter over the lifetime of the development rather than the impact at this moment in time. He concluded that it was highly likely that there will be a strong demand for student accommodation and granted consent. This recent decision emphasises that without specific evidence that shows COVID-19 is more than just 'a blip' in the otherwise upward trend of growing demand for PBSA the Council would be in a very weak situation at appeal. It is considered that a refusal reason on these grounds would be very difficult to defend at appeal and would leave the City Council exposed for a costs claim by the applicant, which in my view would also be likely to succeed.
- 1.6. In relation to scale and density of the development, it is acknowledged that the development is of significant scale and density. The site is in a District Centre surrounded by a variety of building scale and density.
- 1.7. The proposed development has a lower scale of 4-5 storeys high where it is in closer proximity to residential development meaning and it will be necessary to demonstrate what harm is caused by the scale and density to the character and appearance of the area by the proposed scheme. The proposed scheme has evolved through detailed discussion and negotiation over a period of 18 months with Council Officers including an extensive period of pre-application prior to the submission of this application. Overtime, the scale of the development has also been reduced with the tallest tower dropping from 16 to 12 storeys in height.
- 1.8. In view of the fact that this scheme has been the subject of extensive negotiation, it will be difficult for officers to robustly defend an appeal on this ground. However, issues of scale and density are subjective matters that the Committee are entitled to come to a different view upon and if this is to form a reason for refusal it will therefore be essential to secure an expert witness that supports the Committee's reasoning.
- 1.9. Therefore, if Members still take the view that the scale and density is inappropriate, Officers believe a refusal reason based on that reason alone is likely to be strong enough to avoid a successful costs application; subject to the Council finding an appropriate expert witness to defend the case. However, the likelihood of



successfully defending the refusal reason at appeal would be dependent upon the strength of the case that is made at the appeal.

- 1.10. Members should consider the application in light of the original report and recommendation and I consider that the original recommendation to approve subject to conditions remains valid. However, if Committee remains of the view that planning permission should be refused then I would advise the following reason for refusal:

*By virtue of its scale and density, the proposal appears over-dominant and out of context with its surroundings, including nearby residential dwellings thereby materially harming the character and appearance of the area. As such the proposal would be contrary to guidance within Policies PG3 and TP33 of the Birmingham Development Plan and the NPPF.*

### **Previous Report Back (7<sup>th</sup> January)**

- 1.1. Members will recall that this application was deferred on 5<sup>th</sup> November 2020 to enable the Student Accommodation Need and Demand Paper (November 2019) to be updated by the Planning Policy Team. This update has been completed and the Report is being presented at committee on 7<sup>th</sup> January 2021.
- 1.2. In summary the updated report identifies that in the 12 months since the previous report (dated November 2019) the city wide demand for student accommodation has increased from 36,218 to 38,401 bed spaces. Over the same period demand has also increased in the Selly Oak area from 22,011 to 22,401. This takes into account the fact that not all students need accommodation, as they may live at home with parents or have their own home. Furthermore, The University of Birmingham has estimated that it will require approximately 2,000 – 3,000 additional bedrooms over the next 5 years representing a 9-13% increase above the 18/19 baseline. Despite the short-term impact of Covid-19, the majority of this growth is expected to arise from international students who have tended to prefer the quality, security and convenience provided by purpose built accommodation.
- 1.3. At April 2020 the existing supply of purpose built accommodation was 9,038 in the Selly Oak area. When adding those under construction (1,846) and those with planning permission (250) the figure rises to 11,134. Including all current planning applications and pre-applications the potential future supply figure increases to 13,490 bed spaces, this includes all of the 1,187 units proposed within this scheme. It important to emphasise that all of these scheme may not successfully gain permission therefore this is a best case scenario for future supply at the current time.
- 1.4. When comparing the potential future higher level demand in Selly Oak of 25,401 against the potential future supply figure of 13,490 bed spaces of purpose built student accommodation (PBSA) there is a substantial shortfall of up to a maximum 11,917. This shortfall is much greater than other parts of the City meaning that there is a continued reliance on HMOs to meet the needs of students, with 52.6% of students in the Selly Oak area currently living in HMOs. Even allowing for this high percentage of students living in HMO's, if the predicted growth in demand is factored

in, there will be a shortfall of between 1,476-2,476 bed spaces in Selly Oak, if no more permissions are granted. Following the introduction of the city wide Article 4 Direction the HMO market may not be able to react and grow as quickly to meet growing demands with all future HMOs requiring detailed consideration through the planning application process. Further PBSA, such as this scheme are therefore required to meet the growing demand arising from the University of Birmingham and to avoid reliance on more HMO's.

- 1.5. Currently most students have no option but to live in HMOs when they have completed the first year of their course. The student to PBSA bed ratio is 2:1 when comparing existing demand to supply that incorporates all approved and under construction schemes. When comparing future demand to the same supply figure the ratio rises to 2.2:1 which highlights the importance of schemes such as this to help meet future demand and provide genuine choice in the student housing market.
- 1.6. In conclusion, the updated Student Accommodation Supply and Demand highlights clearly that there is still a need for schemes of PBSA to meet the demand arising from the University of Birmingham. As stated in the main section of the report this is considered to be a well located, high quality scheme of PBSA that fully accords with Policy TP33 of the BDP.
- 1.7. Following the deferral of the application the applicants have gathered further evidence to support their case. A Planning Statement Addendum has been submitted which also includes an updated Student Needs Report by consultants Cushman and Wakefield. The updated report concurs with the findings of the Council's own Supply and Demand Paper, in identifying that there is a clear need for further PBSA to serve the University of Birmingham as the institution continues to increase its capacity. The Updated Student Needs Report is considered satisfy the requirements of TP33.
- 1.8. The Planning Statement Addendum sets out the developer's timeline for the redevelopment of the site. If they are successful in gaining consent they intend to start on site in early 2021 with a view to having the development complete in August 2023 ready for the first intake of students in the following month.
- 1.9. Whilst the scheme was only deferred for one reason, Officers noted that concerns were raised by some Members over the design, scale and appearance of the development. It is important to note that the proposed scheme has evolved through detailed discussion and negotiation over a period of 18 months with Council Officers including an extensive period of pre-application prior to the submission of this application. The scheme was presented twice to the Council's Design Review Panel, once in November 2019 and then again in February 2020. The panel were satisfied that the principle of a student accommodation led scheme could be acceptable on the site. However, concerns were raised over the finer detail of the scheme. Questions were raised over the wide range of brick colours proposed and the use of metal cladding. The need for setbacks on the top storey on the Bristol Road frontage was queried and there was consensus that there could be a greater contrast between different blocks in terms of the fenestration and brick detailing.
- 1.10. Discussions through the lifetime of the application have led to substantial enhancements to the fenestration details which are outlined in image 7 and a decrease in the height of building C from 16 to 12 storeys in height. The applicant successfully addressed the concerns raised throughout the engagement process with examples provided in images 8 and 9 below.



Image 8: The Bristol Road elevation with an earlier version on the left and the final scheme shown on the right. In the final scheme setbacks have been removed and a more subtle variety of brick are now proposed.



Image 9: Viewing looking south from Harborne Lane comparing the initially submitted scheme on the left with the current proposed scheme on the right. Red brick has replaced metal cladding, the scale has been substantially reduced and the fenestration details have been enhanced.

- 1.11. The City Design Officer is fully supportive of the final scheme and considers that it has improved substantially to create a high quality development. In summary, significant revisions have been made to the scheme both pre and post submission ensuring that the scale, mass and appearance of the proposal fit comfortably into the street scene enhancing the character and appearance of the area.
- 1.12. Addendum
- 1.13. Since the publication of the Committee Report and verbal update, 1 further objection has been received to the planning application, however no new issues have been raised.
- 1.14. **Recommendation**

1.15. That the application be approved, subject to conditions as detailed below.

## ORIGINAL REPORT

### 2. Proposal

- 1.1. Planning permission is sought to demolish a former supermarket building and erect three detached buildings which primarily consist of purpose built student accommodation which will provide a total of 1,187 bed spaces. The application has been put forward by Hines who are a global real estate firm. In December 2016, Hines UK launched the Aparto student accommodation brand in the UK and Europe. Over the past 4 years Hines have developed a number of student schemes across the UK and Ireland.
- 1.2. The scheme consists of 239 self-contained studios and 948 en-suite rooms which are arranged in clusters of between 4 and 10 bedrooms. The studios vary in size between 16sqm and 26sqm. The ensuite bedrooms vary in size between 12.1 and 25.8sqm. The clusters all include a shared lounge and kitchen area which varies between 22.7 and 37sqm in size.
- 1.3. Building A fronts onto the Bristol Road includes a variety of different uses at ground floor level. There is a games room, study, lounge, laundrette, auditorium and gymnasium which are for the exclusive use of the students. For the general public there is a café, flexible space (A1/A2/B1/D1/D2) and community room (D1) which all front onto the Bristol Road. This building provides the main pedestrian entrance to the site on the corner of Chapel Lane and Bristol Road which leads into a large entrance lobby and lounge. A separate entrance on the Bristol Road is provided for cyclists. This building consists of a number of distinct blocks that vary in height between 4 and 12 storeys high.



Image 1: View from junction of the Bristol Road and Harborne lane looking north towards Building A





Image 2: Proposed entrance on Chapel Lane

- 1.4. Building B is positioned in the heart of the site and is closest to the vehicular entrance from Chapel Lane. This includes a study and canteen on the ground floor. The blocks within this building vary in height between 4 and 10 storeys.



Image 3: View along Harborne lane looking north-west towards building B with Building C in the distance

- 1.5. Building C is located in the northern corner of the site and incorporates a block which is 12 storeys high. Four different brick types are proposed across the development, which are varying shades of orange and red. All buildings have a flat roof.

- 1.6. There is only one vehicular entrance to the site which is via the roundabout on Chapel Lane and this would be a gated access. This gated entrance would primarily be used for deliveries and maintenance. The access would also be used at the beginning and end of each term for drop off and pick-ups. 27 short term spaces are provided within the site for this purpose. The only permanent parking on site is 4 spaces for blue badge holders. The proposal provides 291 long stay cycle spaces which are positioned in 3 different locations across the site. A further 30 short stay cycle spaces are proposed adjacent to the site entrances.
- 1.7. Outdoor amenity space is provided in a number of different locations across the site. Block A has a centrally located courtyard (1320sqm) with a roof top garden (528sqm). The Courtyard area for block B measures 907sqm with further amenity areas provided adjacent to Block C (492sqm) and near to the vehicular entrance (477sqm). In total 3,724sqm of outdoor amenity is provided for occupiers across the site.

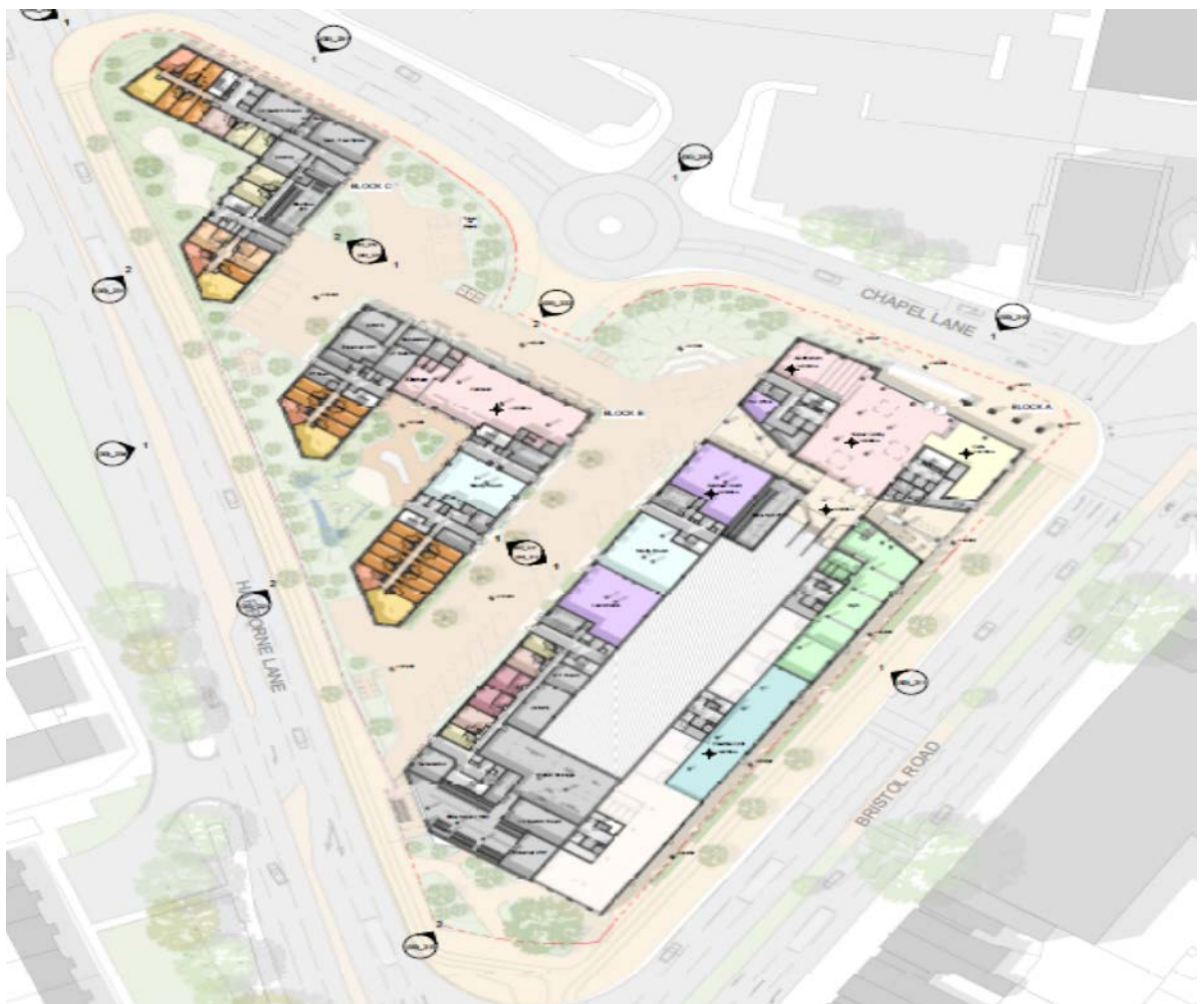


Image 4: Proposed Site Plan





Image 5: 3-dimensional site layout

- 1.8. Following dialogue between Officers and the applicants the scheme has been substantially amended since its initial submission in March. Key changes include the following:
- A reduction in maximum height from 16 storeys to 12 storeys;
  - Removal of metal cladding from the materials palette so that all outward facing elevations are constructed from a palette of 4 different tones of red/orange bricks;
  - The removal of rooftop set backs on the Bristol Road frontage;
  - Increase in variety of fenestration details across the development;
  - Increase in use of natural ventilation across the site through louvered panels and openable windows; and
  - Introduction of an above ground drainage strategy which has increased levels of soft landscaping
- 1.9. The application is supported by a Design and Access Statement, Planning Statement, Tree Survey, Contaminated Land Report, Noise Survey, Air Quality Assessment, Heritage Statement, Townscape and Visual Impact Assessment, Construction Environmental Management Plan, Statement of Community Involvement, Student Needs Assessment, Archaeological Assessment, Economic Impact Statement, Ecological Assessment and a Flood Risk Assessment.
- 1.10. [Link to Documents](#)
2. Site & Surroundings
- 2.1. The application site consists of a triangular parcel of land bounded by the Bristol Road, Chapel Lane and Harborne Lane. A 2 storey red brick building lies vacant on the site adjacent to the Bristol Road. The building was last utilised as a supermarket

in Autumn 2018. The remainder of the site provided car parking for the supermarket. The supermarket operated with a single vehicular entrance on Chapel Lane with the exit on Harborne Lane. The site falls within the boundary of Selly Oak District Centre and is consequently surrounded by a mix of uses. To the north is the Battery Retail Park and to the east there are variety of A class uses on the Bristol Road. Residential development is located to the west of the application site. Highway improvement works are currently being undertaken to the road network around application site which has resulted in the introduction of a roundabout at the entrance point into the site.

## 2.2. [Site Location Plan](#)

## 3. [Planning History](#)

- 3.1. No relevant history on application site. Key history of adjacent Battery Site:
- 3.2. 2013/02178/PA - Outline planning application for mixed use development comprising of life sciences campus (Use Classes B1a, B1b, B1c), supermarket (Use Class A1), non-food retail units (Use Class A1), financial and professional units (Use Class A2), cafe and restaurant units (Use Class A3), drinking establishments (Use Class A4), hot food take-away (Use Class A5), leisure (Use Class D2), student accommodation (Sui Generis), petrol filling station (Sui Generis), a linear open space walkway 'greenway', vehicular Access to the site, car parking (including multi storey car parking), landscaping, retaining walls, and associated works including demolition of existing buildings. Matters Reserved: Scale, Layout, Appearance, Landscaping, pedestrian and cycle Access, and vehicular Access within the site. Approved on 28/11/13.
- 3.3. 2015/04902/PA Reserved matters application following outline consent 2013/02178/PA for the layout, scale, appearance, landscaping, pedestrian and cycle access, and vehicular access within the site for the supermarket and other retail development, student accommodation and petrol filling station. Approved on 17/12/2015

## 4. [Consultation/PP Responses](#)

- 4.1 Transportation Development – No objection subject to conditions requiring submission of a student management plan, submission and completion of works for the S278/TRO Agreement, parking areas to be laid out, provision of cycle storage and construction plan is place prior to commencement.
- 4.2 Regulatory Services – Contamination issues can be addressed through conditions requiring the submission of a contamination remediation scheme and contaminated land verification report. Noise and air quality mitigation measures suggested should be shown on approved plans rather than conditioned. Flue details required for canteen/café uses. Further conditions are required to control the hours of use of student communal areas and ensure that no gas fired boilers will be incorporated in the scheme. A construction management plan condition is also requested as the proposed 7am start time on site with the Construction Environmental Management Plan is not considered to be acceptable.
- 4.3 West Midlands Police – No objection subject to conditions requiring CCTV, secure access system and secure refuse and cycle stores.
- 4.4 West Midlands Fire Service – No objection

- 4.5 Environment Agency – No objection subject to conditions requiring the undertaking of a remediation strategy.
- 4.6 Severn Trent Water – No objection subject to drainage condition
- 4.7 Lead Local Flood Authority (LLFA) – No objection subject to the submission of sustainable drainage and a sustainable drainage assessment and operation and maintenance plan.
- 4.8 Adjacent occupiers, Councillors, M.P. and residents associations notified and site/press notices posted. 104 letters of objection received to the initial consultation raising the following concerns:
- Increased noise and disturbance;
  - Already over-provision of purpose built student accommodation and HMOs in the area;
  - Coronavirus will reduce demand for accommodation with more people studying from home;
  - It will be too expensive for most students;
  - More accommodation should be built on The Vale instead;
  - Increased pressure on public services;
  - Increased demand for parking spaces as students will still bring cars;
  - Car park is needed on site;
  - Increased traffic;
  - Harmful financial impact on local landlords;
  - Increased likelihood of accidents increasing risk for both pedestrians and drivers;
  - Number of university students will not increase significantly;
  - Damage to local environment;
  - No benefits for local community;
  - Site cannot reasonably accommodate so many students;
  - Increased crime and anti-social behaviour;
  - Increase in insurance prices;
  - Scale of development is excessive;
  - More residents should have been consulted;
  - No real plan for Bristol Road frontage and will end up empty;
  - Over concentration of students within Bournbrook area;
  - Harmful to local community with families continuing to move out of the area;
  - Continued spread of student accommodation;
  - Alternative use would be preferable e.g. affordable family housing, entertainment venue, hotel or medical facility;
  - No need for further student accommodation; and
  - Harm to the character of the area
  - Loss of privacy;
  - Development is over-bearing on nearby houses and school;
  - Negative impact on house prices;
  - Development will not mean the HMOs are returned to family dwellings.
  - HMOs may turn into supported accommodation;
  - Gated developments harm local amenity;
  - Community space isn't needed;
  - Flexible unit will remain empty;
  - Development is too large and disproportionate in relation to surrounding 2 storey buildings;

- Increased air pollution;
  - Loss of sunlight;
  - More shops and job creation needed;
  - Increased litter;
  - HMO's will become abandoned and deteriorate;
  - Site is too far from the University of Birmingham;
  - Health hazard arising from high population density;
  - Lack of pre-application consultation;
  - GP surgerys cannot cope with additional patients;
  - Selly Oak is turning into a ghost town;
  - Increased traffic and congestion;
  - The cross city line cannot cope with a further increase in passenger numbers; and
  - Impact on local infrastructure e.g. water, refuse collections
- 4.9 2 letters of support has been received to the initial consultation raising the following matters:
- Close to train station;
  - Community uses welcomed;
  - Increased traffic is a myth;
  - Good for local businesses;
  - HMOs can be converted back to family homes; and
  - Important to maximise density in sustainable location;
- 4.10 An objection has been received by the Frederick Road and Rachel Gardens Residents Association (RGRA) raising the following concerns:
- Too many students from Birmingham City and Aston Universities are already living in Selly Oak;
  - Site is too far from University campus;
  - No demand for accommodation;
  - Scale and massing is excessive;
  - Loss of light;
  - Loss of privacy;
  - Development dominates nearby houses and Cherry Oak School;
  - Poor living environment for students;
  - More HMOs will be converted to supported housing;
  - Majority of the site is closed to the public;
  - Parking needs to be monitored;
  - Café and community room are not needed; and
  - No clear use or tenant for flexible space
- 4.11 An objection has been received by the Friends of Selly Oak Park raising the following concerns:
- No need for further purpose built student accommodation;
  - Increased strain on local services;
  - Harmful impact on local community;
  - Spread of student population across a wider area of Selly Oak; and
  - Increasing number of HMOs converted to supported housing creating issues in community;
- 4.12 An objection has been received by Councillor Liz Clements raising the following matters:

- Excessive size, scale and density of development;
- Harmful impact on the character of the local area;
- Residents in Rebecca Drive and Cherry Oak School will be overlooked;
- Loss of pedestrian access across the site;
- Introduction of windows onto Bristol Road frontage is welcomed but concerns that premises will remain unoccupied;
- Increased pressure on parking as students will still bring cars;
- No need for further purpose built student accommodation; and
- HMOs are not being converted back into family homes but are being used as supported housing instead

4.13 An objection has been received by Councillor Fred Grindrod raising the following matters:

- The need for further purpose built student accommodation has not been demonstrated.
- Over-development of the site;
- Scale and density of development is excessive;
- The proposal is not well located for the university it aims to serve;
- Development will be overbearing on properties on Rebecca Drive and Cherry Oak School;
- There is no shortage of cafes or community rooms in Selly Oak;
- Flexible unit could remain empty;
- Proposal creates a gated community with very little public access;
- Harm to local amenity
- The proposals would undermine the local community with HMOs converting to supported housing; and
- Concerns over limited on-site parking, this will need to be monitored closely.

4.14 An objection has been received by the Community Partnership for Selly Oak (CP4SO). The following concerns have been raised:

- No need for further purpose built student accommodation;
- Much greater level of parking needed as students will still bring cars;
- Over-development of the site;
- Site is too far from University campus;
- Rebecca Drive and Cherry Oak School will be overlooked by the development;
- Development will be overbearing on Cherry Oak School, Rebecca Drive and flats above shops on opposite side of Bristol Road;
- Density, scale and massing are excessive;
- Harm to local amenity;
- Majority of the site is closed to the public;
- Increased likelihood of more HMOs being converted to supported housing;
- Development harms the character of the area;
- Café and community space not needed; and
- Flexible unit may remain unoccupied

4.15 A letter of objection have been received by Steve McCabe MP raising the following concerns:

- No need for further purpose built student accommodation;
- Poor quality living environment for students living in block C;
- Increased pressure on parking in local streets;
- Increased traffic;
- Highway safety concerns;

- Harm to local businesses including the Job Centre;
- Harm to Cherry Oak Primary School;
- Increased levels of noise and disturbance; and
- Development is too large and has excessive height;
- Cherry Oak School is overlooked;
- Loss of privacy for nearby houses;
- Increased pressure on local GP Surgeries;
- More cycle parking is needed;
- More disabled parking spaces are needed;
- Loss of sense of community within Selly Oak;
- Disproportionate number of students already within Selly Oak;
- Covid-19 crisis will almost certainly have limited the ability of residents to submit comments

4.16 Following a 3 week re-consultation 29 additional letters of objection were received. The following new issue was raised:

- Such a high density development could be the epi-centre for future virus breakouts

4.17 The Community Partnership for Selly Oak (CP4SO) have submitted a further objection to the amended scheme raising the following matters:

- In terms of its scale and mass the development is still too big;
- The properties on Rebecca Drive and Cherry Oak School will still be overlooked and the development will be overbearing;
- Development will also be overbearing on the residential flats above shops on the opposite side of the Bristol Road;
- Unacceptable levels of noise and air pollution for proposed occupiers, a mechanical ventilation system should be used rather than opening windows;
- The redesigned frontages are less attractive than before. A greater variation in building heights should be used to reduce the number of bedrooms;
- A demand for the accommodation has still not been demonstrated;
- The development is too far from the University campus;
- Still concerns about the lack of parking and proposed car ban; and
- Happy that a viable management plan has been provided for the community room however it should be free to use

## 5. Policy Context

5.1. The following local policies are applicable:

- Birmingham Development Plan (BDP) 2031
- Birmingham Unitary Development Plan (UDP) Saved Policies 2005
- Places for Living SPG
- Car Parking Guidelines SPD
- Wider Selly Oak SPD

5.2 The following national policies are applicable:

- National Planning Policy Framework (NPPF)

## 6. Planning Considerations

6.1. I consider the key planning issues in the determination of this application are; the principle of site redevelopment; the principle of student accommodation on this site; economic impact; impact on Selly Oak District Centre; the siting, scale and



appearance of the proposed building; living conditions for prospective occupiers; impact on parking and highway safety; impact on neighbouring residential amenity; impact on trees and landscape; sustainability and drainage.

- 6.2. Principle of Site Redevelopment
- 6.3. The National Planning Policy Framework (NPPF) advises that there is a presumption in favour of sustainable development and that for decision making this means approving development proposals that accord with the development plan without delay. Paragraph 117 encourages the use of as much previously developed (brownfield land) as possible.
- 6.4. Policy GA9 of Birmingham Development Plan (BDP) promotes the Selly Oak and South Edgbaston area for major regeneration and redevelopment. The policy seeks to strengthen the role of Selly Oak District Centre Growth Point. To address the need for regeneration of the centre the policy recommends that all developments should contain a mix of uses, make a positive contribution to the diversity and vitality of the Centre. The policy makes specific reference to the Triangle Site indicating that it would be suitable for small scale retail, offices, other town centre uses and residential.
- 6.5. The site, which is located within the District Centre and has lain vacant since the opening of food superstore on the new Selly Oak Retail Park, which was formerly known as the Battery Site. When outline planning permission was granted for a major mixed use development on the Battery Site (2012/02178/PA) it was accepted that a large supermarket was no longer required on the Triangle Site. The S106 associated with Battery Site specifically precluded the then applicant from using the Triangle site for food retail once the new store was complete. Bearing this in mind and the sites position adjacent to two retail parks further significant retail would be unsustainable in the current economic climate.
- 6.6. This student accommodation led scheme is supported by a café (A3), community hub (D1) and flexible unit (A1, A2, D1, D2) which creates a genuine mix of units on the site. The re-development of the site has been a long term aspiration of the City Council and the range of uses proposed conforms with the aims of Policy GA9.
- 6.7. Principle of Student Accommodation
- 6.8. The Birmingham Development Plan (BDP), at Policy TP33, has a set of criteria for off-campus development which includes; a demonstrated need for development; a good location in relation to the educational establishment, local facilities and public transport; that the development would not have an adverse impact on the local neighbourhood or residential amenity; the scale, massing and architecture of the development is appropriate for the location; and that the design and layout of the accommodation would create a positive living experience.
- 6.9. The application site falls within the defined District Centre and also falls within the primary shopping area. However the site is also identified as a development opportunity within the Wider Selly Oak SPD. The policy identifies that a mix of uses could be acceptable on the site including non-food retail, community uses, residential, hotel, student accommodation, offices and leisure uses.
- 6.10. The Wider Selly Oak SPD acknowledges the attractiveness of Selly Oak for student accommodation and the application site is one the identified larger sites where purpose-built provision could be acceptable. The scheme also incorporates

community uses and A class uses on the Bristol Road frontage as supported by the SPD.

- 6.11. The submitted Market Demand Report finds that the area around University of Birmingham has a potential undersupply of more than 13,000 PBSA bed spaces. This takes into account bed spaces currently available at UoB accommodation, including those that are part of nomination agreements, as well as beds offered on a direct let basis in a commutable distance. The report also notes that there are currently only a small number bed spaces in the development pipeline close to UoB and the focus of other planned PBSA is overwhelmingly in and around the city centre.
- 6.12. The report calculates that the student to bed space ratio for the University of Birmingham stands at 2.2:1 indicating a need to deliver additional accommodation in the area. Planning Policy Officers are therefore content that a need has been demonstrated in this instance.
- 6.13. Objectors have specifically raised the potential reduced demand for student accommodation since the start of the Covid-19 global pandemic. This has been modelled within the applicants latest Student Needs Assessment. Two different scenarios have been tested, which are described as optimistic and pessimistic. The optimistic scenario models a drop in demand of 7% whereas the pessimistic option tests a drop of 16%. Under the pessimistic option the student bed ratio drops to 1.8:1 which still indicates a need and demand for further PBSA in locations close to educational establishments.
- 6.14. I note local objectors' concerns regarding an over-supply of student accommodation (and associated impacts in creating an unbalanced community). However, I am satisfied that, existing and currently consented developments for student accommodation fall short in terms of providing sufficient residential accommodation to meet the identified quantitative need for student accommodation to serve the University of Birmingham. The increasing trend in full-time students at the University, and in particular overseas students, means there is a demonstrated demand for purpose built accommodation. Selly Oak will always likely be a popular location for students to live in because of its close proximity to the University.
- 6.15. The scheme provides of mix of cluster units and studios which come in a variety of sizes meaning that they cover a range of price points. The applicant states that typically their en-suite rooms will tend to cost more than the price of a room in an HMO, however the quality of the accommodation, the inclusion of all bills and access to a range of communal on site facilities mean that it provides an attractive alternative to some students. Economies of scale available on a site of this size allows the applicant to provide facilities that are not normally available to those in smaller schemes or in HMOs. In summary, it is considered that the scheme provides a good mix of accommodation, providing an attractive alternative choice for students.
- 6.16. A reasonable walking distance is defined as 10 minutes/around 1km in the Council's report on Student accommodation supply and demand. The application site is located 15 minutes' walk from the centre of the University of Birmingham campus, approximately 1.2km and although this is marginally in excess of the definition above, I do not consider this to be significant bearing in mind the direct nature of walking routes available e.g. along the Bristol Road or canal towpath.

- 6.17. Selly Oak Railway station is approximately a 4 minute walk away (320m) from the application site and there are 8 different bus services operate along Bristol Road adjacent to the site. The development is also being designed to allow direct access to a proposed cycleway. The application site is located within Selly Oak District Centre and therefore benefits from direct access to a range of local facilities. In addition, it has a similar relationship (in terms of distance) to other recently approved student schemes, such as the Birmingham Battery site. I therefore consider the site has good access for walking, cycling and public transport.
- 6.18. Current planning policy does not restrict the provision of student accommodation at this site and therefore I consider such development would be acceptable in principle, and the need for additional student accommodation has been demonstrated in accordance with Policy TP33 of the Birmingham Development Plan.
- 6.19. Economic Impact
- 6.20. The applicant has submitted an Economic Impact Statement in support of the application. It is estimated that over the 2 year construction period the scheme will create the equivalent of 250 full-time jobs each year in the construction industry. It is estimated that once complete the scheme will create approximately 45 full time jobs through the maintenance and management of the student accommodation and community facilities. The introduction of over 1,000 students onto the site would also result in increased expenditure in local shops and services.
- 6.21. In summary, the scheme would deliver significant economic benefits over both the construction and occupation of the development which would boost the local economy.
- 6.22. Impact on Selly Oak District Centre
- 6.23. The property is situated within the Primary Shopping Area (PSA) of Selly Oak District Centre. The 'Shopping & Local Centres' SPD requires that 55% of ground floor units within the PSA must be retained as A1 retail uses. The current percentage is 46.72% which is already below the 55% figure meaning that ideally no further retail units should be lost. The redevelopment results in the loss of a large food retail store from the site however it is important to remember that the same food retailer has a new superstore on the nearby Selly Oak Retail Park so in this wider sense there has been no harm to provision of retail facilities in the Selly Oak District Centre. Furthermore, in the current economic climate it is highly improbable that a retailer would occupy a unit of this size within the district centre. It is also worth noting that the flexible unit on the Bristol Road could be occupied by an A1 retailer.
- 6.24. Policy 2 of the SPD states that the change to a non-shopping use within a PSA must be considered against a number of factors to ensure suitability.
- 6.25. Currently there is a blank frontage along the Bristol Road between Harborne Lane and Chapel Lane. The proposal introduces a heavily glazed elevation consisting of the entrance foyer to the student accommodation, café, gymnasium (although not publically accessible), flexible unit and a community hub. This provides a variety of uses along this stretch of the Bristol Road and should result in an active frontage throughout the day and evening which is a substantial improvement over the current situation.

- 6.26. The community hub will be managed and maintained by the site owners and be available for the use of the local community. Possible events include (but are not limited to) mother and baby groups, local society meetings or simply a space for people to get together. The community hub would be an entirely self-contained area with no access to the remainder of the student development. Facilities provided for the users of the hub include running water, refrigeration provision, toilets, tables, chairs and a display screen. It is envisaged that there will be an online booking system for the hub with the facility available for booking between 8am and 9m every day.
- 6.27. The applicant has applied for a variety of possible uses for the flexible unit incorporating retail (A1), Financial and professional services (A2), non-residential institutions (D1) and assembly and leisure (D2). This provides flexibility for the applicant and increases the likelihood of an occupier being found.
- 6.28. The site has been vacant for approximately 2 years. The proposal will therefore greatly enhance the vitality and viability of the Selly Oak District Centre.
- 6.29. Siting, Scale and Appearance
- 6.30. The existing building is of red brick construction with a pitched tiled roof. The building extends across virtually the whole Bristol Road frontage between Chapel lane and Harborne Lane with car parking located across the remainder of the application site. The relatively modern building has no particular architectural merit and provides a dead frontage to the Bristol Road therefore the loss of the building would be acceptable.
- 6.31. The scheme proposes 3 buildings consisting of a series of blocks which vary in height between 4 and 12 storeys high. Building A is located towards the south of the site adjacent to the Bristol Road. The ground floor provides an active frontage to the Bristol Road incorporating the entrance foyer, café, gymnasium, flexible use and community space. This is a significant improvement over the current blank elevation. 4 different brick types have been utilised on the Bristol Road frontage which are different shades of red and orange. The buildings have varying fenestration details and the height of each block is different which creates the impression of a high street that has evolved overtime. The subtle differences between each block add visual interest to the Bristol Road elevation.

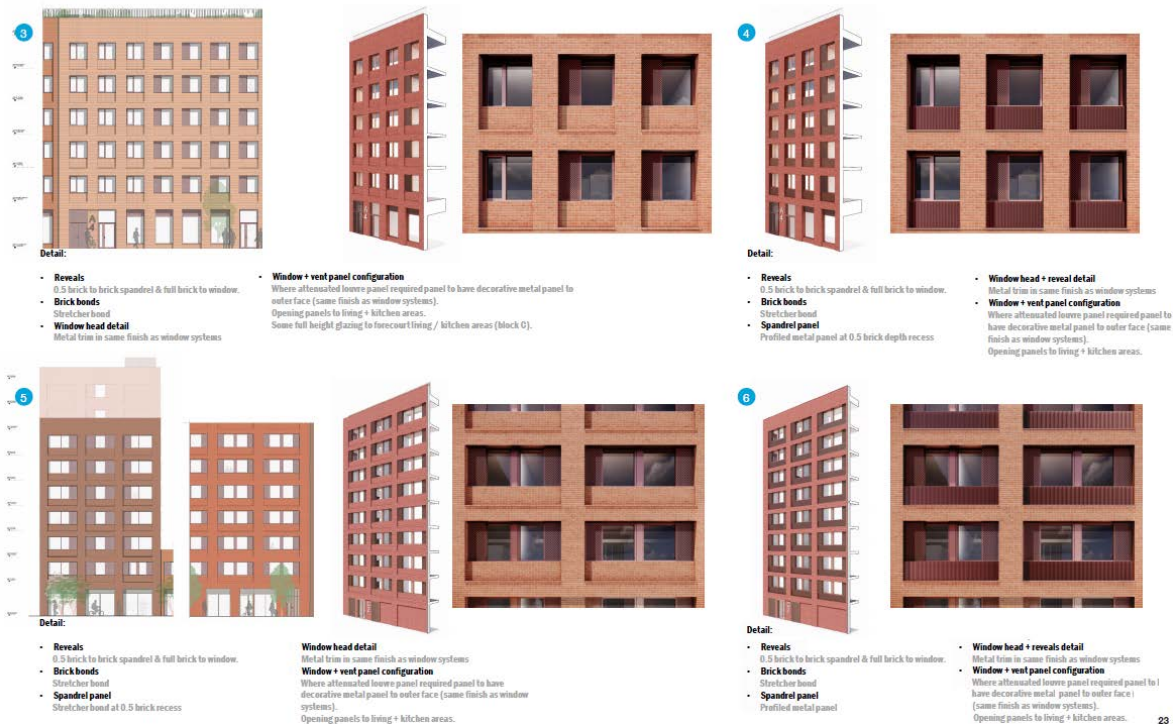


Image 7: Examples of different proposed fenestration details

- 6.32. Building B is 'C shaped' with the scale of the building reducing at the Harborne Lane side of the site. This responds to the residential properties on Rebecca Drive. The taller elements of the site are therefore located closer to other commercial developments such as the adjacent retail park.
- 6.33. Building C is located at the northern end of the site where land levels are approximately 7m lower than the opposite end of the site. It is therefore able to accommodate the increased scale of the 12 storey tower which successfully marks the northern corner of the site. The scheme successfully fronts onto all 3 surrounding roads with no blank elevations facing surrounding streets with the pedestrian entrance located on Chapel Lane.
- 6.34. The City Design Officer is fully supportive of the final scheme that has evolved through detailed discussion and negotiation over a number of months. In summary, the scale, mass and appearance of the proposal fit comfortably into the street scene maintaining the character and appearance of the area.
- 6.35. Living Conditions
- 6.36. The scheme consists of a mix of studios and cluster flats. There are 239 studios proposed which vary in size between 16sqm and 26sqm. The remaining 948 bed spaces are provided in clusters of between 4 and 10 bedrooms. All cluster rooms include an ensuite and vary in size between 12.1 and 25.8sqm in size. The clusters all include a shared lounge and kitchen area which varies between 22.7 and 37sqm in size. A number of the larger rooms have been specially designed to be wheelchair accessible and/or be suitable for other complex needs. All units are considered to be of an acceptable size. In addition all bedrooms have an acceptable outlook with access to daylight.

- 6.37. A range of communal facilities are provided across the 3 blocks of accommodation. Block A includes games room, study, lounge, laundrette, auditorium and gymnasium. Block B includes a canteen and study room. Combined these communal areas provide 1321sqm of shared space which is considered to be a good level of provision for the proposed occupiers.
- 6.38. Outdoor amenity space is proposed in a number of different locations across the site. Block A has a centrally located courtyard (1320sqm) with a roof top garden (528sqm). The Courtyard area for block B measures 907sqm with further amenity areas provided adjacent to Block C (492sqm) and near to the vehicular entrance (477sqm). In total 3,724sqm of outdoor amenity is provided for occupiers across the site which is considered to be a good level of provision.
- 6.39. The applicant has undertaken a noise assessment. The main source of noise affecting the site is vehicular traffic as the site is effectively an island surrounded by 3 busy roads. The noise report identifies glazing solutions to minimise the impact of noise for the proposed occupiers. The assessment also addresses the ventilation and the control of overheating. Options to address such measures include acoustic trickle vents, through wall ventilation and attenuated louvres where noise levels would not permit opening windows. Regulatory Services accept that the measures identified will ensure noise levels are acceptable but would like specific measures finalised and shown on plans at this stage. However, it is considered that as evidence has been provided that appropriate solutions are available that effectively mitigate noise issues the final details can be secured by condition.
- 6.40. The site is located within an Air Quality Management Area and therefore an air quality assessment has been submitted by the applicant. The assessment identified 15 units at ground floor level in buildings A, B and C with potential exceedances of the NO<sub>2</sub> annual mean objective at the building facades. The report identifies that the mechanical ventilation proposed in these rooms could additionally be fitted with NO<sub>x</sub> filtration to protect the health of future occupiers. However, the applicant holds long term aspirations for greater levels of natural ventilation to be incorporated where ambient air quality improves and would therefore like the final ventilation scheme to be secured by condition. Regulatory Services have confirmed that the solutions identified would maintain acceptable levels of air quality for occupiers however they would prefer the final scheme to be agreed and finalised prior to the granting of planning permission. Whilst it would be preferable to have such certainty now I can understand the benefits of wanting to maximise the use of natural ventilation. As the applicant have proven that air quality can be appropriately mitigated I am satisfied the final scheme can be secured via condition.
- 6.41. In summary, the scheme creates an acceptable living environment for the proposed occupiers.
- 6.42. Parking and Highway Safety
- 6.43. The Council's Car Parking Guidelines SPD recommends a maximum of 1 space per 5 beds and a minimum of 1 cycle space per 4 beds for purpose built student accommodation. There is no minimum parking provision requirement. The proposal provides 291 long stay cycle spaces which are positioned in 3 different locations across the site. A further 30 short stay cycle spaces are proposed adjacent to the site entrances. This exceeds the minimum cycle parking requirement of 296 spaces in the adopted SPD. It is worth noting that the emerging Parking Standards SPD requires 1 cycle space for every bedroom. This substantial level of provision has not been provided however the applicant has provided evidence that shows provision at



a ratio of 1 cycle space for every 4 bed spaces is more than adequate at their other sites across the UK. For example, at their Reading residence, Queen's Court, they have 100 cycle spaces for 400 students and the cycle storage generally reaches a peak of around 40% capacity. On this basis the level of cycle storage is considered to be acceptable in this instance.

- 6.44. In terms of car parking there would be 4 off-street disabled parking spaces and a further 27 short stay parking spaces. Transportation are satisfied that this level of provision will enable the site to operate effectively.
- 6.45. The site is located within Selly Oak District Centre meaning that there is excellent access to local facilities. There are bus stops located along the Bristol Road which have very frequent services into the City Centre. Selly Oak Rail Station is located approximately 350m from the site, and again provides frequent rail links to the City Centre. I am therefore satisfied that the site benefits from good public transport links, and is located within easy walking/cycling distance of the University of Birmingham and local facilities at Selly Oak District Centre.
- 6.46. A Travel Plan has been submitted which will make students fully aware of the non-car opportunities of travel. Furthermore, it is understood that the lease agreement would prevent students from parking along local roads and within a certain distance of the site. A Student Management Plan which indicates the procedures for drop-off/pick up at the start/end of each term to ensure that this is carried out on a phased basis.
- 6.47. Transportation Development have raised no objection to the scheme subject to a number of conditions. A number of objections have been received regarding the lack of parking and students bringing cars to the site. With a tenancy agreement and management plan in place it is considered there should be no discernible impact on parking provision in nearby roads.
- 6.48. Concerns have been raised over traffic and congestion. However, it is important to remember that the site was previously occupied by a busy supermarket. It is considered that the vehicular movements associated with this retail use would have been substantially greater than what is likely to occur with the proposed student accommodation.
- 6.49. Amenity of Existing Residential Occupiers
- 6.50. The closest residential dwellings are No's 25 –31 (odds) on Rebecca Drive. At the nearest point the front elevation of these terraced properties are located 52m from building B. Furthermore, the nearest part of block B is limited to 5 storeys in height. Residential flats are located above commercial units on the Bristol Road which are opposite the application site however a separation distance of 40m is retained. In both cases this significant level of separation is considered sufficient to prevent overlooking or a loss of privacy.
- 6.51. Concerns have been raised over the relationship with Cherry Oak School, To help address this concern the tallest tower has been reduced by 4 storeys in height down to 12 storeys high. The school boundary is 41m from the nearest part of Block C which is 7 storeys high and 44m from The 12 storey block. This level of separation is considered acceptable to prevent any direct overlooking of school playground. Furthermore there are some trees planted along the rear boundary of the school grounds which provide a level of screening.

- 6.52. A Construction Environmental Management Plan has been submitted with the application which has been reviewed by both Regulatory Services and Transportation. Regulatory Services have raised concerns over the delivery and working hours of 7am to 6pm Monday to Friday and 7am to 2pm on Saturdays. They have indicated a preference for an 8am start and have requested that this matter is addressed via condition. It is important to note that the site is located within a district centre and surrounded by busy and noisy roads. A 7am start would allow deliveries to occur before peak hours thereby minimising disruption on local roads. With the site access and egress positioned on Chapel Lane any disruption for local residents would be minimised. On balance, the Construction Environmental Management Plan is considered to be acceptable in its current form.
- 6.53. On balance, the proposal does not have a significant impact on the living conditions of nearby occupiers.
- 6.54. Trees and Landscaping
- 6.55. The site is predominantly hard surfaced with some trees located around the periphery of the site. The submitted tree survey identified 15 individual trees and 3 tree groups either within or adjacent to the site. However, 9 of these individual trees have already been removed by the Council to facilitate the Selly Oak new road scheme. The applicant intends to remove 1 category C and 1 category B tree. The Tree Officer raises no objection to this noting that the 'Selly Oak' is being retained and incorporated into the soft landscaping scheme. It is considered that appropriate planting can be secured through a landscaping condition.
- 6.56. Sustainability
- 6.57. A Sustainable Construction and Energy Statement has been submitted with the application. The submitted Sustainable Construction and Energy Statement demonstrates that a range of renewable technologies have been considered and the proposal incorporates VRF heat pumps, Co2 heat pumps and photovoltaic panels. The statement also sets out that how the building can meet the BREEAM 'excellent' standard. To ensure this is achieved a condition will be attached. The requirements of TP3 and TP4 have therefore been met.
- 6.58. Drainage
- 6.59. A detailed Drainage and Flood Risk Assessment has been submitted with the application. The scheme proposes above ground attenuation in the form of wetland areas that form part of the soft landscaping of the scheme. These water features will ensure that surface water drains into the public sewer at greenfield run-off rates. The Lead Local Flood Authority are fully supportive of the scheme and raise no objection subject to conditions.
- 6.60. In summary sufficient information has been provided to demonstrate that the proposed drainage strategy is in full accordance with the requirements of policy TP6 of the BDP.
- 6.61. Other Issues
- 6.62. Many objectors believe that the site should be used for alternative uses which include affordable family housing, an entertainment venue, hotel or medical facility.

It is important to note that the site is effectively a large island that is bounded by busy roads. This detracts from the attractiveness of the site for certain alternative uses. Furthermore, officers are only able to consider the scheme presented to them to determine whether the predominant use as student accommodation is acceptable. The fact that other alternatives may also be theoretically acceptable on the site should have no bearing on the determination of this application.

- 6.63. Concerns have been raised over the potential for increased crime and anti-social behaviour. The site will have staff present 24/7 with just one pedestrian and vehicular access into and out of the student accommodation. With robust boundary treatments provided around the site is considered to be secure. It is important to note that West Midlands Police have raised no objection to the scheme. Concerns have been raised over littering however there is no evidence that this would be the case.
- 6.64. Some objectors felt that the level of consultation on the application was insufficient. However, 282 letters were sent to nearby properties, site notices were posted adjacent to the site and a press notice was published in the local newspaper. This comfortably exceeds the minimum requirement set out within the Development Management Procedural Order. The applicant also undertook their own extensive consultation exercise prior to the submission of the application which included a workshop and public exhibition. In total flyers were sent to 1953 properties by the applicant during the pre-application consultation exercise.
- 6.65. Concerns have been raised over the impact on house prices however this is not a material planning consideration.
- 6.66. Regulatory Services has requested a condition limiting the hours of use of all communal areas within the student accommodation. Bearing in mind the significant distance from the nearest residential properties and the ambient noise levels surrounding the site arising from vehicular traffic, this is considered to be unnecessary.
- 6.67. The development would be liable for Community Infrastructure Levy (CIL), which I calculate to be in the region of £2,680,000.

## 7. Conclusion

- 7.1 I consider the development of this site for purpose built student accommodation would be acceptable in principle, given this is a brownfield site in a highly sustainable location within walking distance of the University of Birmingham campus. The siting, scale and appearance of the proposed development would be acceptable and would sit comfortably in the streetscene. There would be no adverse impact on the amenity of neighbouring residential occupiers and the development would provide an acceptable living environment for future occupiers. The proposal would support the function of the University of Birmingham as a key provider of employment, culture, and learning in the City. Therefore I consider the proposal would constitute sustainable development and I recommend that planning permission is granted.

## 8. Recommendation

- 8.1. Approve subject to conditions.

- 
- 1 Requires the scheme to be in accordance with the listed approved plans
  - 2 Implement within 3 years (Full)
  - 3 Requires the submission of sample materials
  - 4 Requires the prior submission of a sustainable drainage scheme
  - 5 Requires the submission prior to occupation of the properties of a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan
  - 6 Requires the submission of a CCTV scheme
  - 7 Requires the submission of a lighting scheme
  - 8 Requires the prior submission of a contamination remediation scheme
  - 9 Requires the submission of a contaminated land verification report
  - 10 Requires the implementation of tree protection
  - 11 Requires the submission of a scheme for ecological/biodiversity/enhancement measures
  - 12 Requires the submission of details of bird/bat boxes
  - 13 Requires the prior submission of a habitat/nature conservation management plan
  - 14 Submission of final BREAAAM standard excellent certificate
  - 15 Requires the prior submission of level details
  - 16 Requires the submission of hard and/or soft landscape details
  - 17 Requires the submission of hard surfacing materials
  - 18 Requires the submission of boundary treatment details
  - 19 Requires the submission of a landscape management plan
  - 20 Requires the provision of cycle parking prior to occupation
  - 21 Requires the parking area to be laid out prior to use
  - 22 Requires the submission and completion of works for the S278/TRO Agreement
  - 23 Provision of Community Hub
  - 24 Requires the submission any extraction and odour control details for the A3 unit and student canteen
  - 25 Prevents the use of a gas fired boiler
  - 26 Requires the submission of methodology for undertaking further noise and air quality
-

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monitoring

- 27 Requires the submission of detailed scheme of glazing and ventilation
  - 28 Continuous review of The Student Management Plan
  - 29 Requires the implementation of a Construction Environmental Management Plan
  - 30 Requires the submission of architectural details
  - 31 Requires the submission of window frame details
  - 32 Submission of detailed cross-sections
- 

Case Officer:        Andrew Fulford

## Photo(s)



Photo 1: View north across Bristol Road towards rear of the former retail superstore



Photo 2: View south west from Chapel Lane towards site entrance



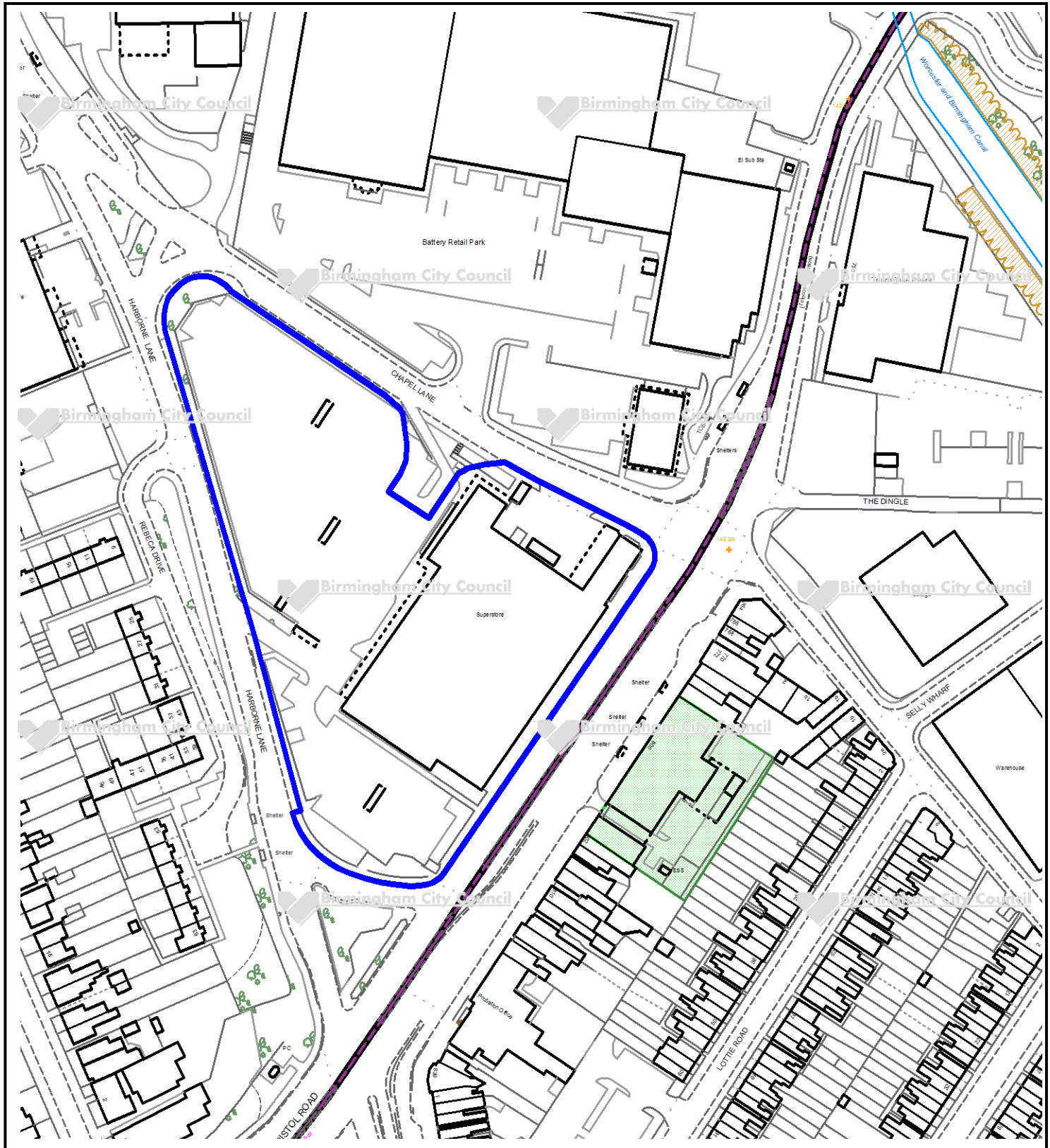


Photo 3: View north east across the site (former Sainsburys car park)



Photo 4: View from Harborne Lane towards properties on Rebecca Drive

## Location Plan



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Committee Date:	04/02/2021	Application Number:	2020/09328/PA
Accepted:	24/11/2020	Application Type:	Advertisement
Target Date:	04/02/2021		
Ward:	Harborne		

High Street/War Lane/Albert Road/Lordswood Road Roundabout,  
Harborne, Birmingham, B17 9PY

Display of three non-illuminated post mounted signs.

Recommendation

**Approve Temporary**

1. Proposal

- 1.1. Advertisement consent is sought for the installation of 3no. free-standing post mounted signs on the roundabout at the junction of High Street, War Lane, Albert Road and Lordswood Road in Harborne.
- 1.2. The signs would all measure 0.5m in height, 1m in width and 0.05m in depth. The base of the signage would be set up from ground level by 0.35m and signs would be 2m from the kerb edge. All of the signs would be non-illuminated.
- 1.3. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site relates to the roundabout at the junction of High Street, War Lane, Albert Road and Lordswood Road in Harborne. The roundabout comprises a raised paved area around the perimeter and in the centre, landscaped sections facing Lordswood Road and Albert Road and a large tree in the centre, and existing directional signs.
- 2.2. [Site Location](#)

3. Planning History

- 3.1. None.

4. Consultation/PP Responses

- 4.1. Transportation Development – No objection.
- 4.2. No public consultation required.

4.3. Harborne Planning Watch – Comment:

- The signs would be a distraction to drivers at a busy junction.
- There would be obstruction of drivers' sightlines at a busy junction.
- The signs would add to undesirable "street clutter."
- There are no details of the proposed advertisers.

5. Policy Context

5.1. Relevant Local Planning Policy:

- Birmingham Development Plan (BDP) 2017
- Birmingham Unitary Development Plan (UDP) Saved Policies 2005

5.2. Relevant National Planning Policy:

- National Planning Policy Framework (NPPF) 2019
- The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended)

6. Planning Considerations

6.1. This application has been assessed against the objectives of the policies as set out above.

6.2. Only the impact upon amenity and public safety can be taken into consideration when determining applications for consent to display advertisements.

Amenity

6.3. A tree is sited within the roundabout so the City's Tree Officer has been consulted. In terms of installation, they consider it should be possible to drive the uprights into the ground without any excavation.

6.4. I note the comment from by Harborne Planning Watch that there are no details of the proposed advertisers. The advertisers on such displays are likely to change. The proposed signage would be an appropriate size for the context, would not cause an over-cluttering of the roundabout and would be acceptable on amenity grounds.

Public Safety

6.5. Transportation Development raise no objection to the proposal. The signage would be set back 2m from the edge of the roundabout kerb and be 0.85m in height. The proposal would therefore ensure adequate visibility remains and I consider the proposal would have an acceptable impact on public safety.

7. Conclusion

7.1. I consider that the proposed signage would not have an adverse impact on visual amenity or on public safety. As such, I recommend the application is approved subject to conditions.

8. Recommendation

8.1. Approve Temporary.

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

2 Limits the approval to 5 years (advert)

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Case Officer: Caroline Featherston



## Photo(s)



Photo 1: Looking north west towards Lordswood Road (Google Maps August 2020).



Photo 2: Looking south east towards Albert Road (Google Maps March 2019).





Photomontage for illustrative purposes 1 – Sign facing High Street.



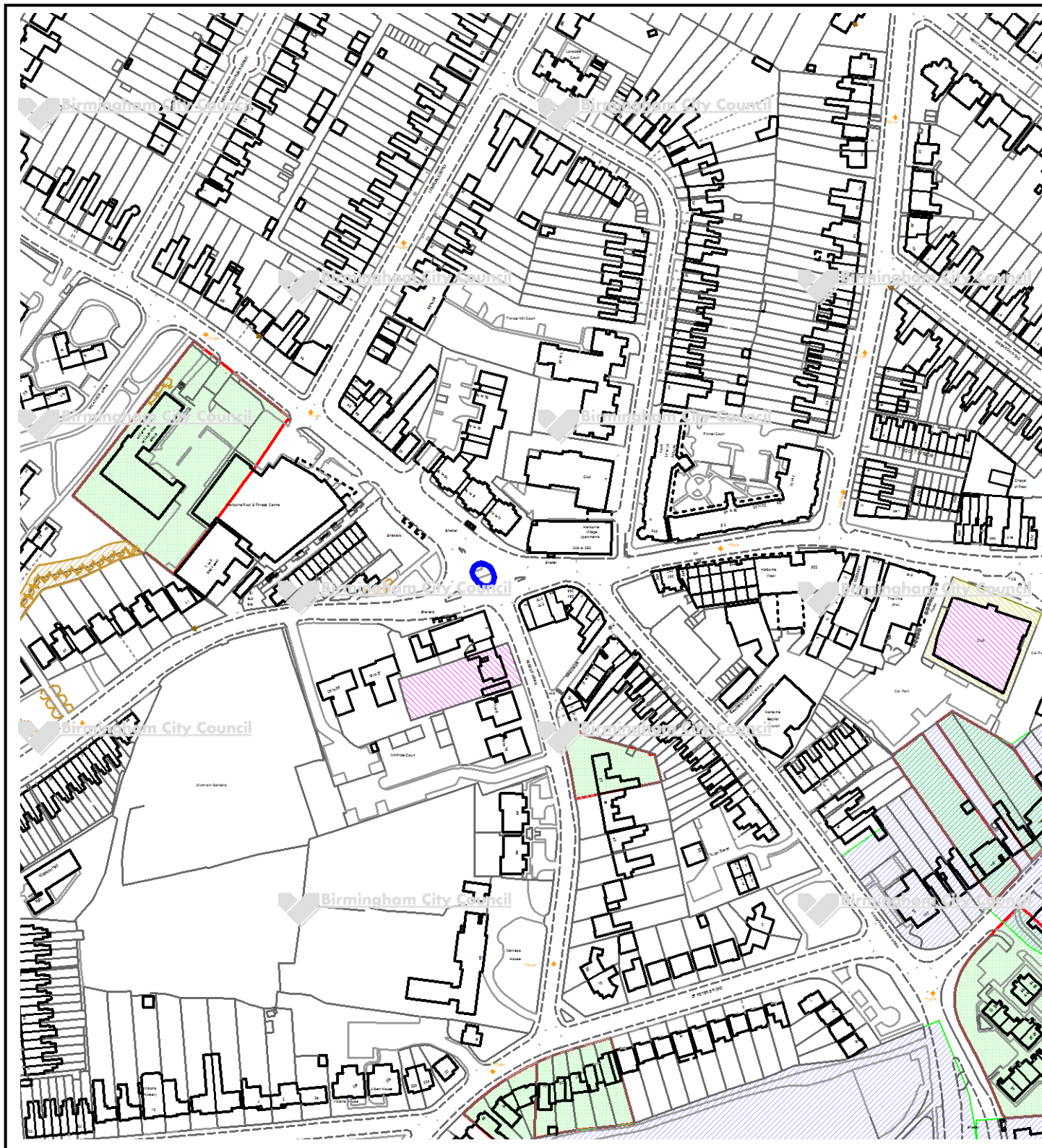
Photomontage for illustrative purposes 2 – Sign facing Lordswood Road.





Photomontage for illustrative purposes 3 – Sign facing War Lane.

## Location Plan



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# Birmingham City Council

## Report to Planning Committee

4<sup>th</sup> February 2021

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**Subject:** Planning Committee Site Visit Protocol

**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 seek approval for a protocol that sets out the governance arrangements to be put in place for Planning Committee Site Visits.

### 2. Recommendations:

- 2.1. To approve the 'Protocol for Planning Committee Site Visits' as set out in Appendix 1.

### 3. Background:

- 3.1. During the Covid 19 pandemic only virtual Planning Committee meetings are taking place and during this time Planning Committee site visits are not taking place. However, it is important that a revised protocol has been approved to govern the conduct of any site visits in the future.
- 3.2. 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.
- 3.3. 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.

- 3.4. The team met with a wide range of people both inside and outside the Council, including senior politicians and managers, planning staff, community groups, agents and developers, as well as observing the staff and Planning Committee in action.
- 3.5. The Peer Review recognised that the Council's growth plans and aspirations to create a world class city are ambitious and challenging and identified a number of areas where we are demonstrating positive characteristics in service delivery, including the quality of many schemes that have been delivered, but it also identified a number of areas of concern where we can do better.
- 3.6. These included the conduct of site visits by the Planning Committee which it considered was vital to change they were being conducted in order to ensure the process is equitable to applicants, objectors and third parties. The report commented that the process was inefficient and frustrating for customers and stakeholders, raises issues of fairness and transparency and needlessly exposed decisions to risk of challenge. The Peer review recommended that:
- 6. Urgently review the operation of the Planning Committee site visits and nominate a lead officer to manage this process in order to tighten the current protocol and to reduce the risk of accusations of unfairness and judicial review.*
- 3.7. The Council should have a clear and consistent approach to when and why to hold a site visit and how to conduct it. This should avoid accusations that visits are arbitrary, unfair or enable lobbying.
- 3.8. The existing protocol enables Committee members to call for site visits at the Committee meeting where the application is to be decided and where interested parties have gathered to speak or listen to the debate. Although the Chair was observed to ensure that there were valid reasons to defer a decision for a site visit, some observers informed the Peer Team that their perception was that this was used as a delaying tactic rather than a necessity to visit the site. To avoid deferrals or the perception of delaying tactics, the peer team recommended that Committee members should request a site visit during the 21-day public consultation period so that site visits take place in advance of the Committee Meeting.
- 3.9. The present protocol does not prevent the site visit from becoming an extension of the debate at Planning Committee and specifically allows for third party speaking rights. The Peer Team strongly recommended that this should be stopped to remove the potential for legal challenge. Following the receipt of the Peer Review this practise was stopped pending the formal review of the Protocol.
- 3.10. In most councils, site visits are tightly controlled and no debate is allowed and they are conducted more like Planning Appeal site visits. This prevents any debate and allows only the establishing of site constraints and facts. The applicant/agent and Ward Members are invited to attend and can point out site features but no third parties are permitted to speak.



- 3.11. Site visits should only be necessary where the benefit is clear and substantial; Planning Officers will have already visited the site and assessed the scheme against policies and material considerations.
- 3.12. A site visit is only likely to be necessary if there is a difficulty assessing the application without a site visit and where the required information cannot be provided by plans, images or any supporting information or where the proposal is particularly contentious. Planning Committee Members now receive pre-application presentations for the most significant applications and if it is considered that these particular applications also warrant a Committee Site Visit that could be raised following the presentation.
- 3.13. Since the restrictions imposed as a result of Covid 19 there have been no Committee Site Visits and additional images and information provided have been sufficient for members to deal with a number of significant applications. Therefore, it would seem that, going forward, the need for a Committee Site Visit will only be required in the extreme.
- 3.14. If individual Committee Members wish to visit a planning application site they can do so but should only view the site from public vantage points. Whilst a councillor might be invited to enter the site by the owner, it is not good practice to do so on their own, as this can lead to the perception that the councillor is no longer impartial.
- 3.15. The proposed protocol as attached at Appendix One follows the recommendations by the Peer Review Team. If the protocol is approved for use, it will come into effect immediately but until the Covid 19 restrictions are lifted, site visits will continue to be suspended.

*Ian J. MacLeod*

Ian McLeod  
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)



# **APPENDIX ONE:**

## **PLANNING COMMITTEE SITE VISIT PROTOCOL:**

### **SCOPE;**

- A) The purpose of a site visit is to allow Members of the Planning Committee to view planning application sites, accompanied by a Planning Officer prior to its consideration at a Planning Committee meeting; as decided by the Director of Inclusive Growth, in consultation with the Chair of Planning Committee.
- B) Site visits are intended to:
  - a. be fact-finding exercises,
  - b. enable officers to point out relevant features,
  - c. enable questions to be asked on site for clarification,
  - d. enable Members to see plans in the context of the site.
- C) Site visits are not part of the formal consideration of the application and therefore public rights of attendance and speaking do not apply. Attendance by Ward Members is covered by paragraph T) below.
- D) A site visit will only include a visit to the application site. If a visit to an adjacent site is considered necessary, this should be decided prior to a site visit taking place.
- E) Members of the Planning Committee should not enter a site which is subject to a proposal other than as part of an official site visit, even in response to an invitation, as this can lead to the perception that the Councillor is no longer impartial.
- F) If individual Committee Members do wish to visit a planning application site they should only view the site from public vantage points.

### **PROCEDURE:**

#### **PRIOR TO THE SITE VISIT**

- G) Site visits should only be necessary where:
  - a. the application cannot be assessed without a site visit and where the required information cannot be provided by plans, images or any supporting information; or
  - b. where the proposal is particularly contentious and where the benefit of a Site Visit is clear and substantial.
- H) Planning Officers will identify those applications where a Committee Site Visit is considered necessary. In addition, any request for a site visit by a Member of the Planning Committee must be made in writing to the Director of Inclusive Growth during the public consultation period. The Member must state the reason(s) for the request. The requests for a Site Visit will be decided by the Director of Inclusive Growth, in consultation with the Chair of Planning Committee.
- I) The time and date of the Site Visit will take place prior to the Planning Committee meeting where the application is to be considered and will be agreed by the Chair of the Planning Committee.

- J) The applicant's agent/or applicant where there is no agent ("the applicant") will be notified of the date and time of the site visit and asked to arrange access. The applicant will be informed that the Protocol is available to view on the web site.
- K) The Planning Committee Members and relevant Ward Member(s) will be notified of the date and time of the site visit at least three clear days before the visit is due to take place.

## **2 THE SITE VISIT:**

- L) If the Applicant is present, the Chair or Member nominated by the Chair in advance ("the Chair") and officer will introduce themselves. The Chair will remind the applicant that the site visit will be conducted in accordance with this protocol.
- M) The Chair will call the site visit to order and will ask the planning officer in attendance to summarise:
  - a. the application
  - b. any relevant site history
  - c. the features of the site
  - d. any other matters the officer considers should be pointed out.
- N) The Planning Officer may ask the applicant to point out particular features within or adjacent to the site, or to explain aspects of the proposals, but only as an aid to the explanation. There will be no discussion of the merits of the case.
- O) Planning Committee Members may seek clarification from the Planning Officer on matters relevant to the site visit. Any comments shall be restricted to facts, not opinions.
- P) Ward Member(s) may attend the site visit to observe and, only at the request of the Chair, may clarify factual matters.
- Q) Planning Committee Members and Officers should not enter into a debate on the merits of the application or on possible amendments to the proposals with either the applicant or with any third party who is observing the site visit – for example, a Ward Member or local resident. If approached Planning Committee Members should direct people to the Officer and/or suggest they write to the Council. If Planning Committee Members have any concerns or suggestions about the proposals the appropriate forum for these concerns is the subsequent Committee meeting and not the site visit.
- R) Planning Committee Members may, of course, express concerns to the attending Planning Officer, but such concerns would only be informal in nature and should not be discussed on site with the applicant or any third party. Any comments are restricted to facts, not opinions.
- S) At no time will the applicant, Ward Member or local resident be permitted to address or question Members of the Committee.
- T) Members should remain in one group for the duration of the site visit.
- U) The Chairman will close the site visit.