

Birmingham City Council

Planning Committee

31 January 2019

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Approve-Conditions	9	2018/08700/PA Land rear of 297-303 Brandwood Park Road Brandwood Birmingham B14 6QR Erection of 3 no. dwellings with associated parking and landscaping
Approve-Conditions	10	2018/06517/PA Former Royal British Legion Kings Norton Club Bells Lane Druids Heath Birmingham B14 5QH Change of use from Royal British Legion Club (Use Class D2) to restaurant (Use Class A3), installation of extraction system and timber screening on roof

Committee Date:	31/01/2019	Application Number:	2018/08700/PA
Accepted:	05/11/2018	Application Type:	Full Planning
Target Date:	31/12/2018		
Ward:	Brandwood & King's Heath		

Land rear of 297-303 Brandwood Park Road, Brandwood, Birmingham, B14 6QR

Erection of 3 no. dwellings with associated parking and landscaping

Applicant:	Mr Imtiaz Ahmed 2 Popular Avenue, Handsworth, Birmingham, B19 1JT
Agent:	MDMarchi Design 1046 Stratford Road, Hall Green, Birmingham, B28 8BJ

Recommendation

Approve subject to Conditions

1. Proposal

- 1.1. This application seeks planning permission for the erection of 3 no. 3 bedroom dwellings at the rear of 297 Brandwood Park Road.
- 1.2. The dwellings are presented as a pair of semi-detached dwellings and a single detached dwelling. All dwellings are 2 storeys in height, have gable end roofs and porches to the front.
- 1.3. The dwellings would be set back from the pavement by 3.5m. The building would be of a simple design consisting of a mix of brick and render elevations, tiled roof and windows and doors to match the surrounding area.
- 1.4. Each dwelling includes a living room, kitchen/dining room and WC on the ground floor with a single bedroom, 2 double bedrooms and a family bathroom on the first floor. Each dwelling has a private garden measuring 70sqm in size.
- 1.5. Site Area: 0.0450ha Density: 22.2dph Car Parking: 100% provision
- 1.6. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site is a rectangular plot of land that is overgrown and has been vacant for a number of years. The site is secured by fencing to all sides.
- 2.2. The site is situated within a residential estate dating back to the 1970s. Dawberry Fields Neighbourhood Park is located to the east and the front elevation of No's 283 -291 Brandwood Park Road are located to the south. The rear of No's 297-303 are located to west and the rear of No's 311 and 313 Brandwood Park Road are located to the north. The surrounding dwellings are all of similar design being 2 storeys in

height with a shallow pitched roof. These dwellings are brick at ground floor level with cladding of various colours and materials at first floor level.

2.3. [Site and Location Plan](#)

3. [Planning History](#)

3.1. None

4. [Consultation/PP Responses](#)

4.1. Transportation Development – No objections subject to conditions requiring the provision of cycle storage and the insertion of footway crossings.

4.2. Regulatory Services – No objections subject to conditions regarding the submission of, contamination remediation scheme and contaminated land verification report and the provision of a vehicle charging point.

4.3. West Midlands Police – No objection

4.4. Severn Trent Water – No objection.

4.5. Site notice posted, local MP, Councillors, Residents' Associations and the occupiers of nearby properties notified of the application. Six objections have been received raising the following matters:

- There is insufficient parking in the area;
- The site is of ecological importance (a SLINC) and contains slow worms;
- Loss of privacy;
- Loss of light;
- Increased litter;
- Increased levels of anti-social behaviour;
- Noise and dirt during construction;
- Loss of green area;
- Building site would be a hazard for children;
- Difficult for bin lorries to enter cul-de-sac; and
- Over-development of site

5. [Policy Context](#)

5.1. The following local policies are applicable:

- Birmingham Unitary Development Plan 2005 (Saved Policies)
- Birmingham Development Plan (2017)
- Places for Living (Adopted Supplementary Planning Guidance 2001)
- The 45 Degree Code (Adopted Supplementary Planning Guidance 1996)
- Car Parking Standards SPG

5.2. The following national policy is applicable:

- NPPF – National Planning Policy Framework (2018)

6. [Planning Considerations](#)

6.1. Principle

- 6.2. The NPPF defines the three dimensions of sustainable development as being economic, environmental and social. The NPPF and appeal decisions have established that there must be very good reasons to resist development if it otherwise constitutes sustainable development. There is also a strong emphasis on providing new housing, especially at sustainable locations within urban areas. The NPPF seeks to ensure the provision of sustainable development, of good quality, in appropriate locations and sets out principles for developing sustainable communities. The NPPF promotes high quality design and a good standard of amenity for all existing and future occupants of land and buildings. It encourages the effective use of land by utilising brownfield sites and focusing development in locations that are sustainable and can make the fullest use of public transport, walking and cycling. The NPPF seeks to boost housing supply and supports the delivery of a wide choice of high quality homes, with a mix of housing (particularly in terms of type/tenure) to create sustainable, inclusive and mixed communities.
- 6.3. Policy TP28 of the BDP, requires new housing to be; outside flood zones 2 and 3 (unless effective mitigation measures can be demonstrated); served by new or existing infrastructure; accessible to jobs, shops and modes of transport other than the car; capable of remediation; sympathetic to historic, cultural or natural assets; and not in conflict with other specific policies of the plan. In summary the site is in a good location to deliver sustainable development.
- 6.4. Design
- 6.5. Policy PG3 of the BDP explains that “All new development will be expected to demonstrate high design quality, contributing to a strong sense of place.” It goes on to explain that new development should: reinforce or create a positive sense of place and local distinctiveness; create safe environments that design out crime and make provision for people with disabilities; provide attractive environments that encourage people to move around by cycling and walking; ensure that private external spaces, streets and public spaces are attractive, functional, inclusive and able to be managed for the long term; take opportunities to make sustainable design integral to development; and make best use of existing buildings and efficient use of land.
- 6.6. Brandwood Park Road is a predominately residential area dating back to the 1970s. The properties are all of a similar design being 2 storeys in height with a shallow pitched roofs and gable end roof design. The proposed dwellings have many similar features of the surrounding properties. For example they are 2 storey dwellings with a shallow pitched roof which has gable ends. The proposed plot sizes are also not dissimilar to those of surrounding dwellings. Located at the end of a cul-de-sac the 3 dwellings would comfortably integrate into the street scene. It is therefore considered that the overall design of the proposed scheme would be acceptable and in keeping with the character of the local area.
- 6.7. Residential Amenity
- 6.8. The Places for Living SPG sets out a number of numerical standards which help to ensure that acceptable amenity standards are provided for the occupiers of new dwellings and retained for the occupiers of adjacent properties.
- 6.9. The proposal is surrounded by residential development on 3 sides. The front elevation of No's 289 and 291 Brandwood Park Road are located opposite the front elevation of the proposed dwellings. There is a distance of 23.9m between the front elevation of the proposed and existing dwellings. This distance exceeds the 21m

requirement within the Places for Living SPG and therefore no loss of privacy would occur.

- 6.10. The side elevation of the nearest proposed dwelling is 17m from the rear elevation of No's 299 and 301 Brandwood Park Road. This exceeds the 12.5m requirement within the Places for Living SPG ensuring that the proposal would not appear overbearing or cause a loss of light. It is noted that there are 2 small windows on the side of the nearest proposed dwelling however these windows serve a WC and landing area and can therefore be obscurely glazed, which can be secured by condition.
- 6.11. A distance of 23.5m is retained between the rear elevation of the proposed dwellings and rear elevation of no's 311 and 313 Brandwood Park Road. This level of separation ensures that there is no loss of privacy for the occupiers of these dwellings. A distance of 11.7m is retained between the rear elevation of the proposed dwellings and the rear boundary of No's 311 and 313. This ensures that the dwellings will not overlook the private gardens of adjoining properties.
- 6.12. Concerns have been raised over general noise and disturbance. It is acknowledged that there would be some noise and disturbance during the construction phase however this would only be temporary. There is no evidence to suggest that once occupied that there would be undue levels of noise arising from the individual dwellings. No objections have been raised by Regulatory Services in this regard.
- 6.13. Concerns have also been raised about increased levels of anti-social behaviour arising from the 3 dwellings. There is no evidence to suggest that this would be case. Importantly West Midlands Police have raised no objection to the scheme.
- 6.14. Each 3 bedroom dwelling has a garden measuring 70sqm which accords with the standards with the Places for Living SPG. The level of private amenity space provided is therefore acceptable.
- 6.15. The Nationally Described Space Standards are not yet adopted in Birmingham but they do provide a good yardstick against which to judge proposals, to ensure that the accommodation is of sufficient space to provide a comfortable living environment for the intended occupiers. For 3 bedroom, 5 person dwellings a minimum gross internal floor area of 93sqm is required. Each double bedroom should be 11.5sqm in size whilst single rooms should measure 7.5sqm. I have calculated that each dwelling measures 92.3sqm which is only marginally below the National Standard. All bedrooms across the 3 dwellings meet the required standard. The size of the accommodation is therefore acceptable.
- 6.16. In summary, the proposal does not have an undue amenity impact on the occupiers of adjacent properties and creates an acceptable living environment for the proposed occupiers.
- 6.17. Transportation
- 6.18. Policy TP38 of the BDP requires that development proposals support and promote sustainable travel and TP44 requires new development to support the delivery of a sustainable transport network.
- 6.19. Each dwelling has been provided with a single parking space. Concerns have been raised regarding the loss of a parking area in front of the proposed dwellings. Whilst some dwellings in the locality do not have off-street parking there are no parking restrictions on surrounding roads. The Transportation Officer raises no objection to

the scheme subject to conditions requiring the installation of footway crossings and the need for cycle storage. I have no reason to disagree with this view in what is a sustainable location with frequent bus services available on Brandwood Park Road.

6.20. Ecology

- 6.21. The Council has a duty to consider the impact of any proposal on protected species. The Council's Ecologist has indicated that the site has been utilised by slow worms. This matter can be satisfactorily addressed through a condition requiring the submission of a protected species and habitat protection plan. Subject to compliance with this condition the Ecologist considers that the proposal can be implemented without an undue impact on the protected species. Some representations have indicated that there are specific environmental designations covering the application site e.g. a site of Local Importance for Conservation (SLINC). However, I can confirm that there are no national or local environmental designations covering the site or adjoining areas.

6.22. Landscape and Trees

- 6.23. The site is overgrown with brambles but does include some fruit trees. The Tree Officer raises no objection to removal of any vegetation on the site. The plans include a basic landscaping scheme which introduces hedges to the front, lawn at the rear and a tree within each garden. The existing 1.8m boundary fencing adjoining neighbouring properties would also be retained. The scheme is therefore acceptable from a trees and landscaping perspective.

7. Conclusion

- 7.1. The proposed development would be in accordance with, and would meet policy objectives and criteria set out in, the BDP and the NPPF. The scheme is acceptable in terms of its design, amenity, highways, landscape and ecology considerations. It would contribute towards the city's housing requirements. Therefore the proposal would constitute sustainable development and it is recommended that planning permission is granted.

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 | Implement within 3 years (Full) |
| 3 | Requires the submission of sample materials |
| 4 | Obscure glazing of windows on side elevations |
| 5 | Requires the provision of cycle parking |
| 6 | Requires the prior submission of a legally protected species and habitat protection plan |
| 7 | Requires the prior submission of a contamination remediation scheme |
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8 Requires the submission of a contaminated land verification report

Case Officer: Andrew Fulford

Photo(s)

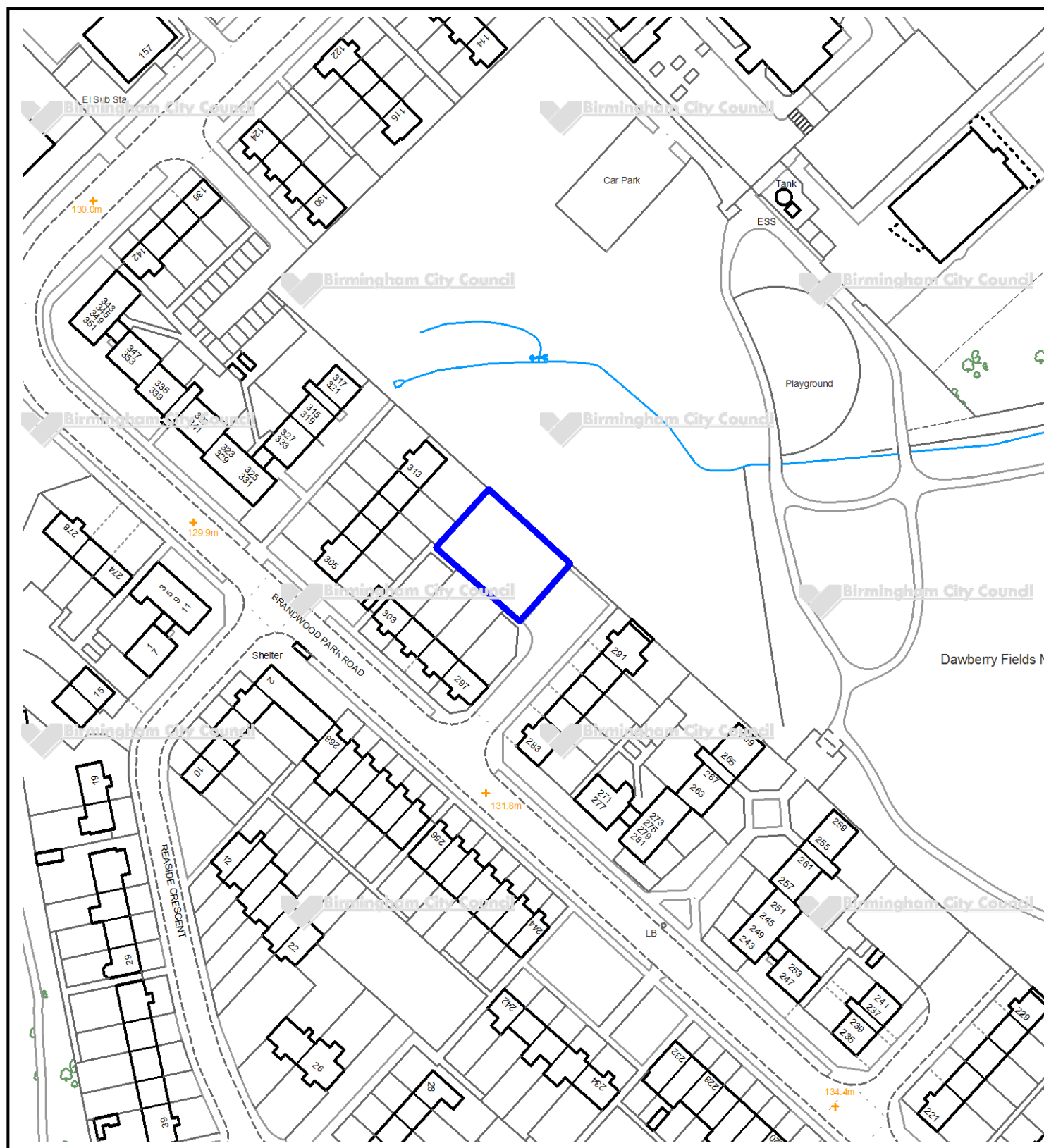


Photo 1: View north-west across the site towards No's 311 and 313 Brandwood Park Road



Photo 2: View north-west towards application site

Location Plan



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Committee Date:	31/01/2019	Application Number:	2018/06517/PA
Accepted:	20/08/2018	Application Type:	Full Planning
Target Date:	15/10/2018		
Ward:	Druids Heath & Monyhull		

Former Royal British Legion Kings Norton Club, Bells Lane, Druids Heath, Birmingham, B14 5QH

Change of use from Royal British Legion Club (Use Class D2) to restaurant (Use Class A3), installation of extraction system and timber screening on roof

Applicant:	Mrs Hong
	10 Pershore Street, Digbeth, Birmingham, B5 4RU
Agent:	Formplan
	21 St Dennis House, Manor Close, Melville Road, Edgbaston, Birmingham, B16 9NE

Recommendation

Approve subject to Conditions

1. Proposal

- 1.1. Planning permission is sought to change the use of the former Royal British Legion Club, Bells Lane, Druids Heath (Use Class D2) to a restaurant. The proposed restaurant would include a small ancillary bar and seating area. The proposal also involves some minor external works to install new staff entrance doors to the buildings rear elevation as well as the installation of an extraction system and timber screening on the building's roof.
- 1.2. The restaurant/bar would employ 6 full-time employees, 3 part-time employees and facilitate 160 customers at maximum capacity. The applicant has proposed the opening hours for the restaurant and bar between 12:00 - 23:00 Monday to Saturday and 11:30-22:30 Sunday and Bank Holidays.
- 1.3. Associated advertisement consent application (ref: 2018/06555/PA) for the display of 3 x internally illuminated fascia signs and 1 x internally illuminated freestanding sign in car park is currently pending a decision.
- 1.4. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The site comprises of the former Royal British Legion Norton Club. The application site has an area of 2,588sq.m and consists of a large single storey flat roof building with an internal floor area of approximately 700.9sq.m. The application property has been vacant since April 2017 and the external appearance of the building has visibly decayed in the last 18 months. The remainder of the site consists of large tarmac car park which provides 34 spaces.

2.2. The surrounding area is predominantly residential in character. Residential properties no/s 8, 9, 10, 11, 12 & 14 Bell Farm Close adjoins the site to the north and no.219 Bells Lane adjoins the site to the east. Bells Farm Community Centre is situated approximately 40 metres north-west of the site. The application site is not situated within a designated Local Centre; however there are a number of commercial units within a kilometre of the application site. King Norton Green Local Centre is situated approximately 1.25km west of the site; Maypole District Centre is situated approximately 1.29 km east of the site; Cotteridge Local Centre is situated approximately 1.75km north-west of the site; Yardley Wood Local centre is situated approximately 2.54km north-east of the site and Kings Heath District Centre is situated approximately 2.85km north of the site.

2.3. [Site Location Plan](#)

3. [Planning History](#)

3.1. 2018/06555/PA - Display of 3 internally illuminated fascia signs and 1 internally illuminated freestanding sign in car park - Approve Temporary - 19/11/2018.

4. [Consultation/PP Responses](#)

4.1. Local Councillors, Residents Associations, Neighbourhood Forums and Neighbouring Residents notified. Site notice displayed.

4.2. MP Steve McCabe has commented on the application following correspondence with a number of constituents living on Bells Farm Close who are particularly concerned regarding the proposal. Consequently, MP McCabe has canvassed the views of a further 600 households in close proximity to the site. Residents have informed MP McCabe that they endured ongoing antisocial behaviour and noise disturbance during the brief period that the former club operated as 'The Crown' licensed premises and are concerned that similar issues will arise if the application is approved, especially if the restaurant is permitted to serve alcohol. However, those responding to the survey were evenly split between those in favour and those against the proposal. Residents living on Bells Farm Close also raised concerns about the smell and noise likely to come from the extraction system given their proximity to the site. The site plans submitted show the commercial waste bins are to be stored directly against the perimeter fence and local residents are worried about the smell and potential for attracting vermin as they have experienced problems with vermin in the past.

4.3. Councillor Pritchard has objected to the application following correspondence with local residents.

4.4. The application received 13 responses from neighbouring residents. 6 responses in objection to the application, 6 responses in support of the application and 1 response neither objecting nor supporting the application.

4.5. The following objections were raised:

- Issues around the suitability of the site. The site is small in size and is located within a residential area and not within a local centre with existing shops and other facilities and amenities.
- Attract anti-social behaviour to the area.

- There are already five food outlets within a mile of each other near the site. This includes one Chinese restaurant, a chip shop, McDonald's, a Caribbean restaurant and a Kebab take-away.
- Increased congestion on Bells Lane during peak times.
- Noise pollution from customers, extraction fans and vehicular traffic would be detrimental to adjoining residential properties, especially late at night.
- Odours produced from the cooking of food would be unpleasant for neighbouring residents.
- Food waste will encourage vermin.
- Resulting overspill parking onto Bells Farm Close causing congestion problems for residents.
- More detail required regarding the proposed plant equipment which needs to comply with gas & hazardous waste regulations.
- Smoking facilities should be to the front of the premises to reduce the nuisance of noise.
- Cooking oils should be recycled or disposed of responsibly.
- All relevant plant & equipment should be maintained regularly.
- Confirmation of the provision of no outdoor eating and drinking areas.
- The proposal would devalue the neighbouring residential properties.
- No site security measures stated in the application.
- The site would be better utilised as a social club or failing that additional housing.
- Mid height secure fence required to separate the neighbouring properties from the car park and prevent overlooking into homes and gardens.

The following comments in support were raised:

- There is a shortage of restaurants in the area.
- Proposal welcomed as current vacant building is prone to antisocial behaviour and criminal activities.
- Proposal would provide additional jobs to the local area.
- Proposal would greatly improve the appearance of the building.
- Easily accessible via public transport.
- The surrounding area is devoid of any practical amenity and is in need of investment and regeneration.
- The proposal would benefit the local residents by providing a social destination locally rather than having to travel to similar businesses outside the local area.
- Although Bells Lane is busy during day time hours, during evenings and weekends the local roads are fairly quiet and the site has a reasonable allocation of parking.
- The provision of a bar within the premises should not be an issue given that there are at least three off-licenses within short walking distance of the site.

- 4.6. Transportation Development – No objections subject to conditions requiring the car parking layout to remain as existing and the submission of secure cycle storage details.
- 4.7. West Midlands Police - Any premises operating as a late night drinking/eating establishment has increased potential to host incidents of crime and anti-social behaviour. WM Police raise no objections subject to the following conditions: 1) CCTV to be installed 2) The building is protected by an alarm 3) The car park and any external area is well lit.

- 4.8. Regulatory Services – No objections subject to the following conditions: 1) The submission of a noise impact assessment. 2) Details of extract ventilation and odour control equipment. 3) Hours of Use restricted to Monday - Saturday 12:00 - 23:00 hours, Sundays and Bank Holidays 11:30 - 23:00. 4) Limiting the noise levels for Plant and Machinery. 5) No external plant and/or machinery or associated ventilation (except necessary food chilling equipment) shall be operated on the site/premises outside of the hours of: Monday - Saturday 12:00 - 23:00 hours, Sundays and Bank Holidays 11:30 - 23:00. 6) The submission of a detailed lighting scheme. 7) No deliveries shall be taken at or dispatched from the site outside the hours of 0800:18:00 hours Monday - Saturday (with no deliveries on Sundays or Bank Holidays). 8) The consumption of food and drink shall not take place anywhere on the site except within the building.

5. Policy Context

- 5.1. The following local policies are applicable:
- Birmingham Development Plan (2017)
 - Birmingham Unitary Development Plan (saved policies) (2005)
 - Places for All (2001)
 - Shopping and Local Centres Supplementary Planning Document (2012)
 - Car Parking Guidelines Supplementary Planning Document (2012)
- 5.2. The following national policy is applicable:
- NPPF – National Planning Policy Framework (2018)

6. Planning Considerations

- 6.1. The main issues for consideration with this application are the principle of the proposed change of use, design impacts, amenity impacts and highway and parking impacts.
- 6.2. **Principle of use** – Paragraph 86 of the NPPF (2018) states that local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available should out of centre sites be considered.
- 6.3. Policy TP21 of The Birmingham Development Plan (2017) states that proposals for main town centre uses outside a designated Local Centre will not be permitted unless they satisfy the requirements set out in national planning policy. An impact assessment will be required for proposals greater than 2,500sqm.(gross).
- 6.4. The proposed use of the site is defined as a main town centre use. The first requirement is the sequential test. This requires proposals to be directed to designated centres in the first instance, edge-of-centre locations in the second instance and then only to out-of-centre locations if sequentially-preferable locations do not exist. The applicant submitted a Sequential Assessment which identified whether there were any sequentially preferable sites within or on the edge of Maypole District Centre; Kings Norton Green Local Centre; Cotteridge Local Centre; Kings Heath District Centre & Yardley Wood Local Centre. A desktop study was undertaken using six well known commercial property websites to identify potential properties that are for sale or to let. The survey identified seven potential properties, however, none of these properties were considered suitable in terms of available

floor space and on-site parking provision and the majority of the properties identified were considered not suitable in terms of the facilities provided. The submitted Sequential Assessment stated that the proposed development site was chosen based on the size of the unit, the availability of parking on site and the availability of public transport immediately adjacent the site.

- 6.5. Officers accept the conclusions of the study. Although there were some units available, they were no larger than 250sqm in floorspace and given that the application property measures 700.9sqm in floorspace, officers consider it to be unreasonable and impractical for the applicant to significantly downsize to a premises' within a designated centre or at an edge-of-centre location. It is therefore evident that the proposed use cannot be accommodated in any sequentially preferable locations at this current time.
- 6.6. The second requirement is an impact assessment. However, national policy sets a default floor space threshold of 2,500sqm for such an assessment, therefore no impact assessment is required in this instance.
- 6.7. **Design Issues** – As discussed above, the external works proposed to the building is relatively minor. Officers consider the proposed timber screening on the building's roof and the new staff entrance door to the buildings rear elevation would have a limited impact on the character and appearance of the building. The currently vacant property is in a poor state of repair with graffiti on its walls and bringing the building back into use would enhance the external appearance of the property.
- 6.8. **Impact on Residential Amenity** – In amenity terms, the potential impacts of the proposed use of the building are not entirely dissimilar to the impacts that would have been experienced during its former uses as a Social Club and Public House. The planning history for the site shows no previous conditions in relation to the Social Club (D2 Use) or Public House (A4 Use) uses, and this application therefore offers an opportunity to introduce appropriate controls to manage any amenity impacts on the site. A D2 use would cover anything classed as Assembly or Leisure, so the existing use could intensify without any further permissions.
- 6.9. Regulatory Services have raised no objection subject to conditions. Officers consider that with the exception of the requested noise impact assessment condition, all conditions proposed are reasonable and necessary in order to safeguard the amenities of occupiers of the dwellings in the vicinity of the application site. The submission of a noise impact assessment has been recommended by Regulatory services due to the number and location of roof mounted plants proposed. The application site is situated next to a busy road where background noise levels are likely to exceed those generated by the proposed roof mounted plants. Furthermore, a condition is recommended which limits the cumulative noise from all plant and machinery from exceeding 5dB below the existing LA90 background levels and 10dB below the existing Laeq at any noise sensitive premises as assessed in accordance with British Standard 4142 (2014). Therefore, officers do not consider the submission of a noise impact assessment is necessary in this instance.
- 6.10. Given the application property's close proximity to the adjoining residential properties to the north and east, officers consider it reasonable and necessary to recommend the following conditions in order to safeguard against potential disturbances caused to the neighbouring residential properties. The premises shall only be open for customers between the hours of Monday - Saturday 09:00 - 23:00 hours, Sundays and Bank Holidays 11:30 - 23:00. Deliveries shall not take place

outside the hours of 0800 -18:00 hours Monday - Saturday (with no deliveries on Sundays or Bank Holidays). Plant/machinery shall not be used on the premises outside the hours of: Monday - Saturday 12:00 - 23:00 hours, Sundays and Bank Holidays 11:30 - 23:00. In addition, the consumption of food and drink shall not take place anywhere on the site except within the building. Subject to the compliance with these conditions, the proposal is considered acceptable in terms of its impacts upon residential amenity.

- 6.11. Residents raised concerns with the siting of the proposed bin store along the sites northern boundary as it would be sited close to the residential gardens of no.10, 11 & 12 Bells Farm Close. Following concerns raised by the case officer, the applicant has submitted amended plans showing a revised location of the bin store next to the building's East elevation. The revised bin store would be sited approximately 14 metres away from the nearest residential boundary. Officers consider this distance is sufficient enough to mitigate against any potential harm caused to the adjoining residents by way of odour and vermin.
- 6.12. In terms of potential crime issues, West Midlands Police raise no objections to the application subject to conditions requiring the installation of CCTV, for the building to be fitted with a security alarm and for the car park and external areas of the site to be well lit. Officers consider the proposed conditions to be reasonable to impose, given the nature of the proposed use and the benefits it could have for crime deterrence.
- 6.13. **Highway and Parking Impacts** – The application site currently has 34 parking spaces made up of 28 customer parking spaces and 6 staff parking spaces. BCC parking guidelines recommend 1 parking space is provided per 6 covers in area 3. This equates to a recommendation for the provision of 27 spaces. The proposal therefore complies with the Car Parking Guidelines Supplementary Planning Document (2012). The application site is easily accessible by public transport with regular bus services available on Bells Lane which includes a bus stop located directly opposite the site. Transportation Development raises no objection to the proposal subject to conditions requiring the parking layout to remain as existing and requiring the provision of cycle storage for staff. Officers concur with Transportation's recommendation and consider the proposed conditions to be reasonable to impose. Subject to the compliance with these conditions, the proposal is considered acceptable in terms of highway safety and parking impacts.

7. Conclusion

- 7.1. The proposal has been judged to be acceptable in principle. Whilst it is not located within a centre designated in the Birmingham Development Plan, no sequentially preferable sites are available in edge-of-centre locations or within Kings Norton Green Local Centre, Maypole District Centre, Cotteridge Local Centre, Yardley Wood Local Centre and Kings Heath District Centre at this current time which the proposed uses would otherwise be expected to be located.
- 7.2. The proposed use of the site would have similar impacts to those associated with its former uses and the proposal would result in a vacant building being brought back into use. Subject to the conditions listed below, the proposal is considered acceptable in terms of its design, its impacts upon residential amenity and its impacts upon highway safety and parking.

8. Recommendation

8.1. Approve subject to the following conditions.

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| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Requires the submission of extraction and odour control details |
| 3 | Limits the noise levels for Plant and Machinery |
| 4 | Limits the hours of use (Monday - Saturday 09:00 - 23:00 hours, Sundays and Bank Holidays 11:30 - 23:00) |
| 5 | Limits the hours that plant and machinery can be used (Monday - Saturday 12:00 - 23:00 hours, Sundays and Bank Holidays 11:30 - 23:00) |
| 6 | Limits delivery time of goods to or from the site (Monday - Saturday 08:00 - 18:00 hours, no deliveries on Sundays or Bank Holidays) |
| 7 | Limits the approved activity to within the building only |
| 8 | Requires the submission of a CCTV scheme |
| 9 | Requires the building to be installed with a security alarm |
| 10 | Requires the submission of a lighting scheme |
| 11 | Requires the car parking layout to remain as existing |
| 12 | Requires the submission of cycle storage details |
| 13 | Implement within 3 years (Full) |
-

Case Officer: James Herd

Photo(s)



Photo 1 – View of application property's front facing elevation from Bells Lane



Photo 2 – View of application property's front facing elevation with residential properties along Bells Lane in the background.

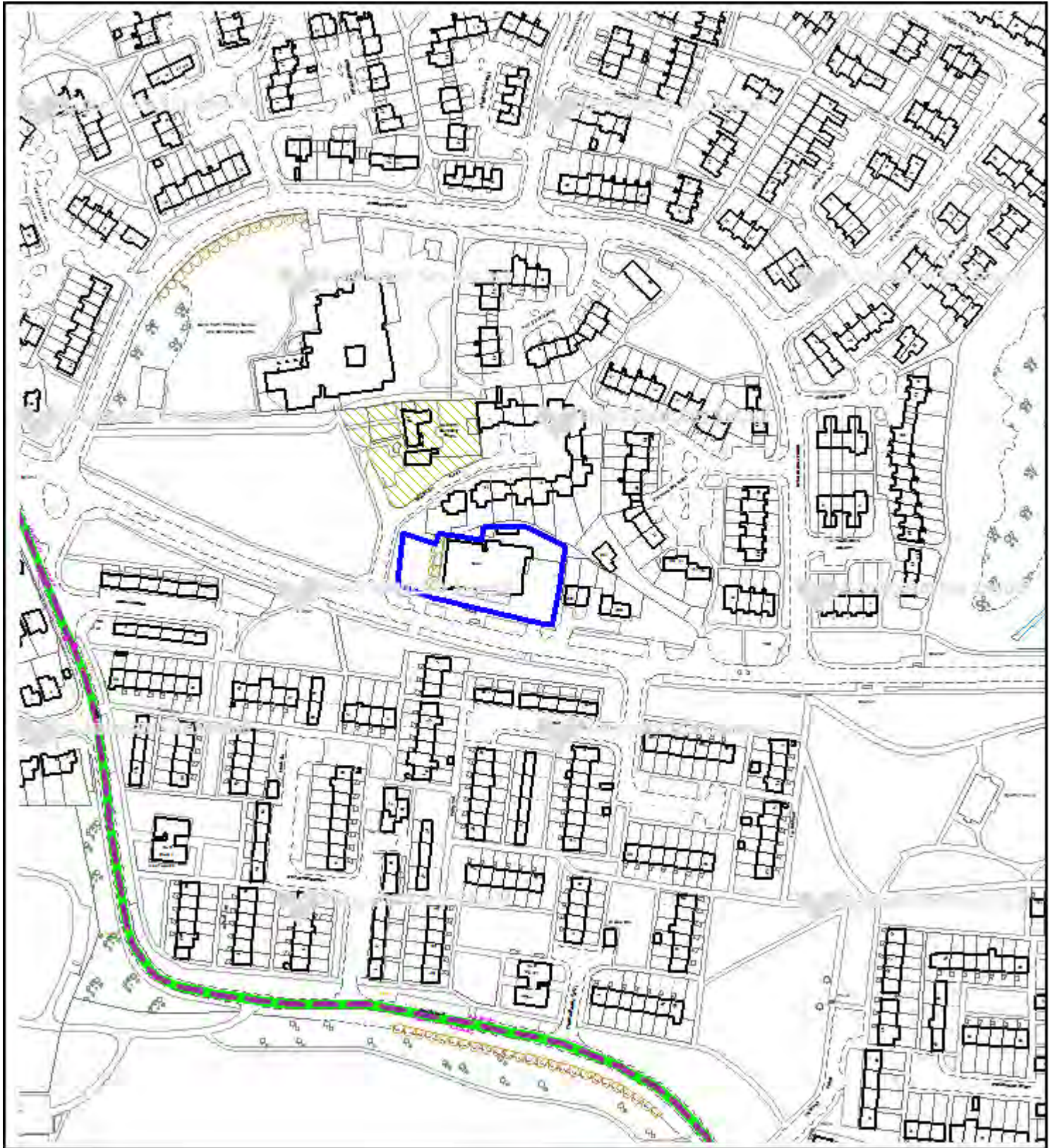


Photo 3 – View of residential properties on Bells Farm Close with the application property’s West (side) facing elevation in the distance



Photo 4 – View of application property's East (side) facing elevation

Location Plan



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Birmingham City Council

Planning Committee

31 January 2019

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Approve – Conditions	11	2018/08385/PA 58 Heath Croft Road Sutton Coldfield Birmingham B75 6RN Erection of two storey front and construction of first floor accommodation with two storey rear extensions.
Approve – Conditions	12	2018/08799/PA 321 Birmingham Road Sutton Coldfield Birmingham B72 1EH Variation of condition number 3 (limits the number of children able to attend the day nursery) to increase occupancy from 40 to 70 children attached to planning application 2017/07923/PA

Committee Date:	31/01/2019	Application Number:	2018/08385/PA
Accepted:	15/10/2018	Application Type:	Householder
Target Date:	04/02/2019		
Ward:	Sutton Roughley		

58 Heath Croft Road, Sutton Coldfield, Birmingham, B75 6RN

Erection of two storey front extension, construction of first floor accommodation and two storey rear extension.

Applicant: Mrs Phillipa Sherlock
58 Heath Croft Road, Sutton Coldfield, Birmingham, B75 6RN
Agent: Jab Architectural Design
10 Harrison Road, Sutton Coldfield, Birmingham, B74 4JL

Recommendation

Approve subject to Conditions

1. Proposal

- 1.1. Consent is sought for the erection of a two storey front extension, construction of first floor accommodation and a two storey rear extension to an existing bungalow.
- 1.2. The proposal facilitates the conversion of a bungalow to a six bedroom two storey dwelling. The ground floor would comprise of alterations to the overall internal layout and the extensions would produce an extended living room to the rear and a front porch. The first floor would comprise of five bedrooms, three en-suites and the other two with a Jack and Jill facility, playroom, dressing room and laundry area.
- 1.3. The proposed two storey rear extension would be 7.762m in width and 3.335m in depth.
- 1.4. The proposed front extension would be 4.663m in width and protruding 0.9m further forward of the original façade.
- 1.5. The proposed materials to be used are white render and stone for the main walls and a tiled roof to match the original.
- 1.6. No new vehicular access is proposed to or from the public highway.
- 1.7. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site comprises of a post-war detached bungalow with a gable roof design. The front is accessed via a paved driveway with a small grassed area to the western edge. The rear comprises of a private garden area host to a small storage shed and mature trees (one sole tree in a central position and others aligning the boundaries), bounded by standard wooden 1.8-2m fencing. There is a private driveway located to the front of the application site (Moor Hall Way).

- 2.2. Neighbouring property (No. 60) is a two storey dwelling situated on a slightly higher ground level to the application site. Permission has recently been approved for a first floor side and rear and two storey rear extensions under planning application 2018/06880/PA. The nearest affected habitable rooms are a ground floor kitchen followed by a first floor bedroom.
- 2.3. Neighbouring property No. 4 Moor Hall Way is a detached dwelling situated on a lower ground level and at a slightly differing angle to the application property. The nearest habitable rooms are a ground floor lounge with a window to the side and rear, and a first floor bedroom to the rear and master bedroom to the front.
- 2.4. The surrounding context of the application site is varied, comprising of a mixture of dwelling types and styles. The composition of the immediate surroundings visible from Heath Croft Road is predominantly two storey and one and half storey dwellings, some designed with brickwork and some with white rendered finishing.
- 2.5. Properties aligning all of the application site's boundaries are two storey dwellings. To the rear of the site, including Moor Hall Drive, there is evidence of houses that once comprised of bungalows that have now been converted into two storey dwellings. To the south of the site on Moor Hall Way, there are two large modern detached dwellings.
- 2.6. [Site Location](#)
3. [Planning History](#)
- 3.1. None relevant.
4. [Consultation/PP Responses](#)
- 4.1. Adjoining residents and local councillors were consulted – 1 supporting statement was received from a local resident; Objections from 7 residences were received.
- 4.2. Reasons for support:
- A sympathetic and well-planned extension that fits with other developments along Heath Croft Road and Moor Hall Way over recent years;
 - Adjacent properties No. 4 and No. 6 Moor Hall Way are both three storey properties and therefore the development would bring the site more in line with its surroundings;
 - The existing bungalow looks out of place in its current form;
 - The proposal is of a high quality design;
 - The proposed development would not impact on nearby properties in any significant way;
 - It would contribute to the local community;
 - The site has well-proportioned access to the site.
- 4.3. Reasons for objection:
- Anomalies on the application form and drawings – incorrect labelling, ambiguity with no measurements, inaccuracies, does not show close proximity or relationship to adjoining properties

- No illustrative street scene, topographical survey or design statement, reference to trees or provision of a flue for the boiler, ventilation, exterior security lighting or intruder alarm boxes;
 - Scale and mass – proposal would increase width to both boundaries, dominate and tower over neighbouring plots;
 - Concerns about the number of additional rooms being facilitated and the internal layout;
 - Terracing effect;
 - Loss of natural light to habitable rooms and courtyard/garden areas which would lead to a loss of enjoyment of the family home;
 - Loss of privacy and feeling of enclosure, encroachment and overshadowing;
 - Design – choice of materials being out of character and spoiling visual amenity;
 - Issues regarding sufficient parking provisions on the site and additional traffic;
 - Consideration should be given to access of construction vehicles;
 - The homeowner on the deeds is different to the name on the application form;
 - The proposal does not conform to local and national policies regarding separation distances, design/scale/character or 45 degree code;
 - does not comply with Part L (conservation of fuel and power) and Part J (combustion appliances and fuel storage systems) building regulations;
 - Structural concerns regarding footings and foundations;
 - Guttering would overhang over the boundary;
 - Sustainability;
 - Carbon monoxide poisoning from chimney;
 - Overdevelopment;
- 4.4. Councillor Ewan Mackey – objection – The proposed development is an over intensive use of the site that will not deliver its intended benefits in addition to creating loss of light to existing properties.

5. Policy Context

- 5.1. The following local policies are applicable:
- Places for Living (2001)
 - 45 Degree Code (2006)
 - Extending Your Home (2007)
 - Birmingham Development Plan (2017)
- 5.2. The following national policies are applicable:
- NPPF – National Planning Policy Framework (2018)

6. Planning Considerations

- 6.1. The application has been assessed against the objectives of the policies as set out above.
- 6.2. The main issues for consideration are the scale and design of the proposed development as well as its impact on neighbouring amenities.

Scale, Mass and Design:

- 6.3. The scale, mass and design of the proposed development are considered to be acceptable. The application site comprises of a large spacious plot in terms of its depth and width, which is a characteristic of many dwellings in the immediate

vicinity. It is deemed that whilst the proposal would be changing the original dwelling from a bungalow to a two storey property, it is not considered to be an incongruous development in regards to the characteristics of the immediate street scene which is host to many two storey dwellings. Whilst the plot and the existing/proposed property is wide compared to some of the properties in the locality, it would however retain space to either side of the house. The proposed development would alter the appearance of the dwelling giving it a more contemporary appearance but this is not considered to result in a detrimental impact on the architectural/visual amenity of the residential area which comprises of a mix of dwelling types and styles. The development would be in accordance with the general principles contained within 'Extending Your Home' Design Guide.

- 6.4. The proposed front and rear extensions are centrally located to the dwelling; the front protruding 0.9m in depth from the original façade and the rear extending by 3.335m in depth. The proposed front extension would not be considered to be a dominating feature and there is a staggered building line along the street and the proposed rear extension would not have any detriment to the forward street scene.

Neighbouring Amenity:

- 6.5. Concerns have been raised by numerous local residents regarding loss of light and outlook from the proposed development to neighbouring properties. The nearest habitable window to the neighbouring dwelling No.60 Heath Croft Road is to a ground floor kitchen window followed by a first floor bedroom and the nearest affected habitable windows to the neighbouring dwelling No. 4 Moor Hall Way is to a ground floor lounge and first floor bedrooms. There are small secondary windows to these rooms to the side elevation but these were conditioned as part of the original consent to be obscurely glazed. The garage and en-suites are not considered in the '45 Degree Code' as habitable rooms. The proposed development complies with the 45 Degree Code in all respects and as a result the proposal would not compromise nor have a detrimental impact upon neighbouring occupiers' light or outlook.
- 6.6. Concerns were also raised regarding loss of privacy and overlooking. It meets all numerical standards outlined within the design guide 'Places for Living' and 'Extending Your Home' with one exception. A narrow side facing secondary window to the first floor master bedroom does not meet the 5m per storey (7.5m rather than 10m) and a condition is recommended to ensure this is obscurely glazed. I acknowledge that there are ground level differences between the application property and neighbouring dwellings, however I consider that there would be no detriment to the amenities of the neighbouring occupiers. The distance from bedroom 2 to the front of the house at first floor level to the side boundary with 48 Heath Croft Road would be 13.5m and there are mature trees and vegetation along this boundary.
- 6.7. The first floor master bedroom balcony to the rear extension, whilst it does have standing room, is acceptable as the balcony will be screened on both sides protecting both adjoining neighbouring occupiers and some 18m from the rear boundary. The proposal also includes Juliette balconies to the rear elevation at first floor level and these are conditions to remain as such with no external standing area.

Other Matters:

- 6.8. The impact on trees has been assessed and the removal of the solitary tree central to the garden would not be detrimental and the proposal would not affect the other trees on site which are located towards the boundaries.
- 6.9. Additional information and amendments to correct errors on the plans were obtained to address neighbour concerns that no and/or false information was received. Concerns were also raised about there being no topographical survey, design and access statement or street scene drawing submitted with the application. A street scene drawing has been submitted. The other documents are not an obligatory requirement for the assessment of a householder application. Sufficient information has accompanied the application to fully appraise the proposal.
- 6.10. Objections on the ground of discrepancies between the name of the applicant and homeowner have been addressed and confirmed with the agent.
- 6.11. Objections regarding the provision of a flue for the boiler, ventilation, structural footings and carbon monoxide poisoning are not planning considerations that cannot be taken into account for this application. They are covered under separate legislation.
7. Conclusion
- 7.1. The proposed development of the facilitation of a two storey dwelling from a bungalow is deemed to be acceptable as it complies with the objectives of the policies outlined above and subject to the safeguarding condition would not result in detrimental impacts to neighbouring dwellings by ways of loss of light, privacy, overlooking or outlook.
8. Recommendation
- 8.1. Approve subject to conditions.

-
- | | |
|---|---|
| 1 | Implement within 3 years (Full) |
| 2 | Requires the scheme to be in accordance with the listed approved plans |
| 3 | Requires the submission of sample materials |
| 4 | Removes PD rights for new windows |
| 5 | Requires the submission details obscure glazing for specific areas of the approved building |
| 6 | Requires the Juliette balconies to have inward opening / sliding doors |
-

Case Officer: Chloe Faulkner

Photo(s)



Photo 1 – Front Elevation of the application property viewed from Heath Croft Road

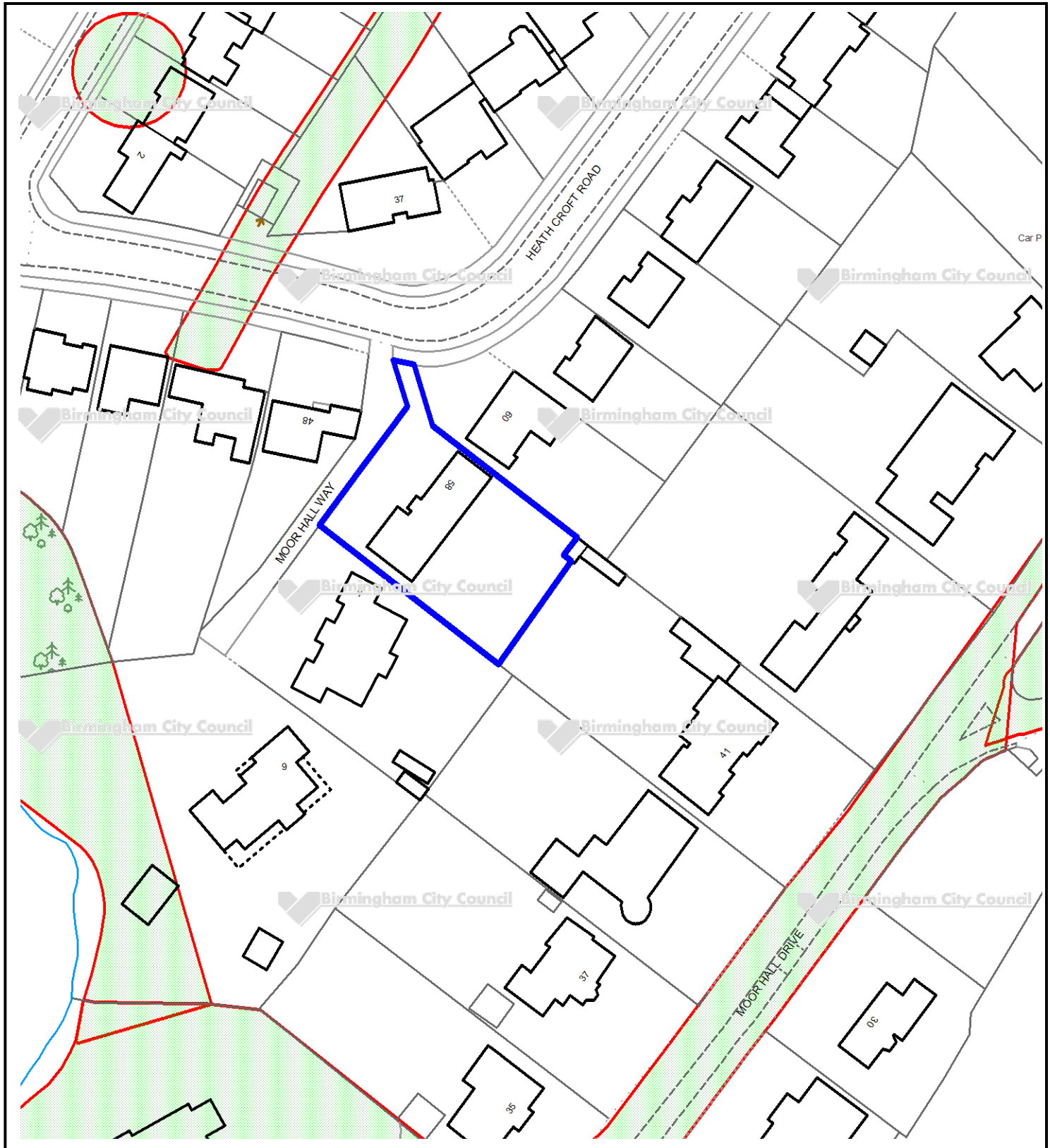


Photo 2 – Application property (right) in relation to neighbouring dwelling No. 60 Heath Croft Road (left)



Photo 3 – View of the application site from the rear garden of 4 Moor Hall Way with 60 Heath Croft Road beyond

Location Plan



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Committee Date:	31/01/2019	Application Number:	2018/08799/PA
Accepted:	30/10/2018	Application Type:	Variation of Condition
Target Date:	25/12/2018		
Ward:	Sutton Wylde Green		

321 Birmingham Road, Sutton Coldfield, Birmingham, B72 1EH

Variation of condition number 3 (limits the number of children able to attend the day nursery) to increase occupancy from 40 to 70 children attached to planning application 2017/07923/PA

Applicant:	Ladybird Nursery 321 Birmingham Road, Sutton Coldfield, Birmingham, B72 1EH
Agent:	FOB Design 72a Water Lane, Wilmslow, Macclesfield, SK9 5BB

Recommendation

Approve subject to Conditions

1. Proposal

- 1.1. Consent is sought to vary condition No.3 (number of children able to attend the day nursery) relating to planning application reference 2017/07923/PA for which permission was granted for the change of use of existing dwelling (Use Class C3) to a children's day nursery for 40 children on the ground floor (Use Class D1) and a single residential flat above (Use Class C3). 6 parking spaces were proposed to the front of the site on this original approval.
- 1.2. The proposed alteration would involve an increase in the number of children allowed to attend from 40 to 70. No changes are sought to the permitted numbers of children playing outside at any one time. There would be an additional 2 members of staff for the proposed increase in child numbers (12 staff in total).
- 1.3. In regard to parking spaces at the site a recent planning application 2018/03252/PA was approved for alterations to existing car park to create 3 additional parking spaces (9 in total) and installation of new footway crossing. This latest application now proposes 1 further additional parking space (10 in total); 9 for the nursery and 1 for the residential unit at first floor.
- 1.4. In all other respects the scheme remains as per planning approval 2017/07923/PA.

[Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site refers to a large semi-detached dwelling which was previously extended and used as a residential care home. Recent planning consent has been granted for the change of use of the existing dwelling (Use Class C3) to a children's

day nursery for 40 children on the ground floor (Use Class D1) and a single residential flat above (Use Class C3). The front amenity area is all block-paved.

- 2.2. The dwelling adjoins 323 Birmingham Road which is used as an art studio and gallery. The occupier on the other side (321a) is a residential dwelling. The surrounding area is predominantly residential in character with a number of commercial buildings interspersed between them. There are other day nurseries visible along the A5127 Birmingham Road.

[Site location](#)

3. Planning History

- 3.1. 16/08/1979 – 50513004 – To convert and extend existing outbuildings to form separate living accommodation for elderly relative and form – Approved-Conditions.
- 3.2. 28/07/1983 – 50513005 – Change of use from residential to rest home for the elderly – Approved-Conditions.
- 3.3. 25/08/2017 - 2017/05020/PA - Change of Use of ground floor dwelling (Use Class C3) to Children's Day Nursery (Use Class D1) – Withdrawn.
- 3.4. 10/11/2017 - 2017/07923/PA - Change of use of existing dwelling (Use Class C3) to a children's day nursery for 40 children on the ground floor (Use Class D1) and a single residential flat above (Use Class C3) - Approved subject to conditions.
- 3.5. 12/03/2018 - 2017/10209/PA - Variation of condition 4 attached to planning approval 2017/07923/PA to allow 15 children to play outside between 11am and 1pm and 10 children at all other times - Approved subject to conditions.
- 3.6. 11/06/2018 - 2018/03252/PA - Alterations to existing car park to create 3 additional parking spaces and installation of new footway crossing - Approved subject to conditions.
- 3.7. 03/10/2018 - 2018/05803/PA - Display of 1no. externally illuminated fascia sign, 1no. externally illuminated double sided freestanding sign, 1 no. non-illuminated low-level wall-mounted sign and 5no. non-illuminated fascia logo signs - Approved for a temporary period of time.

4. Consultation/PP Responses

- 4.1. Adjoining residents, and local ward councillors notified & site notice displayed – 15 individual responses received in support of the proposal from local residents; 6 individual objections have been received from local residents; Reasons for objection:-

- Highway and public safety
- Increase in congestion
- Insufficient parking at the front of site. Create further parking problems on side roads.
- Create further noise and disturbances
- High number of nurseries in the locality and surgery nearby
- First floor is occupied

Reasons for support:

- Improve the area by offering more child care options for parents
- Montessori teaching nursery would be a huge advantage to the local area
- High standard nursery
- Very accessible and convenient location

- 4.2. Councillor Alex Yip raises objections to this proposal on the grounds of that there is already a considerable number of nurseries along Birmingham Road. The proposal to increase the number of children would lead to considerable problems to the flow of traffic along the road with an increase in drop off and pick-ups on a road with limited parking space. A more modest increase in the number of children places should be considered.
- 4.3. Councillor Sam Hodgins (Sutton Town Council) raises objections to the proposal on the grounds that the site is too small for a nursery of 70 children. The proposal will affect traffic congestion within the area and there is inefficient parking. Concerns also raised in regard to potential noise and air pollution from the proposed increase in children and associated visitors and there is already a considerable number of nurseries in the locality.
- 4.4. Wylde Green Neighbourhood Forum – raise objections to the proposal on the grounds of: the site is too small to be able to accommodate so many children effectively and there is insufficient parking on site and the busy main Birmingham Road will not support extra traffic. There are already nurseries in the area and near to a busy doctors' surgery. Affect quality of the air and unsuitable/unsafe to have such a large concentration of young people in this area.
- 4.5. Transportation Development – No objection subject to conditions restricting the number of children accommodated within the proposal, requiring the marking out of car parking prior to development and use solely for that purpose, requiring the provision of suitable cycle parking provision, redundant footway crossing to be reinstated with full height kerbs and pedestrian visibility splay condition of 3.3m x 3.3m x 600mm to be incorporated and maintained at the vehicular access point. It is also suggested to require a contribution from the applicant towards potential Traffic Regulation Orders in the vicinity of the site.
- 4.6. Regulatory Services – No objections subject to conditions of hours of operation, maximum number of children allowed to play outside at any one time, occupation of residential unit, prior submission of extraction and odour control details and prior submission of noise insulation scheme.

5. Policy Context

- 5.1. The following policies are applicable:
- Birmingham Development Plan (2017);
 - Unitary Development Plan (2005) (saved policies 3.14-3.14D & Chapter 8);
 - Car Parking Guidelines SPD (2012)
 - National Planning Policy Framework (2018).

6. Planning Considerations

- 6.1. The main considerations are whether the proposed increase in the number of children would cause any harm to the amenities of neighbouring occupiers or highway safety.
- 6.2. These issues should be assessed against the policies for Day Nurseries in the saved policies contained within the Birmingham UDP 2005 (paragraphs 8.14A and 8.15). Paragraph 8.14A sets out requirements for play space while 8.15 sets out considerations for the building and immediate area in that semi-detached houses may be considered where the number of children is considered unlikely to cause undue noise and disturbance, retention of residential use on upper floors, safe access and egress.
- 6.3. The principle of the proposed change of use of the ground floor of this semi-detached building and the purpose of this new use has already been established under planning approval (2017/07923/PA).
- 6.4. It is considered that the size and layout of the building is suitable for the increase in number of children to maximum 70. The nursery complies with the indoor space requirements as set out in the 'Statutory framework for the early years foundation stage 2017' (page 30) published by the Department of Education. The property has a generously sized rear garden space to provide a suitable play area for children which is well screened from neighbouring dwellings.
- 6.5. Local residents have queried the need for another children's day nursery within the local area, and noise from children playing outside. Whilst there are other day nurseries nearby, the issue of need is not a planning consideration in this instance.
- 6.6. In regard to impact on neighbour amenity in terms of noise issues from the proposed increase in children numbers to a maximum 70; the Council's Regulatory Service have assessed this proposal and have no objections to the proposal subject to conditions previously imposed. These conditions include restricting the hours of operation from 7am to 7pm Monday to Friday, restricting the maximum number of children to play outside – no more than 10 children are permitted to play outside at any one time, except between the hours of 11:00 hours and 13:00 hours where the maximum number of children shall not exceed 15 until 12/03/2019. After the 12/03/19 no more than 8 children are permitted to play outside at any one time – approved under planning application (2017/10209/PA). This condition was imposed because the applicant had previously justified that '*The Chief Medical Officer (CMO) guidance recommends that under-fives should be physically active for at least 3 hours a day. However limiting the number of children allowed outside to eight would be disproportionately onerous in terms of supervision – since a minimum of two staff members would be required for all outdoor activities*'.
- 6.7. Furthermore conditions are recommended for details of noise insulation between the nursery and residential flat above and to provide details of the proposed extraction unit and odour control. Also the residential unit shall only be used solely in conjunction with nursery on the ground floor.
- 6.8. Subject to the above conditions I am satisfied that the proposal would not cause unacceptable noise and disturbance nuisance to adjoining residential occupiers.
- 6.9. Highway Safety

- 6.10. The objections regarding public and highway safety are noted. Transportation Development have assessed this proposal and raise no objection subject to conditions being imposed in relation to: restricting the number of children to be accommodated within the day nursery at any one time, parking spaces to be formally marked out, secure cycle storage provision and a pedestrian visibility splay is to be maintained.
- 6.11. There is an existing footway crossing to the left-side of the site off Birmingham Road which will become redundant and the new footway crossing which has recently been installed is located in a more central position from the highway which was approved under recent planning application 2018/03252/PA. The applicant must ensure that the redundant light duty crossing is reinstated with full height kerbs as otherwise drivers would be attracted to park there, blocking the footway and forcing pedestrians to use the carriageway section.
- 6.12. The Council's current parking guidelines specify maximum parking provision of 1 space per 8 children for day nurseries and 2 spaces per residential unit. Therefore, the specified maximum parking provision for the proposed nursery for total of 70 children would be 9 spaces and 2 spaces for residential unit. The applicant is proposing 10 parking spaces in total (1 further additional parking space from previous approvals) and 1 for the residential unit at first floor (the previous proposal also proposed 1 space for the residential unit). Accordingly, the application proposes on-site parking provision which complies with current guidelines. The site also has a good level of accessibility to public transport.
- 6.13. Whilst it is acknowledged that this proposal is likely to increase traffic to/from the site compared to the previous approval 2017/07923/PA; unlike schools, parents would not need to drop-off/pick-up the children exactly at the same time at a day nursery. Therefore, there is the real possibility of a more staggered pattern of drop off/pick-up. Overall, it is considered the proposed increase in number of children to a maximum 70 to attend this day nursery would unlikely have a harmful impact on highway and public safety that could sustain a reason for refusal. Subject to conditions being imposed, I am satisfied that this element of the proposal is acceptable.
- 6.14. The condition proposed by Transportation Development to require a contribution towards potential Traffic Regulation Orders in the vicinity of the site is not considered to be necessary in order to make the proposal acceptable in this case.

7. Conclusion

- 7.1. This application is recommended for approval. The proposed alterations to the number of children attending the day nursery would not result in any further adverse impact in terms of noise or highways related issues.

8. Recommendation

- 8.1. Approval subject to the following conditions:

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- | | |
|---|---|
| 1 | Limits the hours of operation (0700 - 1900 Mon-Fri) |
| 2 | Limits the number of children able to attend the day nursery (70) |
-

-
- 3 Requires the scheme to be in accordance with the listed approved plans
 - 4 Implement by 9/11/2020
 - 5 Prevents the use from changing within the D1 use class
 - 6 Restricts the number of children permitted to play outside - no more than 10 children are permitted at any one time, except between hours of 11:00-13:00 where the maximum number shall not exceed 15 children until 12/03/2019. After the 12/03/19 no more than 8 children are permitted to play outside at any one time.
 - 7 Requires the parking area to be laid out prior to use
 - 8 Requires the submission of cycle storage details
 - 9 Requires pedestrian visibility splays to be provided
 - 10 Requires the submission of extraction and odour control details
 - 11 Requires the prior submission of noise insulation
 - 12 Requires the flat to be occupied in a manner solely in conjunction with the nursery premises
 - 13 Requires redundant footway crossing to be reinstated with full height kerbs
-

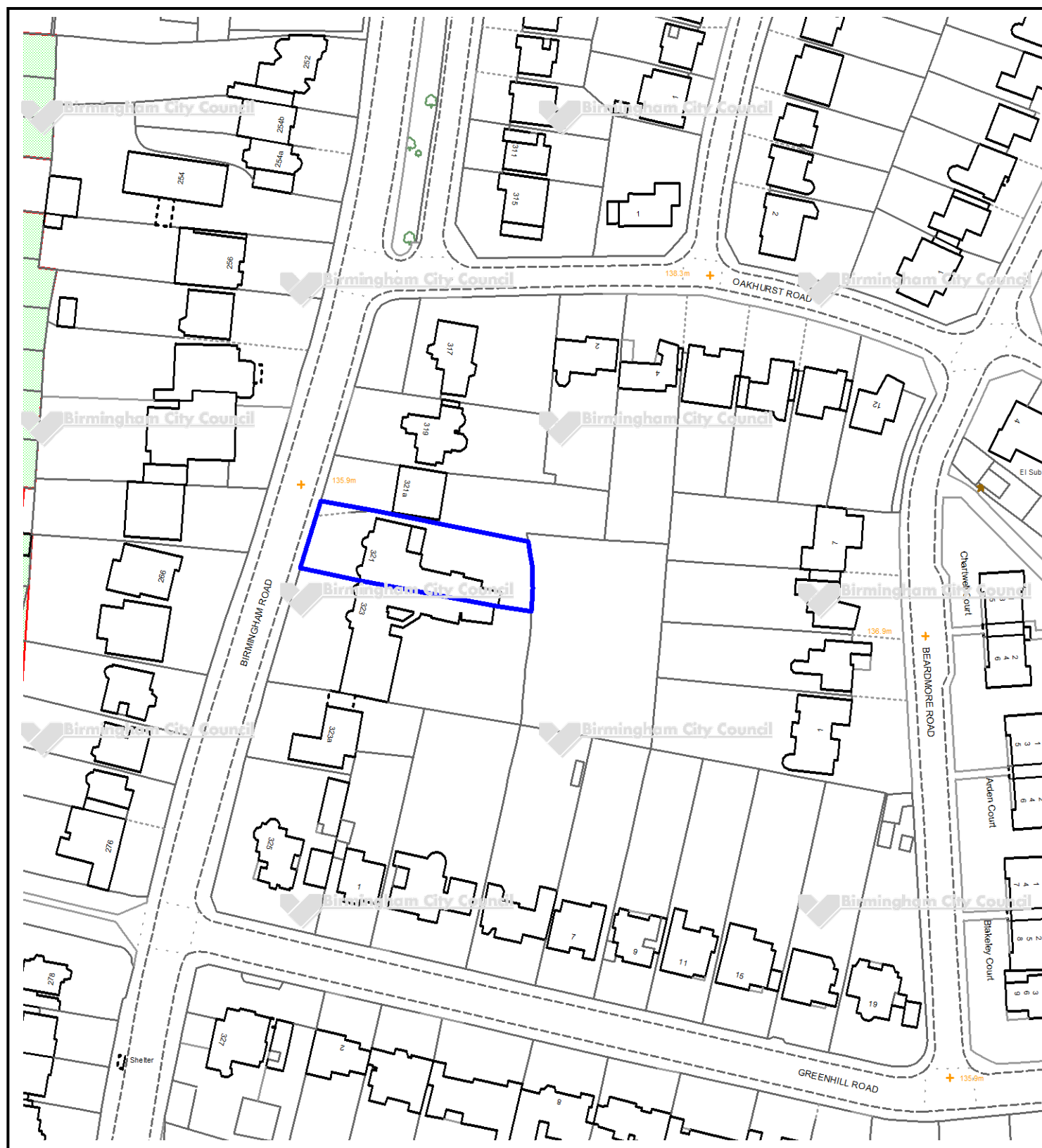
Case Officer: Ricky Chima

Photo(s)



Photo 1 – Front Elevation

Location Plan



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Birmingham City Council

Planning Committee

31 January 2019

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Approve - Conditions	13	2018/09086/PA Land at Gough Street/Suffolk Street Queensway City Centre Birmingham B1 1LX Erection of 330 bed hotel (Use Class C1) including restaurant, ancillary facilities and associated works
Approve – Subject to 106 Legal Agreement	14	2018/08426/PA Land off Cardigan Street, Gopsal Street & Belmont Row Eastside Birmingham B4 7SA Outline application for education (Use Class D1), offices (Use Class B1a & b) and ancillary campus retail facilities (Use Classes A1-A5); all matters reserved except for scale

Committee Date:	31/01/2019	Application Number:	2018/09086/PA
Accepted:	08/11/2018	Application Type:	Full Planning
Target Date:	07/02/2019		
Ward:	Ladywood		

Land at Gough Street/Suffolk Street Queensway, City Centre,
Birmingham, B1 1LX

Erection of 330 bed hotel (Use Class C1) including restaurant, ancillary facilities and associated works

Applicant:	ES Suffolk Birmingham Ltd c/o Agent
Agent:	Turley 9 Colmore Row, Birmingham, B3 2BJ

Recommendation

Approve subject to Conditions

1. Proposal
 - 1.1. Proposal is for the erection of a 4 star 330 bed hotel (C1) ranging in height between 4 and 12 storeys and providing approx. 14,400 sq m of hotel floorspace (GEA).
 - 1.2. The building would be a masonry framed brick built building, which would step from 4 to 7 to 12 storeys. It would feature a double height glazed façade set within a masonry frame to lower ground and ground floor and include a colonnade to Gough Street. Specific materials would be conditioned but the main building is expected to be constructed in a dark grey brick with the taller element being constructed in a white brick.
 - 1.3. The building would include business centre and staff facilities at lower ground floor, reception, bar/restaurant, kitchen, stores, admin stores and large meeting room at ground floor, plant, bin, laundry, delivery and collection area and hotel rooms at first floor and a mix of double, twin and accessible hotel rooms on the rest of the upper floors.
 - 1.4. No on-site parking would be provided, although a drop off zone outside the main entrance on Gough Street is proposed. 10 secure, covered cycle parking spaces for staff would be provided on level 1.
 - 1.5. The proposal is expected to provide approx. 110 operational jobs (40% full-time and 60% part-time), provision of approx. 130 construction jobs and investment of approx. £40 million into Birmingham City Centre.
 - 1.6. A Design and Access Statement, Transport Assessment, Travel Plan, Risk Assessment for Odour, a Heritage Statement, Planning Statement, Environmental Noise Assessment, an Energy Statement, Construction Management Plan,

BREEAM Pre-Assessment Report, an Archaeological Assessment and a ventilation and External plant Statement have been submitted in support of the application.

- 1.7 It was considered at pre-app that the EIA regulations did not require an EIA Screening Opinion to be undertaken.

- 1.8 [Link to Documents](#)

2. Site & Surroundings

- 2.1. The site is within the Westside and Ladywood quarter, in close proximity to Grand Central and New Street Station and comprises of two formerly separate sites which front onto Suffolk Street Queensway and Gough Street. The application site is adjacent the Christadelphian Hall a locally listed, Grade A, building. The wider area consists of a variety of commercial and residential uses within an established part of the City centre.

- 2.2. There are significant land level changes across the site and there are TPO trees on the adjacent site (Gough Street).

- 2.3. [Site location](#)

3. Planning History

Gough Street

- 3.1. 27th February 2015 – 2015/00053/PA Application for prior notification of proposed demolition. No prior approval required.

- 3.2. 16th November 2015 – 2015/05554/PA Erection of a residential building providing 73 one and two bed apartments with associated parking and landscaped amenity space. Approved with S106 and conditions.

126 Suffolk Street Queensway

- 3.3. 7th November 2018 2018/08394/PA – Application for prior notification for demolition of existing buildings and site clearance. No prior approval required.

4. Consultation/PP Responses

- 4.1. Historic England – do not wish to make any comments.

- 4.2. LLFA – No objection to the additional information provided subject to a condition with regard sustainable drainage operation and maintenance plan.

- 4.3. Regulatory Services – no objection subject to conditions with regard extract/odour control, noise levels for proposed plant, entertainment noise assessment and land contamination surveys.

- 4.4. Severn Trent – no objection subject to drainage condition.

- 4.5. Transportation Development – no objections to the additional information subject to S278 condition.

- 4.6. Local residents' associations, neighbours, Ward Councillors and MP were notified. Site and press notices were also displayed. No comments have been received.

5. Policy Context

- 5.1. Birmingham Development Plan 2017 (BDP), Saved policies of the UDP 2005, Places for All (2001), Car Parking Guidelines (2012) and National Planning Policy Framework.

6. Planning Considerations

Principle

- 6.1 The application concerns the erection of 330 bed hotel (Use Class C1) including business centre, restaurant, ancillary facilities and associated works. The development is located within the Ladywood and Westside area of the City Centre with part of the site fronting Suffolk Street Queensway.
- 6.2 Policies PG2 and GA1.1 outline the city's aspirations and growth vision and determines that future leisure uses in the City Centre will be located on the retail cores periphery. Policy GA1.3 identifies that Westside and Ladywood Quarter should be developed to provide a 'vibrant-mixed-use area including uses needed for the visitor economy, such as hotels'. Furthermore, the location of leisure uses in the City Centre is supported by Policy TP21, TP24 and Policy TP25. Therefore, subject to the consideration of detailed matters, I consider a hotel in this location is acceptable in principle.

Design

- 6.3 The proposal is for a contemporary, architecturally designed masonry framed brick built, flat roofed building. Its modern design would result in a building that would have its own identity whilst acknowledging its surroundings with a robust, well detailed materials palette complimented by the proposed façade detailing across the scheme which would also provide appropriate references to the Christadelphian Hall, in addition to adding interest and articulation to the building. Further by stepping in height from 4 to 7 to 12 storeys it utilises the considerable level changes through the site ensuring both street frontages are activated and, aided by the topography, the stepped form of the building effectively reduces its visual mass, with the lesser scaled elements at Suffolk Street and Gough Street providing a human scale to the street. I therefore welcome the detailed design of the proposal as does my City Design Officer.
- 6.4 In addition, whilst the application site is located in a much altered townscape surrounded by tall 20th century structures it adjoins a historically significant, locally listed building (Christadelphian Hall), and backs on to the car park of a Grade II* listed synagogue. However, I concur with my Conservation Officer who considers the design approach ensures an appropriate juxtaposition is created with the Christadelphian Hall due to the proposal being confident in its form whilst accepting the surrounding scale and as such I do not consider it would over-dominate the historic asset. Further I note that the proposal now under consideration is a significant improvement on the previous 2015 approval and that Historic England do not wish to comment on the application.
- 6.5 Upper floor windows overlook the adjacent synagogue car park site. However, the application proposal is for hotel accommodation, not residential, and other issues including a TPO and Grade II* listing mean there would be significant constraints in bringing the adjacent site forward for development. I do not therefore consider the windows would be a future development constraint and note they introduce activity

to an area with currently limited natural surveillance. Given the nature of the use I consider the outlook and amenity throughout the building acceptable for future occupiers.

Transportation

- 6.6 The application has been supported by a Transport Assessment and a Travel Plan. No on-site parking is proposed but a wider carriageway outside the proposed hotel entrance is shown for loading and deliveries which could also be utilised by coaches and taxis. Gough Street is one way and coach passengers would have to alight on the carriageway side of the vehicle but as this is a quiet street and likely to be a limited event I do not consider it would adversely affect the free flow of traffic. In addition, secure staff cycle parking is proposed, the site is excellently located for public transport close to bus, tram and train stops/station and within walking distance of a wide range of amenities. I also note the close proximity of numerous public car parks, including one immediately opposite the site. I therefore concur with Transportation Development who raise no objection to the proposal, subject to conditions, which I attach accordingly.

Other

- 6.7 Policy TP3 identifies that non-residential built development should aim for BREEAM excellent. The proposed hotel development is expected to meet BREEAM Very Good and I note the financial constraints of achieving a higher standard. I am therefore satisfied the proposal is in accordance with the City's policy aims in this respect.
- 6.8 The proposed development would be liable to a CIL payment and given the nature of the proposal policy would not require any other contributions.
- 6.9 Regulatory Services raise no objection subject to conditions which I recommend except a noise assessment for entertainment noise which is not considered relevant to the current proposal as permission is not sought as a separate entertainment venue.
- 6.10 My Tree Officer notes the TPO trees on the adjacent site which make a significant contribution to the street scene. However, subject to conditions, the proposed development should not adversely affect them and he therefore raises no objection.
- 6.11 An ecological survey identifies that the development may have an adverse impact due to a loss of brownfield areas and mitigation in the form of biodiversity roofing is therefore recommended. My Ecologist concurs with the survey but notes that the plans do not show green/brown roofs. However, subject to a condition to secure these he raises no objection.
- 6.12 Neither LLFA or Severn Trent raise objections subject to condition which I attach accordingly.

7. Conclusion

- 7.1. Subject to safeguarding conditions I welcome the redevelopment of this site which would result in a well-designed and sustainable hotel development on a currently derelict site, positively contributing to Birmingham's growth and regeneration aspirations. The proposal would accord with both local and national planning policy and should therefore be approved.

8. Recommendation

8.1. Approve subject to conditions

-
- | | |
|----|--|
| 1 | Requires the submission of details of green/brown roofs |
| 2 | Requires the submission of sample materials |
| 3 | Requires the prior submission of level details |
| 4 | Requires the scheme to be in accordance with the listed approved plans |
| 5 | Implement within 3 years (Full) |
| 6 | Requires the submission and completion of works for the S278/TRO Agreement |
| 7 | Arboricultural Method Statement - Submission Required |
| 8 | Requires tree pruning protection |
| 9 | Requires the prior submission of a contamination remediation scheme |
| 10 | Requires the submission of extraction and odour control details |
| 11 | Limits the noise levels for Plant and Machinery |
| 12 | Requires the prior submission of a Sustainable Drainage Operation and Maintenance Plan |
| 13 | Requires facade detailing |
| 14 | Requires roof top plant screening |
| 15 | Requires construction employment plan |
| 16 | Requires the submission of a contaminated land verification report |
-

Case Officer: Joanne Todd

Photo(s)

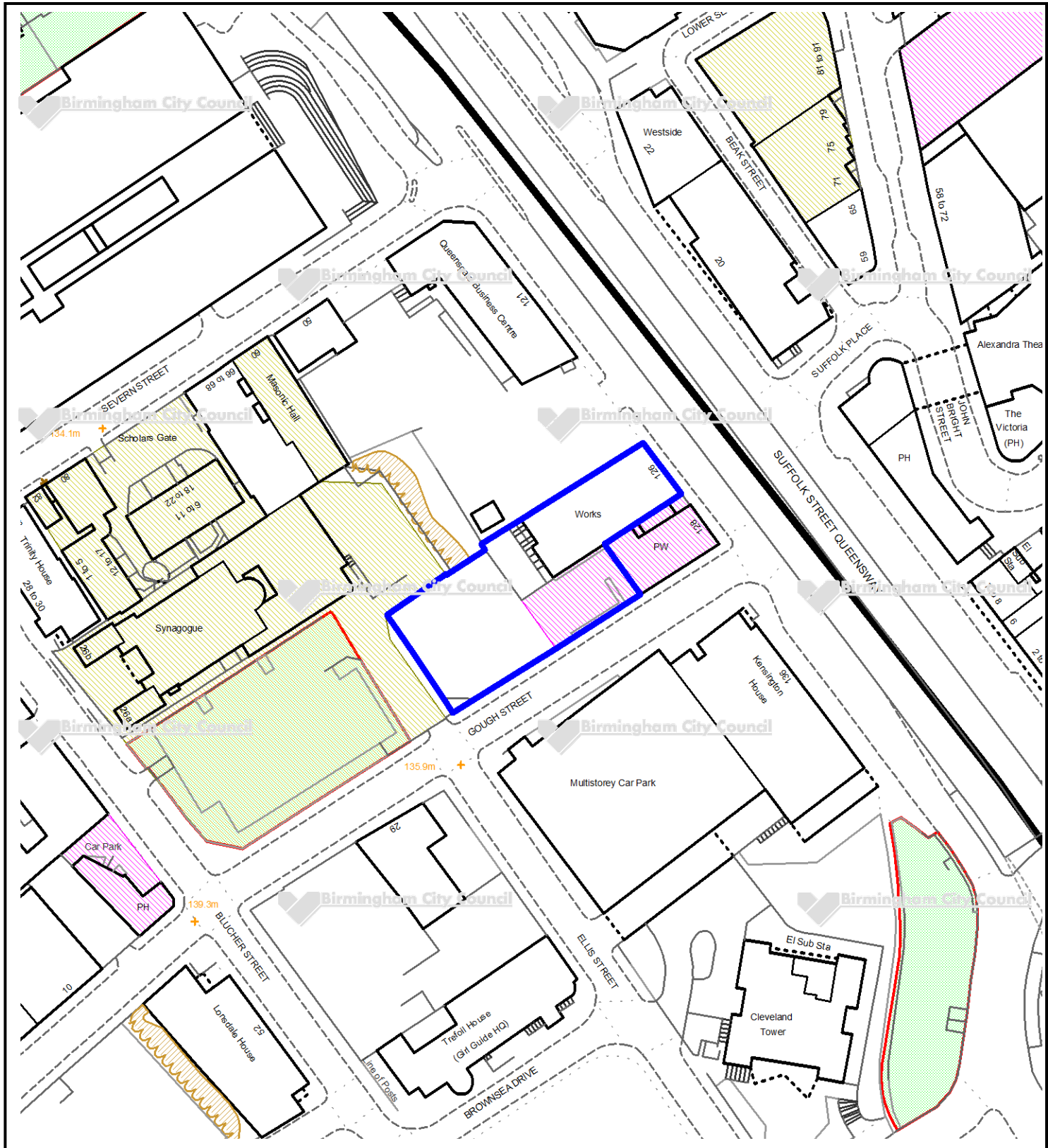


Photo 1: Site from corner of Ellis Street



Photo 2: Site from corner of Gough Street and Suffolk Street Queensway

Location Plan



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Committee Date: 31/01/2019 Application Number: 2018/08426/PA
 Accepted: 05/11/2018 Application Type: Outline
 Target Date: 04/02/2019
 Ward: Nechells

Land off Cardigan Street, Gopsal Street & Belmont Row, Eastside, Birmingham, B4 7SA

Outline application for education (Use Class D1), offices (Use Class B1a & b) and ancillary campus retail facilities (Use Classes A1-A5); all matters reserved except for scale

Applicant: Birmingham City University
 c/o Agent
 Agent: Delta Planning
 1 Chester Court, 1677a High Street, Knowle, Solihull, West Midlands, B93 0LL

Recommendation

Approve Subject to a Section 106 Legal Agreement

1. Proposal

- 1.1 This application relates to two plots (known as Plot A and Plot C) within the wider Eastside Locks site. Plot A has an area of 0.45ha and Plot C 0.72ha to give a total site area of 1.17 hectares. This is an outline application which seeks approval for the proposed uses and scale of development, or maximum height of the buildings together with the maximum floorspace which can be achieved on each plot. The application has been submitted in outline form in order to provide some certainty that these sites can be brought forward by Birmingham City University (BCU) for education, offices and ancillary campus facilities in the future.
- 1.2 The maximum floorspace proposed is 87,132sqm (GE), comprising of a maximum of 35,800sqm (GEA) on Plot A and 51,332sqm (GEA) on Plot C with the gross internal areas as shown below:

	Max. Proposed Floorspace (GIA)(sqm)	
	Use Class D1 Education or Use Class B1 Office	Use Classes A1 to A5 retail
Plot A	34010	1249.5
Plot C	48765	1249.5

- 1.3 The development parameters for Plot A set a maximum of 6 to 9 storeys of accommodation including roof top plant. Taking account of the approximate 4m fall

southwards across the site, from Jennens Road, the maximum height based on existing site levels would range from approximately 26.9m to 35.9m.

- 1.4 The proposal for Plot C is to allow 6 to 8 storeys of accommodation including roof top plant. Taking account of the approximate 5m fall southwards across the site, from Belmont Row, the maximum heights based on existing site levels would range from approximately 27m to 30.1m.
- 1.5 As an outline application with only permission sought for the scale of the buildings the proposed plot layout including access and the design of the buildings are not known at this stage. The remaining reserved matters are layout, access, appearance and landscaping.

1.6 [Link to Documents](#)

2. Site & Surroundings

- 2.1 Eastside Locks is a major mixed-use development in the Eastside area of Birmingham covering an area of 6.17ha. Over the last decade BCU has developed its City Centre Campus with this part of the City occupying part of Millennium Point and constructing a number of new buildings known as the Parkside, Curzon and Joseph Priestley buildings.
- 2.2 Plot A is located to the west of Cardigan Street that runs north south through Eastside Locks. The plot is bounded by Jennens Road to the north, Cardigan Street to the east, the Millennium Point Car Park and Howe Street to the west and the existing BCU Parkside Building to the south.
- 2.3 Plot C lies to the east of Cardigan Street and the wider Plot C already accommodates the BCU Joseph Priestley Building to the south. The site is enclosed by Belmont Row and Gopsal Street.
- 2.4 Warwick Barr Conservation Area lies to the north of Belmont Row enclosing the locally listed Ashted Canal Locks and Pumping Station, the Digbeth Branch Canal to the east of the site, the Lock Keepers Cottage to the south east of Plot C, and the remains of the locally listed Co-op Building on Belmont Row
- 2.5 The two plots lie within the Curzon Masterplan Area whilst the wider Eastside Locks site is one of 26 designated sites within the City Centre's Enterprise Zone (EZ).

3. Planning History

Plot A only

- 3.1 2018/03982/PA – Change of use to temporary car park to provide 144 car parking spaces with associated access. Temporary approval granted 12/07/2018, expires 12/07/2021. Yet to be implemented.

Plot C only

- 3.2 2013/08194/PA (Joseph Priestly Building) Reserved Matters application for the erection of a five storey office building (B1a) with associated basement car parking and a ground floor restaurant/cafe (A3) together with associated landscaping pursuant to outline application 2009/00308/PA. Approved 06/02/2014

- 3.3 2013/08196/PA - Reserved Matters application for the erection of a four storey office building (B1a) with associated basement car parking and landscaping pursuant to outline application 2009/00308/PA (Building 5 not implemented)

Wider Eastside Locks

- 3.4 2009/00308/PA - Section 73 application for variation of conditions B1, B3-5, B7-9, B11, B12, B14-17, C6, C7, C9, C10, C13, C16-19; and deletion of conditions B2, B6 and C3 attached to planning application C/02942/08/OUT. Approved 05/05/2009. Condition 15 of the outline planning permission requires the submission of any reserved matters before the expiration of 10 years from the date of the permission (i.e. by 5 May 2019).
- 3.5 2008/02942/PA - Mixed-use redevelopment of land at Eastside Locks for up to 143,350 sq. m new floorspace comprising offices (including technology and Small-Medium Enterprises) (Classes B1(a) and B1(b)), residential with undercroft parking (Class C3), hotel with ancillary bar/restaurant, fitness suite and conferencing facilities (Class C1), retail/offices/restaurants/bars (Classes A1, A2, A3, A4 and A5), multi-storey car park (sui generis) creating a total of 1,653 car parking spaces within the development as a whole. Approved 05/12/2008

4. Consultation/PP Responses

- 4.1 BCC Transportation Development -No objection in principle to the proposal which is supported by a Transport Statement. The details on cycle parking, car parking, pedestrian access and servicing are all reserved matters, but the potential trip impacts have been tested based on the levels of development sought. The reserved matters will need to consider the details on servicing, access and parking.
- 4.2 BCC Regulatory Services – No comments received
- 4.3 Local Lead Flood Authority (LLFA) - Given the information provided, the LLFA object to the proposed development. The Flood Risk Assessment and Drainage Strategy should be updated as follows (in summary):
- written confirmation, from Severn Trent Water to the developer, is required confirming that the proposed discharge rate and location is acceptable;
 - Evidence is required demonstrating that all SuDS features have been considered along with justification of why features have been discounted and this should therefore provide a framework for the subsequent design development;
 - Indicative drainage layout plans are required in order to demonstrate there is suitable space for attenuation. These include indicative layouts, attenuation volumes, SuDS features and discharge locations demonstrating that there is enough room within the site to attenuate runoff;
 - Calculations are required, including proposed discharge rates, storage requirements and evidence of the performance of the proposed drainage network;
 - Consideration should be given to exceedance flows (e.g. intense summer storms). Levels plans and flow paths should be provided to demonstrate that the surface water flood risk associated with exceedance events has been mitigated on- and off-site; and
 - Consideration should be given to the Operation and Maintenance of all proposed surface water features, including details of party responsible for the maintenance of each feature, specifications for inspection and maintenance actions and access to enable Operation and Maintenance.

- 4.4 BCC Employment Team – request prior submission of a construction employment plan to require a minimum total of 60 Person Weeks of employment per £1million spend on the construction of the site to be provided for New Entrants whose main residence is in the Local Impact Area identified by Birmingham City Council's Employment Team or an alternative source agreed by the Council.
- 4.5 Severn Trent Water - no objections subject to the inclusion of conditions to require drainage plans for the disposal of foul and surface water flows and the for the agreed scheme to be implemented in before the development is first brought into use.
- 4.6 Canals and Rivers Trust – The supporting information does not address the potential for contamination to leach or run off into the canal nor does it consider the impact of the development air quality or noise levels upon the canal corridor. Without these details it will not be possible to assess the impact and ideally these should be submitted prior to determination of the outline application. Without the baseline information it is not possible to identify mitigation or alternative development forms that could then be controlled where necessary to conform that the proposals comply with Policies TP6, TP7 and TP8 of the BDP. It would not be good practice to seek to control these details via condition as it could lead to difficulties later in ensuring adequate mitigation.
- 4.7 It is possible that canal related archaeology exists below ground, therefore some trial trenches and examination/recording should be required as per Policy TP12 of the BDP.
- 4.8 The canal is recognised in the BDP as an important network for biodiversity and habitats. Therefore any landscaping provided at the reserved matters stage in relation to Plot C should include plants such edibles, sensory plants, those useful to pollinators and orchard trees to comply with Policy TP7 and TP8 or controlled via condition.
- 4.9 Waterside lighting affects how the waterway corridor is perceived and can lead to unnecessary glare and light pollution if it is not carefully design. The external lighting along the Belmont Row frontage should not provide flood lighting to the canal corridor to show consideration for bats and should be directed down within the site. This information should be included within the reserved matters submission or controlled via a condition.
- 4.10 Whilst no direct access is proposed from the site to the towpath, both plots are immediately access to the towpath via Belmont Row and the existing bridge over the canal. The towpath would provide a convenient, traffic-free route for future users to local facilities such as the forthcoming HS2 station to the south, residential accommodation to the east and further round the canal network to the north. The proposal therefore has the potential to generate a significant increase in footfall on the can a towpath. In order to maximise the potential use of this beneficial network and provide direct safe routes that will be required by students and staff, improvements to its lighting, access points and wayfinding would be required, and we consider it a reasonable to request a financial contribution to meet the requirements of Policies TP38 to TP40 and TP47 of the BDP to meet the aims of the NPPF in relation to sustainable travel, health and wellbeing.
- 4.11 Police no objection to the principles but recommend the following:
- the work be carried out to the standards within the Secured by Design Commercial 2015 guide;

- a lighting plan for the two sites be produced following the guidelines and standards as indicated in 'Lighting Against Crime';
- a suitable CCTV system be installed providing coverage of the exteriors of all sides of the buildings, an external view of the all entrances, internal views of all entrances / fire exits to the buildings, all lifts, any reception areas, any roof terraces, all retail units, any areas of key plant rooms, any car parking areas, any service yards and any communal areas, including open courtyards and the spaces between the existing buildings and the new builds. It should also cover the roof areas. Any images should be recorded onto a secure system and comply with the Information Commissioner's CCTV guidance document;
- should the design of building feature any roof terraces which could be readily accessible attention should be given to the document titled 'Preventing suicides in public places : A practice resource' (2015) by Public Health England;
- furniture installed on the roof terraces should be located so it cannot be used as a climbing aid to scale the boundary and secured in such a way that it cannot be moved to a location where it could act as a climbing aid;
- suitable signage should be installed on the roof, and on all the approaches to it, offering advice, support and signposting anyone considering self-harm;
- At each layer of entry the access control needs to be of a robust construction; access to the separate areas of the buildings should be restricted to those that should / need the access, i.e. if another user doesn't need access to an area, or floor, then they should not be able to do so;
- any retail unit be of a stand-alone design, where there is no access from the retail unit into the main building, and the other uses; and
- clarification as to the staffing levels proposed for the buildings and for confirmation that the security of the buildings will be undertaken by the existing BCU security team.

4.12 Environment Agency – We have reviewed the preliminary risk assessments for Plots A and C. The proposed sites are located on glacio-fluvial deposits which in turn are underlain by the Bromsgrove Sandstone formation. The superficial deposits are designated as a secondary A aquifer. These are permeable strata capable of supporting water supplies at a local rather than strategic scale and in some cases forming an important source of base flow to rivers. The Bromsgrove Sandstone formation is designated as a Principal Aquifer. They usually provide a high level of water storage and may support water supply and/or river base flow in a strategic scale.

4.13 Plot C – additional assessment is recommended in order to refine the current assessment.

4.14 Plot A – there has been no actual site investigation on this area.

4.15 The preliminary risk assessment submitted in support of this planning application provides us with the confidence that it will be possible to suitably manage the risk posed to controlled waters by this development. Further detailed information will however be required before development is undertaken. In our opinion it would place an unreasonable burden on the developer to ask for more detailed information prior to the granting of planning permission. The proposed development will be acceptable if planning conditions are included requiring the submission of remediation strategies. Without these conditions we would object because it cannot be guaranteed that the development will not be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution.

- 4.16 Birmingham City Centre Management, Local Action Groups, Community and Neighbourhood Forums, Local Councillors, the MP Birmingham Property Services, Birmingham Public Health and have been consulted Civic Society but no replies received.
- 4.17 Neighbours have been notified and a site notice and press notice have been posted but no responses received.

5. Policy Context

- 5.1 Birmingham Development Plan (BDP) 2017, Birmingham Unitary Development Plan 2005 (Saved Policies), Birmingham Curzon HS2: Masterplan for Growth (July 2015), Warwick Bar Conservation Area Character Appraisal and Supplementary Planning Document, Regeneration through Conservation Strategy, Access for People with Disabilities, Car Parking Guidelines and the National Planning Policy Framework.

6. Planning Considerations

Principle of Proposed Education (Use Class D1) Offices, (Use Class B1a&b) and Retail Uses (Use Classes A1 to A5)

- 6.1 The site is located within the City Centre where Policy GA1 of the BDP identifies Eastside as a regeneration area where well designed mixed use developments will be supported including office, technology, residential, learning and leisure. Policy TP36 sets out the Council's approach to education provision specifically stating that the development and expansion of the City's Universities will be supported.
- 6.2 The application site also lies within the Curzon Masterplan boundary. It identifies the Eastside Locks area as an ideal location for a mix of high-tech, research, learning and business developments. Furthermore Eastside Locks is one of 26 designated sites within the City Centre's Enterprise Zone (EZ) which in itself is a commitment to realise growth and to promote the reuse of the site.
- 6.3 It is therefore considered that the principle of the proposed education and office uses would comply with development plan policy at this location. The proposed conditions would not place any restrictions on the amount of D1 or B1a/b floorspace coming forward, acknowledging that the extant outline permission allows 68,500sqm of B1a/b floorspace with no such office floorspace implemented independent to BCU to date.
- 6.4 It does however need to be acknowledged that Eastside Locks occupies an out of centre location which is not a preferred location for retail uses. Policy TP21 and the NPPF promotes the City Centre retail core as destination for retail or town centre uses in order to support and maintain its vitality and viability. However with specific regard to the retail element of the development proposals, it is important to note that it would only form a small component of the overall development mix with the primary proposed uses of the sites being for offices and/or education use. It is envisaged that the proposed retail uses would cater for the growing number of students at BCU's City Centre campus and local employees at the new facilities and it is intended to serve the local area only. It is therefore considered appropriate to attach a condition to restrict the cumulative retail floorspace to no more than 2,499sqm gross to ensure that the proposed development would not harm the vitality of the City Centre retail core. This figure is the threshold set by the NPPF above which a retail impact assessment is required. Then within this 2,499sqm figure no single retail unit should exceed 625sqm gross internal area to ensure that the proposed retail units are ancillary to the primary education and office uses.

- 6.5 It should also be noted that the extant planning permission for the wider Eastside Locks area (Ref. 2009/00308/PA) allowed for the provision of 9,800 sqm of retail uses (A1-A5) within the wider 7.6ha site, including 2,499 sqm of A1 floorspace, with a maximum of 1,500sqm of A1 uses to be provided on Plot C. In this context, it is considered that the proposed retail uses are of an appropriate scale and, subject to conditions, form an acceptable element of this mixed-use redevelopment proposal.

Proposed Scale and Impact upon Heritage Assets

- 6.6 It is deemed that the consideration of the proposed scale cannot be separated from the consideration of the impact that the proposed development would have upon the setting and significance of the heritage assets located close by; namely the locally listed former Belmont Works, Ashted Canal Locks, Ashted Pumping Station and Lock Keepers cottage plus the Warwick Barr Conservation Area.
- 6.7 Policy TP12 of the BDP states that great weight will be given to the conservation of the City's heritage assets whilst the historic importance of canals is acknowledged.
- 6.8 Policy PG3 supports development that reinforces or creates a positive sense of place and local distinctiveness that responds to site conditions and the local area context.
- 6.9 Plot A includes prominent frontages onto both Jennens Road and Cardigan Street and is envisaged as a key entrance point to the City Centre Campus from the north. At 8 to 9 storeys the proposed scale would reach between 2 and 3 storeys taller than the 6 storeys (26m maximum) agreed at the outline stage in 2009. However it is considered that the scale would fit in with the large scale character of Jennens Road which includes the frontages to BOA (7 storeys), the Conservatoire (6 storeys), Birmingham Metropolitan College (7 storeys) and the Unite conference centre and hotel that is currently under construction (7 storeys). It would also form a welcome architectural anchor to the Cardigan Street entrance to the wider Eastside Locks site.
- 6.10 Plot C occupies a central position within the BCU campus for the area, completing the remainder of this plot alongside the existing BCU Joseph Priestley building. Amended plans have been received to show that whilst retaining 7 to 8 storeys to the northern part of the plot, the maximum scale to the southern part would be 6 storeys. Both parts would still be taller than the 4 and 5 storeys (17 to 22m maximum) agreed at the outline stage in 2009. The proposed 6 storeys would align more closely to the 6 storey BCU Curzon Building on the opposite side of Gopsal Street and the 4 storey BCU Joseph Priestly Building that faces towards Gopsal Street and Cardigan Street. It is considered, in street scene terms, the proposed scale would be acceptable providing a stepped approach to Cardigan Street and an appropriate backdrop to the former Belmont works building when viewing Plot C from Jennens Road.
- 6.11 The existing empty plots of land do not contribute to the significance of the surrounding heritage assets. Furthermore due to the scale and massing of the buildings on the surrounding plots it is considered that the proposed scale of development would neither detract from the significance and character of the surrounding assets nor would they fragment or adversely affect their setting. Furthermore the impact upon the surrounding assets will be considered again at the reserved matters stage when the detailed layout of the plots and design including materials are determined.
- 6.12 Separately the submitted Heritage Assessment advises that there are no designated archaeological remains that will be affected by the proposed development. However there is the potential for non-designated archaeological remains within the site

resulting from previous 20th century industrial and commercial units, foundations of 19th century industrial and residential properties and prehistoric remains within the gravels. The report concludes that these remains are of low heritage significance at most but recommends a Written Scheme of Investigation (WSI) is submitted and implemented. A condition to require a WSI for each plot is attached.

Transportation

- 6.13 At outline permission stage detail of the building layouts has not been developed and as such the access requirements and number of parking spaces are unknown. These would be subject to a later application when the final floorspace requirements are known that this will help to define the final layout of the two plots. Indicative service access points have however been identified showing the potential service access points from Howe Street for Plot A and from Gopsal Street for Plot C.
- 6.14 Policy TP38 seeks to promote sustainable travel choices by, amongst other measures, ensuring that land use planning decisions support and promote sustainable travel.
- 6.15 BCU have commissioned a Travel Plan (TP) and Transport Statement (TS) in support of this application. The TS explains that due to their City Centre location there are a number of bus stops within a 400 metre walking distance from the plots, with the closest bus stops on Cardigan Street, Jennens Road, Lawley Middleway, Vauxhall Road and Park Street. The plots are also accessible to cyclists from the surrounding road network as well as from the local canal towpaths. Currently the closest rail station to the site is Moor Street located approximately 0.5km to the west. The site is also within walking distance of Birmingham New Street rail station which is located at a distance of approximately 0.9 kilometres and Birmingham Snow Hill at an estimated 0.8 kilometres from the sites. Furthermore a proposed new transport hub for HS2 will sit in close proximity to the sites.
- 6.16 Plot A currently has temporary planning permission to be used as a surface level car park for 144 cars until July 2021. Whilst yet to be implemented it was approved for a temporary period in lieu of the 260 spaces at the Curzon Street Car Park which have been decommissioned to allow the construction of the HS2 station. This leaves the existing 984 multi storey car park that adjoins plot A as the closest car park in the long term.
- 6.17 The submitted Travel Plan addresses the ongoing reduction on parking. It provides information on the University's strategy to encourage staff, students and visitors to use sustainable travel modes and is based on existing travel information from surveys of students and staff. The Travel Plan sets targets for reducing trips by the private car and is to be reviewed on a two yearly basis. Advantageously, as the TS demonstrates, the application sites have highly accessible City Centre locations that are well connected by public transport.
- 6.18 Then matter of the amount of parking spaces will be considered at the reserved matters stage. However in light of the accessible location it is considered appropriate to condition the implementation of the Travel Plan to promote trips to the application plots and the wider BCU campus by a range of sustainable modes of travel.

Noise

- 6.19 Noise surveys were undertaken in October 2018 to establish existing noise levels at the site and to determine firstly whether noise levels would be acceptable for the

proposed uses on the site, and secondly whether the potential noise impacts arising from the development on near-by receptors including City Locks student accommodation would be acceptable.

- 6.20 The results of the noise survey show that the existing noise climate across the site is dominated by road traffic noise from Jennens Road, Cardigan Street, Lawley Middleway as well as other smaller roads in the local vicinity.
- 6.21 The Noise Assessment concludes that in order to achieve an appropriate acoustic environment for the proposed education and office accommodation, acoustic rated glazing and acoustic rated vents to the roadside elevations of the development will be required. Such details are to be required at the reserved matters stage via a condition.
- 6.22 The Canals and Rivers Trust have commented that there is no supporting information advising of the noise impacts upon the canal corridor.
- 6.23 First it should be acknowledged that this is an outline application with only scale and maximum floorspaces to be determined at this stage. The layout including the position of the buildings, the amount of floorspace, the proposed access points for pedestrians and vehicles and the number of parking spaces with the associated trip generation rates is not known. Secondly the impact of potential noise from Plot A upon the Canal is not considered to be significantly adverse due to its separation distance from the waterway, whilst only approximately 60m of the frontage to Plot C directly faces the Canal. Next the proposed uses are not anticipated to be particularly noisy although it is acknowledged that there is the potential for noise from the activity of students visiting the development. Finally there is an existing outline consent for the redevelopment of both plots. On Plot A 25,500sqm of floorspace has been approved comprising of a multi-storey car park of up to 700 spaces office and retail floorspace. On Plot C 32,250sqm of floorspace has been approved comprising B1 office, retail and basement car parking for up to 700 spaces (within this plot the Joseph Priestly building has already been constructed). It is therefore suggested that the noise condition above includes an assessment of the impact upon the canal corridor at the reserved matters stage when the detail of the proposals is known.

Air Quality

- 6.24 An air quality assessment has been submitted and explains that the main impact during the construction of the development relates to dust and particulate emissions arising from on-site activities including earthworks, construction and associated vehicles movements. The assessment shows that by adopting appropriate mitigation measures to reduce emissions and their potential effects, there should be no significant residual impacts.
- 6.25 Once the development is operational, the assessment predicts that local air quality effects would arise from changes in traffic flows associated with the completed development. It concludes that no significant changes in pollution concentrations are expected and relevant air quality objectives would not be exceeded.
- 6.26 The Canals and Rivers Trust consider that the potential impact of air pollution upon the canal corridor has not been addressed. However the detailed design of the development is not known at this stage and therefore a condition is proposed to require details of the impact and any necessary mitigation with the first submission of reserved matters, in order to comply with Policies TP6 TP7 and TP8.

Flood Risk and Drainage

- 6.26 Policy TP6 of the BDP sets out the Council's approach to flood risk management including a requirement that Sustainable Drainage Systems (SuDS) should form part of all development proposals. The submitted flood risk and drainage strategy shows that the site is not at risk of flooding and that surface water drainage can be managed to ensure that the development will not increase the risk of flooding elsewhere.
- 6.27 The applicant's drainage consultant has advised that a drainage strategy for the Eastside Locks development has previously been agreed with Severn Trent Water including surface water flow rates. The strategy is based on a site-wide drainage strategy instead of a SuDS requirement for any of the individual plots and simple foul and surface water drainage connections have been allocated to each of the plots. A condition to require details of surface and foul water drainage is therefore proposed to overcome the objection from the LLFA and to ensure that the detailed scheme meets the guidance of Policy TP6.

Land Contamination

- 6.28 Preliminary risk assessments for Plots A and C have been undertaken and it is reported that they did not identify indicators of gross contamination.
- 6.29 However, as highlighted by the Environment Agency of particular note within the preliminary risk assessment for Plot A is that there has been no actual site investigation on this area. Furthermore with respect to Plot C the preliminary risk assessment identifies that additional assessment is recommended in order to refine the current assessment. Therefore as advised by the Environment Agency conditions are proposed to require further investigative work comprising a site investigation scheme, a remediation strategy and a verification plan.

Ecology & Biodiversity

- 6.30 The Digbeth Branch Canal and associated basin on the opposite side of Belmont Row is a Site of Local Importance for Nature Conservation (SLINC), recognised for its aquatic flora and associated habitats. There are also 3 other SLINC's and 22 potential sites of importance for biodiversity within 1km of the application sites.
- 6.31 The submitted Ecological Assessment acknowledges that the two sites are vacant and reports that Plot A is dominated by hardstanding with some areas of ephemeral perennial vegetation. Plot C also comprises of ephemeral perennial vegetation with areas of hardstanding. No protected or notable species were noted on the site.
- 6.32 The Assessment concludes that no implications are expected as a result of the proposed development on any designated statutory and non-statutory nature conservation sites or protected species. However opportunities exist to provide a net gain in biodiversity through the inclusion of new landscaping areas as part of proposed layout. This can be evaluated at the reserved matters stage.

Other

- 6.33 In addition to the above according to Policies TP3 and TP4 development should be sustainably designed, constructed and maintained. The detailed design would however be considered at the reserved matters stage.

Planning Obligations

- 6.34 Members may recall that there is a Development Agreement relating to the redevelopment of the wider Eastside Locks development. As part of this arrangement a funding agreement was signed by the City Council and Advantage West Midlands (AWM) in 2007 in which AWM agreed to provide a sum of up to £3,000,000 in order to financially assist the regeneration and development of the wider site. A Development Agreement was signed in 2007 and subsequent Deeds of Variation have been agreed thereafter. According to the original funding agreement the City Council can only request financial Section 106 contributions for a number of items that are termed as “Accepted Matters” without the City having to reimburse AWM (now Homes England). Such “Accepted Matters” include public realm and therefore it is considered reasonable to secure funding for works within the site via a Section 106 Agreement.
- 6.35 As this is an outline application the final floorspace is at this time unknown. Therefore a figure based on a pro rata figure of £80 per 100sqm gross floorspace is proposed. This figure is commensurate with a contribution secured via the BCU Curzon Building, immediately to the south of Plot C.
- 6.36 As a result of the Agreements above there is an obligation upon the developers of the wider Eastside Locks to undertake improvements to the canal. Therefore notwithstanding the comments submitted by the C&RT a financial contribution towards the canal corridor is not considered to be reasonable.

7. Conclusion

- 7.1 The current application seeks to secure the long-term growth of BCU in the City Centre, an aim clearly supported by the BDP and the Curzon Masterplan. The proposals will enable BCU to provide creative, professional, practice-based and inclusive education to a growing number of students and thereby make a significant contribution to the economic prosperity of Eastside Locks and the wider City Centre. The impacts upon transportation, heritage assets, noise, air quality, land contamination and ecology have been considered and, subject to safeguarding conditions, have been found to be acceptable.

8. Recommendation

- 8.1 That consideration of the application be deferred pending the completion of a Section 106 agreement to secure a contribution for each of the plots;
- a) A financial contribution equivalent to £80 per 100sqm gross floorspace (index linked from the date of this resolution) on Plot A towards works to the public realm on the wider Eastside Locks site identified in the Funding Agreement signed by Advantage West Midlands and the City Council in 2007 site to be paid prior to first occupation;
 - b) A financial contribution equivalent to £80 per 100sqm gross floorspace (index linked from the date of this resolution) on Plot C towards works to the public realm on the wider Eastside Locks site identified in the Funding Agreement signed by Advantage West Midlands and the City Council in 2007 site to be paid prior to first occupation; and
 - c) Payment of a monitoring and administration fee associated with the legal agreement of 3.5% of the public realm sum, subject to a maximum of £10,000.

- 8.1 That, in the event of the above legal agreement not being completed to the satisfaction of the Local Planning Authority on or before 1st March 2019, planning permission be refused for the followings reasons:
- a) In the absence of any suitable legal agreement to secure a financial contribution towards public realm the proposal conflicts with Policy PG3 of the Birmingham Development Plan and Paragraphs 8.50 to 8.54 of the saved policies of the Birmingham Unitary Development Plan 2005; and,
- 8.2 That the City Solicitor be authorised to prepare, seal and complete the planning obligation.
- 8.3 That in the event of the planning obligation being completed to the satisfaction of the Local Planning Authority on or before 1st March 2019 favourable consideration be given to this application, subject to the conditions listed below

-
- | | |
|----|---|
| 1 | Requires the submission of reserved matter details following an outline approval |
| 2 | Implement within 3 years (outline) |
| 3 | Requires the scheme to be in accordance with the listed approved plans |
| 4 | Restriction of cumulative total retail floorspace (A1 to A5 Uses) and individual retail units |
| 5 | Restriction of height of buildings in accordance with approved plans |
| 6 | Requires the prior submission of a programme of archaeological work for Plot A |
| 7 | Requires the prior submission of a programme of archaeological work for Plot C |
| 8 | Submission of a Construction Employment Plan for Plot A |
| 9 | Submission of a Construction Employment Plan for Plot C |
| 10 | Contamination Remediation Scheme - Plot A |
| 11 | Contamination Remediation Scheme - Plot C |
| 12 | Requires the prior submission of a Sustainable Drainage Assessment for each plot |
| 13 | Updated Travel Plan for each plot |
| 14 | Updated Noise Survey for Each Plot |
| 15 | Details of Lighting Plot C |
| 16 | Air Quality Assessment Plot C |
| 17 | Details of extraction and odour control for A3, A4, and A5 uses |
-

Case Officer: Julia Summerfield

Photo(s)

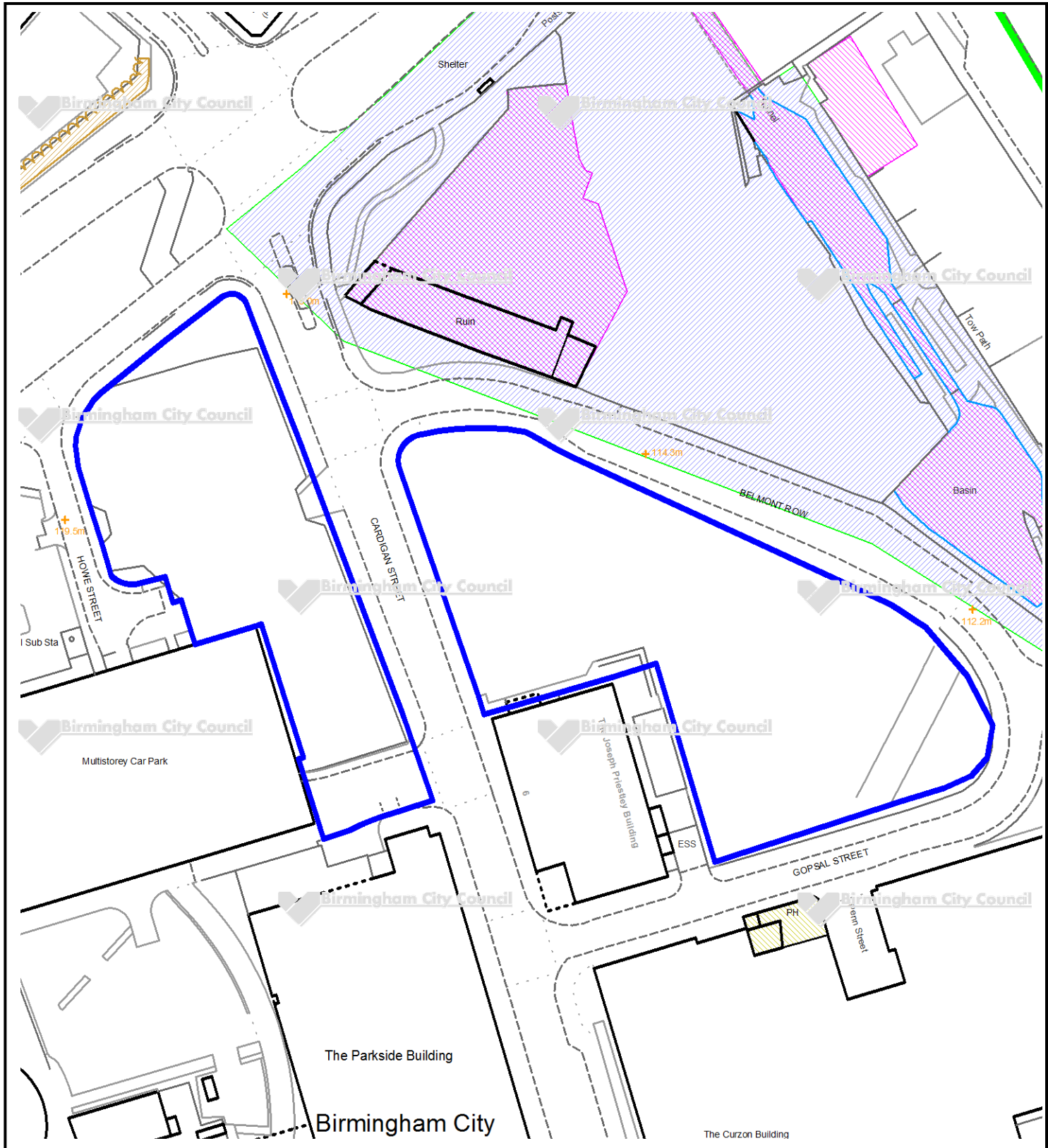


Aerial View of Plot A



Aerial View of Plot C

Location Plan



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Birmingham City Council

Planning Committee

31 January 2019

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Approve - Conditions	15	2018/04300/PA Sheldon Country Park Ragley Drive Sheldon Birmingham B26 3TU Creation of play area and associated car park extension.

Committee Date:	31/01/2019	Application Number:	2018/04300/PA
Accepted:	09/08/2018	Application Type:	Full Planning
Target Date:	01/02/2019		
Ward:	Sheldon		

Sheldon Country Park, Ragley Drive, Sheldon, Birmingham, B26 3TU

Creation of play area and associated car park extension.

Applicant:	Landscape Practice Group 1 Lancaster Circus, Queensway, Birmingham, B4 7DJ
Agent:	Birmingham City Council Place Directorate 1 Lancaster Circus, Queensway, Birmingham, B4 7DQ

Recommendation

Approve subject to Conditions

1. Proposal

- 1.1. It is proposed to provide a new play area and car park extension at Sheldon Country Park. The park is already an established leisure area for visitors to the park for walking and recreational activities in the wide open space and for family visits to both the park and equipped children's play area.
- 1.2. Permission is sought for two main areas of development. Firstly, the undertaking of an engineering operation to create an extension of the present car park increasing the capacity by 39 (including 3 disability spaces), totalling 99 spaces. The car park surface would be free draining bitmac.
- 1.3. Secondly, to provide a new play area with a mixture of new pieces of play and activity equipment.
- 1.4. This shall include:
- 1.5. A Hexagon multi swing (6 swings) - for ages 5 plus.
- 1.6. '*The Journey*' - A ramp at either end leads users to a hoop climb or incline net. This encourages children to travel along the equipment and either come back to the ground via the ramps at either end or via a slide - for ages 3-10.
- 1.7. '*Meet and Slide*' - A 6m tower with a covered funnel chute, climbing wall and flexi rope climb with staggered seating areas around the tower. Decks are fully enclosed for safety – for ages 6-12 years.
- 1.8. '*Adventure Trail*' – A fun-run promoting fitness and active play – Ages wide ranging.
- 1.9. '*Zip Wire*' – cable ride. A 20m cable ride with trolley mechanism with rollers ensuring safe controlled ride and brake when seat not in use. Seat has safety edging.

- 1.10. 'Outdoor Gym' - including sit up, pull up, push hands, trinity cycle and leg stretch – Ages wide ranging.
- 1.11. All the above equipment would be located as an extension (located south east) of the existing toddler play provision.
- 1.12. The play equipment will be located on a safety surface (Durasport Carpet).
- 1.13. The applicant has provided a detailed design and access statement which outlines the following:
- 1.14. Details of the proposals and why they are sought. In this instance the local residents were consulted previously as to what, if any improvements, would be required for the park.
- 1.15. The statement outlines the main concerns and requested improvements for the present park and its associated facilities. This includes the need to improve the play equipment provided and moreover to improve the level of parking provision which is causing local concerns, along the access drive with parked vehicles that cannot access the car park facilities as they are oversubscribed.
- 1.16. This application seeks to address these important local issues and an overall improvement to the present leisure facilities the park offers.
- 1.17. The application is further supported with a flood risk assessment.
- 1.18. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site is located at the end of Ragley Drive (east). Ragley Drive has direct access from Church Road, Sheldon. Ragley Drive serves a few dwellings and what appears to be an old farm building. The road then terminates into a car park area which serves the Country park and play/picnic areas. Here the land is fairly level.
- 2.2. The car park area is marked out and low wooden rails separate this from the park area. Higher mesh fencing surrounds the more formal children play area which has a variety of play equipment.
- 2.3. There are also a few picnic tables located within the park area nearer the car park. The car park area is directly linked to the park area which extends out and is crisscrossed with footpaths to provide access to this well utilised open space.
- 2.4. The land is located within the Green Belt and flood zones 1, 2 and 3.
- 2.5. [Site location](#)

3. Planning History

- 3.1. 01.09.2010 - 2010/03906/PA – Relocation of play area within Sheldon country Park – Approved.

4. Consultation/PP Responses

- 4.1. Transportation – No objections.
- 4.2. Environment Agency – No objections.
- 4.3. Leisure Services - The scheme is supported by the Parks Service and would provide much needed improvements to Sheldon Country Park.
- 4.4. Regulatory Services – No objections.
- 4.5. Neighbouring properties, local Councillors and residents groups notified. Site notice posted. No comments received.

5. Policy Context

- 5.1. Saved policies of the Birmingham UDP
The Birmingham Development Plan 2017
Places for All
National Planning Policy Framework 2018

6. Planning Considerations

- 6.1. **Principle of Development/Green Belt** - The site is located within the Green Belt as identified in the Birmingham Plan.
- 6.2. The main considerations with regard to development within the Green Belt is to consider whether the development as described represents 'appropriate development in the Green Belt' as defined in Paragraph 145 of the National Planning Policy Framework 2018. Secondly, to consider the impact of the development as proposed on the visual character and appearance of the area. Furthermore, to consider the impact of any built form of development as proposed in the development area.
- 6.3. In this instance, the use and developments as proposed may be considered 'appropriate' as they are modest alterations to the existing facilities and as such are considered 'appropriate development', in accordance with Para. 145 of the NPPF. As such, the form of development (change of use and engineering operation) may be considered 'appropriate development' and no special circumstances have been offered as they are not required in this instance.
- 6.4. It is clear that the proposal includes utilising an existing parcel of park land to provide for the extension to the existing car park, which would constitute an engineering operation and as such would require a new hard surface to be laid. This surface (free draining bitmac) has little or no impact on the openness of the Green Belt and would not require any further justification in terms of Green Belt policy.

- 6.5. The provision of a new play area for the installation of new play equipment will be created on a new area and would be finished with an appropriate safety surface. The applicant in this instance has defined the equipment proposed.
- 6.6. The NPPF carries substantial weight in respect of the impact on the openness of the location. It is important to consider the impact of openness and visual amenity in this instance. In accordance with a sequential approach to this assessment, the applicant has provided a detailed statement of the assessment of need for the site and has detailed the public consultation that has taken place.
- 6.7. The park provides a well-used leisure area/ open space for the local community. The application seeks in part to improve any perceived deficiencies in the facilities by the provision of a wider range of play equipment to cover a wider a range. The need for the facilities for the local area and its design and appearance and its associated position of the equipment is considered acceptable and would not in my opinion detrimentally impact on the 'openness' or visual appearance of the location.
- 6.8. **Design/Appearance/layout** - The new car park area would be laid out with a new bit-mac surface and as part of the application, the existing car park would be resurfaced in the same material. The car park would be marked out into bays. I consider this remains consistent in design with the existing facility. The wooden post and rail fence would be relocated to define the edge of the car park and again this is considered acceptable given the rural nature and appearance of the location.
- 6.9. The new play equipment varies in design and the colour and finish would be appropriate for outdoor use. The final colour may be conditioned appropriately to ensure a satisfactory appearance to the development.
- 6.10. **Flooding** - The site is located within Flood zones 2 and 3 and as such the applicant has provided a detailed Flood Risk Assessment (FRA). The Environment Agency has expressed no objections. I am satisfied that the proposals would not cause any adverse flooding impacts to the nearest residential properties.
- 6.11. **Impact on Historic Environment** - The site is adjacent to Old Rectory Farm which is a listed building. Given the relatively minor nature of the proposals, I do not consider there would be any impact on the setting of this heritage asset to warrant a refusal.
- 6.12. **Highways/Access** – The proposal involves the provision of a further 39 spaces (including 3 accessible spaces) over and above the 60 provided. These spaces are provided in response to the issue of undersupply of parking spaces at peak times.
- 6.13. The applicant has therefore sought to address this with the additional parking to help demand for this popular facility. Transportation has raised no objections to the scheme and layout of the spaces and I concur with this view.
- 6.14. **Impact on Amenity** - The nearest residential properties are located to the north of the site in Fulford Grove. Given the new play equipment is located over 70m away I do not consider that the development would have any detrimental impact on these properties by way of visual impact or noise.
- 6.15. The new car park area will be located further away than the existing car park and therefore I do not consider this more harmful than the exiting situation. Furthermore regulatory services have raised no objections to the proposal by way of amenity.

7. Conclusion

- 7.1. The development is considered 'appropriate development' in the Green Belt as defined in paragraph 145 of the NPPF and for these reasons justification of very special circumstances would not be required.
- 7.2. The development has been located to ensure the least impact on the openness of the Green Belt being adjacent to the natural boundary and a natural extension to the existing play area. The design of the development is considered acceptable and there would be no adverse impact on the amenity of the nearest neighbouring properties.

8. Recommendation

- 8.1. That planning permission be approved subject to conditions.

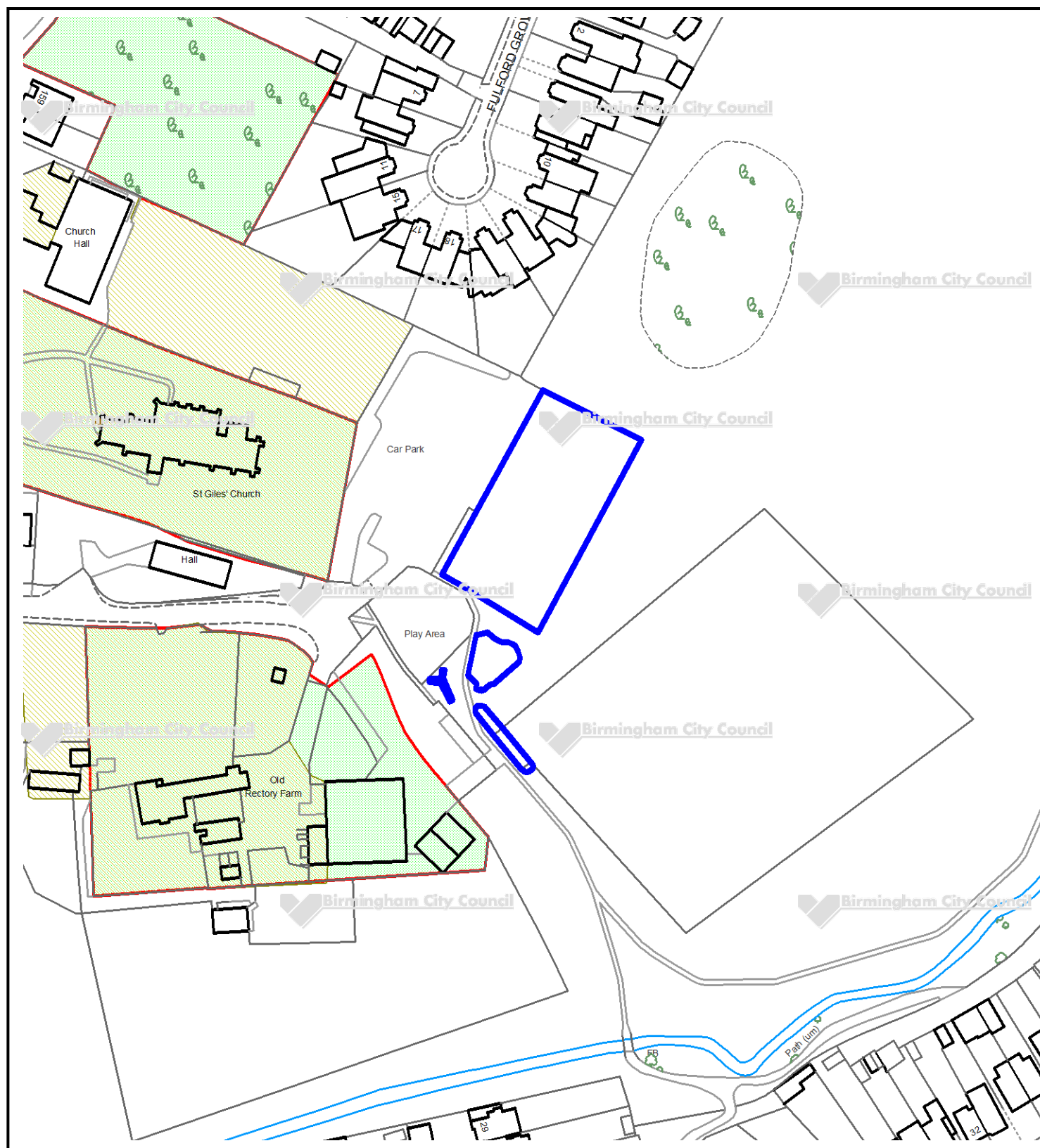
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|---|--|
| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Requires the submission of materials |
| 3 | Requires the prior submission of level details |
| 4 | Implement within 3 years (Full) |
-

Case Officer: Sarah Willetts

Photo(s)



Location Plan



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ADDENDUM TO SITE VISIT REPORT

Committee Date: 31/01/2019

Application Number: 2018/05359/PA

Ward: Edgbaston

Application Type: Full Planning

Site Address: Pritchatts Road Car Park and Ashcroft Halls of Residence, Pritchatts Village, Pritchatts Road, Edgbaston, Birmingham, B15 2QU

Proposal: Erection of student accommodation blocks (230 bedrooms at Ashcroft Block and 302 bedrooms at Pritchatts Car Park site) and multi-storey car park (608 spaces)

Applicant: University of Birmingham, Estates Office, Edgbaston, Birmingham, B15 2TT

Agent: Glancy Nicholls Architects, The Engine Room, 2 Newhall Square, Birmingham, B3 1RU.

1.0. Background

- 1.1. Members will recall that the above planning application was deferred on 6 December 2018 for a Committee Site Visit. The Site Visit was undertaken on Thursday 24th January and discussion following the site visit will be updated verbally. This addendum report updates Committee on further public participation responses received following the 6 December 2018.

2.0. Updates to the planning committee report

- 2.1. A verbal update was presented on 6 December 2018 to correct Paragraph 6.2 of the original report that advised members that the paragraph should refer to the 'southern' part of the application site in the opening sentence.

PP responses

- 2.2. A further letter of comment has been received regarding the committee site visit which seeks an afternoon site visit in order to get a full appreciation of the difficulty this development is going to cause to traffic in this area and requesting that due consideration is given to the risk of obstructing emergency vehicles, particularly ambulances trying to access the QEH, at this time.
- 2.3. Councillor Matt Bennett requested that the following statement be addressed to Committee *"I entirely concur with the objections raised by Cllr Deirdre Alden, Metchley Park Residents Association, Calthorpe Residents Society and Edgbaston Residents Association. This development will have a detrimental visual impact on the surrounding residential areas of Edgbaston, loss of trees and an increase in traffic, which is already long past saturation point due to previously approved developments."*

Edgbaston, a historic and picturesque suburb of which the City Council should be proud, is suffering from more and more developments, usually from the hospitals or university, which are fundamentally changing its character for the worse and having an adverse impact on amenity for residents. This situation is simply not sustainable and a different approach is required."

- 2.4. Members will recall that the Area Planning Manager (South Team) verbally updated Committee regarding a further objection received from the resident of 6 Pritchatts Road. The objection is as follows:

"I have already submitted representations on the application to which reference is made in the report to Committee. The concerns I have previously raised remain and are not adequately addressed in the report. The reason for submitting these further representations is to raise some additional fundamental issues which arise from the report and to draw to the Council's attention the fact that a decision to grant planning permission on the basis of the report would not be sound and indeed would be susceptible to legal challenge. The issues are as follows:

1. The report contains a fundamentally flawed consideration of the heritage implications of the proposed development, in particular the impact on the Edgbaston Conservation Area.

2. The report completely ignores Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which provides: "in the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of any of the provisions mentioned in subsection 2, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area"

Part of the application site lies within the Conservation Area and Section 72(1) is clearly engaged. Given the report identifies that the proposals will cause harm to the Conservation Area, the requirement of "special attention" in Section 72 creates a strong presumption against the development. Exceptional circumstances are required to override the presumption in favour of development on public interest grounds. (South Lakeland District Council v Secretary of State House of Lords). That requirement has not been taken into account at all, and exceptional circumstances have not been considered, far less demonstrated.

3. There is a failure to address adequately an assessment of those elements of the Conservation Area which are valuable and which require protection, the nature of the harm which the development will cause to the Conservation Area, and why the harm is considered to be less than substantial. It is clear from case law that these issues need to be addressed comprehensively if a decision to grant planning permission, notwithstanding the harm, is justifiable.

4. The report concludes that the proposals cause harm and characterises that harm as "less than substantial harm" (see paragraph 3 above in relation to the inadequacy of the initial assessment). The report then purports to weigh that harm against the public benefits of the proposal. However, the exercise undertaken is deeply flawed.

The NPPF requires that in carrying out the balancing exercise "great weight" must be attached to the harm caused. In addition, the statutory objective set out in Section 72 must be weighed in the balancing exercise. The policy requirement to attach "great weight", coupled with the strong presumption against development flowing from the application of Section 72, means that the public benefits of the proposal must be exceptional and must be so great as to outweigh these considerations.

The report fails to address in any detail the nature of the public benefits which the development will allegedly bring and the rationale for a conclusion that the benefits outweigh the harm caused. The report also fails to explain how the benefits which will accrue for the benefit of the University can properly be characterised as "public" benefits. The report appears to rely on proposals which are untested (including whether they could be delivered without harm to the Conservation Area), unconsented and carry no weight in policy terms. The development aspirations of the University in such circumstances could not rationally be regarded as outweighing the harm caused by the proposals. Accordingly, the report is inadequate and legally flawed on these important issues.

5. The report contains a fundamentally flawed consideration of Policy TP33 of the BDP, so far as it relates to the location of the development. Throughout the report the proposed development is expressed to be "on campus". As a matter of geography this development is not "on campus". The (Collins English) dictionary definition of "campus" is "an area of land that contains the main buildings of a college, university or school". Local councillors will already appreciate this, but as a site visit would show, the Birmingham University campus is situated within the area bounded on five sides by (i) Aston Webb Boulevard, (ii) Bristol Road, (iii) Edgbaston Park Road, (iv) the south (or bottom) half of Pritchatts Road and (v) the Worcester and Birmingham canal/the railway line/Vincent Drive. The north (or top) half of Pritchatts Road, the location of the proposed development, is self-evidently not "on campus", even if it is on land owned by the University.

The report itself highlights that the proposed development is in a residential area, abutting to, and in part actually within, the Edgbaston Conservation Area – as clear from the photographs at Fig 1 and Fig 4 on pages 25 and 26 of the report. As such TP33 is still relevant, but the report should address "off campus" development, and satisfy the requirements of the BDP in that, inter alia, it must i) not have an unacceptable impact on the local neighbourhood and residential amenity, and ii) the scale, massing and architecture of the development must be appropriate for the location. That section of the report relating to Policy TP33 (paragraphs 6.4-6.6) is silent on "off campus" development. Accordingly, the report is inadequate and legally flawed on these equally important issues.

6. The report relies on traffic and transportation modelling information which ignores the day to day realities of this part of Edgbaston. I believe everyone, including the University, the QE Hospital, the Planning Officer, local MP Preet Gill and all ward councillors in Edgbaston and Selly Oak, acknowledge that traffic, parking and infrastructure issues are at crisis point. Edgbaston Park Road, Pritchatts Road and Vincent Drive are at a standstill during both morning and evening rush hours. The addition of a 600 plus space five storey car park, designed in part to move car parking off campus (when on campus car parking has the advantage of multiple exit points from campus) into a residential area within the Conservation Area, will be the final straw. As the report acknowledges, the latest revised entry proposal will also lead to significant queuing (to turn right across traffic) outside the listed 17th century dwelling house at 6 Pritchatts Road (one of the oldest surviving dwelling houses in the City), with all of the adverse consequences for the air quality and residential amenity of that house. The need for the Strategic Master Plan for this area to be completed before hearing this proposal is dismissed very briefly (paragraph 6.16) – but surely it is essential to consider this application as part of the wider traffic, car parking and transport plan for the area.

It is vital that all of the above issues are addressed fully and robustly in a public document before a decision is taken on the application, such that members of the public have an opportunity to consider the explanation and justification in advance of the decision. In this regard I note that this application now comprises 258 documents running to thousands of pages.

The application was recently amended in an attempt to address design issues which have been raised. 47 amended documents were lodged on 19th November, three days before the Planning Officer's report was published. Amended documents were also published on 15th November, 14th November and 6th November. The amendments do not address the above issues and indeed for certain residents create a situation which is significantly worse than the previous design. A scheme of this scale and extent should be subject to the fullest possible consideration. That should include a visit to the application site and its surroundings by those who are tasked with determining the application. Residents have a legitimate expectation that they should be consulted on the latest amendments, and given a fair opportunity to comment. The Council is also required to comply with the additional publicity requirements for applications in a Conservation Area.

In the event that the Planning Committee is not minded to refuse the application on Thursday, I formally request that determination of the application is adjourned to a subsequent Committee meeting, to give time for all Members of the Committee to attend a site visit and to see first-hand and on the ground the practical implications which have been raised by local residents who are most directly affected by the proposed development. An adjournment will also give time for the important points set out above to be adequately addressed in a considered way in a further report to the Committee. The grant of planning permission in the absence of further consultation would be unlawful."

3.0. Commentary on further comments made

Heritage Issues

3.1. The application site comprises two principal parts:

- Site 1: Comprises a portion located to the corner of Pritchatts Road and Vincent Drive, and includes a small section within the Conservation Area behind No's.11-13 Pritchatts Road; and
- Site 2: A rear portion set away from the road incorporating the Ashcroft and Oakley sites including a small area of land within the Conservation Area.

There are a number of listed buildings in the vicinity of the site, but for the purposes of this report, none with any intervisibility with the proposals. The development comprises a series of student residential buildings and a multi-storey car park, associated access and parking.

Development Directly Affecting the Edgbaston Conservation Area

3.2. When considering development proposals that directly affect the Edgbaston Conservation Area, Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 must be addressed. S72 states that 'in the exercise, with respect to any buildings or other land in a conservation area, of any [functions under or by virtue of] any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.'

- 3.3. The National Planning Policy Framework (NPPF) (2018) provides further guidance to the above statute in weighing out the impact of development on heritage assets and in the case of the direct impact on the conservation area, the following paragraphs are of relevance.

- 3.3.1. Paragraph 189: *'In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting.'*

The application has been submitted with a Heritage Statement. My Officers have reviewed this document and largely concur with its findings. They consider that it meets the requirements of the NPPF (para 189) and (1) undertakes a full site analysis, (2) history and development of the site, (3) establishes significance against the recognised values (evidential, historical, aesthetic and communal), (4) completes an impact assessment, and (5) provides a full legislative and policy context. I concur with this assessment.

- 3.3.2. Paragraph 196: *'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.'*

There are two aspects of the proposal that fall within the Edgbaston Conservation Area boundary. An area in Site 1 comprises part of the rear gardens of No's.11 and 13 Pritchatts Road. These gardens are part of the historic curtilages of these houses and play a role in the Conservation Area designation, but only a very minor role. These parcels of land, whilst forming part of the suburban development of the Conservation Area have very limited evidential value, with nothing of any real significance to the reason behind the designation of the Conservation Area and contain little of any meaning warranting its retention in an unaltered state. My Conservation Officer considers it to have very low, if any, value. When drawing conclusions on the impact of the scheme, considering its modest scale, subtle location and screening, I would consider this to be neutral.

The area within the Conservation Area in Site 2 would have comprised part of the curtilage of No.7 Pritchatts Road (Locally Listed). The curtilage is significantly deteriorated in this area and of no merit to the conservation area and therefore its value is low. Considering the limited views of this development from any aspect other than from within the University site the direct impact on the conservation area would also be neutral.

Taking these conclusions, my Conservation Officer considers there to be no harm caused to the conservation area from development within it and the impact therefore to be neutral. As it is considered that the character and appearance of the conservation area is preserved as a consequence of this aspect of the development, then there is no conflict between the test set out under paragraph 196 of the NPPF and Section 72 of the Primary Statute. I concur with this assessment.

- 3.3.3. Paragraph 200: *'Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.'*

Considering the very small pieces of land that actually fall within the conservation area designation, their location away from a road, fronting the rear of building and in part being redeveloped, there is no opportunity to better reveal the designations significance and therefore this test within the NPPF is satisfied.

- 3.3.4. Paragraph 201: *'Not all elements of a Conservation Area or World Heritage Site will necessarily contribute to its significance. Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area or World Heritage Site should be treated either as substantial harm under paragraph 195 or less than substantial harm under paragraph 196, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area or World Heritage Site as a whole.'*

It is clear from this that the NPPF takes into consideration parcels of land within conservation areas such as these and allows for development to take place where significance is so limited.

- 3.4. The tests set out in BDP Policy TP12 (Historic Environment) includes *'Where a Conservation Area Character Appraisal or Management Plan has been prepared; it will be a material consideration in determining applications for development.'* The Edgbaston Conservation Area Character Appraisal was adopted in December 1998 and states the following:

- Page 9: *'Despite the piecemeal and chronologically extended development of the Edgbaston estate however, the strict and deliberate control exercised by successive generations of a single landowning family has ensured first the creation and then the preservation of the area's green, spacious and essentially suburban exclusivity. Its quasi-rural character was clearly defined by the 1840s well before the advent of the railways and other forms of public and private transport brought about the great suburban expansion of the late nineteenth and early twentieth centuries.'*

The proposal seeks to retain the area's green, spacious and essentially suburban exclusivity within the areas designated as conservation areas.

- Page 9: *'the long periods of lightly controlled and consistent development which distinguishes the Calthorpe Estate and its almost exclusively residential character make it unique in Birmingham'.*

The areas that fall within the conservation area will be residential in use and character.

- Page 10: *'During the twentieth century there has been a greater variety of residential property types. In 1905 the University of Birmingham built its first hall of residence, University House, on Edgbaston Park Road and in the 1930s blocks of mansion flats were constructed on the periphery of the building estate. Post war development includes tightly grouped blocks of flats such as those built on Vicarage Road in 1972...'*

The application seeks to respond to this characteristic within the Conservation Area by building student accommodation much as it did in 1905.

- Page 12: *'Building plots vary in size, although as a general rule they get progressively larger as the townscape moves towards the heart of the building estate at Edgbaston Hall and Church and then westwards to the conservation area boundary'.*

This is true for these areas on the western boundary and therefore these larger plan structures can be tolerated in the conservation area.

- Page 13: *'Except in the earliest phases of development within the Edgbaston Estate, trees were not generally planted in the street but were deliberately set in the front of the building plots, where these were large enough, often just behind the front boundary wall'.*

The areas of the application site within the conservation area are not in locations where this pattern of tree planting is significant.

It can be concluded therefore that the proposal, where it affects areas within the Conservation Area boundary can be supported as no harm is caused.

Development Indirectly Affecting the Edgbaston Conservation Area

- 3.5. With regards to the areas of the development site that fall outside of the conservation area, these must be assessed on the basis of the impact of setting only. This chiefly comprises the main aspects of the development including the rest of the housing and the multi-storey car park.
- 3.7. Whilst the NPPF still applies, the Primary Statute is silent on setting. Nonetheless, I have still applied S72 of the 1990 Act in the spirit of fully appraising the impact of the development. The tests within BDP Policy TP12 (Historic Environment) which give weight to impact on setting applies and states that: *'Great weight will be given to the conservation of the City's heritage assets. Proposals for new development affecting a designated or non-designated heritage asset or its setting.... will be determined in accordance with national policy'*.
- 3.8. Site 1 has trees along its boundary, but otherwise the open car park has a low value in contributing to the setting of the conservation area. The conservation area appraisal notes that there are large and stately trees that line streets enclose these views. Whilst not within the conservation area, this portion of the application site seeks to respond to these characteristics by retaining the existing trees along this entire frontage. The development behind these trees will help enclose the street using the residential characteristics considered to be central to the characteristic of the wider conservation area.
- 3.9. The proposed development would respond to the character of large detached houses (of mixed design and heritage) in large established plots with mature trees along the surrounding roads. This is a quintessential characteristic of the south-western part conservation area and offers up an important interface with the university campus. The development aims to respond positively to this.
- 3.10. The proposals seek to develop a series of student blocks along the Pritchatts Road frontage screening the multi-storey car park behind. It is the Pritchatts Road accommodation and the multi-storey car park that raises particular concern with potential impact on the conservation area. The original submission sought to create a line of student blocks along Pritchatts Road, based on a series of town houses between three and four floors in height. These comprise a repetitive arrangement of street facing gables with accommodation in the roof. The car park beyond was screened with a series of vertical panels of green wall and dark timber cladding. Concerns were raised over both approaches to the accommodation and the car parking. With regards the accommodation blocks, it was felt that the wrong housing typology was being used and the series of gables in conjunction with the height of the blocks was more characteristic of denser residential development in an inner suburban neighbourhood not Edgbaston. Amendments were negotiated that sought to lower elements of the scheme along Pritchatts Road (in particular at the corner with Vincent Drive), to simplify the flank elevations and reduce the repetitive gable arrangement. The solution arrived at, whilst still large, is more in keeping with the scale of buildings along the street and less repetitive in its form.
- 3.11. With regards the car park, it's location behind the accommodation blocks was considered to be the best position to mask it, however the design was considered to

depend too greatly on the green walls to mask the structure rather than deliver a sound piece of architecture. It was noted that should a car park be approved in this sensitive location then it should be more confident in its design whilst finding a solution to better respond to its context. The amendments negotiated resulted in a bespoke design that comprise a series of diamond shaped corten steel panels randomly applied as cladding (on different profiles) with two sections of matching diamond green wall panels. The sections of green wall are demoted to the areas which align with the gaps between the accommodation blocks so as to soften the impact of the car park on the street and rationalise its role in the design. In conjunction with the corten, the overall design and materiality will be subtle and push the building back into its landscape.

- 3.12. The improvements to the design better mitigate the impact of this development on the character and appearance of the conservation area. The scale and form of the development remains large and of greater scale than that of the other buildings along this street and therefore cause some harm. As the development is not within the conservation area, and the belt of trees are being retained to screen it, and the design has been reduced in scale and simplified, the impact on setting can be determined as being 'less than substantial' in terms of paragraph 196 of NPPF. This paragraph requires schemes of 'less than substantial harm' to be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. The university has appraised the existing student figures and travel patterns at the campus as well as future projections and therefore have soundly justified the need for this accommodation and parking.
- 3.13. BDP Policy TP36 (Education) states that: *'The development and expansion of the City's Universities...will be supported.'* The applicant states in the Heritage Statement that 'The proposed student accommodation is essential for the development and expansion of the University. It is partly on land identified in the Local Plan as Growth Area. The remaining land is already within the University of Birmingham estate'. I concur with this statement and support this position. Policy GA9 also identifies that the Selly Oak and South Edgbaston growth area will be *"promoted for major regeneration and investment and will include the University of Birmingham where further educational and associated uses that maintain and enhance the University's facilities will be supported recognising the unique character of the campus and the important historic and architectural value of its Listed Buildings."*
- 3.14. Considering the role of the University in terms of educational provision and international promotion of the City, whilst this aspect of the development proposal neither 'preserves or enhances' the character of the conservation area (in line with the 1990 Act) I consider the harm caused to be limited and outweighed by these public benefits, albeit this is a finely balanced exercise. With regards Site 2, it has no real value to the setting of the conservation area and the development blocks proposed on it would only be glimpsed, and largely from areas within the university estate, not from any aspects of the conservation area.

Development Indirectly Affecting Listed Buildings

- 3.15. There is no direct impact on any listed building.
- 3.16. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that: *'In considering whether to grant planning permission [or permission in principle] for development which affects a listed building or its setting, the local*

planning authority or, as the case may be, the Secretary of State 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.'

- 3.17. Again BDP Policy TP12 is relevant in terms of matters of setting. The application site is in the vicinity of a number of listed buildings; however there is no intervisibility between any of them save two, which are both at an oblique angle.

- ST CLEARS, 79, FARQUHAR ROAD (grade II): 1914, for J E By W H Bidlake. In an Arts and Crafts style. Purple brick with red brick and a minimum use of yellow stone and tile-hanging; tiled roof. Two storeys plus attic:
- MASS HOUSE, 6, PRITCHATTS ROAD (grade II): Late C17, altered. Timber-framed; brick; tiled hipped roof. Two storeys plus attic; and
- OUTBUILDING TO THE REAR OF NUMBER 6 (MASS HOUSE), PRITCHATTS ROAD (grade II): C18. Timber-framed; brick; tiled roof with dentilled eaves cornice.

The lack of intervisibility between these buildings and development within the application results in no harm to their setting.

- 3.18. Whilst matters of congestion (vehicular movement and queuing) and pollution generated by the development have been raised and considered, these are not matters that are considered to have a tangible direct impact on listed buildings such that refusal could be justified in this case.

Development Indirectly Affecting Locally Listed Buildings

- 3.19. Paragraph 197 of the NPPF states that *'The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.'*
- 3.20. Policy TP12 states that: *'applications for development affecting the significance of a ... non-designated heritage asset, including proposals for removal, alterations, extensions or change of use, or on sites that potentially include heritage assets of archaeological interest, will be required to provide sufficient information to demonstrate how the proposals would contribute to the asset's conservation whilst protecting or where appropriate enhancing its significance and setting.'*
- 3.21. The Heritage Statement has addressed No.7 Pritchatts Road, a locally listed building that backs onto the application site. The development would be at some distance and screened in part by a number of trees. There would therefore be no harm caused by the development on the setting of this locally listed building.

Conclusion on Heritage Issues

- 3.22. The application site sits chiefly outside the conservation area, with small parts of it sitting within the conservation area. Those areas within the conservation area are of very low value to the designation and comprise parcels of land forming parts of rear curtilages with very limited public visibility. The development of these areas causes no loss and is modest in scale and form causing no harm. The legislative test of 'preserving or enhancing' is therefore satisfied. Moreover the NPPF notes that not all aspects of a conservation area contribute to its significance and in this instance that is the case.

- 3.23. The aspects of the development that fall outside of the conservation area do in part cause 'less than substantial harm' and this is largely concerning the development along the Pritchatts Road frontage in Site 1. The scheme has been amended to improve its design and in conjunction with the tree retention and landscaping is largely mitigated. The test set out in Paragraph 196 of the NPPF is therefore brought into play and the balanced 'public benefit' has been demonstrated through the application of Policy TP36 supporting the growth of the university as a globally significant university that contributes the city's cultural and economic offer.

Traffic Considerations

- 3.24. I note the comments made regarding traffic modelling and the 'on the ground' reality referred to. As previously advised, the proposed multi-storey parking would replace consented parking elsewhere across the campus and the modelling undertaken reflects this. Whilst the modelling acknowledges that the roundabout at the junction of Pritchatts Road and Vincent Drive is at capacity, the impact of the proposed 'movement of existing trips on the network' through this proposal was not considered significant by my Transportation Officer. The proposed development of student accommodation and car park would not materially generate a greater number of vehicle trips on the network than existing. Whilst some trips would be redistributed, I consider that the impact would not be sufficient to warrant a refusal of planning permission on highway grounds.
- 3.25. As also noted in the previous report, the wider strategic master plan is an ongoing piece of work, which has yet to be finalised. As the proposed development would not increase parking levels across the University and student parking is not proposed and is regulated by lease agreements, my conclusions remain as per my original report in that the wider master plan is not necessary or required in the determination of this application.

Other Issues

- 3.26. Policy TP33 of the BDP states that *"proposals for purpose built student accommodation provided on campus will be supported in principle subject to satisfying design and amenity considerations. Proposals for off campus provision will be considered favourably where:*
- *There is a demonstrated need for the development.*
 - *The proposed development is very well located in relation to the educational establishment that it is to serve and to the local facilities which will serve it, by means of walking, cycling and public transport.*
 - *The proposed development will not have an unacceptable impact on the local neighbourhood and residential amenity.*
 - *The scale, massing and architecture of the development is appropriate for the location.*
 - *The design and layout of the accommodation together with the associated facilities provided will create a safe, secure and welcoming living environment."*
- 3.27. I note the objection raised in relation to my assessment that the proposed student accommodation would be located 'on campus' and that the correct assessment should be (under a dictionary definition of campus) that the accommodation would be 'off campus'. Given the geographical nature of the University and the City as a whole, 'campus' in its dictionary definition would be difficult to meet and in that definition, none of the student accommodation provided by the University would be defined as 'on campus'. Whilst I consider that my original assessment (that the accommodation

would be 'on campus') is correct, if the accommodation was considered to be off campus; the proposed development would still be assessed as complying with the tests within BDP Policy TP33 outlined above. The need for the development has been appraised in the original report; the development would sit on the edge of the campus and within walking distance of it, public transport (including the railway station) and Selly Oak District Centre and, the proposed development has been considered as acceptable in terms of design, scale, massing, amenity and living environments.

4.0. Conclusion

- 4.1 As per the conclusions within the original report, the principle of the proposed development is considered acceptable in principle and would be in accordance with BDP and NPPF policy along with the statutory requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990. The design of the development is considered acceptable and would have no material adverse impact on adjacent residential occupiers through overlooking or loss of privacy.
- 4.2 I consider that the public benefits of the scheme outweigh the less than substantial harm to the conservation area that the scheme would create.

5.0. Recommendation

- 5.1. That planning permission is approved as per the original recommendation subject to the inclusion of a further condition relating to employment.

No development shall take place, including any works of demolition, until a construction employment plan has been submitted to, and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. The construction employment statement shall provide for details of the following:

A minimum total of 60 Person Weeks of employment per £1million spend on the construction of the site will be provided for New Entrants whose main residence is in the Local Impact Area identified from Birmingham City Council's Employment Team or an alternative source agreed by the Council provided always that each New Entrant is suitably qualified for the relevant role.

The opportunity can be as an 'apprentice', 'graduate', 'new entrant (job start)', or 'work placement'. The following can be counted as a New Entrant:

- A person that is leaving, or in an educational establishment (e.g. school, college or university) or a training provider; or
- An unemployed adult seeking employment that includes on-site training and assessment and/or offsite training; or
- A person whose current employment is at risk of termination, or redundancy, including New Entrants employed by another contractor or supplier to the Council whose contract of employment or apprenticeship agreement is being terminated and who is therefore seeking another position to complete their training period.

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

Reason: This is required as a pre-commencement condition in accordance with the SI 2018 566 The Town and Country Planning (Pre-Commencement Conditions) Regulations 2018 as the information is required prior to development and to secure the satisfactory development of the application site in accordance with Policy TP26 Local Employment of the Birmingham Development Plan 2031 and the National Planning Policy Framework.

SITE VISIT

Committee Date:	06/12/2018	Application Number:	2018/05359/PA
Accepted:	16/07/2018	Application Type:	Full Planning
Target Date:	06/12/2018		
Ward:	Edgbaston		

Pritchatts Road Car Park and Ashcroft Halls of Residence, Pritchatts Village, Pritchatts Road, Edgbaston, Birmingham, B15 2QU

Erection of student accommodation blocks (230 bedrooms at Ashcroft Block and 302 bedrooms at Pritchatts Car Park site) and multi-storey car park (608 spaces).

Applicant: University Of Birmingham
Estates Office, Edgbaston, Birmingham, B15 2TT
Agent: Glancy Nicholls Architects
The Engine Room, 2 Newhall Square, Birmingham, B3 1RU

Recommendation

Approve subject to Conditions

1. Proposal

- 1.1. Planning permission is sought for the erection of a total of 10 student accommodation blocks and a multi-storey car park of 608 spaces (replacing existing surface level car park of 289 spaces) with vehicle access and egress from Pritchatts Road and Vincent Drive and 6 spaces in association with the student accommodation.
- 1.2. The site consists of two areas of land; Site A, land adjacent to the existing Ashcroft Halls of Residence (with 230 bed-space student blocks) and Site B, land to the rear of No's 11 & 13 Pritchatts Road and the Pritchatts Road surface car park (proposing a multi-storey car park and 302 bed-space student blocks).
- 1.3. The total floor-area of all student accommodation proposed would be 17,292sqm.

Student Accommodation blocks (at Ashcroft) SITE A

- 1.4. The student accommodation would consist of 230 bed-spaces with 6 dedicated parking spaces. It would be arranged in four blocks, two running north/south, one east/west and one running NW/SE on the eastern edge of the site. Associated hard-standing would also be proposed to link these buildings to existing buildings and the existing roadway.
- 1.5. The blocks running north/south would be 3 storeys in height whilst the block running east/west would be 4 storeys. These blocks would be a contemporary style in a traditional form, with brick walls and pitched tiled roofs.

Student Accommodation blocks (Pritchatts Car Park site) SITE B

- 1.6. The student accommodation would consist of 6 blocks; 4 facing onto Pritchatts Road, behind the existing row of trees and 2 blocks behind 11 and 13 Pritchatts Road with a total of 302 bed-spaces. These blocks would be three stories and be contemporary in architectural terms, again with traditional forms and brick walls and tile roofs. The blocks would be split into 'family' modules meaning that access to individual front doors gains access to a maximum of 12 bedrooms with dedicated living and kitchen areas. Each bedroom would have an en'suite.



Image of Pritchatts Road Street-scene

Multi-Storey car park

- 1.7. The multi-storey car park (MSCP) would be constructed on the remainder of the existing surface level car park of 289 spaces and would have 608 spaces over 5 levels. It would have a total floor-area of 18,524sqm. Vehicle access into the car park would be either from Pritchatts Road and along Brailsford Drive or via Vincent Drive, with egress out onto Vincent Drive. This would replace the existing access points into the surface level parking, currently from Pritchatts Road.
- 1.8. The MSCP would range in height from 6.45m to 10m on the section fronting the rear of the proposed student accommodation fronting Pritchatts Road and between 10.3m and 13.3m for the rear section and would be 103m wide (north/south) and 36m deep (east/west). The car park would be faced with a perforated corten steel cladding with two elements of a green wall on the elevation to Pritchatts Road.

Ancillary buildings

- 1.9. Site B would also include two small ancillary buildings providing an Energy Centre and substation. These would be brick flat roof structures set partly into the embankment to the western edge of the site.

Amended Plans

- 1.10. Amended Plans have been received that have made the following alterations;
- Reduction in height of the student block on the south east corner of site B (from 4 to 3 storeys)
 - The increase of height of a block on site A to the north row of students blocks

- Reduction in height of the MSCP front section from between 10.5m and 13m to between 6.45m up to 10m.
 - Improvements to the architecture and articulation of the blocks facing onto Pritchatts Road.
- 1.11. The scheme proposes the removal of several groups of trees. Site A would include the removal of 19 category B and 21 category C trees. Site B would include the removal of 37 category B and 50 category C trees. In addition there is the partial removal of some smaller groups (where trees are very similar and are treated as one entity under the survey report), which have been categorised as Site A: Group G27, 28 & 29 (Category B) and Site B: G14 & G13 (Category C).
- 1.12. Site Area: 4.57ha (site A and site B combined).
- 1.13. The application is supported by a Design and Access Statement, Campus Masterplan, Drainage Strategy, Ecological Assessment, Flood Risk Assessment, Noise Assessment, Heritage Assessment, Arboricultural Assessment, Sustainability Assessment, Student Accommodation Strategy, Air Quality Assessment; Transport Assessment and Site Investigation Assessment.
- 1.14. The application has been screened for an EIA and it was determined that one was not required.
- 1.15. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The site consists of two areas of land; land adjacent to the existing Ashcroft Halls of Residence (Site A) and land to the rear of No's 11 & 13 Pritchatts Road and the Pritchatts Road surface car park (site B).

2.2. [Site Location Plan](#)

Land adjacent to the existing Ashcroft Halls of Residence (Site A)

- 2.3. This site is an existing student village, accessed from either Pritchatts Road or Vincent Drive. It consists of a range of student accommodation units with blocks of varying architectural styles and scale. The site slopes down to the eastern boundary where a small gully sits, consisting of student blocks, car parking and access roads the site also has substantial areas of open space and wooded areas.
- 2.4. To the east of the site is further student accommodation. To the north and west are houses that front onto Metchley Park Road and Somerset Road and, to the south, are playing fields which are rented from the City by the University and are located to the side of the Women's Hospital.

Land to the rear of No's 11 & 13 Pritchatts Road (Site B)

- 2.5. This site consists of rear gardens of houses converted to student accommodation (11 and 13 Pritchatts Road) and include an existing surface level car park (with parking for 289 cars) accessed from two points from Pritchatts Road. The site is mostly flat and level but the eastern boundary falls sharply at its edge by around 5m.

- 2.6. To the north of the site is 11 and 13 Pritchatts Road. To its northeast is Pritchatts Road; to the southeast is Vincent Drive and to the south west, is a building that contains an MRI scanner used by the adjacent QE Hospital.
- 2.7. Approximately 40% of Site B is within the Conservation Area, being the northwest part of the site. This site contains trees to its perimeter, including a substantial group of trees that act as a visual buffer between the current car park and Pritchatts Road.

3. Planning History

- 3.1. 2 November 2006. 2006/05462/PA. Planning permission granted until 2 November 2009 for a temporary extension to the existing surface level car park.
- 3.2. 6 December 2012. 2011/05702/PA. Application withdrawn for the erection of a new decked car park to existing Pritchatts Road car park.
- 3.3. 29 October 2012. 2012/02047/PA. Planning permission granted for the Redevelopment of elements of the University Campus buildings and infrastructure including: 1) Outline application for: a) New multi-storey car park adjacent to Gisbert Kapp building; creation of permanent car park at Grange Road (all matters reserved except access); b) Erection of student residences and sports pavilion (All matters reserved except scale and access); c) Creation of new green open space; erection of new library; library enabling works (comprising, removal of running track, new library store and ground works); creation of new running track; erection of sports pavilion; Pritchatts Road traffic management/public realm improvements; new bridge crossing (all matters reserved); d) new vehicular route (all matters reserved except access); e) New access road (all matters reserved except layout and access); 2) Full details for: e) The erection of a new sports centre; f) Improvements to pedestrian route from the sports centre to Aston Webb C block; g) External alterations to Aston Webb C block; h) Extension to Pritchatts Road surface car park; i) Construction of new pedestrian/cycle route to the Vale; 3) Demolition of a) the Gun Barrels public house and b) bungalow adjacent to the South Car Park, c) Terrace Huts, d) chemistry west building and research unit, f) main campus library, g) substation, h) Munrow sports centre, and i) ex sports pavilion; 4) associated landscaping and car parking; a) Permanent surface car park on the site of demolished terraced huts, b) landscaping to the demolished Chemistry west site, d) landscaping to the site of the demolished ex sports pavilion, and e) temporary car park north of Muirhead Tower.

4. Consultation/PP Responses

Consultation Responses

- 4.1. **Transportation** – No objection subject to conditions relating to the closure of the previously consented 360 parking spaces provided on Munrow car park when the new multi-storey car park is first opened; secure cycle parking facilities are provided prior to the student residential blocks being occupied; and a car park management plan that confirms details on how the car park is operated, details of any access routes on private roads being in place prior to the MSCP opening, and any changes to signage on the highway network for this; a Section 278 agreement to secure the provision of a pedestrian crossing on Vincent Drive and details of pedestrian and cycle access and routes through the application site.

A technical note has been submitted to resolve the issues raised. The summary of the report is based on previous consents to increase surface car parking for UoB on

the Munrow car park within the campus. These applications have allowed another 360 parking spaces, whereas this application seeks a multi-storey car park with 608 spaces but notes the existing site has a car park for 289 cars. As such there are 319 new spaces created in this site, but the UoB have agreed parking on Munrow will have to be removed due to future development activity on that site. A suitable condition or agreement is required to confirm the 360 consented spaces will be removed when the new MSCP is opened.

In addition, the modelling of adjacent junction operation has revised the traffic distribution to assume (based on the consented parking) that the trips are now re-located consented trips rather than new trips. Any trips arriving from the north on Pritchatts Road are now assigned to the private road that accesses the site, rather than assigned to the public highway and so forced to travel through the Pritchatts Road/Vincent Drive roundabout. Given the congestion that occurs here in the morning peak, it is highly unlikely that any driver would seek to continue through this junction and then face further queues on Vincent Drive to turn right (opposed) into Brailsford Drive which is another private road on the south of the site.

The traffic modelling in the assessment now compares the base against the consented scenario and this revised future scenario with less parking on campus overall, and slight changes to traffic distribution based on the above assumptions. The roundabout junction operation performs on a comparable level to the consented scenario, and does note it is at capacity with queues and delays, but these are not deemed significant given the consented car parking scenario. Across the whole junction, a reduction of 300 seconds delay per vehicle is forecast in the AM peak but an additional 195 seconds of delay is introduced in the PM peak compared to the 2026 consented scenario, but overall the junction performance is comparable, and in essence is a reallocation of queuing from one part of the network to another.

A further technical note has been provided updating effects on traffic flows across the network. Whilst it identifies additional queuing on the site exit at Brailsford Drive with vehicles leaving the site onto Vincent Drive, no significant impact on the network is predicted.

- 4.2. **Conservation Heritage Panel** - The Panel agreed the concept of student houses was interesting and houses along Pritchatts Road a good idea, but felt the scheme would benefit from further refinement. The Panel felt that that the expression of grouped terraces and multiple gable frontages are not contextual to the Edgbaston Conservation Area in which larger mansion scale houses are more predominant. A Panel member suggested that there is an issue with the typology developed resulting in an uneasy relationship between house types and the grouping of six. It was suggested that all groupings of student residences should be treated as both an individual and overall composition with greater variation, ends and a middle. The Panel raised concern about the scale and impact of the car park which was considered to be very different to the language and grain of the surrounding context. The Panel also raised concern about the relationship between the back of the car park and proposed student halls. It was questioned whether the green wall was the most suitable design response and concerns were raised about long-term maintenance. The Panel recommend that key before and after views are produced including views from Vincent Drive. The Panel suggested greater clarity is needed on the wider approach and requested that future presentations show how the scheme works as part of the wider master plan. The Panel were generally happy with the size and massing of buildings but generally felt more detail and imagination of the student housing and multi storey car park is needed.

- 4.3. **Lead Local Flood Authority** – No objection subject to sustainable drainage conditions.
- 4.4. **Regulatory Services** – No objection, subject to conditions for noise and vibration assessment, limits noise from plant and machinery, contamination remediation and verification report, construction method statement and vehicle charging points for 10% of the parking spaces.
- 4.5. **West Midlands Fire** – No objection provided the scheme satisfies building regulations.
- 4.6. **Historic England** – does not wish to offer any comments.
- 4.7. **West Midlands Police** – With regards to the residential accommodation, any students living ‘on-campus’ as opposed to in private rented ‘HMO’s off site, will be encouraged. They also welcome the proposed single point controlled entry to the flats, access control to individual bedrooms and 300mm window restrictors to all opening windows. They have no objection subject to conditions that require all external and communal areas be well lit, especially entrances and pathways that work in conjunction with the any CCTV system. Furthermore, the multi-storey car park should include; access control to prevent unauthorised entry outside of the opening hours, help-points, adequately lighting (especially the basement levels), that a CCTV system is installed (to cover all entry/exit points, any pay points and also help points).
- 4.8. **University Hospitals Birmingham** – The trust is currently acting at full capacity and cannot plan for unanticipated additional growth in the short to medium term. A sum of £2,913 is requested to enable the provision of additional services and capacity to meet patient demand.
- 4.9. **Network Rail** - The above proposal is not adjacent to the railway but the Rail bridge could be potentially impacted. The bridge is 40 tonnes but increased traffic, particularly heavy goods vehicles, presents an increased incursion and overbridge strike risk given the substandard road widths. Applications that are likely to generate an increase in trips over the railway bridge may be of concern to Network Rail where there is potential for an increase in ‘Bridge strikes’. Vehicles hitting railway bridges cause significant disruption and delay to rail users. Consultation with the Asset Protection Engineers is necessary to understand if there is a problem. Developers will be liable for the cost of any necessary bridge protection barriers. A weight restriction is therefore requested for vehicles.
- 4.10. **Canal and Rivers Trust** – No objection. Should the application be approved we ask that the applicant is advised to contact the Canal and River Trust to discuss the acceptability of discharging surface water to the adjacent canal.

Public Participation Responses

- 4.11. Local residents, Resident Associations, Ward Councillors and the MP consulted. The following comments have been received in respect of the original submission.
- 4.12. **Preet Gill MP** – has concerns about the impact the scheme would have on congestion and parking around the University and QE Hospital. Also, the local community do not feel well consulted on the proposal.

- 4.13. **Councillor Deirdre Alden** - Strongly objects on the basis of the proximity of the multi-storey car park to existing residents, the encroachment of student accommodation into the residential part of Edgbaston, the visual impact of the student houses on the street scene, the impact on mature trees on Pritchatts Road.
- 4.14. **Metchley Park Residents Association** – The very thought of such a development is abhorrent in terms of density and the already overpopulated situation in Birmingham. Edgbaston now seems to be at a standstill for large parts of the day traffic wise. Impact on the rear of the residents of Metchley Park Road would be significant. Any further developments should be resisted.
- 4.15. **Edgbaston Residents Association** - Strongly opposed to this proposed development. Both the University and QE Hospitals have grown exponentially over the last two decades, but neither institution has made any significant contribution to improving local infrastructure. At the same time parking provision has fallen dramatically, turning surrounding residential areas into gridlocked car parks. Further, there has been inadequate consultation by the University. Traffic Impact caused by the multi-storey car park on the infrastructure. The design of the student accommodation, whilst described as town houses, is a misnomer as they are simply terraced blocks of bedsits. In essence the main proposal is to build a 3 and 4 storey wall of brick fronting Pritchatts Road. The gabled roof design feature does not disguise what the buildings really are, nor does it relate to the high quality family housing of the Conservation Area. To retain the integrity of the Conservation Area and attractive housing surrounding Pritchatts Park, it is essential that any new development is sympathetic to its locality and does not put any further pressure on the local infrastructure. The planning application fails to meet these criteria. Impact of students on the local area. Apart from sheer numbers, noise and late at nights completely change the character and family friendly environment residents have a right to expect. The University has an obligation to recognise this and work with its residential neighbours, not just trample all over them.
- 4.16. **Calthorpe Residents Society** - Object to this application in its current form. People in Edgbaston are generally proud of the UoB and want it to succeed and prosper. UoB professes its intention to be a “good neighbour” and CRS values the opportunity to interact with the university at a variety of levels. We have developed a working relationship based on positive engagement. It is important for residents to recognise the needs of the university. However, there has been no proper public consultation on the scheme. The idea of locating the multi-storey car park on lower ground behind a screen of houses and with green walls is attractive. However, the proposed relocation of 319 spaces from campus to this residential area is inappropriate. The town houses, give the appearance of one long red brick terrace which is completely inappropriate to the street scene on Pritchatts Road.
- 4.17. Objections raised by 55 residents on the grounds of:
- Impact on Highways - Excessive vehicle noise and traffic. The roads cannot cope with the current capacity of cars. The car park would be contrary to the council's 'Birmingham Clean Air Zone' consultation. There will be increased danger to children travelling to the local schools due to increase in traffic. The traffic queues at peak times at the junction between Pritchatts Road, Farquhar Road and Vincent Drive and at both ends of Pritchatts Road are already causing severe problems. Inadequate/no provision for cycling.
 - Impact on Health - Increased air pollution and risk to health due to additional traffic

- Impact on Trees - Loss and damage to trees causing loss of privacy and excessive noise.
- Impact on Residential Amenity - This is a residential area and building even more student accommodation in the heart of a residential area is not conducive to the area. This will commercialise a residential area. It will change the landscape of the area forever and greatly affect our quiet enjoyment of our home with little or no regard for the welfare of the permanent residents of the area, Excessive noise and light pollution from students due to proximity of proposed Halls.
- Design - The proposal would be detrimental to the integrity of the Conservation Area upon which this development will have a negative impact and the fabric of this historically important listed building at 6 Pritchatts Road. The proposals are entirely out of character for the area, and do not reflect the notion of a conservation area. The scale and intensity of the proposed developments are totally out of proportion to the existing equilibrium of the area. It is out of keeping with every other building in Pritchatts Road. The scheme would have a harmful impact on the conservation area.
- Loss of light, over-shadowing and Overlooking - Loss of privacy caused by proximity of proposed Halls creating overlooking into rear garden. The buildings will be much taller than other properties on the road at 4 and 5 storeys high which will inevitably lead to loss of light, particularly in the winter months when the sun is lower. The sun currently sets over the existing car park.
- Human Rights Act – The scheme is contrary to Protocol 1, Article 1 which states that a person has the right to a peaceful enjoyment of their possessions which include the home and other land. Also, Article 8 of Human Rights Act states that a person has the substantive right to respect for their private and family life.
- Impact on Ecology - Potential risk to badgers and bats in the areas marked for development. The ecological appraisal has technical flaws and there are, in fact, badgers within the application site.
- Impact of Flooding -Risk of flooding from surface water runoff
- Consultation - The timing of the consultation period is suspicious as it started during the summer holidays when residents are generally away from home.

- 4.18. One letter of support stating that the car park design is attractive and the extra capacity is most welcome and badly needed. The student accommodation is also of benefit as I believe it will address the lack of high quality accommodation, whilst hopefully helping to stop more houses in the Selly Oak area becoming student let and returning them back to family dwellings.

Public Participation following RE-CONSULTATION

- 4.19. Following re-consultation on the amended plans the following comments were received. It is also noted that the applicants undertook a consultation event on the 24 October, where the proposals were displayed.
- 4.20. **Preet Gill MP** – It is abundantly clear that a sufficient consultation process has not taken place. Given the significant scale of this development, it is absolutely essential that all local residents are able to get a true sense of what this development will look like, to raise their concerns, and to have questions answered. Whilst appreciating the extended consultation by the University, still concerned about traffic on Pritchatts road, noise from more students, ecology and external architecture.

- 4.21. **Edgbaston Residents Association** –continue to be strongly opposed to this planning application as there has been no effort to address the key issues of scale, traffic, infrastructure and impact on the residential area. The proposed elevational changes are a small improvement but do little to hide the scale and nature of the student accommodation. *“The fundamentals of the Conservation Area and attractive family houses surrounding Pritchatts Park continue to be ignored. In an effort to address the inevitable traffic chaos arising from the proposed 608 space car park, the University suggests reverting to use of the current vehicular access points serving Pritchatts Park. Residents already experience traffic mayhem in Pritchatts Road and Vincent Drive, and suggesting that the existing site access is appropriate whilst increasing the car park from 289 to 608 spaces is extraordinary. The primary reason given for creating a new multi-story car park at Pritchatts Park is to relocate existing parking from within the main University campus. The current on campus arrangements are relatively efficient at peak hours because cars can leave the campus from a number of different points, distributing traffic on to the least congested surrounding roads. The chief benefit of relocating parking off the main campus as stated in the Planning Design Note is to create “a more pedestrian focused centre of campus”. It would seem that enhancing the environment for transient students is more important than protecting that of the residents of Birmingham. Ongoing efforts to encourage “green travel” are to be welcomed, but these have had little or no impact and are unable to keep up with the inexorable growth of the University.”*
- 4.22. **Metchley Park Road Residents Association** - the opposition to these plans has been unprecedented and still this ridiculous procedure exists. Anything to do with the University is fine and the residents can go and live elsewhere and the respectability of the area is of no consequence.
- 4.23. **Calthorpe Residents Association** – Our objection is limited to the proposed multi-storey car park. The roads around the site are very congested indeed especially at peak periods. During the working week there is gridlock at rush-hour periods. The mini roundabout at the junction of Pritchatts Road and Vincent Drive, which is a few yards from the proposed site, is inundated with traffic and particularly hazardous. The erection of the car park which has its exit along Brailsford Drive into Vincent Drive, will inevitably lead to far greater congestion. This is a narrow and difficult exit. The University claim that they are simply closing nearby car parks whose traffic would use these roads anyway. We do not accept this argument. We can say with certainty where the traffic using the car park will have to go. The University can only speculate upon the routes presently being used to and from other car parks which they intend to close.

Further, the University have undertaken research into traffic volume and flows around the area. We maintain that the research is unbalanced and inadequate. It does not take into account the following considerations: the introduction of the A38 cycleway will lead people off the A38 and use the roads around this area; the new Retail Park being built almost adjacent to this neighbourhood will also lead to increased traffic; the planned expansion of University Station will inevitably increase traffic volumes around this area.

- 4.24. A further 62 objections were received with the following concerns;
- Traffic congestion. Pritchatts Road is already at a standstill in the morning and evening rush hours. This will also result in an increase in the level of pollution, which will have a detrimental impact on the health of the residents of this area. Ongoing efforts to encourage “green travel” are to be welcomed,

but these have had little or no impact and are unable to keep up with the inexorable growth of the University. There is no crossing for pedestrians at the junction - one is desperately needed on Vincent Drive by the Research Park; this development will greatly increase the number of students crossing here.

- It will be dangerous for students in Pritchatts Village due to more traffic and it's dangerous to use the narrow bridge on Pritchatts Road.
- A multi storey car park will not encourage a modal shift.
- There should be an overall master plan for the university and hospital for transport.
- During the construction, the movement of heavy vehicles will add substantially to the already severe congestion problems at this site and blight the lives of nearby residents. The loss of the car park spaces will force commuters to go further afield to park.
- Noise caused by students.
- The University's revised proposals are little changed.
- The scale, massing and architecture of the proposed student accommodation is inappropriate to the area and the numbers of units proposed detrimental to the surrounding area. Substantial harm will result to a designated heritage asset with no public benefit.
- The density of the accommodation for the students and the loss of privacy that will result, given that the accommodation would overlook the back of houses on Metchley Park Road. I understand that there is sufficient accommodation for students in the City and therefore additional accommodation is not essential.
- Inadequate public consultation.
- Could lead to an unbalanced community.
- Loss of privacy, overlooking and loss of sunlight to houses on Pritchatts Road.
- The green wall on the car park would have been positive.
- Too many trees lost.

- 4.25. One letter of support indicating support for the proposal; tree line retention and level of car parking.

5. Policy Context

- 5.1. Birmingham Development Plan, NPPF, NPPG, Birmingham UDP (saved policies), Car Parking Guidelines SPD, Nature Conservation Strategy SPG, Places for All SPD. Edgbaston Conservation Area. Wildlife Corridor (Vincent Drive).

6. Planning Considerations

- 6.1. Policy TP27, of the BDP, requires all new development to demonstrate that it is meeting the requirement of creating sustainable neighbourhoods. This is characterised by a wide choice of housing types, access to facilities (being shops, schools, leisure and work), access to sustainable travel, a strong sense of place with a high design quality, and promoting environmental sustainability. Policy TP3, of the BDP, requires new development to be designed and constructed to sustainable standards which maximise energy efficiency, conserve water and reduce flood risk, consider the source of materials, minimise waste and maximise recycling during construction, have flexible and adaptable spaces and enhance biodiversity.

- 6.2. The application site is located within the Selly Oak and South Edgbaston Growth Area identified under Policy GA9. Policy GA9 supports further educational and associated uses that maintain and enhance the University's facilities. The same policy seeks the delivery of over 700 new homes in the area in line with the overarching strategy for the area, which is stated as being: maximise the potential of University and hospitals, promote economic diversification and secure spin-off benefits. Policy GA9 supports, in principle, the growth and enhancement of the Universities facilities, to enable the University to maximise its potential and to secure significant additional housing. Student accommodation and consolidation of operational car parking to support the University are considered to be acceptable in principle in this location in accordance with policy GA9.
- 6.3. This application raises a number of considerations including the principle of student accommodation; the principle of a multi-storey car park; transportation impacts; design consideration; impact of development on the conservation area and its setting; impact on residential amenity; ecological considerations; arboricultural considerations; drainage impacts and crime and safety considerations. These are considered below.

Principle – Student accommodation

- 6.4. Policy TP33, of the BDP, states that on campus purpose built student accommodation will be supported in principle subject to satisfying design and amenity considerations. The BDP recognises the importance of student accommodation which should be well designed and managed. The City wishes to ensure there is a sufficient supply of good accommodation in a suitable, sustainable location, with attractive buildings that enhance the local area.
- 6.5. The University have set out their student bed-space provision Strategy. It explains that it currently manages 5,178 bed spaces across three villages in Selly Oak and Edgbaston and is primarily aimed at first year students. However, it is only able to provide for around 77% of this number for first time students at the moment. The remaining students, currently 1707 (2018/19), are housed in private accommodation and private purpose built student accommodation. The strategy explains that increasing on-campus student accommodation is designed to reduce students travelling to the site and consequently providing a sustainable arrangement with students travelling less to attend University.
- 6.6. I am satisfied that the University has clearly explained that the proposed scheme complements a wider strategy that seeks to consolidate student accommodation on campus reducing the need to travel and taking pressure off both off-site demand for purpose built student accommodation and converted houses. I am satisfied that the scheme would comply with Policy TP33 provided that it meets design and amenity considerations, discussed in later sections. The scheme would provide high quality, on campus student accommodation, providing ensuite bedrooms with shared communal facilities.

Principle – Multi-storey Car Park

- 6.7. Policy TP44, of the BDP, seeks for the City to make optimum use of infrastructure across all modes of transport. Managing travel through a number of measures including the availability and pricing of car parking and ensuring the delivery of sustainable transport network is critical.

- 6.8. The University has illustrated that the proposed MSCP is part of a coordinated strategy to rationalise on-campus parking into key locations to enable visitors and staff to continue on into the heart of the campus by foot. The submitted car parking strategy plan shows the gradual replacement of ad-hoc surface parking with dedicated MSCP's such as to the rear of the Sports Centre, on Pritchatts Road (next to Gisbert Kapp) and that proposed on Site B. This approach is considered to be an improvement to the appearance of the campus as it creates space for improved landscaping and public space (such as evident in the Green Heart) and is a more efficient use of land. This overall approach is supported, subject to any potential highway impacts.
- 6.9. The 2012 Hybrid planning application established that 3,500 parking spaces were provided on campus at the time and since then a further 442 spaces have been provided on the former Munrow Sports Centre site to accommodate the growth created by new University building since 2012. This has increased the overall level of on campus parking to 3942 spaces. The proposed MSCP would provide an extra 608 spaces. However, the MSCP would be built on an existing 289 space surface car park, so the net gain would be 319 spaces on this site. In addition, the university would remove car parking currently provided on the Munrow site, before the multi storey is used to ensure that there would be no net gain in parking.
- 6.10. It is considered that the multi storey car park could be supported in principle, (subject to its design) subject to a safeguarding condition ensuring that there is no net overall gain in parking through this application. Existing parking would have to be removed before first use of the multi storey. During construction, there will need to be an interim strategy for parking on the Munrow site. This approach supports the work done on the overall predicted traffic flows. Levels of parking must be balanced against a desire to encourage sustainable transport modes and reduce congestion and pollution. Management of the car park and its charging regime will also need to be agreed with the City.

Transportation/Highways

- 6.11. Policy TP44, of the BDP, seeks for the City to make optimum use of infrastructure across all travel modes. Managing travel through a number of measures including the availability and pricing of car parking and ensuring the delivery of sustainable transport networks.
- 6.12. The proposal is in two distinct elements with a Transport Statement and Transport Assessment supporting each one. Site A would provide 230 bedrooms in blocks off Brailsford Drive (on land which is currently landscaped amenity area) and 25 parking spaces used by UOB medical and dental practice staff and patients. 58 new cycle parking spaces are proposed which would meet BCC guidelines. There would be 6 disabled parking bays and spaces where drop-off and pick-up could occur at term start and end; this is all located some distance from the public highway. Site B would replace an existing surface car park and landscaped amenity area with 302 student bedrooms and 608 spaces in a multi storey car park. The existing car park is pay and display for staff and visitors and students with an approved permit. There are no parking spaces proposed for the student accommodation (bar the 6 disabled bays) but it would provide 76 cycle parking spaces to meet BCC guidelines. Parking would not be required for the student accommodation as in taking a rental agreement this includes a provision/requirement to not bring a car.
- 6.13. Transportation has assessed the submitted statements and raises no objection to the proposed development. They identify that the new parking will replace already

consented parking and the new traffic modelling reflects this. In addition, the modelling of the adjacent junction at Pritchatts/Vincent Drive has revised the traffic distribution to assume that (based on the consented parking) the trips are now re-located trips rather than new trips on the highway. Any trips arriving from the north on Pritchatts Road are now assigned to the private road that accesses the site, rather than assigned to the public highway and so forced to travel through the Pritchatts Road/Vincent Drive roundabout. Given the congestion that occurs here in the morning peak it is highly unlikely any driver would seek to continue through this junction and then face further queues on Vincent Drive to turn right (opposed) into Brailsford Drive which is another private road on the south of the site.

- 6.14. The traffic modelling now compares the base against the consented scenario and this revised future scenario, and slight changes to traffic distribution based on the above assumptions. The roundabout junction operation performs on a comparable level to the consented scenario, and does note it is at capacity with queues and delays, but these are not deemed significant given the consented car parking scenario. Across the whole junction, a reduction of 300 seconds delay per vehicle is forecast in the AM peak but an additional 195 seconds of delay is introduced in the PM peak compared to the 2026 consented scenario. Overall, the junction performance is comparable, and in essence is a reallocation of queuing from one part of the network to another.
- 6.15. It is considered that the new car park and student accommodation will not generate a materially greater number of vehicle trips on the nearby highway network. Some trips may be redistributed, but not to a point where an objection on highway grounds could be sustained.
- 6.16. I note the objections from local residents regarding car parking for the Queen Elizabeth hospital and the University as part of a wider strategic master plan. This is an ongoing piece of work which has yet to be finalised. However, as this proposal does not seek to increase parking levels across the University and student parking is not proposed and is regulated by lease agreements, I do not consider that the requirement for the wider strategic master plan is necessary in the determination of this application.
- 6.17. Network Rail, whilst not objecting to the proposal, have raised concerns regarding the nearby railway bridge and its weight provisions and have requested a weight restriction condition is attached to any approval. Whilst I understand their concern, the bridge already has a weight limit and a condition requiring a weight restriction of vehicles visiting the site would be unenforceable. On this basis, I do not consider a condition is appropriate, nor necessary as the bridge in question already has a weight regulation restriction.
- 6.18. Given the introduction of more student living on this part of the site, it will be important to agree a strategy for safe pedestrian routes to and from the accommodation and the learning quarter. This could involve improvements to existing pavements and highway crossing points and would be covered by condition.

Air Quality

- 6.19. I note a number of objections raised by local residents related to the issue of air quality arising/impacting from the proposed development. An air quality assessment is submitted in support of the application. This report concludes that during the construction phase of development, the risk of dust rising activities is considered to be 'high risk' and its impact towards human health are considered to be 'medium

risk'. However, following implementation of the mitigation measures recommended including the implementation of a Dust Management Plan following guidelines from the Institute of Air Quality Management's Guidance on the assessment of dust from demolition and construction; the impact is reduced to 'not significant'.

- 6.20. With regards to air quality impacts following the opening of the proposed MSCP and student accommodation, these have been predicted using detailed dispersion modelling. These results indicate that the results of the proposed scheme would be 'not significant' and that future receptors would not be exposed to unacceptable air quality.
- 6.21. Neither Transportation nor Regulatory Services have raised objections to the proposed development in relation to air quality impacts. The proposed student accommodation would result in a negligible impact as the lease agreements attached to the accommodation require the students not to bring a car with them and as such, would not increase vehicle movements and subsequently impact air quality within the vicinity of the site. The proposed car park would see the relocation of spaces from both the existing car park on site along with those located at the Munrow Centre, located within the campus. As both of the existing car parks are accessed by the same local road network within the vicinity of the site and the proposed development would not increase parking numbers across the campus; there would be a negligible impact on air quality locally.
- 6.22. I note the objection received in relation to the air quality impact to the Grade II listed building at 6 Pritchatts Road. Whilst the access (but not egress) for the proposed MSCP would in part, be located opposite number 6 and would, in turn, see vehicles waiting to turn right into the access from Pritchatts Road; the number of vehicles using the road would not materially change from the existing situation. As such; I consider that there would be no significant adverse air quality impact on the property resulting from the proposed development.
- 6.23. Finally, an objector raised concerns in regard to the accuracy of the air quality assessment. The applicant has confirmed that *"the air quality was based on the traffic data, and was based on the full capacity of the car park as was the noise assessment. The inaccuracies identified have been updated in the revised assessment"*. I am satisfied that this issue has been resolved.

Design

- 6.24. Policy PG3 of the BDP seeks to create a positive sense of place with design that responds to site conditions, local context, creates safe environments, provides attractive environments; make sustainable design integral, and supports the creation of sustainable neighbourhoods. Furthermore, Policy 3.14, of the UDP (saved Policies), states that a high standard of design is essential to the continued improvement of Birmingham as a desirable place to live, work and visit. Paragraph 56 of the NPPF states that *"The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people."*
- 6.25. Since the application was submitted, a number of design changes have been made to the student accommodation and the car park. In terms of the accommodation on site B parallel to Pritchatts Road, the building line of these four blocks follows the existing street frontage. Heights have been reduced to three storeys, the blocks have been moved further apart, roofscape altered, some dormer windows removed

and changes to some elevational details. It is considered these blocks are now acceptable. It is also considered that the design of the student accommodation blocks on Site A are acceptable. In respect to the car park, the taller elements have been moved back, and more of it sunk down. This has moved the lower section to the front to sit more comfortably behind the eaves level of the new townhouses. The materials of the car park have been changed to a corten steel perforated finish, with two areas of green wall retained.

- 6.26. My City Design Officer has been involved in the design of the blocks along with the amendments that have subsequently been submitted to address concerns raised by both the LPA and local residents. As such, it is considered that in design terms the proposal is now acceptable and would have limited impact on the visual amenity, character and appearance of the local area.

Conservation

- 6.27. Policy TP12 of the BDP, states that in regard to the historic environment *“the Council will seek to manage new development in ways which will make a positive contribution to its character”*. In terms of development that affects the significance of a designated or non-designated heritage asset or its setting will be determined *“in accordance with national policy”* and for proposals including removal *“will be required to provide sufficient information to demonstrate how the proposals would contribute to the asset’s conservation whilst protecting or where appropriate enhancing its setting.”*
- 6.28. The NPPF states that when considering the impact of a proposal on the significance of a designated heritage asset, great weight should be given to its conservation. Any harm should require clear and convincing justification. The applicant has considered the heritage assets in their heritage statement, following guidance set out by Historic England.
- 6.29. Parts of both Sites A and B (but not all) are within the Edgbaston Conservation area. Four of the ten student blocks proposed are located in the Conservation Area. The remaining sections (outside the conservation area) could impact on views into and out of it and therefore its significance. As such, this proposal as a whole is considered to be located in a sensitive location where heritage impacts are an important consideration. There is a Grade II listed building at 6 and 6A Pritchatts Road, opposite the car park access.
- 6.30. The application site comprises two principal parts, a portion located to the corner of Pritchatt’s Road and Vincent Drive and a rear portion set away from the road incorporating The Spinney and extending through to the Ashcroft accommodation blocks. Whilst this rear part falls partly within the Edgbaston Conservation Area boundary, this area is less sensitive in terms of this heritage designation, mostly comprising modern development and being more densely established with trees. The front portion extending along Pritchatt’s Road sits adjacent to the conservation area and whilst comprising a large surface level car park is more sensitive to the heritage designation, by virtue of its prominent position on this principal street.
- 6.31. The conservation area in this location is characterised by large detached houses (of mixed design and heritage) in large established plots with mature trees along long wide roads. This is a quintessential characteristic of the south-western part of the conservation area and offers up an important interface with the university campus.

- 6.32. The application comprises a series of student accommodation blocks and a multi-storey car park. The schemes design has been based on the operational needs of the university and therefore both the justification for the car parking and the student accommodation has been weighed in the planning balance which is central to the case of harm as set out within the 'Conservation and enhancing the historic environment' section of the National Planning Policy Framework (NPPF) (2018).
- 6.33. The proposals seek to develop a series of student blocks along the Pritchatt's Road frontage screening the multi-storey car park behind, with further blocks of accommodation extending through the site beyond. It is the Pritchett's Road accommodation and the multi-storey car park that is of particular interest with regards to heritage policy.
- 6.34. The original submission sought to create a line of student blocks along Pritchatt's Road, based on a series of town houses between three and four floors in height. These comprise a repetitive arrangement of street facing gables with accommodation in the roof. The car park beyond was screened with a series of vertical panels of green wall and dark timber cladding. Concerns were raised over the approach to both the accommodation and the car parking. With regards the accommodation blocks, it was felt that the wrong housing typology was being used and the series of gables in conjunction with the height of the blocks was more characteristic of denser residential development in an inner suburban neighbourhood not Edgbaston. Amendments have been secured that reduce the height of the scheme along Pritchatt's Road (in particular at the corner with Vincent Road), simplify the flank elevations and reduce the repetitive gable arrangement. The solution arrived at, whilst still large, is more in keeping with the scale of buildings along the street and less repetitive in its form.
- 6.35. With regards the car park, its location behind the accommodation blocks was felt to be the best position to conceal it however, the design was considered to depend too greatly on the green walls to mask the structure rather than deliver a exemplar piece of architecture. It was noted that should a car park be approved in this sensitive location then it should be more confident in its design whilst finding a solution to better respond to its context. The amendments negotiated and subsequently submitted have resulted in a bespoke design that comprises a series of diamond shaped corten steel panels randomly applied as cladding (on different profiles) with two sections of matching diamond green wall panels. The sections of green wall are located to the areas which align with the gaps between the accommodation blocks so as to soften the impact of the car park on the street and rationalise its role in the design. In conjunction with the corten, the overall design and materiality would be subtle and push the building back into its landscape.
- 6.36. I consider that the improvements to the design better mitigate the impact of this development on the character and appearance of the conservation area. The scale and form of the development remains large and a greater scale than that of the other buildings along this street and therefore causes some harm. As the development is not within the conservation area, a belt of trees are being preserved to screen it, and the design has been reduced in scale and simplified, the impact can be determined as being 'less than substantial' in terms of paragraph 196 of NPPF. This paragraph requires schemes of 'less than substantial harm' to be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. The university has appraised the existing student figures and travel patterns at the campus as well as future projections and therefore have soundly justified the need for this accommodation and parking. The provision of this car park links into the wider investment strategy for the university, removing other surface car parks

that will then be redeveloped for teaching purposes. This investment in the university is supported by the city in terms of the wider benefits for educational and economic growth. Considering the role of the university in terms of educational provision and international promotion of the city, I consider the harm caused to be outweighed by these public benefits.

- 6.37. My conservation officer has raised no objection to the proposal subject to conditions being attached to any approval requiring the submission and discharge of architectural details of all aspects of the scheme (including the typology and management of the green walls) and materials. I concur with this view and the relevant safeguarding conditions are listed below.
- 6.38. I note the objections raised by local residents on this issue and in particular, the Grade II listed building at 6 Pritchatts Road. The listed building sits close to and opposite the existing access road that accesses the existing student accommodation and would now also access (but not exit) the MSCP. I consider that the setting of the Grade II listed building would not be impacted upon. Whilst I acknowledge that a greater number of vehicles may be sat waiting to turn right into the access outside of number 6, the number of vehicle movements past the property would not increase from existing. There are already a significant number of vehicles that drive past the property in the peak hours to access existing car parks. It is not considered that putting those vehicle movements closer to the property will cause harm to its heritage significance.

Impact on residential amenity

- 6.39. In regard to Site A, the proposed three and four storey student blocks would be adjacent to existing University owned blocks apart from on the northwest boundary. Beyond the northwest boundary are houses that front onto Metchley Park Road. The nearest residential houses are to the north and west of Site A that front onto Metchley Park Road and Somerset Road. These houses have rear gardens that are a minimum of 25m in length. The proposed student blocks adjacent to this boundary would, at its nearest, be 15m from the boundary rising to 40m at its furthest point. These distances would meet Your Committee's guideline of 5m per storey to the boundary. Given the long rear gardens, significant tree cover along this boundary and the 5m per storey distance to the boundary, separation distances to these houses would be in the region of 40+m and would therefore exceed Your Committee's guideline of 27.5m for window to window elevations. On this basis, I consider that the proposed development would not lead to a significant loss of outlook or privacy to properties on Somerset and Metchley Park Road.
- 6.40. In relation to the residential amenity to the existing student accommodation; the proposed separation distances broadly comply or exceed with Your Committee's separation distance guidelines. As such; I consider that there would be no loss of residential amenity to the existing student blocks located on Site A.
- 6.41. In regard to Site B, the proposed three storey student blocks would mostly be arranged along Pritchatts Road. Buildings would be set back from the site edge by around 28m where they are opposite existing houses but 10.3m on the corner and would be 55m from the nearest house on the opposite side of Pritchatts Road (no.14). Places for Living guidance provides guidance for minimum separation distances of 27m (for new 3 storey development) to prevent overlooking. This is exceeded in this case to a substantial level. Furthermore, the group of trees, ranging from 10-23m, would be retained providing a substantial degree of screening; further reducing the impact of the proposal on the potential for a loss of privacy and over-

domination. In conclusion, I am satisfied that this part of the scheme would have no impact on the local residential amenity.

- 6.42. Two further three storey blocks are proposed, on Site B, located behind 11 and 13 Pritchatts Road. The first block would be 5m from the eastern boundary of the site and have a separation distance of 41m, to the rear elevation of number 11 Pritchatts Road. The second block would be 3m from the eastern boundary and have a separation distance of between 31 and 34m from number 13 Pritchatts Road. Number 11 and 13 Pritchatts Road are large houses that have been converted into student accommodation in the past. These separation distances exceed Your Committee's guidelines and as such, I consider that no loss of privacy or overlooking would occur to the existing student accommodation. These new blocks would create a new sense of enclosure behind no's 11 and 13 and a new relationship to the frontage buildings. I consider this relationship to be acceptable.
- 6.43. A number of residents have raised issues about additional students in the area, and the potential increase in noise, litter and general pollution. There will clearly be an increase in activity from the 532 additional units. Access to the accommodation will mainly be via Brailsford Drive rather than Pritchatts road, with no front doors on Pritchatts. It is not considered that the immediate residential areas will be unbalanced in terms of their character. The new accommodation is located on university land, in a part of the site that already has university functions. It is not spreading out beyond the curtilage of the existing wider campus. Regulatory Services has raised no objections to the proposed development in relation to the issues raised subject to a number of safeguarding conditions relating to plant and machinery noise. I concur with their view and the relevant conditions are listed below. On this basis, I consider that there would be a negligible impact on residential amenity in relation to noise and disturbance.

Ecology

- 6.44. Policy TP8, of the BDP, states that *"development which directly or indirectly causes harm to...species which are legally protected, in decline or rare within Birmingham or which are identified as national or local priorities will only be permitted if it has been clearly demonstrated that; there is a strategic need that outweighs the need to safeguard, the damage is minimised and mitigation put in place, or where appropriate compensation is secured"*.
- 6.45. A Wildlife Corridor runs to the southeast of the site along Vincent Drive. Parts of Pritchatts Park Village Potential Site of Importance (PSI) fall within the redline boundary. PSIs are identified by EcoRecord as sites that are known to contain or potentially contain biological or geological interest, but are yet to be evaluated against Birmingham and Black Country Local Site criteria and / or are yet to be formally adopted as a SINC or a SLINC.
- 6.46. The application is supported by Preliminary Ecological Appraisals (PEAs) for the two separate sites. The PEAs have been informed by an ecological records search and extended Phase 1 habitat surveys completed in January 2018.
- 6.47. My ecologist originally raised concerns and further information was subsequently requested. This resulted in a revised ecological appraisal being submitted. The revised reports acknowledge that the ecological areas are highly unlikely to meet the criteria to qualify as a SINC or SLINC. A formal Local Site Assessment has not been completed however the two reports do refer to the Local Site selection criteria and assessment process in their rationale / justification for the conclusion reached. On

balance, my Ecologist agrees with the conclusions reached, due to the limited floristic species and structural diversity of the woodland at Ashcroft (Site A) and tree belts at Pritchatts (Site B).

- 6.48. The report for Ashcroft (Site A) states the proposals will result in the loss of one-fifth of the woodland (edge) habitat. My Ecologist considers that the impacts associated with loss of this habitat need to be mitigated and where residual impacts remain following mitigation, compensation will need to be provided. The revised report clarifies the measures proposed to compensate for the habitat loss incurred and to deliver habitat enhancements. My Ecologist has no objection in principle to the range of compensatory and enhancement measures proposed; these include removal of non-native species (rhododendron, bamboo, sycamore), understorey and ground flora planting, opening up of the woodland canopy to reduce shading along the brook course, removal of garden waste and implementation of measures to prevent further disposal of waste from adjacent residential properties.
- 6.49. Additional information has been provided in relation to impacts on bats as a result of increased lighting levels. At Ashcroft (Site A), the report notes the proposed lighting scheme will increase lighting levels in the vicinity of the mature oak tree with moderate bat roosting potential. The lighting scheme around this tree will need to be revised to ensure light levels can be reduced to below 1 lux to avoid impacts on bats. The revised ecology report concludes the retained area of woodland to the rear of the new student blocks would not be subject to significantly increased light levels that cause disturbance to nocturnal wildlife. The report notes there is one small area of increased light spill adjacent to the disabled car parking spaces, however, the affected woodland edge habitat is considered to offer negligible potential for roosting bats.
- 6.50. At Pritchatts (Site B), proposed lighting would not impact on the mature oak tree with moderate bat roost potential. The new access route to blocks A and B would cut through the existing tree belt along the northern edge of the current car park, which may cause disturbance to bats using the tree belt as a foraging / commuting route. The ecology report recommends that an ecologically sensitive lighting scheme should be designed for this area, for example by employing low level, directional lighting fitted with timers to avoid key periods of bat activity.
- 6.51. Taking account of the additional information provided, my Ecologist is satisfied that potential disturbance to bats and other nocturnal wildlife as a result of increased lighting can be adequately mitigated.
- 6.52. In relation to badgers, very little evidence of badgers foraging across the site – only limited signs along the woodland edge in the southern half of the site, with a greater concentration of snuffle holes towards the northern tip of woodland. Taking account of residents' comments, it appears that badger foraging activity occurs predominately in suitable off-site areas such as adjacent residential gardens rather than on the Ashcroft site itself. Both identified setts would not be directly affected by the proposals, and habitat connectivity between these setts would be maintained post-development, as would north-south connectivity to the wider habitat network. Enhancement of the retained woodland should improve the quality of on-site foraging resources.
- 6.53. The revised ecological report for Pritchatts (Site B) confirms both ponds will be retained; broad-brush details of proposed enhancement measures have been provided. Details of proposals to enhance the habitat value of the Ashcroft woodland and watercourse and provide beneficial measures more widely across sites have

also been included in the two ecology reports. My Ecologist raises no objection in principle to the various measures described, which collectively should deliver a biodiversity net gain. Further details of habitat creation, enhancement and long-term management will need to be secured by conditions.

- 6.54. I have been made aware that a small stand of Japanese knotweed is present in the Ashcroft (Site A) woodland and its removal will need to be safeguarded by condition. I note that a local resident raised concerns in regard to the accuracy of the original ecological report. The applicant has confirmed that “the queries raised in relation to the ecology report were addressed following [the City’s Ecologist] Nicola Farrin’s comments as part of the consultation process and were included in the resubmission”. I am satisfied that this issue has been resolved.
- 6.55. Based on the above, my Ecologist raises no objections subject to a number of ecology and landscape safeguarding conditions. I concur with this approach and the relevant conditions are recommended below.

Trees

- 6.56. Policy TP6, of the BDP, (in regard to flood management) states that *“trees and woodland can provide significant benefits in terms of water management and flood alleviation...in addition to their wider landscape value. The provision of additional trees and woodland will therefore be encouraged”*.
- 6.57. The scheme proposes the removal of several groups of trees. Site A would include the removal of 19 category B and 21 category C trees. Site B would include the removal of 37 category B and 50 category C trees. In addition there is the partial removal of some smaller groups (where trees are very similar and are treated as one entity under the survey report), which have been categorised Site A: Group G27, 28 & 29 (Category B) and Site B: G14 & G13 (Category C).
- 6.58. The category B and C trees include Hawthorn, Lime, Turkey and Common Oak, Lombardy Poplar, Hornbeam, Scots Pine and Common Beech whilst the group trees to be lost include Alder, Sycamore, Yew, Willow, Field Maple and Scots/Black Pine.
- 6.59. The applicant has confirmed that in regard to Site B *“the trees which are lost on Pritchatts Park are the ones located within the existing car park, which are largely small scale trees and category C (41 No Trees), and a controlled small amount of trees are lost to create the link to the rear of 11 & 13 Pritchatts Road (15 No Trees)”*.
- 6.60. 28 trees are proposed for replacement on Site A whilst 25 replacement trees are proposed for Site B.
- 6.61. Further information was requested from the applicant following advice from my arboricultural officer regarding tree replacements. This information included:
- Tree protection measures for those trees that are to be retained.
 - That consideration be given to the potential for trans locating some of the smaller trees – thinking of some of the hornbeam on the car park and trees on the adjoining grassed space.
 - An estimation of the canopy coverage lost be made and that tree planting should be planned that will meet that % lost at a maximum of 25 years post development.
- This may mean fewer trees planted than lost BUT these must be given adequate rooting space and establishment management so that they can fulfil their potential.

For large canopied tree species this would be by ensuring that they have access to a minimum of 20 CuM of root available soil per tree.

- 6.62. Following submission of revised details regarding replacements, including the addition of a further 14 replacement trees on site (now totalling 67 replacement trees) and the trans-location of 41 existing Hornbeam trees to be located elsewhere across the campus; my arboricultural officer raises no objections to the proposed development. I concur with this view and relevant tree safeguarding conditions are recommended below.

Drainage

- 6.63. Policy TP3, of the BDP, states that new development should be designed and built to sustainability standards which include conserving water and minimising flood risk. Furthermore Policy TP6, of the BDP, states that developers must demonstrate how surface water drainage would not exacerbate existing flooding and seeks a minimum of 20% reduction in peak flows between the existing and proposed water flows. It is also a principle of the NPPF (paragraph 155) to take full account of flooding issues in decision making.
- 6.64. The Local Lead Flood Authority originally raised concerns a there is an un-named watercourse which flows through the Site A and the surface water flood risk extents associated with this watercourse are quite extensive. A number of flood risk assessments have been submitted with regards to the proposed development sites and alongside these, drainage strategies have been provided with associated details. The LLFA originally objected as the application was not supported by a Sustainable Drainage Assessment that addressed the following:
- All development (greenfield & brownfield) limit surface water discharge to the equivalent site-specific greenfield runoff rate for all return periods up to the 1 in 100 year plus climate change event as far as is viable. We note the networks provided limit discharges to 5l/s each however confirmation of the greenfield runoff rate is required.
 - Evidence of the use of sustainable drainage principles and exploration of suitable SuDS to achieve the key principles of SuDS; Quantity Control, Quality Control and Biodiversity & Amenity Value are required. It is expected that all opportunities to implement green/traditional SuDS should be undertaken and that the discharge hierarchy has been followed as far as reasonably practicable.
- 6.65. A hydraulic model has been constructed to understand the flood risk associated with the watercourse through the Ashcroft and Oakley Site. This model was provided for review, including all relevant files such as model input and model outputs, by the LLFA who are content with the modelling and approach to flood risk. Further information was subsequently submitted relating to surface water runoff, discharge rates and sustainable drainage principles. The LLFA have reviewed these further submissions and have concluded that they raise no objection to the proposal subject to the submission of a sustainable drainage maintenance and operation plan. I concur with their assessment and the relevant safeguarding condition is recommended below.

Crime and Safety Considerations

- 6.66. The Police have raised no objection subject to the submission of a lighting scheme along with provisions relating to multi-storey car park including access control to

prevent unauthorised entry outside of the opening hours; help-points; lighting and CCTV. In relation to access control, the car park would be secured by way of a shutter that would prevent access outside of the opening hours. I am satisfied the remaining measures can be secured by condition.

Other Issues

- 6.67. I note the request from University Hospitals Birmingham for a financial contribution towards the provision of additional health services. The request for contributions towards health care facilities is not considered to meet the tests for such Section 106 contributions, in particular the necessity test (Regulation 122. (2)(A) necessary to make the development acceptable in planning terms).
- 6.68. I note that the Human Rights Act has been mentioned by local residents in their objections. I have sought advice from Legal Services on this matter and they have advised that the human rights of the objector(s) need to be balanced against the rights of the applicant. However, one person's human rights do not override those of another person. The other key thing of note is that human rights are not viewed in isolation and are not absolute, but rather are subject to the principles of proportionality and have to be weighed up by the LPA in making a recommendation/determination in relation to the planning application. In planning terms, a person's enjoyment of his home is usually measured in terms of amenity, and planning policies exist as a useful guide in respect of what does or doesn't impact on amenity, so the application of policy and general planning principles would usually ensure that human rights are not infringed. Based on the above advice and having already covered residential amenity in the report; I consider that the proposed development would not infringe on the human rights of the objectors.
- 6.69. The proposed development is CIL liable and based on the floor space of student accommodation sought would see a contribution of £1, 378,070.30.

7. Conclusion

- 7.1. The principle of the re-development of the site for a multi-storey car park and student accommodation is considered acceptable in principle, in line with BDP policy and the NPPF.
- 7.2. The detailed design has been developed in consultation with the City and the resulting scheme is considered to be of a high quality design that would sit comfortably within its surroundings and would have no material adverse impact on adjacent residential occupiers through overlooking and loss of privacy. With regards to conservation and impact on the designated heritage asset; I consider that the public benefits of the scheme outweigh the less than substantial harm that the scheme would create.
- 7.3. The application has generated a significant level of objection, and concerns raised have been assessed. It is considered that the revisions made, and the mitigation conditions recommended would address those concerns. Any residual harm has to be balanced against the wider benefits of the proposal.
- 7.4. The NPPF supports the presumption in favour of sustainable development and this is identified as including the three stems of economic, social and environmental. I consider that the proposal would support the provision of further first year student accommodation and support the growth and enhancement of the University facilities, to enable the University to maximise its potential along with its associated significant

economic and social benefits and would have a positive and significant environmental benefit. The proposal would also support the provision of further local employment in construction. As such, I consider the proposal to be sustainable development and on this basis, should be approved.

8. Recommendation

8.1. That planning permission is granted subject to the conditions listed below.

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| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Requires the agreed mobility access to be maintained |
| 3 | Requires the prior submission of a contamination remediation scheme |
| 4 | Requires the submission of a contaminated land verification report |
| 5 | Limits the hours of use of the car park to 0600-2330. |
| 6 | Requires the prior submission of a sustainable drainage scheme |
| 7 | Requires the submission prior to occupation of the properties of a Sustainable Drainage Operation and Maintenance Plan |
| 8 | Requires the prior submission of a method statement for the removal of invasive weeds |
| 9 | Requires the prior submission of a construction ecological mitigation plan |
| 10 | Requires the submission of a scheme for ecological/biodiversity/enhancement measures |
| 11 | Requires the prior submission of details of bird/bat boxes |
| 12 | Requires the prior submission of a habitat/nature conservation management plan |
| 13 | Limits the noise levels for Plant and Machinery |
| 14 | Secures noise and vibration levels for habitable rooms |
| 15 | Requires the submission of hard and/or soft landscape details |
| 16 | Requires the submission of a landscape management plan |
| 17 | Requires the submission of a lighting scheme |
| 18 | Requires the submission of details of green/brown roofs |
| 19 | Requires the prior submission of a construction method statement/management plan |
| 20 | Requires the submission of sample materials |
| 21 | Requires the submission of a CCTV scheme |
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- 22 Requires the submission of details of refuse storage
 - 23 Requires the submission of pedestrian and cycle access and routes details
 - 24 The MSCP shall be completed prior to Site B student accommodation
 - 25 Requires the submission of a parking management strategy
 - 26 Requires the provision of cycle parking prior to occupation
 - 27 Requires the submission and completion of works for the S278/TRO Agreement
 - 28 Requires the provision of a vehicle charging point
 - 29 Requires the closure of other parking areas
 - 30 Requires submission of proposed tree planting details
 - 31 No commencement until pre-commencement meeting held
 - 32 Requirements within pre-defined tree protection areas
 - 33 No-Dig Specification required
 - 34 Requires tree pruning protection
 - 35 Implement within 3 years (Full)
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Case Officer: Pam Brennan

Photo(s)



Fig 1: Overview of Site A and Site B



Fig 2: Site A Ashcroft looking northeast

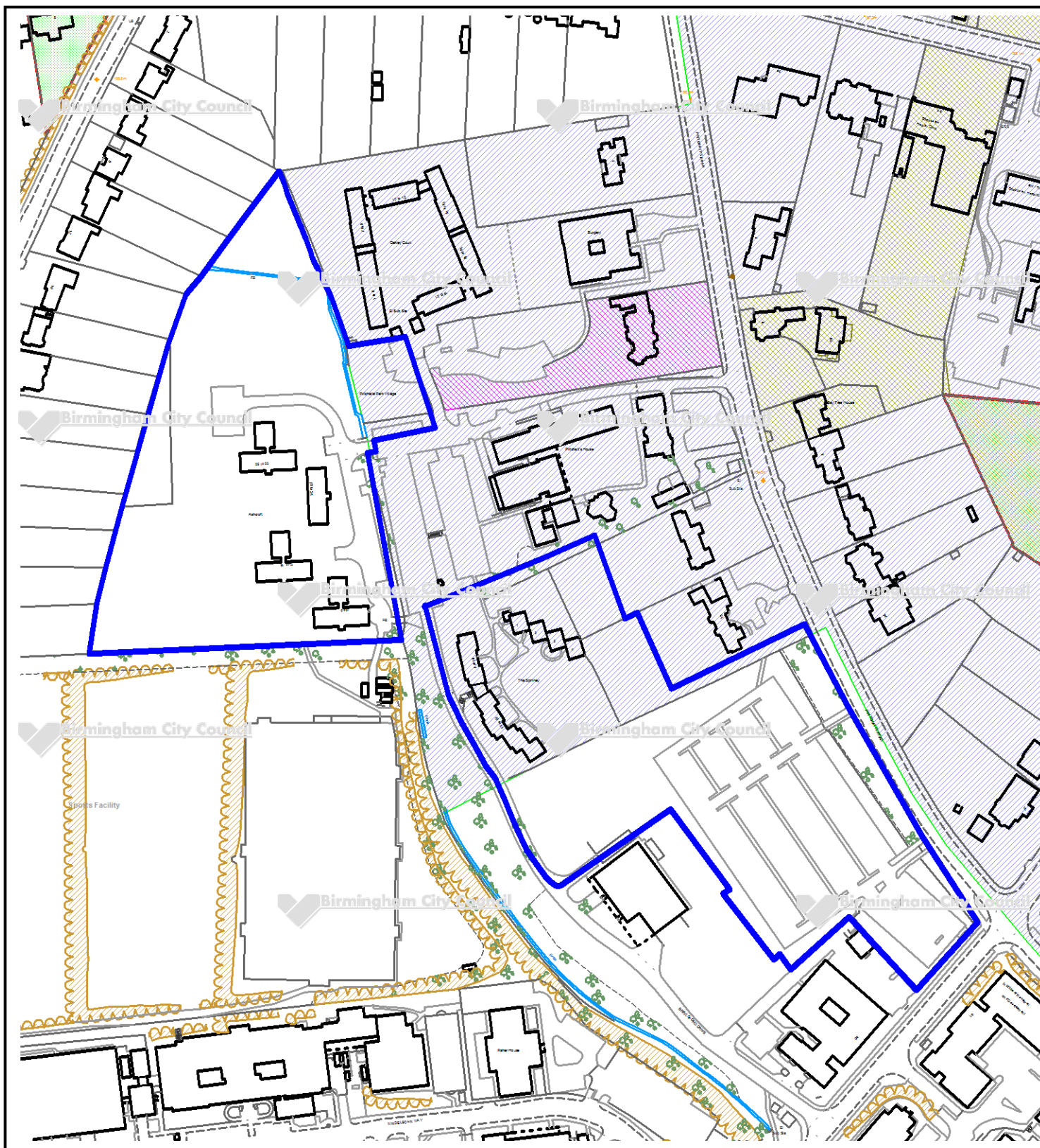


Fig 3: Site B Prichatts Road car park



Fig 4: Site B Pritchatts Road car park entrance and tree belt

Location Plan



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