
Committee Date:	20/08/2015	Application Number:	2015/04195/PA
Accepted:	27/05/2015	Application Type:	Variation of Condition
Target Date:	26/08/2015		
Ward:	Selly Oak		

778-800 Bristol Road, Selly Oak, Birmingham, B29 6NA

Variation of Condition Nos. 8, 23 and 26 attached to 2014/05948/PA to allow revisions to configuration of student/retail accommodation at ground floor, alterations to elevations, incorporation of roof top plan and revised accommodation mix (3 no. additional bedrooms)

Applicant:	Maven Capital Partners LLP 1-2 Royal Exchange Buildings, London, EC3V 3LF
Agent:	Orbit Architects 83 Blackfriars Road, Southwark, London, SE1 8HA

Recommendation

Approve Subject To A Section 106 Legal Agreement

1. Proposal

- 1.1. This application proposes amendments to a student accommodation scheme approved (under application no. 2014/05948/PA) on 21st November last year.
- 1.2. The amendments to the approved scheme that are now sought are a result of issues identified through the technical design development process and also the specific requirements of the developer (not the original applicant) in providing sufficient communal space for the students, to achieve the desired high quality environment for the residents.
- 1.3. The design principles and concepts applied to the original scheme remain unchanged. The proposed amendments relate to a re-configuration of the accommodation provided (including some changes to the footprint of the building) and to design details. The changes can be summarised as follows:
 - Minor alterations to the facade of the building to accommodate the required ventilation features (not previously shown on the approved elevations and the subject of a condition). The overall design of the amended scheme is otherwise as approved in terms of materials, pattern, rhythm and set-backs, but with the ventilation openings shown and the introduction of intake vents at the heads of all of the windows.
 - Internal re-configuration to locate the communal areas more centrally within the block, with a resulting 89sqm reduction in the overall retail floorspace provided (decreasing from 619sqm to 530sqm new gross internal). Information has been submitted regarding the proposed layout/interior design of the common areas to illustrate the implications for the facade at pavement level.

- Inclusion of a central plant compound at roof level, incorporating the lift over-run and providing space for retail chillers (not provided for in the approved scheme);
- Additional refuse storage, in line with Building Regulations requirements, and provision for fire safety and Fire Service access;
- Revisions to the layout of the site to the rear of the building (as a result of amendments to the footprint), including amended parking layout, additional bin storage (referred to above) and cycle parking provision (increasing from 25 to 26 plus 6 visitor cycle spaces).
- Revisions to the accommodation mix within the approved building – to remove 3 no. 'studios' and replace them with 6 no.singles, thereby increasing the number of bedrooms from 100 to 103.

1.4. The amendments necessitate the variation of a number of conditions attached to the approval as follows.

- **Condition 8 - requires the fenestration design to be as shown on specific drawings no.s.**

The drawings referred to would be superseded by the current proposals. The varied condition would read as follows:

"No development shall take place until details of the design of the fenestration above ground floor level, at a scale of 1:10 (typical window) and 1:20 (part elevation) have been submitted to and approved in writing by the Local Planning Authority, with no consent implied for the fenestration layout shown on drawing 1264-G0-200 Rev T3 'Proposed Front and Rear Elevations'."

- **Condition 23 requires the provision of cycle parking prior to occupation as shown on a specified drawing.**

This condition would be varied to reflect the amended drawing no. and increase in provision.

- **Condition 26 - lists the approved plan no.s.**

A number of these plans would be superseded as a result of the proposed amendments. As a result, this condition would be varied to reflect the updated drawing numbers.

1.5. This submission was accompanied by a very similar application (2015/04194/PA – elsewhere on this agenda) for alterations to the scheme, which proposes all the elements outlined above, with the exception of the revisions to the accommodation mix.

1.6. [Link to Documents](#)

2. Site & Surroundings

2.1. The site contains a row of 10 two-storey terraced buildings, along with the largely unused and overgrown rear curtilages of those buildings. The units are currently vacant, some in disrepair and most having solid roller shutters.

- 2.2. The site is located towards the south-western end of Selly Oak District Centre and is within its Primary Shopping Area, forming part of a predominantly retail/commercial frontage to Bristol Road. There are further two-storey terraces of retail and commercial buildings (some containing first floor residential accommodation) to the north-east and south-west, along with the three storey probation office to the south-west towards the junction with Oak Tree Lane. To the south-east the site backs onto long rear gardens of terraced houses fronting Lottie Road. The opposite side of Bristol Road is adjoined by a large Sainsbury's superstore with limited fenestration to the street.
- 2.3. The section of Bristol Road (A38) in front of the site is a six lane highway with a central barrier and on-street parking is prohibited. There is a wide footway in front of the site, on which there are bus stops and shelters and 3 large street trees. This element of Bristol Road would be downgraded and the pedestrian environment improved with the delivery of Phase 1B of Selly Oak New Road, which would divert through traffic via two way working on Harborne Lane.
- 2.4. [Site Location](#)
3. [Planning History](#)
- 3.1. 26/02/10. PA No. 2009/05252/PA. Construction of 5 retail shops, 52 apartments to accommodate students and post-graduate students, office, laundry, refuse stores, cycle stores, amenity area, parking area and means of access to highway (778-798 Bristol Road) - Approved.
- 3.2. 28/03/13. PA No. 2013/00389/PA. Application for a new planning permission to replace an extant planning permission 2009/05252/PA in order to extend the time limit for implementation (778-798 Bristol Road) - Approved.
- 3.3. 21/11/14. PA No. 2014/05948/PA. Demolition of existing buildings and erection of 100 bed student halls of residence (Use Class C1) with ground floor retail in a four storey building with associated parking, access and landscaping – Approved subject to a S106 agreement to secure a contribution of £31,600 towards parking surveys, environmental enhancements, minor highway works, residents parking schemes, TROs.
- 3.4. PA No. 2015/04194/PA. Variation of condition no.s 8, 23 and 26 attached to 2014/05948/PA to allow revisions to configuration of student/retail accommodation at ground floor, alterations to elevations and incorporation of rooftop plant – current application elsewhere on this agenda.
- 3.5. PA No. 2015/05429/PA. Application to determine the details for condition no.s 1, 16, and 17 attached to approval 2014/05948/PA – current application.
- 3.6. PA No. 2015/05430/PA. Application to determine the details for condition no.s 2, 3, 4, 5, 6, 12, 13 and 14 attached to approval 2014/05948/PA – current application.
4. [Consultation/PP Responses](#)
- 4.1. Transportation – No objection to variation of condition 23 (cycle parking). Access width should remain as approved. Increased bin storage area is to be welcomed.

Elevations show access height increased, which would potentially allow bin lorry/fire engine access to rear. Concerned that this is not workable. Servicing should continue to be from the street (as approved and support by the Fire Service) unless tracking plan can be provided to demonstrate acceptable – query why this has changed.

4.2. Local Services – no objections.

4.3. Regulatory Services – (In respect of condition 5). The applicant needs to provide an air quality assessment which will in turn determine whether the ventilation requirements are acceptable. Cannot advise that the condition is amended in any way at this time.

4.4. Adjacent occupiers, Selly Oak and Bournville Ward Councillors, M.P., and residents association notified and site/press notices posted.

4.5. Response received from Community Partnership for Selly Oak.

- Approve of many of the changes which will improve the accommodation for its occupants, relieve problems with respect to neighbouring properties, and make the development safer.
- Surprised that the original proposal was approved with no access for fire engines to the rear of the site or smoke shafts within the building.
- However, object to proposed new location of the student common room area on the Bristol Road frontage. Do not accept argument that will provide a more active frontage than retail – will be quiet/empty during the day and holiday times and over-active at night. This pattern of activity is out of character with the frontage and will encourage late night opening in neighbouring shops, particularly take-aways.
- Further visible student accommodation will encourage the view that this is just a further extension of the Bournbrook student area, whereas so far it has been relatively unaffected. Will encourage other student accommodation in this area.
- This is not a minor variation, but an unacceptable change along a significant stretch of retail frontage.
- The 3 extra bedrooms are unacceptable as is additional height to accommodate a fire engine beneath the archway.
- Request that application be considered by Planning Committee.

5. Policy Context

5.1. NPPF; NPPG; Adopted UDP (2005); Draft Birmingham Development Plan (2013); Selly Oak Local Action Plan (2001); Places for All (2001); Places For Living (2001); Specific Needs Residential Uses SPG (1992); Shopfronts Design Guide (1996); Car Parking Guidelines (2012); Shopping and Local Centres SPD (2012); The Wider Selly Oak SPD (2015).

6. Planning Considerations

- 6.1. The redevelopment of this semi-derelict site for purpose built student accommodation with ground floor retail units was approved (in accordance with 2014/05948/PA) in November last year.
- 6.2. This application proposes amendments to the approved scheme in order to accommodate the requirements of the developer now seeking to deliver the scheme (not the original applicant) and overcome issues that have arisen during the detailed design development process. It necessitates the variation of 3 conditions (no.s 8,23 and 26) attached to the approval, where reference is made to specific plan numbers which would be superseded in the amended scheme.
- 6.3. The design principles and concepts applied to the original scheme remain unchanged. The proposed amendments relate to a re-configuration of the accommodation provided (including changes to the footprint of the building at the rear) and to design details, comprising:
- Minor alterations to the facade of the building to indicate ventilation features;
 - Internal re-configuration to locate the communal areas more centrally within the block, with a resulting 89sqm reduction in the overall retail floorspace provided;
 - Inclusion of a central plant compound at roof level;
 - Additional refuse storage and provision for fire safety and Fire Service access;
 - Revisions the layout of the site to the rear of the building (as a result of amendments to the footprint), including amended parking layout, additional bin storage (referred to above) and cycle parking provision (increasing from 25 to 26 plus 6 visitor cycle parking spaces).
 - Subdivision of 3 no. 'studio' bedrooms to create 6 no. standard bedrooms.
- 6.4. The application also sought to vary condition 5 which requires the prior approval of ventilation details, based on an air quality assessment. Ventilation features have now been incorporated into the design of the elevations. However, the Environmental Protection Officer requested that the condition be retained (as originally worded) because there is currently insufficient technical information available to confirm that the condition can be discharged. As such, consideration of this matter has been removed from the application and will be a matter for determination at a later date through a discharge of conditions submission.

Loss of Retail

- 6.5. The proposal would result in an overall reduction in the lettable retail area by 89sqm. Of the site's 55.7m wide frontage to Bristol Road, 13m would be associated with the student accommodation (6.3m reception and 6.6m common room) compared to 7.5m on the original scheme.
- 6.6. I note that an objection has been received opposing any alterations which reduce the retail frontage to this section of Bristol Road because of the potential impact on the shopping area and on the frontage (inactive during holidays/quiet during the day), with a pattern of activity deemed to be out of character with the frontage by the objector.

- 6.7. However, when considered in relation to the development as a whole, I consider that the additional area of frontage associated with the student use is not sufficient to significantly impact on the retail offer associated with the scheme. In addition, it is anticipated that the ground floor student uses, including the main reception would provide valuable activity within the streetscene at different times of the day. As such, I do not consider that it would be appropriate to resist the amendments on these grounds.
- 6.8. Concern has also been expressed about evening activity, which could encourage late night opening of adjacent shops. The development would sit within a commercial frontage, with retail units forming part of the proposal. I do not consider that evening activity within this district shopping centre would be inappropriate or out of character.
- 6.9. Information has been submitted regarding the proposed layout/interior design of the student accommodation, including the common room and reception in this location, which would be open to the street. As this is communal space, there would be no requirement for screening as might have been the case for private areas such as bedrooms/study rooms. The pattern of the treatment of the elevation to the street frontage would continue across the full width of the development as a series of 'shopfronts'. A condition is already attached to the approval requiring the shop front windows not to be obscured.

Additional Bedspaces

- 6.10. This proposal includes amendments to the accommodation mix. 3 no. 'studio' rooms would be split to become 6 no. standard rooms, reflecting those across most of the remainder of the development. The alteration would involve the introduction of an internal wall to sub-divide the larger unit in each case. As such, whilst there would be an increase (of 3) in the number of bedrooms, there would be no additional floorspace and no significant additional impact, taking into consideration the overall scale of the development. The minor increase in student residents would not affect the principle of the decision, set in the local and national policy context, as approved last year.

Layout and Design

- 6.11. The alterations to the footprint of the building are at the rear and include the removal of a central 'oversailing' element over part of the car park and reconfiguration of the block along the south-west boundary to provide an improved relationship to the adjacent unit.
- 6.12. The proposals include only minor amendments to the front elevation to reflect the incorporation of ventilation features. Amended window details are conditioned (as previously), with large scale drawings to be provided. Alterations to the rear reflect the amended footprint, with a revised cladding detail to the new gable wall onto the car park.
- 6.13. The proposed plant compound would be located centrally on the roof and, as such, would not be visible from the street.
- 6.14. I am satisfied that the alterations to the design would not detract from the appearance of the scheme as originally approved.

Transportation

- 6.15. Access to the site remains in the position originally approved. The proposal has been amended in response to the concerns of your Transportation Officer in respect of potential access to the rear by refuse/emergency vehicles. The height of the entrance beneath the building has been reduced (to reflect that of the original scheme) to prohibit such access, with servicing to be from the road frontage as requested.
- 6.16. The number of parking spaces would be maintained at 13. Cycle parking spaces would increase from 25 to 26, plus an additional 6 spaces for visitors.

Landscaping/Trees/Ecology

- 6.17. Your Ecologist has raised no objection, providing tree protection/soft landscaping not compromised. Similarly, your Landscape Officer would wish to see any amended proposals.
- 6.18. Further consideration has been given to the management of level changes across the site in the development of this amended layout and the implications of these for root protection areas, which are maintained in the revised submission for the retained mature trees.
- 6.19. The amended arrangement at the rear creates improved opportunities for landscaping (including the introduction of amenity space in areas within RPAs where car parking was originally proposed), the details of which are the subject of an existing condition, along with the requirement for ecological/biodiversity enhancement measures.

Planning Obligations

- 6.20. The planning obligations secured in respect of the original application (a contribution of £31,600 towards parking surveys, environmental enhancement measures, minor highway works, residents' parking and TROs) would be revised here through a deed of variation to the original S106 agreement – to secure a further £948 to reflect the three extra units proposed, and an amended spend purpose and more tightly-defined area, for environmental enhancements only.

7. Conclusion

- 7.1. The redevelopment of this site for the purposes proposed was approved in November last year. It was considered that the development would support the function of the University of Birmingham and would act as a catalyst for the wider regeneration of the existing parade. The siting, scale and design of the proposed development were considered to be in keeping with the surrounding area, with no adverse impact upon ecology or residential amenity.
- 7.2. The amendments now sought are required to enable the delivery of the scheme by the current applicant. I consider that the proposals would not detract from the quality of the approved scheme or the role that it would play in regenerating this part of the district centre. As such, the application is recommended for approval subject to a deed of variation to the original S106 agreement.

8. Recommendation

8.1. I. That consideration of application no. 2015/04195/PA be deferred pending the completion of a deed of variation to the Section 106 agreement associated with planning approval 2014/05948/PA to secure the following:

a) A contribution of £32,548 (index linked to construction costs from the date of the committee resolution to the date on which payment is made) to be paid prior to the implementation of the approved development. The fund would be used for environmental enhancement measures to include paving, landscaping, lighting and minor highway works and maintenance thereof, within the Selly Oak District Centre boundary (as defined in the 'Shopping and Local Centres' Supplementary Planning Document) south of the junction of Chapel Lane and Elliott Rd.

b) Payment of a monitoring and administration fee associated with the legal agreement of £1500.

II. In the event of the above Deed of Variation not being completed to the satisfaction of the Local Planning Authority on or before 24th August 2015 planning permission be REFUSED for the following reason:-

a) In the absence of a financial contribution towards parking surveys and/or environmental enhancement measures to include paving, landscaping, lighting and minor highway works and maintenance thereof and/or resident parking schemes and/or traffic regulation orders local highway improvement measures and/or parking and traffic monitoring the proposal would conflict with Paragraph 8.51-8.53 of the Birmingham UDP 2005, the Selly Oak Local Action Plan 2001 and the National Planning Policy Framework.

III. That the Director of Legal and Democratic Services be authorised to prepare, seal and complete the appropriate Section 106 legal Agreement.

IV. In the event of the Deed of Variation being completed to the satisfaction of the Local Planning Authority on or before 24th August 2015 favourable consideration be given to Application Number 2015/04195/PA, subject to the conditions listed below.

1	Requires the prior submission of a construction method statement/management plan
2	Requires the prior submission of a drainage scheme
3	Requires the prior submission of a scheme for ecological/biodiversity/enhancement measures
4	Requires the prior submission a noise study to establish residential acoustic protection
5	Requires the prior submission of ventilation details
6	Requires the prior submission of suitable fire access details
7	Requires the materials used in construction to be as per the samples submitted and the listed approved plans
8	Requires submission of fenestration design details (1:10 and 1:20 drawings)

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- 9 Requires the prior submission of internal ceramic glazing details
 - 10 Shop Front Design
 - 11 Requires the shop front windows not to be obscured
 - 12 Requires the prior submission of hard and/or soft landscape details
 - 13 Requires the prior submission of hard surfacing materials
 - 14 Requires the prior submission of boundary treatment details
 - 15 Requires the prior submission of a lighting scheme
 - 16 Protects retained trees from removal
 - 17 Requires the implementation of tree protection
 - 18 Requires the prior submission of a building management plan for the student accommodation block
 - 19 Details of student management plan for pick up/ drop off at start/end of terms
 - 20 Requires the prior submission of a parking management strategy
 - 21 Requires the applicants to join Travelwise
 - 22 Requires the prior submission and completion of highway works to BCC specification
 - 23 Requires the provision of cycle parking prior to occupation
 - 24 Prevents the use from changing within the use class
 - 25 Removes PD rights for telecom equipment
 - 26 Requires the scheme to be in accordance with the listed approved plans
 - 27 Limits the approval to 3 years (Full)
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Case Officer: Alison Powell

Photo(s)

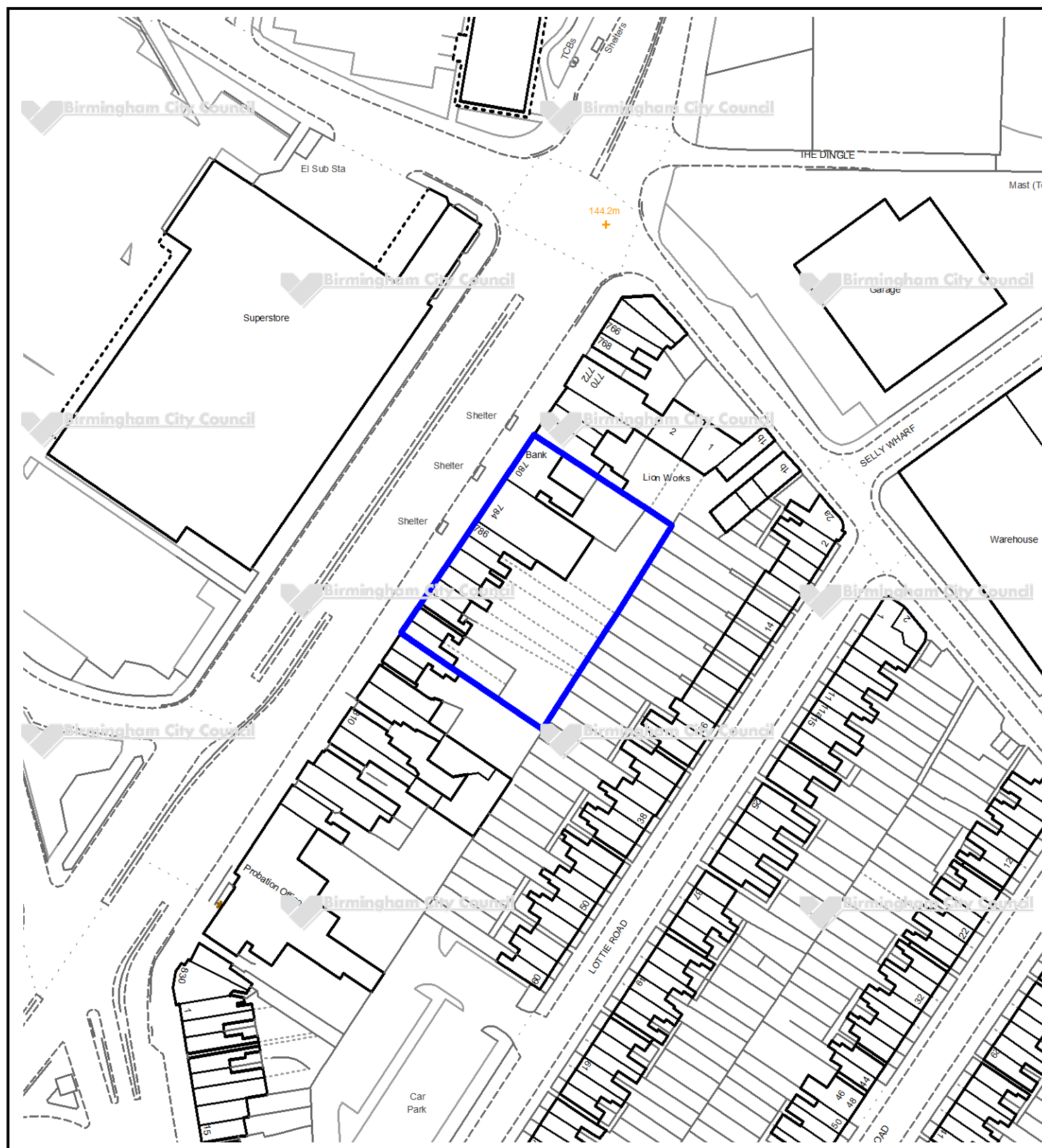


Frontage to Bristol Road



View northwards along application site (Sainsburys opposite)

Location Plan



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