
Committee Date:	23/01/2014	Application Number:	2013/07698/PA
Accepted:	18/12/2013	Application Type:	Full Planning
Target Date:	19/03/2014		
Ward:	Edgbaston		

West Midlands Ambulance Station, Bristol Road, Edgbaston,
Birmingham, B5 7SN

Demolition of Ambulance Depot building and erection of 259 bed, four and five storey, student hall development (Use Class C2) with associated landscaping and vehicular access.

Applicant: Buile Developments Ltd
The West Midlands Ambulance Service NHS Foundation, Suite 3D
Manchester International Office Centre, Styal Road, Manchester,
M22 5WB

Agent: Knight Frank
11th Floor, 1 Marsden Street, Manchester, M2 1HW

Recommendation

Approve Subject To A Section 106 Legal Agreement

1. Proposal

- 1.1. The proposal is for the erection of a 259 bed student hall of residence on the site of the former Ambulance Depot on Bristol Road, which is proposed to be demolished. The proposed student hall would be four and five storeys in height and would provide independent studio accommodation aimed particularly at postgraduate students. The Ambulance Depot is currently vacant, and has a redundant function following re-organisation of the Service, which has seen operations recently being transferred to a new purpose built centre in Longbridge. The site area is 0.45 hectares in size.
- 1.2. The footprint of the proposed student hall is determined by its three corridors: the first running east-west at the front of the site and parallel to Bristol Road; the second running north-south down the middle of the site; and the third running east-west at the rear of the site and parallel to Bourn Brook. Studios would be accommodated on either side of each corridor. The proposed development would be sited 9m in from Bristol Road, 7.6m distant from the neighbouring fire station, and at least 16m distant from Bourn Brook at the rear of the site.
- 1.3. The proposed student hall, which would be flat roofed, would comprise of a lower four storey section (with a roof ridge height of 12.1m) and a taller five storey section (with a roof ridge height of 15.2m). The stepping up in building height between sections would occur 54m in to the site from Bristol Road. The top floor of each section would be set in from the rest of the building by 0.5m, and would be enclosed by a 0.8m high parapet wall. A single storey, flat roofed plant room would be incorporated on the western edge of the building.

- 1.4. The proposed student hall would provide 7127sqm of internal floorspace, with circulation cores positioned at either end of the building. At ground floor a management suite, plant room and 50 studios would be accommodated; at first, second and third floor 61 studios would be accommodated on each floor; and at fourth floor 26 studios would be accommodated. One Disability Discrimination Act (DDA) compliant studio would be accommodated on each floor.
- 1.5. Each studio would accommodate a bed, desk, kitchenette, and en-suite toilet/shower room. This would enable independent living, with no communal space being provided. A range of studio sizes would be offered, from the smallest at 16.5sqm to the largest at 24.2sqm. DDA compliant studios would be larger in size. All studios would be accessed internally, through the management suite/main entrance at the front of the building.
- 1.6. The proposed building would predominately be constructed of red facing brickwork. However, the ground floor would be slightly recessed and constructed of grey facing brickwork, whilst the top floor would be constructed of grey cladding panels. Two bands of recessed brick (two brick course recess) would be located at first and third/fourth floor level. Fenestration would comprise of bronze powder coated aluminium windows set in vertical runs and recessed in from the façade by 0.2m. Bronze spandrel panels would be located above each window at first, second and third floor. Windows would be smaller in size on the top floor. Where the main entrance exists, an aluminium framed glazed curtain walling system would feature at ground, first and second floor levels. A bronze coloured metal canopy would be installed over the front entrance of the building.
- 1.7. External space around the proposed building can be divided in to four distinct character areas. Area 1, located to the front of the building, would comprise of a vehicular drop off area and turning head. Refuse vehicles would use this area to access an internal bin store, integrated in to the building at its eastern end. The drop off area would be enclosed from the highway by 1.1m high dwarf brick wall and metal railings. Behind part of this front boundary treatment would be laid a 1.8m wide landscape strip with a beech hedge, shrubs and three new trees.
- 1.8. Area 2, located to the west of the building, would comprise of a hard surfaced vehicular access shared with the neighbouring fire station. An automated barrier would be installed to provide controlled access to the rear of the site/fire station car park. One disabled car parking space and a new electricity substation would be accommodated at the southern end of Area 2. The proposed single storey, flat roofed electricity substation would measure 5.7m in length, 3.5m in width and 2.7m in height. It would be constructed of grey facing brickwork, extruded and recessed to add texture.
- 1.9. Area 3, located to the east of the building, would comprise of student amenity space, landscaped to provide informal social spaces including decked seating terraces, grass lawns and ornamental planting beds. An enclosed, timber clad, 66 space cycle store would be accommodated towards the northern end of this area.
- 1.10. Area 4, located to the south of the building, would comprise of the existing woodland which runs parallel to Bourn Brook. The woodland would be thinned back nearest the building, and the landform would be reworked around the south east corner of the site to provide a perimeter pathway around the edge of the building. A new retaining wall, with a maximum height of 1.7m, would deal with the level differences between the new perimeter pathway and neighbouring woodland area/adjoining

tennis courts. 1.1m high metal railings would be installed to enclose the exposed edge of the perimeter pathway.

- 1.11. The proposed development would employ five full time staff including an Accommodation Manager and Assistant Manager.
- 1.12. A tree survey has been submitted in support of this application. It proposes the removal of nine trees on the site, all Category C (Trees T1-T8) comprising of four Birch and one Scots Pine on the site frontage; a Sycamore, Ash and Willow within the woodland area to the rear of the site; and a Birch adjacent to the eastern site boundary. It also proposes the removal of a group of young Sycamore trees (G1) adjacent to the eastern site boundary. Fourteen new trees are proposed to be planted on the application site.
- 1.13. An Ecological Survey, Noise Assessment, Design and Access Statement, Landscaping Scheme, Travel Plan, Transport Statement, Flood Risk Assessment, Fire Safety Note, Tree Survey and Management and Operations Plan have been submitted in support of this application.
- 1.14. A Draft Section 106 Agreement has been submitted by the Applicant proposing a contribution of £82,160 to be spent towards any of the following: parking surveys, environmental enhancement measures (including paving, landscaping, lighting, and minor highway works and maintenance), resident parking schemes or traffic regulation orders.

[Proposed Site Plan](#)

[Proposed Elevations/Visuals Plan](#)

2. Site & Surroundings

- 2.1. The application site is rectilinear in shape, fronting the A38 Bristol Road (dual carriageway) and extending southwards to meet Bourn Brook. The vacant single and two storey Ambulance Depot is located in the centre of the site, set back from the building line along Bristol Road, with a tarmaced car parking area located on the frontage. The vehicular access off Bristol Road, located in the north west corner of the site, serves the front car park area. The access then continues down the western side of the building to a second car parking area located to the rear of the building. The side access and rear car parking area is shared with the neighbouring Bournbrook Fire Station.
- 2.2. The southern edge of the site comprises of woodland adjoining Bourn Brook, and this woodland is enclosed from the rear car park by close boarded timber fencing. The woodland is covered by Tree Preservation Order (TPO 772), which is a wider TPO extending westwards along the Brook corridor.
- 2.3. The topography of the application site is generally level, the exception being immediately beyond the fence at the rear of the site where the woodland begins. Here the ground level drops away significantly by some 2m before levelling out again adjacent to the Brook. In addition, there is a significant drop in ground level of some 2m along the eastern site boundary where this adjoins tennis courts operated by King Edward's School.
- 2.4. To the north of the application site, on the opposite side of Bristol Road, is the University of Birmingham campus. Immediately opposite are the Gun Barrels Public

House site (on which an approved University swimming pool and sports centre is due to be built) and Edgbaston Park (which includes University office buildings). Immediately adjoining the site to the west is the two storey Bournbrook Fire Station, with no physical boundary between this site and the application site. Immediately adjoining the site to the east, and fronting on to Bristol Road, is an electrical substation, set within tree'd grounds. Beyond the substation site to the east is No. 350 Bristol Road, the nearest residential property. This is a two storey dwellinghouse located 25m distant from the application site, with a large side/rear garden nearest the site. To the rear of the substation site and adjoining the application site are tennis courts/sports ground owned by King Edward's School. The Bourn Brook defines the southern boundary of the site, beyond which are the rear gardens of residential properties fronting Oakfield Road, located approximately 25m distant from the site. These gardens are located within Selly Park Conservation Area.

[Location Map](#)

[Street View](#)

3. Planning History

- 3.1. 2013/01886/PA – Pre-application discussion for removal of buildings on the site and redevelopment for 303 student bedrooms in 2 blocks – Concerns raised about no. of units, lack of amenity space, relationship to building line along Bristol Road and No. 350 Bristol Road, and design/appearance of building

4. Consultation/PP Responses

- 4.1. Transportation Development – No objection – Subject to conditions requiring affiliation to Company Travelwise, development to be operated in line with Travel Plan, and cycle storage to be provided prior to first occupation. With students prohibited from bringing a car with them to University and given the location (very close to the University campus, the local centre of Selly Oak and good public transport links) it is anticipated any resulting impact upon existing on-street parking at this location would be minimal. The S106 contribution should provide reassurance to those raising concerns that the finances are in place to address any transportation related issues should this be required.
- 4.2. Regulatory Services – No objection – Subject to condition requiring appropriate soundproofing for windows/doors on Bristol Road elevation
- 4.3. Leisure Services – No objection - Does not adversely affect the playing fields and in terms of Bourn Brook, it offers an opportunity to improve its aspect with new planting
- 4.4. Housing – No objection - The units are self-contained so there is no HMO issue, and the small size would not be out of context for a purpose built student accommodation building
- 4.5. Education – No objection
- 4.6. West Midlands Police – No objection
- 4.7. West Midlands Fire Service – Object - Due to the height of the building access is required for a high reach fire appliance in accordance with Building Regulations.

- 4.8. Severn Trent Water – No objection – Subject to drainage condition
- 4.9. Environment Agency – No objection – Subject to condition recommending development be in accordance with Flood Risk Assessment
- 4.10. Centro – No response received
- 4.11. University of Birmingham – No objection - Demand for this style of accommodation grows year on year. There is a current shortage of studio style accommodation and the site would be ideally located for students
- 4.12. Aston University – No response received
- 4.13. Birmingham City University – No response received
- 4.14. Birmingham Public Health – No response received
- 4.15. Birmingham Canal Navigation Society – No response received
- 4.16. Local residents, Ward Councillors (Edgbaston and Selly Oak), M.P.'s (Edgbaston and Selly Oak), District Director and Residents Associations notified. Advertised by press and site notice. 15 letters of objection and 1 letter of general comment received from local residents and neighbouring Fire Station respectively. Relevant concerns are summarised as follows:
- Scale of building would dominate streetscene, appear above tree line, and would be out of keeping with character of surrounding area and adjoining Selly Park Conservation Area
 - Noise and disturbance would harm amenity of adjoining residential occupiers
 - Light pollution from building would harm amenity of adjoining residential occupiers
 - No on-site parking provision would result in students parking along neighbouring residential roads. These roads are already plagued with excess of cars from students and University staff
 - No demand for purpose built student accommodation – student intake has reached plateau and there is significant overcapacity of student homes in Selly Oak
 - Huge increase in student population would be to detriment of stable, residential nature of neighbourhood and they would not integrate with residential community
 - No assessment of student car ownership submitted
 - Flood Risk Assessment is unconvincing
 - Density of development on site is too great
 - Traffic disruption and impact on highway safety as a result of drop off/pick up at start/end of terms
 - Pedestrian/highway safety would be compromised given increase in numbers of students crossing Bristol Road from application site to University
 - Loss of privacy to occupiers of No. 350 Bristol Road as a result of overlooking of rear windows and garden
 - Drop-off area would be inadequate for service vehicles etc.
 - Would be against UDP policy which states that proposals for new build student accommodation on south eastern side of Bristol Road may be resisted
 - Loss of privacy for residential occupiers of Oakfield Road as a result of overlooking of 5 storey building

- Traffic/parking would be further exacerbated by demand for parking as a result of new University sports centre/swimming pool opposite
- No material or social benefits to Bournbrook neighbourhood

- 4.17. One letter of support received from West Midlands Ambulance Service.
- 4.18. Edgbaston Ward Committee – Object – Inappropriate scale of the building; the lack of parking facilities and resulting impact it would have on surrounding area; overlooking of No. 350 Bristol Road; unviable proposition due to the very limited vehicle access/turning point in dropping students off which could cause congestion; and the impact on the operation of the neighbouring Fire Station.
- 4.19. Community Partnership for Selly Oak – Object – Insufficient car parking on site particularly as many students bring cars to University; Parking on nearby residential streets would cause congestion, which may become problematic for access by fire engines from nearby fire station; and there are large number of student accommodation schemes in pipeline for Selly Oak and decision should be deferred pending review of accommodation needs for students in area.
- 4.20. Selly Oak and Edgbaston Consultative Group – Object - Lack of car parking i.e. students bring cars and require parking spaces; query over increasing student numbers; over-intensive use of site; and overall size and bulk of building, unlike Bournbrook Court, would overlook smaller gardens on Oakfield Road.
- 4.21. Councillor D. Alden – Objects – Lack of car parking; density of development on site; loss of privacy and scale of building would adversely affect adjoining residential occupiers at No. 350 Bristol Road; drop-off area is inadequate and should be expanded

5. Policy Context

- 5.1. The following local policies are applicable:
- Birmingham UDP
 - Draft Birmingham Development Plan
 - Car Parking Guidelines SPD
 - Specific Needs Residential Uses SPG
 - Nature Conservation Strategy for Birmingham SPG
 - Selly Oak Location Action Plan SPG
 - Designated Wildlife Corridor
 - Tree Preservation Order 772
 - Rear of site within Flood Zone 2
- 5.2. The following national policies are applicable:
- National Planning Policy Framework (NPPF)

6. Planning Considerations

Principle of Student Accommodation

- 6.1. Paragraph 14 of the National Planning Policy Framework (NPPF) advises that there is a presumption in favour of sustainable development and that for decision making this means approving development proposals that accord with the development plan

without delay. Paragraph 17 states “Planning policies and decisions should encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value.”

- 6.2. The Birmingham UDP contains no specific policies in respect of purpose built student accommodation. The Draft Birmingham Development Plan does contain a specific policy on purpose built student accommodation (SP32), but this document is in draft stage (having only gone out to public consultation).
- 6.3. Local residents have queried the need for further student accommodation, and as such further information about local need and demand for purpose built student accommodation has been requested from the Applicant. Notwithstanding I note the University of Birmingham have written in support of the scheme, confirming that there is currently a shortage of studio style accommodation located close to the campus.
- 6.4. In areas, such as nearby Bournbrook, there are high concentrations of students living in Houses in Multiple Occupation (HMOs). This puts pressure on these areas and both the quality of life for existing residents and the residential environments have been adversely affected. Although purpose built accommodation can still bring large numbers of students into an area it can help minimise adverse impacts on areas that are over-populated with students by freeing up HMOs for family housing and restoring a more balanced community. The Council is currently undertaking public consultation on plans to introduce an Article 4 Directive to prevent the spread of Houses of Multiple Occupation in those parts of Selly Oak and Harborne where family housing still predominates.
- 6.5. Prior to adoption of the Selly Oak Local Action Plan, Paragraph 20.15C of the Birmingham UDP states that one of the main elements of the Plan will be that “the City Council may resist proposals for new-build student accommodation on the south eastern side of the A38 Bristol Road.” The subsequent Selly Oak Local Action Plan (2001) does not expand on this element or explain the reasoning behind it, but is presumed that this is aimed at the Bournbrook student area of Selly Oak, rather than the application site.
- 6.6. The application site does not have any land use designation within the Selly Oak Local Action Plan. Policy 10.24 of the Selly Oak Local Action Plan acknowledges that there is a need to continue to support the important role of Birmingham University as a major teaching and research institution and source of employment and that new purpose built student accommodation will be encouraged.
- 6.7. The application site is ideally located to provide for purpose built student accommodation, being located immediately opposite the University and consequently achieving sustainable benefits of students being able to walk to both the University and the short distance to facilities at Selly Oak Local Centre.
- 6.8. Current planning policy does not restrict the provision of student accommodation at this site and therefore I consider such development would be acceptable in principle, subject to a range of other issues which shall be discussed below.

Siting, Scale and Density

- 6.9. Following concerns raised by officers at pre-application stage about the large number of bedspaces proposed the Applicant has reduced the number of studios from 303 to 259. Whilst the number of studios on the site is still high, this level of

density in itself would not be a justifiable reason for refusal, providing that the development is of a scale, siting and design which would be in keeping with the surrounding area.

- 6.10. Concerns were raised at pre-application stage that the proposed development did not follow the building line along Bristol Road and that it was sited too close to No. 350 Bristol Road. The siting of the proposed building now follows the building line along Bristol Road, whilst retaining sufficient circulation and amenity space around.
- 6.11. I note the two storey scale of buildings immediately adjoining the application site on either side (i.e. Bournbrook Fire Station and No. 350 Bristol Road). However, I am satisfied that the four storey scale of the proposed development on the frontage would, when viewed in the context of nearby Bournbrook Court (four and five storeys in height), the approved University Sports Centre/Swimming Pool opposite (11m-18m in height) and Edgbaston Park opposite (three storeys in height), not appear unduly dominant or out of scale in the street scene. Rather, when travelling westwards along Bristol Road, the change in scale of the built form in this location would complement the change in character of the area and act as a gateway to Selly Oak. I consider the proposed building would sit more sympathetically in the street scene than Bournbrook Court, being a storey lower in height and being set further back from Bristol Road than the latter. I note there would be a gap of 26m between the proposed building and No. 350 Bristol Road, comprising of the tree'd substation site and side garden of No. 350. I consider the relatively large gap between the two buildings would ensure an appropriate relationship between two storey and four storey – in any case the difference in roof ridge height between these two buildings at the front would only be 3.4m.
- 6.12. Where the proposed building would step up to five storeys in height at the rear, this change would be set back 54m from Bristol Road and as such I consider would not appear particularly noticeable in public views from Bristol Road.
- 6.13. I consider the proposed development would have no adverse impact on the setting of the adjoining Selly Park Conservation Area, given that the existing woodland/Brook would provide substantial tree screening and a legible buffer between the proposed building and adjacent Conservation Area.

Design, Appearance and Living Conditions

- 6.14. 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.”
- 6.15. The design and appearance of the proposed building has been significantly refined from that presented at pre-application stage following liaison with the Council's City Design Officer. Welcome changes include improved articulation and interest on facades through recessing of brickwork and windows; replacement of a Mansard Roof with a simpler flat roof that would be set 0.5m in from the rest of the building and behind a parapet so that it visually recedes; and use of materials with a local vernacular e.g. red brickwork. Amended plans have also been submitted during the course of the application following liaison with the Council's City Design Officer. Welcome changes include the integration of the bin store within the building itself. A request has been made to the Applicant to alter the fenestration on the side (east) elevation of the front section of the proposed building, so that it better ties in with fenestration on the rest of the building.

- 6.16. Following concerns raised by officers at pre-application stage about the lack of amenity space for students, the Applicant has now incorporated approximately 770sqm of private amenity space to the eastern side of the proposed building. I consider this amenity space would be appropriate in size, well landscaped and useable, being situated close to the building.
- 6.17. A well detailed and considered landscaping scheme has been submitted with the application. This has been further refined through consultation with the Council's City Design/Landscape Officer and as such they are satisfied that landscaping and boundary conditions would not be required.
- 6.18. The Council's Specific Needs Residential Uses SPG (1992) recommends that a double bedroom within purpose built student accommodation should measure 12.5sqm in size. The SPG also recommends that a single room used for living/sleeping/cooking and occupied by a single person should have a minimum floor area of 15sqm. With the smallest studio accommodated within the proposed development being 16.5sqm in size, I consider adequate living conditions would be provided, and the furniture layout demonstrates that the living accommodation would not be cramped.
- 6.19. Regulatory Services recommend a condition be attached to any consent to ensure that those studios fronting on to Bristol Road are adequately soundproofed from traffic noise.

Traffic and Parking

- 6.20. Paragraph 32 of the NPPF states that decisions should take account of whether:
- "The opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
 - Safe and suitable access to the site can be achieved for all people; and
 - Improvements can be undertaken within the transport network that cost effectively limits the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe."
- 6.21. Paragraphs 6.49A to 6.51B of the Birmingham UDP sets out policies in relation to car parking provision. The key points of the UDP in relation to car parking provision in new developments are as follows:
- Provision should be adequate for all transport needs.
 - Account should be taken of local factors, such as availability of public transport and public car parking.
 - Proposals which may generate significant on-street parking in residential areas will be required to contribute to parking management measures.
- 6.22. The Council's Car Parking Guidelines SPD recommends a maximum of 1 space per 5 beds and a minimum of 1 cycle space per 4 beds for purpose built student accommodation. The proposal would comply with the Council's Car Parking Guidelines SPD by providing no parking spaces, 1 disabled car parking space and 66 cycle spaces.
- 6.23. The Applicant has confirmed that each student would sign a tenancy agreement that prohibits them from bringing a car with them to University. They have offered to

incorporate such a clause within the Section 106 Agreement. However, I consider any such clause would be unenforceable and would not comply with the three tests required of any planning obligation, as set out in the Community Infrastructure Levy Regulations 2010.

- 6.24. Within the immediate vicinity of the site double yellow lines restrict any parking from taking place. To the east of the site, parking can be achieved further along Bristol Road where there are no restrictions but where parking does not typically occur because of the busy nature of the road. Heading west, the nearest side street options for parking are on Bournbrook Road, Oakfield Road, Serpentine Road and roads to the west of Bournbrook Road. Parking on-street along Bournbrook Road and to the west is typically very heavy with few car parking opportunities. In the event that a student did decide to renege on their tenancy agreement and bring a car to University, they would have to park at least five minutes walk away from the site where there are car parking opportunities along sections of Eastern Road, Serpentine Road and Oakfield Road (away from Bournbrook Road).
- 6.25. I note the concerns of local residents in respect of lack of any on-site parking and the existing problems associated with on-street parking in the area to the west of Bournbrook Road. However, I concur with Transportation Development that with students prohibited from bringing a car with them to University; and given the site location being very close to the University campus, the local centre of Selly Oak and good public transport links; it is anticipated that any resulting impact upon on-street parking along nearby residential roads would be minimal. As such it would be unreasonable to refuse the application on this basis, bearing in mind Policy 23 of the NPPF which advises that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- 6.26. In the unlikely event that on-street parking does become problematic for local residents along those sections of Oakfield Road, Eastern Road or Serpentine Road which are currently relatively free of parked cars, Transportation Development advise that the £82,160 to be secured through the Section 106 Agreement would be sufficient to fund parking surveys, traffic regulation orders or a residents parking scheme. I concur that this sum would be sufficient, based on the £80,000 cost of delivering a recent resident's parking scheme in the Dale Road area of Selly Oak. This scheme covered a road length of approximately 800m. As a comparison the combined road length of Oakfield Road (up to its junction with Eastern Road) and Eastern Road (up to its junction with Oakfield Road) is approximately 950m, and a residents parking scheme would not be required along the whole of this stretch, the end of Oakfield Road nearest Bournbrook Road already being heavily parked. The Section 106 contribution is consistent with the sum secured at other recently approved purpose-built student accommodation schemes in Selly Oak.
- 6.27. The site frontage incorporates three drop off spaces. The submitted Travel Plan includes a management plan for the organisation of these spaces during student arrival and departures at the beginning and end of the terms. The Travel Plan details that arrival and departure periods would be managed through the allocation of hourly appointments spread over nine days, including two weekends. Transportation Development are satisfied that the vehicular movements associated with these drop off times (which it is proposed would occur outside of rush hour periods) would minimise impact on the adjoining highway.
- 6.28. Transportation Development are satisfied with the conclusions of the Transport Statement which shows that with no student parking provided on site, traffic flows

would be expected to reduce when compared to the previous Ambulance Station use.

- 6.29. Transportation Development advise that the widening of the site's existing vehicular access to 5.5m would ensure sufficient width for vehicles to pass, and vehicular tracking plans demonstrate that there would be adequate room for cars and refuse vehicles to manoeuvre on the site frontage. The proposal has been amended following the Applicant's discussions with West Midlands Fire Service, with whom they share the existing vehicular access off Bristol Road. A barrier is now proposed to be installed to provide controlled access to the rear of the site/fire station car park, ensuring unobstructed access on the rare occasion that a fire engine may need to exit from the fire station car park. West Midlands Fire Service have raised no objection to the scheme as amended.
- 6.30. Transportation Development recommend that conditions be attached to any consent requiring affiliation to Company Travelwise; that development operates as detailed within the submitted Travel Plan; and that the proposed 66 space cycle storage be provided prior to occupation of the building.
- 6.31. In summary, I consider the proposal would have no adverse impact upon local parking provision or highway safety given the site is located immediately opposite the University of Birmingham, and is well located for access by walking, cycling and public transport; that students residing in the new building would not be permitted to bring a car to site and there would be no provision on site for car parking (other than the minimum required for disabled use); that adequate cycle parking would be provided on site; that measures set out in the submitted travel plan would promote available transport/access modes; and that vehicular movements associated with the proposal would be minimal and would be lower than that associated with the existing use. In the unlikely event that there the proposed development causes off-site parking problems, a financial contribution would adequately mitigate such impacts for local residents.

Residential Amenity

- 6.32. The Council's Places for Living SPG recommends separation distances and setback distances where new development adjoins existing residential properties. It recommends a setback distance of 5m per storey where new development with main windows would overlook residential gardens. The side elevation of the front section of the proposed building would be located 9m from the side garden of No. 350 Bristol Road at its nearest point. Where there are corridor windows incorporated within this side elevation there would be no loss of privacy to the adjoining occupier. However, I consider a condition should be attached to any consent so that studio windows on this side elevation at first floor and above are obscurely glazed and non-openable to ensure no loss of privacy as a result of overlooking into the neighbouring garden. I note that the substation site located between the application site and No. 350 is heavily tree'd, as is the side garden of No. 350. Where the north-south axis of the proposed building has studio windows on its side (east) elevation, these windows are located between 26m-40m from the rear garden of No. 350, in excess of the 20m-25m setback distance recommended by Places for Living SPG.
- 6.33. Studio windows located within the rear elevation of the proposed building would be set back approximately 25m from the rear gardens of residential properties fronting Oakfield Road, thereby complying with the 25m set back distance required by Places for Living SPG. In addition, I note that the rear gardens of Oakfield Road

properties are very long, with woodland and garden trees located between the application site and these gardens. Local residents have raised concerns that the proposed building would appear dominant and visible above the tree line in views from the rear gardens of Oakfield Road properties. Although the top of the building may appear visible above the tree line I am satisfied that this would not harm the amenity of the these occupiers given the 25m distance of the proposed building to these rear gardens and approximately 90m distance of the proposed building to the rear elevations of these properties.

- 6.34. Studio windows within the side (east) elevation of the proposed building would be set back 14m from the neighbouring tennis courts used by King Edward's School. I consider this distance would be sufficient to ensure a degree of privacy for school children using these adjacent courts.
- 6.35. Regulatory Services have raised no objection to the proposed development and I concur that the amenity of adjoining residential occupiers is unlikely to be materially affected as a result of noise and disturbance.

Trees and Landscaping

- 6.36. The City's Arboricultural Officer has raised no objection to the proposed development, which would result in the removal of nine individual Category C trees on the site. Amended plans have been submitted to increase the width of the landscaping strip along the site frontage to 1.8m as recommended by the City's Arboricultural Officer in order to provide a larger rooting area for the three new frontage trees. The City's Arboricultural Officer also recommends attaching a condition to any consent requiring submission of further details to ensure that there is sufficient rooting volume for these new trees beneath any permeable vehicular surface.

Ecology

- 6.37. The wooded brook corridor along the southern boundary of the site is identified in the Nature Conservation Strategy SPG as part of a Wildlife Corridor. The submitted Ecological Report found no evidence of roosting bats or nesting birds on the application site. It noted that none of the mature woodland trees contained suitable habitat features for roosting bats, although the woodland does provide suitable nesting sites for a variety of widespread garden and woodland bird species, and foraging habitat and a commuting corridor for bats.
- 6.38. The Ecological Report concludes that the Wildlife Corridor is the key ecological feature of the site. It makes a number of recommendations in order to preserve this area for wildlife and good practice precautionary measures in relation to nesting birds and invasive species. The City's Ecologist has raised no objection to the proposed development and advises that a condition be attached to any consent to ensure that these recommendations are followed.
- 6.39. The City's Ecologist has raised some concerns in respect of the species mix proposed for the woodland; the extent of the earthworks required to re-model the topography of the wooded bank; and removal of several mature trees (T6, T7 and T8). She has also raised concerns in respect of potential light spillage into the woodland area. I consider a lighting condition could be attached to any consent to ensure that lighting remains at low levels adjacent to the woodland.

- 6.40. The City's Ecologist recommends that further details of the long-term management of the woodland corridor should be secured by way of condition. She also recommends attaching a condition to ensure that the woodland and Brook course are adequately protected during construction and a condition for a scheme of biodiversity enhancements on the site.

Flooding

- 6.41. The proposed building and vast majority of the site is located within Flood Zone 1 and is therefore at no risk from flooding. Part of the woodland at the rear of the site, closest to Bourn Brook, is located within Flood Zones 2 and 3 respectively. Part of the eastern limb of the perimeter pathway around the southern part of the building would be located within Flood Zone 2 (i.e. it would be at risk of up to a 1 in 1000 year flood event). The Applicant has submitted a Flood Risk Assessment in support of this application which explains that the amount of new hard surfaced area proposed on the application site would be less than existing, and as such new surface water runoff in to Bourn Brook would not be expected to significantly differ from the existing situation.
- 6.42. The Environment Agency have raised no objection to the proposed development, subject to a condition being attached to any consent to ensure that the development is implemented in accordance with the submitted FRA and that the mitigation measures set out in the FRA, such as finished floor levels being set no lower than 122.65m, are adhered to. I concur with the Environment Agency that future occupiers of the proposed development would not be at risk from flooding, nor would the proposed development result in an increased likelihood of flooding within the locality.

7. Conclusion

- 7.1. I consider the development of this brownfield site for purpose built student accommodation would comply with local and national planning policies. It would support the function of the University of Birmingham as a key provider of employment, culture, and learning in the City. The siting, scale and design of the proposed development would be in keeping with the surrounding area and there would be no adverse impact upon ecology, flooding or residential amenity. There is unlikely to be any material increase in traffic and parking on nearby residential roads as a result of this proposal, and in a worst case scenario a financial contribution would adequately mitigate such an impact for local residents. Therefore I consider the proposal would constitute sustainable development and I recommend that planning permission is granted

8. Recommendation

- 8.1. Approve Subject to a Section 106 Legal Agreement

I. That consideration of Application No. 2013/07698/PA be deferred pending the completion of a suitable Section 106 Legal Agreement to require:

a) A contribution of £82,160 (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 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 within 1km of the application site.

b) Payment of a monitoring and administration fee associated with the legal agreement of £2875.60.

II. In the event of the above Section 106 Agreement not being completed to the satisfaction of the Local Planning Authority on or before 17th March 2014 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 Section 106 legal Agreement being completed to the satisfaction of the Local Planning Authority on or before 17th March 2014 favourable consideration be given to Application Number 2013/07698/PA, subject to the conditions listed below;

-
- 1 Requires the scheme to be in accordance with the listed approved plans
 - 2 Requires the applicants to join Travelwise
 - 3 Requires the provision of cycle parking prior to occupation
 - 4 Development to be implemented in accordance with recommendations of Ecological Report
 - 5 Requires the prior submission of a lighting scheme
 - 6 Requires the prior submission of a scheme for ecological/biodiversity/enhancement measures
 - 7 Requires the prior submission of a management plan for the woodland area
 - 8 Requires the prior submission of a construction ecological mitigation plan
 - 9 Requires the implementation of the Flood Risk Assessment
 - 10 Requires the prior submission of a drainage scheme
 - 11 Requires details of materials and below ground design of vehicular access and drop off area
 - 12 Requires the prior submission of sample materials
-

-
- 13 Requires the prior submission of noise insulation scheme
 - 14 Requires the prior submission details obscure glazing for specific areas of the approved building
 - 15 Prevents the use from changing within the use class
 - 16 Requires boundary treatment to be in accordance with the listed approved plans
 - 17 Requires hard and soft landscape details to be in accordance with the listed approved plans
 - 18 Limits the approval to 3 years (Full)
-

Case Officer: Andrew Conroy

Photo(s)



Figure 1 – Site viewed in context of No. 350 Bristol Road

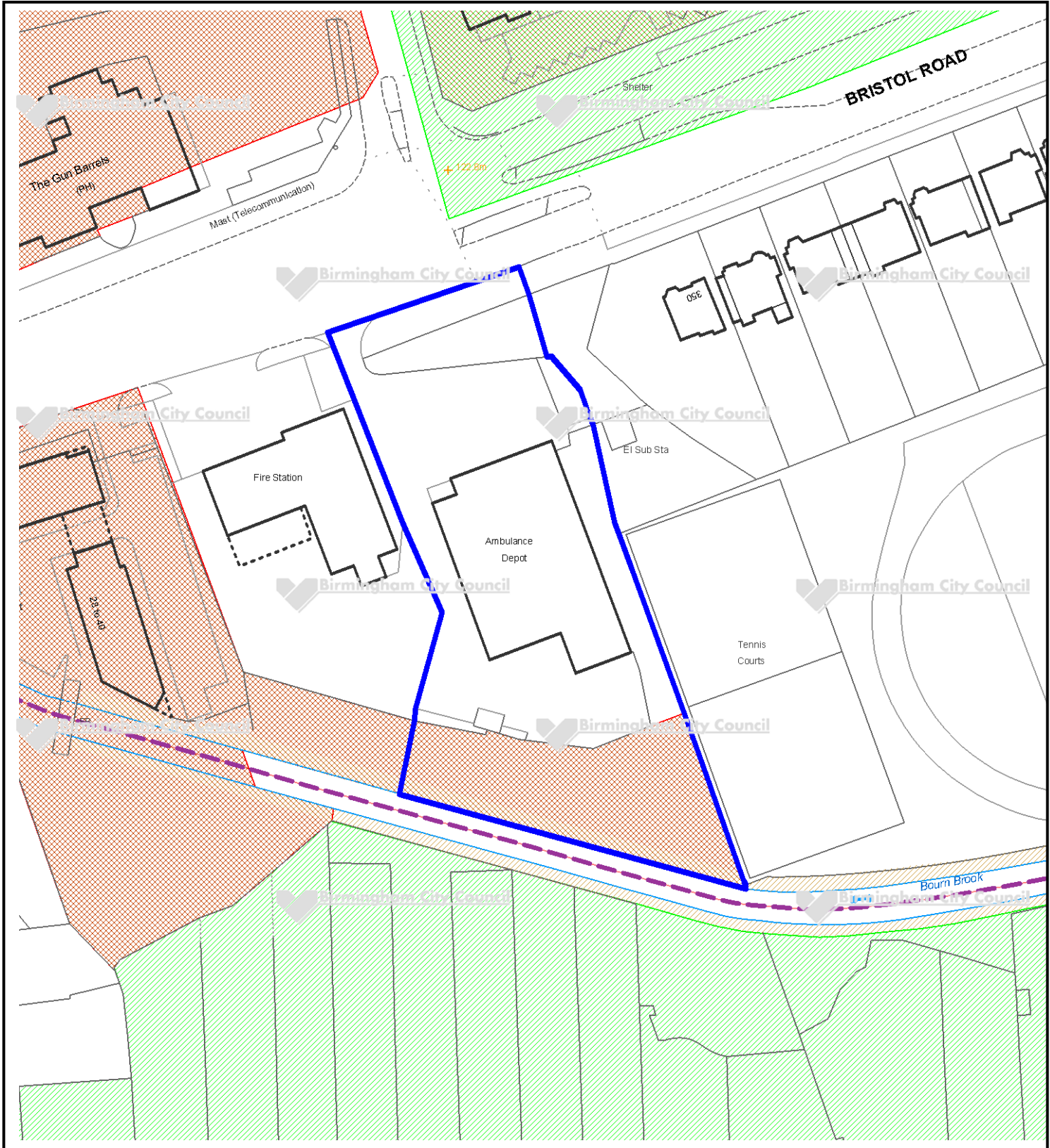


Figure 2 – Site viewed in context of Bournbrook Fire Station



Figure 3 – Site viewed from King Edward's School tennis courts

Location Plan



This map is reproduced from the Ordnance Survey Material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Birmingham City Council. Licence No.100021326, 2010