

# **Birmingham City Council**

## **Planning Committee**

**24 February 2022**

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 – Subject to 106 Legal Agreement	6	2021/00512/PA  Wylde Green Public House site Birmingham Road Sutton Coldfield Birmingham B72 1DH  Demolition of existing Wylde Green Public House and associated facilities and the erection of 57 no. extra-care apartments (Use Class C2) with communal facilities and associated parking provision
Approve – Conditions	7	2021/05195/PA  Greenholm Junior and Infant School Greenholm Road Kingstanding Birmingham B44 8HS  Removal of existing modular classroom building and the erection of new detached classroom building (Use class F1 (a))

---

Committee Date:	24/02/2022	Application Number:	2021/00512/PA
Accepted:	21/01/2021	Application Type:	Full Planning
Target Date:	31/03/2022		
Ward:	Sutton Wylde Green		

Wylde Green Public House site, Birmingham Road, Sutton Coldfield, Birmingham, B72 1DH

Demolition of existing Wylde Green Public House and associated facilities and the erection of 57 no. extra-care apartments (Use Class C2) with communal facilities and associated parking provision

Applicant: Mr Ray Waite  
Gladman House, Alexandria Way, Congleton, CW12 1LB  
Agent:

---

Recommendation

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

1. Proposal

- 1.1. This planning application seeks consent for the demolition of the existing Wylde Green Public House and its associated facilities, and the erection of 57 no. extra-care apartments (Use Class C2) with communal facilities and associated parking provision.

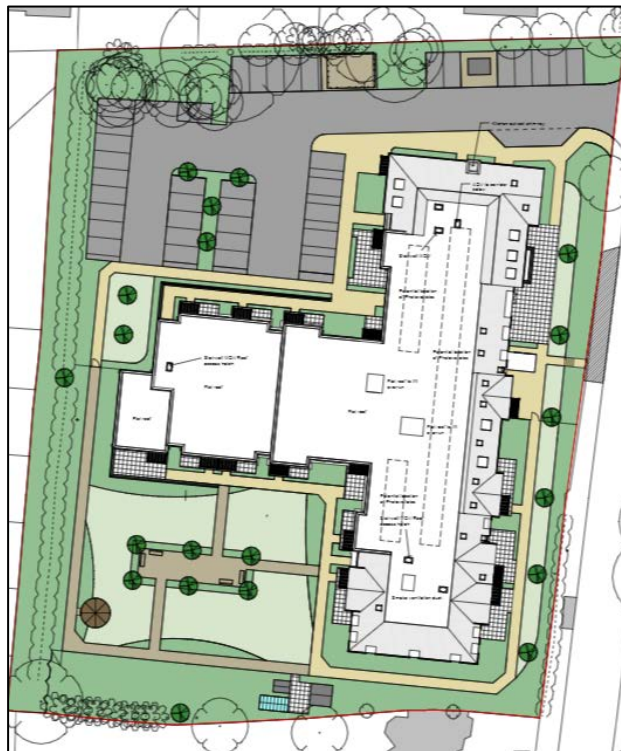


Figure 1: Proposed Site Plan

- 1.2. The building would comprise 20 No. one bedroom, 33 No. two bedroom, and 4 No. three bedroom apartments. The one bed units would provide between 54sqm and 60sqm of internal floorspace whilst the two bed units would provide between 75sqm and 86sqm of internal floorspace. The three bed units would achieve around 100sqm of internal floorspace.
- 1.3. The communal facilities proposed as part of the development would include restaurant, coffee bar, residents' lounge, activities studio, hairdressing salon & treatment room, mobility scooter store, guest suite, extensive landscaped gardens and care team offices/facilities.
- 1.4. The site is generally rectangular in nature with the building arranged in a 'T' shape with the proposed private amenity space and car parking space sat either side. The building would be set in from the rear boundary increasing in height as it moves away from that boundary. The front 'principal' elevation would face onto Birmingham Road and form the main public facing entrance with a further, secondary entrance to the side so that residents/staff/visitors can access the building from the car park.



Figure 2: Proposed visual – looking north west

- 1.5. The car park would be accessed from Birmingham Road in a similar location to the existing car park access with 37 no. spaces. 5 no. of these would be disabled bays along with a loading / drop off area located near to the building's main and secondary entrances.
- 1.6. The building would comprise a footprint of approximately 2,000sqm with a maximum width of 70m and depth of 55m. The building would be a maximum of 3.5 storeys with additional accommodation within the roof space facing towards Birmingham Road (maximum height of 12.6m), appearing as a 4 storey building to the northern and southern elevations stepping down to a 3 storey structure with a flat roof and then 2 storey with a flat roof design towards the rear of Arden Drive and Henley Close dwellings. The external façade would be mixture of brick and render with a pitched, tiled roof to the front elevation along with a variety of balcony types, constructed from a variety of materials including brick, glazing and steel. Dormer windows are proposed at the roof level of the Birmingham Road elevation.
- 1.7. The applicants consider that the activities (i.e. care home and senior living apartments) would fall within the C2 use class with domiciliary care services being provided/available 24 hours a day, 7 days a week to all residents. All residents would have access to services such as personal care (dressing/washing etc.), medical care, and provision of meals, security services, chiropody, hair/beauty, laundry, housekeeping, maintenance services, IT assistance, social activities and concierge.

- 1.8. The proposal would offer self-contained and secure accommodation (apartments) with the provision of flexible care services on a day to day basis. The flexibility offered by the care provision allows residents to move in with limited care needs but with the ability to expand their care provision as their needs change without moving from their apartment. The residents would need to be aged at least 55 years of age and assessed to be in need of care provision.



Figure 3: Proposed visual – looking South West

- 1.9. [Link to Documents](#)

## 2. Site & Surroundings

- 2.1. The site contains a vacant public house building (the Wylde Green Public House) which was closed in mid-2019. The building occupies a large proportion of the site with the remainder comprising a hard-surfaced car park that served the public house along with a bowling green and clubhouse that was in use until September 2019.
- 2.2. The 0.7ha site is within the suburb of Wylde Green in northwest Birmingham. The site sits alongside Birmingham Road to its east. The site is bounded to the south by larger detached residential properties and a variety of commercial uses such as a hotel and nurse (pre-school). The site is also bounded to its north by a three-storey apartment block and detached residential dwellings known as 'The Gardens'.
- 2.3. Properties to the west are residential with their rear gardens backing onto the site's western boundary. This boundary is made up of wooden fencing and mature hedging (approx. 4m tall in places). The site is located on a gradient with the highest portion of the site located on the Birmingham Road frontage and which slopes downwards towards the rear gardens of Arden Drive and Henley Close dwellings with an approximate level change of 1.5m.

- 2.4. [Site Location](#)

## 3. Planning History

- 3.1. 2019/02929/PA - Demolition of existing Wylde Green Public House and associated facilities and the erection of 57 no. extra-care apartments (Use Class C2) with communal facilities and associated parking provision – Refused, allowed under appeal reference APP/P4605/W/20/3255763.

- 3.2. 2019/02563/PA – Prior Notification of proposed demolition of existing public house – Withdrawn – 13/05/19.

4. Consultation/PP Responses

- 4.1. Transportation Development – recommend conditions to restrict the proposed use as C2 accommodation only and for the age restriction for the residents; necessary highway works to be agreed with Highway Authority; Traffic Regulation Orders (TRO) to regulate/prohibit waiting in the vicinity of the application site (approx. £10,000); contribution (approx. £5,000) from the applicant/developer for a driver feedback sign to be erected on Birmingham Rd in the vicinity of the site; and provision of zebra crossing (approx. £40,000); Pedestrian visibility splay of 3.3m x 3.3m x 600mm and vehicular visibility splay; car park management plan/strategy; Construction traffic management plan; Secure and covered cycle storage; Travel Plan; and further details regarding the proposed mini-bus should be provided.
- 4.2. Regulatory Services – recommend conditions to secure noise insulation; extraction and odour control details; noise levels for plant and machinery; contamination remediation scheme; contamination remediation verification; and electric vehicle charging point.
- 4.3. Leisure Services – object to the loss of the bowling green. Recommend that a financial contribution is secured to mitigate the loss of the bowling green.
- 4.4. Lead Local Flood Authority – object on the grounds that the proposals fail to meet the minimum requirements of TP6 of the Birmingham Development Plan.
- 4.5. West Midlands Police – no objection.
- 4.6. Severn Trent Water – recommend condition to secure drainage plans for the disposal of foul and surface water.
- 4.7. Royal Sutton Coldfield Town Council – object to the scheme on the grounds of excessive scale and massing.
- 4.8. Natural England – no comment.
- 4.9. Historic England – no comment.
- 4.10. Sport England – no comment.
- 4.11. Environment Agency – recommend condition to secure a contamination remediation strategy for the site.
- 4.12. Site Notice displayed. Press Notice advertised. MP, Ward Member and neighbours notified. Cllr Yip objects on the following grounds:
- Development is the same as the refused scheme;
  - Size of development out of keeping with surrounding buildings; and
  - Size of development and number of units would have an unacceptable impact on traffic and parking.
- 4.13. Wylde Green Neighbourhood Forum object on the following grounds:
- Adverse impact on residential amenity;
  - Loss of light and privacy;

- Inadequate parking;
- Adverse impact on traffic congestion;
- Restrictive covenant prohibits development; and
- Development does not comply Places for Living SPD.

4.14. 57 letters of objection were received, raising the following concerns:

- Validity of planning application in light of appeal decision;
- Application does not address reasons for refusal to previous planning application;
- Overconcentration of care homes and elderly accommodation in the area;
- Restrictive covenants on site would not allow development to occur;
- Development too high density;
- Out of character for surrounding area;
- Unacceptable height, appearance and size;
- Development would set precedent for such heights and dormer windows elsewhere in the area;
- Unacceptable separation distances to neighbouring dwellings;
- Unacceptable location of refuse store which would have an adverse impact on neighbours;
- Impact on community services;
- Loss of trees;
- Unacceptable boundary treatment;
- Loss of public house, bowling green and children's play area;
- Loss of open space and community facilities;
- Dust and noise caused during construction phase;
- Inadequate public consultation;
- Unacceptable carbon footprint;
- Loss of light and privacy to neighbouring residential properties;
- Increase in litter;
- Increase in light pollution;
- Increase in traffic congestion and parking demand;
- Inadequate parking provision; and
- Bus stops inaccessible to prospective residents.

## 5. Policy Context

5.1. Birmingham Development Plan (2017); Development Management in Birmingham DPD (2021); Car Parking Guidelines (2021) SPD; Mature Suburbs SPD (2007); Places for Living SPG (2001); Specific Needs Residential Uses SPG; 45 Degree Code (2005); Development Involving Public Houses SPG; National Planning Policy Framework (2021)

## 6. Planning Considerations

### **Background**

6.1. This application follows a previous planning application made under reference 2019/02929/PA, which was refused for the following reasons:

1. The scale of the proposal, by reason of the elongated nature of its frontage to Birmingham Road and the elongated nature and height of the rear wing would be out of context with the surrounding properties and would be unduly

dominant. As such it would be contrary to Policy PG3 of the Birmingham Development Plan 2017 and saved Paragraphs 3.14C-D of the Birmingham UDP 2005, guidance in Places for Living adopted as Supplementary Planning Guidance, and the National Planning Policy Framework.

2. In the absence of any suitable legal agreement to secure a financial contribution related to the loss of the bowling green and to maintain highway safety the proposal would be contrary to TP9, TP27 and TP39 of the Birmingham Development Plan and NPPF.

6.2. The appeal was allowed with planning permission granted subject to conditions in October 2021.

6.3. The inspectors report states:

*'The proposed development would not cause unacceptable harm to the character and appearance of the surrounding area with particular regard to the length of the building frontage and the length, at the proposed height, of the rear wing. As such, in respect of this issue, it would accord with policy.'*

6.4. This planning application seeks to secure planning permission for the same development with the proposals having incorporated various amendments to address the comments made in the determination of the appeal.

#### **Principle of Development - C2 Use Class**

6.5. The scheme seeks to provide 57 no. 'apartments with care' which allow residents to live independently but with the ability to have care provision tailored to their needs within their own home. The applicant has identified that the site would be operated by 'Methodist Homes' who are an established provider of care facilities and operate similar sites throughout the UK. Care would be available to all occupants through a domiciliary care service and all occupiers would have to meet a 'needs assessment' to ensure that they meet the qualifying criteria to purchase an apartment. These restrictions would also include a minimum age restriction of 55 for leasehold purchase and for the occupants to have a need for care. The requirement, for occupier's care needs to be assessed on entry, could be secured by condition to ensure they properly qualify for entry.

6.6. The applicant has stated that all apartments would be subject to a specific needs care package which would include (but would not be limited to) assistance with feeding, bathing, dressing, non-physical care and emotional and psychological support and any other matters that the residents need assistance with (i.e. the care plan would be personal to the individual). I consider that the nature of the care provided, the layout of the site and the facilities offered to all residents would create a facility that would function in a fully integrated manner as one planning unit. I am satisfied that the use would fall within the C2 use class, subject to the minimum age and care provision conditions. As such I do not consider that affordable housing policy or public open space policy, associated with C3 dwellings, would be necessary in this case.

6.7. Policy DM12 of Development Management in Birmingham DPD relates to specialist accommodation, including care homes and accommodation for older people with care needs. The policy sets out that such development will be supported where:

- a) It will not lead to an unacceptable adverse impact on the amenity, character, appearance, parking, public and highway safety of the area, taking into account the cumulative effects of similar uses in the area.

- b) The accommodation and facilities, including outdoor amenity space and provision for safety and security, is suitable for the intended occupiers.
  - c) It is accessible to local shops, services, public transport and facilities appropriate to meet the needs of its intended occupiers.
  - d) The scale and intensity of the proposed use is appropriate to the size of the building.
  - e) It will not result in the loss of an existing use that makes an important contribution to the Council's objectives, strategies and policies.
- 6.8. It is considered that the proposals would achieve the aims of policy DM12 and is accordingly considered to be acceptable in principle. Further assessment on points a) and e) are covered below.

#### **Principle of Development - Loss of Public House**

- 6.9. The development would result in the loss of the Wylde Green Public House. Whilst the public house itself has now closed, in planning terms the authorised use is still that of a public house and is therefore assessed on this basis.
- 6.10. The loss of the public house has been assessed against 'Planning Guidelines for Development Involving Public Houses SPG'. The policy states that the impact should be assessed and account taken of the number of alternative premises. Where the local area is adequately served, favourable consideration will normally be given to proposals for residential use.
- 6.11. The application has been submitted with an assessment which suggests that there are 17 no. public houses within a 2km catchment area (the same catchment as used to assess both open space and loss of bowling green assessments) which is considered to be a reasonable walking distance from the application site. It is also noted that the public houses contained within the assessment have a variety of offerings and facilities, (i.e. some that are purely drinking, food offerings, outdoor sports facilities and car parking) which I believe accurately reflects the offering in the local area and is comparable to what was offered at the Wylde Green PH.
- 6.12. Objections have also been made by local residents on the basis that the existing business was allowed to suffer by the previous owner in the run up to its sale. This is not a material planning consideration however Greene King, who owned the site, were (and are continuing to) undertaking a reconfiguration of the business, reducing staff numbers and disposing poorly performing sites, of which they identified the Wylde Green site as being one.
- 6.13. Criteria 8 of the SPG also goes on to say that sites which include outdoor amenity facilities such as bowling greens and children's play areas, should be encouraged to retain these facilities as part of redevelopment proposals. The retention of the children's indoor soft play area cannot be retained on site due to its incompatibility with the residential care nature of the proposed scheme.
- 6.14. As such, whilst the loss of the existing public house is regrettable, it is considered that existing facilities elsewhere in the local area would provide local residents the facilities and local amenity value provided for by the Wylde Green PH.

#### **Principle of Development - Loss of Bowling Green**

- 6.15. The proposal will result in the loss of open space and the loss of a bowling green which was, at the time of application submission, being used by the Wylde Green Bowling Club. The applicant has provided a report, in accordance with the



requirements of policy TP11 of the BDP, to demonstrate how the loss of these facilities can be addressed and mitigated.

- 6.16. In the first instance the applicant states that there are no set standards for assessing demand for bowling greens and has put forward their own assessment and methodology which is considered acceptable. The assessment has looked at bowling green facilities within a 2km radius with a differentiation between both Crown Green and Flat Green bowling greens provided. In this case, the site currently has a Crown Green.
- 6.17. There are 13 no. bowling greens located across 11 no. sites within 2km of the application site with the nearest being 0.76km away and the furthest 1.95km away. It is also noted that 3 no. of those greens are flat greens with the remaining 10 no. being crown greens (i.e. the same as the application site). The applicant goes on to say that all of the Crown Greens within the catchment area are affiliated with specific bowling clubs or sports clubs and are of a high maintained standard and there are further public greens (e.g. Pye Hayes, Tudor Road, etc.) within 2.5km of the site.
- 6.18. The loss of the Wylde Green PH crown bowling green would reduce this to 9 no. crown greens and based upon the participation rates, the reduction in greens would result in an average of 73 no. people per bowling green, an increase of 7 no. people per green which is considered acceptable. The Wylde Green Bowls Club has relocated temporarily to a site elsewhere in Sutton Coldfield. It is noted that the Leisure Services and Parks team have objected due to the loss of the bowling green. They have however, stated that should the application be approved that a compensation sum for the loss of the Bowling Green should be sought.
- 6.19. At the appeal, the Inspector advised that they had *“received insufficient evidence of a need for any mitigation for the loss of the bowling green on the site or that the proposed financial contribution would be necessary or directly related to the proposed development.”* The Inspector concluded that *“I consider there to be no clear justification for the Bowling Green Contribution in respect of the proposed development. It fails to meet the tests set out in paragraph 57 of the Framework and Regulation 122(2) of the Community Infrastructure Regulations 2010 (as amended), particularly in terms of not being necessary to make the development acceptable in planning terms and not being directly related to the development. I have therefore not taken that planning obligation into consideration and have afforded it no weight in determining the appeal.”*
- 6.20. Discussions with Wylde Green Bowling Club have been ongoing during the consideration of this planning application, and since the determination of the appeal. It is understood that the Bowling Club are operational from the existing bowling green at Walmley Social Club, approximately 1 mile east of the application site. In the context of the application proposals and the loss of the bowling green at the application site, the LPA agrees that there is sufficient alternative bowling green provision in the local area (i.e. within 2km), the loss of the Bowling Green needs to be addressed through the provision of a financial contribution for provision elsewhere. The applicant has agreed to provide a financial contribution of £86,071.48, to be secured by a S.106 agreement, to replicate the facilities that the club were accustomed to at the application site at their new premises of Walmley Social Club, in accordance with the comments from the Leisure Services team.
- 6.21. Subject to the securing of financial compensation to the sum of £86,071.48 towards the improvement of facilities at Walmley Social Club, it is considered that the planning obligations delivered through the application proposals would sufficiently mitigate the loss of the bowling green.

## Principle of Development - Loss of Open Space

- 6.22. The existing bowling green does not fall within the definition of a 'playing pitch' as outlined within the Development Management Procedure (England) Order 2015. Sport England have stated that they have no comments to make. However, the proposal does require assessment in relation to Policy TP9 of the Birmingham Development Plan on the basis that it relates to the loss of open space provision. The applicant has undertaken an assessment (including playing fields and pitches, larger equipped play areas, publicly accessible parks, allotments, golf courses, bowling greens, cemeteries and woodlands) to demonstrate that the local area, which again uses the same 2km buffer as used within the loss of bowling green assessment, has sufficient open space and that the loss of the bowling green as open space would not reduce this to detrimental levels.
- 6.23. The submitted open space assessment outlines that the catchment area has a surplus of 219.6ha of open space within it (excluding Sutton Park) and that without the open space provision at the Wylde Green PH the minimum standard of 2ha per 1,000 population is exceeded with a figure of 6.15ha per 1,000 population. It is considered that this assessment is sound and the proposal is considered to be acceptable regarding the loss of open space.
- 6.24. It is considered that the principle of residential accommodation in the form of apartments with care is acceptable given the site's sustainable location subject to detailed consideration of design, highway impacts, residential amenity impacts, ecological impacts and securing appropriate compensation regarding the loss of the Bowling Green as discussed above.

## Design, Scale and Layout

- 6.25. The building itself consists of a 'T' shaped block which fronts Birmingham Road with the narrowest point of the building facing the rear elevations of Henley Close and Arden Drive. The building would be 2 – 4 storeys in height with the Birmingham Road frontage comprising 3.5 storeys.



Figure 4: Proposed Streetscene

- 6.26. At the appeal, the inspector concluded that:

*'The proposed building would be substantially larger than the existing building and would occupy a large part of the site frontage with a continuous front elevation. Although the elevation facing onto Birmingham Road would be much longer than any others relating to existing single properties in the near vicinity, it would also be occupying a significantly wider site frontage compared with those other properties. As such, in this respect, together with the provision of some space either side of the proposed frontage building, its length would appear as being appropriately proportionate to the width of the site and without appearing cramped.'*

*'The proposed building would extend well back into the site which in itself is not unexpected in the context of the existing buildings on the site doing the same. The nature of the rear wing would be noticeably different to those existing buildings, particularly given its greater height, albeit with the rear section staggered down from*

*four storeys to three and a small element of two storey. However, that rear wing would be centrally positioned between the site's side boundaries, set well away from them. It would also be set away from the rear boundary, albeit not to the same degree. As such, that rear wing would sit comfortably and not appear cramped within the confines of the site, whether seen from public vantage points on roads at the front and rear of the site or from surrounding residential properties.'*

- 6.27. During the current application, a revision has been made to the appearance of the building, which has resulted in the addition of part dormer windows and rooflights on the Birmingham Road frontage. I consider this adds variety to the roof eaves. The front door facing the street with a larger glazed area and projecting canopy which I consider adds to the active frontage of the building into the public realm. Variation in the roof scales and heights when combined with the protruding gable detail and variation further breaks up the elongated nature of the Birmingham Road frontage. City Design Officer advises that this approach is appropriate in relation to the scale of existing buildings when viewed along Birmingham Road and that the Birmingham Road elevation is considered acceptable.
- 6.28. The 2-storey part of the building would be about 10.9m from existing garden boundaries and 21.7m from existing rear elevations of Arden Drive houses; the 3-storey part would be about 15m and 26m away respectively. However, the floor level of the proposed building would be 2.5m higher than that of existing houses. The rear wing design and its impact on dwellings located on Arden Drive is unchanged from previous scheme. It is considered that this relationship is acceptable, with regards to the scale and design being appropriate for the location.
- 6.29. The proposed brick and render with roof tiles to the pitched roof element would suit the local variety of architectural styles and help to add interest and variety to the design. Overall, it is considered that the proposed building offers a suitable design proposal within the streetscene which adds to the variety of buildings, in terms of scale, massing and architectural design, along Birmingham Road.
- 6.30. The proposed vehicular and pedestrian accesses along with a significant proportion of apartments and communal facilities would overlook and be taken from Birmingham Road, providing a high level of natural surveillance and creating interest and activity around the frontages. Furthermore, the ground floor apartments would also benefit from their own private 'front gardens/terraces' along with balconies at upper floors which further reinforces this aspect and is generally supported.
- 6.31. City Design has recommended a number of planning conditions to secure appropriate landscaping and boundary details, sample materials to be used on the external façade, finished site levels and architectural details (e.g. windows, doors, façade and roof, rainwater goods). I agree and consider securing such details will ensure the building achieves a high design standard that positive impacts upon the public realm.

### **Residential Amenity**

- 6.32. The scheme would replace the public house, Bowling Green with club house and car park and garden areas, the highest structure being the main public house which is situated towards the Birmingham Road elevation of the site and is two storey. The majority of car parking would be positioned in a similar location to that of the public house's existing car parking. Furthermore, boundary treatments and landscape strips would either be retained or provide a buffer to nearby residential dwellings.
- 6.33. The application has been submitted with a Noise Assessment, and whilst the assessment does not fully accord with their approach, the data obtained from it

when assessed with existing data held by the council suggests that any noise impacts can be adequately addressed through appropriate mitigation. In this case, maximum noise levels for plant and machinery and to ensure that all windows, any other glazed areas and external doors to habitable rooms provide sufficient sound reduction. However, based upon the authority's noise mapping data my Regulatory Services officer considers the standard of glazing should be much higher than that proposed within the application submission, particularly on the Birmingham Road frontage to achieving a weighted sound reduction of at least 38dB and that any ventilation on this elevation to habitable rooms shall achieve weighted element normalised level difference ( $D_{n,e,w} + C_{tr}$ ) of at least 44dB. I consider this appropriate and which can be secured by planning condition.

- 6.34. The submission has also been accompanied by a Phase 1 Geo-Environmental Report which has characterised the site as being considered to present a low to moderate contamination risk associated with the current and historic use of the site. It goes on to say that a phase 2 ground investigation should be undertaken to characterise the site, with respect to environmental and geotechnical abnormalities post-planning. My Regulatory Services officer has assessed the document and considers it appropriate to secure a contamination remediation scheme and verification report by planning condition. I agree with such an approach.
- 6.35. In addition, it is noted that the proposed scheme offers a number of communal facilities which contain a number of cooking facilities (e.g. café, restaurant) (not including kitchens within each of the apartments) along with general communal infrastructure, such as air conditioning systems. My Regulatory Services officer has requested the imposition of conditions to ensure that the noise and odour do not adversely impact upon surrounding residential occupiers along with future occupiers of the proposed scheme. The conditions sought relate to securing full extraction and odour control details and specifying maximum noise levels (shall not exceed 5dB below the existing LA90 background levels and 10dB below the existing LAeq at any noise sensitive premises) for plant and machinery. I agree with such an approach.
- 6.36. In terms of separation distances, the submission results in the rearmost portion of the building reduced in height to 2 storeys with no habitable windows to the gable end elevation (facing towards the rear gardens of Arden Drive/Henley Close). In addition, the rear of the building sits a minimum of 11.4m away from the site boundary and at a distance of 21.8m between the rear of dwellings associated with Arden Drive/Henley Close and the rearmost portion of the proposed building. It should be noted that there is a level change difference sloping down towards the rear boundary fence line of approx. 1.5m. I am of the view that the proposal meets the minimum separation distances as specified within Places for Living SPD, taking into account the level change and the fact that no habitable windows are proposed to the rear most flank wall but rather dummy windows and obscure glazed bedroom windows.



Figure 5: Cross section from Henley Close

- 6.37. In addition, the proposal would meet the minimum 12.5m separation distance between windowed elevations and a 2 storey flank wall plus the additional 2m distance taking into account the level change. The applicant has indicated on the submitted drawings privacy screens to the terrace and balconies associated with apartments to the northern and southern elevations that may have longer distance side views at first and second floor levels into the rear gardens of Arden Drive/Henley Close Dwellings. This is welcomed and the details of the design and positioning can be secured by planning condition. On this basis, I am content that the proposal would not adversely impact upon residential amenity in this regard.
- 6.38. The separation distance between building fronts along the Birmingham Road frontage is approximately 44m and exceeds the minimum required. Furthermore, I am of the view that the proposal broadly reflects the established building line along Birmingham Road apart from the projecting gable detailing which sits slightly forward of the line.

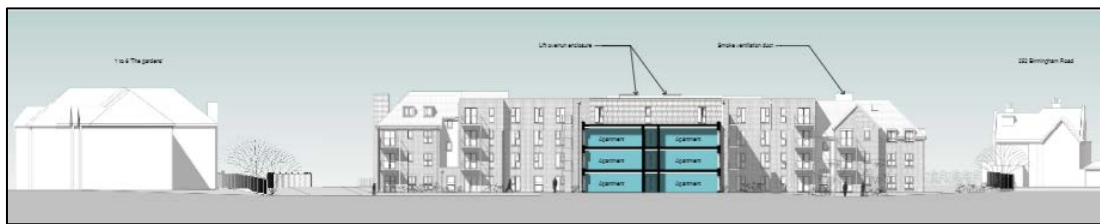


Figure 6: Proposed north / south site section

- 6.39. The proposed refuse store and site substation are shown as being located adjacent to the site's entrance (for ease of access and maintenance) and the boundary of properties associated with 'The Gardens'. Whilst I raise no issues to their location, I do consider it appropriate to secure external finish materials in relation to these pieces of infrastructure given their prominent location adjacent to the site's access point onto Birmingham Road.
- 6.40. In terms of outdoor amenity space I note that the scheme would provide approximately 1,900sqm of communal landscaped gardens for residents to enjoy. Such provision amounts to a total provision of approx. 33sqm per apartment and exceeds both the required 30sqm minimum outlined in Places for Living SPG for residential apartments and 16sqm as outlined in Specific Residential Needs SPD. In addition, the majority of the apartments would have access to a semi-private patio (at ground floor level) or balconies at the upper floor levels offering further outdoor space for residents to enjoy. I am satisfied that this space is adequate for the needs of the residents as it would be well located in safe, quiet areas of the site and would also offer a variety of garden areas to enjoy, including sitting areas, paths for walking and a 'working garden' area for residents to garden if they wish.
- 6.41. Internally the proposed building would provide 57 no. apartments with a range of 1, 2 and 3 bed units (20 no. one bed units, 33 no. two bed units and 4 no. 3 bed units.) the apartments would range in size from approx. 55sqm to 100sqm (excluding external space) and would all meet the minimum size thresholds as outlined in the Nationally Described Space Standards document. Also, each of the apartments are well designed with regular shaped, usable space and with access to either private or communal outdoor space which is supported.

### Highway Safety and Parking

- 6.42. The NPPF states that "when setting parking levels LPA's should take into account the accessibility of the site, the type, mix and use, access to public transport, local car ownership and the overall need to reduce high emission vehicles". It is

considered that the site is situated in a sustainable location with good access to public transport options, with bus stops directly outside of the application site on Birmingham Road, which provides access to both Sutton Coldfield town centre and Birmingham city centre whilst Wylde Green neighbourhood centre is within a level walking distance of the site (approx. 550m along Birmingham Road to the south).

- 6.43. A number of objections have been made by local residents, many of which raise concerns for the proposed parking provision being insufficient which might result into overspill parking on neighbouring residential roads, construction/demolition traffic/vehicles, lack of formal pedestrian crossing facility in the vicinity of the site, current excessive vehicular speed on Birmingham Road within vicinity of the application site and how future residents would cross this busy road with speeding vehicles.
- 6.44. The applicant has submitted a Transport Statement (TS) including a traffic study and amended parking statement (October 2019) for the proposal. The traffic study includes the survey data of traffic to/from the four similar existing extra care apartments operated by the applicant and the average trip rates have been applied to the proposed 57 no. extra care apartments at the site. As per the submitted TS, the level of traffic generated by the proposed extra care apartments would unlikely to be significant to have severe impact on surrounding highways.
- 6.45. The applicant is proposing a new bell-mouthed vehicular access off Birmingham Road close to the northern end of the site. The applicant has undertaken a speed survey along this part of Birmingham Road, according to which the observed vehicular speed is greater than 30 mph speed limit and the applicant has designed the revised access to provide the required visibility for the recorded speeds which is supported.
- 6.46. However, in light of the observed vehicular speeds along Birmingham Road and the anticipated elderly/infirm/mobility restricted residents residing on site, it is considered appropriate to firstly seek to introduce speed reduction measures in the form of driver feedback signage and to also provide a safe pedestrian crossing point in close proximity to the site so as residents can make use of public transport options on both sides of Birmingham Road. My transportation officer has confirmed that the provision of a 'zebra' pedestrian crossing would cost £40,000 and the provision of the driver feedback signage would cost £5,000 and has requested that such measures are secured should planning consent be granted. I agree with this approach in that it would ensure that residents are able to fully access the local community and the facilities it has to offer and consider securing the financial contributions outlined above via a Section106 agreement to be the most appropriate way of securing the works which would then be undertaken by the local highway authority on behalf of the developer. In addition, the existing wide footway crossing/vehicular access would become redundant and will be reinstated with full height kerbs whilst the TS states that the servicing of the site would be carried out from within the site and it includes a tracking analysis demonstrating manoeuvring of a refuse vehicle within the site and to/from the highway which is supported.
- 6.47. The submitted 'parking statement' refers to the proposal as "the development of apartments with care (C2 use)" and that "the proposed retirement apartments with care are only to be occupied by residents over 55 years of age." Birmingham City Council's current parking guidelines specifies parking provision of 1 no. space per two units and 1 no. space per 3 no. of staff for Sheltered Housing whilst Nursing and Specialist Care equates to 1 no. space per 3 no. bed spaces. Therefore, as per the car parking guidelines if the parking standards are applied for Sheltered Housing and Care Home, the specified parking provision for the scheme would be 37 no. spaces and 32 no. spaces respectively.

- 6.48. The applicant is proposing 37 no. spaces including 5 no. disabled parking spaces and the parking study also refers to an 'Adlington Traffic Study', for which surveys were carried out for trip rates and car park occupation levels over a 7 day period for four schemes, similar to that proposed in areas with similar levels of car ownership levels to Sutton Coldfield. All of the similar schemes within the study state a parking provision ratio of 0.41 spaces – 0.56 spaces per apartment which is less than what is proposed for the current proposal which is 0.65 spaces per apartment. The study goes on to demonstrate that maximum car occupancy levels for all of the completed scheme were less than 100% (apart from one (Portishead) scheme where maximum car occupancy level was reached to 104% for a short duration for a period of up to just 15-minutes two days of the survey) which demonstrates that the proposed parking provision for the Wylde Green scheme is sufficient.
- 6.49. However, I note that some local residents are particularly concerned about parking generally, particularly as parking along Birmingham Road, directly outside of the site, is very difficult given the busy and arterial nature of Birmingham Road. As has been outlined above, the concerns that the proposal may result in overspill parking elsewhere it is considered appropriate in this case, given the very limited on-street parking provision immediately adjacent to the site that a financial contribution to the sum of £10,000 is secured through a Section 106 agreement, so as to allow the highway authority to undertake a review of, and implement if required, a Traffic Regulation Order (e.g. double yellow lines, no waiting, etc.) on surrounding roads in the vicinity of the application site so as to reduce/remove potential adverse impacts upon the free flow of traffic along Birmingham Road.
- 6.50. It is also noted that the submitted parking statement states that an 8 seater minibus and driver will be made available in a similar way to other completed Adlington sites to transport residents when needed. However, the parking layout does not show parking for a mini-bus therefore the transportation officer has requested further details, i.e. where it would be parked, how it would operate, etc. to be secured by planning condition. I agree with such a viewpoint. My transportation officer has also requested that a number of other planning conditions are imposed in order to make the development acceptable in highway safety terms. These conditions relate to the provision of pedestrian and vehicular visibility, the provision of a car park management plan/strategy to ensure that the use of the car park does not adversely impact upon the free flow of traffic on the surrounding road network, a construction traffic management plan, to provide appropriate secure and covered cycle storage and that a travel plan is undertaken and finalised so as to reduce reliance for both staff and residents upon the private car. I agree with such an approach and recommended that such conditions are imposed.
- 6.51. Regulatory Services have requested that electric vehicle charging points are provided onsite, with no fewer than 10% of non-dedicated parking spaces to be provided with electric vehicle charging points for electric/low emission vehicles so as to reduce CO2 emissions and in accordance with policies TP5 and TP43 of the BDP 2017. I consider such a request to be appropriate in this case. Also, such provision would also seek to reduce CO2 emissions and would accord with policy TP43 of the Birmingham Development Plan 2017.

### **Trees and Ecology**

- 6.52. The site contains suitable habitat for a variety of protected/notable species including nesting birds, bats and hedgehog. The proposals have the potential to affect these species, so mitigation/compensation is required to address adverse impacts and to ensure compliance with legal protection. The development proposals will result in the loss of common habitats, with new planting proposed to compensate for these



losses. The Landscape Strategy indicates new trees and ornamental shrubs and lawned areas.

- 6.53. The updated Ecological Appraisal confirms there has been no change in the bat roost status of the site. As such, there is no evidence to suggest bats are currently roosting in buildings or trees on site. Trees and hedgerows around the site's boundaries will be mostly retained, although a section of hedgerow and a tree on the eastern boundary are proposed for removal to facilitate creation of a new access. Some further trees around other boundaries and those internal to the site will be removed, along with other areas of existing soft landscaping (amenity grassland / lawns, scrub, ornamental planting). Two trees assessed as having low bat roost potential - a Lombardy poplar (T4, in the north-eastern corner of the northern boundary) and a horse chestnut (T8, in one of the internal planting beds in the car park) are proposed for removal.
- 6.54. Section 6 of the Ecological Appraisal recommends the implementation of industry-standard good practice control measures to minimise the risk of harm to wildlife during site clearance.
- 6.55. The Council's Ecologist has been consulted and they advise that the site clearance / construction phase mitigation measures reflect well established good practices approaches, and their implementation should be secured by condition. In addition, as bats are mobile species, a condition should be attached to secure the completion of an updated bat assessment/survey (of all buildings and trees, not just B3) if demolition/tree removal works have not commenced by the beginning of May 2023.
- 6.56. As further mitigation, and enhancement, the Ecological Appraisal recommends the proposals should incorporate the following design features:
- New planting to compensate for losses of existing habitats, which should include nocturnal flowering species (night-scented to attract nocturnal insects).
  - Lighting and layout should minimise light spill onto habitats within and adjacent to the site that are used by foraging and commuting bats. Lighting design should adhere to published good practice guidance.
  - Fencing should include hedgehog access gaps to facilitate hedgehogs' movement through the site.
  - Creation of brash and log piles to provide shelter for hedgehog.
  - Replacement breeding habitat for birds, in the form of native tree and shrub planting and provision of a range of nest boxes.
- 6.57. The City Ecologist has no objection in principle to the recommended measures; and recommends that further details must be secured by conditions relating to a further bat survey, scheme for ecological enhancement measures, bird / bat boxes, implementation of acceptable mitigation / enhancement and boundary treatment. I am of the view that the proposed mitigation and enhancement is acceptable and have recommended that the conditions suggested are attached to any grant of planning permission.
- 6.58. The site comprises a number of trees and boundary hedges. A tree survey has been submitted in support of the scheme. The Council's Tree Officer has been consulted and he confirms that this is accurate in reflecting his own observations around this site. The trees on the site have suffered from excessive and insensitive tree management which has left most of the trees much-reduced in appeal and longevity. In respect of the large willow T12, the Tree Officer advised that this should not be damaged by development. The Tree Officer confirms that they offer no objection to the proposals on tree grounds, recommending conditions to secure tree pruning and the protection of existing trees. Whilst I note objection from local residents in respect



of the loss of trees and hedgerow across the site, I share the view of my Tree Officer and consider that the recommended conditions would be sufficient in mitigating the impact of the proposals.

### **Flooding and Drainage**

- 6.59. The site is located within Flood Zone 1 and is not located within close proximity (in excess of 500m) to local watercourses. A Flood Risk Assessment and Drainage Information Pack has been submitted in support of the application. The LLFA object because the proposed drainage strategy fails to meet the minimum requirements of planning Policy TP6 of the adopted Birmingham development Plan and the minimum requirements of paragraphs 163 & 165.
- 6.60. Regard has been had towards the drainage proposals and it is noted that these reflect those that formed part of the previous application submitted in 2019. These proposals were accepted by both the LLFA and the Inspector. Notwithstanding the need for the developer to submit developer enquiry to Severn Trent to confirm the viability of the proposed discharge rate, it is considered that the proposals would be unlikely to have an adverse impact on flood risk and drainage that could not be suitably mitigated by conditions to secure drainage plans, SUDS Operation and Maintenance Plan. It is recommended that such conditions are attached to any grant of planning permission.

### **Other Matters**

- 6.61. Concerns have been raised by local residents that the area is already saturated with similar developments. Policy DM12 of the Development Management DPD does consider the cumulative effects of similar uses. Whilst the comments raised are relevant, we do not consider that this amounts to a saturation that would result in adverse impacts on amenity, character or highway safety.
- 6.62. A number of comments have been made regarding restrictions/covenants associated with the land that prohibit it from being used as anything other than a public house. Whilst this is something for the applicant to consider, this does not form a material planning consideration and falls outside the remit of this planning application.

### **Community Infrastructure Levy**

- 6.63. As the development seeks consent for a C2 use class as apartments with care, there is no requirement for a contribution to the Community Infrastructure Levy.

## **7. Conclusion**

- 7.1. The proposal, for apartments with care, is acceptable. The scheme would provide dedicated housing for residents requiring varying levels of care in a high quality facility providing a range of communal facilities. The site is well located and represents sustainable development in a predominantly residential location well served by public transport and addresses the public realm with a suitable, contemporary solution.
- 7.2. The loss of the public house and bowling green and open space, whilst regrettable, has been satisfactorily addressed and subject to securing financial contribution in regard to the loss of the bowling green and highway safety improvements, consider the overall scheme to be acceptable subject to a number of planning conditions.

8. Recommendation

8.1. That consideration of planning application 2021/00512/PA be approved subject to the completion of a planning obligation agreement to secure the following:

- a) A financial contribution of £86,071.48 towards the provision of improved bowling green facilities at Walmley Social Club.
- b) A financial contribution of £40,000 towards the provision of a pedestrian crossing at Birmingham Road in vicinity of the development site.
- c) A financial contribution of £10,000 to provide a review of and implementation (if required) of a traffic regulation order on surrounding roads within the development site's vicinity.
- d) A financial contribution of £5,000 to provide a driver feedback sign at Birmingham Road in close proximity to the development site.
- e) Payment of a monitoring and administration fee associated with the legal agreement of 3.5% up to a maximum of £10,000.

8.2. In the absence of a suitable planning obligation agreement being completed to the satisfaction of the Local Planning Authority on or before 31st March 2022 the planning permission be refused for the following reason:

- a) In the absence of any suitable legal agreement to secure a financial contribution related to the loss of the bowling green and to maintain highway safety the proposal would be contrary to TP9, TP27 and TP39 of the Birmingham Development Plan and NPPF.

8.3. That the City Solicitor be authorised to prepare, seal and complete the planning obligation.

8.4. That in the event of the planning obligation being completed to the satisfaction of the Local Planning Authority on or before 31<sup>st</sup> March 2022, or a later date as agreed between the Local Planning Authority and the applicant, favourable consideration be given to this application subject to the conditions listed below.

---

1	Implement within 3 years (Full)
2	Requires the scheme to be in accordance with the listed approved plans
3	Requires the submission of a parking management strategy
4	Requires the prior submission of a contamination remediation scheme
5	Requires the submission of a contaminated land verification report
6	Requires the submission of a scheme for ecological / biodiversity / enhancement measures
7	Requires the prior submission of details of bird/bat boxes
8	Requires the prior submission of an additional bat survey
9	Requires the implementation of the submitted mitigation/enhancement plan

---

- 
- 10 Requires the submission of extraction and odour control details
  - 11 Limits the noise levels for Plant and Machinery
  - 12 Requires the submission a Noise Insulation Scheme to establish residential acoustic protection
  - 13 Requires the submission details obscure glazing for specific areas of the approved building
  - 14 Requires the submission of hard and/or soft landscape details
  - 15 Requires the prior submission of earthworks details
  - 16 Requires the submission of boundary treatment details
  - 17 Requires the submission of a lighting scheme
  - 18 Requires the prior submission of a construction method statement/management plan
  - 19 Requires the submission of sample materials
  - 20 Requires the prior submission of level details
  - 21 Requires the submission of architectural details
  - 22 Requires the submission of details of refuse storage
  - 23 Restricts the occupation of the development to residents aged 55 and over
  - 24 Prevents the use from changing within the use class
  - 25 Requires the submission of a parking management strategy
  - 26 Requires the submission of a residential travel plan
  - 27 Requires the parking area to be laid out prior to use
  - 28 Requires vehicular visibility splays to be provided
  - 29 Requires the submission of cycle storage details
  - 30 Requires pedestrian visibility splays to be provided
  - 31 Requires the provision of a vehicle charging point
  - 32 Requirements within pre-defined tree protection areas
  - 33 Requires tree pruning protection
  - 34 Requires the prior submission of drainage strategy
  - 35 Requires the prior submission of a package of highway measures
  - 36 Requires the prior submission of details of sub-station
-

---

37 Requires the installation of privacy screens

38 Requires the installation of solar photovoltaic panels

---

Case Officer: Claudia Clemente

## Photo(s)



Image 1: View of front elevation of public house from Birmingham Road.

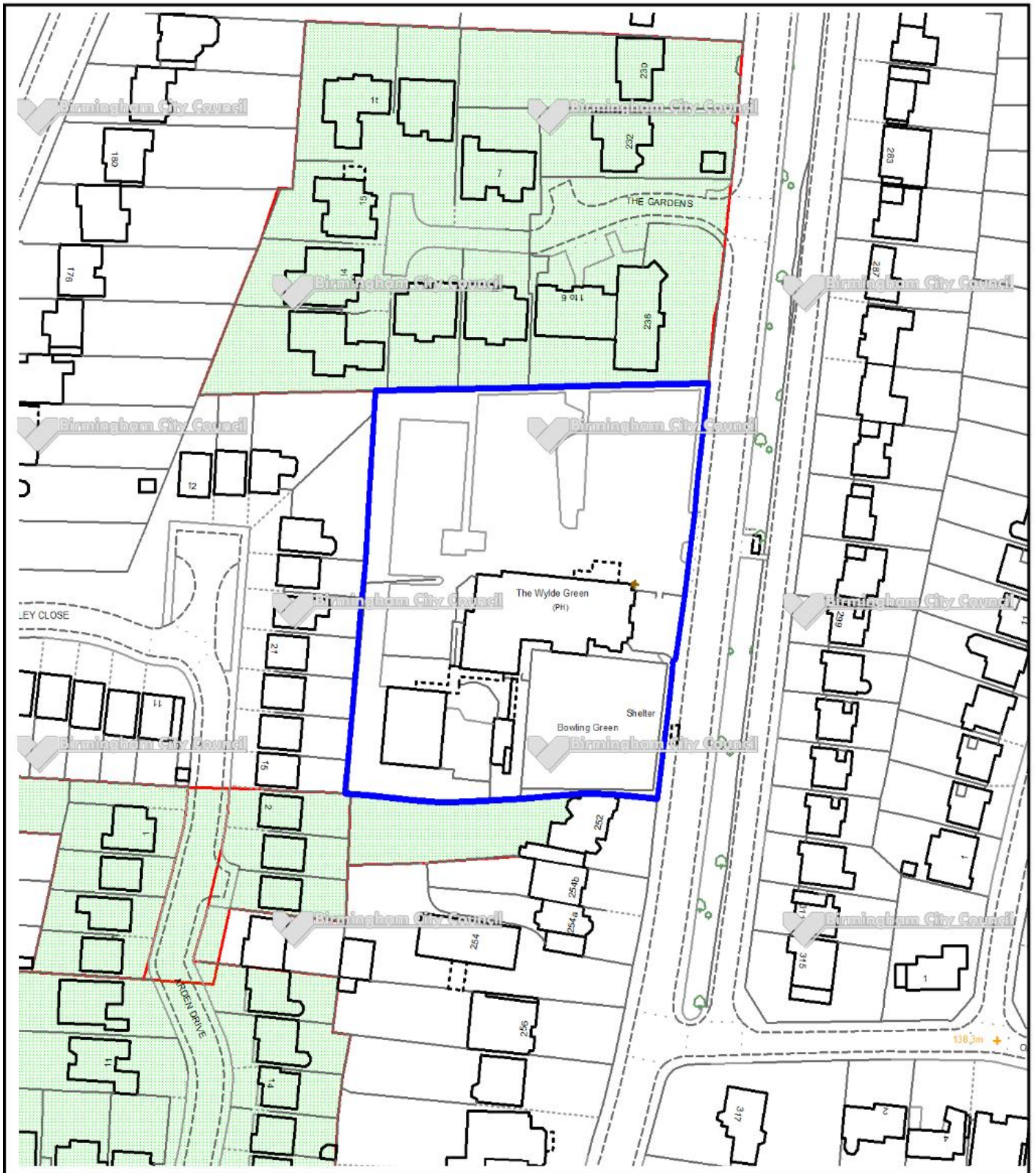
20



Image 2: View of building's side elevation and rear boundary with Arden Drive/Henley Close



## 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

---

Committee Date:	24/02/2022	Application Number:	2021/05195/PA
Accepted:	21/07/2021	Application Type:	Full Planning
Target Date:	11/02/2022		
Ward:	Kingstanding		

Greenholm Junior and Infant School, Greenholm Road, Kingstanding, Birmingham, B44 8HS

Removal of existing modular classroom building and the erection of new detached classroom building (Use class F1 (a))

Applicant:	Greenholm School Greenholm Road, Kingstanding, Birmingham, B44 8HS
Agent:	Metropolis Architecture Studio G - 5 Home Farm Barns, Birdingbury Lane, Bourton-on-Dunsmore, CV23 9RA

---

#### Recommendation

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

##### **1. Proposal:**

- 1.1 The applicant proposes the removal of an existing modular classroom building and, in its place, erect a new detached classroom building (Use class F1 (a)).
- 1.2 The new building would accommodate 2 classrooms; lobby, W.C's, plant room, storeroom and kitchen.
- 1.3 The new building would be rectangular in shape measuring approximately 21 m long, 14.8 m wide and 4 m high and have a roof with a very shallow pitch to allow water to run to the guttering. The roof would comprise a single ply grey waterproof membrane. The façade would comprise red cedar cladding.
- 1.4 The floor area would be 179.9 sq.m.
- 1.5 Site area measures approximately 495 sq.m
- 1.6 Supporting documentation submitted includes image sheets showing proposed wooden cladding, windows and doors, drainpipe, roof, balustrading and decking (as well as visuals of sample buildings), lighting details, extraction details, ventilation system, outline drainage strategy, Planning Statement, sustainability statement and a Tree survey and arboricultural impact assessment.
- 1.7 [Link to documents](#)

##### **2 Site & Surroundings:**

- 2.1 The application site falls within the grounds of an existing school. The surrounding area is residential in character. The nearest residential dwellings are approximately

66 metres away.

2.2 [Site location](#)

**3 Planning History:**

3.1 Various planning applications relate to the wider school site.

**4 Consultation Responses:**

4.1 Transportation Development- no objection.

4.2 Regulatory Services- no objection.

4.3 Ecologist- no objection.

4.4 Tree officer- no objection subject to a tree safeguarding condition.

**5 Third Party Responses:**

5.1 Site notices displayed and local councillors notified- 3 responses received from nearby occupiers which raise the following issues:- There are existing parking/traffic problems with the school and the proposal will lead to extra traffic and car journeys which seems to be out of step with the councils policy of promoting clean air and reduction of car use and the current and proposed impact arising from associated traffic on the health and safety of residents.

5.2 Severn Trent- No objection subject to inclusion of a drainage condition.

**6 Relevant National & Local Policy Context:**

**6.1 National Planning Policy Framework**

Paragraph 8 sets out:- Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

c) an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon



economy.

Paragraph 93 sets out:-To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:

a) plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments.

Paragraph 95 sets out:- It is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education.

## **6.2 Birmingham Development Plan 2017:**

Policies PG 3 (Place making), TP6 (Management of flood risk and water resources) and TP 7 (Green infrastructure network).

## **6.3 Development Management DPD:**

Policy DM 2 (Amenity).

## **6.4 Supplementary Planning Documents & Guidance:**

6.5 SPD Car Parking Guidelines.

## **7 Planning Considerations:**

7.1 The main material considerations are the principle of development, design and appearance, parking/highway impact, environmental matters, tree issues, drainage, ecological matters and impact on residential amenity.

Principle

7.2 The proposed new build would replace an existing modular classroom building which is set within the grounds of an existing school. The development will not entail accommodating an increase in the number of pupils or staff. For this reason I raise no objection to the principle of the development.

Design/appearance

7.3 The design and appearance of the new building would be an improvement on the existing building which appears run down. The introduction of this new build would appear visually sympathetic in this setting and given its exterior would be largely comprised of wood panels, this would soften its appearance. Its overall proposed mass and scale is acceptable as would be its positioning. The applicant has provided a significant amount of material details at this stage to enable an appropriate assessment of the scheme. I therefore do not consider that a condition that requires further specific details in relation to materials to be used is required.

Parking/highway impact

7.4 The application site is located on Greenholm Road, Kingstanding. Greenholm Road is an unclassified road maintainable at public expense. The development would be

set well back from the public highway whilst there will be no loss in current parking or increase in children to be accommodated. For these reasons, I raise no objection to the proposal on highway or parking grounds.

#### Environmental matters

- 7.5 Regulatory Services raise no objection. I concur with this view. The proposed building will be for the same use as the building it will replace. Furthermore, the nearest residential dwellings are set a distance away. Activities within the premises would be for educational purposes and hence no noise and disturbance issue identified. All these factors combine to limit any noise impact.

#### Tree issues

- 7.6 The applicant has submitted a Tree survey and arboricultural impact assessment with this application. I do not raise any issues with this report. In order to ensure the safeguarding of the tree nearest the development as identified by the assessment it is recommended a condition is applied.

#### Drainage

- 7.7 A satisfactory means of drainage can be achieved through a drainage condition to prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution.

#### Ecological matters

- 7.8 The scheme would provide for bird boxes to be provided which will help in ecological terms. Overall the scheme provides for a development largely made out of natural materials with no identified adverse impact on wildlife. For these reasons, I raise no objection to the scheme on ecological grounds.

#### Overlooking

- 7.9 No overlooking or intrusion of privacy issue identified.

#### Loss of light/outlook

- 7.10 No loss of light and outlook would occur to/from any residential premises as a result of the proposed development.

#### 7.11 **Other issues**

##### Commentary on objections/comments received

- 7.12 I note the receipt of 3 objections/comments on the scheme. They mainly focus on the parking/highway (with potential impact on health and safety of pedestrians and motorists) impact of the development. The issue of parking/highway impact has been reviewed and it is concluded that the scheme is not expected to give rise to an adverse impact on those grounds.

#### 8 **Conclusion**

- 8.1 The scheme would deliver a new build classroom facility in a manner that would visually sympathetic in this setting and the development overall is not expected to give rise to any adverse impact subject to appropriate conditions.

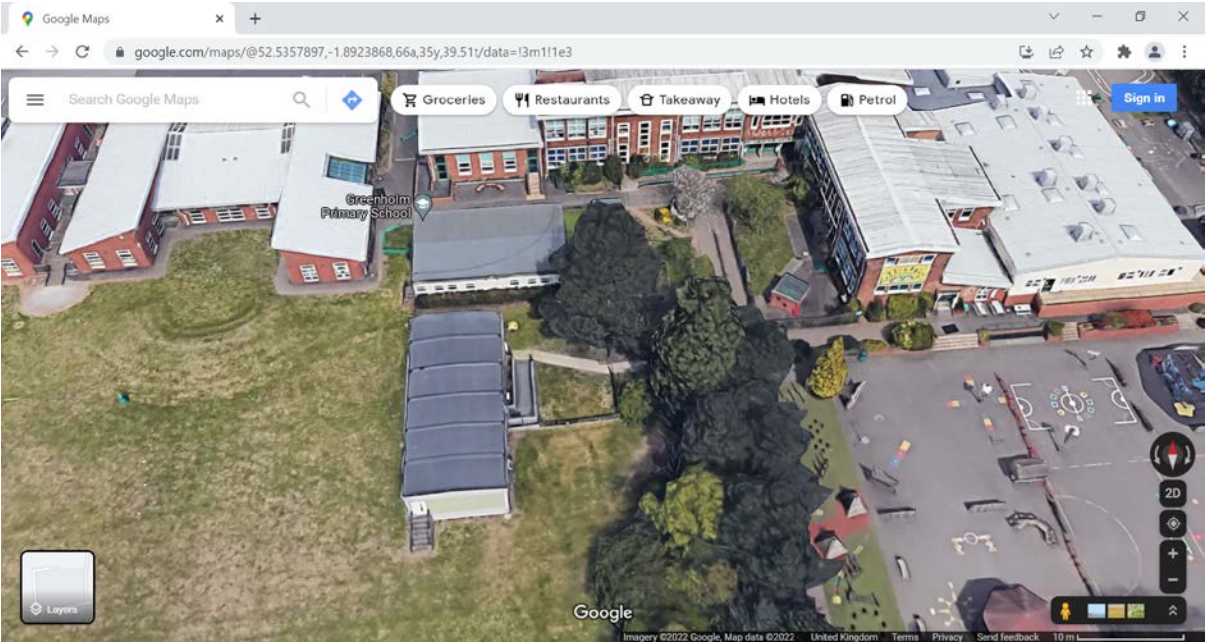
**9 Recommendation:**

- 9.1 That the application is approved subject to the conditions set out below.

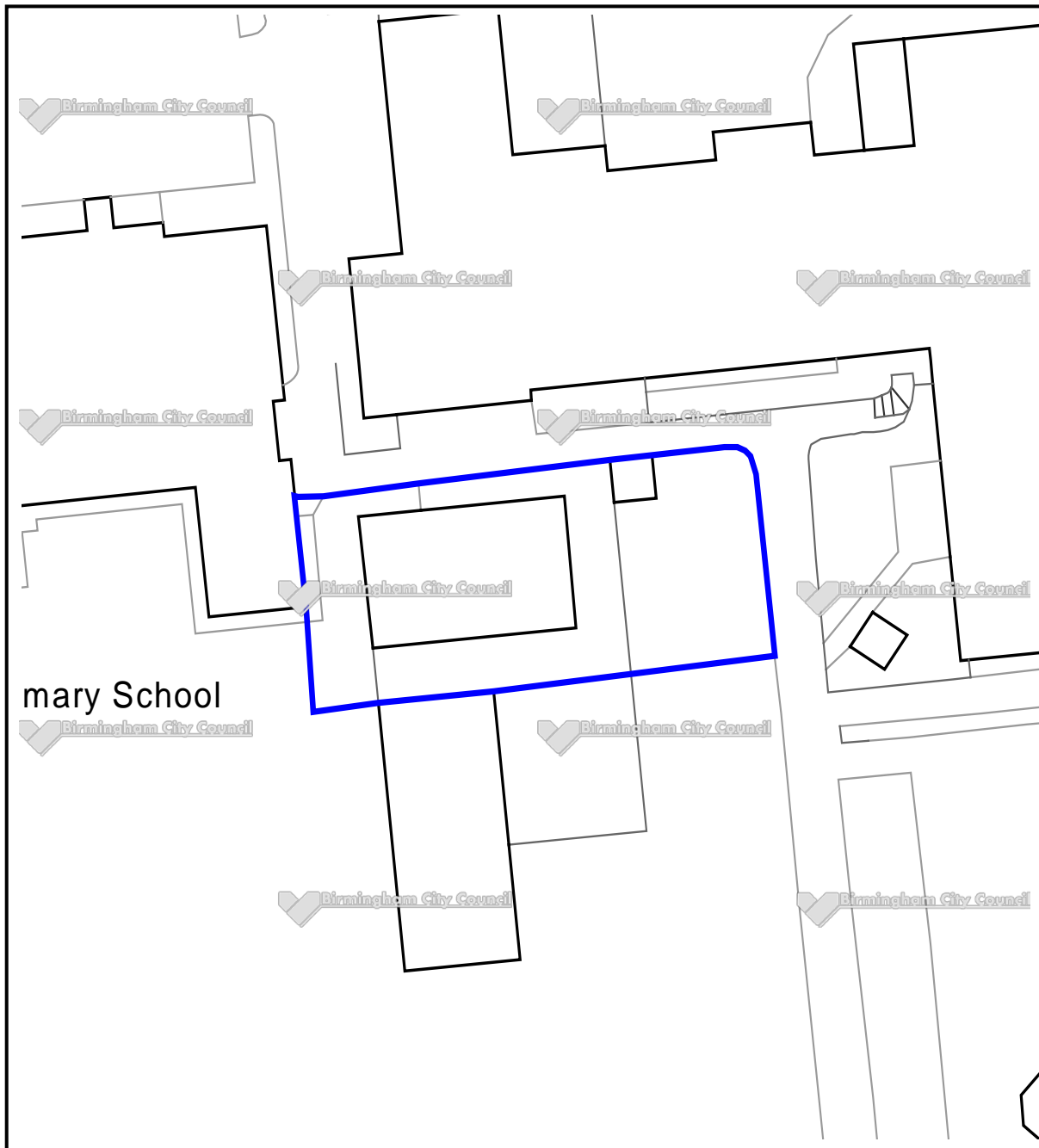
- 
- 1 Requirements within pre-defined tree protection areas
- 2 The development hereby permitted shall not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority, and the scheme shall be implemented in accordance with the approved details before the development is first brought into use.
- 3 Requires the scheme to be in accordance with the listed approved plans
- 4 Implement within 3 years (Full)
- 

Case Officer: Wahid Gul

**Photo(s)**



## 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

# **Birmingham City Council**

**Planning Committee**

**24 February 2022**

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	8	2021/09467/PA  Birmingham Wheels Park 1 Adderley Road South Birmingham B8 1AD  Land remediation to include engineering operation for the removal of areas of Japanese Knotweed equating to 9,160 square metres

---

Committee Date:	24/02/2022	Application Number:	2021/09467/PA
Accepted:	05/11/2021	Application Type:	Full Planning
Target Date:	25/02/2022		
Ward:	Bordesley & Highgate		

---

**Birmingham Wheels Park, 1 Adderley Road South, Birmingham, B8 1AD**

**Land remediation to include engineering operation for the removal of areas of Japanese Knotweed equating to 9,160 square metres**

Applicant:	Birmingham City Council 1 Lancaster Circus, Queensway, Birmingham, B4 7DJ
Agent:	Tetra Tech 3 Sovereign Square, Sovereign Street, Leeds, LE1 4ER

---

#### Recommendation

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

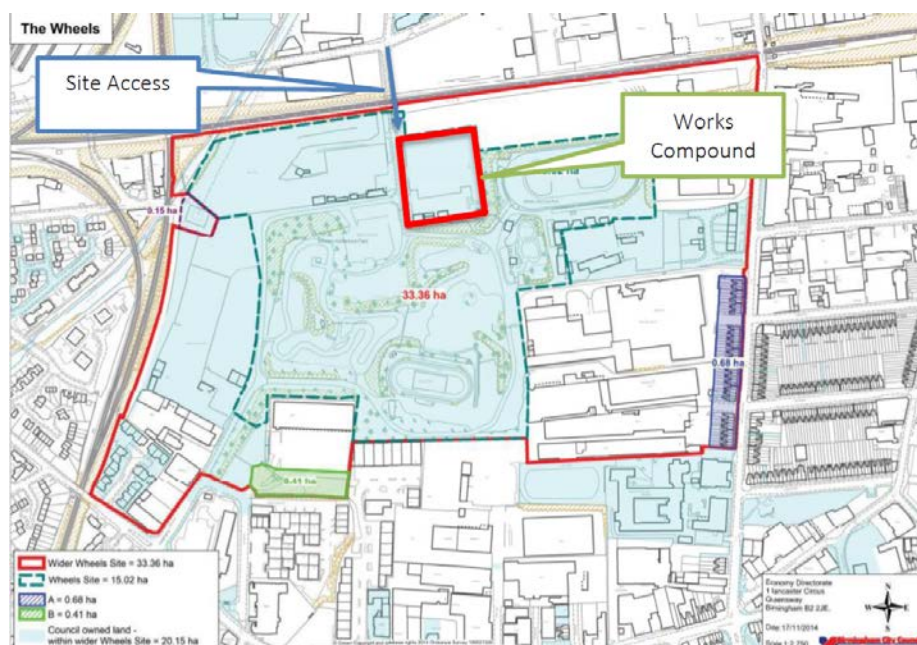
##### 1. Proposal

- 1.1. The application seeks planning permission for proposed land remediation works to include engineering operations for the removal of areas of Japanese Knotweed equating to 9160 sqm at the Bordesley Park site (formerly known as Birmingham Wheels Park).
- 1.2. The detailed surveys undertaken and submitted with the application have identified 26 separate areas of Japanese knotweed growth within the site that need to be removed which are shown on the drawing below. The drawing also shows areas of non-native Indian (Himalayan) Balsam and Holly Berry Cotoneaster (also classified as invasive species) which would be removed at the same time. It has been confirmed that none of the stands are growing near to a water course and Japanese Knotweed growth is a minimum of 110m from the canal in the north-western corner.



**Figure 1: Growth areas proposed for removal (blue: JKW; orange: Indian (Himalayan) Balsam and purple: Holly Berry Cotoneaster)**

- 1.3. The proposed works would be carried out in the following order:
1. Further detailed pre-commencement survey to confirm areas originally surveyed for the presence of Japanese Knotweed
  2. Removal of vegetation surrounding Japanese Knotweed stands to facilitate access and disposal off site as required
  3. Removal of any other fly tipping/ rubbish around areas of Japanese Knotweed and proposed for excavation
  4. Excavation of Japanese Knotweed rhizomes and soils for treatment on site
  5. Stockpiling of these soils on site for potential re-use at later date
  6. Excavations to be made safe including battering of side slopes and backfilling if required.
- 1.4. In terms of the proposed treatment of the Japanese Knotweed, once excavated from the ground, would be screened to be reduced in size, crushed and stockpiled for up to 12 months. Any potential signs of regrowth would then be sprayed locally with herbicide and the stockpiled material would then be backfilled and re-used. This would be at a minimum of 5m below ground.
- 1.5. The majority of Rhizomes are anticipated to be in the upper 1.5 – 2 m of excavation although locally these could be excavated to remove any deeper rhizomes. All excavations will be subject to a watching brief and any suspicious material quarantined and tested. Dependent on the test results these materials may either be kept on site, or if they are unsuitable may be removed from site and disposed of at a licenced facility.
- 1.6. The progressing area/works compound will be situated within the northern part of the site and a minimum of 330m from any nearest residential uses. The stockpile area would be fenced off and would remain until main contractor for remedial works accesses the site in order to avoid any potential cross contamination.



**Figure 2: Works Compound/ Progressing Area**

- 1.7. The works would need to commence before the end of March to avoid the bird nesting season.



- 1.8. It has been confirmed that the works would not result in the removal, disturbance or damage of any sporting facilities/ tracks or buildings within the site. Treatment areas within the vicinity of the sport facilities will be limited to areas of soft landscaping only. Potential Japanese Knotweed growth close to existing buildings may therefore be delayed until demolition of buildings has been agreed.
- 1.9. Japanese Knotweed is an invasive species listed in the Wildlife and Countryside Act 1981 and it is a criminal offence for any person to allow that species to grow in the wild and its eradication needs to be in accordance with Environment Agency guidelines.
- 1.10. The application is supported by Ecological Reports including Ecological Appraisal, Reptile and Badger Survey and Ecological Management Plan, Knotweed Survey including Scope of Work, Arboricultural Report and Method Statement and Preliminary Remediation Strategy.

[Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site is located to the east of the city centre within the Saltley/Bordesley area and is known as the Bordesley Park site (also known as the Birmingham Wheels Park). It comprises an area of 19.75ha and until most recently, was used for wheeled recreation and sporting activities as well as a number of separate business uses which included a road planings operation and tree surgeon.
- 2.2. Within the site there is a laid out karting track, a separate off-road karting track, an oval-shaped car racetrack and an inline speed skating track including associated parking, ancillary buildings, hardstanding/ tarmac areas, bare ground and surrounding landscaping with a self-set broad-leaved woodland/ scrub, grassland, and ephemeral/ ruderal vegetation. There is a significant difference in levels within the site.
- 2.3. There are significant stands of the invasive species Japanese knotweed (JKW) within some of the woodland areas and at other locations across the site. Other invasive non-native species (Holly Cotoneaster and Himalayan balsam) were also recorded during field surveys.
- 2.4. In addition, the application site comprises of a large car breakers/ car storage facility, situated on the corner of Raleigh Road and Bordesley Green Road to the east which is predominantly covered by buildings and hardstanding.
- 2.5. The site is bounded by the railway line to the north and west, industrial/ commercial premises to the south and east; and a short section of the Grand Union Canal is situated adjacent to the north-western boundary. The main access into the site is currently provided off Adderley Road South which is connected to Landor Street in the north and runs along the majority of the site's boundary surrounding the racetracks. In addition, there is a secondary access from Venetia Road in the south.
- 2.6. The site is situated within the Wheels Core Employment Area. It is not covered by a Conservation Area and there are no Listed Buildings within the site or nearby.

[Location](#)

3. Planning History

3.1. None relevant.

4. Consultation Responses

- 4.1. Canal and River Trust – No objections subject to a condition for a construction environmental management plan. Additional general comments and advice received relating to ground contamination, drainage, biodiversity and lighting.
- 4.2. Sport England – Objects. Requests that alternative and viable sites are provided for the various former sports on site.
- 4.3. Ecology – No objections subject to conditions for implementation of ecological management plan in accordance with submitted details and presence of Ecological Clerk of Works (ECoW) during removal process.
- 4.4. Environment Agency – No objections. General advice provided in relation to groundwater, contamination and waste disposal.
- 4.5. Trees – No objections subject to condition requesting implementation of scheme in accordance with submitted Arboricultural Method Statement.
- 4.6. Transportation – No objections.
- 4.7. Regulatory Services – No objections.
- 4.8. Network Rail – No objections.
- 4.9. West Midlands Fire Services – No objections.
- 4.10. Natural England – No objections.
- 4.11. LLFA – No objections.

5. Third Party Responses

- 5.1. The application has been publicised by way of a Site Notice. In addition, Local Ward Councillors, Residents Association and Local Residents have been consulted.
- 5.2. A total of 594 objections received, concerned with the following:
  - Unclear whether protections in place for sports and recreational facilities including associated infrastructure will be adhered to by applicant.
  - Sports and recreational facilities are protected within Birmingham Development Plan, Bordesley Park Area Action Plan and National Planning Policy Framework.
  - Affidavits have been provided from all operators of sports and recreational activities at the park that their facilities were in excellent condition and being used at almost full capacity at the point that the Council refused to extend lease on park.
  - Park was at its busiest in its history, operating 7 days a week with over 100,000 unique users a year when it closed
  - Far from being surplus to requirement, the park is a vibrant and hugely important community asset.

- Application should not be approved without legal protections in place for replacement sports and recreational facilities and that it will not be damaged as a result of planning approval.
- If damage occurs to the fabric, including tracks, lighting, associated buildings, roadways and other structures, the same must be restored to an equivalent or better condition as required by the NPPF.
- Further information is awaited on the future planning application for the site and details of replacement.
- Works to treat Japanese Knotweed cannot lead to the demolition of sports facilities on the site.
- Unclear if creation of development platforms across site would be covered by terms of current planning application as this would require extensive earthworks removal.
- Description should remove 'land remediation' to confirm works are only minor. Currently the application is misleading and circumvent the demolition of sports facility.
- Existing use description as 'wheels park' is misleading as it is occupied by long established multi-sports facility.
- Since consolidation, Birmingham Wheels would only require 50% of its current site area (ca. 7.5ha), this means three quarters would still be available to accommodate industrial/warehousing development.
- Phase 1B Assessment report states that full remediation of site to facilitate large scale warehousing high bay storage would lead to significant abnormal costs thus leading to compromised site loading enabling only smaller. warehousing/industrial units under 25,000 ft in size with lower floor loading. However, smaller vacant warehouses are being marketed within Birmingham, including some very close to Birmingham Wheels which could provide suitable accommodation for the types of use envisaged.
- It is contended that the case for industrial/ warehousing units over the whole of the Birmingham Wheels Site has not been made and without suitable relocation opportunities identified for the established uses on the site such a justification cannot be legitimately advanced.
- Clear from evidence that full remediation of the Birmingham Wheels Site is not envisaged. Rather a low-cost compromise which would leave all of the contaminated material on the site. Statements made on behalf of the City Council have argued that closure of Birmingham Wheels Park was required to enable site remediation of the site yet the evidence in the supporting documentation proves this is not the intention.
- Due to site levels, developable area is reduced to only around 12.5ha
- Submitted report suggests that post-works would be likely settling of the ground which is suggested would not be suitable to accommodate, as an example manufacturing operations, requiring a high degree of precision and that is with achievable floor loading at just 60% of the preferred levels.
- The remodelling of levels in submitted report suggest that contaminated materials would be utilised to achieve significant increases in levels on the site. This appears to be absolutely unnecessary and a waste of taxpayers' money to not only produce development plots that would be compromised in their load bearing capacity but also result in the destruction of protected sports facilities. It is also questioned what the implications might be for odours and associated bio-hazards in close proximity to Adderley Primary School.
- The supporting documentation does not specify how the existing cap, across the polluted layer, is to be restored if it is broken by excavation works to treat the knotweed – or contain a full risk assessment should this occur. Our own assessments conclude this to be a real and substantial risk.
- The site has considerable ecological value within a part of the city that has few such resources. This is not surprising given its size and proximity to the city

centre but it also reflects the extensive landscaping works carried out as part of the original development of Birmingham Wheels Park.

- The recommendations within the ecological appraisal report bear little relationship to the WYG report from 2017 and its identification of development platforms. In addition to the observed species in the report there is confirmation of sightings of Deer on the site in 2021.
- If the reference to remediation is to cover any alteration, demolition, or damage in any way to existing sports facilities and infrastructure, then it is asked that government to call in the application, this request resting on a number of items, including broadly expressed concerns over conflict of interest – i.e. Birmingham City Council being both the applicant and the determining authority, the department undertaking assessment and the department making the application being overseen by the same managing officer.

## 6. Relevant National & Local Policy Context

### **National Planning Policy Framework (2021)**

- 6.1. Chapter 15 – Conserving and enhancing the natural environment. Paragraph 174: Planning policies and decisions should contribute to and enhance the natural and local environment by: e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise polluting or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

### **Birmingham Development Plan (2017)**

- 6.2. The application site is allocated as a Core Employment Area – Policy TP19.
- 6.3. The application site is situated within a Growth Area - Policy GA7 (Bordesley Park).
- 6.4. Other relevant policies: PG3 (Place Making), TP 8 (Biodiversity and geodiversity), TP11 (Sport Facilities), and TP37 (Health).

### **6.5. Development Management in Birmingham DPD (2021)**

- 6.6. Relevant policies: DM1 (Air Quality), DM2 (Amenity), DM3 (Land affected by contamination, instability and hazardous substances), DM5 (Light pollution), DM6 (Noise and Vibration), DM14 (Transport access and safety) and DM15 (Parking and Servicing).

### **Bordesley Park Area Action Plan (BPAAP, 2020)**

- 6.7. The application site is identified as 'The Wheels site and Environs' – Key Opportunity 1.

### **East Birmingham Inclusive Growth Strategy (2021)**

- 6.8. The Wheels site is shown as a major growth area proposal.

### **Supplementary Planning Documents & Guidance**

- 6.9. Places for All (2001)

## 7. Planning Considerations

- 7.1. The application has been assessed against the objectives of the policies as set out above. The main issues for consideration in the determination of the application are as follows:

### **Background**

- 7.2. The former wheels site once comprised clay pits and brick works and was subsequently backfilled through landfill which continued until the 1950s. The wheels park was laid out in the 1970s as a joint project between the former WM County Council and the Probation Service (although the Probation Service has not been directly involved for a number of years), with the establishment of a charitable trust to oversee its management and activities.
- 7.3. The City Council subsequently took re-possession of the site at the end of January 2020. Subsequently, a short term, contracted out lease was granted to one of the former occupiers of the site which expired on 31<sup>st</sup> October 2021 and at the expiry of the temporary lease, the occupiers vacated the site.
- 7.4. A crucial part of the site preparation to allow for the regeneration of the site includes the Council's legal responsibility to clear over 9,000 sq. m. of Japanese Knotweed, which if not treated within the next growing season, could considerably delay the regeneration of the site. It is these works only which are the subject of this planning application.
- 7.5. The long-term future of the site has been considered through the preparation of both the BDP and the Bordesley Park Area Action Plan which involved significant consultation including with the former occupiers and other interested parties such as Sport England. The consultation on both the BDP and the AAP secured widespread comments from the users of the facilities, and the occupiers made representations that were considered at the Plans' Examinations in Public.
- 7.6. Proposals for the site reflect the opportunities to maximise and deliver regeneration opportunities in a part of the city that is recognised as being one of the most disadvantaged. The BDP zones the Wheels site as part of the city's Core Employment Land supply and it's policy GA7 of the BDP 2017 set out a broad position regarding the delivery of employment development and what the AAP will contain to shape future growth and development in the Bordesley Park area. The AAP provides more detail for the site at Key Opportunity 1 (Wheels Site and Environs) including that the site will become an attractive location for high quality employment uses and that the Council will work with existing occupiers regarding relocation opportunities. This has been ongoing and the Council's property advisors assisting with the development of the site have also engaged with former occupiers and supplied details of possible relocation opportunities. This work currently continues.

### **Principle of Development**

- 7.7. The application seeks the treatment and removal of large areas of Japanese knotweed which is required in order to assist with the proposed future regeneration of the wider site. Considering Japanese Knotweed is an invasive species listed in the Wildlife and Countryside Act 1981 and it is a criminal offence for any person to allow that species to grow in the wild, its eradication needs to be in accordance with Environment Agency guidelines and it is the Council's legal responsibility to remove

it. The principle of this development is therefore considered to be acceptable and supported.

- 7.8. Whilst the Sport England objection is noted, it should be highlighted that the proposed works to remove Japanese Knotweed will be undertaken without impacting on any existing sporting facilities and they would be unaffected by the proposal. Therefore, issues related to the future operation or potential relocation of the sports which exist on the current site are not material considerations in the determination of this application, and such matters would need to be reviewed further as part of any future redevelopment proposals for the site

### **Ecology / Trees**

- 7.9. An Ecological Appraisal, detailed Knotweed Surveys and Ecological Management Plan have been submitted in support of the planning application. This has been informed by field surveys completed in January/February 2021 and which have been reviewed by the Council's Ecologist.
- 7.10. It was confirmed that from an ecological perspective, the removal of the invasive non-native species is supported. Considering the potential impact on existing features on the site, a range of mitigation measures have been suggested within the supporting documentation. The Council's Ecologist has confirmed their acceptability, with the additional requirement for pre-commencement walk over surveys and the presence of an Ecological Clerk of Works (ECoW) during remediation works. The implementation of the scheme in accordance with the Ecological Management Plan and ecological supervision of proposed works have therefore been conditioned accordingly.
- 7.11. In addition, the Council's Tree Officer has confirmed that they would have no objections to the proposed works subject to a condition requiring the implementation of the scheme in accordance with the submitted arboricultural method statement and tree protection plan.
- 7.12. Concerns from residents with regard to the ecological value of the site are noted and proposed works will ensure that there would be minimal disturbance to any species. As part of any wider regeneration of the site, further ecological works would be required including the improvement of the biodiversity value in accordance with adopted policies.

### **Highways Impact**

- 7.13. Transportation Development noted that any access requirements can take place from the existing site access points. Traffic levels would be insignificant and would unlikely negatively impact on the existing highway network. They therefore raise no objections to the scheme.

### **Visual and Residential Amenity**

- 7.14. The scheme would result in some changes to the existing appearance on site, specifically in the removal of vegetation, largely Japanese knotweed, and changes to some of the earthworks to accommodate the proposed works. However, it is not considered that these works would negatively impact on the visual amenity of the area.
- 7.15. In addition, considering that the nearest residential development is situated beyond the railway line, the canal and an open storage yard area, a minimum of 80m from the boundary of the site, a minimum of 190m from any nearest Japanese Knotweed

growth areas, and a minimum of 330m from the proposed works compound, it is considered that the Japanese Knotweed Removal would not have any negative implications on the residential amenity of any nearest occupiers by way of loss of privacy or overlooking. In addition, Regulatory Services, having reviewed the supporting information including proposed treatment method, raises no objections to the proposed development on grounds of noise or ground contamination, but request a condition for submission of unexpected contamination details if found, and hours of operation (8am to 8pm Monday to Friday and 8am to 1pm Saturday), which have been imposed accordingly.

- 7.16. Whilst concerns in relation to ground contamination and disturbance of the ground are noted, a detailed schedule of works has been provided which follows adopted guidance on Japanese Knotweed removal and will ensure that there would be no breaking of ground which would result in potential hazards to any nearby vulnerable uses. Regulatory Services also raises no objections in this regard. Further contaminated land works would be required as part of any wider redevelopment proposals of the site.

**Other matters:**

- 7.17. Location adjoining the railway line: The works to remove Japanese Knotweed from the site would be approximately 110m from the nearest railway line. Network Rail confirmed that considering the removal would be undertaken by using excavators, there would be no impact on the railway line and Network Rail would have no objections.
- 7.18. Location adjoining the canal: The site adjoins a short section of the Grand Union Canal and the Canal and River Trust have recommended a condition for the provision of a construction environmental management plan. However, considering any works for treatment of Japanese Knotweed would be a minimum distance of 110m from the canal network, it is not considered the condition would be necessary or reasonable in this instance. Information provided in relation to biodiversity, ground contamination and lighting have been relayed to the applicant for consideration.

8. Conclusion

- 8.1. The principle of the development is acceptable and required in order to allow for the long-term regeneration in accordance with the Bordesley Park Area Action Plan and GA7 of the BDP 2017.
- 8.2. The scheme is also acceptable in terms of its impact on ecology and trees, subject to conditions and would not negatively impact on the highways network, residential or visual amenity. The location adjoining the canal and railway line has also been considered and would not negatively impact on these existing features. The application is therefore recommended for approval.

9. Recommendation

- 9.1. Approve, subject to conditions.

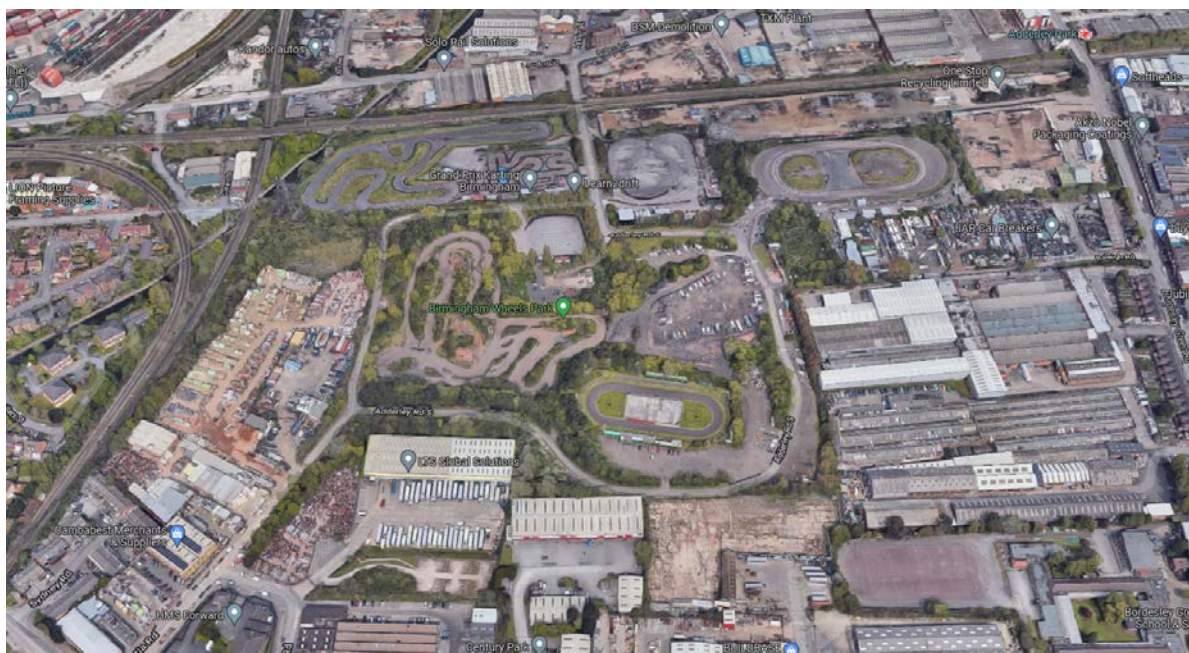
- 
- |   |  |
|---|--|
| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Implement within 3 years (Full)  |
-

- 
- 3 Implementation of scheme in accordance with Ecological Management Plan and supervision by Ecological Clerk of Works (ECoW)
  - 4 Arboricultural Method Statement and Tree Protection Plan - Implementation
  - 5 Requires the submission of unexpected contamination details if found
  - 6 Limits the hours of operation (8am-6pm Mon-Fr and 8am-1pm Sat)
- 

Case Officer: Laura Pohl



## Photo(s)



**Photo 1: Aerial View of Site (Google 3D View)**



**Photo 2: Example of Japanese Knotweed growth within site**





Photo 3: Photograph of container, situated with the central northern part of site



Photo 4: Photograph of part of site (centrally within site)





Photo 5: Photograph of part of site



Photo 6: Racetrack within site (north-western corner)





**Photo 6: Photograph of Racetrack within site (north-eastern corner)**



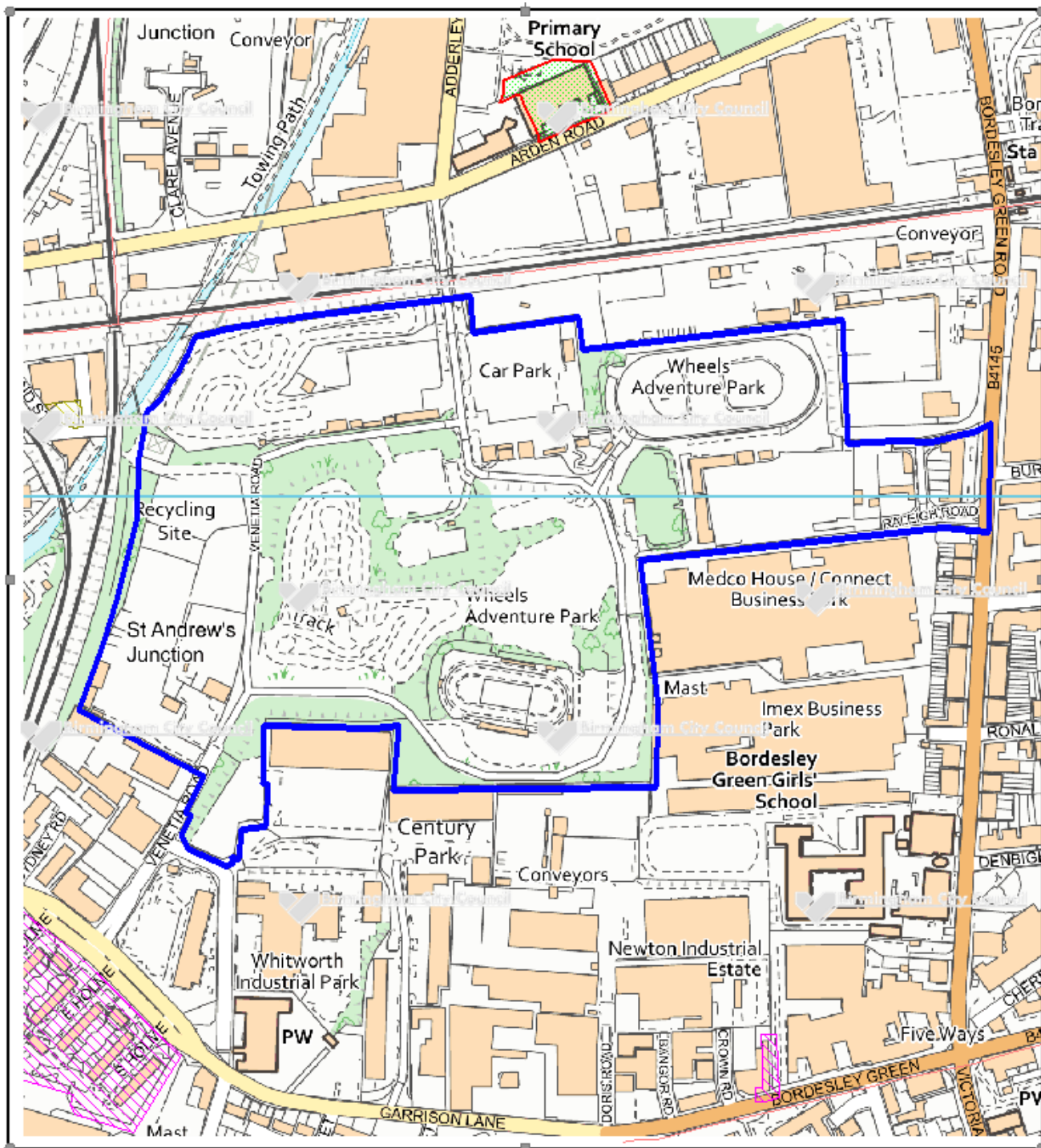
**Photo 7: Photograph of part of site (centrally within site)**





**Photo 8: View towards City Centre showing off-road karting track at front**

## 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

# **Birmingham City Council**

## **Planning Committee**

**24 February 2022**

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	2019/07098/PA  81 Lordswood Road Harborne Birmingham B17 9QT  Demolition of existing dwelling and erection of 3 No. new dwellings and associated site works including new access
Approve – Subject to 106 Legal Agreement	10	2021/06547/PA  Land at West Longbridge West and North of the A38 Bristol Road South Former MG Factory site Longbridge Birmingham B45  Outline planning application with all matters reserved except access for a residential development of up to 350 dwellings, access, landscaping, public open space and associated development infrastructure.
Approve - Conditions	11	2021/09698/PA  Former North Worcestershire Golf Club Hanging Lane Northfield Birmingham B31 5LP  Reserved matters of the layout, scale, appearance and landscaping for a Phase 2 development of 353 dwellings, pursuant to outline planning permission 2019/10649/PA.



---

Committee Date:	24/02/2022	Application Number:	2019/07098/PA
Accepted:	22/08/2019	Application Type:	Full Planning
Target Date:	16/01/2021		
Ward:	Harborne		

81 Lordswood Road, Harborne, Birmingham, B17 9QT

Demolition of existing dwelling and erection of 3 No. new dwellings and associated site works including new access

Applicant:	Mr Ben Round 81 Lordswood Road, Harborne, Birmingham, B17 9QT
Agent:	Gould Singleton Architects Earls Way, Halesowen, West Midlands, B63 3HR

---

Recommendation

**Approve subject to Conditions**

1. Proposal

- 1.1. Planning consent is sought for the demolition of the existing dwelling and erection of three new dwellings at No.81 Lordswood Road, Harborne.
- 1.2. The application originally proposed a new apartment block. Following lengthy discussions the applicant revised the scheme to provide three individual new dwellings on the site. Further amended plans have since been submitted making minor adjustments to design details of the proposed dwellings and their siting in relation to neighbouring properties.
- 1.3. The scheme would comprise of one new detached dwelling (Plot 1) and a pair of semi detached dwellings (Plots 2 and 3). The details of the proposed new dwellings would be as follows:

Plot 1:

- A detached 5 bed two and a half storey dwelling which would front on to Crosbie Road and would be sited adjacent to No.48 Crosbie Road.
- The proposed building would have a dual gable design with a recessed two storey section which would have a gable end roof design and a flat roofed dormer window to the front. The property would be brick built with a tiled roof.
- The dwelling would have a maximum width of 14.7m and an overall depth of 11.2m. The building would have a maximum ridge height of 9.076m.
- The property would have an internal floor area of 198.9 sqm.
- The dwelling would benefit from a private amenity area to the rear with a footprint of 127 square metres.
- Off street parking is offered through the integrated garage and the paved driveway to the front.

Plots 2 and 3:

- These dwellings would comprise of a pair of two and a half storey 4 bed semi detached properties. They would front on to Lordswood Road adjacent to No.79.
- The properties would have a dual gable design with a subservient two storey section which would be recessed from the front. The dwellings would be brick built with a tile roof.
- The properties would have a maximum width of 8m, a maximum depth of 8.7m and a maximum ridge height of 9.68m.
- Both dwellings would have a floor area of 133.6 square metres.
- Plot 2 would benefit from a 72 square metres private amenity area to the rear. Plot 3 would have an 80 square metres private garden area.
- Off street parking is offered through the car port to the side of each dwelling and the paved driveway to the front.

1.4. The following image demonstrates the relation between Plots 2 and 3 and the adjacent dwelling on Lordswood Road:



1.5. The next image presents the proposed street scene plan in Crosbie Road as shown on the most recent set of amended plans:



2.2. [Site Location](#)

3. [Planning History](#)

3.1. No relevant history.

4. [Consultation/PP Responses](#)

4.1. Transportation Development – no objections subject to conditions for a suitable pedestrian visibility splay to be incorporated into the access.

4.2. Regulatory Services – no objections. Recommended that conditions be attached for a contamination remediation scheme, a contaminated land verification report and a noise and vibration report.

4.3. West Midlands Police – no objections. Recommended that works are carried out in accordance in the design initiative 'Secured By Design'.

4.4. Severn Trent – no objections.

4.5. Neighbours and local ward councillors were consulted. 40 letters of objection were received with regard to the original proposed scheme. 22 individual letters of objection were received from members of the public when re-consultation was carried out with regard to the proposed revised scheme for the erection of 3 No. new dwellings. Concerns related to the following issues:

- Loss of light.
- Loss of privacy by reason of overlooking.
- The loss of the existing building.
- The design and appearance of the new dwellings.
- The proposed buildings would not fit in with the existing neighbourhood.
- The proposed development represent an over intensive development.
- Loss of trees.
- Potential ecological concerns.
- Parking issues.
- Highway safety issues.
- Increase in noise.

4.6. Preet Gill MP – a letter of objection was received in relation to the original scheme for the erection of a new apartment block. Concerns related to the architectural appearance of the proposed development and potential traffic issues. No further comments were received in respect of the revised scheme for 3 No. new dwellings.

4.7. Cllr Peter Fowler – objections received on the following grounds:

- Loss of the existing dwelling.
- Impact upon adjacent dwellings in terms of loss of light and loss of privacy.
- The propose development would be over-intensive and not in keeping with the character of the local area.
- Parking issues.
- Highways related issues.

4.8. Cllr Jayne Francis – comments in relation to the original scheme for the replacement of the dwelling with a new apartment block on the following grounds:

- Traffic congestion particularly due to proximity to local schools.

- Road safety
- The proposal would not enhance the physical aspect of the area or the safety of those living within it.

## 5. Policy Context

- 5.1. The following local policies are applicable:
- Birmingham Development Plan (BDP) 2017.
  - Development Management in Birmingham DPD (2021).
  - Places For Living 2001.
  - 45 Degree Code SPD.
  - Mature Suburbs SPD.
- 5.2. The following national policies are applicable:
- National Planning Policy Framework.

## 6. Planning Considerations

- 6.1. This application has been assessed against the objectives of the policies as set out above.
- 6.2. The principle of redeveloping this site for residential purposes is in accordance with national and local policy. The site forms an existing residential plot is within an established residential area. The site is close to public transport links and with easy access to local services being a short walk to Harborne High Street. The proposed development would deliver a choice of homes through the effective re-use of this site. The principle of residential development is therefore considered to be acceptable.
- 6.3. It is considered that the principle of demolishing the existing dwelling and re-developing the site to be acceptable. The current property is neither statutorily nor locally listed nor is it set within a conservation area. In view of these factors the loss of this building cannot be protected. Whilst I note the concerns from residents regarding the loss of this building I do not consider that the removal of this property from the street scene would be detrimental to the visual quality of the wider area of Crosbie Road or Lordswood Road. The proposed plot would provide a suitable setting for additional dwellings which would sit more comfortably within the urban layout of both streets than the existing building which does not integrate within the streetscape of either road.
- 6.4. I consider the proposed dwellings to be acceptable in terms of their scale, design and siting. The plot layout has been formed to address both Lordswood Road and Crosbie Road. The buildings have been placed to follow the building line along both streets. The proposed development would create a good quality living environment in line with PG3 of the BDP and C1 of the National Design Guide. I consider that the plot sizes are generally reflective of the surrounding area which vary from site to site. The new dwellings would sit relatively comfortably with their respective plots. Mature Suburbs SPD advises that new buildings should respect established building lines and set back distances from the highway. The proposed development would comply with this guidance.
- 6.5. The proposed dwellings would represent a high quality contemporary addition to the street scene whilst respecting the general character and appearance of the surrounding area. The new dwelling on Plot 1 has been designed so that its ridge height would line through with the top of the chimney on the adjacent dwelling in

Crosbie Road. I do not consider that the proposed dwellings would form a visually dominant addition to the street scene.

- 6.6. A number of conditions are proposed to be attached including samples of materials, roofing, fenestration etc. in order to ensure that works are to a high standard and the proposed development would make a positive contribution to the street scene.
- 6.7. The new dwellings on Plots 2 and 3 would technically breach the Council's 45 Degree Code to windows in the rear elevation of No.48 Crosbie Road. However, these dwellings are situated in a similar location to the existing building which is to be demolished. I note that there would be a distance in the region of 14m between the closest section of the proposed dwelling at Plot 2 and the rear elevation of the adjacent dwelling at No.48 Crosbie Road. Given these circumstances and the significant distance between the neighbouring buildings I do not consider that the proposed development would have a detrimental impact by reason of loss of light.
- 6.8. The proposed development largely complies with the numerical guidelines as contained within Places for Living with a minimum distance of 5m per storey between windowed elevations and private amenity space. Only the first floor bedroom window in the rear elevation of the dwelling on Plot 1 falls short of meeting with these guidelines, however, as this is a secondary window to this room it can be conditioned to be fitted with obscure glazing in order to prevent potential overlooking. The plot layouts have been designed so that the new dwellings would not result in overlooking or loss of privacy between the individual plots. The proposed development would also not have a harmful impact upon the occupiers of adjacent dwellings in Crosbie Road and Lordswood Road by means of overlooking.
- 6.9. The internal floor area of the dwellings would exceed the Government's Nationally Described Space Standard guidance. All of the bedrooms would exceed the minimum bedroom sizes recommended in the Nationally Described Space Standard guidance. I consider that the proposed dwelling would create good quality accommodation for future residents.
- 6.10. Planning document 'Places For Living' states that a family dwelling should have a private garden area of a minimum of 70 square metres. Each of the properties has a rear amenity area which exceeds this level of garden space. I therefore consider that an appropriate level of amenity space is provided.
- 6.11. Transportation Development have no objections to the revised proposed scheme and I would agree that the proposal does not have any highways related implications. The main issue with the site is the ability for a vehicle to leave the site in forward gear. Due to the proximity of the pedestrian refuge, the nearby roundabout and Lordswood Road being an A classified road the development needs to ensure that it does not compromise the safety of all highway users. As part of the scheme, car ports have been incorporated for the dwellings at Plots 2 and 3. This allows two vehicles to site clear of the turning area in order to allow a vehicle to leave in a forward gear. Therefore one vehicle per dwelling is clear of the circulation area. Transportation have recommended that a suitable pedestrian visibility splay must be incorporated into the access and a condition is therefore attached for this.
- 6.12. A landscape plan and supporting statement has been submitted to demonstrate a new scheme of planting to provide a new green frontage to the Lordswood Road and Crosbie Road boundaries of the site. It is stated within the supporting landscape statement that an updated tree survey has been undertaken at the site and that there was no material change from the 2019 tree survey other than the removal of a small conifer. My Tree Officer has provided comments in relation to the amended proposed scheme advising that they consider that the proposal would make positive



changes to the current landscape with a good choice and range of trees which would improve its contribution to the street scene. Provided that the landscape plan is implemented then they would not object to the loss of the existing tree screen at the site.

- 6.13. A robust landscaping condition has been attached in order to ensure that any loss of existing vegetation would be mitigated and would prevent the proposed development having a harmful impact upon the green appearance and positive contribution made by the existing foliage on the application site. The landscape plan provided would offer a new structure of trees and shrub planting in order to enhance the proposed development would preserve the green appearance and nature of the site.
- 6.14. I do not consider that the proposed development would raise any noise related issues. Regulatory Services have recommended that conditions be attached for a contamination remediation scheme, a contaminated land verification report and a noise and vibration report. Whilst I note these comments, it should be taken into consideration that the site is currently occupied by a residential dwelling. I do not consider that it would be appropriate or necessary to attach such conditions to this recommendation.
- 6.15. Severn Trent do not object and confirm a drainage condition is not required in this instance.
- 6.16. The proposed development would not attract a CIL contribution.

## 7. Conclusion

- 7.1. The proposal is recommended for approval as it would be within an existing residential environment in a sustainable location and be of appropriate size, siting and design. The new dwellings would have an acceptable relationship to existing residential properties and have no significant adverse effect on the street scene. The proposal therefore accords with both local and national policy. The proposal constitutes sustainable development.

## 8. Recommendation

- 8.1. Approve subject to the following conditions:

- 
- |   |  |
|---|--|
| 1 | Requires the submission of sample materials                                    |
| 2 | Requires the scheme to be in accordance with the listed approved plans         |
| 3 | Implement within 3 years (Full)  |
| 4 | Requires the submission prior to occupation of hard and soft landscape details |
| 5 | Requires the submission of hard surfacing materials                            |
| 6 | Requires the submission of boundary treatment details                          |
| 7 | Removes PD rights for extensions and outbuildings                              |
| 8 | Requires pedestrian visibility splays to be provided                           |
-



- 
- |    |   |
|----|---|
| 9  | Requires the prior submission of architectural details                                      |
| 10 | Requires the submission of roof details   |
| 11 | Requires the submission of rainwater goods  |
| 12 | Requires the submission of external door details  |
| 13 | Requires the submission details obscure glazing for specific areas of the approved building |
- 

Case Officer:        George Baker

**Photo(s)**

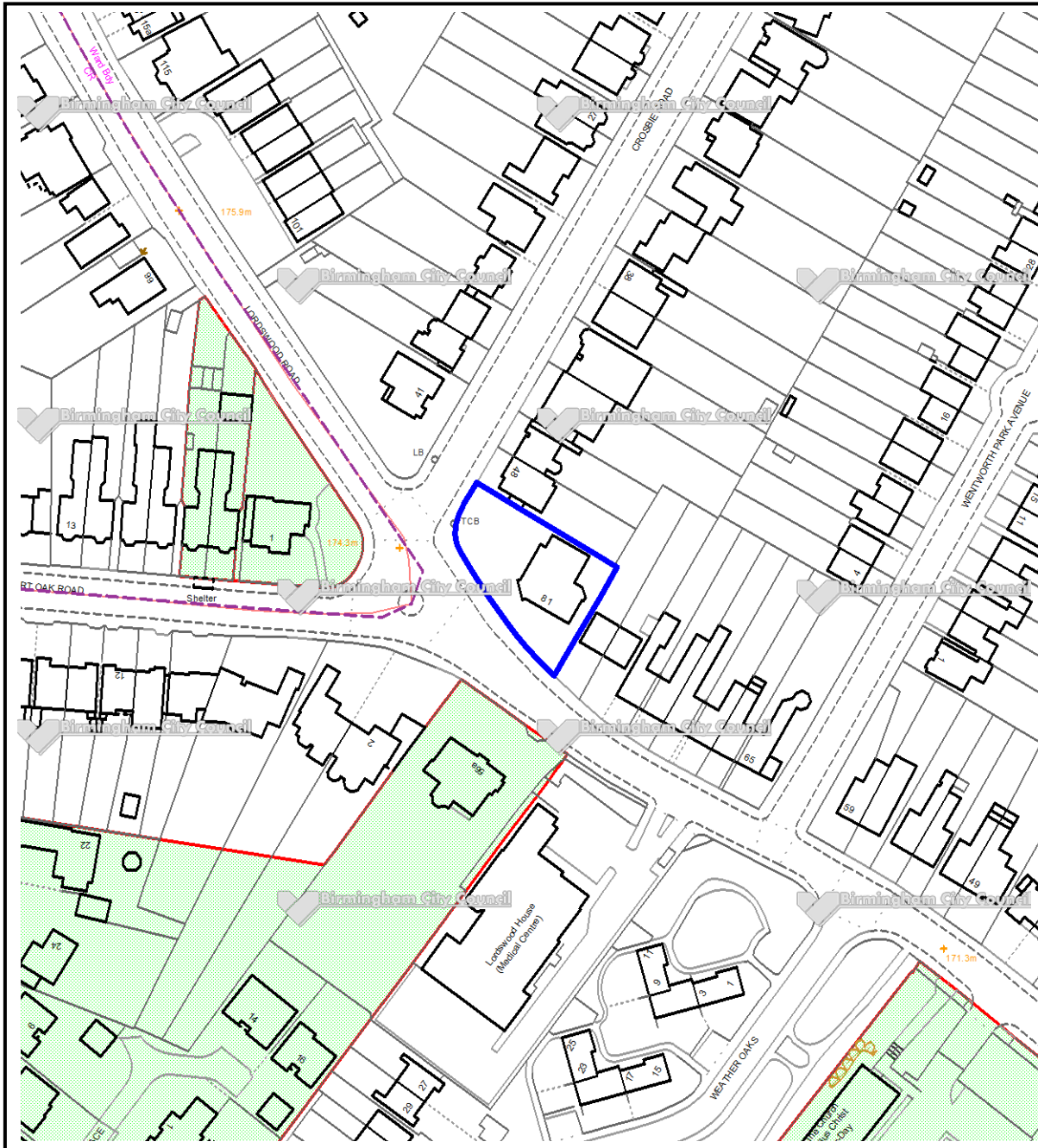


Figure 1 – Front elevation of the existing property facing towards Crosbie Road.



Figure 2 – view of the application site from Lordswood Road.

## 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



---

Committee Date:	24/02/2022	Application Number:	2021/06547/PA
Accepted:	23/07/2021	Application Type:	Outline
Target Date:	22/03/2022		
Ward:	Northfield		

Land at West Longbridge, West and North of the A38 Bristol Road South, Former MG Factory site, Longbridge, Birmingham, B45,

Outline planning application with all matters reserved except access for a residential development of up to 350 dwellings, access, landscaping, public open space and associated development infrastructure.

Applicant: St Modwen Developments Ltd  
C/o Planning Prospects Ltd  
Agent: Planning Prospects Ltd  
4 Mill Pool, Nash Lane, Belbroughton, DY9 9AF

---

Recommendation

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

**Applicant:** St Modwen Developments Limited

1. Proposal

- 1.1. Outline planning permission with all matters reserved for future consideration (except access), is sought for a residential development of up to 350 dwellings, access, landscaping, public open space and associated development infrastructure.
- 1.2. The application includes a parameters plan that provides clarity as to the nature and extent of development proposed. It shows and quantifies the areas proposed for housing, the access to the site, as well as areas that would be set aside for landscape green infrastructure, public open spaces and sustainable drainage, including river enhancement parts of the site.



Parameters Plan

- 1.3. A total of 6.27ha of the site is proposed for new housing. 7.79ha of the site is proposed for green infrastructure including new public open space, general green space, landscape planting and river enhancement works. The balance of the 15.3 ha site includes the access infrastructure to the phase from the A38 Bristol Road.
- 1.4. In addition, an Illustrative Masterplan has also been submitted to demonstrate how the development could be accommodated on site. The illustrative proposals show a range of new housing including apartments focused to the frontage along the spine road infrastructure. They also show the new areas of green infrastructure which would form new public open space along the River Rea corridor.
- 1.5. For the purposes of assessing viability and calculating open space, the illustrative mix is as follows:
- 48 - 1 bed flats,
  - 79 - 2 bed flats,
  - 62 - 2 bed houses,
  - 140 - 3 bed houses, and
  - 21 - 4 bed houses.



Illustrative Masterplan Proposals

- 1.6. A new cycle route along the River Rea, as well a new cycle and pedestrian route of 1.35km parallel to the river corridor is also shown. This would connect to the recently open route which runs under the A38 Bristol Road South to Longbridge Town Centre.
- 1.7. The proposals also include flood mitigation works and landscape restoration of the River Rea corridor to create a new linear park. The Illustrative Masterplan demonstrates the potential for extensive landscaping and tree planting along the boundaries of the site and the creation of surface water retention features.
- 1.8. The illustrative layout also shows how the proposed housing would integrate into the wider Regional Investment Site proposals for the remainder of the West Longbridge site. These employment proposals don't form part of this application but illustrate how they may come forward in the future.

- 1.9. The principal vehicular access to the site will be off A38 Bristol Road South, from the two existing access points to the east and south. A link road connecting these two access points was approved (and updated by way of a non-material amendment) as part of a previous planning permission (2017/10775/PA). The approved link road includes a segregated cycle route and its alignment co-ordinates with landscape infrastructure proposed.
- 1.10. 20% affordable housing is proposed comprising 18% discounted open market (discounted at 80% of its open market value) and 2% social rent.
- 1.11. The application is accompanied by a Planning Statement; Statement of Community Involvement; Design and Access Statement; Transport Assessment; Travel Plan; Flood Risk Assessment and Drainage Strategy; Geo-environmental Desk Based Assessment; Noise Assessment; Sustainable Construction Statement; Site Waste Management Statement; Operational Site Waste Management Strategy; Energy Statement; Ecology Assessment; Air Quality Assessment; Tree Survey and Arboricultural Assessment and a Financial Viability Assessment.
- 1.12. Overall Site Area: 15.3Ha. Site Area proposed for housing: 6.27Ha. Density on housing site area: 56 dwellings per hectare.
- 1.13. [Link to Documents](#)

## 2. Site & Surroundings

- 2.1. The West Longbridge site is situated approximately 8 miles to the south west of Birmingham City Centre. It lies within the administrative boundaries of Birmingham City Council and forms a key regeneration site, close to Longbridge Town centre, but also providing links to and falling adjacent to Rubery and Rednal. The site extends both west and north of the A38 Bristol Road South, which is a main arterial route into the City Centre and M5 Motorway to the west. It covers an area of 15.3 ha.
- 2.2. The West Longbridge site formed part of the wider MG Rover car plant which closed in 2005. It was utilised for automotive manufacturing and formerly contained substantial, large scale manufacturing and other buildings associated with its former use. All buildings were demolished over 10 years ago and the site has since been subject to remedial and re-profiling works in readiness for its redevelopment. Much of the site is therefore cleared remediated land, with temporary levels formed by remediated materials as well as a temporary attenuation feature. The site slopes down to the line of the River Rea generally, with the employment buildings to the north and north west elevated at a higher level above a high embankment.
- 2.3. The site includes and is traversed by the River Rea, a tributary of the River Tame. The River flows in a west to east direction and is an important landscape and ecological feature of the site. It enters the application site at Rubery Lane in an open channel and continues eastwards where it enters a culvert beneath the A38 Bristol Road South. Works to the River corridor have been undertaken as part of the wider Longbridge redevelopment proposals to see much of its former industrial context removed and it returned to a naturalised channel with consequential environmental and biodiversity gains. Further river enhancement works are currently on-going.
- 2.4. Major new highway improvement works have been undertaken in the vicinity of the site in recent years to support the regeneration of the area. These works have included extensive new signalisation of the A38/Longbridge Lane junction, wider



works along Longbridge Lane and other improvements in the wider area including the A38 roundabout. For West Longbridge these works have provided a new access to the site from the A38 – an important piece of development infrastructure to support to the site's delivery.

- 2.5. Longbridge Town Centre is located a relative short distance to the east across the A38, as too wider public transport connections, bus services and Longbridge Railway Station. These are connected conveniently to the site by existing and proposed pedestrian and cycle linkages, some of which are included in this application, others are currently being delivered. The location here makes this site highly sustainable, given particularly its proximity to the Town Centre's range of shops (including a flagship Marks & Spencer store), restaurants / cafes, high quality office space, multi-storey car park facility, Rea park, educational facilities, extra care accommodation and housing. Improvements to Longbridge Railway Station, including provision of Park and Ride facility, have been delivered more recently and are continuing.
- 2.6. Other uses and facilities in the wider area include mixed industrial / commercial uses to the west and north west, playing pitches and allotments, leisure uses at Great Park as well as Colmers School and Sixth Form College which are within a short walk from the site. Much of the surrounding area to the north predominately comprises existing housing.

2.7. [Site Location](#)

3. [Planning History](#)

- 3.1. The site has extensive planning history from its former use. Recent relevant history is as follows:
- 3.2. 14 September 2018. 2018/02549/PA. Planning permission granted for the erection of 4 employment units (Uses Classes B1b, B1c and/or B2), parking, access, drainage and other associated infrastructure and landscaping at land at West Works.
- 3.3. 25 October 2018. 2017/10775/PA. Planning permission granted for reprofiling of levels, river (including new floodplain) works, vehicular bridge, highways, pedestrian/cycle and associated infrastructure at land at Longbridge West.
- 3.4. 9 July 2015. 2015/03066/PA. Planning permission granted for river infrastructure works, reprofiling of riverbanks, footpath/cycleway including bridge and landscaping (Including temporary river realignment) at land at Longbridge West.

4. [Consultation/PP Responses](#)

- 4.1. Local residents, Ward Councillors for Northfield, Frankley Great Park and Rubery and Rednal; MP's for Northfield and Bromsgrove and Resident Associations notified. 5 letters of objection have been received from residents living in Lakewood Drive (3 of the 5 are from here and are the same standard objection), Belton Grove and Bristol Road South. The objections are based on the following grounds:
- The proposed development needs a central village hub as per East Works otherwise it will not integrate with its surroundings.
  - Wildlife destruction. Please seek an increase in biodiversity by at least providing an environment that retains its present level of wildlife.
  - Flooding.
  - Noise and dust pollution.

- Loss of green view.
- Proposed walkway could present an opportunity for travellers, anti-social behaviour from motorbikes and mopeds and gatherings at night, rear of properties would become accessible 24 hours a day to those with criminal intent.
- The culvert bringing the river Rea under Rubery Lane is accessible to anyone – how will this be managed?
- Will access still be granted for the residents at the bottom of Lakewood Drive to access the rear of their properties in order to plant and subsequently maintain trees and shrubs along the length of the fences which bordered the road?
- Lighting planned for the walkway route should not be intrusive to the bedrooms at the rear of adjacent properties.

4.2. Transportation – No objection. The only concern is on the masterplan illustrative layout. The residential development is just accessed by one road that means the cul-de-sac formed is around 400m long. The historic guidance is for any plot with one access the road is 7.3m wide up to 180m from the end of the cul-de-sac, so over half the access road and possible parts of the side roads. The preference, which is also noted by the fire service, is the road is kept clear of parking to ensure 3.7m width is provided. This should easily be designed in and will require thought on the off-street car parking provision and restrictions along the new access roads, i.e. footway crossings and accesses and possibly Traffic Regulation Orders to ensure this is maintained.

The potential traffic generation from this plot has been predicted by using the previously accepted traffic flows and applied to the traffic model that has been updated in 2017 and 2019 using up to date network flows and includes reference to all consented development traffic flows. The peak traffic flows are AM 91 two way and PM 154 two way which are within the accepted trip envelope as approved in earlier LAAP agreements and the infrastructure that has been provided on the highway network. As such no additional works are required apart from the access road, new site roads and cycle/pedestrian connection.

Conditions should be attached to any approval relating to the detailed site layout needing to include reference to the carriageway width required for fire service vehicles due to the cul-de-sac length and a Construction Management Plan being required prior to any works taking place.

4.3. Regulatory Services – No objection.

Air Quality - The transport assessment suggests relatively small vehicle movements associated with the residential development and this would be unlikely to have any adverse air quality impacts in the area given the existing traffic flows on the main arterial roads in the vicinity. The application has been supported by an Air Quality Assessment. I agree with the overall conclusion that the development will have no adverse operational phase air quality impacts and that any impacts from these can be dealt with by layout and design of the development therefore no objections on air quality grounds.

Noise - The application has been supported by a Noise Assessment. The report presents the results of an environmental monitoring exercise for noise at three locations around the perimeter of the development site. The report concludes that the most likely impact on the site will be road traffic noise from Bristol Road South and commercial noise from the north of the site on Hollymoor Way and the area to the south of the site where the existing commercial uses are located along the A38. The report does not include any BS4142 assessment and I am concerned that given the proximity of the industrial uses and the extended hours of operation that noise

impact from plant and equipment and also from vehicle movements on the commercial sites could be a significant impact. However on the basis that this is an outline application and the noise assessment itself identifies the potential adverse impacts from the commercial and industrial operations a condition requiring further assessment of commercial and industrial noise once the site layout has been further detailed and a mitigation scheme to deal with road traffic noise is required.

Contaminated Land - the application is supported by a contaminated land desk study. This report identifies that it is proposed to carry out significant groundworks to further evaluate made ground across the site. I have no concerns that the site can be adequately remediated however we will require a full remediation strategy for the site prior to any ground works being carried out. I am therefore content to condition this.

- 4.4. West Midlands Fire Service - Concerned that this proposal creates a dead-end access point to the housing estate which is over 180m. The detailed proposal will be required to comply with Building Regulations.
- 4.5. Severn Trent Water – No objection subject to a drainage condition.
- 4.6. Natural England – Have no comments to make.
- 4.7. Environment Agency – No objection subject to conditions relating to ground contamination and implementation of the flood risk assessment.
- 4.8. Highways England - No objection.
- 4.9. Lead Local Flood Authority – No objection subject to sustainable drainage conditions.
- 4.10. Local Services – No objection. I note the applicant's intention to provide 7.97 hectares of Green infrastructure, 3.46 hectares of which will be publicly accessible POS. I also note the intention to provide some on site play facilities. The scheme as illustrated would generate a total of people = 813. 813 divided by 1000 x 20,000 (2 hectares per thousand of population) = 16,260sq m of POS generated. (1.626 hectares) which is more than catered for by the proposed onsite POS provision proposed by the applicant. Given the scale of the proposed on site POS proposed we would require a contribution to cover a Landscape Clerk of Works fee of £20k for overseeing the implementation of the POS / Green infrastructure /play elements/cycle route to ensure these are constructed to BCC standards and quality. This would still apply even though I would suspect the POS elements will not be handed to the City for maintenance at completion and maintained by the developer or other provider going forward. We would also request to see and approve detailed proposals for the play elements and equipment proposed as part of any conditions imposed.
- 4.11. West Midlands Police – No response received.
- 4.12. Education – The proposed illustrative mix of dwellings detailed in the financial viability appraisal would generate 12 nursery pupils, 80 primary pupils (0.3Form Entry) and 43 secondary pupils (0.3Form Entry). On this basis, a financial contribution towards school places is sought comprising £36,781.38 for nursery provision; £946,268.59 for primary provision and £773,029.23 for secondary provision.

5. Policy Context

- 5.1. Birmingham Development Plan; Longbridge Area Action Plan; NPPF 2021; Development Management in Birmingham DPD; Places for Living SPG; Public Open Space in New Residential Development SPD

6. Planning Considerations

- 6.1. Outline planning permission with all matters reserved except access, is sought for up to 350 dwellings along with access, landscaping, public open space and associated development infrastructure.

Principle

- 6.2. The application site is located within Longbridge Growth Area (BDP policy GA10). GA10 refers to the adopted Longbridge AAP to guide development in this location. Longbridge AAP allocates the application site for housing under Proposal H1. H1 proposes the site will be developed for 350 dwellings comprising a mix of types and tenures, including a target of 35% affordable housing, with a density of between 50 and 60 dwellings per hectare. The policy does not specify further with regards to the required/sought mix of types and tenures of the dwellings. On this basis, if the site were to be brought forward with the mix identified in paragraph 1.5 above, I consider that the development would meet the City's housing needs for the local area. I note that the density would sit at 56 dwellings per hectare if the maximum number of dwellings sought were brought forward on the site. This density, as identified in paragraph 1.5 above would include 127 flats (36%) however, without a significant proportion of flats being included in any development of this allocated site, the required density and allocation for a MINIMUM number of 350 dwellings would not be achieved.
- 6.3. Within the context of these policies, there is no objection to the principle of residential development on this site and is in accordance with Policy GA10 of the Birmingham Development Plan and Proposal H1 of the Longbridge Area Action Plan.

Access and Highway Matters

- 6.4. The application is accompanied by a transport assessment that identifies the potential traffic generation from this development. This has been predicted by using the previously accepted traffic flows and applied to the traffic model that has been updated in 2017 and 2019 using up to date network flows and includes reference to all consented development traffic flows. The peak traffic flows are predicted to be 91 two-way trips in the AM peak and 154 two-way trips in the PM peak. These are accepted as being within the agreed trip envelope as approved in earlier LAAP agreements and the infrastructure that has been provided on the highway network. As such, Transportation consider that no additional works are required as a result of the development, apart from the access road, new site roads and cycle/pedestrian connection.
- 6.5. Transportation do however raise a concern regarding the illustrative masterplan layout. They identify that the proposed residential development could just be accessed by one road meaning that a cul-de-sac would be formed that would be around 400m long. The guidance for any plot with one access identifies that the road would need to be 7.3m wide up to 180m from the end of the cul-de-sac, so over half the access road and possible parts of the side roads.
- 6.6. West Midlands Fire Service has also raised this concern.

- 6.7. The preference, which is also noted by the fire service, is the road is kept clear of parking to ensure 3.7m width is provided. This important detail has been identified to the applicant so that when detailed design and layouts are proposed through reserved matters submissions, this issue should have been addressed. I consider that this provision can be designed in but would likely require thought on the off-street car parking provision and restrictions along the new access roads. As previously identified, these are detailed design and layout issues that are not for consideration during this application but during later reserved matters submissions. If necessary, the requirement for Traffic Regulation Orders to ensure the minimum carriageway width can be attached to any future Reserved Matters Approval if the detailed design and layout has not adequately addressed the issue. On this basis, I consider that the proposed development is acceptable in access and highway matters and accords with relevant local and national policy on this issue. The requested condition relating to carriageway width has been included as an informative.

#### Design

- 6.8. The application is accompanied by a parameters plan for approval and an illustrative master plan.
- 6.9. There are no objections to the access arrangements shown on the parameter plan, other than the need to build in space for street trees. The pedestrian and cycle link along the River Rea are welcomed and the link to Great Park is encouraged. However, a key concern is the limited linkages shown between the streets in the illustrative housing layout and the main cycleway and footpath network through the open space.
- 6.10. The indicative housing scheme is based around a perimeter block layout, with public fronts and private backs. The scheme is connected and permeable. In density terms, the proposed 350 dwellings would achieve a density of 56 dwellings per hectare. This would comply with Proposal H1 of the Longbridge AAP however; the resulting scheme may create too hard and urban a character of development in a very suburban context. The impact of such a high density on the layout could create the following issues:
- Parking would cover most frontages creating a hard-urban environment and the use of parking courtyards to the rear of dwellings, would not be supported.
  - Exposed side (and some rear) garden boundaries leading to poorly overlooked streets and dead frontages.
  - Incoherent building lines.
  - No clear street hierarchy with narrow house types throughout, and little variation in pattern, spacing, plot size or frontage treatment.
  - Apartments with no communal private space of their own and
  - Short front to front separation distances, creating uncomfortably enclosed streets and overlooking issues.
- 6.11. I note that the layout submitted is illustrative and therefore the issues outlined can be addressed through the submission of reserved matters. I am satisfied that a scheme of 350 dwellings could be accommodated whilst noting that detailed design may reduce the actual quantum of units and in turn, density.
- 6.12. The design and access statement (DAS) identifies that scale should be used to enhance the legibility of streets, and it is agreed that housing along the main link road opposite the employment units could be taller. Three storeys may also be considered appropriate overlooking the linear open space. The statement also

identifies that the housing would be of high-quality contemporary design that has evolved from the local context. The approach set out in the DAS, of creating innovative housing using modern materials is welcomed in principle, particularly if these add to the sustainability credentials of the development. As previously identified, at this stage with all matters reserved except access, the proposed residential development would be acceptable in line with the submitted parameters plan and issues of scale and design can be addressed at reserved matters stage.

#### Landscape, Trees and Ecology

- 6.13. The parameter plan indicates a significant area of the site is to be set aside for green infrastructure, which is welcomed, with the river corridor representing an important link from an ecology, landscape and connectivity perspective. However, concern is raised that no space appears to be provided for street tree planting along the highway links.
- 6.14. There is already a consented plan for the river corridor under the enabling works permission reference 2017/10775/PA. The proposals described and illustrated in the DAS appear to align with and build on these. The proposals for the large wide linear park as shown on the illustrative master plan are positive and the character area descriptions in the DAS set the parameters for reserved matters detail to come later. The realignment and naturalisation of the channel, along with works within the water course will be beneficial from a biodiversity and aesthetic point of view. The planting strategy, focussing on native species, enhancing biodiversity and habitat creation is considered appropriate.
- 6.15. In terms of POS, this would be mostly related to the river corridor, with informal recreation in a woodland and riverside environment. Whilst natural woodland play and trim trail could be provided for, no formal play areas are identified in the illustrative master plan. This is surprising considering the number of potential houses and the fact that the site is quite isolated with no formal play areas nearby and Cofton Park, a distance away. The need to provide a variety of designed and natural landscapes, including the provision of formal play is set out in the National Design Guide and the Public Open Space in New Residential Development SPD. On this basis, I recommend a condition securing play area details is attached to the approval.
- 6.16. Landscaping within the housing development - the landscape section of the DAS does not go into a lot of detail on this however it mentions street trees and hedges in front gardens, landscaped drainage swales and planting. Looking at the illustrative master plan; I am sceptical that an attractive residential environment could be delivered considering the density of development and continuous parking to frontages. Front gardens are non-existent. Many of the trees suggested would be in hard paved areas requiring specialist tree pit details to ensure establishment and long-term survival. Overall, the streets appear to have a hard and urban character with little opportunity for them to be 'tree lined' as required by the NPPF. At present, I am not convinced that the scheme would create a positive character and identity, or a positive sense of place and local distinctiveness as required by policy. However, the devil is always in the detail and this is an outline planning application. As such, the detail would be forthcoming in any future reserved matters submission and the detailed landscape concerns identified would be addressed at that stage. On this basis, I consider that the proposed development would be acceptable and in accordance with policy.
- 6.17. My Arboricultural Officer has reviewed the submitted tree survey and arboricultural assessment and has no objections with the proposal for the development of the site, noting that reserved matters submissions would address these issues in more detail.

The proposed access roads would have minimal impact on trees as the proposed development would utilise the existing access points from the A38 opposite Longbridge Lane and to a greater part follows another (to be constructed) access to cross the River Rea. I concur with this view.

- 6.18. In terms of ecology, the City Ecologist has reviewed the submitted appraisal and notes that the site has partially been remediated previously. The proposed development would be unlikely to generate any ecology concerns that haven't already been partially captured or considered in the wider context of the site. Detailed design will be necessary, and discussions will need to take place as these are developed for future reserved matters submission. No major issues with the access as proposed are identified. On this basis, and subject to safeguarding conditions recommended below, I consider the proposed development to be acceptable from an ecological perspective.
- 6.19. I note the concern raised by interested parties regarding wildlife destruction and the request to seek an increase in biodiversity by at least providing an environment that retains its present level of wildlife. Ecology safeguarding conditions are recommended below that would secure an increase in site biodiversity.

#### Archaeology

- 6.20. Records indicate that an archaeological site was recorded within the application site during a survey of the Rea Valley in 1970s. Since then the site was developed as part of the motor works in the 1980s and the site disappeared under an area of hardstanding. After the closure of the works the site was the subject of substantial demolition and remediation works. An archaeological watching brief took place close to the location of the enclosure in 2007 when the balancing pond was built. This did not record any archaeological remains and noted that the site had been heavily modified when the motor works were built.
- 6.21. Another area of archaeological potential exists closer to Bristol Road South where an archaeological evaluation was carried out in the 2000s. The evaluation found approximately 1.5m of alluvium of uncertain date.
- 6.22. The City Archaeologist considers that the archaeological remains are likely to have been removed by the construction of the factory and the later demolition and remediation works. The potential for archaeological remains is therefore low. They consider that the area closer to the Bristol Road does have some archaeological potential but the majority of it would not be affected by the development as only a strip of land is required for an access and most of it will be left in-situ. On this basis, the City Archaeologist considers that there would be no archaeological impact from the development and no requirement for further archaeological work. I concur with this approach.

#### Sustainability

- 6.23. In accordance BDP policies TP3 and TP4, Sustainable Construction and Energy Statements have been submitted which accord with the 'Guidance note on Sustainable Construction and Energy Statements' requirements for outline applications. As the detailed design of the dwellings and layout do not form part of this application, the submitted statements are unable to provide much in the way of addressing the policy requirements of TP3 and TP4. On this basis and from the information contained in the submitted statements, I consider the proposed development Detailed Sustainable Construction and Energy Statements would be required at Reserved Matters stage and a condition is recommended below to secure this.



## Viability and Section 106 Requirements

- 6.24. The application is supported by a Financial Viability Assessment (FVA) that has been reviewed by Lambert Smith Hampton (LSH).
- 6.25. Policy TP31 of the BDP and Proposal H1 of the AAP seeks 35% affordable housing, unless it can be demonstrated that this is not viable. The development proposes 20% affordable housing that has been made possible due to the provision of external funding that makes the 20% provision part of its terms. The proposal originally sought approval for 20%, all of which would be provided at 80% discount of its open market value. Whilst this provision would accord with the definition of affordable housing outlined in the NPPF; it would not contribute to the City's affordable housing requirements and was amended to 18% low cost ownership and 2% social rent with the mix of units to be established. Based on the advice of LSH, this is what the proposed development can viably provide for affordable housing and on this basis, I consider the proposal to be acceptable and in accordance with policy.
- 6.26. The FVA also outlines that following the provision of 2% Social rent accommodation on-site, the available contribution of £2,068,000 to cover anticipated planning contributions, would reduce to £1,450,000. This has been confirmed by LSH. Education have requested a contribution of £1,756,079.20 towards the provision of school places generated by the proposed development in nursery, primary and secondary settings. Whilst the contribution would cover the Education requirement; CIL Regulations identify education as being funded by the CIL rather than by Section 106 unless the development generates a need for a new school on site. As this development would not generate the need for a school, the request cannot be honoured through Section 106.
- 6.27. Local Services has requested £20,000 to cover a Landscape Clerk of Works fee for overseeing the implementation of the POS/Green infrastructure /play elements/cycle route to ensure these are constructed to BCC standards and quality. I consider this necessary, directly related and related in scale to the proposed development and this contribution is recommended below.
- 6.28. Following the £20,000 Local Services contribution and £10,000 towards monitoring, a sum of £1,420,000 would remain available. Given the City's affordable housing requirements, specifically in relation to Social Rent properties, I consider that this sum should be provided for the provision of social rent properties by Birmingham Municipal Housing Trust within the Northfield Constituency and this is recommended below.

## Other Issues

- 6.29. I note the objections/comments received from residents. With regards to the need for a central village hub like at East Works, I do not consider this necessary as the site sits very close to the town centre at Longbridge, unlike East Works housing. The site has also been master-planned at a strategic level through the Area Action Plan and whilst some supporting facilities may be acceptable on the Regional Investment Site (adjacent to the application site), a small local centre would not be supported by policy.
- 6.30. With regards to flooding, the application is supported by a Flood Risk Assessment and Drainage Strategy. Both the Environment Agency and the Lead Local Flood Authority have reviewed the Assessment/Strategy and raised no objections subject

to safeguarding conditions that are recommended below. On this basis, I consider that the proposal would not lead to an increase in flooding.

- 6.31. The application is supported by a noise assessment. Regulatory Services do have some significant concerns about the noise impacts from the industrial and commercial uses around the site, particularly the existing businesses on the southern boundary under development on Hollymoor Way, on the new proposed residential. They do not however raise concerns regarding noise impacts on existing residential adjacent to the site. Any noise impact, because of the development, would only result from construction and this would be a short-term impact. The same applies in terms of air quality and dust pollution. This would only occur during construction and is also therefore a short-term impact. Regulatory Services raise no objections to the proposed development subject to safeguarding conditions which are recommended below. I concur with this view.
- 6.32. With regards to the objection that the proposed walkway could present an opportunity for travellers, anti-social behaviour from motorbikes and mopeds and gatherings at night, rear of properties would become accessible 24 hours a day to those with criminal intent; the River Rea walkway has been an intention of the Longbridge AAP since its adoption. The potential for increase in anti-social behaviour from the walkway being opened for public access remains. However, the detailed design of this walkway has yet to be determined and security measures and appropriate lighting (limiting impact on wildlife and adjacent residential properties) secured at reserved matters stage would limit this threat.
- 6.33. A further comment relates to the culvert bringing the River Rea under Rubery Lane being accessible to anyone – how will this be managed? Clarification has been sought from the applicant/agent who have advised that this access from Rubery Lane is gated off at present but would become the pedestrian cycle access point. They acknowledge that they would need to ensure that the entrance to the culvert is properly segregated from the footpath cycleway in the detailed design and layout, such that access to it is properly restricted. This detail would be forthcoming in future reserved matters submissions.
- 6.34. Finally, residents asked if access would still be granted for the residents at the bottom of Lakewood Drive to access the rear of their properties in order to plant and subsequently maintain trees and shrubs along the length of the fences which bordered the road? The rear of the properties in Lakewood Drive would become accessible from the public walkway as a result of the River Rea walkway proposals as part of this application, thereby making it easier for maintenance of the boundary to be undertaken.

## 7. Conclusion

- 7.1. The proposed development would continue to expand the mix and tenure of residential properties within the Longbridge AAP area in accordance with policy requirements. The proposed development would sit on allocated residential land and would accord with the number and density requirements of the AAP, subject to further detailed design during future reserved matters submissions. The submitted parameters plan would be acceptable and in accordance with policy. There would be no adverse impact on the amenity of neighbouring occupiers and the proposed development would have a beneficial impact on ecology and landscape locally. As such, I therefore consider the proposal would constitute sustainable development and I recommend that planning permission is granted.

## 8. Recommendation

- 8.1. That application 2021/06547/PA be APPROVED subject to the prior completion of a Section 106 Legal Agreement to secure the following:
- a) The provision of 20% affordable housing split as 18% low cost home ownership at 80% of open market value and 2% social rent in perpetuity with mix to be agreed.
  - b) The provision of £1,420,000 for off-site Social Rent affordable housing provided by Birmingham Housing Municipal Trust within the Northfield Constituency.
  - c) The provision of £20,000 to cover a Landscape Clerk of Works fee for overseeing the implementation of the POS/Green infrastructure /play elements/cycle route to ensure these are constructed to BCC standards and quality.
  - d) Payment of a monitoring and administration fee associated with the legal agreement to a maximum £10,000.
- 8.2. In the absence of a suitable legal agreement being completed to the satisfaction of the Local Planning Authority by the 17 March 2022, or such later date as may be authorised by officers under delegated powers, planning permission be refused for the following reasons: -
- In the absence of a legal agreement to secure any on-site affordable dwellings for low cost home ownership and social rent, the proposal conflicts with Policy TP31 of the Birmingham Development Plan, Proposal H1 of the Longbridge AAP and the National Planning Policy Framework.
  - In the absence of a legal agreement to secure a financial contribution towards the provision of off-site affordable dwellings for social rent, the proposal conflicts with Policy TP31 of the Birmingham Development Plan, Proposal HS1 of the Longbridge AAP and the National Planning Policy Framework.
  - In the absence of a legal agreement to secure contributions to cover a Landscape Clerk of Works fee for overseeing the implementation of the POS/Green infrastructure /play elements/cycle route, the proposal conflicts with Policies PG3, TP7, TP9, TP38, TP39 and TP40 of the Birmingham Development Plan and the National Planning Policy Framework.
- 8.3. That the City Solicitor be authorised to prepare, complete and seal an appropriate agreement under Section 106 of the Town and Country Planning Act.
- 8.4. That in the event of the planning obligation being completed to the satisfaction of the Local Planning Authority by 17 March 2022, or such later date as may be authorised by officers under delegated powers, planning permission for application 2021/06547/PA be APPROVED, subject to the conditions listed below:-

---

1	Requires the submission of reserved matter details following an outline approval
2	Requires the scheme to be in accordance with the listed approved plans
3	Development in accordance with the approved Access Arrangement
4	Development in accordance with approved Parameters Plan
5	Requires the prior submission of contamination remediation scheme on a phased basis
6	Requires the submission of a contaminated land verification report
7	Requires the implementation of the Flood Risk Assessment in a phased manner
8	Requires the prior submission of a drainage scheme in a phased manner

---

- 
- 9 Requires the prior submission of a Sustainable Drainage Scheme in a phased manner
  - 10 Requires the submission prior to occupation of the properties of a Sustainable Drainage Operation and Maintenance Plan
  - 11 Requires the submission of a scheme for ecological/biodiversity/enhancement measures on a phased basis
  - 12 Requires the prior submission of details of bird/bat boxes
  - 13 Requires the prior submission of a habitat/nature conservation management plan
  - 14 Secures noise and vibration levels for habitable rooms
  - 15 Limits the maximum number of dwellings to 350.
  - 16 Requires the submission of play area details
  - 17 Requires the submission of hard and/or soft landscape details
  - 18 Requires the submission of hard surfacing materials
  - 19 Requires the submission of boundary treatment details in a phased manner
  - 20 Requires the submission of a landscape management plan
  - 21 Requires the submission of a lighting scheme in a phased manner
  - 22 Requires the prior submission of a construction method statement/management plan
  - 23 Requires the submission of sample materials in a phased manner
  - 24 Requires the prior submission level details on a phased manner
  - 25 Requires the scheme to be in accordance design and access statement
  - 26 Requires the prior submission of a phasing plan
  - 27 Requires the prior submission of a landscape and ecological management plan for Callow Brook
  - 28 Requires the submission of detailed sustainable construction and energy statements for each phase of development
  - 29 Requires the submission of pedestrian walkway and cycle route details
  - 30 Requires the Submission of a Noise Mitigation Scheme
  - 31 Requires the provision of a vehicle charging point
  - 32 Arboricultural Method Statement - Submission Required
  - 33 Requires the implementation of tree protection
  - 34 Implement within 3 years (outline)
-

Case Officer: Pam Brennan

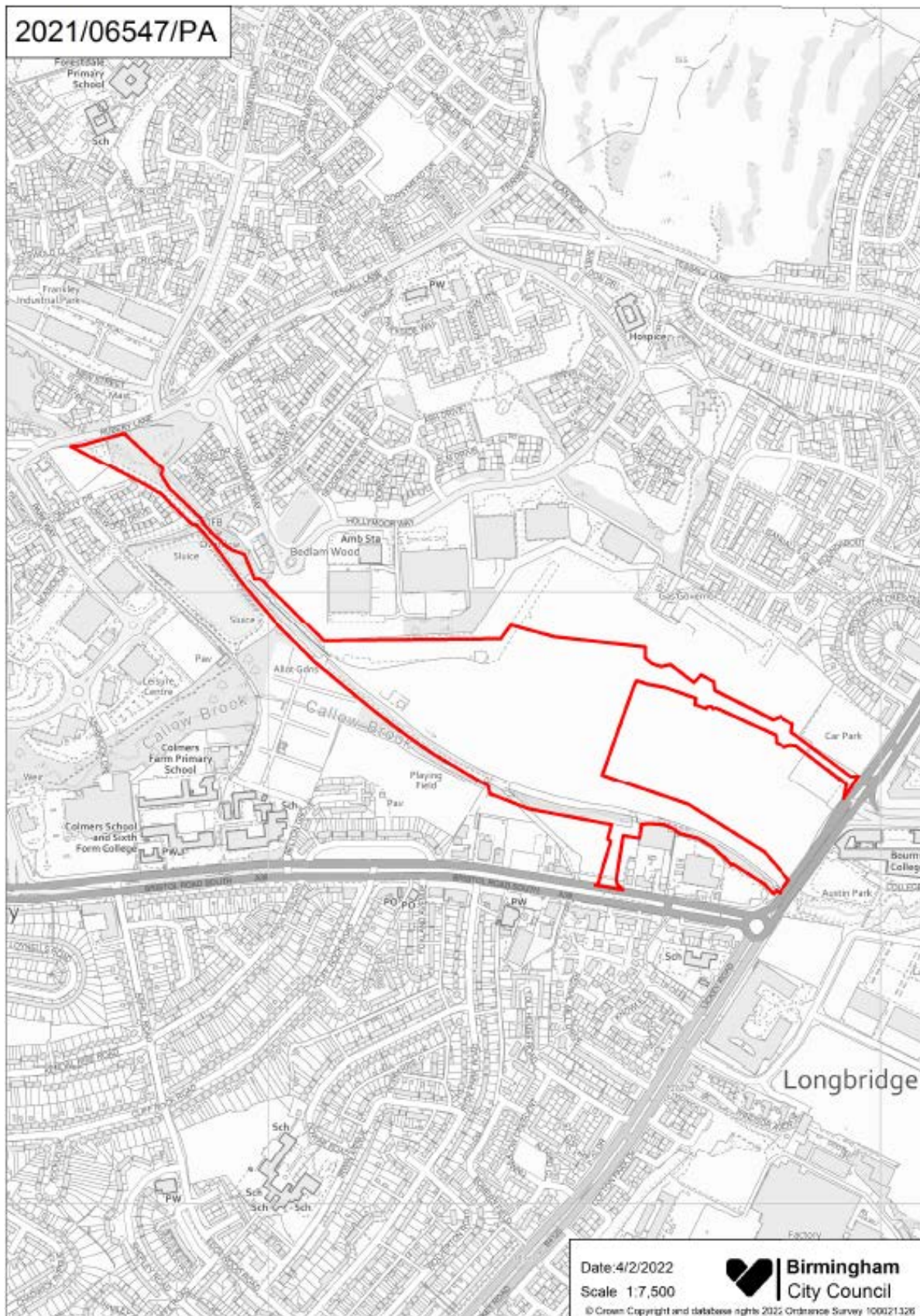
## **Photo(s)**



Photograph 1 – Aerial view of West Works site – including residential allocation and Regional Investment Site.



## 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





---

Committee Date:	24/02/2022	Application Number:	2021/09698/PA
Accepted:	15/11/2021	Application Type:	Reserved Matters
Target Date:	25/02/2022		Development
Ward:	Northfield		

Former North Worcestershire Golf Club, Hanging Lane, Northfield, Birmingham, B31 5LP,

Reserved matters of the layout, scale, appearance and landscaping for a Phase 2 development of 353 dwellings, pursuant to outline planning permission 2019/10649/PA.

Applicant: Bloor Homes Western  
 Western House, Furrowfield Park, Tewkesbury, GL20 8UR  
 Agent:

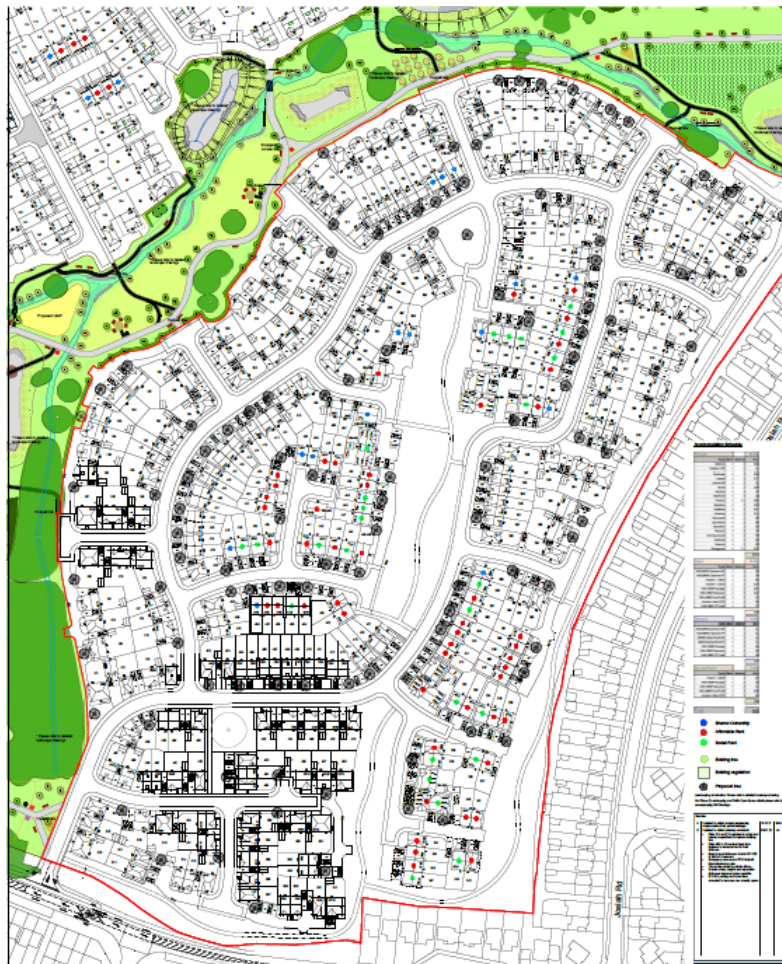
---

#### Recommendation

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

##### 1. Proposal

- 1.1. Outline planning permission, with all matters reserved except access, was granted on appeal in July 2019 following a public inquiry appeal held in October 2018 for the demolition of the club house and the development of up to 950 dwellings, public open space, primary school, multi-use community hub, new access points and associated infrastructure. During the appeal, the proposal was amended to 800 dwellings and this was conditioned within the Secretary of State approval.
- 1.2. Access was approved by the Secretary of State as part of the outline approval. Following further road safety work a revised access and junction location was approved.
- 1.3. Reserved Matters Approval of layout, scale, appearance and landscaping was approved for 170 dwellings in Phase 1A in June 2021.
- 1.4. Reserved Matters Approval of layout, scale, appearance and landscaping is now sought for Phase 2 of the development. Phase 2 seeks approval for 353 dwellings comprising the following mix:
  - Open Market: 25 x 2-bedroom, 94 x 3-bedroom and 112 x 4-bedroom in 20 different house types (231 in total).
  - Affordable: 23 x 1-bedroom, 51 x 2-bedroom, 27 x 3-bedroom and 21 x 4-bedroom in 8 different house types (122 in total)
- 1.5. 34% Affordable properties would be provided as follows:
  - Affordable Rent: 15 x 1-bedroom flats, 12 x 2-bedroom flats, 22 x 2-bedroom houses, 19 x 3-bedroom houses and 2 x 4-bedroom houses.
  - Social Rent: 2 x 1-bedroom, 8 x 2-bedroom and 7 x 3-bedroom.
  - Shared Ownership: 6 x 1-bedroom, 9 x 2-bedroom, 1 x 3-bedroom and 19 x 4-bedroom houses.



Proposed Phase 2 layout.

- 1.6. The majority of the properties proposed would be 2-storey, with a number across the site being 2 and a half-storey in height. The apartments, located on corners in the middle of the site, would be 3-storey. A mix of render and red brick and brown and grey roof tiles are proposed.



Proposed street scenes





CGI View of proposed residential development looking towards plots 184 and 196 to 199

- 1.7. All properties would meet the National Space Standards.
- 1.8. All but 26 (7%) of the houses would have garden sizes that meet the guidelines in Places for Living. Some of the proposed flats would have small amenity areas available around the blocks but no formal amenity space is proposed for any of the flats on site.
- 1.9. Access to Phase 2 would come from Tessall Lane to the west of Farren Road (opposite). The site would have a street hierarchy comprising main streets, secondary streets, private drives and mews/courtyards. A number of pedestrian and cycle access points from the Phase 2 development into the central public open space would be provided.



CGI view looking towards plots 228 to 233 and 237

- 1.10. The layout has been designed to retain mature trees of higher value as integral features of the landscape proposals. Dwellings would provide an active frontage to public open space on site and the central area of public open space.



CGI view of properties fronting the central area of open space looking towards plots 195 to 201

- 1.11. This Reserved Matters submission for Phase 2 development (as previously provided for the POS and Phase 1A development) include a breakdown of tree canopy coverage, which is a live document and will be updated as later phases come forward however, the breakdown proposed for the currently submitted reserved matters (and previously approved phases) is as follows:
- Tree canopy cover pre-development – 82,370sq.m
  - To be removed as part of phase 1A, Central POS and Phase 2 development – 46,390sq.m
  - To be retained – 35,980sq.m
  - Proposed Phase 1A replacement cover – 3,707sq.m
  - Proposed Phase 2 replacement cover – 3,121sq.m
  - Proposed Central POS and Phase 2 replacement cover – 51, 299sq.m
  - Total proposed mature canopies across Phase 1a, Central POS and Phase 2 – 58,127sqm
  - Assume 80% of proposed mature canopies to allow for plant losses and limited establishment – 46,502sqm
  - Total Mature Canopy Cover post development (retained existing and 80% proposed – 82,482sqm
  - Net canopy cover gain – 112sq.m
- 1.12. 71 new trees would be planted within the open space areas of the Phase 2 development including Field Maple, Hazel, Beech, Oak, Scots Pine, Whitebeam and Rowan. The landscaping would also include 1005 shrubs and perennials, 2,064 snowdrop, bluebell and daffodil bulbs along with wildflower/grassland. The on-plot landscaping would include 99 trees including Snake Bark Maple, Magnolia and Black Mulberry, 3348 ornamental hedge plants including Silverberry, Hebe, Daisy and Laurel, 4015 ground cover shrubs and perennials including Japanese Laurel, Californian Lilac, Mexican Orange Blossom, Dogwood, Spindle, Lavender and Honeysuckle and 2 specimen shrubs (Photinia).



- 1.13. Amended plans have been received that address Officer comments and public feedback including:
- Garden areas and separation distances
  - Revised elevational treatments to the affordable apartments.
  - House types have been reviewed and amended where required.
  - Increase in street tree provision to mitigate visual impact of frontage parking.
- 1.14. The 106 Agreement remains as per that agreed by the Secretary of State. There is no scope for the principle of the development and/or any other issues relating to the site development to be considered again.
- 1.15. Site area: 11ha. Residential developable area 8.9ha. Density: 40 dwellings per hectare.
- 1.16. [Link to Documents](#)
2. Site & Surroundings
- 2.1. The North Worcestershire Golf Course is located in the south of the City within the Frankley Great Park Ward. The Golf Club closed on 31<sup>st</sup> March 2016.
- 2.2. The 32.35ha site is bounded by Frankley Beeches Road, Hanging Lane, Elan Road, Josiah Road and Tessall Lane. The clubhouse, which was located in the north east corner of the site, is accessed from Hanging Lane, 10m from the junction with Frankley Beeches Road. Most of the site is adjacent to roads, by exception residential properties of Guardian Court (to the north); Josiah Road (east) and parts of Tessall Lane (south) and Hanging Lane (east) have rear gardens that are adjacent to the boundary of the site. Those in Hanging Lane have a rear access that provide access to both the souses and a storage yard to the golf course. The site is located within an established residential area.
- 2.3. The site is well served by bus and rail services and local educational, retail and leisure facilities.
- 2.4. The golf course site consists of large woodland areas within landscaped grounds. Several watercourses run through the site, including the Hanging Brook which surfaces within the centre of the site and flows eastwards. The watercourse joins the River Rea, 1km to the east.
- 2.5. In terms of levels, the golf course site slopes from 205m above ordnance datum (AOD) in the southern part of the site, to its lowest point (177m AOD) in the centre and eastern area of the site and rises back up to the north to a final height of 197m AOD on the northern boundary. The opposing east to west contour slopes down from 200m AOD (on the western boundary) down to 180 AOD on the east boundary.
- 2.6. [Site Location Plan](#)
3. Planning History
- 3.1. 25 June 2021. 2021/01403/PA. Reserved matters approval granted for details of appearance, landscaping, layout and scale for the central area of public open space following outline planning permission 2019/10649/PA.

- 3.2. 25 June 2021. 2020/10215/PA. Reserved matters approval granted for details of layout, scale, appearance and landscaping for Phase 1A development of 170 dwellings attached to outline planning application 2019/10649/PA.
- 3.3. 25 August 2020. 2019/10649/PA. Planning permission granted for the variation of conditions 5 (approved plans) and 20 (site access) attached to planning permission 2017/02724/PA granted on appeal under reference APP/P4605/W/18/3192918 for revised site access to the west of Guardian Close on Frankley Beeches Road.
- 3.4. 24 July 2019. (APP/P4605/W/18/3192918) 2017/02724/PA. Outline planning permission granted by the Secretary of State following a three week public inquiry appeal by Bloor Homes in October 2018 with all matters reserved except access for the demolition of the club house and the development of up to 950 dwellings, public open space, primary school, multi-use community hub, new access points and associated infrastructure. The planning permission limited the development to 800 homes and included a Section 106 Agreement to secure the following:
- i) 35% on-site affordable housing with the following mix of 20% affordable rent, 10% social rent and 5% shared ownership.
  - ii) £4,500,000 (index linked from issue of planning permission to date payment is made to the Council) to be used towards the provision of a 1 form entry on-site primary school along with 1.8ha of land for the school; and a payment of an off-site contribution in accordance with the previously agreed formula for the additional primary school requirement that would not be provided on site.
  - iii) Provision of on-site open space (up to 12.45 hectares).
  - iv) Provision of a community hub which shall be approximately 1,000sq.m gross and provide a multi-use community run building to provide a range of services to community users.
  - v) £1,600,000 (index linked from issue of the planning permission to date payment is made to the Council) for the development of sport in the local area for the purposes of the provision of two artificial grass pitches at Senneleys Park and/or Bartley Green Community Leisure Centre; and
  - vi) Local Employment.
- Contributions were also sought for additional sports improvements and secondary education totalling in excess of £4 million however, the Inspector and Secretary of State concluded that these contributions did not meet the relevant tests of the Community Infrastructure Levy Regulations.
- 3.5. 18 January 2018. 2017/10696/PA. Prior Approval granted for demolition of the clubhouse.
- 3.6. 31 August 2017. 2017/02724/PA. Outline planning permission with all matters reserved except access refused for the demolition of the club house and the development of up to 950 dwellings, public open space, primary school, multi-use community hub, new access points and associated infrastructure.
4. Consultation/PP Responses
- 4.1. 419 Local residents, Ward Councillors for Frankley Great Park and Northfield, MP and Resident Associations notified. Site and Press notices posted. 3 letters of comment/objection have been received. Objections/comments are on the following grounds:
- Concern over re-routing of buses down Tessall Lane
  - Maintenance of existing and proposed trees on the golf course
  - Increased volume of cars on local roads
  - Housing is not necessary
  - Emergency service routes would be affected



- A new school will cause even more traffic
  - No idea of size of trees to be planted – must be of a size to ensure adequate screening
  - When will the works agreed as highway works through conditions on the outline planning permission be brought forward?
- 4.2. Local Services – No comments.
- 4.3. Environment Agency – No objection.
- 4.4. Severn Trent Water –No objection. The submitted drainage plan shows all foul sewage is proposed to discharge to the public combined sewer, and all surface water is proposed to discharge to the nearby watercourse.
- 4.5. West Midlands Police – No objection. The site is policed by Longbridge neighbourhood team and calls to service are high. Currently, the highest recorded crimes are violence and sexual offences, anti-social behaviour, burglary and criminal damage and arson. Can conditions be attached for a management and maintenance plan for trees and shrubbery; boundary treatment, lighting and that if there are any potential locations for ‘wooden ‘kissing gates’, I would ask that their installation is conditioned to prevent off road bikes etc from gaining access. I would ask that all rear boundary treatment is 2.1 metres, this can be achieved by 1.8 metre fencing with an additional trellis topping where parking is designed between two houses (tandem parking) i.e between plots 172 & 173, I would recommend a gable end window is considered (if not already designed) to allow residents an unrestricted view over their vehicles. I would recommend that where possible any rear/side access gates are positioned as near to the front building line as possible.
- 4.6. Lead Local Flood Authority – No comments.
- 4.7. Regulatory Services – No objection.
- 4.8. Transportation – The submitted details include matters which will overlap within the necessary s38 Road Adoption (Highways Act) process.
- 4.9. West Midlands Fire Service - The approval of Building Control will be required to Part B of the Building Regulations 2010. However, previous requirements for this application do not appear to have been considered or met. Vehicular access appears to be over 180m from a single access point to the proposed estate. For dwelling-houses, access for a pumping appliance should be provided to within 45m of all points inside the dwelling-house. Access routes should have a minimum width of 3.7m between kerbs, noting that WMFS appliances require a minimum height clearance of 4.1m and a minimum carrying capacity of 15 tonnes. The main problem with dead ends and cul-de sacs is access in an emergency and the issue of obstructions such as parking. In these circumstances fire service personnel are committed to approach on foot carrying equipment to deal with the situation. 225 to 250 metres carrying equipment is considered a maximum for efficient fire-fighting operations. Dead ends/cul-de sacs roadways should be a minimum of 5.5 metres in width.
- 4.10. Natural England – No comments.
5. Policy Context
- 5.1. Birmingham Development Plan, Development Management in Birmingham DPD, NPPF, NPPG, Places for Living SPG, Places for All SPD, Car Parking Guidelines SPD.

6. Planning Considerations

- 6.1. Outline planning permission has been granted and there is no scope for the principle of the development to be considered again. A number of highway improvements were secured under the Outline, which would improve road capacity and safety. Following technical approval from the City's Highways Department, these are likely to commence at the end of May/start of June 2022. West Midlands Ambulance Service were consulted on the original outline application and the Section 73 application to adjust the site entrance for Phase 1A off Frankley Beeches Road. Reserved Matters approval was granted by Your Committee last year for both the Phase 1A development and the Central POS.
- 6.2. The wider site development would see a minimum of 12.45 hectares provided as public open space which would include play areas for children and cycle routes through the site. This open space would also include sustainable drainage basins to address issues of surface water runoff and flooding. This issue is also addressed via condition on the Outline planning permission. A primary school (to be developed by the City's education department and funded by the applicant) and a community hub provided by the applicant are also provided on site as part of the wider development. These will be the subject of further applications.
- 6.3. Affordable housing was also secured through the Outline planning permission and the proposed mix and type of units complies with that planning permission. This phase would provide 70 properties for Affordable Rent, 17 for Social Rent and 35 for Shared Ownership. 122 properties would be in this first phase of development, equating to 34%.
- 6.4. Key considerations in this submission are the proposed layout; design, scale and massing; and residential amenity.

Layout, connectivity, street design and parking

- 6.5. The constraints of the site are understood, with few access points from the surrounding road network and the location of the POS which separates this site from the phases to the south.
- 6.6. The scheme broadly follows perimeter block principles and this aspect is welcomed, with houses facing public space and private gardens contained to the rear within the block. Houses are generally parallel to the street with a consistent set back and a strong building line which is usually followed at corners. The shallow frontages for most of the houses creates a hard street character with little space for soft landscape.
- 6.7. I note the concerns raised by West Midlands Fire Service. The access points into the site (this phase and the wider development) have been agreed as part of the outline planning permission. The Applicant, in response to the Fire Service comments have submitted a Fire Response Plan that illustrates that appropriate consideration to fire tender manoeuvring requirements has been undertaken and confirms that all properties can be reached with fire tender and hose. The plan also notates the carriageway widths throughout Phase 1a on the enclosure, as well as highlighting the location of a 3.7m (min. width) Emergency Vehicle access to / from Phase 1 which will route across the central area of public open space to Phase 2 (and onwards to Tessall Lane). I consider that the Fire Response Plan has addressed the concerns raised and anything further to this would be addressed through Building Regulations Approval.

6.8. On balance, I consider the proposed layout acceptable.

#### Parking

6.9. 617 car parking spaces are proposed. 1 and 2-bedroom properties would have 1 space whilst the 3 and 4-bedroom houses would have 2 spaces. 8 of the four-bedroom units would have 3 spaces as the property would include an integral garage whilst one further four-bedroom unit would have a detached double garage (that in the interim would serve as a marketing suite).

6.10. In many streets the impact of parking is reduced by placing it to the sides of the houses however along the primary loop road in particular parking is quite dominant with long rows of parking along the frontage, in groups of up to four spaces, which reduces area for front gardens, planting and trees. Some of the cul-de-sacs and the setting of the flats are also dominated by provision for cars. The removal of further car parking spaces would allow more space for planting however, I acknowledge that this would be difficult alongside the requirement to provide some parking for the new occupiers. Amended plans have sought to increase the number of in street tree provided to mitigate visual impact of frontage parking

6.11. I consider the proposed parking provision on site to be acceptable and in accordance with the Car Parking Guidelines.

#### Scale and massing

6.12. The proposed scale and massing are considered acceptable. The combination of two, two and a half and three storey properties would create an urban grain which would have a suburban character and be appropriate in the context. The varying building heights are shown to be distributed through the site.

#### House types and design

6.13. Twenty-six house types are proposed (with some additional ones with minor variations in appearance) which are all two storeys apart from the 2.5 storey Forbes and Musgrave, and the three storey Auden and Acton flats. There is a wide range of accommodation on offer which should attract a wide demographic potentially contributing to social sustainability. These range from one bedroom two person flats to four-bedroom eight person houses. These are all standard house types used by the developer. There is a general unifying style with traditional proportions, pitched roofs, porches and multi paned windows. The use of 'corner turning' houses to create interest and maximise natural surveillance at corners and junctions is welcomed. The suggested materials – mainly red multi brick with grey or brown roof tiles is acceptable in principle, however these need to be supported by good quality architectural detailing such as window reveals, projecting sills and roof eaves to add visual interest. Since the original application some amendments have been made to the Auden flats which have made these more interesting and engaging in appearance.

#### Sustainability

6.14. I note the requirements of TP3 and TP4 of the BDP regarding sustainable construction and energy requirements. However, planning permission was granted by the Secretary of State without conditions requiring compliance with these policies. As such, the requirement cannot be retrospectively imposed.

6.15. On balance, the proposed Phase 2 reserved matters appearance, layout and scale are considered acceptable.

#### Landscape

- 6.16. Front boundary treatment is crucial to creating an appropriate suburban character sympathetic to the surrounding housing. It also helps define private / public spaces. Whilst the character shown is generally open, hedge and shrub planting should in most cases create defensible space for properties and a buffer to the street. Side and rear garden boundaries alongside the public realm are proposed as timber fences, which are generally not considered acceptable as they should generally be brick walls. The houses facing onto the POS are particularly vulnerable in this respect.
- 6.17. The existing trees on site are protected by TPO. Whilst, the degree of tree loss is regrettable it would not be possible to develop the site for housing and retain all the trees on the site. As part of the original planning application an approach for tree retention and removal was agreed between the LPA and the applicant.
- 6.18. The key areas of tree / woodland retention are along the eastern site boundary (adjoining rear gardens of Josiah Road) and along the southern boundary (along the frontage of Tessall Lane and to the rear of houses on Tessall Lane). Retaining these trees will help to preserve the privacy and amenity of existing residents, and create a mature landscape setting for the site, retaining the sense of place and character of Tessall Lane. Importantly, the scheme includes the retention of a spine of wooded open space running north to south which would be overlooked, open and accessible to residents. Again, this would integrate mature elements from the original site into the layout and be a positive feature in the scheme.
- 6.19. Detailed planting plans have been provided, including size of trees to be planted. Some improvements have been made since the initial proposals, including a greater diversity of species and additional trees. Generally, the tree planting would have a good seasonal impact, would be suitable for the use of the site and its housing density, and would make streets more distinctive and memorable. The tree canopy calculation identifies that a net gain in canopy cover would be achieved.
- 6.20. The palette of shrubs and hedges are generally robust and suitable. They are specified at a good size for instant impact with the majority of frontages defined by planting to reinforce defensible space and to have the maximum impact on the public realm. Where this is not the case, it is usually to create areas of contrasting street character such as the cul de sacs and private drives.
- 6.21. Whilst concerns remain regarding boundary treatment, the landscape proposals in general are considered acceptable. The loss of trees and replacement canopy cover has been reviewed by the Arboricultural Officer. They have advised that the canopy cover assessment details all tree canopy changes and expected canopy with a margin for reduced establishment and / or growth is well thought through and presented and that it is an accurate representation of the future position. The tree species proposed are acceptable. The landscaping plans set out in detail the interventions used and this would likely result in a biodiversity gain given the poor value of the intensively managed grasslands associated with golf course fairways.
- 6.22. I consider that the proposed Phase 2 reserved matters are acceptable in terms of landscaping.

#### Residential Amenity

- 6.23. All of the proposed house and flat types comply with the National Space Standards both in terms of unit sizes and bedroom sizes.
- 6.24. The layout has been amended to address back to back separation distances, which now primarily comply with the Places for Living guidelines. 8 properties would fall

short of the required 21m rear window to rear window guideline at between 19.3 and 20.8m and a further 22 properties would fall short of the 12.5m guideline from window to flank wall at between 9.3m and 11.9m. These shortfalls are considered acceptable in order to achieve perimeter blocks and a consistent urban grain to the new development.

- 6.25. All but 26 (7%) of the houses would have garden sizes that meet the guidelines in Places for Living of 52sq.m/70sq.m. In these instances, the gardens would range from 45.6sq.m to 51.1sqm for the two bedroom properties and from 50.7sqm to 69.8sq.m for the three bedroom properties. Whilst this is regrettable, it has been necessary in order to achieve good design with corner turning houses and perimeter blocks. I consider that the small percentage across this phase is acceptable due to the large amount of public open space being delivered on site through the central POS and the POS within this phase of development. I am also conscious that buyers would be able to choose whether they wanted the dwellings with the smaller gardens. In order to protect amenity for future occupiers, a condition to remove permitted development rights for extensions is recommended for the affected plots.
- 6.26. Some of the proposed flats would have small amenity areas available around the blocks but no formal amenity space is proposed for any of the flats on site. Whilst this falls below the guideline of 30sq.m per unit, given their location and the significant public open space provided within the wider site development, I consider this acceptable.
- 6.27. In terms of impact on existing residential amenity, a number of phase 2 units would be side on to/rear elevation facing existing houses on Tessall Lane and front or be side on to rear boundaries of properties on Josiah Road. With regards to Tessall Lane properties, there would be 10m between the new house boundaries and that of the rear boundary of the properties and some 30m between windowed elevations. With regards to properties in Josiah Road, these would be a minimum of 15m from the rear boundary. These boundaries would be screened by significant tree planting. On this basis, I consider that the proposed development would not lead to a loss of privacy or overlooking from the new residents to those existing adjacent to the site.

## 7. Conclusion

- 7.1. I consider the proposed Phase 2 reserved matters submission for the development of 353 dwellings to be acceptable in terms of appearance, layout, scale and landscaping and in general accordance with the outline planning permission approved Development Framework Plan. The siting, scale and appearance of the proposed development would be acceptable and would not have an adverse impact on adjacent residential amenity. The development would provide an acceptable living environment for future occupiers. As such, I therefore consider the proposal would constitute sustainable development and I recommend that reserved matters approval is granted.

## 8. Recommendation

- 8.1. That the reserved matters submission for appearance, scale, layout and landscaping be approved.

- 
- |   |  |
|---|--|
| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Requires the scheme to be in accordance with the listed approved plans |
| 3 | Requires Obscure Glazing in Certain Plot Side Windows                  |
-

- 
- 4 Requires the submission of details of a communal satellite dish
  - 5 Requires the submission of sample materials
  - 6 Removes PD Rights for hard surfacing of front garden
  - 7 Removes PD rights for extensions
  - 8 Arboricultural Method Statement and Tree Protection Plan - Implementation
- 

Case Officer: Pam Brennan



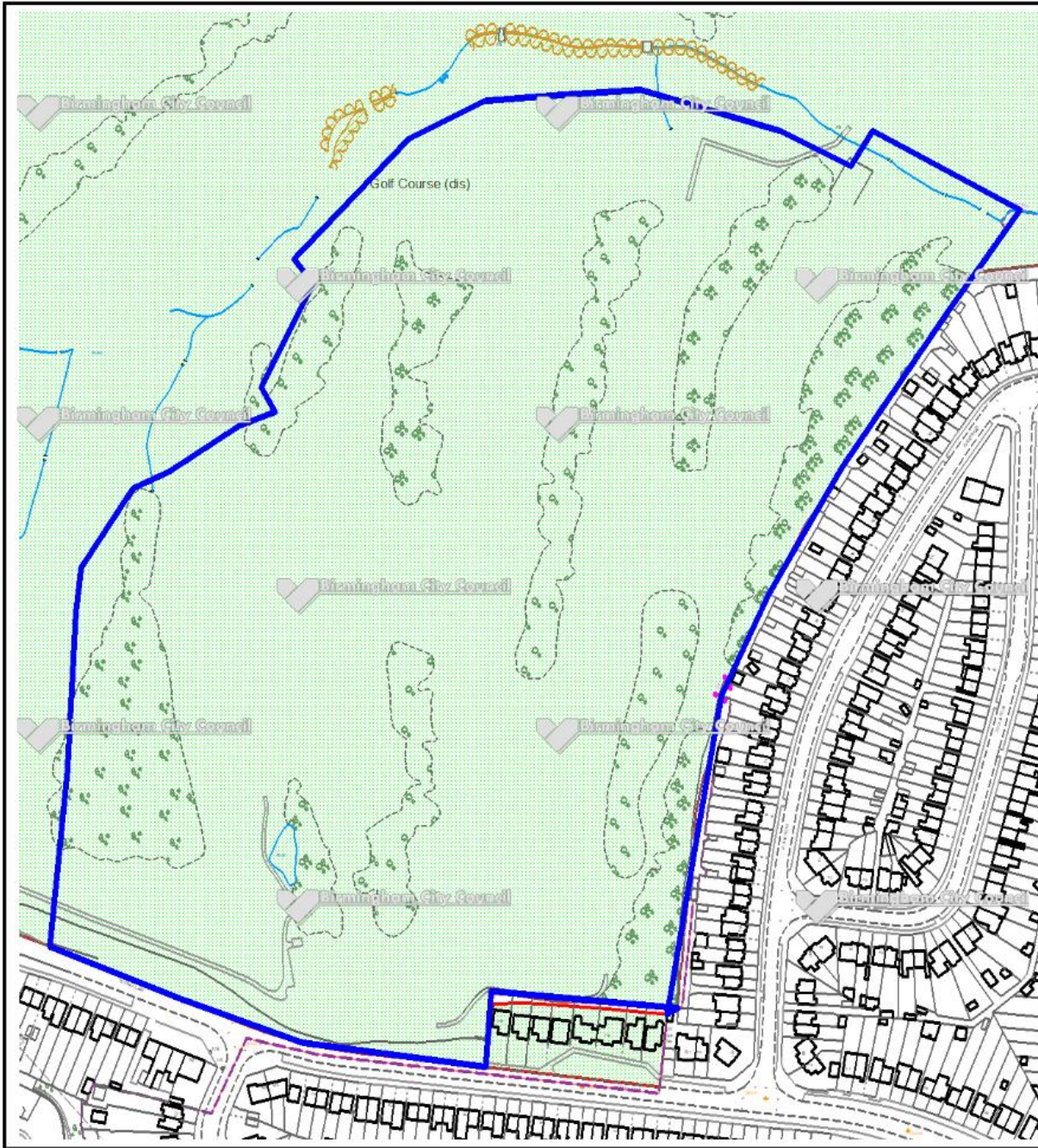
## Photo(s)



Aerial View of North Worcestershire Golf Course



## 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

# **Birmingham City Council**

## **Planning Committee**

**24 February 2022**

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	12	2021/08104/PA  Phase 2 Public Realm at land bounded by Paradise Circus Queensway and surroundings including Chamberlain Square, and Paradise Street Birmingham B3 3HJ  Reserved Matters application (scale, appearance, layout and landscaping) pursuant to outline planning permission 2021/07244/PA for public realm proposals and associated development relating to Phase 2b of the development.
Approve – Conditions	13	2021/09215/PA  Lawson Street Car Park Aston Birmingham B4 7DQ  Proposed purpose-built student accommodation comprising of 184 bed spaces constructed over nine storeys with external landscaping and associated works



Committee Date:	24/02/2022	Application Number:	2021/08104/PA
Accepted:	20/09/2021	Application Type:	Reserved Matters Development
Target Date:	28/02/2022		
Ward:	Ladywood		

Phase 2 Public Realm at land bounded by, Paradise Circus Queensway and surroundings including Chamberlain Square, and Paradise Street, Birmingham, B3 3HJ

Reserved Matters application (scale, appearance, layout and landscaping) pursuant to outline planning permission 2021/07244/PA for public realm proposals and associated development relating to Phase 2b of the development.

Applicant: Paradise Circus Limited Partnership  
C/o Agent  
Agent: Turley  
9 Colmore Row, Birmingham, B3 2BJ

### Recommendation

### **Approve subject to Conditions**

#### 1. Proposal

- 1.1. The This application is for reserved matters in relation to scale, appearance, layout and landscaping pursuant to outline planning permission 2021/07244/PA for public realm proposals and associated development relating to Phase 2b of the Paradise development. It includes key public routes and spaces, including Ratcliff Square; The Western Terrace & Easy Row Subway; Ratcliff Passage; The interface with Paradise Street; and other streets between the buildings.



Phase 2B Public Realm key public routes and spaces

## Layout and Scale

- 1.2. The public realm includes a series of continuous streets and spaces that connect the Paradise development with its surroundings. It forms the interface with 1 Centenary Way and 2 Chamberlain Square to the north, Paradise Street to the south, the Town Hall to the east and Alpha Tower and Arena Central to the west.
- 1.3. To the west, Easy Row Subway will be enhanced and refurbished connecting Alpha Tower and the Arena Central development to Paradise and the city core. The newly proposed Western Terrace is the westernmost public space in the Paradise Development and addresses the level change from Paradise down to the Subway.



Illustrative view of Western Terrace with access to Easy Row Subway

- 1.4. Centrally within the site, a new public square ('Ratcliff Square') is located, which is surrounded by the proposed Hotel, Three Chamberlain Square (proposed), one Centenary Square (existing) and One Centenary Way (under construction). It will act as a largely transient space, with the access to the wider basement and cycle hub to the north of the square but has been designed to allow users to dwell and meet. A service corridor is proposed below Ratcliff Square, which will connect the Hotel and 3 Chamberlain Square with the wider Paradise basement.



Illustrative view of Ratcliff Square

- 1.5. To the south is the interface with Paradise Street. Taxis and some servicing and emergency vehicles will access the development from Paradise Street. However, the interface has been designed to prioritise pedestrian movements, and minimise vehicular movements, with most of the servicing taking place via the service tunnel below Ratcliff Square. A taxi drop-off and vehicular manoeuvring space is proposed in the space to the south of the Hotel.



Illustrative view of Paradise Street

- 1.6. To the east is Ratcliff Passage, a new tree lined street between the Town Hall and 3 Chamberlain Square. This space will accommodate the relocated statues of James Watts and Joseph Priestly. Whilst this will be a largely pedestrian space, some servicing access to the Town Hall will be accommodated.



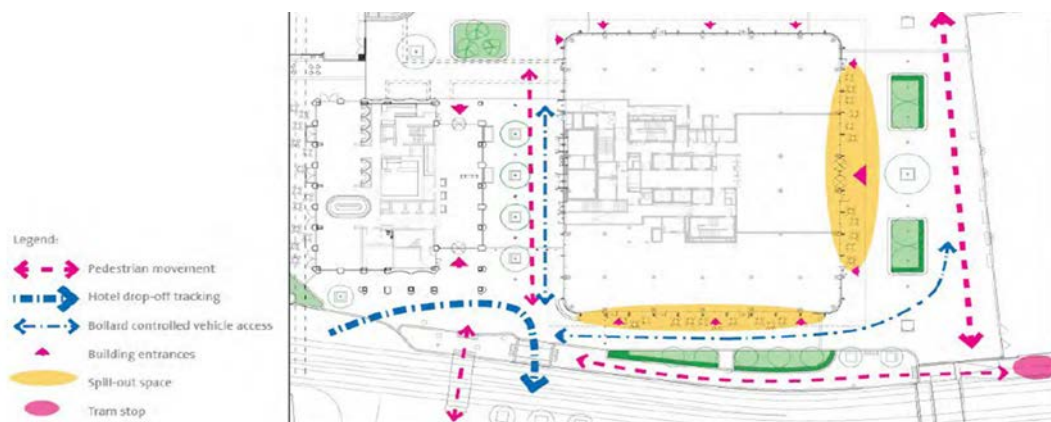
Illustrative view of Ratcliff Passage

- 1.7. In accordance with approved Parameter Plan, all streets and spaces between buildings are at least 5m in width. The following distances between buildings are achieved:
- Distance between 3CS and Hotel – approximately 10.9m
  - Distance between Hotel and 1CW – approximately 6.5m
  - Distance between 3CS and 2CS – a minimum of 8.5m at the narrowest point



## Appearance

- 1.8. The public realm is primarily hard landscaped, incorporating a variety of granite and Yorkstone to reflect the function of the differing spaces, with subtle variations in the paving mix and colour to differentiate spatial hierarchy, accommodate vehicular movements where required, and respect heritage buildings.
- 1.9. Phase 2B will also include lighting, giving it a distinctive night-time character, and create safe spaces which encourage pedestrian movements.
- 1.10. In consultation with the Town Hall, Midlands Metro Alliance and Birmingham City Council Highways, the applicant has developed an alternative servicing arrangement for Paradise Street, which will see the taxi drop-off area located to the south of the Hotel, as opposed to between the Hotel and 3 Centenary Square as envisaged in the original outline planning permission. This will reduce the extent of vehicular access within the development and maximise opportunities to deliver useable public space and pedestrian friendly zones.



Phase 2B Vehicular Access Strategy

## Trees and Planting

- 1.11. A condition of the outline planning permission requires the development to be delivered in accordance with the approved 'Tree Replacement Strategy.' The Tree Replacement Strategy covers the entire site and seeks to ensure that all trees lost through the development of the site are replaced "one-for-one" through the detailed design proposals. The Tree Replacement Strategy includes a tree masterplan which provides guidance on the type of trees to be provided across the development.
- 1.12. In accordance with the Tree Replacement Strategy, a 'Feature' tree is located within Ratcliff Square. 'Feature' and 'Avenue' trees are proposed to the west of Western Terrace, between the Hotel and 3CS, along Ratcliff Passage and on Paradise Street. 'Multi-stem trees' are proposed in clusters within Western Terrace and Ratcliff Square, amongst proposed street furniture.

## Supporting Statements

- 1.13. The application is supported by the following documents: -
  - Planning Statement
  - Statement of Community Involvement
  - Design and Access Statement
  - Lighting Strategy
  - Phase 2 Daylight / Sunlight / Overshadowing Assessment

- Phase 2 Wind Assessment

1.14. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The 0.523 ha site is located within the southern half of the Paradise development site. The site is vacant and is currently being used as a temporary construction compound associated with the wider Paradise development. The site extends to include the subway, known as 'Easy Row Subway', below Paradise Circus Queensway.
- 2.2. The site's immediate surroundings include the Grade I listed Town Hall to the east, Paradise Street to the south, One Centenary Way (1CW) and Two Chamberlain Square to the north, and Paradise Circus and the Alpha Tower to the west. In the future, two areas of in the middle of the Site will be occupied by the proposed Hotel and Three Chamberlain Square, for which reserved matters approval is being sought under separate, concurrent applications.
- 2.3. The wider Paradise development site is located between Centenary Square to the west and Chamberlain Square to the east. The site is broadly contained within the former Paradise Circus Queensway gyratory system, which previously ran clockwise around the site, but was redesigned as part of the original outline planning permission. The A38 Queensway tunnel runs underneath the site. Paradise forms part of a transitional area between the traditional 'City Core', including the Central Business District, Retail Core, and civic heart, to the east and the south, the Jewellery Quarter (predominantly residential) to the north, and the wider 'Westside' convention and entertainment quarter to the west.

3. Planning History

- 3.1. 21.12.2012 - 2012/05118/PA - Listed Building Consent for the demolition of Congreve House and restoration works to the first and second floor façade of the Council House Extension. Approved.
- 3.2. 08.02.2013 – 2012/05116/PA – Outline planning application (all matters reserved save for access) for demolition of all buildings on the site (save for the Joseph Chamberlain Memorial) and commercial led mixed use redevelopment of up to 170,012 square metres gross internal floorspace, comprising offices (Use Class B1a), retail and leisure units (Use Classes A1/A2/A3/A4/A5/D1/D2), concert hall (D2), energy centre (Sui Generis), together with a hotel of up to 250 bedrooms (Use Class C1), car parking, highways works (to include the closure of eastern arm of Paradise Circus gyratory), public realm improvements and associated works including alterations to public rights of way. Approved.
- 3.3. 10.10.2014 – 2014/05319/PA – Variation of Conditions 2, 5, 6, 7, 10, 11, 12, 13, 15, 16, 18, 22, 24, 25, 26, 27, 29, 30, 32, 36 and 55 attached to planning permission 2012/05116/PA. Approved.
- 3.4. 17.09.2015 - 2015/05009/PA - Reserved matters application (scale, appearance, layout and landscaping) pursuant to outline approval 2014/05319/PA for the erection of a part eight, part nine storey office and retail building (Building E) and associated development. (2 Chamberlain Square). Approved.
- 3.5. 17.09.2015 – 2015/05010/PA – Reserved matters application (scale, appearance, layout and landscaping) pursuant to outline approval 2014/05319/PA for phase 1

public realm (including Chamberlain Square) and basement car park/servicing areas. Approved.

- 3.6. 17.09.2015 – 2015/05012/PA – Reserved matters application (scale, appearance, layout and landscaping) pursuant to outline approval 2014/05319/PA for the erection of an eight storey office and retail building (Building D) and associated development. Approved.
- 3.7. 17.09.2017 – 2017/03356/PA – Variation of conditions 40, 43 and 44 to allow for changes to the approved plans and design protocol, variation of condition 56 to allow for a reduction in the minimum distance between the hotel and building F, variation of condition 41 to allow for an increase in the number of hotel bedrooms and the removal of condition 53 to remove the requirement for the replacement of the Adrian Boulton Hall of application 2014/05319/PA. Approved.
- 3.8. 01.03.2018 – 2017/10835/PA – Reserved Matters Application (scale, appearance, layout and landscaping) pursuant to outline planning permission 2017/03356/PA for the erection of a fourteen storey office and retail building (Building G) and associated development. Approved.
- 3.9. 27.12.2018 – 2018/09441/PA – Reserved Matters application (scale, appearance, layout and landscaping) pursuant to outline planning permission 2017/03356/PA for public realm proposals relating to Phase 2a of the development. Approved.
- 3.10. 26.07.2019 – 2019/05220/PA – Variation of Condition No 41 attached to approval 2017/03356/PA to vary the wording to enable the proposed restaurant operator to occupy Retail Unit. Approved.
- 3.11. 23.08.2021 - 2020/08215/PA - Demolition of existing buildings, site clearance and the erection of 49 storey building comprising 370 residential apartments (Use Class C3), lower ground/upper ground floor commercial/leisure space (Use Class E (a), (b) and (d) and residents' reception, amenity space, storage and cycle parking, accessible parking spaces, pedestrian and service vehicular access, highway works, plant, landscaping and associated works at Plot A of Phase 3. Approved.
- 3.12. 10.11.2021 - 2021/08276/PA - Application for a Certificate of Lawfulness of proposed use or development for the continued implementation of the outline planning permission for Paradise (reference 2017/03356/PA) following the implementation of the planning permission for octagon (reference 2020/08215/PA). Granted.
- 3.13. 11.11.2021 - 2021/07244/PA – Application for variation of conditions attached to planning permission reference 2017/03356/PA including: variation of conditions 40, 43 and 44 to allow for changes to the approved plans, parameter plans and design protocol (to reflect proposed changes to building heights and massing, as well as changes to highways layout); variation of condition 55 to allow flexibility for an alternative hotel taxi drop off and servicing strategy; variation of condition 41 to allow for changes to the maximum floorspace limits for ancillary uses and changes to the maximum unit size for ancillary uses; variation of condition 39 to allow demolition to occur prior to reserved matters approval; and variation of conditions 28, 35, 41 and 49 to reflect amendments to the Use Class Order. Approved subject to completion of a legal agreement.
- 3.14. 2021/08105/PA - Reserved Matters application (scale, appearance, layout and landscaping) pursuant to outline planning permission 2021/07244/PA for the erection of a 10 storey office building (Building F), with flexible ground floor retail use, and associated development – awaiting determination.

- 3.15. 2021/08106/PA - Reserved Matters application (scale, appearance, layout and landscaping) pursuant to outline planning permission 2021/07244/PA for the erection of a seventeen-storey hotel, with ancillary restaurant and bar, and associated development – awaiting determination

4. Consultation/PP Responses

- 4.1. Nearby occupiers, residents' associations, local ward councillors, MP, Retail Birmingham BID, Colmore Row BID and Westside BID have been notified, Site and press notices have also been displayed.
- 4.2. BCC Transportation – no objections subject to conditions regarding the details of the bollards, the need for a S278 agreement regarding works to the subway and the need for a stopping up order. They comment that a ramp could be used by cyclists unless the developer wishes to erect signs to restrict its use.
- 4.3. BCC Regulatory Services – no objections.
- 4.4. Historic England – no comments to make.
- 4.5. Birmingham Civic Society – support the application but the Western Terrace and the connection with the Hotel where it turns the corner should be improved. The planting alongside Paradise street on the Western Terrace sits uncomfortably with the hotel's geometry and the tree in front of the loggia appears incongruous.
- 4.6. West Midland Police – recommend lighting and CCTV. A Protective Security Strategy (PSS) should also be developed for these projects. Also recommended CCTV is installed and the use of anti-graffiti paint to the walls of Easy Row Subway
- 4.7. West Midlands Fire Service – the approval of Building Control will be required to Part B of the Building Regulations 2010.
- 4.8. Access Birmingham – support the proposals

5. Policy Context

- 5.1. Birmingham Development Plan, Places for Living SPG; Places for All SPG; High Places SPG, Car Parking Guidelines SPD; Colmore Row and Environs Conservation Area Character Appraisal and Supplementary Planning Policies, Jewellery Quarter Conservation Area Appraisal and Management Plan; Birmingham Development Management DPD; Draft Birmingham Design Guide SPD; and National Planning Policy Framework.

6. Planning Considerations

- 6.1. The main issues to consider are urban design, heritage, landscaping and highway safety.

Urban Design

- 6.2. The application concerns the spaces around and between the new hotel and office buildings that form part of Phase 2, including space to the south west of the grade I listed Town Hall through the creation of Ratcliffe Passage. The general layout and positioning of these spaces, their function, connections and levels generally accord with the original masterplan (as amended) and the planning applications for 'Three Chamberlain Square' and the hotel.

- 6.3. In detail:
- The use of Yorkstone and granite are considered good quality materials which are complementary to the existing civic character of the area and like those used for Chamberlain Square.
  - Planting is within defined pits and raised planters with integrated furniture. Species are appropriate and are of an acceptable size.
  - The combination of contemporary lighting columns, integrated lighting into handrails and street furniture, wash/up lighting of trees and feature cladding and building mounted luminaries, including under soffits and canopies and corner lighting in Easy Row Subway, are all acceptable and applied with consideration according to place, giving good surveillance and highlighting areas of function.
  - Signage is kept to a minimum as the masterplan itself has improved legibility from how the site previously functioned.

#### Heritage Issues

- 6.4. Both the City Council's Urban Design Manager and Conservation Officer consider that the proposals are generally acceptable apart from the following two issues which have some heritage implications:
- Confirmation is required that the reinstatement of the two statues (Joseph Priestly and James Watt) are accommodated within Ratcliff Passage as these are important for the cultural heritage of the Civic Quarter; and
  - The sub base and paving around the Town Hall appears to be directly up to the plinth and without knowing what the sub base is damp issues and spolding of the stonework of the grade I listed building may occur.
- 6.5. The applicant has confirmed it is their intention to reinstate the two statues as required by the S106 Agreement associated with the outline planning permission and the approved public art strategy. The development is creating a consistent edge treatment around the Town Hall, with the paving extending to the plinth edge as per the arrangement on the other elevations of the building but in order to safeguard the Town Hall a condition is attached to secure sub-base details, and further review of this to identify whether an alternative approach is required.

#### Landscaping and Trees

- 6.6. There are no existing trees within the site although there previously was a small park opposite the Town Hall. The City Council's Tree officer has expressed concern about the range of trees and lack of detail of the tree planting pits and grilles. A condition requiring details of new public realm including hard and soft landscaping details is attached to the outline planning permission (ref: 2021/07244/PA) which covers all phases of development within the Paradise masterplan. It is not therefore to attach a soft landscaping condition to this reserved matter approval.

#### Highway Issues

- 6.7. There are no concerns from a highway safety perspective as all issues have been addressed via the outline permission. No further conditions are required to address the issues now raised by Highways, apart from the need for a resolution to progress a stopping up order.

#### Civic Society

- 6.8. As regards the comments by the Civic Society, it is considered that the proposed pedestrian link is satisfactory as it provides a connection within the public realm



between Paradise Street and the Western Terrace, allowing the hotel to be accessible from all sides, and ensuring pedestrians can easily route between the Easy Row Subway and Paradise Street.

#### Fire and Police

- 6.9. The applicant has confirmed that the public realm proposals will comply with the guidance and standards set out within the fire service comments and the paving / sub-base will be designed to take the fire engine load where required.
- 6.10. In respect of the West Midlands Police comments anti-graffiti coating to the walls of the subway can be explored. However, the proposals for the subway are likely to include alternative wall treatments such as perforated cladding and opportunities for art installations, meaning an anti-graffiti coating may not be appropriate.

#### 7. Conclusion

- 7.1. Overall, the proposed development accords with all requirements of the outline planning permission in all respects and accords with the requirements of relevant national and local planning requirements. To address concerns about the impact on the Town Hall, a condition is attached to secure sub-base details, and further review to identify whether an alternative approach is required.

#### 8. Recommendation

- 8.1. That planning application 2021/08104/PA be approved subject to the completion of the planning obligation agreement in connection with application 2021/07244/PA and the conditions listed below.
- 8.2. That the Director of Legal Services be authorised to make an Order in accordance with the provisions of Section 257 of the Town and Country Planning Act 1990.

---

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

2	Requires the prior submission of sub base details alongside the Town Hall
---	---

---

Case Officer:           David Wells

## Photo(s)



Illustrative View of the Western Terrace



Illustrative View of Ratcliff Square



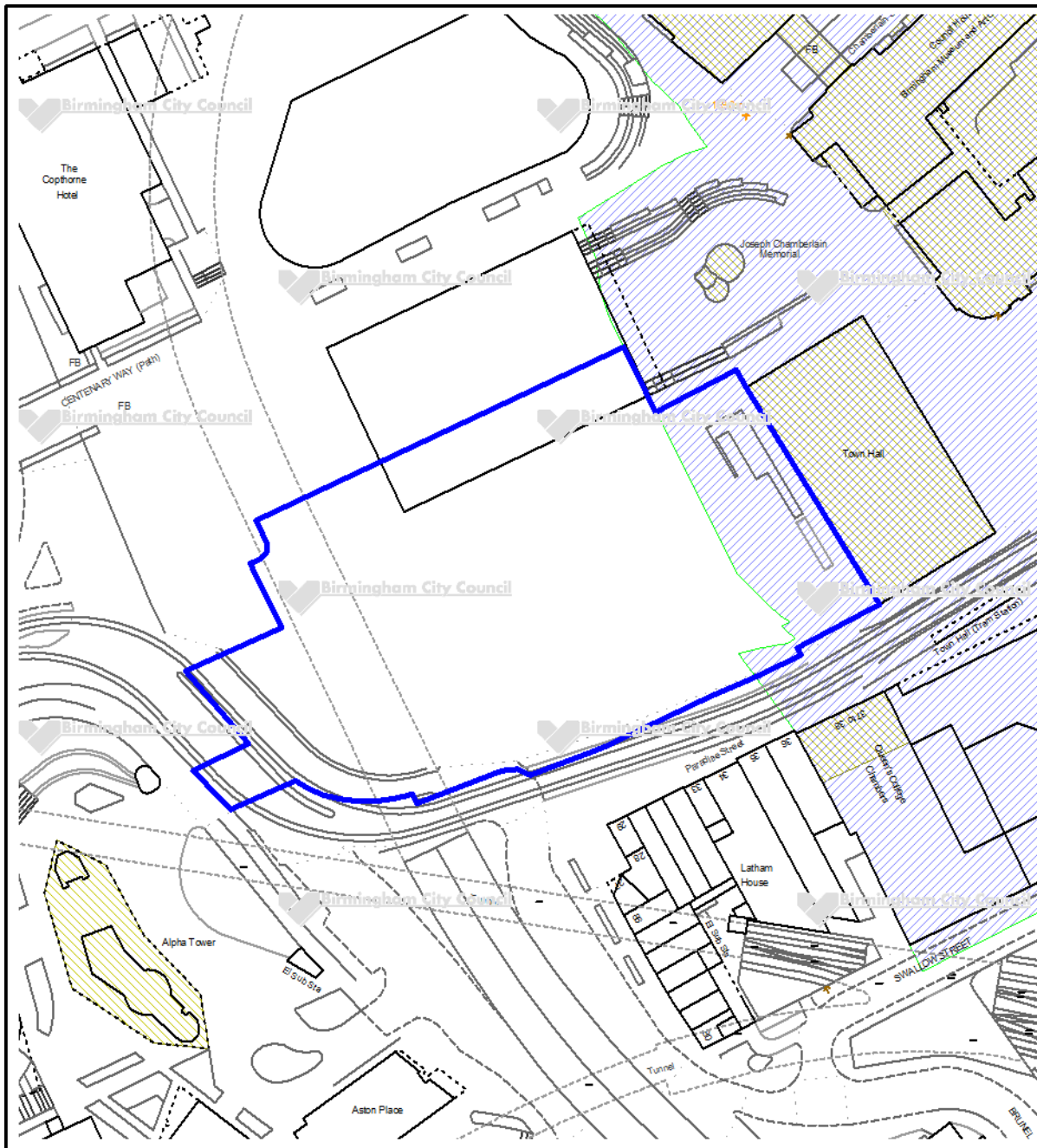
Illustrative view along Ratcliff Passage



Illustrative view along Paradise Street toward Alpha Tower



## 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

---

Committee Date:	24/02/2022	Application Number:	2021/09215/PA
Accepted:	27/10/2021	Application Type:	Full Planning
Target Date:	26/02/2022		
Ward:	Newtown		

Lawson Street Car Park, Aston, Birmingham, B4 7DQ

Proposed purpose-built student accommodation comprising of 184 bed spaces constructed over nine storeys with external landscaping and associated works

Applicant: SIG 23 Ltd  
Suite 5 2nd Floor, 1 Homer Road, Solihull, B91 3QG  
Agent: Reddy Nallamilli  
Plan Associates Ltd, Suite 306, Neville House,, 42-46 Hagley Road, Birmingham B16 8PE,

---

Recommendation

**Approve subject to Conditions**

1. Proposal

- 1.1. This is a full application for the development of a former Council surface car park at the Junction of Lawson Street and Staniforth Street, to provide purpose-built student accommodation (PBSA).
- 1.2. The accommodation is comprised of 184 bed spaces (made up of 76 studio flats and 20 cluster flats) constructed to a maximum of nine storeys with external landscaping, roof terrace and associated works.
- 1.3. There are 3 No. types of accommodation in the proposed scheme: all units would have private en-suites in addition to the floor space described below.
  - Flats with shared communal facilities; 10-15m<sup>2</sup> with communal kitchen/lounge of around 23-25m<sup>2</sup>.
  - Studio Units; 16-21m<sup>2</sup>; and
  - Studio Units that meet the Equality Act (2010) requirement 23-25 m<sup>2</sup>
- 1.4. The ground floor would comprise a mix of functional and communal spaces serving the development, including an entrance and lobby, games room, lounge, yoga room, gym and building service areas for bin storage, laundry facilities and plant. Above the ground floor is a mezzanine floor with some communal study space, 1x 5 bedroom cluster flat and 14 studio units. The seven storeys above this contain the remaining accommodation, made up of cluster and studio flats. The 6th Floor has a communal 'roof lounge' giving access to an external roof terrace.
- 1.5. The proposal is intended to be a car-free development with emergency access and servicing provided from Lawson Street and Staniforth Street, 30% cycle parking provision is proposed, with cycle storage contained within the external courtyard area.
- 1.7 The application is supported by the following documents:



Planning Statement; Design and Access Statement; Student Accommodation; Needs Assessment; Air Quality Assessment; Noise Assessment; Heritage Impact Statement; Archaeology Statement; Drainage strategy; Transport Statement; Estate Management Plan; Townscape Visual Impact Assessment; Land Contamination Assessment; Landscaping Scheme; Biodiversity Net Gain Report and Ecological Enhancement Strategy; Fire Safety Statement; Energy Statement; Sunlight and Daylight Assessment

1.1. [Link to Documents](#)

2. [Site & Surroundings](#)

2.1. The site comprises a surface level car park amounting to 0.10ha of land on the eastern side of a block fronting Lawson Street (to the south) and Staniforth Street (to the east). The site is currently enclosed by a 1.8m wooden fence, with access from Lawson Street. The surface level carpark is finished in tarmac and is relatively flat, however, Lawson Street is on a decline towards Lancaster Street, which is at a lower elevation.

2.2. The site is north of the City Core, but within the City Centre, close to Aston University and the Birmingham Children's Hospital (to the south) as well as the Gun Quarter (to the west) and Newtown (to the north). The surrounding area comprises an area of traditional streets surrounded by (and separated) from the wider city by post war expressways. Over recent years significant investment has been attracted into this area and medium to high rise residential development (mostly student) has been constructed on a new city scale around a small number of retained early 20th century buildings including the former Turks Head Public House (PH) now used as an A5 pizza takeaway, the former Ben Johnson PH a vacant locally listed building.

2.3. The wider block contains a cleared area of land to the west, where a new student development is consented, overlooking Lancaster Street, and a student block exists to the immediate north 'Staniforth House'. The wider area is characterised by other residential and student blocks to the east (on the opposite side of Staniforth Street) lies 'The Heights' a student housing development in a part 3 storey and part 7 storey building. At the northern end of Staniforth Street at the junction with Bagot Street is a further student housing development in buildings of varying heights from 9 to 17 storeys. Office including the Council office 'Lancaster Circus' to the south (on the opposite side of Lawson Street. The 'Onyx' Student Accommodation is also in very close proximity to the application site over Lancaster Street.

3. [Planning History](#)

3.1. Site planning history

- Lawson Street/Staniforth Street – Application 24164002 - Car Park, Approved 28<sup>th</sup> June 1973.

3.2. Surrounding site planning history:

- International House, Staniforth Street - Application 2016/07872/PA. Planning consent granted for demolition of existing buildings and the erection of a part 6 storey, part 10-storey, part 14 storey building to provide student accommodation (Sui Generis) comprising 586 student bedspaces; communal areas with associated landscaping and cycle parking and a Class A1/A3 commercial unit at ground floor level of 82m2 – Approved 23 December 2016.
- 75-79 Lancaster Street- Application 2018/08221/PA - Demolition of existing buildings and development of a 24 storey building with 8 storey shoulder height buildings to provide purpose-built student accommodation (556 bed-spaces) with external landscaping and associated works. Approved 3<sup>rd</sup> January 2019

4. [Consultation/PP Responses](#)

- 4.1. The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site and a notice was displayed in the local press.
- 4.2. One letter of representation was received from a member of the public raising the following points;
  - Loss of light and overshadowing
  - Loss of privacy
- 4.3. BCC Transportation- No objection subject to conditions relating to cycle parking, drop-off management plan, reinstating footpath, and a construction management plan.
- 4.4. Local Lead Flood Authority (LLFA): Object on the basis that additional information is required. The proposed development is located within Flood Zone 1 and is generally at low risk of surface water flooding however the following revisions are required
  - Meet a 2 l/s discharge rate (rather than the 5l/s proposed)
  - Soakaway testing should be undertaken to determine if infiltration of surface water is viable
  - Developer Enquiry Response from STW must be provided
  - Evidence is required demonstrating that all SuDS features have been considered along with justification of why features have been discounted.
  - Detailed calculations, with supporting network layout plan, to demonstrate the proposed network performance are required.
  - Evidence should be provided to ensure that the surface water flood risk associated with exceedance events has been mitigated on- and off-site.
- 4.5. BCC Regulatory Services- Object regarding Air Quality. The officer accepts the construction phase impacts and proposed mitigation however, they do not accept the assessment of impact on new receptors from existing air quality levels. Subject to conditions requiring a phase 2 ground investigation survey, further noise survey to propose suitable mitigation for road noise, they do not object on those grounds.
- 4.6. West Midlands Police: No objections subject to recommendations including CCTV, access control and lighting
- 4.7. HSE- Fire Safety- Comments awaited
- 4.8. BCC Ecology- no objection subject to conditions relating to brown roof and soft landscaping details
- 4.9. West Midland Fire Service- No objection subject to compliance with fire safety requirements of Building Regulations
- 4.10. Severn Trent Water- No objection subject to conditions relating to drainage disposal plans for foul and surface water.
- 4.11. Birmingham Civic Society- Student accommodation is very sensible in this location, but a more serious attempt to engage with the context. objected to the original design
5. Policy Context
  - 5.1. Development Plan Documents

Birmingham Development Plan (BDP, 2017); Development Management in Birmingham (DMB, 2020)
  - 5.2. National Policy and other Supplementary Planning Documents

National Planning Policy Framework (NPPF, 2021); National Design Guide (2019); Planning Practice Guidance (PPG); Places for Living SPD; Places for All SPD; Specific Needs Housing SPG; Community Infrastructure Levy (CIL) Regulations (2010); Birmingham Design Guide (DRAFT Version)

6. Planning Considerations

- 6.1. As the Birmingham Development Plan became 5 years old on 10th January 2022 the NPPF, paragraph 74, requires that the Council's five-year housing land supply must now be calculated against the Local Housing Need figure. As such, the Council cannot now demonstrate a five-year supply of deliverable housing sites and the presumption in favour of sustainable development is therefore engaged.
- 6.2. Consequently, in accordance with Paragraph 11d) of the NPPF, the tilted balance applies for decision taking. Whilst the statutory status of the development plan (the Birmingham Development Plan 2017 and Development Management in Birmingham DPD 2021) has not changed, BDP policies PG1 and TP29 must now be considered out of date and planning permission should be granted unless the adverse impacts of granting permission would 'significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole'.

**Principle of Development**

- 6.3. Policy PG1 sets the overall growth levels for the City, including 51,100 additional homes, with Policy TP29 setting the housing trajectory. As noted above, these policies are now considered to be out of date, with reference to housing.
- 6.4. Policy GA1 promotes the City Centre as the focus for a growing population and states that residential development will be continued to be supported where it provides well-designed high-quality environments with the majority of new housing expected to be delivered on brownfield sites within the existing urban area.
- 6.5. Policies GA1.1 City Centre, Role and Function, GA1.2 City Centre -Growth and Wider Areas of Change, and GA1.3 City Centre -The Quarters are relevant they all support the creation of a vibrant mixed-use area, combining the visitor, cultural, commercial and residential offer into a dynamic well-connected area. The application site sits within the identified Gun Quarter, where mix of uses are supported in principle around the canal, to support the quarters employment role.
- 6.6. Policy TP27 of the Birmingham Development Plan highlights the significance of housing and its importance in the creation of sustainable neighbourhoods; and how this is underpinned by the provision of a wide choice of housing sizes, types, and tenures to ensure balanced communities are created to cater for all incomes and ages. This includes student accommodation. Policy TP28 'The location of new housing' requires new residential development to be well located listing several requirements a residential development site should meet.
- 6.7. TP33 of the BDP (2017) is specific to the development of student accommodation and is positively worded wherein proposals for off-site campus provision will be considered favourably where they would meet five criteria.
- 6.8. The applicant has submitted a Student Needs Assessment (SNA) with the application, which concludes that there is a clear unmet need for student accommodation in Birmingham. The SNA draws heavily upon the Council's report on Student Accommodation Supply and Demand (January 2021) and notes a city-wide shortfall of between 12,000-13,000 bed spaces. However, the SNA does not reflect that the local deficit in the city centre was identified to be much smaller. An addendum was provided to the SNA which provided further PBSA permissions granted in the city in the period 12/2020-12/2021, the addendum argues that these permissions (around 450 approved bed spaces) do not address the shortfall identified in the City's most

recent Student Accommodation Supply and Demand (January 2021) and therefore there is still some demand within the City Centre.

- 6.9. While the SNA states that Birmingham City University (BCU) and Aston University (AU) are the universities that are situated closest to the application site and are therefore likely to most appeal to those studying there, it states that the applicant has no commitments to any university. As such, the proposal “can serve the wider student market” and would be open to students at University of Birmingham, Newman University, University College Birmingham and Ulster University (Birmingham campus) as well as Birmingham City University and Aston University which are most likely, given their proximity.
- 6.10. Nevertheless, the proposed site is very well located to the city centre-based universities of University College Birmingham, Aston University and Birmingham City University. In terms of the proximity to the city centre, the site is a short walk from Birmingham’s main amenities, under 500m from the site with direct access to Birmingham’s two main train stations. Bus services run frequently between Lancaster Street, the university campuses, and the city centre core. Birmingham Snow Hill and New Street stations are about 10mins and 20mins walk respectively. The applicant has provided the distance to the other named institutions which are outside of a walking catchment being 4.1km and 10.6km away and so arguably the development is not ‘very well located to these institutions.
- 6.11. The density of the development exceeds the minimum requirement of 100 dwellings per ha within the city centre, set by Policy TP30.
- 6.12. Overall, it is considered that the applicant has demonstrated that there is a need for PBSA across the city, although less so within the City Centre itself. Notwithstanding, the application site is in a suitable and sustainable location for student accommodation. It is within an area where there are already several existing student residential schemes. Given the proximity of the site to public transport services and higher education institutions as well as the efficient use of brownfield land as encouraged by the NPPF, it is considered that the proposed use is acceptable in principle in this location, in accordance with Policies GA1 and TP33 of the BDP (2017) and the NPPF.
- 6.13. Moreover, the proposal delivers 96 units of residential accommodation (76 studios and 20 cluster flats) helping to deliver housing in accordance with the government’s commitment to significantly boosting the delivery of housing this would assist in meeting the shortfall in the five year housing land supply, in accordance with Policies PG1, TP27 TP28 and TP29 of the BDP (2017).

### **Design and Townscape**

- 6.14. The application site is devoid of any built development, being a surface level carpark and therefore development on this site will result in a more efficient use of land.
- 6.15. The proposed building addresses the two site frontages, one at Lawson Street and an arcaded arrangement along Staniforth Street. Along Staniforth street the proposal would tie into the existing arcaded arrangement on the adjacent student scheme (Staniforth House). Buildings along here are located back of pavement, therefore the proposed layout is in keeping with that character. The inclusion of communal facilities at ground floor level on Staniforth Street would also bring activity to the street and enhance its appearance, creating a positive sense of place. The City Design Manager confirms that the layout of the proposal is acceptable, with regard to design.



**Figure 1. Site Layout**

- 6.16. The scale proposed is appropriate, a lower block is situated along Staniforth Street aligning with the adjacent student building and a taller block along Lawson Street, which matches up to the scale of the approved scheme on the adjacent site. The scale and form are also appropriate to the scale of the wider area and remains subordinate to the towers along Lancaster Street, which is a primary route. The City Design Manager confirms that the supporting Townscape and Visual Impact Assessment provides adequate evidence that height and massing will cause no harm to townscape character.



**Figure 2. Staniforth Street Elevation**

- 6.17. The development will have a 24-hour presence on site with management and security staff, all external access points will be secured and monitored to prevent unwanted/unauthorised entry and a CCTV system covering the common parts and exterior of the building will be installed. West Midlands Police do not object to the proposal. Therefore, it is considered the proposal has made effort to design out crime and create a safe living environment. A CCTV scheme can be secured by a suitably worded condition.



- 6.18. The architecture and proposed materials have changed and improved following the advice of the City Design Manager. The elevations have been simplified which City Design colleagues confirm works with the form of the two blocks by giving emphasis to one elevation over the other. The design includes brick ribs which appear to extend up and over the roof and under the soffit at mezzanine level, this helps add interest to this elevation. The lower section (fronting Staniforth Street) replicates the 'gable' of the larger block but on a tighter grid.



**Figure 3. Proposed Lawson St (South) and Proposed Staniforth St. (East) Elevations**

- 6.19. There is no coherent pallet of materials within the vicinity. The revised plans propose an orange/red brick building with sympathetic tones of 'bronze' metal cladding which is welcomed and is reflective of the small collection of buildings on the east side of Staniforth Street.
- 6.20. An area of landscaping will be provided to the rear and a single specimen tree, natural stone paving material around the pavements and under the colonnade of the building which are welcomed. Soft landscaping in planters are also found on the roof terrace.
- 6.21. Overall, the proposal is of high quality, creating a positive sense of place and responds well to local distinctiveness and providing appropriate landscaping. Therefore, according with Policies PG3 and TP33 of the BDP (2017) and Policy DM4 of the DMB (2021).

### **Historic Environment**

- 6.22. Policy TP12 of the BDP (2017) states that proposals for new development affecting a designated or non-designated heritage asset or its setting, will be determined in accordance with national policy.
- 6.23. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on the local planning authority when determining applications for development which affects a listed building or its setting to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural and historic interest which it possesses.
- 6.24. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
- 6.25. Section 16 of the National Planning Policy Framework provides the national policy on conserving and enhancing the historic environment. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (paragraph 199).
- 6.26. Paragraph 195 of the NPPF also requires local planning authorities to identify and assess the particular significance of any heritage asset that may be affected by a

proposal (including by development affecting the setting of a heritage asset). There are no designated heritage assets within the application site.

- 6.27. The application site is located in close proximity to the:
- Locally listed (former) public house at the southern end of Staniforth Street);
  - Grade II listed (former) Central Fire Station; and
  - Steelhouse Conservation Area
- 6.28. Whilst there is a degree of intervisibility between the site and these assets there is a significant separation in terms of built form and townscape between it and the fire station and conservation area in so far that the impact of the development is negligible as 1 Lancaster Circus and the A38 flyover blocks much of the impact.
- 6.29. With regards the locally listed (former) public house, the impact on the setting is more pronounced, but it is not a significant departure from the general scale of development existing and emerging in the area and therefore it will contribute to the dense urban setting of the development and the impact is at the lower end of less than substantial harm in Framework terms.



**Figure 4. Visual of proposal and Locally Listed Building**

- 6.30. A sound Heritage Statement has been submitted which the Conservation Officer concurs with the findings of and therefore there is no objection to these proposals on heritage grounds.
- 6.31. Therefore, based on the information within the submitted documentation it is considered that the proposal will have a neutral impact upon the designated assets of the Steel House Conservation Area and Grade II Central Fire Station. The proposal would however amount to less than substantial harm to the non-designated asset of the (former) Public House and therefore this harm, which is considered to be on the lower end of the scale, should be weighed in the balance of the merits of the scheme.

#### **Residential Amenity**

- 6.32. There has been one objection received, raising concerns regarding loss of light due to the scale of the proposal and loss of privacy from overlooking.
- 6.33. A Daylight and Sunlight Report was submitted in support of the application. The results confirm that the proposed development does not fully comply with the BRE numerical guidelines. The BRE guidance does state that in an area with modern high-rise buildings a higher degree of obstruction may be unavoidable if new developments are to match the height and proportions of existing buildings. The adjacent Lancaster Street development, 275 Staniforth Street 28-32 Staniforth Street and Staniforth House have been considered.



**Figure 5. Location of properties considered for daylight and sunlight report**

- 6.34. The windows that have been found to be below standard serve student accommodation, and some are bedrooms where arguably less time is spent in daylight hours. In addition, student accommodation is occupied on a transient basis they are not occupied all year round (usually). However, there is a reduction of amenity to some rooms. However, given the nature of the development being student accommodation coupled with the city centre location where some reduction is expected, this does not warrant refusal of the application.
- 6.35. There are no windows on the immediate south elevation of Staniforth House the two buildings are proposed to be built up against each other at this point. There are however bedroom and communal space windows to the rear (west elevation) of this and along the link building of Staniforth House, that would be directly opposite and adjacent to proposed bedroom windows. However, there is a separation distance of around 19m at the closest point, increasing to around 23m due to the angle of the buildings, which is acceptable in this location, particularly given that these buildings are both occupied by students who also have access to private communal space. There are also windows to the west elevation of the proposed building that would face towards the adjacent development site on Lancaster Street, however, these are around 23m away which is again considered acceptable in this location to remain reasonable levels of privacy and outlook.
- 6.36. There is a roof terrace proposed to the sixth floor, which may achieve some views of the roof terrace area on the southern side of the adjacent building. However, this neighbouring building also has other private amenity space, the principal one being on the roof on the link building. Therefore, the proposed terrace would not cause undue loss of privacy. The location of the proposed terrace also means that direct views into bedroom windows of this adjacent buildings are unlikely. The windows within the 'The Heights' across Staniforth Street would be closest; however, this

building is three storeys' therefore the elevation of the proposed terrace at the sixth floor and the proximity of the buildings would mean that views would be very oblique and are therefore unlikely to lead to a loss of privacy. The courtyard areas between buildings are already significantly overlooked by the existing bedroom windows, it is not considered that this proposal, whilst introducing more windows would generate overlooking where significant overlooking does not already exist.

- 6.37. The proposed development would be in close proximity to Lancaster Circus office building, with only the width of the intervening highway separating the office windows from proposed bedroom windows. However, this is not an unusual circumstance with many examples of buildings in such proximity where they are across a public highway.
- 6.38. The size of the proposed cluster bedrooms at about 11 square metres in some instances, is small. However, The Specific Needs Residential Uses SPG includes bedroom sizes for student accommodation, which states the bedroom should be 6.5sqm minimum for a single room, the proposal accords with this. These smaller rooms also have access to a shared lounge and kitchen of around 25sq m. There are also some communal activity spaces proposed including lounge, study areas, wellbeing/yoga room and a gym. There are also external landscaped amenity spaces including a roof terrace and a small ground floor landscaped area in a courtyard formation to the rear of the building.
- 6.39. There are several student blocks in this location, therefore the proposal is compatible with the surrounding uses, which are mostly residential (students) in nature.
- 6.40. Therefore, notwithstanding the concerns raised it is considered that the proposal would provide acceptable levels of residential amenity for neighbouring residents, as well as for potential future occupiers in accordance with Policy DM2 and DM10 of the DMB (2020).

#### **Sustainable Construction**

- 6.41. The Guidance note on Sustainable Construction and Low and Zero Carbon Energy Generation (2021) provides guidance to developers on how to achieve the requirement of Policies TP3 and TP4. This recommends that residential development should aim for at least a 19% reduction in carbon dioxide emission against the Target Emission Rate (TER) of the 2013 Edition of the 2010 Building Regulation (Part L) (i.e. equivalent to Code for Sustainable Homes Level 4 energy criteria). Development should however also incorporate low and zero carbon forms of energy generation.
- 6.42. An Energy Statement was submitted with the application to address the carbon reduction and sustainability requirement set out in the above policies and guidance. The Energy Statement demonstrates that the proposal achieves a reduction of 35.35% in on-site regulated emissions meeting the above minimum of 19%. Photovoltaic Solar Panels and air source heat pumps are incorporated into the design of the building, in accordance with the above Policies. A full scheme and details of low carbon energy generation can be secured by a suitably worded condition.

#### **Transportation**

- 6.43. The site is located on the fringe of the city centre, near the higher education establishments in this part of the City and within easy walking distance of public transport facilities. It is therefore considered to be well located. There are also several similar student schemes in the immediate area which also have low or zero parking levels the Highway Officer highlights that no major highway problems have occurred with these to date.
- 6.44. 184 bedspaces would be provided with 30% cycle parking provision (55 spaces) and zero car parking. This is similar to adjacent developments. Students generally attend Aston University or other academic institutions, so car ownership is very limited, and all on-street parking is controlled up to the Middleway. Whilst this application was submitted before the adoption of the most recent Parking SPG, which according the

interim arrangements does not therefore apply, the site would fall within zone A where low or zero parking provision is supported. Therefore, the Highway Officer has no objections to the proposed development mix and layout.

- 6.45. The existing red-route parking restrictions provide a loading bay opposite the application site that has limited use.
- 6.46. The Transport Assessment concludes that due to the highly sustainable location of the application site it is anticipated that most trips to and from the site during semester time will be on foot; cycle; or public transport in order to access the nearby university campuses and buildings, as well as to access local amenities for shopping and leisure purposes. This is considered to be an accurate assessment.
- 6.47. Therefore, the proposal would not have a detrimental impact upon highway safety nor have a severe impact upon the highway network, due to the low trip rates associated with this type of development and the suitable drop off/ pick up parking availability. Thus, according with Policy TP33, DM14 and DM15.

#### **Contamination, Noise and Air Quality**

- 6.48. *Contaminated Land* - The application is supported by a phase one desk study for contaminated land. The desk study recommends a further phase two intrusive site investigation which can be controlled by a pre-commencement condition.
- 6.49. *Noise* - The application is supported by a noise impact assessment which our Regulatory Service Officer does not consider adequately characterise the noise environment. However, they are satisfied that road traffic noise can be adequately mitigated. This can be secured by a suitable condition for further assessment and to provide design criteria to mitigate noise as well as an assessment of overheating.
- 6.50. *Air Quality* - The application is supported by an air quality assessment. Regulatory Services advises that the construction phase impacts, and proposed mitigation are acceptable. They advise that the assessment of impact on new receptors from existing air quality levels, has not been adequately assessed. Developments on the adjacent sites have had to incorporate air quality mitigation by way of sealed windows and full mechanical ventilation. However, given that adequate mitigation has been possible on adjoining developments it is considered that this could be adequately addressed by a pre-commencement condition requiring further assessment and details of mitigation.
- 6.51. Therefore, subject to conditions the proposal would accord with Policies TP37 of the BDP (2017) and Policy DM1, DM2, DM3 and DM6 of the DMB (2021).

#### **Ecology**

- 6.52. The applicant provided a Biodiversity Net Gain (BNG) calculation, this demonstrates that the existing site has very low ecological value. A number of recently constructed buildings in close proximity to the site include areas of biodiversity roofing; this green infrastructure contributes to the local ecological network and to ecological connectivity within the urban core by providing habitat patches / “stepping stones” for mobile species. The applicant has introduced some measures such as soft landscaping (inclusive of flowering species of ecological value and a maple tree), green/brown roofs, bat/bird boxes and an insect tower which all increase the biodiversity value of the site leading to a net gain, and contribute to the wider ‘stepping stone’ of green infrastructure.
- 6.53. The biodiversity net gains that would be provided mean that the aims and objectives of paragraph 174d of the NPPF would be achieved as well as Policy TP2 and TP8 of the BDP (2017).

#### **Drainage**

- 6.54. A response to the LLFA objection was provided (including the STW developer Enquiry) and the LLFA final comments will be reported.



- 6.55. The response states that opportunity to adopt SuDS principles has been considered, however, there are no nearby watercourses, and a soakaway system is not practical due to the nature of the site (contaminated land and principal aquifer below site). A combination of a brown roof and a cellular attenuation tank is therefore proposed to mitigate run-off rates. The surface water runoff is to be discharged into the Severn Trent Water surface water sewer below Lawson Street. The design of the surface water drainage system restricts surface water discharge rate to 5l/s and provides a 68% betterment on the current situation. The foul drainage would discharge via a gravity system into the Severn Trent Water sewer. There are no objections raised by STW and a copy of the developer enquiry has been provided demonstrating their acceptance of this run off rate.
- 6.56. Given the location of the site within Flood Zone 1, site characteristics limiting soakaway possibilities, it is considered that much of the additional information can be finally agreed by way of condition and a reason for refusal on the basis of surface water drainage could not be substantiated. However, it would be reasonable to request further information confirming infiltration rates via condition and the final specifications of the resulting suitable strategy. This would ensure the proposal accords with Policy TP2 and TP6 of the BDP (2017).

#### **Other Matters**

- 6.57. The development would be liable for CIL. a payment of £463,355.37 required using 2021 figure, this will be updated in line with the 2022 charging schedule.
- 6.58. PBSA is a sui generis use (use class of its own) therefore the affordable housing requirements of TP31 within the BDP (2017) are not applicable.
- 6.59. The scale of the development (above 7 storeys) means that a consultation with Health and Safety Executive- Fire Safety, is required. A Fire Report was completed which sets out the principles, concepts and approach relating to fire safety that have been applied to the development, the HSE have been consulted their final responses will be reported.

#### **7. Conclusion and Planning Balance**

- 7.1. The applicant has demonstrated that there is a need for PBSA across the city, although less so within the City Centre itself. Notwithstanding, the application site is in a suitable and sustainable location for student accommodation and the proposed use is acceptable in principle at this site, in accordance with Policies. In addition, the proposal delivers 96 units of residential accommodation helping to deliver housing in accordance with the government's commitment to significantly boosting the delivery of housing and helping towards the shortfall in the 5-year housing land supply.
- 7.2. The proposal has found to be of high-quality design, creating a positive sense of place responding well to local distinctiveness. Acceptable levels of residential amenity for neighbouring residents, as well as for potential future occupiers has been found, in accordance with Policy.
- 7.3. Technical matters with regards to Highways, Air Quality, Noise, Contamination, Ecology, Sustainable Construction, Flooding and Drainage have been satisfactorily addressed or conditions proposed.
- 7.4. Following the three strands of sustainable development the benefits of the scheme are identified as
- Economic benefits through the construction of the scheme through creation of jobs and constructions spend, albeit for a temporary period. And the continued support of services through additional student population.

- Environmental benefits through the regeneration of the site through the efficient use of brownfield land with a high-quality design development and ecological enhancements providing biodiversity net-gain.
- Social benefits through the provision of 96 units of residential accommodation for students.

7.5. Less than substantial harm on the low end of the scale has been identified to a non-designated heritage asset. However, this limited harm is not considered to outweigh the benefits of the proposal as outlined when weighed in the balance, in accordance Policy TP12 of the BDP (2017) and section 16 of the NPPF (2021).

7.6. Therefore, the merits of the proposal clearly and decisively outweigh the identified limited harm. The proposal would accord with the development plan as a whole and therefore the proposal is recommended for approval.

## 8. Recommendation

8.1. Approve subject to the below conditions:

- 
- |    |  |
|----|--|
| 1  | Implement within 3 years (Full)  |
| 2  | Requires the scheme to be in accordance with the listed approved plans   |
| 3  | Requires the scheme to be in accordance design and access statement  |
| 4  | Requires the prior submission of a construction method statement/management plan                               |
| 5  | Requires the submission of sample materials  |
| 6  | Requires the prior submission of level details   |
| 7  | Requires the submission of a CCTV scheme   |
| 8  | Requires the submission of architectural details   |
| 9  | To ensure information on the proposed low/zero carbon energy technology is submitted                           |
| 10 | Requires the provision of cycle parking prior to occupation  |
| 11 | Requires provision of a management plan for the move in/move out of students at the beginning and end of term. |
| 12 | Reinstatement of redundant highway access  |
| 13 | Requires the prior submission of a contamination remediation scheme  |
| 14 | Requires the submission of unexpected contamination details  |
-

- 
- 15 Requires the submission of an Air Quality Assessment and scheme of mitigation
  - 16 Prior to Above Ground Works Submission of a Proposed Noise Mitigation Scheme
  - 17 Requires the submission of a lighting scheme
  - 18 Requires the prior submission of a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan
  - 19 Requires the prior submission of underground storage tank details
  - 20 Requires the submission of a scheme for ecological/biodiversity/enhancement measures
  - 21 Requires the submission of hard and soft landscape details
  - 22 Requires the submission of details of green/brown roofs
  - 23 Removes PD rights for telecom equipment
  - 24 Limits the occupation of the development to students in education
  - 25 Requires the ground floor windows not to be obscured.
- 

Case Officer: Rhiannon Hill

## Photo(s)



**Lawson Street looking North East**



**Lawson Street looking North**





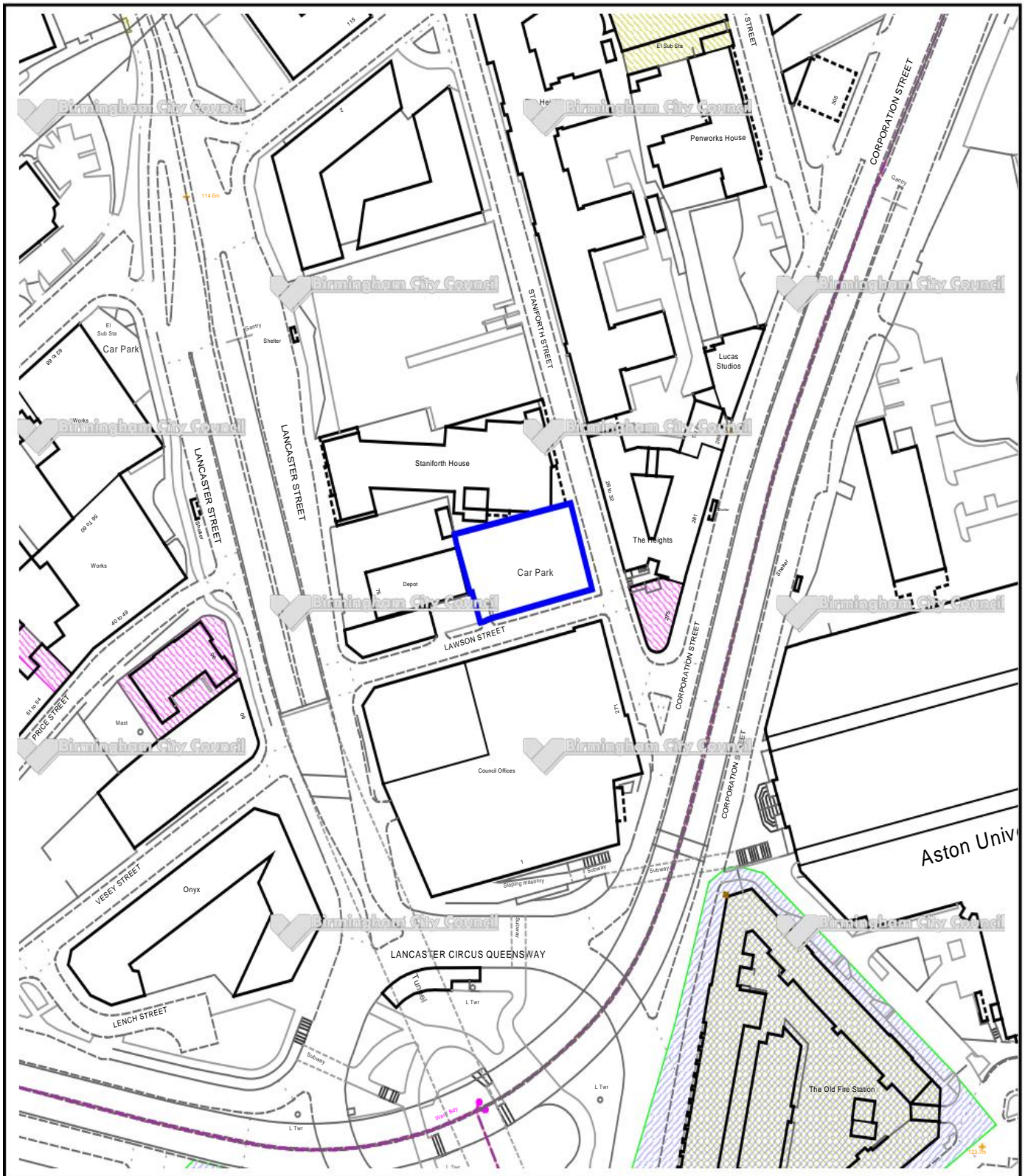
**North along Staniforth Street**



**Locally listed Building Staniforth Street**



## 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

# Birmingham City Council

## Report to Planning Committee

24<sup>th</sup> February 2022

---

**Subject:** Revisions to the Planning Code of Practice and Scheme of Delegation

**Report of:** Acting Director, Inclusive Growth

**Report author:** Sean Hannaby, Interim Assistant Director Planning

Email Address: [sean.hannaby@birmingham.gov.uk](mailto:sean.hannaby@birmingham.gov.uk)

Does the report contain confidential or exempt information? ☐ Yes ☒ No

If relevant, provide exempt information paragraph number or reason if confidential :

### 1. Executive Summary

- 1.1 To seek approval for an updated Planning Code of Practice. The changes include updates to reverse changes made as a result of the Covid 19 pandemic, changes in officers' titles, clarification concerning decision making and amendments to the Public Speaking Protocol.
- 1.2 The current Scheme of Delegation is considered to have been effective in ensuring that decisions are made in a timely manner and has enabled Planning Committee to focus on dealing with the most significant applications. However, it is considered that some further minor changes could help clarify specific issues or introduce specific additional delegation.

### 2. Recommendations:

- 2.1. That the Code of Practice be amended as set out in Appendix 1
- 2.2. Notes that the Scheme of Sub-Delegations will be amended as set out in Appendix 2.

### 3. Background:

As a result of the coronavirus outbreak some changes were made to procedures that can now be reversed. In addition, there have been minor updates; such as amendments to the Public Speaking Protocol, clarification concerning decision making and changes in officers' titles. These changes are set out in the revised document at Appendix 1. Additions are in **RED** typeface and deletions are ~~struck through~~.

- 3.1. The most significant change is a proposed amendment to the Public Speaking Protocol to provide an applicant/agent with an automatic right of reply when an objector has registered to speak even when the applicant/agent has not given notice of their wish to do so beforehand.

- 3.2. The current Scheme of Delegation was agreed in July 2021 as a result of the end to the need for virtual meetings and identifying minor applications on Council owned land, legal determinations or other straightforward decisions that could be determined using delegated powers.
- 3.3. The changes to the scheme of delegation are set out in Appendix 2 with explanatory comments in the column alongside. The proposed changes are as follows:
1. Including Senior Planning Officers in the sub-delegation so that they can determine minor applications for Prior Approvals and Lawful Development Certificates relating to permitted development.
  2. Widening the discretion of the Director or Assistant Director to refer any application to Committee for determination.
  3. Allow minor education proposals to be dealt with under delegated powers where all other criteria within the scheme of delegation are met, where there are no significant objections from consultees and there are less than 20 objectors.
  4. Allow delegated decisions where a S106 agreement is required to simply secure an off-site bio-diversity net gain contribution. With the proposed changes in legislation regarding biodiversity net gain, S106 agreements may be required for relatively minor proposals to simply secure an off-site bio-diversity net gain contribution.

Ian McLeod  
Director of Inclusive Growth (Acting)

Contact Officer: Sean Hannaby Interim Assistant Director Planning  
E-Mail: [sean.hannaby@birmingham.gov.uk](mailto:sean.hannaby@birmingham.gov.uk)

# APPENDIX 1

## Part C8. PLANNING CODE OF PRACTICE FOR MEMBERS AND OFFICERS

### 8.1 Purpose of this Code

- i. This Planning Code of Practice ('the Planning Code') has been prepared to guide Members and officers in the discharge of the City Council's statutory planning functions. This Code will also inform potential developers and the public generally of the high standards of ethical conduct adopted by the Council in the exercise of its planning powers.
- ii. The Planning Code is in addition to Birmingham's adopted Code of Conduct for Members and subject to the responsibilities and requirements as set down by the Monitoring Officer from time to time. The responsibility for declaring an interest rests with individual Members and officers. Members should seek legal advice if they are unsure as to whether they have an interest which may prevent them from taking part in a discussion or vote on a particular planning application. Planning Committee Members must exercise an independent mind on issues before the Committee.
- iii. The provisions of this Planning Code are designed to ensure that planning decisions are taken on proper planning grounds, are applied in a consistent and open manner and that Members and officers making such decisions are held accountable for those decisions. The Planning Code is also designed to assist Members and officers in dealing with approaches from property owners.
- iv. If you have any doubts about the application of this Planning Code, you should seek early advice, preferably well before any meeting takes place, from the Director (**Planning, Transport & Sustainability**~~Inclusive Growth~~) and/or the Assistant Director Planning/Assistant Director Development.

### 8.2 Roles and responsibilities

- i. Members and officers have different but complementary roles in the planning process. Members have more than one role in the process – as Ward Members and as Planning Committee Members.

#### Ward Members not on the Planning Committee

- ii. Ward Members who are not on the Planning Committee are in a position to represent the interests of their Ward when it comes to planning and related applications. Ward Members may:
  - Observe virtual meetings of the Planning Committee
  - Submit written representations to the Planning Committee, subject to the provisions in the public participation protocol;
  - consultations on the draft heads of terms for section 106 agreements;

#### Members who are on the Planning Committee

- i. The role of Members who are involved in the planning decision making process is to exercise their judgment properly on the planning application before them – and be seen to do this. In



coming to a decision on a planning application Members should make this decision based solely on material planning considerations. Officer reports to the Planning Committee will identify what is regarded as material to a decision and if Members are unclear on what matters may or may not be material to a decision they should seek advice from officers.

ii. Whilst Members must act within the law, the exercise of planning judgment is theirs and theirs alone. The Planning Committee must take into account all relevant ministerial guidance, local plans (and related documents) and the advice of officers. The weight Members attach to the relevant considerations is a matter of their planning judgment and Members should not give weight to non-planning related matters that may be raised by members of the public.

iii. Planning Committee Members often receive correspondence from constituents, applicants and developers asking them to support or oppose a particular proposal. Members should electronically forward a copy of the correspondence to the Director (**Planning, Transport & Sustainability**~~Inclusive Growth~~) or Assistant Director Planning/Assistant Director Development or inform them at the Planning Committee if time is short. Merely forwarding the correspondence onto the relevant officer would not prevent the Member being involved in determining the application.

iv. Where Planning Committee Members are involved in pre-application discussions, they should be advised by the appropriate officers of the Council, which should always include a senior planning officer. The involvement of Planning Committee Members in such discussions should be recorded as a written file record of the meeting.

v. Planning Committee Members should not, whether orally or in writing, organise support or opposition to a proposal, lobby other Councillors, act as advocate or put pressure on officers for a particular recommendation.

vi. Members are democratically accountable to their electors and to the wider public on whose behalf they act.

## **Officers**

vii. The Director (**Planning, Transport & Sustainability**~~Inclusive Growth~~) or Assistant Director Planning/Assistant Director Development have a dual role in the decision making process:

- Making decisions on the majority of planning applications under delegated powers.
- Making recommendations on planning matters which are determined by Members at Planning Committee. When making such recommendations the function of officers is to support and advise Members, ensure that any decision they make is lawful and identify any possible consequences of taking decisions.

## **8.3 Predetermination and Bias**

i. In making their decisions, Members of the Planning Committee should not be seen to side with either the applicant or the objector/s prior to the hearing of the application when all the relevant facts are known. Members are required to keep an open mind. This is a requirement of the law and a separate guidance note on predetermination and bias to assist Members in complying with this complex area of legislation and case law is set out in Section C8.13 below.

## **8.4 Development Proposals submitted by Members and Employees**



- i. Where development proposals are submitted by Members and employees in respect of their own property or land it is particularly important that the Council ensures that such applications are handled in a way that gives no grounds for accusations of favouritism.
- ii. Serving Members of Council who submit applications or act as agents should play no part in the decision making process for that application. Further, they should not take part in the processing of the application nor should they lobby employees or officers either directly or indirectly.
- iii. Any planning officer who submits an application for their own property or on behalf of a friend or family member will inform the Director (**Planning, Transport & Sustainability**~~Inclusive Growth~~) or Assistant Director Planning/Assistant Director Development in writing and such applications will be determined ~~by the Planning Committee~~ **in accordance with the Scheme of Delegation**.
- iv. Officers are required under the Employee Code of Conduct to make a declaration by completing the Register of Interests/Conflict of Interest Form, declaring any matters which may conflict with duties as an employee and their personal interests such as:
  - Any financial interest in any planning application;
  - Other interest where others may think that a conflict of interest may arise, such as for proposals near their residence.
- v. In circumstances where there is a conflict of interest, the officer has no involvement in any part of the decision making process. If there is doubt about any conflict it is better to be cautious and for the officer to have no involvement.

## **8.5 Member contact with applicants and developers**

- i. The Government encourages applicants to enter into pre-application discussions. Such discussions are a normal part of the planning process to seek further information and to seek to identify improvements to proposals at an early stage. These discussions and meetings provide an opportunity for the potential applicant to receive advice and information about the policy and technical requirements that must be met and advice on design, on community engagement and other issues which may improve the chances of an application being acceptable to the Local Planning Authority (LPA). However, it should be made clear that any guidance given will not bind the LPA to making a particular decision.
- ii. To minimise the prospect of challenges based on predetermination and bias, the guidelines below should be followed:
  - It will always be made clear that any information or statements made cannot bind the LPA to making a particular decision.
  - Wherever possible, Members should be accompanied by an officer when meeting with applicants.
  - Members should refer applicants who approach them for advice to officers.
  - A written record of the discussion should be made by the officer.
  - Planning Committee Members are free to take part in meetings with potential applicants or their agents but extra care is needed to avoid any perception of predetermination or bias.

## **Pre-application presentations**

iii. Agents or prospective applicants have the opportunity to present their proposals to members of the Planning Committee at presentations organised in accordance with the '**Protocol for Pre-application Presentations to Planning Committee.**'

## **8.6 Planning Committee meetings**

### **Attendance at meetings**

i. It is important to ensure that Members taking planning decisions are in possession of all the relevant facts, including matters pointed out or that come to light during a site visit by Planning Committee, matters that may have been raised during public speaking and matters that may have been discussed and considered by Planning Committee on earlier occasions. Attendance of Members on all occasions during the application phase, i.e. once the application has been submitted, will not only demonstrate that Members are fully informed but will also ensure that high quality, consistent and sound decisions are made, and that the risks of legal challenge are minimised.

ii. A Planning Committee Member should not vote in relation to any planning application unless he or she has been present in the meeting of the Planning Committee for the whole of the deliberations on that particular application. In the case of a virtual committee meeting that means having listened to the entire presentation and debate relating to a particular application. By taking part in the vote on a particular item, members will be deemed to have made a declaration to that effect.

iii. In cases where an application has been discussed at Planning Committee on more than one occasion, if a Member has not attended on each occasion during the application phase and wants to take part in the decision on an application, he or she should consider whether or not they are fully appraised of all the facts and relevant information necessary to properly reach a decision. If there is any doubt, legal advice should be sought by the Member concerned.

### **Conduct at meetings**

i. The Chair of the Planning Committee is responsible for the conduct of the meeting in accordance with the relevant Council procedure rules and for the effective delivery of business.

ii. The Planning Committee meetings are open to the public and they are often well attended particularly when there is a contentious application on the agenda. Meetings are also attended by the applicants/agents and/ or other parties supporting an application and/or objectors against an application. It is important to demonstrate that decisions have been made fairly and transparently and in the correct manner. Any debate should be confined to the planning merits of the matter.

iii. A legal officer should always attend meetings of the Planning Committee to ensure the probity and propriety of the planning and decision-making processes.

iv. Where there is any doubt as to the voting or of the actual counting of votes in relation to any particular application, clarification should be immediately sought by the Chair prior to dealing with the next agenda item, and if considered necessary this may include requesting from each Member as to how they have voted, noting this and the Member's name.

## **8.7 Decisions different to the officer recommendation**

i. Decisions on planning applications must be taken in accordance with the Development Plan unless material considerations indicate otherwise. From time to time the Committee may attach different weight to the potential planning considerations and, therefore, take a decision which differs from the officer recommendation.

ii. Where this occurs, Members must be able to give a clear basis and reason for not taking the officer recommendation. It is important to ensure, as far as possible, that any decision made will be capable of surviving a legal challenge or appeal. **This could mean deferring consideration for a further report addressing the provisional reasons for refusal. However, if the reasoning is clear and the officers are satisfied that reasons for refusal can be satisfactorily drafted then it will not always be necessary to defer an application.** ~~So in the event that this occurs an application is deferred,~~ the Chair will ensure that the following principles are followed:-

- When a planning application has been deferred following a resolution not to accept the officer recommendation, the Chair shall put to the meeting a proposed statement of why the recommendation is not considered acceptable, which, when agreed by the Committee, will be formally recorded in the minutes.
- In these circumstances, at a subsequent meeting, the Director (**Planning, Transport & Sustainability**~~Inclusive Growth~~) or Assistant Director Planning/Assistant Director Development will respond in a further written report the provisional reasons formulated by the Committee for granting or refusing permission. If the Planning Committee is still of the same view, then it shall again consider its reasons for the decision and a summary of those planning reasons shall be given. The reasons will then be recorded in the minutes of the meeting.
- The officer attending the meeting should be given the opportunity to explain the implications of the decision.
- Members should ensure they clearly identify and understand the planning reasons leading to this conclusion. These reasons must be given before the vote and be recorded.

iii. Where an appeal to the Secretary of State is subsequently lodged against a decision which was different to the officer's recommendation, planning officers will act as a professional witness at the inquiry or hearing unless there is reason to suggest that this would prejudice the outcome. However, it should be noted that where the Planning Officer giving evidence is the officer that recommended approval, then their role is that of advocate for the Council's case.

## **8.8 Deferred applications**

i. In some cases, planning applications may come before the Committee on more than one occasion. This is particularly the case with larger schemes where a pre-application presentation and/or an Issues report ~~(a report which describes the stage a proposal has reached and the main issues involved)~~ is presented to the Planning Committee, or when an application is deferred for a site visit or further information. Where an application is deferred then the reasons for deferral will be clearly stated and minuted.

## **8.9 Public speaking**

~~During the Covid 19 pandemic only virtual Planning Committee meetings are taking place. Any ward members or members of the public wishing to make representations to the committee~~

following the publication of an agenda can do so by registering to speak at Planning Committee in accordance with the **Planning Committee Public Speaking Protocol**.

i. Where Members have a disclosable pecuniary interest in the application then they must not submit representations in relation to the application, even as a member of the public, unless they have a dispensation from the Head of Paid Service.

ii. Speakers will only be entitled to address the Committee on one occasion unless otherwise agreed by the Chair of Planning Committee on the grounds that the application has been significantly changed or amended or significant new information has been produced raising new material planning considerations. In these circumstances, speakers will only be able to speak about new matters or the amended details and not about matters which have been previously considered by the Committee.

iii. Speakers should not raise any substantial new information (including correspondence, other documents, photographs or models) at the Planning Committee meeting, as this does not give all parties adequate time to consider and respond to the submissions, and Members of the Committee will not be able to give proper consideration to issues raised in the material.

iv. It is important that members of the public are not permitted to communicate with or pass messages to individual Committee Members as this may give the appearance of partiality.

## **8.10 Site Visits**

~~During the Covid 19 pandemic only virtual Planning Committee meetings are taking place and during this time members are not able to request that a Planning Committee site visit take place.~~  
**Planning Committee site visits shall be arranged and take place in accordance with the Planning Committee Site Visit Protocol.**

## **8.11 Member training**

i. It is important that all Members involved in the planning process are aware of their role in the process and the policy and legal framework in which they operate.

ii. Therefore, Members serving on Planning Committee should participate in, where possible, the following training each year:

- For Members new to the Planning Committee two sessions comprising a governance and conduct session and mid-year update session;
- For experienced Members of the Planning Committee, a single mid-year update session.

iii. A record of attendance for the compulsory training will be maintained by Planning Officers and a list provided to Party Whips and Democratic Services for monitoring.

iv. Other specialised training will be offered, where possible, periodically throughout the year which will enhance and extend Members' knowledge of planning matters. These are not compulsory but will assist Members in carrying out their role on the Planning Committee.

## **8.12 Reviewing and Updating this Guide**

i. The responsibility for reviewing and updating this Planning Code of Good Practice will be undertaken by the Director (**Planning, Transport & Sustainability**~~Inclusive Growth~~) or Assistant Director Planning/Assistant Director Development in consultation with a meeting of the Planning

Committee on an annual basis. Ad hoc reviews may occur if there are significant changes to be made; again these will be considered by a meeting of the Planning Committee.

### **8.13 Guidance Note on Bias and Predetermination in the Planning Process**

#### **What is Bias and Predetermination?**

- i. The law on bias and predetermination (which is a particular form of bias) is part of the general legal obligation on public authorities to act fairly.
- ii. Decision makers are entitled to be predisposed to particular views. However, predetermination occurs where someone closes their mind to any other possibility beyond that predisposition, with the effect that they are unable to apply their judgement fully and properly to an issue requiring a decision.
- iii. The leading case on local authority bias and predetermination acknowledges the difference between judges sitting judicially and councillors making decisions in a democratic environment. Given the role of councillors, there must be 'clear pointers' before predetermination is established.

#### **Section 25 Localism Act 2011**

- i. Section 25(2) of the Localism Act 2011 provides that a decision maker is not to be taken to have had, or to have appeared to have had, a closed mind when making a decision just because –
  - a) the decision maker had previously done anything that directly or indirectly indicated what view the decision maker took, or would or might take in relation to a matter, and
  - b) the matter was relevant to the decision.
- ii. The section makes it clear that if a councillor has given a view on an issue, this, considered in isolation, does not show that the councillor has a closed mind on that issue. So, the mere fact that a councillor has campaigned on an issue or made public statements about their approach to an item of council business does not prevent that councillor from being able to participate in discussion of that issue and to vote on it.
- iii. Having said this, the use of the words 'just because' in section 25 suggest that other factors when combined with statements made etc. can still give rise to accusations of predetermination. This has also been the approach that the courts have taken to this issue. When considering whether predetermination has taken place they will consider all events leading to the decision (and also, where appropriate, those following the decision) rather than looking at individual events in isolation.
- iv. The case law has also made it clear that the words used by particular Members and the interpretation put on those words is of particular importance. So care still needs to be taken when making statements in advance of the determination of planning applications as there is a risk that they can be misinterpreted or taken out of context.

#### **Guidance**

v. With this in mind:-

- It is always advisable to avoid giving the impression that you have made up your mind prior to the decision making meeting and hearing the officer's presentation and any representations made on behalf of the applicant and any objectors.



- It is advisable not to give a view in advance of the decision. If you do comment on a development proposal in advance of the decision, consider using a form of words that makes it clear that you have yet to make up your mind and will only do so at the appropriate time and in the light of the advice and material put before you and having regard to the discussion and debate in the Committee meeting.
- Particular care should be taken where there are chance encounters with objectors to development proposals or in the context of meetings which are not formally minuted. These are situations where the risk of what you say being misrepresented or taken out of context is particularly high.

## **Concluding Comments**

vi. Councillors should avoid giving a view/ making statements in advance of determination of a planning application. If such views are given, these should be declared to the Planning Committee and legal advice should be sought if necessary as to whether that particular Member can continue to be part of the decision-making process. Any views given in advance should avoid giving the impression that you have already made up your mind and that your part in the decision is a foregone conclusion.

## **8.14 Protocol for public speaking at the Planning Committee meetings**

### **Introduction**

- This Protocol sets out the procedures to allow public speaking at the meetings of the Planning Committee.
- Subject to the exceptions below, public speaking does not apply where Members are considering a report for information or where Members are considering detailed reasons for refusal or conditions of approval following a decision of an earlier Committee not to accept the Director (Planning, Transport & Sustainability ~~Inclusive Growth~~) or Assistant Director Planning/Assistant Director Development recommendation. It also does not cover applications subject to non-determination appeals, where Members' views may be sought.

### **Procedures**

#### **Pre-application presentations**

- ~~Agents or prospective applicants have the opportunity to present their proposals to members of the Planning Committee at presentations organised in accordance with the 'Protocol for Pre-application Presentations to Planning Committee.'~~

#### **Matters for determination or other matters requiring a decision:**

~~During the Covid 19 pandemic only virtual Planning Committee meetings are taking place. Any members of the public wishing to make representations to the committee following the publication of an agenda can only do in accordance with the public speaking protocol below.~~

- ~~iii.~~ Applicants, supporters and objectors to an application or other form of consent before the Committee for determination or other matter requiring a decision, will normally be allowed to speak to the Committee, subject to the details of the procedure set out herein and on giving notice of their wish to do so by to by completing an online form no later than 12 noon on the Friday immediately preceding the Committee.

iv. When an objector has registered to speak in accordance with point (iii), applicants will have an automatic right of reply even when they have not given notice of their wish to do so beforehand.

v. If a speaker does not ~~join the virtual~~ **attend the** meeting or is disconnected and are not available to speak at the allotted time, the meeting will go ahead nonetheless. ~~In these circumstances a written statement can be read out on their behalf if one has been submitted in advance by 12 noon on the Monday immediately preceding the Committee. The written submission must be no more than 1 side of A4 and be typed on 1.5 line spacing using Arial type face no smaller than 12 font.~~

vi. Applicants, supporters or objectors will have a maximum of three minutes to address the Committee

vii. In the event of more than one applicant, supporter or objector wishing to speak, a spokesperson should be nominated who will speak on behalf of all registered speakers. If there is no spokesperson nominated, the allotted time will be equally divided between the registered speakers.

viii. Where an application is recommended for approval, objectors to an application will be heard first.

ix. Where an application is recommended for refusal, the objector will only be allowed to speak if the applicant or supporter has registered their intention to address the Committee, except in circumstances outlined in paragraph xiv.

x. The applicant, supporter and objectors shall take no further part in the Committee debate.

xi. If the applicant or supporters do not speak in relation to an application recommended for refusal the objectors will not normally be invited to speak.

xii. If no objector wishes to speak to an application for approval, the applicant or supporter will not normally be invited to speak.

xiii. In the circumstances where the officer's recommendation of **approval** is not accepted by Committee and the applicant or supporters have not been given an opportunity to speak, they shall be given the opportunity to address the Committee for up to three minutes when detailed reasons for refusal are reported.

xiv. In the circumstances where the officer's recommendation of **refusal** is not accepted by Committee and the objectors have not been given the opportunity to speak they shall be given an opportunity to address the Committee for up to three minutes when detailed conditions for approval are reported.

xv. For the avoidance of doubt applicants, supporters or objectors will only be entitled to address the Committee on one occasion unless otherwise agreed by the Chair on the basis that the application has been significantly changed or amended or significant new information has been produced raising new material planning considerations. In these circumstances, speakers should only speak about new matters or the amended details, not about matters which have been previously considered by the Committee.

### **Passing around of information**

xvi. The circulation of display of materials will not be accepted during the meeting. Public speaking is an opportunity to highlight important points already made in representations, rather than to

introduce new information. Members of the Committee will not be able to give proper consideration of any new issues raised in the material.

### **Members of Planning Committee**

xvii. A Member of the Planning Committee having a disclosable pecuniary interest in an application must either declare that interest or bring it to the attention of the meeting and may not participate in the discussion or vote on the matter and must leave the room.

xviii. In line with the Birmingham Code of Conduct for Members, a Member must declare any interest in an application and complete the Register of Interest/Conflict of Interest Form.

xix. No Members with a disclosable pecuniary interest (whether they are a member of the Planning Committee or not) are entitled to address the Committee in accordance with the terms of this protocol for public speaking.

### **Review**

xx. This Protocol may be reviewed, revised or revoked by the Director (**Planning, Transport & Sustainability**~~Inclusive Growth~~) or Assistant Director Planning/Assistant Director Development in consultation with a meeting of the Planning Committee at any time.

### **Note:**

For the purposes of this code, reference to 'attending' a meeting of the Planning Committee includes reference to attendees being in more than one place including electronic, digital or virtual locations such as internet locations, web addresses or conference call telephone numbers.

## APPENDIX 2

### Scheme of Delegations:

#### Director Planning, Transport & Sustainability 24<sup>th</sup> February 2022

(new wording is in bold, deletions are struck through and explanatory text is in italics)

	<b>Planning &amp; Development Matters</b>	<b>Proposed Changes</b>
9	Deal with, make, issue, review, approve, grant, allocate, refuse and decline applications, notifications and certificates in relation to the Council's planning and development function, EXCEPT applications or notifications:	<b>Sub Delegation to include Senior Planning Officers determining applications for Prior Approvals and Lawful Development Certificates.</b>
(a)	That any member of the Council requests be determined by the Planning Committee (such request to be made by email to the Director Inclusive Growth specifying the planning grounds on which the request is made and received by the Director Inclusive Growth within the specified consultation period for the application or notification) with the agreement of the Director Inclusive Growth in consultation with the Chair of the Planning Committee. Note: The referral process does not apply to applications for Lawful Development Certificates or Lawful Use Certificates as they involve a legal determination based on the evidence submitted.	
(b)	Where there is substantial local public opposition to the officer's recommendation. 'Substantial' shall be considered as 20 or more representations against the recommendation or where a valid petition of more than 20 signatories has been submitted in accordance with the Council's Rules	
(c)	Where a member of the Council or an officer in the Planning Service has an interest in the property or land which is the subject of the application or notification, save for applications for householder developments where: <ul style="list-style-type: none"><li>• All other criteria within the Scheme of Delegation</li></ul>	

	<p>are met</p> <ul style="list-style-type: none"> <li>• There are no public or consultee representations received contrary to the officer's recommendation.</li> <li>• The applicant is not a planning officer, a Director, an Assistant Director in Inclusive Growth, or a member of the Planning Committee or Cabinet.</li> </ul> <p>Note: This does not include applications where the applicant is a relative of an officer or member but no member of officer has an interest in the land.</p>	
(d)	Where there is significant objection from a statutory consultee and the decision is to approve; unless the objection has been specifically addressed by a condition or where other matters are considered to over-ride the objection in the planning balance.	
(e)	Where it is proposed to approve the application or notification and the proposed development involves a significant breach of planning guidelines or Development Plan policy which would be required to be notified to the DCLG if the Committee were minded to approve the application.	
(f)	<p><del>Which is likely to have, in the Director Inclusive Growth's opinion, a significant impact on the environment or to be particularly controversial or contentious.</del> <b>Any application at the discretion of the Director Planning, Transport &amp; Sustainability and/or the Assistant Director Planning</b></p>	<p><i>Widens the category to include any application at the discretion of the Director or Assistant Director</i></p>
(g)	<p>Which relate to Major developments where the officer's recommendation is to approve comprising:</p> <ol style="list-style-type: none"> <li>40 or more dwellings</li> <li>Any other development with floor space of 5000 square metres or more.</li> <li>Outline applications where the site area is 1 hectare or more,</li> </ol> <p>EXCEPT for:</p> <ul style="list-style-type: none"> <li>• a variation or removal of condition,</li> <li>• the renewal of an extant permission</li> <li>• a minor material amendment, where the change is not substantial, and no significant objections have been received.</li> <li>• reserved matters applications where the layout is policy compliant, no significant</li> </ul>	



	<p>objections from consultees and the number of 3<sup>rd</sup> party objections is not substantial.</p>	
(h)	<p>Relating to Grade I and Grade II* Listed Buildings, other than minor works (including those applications or notifications relating to Grade II Listed Buildings where objection has been made through the Conservation Area Advisory process, and those applications where the relevant Secretary of State has decided to amend or alter the decision of the Planning Committee).</p>	
(i)	<p>Relating to major mineral workings</p>	
(j)	<p>The approval of Telecoms development involving the erection or installation of new masts where there is no ICNIRP Certificate issued (proposals for additional antennae or dishes or existing telecom structures falls within the scheme for delegation)</p>	
(k)	<p>Any application where the Council has a land interest, save for:</p> <p><b>(i)</b> BMHT applications that comply with category 9(g)</p> <p><b>(ii)</b> applications for minor developments where:</p> <ul style="list-style-type: none"> <li>• All other criteria within the scheme of delegation are met</li> <li>• There are no public or consultee representations received contrary to the officer's recommendation.</li> </ul> <p><b>(iii) Applications for minor developments within schools or other education establishments where:</b></p> <ul style="list-style-type: none"> <li>• <b>All other criteria within the scheme of delegation are met</b></li> <li>• <b>There are no significant objections from consultees and the number of 3<sup>rd</sup> party objections is not substantial.</b></li> </ul>	<p><i>Includes minor education proposals where there are less than 20 objections</i></p>
(l)	<p>requiring authorisation to enter into a S106 planning obligation (or accept a Unilateral Undertakings) except:</p> <ul style="list-style-type: none"> <li>• as a result of a section 73 application;</li> <li>• applications for up to 40 residential units which are either policy compliant or are justified by an independent viability assessment</li> <li>• renewal or resubmission of a planning</li> </ul>	<p><i>With the proposed</i></p>

	<p>application where the principle has been established by a previously approved application; and</p> <ul style="list-style-type: none"> <li>• where the proposed development is substantially the same as that previously considered and approved.</li> <li>• <b>where an off-site bio-diversity net gain contribution is required.</b></li> </ul>	<p><i>changes in legislation regarding biodiversity net gain, S106 agreements may be required for relatively minor proposals to simply secure an off-site bio-diversity net gain contribution.</i></p>
10	Deal with any applications for planning permission or other consents (including demolitions) under the Acts made pursuant to Regulation 3 or 4 of the Town and Country Planning (General Regulations) 1992 (i.e. City Council applications or notifications), except where there is any significant potential impact on the environment or to the amenities of nearby occupiers.	
11	Authorise the making of Orders and to confirm such Orders except where there is substantial public opposition.	
12	Determine all applications for the carrying out of works to protected trees	
13	Issue a screening opinion to determine whether an Environmental Impact Assessment is required and to issue a scoping opinion;	
14	Authorise individual named officers to exercise powers of entry;	
15	Determine any applications where information requested has not been submitted within the specified timescale;	
16	Determine to refuse all planning applications and other related consents where the Section 106 planning obligation has not been signed within the prescribed time and no extension of time has been agreed and;	
17	Agree extensions of time for the completion of S106 Agreements and prepare Deeds of Variation to allow residual balances of up to £100,000 to be used in a manner to be agreed with the relevant spending department, and other Deeds of Variation where the value is similar or to increase the spend period for s.106 sums, or following a section 73 application	

# **BIRMINGHAM CITY COUNCIL**

## **REPORT OF DIRECTOR PLANNING, TRANSPORT AND SUSTAINABILITY**

### **PLANNING COMMITTEE**

**DATE : 24 February 2022**

### **THE BUILDING (LOCAL AUTHORITY CHARGES) REGULATIONS 2010 - ANNUAL SCHEME OF CHARGES.**

#### **1.0 SUMMARY**

- 1.1 Since April 2012 Birmingham City Council's statutory building control functions have been discharged through its wholly owned company Acivico (Building Consultancy) Limited. This report informs Planning Committee about proposed revisions in respect of Building Regulation charges and seeks approval to implement these from 1<sup>st</sup> April 2022.

#### **2.0 RECOMMENDATIONS**

That Planning Committee:

- 2.1 Approve the Building Regulations Charging Scheme dated 1<sup>st</sup> April 2022, to be implemented with effect from 1<sup>st</sup> April 2022.
- 2.2 Permit the calculation of charges by the Director of Acivico (Building Consultancy) Limited where an individual project fee is required.

#### **Contact Officers**

Jaswinder Gandham, The Council's Statutory Functions Officer

Tel. No: 0121 675 4231

Email: [Jaswinder.gandham@birmingham.gov.uk](mailto:Jaswinder.gandham@birmingham.gov.uk)

Ged Cooper, Associate Director Acivico (Building Consultancy) Ltd

Tel. No: 07766 925241

Email: [ged.cooper@acivicogroup.co.uk](mailto:ged.cooper@acivicogroup.co.uk)

### **3.0 PURPOSE OF REPORT**

- 3.1 This report informs Planning Committee about the revision of Building Regulation charges and seeks approval to implement a 8% increase with effect from 1<sup>st</sup> April 2022.

### **4.0 BACKGROUND**

- 4.1 Building Regulation charges were last recommended for increase at Planning Committee two years ago.
- 4.2 Building Regulation charges are subject to an annual budget review by Acivico Building Consultancy Limited which considers the following:
- a) Corporate charging policy.
  - b) Forecast changes in the cost base alongside a statutory constraint for the fee earning service to operate at cost neutral.
  - c) Analysis of service inputs over the preceding twelve months.
  - d) The external competitive environment within which building control operates.
  - e) Implications following the Grenfell disaster, and the Government's response that all individual Building Inspectors must demonstrate their competence and be licenced to operate.
- 4.3 The Building Regulation Fee Regulations primary objectives are:
- a) Chargeable functions are delivered on a cost recovery basis, funded through fees.
  - b) The charging scheme is transparent and able to demonstrate value for money.
  - c) Charges support an appropriate level of resource to ensure that we compete by providing good quality professional services.
  - d) Charges are flexible, achieving cost recovery on all projects, from high rise and complex buildings to small domestic projects.
  - e) Additional charges to be levied when additional time is required to be inputted due to changes in design or failure of the person carrying out the building work.
- 4.5 Information previously located on the variety of applications forms and guidance notes has been consolidated into a single document called 'The Building Regulations Charging Scheme' dated 1/4/2022.

## 5.0 PROPOSED FEE INCREASES FOR APPLICATIONS

5.1 A 8% rise in fees is required to accommodate inflationary pressures forecasted in 2022/23.

This will apply to all applications and are summarised in the table below.

5.2 Schedule of proposed changes. Fees shown include vat.

	New fee from 1/4/2022	Increase
New dwelling	£756	£47
Detached structure, garage/store etc.	£518	£32
Extension less than 10m2	£518	£32
Extension less than 40m2	£659	£41
Extension less than 60m2	£826	£51
Extension less than 100m2	£934	£58
Loft conversion	£518	£32
Garage conversion	£459	£28
Minor building works less than £5k (re-roof, chimney breast removal etc.)	£184	£11
Other work valued less than £15k	£389	£24
Other work valued less than £50k	£632	£39
Other work valued less than £100k	£934	£58
Internal refurbishment less than 75m2	£373	£23
Internal refurbishment less than 200m2	£610	£38
Internal refurbishment less than 500m2	£826	£51

## 6.0 THE BUILDING REGULATIONS CHARGING SCHEME

6.1 The Charging Scheme sets out clearly and transparently how the fees are applied. All fees are consistent with the requirements and powers set by the fee regulations.

6.2 The Scheme is clear about when charges apply, how discounts will be applied, how refunds will be given and how additional charges will be levied.

## 7 FINANCIAL IMPLICATIONS

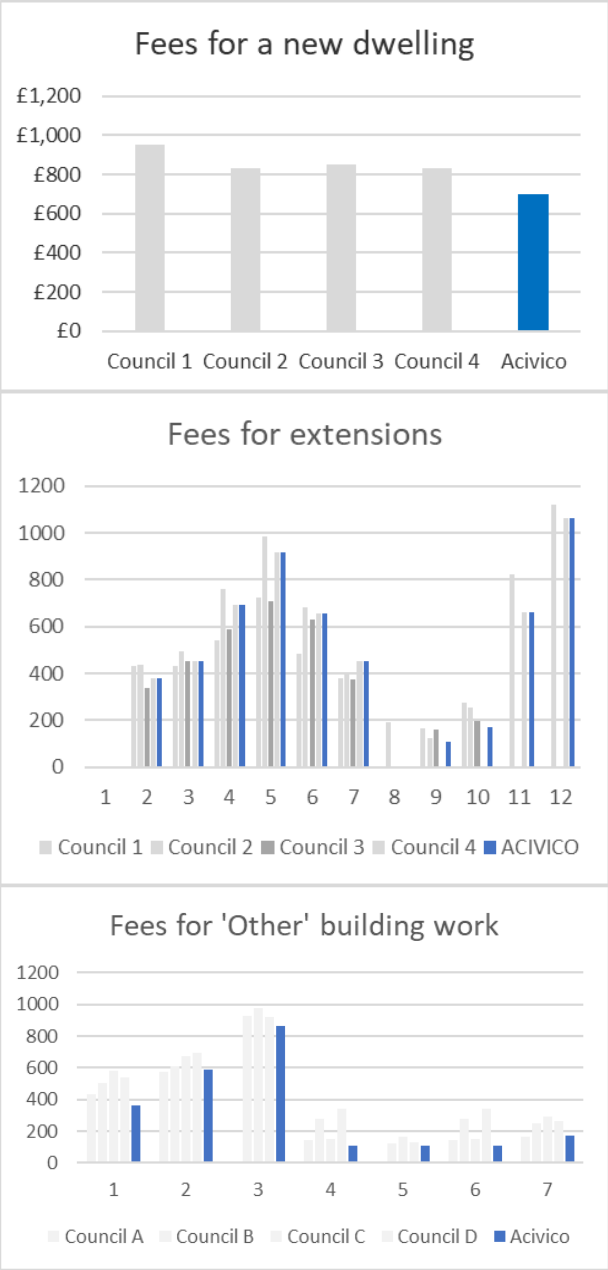
The proposals identified above for the 2022/2023 charging scheme maintain the delivery of a balanced statutory trading account and continue to underline that the service operates in an efficient and cost-effective manner.



8 BENCHMARKING

Acivico Building Consultancy Limited fees are often more competitive compared to other large metropolitan Councils in the West Midlands.

The horizontal numbering represents various work types.



## **IMPLICATIONS FOR PRIORITIES**

- 11.1 **A Modern and Successful City** – it is widely recognised that an effective Building Regulation Service is a fundamental part of the development process whilst at the same time ensuring that buildings support the continued health, safety and welfare of persons who own or use them. All statutory non-fee earning services are delivered within an agreed budget and no changes to that budget are requested for 2022/2023.
- 11.2 **Equalities** - the enabling legislation stipulates that a Local Authority is unable to charge a Building regulation fee where the work is directly linked to a person with a disability. As a consequence, Acivico (Building Consultancy) Ltd process around one hundred and fifty applications in this category per annum the costs of which are borne from general funds.

**Signed:**

**Jaswinder Gandham**  
**Council Statutory Functions Officer**

**for**  
**Ian Macleod**  
**Director Planning, Transport and Sustainability**

## **Acivico (Building Consultancy) Limited Charging Scheme.**

Building Act 1984  
The Building [Local Authority Charges] Regulations 2010

With effect from 1/4/2022

1. Introduction	Page 2
2. Principles of the scheme	Page 2
3. Interpretation	Page 3
4. The charging scheme	Page 6
Table 1: Charges for new dwellings	Page 17
Table 2: Fixed charges for certain small buildings, extensions, and alterations	Page 18
Table 3: Other building work	Page 19
Table 4: charging scheme for discretionary and other services	Page 20
Appendix 1: List of approved application forms	Page 21
Appendix 2: Approved application forms	Page 22

### **Purpose of the charging scheme**

This charging scheme consolidates within a single document existing information that is currently spread across the suite of application forms which we hope will assist service users.

This version of the charging scheme does not increase the cost of obtaining building regulations approval, the standard fee tables have not changed.

The scheme clarifies the position where building work takes more than 12 months to complete: when people forget to notify us of completion, when significant amendments are made after approval and why we charge a little extra for assessing innovative design solutions.

The scheme provides more detail about the legislation and how the charging regulations are applied to provide transparency and consistency.

## **1. INTRODUCTION**

- 1.1 The Building (Local Authority Charges) Regulations 2010 (SI 2010/404) (The Charges Regulations) make provision authorising local authorities (LAs) to fix their own charges in a scheme, based on the full recovery of their costs, for carrying out their main building control functions relating to building regulations. Acivico Building Consultancy Limited is a company wholly owned by Birmingham City Council and is the Council's Agent in administering Building Regulations matters.
- 1.2 This scheme consolidates the charges set out in the individual applications forms approved by Birmingham City Council. This scheme of charges is made under the Regulations and came into effect on 31/3/2020 and apply to all applications received after that date.
- 1.3 The Council is authorised, subject to and in accordance with the Regulations, to amend, revoke or replace any scheme that has been made by them.
- 1.4 The Council is also entitled to set a charge for discretionary services.

## **2. PRINCIPLES OF THE SCHEME**

- 2.1 The principles of the charging regulations require authorities to ensure that the price charged is an accurate reflection of the costs of carrying out the chargeable building control functions.

The charges regulations require authorities to achieve full cost recovery on their building regulation chargeable work and determine standard and individual charges that reflect the cost of the service on individual building projects in accordance with the 'user pays' principle.

## **3. INTERPRETATION**

- 3.1 In this Charging Scheme unless the context otherwise requires:

### **3.1.1 Definitions**

The following definitions apply to this Charging Scheme and should be read in conjunction with the other clauses and tables which constitute the Charging Scheme:

**‘Building’**

Means any permanent or temporary building but not any other kind of structure or erection, and a reference to a building includes a reference to part of a building.

**‘Building notice’**

Means a notice given in accordance with regulations 12(2)(A)(a) and 13 of the Building Regulations 2000 (as amended).

**‘Building work’ means:**

- (a) The erection or extension of a building.
- (b) The provision or extension of a controlled service or fitting in or in connection with a building.
- (c) The material alteration of a building, or a controlled service or fitting.
- (d) Work required by building regulation 6 (requirements relating to material change of use).
- (e) The insertion of insulating material into the cavity wall of a building.
- (f) Work involving the underpinning of a building.
- (g) Work required by building regulation 4A (requirements relating to thermal elements).
- (h) Work required by building regulation 4B (requirements relating to a change of energy status).
- (i) Work required by building regulation 17D (consequential improvements to energy performance).

**‘Chargeable function’ means a function relating to the following –**

- (a) The passing or rejection of plans of proposed building work which has been deposited with the council in accordance with section 16 of the Building Act 1984 (as amended).
- (b) The inspection of building work for which plans have been deposited with the council in accordance with the Building Regulation 2000 (as amended) and with section 16 of the Building Act 1984 (as amended).
- (c) The consideration of a building notice which has been given to the council in accordance with the Building Regulations 2000 (as amended)
- (d) The consideration of building work reverting to the council under the Building (Approved Inspectors etc.) Regulations 2000 (as amended)
- (e) The consideration of a regularisation application submitted to the council under regulation 21 of the Building Regulations 2000 (as amended).

**‘Cost’** does not include any professional fees paid to an architect, quantity surveyor or any other consultant.

**‘Discretionary services’** includes all services relating to delivery excluding the chargeable functions.

**‘Dwelling’** includes a dwelling house and a flat.



**‘Dwelling-house’** does not include a flat or a building containing a flat. **‘Flat’** means a separate and self-contained premises constructed or adapted for use for residential purposes and forming part of a building from some other part of which it is divided horizontally.

**‘Floor area of a building or extension’** is the total floor area of all the storeys, which comprise that building. It is calculated by reference to the finished internal faces of the walls enclosing the area, or, if at any point there is no enclosing wall, by reference to the outermost edge of the floor.

**‘Relevant person’** means:

- (a) In relation to a plan charge, inspection charge, reversion charge or building notice charge, the person who carries out the building work or on whose behalf the building work is carried out.
- (b) In relation to a reversion or regularisation charge, the owner of the building; and
- (c) In relation to chargeable advice, any person requesting advice for which a charge may be made pursuant to the definition of ‘chargeable advice’

**“Estimate”** in relation to the cost of carrying out building work, means an estimate accepted by the Council, of such reasonable amount as would be charged for the carrying out of that building work by a person in business to carry out such building work (excluding the amount of any value added tax chargeable) and references to **“Estimated cost”** shall be construed accordingly. If the estimated cost of work has been established by an authority other than the authority in which the development is to be built or by a business development director working on behalf of local authority building control, then this estimated cost shall be considered as being reasonable.

**“Extension”** means an extension that has no more than three storeys, each basement level (if any) counting as one storey.

**‘Person with a disability’** means a person who is within any of the descriptions of persons to whom Section 29(1) of the National Assistance Act 1948, as extended by virtue of Section 8(2) of the Mental Health Act 1959, applied but disregarding the amendments made by paragraph 11 of Schedule 13 to the Children Act 1989. The words in section 8(2) of the Mental Health Act 1959 which extend the meaning of disabled person in section 29(1) of the National Assistance Act 1948, are prospectively repealed by the National Health Service and Community Care Act 1990, section 66(2), Schedule 10, as from a day to be appointed.

**‘Regularisation application’** Building work was carried out illegally and this application is to regularise the work, effectively make it legal.

**‘Reversion’** means that an Initial Notice has been cancelled and the work is reverted to the local authority.

'Standard fees tables' tables 1, 2 & 3 of standard building work categories.

### **3.1.2 Measurement of floor area**

(a) The floor area of:

- i) any storey of a dwelling or extension; or
- ii) a garage or carport:

is the total floor area calculated by reference to the finished internal faces of the walls enclosing the area, or if at any point there is no enclosing wall, by reference to the outermost edge of the floor.

(b) The total floor area of any dwelling is the total of the floor area of all the storeys which comprise that dwelling; and

(c) the total floor area of an extension of a dwelling is the total of the floor areas of all the storeys in the extension.

## **4. THE CHARGING SCHEME**

The set charges or method of establishing the charge have been established in this scheme for the functions prescribed in the Building (Local Authority Charges) Regulations 2010 (referred to as the chargeable functions), namely:

- **A plan charge**, payable when plans of the building work are deposited with the Local Authority.
- **An inspection charge**, payable on demand after the authority carry out the first inspection in respect of which the charge is payable.
- **A building notice charge**, payable when the building notice is given to the authority.
- **A reversion charge (\* see note below)**, payable for building work in relation to a building: -
  1. Which has been substantially completed before plans are first deposited with the Authority in accordance with Regulation 20(2)(a)(i) of the Approved Inspectors Regulations, or

2. In respect of which plans for further building work have been deposited with the Authority in accordance with the Regulation 20(3) of the Approved Inspectors Regulations, on the first occasion on which those plans are or have been deposited.
  3. Work has been reverted back to the local; authority as the Approved inspector is unable to issue a Final Certificate.
- **A Regularisation charge (\*see note below)**, payable at the time of the application to the authority in accordance with Regulation 21 of the Building Regulations.
  - **A S80 Demolition Charge (£260)** payable to give notice the council of intended demolition.

**(\*) Note: Regularisation and Reversion Charges.**

When work is carried out in circumstances where the local authority is not provided with the opportunity to inspect work in a planned way, this causes significant disruption to normal procedures. Particularly where work has been completed and there is urgency. Charging in these circumstances is calculated in a different way. Less time overall is usually required travelling to site, but all the inspection stages need to be completed. There are also additional costs due to the time required providing advice, guidance and in correspondence with owners, agents, builders, and approved inspectors to ensure that the requirements of the Building Regulations are satisfied.

Work that is substantially completed will require works to be exposed and the fee covers the inspection costs for that work. Officers are prepared to provide advice and guidance and require work to be fully exposed to ensure compliance.

The set charge for both Reversion and Regularisation applications is the full building regulations fee, excluding vat, plus 20% additional charge.

#### **4.1 Chargeable advice,**

Councils can make a charge for giving advice in anticipation of the future exercise of their chargeable functions (i.e., before an application or notice is received for a particular case),

The above charges are payable by the 'relevant person'.

#### **4.2 Installments**

Any charge which is payable to the authority may, in a particular case, and with the agreement of the authority, be paid by installments of such amounts payable on such dates as may be specified by the authority. If the applicant and an authority are

agreeable, an inspection charge can be fully or partly paid-up front with the plans charge.

#### **4.3 The charge calculation**

The charge for providing a chargeable function or chargeable advice is based on the principle of achieving full cost recovery. The charges will be calculated by using the Council officers' average hourly rate stated in the charging scheme, multiplied by the time taken to carry out the functions/advice, taking the following factors into account, as applicable, in estimating the time required by officers to carry out the function/advice:

1. The existing use of a building, or the proposed use of the building after completion of the building work.
2. The different kinds of building work described in regulation 3(1)(a) to (i) of the Building Regulations.
3. The floor area of the building or extension.
4. The scale or nature of the design of the building work and whether innovative or high-risk construction techniques are to be used.
5. The estimated duration of the building work and the anticipated number of inspections to be carried out.
6. The estimated cost of the building work.
7. Whether a person who intends to carry out part of the building work is a person mentioned in regulation 12(5) or 20B(4) of the Building Regulations (i.e. related to competent person/self certification schemes);
8. Whether in respect of the building work a notification will be made in accordance with regulation 20A(4) of the Building Regulations (i.e. where design details approved by Robust Details Ltd have been used);
9. Whether an application or building notice is in respect of two or more buildings or building works all of which are the same as each other.
10. Whether an application or building notice is in respect of building work, which is the same as building work in respect of which plans have previously been deposited or building works inspected by the same local authority.
11. Whether chargeable advice has been given which is likely to result in less time being taken by a local authority to perform that function.
12. Whether it is necessary to engage and incur the costs of a consultant to provide specialist advice in relation to a particular aspect of the building work.
13. Innovative design.

#### **4.4 Domestic buildings, garages, carports and extensions**

Where the charge relates to an erection of a dwelling the charge includes for the provision of a detached or attached domestic garage or carport providing it is constructed at the same time as the dwelling.

Where any building work comprises or includes the erection of more than one extension to a building, the total floor areas of all such extensions shall be aggregated to determine the relevant charge payable, providing that the building work for all aggregated extensions is carried out at the same time.

#### **4.5 Exemption from charges for work creating a more accessible environment.**

##### 4.5.1 Dwellings

The council has not set a charge for the purpose of providing accommodation or facilities designed to secure the greater health, safety, welfare or convenience of a person with a disability in relation to an existing dwelling, which is, or is to be, occupied by that person as a permanent residence where such work consists of-

- providing means of access for the person with a disability by way of entrance or exit to or from the dwelling or any part of it.
- The adaptation or extension of existing accommodation or an existing facility or the provision of alternative accommodation or an alternative facility where the existing accommodation or facility could not be used by the disabled person or could be used by the disabled person only with assistance; or
- The provision or extension of a room which is or will be used solely-
  - (i) for the carrying out for the benefit of the person with a disability of medical treatment which cannot reasonably be carried out in any other room in the dwelling, or
  - (ii) for the storage of medical equipment for the use of the person with a disability, or
  - (iii) to provide sleeping accommodation for a carer where the person with a disability requires 24-hour care.

##### 4.5.2 Public Buildings.

The council has not set a charge in relation to an existing building to which members of the public are admitted (whether on payment or otherwise); and where the whole of the building work in question is solely-

- For the purpose of providing means of access for people with a disability by way of entrance or exit to or from the building or any part of it; or



- For the provision of facilities designed to secure the greater health, safety, welfare of people with a disability.

#### **4.6 Information required to determine charges**

If the authority requires additional information to enable it to determine the correct charge the authority can request the information under the provisions of regulation 9 of The Building (Local Authority Charges) Regulation 2010.

The standard information required for all applications is detailed on the authority's Building Regulation application forms. This includes the existing and proposed use of the building and a description of the building work.

Additional information may be required in relation to –

- The floor area of the building or extension
- The estimated duration of the building work and the anticipated number of inspections to be carried out.
- The use of competent persons or Robust Details Ltd.
- Any accreditations held by the builder or other member of the design team.
- The nature of the design of the building work and whether innovative or high-risk construction is to be used.
- The estimated cost of the building work. If this is used as one of the factors in establishing a charge the 'estimate' is required to be such reasonable amount as would be charged by a person in business to carry out such building work (excluding the amount of any value added tax chargeable).

#### **4.7 Establishing the Charge**

The authority has established standard charges using the principles contained within The Building (Local Authority Charges) Regulation 2010. Standard charges are detailed in the Tables 1, 2, 3 & 4. In the tables, any reference to number of storeys includes each basement level as one-storey and floor areas are cumulative.

#### **4.8 Individually determined charges**

- If the building work that you are undertaking is not listed on the tables it will be individually determined in accordance with the principles and relevant factors contained within The Building (Local Authority Charges) Regulation 2010. If the authority considers it necessary to engage and incur the costs of a consultant to provide specialist advice or services in relation to a particular aspect of building work, those costs shall also be included in setting the charge.
- When the charge is individually determined we will calculate the charge in the same way a standard charge was set by using the average hourly rate of officers' time, multiplied by the estimated time taken to carry out their building regulation functions in relation to that particular piece of building work and

taking into account the applicable factors listed in regulation 7(5) of the charges regulations.

- Individually determined charges will be confirmed in writing specifying the amount of the charge and the factors that have been considered in determining the charge.
- The building regulation charges for the following types of building work will be individually determined and the authority will state which factors in regulation 7(5) of the charges regulations it has considered in establishing a standard or individually determined charge.
  - Work with a value exceeding £100,000
  - Work relating to more than one building
  - Dwellings with a floor area greater than 250m<sup>2</sup>.
  - Housing sites greater than 10 dwellings
  - Extensions greater than 100m<sup>2</sup>
  - Change of use of buildings.
  - Reversion & Regularisation applications.
  - Where the building work will take longer than 12 months to complete.
  - Where more than one standard charge applies to the building work and, with the agreement of the relevant person, the authority will establish the charge by individually determining the charge.

#### **4.9 Other matters relating to calculation of charges**

- In calculating these charges, refunds or supplementary charges, an hourly rate has been used.
- Any charge payable to the authority shall be paid with an amount equal to any value added tax payable in respect of that charge.
- The authority accepts payment by installment in respect of all building work where the total charge exceeds £2000. The authority on request will specify the amounts payable and dates on which installments are to be paid.

#### **4.10 Price Reductions available**

##### Register with 'Robust details'

Reductions may be applied to individually assessed charges when a notification is made in accordance with regulation 20A(4) of the Principal Regulations, (*ie where, for the purpose of achieving compliance with Requirement E1 of the Principal Regulations, design details approved by Robust Details Limited have been used*) are shown in the tables of standard charges and will also be considered in calculating individually determined charges.

Already paid for pre-application advice.

We will make a reduction in a standard or individually determined charge equal to the fee already paid, when we have charged for advice given before receipt of an application or notice for proposed building work, which is likely to result in less time being taken by the local authority to perform the chargeable function for that work.

Repetitive work.

Where in accordance with Regulation 7(5)(i) of the charges regulations one application is in respect of two or more buildings or building works all of which are the same as each other a 15% reduction in the total standard charge will be made.

Standard house types, etc.

Where in accordance with Regulation 7(5)(j) of the charge's regulations an application in respect of building work, which is the same as building work which plans have previously been deposited, a 20% reduction in the total charge will be made. Plan checking house types will be charged at the number of house types rather than the number of plots.

Minor works discount

Where minor works valued at less than £5,000 are carried out at the same time as works for where a fixed fee applies the minor works are charged at the lower rate identified in the table.

#### **4.11 Supplementary charges**

If the basis on which the charge has been set or determined changes, the council will require a supplementary charge and provide a written statement setting out the basis of the additional charge and state how this has been calculated. The following circumstances will usually require supplementary charges:

Requirement for additional Building Control Officer time.

- Building Control staff are available to advise and guide on the requirements of building regulations as required to meet customer needs. This is an important part of their role, particularly as building standards change. It is expected that

professional discussions between building control, developers, designers and contractors will take place as part of the usual service and this has been taken into account in setting fees.

- However, occasionally, and usually on smaller projects some customers require more time input by Building Control than was forecast when setting the fee. Therefore, to enable this additional service, a supplementary charge will be levied. Additional inspections are charged at a standard rate.

#### Work taking more than 12 months to complete.

- Most work on the standard scale starts and work continue until it is completed. Most are completed within 12 months. When this time-period is extended it significantly reduces the efficiency of the service, as these projects require additional preparation time. The standard fees assume the work will be completed within 12 months from commencement of work. Where this takes longer an additional fee will be levied. Additional inspections are charged at the standard rate.

#### Failure to give notification of completed work.

- It is the legal responsibility of the owner to ensure we are notified within 14 days of the work being completed or prior to occupation. Failure to do that is technically a criminal offence. However, we understand that people forget, and we support by providing progress checks. These checks are carried out within the existing fee.
- However, after a period of 3 months from occupation or completion each inspection is based on the standard inspection charge.

#### Innovative design

- We absolutely encourage innovative design, and our surveyors are highly trained and experienced to assess for compliance. Innovative design will involve additional time, and may involve additional consultation relating to structure, energy efficiency and fire safety. Therefore, designs that do not follow the standard approach given in Approved documents or British standards incur an additional 20% fee where the standard fee tables apply.
- Examples are over glazed extensions, large 'bi-fold' doors, open plan 3 storey dwellings relying on fire suppression, etc.
- This charge doesn't apply to individual fee quotes as we will take that into account when preparing the fee.

#### Non-qualified electrician.

- The purpose of Part 'P' of the regulations is to ensure only competent people carry out electrical work and we do not support people to do this work who cannot demonstrate their competence.
- The standard scales assume that a person who is competent will carry out electrical work and they are qualified to issue the relevant British Standard certification as set out in 'Part P' of the Building Regulations.
- If this is not the case an additional surcharge is levied. However, this charge is to provide a resource to inform the building inspector about risk. It will not provide an electrical certification for the project and is unlikely to be sufficient to enable a completion certificate to be issued.

#### Amendments

- When the work is amended and can be dealt with under the existing application a further application will not be required but an additional fee will be levied. Additional time is charged at the standard rate.
- This does not relate to amendments that are made to satisfy a condition of the approval unless there is a significant change to the design.
- An example of an amendment that may attract additional fees may be that the design is amended to satisfy a condition and the solution is innovative, involving a fire engineered solution rather than a traditional solution which would incur additional staff time to assess.
- Other chargeable amendments occur when plans are altered after the approval to suite the client's revised needs.

#### **4.12 Refunds**

If the basis on which the charge has been set or determined changes, the council will provide a refund and a written statement setting out the basis of the refund stating how this has been calculated. Refunds must be agreed in advance of the change and in writing.

The following circumstances will usually entitle a refund:

##### Withdrawn application

When an application is submitted and the fee paid includes the inspection element, a refund will be given of the inspection element if the applicant withdraws the project, in writing, or if a separate application is submitted following substantial amendments. An administration fee of £40 + £85 per visit is deducted from the refund.

#### Amendments



Where a project changes substantially and less time is required from Building Control a refund will be paid. In the calculation of this refund, no account is taken of the first hour of an officer's time not already allocated.

#### Reduced Inspection time

Where it is agreed in advance between Building Control and the applicant that the number of inspections initially forecasted is not required, a refund may be paid. In the calculation of this refund, no account is taken of the first hour of an officer's time not allocated. This refund does not apply and will not be agreed where there has been a failure to notify Building Control as set out in the information pack.

#### **4.13 Regularisation or Reversion Charge**

The regularisation or Reversion charge payable in respect of the erection of one or more small domestic buildings is an amount equal to the building notice charge which would be payable in accordance with this Schedule if a building notice for the carrying out of that work had been deposited at the time of the application plus an additional 20% charge.

#### **4.14 Non-Payment of a Charge**

Attention is drawn to Regulation 8(2) of the Building (Local Authority Charges) Regulations 2010, which explains that plans are not treated as being deposited for the purposes of Section 16 of the Building Act or building notices given unless the Council has received the correct charge. In other words, relevant timescales do not start until the agreed payment has been made. The debt recovery team will also pursue any non-payment of a charge. No Completion Certificate will be issued where there is an outstanding fee and inspections may be suspended until fees are paid.

#### **4.15 Complaints & Feedback**

- Acivico Building Consultancy Limited welcomes all feedback. Further information is available on the website.

#### **4.16 Minimum Charges**

- Where an extension has a total floor area **exceeding 100m<sup>2</sup>**, the charge must not be less than that payable for a 60m<sup>2</sup> extension.
- Where notifiable **electrical work** is to be carried out by a person who is **not qualified** to issue the relevant certification to confirm the work has been designed, inspected, and tested to current standards (Part 'P') - an additional charge of £255 (excluding vat) per plot is payable.

### **STANDARD FEE TABLES**

**All fees INCLUDE vat where that is payable.**

- Table 1 can be applied to newly constructed dwellings or those formed by a change of use where the building was not previously exempt from Building regulations.
- Plan fee is £200 inc vat per house type.
- More than 10 dwellings require an individual fee to be calculated
- Further information is available on the Application forms.
- Reversion, regularization applications are an additional 20% but vat is not payable.

#### **TABLE 1 CHARGES FOR NEW DWELLINGS**

**TABLE 1**

NEW DWELLINGS - April 2022 vat included @20%

NUMBER OF DWELLINGS	PLAN FEE (£200 per house type - discounts available for repeat house types)			INSPECTION FEE			BUILDING NOTICE		
	fee	Vat	total fee*	fee	Vat	total fee	fee	Vat	total fee
1	£167	£33	£200	£463	£93	£556	£630	£126	£756
2	£333	£67	£400	£612	£122	£734	£945	£189	£1,134
3	£500	£100	£600	£760	£152	£912	£1,260	£252	£1,512
4	£667	£133	£800	£886	£177	£1,063	£1,553	£311	£1,863
5	£833	£167	£1,000	£989	£198	£1,187	£1,823	£365	£2,187
6	£1,000	£200	£1,200	£1,115	£223	£1,338	£2,115	£423	£2,538
7	£1,167	£233	£1,400	£1,196	£239	£1,435	£2,363	£473	£2,835
8	£1,333	£267	£1,600	£1,412	£282	£1,694	£2,745	£549	£3,294
9	£1,500	£300	£1,800	£1,560	£312	£1,872	£3,060	£612	£3,672
10	£1,667	£333	£2,000	£1,798	£360	£2,158	£3,465	£693	£4,158

\* Discounts are available for robust details, repetitive designs, repeat house types etc.

Developing more than 10 dwellings - contact us for an individual quote.

**TABLE 2: FIXED CHARGES FOR CERTAIN SMALL BUILDINGS, EXTENSIONS AND ALTERATIONS**

TABLE 2 - FIXED CHARGES									
RESIDENTIAL	Plan Checking Fee	vat	Plan checking fee incl vat	Inspection Fee	vat	Inspection fee incl vat	FULL PLANS or BUILDING NOTICE FEES	vat	TOTAL FULL PLANS or BUILDING NOTICE FEES inc vat
Garage or carport up to 60m <sup>2</sup>	£146	£29	£175	£286	£57	£343	£432	£86	£518
Extension of dwelling the floor area up to 10m <sup>2</sup>	£146	£29	£175	£286	£57	£343	£432	£86	£518
Extension of dwelling between 10m <sup>2</sup> and 40m <sup>2</sup>	£146	£29	£175	£403	£81	£484	£549	£110	£659
Extension of dwelling between 40m <sup>2</sup> and 60m <sup>2</sup>	£146	£29	£175	£543	£109	£651	£689	£138	£826
Extension of dwelling between 60m <sup>2</sup> and 100m <sup>2</sup>	£146	£29	£175	£633	£127	£759	£779	£156	£934
Loft Conversion to dwelling	£167	£33	£200	£265	£53	£318	£432	£86	£518
Garage Conversion	£146	£29	£175	£237	£47	£284	£383	£76	£459
<b>COMMERCIAL</b>									
An extension or detached new build commercial structure that does not exceed 40m <sup>2</sup> (internal metric floor area).	£167	£33	£200	£382	£76	£459	£549	£110	£659
An extension or detached new build commercial structure that is over 40m <sup>2</sup> but less than 100m <sup>2</sup> (internal metric floor area).	£250	£50	£300	£529	£106	£634	£779	£156	£934
Internal refurbishment of commercial premises with a floor area not exceeding 75m <sup>2</sup> .	£311	£62	£373				£311	£62	£373
Internal refurbishment of commercial premises with a floor area not exceeding 200m <sup>2</sup>	£167	£33	£200	£342	£68	£410	£509	£102	£610
Internal refurbishment of commercial premises with a floor area not exceeding 500m <sup>2</sup>	£208	£42	£250	£480	£96	£576	£689	£138	£826

**TABLE 3**  
**OTHER BUILDING WORK**

TABLE 3 - OTHER WORK									
31/03/2022									
ESTIMATED COST OF WORK (£)	Plan check fee	VAT	Plan check fee inc vat	Inspections fee. (Where applicable)	vat	Inspection fee inc vat (Where applicable)	Full Plans or Building Notice fee	vat	Full Plans or Building Notice fee inc vat
Any building work up to a value of £5,000	£153	£30.6	£184				£153	£31	£184
Up to and including a value of £15,000	£146	£29.2	£175	£178	£36	£214	£324	£65	£389
Up to and including a value of £50,000	£146	£29.2	£175	£381	£76	£457	£526	£105	£632
Up to and including a value of £100,000	£146	£29.2	£175	£633	£127	£759	£779	£156	£934
<b>Minor works to a dwelling by competent instaler</b>									
Solar panels	£99	£19.8	£119	£0	£0	£0	£99	£20	£119
Replacement windows	£99	£19.8	£119	£0	£0	£0	£99	£20	£119
Electrical Instalations by competent and qualified electrician	£99	£19.8	£119	£0	£0	£0	£99	£20	£119
<b>Minor building work to a dwelling under £5,000</b>									
Re-roofing (roof covering and insulation only)	£153	£30.6	£184	£0	£0	£0	£153	£31	£184
Drainage alterations	£153	£30.6	£184	£0	£0	£0	£153	£31	£184
Formation of an under stair wc or en-suite facility	£153	£30.6	£184	£0	£0	£0	£153	£31	£184
Removal of a load bearing wall	£153	£30.6	£184	£0	£0	£0	£153	£31	£184
Removal of one or more chimney breasts	£153	£30.6	£184	£0	£0	£0	£153	£31	£184
Creation of a new structural opening (window/door)	£153	£30.6	£184	£0	£0	£0	£153	£31	£184
Installation of a wood burner by a non-registered installer e.g. HETAS, NACE	£153	£30.6	£184	£0	£0	£0	£153	£31	£184
<b>Commercial</b>									
Up to and including a value of £15,000	£324	£64.8	£389	£0	£0	£0	£324	£65	£389
Up to and including a value of £50,000	£167	£33.3	£200	£359	£72	£431	£526	£105	£631
Up to and including a value of £100,000	£250	£50.0	£300	£528	£106	£633	£778	£156	£933

**TABLE 4**  
**CHARGING SCHEME FOR DISCRETIONARY AND OTHER SERVICES.**



<b>Table 4. Discretionary services</b>			
<b>31/03/2022</b>	<b>Fee</b>	<b>vat</b>	<b>fee inc vat</b>
<b>Conveyancing enquiries</b>			
Research and production of a previously issued document (Approvals and Completion Certificates only). Per document.	£45	0	£45
Research, production of a formal 'no action' or information letter.	£45	0	£45
<b>Application based issues</b>			
Cancelling an application or Building Notice (prior to decision issued).	£33.33	£6.67	£40
Cancelling an application after a decision has been issued.	£33.33	£6.67	£40
Re-directing an invoice (that differs from what was submitted on the original application form).	£33.33	£6.67	£40
Amending a description following changes on site and not shown on either the original plans or forms.	£33.33	£6.67	£40
Standard rate for assessing significant changes to approved design.(per hour)	£70.83	£14.17	£85
<b>Site based issues</b>			
Cancelling an application or Building Notice with a site input. Also charged for each inspection carried out.	£33.33	£6.67	£40
Amending a description following changes on site.	£33.33	£6.67	£40
Standard inspection fee. (per site visit)	£76.50	£15.30	£92

## APPENDIX 1

**List of approved application forms.**

<b>Application Form Name</b>	<b>Date issued</b>
Building Notice	31/3/2022
Full Plans (Commercial)	31/3/2022
Full Plans (Domestic)	31/3/2022
Regularisation	31/3/2022
Reversion	31/3/2022
Temporary stands (Section 39)	31/3/2022
Demolition (Section 80)	31/3/2022
Application for fee exemption	31/3/2022

**AUTHORISATION**

Approved at Planning Committee    Date

Associate Director Building Consultancy Limited.