

# **Birmingham City Council**

## **Planning Committee**

**13 April 2017**

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	8	2017/00846/PA  1332-1336 Stratford Road Waitrose Foodstore Hall Green Birmingham B28 9EF  Variation of condition number 3 to planning application 2014/05665/PA to allow deliveries to take place between 07.00-22.00 hours Monday to Saturday and Public Holidays and 08.00-21.00 hours on Sundays
Approve - Conditions	9	2017/00471/PA  Former Flight Shed Land off Lowhill Lane/Groveley Lane Longbridge Birmingham  Submission of reserved matters (appearance, layout, scale and landscaping) in association with outline planning permission 2013/06429/PA for the erection of 95 dwellings

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Committee Date:	13/04/2017	Application Number:	2017/00846/PA
Accepted:	31/01/2017	Application Type:	Variation of Condition
Target Date:	28/03/2017		
Ward:	Hall Green		

1332-1336 Stratford Road, Waitrose Foodstore, Hall Green,  
Birmingham, B28 9EF

Variation of condition number 3 to planning application 2014/05665/PA to allow deliveries to take place between 07.00-22.00 hours Monday to Saturday and Public Holidays, and 08.00-21.00 hours on Sundays

Applicant:	Waitrose Ltd. c/o Agent
Agent:	Firstplan Bramah House, 65-71 Bermondsey Street, London, SE1 3XF

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Recommendation

**Approve Subject To Conditions**

1. Proposal

- 1.1. Planning Permission is sought to vary condition number 3 of Planning Permission 2014/05665/PA to allow deliveries to take place between the hours of 07.00-22.00 Monday to Saturday and Public Holidays and 08.00 to 21.00 on Sundays at Waitrose Foodstore, Hall Green.
- 1.2. The wording of Condition 3 currently states:  
  
*'Limits delivery time of goods to or from the site outside the hours of 0700-2000 on Mondays to Saturdays and 0900-1800 hours on Sundays'.*
- 1.3. The proposal would extend the delivery hours by two hours in the evening on Monday-Saturday and Public Holidays and by four hours on Sundays (one hour in the morning and three hours in the evening).
- 1.4. The applicant has stated that they do not propose to increase the overall number of delivery vehicles to the store. The applicant explains that the extended delivery hours would reduce the number of delivery vehicles operating in the area at the busiest times, allowing deliveries to take place at less congested times.
- 1.5. Vehicle refrigeration would continue to be restricted, and there would still be a limit of two deliveries on a Sunday (both controlled by planning condition). The Applicant states there are currently three daily HGV deliveries Monday to Saturday, one smaller articulated vehicle delivering paperware/crisps Monday to Friday, one smaller articulated vehicle delivering packing once a week, three transit vans delivering to addresses off-site: bread, newspapers and John Lewis 'Click-and-Collect' items, all week.

- 1.6. A Delivery Noise Impact Statement has been submitted in support of this application.
- 1.7. [Link to Documents](#)
2. [Site & Surroundings](#)
  - 2.1. The application site is a part single storey part two storey building, operating as a supermarket. The front and entrance of the store are located on Stratford Road. There is a car park to the rear of the store, whereby access is gained from Ingestre Road. There is pedestrian access from the car park to Stratford Road and the entrance of the store. The delivery entrance and customer car park entrance are also located off Ingestre Road.
  - 2.2. The application site is located on the corner of Stratford Road and Ingestre Road, Hall Green. Stratford Road is a busy route into the City centre, with dual carriageways in both directions, separated by a grass verge in the middle. A red route is in operation outside of the store. Stratford Road is mixed in character, accommodating residential and commercial uses. Ingestre Road is a residential road, characterised by traditional semi-detached properties with driveways to the front.
  - 2.3. The site lies within the Highfield Road, Hall Green Neighbourhood Centre.
  - 2.4. [Site Location Map](#)
3. [Planning History](#)
  - 3.1. 19/04/2001 – 2000/04535/PA – Demolition of dwellinghouse, alteration and extension of supermarket and car park, erection of fencing, railings and walls and construction and alteration of means of access to highway – Approved subject to conditions
  - 3.2. 13/02/2003 – 2002/06617/PA – Alterations to car park/service yard entrances from Ingestre Road – Approve subject to conditions.
  - 3.3. 08/09/2003 – 2003/04116/PA – Variation of condition on S/04535/00/FUL to alter the hours of deliveries to 0900 hours to 1800 hours on Sundays – Approved temporary
  - 3.4. 14/10/2004 – 2004/05245/PA – Variation of condition C8 attached to planning permission granted on the 19th April 2001 (under planning application S/04535/00/FUL), to allow delivery between 0900 hours and 1800 hours on Sundays, without compliance with condition C1 attached to the planning permission granted on 5th September 2003 under planning application number S/04116/03/FUL – Approved subject to conditions
  - 3.5. 15/11/2013 – 2013/07292/PA - Variation of condition no. C7 attached to previous application 2000/04535/PA to allow for longer trading hours 07:00 - 22:00 Monday to Saturdays, within statutory regulations on Sundays and 09:00 - 21:00 on Bank Holidays – Approve temporary for one year
  - 3.6. 03/10/2014 – 2014/05665/PA – Variation of Condition No. 7 attached to approval 2000/04535/PA to permanently extend the permitted trading hours from 0800 - 2100 Monday to Saturday and 1000 - 1800 on Sundays, to 0700 - 2200 Mondays to

Saturdays, 1000 - 1800 hours on Sundays and 0900 - 2100 on Bank Holidays –  
Approved subject to conditions

4. Consultation/PP Responses

- 4.1. West Midlands Police – No objection.
- 4.2. Regulatory Services – No objection. To further mitigate any potential impacts from noise, deliveries should be carried out in accordance with the submitted Delivery Management Plan.
- 4.3. Transportation – No objection
- 4.4. The local MP, residents, Ward Councillors, and residents associations were consulted and a site notice was displayed. 4 objections have been submitted by local residents and 1 objection has been submitted by Councillor Bowles. The following is a summary of the objections received:
- Noise
    - Existing deliveries cause disruption
    - Impact of sleep (quality and quantity) by early and late deliveries
    - Fear noise would continue beyond upper delivery time
    - Would like Waitrose to install noise reducing windows on affected properties if permission is granted
  - Pollution
    - Delivery vehicles produce fumes and pollution which impact on air quality and health
  - Traffic
    - Increase in volume of traffic in the area
    - Greater disruption to residential amenity by increased traffic
  - Light
    - Lights from delivery vehicles impacts on amenity of nearby residents
  - Visual
    - Grass verges in front of property affected by vehicles, mud is overturned
- 4.5. Councillor Jenkins requested the application be determined by the Planning Committee, to assess the impact on residential amenity.

5. Policy Context

- 5.1. The following local policies are applicable:
- Birmingham Development Plan (BDP) 2031
  - Birmingham Unitary Development Plan (UDP) 2005 (Saved Policies)
  - Shopping and Local Centres SPD
- 5.2. The following national policies are applicable:
- National Planning Policy Framework (NPPF) 2012

6. Planning Considerations

### *History*

- 6.1. Planning permission was granted in 2001 (2000/04535/PA) for the existing supermarket with a delivery hours condition stating:

*'Deliveries shall not be taken at or dispatched from the premises at any time other than between 0700 hours and 2000 hours daily on Mondays to Saturdays and between 1000 hours and 1800 hours on Sundays.'*

- 6.2. The reason for this was to safeguard the amenities of occupiers of dwellings in the vicinity.
- 6.3. This condition was subsequently varied in 2003 (2003/04116/PA) for one year to allow deliveries on Sundays between 0900 hours and 1800 hours: an additional hour in the morning. This was approved on a permanent basis in 2004 (2004/05245/PA).

### *Current Application*

- 6.4. Consent is now sought to extend the delivery hours further on a permanent basis. This would be so they match the consented hours trading hours of the store on Mondays to Saturdays, and exceed the consented trading hours on Sundays by 5 hours.
- 6.5. The current permitted delivery hours are between 0700 hours and 2000 hours on Mondays to Saturdays and between 0900 and 1800 hours on Sundays. This application proposes to extend the delivery hours to between 0700 hours and 2200 hours on Mondays to Saturdays and Public Holidays and between 0800 hours and 2100 hours on Sundays.
- 6.6. The applicant originally proposed to extend delivery hours on Mondays to Saturdays and Public Holidays to 2300 hours under this current application. However, it was considered that this would have a detrimental impact on residential amenity of neighbouring occupiers. After negotiation with the applicant the proposed delivery hours on these days have been reduced to 2200 hours. This is considered to be acceptable as it is earlier in the evening and is in line with the consented opening hours. The consented opening hours are not yet implemented as the store currently closes at 2000 hours.

### *Policy*

- 6.7. Paragraph 19 of The National Planning Policy Framework (NPPF) states that the planning system should do everything it can to support and encourage sustainable economic growth, and Paragraph 20 states that local planning authorities should plan proactively to meet the development needs of business and support the economy for the 21<sup>st</sup> Century. Meanwhile, Paragraph 187 states that local planning authorities should seek improvements to the economic, social and environmental conditions of the area.
- 6.8. Policy PG3 of the Birmingham Development Plan (BDP) states that all developments should contribute to creating a strong sense of place that supports sustainable neighbourhoods, and make the best use of existing buildings and land.
- 6.9. The Shopping and Local Centres SPD describes that local and neighbourhood centres, such as the Highfield Road, Hall Green Neighbourhood Centre, are a focus for local life and successful communities to meet local needs and provide

opportunities for growth. The City Council is dedicated to maintaining the vitality and viability of these centres, for the interest of the economy and the amenity of local residents.

- 6.10. The **main consideration** in the determination of this application is the impact of the extended delivery hours on residential amenity.

*Noise Impact*

- 6.11. Many of the objections received by local residents addressed issues of possible noise disturbance as a result of the application and the impact therefore on residential amenity. The loading bay and delivery area for the Waitrose Store is located on Ingestre Road. The entrance of the delivery area is located across the road from No. 5, and sited c. 30m to the side (west) of no. 20.
- 6.12. The applicant has submitted a Delivery Noise Impact Assessment alongside the application, prepared by Noise Solutions Ltd.. The Assessment considers British Standards and World Health Organisation guidelines. A study was undertaken at the site to consider the likely noise impact that would be associated with the proposed extended delivery times.
- 6.13. The study was conducted between Friday 4<sup>th</sup> and Monday 7<sup>th</sup> November 2016. Measurements of existing background noise were recorded on a microphone attached to a lamppost near to what was deemed to be 'the most affected residential window', at 20 Ingestre Road.
- 6.14. The results of the assessment showed that the existing noise levels at this point already exceeded the levels recommended by the World Health Organisation, due to the proximity to Stratford Road. It was concluded that the additional deliveries proposed could not constitute a (further) adverse impact.
- 6.15. I note that many of the objections received were concerned that the number of delivery vehicles travelling to and from the food store would increase. The applicant has confirmed that this application would not increase the number of delivery vehicles travelling to the store, instead it would increase the time frame in which deliveries can occur, with benefits for local highway conditions. While I am not *relying* on the Applicant's statement that there would not be more deliveries, I believe a significantly greater number are unlikely. The numbers are already controlled by condition on Sundays.
- 6.16. On Sundays the proposed delivery times cover an additional four hours outside of the consented store opening hours, proposing 0800 hours to 2100 hours. Although this is a greater increase than between Mondays and Saturdays, only two deliveries are permitted on Sundays, as per the current permission. I therefore consider that this would be acceptable and would not have a detrimental impact on residential amenity.
- 6.17. The Waitrose store is located within the Neighbourhood Centre of Highfield Road, Hall Green. I acknowledge that the residential properties located on Ingestre Road are not located within the Neighbourhood Centre. However, the close proximity to the Centre carries a presumption that higher ambient noise levels will exist in these areas, compared to areas that are not adjacent to a neighbourhood centre. Delivery hours are not proposed beyond normal bedtime hours. I note that Regulatory Services have raised no objection to the proposal, whilst recommending the mitigatory measures suggested in the Delivery Management Plan (which address

such matters as engine and refrigeration turn-off, maintenance of doors, scheduled times, minimise rattles and bangs, complaint mechanism).

#### *Traffic and Pollution*

- 6.18. Other objections received were concerning the potential increase in air pollution, traffic issues and light pollution as a result of the proposal. As the proposal would not increase the volume of deliveries, I consider that these issues would not arise as a result of this application.
- 6.19. The applicant explains that the extended delivery hours would reduce the number of delivery vehicles operating in the area at the busiest times, allowing deliveries to take place at less congested times. The Applicant argues that extended delivery times would cause fewer traffic related issues in the local area, reducing the pressure on local infrastructure at peak times. I note that Transportation Development have raised no objection to the proposed development.

#### 7. Conclusion

- 7.1. The Noise Assessment considers no extra nuisance would result to residents. Regulatory Services concur, and recommend a mitigatory condition to further address the matter. As such, I consider local residential amenity would not be adversely affected by the proposals. The proposed delivery hours would tie in with the consented trading hours on Mondays to Saturdays. As such, I consider the proposal would constitute sustainable development and I recommend that planning permission be granted.

#### 8. Recommendation

- 8.1. Approve subject to condition

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1	Limits the hours of use to 0700-2200 on Mondays-Saturdays, 1000 to 1800 on Sundays and 0900-2100 on Bank Holidays
2	Limits delivery time of goods to or from the site to the hours of 0700-2200 on Mondays to Saturdays and Bank Holidays and 0800-2100 on Sundays
3	No more than two deliveries on Sundays
4	Removes PD rights for telecom equipment
5	Car Parking and Vehicle Circulation for those uses only
6	Cycle provision to be maintained in accordance with approved details
7	No Vehicle Refrigeration Units to be operated within the application site
8	Adherence with Delivery Management Plan

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Case Officer: Caroline Featherston

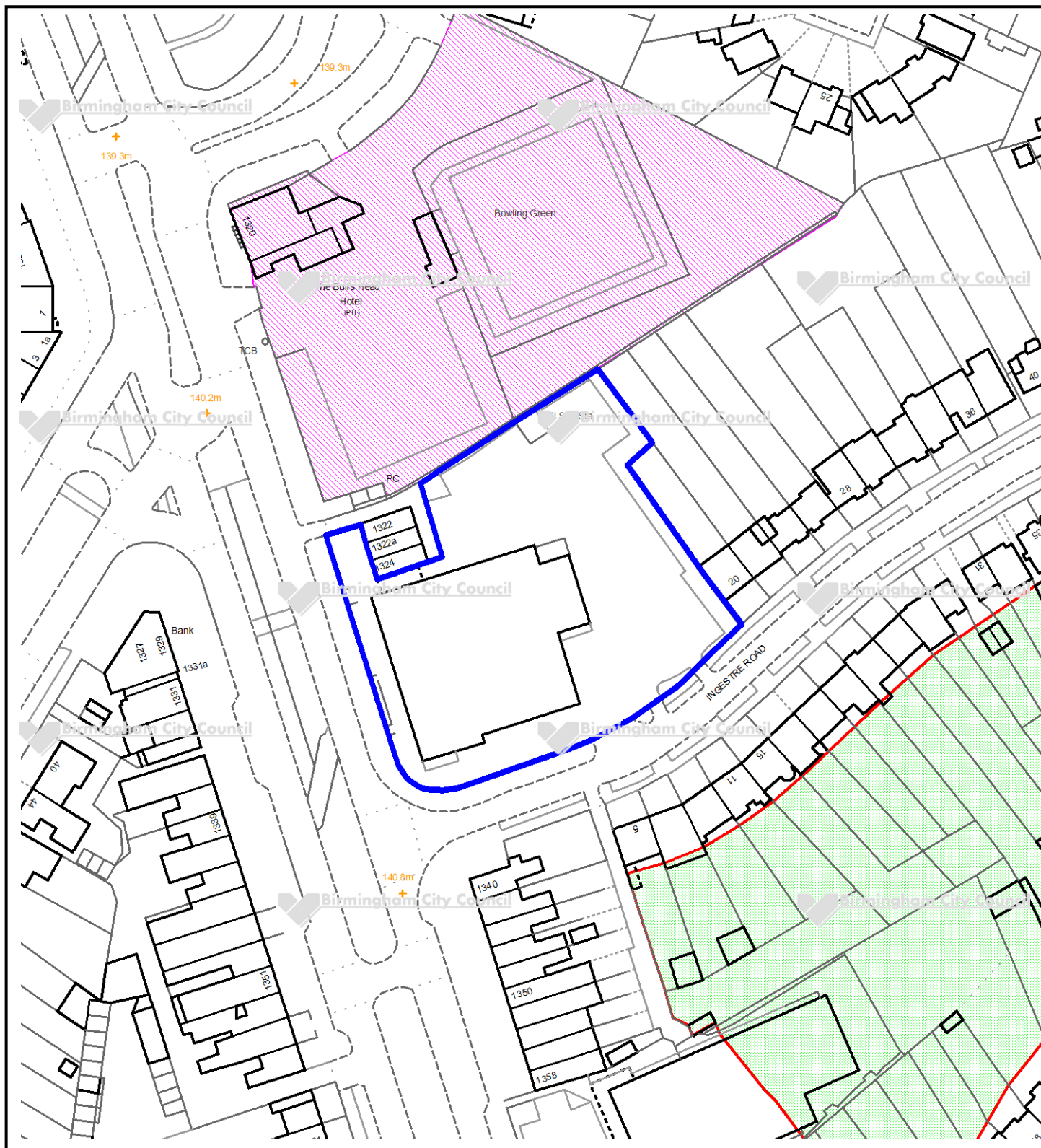


**Photo(s)**



Figure 1 – Loading Bay to rear of Waitrose

## Location Plan



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Committee Date:	13/04/2017	Application Number:	2017/00471/PA
Accepted:	23/01/2017	Application Type:	Reserved Matters Development
Target Date:	24/04/2017		
Ward:	Longbridge		

Former Flight Shed, Land off Lowhill Lane/Groveley Lane, Longbridge, Birmingham

Submission of reserved matters (appearance, layout, scale and landscaping) in association with outline planning permission 2013/06429/PA for the erection of 95 dwellings

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

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Recommendation

**Approve Subject To Conditions**

1. Proposal

- 1.1. Members will recall granting reserved matters consent at your meeting of 2<sup>nd</sup> March for 95 dwellings on the same application site and submitted by Taylor Wimpey. This is a further reserved matters submission which seeks approval for details relating to appearance, landscaping, layout and scale for the erection of 95 dwellings in conjunction with the same outline approval 2013/06429/PA. This new application was submitted to prevent the original outline planning permission expiring in the event that an acceptable scheme by Taylor Wimpey would not be secured. Despite Taylor Wimpey securing reserved matters consent and purchasing the site from St. Modwen, the applicant still wishes this second Reserved Matters application to be determined.
- 1.2. The proposed site layout would broadly be the same as last month's consented scheme subject to differing house types (as the applicant is St Modwen Homes), slight variations on plot layouts and a slightly differing housing mix. The proposed mix of units would comprise:
  - 15, 2 bedroom units (9 flats and 6 houses);
  - 42, 3 bedroom houses; and
  - 38, 4 bedroom houses.
- 1.3. The houses and flats would be traditional in design with pitched gabled roofs constructed from brick, brick and render or brick, render and composite boarding. They would incorporate design features including large glazed floor to ceiling windows, canopies above front doors and integral garages. The houses would be a mix of two storey and two and a half storey in height with the proposed apartment block being three storey with balconies at first and second floor.

- 1.4. Two primary access points, agreed under the original outline, are utilised to provide access to the proposed housing from both Lowhill Lane and Groveley Lane. These two access points would link in the middle of the site however; vehicle access is not proposed to run through, only pedestrian access via a shared space that would also provide access to a number of the proposed houses. Further access points are proposed off Groveley Lane and Lowhill Lane to provide access to the frontage properties utilising shared driveways. All of the properties would front the internal road layout and perimeter roads of Lowhill Lane and Groveley Lane. The apartment block would be accessed off Groveley Lane.
- 1.5. All of the development would generally meet or exceed the minimum National Space Standards of 61sq.m for a two bedroom apartment, 70sq.m for a two bedroom house, 84sq.m for a three bedroom house and 97sq.m for a four bedroom house. The two bedroom flats would measure 61 or 64.5sq.m with the two bedroom house being 70sq.m; three bedroom units ranging in size from 84sq.m to 93sq.m and the four bedroom houses ranging from 97sq.m to 137sq.m.
- 1.6. The majority of the proposed development would meet or exceed the separation distance guidelines in Places for Living of 21m between building faces and 12.5m from windowed elevations to flank walls. Front to front distances would be squeezed in places to 20m for 2.5 storey dwellings on plots 86-87 opposite plots 56 and 57; 15m for 2 storey dwellings on plots 73-77 opposite plots 78 and 79, 20m for plots 19-22 opposite plots 23-26 and 16m between plots 12-13 and plots 9-11.
- 1.7. All garden sizes would comply with the guidelines of 52/70sq.m in Places for Living and 30sq.m for apartments. The two bedroom houses would have gardens ranging in size from 62.8sq.m to 72.1sq.m; the three bedroom units would range from 70.1sq.m to 159.6sq.m whilst the four bedroom units would have gardens ranging from 70.2sq.m to 143.1sq.m. The two bedroom apartments would have no private amenity space provided but would have balconies at first and second floor measuring 3sq.m each. The corner balconies would measure 7sq.m each.
- 1.8. Boundary treatments proposed include 1.8m high fencing for rear boundaries; 1.8m wall with brick piers and fence panel infill for exposed plot boundaries, public areas and road frontages and a 1.2m railing around the perimeter road frontage. A native Hawthorn, Beech and Privet hedge is also proposed around the perimeter road frontage boundary. 53 new trees and 6 specimen shrubs are proposed within the development.
- 1.9. Parking for the houses is proposed at 200% to be provided by a mix of garages and parking spaces to the front/side of each property or by an integral garage. A number of the units would have their allocated parking within a private forecourt which all the relevant units would front/access from/to. The apartments would have a 100% parking with a further 2 visitor spaces along with a separate covered cycle store for 6 bicycles whilst plots 54, 89 and 95 would have 400% provided through a double garage and 2 spaces in front of the garage.
- 1.10. The application is accompanied by a Design and Access Statement. Amended plans have been submitted during the course of the application that have altered the proposed mix of units, house types proposed, layout and car parking provision.
- 1.11. The site area is 3.13 hectares and the scheme proposes a density of 30 dwellings per hectare however this includes a large area of wooded embankment, which is to remain. If this is excluded from the site area, the development would provide a density of 39 dwellings per hectare on a developable site area of 2.41 hectares.

1.12. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The site is located at the junction of Lowhill Lane and Groveley Lane, adjoining the administrative boundary of Birmingham City with Bromsgrove District and Cofton Hackett. The site formerly housed a large building known as the 'Flightshed', which, was built in 1937 and during the Second World War was used to manufacture aircraft engine parts and assemble aircraft along with the former East Works site. The site was cleared in 2011 and has a long history of ground contamination due to the storage of petrol and other fuel on the site.
- 2.2. The site has its frontage to both Lowhill Lane and Groveley Lane and also adjoins the existing MG Motors site to the rear but MG Motors are at a significantly higher level behind an extensive and densely wooded embankment. The car plant remains operational however this change in level makes this site distinct and separate from the existing works. Apart from the rear embankment, the site is relatively flat but does slope down along Lowhill Lane.
- 2.3. Cofton Park is located opposite the site across Lowhill Lane.
- 2.4. Across Groveley Lane is the former Longbridge East Works site. The site has planning permission for residential development and a new park and is currently under construction. Lowhill Lane at this point is now characterised by housing, both the new housing under construction on the Longbridge East site and also long established housing further along Groveley Lane at Cofton Hackett. Also across from the application site sits the Cofton Centre, an existing Class B2/B8 industrial employment site.
- 2.5. [Site Location Map](#)

3. Planning History

- 3.1. 2 August 2011. 2011/04633/PA. Demolition granted with no prior approval required for the demolition of existing building at Former MG Motors Site, Lot 21 - Building No. 70.0 & 91.1 Flight Shed & VEC Energy Centre, Groveley Lane.
- 3.2. 3 February 2014. 2013/06429/PA. Outline planning permission (with all matters reserved, except access) granted for the erection of up to 95 dwellings.
- 3.3. 3 February 2014. 2013/06476/PA. Detailed planning permission granted for a residential development comprising 18 no. 2, 3 and 4 bedroom houses and 64, 1 and 2 bedroom apartments, access, parking and landscaping (Phase 3 Housing).
- 3.4. 3 February 2014. 2013/06311/PA. Outline planning permission granted for residential development (up to 215 dwellings), access, parking and landscaping (Phase 4 Housing).
- 3.5. 22 November 2013. 2013/06430/PA. Planning permission granted for the re-profiling and re-modelling of site levels, remediation works and creation of two vehicular access points.



3.6. 24 March 2016. 2014/09251/PA. Outline planning permission granted for residential development (up to 215 dwellings), access, parking and landscaping (Phase 4 Housing).

3.7. 2 March 2017. 2016/09170/PA. Reserved matters (appearance, landscaping, layout and scale) approved in association with outline planning permission 2013/06429/PA for the erection of 95 dwellings.

#### 4. Consultation/PP Responses

4.1. Local residents, Ward Councillors, MP and Resident Associations notified. Site and Press notices posted. 4 letters of objection/comment including letters from Councillor Cartwright, Councillor Carole Griffiths and MG Motors.

4.2. The letter of objection relates to increase in road traffic as a result of the development and its impact on road safety particularly in relation to pedestrian safety, visibility and the railway bridge on Groveley Lane.

4.3. The letters of comment raise issues relating to the historical use of the site during the war to manufacture aircraft. As such, Councillor Cartwright and Councillor Griffiths consider that a plaque/ sign/information board should be provided on site highlighting the site's importance during the war.

4.4. MG Motors have commented that the residential development may impact on the 24hour operation of the MG Motors site; the site has historical contamination issues and a solid boundary fence is required to prevent trespassing.

4.5. Regulatory Services – no objection.

4.6. Transportation – no objection subject to conditions relating to a construction management plan; pedestrian visibility splays of 3.3m x 3.3m x 600mm high on all access drives; works to the highway will require an appropriate agreement (s278) at the applicant's expense and will include new bellmouths and reinstatement of redundant footway crossings and cycle parking to be provided in line with guidelines.

4.7. Environment Agency – no objection.

4.8. West Midlands Fire Service – no objection.

4.9. Local Lead Flood Authority – no objection.

4.10. Severn Trent Water – no response received.

#### 5. Policy Context

5.1. Birmingham Development Plan 2031 (2017), NPPF, Longbridge Area Action Plan (AAP) 2009, Saved Policies of the Birmingham UDP, Car Parking Guidelines SPD, Places for Living SPG, Affordable Housing SPG, Public Open Space in New Residential Developments SPD.

#### 6. Planning Considerations

6.1. The application site sits within the Longbridge Area Action Plan (AAP) Framework, which forms part of the Development Plan for the purposes of determining planning applications. The AAP contains a shared vision for Longbridge:

*“Longbridge will undergo major transformational change redeveloping the former car plant and surrounding area into an exemplar sustainable, employment led mixed use development for the benefit of the local community, Birmingham, Bromsgrove, the region and beyond. It will deliver new jobs, houses, community, leisure and educational facilities as well as providing an identifiable and accessible new heart for the area. All development will embody the principles of sustainability, sustainable communities and inclusiveness. At the heart of the vision is a commitment to high quality design that can create a real sense of place with a strong identity and distinctive character. All of this will make it a place where people will want to live, work, visit and invest and which provides a secure and positive future for local people.”*

- 6.2. Following the demolition of the Flightshed building in 2011/2012, outline planning permission was granted in February 2014 for the erection of up to 95 dwellings with all matters reserved except access. This approval was tied to and inter linked with housing delivery on both Phase 3 and Phase 4 Lickey Road (2013/06476/PA and 2013/06311/PA). These approvals proposed up to 392 dwellings across the three sites with 60 affordable units provided on Phase 3 funded by off-site contributions from the development of this application site (equating to 15% across the three sites).

### **Policy**

- 6.3. The NPPF seeks to ensure the provision of sustainable development, of good quality, in appropriate locations and sets out principles for developing sustainable communities. Planning is required to seek high quality design and a good standard of amenity for all existing and future occupants of land and buildings. It should also encourage the effective use of land by reusing land that has been previously developed and focus development in locations that are sustainable and can make the fullest use of public transport walking and cycling. The NPPF seeks to boost the supply of housing and seeks the delivery of high quality housing that is well designed and built to a high standard; a mix of housing, particularly in terms of type and tenure to create sustainable, inclusive and mixed communities.
- 6.4. The BDP emphasises the importance of the City's housing policies in contributing to the strategy for urban regeneration and economic revitalisation, and states that one of the ways this will be achieved is through a variety of housing to meet the full range of needs throughout the City. Policy GA10 identifies Longbridge as a growth area and states *“an AAP is in place for the area to secure comprehensive regeneration and guide future development over a 15-20 year period. The AAP has planned for the following levels of growth; 1450 new homes, one Regional Investment Site, 13,500sq.m. gross of retail floorspace and 10,000sq.m. office floorspace. A total of 28,626sq.m. of retail floorspace has been committed to date, reflecting changing circumstances since the AAP was adopted. Proposals for further retail development will only be permitted where it can be demonstrated through a full retail impact assessment that there will be no significant adverse impact on investment in, and on the viability of centres in the catchment area.”*
- 6.5. The BDP also aims to create a more sustainable pattern of development by re-using brown field sites in suitable locations with good access to jobs, shops and services by modes other than the car. It requires that new housing developments should provide an appropriate environment (Policy TP27), a suitable housing density and mix (Policy TP30) and encourages a full range of housing types. Policy TP30 identifies that densities of at least 50 dwellings per hectare will be sought in areas well served by public transport, with 40 dwellings per hectare elsewhere. The saved

Paragraph 3.14 (inclusive) of the saved policies of the UDP identifies that new housing development should be designed in accordance with good urban design principles, as does Places for Living SPD.

- 6.6. The BDP (Policy TP9) outlines the requirement for the provision of public open space generated by new residential development. It encourages provision within site boundaries and aims to achieve the provision of children's play facilities within 400 metres safe walking distance of all dwellings. This advice is reflected in 'Public Open Spaces in New Residential Development' (adopted as SPD in 2007).
- 6.7. The Longbridge Area Action Plan (AAP) designates the site under Policy EZ2 for employment uses however the BDP has not identified the site as a Core Employment Area as outline planning permission for residential development has previously been granted. The AAP also acknowledges that land occupied by MG Motors UK would become surplus to requirements and that it would be likely redeveloped for other future uses despite the land allocation for employment. On this basis, the principle of residential was agreed at outline application stage as being in accordance with policy and planning permission was granted.

### **Scale, Layout and Design**

- 6.8. The AAP identifies that *"new homes will provide a mix of type, size and tenure including affordable housing"* (Objective 14). This reserved matters submission would see the site developed for 95 dwellings on a 3.13 hectare (2.41 hectare developable area) site. This would provide a density of 39 dwellings per hectare on the developable area. Given the sites location opposite Cofton Park and some walking distance from the main Longbridge development and District Centre, I consider the density proposed to be acceptable and in general accordance with policy.
- 6.9. The mix of dwelling types and sizes proposed would meet the aim of the BDP for a variety of housing. The housing mix for the development comprises:
- 15, 2 bedroom units (9 flats and 6 houses) 16%;
  - 42, 3 bedroom houses 44%; and
  - 38, 4 bedroom houses 40%.
- 6.10. The scheme proposes houses that would be 2 and 2.5 storeys in height with an apartment block on the corner of Lowhill Lane Groveley Lane that would be 3 storeys. New residential development is currently under construction on the former Longbridge East Works located diagonally opposite the application site and this would predominantly be 2-2.5 storeys in height. I and my City Design advisor are satisfied that the proposed scale would be appropriate for the local context.
- 6.11. The layout demonstrates the provision of 95 units with a mix of 2, 3 and 4 bedroom properties with two primary access points off Groveley Lane and Lowhill Lane. The new housing would front the existing perimeter roads and the new internal roads creating a clearly defined public realm with private gardens that would be framed by buildings. This would create a successful 'back to back' relationship providing a logical and coherent sense of place. The development would see a density of 39 dwellings per hectare. This density was what was expected following the indicative layout at outline. The outline application also included the large woodland embankment to the rear of the site, this embankment remains in the ownership, control and management of St Modwen. I am satisfied that the proposed density is acceptable, in accordance with policy in the BDP, AAP, NPPF and Places for Living.



- 6.12. The proposed 95 dwelling development would have separation distances and rear amenity areas that would generally comply with the guidelines in Places for Living. Permitted development rights have been removed across the site through the Outline planning permission due to the requirements of the former contaminated nature of the site. Whilst the apartments have no private amenity space proposed aside from a terrace/balcony measuring 3sq.m or 7sq.m (corner balconies); their location is opposite Cofton Park and as such, I consider this to be acceptable.
- 6.13. The proposed layout generally meets the front to front/ rear to rear and windowed elevation to flank wall separation guidelines. The layout is somewhat closer in places but I consider this to be acceptable in order to achieve the necessary design and layout for the site. The narrowest point would be 15m front to front between plots 73-77 and 78-79 for two storey dwellings and 20m front to front for 2.5 storey dwellings at plots 86-87 and 56-57. Places for Living notes that greater flexibility can be applied to front to front separation distances. I consider the separation distances acceptable in design and layout to promote a form of enclosure for the proposed access road in from Lowhill Lane and the small enclave of dwellings in the north west of the site and have been considered acceptable on other Longbridge redevelopment sites.
- 6.14. All of the units would generally meet or exceed the national space standards for rooms and overall dwelling sizes, which although not yet adopted by the Council, do provide a useful yardstick to judge the adequacy of accommodation size.
- 6.15. The proposed development aims to be sensitive to the context of the surrounding area and appropriate to its character. The architectural style would be traditional in design utilising brick and render as the primary materials. Buildings are designed to include details such as front door canopies and floor to ceiling windows. A pallet of two primary types of brick is proposed - a red multi and a Buff, white render and a khaki brown composite boarding. Roof profiles would include front gables on some houses. Roof tiles would be slate grey.
- 6.16. Discussions have been undertaken with Officers during the course of the application and the layout now proposed represents the result of these discussions. The design principles of Places for Living would be met and the layout and approach is broadly the same as the approved scheme – the access arrangements, road layout and alignment, perimeter block structure, focal / landmark buildings, density and character.
- 6.17. As such, my design officer raises no objections on design, scale and layout issues. I concur with this view and recommend an obscure glazing condition for all dwellings with side facing windows.

### **Access**

- 6.18. Vehicular access would be afforded by two primary points; one from Groveley Lane and one from Lowhill Lane as per the Outline planning permission. Pedestrian access would also be via these points. The layout would create two cul-de-sac roads from these two access points. A shared pedestrian access/dwelling access bollarded to prevent a vehicular through road would be created in front of plots 17-18 and 60-61. This arrangement is considered acceptable in layout and design terms. Further driveway access points for shared spaces would be provided off both Lowhill Lane and Groveley Lane. The proposed apartment block would have its own

access off Groveley Lane. The road layout has been tracked for use by large vehicles and Transportation has raised no objections. I concur with this view.

- 6.19. Car parking provision on site would be provided at 200% for the houses, 100% for the apartments and for plots 54, 89 and 95 would be 400% due to the inclusion of a double garage for both of these units. Given that Lowhill Lane has significant on street parking adjacent to Cofton park and that Groveley Lane is a bus route, I consider the car parking provision as proposed acceptable. Transportation has raised no objections and I concur with this view.
- 6.20. Transportation has also requested conditions relating to a Section 278 agreement, cycle storage, construction management plan and pedestrian visibility splays. A condition relating to the requirement for pedestrian visibility splays is recommended below. The other requested conditions were attached to the outline planning permission and as such are not required on this reserved matters submission.

### **Landscaping**

- 6.21. The existing site was covered by hard standing and was heavily contaminated. As such, the existing site had no flora or fauna of note. The proposal would see the inclusion of a native hedge along the road frontages of Groveley Lane and Lowhill Lane to include Field Maple, Hornbeam, Hawthorn, Beech and Privet.
- 6.22. 53 new trees and 6 specimen shrubs are proposed along with other native and ornamental shrub planting across the site. The new trees would include Field Maple, Norway Maple, Silver Birch, Himalayan Birch, Hornbeam and Ornamental Pear. The specimen shrubs would include Dogwood, Holly and Flax.
- 6.23. My landscape officer considers the scheme acceptable and the City Ecologist considers that the proposed native hedge around the road frontage would be a welcome addition. The proposed planting scheme would provide some biodiversity benefit. Given the previous industrial nature of the site, the proposal will improve the overall biodiversity value. I concur with their views.

### **Other Issues**

- 6.24. Air Quality, Ecology, Flood Risk, Noise and Contaminated Land were all considered during the outline planning application and led to a number of planning conditions being attached to the outline approval. The majority of these conditions have been agreed through separate condition submissions. As such, the Environment Agency, Regulatory Services and the City Ecologist consider the scheme acceptable and raise no objection.
- 6.25. I note the objection concerning pedestrian/road safety.. In relation to highways and Groveley Lane in particular, improvements have previously been undertaken at the junction of Lowhill Lane and Lickey Road in response to this site being handed back to St Modwen from MG Motors. This was reviewed as part of the outline planning permission and no further highway works were considered necessary for the residential development of this site – this included any highway impact that the site development may have on Groveley lane and/or the railway bridge.
- 6.26. I note the letter of comment from MG Motors however the site received outline planning permission for residential where it was concluded that the operation of MG would not be affected by this development. With regards to commemorative measures requested by Councillors Cartwright and Griffiths; the applicant is in

discussions with Councillor Cartwright to understand what is sought. The amended plans highlight an area on the Lowhill Lane frontage outside the proposed apartments where an information board could be located but no detail has been provided. This issue is also being discussed internally with the Ward Councillors and the Longbridge Project Manager in relation to provision as part of the Longbridge AAP public art and infrastructure tariff money. As such, I consider it relevant to condition details of commemorative plaque/board to be submitted.

### **Community Infrastructure Levy (CIL) and Section 106 Requirements**

- 6.27. The proposed development does not attract a CIL contribution.
- 6.28. In terms of affordable units, as the development would provide over 15 dwellings, an element of affordable housing would be required on-site or as an off-site contribution. When outline planning permission was granted, this site was tied to and inter-linked with the development of Phase 3 and Phase 4 Lickey Road seeing the development of 392 dwellings in total. At that time, the outline planning permission secured 60 affordable units to be provided on the Phase 3 site and funded by off-site contributions from this application site. This affordable housing has subsequently been provided within the Phase 3 development and the Registered Social Landlord has taken 72 of the 82 units provided in Phase 3. Based on this, I consider that the affordable housing requirement from the site has been met as part of the outline planning permission.
- 6.29. A £237,500 Longbridge Infrastructure Tariff contribution was also secured on the outline planning permission.

### **7. Conclusion**

- 7.1. The redevelopment of the site for housing accords with both national and local planning policy. The proposal is consistent with the key objectives of the BDP and the Longbridge AAP and would continue to deliver the attractive, quality neighbourhoods envisaged. The proposed mix of dwellings and house types would help to provide a balanced community and widen the choice of property available within the Longbridge redevelopment area. The scale, layout and design are acceptable and appropriate for the area and would deliver a significant contribution to meeting the City's housing needs.
- 7.2. I note that the key principle in the NPPF is the presumption in favour of sustainable development and this is identified as having three stems of economic, social and environmental. As the proposal would see the redevelopment of a former heavily contaminated industrial site within the Longbridge AAP area for new residential development and which would in turn provide economic and social benefits for the existing and new residential occupiers, whilst supporting the provision of local employment in construction and would have a positive environmental impact through the inclusion of gardens and native landscaping and would provide ecological and biodiversity improvements, I consider the proposal to be sustainable development and on this basis, should be approved.

### **8. Recommendation**

- 8.1. That approval is given to the reserved matters of appearance, landscaping, layout and scale as they relate to outline planning permission 2013/06429/PA, covered by reserved matters application 2017/00471/PA, subject to the conditions set out below.

8.2. This reserved matters submission 2017/00471/PA agrees the details submitted pursuant to the following conditions of outline planning permission 2013/06429/PA:

- Condition 18 - hard surfacing details;
- Condition 19 - boundary treatment details;
- Condition 23 – sample materials; and
- Condition 29 – cycle storage details.

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1	Requires the scheme to be in accordance with the listed approved plans
2	Requires the prior submission details obscure glazing for specific areas of the approved building
3	Requires the prior submission of details of a communal satellite dish for the apartment block
4	Requires the prior submission of commemorative plaque/art feature/information board details
5	Requires pedestrian visibility splays to be provided

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Case Officer: Pam Brennan

## Photo(s)



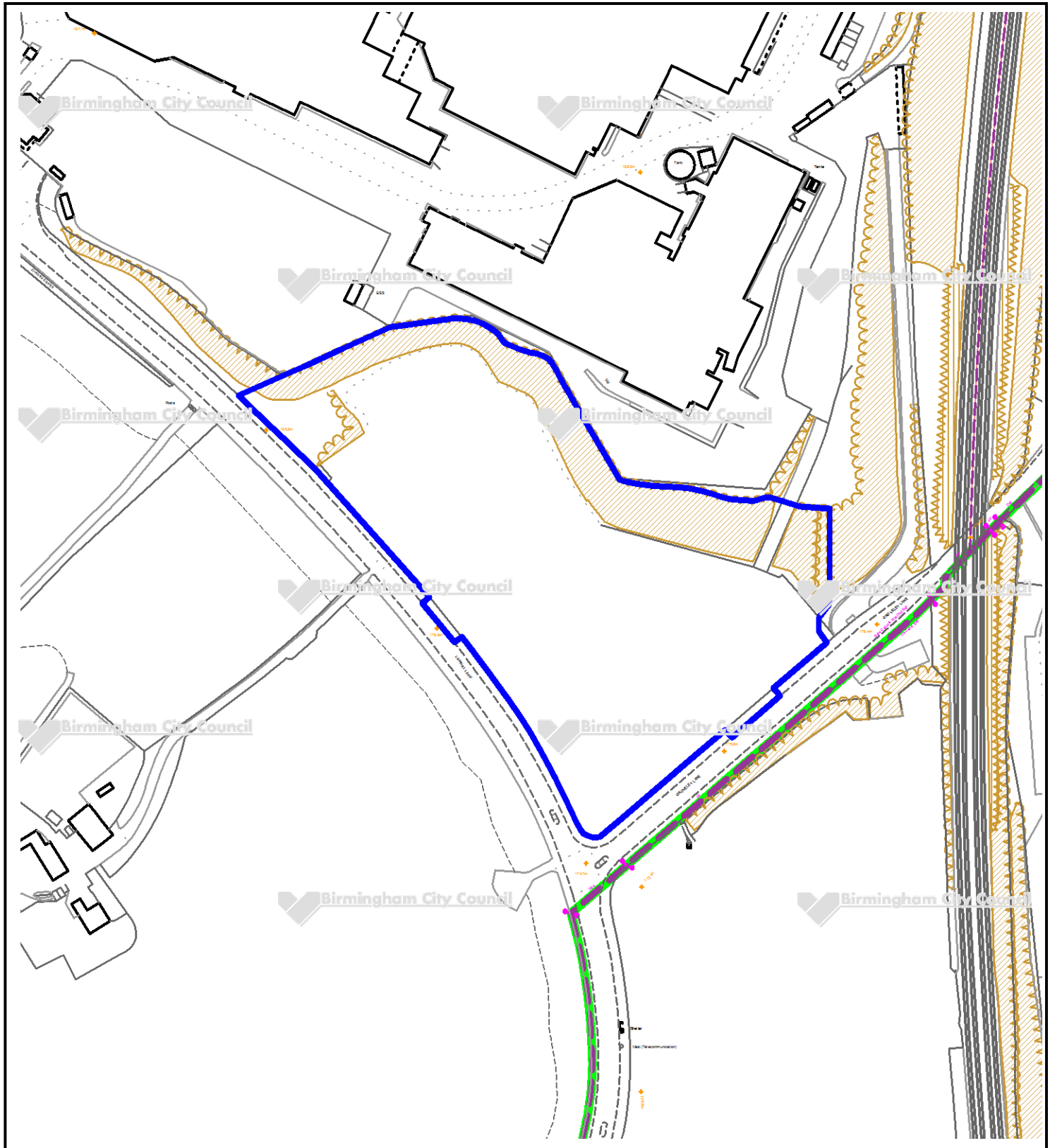
Photo 1: View from the corner of Groveley Lane and Lowhill Lane



Photo 2: View looking east towards the wooded embankment



## Location Plan



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# **Birmingham City Council**

**Planning Committee**

**13 April 2017**

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Approve – Conditions	10	2017/00788/PA  McDonald's Restaurant College Road Kingstanding Birmingham B44 0AA  Variation of Condition C5 attached to planning application 2006/06577/PA to enable the restaurant to trade between the hours of 05:00 and 00:00 daily.

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Committee Date:	13/04/2017	Application Number:	2017/00788/PA
Accepted:	31/01/2017	Application Type:	Variation of Condition
Target Date:	13/04/2017		
Ward:	Kingstanding		

McDonald's Restaurant, College Road, Kingstanding, Birmingham, B44 0AA

Variation of Condition C5 attached to planning application 2006/06577/PA to enable the restaurant to trade between the hours of 05:00 and 00:00 daily.

Applicant:	McDonald's Restaurants Ltd c/o Agent
Agent:	Savills (UK) Limited 33 Margaret Street, London, W1G 0JD

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Recommendation

**Approve Subject To Conditions**

1. Proposal

1.1. Planning permission is sought to vary condition C5 attached to planning approval 2006/06577/PA to allow an increase in the hours of operation of the McDonalds Restaurant located at College Road, New Oscott from 0500 to midnight daily. An additional 1½ hours in the mornings.

1.2. The wording of condition C5 currently states:

*"The premises shall be closed for business between midnight and 0630 hours daily.  
REASON: In order to safeguard the amenities of occupiers of premises/dwellings in the vicinity".*

1.3. These hours of opening were previously approved on a one year temporary basis in order to monitor the sites new opening hours under 2016/01277/PA. This application is to allow these same opening hours on a permanent basis.

1.4. A site management plan has been submitted in support of this application, which covers the following areas:

- CCTV
- Litter
- The customer order display unit
- Staff safe – reduction in anti-social behaviour
- Signage
- Conflict avoidance training
- Complaints log procedure
- 24 hour security

1.5. [Link to Documents](#)



## 2. Site & Surroundings

- 2.1. The application site relates to the drive thru McDonalds restaurant located at College Road, Oscott. This is a two storey building that sits on the corner of College Road and Warren Farm Road and has a prominent position at this busy road junction.
- 2.2. The drive thru loops around towards the building in the north corner of the site with the order booths being located to the side of the building. The car parking is located to the side and front of the building.
- 2.3. Surrounding the site are residential properties, with some landscaping and screening provided.
- 2.4. The nearest public house is the Beggars Bush some 1,150m away from the site to the north-east.
- 2.5. [Site Location Map](#)

## 3. Planning History

- 3.1. 31/03/2016 - 2016/01277/PA - Variation of condition C5 attached to planning approval 2006/06577/PA in order to modify the approved opening hours from 0630 to midnight daily to 0500 to midnight daily – Approved for a temporary period of 1 year.
- 3.2. 05/01/2016 - 2015/09407/PA - Removal of condition number C5 (The premises shall be closed for business between midnight and 0630 hours daily) attached to approval N/06577/06/FUL to enable the restaurant to trade 24 hours a day, seven days a week – Refused.

### Reason for Refusal:

- The proposed 24 hour opening hours would lead to increased late-night noise and general disturbance to the detriment of the residential amenity of nearby occupiers and would be likely to lead to further incidents of crime and disorder. As such the proposal would be contrary to Paragraphs 3.8 and 3.10 of the Birmingham UDP 2005 and the National Planning Policy Framework.
- 3.3. 12/12/2014 - 2014/07221/PA - The installation of 4 no. new lamp posts (5m columns) adjacent to the drive thru lane – Approved subject to conditions.
  - 3.4. 29/09/2014 - 2014/06567/PA - Non-material amendment attached to approval 2014/00697/PA for relocation of presenter booth window, replacement 1.8m close boarded timber fence, redecorate boarded-up windows and re-lining of car park – Approved.
  - 3.5. 26/03/2014 - 2014/00697/PA - Reconfiguration to the drive thru lane to provide a side-by-side ordering point system and associated works - Approved subject to conditions.
  - 3.6. 12/12/2011 - 2011/07558/PA - Application to determine the details for condition number 3 and 5 attached to approval 2011/04208/PA – Approved.

- 3.7. 01/11/2011 - 2011/05785/PA - Application to determine the details for condition numbers: 2, 4, 6 & 9 attached to approval 2011/04208/PA – Approved.
- 3.8. 25/08/2011 - 2011/04208/PA - Alterations and refurbishment to patio area including associated works, alterations to footway crossings, demolition of toilet block, boundary treatment and formation of additional car parking spaces – Approved subject to conditions.
- 3.9. 25/06/2008 - 2008/02465/PA - Variation of condition C4 attached to planning consent N/01435/97/FUL, to change the opening hours to 0630 - 2400 Sunday to Thursday and 0630 - 0200 Friday and Saturday – Refused.

Reason for refusal:

- The proposed extension of opening hours would lead to increased late-night noise and general disturbance to the detriment of the residential amenity of nearby occupiers and would be likely to lead to further incidents of crime and disorder. The proposal is therefore contrary to Policies 8.6 and 8.7 of the Adopted Unitary Development Plan (2005) and PPS1 and companion guide 'Safer Places'.
- 3.10. 10/01/2007 - 2006/06577/PA - Variation of condition C4 on application N/01435/97/FUL to allow opening between the hours of 6.30am and midnight seven days a week – Approved subject to conditions.

4. Consultation/PP Responses

- 4.1. Site notice displayed, surrounding occupiers, residents associations, local members and MP notified – 8 objections have been received with the following concerns:
- Surrounded by residential properties
  - Extra noise pollution
  - Extra air pollution
  - Anti-social opening hours
  - Litter problems
  - Traffic built up
  - Blocking driveways and limiting access to homes
  - Light pollution
  - In breach of previous consent with delivery times
  - Infringement on privacy
  - No notification from McDonald's on intentions
- 4.2. West Midlands Police – No objections.
- 4.3. Transportation Development – No objections.
- 4.4. Regulatory Services – No objections.

5. Policy Context

- 5.1. The Birmingham Unitary Development Plan 2005 (saved policies), Birmingham Development Plan 2017, SPD: Shopping and Local Centres (2012), Places for All (2001), National Planning Practice Guidance (2014), and the National Planning Policy Framework (2012).

6. Planning Considerations

- 6.1. The main issues for consideration in the assessment of this planning application are the impact of the extension of opening hours by 1 hour 30 minutes from 0630 opening to 0500 opening, on residential amenity and highway safety.
- 6.2. Paragraphs 8.6 and 8.7 of the Unitary Development Plan 2005 (saved policies) contain a series of criteria to assess proposals such as this. In general such uses should be confined to shopping areas of mixed commercial development. The cumulative impact on amenity and traffic and the impact on the vitality and viability of the shopping frontage should also be considered. In assessing proposals for evening opening consideration should be given to the proximity of residential accommodation, nature and character of the shopping area and ambient noise levels. To protect residential amenity, if permission is granted, conditions may be attached requiring the premises to be closed and cleared of customers by a certain time.
- 6.3. Paragraph 123 of the NPPF requires that planning policies and decisions should aim to; “avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development” and to “mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new developments, including through the use of conditions”.
- 6.4. Further guidance on noise issues is included within the NPPG. It advises that noise needs to be considered when new developments may create additional noise and local planning authorities’ decision taking should take account of the acoustic environment and consider;
- Whether or not a significant adverse effect is likely to occur.
  - Whether or not an adverse effect is occurring or likely to occur; and
  - Whether or not a good standard of amenity can be achieved.
- 6.5. The NPPG further advises that the subjective nature of noise means that there is not a simple relationship between noise levels and the impact on those affected. Various factors need to be taken into account including the source and level of noise together with the time of day it occurs. Some types of noise will cause a greater adverse effect at night as people tend to be more sensitive to noise at night if they are trying to sleep and there is less background noise at night.
- 6.6. The NPPG emphasises that some commercial developments can have particular impacts as their activities are at a peak in the evening and late at night and local planning authorities should bear in mind not only the noise that is generated within the premises but also noise that may be made by customers in the vicinity. It also advises that using planning conditions to restrict activities allowed on site at certain times can mitigate against the effects of noise.
- 6.7. Residential amenity  
Regulatory Services raise no objection to the permanent extension of the proposed opening times as they have not received any formal complaints from local residents in the last 12 month monitoring period for these hours previously approved on a 1 year temporary basis under 2016/01277/PA. I concur with this view.

- 6.8. The Birmingham Unitary Plan 2005 saved policy 8.7 states that such uses will normally be required to be closed and cleared of customers by 11.30pm; it makes no specific reference to the time of morning opening. I note that the public participation responses refer to current problems within the temporary approved opening times, although no formal complaints have been received by Regulatory Services. I acknowledge that ambient noise, predominantly generated by passing traffic, would be at a lower level during the early morning hours. However, the number of customers is likely to be less between 5am and 6:30am than during the day and evening.
- 6.9. I note the concerns that have been raised in relation to potential anti-social behaviour and disturbance. I do not consider it likely that the extra opening hours proposed would result in an increase in anti-social behaviour particularly given the early morning extension rather than later into the evening after the closing time of public houses. Similarly, the Police have not raised an objection to the application. A number of the issues raised by local residents relate to the management of the site. These matters are addressed in the submitted site management plan.
- 6.10. Highway safety  
Transportation Development raise no objection to the proposal. I concur with this view. The additional hours fall outside of peak traffic movement times and I consider it unlikely that a significant amount of traffic would be generated during the extra period proposed. Consequently I do not expect that highway safety would be prejudiced by the proposal.
7. Conclusion
- 7.1. Approve subject to conditions.
8. Recommendation
- 8.1. That planning permission is granted.

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- |   |  |
|---|--|
| 1 | Requires the agreed mobility access to be maintained                         |
| 2 | All loading and unloading of goods to take place within the application site |
| 3 | Limits the hours of use to 0500-0000 daily                                   |
| 4 | Requires the scheme to be in accordance with the listed approved plans       |
| 5 | The areas allocated for car parking and vehicle circulation                  |
| 6 | Limits the maximum number of customers/covers to 120                         |
| 7 | Limits delivery time of goods to or from the site to 0700-2300 daily         |
- 

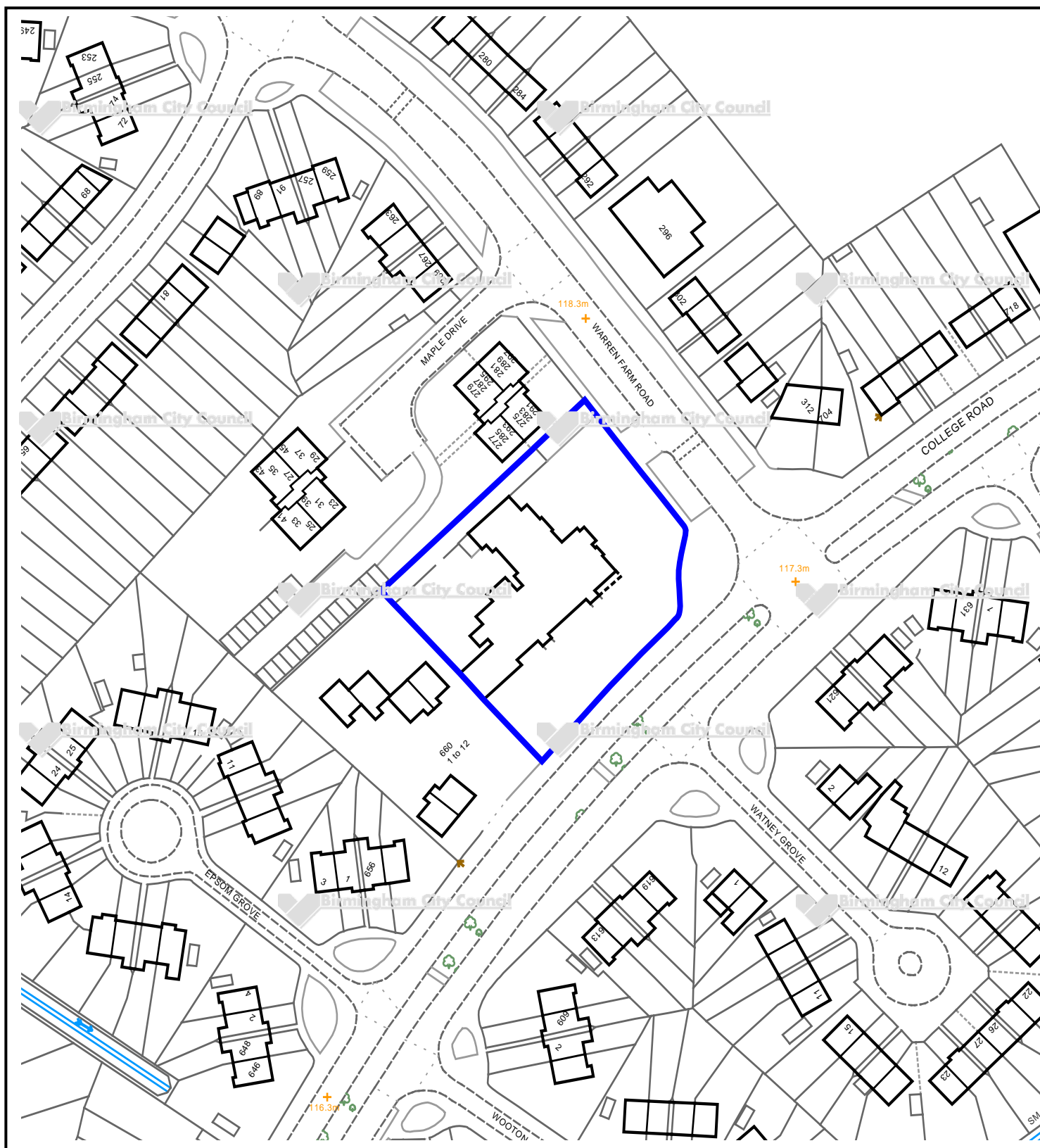
Case Officer: Stephanie Hollands

## Photo(s)



Figure 1 – Application site

## Location Plan



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# **Birmingham City Council**

## **Planning Committee**

**13 April 2017**

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>
No Prior Approval Required	11	2017/02290/PA  Warstone Tower 160 Bromford Drive Bromford Birmingham B36 8TU  Application for prior notification for the proposed demolition of 20 storey residential tower block
Approve - Temporary	12	2017/01168/PA  Junction of Bordesley Green East and Alston Road Bordesley Green Birmingham B9  Display of 4 non-illuminated freestanding roundabout signs

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Committee Date:	13/04/2017	Application Number:	2017/02290/PA
Accepted:	14/03/2017	Application Type:	Demolition Determination
Target Date:	14/04/2017		
Ward:	Hodge Hill		

Warstone Tower, 160 Bromford Drive, Bromford, Birmingham, B36 8TU

Application for prior notification for the proposed demolition of 20 storey residential tower block

Applicant: Birmingham City Council  
1 Lancaster Circus, PO Box 16579, Birmingham, B2 2GQ  
Agent: Acivico limited  
PO Box 17212, Louisa House, 92-93 Edward Street, Birmingham, B2 2AQ

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Recommendation

**No Prior Approval Required**

1. Proposal

- 1.1. This application seeks prior approval determination for the demolition of the 20 storey residential tower block Warstone Tower, located at 160 Bromford Drive. The applicant has confirmed that the proposed demolition is required to allow for the future development of the site.
- 1.2. Demolition of the buildings is permitted development, subject to the submission of a prior approval application to consider the method of demolition and the means of restoring the site.
- 1.3. Demolition method would involve the use of high reach machinery or by use of explosives all to BS6187 compliance. Once the building has been demolished the site would be graded to suit surrounding levels with trip rails to the back of pavement and 1.8m high chain link fencing to the perimeters set a minimum of 2 metres from the back of pavement. All materials would be re-cycled where possible with non-recyclable materials disposed to licenced waste sites.

[Link to Documents](#)

2. Site & Surroundings

- 2.1. The site is an existing 20 storey residential tower block which was constructed in the 1960's. To date the tower block is almost vacant all for a couple of existing residents, who are to be re-homed.
- 2.2. The general character of the area is residential with a small parade of single storey commercial units, Public House and community facilities lie to the west and a church hall and Tame Valley Community School are situated to the east, an identical tower block (Holbrook Tower) is located to the opposite (southern) side of the road, to the rear lies an elevated section of the M6 Motorway.



[Location plan](#)

3. Planning History

- 3.1. 22.08.2014. 2014/05406/PA, Application for prior notification of proposed demolition of Warstone Tower, no prior approval required.

4. Consultation/PP Responses

- 4.1. Regulatory Services – Awaiting comments.
- 4.2. Transportation Development – Awaiting comments.
- 4.3. Environment Agency – Awaiting comments.
- 4.4. LLFA – No objections.
- 4.5. Requisite site notice displayed with no responses received. Ward Councillors notified with no responses received.

5. Policy Context

- 5.1. Birmingham Development Plan (2017); Birmingham Unitary Development Plan 2005 (Saved Policies); Town and Country Planning (General Permitted Development) Order 2015 (as amended), National Planning Policy Framework (2012).

6. Planning Considerations

- 6.1. This application is to determine whether prior approval is required for the demolition of the 20 storey high-rise residential Warstone Tower. The issues to be considered with this type of application are solely the method of demolition and means of restoring the site.
- 6.2. The applicant has confirmed that the demolition is required to allow for the future development of the site. The method of demolition would be by either high reach machinery or explosives in accordance with the BS6187 code of practice for full and/or partial demolition. The site would be graded and secured upon completion by 1.8 metre high chain link fence located 2 metres from the back of footpath and all materials where possible will be recycled or sent to landfill. No information has been received as to any proposed new development of the site, however I consider that if the site remains vacant it would not unduly harm the character or appearance of the area in the interim.
- 6.3. The Environment Agency, Transportation Development and Regulatory Services (Pollution Control) have been consulted with no responses received to date. However, I note that the previous identical application 2014/05406/PA was assessed by both Regulatory Services and Transportation Development who raised no objections to the proposal.
- 6.4. The Council as Lead Local Flood Authority have assessed the proposal and raise no objections to the proposed demolition. They do comment that during the demolition of the existing building, due care should be taken by the contractor to ensure that adequate surface water controls are put in place to ensure that sediment is

prevented from entering any formal surface water system, and that it remains wholly within the boundary of the site as far as reasonably practicable.

- 6.5. It is considered that the works proposed works are acceptable in terms of method of demolition and means of site restoration, therefore no prior approval is required.

7. Conclusion

- 7.1. The proposed building to be demolished has no architectural merit and the proposed method of demolition and means of clearance/ restoring the site is considered acceptable. I therefore recommend that no prior approval is required.

8. Recommendation

- 8.1. No prior approval is required.

Case Officer: Keith Mellor

## Photo(s)

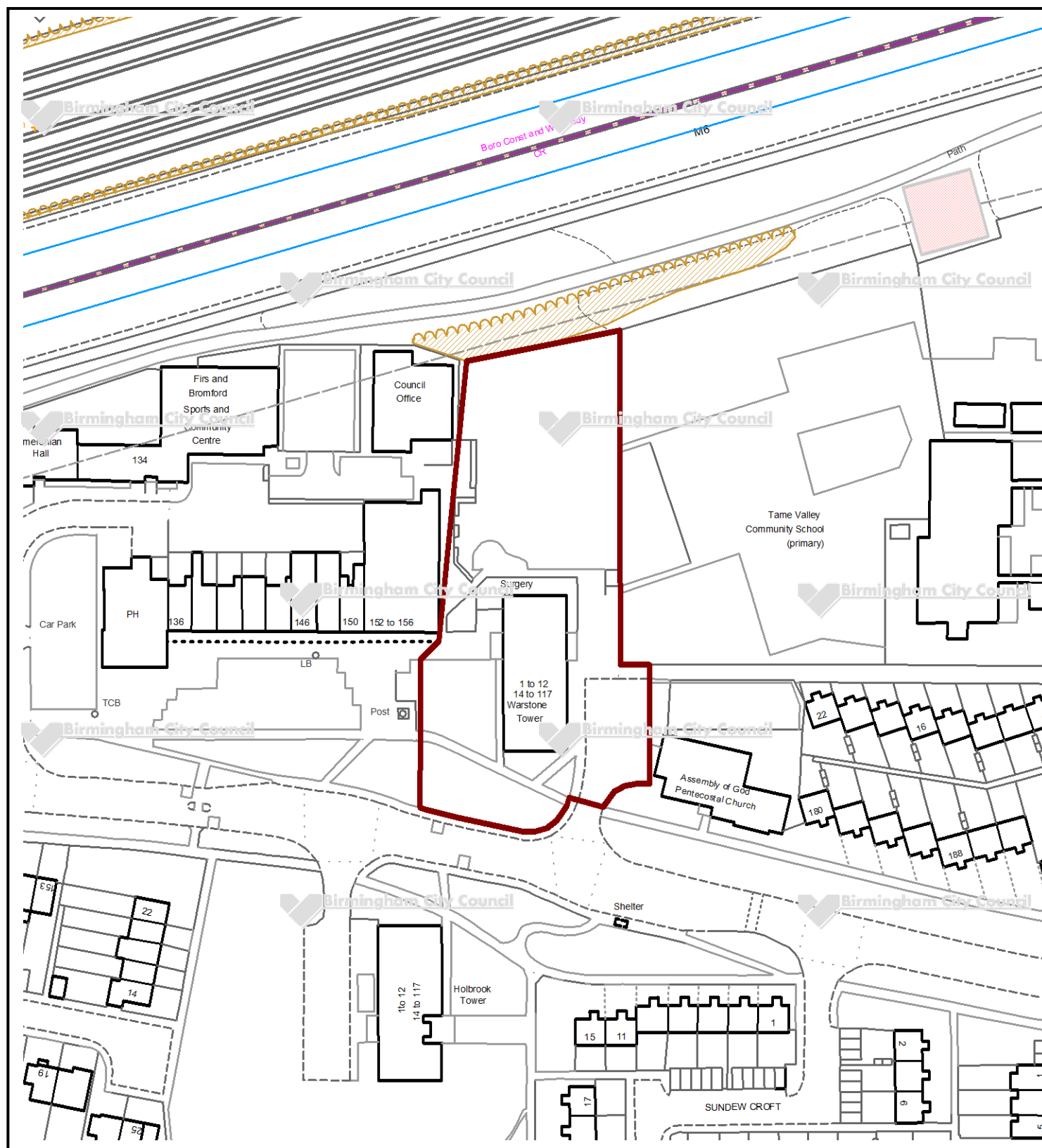


Full view 1



Ground floors 1

## Location Plan





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Committee Date:	13/04/2017	Application Number:	2017/01168/PA
Accepted:	09/02/2017	Application Type:	Advertisement
Target Date:	06/04/2017		
Ward:	Bordesley Green		

Junction of Bordesley Green East and Alston Road, Bordesley Green, Birmingham, B9

Display of 4 non-illuminated freestanding roundabout signs

Applicant:	Birmingham City Council Procurement, 10 Woodcock Street, Aston, Birmingham, B7 4GB
Agent:	Immediate Solutions D221, D Mill, Dean Clough, Halifax, Yorkshire, HX3 5AX

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Recommendation

**Approve Temporary**

1. Proposal

1.1. This application proposes the installation of 4 no. non-illuminated post-mounted signs on the roundabout at the junction of Bordesley Green East / Alston Road / main entrance to Heartlands Hospital. The proposed signs would be located close to the edge of the roundabout in the following locations:

- Near the junction with Bordesley Green East, at the eastern end of the roundabout;
- Near the junction with Alston Road, at the northern end of the roundabout;
- Near the junction with the main entrance to Heartlands Hospital, at the southern end of the roundabout; and
- Near the junction with Bordesley Green East, at the western end of the roundabout.

1.2. The proposed signs would each have a width of 1.8m and height of 0.5m and would be mounted on posts giving an overall height of 0.65m above ground level. The signs would be made of aluminium and the posts would be steel.

1.3. Discussions with the applicant since the submission of the planning application have confirmed that the proposed signage would not exceed the dimensions indicated above.

1.4. [Link to Documents](#)

2. Site & Surroundings

2.1. The application site comprises the whole of the roundabout which forms the junction of Bordesley Green East, Alston Road, and the main entrance to Heartlands Hospital. The roundabout is currently grassed, with no other landscaping present.

Other street furniture currently located at the edges of the roundabout includes directional highway signage. Pedestrian traffic lights are located on Bordesley Green East, going west towards Birmingham City Centre.

- 2.2. The surrounding area contains a mix of residential uses and Heartlands Hospital. A bus stop is located on Bordesley Green East, going west towards Birmingham City Centre.

- 2.3. [Site Location](#)

- 3. [Planning History](#)

- 3.1. None relevant.

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

- 4.1. Transportation Development – Requested amendments to reduce the height of the advertisements to secure adequate visibility for motorists.
- 4.2. Ward Members and neighbours notified. No representations received.

- 5. [Policy Context](#)

- 5.1. National Planning Policy Framework (2012); Birmingham Development Plan (2017); Birmingham Unitary Development Plan Saved Policies (2005)

- 6. [Planning Considerations](#)

- 6.1. The NPPF restricts Local Planning Authorities to considering only amenity and public safety when determining applications for consent to display advertisements (paragraph 67).
- 6.2. Paragraph 67 of the NPPF states that poorly placed adverts can have a negative impact on the appearance of the built environment. It adds that only those advertisements that will clearly have an appreciable impact on a building or on their surroundings should be subject to a Local Authority's detailed assessment. Finally, it states that the cumulative impact of advertisements should be considered.

*Amenity*

- 6.3. The proposed adverts would be situated at appropriate locations on the roundabout and as there are no existing elements of advertising on the roundabout, I consider the proposal would not over-burden the roundabout with advertising. The proposed adverts would be of a modest size, in keeping with the commercial nature of the surroundings and would not dominate the highway environment.
- 6.4. The proposed signage is set within the landscaping in parts however this is considered an appropriate setting and would not result in the loss of any landscaping. I therefore do not consider that the proposals would constitute clutter within the street scene and consider the scale of the proposed advertisement signs would be acceptable.

### *Public Safety*

- 6.5. The proposed signs would form part of the highway environment and an appropriate level of visibility would be provided in order for drivers to assimilate the contents of the advert without causing highway safety concerns. Such adverts are not an unusual feature on roundabouts and therefore would not cause an unacceptable degree of driver distraction.
- 6.6. Transportation Development requested amendments to the proposals to reduce the height of the proposed advertisements in order to address adequate visibility for motorists. Since the submission of the application, the Agent for the application has reduced the height of the advertisements to 0.5m which would be adhered to as part of a condition attached to any advertisement consent, thereby securing the required visibility.
- 6.7. On this basis, I consider that the application proposals are acceptable and would not have a detrimental impact on public safety.

### 7. Conclusion

- 7.1. The proposed adverts would not have an adverse impact on amenity or public safety and I therefore recommend consent is granted subject to conditions.

### 8. Recommendation

- 8.1. Approve temporary subject to conditions.

- 
- |   |  |
|---|--|
| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Limits the approval to 5 years (advert)                                |
- 

Case Officer: Claudia Clemente

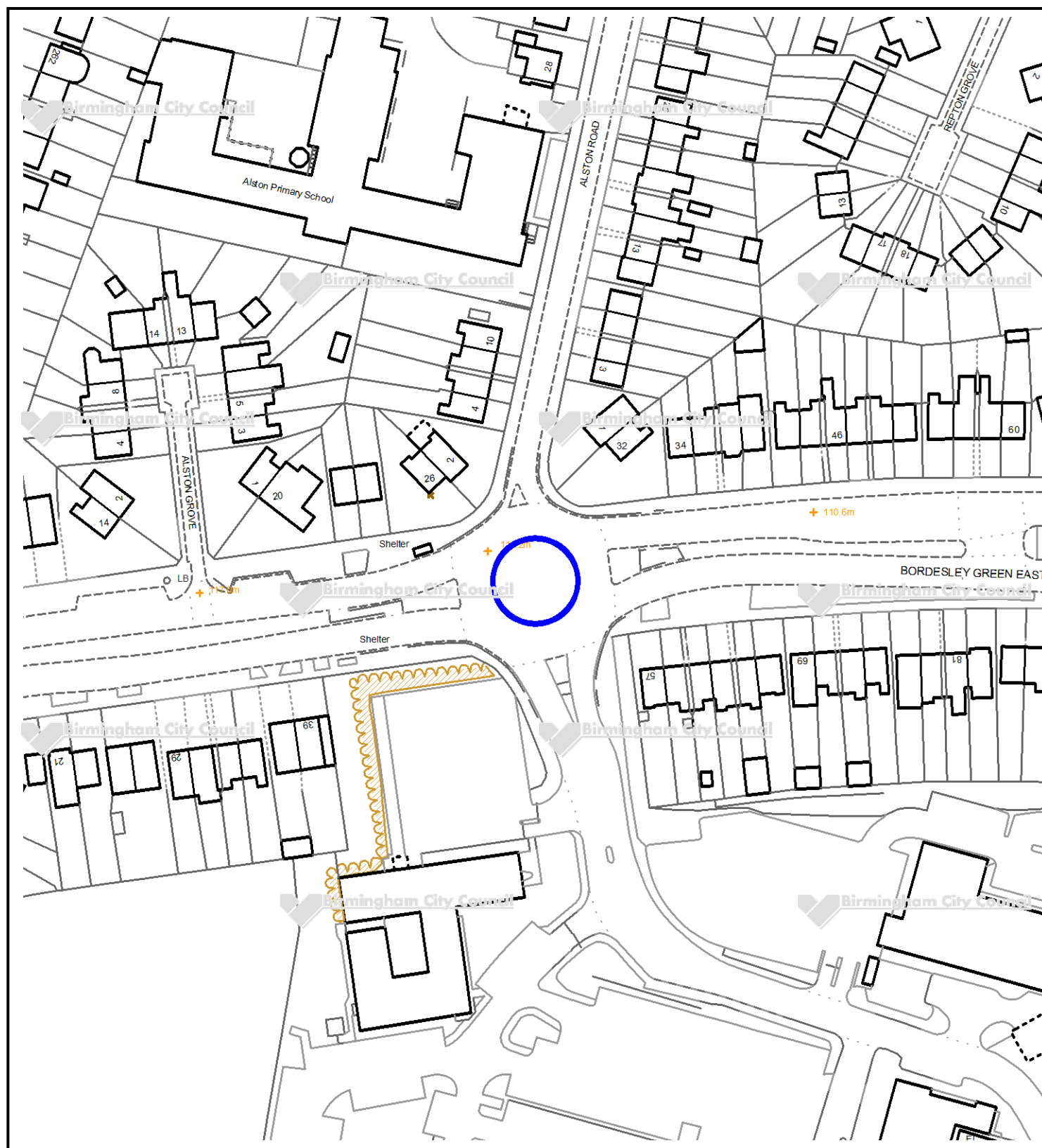
## Photo(s)



**Figure 1: Roundabout from Bordesley Green East**



## Location Plan



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# **Birmingham City Council**

## **Planning Committee**

**13 April 2017**

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Approve - Conditions	13	2016/06827/PA  Corner of Cheapside and Moseley Road Digbeth Birmingham B12 0PU  Erection of part 6 / part 7 storey 102 bed student residential building with ground floor retail unit and associated development
Approve - Temporary	14	2017/01261/PA  Hill Street (between junctions with Paradise Street and Hinckley Street) City Centre Birmingham B5  Display of 9 non-illuminated lamppost advertisement banners

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Committee Date:	13/04/2017	Application Number:	2016/06827/PA
Accepted:	04/01/2017	Application Type:	Full Planning
Target Date:	14/04/2017		
Ward:	Nechells		

Corner of Cheapside and Moseley Road, Digbeth, Birmingham, B12  
0PU

Erection of part 6 / part 7 storey 102 bed student residential building with  
ground floor retail unit and associated development

Applicant:	DP Interiors Ltd (Digbeth Site) 55-61 South Road, Camp Hill, Birmingham, B11 1EX
Agent:	McBains Cooper 120 Old Broad Street, London, EC2N 1AR

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#### Recommendation

#### **Approve Subject To Conditions**

##### 1. Proposal

- 1.1. This application proposes the erection of a part 6 / part 7 storey student residential building (Sui Generis) with an ancillary ground floor retail unit.

##### Layout

- 1.2. The proposed roughly rectangular building measures approximately 36m long X 16.4m deep X 21.5m tall at its largest dimensions. A small retail unit is proposed at ground floor (A1 Use Class) with its shop front onto Cheapside and access from the corner of the plot. The residential access would be situated behind the retail unit and accessed off Moseley Road. The principal circulation area would be adjacent to this main entrance, with a secondary staircase at the other end of the building that provides access down to the lower ground floor level where there is a cycle store.
- 1.3. In addition to other back of house facilities such as refuse storage, plant and laundry rooms the lower ground floor would provide 5 no. bedrooms and a shared common room. Externally, the lower part of the split level to the rear, amenity space would be laid out.
- 1.4. A further 12 no. bedrooms with two common areas (living room and cooking facilities) would be provided at ground floor, 18 no. bedrooms with three common room areas would be provided at 1<sup>st</sup> floor – 3<sup>rd</sup> floor, reducing to 17 no. bedrooms on the 4<sup>th</sup> floor. The top floor would provide a further 14 no. units with two shared common rooms.
- 1.5. Each room would have a bathroom with space for a bed and desk.

##### Design

- 1.6. The design has a defined bottom, middle and top. The ground and lower ground levels have a simple form of reconstituted stone cladding with aluminium framed windows. Above this, the next four floors slightly cantilever over this podium with metal cladding the principal material. Windows at these upper levels would be 'saw-tooth' layout with projecting semi-bay windows having a mixture of translucent and opaque glazing providing visual interest. The top floor reverts continues the 'saw-tooth' layout but steps back from the 1<sup>st</sup> - 4<sup>th</sup> floors cantilevered element facing Moseley Road.
- 1.7. Since the application's submission the scheme has been amended to remove a set back at the upper floor, introduce larger windows on the ground and lower ground floors on the Cheapside elevation and to continue the 'saw tooth' layout to the top floor.
- 1.8. There would be no onsite parking, although the supporting information shows how the surrounding Traffic Regulation Orders could be amended to provide an on street disabled parking space and a loading bay. In addition, the application commits to upgrade the surfaces of the surrounding pavements with blue bricks.
- 1.9. This application is supported by detailed plans, Design and Access Statement, a Statement of Student Need, Noise Assessment, Planning Statement, Transport Statement, Geo Environmental Desk Study and a Flood Risk Assessment including SUDS assessment.

1.10. [Link to Documents](#)

2. [Site & Surroundings](#)

- 2.1. The application site is a roughly rectangular cleared plot of land that forms part of a much wider cleared site that is in different ownership. The site sits at the junction of Moseley Road and Cheapside, with levels generally falling towards the River Rea to the west.
- 2.2. The site is towards the periphery of Digbeth with its boundary with Highgate to the south. The vicinity of the site has a mix of building forms and uses including a large scale residential apartment block to the north, small scale industrial and a public house to the south, the Grade II listed Moseley Arms to the northeast with a large scale office block and housing adjacent to the east/southeast. Beyond the wider cleared site to the west there is a collection of largely disused industrial buildings, the majority of which form the former Westminster Works site (see Planning History). The Grade II listed Paragon Hotel is situated to the west and the large Highgate Park is to the south.

2.3. [Site Location](#)

3. [Planning History](#)

- 3.1. 15.03.2006 – 2005/07838/PA – Approval – Erection of 24 no apartments and 205 sq.m of commercial space (5/6 storey)  
  
Application site and part of the adjacent site
- 3.2. 21.07.2005 – 2003/04098/PA – Approval – Mixed use residential development comprising 90 apartments, offices and retail uses.

Former Westminster Works site

- 3.3. 23.03.2017 – 2016/08279/PA – Approval - Demolition of existing buildings and erection of 5-7 storey buildings to provide 141 no. residential apartments, car parking and associated development.

4. Consultation/PP Responses

- 4.1. Transportation Development – No objection subject to conditions requiring the provision of an appropriate highways agreement; details of boundary treatment; cycle parking provided prior to occupation and provision of an updated Travel Plan including the 'Zero Parking' tenancy agreement noted in the supporting Transport Statement.
- 4.2. Drainage (Lead Local Flood Authority) – No objection subject to the imposition of two drainage conditions.
- 4.3. Regulatory Services – Raise no objections subject to conditions requiring the development to be carried out in accordance with the Noise Assessment and limiting noise levels from plant and machinery.
- 4.4. West Midlands Police – Make various detailed security recommendations, consider that if the student moving in/out process is not managed properly this could have a significant impact upon the major routes around the site.
- 4.5. West Midlands Fire Service – No objections.
- 4.6. Severn Trent – No objection subject to the imposition of a drainage condition.
- 4.7. Press and Site Notices posted. Ward Members, neighbouring occupiers, Resident Associations and the MP consulted. A total of 5 representations objecting to the scheme have been received, with the following points raised:
- Noise. Students will create noise and disturbance, particularly at evenings and weekends.
  - Would negatively affect property values
  - Loss of residential character
  - Threat to the security of local residents
  - Lack of parking
  - Community atmosphere would be destroyed
  - Loss of light and privacy
  - Doubts that the retail at ground floor would be successful
  - Money would be better spent on listed buildings
  - Could impact upon the structural stability of two listed buildings in close proximity

4.8. In addition, 3 representations supporting the scheme have been received with the following comments made:

- Great idea, Digbeth is up and coming and becoming London's Camden. Student accommodation housing young creative minds is perfect
- Good use of a vacant plot
- Positive use of the land

5. Policy Context

5.1. Birmingham Unitary Development Plan (saved policies) 2005; Birmingham Development Plan 2017; Car Parking Guidelines (2012) SPD; Loss of Industrial Land to Alternative Uses SPD; Shop Front Design Guide (1995) SPG; Places for All (2001) SPG; Specific Needs Residential Uses SPG; and the National Planning Policy Framework.

6. Planning Considerations

NATIONAL POLICY

6.1. Sustainable Development is at the heart of the National Planning Policy Framework (NPPF), which establishes a presumption in favour of such development. Development is required to address the three key aspects of sustainability (economic, social and environmental) in order to constitute sustainable development. The NPPF breaks development down to key themes and provides guidance on each, with those key to this application explored in more detail below.

6.2. The Framework encourages sustainable transport and the delivery of a wide choice of quality homes that cater for the needs of different groups in the community. It reinforces that good design is a key component of sustainable development.

6.3. In respect of the impact upon heritage assets (i.e. the setting of the Moseley Arms, Paragon Hotel and former Police Barracks), policy 128 of the NPPF requires the significance of a heritage asset to be described and any impact upon that significance should be assessed. At 135 the NPPF requires that a balanced judgement weighing the harm caused to the significance of the asset against the benefits of the development. 136 adds that Local Planning Authorities should not permit the loss of an asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred.

6.4. The Birmingham Development Plan at policy PG3 requires development to demonstrate high design quality, reinforce or create a positive sense of place, create safe environments, encourage cycling and walking and to take opportunities to make sustainable design integral. Policy TP33 requires off-campus proposals for purpose built student accommodation to:

- demonstrate a need for the development;
- be well located in relation to the education establishment that it would serve;

- not to have an unacceptable impact on the local neighbourhood and residential amenity;
  - be of an appropriate scale, massing and design; and
  - to provide a secure, safe and welcoming living environment
- 6.5. Policies TP 39 and 40 encourage the provision of a safe and pleasant walking environment and improvements of cycling infrastructure in the city.
- 6.6. Saved policy 3.14 of the Unitary Development Plan requires high design quality that responds to its context. This is reinforced by the Places for All SPG.
- 6.7. Car Parking Guidelines sets maximum parking standards for purpose-built student accommodation of 1 space per 7.5 bedrooms in this part of the city 'Area 2'.
- 6.8. Specific Needs Residential Uses SPG sets out minimum space standards for bedrooms within student accommodation of 6.5 sq.m for single occupancy and 12.5 sq.m for double occupancy. It adds that parking in relation to student accommodation is considered on its merits.

#### PRINCIPLE

- 6.9. The supporting Student Needs Assessment states that the proposed accommodation would be for South and City College students whose permanent residence is outside of the Birmingham Registration District. The statement clarifies that:
- The college has no student accommodation and does not currently endorse any provider of student accommodation or general accommodation
  - Approximately 27% of its 6,617 students live outside of the Birmingham District of which approximately 100 are from overseas (which is a growing proportion of their intake)
  - In general student numbers are growing
- 6.10. My Strategic Policy Officer concludes that given the above she considered that the information submitted is satisfactory to demonstrate that there is a need for the proposed student accommodation and that the development would contribute to the aims of Policy GA1.2 of the BDP for the Southern Gateway Area of Transformation.
- 6.11. Applying the BDP criteria, I concur with my Officer's conclusion that the need is satisfactorily demonstrated. The site is well located for the college, being only a 10 minute walk or a less than 5 minute cycle ride. The site is also well situated to take advantage of the amenities and transport connections of the city centre. The design and amenity considerations are discussed in detail below. I note that the previous use of the site was for industrial purposes however given that this and the adjacent site is cleared, the amenity issues associated with redeveloping the site for industrial purposes, the previous residential consent, and the limited scale of the site (and potential for on-site loading) I do not consider the site suitable for industrial redevelopment. The Loss of Industrial Land SPD recognises that a more flexible approach towards such changes of use are required in the City Centre in order to support regeneration initiatives. I consider this such a situation.
- 6.12. In conclusion I raise no objection to the principle of the proposal.

## DESIGN

- 6.13. The City Design and Conservation Manager considers that the principle of development on this site should be welcomed, and that the proposals would not prejudice the future development of the wider site. He continues that the design approach compliments the surrounding new residential schemes, taking reference from the industrial aesthetic of its context.
- 6.14. He adds that the scale and massing of the scheme is appropriate to both the existing and proposed context for this area and that the treatment of the corner is well executed. Overall he considers that the contemporary architecture should be supported and that the scheme would enhance the setting of the listed Moseley Arms.
- 6.15. I concur with this analysis and conclusion and consider that, subject to suitable safeguarding conditions; the scheme would enhance the character of the area/street scene.

## HERITAGE IMPACT

- 6.16. The proposal would have an impact upon the setting of the Moseley Arms obliquely opposite to the northeast and, to a lesser extent the Paragon Hotel and adjacent former police barracks to the west.
- 6.17. The current situation is harmful to the character and therefore the setting of heritage assets. The cleared site is uncharacteristic of the area and there is no sense of enclosure on this site. The setting of the Moseley Arms is further harmed by the expansive car park associated with the police station to the north.
- 6.18. My Conservation Officer notes that the building would be the tallest building in this part of Digbeth, in an elevated position, having an impact on the context and setting of adjacent listed buildings (particularly the Moseley Arms).
- 6.19. I consider that the scale of the proposed building is appropriate and its positioning helps to reinforce street enclosure at the junction with an active frontage presented at ground floor. The adjacent apartment development is 5/6 storeys in height and steps up the hill as Cheapside rises to the east. The site is within the Southern Gateway Area of Transformation and therefore the context, including the site cleared immediately adjacent, will be subject to a significant degree of change. As above, I consider the architectural approach appropriate and subject to the prior approval of details such as the materials, I consider that the building would be beneficial to the character of the area.
- 6.20. In terms of the NPPF, I consider that the proposals would have a neutral to positive impact upon the setting and therefore significance of listed buildings within the vicinity.
- 6.21. In conclusion, I consider that the scheme preserves the setting of heritage assets within the vicinity and raise no heritage based concerns.

## AMENITY

- 6.22. Cheapside is some approximately 13.5m wide (window to window). The proposal incorporates saw-tooth style windows from 1st floor upwards. In terms of



neighbouring occupiers, the scheme would not materially overlook or overshadow residential occupiers in the vicinity. I note comments made by local residents about potential noise and disturbance caused by future occupants of the scheme. In response, some element of this will be controlled by the effective management of the development and I recommend a condition requiring the submission of a Management Plan. The proposal would add to the mix of uses within this locality, where large-scale change is envisaged through the delivery of the Southern Gateway. It is not considered that 102 students would significantly impact on this mixed use area.

- 6.23. The scheme has been designed so that the remainder of the development plot in separate ownership could be brought forward separately with the supporting documents illustrating how this could be masterplanned.
- 6.24. In terms of the occupiers of the proposed development, the area contains a mixture of uses including the Moseley Arms and Cleary's bar (to the south). However, there is established residential use in the immediate vicinity and the supporting Noise Assessment, which includes on site measurements, states that the general noise climate across the site is attributable to traffic flows on Cheapside and Mosely Road. The Assessment concludes that, subject to the installation of suitable glazing and ventilation measures, an acceptable living environment would be provided within the proposed development.
- 6.25. I consider that the furniture layouts provided demonstrate that the proposed units would be of a sufficient size. The Specific Needs SPG requires single bedrooms to be a minimum of 6.5 sq.m whereas the development provides bedrooms from 12 sq.m up to 26 sq.m.
- 6.26. I consider that the development would not materially harm the amenity of occupiers of properties within the vicinity and consider that subject to safeguarding conditions a suitable living environment would be provided. I therefore raise no amenity-based concerns.

#### ECOLOGICAL IMPACT

- 6.27. The City's Ecologist notes that the site has pioneer vegetation colonising it, which is suitable for a wide range of invertebrates and some bird species including the Black Redstart. The provision of a biodiversity/brown roof integrating SUDS would help to provide links between existing green ribbons through the Southern Gateway area through to Highgate Park. I have attached appropriate conditions requiring bird and bat boxes, provision of a green/brown roof and a scheme of biodiversity enhancements.

#### HIGHWAY MATTERS

- 6.28. Transportation Development raises no objection subject to conditions. They note that the majority of adjacent roads have no parking restrictions and are fully used on weekdays and busy at weekends with both local residents and workers. They add that the Transport Statement notes that the tenancy agreements will restrict parking by future occupants of the scheme. They add that, with amendments, changes to the surrounding Traffic Regulation Orders could provide both loading and disabled parking facilities. The Transport Statement sets out a detailed management plan for periods when students are moving in and out of the development, with students utilising the loading bay for allotted periods. I recommend a condition requiring adherence to this strategy.

- 6.29. I concur with the conclusions reached and appropriate conditions are recommended. I note the proximity of the site to both the college that it would serve and the excellent facilities and connections of the City Centre. I note that the site will benefit from further improvements to wider connectivity through the proposed tramway extension along High Street Digbeth.

#### Section 106 / CIL

- 6.30. In addition to the offsite improvements proposed to the pavements around the site, the application would be CIL liable as the scheme is for student accommodation. The scheme would have a CIL liability of approximately £200,000.

### 7. Conclusion

- 7.1. I consider that this proposal would result in the delivery of good quality student accommodation for which there is an identified need in an appropriate and sustainable location. I therefore recommend that this application is approved subject to suitable safeguarding conditions.

### 8. Recommendation

- 8.1. Approval subject to the following conditions:

- 
- |    |  |
|----|--|
| 1  | Requires the prior submission of investigation for archaeological observation and recording  |
| 2  | Requires the prior submission of a contamination remediation scheme  |
| 3  | Requires the prior submission of a contaminated land verification report   |
| 4  | Requires the prior submission of noise insulation (variable)   |
| 5  | Requires the development to be carried out in accordance with the supporting Noise Assessment and the prior approval of the ventilation strategy           |
| 6  | Requires the prior submission of a sustainable and foul drainage scheme  |
| 7  | Requires the submission prior to occupation of the properties of a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan |
| 8  | Requires the prior submission of a scheme for ecological/biodiversity/enhancement measures   |
| 9  | Requires the prior submission of details of bird and bat boxes   |
| 10 | Requires the prior submission of hard and/or soft landscape details  |
| 11 | Requires the prior submission of a lighting scheme   |
| 12 | Requires the prior submission of sample materials  |
| 13 | Requires the prior submission of level details   |
-

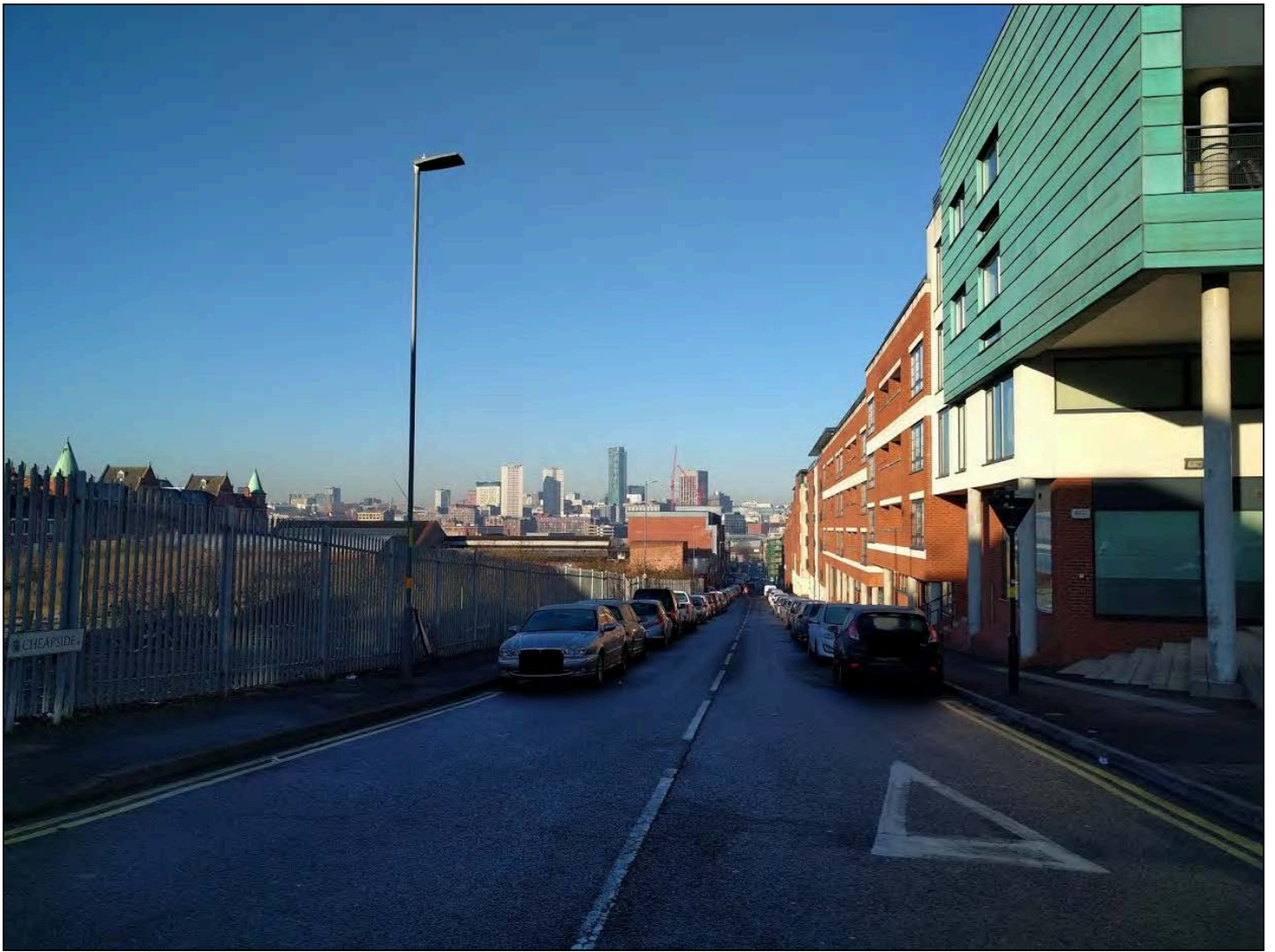
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|----|--|
| 14 | Requires the prior submission of a CCTV scheme   |
| 15 | Requires compliance with the car parking management strategy in the Transport Assessment       |
| 16 | Requires the prior submission and completion of works for the S278/TRO Agreement               |
| 17 | Requires the prior submission of window details  |
| 18 | Requires the prior submission of boundary treatment and railing details                        |
| 19 | Requires the prior submission of details of green/brown roofs                                  |
| 20 | Requires the prior submission of a Building Management Strategy                                |
| 21 | Requires the provision of cycle parking prior to occupation                                    |
| 22 | Requires the residential accommodation only to be occupied by students in full time education. |
| 23 | Limits the noise levels for Plant and Machinery  |
| 24 | Requires the scheme to be in accordance with the listed approved plans                         |
| 25 | Implement within 3 years (Full)  |
- 

Case Officer:        Nicholas Jackson

## Photo(s)



Moseley Road



Cheapside





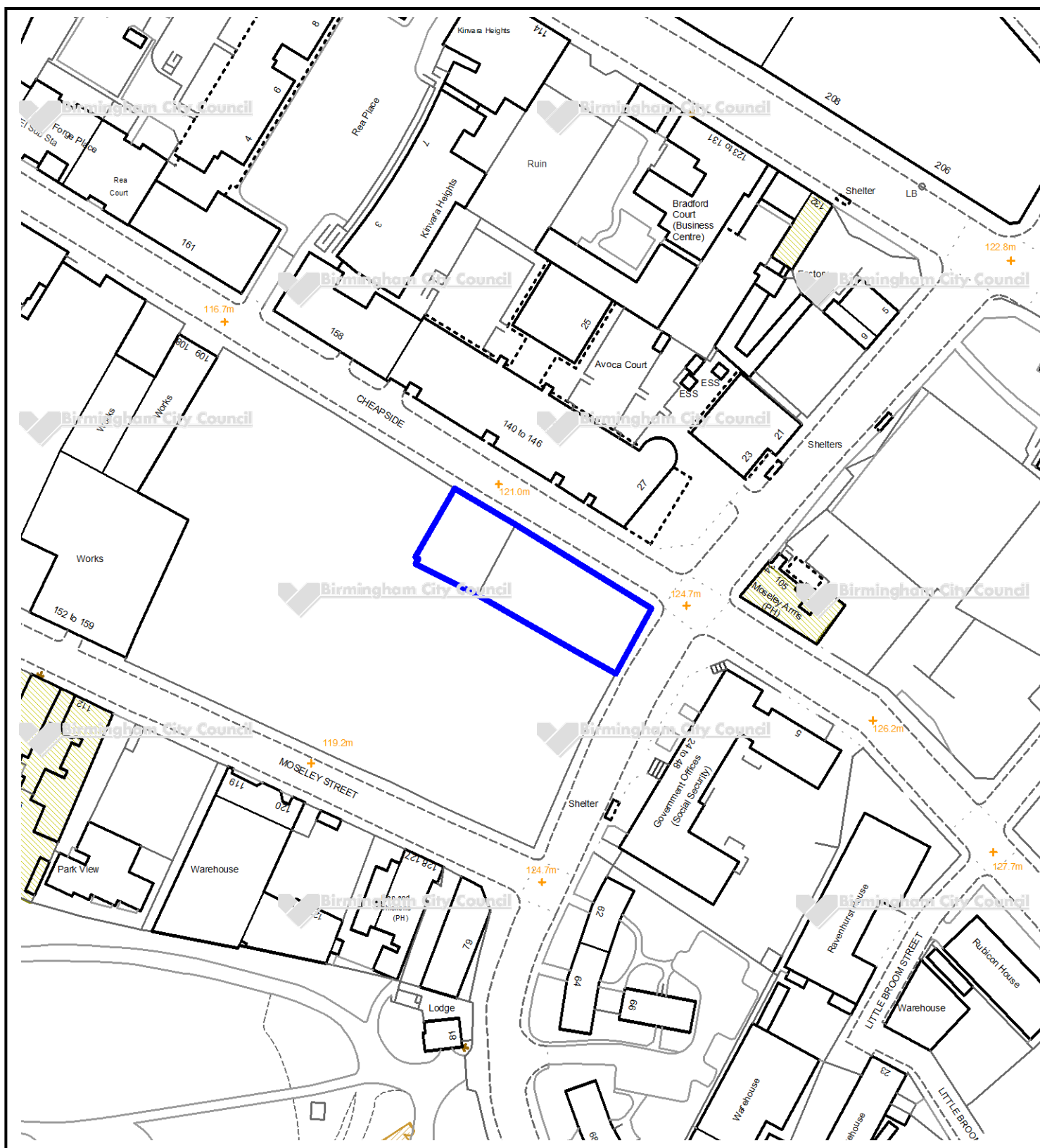
Apartment Scheme – Corner of Cheapside / Moseley Road



The Moseley Arms



## Location Plan



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Committee Date:	13/04/2017	Application Number:	2017/01261/PA
Accepted:	24/03/2017	Application Type:	Advertisement
Target Date:	19/05/2017		
Ward:	Ladywood		

Hill Street (between junctions with Paradise Street and Hinckley Street),  
City Centre, Birmingham, B5

Display of 9 non-illuminated lamppost advertisement banners

Applicant:	Birmingham City Council 10 Woodcock Street, Aston, Birmingham, B7 4BG
Agent:	Bay Media Limited 18-19 Deane House Studios, 27 Greenwood Place, London, NW5 1LB

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Recommendation

**Approve Temporary**

1. Proposal

- 1.1. This application proposes the installation of 9 no. non illuminated advertisement banners to be displayed on existing lampposts along Hill Street.
- 1.2. The banners would be affixed to the lamppost columns 2.8m above the ground (to the base of the advert) and would measure 2.2m (h) x 0.79m (w). The banners would be made of PVC which would be fitted onto the lamppost column by flex-arm system with the three point double banding system.
- 1.3. Consent is sought until 6<sup>th</sup> February 2022.
- 1.4. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site comprises of lamppost columns on the footway on Hill Street. These lighting columns form part of the general highway infrastructure along this street.
- 2.2. The northwest end of Hill Street is characterised by multi storey office buildings. Birmingham New Street Station is to the east and John Bright Street to the west, made up of a mix of residential apartment blocks, bars and restaurants. To the south east end of Hill Street is characterised by a mix of uses including a telephone exchange to the west and entrance to New Street Station to the east.

[Site Location](#)

3. Planning History

3.1. None relevant on the application site.

4. Consultation/PP Responses

4.1. Birmingham City Centre Management, Colmore Business Improvement District, Retail Birmingham Business Improvement District and Southside Business Improvement District have been notified. No response received.

4.2. Transportation Development – Raises no objection subject to conditions that the banner would require an appropriate licence, any banners facing the carriageway need to be set back a minimum of 500mm from the kerb or positioned facing away from the carriageway and temporary consent.

5. Policy Context

5.1. Birmingham Development Plan 2017, National Planning Policy Framework

6. Planning Considerations

6.1. Policy 67 of the NPPF states that poorly placed adverts can have a negative impact on the appearance of the built environments. It adds that only those advertisements that will clearly have an appreciable impact on a building to their surroundings should be subject to Local Authority's detailed assessment. Finally, it states that cumulative impact should be considered.

6.2. The Town and Country Planning (Control of Advertisements) Regulations (2007) restricts Local Planning Authorities to consider only amenity and public safety when determining applications for consent to display advertisements.

AMENITY

6.3. It is considered the proposed banners would be in scale with the existing street and would not dominate the highway environment. The banners would be situated at appropriate locations and would not over-burden the street with advertising. The adverts would read as part of the highway infrastructure and are primarily aimed at motorists rather than pedestrians. I therefore do not consider that the proposals would constitute clutter within the street scene and consider the scale of the proposed advertisement signs to be acceptable. In addition, amended plans have been received omitting banners that were located near to Victoria House, a Grade II Listed Building and the Colmore Row and Environs Conservation Area, therefore it is considered the proposal would not have an impact on the character or appearance of the Listed Building and Conservation Area.

PUBLIC SAFETY

6.4. Transportation Development does not consider there would be demonstrable harm to highway safety. As such no objections were raised subject to conditions for banners on the lamppost to face away from the Highway Maintainable at Public Expense carriageway, banners projecting towards the carriageway to be set back from the kerb edge by a minimum of 500mm so as to not conflict with vehicular traffic and the appropriate licensing would be required. I concur with this view and have attached a condition accordingly. An informative has been attached to make the applicant aware that the appropriate licensing would be required.

7. Conclusion

7.1. I therefore recommend that this application is granted temporary consent.

8. Recommendation

8.1. Approve Temporary

- 
- |   |  |
|---|--|
| 1 | Requires banners to be situated either at 500mm from the kerb or no closer to the highway. |
| 2 | Requires the scheme to be in accordance with the listed approved plans                     |
| 3 | Limits the approval until 6 February 2022  |
- 

Case Officer: Anh Do

Photo(s)



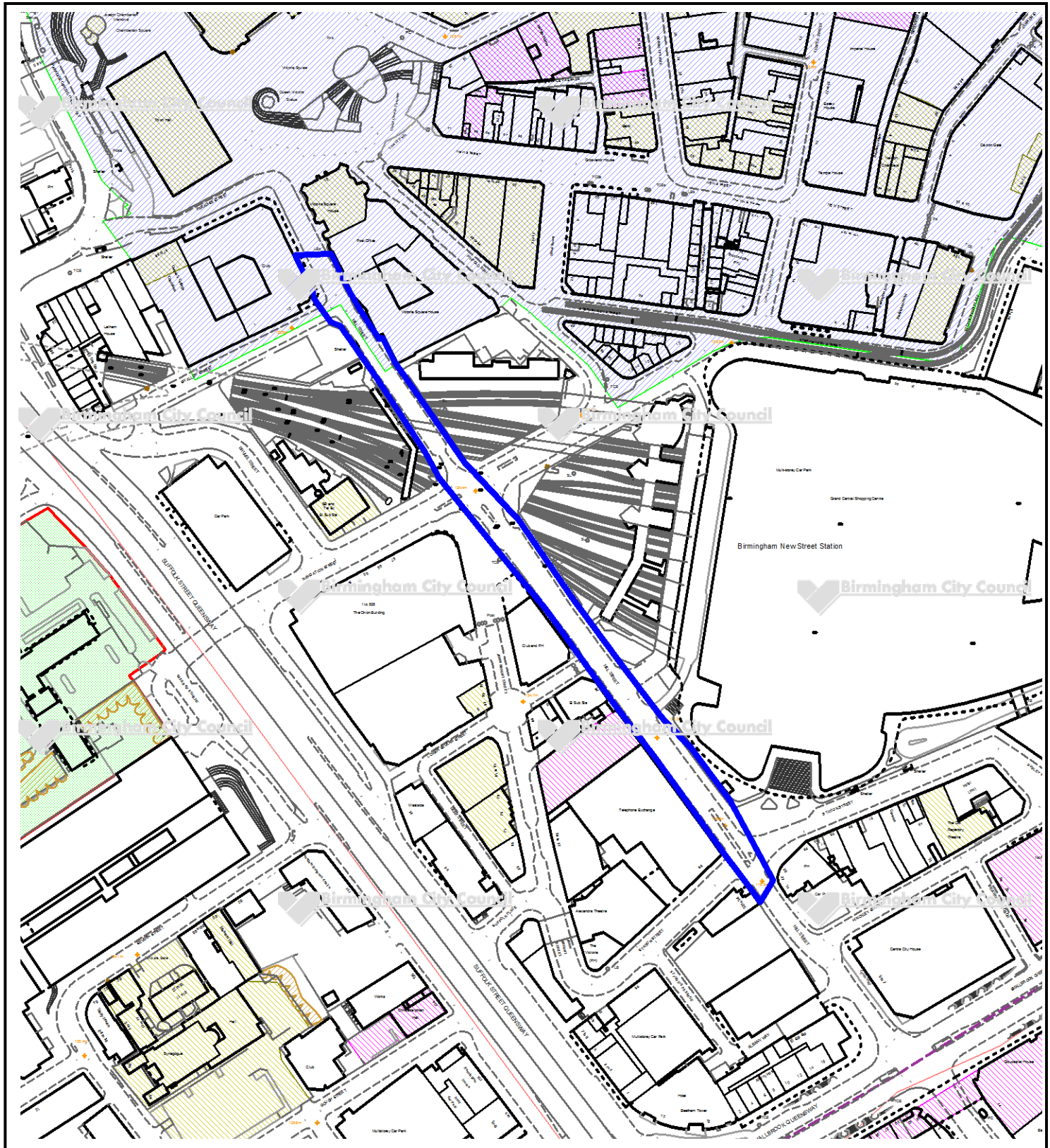
Fig 1 View South East Hill Street





Fig 2 View North West Hill Street

## Location Plan



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**BIRMINGHAM CITY COUNCIL**

**REPORT OF CORPORATE DIRECTOR, ECONOMY**

**PLANNING COMMITTEE**

**13<sup>th</sup> April 2017**

**WARD: Nechells**

**Arrangements for Listed Buildings and Structures Directly Affected  
by the High Speed 2 (HS2) (London to West – Midlands) Act**

**1. Subject and Brief Summary of Proposals**

- 1.1 This report seeks authority for the City Solicitor to enter into legal agreements that will provide a greater control over the level of building recording, monitoring, mitigation and related works of listed buildings directly affected by the delivery of the new High Speed train line.
- 1.2 The legal agreements would not amend or supersede existing powers in respect of other planning applications and notifications.
- 1.3 It is important for these specific matters to be addressed to give a greater level of control by the City over changes to the listed buildings/structures specified in Paragraph 4.3.

**2. Recommendation**

- 2.1 That the City Solicitor is authorised to complete and seal appropriate Heritage Agreements as set out in Paragraph 4.7

**3. CONTACT OFFICER**

Nicholas Jackson, Principal Planning Officer, Planning and Regeneration  
[nicholas.jackson@birmingham.gov.uk](mailto:nicholas.jackson@birmingham.gov.uk)

#### 4. **BACKGROUND**

- 4.1 Members will be aware that the Government plans to implement a new high speed rail link connecting Birmingham to London, Manchester and Leeds. This is a major national infrastructure proposal that would be progressed over several years, by two Hybrid Bills through Parliament. Phase One of the network, between London and the West Midlands (including into Birmingham City Centre), will be progressed through the first Hybrid Bill, which was deposited in Parliament on 25th November 2013 and gained Royal Assent on the 23<sup>rd</sup> February 2017.
- 4.2 Within the city, HS2 Phase One will include a new rail line from Water Orton through Castle Vale, Bromford, and Saltley to a new City Centre station at Curzon Street. Phases Two 2A, between the West Midlands and Crewe (programmed for completion 2027), and 2B between Crewe to Manchester (programmed for completion 2033) will be progressed through further Hybrid Bills.
- 4.3 The Act includes the disapplication of heritage legislation including controls over listed buildings, scheduled monuments, human remains and burial monuments. Within Birmingham the Act permits the following:

Demolition	Former Fox and Grapes Public House, 16 Freeman Street, B5 - Grade II
Buildings authorised to be altered or extended for monitoring purposes	Lawley Street Railway Viaduct, Viaduct Street – Grade II
	Old Moor Street Station – Grade II
	British Rail Goods Office (Old Curzon Street Station) – Grade I
	1838 section of railway bridge into Curzon Street Station over Digbeth Branch Canal, Curzon Street – Grade II
	The Woodman Public House, 106 Albert Street – Grade II

Fig.1

- 4.4 The Heritage Memorandum is one of a suite of documents forming the High Speed Two Environmental Minimum Requirements (EMRs). The EMRs contain the overarching commitments by the Secretary of State to afford appropriate management and protection of people, communities and the natural, cultural and built environment.
- 4.5 The Heritage Memorandum sets out the Secretary of State's approach to works that directly affect heritage assets. This states that there will be specific discussions between the Nominated Undertaker (carrying out the development), Historic England and the Local Authority on each part of the scheme that affects particular heritage assets and the approach to mitigation, investigation and recording. A location-specific

Written Scheme of Investigation will be produced before the relevant enabling and construction works commence.

- 4.6 Undertakings from the Secretary of State dated 20<sup>th</sup> February 2017 have been received requiring the Nominated Undertaker to enter into Heritage Agreements in relation to the listed buildings in Paragraph 4.3. Draft Heritage Agreements have been provided for the City and Historic England to sign that would provide an enhanced level of consultation with the Nominated Undertaker in respect of the level of building recording, monitoring, mitigation and related works of listed buildings directly affected.
- 4.7 It is proposed that the Heritage Agreements are signed in order to provide the following:

#### **Heritage Agreement for Fox and Grapes Public House**

HS2 Ltd is proposing to enter into a Heritage Agreement with Birmingham City Council and Historic England that will require method statements relating to the listed building and its demolition (including building recording) to be submitted to the City for approval, and Historic England for consultation.

#### **Heritage Agreement for the remaining listed buildings identified in fig.1**

These measures seek to protect listed buildings from adverse effects, such as ground settlement as a result of HS2 works, and the affixing of monitoring apparatus. The heritage agreements require the submission of details of works required to monitor or protect the listed buildings named to the City for approval (and to Historic England for consultation where appropriate).

### **5. IMPLICATIONS FOR RESOURCES**

- 5.1 As HS2 presents a new burden upon the City a Service Level Agreement is being negotiated that seeks to ensure that the City Council is fully reimbursed for the additional work generated by the consents and approvals process.

### **6. PUBLIC SECTOR EQUALITY DUTY**

- 6.1 No equality analysis has been undertaken as the content of this report is a procedural matter in terms of the City Council's proposed approach to the planning regime introduced by the Act. It is noted that the Government is assessing equality issues on the HS2 scheme and line:-

([https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/484618/CS439A\\_Final\\_Routewide\\_EqIA\\_Update\\_web.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/484618/CS439A_Final_Routewide_EqIA_Update_web.pdf))

### **7. IMPLICATIONS FOR POLICY PRIORITIES**

- 7.1 The delivery of HS2 will contribute to the Council's regeneration objectives as set out in the Curzon Masterplan, the Smithfield Masterplan and the Birmingham Development Plan. The additional level of control over building monitoring and

recording seeks to ensure that the harm to heritage assets is minimised within the limits of the Act.



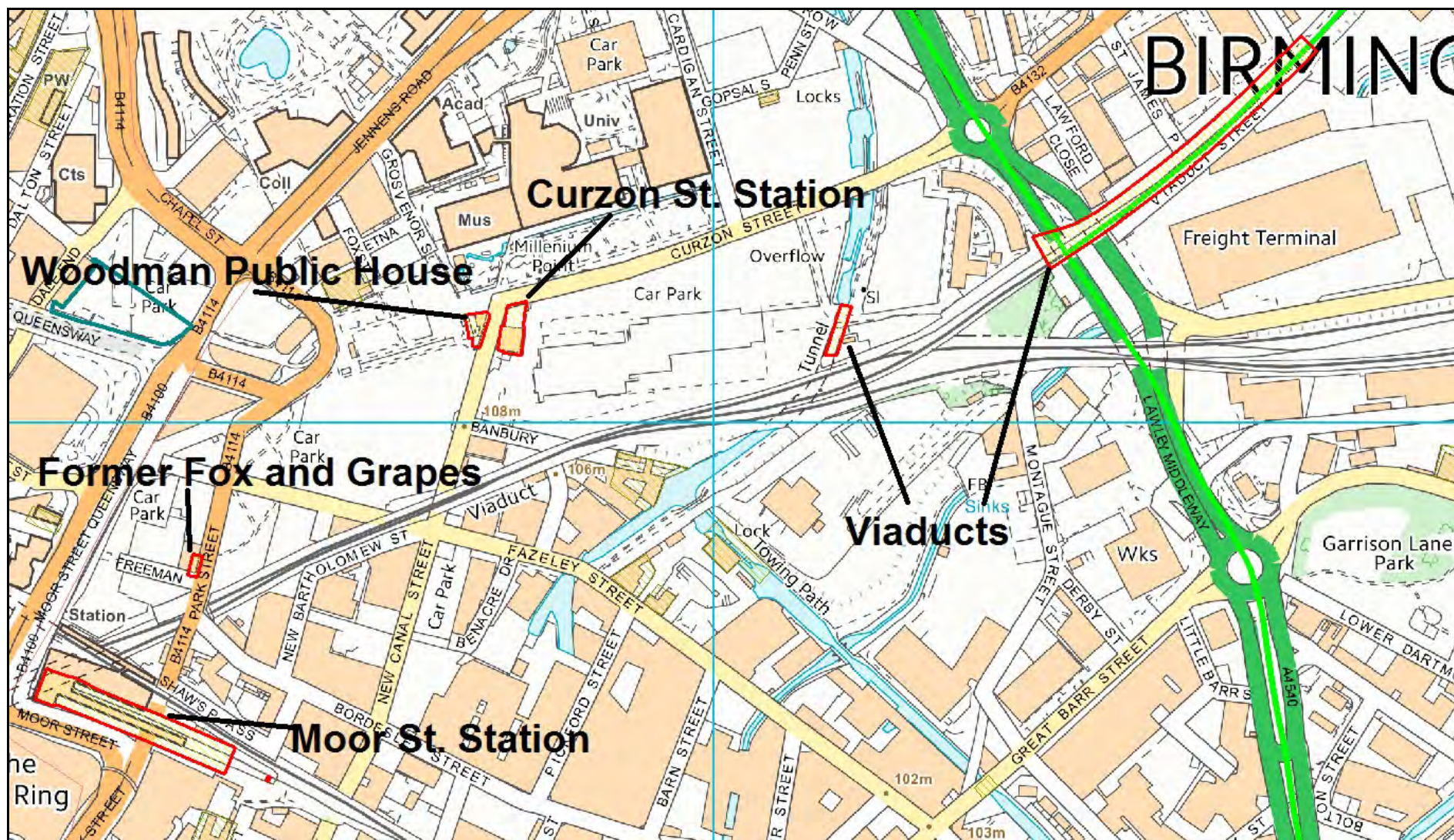


Fig. 2 Affected Listed Buildings/Structures

**BIRMINGHAM CITY COUNCIL**

**REPORT OF CORPORATE DIRECTOR OF ECONOMY**

**PLANNING COMMITTEE**

13th April 2017

**Consultation on the Housing White Paper: Fixing our broken housing market**

**1. Subject and Brief Summary of Proposals**

- 1.1 The Department of Communities and Local Government (DCLG) has published a Housing White paper entitled 'Fixing our broken housing market'. The White Paper sets out a broad range of proposals that Government plans to introduce to help reform the housing market and increase the supply of new homes. As part of the White Paper, DCLG are consulting on changes to planning policy and legislation in relation to planning for housing, sustainable development and the environment.

**2. Recommendations**

That the letter appended to this report is sent to DCLG as the City Council's response to the consultation.

**3. Contact Officer**

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**4.0 Background**

- 4.1 The White Paper: Fixing our broken housing market was published by DCLG on 7<sup>th</sup> February 2017. The consultation runs until 2<sup>nd</sup> May 2017. The White Paper sets out how the Government intends to boost housing supply and, over the long term, create a more efficient housing market.
- 4.2 Many of the proposed changes would involve amendments to the National Planning Policy Framework (NPPF). The government intends to publish a revised Framework later in 2017 which consolidates the outcome of this and previous consultations. The amended Framework will also incorporate changes to reflect amendments made to national policy through Written Ministerial Statements since March 2012.

- 4.3 The consultation only covers proposals in Chapter 1 'Planning for the right homes in the right places' and Chapter 2 'Building homes faster'. A separate consultation is being undertaken on the Build to Rent proposals referred to in chapter 3. Several proposals build on consultations and reviews conducted by DCLG recently including the report of the Local Plans Expert Group and consultations on changes to the NPPF.
- 4.4 Essentially, Government sees the housing crisis as a threefold problem: not enough local authorities planning for the homes they need; the pace of development is too slow; and the construction industry is too reliant on a small number of big players.
- 4.5 The White Paper acknowledges the need for 250,000 new homes to be built each year and offers four steps to tackling the housing crisis: Planning for the right homes in the right places; Building homes faster; Diversifying the market; Helping people now.

## 5.0 **Summary of Proposals**

5.1 The key proposals in the White Paper are set out below:

- **A mandatory requirement for Starter Homes has been dropped.** Plans to impose a legal duty on all councils to ensure provision of at least 20% Starter Homes on all reasonably sized development sites have been scrapped. Instead there will be a policy expectation for sites to deliver a minimum of 10% affordable home ownership.
- **10% affordable home ownership units on sites.** A 'clear policy expectation' that housing sites should deliver a minimum of 10% affordable home ownership units.
- **A standardised approach to assessing housing requirements,** recommended by the Local Plans Expert Group will be consulted on.
- **An increase in fees by 20% from July 2017 will be allowed.** Local authorities will be able to increase fees if they commit to invest the additional fee income in their planning department. There will also be potential to allow a further 20% increase for those authorities who are 'delivering the homes their communities need' and Government propose further consultation to be undertaken on this.
- **The independent CIL Review recommends a shake-up.** Government will respond to the independent CIL review in the Autumn Budget 2017. The review recommended that CIL should be replaced with a "hybrid system" of a low level tariff for all developments and section 106 for larger developments.
- **A Housing Delivery Test** will be introduced from November 2017. If delivery of housing falls below 85% of the housing requirement, authorities would in addition be expected to plan for a 20% buffer on their five-year land supply, if they have not already done so.
- **Fees for making an appeal.** A consultation will be launched on introducing a fee for making a planning appeal.



- **Support for Neighbourhood Planning.** LPAs will be expected to provide neighbourhood planning groups with a housing requirement figure, where this is needed to allow progress with neighbourhood planning.
- **Protection of the Green Belt re-stated.** Existing protection of the Green Belt remains unchanged. The NPPF will be amended to make clear that authorities should amend Green Belt boundaries only when they can demonstrate that they have examined fully all other reasonable options for meeting their identified development requirements.
- **Encouragement of higher densities.** The NPPF will be amended to require that local authorities must ensure that the density and form of development reflect the character, accessibility and infrastructure capacity of an area, and the nature of local housing needs.
- **Rural planning review.** Consultation to take place on a new agricultural to residential permitted development right.
- **Backing for Build to Rent.** Separate consultation is being undertaken on wider measures to support Build to Rent developments, including changes to the NPPF to encourage LPAs to plan for the PRS and to make it easier for Build to Rent developers to offer affordable private rented homes instead of other types of affordable housing.
- **New definition of affordable housing.** Government confirmed it will expand the NPPF definition of affordable housing to include a range of low cost housing opportunities including starter homes and discounted market rent.
- **Spatial strategies to allocate sites.** Government will enable spatial development strategies, produced by new combined authorities or elected Mayors, to allocate strategic sites. Where these strategies require unanimous agreement of the members of the combined authority, regulations will allow them to allocate strategic sites.
- **Speeding up building of homes.** A range of tools are proposed: consultation will be undertaken on whether an applicant's track record of delivering schemes should be taken into account by local authorities when determining planning applications for large scale housing development; shortening expiry of permission from 3 years to 2 years; and simplifying and speeding up the completion notice process.

## 6.0 **Key Matters for Consideration**

- 6.1 The White Paper is to be welcomed and the majority of the proposals appear to be sound. It focuses mainly on refinement of the existing system in order to speed up and clarify processes rather than introducing radical reform. There is much emphasis on delivery and on building the right homes in the right places. Many of the proposals are, however still under development, subject to further consultation and will require changes to be made to planning law and policy.
- 6.2 A detailed response to the 38 questions in the consultation document is appended to this report. The key points from the response are summarised below.

- 6.3 Chapters 3 and 4 of the White Paper are not subject to consultation except where it applies to proposals in relation to Build to Rent, which is currently subject to a separate consultation. A summary of the key messages from chapters 3 and 4 is provided below. A response to the separate consultation on the Build to Rent proposals is appended to this report.

### **Chapter 1: Planning for the right homes in the right places**

- 6.4 A standardised method for assessing housing need is strongly supported. This will potentially save considerable time and resources in getting plans in place. As regards the actual method, the government has not endorsed the method proposed by the Local Plans Expert Group (LPEG) but will consult on alternative options.
- 6.5 The White Paper concedes that the Duty to Co-operate, which places a legal duty on councils to engage with neighbouring authorities on strategic cross boundary matters, has not worked effectively. A further consultation is to be published on making changes to the NPPF directing local authorities to prepare a statement of common ground, setting out how they intend to work together to meet housing requirements that cut across authority boundaries.
- 6.6 The government also intends to enable spatial development strategies produced by new combined authorities or elected Mayors to allocate strategic sites for development, subject to unanimous agreement of the member authorities.
- 6.7 The White Paper proposes changes to the NPPF to encourage land to be used more efficiently by building to higher densities where appropriate where there is high housing demand, and by reviewing space standards. The Council has and continues to maximise densities on housing sites within the City, consistent with creating a high quality environment.
- 6.8 Additional levers and support to release public sector land and provision of a new £45m Land Release Fund to ensure that authorities can dispose of land with the benefit of planning permission granted by themselves, is supported. Equally, proposals to consult on extending flexibility to dispose of land at less than best consideration is a positive step in the right direction.
- 6.9 It is crucial that neighbourhood plans are based on a robust evidence base with deliverable policies, in the same way that applies to Local Plans. The commitment for further funding to neighbourhood planning groups is supported but continued financial support for councils to meet their statutory duties in relation to neighbourhood planning should also be considered to ensure that Neighbourhood Plans are successful.

### **Chapter 2: Building homes faster**

- 6.10 The commitment to increase planning application fees by 20% is strongly supported. This will provide additional resources to help sustain planning departments and to support the delivery of more housing. The proposal to introduce a fee for making a planning appeal is also welcomed. Councils should be able to retain the fees to invest in planning departments. There will also be potential to allow a further 20% increase for those authorities who are delivering the homes their communities need and Government will consult further on the detail.
- 6.11 The government proposes to give local authorities the option to have their housing land supply agreed on an annual basis, and fixed for a one-year period. This will help to reduce

the opportunity for developers to appeal and provide greater certainty when an adequate land supply exists.

- 6.12 Tools to help councils incentivise developers to build out sites such as allowing councils to compulsory purchase undeveloped land with permission, requiring starts on site within two years and simplifying the completion notice process are also supported. However, there is concern about proposals for further consultation on whether an applicant's track record of delivering previous similar housing schemes should be taken into account by local authorities in taking decisions on housing development.
- 6.13 The White Paper proposes that Councils be held to account through a new 'housing delivery test' which will assess delivery against meeting housing requirements from November 2018. A 'presumption in favour of sustainable development' will apply if delivery falls below 25% of the housing requirement. The threshold rises to 65% from November 2020. This will put greater pressure on local authorities. For the test to be an effective mechanism for ensuring that housing supply meets housing demand, local authorities must have a range of tools at their disposal to incentivise developers.
- 6.14 The government will make available £25 million of new funding to help ambitious authorities in areas of high housing need to plan for new homes and infrastructure'.

### **Chapter 3: Diversifying the market**

- 6.15 The proposals also see a shift in focus away from shared ownership to a wider range of affordable housing options and putting greater priority on delivering affordable rent and better protections for renters. These include longer-term tenancies and efforts to enable developers to offer more affordable rent alongside other forms of affordable housing.
- 6.16 The White Paper says that Government will help small and medium sized builders to grow through the £3 billion Home Building Fund and support development on small sites. It will also give more support to custom-builders.
- 6.17 The Government will encourage more institutional investors into housing, including for building more homes for private rent with family friendly tenancies, support housing associations to deliver more homes through a package of measures and ensure the public sector plays its part by encouraging more building by councils and changing the way the Homes and Communities Agency operates.
- 6.18 There is a separate consultation on Build to Rent. Changes to the NPPF will require local authorities to plan proactively where there is an identifiable need and make it easier for developers to offer affordable private rented homes.

### **Chapter 4: Helping people now**

- 6.19 One of key criticisms of Government's previous proposals was the 20% fixed requirement for starter homes on all reasonably sized schemes. The Government says that the proposal has been dropped due to concerns expressed in response to consultation last year. It is a welcome move that Government has listened to concerns that a mandatory 20% requirement would impact on other affordable homes. Removal of the mandatory requirement and flexibility to allow local authorities to decide for themselves the right package of affordable housing is supported.
- 6.20 Instead of the starter home requirement, government is proposing to amend the NPPF to introduce a 'clear policy expectation' that housing sites deliver a minimum of 10%

affordable home ownership units. The White Paper also confirms the Government's intention to publish a revised definition of affordable housing as part of proposed changes to the NPPF.

- 6.21 In terms of funding for affordable housing, there is small increase in the Affordable Homes Programme to £7.1 billion over five years, which was already announced in the Autumn Statement. The only new announcement is that the programme, which was previously restricted to shared ownership, in future will also be available for social rented homes.

## **7.0 Financial Implications**

- 7.1 There are no direct financial implications in responding to the Government's consultation paper.

## **8.0 Implications for Policy Priorities**

- 8.1 None identified.

## **9.0 Implications for Equalities**

- 9.1 DCLG has not identified any adverse equalities impacts of the proposals set out in the consultation.

## **10.1 Background Papers**

1. Housing white paper: Fixing our broken housing market
2. Planning and Affordable Housing for Build to Rent: A consultation paper
3. Letter to DCLG responding to the consultations

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Waheed Nazir  
Corporate Director Economy

13th April 2017

Planning Policy Consultation Team  
Department for Communities and Local Government  
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2 Marsham Street  
London  
SW1P 4DF

Dear Sir/Madam

**Consultation on White Paper: Fixing our broken housing market and Planning and Affordable Housing for Build to Rent consultation paper**

Thank you for consulting the City Council on the above.

The City Council support Government's aims of increasing the delivery of housing and is supportive of a number of the proposals in the White Paper.

The City Council's response to the questions in the consultation papers is set out below:

**Chapter 1: Getting plans in place**

***Question 1: Do you agree with the proposals to:***

***a) Make clear in the National Planning Policy Framework that the key strategic policies that each local planning authority should maintain are those set out currently at paragraph 156 of the Framework, with an additional requirement to plan for the allocations needed to deliver the area's housing requirement?***

This is agreed.

***b) Use regulations to allow Spatial Development Strategies to allocate strategic sites, where these strategies require unanimous agreement of the members of the combined authority?***

It is agreed that Spatial Development Strategies should be allowed to allocate strategic sites if there is unanimous agreement of the members of the Combined Authority. Clarification is required on what planning status these Strategies will have and if there will be guidance on how they should be prepared or if they are to follow the same statutory process and regulations for Local Plans.

***c) Revise the National Planning Policy Framework to tighten the definition of what evidence is required to support a 'sound' plan?***

This proposal is supported and would potentially be beneficial in speeding up the plan making process.

**Question 2: What changes do you think would support more proportionate consultation and examination procedures for different types of plan and to ensure that different levels of plans work together?**

It would be beneficial to have a clear hierarchy setting out what information/evidence is required at each level of plan making. However, plans such as Neighbourhood Plans do carry significant weight in the decision making process, and, as such, national policy should be clear that they should be based on sufficiently robust evidence to meaningfully influence development decisions. It may also be helpful to provide examples of best practice to guide plan makers.

**Question 3 Do you agree with the proposals to:**

**a) amend national policy so that local planning authorities are expected to have clear policies for addressing the housing requirements of groups with particular needs, such as older and disabled people?**

Clearly identifying and planning for the housing requirements of groups with particular needs would be beneficial in ensuring that development is appropriate to the local context and meets the needs of all of the community. However, accurately assessing needs for older and disabled people could be problematic and would require appropriate research and evidence which would require potentially significant resources (including financial resources). The delivery of this may be difficult to monitor and secure in perpetuity, unless it was included in a Section 106 Agreement like affordable housing currently is. Provision for disabled people could be made through building regulations. The use of a standard such as Lifetime Homes would allow provision to be made for various housing needs under one regime.

**b) from early 2018, use a standardised approach to assessing housing requirements as the baseline for five year housing supply calculations and monitoring housing delivery, in the absence of an up-to-date plan?**

A standardised approach to assessing housing requirements would be welcome. This would provide greater transparency and consistency and would reduce the scope for challenge of local housing requirement assessments. Consideration should be given to introducing a standard approach for all new plans, rather than solely as a mechanism for providing evidence in the absence of an up-to-date plan. It will however be important to have appropriate transitional arrangements with regards the implementation of a standard methodology to allow those authorities at an advanced stage of plan making to continue without having to re-assess their need according to the standard methodology. In addition, the introduction of a standard methodology should not render recently adopted plans out of date. With regard to 3a, a methodology that includes requirements for groups with particular needs would be welcomed.

**Question 4: Do you agree with the proposals to amend the presumption in favour of sustainable development so that:**

**a) authorities are expected to have a clear strategy for maximising the use of suitable land in their areas?;**

**b) it makes clear that identified development needs should be accommodated unless there are strong reasons for not doing so set out in the NPPF?;**

**c) the list of policies which the Government regards as providing reasons to restrict development is limited to those set out currently in footnote 9 of the National Planning Policy Framework (so these are no longer presented as examples), with the addition of Ancient Woodland and aged or veteran trees?**

**d) its considerations are re-ordered and numbered, the opening text is simplified and specific references to local plans are removed?**

These proposals are agreed. It is also suggested that specific references to local plans might be better replaced with 'including local and neighbourhood plans' or the statutory development plan.



**Question 5: Do you agree that regulations should be amended so that all local planning authorities are able to dispose of land with the benefit of planning consent which they have granted to themselves?**

This is agreed, but this should be via a transparent process and a publicly available record kept up to date to demonstrate that best value has been achieved in terms of outcome.

**Question 6: How could land pooling make a more effective contribution to assembling land, and what additional powers or capacity would allow local authorities to play a more active role in land assembly (such as where 'ransom strips' delay or prevent development)?**

Such a provision would potentially be helpful to the local authority. However, for this to be done efficiently, land ownership details would need to be readily available. It is also questioned whether this is in addition to CPO powers.

**Question 7: Do you agree that national policy should be amended to encourage local planning authorities to consider the social and economic benefits of estate regeneration when preparing their plans and in decisions on applications, and use their planning powers to help deliver estate regeneration to a high standard?**

This is agreed but note that this is current practice in Birmingham. Any business case for estate regeneration would need to give full consideration to the social and economic benefits, as do planning applications. With respect to the City's ambitions to regenerate estates, the key barrier is a lack of financial capacity.

**Question 8: Do you agree with the proposals to amend the National Planning Policy Framework to:**

**a) highlight the opportunities that neighbourhood plans present for identifying and allocating small sites that are suitable for housing?**

This is agreed.

**b) encourage local planning authorities to identify opportunities for villages to thrive, especially where this would support services and help meet the authority's housing needs?**

This is agreed.

**c) give stronger support for 'rural exception' sites – to make clear that these should be considered positively where they can contribute to meeting identified local housing needs, even if this relies on an element of general market housing to ensure that homes are genuinely affordable for local people?**

No comment.

**d) make clear that on top of the allowance made for windfall sites, at least 10% of sites allocated for residential development in local plans should be sites of half a hectare or less?**

It is considered that this would be difficult to implement, particularly for local authorities who have a limited supply of land. In addition, this may not actually reflect the needs of the area. A 'where necessary' approach would be more flexible with the onus on local authorities to demonstrate the inclusion of small sites.

**e) expect local planning authorities to work with developers to encourage the sub-division of large sites?**

It is not clear what the incentive to developers is to do this. Whether this would actually increase delivery is also questioned as there is unlikely to be a desire to split the market. Consideration also needs to be given to how would this impact on the provision of infrastructure and affordable housing as small sites are currently less likely to make significant contributions, if at all.

**f) encourage greater use of Local Development Orders and area-wide design codes so that small sites may be brought forward for development more quickly?**

Local experience is that design codes do not necessarily bring sites forward more quickly. Whilst there is a value in design codes, an authority the size of Birmingham would require more than one design code to reflect the very different parts of the city.

The benefits of LDOs are recognised for providing more certainty to developer and lenders and for potentially bringing development forward more quickly. The benefits to the Local Authority are also realised in the faster creation of jobs and economic growth. However, the preparation of a LDO can be very resource intensive for the LPA and also results in a reduction in planning application fee income. There is also concern about how sufficient infrastructure and affordable housing can be delivered if LDOs are widely used. Additional resources for Local Authorities to support the preparation and delivery of LDOs would be welcomed.

***Question 9: How could streamlined planning procedures support innovation and high-quality development in new garden towns and villages?***

No comments.

***Question 10: Do you agree with the proposals to amend the National Planning Policy Framework to make clear that:***

***a) authorities should amend Green Belt boundaries only when they can demonstrate that they have examined fully all other reasonable options for meeting their identified development requirements?***

This is agreed and should cover all development, not just housing.

***b) where land is removed from the Green Belt, local policies should require compensatory improvements to the environmental quality or accessibility of remaining Green Belt land?***

It is not clear how improvements to Green Belt land could be delivered if the land is not owned or controlled by the local authority. It is also questioned how accessibility to Green Belt land can be improved if the land is within private ownership. Consideration should also be given to whether compensatory improvements could be made in neighbouring authorities areas.

***c) appropriate facilities for existing cemeteries should not to be regarded as 'inappropriate development' in the Green Belt?***

This is agreed.

***d) development brought forward under a Neighbourhood Development Order should not be regarded as inappropriate in the Green Belt, provided it preserves openness and does not conflict with the purposes of the Green Belt?***

This is not agreed in relation to greenfield land. This would have the effect of changing the definition in national policy of what is defined as inappropriate in the Green Belt.

***e) where a local or strategic plan has demonstrated the need for Green Belt boundaries to be amended, the detailed boundary may be determined through a neighbourhood plan (or plans) for the area in question?***

This is not agreed. Green Belt boundaries should be determined at a strategic level for consistency across the authority area.

***f) when carrying out a Green Belt review, local planning authorities should look first at using any Green Belt land which has been previously developed and/or which surrounds transport hubs?***

This is agreed and should following full examination of other reasonable options such as making effective use of suitable brownfield land.

**Question 11: Are there particular options for accommodating development that national policy should expect authorities to have explored fully before Green Belt boundaries are amended, in addition to the ones set out above?**

No comment.

**Question 12: Do you agree with the proposals to amend the National Planning Policy Framework to: a) indicate that local planning authorities should provide neighbourhood planning groups with a housing requirement figure, where this is sought?**

The principle of this is agreed, but deriving a figure will not be straight forward as a separate housing needs study would be required and would have time and resource implications. Further guidance on this would be welcomed.

**b) make clear that local and neighbourhood plans (at the most appropriate level) and more detailed development plan documents (such as action area plans) are expected to set out clear design expectations; and that visual tools such as design codes can help provide a clear basis for making decisions on development proposals?**

It is agreed that such policies/tools would be useful, however there is concern about how good design is delivered. When financial viability becomes an issue, design quality is often reduced.

**c) emphasise the importance of early pre-application discussions between applicants, authorities and the local community about design and the types of homes to be provided?**

This is agreed, and should apply to all development.

**d) makes clear that design should not be used as a valid reason to object to development where it accords with clear design expectations set out in statutory plans?**

LPAs should reserve the right to refuse applications on design grounds in order to allow flexibility to respond to local context.

**e) recognise the value of using a widely accepted design standard, such as Building for Life, in shaping and assessing basic design principles – and make clear that this should be reflected in plans and given weight in the planning process?**

It is agreed that the use of a standard such as Building for Life would be useful. However, this is only part of the whole design consideration and would not cover aesthetic design. LPA's should also be allowed to set this locally.

**Question 13: Do you agree with the proposals to amend national policy to make clear that plans and individual development proposals should:**

**a) make efficient use of land and avoid building homes at low densities where there is a shortage of land for meeting identified housing needs?**

The aim to make efficient use of land is supported, but densities should be appropriate for the location. Inappropriately raising densities would be contrary to the aims for good design.

**b) address the particular scope for higher-density housing in urban locations that are well served by public transport, that provide opportunities to replace low-density uses in areas of high housing demand, or which offer scope to extend buildings upwards in urban areas?**

This is agreed but it is noted that this is already considered.

**c) ensure that in doing so the density and form of development reflect the character, accessibility and infrastructure capacity of an area, and the nature of local housing needs?;**

This is agreed and considered particularly important.

***d) take a flexible approach in adopting and applying policy and guidance that could inhibit these objectives in particular circumstances, such as open space provision in areas with good access to facilities nearby?***

This is agreed but it is noted that this is already considered.

***Question 14: In what types of location would indicative minimum density standards be helpful, and what should those standards be?***

It is not considered that indicative minimum density standards set nationally are necessary. Density should reflect local character which will vary across the country and within a local authority area.

***Question 15: What are your views on the potential for delivering additional homes through more intensive use of existing public sector sites, or in urban locations more generally, and how this can best be supported through planning (using tools such as policy, local development orders, and permitted development rights)?***

It is considered that the potential to deliver more homes should be considered on all sites, not just public sector owned sites. The benefits of more intensive use of existing public sector sites through increasing the density of housing should be considered on an individual site basis. The context of the development in terms of location and viability is vitally important. Planning powers therefore need to be sensitive to the context and seek densities that are appropriate to the location. The benefits of increasing the number of units also need to be weighed against the long-term sustainability of schemes and delivering mixed and balanced communities. It is considered that a national minimum density could be counter-productive in terms of making some sites too unattractive to investors.

## **Chapter Two: Providing greater certainty**

***Question 16: Do you agree that:***

***a) where local planning authorities wish to agree their housing land supply for a one-year period, national policy should require those authorities to maintain a 10% buffer on their 5 year housing land supply?***

The ability to agree housing land supply for one year is welcomed as a means of increasing certainty for the local authority and reducing opportunities for appeals in relation to five year supply.

***b) the Planning Inspectorate should consider and agree an authority's assessment of its housing supply for the purpose of this policy?***

It is questioned whether doing so would result in a protracted process that would take the Planning Inspectorate an unreasonable amount of time to consider, therefore resulting in more delays in planning processes.

***c) if so, should the Inspectorate's consideration focus on whether the approach pursued by the authority in establishing the land supply position is robust, or should the Inspectorate make an assessment of the supply figure?***

It is suggested that a standard method should underpin the supply calculation. The inspectorate should focus on whether the methodology has been applied appropriately, rather than the outcome.

***Question 17: In taking forward the protection for neighbourhood plans as set out in the Written Ministerial Statement of 12 December 2016 into the revised NPPF, do you agree that it should include the following amendments:***

***a) a requirement for the neighbourhood plan to meet its share of local housing need?***

This is agreed but the level of housing need should be established by the local planning authority.

***b) that it is subject to the local planning authority being able to demonstrate through the housing delivery test that, from 2020, delivery has been over 65% (25% in 2018; 45% in 2019) for the wider authority area?***

As noted elsewhere in this response housing delivery is currently too dependent on factors beyond the control of the local authority. It is therefore considered that overall delivery should not prohibit neighbourhood plan areas from being required to meet its share of housing need.

***c) should it remain a requirement to have site allocations in the plan or should the protection apply as long as housing supply policies will meet their share of local housing need?***

No comment.

***Question 18: What are your views on the merits of introducing a fee for making a planning appeal? We would welcome views on:***

***a) how the fee could be designed in such a way that it did not discourage developers, particularly smaller and medium sized firms, from bringing forward legitimate appeals;***

***b) the level of the fee and whether it could be refunded in certain circumstances, such as when an appeal is successful; and***

***c) whether there could be lower fees for less complex cases.***

On the assumption that PINS would retain the fee, this would not benefit the authority financially.

However, a reduction in appeals-related workload for LPAs may be experienced if the fee has the desired effect of deterring unnecessary appeals.

***Question 19: Do you agree with the proposal to amend national policy so that local planning authorities are expected to have planning policies setting out how high quality digital infrastructure will be delivered in their area, and accessible from a range of providers?***

It is not clear how planning policies can ensure that digital infrastructure is accessible from a range of providers when the providers are private enterprises. This would require utility providers to be held to account.

***Question 20: Do you agree with the proposals to amend national policy so that:***

- the status of endorsed recommendations of the National Infrastructure Commission is made clear?; and***
- authorities are expected to identify the additional development opportunities which strategic infrastructure improvements offer for making additional land available for housing?***

No comment

***Question 21: Do you agree that:***

***a) the planning application form should be amended to include a request for the estimated start date and build out rate for proposals for housing?***

***b) that developers should be required to provide local authorities with basic information (in terms of actual and projected build out) on progress in delivering the permitted number of homes, after planning permission has been granted?***

***c) the basic information (above) should be published as part of Authority Monitoring Reports?***

***d) that large housebuilders should be required to provide aggregate information on build out rates?***

The value of this information being provided is questioned if developers are not required to comply with the dates and build out rates provided. This sort of information would not affect decision making.

Progress on delivering homes is already published in the AMR as an aggregated total (i.e. total completions/under construction for the whole city is reported). Projected build out rates may be helpful for SHLAA/five year housing land supply calculations.

**Question 22: Do you agree that the realistic prospect that housing will be built on a site should be taken into account in the determination of planning applications for housing on sites where there is evidence of non-implementation of earlier permissions for housing development?**

It is not considered that this is an appropriate material consideration in the determination of a planning application. It is not clear how refusing an application on the grounds of non-delivery would help bring the site forward for housing development. Such a consideration may, however, be more relevant to the preparation of housing and employment land availability studies. If there is a history of non-implementation of housing development it may indicate that the land is better suited to an alternative type of development.

**Question 23: We would welcome views on whether an applicant's track record of delivering previous, similar housing schemes should be taken into account by local authorities when determining planning applications for housing development.**

It is not considered that this is an appropriate material consideration in the determination of a planning application. It is not clear how this would help to bring forward housing development.

**Question 24: If this proposal were taken forward, do you agree that the track record of an applicant should only be taken into account when considering proposals for large scale sites, so as not to deter new entrants to the market?**

As above, do not agree that this is an appropriate material consideration for any scale of development.

**Question 25: What are your views on whether local authorities should be encouraged to shorten the timescales for developers to implement a permission for housing development from three years to two years, except where a shorter timescale could hinder the viability or deliverability of a scheme? We would particularly welcome views on what such a change would mean for SME developers.**

Reducing planning permissions from three years to two years could reduce the average amount of time taken to start a housing development. However, this is unlikely to stop the practice of developers that make a material start on development but do not complete their development. If the time period is to be reduced, it is suggested that this should be applied across the board without options to increase the time period.

**Question 26: Do you agree with the proposals to amend legislation to simplify and speed up the process of serving a completion notice by removing the requirement for the Secretary of State to confirm a completion notice before it can take effect?**

It is agreed that a simplified process would be helpful and removing the requirement for the Secretary of State to confirm a completion notice would speed up the process.

**Question 27: What are your views on whether we should allow local authorities to serve a completion notice on a site before the commencement deadline has elapsed, but only where works have begun? What impact do you think this will have on lenders' willingness to lend to developers?**

This would be a welcome provision to discourage developers from just putting in foundations to implement their permission but have no intention of competing development in a reasonable timescale.

**Question 28: Do you agree that for the purposes of introducing a housing delivery test, national guidance should make clear that:**

**a) The baseline for assessing housing delivery should be a local planning authority's annual housing requirement where this is set out in an up-to-date plan?**

**b) The baseline where no local plan is in place should be the published household projections until 2018/19, with the new standard methodology for assessing housing requirements providing the baseline thereafter?**

**c) Net annual housing additions should be used to measure housing delivery?**



***d) Delivery will be assessed over a rolling three year period, starting with 2014/15 – 2016/17?***

It is agreed that the baseline for assessing housing delivery should be the housing requirement in an up-to-date plan, published household projections or standard methodology, as appropriate. It is queried whether the gross number of new homes should also be considered. For example, when completing schemes such as estate renewal which involves the demolition of high density, poor quality homes and replacement with lower density but better quality homes, there would be a net loss, but the quality of the homes and the environment would be improved. Related to this, large scale estate renewal may not be realised within a three year period and so it is suggested that a five year period may be a more appropriate time period to take account of both fluctuations in the market as well as other such matters which may impact on housing delivery.

Notwithstanding the comments above there is some concern about whether the housing delivery test will actually establish why new homes aren't coming forward at the rate planned, or that increasing supply of sites/permissions is the sole answer. Housing delivery is dependent upon a number of factors, many of which are currently beyond the control of the local authority. It is suggested that a more holistic approach is taken to potential solutions to this issue.

***Question 29: Do you agree that the consequences for under-delivery should be:***

***a) From November 2017, an expectation that local planning authorities prepare an action plan where delivery falls below 95% of the authority's annual housing requirement?***

***b) From November 2017, a 20% buffer on top of the requirement to maintain a five year housing land supply where delivery falls below 85%?***

***c) From November 2018, application of the presumption in favour of sustainable development where delivery falls below 25%?***

***d) From November 2019, application of the presumption in favour of sustainable development where delivery falls below 45%?***

***e) From November 2020, application of the presumption in favour of sustainable development where delivery falls below 65%?***

It is not considered fair for local authorities to be penalised for something which is not solely within their control. There is a great deal of housing delivery which is reliant on other parties such as financing, utility providers as well as the priorities and business models of developers themselves. There should also be sanctions for these other parties to ensure that all parties are contributing appropriately to the delivery of new housing. Alternatively, local authorities should be given greater powers to allow them to influence housing delivery adequately themselves.

With regards to the proposals set out, it is not clear how the action plans required under a) would be assessed, and by whom, to establish whether it is an appropriate and acceptable action plan. Without this, the value of the action plan may be limited.

With regards to b) and the requirement for a 20% buffer on top of the five year requirement if delivery falls below 85%, it is not clear if this is in addition to the 20% currently required for 'persistent under delivery'.

It is considered that the proposals in c) – e) represent a simplified view of delivery and supply/demand. As noted above, the reality is that delivery is often affected by many other factors such as legal, finance, viability, or simply maintaining prices and profit. Reverting to the presumption in favour of sustainable development would not solve those issues arising outside of the planning system and may result in a lack of coherent planning.

**Question 30: What support would be most helpful to local planning authorities in increasing housing delivery in their areas?**

Tools such as simplified completion notices would be a useful tool for LPAs to ensure delivery of housing. However, as identified above, the delivery of housing is not solely the responsibility of local planning authorities. Developers and other related functions also need to take responsibility for this. It is clear that developers will control the amount of new homes on the market in order to protect their sales values and profit levels. Therefore fiscal measures may be required to incentivise developers build out permissions more quickly. For example, housing developers could be subject to lower tax rates so that they can build and sell homes more quickly without affecting their profits. Another suggestion would be a tax on undeveloped sites if they have been identified as suitable for housing development but are not brought forward within a reasonable timescale.

In order for LPAs to have more control over increasing housing delivery, the local authority would need control over the entire process – i.e local authority as landowner and developer with profits being reinvested into further housing delivery and improving council services. Birmingham City Council is already doing this through InReach which is providing properties for private rent and Birmingham Municipal Housing Trust which provides affordable housing.

**Question 31 Do you agree with our proposals to:**

**a) amend national policy to revise the definition of affordable housing as set out in Box 4?**

The proposed definition is very complex and it is suggested that this is simplified. At present there is considerable duplication and ambiguity reflecting the way in which affordable housing products have been added to the definition over a number of years. The White Paper presents an opportunity to review these categories and to streamline products so that there is greater clarity for developers, enablers and consumers. In particular the use of intermediate and affordable appears to be inter-changeable;

**b) introduce an income cap for starter homes?**

An income cap for starter homes would be welcomed. It is suggested that the level of cap should be determined at a local authority level. Within a local context, households with an income of £80,000 do not require public subsidy to access market housing.

**c) incorporate a definition of affordable private rent housing?**

The distinction between affordable private rented housing and affordable rented housing is not clear. Defining one as being at least 20% less than market rents, and the other as no more than 80% of market rents, appears to be an exercise in semantics.

**d) allow for a transitional period that aligns with other proposals in the White Paper (April 2018)?**

A transition period as proposed would be agreed.

**Question 32: Do you agree that:**

**a) national planning policy should expect local planning authorities to seek a minimum of 10% of all homes on individual sites for affordable home ownership products?**

The affordable housing mix for particular sites should be determined by an understanding of local housing needs and must be viable for the site. Different types of affordable housing products are suitable for different sites and home ownership products may not always be viable.

**b) that this policy should only apply to developments of over 10 units or 0.5ha?**

This is agreed.

**Question 33: Should any particular types of residential development be excluded from this policy?**

There are a number of types of residential development which are considered to meet specific needs and which should not normally be required to contribute towards affordable housing including: student accommodation; sheltered/extra care facilities (depending on the nature of the care provision); rural exceptions (where the whole development should be to meet local needs in perpetuity).

**Question 34: Do you agree with the proposals to amend national policy to make clear that the reference to the three dimensions of sustainable development, together with the core planning principles and policies at paragraphs 18-219 of the National Planning Policy Framework, together constitute the Government's view of what sustainable development means for the planning system in England?**

This is agreed.

**Question 35: Do you agree with the proposals to amend national policy to:**

- a) Amend the list of climate change factors to be considered during plan-making, to include reference to rising temperatures?**
- b) Make clear that local planning policies should support measures for the future resilience of communities and infrastructure to climate change?**

These proposals are agreed.

**Question 36: Do you agree with these proposals to clarify flood risk policy in the National Planning Policy Framework?**

This is agreed.

**Question 37: Do you agree with the proposal to amend national policy to emphasise that planning policies and decisions should take account of existing businesses when locating new development nearby and, where necessary, to mitigate the impact of noise and other potential nuisances arising from existing development?**

It is agreed that this should be a matter that should be taken into account. However, it is important that it is the new development that is required to incorporate mitigation measures. Securing mitigation measures on existing development may not be possible if the existing business is not willing to.

**Question 38: Do you agree that in incorporating the Written Ministerial Statement on wind energy development into paragraph 98 of the National Planning Policy Framework, no transition period should be included?**

This is agreed.

### **Planning and Affordable Housing for Build to Rent Consultation Paper**

**Q 6: Do you agree with the proposal to refer explicitly to Build to Rent in the National Planning Policy Framework?**

Revisions to the National Planning Policy Framework to include Build to Rent as a form of housing which planning authorities should consider, where appropriate, is supported.

**Q 9: Do you consider that Affordable Private Rent could play a useful role in the delivery of affordable housing in the area(s) where you live or operate?**

Affordable Private Rent has the potential to deliver affordable housing in Birmingham but only if affordability can truly meet local housing need and the number of units provided make a meaningful contribution to meeting housing need.

**Q 11: Do you consider that there could be unintended consequences of Affordable Private Rent if it is accepted as a form of affordable housing?**

Potentially, yes. If affordable rent is set at 80% of market rent, this could create market instability in the wider private rented sector. When rents are higher, the 80% level will not be affordable to those in greatest need, drawing higher income earners away from the traditional private rented sector as they would be the only group able to meet rents. At times when rents are lower, the 80% level will be affordable to more but this may impact upon the viability of the scheme.

**Q 12: If your answer to Q11 is yes, would these consequences be mitigated by limiting Affordable Private Rent only to Build to Rent schemes?**

No, this would not mitigate the possible consequences.

**Q 14: Do you agree that Build to Rent tenancies should be for at least three years (with a one month break option for the tenant after the first six months) , for all customers in the development who want one?**

Three year tenancies with a break option are supported for those customers that want them. Other options of tenancy length should also be available with break clauses.

**Q 15: Does the definition of Build to Rent set out on page 20 capture all of the appropriate elements? (If not, please state why, and what criteria should apply).**

The definition is appropriate.

**Q 16: Do you agree that the National Planning Policy Framework should put beyond doubt that Affordable Private Rent qualifies as affordable housing in Build to Rent schemes? (If not, please state why.)**

Yes.

**Q 17: Do you agree with the proposed definition of Affordable Private Rent set out on page 21? (If not, please state why, and what criteria should apply).**

It is suggested that reference to local affordability should be included and the second sentence is amended to: "It is made available for rent at a level at least 20% below local market rent and up to a local affordable level". This would avoid any doubt that the affordable level could be less than a 20% discount.

**Q 18: The Government intends to set the parameters of Affordable Private Rent as:**

- a minimum of 20 per cent of the homes to be discounted;
- the discount to be set at minimum of 20 per cent relative to the local market;
- an offer of longer tenancy of three years or more;
- the discount to apply indefinitely (subject to a "claw-back" arrangement if Affordable Private Rent homes are withdrawn).

**Taken as a whole, are these parameters: (i) reasonable; (ii) too onerous; (iii) insufficient? Which, if any of them, would you change and why?**

It should be clear that the 'discount relative to the local market' could be greater than 20%, but should not fall below the minimum 20%.

***Q 20: The Government is minded to leave determination of eligibility and nomination criteria for Affordable Private Rent to negotiation between the developer and the local authority. Do you support this position? Will it affect take-up of the policy? Please give your reasons.***

This position is supported.

***Q 21: The Government considers there is no need for a fixed minimum covenant period, so long as appropriate claw-back arrangements are provided for. Do you agree?***

Yes, this is appropriate.

***Q 22: Do you think Government should (a) prescribe the basis for calculating the amount of claw-back, (b) set a possible basis for calculating the amount of claw-back in guidance, or (c) leave the amount of claw-back to be agreed between the local authority and the applicant?***

The preferred approach is: (b) set a possible basis for calculating the amount of claw-back in guidance

***Q 23: Should the Government's Build to Rent and Affordable Private Rent policy be identical across the whole of England or does it need to be set differently between London and the rest of England? If it should be set differently, please use the comments box to tell us how and why the policy should vary in London from the rest of England.***

It is considered that the policy should be different for London. However, it is suggested that the policy should allow for Local Authorities or Combined Authorities to apply local circumstances where necessary to reflect the differentiation across the 'rest of England'. Private rent market conditions vary greatly across the rest of England. Creating a 'one size fits all' policy may lead to many instances where the policy fails to deliver. Therefore the ability to reflect local circumstances is critical for the success of the policy.

Once again, thank you for consulting the City Council and I look forward to the seeing the amended planning policy and regulations in due course.

Yours sincerely

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