

Birmingham City Council

Planning Committee

22 December 2022

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Approve – Subject to 106 Legal Agreement	6	2022/02480/PA Former Rosie's Nightclub Lower Parade Sutton Coldfield Birmingham B72 1XX Application for outline planning permission for the development of up to 55 residential dwellings (Use class C3) and up to 750sqm commercial floor space (Use class E), together with associated car parking and service areas (access, layout and scale not reserved)
Approve – Conditions	7	2022/06776/PA Aston Villa Football Club Trinity Road Witton Birmingham B6 6HE Demolition of the existing North Stand, club-shop, gatehouse and Academy building; and the redevelopment of the site comprising the erection of a new North Stand and a multi-use leisure building (to provide match day and non-match day) for sports, retail, commercial, community and cafe/ bar uses and facilities; internal reconfiguration of the Trinity Road stand; provision of new public realm, hard and soft landscaping works, new and revised access arrangements, car parking provision; and other associated works.

Land at Langley bound by Lindridge Road, A38, Walmley Ash Lane, Webster Way, Thimble End Road and Springfield Road
Sutton Coldfield
Birmingham

Outline application for a Langley Sustainable Urban Extension (a residential led mixed use development). Works to include demolition of two semi-detached dwellings to the east of Springfield Road, Langley Park House buildings to the east of Langley Hall, Springfield Farm buildings, Langley Gorse Farm buildings and barn to the south of Fox Hollies House; diversion underground of 132Kv overhead power line, removal of existing pylons and construction of new termination pylons; site clearance/remediation works and engineering works to create a development platform; construction of dwellings (C3); the provision of mixed use floorspaces (E, C1, C2, F1, F2 and SG uses) to be delivered in 1 district and 2 local centres; education facilities comprising 1 secondary school (with sixth form) and up to 3 primary schools or an all-through school (with sixth form) and 2 primary schools, together with up to 6 nursery/early years units; the creation of an internal transport network with connections to the surrounding highway, cycle and pedestrian network; green infrastructure including informal open space, play areas, linear park and the creation of sports hub with a pavilion building; the stopping up/diversion of the existing public highway and public rights of way and the creation of new routes; diversion of Langley Brook; erection of an acoustic fence and bund along A38; and all associated works. Details of strategic highway points are submitted for approval with all other matters reserved

Committee Date:	22/12/2022	Application Number:	2022/02480/PA
Accepted:	23/03/2022	Application Type:	Outline
Target Date:	20/01/2023		
Ward:	Sutton Trinity		

Former Rosie's Nightclub, Lower Parade, Sutton Coldfield, Birmingham, B72 1XX

Application for outline planning permission for the development of up to 55 residential dwellings (Use class C3) and up to 750sqm commercial floor space (Use class E), together with associated car parking and service areas (access, layout and scale not reserved).

Applicant:	Bordeaux Estates C/o Agent
Agent:	SR Davis Architects Harborne Court, 67-69 Harborne Road, Edgbaston, Birmingham, B15 3BU

Recommendation

Approve Subject to a Section 106 Legal Agreement

1. Proposal:

- 1.1 This application seeks outline planning permission for the development of up to 55 one and two bedroom flats (Use class C3) and up to 750sqm commercial floor space (Use class E), together with associated car parking and service areas (access, layout and scale not reserved) on vacant land on Lower Parade, Sutton Coldfield, which was previously occupied by Rosie's Nightclub.
- 1.2 The proposed layout would fill the majority of the site, retaining the existing pedestrian access between the site and the Nationwide building adjacent and the vehicular access between the Nationwide building. The pedestrian access from Lower Parade along the southern boundary of the site would be extended and provide access to the residential apartments on the upper floors of the building. The commercial premises at ground floor would be accessed from Lower Parade, providing an active frontage to both Lower Parade and the southern elevation.
- 1.3 The proposed building would be a maximum of 6 and 8 storeys in height, with the ground floor commercial unit having a greater ceiling level to achieve the specifications required by commercial operators. 19no. one-bedroom and 36no. two-bedroom apartments would be located on the upper floors. A roof terrace to provide communal external amenity space is proposed on the sixth floor. Access to the residential units would be taken from a pedestrian "walkway" along the southern boundary of the site. The commercial unit would be accessed from Lower Parade. 15no. parking spaces are proposed to be located in a basement car park with cycle parking, electric vehicle charging points and servicing space for the commercial premises.

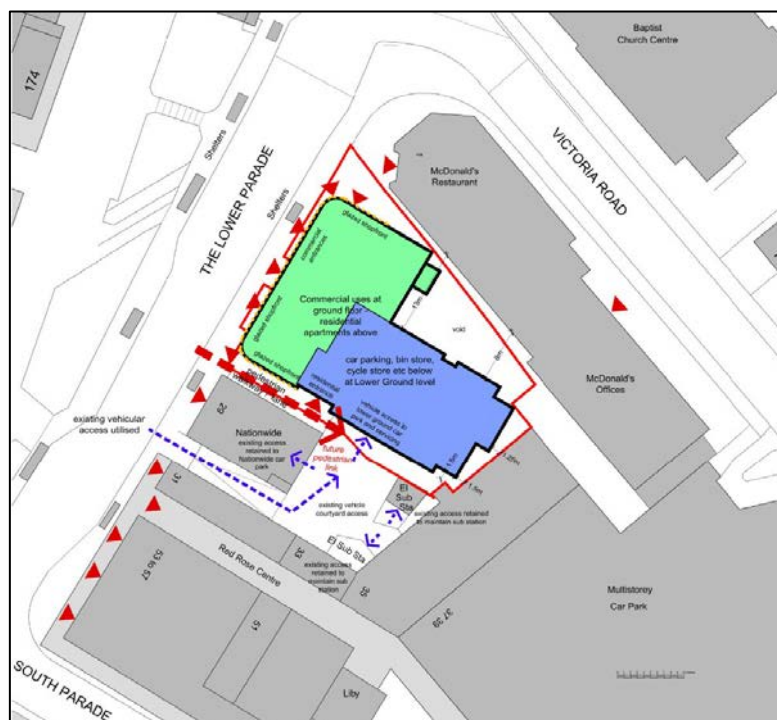


Figure 1: Proposed parameters plan - maximum building height of 6 storeys (green) and 8 storeys (blue)

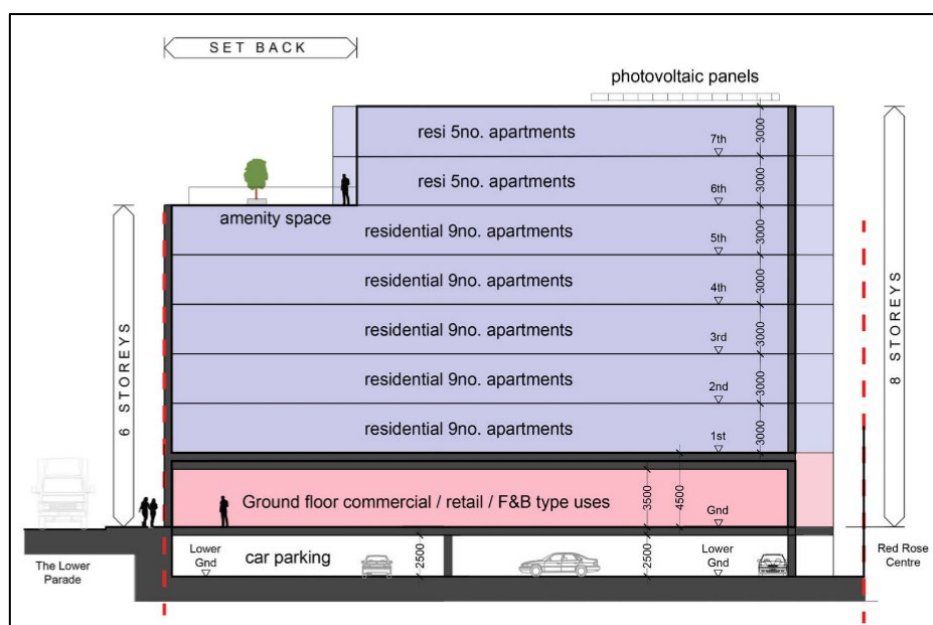


Figure 2: Proposed cross-section

- 1.4 The proposed apartments would consist of open plan living, kitchen and dining space with one or two en-suite bedrooms. The one-bedroom apartments would achieve a minimum of 50sqm floorspace. The two-bedroom apartments would achieve a minimum of 70sqm. Balconies are shown to be located on the north and south elevations at the upper floors.
- 1.5 The proposed access would be taken from Lower Parade and would reflect the existing vehicular access arrangement, making use of the ramp to the lower level of the site.
- 1.6 The proposed density of the development would amount to approximately 420 dwellings per hectare.

- 1.7 The matters of appearance and landscape are reserved for further consideration. The indicative elevations show a post-modern architectural design with a contemporary palette of materials. The landscape proposals would relate to the proposed roof terrace.
- 1.8 The application is supported by the following documents: Planning Statement; Design and Access Statement; Transport Statement; Travel Plan; Heritage Statement; Noise Impact Assessment; Affordable Housing Statement; Financial Viability Statement; Energy Strategy; and Air Quality Assessment.
- 1.9 [Link to Documents](#)
2. **Site & Surroundings:**
- 2.1 The application site comprises vacant land which was formerly occupied by Rosie's Nightclub. The former building was demolished in 2020, following prior approval being issued for the demolition. The site experiences a level difference of approximately 3m falling from west to east, with the lowest level adjacent to the rear of the Red Rose Centre.
- 2.2 The site frontage accommodates a number of bus stops, serving bus routes #5, #66, #77, #77A, and #907 Platinum going in a southerly direction through the Town Centre.
- 2.3 The site is situated within the Primary Shopping Area of Sutton Coldfield Town Centre. The site is bounded to the north-east by McDonalds' restaurant & offices; to the south-east by the Red Rose Centre & multi storey car park; to the south-west by Nationwide Building Society and its rear courtyard which also accommodates utilities' sub-stations and masts; and to the north west, on the opposite side of Lower Parade, by predominantly retail uses and the Gracechurch Centre including Boots and H&M.
- 2.4 [Site Location](#)



Figure 3: Aerial view of site (highlighted) prior to demolition of former Rosie's Nightclub

3. **Planning History:**

- 3.1 Withdrawn – 2021/05958/PA - Application for outline planning permission for the development of up to 55 residential dwellings (Use class C3) and up to 750sqm commercial floor space (Use class E), together with associated car parking and service areas (access, layout and scale not reserved).
- 3.2 08.04.2019 - 2019/01731/PA - Application for Prior Notification for the proposed demolition of 2 storey building – Prior approval required and to approve with conditions.

4. **Consultation Responses:**

- 4.1 Transportation Development – recommend conditions to secure servicing and access arrangements, siting and design of access, delivery restrictions, refuse servicing, cycle parking, electric vehicle charging points and pedestrian visibility splays.
- 4.2 Regulatory Services – recommend conditions to secure noise mitigation, contamination remediation, extraction and odour control details and noise levels for plant and machinery.
- 4.3 City Design – recommend conditions to secure sample materials, green roof details, landscape details, shopfront design to include signage, earthworks and levels details, reserved matters to be submitted to secure appearance and landscape proposals; and to ensure that the development does not prejudice the redevelopment of the Red Rose Centre.
- 4.4 Conservation – no objection subject to condition to secure programme of archaeological works.
- 4.5 Leisure Services – require a financial contribution towards public open space.
- 4.6 Lead Local Flood Authority – recommend conditions to secure drainage scheme and operation and maintenance plan.
- 4.7 West Midlands Police – no objection, advise of secured by design requirements.
- 4.8 West Midlands Fire Service – no objection, advise of fire safety requirements.
- 4.9 Severn Trent Water – recommend conditions to secure the drainage plans for the disposal of foul and surface water.
- 4.10 Travel for West Midlands – no comments received.
- 4.11 Royal Sutton Coldfield Town Council – object on the grounds that the proposals are contrary to the Sutton Coldfield Town Centre Masterplan SPD, would be out of character with the surrounding area, are over-intense and over-dominant, and would have an unacceptable impact on highway safety. Further comments were received expressing concern for the proposed height of the building and that the height would have damaging implications for the regeneration of the rest of the town centre.
- 4.12 Birmingham Civic Society – support the proposals and encourage matters to be addressed (amenity space, servicing and archaeological remains).

5. **Third Party Responses:**

- 5.1 Site notice displayed. Press notice advertised. MP, Ward Members and neighbours notified. Nine representations have been received, raising the following objections:
- Poor appearance;
 - Focus should be on securing new retailers in existing vacant premises within the town centre;
 - Unacceptable height;
 - Adverse impact on pedestrian access and bus stops;
 - Out of character for the town centre;
 - Impact on congestion and parking;
 - Proposals do not accord with the Sutton Coldfield Town Centre Masterplan SPD.

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

- 6.1 National Planning Policy Framework: Chapter 2 Achieving Sustainable Development; Chapter 5 Delivering a Sufficient Supply of Homes; Chapter 7 Ensuring the Vitality of Town Centres; Chapter 11 Making Effective Use of Land; Chapter 16 Conserving and Enhancing the Historic Environment
- 6.2 Birmingham Development Plan 2017: GA4 Sutton Coldfield Town Centre; PG3 Place making; TP3 Sustainable construction; TP4 Low and zero carbon energy generation; TP9 Open space, playing fields and allotments; TP12 Historic environment; TP21 The network and hierarchy of centres; TP24 Promotion of diversity of uses within centres; TP27 Sustainable neighbourhoods; TP28 The location of new housing; TP30 The type, size and density of new housing; TP31 Affordable housing.
- 6.3 Development Management DPD: DM2 Amenity; DM4 Landscaping and Trees; DM6 Noise and Vibration; DM10 Standards for Residential Development; DM14 Transport Access and Safety; DM15 Parking and Servicing.
- 6.4 Supplementary Planning Documents & Guidance: Birmingham Design Guide (2022); Shopping and Local Centres SPD (2012); Birmingham Parking SPD (2021); Sutton Coldfield Town Centre Masterplan SPD (2021)

7. **Planning Considerations:**

- 7.1 **Principle of Development & Conformity with the Sutton Coldfield Town Centre Masterplan SPD** – The application site is located in the Sutton Coldfield Town Centre (BDP Policy GA4) within an identified ‘wider area of change’. It is also within the primary shopping area of Sutton Coldfield centre (BDP Policy TP21).
- 7.2 Policy GA4 supports the delivery of mixed-use residential and retail development. The policy also supports proposals to redevelop land within the town centre to create an improved retail and residential offer and encourages the redevelopment of the primary shopping area. Policy TP21 identifies Sutton Coldfield as a sub-regional centre and states that centres will be the preferred location for retail, office, leisure and community facilities. TP21 also supports residential development within centres having regard to the provisions of policy TP24, which encourages residential uses on upper floors. In the context of these policies, I consider the proposed E class and residential uses to be acceptable in this location. As Use Class E provides a large amount of flexibility, it is considered that any use which could be delivered as part of the scheme would have an acceptable impact on the vitality and viability of the town centre.

7.3 The application site also falls within the boundary of the Sutton Coldfield Town Centre Masterplan SPD. The masterplan provides up-to-date guidance for the town centre and all proposals are expected to be in accordance with the vision, objectives, and principles set out for the individual projects. The application site forms part of a wider development opportunity as set out in “Project G Red Rose Centre” of the Masterplan. It identifies that Project G’s prominent location within the town centre is fundamental to considering how the site may be reimagined, being at the gateway for people approaching the town centre in all modes of transport. Adding that it also fronts onto the reimagined heart of the town centre on Lower Parade. Furthermore, the overall aim is to create a distinctive, vibrant, daytime and evening destination and workplace that could include independent retailers and creative studio space alongside contemporary new homes to attract people to visit, live and work with the town centre.

7.4 The SPD highlights other guidelines for the site including, amongst others:

- Make a place with a strong character of its own that respects the historic setting.
- Creating new public square(s) well-connected to Lower Parade and South Parade, enclosed by buildings of generally 4 to 6 storeys (potentially up to 8 storeys towards the centre of the site where this positively contributes to the town centre’s urban character and does not detract from the historic context).
- Developing buildings in the west of the site that can offer flexible spaces that can be adapted to different uses over time, and/or residential on upper floors.
- Designing to encourage sustainable travel, with limited parking for cars.
- A phased approach to the delivery of the Red Rose sites redevelopment will be supported where this delivers the overall vision for the site and achieves a high-quality comprehensive scheme.

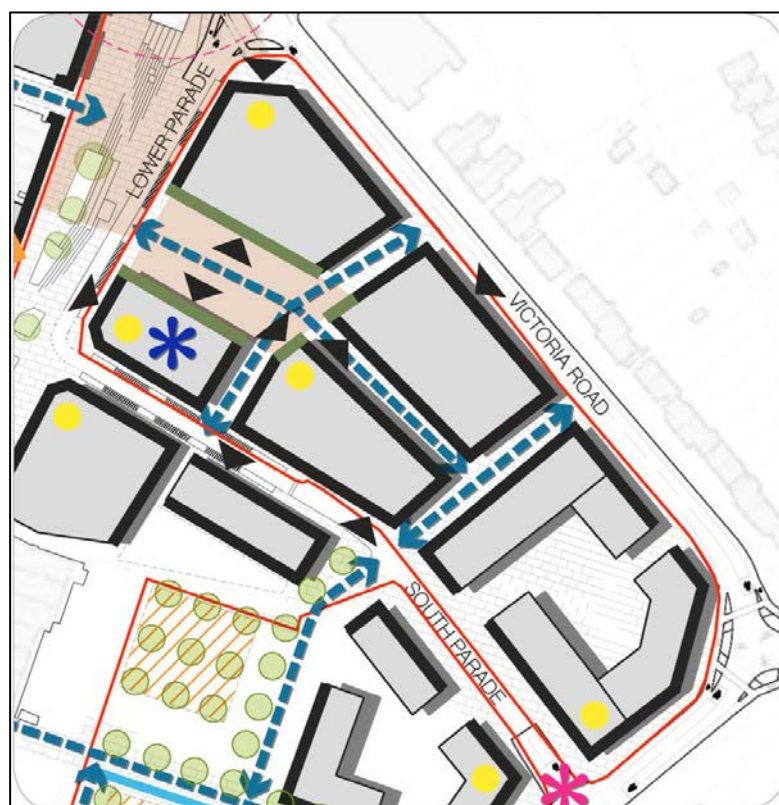


Figure 4: Sutton Coldfield Town Centre Masterplan Project G ‘The Red Rose Centre’

7.5 The application site forms part of the lower section of the most northern block of the layout shown in the SPD, fronting onto a new key area of public open space. The site of the adjoining Nationwide building falls within the indicated new key area of public open space.

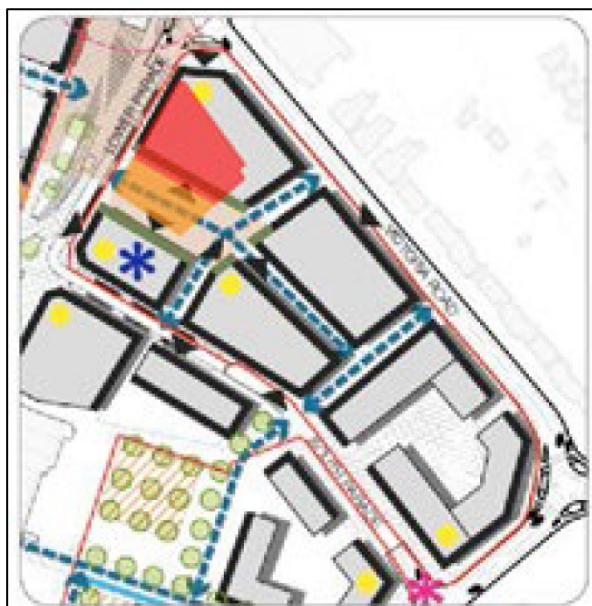


Figure 5: Sutton Coldfield Town Centre Masterplan Project G with application site (red) and Nationwide site (orange) overlaid

- 7.6 The principle of the proposal is in accordance with relevant BDP policies highlighted above. With regards to conformity with the Masterplan SPD, for Project G it encourages an ambitious comprehensive redevelopment which could be transformative for Sutton Coldfield, whilst supporting a phased approach where it delivers the overall vision for the site and achieves a high-quality comprehensive scheme.
- 7.7 The applicant recognises that the proposal could represent the first phase and have supported the application with submissions to demonstrate how they consider the scheme would conform with the Masterplan SPD. This includes an illustrative wider masterplan for Project G, with the current proposal indicated as Phase 1 within Block A.

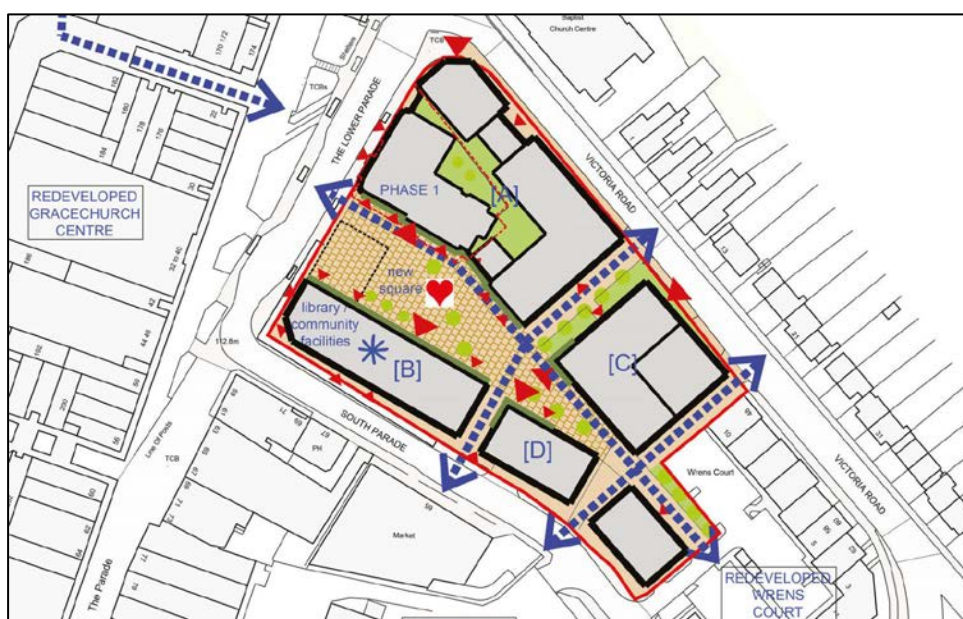


Figure 6: Applicants' wider masterplan for Project G with current proposal show as Phase 1

- 7.8 This does illustrate that the current proposal has been designed to seek to not

undermine the SPD's objectives for Project G. The applicants' wider masterplan broadly follows the indicative layout in the SPD with Phase 1 forming part of Block A to the north. It would achieve active commercial frontages to The Lower Parade as well as the new square to the South with residential accommodation to the upper floors. At 6 and 8 storeys, the building's scale is at the upper limit of the SPD's guidelines and would be acceptable on the urban character of the town centre and would not detract from the historic context (greater analysis on visual amenity and historic environment later in the report). 15 car parking spaces and a service area would be accommodated within the basement, that would not detract from the guideline to encourage sustainable travel. Taking all these factors into account it is considered that the proposal has adequately demonstrated that it would not be contrary the Masterplan SPD and its ambitions for Project G.

- 7.9 **Layout and Scale** – Officers consider the site can accommodate the building's scale - 6 storeys to the front, with 8 storeys set back. City Design conclude that they accept the proposed building scale and massing on the basis that it is accompanied by high quality architecture that visually breaks up the massing and adds positively to local character. Appearance is not for consideration with this outline application and would be subject to a separate application for reserved matters, which would be recommended to be pursued only after detailed pre-application advice is supplied by Planning and City Design officers. This would provide the opportunity for officers to collaborate on the appearance of the development prior to the submission of any reserved matters application. It is considered that the proposed layout would be acceptable, making efficient use of land and illustrating how the development would sit within the wider project area.



Figure 7: Proposed Streetscene (appearance reserved)

- 7.10 The proposed height of the building is consistent with the guidance set out within the Town Centre Masterplan SPD. It is noted that Sutton Coldfield Town Council have objected to the application, particularly on the grounds of the proposed height of the building, indicating that this would set an unfortunate precedent. Having thoroughly considered the content of the Town Centre Masterplan SPD, alongside the context of the town centre, I am of the view that the proposals would act as a catalyst for other developments in the town centre to come forwards, and the proposed scale and height of the scheme would introduce ambitious architecture, consistent with the sub-regional potential of Sutton Coldfield Town Centre. On this basis, I am satisfied that the Town Council's have been considered in the assessment of the proposals and that the scheme could represent a significant move forwards in the regeneration of the Town Centre.
- 7.11 With regard to how the access, parking and servicing arrangements might configure with the ambition to create a new key area of public open space to the immediate south, the applicant has identified possible options including (i) the 3.7m wide walkway access to the proposed residential front door could be extended over the basement level car park access void to link to future public space; (ii) ground floor commercial use towards back of building could have active frontage to future public space; (iii) Nationwide site could be redeveloped and linked via glazed bridge link to proposed

building's stair core; (vi) basement parking and servicing could be relocated through the Red Rose development to the east.

- 7.12 The ideal scenario would be if the basement parking and servicing could gain access through, or relocated to, another part of the development of the wider block and thereby close the access point to the south elevation. However, if that was not possible, it is considered an access, in the form of a shared surface could be created to serve the development. It would only need to occupy a relatively small area to the fringe of the public open space and would be relatively lightly trafficked due to the limited number of parking spaces within the basement and the servicing of the commercial floorspace only. The entrance to the residential apartments and the active commercial frontage to the south elevation would comply with the SPD's guidelines.
- 7.13 Some concerns were raised with regards to the prospective developability of surrounding sites, with the proposals being built close up to the boundary. The applicant has submitted evidence to demonstrate that the 1.25m space between the boundary and the existing Red Rose Centre is sufficient to erect scaffold to facilitate demolition and / or construction. I am satisfied that the information submitted is based on practical construction methods.
- 7.14 **Historic Environment** – Whilst the site sits outside of the High Street Conservation Area, the scale of the development needs to be considered in terms of the impact that the proposals could have upon the setting of listed buildings (most notably the grade II Trinity Church) and the wider conservation area.
- 7.15 The Council's Conservation Officer has been consulted on the application and they have advised that following the provision of additional information from the applicant relating to views from elsewhere in the Town Centre, they are satisfied that the proposals would not have an unacceptable impact on nearby heritage assets and the Conservation Area. Given the outline nature of the application with appearance retained as a reserved matter, it is considered that there remains scope to ensure a high quality appearance which will enhance the character of the Town Centre and preserve the importance of the Conservation Area. The Conservation Officer offers no objection and considers that the proposals would have a neutral impact on the Conservation Area.
- 7.16 Given the historic character of the application site, the Conservation Officer has recommended that a condition to secure a programme of archaeological works is attached to any grant of outline planning permission. I concur with this approach and duly attached the relevant condition.



Figure 8 – View of proposal from Mill Street looking south (appearance reserved)



Figure 9 – View of proposal from Lower Parade looking north (appearance reserved)

- 7.17 **Housing Mix** - With regards to the mix of the proposed apartments, it is noted that the development would seek to deliver 19no. one-bedroom apartments and 36no. two-bedroom apartments. The recently published Housing and Economic Development Needs Assessment (HEDNA) sets out that the greatest need is for two- and three-bed homes. Recent completions have delivered high numbers of one- and two-bed units and the future need for one-bed is a fraction of what it is for two-bed units. This is particularly true within Birmingham City Centre. The affordable housing need identifies a more balanced requirement between one-bed, two-bed and larger dwellings. Within the context of Sutton Coldfield Town Centre, with infrastructure to support young families in the immediate area (schools, nurseries), it is considered that the larger proportion of two-bedroom apartments proposed as part of this development should be supported. Policy EC2 within the Masterplan encourages town centre living. It is considered that the mix of dwelling sizes within this development would be supported, in this sub-regional Town Centre.
- 7.18 The proposed density would amount to approximately 420dph. This is considered to be acceptable, in accordance with Policy TP30, on the basis that the site is located within the town centre which is a sustainable location with good access to public transport and local facilities and amenities.
- 7.19 **Residential Amenity** – The application site falls within the Primary Shopping Area of Sutton Coldfield Town Centre, which predominantly contains commercial floorspace. The existing conditions of the site and its surroundings are accordingly taken into account in assessing the proposals impact on residential amenity. Regulatory Services have raised some concerns with regards to noise generators within the vicinity of the site, particularly from roof plant at McDonalds and how this would be experienced by residents.
- 7.20 Additional information was prepared by the applicant to assess the plant noise and recommendations prepared with regards to minimum glazing specifications and maximum levels for plant noise. Regulatory Services have considered the amended details and have confirmed their agreement to the recommendations, subject to conditions.
- 7.21 Glazing is proposed to be installed to the residential apartments which would mitigate any noise beyond acceptable levels, with trickle ventilation and windows can be opened as purge ventilation, as set out within the Noise Impact Assessment submitted

in support of the application. Conditions have been recommended to secure glazing specifications to ensure that appropriate noise levels for residential amenity can be achieved. An overheating assessment is recommended to be conditioned to ensure that resident comfort can be achieved at the development through the trickle and purge ventilation.

- 7.22 The proposed outline application includes the submission of a number of floorplans. The proposed residential floorspaces proposed in the one and two-bedroom apartments would achieve the minimum requirements for floorspace as set out within Policy DM10 of the Development Management in Birmingham DPD.

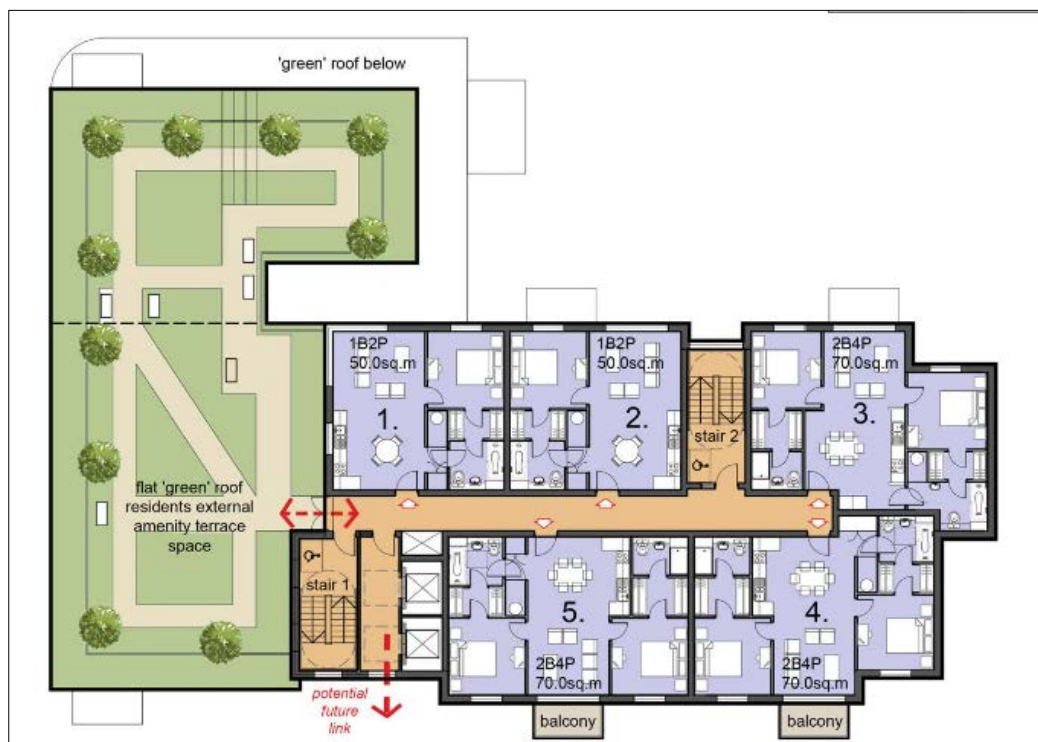


Figure 12: Typical floorplan (6th floor)

- 7.23 The proposed external amenity spaces would be delivered through a roof terrace, which would amount to approximately 300sqm. A number of apartments would benefit from balconies overlooking the north and south of the site. Birmingham Design Guide SPD identifies a need for 5sqm per 1-bedroom apartment and 7sqm per 2-bedroom apartment communal external space per apartment, totalling a requirement of 347sqm. The proposals would fall slightly short of the minimum requirements for communal external space. Given the site's location within the town centre, it is acknowledged that site constraints would likely prohibit the recommended external space being achieved. The site is located within a short walking distance to Sutton Park, approximately 0.4miles to the west. On balance, considering the other benefits the location of the site would achieve in such a sustainable location, the communal amenity space proposed is considered to be acceptable.
- 7.24 The site is very constrained with built form to the north, east and southern boundaries. The proposed outlook would be notably urban, with apartments on the lower floors achieving some separation distances of 8m from flank walls of the McDonalds office block to the north. Apartment 1 on floors 1-5 are particularly disadvantaged in this respect and amendments have been submitted to provide a balcony which would allow significantly longer views from living areas. The upper floors would achieve significantly greater separation distances by virtue of the surrounding buildings being between two and three storeys in height. Due to the commercial surroundings of the site, no concerns of overlooking are raised. Given the constrained nature of the site, it is

considered on balance that the proposed residential living environment for prospective occupiers would be acceptable. Furthermore, given the matter of appearance is a reserved matter, it is likely that windows and internal layouts would be likely to be altered in order to achieve the best quality design and appearance required in this prominent location within the Town Centre. I therefore am satisfied that the residential amenity of prospective occupiers would be acceptable in this Town Centre location.

7.25 Subject to relevant conditions to secure noise mitigation and maximum number of residential units, it is considered that the proposals would be acceptable from the perspective of securing acceptable levels of residential amenity.

7.26 **Access and Parking** – The proposals seek to retain the existing vehicular access from Lower Parade down to the lower level of the site, which would access servicing space and 15no. parking spaces, including 1no. disabled parking space and 2no. electric vehicle charging space. 60no. cycle spaces would also be provided in the basement level car park and servicing area.

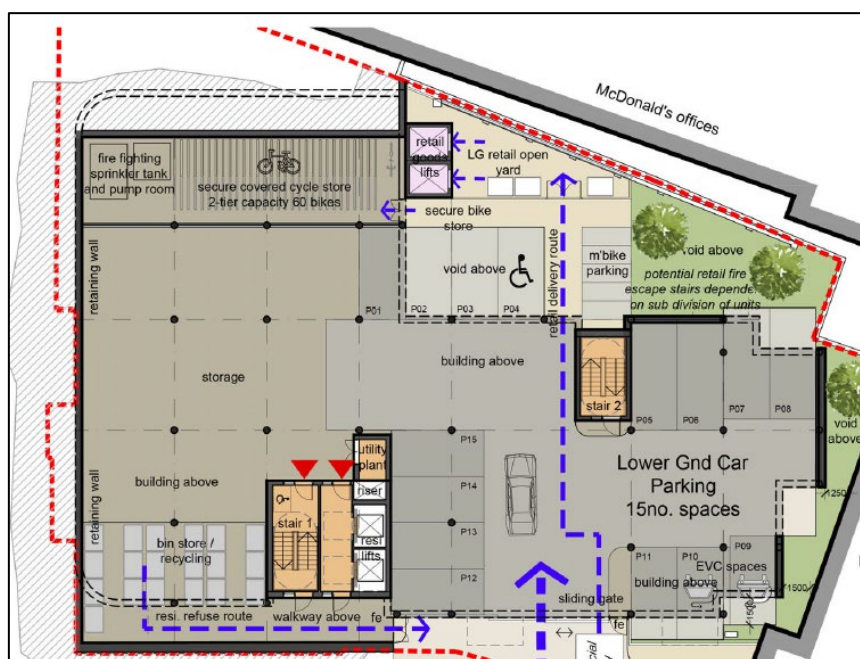


Figure 13: Proposed Lower Ground Floor Plan

7.27 Transportation Development has been consulted and there is a concern that the servicing arrangement for the proposed development through the existing narrow access-drive in gradient (which would not allow two-way traffic), would result in the possible increase in reversing vehicle manoeuvres to/from Lower Parade which has high level of vehicular and pedestrian traffic. It is understood that an electronically controlled barrier / traffic light system would be proposed, which would be vehicle actuated and would give priority to incoming traffic movements, so as to not necessitate accessing vehicles at the site to reverse back out onto Lower Parade, to allow an oncoming egressing vehicle to leave. The details and exact specification of the access electronic barrier/light control system would be confirmed and agreed at detailed design / reserved matter stage. This is considered to be a solution which would be able to mitigate unacceptable traffic conflicts, and the detail of this can be appropriately conditioned.

7.28 Whilst the retention of the existing access to the proposed basement car park and servicing area could have an implication on public realm, as noted elsewhere in this report, the benefits of the servicing being provided in the basement area is considered to be preferable to servicing being undertaken from the roadside at Lower Parade which could conflict with other road users and pedestrians. As set out above, it is

understood that an alternative arrangement could be incorporated should the redevelopment of the Red Rose come forward alongside the creation of the public square as identified within the Sutton Coldfield Town Centre Masterplan SPD.

- 7.29 Whilst it is common to experience a low level of intrusion in public spaces where a shared surface arrangement could be introduced to secure infrequent access to commercial units and below ground car parking, discussions with the applicant have concluded that there is a willingness to be pragmatic and flexible should the redevelopment of the Red Rose come forwards in the short term. On this basis, a suitable clause has been recommended within the Section 106 Agreement that would accompany any grant of planning permission to ensure that reasonable endeavours are undertaken to design and implement alternative access or accesses to their development should that prove necessary or desirable as part of the wider Red Rose development.
- 7.30 The proposed parking provision is acceptable in the sustainable location of the Town Centre with excellent access to public transport, and when considered against the Birmingham Parking SPD. A number of conditions have been recommended to any grant of planning permission to ensure highway safety is maintained, which have been duly attached to this recommendation.
- 7.31 **Planning Obligations and CIL** – The application proposals comprise residential development which would require a contribution towards affordable housing, as set out in TP31 of the Birmingham Development Plan, through on-site provision or a commuted sum towards off-site provision.
- 7.32 The development is also required to make a contribution towards the provision of open space and play areas, in accordance with Policy TP9 of Birmingham Development Plan. Leisure Services has been consulted and advised that the development would generate a requirement of a financial contribution to the amount of £157,275. This has been considered in the context of the location of the proposals and the affordable housing offer. It has been recommended that the financial contribution be provided to support affordable housing as opposed to enhancing public open space (Sutton Park). This is considered appropriate in respect of the acceptability of the development and the acute need for affordable housing as set out within the HEDNA.
- 7.33 A financial viability assessment has been submitted and has been independently assessed and it was concluded that the scheme is able to sustain the provision of six affordable units (11%) including a provision of First Homes at 30% discount. This equates to 3no. one-bedroom apartments at 25% discount, 1no. two-bedroom apartment at 25% discount and 2no. two-bedroom apartment at 30% discount. A Section 106 Agreement has been drafted on this basis.
- 7.34 A contribution towards the Community Infrastructure Levy is required, and this has been calculated as £387,651 based on the proposed residential floorspace.
- 7.35 **Other Matters** – The site does not contain any trees, nor is it covered by any form of ecological designation. Accordingly, these matters are not necessary to assess as part of this planning application. However, given the proposed roof garden, it has been recommended that a scheme of ecological enhancements are required, and appropriately worded conditions have been attached to reflect this.
- 7.36 An Outline Energy Statement has been submitted in support of the application proposals. It is recommended that further feasibility work must be completed to consider the incorporation of low and zero form of energy generation into the development or connection into low and zero carbon energy generation networks where they exist. The outcomes of these studies should be included in an updated

energy statement submitted at the reserved matters application stage. Due to the outline nature of this application, it is considered that this would be appropriate to address at reserved matters stage.

- 7.37 In terms of sustainable construction, required by Policy TP3, some information has been provided within the Outline Energy Report which is relevant, including the fabric first approach in line with national standards, passive design and the conservation of water. The proposed sustainable construction measures should be more fully developed and set out in more detail at the reserved matters stage.
- 7.38 The site is located within Flood Zone 1. The proposals incorporate a drainage strategy which would comprise a green roof and connection to a Severn Trent sewer. The development of a green roof is supported by the LLFA, and they have confirmed that they are satisfied that an appropriate assessment has been undertaken to identify the most appropriate methods to ensure the proposal would not have an adverse impact on drainage, including connections to surface water and foul sewers and provision of a green roof / rainwater garden. The LLFA have recommended conditions to be attached to any grant of planning permission.
- 7.39 **Planning Balance** – NPPF paragraph 11 states that plans and decisions should apply a presumption in favour of sustainable development. For decision taking, paragraph 11 d) states that where the policies which are the most important for determining the planning application are considered out-of-date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Footnote 8 of the NPPF confirms that in considering whether the policies that are most important are indeed out-of-date, this includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.
- 7.40 The Birmingham Development Plan became 5 years old on 10th January 2022. In accordance with NPPF paragraph 74, BDP policies PG1 and TP29 are considered out of date, and the Council's five-year housing land supply must now be calculated against the Local Housing Need figure for Birmingham. As of 10th January 2022, the Council cannot demonstrate a five-year supply of deliverable housing sites. Consequently, Paragraph 11d) of the NPPF is engaged and the tilted balance applies for decision taking.
- 7.41 The principle of a mixed use, housing-led development in this sustainable town centre location is acceptable. The proposal represents the first scheme to come forward within Project G of the Masterplan SPD and whilst a comprehensive approach for the entire project with the various sites/landowners would be desirable, this scheme has sought to demonstrate that it would not be contrary to the SPD and the guidelines contained within it. It is also considered that the site would have an acceptable impact on the existing/current surroundings as well as the future plans for this part of the town centre.
- 7.42 A number of benefits are considered to be delivered as part of the application proposals. These include:
- Sustainable development of vacant site;
 - Efficient use of land with a high density development;
 - Net gain of 55no. residential units in central location with excellent access to local amenities, services and public transport;
 - High quality, modern, purpose-built commercial unit at ground floor with off street servicing;
 - Appropriate levels of off-street town centre car parking, including disabled and

- electric charging spaces;
- On site affordable housing;
- Contribution to Community Infrastructure Levy;
- Biodiversity and drainage enhancements through the provision of a green roof;
- The opportunity to secure high quality design and materials at reserved matters stage; and
- First phase of wider masterplan development, potentially catalysing further regeneration of Project G and the Town Centre.

8. **Conclusion**

- 8.1 The application seeks to deliver a mixed-use commercial/residential development in a highly sustainable town centre location, delivering a net gain of housing units, including on-site affordable housing. The application has demonstrated that it could be developed within the existing built context but also would be in accordance with the guidelines for Project G within the Sutton Coldfield Town Centre Masterplan SPD. An appropriate living environment for future occupiers within a town centre location would be achieved with no adverse impact on neighbours or highway safety. Appearance and landscaping are reserved for future determination, whilst layout, scale and access are considered acceptable in this location with a neutral impact on the nearby Conservation Area.
- 8.2 For the reasons set out above, the application is recommended to be approved subject to a Section 106 Agreement and planning conditions.

9. **Recommendation:**

- 9.1 That consideration of planning application 2022/02480/PA be approved subject to the completion of a planning obligation agreement to secure the following:
- Six on-site affordable units to include 3no. one-bedroom apartments at 25% discount, 1no. two-bedroom apartment at 25% discount and 2no. two-bedroom apartment at 30% discount (First Homes);
 - Reasonable endeavours to agree with the owners of the Red Rose Site an updated access to the Development Site through the Red Rose Site for the purpose of car parking, servicing and public realm works to facilitate a comprehensive redevelopment of the Development Site and the Red Rose Site
 - Payment of a monitoring and administration fee associated with the legal agreement of 3.5% up to a maximum of £10,000.
- 9.2 In the absence of a suitable planning obligation agreement being completed to the satisfaction of the Local Planning Authority on or before 20th January 2023 the planning permission be refused for the following reason:
- In the absence of any suitable legal agreement to secure on site affordable housing the proposal would be contrary to TP31 of the Birmingham Development Plan, DM14 of the Development Management in Birmingham DPD and NPPF.
- 9.3 That the City Solicitor be authorised to prepare, seal and complete the planning obligation.
- 9.4 That in the event of the planning obligation being completed to the satisfaction of the Local Planning Authority on or before 20th January 2023, or a later date as agreed between the Local Planning Authority and the applicant, favourable consideration be given to this application subject to the conditions listed below (that may be amended,

deleted or added to providing that the amendments do not materially alter the permission).

-
- 1 Implement within 3 years (outline)
 - 2 Requires the submission of reserved matter details following an outline approval
 - 3 Requires the scheme to be in accordance with the listed approved plans
 - 4 Limits the elevations plans to being indicative only
 - 5 Limits the maximum number of dwellings
 - 6 Requires the prior submission of a construction method statement/management plan
 - 7 Requires the prior submission of a contamination remediation scheme
 - 8 Requires the submission of a contaminated land verification report
 - 9 Limits the noise levels for Plant and Machinery
 - 10 Requires the prior submission of noise insulation (variable)
 - 11 Requires the submission of extraction and odour control details
 - 12 Requires the submission a Noise Insulation Scheme to establish residential acoustic protection
 - 13 Requires the prior submission of level details
 - 14 Requires the prior submission of earthworks details
 - 15 Requires the submission of boundary treatment details
 - 16 Requires the submission of a lighting scheme
 - 17 Requires the submission of drainage plans for disposal of foul and surface water
 - 18 To ensure energy and sustainability measures are delivered in accordance with statement
 - 19 Limits delivery time of goods to or from the site
 - 20 Restricts residential delivery vehicle servicing
 - 21 Requires the prior submission of refuse servicing management
 - 22 Prevents occupation until the turning and parking area has been constructed
 - 23 Requires the submission of the design of the access
 - 24 Requires the delivery and service area prior to occupation
 - 25 Requires the submission of cycle storage details
 - 26 Requires pedestrian visibility splays to be provided
-

-
- 27 Requires the provision of a vehicle charging point
 - 28 Requires the prior submission of a drainage scheme
 - 29 Requires the submission prior to occupation of the properties of a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan
 - 30 Requires the prior submission of a programme of archaeological work
 - 31 Requires the prior submission of a ventilation and overheating assessment
-

Case Officer: Claudia Clemente

Photo(s)



Image 1: Application Site (Lower Parade frontage)

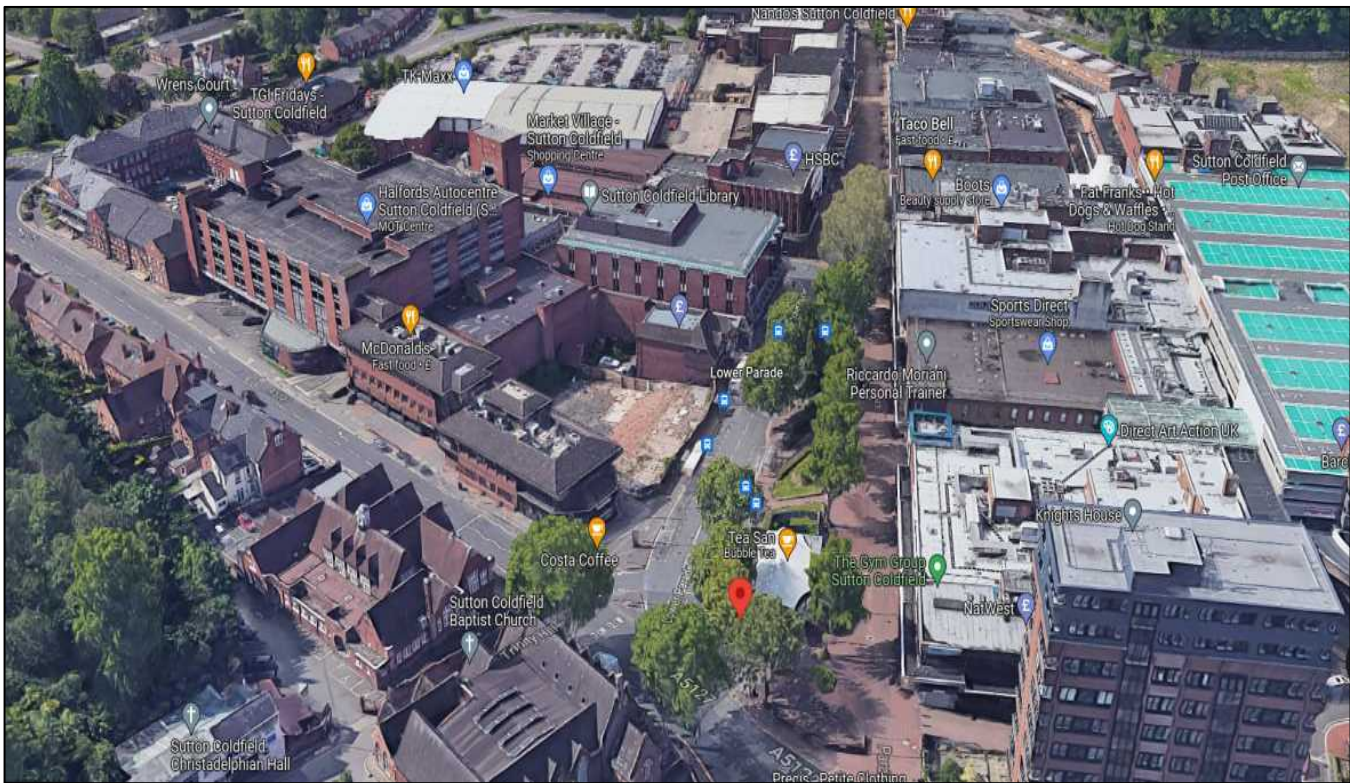
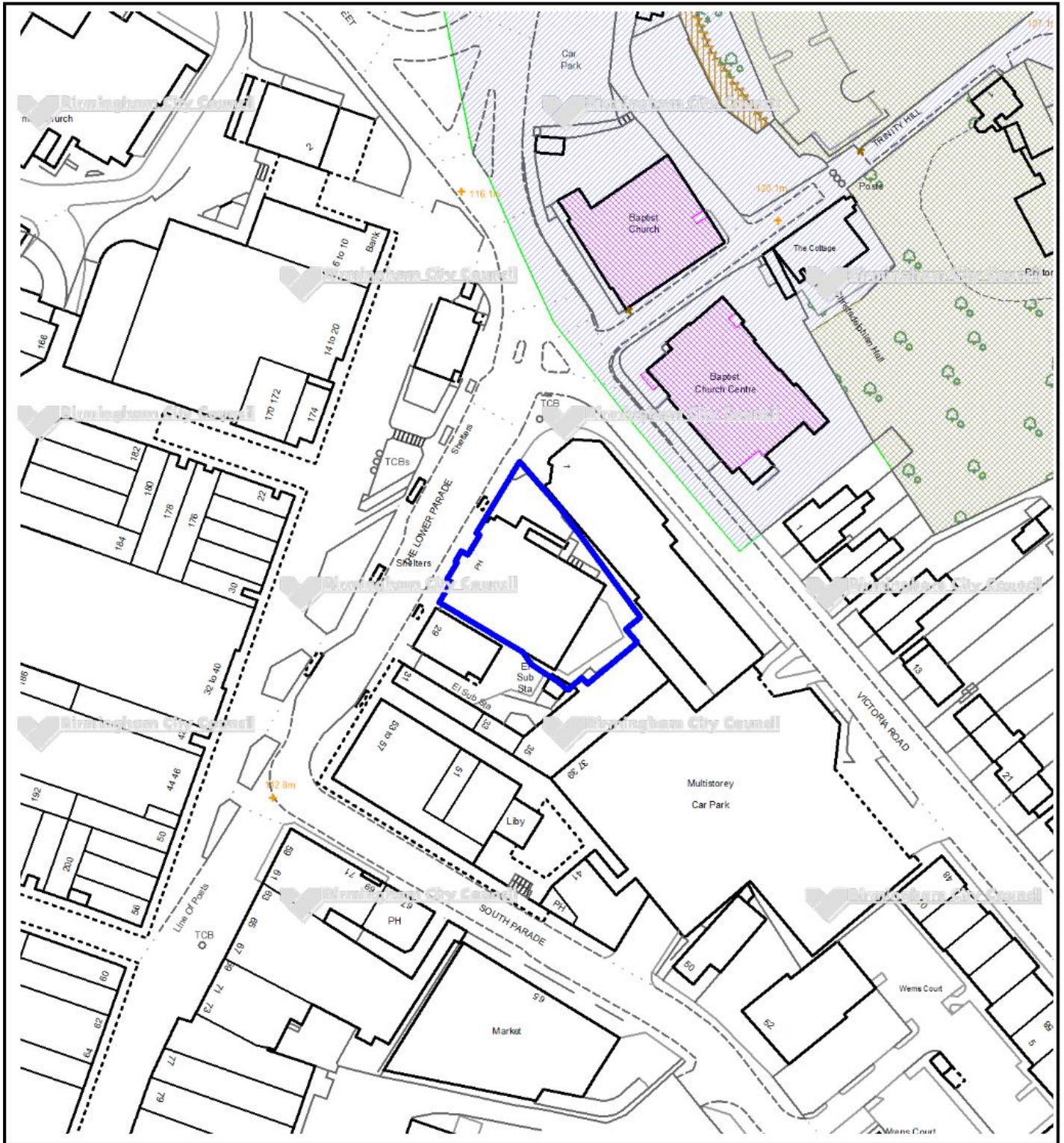


Image 2: Aerial view of application site (looking South)

Location Plan



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Committee Date:	22/12/2022	Application Number:	2022/06776/PA
Accepted:	01/09/2022	Application Type:	Full Planning
Target Date:	23/12/2022		
Ward:	Aston		

Aston Villa Football Club, Trinity Road, Witton, Birmingham, B6 6HE

Demolition of the existing North Stand, club-shop, gatehouse and Academy building; and the redevelopment of the site comprising the erection of a new North Stand and a multi-use leisure building (to provide match day and non-match day) for sports, retail, commercial, community and cafe/ bar uses and facilities; internal reconfiguration of the Trinity Road stand; provision of new public realm, hard and soft landscaping works, new and revised access arrangements, car parking provision; and other associated works.

Applicant: Aston Villa Football Club
 Villa Park, Trinity Road, Witton, Birmingham, B6 6HE
 Agent: WSP
 WSP House, 70 Chancery Lane, London, WC2A 1AF

Recommendation

Approve subject to Conditions

1. Proposal:

- 1.1 The application specifically seeks planning permission for the *Demolition of the existing North Stand, club-shop, gatehouse and Academy building; and the redevelopment of the site comprising the erection of a new North Stand and a multi-use leisure building (to provide match day and non-match day) for sports, retail, commercial, community and café/ bar uses and facilities; internal reconfiguration of the Trinity Road stand; provision of new public realm, hard and soft landscaping works, new and revised access arrangements, car parking provision; and other associated works.*
- 1.2 The development would increase the spectator capacity from 42,657 up to 50,065 and modernise the environment around Villa Park to ensure that it is a football and entertainment venue that can be enjoyed by fans, visitors to Birmingham, and the local community year-round and into the future.
- 1.3 The application and proposed development relates to the northern portion of Villa Park comprising part of the Trinity Road Stand, the existing North Stand, and the northern car park area including the club shop and ticket office, the Academy building, and security lodge. The Club Shop, academy building, and security lodge. The application site also includes a portion of Witton Lane and a parcel of land to the north-east of Witton Lane (the 'Away Coach Park'), which is leased from Birmingham City Council.
- 1.4 The development includes the following key features and details –

- the demolition of the existing North Stand and other buildings in the north-east of the Site (including Club Shop, academy building, security lodge, boundary walls and palisade fencing on Witton Lane)
- the erection of a new North Stand which would increase capacity of Villa Park to 50,065
- the new North Stand would be 37.5m in height (compared to the existing North Stand which, at the same ground level, is 28m in height);
- an internal reconfiguration of the Trinity Road Stand (no increase in capacity or external alterations)
- replacement of Club Shop, academy building, and security lodge (footprint 5,140sqm) with the 'Villa Live' experience centre (footprint 3,049sqm/total area circa 7,000sqm). Villa Live would be a multi-use leisure building offering sports, retail, commercial, community and café/ bar uses and facilities on match day and non-match days
- over 7,000sqm of new public realm and landscaping fronting Witton Lane and within the site, significantly improving the experience for visitors and facilitating access through and onto the site for the local community
- new and revised access arrangements
- reconfiguration of the parking behind the North Stand and at Witton Lane / Station Road (resulting in a net reduction of 33 spaces from 427 spaces to 394 spaces). 54 of the spaces would be available for electric vehicles charging, with a further 54 spaces ready for conversion
- provision of 190 additional cycle parking spaces (taking total to 210 spaces on site).

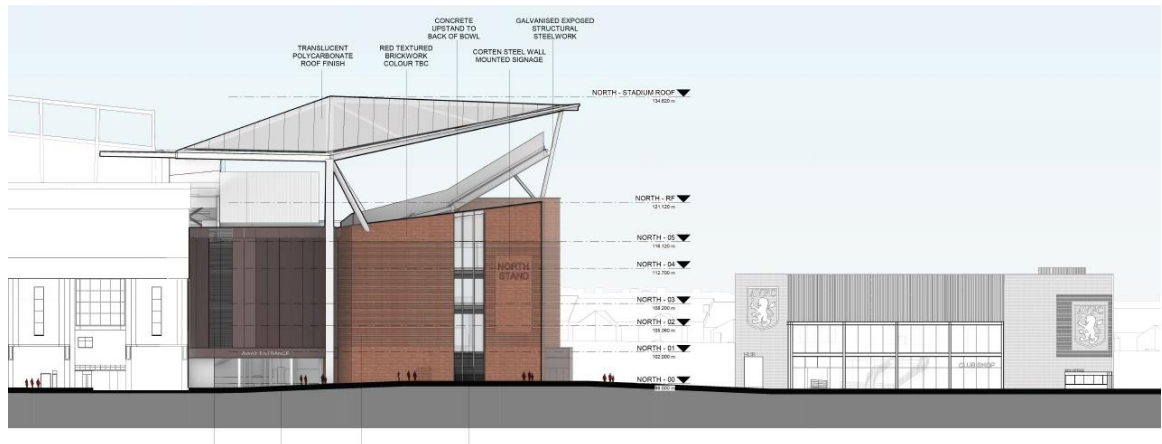


Proposed visual of the new North Stand, Villa Live and Witton Lane.



Existing View of the North Stand and Witton Lane.

- 1.5 The North stand has an overall height of 37.5 metres, however the height to the top of external brick façade is 24 metres, and the height to the top of the seating bowl is 30 metres. The proposed elevational plans below show the 'construction' and breakdown of these heights.



- 1.6 Villa Live has a height of 15 metres (Witton Lane level), with a length of 68 metres and width of 48 metres at its widest point.
- 1.7 The application has been submitted with a portfolio of supporting documents and assessments which includes –
- Transport Assessment
 - Acoustic Noise Assessment
 - Air Quality Assessment
 - Economic Impact Assessment
 - Light spill Study and Lighting Assessment
 - Odour Assessment
 - Ecological Impact Assessment
 - Built Heritage Statement
 - Daylight and Sunlight Report
 - Design and Access Statement
 - Preliminary Risk Assessment
 - Sustainable Construction Statement
 - Demolition Plan
 - Statement of Community Involvement
 - Waste Management Plan

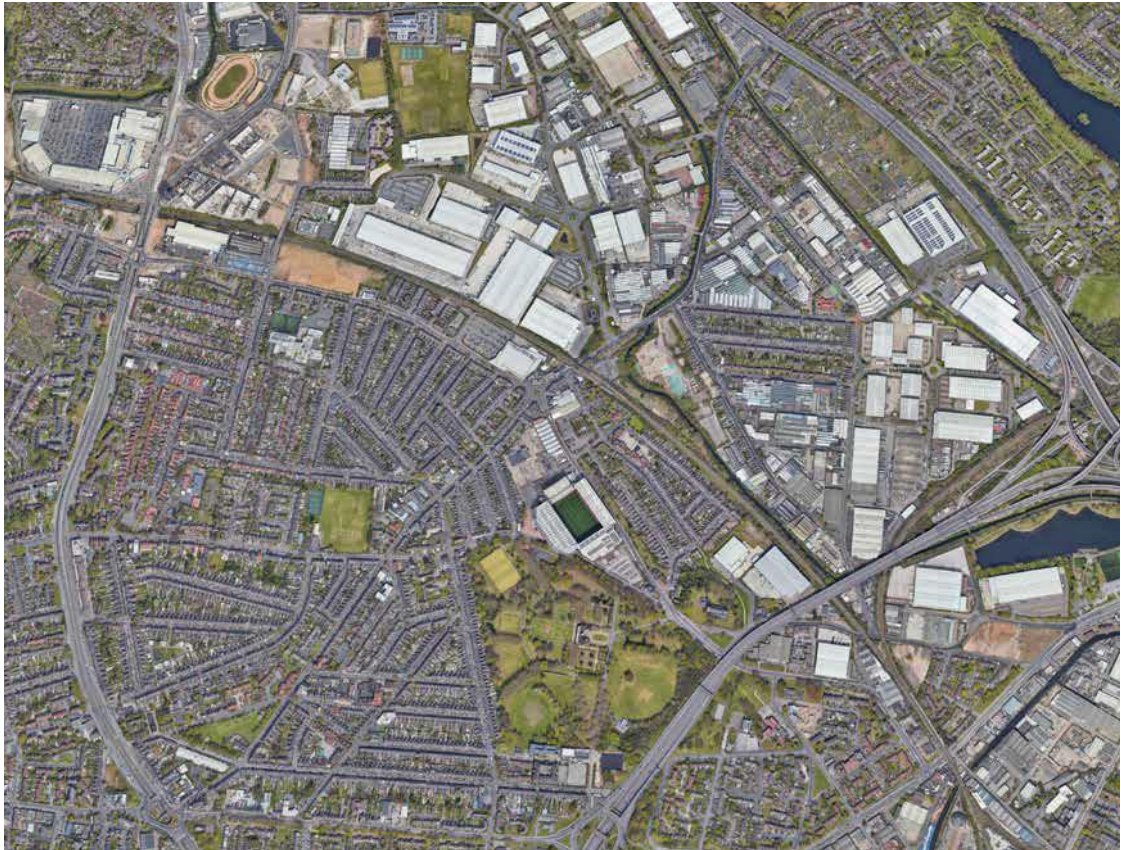
1.5 [Link to Documents](#)

2. **Site & Surroundings:**

- 2.1 The site comprises Villa Park, the home of Aston Villa FC, a stadium first constructed in 1897 in the former grounds of Aston Hall, which were partially sold off for development throughout the nineteenth century. Like with most sports stadiums, it has been gradually developed over time, with the current structures erected between 1976-2001.
- 2.2 Aston Villa are a world famous football club, one of only 5 English teams to win the European Cup/UEFA Champions League, and have won the English top level league championship 7 times, FA Cup 7 times, and League Cup 5 times. The club has spent 109 seasons in the top tier of English football, the second most of all clubs, is ranked 9th in the all time Premier League table, and have the seventh highest total of major honours won amongst English clubs.

- 2.2 Villa Park is one of the oldest and most famous venues in world football. It has hosted international football in three different centuries, including matches during 1966 World Cup and Euro 96, and has hosted England internationals, the first in 1899, the most recent in 2005. At domestic level, Villa Park has hosted 55 FA Cup Semi Finals, more than any other ground. It hosted the 1981 League Cup Final Replay, and the 2012 FA Community Shield. Famously, with regards European football, the last ever UEFA Cup Winners Cup Final was held at Villa Park. Its pedigree and legacy as an elite football stadium is therefore substantial and longstanding.
- 2.3 The site is adjacent to the grade I listed Aston Hall, a Jacobean mansion of 1618-35 and one of the city's principal heritage assets. Aston Hall is situated within Aston Park, a 17th Century deer park and Registered Park and Garden (also included in the grade I list boundary of the Hall), and in the Aston Hall and Church Conservation Area, which the stadium abuts. Aston Hall's Stable Range and Lodges are separately grade I listed. Also within the Conservation Area is the grade II* Church of St. Peter and Paul, a church mentioned in the Domesday Book of 1086, though the oldest remaining elements date from the C15 and the most recent additions were erected in 1908. Also, within the Conservation Area is the locally listed Holte Hotel, a Jacobean Revival inn from the Victorian period. To the north of the stadium is the grade II listed Witton Lane Tramway Depot, built 1882 and extensively altered for electric trams in 1904.
- 2.4 Non-designated heritage assets considered to contribute to the historic character of the area and are close to adjacent to the application site include the Aston Hotel, a Jacobean Revival C19 pub on the corner of Witton Lane and Witton Road. Another is the Victorian hall building several doors down on Witton Road, currently the Birmingham Settlement Aston building, historically used variously as a Refreshment Room (when the site was still part of Aston Park, pre-1890), the Pavilion Electric Theatre (c.1900-20), part of the Aston Barracks and as a billiards hall. This building is owned by Aston Villa. Much of the area that surrounds the north, west and east of the grounds consists of Victorian brick terraced housing, contributing to a largely intact historic setting.
- 2.5 The Villa Park complex is bordered on two sides by roads – Witton Lane and Trinity Road; and to its North and West, residential properties formed of terraced houses on Witton Road and Nelson Road. The stadium is accessed primarily from Witton Lane, with access also from Trinity Road. A further third 'emergency' access exists on Nelson Road.
- 2.6 A link to the 'Site location' (from google maps) can be accessed here – <https://goo.gl/maps/Sr27d64a2Ld8G5a18>

- 2.7 The aerial below shows Villa Park centre, and its relationship with its immediate and wider local area. Aston Hall and associated Aston Park is to the South, with M6 Motorway to the East, with Spaghetti Junction on the edge of the picture, *right*, and the A34(M) extending westwards below Aston Hall. Brookvale, Aston Villa's under construction academy training centre is located to the North East with railway line below, running diagonally across the image.



3. **Planning History:**

2019/05039/PA – *Prior Notification for the demolition of the Club Shop and Academy*
– Approved w/conditions

1997/04749/PA – *Planning application for the extension of the Trinity Road Stand including retention of Trinity Road on its current alignment and extensions to the former Holte Public House to form a hotel* – Approved w/conditions

1996/04147/PA – *Planning application for the extension of the North Stand and alterations to the North Stand roof* – Approved w/conditions

4. **Consultation Responses:**

The **Council's Transportation Manager** comments *[the] Impact of the proposed stadium capacity uplift would be offset by an increase in hospitality and the implementation of 'Villa Live'*. This is predicted to flatten the peak of the impact of arrival/departure profile on the local transport network. A series of proposed initiatives (across a range of transport modes) are anticipated to introduce preliminary steps towards the use of more sustainable modes associated with the use of the stadium – this would not apply to the proposed uplift in capacity (7400 spectators) but the baseline stadium capacity of 42,600. These initiatives are anticipated to apply to both matchday and non-matchday. The proposed

development is expected to deliver improved local connectivity. recommends a number of conditions and informatives.

The **Council's Design Officer** comments *The new North Stand provides modern spectator facilities and respects the history of Villa Park. The design maintains the traditional 'four stands' stadium form and creates a modern, welcoming environment.* The articulation of the roof reduces its visual impact. The Witton Lane streetscape is also enhanced and the creation of active frontages and outdoor spaces, and new pedestrian routes are supported. Conditions are recommended to ensure appropriateness and quality of external materials, finishes, and features.

The **Council's Conservation Officer** comments *In principle there is no objection to the proposal.* Overall, the proposal is considered acceptable and supported for the regeneration of the area. The use of contemporary design with the application of local materiality in the new stand and new Villa Live building is supported. The proposal amounts to less than substantial harm, ranging from negligible to low level, and is not considered to harm the significance of the locally listed Holte Hotel or other non-designated heritage assets.

The **Council's Ecologist** notes *from an ecology aspect there is little to be concerned about.* The Ecological Impact Assessment has adequately assessed and dealt with potential issues. Conditions regarding the construction phase and green roof details are recommended.

The **Council's Arboriculturist** notes the whole [application] area is barren of trees until one goes beyond the stadium boundaries and has no objection.

The **Council's Regulatory Services Officer** has no objection in principle, commenting *The application is obviously complex and it is a large regeneration scheme which would have impacts and is content that the majority of the impacts have been considered and there are either mitigation options or [I am content to] condition controls.*

The **Council's Planning and Growth Strategy Team** comments *the proposal is in line with Policies GA3 and TP25 of the BDP (as well as the Aston Newtown and Lozells AAP) in promoting the City as a centre for tourism, culture and events and would provide an improved facility capable of holding national and international sporting and cultural events.* The principle of the proposal is therefore supported in planning policy terms.

The **Council's Employment Access Team** requests a mechanism to secure employment opportunities for local people during and post the construction phase.

The **Council's Leisure Services Department** has no objections on the basis that all existing green infrastructure in Aston Park and Witton Lane Gardens is protected and retained both during and after construction.

The **Local Lead Flood Authority** object to the proposals on the basis the proposed drainage strategy fails to meet the minimum requirements of Planning Policy TP6 of the adopted Birmingham Development Plan and the minimum requirements of paragraphs 167 to 169 of the NPPF. The proposed discharge outfalls to a public sewer, written confirmation to the developer, demonstrating that the proposed discharge rate and location are acceptable to Severn Trent Water is required and we do not believe that Severn Trent Water would support the proposed discharge rates into their network, as recent developer enquiry letters from them state that they look for a minimum 50% reduction in flows.

National Highways are satisfied that the proposals are unlikely to impact the operation and free flow of the SRN and confirm no objections to the grant of planning permission.

Environment Agency has no bespoke comments to make, however references their standing advice.

Historic England advises they are not offering advice on the application and suggest the views of the Council's specialist conservation and archaeological advisers are sought and considered.

The Garden's Trust has no comments.

Severn Trent Water has no objections to the proposals subject to the inclusion of a drainage condition.

West Midlands Fire Service highlights the approval of Building Control would be required to Part B of the Building Regulations 2010. Further comments set out matters which would need to be incorporated within the final detailed design.

West Midlands Police has no objections subject to requested conditions and other recommendations being implemented.

5. **Third Party Responses:**

- a. Public consultation included the displaying of a Site Notices around the stadium area, including multiple points on Witton Lane, Trinity Road, Nelson Street, Station Street and Manor Road. The appropriate three Ward Members and two local MPs were notified in writing. A total of 709 adjoining local properties and Perry Aston Residents Association were consulted by notification letter.
- b. **Lord Austin of Dudley, Andy Street, Mayor the West Midlands, Shabana Mahmood MP** for Birmingham Ladywood, **Eddie Hughes MP** for Walsall North, and **Councillor Waseem Zaffar** all have written to support the proposals. All note the regeneration and economic benefits of the proposals, the further enhancement of Birmingham's reputation and facilities, and the benefits to local communities this would bring.
- c. **Nine representations** have been received, comprising **5 objections** and **4** letters of **support**. The main concerns relate to matchday issues such as litter, vandalism, antisocial behaviour, traffic, parking and proliferation of fast food vans. Supporters consider the proposals would benefit the club, local area and Birmingham as a whole, regenerating Villa Park and its surrounding area, and would enable Birmingham to host other global events and build on the success of the Commonwealth Games.

Villa Talk (an online Aston Villa fans website) has submitted a collective letter of support and state members of their group have responded positively about the way in which the plans fit into the local area, reflect on the heritage of the stadium's surrounds and would bring real benefit to the local community. A total of 286 of 287 responders to a Villa Talk vote support the proposals.

- d. **Access Birmingham** promotes accessible buildings and public realm for all and provides comments suggesting detailed technical interventions that should be incorporated into the final development.

- e. **West Midlands Growth Company** supports the proposals, noting the club's role in driving visitor numbers and economy to the local area. The proposals would increase economic opportunities and the ability to host major events.

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

a. National Planning Policy Framework (if relevant)

Although read as a whole, the following sections and paragraphs are particularly relevant:

Section 2: Achieving sustainable development
Section 5: Delivering a sufficient supply of homes
Section 8: Promoting healthy and safe communities - Paragraph 91-92
Section 9: Promoting sustainable transport - Paragraph 104, 110-113
Section 11: Making effective use of land - Paragraph 118
Section 12: Achieving well-designed places - Paragraph 124-132
Section 15: Conserving and enhancing the natural environment
Section 16: Conserving and enhancing the historic environment – Paragraph 189-202

b. Birmingham Development Plan 2017:

Policy PG2: Birmingham as an international city
Policy PG3: Place making
Policy GA3: Aston, Newtown and Lozells
Policy TP1: Reducing the Cities Carbon Footprint
Policy TP2: Adapting to climate change
Policy TP3: Sustainable construction
Policy TP4: Low and zero carbon energy generation
Policy TP6: Management of flood risk and water resources
Policy TP7: Green Infrastructure
Policy TP8: Biodiversity and Geodiversity
Policy TP9: Open space, playing fields and allotments
Policy TP11: Sports facilities
Policy TP12: Historic environment
Policy TP21: The network and hierarchy of centres
Policy TP24: Promoting a diversity of uses within centres
Policy TP25: Tourism and cultural facilities
Policy TP26: Local employment
Policy TP27: Sustainable neighbourhoods
Policy TP38: A sustainable transport network
Policy TP39: Walking
Policy TP40: Cycling
Policy TP44: Traffic and congestion management
Policy TP45: Accessibility standards for new development

c. Development Management DPD:

DM1 – Air quality
DM2 – Amenity
DM3 – Land affected by contamination, instability and hazardous substances
DM4 – Landscaping and trees
DM5 – Light pollution
DM6 – Noise and vibration
DM14 – Transport access and safety
DM15 – Parking and servicing

d. Supplementary Planning Documents & Guidance:

Birmingham Design Guide SPD

- Principles Document
- Birmingham ID Manual
- Streets and Spaces Manual
- Landscape and Green Infrastructure Manual
- Healthy Living and Working Manual
- Efficient and Future Ready Manual

e. Legislation

Environment Act 2021

Town and Country Planning (Environmental Impact Assessment) Regulations 2017

Equalities Act 2010

Planning (Listed Buildings and Conservation Areas) Act 1990

7. **Planning Considerations:**

7.1 **Principle**

7.2 The principle of redevelopment of the site for an improved and increased stadium capacity and new associated facilities for matchday and non matchday use is acceptable in principle. I reach this conclusion for the following reasons –

- The site is not allocated and is not covered by any particular designations within the adopted Birmingham Development Plan or Aston, Newtown & Lozells Area Action Plan
- Having regard to the existing use and activities, including their scale, nature and frequency, on the site
- The nature of the proposal and its immediate context and adjoining existing and proposed land uses
- The site is not within Flood Zone 3 as defined by Environment Agency mapping

7.3 Further to the above, the proposal by its nature would fulfil a key growth objective under Policy PG2, that Birmingham would be *promoted as an international city supporting development, investment and other initiatives that raise the City's profile and strengthen its position nationally and internationally.*

7.4 **Existing and Proposed Uses**

7.5 The proposals are assessed against the fact Villa Park already hosts approx. 21 home matches per season as well as on occasion, a summer concert per year and business conferences. The new North Stand would increase match day capacity, potentially attract more summer concerts, and allow the doubling of corporate events so it is forecast the total stadium visitors would increase overtime to circa 1,127,000 per year (based on 23 home matches or other football events). There are also aspirations to host major concerts within Villa Park which could equate to an additional annual attendance of circa 165,000.

7.6 Estimates show the current Club Shop and Academy Fan Zone buildings attract circa 100,000 visitors per annum. These would be replaced by the 'Villa Live' flexible

entertainment venue capable of hosting a greater variety and size of events between 200 and 2,000 people, as well as hosting match day fans and televised away games.

- 7.7 These events would include community events (110 envisaged per annum), gigs, cultural festivals, student nights, and e-gaming, corporate and exhibition events, as well as stadium tour, club store and café visitors. The non-matchday use would attract up to 334,000 visitors per annum, split as follows usage based on annual attendance:

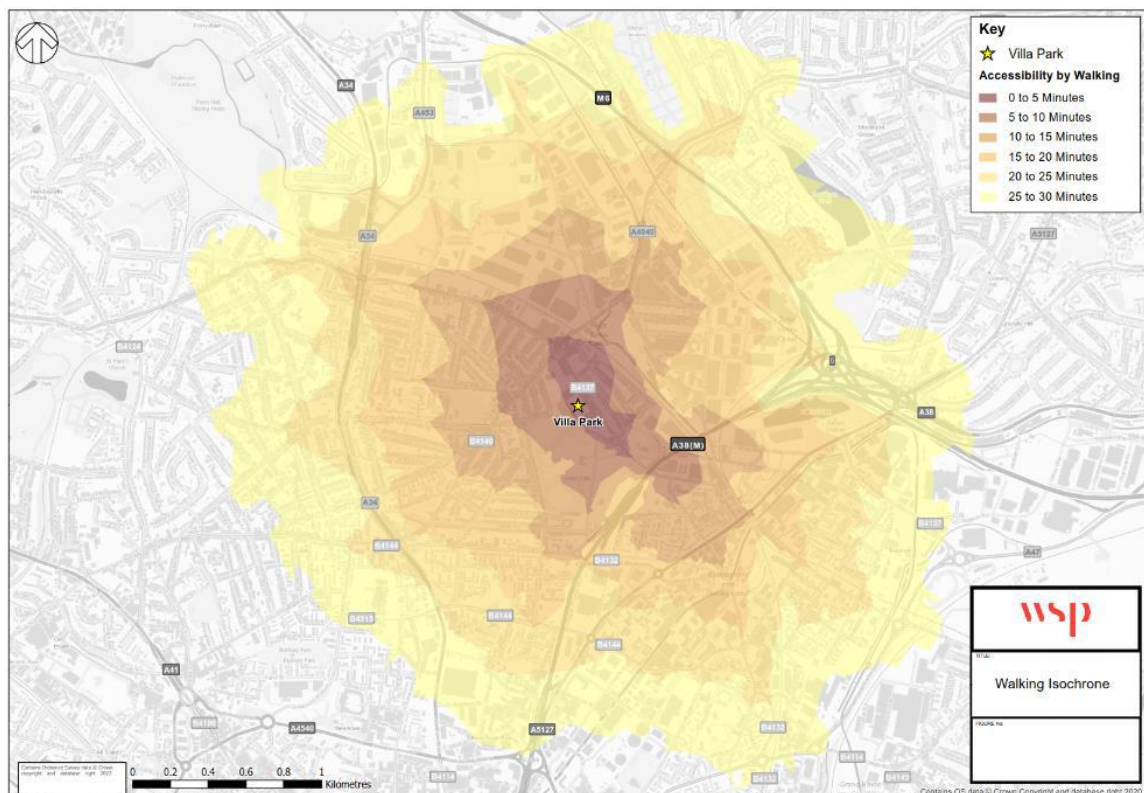
- Sports screenings within Villa Live – circa 51,500;
- Music and cultural events within Villa Live – circa 23,600
- Corporate and exhibition events within Villa Live – circa 26,400;
- Community events within Villa Live – circa 26,000; and
- Stadium tours – circa 8,500.

- 7.8 With regards the defined use the application form states the intended use is Use Class F2 – *local community* which is expanded to include shops, halls and meeting places, and areas for outdoor sports and recreation, and Use Class E – *commercial, Business and Services*. In broad terms this is agreeable, however to define the acceptable uses further for clarity and allowing flexibility of use of, specifically Villa Live, and in interests of adjoining residential amenity, it is considered acceptable uses within the new North Stand and Villa Live are considered to be Use Class Order uses F1 (a), (b), (c), (d), (e); F2 (a), (b), (c); and E (a), (b), (c)(iii), (d), (f) and (g)(i). It is recommended this is defined within a condition.

7.9 Transportation and Highways

- 7.10 With regards to transportation, the proposal includes a new/alterd vehicular and pedestrian access to/ from the public highway, reconfiguration of on-site vehicular parking spaces, substantial increase in cycle parking provision from 22 spaces to 210 over three locations (Villa Live, Trinity Road, Holte End): each with 30 covered and 40 uncovered, and 54 no. EV charging bays. Existing matchday vehicular access and temporary road closure protocol would continue post-implementation. Additional managed off-street parking provision (Station Road) would be provided. Temporary road closure measures would continue (currently 2hours prior to kick-off). Exit manoeuvres from the Villa Park site and managed off-site parking areas would only be permitted after match day road closures have been concluded.
- 7.11 In assessing the proposals, it is important to remember the site currently hosts a stadium with matchday crowds of approx. 43,000, and on non match days hosts conference and banqueting events, concerts, and has an onsite shop.
- 7.12 Villa Park is readily accessible by public transport, with Witton Train Station 0.2 miles away to the North, and on matchdays, significant numbers also use Aston Train Station 0.9 miles away to the South East. Perry Barr Train Station is also 0.9 miles away to the West. The stadium is also served by bus, with bus stops on Witton Lane and Witton Road which provide connections to both the wider local North Birmingham area, and Birmingham city centre and sits on the 11A Birmingham Outer Circle service route.
- 7.13 Movements associated with Villa Live (non matchday) are not considered to represent an issue with either highway safety or capacity. Matchdays obviously create the biggest influx of people and movements to, from and around the site and immediate local area of Witton. In highway safety terms, the assessment and test from NPPF paragraph 111 is *does an uplift of 7,000 spectators create an unacceptable impact on highway safety, or are the residual cumulative impacts on the road network would be severe?*

- 7.14 As with all stadiums, on match or event day, people arrive over time towards kick off or event commencement, however all leave at the same time. This creates bottlenecks and 'stress' on infrastructure and the local environment. Villa Park currently operates without any substantive planning or transport interventions and as such, a package of non physical or infrastructure based measures would immediately secure net benefits and improve in particular, post match flows.
- 7.15 Using a range of data sources, the anticipated traffic impact across all modes associated with the proposed uplift in stadium capacity has been quantified – with the anticipated impact used to inform whether measures are required to mitigate any adverse impact, but also to identify the needs of the community and deliver suite of measures which offer benefits on both match and non-matchdays.
- 7.16 Currently the modal pattern and share for a 15:00 kick off shows 59% of supporters arrive either by driving themselves or as passenger in a private vehicle, with 30% by train and only 3% by bus. Walking and cycling combined accounts for only 1%. 4% arrive by taxi. Midweek evening kick offs sees an increased in private car use to 71% and a decrease to 19% with regards train users as a modal share – here, convenience and availability of viable alternative options is a significant factor in supporter's choice.
- 7.17 Whilst official on and off site parking provides 3,754 spaces, Observations undertaken at site visits concluded that most fans attempt to find an on-street parking space (free of charge) at a location most convenient to the stadium. Consequently, clusters of on-streetcar parking occurs and does include indiscriminate and inconsiderate parking, such as on verges, footways and grassed areas, and blocking drives and accesses.
- 7.18 The isochrone below shows the area from Villa Park within 30 minutes walking distance –



- 7.19 Areas adjoining Witton such as Birchfield, Perry Barr and Nechells enable ready accessibility by foot to Villa Park. A consequence of this is parking pressures within these areas on matchday and associated impacts on these communities.
- 7.20 Controlled Parking Zones (CPZs) are in place on matchdays around the stadium. However, the CPZs do not extend equally in all directions meaning that some areas are uncontrolled. This leads to cars driving along local roads to park, inconvenience for local residence as well as reduced footway width for pedestrians.
- 7.21 A CPZ could be put in place in further identified areas where there is an issue, to deter on-street parking and keep footways clear. This would also as a consequence lead to people having better regard to non private car modes of transport to access Villa Park.
- 7.22 Aston Villa commits to fund a consultation exercise to identify whether local residents in appropriate areas near to Villa Park which currently has no matchday parking restrictions would prefer to have a CPZ implemented.
- 7.23 CPZs are already enforced on matchdays, but due to the volume of parked vehicles it is not possible to fine all vehicles contravening restrictions; this in turn leads to some drivers ignoring the restrictions. Enhanced enforcement would deter on-street parking and keep footways clear. Aston Villa have committed to would work with BCC to fund additional wardens to increase the enforcement of the existing CPZ.
- 7.24 A transport strategy and Travel Plan supports the proposals and follows a two-prong approach:
- To mitigate any adverse traffic impact generated by the stadium uplift; and
 - Deliver community benefit as part of proposals and traffic mitigation measures.
- 7.25 The proposed measures include a number of ‘hard measures which are physical interventions and infrastructure. These include increasing cycle parking and facilities, extension of pedestrian wayfinding, semi-permanent barriers at Aston Station and public realm improvements. The proposed ‘soft measures’ are non physical interventions, which activate or encourage new patterns of behaviour or matchday operations.
- 7.26 The measures are proposed which would not only mitigate the net impacts of the uplift in trips across different modes but would also deliver additional benefits, both to supporters and users of Villa Park and the wider community.
- 7.27 These measures would be captured and secured through a Transport Management Plan and Travel Plan condition, where further consultation with key stakeholders and the ability to review and adapt and improve measures as necessary would be a central feature. This is to ensure real tangible benefits and gained are made, noting the local community, supporters, and the club themselves recognise the need and desire for improvements with regard match day movements in, around and from the site.
- 7.28 Mitigation measures can be categorised into three groups:
- Firm commitments *to be incorporated into the development proposals themselves, or else funded up-front;*
 - Pre-opening commitments *pre-opening which AVFC are committing to doing, however require further work on specific details;* and
 - Longer-term commitments *where AVFC would work with other partners to explore a measure as part of the wider masterplan.*

- 7.29 A series of initiatives across a range of modes proposed can provide initial steps towards use of more sustainable modes - not just for those within the 7400 extra seats provided by the proposals, but for every one of the 50,000 + spectators going to Villa Park. These initiatives can help on both matchday and non matchday, are realisable and appropriate to impacts made. Each 500 fans influenced by the travel behaviour proposals of is 1% of the capacity. Therefore, measures such as increased cycle parking can start to change behaviours as part of a longer term cultural shift in the way Villa Park is accessed and as a consequence have wide ranging benefits, not just in terms of reducing the match day impact in the area on highways, parking and the local area.
- 7.30 The area around Witton Train Station becomes very congested post match, both with pedestrians and cars and other vehicles – the latter frequently held in stationary traffic.
- 7.31 It has been identified through fan surveys that there is an overreliance on rail services for travel to and from the city centre. 18% of those travelling by train said that post-match their destination is New Street (only), even when many of these stated that they had travelled to the match from a departure station outside Birmingham. Removing these passengers from the rail network would help alleviate congestion at Witton station. Aston Villa has committed to work with an operator to set up a bus shuttle to/from the city centre, picking up and dropping off at Frederick Road which is a short walk from Villa Park through Aston Park. in order to facilitate supporters' walk between the stadium and bus stop, AVFC would also fund the presence of stewards at locations within Aston Park and contribute towards localised improvements to the highway infrastructure at Frederick Road to enable it to accommodate several bus stops. It is noted that the area is already used as a school bus stop and turning head area.
- 7.32 Those further proposed 'soft measures' include:
- Additional off-site parking locations *are being and would continue to be identified and secured.*
 - Relocate away coach parking. *This would open up the car park for on-site parking, representing a more efficient use of space. A new location for the away coaches would be identified.*
 - Taxi pick-up area. *Currently private taxis typically wait to pick up passengers in congested areas, leading to further congestion. A designated location for pick-ups would ease congestion in these hot-spots.*
 - Pre- and post-match catering/ entertainment offers. *Catering and entertainment offers (within Villa Live and the stadium) would encourage people to arrive at the venue earlier and leave later, therefore reducing the amount of people in entering/ leaving the stadium at peak times.*
- 7.33 Despite the uplift in stadium capacity, the predicted total number of journeys made by car (drivers + passengers) would be lower in future (on both weekends and weeknights) - this is due to the measures outlined influencing not only the uplift but also the current stadium capacity. It is noted that there is significant potential for existing supporters to adjust their travel habits, and for new supporters to acquire "car-free" behaviour.
- 7.34 It is estimated that the greatest impact on rail patronage would be on weeknights with an additional 2,260 passengers predicted to use the network, considered in the context of the range of measures being proposed to spread passengers across different directions and travel times (including the attraction of Villa Live) and the information provision which would reduce the need for supporters to leave "en-masse" for Aston/Witton stations.

7.35 The future predicted scenario is of a more even distribution of matchday passengers attracted to Aston/Witton (respectively 60%/40%) compared to 67% / 33% currently. Real-time information would be used to guide supporters to the station with the most capacity based on their destination, working with transport stakeholders.

7.36 Noting the BCC Transport Development Officer comments, which raise no objection the subject to a number of conditions, including relating to the construction phase and uses of the site, and the conformation of no objection from Highways England, the proposals are considered acceptable in highway terms and satisfy the test of NPPF paragraph 111 as a there would not be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would not be severe. The proposals would facilitate betterment over the existing situation, promote and facilitate sustainable transport and help foster a change in patterns of behaviour. Accordingly, Development Plan policies TP38 and TP44, and policy DM14 of the Development Management in Birmingham DPD are satisfied.

7.37 Design

7.38 There are a number of design aims and objectives we, as Birmingham City Council, wanted to secure within the proposals. The two main objectives were –

- Create a stand alone piece of architecture that has high design merit
- Create a strong active frontage on Witton Lane and significantly enhance the streetscene and streetscape
 - Combined, this achieves a significant improvement to the local setting and public realm

7.39 The new North Stand provides modern, fit-for-purpose club and spectator facilities but also respects the history of Villa Park. The design maintains the traditional ‘four stands’ stadium form and the façade is predominantly finished in brick towards each end, tying in with the Doug Ellis and Trinity Stands. Dark grey aluminium curtain wall glazing towards the centre providing good intervisibility between communal spaces within the stand and the outdoor spaces to create a modern, welcoming environment. The roof appears to float above the stand and is lower in height towards the western (Nelson Road) end, reducing its visual impact.



7.40 Villa Live is a new 3-storey building containing the club shop, visitor centre and an entertainment and events venue that would front Witton Lane and the ‘Villa Way’ behind the North Stand. The building shares a design language with the North Stand but has its own distinct character, with greater use of Corten and profiled metal cladding, as well as large areas of glazing facing the public realm reflecting its active uses. It also has solar panels and biodiverse green roof that can be seen from the new stand.

7.41 The opportunity has been taken to deal with existing ground level differences across the site, making public spaces and buildings much more accessible for all. A new

public route has been created between the North Stand and Villa Live ('Villa Way') and behind Trinity Stand ('The Green Alley') connecting Witton Lane with Trinity Road and Aston Park, animated by active building frontages and proposed use of outdoor spaces (on non-match days) for street sport and potential for markets, community events, etc.

- 7.42 The landscaping proposals have been designed using a 'security first' approach which has been informed by crowd modelling for match day flows and improving both the experience and permeability of the area. A wide pedestrian space would be created on the western side of Witton Lane in front of Villa Live and the adjacent car park (which would be screened from the street) forming a new pedestrian space with high quality paving, green infrastructure, seating and lighting. At the junction of Witton Lane, Station Road and the new Villa Way, a raised table and new paving extending across the street would create traffic calming and a much-improved pedestrian environment. The Witton Lane streetscape would be further enhanced by a green wall for the full height of the Villa Live façade towards the north east corner of the building. A strategy for public realm planting and paving materials is included in the Design and Access Statement.



Proposed Layout – note connectivity and landscaping improvements

- 7.43 What has been achieved with regards the North Stand, is considered to be both an exceptionally high quality piece of architecture in its own right, however a new structure that also builds on and advances the architectural and visual integrity and history of Villa Park. It can be considered the proposed North Stand represents a 21st Century equivalent of the Holte End in terms of stature and prestige. The North Stand also echoes 'football architecture', with design stature familiar from England's other great historic grounds such as Highbury and Old Trafford. Essentially, the design 'speaks English football heritage'.

- 7.44 With regards to the roof, its form and profile, creates a 'floating' effect on top of the grandstand. This approach is effective with regards to minimising massing, create 'blue sky' and thus contribute to and create a design approach that actively attempts to minimise as far as possible, the impact on the dwellings in Nelson Road in particular. Through how the roof has been articulated, it also creates a design feature in its own right and reinforces a sense of identity solely recognisable as being Villa Park.



- 7.45 Assessed in design terms, the proposed North Stand meets Birmingham's wider aspirations in terms of securing and supporting outstanding (contemporary) architecture, which raises the city's profile and reputation and ensures it competes and is recognised amongst other great European cities, whilst being something unique to Birmingham. It would reinforce and enhance the positive nature of Birmingham's identity and ambition, not just Aston Villa's.
- 7.46 With regards the 'Villa Live' building, this also meets the Council's design aspirations, that it is in its own right, a piece of quality architecture. The Wilton Lane elevation has both a presence and 'civic' stature through its mass and articulation, however also a human relatable scale through how the ticket office interface is articulated. This box office facility also contributes to the desired creation of an active frontage along Wilton Lane.
- 7.47 The 'green biodiverse roof' and green wall panel on the North elevation of Villa Live have wide ranging benefits, however in design terms soften the massing and sense of urbanity. As such it is a welcome and beneficial amenity addition.
- 7.48 The North Stand facing elevation has the ability to have a 'dynamic' surface finish where it can change its appearance through removable 'wraps' similar to those used for the Commonwealth Games. The 'dynamic wall' offers commercial and contextual benefits, creates flexibility, interest, and uniqueness. A condition is recommended to cover this aspect to save the need for repeat Advert Consent applications for each new 'wrap' and enabling their 'approval' through such a mechanism would represent a beneficial and expedient approach. Examples of how the dynamic façade could be utilised are shown below –



- 7.49 With regards both the North Stand and Villa Live, a range of external materials and finishes have been proposed. The use of brick, glazing and profile cladding is supported as a suitable approach to combine local context, legacy, and contemporary design objectives, with precise details to be subject to condition. This in principle approach has also been applied to signage and detailing features, which various solutions are supported, precise details are to be conditioned (eg: brickwork or raised metal detailing AVFC club badge or logo; external Aston Villa stadium lighting/ signage).
- 7.50 With regard made to the wider public realm improvements and landscaping proposed, these represent significant improvement opportunities. The landscaped buffer zone along Witton Lane greatly improves the character and appearance of the area, reduces, and softens what is currently a very urban and tarmac dominated environment, and creates a more engaging, pleasant environment. Suitably robust planting and species would be required (and the wider ecological and biodiversity benefits are noted). Conditions would ensure both delivery of appropriate planting and overall landscape management in the long term.
- 7.51 Planting within the site, specifically delineating 'Villa Way' and around the North parking areas softens and dilutes the 'sea of tarmac/ hardstanding' but also creates a natural and pleasing method of separating out uses. New planting across the site also has an amenity benefit with regards the outlook of the dwellings on Nelson Road along with potentially providing some noise, light and massing filtering benefits, even if marginal in nature.
- 7.52 **Historic Environment and Heritage Assets**
- 7.53 Under Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the local planning authority is required, when considering development which affects a listed building or its setting *"to have special regard for the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."*

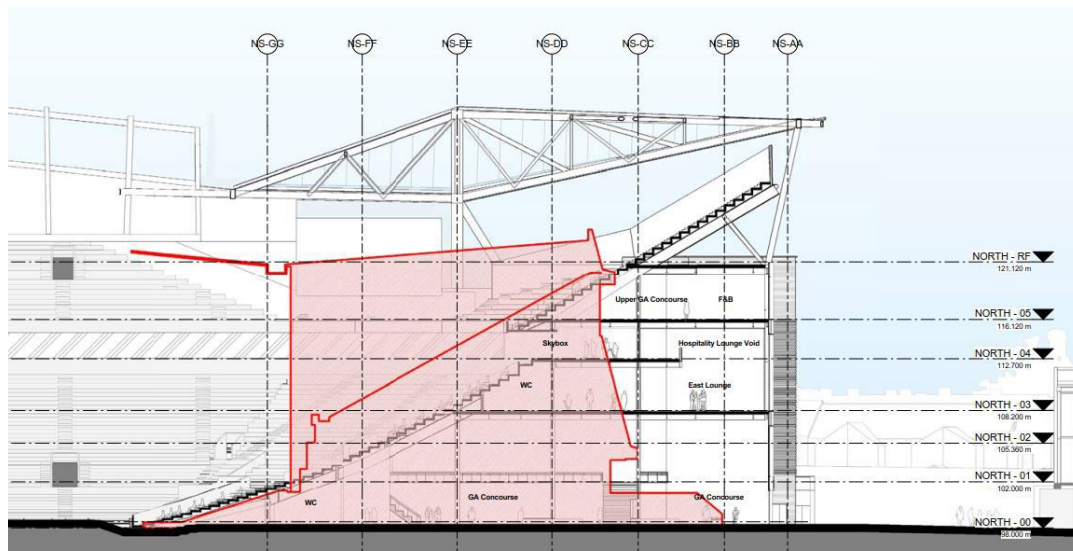
- 7.54 When considering the impact of a development proposal upon the setting of a Heritage Asset, there are several stages. Firstly, identifying those assets which may be affected and their significance. Then those aspects of their setting which contribute to the significance are identified and lastly the impact of the development upon this significance. It should be noted that a view to or from a Heritage Asset does not necessarily mean that a site is within those assets setting, this depends upon whether that view contributes to the significance of the asset. Also, a site can be within the setting of a heritage asset without their being a direct view under certain circumstances. The fundamental principle is whether or not a development affects the significance of a heritage asset, including those aspects of its setting which contribute to its significance. The protection for setting of 'Heritage Assets' within the NPPF also supports the protection of setting of conservation areas.
- 7.55 The nearby heritage assets relevant to the development proposals are Grade I Aston Hall, Grade II* Church of St. Peter and St. Paul, and Aston Church and Hall Conservation Area, and Aston Park, and the impact on them and their settings have been assessed and considered.



View from Witton Station, towards Aston Church left; and Villa Park right.

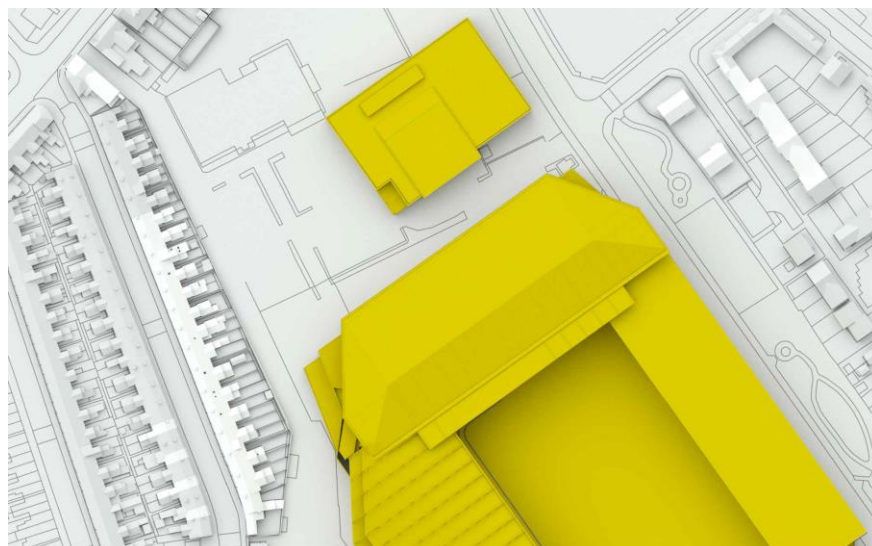
- 7.56 There is no objection to the proposal on heritage grounds from Officers, as the development would have a positive impact on the local area through regeneration and improved public and community assets. The use of contemporary design with a materiality that reflects the historic precedent of the surrounding area is supported.
- 7.57 Given that the redevelopment that would take place is to the far side of the stadium from most of the identified heritage assets, the overall impact on the most highly protected grade I and II* buildings is likely to be minimal. Assets most affected would be the listed and registered Aston Park and the grade II listed Tram Depot, which lie to the west and north of the application site respectively. No features of the site itself are considered to be non-designated heritage assets and so the impact assessment relates primarily to setting. None of the elements proposed for demolition are considered to hold heritage value and no objections are raised to this.

- 7.58 The proposed north stand is to increase the height of the stand by around 10m and increased massing, which would make it more prominently visible in views from and toward Aston Park. However, the use of fresh contemporary design and appropriate local materiality helps mitigate additional scale in favour of replacing a somewhat tired 1970s stand with a modern and successfully contrasting structure. The same can be said for the Villa Live building, which offers a clean contrast to the surrounding Victorian brick buildings and helps refresh the site and local area. Both major elements of the scheme are supported, though would need to be conditioned regarding external materials and finishes.
- 7.59 Aston Hall is located outside the Club's ownership, however a robust Match Day Management Plan is secured by condition which would include matters such as routing crowds around Aston Hall and its registered park, so they are avoided, and ensuring adequate refuge facilities and the potential for post match/ event local clean up strategies are provided.
- 7.60 The Birmingham Settlement building to the north of the site on Witton Road is outside the site boundary for this application and would be included in future development phases.
- 7.61 The proposal amounts to less than substantial harm to the setting of designated heritage assets, ranging from negligible (Aston Hall, Stable Range, Lodges, Church of St. Peter and St. Paul) to low level (Tramway Depot, Aston Park, Conservation Area). The proposals are not considered to harm the significance of the locally listed Holte Hotel or other non-designated heritage assets, and as such there is no conflict with NPPF paragraph 203.
- 7.62 Any impact is likely to be localised and not significant in terms of spatial extent. The application restricts new built development to a specific part of the overall site which currently features existing development and landscaping, both of which are found on and off site between the named heritage assets and the proposals. I also note there are no archaeological priority areas on or near the site.
- 7.63 **Residential and General Amenity**
- 7.64 The assessment of impact on amenity is two fold – firstly, the impact on adjoining dwellings (and other land uses) from the built development proposed; and secondly, impacts from the uses on and associated with the site in regards to adjoining dwellings and other land uses. As with the assessment of transportation impacts it is important to remember the site currently hosts a stadium with matchday crowds of approx. 43,000, and on non match days hosts conference and banqueting events, concerts, and has an onsite shop.
- 7.65 Daylight and Sunlight
- 7.66 With regards the impact on amenity to residential dwellings, it is relevant there is an existing stadium in place which already limits the light received into these properties to some extent. A comparison of the existing and proposed North Stand is shown below, where it can be appreciated much of the additional height comprises the new roof, which sits at height generally replicating the existing Trinity Road Stand, and of which it's massing impact has been reduced by its open 'floating' design –



Proposed North Stand – note roof design, with existing Stand shown in red

- 7.67 A Vertical Sky Component (VSC) assessment has been carried out to measure the amount of sky visible measured to/ from the centre of vertical windows. A window that achieves 27% or more is considered to provide good levels of light. Development which both results in less than 27% VSC and reduces VSC by 20% or more from the window prior to development is considered to have a noticeable impact. (For reference the maximum VSC value for a window is 39.6%).
- 7.68 Available sunlight is measured in terms of the percentage of annual probable sunlight hours ('APSH') at the centre point of a window. *Probable sunlight hours* is defined as "the long-term average of the total number of hours during a year in which direct sunlight reaches the unobstructed ground (when clouds are taken into account)."
- 7.69 Here we are concerned with a main window being adversely affected by any part of a new development. This would be the case if the centre of the window receives less than 25% of annual probable sunlight hours and less than 0.80 times its former annual value; or less than 5% of annual probable sunlight hours between 21 September and 21 March and less than 0.80 times its former value during that period; and also has a reduction in sunlight received over the whole year greater than 4% of annual probable sunlight hours.
- 7.70 The plan below shows the relationship of the proposals with the nearest housing located on Nelson Street to the left, and MacGregor Close to the right on the image –



- 7.71 For the impact on the neighbouring properties, the results demonstrate that the large majority of the windows and rooms in the neighbouring properties meet the BRE guideline values for daylight.
- 7.72 McGregor Close is located to the East of Villa Park and comprises two storey residential units. Assessment of numbers 1, 2, 3, 4, 6 to 18 Using the VSC test for daylight demonstrates all (100%) of the 78 windows assessed either receive a minimal reduction within guideline recommendations or retain absolute VSC values.
- 7.73 For daylight distribution, 38 (88%) of the 43 rooms assessed adhere to the guideline values. Of the rooms that remain, three achieve values ranging between 0.79 and 0.71 times their former value and are therefore only marginally outside the 0.8 guideline. One bedroom within 8-18 McGregor Close achieves a value of 0.68 times its former value. The BRE places less significance on daylight to bedrooms and together with the good VSC test results, it is considered that access to adequate daylight levels would be retained.
- 7.74 For sunlight, all (100%) of the 34 rooms assessed adhere to the guideline values for both annual and winter sunlight. These rooms either receive minimal reduction within guideline levels or retain values ranging between 51% and 25% against an absolute guideline of 25% annual APSH. For winter APSH, all rooms retain values ranging between 17% and 6%, against an absolute guideline of 5% winter APSH.
- 7.75 The properties on Nelson Road, which is West of Villa Park, are positioned adjacent to an existing stadium. The immediately adjacent properties have their rear elevations and garden areas facing the North Stand and associated curtilage area. The structure of that stadium already limits the light received into these properties to some extent, which is also exacerbated by alterations and extensions to the rear of these dwellings. Furthermore, the layout of these properties is that they are likely to comprise a dining room, kitchen and bedroom which are served by windows that have a view of the development site. There is also likely to be a living space, which would probably be described as the main habitable room in the property, that faces onto Nelson Road, a terraced street. Therefore, the room would enjoy relatively good light levels. As the windows which serve this room face away from the development site, the light levels would remain unchanged with the stadium in place.
- 7.76 For daylight, all windows, and rooms in nos. 4, 8, 22, 26, 30, 34, 38, 42 to 62 (even), 7, 13, 19 and 25 achieve or exceed the guideline values, either by experiencing minimal change or no impact from the proposed development to their daylight levels.
- 7.77 There are a number of windows and rooms within some of the Nelson Road properties which do not meet the BRE guideline values for daylight. However, these are limited to a single window within any affected property and in each instance, the guideline is only marginally not met. Numerically, 42 of 50 windows facing the development achieve VSC guidance levels. Given the nature of these properties (terraced housing with a uniform original internal layout) there is also likely to be a main living space at the front of these properties, so good daylight potential is still accessible within these properties.
- 7.78 For daylight distribution, 22 (63%) of the 35 rooms assessed adhere to the guideline values. Of the rooms that remain, six achieve values that are only marginally outside the 0.8 guideline. Two, if considered together with the good VSC test results, secure access to adequate daylight levels. Three rooms in three different properties are considered to be adversely affected – ie have a noticeable change, however that

should be considered against the existing situation and urban environment to which these dwellings are located.

- 7.79 For sunlight to garden areas, all the neighbouring properties assessed adhere to or exceed the guideline values, demonstrating suitable standards of sunlight availability would be retained. Where sunlight to neighbouring amenity spaces is concerned, all but one of the gardens tested (3 MacGregor Close) exceeds the BRE 0.8 guideline, however it is noted that affected garden is one of two gardens enjoyed by the property where the 'second' garden retains excellent above guidance sunlight levels.
- 7.80 In summary, the proposed development would relate well with the neighbouring residential buildings, with transgressions recording good, retained daylight and sunlight values. The overall effect therefore is the impact upon existing residential development within the study area is not unacceptable. The proposed is therefore compliant with Policies PG3, TP27 of the BDP and principles set out in the Design Guide SPD.
- 7.81 Noise and Nuisance
- 7.82 The application is supported by a noise impact assessment. The survey included unattended monitoring to establish typical noise levels at the three nearest noise sensitive receptor areas represented by Holte Road, Witton Road and Nelson Road. The monitoring was carried out to incorporate 2 football matches and was supported by additional short term measurements which were attended during one of the games.
- 7.83 The summary was that on match days from around 3-hours before kick-off 1-hour after the game the noise climate was dominated by supporter noise (raised voices), vehicle and plant noise and amplified music / cheering from within the stadium during the game. On non-match days, the noise climate was dominated by road traffic noise and natural sounds. The data has been used to produce a model of noise produced from within the stadium and although the noise contours for the existing and proposed arrangements have not been provided information has been provided on the difference between existing and proposed noise levels at receptors. The modelling suggests that noise levels at receptors are largely predicted to increase by up to 1 dB with a small proportion up to 2dB largely to the East, South and West as a result of the increased height of the stand projecting noise generated within the stadium over an increased distance. Noise levels are also predicted to decrease by between 1 and 2 dB at receptors to the north of the site as a result of the increased height of the North Stand reducing the line of sight from the seating areas within the stadium.
- 7.84 In respect of Villa Live there has been a subjective assessment of potential noise impacts. This event space has a wide use; however Regulatory Services are content that noise can be adequately conditioned by hours of operation and the incorporation of a noise mitigation scheme. It is also noted Villa Live would actively pull people away from the boundary of the properties on Nelson Road, where currently fast food kiosks are located and as a consequence, people gather. We note that the external MUGA space impacts have not been addressed in the noise assessment, however these would also be subject to conditions relating to their use and management. Finally the report includes plant noise impact and the design criteria incorporated is accepted. Conditions regarding plant noise impacts would, further to these details, safeguard adjoining amenity.
- 7.85 In respect to the noise impacts we are satisfied that the increased capacity and redesign of the stand would not significantly alter the existing impacts on noise sensitive receptors.

7.86 With regards the increased use of the stadium for music events and the impact of the operation of Villa Live, particularly if there are to be music led events taking place in this building and its associated external space, however Regulatory Services are content to utilise conditions to protect amenity, and it is noted parallel legislation also provides protection from a statutory noise nuisance.

7.87 The matchday operation and influx of spectators has a significant impact on the immediate stadium area, along with wider local impacts. Given the existing volumes of people associated with a matchday or event, an uplift of 7,000 people would not create a significant adverse impact over existing amenity impacts. Notwithstanding that, the proposals through themselves and event management plans secured by condition, can even with the increased numbers, create a better mitigated impact on the local area and its residents.

7.88 Light Spill

7.89 The areas which are currently most effected by spill lighting from Villa Park are those with line of sight to the façade and car park lighting. The areas affected are houses on the west side of Holte Road, and the houses on east side of Nelson Road due to the direct line of sight and lack of obstructing buildings. It is also noted these areas and area surrounding Villa Park is also illuminated by street lighting.

7.90 The lighting optics and physical glare control characteristics and mounting positions of the sports lighting means that field of playing light is generally contained within the stadia bowl, with the exception of the ends of the stands which are open and provide an unobstructed view into the stadia itself.

The construction of the New North Stand would close off the view directly into the corners of the North East and North West of the stadium. This would remove any possibility of glare to viewers at the North end of the site. Recent replacement of the Field of Play lighting with a new LED system, has already significantly reduced lighting spill/ glow from the bowl during night-time matches. The physical design of these luminaires means that even with the change in roof design to the North stand, light would be constrained to the pitch/ bowl area itself.

7.91 With regards the Increased use of glazing in the new North Stand, this would mean greater visibility of concourse and hospitality lighting within and to the side of Villa Live. However, the use LED luminaires with suitable cut off angles would prevent glare to external view points, and appropriate control system would be used to dim and control on/ off times for lighting.

7.92 Existing car park/ public realm lighting would be replaced with Dark Skies compliant (zero upward light) column mounted LED luminaires, and Façade lighting would utilise LED up and down lighting with suitable cut off angles to prevent glare. All externally visible lighting would utilise dimming and time control systems to further reduce its impact so as to achieve a betterment for the local area & surrounding residents.

7.93 **Environmental Impacts**

7.94 As part of the assessment, Officers have taken account that there are existing uses however the Villa Live developments in particular would be located much closer to the rear of the residents on Nelson Road and is intended to offer all year round use and this is therefore a consideration.

7.95 Air Quality

- 7.96 There are three key documents relating to air quality which are the transport assessment, air quality assessment and odour assessment.
- 7.97 The submitted Air Quality Assessment includes an assessment of operational phase and demolition/construction phase impacts. The construction and demolition phase assessment follows an accepted criteria and the mitigation measures detailed would be necessary to incorporate into the construction and demolition management plans. In terms of the operational phase the assessment has commented that the detailed assessment trigger has not been exceeded based on the transport assessment. Mitigation provided includes the provision of electric vehicle charging points, a travel plan which looks to encourage modal use shifts and promotion of public transport.
- 7.98 The Transport Assessment submitted assesses current provision and includes a Travel Plan. The matchday modal shift envisaged, which features a decrease in single occupancy private vehicles and increased use of public transport, walking, cycling, and taxi/ supporter bus/ shuttle bus options, would all help reduce emissions and improve air quality on match days. EV charging points, e-scooter provision and increased secure cycle storage and parking all help facilitate transport options which are relevant to maintaining or improving air quality on matchdays.
- 7.99 The proposal includes the incorporation of a new facility which is designed to open every day of the year, close to residential receptors which would have cooking equipment. An odour assessment has been submitted, based on the absence of any complaints for the existing operation and sniff tests being carried out on the third party vendors in the external areas of the stadium. Regulatory Services have no issue with odour management and are content to condition the requirement for all kitchen extraction systems to be provided with suitable equipment to mitigate odour and also noise. Drawings have been provided to indicate the location of the extraction points from all cooking operations. The key issue is to agree the location and height of these prior to any permission being issued and thereafter full details can be provided prior to above ground construction and secured by condition.
- 7.100 *Contaminated Land*
- 7.101 The current North Stand appears to be located on a raised platform of made ground which has the potential to contain contaminants. There is a noticeable change in ground levels between the North Stand and its entry points, and the car park area adjoining it.
- 7.102 The application is supported by a phase 1 contaminated land assessment. This is a desktop assessment and concludes the requirement for a further intrusive phase 2 site investigation. Regulatory Services agree with this conclusion and despite the low sensitivity of the end use, further ground investigation would be required to confirm the presence of any contaminants and other obstacles to development and propose mitigation accordingly. These further works, as required by suggested condition, should take place prior to the commencement of development and would follow best practice guidance and be compliant with Local Plan Policy TP6 and Development Management in Birmingham DPD Policy DM3.
- 7.103 **Ecology**
- 7.104 The Site does not contain or intersect with any Habitats of Principal Importance as designated under the Natural Environment and Rural Communities (NERC) Act 2006. Identified Habitats of Principal Importance are all located within Aston Park to the south of the Site, the closest parcel of Deciduous Woodland being 15m south of the

Site off Trinity Road, and the parcel of Woodpasture and Parkland 15m south of the Site in the same area. No Ancient Woodland is identified within 1km of the Site.

- 7.105 No trees are proposed to be felled and there is limited vegetation contained on the site so work near trees is unlikely. There are no trees that are subject to a Tree Preservation Order on or adjoining the site.
- 7.106 Whilst it is noted the Environment Act 2021 recently brought in a mandate for a minimum 10% biodiversity net gain the implementation of this requirement is currently delayed until approx. Nov 2023 therefore it is not reasonable to insist developers comply. Notwithstanding that, the NPPF paragraph 180 states new developments should pursue opportunities for securing measurable net gains for biodiversity.
- 7.107 From an existing baseline of near zero, a number of biodiversity gains are provided within the proposals, including a 'green roof' and 'green wall' on the Villa Live building, along with native species planting around the site. Conditions ensure the suitable design, installation/ planting and maintenance of all green infrastructure
- 7.108 Overall, the proposal accords with Policy TP6, TP7 and TP8 of the BDP and the relevant aims and objectives of the NPPF.
- 7.109 **Drainage**
- 7.110 The site currently comprises a vast expanse of hard standing and tarmac, in addition to the stadium and other buildings over the site, with little to no green infrastructure.
- 7.111 It is proposed to discharge surface water from the site to the existing public surface water sewer and combined sewer network as existing. The main area of development around the North Stand and Villa Live buildings is to be provided with a new drainage system. This would include attenuation of flows from this area to equivalent greenfield runoff rates. Areas which are to remain broadly as existing would retain their existing drainage systems. This approach results in a 53% reduction in runoff rate from the site and this accords with Paragraph 167 of the NPPF, as the policy simply requires a betterment in runoff rates for major developments. The proposed surface discharge rate of 262.2 l/s compares to a pre-development rate of 552.3 l/s. This is in conformity with Severn Trent Water minimum requirements for a 50% reduction in flows and it is noted they have no objection to these rates.
- 7.112 The attenuation storage to be provided has been designed to ensure that surface water runoff for storm events up to and including the 100 year storm plus a 40% allowance for climate change, can be contained within the site safely without causing a risk of flooding to property.
- 7.113 It is proposed to discharge foul drainage from the site to the existing combined sewer in Witton Lane as existing. The existing foul water connection to the public sewer in Witton Road is to be abandoned.
- 7.114 The main development is associated with the construction of the new North Stand and Villa Live buildings and external areas covers approx. 2.14ha. It is proposed to attenuate runoff from this area to equivalent greenfield discharge rates. The green roof for the Villa Live building and new green planting on the site would provide a reduction in runoff during most rainfall events as well as improving the quality of discharge into the drainage system.
- 7.115 There is limited scope to incorporate other green SuDS within the site. The functional requirements of the site require large areas of car parking and hardstanding for the

movement of vehicles and people. Large open SuDS such as a swales or detention basins are not appropriate given the use and activity of the site.

7.116 Rainwater harvesting is to be used on the scheme, and an underground attenuation tank is proposed to temporarily store surface water runoff from significant storm events on site before controlled release to the public sewer.

7.117 Severn Trent Water has no objection to the proposed drainage arrangements subject to conditions, which would also address technical points raised by the LLFA and secure appropriate details and maintenance arrangements.

7.118 As such, and whilst noting the objection from the LLFA, it is considered Policy TP6 – *Management of Flood Risk and Water Resources* is complied with. The proposed drainage strategy demonstrates that the disposal of surface water from the site would not exacerbate existing flooding and that exceedance flows would be managed, and surface water discharge rates have been improved to the equivalent site-specific greenfield runoff rate for the areas relating to the North Stand and Villa Live developments. Realistic, achievable SuDS are proposed with the development and as emphasised; Severn Trent Water has no objections.

7.119 With regards to Policy TP7 – *Green Infrastructure Network*, I fail to agree with the LLFA that there is no compliance with the policy. The site goes from having almost nil green infrastructure value, to benefiting from new green landscaping, including a green living roof and green wall on Villa Live, which would act as new 'green island' between Aston Park and the River Tame corridor.

7.120 **Development Sustainability**

7.121 It is important that major high profile development proposals of this kind support the Council's ambitions and commitment to become net zero carbon by 2030. A Sustainable Energy and Construction Statement has been submitted to accompany the application.

7.122 Further to sustainability and environmental measures outlined under the *Transportation, Design, and Drainage*, sections above, and Birmingham plan 2031 Policy TP3 – *Sustainable construction*, the built form development (North Stand and Villa Live) intent is to achieve a solution comparable to BREEAM very good and would adhere to BREEAM NC 2018 guidelines where appropriate.

7.123 A BREEAM checklist has been prepared addressing all relevant credits and prerequisites that the development is recommended to comply with. This is to boost the overall environmental sustainability of the development. A provisional 'scorecard' based on the targeted credits shows the BREEAM related categories that the project is projected to comply with and shows that the project can achieve a maximum 77.4%. This constitutes a safe buffer for Very good level compliance targets.

7.124 Sustainability measures include 'designed in' features such as passive solar gain, natural lighting and ventilation, to technologies including rainwater harvesting, lo-flo sanitary units and photovoltaic panels. Sourcing local bricks and other materials where possible also makes an environment friendly contribution and helps reduce 'upfront' carbon emissions.

7.125 To ensure the development proposal is compliant with the measures set out in the Sustainable Energy and Construction Statement a suitable condition is suggested to secure these measures.

7.126 **Security and Safety**

- 7.127 One of the primary objectives for such a major development is to reduce opportunities for crime and anti-social behaviour, and in so doing enhance the safety of members of the public. It is recognised that certain elements within the design of such a scheme can promote or deter criminal behaviour. 'Designing out Crime' principles seek to reduce or eliminate risks through the design or redesign of networks and the immediate surrounding areas. Good design can make a major contribution to both the prevention of crime and the reduction of fear of crime and must be the aim of all those involved in the development process.
- 7.128 Having viewed the submitted plans and associated documents, West Midlands Police (Design Out Crime Team, Counter Terrorism Security Advisor, Football Liaison Team) have had the opportunity to meet the applicant and Planning Officers.
- 7.129 A Security Threat & Risk Assessment would be developed during the next design stage. Underpinning the security design, a *Security Threat and Risk Assessment* (STRA) would be undertaken to identify credible criminal and terrorist threats, enabling informed decision-making by stakeholders. This is crucial in ensuring that appropriate and proportionate measures are developed. The STRA shall embrace all aspects of the Aston Villa development planning boundary and incorporate liaison with the Police Counter Terrorism Security Advisor (CTSA) and the Designing Out Crime Officer (DOCO)
- 7.130 Concerns were raised by WMP as to the open nature of the public realm area, which could become a 'rat run' for offenders to use and that measures would need to be in place to control access across the wider site including the multi-use games area when the stadium is closed.
- 7.131 With regards these non match day concerns, certain opening and closing times for the Villa Live building, pre booking systems for the MUGA and other facilities, and as currently a 24/7 security patrol and on site presence, along with enhanced CCTV would help ensure smooth running of the site and deter risk of crime and anti social behaviour. The site would be a controlled through a managed process with an operational strategy around this that would be agreed and finalised in conjunction with stakeholders such as WM Police. A condition secures it implementation and review.
- 7.132 The Counter Terrorism Security Advisor (CTSA) has also reviewed the proposals and notes it is *positive to see that security has been included as part of the Design and Access Statement as well as giving mention to Green Guide considerations*. It is acknowledged that legislative implications would be placed upon venues as part of the anticipated 'Protect Duty' implementation. Whilst at this time the finer details of the Duty are yet to be confirmed, it is beneficial that future-proofing of security provision is considered.
- 7.133 A formal Security Threat and Risk Assessment is planned and this is positive and welcomed by WM Police. The plan is to complete a Vehicle Dynamic Assessment (VDA) to support the incorporation of formally rated Hostile Vehicle Mitigation (HVM) measures to fully protect "Villa Way" and provide a safe and secure place to meet both on match days and non-match days. In addition to the mentioned HVM it is suggested that hard and soft traffic calming measures would also be utilised locally in order to reduce vehicle speeds. It should be acknowledged that traffic calming measures are largely only effective on compliant drivers. The inclusion of rated HVM measures would always provide the best protection against a determined individual with nefarious intentions.

- 7.134 A layered security approach is discussed within the Design and Access Statement and is welcomed. Villa Way and Villa Live would create a new public realm area that would encourage large numbers of visitors to congregate. In order to maximise safety and security, CCTV with appropriate lighting to support the system, as well as proactive security staffing would help to maintain and encourage a safe and secure space. A suitable condition is recommended to secure these facilities whilst also having regard to neighbouring residential amenity.
- 7.135 Within the plans it is detailed that large areas of glazing and curtain walling would be utilised in order to maximise light in the area and promote natural surveillance. In blast conditions up to 95% of all injury and death are due to glass. The installation of laminate glazing as standard as this provides the best protection under blast conditions and precise materials would be agreed in consultation with WM Police through a condition.
- 7.136 **Economic Assessment**
- 7.137 The redevelopment of Villa Park can act as a catalyst for economic growth, with wider benefits than just the Club. The immediate location, Aston, along with Birmingham itself can benefit throughout the lifetime of the development, from the construction phase through to its completion and use.
- 7.138 The proposals would contribute to the growth of jobs and Gross Value Added (GVA) in the following principle ways:
- by creating temporary employment linked to the construction project;
 - by employing more staff on-site to operate the expanded facilities;
 - by attracting visitors whose off-site visitor expenditure would create jobs in other businesses in Birmingham and the West Midlands;
 - by the club incurring additional operating expenditure which would create employment in the supply chain in Birmingham and the West Midlands; and
 - by new employees spending their wages on goods and services in the economy (induced effects).
- 7.139 Aston Villa are already an important employer in the local area, currently supporting 500 full-time equivalent jobs at Villa Park. As a result of the development (of both the North Stand and Villa Live), it is anticipated that this would result in the creation of 125 full-time equivalent on-site jobs at the stadium and Villa Live.
- 7.140 Aston Villa creates economic impact by attracting visitors to Birmingham who spend with other businesses (hotels, bars, shops, taxis etc.) which in turn, creates and supports employment. On average, Villa Park has an annual attendance of 975,000 over 23 matches in a season. 93% of attendees are home fans and around 68,000 away fans attend Villa Park each year.
- 7.141 It is calculated off-site job creation because of the additional visitor expenditure, supply chain expenditure and induced employment, would be the equivalent of 150 full-time equivalent jobs and an additional £25.3 million of Gross Value Added (GVA) to the local West Midlands and Birmingham economy each year.
- 7.142 It is estimated visitors to Villa Park (post-redevelopment) would spend an additional £9.4 million with businesses elsewhere in Birmingham (£3 million on matchdays and £6.4 million on non-matchdays) including accommodation, food, beverage, retail, and transport a year, totalling off site expenditure of £32.3 million a year.
- 7.143 The *Great Britain Day Visitor Survey* (by Visit Britain) suggests that day visitors to Birmingham spend £35.33 per head whilst overnight visitors to Birmingham spend an average of £89.15 per trip. If it is assumed that all home fans are day visitors and

20% of away fans stay overnight in Birmingham, after accounting for fan expenditure within the stadium (food and beverage) it is estimated that visitors to Villa Park generate £32.3m of off-site visitor expenditure each year. This £32.3m of off-site visitor expenditure can be converted to FTE jobs using a metric derived for Visit Britain, which asserts that £54,000 of visitor expenditure is required to support 1 FTE job. After adjustment to 2022 prices, it is estimated that visitors to Villa Park could support 500 full time equivalent jobs in the Birmingham visitor economy (hotels, taxis, transports, parking, bars, retail, and restaurants).

7.144 Upon completion of the development, activity at Villa Park would support a total of 3,400 jobs (1,977 full time equivalents) in the West Midlands economy. This represents an increase of 700 jobs (417 full time equivalents) in the West Midlands with 500 jobs taken by residents of Birmingham (299 full time equivalents).

7.145 Visitors to Villa Park already spend an estimated £32.3m off-site with hotels, restaurants, shops, bars, car parks, taxis and other transport providers. With the new development, it is estimated that this off-site visitor expenditure would increase by £9.4m including £3m on matchdays and £6.4m on non-matchdays.

7.146 The economic commitment to the area by redeveloping Villa Park rather than relocating is significant to Aston and the surrounding local area. This commitment and investment to the local area is expected to help with the regeneration and economic prosperity of Aston and Witton, through itself and attracting further investment to the area.

7.147 Policy TP26 – *Local employment* sets out the Council seeks to work closely with developers to identify and promote job training opportunities for local people and encourage the use of the local supply chain to meet the needs of new developments. In order to ensure that the benefits of new development wherever possible are targeted at local people, developers are encouraged to sign up to targets for the recruitment and training of local people during the construction phase of development, and where appropriate for the end use.

7.148 The club has agreed, as they did with their Brookvale site development, to conditions which to secure job opportunities for local people during and post construction phase in conjunction with the Council's Employment Access Team.

7.149 Accordingly, the proposals represent significant economic investment and opportunity for the local area and Birmingham city as a whole.

7.150 **Equalities Act 2010**

7.151 Section 149 of the Equalities Act requires a local authority to have due regard to the need to eliminate discrimination and advance equality of opportunity between persons who share a protected characteristic and persons who do not share it. Section 149(3) provides specificity to advancing equality of opportunity, including minimising disadvantage suffered by that person, and encouraging them to participate in public life. The "protected characteristics" to which the act applies include age, race, religion, sexual orientation, disability and pregnancy.

7.152 In addition to the Council's statutory and constitutional consultation obligations, extensive engagement has been undertaken by the applicant with fans, the local community, and other key stakeholders, with the aim of collecting views and suggestions and this feedback helping to meaningfully shape the proposed scheme as well as the mitigation and benefits which would flow from it. The engagement comprised a two-stage consultation process:

- Early engagement with stakeholders and fans to raise awareness regarding

the proposals and identify core issues that needed to be addressed. This took place in April 2022; and

- Community consultation which took place over a five-week period between 28 June – 29 July 2022. This stage focussed on local community and fan feedback to the initial designs. This comprised an online survey and material supported by four in-person engagement events and on VIP briefing calls to local councillors and senior officers.

- 7.153 To ensure that the engagement had significant reach, a dual in-person and virtual approach was taken, to ensure that all members of the community and fan-base could be reached. This included a significant online campaign through the Club's social media channels and the local media, visiting circa 80 local businesses, community venues and places of worship, handing out around 250 flyers in local superstores on three occasions and placing flyers in the houses on residential streets around the stadium.
- 7.154 It is considered due regard has been had to ensuring equal opportunity of awareness and engagement with the planning process and proposals has occurred and been made available to all.
- 7.155 The proposals by their nature and further to detailed design elements would help remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; and takes steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it.
- 7.156 The new North Stand, Villa Live building, and landscaping by its nature represents a significant upgrading in terms of inclusivity over the existing situation. The site and buildings are more accessible and provide suitable facilities for all users, notwithstanding suitable design details which would be incorporated to assist the safe movement and comfort of all visitors, not just those with protected characteristics. The significant upgrading of the site and its facilities can encourage persons who share a relevant protected characteristic to participate in activities at Villa Park, where has previously they have not done so.
- 7.157 With regards accessibility to the development and uses, equality and inclusion of accessibility has been considered. Notwithstanding the desire to reduce matchday visits by private car, facilities remain on site that ensure those with disabilities are not disadvantaged. Equally, additional non private vehicular modes of transport provided as mitigation, such as supporters buses or shuttle buses, would need to have suitable regard to inclusion.
- 7.158 The availability of facilities to the community provides an opportunity for inclusion and opportunity, fostering relations between the club and the local community regardless of their interest in football.
- 7.159 **Environmental Impact Assessment**
- 7.160 The proposals were subject to a Screening Opinion request late into the pre application stage once detailed parameters had been established. The LPA determined an Environmental Statement was not required as follows –
- 7.161 The proposed development would result in a visual change to the appearance of the site and its immediate environment however the site is within an urbanised context where change is not unusual. In addition, and critically, the impact of the proposal would be assessed through the planning process using the supporting documents noted to be submitted with the planning application. Therefore, on the basis of the

above assessment, I assess that, overall, the development would not have a significant adverse effect sufficient to warrant it constituting EIA development. I do not therefore consider the proposed redevelopment requires an Environment Impact Assessment.

7.162 The Local Planning Authority considers that the potential the greatest impacts arising from the development might be in regards to traffic and transport. It is acknowledged that in regard to culmination with other existing development and transport matters it is considered that the likely significant effects are considered to be moderate.

7.163 In forming the view that this does not represent EIA development the Local Planning Authority has had regard to the characteristics of the development, the location of development and the types and characteristics of the potential impact as required by Schedule 3 of the 2017 Regulations. In conclusion and based on the above the likelihood of significant effects is considered to be low risk.

7.164 ADOPTED SCREENING OPINION

7.165 *The Town and Country Planning (Environmental Impact Assessment) Regulations 2017. The proposal is listed in Schedule 2, exceeds the thresholds but is not in a sensitive area as defined in the Regulations.*

7.166 *Based on the information provided, it is considered that the likelihood of significant adverse environmental effects is low in this instance and confined to the local area. The proposal is therefore not considered to represent EIA Development and an Environmental Statement is not required.*

7.167 **Other issues**

7.168 Whilst the number of local objections received is very low, the concerns raised are noticeably matchday specific issues such as litter, vandalism, antisocial behaviour, traffic, parking and proliferation of fast food vans.

7.179 The club recognises existing matchday impacts upon the local community and is actively engaged through this application to address these impacts. Issues raised are in many instances civil matters or matters for the Police, however a matchday management plan; and matchday traffic plan are both subject to agreement by condition with input from West Midlands Police, the Highways Authority, and relevant stakeholders. These plans could ensure, for instance, suitable provision of waste and recycling bins, litter picks, increased stewarding presence, funding option for increased parking enforcement patrols, and other measures to minimise the impact during and after matches or other large events. These Plans would also have a mechanism of review so measures which are effective can be retained or increased further, and those less successful can be reconfigured or replaced with alternatives. The review process would involve appropriate key stakeholders including WM Police.

7.180 The West Midlands Fire Service comments provide several informatives that have been shared with the club and would be included within the final design of the development following the detailed design process and for the Building Regulations submission.

8. **Conclusion**

8.1 The proposals are assessed against the three objectives of sustainable development as follows –

8.2 *Economic Objective*

- 8.3 A key aspect of the economic role played by the planning system is to ensure that sufficient land of the right type is available in the right places and at the right time to support growth. In this context, the proposals score, in economic terms positively. The proposals would support economic growth arising from:
- Investment in the local area and Birmingham as a whole
 - Increased spend in the local area and Birmingham as a whole
 - Increased employment opportunities during and post construction on and off site
- 8.4 The positive economic benefits arising from the scheme are considered to be significant and would include direct economic betterment. On the basis of the scale and nature of the development, I attach significant weight to these benefits.
- 8.5 *Social Objective*
- 8.6 Planning's social role incorporates providing support to strong, vibrant and healthy communities, and by fostering a well-designed and safe built environment.
- 8.7 The proposal delivers a mix and range of social benefits, through creating a high quality built environment with improved public realm, new accessible public space, and increased access to recreation and business facilities for the local community
- 8.8 As such the social objective is considered to be satisfied and I attribute significant weight to the benefits in community terms, particularly establishing sustainable communities and a sense of place the development would secure.
- 8.9 *Environmental objective*
- 8.10 The environment objective requires consideration of how the development contributes to protecting and enhancing the natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution and mitigating climate change (low carbon economy).
- 8.11 The proposal would enable more sustainable patterns of activity through providing new and enhanced services and facilities accessible by public transport and promoting non vehicular movements. Substantial landscaping and biodiversity gains are also delivered over the existing situation.
- 8.12 Policy TP12 requires proposals for new development affecting designated or non-designated heritage assets to be determined in accordance with national policy.
- 8.13 NPPF in Paragraph 199 – 202 states *Great weight should be afforded to the conservation of designated assets (and the more important the asset the greater the weight should be) and is clear Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting) should require clear and convincing justification. However, where a proposal would lead to less than substantial harm to the significance of a heritage asset, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.*
- 8.14 The benefits of the scheme are:
- Providing new employment opportunities and supporting the local supply and service chain and positively contributing to tourism spend in Birmingham
 - Create off site expenditure of £32.3 million a year
 - Provision of 125 new full-time equivalent jobs post construction.

- Improving footfall and vitality during the day and supporting a thriving evening economy in this part of the City.
 - Regeneration and investment outside the city centre
 - Delivering an exceptionally high-quality designed scheme to integrate the site into its surrounding context;
 - A BREEAM Very Good rated development
 - Introduction of green infrastructure.
 - promoting active and green travel
- 8.15 These benefits taken together are afforded significant weight and are found to outweigh the *less than substantial harm* identified. The scheme would provide economic and environmental benefits by means of employment, visitor spend during the construction phase and over the long-term supporting a significant number of jobs as well as providing upgraded World Class facilities for sport that would increase the visibility and potential of Birmingham to host major events.
- 8.16 The proposal would result in less than substantial harm to the setting of designated assets, however this is considered at the lower end of that scale, ranging from negligible to low level, with significant enhancements and improvements derived from the proposals over the existing situation, which further contributes to minimising the harm.
- 8.17 In accordance with NPPF paragraph 203, the identified harm has been weighed against the public benefits of the proposal, and it is considered these wider benefits of the proposal, which includes the significant public realm, public open space, and sustainability improvements, along with the significant economic benefits identified within this Report, outweigh the heritage harm identified.
- 8.18 *Summary*
- 8.19 Taking all of the above into account, it is considered that the public benefits arising from the proposals, as outlined above are positive. There is very limited evident harm arising in relation to other technical matters as discussed above, and officers do not feel that the impacts of the development should tip the planning balance in favour of refusal. The application delivers a sustainable, high quality development that meets wider aspirations of Birmingham being promoted as an international city supporting development, investment and other initiatives that raise the City's profile and strengthen its position nationally and internationally. As such I attach positive weight to the proposals.
9. **Recommendation:**
- 9.1 Approval is recommended subject to the conditions listed below (that may be amended, deleted or added to providing the amendments do not materially alter the permission.
- 9.2 **List of conditions –**

1	Implement within 3 years (Full)
2	Requires the scheme to be in accordance with the listed approved plans
3	Requires the scheme to be in accordance design and access statement
4	Construction Management Plan

-
- 5 Requires the prior submission of a construction employment plan.
 - 6 Requires the prior submission of a contamination remediation scheme
 - 7 Prior submission of a remediation scheme
 - 8 Submission of drainage details
 - 9 Requires the submission of external materials and detailing
 - 10 Construction Ecological Management Plan (CEcMP)
 - 11 Submission of a Security Threat and Risk Assessment
 - 12 Travel Plan
 - 13 Extract ventilation and odour control equipment details
 - 14 Villa Live Noise Mitigation Scheme
 - 15 Requires the submission of a contaminated land verification report
 - 16 Villa Live 'dynamic wall' temporary external appearance details
 - 17 Requires the submission of a community access agreement
 - 18 Requires the prior submission of an end use employment plan.
 - 19 Requires the submission of hard and/or soft landscape details
 - 20 Secure, covered cycle storage details
 - 21 Submission of signage details and illumination
 - 22 Green roof and wall details
 - 23 Details of accessibility features and facilities
 - 24 CCTV details
 - 25 Details of external lighting
 - 26 Matchday Operational Management Plan
 - 27 Non matchday Site Management Plan
 - 28 Event (non football) Management Plan
 - 29 Approval and implementation of s.287/ s.38 works
 - 30 Completion of delivery and service area
 - 31 Provision of car parking facilities
 - 32 Noise Levels for Plant and Machinery
-

33	External MUGA Operational Hours
34	Noise monitoring
35	Incorporation of sustainability and energy efficiency measures
36	EV charging parking spaces
37	Restriction of use
38	Gates open inwards
39	Hours of use
40	Amplified Sound/ Music outside Villa Live

Case Officer: Carl Brace

Photo(s)



View over existing North Stand Car Park towards the Villa Store and Ticket Office



Existing intersection of North Stand and Trinity Road Stand



Existing View towards North Stand/ Villa Park from Station Road



Panoramic Photograph showing rear of Nelson Street dwellings, *left* and North Stand, *right*.



Existing access from Witton Lane, North Stand and intersection with Doug Ellis Stand



Existing North Stand – note the change in levels between car park and stadium entry points

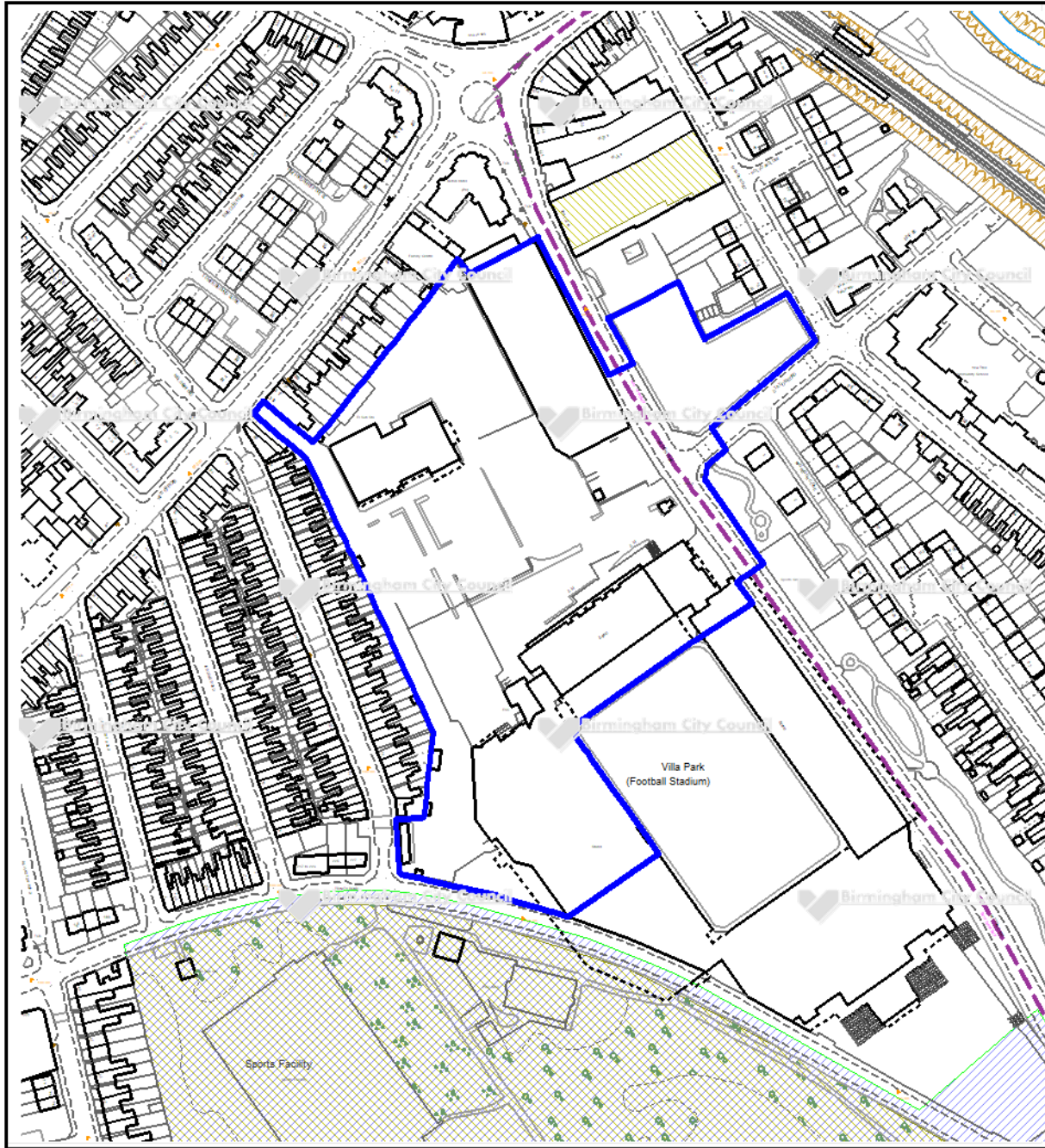


View towards Villa Park from Witton Lane – *note buildings on right to be demolished*



View over Car Park towards Nelson Road, *left* and Villa Store, *right*

Location Plan



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Committee Date:	22/12/2022	Application Number:	2021/10567/PA
Accepted:	30/09/2022	Application Type:	Outline
Target Date:	20/01/2023		
Ward:	Sutton Walmley & Minworth		

Land at Langley bound by Lindridge Road, A38, Walmley Ash Lane, Webster Way, Thimble End Road and Springfield Road, Sutton Coldfield, Birmingham

Outline application for a Langley Sustainable Urban Extension (a residential led mixed use development). Works to include demolition of two semi-detached dwellings to the east of Springfield Road, Langley Park House buildings to the east of Langley Hall, Springfield Farm buildings, Langley Gorse Farm buildings and barn to the south of Fox Hollies House; diversion underground of 132Kv overhead power line, removal of existing pylons and construction of new termination pylons; site clearance/remediation works and engineering works to create a development platform; construction of dwellings (C3); the provision of mixed use floorspaces (E, C1, C2, F1, F2 and SG uses) to be delivered in 1 district and 2 local centres; education facilities comprising 1 secondary school (with sixth form) and up to 3 primary schools or an all-through school (with sixth form) and 2 primary schools, together with up to 6 nursery/early years units; the creation of an internal transport network with connections to the surrounding highway, cycle and pedestrian network; green infrastructure including informal open space, play areas, linear park and the creation of sports hub with a pavilion building; the stopping up/diversion of the existing public highway and public rights of way and the creation of new routes; diversion of Langley Brook; erection of an acoustic fence and bund along A38; and all associated works. Details of strategic highway points are submitted for approval with all other matters reserved

Applicant:	Langley Sutton Coldfield Consortium and Ciel Property Holdings Limited, c/o Agent
Agent:	Savills (UK) Limited 55 Colmore Row, Birmingham, B3 2AA

Recommendation

Approve Subject to a Section 106 Legal Agreement

1. Proposal:

- 1.1 The proposal seeks outline permission for the residential development of Langley Sustainable Urban Extension to include up to 5,500 dwellings, one district and two local centres, internal access networks, primary and secondary schools, sports hub

and sports pitches, landscaping, public open space and all associated development infrastructure. The application is in outline with all matters reserved except for the strategic access points to the site, with matters of 'Appearance', 'Landscaping', 'Layout', 'Scale' and 'Access' (in respect of all internal access arrangements) reserved for future approval. As such, a series of parameter plans are submitted to clarify the nature and extent of development proposed. Parameter plans for approval therefore identify locations for land use, building storey heights (max), access and principal movement, maximum development envelope, ground levels and green infrastructure.

1.2 The buildings and structures proposed to be demolished to facilitate the development of the site include:

- Two semi-detached dwellings to east of Springfield Road, near to its junction with Churchill Road;
- Langley Park House, to the east of Old Langley Hall;
- The remaining foundations associated with the previously demolished Springfield Farm buildings;
- Langley Gorse Farm (currently Langley Gorse Day Nursery), east of Fox Hollies Road;
- Barn to south of Fox Hollies House; and
- Pylons associated with the 132kV overhead line (line to be diverted underground).

1.3 Earthworks would include the re-configuration of the Langley Brook, creation of the principal highway network, the green infrastructure network (which would incorporate surface water drainage features) and future development plots.

1.4 The application was presented to Planning Committee as part of the pre-application protocol process in March 2021.

1.5 [Link to Documents](#)

2. **Site & Surroundings:**

2.1 The application site is located on the north-eastern edge of Birmingham, and to the south-east of the Royal Town of Sutton Coldfield. Lindridge Road bounds the site to the north, the A38 to the east, Walmley Ash Lane to the south and Webster Way, Thimble End Road and Springfield Road to the west. The site covers approximately 302.79ha.

2.2 There is existing residential development present along the western boundary of the application site to the west of Springfield Road/Thimble End Road/Webster Way and to the south of Walmley Ash Lane, respectively. There is also a group of residential properties to the east of Springfield Road (and along 'Fordrift') which are outside the application site. The Walmley Ash Retail Park is located to the south of Walmley Ash Road and contains an ASDA superstore, Wickes DIY Store and B&M Bargains with Garden Centre. Peddimore Employment Park comprises 71ha allocated for employment uses in the BDP (Policy GA6) and is located to the east of Langley SUE, on the opposite side of the A38.

2.3 The site largely comprises agricultural fields, although there are a range of individual, and clusters of, existing residential and non-residential uses within the application boundary. The site topography varies between a low of approximately 94m AOD along the northern boundary and a low of approximately 90m AOD at the south-eastern corner. A high ridge of approximately 121m AOD is found through the centre of the site. In the north of the site, land falls west from the ridge towards Langley Brook. Land also falls eastwards away from the ridge towards the A38. In the south of the site,

ground levels are generally flat, and predominantly fall in a west to east direction. A shallower ridge is present in the southern part of the site at approximately 100 AOD.

- 2.4 The site contains three listed building – Langley Hall Stables (Grade II), Langley Heath Farmhouse (Grade II) and Fox Hollies Farmhouse (Grade II), as well as the locally listed Langley Heath Farm barns and several non-designated heritage assets, including The Oaks and Langley Gorse (mid-19th century houses). The area also has the potential for archaeological remains, most notably the medieval moated site at Langley Hall. The moat is visible as an earthwork and is considered to be a non-designated heritage asset. In addition, the site contains numerous historic landscape features such as lanes, field boundaries and woodlands. Beyond the boundary of the development are the scheduled monument Peddimore Moat, Peddimore Hall (Grade II) with its locally listed farm buildings, and Forge Farmhouse (Grade II). The proposed development is within the setting of these heritage assets.
- 2.5 There are various Public Rights of Way (Prow) across the site along with various watercourses with parts of the northern part of the site located within Flood Zones 2 and 3. There are TPO's covering parts of the site (particularly the southern end) and there are numerous Sites of Local Importance to Nature Conservation (SLINCs) and Potential Sites of Importance (PSIs) across the site.
- 2.6 Langley Brook flows through the north-eastern part of the site. The Brook enters the site south of Ox Leys Road and flows northwards, exiting the site via a culvert under Lindridge Road. Churchill Brook flows eastwards towards the site where it joins with Langley Brook. There are two unnamed watercourses within the site, one in the northern part of the site and one in the southern part, both of which flow into culverts beneath the A38. Multiple drainage ditches, surface water flow paths and ponds are present in the central and southern areas of the site.
- 2.7 A 132kV high voltage overhead electricity line supported by steel lattice pylons crosses the middle section of the site. The overhead line extends approximately 1.3km from the north-west to the south-east.



Aerial Site View (source: Google Earth)

- 2.8 [Site Location](#)

3. **Planning History:**

3.1 No relevant onsite planning history.

3.2 Adjacent planning history for Peddimore:

Ref:	Description of Development	Decision
2019/00108/PA	Hybrid planning application comprising: Outline application with all matters reserved for an employment park comprising B1b, B1c, B2 and/or B8 uses, including ancillary offices (B1a), gatehouses and security facilities, service yards and HGV parking, plant, vehicular and cycle parking, landscaping, pedestrian and cycle infrastructure, green and blue infrastructure, ancillary business and community facilities (D1/D2/B1a/A3/Sui Generis) including a multi-purpose hub building and associated development. Full planning application for a new roundabout access from the A38, construction access and compound area, internal spine road, site gatehouse, primary substation and tower, engineering operations including foul pumping station, acoustic fencing, earthworks (including creation of development plot plateaus), pedestrian and cycle infrastructure and structural landscaping including drainage infrastructure and development platform within Peddimore Brook corridor for ancillary business and community facilities	Granted 02/09/2019
2021/02972/PA	Section 73 application to vary conditions 3, 17, 19, 20, 21, 22, 34 and 35 attached to planning permission 2019/00108/PA to relocate Peddimore Brook vehicular crossing, re-align northern boundary of Development Zone 1A, incorporate minor changes to the internal spine road and structural landscaping (including paths), reposition pumping station, reduce plateau levels of Development Zones 1A, 1B and 2, rationalise quantum of maximum floorspace and increase maximum building heights at Development Zone 1A and variation of conditions 5, 7, 8, 9, 14, 24, 25 and 37 to reflect approved non-material amendments and agreed discharge conditions details pursuant to 2019/00108/PA	Approved 09/09/2021
2021/04566/PA	Reserved matters application for access, landscaping, appearance, layout and scale for erection of storage and distribution centre (B8) including ancillary offices and welfare facilities and all associated works following hybrid planning permission 2021/02972/PA	Approved 09/09/2021
2021/07129/PA	Reserved matters approval for access only, in respect of an access spur into Development Zone 1A.	Approved 13/10/2021
2022/01185/PA	Reserved matters application for access, appearance, landscaping, layout and scale for erection of warehouse for research and development, industrial and/or storage and distribution (E(g)(ii) and/or (iii), B2 and/or B8) including ancillary offices and all associated works following hybrid planning permission 2021/02972/PA	Approved 26/05/2022

4. **Consultation Responses:**

- 4.1 BCC Archaeology - No objection subject to a condition requiring that each phase of development is preceded by an intrusive archaeological investigation with trial trenches, followed by excavation and post-excavation analysis and reporting.
- 4.2 BCC City Design – No objection subject to conditions for design codes for character areas and infrastructure/public realm and an Exemplar Statement for each phase of development.
- 4.3 BCC Conservation - Request amendments to setting mitigation measures around the Grade II Listed Langley Hall stables and the Grade II Listed Fox Hollies and Langley Heath Farm. Not supportive of the demolition of the non-designated Langley Gorse dwelling.
- 4.4 BCC Ecology – No objection subject to conditions for a Construction Ecological Management Plan, a Landscape and Ecology Management Plan, Protected Species and Habitat Protection Plans, a Local Site Assessment, a BNG Assessment, detailed landscaping scheme/planting plans, and details of ecological features (e.g. bird boxes, bat boxes, hedgehog access gaps, invertebrate boxes/'bug' hotels).
- Requirements within the S106 to cover off-site mitigation strategy for skylarks, a contribution to deliver mitigation to address air quality impacts on Sutton Park SSSI, and a contribution to deliver off-site BNG requirements in the event an acceptable level of BNG delivery cannot be achieved on-site.
- 4.5 BCC Education – No objection subject to a condition for the phasing of the educational infrastructure, contributions for the construction of the educational buildings and the provision of suitable land on the site for these purposes.
- 4.6 BCC Employment - No objection subject to employment construction plan condition.
- 4.7 BCC Highways – No objection subject to conditions for the submission of Transport Assessment compliance reporting, details for low traffic neighbourhoods, for the Langley Greenway, the design of Primary Highways Corridors, a Construction Environmental Management Plan (CEMP), a Site Wide Phasing Strategy and Programme of Delivery, electric vehicle charging points (EVCs), a signage strategy for pedestrians and cyclists, a Non-Residential Travel Plan, a Residential Travel Plan, and a School Travel Plan.
- 4.8 BCC Housing - No objection to affordable housing provision and details of housing mix.
- 4.9 BCC Leisure - The proposals are broadly in line with what Leisure Services set out in the document Langley SUE Public Open Space Requirements Design Brief in February 2017; however, the key stipulation requiring a strategic park of at least 10ha has been overlooked, the main park to the north providing only approximately 5ha according to the Illustrative masterplan. There is 10ha of sports pitches in the south, but this does not constitute a strategic park.

In terms of overall provision of open space, the illustrative masterplan (6.36ha per thousand population) exceeds the minimum standard (2ha per thousand population) and is, therefore, supported with the caveat set out above.

In respect of the delivery of the proposed public open space and sports provision on site, this should be embedded in a S106 agreement using the standard wording,

requiring approval from the Head of Landscape and Development in terms of design and specification, and a contribution for Landscape Clerk of Works supervision in the sum of £5,000 per open space package. The S106 agreement would also require the open space design to be undertaken by a Chartered Landscape Architect working for a registered practice of the landscape Institute and the construction works implemented by a BCC approved landscape construction contractor. This is to ensure the open space is delivered to an acceptable standard for free public access.

- 4.10 BCC Public Rights of Way – No objection. Recommends informatives regarding any potential closures or diversions.
- 4.11 BCC Regulatory Services – No objection subject to condition for extraction and odour control details, a Noise and Vibration Impact Assessment, a Construction Environmental Management Plan (CEMP), a Landfill Gas Assessment, a Contaminated Land Verification Report, unexpected contamination details, an Air Quality Assessment, and Lighting Design Strategy.
- 4.12 BCC Tree Officer – Further tree assessment will be required for any future submissions. It is accepted that tree losses cannot be totally avoided; however, losses only to facilitate further development will not be accepted unless their loss is proven to be unavoidable, and any future reserved matters submissions would need to suitably account for their preservation. Any loss would need to be robustly justified and suitably mitigated. CAVAT required to be included in the S106 agreement.
- 4.13 Birmingham Airport - No objection subject to conditions to secure a Bird Hazard Management Plan and additional information if any development (including cranes) would exceed 45m.
- 4.14 Birmingham Civic Society - No objection to the principle of the site as a major urban extension but do not consider that there is sufficient information to demonstrate that the application provides a sustainable, workable development with a sense of community and place, and not another large uninteresting dormitory housing development.
- 4.15 Cadent Gas - No objections subject to a gas requirement informative.
- 4.16 Canal and River Trust - No objection.
- 4.17 Environment Agency - No objection subject to the imposition of conditions to secure mitigation in accordance with the Flood Risk Assessment, a remediation strategy for former historic landfill area and a condition with regard previously unidentified contamination.
- 4.18 Historic England – Concern raised on heritage grounds in relation to the impact on the scheduled monument at Peddimore Moat and Hall. It has been demonstrated that the proposed development would be visible from the scheduled monument, that they would be experienced together on approach to the monument from the south, and when moving through the monument's landscape setting.

It is likely that the proposed development would intrude upon these vistas, changing the character of this part of the monument's setting and giving a sense of enclosure. The taller elements proposed in this area would exacerbate this. In our view, this would cause a degree of harm.

In determining this application, your authority should ensure that you are satisfied that there is a clear and convincing justification for any harm to, or loss of, the significance of a designated heritage asset (National Planning Policy Framework paragraph 200).

- 4.19 Lead Local Flood Authority (LLFA) – No objection subject to conditions for the implementation of the Flood Risk Assessment, a method statement for works in the river channel/bank, prevention of works within the river/stream bank, the submission of a sustainable drainage scheme and a Sustainable Drainage Operation and Maintenance Plan.
- 4.20 National Highways – No objection subject to condition for SRN Junctions Trigger points, SRN Junctions design and implementation, and an Active Travel Strategy.
- 4.21 Natural England – No objection subject to a condition/obligation to secure a Recreational Mitigation Strategy and an Air Quality Mitigation Strategy for impacts on Sutton Park SSSI from the development.
- 4.22 Network Rail – No comment.
- 4.23 NHS Primary Care ICS - No objection to the proposals subject to either the suitable provision of an on-site area for the construction and use as a Primary Care General Practice building or the funding of refurbishment and extension to an existing nearby premises through the S106.
- 4.24 North Warwickshire Borough Council – Whilst the BC acknowledges the principle of development, it does raise objection on several points. These include i) care needs to be taken with regards to lighting and noise from the development ii) transport measures to reduce the amount of traffic travelling east beyond the A38 need to be considered iii) off-site highways improvements need to be looked at where traffic does travel east iv) public transport services and facilities should be extended into North Warwickshire v) service delivery agencies in North Warwickshire should be consulted with regards to potential contributions.
- 4.25 Severn Trent Water - No objections subject to drainage conditions.
- 4.26 South Staffordshire County Council - No objection subject to entering into the appropriate legal agreements through the S106 and S278 processes to secure the delivery and funding of the mitigation works to Bassetts Pole.
- 4.27 Sport England - Objection on basis on insufficient information to demonstrate that the sports hub and other fitness/sports provisions would be capable of providing facilities of an appropriate quantity, quality and accessibility.

Conditions requested to cover the design and layout of all indoor and outdoor sports facilities, the detail of pitch works, and a community use agreement. S106 obligations requested in relation to minimum specifications for the sports facilities to be provided at the sports hub, and the community sports facilities at the secondary school and community hubs, and the management and maintenance arrangements for the sports facilities.

- 4.28 Sutton Coldfield Ramblers – Support the proposed development in terms of the supporting documents that have been submitted with regards to the proposed pedestrian and cycling facilities that would be provided. Would encourage the separation of pedestrian and cycle lanes. Request the provision of display boards giving details of changes to PRoWs.
- 4.29 Sutton Coldfield Town Council - No objection in principle subject to a series of detailed comments on transport/movement, phasing, S106 monies, ensuring an exemplar design, need for an independent design review and dedicated allotment provision required.

- 4.30 Victorian Society – Object to the demolition of Langley Gorse, a later 19th Century Victorian House, and consider it should be retained and reused as part of the development proposals.
- 4.31 Warwickshire County Council – No comments received.
- 4.32 Warwickshire Ramblers - No objection subject to provision and maintenance of PRow display boards during and post construction and sufficient resources to maintain the strategic green infrastructure provided.
- 4.33 West Midlands Fire Service – No objection subject to the provision of suitable water facilities for the purposes of fighting fires.
- 4.34 West Midlands Police – No objection subject to a financial contribution of £676,546 (i.e. £123 per new dwelling) towards the additional expenditure burden placed on West Midlands Police as a consequence of the development proposals and growth.

Officer Note: The proposed requested contribution from West Midlands Police is not considered to accord with the relevant policy tests, being neither i) necessary to make the development acceptable in planning terms, ii) directly related to the development, and iii) fairly and reasonably related in scale and kind to the development.

- 4.35 Cllr David Barrie (Sutton Walmley & Minworth Ward) – No comments received.
- 4.36 Cllr Ken Wood (Sutton Walmley & Minworth Ward) – No comments received.
- 4.37 Cllr Richard Parkin (Sutton Reddicap Ward) – No comments received.
- 4.38 Andrew Mitchell MP (Sutton Coldfield) – No comments received.

5. **Third Party Responses:**

- 5.1 The application has been publicised through press notices, site notices and neighbour letters, as well as EIA site and press notices. Local residents' associations, Ward Councillors and the MP were also notified.
- 5.2 The comments made by third parties have been summarised by the case officer.
- 5.3 31 letters of objection have been received which raise the following material planning matters:
- Brownfield land should be utilised before the Green Belt
 - Loss of wildlife and natural habitats
 - Loss of green spaces
 - Loss of Green Belt
 - Inadequate existing infrastructure (dentists, GPs etc.)
 - Development would worsen highways safety in the area
 - Inadequate highways mitigation
 - Add further traffic congestion to the surrounding roads
 - Disruption during construction (noise, dust, pollution)
 - Overoptimistic on the future use of public transport
 - Fundamental flaws with the submitted Transport Assessment and Junction Assessments
 - Insufficient proposed public transport solutions
 - Concerns regarding the location of the proposed access points
 - Use of the site for redevelopment should be looked at again

- Harmful impact on air quality
- Insufficient provision of trees
- Additional burden on the NHS
- Spoil the local landscape
- Impact on existing, overprescribed schools
- Issues with security and privacy of neighbouring properties
- Significant harm to listed buildings
- Loss of farmland
- Loss of green area will affect mental health of existing residents
- Potential for flooding issues
- Increase in pollution
- Doubt that the community facilities will be built
- Loss of much valued public rights of way
- Data used to support the application is out-of-date
- Proposal ignores the vacant brownfield land and vacant units in existing centres such as Sutton

5.4 13 letters of comment received. Comments relate to:

- Need for adequate consideration of traffic congestion and appropriate mitigation
- Need for good quality, sustainable, affordable houses for local, young people
- Need for schools, doctors' surgeries, infrastructure at an early stage
- All parking spaces should have an EVCP
- Ensure that all the proposed community facilities are provided
- Consideration of adjoining neighbours in terms of drainage, boundary treatments, broadband, and the uses proposed on adjacent land
- Vehicular speed control measures need to be enforced
- Consideration needs to be made for litter on verges
- Adequate protection needs to be provided to the Grade II Listed Old Langley Hall
- Lack of detail provided in the submission
- Use of the proposed community building for church groups and provide local support for new residents
- Provision of tenure-blind designed affordable dwellings
- Provision of allotments
- Encourage walking and cycling to local services
- Mitigation of environmental impact
- Ensure that biodiversity net gain is achieved
- Ensure carbon reduction. Avoidance of gas heating
- Provision required for a pub and restaurants
- Would like to see a skate park included

5.5 Other non-planning related comments were also received.

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

National Planning Policy Framework

- 6.1 Generally, but with particular attention to:
- Chapter 2: Achieving Sustainable Development
 - Chapter 4: Decision-making
 - Chapter 5: Delivering a sufficient supply of homes
 - Chapter 8: Promoting healthy and safe communities
 - Chapter 9: Promoting sustainable transport
 - Chapter 11: Making effective use of land
 - Chapter 12: Achieving well-designed places
 - Chapter 14: Meeting the challenge of climate change, flooding and coastal change

Birmingham Development Plan 2017

- 6.2 PG1 Overall levels of growth
- PG3 Place making
- GA5 Langley Sustainable Urban Extension
- TP1 Reducing the City's carbon footprint
- TP2 Adapting to climate change
- TP3 Sustainable construction
- TP4 Low and zero carbon energy generation
- TP6 Management of flood risk and water resources
- TP7 Green infrastructure network
- TP8 Biodiversity and Geodiversity
- TP9 Open space, playing fields and allotments
- TP11 Sports facilities
- TP12 Historic environment
- TP27 Sustainable neighbourhoods
- TP28 The location of new housing
- TP29 The housing trajectory
- TP30 The type, size and density of new housing
- TP31 Affordable housing
- TP37 Heath
- TP38 A sustainable transport network
- TP39 Walking
- TP40 Cycling
- TP44 Traffic and congestion management
- TP45 Accessibility standards for new development
- TP46 Digital communications
- TP47 Developer contributions

Development Management in Birmingham DPD

- 6.3 DM1 Air quality
- DM2 Amenity
- DM3 Land affected by contamination, instability and hazardous substances
- DM4 Landscaping and trees
- DM5 Light pollution
- DM6 Noise and vibration
- DM10 Standards for residential development
- DM14 Transport access and safety
- DM15 Parking and servicing

Supplementary Planning Documents & Guidance

- 6.4 Langley SPD (2019)
- Birmingham Design Guide (2022)
- Nature Conservation SPG (1997)
- Archaeology Strategy SPG (2004)
- Birmingham Parking SPD (2021)
- Public Open Space in New Residential Development SPD (2007)
- Affordable Housing SPG (2001)

7. Planning Considerations:

Five Year Housing Land Supply

- 7.1 The National Planning Policy Framework (NPPF) paragraph 11 states that plans and decisions should apply a presumption in favour of sustainable development. For decision taking, paragraph 11 d) states that where the policies which are the most important for determining the planning application are considered out-of-date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Footnote 8 of the NPPF confirms that in considering whether the policies that are most important are indeed out-of-date, this includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.
- 7.2 The Birmingham Development Plan (BDP) became 5 years old on 10th January 2022. In accordance with NPPF paragraph 74, BDP policies PG1 and TP29 are considered out of date, and the Council's five-year housing land supply must now be calculated against the Local Housing Need figure for Birmingham. As of 10th January 2022, the Council cannot demonstrate a five-year supply of deliverable housing sites. Consequently, Paragraph 11d) of the NPPF is engaged and the tilted balance applies for decision taking.

Principle of Development

- 7.3 The Council is required to make a decision in line with the Development Plan, unless material considerations indicate otherwise (Section 38(6) PCPA 2004 and Section 70(2) TCPA 1990). The NPPF is a key material planning consideration.
- 7.4 The Langley SUE Supplementary Planning Document (SPD) was adopted in April 2019 to set out a Vision for the site. The Vision identifies a series of 'Big Moves' underpinned by key development principles. The identified 'Big Moves' are Sprint / Rapid Transit, A38 junctions (new vehicle access points including two new gateways from the A38), Langley Park, Langley Brook, Fox Hollies Boulevard, a green buffer and vibrant services and community facilities.
- 7.5 The application site is identified within the BDP as Langley Sustainable Urban Extension (SUE) under Policy GA5. The site includes the majority of the allocated site (274ha) and adopted highway land which may be required for access and mitigation works (302.79ha in total). As part of the adoption of the BDP, the site was released from the West Midlands Green Belt and allocated for future development. Policy GA5 states that the Langley SUE will be an exemplar of sustainable development and a destination of choice for families that wish to live in Birmingham. The policy also sets out more specific requirements regarding housing, sustainability and design, connectivity, green space and ecology, and heritage assets, which are each assessed in turn below.

Housing

- 7.6 The proposed indicative housing mix for the site as a whole has been suggested as 20-30% 1-bed and 2-bed dwellings, 40-50% 3-bed dwellings, and 25-35% 4-bed or larger dwellings. This indicative housing mix is based on current and future demographics, site capacity, site constraints, local housing market trends, the need to deliver a range of dwellings, including extra care, and the requirement for delivering predominantly family housing. This assessment also resulted in the capacity of the site being estimated at up to 5,500 dwellings. The phased and final housing mix for the site

would be controlled through the imposition of an appropriately worded condition attached to any outline permission.

- 7.7 Based on the analysis of the on-site constraints, opportunities and proposed character areas, the submitted Design and Access Statement indicates a range of net densities between 25 and 60+dph. The site would include substantial areas of family housing at an average density of around 35-40dph. The average net housing density across the site is estimated to be around 38dph.
- 7.8 Within the maximum 5,500 proposed dwellings, 35% would be affordable homes and, therefore, up to 1,925 affordable dwellings could be secured for the area. The details and provisions for the affordable housing would be written into the S106 Agreement.

Sustainability and Design

- 7.9 The design principles and concepts that underpin the proposal and inform the proposed parameter plans are set out within the Design and Access Statement. A Masterplan Design Framework to guide the preparation of future reserved matters submissions also provides a focus on how the development would provide a strong sense of place that puts the health, safety and well-being of residents at its heart. The proposed scheme has been informed by a series of technical surveys and assessments, which have identified a range of development opportunities and constraints.
- 7.10 The structure for the development proposals to create the right sense of place is provided by the proposed locations for the community and mixed land uses; the new access connections and links; the comprehensive new and enhanced blue and green infrastructure networks; and the identification of character areas.
- 7.11 To ensure that the development will be designed to an exemplar standard and achieve the highest standards of sustainability, conditions for design codes for each of the identified character areas and the infrastructure/public realm, as well as Exemplar Statement to accompany each of the reserved matters submissions, would be included with any grant of outline permission. These would be required to provide a blueprint for contemporary design and appearance as a key part of creating character and distinctiveness, as well as enabling sustainable design and modern methods of construction.
- 7.12 The design codes would also provide more detail about the built form and infrastructure of the local centre but would need to be flexible enough to allow for the centre to adapt to changing future demands and uses, a principle that is identified within the Exemplar Vision Statement. In addition, an important place making objective should be to create a distinctive area that meets local needs, both through buildings and spaces and through a mix of uses, encouraging independent retailers, makers and local businesses. To this end, the amount and type of car parking would need to be carefully developed to ensure that it does not become an overly dominant feature.
- 7.13 Overall, the approach to maintaining and co-ordinating design quality is supported and the City Designer raises no objection subject to the conditions I have outlined above. The development would create an environment that is well designed, attractive, clearly defined and well maintained.

Energy and Sustainability

- 7.14 The proposed development would not utilise any gas boilers for new dwellings, instead opting for current and future low carbon alternatives, such as air source heat pumps. It would also deliver elements of The Future Homes Standard (Building Regulations

for new dwellings) which aims to improve the energy efficiency of new homes. In addition, electric vehicle charging points would be provided for every new home with dedicated car parking and in other communal/commercial locations within the scheme.

- 7.15 Policy TP4 of the BDP requires all new development to incorporate the provision of low and zero carbon (LZC) forms of energy generation or connect to a network where it exists, unless it can be demonstrated that the cost of achieving this would make the proposed development unviable.
- 7.16 In terms of energy generation, biomass, heat pumps, solar thermal and photovoltaic panels are all regarded as potentially suitable options. The installation of photovoltaic panels is currently identified as the most appropriate renewable energy generation technology for residential dwellings and buildings in civic areas, subject to the suitability of their orientation.
- 7.17 A condition requiring a Sustainability and Energy Statement for each phase of development would be imposed if permission is forthcoming, which shall detail how energy efficiency will be optimised through the use of design, materials, insulation, construction techniques and low and zero carbon (LZC) forms of energy generation

Education

- 7.18 Land sufficient to accommodate an 'up to 9FE' secondary school (with 300 pupil sixth form) and three 'up to 3FE' primary schools, or an all-through school (with 300 pupil sixth form) and two primary schools is proposed as part of the development. The secondary / all-through school and sixth form facility would form a key component of the mixed-use district centre area. The remaining primary schools would be linked to the proposed local centres in the northern and southern parts of the site, respectively. In addition, provision for 400 nursery school and 78 Special Education Needs (SEN) places would be provided within the site. All of the educational facilities would be delivered by BCC through an appropriate contribution within the S106, with the associated land for these purposes also gifted within the agreement.

Local Shops and Services

- 7.19 A new district centre and two new local centres (community hubs) is proposed as part of the development. These are intended to provide service and facility floor space to serve the development. The submitted Land Use parameter plan shows the district centre being provided centrally within the site, with the two local centres sited to serve residents in the northern and southern sections of the site. They would each provide a mixture of uses which could include shops, restaurants, public houses, health facilities, dentists, offices, community services, recreation, as well as the educational and residential provisions identified above. The precise mix of uses that the centres would comprise of is not known at this stage and neither have specific operators been established. As such, the application description includes a broad range of uses, any of which may be suitable in these locations.
- 7.20 A community building is proposed within the district centre. This building is intended to be a multi-function community facility space akin to a village hall or similar and is intended to meet the specific community needs of the development itself. Whilst the scale, design and layout of this building is reserved for later approval, the location and space identified for the community facility within the parameter plans is considered to accord with the aspirations within the Langley SUE SPD. Furthermore, to ensure that the facility provides for a suitable amount of floorspace to serve the new community, a condition controlling the size of the facility would be imposed if permission was forthcoming.

- 7.21 Discussions have taken place with the NHS Birmingham and Solihull Integrated Care System, and they have raised no objection to the proposals subject to either the suitable provision of an on-site area for the construction and use as a Primary Care General Practice building or the funding of refurbishment and extension to an existing nearby premises through the S106.

Connectivity

- 7.22 The submitted Sustainable Transport Strategy for the application site has been designed in conformity with the Birmingham Transport Plan, Birmingham's Route to Zero Strategy, and with national policies and guidance, including Department for Transport's Cycle Infrastructure Design guidance (LTN 1/20) and Bus Back Better. In line with these policies, the site would promote sustainable transport as the mode of choice, with private vehicle travel allowed for those that require it. The current development proposal has been designed to limit the need to travel, with day-to-day services provided onsite or within close proximity, including education and a district centre (with a food superstore adjacent to the site). Key design features as promoted through the Birmingham Transport Plan would be built into the design of each phase of the site to ensure it is easier to travel by public transport and active travel than by private car, including places for people zones, school streets, bus priority, parking management measures and mobility hubs.
- 7.23 A package of active travel measures has been identified that would be implemented throughout the site. All the primary and secondary site access junctions connecting to the external highway network would be designed to prioritise walking and cycling measures, as set out in LTN 1/20. The design would ensure active travel is the easiest and preferred way to move around the site, whilst still allowing those that need to use a van, car or a taxi to do so for certain trips. Cycle links would be provided throughout the application site and would connect to the existing, external cycle network, and cycle network improvements provided through S016 funds. Segregated, well-lit cycle paths would be provided along the 'Strategic Links' within the site to provide an internal north/south cycle link. Other specific measures for cyclists include the proposed provision of a cycle hub within the district centre, and cycle parking in mobility hubs across the development.
- 7.24 Primary vehicular access to the site would be provided at nine different locations. Two access points would be provided along the site's eastern boundary with direct access onto the A38 at an Ox Leys Road northern junction and the newly constructed Peddimore roundabout. Whilst the remaining seven site accesses would be provided along the site's western boundary adjoining either Webster Way, Thimble End Road and/or Springfield Road. In support of the design of these junctions, the signalised junctions would be catered for prioritising the phasing for the cycle network. The primary access roads would be designed for a speed limit of 30mph and the secondary roads for 20mph and would provide flexibility in terms of accommodating future bus routes.
- 7.25 In addition to the primary access points, there would be a number of secondary and local access points which would supplement the primary access points and provide more permeability to the site. These access points are shown on the Access & Movement Parameter Plan and would be determined as part of a future reserved matters application.
- 7.26 The Access & Movement Parameter Plan shows that the 'Strategic Footway and Cycle Routes' would link to the existing A38 underpass and new Peddimore bridge to provide walking and cycling connectivity to the east, including to the existing recreation and employment locations immediately to the east of the A38. The use of these routes for future residents would also be encouraged through the creation of targeted travel plan

measures and information. The pedestrian network is classified as primary and secondary pedestrian network and is mostly allocated within the green areas of the site, and along the highway network. The pedestrian network is spread across most parts of the site connecting the north and south links along the A38 east, and is also parallel to the western site boundary. It also provides connections to the east and west of the site from various primary site access locations and also linking with the existing network.

- 7.27 The existing Public Rights of Way (PRoW) routes across the site have limited connections to the existing urban edge to the west and south, and the wider countryside to the north and east. Some existing PRoWs also pass through the curtilage of existing dwellings. It is proposed to amend the PRoW network, to divert and enhance existing routes into new areas of green infrastructure where appropriate, and to create additional new routes. As part of the proposed pedestrian route network, the new footpaths would connect with PRoW 1121 to the north and PRoW 1124 and 1131, via the A38 underpass to the east, which would be retained and enhanced. The green infrastructure network within the application site would include a network of walking and cycling routes, which would assist with connectivity and provide wider community and recreational benefits.
- 7.28 The proposals include the incorporation of segregated walking and cycling routes and sections of Sprint/bus only connectivity, as well as allowing for bus priority at key junctions. Ways in which the public transport services in proximity to the development may be enhanced to provide greater accessibility to residents and increase public transport modal share have also been identified. These include, amongst others, the re-routing of existing routes to serve the southern end of the site. In addition, there is a goal to ensure that all future residents would be within 400m walking distance of a bus stop.
- 7.29 Overall, the proposals are considered to provide the key elements for the establishment of sustainable travel patterns that prioritise walking, cycling and public transport from the outset of development. A clear strategy would be put in place that would accommodate the increased population through the creation of a Green Travel District, as well as new and improved connections to Sutton Coldfield and beyond.

Green Space and Ecology

Green Infrastructure and Public Open Space

- 7.30 A network of green spaces and corridors are proposed within the site and the extent of the network is shown on the Green Infrastructure Parameter Plan, which incorporates surface water attenuation, ecological enhancements, landscape and visual objectives (including buffers), informal open space and public rights of way, and heritage features. The quantum of open space to be provided (circa 92ha) significantly exceeds the policy requirement for around 29ha, which is based on 2ha per 1,000 population. As a consequence, all residents would be within walking distance of a wide variety of open space typologies.
- 7.31 The green infrastructure proposals comprise two area types, primary and secondary, and include features required to deliver the green infrastructure. The 'primary areas' would provide the key multi-functional green infrastructure benefits on-site, with the 'secondary areas' generally providing several key ecological, access, hydrological and landscape connections within and through the site. The primary areas would comprise: Langley Heath Park, Langley Brook Park, Fox Hollies Park, Fox Hollies Wood, Langley Hall Park, and Langley Fields Park. The secondary areas would comprise: Eastern Boundary Corridor, and The Greenways (see below).



Green Infrastructure Proposals (source: Green Infrastructure Strategy)

- 7.32 Three combined Neighbourhood Equipped Areas for Play (NEAPs) and Local Equipped Areas for Play (LEAPs), nine standalone LEAPs, and 12 Local Areas for Play (LAPS) are identified and would be distributed within the greenspace network. The provision of play would focus on the 'natural play' philosophy advocated by the Forestry Commission. This approach recognises that a successful play space is a place in its own right, specially designed for its location. Natural features, such as logs, earth mounds, trees and other vegetation are incorporated alongside more traditional playground features (slides and swings etc.) to provide stimulating play environments with an individual sense of place. By working with the landscape, the natural play areas are more likely to be valued by children and the community at large.
- 7.33 The development proposals comply with the identified standards for access to LEAPs (240m walking distance), NEAPs (600m walking distance) and other on-site recreation and play facilities. The requirement for residents to be within 3km of a publicly accessible park with a wide range of facilities would also be met by the presence of New Hall Valley Country Park and Sutton Park, both of which are within 3km of the site.

Playing Pitches and Sports Provision

- 7.34 The Langley SPD requires the provision of a Sports Hub as part of the development proposals to support formal sports provision and to include a range of natural and artificial pitches, along with a pavilion building. The proposed development shows a

16.77ha Sports Hub area to the west of the A38, situated between the A38, the existing buildings around Fox Hollies House, the retained woodland and the east-west green link.

- 7.35 The current intention is that the Sports Hub would provide up to two community grass pitches, up to four all weather pitches, a cricket pitch, car parking and a pavilion building (including changing facilities, club and community rooms). The exact location and typology of pitches would be fixed at the relevant, subsequent reserved matters stage. The illustrative Masterplan shows how the pitches could be laid out in the space shown on the Land Use Parameter Plan. Informal additional community sports pitch provision (1.59ha) is proposed to be made within the parks at the northern and southern ends of the site to ensure that access to formal and informal outdoor sports areas is spread across the development.
- 7.36 Some sports pitch provision would also be made at the primary schools and secondary school sites, but it is envisaged that the Sports Hub area would also be available for term-time use by the secondary school, instead of duplicating the use on the secondary school site. Similarly, the indoor sports hall to be provided at the secondary school site would be made available for community use out-of-school hours through a community use agreement. The shared usage of facilities is supported by the Langley SPD to assist with making efficient use of land.
- 7.37 Sports England is supportive of the overall approach to addressing the needs of the development for sport and physical activity through the provision of on-site facilities; however, they have raised a number of concerns, including the lack of potential provision of an indoor swimming pool, lack of information regarding the sports hub, and the distance between the sports hub and the secondary school. Whilst these concerns are noted, given the outline form of the application, it is considered that these details can be adequately dealt with through the imposition of suitably worded conditions and S106 obligations.

Ecology

- 7.38 The application site is predominately arable land, which has limited intrinsic ecological value. Other habitats include a network of hedgerows, seven ponds to the centre of the site, nine discrete patches of woodland, scattered mature trees, including 20 considered to be veteran trees of high ecological value, and Langley Brook and Peddimore Brook and their tributaries.
- 7.39 There are three Sites of Local Importance for Nature Conservation (SLINCs) within the application site. To the centre, Fox Hollies Road Pond and Bull's Lane Hedges and, in the north, Brockhurst Farm Hedge. There are also further SLINCs adjacent to the site's eastern boundary, along with areas with a hydrological connection to the site via Langley Brook. In addition, Lindridge Pool and Langley Mill Site of Importance for Nature Conservation (SINC) is around 300m north of the site, Sutton Park Site of Special Scientific Interest (SSSI) is 2.8km west of the site and Middleton Pool SSSI is 3km north-east of the site and is also hydrologically connected via Langley Brook. Plantsbrook Local Nature Reserve (LNR) is 800m to the south-west of the site. Potential Sites of Importance (PSIs) including Brocklehurst Farm Pastures, Langley Brook Valley, Springfield Farm Pasture, Fox Hollies, Signal Hayes Pastures, Pasture north of Signal Hayes Road and Langley Gorse Farm Pastures, as well as an extensive network of hedgerows, were also identified.
- 7.40 A number of protected/notable species have been found to occupy the site, including an assemblage of breeding birds, including a significant skylark population, seven bat species, and a small, isolated population of great crested newts centred around the network of seven ponds to the middle of the site.

- 7.41 In terms of Local Sites (SLINCs and PSIs), the submitted ecological assessments and evaluations to determine whether these individual sites are likely to meet the criteria for Local Site designation are considered satisfactory and have informed the evaluation of Important Ecological Features (IEF) and identification of potential impacts and effects. Notwithstanding this, to appropriately evaluate habitats and assess mitigation and compensation requirements to address Local Sites and habitat impacts, a comprehensive, single Local Site assessment of the whole site is still required, which would be secured by condition if permission is forthcoming.
- 7.42 Sutton Park SSSI contains the largest and richest areas of ancient woodland, heath and wetland in the county. The woodlands are dominated by Pedunculate oak and the area of Oak-Holly-Rowan type woodland is of national importance. Large areas of heath and acidic grassland are present on the higher ground, while the lower ground is dominated by species-rich acidic marshy grassland, valley mire and bog communities. In addition, there are six main pools that show the aquatic succession between open water and dry ground. The SSSI is in unfavourable condition, approximately a third is recovering and two thirds declining. The site is being impacted by recreational pressure, water pollution (combined sewer overflow and surface water) and air pollution. The proposed development is considered to further impact on these issues and, therefore, appropriate mitigation is required.
- 7.43 Natural England have raised no objection to the proposals subject to a Recreational Mitigation Strategy and an Air Quality Mitigation Strategy, the costs and details of which would be secured via the S106 agreement.
- 7.44 Although the 2021 Environment Act is now law, the Biodiversity Net Gain (BNG) requirement for a 10% net gain will not come into force until late 2023 at the earliest. Notwithstanding this, Paragraph 174 of the NPPF requires developments to minimise the impact on and provide net gains for biodiversity. It is therefore considered that, to emphasise its exemplar standards, the proposed development should be aiming for as high a BNG as possible onsite. At outline application stage, net gain scores can only be indicative, at best, as detailed landscaping and planting plans are yet to be finalised. The provision of future BNG calculations is therefore considered to be required by a condition attached to any forthcoming permission. With the imposition of this condition, additional measures to create an uplift in BNG can be built into the scheme, as required, as it progresses.
- 7.45 In terms of the impact of the proposed development on protected/notable species, the loss of arable fields would have a discernible impact on these species; however, this would be counterbalanced, to some extent, through the retained habitats, such as grasslands F1 and F2, and the implementation of new green infrastructure. The Ecology Officer has advised of further conditions and S106 clauses to ensure that none of these protected/notable species are unacceptably impacted during and after construction. These include a construction environmental management plan (CEMP), site-wide and focused landscape and ecological management plans (LEMP), protected species and habitat protection plans to cover great crested newts, bats, and badgers, and the details of ecological features to be incorporated as part of the design of built development areas. For Skylarks, the proposed development would result in the permanent loss of suitable habitat, for which on-site mitigation/compensation would not be possible and, therefore, off-site mitigation would be required. This would need to be secured for the maximum potential number of breeding pairs identified during the breeding bird surveys (i.e. 40 breeding pairs) and for a 30-monitoring period. This off-site mitigation/compensation would be secured through the S106 agreement.
- 7.46 With the imposition of the conditions and S106 requirements outlined above, Natural England and the Ecology Officer raise no objection to the proposals in terms of its

impact on ecology and biodiversity. Given this, I consider that the proposed development would accord with Policies GA5, TP7 and TP8 of the Birmingham Development Plan. In reaching this conclusion I have also given careful consideration to the standing advice put forward by Natural England and the Natural Environment and Rural Communities (NERC) Act 2006.

Trees

- 7.47 The quality of trees across this site is generally high, with 49.5% of those surveyed falling into the 'A' and 'B' categories. Category 'A' trees should, except in exceptional cases, be retained and designed into the final layout of the development. Retention of the Category 'B' tree should also be high, and measures should be taken, wherever possible, to maintain their positive contribution to the area. Among these higher category trees, are 20 considered to be 'veteran'. With two exceptions, these are all oaks and are trees redolent of the English countryside and, in particular, the West Midlands lowland woodlands. Veteran trees offer high ecological benefits but require wide exclusion zones, usually 15 times the diameter of the trunk (BS5837:2012).
- 7.48 The application site contains three Tree Preservation Orders (TPO), numbers 415, 446 and 742; however, many trees not captured by these Orders are, nonetheless, considered to be of high value.
- 7.49 It is accepted that tree losses cannot be totally avoided. For instance, where new accesses and essential infrastructure are required. However, losses only to facilitate further development will not be accepted unless their loss is proven to be unavoidable, and any future reserved matters submissions would need to suitably account for their preservation. Any loss would need to be robustly justified and suitably mitigated.
- 7.50 The Arboricultural Impact Assessment (AIA) currently concludes that the proposed development would impact on 113 surveyed items, comprising 36 individual trees (7.41% of the existing tree stock), 22 groups of trees (24.72% of the tree groups recorded) and 55 hedgerows (47.01% of hedgerows present). A total of 6 Category A items, 16 Category B items, 88 Category C items and 3 Category U items would be affected. None of these projected losses are ancient or Veteran trees. If permission is forthcoming, further AIAs for each phase would be required by condition to justify any losses.
- 7.51 Where the proposed development would result in the loss of Category A, B or C tree(s), adequate replacement planting would be assessed against the existing value of the tree(s) removed, calculated using the Capital Asset Value for Amenity Trees (CAVAT) methodology (or other future equivalent). Reasonable deductions would be permitted based on the value of any replacement planting works and the individual circumstances of the proposal. The details of this would be enshrined within the S106 agreement.
- 7.52 In terms of new trees within the application site, significant planting is proposed throughout the development, along streets and within open spaces, which would improve the species and age diversity of the tree stock and provide greater longevity within the landscape. Different species are outlined for main streets, neighbourhoods and local streets, with details being secured through the conditioned Design Codes and subsequent landscaping reserved matters submissions.
- 7.53 Whilst details of the exact impact and loss of trees and proposed new planting is not currently known, the submitted details are considered sufficient for outline planning stage purposes in accordance with Policies GA5, TP6 and TP7 of the Birmingham Development Plan, Policy DM4 of the Development Management in Birmingham DPD and the relevant provisions of the NPPF in terms of the approach to trees.

Heritage

- 7.54 The application site contains three listed buildings, the Grade II Listed former stables at Langley Hall, the Grade II Listed Langley Heath Farmhouse, and the Grade II Listed Fox Hollies Farmhouse. The site also contains the locally listed barns at Langley Heath Farm and several historic buildings that could be considered to be non-designated heritage assets, most notably The Oaks and Langley Gorse, both mid-19th century houses. Beyond the boundary of the development are the scheduled monument moated site at Peddimore Hall and the Grade II Listed Peddimore Hall, with its locally listed farm buildings. The development is within the setting of these assets and the Grade II Listed Forge Farmhouse to the south.

Peddimore Moat and Hall

- 7.55 The scheduled monument at Peddimore Hall consists of an unusual double concentric moat dating from the 13th century, beyond the moat are areas of medieval ridge and furrow and the site of a complex of medieval fishponds. There is also a Grade II Listed 17th century house upon the moat platform and a group of locally listed farm buildings beyond the moat dating from the 18th and 19th century. Together they form a relatively intact and extensive medieval manorial complex of high archaeological, historical, and architectural interest. The later buildings demonstrate the evolution of the site into a high-status farm in the post medieval period. The site sits in a bowl in the landscape with higher ground around it. Close to the west of the monument is the A38 that was built in the 1970s and to the south is the Peddimore employment site, which is currently being developed. The application site would sit on the higher land beyond the A38 to the west.
- 7.56 The setting of the monument has been degraded in modern times. The removal of historic hedgerows for farming and the creation of the golf course to the north in the early 20th century eroded the historic landscape leaving it a rather barren and exposed area. The construction of the A38 then severed the connection between Peddimore monument and the landscape beyond that would have been part of its lands.
- 7.57 The Peddimore development to the south has a harmful impact upon the setting of the monument, which was acknowledged at the time, with resultant landscaping bunds and extensive planting being included to mitigate this harm.
- 7.58 It is considered that, despite the past harm and proposed mitigation for the application site, the setting of the monument would be altered by the presence of the development. The impact on the significant core area around the monument is assessed as having a neutral impact with no discernible change. The less significant views looking towards Peddimore from Langley Heath Farm are assessed as having a moderate degree of impact. The views looking away from Peddimore towards the A38 and the proposed development would have a minor negative to negligible impact due to the roofs of the buildings being visible above the tree line along the A38.
- 7.59 Overall, the level of harm is considered to be less than substantial, but at a relatively low level due to historic interventions in the landscape. The actual degree of harm will, ultimately, depend on the mitigation that can be secured during the reserved matters applications in terms of the arrangements of buildings and landscaping.

Langley Hall

- 7.60 The significance of Langley Hall is affected somewhat by its conversion and partial rebuilding of elements in 1989. Notwithstanding this, in terms of the elements that contribute positively to its significance, the outer elevations of the late 17th century east-

facing elevations and their relationship to the moated site and fishponds, and the views of the front elevation from the south and south-east are considered to be the most important. Views from the north-west are not considered as noteworthy, as these look across the fields to the rear that was rebuilt in the 1980s; however, the decision to identify land for residential right up against the north-west and south-west boundaries, particularly to the left of the drive, is considered to cause an unnecessary increase to the harm. Overall, the level of harm is considered to be less than substantial.



Langley Hall (source: Illustrative Masterplan)

Fox Hollies and Langley Heath Farm

- 7.61 Fox Hollies and Langley Heath are two 18th century farms that would have previously stood in near isolation on the heath. Their setting changed firstly as the heath was enclosed to create regular-shaped fields and then later again when some of the fields were adapted to form a shooting estate in the late 19th century. This gave the land to the south and south-east a more parkland character, along with gardens at the front of the buildings.



Fox Hollies and Langley Heath Farm (source: Illustrative Masterplan)

- 7.62 The two farms form coherent groups of historic buildings and would be left as an enclave within the development. The Land use Parameter Plan and Illustrative Masterplan show residential development directly to the east of both listed buildings and to south-west of Fox Hollies. The latter residential block would restrict views of the listed building from the south and separate the buildings from the associated woodlands to the south. This appears an inconsistent approach to the location of

development, as the similarly important views from fields to the north of Langley Heath Farm are preserved by having an open space adjoining it. The closeness of the development to the east also appears excessive and could not be sufficiently mitigated solely through the design of the dwellings, as suggested. Overall, the level of harm is considered to be less than substantial.

Langley Gorse

- 7.63 Langley Gorse is a non-designated house dating from around 1870/80, which has been proposed for demolition. This building was constructed as a suburban residence within its own large grounds. It draws its heritage significance from its historical and architectural interest as a typical example of late 19th Century Domestic Revival architecture with Gothic style detailing in a roadside setting. It is regretful that the one historic building that forms part of the development area is automatically labelled for demolition rather than conversion and re-use. Total loss of the non-designated asset would represent a high level of harm to it.

Archaeology

- 7.64 The medieval Langley Moat and fishpond is the most significant archaeological site within the proposed development. The moat dates from the 12th century and it likely to be a contemporary of the scheduled moat at Peddimore. Later, the moat was the site of Langley Hall until its demolition in the early 19th century. Little detail is known about the development of the moat and the later hall and so the site possesses considerable archaeological potential.
- 7.65 Langley Moat is to be retained as part of a public open space, but its setting would change considerably with the enclosure of development all around it. Its significance is derived from its isolated yet dominant position in the landscape which would be eroded by the proposals. The resulting harm is considered to be less than substantial but at quite a high level.
- 7.66 The proposals for the public open space are not fully developed but archaeological work would clearly need to take place on site due to the demolition of existing structures and the installations of paths and other facilities. Given this, some of the identified harm to the site could be mitigated by work to better reveal its significance. These could be excavations with a large community/educational element, interpretation features and information, or perhaps removing modern deposits in the upper fills of the moat to try and redefine the original shape and extent in the landscaping.
- 7.67 The application site does not contain any non-built designated assets such as World Heritage Sites or scheduled monuments, where there would be a presumption in favour of physical preservation in situ and against development. Non-designated heritage assets of archaeological interest within the application site comprise some standing earthworks features, including those of historic landscape interest, and buried archaeological remains indicated by cropmarks. None of the remains are suspected of being of national importance such that these could require preservation in situ aside from the moat at Langley Hall which is demonstratively of equivalent significance to a scheduled monument in line with footnote 68 of the NPPF. The earliest evidence is of pre-historic activity from worked flint within the northern part of the site and in the area south-east of Fox Hollies.
- 7.68 The Council's Archaeologist raises no object to the proposals subject to each phase of development being preceded by an intrusive archaeological investigation with trial trenches, followed by excavation and post-excavation analysis and reporting.

Conclusion of Heritage Matters

- 7.69 I conclude that the proposed development would cause less than substantial harm to some heritage assets on and near to the site, as detailed above. In assessing these impacts, I acknowledge the requirements of Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990; however, I have determined that the identified harm to these heritage assets is outweighed by the benefits of the proposal. In light of this and subject to detailed conditions, I consider that the proposed development accords with Policies GA5 and TP12 of the Birmingham Development Plan and Paragraphs 194-208 of the NPPF in this regard.

Conclusion on Principle of Development

- 7.70 At this outline stage, sufficient information is considered to have been provided in order to meet the requirements under Policy GA5 with regards to housing, sustainability and design, connectivity, green space and ecology, and heritage assets. Further details could be secured through conditions and S106 clauses, or as part of the submissions at reserved matters stage.
- 7.71 Given the above, the principle of the development of the site for primarily residential development with supporting uses and infrastructure is considered acceptable subject to an assessment of all other material considerations.

Highways Matters

Access Arrangements

- 7.72 The outline application includes the determination of the details of the strategic highway access points. The principal access points would be from the A38 at the eastern site boundary, with additional access points provided along the western site boundary, allowing the development to integrate with the existing residential development in the area.
- 7.73 The primary vehicular access would be from the A38 via a new roundabout approximately 400m north of the existing Minworth Island roundabout, at the southern end of the development, which would serve both the Langley SUE and the adjacent Peddimore developments. This roundabout has recently been constructed and already serves the Peddimore site.
- 7.74 A second vehicular access from the A38 would be provided at the northern extent of the A38, adjoining Ox Leys Road. This access would be in the form of south-facing slip roads.
- 7.75 Additional vehicular access points to the west of the development site would be provided at:
- Calder Road / Webster Way;
 - Webster Way (between Calder Drive and Fox Hollies Road);
 - Fox Hollies Road / Webster Way / Thimble End Road;
 - Thimble End Road / Signal Hayes Road;
 - Thimble End Road north of Signal Hayes Road;
 - Springfield Road / Reddicap Heath Road / Ox Leys Road; and
 - Springfield Road / Churchill Road.
- 7.76 In support of the design of these accesses, the signalised junctions would prioritise phasing for the cycle network, and pedestrian crossing facilities. The primary access roads would be designed for a speed limit of 30mph and the secondary roads for

20mph. There is also built-in flexibility in order to accommodate future bus routes.

- 7.77 As well as the strategic highway access points, permission is also sought for the broad position of the strategic internal road network within the site, in accordance with the approximate locations shown on the submitted Access and Movement Parameters Plan. Given the outline nature of the submission, the parameter plan allows for a degree of variation in the final position of the internal road infrastructure, which would be determined through subsequent detailed design work as part of any separate strategic infrastructure application.
- 7.78 I acknowledge that representations have been received on the grounds that the proposal would have a detrimental impact on highways, and these have been assessed carefully in consideration of the outline application.

Traffic Generation, Distribution and Highways Safety

- 7.79 Highways modelling has been carried out using a robust methodology (BCC and Sutton Coldfield SATURN Traffic Model and Warwickshire County Council's (WCC) microsimulation model for M42 Junction 9) to assess the impact of Langley SUE on off-site junctions.
- 7.80 A trip analysis for the proposed development based on the proposed uses and taking into account the trip distribution and modal split has been undertaken and subsequently assessed through the submitted Transport Assessment (TA). The assessment works show that corridors 'B' (Lindridge Road), 'E' (Walmley & Wylde Green North) and 'F' (Walmley & Wylde Green South) may be the most affected by the proposed development and experience increases in traffic of more than 15%, due to the proximity of the corridors to the site. Notable increases of between 7% and 12% in the worst affected peak were identified in corridors 'C' (Sutton Coldfield), 'H' (A38 Kingsbury Road) and 'J' (Water Orton). Corridor 'I' (A4097 Kingsbury Road) is expected to see a significant increase of 18% traffic in the AM peak. Corridor 'G' (Chester Road) would see a slight increase in traffic of around 1% in both peaks. The remaining corridors are expected to experience either negligible growth, or a reduction in traffic.
- 7.81 As a consequence of the above analysis, proposed junction mitigation has been identified to improve their operation post development. These are summarised below:

Ref	Junction	Proposed Mitigation
J1	Minworth Island	Providing a flared lane to separate the ahead and left turn movements in the nearside lane of the A38 Kingsbury Road arm.
J2	M42, Junction 9	Changes to the lane marking on the circulatory carriageway and approaches including the allowance of two lanes to use the M42 South from the Kingsbury Road approach. The scheme also includes the provision of a two-lane exit onto the M42 northbound on-slip.
J3	B4148 Hollyfield Road / Reddicap Heath Road	The junction is currently physically constrained with single lane approaches. Therefore, it is unlikely that physical changes can be made to improve its operational capacity without acquiring third party land. However, traffic management measures may be implemented to improve amenity for pedestrians and cyclists. The junction is to be included in the Monitor and Manage Strategy.
J4	Tyburn Island	Full signalisation of roundabout.
J5	Spitfire Island	Amendments to the lane markings on the northern circulatory carriageway to allow a two-lane exit onto Tangemere Drive, as well as minor widening to the existing splitter island to provide additional width for a two-lane exit on Tangemere Drive.

J6	Walmley Ash Road / Webster Way	The roundabout would be operating within capacity in the 2031 future year scenario with both developments. However, it is likely that Walmley Ash Road (west) would be affected by traffic upstream from the Walmley Ash Road / Eachelhurst Road / Penns Lane junction (J7). The junction would therefore be included in the Monitor and Manage Strategy.
J7	Walmley Ash Road/B41448 Eachelhurst Road/Penns Lane	Amend southbound arm to two ahead lanes and westbound arm to two lanes.
J8/ J15	Kingsbury Lane/Cottage Lane/Water Orton Lane/Minworth Parkway	Removal of the central hatching between the eastbound and westbound lanes, along with removing the central refuge for the pedestrian crossing and using the carriageway space and with some local widening on the northern side to provide a second lane in a westbound direction. Lengthening of the current right turn lane and allowing that lane to be used for ahead and right turn movements and the right turn lane into Minworth Parkway.
J9	M6, Junction 5/J10 – A452 Chester Road/A5127 Sutton Road	Providing a flared lane on the A452 approach to provide storage for 11 vehicles. This would enable a dedicated lane for right turners separating them from the ahead movements.
J10	A452 Chester Road / A5127 Sutton Road Junction	Extend length of the right turn lane on Chester Road South to allow 2 more vehicles to queue.
J11	Reddicap Hill / Reddicap Heath Road / Walmley Road	A review has been undertaken to establish whether physical improvements could be made to increase vehicular capacity on Reddicap Hill. However, due to physical land constraints, it is unlikely that modifications could be made without acquiring third party land. The junction would be included in the Monitor and Manage Strategy. In addition, contributions would be made towards traffic management measures within this corridor.
J13	A452 Chester Road / B4148 Eachelhurst Road	Minor carriageway widening at each of the approach arms.
J16	Walmley Ash Road / Asda Access / Forge Lane	The roundabout would be operating within capacity in the 2031 future year scenario with both developments. However, it is likely that Walmley Ash Road (west) would be affected by traffic upstream from the Walmley Ash Road / Eachelhurst Road / Penns Lane junction (J7). The junction would therefore be included in the Monitor and Manage Strategy.
J18	Chester Road/College Road	Lengthening the right turn lane on College Road West to allow 2 additional vehicles to queue before blocking the ahead movements.
N/A	Walmley Road / Fox Hollies Road / Wyde Green Road	The provision of new bus laybys and relocated bus stops on Walmley Road created by shortening parking bays.
N/A	Bassetts Pole	Signalisation of the A446 London Road approach arm.

- 7.82 Staffordshire County Council and National Highways have both reviewed the submitted proposed highways mitigation with regards to their respective interests and have raised no objection subject to suitable conditions and provisions with the S106 agreement.

Pedestrian, Cycling and Public Transport Infrastructure

- 7.83 In addition to the public rights of way which currently cross parts of the site, the application documentation submitted demonstrates that an extensive network of new walking and cycling routes would be provided through the development, forming connections with key off-site routes to achieve a high level of accessibility to key destinations within the local area.
- 7.84 The development would incorporate segregated walking and cycling routes and sections of Sprint/bus-only connectivity, as well as allowing for bus priority at key junctions. The intention is to not give equal priority to all modes through the road space

allocation, instead encouraging sustainable travel which adheres to the objectives of the Birmingham Transport Plan.

- 7.85 Cycle lanes would be provided along the northern portion of Webster Way and Thimble End Road, with the potential for this to extend northwards in proximity to the eastern edge of Springfield Road. Segregated, well-lit cycle paths would be provided along the 'Strategic Links' to connect cyclists across the site (north to south) and over the A38 (eastwards) into the Peddimore development via the traffic free bridge provided as part of the junction which is under construction.
- 7.86 Primary and secondary pedestrian networks would predominantly be allocated within the Green Space of the application site. The pedestrian network would be spread across most parts of the site, connecting the north and south links along the A38 east, and also parallel to the western site boundary. They would also provide connections to the east and west of the site from various primary site access locations, linking up with the existing network.
- 7.87 The future residents would be encouraged as part of travel plan measures to use the existing A38 underpass and new Peddimore bridge to provide walking and cycling connectivity to the east, including to the existing recreation and employment locations immediately to the east of the A38.
- 7.88 In addition to the onsite pedestrian and cycling infrastructure, in order to mitigate the impact of the development outside of the site, as well as improve general provision within the wider area, contributions towards walking and cycling measures to identified transport corridors would be secured through the S106.
- 7.89 If permission is forthcoming, the reserved matters applications for each of the built development parcels, including the school parcels, would include the designs for any walking and cycling routes, details of parking provision, along with the designs for the lower order movement hierarchy roads. The framework for these routes would be secured through the imposition of a condition for a Character Area Design Code.
- 7.90 In addition to the active travel movements, a bus rapid transit (BRT) / Sprint route is planned through the site which would provide fast, reliable and frequent services to Birmingham City Centre and Sutton Coldfield.
- 7.91 The delivery of bus routes through the development would be on a phased basis. The routes would initially service the western boundary of the site from the start of the development process and would progressively move into and through the site as development gets built out and as new roads within the site become available to service the new homes and community uses. The phasing strategy would be secured by condition and would include the approach to proactively servicing the site by public transport as the site gets built out.
- 7.92 As part of the S106, a financial contribution would be secured to fund further public transport services, including Demand Responsive Transport, as well as the provision of sustainable travel packs to new residents and the creation of school and residential travel plans.

Parking

- 7.93 The quantum and locations of vehicle, motorcycle and bicycle parking provision for the application site would be decided at the reserved matters stage if permission is forthcoming. Notwithstanding, the approach to parking would seek to ensure that sufficient car parking would be provided, the majority of which would be on-plot, to

meet the needs of future residents, occupiers and visitors, whilst also facilitating the delivery of a quality urban environment.

- 7.94 The priority of the development would be, however, the promotion of walking, cycling and public transport to encourage residents to leave their cars at home as much as possible and travel by alternative modes of transport. The proposed parking provision would have regard to the Parking SPD but would be designed to be appropriate in the context of the application site as a whole.
- 7.95 Electric Vehicle Charging Points (EVCPs) would be provided to individual properties with dedicated off-street parking, as well as communal charging points for apartments and commercial uses. It is proposed to provide a 'Cycle Hub' within the district centre equipped with e-bike charging facilities and hosting a bike share scheme to allow for multi-mode commuting.

Conclusion on Highways Matters

- 7.96 I consider that all appropriate assessments of traffic implications have been carried out and that all necessary documents and information have been submitted to enable such assessment. Taking into account all of the above, including the cumulative impacts from other developments, I consider that, subject to appropriate mitigation measures secured by planning condition and/or legal agreement, the proposed development would not have an unacceptable adverse impact on highways capacity or safety in relation to the proposed access arrangements, cycle and pedestrian movements, or traffic generation.
- 7.97 The proposal would provide good access to local services and facilities, without the need to overly rely on the use of the private car. The proposed development is, therefore, considered to be in accordance with Policies PG3, GA5, TP1, TP38, TP39, TP40, TP41, TP43, TP44, TP45 and TP47 of the Birmingham Development Plan (2017), Policies DM14 and DM15 of the Development Management in Birmingham DPD (2021), Langley Sustainable Urban Extension SPD (2019) and the NPPF.

Water Resources and Flood Risk

- 7.98 An assessment has been undertaken of the likely significant effects of the development on the environment with respect to water resources and flood risk, including a Flood Risk Assessment (FRA) and a Surface Water Drainage Strategy in the form of a Strategic Sustainable Drainage System (SuDS) Assessment.
- 7.99 I acknowledge that a number of representations have been received on the grounds that the proposal would exacerbate flooding and have a detrimental impact on foul drainage, and these have been given careful consideration in the assessment of this outline planning application.

Surface Water Drainage

- 7.100 The development site is predominately within Flood Zone 1 and outside both the 1 in 100 and 1 in 1,000-year fluvial flood extents, with an area at the northern boundary falling within Flood Zone 3 around the Langley Brook. As no development is proposed for this area within the submitted parameter plans, the FRA concludes the site is an acceptable location for development. Consequently, both the Sequential and Exception Tests detailed in national and local policy are considered to have been passed. Across the site the risk of flooding from fluvial, surface water, ground water sewers and artificial sources is concluded to be 'Low', and the risk of tidal flooding is assessed as 'Very Low'.

- 7.101 In accordance with Policy TP6, the approach to surface water management would ensure that post development flows remain consistent with the existing situation and achieve equivalent greenfield run-off rate for all return periods up to the 1 in 100 year plus climate change event. There would be a two-stage approach to sustainable surface water drainage, whereby individual development plots would provide localised attenuation for all events up to and including the 1 in 30-year storm event for residential plots, and up to the 1 in 100 year plus 40% climate change event for education plots. A site-wide strategic network of green and blue corridors would also provide attenuation for situations that exceed the 1 in 30-year storm event, up to the 1 in 100 year plus climate change event.
- 7.102 The proposals for the site include attenuation basins and swales as part of a strategic green-blue infrastructure network. The re-aligned Langley Brook would form a key part of the SuDS proposal and would include an area for online attenuation, and natural flood risk management techniques.
- 7.103 Flood risk would be managed as close to source as possible, in line with the drainage hierarchy outlined in Policy TP6. The SuDS Assessment also confirms that the proposed layout of the SuDS features would be designed in accordance with best practice SuDS guidance documents and national standards, supplemented, where appropriate, with BCC guidance and the requirements of the water and maintenance companies.
- 7.104 There are a number of ordinary watercourses within the site boundary which are regulated by the Lead Local Flood Authority, and the proposed strategy utilises these where levels allow. Where levels do not allow for connections to watercourses, an existing Severn Trent Water surface water sewer or highway drain would be utilised. It has not been proposed to discharge surface water to a combined sewer or foul sewer.
- 7.105 The drainage strategy has been designed so that all water from the proposed development would pass through the strategic drainage attenuation infrastructure before leaving the site. Multiple swales and attenuation basins would provide sufficient treatment and water quality benefits within the site for both roof and highway drainage run-off.
- 7.106 The Langley Brook within the site is identified as being subject to natural flooding and the submitted parameter plans include an appropriate setback between development and the Brook to ensure that new development would not be subject to flood risk. The development has been designed for a 40% climate change allowance for fluvial flows, which exceeds current guidance published by the Environment Agency which requires a 22% climate change allowance for watercourses in this catchment (Tame, Anker & Mease). Furthermore, the flood risk model undertook an additional sensitivity assessment which demonstrated that flows up to the 1 in 100 year + 60% climate change event can be sustainably managed.
- 7.107 Policy TP6 of the BDP identifies the principle that culverted watercourses should be opened up where feasible, highlights that watercourses are also valuable as wildlife habitats, and encourages opportunities to increase the wildlife, amenity and sporting value of natural water features.
- 7.108 The culverted southern section of the Langley Brook would be opened up within the site and the watercourse realigned to the west to create a more naturalistic, meandering route with native planting, which would provide a number of potential benefits, including maximise biodiversity opportunities and visual amenity, whilst creating and connecting valuable areas of blue-green infrastructure within the development area.

- 7.109 The Environment Agency and the Lead Local Flood Authority have raised no objection to the proposal in terms of surface water drainage and flood risk management subject to the imposition of conditions.

Foul Water Drainage

- 7.110 It is proposed that the southern half of the site would drain to existing manholes located to the west and south of the development. The outfalls identified are at the heads of a run with minimum 225mm diameter pipes, suggesting that future development was considered when the western development was constructed. To the northern half of the site, the development would drain to the Langley Mill Pumping Station. The drainage system would be a series of new sewers utilising the existing trunk sewer, where possible. Whilst the majority of the northern development would drain by gravity, the extreme northern and north-eastern parcels may require a new on-site pumping station. If the capacity at the Langley Mill Pumping Station cannot reasonably be achieved, the foul flows would be pumped to an outfall to the south/south-west of the site.
- 7.111 The proposed foul water drainage strategy demonstrates that the development site can be drained of foul water. Initial reviews indicate that sufficient capacity already exists or can be provided with upgrade/reinforcement works to the existing Langley Mill Pumping Station to the north of the site.
- 7.112 In this regard, Severn Trent Water, The Environment Agency and the Lead Local Flood Authority (LLFA) have raised no objection to the proposal subject to the imposition of conditions.

Conclusion on Water Resources and Flood Risk

- 7.113 The supporting Flood Risk Assessment and surface water management proposals have been designed to ensure that a range of future climate change allowances have been assessed that go above and beyond current planning policy requirements, and that future development would be safe from flood risk during the proposed lifetime of the development, including an allowance for a 20 year period of construction.
- 7.114 The proposals to manage surface water and watercourses within the development would enhance the attractiveness and value of the development by integrating water management with habitat for wildlife and opportunities for amenity and recreation.
- 7.115 I consider the site has sufficient capacity to accommodate the proposed development whilst ensuring adequate means of drainage and no significant adverse impacts occurring to the risk of flooding within or off-site as a result of the proposal, in accordance with Policies GA5 and TP6 of the Birmingham Development Plan 2017, Langley SUE SPD, Sustainable Management of Urban Rivers and Floodplains SPD and the National Planning Policy Framework.

Landscape and Visual Impact

- 7.116 Paragraph 130(c) of the NPPF seeks to ensure that development is sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).
- 7.117 The application site straddles two National Character Areas (NCAs), Cannock Chase and Cank Wood (NCA 67) to the north, and Arden (NCA 97) to the south. At the sub-regional level within the Warwickshire Landscape Guidelines (November 1993) landscape character assessment, the majority of the site lies within the 'Arden

Parklands' character area (CA), with the north-western corner of the site in the 'Wooded Estatelands' CA. These character areas extend to the south-east and north of the site respectively; while a short section of the eastern boundary abuts the 'Ancient Arden' character area, and the western boundary abuts 'urban land'.

- 7.118 Arden Parklands CA is described as "An historic region of former wood pasture and heath characterised by a dispersed settlement pattern, ancient woodlands and mature hedgerow oaks". Notwithstanding the character description, as a result of intensive agriculture across the site and its context, notably to the east, woodland and hedgerows have been lost and many remaining hedgerows are degraded so that there is little enclosure provided by vegetation.
- 7.119 The site falls between the residential and commercial settlement edge of Sutton Coldfield and Walmley, which wraps around its western and southern boundaries, and the dualled A38 bypass; the M6 passes through the settlement to the south while the M6 toll crosses the agricultural landscape to the east and north. There are views from the site to the settlement edge to the west and south. The character of areas with intervisibility to these elements is, inevitably, influenced by them, although decreasingly so with distance. Likewise, those in closest proximity to the A38 and perimeter roads are less tranquil, with this effect decreasing with distance. Subsequently, the character of the site and context is degraded, and their character is predominantly urban fringe, although the influence of the urban edge and road network decreases with distance.
- 7.120 The only predicted significant residual effect on landscape would be the effect on the landscape character of the site itself, with the exception being the woodland area to the south of Fox Hollies, where there would be no significant effect, as it would be retained as existing with only minor changes to allow access for informal recreation. There would be no significant effects on the CAs across the study area due, mainly, to the visual containment of the site and resultant low level of visibility to it from these CAs. Where the site is visible from these areas, it is seen in the context of the existing settlement edge and road network, at the site boundary and across the study area, so reducing the scale of change.
- 7.121 Where a site is changing from greenfield to a major residential development, a significantly adverse effect on the majority of the landscape character of site itself is not uncommon. The impact has been carefully considered and, with the retention of key landscape elements including hedges, trees, streams, ponds and heritage features and the implementation of suitable mitigation, there is considered to be an opportunity to deliver a benefit in landscape fabric and biodiversity, whilst ensuring the long-term maintenance of existing key landscape characteristics.
- 7.122 In terms of visual impact during construction of the proposed development, there would be significant impacts to existing residents and users of public rights of way, both within and immediately adjoining the site. These impacts would be localised to the actual construction area, however, and, whilst the overall construction period would be long, the impact on any one phase is not considered to last longer than five years.
- 7.123 The submitted visual assessment shows that there are predicted to be residual significant effects at Year 1 and 15 on nearly all residential receptors located on, adjacent to, or within some 500m of the application site boundary. Beyond 500m, residential receptors are not considered to experience significant levels of effect. This is largely due to the screening effect of the development and vegetation at the application boundary and across the site area. Furthermore, the application site would be seen in the context of the existing built-up urban edge of the town.

- 7.124 While mitigation planting would have matured by year 15 and softened the proposed development, helping it integrate into the landscape, such mitigation would not be able to completely screen the development. Given the context of the site, however, this is not considered to be a priority and it is more important that the proposed development harmoniously bridges the space between the countryside and existing settlement to create an attractive and gradual transition.
- 7.125 In conclusion, whilst the proposed development would have an impact on the landscape and visual receptors on and within the vicinity of the site, on balance, the impact is considered to be acceptable, in accordance with Paragraph 130(c) of the NPPF.

Environmental Health Impacts

Air Quality

- 7.126 Policy TP37 of the BDP states that BCC will seek to improve air quality as part of its strategy to reduce health inequalities, increase life expectancy and improve quality of life. The Langley SUE SPD confirms that the overall approach to development will need to make a positive contribution to managing air quality. The approach needs to take a lead in promoting sustainable energy, green infrastructure and transport which will contribute to mitigating / reducing air quality exceedances across the city.
- 7.127 The application is supported by an assessment of the likely significant effects of changes in local air quality on nearby sensitive receptors, as a result of the proposed development. It confirms that the application site and most of the assessment study area is within the Birmingham Air Quality Management Area (AQMA). A review of background air quality demonstrates that currently, levels of NO₂, PM₁₀ and PM_{2.5} are well below the respective objectives.
- 7.128 During the construction phase, there is a high risk of dust soiling impacts and a low risk of impact to human health at identified sensitive receptors with respect to changes in particulate matter (PM₁₀) concentrations due to construction activities. However, through good site practice and the implementation of appropriate mitigation measures, which would be secured by conditions, the effect of dust and PM₁₀ releases would be minimised to the extent that any residual effects would be nominal.
- 7.129 The assessment demonstrates that the proposal would not result in any exceedances of the air quality objectives for NO₂, PM₁₀ and PM_{2.5} at any of the sensitive receptor locations in the 2031 assessment year. Some locations experience an improvement in air quality because of the proposed development, when compared to the no development scenario, whilst some locations experience no change.
- 7.130 Although a majority of receptors would experience a worsening in annual mean concentrations of NO₂, PM₁₀ and PM_{2.5}, all of the predicted changes are assessed as being of 'negligible' significance with reference to the relevant EPUK/IAQM guidance.
- 7.131 The assessment shows that post mitigation, the development is consistent with the BCC initiatives to improve air quality in Birmingham, and therefore complies with BDP Policy TP37 and DM DPD Policy DM1 requirements. The proposed development would improve air quality at some receptors and the adverse changes experienced elsewhere would be negligible. In view of the baseline conditions, there would be no adverse impact on the AQMA.
- 7.132 The Council's Environmental Pollution Officer has carefully considered the submitted information and raises no objection subject to the imposition of appropriate a Construction Environmental Management Plan (CEMP) and a phased Air Quality

Assessment to include mitigation measures and a full damage cost analysis. I therefore consider the proposed development acceptable, taking into account any cumulative effects, in respect of its impact on air quality.

Noise and Vibration

- 7.133 The proposed development would involve a lengthy and sustained construction programme over many years, with works being phased around different areas of the site. Significant effects from noise and vibration would occur during this period from fixed and mobile plant on-site during site preparation and construction activities and construction traffic on existing, local routes.
- 7.134 In the worst-case assessment scenario, typical construction activities associated with the proposed development may result in moderate adverse effects at residential areas bordering the site. The impact would be lesser at individual properties to the east of the site, as these would be a minimum distance of 150m away from construction activities. To mitigate this impact, a condition requiring a Construction Environmental Management Plan (CEMP) for each phase of development would be required.
- 7.135 In respect of vibration during construction, a worst-case assessment scenario has been adopted which assumes that piling activities would take place near to the site boundary in locations which are adjacent to existing sensitive receptors. The conclusion of this is that from the example residential receptors, there would be a moderate adverse impact within 50m of the site boundary. The effects reduce to a minor adverse significance at distances of approximately 100m, and to negligible significance at distances of approximately 300m. Mitigation measures such as temporary barriers could be used during works occurring at the site boundaries, nearest to existing residential receptors, and would be secured through the CEMP.
- 7.136 The completed development would be subject to existing sources of noise, whilst operational noise would also be generated by increased vehicle movements on existing roads and at new junctions; and the operation of new plant associated with the non-residential uses. The illustrative masterplan incorporates noise mitigation to reduce the impact of existing and future noise levels on site. This includes noise attenuation features (barrier and/or bund) alongside the A38 and a speed reduction on a section of the A38 between the Minworth Roundabout and the new northern junction, from 70mph to 50mph.
- 7.137 The parts of the site closest to the A38 would typically be subject to daytime external noise levels of between 55dB-60dB at ground and first floor level; and night-time external noise levels of between 50dB-55dB at first floor level. The predicted external noise levels for the proposed residential uses closest to the A38 would be well below the significant adverse effect level thresholds.
- 7.138 Residential properties built closest to the A38 may require appropriate glazing and attenuated trickle vent configurations to achieve the internal noise limits and should be orientated so that the external gardens are screened by the property. Furthermore, some properties at the southern site boundary could experience noise levels between 60dB and 75dB due to deliveries at the Retail Park south of Walmley Ash Lane. The noise levels on the worst-case façade would be between 45-60dB, the upper end of which would exceed the 55dB criterion for evening / night-time.
- 7.139 The proposed education uses in the north and centre of the site will typically be subject to external noise levels between 50-55dB. This means that appropriate internal ambient noise levels can be achieved in teaching spaces with natural ventilation. The proposed education use to the south of the site would be located adjacent to the A38 and would typically be subject to noise levels between 55-60dB. This means that

ventilation will need to be provided through attenuated trickle vents or a mechanical ventilation scheme. Outdoor teaching and sports areas would be subject to external noise levels in excess of 55dB and so it will be necessary to consider the layout of the school site to ensure these spaces are shielded by the new school buildings.

- 7.140 Mitigation measures can be implemented to lower the adverse effects of noise to the noise sensitive uses within the site, so that noise levels consistent with recommended standards are achieved. The Council's Environmental Pollution Officer considers that can be done through the imposition of conditions for a Noise and Vibration Impact Assessment and a Construction Environmental Management Plan (CEMP) for each phase of development. The proposed development is therefore consistent with Policy TP37 of the BDP, Policy DM6 of the DM DPD and the relevant provisions of the NPPF, by achieving appropriate noise conditions on the application site and ensuring that development is appropriate for its location.

Ground Conditions/Contamination

- 7.141 BDP Policy TP28 states that new residential development should be capable of remediation in the event of any serious constraints, such as contamination or instability.
- 7.142 The application site been subject to Phase I and Phase II ground investigation works in two phases: (1) the main site and (2) the known landfill present to the north of Ox Leys Road. The Phase I Report suggests that superficial deposits overlie a large proportion of the site and include Alluvium, Glaciofluvial and Head Deposits, which comprised a mixture of clay, silt, sand and gravel. These are underlain by the Sidmouth Mudstone Formation, which is part of the Mercia Mudstone Group. The Phase I Report findings have been corroborated by Phase II ground investigation works. The Phase II reports indicate that mitigation is not required across the majority of the site; however, areas of deepened Made Ground, likely to be associated with the historic landfill, would require a cover system. No groundwater was encountered during the ground investigation.
- 7.143 The Council's Environmental Pollution Officer has carefully considered the submitted information and has raised no objection subject to the imposition of contamination conditions. In addition, a Construction Environmental Management Plan (CEMP) would ensure that possible sources of pollution are controlled during the construction phase.

Loss of Agricultural Land

- 7.144 Paragraph 175 of the NPPF identifies that Local Authorities should seek to use areas of poorer quality land in preference to that of higher quality. The NPPF seeks to protect the best and most versatile agricultural land. The NPPF glossary identifies best and most versatile agricultural land as that falling within Grades 1, 2 and 3a.
- 7.145 The proposed development would result in the loss to the national agricultural resource of an area of approximately 250ha of agricultural land, of which 214.35ha is considered 'best and most versatile' land. The remainder of the site is of Grade 3b or non-agricultural. This loss of land would be permanent and irreversible for all practical intents and purposes. The impact would be a major adverse impact.
- 7.146 Whilst the general principle of development of the site has been accepted through the site allocation in the Birmingham Development Plan, the permanent loss of a significant amount of best and most versatile agricultural land must weight against the proposals in the planning balance.

Socio-Economic Impact

- 7.147 The Environmental Statement makes an assessment of the likely significant effects of the development on the environment with respect to socio-economic issues. The assessment considered effects of the proposed development on: population and demographics; housing; economy and employment; education; health and healthcare; sports facilities and open space; community facilities; and crime and public safety.

Housing and Population

- 7.148 The residential element of the proposed development would deliver up to 5,500 dwellings, which could amount to a population of 14,520 (based on an average household size of 2.64). The scale of the population growth attributed to the proposed development is considered to be of major and long-term significance.
- 7.149 The proposed development would make a significant contribution to meeting housing need, which must be given significant weight in the context of the Council's lack of a 5-year housing land supply. Furthermore, the provision of 35% affordable housing would make an important contribution towards meeting the Council's acute affordable housing shortfall.

Economy and Employment

- 7.150 The proposed development is estimated by the Applicant to generate up to 1,449 on-site Full Time Equivalent (FTE) jobs upon completion, based on the employment densities for each use class within the proposals. In addition, there would be an input to the economy from the new residents who can be employed in, and support, the local and regional economy.
- 7.151 The additional 5,500 households generated by the development are estimated by the Applicant to generate around £100.6 million per year in household spending in the area including convenience and comparison shopping, although not all residents of the development will be new to the area, as some will have relocated from nearby.

Education

- 7.152 The overall children of school age yield for the proposed development have been calculated at 3,600, which includes approximately 1,950 primary school pupils and approximately 1,400 secondary school pupils. In addition, 613 nursery pupils and 1,015 sixth form pupils are expected to be generated.
- 7.153 It is the intention that an all-through school would be delivered at the start of the development. This would be followed by the delivery of two further primary schools, the timing of which would tie in with the delivery of the residential development and would be kept under review. The timing of the delivery of the proposed secondary school would be secured through the Section 106 agreement. Nursery and sixth form places would also be provided on-site for future residents. In the long-term, the effects on education are considered to be neutral.

Healthcare

- 7.154 The estimated population of the proposed development would generate a demand for 7.9 GPs based on a maximum number of patients per GP of 1,800. It is envisaged that the proposed development would either provide suitable provision of an on-site area for the construction and use as a Primary Care General Practice building, or a contribution towards the refurbishment and extension to an existing nearby premises. The final provision would be agreed between BCC, the NHS and the Applicant.

Open Space

- 7.155 Significant areas of public open space would be provided on-site to serve the new residents, as well as existing residents in the local area. Around 92ha of public open space would be provided, including parkland, formal and informal spaces, and children's play space. A sports hub would also support local formal sports provision.

Crime and Public Safety

- 7.156 The proposed development would be designed and laid out to ensure that an area of open space, street or footpath is overlooked by a mix of uses, this has beneficial impacts in helping to reduce the incidence of crime by informally surveying the area concerned.

Conclusion on the Socio-Economic Impact

- 7.157 The proposed development is considered, overall, to have a positive socio-economic impact on the area which lends support to the proposal in officers' opinion.

Cumulative Impacts

- 7.158 A requirement of the EIA Regulations is to assess cumulative effects. Cumulative effects are generally considered to arise from the combination of effects from the Development and from other committed developments in the vicinity, acting together to generate elevated levels of effects. The supporting Environmental Statement has taken into the account a large number of nearby developments in assessing such effects including permissions at Peddimore (2019/00108/PA) and Kingston Road and Rectory Road, Sutton Coldfield (2020/05394/PA).
- 7.159 In officers' opinion, satisfactory consideration of the cumulative environmental effects of key committed and emerging proposals has been made in accordance with the EIA Regulations. The cumulative effects subject to mitigation proposed are considered acceptable in officer's opinion.

Alternatives

- 7.160 The EIA regulations require an Environmental Statement (ES) to outline any alternatives that have been considered for the proposed development. The Applicant has undertaken this exercise in accordance with the regulations as follows:

The 'do nothing' Alternative

- 7.161 Under the 'do nothing' scenario, the site would remain in its current condition. The site would remain underused in terms of its economic and social potential. The site would not contribute to the local and regional housing needs of both private and affordable tenure and the socio-economic benefits would not change.

Consideration of Alternative Locations

- 7.162 No other locations were considered by the Applicant for the proposed development; however, it is also recognised there are no planning policy requirements for the applicant to consider alternative sites.

Consideration of Alternative Designs and Design Evolution

- 7.163 The design of the scheme has been informed through consideration of the environmental constraints and potential impacts of the proposals. Alongside the iterative technical design process, consultation has been undertaken with both technical and non-technical stakeholders. Design comments were taken on board at each stage in the consultation and the scheme evolved into the current proposals.
- 7.164 Furthermore, the proposed development is supported by parameter plans that take account of key constraints and which have evolved in response to baseline assessments undertaken for all disciplines. For example, identifying, amongst others, the net developable areas, building heights and open space/green infrastructure to limit potentially significant environmental effects.

Phasing/Delivery Programme

- 7.165 It is anticipated that construction would commence in 2023 and continue until around 2040. The development would be undertaken on a rolling programme of site preparation and construction, allowing earlier phases to be completed and occupied whilst subsequent phases are constructed. The Environmental Impact Assessment has been prepared on this basis. It is anticipated that the first dwellings are likely to be completed within 12 months of the first development works commencing.
- 7.166 The community and social infrastructure within the site would be delivered alongside the residential development. BCC Education is currently proposing to oversee the delivery of the new schools at the application site, with the intention that an all-through school would be constructed and opened at the start of the delivery programme. This would be followed by the two further primary schools, the timing of which would be kept under review to tie into the residential delivery programme. The delivery of the mixed-use District Centre is expected to commence within the first third of the delivery programme, subject to market considerations.
- 7.167 A Site Wide Phasing Strategy and Programme of Delivery would be conditioned as part of any outline permission and would, given the length of the build programme, be updated as necessary throughout construction. In addition, to mitigate the impact of the development during construction, a Construction Environmental Management Plan (CEMP) for each phase would also be imposed by condition.

Referral to the Secretary of State

- 7.168 Having regard to the provisions of the National Planning Practice Guidance and the Town and Country Planning (Consultation) (England) Direction 2009, taking into account the scale and nature of the proposed development, it is not considered necessary to refer the application to the Secretary of State.

Developer Contributions/Infrastructure Provision

- 7.169 The Community Infrastructure Levy (CIL) Regulations 2010 require any financial contributions sought from developers to be assessed under Regulation 122 of the Regulations which state that if a payment does not meet all of the following tests then it is unlawful and cannot be requested. The three tests are:
1. be necessary to make the development acceptable in planning terms;
 2. be directly related to the development; and
 3. be fairly and reasonably related in scale and kind to the development.

- 7.170 The National Planning Policy Framework and Planning Practice Guidance re-affirm the statutory tests set out within Regulation 122.

Affordable Housing

- 7.171 Affordable Housing would be provided on the basis of 35% of the total number of C3 residential units. The housing tenures would be as follows:
- 7.172 The affordable housing units would be equitably distributed across, and integrated into, the development on a 'tenure blind' basis in accordance with good place-making and an appropriate approach to clustering / pepper potting.

Education

- 7.173 On-site delivery of education provision equivalent to 3x3FE Primary Schools, 1x9FE Secondary School, Post-16 (Sixth form) provision (300 pupils) and Early Years provision (facilities). Some of the required education facilities could be delivered via an all-through school comprising at least a 3FE Primary and 9FE Secondary provision and which could also include Sixth Form and / or Early Years provision. The education approach would also incorporate SEN provision (78 places identified), to include provision of an on-site resource base.
- 7.174 Early Years Education: £4,356,000, Primary Education: £35,194,005, Secondary Education: £36,249,400, Special Educational Needs (SEN): £5,843,750. Approximate total contribution of £81,643,155 (subject to indexation).
- 7.175 As well as the above financial amounts to provide the on-site schools, land (fully remediated) would also be gifted to a maximum amount of 2.5ha per 3FE Primary School 6ha for new Secondary School and Sixth Form.

Healthcare

- 7.176 Provision of a serviced site in the District Centre for the construction of GP surgery provision (for 8 GPs) and ancillary services (potentially including 4 Practice Nurses) to be delivered by a specialist provider or the funding of refurbishment and extension to an existing nearby premises. Further talks to take place with the NHS to determine the most appropriate course of action.

Transportation

- 7.177 Package of off-site highway improvement and intervention measures, traffic management schemes, walking and cycling measures and public transport initiatives. Approximate total contribution of £38,109,310 (subject to indexation)
- 7.178 The measures include the necessary contribution towards the cost of the delivery of the A38 southern junction. The payments will fund a combination of specific identified schemes, implemented based on a phasing approach to be agreed, and other schemes implemented on a 'monitor and manage' approach as part of the 'Green Travel District'.
- 7.179 A financial contribution of £160,000 to be provided towards the initial period of operation of the Langley and Peddimore Green Travel District.
- 7.180 The S106 Agreement would include the mechanism controlling the payment profile for receipt of the identified financial contributions during the delivery period for the development. The proposal is that there is also an opportunity for certain payments to be made earlier through accelerated / forward funding. This approach could therefore

be used to obtain payments prior to the commencement of development to facilitate and fund the early delivery of off-site highways interventions in locations deemed appropriate and necessary by BCC and/or the Green Travel District Board.

- 7.181 In this regard, Members are being asked for approval to delegate authority to the Director of Planning, Transport and Sustainability to approve BCC entering into any necessary section 106 Unilateral Undertaking or agreement (or any other legal mechanism agreeable to BCC and the applicants), in order to facilitate accelerated funding for one (or more) S106 items or funds identified within this Committee Report.

Public Open Space/Green Infrastructure

- 7.182 The green infrastructure network would be delivered within the locations identified within the parameter plans (as refined through the proposed infrastructure application) and would incorporate sustainable drainage features. The phasing of delivery would be in accordance with the conditioned Phasing Plan.
- 7.183 The provision of play facilities comprising three Neighbourhood Equipped Areas for Play (NEAPs), 14 Local Equipped Areas for Play (LEAPs) and 12 Incidental Areas for Play (IAFPs). Three of the IAFPs are to be located within 'multi-age play clusters'.
- 7.184 Future management of the green infrastructure network and play facilities to be undertaken by a Management Company.

Allotments

- 7.185 The provision of three main orchards totalling a maximum of 4,355sq.m and a community growing space up to a maximum of 10,300sq.m.
- 7.186 The community growing spaces would be delivered within the locations identified within the parameter plans (as refined through the proposed infrastructure application). The phasing of delivery would be in accordance with the conditioned Phasing Plan.
- 7.187 Future management of the community growing spaces to be undertaken by a Management Company.

Playing Pitches and Indoor Sports

- 7.188 The provision of playing pitches, which are in addition to any shared / publicly accessible pitches that are being delivered as part of the education facilities. Pitches provided at education facilities to be available for public use through a Community Use Agreement.
- 7.189 As a minimum the scheme as a whole should provide for: 2no. full size grass pitches suitable for football use with an ability for these to be overlain by the outfield area of a cricket pitch; 2no. full size AGPs (one of which has a shockpad for Rugby Union use); 2no. youth football pitches and 1no. mini football pitch.
- 7.190 An indoor sports hall for dual use which is used by (and located at) the Secondary School during school hours and used by the community outside of school hours, subject to a Community Use Agreement.

Tree Losses (CAVAT)

- 7.191 Where adequate replacement tree planting cannot be achieved on-site, contributions to off-site tree planting would be sought using the Capital Asset Value for Amenity Trees (CAVAT) valuation methodology.

Air Quality (Sutton Park)

- 7.192 A financial contribution to be provided towards implementing a management regime for the boundary vegetation at Sutton Park. Amount still to be confirmed.

Air Quality (DCA)

- 7.193 A Damage Cost Assessment (DCA) is to be provided. Based on the outputs of the DCA, a financial contribution up to a maximum of £149,000 would be provided.

Skylark Mitigation

- 7.194 Compensate for the loss of habitat for up to 40 breeding pairs of Skylarks would be provided through mitigation land being secured at an offsite location(s). Details of the implementation and mitigation strategy would be submitted for approval.

Biodiversity Net Gain

- 7.195 Secure a mechanism / scheme to ensure that biodiversity net gain is achieved. Only required if an onsite gain cannot be achieved.

Community Facilities

- 7.196 A community facility of a maximum of 1,000sq.m would be provided within the District Centre. The phasing of delivery would be in accordance with the conditioned Phasing Plan.

Monitoring Fees

- 7.197 A financial contribution of £10,000 for the administration and monitoring of this deed to be paid upon completion of the legal agreement.

Community Infrastructure Levy (CIL)

- 7.198 Under the Birmingham Community Infrastructure Levy Charging Schedule, all uses with the application site are nil rated. Therefore, no CIL payment would be required.

Planning Balance

- 7.199 As of 10th January 2022, the Council cannot demonstrate a five-year supply of deliverable housing sites. Consequently, Paragraph 11d) of the NPPF is engaged and the tilted balance applies for decision taking. In this case, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 7.200 The NPPF gives three dimensions to sustainable development: social, economic and environmental. These should not be assessed in isolation because they are mutually dependant. Assessing the planning balance against these three strands, I consider that the likely **benefits** from the proposals would be:

Economic

- Employment generation during construction and subsequent operation, with a commitment to providing opportunities to the local population.
- On-going expenditure by households purchasing and occupying the dwellings.

Social

- Provision of 35% affordable housing (up to 1,925 affordable dwellings).
- Three new primary schools and a secondary school, together with nursery school and sixth form provision.
- A new District Centre providing a focus for the new community and additional local community hubs to meet the day to day needs of local people, including health care provision, education facilities and community facilities.
- Network of pedestrian and cycling facilities, including dedicated routes and diverted public rights of way.
- New sports hub, play areas and neighbourhood parks.
- Sprint/Rapid transit service within the development, as well as enhancements to existing bus services and the delivery of new demand responsive transport.

Environmental

- Significant areas of new public open space, including along the opened-up Langley Brook corridor and an east-west link through the site.
- No gas boilers to be used for new dwellings, instead opting for current and future low carbon alternatives.
- Provision of low and zero carbon (LZC) forms of energy generation.
- Significant new tree planting.
- Retention of the most important ecological areas and delivery of a net gain in biodiversity.
- Diversion of the existing on-site overhead power lines underground, improving visual amenity.

7.201 With regards to the potential **harm** arising from the development these are considered to be:

- Loss of a significant amount of best and most versatile agricultural land.
- Loss of a number of Category A and B trees (this would be compensated to some degree through new planting).
- Less than substantial harm to the settings of the Grade II Listed Langley Hall, Fox Hollies, Langley Heath Farmhouse, and Peddimore Hall.
- Less than substantial harm to the setting of Peddimore Moat Scheduled Monument.
- Total loss of Langley Gorse, a non-designated heritage asset.
- Environmental effects of traffic, noise, vibration, disturbance, dust etc. during construction (this would be controlled through a condition for a CEMP).

7.202 As well as the above considerations, considerable weight is given to the Council's lack of a 5YHLS.

7.203 When weighing the identified harm against these benefits, I find in this case that the benefits of the proposal do outweigh the harm and, therefore, the development is, on balance, sustainable development. I therefore consider that the presumption in favour does apply in this case and that Outline Planning Permission should be granted.

8. Conclusion

8.1 The proposed development of the application site is considered acceptable in principle and would make a substantial contribution towards the Council's 5YHLS. On this basis, I have concluded that the proposal is sustainable development and recommend permission is granted without delay subject to conditions and the completion of a section 106 agreement to secure the necessary contributions.

9. **Recommendation:**

9.1 Officers have made a recommendation on the basis of the Development Plan and other material considerations. It is for the Committee to weigh and balance these in coming to a decision, based on their judgement of the available evidence.

9.2 It is therefore recommended that the outline application be GRANTED subject to the completion of a Section 106 legal agreement to secure:

- 35% Affordable Housing
- Education contribution of approximately £81,643,155 (subject to indexation)
- Healthcare facility or off-site contribution
- Transportation contribution of approximately £38,109,310 (subject to indexation)
- £160,000 towards the Langley and Peddimore Green Travel District
- On-site public open space/green infrastructure
- On-site community growth areas
- On-site playing pitches and indoor sport
- Potential tree losses (CAVAT)
- Air quality measures at Sutton Park
- Damage Cost Assessment (DCA) up to a maximum of £149,000
- Skylark Mitigation
- Biodiversity net gain (if not achieved on-site)
- On-site community facility building
- S106 Monitoring Fees of £10,000

9.1 In the absence of a suitable legal agreement being completed to the satisfaction of the Local Planning Authority on or before **2nd June 2023** or such later date as may be authorised by officers under powers hereby delegated, planning permission be refused for the following reasons:

- In the absence of a legal agreement to secure affordable housing, education facilities, health facilities, off-site highway improvements, a Green Travel District, open space and play facilities, allotments, playing pitches, indoor sports facilities, air quality improvements at Sutton Park, a Damage Cost Assessment, Skylark mitigation, biodiversity net gain, a community facility, tree CAVAT, and S106 monitoring, the proposal conflicts with Policies PG3, GA5, TP7, TP8, TP9, TP11, TP27, TP31, TP36, TP37, TP38, TP39, TP40, TP41 and TP47 of the Birmingham Development Plan 2017, Policies DM1, DM2, DM4, DM9 and DM14 of the Development Management in Birmingham Development Plan Document 2021 and the National Planning Policy Framework.

9.2 That the City Solicitor be authorised to prepare, seal and complete the appropriate legal agreement.

9.3 That, in the event of an appropriate legal agreement being completed to the satisfaction of the Local Planning Authority by **2nd June 2023** or such later date as may be authorised by officers under powers, outline planning permission be GRANTED, subject to the following conditions, the detailed wording and numbering of which is delegated to officers:

-
- | | |
|---|--|
| 1 | Requires the submission of Reserved Matter details following an outline approval |
| 2 | Requires the submission of Reserved Matters for the first phase of development within 2 years and all other phases within 15 years |
| 3 | Requires the scheme to be in general accordance with the listed approved plans |
-

-
- 4 Limits the maximum number of dwellings to 5,500
 - 5 Amounts of non-residential floorspace
 - 6 Removal of PD Rights (Part 1 Classes F and H and Part 2 Classes A and B)
 - 7 Prevents works within the river/stream Bank
 - 8 Prevents ground level changes within Fields F1 and F2
 - 9 Details to be included for Landscaping as part of Reserved Matters submissions
 - 10 Details to be included for Layout as part of Reserved Matters submissions
 - 11 Biodiversity Net Gain (BNG) Design Stage Report as part of Reserved Matters submissions
 - 12 Requires the submission of an Ecological Masterplan as part of Reserved Matters submissions
 - 13 Details of Housing Mix as part of Reserved Matters submissions
 - 14 Details of refuse and recycling storage and presentation as part of Reserved Matters submissions
 - 15 Details of levels as part of Reserved Matters submissions
 - 16 Details of play areas and equipment as part of Reserved Matters submissions
 - 17 Details of District and Local Centres as part of Reserved Matters submissions
 - 18 Noise and Vibration Impact Assessment as part of Reserved Matters submissions
 - 19 Playing field provision scheme as part of Reserved Matters submissions
 - 20 Transport Assessment compliance reporting as part of Reserved Matters submissions
 - 21 Details for school streets as part of Reserved Matters submissions
 - 22 Details for the Langley Greenway as part of Reserved Matters submissions
 - 23 Details for the Primary Highways Corridors as part of Reserved Matters submissions
 - 24 Requires the provision of electric vehicle charging points (EVCPs) as part of Reserved Matters submissions
 - 25 Requirement to enter into a legal agreement with all parties with any legal or equitable interest
 - 26 Requires the prior submission of a Site Wide Phasing Strategy and Programme of Delivery
 - 27 Requires the prior submission of Character Area Design Codes
-

28	Requires the prior submission of an Infrastructure / Public Realm Design Code
29	Requires the submission of an Exemplar Statement in a phased manner
30	Requires the prior submission of a Site Wide Landscape and Ecological Management Plan (LEMP)
31	Requires the prior submission of a site-wide Local Site (SLINCs and PSIs) Assessment
32	Requires the submission of details of a Public Art Strategy
33	Requires the submission of a Community Liaison Strategy
34	Requires the prior submission of a construction employment plan on a phased basis
35	Requires Sustainability and Energy Statements in a phased manner
36	Requires Arboricultural Method Statements in a phased manner
37	Requires a scheme for the provision of fire hydrants in a phased manner
38	Requires a programme of archaeological work in a phased manner
39	Requires the prior submission of a Construction Environmental Management Plan (CEMP) in a phased manner
40	Requires the implementation of the Flood Risk Assessment in a phased manner
41	Requires the prior submission of a foul drainage scheme in a phased manner
42	Requires the prior submission of a sustainable drainage scheme on a phased basis
43	Requires the prior submission of a Sustainable Drainage Operation and Maintenance Plan on a phased basis
44	Requires the submission of a method statement for works in the river channel/bank
45	Requires the submission of a Ground Water Remediation Strategy
46	Requires the submission of a Landfill Gas Assessment
47	Requires the submission of a Bird Management Plan
48	Requires the submission of a Local Employment Strategy
49	Requires the submission of extraction and odour control details
50	Requires the submission of a Residents Welcome Pack
51	Requires a Community Use Agreement of Sports Facilities
52	Requires the submission of a Contaminated Land Verification Report on a phased basis
53	Requires the submission of unexpected contamination details if found on a phased basis

-
- 54 Requires the submission of Landscape and Ecological Management Plans (LEMP) in a phased manner
 - 55 Requires the submission of a Lighting Design Strategy in a phased manner
 - 56 SRN Junctions Trigger Points
 - 57 SRN Junctions design and implementation
 - 58 Requires the submission of an Active Travel Strategy
 - 59 Requires the submission of a Non-Residential Travel Plan in a phased manner
 - 60 Requires the submission of a Residential Travel Plan in a phased manner
 - 61 Requires the submission of a School Travel Plan in a phased manner
-

Case Officer: Eddie Wrench

Photo(s)



Photo 1: Walmley Ash Lane (Looking Northwards)



Photo 2: Webster Way (Looking Eastwards)



Photo 3: Fox Hollies Road (Looking Westwards)



Photo 4: A38 new roundabout and pedestrian bridge (Looking Southwards)

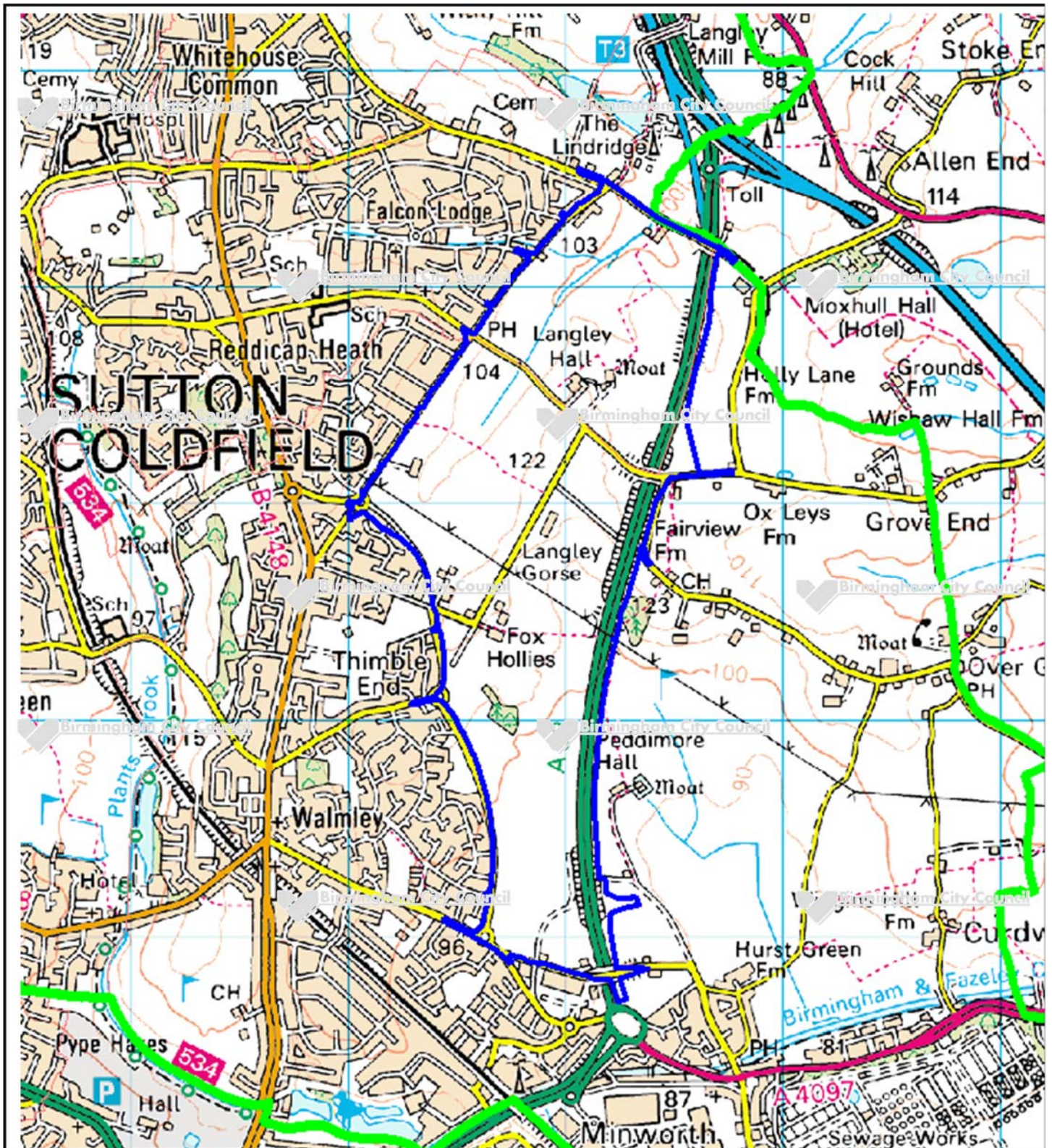


Photo 5: Springfield Road (Looking Eastwards)



Photo 6: Lindridge Road (Looking Southwards)

Location Plan



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REV	DATE	INITIAL
0 - Approved to L. Agent	28/02/2019	ABT
1 - Approved to L. Agent	28/02/2019	ABT
2 - Approved to L. Agent	28/02/2019	ABT
3 - Approved to L. Agent	28/02/2019	ABT
4 - Approved to L. Agent	28/02/2019	ABT
5 - Approved to L. Agent	28/02/2019	ABT
6 - Approved to L. Agent	28/02/2019	ABT

LEGEND	
Application Boundary (302.79 Ha / 748.21 Ac)	
Existing Uses Excluded from Application (5.64 Ha / 13.94 Ac)	
Residential Development - C3 Use (Includes Incidental Open Space and Access Infrastructure)	
Mixed Use Hub - Includes Use Classes: - E (a-c) (Shops, Restaurants / Cafes and Professional / Commercial Services) - E (d) (Indoor Sport, Recreation or Fitness) - E (e) (Medical or Health Services) - E (f) (Creche / Day Centre) - E (g) (Business) - G1 (Hotels) - G2 (Residential Institutions) - G3 (Dwellinghouses) - F1 (Learning and Non-Residential Institutions) - F2 (Local Community) - Sui Generis (including drinking establishments and hot food takeaways)	
Community Hub - Includes Use Classes: - E (a-c) (Shops, Restaurants / Cafes and Professional / Commercial Services) - E (d) (Indoor Sport, Recreation or Fitness) - E (e) (Medical or Health Services) - E (f) (Creche / Day Centre) - G3 (Dwellinghouses) - F1 (Learning and Non-Residential Institutions) - F2 (Local Community) - Sui Generis (including drinking establishments and hot food takeaways)	
Strategic Green Infrastructure (Includes Existing Heritage Features, Existing and Proposed Landscape and Ecology Features, Watercourses, Strategic SUDs Features, Acoustic Mitigation Features, Formal Sports Pitches, Children's Play, Ancillary Structures Associated with Use Provision and Maintenance)	
Existing Highway Juncos	
Strategic Highway Junctions	
Existing Highways and Access to Existing Dwellings	
Indicative Highway Movement Routes Crossing Strategic Green Infrastructure	
Indicative Position for Primary Sub-Station and Pump Station (Exact Size and Position to be Agreed at Reserved Matters Stage)	
Indicative Location for Sport-Hub Building/ Pavilion - With Potential for D1 and D2 Use Classes (Non-Residential Institution and Assembly and Leisure)	

Note:
• All land use areas and features subject to a location tolerance of +/- 10m unless stated otherwise.



0 100m

Project Name:
Langley SUE,
Sutton Coldfield

Client:
342918

Date:
18/02/2019

Design Title:
PARAMETER PLAN -
Land Use

Design:
A24

Scale:
1:5000 @ A1

Rev:
0

Drawn by:
B.D.

Checked by:
A.R.

URBAN DESIGN STUDIO
0121 714 0000

SAVILLS



Application Boundary (302.79 Ha / 748.21 Ac)

Existing Uses Excluded from Application (5.64 Ha / 13.94 Ac)

Maximum Building Height Envelope Above Proposed Ground Levels in Meters Above Ordinance Datum (mAOD)

13m AOD

10m AOD

Indicative Location for Sport Hub Building/ Pavilion - Up to 12m to Ridge Line

Acoustic Mitigation Barrier Up to 3m above finished ground level (exact design and position subject to Reserved Matters approval)

Acoustic Mitigation Barrier Up to 3m above finished ground level (exact design and position subject to Reserved Matters approval)

Approx Position for Primary Sub-Station and Pumping Station Structure Up to 15m above finished ground levels

Area Subject +/- 3m Level Tolerance

- All levels subject to ± 2 -m level tolerance.
- All land use areas and features subject to a location tolerance of ± 10 m unless stated otherwise.
- Heights indicated are maximum figures to the highest point of the roof structure (excluding chimneys and communication equipment).
- Building heights will vary according to strategic character areas defined in the Design and Access Statement, local characteristics and landscape visual assessment at Reserved Matters stages.
- Average Commercial Storey Height = 4m
- Average Residential Storey Height = 3m
- Any ancillary buildings/structures located within the Green Infrastructure areas will be a maximum of 4m in height above finished ground levels and have a maximum footprint of 10m \times 10m unless otherwise agreed.



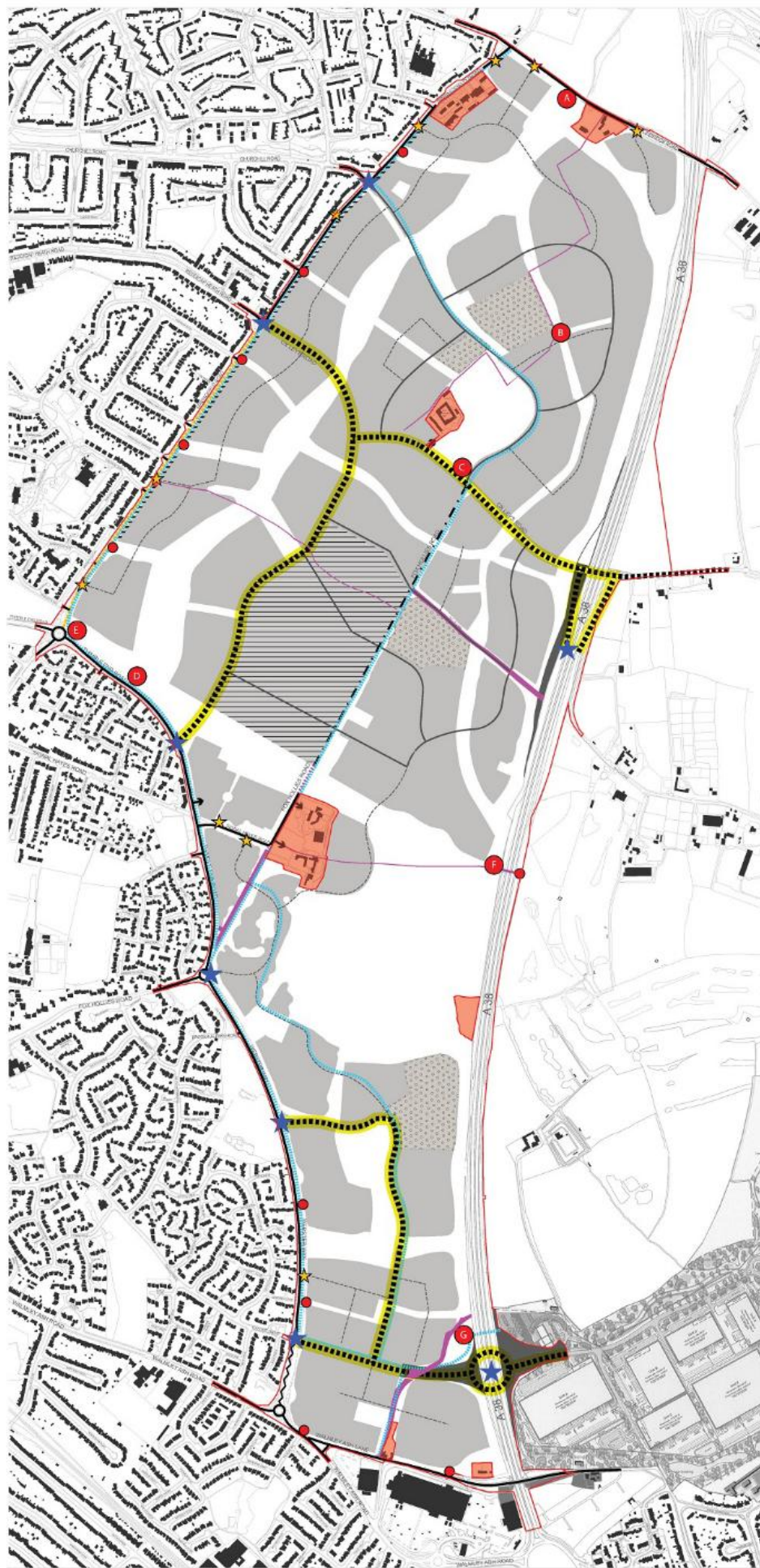
REV	DATE	INITIALS
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1 - Amendments to Layout	20/02/2019	AST
2 - Amendments to Layout and Details	20/02/2019	AST
3 - Amendments to Layout and Details	20/02/2019	AST
4 - Amendments to Layout and Details	20/02/2019	AST
5 - Amendments to Layout and Details	20/02/2019	AST

LEGEND	
	Application Boundary (302.79 Ha / 745.21 Ac)
	Existing Uses Excluded from Application (5.64 Ha / 13.94 Ac)
	Development (Includes Incidental Green Space and Access Infrastructure)
	Mixed Use Hub including Public Realm Spaces
	Community Hub
	Strategic Highway Junction Zones
	Strategic Green Infrastructure (Includes Existing Heritage Features, Existing and Proposed Landscape and Ecology Features, Watercourses, Strategic SUDs Features, Acoustic Mitigation Features, Formal Sports Pitches, Children's Play, Facility Structures Associated with Use Provision and Maintenance)
	Open Space Hubs (Includes Existing Heritage Features, Existing and Proposed Landscape and Ecology Features, Strategic SUDs Features, Formal Sports Pitches, Children's Play, Facility Structures Associated with Use Provision and Maintenance)
	Landscape Zone to Accommodate Acoustic Mitigation Feature (Maximum width of acoustic feature 20m; details to be confirmed at Reserved Matters stage)
	Indicative Highway Movement Routes Crossing Strategic Open Space, Public Realm and Landscape Features
	Watercourse Corridor (Design subject to Reserved Matters/ Infrastructure Application stage)
	Ecology Buffers (10 - 15m Width) around Existing Retained Woodland and Meadow Features
	Indicative Location for Sports Pavilion Building and Associated Car Parking
	Approve Position for Primary Sub-Station and Pumping Station

Note:

- All features and alignments are subject to a lateral tolerance of +/- 10m unless stated otherwise.
- Green Infrastructure and Open Space areas may also accommodate strategic service and utility apparatus - location to be established at Reserved Matters/ Infrastructure Application stages

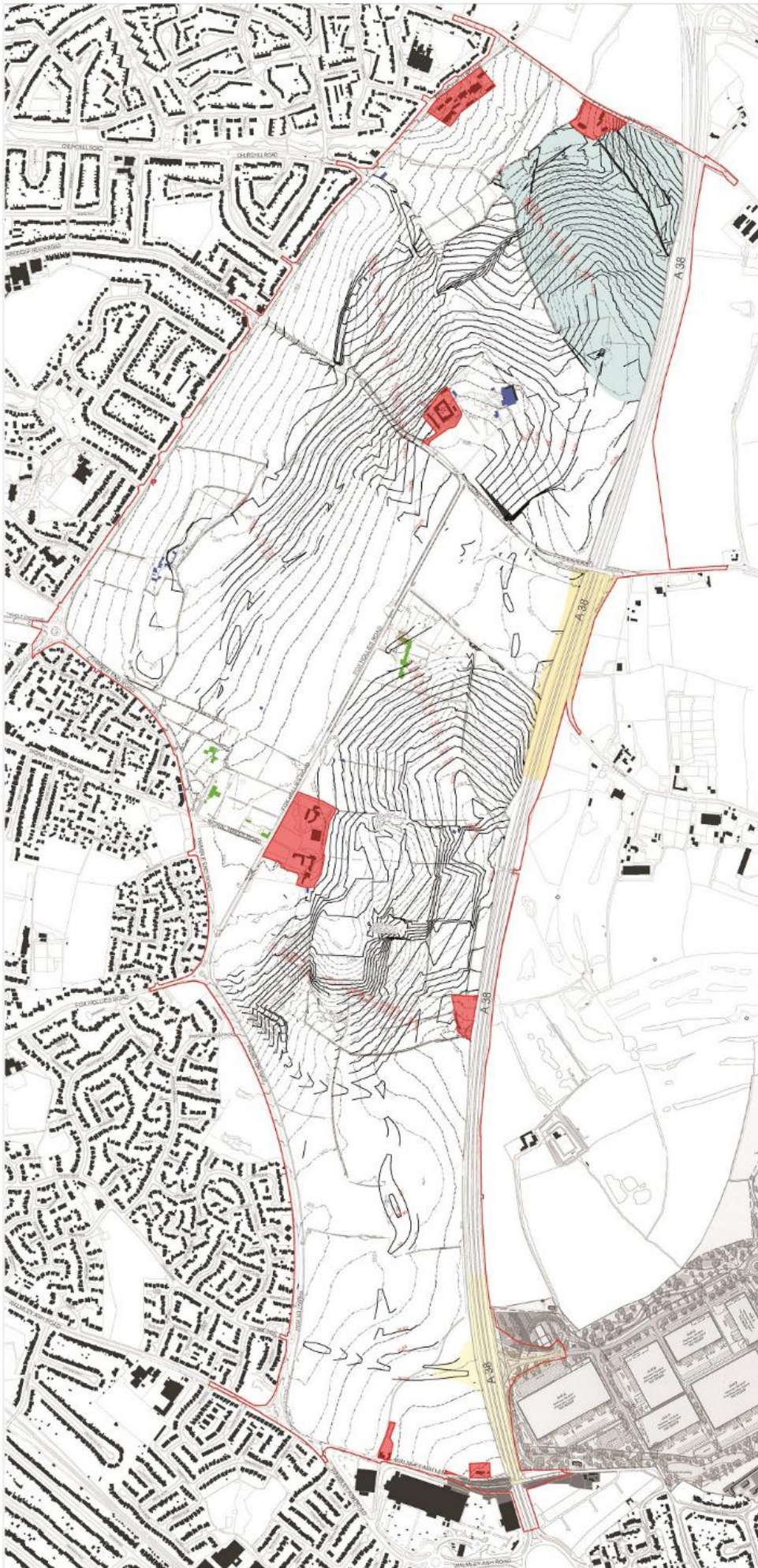
Project Name Langley SUE, Sutton Coldfield	Client Name PARAMETER PLAN - Green Infrastructure
Job No. 342918	Design No. A078
Date 18/02/2019	Scale 1:5000 @ A1
	Rev. 0 Drawn by: B.G. Checked by: A.R.



REV	DATE	INITIALS
1	20/02/2019	ABT
2	20/02/2019	ABT
3	20/02/2019	ABT
4	20/02/2019	ABT
5	20/02/2019	ABT

- LEGEND**
- Application Boundary (202.75 Ha / 748.21 Aq)
 - Existing Uses Excluded from Application (5.64 Ha / 13.94 Aq)
 - Residential Development - CS Use (Includes incidental Open Spaces and Access Infrastructure)
 - Mixed Use Hub
 - Community Hub
 - Strategic Highway Junctions
 - Existing Highways and Access to Existing Dwellings
 - Primary Site Access Positions
 - Indicative Main Highway Movement Corridors
 - Existing Fox Holmes Road Bus Only Link
 - Existing Fox Holmes Road Altered to Accommodate Dedicated Pedestrian / Cycle Route and Vehicles
 - Indicative Looped Movement Network (Exact positions to be agreed at Reserved Matters stages)
 - Indicative Local Movement Network with Junctions Connecting with Existing Roads (Exact positions to be agreed at Reserved Matters stages)
 - Potential to Redirect Existing Through Traffic Flows and Enhance Street Design
 - Direct Frontage Access to Proposed Development
 - Local Site Access Positions
 - Potential Highway Improvement Works
 - Existing Definitive Public Right of Way - Routes Subject to Review at Reserved Matters/Infrastructure Application stage
 - Approximate Position of Strategic Footway / Cycleway Route
 - Approximate Position of Local Pedestrian Access
- Strategic Footpath Links to be Formed Between Points:**
- A B C Langley Walk
 - A D Langley Brook Park
 - E F East to West Link
 - A F G Eastern Landscape Corridor

Note:
 • All movement route alignments are subject to a lateral tolerance of +/- 30m, unless stated otherwise.



REV	DATE	DETAIL
1	09/02/2019	APP
2	09/02/2019	APP
3	09/02/2019	APP
4	09/02/2019	APP
5	09/02/2019	APP
6	09/02/2019	APP
7	09/02/2019	APP
8	09/02/2019	APP
9	09/02/2019	APP
10	09/02/2019	APP

LEGEND

- Application Boundary (302.78 Ha / 748.21 Ac)
- Existing Uses Excluded from Application (5.64 Ha / 13.94 Ac)
- Existing Structures to be Removed
- Existing Structures may be Removed in the Future
- Note: Levels Subject to a Tolerance of $\pm 2m$
- Existing 1m Contours (mAOD)
- Proposed 1m Contours (mAOD)
- Localized Ground Level Adjustments to Form Junctions (Subject to Reserved Matters Applications)
- Area Subject $\pm 3m$ Level Tolerance

Project Name:
**Langley SUE,
Sutton Coldfield**

Drawing Title:
**PARAMETER PLAN -
Ground Levels & Structures**

Job no. 142019

Dwg no. A88

Rev. H

Date: 19.02.2019

Scale: 1:1000 @ A1

Drawn by: S.G.
Checked by: A.L.



LEGEND

- Application Boundary (302.75 Ha / 748.21 Ac)
- Existing Use Excluded from Application (5.64 Ha / 13.94 Ac)
- Typically 2 and occasional 2.5 storey (Building Height Max 10.5m to Ridge Line)
- Typically 2 - 2.5 storey and occasional 3 storey (Building Height Max 12.5 to Ridge Line)
- Typically 2-2.5 storeys. Maximum height reflecting inclusion of occasional 3 / 4 storeys (Building Height Max 15m to Ridge Line)
- Typically 3 - 4 storey or highest part of school building (Building Height Max 15m to Ridge Line)
- Typically 3 - 4 storey or highest part of secondary school building (Building Height Max 15m to Ridge Line)
- ★ Indicative Location for Sport Hub Building (Pavilion - Up to 12m to Ridge Line)
- Acoustic Mitigation Barrier Up to 3m above finished ground levels (exact design and position subject to Reserved Matters application)
- Acoustic Mitigation Barrier Up to 3m above finished ground levels on highway (exact design and position subject to Reserved Matters application)
- Approx Position for Primary Sub-Station and Pumping Station - Tallest Structure Up to 15m above finished ground levels

- Note:**
- All land use areas and features subject to a location tolerance of +/- 10m unless stated otherwise.
 - Heights indicated are maximum figures to the highest point of the roof structure (excluding chimneys and communication equipment).
 - Building heights will vary according to strategic character areas defined in the Design and Access Statement, local characteristics and landscape visual assessment at Reserved Matters stages.
 - Average Commercial Storey Height = 4m
 - Average Residential Storey Height = 3m
 - Any on-site buildings/structures located within the Green Infrastructure areas will be a maximum of 4m in height above finished ground levels and have a maximum footprint of 10m x 10m unless otherwise agreed.

Project Name:
**Langley SUE,
Sutton Coldfield**

Job no. 142019
Date: 18/02/2019

Drawing Title:
**PARAMETER PLAN -
Building Storey Height**

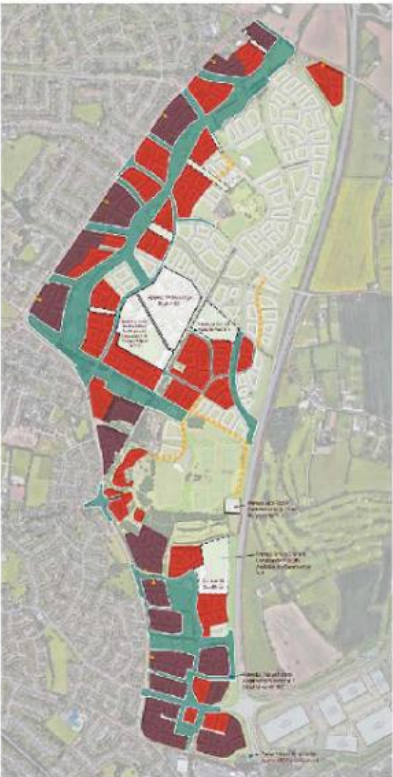
Dwg no. A101
Scale: 1:500 @ A1

Rev A
Drawn by: B.G.
Checked by: A.B.

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Indicative Phasing Strategy Years 5 - 10



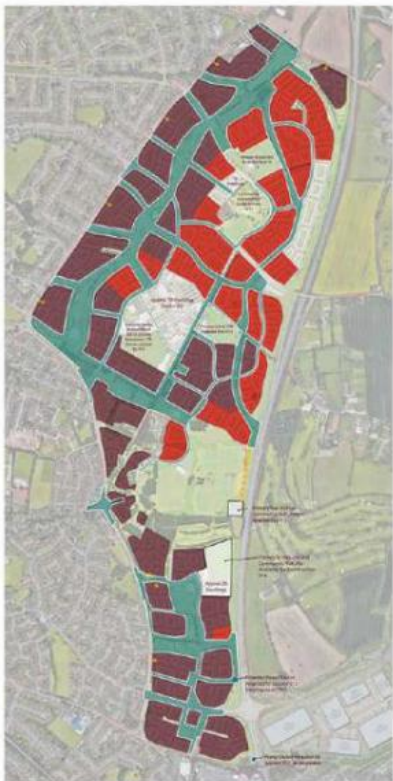
Indicative Phasing Strategy Years 0 - 5



Indicative Phasing Strategy Years 15+



Indicative Phasing Strategy Years 10 - 15



INFRASTRUCTURE

- Established Under Construction
- New Under Construction
- Complete
- Established Construction Haul Route
- Foul Pumping Station
- Temporary Structure for Education/Community

DEVELOPMENT PARCEL

- Development Parcel Complete
- New Development Parcel + Anticipated Dwelling Number Under Construction
- New Local Access Junction Formed

Birmingham City Council

Planning Committee

22 December 2022

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Approve – Conditions	9	2022/01909/PA Cross Keys 15 High Street Erdington Birmingham B23 6RG Change of use of from public house (Sui Generis) to local community and education centre with prayer facility (Sui Generis)
Approve – Conditions	10	2021/10528/PA The Brookhill Tavern 484 Alum Rock Road Alum Rock Birmingham B8 3HX Erection of new mosque including basement car park, landscaping and associated works; and repair, remedial works, part-demolition and change of use of public house to community centre on ground floor and visitor accommodation on first floor (Sui Generis use)
Approve – Conditions	11	2021/10530/PA The Brookhill Tavern 484 Alum Rock Road Alum Rock Birmingham B8 3HX Listed Building Consent for part remedial and restoration works to include internal and external alterations of Brookhill Tavern public house for proposed conversion to community centre and ancillary visitor accommodation including demolition and removal of curtilage buildings

Committee Date:	22/12/2022	Application Number:	2022/01909/PA
Accepted:	28/04/2022	Application Type:	Full Planning
Target Date:	23/12/2022		
Ward:	Erdington		

Cross Keys, 15 High Street, Erdington, Birmingham, B23 6RG

Change of use from public house (Sui Generis) to local community and education centre with prayer facility (Sui Generis)

Recommendation

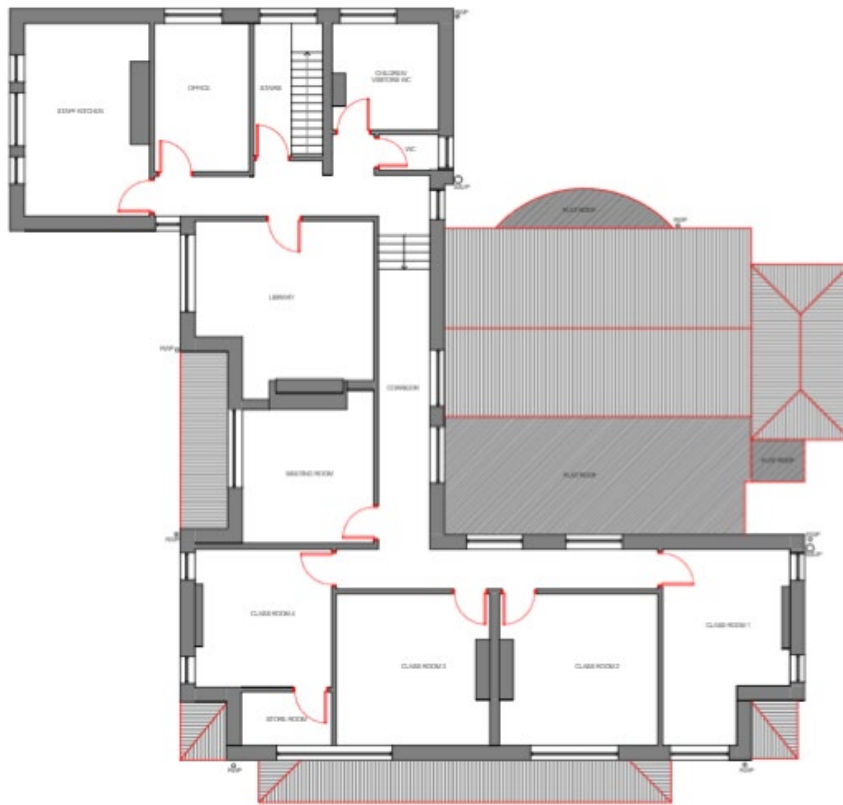
Approve subject to Conditions

1. Proposal

- 1.1. This application proposes the change of use from a vacant public house (Sui Generis) to a local community and education centre with a prayer facility (Sui Generis).
- 1.2. The proposal includes a number of internal alterations to change the function of existing spaces to reflect the proposed use. The changes would facilitate the creation of the following internal layout:
 - Ground floor: two multiuse halls, male W.C, female W.C, disabled W.C, kitchen, staff toilets and a store.
 - First floor: four classrooms, meeting room, library, office and staff kitchen.
- 1.3. Externally, hardstanding would be provided within the former beer garden to provide 16 car parking spaces, one motorcycle space, cycle storage and a bin store. It is also proposed to demolish an existing outbuilding historically used as toilets to improve accessibility and to provide planting to the front of the site. The proposed development would not include external alterations to the fabric of the main building.
- 1.4. The submitted 'Supporting Document' outlines the intended operating patterns for the proposed facility. This would comprise community uses between 08:00-16:00 and 20:00-22:00 Monday to Friday and 08:00-22:00 Saturdays and Sundays, after-school classes between 17:00-19:00 Monday to Friday and five daily prayer sittings between 04:00-22:00 for three to fifteen people, and up to fifty people during Friday prayers. The four first floor classrooms would be used for extra school classes and would each accommodate up to eight children. The premises would be managed by five volunteers.
- 1.5. [Link to Documents](#)







PROPOSED FIRST FLOOR



2. **Site & Surroundings**

- 2.1. Cross Keys is a locally-listed, two-storey 'arts and crafts' style building that was constructed in the early twentieth-century and retains many of its original external

features. The building is constructed from red brick in a Flemish bond with a roof of slate tiles and prominent chimneys and includes a number of period features including dentilled eaves, half-timber gables and bay windows. The site is enclosed by a brick wall along the Station Road frontage and includes a historic rear 'beer garden' comprising rough vegetation.

- 2.2. The site is located at the corner of High Street and Station Road on the edge of the Erdington Local Centre, and the surrounding area is both commercial and residential in nature. Rows of shops with residential upper storeys are located to the east and west of the site, with light industrial premises to the north, Highclare School to the north-west and a nursery school to the south. The surrounding street scene possesses a historic character, comprising nineteenth-century terraced dwellings of historic merit, the Grade II listed Highclare School, Grade II* listed Church of St.Thomas and St.Edmund and Grade II listed buildings at 24 and 26 High Street to the south-east of the site, currently in use as a day nursery and surgery respectively.



Site location

3. **Planning History**

- 3.1. 14/1/2019- 2018/09207/PA- Change of use from vacant pub (Use Class A4) to create 22 bedroom HMO (House in Multiple Occupation) (Sui Generis) and erection of first floor side extensions- Refused due to:
- No justification provided for the loss of the public house as a community facility;
 - Detrimental impact of the proposed extension on the appearance of the building;
 - Over intensive use/poor living environment;
 - No private amenity space;
 - Lack of information to demonstrate that the occupants would not experience disturbance from road traffic noise;
 - Lack of information to demonstrate acceptable air quality would be available;

- Lack of information to demonstrate how the proposed parking area would be accessed, potentially leading to a detrimental impact on highway safety.
- 3.2. 29/8/2019- 2019/02151/PA- Change of use of ground floor from vacant pub (Use Class A4) to 3 no. self contained flats (Use Class C3) and installation of window to rear- Refused due to:
 - No justification provided for the loss of the public house as a community facility;
 - Detrimental impact of the proposed extension on the appearance of the building;
 - Over intensive use/poor living environment;
 - No private amenity space;
 - Lack of information to demonstrate that the occupants would not experience disturbance from road traffic noise;
 - Lack of information to demonstrate acceptable air quality would be available;
 - Lack of information to demonstrate how the proposed parking area would be accessed, potentially leading to a detrimental impact on highway safety.
- 3.3. 20/11/2019- 2019/08093/PA- Application for a Certificate of Lawfulness for the existing use of public house (Use Class A4) as a residential use (Use Class C3) on first floor- Section 191 / 192 Required (Certificate Refused).
- 3.4. 1/12/2021- 2020/02902/PA- Change of use of public house (Use Class A4) to a 15 bedroom hostel (Sui Generis)- Refused due to:
 - Increased fear of crime and anti-social behaviour would be detrimental to residential amenity.

4. **Consultation**

- 4.1. Transportation Development: No objections subject to conditions requiring Construction Method Statement/Management Plan, Commercial Travel Plan, implementation of parking areas and pavement boundaries prior to use, the provision of cycle storage and electric vehicle charging points.
- 4.2. Environmental Pollution Control: No objections subject to conditions preventing live music on site, and restricting early morning use to prayer with limit of ten attendees.
- 4.3. Conservation: No objection subject to condition requiring exterior to be retained and repaired.
- 4.4. West Midlands Police: No objections.
- 4.5. Trees: No objections.
- 4.6. Planning and Growth Strategy: No objections.
- 4.7. West Midlands Fire Service: No objections.
- 4.8. Historic England: No comments.

5. **Third Party Responses:**

- 5.1. Ward Councillors, Residents Associations and adjoining occupiers were notified, and a site notice was displayed.
- 5.2. Twenty-eight letters of support were received in addition to a petition with seven-hundred-and-one signatures. These letters raised the following points:
- Social and community benefits of the facility;
 - Lack of places of worship in the area.
- 5.3. Twenty-nine objections were received, including objections from Councillor Robert Alden and Highclare School (including supporting information), in addition to a petition with two-hundred-and-forty-three signatures. These objections raised the following issues:
- Inappropriate location;
 - Loss of a public house and open garden;
 - High number of places of worship;
 - Harmful impact on heritage assets;
 - Loss of structure to widen entrance may affect boundary wall;
 - Loss of trees and vegetation;
 - Increased noise and public nuisance;
 - Poor air quality;
 - Excessive opening hours;
 - Loss of Public Highway;
 - Congestion and highways safety;
 - Dangerous access and increased risk of accidents;
 - Parking survey is flawed as the data is unreliable (report provided by Arup);
 - Insufficient parking capacity in the area and on-site;
 - Cumulative impact when considered in relation to supermarket and Queensbury School developments;
 - Use of basement;
 - Increased littering;
 - Insufficient information submitted with application.

6. **Relevant Local and National Policy Context**

Local Policy:

- 6.1. Birmingham Development Plan 2017:
- PG3 Place Making
 - TP12 Historic Environment
 - TP21 The Network and Hierarchy of Centres
 - TP24 Promoting a Diversity of Uses Within Centres
 - TP25 Tourism and Cultural Facilities
 - TP44 Traffic and Congestion Management
- 6.2. Development Management in Birmingham DPD 2021:
- DM2 Amenity
 - DM4 Landscaping and Trees
 - DM6 Noise and Vibration
 - DM8 Places of Worship and Faith Related Community Uses
 - DM14 Transport Access and Safety
 - DM15 Parking and Servicing
- 6.3. Supplementary Planning Documents & Guidance:

- Birmingham Design Guide (2022)
- Birmingham Parking SPD (2021)
- Planning Guidelines for Developments Involving Public Houses SPG

National Policy:

- 6.4. National Planning Policy Framework (2021)
- 6.5. National Design Guide (2019)

7. **Planning Considerations**

- 7.1. This application has been assessed against the objectives of the policies set out above. The key issues in the determination of this application are the principle of development, visual amenity, conservation of the historic environment, the residential amenity of residents, and highways safety and parking.

Principle of Development:

- 7.2. The 'Planning Guidelines for Development Involving Public Houses SPG' requires that consideration is given to the impact which the loss of a public house use would have upon the amenities available to the local population. Although this application would involve the change of use of a former public house, it meets a number of the mitigating circumstances contained within the SPG. Firstly, the proposed community facilities would perform social and community functions to mitigate for the loss of the public house which has been unable to perform such functions since its closure in 2017. It is noted that two other large public houses within 200m of the site are able to perform the social functions that are exclusive to public houses. Furthermore, during the determination of application 2020/02902/PA, it was established that the loss of the public house had effectively taken place in 2017 when the Cross Keys last operated for this purpose, and that reasonable marketing efforts had failed to secure the continued use of the site as a public house. Although a third-party claimed that the previous efforts to market the property were insubstantial, no evidence was submitted in support of this claim. Given the expiration of two more years, it is considered that this previous conclusion is still applicable and that the use of the site as a public house is no longer viable. This application therefore represents an opportunity to secure the reuse of a long-term vacant site that would be beneficial to the local community.
- 7.3. Policy DM8 (Places of Worship) specifies that Local Centres will be the preferred locations for faith-related community facilities and provides circumstances in which such facilities outside of Local Centres would be supported. The proposals are consistent with these mitigating circumstances. Firstly, the facility is intended for the local community that would make use of the premises, and is conveniently available by walking, cycling and public transport links (there is a bus stop within 50m of the site and a rail station within 200m). Furthermore, as discussed in subsequent sections, the proposed development would not have a harmful impact on the residential amenity of surrounding occupiers or the functioning of the local highways network.
- 7.4. Policy TP21 (The Network and Hierarchy of Centres) specifies that Local Centres are the preferred locations for community facilities and requires the vitality and vibrancy of Local Centres to be enhanced by development. Although the site is located slightly (25m approx.) beyond the boundary of Erdington Local Centre, the proposal would still be beneficial to its character. Firstly, the application proposes to replace an existing town-centre use with a new town-centre use and would not

worsen the existing situation in this regard. In addition, as the proposed community facilities are in such close proximity to the Local Centre, rather than drawing people away, the use of the facilities would bring people towards the centre and encourage footfall to the nearby retail uses. The proposed development would also improve the environment of the Local Centre by finding a suitable use for a prominent building which has been vacant for several years and has been subject to numerous refused applications.

- 7.5. A third-party objection claimed that the provision of parking within the rear beer garden would be contrary to Policy TP9 (Open Space, Playing Fields and Allotments). However, this is not the case. The beer garden is a small parcel of private enclosed space akin to a private residential garden or the curtilage of business premises and offers no public use or benefit. It is not visible from the street and is not a source of public visual amenity. As such, this point does not provide a reasonable reason to oppose the application.

Visual Amenity/ Urban Design:

- 7.6. The proposed development would have a positive impact on the area's visual amenity. As no external alterations are proposed to the fabric of the main building, the visual benefits deriving from its architecture and materials would not change. It is considered that the soft landscaping indicated to the front of the site, and to a lesser extent along the southern boundary wall, would soften the appearance of the street scene, remove hardstanding along the site frontage that is frequently occupied by numerous vehicles and result in a net gain for the area's visual amenity. A hard/soft landscaping condition is suggested to require the precise details of the planting and hardstanding materials in order to ensure these elements of the scheme contribute to the appearance of the site.
- 7.7. Third-party comments have argued that the provision of hardstanding within the rear beer garden would be harmful to the area's visual amenity. However, this space is obscured from public view by the existing boundary wall and is not readily visible from the street. The proposed rear car park would therefore not have a significant visual impact. The application provides an opportunity to secure improvements to this space through a condition requiring details of hard and soft landscaping.

Conservation of the Historic Environment:

- 7.8. The proposed development would not be harmful to the settings of nearby listed buildings and would provide a net benefit for the conservation of the locally-listed former public house. Although the proposed development would sever the building from its original use, this use is no longer viable, and the application provides an opportunity to secure the long-term future of this vacant heritage asset by bringing it back into productive use. The proposals include some minor internal alterations to the building; nevertheless, heavy modifications to the interior in recent years have eroded much of the significance of the building, and these additional alterations would not be harmful. Accordingly, Conservation did not object to the application subject to a condition requiring the exterior of the building to be retained and repaired. This condition is considered a reasonable provision to ensure that the proposed change of use secures the long-term future of the building in a manner that preserves its historic significance.
- 7.9. Third party comments have claimed that the provision of hardstanding within the existing rear beer garden would be detrimental to the significance of the public house and the settings of nearby listed buildings. However, as aforementioned, this space is not readily visible from any public space, while a landscaping condition would ensure that the hard surface treatments and soft landscaping would improve

the appearance of this space. It is noted that Conservation did not object to this element of the scheme.

- 7.10. Third party comments have also claimed that the removal of Christian symbols and iconography, such as the existing stained-glass windows, would harm the significance of the public house by severing its link with the adjacent abbey. However, the applicant has clarified that there is no intention to remove such features.

Residential Amenity:

- 7.11. No external built development is proposed to take place. As such, the proposed development would not result in any overbearing, overshadowing or overlooking impacts that would be detrimental to the residential amenity of occupiers of nearby dwellings.
- 7.12. The use of the community facility would not result in environmental impacts that would be harmful to existing residential amenity, in particular that of the occupiers of the upper-storey flats of nos.8-22 High Street. It is acknowledged that the conversion of a currently vacant building into a community centre would generate activity and noise, including vehicular noise. Nevertheless, within the context of the site, adjacent to a Local Centre and surrounded by commercial uses, the impact of the proposed use would be unlikely to be significantly greater than the baseline conditions for noise and disturbance which currently exist. It is also considered that the volume of noise emanating from the site would be comparable to the former use of the site as a public house. Although early morning and late evening prayers would take place during the summer, these would be attended by only small numbers of people. It is noted that Environmental Pollution Control did not object to the application subject to conditions limiting uses before 8am to prayer only, and prohibiting live music or amplified sound. These conditions, along with others limiting hours of operation and preventing festivals, funerals, weddings or civil partnerships from taking place onsite, would sufficiently mitigate any noise or disturbance resulting from the proposed development.
- 7.13. Third party comments have argued that the impact of the proposed community facilities could increase if a greater number of people make use of the facilities than expected. However, it is considered that the suggested conditions would prevent any increase in demand for the facilities from resulting in harmful noise impacts or general disturbance.
- 7.14. Third party comments have also claimed that the adjacent school requires great quietness. However, in the context of an edge of centre location immediately adjacent to a busy road, it is considered that the suggested conditions would prevent the proposed use resulting in an impact that would significantly exceed the baseline noise level.

Highways, Traffic and Parking:

- 7.15. The proposal would not have a harmful impact on the local highways network. Firstly, it is noted that the proposed standard of parking provision complies with the Birmingham Parking SPD standards and would therefore be sufficient to accommodate the maximum capacity of the community facility without resulting in overspill onto the public highway. In addition, the proposed site access would possess a width of 6m and would permit visibility splays of at least 2.4m x 100m in both directions. Furthermore, the removal of ad-hoc parking on the site frontage would be beneficial to highways safety in addition to the area's visual amenity. The site is well served by public transport with Erdington rail station and various bus

stops located within 200m of the premises and pedestrian crossings immediately adjacent to the site. Accordingly, Transportation Development did not object to the application subject to the conditions referred to in paragraph 4.1. These conditions are considered reasonable to ensure that the development would not have an unacceptable impact on the highways network.

- 7.16. A number of third-party comments have argued that the proposal would exacerbate the high volume of traffic that affects the area. As aforementioned, the facilities are intended for use by the local community and are in proximity of excellent public transport links and footways. Furthermore, the commercial travel plan required by condition would ensure that the development would not introduce a high volume of car-borne traffic on the local highways network.
- 7.17. Other third-party comments expressed concern relating to the proximity of the site access to that of a recently approved foodstore proposed to the northeast of the site. However, it is noted that both means of access both possess a suitable standard of visibility and would be separated by 55m. Transportation Development did not express concerns on this matter.

Other Issues:

- 7.18. Third party comments have claimed that the application requires an air-quality assessment. However, an air quality assessment for development of this type and scale which does not include built development is not necessary. Within the context of the site adjacent to a busy Local Centre, a main road and commercial premises that diffuse fumes, it is not considered that the proposed use would have any adverse impact in this respect.
- 7.19. Third party comments have also argued that the basement could provide additional floorspace for the functioning of the proposed community centre that has not been considered under this application. However, the low ceiling height and absence of light sources within the basement ensures that this space is unable to perform any function other than storage.

8. **Conclusion**

- 8.1. In summary, the loss of the public house is acceptable in policy terms, while the proposed development would not result in significant harm to the area's visual amenity, the residential amenity of surrounding occupiers, the heritage assets within or in proximity of the site or the functioning of the local highways network. The proposal therefore complies with the relevant policies referred to in Section 6 above and is recommended for approval.

9. **Recommendation**

- 9.1. Approve subject to conditions.

-
- | | |
|---|--|
| 1 | Implement within 3 years |
| 2 | Requires the scheme to be in accordance with the listed approved plans |
| 3 | Repair and work to historic fabric: |
| 4 | Requires the submission of hard and soft landscape details |
-

-
- 5 Requires the submission of a commercial travel plan
 - 6 Requires the submission of a parking management strategy
 - 7 Requires the parking area to be laid out prior to use
 - 8 Requires the provision of a vehicle charging point
 - 9 Requires the submission of cycle storage details
 - 10 Limits the hours of operation between 08:00-22:00.
 - 11 Limits the hours of operation and capacity for early morning and late night prayer.
 - 12 Limits the maximum number of users.
 - 13 Prevents the use of amplification equipment
 - 14 Prevents weddings and other major events taking place on site
-

Case Officer: Jeff Badland

Photo(s)



Front elevation



Station Road elevation



Existing access



Bird's eye view from the south



Bird's eye view from the west



Bird's eye view from the east

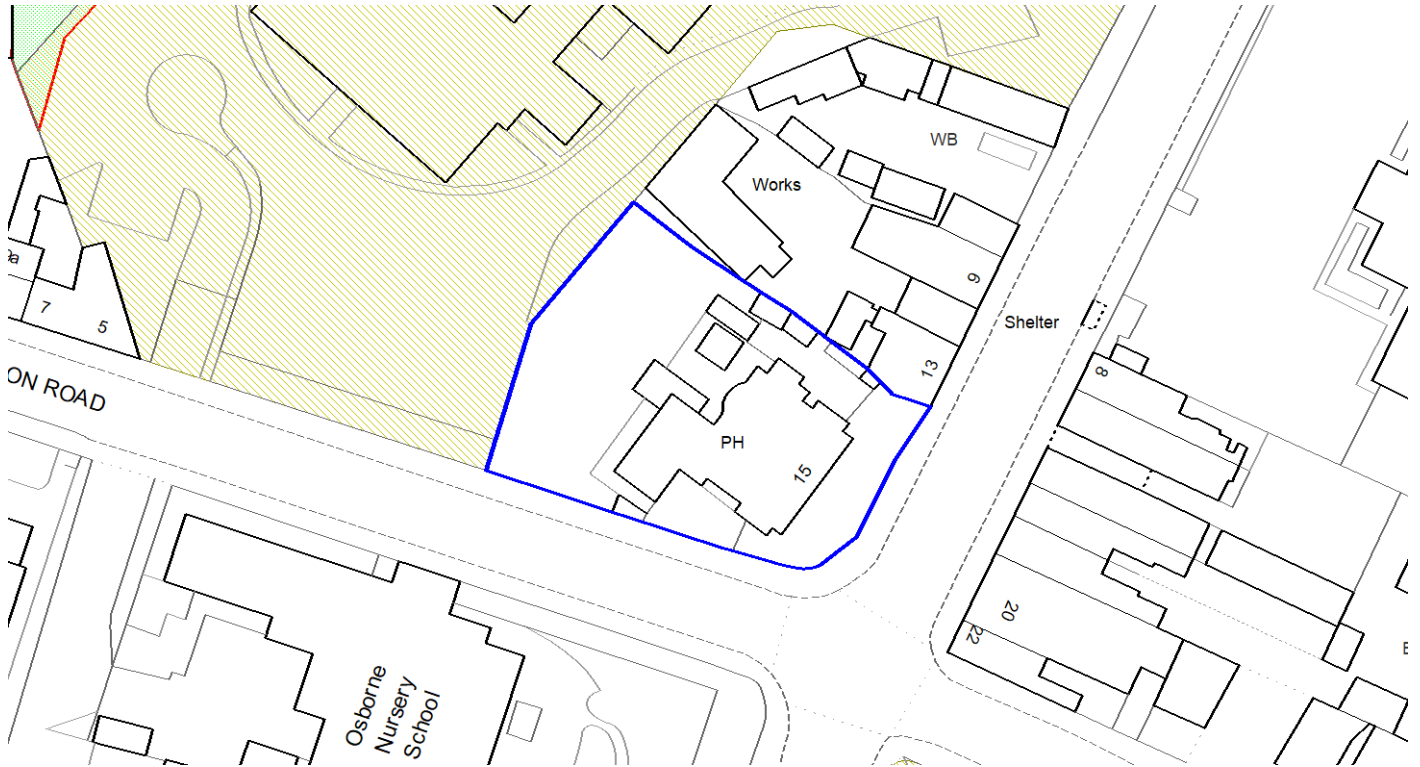


View of rear 'beer garden'



Basement level

Location Plan



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Committee Date:	22/12/2022	Application Number:	2021/10528/PA
Accepted:	14/02/2022	Application Type:	Full Planning
Target Date:	30/11/2022		
Ward:	Alum Rock		

The Brookhill Tavern, 484 Alum Rock Road, Alum Rock, Birmingham, B8 3HX

Erection of new mosque including basement car park, landscaping and associated works; and repair, remedial works, part-demolition and change of use of public house to community centre on ground floor and visitor accommodation on first floor (Sui Generis)

Applicant:	GS Trust 30 Boldmere Drive, Sutton Coldfield, B73 5ES
Agent:	MADE Architecture Limited 43 Station Road, Dominion Court, Solihull, West Midlands, B91 3RT

Recommendation

Approve subject to Conditions

1. Proposal:

- 1.1 Permission is sought for the erection of a new mosque with associated car parking and the conversion of the existing, listed former public house building, into a community use with associated residential use on the upper floors. The new build mosque complex would provide men's and women's prayer halls, office spaces, kitchens, dining facilities, ablution areas with WC facilities and an associated residential unit for the Imam (prayer leader).

1.2 New mosque

The proposed layout shows the mosque building filling nearly all of Brookfield Road frontage. Within the building, the prayer halls are aligned towards the south east (the direction of Mecca in the U.K.), with landscaped gardens around the eastern and southern sides. An open courtyard is included in the centre of the building containing a water feature.

- 1.3 The proposed building is set over five levels (labelled -1, 0, 1, 1a and 2) of varying sizes with some double height spaces. Level '-1' is an underground car park containing two lifts and stair cores providing access to the upper floors. Level '0' is partially subterranean, underground at its eastern end, where the land levels are higher, but surface level at its western end. It would contain the main women's prayer hall (1,128 capacity), ablution rooms, kitchen and dining room and a mortuary funeral space. Level '1' would contain the main men's prayer hall (1,128 capacity) and a similar suite of ancillary rooms. Level '1a' mainly shows that internally parts of the building are double height. Level '2', is the top floor. It would provide another prayer hall (788 capacity).

- 1.4 The main vehicular access is off Brookfield Road onto the southern part of the former public house recreation ground. It would be wide enough to accommodate two-way traffic and lead, via a surface car park (17 spaces) and a ramp to the underground car park (132 spaces, total number of visitor parking spaces proposed on site 149). A secondary vehicular entrance is shown at the eastern end, passing through the building, onto a private drive. This would serve as a service entrance for kitchen supplies, hearses and funeral traffic and as the private entrance to the Iman's house.



Image 1: Basement Plan



Image 2: Level 0 - Ladies Prayer Hall



Image 3: Level 1 – Gents Prayer Hall



Image 4: Level 2 – Gents Prayer Hall



Image 5: Brook Hill frontage



Image 6: Secondary vehicular entrance



Image 7: Entrance to basement car park



Image 8: View into site from new internal road



Image 9: Computer generated image (CGI) of Brook Hill Road frontage



Image 10: CGI of men's entrance



Image 11: CGI of women's entrance



Image 12: CGI of corner

1.5 Brookhill Tavern conversion

It is also proposed to convert the Brookhill Tavern building into a community use on the ground floor and a residential use on the first and second floors with minimal alteration to the physical fabric of the listed building. Plans show the upper floors converted to provide 9 separate letting rooms and a communal kitchen / dining and living area. The applicant lists these as 'cluster flats', but effectively it is a 9 bed house in multiple occupation (HMO), a sui generis residential use. They would not be fully self-contained, as access would be shared with the community use and pass through its kitchen or staff room.

1.6 The application is accompanied with a suite of supporting documents:

- Planning Statement
- Design and Access Statement
- Heritage Impact Assessment
- Transport Assessment prepared by Cotswold Transport Planning
- Travel Plan
- Flood risk assessment and drainage strategy Ecological Assessment Report Sustainable Construction and energy strategy
- Ecological Survey
- Ecological Assessment Nocturnal Bat Surveys
- Tree Survey and Arboricultural Assessment
- Open Space Assessment
- Lighting Assessment / Specification
- Noise Survey
- Air Quality Assessment

- Statement of Community Involvement

1.7 There is a parallel listed building consent application ref. 2021/10530/PA.

1.8 [Link to Documents](#)

2 Site & Surroundings:

2.1 The former Brookhill Tavern occupies a prominent site at the junction of Alum Rock Road and Brook Hill Road. It is a symmetrically balanced, purpose built, public house designed by George Bernard Cox of Harrison Cox in 1927-28 as a 'reformed' public house. It was built for Mitchells and Butler, on the edge of the then expanding city during the prosperous inter war period. These 'reform' public houses were conceived as entertainment venues with family appeal. It is built from brown, hand finished, bricks to a butterfly plan with angled wings in a Jacobean style and carved detail on the exterior.

2.2 The 0.7 ha site extends on higher ground, to the east. This area was formerly used as recreational gardens and a bowling green in association with the public house. Vestiges of this former use remain in the form of outbuildings, gardens and parking area, although these are currently in a derelict and overgrown state.

2.3 The immediate surrounding area is of mixed character. Shops, commercial and community uses, interspersed with some residential uses, front onto Alum Rock Road, to the west. The newly built Eden Boys' Leadership Academy school campus occupies a large site, on the opposite side of Alum Rock Road, to the southwest. Semi-detached houses, in tree lined roads, extend to the north and east. The rear gardens of houses in Fernbank Road abut the site to the east, whilst the frontages of houses in Brook Hill and Sutton Approach face the site from the north west. The Alum Rock District Centre is located approximately 400m away, to the north west. It extends westwards, in a linear fashion, towards Saltley Gate.

2.4 There are at least four buildings in religious / community use in the surrounding area. In Ludlow Road, to the northwest, there is the UKIM Alum Rock Islamic Centre. Further to the northwest there is the Emmanuel Church and Jamia Madina Kishif Ul Uloom Masjid in Clodeshall Road. To the south is the Church of God of Prophecy, Alum Rock.

2.5 [Site Location](#)

3 Planning History:

3.1 2020/08050/PA – Erection of a new mosque (use class F1) with associated parking, landscaping and infrastructure works to include basement car park. Repair remedial works to convert and change the use of public house (sui Generis) to provide community and ancillary visitor accommodation uses (Use Class F1). Withdrawn 26/04/2021

4 Consultation Responses:

4.1 *Transportation* – No objections, subject to conditions relating to construction, pavement details, access and egress, parking management, cycle storage and surface water drainage.

- 4.2 *Regulatory Services* - No objections, subject to conditions relating to extraction and odour control details, noise levels for plant and machinery, no sound reproduction or amplification equipment, noise mitigation, construction method statement /management plan, floodlighting hours, hours of use and contaminated land verification report.
- 4.3 *City Design* – No objections, subject to conditions relating to prior submission and approval of construction details, hard and soft landscape details, earthwork details, boundary treatment details, sample materials, levels and architectural details.
- 4.4 The proposal has responded positively to comments made in connection with the previous (withdrawn) application. Integrating a building of this size and use with the mid-century, semi-detached and terraced houses which set the mature suburb character of the area is challenging. In response to concerns raised about the previous submission, the applicant has reduced the height of the minaret, removed the dome and used the level changes to reduce the visual scale and mass of the building.
- 4.5 As with the form, the proposed architecture does not seek to replicate or mimic the surrounding vernacular but has referenced the proportion of the adjacent house via its piers and bays at Brook Hill Road, and suggested the use of brick, which aligns with the wider material vernacular of the area.
- 4.6 The architecture proposed has a contemporary ethos, yet with civic / cultural quality that aligns with the mosque's function giving it gravitas and stature. This is particularly evident via the large entrance doors and the brick piers which ground the building and give this element a monolithic quality.
- 4.7 *Conservation Officer* – The Local Planning Authority must weigh up the benefits of securing re-use of the building and land against the direct and indirect harm to the public house and its setting (the NPPF Para 220 test, which states:- '*Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.*').
- 4.8 The Conservation officer evaluates the harm to the setting, through the loss of the garden and deteriorated surviving structures, to sit between the moderate and upper levels of 'less than substantial'. The harm arising from the introduction of a visually dominant built form to the immediate setting of the public house, is evaluated to be at the lower end of 'less than substantial'.
- 4.9 *Historic England* – Have stated that they are not offering advice.
- 4.10 *Birmingham Civic Society*- Are supportive of the general use of the site, the retention of the historic building in a manner which has little impact upon it is worthy. Impressed with the standard of design. Note that the proposed development would secure the future of the heritage asset. The need for such extensive car parking provision is not justified, especially for an overwhelmingly local congregation. It would be more efficient to have a simple vehicular entrance to the site. Questions whether the natural ventilation using the minaret will work.
- 4.11 *Ecology* – The site is isolated from other significant areas of habitat by roads and offers limited potential for non-breeding amphibians and reptiles. Seeks replacement shrub and tree planting as part of the scheme design and site clearance in

accordance with the ecological assessment recommendation. Conditions / informatives on bats, nesting birds, badgers and hedgehogs recommended.

- 4.12 *Tree Officer* – No objections, subject to condition requiring the submission and approval of an arboricultural method statement.
- 4.13 *Employment Access Team* – Seek Employment Obligations at a rate of 50 person weeks per £1m spend if permission is granted. These are to be secured by a Section 106 legal agreement or a condition.
- 4.14 *Lead Local Flood Authority (LLFA)* - Further information is sought in relation to surface water drainage discharge rate, underground drainage features, cross sections of Suds, operation and maintenance of proposed surface water features, etc. It is acknowledged that the proposed development is located within Flood Zone 1 and is generally at low risk of surface water flooding.
- 4.15 *Severn Trent Water* – No objection, subject to a condition requiring the submission, approval of foul and surface water details to the Local Planning Authority, and implementation of approved details prior to first occupation.
- 4.16 *Environment Agency* – No comments to make.
- 4.17 *West Midlands Police* – No objections. Welcome the applicants commitment to use 'Secure by Design' principles and offer advice on how these might be applied.
- 4.18 *West Midlands Fire Service* – No objections.
- 4.19 *Leisure Services* – No objection in principle. Seek £75,000 for the loss of the bowling green facilities in the area.
- 4.20 *Sport England* – The proposal does not fall within their remit and, therefore, they do not wish to provide a detailed response.

5 Third Party Responses:

- 5.1 The application has been publicised by site notices, letters to Liam Byrne MP, ward councillors and 92 neighbours. This has resulted in receipt of three letters of representation, one in support and two raising objections. The reasons for support and objection can be summarised as follows:
- 5.2 One letter of support has been received on the grounds that the proposal would make the community vibrant and safer.
- 5.3 Two letters of objection have been received from local residents. Their grounds of objection / concerns can be summarised as follows:
 - Points out that there are already 10 mosques and an Asian women's' centre in the vicinity and questions the need for another.
 - Increase in traffic on a very busy main road. Brook Hill has already has a problem with speeding traffic and suffers from displaced parking from those shopping in Alum Rock and parents picking up their children from the new school. Extra traffic will cause extra hazards and parking issues.
 - The proposal would be an eyesore when viewed from home, directly opposite.
 - The site would be better used for housing or greenspace.
 - The proposal involves the loss of trees.

6 Relevant National & Local Policy Context:

6.1 National Planning Policy Framework

Section 7: Ensuring the viability of town centres

Section 11: Making effective use of land - Paragraph 118

Section 12: Achieving well-designed places - Paragraph 124-132

Section 16: Conserving and enhancing the historic environment - Paragraphs 189-202

6.2 Birmingham Development Plan 2017:

Policy PG3, Place Making

Policy TP1, Reducing the City's Carbon Footprint Policy

Policy TP2, Adapting to Climate Change

Policy TP3, Sustainable Construction

Policy TP4, Low and zero energy generation Policy

Policy TP9, Open space, playing fields and allotments

Policy TP11, Sports Facilities

Policy TP12, Historic Environment

Policy TP21 The Network and hierarchy of centres

Policy TP24, Promoting Diversity of use within centres

Policy TP25, Tourism and Cultural Facilities

Policy TP26, Local Employment

Policy TP27, Sustainable Neighbourhoods

Policy TP30, The type, size and density of new housing

Policy TP44, Traffic Congestion & Management

6.3 Development Management DPD:

Policy DM2, Amenity

Policy DM4 Landscaping & Trees

Policy DM6 Noise & Vibration

Policy DM8, Places of Worship

Policy DM10, Standards for residential development

Policy DM11, Houses in Multiple Occupation (HMO)

Policy DM14 Transport, access and safety

Policy DM15 Planning & Servicing

6.4 Supplementary Planning Documents & Guidance:

Planning Guidelines for Development Involving Public Houses SPG

Birmingham Parking Standards SPD 2021

Birmingham Design Guide SPD 2022

7 Planning Considerations:

7.1 The application has been considered against the above policies. The main material considerations are:

- 1) The principle of the development
- 2) The loss of the public house and bowling green
- 3) The location of a place of worship
- 4) The design and suitability of the mosque
- 5) The impact on the heritage assets
- 6) The proposed residential environment
- 7) Access and parking considerations
- 8) Ecology and drainage
- 9) Impact on residential amenity of neighbours

10) Other matters

The principle of development

There are two main 'in principle' issues associated with this proposal: firstly, the loss of the former public house use, with associated bowling green and gardens and, secondly, the acceptability of the construction of a large mosque in the former gardens /bowling green and conversion of the public house building into community use on the ground floor, sui generis residential use on the first and second floor (9 room HMO). The policy framework provides qualified support for allowing both of these developments.

7.2 Loss of the public house and associated bowling green

7.3 The loss of the public house has been assessed against 'Planning Guidelines for Development Involving Public Houses SPG'. The policy states that the impact should be assessed and account taken of the number of alternative premises. Where the local area is adequately served, favourable consideration will normally be given to alternative proposals.

7.4 The public house and associated bowling green has not been used since the public house closed in 2012. The applicants advise that it closed because the then owners found it unviable. As such, whilst the loss of the existing public house is regrettable, it is considered acceptable in principle as there are existing facilities elsewhere in the wider local area (5 public houses within 1.5 miles). In support of the application, the agents undertook a consultation with the local community prior to submission of the application. This showed considerable community support for the proposal. Furthermore, no objection to the proposal has been received from the community on the grounds that it would involve the loss of a public house.

7.5 Location of place of worship

7.6 BDP Policy TP21, the network and hierarchy of centres, and Development Management in Birmingham Policy DM8, Places of Worship, all point to a preference to site large places of worship in District /Local Centres where linked trips to shops and other services can be made, public transport connections are most developed and the potential to adversely impact upon residential amenity is less. The application site is located around 400m from the eastern edge of the Alum Rock District Centre. However, there is no specific requirement for a sequential test to be undertaken and the policy does not prevent the development of places of worship outside centres, but seeks justification that the chosen site is the optimum. In this case, the applicant has considered the matter and advised that there are no suitable sites available within the nearby District and Neighbourhood Centres. This is accepted. The chosen site is on a busy road, with good public transport links. Also, the site is located within the catchment area of most of their anticipated worshipers. This is considered an acceptable location.

7.7 It is worth noting that there are no planning policy constraints on the number of mosques, or other places of worship, 'allowed' in any one location and that Policy TP25. tourism and cultural facilities, is supportive of: *'the City having a diverse mix of facilities that are attractive to a range of audiences'*.

7.8 The dilapidated state of the bowling green is testimony to the fact that the bowling green has not been used for an extended period of time. Leisure Services expressed

no objection in principle to the proposal, but seek £75,000 for the loss of the bowling green. It is considered that the proposed mosque/ community use would perform social and community functions to mitigate for the loss of the former public house/ bowling green which has been unable to perform such functions since its closure in 2012. Therefore, in this case, no financial contribution has been sought for the loss of the bowling green.

7.9 The design sustainability of the mosque

7.10 The challenge for the architects has been to design a new, purpose built, mosque that both reflects the cultural background and aspirations of their clients and intended future users and responds positively to the context of a site located in an established residential area.

7.11 At Brookhill the architects have sought to incorporate traditional features into their design whilst also satisfying the requirements of a modern public building (heating, disabled access, sustainable features etc.) and creating an attractive building that reflects its status and sits comfortably in its' wider context. Following extensive discussions, the current proposed design is refined and respectful of its context.

7.12 Sustainable construction maximising natural daylight and ventilation, water efficiency, use of a green roof and use of renewable technologies, photovoltaic panels and ground source heat pumps, will ensure that the proposed mosque building is sustainable and satisfies policies TP4 and TP4.

7.13 Heritage Impact upon the listed building

7.14 The importance of the Brookhill Tavern, as a largely unaltered example of an early/ mid twentieth century reform public house, is recognised in its' listed designation (Grade II). It commands a prominent position at the junction of Alum Rock and Brook Hill Roads reflecting its' significance within the overall hierarchy of buildings in the area.

7.15 The property was built as a public house and retention of the listed building in that use would be the optimum preference. However, it is currently vacant, and has been closed since 2012. The applicants are proposing an alternative use, with minor alterations (see associated listed building consent application ref. 2021/10530/PA), which would retain and maintain the listed building in a purposeful use. In principle, this is acceptable in relation to Policy TP12, Historic Environment, and paragraphs 197, 199, 200 and 202 of the NPPF.

7.16 The gardens/ bowling green, that were once located on higher ground to rear, formed an integral part of the original recreational complex. The proposal would permanently sever the link between the public house and the gardens/ bowling green removing the last surviving vestiges of these uses from the site, and, in so doing, would have some adverse impact upon the setting of the public house. It would also result in a new building mass located on higher ground to the rear of the former public house. The presence of the mosque against the backdrop of this view would have some adverse effect on the setting of the former public house, although it would, to some extent, be mitigated by the fact that the former public house is located in a dip, or low point, in the surrounding topography.

7.17 The harm arising to the setting of the listed building from the loss of the associated gardens/ bowling green and the proposed development needs to be balanced against the benefits it offers in terms of bringing the site back into use. Given the poor condition of the garden area and former bowling green, there is little prospect of

the public house and associated recreational uses being restored in the future. The re-use of the site to provide a mosque, and the retention of the listed building in associated community use, is considered to outweigh the harm arising to its' setting. The proposal is considered to be acceptable in relation to Policy TP12 and the NPPF.

7.18 Proposed residential environment

7.19 The proposed development contains two residential elements: the Imam, or mosque leader's, house and the 9 bed cluster flats on the upper floors of the former public house building.

7.20 The proposed Imam's accommodation is a three bed, single aspect, dwelling located on the opposite side of the Mecca facing southeast wall of the main mosque hall. It does not have any private outdoor amenity space and is accessed internally from within the mosque complex. As such, it does not meet the requirements set out in Policy DM10, standards for residential development, as a stand-alone independent dwelling. For these reasons, it is considered appropriate to append a condition that it should only be used to provide ancillary residential accommodation to the mosque and community use.

7.21 The cluster flat bedroom sizes all exceed the minimum size provisions set out in Policy DM 11, Houses in multiple occupation (HMO). However, they are ancillary to the mosque/ community use. They have no independent access and limited communal area, kitchen, dining & living space. Residents would be reliant on the general mosque and community use provision for external amenity space, refuse and cycle storage. For these reasons, it is considered appropriate to append a condition that they too are used ancillary to the residential accommodation to the mosque and community use and should only be occupied in conjunction with that use.

7.22 Access and parking considerations

7.23 The main vehicular access is shown off Brook Hill Road to the south of the proposed new mosque. It will provide access to 149 parking spaces, including 132 in the proposed underground car park. There will be a second vehicular access off Brook Hill Road, to the north, which will pass through the building to the rear. This will provide service road access for deliveries, including hearses, and access for the Iman's residence. The two existing former public house accesses off Alum Rock Road and Brook Hill Road will be retained to serve the small forecourt area in the front, as they do at present. Access arrangements are considered to be acceptable.

7.24 Concerns have been raised by residents in respect of the adequacy of the proposed parking provision, and the potential displacement into surrounding roads. The applicants are proposing to provide a total of 149 parking spaces, most located in an underground car park linked by stairs and lifts to the main mosque complex. In terms of footprint, parking would cover nearly 70% of the site. Most of the remaining 30% is the footprint of the retained public house building, landscaping and surface level car parking. This level of parking provision is considered to be sufficient for the day-to-day operation of the mosque. Particularly as many of the anticipated users are expected to live locally and have other options to access the site: walking, cycling and public transport. Regular bus services run along Alum Rock Road.

7.25 There may be occasions, such as Friday prayers, festivals, weddings and funerals of prominent community members, when parking demand outstrips the level of on-site provision, and some user parking is displaced into neighbouring residential roads. However, these occasions are considered likely to be low, periodic, linked to specific

events, rather than constant, and amenable to some mitigation through the parking management plan recommended by condition.

- 7.26 In considering the impact of displaced parking upon the surrounding road network some heed needs to be taken of the existing authorised use and the fact that a large public house with beer garden could be revived, with similar potential for displaced parking at popular times in the evenings and at weekends.

- 7.27 Overall, the proposed access and parking arrangements are considered to be reasonable and acceptable, subject to the recommended highway conditions.

7.28 Ecology

- 7.29 Since the closure of the public house, ten years ago, and before that in relation to the recreation area, nature has begun to reclaim the area. Ruderal vegetation has recolonised some areas and urban foxes sighted. However, apart from the frontage trees, it is essentially scrub among the fly tip waste. The proposed landscaping will result in an improvement to the biodiversity of the site.

- 7.30 The proposal is located in Flood Zone 1, where the risks of flooding are considered to be low. Whilst the specification of the applicants proposed drainage arrangements does not currently satisfy the LLFA in respect of all details, it is considered that these issues can be resolved with a condition requiring submission, approval implementation of details prior to commencement and a subsequent maintenance regime.

7.31 Impact on residential amenity of neighbours

- 7.32 Mosques are generally quiet, neighbourly, uses which cause little disturbance to their neighbours, apart from periodic parking displacement during events. As a purpose-built building, good sound insulation can be provided from the outset and a restriction preventing the use of amplification equipment audible outdoors can be appended to maintain the tranquil character of the established residential area. Regulatory Services have expressed no objections.

7.33 Other issues

- 7.34 Dining halls / kitchens and Café - The northern wing of the proposed mosque, fronting Brook Hill Road, is shown containing kitchens, two large dining halls and a café. These facilities are intended to serve the mosque's users and visitors and facilitate its' charitable works which provide meals to the needy. These activities are ancillary to the main use of the building as a place of worship and considered to be compatible with that use. If they were to be used for the sale and consumption of food and drink off the premises, a 'take-away' use, they may attract customers in the evening resulting in parking, noise and disturbance to neighbours. A condition to prevent the sale of food and drink for consumption off the premises is considered prudent to safeguard the amenities of local residents.

- 7.35 West Midlands Police, in relation to 'Secure by Design', and West Midlands Fire Service, in relation to Building Regulations, provide extensive advice to the applicant in areas falling outside planning jurisdiction. As this is related to the development in a general way may be useful to the applicant it is recommended that this be included in informatives.

8 Conclusion

- 8.1 The loss of the public house use, bowling green and garden is regrettable, The public house has been closed for many years as it was unviable. No objection to the loss of the public house has been received from the local community. There are other public houses in the area which is considered sufficient to serve the local need. The proposal would provide a viable future use for the listed public house building, ensuing its' preservation.
- 8.2 Although the proposed mosque is located outside the designated Alum Rock District Centre, it is just 400m from the centre and located on a busy road, with good transport links.
- 8.3 The design of the mosque has been amended since the previous, withdrawn, application. In terms of scale and massing it relates well to the retained listed public house building and neighbouring dwellings. In relation to architectural detailing and use of quality building materials, it will provide a very positive addition to the city's architecture.
- 8.4 In terms of car parking, the applicants have sought to mitigate this impact by maximising the number of spaces they provide on-site, with the provision of an underground car park, and to encourage cycling by providing secure, under cover, stands. Most potential worshipers live close to the site, and its' proximity to regular bus routes along Alum Rock Road, makes sustainable travel, walking, cycling and public transport a credible option.

9 Recommendation:

- 9.1 Approve subject to conditions.

-
- 1 Requires the prior submission of a construction employment plan.
 - 2 Requires the submission of extraction and odour control details
 - 3 Limits the noise levels for Plant and Machinery
 - 4 No sound reproduction or amplification equipment
 - 5 Noise mitigation
 - 6 Requires the prior submission of a construction method statement/management plan
 - 7 Limits the use of the floodlighting
 - 8 Limits the hours of use 08:00-22:00
 - 9 Requires the submission of a contaminated land verification report
 - 10 Requires the prior submission of a contamination remediation scheme
 - 11 Requires submission of drainage details
 - 12 Submission and approval of drainage plans
 - 13 Requires the prior submission of a legally protected species and habitat protection plan
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| 14 | Requires the prior submission of a method statement for the removal of invasive weeds |
| 15 | Requires the prior submission of fencing around areas of nature conservation interest |
| 16 | Requires the prior submission of an additional bat survey |
| 17 | Requires the prior submission of an additional bat survey on a phased basis |
| 18 | Requires the prior submission of an additional ecological survey |
| 19 | Requires the submission of a scheme for ecological/biodiversity/enhancement measures |
| 20 | Requires the submission of a scheme for ecological/biodiversity/enhancement measures on a phased basis |
| 21 | Requires the prior submission of details of bird/bat boxes |
| 22 | Requires the implementation of the submitted mitigation/enhancement plan |
| 23 | Requires a construction management plan |
| 24 | Requires a landscape and ecological plan |
| 25 | Requires 1:20 scale annotated bays studies |
| 26 | Requires sample face panels |
| 27 | Requires detailed drawings of the external cycle store |
| 28 | Requires drawings, specifications and maintenance schedule for the green roof. |
| 29 | Requires the submission of hard and/or soft landscape details |
| 30 | Requires the prior submission of earthworks details |
| 31 | Requires the submission of boundary treatment details |
| 32 | Requires the submission of sample materials |
| 33 | Requires the prior submission of level details |
| 34 | Requires the submission of architectural details |
| 35 | Requires the prior submission of a construction method statement/management plan |
| 36 | Requires the submission of details to prevent mud on the highway |
| 37 | Requires the prior installation of means of access |
| 38 | Requires the submission of details of pavement boundary |
| 39 | Requires the submission of entry and exit sign details |
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- 40 Requires the submission of a parking management strategy
 - 41 Requires the provision of cycle parking prior to occupation
 - 42 Requires the delivery and service area prior to occupation
 - 43 Requires the parking area to be laid out prior to use
 - 44 Requires the dedicated use of access and egress points
 - 45 Requires the submission of cycle storage details in a phased manner
 - 46 Requires the prior submission of a sustainable drainage scheme
 - 47 Implement within 3 years (Full)
 - 48 Requires the scheme to be in accordance design and access statement
 - 49 Limits the maximum number of worshippers.
-

Case Officer: Jeremy Guise

Photo(s)



Photograph 1: View of Brook Hill Tavern looking south west from Brookhill Road / Sutton Approach



Photograph 2: View from Brookhill Road looking west (the site is on the left side)



Photograph 3: View of the site from Brookhill Road looking south east

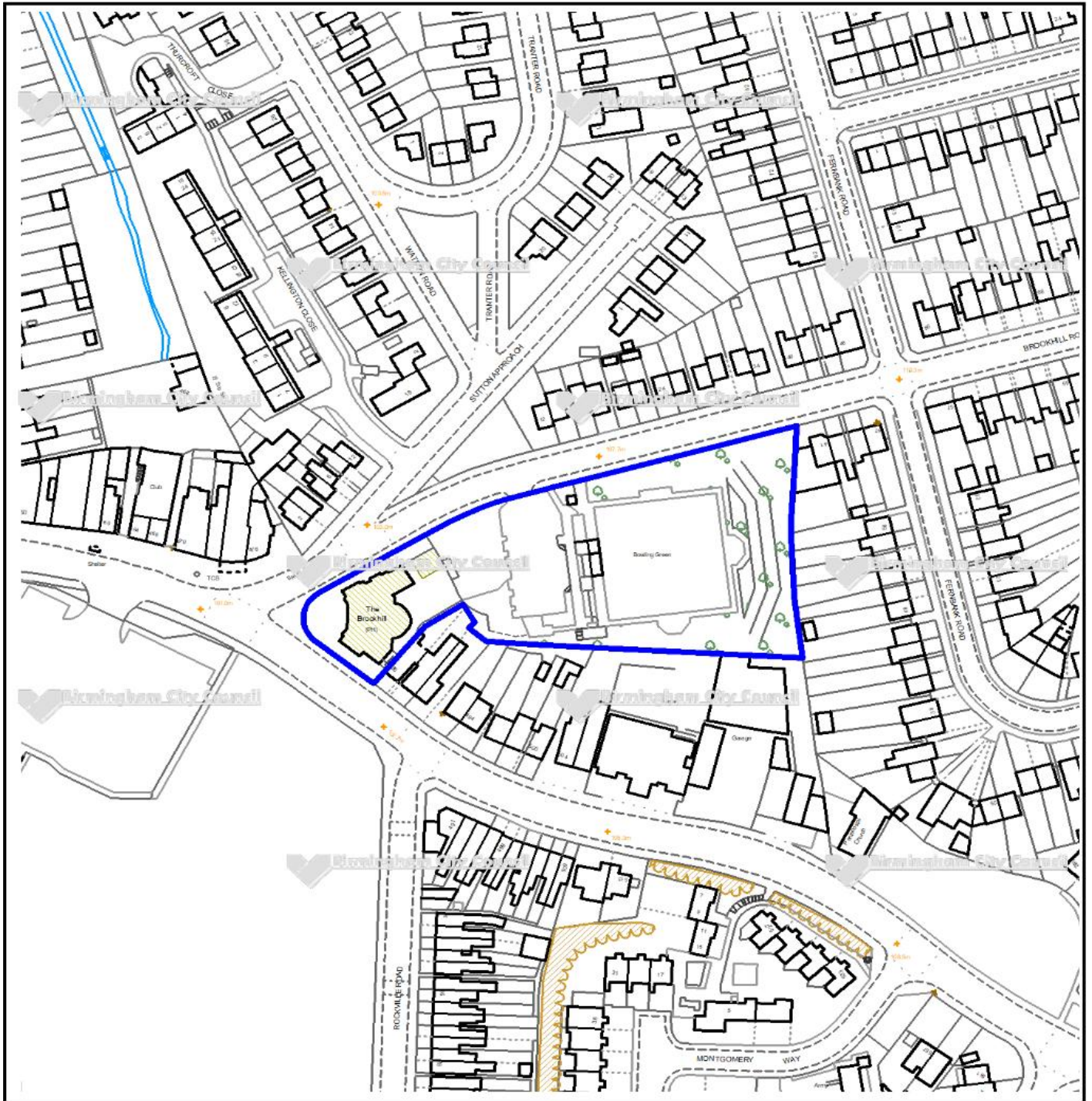


Photograph 4: View looking west from within the site towards the rear of the Brookhill Tavern PH



Photograph 5: View looking east within the site of former recreation garden outbuildings

Location Plan



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Committee Date:	22/12/2022	Application Number:	2021/10530/PA
Accepted:	14/02/2022	Application Type:	Listed Building
Target Date:	30/11/2022		
Ward:	Alum Rock		

The Brookhill Tavern, 484 Alum Rock Road, Alum Rock, Birmingham, B8 3HX

Listed Building Consent for part remedial and restoration works to include internal and external alterations of Brookhill Tavern public house for proposed conversion to community centre and ancillary visitor accommodation including demolition and removal of curtilage buildings

Applicant: GS Trust
30 Boldmere Drive, Sutton Coldfield, B73 5ES
Agent: MADE Architecture Limited
43 Station Road, Dominion Court, Solihull, West Midlands, B91 3RT

Recommendation

Approve subject to Conditions

1. **Proposal:**

- 1.1 Listed building consent is sought for works to the Brookhill Tavern building in association with its conversion from a public house to a community use. The demolition plan, that accompanies the application, shows the removal of some modern internal walls on the ground and first floors.

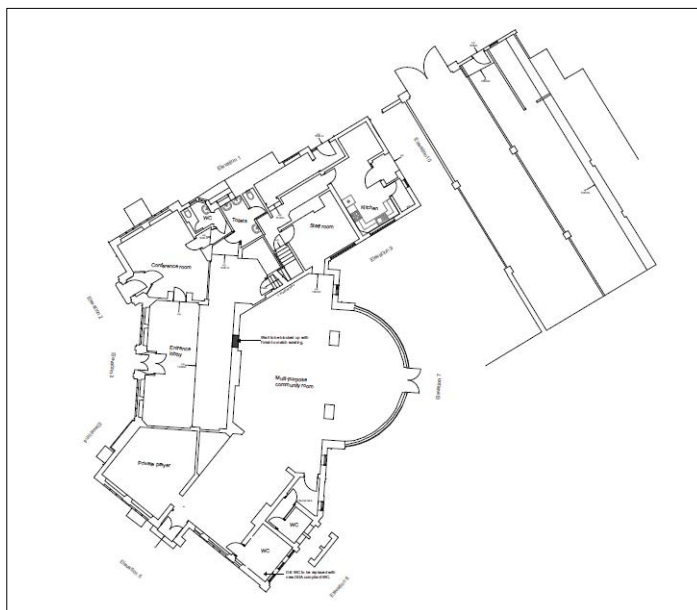


Image 1: Proposed Ground Floor Plans

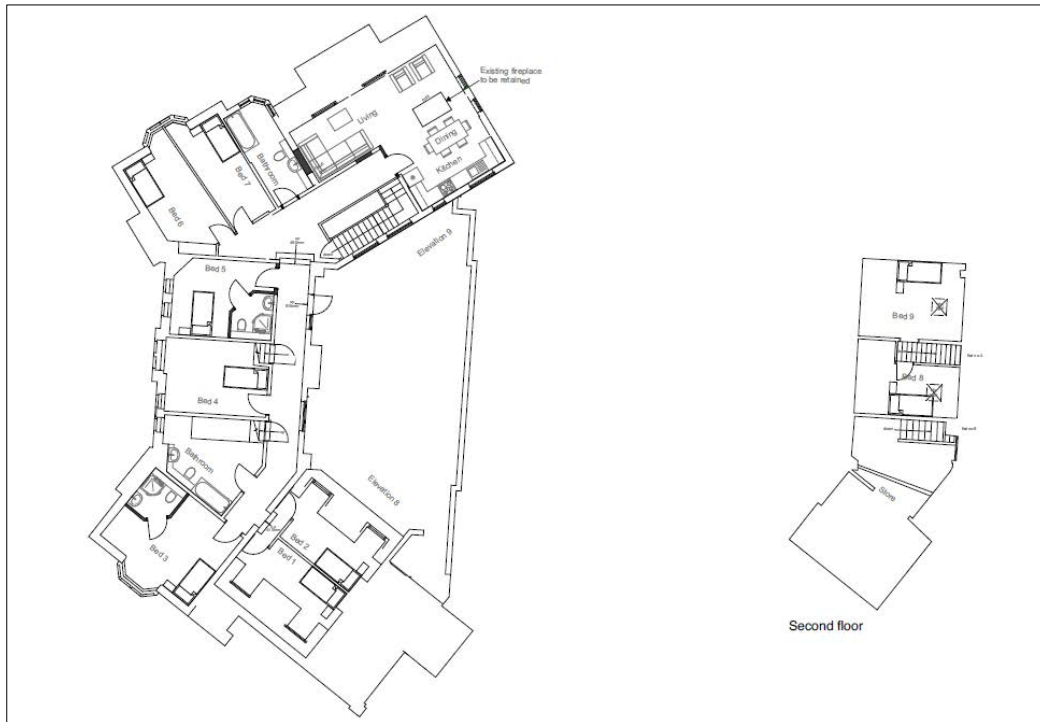


Image 2: Proposed First and Second Floor Plan

- 1.6 The application is accompanied with a supporting documents:-
- Heritage Impact Assessment
- 1.7 There is a parallel planning application for change of use of the Bookhill Tavern building to a community use and the development of a mosque on the former public house bowling green and recreation ground and ref. 2021/10528/PA.

[Link to Documents](#)

2 **Site & Surroundings:**

- 2.1 The former Brookhill Tavern occupies a prominent site at the junction of Alum Rock Road and Brook Hill Road. It is a symmetrically balanced, purpose built, public house designed by George Bernard Cox of Harrison Cox in 1927-28 as a 'reformed' public house. It was built for Mitchells and Butler, one of the big Birmingham breweries, on the edge of the then expanding city during the prosperous inter war period.

[Site Location](#)

3 **Planning History:**

- 3.1 Ref. 2020/08050/PA – Erection of a new mosque (use class F1) with associated parking, landscaping and infrastructure works to include basement car park. Repair remedial works to convert and change the use of public house (sui Generis) to

provide community and ancillary visitor accommodation uses (Use Class F1).
Withdrawn 26/04/2021

4 Consultation Responses:

- 4.1 *Conservation Officer* – By virtue of the demolition of curtilage listed structures and grounds the proposal would fail to preserve the historic and architectural interest of the listed building and its setting, as required by Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, thereby causing ‘Less than substantial harm’ to the significance of the building and its setting. The degree of harm is considered to be at the moderate to upper levels of ‘less than substantial’ and the tests of paragraph 202 of the NPPF will need to be applied.
- 4.2 *Historic England* – Have stated that they are not offering advice.
- 4.3 *Birmingham Civic Society* - Are supportive of the general use of the site the retention of the historic building in a manner which has little impact upon it is worthy. Impressed with the standard of design. Note that the proposed development would secure the future of the heritage asset.

5 Third Party Responses:

- 5.1 The application has been publicised by Site Notices, letters to Liam Byrne, the local MP, ward councillors and 92 neighbours. This has not resulted in receipt of any letters of representation (LORs) specifically relating to the listed building consent application. One letter in support of and two letters raising objection have been received to the planning application (see ref. 2021/10528/ PA for details)

5.2 Relevant National & Local Policy Context:

5.3 National Planning Policy Framework

Section 16: Conserving and enhancing the historic environment - Paragraphs 189-202

5.4 Birmingham Development Plan 2017:

Policy PG3 Place Making
Policy TP12, Historic Environment

5.5 Development Management DPD:

Policy DM8, Places of Worship
Policy DM2, Amenity
Policy DM10, Standards for residential development
Policy DM11, Houses in Multiple Occupation (HMO)

5.6 Supplementary Planning Documents & Guidance:

Birmingham Design Guide SPD 2022

6 Planning Considerations:

- 6.1 The application has been considered against the above policies. The main material considerations are:
- The principle of changes to a listed building

- The impact on the heritage assets

6.2 The principle of development

The best use for a listed building is usually the purpose for which it was originally built. However, when a listed building becomes redundant and needs to be repurposed, an alternative use that minimises the impact upon the fabric and maintain the character of the original building is acceptable as it retains and preserves the fabric. In this case, it is accepted that the public house use was unviable and it is unlikely that a public house use will ever be revived. Allowing the changed of use to a community and residential use will ensure that the building is retained and maintained with minimal loss to its fabric and character. It is supported in principle.

6.3 Heritage Impact upon the listed building

The importance of the Brookhill Tavern, as a largely unaltered example of an early/ mid twentieth century reform public house, is recognised in its' listed designation. It commands a prominent position at the junction of Alum Rock and Brook Hill Roads reflecting its' significance within the overall hierarchy of buildings in the area.

- 6.4 The proposed re-use of Brookhill Tavern as a community centre is welcomed and brings about a positive impact to the heritage asset. The proposed works are relatively minor and involve loss of modern internal walls that do not contribute to the historic importance of the building. Returning the building to a well-maintained condition with a suitable use is supported. Recommendations made in the Heritage Impact Assessment (HIA) are that details of a number of minor external works to the Tavern should be clarified through the submission of detailed drawings and the opportunity taken to remediate the shopfront on the northern elevation. Concluding a minor degree of positive impact through a sustainable new use.

7 Conclusion

The relatively minor changes to the fittings and fabric of the listed building facilitate its reuse and are acceptable.

Recommendation:

- 8.1 Approve subject to conditions

-
- | | |
|---|---|
| 1 | Implement within 3 years (Full) |
| 2 | Method Statement |
| 3 | Details |
| 4 | Requires the scheme to be in accordance design and access statement |
-

Case Officer: Jeremy Guise

Photo(s)

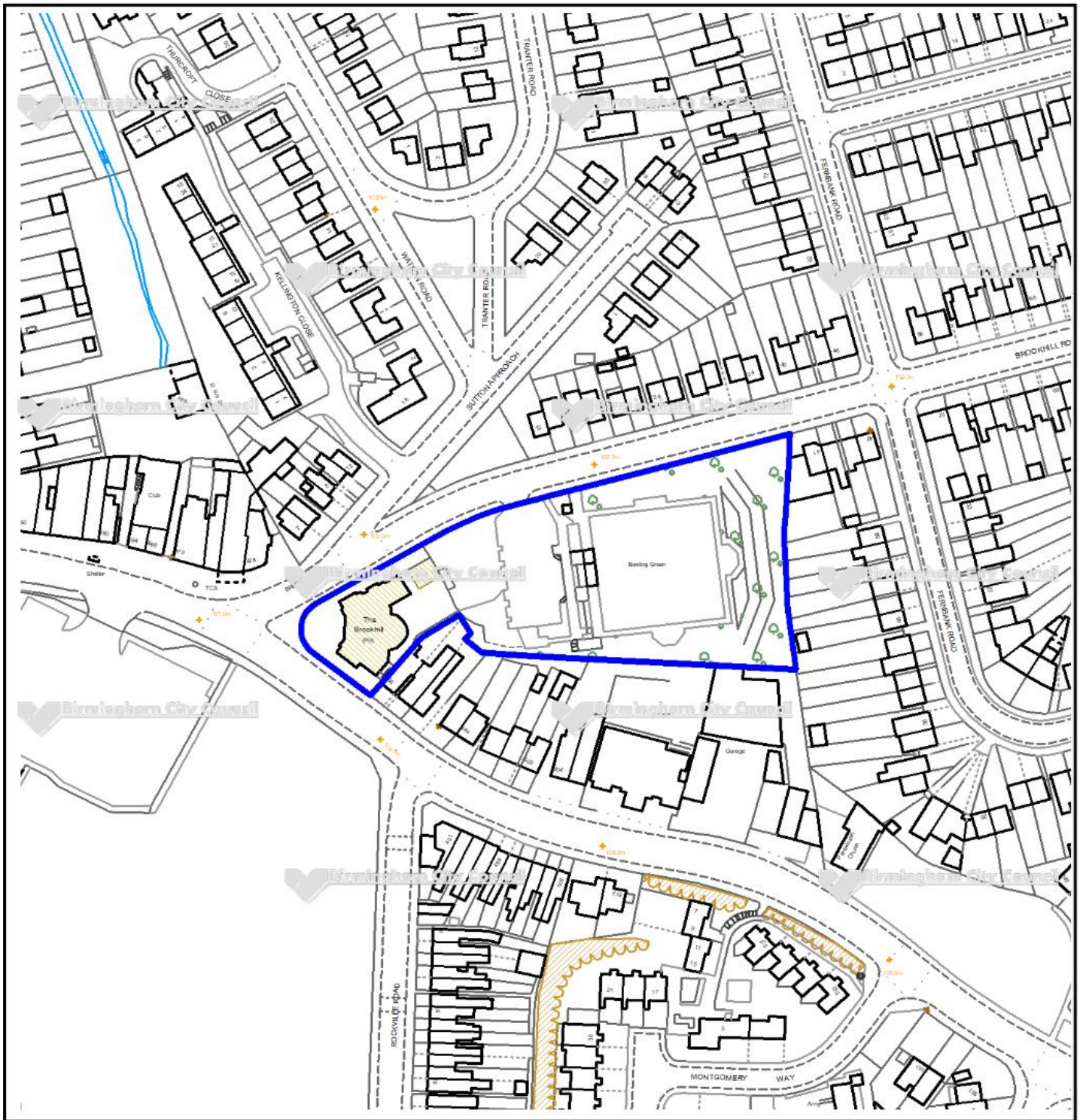


Photograph 1: View of Brookhill Tavern from Brookhill Road near Alum Rock Road junction



Photograph 2: View of Brookhill Tavern from the junction Brookhill Road & Alum Rock Road

Location Plan



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Birmingham City Council

Planning Committee

22 December 2022

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Approve – Subject to 106 Legal Agreement	12	2022/04934/PA Aldi 637 Bristol Road Selly Oak Birmingham B29 6AE Demolition of existing store and erection of a replacement food retail store (Class E(a) with associated access, car parking, servicing an

Committee Date:	22/12/2022	Application Number:	2022/04934/PA
Accepted:	20/06/2022	Application Type:	Full Planning
Target Date:	20/01/2023		
Ward:	Bournbrook & Selly Park		

Aldi, 637 Bristol Road, Selly Oak, Birmingham, B29 6AE

Demolition of existing store and erection of a replacement food retail store (Class E(a) with associated access, car parking, servicing and landscaping.

Applicant: Aldi Stores Ltd
C/O Agent
Agent: Turley
18 Windsor Place, Cardiff, CF10 3BY

Recommendation

Approve Subject to a Section 106 Legal Agreement

1. **Proposal:**

- 1.1 Full consent is sought for a replacement food retail store including alterations to car parking and associated landscaping. The replacement store is larger and will be re-orientated 90 degrees so its short elevation would now front onto the Bristol Road.
- 1.2 The store measures 34.9m wide and has a depth of 61.3m with a total floor area of 1881sqm, of which 1315sqm would be retail floor area. The remainder of the ground floor would include toilets, staff room, meeting room, storeroom, plant room and a loading bay.
- 1.3 The proposed building has a flat roof with a maximum height of 6.6m on the Bristol Road frontage. The street facing elevation primarily consists of glazing with areas of red brick. Red brick is the predominant material on all elevations. The store entrance is located on the side facing towards the car park but is in close proximity to the Bristol Road frontage.



Image 1: Proposed Bristol Road Elevation



Image 2: Proposed Elevation to car park

- 1.4 131 parking spaces are proposed of which 6 are disability bays, 6 parent and child and 4 include electric vehicle charging points. Cycle parking for 16 bikes is proposed on the Bristol Road frontage and outside the front elevation of the store.



Image 3: Proposed Site Layout

- 1.5 A small rectangular parcel of land is incorporated within the blue line at the junction of Bristol Road and Dale Road. The intention is for the parcel of land to be enhanced with a scheme of hard and soft landscaping.
- 1.6 A Planning Statement, Design and Access Statement, Heritage Statement, Drainage Assessment, Noise Report, Ecology Survey, Ground Investigation Report, Transport Assessment and Energy Statement have been submitted in support of this application.
- 1.7 [Link to Documents](#)

2 **Site & Surroundings:**

- 2.1 The site is currently split into 2 with the front part of the site utilised as a food store with associated car park with the rear section of the site forming part of Bournbrook Recreation Ground. The recreation ground incorporates 2 basketball courts and a local play area which is now in a state of disrepair. Student accommodation and terraced residential properties on George Road are located to the north and the Bristol Road provides the eastern boundary to the site. A mix of commercial properties are located to the south including 2 grade II listed buildings (a large substation and No. 641 Bristol Road).

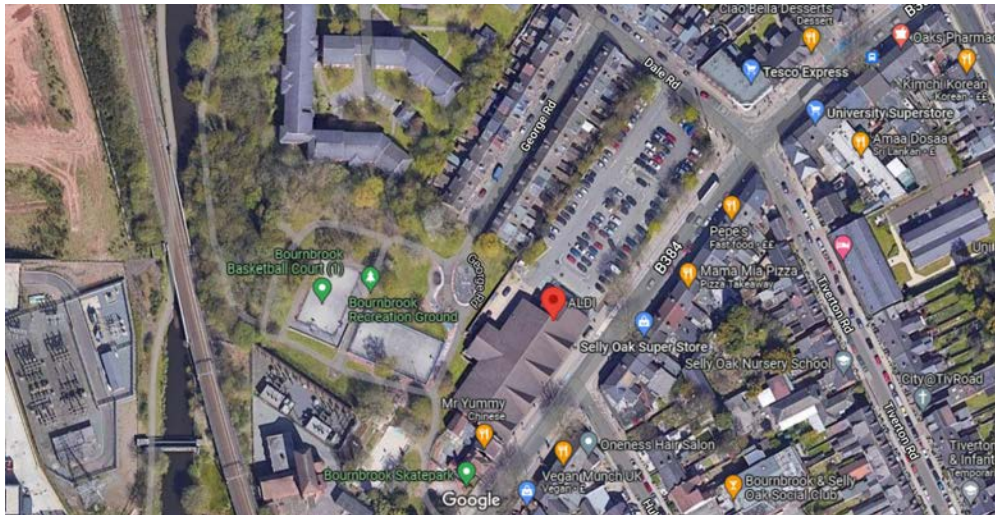


Image 4: Aerial view of application site

- 2.2 It should be noted that there is a current application for 10 affordable dwellings (2022/00252/PA) directly to the west which is located on part of the Recreation Ground. If both applications are approved the only parcel of the Recreation Ground remaining would be the skate park.
- 2.3 The majority of the site falls within the boundary of the primary shopping area and Selly Oak District Centre, as identified in the City's Shopping and Local Centres Supplementary Planning Document.

2.4 [Site Location Plan](#)

3 **Planning History:**

- 3.1 24/07/1998. Application No. 1996/02738/PA. Construction of single-storey food retail store and associated car parking – approved
- 3.2 14/08/2006. Application No. 2006/02927/PA. Extension to retail store & associated alterations to car park - approved
- 3.3 Adjacent site:
- 3.4 Application No. 2022/00252/PA. Erection of 10no. new dwelling houses for affordable rent (4 x maisonettes & 6 x houses) with associated parking, landscaping and drainage works – awaiting decision

4 **Consultation Responses:**

- 4.1 Severn Trent – No objection subject to drainage condition
- 4.2 Lead Local Flood Authority – No objection subject to conditions requiring submission of sustainable drainage scheme and sustainable drainage operation and maintenance plan.
- 4.3 West Midlands Police – No objection subject to conditions requiring access controls for car park, CCTV scheme and lightings scheme.
- 4.4 West Midlands Fire Service – No objection

- 4.5 Regulatory Services – No objection subject to conditions requiring contamination remediation scheme, contaminated land verification report, noise levels for plant and machinery, lighting scheme, delivery time restrictions, hours of use, construction method statement and provision of electric vehicle charging points.
- 4.6 Transportation – No objections
- 4.7 Leisure Services – payment of £433,095 to provide 2 replacement MUGA's at Selly Oak Park.
- 4.8 Sport England – No objection

5 Third Party Responses:

- 5.1 Local occupiers, Ward Councillors, MP and resident associations were notified. Two site notices and a press notice have been displayed. 35 letters of support have been received by members of the public raising the following matters:
- Regeneration of dated store;
 - Larger store will better serve local residents;
 - Good for local area;
 - Creates more accessible and welcoming environment;
 - Creation of additional jobs;
 - Additional parking provision;
 - Provides good quality and good value food;
 - Inclusion of electric vehicle charging points; and
 - New store incorporates accessible public toilet;

6 Relevant National & Local Policy Context:

6.1 National Planning Policy Framework:

Chapter 2 – Achieving Sustainable Development
 Chapter 6 – Building a Strong, Competitive Economy
 Chapter 7 – Ensuring the Vitality of Town Centres
 Chapter 8 – Promoting Healthy & safe Communities
 Chapter 9 – Promoting Sustainable Transport
 Chapter 11 – making effective Use of Land
 Chapter 12 – Achieving Well Designed Places
 Chapter 15 - Conserving and Enhancing the Natural Environment
 Chapter 16 – Conserving and Enhancing the Historic Environment

6.2 Birmingham Development Plan 2017:

PG3 – Place Making
 GA9 – Selly Oak and South Edgbaston
 TP3 – Sustainable Construction
 TP4 – Low and Zero Carbon Energy Generation
 TP6 – Management of Flood Risk and Water Resources
 TP12 – Historic Environment
 TP21 – The Network and Hierarchy of Centres
 TP22 - Convenience Retail Provision

6.3 Development Management DPD:

DM2 – Amenity
 DM4 - Landscaping and trees
 DM14 - Transport access and safety
 DM15 - Parking and servicing

6.4 Supplementary Planning Documents & Guidance:

Birmingham Design Guide SPD
Birmingham Parking SPD
Wider Selly Oak SPD

7 Planning Considerations:

7.1 Principle

7.2 Policy GA9 of the BDP identifies a number of development sites to help promote major regeneration and investment in the Selly Oak and South Edgbaston area, one of which is Bournbrook Recreation Ground. The same area is also identified as Opportunity Site 4 within the wider Selly Oak SPD. This suggests that the Bournbrook Recreation Ground site is suitable for student accommodation or residential. Only a small part of this site encroaches into the Recreation Ground. It is important to bear in mind that there is separate application for 10 affordable dwellings (2022/00252/PA) ensuring that element of the policy would be met.

7.3 A significant proportion of the site falls within the boundary of the Primary Shopping Area and Selly Oak District Centre whether further retail provision would be supported. In light of the overarching objective to promote major regeneration and investment it is considered that the proposal is in broad conformity with the policy framework. However, all matters of detail will be considered below including design, impact on historic environment, amenity and transportation.

7.4 Loss of Public Open Space

7.5 Paragraph 98 of the NPPF emphasises that access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and wellbeing of communities. Paragraph 98 states that existing sports facilities and open spaces should not be built on unless one of the following criteria can be met:

- a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.

7.6 Policy TP9 of the BDP indicates that the development of open space would not normally be granted unless one of the following criteria could be met:

- There is a surplus of open space locally;
- Replacement open space of similar size and quality will be provided;
- The space is of poor quality and the remaining smaller parcel of open space is substantially enhanced; and
- The development is for an alternative sport/recreational use and the benefits would outweigh the loss

7.7 There are currently 2 basketball courts, skate park and former children's play area on Bournbrook Recreation Ground. The combination of the adjacent affordable housing scheme and this proposed new foodstore would result in just the area where the skate park is located being retained.

7.8 On its own the larger foodstore fundamentally undermines the remainder of the recreation ground at the rear (with the exception of the skate park) by virtue of the

removal of one MUGA and many of the paths through the recreation ground resulting in a poorly overlooked and cramped space. Leisure Services have therefore requested that £433,095 is required to enable the provision of 2 additional MUGAs at Selly Oak Park which is just a 1km walk from the Recreation Ground. This contribution will ensure that there is no net loss and the replacement facilities will be of a higher quality. Furthermore, it is considered that the Bournbrook Recreation Ground is of limited quality with poor levels of natural surveillance which has led to issues of crime and disorder in the past.

- 7.9 The financial contribution for new facilities will be secured via a S106 agreement. It is therefore considered that the proposal accords with Policy TP9 of the BDP.
- 7.10 Design and Layout
- 7.11 The new store would be re-orientated 90 degrees meaning that a short elevation of the replacement building would be facing onto the Bristol Road. Whilst in general terms it would be preferable to have the longer elevation providing a visual presence along the street frontage, the existing store has a long blank brick elevation on the frontage which is only broken up by intermittent stickered windows. The proposed street facing elevation whilst shorter, is heavily glazed. This provides a much greater level of natural surveillance to the Bristol Road. The store is primarily constructed to red brick to ensure that it complements the traditional properties along the Bristol Road and surrounding residential streets. The City Design Officer considers that the design and layout is acceptable.
- 7.12 In summary it is considered that the proposed layout, scale and appearance adequately addresses the urban design imperatives set out in the NPPF and BDP Policy PG3.
- 7.13 Impact on Historic Environment
- 7.14 The electricity sub-station (Grade II listed) is positioned 34m south west of the retail store, 641 and 659 Bristol Road (Grade II listed) are located 8m to the south of the proposed building and the Selly Oak Institute (Grade II listed) is located 25m to the south east.
- 7.15 The Conservation Officer agrees with the submitted Heritage Statement that the proposals have no impact on the setting of the Institute and sub-station. However, the Conservation Officer does raise some concerns in relation to the Park Keepers Lodges (641 & 659 Bristol Road). The lodges mark the entrance to the recreation ground and the former historic parkland previously and therefore have always had a green setting. The larger store encroaches into the recreation ground meaning that some of the green open setting is lost. The Conservation Officer therefore considers that there is some adverse impact upon the setting of the lodges through the erosion of the historic context and a diminished ability to understand and appreciate their parkland setting. In NPPF terms, the Conservation Officer considers this to be a minor adverse impact which would cause 'less than substantial harm' to the significance of the heritage assets and goes on to state that this would sit at the lower end of 'less than substantial' harm.
- 7.16 In light of the harm identified it is necessary to consider whether there are any public benefits which would outweigh the harm. The new store would deliver economic and social benefits to the local community through job creation, provision of a more modern retail unit with greater choice of products and enhanced sports facilities within Selly Oak Park. In light of the low level of harm identified, it is considered that this is outweighed by the benefits highlighted. The proposal therefore accords with Policy TP12 of the BDP and the NPPF.

7.17 Residential Amenity

- 7.18 The Birmingham Design Guide sets out a number of numerical standards which help to ensure that acceptable amenity standards are retained for the occupiers of adjacent properties.
- 7.19 The closest existing residential property is the flat above No. 639 Bristol Road which is directly adjacent to the existing and proposed store. In light of the existing close relationship it is not considered that the proposal will have any additional impact on the occupiers of this property. There is a row of terraced properties on George Road that back onto the western boundary of the site. Due to the reorientation of the store, the proposed building is now further away from these properties therefore no additional harm would arise.
- 7.20 As stated previously, there is a current planning application for 10 affordable dwellings adjacent to the application site. It is therefore important to consider the potential impact on the occupiers of the proposed 10 affordable dwellings if they are constructed in the future. The submitted plans indicate that they would be located 22m from the new store and delivery area. Acoustic fencing is proposed and conditions are proposed to limit delivery hours, opening hours and noise levels from plant and machinery. It is therefore considered that this retail scheme wouldn't prejudice the delivery of affordable housing on the parcel of the recreation ground directly behind the proposed store.
- 7.21 Regulatory Services have reviewed the submitted noise assessment and have raised no objection to the scheme from a noise perspective. It is acknowledged that a development of this nature will increase activity within the area in both the daytime and evening with it being a larger store. However, it must be remembered that the site is in a District Centre with numerous commercial uses adjacent meaning this is not a quiet location.
- 7.22 In summary it is considered that the proposal will not unduly impact on the amenity levels experienced by the occupiers of nearby properties.
- ## 7.23 Transportation
- 7.24 There are currently 99 parking spaces in front of the Aldi store of which 67 are specific spaces dedicated to the retailer with the remaining 32 spaces being an unrestricted public car park. The Birmingham Parking SPD has introduced new standards for large retail developments. The application falls within Zone B and it is expected that a parking space will be provided for every 20sqm of floor space of which 6% should be disabled bays and one in every 5 bays should include an electric vehicle charging point (EVCP). In addition 1 cycle storage space should be provided per 10 staff and a customer cycle space should be provided for every 250sqm of floor area.
- 7.25 The proposal results in an increase in retail floor space of 602sqm. To comply with the SPD up to a further 30 spaces can be provided. In this case a further 32 spaces are proposed which results in a total of 131 spaces. Whilst this is considered to be a slight overprovision of 2 spaces Transportation consider this is acceptable on balance within a busy local centre where parking can be problematic. A further 2 disabled spaces are provided which meets the requirement of the SPD. 8 further cycle spaces will also be incorporated into the development which exceeds the requirement by 2. A total of 4 EVCP spaces will be provided.

- 7.26 It is important to note that the public car park will be removed in its entirety with the larger car park managed by the retailer which would operate as short stay car park with a maximum stay of 2 hours permitted. Concerns were initially raised by Transportation over the loss of the unrestricted public car park. In response the applicant undertook a parking survey to understand how this car park was utilised. The survey indicated that users tended to stay 1-2 hours indicating use as a short stay car park. The car park for the new Aldi store would be time limited at 2 hours and therefore can still be utilised as a short stay car park by users of Selly Oak District Centre. On this basis, Transportation have no objection to the loss of the public car park.
- 7.27 The site will utilise the existing access to serve the replacement store. The site is in a sustainable location within Selly Oak District Centre and is in close proximity to bus routes and a train station that provide direct access to the City Centre.
- 7.28 The Council's Transportation Officer raises no objection to the proposal. Consequently, it is not considered that the proposal will have a harmful impact on the highway network.
- 7.29 Landscape and Trees
- 7.30 There are number of trees at the rear of the site which form part of the recreation ground. The proposal requires the removal of 11 trees of which 7 are category B and 4 are category C. This tree loss has been accepted by the Council's Tree Officer. The submitted landscape plan indicates that 18 new specimen trees will be planted. The Tree Officer notes that the replacement trees are proposed in locations where public amenity views will be benefited and considers that the planting positions of the new trees should produce good results. It is therefore considered that the planting proposals adequately mitigate for the tree loss. The Tree Officer therefore raises no objection subject to condition requiring the submission of an arboricultural method statement.
- 7.31 Public realm enhancements are also proposed on the corner of Dale Road and Bristol Road through soft landscaping and the installation of benches which provide an attractive area in the heart of Selly Oak, which is described as a community garden. A mix of ornamental shrubs, perennials and trees are incorporated into the garden. A planning condition will be required to ensure that the community garden is completed prior to the opening of the retail store.
- 7.32 Ecology
- 7.33 The application is submitted by a Preliminary Ecology Appraisal which identifies that Bournbrook Recreation Ground offers suitable foraging potential habitat for bats with connectivity to the adjacent canal and railway line. The Canal is recognised as a Site of Local Importance for Nature Conservation (SLINC) highlighting the significance of this nearby local wildlife habitat. Concerns were initially raised by the Ecologist that the scheme would result in a net loss to biodiversity. However, following the submission of amended landscape plans with tree pit details the Ecologist is satisfied that the enhanced planting scheme with a range of specimen trees, hedgerows and shrubs would provide biodiversity benefits with the addition of a condition requiring bat, bird and insect boxes.
- 7.34 Sustainability
- 7.35 The application has been supported by a BREEAM Pre-Assessment, Sustainability and Energy Statements. The proposal incorporates sustainable energy sources through the use of an air source heat pump and solar PV. These measures result in

a reduction in regulated CO2 emissions of 37% compared to building regulations and also a 39% reduction in energy demand. The BREEAM Report indicates that 'excellent' will be achieved. The Planning Policy Officer is satisfied that the scheme accords with the sustainability requirements of policies TP3 and TP4 of the BDP.

8 Conclusion

- 8.1 The proposed development would be in accordance with and would meet policy objectives and criteria set out in, the BDP and the NPPF. The larger food store would be a positive addition to Selly Oak District Centre adequately addressing the loss of open space. Therefore the proposal would constitute sustainable development and it is recommended that consent is granted.

9 Recommendation:

- 9.1 That the consideration of planning application 2022/04934/PA should be approved subject to the completion of a planning obligation agreement to secure the following:
- a) Payment of £433,095 to provide replacement MUGAs within Selly Oak Park;
 - b) Payment of a monitoring and administration fee associated with the legal agreement of £10,000.
- 1.1. In the absence of a suitable planning obligation agreement being completed to the satisfaction of the Local Planning Authority on or before 20th January 2023 or such later date as may be authorised by officers under delegated powers the planning permission be refused for the following reason:
- a) In the absence of any suitable legal agreement to secure the replacement MUGAs the proposal would be contrary to policy TP33 of the Birmingham Development Plan and NPPF.
- 1.2. That the City Solicitor be authorised to prepare, seal and complete the planning obligation.
- 1.3. That in the event of the planning obligation being completed to the satisfaction of the Local Planning Authority on or before 20th January 2023 or such later date as may be authorised by officers under delegated powers favourable consideration be given to this application subject to the conditions listed below.

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| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Implement within 3 years (Full) |
| 3 | Requires the submission of sample materials |
| 4 | Requires the submission of a CCTV scheme |
| 5 | Requires the implementation of a lighting scheme |
| 6 | Requires the prior submission of a sustainable 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 contamination remediation scheme |
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9	Requires the submission of a contaminated land verification report
10	Limits the noise levels for Plant and Machinery
11	Requires the installation of acoustic fence
12	Limits delivery time of goods to or from the site to 07:30 to 21:00 Monday to Saturday and 09:00 to 18:00 on Sundays
13	Limits the hours of use to 08:00 to 22:00 Monday to Saturday and 10:00 to 17:00 on Sundays
14	Requires the prior submission of a construction method statement/management plan
15	Requires the provision of cycle parking prior to occupation
16	Requires the provision of a vehicle charging point
17	Requires the parking area to be laid out prior to use
18	Requires the implementation of a commercial travel plan
19	Requires the submission of hard and/or soft landscape details
20	Requires the submission of hard surfacing materials
21	Requires the submission of a landscape management plan
22	Completion of community garden prior to first operation of retail development
23	Arboricultural Method Statement - Submission Required
24	Requires the prior submission of details of bird, bat and insect boxes
25	To ensure energy and sustainability measures are delivered in accordance with statement
26	To ensure that the development achieves BREEAM excellent rating level

Case Officer: Andrew Fulford

Photo(s)



Photo 1: View looking south west from Dale Road towards Aldi store and car park

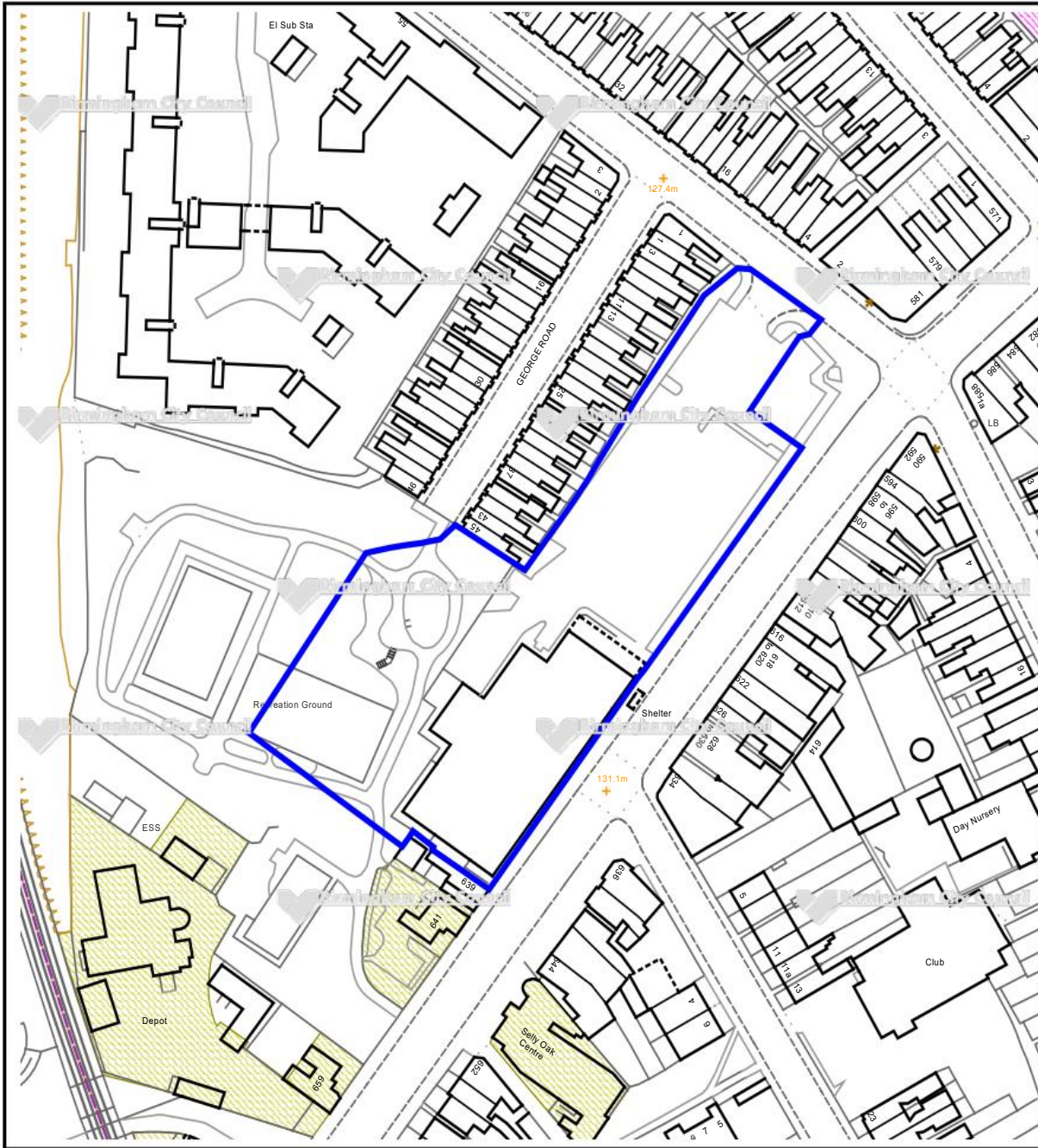


Photo 2: View north along Bristol Road showing existing Aldi store



Photo 3: View north from Recreation Ground towards George Road with rear of Aldi store in foreground

Location Plan



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