

Birmingham City Council

Planning Committee

25th September 2025

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Approve – Conditions	6	2023/04517/PA Langley Sustainable Urban Extension Lindridge Road/Springfield Road/Webster Way Sutton Coldfield Birmingham B76 Full planning application for the phased delivery of strategic infrastructure at the allocated Langley Sustainable Urban Extension in Sutton Coldfield. Works to include: the demolition of 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 or alteration of overhead lines; site clearance / remediation works and engineering earthworks to remodel site levels; provision of utilities infrastructure including substations; the creation of an internal primary and secondary highway network with connections to the surrounding highway; internal cycle and pedestrian network; strategic green infrastructure comprising formal and informal open space, amenity space, and play areas; the stopping up / diversion of the existing public highway and public rights of way, and the creation of new routes; strategic sustainable drainage system; the realignment of the Langley Brook and the creation of a new linear park; and the creation of acoustic mitigation along the eastern boundary with the A38
Determine	7	2024/06331/PA 56 Camp Lane Handsworth Wood Birmingham B21 8JR Change of use from residential dwelling house (Use Class C3) to a children's care home for 2 children (Use Class C2)

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Committee Date:	25/09/2025	Application Number:	2023/04517/PA
Accepted:	30/06/2023	Application Type:	Full Planning
Target Date:	20/02/2025		
Ward:	Sutton Walmley & Minworth		

Langley Sustainable Urban Extension, Lindridge Road/Springfield Road/Webster Way, Sutton Coldfield, Birmingham, B76

Full planning application for the phased delivery of strategic infrastructure at the allocated Langley Sustainable Urban Extension in Sutton Coldfield. Works to include: the demolition of 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 or alteration of overhead lines; site clearance / remediation works and engineering earthworks to remodel site levels; provision of utilities infrastructure including substations; the creation of an internal primary and secondary highway network with connections to the surrounding highway; internal cycle and pedestrian network; strategic green infrastructure comprising formal and informal open space, amenity space, and play areas; the stopping up / diversion of the existing public highway and public rights of way, and the creation of new routes; strategic sustainable drainage system; the realignment of the Langley Brook and the creation of a new linear park; and the creation of acoustic mitigation along the eastern boundary with the A38

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

Recommendation

Approve subject to Conditions

1. **Proposal:**

1.1 The proposal seeks full planning permission for an interconnected network of site-wide strategic infrastructure including, inter alia, principal internal roads, on-site surface water drainage, main open space/green infrastructure and acoustic mitigation along the eastern boundary with the A38 on the Langley Sustainable Urban Extension. This is in order to facilitate the delivery of the development in a way that enables the strategic infrastructure to be delivered in tandem with/in advance of the adjoining built development parcels that they will serve.

1.2 [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 Lane 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 is adjacent to three listed buildings – 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. The site contains 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 Peddimore Moat scheduled monument, 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 Link](#)

3. **Planning History:**

- 3.1 2021/10567/PA - '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'. Resolution to grant subject to the completion of a section 106 agreement (Planning Committee date: 22/12/2022).

4. **Consultation Responses:**

- 4.1 Consultation responses have been summarised by the Case Officer.
- 4.2 BCC Archaeology - No objection subject to a written scheme of investigation for an archaeological evaluation, followed by excavation and post-excavation analysis and reporting.
- 4.3 BCC City Design – No objection subject to conditions for landscaping details, hard surface details, earthworks, boundary treatments and landscaping management.
- 4.4 BCC Conservation - The application will be likely to cause harm by impacting upon buried archaeological remains and this will need evaluation and mitigation. It will also cause harm to Langley Gorse Farm, which is a non-designated heritage asset, the level of harm will be high due to the total loss of the building. The proposals will change the settings of the listed buildings, and this will result in some harm, the level of harm will be less than substantial.

If permission is forthcoming, a condition for the landscape design of the public open space at Langley Hall to interpret the heritage of the site is required.

- 4.5 BCC Ecology – No objection subject to conditions for a Construction Ecological Management Plan (CEMP), a Landscape and Ecology Management Plan (LEMP), Protected Species and Habitat Protection Plans, BNG Reporting, detailed landscaping scheme/planting plans, and details of ecological features (e.g. bird boxes, bat boxes, hedgehog access gaps, invertebrate boxes/'bug' hotels).
- 4.6 BCC Employment - No objection subject to Employment Construction Plan condition.
- 4.7 BCC Highways – No objection subject to conditions for a Construction Environmental Management Plan (CEMP), a Site Wide Phasing Strategy and Programme of Delivery, a signage strategy for pedestrians and cyclists, highways timings and delivery of the new pedestrian footway and cycleway provided to be defined.
- 4.8 BCC Leisure and Landscape – No objection subject to conditions for levels and earth works at the Sports Hub, drainage of the pitches, details of the sports hub pavilion and details of each play space and the associated surfacing and fencing proposed.

Officer Note: Further playing pitches provision on the site would be provided on the three school sites as part of a Community Use Agreement secured through the outline section 106 agreement.

- 4.9 BCC Public Health – No objection. This is a large development; therefore, it's recommended that a Health Impact Assessment be undertaken as this will help assess the potential effects on the health of the population, and also the distribution of these effects across the population. The HIA can highlight ways in which health gain can be maximised and risks to health minimised, and it will consider the needs of the range of population groups.
- 4.10 BCC Regulatory Services – No objection subject to condition for noise levels for Plant and Machinery, a Construction Environmental Management Plan (CEMP), a Landfill Gas Assessment, a Remediation Strategy, a Contaminated Land Verification Report, unexpected contamination details, an Air Quality Assessment, and Lighting Design Strategy.
- 4.11 BCC Tree Officer – 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 needs to be robustly justified and suitably mitigated. The loss of trees needs to be weighed against the benefits of the development as a whole.

- 4.12 Active Travel England – No objection. ATE has undertaken a detailed assessment of this application and is content with the submission.
- 4.13 Birmingham Civic Society - Support. The completed development will need provide facilities for medical care, policing, drainage and social housing.
- 4.14 Cadent Gas - No objections subject to a gas requirement informative.
- 4.15 Canal and River Trust - No objection to a sustainable drainage operation and maintenance plan.
- 4.16 Environment Agency - No objection subject to the imposition of conditions to restrict the use of piling or any other foundation designs using penetrative methods and a condition with regard to previously unidentified contamination.
- 4.17 Historic England – No objection. Clarification should be provided to confirm that the construction and operation of the proposed development will not result in any harmful impacts to the water levels or condition within the nearby Peddimore Hall scheduled monument.

Officer Note: Further details and clarification were provided to Historic England, and they have confirmed that they have no further comments.

- 4.18 Lead Local Flood Authority (LLFA) – No objection subject to conditions for a method statement for works in the river channel/bank, a sustainable drainage scheme and a Sustainable Drainage Operation and Maintenance Plan, and the prior submission of a sustainable drainage scheme in a phased manner.
- 4.19 National Highways – No objection.
- 4.20 Natural England – No objection subject to a condition to secure priority habitat and Green Infrastructure outcomes to mitigate impacts on Sutton Park SSSI from the development.

Officer Note: Obligations to mitigate the impact of the wider Langley SUE will be secured through the section 106 agreement attached to the outline planning application.

- 4.21 Cadent Gas - No objection.
- 4.22 Sport England - Objection on basis of 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 suggested for final layout of the sports hub, an Agronomy Assessment and to ensure that the pitches are constructed to a “Good” quality and in accordance with relevant guidance including Sport England’s Natural Turf for Sport Guidance.
- 4.23 Sutton Coldfield Ramblers – No objection. An improved walking route provided along the western edge is welcomed.
- 4.24 Warwickshire County Council – No comments received.

- 4.25 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.
- 4.26 West Midlands Fire Service – No objection subject to meeting relevant building control regulations.
- 4.27 West Midlands Police – No objection.
- 4.28 Cllr Ken Wood (Sutton Walmley & Minworth Ward) – My concern relates to the cycle route positioning in that it hardly promotes the feeling of inclusivity of the new development with existing Walmley village. Instead, it is creating a physical and visual barrier around the development which will lead to a "them over there" feeling. I also do not believe it ticks the exemplar box.
- 4.29 Cllr Richard Parkin (Sutton Reddicap Ward) – Objection. I formally object to the latest proposals to remove and tarmac over the established hedgerow (approx. 410m long) on Springfield Road between the junctions of Churchill Road and Reddicap Heath Road to make way for a new Western Boundary footway/cycleway. This would pointlessly destroy an existing green space area and a long-established natural habitat and home to local wildlife and biodiversity.

A new shared use footway/cycleway would be better placed running alongside the existing hedgerow within the land of the new development, thereby ensuring a new footway/cycleway can be built whilst also retaining the established hedgerow and not harming the local environment.

I also wish to raise my formal objection to the plans to build the A38 junction at Ox Leys Road southbound facing only whilst apparently taking the 'monitor and manage' approach for a northbound facing entrance/exit.

With regards to the proposals generally, residents have complained to me about how difficult it is for them to find and access the latest plans. When they log onto the Council Planning Portal search under application reference 2023/04517/PA they cannot find the relevant updated applications as there are 300 documents to wade through.

Officer Note: The works for the new access from the A38 are not included within the current application and were assessed as part of the outline planning application.

- 4.30 Sutton Coldfield Town Council – Objection.
- (a) Confirms that whilst welcoming the principle of increased tree planting proposed in this application, the objections submitted in the December 2024 Report relating to the 2024 amendments remain valid for this application.
- (b) Objects to the ongoing proposal to locate the proposed western perimeter walking and cycling route adjacent to the highway on the basis of the significant environmental impacts resulting from the associated loss of a substantial length of existing hedgerows, which is exacerbated by what now appears to be an additional 400m of hedgerow to be removed between Churchill Rd and Reddicap Heath Rd. The Town Council remains of the opinion that the alternative proposal put forward within the 2024 Report and submission which proposes the cycling and pedestrian route is placed behind the existing hedgerow would, in the main, negate their removal and should be implemented.
- (c) Objects on the basis that the outcome of the submitted biodiversity assessment needs to be reassessed as it is unclear how the removal of the additional amount of

the hedgerow has fed into the biodiversity calculations and whether a net biodiversity gain is now achievable. The Town Council requests this information should be made available prior to the application being determined.

(d) Requests the applicant undertakes a further review of the implementation of national guidance set out within LTN 1/20 to ensure the secondary road design safely accommodates cycling provision.

(e) Maintains its previous objection to the continued lack of a Comprehensive Delivery and Infrastructure Phasing Plan to provide assurance that necessary off-site highway mitigation works will be carried out in a timely way commensurate with the phased development of the site is of particular concern. This should be available to assist consultees in making comments.

(f) Welcomes the withdrawal of the previously submitted Strategic Infrastructure Design Code and requests it is developed in a more integrated way in conjunction with the Design Coding for the buildings and layout for the different character areas.

RSCTC also requested that its previous objection to the A38 junction (as set out in the December 2024 submitted Report) is reiterated as part of its response to this application as below:

'The Town Council maintains its previously expressed objection to the lack of north facing slip roads on the proposed northern A38 junction resulting in development traffic attempting to travel north from the site causing congestion on an already congested network. The Town Council considers that the developers and BCC reconsider this omission and request that, as a minimum, the current infrastructure application evidences that the internal infrastructure is future proofed to accommodate north facing slips that may be required as part of the Monitor and Manage approach.'

Officer Note: The works for the new access from the A38 are not included within the current application and were assessed as part of the outline planning application.

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.

5.3 200 letters of objection have been received which raise the following material planning matters:

Environmental

- Destruction of Green Belt Land: Strong objections to building on protected countryside.
- Loss of Mature Trees & Hedgerows: Estimated removal of over 100 mature trees and ancient hedgerows along Webster Way, Springfield Road, Thimble End Road, and Fox Hollies Road.
- Wildlife Impact: Threats to habitats for owls, hedgehogs, foxes, bats, deer, and endangered birds like swifts.
- Flood Risk: Removal of natural drainage buffers increases flooding potential, especially on Springfield Road.

- Mental Health & Visual Amenity: Green corridors are valued for wellbeing and community character.
- Proposals should retain all existing hedgerows, trees, and green corridors.

Transportation

- Traffic Congestion: Existing roads are already overwhelmed. The development will add 15,000 residents, 5,000 cars, and worsen congestion at Minworth Island, Walmley Ash Road, and Webster Way.
- Junction Design Flaws: Site Access 2 (Calder Drive) is criticised for poor placement, rat-running risks, and congestion.
- Cycleway (3m) and footpath (2m) along Webster Way would destroy green verges.
- Sprint Bus concept is widely rejected due to declining bus usage and impractical routing.
- Relocate infrastructure within Langley boundaries.
- Use A38 for primary access.
- Preserve green buffers between new and existing communities.
- Cycleways and footpaths should be relocated within development site.

Design & Sustainability

- Housing Quality: Criticised for being cramped, poorly designed, and lacking sustainable features (e.g. solar panels).
- Cycleway Design: Placement next to busy roads seen as unsafe and unattractive.
- Suggestions for Ultra-porous tarmac, wider paths, and integrated footpath networks.

Future Community Management & Engagement

- Community Development Trust (CDT): Proposed to manage community assets, promote sustainability, and ensure long-term stewardship.
- Resident Liaison Group: Suggested for ongoing dialogue and oversight.

5.4 Two letters of support received which made the following comments:

- The proposed cycling/pedestrian improvements to the west of the development would be a huge net positive for the local area.
- The proposals offer a high-end landscape scheme, with community amenities and benefits far outstripping the large majority of comparative, large-scale residential developments.

5.5 Other non-planning related comments were also received, including concerns regarding the extent and ease of understanding of the public consultation process and the motivations and transparency of the Applicants.

5.6 A petition objecting to the proposals has been received from Councillor Parkin and has 1,772 signatures (as at 04.03.2025). The description on the front of the documents reads:

- These proposals would unnecessarily remove and tarmac over the established hedgerow along Springfield Road between the junctions of Churchill Road and

Reddicap Heath Road to make way for a new Western Boundary footway/cycleway.

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
Chapter 15: Conserving and enhancing the natural environment
Chapter 16: Conserving and enhancing the historic environment

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 Health
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

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:**

Background

- 7.1 The outline planning application for the Langley SUE received a resolution to grant subject to the completion of a section 106 agreement at Planning Committee in December 2022. The application secured details of the eight principal access points into the site, whilst reserving matters of layout, landscaping, scale, appearance and non-strategic points of access for future consideration. The outline planning application set out a series of principles and parameters, which provide a framework for the subsequent detailed designs that will be brought forward through the future reserved matters applications.
- 7.2 The primary site access points for which details were included within the outline planning application are summarised as follows:
- Site Access 1 - A38 Peddimore Roundabout (Primary Access);
 - Site Access 2 - Calder Road / Webster Way;
 - Site Access 3 - Webster Way (between Calder Drive and Fox Hollies Road);
 - Site Access 4 - Fox Hollies Road / Webster Way / Thimble End Road;
 - Site Access 5 - Thimble End Road / Signal Hayes Road;
 - Site Access 6 - Thimble End Road north of Signal Hayes Road;
 - Site Access 7 - Springfield Road / Reddicap Heath Road / Ox Leys Road;
 - Site Access 8 - Springfield Road / Churchill Road; and
 - Site Access 9 - A38 North (Primary Access).
- 7.3 These primary site access points, therefore, do not form part of this application; however, included are details of the strategic highway routes within and on the boundary of the application site which connect into these access points.
- 7.4 In order to accelerate the delivery of the development, the design of the strategic site infrastructure has been submitted in advance of the signing of the section 106 agreement as a separate full planning application. The two applications, however, will be linked by condition to ensure that the Langley SUE is delivered as a single project in a phased manner that links the delivery of the necessary strategic infrastructure with the delivery of homes, schools and other community buildings.

Principle of Development

- 7.5 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.
- 7.6 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.

- 7.7 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, movement 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 sustainability and design, connectivity, green space and ecology, and heritage assets, which are each assessed in turn below.
- 7.8 Given the above, the principle of the development for key site infrastructure at the allocated Langley SUE is considered acceptable, subject to the assessment of all other material considerations below.

Green Infrastructure

- 7.9 A network of open spaces, playing pitches and green corridors are proposed within the site, which include the location of feature tree planting, orchard trees planting, shrubs and hedges, along with the provision of a wide variety of grass types. The submitted strategic green infrastructure plans show a total of 3,285 new trees within the public open spaces of the development. Locations of proposed water bodies and sustainable drainage features, such as swales, are also identified. Tree planting is proposed along key highway routes and it is envisaged that, once the final locations of streetlights and other uses adjacent to the carriageway are confirmed, that the proposals would accommodate in excess of 500 street trees.
- 7.10 The primary green infrastructure areas would provide the key multi-functional green infrastructure benefits on-site, with the secondary areas generally providing a number of key ecological, access, hydrological and landscape connections within and through the site. The areas of primary green infrastructure comprise Langley Heath Park; Langley Brook Park; Fox Hollies Park; Fox Hollies Wood; Langley Hall Park; and Langley Fields North and South Parks. The secondary areas would comprise the Eastern Boundary Corridor and the Greenways.
- 7.11 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.
- 7.12 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, Sports Provision and Allotments

- 7.13 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 SPD encourages the shared usage and/or co-location of the facilities at the Sports Hub with schools in order to make efficient use of land on Langley SUE. The SPD also seeks for the layout and design of the sports hub to be future proofed to accommodate the potential for future expansion should the need arise.
- 7.14 BDP Policy TP11 supports and promotes the provision of facilities for people to take part in formal and informal activity, that contributes to healthier lifestyles and can provide a 'stepping stone' into more formal sport. This policy states that it is important that community sport and leisure facilities should be located in easily accessible sites, with safe pedestrian and cycle access as well as being close to local public transport routes. This policy also recognises that facilities within educational establishments that can be used by the community provide a useful contribution towards the City's recreational and leisure requirements. In addition, Policy TP9 makes reference to a minimum standard of 1.2ha per 1,000 population for sports pitch provision in Birmingham.
- 7.15 Based on the output from the Sports England Playing Pitch Calculator, the Langley SUE scheme would give rise to the need for providing: two adult football pitches; one adult rugby pitch; two youth football pitches; one mini football pitch; along with other facilities (e.g. tennis, MUGA etc.). Discussions with Sport England have also identified that including some artificial playing pitch provision within the Langley SUE scheme would assist with increasing the duration and range of formal sporting activity which could take place within the Langley SUE.
- 7.16 To accommodate the principle of dual use, details have been submitted which propose that an artificial pitch would be provided within the Secondary School site and would be available for public use under a Community Use Agreement. In this regard, it would be able to meet some of the community adult football pitch requirement, whilst also potentially being available for hockey (club) use outside of school hours. Some community use provision would also be made available at the new primary school facilities to further boost formal sports provision on the site.
- 7.17 The Sports Hub shown as part of the current proposals, shows the configuration of pitches (senior football, senior rugby, youth football and youth rugby) along with a pavilion, car parking, allotments, tennis and MUGA facilities. Notwithstanding this detail, the final layout and design of the Sports Hub, including in relation to drainage and levels, would be subject to condition on any forthcoming planning permission. The Sports Hub should offer some future flexibility in terms of emerging sporting pitch requirements and the potential to add pitches or convert one or more of the grass pitches to artificial pitches in the future, should the need arise, in order to expand the range and duration of sporting activity which could take place within the Sports Hub.
- 7.18 Within the Sports Hub layout, land is also identified for community allotment provision as part of the sitewide community growing space strategy, which also involves community orchard facilities elsewhere within the strategic green infrastructure network. The margins around the sports hub pitches are proposed to include areas of species-rich grassland, native shrub planting and new native woodland planting which will provide a buffer and extension to the existing broadleaved semi-natural woodland, broadleaved plantation and coniferous plantation woodlands.

- 7.19 Sports England are generally 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 an agronomy report and feasibility assessment to inform the layout of the sports hub, the reduced size of the sports hub, the lack of provision for cricket, the use of school facilities for meeting the needs for community pitch provision and the lack of plans for the sports pavilion.
- 7.20 In agreement with BCC Leisure Services, some of Sports England's comments are considered to be able to be dealt with through appropriately worded conditions, such as requiring further details in respect of the layout and use of the Sports Hub and Pavillion. In terms of the use of school facilities for community pitch provision, in accordance with the Langley SPD, which states that *'shared usage and/ or co-location of the facilities at the Sports Hub with schools needs to be explored to make efficient use of land'*, whilst the concerns are noted, it is considered that Community Use Agreements can be secured through the outline s106 agreement and that the proper management of these facilities can be adequately protected.
- 7.21 With regards to the size of the Sports Hub and lack of a cricket pitch, the proposed area is less than that shown on the Land Use and Green Infrastructure Parameters Plans that were submitted with the outline application; however, the area (when including the school facilities) does cover the current formal playing pitch requirement for the Langley SUE based on the output from the Sports England Playing Pitch Calculator. In addition to the formal playing pitch provision within the Sports Hub and schools, the strategic green infrastructure proposals also include the provision of two informal playing pitches within the new community parks in the north and south of the site.
- 7.22 The Sports Hub would provide some flexibility and future proofing to accommodate the potential for further expansion of the use of the Hub and/or provision for alternative sports, should the need arise, in accordance with requirements of the Langley SPD. The final design and layout of the Sports Hub would also be subject to conditions, if permission is forthcoming, which could mean that other sporting provision (e.g. cricket facilities) is provided in lieu of what is currently shown.

Ecology

- 7.23 The application site is predominately formed of 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.
- 7.24 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.

- 7.25 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.
- 7.26 The proposed primary green infrastructure assets on the site include Langley Brook Park, Fox Hollies Park, Fox Hollies Wood, Langley Heath Park, Langley Hall Park and Langley Fields Park (North and South), with the eastern (A38) boundary corridor and the network of greenways being categorised as secondary green spaces.
- 7.27 In terms of existing Local Sites (SLINCs and PSIs) and other (undesigned) habitats across the wider landscape of the site, the submitted ecological information included a Local Site Assessment in order to determine whether habitats are likely to meet the criteria for designation as a SINC or SLINC. There continue to be some areas of disagreement in terms of the outcomes of the assessment, but it is considered to be adequate to enable potential impacts on habitats of Local Site value to be identified. Alongside the submitted ecological information (including the Local Site Assessment), and to provide additional assurance regarding appropriate mitigation and compensation for such impacts, a supplementary Technical Note has also been prepared to set out how long-term management of retained sections of existing and new Local Sites (SINCs and SLINCs) would be secured as part of the proposed development. This confirms that the proposed SINCs and SLINCs that would be retained and located within the strategic green infrastructure network would be subject to detailed management measures commensurate with their Local Site status. These measures would be set out in a Landscape and Ecological Management Plan (LEMP), to be secured by condition. The LEMP would also include enhancement of retained habitats outside of SINC / SLINC areas and creation of new habitats to mitigate and compensate for loss of habitats and features assessed as being of Local Site value.
- 7.28 Although the mandatory requirement to provide ten percent biodiversity net gain (BNG) came into force for major developments on 12 February 2024, as this application was submitted before this time, the current proposals are only required under policy to make a biodiversity net gain (i.e. any positive gain above zero). Notwithstanding this, to emphasise its exemplar ambitions, it is still considered that the proposed development should be aiming for as high a BNG as possible onsite. Given this, it is disappointing that the submitted BNG Assessment only manages to achieve a small increase in the net gain for habitat units (1.01%); however, larger increases are achieved for hedgerow (10.3%) and river (6.44%) units. In this regard, the development proposal meets the requirements of NPPF paragraph 187, which obligates proposals to provide a net gain for biodiversity.
- 7.29 In terms of the impact of the proposed development on protected/notable species, the loss of arable fields, hedgerows and other areas of semi-natural habitats 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 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), and protected species and habitat protection plans to cover great crested newts, bats, and badgers.
- 7.30 With the imposition of the conditions 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 considered the standing advice put forward by Natural England and the Natural Environment and Rural Communities (NERC) Act 2006.

Trees

- 7.31 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).
- 7.32 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.
- 7.33 It is accepted that tree losses cannot be totally avoided. For instance, where new accesses and essential infrastructure are required; however, losses should be sufficiently justified and shown to be unavoidable. Along Fox Hollies Road, for instance, details have been submitted identifying the need for essential foul drainage and a foul sewer connection to be delivered. The pipe is anticipated to be circa 150mm in diameter and would extend from the proposed pumping station adjacent Fox Hollies Road to the existing connection point with the junction of Thimble End Road. Owing to the Applicant's land availability, there is no viable alternative to routing the foul connection as proposed. Given this, project delivery would be informed by trial pit excavations within the carriageway to better inform the engineering operations and identify areas for open face excavation and suitable areas for inception pits to support Horizontal Directional Drilling in order to seek to avoid any tree losses along this road.
- 7.34 The submitted proposals have been designed to, where possible, minimise impacts on existing trees whilst also delivering the infrastructure and engineering necessary to support the construction of the wider development in the locations where such infrastructure is required. In this regard, the strategic infrastructure proposals by necessity still result in the loss of some existing trees, but this loss is mitigated by the planting of a significant quantum of new trees as part of a comprehensively designed green infrastructure strategy.
- 7.35 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 conditions if permission is forthcoming.
- 7.36 On balance, whilst the number of tree losses is regrettable, the size of the site and need for significant infrastructure to facilitate the development, along with the substantial new planting proposed which, once matured, would be a key benefit, mean that the proposals are considered acceptable and 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.

Transport Infrastructure

- 7.37 The current application proposes a street hierarchy within the site, which includes Primary Streets (PS1 – New A38 Link from Webster Way; PS2 – Webster Way and Thimble End Road; PS3 – Langley Central; and PS4 – Ox Leys Road) and Secondary Streets (SS1 – Langley Fields; SS2 – Langley Central; SS3 – Langley Heath; and SS4 – Langley Hall). A separate street character type has also been created for Fox Hollies Road (FH1). The submitted details include junction intervisibility, visibility splays, stopping sight distances, highway profiles, carriageways, parking/landscaping areas, footways, cycleways and key public realm areas for the Primary and Secondary Streets. Furthermore, a network of footways and cycleways are proposed within the green infrastructure to create permeability and provide alternative routes through the site.
- 7.38 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 have been 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. Segregated, well-lit cycle paths would be provided along the ‘Strategic Links’ within the site to provide an internal north/south cycle connection.
- 7.39 Primary Distributor Roads are the main routes through the site which would distribute the majority of traffic to/from the site. These have been designed with a speed limit of 30mph and would typically feature a carriageway width of 6.5m, with lane widening on bends, as required. Footways are shown on both sides with minimum widths of 2m, increasing to 3m near bus stops and 3.5m near schools. Segregated cycle facilities with one-way tracks have a minimum width of 2m plus a 0.5m buffer on both sides of the carriageway, and two-way tracks have a minimum width of 3m plus a buffer on one side, along with appropriate crossing facilities to enable cyclists to reach the cycle track. The road network would accommodate bus access, and where the road passes near schools or local centres, traffic calming measures would be implemented to ensure a 20mph design speed, including gateway features, vertical calming, signal-controlled crossings, and varied surface materials.
- 7.40 Secondary Distributor Roads link the various routes through the site and connect to the Primary Distributor Roads. These have been designed with a speed limit of 30mph and would typically feature a carriageway width of 6.5m but relaxing to 5.5m where bus access isn’t required. In terms of cycle facilities, verges, speed reductions, parking controls, bus accessibility and vehicular accessibility they would generally have the same design as the Primary Distributor Roads, but would have a shorter horizontal alignment and are expected to carry a lower traffic volume.

Pedestrian, Cycling and Public Transport

- 7.41 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.

- 7.42 In addition to the public rights of way upgrades across the site, an extensive network of new walking and cycling routes within the onsite green infrastructure would be provided, forming connections with key off-site routes to achieve a high level of accessibility to key destinations within the local area and provide wider community and recreational benefits.
- 7.43 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.
- 7.44 Segregated, well-lit cycle paths would be provided along the strategic routes to connect cyclists across the site (north to south) and over the A38 (eastwards) into the Peddimore development via the traffic free bridge.
- 7.45 The strategic highways network within the application site has been designed to be able to accommodate the movements of Sprint / Rapid Transit bus services. In particular, the southern pedestrianised section of Fox Hollies Road (running from Thimble End Road to the junction with Signal Hayes Road) would be opened up to bus traffic to create a dedicated bus route into the site. Bus shelters and seating would also be provided, and bus priority measures have been accommodated within the on-site highway strategy.

Western Boundary Walking / Cycling Route

- 7.46 As part of the strategic infrastructure at the site, a continuous walking and cycling route is proposed along the existing highway on the western boundary of the site. This was first identified in the outline planning application and is intended to enhance the sustainable travel opportunity along this existing highway; and ensure that a visible, safe and usable route can be delivered and made available from the start of the Langley SUE development process and which could be used by existing residents and future new residents to encourage and facilitate walking and cycling as a mode of travel.
- 7.47 Significant importance is placed at both a national and local planning policy level in identifying, promoting and prioritising walking and cycling through offering a genuine choice of transport modes within an environment that is both safe and attractive. Currently, there is no off-carriageway cycling route along the length of Springfield Road, Thimble End Road and Webster Way and the proposals include implementing such a scheme along this entire route for the benefit of the existing residents within the early phases of the development, which would ultimately be supplemented by a new network of routes throughout the wider development as it is built out.
- 7.48 The proposals for delivering early walking and cycling provision along the western boundary of the site as an enhancement to the existing highway provision have been considered and developed in conjunction with BCC Highways Officers. The proposals provide natural surveillance and avoid directing pedestrians and cyclists into fields and construction sites. They would be be accommodated within or immediately adjacent to the boundary of the adopted highway and link into the primary access junctions that were established as part of the outline planning application.
- 7.49 Through amendments as part of the planning process, the proposals now retain circa 1,100m more of the existing hedgerows along this western boundary in comparison to earlier iterations.

- 7.50 To maintain a hedgerow-bordered route alongside the existing highway on the western boundary, the route comprises a combination of segregated (3m wide cycleway and 2m wide footway) and shared (3.5m wide footway / cycleway) links and also utilises the existing pavement on the western side of Springfield Road for part of the route. The route would also continue along the southern boundary of the site on Walmley Ash Lane.
- 7.51 The new cycleways and footways would be constructed next to the existing carriageway at a raised level and separated from the adjacent carriageway by kerbing in order to segregate pedestrians and cyclists from vehicles. Where the proposals necessitate the removal of sections of hedgerow to accommodate the new vehicular access junctions, new hedgerows would be planted along the edge of these new junctions to maintain a landscaped boundary into the development. Additional new hedgerow is also proposed along Thimble End Road in place of the existing post and rail wooden fence.
- 7.52 Due to the existing width of the verge along Springfield Road between Churchill Road and Reddicap Heath Road, the proposals do require the removal of a circa 400m section of existing hedgerow to implement the improvements. Notwithstanding this, in order to maintain and enhance the visual appearance and screening currently afforded by the existing hedgerow, a new native, species-rich, mature 'instant' hedgerow is proposed immediately adjacent to the new route. It would be circa 1.8m high in the first year of planting, which is equivalent to the height of the existing hedge.



Photo 1: Springfield Road

- 7.53 The new hedgerow would incorporate further tree planting and would be maintained and allowed to grow to substantially higher than 1.8m high. It would provide an enhancement to biodiversity when compared with the existing, single, non-native species hedgerow and would immediately restore the screening function provided by the existing hedgerow. The Council's Ecologist has stated that that *"compensation for loss of this substantial length of hedgerow, albeit assessed as being of low ecological value, is essential (and, therefore,) replacement planting comprising a more mature 'instant' hedge rather than young, bare-rooted hedging, typical of most new hedgerow planting, is supported"*. Notwithstanding this, *"for this 'enhanced' level of compensation to be effective and the long-term success of the new hedgerow assured, the Applicant must commit adequate resources to ensure it is appropriately planted and suitable aftercare delivered"*. To ensure the successful growth and maintenance of the new hedgerow, a condition for a detailed Landscape and

Ecological Management Plan (LEMP) would be required to be imposed on any impending permission.

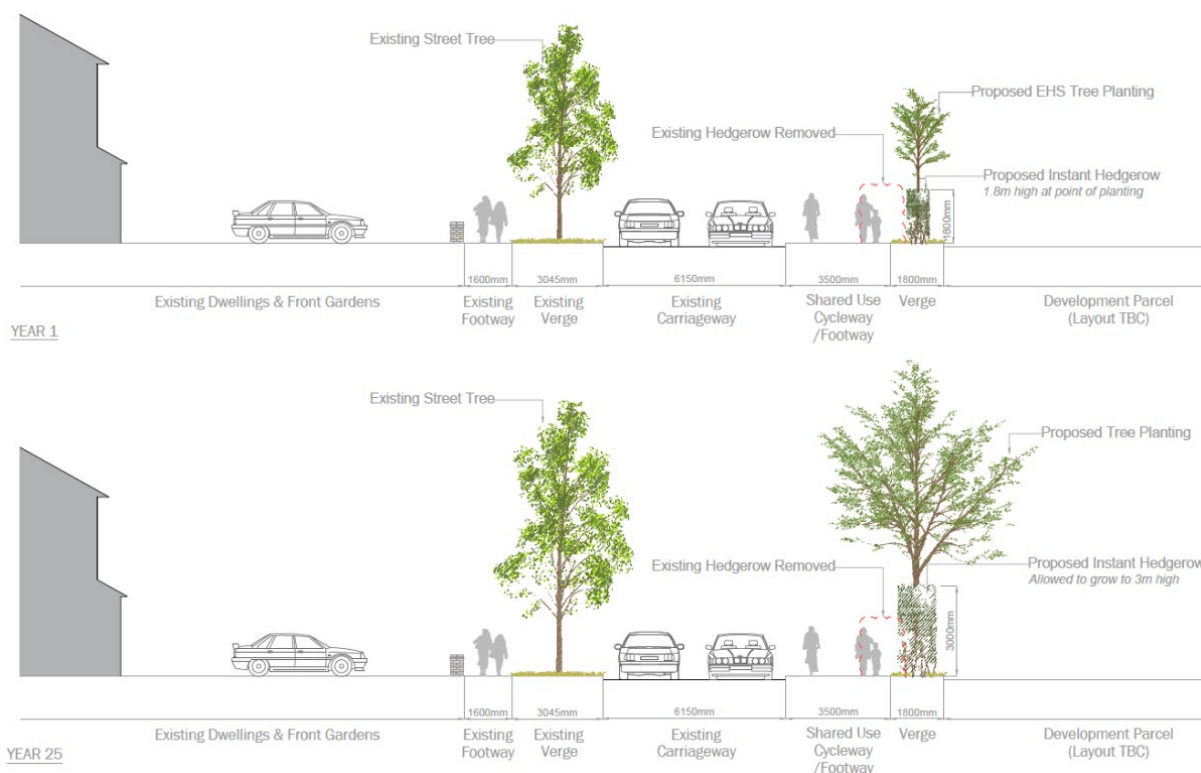


Figure 1: Illustrative cross-section of proposed 'instant' hedgerow

7.54 A significant number of objections have been received from neighbours who would prefer to see the retention of the existing hedgerow and locate the footway and cycleway to the east (behind) this hedgerow. This option has been considered by the Applicant and BCC Highways Officers and for the following reasons is not considered to be the optimal solution for the area:

- *Access Requirements and Hedgerow Loss*

To ensure safe and effective access from the west, multiple new access points would need to be created through the hedgerow. This would result in an increased loss of hedgerow, undermining its ecological and landscape value.

- *Lighting and Ecological Impact*

For safety reasons, additional lighting would likely be required along the route, particularly in close proximity to the hedgerow, which could have adverse implications for local ecology, including disruption to nocturnal species and habitat fragmentation.

- *Visibility and Safety Concerns*

The hedgerow would obscure visibility between route users and the adjacent carriageway. This raises potential safety risks, particularly for cyclists emerging from access points in the hedgerow to cross or join the highway.

- *Construction Phase Risks*

At the outset of the construction period, when the delivery of the route is

proposed, the residential development to the east of the hedgerow would not yet be built or occupied. This would result in pedestrians and cyclists being diverted into a field not subjected to surveillance, which would progressively become an active construction site.

– *Limited Passive Surveillance Post-Construction*

Even once housing is delivered to the east of the hedgerow, the route would still lack the level of passive surveillance provided by vehicular traffic and existing residential frontages along Springfield Road. This could affect perceptions of safety and actual security for route users.

– *Reduced Route Visibility and Modal Shift Impact*

The route's location behind the hedgerow would limit its visibility from Springfield Road, potentially reducing public awareness and usage. This may undermine the route's effectiveness in promoting modal shift and active travel uptake.

7.55 In contrast to these issues, the proposed new 'instant' hedgerow would provide a number of benefits, including the opportunity to create a habitat which supports a greater variety of wildlife over the longer term, resulting in the creation of a more species diverse hedgerow. It would also mean that there would be no requirement to create additional pedestrian or cycle access points through this section of new hedgerow, thereby preserving its ecological integrity.

7.56 The new route would benefit from existing street lighting along Springfield Road, enhancing safety without the need for new and intrusive infrastructure. Throughout its entire length, the new route would also maintain clear visibility from the carriageway, which would significantly improve user safety and awareness. During the early stages of the construction programme, the new route would be subject to passive surveillance provided by vehicular traffic, other road users, and existing residential properties, avoiding the need to divert pedestrians and cyclists into unsupervised or potentially hazardous areas behind the hedgerow. Furthermore, the route's visibility from Springfield Road ensures ongoing public awareness, which is expected to encourage greater usage and support modal shift objectives.

7.57 In addition to the above, the hedgerow removal works would be overseen by an ecologist to ensure that they are carried out with minimal disruption to nesting birds and mammals.

7.58 Given the above, it is considered that the proposed scheme would deliver a well-designed and effective intervention that facilitates the provision of a safe and accessible walking and cycling route adjacent to the existing carriageway along the western boundary of the Langley Sustainable Urban Extension. This would promote modal shift as an enhancement to the existing highway infrastructure. Furthermore, the proposal allows for the retention of the majority of the existing hedgerow along this boundary, while also incorporating a significantly larger, higher-quality, and visually attractive landscaping feature along the Springfield Road frontage. This enhanced feature would provide improved screening and deliver greater biodiversity benefits compared to the existing hedgerow in this location.

Conclusion on Highways Matters

7.59 The proposal is considered forward-looking, delivering a meaningful enhancement that supports the long-term ambition of achieving an exemplar development. 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.

Heritage

- 7.60 Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 provide specific protection for both buildings and areas of special architectural or conservation interest. The Act places a statutory duty on the decision maker, where a proposed development would affect a listed building or its setting, to have special regard to the desirability of preserving their special architectural or historic interest.
- 7.61 BDP Policy TP12 states that great weight will be given to the conservation of the city's heritage assets and states that proposals affecting a designated or non-designated heritage asset and its setting will be determined in accordance with national policy. The Policy supports development that conserves the significance of non-designated heritage assets including archaeological remains and locally listed buildings.
- 7.62 The application site is adjacent to 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 and the locally listed barns at Langley Heath Farm. The site includes 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.
- 7.63 The most historically significant open area to the southeast of Old Langley Hall would be retained within the strategic green infrastructure so that Old Langley Hall could still be viewed across open ground. The area of the moated site and fishponds north of Old Langley Hall would be retained as open space. Land to the north and south of the Fox Hollies buildings would be retained as multi-functional linked green infrastructure. An appropriate buffer of undeveloped land is proposed to be maintained to the north of Langley Heath Farmhouse and in the most significant views towards Fox Hollies House from the southwest. The open character of the landscape to the east of Fox Hollies and Langley Heath Farm and associated areas of trees would also be retained as part of the Sports Hub.
- 7.64 The only direct impact on an existing, non-designated heritage asset within the strategic infrastructure application proposals is in relation to Langley Gorse, which is proposed to be demolished, in line with the outline planning application proposals. Langley Gorse is a non-designated house dating from around 1870/80. 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 proposed for demolition rather than conversion and re-use. Total loss of the non-designated asset would represent a high level of harm to it.
- 7.65 The Council's Conservation Officer has been consulted on the proposals and has concluded that there would be change to the settings of the listed buildings which would result in some harm to the settings of Langley Hall Farm stables, Langley Heath Farm and The Fox Hollies, with the level of harm being less than substantial. He does not consider that the proposals would cause any unacceptable impact on

the setting of Peddimore Hall and the scheduled moat on the opposite side of the A38.

- 7.66 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. 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.
- 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 In terms of the proposed design for the landscaping of the park that would be created on the moated site, while the retention of the fishponds is supported, the design should better reflect the archaeological remains on the site. In particular, the layout of the moat and the location of the hall. The current design does not do this and is more akin to a generic open space. If permission is forthcoming, redesigned landscaping plans in this area should be submitted, which are better informed by the findings of the archaeological work to mitigate the harm to the setting of this area and better reveal its significance. These could be excavations with a large community/educational element, interpretation features and information or removing modern deposits in the upper fills of the moat to try and redefine the original shape and extent in the landscaping.

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.

Water Resources and Flood Risk

- 7.70 The proposal includes details for the strategic drainage attenuation features which are to be delivered, in accordance with the site-wide sustainable drainage strategy, in order to enable the surface water run-off from the site to be managed effectively.
- 7.71 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. 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'.

- 7.72 The proposals include a site wide surface water drainage network informed by the earthwork strategy, the surface water flow routes and the location of existing trees to be retained. The strategic surface water drainage network sets out the locations for manholes and pipes, along with details of the features which would form part of the blue infrastructure on site, including swales and ponds, which are predominantly located within the areas of strategic green infrastructure. The re-aligned Langley Brook forms a key part of the SuDS proposal for the site and includes an area for online attenuation, and natural flood risk management techniques.
- 7.73 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. As part of these proposals for the sitewide infrastructure, the strategic 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.
- 7.74 Flood risk would be managed as close to source as possible, in line with the drainage hierarchy outlined in Policy TP6. The proposed layout of the SuDS features has been 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.
- 7.75 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. The swales and attenuation basins would provide sufficient treatment and water quality benefits within the site for both roof and highway drainage run-off.
- 7.76 The Langley Brook within the site is identified as being subject to natural flooding and the proposals 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.
- 7.77 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.
- 7.78 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.
- 7.79 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.

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.

- 7.80 Given the above, the proposals are deemed to accord 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.

Environmental Health

Noise and Vibration

- 7.81 The proposed noise mitigation alongside the A38 takes account of the final ground levels, sustainable drainage and landscaping scheme along this boundary. Three different development scenarios were considered in assessing the proposed mitigation, with each showing that the proposals are acceptable and would not lead to any unacceptable noise impact of future residents.
- 7.82 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.
- 7.83 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.
- 7.84 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.
- 7.85 The completed Langley SUE 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 current proposal 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.
- 7.86 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.

- 7.87 Whilst the current application does not include any residential or educational development, the proposed noise attenuation for these buildings is included and, therefore, this must be assessed with these future uses in mind. 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.
- 7.88 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.
- 7.89 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

- 7.90 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.
- 7.91 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.
- 7.92 In terms of the protection of controlled waters, whilst the Environment Agency are satisfied that concentrations of contaminants identified do not represent a significant risk to controlled waters receptors and agree that remediation is not required, the presence of an historic landfill does represent a potential risk of contamination, and there remains the risk that contamination may have be missed during any investigation. For example, within areas of superficial deposits, piled foundations into

the Sidmouth Mudstone Formation are likely to be required, where these materials are softer and /or too thick to permit trench foundations. Piling using penetrative methods can result in risks to potable supplies from pollution/turbidity, risk of mobilising contamination, drilling through different aquifers and creating preferential pathways. Given this, a condition to restrict the use of penetrative foundation designs, such as piling, except for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater is considered necessary if permission is forthcoming.

- 7.93 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

- 7.94 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.
- 7.95 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.
- 7.96 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.

Environmental Impact Assessment

- 7.97 The Langley SUE has previously been identified as an Environmental Impact Assessment (EIA) development and the outline application was, therefore, accompanied by an Environmental Statement (ES) in 2021. The proposed strategic infrastructure works subject to this full planning application form an integral part of the whole Langley SUE and, therefore, Addendums to the original ES have been submitted to accompany the submission. These focus on elements of the scheme that form the strategic infrastructure works.
- 7.98 The final Addendum (ESA4) considered whether the identified changes to the strategic infrastructure application proposals would result in any additional likely significant effects not already set out in the 2021 ES, ESA1, ESA2 and ESA3. ESA4 concluded that the revised strategic infrastructure proposals shown on the amended landscape drawings and engineering plans generally conformed with the previously assessed parameters and did not result in any additional likely significant effects. ESA4 also highlighted where the revised proposals actually resulted in fewer adverse impacts or even betterment compared to the previous proposals. On an overall basis, ESA4 concluded that the original findings of the 2021 ES remained valid.

Phasing/Delivery Programme

- 7.99 It is anticipated that construction would commence in 2026 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.

- 7.100 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 near the beginning 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.
- 7.101 A Site Wide Phasing Strategy and Programme of Delivery would be conditioned as part of any 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

- 7.102 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.

Community Infrastructure Levy (CIL)

- 7.103 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

- 7.104 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.
- Supports the timely provision of houses and business and the subsequent employment opportunities.

Social

- 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.
- Significant new hedgerow and 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.

7.105 With regards to the potential **harm** arising from the proposed 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 and mature hedgerows (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).

7.106 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 Planning Permission should be granted.

8. **Conclusion**

8.1 The proposed development of key site infrastructure at the allocated Langley SUE would expediate the delivery of much needed housing within the city and is considered acceptable in principle. On this basis, I have concluded that the proposal is sustainable development and recommend permission is granted without delay subject to the identified conditions.

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 application be GRANTED subject to the conditions listed below (that may be amended, deleted or added to provided that the amendments do not materially alter the permission) and the issuing of the decision notice for associated outline planning application 2021/10567/PA.

-
- 1 Implement within 3 years
 - 2 Requires the scheme to be in accordance with the listed approved plans
 - 3 Requires the prior submission of a Site Wide Phasing Strategy and Programme of Delivery
 - 4 Requires the submission of a Landscape Scheme for each phase of the development
-

-
- 5 Requires the submission of hard surfacing materials on a phased basis
 - 6 Requires the submission of details of the section of instant Hedge replacement to western boundary alongside Springfield Road
 - 7 Requires the prior submission of a Site Wide Landscape and Ecological Management Plan (LEMP) on a phased basis
 - 8 Requires the prior submission of a Construction Environmental Management Plan (CEMP) on a phased basis
 - 9 Requires the submission of a Bird Management Plan
 - 10 Prevents ground level changes within Fields F1 and F2
 - 11 Biodiversity Net Gain (BNG) Reporting
 - 12 Implementation of Ecological Enhancements
 - 13 Requires the submission of details for Pumping Stations
 - 14 Requires the submission of details for play areas on a phased basis
 - 15 Requires the submission of a specification for the acoustic mitigation fencing on a phased basis
 - 16 Requires the submission of details for the Sports Hub and Pavillion
 - 17 Highways are in place through the relevant Highway agreement
 - 18 Details of parking spaces and bellmouths within/from Primary/Secondary Highways
 - 19 Requires the submission of a signage strategy for pedestrians and cyclists
 - 20 Requires the submission of a Design Code
 - 21 Requires the submission of details of a Public Art Strategy
 - 22 Requires the prior submission of a site-wide Social Value Strategy
 - 23 Requires a programme of archaeological work on a phased basis
 - 24 Requires a programme of archaeological work on a phased basis
 - 25 Requires a written scheme of investigation for a programme of historic building recording
 - 26 Limits the noise levels for Plant and Machinery
 - 27 Requires implementation in accordance with the Flood Risk Assessment and Mitigation in a phased manner
 - 28 Requires the prior submission of a Sustainable Drainage Strategy on a phased basis
 - 29 Requires the prior submission of a Sustainable Drainage Operation and Maintenance Plan on a phased basis
-

-
- 30 Requires the submission of a method statement for works in the river channel/bank
 - 31 Requires the submission of a Contamination Remediation Strategy
 - 32 Requires the prior submission of a Landfill Gas Assessment
 - 33 Requires the submission of unexpected contamination details, if found, on a phased basis
 - 34 Requires the submission of a Lighting Design Strategy on a phased basis
-

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)

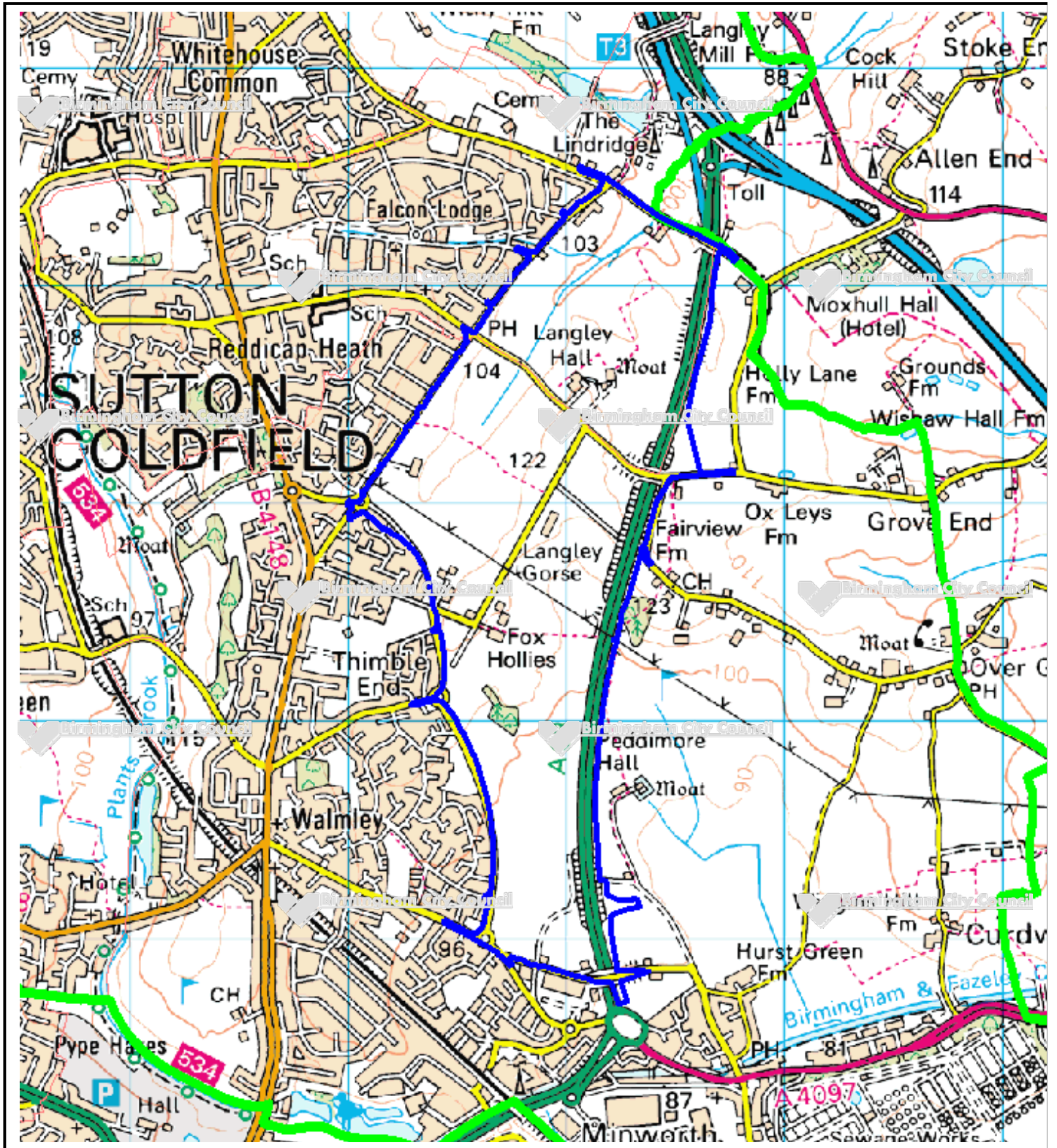


Photo 5: Springfield Road (Looking Eastwards)



Photo 6: Lindridge Road (Looking Southwards)

Location Plan



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Committee Date: 25/09/2025 Application Number: 2024/06331/PA
Accepted: 11/11/2024 Application Type: Full Planning
Target Date: 29/09/2025
Ward: Handsworth Wood

56 Camp Lane, Handsworth Wood, Birmingham, B21 8JR

Change of use from residential dwelling house (Use Class C3) to a children's care home for 2 children (Use Class C2)

Applicant: Swali
56 Camp Lane, Handsworth Wood, Birmingham, B21 8JR
Agent: Co-Arch
Steamhouse, Belmont Row,, Moseley Road, Sparkbrook,
Birmingham, B4 7RQ

Recommendation
Determine

1. Report Back:

- 1.1. Members will note that this application was initially presented to Planning Committee, on 28th August 2025. At the meeting, Members deferred the application on the following grounds:
 - Clarification sought as to whether No. 58 Camp Lane (adjoining semi-detached property) was operating an unlawful HMO;
- 1.2. In response to members request for clarification on the above matter, I can confirm that Planning Enforcement have conducted a site visit to No. 58 Camp Lane, where it was clarified that this property was not an HMO, but rather a standard residential property.
- 1.3. Following the Committee meeting, the applicant has carefully considered the concerns raised by Members and neighbours and has provided a new Supporting Statement, which supersedes all previous documents and confirms the following:
 - 2no. staff members would work at the property, from 8am to 10pm and then sleep from 10pm to 7:30am, with staff staying overnight in a sleep-in arrangement. Shift changes would take place between 7:30am and 8am;
 - A manager would work in the home from 8am to 4pm Monday to Friday; and
 - Other than between 7:30am and 8am each day, there would be a maximum of 2no. staff members and 1no. manager Monday to Friday and 2no. staff members Saturday and Sunday in the proposed care home.
- 1.4. Members are advised that the applicant has submitted amended drawings that show the following amendments: The first floor would comprise 2no. bedrooms

as considered already but the bedrooms would be increased in size as follows:

- Bedroom 1 would be increased in size from 11.22-sqm to 12.73sqm;
- Bedroom 2 would be increased in size from 10.52sqm to 11.02 sqm; and
- The study room would be reduced in size from 6sqm to 4.4sqm.

1.5. The proposed bedroom size's would exceed the minimum floorspace MHCLG standards, as shown below and the study room would provide a satisfactory standard of floorspace for the proposed use.

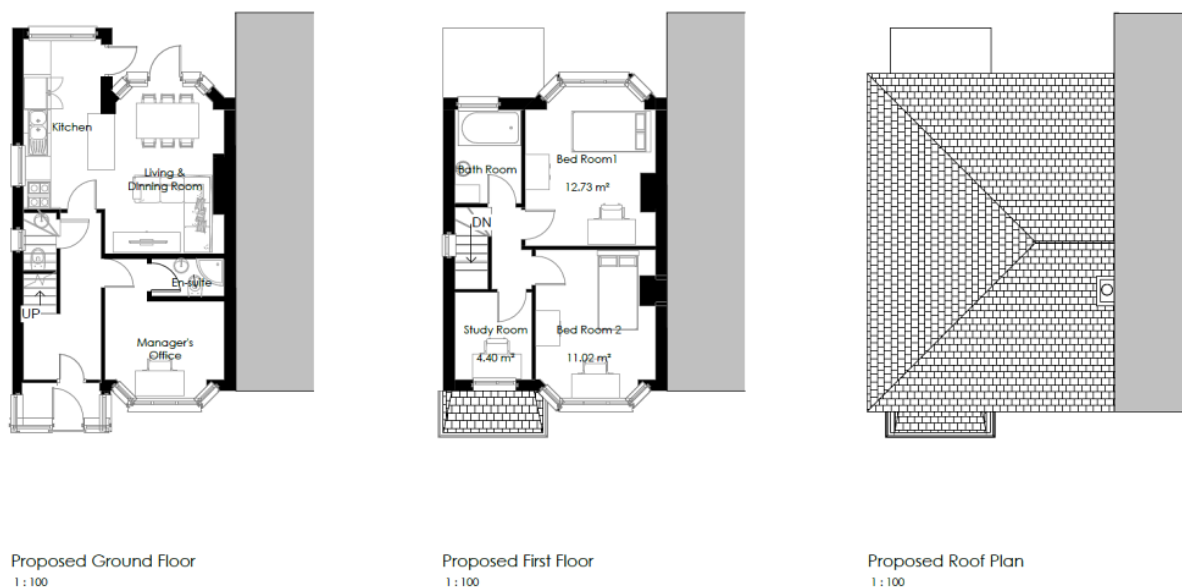


Figure 1 - Proposed Floor Plans

1.6. 2no. additional letters of objection have been received from the Handsworth Wood Residents Association and Councillor Kooner. An additional Petition with 58 signatures from the residents of Camp Lane has also been received from the Handsworth Wood Residents Association. The additional objections raise the following concerns material to the assessment of the application:

- No. 58 Camp Lane is a HMO with outbuilding to rear used for living units;
- This HMO would impact on the safety/security of occupiers of the proposed C2 use;
- Proposed C2 uses in larger semi-detached dwellings were refused at no. 93 Cherry Orchard Road and 79 Beauchamp Avenue;
- Alleged unauthorised HMOs/SEAs/Hostel uses at other address's on Camp Lane and Copthall Road;
- Overconcentration of HMO and Support Exempt Accommodation;
- West Midlands Police should be made aware of unauthorised HMO/Hostel use at property on Camp Lane;
- There is no pavement on one side of Camp Lane;
- The road is 4.10m wide outside No. 54 and narrow all along Camp Lane;
- There is a slight variation as this is an historic cart and horse lane running alongside Handsworth Cemetery;
- Parking on narrow pavement width (between 1.7m and 1.9) significantly obstructs/prevents pedestrian movement, especially for wheelchair users;
- The forecourt covers whole frontage of No. 56 so no cars can park here;
- Restricted parking as front driveways of houses having dropped kerbs;
- Narrow road width results in cars illegally mounting the pavement to pass

- each;
- Insufficient room for vehicles to pass vehicles mounted on pavement;
- Camp Lane is one of the narrowest in the Ward that restricts resident parking;

Further considerations:

- 1.7. The above matters raised have been given consideration in conjunction with my planning Enforcement officers and Transportation Development officers. I can advise that the additional comments received above in relation to highways and parking have already been addressed in the main body of the report and it has been concluded that the proposal would not give rise to any new adverse impacts on the grounds of parking and highways safety, above and beyond the existing lawful use of the site as a residential dwelling.
- 1.8. Under paragraphs 7.4 and 7.5 of the original report, it was stated that there are 44 residential properties within a 100m radius of the application site and that the percentage concentration of similar uses i.e. HMOs, C2 Home's and SEA's within a 100m radius of the application site was 2.27%. It is now confirmed that, in addition to one children's care home for 2no. children in close proximity to the site at no. 93 Copthall Road, approved under ref: 2024/06330/PA, there is one Supported Exempt Accommodation (SEA) use on Camp Lane.
- 1.9. This results in a 4.54% concentration of similar uses within a 100m radius of the application site. If the application site was granted consent for a children's home, this would result in a 6.81% concentration of similar uses within a 100m radius of the application site, which would be considered acceptable and not an overconcentration of similar uses, which would undermine the residential character of the area, to such a degree to warrant a reason for refusal.
- 1.10. I can further confirm that a number of addresses put forward by neighbours are indeed SLA's or C2 Home's but these sit outside of the 100m radius, when taken from the application site and thus are not included within the assessment. These are the properties on Copthall Road.
- 1.11. With regards to the alleged unlawful use of other properties within the area, where these have no formal planning history or enforcement history, these have been passed onto the planning enforcement team to investigate. Many of these alleged addresses do not sit within 100m radius of the application site and thus would have no impact upon the assessment of the scheme before us.
- 1.12. In addition to the above, an objection has requested a formal 21 day re consultation of the application and a member site visit (the request for the site visit is also supported by Councillor Kooner). In response, members are advised that the formal consultation process has been carried out in line with planning policy. It is further not considered that a site visit is warranted or necessary for Members to determine this application.
- 1.13. Finally, Councillor Kooner has questioned how the same policy can be applied differently in separate cases and refers to a refusal for a proposed C2 use at both No. 93 Cherry Orchard Road and 79 Beauchamp Avenue. In response, I can advise the following:

93 Cherry Orchard Road:

- 2024/06035/PA - This proposal was for a much larger home, with 6no. staff members on site at any one time and 3no. children and was thus refused, due

to the intensity of the use and the impact this would have upon existing neighbouring occupiers.

Beauchamp Avenue

- 2024/04727/PA - this was a proposal for a large children's home, to support 4no. children and was refused for: lack of car parking, overconcentration of similar uses within the area, impact from noise/nuisance from the proposed use upon nearby occupiers and an unsatisfactory form of development being proposed.

- 1.14. The current proposals have been deemed acceptable, as set out above and within the original case officer report below and differ materially from the above refusals. As such, I confirm the policy is applied strictly to every application which we are presented with and assessed on its own individual merits, with the above being just two examples of recent refusal decisions which the LPA has issued.

Conclusion

- 1.15. Following the enforcement team investigation, it has been concluded that the adjoining residential dwelling, is in fact a dwelling-house and is not in use as a HMO. On the back of this, it is recommended that the scheme be approved subject to the conditions recommended by officers, as part of the original report, presented to Members and is further set out below.

Original Report:

1. **Proposal:**

- 1.1. The application seeks consent for the change of use from a dwelling house (Use Class C3) to a residential institution (Use Class C2) for up to 2no. children aged between 7 and 17 with 2 no. support staff for each shift.
- 1.2. Staff would work in two shift patterns whereby 2 no staff would work from 8am to 8pm and 2 no. staff would work at 8pm to 8am. The staff would be Ofsted regulated, DBS checked and first aid trained.
- 1.3. The proposed ground floor would comprise of 1 no. manager's room/bedroom (8.4sqm) and ensuite, a combined kitchen, living room and dining room (20.62sqm) and a toilet (1.32sqm). The first floor would comprise 2 no. bedrooms (measuring 11.22-sqm and 10.52sqm), a study room (6sqm) and a bathroom (4.11sqm).
- 1.4. No external changes to the property are proposed.
- 1.5. The property benefits from a rear garden which provides approximately 248sqm of outdoor amenity space.
- 1.6. The site holds off-street parking provision for 2no. car parking spaces to the front.
- 1.7. The applicant, Muve Homecare, Camp Lodge, has provided a detailed Supporting Statement, Risk Assessment, Business Plan and a Proposed Children's Guide outlining how the home would be operated. The Supporting Statement sets out how the home would be managed by competent staff with appropriate accreditation subject to regular inspection and regular staff appraisals. The statement also includes security information, such as the use of CCTV and an alarm to ensure the safety of the home and its residents. In addition, it confirms that each child would

have support from a therapist, an individual care plan, positive contact with other professionals such as support officers and social workers, an educational plan and mental health support which would be regularly reviewed and updated. The care provider will work with local authorities to ensure the children are looked after. Full details of staffing levels have also been provided in the submitted Design and Access Statement to demonstrate that the applicant is a competent provider.

1.8. [Link to Documents](#)

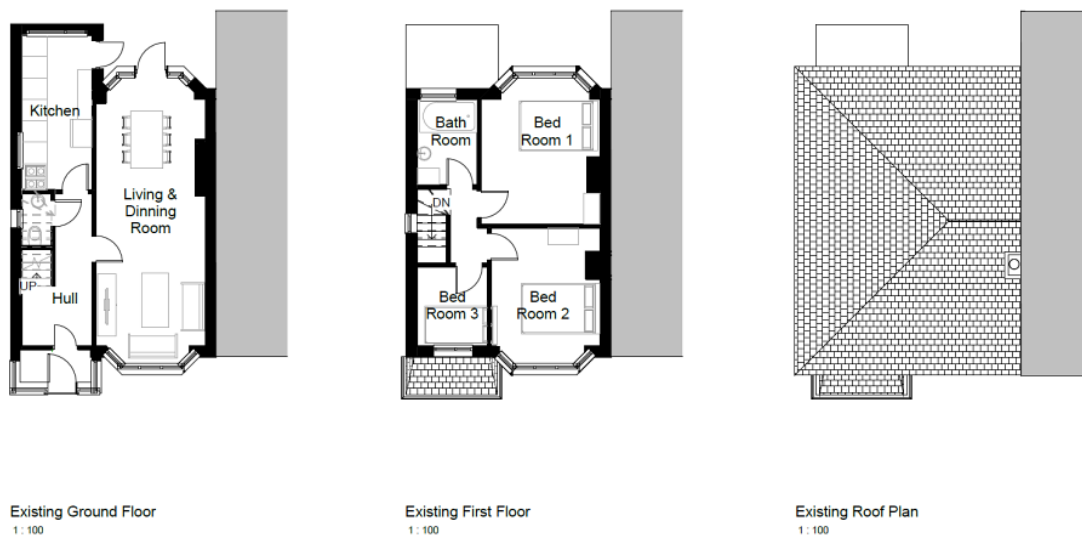


Figure 1: Existing Floor and Roof Plans

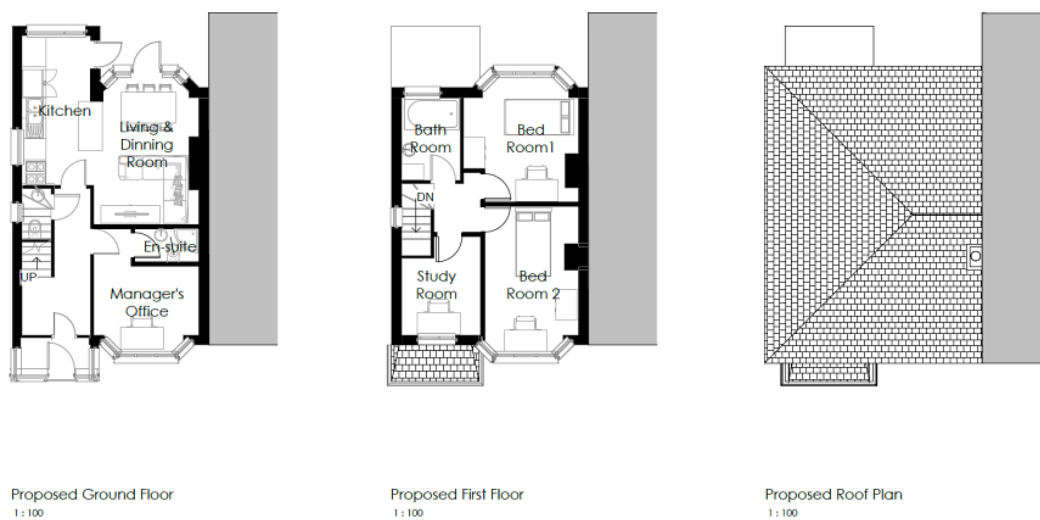


Figure 2: Proposed Floor and Roof Plans

2. **Site & Surroundings:**

2.1. The application site is a 2-storey semi-detached property along Camp Lane. The surrounding area is predominantly residential. The property provides 2no. off-road parking spaces to the front driveway. On-street parking is available outside the property.

2.2. Handsworth cemetery is located to the north and north west of the site.

2.3. [Site Location.](#)

3. **Planning History:**

3.1. 2024/06220/PA: Application for a Lawful Development Certificate for proposed change of use from dwelling house (Use Class C3) to children's home (Use Class C3(b)): Refused: 30.04.25 for the following reason: *'Insufficient information has been submitted in regard to the existing use and also the proposed use as a C3 (b) premises to satisfy the Council in order to allow it to grant the requested proposed certificate of lawful development.'*

4. **Consultation Responses:**

4.1. Transportation Development - No objection subject to conditions stipulating the provision of a footway crossing, a pedestrian visibility splay, EV charging points, secure cycle storage and highways works to be at the applicant's expense.

4.2. Regulatory Services - No objection.

4.3. Children's Commissioning/ Birmingham Children's Trust - No objection.

4.4. West Midlands Police - No objection,

5. **Third Party Responses:**

5.1. Local Councillors, Residents Associations and local residents were consulted, and a Site Notice was posted.

5.2. Petition received with 46 signatures has been received from local residents objecting to the proposals.

5.3. 22no. letters of objections have been received from local residents, (including an objection received from Councillor Kooner), raising the following concerns material to the assessment of the application:

- Out of character with family dwellings on Copthall Road;
- No measures of safeguarding for staff, neighbours and children with emotional and behavioural difficulties, residents, staff and neighbours;
- Anti social behaviour and crime;
- Safety and well being of local children;
- Lack of outdoor amenity space for children;
- Noise disturbance to neighbouring properties from increase comings and goings;
- Inadequate on site parking would cause parking congestion and pedestrian/child safety concerns;
- Inadequate/contradictory/unclear information between planning application, supporting statement and business plan with regards to (staff no's, sleeping/care arrangements, comings and goings from deliveries and professionals);
- No consideration for elderly neighbours;
- Failure to notify residents;
- Impact on property values;
- Existing infrastructure/location is inadequate/unsuitable for proposed use;
- Inadequate facilities for residing children i.e. inadequate rear garden;

- Proposal would require significant modifications;
- Strain on community resources;
- One member of staff overnight is inadequate;
- Contradictory and unclear information on staff rota and staff numbers;
- Family health circumstances;
- Detrimental impact on character of area and community's living conditions;
- Impact on safety and privacy;
- No need for a C2 use in surrounding residential area;
- Unclear proposed care arrangements;
- Application proposes 3 and not 4 bedrooms;
- Adverse impact on amenities of neighbouring dwellings;
- No evidence of applicant making a full application;
- Proposal is contrary to Policy DM12 of the DMB - detached dwelling would provide a better setting;
- Inadequate living accommodation, bedroom sizes and internal light;
- Council's Consultation Notice fails to state number of children occupying the use;
- Proposed shift rota denies workers their legal rights and may be unsafe;
- No management and care plan provided;
- Over intensive use;
- Inadequate waste management facilities;
- Over concentration of similar uses in surrounding area i.e. HMOs and SEAs
- Cumulative impacts of two C2 properties in close proximity;
- Loss of family dwelling;
- Lack of evidence for the need for an additional C2 use;
- Contrary to Policy PG3 of BDP (2017);
- Reducing number of children from 3 to 2 will not reduce the proposals severe impact on surrounding area or overcome reasons for refusal.
- Contradictory information submitted; and
- Semi detached dwelling is unsuitable for proposed C2 use.

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

6.1. National Planning Policy Framework:

- Chapter 2: Achieving Sustainable Development
- Chapter 4: Decision-making
- Chapter 8: Promoting healthy and safe communities
- Chapter 9: Promoting sustainable transport
- Chapter 11: Making effective use of land

6.2. Birmingham Development Plan 2017:

- Policy PG3 (Place making)
- Policy TP27(Sustainable neighbourhoods)
- Policy TP35 (The existing housing stock)
- Policy TP37 (Health)
- PolicyTP39 (Walking)
- Policy TP40(Cycling)
- Policy TP44 (Traffic and congestion management)
- PolicyTP45(Accessibility standards for new development)

6.3. Development Management DPD:

- Policy DM2 (Amenity)
- Policy DM10 (Standards for residential development)

- Policy DM12 (Residential conversions and Specialist accommodation)
- Policy DM14 (Highway safety and access)
- Policy DM15 (Parking and servicing)

6.4. Supplementary Planning Documents & Guidance:

- Birmingham Parking SPD (2021)
- The National Technical Housing Standards (NDSS 2015)
- Birmingham Design Guide SPD (2022)

7. **Planning Considerations:**

7.1. The main considerations in the determination of the application are considered to be the principle of the proposals, the impact of the proposals on visual amenity, residential amenity, and highway and pedestrian safety.

Principle of development

7.2. Policy DM12 of the DPD states that residential conversions and specialist accommodation will be supported where:

- It will not lead to an unacceptable adverse impact on the amenity, character, appearance, parking, public and highway safety of the area, taking into account the cumulative effects of similar uses in the area;*
- The accommodation and facilities, including outdoor amenity space and provision for safety and security, is suitable for the intended occupiers;*
- It is accessible to local shops, services, public transport and facilities appropriate to meet the needs of its intended occupiers;*
- The scale and intensity of the proposed use is appropriate to the size of the building;*
- It will not result in the loss of an existing use that makes an important contribution to the Council's objectives, strategies and policies*

7.3. A number of objections have been received from local residents regarding the overconcentration of similar uses in surrounding area i.e. HMOs and SEAs. In terms policy DM12 a) to assess the cumulative effect of similar uses within the area, a search has been carried out using a mapping tool available to the Local Planning Authority to calculate the % concentration of similar uses within a 100m radius of the application site. There are 44 residential properties within a 100m radius of the application site with no HMO or supported exempt accommodation uses and one children's care home for 2no. children in close proximity to the site at no. 93 Copthall Road approved under ref: 2024/06330/PA.

7.4. This results in a 2.27% concentration of similar uses within a 100m radius of the application site. Furthermore, Children's Commissioning/Birmingham Children's Trust have identified that the nearest registered children's home is over 660 metres away from the proposed location. If the application site was granted consent for a children's home, this would result in a 4.55% concentration of similar uses within a 100m radius of the application site, which would be considered acceptable. As such, it is considered that the introduction of the proposed children's care home would not result in an overconcentration of intensive residential uses to the detriment of the residential character of the immediate surrounding area. The proposed use with 2 no. children and 2no. staff during the day and night shifts is not considered to be over-intensive.

- 7.5. The site is located within the predominantly residential area and within a sustainable location which is considered to be accessible to local shops, services, public transport and facilities appropriate to meet the needs of its intended occupiers. As such, the proposal would comply with Policy DM12 in this respect.
- 7.6. Paragraph e) of the Policy DM12 states that residential conversions and specialist accommodation will only be supported where it will not result in the loss of an existing use that makes an important contribution to the Council's objectives, strategies and policies. Policy TP35 of the Birmingham Development Plan seeks to prevent the loss of the existing housing via conversion of redevelopment to other uses and states that the loss of residential accommodation will only be permitted if there are good planning justifications or an identified social need. Supporting information has been provided including a Supporting Statement, Risk Assessment, Business Plan and a Proposed Children's Guide outlining how the home would be operated, detailing staff rotas and safety precautions, which reinforces the proposal's viability. While the premises would operate as a residential institution, it would share characteristics with residential C3 use, catering specifically to a group of individuals in need. Therefore, it is determined that there are social and planning justifications for the proposed use, ensuring compliance with Policy TP35.
- 7.7. Moreover, policy DM12 of the DPD is clear that it remains a priority for the Council to provide safe environments which facilitate independent living for vulnerable residents and older people in Birmingham and all applications for specialist housing should have regard to the Council's latest housing needs strategies (para. 4.28). The proposed 2no. staff during the day and night shifts would provide a safe environment for the resident children.
- 7.8. As evidenced by the Birmingham Housing and Economic Development Needs Assessment (HEDNA) (updated in 2022) the City's housing needs are not currently being met, particularly in relation to 3 and 4+bed family properties. The HEDNA table below shows that the greatest need is for 2 and 3-bed homes.

Table 8.22 - Suggested Mix by Broad Tenure

	1-bedroom	2-bedrooms	3-bedrooms	4+-bedrooms
Market	5%	35%	40%	20%
Affordable home ownership	20%	40%	30%	10%
Affordable housing (rented)	20%	35%	25%	20%

Source: Icen Projects based on Modelling

Figure 3: HEDNA Table Suggested Mix by Broad Tenure.

- 7.9. HEDNA completions show a high proportion of housing delivered between 2011 to 2021 have been 1-bedrooms (32%) and 2-bedrooms (39%) which has resulted in a surplus of these housing types. There is an identified shortfall of 3 bedroom (16.4%) and 4+ bedroom (13.3%) of house completions. As such, without appropriate justification, there is an even greater need to retain the City's existing family housing stock. It is therefore essential to enhance and maintain existing dwellings and prevent the loss of decent family housing to sustain and create balanced communities.

TP30/1: Completions by Number of Bedrooms (City wide Gross)

Year	1 bed	2 bed	3 bed	4+ bed	Total
2011/12	335	557	291	336	1,519
2012/13	283	564	350	337	1,534
2013/14	331	784	342	265	1,722
2014/15	367	721	529	449	2,066
2015/16	548	740	349	370	2,007
2016/17	535	644	374	268	1,799
2017/18	993	1,242	478	320	3,033
2018/19	1,847	1,441	305	272	3,865
2019/20	1,352	1,294	503	277	3,426
2020/21	843	1,123	359	233	2,558
Total	7,434	9,110	3,880	3,127	23,529
%	31.6	38.7	16.4	13.3	100%

table excludes student accommodation, HMO and conversion completions

Figure 4: Table of Completions by Number of Bedrooms (City Wide Gross)

- 7.10. As such, there is now evidence of a shortfall of 3 bedroom and 4+-bedroom houses in the City and this evidence is pertinent to the assessment of this application and wider city objectives.
- 7.11. However, the HEDNA also identifies a notable need for housing with support, housing with care, and additional nursing and residential care bedspaces. The current proposal would help to meet some of this need by creating a home for children requiring support, while also safeguarding the city’s existing stock of family dwellings, As such, although the proposal would result in the loss of an existing family dwelling, the loss of the existing family dwelling would not be so damaging to the City’s housing stock as the site would continue to serve as a residential function by housing 2 children in need of accommodation, similar to a Class C3 residential dwelling. Further I see no evidence before me to suggest this one change of use application would result in such a loss which would justify the refusal of this application.
- 7.12. Given the above, it is considered that the principle of the change of use from a dwellinghouse (Use Class C3) to a residential children’s care home (Use Class C2) would be acceptable under Policy DM12 (Residential Conversions and Specialist Accommodation), subject to other site-specific material planning considerations, including the remaining paragraphs of Policy DM12 of the DPD, which will be discussed further within the report.

Standard of accommodation

- 7.13. The Birmingham Design Guide SPD does not set internal space standards for care homes and the Nationally Described Space Standards provide a useful benchmark to judge the quality of accommodation and living environments for this type of development. The bedrooms sizes for two children (measuring 11.22–sqm and 10.52sqm) would exceed the minimum standards for a single bedroom, providing generously sized rooms and internal light. Furthermore, the proposal would not require significant modifications.
- 7.14. Sufficient internal communal space would be provided. The DMB DPD states that the outdoor amenity space should normally be a minimum of 16sqm per resident. This would equal to 32sqm for 2 children. The rear private garden would provide

approximately 248sqm of amenity space which would greatly exceed those requirements.

- 7.15. It is considered that the accommodation and outdoor amenity space of the semi-detached dwelling would be suitable for the intended occupiers as a children's care home for a maximum of 2 no. children and would comply with Policy DM12 of the DMB DPD in this respect.

Residential amenity

- 7.16. The proposal is for the conversion of a 3-bedroom semi-detached house to a care home for a maximum of 2 children. Regulatory Service raised no objections.
- 7.17. In terms of activity levels, the proposed use as a care home for 2no. children with 2no. staff members present during the day and night shifts would not generate excessive comings and goings. The nature of the use closely resembles that of a typical family home, where movements in and out of the property would be limited to routine activities such as school runs, staff shift changes, and occasional visits from professionals. These activities are not considered to result in any significant noise or disturbance beyond what would reasonably be expected in a residential setting.
- 7.18. Conditions have been attached to restrict the number of children living at the property to 2 and to restrict the use of to a children's care home only and for no other use within the Use Class C2. It is therefore considered that the number of people residing at the property would be similar to that of a three-bedroom dwelling, and as such the proposal would not cause any undue noise and disturbance to adjoining occupiers, over and above what would be expected from the existing residential dwelling house use. The scale and intensity of the proposed use is also considered to be appropriate to the size of the building. As such, it is considered that the existing semi-detached dwelling would be suitable for the proposed use.
- 7.19. It is noted that concerns have been raised by local residents that the area experiences social issues such as anti-social behaviour making it unsuitable for both local residents and children and for the proposed vulnerable children. There are also objections stating that the presence of a children's care home could lead to safeguarding concerns.
- 7.20. There is no evidence demonstrating that children or local residents would be at particular risk from the crimes reportedly prevalent in the area or that the children within the proposed use themselves would be a particular risk to local residents. The children residing in the property would be under supervision, and the proposed children's care home would be subject to registration with Ofsted. As part of their process, Ofsted conducts a location risk assessment to determine whether the site is suitable for a children's care home. Ofsted are responsible for the regulation of care homes and the operation and management of such a care home is outside the remit of the planning system. As such, any potential risk to the local residents from the children of the proposed use or from related to crime in this location would be evaluated by Ofsted as part of their regulatory oversight. Further there is no evidence before to support the claims made which would justify a refusal on these grounds.
- 7.21. West Midlands Police raise no objections to the proposal.

Highway safety and parking

- 7.22. Under the adopted BCC Parking SPD, both the existing and proposed uses require a maximum of two parking spaces, meaning there is no increase in demand. The site is located within a sustainable location well-served by regular bus routes and unrestricted on-street parking is available for visitors.
- 7.23. Transportation Development raise no objections on highway safety or parking grounds and recommended conditions in relation to the provision of a footway crossing, a pedestrian visibility splay, EV charging points, secure cycle storage and highways works to be at the applicant's expense. However, the provision for EV chargers is now a requirement under Building Regulations and as such, does not require duplication under planning. The provision of a footway crossing on the unclassified road would require Highways Authority consent and would be assessed under separate legislation. The conditions in relation visibility splays and cycle parking have been attached.
- 7.24. Consequently, the proposal is not considered to have a detrimental impact on highways and pedestrian safety. The proposal would not have a significant greater impact on the parking provisions than the existing residential use. As such, the proposed development is considered to be acceptable in terms of highways safety and parking matters.

Other Issues

- 7.25. All objections have been carefully considered, with relevant planning matters assessed against national and local policies. Issues such as noise and anti-social behaviour have been reviewed in relation to their potential planning impacts. Family health circumstances, proposed staff rota working hours and impact on property values are not a material planning consideration and it does not relate to the land use planning aspect of the proposal. Concerns raised by local residents regarding potential anti-social behaviour are noted; however, there is no clear evidence to suggest that a children's care home in this location would lead to an increase in crime or anti-social behaviour. OFSTED is responsible for regulating care homes, and their operation and management fall outside the scope of the planning system.
- 7.26. Additionally, West Midlands Police have raised no objections to the application. The consultation process for this application met statutory requirements through neighbour notifications and a site notice. The submitted design and access statement also confirms the number of children occupying the property. The proposal would not be an over intensive use and therefore would not provide inadequate waste management facilities. The submitted supporting information is not contradictory or inadequate and provides detailed information on staff no's, sleeping/care arrangements, comings and goings from deliveries and professionals.
- 7.27. The proposal is exempt from providing biodiversity net gain (BNG) as it relates to a change of use application only.

Public Sector Equality Duty (PSED)

- 7.28. The planning system inherently respects the rights of individuals while considering the needs of the wider community. In assessing this application for a children's care home, it is essential to evaluate the potential effects on the young residents and how these relate to the broader public interest. The rights and wellbeing of the children, who fall within protected characteristics, have been considered during the decision-making process. The Local Planning Authority (LPA) has therefore applied Section 149 of the

PSED, as outlined in the Equality Act 2010, to ensure that the proposal promotes equality and fosters positive outcomes for all individuals involved.

8. **Conclusion:**

- 8.1. This application is recommended for approval as the proposal complies with the objectives of the policies that have been set out above. The proposed development would help meet a social need in providing a children care home and would be acceptable in terms of standard of accommodation for the future residents and have no detrimental impact on residential amenity, highway safety or parking in the vicinity of the site.

9. **Recommendation:**

- 9.1. Approve subject to conditions.

-
- 1 Implement within 3 years (Full)
 - 2 Requires the scheme to be in accordance with the listed approved plans
 - 3 Requires the provision of cycle parking prior to occupation
 - 4 Requires pedestrian visibility splays to be provided
 - 5 Restricts the number of children living in the property to a maximum of 2.
-

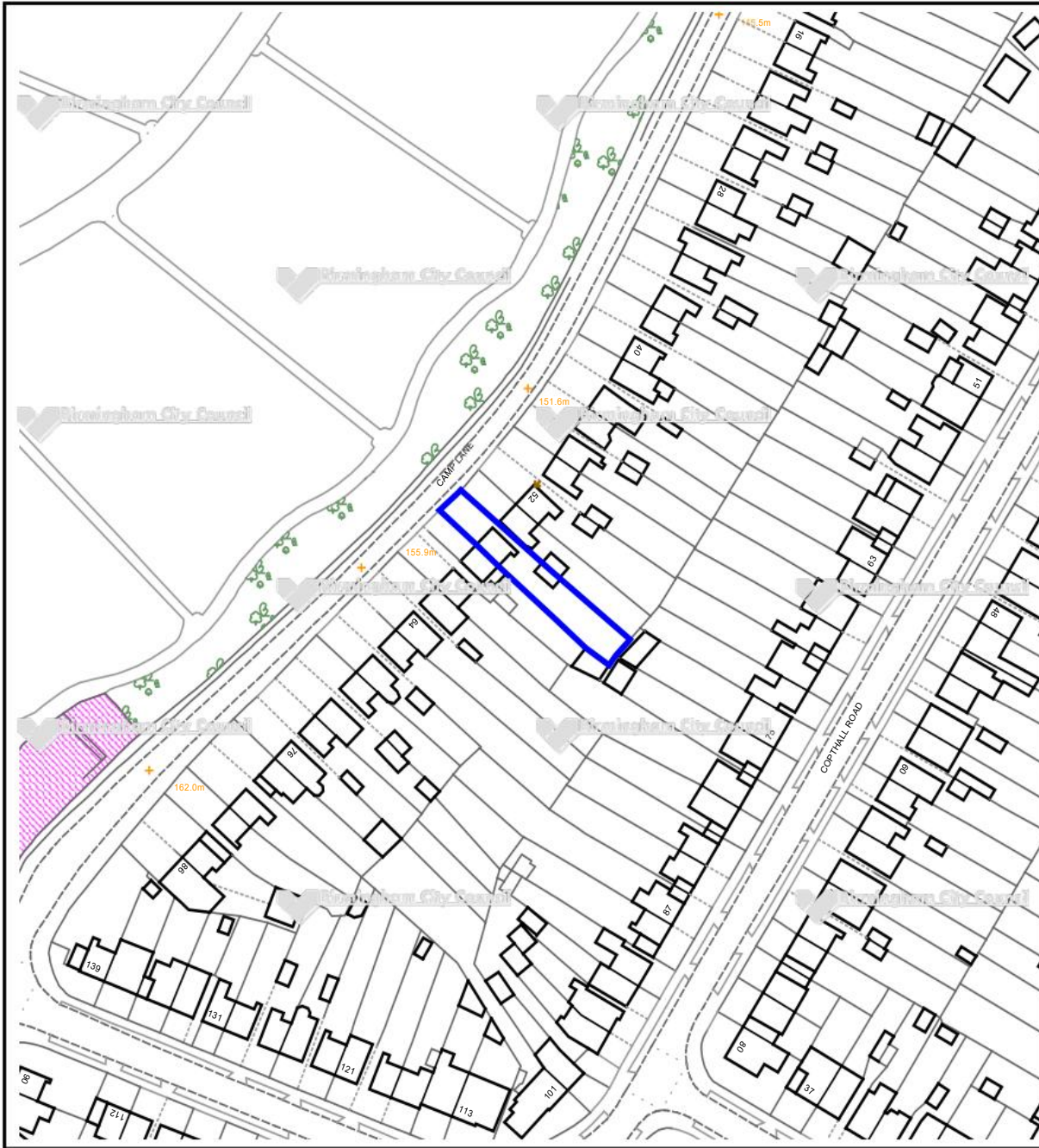
Case Officer: Harjap Rajwanshi

Photo(s)



Figure 1: Front elevation of property.

Location Plan



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Birmingham City Council

Planning Committee

25th September 2025

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Approve – Conditions	8	2025/03491/PA The Baskerville School Fellows Lane Harborne Birmingham B17 9TS Demolition of existing buildings and the construction of a new two storey school building, with access and parking, engineering works, landscaping, amenity areas, external lighting, plant and other associated works

Committee Date:	25/09/2025	Application Number:	2025/03491/PA
Accepted:	24/06/2025	Application Type:	Full Planning
Target Date:	26/09/2025		
Ward:	Harborne		

The Baskerville School, Fellows Lane, Harborne, Birmingham, B17 9TS

Demolition of existing buildings and the construction of a new two storey school building, with access and parking, engineering works, landscaping, amenity areas, external lighting, plant and other associated works

Applicant: Department for Education
1st Floor, T3 Trinity Park, Chelmsley Wood, Birmingham, B37 7ES
Agent: Q+A Planning Ltd
Tribeca House, 25 Dale Street, Manchester, M1 1EY

Recommendation

Approve subject to Conditions

1. Proposal

- 1.1. Consent is sought for the demolition of the existing buildings on site and erection of a two storey school building for Special Education Needs (SEN) school provision. The site currently operates as a SEN school, and whilst the proposal would not result in a net increase in the number of pupils or staff, the proposed works would result in a significant upgrade to the existing school building and ensure the longevity of the school. The school currently provides specialist education for pupils aged between 11-19 years old with autism and a broad range of additional needs, such as moderate/severe learning difficulties. The school has capacity for 188 pupils and 104 staff, class sizes are small, with classes consisting of 8-10 pupils. The proposed development proposes no overnight or residential accommodation on site.
- 1.2. The proposed building would be set marginally further back into the site from the original position which would allow greater parking and circulation space to the front of the building. As part of the application, a new parking layout with circulation space would be proposed with proposed level changes, amenity spaces; including the relaying of an existing planting area, boundary treatment and landscaping.



Figure 1 – Existing site plan and current building arrangement on site.



Figure 2 – Proposed layout of new building with revised car parking layout.

- 1.2 Amended plans have been submitted which show additional windows inserted into the northern, western, southern and eastern elevations, to provide more natural sunlight and outlook to classrooms. The building has had to be slightly increased to accommodate wider internal staircases, involving a small two storey extension to the southern and northern elevation of the buildings, one would be 1.86m in depth and the other 1.8m in depth.
- 1.3 The current layout comprises of a mis match of ad hoc buildings, some of which are single storey which results in a sprawled development across the site. The proposed building would be two storeys in height and would provide a more consolidated and less sprawled footprint that would be constructed out of brick at ground floor and render at first floor.



Figure 3 - Proposed north (front) and south (rear) elevations with eastern and western elevations of the proposed school

1.3 The site is heavily affected by the presence of reinforced autoclaved aerated concrete (RAAC) in large sections of the building, which has significantly compromised the functionality of the school. In order to address the most pressing aspects of RAAC, a phased approach to the development is being sought, with a number of aspects being carried out by the school exercising their permitted development rights and through a submitted notification for demolition. Aside from the application above, the following aspects consisting of demolition and temporary accommodation would be carried out prior to the outcome of the planning application:

- *Demolition of the Voyager building including sports hall* – this would be carried out under Class B, part 11 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) which allows for the submission of a prior approval notice for the demolition of buildings affected by RAAC subject to certain conditions and limitations. The demolition notification is currently being assessed under application reference 2025/03924/PA. All remaining demolition would be carried out as part of the current application.

- *Construction / installation of temporary sports hall, reception building and toilets* – These temporary works have been assessed under Class CB, Part 4 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) which allows schools to install temporary buildings within a limited timeframe expiring on the 24th October 2026 and without the need to submit a planning application subject to certain limitations and conditions. However, any structures that have been erected under this class would need to be removed from the site before midnight on 24th October 2026.

Three temporary buildings are proposed; a sports hall, reception area and toilet block to be installed as soon as practically possible and be in place for the duration of the build, being removed on, or prior to 24th October 2026. This will allow the site to remain operational for the foreseeable. With the exception of these proposed temporary buildings, the proposed two storey school building would be assessed as part of the current application.

▪ *Construction of a temporary construction access* is proposed under Class B, part 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) relates to works to the highway including the creation of the access since the associated proposed work falls within Class CB. This temporary access would not require planning permission.

1.4 [Link to documents](#)

2. **Site & Surroundings**

2.1. Baskerville School is a SEN school for children with autism. The school site has a vehicular entrance to the site which is accessed from Fellows Lane. The site falls from the north to the south. A line of trees surrounding the south and west elevations and the existing school building surrounding the east elevation screen the site from the neighbouring residential properties.

2.2. The area is primarily residential in character with residential to the north, south and east with Queens Park bordering the site to the west. Harborne Primary Annex School also borders the site to the north.

2.3. The site is covered by TPO 541 - The Birmingham (Yewcroft School Court Oak Road, Harborne) TPO 1989.

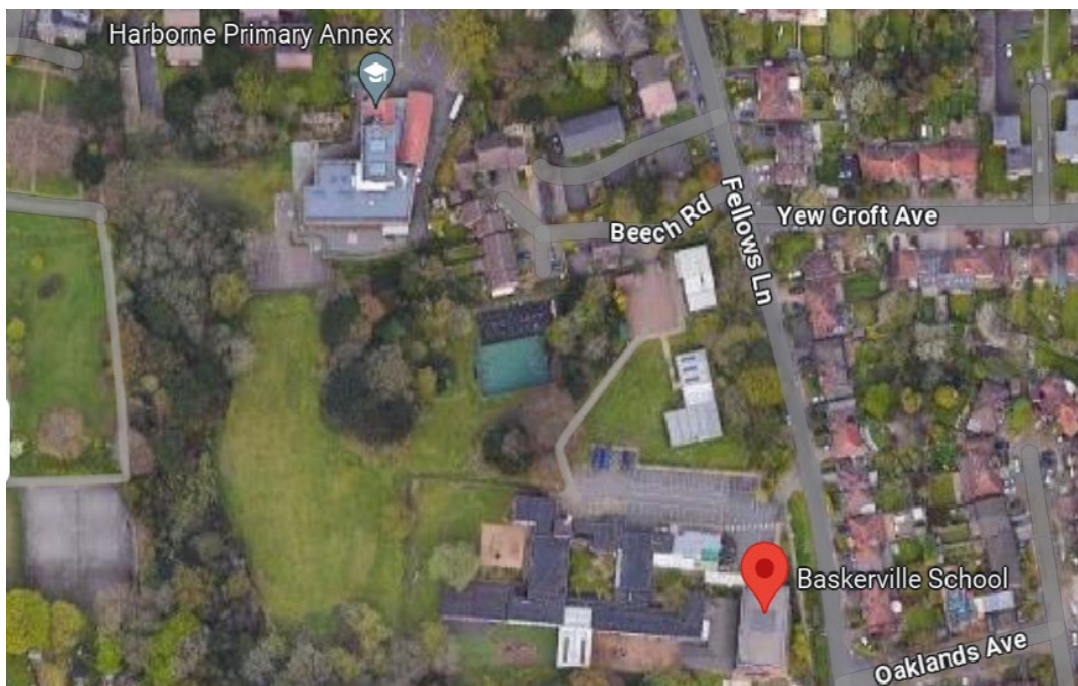


Figure 4 - Site Location (taken from Google Maps)

[Site Location](#)

3. **Planning History**

3.1 09928006 – Erection of school for SEN children – Approved – 22/10/1964

3.2 09928008 – Use of offices – Refused – 11/07/1968

- 3.3 09928014 - Use of existing single storey annex buildings for mental health resource unit formation of car park and construction – Approved subject to conditions – 25/09/1986
- 3.4 09928015 - Change of use of single-storey school annexe building to mental health resource centre erection of store – Approved with conditions – 04/06/1987
- 3.5 1990/01433/PA – Extension to form new leisure block – Approve subject to conditions – 1/2/1990
- 3.6 2004/04487/PA – Extension to provide new office and classroom accommodation – Approve subject to conditions – 14/10/2004
- 3.7 2004/08170/PA - Demolition and replacement of former caretaker's porch and new ramp and stepped access to classroom extension – Approve subject to conditions – 08/02/2005
- 3.8 2004/14487/PA – Replacement of bay window with standard window and hipped roof – 01/07/2005
- 3.9 2006/05045/PA - Change of use of four garages to a new classroom, including raising of walls to provide a new flat roof to the classroom and to enclose the existing open courtyard to form a workshop. Installation of disabled ramp access – Withdrawn
- 3.10 2006/06128/PA - Change of use of garages to classrooms, new workshop & external covered entrance area to kitchen – Approved with conditions – 01/12/2006
- 3.11 2011/02337/PA - Erection of a single storey side extension – Approve with conditions – 14/06/2011
- 3.12 2018/04030/PA - Re-cladding and retention of existing modular building and installation of a new modular building with same cladding to provide classroom facilities in association with Baskerville School – Approve with conditions – 18/07/2018
- 3.13 2022/02600/PA - Extension to teaching block – Approve with conditions – 20/05/2022
- 3.14 2023/08472/PA - Installation of a two-storey modular building to provide additional classroom facilities with associated access, erection of gates, fencing and external bollard lighting – Approve subject to conditions – 13/03/2024

4. Consultation Responses

- 4.1. West Midlands Fire Services – No objections.
- 4.2. City Design Team/Landscape Team – No objections but concerns raised over the use of render which is not as durable as brick and is likely to stain in a short space of time, with brick being the predominantly used material in the locality.
- 4.3. Leisure Services – No objections.
- 4.4. Ecologist – No objections subject to planning conditions relating to the protection of protected species during construction and Biodiversity Net Gain matters.

- 4.5. Trees – No objections subject to a pre-commencement condition for an Arboricultural Method Statement and tree protection measures.
- 4.6. Planning and Growth Strategy – No objections subject to a planning condition for a Final Certificate to be submitted to the Local Planning Authority within a maximum of 6 months post completion, demonstrating that the development meets the S21 standard.
- 4.7. Environment Agency – No comments received.
- 4.8. Sport England – No objections.
- 4.9. Severn Trent Water – No objections subject to a pre-commencement for foul and surface water drainage to be assessed prior to works commencing.
- 4.10. West Midlands Police – No objections, the applicant would need to be informed of the Secured by Design (SBD) official Police Security Initiative.
- 4.11. Lead Local Flood Authority – No objections subject to conditions in relation to implementation of Drainage strategy and Sustainable Drainage Operation and Maintenance Plan.
- 4.12. Education – No comments received.
- 4.13. Regulatory Services – No objections subject to planning conditions for unexpected contamination, lighting details and background noise and for works to be carried out in accordance with the submitted Construction Method Statement.
- 4.14. Public Health – No objections.
- 4.15. Natural England – No objections.
- 4.16. Transportation – No objections subject to planning conditions for parking layout and cycle parking to be laid out and maintained.

5. Third Party Responses

- 5.1 Adjacent occupiers, Residents Associations, M.P and Councillors have been notified and a site and press notice has been displayed. There has been a total of six letters/emails received back, comprising of one comment, four letters/emails of support with comments and one letter of objection. The letters/emails of support and comments have raised the following matters:
 - The findings within the Preliminary Ecology Appraisal (PEA) are supported, particularly in reference to the Site being enhanced for nature conservation through the implementation of bird boxes and bat boxes on existing trees or built into the design of new structures;
 - A minimum of 10 swift nest bricks should be provided;
 - The woodland at the rear of the new building (The boundary of Lelant Grove and Conington Grove) needs to be retained and an ecology report needs to be commissioned;
 - Major concerns over traffic implications during construction, the road and roads around are already extremely congested at peak times;
 - There needs to be some double yellow lines in the opening of Oaklands Avenue and clearer road markings to stop the junction getting dangerous;
 - Some traffic calming and parking restrictions would be required on Fellows Lane;

- This is a busy route, there have been many instances of road rage and grid lock, with cars driving on pavements during peak times;
- This road is on walking routes to four primary schools and (Harborne, Harborne Anex, St Peters and St Marys) and two secondary schools in additions to children walking to public transport;
- Serious concerns regarding the existing and worsening issues surrounding parking and traffic flow in the area;
- Currently, staff from the school frequently park along our road, causing congestion and obstructing access for residents;
- The volume of minibuses dropping off and collecting pupils has become increasingly difficult to manage, often leading to situations where no vehicles can pass, creating a clear risk to safety;
- The yellow line restrictions are consistently ignored;
- Expanding the school without addressing these traffic and parking problems will only exacerbate the issue;
- Any plans for redevelopment must include sufficient on-site parking and improved traffic management strategies to ensure the safety of both local residents and pupils;
- During the construction of the temporary classrooms last year the Contractor started work well before 8am (Sometimes just after 7am). Despite multiple complaints and the council re-assuring residents, the construction activities continued well before 8am. It is appreciated that working hours will form part of a standard planning condition but please ensure enforcement is stronger.
- The hedgerow should be replaced after work has finished;
- The development is clearly needed for local children with autism;
- A new facility with modern services will no doubt provide improved support for pupils;
- Fully understand and support the need for educational facilities to grow and adapt in order to meet the needs of their pupils; and
- Investment in school infrastructure is vital to ensure young people are provided with the best possible learning environment.

The letter/email of objection has raised the following matters:

- The size and bulk of the building, increasing from a one storey to a two storey bulky building;
- This is the third lot of development at the school that has/will lead to an increase in visual sight of buildings;
- Green leafy suburb;
- Tree removal over the years has resulted in a full on view of the school and a car park, the new development will increase views of the buildings and car park;
- Construction could affect the plaster and foundations of the house, assurances should be given that any building works will not affect the buildings of the residents close by;
- Currently the 16 to 19 year old pupils are off site, this will increase in parking once these pupils/mini buses/cars return when redevelopment completed;
- Employees/parents parking on pavement and blocking right of way
- Queuing to get into school and irresponsible driving and parking is dangerous for residents and passersby;
- Excessive wear and tear on kerbs - I assume tax payers money used to repair;
- What is being done to encourage employees of school to use public transport to get to work;
- The use of 1 mini bus to transport 1 child doesn't appear to be a green way of bringing children to school;
- Transporting children from Worcester, Sutton Coldfield and other places further afield is not a green way or pleasant way for the children to commute to school;
- Increasing pollution and motor noise in the area;

- Money should be spent on plans to improve the quality of transport for the children and a greener surrounding for the school, rather than increasing the bulk of the buildings and taking green space;
- Fellows lane is a residential area and a bulky two storey building doesn't suit the surrounding area;
- There would be no screening;
- The imposing sight of the school and the redevelopment will lead to a greater imposing sight and take out any views of the trees; and
- There's always a feeling with these consultations that when it's local government involved the planning will go ahead regardless of how it affects the residents.

6. **Policy Context**

- **National Planning Policy Framework:**
 - Chapter 2 – Achieving Sustainable Development
 - Chapter 6 – Building a Strong, Competitive Economy
 - 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 14 – Meeting the Challenge of Climate Change, Flooding and Coastal Change
 - Chapter 15 – Conserving and Enhancing the Natural Environment
- **Birmingham Development Plan (2017):**
 - PG3 – Place Making
 - 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
 - TP36 – Education
 - TP37 – Health
 - TP38 – A Sustainable Transport Network
 - TP39 - Walking
 - TP40 – Cycling
 - TP41 – Public Transport
 - TP43 – Low emissions vehicles
 - TP44 – Traffic and congestion management
 - TP45 – Accessibility standards for new development
 - TP45 – Accessible Standards for New Development
- **Development Management DPD (2021):**
 - DM2 – Amenity
 - DM3 – Land affected by contamination, instability or hazardous substances
 - DM4 - Landscaping and trees
 - DM5 - Light Pollution
 - DM6 - Noise and vibration
 - DM14 - Transport access and safety
 - DM15 - Parking and servicing
- **Supplementary Planning Documents & Guidance:**

7. Planning Considerations

- 7.1 The key planning issues are the principle of the development; the scale and appearance of the proposed works; the impact on neighbouring residential amenity, impact on parking and highway safety; impact on trees, landscaping and ecology and drainage.

Principle

- 7.2 Policy PG3 of the Birmingham Development Plan (BDP) specifies that development would be expected to demonstrate high design quality and would need to respond to a strong sense of place. Policy TP36 of the Birmingham Development Plan (BPD) supports the upgrading and expansion of existing schools and the development of new schools in locations where additional provision is required subject to the following criteria:
- Have safe access by cycle and walking as well as by car and incorporate a school travel plan;
 - Have safe drop-off and pick-up provision;
 - Provide outdoor facilities for sport and recreation; and
 - Avoid conflict with adjoining uses.
- 7.3 A school has been present on the site since the early 1960's, the proposal seeks to rebuild the school, consolidating the footprint of the building into a less sprawled out, two storey building. There would be no net increase in the number of pupils or staff at the school and the proposal but would seek to improve the existing school facility and replace areas of the building that are currently affected by RAAC. Overall, the proposal would broadly accord with the broad principles of the policies above, ensuring that the site continues to provide SEN education. However, the suitability of the proposed development would be underpinned by there being no harmful visual impact as a result of the proposed development, that the proposal would result in a good level of amenity for existing neighbouring occupiers and future occupiers, that the proposal would not result in highway safety issues and that there would be no harmful impacts to protected species and for a suitable drainage scheme to be delivered; of which these aspects are assessed in greater detail in the remainder of the report.

Character of the Area and Design

- 7.4 The redevelopment of the site would present an opportunity to consolidate the current sprawled built form and ad hoc buildings, while at the same time, introducing an effective materials palette. Whilst the proposal would change from having some single storey areas across the site to a full two storey building, it is considered that the proposal would have make a positive visual impact to the street scene. Concerns have been raised by a local resident that the two storey building would be imposing. However, a two storey building currently presents to the front of the site, the proposal would set slightly further back and the two storeys in height of the proposed building would be consistent with the scale and massing of the two storey residential dwellings along Fellows Lane.
- 7.5 Whilst the City Design Officer has requested that the proposed building be conditioned to be constructed entirely out of brickwork, the incorporation of render

would not be out of keeping with properties in the surrounding area, that are constructed out of a combination of both brick and render. On the basis of this, it is not considered that the incorporation of render would be harmful to the visual character of the area. Overall, it is considered that the proposal would represent a considerable improvement to the appearance of the existing building and would fully accord with the requirements of policy PG3 of the Birmingham Development Plan, the guidance contained within the Birmingham Design Guide SPD, the National Design Guide and the National Planning Policy Framework.



Figure 5 – Illustrative Massing of the School (facing South West)

Residential amenity

- 7.6 A school has operated at a site since the early 1960's, with some of the existing buildings on site dating back to this period and the school has long been established here and operated as a SEN school for a number of years. The proposed development would result in no net increase in the numbers of pupils or staff at the premises and would instead, provide an opportunity to consolidate the built form of the site and provide an upgrade to the buildings and facilities on site. The proposal would result in no increase in the level of use of the site or any changes to the function of the site and would therefore, would result in no harmful change the character of the area as a result of the proposal.
- 7.7 The proposed building would be two storeys in height and located centrally within the site. It is noted that the height of the proposed building would increase to a full two storeys in height across the whole building. Despite the increase in height of the building from the existing single storey buildings and the surrounding ground level changes, the nearest residential garden boundary would be a minimum of 48m away from the proposed building and the proposal would therefore, fully accord with the minimum space requirements as contained within the Birmingham Design Guide SPD and would not give way to undue impacts such as overshadowing, overbearance or undue enclosure to neighbouring residential properties.

- 7.8 Concerns have been raised by local residents with regard to the impact of the construction on the amenity of local residents, by way of noise and disturbance and the hours of use. Whilst the construction period itself would not be a material consideration, a condition for a demolition management plan and a construction management plan have been attached to ensure that the construction is carried out in accordance with the relevant safeguards to protect neighbours from impacts arising from noise and disturbance.
- 7.9 Taking the above into consideration, the proposal would fully accord with the requirements of policy TP36 of the Birmingham Development Plan, policy DM2 of the Development Management in Birmingham Plan and the National Planning Policy Framework.

Highway and parking

- 7.10 The SEN school is well established and is located within the heart of a residential area. The proposed level of car parking would not increase as a result of the development and forty two spaces (including two accessible spaces) are to be retained within the main car park. The number of mini-bus bays for the school vehicles would increase to four spaces. In addition, there is a separate delivery and loading bay. One double EV space would be provided together with ducting for a further eight EV spaces. The cycle store is to be relocated and five, covered Sheffield hoops (ten spaces) are to be provided.
- 7.11 Whilst there are no additional car parking spaces provided, the proposed layout includes a reconfigured car parking layout with a greater area of hardstanding. The layout provides space for thirty two mini busses within the site at one time. The proposed layout would facilitate three lanes of twenty six parked mini buses within the car park with a further six mini buses parking in the extended eastern area of the car park. This arrangement ensures all mini buses can be parked at drop off and collection times securely within the school fencing, allowing the school to close the main vehicular gate thereby providing an airtight enclosure for pupils to be escorted off and onto the mini buses.
- 7.12 Significant concerns have been raised by local residents with regard to inadequate parking which leads to congestion on a Fellows Lane, with mini buses and vehicles waiting on Fellows Lane at pick up and drop off.
- 7.13 The proposed new layout represents a significant improvement to the current arrangements and would remove the existing congestion around the site and staff parking on nearby residential roads, as the changes to the parking layout and circulation spaces to the front of the site would allow for all mini buses to park and wait within the site, as opposed to currently parking and waiting on Fellows Lane. This would result in a safer pick up and drop off for pupils as well as removing congestion from Fellows Lane. In addition, direct pedestrian access to the building from Fellows Lane would be provided along the edge of the car park, past the Delta building and to the entrance of the new building. The path continues around the school building to the informal hardstanding play areas and access direct into the building, thereby, enhancing pedestrian permeability through the site.
- 7.14 Overall, it is considered that the proposal would result in a significant improvement in the pick up and drop off arrangement at the school and would significantly lessen the level of congestion and parking that is currently displaced to Fellows Lane. There have been no objections raised by the Councils Transportation Team, subject to the inclusion of planning conditions for the car parking to be laid out and maintained and it is considered that the proposal would fully accord with the requirements of policies

TP36 and TP44 of the Birmingham Development Plan and policies DM14 and DM15 of the Development Management in Birmingham Plan.

Trees and Ecology

Trees –

- 7.15 The site and its wider area to the rear are covered by a Tree Preservation Order (TPO 541). A total of two trees would be removed to facilitate the proposed development, the trees are identified as T25 and T29, both of which are category B trees, however, both trees are not included within the Tree Preservation Order which covers the rest of the site. Despite their class B classification, neither of the trees are long-lived or visually dominant and there would be significant tree planting brought forward on site as part of the proposed landscaping works and the delivery of Biodiversity Net Gain on site to offset this loss. On the basis of this, and when weighed against the substantial public benefits that would arise from the scheme coming forward and the wider benefits that would be secured for improving and ensuring the longevity of SEN school places, it is not considered reasonable or proportionate to withhold permission on this basis. Planning conditions have been attached to protect the remaining trees on site throughout the construction period.

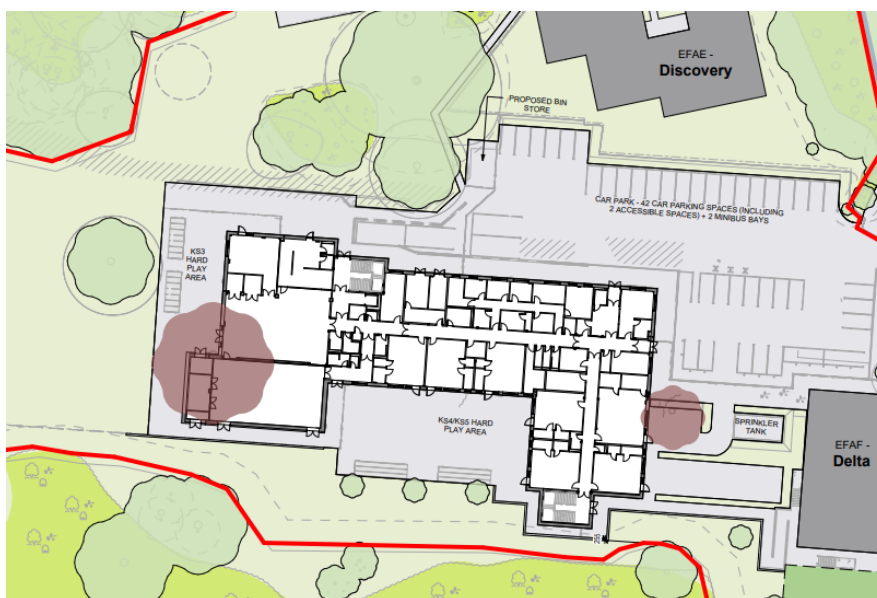


Figure 6 – Two trees to be removed, shown in purple above to facilitate the proposed building footprint and hardstanding.

- 7.16 Concerns have been raised by a local resident that the proposal would result in significant tree loss. However, only two trees are proposed to be removed and this would not detract from or inhibit the existing woodland and canopy cover at the site. Overall, subject to the inclusion of these conditions, it is considered that the proposal would fully accord with the requirements of policy DM4 of the Development Management Plan in Birmingham.

Ecology -

- 7.17 The site comprises of mixed single and two-storey flat roofed and pitched buildings, playing fields, fishpond, allotments, greenhouses, outbuildings, areas of hardstanding, and mature trees and shrubs. The Baskerville School Potential Site of Importance (PSI) envelopes the site immediately south and west, with fragments of PSI habitat

located between the building complexes. The Queens Park, Harborne PSI abuts the site from the west.

- 7.18 EcoRecord hold records for a variety of protected/notable species recorded within 1km of the site including, badger, soprano pipistrelle, common frog, starling, smooth newt, common toad, wren, hedgehog, starling, tawny owl, bullfinch, dunnock, wood pigeon, stock dove, and sparrow hawk. A Preliminary Ecological Appraisal (PEA) has been submitted in support of the application identifying a number of additional surveys that would be required and have been submitted for consideration.
- 7.19 The report makes recommendations for mitigation to ensure that badger would not come to harm through open excavations during the construction phase, the submitted Habitats Regulations Mitigation Statement (RAMMS) outlines a good practice mitigation strategy, which sets out the required methods. These measures would be proportionate and a condition for compliance with the submitted RAMMS statement should be included as well as an application for a Natural England CL35 licence.
- 7.20 A Preliminary Roost Assessment for bats and breeding birds (Red kite, June 2025) has been submitted; no bats were recorded emerging from any of the buildings, passes from general common species of bat were recorded throughout the survey period. In addition, the submitted night vision shots further demonstrate that the activity surveys were undertaken with adequate illumination.
- 7.21 In addition, an Environmental DNA analysis (eDNA) has been undertaken of the pond and delivered a negative result confirming that on the day of the sample collection there was no presence of Great Crested Newt within the water body. Detail of precautionary measures that will ensure that any common amphibians found during the site clearance would be removed by site personnel has been included in the submitted RAMMS statement (Red kite, July 2025). Given that the potential amphibian habitat is concentrated to that of the waterbodies and vegetation on site, the measures set out would be proportionate and would be deemed acceptable.
- 7.22 All the necessary species surveys have been provided to allow for the potential impacts on protected/notable species to be satisfactorily assessed prior to determination of the application. Subject to the inclusion of planning conditions for the submission of a Construction Ecological Management Plan (CEcMP), Ecological Enhancement Measures and Mitigation, Invasive Weeds and compliance with the methodology and findings contained within the submitted RAMMS statement (Red kite, July 2025), (including obtaining Natural England Protected Species Licences to permit the works to go ahead) the proposal would fully accord with the requirements of policy TP8 of the Birmingham Development Plan, the National Planning Policy Framework and Circular 06/2005.

Biodiversity Net Gain (BNG) -

- 7.23 A Statutory Biodiversity Metric (SBM) and BNG Feasibility Report have been submitted as part of the application and it would appear that a 10% BNG can be achieved on site within the red line, or within the area of land that is in the control of the applicant. The outstanding issues relating to BNG relate to the red line of the site, which has been pulled in and some habitats have been omitted as a consequence. However, it would be necessary for the applicant to submit an updated Statutory Biodiversity Metric prior to the discharge of the Biodiversity Gain Plan, which would be included as a planning condition. On the basis of this, it would be considered both reasonable and proportionate that the outstanding issues can be addressed prior to discharge of the Biodiversity Gain Plan and that a suitable, updated SBM can come forward at this stage.

- 7.24 The proposed scheme prioritises the retention of the trees, woodland and priority habitat, which would be supported. The associated impacts of the development appear to be concentrated to the loss of low ecologically valuable habitats. Recommendations would be made for the inclusion of a Habitat Management and Monitoring Plan condition (HMMP) for the purpose of achieving the delivery of habitats and a Construction Ecological Management Plan (CEMP) for the protection of retained habitats.
- 7.25 Overall, the proposal would create significant on-site enhancements, of which, this would be secured by planning conditions and as the site is owned by Birmingham City Council, the BNG monitoring fee would be secured by planning condition. This fee covers the cost of the Ecology team's work to review developers' monitoring reports over the mandatory 30-year monitoring period post-completion in order to assess the effectiveness of the management being undertaken in achieving the projected target condition of the habitats being created or enhanced. The fee would be calculated based on the size of the site and technical difficulty of the habitats to be created. This site would fall into the small sites (up to 10ha) and low technical difficulty, which currently attracts a monitoring fee of £5,802.44. Confirmation has been received by the applicant that this sum is agreed and shall be paid.

Drainage

- 7.26 Concerns were initially raised by the LLFA with regard to surface water drainage. However, following the submission of additional drainage information, the LLFA have now removed all previous objections and fully support the application subject to the inclusion of planning conditions for compliance with the submitted Drainage Strategy. Severn Trent have asked for a pre-commencement planning condition for foul and surface water drainage. However, as part of the submitted Drainage Strategy, confirmation and agreement from Severn Trent was included that specified that foul flows of 0.36l/s (2xdwf) would have no adverse impact on the network, of which, this flow rate would accord with the details submitted within the submitted Drainage Strategy. On the basis of this, it is considered that the compliance conditions specified by the LLFA would ensure a suitable foul and surface water strategy which would accord with the requirements of policy TP6 of the Birmingham Development Plan and would also accord with the requirements specified by Severn Trent, and therefore, a further condition for foul and surface water drainage in addition to this would not be necessary.

Sustainable Construction

- 7.27 Policy TP3 of the Birmingham Development Plan requires new developments to be constructed in ways that:
- Maximise energy efficiency and the use of low carbon energy.
 - Conserve water and reduce flood risk.
 - Consider the type and source of the materials used.
 - Minimise waste and maximise recycling during construction and operation.
 - Be flexible and adaptable to future occupier needs.
 - Incorporate measures to enhance biodiversity value.
- 7.28 The submitted Sustainable Construction Statement and Energy Report, as well as other submitted documents, confirm that the carbon emissions from the proposed development would comply with Building Regs Part L and that the building would function as a Net Zero Building In Operation (NZBIO). The new building would take a fabric-first approach and incorporate glazing and a range of energy efficiency

measures to reduce overall energy demand. Flood risks would be managed by sub-surface storage and a green roof, with BNG levels to be enhanced by the planting of an additional 48 trees on the site.

- 7.29 Policy TP4 of the Birmingham Development Plan requires new developments to incorporate the provision of low and zero carbon forms of energy generation or to connect into existing networks where they exist. The submitted Design and Access Statement confirms that the new development would be designed to follow an energy efficiency hierarchy and that Air Source Heat Pumps would be installed to generate heat, together with local electric water heaters. A ventilation strategy would regulate indoor air quality and provide resilience to overheating.
- 7.30 As the proposal will comprise of more than 1,000 square metres of non-residential floorspace the requirement for BREEAM excellent standard would apply. However, the intention of the applicant is to not use BREEAM but to use Spec 21 instead, to achieve a sustainable and energy efficient building. The Department for Education (DfE) use Spec 21 on all of their new educational build outs. "Spec 21", also known as the School Rebuilding Programme, is a set of standards and guidance for designing and constructing new school buildings in England. It focuses on achieving net-zero carbon emissions in operation, improving biodiversity, and creating healthy, resilient, and adaptable learning environments i.e. all new school buildings must be designed to operate at net-zero carbon emissions, meaning that they produce no more carbon emissions than they can offset through their own systems or by purchasing carbon credits.
- 7.31 Whilst it is acknowledged that Spec 21 is mandated across all Department of Education delivered schools, recent applications for other schools have complied with the BREEAM requirement. Planning Policy have raised concerns that Spec 21 does not cover the wider sustainability issues that BREEAM considers and ultimately would not meet the requirements of TP3 to achieve a BREEAM rating. However, policy TP3 of the Birmingham Development Plan stipulates that development in excess of 1000sqm should aim to meet BREEAM standard excellence and that developers would need to provide justification as to why they cannot achieve it.
- 7.32 Overall, Spec 21 has the same sustainability benefits as BREEAM very good and there would be no impediment to delivery by using this method. With regard to the application site, there are very tight timescales pressing for the construction and delivery of the school, owing to the presence of RAAC affected buildings and the need for the development to be rolled out in a quick, phased manner to ensure that pupils do not have to attend an alternative school in relation to the build out, placing pressure on existing nearby SEN schools or that pupils do not lose a term. Given that the proposal built to a SPEC 21 specification would result in various energy saving measures that are the same as that offered as part of BREEAM and that the overall development would provide a significantly safer and energy efficient building in comparison to the existing build, it is considered that the proposal appropriately addresses policies TP3 and TP4 of the Birmingham Development Plan. A condition would be attached for a validation report provided to be provide six months post occupation to demonstrate that the objectives set out in the Energy Strategy and the delivery have been achieved.

Other issues

Sports and recreation –

- 7.33 The existing Multiuse Games Area (MUGA) would remain unaffected by the proposed development. The existing Sports Hall would be built back as part of the proposal.

There would be no change to the level of sports provision proposed as part of the application and no net increase in the numbers of pupils or staff at the school as part of the application. On the basis of this, there would be no loss of, or compromising of sports provision at the site and there have been no objections raised by Sport England as part of the proposal.

8.0 Conclusion

- 8.1 The proposal would make a positive visual contribution to the site, as well as helping to address the level of congestion experienced on Fellows Lane through the revised parking layout, which comprises of additional circulation space and mini-bus parking, ensuring that mini-buses can park within the site, rather than parking and waiting on Fellows Lane. Not only would this assist with existing congestion but would also ensure safer pick up and drop off provision for pupils. Due to pupils needs, a pick up and drop off option would be required to ensure pupil safety, but adequate cycle spaces have also been provided should this need arise.
- 8.2 There would be no increase in pupil or staff numbers and the proposed built form would be set back considerably from surrounding residential properties; overall, the proposal would have no harmful impact on the amenity of adjoining residential properties but does offer an opportunity to improve the existing car parking arrangements at the site. In addition, the proposal would maintain its existing level of sports provision.
- 8.3 The proposal would fully accord with the requirements of policies PG3, TP3, TP4, TP36 and TP44 of the Birmingham Development Plan and policies DM2, DM4, DM6, DM14 and DM15 of the Development Management in Birmingham Plan, as well as the guidance contained within the Birmingham Design Guide and the National Planning Policy Framework. On the basis of this, it is recommended that planning permission would be granted, subject to planning conditions.

9.0 Recommendation:

- 9.1 That application 2025/03941/PA be APPROVED subject to the planning conditions listed below: -

-
- 1 Implement within 3 years (Full)
 - 2 Requires the scheme to be in accordance with the listed approved plans
 - 3 Arboricultural Method Statement and Tree Protection Plan - Implementation
 - 4 Requires tree pruning protection
 - 5 Requirements within pre-defined tree protection areas
 - 6 To ensure that the development achieves Spec21 rating level
 - 7 Compliance with method statement for the removal of invasive weeds
 - 8 Scheme for/compliance with ecological/biodiversity/enhancement measures
 - 9 Implementation of acceptable mitigation/enhancement
-

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- 10 Compliance with construction ecological mitigation plan (CEcMP)
 - 11 Soft Landscaping details
 - 12 Biodiversity gain plan compliance with submitted details
 - 13 Habitat Management and Monitoring plan condition
 - 14 Completion and Monitoring reports condition
 - 15 Cycle parking provision
 - 16 Requires the submission of unexpected contamination details if found
 - 17 Limits the noise levels for Plant and Machinery
 - 18 Compliance with demolition method statement
 - 19 Compliance with the construction method statement/management plan
 - 20 Requires the submission of a lighting scheme
 - 21 Requires the submission of hard and/or soft landscape details
 - 22 Requires the submission and approval of external materials and detailing
 - 23 Requires the submission and approval of architectural detailing
 - 24 Building & site level details
 - 25 Requires the submission of boundary treatment details
 - 26 Details of green roof(s)
 - 27 Parking & turning area to be constructed and maintained
-

Case Officer: Katie Moriarty

Photo(s)



Photo 1 – Existing school building – norther elevation



Photo 2 - Existing school building – Northern elevation at front of site



Photo 3 – Front entrance – off Fellows Lane

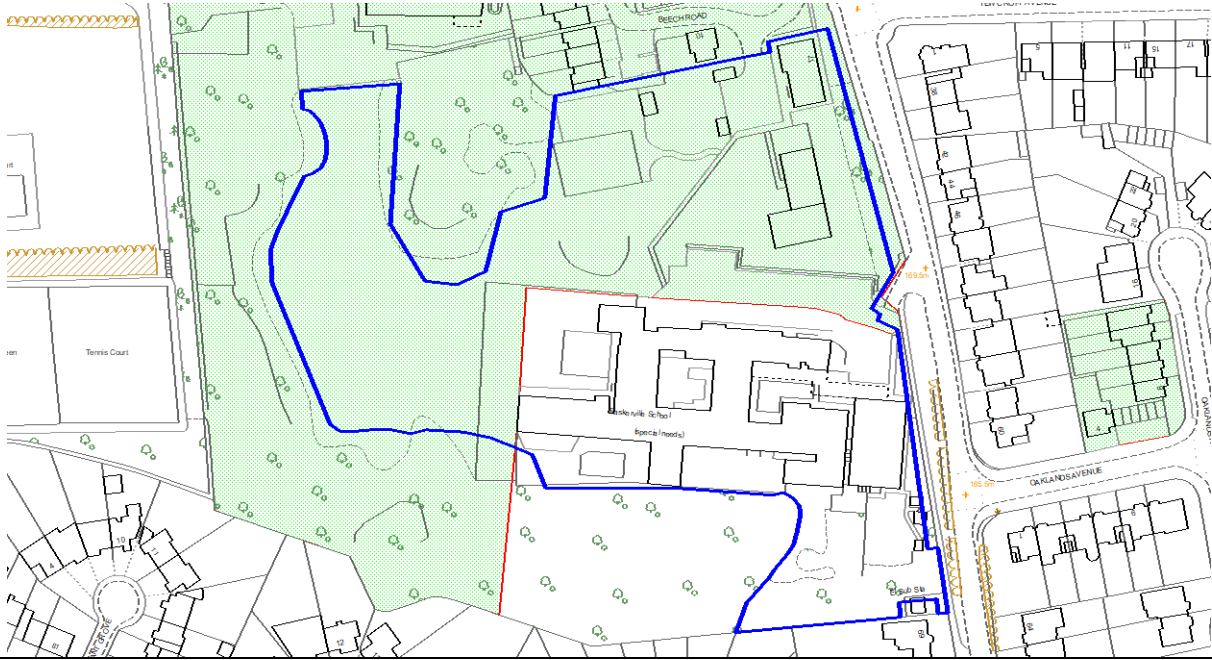


Photo 4 – Existing and proposed site entrance off Fellows Lane



Photo 5 – Fellows Lane outside of school

Location Plan



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