

# **Birmingham City Council**

## **Planning Committee**

**16 July 2020**

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Approve – Subject to 106 Legal Agreement	6	2019/10360/PA  176-183 Moseley Street Digbeth Birmingham B12 0RT  Demolition of existing buildings and construction of part 6, part 7 storey building accommodating 131 no. apartments with associated basement parking
Approve – Subject to 106 Legal Agreement	7	2019/10402/PA  Land fronting Hanley Street, Lower Loveday Street and Summer Lane, Birmingham B19 3SP  Demolition of existing buildings and erection of 4-8 storey development of 203 apartments with associated communal facilities, ground floor commercial facilities units (Use Classes A1, A2 and/or B1) with ancillary cycle spaces, car parking and landscaping including roof top terrace.

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Committee Date:	16/07/2020	Application Number:	2019/10360/PA
Accepted:	03/01/2020	Application Type:	Full Planning
Target Date:	03/04/2020		
Ward:	Bordesley & Highgate		

176-183 Moseley Street, Digbeth, Birmingham, B12 0RT

Demolition of existing buildings and construction of part 6, part 7 storey building accommodating 131 no. apartments with associated basement parking

Recommendation

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

1. Proposal

- 1.1 The scheme proposes the demolition of the existing commercial premises on site and the construction of a residential apartment development. The proposed development would reach six and seven storeys in height with a partial lower ground floor for parking, services and other ancillary functions.
- 1.2 The proposed footprint takes the form of a continuous development around the perimeter of the site enclosing a central courtyard that would provide access to the individual units of accommodation. Balconies are proposed to both of the main frontages facing Moseley Street and Alcester Street. Two pedestrian access points are proposed, the first from Moseley Street via steps and the second from Alcester Street where level access to the courtyard would be provided.
- 1.3 Provision has been made for the storage of 188 cycles and 19 cars. Both would be sited on the lower ground floor accessed from Moseley Street.
- 1.4 The development would provide the following range of apartments:

Flats	1bed/1p ( 37-49m2)	1bed/2p ( 50-57m2)	2bed/3p (61-67m2)	2bed/4p Duplex (84-106m2)	2bed/ 4p (70-78m2)	Total no
GF	6	3	5		4	18
1st Floor	3	10	5		3	21
2nd Floor	1	10	7		3	21
3rd Floor	1	10	7		3	21
4th Floor	1	10	7		3	21
5th Floor	0	5	4	12	1	22
6th Floor	5	1			1	7
<b>Total</b>	<b>17</b>	<b>49</b>	<b>35</b>	<b>12</b>	<b>18</b>	<b>131</b>

1bed/1p	13.0%	
1bed/2p	37%	50%
2bed/3p	27%	50%
2bed/4p Duplex	9%	
2bed 4p	14%	
	100.00%	

## 1.5 [Link to Documents](#)

## 2. Site & Surroundings

- 2.1 The rectangular shaped site of approximately 0.23 hectares is located at the junction of Moseley Street and Alcester Street opposite the Rowton Hotel and the Westminster Works, which is currently under construction.
- 2.2 The site is relatively level from north to south but drops approximately 3m from the east to the west.
- 2.3 The existing buildings on the site comprise a 'U' shaped range of two storey 20th century brick built commercial, storage and distribution buildings, with an open forecourt facing onto and accessed from Moseley Street. The forecourt is used for vehicular access to the premises and vehicle parking.
- 2.4 The surrounding area is generally characterised by low level, mid to late 20th century commercial and light-industrial/storage buildings, however new residential schemes in the area are evolving all the time. There are consented schemes at the Westminster Works, the Fountain Public House, Lombard Street and the S & K buildings all within close proximity.
- 2.5 There are four significant Listed Buildings that are located close to the site; notably the Rowton (formerly Paragon) Hotel which is Grade II listed. The others are at 82, 83 and 84, Moseley Street, 112 Moseley Street and The Market Tavern Public House that are all Grade II listed. The Church of St. Anne, Alcester Street, 27 Alcester Street and 74 - 77 Moseley Street are also locally listed buildings.

3. Planning History

- 3.1. Unit 6 – Change of Use from light Industrial to Storage and Distribution. Approved 02/02/1994
- 3.2. Erection of a single storey front extension to form an additional B1 (Business), B2 (General industrial) and/or B8 (Storage & Distribution) industrial unit. Approved 05/12/2011

4. Consultation/PP Responses

- 4.1 BCC Transportation Development – No objections subject to conditions to require the following:
- S278 – new footway crossing and redundant one reinstated prior to development being occupied. All works to be constructed to BCC specification
  - Car parking and cycle parking to be provided before development is occupied
  - Submission of a construction management plan prior to any demolition or construction
- 4.2 Local Lead Flood Authority – Objection. The details submitted fail to meet the minimum requirements of Policy TP6 of the BDP.
- 4.3 Leisure Services – Support anything that enhances links between future and existing open spaces. However as well as the potential of this scheme to contribute towards the public realm green links as the development is over 20 dwellings it should be the subject of an off-site contribution towards the improvement or creation of new Public Open Space (POS). As this development would not be regarded as family accommodation no play area contribution would be payable. The POS contribution would be calculated as £254,800. This would be spent on the provision, improvement and/or biodiversity enhancement of public open space and the maintenance thereof at Highgate Park (or an extension of it) or other POS priorities within the area.
- 4.4 BCC Employment Team - Request to include employment obligation or condition within the planning approval for this development.
- 4.5 Police - No objection however would recommend that the external communal amenity space, entry/egress points and underground parking and cycle facilities be sufficiently lit; the internal and external spaces be protected by a suitable CCTV scheme; the communal access doors be subject of robust access control (preferably video controlled) and that the applicant considers the principles adopted in the Police Crime Reduction Initiative 'Secured By Design'.
- 4.6 Civic Society - This appears to be a well considered application, with thoughtful detailing, high quality amenity spaces, and provision of defensible space which will be essential in this environment. It offers a successful precedent for future developments in this area. Impacts on historic buildings are acceptable in this context. In summary, support the application.

- 4.7 BCC Education - The contribution towards education provision is estimated to be Nursery £6,308.15, Primary £162,288.81, Secondary £116,447.05, Total £285,044.01
- 4.8 Severn Trent Water - No objections to the proposals subject to the inclusion of conditions to require the submission of drainage plans and the implementation of the agreed details before the development is first brought into use.
- 4.9 BCC Regulatory Services - The initial noise report did not identify the noise levels on Moseley Street as being generated by the current operations on the site. The report implied that this was due to traffic movements. The noise levels reported in the initial report were approaching levels where officers would be recommending refusal. However now that the consultant has identified the source of the noise and it is apparent that noise levels will be lower than those presented happy to agree a glazing and ventilation condition for the facades. In the absence of noise levels for the Moseley Street Façade recommend that this should be treated in the same manner as the Alcester Street Façade.
- 4.10 A site notice and press notice have been posted and neighbours notified. One letter of objection has been received raising the following concerns (in summary):
- There are numerous planning applications for residential developments in this area; 2016/08443/PA, Kingfield Heath Building (2016/08444/PA), 50a Warwick Street (2019/06253/PA), Lombard St/Cheapside/Bradford Street (2019/07304/PA), 123-131 Bradford Street (2018/00116/PA), Corner of Cheapside and Moseley Road (2016/06827/PA), 150-159 Moseley Street (2017/10701/PA) and Former Westminster Works (2017/08666/PA), none of them have any provision for ground floor commercial activity;
  - Given the Rea Valley Masterplan's desire to incorporate a green corridor to the south of the proposal site, would this not be an ideal opportunity to include some? The area will have no vibrancy and no life at street level? The area risks becoming a dangerous dead zone.
  - Amenity space would make it a more interesting place to live and visit, as well as an exciting, useable and safe place.

## 5. Policy Context

- 5.1 Birmingham Development Plan (BDP) 2017, Birmingham Unitary Development Plan 2005 (Saved Policies) Car Parking Guidelines SPD (2012), Public Open Space in New Residential Development SPD (2007), Access for People with Disabilities Supplementary Planning Guidance (SPG) (2006), Archaeology Strategy (2004), Affordable Housing SPG (2001), Places for Living SPG (2001), Places for All SPG (2001), Big City Plan Masterplan (2011), Rea Valley Urban Quarter Draft SPD (May 2019) and the revised National Planning Policy Framework.

## 6. Planning Considerations

### *The Principle of Residential Development*

- 6.1 The proposed development would replace six existing commercial units that currently provide 20 FTE jobs. Therefore whilst the application site does not form part of a Core Employment Area under BDP Policy TP19 Policy, TP20 seeks to protect employment land and resources where it contributes to the portfolio of land needed to meet longer term requirements. According to Policy TP20 there is a general presumption against the loss of employment premises unless it is a non-conforming use, has actively been marketed or it can be demonstrated that continuing an industrial development is not viable. The current employment floorspace does not comprise of non-conforming uses and the applicants have not demonstrated that there is marketing or viability justification to support the proposed loss of the existing premises. Therefore the proposed loss of employment premises is contrary to this BDP Policy TP20 and any material considerations should be assessed to ascertain whether they should be given greater weight to outweigh this Policy conflict.
- 6.2 First a requirement for future growth and change in and around the City Centre is identified within the development plan. Strategic Policy PG1 identifies a need for significant levels of housing, employment, office and retail development, along with supporting infrastructure in Birmingham over the plan period. The Policy refers to a target of 51,100 additional homes although this falls short of Birmingham's objectively assessed need which is stated to be 89,000 homes.
- 6.3 Next the application site falls within the City Centre Growth Area where Policy GA1 of the BDP promotes the City Centre as the focus for office, residential and leisure activity, with 12,800 new homes and 700,000 square metres of new office floorspace proposed within the City Centre area over the plan period. In addition the site lies within the Southern Gateway Wider Area of Change where Policy GA1.2 states that residential uses shall be supported as part of a future mix of uses. Plus, as defined within Policy GA1.3, the application site falls inside the Southside and Highgate Quarter where residential activities are supported.
- 6.4 The site lies within the Cheapside Neighbourhood of the emerging Rea Valley SPD that also supports residential led regeneration.
- 6.5 Paragraph 121 of the NPPF further states that authorities should take a positive approach to applications for the alternative use of land which is currently developed but not allocated for a specific purpose in plans, where this would help to meet identified development needs. In particular, they should support proposals to use retail and employment land for homes in areas of high housing demand, provided that this would not undermine key economic sectors or sites, or the vitality and viability of town centres.
- 6.6 The agents has advised that the existing businesses are predominantly small wholesale, manufacturing and retail businesses which operate from what are fairly low quality and inflexible commercial units ranging in size from 100sqm to 295sqm. In terms of the construction phase, the proposed development could generate in the region of 290 temporary direct construction jobs with a further 320 temporary spin-off jobs as a result of direct employment. In addition, the construction of the development would secure a total of 1,200 person weeks of employment for 'New

Entrants' whose main residence is in the City's Local Impact Area, as per the requirement of the Council's Employment Access Team. In terms of the operational phase of the proposal, the agent has estimated that the new residents would bring increased spending to the locality; based on an average household weekly spend 131 new households could generate £42,116 of additional household expenditure per week. This equates to around £2.19m per year and £21.9m over a 10-year period that would help to support local shops and services.

- 6.7 Taking account of the location of the site within the identified City Centre Growth Area and Wider Area of Change, and the associated contribution towards the local economy it is considered that there is sufficient policy support and material considerations to outweigh the conflict with Policy TP20, and allow the loss of the existing employment premises.

### *Proposed Siting, Layout, Massing and Design*

- 6.8 The Rea Valley Urban Quarter Draft SPD seeks to establish a linear park/green space the length of Moseley Street linking the redevelopment of Smithfield with Highgate Park. The defined linear park includes the front part of the current application site. The agent has commented that the proposals have been designed in response to the guidance for the transformation of Moseley Street as the redevelopment of the site would create a properly defined and active frontage along that section of Moseley Street replacing what is currently an open and unattractive car dominated forecourt and a low-grade industrial building. The ground floor has been set back to incorporate planting and a row of continuous balconies to reflect the aspiration for a green and active street.
- 6.9 It is also acknowledged that the proposal would not prejudice the ability to deliver the aspirational transformation of Moseley Street to form a pedestrianised "park link" in the future should proposals come forward.
- 6.10 Notably Moseley Street, Cheapside and Bradford Street are the principle routes in the area that reinforce the grid-like street arrangement of the area. Buildings are characteristically positioned at back of pavement and many of the plots are typically rectilinear or square. The siting of the proposed development would therefore reinforce this characteristic whilst maximising the dimensions of the internal courtyard amenity space within the development. Taking the above comments into account the proposed siting of the development is considered acceptable.
- 6.11 The proposed layout would reinstate a street and rear courtyard arrangement with clearly marked entrances. The proposed courtyard would be laid out and landscaped to provide a communal facility that would promote the informal interaction of the residents. The proposed orientation and aspect has been considered to ensure that none of the living accommodation would be north facing, taking advantage of aspect and light penetration. Each unit of accommodation would have some sort of private outdoor space be it either a balcony or terrace as an extension to the living room. Furthermore overlooking would be minimised as the apartments would be arranged around the courtyard providing more separation space.



- 6.12 In terms of massing the development would be subdivided into distinct blocks to reduce its perceived scale when viewed from the adjacent streets. Plus the blocks that would face Moseley Street and Alcester Street would be different heights with Moseley Street at 6 storeys and Alcester Street at 7 storeys.



- 6.13 This arrangement would create blocks of development that would be appropriate in their immediate context. The Moseley Street block would respond to the general scale of development on Moseley Street and would sit sympathetically in proximity to the listed Rowton Hotel. Meanwhile the Alcester Street block would relate directly to the consented schemes at nearby Westminster Works and The Fountain.



- 6.14 The proposed elevations have been amended to turn the corner at the junction of Moseley Street and Alcester Street and would minimise the extent of blank frontages. There would be a consistent range of materials but different roofscapes to enable the



development to be read as two interconnected buildings. The entrances would be clearly defined within the streetscene by double height spaces.

- 6.15 The external elevations would be subdivided vertically with the introduction of set-backs and differing planes that would introduce shadow and depth to the facades. The articulation of the ground and lower ground floor storeys would be achieved through a combination of brick piers and recessed brick panels with a 'hit and miss' relief pattern. Open 'galleries' would provide access to the apartments facing Moseley Street enabling these apartments to be dual aspect.
- 6.16 The proposed development would provide a range of apartment types from 1 bed 1 person to 2 bed 3 person to 2 bed 4 person duplexes. Furthermore all of the apartments would meet national space standards in terms of floorspace.



- 6.17 It is considered that, subject to conditions the proposed design comprising its siting, layout, massing and elevational treatment is acceptable, accords with policy and would be suitably fitting to its streetscene context.

#### *Impact Upon Heritage Assets*

- 6.18 The City Council has a statutory duty under the Planning (Listed Building and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the special interest and setting of listed buildings. According to the NPPF, the impact of a proposal upon the significance of a designated and non-designated heritage asset and its setting should be considered, with great weight given to the asset's conservation. In addition Policy TP12 of the BDP states that the historic environment will be valued, protected, enhanced and managed for its contribution to character, local distinctiveness.
- 6.19 The location of the proposed development would affect the setting of the grade II listed Rowton Hotel (formerly the Paragon Hotel and listed as 145 Alcester Road

Chamberlain Hotel). It is however considered by the Council's Conservation Officer that the proposed scale and design of the development would be acceptable within the context of the setting of the Rowton Hotel, and it is noted that other developments of this scale in the immediate and wider area have been approved. It is considered that there would be no harm to the setting of any of listed and locally listed buildings in the area.

- 6.20 Furthermore the Council's Archaeological Officer consider that the potential for significant archaeological remains on site is low and therefore no further archaeological fieldwork is required.

### *Transportation*

- 6.21 A total of 19 parking spaces are proposed to serve the development. Whilst this is significantly lower than the Car Parking SPD guidelines it is considered that the total is acceptable. Notably the guidelines are a maximum and the site has a sustainable location close to the City Centre. Furthermore BCC Transportation have commented that in comparison to the existing use on site the number of trips would not be likely to significantly alter whilst the number of movements by HGV's would be reduced.

### *Ecology*

- 6.22 Several wildlife corridors lie within 1km of the site all of which are important for the wildlife network, whilst the site is particularly close to Highgate Park that is popular with a variety of local wildlife including bats, birds and terrestrial mammals. A Preliminary Roost Appraisal has been conducted that concludes that there is negligible potential for roosts in the current building, however Officers have advised that checks should still take place before work is started. Furthermore there is potential for a biodiversity roof to be included on as much of the roof as possible as ground space is limited. Ideally this roof should have foraging potential for black redstarts. A condition to require a scheme of biodiversity enhancement is attached.

### *Drainage*

- 6.23 The LLFA have objected to the proposed drainage scheme due to a lack of information as required by Policy TP6. The applicants have however updated the proposed strategy and an update will be provided at the meeting.

### *Other*

- 6.24 A letter of objection has been received raising concern at the number of applications for residential development at the expense of ground floor commercial activity. It is acknowledged that developments such as the current scheme would not provide replacement commercial floorspace however it is considered that this part of the City Centre has retained a sufficient mix of uses to serve the ever expanding residential population whilst apartments at ground floor would still provide some level of activity and natural surveillance of the frontages. Furthermore there is no BDP Policy requirement to provide a certain amount of commercial floorspace.

## *Planning Obligations*

- 6.25 A development of the size proposed is above the threshold for contributions towards, or on site provision of public open space and affordable housing. The current application is not policy compliant in respect of these matters and has been accompanied by a Financial Viability Assessment (FVA). This explains that the developers return would not be sufficient to support the policy compliant provision of 35% affordable housing.
- 6.26 The FVA has been independently assessed resulting in a review of the applicants proposed build costs, professional fees, marketing and financing costs and whilst it has been concluded that the scheme is unviable at a policy compliant 35% affordable housing it could support 13 Low Cost Home Ownership dwellings at 80% of market value. This would accord with the revised NPPF guidance of providing a minimum of 10% on site affordable housing. The applicants have agreed to this conclusion.
- 6.27 BCC Education and Leisure Services have submitted a request for contributions of £285,044.01 and £254,800 respectively. In response it is considered likely, based on the location of the site, there would be limited child yield arising from the development and whilst not complying with Policy TP9, regarding the provision of public open space, the site is in close proximity to Highgate Park. Furthermore the proposed scheme would an area of amenity space within the courtyard to serve the residents.

## 7. Conclusion

- 7.1. The proposed redevelopment of the site would remove the existing employment uses and replace them with 131 apartments. Whilst this is contrary to Policy TP20 it is considered that there are sufficient material considerations to outweigh compliance with this policy.
- 7.2. The proposed siting, layout, massing and design of the proposed development is considered to be appropriate to its context providing an uplifted and attractive frontages to both Moseley Street and Alcester Street. There would be no harm to the setting of heritage assets, notably the listed Rowton Hotel that lies opposite the application site.
- 7.3 It is therefore considered on balance that the proposed development should be approved subject to conditions and the S106 Agreement to secure the provision of affordable housing on site.

## 8. Recommendation

- 8.1 That consideration of application 2019/10360/PA be APPROVED subject to the prior completion of a Section 106 Legal Agreement to secure the following:-
- a) The provision of 8 x 1 bed and 5 x 2 bed 13 low cost home ownership dwellings at 80% of market value on site;

b) Payment of a monitoring and administration fee associated with the legal agreement of 3.5% of the affordable housing value subject to a maximum of £10,000.

- 8.2 In the absence of a planning obligation being completed to the satisfaction of the Local Planning 14<sup>th</sup> August 2020 planning permission be refused for the following reason:-

In the absence of a legal agreement to secure a commitment provide 13 on-site affordable housing units the proposal conflicts with Policy TP31 of the Birmingham Development Plan and the National Planning Policy Framework.

- 8.3 That the City Solicitor be authorised to prepare, complete and seal an appropriate agreement under Section 106 of the Town and Country Planning Act.
- 8.4 That in the event of the planning obligation being completed to the satisfaction of the Local Planning Authority by the 14<sup>th</sup> August 2020 planning permission for application 2019/10360/PA be APPROVED, subject to the conditions listed below:-

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1	Implement within 3 years (Full)
2	Requires the scheme to be in accordance with the listed approved plans
3	Requires the Prior Submission of a Construction Employment Plan.
4	Scheme of Noise Insulation - Habitable rooms on the South (Moseley St) and East (Alcester Street) elevations
5	Scheme of Noise Insulation - Habitable rooms on the North and West elevations
6	Requires the submission of a scheme for biodiversity enhancement measures
7	Requires the prior submission of a contamination remediation scheme
8	Requires the submission of a contaminated land verification report
9	Requires the provision of a vehicle charging point
10	Requires the submission and completion of works for the S278/TRO Agreement
11	Requires the provision of car parking and cycle parking prior to occupation
12	Requires the prior submission of a construction method statement/management plan
13	Sustainable Drainage (to be discussed)
14	Sustainable Drainage Operation and Management Plan (to be discussed)
15	Requires the submission of sample materials

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16 Prior to Commencement - Details of Underground Services / Utilities to Achieve Landscaping

17 Requires the submission of soft landscape details

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Case Officer: Julia Summerfield



## Photo(s)

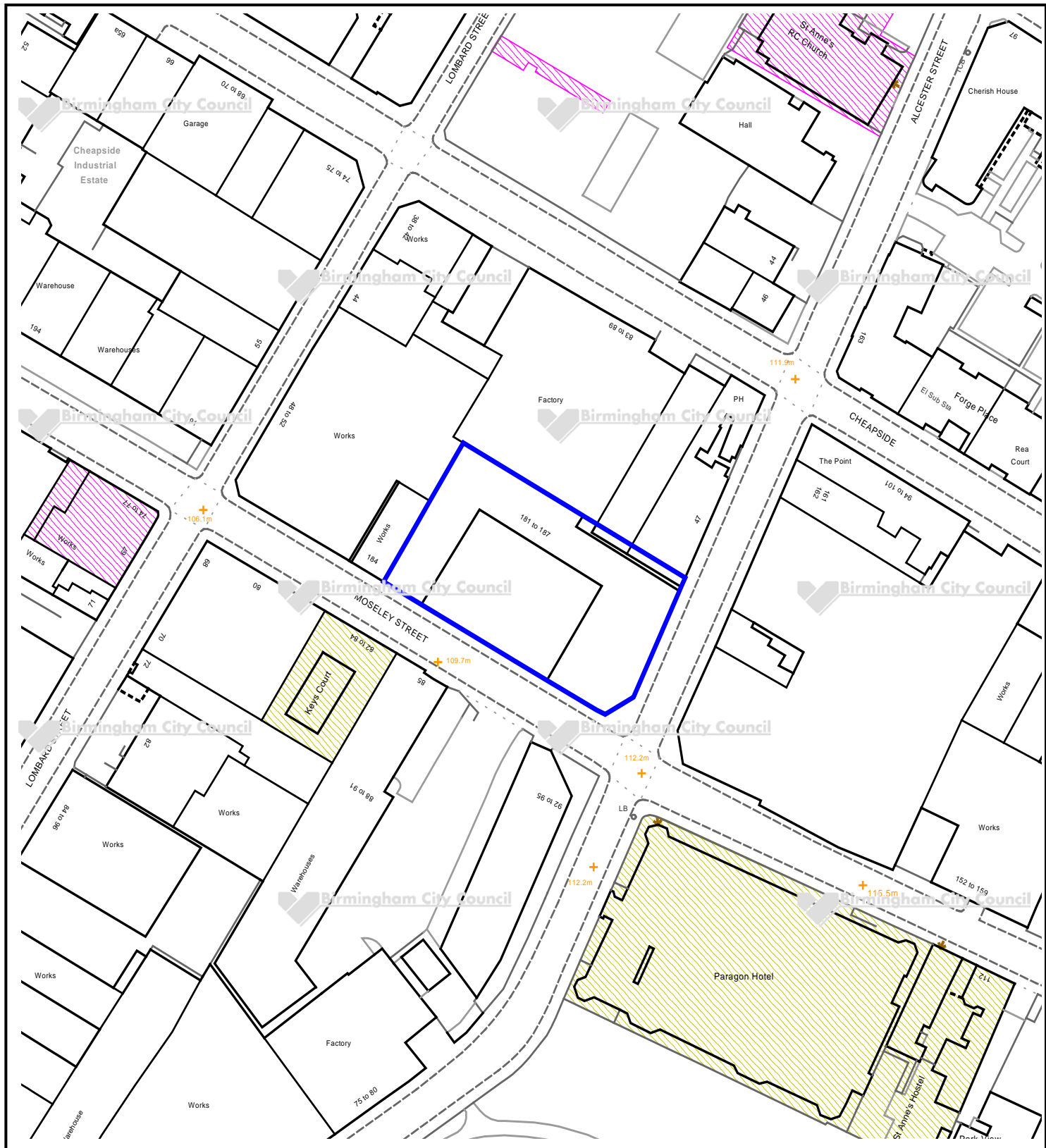


From the Junction of Alcester Street and Moseley Street



Looking into the site, taken opposite, from Moseley Street

## Location Plan



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Committee Date:	16/07/2020	Application Number:	2019/10402/PA
Accepted:	08/01/2020	Application Type:	Full Planning
Target Date:	04/09/2020		
Ward:	Newtown		

Land fronting, Hanley Street, Lower Loveday Street and Summer Lane,, Birmingham, B19 3SP

Demolition of existing buildings and erection of 4-8 storey development of 203 apartments with associated communal facilities, ground floor commercial facilities units (Use Classes A1, A2 and/or B1) with ancillary cycle spaces, car parking and landscaping including roof top terrace.

Recommendation

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

1. Proposal

- 1.1 Planning permission is sought for the redevelopment of the application site to provide a private rental housing scheme of apartments providing 203 one, two and three bed units with associated communal facilities for residents including co-working space, fitness studio, private dining space, a large reception area, roof terrace, landscaped courtyards, private storage space, cycle storage and a car park with 29 spaces. The application also includes two ground floor commercial fronting Hanley Street providing a total of 350 sq.m. for A1, A2 and/or B1 uses. Most of the site has previously been cleared but on the Summer Lane frontage are two commercial buildings one of which is vacant and last used for the storage of car parts and the other occupied by an ironmongers/hardware store. Both existing buildings would be demolished.
- 1.2 The layout for the development proposes an a U-shaped building which would be located at the back edge of the pavement along the three site frontages to Hanley Street, Summer Lane and Lower Loveday Street. The building would enclose a landscaped internal courtyard space which would be subdivided into two areas by a further residential block where the site widens to the rear of the Lower Loveday Street frontage. There is a different in levels across the site so that on the Hanley Street a lower ground floor level would be provided which would accommodate the car parking and vehicular entrance and two commercial units fronting the street. The basement space would also provide resident's storage areas, cycle storage with 204 spaces, refuse stores and plant rooms. Above this lower ground/floor basement would be the landscaped courtyard decks and living accommodation which on the Lower Loveday Street frontages would be at street level. The shared residents communal areas and main entrance to the development would be located at ground floor level on the Summer Lane frontage and extend through to face the internal courtyard.



**Figure 1: Proposed upper ground floor layout**

- 1.3 The proposed buildings heights would vary between 4 and 8 storeys although the 8<sup>th</sup> floor would provide a roof terrace rather than any living accommodated. On the Hanley Street frontage the building would vary between 7 storeys at the lower end to 6 storeys on the Summer Lane corner with a 4 storey link section between the two higher elements. On Summer Lane the building would be 6 and 8 storeys high and on Lower Loveday Street the building is predominantly 6 storeys but drops down to 4 storeys adjacent to the neighbouring two storey building which is locally listed. The wing to the rear of this frontage would also be 4 storeys in height.



**Figure 2: 3D Model showing proposed building heights from Summer Lane frontage and across the internal courtyards**

- 1.4 The design proposed uses a brickwork frame for the building with a regular grid and brick piers providing vertical proportions which is applied to all elevations. Variations to

this are used to connect the various blocks including use of recessed balconies and slightly different treatment between the base, middle and top, through the staggering and dimensional change of the brick piers. There would also be further secondary recessed brick panels adjacent to narrower bedroom windows and recast concrete banding between floors. On the Summer Lane frontage rusticated brick courses are proposed on the ground floor and an arched double height opening for the main entrance. The brickwork frame would be extended above the living accommodation to enclose a roof terrace with balustrade between the piers. The rusticated brickwork would also be continued along the Lower Loveday frontage and variation achieved by using a vertical brick stretcher bond sting course between windows and incorporating Juliette balconies to living rooms. Both the Summer Lane and Lower Loveday Street sections of the building would be built with a red brick and have flat roofs.



**Figure 3: Proposed views to Lower Loveday Street and Summer Lane**

- 1.5 On the Hanley Street frontage the elevations have been designed to have more of a warehouse appearance with the roof line proving a series of 3 gable ends. Larger windows with a horizontal emphasis are proposed between decorative glazed ceramic tiles and vertical stretcher bond brickwork. On the courtyard facing elevations a gallery deck arrangement is proposed with access to the upper floor apartments from the rear. On this part of the development a grey/green coloured brick would be used.



**Figure 3: Proposed elevations to Hanley Street and to internal courtyard**

- 1.6 The living accommodation would comprise of the following mix:-

Accommodation type	Number	Size in square metres	Percentage
1 bed	91	50-50.4	45%
2 bed	99	61- 75.8	49%
3 bed	13	86.2 – 100.8	6%

The apartments would all be for market rent and following consideration of the applicants viability assessment 10% of the dwellings are offered as low cost market rent units in the form of 20 units discounted at 80% of market rent, comprising 9 x 1 bed and 11 x 2 bed units.

- 1.7 As well as the internal communal facilities for residents external space would be provided in the form of the two landscaped courtyards and roof terrace covering 1,278 sq.m. A number of the apartments would also have balconies, roof terraces and some of the ground floor units abutting the courtyards would have their own small private garden areas. The apartments fronting Hanley Street have been designed with living rooms to the street frontage and bedrooms to the rear accessed via a deck which projects from the rear of the building over the central courtyards areas by about 3.6 metres.
- 1.8 Proposals to same energy consummation and reduce carbon emissions have been incorporated into the design of the development including a high level of insulation and reduced air permeability and high-efficiency mechanical ventilation and heat recovery units to limit energy consumption. An all-electric scheme is proposed to take advantage of grid decarbonisation and deliver a 56.6% reduction in regulated carbon emissions over a Part L2A 2013 baseline when utilising the proposed carbon factor changes to Building Regulations Part L. There is also the potential for 214m2 photovoltaic arrays on the available flat roof areas as well as green roofs and plant.
- 1.9 The application is supported by a Design and Access Statement, Planning Statement, Acoustic Assessment, Transport Assessment, Drainage Strategy, Air Quality Assessment, Ecological Assessment, Landscape Planting Philosophy, Land Contamination, Desk-Study Report, Sustainability Strategy and Viability Appraisal.
- 1.10 [Link to Documents](#)

## 2. Site & Surroundings

- 2.1 The application site covers approximately 0.43ha and occupies a corner plot at the junctions of Hanley Street to the north, Lower Loveday Street to the south and Summer Lane to the west. The majority of the site has been cleared and is partly being used as surface car parking. At the western end of the site fronting Summer Lane are two commercial buildings, 2 storeys high and constructed in brick with stone detailing and flat roofs. One of the building is vacant and boarded up whilst the other is occupied by an ironmongers and hardware store.
- 2.2 There is a difference in levels of about 4 metres across the site with the Lower Loveday street frontage being about a storey higher than the Hanley Street frontage.



The difference in height is marked by a high brick and concrete retaining wall topped with a palisade fence. The site frontages are also enclosed with security fencing and a length of brick walling. A major sewer runs diagonally across the site from the south-west corner to the north-east corner.

- 2.3 Development in the surrounding area is predominantly of commercial character. To the north and east along Hanley Street are modern 20th Century workshops and business premises as well as several car parks, a petrol filling station and garage, with car repair workshop. One of the sites nearby at 37 Hanley Street has planning permission for a 5 storey development of student accommodation. On the opposite side of Summer Lane is another car repair garage including a filling station, car wash and shop and a former 2 storey public house which is locally listed and now used as an education centre. On Lower Loveday Street opposite the site, is a three storey office building and brick boundary wall which are also locally listed as well as a recently built development of student accommodation scheme known as Canalside which has a heights of five and six storeys. Abutting the east boundary and fronting Lower Loveday Street is a two storey traditional workshop building which is locally listed and occupied by an architectural ironmongery company.

2.4 [Site Location](#)

3. [Planning History](#)

- 3.1 7/12/2017 - 2017/06255/PA - Planning permission refused for demolition of existing buildings and redevelopment of site to provide a 3 - 6 storey development of 148 apartments with 118 sqm of commercial space for A1, A2, A3 or B1 use with basement parking and landscaped courtyard.
- 3.2 21/7/17 -2017/03679/PA - Outline application withdrawn for the demolition of existing buildings and the erection of a 6-8 storey development to provide 200-250 apartments with approx. 500m2 of commercial space for A1, A2, A3 and B1 use with ancillary basement parking/storage facilities and landscaped courtyard.
- 3.3 1/9/11 - 2011/04919/PA – Determination made that no prior approval is required for prior demolition of 25 Summer Lane and Pace House, Hanley Street.
- 3.4. 30/4/08 - 2007/05509/PA – Planning permission granted for demolition of building & replacement with two buildings for student accommodation consisting of 311 bed spaces, 517sqm of retail floor space and new vehicle access from Hanley Street.

4. [Consultation/PP Responses](#)

- 4.1 Transportation – No object subject to conditions and a stopping-up resolution. The requested conditions are require reinstatement of redundant footway crossings, alterations to existing access and boundary treatment to prevent vehicle access to the wide forecourt area fronting Summer Lane. Conditions are also requested for the provision of the car parking and cycle parking spaces and for the treatment of measures to prevent vehicles parking on the back of pavement. The stopping-up resolution is required as part of the public highway is proposed to be removed on the corner of Summer Lane and Hanley Street.
- 4.2 Regulatory Services – Recommend Refusal. Comment that the data submitted clearly shows that noise from the engineering premises opposite the site creates a significant adverse impact. The noise environment and proposed mitigation is similar to the previous application 2017/06255/PA which was refused permission and we

would recommend refusal of this application on the grounds that the development would lead to harm to health and quality of life for future residents due to noise from nearby industrial uses. It would introduce a noise sensitive use in an existing industrial and commercial area in circumstances where the noise climate would represent a statutory nuisance which may have an adverse impact on the operation of existing businesses and potential loss of employment activities.

- 4.3 Lead Local Flood Authority – No objection subject to Birmingham LLFA withdraws its objection to the proposed development as submitted subject to the inclusion of conditions to require the submission of a detailed sustainable drainage scheme and operation and maintenance plan
- 4.4 Local Services – No objections in principle but as the scheme is for over 20 dwellings request an off-site POS and Play area contribution in accordance with the BDP. This is calculated to be £456,775 which would be spent on the provision, improvement and/or biodiversity enhancement of public open space, and the maintenance thereof at St Georges Park, Tower Street Recreation Ground and Newtown POS all within the Newtown Ward.
- 4.5 Employment Team – Request Section 106 agreement or conditions to secure a construction employment plan to provide ensure a minimum total of 60 Person Weeks of employment per £1million spend on the construction of the site will be provided for New Entrants whose main residence is in the Local Impact Area.
- 4.6 Education – Request contribution under Section 106 for additional school places in local schools. This is estimated to be a total of £520,943.09 (subject to surplus pupil place analysis)
- 4.7 Severn Trent Water – No objection subject to conditions but advise that a public sewer crosses the site which has statutory protection and may not be built close to, directly over or be diverted without their consent. The applicant has provided a further letter from Severn Trent Water confirming that they will accept a build over agreement to allow development over the sewer subject to the detailed foundation design.
- 4.8 Canal and Rivers Trust – No objection but advise that they are currently working on proposals to improve access to the canal towpath from Cliveland Street as a sustainable means of travel and have Section 106 contributions from other development towards this. Request that this development also provides contributions through a Section 106 agreement or from CIL receipts towards the improvements and promotion of the nearby canal towpath as a sustainable pedestrian commuting and recreational route for new residents.
- 4.9 West Midlands Police – No objections but requests conditions to secure access controls to commercial units, site entrances and shared residents facilities, that CCTV and lighting scheme is installed, that there is a suitable boundary treatment around the accessible roof space in the form of a barrier no lower than 2.0m in height and of an anti - climbing design and any furniture that is installed on the roof is suitably located and secured so it cannot be used as a climbing aid to scale the boundary.
- 4.10 West Midlands Fire Service – Development will need to comply with Part B of Schedule 1 to the Building Regulations 2010.

- 4.11 Ward Councillors, MP, residents associations, local residents and businesses notified of the application and site/press notices displayed. No comments received.

5. Policy Context

- 5.1 Birmingham Development Plan 2017, Birmingham Unitary Development Plan (saved policies), Big City Plan, Canal Corridor Framework SPG, Places for Living SPG, Loss of Industrial Land to Alternative Uses SPD, Places for All SPG, Places for Living SPG, Car Parking Guidelines SPD, Public Open Space in new Residential Development SPD, Affordable Housing SPG and NPPF.

6. Planning Considerations

6.1 **Land Use Policy**

- 6.2 Local Planning Authorities must determine planning applications in accordance with the Statutory Development Plan, unless material considerations indicate otherwise. The Development Plan comprises Birmingham Development Plan and the saved policies of the Birmingham Unitary Development Plan 2005. Other adopted supplementary planning policies are also relevant as is the National Planning Policy Framework. Also to be considered are the representations received from consultees and any other third parties.
- 6.3 The Birmingham Development Plan (BDP) sets out a number of objectives for the City until 2031 including the need to make provision for a significant increase in population. Policy PG1 quantifies this as the provision of 51,000 additional homes within the built up area of the City which should demonstrate high design quality, a strong sense of place, local distinctiveness and that creates a safe and attractive environments. Policy GA1 promotes the City Centre as the focus for a growing population and states that residential development will be continued to be supported where it provides well designed high quality environments. The majority of new housing is expected to be delivered on brown field sites within the existing urban area.
- 6.4 The Birmingham Development Plan (BDP) identifies the application site as being within the City Centre Growth Area where the focus will primarily be upon re-using existing urban land through regeneration, renewal and development. Policy GA1.3 relating to the Quarters surrounding the city centre core states that development must support and strengthen the distinctive characteristics, communities and environmental assets of each area. The site is within the Gun Quarter where the aim is to maintain the area's important employment role but also to complement this with a mix of uses around the canal and improved connections to neighbouring areas. Policy TP28 regarding the location of new housing states that it should not be in conflict with other BDP policies in particular those for protecting core employment areas.
- 6.5 Although most of the site is now been cleared and is partly used for car parking it was previously used as a waste treatment facility which would be classed as an industrial purposes and therefore Policy TP20 of the BDP relating to the protection of Employment Land is relevant. It states that employment land and premises are a valuable resource to the Birmingham economy and will be protected where they contribute to the portfolio of employment land and are needed to meet the longer term employment land requirements. More guidance regarding the loss of employment land is set out in the "Loss of Industrial Land to Alternative Uses" SPD 2006 which sets out the information required to justify the loss of industrial land but



also states that within the City Centre it is recognised that a more flexible approach towards change of use from industrial to residential is required to support regeneration initiatives. Proposals involving the loss of industrial land will be supported, but only where they lie in areas which have been identified in other planning policy documents that have been approved by Birmingham City Council, as having potential for alternative uses.

- 6.6 The application site is within the area covered by the City Centre Canal Corridor which adopted in 2002 and seeks to realise the full potential of the canal as a focus for regeneration and positive mixed use development. When previous applications 2007/05509/PA for student accommodation and 2017/06255/PA for 148 apartments were considered the view was taken that as the site lies in close proximity to the Birmingham and Fazeley Canal and the Canal Corridor Framework supports the introduction of mixed use schemes along the canal corridor, residential development on the application site could be supported in principle. It would provide an opportunity to regenerate this underused brown field site and add to the mix of uses close to the canal. However to the north of the site on the opposite side of Hanley Street the existing businesses fall within the core employment area and will continue to be protected from alternative forms of development.

**6.7 Demolition**

- 6.8 The application proposals would involve the demolition of the two remaining buildings commercial buildings on the site one of which has been boarded up for about 10 years. They date from the mid-20<sup>th</sup> century and neither are listed, locally listed or within a Conservation Area. No objection is raised to their demolition.

**6.9 Building Heights and Layout**

- 6.10 Policy PG3 of the BDP states that all new development will be expected to be designed to the highest possible standards which reinforces or creates a positive sense of place and safe and attractive environments. Policy TP27 has similar wording and seeks high design quality. It states that new housing is expected to contribute to making sustainable neighbourhoods characterised by a wide choice of housing types and tenures, good accessibility to facilities and options to travel with reduced dependency on the car, to develop a strong sense of place, access to attractive open spaces and be environmentally sustainable. The NPPF in Para 124 states that good design is a key aspect of sustainable development and creates better places to live and work. Planning decisions should ensure that developments are visually attractive as a result of good architecture, layout and are sympathetic to local character including the surrounding built form.
- 6.11 The previous approved student scheme provided 297 student bed spaces and a ground floor commercial unit in two separate blocks ranging in height from 4-6 storeys. The more recent refused 148 bed apartment scheme also proposed building heights of predominantly 4-6 storeys. Although these heights are generally above the traditional buildings in the immediate vicinity they were supported as they reflected the more recent housing redevelopment schemes such as the Canalside student housing scheme which lies on the opposite side of the Lower Loveday frontage and is five and six storeys tall.
- 6.12 This new scheme for the site proposes building heights of 6 and 7 storeys stepping down to 4 storeys on the Lower Loveday Street boundary and having an 8 storey appearance with the enclosed roof terrace on the Summer Lane frontage. These heights would be above that currently in the immediate area but follows the current

trends in the city centre for building heights to increase to make maximum use of brown field sites and support the city councils growth agenda. The city design officer raises no objection and as the site is largely opposite commercial properties it is not considered there would be any adverse impact on neighbouring uses.

- 6.13 The layout for the development appropriately locates buildings to the back of the footway on the along the site boundaries and would give active frontages along Summer Lane and part of Hanley Street by providing two commercial uses and residents communal facilities fronting the street. Some of the apartments that face the street have been set back slightly from the frontage behind a raised planter to provide some defensible space. The apartments facing into the site would have an outlook over the landscaped courtyard and there would be suitable separation distances between windows of between 20-28 metres. All the apartments meet the nationally described space standards and all the one bed units would be of a suitable size for 2 person occupation.

**6.14 Design**

- 6.15 The City Design Officer supports the design to visually break the building into a number of blocks to help reduce its visual mass and create the perception of a cluster. He also supports the overall architectural approach proposed across the scheme which draws subtle character reference points into a contemporary design including the use of brick reflecting the established character of the area, concrete detailing acknowledging details of existing buildings on the site and the stone detail in wider area. The arced entrance also nods to adjacent locally listed building. Originally a number of concerns were raised in respect of the detailing but amended plans and additional sections have been provided and the City Design Officer now considers they have addressed his concerns and have successfully demonstrated the proposed façade detailing.

- 6.16 The rear decks were a further concern in terms of restricting light to the apartments below. However the submitted D&A addendum illustrates how the light wells within the gallery structure will help light cascade through structure and into the adjacent bedrooms. Whilst there remains an element of shading, given its ability to provide a degree of outdoor amenity, coupled with its south orientation he is happy to support the gallery structure as proposed. There was also a potential overlooking issue between the corner units. This has been addressed by revised flat layout and by using obscured glazing in the closest window for the shared dining area.

**6.17 Impact on Heritage Assets.**

- 6.18 The site is in close proximity to several locally listed buildings including the former Royal George PH, the former MEB stores depot, 369 Summer Row and 27 to 31 Lower Loveday Street. The Grade 2 listed Barker Bridge spans the canal a short distance away. The NPPF requires heritage assets to be conserved in a manner appropriate to their significance and requires an applicant to describe the significance of any heritage assets affected and to assess how it may be affected by a proposal. Policy TP12 of the BDP also states that great weight will be given to the conservation of the City's heritage assets and proposals for new development affecting a designated or non-designated heritage asset or its setting, will be determined in accordance with national policy.

- 6.19 The proposed residential development has the potential to impact on the setting of the nearby heritage assets and the application is accompanied by a Heritage Assessment which considers this. The Conservation Officer comments that he

agrees with the conclusions of the submitted Heritage Statement which state that the proposed development will not harm the significance of the heritage assets by changes in their setting. Number 27-31 Lower Loveday Street is the building which will be impacted upon the most as it is immediately adjacent to the development and is a locally listed building two-storey late Victorian factory. The proposed residential development will be substantially taller than no's 27-31 but it has been designed to appear as a cluster of blocks and structures which has reduced its visual mass. The building has been designed to step-down to four storeys where it meets the locally listed building so as not to be overly dominant. The application site is currently a surface car park and waste ground, so the development will arguably be an enhancement of the setting of the heritage assets by reintroducing a streetscape around the building.

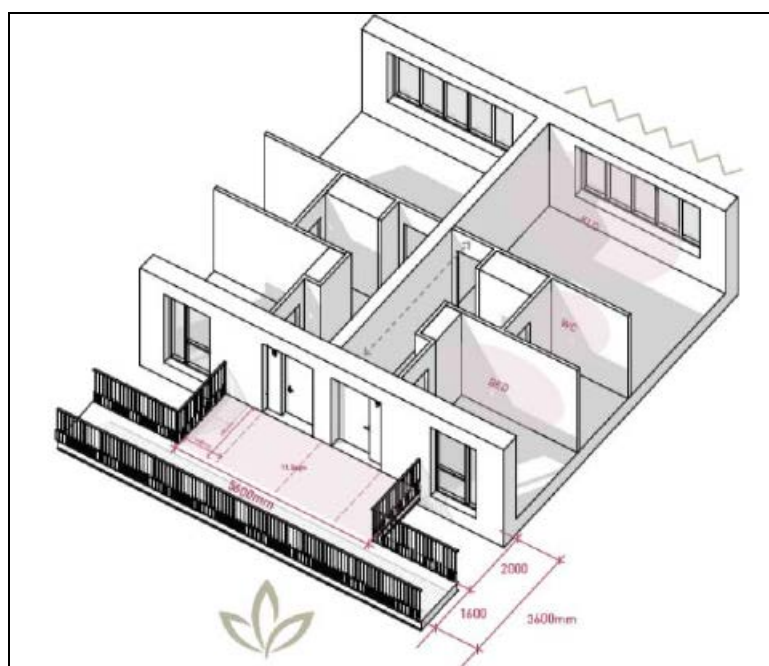
## **6.20 Transportation Issues**

- 6.21 The development would provide 29 car parking spaces (14%) and 204 cycle spaces with a servicing area with access to the commercial units and refuse stores from the lower ground floor. The parking area includes three electric vehicle parking spaces and two car club spaces. Transportation comment that the supporting TA notes the existing car park use which would generate more peak hour movements than the proposed use. Commercial uses on Summer Lane are not judged to be an issue as TRO's protect the carriageway along with guard railing. No objection is raised to the application on highway grounds. The site is within walking distance of significant employment areas within Birmingham City Centre, various local facilities and is also well served by multiple public transport options, including bus, rail, and metro all within a 500m walking distance.

## **6.22 Noise**

- 6.23 Although the use of the site for housing and building design could be supported in principal the previous application for apartments on this site was refused permission in 2017 for the following reasons:-
- 1 The proposed development of this site for residential purposes would lead to harm to the health and quality of life for future occupiers, by reason of noise and general disturbance from the nearby industrial uses and through the use of noise mitigation measures which rely on closed windows and mechanical ventilation. As such the proposal would be contrary to Policies TP2 and TP37 of the Birmingham Development Plan and the National Planning Policy Framework.
  - 2 The proposed development would introduce a noise sensitive use on a site adjacent to a core employment area with a high noise climate in excess of statutory nuisance triggers. The proposed development would be likely to give rise to complaints about noise and disturbance leading to restrictions being placed on the operation of adjacent industrial premises and the resultant loss of employment activities. The proposal would therefore be contrary to Policies TP17 and TP19 of the Birmingham Development Plan and the Loss of Industrial Land to Alternative Uses SPD.
  - 3 In the absence of a legal agreement to secure contributions towards affordable housing and public open space the proposal conflicts with Policies TP9 and TP31 of Birmingham Development Plan, the Public Open Space in New Residential Development SPD and the National Planning Policy Framework.

- 6.24 Reasons for refusal 1 and 2 relate to noise from uses on the core employment site on the opposite side of the Hanley Street frontage particularly from the engineering company that occupies a press business there. At the time of the previous application the company strongly objected to the application of the grounds that proposed residential uses were totally incompatible with the industrial processes operating opposite the site which includes heavy industrial presses and plant which manufactures parts for the automotive section including JLR. The business has no restrictions on hours of use and opening and could operate 24 hours a day 7 days a week and has its delivery/servicing yard opposite the site.
- 6.25 This objection was supported by Regulatory Services who found that the business gave rise to a high noise climate in excess of statutory nuisance triggers. In the immediate area planning permission has only been granted for student housing, a more transitory type of living accommodation, in order to try and ensure that there would not be an adverse impact on adjacent employment activities. The company have not objected to the current application and it is understood that their business was purchased last year and the new owners are closing the site and relocating its manufacturing operations. However the landlord intends to find new tenants for the factory so it could be occupied again by a similar business.
- 6.26 In order to address these previous reasons for refusal this development has been designed specifically to mitigate potential noise impacts associated with core employment area specifically from the press works opposite the site. The apartments in the block adjoining Hanley Street are all dual aspect and accessed via a deck/gallery overlooking the quieter internal courtyard to the south. Bedrooms have been located along the southern elevation of the block, furthest away from the engineering premises separated by the balance of the interior living space and screened by the external fabric of the apartment block.



**Figure 4: Layout of apartments fronting Hanley Street**

- 6.27 Acoustically rated windows providing a minimum 28-30dB noise reduction for night-time maximum noise levels are also proposed in the Hanley Street elevation. The

applicants advise that it is not necessary to have 'sealed' windows in order to provide an acceptable internal noise environment, however all apartments will benefit from mechanical ventilation thereby affording residents the added flexibility to close windows should they choose to whilst maintaining comfortable internal temperatures. In addition to the glazed elements of the building there would also be increased sound reduction afforded by the masonry elements of the building and the noise consultants calculations demonstrate that the internal noise level to meet the requirements of BS8233 are readily achieved in all habitable rooms on all facades. The proposals do not include any sensitive external areas overlooking Hanley Street and are therefore materially different from those previously proposed on the site.

- 6.28 Some of the applicants conclusions are questioned by Regulatory Services who comment that the assessment carried out for the Hanley Street façade suggest a significant adverse impact. They consider the proposed mitigation mechanical ventilation and acoustic glazing is not an accepted mitigation for industrial noise and the proposal would result in incident noise levels on the building façade in excess of the significant observed adverse effect level. They recommend refusal of this application for the same reasons as the previous application in 2017. Further comments from the applicant's noise consultants have recently been provided and forwarded to Regulatory Services and any further response will be reported at committee.
- 6.29 Whilst there is the possibility that future residents could complain about noise from the businesses on the core employment site the noise mitigation proposed and design of the apartments whereby bedrooms are located to the quieter courtyard side of the development make these proposals materially different from the previously refused proposal. The development generally offers benefits to the area in providing housing on a brownfield site in a sustainable location and active uses to the street frontage. This site has been largely underused for a number of years and its redevelopment would enhance the area and its surroundings. On balance the development is therefore considered to be acceptable.
- 6.30 **Other Matters**
- 6.31 Conditions are recommended to require a lighting scheme, on site security measures and CCTV as requested by West Midland Police. The roof parapet and railings between the brick piers mean the roof top terrace would have a 2 metre high enclosure as requested by the Police.
- 6.32 **Section 106 Obligations**
- 6.33 The site is not within a CIL charging area but the number of apartments proposed means that the City Councils policies for Affordable Housing and Public Open Space in New Residential Development apply. A Viability Statement has been submitted with the application to demonstrate that the site cannot meet the full BDP requirements which has been independently assessed by consultants. As a result it has been agreed that 20 (10%) of the units would be provided as low cost market rent units at a 20% discount of market rent, comprising 9 x 1 bed and 11 x 2 bed units. Contributions have also been requested from Local Services towards off site public open space, the Canal and River Trust for access improvement to the canal network and from Education towards school places. The development however would not be viable if these additional contributions were made and education facilities are covered by CIL. The provision of on site discounted market rent dwellings are considered to be a fair and justifiable and to meet the necessity tests set out in the CIL regulations.

## 7. Conclusions

- 7.1 The BDP encourages further residential development in the City Centre and the site is within the Gun Quarter and Canal Corridor where further housing is acceptable in principle. The proposals would allow the regeneration of this run down site would remove a significant area of underdeveloped land from this part of the Gun Quarter. The building design and housing mix are acceptable and the development would not have any adverse impact on the setting of locally listed buildings in the vicinity. Although there is an objection to the development from Regulatory Services relating to noise issues from the nearby core employment area suitable noise mitigation measures can be provided and the layout of the apartments seeks to ensure that the more sensitive bedroom spaces are located away from the Hanley Street frontage.

## 8. Recommendation

- 8.1 That no objection be raised to the stopping up of the areas of public highway within the application site and that the Department for Transport be requested to make an Order in accordance with Section 247 of the Town and Country Planning Act 1990
- 8.2 That application 2019/10402/PA be APPROVED subject to the prior completion of a Section 106 Legal Agreement to secure the following:-
- i) The provision of 20 private rent units at a 20% discount on normal market rents in perpetuity comprising 9 x one bed and 11 x two bed apartments.
  - ii) Payment of a monitoring and administration fee associated with the legal agreement of 3.5% of the affordable housing value subject to a maximum of £10,000.
- 8.3 In the absence of a planning obligation being completed to the satisfaction of the Local Planning authority by 4 September 2020 planning permission be refused for the following reason:-
- In the absence of a legal agreement to secure a commitment provide 20 on-site affordable market rent units the proposal conflicts with Policy TP31 of the Birmingham Development Plan and the National Planning Policy Framework.
- 8.4 That the City Solicitor be authorised to prepare, complete and seal an appropriate agreement under Section 106 of the Town and Country Planning Act.
- 8.5 That in the event of the planning obligation being completed to the satisfaction of the Local Planning Authority by the 4 September 2020 planning permission for application 2019/10402/ be APPROVED, subject to the conditions listed below:-

- 
- |   |  |
|---|--|
| 1 | Requires the prior submission of a construction employment plan.                 |
| 2 | Requires the prior submission of a construction method statement/management plan |
| 3 | Requires the prior submission of a contamination remediation scheme              |
| 4 | Requires the submission of a contaminated land verification report               |
| 5 | Requires the prior submission of a sustainable drainage scheme                   |
-

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- 6 Requires the submission of a Sustainable Drainage Operation and Maintenance Plan
  - 7 Requires the submission of sample panels of brickwork
  - 8 Requires the submission of sample materials
  - 9 Requires the submission of architectural details
  - 10 Requires the submission of hard and/or soft landscape details
  - 11 Requires the submission of boundary treatment details
  - 12 Requires the submission of a lighting scheme
  - 13 Requires the submission of details of biodiversity roofs
  - 14 Requires the submission of a scheme for biodiversity/enhancement measures
  - 15 Requires the prior submission of details of bird/bat boxes
  - 16 Requires a scheme of noise mitigation measures
  - 17 Limits the noise levels for Plant and Machinery
  - 18 Requires the prior submission of noise insulation (variable)
  - 19 Limits the hours of use 8am - 11pm
  - 20 Limits delivery time of goods to or from the commercial units to 8am -8pm
  - 21 Requires the ground floor windows to the communal facilities and commercial units to be clear glazed and not obscured
  - 22 Requires the submission of a CCTV scheme
  - 23 Requires the submission and completion of works for the S278/TRO Agreement
  - 24 Requires the provision of cycle parking prior to occupation
  - 25 Requires the parking area to be laid out prior to use
  - 26 Requires the provision of a vehicle charging points
  - 27 Requires the submission of details of pavement boundary
  - 28 Requires the scheme to be in accordance with the listed approved plans
  - 29 Implement within 3 years (Full)
- 

Case Officer: Lesley Sheldrake



## Photo(s)



Photo 1: Site frontage to Lower Loveday Street and adjacent locally listed building



Photo 2: Site frontage to Hanley Street



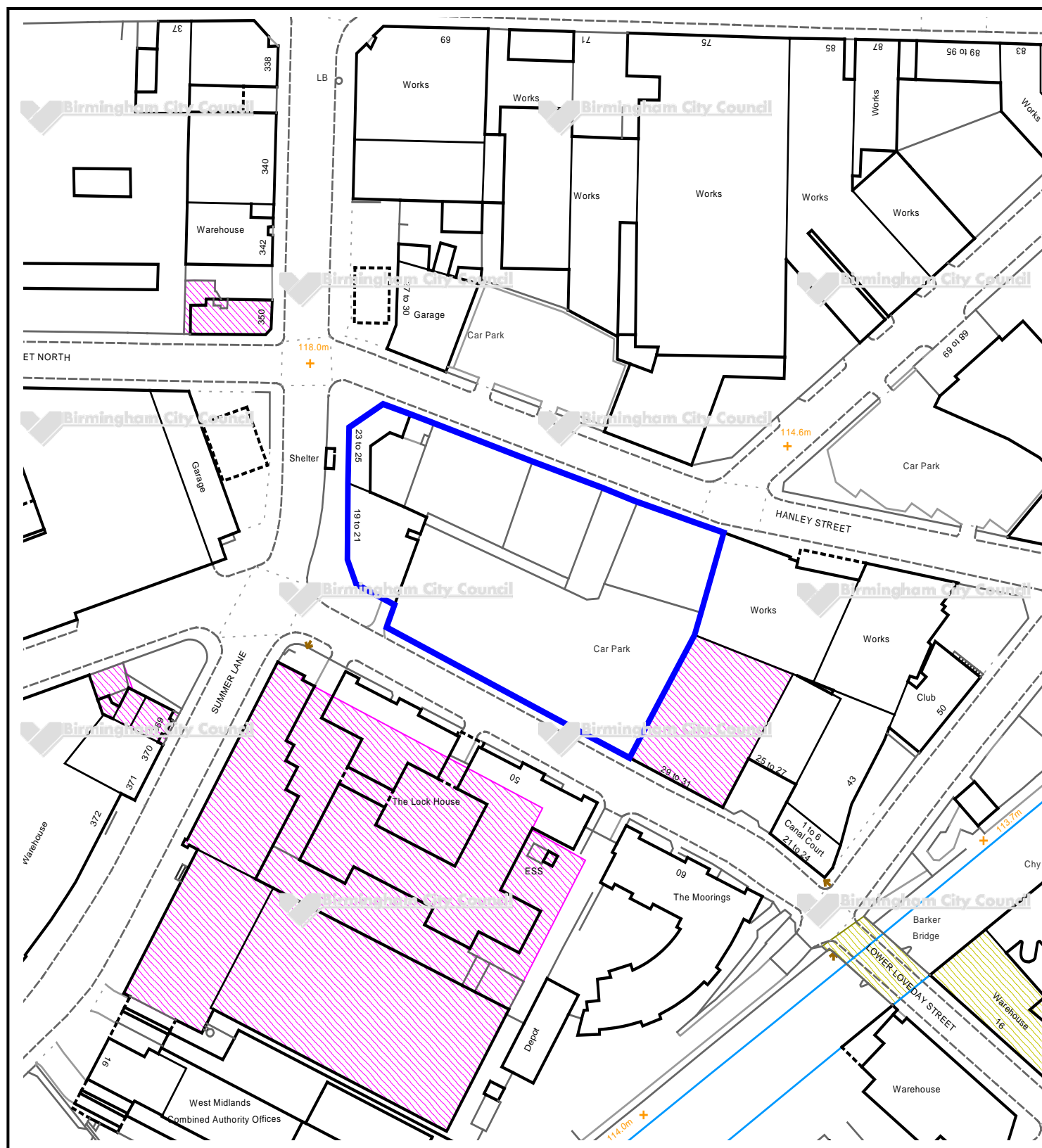


**Photo 3: Site frontage to Summer Lane and buildings proposed for demolition**

**Photo 4 : View into site towards Summer Lane frontage**



## Location Plan



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# **Birmingham City Council**

## **Planning Committee**

**16 July 2020**

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	2020/00357/PA  Land at the corner of Highfield Lane and Woodridge Avenue Quinton Birmingham B32 1RE  Erection of 9no. dwellinghouses with associated car parking and landscaping.

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Committee Date:	16/07/2020	Application Number:	2020/00357/PA
Accepted:	15/01/2020	Application Type:	Full Planning
Target Date:	16/07/2020		
Ward:	Quinton		

Land at the corner of Highfield Lane and Woodridge Avenue, Quinton, Birmingham, B32 1RE

Erection of 9no. dwellinghouses with associated car parking and landscaping.

Recommendation

**Approve subject to Conditions**

1. Proposal

- 1.1. Planning permission is sought for the erection of 9no. dwellings on land at the corner of Highfield Lane and Woodridge Avenue in Quinton. The applicant is Birmingham Municipal Housing Trust (BMHT) and all dwellings are proposed for social rent.
- 1.2. A new cul-de-sac road is proposed to the north of Woodridge Avenue, accessed off Highfield Lane. A landscaped area would lie between the new road and Woodridge Avenue, with vegetation also on the western boundary, to the rear of Nos. 1-9 Honeysuckle Close. Plots 1-7 would front the new road and plots 8 and 9 would front Highfield Lane. All properties would have red brick elevations, grey roof tiles and grey window frames.
- 1.3. Plots 1-6 (Harborne house type) comprise three pairs of semi-detached properties. Plots 1 and 3 would have double height bay windows on the front elevation with a forward facing gable-end roof design, plots 2, 4, 5 and 6 would have gables to the sides, and plot 6 would have a bay window at ground floor only. Internal layouts consists of a kitchen/diner, living room, WC and stores at ground floor and 2 double bedrooms, 1 single bedroom and bathroom at first floor. Gross internal floor areas (GIA) of 93.8sqm, 95sqm and 96.2sqm achieved for 3 bedroom, 5 person, 2 storey properties. All gardens exceed 70sqm. 2no. parking spaces per dwelling.
- 1.4. Plots 7 and 8 (Moseley house type) comprise a pair of semi-detached properties located on the corner of the development. Internal layouts consist of a living room, kitchen/diner, WC and store at ground floor and 2 double bedrooms and bathroom at first floor. GIA would be 81.6sqm. Externally both properties would have a 4sqm store and splayed gardens measuring 72sqm. 1no. parking space per dwelling.
- 1.5. Plot 9 (Northfield house type) comprises a detached property with a living room, dining room, kitchen, WC and stores at ground floor and 2 double bedrooms, one with an en-suite bathroom, 2 single bedrooms, a bathroom and store at first floor. GIA would be 125.4sqm and garden would measure 110sqm. 2no. parking spaces per dwelling.



- 1.6. The following amendments have been made since the application was originally submitted:
- Garden boundary of Plot 9 extended to prevent overlooking to Plot 6;
  - Alterations to boundary treatment at Plots 1, 2 and 3;
  - Hedgerow details updated to be of native species;
  - Reposition of parking spaces for Plots 1, 2 and 3;
  - Cul-de-sac widened from 4.8m to 5.5m;
  - Pavement around the corner of Woodridge Avenue and Highfield Lane extended into the cul-de-sac further.
  - Stage 1 Road Safety Assessment submitted.
- 1.7. Site area – 0.33ha.
- 1.8. Density – 27.3 dwellings per hectare.
- 1.9. Parking provision – 178%.
- 1.10. [Link to Documents](#)



Proposed Site Layout





Proposed Street Scenes

## 2. Site & Surroundings

- 2.1. The application site relates to disused tennis courts on the corner of Highfield Lane and Woodridge Avenue in Quinton. The southern edge of the site lies within TPO626, and there are a group of trees along this boundary. Land levels fall to the west, and the topography plan shows a ground level difference of approximately 3m between the properties to the west on Honeysuckle Close and Plot 1 of the proposal.
- 2.2. The surrounding area is predominantly residential in nature, with housing to the immediate west and south. Four Dwellings Academy lies to the east on the opposite side of Highfield Lane, and a Bowling Green and Highfield Farm Recreation Ground are to the north. The site is close to the Quinton Expressway and M5 motorway (to the west) and there are bus services along Highfield Lane into the Harborne and the City Centre.
- 2.3. The western boundary of the site accommodates the Woodgate Valley SLINC Line, and the Woodgate Valley SLINC Area and Woodgate Valley Local Nature Reserve are located to the west of properties on Honeysuckle Close and Tanglewood Close.

## 2.4. [Site Location](#)

## 3. Planning History

- 3.1. No relevant history at application site. Relevant history at adjacent site:
- 3.2. 19/07/1991 – 1990/01421/PA – Outline application for residential development including new access road and public open space public footpath – Approved subject to conditions.

- 3.3. 05/09/1991 – 1990/05679/PA – Reserved matters application for residential development comprising 33 detached and 33 terraced houses access roads and drives – Approved subject to conditions.

4. Consultation/PP Responses

- 4.1. Leisure Services – This site was originally part of Highfield Recreation Ground owned and managed Leisure Services and has recently been disposed of for housing. The site previously contained a hard surfaced area with 3no marked out tennis courts. This development of under 20 dwellings would not be subject to any off site POS or Play contributions. However, the development would normally be subject to compensation for the loss of 3no tennis courts, which would normally amount to £40,000 per court and a total of £120,000.
- 4.2. Regulatory Services – No objection subject to conditions for a contamination remediation scheme, contaminated land verification report and construction method statement management plan.
- 4.3. Severn Trent Water – No objection subject to condition for drainage plans for the disposal of foul and surface water flows. Guidance about public sewers also provided. Full response sent to agent.
- 4.4. Sport England – Not a statutory consultee on this application. Tennis courts are separated from the playing fields by fences and an intervening Bowling Green. Would encourage application to be assessed in accordance with Paragraph 97 of the NPPF and give appropriate weight to the need for any mitigation.
- 4.5. Transportation Development – No objection following amendments to site layout and submission of a Road Safety Audit.
- 4.6. West Midlands Fire Service – No objection. Proposal should comply with building regulations. Dead-end access routes longer than 20m require turning facilities. Full response sent to agent.
- 4.7. West Midlands Police – No objection. Satisfied that ‘Secured by Design’ can be achieved.
- 4.8. Neighbouring occupiers, local Ward Councillors, Residents’ Associations and MP consulted and a site notice displayed. Re-consultation carried out following amendments. The following responses have been received.
- 4.9. Preet Kaur Gill MP – writing in connection with concerns raised by constituents:
- Safety of local children at nearby schools;
  - Pedestrian safety of bus stop users;
  - Concern that development would create additional risks or accidents on what is considered an already dangerous road;
  - Congestion;
  - Request to reduce number of car parking spaces on site, particularly given bus stops close by;
  - Affordable housing contribution concerns;
  - Request for committee site visit.

- 4.10. A petition in objection with 169 signatures, and 12 letters of objection have been received raising the following concerns:
- Danger to school children, pedestrians and bus stop users;
  - Impact on bin collections and emergency service vehicles;
  - Knowledge of serious accidents close by; concern the area would become an accident hotspot;
  - 16 parking spaces and 2 new dropped kerbs onto Highfield Lane considered unacceptable and dangerous;
  - Proposal is close to the schools, bus stop, bowling green, recreation ground and MUGA;
  - Recognition of housing need – request plans revised for bungalows for the elderly to free up 3 and 4 bedroom family homes. This would also reduce traffic.
  - Loss of light; loss of privacy;
  - Loss of trees, foliage and flora and creation of hardstanding causes flooding concerns; concerns about the hedgerow at the rear of properties on Honeysuckle Close, which is a natural habitat for local wildlife;
  - Loss of value of neighbouring homes.

## 5. Policy Context

- 5.1. Relevant Local Planning Policy:
- Birmingham Development Plan (BDP) 2017
  - Birmingham Unitary Development Plan (UDP) Saved Policies 2005
  - Places for Living SPG 2001
  - Car Parking Guidelines SPD 2012
  - 45 Degree Code 2006
  - Development Management in Birmingham DPD Consultation Draft 2019
  - Tree Protection Order 626
- 5.2. Relevant National Planning Policy:
- National Planning Policy Framework (NPPF) 2019
  - National Design Guide 2019
  - Technical Housing Standards 2015

## 6. Planning Considerations

- 6.1. This application has been assessed against the objectives of the policies set out above.
- 6.2. The planning considerations important in the determination of this application are the principle of development and the potential impact of the proposal on the residential amenity of existing and future residents, visual amenity, highway safety and parking, trees and landscaping, ecology and drainage.

### **Principal of development and loss of tennis court**

- 6.3. The National Planning Policy Framework (NPPF) has a presumption in favour of sustainable development. It supports strong, vibrant and healthy communities by ensuring that a sufficient number and range of homes can be provided by fostering a well-designed and safe built environment. Paragraph 68 states that small and

medium sized sites can make an important contribution to meeting local housing requirements.

- 6.4. Paragraph 96 of the NPPF states that access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities. Paragraph 97 states that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:
- a) An assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
  - b) The loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
  - c) The development is for alternative sports and recreation provision, the benefits of which clearly outweigh the loss of the current or former use.
- 6.5. Policy TP11 of the BDP states that sports and physical activity facilities will be protected from development, unless it can be demonstrated that they are surplus to requirements through a robust and up to date assessment of need.
- 6.6. Policy TP27 explains that new housing in Birmingham is expected to contribute to making sustainable places by offering: a wide choice of housing sizes, types and tenures; access to facilities such as shops, schools, leisure and work opportunities within easy reach; convenient options to travel by foot, bicycle and public transport; a strong sense of place with high design quality; environmental sustainability and climate proofing through measures that save energy, water and non-renewable resources and the use of green infrastructure; attractive, safe and multifunctional public spaces for social activities, recreation and wildlife; and effective long-term management of buildings, public spaces, waste facilities and other infrastructure.
- 6.7. With respect to the location of new housing, Policy TP28 of the BDP explains that proposals for new residential development should be located in low flood risk zones; be adequately serviced by existing or new infrastructure which should be in place before the new housing is provided; be accessible to jobs, shops and services by modes of transport other than the car; be capable of land remediation; be sympathetic to historic, cultural or natural assets; and not conflict with any other specific policies in the BDP.
- 6.8. The application site relates to former tennis courts, which were originally part of the Highfield Recreation Ground, owned and managed by the Leisure Services department of the City Council and the proposal is for the erection of 9 dwellings for social rent.
- 6.9. Upon visiting the site in January 2020, the former tennis courts were overgrown and in a poor condition, and it is understood the site has not been used for this purpose for over 10 years. Sport England commented on the application encouraging the proposal to be assessed in accordance with Paragraph 97 of the NPPF and give appropriate weight to the need for any mitigation. The agent has agreed to pay a sum of £20,000, as requested by the City's Leisure Services department, to compensate for the loss of the court, which would be used to supplement the current ongoing sports provision on the retained part of Highfield Recreation Ground.
- 6.10. Whilst the proposal does not fully comply with the tests outlined within the NPPF, the site would be used for social rent housing, for which there is a need within the city. As the loss of the tennis courts would attract financial compensation to be reinvested

in the adjacent recreation ground, and as neither Sport England nor Leisure Services have objected to the proposal, I consider that on balance, the loss of the tennis courts to residential use would be acceptable in this instance. A condition is recommended for the £20,000 compensation payment.

- 6.11. The site is within an established residential area, in a low flood risk zone (Flood Zone 1), is well served by existing infrastructure and services are accessible from the site. I therefore consider that the principle of residential development in this location is appropriate and acceptable.

### **Residential amenity**

- 6.12. The 45 Degree Code and Places for Living SPG set standards for residential development to ensure the amenity of neighbouring residents is not adversely affected, and to provide adequate amenity for future occupiers.
- 6.13. All properties would exceed the minimum garden sizes required within 'Places for Living': 52sqm for 2 bedroom properties and 70sqm for 3+ bedroom properties. All properties would achieve the required 5m and 10m separation distances from habitable rooms to neighbouring amenity space, therefore no overlooking would occur. A condition is recommended for permitted development rights to be removed for windows on the rear elevations of Plots 7 and 8, as windows on these elevations would fail to achieve a 10m separation distance. Plot 6 would breach the 45 Degree Code to the rear living room window at Plot 7, however there is a large window on the front elevation of Plot 7; therefore light to this room would not be compromised.
- 6.14. 'Places for Living' requires a 12.5m separation distance between windowed elevations and opposing 1 and 2 storey flank walls, and where a flank wall would be situated at a higher level than the window, the separation distance should be increased by 1m for every 1m change in ground level. The topography plan submitted with the application shows a ground level difference of approximately 3m between the properties to the west on Honeysuckle Close and Plot 1 of the proposal, therefore a separation of 15.5m is required here. No. 5 Honeysuckle Close has a conservatory which is the closest habitable room to Plot 1, which achieves a distance of 15m, whilst the main rear elevation achieves 18m. As the side elevation of Plot 1 would be splayed and given the presence of vegetation along this boundary, I consider the 15m distance between the conservatory and closest point at Plot 1 to be acceptable, and the proposal would not compromise light or outlook to neighbouring occupiers.
- 6.15. The Technical Housing Standards form part of the draft Development Management in Birmingham DPD which has been through public consultation and is now awaiting examination. I therefore consider they hold some weight and should form part of the assessment of this application. All bedrooms achieve the 7.5sqm required for singles and 11.5sqm for doubles. The following gross internal floor areas are achieved:
- Harborne house type (3 bedroom, 5 person, 2 storey properties) required to achieve 93sqm. Properties achieve 93.8sqm, 95sqm and 96.2sqm.
  - Moseley house type (2 bedroom, 4 person, 2 storey properties) required to achieve 79sqm. Properties achieve 81.6sqm.
  - Northfield house type (4 bedroom, 6 person, 2 storey property) required to achieve 106sqm. Property achieves 110sqm.

- 6.16. The proposed development would therefore provide future occupiers with adequate residential amenity and would not compromise the amenity of existing neighbouring occupiers.

**Transportation, highways and parking matters**

- 6.17. The proposal would provide 2no. parking spaces to all properties except the 2 bedroom houses, which would each have 1no. parking space, equating to 178% provision. The site is located close to transport links and a bus route runs along Highfield Lane into Harborne and the City Centre, with further options available within reasonable walking distance. Beyond the site, parking on street is unrestricted.
- 6.18. Transportation Development initially raised concerns about the size of the turning head, the provision of a bin store, servicing, and refuse vehicle tracking, as the furthest dwellings from Highfield Lane would be over 60m away, which is in excess of the maximum 25m carry distance for refuse collectors.
- 6.19. Transportation Development considered it important that refuse vehicles have the ability to turn within the site, without compromising highway safety, particularly given the comments from the Fire Service that access routes longer than 20m must have turning facilities. As such, the tandem parking at Plots 2 and 3 were pushed further into the site, the road was widened from 4.8m to 5.5m and the parking for Plot 1 re-positioned in order for the tracking of refuse vehicle manoeuvre to be achieved. Approximate parking on Highfield Lane, visibility splays and potential pruning of non-protected trees were also shown on the revised plans. The agent noted that access off Woodridge Avenue, rather than Highfield Lane, was not considered an option due to the width of Woodridge Avenue and the area of TPO along the southern boundary of the site.
- 6.20. A Stage 1 Road Safety Audit (RSA) Response Report was prepared to look at potential issues resulting from the proposed development. In relation to the proximity of the proposed access and that off Woodridge Avenue, the audit concluded:
- ‘very minor encroachment into the respective splays would occur in the unlikely event that two vehicles are waiting to exit their junction onto Highfield Lane. This issue is therefore not considered to be significant and does not warrant any changes in the design’.*
- 6.21. It also looked to the potential impact of on street parking upon the accesses, stating:
- ‘observations, both recent and historic, show that parking occurs along the eastern side of the carriageway, adjacent to the school and not along the western side of the carriageway. Furthermore, the presence of on-street parking and its impact on visibility splays is well documented within Manual for Streets 2, with Para 10.7.1 stating ‘Parking in visibility splays in built-up areas is quite common, yet it does not appear to create significant problems in practice.’ Notwithstanding the above and as noted, current and historic parking behaviour would indicate that this issue is highly unlikely to materialise.’*
- 6.22. A third issue highlighted states:
- ‘The footway is discontinuous around the turning head and so pedestrians will have to cross the turning head junction across its widest part at the bellmouth.’*



*This could be hazardous for visually and mobility impaired pedestrians who could be injured by manoeuvring vehicles as they try to cross to access Plots 1 and 2.'*

- 6.23. As a result, the site plan was amended whereby the southern footway has been extended further into the site, terminating opposite Plot 7, to increase pedestrian visibility.
- 6.24. Transportation Development confirm they raise no objection to the proposal. They consider adequate on-street parking would be provided; the site would have a turning facility which has been tracked to demonstrate a refuse vehicle would be able to manoeuvre; and do not anticipate traffic and parking demand at the location would differ notably from the existing situation.
- 6.25. The local objections and concerns have been noted, and Transportation Development consider that while the school parking at this location is acknowledged, it is not expected the addition of 9 houses which benefit from 178% off street parking would result in a significant change to the current situation. The impact of 9 houses upon current traffic levels would be negligible.
- 6.26. A pre-commencement condition is recommended for the submission of a construction method statement management plan. The agent has agreed to this condition.
- 6.27. I concur and do not consider the proposal would cause harm to highway safety.

**Visual amenity, landscaping and trees**

- 6.28. Places for Living SPG also provides design guidance and seeks desirable, sustainable and enduring residential areas which build on local character and respect the appearance of the local area. Policy PG3 of the BDP states that all new development will be expected to demonstrate high design quality, contributing to a strong sense of place. New development should reinforce local distinctiveness, with design that responds to site conditions and the local area context, including heritage assets and appropriate use of innovation in design. Policy 3.14 of the saved UDP policies echoes this, stating that a high standard of design is essential to the continued improvement of Birmingham as a desirable place to live, work and visit.
- 6.29. The National Design Guide states that well-designed places are based on a sound understanding of the features of the site and surrounding context; integrate into their surroundings; and are positively influenced by their context (Paragraph 39). It states that well designed homes provide good quality internal and external environments for their users, promoting health and wellbeing; relate positively to the private, shared and public spaces around them; and resolve the details of operation and serving (Paragraph 123).
- 6.30. All properties would have red brick elevations, grey roof tiles and grey window frames, and would be of a standard design used by BMHT across the City. The City's Urban Designer considers the proposal would achieve a strong sense of place with a density and character in keeping with the surroundings. The cul-de-sac and corner turning properties would maximise overlooking into the public realm and keep back gardens secure. The proposal is therefore acceptable in urban design terms.
- 6.31. Whilst the new road has been widened and the parking spaces serving Plots 1, 2 and 3 repositioned due to the transportation and highways issues, increasing the

amount of hard surfacing, I do not consider this would be detrimental to the overall design, character and appearance of the proposal. Estate railings are proposed along Highfield Lane and parts of the new cul-de-sac, which would be acceptable here given the local suburban character. Amendments were made to add railings to the front of Plots 1, 2 and 3 to add definition, and hedgerow details amended to be of native species. 9 new street trees would be planted within the site. Conditions are recommended for hard and soft landscaping details, hard surfacing materials, boundary treatment details and landscape management.

- 6.32. TPO626 covers 9 mature trees on the southern border of the site, whilst the remaining trees are mainly scrubby trees within the former tarmac tennis courts. The proposal requires the removal of several 'U' category trees within the site to facilitate development. The City's Arboricultural Officer raises no objection to the proposed tree loss, noting the protected trees are on the edge of the site, with a reasonable sized verge being retained, however requires appropriate tree protection measure to be put in place during construction. The landscape plan seeks to support the line of protected trees with additional planting which is welcomed. A pre-commencement condition is therefore recommended at the request of the Arboricultural Officer for an arboricultural method statement and tree protection plan, which the agent has agreed to. With this condition, I do not consider the proposal would compromise protected trees.

### **Ecology**

- 6.33. The application site lies adjacent to a SLINC Line and close to a SLINC Area and Local Nature Reserve and a Phase 1 Preliminary Ecological Appraisal has been submitted with the application. The City's Ecologist raises no objection, subject to a condition for the submission of a scheme for ecological/biodiversity/enhancement measures based on the recommendations contained within the PEA and to include internal and boundary fences having 150mm square hedgehog gaps and at least six bird boxes, due to the loss of some habitat. The Ecologist considers the grassed communal area should be a flowery lawn mix, which can be addressed through the landscaping condition. A bird nesting informative is also included, full wording of which has been sent to the agent.

### **Drainage**

- 6.34. Severn Trent Water raise no objection to the proposal, subject to a pre-commencement condition for drainage plans for the disposal of foul and surface water flows, which the agent has agreed to. STW advise that although their statutory sewer records do not show any public sewers within the site, there may be sewers that have recently been adopted under the Transfer of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent. Full comments have been sent to the agent.

### **Other matters**

- 6.35. Regulatory Services raise no objection to the proposal subject to conditions for a contamination remediation scheme and contaminated land verification report. The contamination remediation scheme is a pre-commencement condition and the agent has agreed to this condition being attached. A condition for noise insulation was also recommended by Regulatory Services, however I do not consider this necessary in this suburban location.

- 6.36. West Midlands Police raise no objection and are satisfied that 'Secured by Design' standards can be achieved.
- 6.37. West Midlands Fire Service raise no objection. Requirements have been explained for building regulations, the need for dead-end access routes longer than 20m to have turning facilities, and that access routes should have minimum width of 3.7m between kerbs. The proposal would have turning facilities and the road would be 5.5m wide. Full comments have been sent to the agent.
- 6.38. I note the concern about loss of neighbouring property values, however this is not a material planning consideration.
- 6.39. The proposal would not attract a CIL contribution.

## 7. Conclusion

- 7.1. The proposed development of 9 dwellings on a former tennis court is considered acceptable in this instance. A financial contribution would be made to compensate for the loss of the sports courts, and the proposal would not harm residential amenity, visual amenity, landscaping, trees, ecology, highway safety or drainage. The proposal would constitute sustainable development and accords with local and national planning policy. With the attachment of the conditions outlined below, I recommend that planning permission is approved

## 8. Recommendation

- 8.1. Approve subject to conditions.

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1	Requires the scheme to be in accordance with the listed approved plans
2	Requires the provision of financial contributions towards ongoing sports provision on the retained part of Highfield Recreation Ground.
3	Removes PD rights for new windows
4	Requires the submission of sample materials
5	Requires the submission of hard and/or soft landscape details
6	Requires the submission of hard surfacing materials
7	Requires the submission of boundary treatment details
8	Requires the submission of a landscape management plan
9	Arboricultural Method Statement - Submission Required
10	Requires the submission of a scheme for ecological/biodiversity/enhancement measures
11	Requires the prior submission of drainage plans for the disposal of foul and surface water flows

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- 12 Requires the prior submission of a contamination remediation scheme
  - 13 Requires the submission of a contaminated land verification report
  - 14 Construction Method Statement/Management Plan
  - 15 Implement within 3 years (Full)
- 

Case Officer: Caroline Featherston

## **Photo(s)**



Photo 1 – Site from Highfield Lane.



Photo 2 – Site from Woodridge Avenue.





Photo 3 – Former tennis courts.



Photo 4 – Google Maps screen shot showing Four Dwellings Academy to the east of the site and 2no. bus stops to the south.



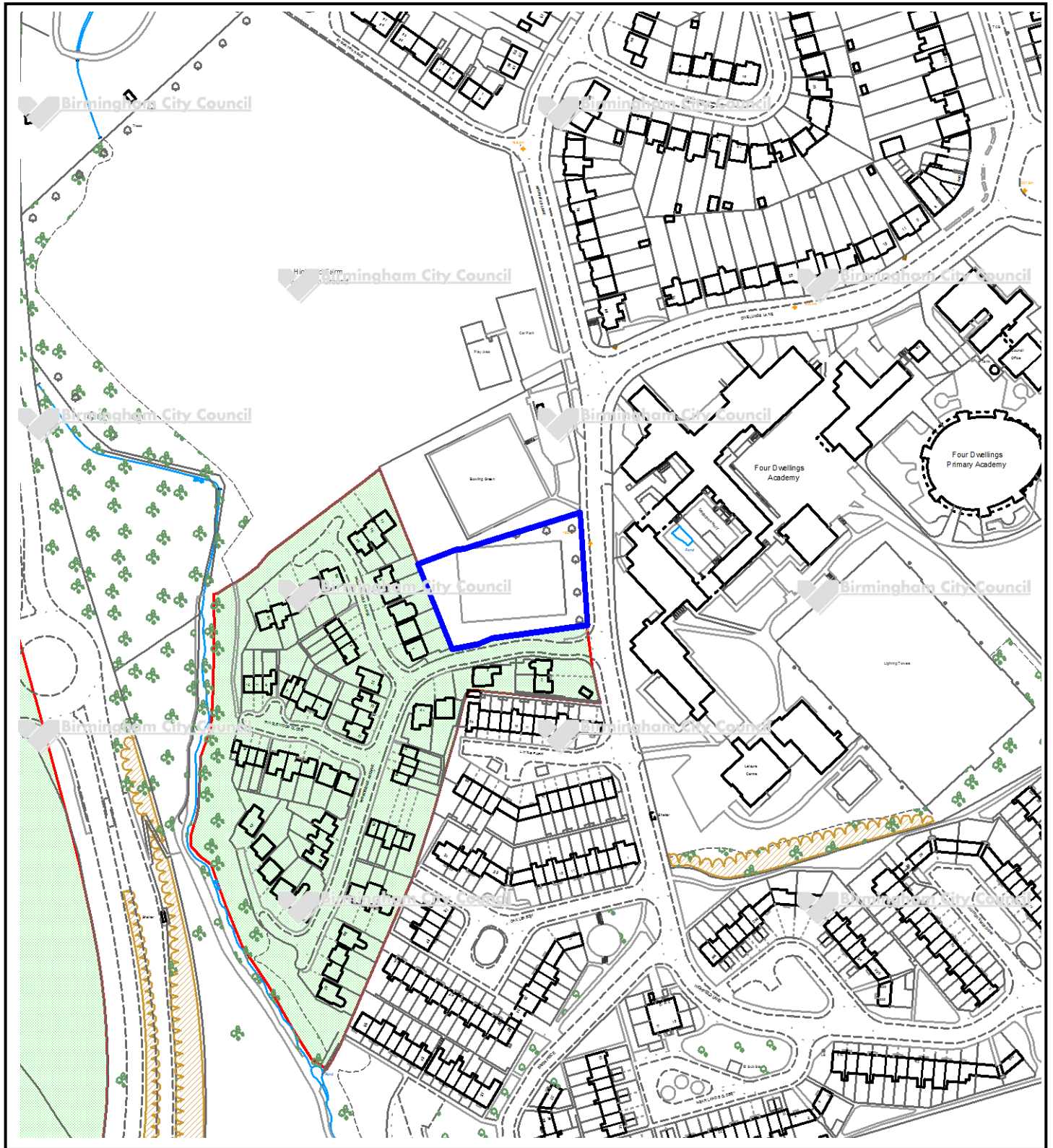


Photo 5 – Google Maps street view looking south. Four Dwelling Academy to the left and proposed site entrance to the right.



Photo 6 – Google Maps street view looking north. Entrance to Woodridge Avenue to the left and Four Dwelling Academy to the right.

## Location Plan



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# **Birmingham City Council**

## **Planning Committee**

**16 July 2020**

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Approve - Conditions	9	2020/02963/PA  Former BCU City North Campus Franchise Street Perry Barr Birmingham B42 2SU  Section 73 application to vary condition 14 (approved plans) to change house types/sizes within plots 3, 4 and 5 approved by 2019/10558/PA



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Committee Date:	16/07/2020	Application Number:	2020/02963/PA
Accepted:	17/04/2020	Application Type:	Variation of Condition
Target Date:	17/07/2020		
Ward:	Perry Barr		

Former BCU City North Campus, Franchise Street, Perry Barr, Birmingham, B42 2SU

Section 73 application to vary condition 14 (approved plans) to change house types/sizes/layout within plots 3, 4 and 5 approved by 2019/10558/PA

Recommendation

**Approve subject to Conditions**

1. Proposal

- 1.1. Proposal is a Section 73 application for changes to plots 3, 4 and 5 approved under planning permission 2019/10558/PA to take account of a more diverse housing mix as required by BMHT who will develop these three plots.



Image 1: Plots 3, 4 and 5 within wider site

- 1.2 The application principally proposes a different mix of unit sizes (see table 1 below) and an alternative layout for plot 4 changing from an urban mews arrangement to a more traditional perimeter block development with traditional rear gardens. In addition the application seeks associated design, appearance and scale changes to various units within these plots along with the refinement of the proposed parking provision.

Approved units	Proposed units
6 x 3 bed 52 x 4 bed	12 x 2 bed (including 4 accessible) 8 x 3 bed 29 x 4 bed 6 x 5 bed 2 x 6 bed

Table 1: Unit mix



Image 2: Plots as approved



Image 3: Plots as proposed

- 1.3 Design detail for plots 3 and 5 would remain as previously approved however a variety of 2 and 3 storey properties are now proposed, reflective of each units size. The design of the units on plot 4 are proposed to be a mix of 2, 3 and 4 storey modern of a contemporary modern angular design along with a mix of flat and saw tooth mono pitched roofs. The materiality is consistent with that originally approved for this plot, of which specific details will be secured by condition.



Image 4: Concept view looking towards plot 4 from the park



Image 5: Concept view looking towards plot 4 from Wellhead Lane

- 1.4 Information submitted in support of the application includes an updated Design and Access Statement, Planning Statement addendum and TA addendum.
- 1.5 [Link to Documents](#)
2. Site & Surroundings
- 2.1 The site is approx. 9.75 hectares and comprises of the former BCU North Campus and land to the west of the A453 Aldridge Road previously occupied by Trucks Direct UK and known as Gailey Park. It is situated to the North West of the City Centre and close to the southern boundary of Perry Barr Constituency.



- 2.2. The site has been cleared except for the retained trees and works have started on the site under 2019/10558/PA.
- 2.3. The southern boundary of the site is adjacent to a railway line, with all other site boundaries being to road including Wellhead Lane, Walsall Road and the Aldridge Road. Vehicular access to the eastern part of the site is currently via Franchise Street, with access to Gailey Park from the north off Aldridge Road. There is a mix of residential, industrial and commercial uses including Perry Barr Greyhound Stadium to the north, in the immediate vicinity and the existing adjacent highway network is a dominant feature. The site is opposite both Perry Barr train station and Perry Barr Bus interchange.
- 2.4. The nearest listed building is the Grade II Gatehouse Building on Wellhead Lane, immediately opposite Franchise Street. The former Wellhead Tavern P.H. is locally listed building Grade B and is located within the site. The nearest conservation area (Aston Hall and Church Conservation Area) is over 950m to the south east.
- 2.5 [Site location](#)
3. [Planning History](#)
  - 3.1. 12th April 2018 – 2018/02001/PA Application for Prior Notification for demolition of former City North Campus – Prior Approval required and granted, subject to conditions.
  - 3.2. 19th October 2018 – 2018/07955/PA Application for Prior Notification for proposed demolition of various existing buildings at Gailey Park - Prior approval required and granted, subject to conditions.
  - 3.3. 20th December 2018 – 2018/06313/PA Erection of a mixed use residential led development to first serve as the commonwealth games athletes village, and later converted to 1,146 residential units (C3), 268 extra care apartments (C2), 1,237 sqm commercial floorspace (A1-A3) and a community centre (D2) with associated parking, landscaping and infrastructure. Approved subject to conditions.
  - 3.4. 19th March 2020 – 2019/10558/PA Section 73 application to vary and remove conditions attached to approval 2018/06313/PA to reflect design changes to the scheme. Approved subject to conditions.
4. [Consultation/PP Responses](#)
  - 4.1. LLFA – no comment received.
  - 4.2. Transportation Development – As for the previous application notes the application contents and requests conditions are re-imposed as previously.
  - 4.3. Local residents' associations, neighbours, Ward Councillors and the MP were notified. Site notices (x3) and a press notice were also displayed. No comments received.
5. [Policy Context](#)
  - 5.1. Birmingham UDP 2005 saved policies; Birmingham Development Plan 2017; Places for Living SPG; Places for All SPG; Access for People with Disabilities SPD; Car

Parking Guidelines SPD; Lighting Places SPD; Public Open Space in New Residential Development SPD; Affordable Housing SPG; Aston Area Action Plan; Planning Policy Guidance and the National Planning Policy Framework.

6. Planning Considerations

- 6.1. Your Committee considered and approved planning application 2018/06313/PA on the 19th December 2018 for the erection of a mixed use residential led development to first serve as the commonwealth games athletes village, and for it later to be converted to 1,146 residential units (C3) 268 extra care apartments (C2), 1,237 commercial floorspace (A1-A3) and a community centre (D2) with associated parking, landscaping and infrastructure, subject to a number of conditions. You also considered and approved a S73 application seeking design detail changes, primarily in relation to plots 2, 6, 7, 8, 9, 10 and 11 in March of this year.
- 6.2. As for the other plots, plots 3, 4 and 5 have now been reviewed and specific design details including legacy operational requirements from BMHT has necessitated the need for some changes/refinements to the original approval. This S73 application has therefore been submitted.
- 6.3. Section 73 of the Town and Country Planning Act 1990 enables an applicant to apply to amend or remove conditions attached to an extant planning permission. It is mainly intended to allow flexibility in the planning system by allowing conditions to a planning permission to be changed without risking the entirety of the consented scheme. The original development description cannot be altered and only the matters subject to the conditions to be considered can be assessed. The principle of the development is established and it is the changes sought that can be considered only.
- 6.4. The most substantive changes sought follow design and delivery evolution of the scheme. Amendments have not been developed in isolation and the applicant has been careful to ensure that the changes do not impact on the overall design philosophy which led to original proposals to ensure that the overall place making qualities of this sustainable community in Perry Barr post Commonwealth Games is retained. Your officers have been extensively engaged with this process. This development is a strategically important regeneration opportunity within the centre of Perry Barr.

Housing mix

- 6.5. The change in unit mix, including accessible units, would result in a greater diversity of house type enabling the City to better meet its demand in accordance with policy and the proposal in this respect is therefore fully supported.

Layout/Design changes

- 6.6 The most significant layout changes proposed relate to plot 4.



Image 6: Plot 4 as approved



Image 7: 6 Plot 4 as proposed

- 6.7 The proposed change would result in a more traditional and secure perimeter block development. It would maintain a strong uninterrupted building edge to both the new park and Wellhead Lane and introduce units to the north and south of the plot which overlook, bring activity and strengthen the routes between the plots. The proposed layout changes are contained within the existing plot 4 footprint and would be entirely consist with the masterplan ethos and vision for this site and accord with policy.
- 6.8 The detailed design for plot 4 changes utilising a more traditional 'family house' with living accommodation on the lower floors and bedrooms on the upper floors. 2, 3 and 4 storey properties are proposed and, as per the original concept, a modern building design is proposed with specific details such as window recesses, dual aspect end units and materiality reflective of that originally approved. My City Design officer welcomes the proposed layout changes and detailed design.
- 6.9 The design detail and appearance for plots 3 and 5 remains largely as previously approved with very minor building reposition and amended plans have been submitted to simplify the parking/pedestrian access area between plots 3 and 4. Further in line with the improved unit mix some 2 storey units have now been introduced. Again, my City Design officer supports the changes and welcomes the variety to the streetscape.



Image 8: Concept view looking towards plot 5 from the southern site boundary

#### Amenity

- 6.10 Places for Living says that larger units should have gardens of 70 sqm whilst this could drop to 52 sqm for smaller units. Private amenity space is provided to the rear of all units ranging from 45-88 sqm.
- 6.11 Garden sizes are as previously approved, or slightly improved, for plots 3 and 5. Previously units on plot 4 had none traditional private amenity spaces split across various levels of the building however the proposed design and layout changes would result in the provision of traditional back gardens and these are considered practical and more 'user' friendly. The smallest units would have the smallest gardens, would be consist with the garden sizes on the plots 3 and 5, and like plots 3 and 5, is immediately adjacent a significant amount of public open space. I also note that if further garden space was required it would compromise the design integrity and density of the wider development site. I therefore consider the minor shortfall on the smaller units within plot 4 would not be to the detriment of future occupiers amenity and acceptable in this instance but that permitted development rights should be removed and a condition is recommended accordingly.
- 6.12 Distance separation requirements as identified within Places for Living are not always achieved on plot 4 however the separation distances are consistent with plots 3 and 5, which are as previously approved and are a significant improvement on the previous layout. However, additional detail to prevent overlooking of rear gardens from the terrace and obscure glazing of non-habitable windows on the fourth floor to the rear is necessary and would be secured by condition. Subject to these conditions the revised layout would be an improvement of the previous configuration of plot 4.

#### Parking

- 6.13 Plans have been provided to demonstrate 1 allocated space per dwelling. Previously parking provision was approximately 95% for these 3 plots but this has been increased to 100% with 1 allocated space per dwelling. The previous conditions requiring the details of residents' parking zone also remain.
- 6.14 Transportation Development raise no new issues and recommend conditions as per the previous applications and these would remain.

#### Other

- 6.15 The proposed changes would result in the loss of 6 proposed trees from this part of the site primarily due to the introduction of parking to the north of plot 3. However, these trees can be accommodated within the wider site and there would therefore be no overall loss and as such it would not be contrary to the concept of the original permission or policy. The landscaping/tree provision would be secured by the landscape condition. The existing street trees are retained.
- 6.16 The proposal would result in 57 units instead of 58 units originally approved across these 3 plots. However previous design changes across the wider site mean the number of units across the site would remain as per the original description.
- 6.17 The drainage details submitted do not fundamentally alter the drainage details as previously agreed in relation to discharge of condition detail 48 and 49 and not receiving comments from the LLFA should not be a reason to delay this decision.

- 6.18 All other aspects of the development, including conditions, would remain as per the previously approved scheme 2019/10558/PA.
- 6.19 Overall the fundamental design principles and concept of the original application are maintained. The changes sought are considered both necessary and appropriate and the refinement of each plot further improves the originally approved scheme. The proposal will accord with both local and national planning policies.
7. Conclusion
- 7.1. The alterations proposed as part of this Section 73 application would reflect necessary design and delivery evolution and are critical to the successful delivery of this strategically important scheme in accordance with policy. The application should therefore be approved.
8. Recommendation
- 8.1. Approve subject to conditions

- 
- 1 Requires the prior submission of a contamination remediation scheme
  - 2 Requires the submission of a contaminated land verification report
  - 3 Sets a minimum age of residents for plot 6 in Legacy Mode
  - 4 Requires the submission of sample materials in a phased manner
  - 5 Requires the prior submission of a construction method statement/management plan
  - 6 Requires the submission of details of green/brown roofs
  - 7 Requires the submission of a lighting scheme in a phased manner
  - 8 Requires the submission of a landscape management plan
  - 9 Requires the submission of boundary treatment details
  - 10 Requires the submission of hard and/or soft landscape details
  - 11 Requires the prior submission of details of bird/bat boxes
  - 12 Requires the prior submission of a habitat/nature conservation management plan
  - 13 Requires the submission of shop front design details
  - 14 Requires the scheme to be in accordance with the listed approved plans
  - 15 Requires the scheme to be in accordance with the listed approved plans (continued)
  - 16 Requires the scheme to be in accordance with the listed approved plans (continued)
  - 17 Restricts display of vinyls.
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- 18 Requires scheme of noise mitigation in relation to adjacent site
  - 19 Requires provision of affordable housing
  - 20 Requires vibration mitigation
  - 21 Grants a personal permission to Birmingham City Council
  - 22 Requires the submission of a CCTV scheme
  - 23 Requires the prior submission of level details in a phased manner
  - 24 Requires the submission a Noise Insulation Scheme to establish residential acoustic protection
  - 25 Requires a further air quality assessment
  - 26 Requires employment construction plan to be implemented
  - 27 Limits the noise levels for Plant and Machinery
  - 28 Limits delivery time of goods to or from the commercial units (A1-A3) (0700-1900)
  - 29 Requires a further noise and vibration assessment
  - 30 Requires the submission of extraction and odour control details
  - 31 Limits the hours of use 0700-2300 (commercial units)
  - 32 Implement within 3 years (Full)
  - 33 Requires the submission and completion of works for the S278/TRO Agreement
  - 34 Requires the provision of a vehicle charging point
  - 35 Requires vehicular visibility splays to be provided
  - 36 Requires pedestrian visibility splays to be provided
  - 37 Requires Residents Parking Zone
  - 38 Requires Legacy Mode Travel Plan.
  - 39 Requires an event management plan.
  - 40 Requires the provision of on site public open space
  - 41 Arboricultural Method Statement and Tree Protection Plan - Implementation
  - 42 Requirements within pre-defined tree protection areas
  - 43 Requires the implementation of the submitted mitigation/enhancement plan
-

- 
- 44 Requires the submission of a scheme for ecological/biodiversity/enhancement measures
  - 45 Requires the provision of cycle parking prior to occupation
  - 46 Requires the prior submission of a drainage scheme
  - 47 Requires detail of management company
  - 48 Requires site-specific infiltration testing
  - 49 Requires the prior submission of a sustainable drainage scheme
  - 50 Submission of a Sustainable Drainage Operation & Maintenance Plan
  - 51 Defines Games and Legacy mode
  - 52 Requires amended plans for end unit on Plot 2
  - 53 Requires balcony detail on plot 8
  - 54 Removes PD rights for extensions
  - 55 Requires terrace boundary
  - 56 Requires obscure glazing for specific areas of the approved building
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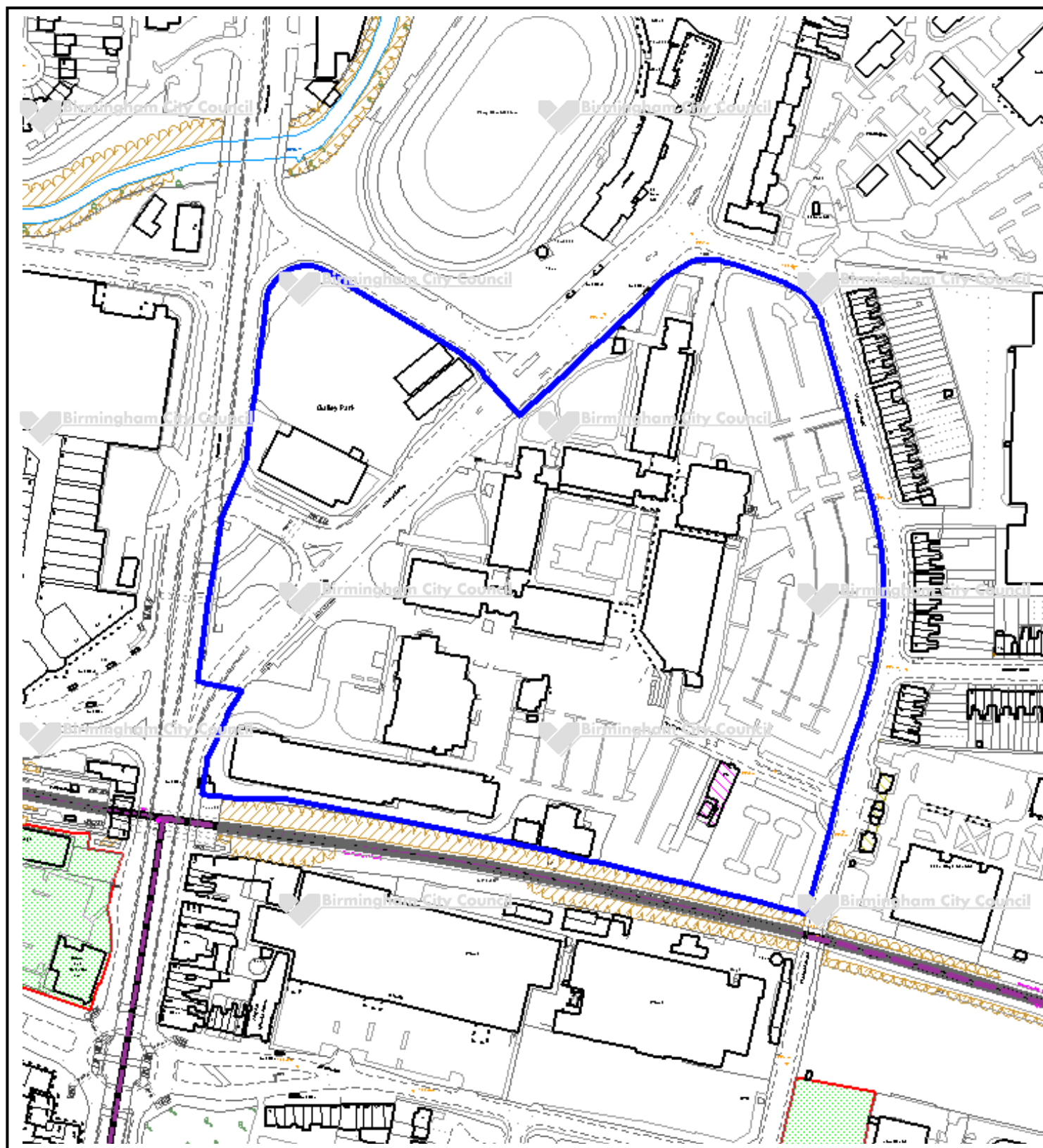
Case Officer: Joanne Todd

## Photo(s)



Image 9: Google street view looking north along Wellhead lane

## Location Plan



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# Birmingham City Council

## Report to Planning Committee

16<sup>th</sup> July 2020

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**Subject:** Protocol for pre-application presentations to Planning Committee

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

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

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

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

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

### 1. Executive Summary

- 1.1. To seek approval for a protocol that sets out the governance arrangements to be put in place in order to enable developers to present proposed large scale major developments to the Planning Committee without compromising either the integrity or the reputation of the Planning Committee.

### 2. Recommendations:

- 2.1. To approve the 'Protocol for Pre-application Presentations to Planning Committee' as set out in Appendix 1.
- 2.2. To amend the Planning Code of Practice to delete paragraphs 8.14(iv-vi) which refer to pre-application presentations and Issues Reports and replace them with:

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

### 3. Background:

- 3.1. Early engagement in the planning process through pre-application discussions between a developer and a Council can be of benefit to both parties. Historically this has been more limited to engagement by officers rather than members. In the interests of ensuring probity, the 1997 Nolan Report recommended that councillors and developers be kept apart but today's place - shaping context now encourages early engagement by councillors to get the best out of developments, whilst still maintaining good standards of



probity that minimises the risk of legal challenge and is encouraged by Government guidance in the National Planning Policy Framework (2019) (NPPF), which states that Council's should work positively with applicants.

- 3.2. Early member engagement is specifically encouraged by the National Planning Practice Guidance (NPPG) which says:

*"Democratically elected members are strongly encouraged to participate at the pre-application stage, where it is appropriate and beneficial for them to do so. Section 25 of the Localism Act 2011 confirms that elected members do not have a 'closed mind' just because they have historically indicated a view on a matter relevant to the proposal."*

- 3.3. In the past, members of Planning Committee have considered 'issues reports' relating to major developments in private sessions of the Committee and the Planning Code of Practice does contain a provision for short presentations at Committee. However, the Planning Peer Review team were not convinced about their use, recommending instead earlier pre-app engagement and proper policy-based reports, which the review team considered would enable better decision-making.
- 3.4. The Peer Review Team pointed towards Newham, Westminster and Camden Councils as examples but there are many different ways that Councils deal with this issue of member engagement.
- 3.5. Newham Council has set up an internal member/officer forum which is not a public meeting where developers may be invited to present their scheme at pre-application stage. All relevant local ward members are invited to attend. Developers pay a fee to use this facility.
- 3.6. Westminster Council offer meetings with either or both of the Cabinet Member for Planning and the Chairman of the Planning Committee for specific categories of applications and both members have the discretion to invite any other members.
- 3.7. Camden holds informal 'developers' briefings,' which are discussion based fora for planning committee members, cabinet members and ward members where, following an introduction by the Chair, officers set the context and then the developer will make a presentation of about 15 minutes. The whole meeting is scheduled for approximately 75 minutes. Committee and ward members can ask questions and then the non-committee members and the developer leave the room and there will be a round table style discussion by committee members and officers. A short note summarising the key outcomes of the discussion will be circulated to the Committee and Ward members and the Developer.
- 3.8. The meetings offered by Newham, Westminster and Camden Councils are not open to the public although some Councils do hold public meetings for developer pre-application presentations and some include them as part of the formal committee meetings, albeit that no formal decisions are taken.
- 3.9. Councillors can help identify issues early on and have an important role to play by bringing to bear their local knowledge and expertise, along with an understanding of community views. The Localism Act supports this approach, giving councillors more freedom to

engage in pre-application discussions. Nevertheless, in order to avoid perceptions that councillors might have fettered their discretion, such discussions should take place within clear, published guidelines in order to avoid councillors being accused of predetermination or undue influence.

- 3.10. Only a limited number of development proposals per year will be able to be presented to the Planning Committee and therefore the Protocol defines the criteria that will be used to select the candidates for presentation. The Protocol also explains the purpose of the presentations, who should attend, the format for the meetings, the frequency of the meetings and the principles/rules that will apply.
- 3.11. The attached Protocol is considered to provide appropriate governance arrangements that will ensure the procedural integrity of pre-application presentations to Planning Committee by prospective applicants.
- 3.12. Early engagement also provides the opportunity to set out the Committee's expectations with regard to public engagement during the pre-application phase. The Council has a key role to play in encouraging a developer to engage with local communities or with statutory and non-statutory consultees before submitting a planning application, where they think this would be beneficial.

*Ian J. MacLeod*

Ian MacLeod  
Director of Inclusive Growth (Acting)

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## **APPENDIX 1**

### **PROTOCOL: PRE-APPLICATION PRESENTATIONS TO PLANNING COMMITTEE:**

#### **Criteria for Selection:**

The Committee will be unlikely to be able to accommodate briefings or presentations on all large scale proposals and will need to focus on the most significant developments which will include:

- large major developments of strategic importance that affect the whole City
- significant infrastructure developments

Using these criteria, the developments will be selected by the AD Planning/AD Development based on their significance and impact. Because the city receives many large scale and significant projects the meetings could easily be oversubscribed unless we are careful about selection. Many major schemes have been carefully designed and have no significant impacts despite their size and it will be important therefore to carefully select those that are the most significant but also have significant effects.

#### **Purpose of Presentations:**

Presentations are part of the pre-application service offered to prospective applicants for large major and strategic planning applications. The purposes of pre-application presentations are:

- To provide an opportunity for members to familiarise themselves with the development site and the proposals for significant proposals of corporate or strategic importance prior to an application being submitted;
- To make the Committee consideration of planning applications more informed and effective;
- To identify issues early in the application process and improve the quality of applications, including the level of public engagement by the developer at the pre-application stage;
- To help to shape proposals so that they are more likely to comply with development plan policies and be more responsive to local issues or concerns;
- To foster collaborative working that avoids potential delays (e.g. fewer deferrals) and gives prospective applicants greater confidence in the process.

#### **Attendance:**

The attendees should only include:

- Planning Committee Members
- The Planning Case Officer and any other Officers who will have a significant role in the case.
- Senior manager and/or Area Planning Manager
- Developer/agent
- At the request of the Chair, Executive members may be invited to attend where the presentation is relevant to their portfolio or where schemes affect corporate programmes

#### **Principles:**

1. The meeting is an informal private meeting not open to any attendees other than those stipulated above.
2. It is important that presentations take place at an early pre-application stage in the process so that prospective applicants may address aspects of their proposals as a result of questions asked during the presentation.
3. Presentations carried out before an application is received can be by the prospective applicants design team. Presentations by prospective applicants will not be generally

appropriate after an application is submitted. This is because there may be third party interest (e.g. objecting to the proposal) and third parties will not have the same opportunity to present their ideas to members. Any presentations carried out after an application is received should be by officers.

4. Officers should always be present with councillors in pre-application meetings.
5. In order to avoid pre-determination and because they may not be aware of all the issues at an early stage, Committee Members should not:
  - a. discuss the merits of the case
  - b. express their views on the development
  - c. become drawn into any negotiations
  - d. give any advice to the developer.

However, members will be able to ask questions of the developer and point towards areas that will be of particular interest or concern when the application is formally considered. In line with the Nolan recommendations any Member who takes an active stand in support or against an application at this stage will be expected to not take part in the deliberations at Committee due to the pre-determination that has occurred.

6. The discussions will not bind the council to making a particular decision and any views expressed by members or officers are provisional as, by the very nature of these meetings, not all relevant information will be at hand and no formal consultations will have taken place.
7. The presentation should only be arranged by Planning Officers, never by prospective applicants or their agents. If prospective applicants want to arrange a meeting where they can present their ideas to members and stakeholders, this should take the form of a public meeting where the local ward Members and the general public are invited and Planning Committee members should not be specifically targeted.
8. Whilst the protocol sets out, for guidance and clarity, the standard process, this process may be varied in agreement with the Chair or Vice-Chair of the Planning Committee in response to individual circumstances.
9. The Planning Committee Procedure Rules, which apply to the determination of planning applications, will not apply to pre-application briefings or presentations as the Committee will not be making a formal decision. However the Planning Code of Conduct will still apply.
10. Attendance by Committee members is not mandatory and when a member does not attend a pre-application briefing they will not be precluded from taking part when the application is formally considered by Planning Committee.
11. Formal minutes will not be taken but the attendance of Planning Committee Members will be recorded in a file note of the meeting.
12. The meeting will have no requirement for a specific quorum in order to proceed.
13. The subsequent officer's report will state that a presentation to the committee has taken place, and the date on which it occurred.

### **Format of the presentation**

1. The meeting is introduced by the Chair of Planning Committee advising the meeting of the rules to ensure that no issues of pre-determination can arise.
2. Planning Officer to introduce the proposal, provide a planning policy context, update on the progress of pre-application discussions and set out the main planning issues.
3. The Planning Officer/Developer will outline the proposals including showing any drawings, visualisations etc. for up to approximately 20 minutes (any major exceptions will be agreed beforehand).

4. Members will ask any questions they have.
5. Members will be able to highlight any planning issues (pre-application public consultation, development plan policies or material considerations) that they would expect to be taken into account by the developer prior to an application being submitted.
6. Prospective applicants will supply all presentation materials (including models)

### **Frequency of Meetings**

- Meetings are to be scheduled to be held every 4 weeks, on dates to be agreed between the Chair and the AD Planning.
- The meeting dates are to be set out for a three month period in advance.
- Meetings will be scheduled for one hour.
- Meetings will generally hear no more than one presentation at each meeting but no more than two
- Dates may be varied in response to individual circumstances and the needs of the service
- If no presentations are required to be considered, the AD Planning will advise members at least 10 days before the scheduled meeting date, and the meeting will be cancelled;
- An agenda will be circulated to members at least 5 working days before the meeting. This will consist of a briefing note and site identification plan for each item.



## **BIRMINGHAM CITY COUNCIL**

### **REPORT OF ACTING DIRECTOR FOR INCLUSIVE GROWTH**

#### **PLANNING COMMITTEE**

**16 JULY 2020**

#### **Public Consultation on the temporary changes to the Statement of Community Involvement (SCI) due to Covid-19 restrictions**

##### **1 Subject and Brief Summary**

- 1.1 This report is to provide information on the consultation currently being carried out on the temporary amendments to the Statement of Community Involvement (SCI) due to the Covid-19 restrictions which runs until 31<sup>st</sup> July 2020.
- 1.2 The Statement of Community Involvement (SCI) is part of the local planning framework and outlines how the City Council will consult, who it will consult with and when it will consult for both planning applications and planning policy documents.
- 1.3 As a result of the Covid-19 pandemic social distancing restrictions and access to public buildings has meant that some of the methods of consultation outlined in the SCI are currently not possible. This report is to inform the Planning Committee of the public consultation on temporary amendments to the SCI as well as outlining what those temporary changes entail.

##### **2 Recommendations**

- 2.1 That Planning Committee notes the contents of this report and takes the opportunity to consider providing representations on the temporary amendments to the Statement of Community Involvement (SCI).

##### **3 Contact Officers**

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##### **4 Background**

- 4.1 The SCI is part of the local planning framework and sets out how the City Council will engage people in various aspects of its land use planning work. It outlines how the City Council will consult, who it will consult with and when it will consult for both planning applications and planning policy documents. The purpose of the SCI is therefore to guide and help make public consultation more effective and meaningful and encourage more people to take part in the planning process.

- 4.2 The existing SCI was adopted by the Council at the Cabinet meeting on 21st January 2020 and it is a legal requirement for an up-to-date SCI to be adopted and published by local planning authorities under the Planning and Compulsory Purchase Act 2004 (as amended by the Planning Act 2008, the Localism Act 2011 and Neighbourhood Planning Act 2017).
- 4.3 However, since adoption, the outbreak of the Covid-19 pandemic and ensuing restrictions on social distancing and access to public buildings has meant that some of the methods of consultation outlined in the SCI are currently not possible. This has been recognised by Government which has revised guidelines for local planning authorities concerning Local Plans to enable them to adapt to new planning practices and means of consulting with the public on a temporary basis whilst current restrictions are in place <https://www.gov.uk/guidance/plan-making#covid19>
- 4.4 This has resulted in a number of proposed temporary wording changes to the SCI which are indicated in bold italics on the amended version attached to this report as Appendix 1. The main wording changes are as follows:-
- Emphasis and clarification throughout the document that social distancing principles should be observed at all times.
  - Temporary removal of face to face engagement methods as a means of community involvement in the preparation of Development Plan Documents, Supplementary Planning Documents and informal masterplans/ frameworks
  - Temporary suspension of hard copies of consultation documents being available to view at Council offices and libraries until COVID-19 restrictions have been lifted and these facilities can be safely re-opened. Instead, provision will be made to distribute hard copies of consultation documents by post on request for those with specific requirements or who cannot access any documents electronically.
  - Wider use of online means of communication; for example social media, online exhibitions and 'virtual' drop-in events on approved video platforms.
  - Additional clarification on consultation methods for the 'Submission' stage of local plan documents.
  - All planning applications to be submitted electronically
  - Planning committees are to be conducted via video platform for the foreseeable future with written representations in place of public speaking.
- 4.5 Some of the changes have already been made through legislative processes such as this Planning Committee being conducted via a video platform. However, it is important that the SCI also sets out temporary amendments as to how the Council consults on planning policy documents whilst Covid-19 restrictions continue to remain in force for the foreseeable future.
- 4.6 The consultation on the temporary amendments will run until 31st July 2020, following which the final version of the temporary changes will be presented to Cabinet in September 2020 for adoption.

## 5 **Financial Implications**

- 5.1 The temporary amendments to the SCI have been prepared using existing Inclusive Growth Directorate (Planning and Development) staff resources and existing approved revenue budgets. There are no on-going financial implications from the adoption and operation of the temporary version of the SCI.

## 6 **Implications for Policy Priorities**

- 6.1 The SCI is consistent with the Council Plan 2018-2022 and, in particular, helps to deliver Priority 6 of the outcome; 'Birmingham is a great City to live in' which states that we will 'foster local influence and involvement to ensure that local people have a voice in how their area is run'.
- 6.2 The principles of the SCI reflect those of the Community Cohesion Strategy for Birmingham, particularly in promoting inclusive economic growth that benefits everyone across Birmingham and helping to empower and engage neighbourhoods to be active participants in local solutions and decisions.
- 6.3 The SCI delivers the objectives set out in the Council's framework on Localism in Birmingham as it will help to tailor future engagement on planning matters to be more efficient, better suited to the area and aim to make residents feel that they are more in control of decision making in their local area.

## 7 **Implications for Equalities**

- 7.1 The original SCI and the temporary amendments have been prepared in line with Section 149 of the Equality Act 2010 in ensuring that public bodies consider the needs of all individuals in shaping policy. Preparation of the temporary amendments to the SCI included carrying out an Equality Impact Analysis (Appendix 2) which identified that the report recommendations will not have an adverse impact on the protected groups and characteristics under the Equality Act 2010.

## 8 **Appendices**

- Appendix 1 – Temporary Amendments to the Statement of Community Involvement due to Covid-19 restrictions
- Appendix 2 - Equality Assessment of the Temporary Amendments to the Statement of Community Involvement due to Covid-19 restrictions

## 9 **List of Background Documents used to compile this report**

- Statement of Community Involvement agreed at Cabinet meeting on 21st January 2020

*Ian J. MacLeod*

Ian MacLeod  
Acting Director Inclusive Growth



## **Statement of Community Involvement**

### **Temporary Amendments due to Covid-19 Restrictions**

**June 2020**

**DRAFT FOR CONSULTATION**

## **Statement of Community Involvement**

### **Temporary Amendments due to Covid-19 Restrictions**

Text in red and '~~striketrough~~' text indicates the temporary amendments.

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# 1. Introduction

## What is the Statement of Community Involvement (SCI)?

- 1.1 Planning for land use and development in the city is one of the City Council's key responsibilities, impacting directly and indirectly on residents and communities. The City Council is committed to engaging with local people, organisations, businesses and other interested parties to get their views on different aspects of its planning service.
- 1.2 The Statement of Community Involvement (SCI) sets out how the City Council will involve local communities, businesses and other stakeholders in the preparation and review of planning policy and the consideration of planning applications. It explains who will be consulted, when and how. **However, temporary amendments have been made to adapt to restrictions of movement and social contact currently in place due to the Covid-19 outbreak. Once any restrictions have been totally lifted, the City Council will revert back to the original SCI adopted in January 2020.**
- 1.3 The SCI is a Local Development Document and forms part of the City Council's statutory local planning framework. The City Council must comply with it in the preparation of any planning policy documents and when determining planning applications.

## Why has the SCI been updated?

- 1.4 Birmingham City Council's first SCI was adopted in 2008. An update of the SCI was therefore required to reflect changes to legislation and guidance including the Housing and Planning Act 2016, the Neighbourhood Plan Act 2017, the latest planning regulations, changes in national planning policy and guidance, as well as changes in communication methods and techniques over the past 10 years. This SCI will now replace the 2008 version **and has been temporarily amended to adapt to restrictions of movement and social contact currently in place due to the Covid-19 outbreak.**

## What is the aim of the SCI?

- 1.5 Consultation is crucial in helping the City Council and its partners make decisions which affect the City. By involving the community in the planning process the City Council can ensure that the planning and development of the area meets the aspirations of the widest possible range of people, communities, organisations and businesses. It also supports the Council in meeting its equality duty which will in turn help to provide services that meet the diverse needs of our communities as well as helping to carry out our core business more efficiently. The aims of the SCI are to:
- help promote participation and involvement in the planning process by presenting clear opportunities for people to make their views known **whilst adhering to social distancing principles;**

- help make the planning system more accessible, transparent and inclusive;
- harness the views, aspirations and knowledge of local communities and stakeholders **in ways that maintain current protocols on social distancing** to improve the quality and efficiency of planning decisions; and
- promote social cohesion by making connections with communities and offering them a tangible stake in decision making **using methods which continue to maintain social distancing.**

## Consultation Principles

- 1.6 The SCI takes account of the Government's Consultation Principles: Guidance (2018) which provides guidance on how consultations should in general be conducted. The City Council wishes to involve people in a meaningful way using timely, proportionate, and appropriate consultation techniques **which conform to current Government protocols and rules on movement and social distancing.** This document has been prepared in the context of the following overarching consultation principles.

Consultation should:

- Have a purpose and be proportionate, asking relevant questions on the issues that are to be decided on.
- Be clear and informative, using plain English that is clear to help everyone contribute to the process.
- Be open, transparent and responsive, allowing the opportunity for all to take part and showing how comments and views have been considered.
- Be targeted towards the most affected people, but also promote consultation as widely as possible.
- Promote equality through ensuring vulnerable people or disadvantaged groups are involved in the planning process and ensuring that the potential equality impact of planning policies and decisions are fully assessed.
- Promote social cohesion by involving as many sectors of the local community as possible and recognising their different consultation needs.
- Use appropriate methods to engage with people constructively whilst, at the same time, ensuring City Council resources are used in the most effective and efficient manner.
- **Use appropriate methods to engage with people constructively whilst, at the same time, ensuring that current restrictions and guidelines on movement and social distancing are followed.**

- Commit to working with partners and communities in an open and transparent manner involving all, including those with protected characteristics as identified in the Equality Act 2010.

## Consultation Policy Framework

- 1.7 The duty to engage the community in planning matters and to prepare the SCI arises from the Planning and Compulsory Purchase Act 2004 (section 18) as amended by the Planning Act 2008, the Localism Act 2011 and the Neighbourhood Planning Act 2017. This legislation requires the Local Planning Authority (in this case the City Council) to prepare a statement for how it will involve those with an interest in development in the area. There is a clear emphasis through national policy on encouraging early and consistent community involvement.
- 1.8 Legislation sets out the minimum standards for publicity and consultation on planning applications and plan-making, which are set out in the next chapter. The City Council will always meet these requirements and, where appropriate and resources allow, will seek to go beyond them to secure wider-ranging involvement, social inclusion and equality in plan-making and planning decisions. **However, temporary amendments have been made to these requirements which will ensure that the minimum standards for publicity and consultation also take account of restrictions brought about by Government legislation and regulations relating to the outbreak of the Covid-19 pandemic.**

## Commitment to Equality and Inclusive Consultation

- 1.9 In addition to its legal and statutory requirements, the SCI also captures the City Council's commitment to equality, diversity, involvement and community cohesion in line with the following policies and strategies. These are also reflected in the principles for effective and representative consultation set out above.
  - Equality - The City Council has a commitment to equality which is also a statutory duty under the Equality Act 2010. The Act aims to promote equality, eliminate discrimination and encourage good relations between different groups associated with age, disability, gender, race, sexual orientation, gender reassignment, religion/beliefs, pregnancy/maternity and marriage/civil partnership. Engaging with residents and other stakeholders is key to meeting this duty to better understand the needs of diverse groups. This SCI has been updated to demonstrate that the City Council has had due regard to this statutory duty in terms of public consultation on planning documents and applications and that analysing the equality impact of policy changes and other planning decisions is now an integral and evident part of policy development and review.
  - Council Plan – This SCI will contribute to the objectives of the Council Plan by 'proactively strengthening our partnerships with key institutions and businesses to create a strong civic family to lead the city' and 'fostering local influence and involvement' so as 'to ensure that local people have a voice in how their area is run'.

- Community Cohesion – the principles and practices of the SCI reflect those of the Community Cohesion Strategy for Birmingham particularly in promoting inclusive economic growth that benefits everyone across Birmingham and helps to empower and engage neighbourhoods to be active participants in local solutions and decisions.

[https://www.birmingham.gov.uk/downloads/download/2606/community\\_cohesion\\_strategy.gov.uk](https://www.birmingham.gov.uk/downloads/download/2606/community_cohesion_strategy.gov.uk)

- Localism in Birmingham – the SCI will help to deliver the objectives set out in the City Council's framework on Localism in Birmingham, which aims to build stronger communities and empower them to participate in setting local priorities and influence local service delivery. A key element of this is working more effectively with ward committees, forums and councillors to encourage communities to engage and participate in the planning process, so that they can influence and shape the development of their area.
- Birmingham Business Charter for Social Responsibility – this is a set of guiding principles which the City Council adheres to and invites all organisations to adopt as a mechanism for managing how they deliver social value.

## What will we consult on?

1.10 The SCI relates to the engagement and consultations that the Local Planning Authority carries out; it does not cover all City Council related consultations and engagement activities. The SCI specifically sets out how the City Council will engage with people on the following matters:

- **Chapter 2 - Planning Policy Documents** which are set out as a programme within the Local Development Scheme (see below) including;
  - Development Plan Documents (which make up the **Local Plan**) which set the strategic planning direction for the city, allocate land for development and policies to guide development decisions;
  - Supplementary Planning Documents which support the Local Plan by providing detailed guidance;
  - Informal planning documents, such as area frameworks;
- **Chapter 3 - Neighbourhood Plans**, which are prepared by communities;
- **Chapter 4 - Community Infrastructure Levy** which is a charge that allows local authorities to raise funds from most types of new development in their area to fund essential infrastructure; and
- **Chapter 5 - Planning applications**



## **Local Development Scheme**

- 1.11 The Local Development Scheme (LDS) lists the planning policy documents that the Council intends to produce or review and the timetables for their preparation. When the LDS is updated and approved, it will be published on the City Council's website. Notifications will be sent to the consultation bodies listed in the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) and those on the planning policy consultation database.

## 2. Consultation on Planning Policy Documents

### Introduction

- 2.1 There are various planning documents prepared by the City Council. Each of these is described below and the process for their preparation is set out in the tables overleaf. This chapter sets out how and when people can get involved during the process. To make consultation as effective as possible, an engagement strategy will be put in place for the consultation on each planning document.
- 2.2 The engagement strategy will ensure that the engagement is relevant to the area, that key stakeholders have been identified, and that suitable methods of engagement are put in place. The methods used should inform people and allow opportunities to engage and collaborate as part of the consultation. The strategy should be informed by the community profile for the relevant area which will also help to assess what effect the likely policy will have on equality matters and whether any changes are necessary as a result.
- 2.3 It is recognised that some parts of the community are not always adequately represented, particularly those recognised as sharing protected characteristics within the Public Sector Equality Duty. The City Council will work closely with relevant organisations that have experience in a particular matter or engaging with particular groups to find the best way of consulting and liaising with such groups.

### Development Plan Documents

- 2.4 Development Plan Documents (DPDs) are statutory documents which set out strategic policies, allocate sites for development, and set policies for decision making on planning matters. Collectively, the DPDs comprise the Local Plan, which forms part of the Development Plan. Planning applications should be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 2.5 DPDs need to follow a statutory process set out in the Town and Country Planning (Local Planning) (England) Regulations 2012. This is set out in **Table 1** below along with how the City Council will engage with stakeholders and communities at each stage. **However, given the current restrictions on movement and social distancing set by the Government due to the Covid-19 outbreak, temporary amendments have been made to this process for DPDs and shown within Table 1 as well.**

### Supplementary Planning Documents and other Informal Planning Documents

- 2.6 Supplementary planning documents (SPDs) and other informal planning documents do not have statutory status and cannot set new policy. Rather they provide more detailed guidance on how the policies in the Local Plan are applied. While SPDs are adopted formally by the City Council and are material considerations in the

determination of planning applications, they do not form part of the Development Plan.

- 2.7 SPDs and other informal planning documents may cover a range of issues - thematic and site specific. SPDs may take the form of design guides, area development briefs, masterplans or issue-based documents. Birmingham has a number of adopted SPDs adopted and there are also a number currently in preparation. Find out more on [https://www.birmingham.gov.uk/directory/10/approved\\_planning\\_policies/category/55](https://www.birmingham.gov.uk/directory/10/approved_planning_policies/category/55)
- 2.8 There are a number of key stages in preparing SPDs which are set out in **Table 2** along with how the City Council will engage with stakeholders and communities at each stage. **However, given the current restrictions on movement and social distancing set by the Government due to the Covid-19 outbreak, temporary amendments have been made to this process for SPDs and shown within Table 2.** The level and extent of consultation required in the preparation of a SPD is generally less than that for a DPD and the methods used will vary, according to its content.

## **Sustainability Appraisal (SA) and Strategic Environmental Assessment**

- 2.9 Sustainability Appraisal (SA) seeks to assess how the policies reflect sustainable development objectives. This will be consulted on at certain key stages of the plan-making process.
- 2.10 All DPDs must be subject to a Sustainability Appraisal. Most DPDs and some SPDs are also subject to a Strategic Environmental Assessment (SEA), the latter normally being incorporated into the SA via a combined 'Sustainability Report'. The Sustainability Appraisal Scoping Report, which sets out the methodology for the appraisals, will be updated as necessary and be the subject of consultation with relevant stakeholders each time a DPD is prepared to ensure that it provides for an up-to-date and appropriate appraisal of the likely impacts of the document's policies. The Sustainability Report will be published alongside the relevant DPD.
- 2.11 Natural England, Historic England and The Environment Agency are 'Strategic Environmental Assessment Consultation bodies' who will be specifically consulted on the requirement for and on the scope of any Strategic Environmental Assessments (SEAs).

## **Who will be consulted?**

- 2.12 All planning policies and decisions have the potential to impact on people and organisations. These include residents, councillors, businesses, interest groups, agents, developers, community groups and organisations such as the West Midlands Combined Authority, Transport for the West Midlands, and the Greater Birmingham and Solihull Local Enterprise Partnership.
- 2.13 The minimum legal requirements for consultation and public participation in DPDs and SPDs are set down in the Town and Country Planning (Local Planning)

(England) Regulations 2012. Specified bodies must be consulted where the City Council considers that the body may be affected by what is proposed.

- 2.14 The 2012 Regulations also require consultation with other interest groups, which cover a whole range of voluntary, community, special interest, amenity and business interests, referred to as 'general consultation bodies'. The Council maintains an up to date database of such contacts which is used for notification of consultations. Individuals and organisations can ask to be included on the database at any time. If you wish to be included please contact the Planning Policy team or fill in a form on the Council's website at:

[https://www.birmingham.gov.uk/info/20054/planning\\_strategies\\_and\\_policies/1722/planning\\_policy\\_consultation\\_database](https://www.birmingham.gov.uk/info/20054/planning_strategies_and_policies/1722/planning_policy_consultation_database)

- 2.15 The Council also has a legal 'duty to co-operate' with other local planning authorities, county councils and other the 'prescribed' public bodies<sup>1</sup> in relation to strategic cross boundary issues, such as housing, transport and flood risk. The Council will continue to positively address cross boundary issues in its plan making. This duty is additional to the basic legal requirements for consultation when plan making.

## How will we consult and engage?

- 2.16 The City Council considers wide engagement particularly at the initial stages of preparation to be important so suitable methods to engage and consult need to be considered in order to meet and build on the statutory regulations. We will carefully consider how consultations are run in order to ensure that the city's diverse communities are made aware of relevant planning proposals and opportunities to comment on them. Different methods will be used according to the scope of the consultation, the target audience and the resources available. **However, due to current restrictions as a result of the Covid-19 pandemic, the scope of these methods is currently limited and reflected in temporary modifications to those methods set out below.** The following **which** outlines some of the different methods of consultation **currently being** ~~which will be~~ utilised:

- **Online engagement** – this has become the primary method of engagement for the City Council which includes the use of websites, online questionnaires, social media and email alerts. The City Council's website will be regularly updated with information about the Local Plan and other planning documents. The City Council will advertise all consultations on its website with documents available to view on dedicated pages and will make use of social media where appropriate, posting information on Facebook, Twitter and other social media platforms to promote consultations.
- **Face to face engagement** – **due to the current restrictions on movement and social distancing due to the Covid-19 pandemic, face to face engagement will not be taking place until the restrictions are lifted and it is safe to do so. Use of social media and online technology, where appropriate, may be a 'best fit' alternative to face to face engagement through means such as online exhibitions, 'virtual' drop-**

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<sup>1</sup> As defined by the Town and Country (Local Planning (England) Regulations 2012) (as amended)

in events on video platforms e.g. Microsoft Teams and presentations at 'virtual' committee meetings and public meetings sometimes speaking directly to someone is the best way to understand a person's point of view. Depending on the issues involved, this can include drop-in events, exhibitions, meetings with relevant groups or organisations, and presentations at public meetings such as ward committees. Meetings and exhibitions will be held at accessible and appropriate locations.

- **Written notifications** – for all statutory consultations, the City Council will directly contact by email or letter all known consultation bodies, along with anyone who has asked to be notified when consultation is taking place. Details of consultation and the availability of documents will be set out in this communication in plain English. Consultation notification e.g. letters and e-mails, may be accompanied by specially designed comment forms to assist people with their responses.
- **Publicising consultations** – the City Council will publicise consultations through a variety of means, including advertisements in the local press, public notices, media releases, newsletters, posters and site notices (for planning applications). Public notices will be published in local newspapers when appropriate and press releases and/or briefings to convey information to wider audiences will also be used where appropriate.
- **Making consultation material available** - as well as publishing documents and consultation material online, hard copies will be made available for inspection at the City Council's main planning offices or to purchase in hard copy form. However, access to certain buildings may be restricted or public access to hard copies may not be the most appropriate course of action due to current restrictions as a result of the Covid-19 pandemic. Additional resources may therefore need to be set aside to enable hard copies to be distributed to individuals on request if access to buildings is limited or regarded as impractical or unsafe for the individual concerned.

## What happens to your views and comments?

- 2.17 All comments received on planning policy documents including the person/organisation's name and contact details will be recorded. The personal information that you provide will only be used by Birmingham City Council for the purposes of notifying you of progress with the document that you have made comments on and any subsequent planning policy consultations.
- 2.18 At the draft document stage for DPDs or following consultation on a draft SPD, comments will be reported to the decision-making body. The comments received will be reported as summaries or summary reports within a Consultation Statement which details the consultation that has been undertaken and the responses received. All comments will be available to inspect in full on request but addresses and contact details will not be published. Generally, anonymous comments are not accepted for consultation purposes. Individual written responses to the comments received will not normally be sent.



- 2.19 For DPDs, representations made at the Publication Stage (Regulation 19) will be sent to and considered directly by a Government appointed Planning Inspector to examine the plan. The representations will be published on the City Council's website in full but with addresses and contact details removed (redacted).
- 2.20 All comments made during the preparation of planning policy documents will be fully considered and, where appropriate, the City Council will make decisions or changes as a result. However, it is important to note that it may not always be possible or appropriate to decide the matter in accordance with the comments(s) received. Sometimes there may be other material considerations to which the City Council must adhere such as requirements of legislation or national / local policies.

**Table 1: Process for Preparing a Development Plan Document**

Key Stage	Process and Requirements	Opportunities for Engagement
<b>1: Pre-production (Regulation 18)</b>	<ul style="list-style-type: none"> <li>• Collect evidence and scope wider policy framework</li> <li>• Establish how the aims of the policy framework relate to equality and present opportunities for social value enhancement.</li> <li>• Consider issues and alternatives</li> <li>• Establish scope of the SA/SEA</li> <li>• Carry out the 'duty to co-operate' requirement</li> </ul>	<ul style="list-style-type: none"> <li>• Carry out informal consultation and early engagement with relevant stakeholders and the local community, including identifying opportunities for social value enhancement. The nature/extent of this will be determined by the evidence gathered, subject matter and scope of the consultation</li> <li>• Consult with statutory bodies on the scope of the SA/SEA</li> </ul>
<b>2: 'Preferred Options' Draft Plan (Regulation 18)</b>	<ul style="list-style-type: none"> <li>• Prepare and publish 'Preferred Options' Draft Document</li> <li>• Carry out initial Equality Analysis and refine opportunities for social value enhancement</li> <li>• Prepare interim SA/ SEA</li> <li>• Consult for a minimum statutory period of six weeks <i>*in accordance with current Government guidelines and restrictions as a result of the Covid-19 pandemic.</i></li> <li>• Prepare Consultation Statement</li> <li>• City Council considers the comments made</li> </ul>	<ul style="list-style-type: none"> <li>• Write to specific, general and all other consultees who the City Council consider may have an interest, including everyone on the planning policy consultation database.</li> <li>• Make consultation documents available for inspection including on the City Council's website, planning offices and other locations <i>* which are publicly accessible and where Covid-19 restrictions on social distancing measures can be safely observed. as considered appropriate</i></li> <li>• <i>* Use of social media and online technology, where appropriate, as a temporary alternative to face to face engagement through means such as online exhibitions, 'virtual' drop-in events on video platforms e.g.</i></li> </ul>

		<p>Microsoft Teams and presentations at 'virtual' committee meetings and public meetings. <del>Hold public exhibitions, events and workshops or more focused meetings where appropriate.</del></p> <ul style="list-style-type: none"> <li>• Use social media and/ or local media to raise awareness</li> <li>• * Make additional hard copies of the document available on request to send to individuals if access to buildings is limited or regarded as impractical or unsafe for the individual concerned.</li> </ul>
<b>3: Publication of Proposed Submission Document (Regulations 19 &amp; 20)</b>	<ul style="list-style-type: none"> <li>• Having considered the comments and evidence gathered, the Publication/ Proposed Submission Document and SEA/SA Report is prepared</li> <li>• Statutory consultation for a minimum of six weeks to comment on the Plan, the SA/ SEA and supporting evidence * to be carried out in accordance with current Government guidelines and restrictions as a result of the Covid-19 pandemic.</li> <li>• Carry out final Equality Analysis</li> <li>• Comments will be considered by the Inspector at the Examination</li> <li>• Prepare Consultation Statement</li> <li>• City Council considers the comments and may propose further amendments to be considered by the Inspector</li> </ul>	<ul style="list-style-type: none"> <li>• Write to specific, general and all other consultees who the City Council consider may have an interest, including everyone on the planning policy consultation database.</li> <li>• Make consultation documents available for inspection including on the City Council's website, planning offices and other locations * which are publicly accessible and where Covid-19 restrictions on social distancing measures can be safely observed as considered appropriate</li> <li>• * Use of social media and online technology, where appropriate, as a temporary alternative to face to face engagement through means such as online exhibitions, 'virtual' drop-in events on video platforms e.g. Microsoft Teams and presentations at 'virtual' committee meetings and public meetings. <del>Hold public exhibitions, events and workshops or more focused meetings where appropriate.</del></li> <li>• Use social media and/ or local media to raise awareness</li> <li>• * Make additional hard copies of the document available on request to send to individuals if access to buildings is limited or regarded as impractical or unsafe for the individual concerned.</li> </ul>

<p><b>4: Submission of Proposed Submission Document and information to the Secretary of State (Regulation 22)**</b></p>	<ul style="list-style-type: none"> <li>• Main issues raised at Stage 3 are summarised and made publicly available</li> <li>• **The City Council approves the submission of the documents and information to the Secretary of State</li> <li>• Plan submitted to Secretary of State for independent examination</li> </ul>	<ul style="list-style-type: none"> <li>• **Make submission documents available for inspection including on the Council's website, planning offices and other locations * which are publicly accessible and where Covid-19 restrictions on social distancing measures can be safely observed as considered appropriate.</li> <li>• **Notify the general and specific consultation bodies that were invited to make representations under Regulation 18(1) that the documents are available for inspection on the Council's website, planning officers and other locations * which are publicly accessible and where Covid-19 restrictions on social distancing measures can be safely observed as considered appropriate.</li> <li>• **Notify those who have requested to be notified of the submission of the document to the Secretary of State.</li> </ul>
<p><b>5: Examination (Regulation 24)</b></p>	<ul style="list-style-type: none"> <li>• Independent Examination likely to involve hearing sessions (6 weeks prior notice to people who have requested to appear at the hearings) * If hearings are deemed as necessary, the Inspector may choose to postpone them until Government restrictions on movement and social distancing due to the Covid-19 pandemic are sufficiently lifted.</li> <li>• Planning Inspector issues report if main modifications are not required, or;</li> <li>• Optional Stage where the City Council agrees, the Inspector can propose changes or 'main modifications' to the plan to avoid it being found 'unsound'</li> <li>• Inspector considers representations on main modifications</li> <li>• The hearing may be re-opened</li> <li>• Planning Inspector issues report</li> </ul>	<ul style="list-style-type: none"> <li>• Use City Council's website and social and/ or local media to raise awareness of the Examination</li> <li>• Make Examination documents available on the City Council's website</li> <li>• The Inspector will consider all representations made at Stage 3.</li> <li>• The Inspector will decide whether to conduct the examination via written representations or hearings and who is invited to participate. * If hearings are deemed as necessary, the Inspector may choose to postpone them until Government restrictions on movement and social distancing due to the Covid-19 pandemic are sufficiently lifted.</li> <li>• Notice of Examination is given six weeks in advance to people who have requested to appear at hearing sessions</li> <li>• Hearing sessions are generally open to the public * but will only be carried out if deemed safe to do so in line with</li> </ul>

		<p>Government advice at the time with regard to the Covid-19 pandemic.</p> <ul style="list-style-type: none"> <li>Examination documents are published on the City Council's website</li> </ul>
<p><b>6: Adoption (Regulation 26)</b></p>	<ul style="list-style-type: none"> <li>Plan adopted by the City Council if found 'sound' by Inspector</li> <li>Six week period for legal challenge to the High Court</li> </ul>	<ul style="list-style-type: none"> <li>Publish the Plan, adoption statement and other relevant evidence base documents on the City Council's website, and make available at Planning offices and other locations * which are publicly accessible and where Covid-19 restrictions on social distancing measures can be safely observed <del>as considered appropriate</del></li> <li>Send Adoption Statement to consultees on the Planning Policy Consultation Database and others who have asked to be notified</li> <li>Use social media and/ or local media to advertise adoption of the Plan.</li> </ul>
<p><b>7: Monitoring &amp; Review</b></p>	<ul style="list-style-type: none"> <li>Plan is monitored to make sure it is achieving its aims</li> <li>Monitoring to include equality impact or likely effects on different groups</li> <li>The plan will be reviewed where necessary and at least every 5 years</li> </ul>	

\* Temporary measures put in place due to Government restrictions put in place for the Covid-19 outbreak.

\*\* Clarification on Submission of Development Plan Documents

**Table 2: Process for Preparing Supplementary Planning Documents and Informal Planning Documents**

Key Stage	Process and Requirements	Opportunities for Engagement
<b>1: Evidence gathering</b>	<ul style="list-style-type: none"> <li>• Collect evidence and scope wider policy framework</li> <li>• Establish how the aims of the policy framework relate to equality and present opportunities for social value enhancement.</li> <li>• Consider issues and alternatives</li> <li>• Screen to determine whether a SEA and Habitats Regulations Assessment is required.</li> </ul>	<ul style="list-style-type: none"> <li>• Carry out informal consultation and engagement with relevant stakeholders and the local community, including identifying opportunities for social value enhancement. The nature/extent of this will be determined by the evidence gathered, subject matter and scope of the consultation</li> </ul>
<b>2: Consultation on Draft Plan (Regulation 13)</b>	<ul style="list-style-type: none"> <li>• Statutory consultation for a minimum of four weeks to comment on the draft SPD and any supporting evidence <i>*as long as this is carried out within current Government guidelines and restrictions as a result of the Covid-19 pandemic.</i></li> <li>• Carry out initial Equality Analysis and refine opportunities for social value enhancement</li> <li>• Comments considered and SPD amended where necessary</li> <li>• Prepare Consultation Statement</li> </ul>	<ul style="list-style-type: none"> <li>• Write to specific, general and all other consultees who the City Council consider may have an interest, including everyone on the planning policy consultation database.</li> <li>• Make consultation documents available for inspection including on the City Council's website, planning offices and other locations <i>* which are publicly accessible and where Covid-19 restrictions on social distancing measures can be safely observed as considered appropriate</i></li> <li>• Use social media and/ or local media to raise awareness</li> <li>• Depending on the content, consultation may also be supported by workshops/meetings. <i>* This can be done through the use of social media and online technology, where appropriate, as a temporary alternative to face to face engagement through means such as online exhibitions, 'virtual' drop-in events on video platforms e.g. Microsoft Teams and presentations at 'virtual' committee meetings and public meetings.</i></li> <li>• <i>* Make additional hard copies of the document available on request to send to individuals if access to</i></li> </ul>



		buildings is limited or regarded as impractical or unsafe for the individual concerned.
<b>3: Adoption (Regulation 14)</b>	<ul style="list-style-type: none"> <li>• Carry out final Equality Analysis</li> <li>• City Council adopts Plan</li> <li>• Publish adoption documents including Consultation Statement</li> <li>• Six week period to allow for any legal challenge to the High Court</li> </ul>	<ul style="list-style-type: none"> <li>• Send Adoption Statement to consultees on the Planning Policy Consultation Database and others who have asked to be notified</li> <li>• Use social media and/ or local media to advertise adoption of the Plan.</li> </ul>
<b>4: Monitoring &amp; Review</b>	<ul style="list-style-type: none"> <li>• Plan is monitored to make sure it is achieving its aims</li> <li>• Monitoring to include equality impact or likely effects on different groups</li> <li>• SPD may be reviewed, where necessary</li> </ul>	

\* Temporary measures put in place due to Government restrictions put in place for the Covid-19 outbreak.

### 3. Neighbourhood Planning

- 3.1 Neighbourhood planning was introduced by the Localism Act (2011). It is a way for communities to decide the future of the places where they live and work by having more of a say in where new homes, businesses, shops and community facilities should be placed in their local area, along with being able to allocate sites for development. Neighbourhood Plans, once adopted, are statutory plans which carry equal weight to any Local Plan.
- 3.2 Unlike DPDs, Neighbourhood Plans are produced by local communities themselves with the support of the City Council. These plans must be in general conformity with the strategic policies in the Birmingham Development Plan and have regard to national planning policy.
- 3.3 Where they choose to, local people can draw up a plan or a development order:
- Neighbourhood Plans allow communities to establish general planning policies for the development of land in the area. A neighbourhood plan comes into force as part of the statutory development plan once it has been approved at referendum. This means that the council and planning inspectors will need to take the plan into consideration when making planning decisions.
- Neighbourhood Development Orders (including community right to build orders) grant planning permission for a specific type of development in a particular area. This could be either a particular development or a particular class of development such as housing or retail.
- 3.4 Like DPDs, there are regulations which cover the preparation of neighbourhood plans/orders including consultation requirements. Regulations also cover the referendum stages. The City Council's role is to provide advice and support to groups developing a plan. Up to submission of the final draft ('proposed submission') plan, it is the town or parish council (or forum) that is responsible for public consultation and engagement in its preparation.
- 3.5 It is only at submission stage that the City Council takes a lead on finalising the plan. This includes consultation and a referendum, which will be publicised on the website and in local press adverts.
- 3.6 The City Council will expect the consultation principles in this document to be followed and a clear engagement strategy in place. **Table 3** sets out the key stages in the process and the City Council's role and the qualifying body's role in relation to consultation and engagement. **However, given the current social distancing rules set by the Government due to the Covid-19 outbreak, temporary amendments have been made to the process for Neighbourhood Plans and shown within Table 3.**
- 3.7 The City Council supports and promotes neighbourhood planning and is committed to providing advice and support to groups who wish to prepare neighbourhood plans and orders. As part of this commitment, the City Council will:

- Designate a planning officer to act as the first point of contact between neighbourhood planning groups and the City Council. The officer will provide appropriate help and advice on planning policy matters and facilitate access to other teams within the City Council where specialist advice is needed;
- Provide appropriate technical advice and assistance, for example, advice on the planning policies applying to the area, the steps involved in the preparing a plan or order, the formulation of a qualifying body;
- Share evidence and information on planning matters;
- Advise on consultation and engagement; and
- Provide a formal consultation response at the draft plan consultation stage

3.8 Further information and guidance on the process of setting up Neighbourhood Forums can be found on the website: [www.neighbourhoodplanning.org/](http://www.neighbourhoodplanning.org/)

**Table 3: Neighbourhood Planning Key Stages**

Key Stage	Opportunities for Engagement	
	Parish/ Neighbourhood Forum role	Birmingham City Council's role
<b>1: Designation of Neighbourhood Area and Neighbourhood Forum</b> (where appropriate):	<ul style="list-style-type: none"> <li>• Before submitting an application to designate the neighbourhood area the Parish Council/ Neighbourhood Forum may decide to consult with the local community about preparing a neighbourhood plan/ order.</li> <li>• Identify how the aims of the policy framework relate to equality and present opportunities for social value enhancement</li> </ul>	<ul style="list-style-type: none"> <li>• With the exception of applications which are for an entire parish area, the City Council will formally publicise and consult on applications to designate a neighbourhood area (minimum consultation period is 4 weeks) and publish details in relation to the designation or refusal of a neighbourhood area. <b>*Any consultation must be carried out in accordance with current Government guidance and restrictions relating to the Covid-19 pandemic.</b></li> <li>• Where appropriate, consultations on the designation of a Neighbourhood Area and a Neighbourhood Forum will be combined.</li> <li>• Write to specific, general and all other consultees who the City Council consider may have an interest.</li> </ul>

		<ul style="list-style-type: none"> <li>• Make documents available on the City Council's website, planning offices and other locations * which are publicly accessible and where Covid-19 restrictions on social distancing measures can be safely observed <del>as considered appropriate.</del></li> <li>• Use social media and local media/ press to raise awareness</li> </ul>
<b>2: Preparing the Draft Neighbourhood Plan/Order:</b> <ul style="list-style-type: none"> <li>• Develop vision, aims and objectives</li> <li>• Gathering baseline information and evidence</li> <li>• Identify and assess options</li> <li>• Determine need for SEA</li> </ul>	<ul style="list-style-type: none"> <li>• Undertake ongoing consultation and engagement with the community and relevant consultees * as long as this is carried out within current Government guidelines and restrictions as a result of the Covid-19 pandemic.</li> </ul>	<ul style="list-style-type: none"> <li>• Initial screening (5 weeks) consulting the statutory consultees to determine if a SEA is required.</li> <li>• Provide advice on relevant national and local planning policies and guidance</li> <li>• Share evidence and information on planning issues and on funding and skills for neighbourhood planning</li> <li>• Provide relevant contact information to assist consultation, publicity and engagement. *Ensure that any consultation is carried out in accordance with current Government guidance and restrictions relating to the Covid-19 pandemic.</li> </ul>
<b>3: Pre-submission publicity and consultation:</b>	<ul style="list-style-type: none"> <li>• Publicise the draft Neighbourhood Plan or order and invite representations (minimum of six weeks consultation)</li> <li>• Consider the comments and amends plan/ order if appropriate</li> <li>• Prepare Consultation Statement</li> <li>• Consult the consultation bodies as appropriate</li> </ul>	<ul style="list-style-type: none"> <li>• The City Council will continue to provide informal advice and support and a formal response to consultation</li> </ul>
<b>4: Submission of Neighbourhood Plan/Order to the Local Planning Authority</b>	<ul style="list-style-type: none"> <li>• Submit plan or order and supporting documents to the City Council including basic conditions statement, SEA and Consultation Statement.</li> </ul>	<p>If the City Council finds that the plan or order meets the legal requirements, including the completion of an Equality Analysis, it will formally publicise and consult (for a minimum of 6 weeks) as follows:</p> <ul style="list-style-type: none"> <li>• Write to specific, general and all other consultees referred to in the Consultation Statement.</li> </ul>

		<ul style="list-style-type: none"> <li>• Make documents available on the City Council's website, planning offices and other locations * <b>which are publicly accessible and where Covid - 19 restrictions on social distancing measures can be safely observed as considered appropriate</b></li> <li>• Use social media and/ or local media to raise awareness</li> <li>• Collate the representations made to send to the examiner.</li> </ul>
<b>5: Independent examination</b>	<ul style="list-style-type: none"> <li>• The Examiner issues a report to the local planning authority and qualifying body</li> </ul>	<ul style="list-style-type: none"> <li>• Make arrangements for the independent examination of the neighbourhood plan</li> <li>• Submit the plan or order, relevant documentation and representations to independent examiner.</li> <li>• Publish the Examiner's report on the website</li> <li>• If the City Council is satisfied that the plan/ order meets the basic conditions the neighbourhood plan proceeds to referendum, working with the qualifying body in light of any changes</li> <li>• If the City Council doesn't think the basic conditions have been met, they will work with the qualifying body to determine the way forward.</li> <li>• If a decision is taken to differ from any recommendation then arrange for a further six week consultation as required <b>*in line with Step 4 above.</b></li> </ul>
<b>6: Referendum plan/ order **See note below in relation to Regulations linked to the Coronavirus Act 2020</b>	<ul style="list-style-type: none"> <li>• Raise awareness of referendum through publication of neutral promotional material.</li> </ul>	<ul style="list-style-type: none"> <li>• Make arrangements and publish information statement and notice of the referendum</li> <li>• Publish referendum results on the website and issue news release</li> </ul>
<b>7: Making the neighbourhood plan/ order</b>		<ul style="list-style-type: none"> <li>• If more than 50% vote in favour, the City Council 'makes' the plan via Full Council resolution.</li> <li>• Publish the Neighbourhood Plan,</li> </ul>

		adoption statement and SEA adoption statement (where relevant) on the City Council's website, at the council offices and other locations * <b>which are publicly accessible and where Covid-19 restrictions on social distancing measures can be safely observed.</b> <del>as considered appropriate</del>
<b>8: Monitoring and Review</b>		<ul style="list-style-type: none"> <li>• Advise on the options, process and timing for reviewing neighbourhood plans.</li> <li>• Monitoring to include equality impact or likely effects on different groups</li> </ul>

\* Temporary measures put in place due to Government restrictions put in place for the Covid-19 outbreak.

**\*\*Note:** The Local Government and Police and Crime Commissioner (Coronavirus)(Postponement of Elections and Referendums) (England and Wales) Regulations 2020 means that no elections or referendums can take place until 6 May 2021. This includes neighbourhood planning referendums. These provisions will be kept under review and may be amended or revoked in response to changing circumstances.



## 4. Community Infrastructure Levy

- 4.1 The Community Infrastructure Levy (CIL) is a charge that allows local authorities to raise funds from development in their area to fund essential infrastructure. CIL is a set charge that is applied to planning approvals for certain types of development in certain parts of the city. The City Council's CIL Charging Schedule is subject to periodic review and can be found at [www.birmingham.gov.uk/CIL](http://www.birmingham.gov.uk/CIL)
- 4.2 CIL Regulations set out the procedure that charging authorities must follow prior to adopting or changing a Charging Schedule. These are summarised in **Table 4** along with the key opportunities for engagement. **However, given the current restrictions on movement and social distancing set by the Government due to the Covid-19 outbreak, temporary amendments have been made to the process for setting or changing the Community Infrastructure Levy and shown within Table 4.**

**Table 4: Setting or Changing the Community Infrastructure Levy**

Key Stage	Process and requirements	Opportunities for Engagement
<b>1: Preliminary Draft Charging Schedule</b>	<ul style="list-style-type: none"> <li>• Prepare evidence base to inform the Preliminary Draft Charging Schedule (PDCS)</li> <li>• Carry out initial Equality Analysis.</li> <li>• Establish how the aims of the policy framework relate to equality.</li> <li>• Publish the PDCS</li> <li>• Consult on the PDCS with consultees Consider representations when preparing the PDCS.</li> <li>• <b>* Ensure that any consultation is carried out in accordance with current Government guidance and restrictions relating to the Covid-19 pandemic.</b></li> </ul>	<ul style="list-style-type: none"> <li>• Informal consultation and engagement with key stakeholders and interested parties. <b>* Ensure that any consultation is carried out in accordance with current Government guidance and restrictions relating to the Covid-19 pandemic.</b></li> <li>• Make consultation documents available for inspection including on the City Council's website, planning offices and other locations <b>* which are publicly accessible and where Covid-19 restrictions on social distancing measures can be safely observed. as considered appropriate</b></li> <li>• Use social media and/ or local media to raise awareness</li> </ul>
<b>2: Draft Charging Schedule</b>	<ul style="list-style-type: none"> <li>• Publication of Draft Charging Schedule (DCS) and a statement of representations procedure</li> <li>• Carry out final Equality Analysis</li> <li>• Statutory consultation for a minimum of six weeks on the DCS and supporting evidence. <b>*Ensure that any consultation is carried out in accordance with current Government</b></li> </ul>	<ul style="list-style-type: none"> <li>• Write to specific, general and all other consultees who the City Council consider may have an interest, including all those who have requested to be notified.</li> <li>• Make consultation documents available for inspection including on the City Council's website, planning offices and other locations <b>* which are publicly</b></li> </ul>

	<p>guidance and restrictions relating to the Covid-19 pandemic.</p> <ul style="list-style-type: none"> <li>• Prepare Consultation Statement</li> <li>• An Examiner is appointed</li> </ul>	<p>accessible and where Covid-19 restrictions on social distancing measures can be safely observed. as considered appropriate</p> <ul style="list-style-type: none"> <li>• Use social media and local media to raise awareness</li> <li>• Consultation may also be supported by workshops/meetings. *Ensure that any consultation is carried out in accordance with current Government guidance and restrictions relating to the Covid-19 pandemic.</li> <li>• Consultees can request to be heard by the Examiner and notified of further stages * within current Government guidelines and restrictions as a result of the Covid-19 pandemic.</li> </ul>
<b>3: Examination</b>	<ul style="list-style-type: none"> <li>• Submission of Draft Charging Schedule, a summary of main issues raised by the consultation, copies of the representations and relevant evidence</li> <li>• Examiner submits recommendations and the reasons</li> </ul>	<ul style="list-style-type: none"> <li>• Documents made available and persons notified as above</li> <li>• If the DCS had been modified following Regulation 16 all consulted under Regulation 15 must receive a copy of the statement of modifications</li> <li>• Notice of Examination given 4weeks in advance to people who have requested the right to be heard</li> <li>• Local publicity for the Examination</li> <li>• Publish Examiner's recommendations and inform all who requested notification</li> </ul>
<b>4: Adoption, monitoring and review</b>	<ul style="list-style-type: none"> <li>• City Council approves Charging Schedule and date of effect</li> <li>• Six week period for legal challenge to the High Court</li> <li>• Details of CIL income received and spent will be published in the AMR.</li> <li>• Review in line with BDP progress and changes in costs and values of development</li> <li>• Monitoring to include equality impact or likely effects on different groups</li> </ul>	<ul style="list-style-type: none"> <li>• Adoption Statement, Charging Schedule and associated maps published on website</li> <li>• Use social media and/ or local media to advertise adoption</li> </ul>

\* Temporary measures put in place due to Government restrictions put in place for the Covid-19 outbreak.

## 5. Consultation on Planning Applications

### Introduction

- 5.1 The SCI must set out standards of consultation to be achieved by the City Council in making decisions on planning applications. Planning applications can range from modest extensions to existing dwellings to major development schemes for urban expansion or regeneration.
- 5.2 The Town and Country Planning (Development Management Procedure) (England) Order 2015 sets out a minimum standard of publicity and notification of applications to the local community, depending on the nature of the application.
- 5.3 There are a number of different types of application depending on the specific type of consent sought. For most types of application, the process and approach to engagement is set out in **Table 5** below. This explains the process for determining a planning application and when, how and who will be consulted. **However, given the current restrictions on movement and social distancing set by the Government due to the Covid-19 outbreak, additional temporary amendments have been made to the processes set out within Table 5.**

### Pre-application consultation

- 5.4 Although this is not mandatory or a legal requirement, the Council recognises that for large or locally significant developments, it is important for developers to engage with local communities prior to the submission of a formal planning application. The process enables communities and stakeholders to have early input into planning proposals and help to identify improvements and overcome objections at a later stage.
- 5.5 The City Council welcomes and encourages pre-application consultation where it is appropriate and beneficial. It is recognised that the parties involved at the pre-application stage will vary on each proposal, and the level of engagement needs to be proportionate to the nature and scale of a proposed development **and within the current guidance and regulations set out by Government in response to the Covid-19 pandemic.** Any pre-application consultation should follow the general consultation principles **(including temporary principles due to the Covid-19 outbreak)** set out in section 1 of this document. The City Council has no formal role in pre-application consultations but will encourage other parties to take maximum advantage of the pre-application stage.
- 5.6 The Local Planning Authority would encourage developers to have discussions with local residents regarding future options for a site through pre-application consultation to establish if a relevant proposal might enhance social value i.e. by improving the economic, social and environmental well-being of the relevant site/area and how it might act with a view to securing that improvement. **Any such discussion must follow**

the current principles and guidelines on movement and social distancing as set out by the Government in response to the Covid-19 outbreak.

- 5.7 The details of pre-application consultations with the City Council, local community and statutory consultees, should form the basis of a Statement of Community Involvement at Pre-Application, which is submitted with the planning application. (See the Planning Local Validation List)  
[https://www.birmingham.gov.uk/downloads/file/7362/local\\_validation\\_criteria\\_2020](https://www.birmingham.gov.uk/downloads/file/7362/local_validation_criteria_2020)

## **What happens to your views and comments?**

- 5.8 Anyone can comment on a planning application either in support or to object. Any comments can only be made on the basis of material planning considerations. Material planning considerations are only those matters that can be considered within planning law in assessing and determining a planning application. For example, issues regarding traffic, wildlife, historic interests are all material considerations.
- 5.9 Comments which relate to “non-material” considerations cannot be taken into account. Non-material considerations include issues such as the loss of property value, boundary and other legal disputes between neighbours, potential problems associated with construction work, competition between businesses and structural and fire precaution issues
- 5.10 All relevant comments received within the defined consultation period will be fully considered and, where appropriate, the City Council will make their decision as a result. However, it is important to note that it may not always be possible or appropriate to decide the matter in accordance with the comments(s) received. Sometimes there may be other material considerations to which the City Council must adhere such as requirements of legislation or national / local policies.
- 5.11 Any comments can be made available upon written request. We will remove any personal details such as signatures, phone numbers and email addresses. Any support, objections and comments will be noted in the planning case officer’s report, along with how they have been considered in the decision. The City Council also reserves the right to withhold any comment(s) considered defamatory or harmful to an applicant, a consultee or the wider community.

**Table 5: Process and Consultation on Planning Applications**

Key Stage	Process and Requirements	Opportunities for Engagement
<b>1. Receipt and registration</b>	<ul style="list-style-type: none"> <li>• Check compliance with relevant national and local validation requirements</li> <li>• <i>*All applications should be submitted electronically whilst Government restrictions regarding Covid-19 are in place.</i></li> <li>• Check all relevant information and appropriate fee has been provided</li> <li>• Encourage developers to have early discussions with local residents for major applications including the potential for enhancing the social value of the proposal. <i>* This must be done in accordance with the latest Government guidance and restrictions as a result of the Covid-19 pandemic.</i></li> </ul>	<ul style="list-style-type: none"> <li>• The application will be available to view on the City Council's website.</li> </ul>
<b>2. Consultation and publicity</b>	<ul style="list-style-type: none"> <li>• Consult in line with current regulations currently for a minimum of 23 days (to cover postal delays).</li> <li>• If the scheme is amended, and we consider that those amendments raise new issues which could lead to further comment, we will seek to re-consult for a further 10 days.</li> <li>• <i>* Current restrictions due to the Covid-19 pandemic may mean that some decisions may take longer than normal requiring agreement on extension of time periods.</i></li> </ul>	<p>The City Council notifies Ward Councillors, stakeholders and the community in accordance with the regulations by:</p> <ul style="list-style-type: none"> <li>• Publishing the application details on the City Council's website and how to comment;</li> <li>• Letter to the owners/occupiers of properties adjoining the application site advising of application and the period in which to submit comments; and/ or</li> <li>• Site notices <i>to be sent electronically to applicants and agents for them to print and display (with photographic evidence)</i> placed on or near sites subject to applications for development; and or</li> <li>• Publishing a notice in the local press for certain types of development<sup>1</sup></li> <li>• A weekly list of all new applications received by the City Council is posted on its website</li> </ul> <p>Depending on the proposal, we will also</p>

		<p>consult with:</p> <ul style="list-style-type: none"> <li>• Various statutory and non-statutory consultees</li> <li>• Other bodies and interest groups relevant to the proposal</li> <li>• Duty to Cooperate bodies on major strategic applications or neighbouring authorities on applications for development close to the City boundary</li> </ul>
<b>3. Assessment</b>	<p>The planning case officer will normally visit the site, <b>*adhering to the Council's Planning Site Visits Covid-19 Protocol.</b></p> <ul style="list-style-type: none"> <li>• All material considerations will be taken into account in assessing the application, including comments received, relevant local and national planning policies and guidance.</li> <li>• Any comments received can be made available upon written request <b>*submitted by email.</b> We will remove any personal details such as signatures, phone numbers and email addresses</li> <li>• The City Council reserve the right to withhold any comment(s) considered defamatory or harmful to either an applicant, consultee or the wider community.</li> </ul>	
<b>4. Making a decision</b>	<ul style="list-style-type: none"> <li>• The planning case officer will make a recommendation on the application in a report which sets out the reasoning, along with a summary and consideration of comments and consultation responses.</li> <li>• The majority of planning applications are determined under delegated powers.</li> <li>• Decisions for such applications will be made in accordance with the City Council's "Scheme of Delegation" <a href="https://www.birmingham.gov.uk/downloads/file/14405/inclusive_growth_scheme_of_delegations_october_2019">https://www.birmingham.gov.uk/downloads/file/14405/inclusive_growth_scheme_of_delegations_october_2019</a></li> </ul>	<ul style="list-style-type: none"> <li>• If you have supported or objected to an application which is to be reported to Planning Committee you will be invited to <b>*make a written statement</b> to <del>peak/ address</del> the Committee for <del>a specified time.</del> <b>* The protocol for written statements can be found at <a href="https://www.birmingham.gov.uk/info/2/0182/planning_committee/60/speaking_at_planning_committee">https://www.birmingham.gov.uk/info/2/0182/planning_committee/60/speaking_at_planning_committee</a></b></li> <li>• The Planning Committee <b>is</b> currently operating its meetings online via a virtual platform until Government restrictions are lifted with regard to the Covid-19 outbreak <del>meets</del></li> </ul>



	<ul style="list-style-type: none"> <li>In certain circumstances, outlined within the City Council's "Scheme of Delegation", a planning application will be reported to, and determined by Planning Committee. * The scope of delegated powers has been temporarily broadened during the current restrictions imposed due to the Covid-19 pandemic.</li> </ul>	<p><del>regularly in the Council House in Birmingham. The meetings are open to the public, however certain items may be discussed in private.</del></p> <ul style="list-style-type: none"> <li>The Committee meetings are broadcast live on the City Council's website *although certain items may be discussed in private.</li> <li>Once a decision has been issued, a decision notice will be sent to the applicant and/or agent to inform them of the decision.</li> <li>If you have commented on an application, you will be notified of the decision.</li> <li>All planning decisions are published on Planning Online (the public register of applications) available on the City Council's website.</li> </ul>
<b>5. Post decision</b>	<ul style="list-style-type: none"> <li>If the applicants disagree with our decision, they have the opportunity to make an appeal to the Secretary of State</li> <li>There is no right of appeal for third parties. This means that if planning permission is granted a member of the public cannot take the application to an appeal.</li> </ul>	

<sup>1</sup> Major applications; Listed Building Consent; development affecting Conservation Areas; Development subject to an Environmental Impact Assessment; Departures from the Development Plan; Development affecting a Public Right of Way

\* Temporary measures put in place due to Government restrictions put in place for the Covid-19 outbreak.

## 6. Monitoring and review

- 6.1 In general, ~~the~~ SCI will be kept under regular review and be updated at least every 5 years or earlier when necessary to correct factual changes not material to its principles. The effectiveness of the SCI will be monitored through the Authority Monitoring Report (AMR). ~~This temporary version of the SCI which has been published due to the Covid-19 restrictions brought into place by the Government will be reviewed again only when the restrictions have been lifted and the threat posed by the pandemic has ceased.~~
- 6.2 In monitoring the SCI, account will be taken of the overall number of participants involved, planning policy consultations and feedback received about the satisfaction or otherwise of the involvement techniques used.
- 6.3 Changes to the SCI may also be instigated by further revisions of the regulations which govern publicity and involvement in the planning policy preparation and planning application processes. Any necessary changes will be made following appropriate public consultation, having regard to emerging best practice guidance and/or changes in legislation.

# Glossary

**Authority Monitoring Report (AMR)** - The requirement for a local authority to produce an Authority Monitoring Report (AMR) is set out in Section 113 of the Localism Act 2011. This includes reporting on implementation of the Local Development Scheme (LDS), performance against housing targets set out in the Local Plan, neighbourhood planning, Community Infrastructure Levy implementation, and the Duty to Cooperate.

**Birmingham Development Plan (BDP)** – The BDP was adopted in January 2017 and is the key planning document which sets out the vision, objectives, and strategy for the future development of the whole of the City.

**Community Cohesion** – Where there is a common vision and a sense of belonging for all communities across the City

**Community Infrastructure Levy (CIL) and Charging Schedule** - The Community Infrastructure Levy is a planning charge, introduced by the Planning Act 2008 as a tool for local authorities in England and Wales to help deliver infrastructure to support the development of their area. It came into force through the Community Infrastructure Levy Regulations 2010 and has been operating in Birmingham since January 2016. The Charging Schedule specifies the specifics of that charge.

**Council Plan** – Plan setting out the vision and priorities for the citizens of Birmingham across all disciplines and service provision within the Council.

**Development Plan Documents (DPD)** - Documents that set out policies for the strategic and overarching vision and development for the City or particular area. Development Plan Documents include the Birmingham Development Plan and Area Action Plans.

**Duty to Cooperate** - This requires cooperation between us and our neighbouring councils/planning authorities and other public bodies to maximise the effectiveness of strategic planning within the borough, particularly to ensure that regional planning issues are properly addressed.

**Equality** – Protection of people from discrimination in the workplace and in wider society legally embedded into the Equality Act 2010. Organisations such as local authorities have a duty to comply with the Act and uphold its principles including carrying out an Equality Analysis on all decisions made and policies adopted.

**Greater Birmingham and Solihull Local Enterprise Partnership (GBSLEP)** - One of 39 Local Enterprise Partnerships set up by Government to drive economic development in England. It covers the geographical boundaries of the local authorities of Birmingham, Bromsgrove, Cannock Chase, East Staffordshire, Lichfield, Redditch, Solihull, Tamworth and Wyre Forest and is made up of representatives from the public and private sectors, in addition to skills providers.

**Informal Planning Documents** – Documents which are not statutory and do not set policies but provide planning guidance and additional information for a type of development or the future development of a particular area.

**Localism** – Enabling people to have control over what happens in their local area, that local businesses should be supported, and differences between places should be respected.

**Local Planning Authority (LPA)** - An LPA is the local authority or council that is empowered by law to exercise statutory town planning functions for a particular geographical area of the UK.

**Local Development Document** – Any document which makes up the suite of documents within the Council's development plans and policies

**Local Development Scheme (LDS)** - Document setting out timescales and milestones for the production of Development Plan Documents and Supplementary Planning Documents.

**Localism Act (2011)** - An Act of Parliament to facilitate the devolution of decision making powers from central government control to individuals and communities.

**Local Plan** - In law this is described as the development plan documents adopted under the Planning and Compulsory Purchase Act 2004.

**Neighbourhood Plans** - a way of helping local communities to influence the planning of the area in which they live and work.

**Non-statutory Consultees** - In addition to Statutory Consultees, there are other consultees for which there are planning policy reasons to consult on planning applications and who are likely to have an interest in a proposal, but who are not required to be consulted by law

**Planning and Compulsory Purchase Act 2004** - Government Act which reforms the town planning and compulsory purchase framework in the United Kingdom

**Planning Policy Consultation Database** - Individuals and organisations who have asked to be informed of consultations on any planning policy documents or those that the council view as needing to be informed of various stages in the planning policy formulation.

**Secretary of State** – Refers to the Secretary of State within the national government responsible for planning matters which is currently the Secretary of State for Communities, Housing and Local Government.

**Statutory Consultees** - Individuals or groups that the Council is required to consult. This list of Consultees is provided in the Town and Country Planning (Local Planning)(England) Regulations 2012 (as amended) <http://www.legislation.gov.uk/ukSI/2012/767/contents/made>

**Strategic Environmental Assessment (SEA)** - The process by which environmental considerations are required to be fully integrated into the preparation of plans and programmes prior to their final adoption. The objectives of SEA are to provide for a high level of protection of the environment and to promote sustainable development.

**Supplementary Planning Documents (SPDs)** - Documents intended to provide support or additional guidance to Development Plan Documents. Although they will not have development plan status they will be subject to procedures of community involvement and Sustainability Appraisal and are a material consideration in the determination of planning applications.

**Sustainability Appraisal (SA)** - An assessment of the likely significant social, economic and environmental impacts of policies.

**Transport for the West Midlands (TfWM)** – The public body responsible for co-ordinating transport services in the West Midlands metropolitan county. It is an executive body of the West Midlands Combined Authority (WMCA), with bus franchising and highway management powers similar to Transport for London.

**West Midlands Combined Authority (WMCA)** – This is a strategic authority with powers over transport, economic development and regeneration. The authority formally came into being on 17 June 2016 by statutory instrument under the Local Democracy, Economic Development and Construction Act 2009.

**Title of proposed EIA:** Temporary Amendments to the Statement of Community Involvement (SCI) due to Covid-19 restrictions

**Reference No** EQUA526

**EA is in support of** Amended Policy

**Review Frequency** Six Months

**Date of first review** 31/12/2020

**Directorate** Inclusive Growth

**Division** Planning and Development

**Service Area** Planning Policy

**Responsible Officer(s)** Martin Dando

**Quality Control Officer(s)** Richard Woodland

**Accountable Officer(s)** Uyen-Phan Han

**Purpose of proposal** Analysis of temporary amendments to the SCI

**Data sources** relevant reports/strategies; relevant research;

**Please include any other sources of data** Government Guidelines on restrictions due to the Covid-19 outbreak

### ASSESS THE IMPACT AGAINST THE PROTECTED CHARACTERISTICS

**Protected characteristic:** Age Wider Community

#### Age details:

The statement of Community Involvement (SCI) sets out principles and process as to how the Council will engage people in plan making as well as decision making on planning applications. In doing this it is envisaged that the SCI will help to make consultations more effective and meaningful to a wider audience and thereby encourage more people to take part in the planning process.

The SCI itself is in line with the City Council's Equality objectives in creating a fair and prosperous City through ensuring that all local people are engaged in Council decision making in a democratic way.

The temporary amendments to the SCI may potentially have a negative impact on the protected characteristic through the removal of face to face engagement and the preclusion of access to public buildings during consultations and more reliance on electronic communication. However, mitigation will be provided through extra resources and flexibility such as posting of documents on request to those who cannot access them.



**Protected characteristic:** Disability      Wider Community

**Disability details:**

The statement of Community Involvement (SCI) sets out principles and process as to how the Council will engage people in plan making as well as decision making on planning applications. In doing this it is envisaged that the SCI will help to make consultations more effective and meaningful to a wider audience and thereby encourage more people to take part in the planning process.

This includes investigating and setting out methods which will enable people with disabilities along with others with protected characteristics to be actively involved through appropriate consultation methods.

The temporary amendments may potentially have a negative impact on people with disabilities while restrictions are currently in place due to Covid 19. Mitigation measures will include greater flexibility in engagement through use of social media and online technology, where appropriate, as an alternative to face to face engagement through means such as online exhibitions, 'virtual' drop-in events on video platforms and targeting people that represent disability groups to disseminate information effectively.

**Protected characteristic:** Gender      Wider Community

**Gender details:**

The statement of Community Involvement (SCI) sets out principles and process as to how the Council will engage people in plan making as well as decision making on planning applications. In doing this it is envisaged that the SCI will help to make consultations more effective and meaningful to a wider audience and thereby encourage more people to take part in the planning process.

The SCI itself is in line with the City Council's Equality objectives in creating a fair and prosperous City through ensuring that all local people are engaged in Council decision making in a democratic way.

The temporary amendments to the SCI may potentially have a negative impact on the protected characteristic while restrictions are currently in place due to Covid 19, but no greater than any other group or individual. Mitigation measures will include greater flexibility in engagement through posting out more documents and use of social media and online technology where appropriate as an alternative to face to face engagement e.g. through online exhibitions and virtual drop-in events on video platforms.

**Protected characteristics:** Gender Reassignment - Not Applicable

**Protected characteristics:** Marriage and Civil Partnership - Not Applicable

## **Protected characteristics: Pregnancy and Maternity - Wider Community**

### **Pregnancy and maternity details:**

The statement of Community Involvement (SCI) sets out principles and process as to how the Council will engage people in plan making as well as decision making on planning applications. In doing this it is envisaged that the SCI will help to make consultations more effective and meaningful to a wider audience and thereby encourage more people to take part in the planning process.

The SCI itself is in line with the City Council's Equality objectives in creating a fair and prosperous City through ensuring that all local people are engaged in Council decision making in a democratic way.

The temporary amendments to the SCI may have a negative impact on the protected characteristic while restrictions are currently in place due to Covid 19, but no greater than any other group or individual. Mitigation measures will include greater flexibility in engagement through posting out more documents and use of social media and online technology where appropriate as an alternative to face to face engagement e.g. through online exhibitions and 'virtual' drop-in events on video platforms.

## **Protected characteristics: Race - Wider Community**

### **Race details:**

The statement of Community Involvement (SCI) sets out principles and process as to how the Council will engage people in plan making as well as decision making on planning applications. In doing this it is envisaged that the SCI will help to make consultations more effective and meaningful to a wider audience and thereby encourage more people to take part in the planning process.

The SCI itself is in line with the City Council's Equality objectives in creating a fair and prosperous City through ensuring that all local people are engaged in Council decision making in a democratic way.

The temporary amendments may have a negative impact on BAME communities while restrictions are currently in place due to Covid 19. Mitigation measures will include greater flexibility in engagement through use of social media and online technology, where appropriate, as an alternative to face to face engagement through means such as online exhibitions, 'virtual' drop-in events on video platforms and targeting people that represent BAME communities to enable them to disseminate information effectively.

## **Protected characteristics: Religion or Beliefs - Wider Community**

### **Religion or beliefs details:**

The Statement of Community Involvement (SCI) sets out principles and process as to how the Council will engage people in plan making as well as decision making on planning applications. In doing this it is envisaged that the SCI will help to make consultations more effective and meaningful to a wider audience and thereby encourage more people to take part in the planning process.

The SCI itself is in line with the City Council's Equality objectives in creating a fair and prosperous City through ensuring that all local people are engaged in Council decision making in a democratic way.

The temporary amendments may have a negative impact on Religious and faith groups while restrictions are currently in place due to Covid 19. Mitigation measures will include greater flexibility in engagement through use of social media and online technology, where appropriate, as an alternative to face to face engagement through means such as online exhibitions, 'virtual' drop-in events on video platforms and targeting people that represent religious and belief groups to enable them to disseminate information effectively.

**Protected characteristics: Sexual Orientation - Wider Community**

**Sexual orientation details:**

The statement of Community Involvement (SCI) sets out principles and process as to how the Council will engage people in plan making as well as decision making on planning applications. In doing this it is envisaged that the SCI will help to make consultations more effective and meaningful to a wider audience and thereby encourage more people to take part in the planning process.

The SCI itself is in line with the City Council's Equality objectives in creating a fair and prosperous City through ensuring that all local people are engaged in Council decision making in a democratic way.

The temporary amendments to the SCI may have a negative impact on the protected characteristic while restrictions are currently in place due to Covid 19, but no greater than any other group or individual. Mitigation measures will include greater flexibility in engagement through posting out more documents and use of social media and online technology where appropriate as an alternative to face to face engagement e.g. through online exhibitions and 'virtual' drop-in events on video platforms.

**Please indicate any actions arising from completing this screening exercise.**

None

**Please indicate whether a full impact assessment is recommended**      No

**What data has been collected to facilitate the assessment of this policy/proposal?**

The original SCI has only recently been adopted and was subject to public consultation for three months after which comments were taken on board to strengthen key elements of the document and the processes described within it. The temporary measures have been proposed to enable Government guidelines and restrictions due to Covid-19 to operate effectively.

## **Consultation analysis**

The adopted SCI was subject to consultation in June 2019 including all known representative groups for the protected characteristics via Be Heard, letters, emails and social media. This was done using a database of consultees and contacts which is under constant review. Responses were reviewed and, changes were made as a result to strengthen further the Council's commitment to equality issues which are still carried forward into the proposed amended version. The temporary changes due to the Covid 19 restrictions will also be subject to a short consultation period prior to their adoption

## **Adverse impact on any people with protected characteristics.**

The temporary changes due to the Covid 19 restrictions, whilst not changing the emphasis and principles of the SCI, may have the potential to have a negative impact on people with protected characteristics, but mitigation measures are in place to ensure that effective consultation and engagement can continue as much as possible.

## **Could the policy/proposal be modified to reduce or eliminate any adverse impact?**

Further modifications may be made as a result of the Consultation on the temporary changes. However the proposed temporary changes have included greater flexibility and mitigation measures to ensure that any negative impacts are minimal or can be accounted.

## **How will the effect(s) of this policy/proposal on equality be monitored?**

The current SCI contains a number of monitoring indicators to ensure that the effects of the SCI on consultation and engagement will achieve the principles identified and the temporary changes also include these indicators. The Council is committed to constant monitoring and review of the principles and ensure that the consultation database is continually updated to ensure new groups are captured in future consultation exercises.

## **What data is required in the future?**

Data will continue to be collected as part of the monitoring of the SCI and is set out within the monitoring section of the document. This includes the number of individuals/groups participating in consultations with the protected characteristics and how much participants value their involvement in the process.

**Are there any adverse impacts on any particular group(s)** No

## Summary and evidence of findings from your EIA

It is envisaged that a full assessment of the temporary changes to the SCI due to the Covid-19 restrictions is not required.

The temporary changes due to the Covid 19 restrictions, whilst not changing the emphasis and principles of the SCI, may have the potential to have a negative impact on people with protected characteristics, but mitigation measures are in place to ensure that effective consultation and engagement can continue as much as possible.

## QUALITY CONTORL SECTION

**Submit to the Quality Control Officer for reviewing?** Yes

**Quality Control Officer comments** None

**Decision by Quality Control Officer** Proceed for final approval

**Submit draft to Accountable Officer?** Yes

**Decision by Accountable Officer** Approve

**Date approved / rejected by the Accountable Officer** Approve - 15/06/2020

**Created at** 11/06/2020 04:22 PM by Martin Dando

**Last modified at** 15/06/2020 02:52 PM by Workflow on behalf of Uyen-Phan Han