

Birmingham City Council

Planning Committee

19 October 2023

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Approve – Conditions	6	2023/03068/PA 430 Tyburn Road Erdington Birmingham B24 8HP Demolition of existing building and change of use of land to electric vehicle charging hub including resurfacing, erection of 2no. electricity substations, installation of electric vehicle charging points, landscaping and associated works

Committee Date:	19/10/2023	Application Number:	2023/03068/PA
Accepted:	11/05/2023	Application Type:	Full Planning
Target Date:	20/10/2023		
Ward:	Gravelly Hill		

430 Tyburn Road, Erdington, Birmingham, B24 8HP

Demolition of existing building and use of land as electric vehicle charging hub including resurfacing, erection of 2no. electricity substations, installation of electric vehicle charging points, landscaping and associated works

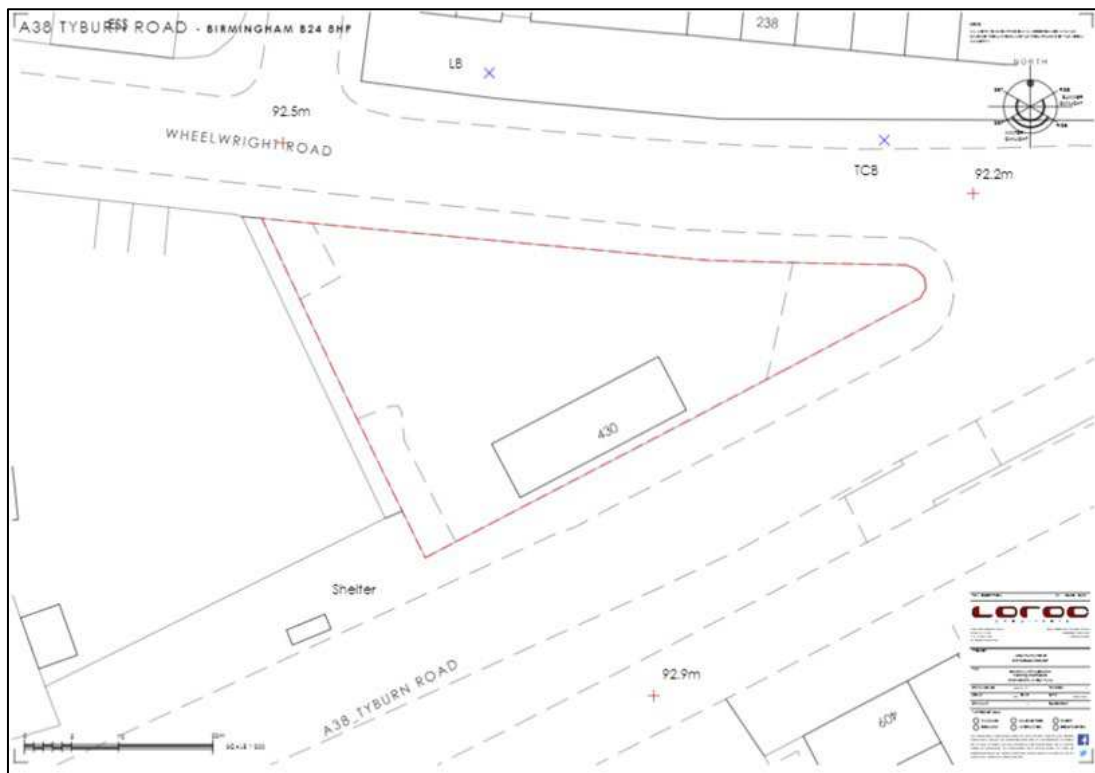
Applicant:	Metalcraft Developments Ltd Unit 1 Bowling Park Close, Bradford, BD4 7HG
Agent:	ELG Planning Gateway House, 55 Coniscliffe Road, Darlington, DL3 7EH

Recommendation

Approve subject to Conditions

1. Proposal

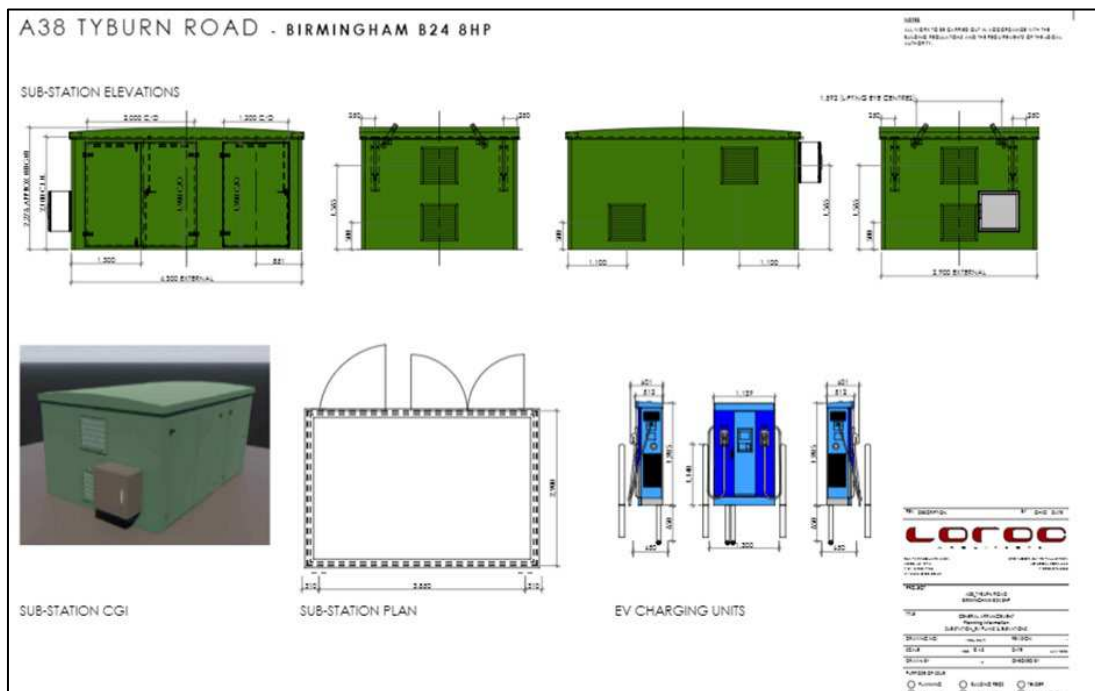
- 1.1. Planning permission is sought for the demolition of an existing building and use of the site as an electric vehicle charging hub including 2no. electricity substations, installation of no.13 electric vehicle charging units, landscaping and associated works.
- 1.2. The site would provide 26 parking bays, one charging unit proposed for every 2 bays. Four of the parking bays would be designated for disabled parking. Each unit would measure 1.2m (W) x 1.9m (H) x 0.5 (D) and would be coloured blue. The proposed substations would be sited along the north-eastern boundary of the site, each measuring 4.3m (W) x 2.3m (H) x 3.0m (D) and coloured green. The proposed layout is shown in the Proposed Site Layout Plan below.
- 1.3. The existing vehicular access into the site from Wheelwright Road would be retained. The existing Paladin fencing along the site's boundaries would also be retained.
- 1.4. The proposed use would be available 24-hours daily and would be monitored by CCTV.



Existing Site Plan



Proposed Site Layout Plan



Proposed Elevations of Substations and EV Chargers

[Link to Documents](#)

2. **Site & Surroundings**

- 2.1. 430 Tyburn Road is a triangular piece of land located at the corner of Tyburn Road and Wheelwright Road. The site area is approximately 1242.1sqm. The existing building (to be demolished) is located on the southern boundary of the site and was used in association with the previous use as a 'We Buy Any Car' (Use Class Sui Generis).
- 2.2. The site is located within a mixed-use area. To the north is a parade of shops and services, with some having residential accommodation at first floor. To the south are industrial and commercial properties on Tyburn Road. To the west is a vacant former builders yard at 428 Tyburn Road. The remainder of Wheelwright Road further to the west is predominantly residential.
- 2.3. The whole site is situated within inner Hazardous Site (H4399) due to proximity to XPO Supply Chain UK Ltd and the eastern part of the site is located within the outer Hazardous Site (H1164) due to proximity to Birmingham Terminal, Wood Lane.

[Site Location](#)

3. **Planning History**

- 3.1. 21/06/2010 – 2010/01899/PA - Change of use from car wash to vehicle purchasing site, installation of roller shutters, erection of 2.4m high mesh boundary fencing. Approved, subject to a temporary consent.

4. **Consultation**

- 4.1. Transportation Development – No objection.

- 4.2. Regulatory Services – Recommend a condition permitting use for 1 year to enable activities at the site to be monitored to assess potential impacts on nearby residents.
- 4.3. Severn Trent – No objection, subject to a condition requiring the submission of drainage details.
- 4.4. West Midlands Police – No objection, subject to conditions requiring submission of a lighting scheme and a security management plan.
- 4.5. Ecology – No objection.
- 4.6. West Midlands Fire Service – No adverse comments.

5. Third Party Responses:

- 5.1. Neighbours, resident associations and ward members have been consulted. A site notice has been displayed.
- 5.2. Councillor Michael Brown has raised the following concerns:
 - There are no local amenities that would support this development for drivers to use while they wait potentially for in excess of an hour for a vehicle to be charged.
 - The size of the site is not proportionate to a residential location.
 - Potential anti-social behaviour problems if on site security is not provided.
 - The size of the hub does not support the Council's EV strategy prioritising a move to Net Zero target of reducing private usage to 40% by 2030.
 - Unsafe egress/ access onto Wheelwright Road, which would be hazardous to vehicle and pedestrian safety.
 - Substantial power demand which could impact on future developments in the area.
 - Light pollution.
 - There does not appear to have been sufficient attention given to the needs of lone women using the site during hours of darkness.
- 5.3. 8 letters of objection have been received from local residents, raising the following concerns:
 - The proposal would lead to anti-social behaviour.
 - Increased coming and going resulting in general disturbance to nearby residential dwellings.
 - The proposal will create and /or exacerbate existing on-street parking issues.
 - The proposal will increase air pollution, negatively impacting the health and wellbeing of residents.
 - Pedestrian safety on Wheelwright and Tyburn Road will be compromised.
 - Increased traffic congestion in the area.
 - Fire safety risks and associated air pollution from EV's catching fire.
 - Concerns relating to flood risk.
 - Inadequate time to comment.
- 5.4. Four petitions have been received with a total of 130 signatures, raising the following issues:
 - There are no local amenities for users (such as toilets) to use during the potential 1 hour charging time.
 - Light pollution.

- Anti social behaviour during the late evening and there is no indication in site security will be provided.
- Potentially unsafe access/egress to the site.
- The site is not proportionate to the streetscape considering its location in a residential area.
- There will be an increase in traffic and pollution.

6. Relevant Local and National Policy Context

6.1. National Planning Policy Framework (if relevant)

- Chapter 2 Achieving sustainable development
- Chapter 9 Promoting sustainable transport
- Chapter 12 Achieving well-designed places

6.2. Birmingham Development Plan 2017:

- PG3 Place making
- TP1 Reducing the City's carbon footprint
- TP2 Adapting to climate change
- TP5 Low carbon economy
- TP38 A sustainable transport network
- TP43 Low emission vehicles

6.3. Development Management DPD:

- DM1 Air quality
- DM2 Amenity
- DM14 Transport access and safety
- DM15 Parking and servicing

6.4. Supplementary Planning Documents & Guidance:

- Birmingham Parking SPD 2021
- Birmingham Design Guide SPD 2022

7. Planning Considerations

- 7.1. This application has been assessed against the objectives of the policies as set out above. The matters for consideration are the principle of the development, design and appearance, residential amenity and parking /highway safety.

Principle of Development

- 7.2. The National Planning Policy Framework sets out a presumption in favour of sustainable development in appropriate locations and promotes high-quality design and a good standard of amenity.
- 7.3. Policy TP1 (Reducing the City's carbon footprint) details that the Council is committed to a 60% reduction in total carbon dioxide (CO2) emissions produced in the City by 2027 from 1990 levels; one of the described actions to achieve a reduction in emission is supporting sustainable transport systems and promote the use of low and zero carbon energy sources and technologies. TP5 (Low carbon economy) further echoes this sentiment, supporting the development of innovative energy technologies to reduce the use of fossil fuels and CO2 emissions and promotion of low carbon industries. Policy TP43 specifies that proposal for low emission vehicles such as

electrical vehicles should be encouraged through facilitating the introduction of charging points in public places.

- 7.4. It is considered that the proposal would facilitate the growth of electric vehicle usage and greener travel methods. Therefore, in the broadest sense the application adheres to policy and is acceptable.

Design and Appearance

- 7.5. Policy PG3 of the BDP requires that the design of developments responds to site conditions and the local area context.
- 7.6. Given the mixed use nature of the area, it is considered that a charging hub in this location is an appropriate form of development and that the charging units and substations would not have any adverse impact on the visual amenities of the area. Further, an existing building adjoining Tyburn Road would be removed, additional landscaping would be provided and the existing Paladin fencing around the site would be retained. As such, the proposal is in accordance with policy PG3 and the Birmingham Design Guide.

Residential Amenity

- 7.7. Policy DM2 of the DPD states that 'all development will need to be appropriate to its location and not result in unacceptable adverse impact on the amenity of occupiers and neighbours. In assessing the impact of development on amenity the following will be considered: aspect and outlook, noise, fumes, dust, air or artificial light pollution, safety considerations, crime, fear of crime and anti-social behaviour.
- 7.8. Regulatory Services are satisfied that noise levels from the substations and charging units would not be unduly excessive.
- 7.9. A 'temporary 1yr consent in the first instance has been recommended by Regulatory Services. However, this has not been attached as it is considered that it would not be reasonable due to the financial cost of delivering the development, the investment then being at risk should permanent permission subsequently not be granted or additional conditions be imposed. Additionally, issues of noise and anti-social behaviour could be dealt with under other regulations.
- 7.10. West Midlands Police have no objections but have recommended lighting scheme and security management plan conditions, including provision of CCTV. These have been attached in the interests of safeguarding residential amenity.
- 7.11. Regulatory Services have not raised any concern in relation to increased air pollution. The applicant has advised that there is no scientific evidence to suggest that due to the greater weight of electric vehicles, the amount of tyre waste particles would be increased.
- 7.12. The applicants have advised that they are a national provider and that there are no amenities to be provided on site due to charging times expected to be no longer than 30 minutes, although it is likely that the average customer stay would be in the region of 10-15 minutes. It is expected that customers would remain in their vehicle whilst charging.

Highway Safety

- 7.13. Transportation Development consider that the development is likely to be utilised by existing passing-by-trips for top-up charge rather than the proposal being a

destination. There are no amenities, retail shops or services proposed and as such the proposal is unlikely to increase traffic generation on the local highway network.

7.14. The layout of the site and use of the existing vehicular access are considered to be satisfactory.

7.15. It is therefore considered that the development would have no adverse impact on highway safety.

8. Conclusion

8.1. The proposal would support the transition to low energy travel methods and the Council's pledge to reduce carbon emissions. In addition, the proposal would not adversely impact the area's visual amenity, residential amenity or highway safety. As such, the application accords with relevant national and local planning policies and should be approved subject to conditions.

Recommendation

9. Approve subject to conditions

-
- | | |
|---|--|
| 1 | Implement within 3 years (Full) |
| 2 | Requires the scheme to be in accordance with the listed approved plans |
| 3 | Requires the submission of hard and/or soft landscape details |
| 4 | Requires the submission of a lighting scheme |
| 5 | Requires the submission of a site security scheme |
-

Case Officer: Jacqueline Hughes

Photo(s)



Image 1: Ariel View of the Application Site (Source: Google Earth)



Image 2: Southern Elevation of the application site (Source: Google Earth)



Image 3: Northern Elevation of the application site (Source: Google Earth)

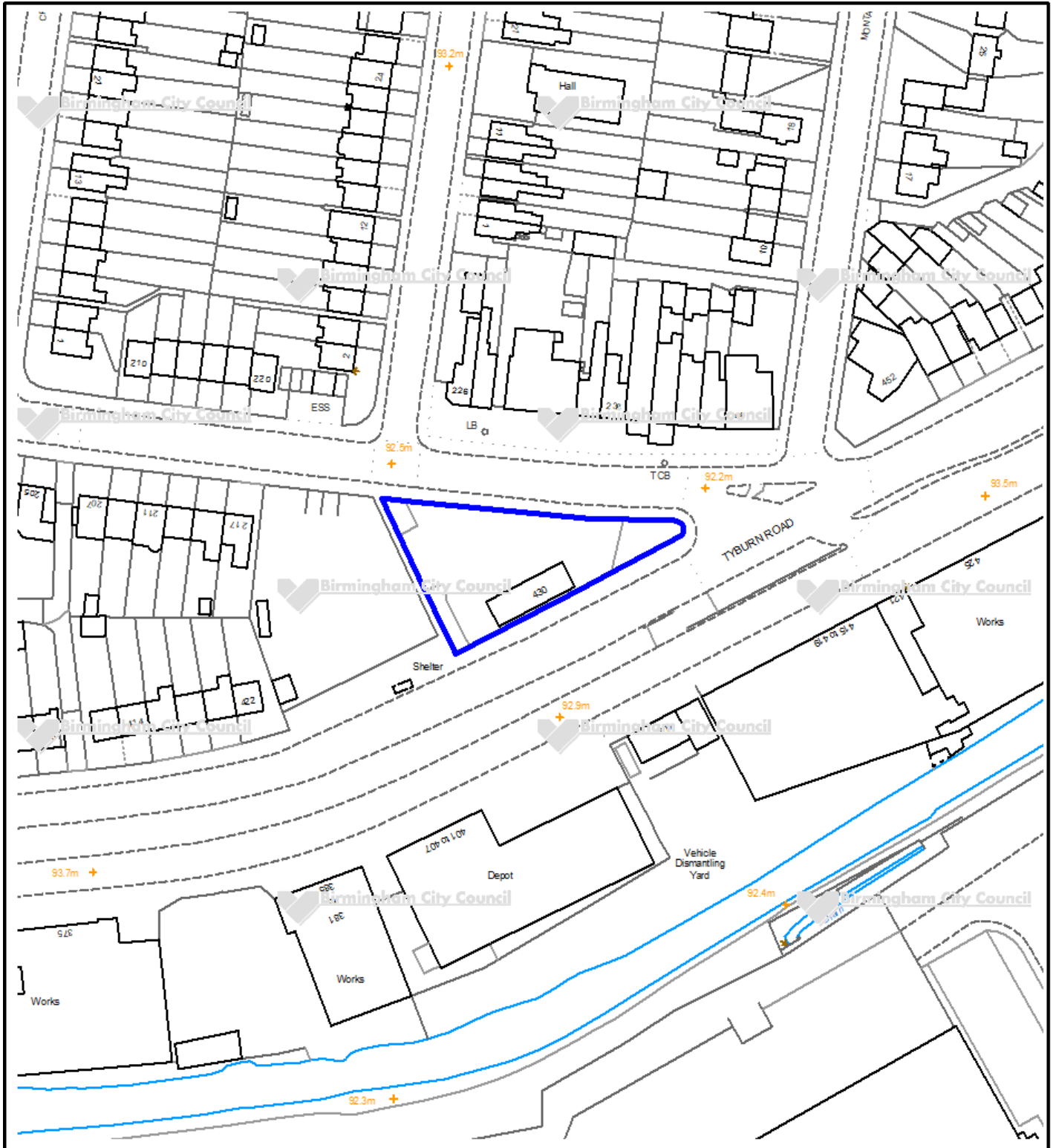


Image 4: Street view from the junction with Tyburn Road and Wheelwright Road. (Source: Google Earth)



Image 5: Street view from Wheelwright Road (Source: Google Earth)

Location Plan



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Birmingham City Council

Planning Committee

19 October 2023

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Approve – Subject to 106 Legal Agreement	7	2023/03677/PA One Park Square Land west of Austin Way Longbridge Birmingham B45 Outline planning application with all matters reserved for a residential development of up to 220 dwellings (C3) together with access, parking, landscaping, and associated infrastructure.
Approve – Subject to 106 Legal Agreement	8	2023/03678/PA Two Park Square Land off College Street Longbridge Birmingham B45 Outline planning application with all matters reserved for a residential development of up to 160 dwellings (C3) together with access, parking, landscaping, and associated infrastructure.

Committee Date: 19/10/2023 Application Number: 2023/03677/PA
 Accepted: 02/06/2023 Application Type: Outline
 Target Date: 31/10/2023
 Ward: Longbridge & West Heath

One Park Square, Land west of Austin Way, Longbridge, Birmingham, B45,

Outline planning application with all matters reserved for a residential development of up to 220 dwellings (C3) together with access, parking, landscaping, and associated infrastructure.

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

Recommendation

Approve Subject to a Section 106 Legal Agreement

1. **Proposal:**

- 1.1 Outline planning permission with all matters reserved for future consideration is sought for a residential development of up to 220 dwellings alongside access, parking, landscaping and associated infrastructure.
- 1.2 An illustrative parameters plan is submitted to show that the proposed development can be accommodated satisfactorily on the site. The plan identifies a residential build zone with landscape and parking areas fronting onto Austin Park to the north of the Site and Longbridge Retirement Village to the south with a general height parameter of 6 storeys with scope to increase up to 9 storeys along Austin Park to the north and the A38 to the west.



Parameters Plan

- 1.3 The Design and Access Statement provides an illustrative scheme which could be accommodated on the site. The illustrative scheme reflects a development of around 200 dwellings with a mix of 1-, 2- and 3-bedroom units, 50% parking provision, and landscaping.



Illustrative ground floor site layout

- 1.4 The illustrative layout shows that the ground floor could accommodate 23 apartments comprising 13, 1-bedroom properties: 8, 2-bedroom properties and 2, 3-bedroom properties.



Illustrative Upper Floors Layout

- 1.5 The illustrative layout shows that the upper floors could typically accommodate 37 apartments per floor comprising 19, 1-bedroom properties: 14, 2-bedroom properties and 4, 3-bedroom properties. This layout could provide 208 apartments in total with 97 car parking spaces.



Illustrative view from the Bristol Road South (A38) from the West showing an illustrative scheme of a block of 8 storeys and a block of 6 storeys.

- 1.6 The application is supported by a Design and Access Statement, Planning Statement, Ecological Impact Appraisal, Acoustic Report, Phase 1 Geo-Environmental Desk Study, Financial Viability Appraisal, Flood Risk Assessment and Drainage Strategy, Transport Statement, Travel Plan, Air Quality Statement and a Sustainable Construction and Energy Statement.
- 1.7 An affordable housing heads of terms is submitted that identifies that the proposed development would provide affordable housing on the following either/or basis:
 - a) 10% affordable comprising 7.5% at an 20% discount to market value and 2.5% First Homes at a 30% discount to open market OR
 - b) 5% affordable, comprising 3.75% Social Rent with 50% of the Social Rented Units to be 3 bed properties and 1.25% First Homes at 30% Discount to Open Market.
- 1.8 Site area: 1.45Ha including road access, 0.95Ha without road access. Density: 232 dwellings per hectare.
- 1.9 [Link to Documents](#)

2. **Site & Surroundings:**

- 2.1. The site is primarily located within the identified and allocated Longbridge District Centre boundary and forms part of the Longbridge North redevelopment area. The centre has been developed in two main phases. The first comprising a Sainsbury's store, small shop units, offices, a hotel and other centre uses. The second phase comprised a bespoke M and S store and a terrace of larger unit shops.
- 2.2. The application site comprises 0.95 ha of vacant, cleared land with some self-seeded vegetation. It was originally cleared of its former buildings some 15 years ago and has been essentially vacant ever since. There is an area of hard standing on the south-western corner of the site which is currently being used as a temporary car park with compound area. It is enclosed by mesh fencing and has a temporary vehicular access point off Austin Way along its western boundary. The topography of the site slopes down in a south-north direction.
- 2.3. The Site is immediately bounded by Austin Park to the north, Austin Way to the east, Longbridge Retirement Village to the south and Longbridge Island (i.e. junction of the A38 and Lickey Road) to the west. It forms an integral part of the new Longbridge Town Centre which extends to the north, east and south. South and City College is located beyond Austin Park to north, Sainsburys supermarket along with a range of food retailers and small shops are situated to the north-east, the flagship Marks and

Spencer store, other retailers, gym, and food court are to the east. The Birmingham railway line runs beyond this, along the eastern boundary of the town centre.

- 2.4. To the south, a new apartment scheme, completed in 2022, beyond which is existing residential development along Cooper Way and Dalmuir Road. Residential development and St Columbia Catholic Primary School front onto Lickey Road to the south-west of the Site. The premises for the staff of the Royal Centre for Defence Medicine is situated to the north-west of the Site, with the wider Longbridge West site beyond.
- 2.5. The Site is located within an easy walking distance from Longbridge train station which provides convenient services into Birmingham and Worcester. Local bus services are also available from stops along Lickey Road and the A38 which are accessible via the existing pedestrian and cycle links which run along the northern and southern boundaries of the Site.
- 2.6. The site is located within a commercial centre which, on a wider view, is in a residential suburban area.
- 2.7. [Site Location Map](#)

3. **Planning History:**

- 3.1. The wider former MG North Works site has extensive planning history none of which is relevant to this application. The following pertinent history relates to the site and sites adjacent.
- 3.2. 19 March 2015. 2014/09425/PA. Outline planning permission granted with all matters reserved for future consideration for the erection of up to 10,040 sqm offices (B1), access, parking, landscaping and associated development infrastructure.

Adjacent sites

- 3.3. 10 August 2023. 2021/08642/PA. Outline planning application with all matters reserved for future consideration for a mixed use scheme comprising the conversion of the International Headquarters (IHQ), the Roundhouse and the Conference Centre to provide 9,980sqm of employment space, conversion of the Car Assembly Building (CAB 1) to provide up to 4,940sq.m of mixed employment uses, up to 695 new homes and integrated public open space via three accesses from Dalmuir Road, Lickey Road and Lowhill Lane and a further pedestrian and cycle access from Groveley Lane. Site is located to the south of the application site.
- 3.4. 15 May 2023. 2023/01857/PA. Planning permission granted for the retention of single storey building (Use classes A1 (Ea), A3 (Eb), A4 (Sui Generis), D1 (Ed, Ee and Ef) and/or D2 (Sui Generis)), ancillary stores and toilet buildings, external seating, access, service space, landscaping and associated infrastructure following temporary permission under 2019/10577/PA.
- 3.5. 27 February 2020. 2019/08498/PA. Planning permission granted for the erection of an office building (Use Class B1a) with associated access, car parking, landscaping, drainage and infrastructure works. (Two Park Square).
- 3.6. 12 February 2020. 2019/10577/PA. Temporary planning permission for 5 years granted for the erection of a single storey building (GEA 665sq.m) for uses including A1 retail, A3 restaurant/café, A4 (drinking establishment), D1 (non-residential institution e.g., art gallery, museum, library) and D2 (assembly and leisure e.g.,

cinema); ancillary stores and toilet buildings, external seating, access, servicing and landscaping for a temporary period of 5 years – expires 12 February 2025.

- 3.7. 15 September 2020. 2020/02457/PA. Planning permission granted for the erection of residential apartment block comprising 56 apartments (21 x 1 bedroom and 35 x 2 bedroom) with associated access, parking, landscaping and infrastructure.
- 3.8. 21 December 2017. 2017/07621/PA. Reserved Matters approval (to include access, appearance, layout, scale and landscaping) for the erection of 215 dwellings and associated infrastructure pursuant to outline planning permission 2014/09251/PA at Land off Lickey Road (Phase 4) - adjacent to Austin Avenue, Cooper Way and Dalmuir Road, Longbridge.
- 3.9. 24 March 2016. 2014/09251/PA. Outline planning permission granted with all matters reserved for future consideration for residential development (up to 215 dwellings). (Phase 4 Lickey Road)
- 3.10. 16 September 2014. 2014/04442/PA. Planning permission granted for the development of an extra care village comprising 260 units and village centre in a five-storey building with associated car parking, roads and landscaping.
- 3.11. 7 August 2014. 2013/09229/PA. Planning permission granted for retail and service development (A1, A3 and A5) comprising 14,832sq.m (GEA) anchor store, retail units of 4,383sq.m (GEA), restaurant/takeaway pavilion building of 589sq.m (GEA), erection of multi storey car park of 1216 spaces and surface level car park of 500 spaces, access, landscaping and associated works. (Phase 2 Town Centre) Subject to a Section 106 Agreement to secure:
 - a) An index linked financial contribution from the date of this planning committee of £1,857,846 towards the spend priorities of the Longbridge Infrastructure Tariff identified in Table 2 of the Longbridge Area Action Plan 2009 payable as 25% on commencement of development, 25% on first occupation, 25% on 50% occupation and 25% on 95% occupation.
 - b) The first occupation of the 14,832sq.m retail unit shall be Marks and Spencer Plc.
 - c) A continued commitment to remain in a Local Training and Employment Scheme with the City Council and other agencies and employ local people during construction and operation of the development.
 - d) Payment of a monitoring and administration fee associated with the legal agreement of £10,000.
- 3.12. 15 November 2013. 2013/06431/PA. Planning permission granted for construction of highway access road & footway, associated drainage infrastructure, lighting & landscaping.
- 3.13. 7 February 2013. 2012/07693/PA. Planning permission granted for highway link road, street lighting and landscaping.
- 3.14. 21 June 2012. 2012/02283/PA. Planning permission granted for recreational park including alterations to river alignment, new bridge, pedestrian cycle bridge, footpaths, hard & soft landscaping and associated river & drainage infrastructure works.
- 3.15. 9 September 2011. 2011/00773/PA. Planning permission granted for mixed use development comprising new superstore, shops (A1), Financial and Professional (A2), Restaurants/Cafes (A3), Public Houses (A4) and Hot Food Takeaways (A5), Offices (B1a), 40 residential apartments, hotel, new public park, associated parking and service infrastructure and new highway access from Longbridge Lane and Lickey Road. (Phase 1 Town Centre)

- 3.16. 17 April 2009. 2008/06456/PA. Planning permission granted for development of a college facility (Class D1), with associated landscaping, parking and access arrangements.

4. Consultation Responses:

- 4.1. Bromsgrove District Council - Whilst Bromsgrove District Council raise no objection to the proposal, it would be prudent to fully explore all potential uses that could still be accommodated on the site in accordance with Proposal LC1 of the Longbridge AAP which requires the provision of a local centre comprising of retail, services, leisure uses, education, community facilities, residential, live /work units, office space and other appropriate commercial uses to ensure that all other possible uses/options have been explored/exhausted before considering residential for the site.
- 4.2. Network Rail – No objections.
- 4.3. West Midlands Fire Service – No objections. Proposal will need to comply with Building Regulations.
- 4.4. Environment Agency – No objections subject to conditions relating to contaminated land remediation strategy and piling.
- 4.5. National Highways – No comment.
- 4.6. Leisure Services – No response received.
- 4.7. West Midlands Police – No objection subject to safeguarding conditions relating to lighting and secure cycle storage.
- 4.8. Severn Trent Water – No response received.
- 4.9. Lead Local Flood Authority – No objection subject to sustainable drainage conditions.
- 4.10. Regulatory Services – No objection subject to safeguarding conditions relating to construction management, contaminated land, noise and EV charging.
- 4.11. Transportation – No objection subject to safeguarding conditions relating to cycle parking, servicing and tracking for refuse and delivery vehicles. A supporting statement on transport is provided that confirms no impacts based on the numbers of units proposed.
- 4.12. Ecology – No objection subject to safeguarding conditions relating to ecological enhancement measures, bird/bat boxes, construction ecological management plan, landscape and ecology management plan, lighting, biodiversity roof, landscaping and biodiversity net gain.
- 4.13. Active Travel England – Application should be determined taking standing advice into consideration.

5. Third Party Responses:

- 5.1. 343 local residents, Ward Councillors for Northfield, Longbridge and West Heath and Rubery and Rednal wards, MP and Resident Associations notified. Site and press notices posted. 1 letter of support/comment and 33 letters of comment/objection received from residents living adjacent to the site in the Longbridge Retirement village and Austin View along with one from Councillor Debbie Clancy. The letter of support

stated that density should be higher than proposed and that too much parking is proposed. Comments/objections are based on the following grounds:

- Noise
- Further views of concrete/views blocked from balconies
- Highway Safety, traffic and parking provision
- Inclusion of bird and bat boxes?
- Increased requirement for service infrastructure including schools, doctors, dentists, pharmacies – and no extra provision.
- More balanced and mixed development would be better.
- Height, scale and density of proposed blocks.
- Loss of light and privacy to existing residents in Austin View and the Extra Care Village.
- Insufficient landscaping proposed
- Surface water drainage.
- Lack of affordable housing.

- 5.2. Councillor Clancy - Please record my concerns regarding the amount of car parking spaces being allocated for this development. Paragraph 3.8, Section 3 of the Development Proposal states 50% parking provision. Whilst it is understood the BDP Policies include reducing the city's carbon footprint for different aspects, nonetheless, based on previous casework within this development, my concerns are this parking provision will be insufficient thus putting additional pressure on nearby residential roads. The proposal states 6 storeys with scope for 9 storeys, therefore additional car parking spaces should be a higher proportionality. The local amenities do provide sufficient scope for everyday needs; however, it must be reiterated that the area and this new development should still provide a higher percentage of parking.

Please record my further concerns that the proposals admit that despite extensive ongoing marketing there is a lack of market interest to use this area for office space. The AAP and vision were for more job creation and would align with the need to encourage employment thus adding an additional business investment and economy which could align with inclusive growth. I do accept that whilst West Longbridge will be an additional scope for employment, the trade-off for a decrease in business take up should be for the Developers to consider a more mixed development of housing rather than apartments, particularly with a view that another planning application for 160 dwellings (apartments) has been proposed under 2023/03678/PA. Despite the focus being on high density of housing in this location, consideration should be given to greater scope on growing family accommodation which would attribute to a more family living environment and align with the young population and growing families within the South of the City and in addition to this, family homes will also provide a return on investment for banded Council tax.

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

a) National Planning Policy Framework

Chapter 2: Achieving Sustainable Development – paras. 7, 8, 10, 11

Chapter 4: Decision-making – paras. 38, 55, 56, 57

Chapter 5: Delivering a sufficient supply of homes – paras. 63, 65

Chapter 8: Promoting healthy and safe communities – paras. 92, 98

Chapter 9: Promoting sustainable transport – para. 110-113

Chapter 11: Making effective use of land – paras. 120, 124

Chapter 12: Achieving well-designed places – paras. 126, 130, 131

Chapter 14: Meeting the challenge of climate change, flooding and coastal change – paras. 152, 167 and 169

Chapter 15: Conserving and enhancing the natural environment – paras. 174, 180, 183-188

b) Birmingham Development Plan 2017

PG1 – Overall Levels of Growth
PG3 – Place Making
GA10 – Longbridge
TP1 - Reducing the City's carbon footprint
TP2 – Adapting to Climate Change
TP3 – Sustainable Construction
TP4 – Low and Zero Carbon Energy Generation
TP6 – Management of Flood Risk and Water Resources
TP7 – Green Infrastructure Network
TP8 – Biodiversity and Geodiversity
TP9 - Open space, playing fields and allotments
TP26 – Local Employment
TP27 - Sustainable neighbourhoods
TP28 - The location of new housing
TP29 - The housing trajectory
TP30 - The type, size and density of new housing
TP31 - Affordable housing
TP37 - Health
TP38 – A Sustainable Transport Network
TP39 – Walking
TP40 – Cycling
TP44 - Traffic and congestion management
TP45 - Accessibility standards for new development
TP46 - Digital communications
TP47 - Developer contributions

c) Longbridge Area Action Plan AAP

d) Development Management DPD:

Policy DM1 – Air Quality
Policy DM2 – Amenity
Policy DM3 - Land affected by contamination, instability and hazardous substances.
Policy DM4 – Landscaping and Trees
Policy DM5 – Light Pollution
Policy DM6 – Noise and Vibration
Policy DM10 - Standards for residential development
Policy DM14 – Transport Access and Safety
Policy DM15 – Parking and Servicing

e) Supplementary Planning Documents & Guidance:

Birmingham Design Guide SPD
Birmingham Parking SPD
Public Open Space in New Residential Development SPD
Affordable Housing SPG
Nature Conservation Strategy for Birmingham SPG
Sustainable Management of Urban Rivers and Floodplains SPD

7. **Planning Considerations:**

- 7.1. The key issues for determination are the principle of development, housing land supply, quantum of development and illustrative scheme, access and issues relating to drainage, contaminated land, noise and amenity, ecology/landscape and sustainability.

Five Year Housing Land Supply

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

Principle of Development

- 7.4. The application site falls within the Longbridge Growth Area covered by policy GA10 of the Birmingham Development Plan (BDP). This policy refers to the ambitions and targets of the Longbridge Area Action Plan (LAAP). Policy GA10 of the BDP relates to Longbridge and identifies that an AAP is in place to secure comprehensive redevelopment over a 20-year period. As part of the BDP adoption, the Longbridge centre was upgraded from a neighbourhood centre to a District Centre and the boundary extended from that identified within the AAP and SPD.
- 7.5. The site is allocated under LC4 of the LAAP as part of a wider mixed-use quarter where the following uses would be considered acceptable:
- Office uses (what was B1a now Use Class E)
 - Financial and professional services (what was A2 now Use Class E)
 - Dwellings including apartments
 - Restaurants, cafes and bars (A3, A4 and A5 now Use Class E and Sui Generis)
 - Other appropriate uses including hotel, health centre, creche, religious and cultural uses and residential institutions.
- 7.6. Planning permission is sought for a residential apartment development which could include a mix of 1, 2 and 3-bedroom properties. This application would achieve up to 220 dwellings, the delivery of which would make a welcome contribution to achieving the 51,000 additional homes that are required in Birmingham by the end of the plan period. Permission has previously been granted for office development on the site however, following extensive marketing of the site for employment uses over a number of years, no end user has come forward. The need for offices in this location has fallen considerably since Covid and the requirement for further housing has risen significantly. Given this and that the proposed use would be in accordance with Policy LC4 of the LAAP, I consider that the principle of the development is in accordance with policy.

Quantum and layout of development

- 7.7. The illustrative layout plans, as detailed above, identify how the site could come forward for the proposed residential development. As the application is made in outline form with all matters reserved; this plan is illustrative with only the quantum of development gaining approval. The development could come forward differently to that shown. The proposal, in quantum terms, seeks permission for up to 220 dwellings on approximately 0.95ha. The proposed indicative mix could see:

- 1-bedroom apartments – 108 (52%)
 - 2-bedroom apartments – 78 (38%)
 - 3-bedroom apartments – 22 (10%)
- 7.8. The mix of apartment size proposed is welcomed, as they would be complementary to the wider Longbridge development which includes a wide mix of apartments and houses alongside employment and retail uses helping to meet everyday community needs, creating a more sustainable place. With regards to policy TP30 (The type, size and density of new housing) the submission proposes up to 220 dwellings with an illustrative mix of 52% 1 bedroom, 38% 2-bedroom and 10% 3-bedroom apartments.
- 7.9. The Council's published Housing and Economic Development Needs Assessment (HEDNA) provides guidance on the mix of dwelling sizes, required in different parts of the city. This identifies that in the Northfield Constituency, there is a greater need for two and three bedroomed properties. Whilst it is not expected that every proposal would provide the exact mix suggested above, the current proposal appears to represent an over-provision of one-bedroom units, and it would be preferable to see an increase in 3-bedroom units. This would contribute to the aim of creating a more varied supply of homes in the area.
- 7.10. Whilst this proposal would see a possible high percentage of one-bedroom apartments, the wider Longbridge site has already seen a higher percentage of 2 bedroom and larger 3 and 4 bedroom dwellings provided on sites at Lowhill Lane and adjacent to this application site on both Phase 3 and Phase 4 Lickey Road. Planning permission has also recently been approved for 2, 3 and 4-bedroom properties on Longbridge West and on the former Nanjing works (to the south of this site). As such, whilst 1-bedroom apartments are proposed on this site within the town centre, over the wider Longbridge AAP redevelopment area, a wider mix of larger family dwellings have and will continue to be provided.
- 7.11. However, whilst the mix of unit sizes does not necessarily meet the identified requirements for the area, the site is in the Longbridge Growth Area (GA10), the overall aim of which is to secure comprehensive regeneration and guide future development over a 15-20-year period. The 2021 monitoring report shows that 1,320 dwellings have been built or have consent. These 220 dwellings would help meet this need and the percentage of 2 and 3-bedroom units would contribute towards the identified need for the Northfield Constituency and would also contribute to the wider 51,000 additional homes that are required to be built in Birmingham by the end of the plan period.
- 7.12. Generally, the road access utilising the existing road network is appropriate and pedestrian and cycle access is readily available due to the site connection to the town centre.
- 7.13. However, in layout terms, as illustratively shown, a perimeter block layout would not be achieved, with the development addressing the retirement village very poorly with no built frontage. There would be no buildings facing the village to create a defined urban street with a human scale or sense of enclosure. Instead, the existing flats would have views over a large hard landscape car park. Space would need to be made for adequate hedge and tree planting to create enclosure, define ownership, improve views from the retirement village and benefit biodiversity. No private (shared) amenity space would be provided for the development as shown on the illustrative scheme, the central courtyard being shown as a car park with limited areas of planting. It may be possible to create a more complete perimeter block whilst achieving the required separation distances, as well as a better defined public and private space and street character. Options to increase biodiversity could be explored within the courtyard if this were to have a softer landscape character. City Design, whilst not objecting to the

proposal in principle, have raised the issues outlined above and these have been provided to the applicant to address in a future reserved matters submission.

- 7.14. The density of development influences the amount of parking required. The way that parking could be dealt with is illustratively shown adjacent to the two illustrative building blocks within the site with a possible 97 spaces provided for 208 units. A 50% parking provision would be in accordance with the SPD requirements. As shown on the illustrative proposal, parking would dominate the development, despite only 50% being achieved. Whilst other means of providing parking should be explored, I do note that the proposal is in outline only with all matters reserved. As such, this issue has been raised with the applicant for consideration during the future reserved matters submission.
- 7.15. The scale of the proposed development would appear appropriate to the context at six storeys albeit that a different development could come forward. The proposal with a general height parameter of 6 storeys with scope to increase up to 9 storeys along Austin Park to the north and the A38 to the west could be acceptable subject to detailed design and impact on adjacent residential development. City Design consider that a maximum of five storeys would be more appropriate. The scale of development has been discussed with the applicant and whilst I do consider that five storeys as a maximum is likely to be the most appropriate scale once detailed design comes forward, it may be that a greater scale may be appropriate on some parts of the application site rather than others, As such, these are considered to be detailed design issues that can be addressed during future reserved matters submissions.
- 7.16. No details of design or appearance are provided as the application is in outline form with all matters reserved however, the accompanying indicative 3D visualisations suggest the use of contemporary architecture with an emphasis on the use of brick. The Birmingham Design Guide promotes high quality contemporary design that has evolved from the local context, and so this approach would be supported.
- 7.17. With regards to landscape, over the longer term, the development should represent positive townscape and landscape change for the site and surrounding area. No details are provided as the application is in outline form and landscaping remains a reserved matter for future consideration.
- 7.18. As can be seen from the consultation and neighbour responses, several issues have arisen from the outline planning submission and the illustrative scheme including scale, height, density, loss of light and loss of privacy/views. These have all been raised with the Agent/applicant so that they can be addressed during the future reserved matters submissions. The issue to be determined through this application is whether the illustrative layout indicates that the site can be appropriately brought forward for the quantum of development proposed. I consider that this site can accommodate the proposed quantum of development successfully although it is unlikely to be in the exact form of development indicated on the illustrative scheme.

Access and parking

- 7.19. As already acknowledged, the proposed development is in outline only with all matters reserved, including access. The principle and quantum of the uses proposed has been demonstrated, through the submitted transport assessment, to not have any significant effect on the highway network compared to the previous and consented uses on the site. Transportation raises no objection in principle subject to conditions relating to cycle parking and servicing and tracking plans for refuse and delivery vehicles.
- 7.20. I note the objections and comments received from adjacent neighbours in the adjacent Austin View residential development and the Extra Care Village regarding parking provision. The site, whilst access remains a future consideration, is likely to be

accessed from the existing internal road system, which is the main entrance into this and the wider town centre sites, remains in the ownership of the applicant and if parking is an issue and is preventing access and emergency access then this is in the power of the applicant to fix. The adjacent residential schemes were all built in accordance with parking requirements at the time and are within walking distance of public transport – as is this application. As already noted, the proposal would not have any significant effect on the network, including any impact on emergency vehicles, sufficient to refuse planning permission. Parking requirements would be assessed as part of any future reserved matters submission for the site. Safeguarding conditions are recommended below relating to construction management.

Ecology

- 7.21. The application is accompanied by an Ecological Impact Appraisal. I note that until detailed proposals are brought forward, the impact on ecology is unknown. Whilst the City Ecologist has raised no objections to the proposed development, they consider that there is potential for indirect pollution related impacts on the river Rea and its associated SLINC because of the proposed development. However, these impacts should be avoided through the implementation of a Construction Ecological Management Plan (CEcMP), for which a condition should be imposed. A Precautionary Working Method Statement (PWMS) for nesting birds should also be included within the CEcMP.
- 7.22. The habitats on site have been classified as modified grassland (a low distinctiveness habitat type) within the appraisal and BNG Feasibility Report. Based on a review of the information provided, the habitats present also possess some characteristics of 'other neutral grassland' and 'open mosaic habitats on previously developed land' which are higher distinctiveness habitat types. Detailed results of the Condition Assessments (i.e., which criteria were passed/failed along with any comments/justification) have not been provided within the submitted BNG Feasibility Report. The proposed development should target a minimum 10% BNG and the City Ecologist agrees with the conclusion in the BNG Feasibility Report that it should be feasible to achieve biodiversity net gain on site. The City Ecologist recommends that safeguarding conditions should be attached to any approval relating to ecological enhancement measures, bird/bat boxes, construction ecological management plan, landscape and ecology management plan, lighting, biodiversity roof, landscaping and biodiversity net gain. Most of these conditions are recommended below however, considering the delay to BNG by Central Government, I do not consider it necessary to impose conditions relating to biodiversity net gain, biodiversity roof and a landscape and ecology management plan currently. On this basis, I consider that the proposed development accords with policy.

Environmental Considerations

- 7.23. The Phase 1 Geo-Environmental Interpretative Report and Remediation Strategy identify the works that would be undertaken to ensure the Site can facilitate future residential development. Regulatory Services and the Environment Agency have reviewed the submitted reports and have no objections to the proposed enabling works subject to conditions relating to land contamination. I concur with their review and the relevant conditions are recommended below.
- 7.24. A noise assessment is submitted in support of the application, and I note that several objections have been submitted on noise grounds from adjacent residents. The noise assessment has reviewed the local noise environment and concludes that the design of the development along with potential glazing and ventilation requirements could satisfactorily address the noise issues related to the site. On this basis, Regulatory Services raise no objection to the proposals subject to safeguarding conditions.

- 7.25. In relation to noise generated by the development and any impact on adjacent residential properties, whilst I note the concerns raised, the site is in an urban area on a wider redevelopment site where this is one of the remaining plots to be developed. Construction noise would be a short-term impact and as such, is considered a necessary and acceptable impact. Background noise levels are high due to existing road traffic noise, and this would not necessarily be impacted by the proposed development however, the adjacent developments were constructed to take the background noise into consideration. The impact of ad-hoc noise generators such as car doors slamming and/or people talking are difficult to measure and control but as before, the measures constructed into the adjacent residential developments should overcome any of these intermittent and ad-hoc noise sources.
- 7.26. The application is accompanied by a sustainable drainage assessment and flood risk assessment. These determine that the site is in Flood Zone 1 and at low risk of flooding from the sources assessed including the adjacent River Rea. The surface water drainage strategy would see the run-off discharging to the existing private surface water sewers adjacent to the site which discharge to the River Rea culvert immediately downstream of Austin Park. The level of discharge would be controlled by vortex flow control devices. Attenuation storage would be provided using rain gardens, bio-solar roofs, swales, permeable paving and underground attenuation. The LLFA and the Environment Agency have raised no objections to the development proposals as the proposed development would not increase the risk of flooding. Safeguarding conditions are recommended below. I consider the proposals to be in accordance with Policy.

Sustainable Energy and Construction

- 7.27. Policy TP3 requires new developments to be constructed in ways that:
- Maximise energy efficiency and the use of low carbon energy.
 - Conserve water and reduce flood risk.
 - Consider the type and source of the materials used.
 - Minimise waste and maximise recycling during construction and operation.
 - Be flexible and adaptable to future occupier needs.
 - Incorporate measures to enhance biodiversity value.
- 7.28. A Sustainability Statement has been submitted which addresses each of these requirements of policy TP3 to an appropriate level for an outline planning application. There are many measures identified within this statement that are proposed to be followed up at the reserved matters stage, for example a commitment to exceed Building Regulations Part L minimum requirements. The sustainable construction statement shows that the building will improve upon building regulations standards for water efficiency by using efficient fixtures and fittings with leak detection features. On site attenuation is proposed to capture surface water run-off and vortex flow control to oversee the discharge of this water to no faster than greenfield rates. In terms of construction, the applicant has outlined that a sustainable procurement plan and responsible construction management plan will be developed to ensure that materials will be sourced in a sustainable way.
- 7.29. Policy TP3 also requires new non-residential developments over 1,000 square metres to achieve BREEAM Excellent standard unless it can be demonstrated that this would make the development unviable. It is recognised that the development proposal will not involve any new non-residential buildings and so the requirement for BREEAM Excellent standard cannot be required.
- 7.30. Policy TP4 requires new developments to incorporate the provision of low and zero carbon forms of energy generation or to connect into existing networks where they exist, unless it can be demonstrated that the cost of achieving this would make the development unviable. Combined Heat and Power (CHP) is the preferred system of

energy generation for residential developments over 200 units or non-residential developments over 1,000 square metres.

- 7.31. The submitted energy statement outlines that the scheme will maximise energy efficiency by using a fabric first approach to improve air tightness and ensure heat loss is minimised. Low energy LED lighting is proposed alongside mechanical ventilation with heat recovery to reduce energy demand. Air Sourced Heat Pumps and PV would be incorporated into the design to satisfy policy TP4 of the BDP which would result in a 61% reduction in Co2 against the baseline.
- 7.32. Based on the above, I consider that the requirements of TP3 and TP4 have been met for a scheme in outline form.

Other Issues

- 7.33. I note that thirty-three letters of comment/objection have been received from residents. Many of the comments have been addressed above concerning car parking, highway safety, noise, loss of light/privacy and scale of development. Comments also related to school place provision and NHS service provision. The proposed development is not of a sufficient scale to seek a separate financial contribution for education provision to that provided for by the City's Community Infrastructure Levy (CIL) however, further funding for education has been secured from the development of adjacent sites. Regarding NHS service provision – this is provided through the NHS, and it is not within the Local Planning Authority's remit to provide these services.
- 7.34. I note that Regulatory Services has requested a condition relating to the provision of EV charging points. However, their provision is now a requirement under Building Regulations and as such, does not require duplication under planning.

Financial Viability and Section 106 Requirements

- 7.35. A Financial Viability Appraisal (FVA) was submitted in support of the planning application which, has been independently assessed by Lambert Smith Hampton (LSH). The FVA concluded that the proposed scheme could not support any affordable housing or off-site contributions. LSH agreed with the FVA conclusion.
- 7.36. Policy TP31 requires residential developments of 15 dwellings or more to deliver 35% of the proposed units as affordable housing subject to viability, with a strong presumption in favour of on-site provision.
- 7.37. After significant negotiation, the applicant now offers the following in terms of affordable housing on the following either/or basis:
a) 10% affordable comprising 7.5% at a 20% discount to market value and 2.5% First Homes at a 30% discount to open market (value of £932,169) OR
b) 5% affordable, comprising 3.75% Social Rent with 50% of the Social Rented Units to be 3 bed properties and 1.25% First Homes at 30% Discount to Open Market (value of £1,201,517).
- 7.38. Based on the City's requirements in relation to affordable housing and taking into consideration the City's housing waiting list and the need for affordable family accommodation, I consider the offer of 5% affordable, comprising 3.75% Social Rent and 1.25% First Homes at 30% Discount to Open Market, with 50% of the Social Rented Units to be 3 bed properties to be the more appropriate and higher value offer and as such, this is recommended below.
- 7.39. Policy TP9 of the BDP states that new residential developments will be required to provide new public open space broadly in line with the standard of 2ha per 1,000 population. It goes on to say that, in most circumstances, residential schemes of 20 or

more dwellings should provide on-site public open space and/or children's play provision. No on-site POS is proposed, and no play areas are proposed. However, Austin Park is adjacent to the site although this has no play area but play areas are provided in Cofton Park and within the recently approved residential development on Longbridge West, both of which are within walking distance of the application site.

- 7.40. No response has been received from Local Services regarding how much an off-site planning contribution for POS/play would amount to. In any event, as already identified, the scheme cannot financially support this payment.
- 7.41. The proposal is liable for CIL; however, as the proposed development is within a Low Value Area, the charge per sq./m is £0. Therefore, no payment would be required.

Planning Balance

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

Economic

- Employment generation during construction
- On-going expenditure by households purchasing and occupying the dwellings
- Greater utilisation of local shops and services by residents
- House building supports economic growth

Social

- Supply of affordable accommodation which is in short supply
- Provision of a mixture of affordable housing types

Environmental

- Ecological enhancements through new planting, biodiversity net gain
- Redevelopment of brownfield sites

- 7.44. With regards to the potential **harm** arising from the development these are:
- Environmental effects of noise, disturbance, dust etc. during construction phase (this would be controlled through a condition for a CMS)
 - Insufficient affordable housing and financial contribution for public open space/play leading to lack of provision for the site occupants.
 - Potential minor negative impact on health provision – albeit that this sits outside of the planning system and the system is unable to provide facilities for Doctor/Dentist NHS Services.
- 7.45. As well as the above considerations, considerable weight is given to the Council's lack of a 5YHLS.
- 7.46. When weighing the identified harm against these benefits, I find in this case that the benefits of the proposal do outweigh the harm and, therefore, the development is, on balance, sustainable development. I therefore consider that the presumption in favour does apply in this case and that Planning Permission should be granted.

8. Conclusion

- 8.1. The proposed development of the application site for residential purposes is considered acceptable in principle and would make a meaningful contribution towards the Council's 5YHLS and affordable housing. The proposed development would continue to expand the mix and tenure of residential properties within the Longbridge AAP area in accordance with policy requirements. There would be no adverse impact on the amenity of neighbouring occupiers and the proposed development would have a beneficial impact on ecology and landscape locally. The quantum of development proposed can be accommodated on the site and the development would see a net biodiversity gain on the site through new landscape and SuDS. On this basis, I have concluded that the proposal is sustainable development.
- 8.2. The financial viability of the site is challenging however the proposed development would provide the best outcome for moving this site forward in accordance with the aims and vision of the Longbridge AAP whilst creating a sustainable community on site.

9. Recommendation:

- 9.1. That application 2023/03677/PA be APPROVED subject to the prior completion of a Section 106 Legal Agreement to secure the following:
- a) The provision of 5% affordable housing, comprising 3.75% Social Rent and 1.25% First Homes at 30% Discount to Open Market, with 50% of the Social Rented Units to be 3 bed properties in perpetuity with further mix to be agreed.
 - b) Payment of a monitoring and administration fee associated with the legal agreement of £1,500.
- 9.2. In the absence of a suitable legal agreement being completed to the satisfaction of the Local Planning Authority by the 27 October 2023, or such later date as may be authorised by officers under delegated powers, planning permission be refused for the following reasons: -
- In the absence of a legal agreement to secure any on-site affordable dwellings for First Homes and social rent, the proposal conflicts with Policy TP31 of the Birmingham Development Plan, Proposal H1 of the Longbridge AAP and the National Planning Policy Framework.
- 9.3. That the City Solicitor be authorised to prepare, complete and seal an appropriate agreement under Section 106 of the Town and Country Planning Act.
- 9.4. That in the event of the planning obligation being completed to the satisfaction of the Local Planning Authority by 27 October 2023, or such later date as may be authorised by officers under delegated powers, planning permission for application 2023/03677/PA be APPROVED, subject to the conditions listed below: -

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- | | |
|---|--|
| 1 | Requires the submission of reserved matter details following an outline approval |
| 2 | Implement within 3 years (outline) |
| 3 | Requires the scheme to be in accordance with the listed approved plans |
| 4 | Requires the prior submission of a contamination remediation scheme |
| 5 | Requires the submission of a contaminated land verification report |
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- | | |
|----|--|
| 6 | Restricts piling using penetrative methods |
| 7 | Requires the prior submission of a sustainable drainage scheme |
| 8 | Requires the prior submission of a drainage scheme |
| 9 | Requires the submission prior to occupation of the properties of a Sustainable Drainage Operation and Maintenance Plan |
| 10 | Requires the submission and approval of external materials and detailing |
| 11 | Requires the submission and approval of building & site level details |
| 12 | Requires the prior submission of a construction ecological mitigation plan |
| 13 | Requires the submission of a scheme for ecological/biodiversity/enhancement measures |
| 14 | Requires the prior submission of details of bird/bat boxes |
| 15 | Limits the noise levels for Plant and Machinery |
| 16 | Secures noise and vibration levels for habitable rooms |
| 17 | Requires the submission of details of a communal satellite dish |
| 18 | Limits the maximum number of dwellings to 220. |
| 19 | Requires the submission of hard and/or soft landscape details |
| 20 | Requires the submission of boundary treatment details |
| 21 | Requires the submission of a landscape management plan |
| 22 | Requires the submission of a lighting scheme |
| 23 | Requires the prior submission of a construction method statement/management plan |
| 24 | Requires the prior submission of a construction employment plan. |
| 25 | Removes PD rights for telecom equipment |
| 26 | Requires the submission of vehicle parking and turning details |
| 27 | Requires the submission of cycle storage details |
-

Case Officer: Pam Brennan

Photo(s)



Photograph 1: View of site looking west towards A38 from town centre

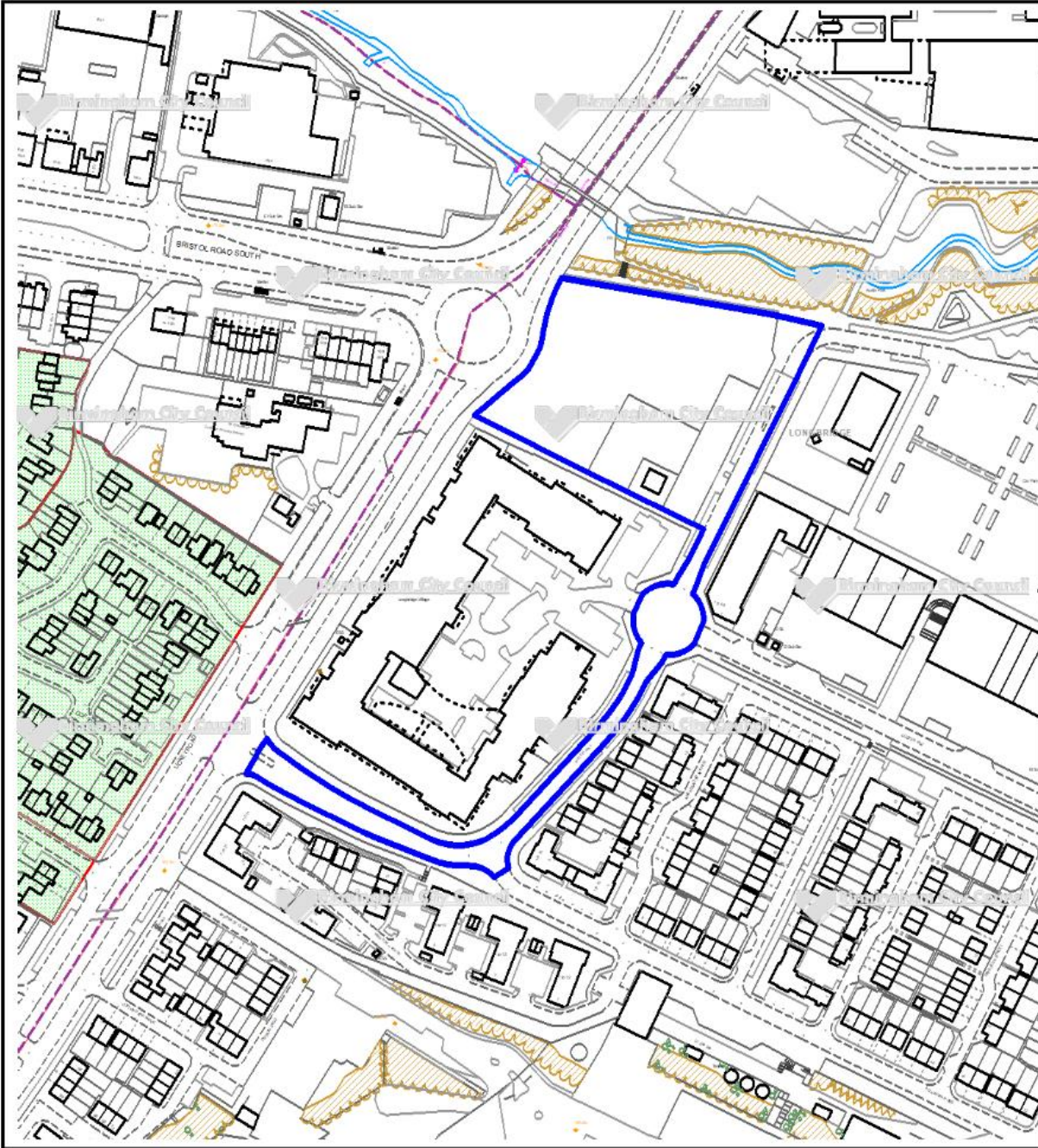


Photograph 2: View of site looking south towards the Extra Care Village



Photograph 3: View of site looking east with Extra Care Village adjacent

Location Plan



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Committee Date: 19/10/2023 Application Number: 2023/03678/PA
 Accepted: 02/06/2023 Application Type: Outline
 Target Date: 31/10/2023
 Ward: Longbridge & West Heath

Two Park Square, Land off College Street, Longbridge, Birmingham, B45,

Outline planning application with all matters reserved for a residential development of up to 160 dwellings (C3) together with access, parking, landscaping, and associated infrastructure.

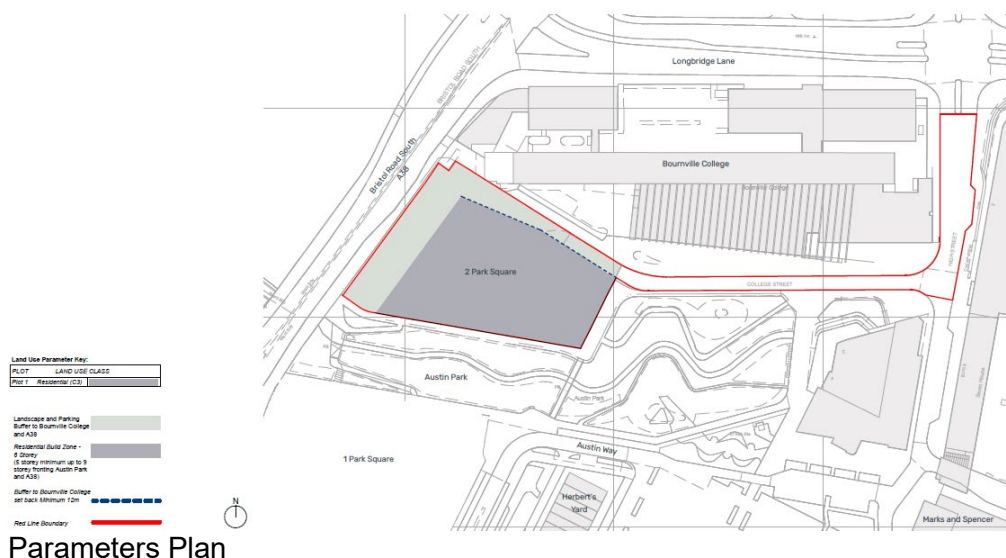
Applicant: St Modwen Developments
 C/o Agent
 Agent: Planning Prospects Ltd
 4 Mill Pool, Nash Lane, Belbroughton, DY9 9AF

Recommendation

Approve Subject to a Section 106 Legal Agreement

1. **Proposal:**

- 1.1 Outline planning permission with all matters reserved for future consideration is sought for a residential development of up to 160 dwellings alongside access, parking, landscaping and associated infrastructure.
- 1.2 An illustrative parameters plan is submitted to show that the proposed development can be accommodated satisfactorily on the site. The plan identifies a residential build zone with landscape and parking areas fronting onto the A38 to the west of the Site with a general height parameter of 6 storeys with scope to increase up to 9 storeys along Austin Park to the south and the A38 to the west.

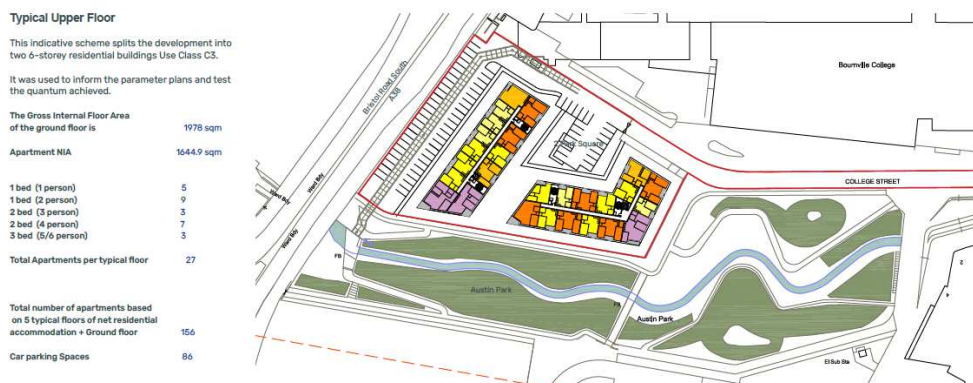


- 1.3 The Design and Access Statement provides an illustrative scheme which could be accommodated on the site. The illustrative scheme reflects a development of around 160 dwellings with a mix of 1-, 2- and 3-bedroom units, 50% parking provision, and landscaping.



Illustrative ground floor site layout

- 1.4 The illustrative layout shows that the ground floor could accommodate 21 apartments comprising 12, 1-bedroom properties and 9, 2-bedroom properties.



Illustrative Upper Floors Layout

- 1.5 The illustrative layout shows that the upper floors could typically accommodate 27 apartments per floor comprising 14, 1-bedroom properties: 10, 2-bedroom properties and 3, 3-bedroom properties. This layout could provide 156 apartments (over 6 floors) in total with 86 car parking spaces.



Illustrative view from the Bristol Road South (A38) from the West showing an illustrative scheme of a block of 8 storeys and a block of 6 storeys.

- 1.6 The application is supported by a Design and Access Statement, Planning Statement, Ecological Impact Appraisal, Acoustic Report, Phase 2 Geo-Environmental Interpretative Report, Remediation strategy and Verification Plan Technical Note, Financial Viability Appraisal, Flood Risk Assessment and Drainage Strategy, Transport Statement, Travel Plan, Air Quality Statement and a Sustainable Construction and Energy Statement.
- 1.7 An affordable housing heads of terms is submitted that identifies that the proposed development would provide affordable housing on the following either/or basis:
- a) 10% affordable comprising 7.5% at an 20% discount to market value and 2.5% First Homes at a 30% discount to open market OR
 - b) 5% affordable, comprising 3.75% Social Rent with 50% of the Social Rented Units to be 3 bed properties and 1.25% First Homes at 30% Discount to Open Market.
- 1.8 Site area: 0.93Ha including road access, 0.7Ha without road access. Density: 229 dwellings per hectare.
- 1.9 [Link to Documents](#)

2. Site & Surroundings:

- 2.1. The site is primarily located within the identified and allocated Longbridge District Centre boundary and forms part of the Longbridge North redevelopment area. The centre has been developed in two main phases. The first comprising a Sainsbury's store, small shop units, offices, a hotel and other centre uses. The second phase comprised a bespoke M and S store and a terrace of larger unit shops.
- 2.2. The application site comprises 0.93ha of hard standing which is currently in use as a temporary car park. It is bounded by self-seeded vegetation and mesh fencing and is currently accessed via College Street to the west. The culverted River Rea runs through the Site along its western and northern boundaries.
- 2.3. The Site is immediately bounded by South and City College to the north-east, Austin Way to the east and south, and the A38 to the north-west. It forms an integral part of the new Longbridge Town Centre which extends to the north, east and south. Sainsbury's supermarket, along with a range of other retail and food outlets - including The Cambridge, Costa Coffee, KFC, and Gregg's bakery – as well as Premier Inn Hotel are located beyond the college and Austin Park to the east. The flagship Marks & Spencer store is located to the south-east, along with other retailers - such as Boots, Poundland, Mountain Warehouse and Smyths Toy store – Herberts Yard food court and Pure Gym. The Birmingham railway line runs beyond this, along the eastern boundary of the town centre.
- 2.4. One Park Square is located to the south of the Site beyond Austin Park. It currently comprises a vacant, cleared parcel of land which is in part used as a temporary compound area with parking. Longbridge Retirement Village is located further south of the Site along with other residential development including a new apartment scheme. The Longbridge West site is located to the west of the Site.
- 2.5. The Site is located within an easy walking distance from Longbridge train station which provides convenient services into Birmingham and Worcester. Local bus services are also available from stops along Lickey Road and the A38 which are accessible via the existing pedestrian and cycle links which run along the northern and southern boundaries of the Site.
- 2.6. The site is located within a commercial centre which, on a wider view, is in a residential

suburban area.

2.7. [Site Location Map](#)

3. **Planning History:**

- 3.1. The wider former MG North Works site has extensive planning history none of which is relevant to this application. The following pertinent history relates to the site and sites adjacent.
- 3.2. 27 February 2020. 2019/08498/PA. Planning permission granted for the erection of an office building (Use Class B1a) with associated access, car parking, landscaping, drainage and infrastructure works. (Two Park Square).
- 3.3. 22 March 2018. 2018/00640/PA. Temporary planning permission granted for the use of existing closed car park as car parking for use by Bournville College for a temporary period of 2 years.
- 3.4. 21 January 2015. 2014/07124/PA. Temporary planning permission granted for the creation of temporary car park for with 209 parking bays for a period of 18 months.

Adjacent sites

- 3.5. 10 August 2023. 2021/08642/PA. Outline planning application with all matters reserved for future consideration for a mixed use scheme comprising the conversion of the International Headquarters (IHQ), the Roundhouse and the Conference Centre to provide 9,980sqm of employment space, conversion of the Car Assembly Building (CAB 1) to provide up to 4,940sq.m of mixed employment uses, up to 695 new homes and integrated public open space via three accesses from Dalmuir Road, Lickey Road and Lowhill Lane and a further pedestrian and cycle access from Groveley Lane. Site is located to the south of the application site.
- 3.6. 15 May 2023. 2023/01857/PA. Planning permission granted for the retention of single storey building (Use classes A1 (Ea), A3 (Eb), A4 (Sui Generis), D1 (Ed, Ee and Ef) and/or D2 (Sui Generis)), ancillary stores and toilet buildings, external seating, access, service space, landscaping and associated infrastructure following temporary permission under 2019/10577/PA.
- 3.7. 12 February 2020. 2019/ 10577/PA. Temporary planning permission for 5 years granted for the erection of a single storey building (GEA 665sq.m) for uses including A1 retail, A3 restaurant/café, A4 (drinking establishment), D1 (non-residential institution e.g., art gallery, museum, library) and D2 (assembly and leisure e.g., cinema); ancillary stores and toilet buildings, external seating, access, servicing and landscaping for a temporary period of 5 years – expires 12 February 2025.
- 3.8. 15 September 2020. 2020/02457/PA. Planning permission granted for the erection of residential apartment block comprising 56 apartments (21 x 1 bedroom and 35 x 2 bedroom) with associated access, parking, landscaping and infrastructure.
- 3.9. 21 December 2017. 2017/07621/PA. Reserved Matters approval (to include access, appearance, layout, scale and landscaping) for the erection of 215 dwellings and associated infrastructure pursuant to outline planning permission 2014/09251/PA at Land off Lickey Road (Phase 4) - adjacent to Austin Avenue, Cooper Way and Dalmuir Road, Longbridge.

- 3.10. 24 March 2016. 2014/09251/PA. Outline planning permission granted with all matters reserved for future consideration for residential development (up to 215 dwellings). (Phase 4 Lickey Road)
- 3.11. 19 March 2015. 2014/09425/PA. Outline planning permission granted with all matters reserved for future consideration for the erection of up to 10,040 sqm offices (B1), access, parking, landscaping and associated development infrastructure (One Park Square)
- 3.12. 16 September 2014. 2014/04442/PA. Planning permission granted for the development of an extra care village comprising 260 units and village centre in a five-storey building with associated car parking, roads and landscaping.
- 3.13. 7 August 2014. 2013/09229/PA. Planning permission granted for retail and service development (A1, A3 and A5) comprising 14,832sq.m (GEA) anchor store, retail units of 4,383sq.m (GEA), restaurant/takeaway pavilion building of 589sq.m (GEA), erection of multi storey car park of 1216 spaces and surface level car park of 500 spaces, access, landscaping and associated works. (Phase 2 Town Centre) Subject to a Section 106 Agreement to secure:
 - a) An index linked financial contribution from the date of this planning committee of £1,857,846 towards the spend priorities of the Longbridge Infrastructure Tariff identified in Table 2 of the Longbridge Area Action Plan 2009 payable as 25% on commencement of development, 25% on first occupation, 25% on 50% occupation and 25% on 95% occupation.
 - b) The first occupation of the 14,832sq.m retail unit shall be Marks and Spencer Plc.
 - c) A continued commitment to remain in a Local Training and Employment Scheme with the City Council and other agencies and employ local people during construction and operation of the development.
 - d) Payment of a monitoring and administration fee associated with the legal agreement of £10,000.
- 3.14. 15 November 2013. 2013/06431/PA. Planning permission granted for construction of highway access road & footway, associated drainage infrastructure, lighting & landscaping.
- 3.15. 7 February 2013. 2012/07693/PA. Planning permission granted for highway link road, street lighting and landscaping.
- 3.16. 21 June 2012. 2012/02283/PA. Planning permission granted for recreational park including alterations to river alignment, new bridge, pedestrian cycle bridge, footpaths, hard & soft landscaping and associated river & drainage infrastructure works.
- 3.17. 9 September 2011. 2011/00773/PA. Planning permission granted for mixed use development comprising new superstore, shops (A1), Financial and Professional (A2), Restaurants/Cafes (A3), Public Houses (A4) and Hot Food Takeaways (A5), Offices (B1a), 40 residential apartments, hotel, new public park, associated parking and service infrastructure and new highway access from Longbridge Lane and Lickey Road. (Phase 1 Town Centre)
- 3.18. 17 April 2009. 2008/06456/PA. Planning permission granted for development of a college facility (Class D1), with associated landscaping, parking and access arrangements.

4. **Consultation Responses:**

- 4.1. Bromsgrove District Council - Whilst Bromsgrove District Council raise no objection to the proposal, it would be prudent to fully explore all potential uses that could still be

accommodated on the site in accordance with Proposal LC1 of the Longbridge AAP which requires the provision of a local centre comprising of retail, services, leisure uses, education, community facilities, residential, live /work units, office space and other appropriate commercial uses to ensure that all other possible uses/options have been explored/exhausted before considering residential for the site.

- 4.2. Network Rail – No objections.
- 4.3. West Midlands Fire Service – No objections. Proposal will need to comply with Building Regulations.
- 4.4. Environment Agency – No objections.
- 4.5. National Highways – No comment.
- 4.6. Leisure Services – No response received.
- 4.7. West Midlands Police – No objection subject to safeguarding conditions relating to lighting and secure cycle storage.
- 4.8. Severn Trent Water – No objection subject to a drainage condition.
- 4.9. Lead Local Flood Authority – No objection subject to sustainable drainage conditions.
- 4.10. Regulatory Services – No objection subject to safeguarding conditions relating to construction management, contaminated land, noise and EV charging.
- 4.11. Transportation – No objection subject to safeguarding conditions relating to cycle parking, servicing and tracking for refuse and delivery vehicles. A supporting statement on transport is provided that confirms no impacts based on the numbers of units proposed.
- 4.12. Ecology – No objection subject to safeguarding conditions relating to ecological enhancement measures, bird/bat boxes, construction ecological management plan, landscape and ecology management plan, lighting, biodiversity roof, landscaping and biodiversity net gain.
- 4.13. Active Travel England – Application should be determined taking standing advice into consideration.

5. Third Party Responses:

- 5.1. 13 residents, Ward Councillors for Northfield, Longbridge and West Heath and Rubery and Rednal wards, MP and Resident Associations notified. Site and press notices posted. 11 letters of comment/objection received from residents living on the wider Longbridge North/town centre site along with one from Councillor Debbie Clancy. Comments/objections are based on the following grounds:
 - Noise
 - Highway Safety, traffic and parking provision
 - Inclusion of bird and bat boxes?
 - Increased requirement for service infrastructure including schools, doctors, dentists, pharmacies – and no extra provision.
 - More balanced and mixed development would be better.
 - Height, scale and density of proposed blocks.
 - Insufficient landscaping proposed.

- 5.2. Councillor Clancy - Please record my concerns regarding the amount of car parking spaces being allocated for this development. The current proposals state 86 car parking spaces for 160 dwellings. Whilst it is understood that this may encourage sustainable travel uptake, I am concerned that due to previous casework received from residents within nearby Austin Way there will be an imbalance between supply and demand of car park spaces. The local amenities do provide sufficient scope for everyday needs; however, it must be reiterated that the area and this new development should still provide an allocated space per dwelling.

I am aware of the Adopted Birmingham Development Plan 2017 and understand this is still a living document. Whilst I am of the view new housing is required within the City and Longbridge is an innovative development in its infancy, please record my further concerns on this application that there is a need for more businesses to encourage employment thus adding an additional business investment and economy which could align with inclusive growth. There is also a need for Developers to consider a mixed development of housing rather than apartments which could attribute to more family living and align with the young population and growing families within the South of the city.

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

a) National Planning Policy Framework

Chapter 2: Achieving Sustainable Development – paras. 7, 8, 10, 11
Chapter 4: Decision-making – paras. 38, 55, 56, 57
Chapter 5: Delivering a sufficient supply of homes – paras. 63, 65
Chapter 8: Promoting healthy and safe communities – paras. 92, 98
Chapter 9: Promoting sustainable transport – para. 110-113
Chapter 11: Making effective use of land – paras. 120, 124
Chapter 12: Achieving well-designed places – paras. 126, 130, 131
Chapter 14: Meeting the challenge of climate change, flooding and coastal change – paras. 152, 167 and 169.
Chapter 15: Conserving and enhancing the natural environment – paras. 174, 180, 183-188

b) Birmingham Development Plan 2017

PG1 – Overall Levels of Growth
PG3 – Place Making
GA10 – Longbridge
TP1 - Reducing the City's carbon footprint.
TP2 – Adapting to Climate Change
TP3 – Sustainable Construction
TP4 – Low and Zero Carbon Energy Generation
TP6 – Management of Flood Risk and Water Resources
TP7 – Green Infrastructure Network
TP8 – Biodiversity and Geodiversity
TP9 - Open space, playing fields and allotments.
TP26 – Local Employment
TP27 - Sustainable neighbourhoods
TP28 - The location of new housing
TP29 - The housing trajectory
TP30 - The type, size and density of new housing
TP31 - Affordable housing
TP37 - Health
TP38 – A Sustainable Transport Network
TP39 – Walking
TP40 – Cycling
TP44 - Traffic and congestion management

TP45 - Accessibility standards for new development
TP46 - Digital communications
TP47 - Developer contributions

c) Longbridge Area Action Plan AAP

d) Development Management DPD:

Policy DM1 – Air Quality
Policy DM2 – Amenity
Policy DM3 - Land affected by contamination, instability and hazardous substances.
Policy DM4 – Landscaping and Trees
Policy DM5 – Light Pollution
Policy DM6 – Noise and Vibration
Policy DM10 - Standards for residential development
Policy DM14 – Transport Access and Safety
Policy DM15 – Parking and Servicing

e) Supplementary Planning Documents & Guidance:

Birmingham Design Guide SPD
Birmingham Parking SPD
Public Open Space in New Residential Development SPD
Affordable Housing SPG
Nature Conservation Strategy for Birmingham SPG
Sustainable Management of Urban Rivers and Floodplains SPD

7. **Planning Considerations:**

- 7.1. The key issues for determination are the principle of development, housing land supply, quantum of development and illustrative scheme, access and issues relating to drainage, contaminated land, noise and amenity, ecology/landscape and sustainability.

Five Year Housing Land Supply

- 7.2. NPPF paragraph 11 states that plans and decisions should apply a presumption in favour of sustainable development. For decision taking, paragraph 11 d) states that where the policies which are the most important for determining the planning application are considered out-of-date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Footnote 8 of the NPPF confirms that in considering whether the policies that are most important are indeed out-of-date, this includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

- 7.3. The Birmingham Development Plan became 5 years old on 10th January 2022. In accordance with NPPF paragraph 74, BDP policies PG1 and TP29 are considered out of date, and the Council's five-year housing land supply must now be calculated against the Local Housing Need figure for Birmingham. As of 10th January 2022, the Council cannot demonstrate a five-year supply of deliverable housing sites. Consequently, Paragraph 11d) of the NPPF is engaged and the tilted balance applies for decision taking.

Principle of Development

- 7.4. The application site falls within the Longbridge Growth Area covered by policy GA10 of the Birmingham Development Plan (BDP). This policy refers to the ambitions and targets of the Longbridge Area Action Plan (LAAP). Policy GA10 of the BDP relates to

Longbridge and identifies that an AAP is in place to secure comprehensive redevelopment over a 20-year period. As part of the BDP adoption, the Longbridge centre was upgraded from a neighbourhood centre to a District Centre and the boundary extended from that identified within the AAP and SPD.

- 7.5. The site was not originally envisaged in the LAAP as Austin Park was envisaged as being adjacent to the college however, when the park proposals came forward alongside opening the river Rea culvert through the site and the pedestrian/cycleway under the A38, the park was repositioned creating this development plot. As a result, the site has no specific land allocation within the LAAP but would fall within Policy LC1 (Local Centre) where the following uses would be considered acceptable:
- Retail (what was Class A1, A2, A3, A4 and A5 now Use Class E and Sui Generis)
 - Office uses (what was B1a now Use Class E)
 - Dwellings including apartments.
 - Other appropriate uses including medical, hotel, health centre, creche, religious and cultural uses and residential institutions.
- 7.6. Planning permission is sought for a residential apartment development which could include a mix of 1, 2 and 3-bedroom properties. This application would achieve up to 160 dwellings, the delivery of which would make a welcome contribution to achieving the 51,000 additional homes that are required in Birmingham by the end of the plan period. Permission has previously been granted for office development on the site however, following extensive marketing of the site for employment uses, no end user has come forward. The need for offices in this location has fallen considerably since Covid and the requirement for further housing has risen significantly. Given this and that the proposed use would be in accordance with Policy LC1 of the LAAP, I consider that the principle of the development is in accordance with policy.

Quantum and layout of development

- 7.7. The illustrative layout plans as detailed above identifies how the site could come forward for the proposed residential development. As the application is made in outline form with all matters reserved; this plan is illustrative with only the quantum of development gaining approval. The development could come forward differently to that shown. The proposal, in quantum terms, seeks permission for up to 160 dwellings on approximately 0.7ha. The illustrative layout plans highlight a scheme for 156 dwellings, and would have an indicative mix of
- 1-bedroom apartments – 82 (52%)
 - 2-bedroom apartments – 59 (38%)
 - 3-bedroom apartments – 15 (10%).
- 7.8. The mix of apartment size proposed is welcomed, as they would be complementary to the wider Longbridge development which includes a wide mix of apartments and houses alongside employment and retail uses helping to meet everyday community needs, creating a more sustainable place. With regards to policy TP30 (The type, size and density of new housing) the submission proposes up to 160 dwellings with a higher proportion of 1-bedroom apartments (over 50%).
- 7.9. The Council's published Housing and Economic Development Needs Assessment (HEDNA) provides guidance on the mix of dwelling sizes, required in different parts of the city. This identifies that in the Northfield Constituency, there is a greater need for two and three bedroomed properties. Whilst it is not expected that every proposal would provide the exact mix suggested above, the current proposal appears to represent an over-provision of one-bedroom units, and it would be preferable to see an increase in 3-bedroom units. This would contribute to the aim of creating a more varied supply of homes in the area.

- 7.10. Whilst this proposal would see a possible high percentage of one-bedroom apartments, the wider Longbridge site has already seen a higher percentage of 2 bedroom and larger 3 and 4-bedroom dwellings provided on sites at Lowhill Lane and adjacent to this application site on both Phase 3 and Phase 4 Lickey Road. Planning permission has also recently been approved for 2, 3 and 4-bedroom properties on Longbridge West and on the former Nanjing works (to the south of this site). As such, whilst 1-bedroom apartments are proposed on this site within the town centre, over the wider Longbridge AAP redevelopment area, a wider mix of larger family dwellings have and will continue to be provided.
- 7.11. However, whilst the mix of unit sizes does not necessarily meet the identified requirements for the area, the site is in the Longbridge Growth Area (GA10), the overall aim of which is to secure comprehensive regeneration and guide future development over a 15-20-year period. The 2021 monitoring report shows that 1,320 dwellings have been built or have consent. These 160 dwellings would help meet this need and the percentage of 2 and 3-bedroom units would contribute to the identified need for the Northfield Constituency and would also contribute to the wider 51,000 additional homes that are required to be built in Birmingham by the end of the plan period.
- 7.12. Generally, the road access utilising the existing road network is appropriate and pedestrian and cycle access is readily available due to the site connection to the town centre.
- 7.13. However, in layout terms, as illustratively shown, a perimeter block layout would not be achieved. Although the main frontages would be addressed, the scheme would have a weaker relationship to the college, with much of the frontage being open on to the internal car park. Activity on this frontage would be beneficial. The set back of the block along Bristol Road South would have no regard to the building line of the existing college or retirement village. The long car park along the Bristol Road South frontage would be reminiscent of a public car park. It would be a poor response to this primary route and offer little to the public realm. At the least, a wide strip of planting including trees and hedge would be required to create some enclosure and interest along the street. This would also improve views from the development and benefit biodiversity. I am conscious however of the 5m buffer zone required for the flood relief culvert that runs alongside the A38 at the western edge of this site (which would explain the proposed illustrative building position) and that the site sits some 3m below the road at this point.
- 7.14. No private (shared) amenity space would be provided for the development as shown on the illustrative scheme, the central courtyard being shown as a car park with limited areas of planting, although I note its proximity to Austin Park. Adjusting the layout to address Bristol Road more robustly might allow for a greater footprint of development and more space to accommodate parking internally. This could enable better defined public and private space. Options to increase biodiversity could be explored within the courtyard if this were to have a softer landscape character.
- 7.15. City Design, whilst not objecting to the proposal in principle, have raised the issues outlined above. I note the site constraints and the comments have been provided to the applicant to address in a future reserved matters submission. As the application is in outline with all matters reserved, it is likely that the site will not be brought forward as the illustrative scheme proposes and as such, all the issues outlined above can be resolved during future reserved matters submissions.
- 7.16. The density of development influences the amount of parking required. The way that parking could be dealt with is illustratively shown adjacent to the two illustrative building blocks within the site with a possible 86 spaces provided for around 156 units. A 50% parking provision would be in accordance with the SPD requirements. As shown on

the illustrative proposal, parking would dominate the development, despite only 50% being achieved. Whilst other means of providing parking should be explored, I do note that the proposal is in outline only with all matters reserved. As such, this issue has been raised with the applicant for consideration during the future reserved matters submission.

- 7.17. The scale of the proposed development would appear appropriate to the context at six storeys albeit that a different development could come forward. The proposal with a general height parameter of 6 storeys with scope to increase up to 9 storeys along Austin Park to the north and the A38 to the west could be acceptable subject to detailed design and impact on adjacent residential development. City Design consider that a maximum of five storeys would be more appropriate. The scale of development has been discussed with the applicant and whilst I do consider that five storeys as a maximum is likely to be the most appropriate scale once detailed design comes forward, it may be that a greater scale may be appropriate on some parts of the application site rather than others. As such, these are considered to be detailed design issues that can be addressed during future reserved matters submissions.
- 7.18. No details of design or appearance are provided as the application is in outline form with all matters reserved however, the accompanying indicative 3D visualisations suggest the use of contemporary architecture with an emphasis on the use of brick. The Birmingham Design Guide promotes high quality contemporary design that has evolved from the local context, and so this approach would be supported.
- 7.19. With regards to landscape, over the longer term, the development should represent positive townscape and landscape change for the site and surrounding area. No details are provided as the application is in outline form and landscaping remains a reserved matter for future consideration.
- 7.20. As can be seen from the consultation and neighbour responses, several issues have arisen from the outline planning submission and the illustrative scheme including scale, height and density. These have all been raised with the Agent/applicant so that they can be addressed during the future reserved matters submissions. The issue to be determined through this application is whether the illustrative layout indicates that the site can be appropriately brought forward for the quantum of development proposed. I consider that this site can accommodate the proposed quantum of development successfully although it is unlikely to be in the exact form of development indicated on the illustrative scheme.

Access and parking

- 7.21. As already acknowledged, the proposed development is in outline only with all matters reserved, including access. The principle and quantum of the uses proposed has been demonstrated, through the submitted transport assessment, to not have any significant effect on the highway network compared to the previous and consented uses on the site. Transportation raises no objection in principle subject to conditions relating to cycle parking and servicing and tracking plans for refuse and delivery vehicles.
- 7.22. I note the objections and comments received from residents. The site, whilst access remains a future consideration, is likely to be accessed from the existing internal road system. The existing road system, which is the main entrance into the site, the college and the wider town centre sites, remains in the ownership of the applicant and if parking is an issue and is preventing access and emergency access then this is in the power of the applicant to fix. The adjacent residential schemes were all built in accordance with parking requirements at the time and are within walking distance of public transport – as is this application. As already noted, the proposal would not have any significant effect on the network, including any impact on emergency vehicles, sufficient to refuse planning permission. Parking requirements would be assessed as

part of any future reserved matters submission for the site. Safeguarding conditions are recommended below relating to construction management.

Ecology

- 7.23. The application is accompanied by an Ecological Impact Appraisal. I note that until detailed proposals are brought forward, the impact on ecology is unknown. Whilst the City Ecologist has raised no objections to the proposed development, they consider that there is potential for indirect pollution related impacts on the river Rea and its associated SLINC because of the proposed development. However, these impacts should be avoided through the implementation of a Construction Ecological Management Plan (CEcMP), for which a condition should be imposed. A Precautionary Working Method Statement (PWMS) for nesting birds should also be included within the CEcMP.
- 7.24. The proposed development should target a minimum 10% BNG and the City Ecologist agrees with the conclusion in the BNG Feasibility Report that it should be feasible to achieve biodiversity net gain on site. The City Ecologist recommends that safeguarding conditions should be attached to any approval relating to ecological enhancement measures, bird/bat boxes, construction ecological management plan, landscape and ecology management plan, lighting, biodiversity roof, landscaping and biodiversity net gain. Most of these conditions are recommended below however, considering the delay to BNG by Central Government, I do not consider it necessary to impose conditions relating to biodiversity net gain, biodiversity roof and a landscape and ecology management plan currently. On this basis, I consider that the proposed development accords with policy.

Environmental Considerations

- 7.25. The Phase 2 Geo-Environmental Interpretative Report, Remediation Strategy and Verification Plan Technical Note identify the works that would be undertaken to ensure the Site can facilitate future residential development. Regulatory Services and the Environment Agency have reviewed the submitted reports and have no objections to the proposed enabling works subject to conditions relating to land contamination. I concur with their review and the relevant conditions are recommended below.
- 7.26. A noise assessment is submitted in support of the application, and I note that several objections have been submitted on noise grounds from adjacent residents. The noise assessment has reviewed the local noise environment and concludes that the design of the development along with potential glazing and ventilation requirements could satisfactorily address the noise issues related to the site. On this basis, Regulatory Services raise no objection to the proposals subject to safeguarding conditions.
- 7.27. In relation to noise generated by the development and any impact on adjacent residential properties, whilst I note the concerns raised, the site is in an urban area on a wider redevelopment site where this is one of the remaining plots to be developed. Construction noise would be a short-term impact and as such, is considered a necessary and acceptable impact. Background noise levels are high due to existing road traffic noise, and this would not necessarily be impacted by the proposed development however, the adjacent developments were constructed to take the background noise into consideration. The impact of ad-hoc noise generators such as car doors slamming and/or people talking are difficult to measure and control but as before, the measures constructed into the adjacent residential developments should overcome any of these intermittent and ad-hoc noise sources.
- 7.28. The application is accompanied by a sustainable drainage assessment and flood risk assessment. These determine that the site is in Flood Zone 2 and 3 but following extensive hydraulic modelling to support the realignment of the river Rea in this area, is at low risk of flooding from the sources assessed including the adjacent River Rea.

The modelling identifies that the site sits outside of the 1 in 1000-year flood event extent. As such, the residential development which is classed in flood terms as 'more vulnerable' development, would meet the requirements of the sequential flood test, thereby not needing to apply an exceptions test under flood risk policy and is therefore considered acceptable in this location. The surface water drainage strategy would see the run-off discharging to the existing private surface water sewers adjacent to the site which discharge to the river Rea culvert immediately downstream of Austin Park. The level of discharge would be controlled by vortex flow control devices. Attenuation storage would be provided using rain gardens, bio-solar roofs, swales, permeable paving and underground attenuation. The LLFA and the Environment Agency have raised no objections to the development proposals as the proposed development would not increase the risk of flooding. Safeguarding conditions are recommended below. I consider the proposals to be in accordance with Policy.

Sustainable Energy and Construction

- 7.29. Policy TP3 requires new developments to be constructed in ways that:
 - Maximise energy efficiency and the use of low carbon energy.
 - Conserve water and reduce flood risk.
 - Consider the type and source of the materials used.
 - Minimise waste and maximise recycling during construction and operation.
 - Be flexible and adaptable to future occupier needs.
 - Incorporate measures to enhance biodiversity value.
- 7.30. A Sustainability Statement has been submitted which addresses each of these requirements of policy TP3 to an appropriate level for an outline planning application. There are many measures identified within this statement that are proposed to be followed up at the reserved matters stage, for example a commitment to exceed Building Regulations Part L minimum requirements. The sustainable construction statement shows that the building will improve upon building regulations standards for water efficiency by using efficient fixtures and fittings with leak detection features. On site attenuation is proposed to capture surface water run-off and vortex flow control to oversee the discharge of this water to no faster than greenfield rates. In terms of construction, the applicant has outlined that a sustainable procurement plan and responsible construction management plan will be developed to ensure that materials will be sourced in a sustainable way.
- 7.31. Policy TP3 also requires new non-residential developments over 1,000 square metres to achieve BREEAM Excellent standard unless it can be demonstrated that this would make the development unviable. It is recognised that the development proposal will not involve any new non-residential buildings and so the requirement for BREEAM Excellent standard cannot be required.
- 7.32. Policy TP4 requires new developments to incorporate the provision of low and zero carbon forms of energy generation or to connect into existing networks where they exist, unless it can be demonstrated that the cost of achieving this would make the development unviable. Combined Heat and Power (CHP) is the preferred system of energy generation for residential developments over 200 units or non-residential developments over 1,000 square metres.
- 7.33. The submitted energy statement outlines that the scheme will maximise energy efficiency by using a fabric first approach to improve air tightness and ensure heat loss is minimised. Low energy LED lighting is proposed alongside mechanical ventilation with heat recovery to reduce energy demand. Air Sourced Heat Pumps and PV would be incorporated into the design to satisfy policy TP4 of the BDP which would result in a 61% reduction in Co2 against the baseline.

- 7.34. Based on the above, I consider that the requirements of TP3 and TP4 have been met for a scheme in outline form.

Other Issues

- 7.35. I note that eleven letters of comment/objection have been received from residents. Many of the comments have been addressed above concerning car parking, highway safety, noise, loss of light/privacy and scale of development. Comments also related to school place provision and NHS service provision. The proposed development is not of a sufficient scale to seek a separate financial contribution for education provision to that provided for by the City's Community Infrastructure Levy (CIL) however, further funding for education has been secured from the development of adjacent sites. Regarding NHS service provision – this is provided through the NHS, and it is not within the Local Planning Authority's remit to provide these services.
- 7.36. I note that Regulatory Services has requested a condition relating to the provision of EV charging points. However, their provision is now a requirement under Building Regulations and as such, does not require duplication under planning.

Financial Viability and Section 106 Requirements

- 7.37. A Financial Viability Appraisal (FVA) was submitted in support of the planning application which, has been independently assessed by Lambert Smith Hampton (LSH). The FVA concluded that the proposed scheme could not support any affordable housing or off-site contributions. LSH agreed with the FVA conclusion.
- 7.38. Policy TP31 requires residential developments of 15 dwellings or more to deliver 35% of the proposed units as affordable housing subject to viability, with a strong presumption in favour of on-site provision.
- 7.39. After significant negotiation, the applicant now offers the following in terms of affordable housing on the following either/or basis:
a) 10% affordable comprising 7.5% at a 20% discount to market value and 2.5% First Homes at a 30% discount to open market (value of £ 677,941) OR
b) 5% affordable, comprising 3.75% Social Rent with 50% of the Social Rented Units to be 3 bed properties and 1.25% First Homes at 30% Discount to Open Market (value of £873,831).
- 7.40. Based on the City's requirements in relation to affordable housing and taking into consideration the City's housing waiting list and the need for affordable family accommodation, I consider the offer of 5% affordable, comprising 3.75% Social Rent and 1.25% First Homes at 30% Discount to Open Market, with 50% of the Social Rented Units to be 3 bed properties to be the more appropriate and higher value offer and as such, this is recommended below.
- 7.41. Policy TP9 of the BDP states that new residential developments will be required to provide new public open space broadly in line with the standard of 2ha per 1,000 population. It goes on to say that, in most circumstances, residential schemes of 20 or more dwellings should provide on-site public open space and/or children's play provision. No on-site POS is proposed, and no play areas are proposed. However, Austin Park is adjacent to the site although this has no play area but play areas are provided in Cofton Park and within the recently approved residential development on Longbridge West, both of which are within walking distance of the application site.
- 7.42. No response has been received from Local Services regarding how much an off-site planning contribution for POS/play would amount to. In any event, as already identified, the scheme cannot financially support this payment.

- 7.43. The proposal is liable for CIL; however, as the proposed development is within a Low Value Area, the charge per sq./m is £0. Therefore, no payment would be required.

Planning Balance

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

Economic

- Employment generation during construction
- On-going expenditure by households purchasing and occupying the dwellings.
- Greater utilisation of local shops and services by residents
- House building supports economic growth.

Social

- Supply of affordable accommodation which is in short supply.
- Provision of a mixture of affordable housing types

Environmental

- Ecological enhancements through new planting, biodiversity net gain
- Redevelopment of brownfield sites

- 7.46. With regards to the potential **harm** arising from the development these are:

- Environmental effects of noise, disturbance, dust etc. during construction phase (this would be controlled through a condition for a CMS)
- Insufficient affordable housing and financial contribution for public open space/play leading to lack of provision for the site occupants.
- Potential minor negative impact on health provision – albeit that this sits outside of the planning system and the system is unable to provide facilities for Doctor/Dentist NHS Services.

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

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

8. Conclusion

- 8.1. The proposed development of the application site for residential purposes is considered acceptable in principle and would make a meaningful contribution towards the Council's 5YHLS and affordable housing. The proposed development would continue to expand the mix and tenure of residential properties within the Longbridge AAP area in accordance with policy requirements. There would be no adverse impact on the amenity of neighbouring occupiers and the proposed development would have a beneficial impact on ecology and landscape locally. The quantum of development proposed can be accommodated on the site and the development would see a

significant net biodiversity gain on the site through new landscape and SuDS. On this basis, I have concluded that the proposal is sustainable development.

- 8.2. The financial viability of the site is challenging however the proposed development would provide the best outcome for moving this site forward in accordance with the aims and vision of the Longbridge AAP whilst creating a sustainable community on site.

9. **Recommendation:**

- 9.1. That application 2023/03678/PA be APPROVED subject to the prior completion of a Section 106 Legal Agreement to secure the following:

- a) The provision of 5% affordable housing, comprising 3.75% Social Rent and 1.25% First Homes at 20% Discount to Open Market, with 50% of the Social Rented Units to be 3 bed properties in perpetuity with further mix to be agreed.
- b) Payment of a monitoring and administration fee associated with the legal agreement of £1,500.

- 9.2. In the absence of a suitable legal agreement being completed to the satisfaction of the Local Planning Authority by the 27 October 2023, or such later date as may be authorised by officers under delegated powers, planning permission be refused for the following reasons: -

- In the absence of a legal agreement to secure any on-site affordable dwellings for First Homes and social rent, the proposal conflicts with Policy TP31 of the Birmingham Development Plan, Proposal H1 of the Longbridge AAP and the National Planning Policy Framework.

- 9.3. That the City Solicitor be authorised to prepare, complete and seal an appropriate agreement under Section 106 of the Town and Country Planning Act.

- 9.4. That in the event of the planning obligation being completed to the satisfaction of the Local Planning Authority by 27 October 2023, or such later date as may be authorised by officers under delegated powers, planning permission for application 2023/03678/PA be APPROVED, subject to the conditions listed below: -

-
- | | |
|----|--|
| 1 | Requires the submission of reserved matter details following an outline approval |
| 2 | Implement within 3 years (outline) |
| 3 | Requires the scheme to be in accordance with the listed approved plans |
| 4 | Requires the prior submission of a contamination remediation scheme |
| 5 | Requires the submission of a contaminated land verification report |
| 6 | Requires the prior submission of a sustainable drainage scheme |
| 7 | Requires the prior submission of a drainage scheme |
| 8 | Requires the submission prior to occupation of the properties of a Sustainable Drainage Operation and Maintenance Plan |
| 9 | Requires the submission and approval of external materials and detailing |
| 10 | Requires the submission and approval of building & site level details |
-

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- | | |
|----|--|
| 11 | Requires the prior submission of a construction ecological mitigation plan |
| 12 | Requires the submission of a scheme for ecological/biodiversity/enhancement measures |
| 13 | Requires the prior submission of details of bird/bat boxes |
| 14 | Limits the noise levels for Plant and Machinery |
| 15 | Secures noise and vibration levels for habitable rooms |
| 16 | Requires the submission of details of a communal satellite dish |
| 17 | Limits the maximum number of dwellings to 160. |
| 18 | Requires the submission of hard and/or soft landscape details |
| 19 | Requires the submission of boundary treatment details |
| 20 | Requires the submission of a landscape management plan |
| 21 | Requires the submission of a lighting scheme |
| 22 | Requires the prior submission of a construction method statement/management plan |
| 23 | Requires the prior submission of a construction employment plan. |
| 24 | Removes PD rights for telecom equipment |
| 25 | Requires the submission of vehicle parking and turning details |
| 26 | Requires the submission of cycle storage details |
-

Case Officer: Pam Brennan

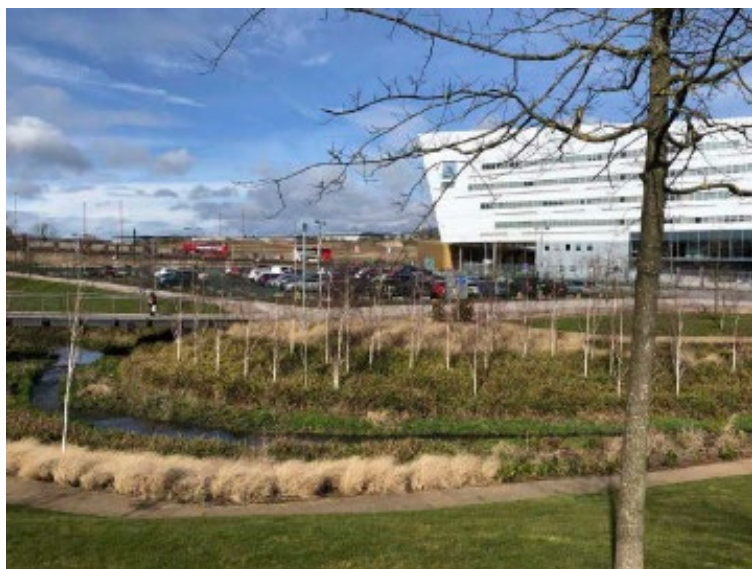
Photo(s)



Photograph 1: View of site looking north from Austin Park

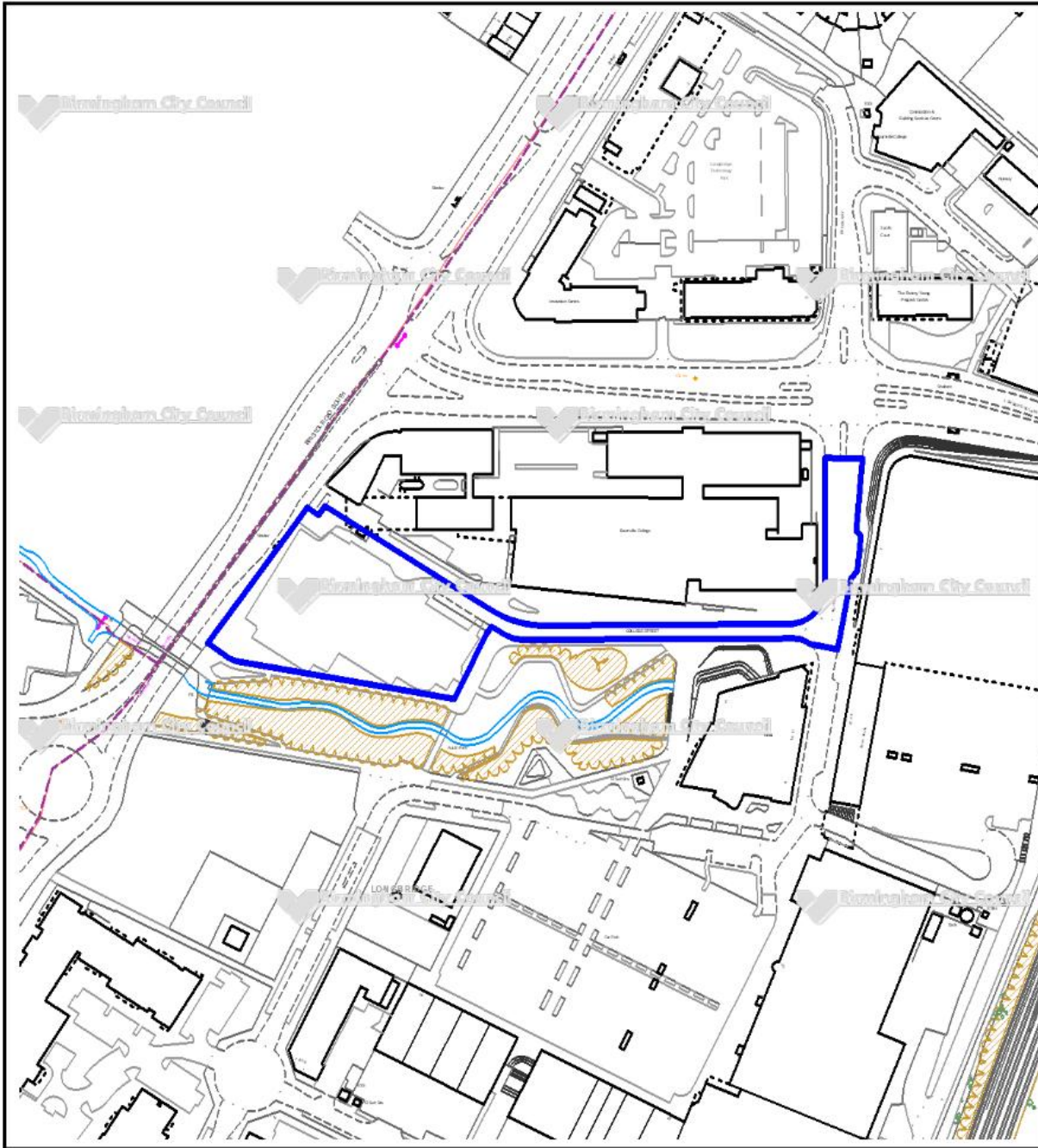


Photograph 2: View of site looking south from adjacent to the College.



Photograph 3: View of site looking northwest with Austin Park in foreground.

Location Plan



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Birmingham City Council

Report to Planning Committee

19 October 2023

Subject: Enforcement Performance

Report of Ian MacLeod - Director of Planning Transport and Sustainability, Place, Prosperity & Sustainability Directorate. Email Address: Ian.MacLeod@birmingham.gov.uk

Report author: Mark Franklin - Principal Enforcement Officer, Planning & Development.
Email Address: mark.franklin@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

It was agreed at Planning Committee on 29 April 2021 that bi-annual reports would be provided to committee as stated in the Birmingham Local Enforcement Plan. It was also agreed at Economy & Skills Overview & Scrutiny Committee on 2 March 2022 that the report would be sent to all Councillors. This report shows performance/data for the first half of the financial year, 1 April 2023 to 30 September 2023.

2. Recommendations:

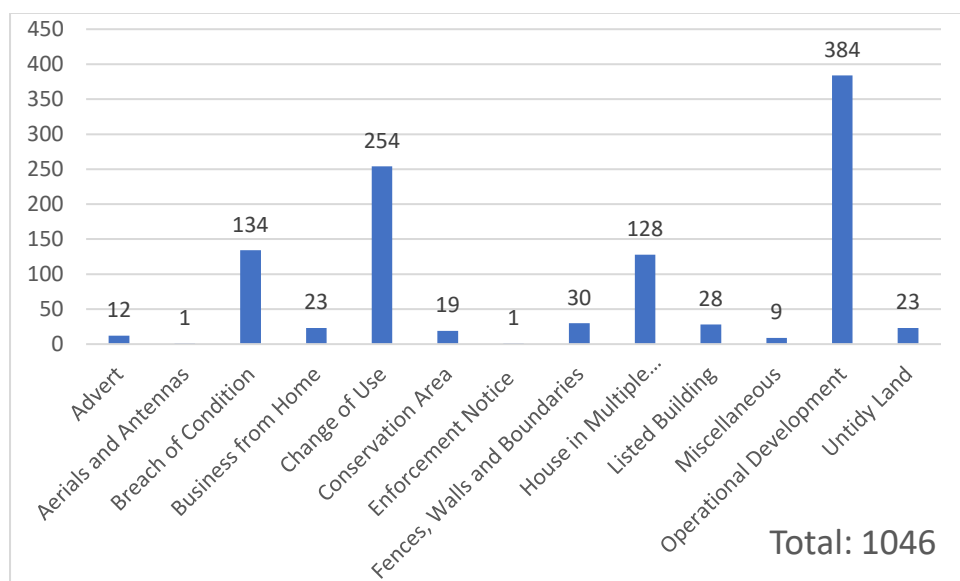
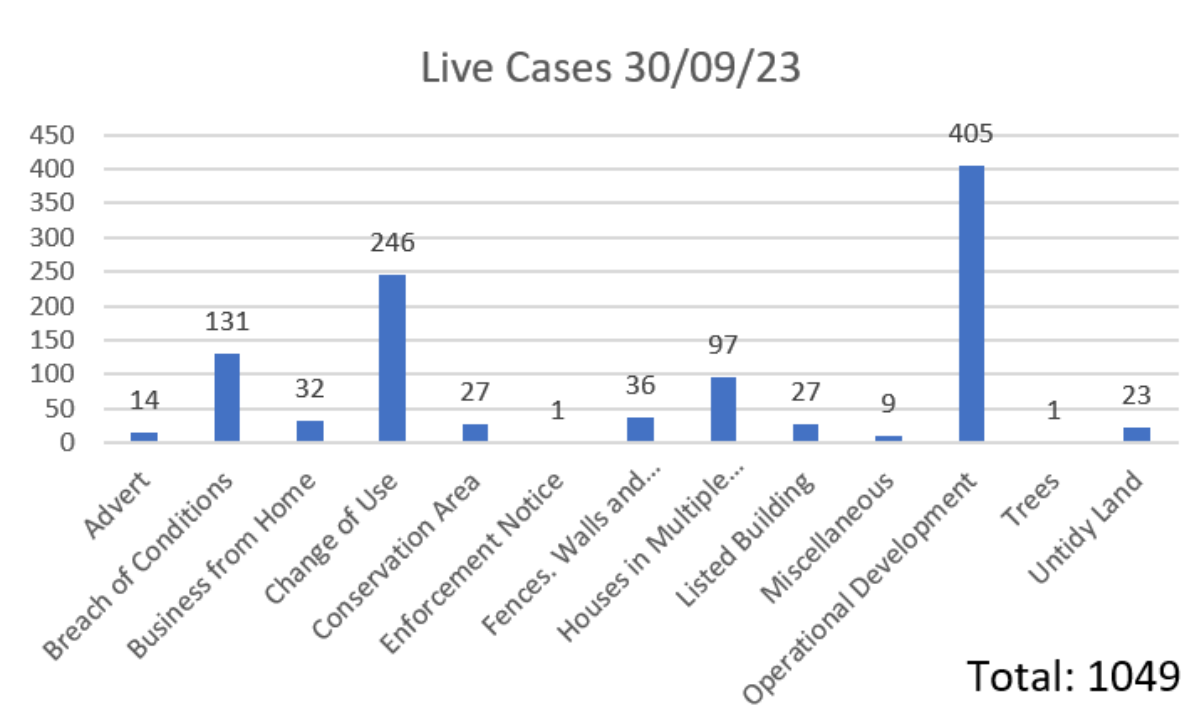
- 2.1. The report is for information only and recommended that Planning Committee note the continued high volume of live case work within the Enforcement team and the positive actions in terms of cases closed; notices served and negotiated solutions.

3. Background:

- 3.1 As members will recall from previous reports the overall management responsibility for enforcement sits with James Wagstaff. The team is divided into North and South teams. There are eight senior enforcement officers (SEO) (two are part time) who investigate complaints received and one enforcement officer (EO) who registers the complaints and has a small caseload.
- 3.2 Staffing has changed since the last report. Our EO has left the team to take up a promotion within BCC and the post is currently vacant. The Graduate has moved on to the Householder team to gain experience of dealing with planning applications. Currently as the EO position remains vacant, the registering of new complaints is being undertaken by a SEO officer as part of their daily duties. We are currently waiting to hear if the officer working solely on supported exempt accommodation cases will have her fixed term contract extended by the Pilot SEA project.

4. Performance/Data:

4.1 The chart immediately below outlines the total number of live cases as of 30 September – 1049 live cases. Previous half year figure (second blue chart below) was 1046 live cases. The live cases can be categorised as the following:



4.2 The table below illustrates the number of live cases per ward the number in brackets is the last half year figure:

WARD	Count
Acocks Green	22 (25)
Allens Cross	3 (2)
Alum Rock	26 (36)
Aston	15 (16)
Balsall Heath West	18 (14)
Bartley Green	6 (10)
Billesley	16 (14)
Birchfield	16 (17)
Bordesley & Highgate	31 (25)
Bordesley Green	23 (22)
Bournbrook & Selly Park	47 (40)
Bournville & Cotteridge	12 (10)
Brandwood & King's Heath	11 (15)
Bromford & Hodge Hill	27 (24)
Castle Vale	4 (4)
Druids Heath & Monyhull	5 (5)
Edgbaston	12 (12)
Erdington	30 (25)
Frankley Great Park	1 (3)
Garretts Green	3 (5)
Glebe Farm & Tile Cross	25 (31)
Gravelly Hill	13 (13)
Hall Green North	27 (17)
Hall Green South	13 (8)
Handsworth	25 (22)
Handsworth Wood	22 (18)
Harborne	28 (26)
Heartlands	17 (13)
Highter's Heath	2 (1)
Holyhead	8 (6)
King's Norton North	4 (5)
King's Norton South	7 (2)
Kingstanding	9 (10)
Ladywood	12 (13)
Longbridge & West Heath	4 (5)
Lozells	13 (18)
Moseley	38 (43)
Nechells	12 (9)
Newtown	11 (12)
North Edgbaston	36 (32)
Northfield	3 (5)
Oscott	14 (18)
Perry Barr	22 (17)
Perry Common	8 (7)
Pype Hayes	9 (14)
Quinton	12 (16)
Rubery & Rednal	1 (3)

Shard End	3 (4)
Sheldon	17 (15)
Small Heath	23 (18)
Soho & Jewellery Quarter	40 (46)
South Yardley	13 (11)
Sparkbrook & Balsall Heath East	37 (42)
Sparkhill	29 (31)
Stirchley	7 (9)
Stockland Green	22 (32)
Sutton Four Oaks	9 (5)
Sutton Mere Green	5 (1)
Sutton Reddicap	7 (6)
Sutton Roughley	8 (5)
Sutton Trinity	15 (11)
Sutton Vesey	15 (11)
Sutton Walmley & Minworth	11 (10)
Sutton Wylde Green	7 (7)
Tyseley & Hay Mills	11 (12)
Ward End	20 (25)
Weoley & Selly Oak	14 (15)
Yardley East	6 (11)
Yardley West & Stechford	7 (11)
Total	1049 (1046)

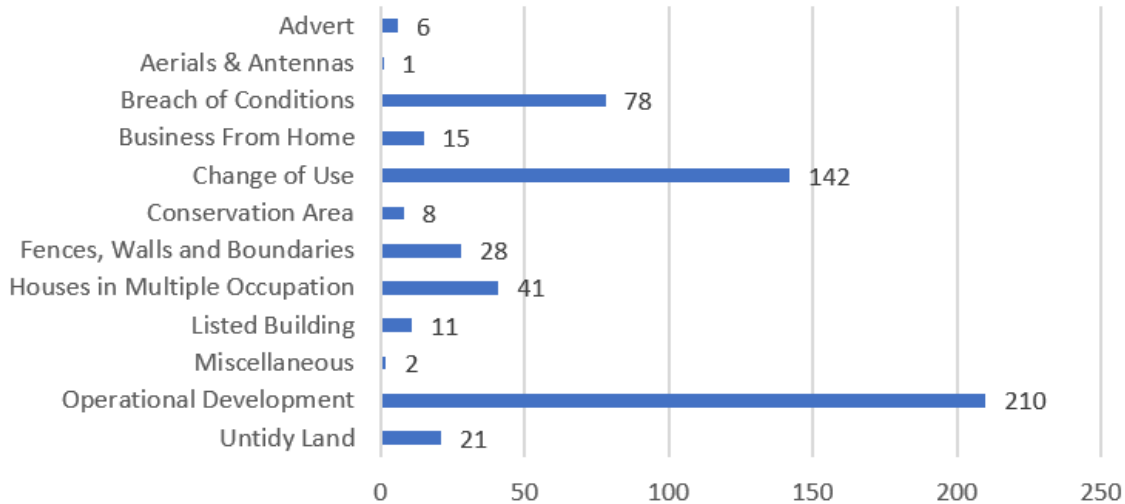
4.3 There has been a total of 566 cases closed during the first six months of the financial year (FY). The final six months of the last FY had 598 case closures. The table below shows the number of closed cases per ward during the first six months of the FY. The figures in brackets are the final six months of the last FY, meaning 1164 cases closed in a 12-month period.

WARD	Count
Acocks Green	16 (22)
Allens Cross	4 (3)
Alum Rock	29 (19)
Aston	12 (7)
Balsall Heath West	9 (4)
Bartley Green	6 (6)
Billesley	6 (9)
Birchfield	9 (16)
Bordesley & Highgate	7 (11)
Bordesley Green	3 (13)
Bournbrook & Selly Park	10 (15)
Bournville & Cotteridge	9 (7)
Brandwood & King's Heath	16 (9)
Bromford & Hodge Hill	11 (7)
Castle Vale	1 (6)
Druids Heath & Monyhull	4 (0)
Edgbaston	10 (14)
Erdington	10 (20)
Frankley Great Park	6 (3)

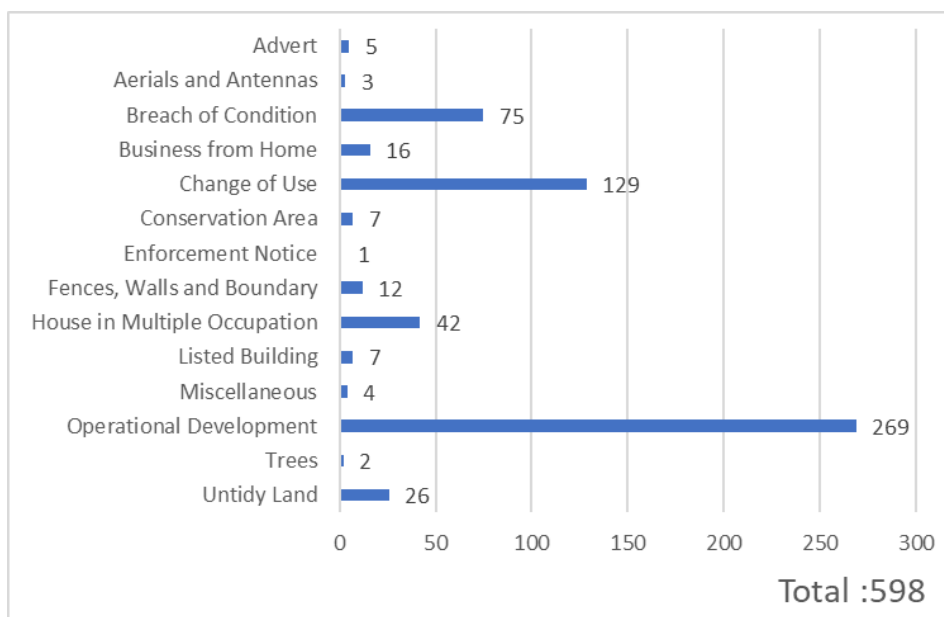
Garretts Green	3 (4)
Glebe Farm & Tile Cross	18 (9)
Gravelly Hill	7 (16)
Hall Green North	11 (15)
Hall Green South	5 (8)
Handsworth	6 (7)
Handsworth Wood	7 (14)
Harborne	16 (12)
Heartlands	1 (10)
Highter's Heath	0 (4)
Holyhead	2 (8)
King's Norton North	3 (1)
King's Norton South	2 (2)
Kingstanding	7 (5)
Ladywood	4 (8)
Longbridge & West Heath	3 (5)
Lozells	8 (6)
Moseley	25 (19)
Nechells	4 (2)
Newtown	10 (5)
North Edgbaston	15 (25)
Northfield	4 (0)
Oscott	6 (5)
Perry Barr	12 (11)
Perry Common	3 (1)
Pype Hayes	7 (8)
Quinton	11 (8)
Rubery & Rednal	3 (6)
Shard End	3 (6)
Sheldon	5 (7)
Small Heath	6 (9)
Soho & Jewellery Quarter	17 (13)
South Yardley	8 (6)
Sparkbrook & Balsall Heath East	17 (24)
Sparkhill	15 (20)
Stirchley	10 (14)
Stockland Green	22 (11)
Sutton Four Oaks	4 (6)
Sutton Mere Green	0 (2)
Sutton Reddicap	4 (4)
Sutton Roughley	6 (4)
Sutton Trinity	6 (4)
Sutton Vesey	7 (14)
Sutton Walmley & Minworth	5 (2)
Sutton Wylde Green	5 (9)
Tyseley & Hay Mills	6 (2)
Ward End	12 (9)
Weoley & Selly Oak	6 (5)
Yardley East	11 (8)

4.4 The chart immediately below shows the categories of those cases closed. Operational development is by far the main source of complaint, followed by a change of use. The second blue chart below shows previous figures for comparison.

Enforcement Cases Closed by Category



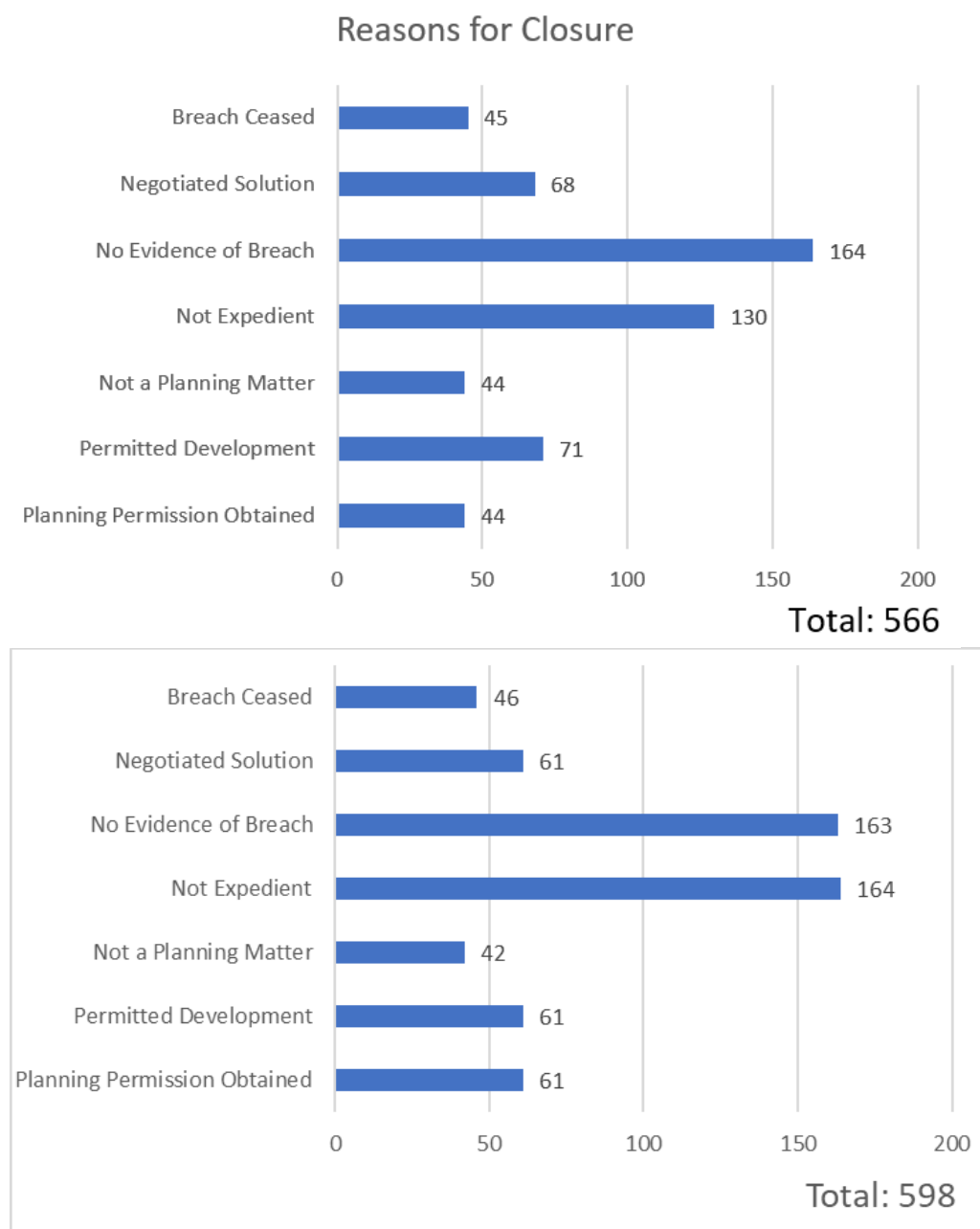
Total: 566



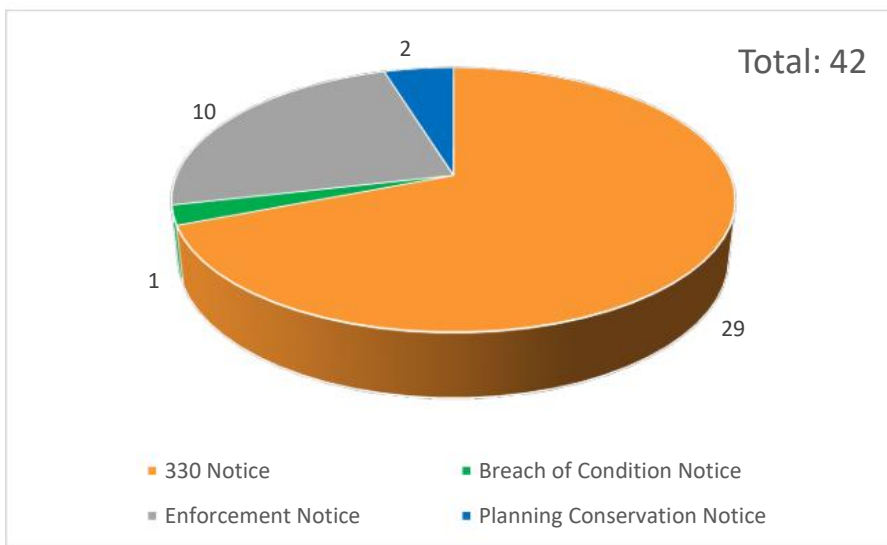
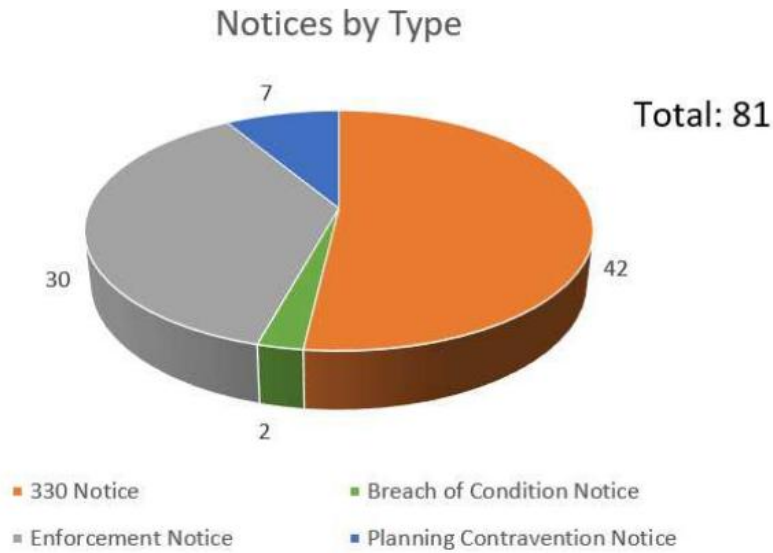
Total :598

4.4.1 The blue chart immediately below shows the categories why those cases were closed. It is pertinent to note over 60 cases were resolved by officer negotiation, without the need for formal action. Also, to note, is the continuation of cases closed that were either “No Evidence of Breach” or “Permitted Development”. This enforces the need for the online complaint form to be completed fully when either members of the public or councillors want to allege a breach. A significant proportion of officer time is spent in registering cases, conducting history checks and site visits only to identify no breach when this resource could be targeted at

harmful breaches. This of course has an impact on team resource and financial resource. The second blue chart shows the previous figures for comparison.



4.5 The chart below displays the number of notices and type of notice issued during the period. In comparison to the previous figures (the second chart) the issuing of notices has almost doubled thanks to the continued hard work of the team addressing some of their older cases.



4.6 One successful prosecution regarding a large outbuilding. Owner fined (inc. costs) £984 and has carried out remedial works. Further cases are being considered by our Legal team as to whether or not the Council is in a position to issue summons. One summons has recently been issued with the Defendant due in Court this month.

4.7 There have been 6 appeals dismissed by the Planning Inspectorate during this period (2 during last period) relating to enforcement notices issued. This continues the Team's success at the appeal stage.

The matters won were:

- Roller shutters on a commercial property.
- Change of use to a 58-bedroom assisted living accommodation.
- Single storey rear extension to a commercial premises.
- Decking to the front of a commercial premises.
- Footway crossing.
- Outbuilding.

- 4.8 The officer dealing solely with supported exempt accommodation properties as part of the wider Pilot SEA project, since joining the team in February, has amassed a case load of over 200 properties. 77 of those properties have been visited, formally assessed, and closed.
- 4.9 Four Grade II listed buildings are being monitored by the team. One has had urgent works completed; a second has had an urgent works notice issued; a third has had a building survey carried out and the fourth has had a survey carried out and re-development of the building has begun.
- 4.10 As the Committee are aware from 4.4.1 above the Team resolve many cases through negotiation - "Negotiated Solution". This work generally goes unnoticed. Therefore, I continue to provide below, a few examples of this work for your information and to demonstrate what can be achieved through the perseverance of our officers. With regards to the successful appeal above (58-bed assisted living accommodation) the premises is now vacant, and the use has ceased.

Outbuilding to front of property, demolished:



Removal of a covered outside area from a commercial property in a conservation area



Commercial loading and unloading of HGVs – site cleared and use ceased:



Wooden shelter removed from rear garden:



Untidy site cleared:



Front porch demolished and rebuilt in a conservation area:



Outbuilding partly demolished due to overbearing nature to neighbouring property with lower ground levels:



Demolition and rebuild of poorly constructed rear extension and flue:



Removal of decking and canopy to commercial premises:



5.0 Recommendation

- 5.1 That the report be noted, and bi-annual reports continue to be presented to Planning Committee in accordance with the Birmingham Local Enforcement Plan.

Ian MacLeod
Director of Planning Transport and Sustainability

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